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PROCLAMATION No. 331/2003
A PROCLAMATION TO IMPLEMENT THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION

WHEREAS, Ethiopia is one of the signatories to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done in Paris on the 13th day of January, 1993;

WHEREAS, the House of Peoples’ Representatives has ratified the said Convention at its session held on the 22nd day of February, 1996; and Proclamation No. 30/1996 has been proclaimed to this effect;

WHEREAS, it is agreed that each State Party must adopt the necessary measures to implement its obligation under the Convention, and to this effect the issuance of a national law has become necessary;

NOW, THEREFORE, in accordance with Article 55(1) and (12) of the constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

1. Short Title
This Proclamation may be cited as the “Implementation of the Convention on the Prohibition of Chemical Weapons Proclamation No. 331/2003.”
2. Definitions

In this Proclamation, unless the context otherwise requires:


2) “Chemical Weapons” means the following, together or separately:

   (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes;

   (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in Sub-Article 2(a) of this Article, which would be released as a result of the employment of such munitions and devices;

   (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in Sub-Article 2(b) of this Article;

3) “Ministry” or “Minister” means the Ministry or Minister of Trade and Industry respectively;

4) “Person” means any physical or legal person;

5) “Toxic Chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere;

6) “Precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system;

7) “Purposes Not Prohibited Under the Convention” means:

   (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

   (b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

   (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;

   (d) Law enforcement including domestic riot control purposes;

8) “Schedules” means lists of toxic Chemicals and their precursors of the Convention and annexed to this Proclamation as Schedules 1, 2 and 3;

9) “Riot Control Agent” means any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure;
“Organization” means the organization established for the implementation of the Convention on the Prohibition of Chemical Weapons.

The provisions of this Convention shall be applicable in the territory of the signatory states only to chemical weapons, chemical munitions, and chemical warfare agents, including any chemical agent, chemical munition, or chemical weapon that is subject to Article 1 of the Convention.

Powers and Duties of the Signatory States

The signatory states shall have the following powers and duties:

1. Implement all relevant agreements concluded by the Convention and any additional agreements concluded by the Convention and the signatory states.

2. Adopt the appropriate measures to ensure the implementation of the Convention, including the establishment of a national organization for the control and regulation of the use and storage of chemicals.

3. Provide for the establishment of a national organization in the signatory states for the control and regulation of the use and storage of chemicals.

4. Establish a national organization for the control and regulation of the use and storage of chemicals in each signatory state.

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13) ensure inspections to be conducted by the organization in the territory of Ethiopia in accordance with the Convention; facilitate those inspections and act as the in-country escort for the inspection team in accordance with the Convention;

14) provide an identification card to the members of the inspection team that enters into Ethiopia which sets forth the authority to inspect, the privileges and immunities enjoyed by the inspection team under part II(B) of the Verification Annex to the Convention and other relevant information;

15) develop national program in co-operation with other concerned offices, for the protection of chemical weapons and toxic chemicals, and follow-up its implementation; serve as national focal point for effective liaison with the organization and other states parties.

16) Under take such other activities related to the implementation of this proclamation.

4. Responsibility of the Customs Authority

1) The Customs Authority shall have an obligation to ensure that the import or export of toxic chemicals and their precursors; annexed with this Proclamation is duly licensed by the Ministry and their quantity accords with license.

2) The customs Authority shall consult the Ministry before providing permit for import or export of any goods the content of which is doubtful in relation to this Convention.

5. The Chemical Weapons Convention Implementing Advisory Board

1) The Chemical Weapons Convention Implementing Advisory Board (hereinafter referred to as “the Board”) which shall be accountable to the Ministry, is hereby established by this Proclamation.

2) The Board shall have seven members to be appointed by the government upon presentation by the Minister. The Minister or his delegate from the Ministry shall be the Chairperson of the Board.

6. Powers and Duties of the Board

The Board shall have the following powers and duties:

1) advice the Ministry concerning the implementation of the convention and this Proclamation;

2) initiate policies and submit to the Ministry, on matters relating to the implementation of the convention and this Proclamation.

7. Meeting of the Board

1) The Board shall have a regular meeting at least once every six months; it may, however, convene extraordinary meetings as deemed necessary.

2) There shall be a quorum where the majority of the members are present at the meetings of the Board;

3) Decision shall be made by a majority vote. In case of a tie the Chairperson shall have a casting vote.

4) Without prejudice to the provisions of this Article, the Board may prescribe its own rules and procedure.

8. Prohibition of Chemical Weapons

Any person shall not undertake under any circumstances any of the following activities:

1) Developing, producing, acquiring, stockpiling, directly or indirectly transferring chemical weapons to anyone, and using chemical weapons;

2) Assisting, encouraging or inducing in any manner, any other person to engage in any activity prohibited by this Proclamation or the Convention; and engaging in military preparations to use chemical weapons;
3) Using riot control agents as a method of warfare;

9. Non-Prohibition
1) Any person who obtains a license for purposes not prohibited under the Convention, may import, export, produce, process, consume, acquire or transfer toxic chemicals and their precursors listed in the Schedules.
2) Prohibitions under Article 8 of this Proclamation shall not apply on the services to be delivered by the Ministry in relation to the destruction of chemical weapons and the protective measures to be taken against chemical weapons.

10. Information and keeping of Records
1) Any person who, obtained license in accordance with this Proclamation or produces unscheduled discrete organic chemicals or acquires riot control agents shall have an obligation to keep records.
2) Any person shall have a duty to provide information and documents that are related to chemical weapons, toxic chemicals and their precursors and unscheduled discrete organic chemicals, when requested by the Ministry.
3) Any person must keep information obtained in relation to implementation of this Proclamation or the convention confidential. Such information may be disclosed only:-
(a) with the consent of the person to whose affairs it relates; or
(b) to enable Ethiopia to fulfil its obligation under the Convention; or
(c) to implement this Proclamation; or
(d) to ensure the safety of the public.

11. Duty to Cooperate
Any person shall have an obligation to cooperate with the Ministry for the purpose of implementing this Proclamation.

12. Inspection by the Organization
1) The inspection team of the Organization may in accordance with the Convention conduct inspection in the territory of Ethiopia in connection with chemical weapons, toxic chemicals and their precursors, and unscheduled discrete organic chemicals.
2) Members of the inspection team shall have an obligation to produce their identification card at any place when requested.

13. Penalty
Unless the offence is punishable with more severe penalty under the Penal Code—
1) Any person who violates Article 10 and 11 of this Proclamation shall be punished with imprisonment from one up to three years and with fine from Birr 5,000.00 (five thousand Birr) up to 10,000.00 (ten thousand Birr).
2) any person engaged in activities mentioned under Article 9 Sub-Article (1) of this Proclamation without obtaining license from the Ministry shall be punished with imprisonment from three up to five years and with fine from Birr 10,000.00 (ten thousand Birr) up to 30,000.00 (thirty thousand Birr).
3) any person who provides false information in connection with the implementation of this Proclamation and the convention or hinders inspection activity by the Organization or the Ministry shall be punished with imprisonment from five up to ten years and with fine from Birr 30,000.00 (thirty thousand Birr) up to 50,000.00 (fifty thousand Birr).
4) Any person.
   (a) Whosoever makes, produces, stockpiles, in any way passes to another person, imports, exports, buys, makes available for sale, deals, possesses, transports or distributes Chemical Weapons shall be punished with rigorous imprisonment ranging from Ten to Fifteen years. Where the Crime is committed for avaricious reasons he shall additionally be punished with a fine of five thousands Birr. However, where the crime is committed by a juridical person the fine shall be threefold.
   (b) Whosoever uses riot control agents as a method of warfare shall be punished with rigorous imprisonment from five to ten years.
   (c) Whosoever uses or makes preparation for the use of Chemical Weapons for military purposes shall be punished with rigorous imprisonment ranging from Ten to Twenty Five years. However, where the commission of the crime is grave he shall be punished with death.

14. Confiscation
1) The Ministry may confiscate toxic chemicals and precursors listed in the Schedule that are imported or ready for export without obtaining license in accordance with this Proclamation.
2) Saving the provision of Sub-Article (1) of this Article, in addition to the penalty passed against a person who has been convicted for violation of Sub-Article (2) and (4) of Article 13 of this Proclamation, the court may give order for the confiscation of chemical weapons and chemicals included in the schedule.

15. Inapplicable Laws
Any laws or practices which are in contradiction with this Proclamation shall not be applicable in respect of matters provided for in this Proclamation.

16. Issuance of Regulations
The council of Ministers may issue Regulations for the implementation of this Proclamation.

17. Issuance of Directives
The Ministry may issue public notices and directives for the implementation of this Proclamation.

18. Effective Date
This Proclamation shall enter into force as of the 29th day of April, 2003.

Done at Addis Ababa, this 29th day of April, 2003.

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA