

Waggaa \_\_\_\_\_<sup>maa</sup> Lak. \_\_\_\_\_  
 \_\_\_\_\_ 9መት \_\_\_\_\_ ቁጥር \_\_\_\_\_  
 \_\_\_\_\_ year \_\_\_\_\_ № \_\_\_\_\_



Adaamaa, Guraandhala 25, 1997  
 አዳማ፣ የካቲት ፳፮ ቀን ፲፱፻፺፯ ዓ.ም.  
 Adama, 1 March 2005

# MAGALATA OROMIYAA

# መገለጽ ኦሮሚያ

# MEGELETA OROMIA

ርዕዥ Tokko ..... የገዳ ቀጋ ..... Unit Price .....	To'annoo Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe በኦሮሚያ ብሔራዊ ክልላዊ መንግሥት በጨፌ ኦሮሚያ ጠባቂነት የወጣ	Lak. S. Poostaa ..... 21381-100 የፖ.ሣ.ቁጥር ..... P.O.Box .....
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QABIYYEE	ማውጫ	CONTENT
<p>Labsii Lak. 91/1997                      Labsii Misooma Qabeenya Albuudaa ... Fuula 1</p>	<p>አዋጅ ቁጥር ፲፩/፲፱፻፺፯                      የማዕድን ሀብት ልማት ለማስፋፋት የወጣ አዋጅ                      ..... ገጽ ፩</p>	<p>Proclamation No. 91/2005                      Mineral Resources Development Proclamation                      ..... Page 1</p>
<p>Labsii Lak. 91/1997                      Labsii Misooma Qabeenya                      Albuudaa</p> <p>Qabeenyi albuudaa, ijaarsa dinagdee biyyaa keessatti gahee ol'aanaa kan qabu qabeenya uummataa waan ta'eef eegumsi qabeenya kanaafi faayidaa uummataaf ooluun isaa Mootummaadhaan mirkanaa'uu waan qabuuf;</p> <p>ፅላሎ ከፍተኛ ምርመራና ማምረት ሥራ በተገቢው ቴክኖሎጂና የሀብት ጥበቃ መሰረተ ሀሳቦች በመመራት መካሄድ እንዳለበትና ለማዕድን ኢንዱስትሪ የሚያስፈልገው የሙያ ዕውቀት በሀገር ውስጥ እንዲፈጠር ማበረታታት ማስፈለገን በመገንዘብ፣</p> <p>የግል ኢንቨስትመንት ለልማቱ አስፈላጊ የሆነውን ካፒታል፣ ቴክኖሎጂና ገበያ በማስገኘት ረገድ ሊጫወት የሚችለውን ከፍተኛ ሚና በመረዳት፣</p> <p>በኦሮሚያ ክልላዊ መንግሥት ህገ መንግሥት አንቀጽ ፵፱ ንዑስ አንቀጽ ፫(ሀ) መሠረት የሚከተለው ታውጋል።</p> <p>ከፍል አንድ ጠቅላላ</p> <p>፩. አጭር ርዕስ                      ይህ አዋጅ «የኦሮሚያ ክልላዊ መንግሥት ማዕድን ልማት አዋጅ ቁጥር ፲፩/፲፱፻፺፯» ተብሎ ሊጠቀስ ይችላል።</p> <p>KUTAA TOKKO                      Waliigala</p> <p>1. Mata Duree Gabaabaa                      Labsiin Kun, "Labsii Misooma Qabeenya Albuudaa Naannoo Oromiyaa Lak. 91/1997" jedhamee waamamuu ni danda'a.</p>	<p>አዋጅ ቁጥር ፲፩/፲፱፻፺፯                      የማዕድን ሀብት ልማት ለማስፋፋት የወጣ አዋጅ</p> <p>የማዕድን ሀብት ለሀገር አታኖሚ ግንባታ ከፍተኛ አስተዋጽኦ ያለው የሀገብ ሀብት በመሆኑና የዚህም ሀብት ጥበቃና ለሀዘቡ ጥቅም መዋል በመንግሥት መረጋገጥ ያለበት ስለሆነ፣</p> <p>የማዕድን ሀብት ፍለጋ፣ ምርመራና ማምረት ሥራ በተገቢው ቴክኖሎጂና የሀብት ጥበቃ መሰረተ ሀሳቦች በመመራት መካሄድ እንዳለበትና ለማዕድን ኢንዱስትሪ የሚያስፈልገው የሙያ ዕውቀት በሀገር ውስጥ እንዲፈጠር ማበረታታት ማስፈለገን በመገንዘብ፣</p> <p>የግል ኢንቨስትመንት ለልማቱ አስፈላጊ የሆነውን ካፒታል፣ ቴክኖሎጂና ገበያ በማስገኘት ረገድ ሊጫወት የሚችለውን ከፍተኛ ሚና በመረዳት፣</p> <p>በኦሮሚያ ክልላዊ መንግሥት ህገ መንግሥት አንቀጽ ፵፱ ንዑስ አንቀጽ ፫(ሀ) መሠረት የሚከተለው ታውጋል።</p> <p>ከፍል አንድ ጠቅላላ</p> <p>፩. አጭር ርዕስ                      ይህ አዋጅ «የኦሮሚያ ክልላዊ መንግሥት ማዕድን ልማት አዋጅ ቁጥር ፲፩/፲፱፻፺፯» ተብሎ ሊጠቀስ ይችላል።</p>	<p>Proclamation No. 91/2005                      Mineral Resources Development Proclamation</p> <p>WHEREAS, mineral resources are public property which have a significant contribution to the economic development of the country and that the state shall ensure the conservation and development of the resources for the benefit of he people;</p> <p>WHEREAS, prospecting, exploration and exploitation of mineral resources should be carried out in accordance with appropriate technology and sound principles of resource conservation it is necessary to encourage the development of national expertise in mining industry;</p> <p>WHEREAS, recognizing the significant role of private investment in the capital formation, technology acquisition and marketing of minerals;</p> <p>NOW, THEREFORE, in accordance with article 49 sub-article 3(a) of the Constitution of Oromia Regional Government, it is hereby proclaimed as follows;</p> <p>PART I                      GENERAL</p> <p>1. Short Title                      This Proclamation may be cited as the "Mineral Resource Development Proclamation No. 91/2005" of the Regional Government of Oromia.</p>

2. Hiika

Akkaataan seensa jechichaa hiika biraa kan kennisiisu yoo ta'e malee, Labsii kana keessatti:

- 1) "Mootummaa" jechuun, Bulchiinsa Mootummaa Naannoo Oromiyaati.
- 2) "Ejensii" jechuun, Ejensii Misooma Qabeenya Albuuda Oromiyaa jechuudha.
- 3) "Abbaa Taayitaa Hayyama Kennu" jechuun, Ejensii Misooma Qabeenya Albuuda Oromiyaa ykn qaamota isa bakka bu'anii hayyama hojii albuudaa Kennan jechuudha.
- 4) "Kontiroolar" jechuun, qaama hojiiwwan albuudaa to'achuudhaaf Ejensiidhaan ykn qaamota isa bakka bu'aniin ramadame jechuudha.
- 5) "Waldaa Hojii Gamtaa" jechuun, jaarmiyaa namootni fedhiidhaan rakkoowwan dinagdeefi hawaasummaa isaanii waliin hiikuuf ijaarrataniifi haala dimokraatawaa ta'een bulchanidha.
- 6) "Nama" jechuun, nama uumamaa ykn seeraan mirgi namummaa kan kennameefiidha.
- 7) "Waliigaltee" jechuun, waliigaltee Ejensii ykn qaama isa bakka bu'uufi abbaa hayyamaa gidduutti albuuda barbaaduu, qorachuufi homishuuf godhamudha.
- 8) "Hayyama" jechuun, hayyama barbaachaa ykn hayyama qorannoo ykn hayyama homisha albuudaaf akka Labsii kanaatti kennamuudha.
- 9) "Naannoo ykn Bakka Hayyamaa" jechuun, bakka hayyamni hojii albuudaa itti kenname kamiyyuu jechuudha.
- 10) "Albuuda" jechuun, waan lafa irratti ykn lafa keessatti uumamaan kuufamee argamu, gatii kan qabu mara yoo ta'u; soogidda, bishaan albuudaafi kuufama jii'ootarmaalii ni dabalata. Haa ta'u malee, kuufama peetroliyeemii hin dabalatu.
- 11) "Kuufama" jechuun, albuuda lafa keessatti ykn lafarratti uumamaan walitti qabamee ykn kuufamee argamu kamiyyuu jechuudha.
- 12) "Albuuda Industirii" jechuun, albuudaalee adda addaa industirii keessatti akka meeshaalee dheedhiitti gargaaran, albuudaalee al-sibiilaa kan akka appaataayitii, soogidda, soodaa-aashii, kaa'oliinii, dayaatomaayitii, siliikaa saandii, dolomaayitii, giraafaayitii, kuwaartizii, feeldispaarii, salfarrii, kkf; albuudaalee sibiilaa kan akka taantaalamii, aayranii, nikeelii, ziinkii, koobaaltii, kkf, fi kanneen egeritti qajeelfama Ejensiin baasuun akkasitti moggaafamanidha.

፪. ትርጓሜ

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በስተቀር በዚህ አዋጅ ውስጥ:-

- ሐ) «መንግስት» ማለት የኦሮሚያ ብሔራዊ ክልላዊ መንግስት ነው።
- ከ) «ኤጀንሲ» ማለት የኦሮሚያ ማዕድን ሀብት ልማት ኤጀንሲ ማለት ነው።
- ለ) «ፈቃድ ሰጭ ባለስልጣን» ማለት የኦሮሚያ ማዕድን ሀብት ልማት ኤጀንሲ ወይም እሱና በመተካት የማዕድን ሥራዎች ፈቃድ የሚሰጥ አካል ማለት ነው።
- ሐ) «ኮንትሮሎር» ማለት የማዕድን ሥራዎችን ለመቆጣጠር በፈቃድ ሰጭው ባለስልጣን የተወከለ አካል ማለት ነው።
- ሐ) «የሕብረት ሥራ ማህበር» ማለት ሰዎች በፈቃደኝነት ኢኮኖሚያዊና ማህበራዊ ችግሮቻቸውን በጋራ ለመፍታት የሚያቋቁሙትና ደ.ጥክራሲያዊ በሆነ መንገድ የሚያስተዳድሩት አካል ነው።
- ሐ) «ሰው» ማለት ማንኛውም የተፈጥሮ ሰው ወይም በህግ የሰውነት መብት የተሰጠው አካል ነው።
- ሐ) «ስምምነት» ማለት በኤጀንሲው ወይም እሱን በሚወክለው አካልና በባለፈቃድ መካከል ማዕድናትን ለመፈለግ፣ ለመመርመርና ለማምረት የሚደረገው ልምድ ነው።
- ሐ) «ፈቃድ» ማለት በዚህ አዋጅ መሰረት የተሰጠ ማዕድናትን የመፈለግ፣ የመመርመር ወይም የማምረት ፈቃድ ነው።
- ሐ) «የፈቃድ ክልል» ማለት ማናቸውም ፈቃድ የተሰጠበት ስፍራ ነው።
- ሐ) «ማዕድን» ማለት ማናቸውም ጥጋ ያለው የምድር ክፍል ሆኖ ወይም በምድር ላይ ወይም ውስጥ በተፈጥሮ ተከማችቶ የሚገኝ ሲሆን ጨው፣ የማዕድን ውሀና የጂ.አተርማል ክምችትን ይጨምራል፣ ሆኖም ፐትሮሊየምን አይጨምርም።
- ሐ) «ክምችት» ማለት በገጸ ምድር ላይ ወይም በከርሶ ምድር ውስጥ በአንድ በተወሰነ ስፍራ በተፈጥሮ የሚገኝ ማናቸውም የማዕድን ስብስብ ነው።
- ሐ) «የኢንዱስትሪ ማዕድናት» ማለት ለኢንዱስትሪ ጥሬ ዕቃነት የሚያገለግሉ እንደ አፓታይት፣ ጨው፣ ሶዳ አሽ፣ ካሊሲን፣ ዲያቶማይት፣ ሲ.ሊ.ን፣ ላንድ፣ ዶሎማይት፣ ግራፋይት፣ ኩዋርትዝ፣ ፊልድስፓርት፣ ድኝ የመሳሰሉትን ብረት ያልሆኑ ማዕድናትን እንዲሁም ታንታለም፣ አይረን፣ ኒኮል፣ ዚንክና ኮባልት የመሳሰሉትን ብረት ነክ ማዕድናትን ወደፊት ኤጀንሲው በመመሪያ የኢንዱስትሪ ማዕድናት ብሎ የሚሰይሙ ማዕድናት ናቸው።

2. Definitions

In this proclamation unless the context provides otherwise:

- 1) "Government" means the Regional Government of Oromia;
- 2) "Agency" means Mineral Resource Development Agency of Oromia;
- 3) "Licensing Authority" means Oromia Mineral Resource Development Agency or a body that executes duties on its behalf;
- 4) "Controller" means an officer authorized by the Licensing Authority to control Mining Operations;
- 5) "Co-operative Association" means a democratically run association of persons organized by their will, to collectively solve their economic and social problems ;
- 6) "Person" means any natural or legal person;
- 7) "Agreement" means a contract between the Agency or its representative and a licensee in order to prospect, explore and mine for minerals;
- 8) "License" means a license issued pursuant to this Proclamation to prospect, explore or mine for minerals;
- 9) "License area" means any area which is the subject of a License;
- 10) "Mineral" means any naturally occurring mineral substance of economic value forming part of or found on or within the earth's crust, including salt, mine water and geothermal deposits, but excluding petroleum;
- 11) "Deposit" means any natural concentration of minerals found on or within a specified area of the earth's crust;
- 12) "Industrial Minerals" means different minerals which are used as raw materials in industry including non-metallic minerals such as apatite, salt, soda ash, kaolin, diatomite, silica sand, dolomite, graphite, quartz, feldspar, sulfur, etc; metallic minerals such as tantalum, iron, nickel, zinc, cobalt, etc, and such other minerals that may be designated so by directive;

- 13) "Albuudaalee Kabajamoo" jechuun, sibiilota kabajamoo, kanneen akka pilaatiiniyemii, sookoofi meetii; akkasumas, dhagoota kabajamoo, kanneen akka diyaamandii, ruubii, emeraaldii, saafayerii, kkf fi kanneen egeritti qajeelfamaan akkasitti moggaafamanidha.
- 14) "Albuuda Ijaarsaa" jechuun, maarbilii, giraanaayitii, dhagaa gurraacha (basalt) fi dhagaa gosa adda addaa fi ijaarsa adda addaaf oolan biraa, cirracha, saddeeqa, garagaantii, biyyoo supheefi albuudaalee al-sibiila kanneen egeritti qajeelfamaan akkasitti moggaafaman biroodha.
- 15) "Bishaan Albuudaa" jechuun, bishaan uumamaan ho'aa ta'ee, albuudaalee fayyaaf mijaawaa ta'an qabatu, akkasumas, bishaan soogiddaa (brine) sadarkaa dinagdummaa qabaachuun albuudaalee keessaa baafamuu danda'an fi bishaan lafa jalaas ta'ee, burqaaleewwan "processed & packed" ta'anii daldalaaf oolan kamiyyuu jechuudha.
- 16) "Hojiiwwan Albuudaa" jechuun, sochiiwwan albuuda barbaaduu, qorachuu fi hoomishuuf godhaman kamiyyuu jechuudha.
- 17) "Barbaacha" jechuun, naannoo tokko keessa jireenya albuudaa ykn albuudaalee beekuuf, qorannoo ji'ooloojii lafaa fi haala teessuma isaa dabalatee, lafa irraa fi keessatti, mallattoowwan jireenya albuudaa agarsiisan argachuuf, hojiiwwan gaggeeffaman kamiyyuu jechuudha.
- 18) "Argannaa" jechuun, mallattoo ykn kuufama albuudaa armaan dura bakka sanas ta'e bakka biraa jiraachuun isaa hin beekamne ykn bira hin gahamne argachuu jechuudha.
- 19) "Qorannoo" jechuun, mallattoowwan albuudaa naannoo tokko keessa jiran irratti hundaayuun, kuufama albuudichaa barbaadani argachuu, gamaaggamuufi amaloota fiiziikaalaafi keemiikaala albuudichaa qorachuu, akkasumas, kuufamichi haala dinagdummaan misoomuufi hoomishamuu danda'uu isaatjif, hojiiwwan qorannoo ji'ooloojiifi caasama keessa lafaa, qotiinsa boollawwan gad-fagoo fi ol-dhihoo dabalatee tooftaalee ji'ooloojii, ji'oofiiziksii, ji'ookeemistirii fi kkf gargaaramanii keessa lafaa baruuf hojiiwwaniifi qorannoowwan gaggeeffaman kamiyyuu jechuudha.

- ፲፫) «የክበሩ ማዕድንት» ማለት እንደ ፕላቲንም፣ ወርቅና ብር የመሳሰሉ የክበሩ ብረታ ብረት እንደ አልማዝ፣ ሩቢ፣ ኢመራልድና ሳፋየር ያሉ የክበሩ ድንጋዮች፣ እንዲሁም ወደፊት ኤጀንሲው በመመሪያ የክበሩ ማዕድናት ብሉ የሚሰይማቸው ማዕድናት ናቸው።
- ፲፬) «የግንባታ ማዕድናት» ማለት ዕብነበረድ፣ ግራንይት፣ ጥቁር ድንጋይና ሌሎች ለተለያዩ የግንባታ ሥራዎች የሚውሉ የተለያዩ ድንጋዮን፣ አሸዋ፣ ጠጠር፣ ገረጋንቲ፣ የሽክላ አፈርና ወደፊት በመመሪያ «የግንባታ ማዕድናት» ተብለው ሊሰየሙ የሚችሉ የተለያዩ ብረት-ነካ ያልሆኑ ማዕድናት ማለት ነው።
- ፲፭) «የማዕድን ውሀ» ማለት ለጤንነት ተስማሚነት ያላቸውን ማዕድናት የያዘ ውሀ እንዲሁም ማዕድናት ከውስጡ ኢኮኖሚያዊ በሆነ ደረጃ ተለይተው ሊወጡ የሚችሉበት እንደብራይን ያለ ውሀ፣ እንዲሁም ፐሮሰስ ተደርጎና ታሽጎ ለንግድ የሚውል የምንጭም ሆነ የክርሰ ምድር ውሀ ነው።
- ፲፮) «የማዕድን ሥራዎች» ማለት ማዕድናትን ለመፈለግ፣ ለመመርመርና ለማምረት የሚካሄድ ማንኛውም ተግባር ነው።
- ፲፯) «መፈለግ» ማለት ማዕድናት ሊኖሩ መቻላቸውን ለማረጋገጥ የመሬትን ጁሉ-ጁና አወቃቀር ባህሪያት ማጥናትን ጨምሮ የማዕድን ምልክቶችን በመፈለግ በገጸ ምድር ላይና ከገጸ ምድር በታች የሚካሄድ ግንኙነትም ተግባር ነው።
- ፲፰) «ግኝት» ማለት በተገኘበትም ሆነ በሌላ ሥፍራ ከዚህ በፊት መኖሩ የማይታወቅ ወይም ያልተደረሰበትን ማዕድን ምልክት ወይም ክምችት ማግኘት ማለት ነው።
- ፲፱) «መመርመር» በአንድ አካባቢ በሚገኙ የማዕድን ምልክቶች ላይ ተመስርቶ የማዕድን ክምችት ፈልጎ ማግኘት፣ መገምገም፣ የማዕድንን ፊዚካዊና ኬሚካዊ ባህርይ ማጥናት፣ እንዲሁም ክምችቱ ኢኮኖሚያዊ በሆነ ሁኔታ ሊለማና ሊመረት መቻሉን፣ የጁሉ-ጁያዊና የመሬት ውስጥ አወቃቀር፣ ጥልቅ የሆኑና ያልሆኑ ጉድጓድ ስራዎች ቁፋርን ጨምሮ በጁሉ-ጁ፣ ጁሉ-ጁና ጁሉ-ጁን በመሳሰሉት ዘዴዎች ተጠቅሞ ክርሰ ምድርን ለማወቅ የሚከናወኑ ማንኛውም ስራዎችና ምርመራዎች ማለት ነው።

- 13) "Precious minerals" means precious metals such as platinum, gold and silver and precious stones such as diamond, ruby, emerald and sapphire and such other minerals that may be designated as precious by directive;
- 14) "Construction Minerals" means marble, granite, basalt, and different other stones used for different construction purposes, sand, gravel, clay, and other non-metallic minerals that may be designated so by directive;
- 15) "Mineral Water" means water containing minerals useful for health, water such as brines from which minerals may be extracted economically, and groundwater or spring that is processed and packed for commercial use;
- 16) "Mining Operations" means all acts carried out to prospect explore and mine for minerals;
- 17) "To Prospect" means to undertake on or above the surface of the earth all acts to or mineral occurrences in order to ascertain the possible presence of minerals including the geological and structural characteristics of the land;
- 18) "Discovery" means to come across an indication or a deposit of a mineral, that its existence in that area or elsewhere is unknown before;
- 19) "To Explore" means to undertake all acts to search for, appraise and evaluate a deposit, by using different methods of studies (geological, geochemical and geophysical) relating to subsurface geology and structure, excavation, boring and drilling, analysis of the physical and chemical properties of minerals and examination of the economic feasibility of developing and producing a deposit;

- 20) “Homishuu” jechuun, albuuda kuufama isaa keessaa addaan fo’anii baasuuf hojiiwwan. adeemsifaman kamiyyuu ta’ee, albuuda kuusuu, qopheessuu, olii-gadiin deemuufi gurguruu yoo ta’u; baqsuufi qulqulleessuu hin dabalatu.
- 21) “Albuudaa Aadaan Hoomishuu” jechuun, hojii hoomisha albuudaa meeshaa humna mootoraatiin hin sosochooneen gargaaramuudhaan gara caalaa humnaafi harka qofaan gaggeeffamu jechuudha.
- 22) “Hoomisha Albuudaa Sadarkaa Xiqqaa” jechuun, dambii Labsii kana raawwachiisuuf bahu keessatti hoomisha albuudaa sadarkaa xiqqaa jedhamee kan moggaafamuudha.
- 23) “Hoomisha Albuudaa Sadarkaa Guddaa” jechuun, dambii Labsii kana raawwachiisuuf bahu keessatti hoomisha albuudaa sadarkaa guddaa jedhamee kan moggaafamuudha.

**3. Daangaa Hojii irra Oolmaa**  
 Labsii kun Daangaa Bulchiinsa Mootummaa Naannoo Oromiyaa mara keessatti hojiirra ni oola.

**KUTAALAMA**  
**Qabeenya Albuudaa**  
**Boqonnaa Tokko**

**Waliigala**

**4. Barbaachisummaa Hayyamaa**

- 1) Keewwanni Xiqqaa 2 Keewwata kanaa, Keewwata 19 (1) fi Keewwanni 20 Labsii kanaa akkuma jiranitti ta’ee, namni kamiyyuu akka Labsii kanaatti hayyama kennameef osoo hin qabaatin hojiiwwan albuudaa gaggeessuu hin danda’u.
- 2) Keewwanni Xiqqaan 1 Keewwata kanaa akkuma eegametti ta’ee, lammiin Itoophiyaa kamiyyuu, hayyama qabaachuu baatuuyyuu mirga abbaa hayyamaa ykn nama biraa osoo hin tuqin albuuda barbaaduu ni danda’a.

**5. Hayyama Argachuuf Gahaa Ta’uu**

- 1) Keewwata Xiqqaa 2 Keewwata kanaarratti kan tumame akkuma jirutti ta’ee, akkaataa seera daldalaatti namni daldala gaggeessuu danda’uufi madda maallaqaa, dandeettii teeknikaa, ogummaafi muuxannoo dirqamoota Labsiin kuniifi dambiin Labsii kana raawwachiisuuf bahu gaafatu bahuuf isa dandeessisu qabu kamiyyuu, hayyama argachuu ni danda’a.
- 2) Hayyama albuudaa aadaan hoomishuu argachuuf madda maallaqaa, dandeettii teekniikaafi ogummaa hin barbaachisu.

ሸ) «ማምረት» ማለት ማዕድናትን ለማልማት፣ ለመለየትና ከክምችት ውስጥ ለማውጣት የሚከናወን ማናቸውም ተግባር ሲሆን ማዕድናትን ማከማቻትና ማዘጋጀትን ወይም ፕሮሴስ ማድረግን፣ ማጓጓዝንና መሸጥን የሚያካትት ሲሆን ማቅለጥንና ማጣራትን አይጨምርም።

ሸ፩) «ባህላዊ የማዕድን ማምረት ሥራ» ማለት በሞተር ሀይል በማይንቀሳቀስ መሳሪያ እየታገዘ አብዛኛው ተግባር በእጅ የሚከናወን የማዕድን ማምረት ሥራ ማለት ነው።

ሸ፪) «አነስተኛ ደረጃ የማዕድን ማምረት ሥራ» ማለት ይህን አዋጅ ለማስፈጸም በሚወጣው ደንብ መሰረት አነስተኛ ደረጃ ተብሎ የሚሰየም የማዕድን ማምረት ሥራ ነው።

ሸ፫) «ከፍተኛ ደረጃ የማዕድን ማምረት ሥራ» ማለት ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ መሰረት ከፍተኛ ደረጃ ተብሎ የሚሰየም የማዕድን ማምረት ሥራ ነው።

**፫. የተፈጻሚነት ወሰን**

ይህ አዋጅ በአሮሚያ ክልላዊ መስተዳድር ክልል ውስጥ ተፈጻሚ ይሆናል።

**ክፍል ሁለት**  
**ስለ ማዕድን ሀብት**  
**ምዕራፍ አንድ**  
**ጠቅላላ**

**፬. የፈቃድ አስፈላጊነት**

፩) የዚህ አንቀጽ ንዑስ አንቀጽ ፪፣ የዚህ አዋጅ አንቀጽ ፲፱ (፩) እና አንቀጽ ፳ ድንጋጌዎች እንደተጠበቁ ሆነው ማንኛውም ሰው በዚህ አዋጅ መሰረት የተሰጠ ፈቃድ ሳይኖረው የማዕድን ሥራ ሊያካሄድ አይችልም።

፪) የዚህ አንቀጽ ንዑስ አንቀጽ ፩ እንደተጠበቀ ሆኖ ማንኛውም ኢትዮጵያዊ የፍለጋ ፈቃድ ባይኖረውም የአንድን ባለፈቃድ ወይም የሌላ ሰው መብት ሳይነካ ማዕድን መፈለግ ይችላል።

**፫. ፈቃድ ለማግኘት ብቁ ስለመሆን**

፩) በዚህ አንቀጽ ንዑስ አንቀጽ ፪ የተደነገገው እንደተጠበቀ ሆኖ ማንኛውም በንግድ ህግ መሰረት የንግድ ሥራ ማካሄድ የሚችል ሰውና በዚህ አዋጅና በዚህ አዋጅ መሰረት በሚወጣው ደንብ የተገለጹትን መሰረታዊ ግዴታዎች ለመወጣት የሚያስችል የገንዘብ ምንጭ፣ የቴክኒክ ችሎታ፣ ሙያና ልምድ ያለው ከሆነ ፈቃድ ሊያገኝ ይችላል።

፪) ባህላዊ የማዕድን ማምረት ፈቃድ ለማግኘት የገንዘብ ምንጭ፣ የቴክኒክ ችሎታ፣ ሙያና ልምድ አይጠይቅም።

20) “To Mine” means to undertake all acts to develop, extract and remove minerals from a deposit, including their storage, treatment, processing (excluding smelting and refining), transportation and/or disposal:

21) “Artisan Mining” means non-mechanized mining operations that is essentially carried out by manual labor;

22) “Small-Scale Mining” means mining operations to be designated as such by the Regulations to be issued for implementing this Proclamation;

23) “Large Scale Mining” means mining operations to be designated as such by the Regulations to be issued for implementing this Proclamation;

**3. Scope of Application**

This Proclamation shall apply to and govern all mining operations and related activities in Oromia Regional State.

**PART II**  
**MINERAL RESOURCE**  
**CHAPTER ONE**  
**GENERAL**

**4. The Need of a License**

- 1) Without prejudice to sub-article 2 of this article, articles 19 (1) and 20 of this Proclamation, no person shall prospect, explore or mine unless he is a holder of a license.
- 2) Without prejudice to sub-article 1 of this article, any Ethiopian may prospect without a prospecting license, provided he does not interfere in any way with the right of a licensee or any other person.

**5. Eligibility for Mining License**

- 1) Without prejudice to sub-Article 2 of this Article any person, who is qualified to carry out trade under the Provisions of the Commercial Code and who possesses the required financial resource, technical competence, professional skill and experience to fulfill his obligations as set out in this Proclamation, and the Regulation to be issued under this Proclamation, may acquire a license.
- 2) No person is required to possess financial resources technical competence, professional skill and experience in order to acquire artisan mining license.

- 3) Haala Keewwata 15 Keewwata Xiqqaa 2 Labsii kanaa jalatti taa'een yoo ta'e malee, namni hayyamni jalaa haqamee, yeroo hayyamni isaa itti haqamee kaasee hanga waggootii shaniitti hayyama biraa argachuu hin danda'u.
- 4) Hayyamni albuudaa aadaan homishuu, uummata waldaa hojii gamtaatin gurmaa'ee ykn nama dhuunfaatif kan kennamu yommuu ta'u, humna ofiitiin homishuufi jiraataa naannoo albuudichi itti argamu ta'uu barbaachisa.

**6. Bakka Qabamaafi Dhoorkamaa**  
Mootummaan bakka fedheyyuu hojii albuudaa tokkoof qabachuufi bakka fedhettuu, keessumaayyuu, bakkootii seena-qabeessa, aadaa ykn amantii, tajaajila uummataa, bu'uura misoomaafi naannoowwan dhaabbatoota adda addaatti, hojiiwwan albuudaa akka hin gaggeeffamne dhoorkuu ni danda'a.

**7. Hojiiwwan Albuudaa Mootummaan Gaggeeffaman**  
Mootummaan hojiiwwan albuudaa guddina dinagdee waliigalaaf murteessaa ta'an, ofiin ykn abbootii qabeenyaa dhuunfaa waliin qindoominaan hojjechuu ni danda'a.

**Boqonnaa Lama**  
**Mirgoota Misoom-Duree**

- 8. Hayyama Barbaachaa**
  - 1) Hayyamni barbaachaa albuudaalee hayyamicha irratti ibsaman bakka hayyamaa keessaa barbaaduuf mirga qofa-ta'eessa ("exclusive right") ta'e ni argachiisa. Hayyamni barbaachaa darbuu, dabarsa kennamuu, idaan qabamuufi dhaalaan darbuu hin danda'u.
  - 2) Hayyamni barbaachaa waggaa tokko qofaaf kan tajaajilu yammuu ta'u, haaromfamuu hin danda'u.
  - 3) Albuudaaleen hayyamicha irratti kaa'aman bakka hayyamichaa keessa jiraachuu isaatiif abbaan hayyamaa, mallattoo yoo argateefi:
    - (a) Dirqama hayyama barbaachaa sana keessa kaa'aman yoo guute,
    - (b) Qabxiilee hayyama qorannoo fudhachuuf barbaachisan yoo guute,
    - (c) Tumaalee Labsii kanaa ykn dambii Labsii kana hojii irra oolchuuf bahu keessatti tumaman yoo cabsuu baate, hayyama qorannoo argachuuf mirga ni qabaata.

- ፫) በዚህ አዋጅ አንቀጽ ፲፭ (፪) ከተደነገገው በስተቀር ፈቃድ የተሰጠበት ሰው ፈቃዱ ከተሰጠበት ጊዜ ጀምሮ ለአምስት ዓመታት ሌላ ፈቃድ ማግኘት አይችልም።
- ፬) ባህላዊ የማዕድን ማምረት ፈቃድ የሚሰጠው በህብረት ሥራ ማህበር ለተደራጁ ወይም ለግል ሊሆን ባለፈቃዱ በራሱ ጉልበት የሚያመርትና ማዕድኑ በሚገኝበት አካባቢ ነዋሪ መሆን ይኖርበታል።

**፮. ስለተያዙና ስለተከለከሉ ስፍራዎች**

መንግስት በሌላ አኳኋን ካልወሰነ በቀር በታሪካዊ፣ በባህላዊ ወይም በሀይማኖት ስፍራዎች፣ በህዝብ አገልግሎት ህንጻዎች፣ በመሰረተ ልማቶች እና በሌሎች ተጽማት አካባቢ የማዕድን ሥራዎችን ማካሄድ የተከለከለ ነው።

**፯. በመንግስት ስለሚካሄዱ የማዕድን ሥራዎች**

መንግስት ለጠቅላላ አኮኖሚ ዕድገት ወሳኝ ሚና የሚጫወቱን የማዕድን ሥራዎች በራሱ ወይም ከግል ባለሀብቶች ጋር በቅንጅት ሊያካሄድ ይችላል።

**፲. ምዕራፍ ሁለት**

**ቅድመ ልማት መብቶች**

**፰. የፍለጋ ፈቃድ**

- ፩) የፍለጋ ፈቃድ በፈቃዱ ላይ የተመለከቱትን ማዕድናት በፈቃዱ ክልል ውስጥ መፈለግ የሚያስችል ብቸኛ የሆነ መብት ይሰጣል፤ የፍለጋ ፈቃድ ሊተላለፍ፣ ሊዳረግና በዕዳ ሊያዝ፣ ወይም በውርስ ሊተላለፍ አይችልም።
- ፪) የፍለጋ ፈቃድ የሚያገለግለው ለአንድ ዓመት ሊሆን ሊታደስ አይችልም።
- ፫) ባለፈቃዱ በፈቃዱ ላይ የተመለከቱት ማዕድናት በፈቃዱ ክልል ውስጥ ለመኖራቸው ምልክት ካገኘ፣
  - (ሀ) በፍለጋ ፈቃዱ የተመለከቱትን ግዴታዎች አሟልቶ ከፈጸመ፣
  - (ለ) ለምርመራ ፈቃድ የሚጠየቁ ተፈላጊ ሁኔታዎችን ካሟላ፣
  - (ሐ) የዚህን አዋጅ ወይም አዋጁን ለማስፈጸም የወጡ ደንቦችን፣ ድንጋጌዎችን፣ ወይም መመሪያዎችን በመተላለፍ የፍለጋ ፈቃዱን ለማገድ ወይም ለመሰረዝ የሚያበቃ ጥፋት ካልፈጸመ በቀር የምርመራ ፈቃድ ማግኘት መብት ይኖረዋል።

- 3) No person whose license has been revoked except as provided for under Article 15(2) of this Proclamation may hold another license for 5 years following such revocation.
- 4) Artisan mining license is issued to a cooperative association or an individual provided that the licensee carries out the mining operation with his own labor and that he is a resident in the vicinity of the mining area.

**6. Reserved and Excluded Areas and Minerals**

The Government may, designate any area of mineral as reserved or excluded for particular mining operations and exclude any area from mining operations particularly as regards sites of historical, cultural or religious interests and public buildings, infrastructure and other installations.

**7. Government Mining Operations**

The Government may undertake some mining operations that are vital for overall economic growth either by itself or in partnership with private investors.

**CHAPTER 2**

**PRE-DEVELOPMENT RIGHTS**

**8. Prospecting License**

- 1) A prospecting license grants an exclusive right to prospect for the minerals within the license area; a prospecting license may not be transferred, assigned, encumbered or inherited.
- 2) A prospecting license is valid for a period of one year and shall not be renewed.
- 3) Upon his discovery of indications of minerals specified in the license within the license area, the licensee shall have the right to be granted an exploration license, provided that,
  - (a) He has fulfilled all obligations under the prospecting license;
  - (b) Meets all requirements in connection with the application for an exploration license; and
  - (c) He is not in breach of any provision of this Proclamation, regulations or directives issued hereunder which constitutes grounds for suspension or revocation of the prospecting license.

9. Hayyama Qorannoo

- 1) Hayyamni qorannoo albuudaalee hayyamicha irratti ibsaman bakka hayyamaa keessaa qorachuuf mirga qofa-ta'eessa ("exclusive right") ta'e ni argachiisa.
- 2) Abbaan Taayitaa hayyama kenpu haala biraatin yoo murteesse malee, bakki hayyamaa akkaataa Dambii Labsii kana raawwachiisuuf bahuun ji'oometrii mijjaawaa ni qabaata.
- 3) Hayyamni qorannoo idaan qabamuu ykn dhaalaan darbuu hin danada'u, yaa ta'u malee, dursee Ejensii hayyamsiisuudhaan hayyamichaafi akkaataa Keewwata 10 (3) Labsii kanaatti hayyama hoomishaa dabarsuuniifi dabarsa kennamuun ni danda'ama.

10. Baraafi Haaromsuu Hayyama Qorannoo

- 1) Hayyamni qorannoo, yeroo jalqabaaf, waggaa sadiif kan tajaajilu yoo ta'u, yeroo lama waggaa tokko-tokkoof haaromfamuun ni danda'a. Abbaan hayyamaa, qorannicha gadfageenyaa gaggeessuun barbaachisaa akka ta'e yoo ibsuu danda'e ykn barri hayyamichaa akka dheeratuuf sababni gahoo ta'an biraan akka jiran ragaa yoo dhiyeesse, Ejensiin, dabalata bara haaromsaa hayyamuu ni danda'a.
- 2) Abbaan hayyamaa, dirqamoota hayyamicha irratti tarreeffaman guutummaatti yoo raawwate, haalawwan haaromsaaf barbaadaman yoo guuteefi Labsii kana ykn Dambii Labsii kana raawwachiisuuf bahu cabsuun balleessaa hayyamicha dhoorkachiisuu ykn haqsiisuu danda'u yoo hin raawwatin mirga hayyamicha haaromsiiifachuu ni qabaata.
- 3) Abbaan hayyamaa, kuufama albuudaalee hayyamicha irratti tarreeffaman, bakka hayyamichaa keessaa, haala dinagdummaan hoomishamuu danda'uu isaanii yoo mirkaneesse, fi:
  - (a) dirqamoota hayyamicha irratti tarreeffaman guutee yoo raawwate;
  - (b) dirqamoota hojiiwwan oomishaaf gaafataman yoo guuteefi
  - (c) tumaalee Labsii kana ykn Dambii Labsii kana raawwachiisuuf bahu yoo cabsuu baate, mirga hayyama hoomisha albuudaa argachuu ni qabaata.

ዘ. የምርመራ ፈቃድ

- ፩) የምርመራ ፈቃድ በፈቃዱ ላይ የተመለከቱትን ማዕድናት በፈቃዱ ክልል ውስጥ ለመመርመር የሚያስችል ብቸኛ የሆነ መብት ይሰጣል።
- ፪) ፈቃድ ሰጭው ባለስልጣን በሌላ አኳኑን ካልወሰነ በስተቀር የፈቃዱ ክልል ይህን አዋጅ ለማስፈጸም በሚወጣው ደንብ መሰረት አመቺ የጂኦሜትሪ ቅርጽ ይኖረዋል።
- ፫) የምርመራ ፈቃዱ በዕዳ ሊያዝ ወይም በውርስ ሊተላለፍ አይችልም፤ ሆኖም ኤጀንሲውን በቅድሚያ በማስፈቀድ የምርመራ ፈቃዱን በዚህ አዋጅ አንቀጽ ፲(፫) መሰረት የማምረት ፈቃድ የማግኘት መብት ሊተላለፍ ወይም ሊዳረግ ይችላል።

ሀ. ስለምርመራ ፈቃድ ዘመንና ዕድሳት

- ፩) የምርመራ ፈቃድ በመጀመሪያ ለሶስት ዓመታት የሚያገለግል ሆኖ ሁለት ጊዜ ለአንድ አንድ ዓመት ሊታደስ ይችላል፤ ባለፈቃዱ ተጨማሪ የላቀ የምርመራ ተግባር ማከናወን እንደሚያስፈልግ ካስረዳ ወይም ለፈቃድ ዘመኑ መራዘም በቂ ምክንያት የሚሆኑ ሌሎች ሁኔታዎች ስለመኖራቸው መረጃ ካቀረበ ኤጀንሲው ተጨማሪ ዕድሳት ሊፈቅድ ይችላል።
- ፪) ባለፈቃዱ በፈቃዱ የተመለከቱትን ግዴታዎች አሟልቶ ከፈጸመ፣ ለዕድሳት የሚጠየቁ ተፈላጊ ሁኔታዎችን ካሟላና የዚህን አዋጅ ድንጋጌዎች ወይም አዋጁን ለማስፈጸም የሚወጣውን ደንብ በመተላለፍ ፈቃዱን ለማግኘት ወይም ለመሰረዝ የሚያበቃ ጥፋት ካልፈጸመ በቀር ፈቃዱን የማሳደስ መብት ይኖረዋል።
- ፫) ባለፈቃዱ በፈቃዱ ክልል ውስጥ የሚገኙ በፈቃዱ ላይ የተመለከቱት ማዕድናት ከምችቶች ሊኮናሚያዊ በሆነ ደረጃ ሊመረት መቻሉን ካረጋገጠ፡-
  - (ሀ) በምርመራ ፈቃድ የተመለከቱትን ግዴታዎች ካሟላ፣
  - (ለ) ለማምረት የሚጠየቁ ተፈላጊ ግዴታዎችን ካሟላ፣
  - (ሐ) የዚህን አዋጅ ወይም አዋጁን ለማስፈጸም የወጣውን ደንብ ድንጋጌዎች ካልተላለፈ የምርመራ ፈቃድ የማግኘት መብት ይኖረዋል።

9. Exploration License

- 1) An exploration license grants an exclusive right to explore for the minerals indicated in the license within the area specified in the license.
- 2) The license area shall, unless the Licensing Authority specifies otherwise, be of simple geometric shape, as specified by Regulation issued to implement this Proclamation.
- 3) An exploration license may not be encumbered or inherited, but the license and the licensee's right to obtain a mining license pursuant to Article 10 (3) of this Proclamation may be transferred or assigned with the prior approval of the Agency.

10. Duration and Renewal

- 1) An exploration license is valid for an initial period of three years and may be renewed twice for additional terms of one year each. The Agency may further allow extension of renewal periods where the licensee documents the necessity for additional advanced exploration activity, or provides information on other circumstances which justify an extension of the duration of the license.
- 2) The licensee shall have the right to renew the license, provided he has fulfilled the obligations specified in the license, meets all requirements in connection with the application for the renewal and is not in breach of any provision of this Proclamation, which constitutes grounds for suspension, or revocation of the license.
- 3) The licensee shall have the right to be granted a small-scale or large-scale mining license in the event that he determines a deposit of the minerals specified in the license within the license area may be mined on an economically viable basis, provided that, he:
  - (a) has fulfilled all obligations under the exploration license,
  - (b) meets all requirements in connection with the application for such a mining license and,
  - (c) is not in breach of any provision of this Proclamation or regulation issued to implement it.

**11. Bakka Hayyamaa Irraa Hanga Murtaa'e Gadi-lakkisuu**

Abbaan hayyamaa, hayyamni qorannoo isaa akka haaromfamuuf gaafatu, yeroo haaromsa hayyama isaa hunda, bakka hayyama isaa jalqabaa irraa lafa bal'inni isaa harka kurmaanaa (1/4) gadi hin taane akkaataa qajeelfama Ejensiin baasuun gadi-lakkisuu qaba;

**12. Argannaa Beeksisuufi Mirgi Duree**

- 1) Namni argannaa albuudaa godhe kamiyyuu, bakkaafi haala albuuda argatee battalumatti barreeffamaan Ejensii beeksisuu qaba.
- 2) Namni abbaa hayyamaa hin taaneefi argannaa albuudaa godhe kamiyyuu, mallattoo ykn abbaan hayyamaa bakka hayyama isaa keessattis ta'e isaa alatti argannaa akkasii godhe kamiyyuu, battalumatti iddoo mallattoon albuudaalee itti argame ykn bakka kuufama kanaa ta'uu danda'urratti mallattoo kaa'uu qaba.
- 3) Bakki argannaa kun hayyamni mirga qofa-ta'eessa ta'e argamsiisu irratti yoo hin kennamne ykn haala biraan kan qabaman ykn kan dhorkaman yoo hin taane, namni kamiyyuu, hayyama qorannoo ykn oomishaa argachuu-dhaaf mirga dursaa ni qabaata.
- 4) Ejensiin, guyyaa beeksisni argannaa isa gahe irraa eegalee ragaa argannaa hanga waggaa tokkootti ragga'ee turu abbaa argannaa godheef ni kenna. Namni ragaan argannaa kennameef, yeroo caqasame kana keessatti dandeettii maallaqaa fi teeknikaa hojii qorannoo ykn hoomishaa adeemsisuuf isa dandeessisu guuttachuuf qophii barbaachisu raawwachuu ykn dursee Ejensii hayyamsiisuudhaan mirga isaa qaama sadaffaaf dabarsa kennamuu ykn dabarsuu ni danda'a.
- 5) Namni ragaan argannaa kennameef iyyannoo hayyama seera-qabeessa ta'eef dhimmoota barbaachisan yeroo guutu, haala albuudaalee argaman irratti hundaa'uudhaan hayyama qorannoo ykn hoomishaa ykn kan hayyama lamaanuu of-keessatti hammat (combined license) argachuudhaaf mirga qaba.
- 6) Namni ragaan argannaa kennameef abbaa hayyamaa yoo ta'e, hayyamni isaa kan duraanii, albuudaalee argaman ykn naannoo bakka hayyama isaatiin wal-daangessu akka dabalamu godhee akka fooyya'uuffitti akka filmaataatti gaafachuuf mirga ni qabaata; haa ta'u malee, bakki fooyya'e kun fiixee hayyamamuu danda'uun ol-dabruu hin danda'u.

**፲፩. ከፈቃድ ክልል ላይ የተወሰነውን ስለመልቀቅ**

የምርመራ ፈቃድ እንዲታደስለት የሚጠይቅ ባለፈቃድ በአያንዳንዱ እድላት ወቅት በፈቃዱ ላይ ከተመለከተው የመሬት ክልል ከሩብ እጅ የማያንሰውን ስፍራ ኤጀንሲው በሚያወጣው መመሪያ መሰረት መልቀቅ ይኖርበታል።

**፲፪. ግኝትን ለማስታወቅ ስለ ቅድሚያ መብት**

- ሀ) የማዕድን ግኝት ያደረገ ማንኛውም ሰው ወዲያውኑ የግኝቱን ቦታ ባህሪያት ለኤጀንሲው በጽሁፍ መግለጽ አለበት።
- ለ) ባለፈቃድ ያልሆነና የማዕድን ግኝት ያደረገ ማንኛውም ሰው ወይም በፈቃዱ ክልል ውስጥም ሆነ ከዚያ ውጭ የዚህ ዓይነት ግኝት ያደረገ ማንኛውም ባለፈቃድ የማዕድናቱ ምልክት በተገኘበት ስፍራ ወይም የክምችቱ ቦታ ሊሆን በሚችለው ክልል ላይ ወዲያውኑ ምልክት ማድረግ አለበት።
- ሐ) የግኝቱ ስፍራ ብቸኛ የሆነ መብት የሚያስገኝ ፈቃድ የተሰጠበት ወይም በሌላ ሁኔታ የተያዘ ወይም የተከለከለ ካልሆነ አግኝው የምርመራ ወይም የማምረት ፈቃድ የማግኘት ቅድሚያ መብት ይኖረዋል።
- መ) ኤጀንሲው የግኝቱ ማስታወቂያ ክደረሰው ቀን ጀምሮ እስከ አንድ ዓመት ጸንቶ የሚቆይ የግኝት ሰርቲፊኬት ለአግኝው ይሰጠዋል፤ የግኝት ሰርቲፊኬት የተሰጠው ሰው በተጠቀሰው የጊዜ ገደብ ውስጥ የምርመራ ወይም የማምረት ሥራ ለማካሄድ የሚያስችለውን የገንዘብና የቴክኒክ ችሎታ ለማሟላት አስፈላጊውን ዝግጅት ሊያደርግ ወይም ኤጀንሲውን አስቀድሞ በማስፈቀድ መብቱን ለሰጠኛ ወገን ሊዳርግ ወይም ሊያስተላልፍ ይችላል።
- ራ) የግኝት ሰርቲፊኬት የተሰጠው ሰው አግባብ ላለው የፈቃድ ማመልከቻ የሚጠየቁትን ተፈላጊ ሁኔታዎች ሲያሟላ የተገኙትን ማዕድናት በተመለከተ እንዳስፈላጊነቱ የምርመራ ወይም የማምረት ወይም ሁለቱንም ያጠመረ ፈቃድ የማግኘት መብት ይኖረዋል።
- ረ) የግኝት ሰርቲፊኬት የተሰጠው ሰው ባለፈቃድ ከሆነ የቀድሞ ፈቃዱ የተገኙትን ማዕድናት ወይም አዋላጅ የሆነውን ክልል እንዲጨምር ተደርጎ እንዲሻሻልለት በአማራጭነት የመጠየቅ መብት ይኖረዋል፤ ሆኖም የተሻሻለው ክልል ሲፈቀድ ከሚችለው ባህሪ ሊያልፍ አይችልም።

**11. Relinquishment of Portion of License area**

In applying for each renewal of an exploration license, the licensee shall relinquish an area not less than one quarter of the original license area, in a way specified by a Directive issued by the Agency.

**12. Notification of discovery**

- 1) Any person who makes discovery of a mineral shall immediately notify the location and nature of such discovery to the Agency in writing.
- 2) Any person who is not a licensee and who makes a discovery of a mineral or any licensee who makes such a discovery within or outside of his license area shall immediately mark the location of the indication of the minerals or the likely boundary of the deposit.
- 3) If the area of discovery is not subject to an exclusive license or has been excluded or reserved, the discoverer shall have a preferential right to obtain an exploration or mining license.
- 4) The Agency shall immediately issue a Discovery Certificate valid for a period of one year from the date of notification of the discovery. During such period the discoverer may seek to acquire the financial and technical capability necessary to explore and/or to mine for the minerals in question or he may assign or transfer such right to a third party with a prior approval of the Agency.
- 5) The holder of a Discovery Certificate shall have the right to be granted an exploration or a mining or a combined exploration/mining license, provided that he meets all requirements pertaining to the relevant application.
- 6) A holder of a discovery certificate who is a licensee shall, alternatively, has the right to be granted an amendment to his license to include the discovered minerals or area adjacent to his existing license area, provided that the amended license area doesn't exceed the maximum allowable area and provided that he meets all requirements pertaining to the relevant application.

13. Waayee Eegumsa Naannoo

- 1) Namni qorannoo ykn hoomisha albuudaa sadarkaa xiqqaa ykn guddaa irratti bobba'u kamiyyuu hayyama otuu hin argatiin dura, dokumantii Qorannoo Sakatta'a Dhiibbaa Naannoofi, akkaataafi sagantaa hojii miidhaa naannoo irra gahu ittiin deebisee sirreessuu qabu, dhiyeessuu qaba.
- 2) Hayyamni albuudaa aadaan hoomishuu osoo hin kennamin dura abbaan hayyamaa qabeenya uumamaa kunuunsuufi lafa albuudni irraa oomishame deebisee wal-qixxeessuufi sirreessuuf Abbaa Taayitaa hayyama kennu waliin waliigaltee ni gala.
- 3) Namni akkaataa keewwata 20(2) Labsii kanaatti, mirga albuuda ijaarsaatti fayyadamuu danda'u kamiyyuu, lafa irraa albuuda oomishe deebisee wal-qixxeessuuf dursee Abbaa Taayitaa hayyama kennu waliin waliigaltee mallatteessuu qaba.
- 4) Abbaan hayyamaa bishaan lafa-irrattitti fayyadamu kamiyyuu, bishaanicharratti xuraa'ina geessisuu hin qabu; akkasumas abbaa taayitaa dhimmi ilaalurraa dursee hayyama yoo argate malee karaa bishaan yaa'urratti ittisa ijaaruu ykn gara bishaan itti yaa'u jijjiiruu hin danda'u.
- 5) Namni mirga Keewwata 22 (3) Labsii kanaa jalatti tumame qabu kamiyyuu, seerota waayee bu'aalee bosonaa muruufi bakka isaanii biqiltoota dhaabuuf bahan kabajuufi haala Dambii Labsii kana raawwachiisuuf bahuun murtaa'uun karoora bosonicha deebisee misoomsuuf dandeessisu dhiyeessuu qaba.
- 6) Namni hayyama hojii albuudaa qabu kamiyyuu, eegumsa naannoofi eegumsa qabeenya uumamaaf jecha, seera jirurratti hundaa'ee daandii bakka hayyama isaatin isa gahu tokko qofa baasee itti fayyadamuufi isaan alattis akka hin sochoone of-eeggannoo cimaa gochuu qaba.
- 7) Abbaan hayyamaa jalqabaa eegalee hanga dhumaatti yeroo yeroodhaan bakka albuudaa irraa oomishe deebisee wal-qixxeessuufi misoomsuu, akkasumas barri hayyama isaa osoo hin raawwatin boolla qotame deebisee guutuu, boyii cufuu, dallaa ijaaruufi miidhaawwan naannoorra gahan hunda deebisee sirreessuu qaba.

፲፫. ስለ አካባቢ ጥበቃ

- ፩) ማንኛውም ስምርመራ ወይም በአነስተኛ ወይም በከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ላይ የተሰማራ ሰው ፈቃድ ከማግኘቱ በፊት አጥጋቢ የሆነ የአካባቢ ተጽዕኖ ጥናት ማቅረብና የሚደርሰውን አሰታይ ተጽዕኖ መልሶ የሚያስተካክልበትን መንገድና የሥራ ፕሮግራም የሚያሳይ ዶኩመንት ማቅረብ ይኖርበታል።
- ፪) ባህላዊ የማዕድን ማምረት ሥራ ከመሰጠቱ በፊት ባለፈቃዱ የተፈጥሮ ሀብት ለመንከባከብና ማዕድን ያመረተበትን ሥፍራ መልሶ ለማስተካከል ስምምነት ያደርጋል፤ አፈጻጸሙም ኤጀንሲው በሚያወጣው መመሪያ መሠረት ይወሰናል።
- ፫) በዚህ አዋጅ አንቀጽ ፩ (፪) መሠረት የኮንስትራክሽን ማዕድናትን አምርቶ የመጠቀም መብት ያለው ማንኛውም ሰው ያመረተበትን ሥፍራ መልሶ ለማስተካከል ከፈቃድ ሰጪው ባለስልጣን ጋር ስምምነት መፈረም ይኖርበታል።
- ፬) ማንኛውም የገጸ ምድር ውሀን ለማዕድን ሥራ የሚጠቀም ባለ ፈቃድ ሥራውን የውሀውን ብክለት በማያስከትል መንገድ ማካሄድ ይኖርበታል፤ እንዲሁም በቅድሚያ አግባብ ካለው ባለስልጣን ፈቃድ ካላገኘ በስተቀር በውሀ መፍሰሻዎች ላይ ግድብ መሥራት ወይም አቅጣጫቸውን መቀየር አይችልም።
- ፭) ማንኛውም በዚህ አዋጅ አንቀጽ ፩፪ (፫) ስር የተደነገገ መብት የተሰጠው ሰው የደን ውጤቶችን ስለመቀየርና ለምትካቸው ችግኞችን ስለመታከል የወጡ አግባብ ያላቸው ሀገሮችን ማክበርና በመመሪያ በሚወሰነው መሰረት ደኑን መልሶ ለማልማት የሚያስችል ዕቅድ ማቅረብ አለበት።
- ፮) ማንኛውም ባለፈቃድ ወደ ፈቃዱ ሥፍራ የሚወስደውን አንድ መንገድ ብቻ ባለው ህግ መሠረት ማውጣትና ለተፈጥሮ ሀብትን እካባቢ ጥበቃ ሲባል ከወጣው አንድ መንገድ ውጭ ላለመንቀሳቀስ ጥንቃቄ ማድረግ ይኖርበታል።
- ፯) ባለፈቃዱ ሥራውን ከጀመረ ጊዜ አንስቶ እስከመጨረሻው ሥራውን ያጠናቀቀባቸውን ሥፍራዎች በየጊዜው መልሶ ማስተካከልና ማልማት፤ እንዲሁም የፈቃዱ ዘመን ከማለቱ በፊት የተቀረሩ ጉድጓዶችን መልሶ መመላትና በዮችን መዝጋት፤ አጥር ማጠርና ማናቸውንም በአካባቢ ላይ የሚደርስ ጉዳት መልሶ ማስተካከል ይኖርበታል።

13. Environmental Issues

- 1) Any person who applies for exploration, small or large scale mining license should submit Environmental Impact Assessment (EIA) study together with mitigation work program for negative impact, prior to acquiring a license.
- 2) Before the issuance of an artisan mining license, the licensee shall enter into agreement with Licensing Authority to protect the natural resources and conduct environment restoration work in his license area.
- 3) Any person who, according to Article 20(2) of this Proclamation has the right to use construction of minerals shall sign agreement with the Licensing Authority in advance to rehabilitate/restore the area where he carried out the mining work.
- 4) Any licensee who uses surface water for mining operations shall not pollute the water and, without the prior approval of the appropriate authority, shall not construct a dam or divert the watercourse.
- 5) A person with the privilege provided under Article 22 (3) of this Proclamation, shall comply with the applicable laws regarding the cutting of timber and reforestation and must submit a restoration plan as may be specified by Regulation.
- 6) Any licensee, based on existing law and in the interest of protecting the environment and natural resources, shall construct a single road only to access his license area and shall take great care not to drive outside of that road.
- 7) Any licensee should conduct continuous mitigation work during his license period for the damage his mining operation causes to the environment, and should fully restore the area before the termination of his license period.



**BOQONNAA SADI**

**Mirgoota Misoomaa**

**14. Hayyama Hojii Albuudaa Aadaan Oomishuu**

- 1) Hayyamni hojii albuudaa aadaan oomishuu, albuuda hayyamicharratti kaa'ame, bakka hayyamichaa keessaatti, qorachuufi oomishuuf mirga qofa-ta'eessa ni kenna.
- 2) Hojiin albuudaa aadaan oomishuu, boollaa gad-fageenyi isaa meetira kudha shan hin caalle qotuurraa kan hafe hojiiwwan akka qotiinsa taanaliifi kan biraa hin dabalatu.
- 3) Hayyamni hojii albuudaa aadaan oomishuu, Abbaa Taayitaa hayyama kennu hayyamsiisuun nama biraatti dabarfamuu, dabarsa kennamuu, bakka idaa qabsiisamuu ykn dhaalaan dabarfamuu ni danda'a.

**15. Bara Hayyamaafi Haaromsuu Hojii Albuudaa Aadaan Oomishuu**

- 1) Hayyamni hojii albuudaa aadaan oomishuu, waggaa tokkoof kan tajaajilu ta'ee, waggaa waggaadhaan haaromfamuu ni danda'a.
- 2) Kuufama albuudichaa haala fooya'aafi dinagdummaan misoomsuuf, qorannooniifi tooftaan oomishaa gadi-fageenya qaban akka barbaadaman yoo itti amaname, Abbaan Taayitaa hayyama kennu, xalayaa of-eeggannoo guyyaa sagaltamaa dursee kennuun, hayyamicha haquu ni danda'a.
- 3) Abbaan hayyamaa, akkaataa Ejensiin murteessuun, haala fooyya'aa ta'een qorachuufi oomishuuratti bobba'uuf dandeettii teeknikaafi madda maallaqaa isa barbaachisu akka qabu yoo agarsiisuu danda'e mirgi dursaa kennamaaf.
- 4) Haala Keewwata Xiqqaa 3 Keewwata kanaarratti ibsameen dursi yoo hin kennamne, akkaataa Dambii Labsii kana raawwachiisuuf bahuun murtaa'utti abbaa hayyamni jalaa haqameef beenyaan ni kaffalama.

**6. Hayyama Hojii Hoomisha Albuudaa Sadarkaa Xiqqaafi Guddaa**

- 1) Hayyamni hojii oomisha albuudaa sadarkaa xiqqaa ykn, guddaa, albuudaalee hayyamicha irratti tarreeffaman, bakka hayyamichaa keessaa oomishuuf mirga qofa-ta'eessa ta'e abbaa hayyamaatif ni kenna; hayyamichi, bakka hojii albuudichaa gaggeessuuf barbaachisaafi gahaa ta'a jedhamee tilmaamamu kan haguugu ta'a. Ji'oometiiriin daangaa hayyamichaa Qajeelfama Ejensiin baasuun murtaa'a.

**ምዕራፍ ሶስት**

**ስለልማት መብቶች**

**፲፬. የባህላዊ ማዕድን ማምረት ሥራ**

- ፩) ባህላዊ የማዕድን ማምረት ሥራ ፈቃድ በፈቃዱ የተመለከተውን ማዕድን በፈቃዱ ክልል ውስጥ የመመርመርና የማምረት ብቸኛ የሆነ መብት ይሰጣል።
- ፪) ባህላዊ የማዕድን ማምረት ሥራ ከ፲፮ ሜትር የማይበልጥ ወደ መሬት ውስጥ በቀጥታ ከሚደረግ ቁፋሮ በስተቀር የታነሊንግና ሌሎች ከመሬት በታች የሚካሄዱ ሥራዎችን አይጨምርም።
- ፫) ባህላዊ የማዕድን ማምረት ሥራ ፈቃድ ፈቃድ ሰጪውና ባለስልጣን በማስፈቀድ ለሌሎች ሊተላለፍ፣ ሊደረግ፣ በዕዳ ሊያዝ ወይም በውርስ ሊተላለፍ ይችላል።

**፲፭. ባህላዊ ማዕድን ማምረት ሥራ ፈቃድ ዘመንና ዕድሳት**

- ፩) ባህላዊ የማዕድን ማምረት ሥራ ፈቃድ ለአንድ ዓመት የሚያገለግል ሆኖ በየዓመቱ ሊታደስ ይችላል።
- ፪) የከምችቱን ኢኮኖሚያዊ አላማት በተሻለ ሁኔታ ለማልማት የላቁ የምርመራና የማምረት ዘዴዎችን መጠቀም እንደሚያስፈልገው ሊታመንበት ፈቃድ ሰጪው ባለስልጣን የ፲ (የዘመን) ቀናት የጽሁፍ ማስጠንቀቂያ በቅድሚያ በመስጠት ባህላዊ የማዕድን ማምረት ስራ ፈቃድን ሊሰርዝ ይችላል።
- ፫) ባለፈቃዱ ኤጀንሲው በሚወስነው አኳኋን በላቀ የምርመራና የማምረት ተግባር ላይ ለመሰማራት የሚያስፈልገው የቴክኒክ ብቃትና የገንዘብ ምንጭ እንዳለው ለማሳየት ከቻለ የቅድሚያ መብት ይሰጠዋል።
- ፬) ባለፈቃዱ በዚህ አንቀጽ ንዑስ አንቀጽ ፫ መሠረት የቅድሚያ መብት የማይሰጠው ከሆነ ይህን አዋጅ ለማስፈጸም በሚወጣው ደንብ በሚወሰነው መሠረት ካላ ይከፈለዋል።

**፲፮. ስለእነስተኛና ከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ**

- ፩) የእነስተኛ ወይም ከፍተኛ ደረጃ ማዕድን ማምረት ሥራ ፈቃድ በፈቃዱ የተመለከቱትን ማዕድን በፈቃዱ ክልል ውስጥ የማምረት ብቸኛ የሆነ መብት ይሰጣል፤ ፈቃዱ የማዕድን ሥራውን ለማካሄድ በቂ ይሆናል ተብሎ በሚገመት ደረጃ አስፈላጊ የሆነውን ክልል የሚሸፍን ይሆናል፤ የክልሉ ወሰን ትርጽ ኤጀንሲው በሚያወጣው መመሪያ መሰረት ይወሰናል።

**CHAPTER THREE**

**DEVELOPMENT RIGHTS**

**14. Artisan mining license**

- 1) An artisan mining license grants an exclusive right to explore and mine for the minerals within the license area.
- 2) Artisan mining operations shall exclude all tunneling and other underground work except vertical excavations of less than fifteen meters in depth.
- 3) An artisan mining license may be transferred, assigned or encumbered subject to the approval of the Licensing Authority.

**15. Duration and Renewal of Artisan Mining License**

- 1) An artisan mining license shall be valid for one year and may be renewed annually.
- 2) The Licensing Authority may, after giving 90 days prior written notice, cancel an artisan mining license where it is considered that the deposit requires more advanced exploration and mining method for the best development of its economic potential.
- 3) The Licensing Authority shall give preferential treatment to the licensee where the latter shows that he has the necessary technical and financial resources to engage in the advanced exploration and mining as prescribed by the Agency.
- 4) Where preferential treatment is not accorded to the licensee, as provided under sub article 3 of this Article, the licensee shall be paid compensation as shall be specified in the regulation issued to implement this Proclamation.

**16. Small and Large Scale Mining License**

- 1) A small or large scale mining license grants an exclusive right to mine for the minerals within the area specified in the license. The license shall cover the area reasonably necessary to carry out mining operations. The geometry of the area shall be determined by directive issued by the Agency.

- 2) Dursaan Ejensii hayyamsiisuun, hayyamicha nama biraaf dabarsuun, dabarsa kennamuun ykn idaadhaan qabsiisuun ni danda'ama.
- 3) Tumaaleen Keewwat 5 Labsii kanaa akkuma jirutti ta'ee, hayyamichi dhaalaan dabruu ni danda'a; ta'u iyyuu, Ejensiin dursaan osoo hin hayyamin, dhaalichi, gargar-qoodama bakka hayyamichaa kan hordofsiisu ta'uu hin danda'u.
- 4) Sababa gargar-qoodama bakka hayyamichaatiin walqabateen hojiin oomisha albuudaa sadarkaa xiqqaafi guddaan, walduraa duubaan, guyyaa 90 fi 180 oli dhaabbatee yoo ture, hayyamichi ni haqama.

**17. Bara Hayyamaafi Haaromsuu Hojii Oomisha Albuudaa Sadarkaa Xiqqaa**

- 1) Hayyamni hojii oomisha albuudaa sadarkaa xiqqaa yoo baay'ate waggaa shaniif ykn umriin kuufamichaa waggaa shanii gadi yoo ta'e baruma kanaaf kan tajaajilu ta'ee, haalli Keewwata Xiqqaa 2 Keewwata kanaa yoo guutame, hayyamichi waggaa shan shaniin haaromfamuu ni danda'a.
- 2) Abbaan Hayyamaa, oomishuu kuufamichaa sadarkaa dinagdummaa qabuun itti fufuu danda'uu isaa yoo agarsiise, dirqamoota hayyamichaa guutee yoo raawwateefi tumaalee Labsii kana vkn Dambii Labsii kana raawwachiisuuf bahu keessatti tumaman cabsuun balleessaa hayyamicha dhoorkachisiisu ykn haqsiisiisu yoo hin raawwatin, mirga hayyamicha haaromsiifachuu ni qabaata.

**18. Bara Hayyamaafi Haaromsuu Hojii Oomisha Albuudaa Sadarkaa Guddaa**

- 1) Hayyamni hojii oomisha albuudaa sadarkaa guddaa, yoo baay'ate waggaa kudhaniif ykn umriin kuufamichaa waggaa kudhanii gadi yoo ta'e baruma kanaaf kan tajaajilu ta'ee, haalli Keewwata Xiqqaa 2 Keewwata kanaa yoo guutame, hayyamichi waggaa shan shaniin haaromfamuu ni danda'a.
- 2) Abbaan Hayyamaa, oomishuu kuufamichaa sadarkaa dinagdummaa qabuun itti fufuu danda'uu isaa yoo agarsiise, dirqamoota hayyamichaa guutee yoo raawwateefi tumaalee Labsii kana ykn Dambii Labsii kana raawwachiisuuf bahu keessatti tumaman cabsuun balleessaa hayyamicha dhoorkachisiisu ykn haqsiisiisu yoo hin raawwatin, mirga hayyamicha haaromsiifachuu ni qabaata.

፪) በቅድሚያ ኤጀንሲውና በማስፈቀድ ፈቃዱን ለሌሎች ማስተላለፍና መዳረግ ወይም በዕዳ ማስያዝ ይቻላል።

፫) የዚህ አዋጅ አንቀጽ ፭ ድንጋጌዎች እንደተጠበቁ ሆነው ፈቃዱ በውርስ ሊተላለፍ ይችላል፤ ሆኖም ኤጀንሲው በቅድሚያ ሳይፈቅድ ውርሱ የፈቃዱን ክልል መከፋፈልን የሚያስከትል ሊሆን አይችልም።

፬) ከፈቃድ ክልል መከፋፈል ጋር በተያያዘ ምክንያት የአነስተኛ ደረጃ የማዕድን ማምረት ሥራ ከ፱ (ከዘጠኝ) ቀናት በላይ፣ እንዲሁም የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ከመቶ ለማሺያ ቀናት በላይ ተቋርጦ ቢቆይ ፈቃዱ ሊሰረዝ ይችላል።

**፲፮. የአነስተኛ ደረጃ ማዕድን ማምረት ሥራ ፈቃድ ዘመንና ዕድሳት**

፩) የአነስተኛ ደረጃ ማዕድን ማምረት ሥራ ፈቃድ ቢበዛ ለአምስት ዓመት ወይም የክምችቱ ዕድሜ ከአምስት ዓመት በታች ከሆነ ለዚሁ ዘመን የሚያገለግል ሆኖ በዚህ አንቀጽ ንዑስ አንቀጽ ፪ ስር የተደነገገው ከተሟላ በየአምስት ዓመት ሊታደስ ይችላል።

፪) ባለፈቃዱ ክምችቱን ኢኮኖሚያዊ በሆነ ደረጃ ማምረት መቀጠል የሚችል መሆኑን ዘላቀና በፈቃዱ የተመለከቱትን ግዴታዎች ካሟላና የዚህን አዋጅ ወይም አዋጁን ለማስፈጸም የወጣውን ደንብ ድንጋጌዎች በመተላለፍ ፈቃዱን ለማገድ ወይም ለመሰረዝ የሚያበቃ ጥፋት ካልተፈጸመ ፈቃዱን የማሳደስ መብት ይኖረዋል።

**፲፯. የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ ዘመንና ዕድሳት**

፩) የከፍተኛ ደረጃ ማዕድን ማምረት ሥራ ፈቃድ ቢበዛ ለአሥር ዓመት ወይም የክምችቱ አድሜ ከአሥር ዓመት በታች ከሆነ ለዚሁ ዘመን የሚያገለግል ሆኖ በዚህ አንቀጽ ንዑስ አንቀጽ ፪ ስር የተደነገገው ከተሟላ በየአምስት ዓመት ሊታደስ ይችላል።

፪) ባለፈቃዱ ክምችቱን ኢኮኖሚያዊ በሆነ ደረጃ ማምረት መቀጠል የሚችል መሆኑን ካሳየ፣ በፈቃዱ የተመለከቱትን ግዴታዎች ካሟላና የዚህን አዋጅ ወይም አዋጁን ለማስፈጸም የወጣውን ደንብ ድንጋጌዎች በመተላለፍ ፈቃዱን ለማገድ ወይም ለመሰረዝ የሚያበቃ ጥፋት ካልተፈጸመ ፈቃዱን የማሳደስ መብት ይኖረዋል።

2) A small or large scale mining license may be transferred, assigned or encumbered with the prior approval of the Agency.

3) Subject to the provisions of Article 5 of this Proclamation, the license may also be inherited, provided that no subdivision of the license area by partition shall result without the prior approval of the Agency.

4) If small and large scale mining operations are suspended for more than 90 and 180 days, respectively, for reason of subdivision of the license area, it shall constitute ground for revocation of the license.

**17. Duration and Renewal of Small Scale Mining License**

1) A small scale mining license shall be valid for a maximum period of five years or the life of the deposit, whichever is shorter, and may be renewed every five years subject to Sub-Article 2 of this Article.

2) The licensee shall have the right to renew the license provided that, he can demonstrate the continued economic viability of mining the deposit, has fulfilled the obligations specified in the license and, is not in breach of any provision of this Proclamation or regulation issued hereunder which constitutes grounds for suspension or revocation of the license.

**18. Duration and Renewal of Large Scale Mining License**

1) A large-scale mining license shall be valid for a maximum period of ten years or the life of the deposit, whichever is shorter, and may be renewed every five years subject to sub-article 2 of this Article.

2) The licensee shall have the right to renew the license provided that, he can demonstrate the continued economic viability of mining the deposit, has fulfilled the obligations specified in the license and, is not in breach of any provision of this Proclamation or regulation issued hereunder which constitutes grounds for suspension or revocation of the license.

**Bishaan Albuudaafi Kuufama Ji'ootarmaalii**

- 1) Namni seeraan abbaa qabiyyee lafaa ta'e, akkaataa Keewwata 6 Labsii kanaatti bakkichi kan qabame ykn kan dhoorkame yoo ta'uu baate, dursaan Abbaa Taayitaa hayyama kennu beeksisuudhaan bakka qabiyyee isaa jala jiru irraa dhimma daldalaaf hin taaneef bishaan albuudaa oomishee kafaltii malee itti fayyadamuu ni danda'a; haa ta'u malee, itti fayyadama lafaa ykn qabeenya abbootii qabiyyee isaan wal daangessan jeequu ykn miidhaa irra geessisuu hin qabu.
- 2) Abbaan Taayitaa hayyama kennu, oomisha bishaan albuudaa ilaalchisee, haalaafi gadi-fageenya madda bishaanichaa (aquifer) irratti (ndaa'ee akka inni itti fufiinsa deebi'ee guutuuf jecha, baay'ina oomishichaafi yeroo yerootti hagam oomishamuun akka irra jiru murteessuu ni danda'a; akkasumas oomishichi bishaan soogiddaa ("brine") yoo ta'e, akkaataa albuudaaleen keessaa itti oomishamaniifi bishaanichi faayidaarra oolu, akkasumas, akkaataa bishaaniifi albuudaalee faayidaarra hin oolle ittiin dhabamsiifaman murteessuu ni danda'a.
- 3) Abbaan Taayitaa hayyama kennu, oomisha albuuda ji'ootarmaalii ilaalchisee, baay'inaafi ho'ina (calorific content) bishaan oomishamuu qabuufi akkaataa "bi-duct"n keessaa itti bahuufi dhabamsiifamu qabu murteessuu ni danda'a; akkasumas akkaataa oomishaafi itti fayyadama bishaanichaafi, eegumsa kuufamichaaf jecha, akkaataa bishaanicha deebisanii lafa keessatti galchan murteessuu ni danda'a.

**Albuudaalee Ijaarsaa**

- 1) Namni seeraan abbaa qabiyyee lafaa ta'e, akkaataa Labsii kanaa, Keewwata 6tti bakkichi kan qabame ykn kan dhoorkame yoo ta'uu baate, hayyama osoo hin barbaachisin bakka qabiyyee isaa jala jiru irraa dhimma kaayyoo daldalaaf hin taaneef albuuda ijaarsaa oomishee kafaltii malee itti-fayyadamuu ni danda'a; haa ta'u malee, itti fayyadama lafaa ykn qabeenya abbootii qabiyyee isaan wal daangessan jeequu ykn isaanirratti miidhaa geessisuu hin qabu.

**፲፱. ስለ ማዕድን ውሃ እና ስለ ጂኦተርማል ክምችት**

- ፩) ህጋዊ የመሬት ባለይዞታ የሆነ ሰው ስፍራው በዚህ አዋጅ አንቀጽ ፮ መሰረት የተያዘ ወይም የተከለከለ ካልሆነ በስተቀር የማዕድን ውሀን በይዞታው ስር ከሚገኝ ስፍራ ፈቃድ ሰጭውን ባለስልጣን አስቀድሞ በማሳወቅ ለንግድ ላልሆነ ዓላማ ያለ ክፍያ አምርቶ መጠቀም ይችላል፤ ሆኖም የአዋሳኝ ባለይዞታዎችን መሬት ወይም ንብረት አጠቃቀም ማወክ ወይም በእነዚህ ላይ ጉዳት ማድረስ የለበትም።
- ፪) የማዕድን ውሀ ማምረት ሥራን በሚመለከት ፈቃድ ሰጪው ባለስልጣን የውሀውን ምንጭ አጥናፍ ሁኔታን ጥልቀት ግምት ውስጥ በማስገባት ተመልሶ በቀጣይነት መሙላት ይችላል ዘንድ የምርቱን ብዛትና በየጊዜው መመረት የሚገባውን መጠን ሊወስን ይችላል፤ እንዲሁም ሥራው ብራይንን የሚመለከት ከሆነ የማዕድናቱን አመራረትና የውሀ አጠቃቀም፣ በተጨማሪም የተረፈውን ማዕድንና ውሀ ማስወገድ የሚቻልባቸውን ሁኔታዎች ሊወስን ይችላል።
- ፫) የጂኦተርማል ክምችት ማምረት ሥራን በሚመለከት ፈቃድ ሰጪው ባለስልጣን ሊመረት የሚችለውን የውሀ መጠን፣ ሙቀትና (የካሎሪክ ይዘት) ተረፈ ምርቶች ስለሚለዩበትና ስለሚወገዱበት ሁኔታ ሊወስን ይችላል፤ እንዲሁም ስለ ውሀው አመራረት፣ አጠቃቀምና ክምችቱን ለመጠበቅ ሊባል ውሀውን መልሶ ወደመሬት የማስገባት ሁኔታዎችን ሊወስን ይችላል።

**፳. ስለ ኮንስትራክሽን ማዕድናት**

- ፩) ህጋዊ የመሬት ባለይዞታ የሆነ ሰው ስፍራው በዚህ አዋጅ አንቀጽ ፮ መሰረት የተያዘ ወይም የተከለከለ ካልሆነ በስተቀር የኮንስትራክሽን ማዕድናትን በይዞታው ስር ከሚገኝ ስፍራ ያለክፍያና ፈቃድ ላያስፈልገው ለንግድ ላልሆነ ዓላማ አምርቶ ለመጠቀም ይችላል፤ ሆኖም የአዋሳኝ ባለይዞታዎችን መሬት ወይም ንብረት አጠቃቀም ማወክ ወይም በእነዚህ ላይ ጉዳት ማድረስ የለበትም።

**19. Mineral Water and Geothermal Deposits**

- 1) A legitimate occupant of land may produce and use mineral water from the area he occupies, for non-commercial purpose, without charge and with prior notification to the Licensing Authority, provided that the area is not reserved or excluded pursuant to Article 6 of this proclamation and, provided further, that he does not disturb or damage the adjacent occupant's land or property.
- 2) Regarding the mining of mineral water, the Licensing Authority, depending on the property and depth of the aquifer from which the water is extracted, may specify the amount and rate of production to ensure continuous recharge of the aquifer. If the production is brine water, the Licensing Authority may specify the method of extraction of the minerals and use of the water, as well as the disposal of unused minerals and water.
- 3) Regarding the mining of geothermal deposit, the Licensing Authority, may limit the volume and calorific content of water to be extracted and may set conditions on the extraction, use and disposal of by-products as well as re-injection of water in order to preserve the deposit.

**20. Construction Minerals**

- 1) A legitimate occupant of land may, for non commercial purpose, produce and use construction minerals from the area he occupies free of charge and with out permission of the Licensing Authority, provided that the area is not reserved or excluded pursuant to Article 6 of this proclamation and, provided further, that he does not disturb or damage the adjacent occupant's land or property.

- 2) Namni kamiyyuu, dursaan waliigaltee Abbaa Taayitaa hayyama kennu argachuudhaan daandiiwwan, ittisawwan, buufatoota xiyyaaraa, mana barnootaa, hospitaalotaafi hojiiwwan tajaajila uummataa dhimma daldalaaf hin taane biraa, ittiin hojjechuufi suphuuf, albuuda ijaarsaa oomishuufi kafaltii malee itti fayyadamuu ni danda'a.
- 3) Akkaataa Keewwata Xiqqaa 2 Keewwata kanaatti hojii hayyama oomisha albuudaalee ijaarsaa adeemsifaman ilaalchisee, tumaaleen Keewwata 23 fi Keewwata 25 Keewwata Xiqqaa 3 fi 4 Labsii kana keessatti tumaman raawwatamoo ni ta'u.

**BOQONNAA AFUR**

**Mirgootaafi Dirqama Abbootii Hayyamaa**

**21. Qabiyyee Lafaafti Itti fayyadama Isaa**

- 1) Abbaan Hayyamaa, hanga barri hayyama isaa dhumuutti, mirga bakka hayyama isaa seenuufi abbaa qabiyyee ta'ee turuu ni qaba.
- 2) Abbaan Hayyamaa, bakka hayyama isaa keessatti hojiiwwan adda addaa hojii albuudaaf gargaarsa godhan gaggeessuu, akkasumas, ittiin jireenya ofii isaa, bakka buutota isaa, hojjetoota isaafi warra gargaarsa isaaniin jiraataniif midhaan qotuufi horii horsiisuu ni danda'a.
- 3) Abbaan Hayyamaa, oomisha albuudaa sadarkaa xiqqaa ykn sadarkaa guddaa, bakka hayyama isaatiin ala lafa hojii isaatiif barbaachisu kiraadhaan akka kennamuuf gaafachuu ni danda'a; barriifi yeroon haaromsuu isaa umrii hojii hayyama oomisha albuudaa sanaan kan wal fakkaatu ta'a.

**22. Albuudaalee Ijaarsaa, Bishaaniifi Bu'aalee Bosonaatti Fayyadamuu**

- 1) Abbaan Hayyamaa, albuudaalee ijaarsaa bakka hayyama isaa keessatti argamanitti, nama biraatiif hayyamni kan irratti hin kennamne yoo ta'e, hojii albuudaa isaatiif bilisaan itti fayyadamuu ni danda'a.
- 2) Abbaan Hayyamaa, bakka hayyama isaa keessatti, bishaan lafarraafi jala jirutti ofii isaatiif, bakka buutota isaatiif, hojjetoota isaatiifi warra gargaarsa isaaniitiin jiraataniif itti-fayyadamuu ni danda'a. Akkasumas, Keewwatni 13 (3) Labsii kanaa akkuma jirutti ta'ee, haala hamma bishaan itti fayyadamtoota biraaf barbaachisu sadarkaa guddaadhaan hin hir'ifnetti hojiiwwan tajaajila albuudaatiif bishaan lafarraatti fayyadamuu ni danda'a.

፪) ማገኛውም ሰው ለንግድ ላልሆነ ግላማ መንገዶችን፣ ግድቦችን፣ የአውርጥላን ማረፊያዎችን፣ ትምህርት ቤቶችን፣ ሆስፒታሎችንና የንግድ ያልሆኑ ሌሎች የህዝብ አገልግሎት ሥራዎችን ለመሥራትና ለመጠገን የፈቃድ ሰጭውን ባለስልጣን ስምምነት በትድሚያ በማግኘት የኮንስትራክሽን ማዕድናትን ያለክፍያ ማምረትና መጠቀም ይችላል።

፫) በዚህ አንቀጽ ንዑስ አንቀጽ ፪ መሰረት የሚካሄድን የኮንስትራክሽን ማዕድናት የማምረት ሥራ በተመለከተ የዚህ አዋጅ አንቀጽ ፳፫ እና አንቀጽ ፳፭ ንዑስ አንቀጽ ፫ እና ፬ ድንጋጌዎች ተፈጻሚ ይሆናሉ።

**ምዕራፍ አራት**

**ስለባለፈቃዶች መብትና ግዴታ**

**፳፩. ስለመሪት ይዞታና አጠቃቀም**

፩) ባለ ፈቃዱ የፈቃዱ ዘመን እስከሚያበቃ ድረስ በፈቃዱ ላይ ወደተመለከተው ክልል የመግባትና ባለይዞታ ሆኖ የመቆየት መብት አለው።

፪) ባለፈቃዱ በፈቃዱ ክልል ውስጥ ለማዕድን ሥራዎች እገዛ የሚያደርጉ ሥራዎችን ማካሄድ፣ እንዲሁም ለራሱ፣ ለወኪሎቹ፣ ለሰራተኞቹና ለጥገኞቻቸው ፍጆታ የሚውል ሰብል ማልማትና ከብት ማርባት ይችላል።

፫) የአካላት ረደጃ ወይም የከፍተኛ ረደጃ የማዕድን ማምረት ሥራ ባለፈቃድ አገባብ ካለው አካል ከፈቃዱ ክልል ውጭ ለሥራው የሚያስፈልገውን ስፍራ በኪራይ እንዲሰጠው መጠየቅ ይችላል። የኪራይ ውል ዘመንን የዕድሳቱ ጊዜ ከማዕድን ማምረት ሥራ ፈቃዱ ጋር ተመሳሳይ ይሆናል።

**፳፪. በኮንስትራክሽን ማዕድናት፣ በውሀና በደን ውጤቶች ስለመጠቀም**

፩) ባለፈቃዱ በፈቃዱ ክልል የሚገኙ የኮንስትራክሽን ማዕድናትን በሚመለከት ለሌላ ሰው ፈቃድ ተሰጥቶባቸው ካልሆነ በስተቀር እነዚህን ማዕድናት ለማዕድን ሥራው በሚያስፈልገው መጠን ማውጣትና በነጻ መጠቀም ይችላል።

፪) ባለ ፈቃዱ በፈቃዱ ክልል የሚገኘውን የገጸ ምድርን የከርሰ ምድር ውሀ ለራሱ፣ ለወኪሎቹ፣ ለሠራተኞቹና ለጥገኞቻቸው ፍጆታ መጠቀም ይችላል። እንዲሁም የዚህ አዋጅ አንቀጽ ፲፫ (፫) እንደተጠበቀ ሆኖ ለሌሎች ተጠቃሚዎች የሚያስፈልገውን የውሀ መጠን በከፍተኛ ረደጃ በማይቀንስ መልኩ ለማዕድን ሥራዎች አገልግሎት በነጻ ምድር ውሀ ሊጠቀም ይችላል።

2) With prior permission of the Licensing Authority, any person may, for non-commercial purpose, produce and use construction minerals free of charge for the construction and maintenance of roads, dams, airports, schools, hospitals and other non-commercial public works.

3) The provisions of Article 23 and Article 25 sub articles 3 and 4 of this Proclamation shall apply to the mining operation of construction minerals conducted pursuant to sub article 2 of this Article.

**CHAPTER FOUR  
RIGHT AND OBLIGATIONS OF  
LICENSEE**

**21. Possession and Use of Land**

1) The licensee may enter and occupy the land covered by the license during its term.

2) The licensee may use the land of the license area for activities in support of mining operations and may grow crops and raise livestock for the consumption of himself, his agents and employees and their dependents.

3) The holder of a small scale or a large-scale mining license may also request the appropriate authority a lease for land outside of the license area which is required for mining operations. The terms and conditions of such lease shall be determined by the appropriate authority and its duration shall be the same as that of the license including any renewals thereof.

**22. Use of Construction Minerals, Water and Timber**

1) The licensee may use construction minerals found in his license area or within the land covered by a lease, for his mining operations, free of charge, provided that no license has been issued to another person for such minerals.

2) The licensee may use surface and subsurface water found in the license area and the area of a lease for the consumption of himself, his agents, employees and their dependents. Notwithstanding Article 13 (3) of this Proclamation, a licensee may also use surface water for mining operations, provided that such use does not result in the substantial reduction of the amount of water needed by other users.

- 3) Keewwanni 13 (4) Labsii kanaa akkuma jirutti ta'ee, namni hayyama qorannoo albuudaa ykn oomisha albuuda sadarkaa xiqqaa ykn guddaa qabu, mukaafi bu'aalee bosonaa bakka hayyama isaafi bakka kireeffate keessaa hojii albuudaaf muruufi itti fayyadamuu ni danda'a.
- 4) Lafti qabeenya bosonaa irratti argamu nama hojii qorannoo albuudaa, oomisha albuuda sadarkaa xiqqaa ykn guddaa irratti bobba'uu barbaaduuf akka kennamu yoo murtaa'e, abbaan hayyamni kennameef hojii isaa osoo hin eegalin gatii (value) qabeenya bosona lafa sanarra jiruu, tilmaama qaamni dhimmi ilaalu dhiyeessuun abbaa qabeenya bosonaatif kafaluu qaba.

**23. Abbootii Qabiyyee Biraa**

- 1) Abbaan Hayyamaa, naannoo hayyama isaa keessatti lafa kireeffatee fi lafa isaan wal daangessu irratti namoota mirga qabiyyee seera-qabeessa qaban waliin akka walitti hin buuneefi akka hin jeeqnee of-eeggannoo barbaachisaa ni godha.
- 2) Abbaan Hayyamaa, naannoo hayyama isaa keessattiifi lafa isaan wal daangessurratti qabeenya ijaarsa nama mirga qabiyyee seera-qabeessa ta'e qabu biraa hojiin ala yoo taasise ykn balleesse ykn miidhaa yoo irra geessise, beenyaa miidhaa geessiseen wal madaalu ni kafala.
- 3) Qabiyyee nama biraarratti hayyamni hojii albuudaa kan gaafatame yoo ta'e, barbaachisummaa isaafi faayidaa ol'aanaa uummataaf hojichi qabu dursaan Abbaa Taayitaa hayyama kennuun erga mirkanaa'ee booda, hayyamni ni kennama.
- 4) Hayyamni akkaataa Keewwata Xiqqaa 3 Keewwata kanaatiin kenname abbaa qabiyyee biraa bakka isaarraa akka inni ka'u kan dirqisiisu yoo ta'e, abbaan hayyamaa nama ka'uuf akkaataa Dambii Labsii kana raawwachiisuuf bahu keessatti murtaa'uun beenyaa ni kafala.

**24. Bu'uura Misoomaafi Ijaarsawwan Biraa**

- 1) Abbaan hayyama qorannoo albuudaa, oomisha albuudaa sadarkaa xiqqaafi guddaa, naannoo hayyama isaa keessattiifi lafa kireeffate irratti daandiiwwan, sararaalee wal quunnamtiifi maddisiisa inarjii dabalatee bu'uuraalee misoomaa hojii isaatiif barbaachisan haala seera- ni danda'a. Abbaan Taayitaa hayyama kennu qaamolee Mootummaa aangoo qaban waliin mari'achuudhaan dursaan yoo hayyameef, Abbaan Hayyamaa, bu'uuraalee misoomaa bakka hayyamaafi naannoo lafa kireeffateen alatti ijaaruu ni danda'a.

፫) የዚህ አዋጅ አንቀጽ ፲፫ (፬) አንደተጠበቀ ሆኖ የምርመራና የአነስተኛ ወይም የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ባለፈቃድ የሆነ ሰው ለማዕድን ሥራው አስፈላጊ የሆኑ የደን ውጤቶችን ከፈቃዱ ክልል መቁረጥና መጠቀም ይችላል።

፬) በደን በተሸፈነ ሥፍራ የማዕድን ምርመራና የአነስተኛ ወይም የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ እንዲሰጥ ከተወሰነ ባለፈቃዱ ሥራውን ከመጀመሩ በፊት የሚመለከተው አካል በሚያቀርበው ግምት መሠረት የደን ሞጋ ለባለ ይዞታው መክፈል ይኖርበታል።

**፳፫. ስለሌሎች ባለይዞታዎች**

፩) ባለፈቃዱ በፈቃዱ ክልል በተከራየው መሬትና አዋላኝ በሆነ መሬት ላይ ህጋዊ የይዞታ መብት ያላቸውን ሰዎች ጣልቃ በመግባት ላለማወክ ተገቢውን ጥንቃቄ ይወስዳል።

፪) ባለ ፈቃዱ በፈቃዱ ክልል በተከራየው መሬት ወይም አዋላኝ በሆነ መሬት ላይ ህጋዊ የይዞታ መብት ያለውን የሌላ ሰው ግንባታ ንብረት ካሳለፈና ካጠፋ ወይም ጉዳት ካደረሰ ላደረሰው ብልሽት፣ ጥፋት ወይም ጉዳት ተመጣጣኝ የሆነ ካላ ይከፍላል።

፫) የማዕድን ሥራ ፈቃድ የተጠየቀበት ሥፍራ በሌላ ሰው ይዞታ ስር ያለ ከሆነ አስፈላጊነቱና ለህዝብ ያለው ጠቀሜታ በፈቃድ ሰጭው ባለስልጣን ሲረጋገጥ ፈቃዱ ይሰጣል።

፬) በዚህ አንቀጽ ንዑስ አንቀጽ ፫ መሠረት የተሰጠ ፈቃድ ሌላ ባለይዞታ ከስፍራው እንዲነሳ የሚያስገድድ ከሆነ ባለፈቃዱ ለባለይዞታው ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ በሚወስነው መሠረት ካላ ይከፍላል።

**፳፬. ስለመሰረተ ልማት አውታሮችና ስለሌሎች ግንባታዎች**

፩) የምርመራና የአነስተኛ ወይም የከፍተኛ ደረጃ ማዕድን ማምረት ሥራ ባለፈቃድ በፈቃዱ ክልል በተከራየው መሬት ላይ መንገዶች፣ የመገናኛ መስመሮችና የሀይል ማመንጫዎችን ጨምሮ ለሥራው የሚያስፈልጉ የመሰረተ ልማት አውታሮችን መገንባት፣ ማካሄድና በአግባቡ መጠበቅ ይችላል። ፈቃድ ሰጭው ባለስልጣን ከሌሎች የመንግስት ባለስልጣኖች ጋር በመመካከር አስቀድሞ ሲፈቀድለት ባለፈቃዱ እነዚህን የመሰረተ ልማት አውታሮች ከፈቃድና ከተከራየው መሬት ክልል ውጭም መገንባት ይችላል።

3) Notwithstanding Article 13 (4) of this Proclamation, the holder of an exploration, small-scale or large scale mining license may cut and use timber, which is necessary for mining operations, from the license area and the area of lease.

4) If a decision is made to issue an exploration, small scale or large scale mining license in an area of forest cover, the licensee shall pay the estimated price of the forest to the owner in advance.

**23. Other Occupants**

1) The licensee shall take proper precaution not to interfere with the other legitimate occupants of the license area, the land covered by a lease and adjacent land.

2) If a licensee damages, injures or destroys any installations or other property of another legitimate occupant of the license area, the land covered by a lease or adjacent land, he shall pay compensation that corresponds to the amount of such damage, destruction or injury to the occupant.

3) When a request for a license is made on other occupants land, it shall be granted after the need and higher importance of the mining operation to the public is ascertained by the Licensing Authority.

4) If an occupant of a land is displaced due to issuance of a license pursuant to sub article 3 of this Article, the licensee shall pay compensation to the displaced as shall be determined in the regulation issued to implement this proclamation.

**24. Infrastructure and Other Construction**

1) The holder of an exploration, small-scale or large-scale mining license may construct, operate and maintain within the license area and the area covered by a lease all infrastructure necessary for operations including facilities for roads, communications and power. The licensee may also, with the prior approval of the Licensing Authority and in consultation with other authorities of the Government, construct such facilities outside of the areas covered by the license and a lease.

- 2) Abbaan Hayyamaa, namoonni biraa akka itti hin tajaajilanneef hanga gufuu hin taanetti, bu'uuraalee misoomaa duraan turanitti tajaajilamuu ni danda'a.
- 3) Abbaan Taayitaa hayyama kennu, namoota dhimmi ilaaluuf faayidaa dinagdummaa kan kennan ta'uu yoo hubate, Abbaan Hayyamaa, abbaa hayyamaa biraa ykn namoota biraa waliin ijaarsaafi suphaa bu'uuraalee misoomaarratti akka hirmaatuufi waliin akka itti fayyadamu, bu'uuraalee misoomaa bakka hayyama isaa ykn lafa kireeffaterratti diriirfamanif akka walii-galee gaheesaa kafalu gochuu ni danda'a. Gaheen baasii ijaarsaafi suphaa, hamma tajaajila mata mataa itti fayyadamtootaarratti hundaa'ee ni murtaa'a.
- 4) Abbaan Taayitaa hayyama kennu, hanga hojii isaarratti gufuu hin taanetti, namoonni biraan bu'uuraalee misooma abbaan hayyamaa diriirsetti akka itti fayyadaman hayyamuu ni danda'a.
- 5) Akkaataa Keewwata Xiqqaa 4 Keewwata kanaatti, namni bu'uuraalee misoomaa akka itti fayyadamu hayyamameef hojii daldalaatif kan itti tajaajilamu yoo ta'e, Abbaan Taayitaa hayyama kennu kafaltii abbaa hayyamaatif kennamu murteessuu ni danda'a. Hammi kafaltichaa kan murtaa'u, tajaajila namni jedhame kun argatuufi, ida'ama tajaajila namoonni biraafi abbaan hayyamaa bu'uuraalee misoomaa kanatti fayyadamuudhaan argatan waliin madaaluudhaan ta'a.
- 6) Haalli tasaa ykn ariifachiisaan yoo uumamu, hubaatii bu'uuraalee misoomaa irra gahuuf beenyaa kafaluudhaan, yeroodhaaf namoonni biraa ykn Mootummaan akka itti fayyadaman Mootummaan abbaa hayyamaa dirqisiisuu ni danda'a.
- 7) Abbaan hayyamaa, naannoo hayyama isaa keessatti ykn lafa kireeffaterratti hojii albuudaaf barbaachisaa kan ta'an gamoowwan industiriif, bulchiinsaaf, keessa jireenyaaf, tajaajila fayyaafi tajaajila biraaf oolan ijaaruu ni danda'a.
- 8) Abbaan hayyama barbaachaa, hayyama qorannoo ykn hayyama albuudaa aadaan oomishuuf kennameef, barri hayyamichaa osoo hin dhumu ijaarsawwan qabu kaafachuutu irra jira.

- ፪) ባለፈቃዱ ሌሎች ሰዎች እንዲገለገሉባቸው መሰከል የማይፈጥር እስከሆነ ድረስ በነገር የመሰረተ ልማት አውታሮች ሊገለገል ይችላል።
- ፫) ፈቃድ ሰጭው ባለስልጣን ለሚመለከታቸው ሰዎች ኢኮኖሚያዊ ጠቀሜታ የሚሰጡ ሆነው ሲያገኛቸው ባለፈቃዱ ከሌላ ባለፈቃድ ወይም ከሌሎች ሰዎች ጋር በጋራ ለሚጠቀሙባቸውና በፈቃዱ ክልል ወይም በተከራየው መሬት ላይ ለሚዘረጉ የመሰረተ ልማት አውታሮች ግንባታና ጥገና እንዲተባበርና ገንዘብ እንዲያወጣ ማድረግ ይችላል። የግንባታውና የጥገናው ወጪ ድልድል በተጠቃሚዎቹ የነፍስ ወከፍ ግልጋሎት መጠን ላይ ተመስርቶ በፈቃድ ሰጪው ባለስልጣን ይወሰናል።
- ፬) ፈቃድ ሰጪው ባለስልጣን በባለፈቃዱ የማዕድን ሥራ ላይ እንቅፋት የማይፈጥርበት እስከሆነ ድረስ ባለፈቃዱ በዘረጋቸው የመሰረተ ልማት አውታሮች ሌሎች ሰዎች እንዲጠቀሙ እንዲፈቅድ ማድረግ ይችላል።
- ፭) በዚህ አንቀጽ ንዑስ አንቀጽ ፬ መሰረት በመሰረተ ልማት አውታሮች እንዲጠቀም የተፈቀደለት ሰው ለገንድ ስራ የሚገለገልባቸው ከሆነ ፈቃድ ሰጭው ባለስልጣን ለባለፈቃዱ የሚሰጠውና ክፍያ ሊወስን ይችላል። የክፍያው መጠን የሚወስነው የተባለው ሰው የሚያገኘውና አገልግሎት ሌሎች ሰዎችን ባለፈቃዱ በመሰረተ ልማት አውታሮች በመጠቀም ከሚያገኙት ግልጋሎት ድምር ውጤት ጋር በማመዛዘን ይሆናል።
- ፮) ድንገተኛ ወይም የአስቸኳይ ጊዜ ሁኔታ ሲፈጠር በመሰረተ ልማት አውታሮቹ ላይ ለሚደርሰው ብልሽት ካላ በመክፈል ሌሎች ሰዎች ወይም መንግስት በጊዜያዊነት እንዲገለገሉባቸው እንዲፈቀድ መንግስት ባለፈቃዱን ማስገደድ ይችላል።
- ፯) ባለፈቃዱ በፈቃዱ ክልል ወይም በተከራየው መሬት ላይ ለማዕድን ሥራው አስፈላጊ የሆኑ የኢንዱስትሪ፣ የአስተዳደር፣ የመኖሪያ፣ የህክምናና ሌሎች ህንጻዎችንና መገልገያዎችን ሊገነባ ይችላል።
- ፰) የፍለጋና የምርመራ ወይም የባህላዊ የማዕድን ማምረት ሥራ ባለፈቃድ የተካሄዱትን የግንባታ ሥራዎች የፈቃዱ ዘመን ከመፈጸሙ ወይም ግንባታዎቹ የሚገኙበት ክልል ከመለቀቁ በፊት ማንሳት ይኖርበታል።

- 2) The licensee may use the existing infrastructure if their use by such licensee shall not impair the use thereof by other persons.
- 3) The Licensing Authority may require the licensee to cooperate and contribute financially in the construction and maintenance of infrastructure to be used jointly with another licensee or other persons within the areas covered by his license or lease if such infrastructure is to the economic benefit of the persons concerned. The allocation of the costs of construction and maintenance of such infrastructure shall be determined by the Licensing Authority on the basis of proportional use.
- 4) The Licensing Authority may require the licensee to permit other persons to use infrastructure of the licensee, provided that such use does not impede mining operations.
- 5) The Licensing Authority may impose on such person stated under sub-article 4 hereof a fee payable to the licensee if the use of such infrastructure is not for a non-commercial purpose. The fee extent of that person's use in proportion to the total use of such infrastructure by all other such persons and the licensee.
- 6) In circumstances of urgency or national emergency the government may also require the licensee to permit another person or the Government to use temporarily the infrastructure of the licensee, subject only to the payment of compensation in the event of damage thereto.
- 7) The licensee may construct within the area covered by the license or a lease all industrial, administrative, residential, medical and other buildings and facilities necessary for mining operations.
- 8) All constructions of the holder of a prospecting, an exploration or an artisanal mining license shall be of a temporary nature and shall be removed prior to the termination of the license or to the relinquishment of the area on which such construction is located.

9) Keewwata 52 (2) Labsii kanaa yoo jiraateyyuu, ijaarsawwan amala dhaabbatummaa qabaatanii abbaa hayyama oomisha albuudaa sadarkaa xiqqaa ykn guddaatin hojjetaman, barri hayyama isaanii yeroo dhumu abbaan hayyamaa kaafachuu kan danda'u yommuu ta'u, yoo inni dhiisemmoo Mootummaan kafaltii malee fudhachuu ni danda'a.

25. Raawwii Hojiiwwan Albuudaa

Abbaan hayyamaa:

- 1) Hojii albuudaa dafee eegaluufi, of-eegannoodhaan, cimina, kutannoo fi teeknoolojii gahaa ta'een; akkasumas, bu'uura muuxannoo hojmaata industirii albuudaa keessatti fudhatama argateen adeemsisuu qaba.
- 2) Bu'uura karoorra hojiiifi baasii isaatiin raawwachuutu irra jira; haa ta'u malee, haala addaatiin akka hojjetuuf sababa gahaa dirqisiisu yoo qabaateefi kunis dursaan Abba Taayitaa Hayyama Kennuun yeroo hayyamamu, hojii ykn baasii hinbarbaachifne haala hinuumneen dirqama karoorra hojii fi baasii isaatiin ala hojjechuu ni danda'a.
- 3) Hojii isaa haala fayyummaafi nageenya bakka buutota isaa, hojjetoota isaafi namoota biraa mirkaneessuufi haala uumama naannoorratti hubaati i xuraa'ina hin geessifnetti raawwachuu qaba, Raawwii hojiiwwan albuudichaa, akkaataa tumaalee Labsii kanaafi Dambii Labsii kana raawwachiisuuf bahu keessa kaa'amanii gaggeessuutu irra jira.

26. Qaxara, Leenjiiifi Dhiyeessa Biyya Keessaa

Abbaan hayyamaa kamiyyuu:

- 1) Namoota lammii Itoophiyaa ta'aniifi dandeettii barbaachisaa ta'e qabaniif, dursa qaxaraa ni kenna,
- 2) Leenjiiifi barnoota hojii albuudichaatiif barbaachisaa ta'e, hojjetoota isaatiif ni kenna; akkasumas, sagantaalee leenjii madaalli guutan hojiirra ni oolcha,
- 3) Meeshaalee biyya keessaa, gatiifi sadarkaa qulqullina isaanitin dorgomoo ta'aniifi akka garaatti argamanif dursa ni kenna.

ዘ) የዚህ አዋጅ አንቀጽ ፶፪ (፪) ቢኖርም በአነስተኛ ወይም በከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ባለፈቃድ የተሰሩ የቋሚነት ጠባይ ያላቸው የግንባታ ሥራዎች የፈቃዱ ዘመን ሲፈጸም ባለፈቃዱ ሊያነሳቸው ወይም ከተዋቸውም መንግስት ያለምንም ክፍያ ወስዶ የራሱ ንብረት ሊያደርጋቸው ይችላል።

፳፭. ስለማዕድን ሥራዎች አፈጻጸም ባለፈቃድ:

- ፩) የማዕድን ሥራውን በፍጥነት መጀመርና ጥንቃቄ፣ ትጋትና ቅልጥፍና በተሞላበት ሁኔታ ተገቢ በሆነ ቴክኖሎጂና በማዕድን ኢንዱስትሪ ተቀባይነት ባገኘ የአሰራር ልምድ መሰረት ማካሄድ አለበት።
- ፪) በሥራ ዕቅዱና በወጪ ግዴታው መሰረት ሥራውና ማከናወን ይኖርበታል፤ ሆኖም ግን በተለየ ሁኔታ እንዲሰራ የሚያስገድደው በቂ ምክንያት ሲኖረውና ይህም በቅድሚያ በኢንጅነራ ሲፈቀድ ከሥራ ዕቅድና ከወጪ ግዴታው ውጪ ሊሰራ ይችላል።
- ፫) የወኪሎችን፣ የሰራተኞችንና የሌሎች ሰዎችን ጤንነትና ደህንነት በሚያረጋግጥና በተፈጥሮ አካባቢ ላይ የሚደርስ ጉዳትን ወይም ብክላን በተቻለ መጠን መከላከል በሚያስችል ሁኔታ ሥራውን ማከናወን አለበት።
- ፬) የማዕድን ሥራዎችን በዚህ አዋጅና ይህን አዋጅ ለማስፈጸም በሚወጣው ደንብ ውስጥ በተቀመጡ ድንጋጌዎች መሠረት ማካሄድ ይኖርበታል።

፳፮. ስለትጥር፣ ስለስልጠናና ስለሀገር ውስጥ አቅርቦት

ማንኛውም ባለፈቃድ:

- ፩) ተፈላጊ ችሎታ ላላቸው ኢትዮጵያውያን የትጥር ቅድሚያ ይሰጣል።
- ፪) ለማዕድን ሥራው አስፈላጊ የሆነ ስልጠናና ትምህርት ለሰራተኞች ይሰጣል፤ አንዲሁም አግባብ ያላቸውን የስልጠና ፐሮግራሞች ተግባራዊ ያደርጋል።
- ፫) በዋጋቸው ተወዳዳሪና በጥራታቸው ተመጣጣኝ ደረጃ የላቸው እንደልብ ለሚገኙ የሀገር ውስጥ ዕቃዎችና አገልግሎቶች ቅድሚያ ይሰጣል።

9) Notwithstanding the provisions of Article 52 (2) of this Proclamation, all constructions of permanent nature built by a holder of a small-scale or large-scale mining license may, upon the termination of the license, either be removed by the licensee or be abandoned and become the property of the Government free of charge.

25. Conduct of Mining Operations

The licensee shall:

- 1) Promptly commence and carry out mining operations in a prudent, diligent and efficient manner, in accordance with appropriate technology and good practices generally accepted in the mining industry;
- 2) Comply with all work programs and expenditure obligations unless a departure there from is justified and receives the prior approval of the Licensing Authority, and does not incur unnecessary work or expenditure;
- 3) Conduct mining operations in such a manner as to ensure the health and safety of his agents, employees and other persons, and to minimize damage of pollution to the environment; and,
- 4) Conduct mining operations in accordance with the provisions of this Proclamation and the regulation issued to implement this Proclamation.

26. Employment, Training and Local Supply

The licensee shall:

- 1) give preference to the employment of Ethiopian nationals, provided that such persons have the required qualifications;
- 2) give employees the training and education necessary for mining operations and comply with appropriate training programs;
- 3) Give preference to domestic goods and services, where they are readily available at competitive prices and are of comparable quality.

**27. Bakkawwan Hayyamni Irratti Gaafatame Daangessuu**

- 1) Namni hayyamni hoomisha albuudaa sadarkaa xiqqaa ykn guddaa akka kennamuuf iyyannoo dhiyeeffate, sarara daangaa bakka hayyama irratti gaafatee, haala seera-qabeessa ta'een agarsiisuu qaba; dirqamni Kun iyyannoo kiraa lafaaf dhiyaaturrattis haaluma wal-fakkaatuun Kan raawwatamu ta'a.
- 2) Akkaataa Labsii kana, Keewwata 11, Keewwata 12 Keewwata Xiqqaa 4 ykn Keewwata 31tti bakki hayyamaa ykn qabiyyeen kiraa yeroo fooyya'u, abbaan hayyamaa haaluma jijjiirama godhameen sarara daangaawwan bakkichaa haala seera-qabeessa ta'een battalumatti agarsiisuu qaba.
- 3) Tumaaleen keewwata kanaa, akkuma eegamanitti ta'ee, Abbaan Taayitaa hayyama kenuu bakka hayyamoota hojiiwwan albuudaa, iddoo abbaan hayyamaa fi qaama dhimmi ilaalu argamanitti akkaataa Dambii Labsii kana raawwachiisuuf bahuu keessatti murtaa'uun ni daangessa.

**28. Galmeewwan, Rikoordiifi Gabaasa Abbaan hayyamaa:**

- 1) Waayee hojii isaatii rikoordota ni qabata; gabaasotaafi harshammoota biraa yeroo yerootti Abbaa Taayitaa hayyama kennuuf ni dhiyeessa; bifti, qabiyyeefi akkaataan itti dhiyaatan qajeelfama Ejensiin baasuun murtaa'a.
- 2) Rikoordota maallaqaa, qaxaraa, daldalaafi galmeewwan herregaa biraa ni qabata; akkaataa seerota jiraniin, dirqamoota gabaasa dhiyeessuufi qabuu ni kabaja.
- 3) Galmeewwaniifi rikoordonni Abbaan Taayitaa hayyama kennuufi itti gaafatamtoota sirnaan aangoon kenneefiin akka qoratamaniif ni dhiyeessa.
- 4) Akka Keewwata 20 (2) Labsii kanatti namni mirgi itti fayyadamuu albuuda ijaarsaa kenneef, dhuma hojiisaa irratti, baay'ina albuuda itti fayyadame Abbaa Taayitaa hayyama kennuuf gabaasuu qaba.

Boqonnaa Shan  
Tumaalee Waliin Hayyamaa

**29. Iyyannoo**

Iyyannoon hayyama argachuuf ykn fooyyessuuf, haaromsuuf, dabarsuuf, dabarsa kennamuuf, idaan qabsiisuuf ykn dhaaluuf dhiyaatu, ragaa dambii Labsii kana raawwachiisuuf bahuu keessatti gaafataman qabaachuu qaba.

**፳፯. ፈቃድ የተጠየቀባቸውና ስፍራዎች ስለመከለል**

- ፩) የእነስተኛ ወይም የከፍተኛ ደረጃ ማዕድን ማምረት ሥራ ፈቃድ እንዲሰጠው ማመልከቻ ያቀረበ ሰው ፈቃድ የጠየቀበትን ስፍራ ወለን አፈሴላዊ በሆነ ቅያስ ማሳየት አለበት፤ ይህ ግዴታ ለመሬት ኪራይ በሚቀርብ ማመልከቻ ላይም በተመሳሳይ ሁኔታ ተፈጻሚ ይሆናል።
- ፪) በዚህ አዋጅ አንቀጽ ፲፩፣ አንቀጽ ፲፪ (፬) ወይም አንቀጽ ፴፩ መሰረት የፈቃድ ክልሉ ወይም የኪራይ ይዞታው ሲሻሻል ባለፈቃዱ በተደረገው ለውጥ መሰረት የስፍራውን ወሰኖች አፈሴላዊ በሆነ ቅያስ ወዲያውኑ ማሳየት አለበት።
- ፫) የዚህ አንቀጽ ድንጋጌዎች እንደጠተቡ ሆነው ፈቃድ ሰጭው ባለስልጣን የፈቃዱን ሥፍራ ባለፈቃዱና ጉዳዩ የሚመለከተው አካል በተገኙበት ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ ውስጥ በሚቀመጠው መሠረት ይከለላል።

**፳፰. ስለመዛግብት ሪከርድ እና ሪፖርት ባለፈቃዱ፣**

- ፩) ስለሥራው ሪከርዶችን ይይዛል፤ ቅርጹ፣ ይዘቱና አቀራረቡ ኢጀንሲው የሚያወጣው መመሪያ በሚወስነው መሰረት ሪፖርቶችንና ሌሎች ሰነዶችን በየጊዜው ለፈቃድ ሰጭው ባለስልጣን ያቀርባል።
- ፪) የገንዘብ፣ የቅጥር፣ የገንደና ሌሎች የሂሳብ መዛግብትንና ሪከርዶችን ይይዛል፤ በሌሎች አግባብ ባላቸው ሕጎች መሰረት ሪፖርት የማድረግና መረጃዎችን የማኖር ግዴታዎችን ያከብራል።
- ፫) መዛግብቱና ሪከርዶቹ በፈቃድ ሰጭው ባለሥልጣንና በአግባቡ ሥልጣን በተሰጣቸው ኃላፊዎች እንዲመረመሩ ያቀርባል።
- ፬) በዚህ አዋጅ አንቀጽ ፳(፪) መሠረት በከንስትራክሽን ማዕድናት የመጠቀም መብት የተሰጠው ሰው የተጠቀመበትን ማዕድን መጠን የሚገልጽ ሪፖርት ለፈቃድ ሰጭው ባለሥልጣን ማቅረብ ይኖርበታል።

**ምዕራፍ አምስት**

**ስለ ፈቃድ የውል ድንጋጌዎች**

**፳፱. ስለማመልከቻ**

ፈቃድ ለማግኘት ወይም ፈቃድን ለማሻሻልና ለማሳደስ፣ ለማስተላለፍና ለመዳረግ፣ በዕዳ ለማስያዝ ወይም በውርስ ለማስተላለፍ የሚቀርብ ማመልከቻ ይህን አዋጅ ለማስፈጸም በሚወጣው ደንብ የሚጠየቀውን መረጃ የያዘ ይሆናል።

**27. Delimitation of Areas**

- 1) The application for a small scale or large scale mining license shall delimit by official survey the boundaries of the area for which the license is sought. The same obligation shall apply with regard to the application for a lease.
- 2) upon modification of a license area, pursuant to Articles 11, 12 (4) or 31 of he this proclamation, or of an area subject to a lease; the licensee shall immediately delimit by official survey the boundaries the area resulting from the modification.
- 3) The Licensing Authority shall delimit the boundary of a license area in the presence of the licensee and appropriate authority in any specified in the regulation issued to implement this Proclamation.

**28. Books, Records and Reports**

The licensee shall:

- 1) Maintain records of mining operations and submit reports and other documents periodically to the Licensing Authority, the form, content and manner of which shall be specified by directive to be issued by the Agency;
- 2) Maintain all financial, employment, commercial and other books and records and comply with all other reporting and filing obligations under the appropriate laws;
- 3) Make available all books and records for inspection by the Licensing Authority and other duly authorized officials.
- 4) A person, who, according to Article 20 (2) of this Proclamation, is entitled to the free use of construction minerals, should report the amount he used to the Licensing Authority at the end of his work.

**CHAPTER 5  
COMMON PROVISIONS FOR  
LICENSES**

**29. Applications**

An application for a license or for its amendment, renewal, transfer, assignment, encumbrance or inheritance shall be in the form and contain the information specified by regulation issued to implement this Proclamation.



**30. Hayyama Fooyyessuufi Bakka Hayyamaa Gadi-lakkisuu**

- 1) Gaaffii abbaa hayyamaarratti hundaa'ee, Abbaan Taayitaa hayyama kennu, albuudaalee hayyama duraarratti hin ibsamin akka dabalatuuf hayyamicha fooyyessuu ni danda'a.
- 2) Namni hayyamni qorannoo ykn oomisha albuudaa kennameef, bakki hayyama isaa kuufama albuudaalee hunda kan hin haammanne ta'uu isaa yoo hubate, hayyamni mirga qofata'eessa ta'e argamsiisu kan irratti kenname ykn iyyannoon kan irratti dhiyaate yoo hin ta'in ykn bakkichi kan dhoorkame yoo hin ta'in, baaxii hayyamamuu danda'u yoo hin caaliinifi bakki gaafatame daangaa isaa waliin walitti kan aanu yoo ta'e, bakkichi albuudaalee hunda akka haammatu godhamee akka sirraa'uuf gaafachuu ni danda'a. Abbaan Taayitaa hayyama kennuufi abbaan hayyamaa akkuma haala dhimmichaatti dirqama sagantaa hojiifi baasii ykn sirreessa sirna sagantaa misoomaafi oomishaarratti godhamurratti yeroo waliigalan Abbaan Taayitaa hayyama kennu bakka dabalataa daangaatti aanu akka inni dabalatu godhee hayyamicha ni fooyyessa.
- 3) Abbaan hayyamaa, dirqamoota hayyamichaaf seene yoo raawwateefi tumaalee Labsii kanaafi Dambii Labsii kana raawwachiisuuf bahu yoo kabaje, dursaan Abbaa Taayitaa hayyama kennu beeksisuudhaan bakka hayyama isaa guutummaatti ykn gartokkee ykn mirga albuudaalee hayyamicharratti ibsaman irratti qabu gadi-lakkisuu ni danda'a; raawwiin isaa qajeelfama Ejensiin baasuun murtaa'a.
- 4) Mirga hayyama oomishaa fudhachuufi haaromsuu ilaalchisee tumaaleen Labsii kana keessa taa'an akkuma eegamanitti ta'ee, abbaan hayyamaa, yeroodhaa yeroofti bakka gadi-lakkisutti dabalee bara dhuma hayyamichaatti ammoo guutummaa bakka hayyamichaa gadi-lakkisee bahuutu irra jira.

**31. Daangaa**

Keewwanni 14 (2) Labsii kanaa akkuma eegametti ta'ee, bakki hayyamaa, lafa daangaawwan keessatti argamuufi naannawa daangaawwan sarara gadi-fageenyi isaa hin murtaa'in gadi-bu'u keessatti bakka jiru hunda ni qabata.

**፬. ፈቓድን ስለማሻሻልን የፈቓድ ክልልን ስለመልቀቅ**

- ፩) በባለ ፈቓዱ ጥያቄ ላይ ተመሥርቶ ፈቓድ ሰጭ ባለስልጣን በፈቓዱ ላይ በመጀመሪያ ያልተጠቀሱ ማዕድናትን እንዲጨምር ፈቓዱን ማሻሻል ይችላል።
- ፪) የማዕድን ምርመራ ወይም ማምረት ሥራ ፈቓድ የተሰጠው ሰው የፈቓዱ ክልል የማዕድናትን ክምችት በመሉ የማይዝ ሆኖ ሲያገኘውና እንዲጨመርለት የሚፈለገው አዋላኝ ክልል ብቸኛ የሆነ መብት የሚያስገኝ ፈቓድ የተሰጠበት ወይም ማመልከቻ የተረጋገጠበት ካልሆነና ሊፈቀድ ከሚችለው ጣሪያ የማያልፍ ከሆነ ክልሉ የማዕድናትን ክምችት በመሉ እንዲሸፍን ተደርጎ እንዲስተካክልለት ሊጠይቅ ይችላል። ፈቓድ ሰጭ ባለስልጣንን ባለፈቓዱ እንደነገሩ ሁኔታ በሥራ ፕሮግራሙና በወጪ ግዴታው ወይም በልማትና በምርት ፕሮግራሙ ላይ በሚደረገው አገባብ ባለው ማስተካከያ ላይ ሲሰማሙ ፈቓድ ሰጭ ባለስልጣን ተጨማሪውን አዋላኝ ክልል እንዲጨመር በማድረግ ፈቓዱን ያሻሽላል።
- 3) ባለፈቓዱ በፈቓድ መሰረት የገባቸውና ግዴታዎች ካሟላና የዚህን አዋጅ ድንጋጌዎችን አዋጁን ለማስፈጸም የወጣውን ደንብ ካከበረ ለፈቓድ ሰጭ ባለስልጣን በትድሚያ ማስጠንቀቂያ በመስጠት የፈቓዱን ክልል በመሉ ወይም በክፍል ወይም በፈቓዱ ላይ በተጠቀሱት ማዕድናት ላይ ያለውን መብት መልቀቅ ይችላል፤ አፈጻጸሙም ኤጀንሲው በሚያወጣው መመሪያ መሰረት ይወሰናል።
- ፬) የማዕድን ማምረት ሥራ ፈቓድን ለመውሰድና ለማላደስ ያለውን መብት አስመልክቶ በዚህ አዋጅ ውስጥ የተቀመጡት ድንጋጌዎች እንደተጠበቁ ሆነው ባለፈቓዱ በየጊዜው ከሚለቀው ስፍራ በተጨማሪ በፈቓዱ ዘመን መጨረሻ ደግሞ ክልሉን በመሉ ለቆ መውጣት ይኖርበታል።

**፴፩. ስለ ወሰን**

የዚህ አዋጅ አንቀጽ ፲፬ (፪) እንደተጠበቀ ሆኖ የፈቓድ ክልል በድንበርቸ ውስጥ የሚገኘውን መሬትና በድንበርቸ ዙሪያ ባልተወሰነ ጥልቀት በሚወርድ ቀጥታ መስመር ውስጥ የሚካተተውን የክርለ ምድር ክልል ይይዛል።

**30. Modification and Relinquishment**

- 1) Based on the request of the licensee, the Licensing Authority may amend a license to add minerals which were not originally specified in the license.
- 2) If the holder of an exploration or a mining license determines that the license area does not include the entire deposit of minerals for which the license has been granted, the licensee may request that the area be adjusted to incorporate the entire deposit, provided that no exclusive license or an application there of exists for such minerals in the additional area requested and that it doesn't exceed the maximum area allowed and that the area has not been reserved or excluded. If the licensee and the Licensing Authority agree on an appropriate adjustment to work program and expenditure obligations or to the development and production program, as the case may be, the Licensing Authority shall modify the license to include such additional adjacent area.
- 3) The licensee may, upon giving prior notice to the Licensing Authority, relinquish all or any part of the license area or the rights with regard to any minerals specified in the license, provided that the licensee has fulfilled all obligations under the license and is in compliance with the provisions of this Proclamation and regulation issued to implement the Proclamation. The notice requirements and other formalities relating to such relinquishments shall be specified by directive issued by the Agency.
- 4) Notwithstanding the provisions of this Proclamation on rights of acquiring and renewing a mining license, the licensee shall vacate the whole of the license area relinquished and the entire area upon termination of the license.

**31. Boundaries**

Without prejudice to Article 14 (2) of this Proclamation, the license area shall comprise all of the land within its boundaries and all subsoil there under to an indefinite depth within the vertical planes passing through each boundary.

32. Wal-irra Bu'iinsa Hayyamaa

1) Ejensiin faayidaa dinagdummaa albuudichaa ykn kaayyoowwan investimantii kanaan wal-ilaalan biraa bu'uura godhachuudhaan haala biraatin yoo murteesse malee:

(a) Hojiiwwan oomisha albuudaa sadarkaa guddaa, hojiiwwan oomisha albuudaa sadarkaa xiqqaafi aadaan oomishuurratti, akkasumas, hojiiwwan oomisha albuudaa sadarkaa xiqqaa hojiiwwan albuudaa aadaan oomishuurratti dursa ni qabaatu;

(b) Bakka tokkorratti gosa albuudaa adda addaarratti hayyamoorni sadarkaa walfakkaatan qaban yoo kennaman, hayyamni hojii albuudaa duraan kenname hayyamoota booda kennaman irratti dursa ni qabaata.

2) Bakka hayyamni kennamerratti albuudaalee wal-fakkaataanif hayyamni kenname yoo jiraate, bakki wal falmii irra jiru akkuma qabiyyee abbaa hayyamaa isaa duraanii jala jirutti lakkaawama. Akkasumas ta'ee, abbaa hayyamaa isa booda kanaaf beenyaan hin kafalamu; haa ta'u malee, bakki hayyamaa hammi irraa hir'ateef gara fuula duraatti kiraan lafaa akka irraa hir'atu ni hayyamamaaf.

3) Tumaan Keewwata Xiqqaa 1 Keewwata kanaa akkuma eegametti ta'ee, Ejensiin bakka hayyamaa tokkorratti hayyamoota gosa albuudaalee adda addaa kennuu ni danda'a; haa ta'u malee, dhiibbaa hayyamni kennamuuf jedhu kun hojii duraaniirratti qabaatu gamaaggamuufi kanuma abbaa hayyamaa duranitti beeksisuutu irra jira.

33. Hayyama Walittii

Keewwata 10 Keewwanni Xiqqaan 3 Labsii kanaa akkuma eegametti ta'ee, Ejensiin bu'a-qabeessummaa isaa itti yoo amane, hayyamni hojii qorannoofi oomisha walitti haammate akkaataa Dambii Labsii kana raawwachiisuuf bahu keessatti tumamuun kennuu ni danda'a.

34. Abbummaa Aibuudaalee, Gurgurtaa fi Gara Biyya Alaatti Erguu

1) Namni abbaa hayyama barbaachaa ykn qorannoo ta'ee, eddattoowwan albuudaa baasuu, qorachuu, qabatee socho'uufi dursee Ejensii hayyamsiisuudhaan gara biyya alaatti ergee qorachiisuu ni danda'a. Haa ta'u malee, eddattoowwan albuudaalee kun qabeenya Mootummaa ta'anii turu; waliigaltee Ejensii malee, abbaan hayyamaa gurguruu hin danda'u.

፴፪. ስለ ፈቃድ መደራረብ

፩) ኤጀንሲው የማዕድኑና ኢኮኖሚያዊ ጠቀሜታ ወይም ሌሎች አገባብ ያላቸውን የኢንቨስትመንት ዓላማዎች መሰረት በማድረግ በሌላ አኳኋን ካልወሰነ በቀር፣

(ሀ) የከፍተኛ ደረጃ ማዕድን ማምረት ሥራዎች በአነስተኛ ደረጃን የባህላዊ ማዕድን ማምረት ሥራዎች ላይ፣ እንዲሁም የአነስተኛ ደረጃ ማዕድን ማምረት ሥራዎች በባህላዊ የማዕድን ማምረት ሥራዎች ላይ ቀዳሚነት ይኖራቸዋል።

(ለ) በአንድ የተወሰነ ክልል ላይ የተለያዩ ማዕድናት ከአንድ በላይ የሆኑ ተመሳሳይ ደረጃ ያላቸው ፈቃዶች ከተሰጡ በመጀመሪያ የተሰጠው የማዕድን ሥራ ፈቃድ በሌሎች የማዕድን ሥራ ፈቃዶች ላይ ቀዳሚነት ይኖረዋል።

፪) ፈቃድ በተሰጠበት ክልል ላይ ለተመሳሳይ ማዕድናት በተደራቢ የተሰጠ ፈቃድ ቢኖር በከርከር ላይ ያለው ክልል በቀዳሚው ባለፈቃድ ይዞታ ስር እንዳለ ሆኖ ይቆጠራል፤ እንዲሁም ሲሆን ለጎረቤቶች ላይ ወይም ኪራይ አይከፈለውም፤ ሆኖም የፈቃድ ክልሉ በተቀነሰበት መጠን የመሬት ኪራይ ለወደፊት እንዲቀነስ ይፈቀዳል።

፫) የዚህ አንቀጽ ንዑስ ፩ ድንጋጌ እንደተጠበቀ ሆኖ ኤጀንሲው በአንድ የፈቃድ ክልል ላይ ለተለያዩ ማዕድናት ፈቃዶች ሊሰጥ ይችላል፤ ሆኖም ኤጀንሲው ተደራቢው ፈቃድ ቀደም ሲል በተሰጠው ፈቃድ መሰረት በሚካሄዱ የማዕድን ሥራዎች ላይ የሚኖረውን ተጽዕኖ መገምገም ይህንን ለቀድሞው ባለፈቃድ ማሳወቅ አለበት።

፴፫. ስለተጣመራ ፈቃድ

የዚህ አዋጅ አንቀጽ ፲(፫) እንደተጠበቀ ሆኖ ኤጀንሲው አገባብ ሆኖ ሲያገኘው የምርመራና የማዕድን ማምረት ሥራዎችን ያጣመራ ፈቃድ ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ ውስጥ በሚደነገገው መሠረት ሊሰጥ ይችላል።

፴፬. ስለ ማዕድናት ባለቤትነት፣ ስለሽያጭና ወደ ውጭ ሀገር ስለመላክ

፩) የፍለጋ ወይም የምርመራ ፈቃድ ባለይዞታ የሆነ ሰው ማዕድናት ለማውጣት ለማጓጓዝ፣ ለመመርመርና እንዲሁም ኤጀንሲውን ለሰቀደም በማስፈቀድ ፍጹምነቱን ወደ ውጭ ሀገር ለምርመራ ለመላክ ይረቀዳል፤ ሆኖም የፍጹም ማዕድናት የመንግስት ንብረት ሆነው ይቆያሉ፤ ያለኤጀንሲውም ስምምነት ባለፈቃዱ ሊሸጣቸው አይችሉም።

32. Superimposition of Licenses

1) Unless and otherwise the Agency determines on the basis of the economic benefit of the minerals or other appropriate investment objectives:

(a) a large scale mining operations shall take precedence over small scale and artisan mining operations, and small-scale mining operations shall take precedence over that of artisan mining operations.

(b) if more than one license of the same type has been issued covering the same area but for different minerals, the first-issued licensee shall take precedence over mining operation of other licenses.

2) If any area subject to a license found to be superimposed upon that of another such license for the same minerals, the area in dispute shall be considered to be within the area of the first-issued license, and no compensation or indemnity shall be payable to the licensee of the more recently granted right, but the latter shall there after be allowed a reduction of rental fee in proportion to the reduction of his license area.

3) Subject to the provision sub article 1 of this Article, the Agency may grant licenses for different minerals with in the same license area subject to notification of the holder of any existing license in the same area and assessment of the impact of the superimposed licenses on existing mining operations.

33. Combined Licenses

Without prejudice to Article 10 (3) of this Proclamation, the Agency, in circumstances he deems appropriate, may issue combined exploration and mining license in a way specified in the regulation issued to implement this Proclamation.

34. Title to Sale and Export of Minerals

1) The holder of a prospecting or an exploration license is permitted to remove, transport, analyze and with the prior consent of the Agency, export samples of minerals for testing. However, such minerals shall remain the property of the Government, and the licensee shall not dispose of them without the prior consent of the Agency.

- 2) Namni hayyama albuudaa oomishuu qabu, albuudaalee hayyamicharratti ibsamaniifi oomisheef mirga abbummaa ni argata.
- 3) Namni hayyama albuudaa oomishuu qabu, albuudaalee hayyamicharratti kaa'aman biyya keessatti ykn gara biyya alaatti ergee gurguruu ni danda'a.

35. Mirga Ofii Dhiisuu

- 1) Dambii Labsii kana raawwachiisuuf bahuuniifi mirgi namoota waayee hayyamicharratti nu galcha jedhan akkuma eegametti ta'ee, abbaan hayyama oomisha albuudaa sadarkaa xiqqaa ykn guddaa, ykn abbaan mirgaa waliigaltee kiraa, yoo wal-ta'iinsi faallaa kana jiraate malee, yoo xiqqaate dursaan barreeffamaan of-eeggannoo ji'a 12 (kudha lama) Ejensiif kennuudhaan mirga hayyama isaa dhiisuu ni danda'a.
- 2) Namni akkaataa Keewwata Xiqqaa 1 Keewwata kanaatti mirga hayyama ykn kiraa isaa dhijise kamiyyuu, dirqamoota hamma waliigalteen kun hojjiirra tureetti jiran raawwachuurraa bilisa hin ta'u.

KUTAASADII  
Dhimoota Maallaqaa

36. Royaalitii

- 1) Abbaan hayyamaa kamiyyuu, albuudaalee oomisheef royaaliti ni kafala.
- 2) Hammi royaalitiif akkaataan kafaltii isaa Dambii Labsii kana raawwachiisuuf bahuun murtaa'a.
- 3) Ejensiin, barbaachisaa ta'uu isaa yoo itti amane, Mootummaaf yaada dhiyeessee hayyamsiisuudhaan hamma kafaltii royaaliti hir'isuu, dabaluu, yeroof irraa kaasuu ykn hambisuuf murteessisuu ni danda'a.

37. Gibira Galii

- 1) Abbaan hayyamaa kamiyyuu, akkaataa Labsii Gibira Galii Albuudaa Bu'anniinsa Mootummaa Naannoo Oromiyaa Lak. 92/1997tin galii hojii albuudaarraa argatu irraa gibira ni kafala.
- 2) Abbaan hayyama oomisha albuudaa kamiyyuu, kafaltii gibira seeraan irraa barbaadamu raawwachuu isaatiif ragaa qulqullinaa qaama dhimmi ilaalurraa dhiyeeffachuu qaba.
- 3) Hojjetoonni ykn kontiraaktarri abbaan hayyamaa qaxaree hojjechiisuu lammiiwwan biyya alaa yoo ta'an, galii bu'uura waliigaltee isaanitin argatan irratti gibirri hin kafalamu.

- ደ) የማዕድን የማምረት ሥራ ባለፈቃድ የሆነ ሰው በፈቃዱ ላይ የተጠቀሱትን ማዕድናት በማውጣት የባለቤትነት መብት ያገኛል።
- ዩ) የማዕድን የማምረት ሥራ ባለፈቃድ የሆነ ሰው በፈቃዱ ላይ የተመለከቱትን ማዕድን በሀገር ውስጥ ወይም ወደውጭ ሀገር ልኮ ለመሸጥ ይችላል።

፴፮. መብትን ስለመተው

- ፩) ይህን አዋጅ ለማስፈጸም የሚወጣው ደንብና በፈቃዱ ላይ ያገባናል የሚሉ ሰዎች መብት እንደተጠበቀ ሆኖ የአገልግሎት ወይም የከፍተኛ ደረጃ የማዕድን የማምረት ሥራ ባለፈቃድ ወይም የኪራይ ውል ባለመብት ተቃራኒ ስምምነት ካልኖረ በተር ቢያንስ የ፲፪ (አስራ ሁለት) ወር የትድሚያ ማስጠንቀቂያ በጽሁፍ ለኤጀንሲው በመስጠት የፈቃድ መብቱን ሊተው ይችላል።
- ፪) በዚህ አንቀጽ ገዕዝ አንቀጽ ፩ መሰረት የፈቃድ ወይም የኪራይ መብቱን የተወ ማንኛውም ሰው ውሉ ጸንቶ ለቆየበት ጊዜ የሚያስከትላቸውን ግዴታዎች ከመፈጸም ነጻ አይሆንም።

ክፍል ሶስት  
ስለ ገንዘብ ነክ ጉዳዮች

፴፯. ስለ ርዳታ

- ፩) ማንኛውም ባለ ፈቃድ ላመረታቸው ማዕድናት ርዳታ ይከፍላል።
- ፪) የርዳታው መጠን የአከፋፈሉ ሁኔታ ይህን አዋጅ ለማስፈጸም የሚወጣው ደንብ መሰረት ይሆናል።
- ፫) ኤጀንሲው ተገቢ ሆኖ ሲያገኘው ማንኛውም ባለ ፈቃድ የሚጠየቀውን የርዳታ ክፍያ ለመተካት ለመጨመር ለጊዜው ለማንሳት ወይም ለማስቀረት ለመገንባት ሀሳብ በማቅረብ ሊያስወስን ይችላል።

፴፰. ስለገቢ ግብር

- ፩) ማንኛውም ባለፈቃድ በማዕድን ሥራ ከሚያገኘው ገቢ በአርሚያ ክልላዊ ሙንግሥት የማዕድን ሥራዎች ገቢ ግብር አዋጅ ቁጥር ፲፪/፲፱፻፺፯ መሠረት የገቢ ግብር ይከፍላል።
- ፪) ማንኛውም የማዕድን የማምረት ሥራ ባለፈቃድ በህግ የሚፈለግበትን ግብር ስለመክፈሉ ከሚመለከተው አካል በየዓመቱ ማስረጃ ማቅረብ ይኖርበታል።
- ፫) ባለፈቃዱ ወይም የባለፈቃዱ ሥራ ተቋራጭ ተጥር የሚያሠራቸው የውጭ ሀገር ዜጎች በሥራ ውላቸው መሰረት የሚያገኙት ገቢ የገቢ ግብር አይከፈልበትም።

- 2) The holder of a mining license shall obtain title to the minerals specified in the license upon their extraction.
- 3) The holder of mining license shall have the right to sell locally or export all minerals specified in the license.

35. Surrender

- 1) The holder of a small-scale or large-scale mining license or a lease may, subject to regulations issued to implement this Proclamation and the rights of persons claiming from or under the license, surrender any such license or lease, unless otherwise agreed, by giving at least 12 (twelve) months advance written notice to the Agency.
- 2) Any person who surrenders his license or lease right, pursuant to sub article 1 of this Article, shall not be released from the liability or performing the duties imposed upon him and due to be performed during the term of the license or lease.

PART THREE  
FINANCIAL REGIME

36. Royalty

- 1) The licensee shall pay royalty for all minerals produced.
- 2) The rate and way of payment of the royalty shall be determined by the regulation issued to implement this Proclamation.
- 3) The Agency may, in circumstances he deems appropriate, cause the reduction or increase in the amount of payment, suspend or waiver the imposition of royalty by requesting the Government.

37. Taxes

- 1) The licensee shall pay income tax in accordance with the Oromia Regional Government Mining Tax Proclamation No. 92/2005.
- 2) The holder of a mining license should annually submit, to the Licensing Authority, documents of payment of the necessary taxes to the appropriate authority.
- 3) The compensation received, according to their contract of employment, by expatriate employees of the licensee or his contractor shall be exempted from the payment of income tax.

**38. Kafaltii Hayyamaa**

Akka Labsii kanaatti hayyama argachuuf ykn hayyama haaromsiifachuuf kafaltii ni raawwata; hammiifi akkaataan itti kafalamu, Dambii Labsii kana raawwachiisuuf bahuun murtaa'a.

**39. Kiraa Lafa Albuudaa**

1) Abbaan hayyamaa/kamiyyuu, bakka hayyama isaarratti waggaa waggaa kiraa lafaa dursaan ni kafala. Hammi kirichaa Dambii Labsii kana raawwachiisuuf bahuun kan murtaa'u ta'ee, fooyya'iinsi Dambii kana kan hamma kiraa jijjiiru kamiyyuu ykn kan inni raawwatamu hayyamoota guyyaa fooyya'iinsi bahe booda kennaman qofarratti raawwata.

2) Abbaan hayyamaa kamiyyuu, naannoo bakka hayyama isaatii ala lafa kiraan qabateef waggaa-waggaa kiraa lafaa dursaan ni kafala. Akkaataan isaas, Dambii Labsii kana raawwachiisuuf bahuun murtaa'a.

**40. Qaraxafi Gibira Irraa Bilisa Ta'uu**

Qaraxaafi gibira ilaalchisee, abbaan hayyamaa mirgootaafi dirqamoota Keewwata 41 Labsii 52/1985 Mootummaa Federaalaarratti ibsaman ni qabaata.

**41. Sharafa Alaa**

Sharafa alaa ilaalchisee, abbaan hayyamaa mirgootaafi dirqamoota Keewwata 42 Labsii 52/1985 Mootummaa Federaalaarratti ibsaman ni qabaata.

**42. Jajjabeessawwan Biraa**

Hammi royaaliti, akkaataa Keewwata 36 (2) Labsii kanaatti murtaa'u, haala investimantii gosa albuudaaleefi naannolee misoomni albuudaa dursi kennamuuf jajjabeessuun ta'a.

**43. Aksiyoonii Mootummaan Qabamu**

Mootummaan, akkaataa Keewwata 7 Labsii kanaatti mirgi hojiiwwan albuudaa adeemsisuu isaa akkuma eegametti ta'ee, investimantii hojiiwwan oomisha albuudaa sadarkaa guddaa abbaa hayyamaa kamiiniyyuu adeemsifamurraa aksiyoonii hanga dhibbeentaa lamatti (2%) gahu kafaltii tokko malee qabachuu ni danda'a. Akkasumas, waayee gahee dhibbeentaa, akkaataa kafaltii, mirgaafi dirqamoota qooda fudhannaarraa maddaniifi haalawwan tarreeffama qooda fudhannaa biraa, bu'uura walta'iinsaani murtaa'uun Mootummaan dabalataan aksiyoona qabachuu ni danda'a.

**፴፰. ስለ ፈቃድ ክፍያ**

በዚህ አዋጅ መሰረት ለሚሰጥ ፈቃድ ወይም ፈቃዱን ለማሳደስ የፈቃድ ክፍያ ይከፈላል፤ የክፍያው መጠንና የአከፋፈሉ ሁኔታ ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ ይወሰናል።

**፴፱. ስለ መሬት ኪራይ**

፩) ማንኛውም ባለፈቃድ በፈቃዱ ላይ ለተመለከተው ክልል የመሬት ኪራይ በየዓመቱ በትድሚያ ይከፍላል፤ የኪራዩ መጠን ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ የሚወሰን ሆኖ ማንኛውም የኪራዩን መጠን የማለውጥ የደንብ ማሻሻያ ተፈጻሚ የሚሆነው ማሻሻያው ከወጣበት በኋላ በሚሰጡ ፈቃዶች ላይ ብቻ ይሆናል።

፪) ማንኛውም ባለፈቃድ ከፈቃድ ክልል ውጭ በኪራይ ለያዘው መሬት በየዓመቱ በትድሚያ ኪራይ ይከፍላል፤ የአከፋፈሉ ሁኔታ ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ ይወሰናል።

**፵. ከቀረጥና ታክስ ነጻ ስለመሆን**

ቀረጥና ታክስን አስመልክቶ በፌዴራል መንግሥት አዋጅ ቁጥር ፶፪/፲፱፻፹፭ አንቀጽ ፵፩ ላይ የተደነገጉት የባለፈቃድ መብትና ግዴታዎች ተፈጻሚ ይሆናሉ።

**፵፩. ስለውጭ ምንጭ**

የውጭ ምንጭን አስመልክቶ በፌዴራል መንግሥት አዋጅ ቁጥር ፶፪/፲፱፻፹፭ አንቀጽ ፵፪ ላይ የተደነገጉት የባለፈቃድ መብትና ግዴታዎች ተፈጻሚ ይሆናሉ።

**፵፪. ስለ ሌሎች ግብረታዎች**

በዚህ አዋጅ አንቀጽ ፴፮ (፪) መሠረት የሚወሰነው የርያልቲ የኪራይ መጠን የትድሚያ ትኩረት የሚሰጣቸውን ማዕድናትና የማዕድን ልማት ክልሎች በሚመለከት የሚደረግ ኢንቨስትመንትን በሚያበረታታ አኳኋን የሚወሰን ይሆናል።

**፵፫. በመንግስት ስለሚያዝ አክሲዮን**

መንግስት በዚህ አዋጅ አንቀጽ ፮ መሰረት የማላድን ሥራዎችን የማካሄድ መብቱ እንደተጠበቀ ሆኖ በማንኛውም ባለፈቃድ ከሚካሄድ የክፍተኛ ደረጃ የማዕድን ማምረት ሥራዎች ኢንቨስትመንት እስከ ሁለት በመቶ (፪%) የሚደርስ አክሲዮን ያለምንም ክፍያ ሊይዝ ይችላል፤ እንዲሁም ስለ ድርሻው መቶ፣ ስለአከፋፈሉ፣ ከተሳተፎው ስለሚመነጨት መብትና ግዴታዎችና ሌሎች የተሳተፎ ዝርዝር ሁኔታዎች በስምምነት በሚወሰነው መሰረት መንግስት ተጨማሪ አክሲዮኖችን ሊይዝ ይችላል።

**38. License Fee**

The licensee shall pay filing fees in connection with the application for a license and for the renewal thereof. The amount and manner of such fees shall be determined by regulation issued hereunder.

**39. Rentals**

1) The licensee shall pay annually in advance a surface rental for the license area. Such rentals shall be specified by regulation issued to implement this Proclamation and may be adjusted; such adjustments shall only apply to licenses issued after the date of the adjustment.

2) The licensee shall also pay annually in advance a rental for the area covered by a lease in accordance to the regulation issued to implement this Proclamation, such rental shall be fixed in the instrument granting the lease and shall remain fixed during its term unless the instrument provide otherwise.

**40. Exemption from Customs Duties and Taxes**

Regarding custom duties and taxes, the licensee is entitled to the provisions of Article 41 of the Mining Proclamation 52/1993 of the federal Government.

**41. Exchange Control**

Regarding transactions in foreign currency, the licensee is entitled to the provisions of Article 42 of the Mining Proclamation 52/1993 of the federal Government.

**42. Other Incentives**

The rates of royalty and rentals to be determined under Articles 36 (2) of this Proclamation shall be in such a manner as to encourage investment in minerals given priority of development and mineral development areas.

**43. Participation**

Without prejudice to the provisions of Article 7 of this Proclamation, the Government may acquire without cost a share of up to two percent (2%) of any large-scale mining investment. An additional equity participation of the Government may also be provided by agreement, which shall specify the percentage, timing, financing, resulting rights and obligations and other details of such participation.

44. Wabii

Abbaan Taayitaa hayyama kennu, namni hayyama argachuuf ykn haaromfachuuf ykn dabarsuuf ykn dabarsa kennuuf ykn idaan qabsiisuuf iyyatu, wabii maa'llaqqaa, wabii baankii ykn wabii biraa mirkanaa'uu raawwii dirqamoota isaaf ta'u, akka dhiyeessu gochuu ni danda'a; akkaataan isaas, qajeelfama Ejensiin baasuun murtaa'a.

45. Ragaa Qabaachuu

Namni oomisha albuudaa fe'ee ykn harkatti qabatee adeemu kamiyyuu, nagayee ykn ragaa seera qabeessa biraa Abbaa Taayitaa hayyama kennurra kennamu qabaachuu qaba.

KUTAAAFUR

Bulchiinsa

46. Itti gaafatamummaa Abbaa Taayitaa Hayyama Kennuu

1) Abbaan Taayitaa hayyama kennu, hayyama hojii albuudaa aadaan oomishuufi hayyama hojii barbaachaa, qorannoo, hayyama hojiiwwan oomisha albuudaa sadarkaa xiqqaafi albuudaalee ijaarsaa sadarkaa guddaa abbootii qabeenyaa lammii Itoophiyaatiif ni kenna.

2) Abbaan Taayitaa hayyama kennu aangoo kanaa gadii ni qabaata:

(a) Akka Labsii kanaafi Dambii Labsii kana raawwachiisuuf bahuun hayyama kennuu, haaromsuu, haquu, dhoorkachuufi dhoorkanii tursiisuu;

(b) Keewwanni 5 (2) Labsii kanaa akkuma jirutti ta'ee, abbaan gaaffii hayyamaa dhiyeeffate ykn abbaan hayyamaa kamiyyuu, dirqamoota hayyamicharratti kaa'aman bahuuf madda galii, gahumsa teeknikaafi muuxannoo barbaachisaa qabaachuu isaa mirkaneessuu;

(c) Hojiiwwan albuudaa akka Labsii kanaafi Dambii Labsii kana raawwachiisuuf bahuun, akkasumas, akkaataa waliigalteewwan seeraatiin adeemsifamuu isaanii to'achuu;

(d) Abbaan hayyamaa dirqamoonni inni dursaan seene akkuma eegametti ta'ee. albuudaalee oomishu hunda ykn gar-tokkee isaa gatii gabaa addunyaa yeroc gurgurtaan sun adeemsifamu jiruun biyya keessatti Mootummaatti, dhaaba Mootummaatti ykn nama biraatti, akka gurguru gochuu;

፵፬. ስለ ዋስትና

ፈቃድ ሰጭው ባለስልጣን ፈቃድ እንዲሰጠው ወይም እንዲታደስለት ወይም ፈቃድ ለማስተላለፍ፣ ለመዳረግ ወይም በዕዳ ለማስያዝ የሚጠይቅ አመልካች ለግዴታዎቹ መፈጸም ማረጋገጫ የሚሆን የገንዘብ፣ የባንክ ወይም ሌላ ዋስትና እንዲያቀርብ ሊያደርግ ይችላል፤ ዋስትና የሚጠየቅበት ሁኔታ ኢጅንሲው በሚያወጣው መመሪያ መሰረት ይወሰናል።

፵፭. መረጃ ስለ መያዝ

ማንኛውም የማዕድን ምርት ጭና ወይም ይዞ የሚዘዋወር ሰው በፈቃድ ሰጭው ባለስልጣን የሚሰጥ ደረሰኝ ወይም ሌላ ሀጋዊ መረጃ መያዝ ይኖርበታል።

ከፍል አራት

አስተዳደር

፵፮. የፈቃድ ሰጭው ባለስልጣን ጋላፊነት

፩) ፈቃድ ሰጭው ባለስልጣን ለባህላዊ ማዕድን ማምረት ሥራ፣ በሀገር ውስጥ ባለሀብቶች ለሚካሄዱ የፍለጋና የምርመራ፣ የአነስተኛ ደረጃ የማዕድን ማምረት ሥራና የከፍተኛ ደረጃ የኮንስትራክሽን ማዕድን ማምረት ሥራ ፈቃዶችን ይሰጣል።

፪) ፈቃድ ሰጭው ባለስልጣን የሚከተለው ስልጣን ይኖረዋል፡

(ሀ) በዚህ አዋጅና አዋጁን ለማስፈጸም በሚወጣው ደንብ መሰረት ፈቃድ የመስጠት፣ የማደስ፣ የመሰረዝ፣ የመከላከልና የማገድ፣

(ለ) የዚህ አዋጅ አንቀጽ ፩(፪) እንደተጠበቀ ሆኖ ማንኛውም ፈቃድ ጠያቂ ወይም ባለፈቃድ በፈቃዱ የተመለከቱትን ግዴታዎች ለመወጣት አስፈላጊውን የገንዘብ ምንጭ፣ የቴክኒክ ብቃትና ልምድ ያለው መሆኑን የማረጋገጥ፣

(ሐ) የማዕድን ሥራዎች በዚህ አዋጅና አዋጁን ለማስፈጸም በሚወጣው ደንብና በሀጋዊ ስምምነቶች መሰረት መከናወናቸውን መቆጣጠር፣

(መ) ባለፈቃዱ አስቀድሞ የገባቸው ግዴታዎች እንደተጠበቁ ሆኖ ፈቃድ ሰጭው ባለሥልጣን ባለፈቃዱ ያመረታቸውን ማዕድናት በሙሉ ወይም በከፊል በሽያጭ ወቅት ባለው የዓለም ገበያ ዋጋ ለመንግስት ድርጅቶች ወይም ለሌላ ሰው እንዲሸጥ ማድረግ፣

44. Guarantee

The Licensing Authority may require the applicant for a license, or renewal or for the transfer, assignment or encumbrance of a license to provide cash, bank or other guarantee to secure the applicant's obligations. The conditions of such a guarantee shall be determined by directive to be issued by the Agency.

45. Evidence

Any person transporting or traveling with a mineral should bear invoice or other legal document issued by the Licensing Authority.

PART IV

ADMINISTRATION

46. Responsibility of the Licensing Authority

1) The Licensing Authority shall issue artisan mining license and, prospecting, exploration, small scale and large scale mining license to Ethiopian nationals;

2) The Licensing Authority has the following power:

(a) issue, renew, revoke or suspend a license pursuant to this Proclamation and regulation issued hereunder;

(b) notwithstanding Article 5 (2) of this Proclamation, ensures that a licensee or applicant of a license has the financial resources, technical competence and experience necessary to fulfill the obligations under the license;

(c) inspects and ensures that mining operations are carried out in accordance with this proclamation, the regulation issued hereunder and according to legal agreement;

(d) without prejudice to prior commitments of the licensee, requires that a licensee sell all or a portion of his minerals to the Government, to the person owned by it, or to another Ethiopian person subject to the payment of the international market price prevailing at the time of the sales transaction;

- (e) Hayyamni qorannoo, oomisha albuudaa sadarkaa xiqqaa ykn guddaa osoo hin kennamin dura, iyyataan qorannoo sakatta'a dhiibbaa naannoo hojiin albuudaa geessisuu danda'uufi akkaataa miidhaa gahu itti deebisee sirreessu akka dhiyeessu gochuu;
- (f) Akka barbaachisummaa isaatti, sadarkaa gosti albuudaa tokko itti oomishamuu qabu murteessuu;
- (g) Eegumsa naannoo ilaalchisee, abbaan hayyamaa haala waliigaltee mallatteesseen raawwachuusaa gamaaggamuuf qaama dhimmi ilaalu waliin hordofuufi to'achuufi,
- (h) Lafa hojiiwwan albuudaatiif gaaffiin irratti dhiyaate kennuudhaaf; aangoo qaba.

47. Hojiiwwan Albuudaa To'achuufi Hordofuu

Kontiroolarii Abbaa Taayitaa hayyama kennuudhaan aangoon kennameef, haala tilmaama sammuu fudhatama qabuun yeroo kamittuu, hojii albuudaa osoo hin dhoorkin, ykn osoo hin gufachiisin gara bakka hojiin albuudaa adeemsifamutti seenuudhaan bakkicha, adeemsa hojiifi maashinootaafi meeshaalee hojii albuudaaf oolan ilaalu, qorachuufi to'achuu ni danda'a; haalli to'annoon ittiin adeemsifamu Dambii Labsii kana raawwachiisuuf bahuun murtaa'a.

48. Galmeessa Abbootii Hayyamaafi Bakka Bu'iinsa

- 1) Ejensiidhaan, haala biraatin yoo hayyamame ykn yoo murtaa'e malee, abbaan hayyamaa galme daldalaa Abbaa Taayitaa dhimmi ilaalu irratti galmaa'uufi bara hayyama isaatti Itoophiyaa keessatti waajjira dhaabbachuuf dirqamatu irra jira.
- 2) Abbaan hayyamaa, albuudaalee hayyama isaarratti kaa'aman oomishuu, gurguruu ykn gara biyya alaatti erguuf, ykn meeshaalee hojii isaatiif barbaachisan gara biyya keessaatti galchuudhaaf, ykn hojiiwwan ogummaa waliigalteen argachuuf mana hojii Mootummaa biraarraa hayyama isa hin barbaachisu.
- 3) Tumaan Keewwata Xiqqaa 2 Keewwata kana, abbaa hayyamaa dirqama foormaaliitii gumrukaafi baankii guutuura bilisa hin godhu.

- (ሠ) የምርመራና የአነስተኛ ወይም የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ ከመስጠቱ በፊት ለመልካቹ የማዕድን ሥራው በተፈጥሮ አካባቢ ላይ ሊያደርስ ስለሚችለው ተጽእኖ የተደረገ ጥናትና የሚደርሰውን ለሉታዊ ተጽእኖ መልሶ የሚያስተካክልበትን ሥራና ፕሮግራም እንዲያተርብ የመጠየቅ፤
- (ረ) እንዳስፈላጊነቱ አንድ ማዕድን የሚመረትበትን ደረጃ መወሰን፤
- (ሰ) የአካባቢ ጥበቃን አስመልክቶ ባለፈቃዱ በፈረማቸው ስምምነቶች መሰረት ማከናወንን ከሚመለከተው አካል ጋር መስታተልና መቆጣጠር፤
- (ሸ) ለማዕድን ሥራ የተጠየቀ መሪት የመስጠት ስልጣን ይኖረዋል።

፶፮. የማዕድን ሥራዎችን ሰለመቆጣጠር በፈቃድ ሰጭው ባለስልጣን ስልጣን የተሰጠው ከንትርስር ለሀሊን ገምት ተገቢ በሆነ በማንኛውም ለዓት የማዕድንን ሥራ ያለአገባብ ላያገድ ወይም ላያደናቅፍ የማዕድን ሥራ ወደሚካሄድበት ሥፍራ መግባትና ሥፍራውንና የማዕድን ሥራዎችን፣ ከማዕድኑ ሥራ ጋር ለተያያዘ ጉዳይ ጥቅም ላይ የሚውሉ መሳሪያዎችንና ዕቃዎችን ማየትን መመርመር ይችላል።

፶፯. ስለባለፈቃዶች ምዝገባና ስለውክልና

- ሐ) በኢጅንሲው በሌላ አኳኋን ካልተፈቀደ ወይም ካልተወሰነ በስተቀር ባለፈቃዱ አገባብ ባለው ባለስልጣን ዘንድ በንግድ መዝገብ ላይ የመመዝገብና በፈቃዱ ዘመን በኢትዮጵያ ውስጥ ጽ/ቤት የማጽጸም ገዴታ አለበት።
- ከ) ባለፈቃዱ በፈቃዱ ላይ የተመለከቱትን ማዕድናት ለማምረት፣ ለመሸጥ ወይም ወደውጭ አገር ለመላክ ወይም ለሥራዎቹ አስፈላጊ የሆኑ ዕቃዎችን ወደ አገር ውስጥ ለማስገባት ወይም የአዕምር ሥራዎችን በውል ለማግኘት ከሌላ የመንግስት መ/ቤት ፈቃድ አያስፈልገውም።
- ለ) የዚህ አንቀጽ ገፅ-ሰ አንቀጽ ፪ ድንጋጌ የባለፈቃዱን የጉምሩክና የባንክ ፎርማሊቲዎች የማግኘት ገዴታ አያስቀርም።

- (e) ensures that the applicant has carried out environment impact assessment (EIA) and prepared mitigation programs before the issuance of exploration, small scale or large scale mining license;
- (f) as necessary, decide the scale at which a certain mineral type is to be mined;
- (g) together with the appropriate body, follow and inspect the activities of a licensee to ensure that he is abiding by the agreement he signed on environmental protection and,
- (h) Issue land requested for mining operation.

47. Inspection of mining Operations

A controller authorized by the Licensing Authority may, at all reasonable times but so as not to unreasonably impede or obstruct the mining operations, enter, inspect and examine any place, works, machinery and equipment occupied or used in or in connection with mining operations.

48. Registration and Representation of Licensees

- 1) Unless otherwise permitted or determined by the Agency, the licensee shall be registered in the Registry of Trade with the appropriate authority and shall maintain an office in Ethiopia, during the entire term of the license.
- 2) The Licensee shall not be required to obtain any other authorization or permission from any other Government office in order to produce, sell or export minerals covered by the license for the acquisition of licenses of any intellectual property required for mining operations.
- 3) The provision of Sub-Article 2 of this Article shall not relieve the licensee from complying with obligations of customs and bank formalities.

4) Abbaan hayyamaa uumamaan nama hin ta'in barri hayyama isaatii hanga turutti bakka bu'aa maqaa isaatiin hojjetu moggaasuufi eenyummaa bakka bu'ichaafi jijjiirama bakka bu'icha ilaallatu kamiyyuu Abbaa Taayitaa hayyama kennutti beeksisuutu irra jira.

49. Hayyamaafi Galmeessa Kiraa Lafaa

- 1) Hayyamni ragaan waliigaltee kiraa lafaafi mirgi kana fakkaatu ittiin darbe, kan dabarsa ittiin kenname, kan ittiin dhiifame, kan ittiin dhoorkame, kan ittiin haqame, kan ittiin idaan qabsiifame, kan dhaalaan ittiin darbe ykn harshameen haala biraatin raawwatame kamiyyuu, galmees Abbaan Taayitaa hayyama kennu kaayyoodhuma kanaaf jedhee qopheesserratti galmaa'uu qaba; harshameen mirga akkasii waliin wal-qabate kamiyyuu, qophaa'ee guyyaa sagaltama keessatti dhiyaatee hin galmoofne taanaan seera duratti fudhatama hin qabaatu; galmeen kun ilaalammu akka danda'utti, uummataaf banaa ni ta'a.
- 2) Abbaa Taayitaa hayyama kennu biratti kooppiin harshamee galmaa'uuf dhiyaatu kamiyyuu, bakka dhimmi ilaalu addaan baasuuf akka gargaarutti kaartaafi pilaanii biraa waliin haala seera-qabeessa ta'een walqabatee dhiyaachuufi galmees Mootummaan qabeenya hin sochoone itti qabuurratti galmaa'uu qaba.

50. Ragaalee Iccitiidhaan Eeguu

- 1) Haala Keewwata 49 Labsii kanaa irratti caqasame irraan kan hafe, iyyannoowwan, gabaasotnniifi ragaalee biraa bu'uura Labsii kanaatin dhiyaatan iccitiidhaan qabamuu qabu.
- 2) Tumaan Keewwata Xiqqaa 1 Keewwata kanaa yoo jiraateyyuu:
  - (a) Abbootiin aangoo Mootummaa hojii idileesaanii adeemsiisuuf ragaaleen isaan barbaachisan akka ibsamaniif gaafachuu ni danda'u;
  - (b) Ragaaleen eenyummaa nama dhimmi ilaaluu ifa baasee kan agarsiisu, ykn mul'isu hanga hin taanetti Mootummaan ragaalee, kaartaawwan ji'oogiraafii ykn ji'ooloojii, ragaalee istaatiistiksii, gabaasotaafi harshammeewwan biraa qindeessuufi raabsuu ni danda'a.

፬) የተፈጥሮ ሰው ያልሆነ ባለፈቃድ የፈቃዱ ከመንጸገ ለሚቀይበት ጊዜ በሱ ስም የሚሠራ ወኪል መለየምና የወኪሉን ማንነትና ወኪሉን የሚመለከት ማንኛውንም ለውጥ ለፈቃድ ሰጭው ማላወቅ አለበት።

፵፱. ስለፈቃድን ስለመራት ኪራይ ምዝገባ

- ፩) ማንኛውም የመራት ኪራይ ውልን እንዲህ ያለ መብት የተላለፈበት፣ የተዳረገበት፣ የተተወበት፣ የታገደበት፣ የተሰረዘበት፣ በዕዳ የተያዘበትና በውርስ የተላለፈበት ወይም በሌላ ሁኔታ የተከናወነበት የፈቃድ ሰነድ ፈቃድ ሰጭው ባለስልጣን ለዚህ ዓላማ ብሎ ባዘጋጀው ምዝገብ መመዝገብ አለበት፤ ከእንደዚህ ያለ መብት ጋር የተያያዘ ማንኛውም ሰነድ በተዘጋጀ በ፯ ቀን ውስጥ ቀርቦ ካልተመዘገበ በህግ ፊት ዋጋ አይኖረውም፤ መዝገቡን ለመመልከት እንዲቻልም ለህዝብ ክፍት ይሆናል።
- ፪) ፈቃድ ሰጭው ባለስልጣን ዘንድ ለምዝገባ የሚቀርብ ማንኛውም ሰነድ ቅጂ የሚመለከተውና ስፍራ ለመለየት እንዲቻል ተያይዞ ከሚቀርብ ካርታና ሌላ ጥላን ጋር አግባብ ባለው ህግ መሰረት መንግስት በሚይዘው የማይንቀሳቀሱ ንብረቶች መዝገብ ላይ መመዝገብ አለበት።

፶. መረጃዎችና ስምስጢር ስለመጠበቅ

- ፩) በዚህ አዋጅ አንቀጽ ፵፱ ከተጠቀሰው ሁኔታ በቀር በዚህ አዋጅ መሰረት የሚቀርቡ ማመልከቻዎች፣ ሪፖርቶችና ሌሎች መረጃዎች ስምስጢር መያዝ አለባቸው።
- ፪) የዚህ አንቀጽ ንዑስ አንቀጽ ፩ ድንጋጌ ቢኖርም፡
  - (ሀ) የመንግስት ባለስልጣኖች መደበኛ ሥራቸውን ለማከናወን የሚያስፈልጓቸው መረጃዎች እንዲገለጽላቸው መጠየቅ ይችላሉ፤
  - (ለ) መረጃዎቹ የሚመለከቱትን ሰው ማንነት በግልጽ የሚያሳዩ ወይም የሚጠቁሙ እስካልሆነ ድረስ መንግስት መረጃዎችን፣ የጂኦግራፊ ወይም የጃኦሎጂ ማፖችን፣ የስታትስቲክስ መረጃዎችን፣ ሪፖርቶችንና ሌሎች ባንዶችን ማጠናቀርና ማሰራጨት ይችላል።

4) The licensee that is not a natural person shall also maintain, during the term of the license a representative who is authorized to act on his behalf and shall notify the Licensing Authority of the identity of such representative or any change thereof.

49. Registration of Licenses and Leases

- 1) Every license, lease and every instrument under which such right is transferred, assigned, surrendered, suspended, revoked, encumbered, inherited or otherwise treated shall be registered in the registry maintained for this purpose by Licensing Authority. Each instrument relating to such rights must be presented for registration within 90 days after the date thereof, or it shall otherwise be null and void. This registry shall be open to the public for inspection.
- 2) A copy of every instrument required to be filed with the Licensing Authority for registration, together with the map or other plan necessary for identification of the area concerned, shall be filed with the Registry of Immovable property of the Government pursuant to the applicable laws.

50. Confidentiality

- 1) Except as provided in Article 49 of this Proclamation all information submitted in applications, reports and other filings pursuant to this Proclamation shall be kept confidential.
- 2) Notwithstanding the provision of Sub-Article 1 of this Article;
  - (a) Government officials may request access to such information for their official duties;
  - (b) the government may compile and distribute information, geographic or geological maps, statistics and reports and other documents where the identity of licensee is not disclosed or apparent;

(c) Dirqamni iccittii eeguu, namni dhimmi ragaalee ilaalu, ragaalee qaamolee sadaffaaf ibse ykn ragaalee haala gara biraatiin uummata biratti beekaman irratti kan raawwatu hin ta'u.

3) Dirqamni iccittii eeguu, waliigalteedhaan akkaataa gara biraatin yoo murtaa'e malee, hanga barri hayyama ragaaleen ilaallatan turutti qofaaf ta'a.

**51. Akkaataa Murteessuu Wal-mormiiwwanii**

1) Keewwanni Xiqqaan 5 fi 6 Keewwata kana akka eegametti ta'ee, wal mormiiwwan mirgootaafi dirqamoota hayyama waliin wal-qabaterratti abbootii hayyamaa gidduutti ykn abbaa hayyamaafi qaamolee sadaffaa gidduutti ka'aniif Abbaan Taayitaa hayyama kennu bu'uura sirna Dambii Labsii kana raawwachiisuuf bahuutin qorachuufi murteessuu ni danda'a. Akkasumas, Abbaan Taayitaa hayyama kennu, mormaan tokko isa biraatiif beenyaa akka kennu itti murteessuufi raawwachiisuufis ajaja barbaachisaa ta'e kennuuf aangoo ni qaba.

2) Bu'uura Keewwata Xiqqaa 1 Keewwata kanaatiin murtii Abbaa Taayitaa hayyama kennutin kennamurratti ol iyyannoon mana murtii aangoo kanaa qabutti dhiyaachuu ni danda'a; haa ta'u malee, murtiin ykn ajajni Abbaa Taayitaa hayyama kennurraa isa gahee guyyaa 60 (jahaatama) booda ol iyyannoon dhiyaatu fudhatama hin qabu.

3) Bu'uura Keewwata Xiqqaa 1 Keewwata kanaatin Abbaan Taayitaa hayyama kennu, wal mormiiwwan itti dhiyaatan murteessuu dhiisuufi abbaa nan miidhame jedhe gara mana murtii dhimmi ilaaluutti qajeelchuu ni danda'a.

4) Abbaan Taayitaa hayyama kennu wal-mormii ilaalu kamiifiyyuu sagalee kakuu udhachuudhaaf aangoo ni qaba.

5) Wal-dhabiinsi, Mootummaafi abbaa hayyamaa gidduutti, hiika, cabiinsa ykn addaan citiinsa waliigalteerraa ka'uudhaan uumamu, ykn falmiifi gaaffiin naaf ta'aa kanaan walqabate kamiyyuu, hanga danda'ametti mariidhaan hiikama.

(ሐ) ምስጢር የመጠበቁ ግዴታ መረጃዎቹ የሚመለከቱት ሰው ለሶስተኛ ወገኖች ይፋ ባደረጋቸው ወይም በሌላ ሁኔታ በህዝብ ዘንድ በሚታወቁ መረጃዎች ላይ ተፈጻሚ አይሆንም።

፫) ምስጢር የመጠበቁ ግዴታ በስምምነት በሌላ አኳኒ ካልተወሰነ በስተቀር መረጃዎቹ የሚመለከቱት ፈቃድ ጸንቶ የሚቆይበት ዘመን ሲፈጸም ያበቃል።

**፶፩. ስለክርክሮች አወሳሰን**

፩) የዚህ አንቀጽ ንዑስ አንቀጽ ፭ እና ፮ አንደተጠበቀ ሆኖ ፈቃድ ሰጭው ባለስልጣን ከፈቃድ ጋር የተያያዙ መብቶችን ወይም ግዴታዎችን በተመለከተ በባለፈቃዶች መካከል ወይም በባለፈቃድና በሶስተኛ ወገኖች መካከል የሚነሱ ክርክሮች ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ በሚወሰን ስነስርዓት መሰረት መመርመርና መወሰን ይችላል። እንዲሁም ፈቃድ ሰጭው ባለስልጣን አንደኛ ተከራካሪ ወገን ለሌላኛው ተገቢውን ካሳ እንዲከፍል ለመወሰንና ውሳኔዎቹን ለማስፈጸም አስፈላጊውን ትዕዛዝ ለመስጠት ስልጣን ይኖረዋል።

፪) በዚህ አንቀጽ ንዑስ አንቀጽ ፩ መሠረት በፈቃድ ሰጭው ባለስልጣን በሚሰጠው ውሳኔ ላይ ተገደ ስልጣን ላለው ፍርድ ቤት ይግባኝ ማቅረብ ይቻላል። ሆኖም የፈቃድ ሰጭው ባለስልጣን ውሳኔ ወይም ትዕዛዝ ለይግባኝ ባዩ ከደረሰው ከ፳ (ስልሳ ቀናት) በኋላ የሚቀርብ ይግባኝ ተቀባይነት አይኖረውም።

፫) ፈቃድ ሰጭው ባለስልጣን በዚህ አንቀጽ ንዑስ አንቀጽ ፩ መሰረት የሚቀርቡለትን ክርክሮች ላለመወሰንና ተበደልኩ ባዩን ተገቢው ስልጣን ወዳለው ፍርድ ቤት ሊመራው ይችላል።

፬) ፈቃድ ሰጭው ባለስልጣን ለሚያየው ለማንኛውም ክርክር ቃለ መሀላ ለመቀበል ስልጣን ይኖረዋል።

፭) በመንግስትና በባለፈቃዱ መካከል ከስምምነቱ በመነጨና በስምምነቱ አተረጓጎም መጣስ ወይም መቋረጥ ምክንያት ወይም ከእነዚህ ጋር በተያያዙ ምክንያቶች የሚፈጠር ማንኛውም ክርክር፣ አለመግባባት ወይም የይገባኛል ጥያቄ በተቻለ መጠን በጋራ ውይይት ይፈታል።

(c) this confidentiality obligation shall not be applicable to information that has been disclosed by the licensee to a third party or is otherwise a public knowledge

3) This confidentiality obligation shall end upon the termination of the license to which such information relates or as otherwise specified by agreement.

**51. Settlement of Disputes**

1) Notwithstanding Sub Articles 5 and 6 of this Article, the licensing Authority may, in accordance with procedures to be laid down by regulation issued hereunder, examine and decide disputes between licensees, as well as between a licensee and a third party concerning rights arising from licenses. The Licensing Authority shall have the power to determine and execute compensation to be paid by one party to the other.

2) A decision of the Licensing Authority made pursuant to Sub-Article 1 of this Article may be appealed to the court of competent jurisdiction, provided, however, that no such appeal shall be admitted after the expiration of 60 days of the receipt of such decision or order by the appellant.

3) The Licensing Authority shall have the option to refer to a competent court disputes submitted to him pursuant to Sub-Article 1 of this Article.

4) The Licensing Authority shall have the power to administer oaths in any proceeding before him.

5) Any dispute, controversy or claim between the Government and the licensee arising out of, or relating to, the agreement or the interpretation, breach or termination thereof shall, to the extent possible, be resolved through negotiations.



6) Dhimmichi marii qaama lamaa-nuutin furmaata yoo argachuu baate, sirna waliigaltee keessatti tuqamerratti hundaa'uudhaan jaarsummaadhaan ilaalamee kan murtaa'u ta'a. Murtiin jaarsummaadhaan kennamu isa dhumaafi qaamolee waliigaltee seenan irratti kan ragga'u ta'a.

52. Addaan Citiinsa Mirga Hayyamaa

1) Mirgi hayyamaa:

- (a) Abbaan hayyamaa bakka hayyama isaa guutummaatti yeroo gadi-lakkisu, ykn mirga hayyama isaa yeroo dhiisu;
- (b) Bu'uura Labsii kanaafi tumaalee Dambii Labsii kana raaw-wachisiisuuf bahuun hayyamichi Abbaa Taayitaa hayyama kennuun yeroo haqamu;
- (c) Erga barri hayyamaa dhume booda hayyamni osoo hin haaromsamin yeroo hafu; ykn
- (d) Mirgi dhaaltotaa akkuma eegametti ta'ee, abbaan hayyamaa yeroo du'u, ykn abbaan hayyamaa dhaabbata daldalaa yoo ta'e yeroo diigamu, ykn abbaan hayyamaa haala seera-qabeessa ta'een murtiin kasaaruu yeroo itti kennamu, addaan ni cita.

2) Waliigalteedhaan haala biraatiin yoo ibsame malee, hojiin hayyama oomisha albuudaa sadarkaa xiqqaa ykn guddaa yeroo addaan citu, qabeenyawwan hin sochooneefi socho'an kan faayidaa hojiiwwan albuudaarra oolanii, yeroon hir'ifamuu dulluma isaanii guutummaa guutuutti hin raawwatamin, gatiiwwan galmee herrega abbaa hayyamaarratti argamuun Mootummaan fudhachuu ni danda'a. Mootummaan mirga isaa kanatti yoo itti fayyadamuudhaa baate, akka seerota dhimmi kun ilaallatuun qabeenyawwan kana nama biraaf dabarsuu ni danda'a.

53. Balleessaa

1) Balleessaawwan Sadarkaa I<sup>st</sup>

(a) Namni kamiyyuu:

- (1) Dursaan hayyama barbaachisaa ta'e osoo hin qabaatin hojii albuudaarratti yoo bobba'e, ykn

፮) ጉዳዩ በጋራ ውይይት ሊፈታ ካልቻለ በስምምነት ውስጥ በተመለከተው ሥነ ሥርዓት መሰረት በግልግል ዳኝነት ታይቶ ይወሰናል። በግልግል ዳኝነት የሚሰጠው ውሳኔ የመጨረሻና በተዋዋይ ወገኖች ላይ የጸና ይሆናል።

፶፪. ስለፈቃድ መብት መቋረጥ

፩) የፈቃድ መብት፡

- (ሀ) ባለፈቃዱ የፈቃዱን ክልል በሙሉ ሲለቅ ወይም የፈቃድ መብቱን ሲተው፤
- (ለ) በዚህ አዋጅን አዋጅን ለማስፈጸም በሚወጣ ደንብ ላይ ባለ-ድንጋጌዎች መሰረት ፈቃዱ በፈቃድ ሰጭው ባለስልጣን ሲሰረዝ፤
- (ሐ) የፈቃዱ ዘመን ከተፈጸመ በኋላ ሳይታደስ ሲቀር፤ ወይም
- (መ) የወራሾች መብት እንደተጠበቀ ሆኖ ባለፈቃዱ ሲሞት፤ የንግድ ድርጅት ከሆነ ሲፈርስ ወይም ባለፈቃዱ አግባብ ባለው ሕግ መሠረት የመክሰር ውሳኔ ሲሰጥበት ይቋረጣል።

፪) በስምምነት በሌላ ሁኔታ ካልተገለጸ በቀር የአነስተኛ ወይም የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ ሲቋረጥ ለማዕድን ሥራዎች ጥቅም ላይ ውለው የእርጅና ትናሻቸው ሙሉ በሙሉ ያልተፈጸመ የማይንቀሳቀሱና ተንቀሳቃሽ ንብረቶች በባለፈቃዱ የሂሳብ መዝገብ ላይ በሚታየው ዋጋቸው መንግስት ሊወስዳቸው ይችላል። መንግስት በዚህ መብቱ ካልተጠቀመ ባለፈቃዱ አግባብ ባላቸው ሕጎች መሰረት ንብረቶቹን ለሌላ ሰው ሊያስተላልፍ ይችላል።

፶፫. ስለጥፋት

፩) አንደኛ ደረጃ ጥፋቶች

- (ሀ) ማንኛውም ሰው፤
- (፩) በቅድሚያ ተገቢውና ፈቃድ ሳይዝ ለማዕድን ሥራ ላይ ከተሰማራ፤ ወይም

6) In the event that agreement cannot be reached through negotiations, the case shall be settled by arbitration in accordance with the procedures specified in the agreement. An arbitral award shall be final and binding upon the Parties.

52. Termination of Mining Rights

(1) The Mining Rights shall terminate if:

- (a) the licensee relinquishes the whole area or surrenders the license;
- (b) the license is revoked by the Licensing Authority pursuant to the provisions of this proclamation or regulation issued pursuant to this Proclamation;
- (c) the license expires without being renewed; or
- (d) Without prejudice to the right of heirs, the licensee dies or where the licensee is not a natural person, it is liquidated or declared bankrupt.

(2) Upon the termination of a small-scale or a large-scale mining license, the Government may, unless an agreement specifies otherwise, acquire all of the immovable and movable property used in mining operations at a price equal to the then un depreciated and unamortized value of such assets, as shown in the financial books of account of the licensee. If the Government does not exercise such right, the licensee shall be free to dispose of such assets to another person in accordance with applicable laws.

53. Infractions and Sanctions

(1) Primary Infractions

(a) Any person who:

- (1) undertakes mining operations without having obtained the appropriate license,

(2) Dhimmoota iyyannoo hayyamaa, hayyama fudhachuu, haaromsuu, dabarsuu, dabarsa kennuu, idaan qabsiisuufi dhaalaan dabarsuu wajjiin wal qabatanif ragaa sobaa yoo kenne, ykn yoo waliin dhahe, ykn akkaataa Keewwata 12 (1) Labsii kanaatti beeksisa argannaa yoo kennuu dhiise, ykn

(b) Abbaan hayyamaa kamiyyuu:

(1) Hojiiwwan albuudaa maal na dhibeedhaan, dhibaa'ummaa dhaan ykn ta'e jedhee haala sirrii hin taaneen yoo gaggeesse, ykn

(2) Dirqamoota fayyummaafi nageenya namaa eegu, qabeenya uumamaa kunuunsuu ykn hojiiwwan albuudaa waliin walqabatan ilaalchisee dirqamoota qabu yeroo tokkoo oli yoo cabse ykn eegumsa naannoorratti waliigaltee Abbaa Taayitaa hayyama kennu, ykn qaama dhimmi ilaallatu waliin mallateesse yoo cabse, ykn

(3) Haala irra deddeebiidhaaniifi qabatamaadhaan dirqamoota bulchiinsaafi faayinaansii hojiiwwan albuudaa ilaallatan yoo guutuudhaa baate, balleessaa sadarkaa 1<sup>maa</sup> tin ittigaafatamaa ta'a.

**2) Balleessaawwan Sadarkaa 2<sup>maa</sup> Abbaan Hayyamaa kamiyyuu:**

(a) Galmeewwaniifi rikoordota barbaachisoo ykn harshameewwan biraa, ykn meeshaalee yoo qabachuu baate ykn qabxiilee bu'uura ta'an irratti waan dhugaa hin taane ykn galmeewwaniifi rikoordota guutuu hin taane yoo qabate ykn gabaasota barbaadamaa ykn harshameewwan biraa yoo dhiyeessuu baate ykn beeksisawwan barbaachisaa yoo kennuu baate;

(b) Hojiiwwan albuudaa maal na dhibeedhaan ykn fayyummaafi nageenya nama ykn uumama naannoo ykn haala kuufama albuudichaa balaarra buusuun yoo gaggeesse, walumaa galatti muuxannoo hojimaata albuudaa barbaachisu yoo hordofuudhaa baate ykn dirqama hayyamichi hordofsiisu yoo kabajuudhaa baate;

(፪) ከፈቃድ ማመልከቻ፣ ፈቃድ ማግኘት፣ ማላደስ፣ ማስተላለፍ፣ መዳረግ፣ በዕዳ ማስያዝና በውርስ ማስተላለፍ ጋር በተያያዘ ሀሰተኛ መረጃ ከሰጠ ወይም ካጭበረበረ፣ ወይም በዚህ አዋጅ አንቀጽ ፲፪(፩) መሠረት የግኝት ማስታወቂያ ካልሰጠ፣ ወይም

(ለ) ማንኛውም ባለፈቃድ፣

(፫) የማዕድን ሥራዎችን በግዴለሽነት፣ በከባድ ቸልተኝነት ወይም ሆነ ብሎ አግባብ ባልሆነ መንገድ ካልሄደ፣ ወይም

(፬) የተፈጥሮ ሀብት ጥበቃ፣ የሰውን ጤንነትና ደገንነትን ወይም የማዕድን ሥራዎችን አስመልክቶ ያሉትን ግዴታዎችን ከአንድ ጊዜ በላይ ከጣለ፣ ወይም በአካባቢ ጥበቃ ላይ ከፈቃድ ሰጪው ባለስልጣን ወይም ከሌላ የሚመለከተው አካል ጋር የፈረመውን ስምምነት ከጣለ፣ ወይም

(፭) በተደጋጋሚና በተጨማሪ ሁኔታ የማዕድን ሥራዎችን የሚመለከቱ አስተዳደራዊና የፋይናንስ ግዴታዎችን ካላሟላ አንደኛ ደረጃ በሆነ ጥፋት ተጠያቂ ይሆናል።

(ሀ) ሁለተኛ ደረጃ ጥፋቶች

ማንኛውም ባለፈቃድ፣  
(ሀ) ተፈላጊ መዝገቦችንና ሪከርዶችን ወይም ሌሎች ሰነዶችን ወይም ማቴሪያሎችን ካልያዘ ወይም መሠረታዊ በሆኑ ነጥቦች ላይ ትክክለኛ ያልሆኑ ወይም ያልተሟሉ መዝገቦችንና ሪከርዶችን ካያዘ ወይም ተፈላጊ ማስታወቂያዎችን ካልሰጠ፣

(ለ) የማዕድን ሥራዎችን በቸልተኝነት ወይም የሰውን ጤንነት ወይም ደገንነት፣ የተፈጥሮ አካባቢን ወይም የማዕድንን ክምችት አደጋ ላይ በሚጥል አኳኒን ካካሄደ፣ በአጠቃላይ ተገቢ የማዕድን ለሠራር ልምዶችን ካልተከተለ ወይም ፈቃዱ የሚያስከትልበትን ግዴታ ካላከበረ፣

(2) makes a false statement or fraudulent misrepresentation in connection with license application, license acquisition, renewal, transfer, assignment, encumbrance or inheritance or, or fails to give notice of a discovery pursuant to Article 12 (1) of this Proclamation; or

(b) Any licensee who:

(1) Conducts mining operations in a reckless, grossly negligent or intentionally improper manner; or

(2) commits repeated violations of obligations relating to natural resource protection, health and safety of people or mining operations or, acts in breach of the agreement he signed with the Licensing Authority or other appropriate body to protect the environment; or

(3) Fails repeatedly and materially to meet administrative and fiscal obligations, shall be guilty of a primary infraction.

**2) Secondary Infractions**

A licensee who:

(a) fails to maintain books and records or other documents or materials required or maintains books and records which are materially incorrect or incomplete, fails to file reports or other documents or fails to give notices required;

(b) conducts mining operations in a negligent manner or in a way which endangers the health or safety of a person, the environment or a deposit, fails to observe good mining practices generally, or fails to observe an obligation of a license;

- (c) Galii Mootummaaf galuu qabuufi kafaltii kamiyyuu, yeroo dhaan kafaluu yoo baate; ykn
- (d) To'ataan hojii isaa akka hin to'anne yoo godhe ykn ajaja seera-qabeessa inni kennu fudhachuu yoo dide ykn qajeelfama yoo raawwachuu baate, balleessaa sadarkaa 2<sup>nd</sup> tin ittigaafatamaa ta'a.

3) Balleessaa Bulchiinsaa

- (a) Abbaabn hayyamaa kamiyyuu, qabxiilee bu'uura ta'an irratti waan dhugaa hin ta'in ykn hir'ina galmeewwaniifi rikoordota guutuu hin taane qabachuu osoo hin dabalatin, galmeewwaniifi rikoordota guutuu, sirrii ta'aniifi si'ayina qaban yoo hin qabatin;
- (b) Abbaabn hayyamaa kamiyyuu, gabaasotaafi harshammeewan biraa barbaadamoo yeroodhaan yoo dhiyeessuu baate ykn beeksisawwan barbaachisoo yeroodhaan yoo kennuu baate;
- (c) Balleessaan isaa fayyummaa ykn nageenya nama kamiyyuu, uumama naannoo ykn kuufama albuudichaa balaa irra kan hin buufne ta'ullee, abbaan hayyamaa kamiyyuu hojii albuudichaa karaa barbaachisaa ta'eefi of-eeggannoodhaan adeemsisuu yoo baate ykn Labsiifi Dambii Labsii kana hojiirra oolchuuf bahu yoo kabajuu baate;
- (d) Abbaan hayyamaa kamiyyuu, akka waliigalteetti hojii albuudaa eegaluu yoo dhiise ykn bu'uura karooraafi baasii isaatiin hojii isaa raawwachuu yoo dhiise;
- (e) Abbaan hayyamaa ykn namni kamiyyuu, nagahee gurgurtaa albuudaa, ykn ragaa seera-qabeessa Abbaan Taayitaa hayyamaa kennuun kennamu malee albuuda yoo gurgure ykn eddattoo biyya alaatti yoo erge ykn albuuda fe'ee ykn qabatee yoo soocho'e;

- (ሐ) ለመንግሥት ገቢ መደረግ ያለበትን ማንኛውንም ክፍያ በወቅቱ ካልከፈለ፣ ወይም
- (መ) ኮንትራት ሥራውን እንዳይቆጣጠር ከከለከለ ወይም የሚሰጠውን ሕጋዊ ትዕዛዝ ካልፈጸመ፣ ወይም መመሪያ ከጣሰ ሁለተኛ ደረጃ በሆነ ጥፋት ተጠያቂ ይሆናል።

፫) አስተዳደራዊ ጥፋቶች

- (ሀ) ማንኛውም ባለፈታድ መሠረታዊ በሆኑ ነጥቦች ላይ ትክክለኛ ያልሆኑ ወይም ያልተሟሉ መዝገቦችንና ሪከርዶችን የመያዝ ጉድለቶችን ላይጫምር የተሟሉ፣ ትክክለኛ የሆኑና ወቅታዊውን ሁኔታ የሚያሳዩ መዝገቦችንና ሪከርዶችን ካልያዘ፣
- (ለ) ማንኛውም ባለፈታድ ተፈላጊ ሪፖርቶችንና ሌሎች ሰነዶችን በወቅቱ ካላተረበ ወይም ተፈላጊ ማስታወቂያዎችን በወቅቱ ካልሰጠ፣
- (ሐ) ጥፋቱ የማንኛውንም ሰው ጤንነት ወይም ደንንነት፣ የተፈጥሮ አካባቢን ወይም የማዕድን ክምችት አደጋ ላይ የማይጥል ቢሆንም ማንኛውም ባለፈታድ የማዕድን ሥራዎችን ተገቢ በሆነ መንገድን በጥንቃቄ ካላካሄደ ወይም ደንቦችን ወይም መመሪያዎችን ካላከበረ፣
- (መ) ማንኛውም ባለፈታድ በገባው ስምምነትን በሥራና በወጪ ዕቅድ መሰረት ሥራውን ካላከናወነ፣
- (ሠ) ማንኛውም ባለፈታድ ወይም ሰው በፈታድ ሰጭው ባለሥልጣን ከሚሰጥ ደረሰኛ ወይም ሌላ ህጋዊ መረጃ ውጭ ማዕድን ከሸጠ፣ ማዕድን ጭና ወይም ይዞ ከተዘዋወረ ወይም ናሙናዎችን ወደ ውጭ ካላከ፣

- (c) fails to make any payment due to the Government on time; or
- (d) bars the Controller from inspecting his mining operation, or disobeys his legal orders, or fails to observe directives, shall be guilty of a secondary infraction.

3) Administrative Infractions

- (a) Any licensee who fails to maintain complete, accurate and up-to-date books and records, excluding such deficiencies which are materially incorrect or incomplete;
- (b) Any licensee who fails to file all reports and other documents or to give necessary notices on time; or
- (c) Any licensee who fails to carry out mining operations in a proper and prudent manner or to observe this proclamation or the regulation issued to implement it, but which failure does not endanger the health or safety of any person, the environment or a deposit;
- (d) Any licensee who fails to promptly commence the mining operation and to abide by the work program and expenditure obligations, as provided in the Agreement;
- (e) Any licensee or person who sells, travels with or transports minerals without invoice or other legal document issued by the Licensing Authority, or sends samples overseas without the consent of the Licensing Authority; or

(f) Abbaabn hayyamaa kamiyyuu, yeroo hojjiiwwan albuudaa gaggeessu qabiyyee nama biraa keessa seenuudhaan yoo jeeqe, akkasumas, abbaan hayyamaa ykn namni kamiyyuu yeroo albuuda konkolaataadhaan fe'ee deemu ykn fe'uuf deema jiru, daandii ala deemuudhaan ooyiruufi biqiltuuwwan adda addaa yoo mancaase, balleessaa bulchiinsaatin ittigaafatamaa ta'a.

54. Adaba

- 1) Akkaataa Keewwata 53 (1) Labsii kanaatti namni balleessaa sadarkaa 1<sup>ma</sup> jalatti kufu raawwate, addabbiin hayyama battalumatti haquu irra gahuufi dabalataan maallaqaa Qr. 5,000.00 hin caalleen adabamuu ni danda'a; balleessaadhuma sana yeroo lamaafi isaa oli irra deebi'ee yoo raawwate adabbiin maallaqaa dachaan dabaluu danda'a.
- 2) Adabbiin Keewwata kana keewwata xiqqaa 1 irratti kaa'ame akkuma jirutti ta'ee, baay'inni albuuda hoomishamee gatii murtaa'aa naannoo sanaatiin herregamee namni hayyama malee hoomishe akka kafalu godhama.
- 3) Abbaan hayyamaa balleessaa Keewwata 53 (2) Labsii kanaa jalatti kufu raawwachuu isaaf of-eggannoon erga isa gahee booda balleessaa raawwatame battalumatti sirreessuuf tarkaanfii yoo fudhate, maallaqaa Qr. 2,000.00 hin caalleen kan adabamu ta'a. Namni balleessaa hojjete tarkaanfii sirreessaa yoo fudhachuu dhiise hammi adabbii maallaqaa dachaan dabaluu danda'a.
- 4) Abbaan hayyamaa balleessaa Keewwata 53 (2) Labsii kanaa jalatti kufu raawwachuu isaaf of-eggannoon isa gahu iyyuu tarkaanfii sirreessaa fudhachuu yoo baate, ykn, balleessaan isaa fayyummaafi nageenya namaa, uumama naannoo kamiyyuu irratti ykn kuufama albuudaa irra balaa geessisuuf kan dhiyaate ykn miidhaa itti-fufiinsa qabu yoo geessise, adabbii Keewwata kana Keewwata Xiqqaa 3 irra taa'erratti dabalataan, Abbaan Taayitaa hayyama kennu abbaan hayyamichaa balleessaa isaa hanga sirreessutti hojiiwwan albuudichaa battalumatti akka dhaabu ajajuu ni danda'a. Gochi balleessichaa ykn haalichi hanga sirraa'utti hayyamichi rarra'ee tura.

(ረ) ማንኛውም ባለፈቃድ የማዕድን ሥራዎቹን በሚያከፋፈው ወቅት የሌላ ሰው ይዞታ ውስጥ በመግባት ካወከ፣ እንዲሁም ማንኛውም ባለፈቃድ ወይም ሰው ማዕድን ጭና በሚጓዝበት ወይም ሊጭን በሚሄድበት ወቅት ተሽከርካሪውን ከመጓጓድ ውጭ በማንቀሳቀስ የእርሻ ማላና ዕጽዋትን ካበላሽ እስተዳደራዊ በሆነ ጥፋት ተጠያቂ ይሆናል።

፶፬. ስለ ቅጣት

- ፩) በዚህ አዋጅ አንቀጽ ፶፫ በተመለከተው አንደኛ ደረጃ በሆነ ጥፋት ሥር የሚወድቅ ጥፋት የፈጸመ ሰው ፈቃዱን ወዲያውኑ መሠረዝንና በተጨማሪም ከብር ፩፻ (አምስት ሺ) የማይበልጥ የገንዘብ ቅጣትን ሊያስከትል ይችላል፤ እንዲሁም አጥፊው ያንኑ ጥፋት ደግሞ ከፈጸመ የገንዘብ ቅጣቱ እጥፍ ሊሆን ይችላል።
- ፪) በዚህ አንቀጽ ንዑስ አንቀጽ ፩ ላይ የተገለጸው ቅጣት እንደተጠበቀ ሆኖ የተመረተውን ማዕድን ዋጋ በዚያ አካባቢ ግምት ጥፋተኛው ይከፍላል።
- ፫) በዚህ አዋጅ አንቀጽ ፶፫ (፪) ሥር የሚወድቅ ጥፋት ስለመፈጸሙ ማስጠንቀቂያ የደረሰው ባለፈቃድ የፈጸመውን የጥፋት ድርጊት ለማረም ወዲያውኑ እርምጃ ከወሰደ ጥፋቱ የሚያስከትልበት ቅጣት ከብር ፪፻ (ሁለት ሺ) የማይበልጥ ይሆናል፤ አጥፊው የእርምጃ ካልወሰደ የገንዘብ ቅጣቱ መጠን በእጥፍ ሊጨምር ይችላል።
- ፬) በዚህ አዋጅ አንቀጽ ፶፫ (፫) ሥር የሚወድቅ ጥፋት ስለመፈጸሙ ማስጠንቀቂያ ደርሶት ባለፈቃዱ የእርምጃ እርምጃ ካልወሰደ ወይም ጥፋቱ በሰው ጤንነት ወይም ደገንነት፣ በተፈጥሮ አካባቢ ወይም በማዕድን ክምችት ላይ ጉዳት ሊያደርስ የተቃረነ ከሆነ ወይም ተጣይነት ያለው ጉዳት ካስከተለ በዚህ አንቀጽ ንዑስ አንቀጽ ፫ ላይ ከተገለጸው ቅጣት በተጨማሪ ፈቃድ ሰጭው ባለሥልጣን ባለፈቃዱ ጥፋቱን እስከሚያስተካክል ድረስ የማዕድን ሥራዎቹን ወዲያውኑ እንዲያቆም ሊያዘው ይችላል፤ የጥፋቱ ድርጊት ወይም ሁኔታ እስኪስተካከልም ፈቃዱ ታግዶ ይቆያል።

(f) Any licensee who interferes with legitimate land owners, or any licensee or person who, during travels to and from mining operation sites, drives off the road on farmland or vegetation, shall be guilty of administrative infraction.

54. Sanctions

- 1) The sanction for an act which constitutes a primary infraction under article 53 (1) of this Proclamation may include the immediate revocation of the license to which the infraction is related and a fine not exceeding 5,000 Birr, and if the person commits another act which constitutes a further such infraction, the amount of the fine may be doubled.
- 2) Notwithstanding the sanction described under sub article 1 of this Article, the illegal miner shall pay for the amount he mined at estimated local price.
- 3) If the licensee, after being given notice of the infraction, immediately takes remedial action to correct an action that constitutes an infraction stated under Article 53 (2) of this Proclamation, he shall be fined an amount not exceeding 2,000 Birr. If, however, the person concerned cannot or does not take remedial action the amount of the fine may be doubled.
- 4) If the licensee, after being given notice of his act of infraction stated under Article 53 (2) of this Proclamation, fails to take remedial action or, if the infraction results in an imminent or continuing danger to the health and safety of a person, the environment or a deposit, the Licensing Authority may immediately order the licensee to suspend his mining operations pending correction of the infraction, and the licensee shall be suspended until such act is rectified.

- 5) Abbaan hayyamaa kamiyyuu, balleessaa Keewwata 53 (3) Labsii kanaa jalatti kufu raawwachuu isaatiif of-eeggannoon erga isa gahee booda battalumatti tarkaanfii sirreessaa yoo fudhachuu baate ykn gochi balleessichaa waan sirraa'uu hin dandeenye yoo ta'e, maallaqaa Qr. 500 hin caalleen ni adabama.
- 6) Balleessaan sadarkaa 2<sup>maa</sup> ykn balleessaan bulchiinsaa, amala itti-fufiinsa ykn irra deddeebii qabu ta'ee yoo argame, Abbaan Taayitaa hayyama kennu akka duraa-duuba isaatti balleessaa sadarkaa 1<sup>maa</sup> ykn 2<sup>maa</sup> godhee lakkaa'uufi abbaan hayyamichaas haaluma kanaan adabamuu ni danda'a.
- 7) Akkaataa Keewwata 53, Keewwata Xiqqaa 3(e) Labsii kanaarratti taa'een balleessaa raawwatameef adabbiin Keewwata 54 (5) irratti kaa'ame akkuma jirutti ta'ee, albuudni haala akkasiitiin qabame ni dhaalama.
- 8) Tumaaleen Keewwata kanaa akkuma eegamanitti ta'ee, namni kamiyyuu tumaalee Labsii kanaafi dambii Labsii kana raawwachiisiisuuf bahu cabsuudhaan balleessaa raawwatee yoo argame, bu'uura Seera Adaba Yakkaatiin adabama.

**KUTAASHAN**

**Tumaalee Adda-addaa**

**55. Mirgoota Hayyamaa Ragga'anii Jiran**

- 1) Mirgoonni hayyamaa, osoo Labsiin kun hojiirra hin oolin jiran, bu'uura waliigaltee dura taasifameettiin bulu. Haalawwan waliigaltee keessatti tarreeffaman, tumaalee Labsii kanaa wajjin kan wal-faallessan yoo ta'e, hanga danda'ametti akka wal-fudhatan taasisuuf Abbaan Taayitaa hayyama kennu abbootii hayyamaa wajjin irratti walii-galuu ni danda'a.
- 2) Keewwanni Xiqqaa 1 Keewwata kanaa jiraateyyuu Labsiin kun osoo hojiirra hin oolin dura bu'uura wal-ta'iinsa godhameen namni abbaa mirgaa ta'e, wal-ta'iinsicha irratti kan ibsamanitti dabalee jajjabeessaawwan 'Labsii kanaan hayyamaman argachuu ni danda'a. Haa ta'u malee, wal-ta'iinsichi tumaalee Labsii kanaa waliin kan walitti bu'u yoo ta'eefi abbaan mirgaa Ejensii wajjin waliigaluu fedhii kan hin qabne yoo ta'e, jajjabeessa Labsii kanarratti hayyamaman argachuu hin danda'u.

- ፩) ማንኛውም ባለፈቃድ በዚህ አዋጅ አንቀጽ ፶፫(፫) ሥር የሚወድቅ ጥፋት ስለመፈጸሙ ማስጠንቀቂያ ከደረሰው በኋላ ወዲያውኑ የእርምጃ እርምጃ ካልወሰደ ወይም የጥፋቱ ድርጊት ሊታረም የማይችል ከሆነ ብር ፭፻ (አምስት መቶ) በማይበልጥ የገንዘብ ቅጣት ይቀጣል።
- ፪) ማንኛውም የሁለተኛ ደረጃ ወይም አስተዳደራዊ ጥፋት የቀጣይነት ወይም የተደጋጋሚነት ባህርይ ያለው ሆኖ ሲገኝ ፈቃድ ሰጭው ባለሥልጣን ጥፋቱን እንደቅደም ተከተሉ አንደኛ ደረጃ ወይም ሁለተኛ ደረጃ ጥፋት እድርጉ ሊቆጥረውና ባለፈቃዱም በዚህ መሠረት ሊቀጣ ይችላል።
- ፫) በዚህ አዋጅ አንቀጽ ፶፫ ንዑስ አንቀጽ ፫ (ሐ) ላይ የተገለጸው ጥፋት ሲፈጸም በአንቀጽ ፶፬ (፭) ላይ የተገለጸው ቅጣት እንደተጠበቀ ሆኖ በዚህ ሁኔታ የተያዘው ማዕድን ይወረሳል።
- ፬) የዚህ አንቀጽ ድንጋጌዎች እንደተጠበቁ ሆነው ማንኛውም ሰው የዚህን አዋጅና አዋጁን ለማስፈጸም የሚወጣውን ደንብ ድንጋጌዎች በመጣሱ ጥፋተኛ ሆኖ ሲገኝ በወንጀለኛ መቅጫ ሕግ መሠረት ይቀጣል።

**ክፍል አምስት**

**ልዩ ልዩ ድንጋጌዎች**

- ፶፭. ፀንተው ስለሚገኙ የፈቃድ መብቶች
- ፩) ይህ አዋጅ በሥራ ላይ ከመዋሉ በፊት የነበሩ የማዕድን መብቶች እንደጸኑ የሚቆዩ ሲሆን መብቶቹ ቀደም ሲል በተደረገው ስምምነት መሠረት ይተዳደራሉ፤ የስምምነቱ ዝርዝር ሁኔታዎች ከዚህ አዋጅ ድንጋጌዎች ጋር የሚቃረኑ ከሆነ በተቻለ መጠን ከአዋጁ ድንጋጌዎች ጋር እንዲጣጣሙ ለማድረግ ፈቃድ ሰጭው ባለስልጣን ከባለመብቱ ጋር ሊደራደር ይችላል።
- ፪) የዚህ አንቀጽ ንዑስ አንቀጽ ፩ ድንጋጌ ቢኖርም ይህ አዋጅ በሥራ ላይ ከመዋሉ በፊት በተደረገ ስምምነት መሰረት ባለመብት የሆነ ሰው በስምምነቱ ከተመለከቱት በተጨማሪ በዚህ አዋጅ የተፈቀዱትን ማበረታቻዎች ለማግኘት ይችላል፤ ሆኖም ስምምነቱ ከዚህ አዋጅ ድንጋጌዎች ጋር የማይጣጣም ከሆነና ባለመብቱ ከፈቃድ ሰጭው ባለስልጣን ጋር ለመደራደር ፈቃደኛ ካልሆነ በአዋጁ የተፈቀዱትን ማበረታቻዎች ማግኘት አይችልም።

- 5) If the licensee does not immediately take remedial action after being given notice of an act which constitutes infraction stated under Article 53 (3) of this Proclamation or if the infraction is not capable of remedy, he shall be subject to a fine not exceeding 500 Birr.
- 6) If any act or omission which constitutes a secondary or an administrative infraction is of a continuing or repeated nature, the Licensing Authority may deem it to constitute a primary or a secondary infraction, respectively and the licensee concerned shall be subject to the sanctions thus applicable.
- 7) Notwithstanding the sanction stated under Article 54 (5) for the act stated under Sub-Article 3 (e) of article 53 of this proclamation, the mineral in question shall be confiscated.
- 8) Notwithstanding the sanctions stated in this Article, any person who violates the provisions of this Proclamation or the regulation issued to implement it, shall be subject to penalties as provided in the Criminal Code.

**PART FIVE**

**MISCELLANEOUS PROVISIONS**

**55. Existing Mining Rights**

- 1) All mining rights existing before entry into force of this Proclamation shall remain valid and shall be governed by the terms of that agreement, provided, however, that if such terms are inconsistent with the provisions of this Proclamation, the Licensing Authority shall undertake negotiations with the holder of such right so that the terms of such right shall, in so far as practicable, be revised to conform to the provisions of this proclamation.
- 2) Notwithstanding the provision of sub-article 1 of this Article, the holder of mining rights issued before entry into force of this Proclamation may be entitled to incentives under this Proclamation, provided, however, the licensee shall be willing to negotiate with the Licensing Authority regarding the agreement which is inconsistent with this Proclamation.

**56. Aangoo Dambiifi Qajeelfama Baasuu**

Labsii kana hojiirra oolchuudhaaf Mootummaan aangoo Dambii baasuu kan qabu yammuu ta' u, Ejensiin, Labsii kanaafi Dambii / Labsii kana raawwachiisuuf bahurratti hundaa' uudhaan qajeelfamootaa baasuuf aangoo qaba.

**57. Seerota Haqamaniifi Hojiirra Ooluu Hin Dandeenye**

- 1) Haala faallaa ta' een wal-ta' iinsi yoo godhamuu baate, tumaaleen Seera Hawaasaa, bulchiinsa kontiraataa ilaallatan, wal-ta' iinsa hojii albuudaa irratti raawwatamoo hin ta'an.
- 2) Seerri, Dambiin, Qajeelfamni ykn hojmaanni Labsii kanaan wal-faallessu kamiyyuu, dhimmoota Labsii kana keessatti haamataman irratti raawwatama hin qabaatu.

**58. Yeroo Labsiin Kun Itti Ragga'u**  
Labsiin kun Guraandhala 25 bara 1997 irraa eegalee kan ragga'e ta'a.

Adaamaa,  
Guraandhala 25, 1997

Juneeydii Saaddoo  
Pirezidaantii Bulchiinsa Mootummaa Naannoo Oromiyaa

፶፮. ደንብና መመሪያን የማውጣት ሥልጣን ይህን አዋጅ በሥራ ላይ ለማዋል መንግስት ደንብ የማውጣት ሥልጣን ያለው ሲሆን በዚህ አዋጅና ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ ላይ ተመስርቶ ኤጀንሲው መመሪያዎችን የማውጣት ሥልጣን ይኖረዋል።

**፶፯. ስለተሻራና ተፈጻሚ ስለማይሆኑ ሕጎች**

- ሐ) በተቃራኒ ሁኔታ ስምምነት ካልተደረገ በስተቀር በአስተዳደር ክፍል መሥሪያ ቤቶች ስለሚደረጉ ውለቶች በፍትሐብሔር ሕግ የተመለከቱት ድንጋጌዎች በማዕድን ሥራ ስምምነቶች ላይ ተፈጻሚ አይሆኑም።
- ጸ) ይህን አዋጅ የሚቃረን ማናቸውም ሕግ፣ ደንብ፣ መመሪያ ወይም የአሠራር ልምድ በዚህ ውስጥ የተሸፈኑትን ጉዳዮች በሚመለከት ተፈጻሚነት አይኖረውም።

**፶፰. አዋጁ የሚጸናበት ጊዜ**  
ይህ አዋጅ ከየካቲት ፳፭ ቀን ፲፱፻፺፯ ዓ.ም. ጀምሮ የፀና ይሆናል።

አዳማ  
የካቲት ፳፭ ቀን ፲፱፻፺፯ ዓ.ም.

ጁነይዲ ላይ  
የአርሚያ ክልላዊ መንግስት ፕሬዚዳንት

**56. The Power to issue Regulation and Directives**

The Government has the power to issue Regulation to implement this proclamation, and the Agency has the power to issue directives based on the Proclamation and the Regulation.

**57. Inapplicable Laws**

- 1) Unless otherwise provided by agreement, the provisions of the Civil Code of Ethiopia regarding Administrative Contracts shall not be applicable to such agreements that may be concluded between the Government and the licensee.
- 2) Any law, regulations, directives or practices, which are inconsistent with this Proclamation, shall not apply with respect to matters provided for in this Proclamation.

**58. Effective Date**

This Proclamation shall enter into force as of the first day of March 2005.

Adama, 1 March 2005

Juneeydi saddo  
President of the National Regional Government of Oromia