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PROCLAMATION No. 857/2014

A PROCLAMATION TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL INTEGRATED INFRASTRUCTURE DEVELOPMENT COORDINATING AGENCY

WHEREAS, Infrastructure works are related with assessment and payment of compensation for expropriation of land holdings and removal of properties, capital utilization, sustainability and accessibility of infrastructure;

WHEREAS, service interruptions and environmental pollution resulting from damages on infrastructure works during the course of execution of infrastructure works has brought from time to time complex economic and social woes to the beneficiaries and the government;

WHEREAS, in order to alleviate the foregoing problems, it is found necessary to establish by law an institution that is entrusted with the responsibility of coordinating and regulating integrated execution of infrastructure works;

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

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1. Short Title

This Proclamation may be cited as the “Federal Integrated Infrastructure Development Coordinating Agency Establishment Proclamation No. 857/2014”.

2. Definition

In this Proclamation, unless the context otherwise requires:

1/ “infrastructure” means road, railway, airport, telecommunication, electric power, irrigation, water supply line or sewerage line found on or below the ground and includes other related constructions;

2/ “infrastructure work” means construction, installation, maintenance, upgrading or rehabilitation of infrastructure undertaken by the relevant implementing organ and includes other related works;

3/ “implementing organ” means the relevant organ for the provision of infrastructure;

4/ “emergency situation” means sudden accident that occurs during execution of infrastructure work or damage sustained by infrastructure or sustained by third parties as a result thereof;

5/ “region” means any State referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

6/ “property” means an immovable property which includes crop and trees placed on the ground where the infrastructure has undertaking;

7/ “person” means any natural or legal person;

8/ any expression in the Masculine gender includes the Feminine.
3. Establishment

1/ The Federal Integrated Infrastructure Development Coordinating Agency (hereinafter “the Agency”) is hereby established as an autonomous federal government organ having its own legal personality.

2/ The Agency shall be accountable to the Prime Minister.

4. Head Office

The head office of the Agency shall be in Addis Ababa and it may have branch office elsewhere, as may be necessary.

5. Objective of the Agency

The objective of the Agency shall be to coordinate the execution of integrated infrastructure development works in accordance with roads master plan and to develop formula for the assessment of compensation for properties to be removed and landholdings to be expropriated due to integrated infrastructure development works.

6. Powers and Duties of the Agency

The Agency shall have the powers and duties to:

1/ prepare, in collaboration with other relevant implementing organs, national integrated infrastructure development works plan and master plan; ensure that they are executed by the implementing organs; cause their implementation to be undertaken by regions, as may be necessary;

2/ provide the necessary support for integrated infrastructure works undertaken by regions;

3/ develop formulas for the assessment of compensation to be paid, in accordance with the law, to third parties for expropriated land holdings and properties removed in the course of undertaking infrastructure works, keep records thereof and follow up their implementation;

4/ evaluate and approve work programs prepared in accordance with the approved short and long term infrastructure development plans;
5/ review policies and laws submitted by the implementing organs in light of integration of infrastructure development works, and forward its opinion to the relevant organ;

6/ compile and keep infrastructure data, and provide information to relevant organs upon request;

7/ determine codes, designs and color types of signs that identify existing infrastructure works and follow up their compliance by the relevant implementing organs;

8/ instruct every implementing organ to place the right sign at the right place, and follow up and inspect its implementation;

9/ issue directive, in collaboration with the relevant organs, to preserve natural environment in areas where integrated infrastructure works are being undertaken, and follow up and supervise its implementation;

10/ provide training on integrated infrastructure development works to appropriate organs, as may be necessary;

11/ in case of emergency situation, cause the taking of immediate remedial measure in consultation with the relevant organs;

12/ establish technical committees comprising different professionals, as may be necessary, that enable it to properly discharge its responsibilities;

13/ without prejudice to standards to be issued by the respective implementing organs, prepare and submit standards that enable the integration of infrastructure development works to the Council of Ministers for approval;

14/ issue permit, in addition to infrastructure works, for constructions, installations and related activities undertaken based on permitted construction works;
15/ cause the taking of appropriate measure in accordance with regulation to be issued for the implementation of this Proclamation against infrastructure works undertaken without or in violation of the permission of the Agency;

16/ issue directives for the implementation of integrated infrastructure development works in accordance with this Proclamation, and implement them and follow up their implementation;

17/ own property, enter into contract, sue and be sued in its own name;

18/ carry out other related activities that would enable it to achieve its objective.

7. **Organization of the Agency**

The Agency shall have:

1/ a Management Board (hereinafter the “Board”);

2/ a Director General and, as may be necessary, Deputy Director Generals, to be appointed by the government; and

3/ the necessary staff.

8. **Members of the Board**

Members of the Board, including the chairperson, shall be appointed by the government; and their number shall be determined as may be necessary.

9. **Powers and Duties of the Board**

The Board shall have the powers and duties to:

1/ review, before submission to the government, policies, laws, short and long-term plans as well as annual work programs and budgets of the Agency, and follow up implementation of same upon approval;

2/ fix the allowance to be paid to members of technical committees established pursuant to sub-article (12) of Article 6 of this Proclamation;

3/ approve directives to be issued pursuant to sub-article (16) of Article 6 of this Proclamation;
10. Meetings of the Board

1/ Meetings of the Board shall be held once every three months; provided, however, that the Board may hold a meeting at any time as may be necessary.

2/ The presence of more than half of the members at any Board meeting shall constitute a quorum.

3/ Decision of the Board shall be passed when supported by simple majority vote of members present at the meeting; provided, however, that the chairperson shall have a casting vote in case of a tie.

4/ Without prejudice to the provisions of this Article, the Board may issue its own rules of procedure governing the conduct of meetings.

11. Powers and Duties of the Director General

1/ The Director General shall be the chief executive officer of the Agency and shall direct and administer its activities.

2/ Without prejudice to the generality of sub-article (1) of this Article, the Director General shall:

a) exercise the powers and duties of the Agency stated under Article 6 of this Proclamation;

b) employ and Administer employees of the Agency in accordance with federal civil service laws;

c) prepare and submit to the Board, the short and long term plans, Annual work programs and budget of the Agency, and implement same upon approval;
d) prepare directives to be issued by the Agency in accordance with this Proclamation, and implement same upon approval by the Board;

e) effect expenditure in accordance with the approved work program and budget of the Agency;

f) represent the Agency in all its dealings with third parties;

g) submit to the Office of the Prime Minister the performance and financial reports of the Agency upon their approval by the Board.

3/ The Director General may delegate part of his powers and duties to officials and other employees of the Agency to the extent necessary for the efficient management of the Agency.

12. Budget

The budget of the Agency shall be allocated by the government.

13. Books of Accounts

1/ The Agency shall keep complete and accurate books of accounts.

2/ The books of accounts and financial documents of the Agency shall be audited annually by the Auditor General or by auditors assigned by him.

14. Responsibility of Implementing Organs

1/ Every implementing organ shall prepare its infrastructure plan in accordance with road infrastructure plan and master plan.

2/ An implementing organ, when submitting its infrastructure plan to the Agency, shall include detail data pertaining to the area where the work is to be undertaken.
3/ Without prejudice to permits issued by other government organs to engage in infrastructure works, every implementing organ is required to obtain a permit from the Agency prior to commencement of its work.

4/ An implementing organ shall promptly inform the Agency when it has found that its work is not in conformity with other infrastructure works.

15. Grievance Handling Procedures

1/ Any complaint relating to integrated infrastructure development work may be submitted to the Agency in writing within ten working days of the receipt of the decision of the implementing organ.

2/ The Agency shall decide and notify on the complaint submitted to it within one month.

3/ Any party dissatisfied with the decision of the Agency with respect to compensation may appeal to the competent court.

16. Duty to Cooperate

Any person shall have the duty to cooperate in the implementation of this Proclamation and regulation and directives issued under this Proclamation.

17. Applicability of other Laws

1/ No law may, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

2/ The integration of regional infrastructure works shall be governed by laws to be issued by the respective regional states following the basic principles of this Proclamation.
18. Power to Issue Regulation

The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

19. Effective Date

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa this 22nd day of August, 2014.

MULATU TESHOME (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA