**Proclamation No. ...... /2019**

**A Proclamation to provide for Firearm
Administration and control of the Federal Democratic Republic of Ethiopia**

Recognizing that firearm control is necessary to maintain peace and security of the country and the public and is necessary to ensure rights and security of citizens and people;

Whereas, it has been found necessary to make firearms in the hands of individuals could be utilized to maintain the peace and security of the community;

Whereas, it has become necessary to determine in a detailed legislation gaps not covered by existing laws and practices and create consistent system;

Whereas, it has been found necessary, to enforce international agreements concerning illicit firearm control ratified by our country and to lay down system in order to conduct international cooperation;

Whereas, recognizing that, under article 51(21) of the Constitution of the Federal Democratic Republic of Ethiopia, it is stipulated that the federal government enacts law on the possession and bearing of arms;

NOW, THEREFORE, in accordance with article 55(2)(h) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

**PART ONE**

**GENERAL**

1. **Short Title**

This Proclamation may be cited as the **“Firearm Administration and** control **Proclamation No. ……… /2019”**

1. **Definitions**

Unless the context otherwise requires, in this proclamation;

1. **“Supervising Institution**” means the Ethiopian Federal Police Commission or regional police commission to whom the power is delegated;
2. “**Firearm”** means a weapon that expel a shot, bullet, bomb, missile, Rocket and any projectile by the action of an explosive which causes damage on life, body and property and it includes bullet and related materials;
3. **“Ammunition”** includes cartridge cases, primers, propellant powder, bullets or projectiles that are fired by firearm;
4. **"Small firearms"** means any kind of Pistol that can be used at personal level
5. **"Light Firearms"** means a firearm which is automatic, semi-automatic, or which is not automatic that can be used personally.
6. **"Medium Fire Arm"** means portable weapon designed for use by two or more than two persons serving as a crew,
7. **"Non automatic firearm"** means a weapon with one barrel and can fire while it is trigger is pulled out and cannot Reload by itself when it is fired
8. **“Semi automatic Firearm”** means weapon with one barrel and which does not fire more than one shot while its trigger is pulled and can reload by itself when it is fired;
9. **“Fully automatic weapon”** means weapon with more than one barrel and which could fire more than one shot while its trigger is pulled and can reload by itself when it is fired;
10. **“Related material”,** means firearm holder or holster, any components, parts, replacement, bullet magazine holder and materials used for firearm cleaning and repairing;
11. "**Bulk Firearm or Harm inflicting materials"** means two or more Fire arms or Harm inflicting materials.
12. **“Serial number”** is a special mark engraved by the manufacturer using alphabets and numbers to identify country of manufacture and unique number that does not easily erase and which enables to differentiate one firearm from the other;
13. **“Harm inflicting materials”** means weapons due to their sharpness, poison or by using electric power could inflict grave injury against life or human body like bayonet, machete, sword, dagger and includes hand held taster instruments, pepper spray, hydrogen cyanide and similar chemicals;
14. **“License” and “License holder”** respectively means license given by the supervising institution in accordance with part four of this proclamation and the person who is licensed;
15. **“Law enforcement”** means federal or regional police commissions, federal or regional prison administrations, militia and includes those privately armed and organized by police organs for the protection of local peace and security;
16. **“Regional state ”** means any of those regional states specified under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa Cities Administrations;
17. **“Court”** means any court in Ethiopia;
18. **“Person”** means any Natural or juridical person;
19. Any expression in the masculine gender includes the feminine.
20. **Scope of Application**
21. This proclamation shall be applicable up on any person within Ethiopia;
22. Without prejudice to application of article 27 of this proclamation, this proclamation shall not be applicable on Defense Forces and National Intelligence and Security Services.

**Part Two**

**Firearm and Prohibition of its Use**

1. **Prohibited Activities**

No one other than those given permission in accordance with this proclamation shall:-

* 1. Without valid license import, export, possess, put, store, use, exhibit, broker, sale, buy, transfer, traffic, transport, manufacture, train, repair or dispose firearm, military binoculars; any kind of goggles or sound muzzling instrument which may be fitted on firearm;
	2. Without valid license import, export, hold, put, store, use, exhibit, broker, sale, buy, transfer, traffic, transport, manufacture, repair harmful materials;
	3. Alter in whole or in part, destroy or make unrecognizable in any other way the serial number of a firearm given by the manufacturer or supervising institution;
	4. Advertise firearm or service related with firearm.
1. **Prohibited Places to Carry Firearm**
	* + 1. Any person shall not carry firearm in:-

a/ places where there is peaceful demonstration or riot,

b/ places determined by electoral law or national electoral board,

c/ hotels, cinema, theaters, museums and similar public recreation places,

d/ sporting places except in permitted shooting sport place;

e/ educational institutions, religious and belief institutions compound; and

f/ hospital and clinics, government offices and other similar places where public service is provided.

* + - 1. Any person who is carrying a firearm and would like to enter into places mentioned under sub article /1/ of this article shall first handover the firearm to the security guards of the institution;
			2. Notwithstanding sub article /1/ of this article, law enforcement bodies on duty or security guards hired to guard the institution may carry their licensed firearm and conduct their activity;
			3. In addition to places indicated under sub article /1/ of this article, the Supervising institute may determine by directive other places where carrying firearm is prohibited.
1. **Institutions not to be given firearm license**

The following institutions shall not be given any type of firearm license except firearm necessary for the protection of the institutions:

* 1. Political parties,
	2. Religious and belief institutions,
	3. Charities and associations, and
	4. Educational institutions.

**PART THREE**

**FIREARM LISECENCE AND ADMINISTRATION**

1. **Condition under which Firearm License is Given**
	1. Firearm license shall be given:

a) for private individual, only one Small or one Light firearm, Details and the amount of bullets to be authorized shall be determined by directive to be issued by the Supervising Institute by taking in to account of the pastoralists, farmers and cities situation.

b) for organization, small or Light firearm, the details and the amount of bullets to be authorized shall be determined by directive to be issued by the Supervising Institute;

c) if the applicant does not have another previous license or has returned the license and got canceled it or his license is not canceled more than three times;

d) the firearm is not licensed in the name of another person,

e) if the firearm is working and is not damaged;

f) if the firearm is not used for committing a of crime;

g) if the serial number is visible. However, during the transitory period of this proclamation, if the identification number is not visible the institution shall print serial number and give license;

2.except sub article 1/a/ of this article, all conditions shall also be applicable to legal persons;

3. License given to individuals shall remain valid for Two years and for legal persons for five years.

1. **Requirements for Firearm Licensing**

Firearm license for individuals shall be given where the applicant:

* 1. Meets the age requirement determined by the directive issued by the supervising institute taking in to account the situation of the pastoralists, farmers ,cities dwellers and other issues ;
	2. is an Ethiopian national or has permit to reside in Ethiopia;
	3. is not drug or alcohol addict;
	4. Has permanent address and livelihood or income;
	5. Has not partially or fully lost capacity as a result of legal or judicial interdiction;
	6. Believed by the Supervising Institution to have balanced mental status and does not have unnecessary aggressive nature ;
	7. Has understanding of firearm utilization and the duties under this proclamation or has willingness to take a training when requested by the Supervising institute ;
	8. Is willing to pay the necessary payment for Licensing and renewal of License,
	9. Could submit letter of cooperation that he has good conduct from his residential local administration; and
	10. Without prejudice to article 9/1/ and /2/, is believed to have sufficient and valid reason to bear firearm based on a consistent requirement to be prepared by the Supervising Institution.
	11. The Requirements for organizations shall be determined by directive to be issued by the supervising Institute.
1. **Firearm Licensing of traditionally armed Communities**
	* + 1. Individuals who carry firearm and are residents of localities where firearm is traditionally carried shall be given one firearm license for a person in accordance with this proclamation within one year as per the schedule issued by the Supervising Institution so long as the firearm type is not a prohibited type ;
			2. After expiry of the time limit indicated under sub article /1/ of this article, a person residing in the mentioned areas shall be given license in accordance with this proclamation;
			3. A firearm not licensed within the time limit as indicated under this article, shall be delivered to the Supervising Institution, when found during supervision, it shall be confiscated.
2. **Fire arm License for International Organizations and Foreign Representatives**
	1. Firearm license shall be given to international organizations or foreign state representatives based on requirements to be laid down by the Supervising Institution with the opinion of the Ministry of Foreign Affairs;
	2. The Supervising Institution shall make sure that the firearm is of a type authorized under this proclamation; register its identification number when it is imported, and the fire arm shall be handed over to the Supervising Institution after the lapse of the license period.
3. **Content of Firearm License**

Firearm license shall contain the following information:

* 1. Full name of the licensed person, photo, birth date, address;
	2. Type of firearm, serial number, number of bullets, related material;
	3. Name of licensing official, signature, stamp, date of license and expiry date of license.
1. **Firearm serial Number**
	* + 1. The Supervising Institution shall give consistent serial number to firearms which do not have consistent serial number and register them;
			2. The Supervising Institution shall not give license to firearms which do not have serial number or whose given serial number is partially or totally modified or debased beyond recognition; however, during the transitory period of this proclamation, the Institution shall print serial number and give license to firearm whose identification is illegible;
			3. Any person where a firearm under his possession has identifiable serial number but has faded due to any reason shall present to the Supervising Institution for reprinting of serial number;
			4. Any person where, in circumstances other than sub article /2/ of this article, the serial number of a firearm under his possession is illegible, scratched or modified shall immediately inform and handover to the Supervising Institution to have another serial number or replaced with another firearm.
2. **Firearm License for Special Activity**

Firearm license for special activity shall be given:

* + - 1. Where the applicant presents cooperation request letter from concerned government institutions to perform the requested activity;
			2. Where license is requested with the details of the required firearm type, bullet amount, the condition of utilization, the duration of utilization;
			3. For sporting activity and the type shall be gun or Non automatic or semi automatic weapon and the amount of bullets to be authorized shall be determined by directive to issued by the Supervising Institute;
			4. For legal animal hunting, the Supervising Institution shall give license to hunters based on the Ethiopian Wild Animal Development and Protection Authority requirements;
			5. For theater and film works and the type of the firearm shall be gun or semi automatic weapon and the bullet to be allowed shall be false bullet which does not have lead but emits sound when fired; the amount of bullet shall be determined by the directive issued by the Supervising Institute;
			6. For Import, export, storage, sale, traffic, transport, manufacture, training or repair may be permitted by the Supervising Institution, when license is given as per the regulation to be issued , National Intelligence and Security Service may be requested for advise with regard to restricting relation with terrorist groups, countries on embargo and source of threat countries;
			7. For firearm exhibition and for preserving antique firearms which are manufactured before fifty years and the Supervising Institution may give license based on its decision on the type of firearms, their secure protection and similar matters;
			8. The Supervising Institution may give license to broker firearms based on conditions to be determined by regulation;
			9. The Supervising Institution shall determine the validity period of license given under this article, upon expiry of license period and request of the license holder ,the license may be renewed, if it is not to be renewed, it has to be delivered to the government;
			10. The Supervising Institution may determine additional conditions which need to be met by the applicant.
1. **Firearm License Renewal System**
	1. Any licensed person shall submit his renewal request to the Supervising Institution within sixty days before the expiry of the license;
	2. The Supervising Institution shall immediately renew the license, if licensing requirements are met;
	3. Where the duration indicated under sub article /1/ of this article lapses before decision is given on renewal application by the supervising institution, then the previous license shall remain valid until the Supervising Institution gives its decision on the renewal application.
2. **Suspension of Firearm License**
	1. Any firearm license shall be suspended where:

a) The evidences presented by the licensed person are found to be suspicious and it becomes necessary to investigate the case;

b) There is sufficient suspicion that the license holder has utilized the firearm for unauthorized activity or violated this proclamation;

c) After expiry of the license period without renewal.

* 1. Any person whose license is suspended shall keep the firearm with the Supervising Institution;
	2. The firearm shall be confiscated by the Supervising Institution, if the licensed person could not correct the grounds of suspension stipulated under sub article /1/ of this article within sixty days.
1. **Revocation and Confiscation of Firearm License**
2. Any firearm license may be revoked where:

a) it is proved by the court that Crime is Committed with the licensed persons firearm;

b) the licensed person dies, his address is unknown or becomes legally or judicially interdicted;

c) the licensed organization is liquidated or cease to exist;

d) the court orders the license to be revoked;

e) the licensed returns the license voluntarily;

f) it is known that one of the requirements for acquiring the license is missing;

g) it is known that the information the license holder presented are forged or acquired by fraud;

h) the licensed person is found to have violated this proclamation;

i) the licensed firearm is damaged such that it is incapable to render service and is beyond repair;

j) the serial number of the firearm is unrecognizable for any reason after the transitional period of this proclamation; or

k) it is known that the firearm is out of the control of the owner for different reasons.

1. A Firearm which a license of it is revoked in accordance with sub article /1/ of this article, shall be confiscated;
2. The license shall be revoked and the firearm confiscated where the license and renewal period expires in accordance with this proclamation and it is not known whether the license holder has sufficient and valid reason.
3. **Firearm License and Renewal fee**

The Supervising Institution shall collect service fee to be determined by regulation for the following services:

* 1. firearm licensing or its renewal to natural person in accordance with this proclamation;
	2. firearm licensing or its renewal to legal person and foreigner in accordance with this proclamation;
	3. Renewal fine to be paid during the two months suspension period after expiry of a license of any licensed person;
	4. Licensing or renewal for special activity firearm license;
	5. To put firearm identification or repair;
	6. To buy or sale authorized firearms.
1. **Firearm Registration System**

The Supervising institution shall register and administer all firearms in the country by their serial number with information technology system.

 **PART FOUR**

**FIREARM UTILIZATION DUTIES**

1. **Duties of Licensed Person**

Any person licensed in accordance with this proclamation shall:

* 1. Use his firearm in accordance with this proclamation only;
	2. Hold the license certificate whenever carrying the firearm;
	3. Not carry more than authorized amount of bullets at a given time;
	4. As much as possible not carry the firearm openly;
	5. Inform the Supervising Institution immediately whenever there is any change of information or condition after getting the license with regard to the basis for acquiring the license;
	6. Inform the Supervising Institution immediately whenever the firearm licensed or under his possession is lost, breaks down, stolen, snatched, the indentifying number fades up or is in any way out of his control;
	7. Before the expiry of the license validity period appear in person with the firearm and renew the license by presenting report about its utilization;
	8. Not transfer the license or authorized firearm to others in any way, not lend it, not allow others to use it, make sure that it does not go into the hands of other person;
	9. Keep the firearm safely while it is not in use;
	10. Handover the firearm to the Supervising Institution where one does not need the utility of the firearm or where the license is not to be renewed for him;
	11. Implement safety rules issued by the Supervising Institution while carrying and using firearm
1. **Duties of Organization**

An organization licensed to use firearm shall

* + - 1. only permit persons who meet the requirements in this proclamation to hold the authorized firearm;
			2. lay down permanent handover system and ensure that this is maintained where guard members interchangeably bear it and shall indicate the person holding it when the firearm was utilized;
			3. Use the firearm in accordance with this proclamation for the intended purpose only;
			4. Not carry more than authorized amount of bullets at a given time;
			5. Inform the Supervising Institution immediately whenever there is any change of information or condition after getting the license with regard to the basis for acquiring the license;
			6. Inform the Supervising Institution immediately whenever the firearm licensed or under its possession is lost, breaks down, stolen, snatched, the indentifying number fades up or is in any way out of its control;
			7. Before the expiry of the license validity period appear in person with the firearm and renew the license by presenting report about its utilization;
			8. Not transfer away the license or authorized firearm to other person except its employees in any way, not lend it, not allow others to use it, make sure that it does not go into the hands of other person;
			9. Keep the firearm safely while it is not in use;
			10. Handover the firearm to the Supervising Institution where one does not need the utility of the firearm or where the science is not to be renewed for it;
			11. Implement safety rules issued by the Supervising Institution while carrying and using firearm.
1. **Conditions where a Licensed Firearm may be Transferred to Another Person**
2. A person with a firearm license shall not transfer the firearm to other person in any way;
3. Where a licensee does not need the utility of the firearm, he shall handover the firearm to the Supervising Institution ;
4. Where a license holder dies his heir who gets his right determined by court may request that the firearm be transferred to him, however if the heir could not be given the license, he may request the Supervising Institution to transfer it to another heir who meets the requirements;
5. Until the condition under sub article /3/ of this article are met, any person who holds the firearm shall as soon as possible handover the firearm to the Supervising Institution;

**PART FIVE**

**SUPERVISING INSTITUTION**

1. **Power and Duties of the Supervising Institution**

The supervising institution shall have the following powers and duties to enforce this proclamation:-

1. Organize a national firearm control business unit under it and enforce and control the enforcement of this proclamation;
2. Give license to use firearm in accordance with this proclamation and control illegal use of firearm;
3. Give professional competence certificate and control import, production, traffic, storage and sale of harm inflicting materials in accordance with regulation to be issued;
4. Suspend or revoke the license it gave when it believes the precondition under which the license given is changed;
5. Disarm and confiscate licensed or illegal firearm which is found to be threat to public peace and security;
6. Study and identify firearms carried illegally and bring them to legitimate scheme in cooperation and with the consensus of the society or disarm, dispose and confiscate illegal firearm;
7. Confiscate firearms determined by court order to be confiscated by the government, which do not have license, whose owner could not be determined or which could not render service; dispose firearm which needs to be disposed and make use of those which could be utilized;
8. Import, export, possess, safely store, traffic, transfer, buy locally, sale, train how to use, repair and dispose firearms that could be used in accordance with this proclamation through governmental institution that it selects or gives license to governmental or nongovernmental Organs to perform those activities;
9. Conduct researches related to firearm Administration control;
10. Conduct activities that could raise the awareness of the society about legal use and harmful nature of firearm;
11. Conduct international cooperation in relation to firearm, serve as competent authority;
12. Collect proportionate fee for services that it renders in accordance with this proclamation and regulation to be issued; and
13. Delegate regional police commissions to undertake the power and duties given to it as may be necessary, follow and control their performance based on a system that it lays down.
14. **Criminal Liability**
15. Article 481of the Criminal code dealing with arms trafficking shall remain in effect;
16. Any person who in violation of the prohibition and duty indicated under this proclamation without having valid license Import, export, put, use, exhibit, broker, sell, buy, put in circulation , produce, Train, repair; dispose, transfer in any way or carry, firearm, military binoculars; any kind of goggles or sound muzzling instrument which may be fitted on firearm; shall be punished with simple imprisonment of one year to three years and fine from five thousand birr up to ten thousand birr;
17. if the crime indicated under Sub article 1 of this article is committed in bulk ,he shall be punished with rigorous imprisonment from five to fifteen years and fine from fifty thousand birr up to one hundred thousand birr;
18. anyone who sells fire arm by which he got legally shall be punished with simple imprisonment;
19. anyone who gives the firearm by which he got legally in surety, rent, borrow it to another or transfers to third party shall be punished with simple imprisonment not exceeding one year,
20. Anyone who alter in whole or in part, destroy or make unrecognizable in any other way the serial number of a firearm given by the manufacturer or supervising institution shall be punished with simple imprisonment of six month to two years.
21. Anyone who Advertise firearm or service related with firearm shall be punished with simple imprisonment of not exceeding one year .
22. Any person who in violation of the prohibition and duty indicated under this proclamation put, receive, store, Transport, put in Circulation, Hide, use, exhibit, carry, buy, sell, offer to sell, broker, in any way transfer, import, Export, produce, dispose or repair, of Harm inflicting materials in bulk shall be punished with simple imprisonment not exceeding one year and fine from one thousand birr up to five thousand birr;
23. Any person who violates duty of cooperation indicated under article 25 of this proclamation shall be punished with simple imprisonment of not exceeding three years.
24. when an act indicated in article 481 of the criminal code and sub article 3 of this article is committed Using Vehicle, the vehicle which is used to commit such act shall be Confiscated by and delivered to the government by the Administrative decision of Customs Commission .

**PART SIX**

**MISCELANEOUS PROVISIONS**

1. **Transitory Provisions**
	* + 1. Firearm possession and use license or registration given in accordance with laws and practices prevailing before the coming into force of this proclamation, shall take license within one year from the supervising institution as per the schedule that it announces by meeting requirements indicated under this proclamation;
			2. Persons carrying or using firearm without license or registration based on laws and practices prevailing before the coming into force of this proclamation, shall take license from the supervising institution within one year by fulfilling requirements indicated under this proclamation as per the schedule that it announces;
			3. Persons who do not get license in accordance with sub article /1/ and /2/ of this article shall handover their firearm to the supervising institution;
2. **Duty to Cooperate**
	* + 1. Any person shall be responsible to provide information requested by the supervising institution to undertake its duties indicated under this proclamation;
			2. Any person shall have the duty to respect and cooperate with measures taken by the supervising institution in order to enforce this proclamation.
3. **Firearm utilization, Type and Amount to be Authorized for Law Enforcement Bodies**

The type and Amount of Firearm that the Federal and Regional law Enforcement Bodies can bear shall be determined based on their mission and other situations by regulation to be issued by the Council of Ministers ;

1. **Defense Force and National information and security Service**

Defense Forceand National information and security Service shall:

* + - 1. Determine by themselves the type, amount and condition of use of firearm that they are armed;
			2. Work in cooperation with the Supervising Institution on issues which they mutually find necessary.
1. **Power to Issue Regulation and Directive**
	* + 1. The Council of Ministers may issue regulation necessary to enforce this proclamation.
			2. The Supervising Institute shall issue directive necessary for the enforcement of this Proclamation and regulations issued in accordance with this proclamation.
2. **Repealed and Inapplicable Laws**
	* + 1. Legal notice 229/1960, is hereby repealed;
			2. Article 808 of the criminal code is here by repealed;
			3. No law, regulation, directive or practice in so far as it is inconsistent with this proclamation, shall be applicable with respect to matters covered by this proclamation.
3. **Effective Date**

This proclamation shall come into effect on the date of publication in the Federal Negarit Gazzette.

Done at Addis Ababa, this \_\_\_\_ day of \_\_\_\_ , 2019.

SAHILEWORK ZEWUDE

PRESIDENT OF

THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA