

PROCLAMATION NO. 179/1999  
THE ETHIOPIAN NATIONAL ARCHIVES  
AND LIBRARY PROCLAMATION

WHEREAS, the management of the National Archives and Library in a coordinated manner, the collection of archives, books, related texts, audio and video recording, the organization of modernized documentation services under one center and the promotion of information services have become necessary;

NOW, THEREFORE, in accordance with Article 55(1) 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 "Ethiopia National Archives and Library Proclamation No. 179/1999."

2. *Scope of Application*

- 1) With regard to archives, this proclamation shall apply to offices of the Federal Government, public enterprises owned by the Federal Government, and City Administrations of Addis Ababa and Dire Dawa.
- 2) With regard to printed matters, this proclamation shall apply to the autor, printer, publisher, duplicator, distributor and agent of any printer gray literature.

3. *Definition*

Unless the context requires otherwise in this proclamation:

- 1) "Agency" means the Ethiopian National Archives and Library Agency;
- 2) "Ministry" or "Minister" means the Ministry and Minister of Information and Culture respectively;
- 3) "Archives" means regardless of their physical form or content, non-current records, either original or copy, in the form of scripts, maps, graphs, audio and video recordings, photographs and other records of similar nature produced by government offices and private persons in the course of conducting their day to day affairs and selected for permanent preservation because of their information value;

- 4) "Public Library" means a library which serves the general public under the auspices of regional or city administrations;
- 5) "Record" means a regardless of its physical form or content, any letter, note, unbound text, bound material, book, plan, map, sketch, figure, pictorial or graphic representation, photograph, film microfilm microfiche, audio and video recording or electronically recorded information produced by a provenant in the course of conduct of day to day affairs and which is in the process of transfer to or not yet transferred to the National Archives and Library inspite of its informative value at the time when and at the place where it has been produced;
- 6) "Published Document" means any book or part of a book, newspaper, magazine, pamphlet, map, plan schedule, unbound print, table and other similar document printed by any mechanical or electronic means;
- 7) "Gray Literature" means any document with informative value and having a published cover and a type or computer written or stencil-duplicated content;
- 8) "Duplicated Document" means any text with informative value constituting a type or computer written or stencil-duplicated content;
- 9) "Manuscript" means a written text prepared in a traditional way and which possesses historical cultural; or artistic significance;
- 10) "Audio Recording" means electronically recorded and transmitted audio-information;
- 11) "Video Recording" means electronically recorded and transmitted image of film information;
- 12) "Audio and Video Recording" means electronically recorded and transmitted sound and image information;
- 13) "Tradition" means the culture, custom, belief, history and other social values of a certain people or group of people in a locality which is orally handed down from generation to generation through songs, hymns, proverbs and other related means;
- 14) "Oral History" means historical information collected through interview and recorded on cassettes or transcribed on documents;
- 15) "Provenant" means any person possessing informative records produced in the course of conduct of day to day affairs;
- 16) "Publisher" means any publisher in the country;

- 17) "Printer" means any person who prints or duplicates written texts, audio recording, video recording and audio and video recordings by mechanical means;
- 18) "Printing Press" means any entity in the country carrying on printing activities;
- 19) "Book" means any published document which contains, non-current news and consisting of not less than forty nine pages;
- 20) "Documentary Heritage" means ancient parchment texts, ancient prints, published and unpublished materials, gray literature and electronically recorded audio, video and audio-video information and other documents of informative value which are worthpreserving so as to be handed down from generation to generation;
- 21) "CD" means compact or optical disk used in computers or other electronic device to store text, data audio recordings, video recordings and audio-video recordings as well as to disseminate or transmit information;
- 22) "Printed Matter" means any published document, gray literature, audio recording, video recording, audio-video recording and other recording on magnetic disk (Compact disk);
- 23) "Person" means any natural or juridical person'

## PART TWO

### *The National Archives and Library Agency*

#### 4. *Establishment*

- 1) The National Archives and Library Agency (hereinafter referred to as "the Agency") is hereby established as an autonomous body having its own legal personality. Where found necessary, Archives and Library may be established separately and have their respective autonomous body.
- 2) The Agency shall be accountable to the Ministry.

#### 5. *Head Office*

The Agency shall have its head office in Addis Ababa and may have branch offices elsewhere as may be necessary;

6. *Organization*

The Agency shall have:

- 1) An Advisory Council;
- 2) A Director General; and
- 3) The Necessary staff.

7. *Objectives*

The Objectives of the Agency shall be to collect, systematically organize, preserve, and make the information resources of the country available for study and research purposes.

8. *Powers and Duties of the Agency*

The Agency shall have the following powers and duties to achieve its objectives:

- 1) Ensure the Proper handling and safety of records in a provenant until their transfer to the Agency;
- 2) Operate as a national repository center of printed matter, gray literature, non-printed documents, manuscripts historical, archives and records, tradition and oral history audio recording, video recordings, audio-video recordings and other documentary heritage; endeavor, by making use of state-of-the art technology, to preserve them for study and research purposes;
- 3) Make efforts to bring to the country the original or copy of literary documents which were taken out of the country;
- 4) Acquire and preserve records of defunct government offices or institutions as well as archives without owner;
- 5) Eastablish a record center which shall serve as a temporary storage of records transferred from provenants, and in which records of significance are appraised to be transferred to the Agency, and which decides upon records not worthy of permanent preservation;
- 6) In cooperation with archives, libraries, documentation centres and other information entities, establish organize, create a database of a national information system which enables an integrated, proper and efficient utilization of the information resources of the country;

- 7) Initiate the issuance of regulations and directives regarding the National Archives, the National Library and the Record Center as well as the handling and safety of records in provenants; and also inspect the implementation of same;
- 8) Nationalize archives which have national importance and which are in possession of individuals upon payment of compensation whenever they are exposed to man made or natural disasters;
- 9) Ensure that original archives and documentary heritage of the country are not taken abroad on a permanent basis; inspect copies and permit for their being taken out of the country;
- 10) Prepare, publish and distribute the Ethiopian National Bibliography and periodicals index publications;
- 11) Serve as a national registry center of ISBN and ISSN the Country;
- 12) Represent the Country with regard to matters provided for under Sub-Articles (10) and (11) of this Articles;
- 13) By concluding agreements with religious institutions and private persons, collect priceless and rare ancient manuscripts possessed by them; take a microfilm or a microfiche copy of the manuscripts when this is not possible and make them available for study and research purposes;
- 14) Serve as a repository center for publication of international and national organizations as well as research institutions;
- 15) Ensure that the contents of archives which are to remain confidential, by government decision, are not disclosed;
- 16) Work in collaboration with state archives and libraries as well as public libraries established or to be established in regional administrations;
- 17) Function as a training center to achieve its objectives;
- 18) Work closely with national and international organizations in order to develop and promote professions pertaining to archives and library affairs;
- 19) Charge fees as required for services it renders;
- 20) Own property, conclude agreements, sue and be sued in its own name.

9. *Members of the Advisory council*

1) The Council shall consist of the following members:

- a) Representative of the Ministry..... Chairman
- b) Representative of the Ministry of Finance ..... Member
- c) Representative of the Ministry of Education... "
- d) Representative of the Ministry of Justice... "
- e) Representative of the Ministry of Foreign Affairs.... "
- f) Representative of the Ministry of the Science  
and Technology Commission ..... "
- g) Representative of Universities ..... "
- h) Chairman of the Ethiopian Authors Associations.... "
- i) Chairman of the Fine Arts Associations ..... "
- j) Representative of the Ethiopian Orthodox Church "
- k) Representative of the Supreme Council of Islamic Affairs "
- l) Representative of the Ethiopian Mapping Authority "
- m) Representative of the Security, Immigration and  
Refugee Affairs Authority ..... "
- n) Director-General of the Agency ..... Member & Secretary

2. Without prejudice to what is provided under Sub-Article (1) other bodies may also be represented in the council if necessary.

10. *Powers and Duties of the Advisory Council*

The Advisory council shall have the following powers and duties:

- 1) Give advice to the Agency for the proper discharge of its functions;
- 2) Establish National Record Disposal Committee.

11. *Meetings of the Advisory Council*

- 1) The Council shall issue its own rules of procedure.
- 2) There shall be a quorum when more than half of the members of the council are present at its meetings.

- 3) Decisions of the Council shall be made by a majority vote, in case of tie, the Chairman shall have a casting vote.
- 4) Members of the Council shall have five years term of office.

12. *Director General of the Agency*

- 1) The Director General shall be appointed by the Government upon recommendation of the Minister.
- 2) The Director General shall, as a chief executive, direct and administer the Agency in accordance with directives of the Minister.
- 3) Without prejudice to Sub-Article (2) of this Article the Director General shall;
  - a) Implement the powers and duties of the Agency laid down under Article 8 of this proclamation;
  - b) Employ and Administer the personnel of the Agency pursuant to the federal civil service laws;
  - c) Prepare and submit to the Minister the annual budget and work programme of the Agency;
  - d) Make payments pursuant to the approved budget and work programme of the Agency;
  - e) Submit annual performance report of the Agency to the Minister;
  - f) Represent the Agency in all its dealings with third parties.
- 4) The Director General may partially delegate his authority to officials of the Agency to the extent necessary for the efficient performance of the functions of the Agency; however, if the delegation is for more than 30 days, it shall be submitted and approved by the Minister.

PART THREE

Administration of The National Archives

13. *Obligation of the Provenant*

Any Provenant shall:

1. Have a properly organized record service section.
2. Transfer all those records reaching the age of 25 years and which are non current to the record centre of the agency at the end of every year;
3. Notify the agency, as regards stolen or lost archives or archives which are deleted or tampered with in any other way within one month from the date when the fact of their being stolen or their loss is known or with respect to archives which are deleted or tampered with, as of the date when such is ascertained;
4. Notify the Agency when records at its disposal are to be transferred permanently to another body before such transfer is effected;
5. Organize a committee of experts or officers of higher rank which shall compile a list of records that should be disposed of;
6. Implement directives issued for the purpose of modernizing record management;
7. Transfer records at its disposal upon liquidation.

14. *Disposals of Records*

1. Any provenant shall not dispose of records at its disposal.
2. In no case shall records created prior to 1936 E.C be disposed of.
3. Without prejudice to Sub-Article (2) of this Article, the disposal of all records shall be carried out by the Agency.

15. *Obligations of the agency*

The Agency shall:

- 1) Organize and make records it receives available for study and research purposes in not more than five years;
- 2) Temporarily handover archives to provenants upon the request of the later;

16. *Right and Obligations of Users*

Without prejudice to Article 18 of this Proclamation any person shall have the right to use archives for study and research purposes. The specifics regarding the right to use archives shall be provided in the directive to be issued by the Agency;

17. *Restrictions on the use of Archives*

- 1) Notwithstanding the provision of Article 16 applications for the use of archives shall be rejected where:
  - a) Pursuant to an agreement concluded between the agency and a provenant prior to the transfer of the archive in question, or pursuant to government decision the period of time within which the archives should remain confidential has not yet lapsed;
  - b) The Agency strongly believes that disclosing the content of the archive endangers the security of the country and its people;
  - c) Pursuant to an agreement concluded between private persons who own archives and the Agency, such private archives are not accessible to the public.
- 2) The Agency shall reason out the rejection of the application in writing within one week as of the date application.

18. *Transfer Archives*

- 1) Buying, selling donating or developing as inheritance, as well as any other way of transferring state archives is forbidden,
- 2) Private archives may be transferred to the Agency through sale, donation or succession.
- 3) Any private person or institution that transfers archives in its possession through inheritance donation or sale shall notify, such transfer to the Agency.



PART FOUR  
Administration of The National Library  
Library

19. *Obligation to deposit printed Matter*

- 1) Any printer or publisher of any printed matter shall deposit copies of such printed matter in the Agency,
- 2) Any duplicator or distributor of any printed matter prepared abroad and printed in the country shall discharge the obligation provided for under Sub- Article (1) of this Article,
- 3) Any publisher or author of printed materials prepared wholly or partially in Ethiopia and printed abroad shall deposit three copies of such materials in the Agency.

20. *Times and Condition for the Deposit of Printed Matters*

The printer, publisher, author, duplicator or distributor of any printed matter shall deposit such printed matter in the National Library within thirty days as of the day it was printed through a registered post or through special messenger.

21. *Transfer of Documentary Heritage*

- 1) Any private person or institution that transfers documentary heritage in its possession through inheritance, donation or sale shall notify such transfer to the Agency,
- 2) Taking documentary heritage out of the country, in a way that is contrary to the provisions of this proclamation is forbidden;

PART FIVE  
Miscellaneous

22. *Power to issue Directives and Regulations*

- 1) The Minister may issue directives necessary for the implementation of this proclamation,
- 2) The Council of Ministers may issue Regulations for the implementation of this Proclamation.

23. *Obligation to Cooperate*

Any governmental or non-governmental organization or individual shall have the obligation to cooperate in the implementation of this proclamation.

24. *Repealed Laws*

- 1) Proclamation No. 50/1976 and Legal Notice No.40/1976 are hereby repealed,
- 2) All provisions of any law contrary to this proclamation shall not apply with regard to matters provided for in this proclamation.

25. *Penalty*

Unless the Penal Code Provides for a more severe penalty, any person who:

- 1) Contravenes Article 13(2) of this Proclamation shall be punishable with imprisonment not exceeding one year and with a fine not exceeding 2000 Birr.
- 2) Contravenes Article 14(1) of this Proclamation shall be punishable with imprisonment of one to five years and with a fine 2000 to 20,000 Birr,
- 3) Illegally takes out of the country archives books or documentary heritage shall be punishable with rigorous imprisonment of three to ten years and with a fine from 4,000 to 20,000 Birr.
- 4) Contravenes Article 18(1) of this Proclamation shall be punishable with imprisonment of one to three years and with a fine from 10,000 to 20,000 Birr.
- 5) Contravenes Article 19 of this Proclamation shall be punishable with a fine up to 2000 Birr.
- 6) Contravenes Article 22(1) of this Proclamation shall be punishable with a fine upto 2000 Birr.

26. *Effective Date*

This Proclamation shall enter into force as of the 29<sup>th</sup> day of June 1999.  
Done at Addis Ababa, this 29<sup>th</sup> day of June 1999.

NEEGASO GIDADA (DR)  
PRESIDENT OF THE FEDERAL  
DEMOCRATIC REPUBLIC OF ETHIOPIA