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Proclamation No 71/2008

**Proclamation to Provide for the Determination
of the Organization and the Powers and
Functions of Rural Domestic Water Supply
Users' Associations**

Preamble

WHEREAES, it is provided that the devolution of
management authority to lowest possible local level
is one of the principle of the policy of the rural
domestic water supply sub sector;

WHEREAS, so as to achieve this goal it is necessary
to organize and establish the rural domestic water
supply users association;

NOW, THEREFORE, in accordance with the power
vested to Benishangul Gumuz Regional State Council
under sub article 3/3/1/ of Article 49 of the Revised
Constitution, it has been proclaimed hereunder.

PART ONE

GENERAL

1. Short Title

This Proclamation may be cited as “Proclamation
to Provide for the Determination of the
Organization and the Powers and Functions of
Rural Domestic Water Supply Users' Associations
No -----/ 2008.”

2. Definitions

- “Assets” means any movable or immovable
property or accumulated cash of the Association
including the water supply system components;
- “Association” means a rural domestic water
supply users association established and
registered in accordance with this Proclamation.
- “Regulatory Body” means the Regional Water
Bureau or its duly delegated departments,
offices or desks.
- “General Assembly” means a meeting of the

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members of the association.

5. "Member" means a person belonging to the body of community members and registered as a full fledged member following the membership criteria developed in establishing the association;
6. "Person" means any natural or juridical person.
7. "Rural domestic water supply" means a scheme designed with the major objective of providing domestic water supply for rural residents.
8. "Domestic water supply" means water which is used for drinking, and depending on the adequacy of the quantity of water from the supply, used for washing, bathing, water domestic animals and home gardens.
9. "Domestic water supply system" means the water supply structures, including, if any, reservoirs, canals, pumps, generators, distribution lines as well as any other equipment used to fetch and distribute water to the consumers.
10. "Water and sanitation committee" means a body elected and provided with adequate management authority by the General Assembly of the Association as regards planning, execution, operation, maintenance, and expansion of rural domestic water supply systems for its members as well as other related affairs of the Association.

3. Scope of Application

The provisions of this Proclamation shall apply to all rural domestic water supply

systems in the Benishangul Gumuz Regional State.

4. Objectives

This Proclamation has the following objectives:

1. To facilitate the implementation and enforcement of the of the national policy provisions pertaining to the rural domestic water supply sub sector, particularly those principles pertaining to devolution and management autonomy to the lowest possible local level, community based management, recognition of water as an economic good, improvement of the efficiency and effectiveness of water and sanitation services, recovery of operation and maintenance costs, basic principles;

2. To promote self help and self reliance of rural communities in the planning, implementation as well as sustainable operation and maintenance of rural domestic water supply systems and generally to contribute to the empowerment of rural communities to identify and deal with local development issues by organizing themselves into legally recognized community based rural domestic water supply user's associations;

3. To clarify the duties and responsibilities as well as strengthen and enhance the capacity, knowledge and management skills of water and sanitation committees including their liability under the law for

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2. The formation, registration and supervision of rural domestic water users' associations shall be in line with provisions of the Civil Code of Ethiopia on the formation of

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signatures ;

d. Water and sanitation
committeemembers' names, addresses
and signatures ;

e. Any additional particulars that may be
specified in regulations or directives to
be issued for the implementation of this
Proclamation.

3. Within 15 days when it is satisfied that the
application for registration has fulfilled the
requirements for registration the regulatory
body shall register an association and issue a
certificate of registration.

4. Where the regulatory body rejects the
application for the registration, a written
explanation of the reason for the rejection
shall be given by it within 15 days.

8. By-laws of the Association

1. All associations shall have bye laws which
describe, among others, the purpose of their
establishment, the criteria for membership as
well as the rights and obligations of members.

2. An Association's by-laws may be amended by
the special resolution of the General
Assembly. However, the amendment of the
by-laws shall be effective on the date of its
submission to and registration by the
Regulatory Body.

3. Where the Association decides on the
amendment of this bye laws three copies of
the amendment and the special resolution of
the Association made in accordance with this
Proclamation shall be submitted to the
Regulatory Body within 30 days from the date

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4. The Regulatory Body shall register the amendment and give evidence of its registration to the Association where it is satisfied that the amendment of the bye laws was made in accordance with this Proclamation and regulations issued hereunder.

1. Associations established hereunder shall be voluntary organizations open to all persons able to use their services and willing to accept the responsibilities of membership without any discrimination, including discrimination based on gender, social status, race, politics or religion.

6. Associations may also establish as appropriate

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for them associations of associations consisting
of the primary associations as members.

10. Rights of Members

The members shall have the right to:

1. Fetch domestic water from the respective rural
water supply system upon payment of any
charges as are fixed by the association;
2. Actively participate in the meetings and
voting process of the association;
3. Have an equal opportunity to participate
along with all other members in the
election process including being elected
themselves;
4. Withdraw from the association on his/her
own initiative.

11. Obligations Of Members

Members shall have the obligation to:-

1. Abide strictly by the by-laws and other
rules and regulations as may be
determined by the General Assembly of
the association;
2. Participate fully in the implementation of
all tasks assigned by the water and
sanitation committee or General Assembly
of association;
3. Take full and proper care of association
property, machinery, equipment and other
assets that the association owns or uses to
provide the water supply services;
4. Fulfil promptly all financial obligations in
respect of payments for services provided
by the association and operating and
maintenance cost charges, as may be
determined and agreed, from time to time

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by the General Assembly of the association;

5. Assist in the maintenance of the water supply system where called upon by the water and sanitation committee.

PART THREE ORGANS OF THE ASSOCIATIONS

12. Organs of the Association

The Association shall have:

1. A General Assembly,
2. An executive water and sanitation committee,
3. The necessary staff

13. The General Assembly

1. The General Assembly is the highest authority of the association, composed of each and every member thereof.
2. Where calling to a meeting of all members of the association is deemed impossible and impractical because of their large numbers, the by-laws of the association may provide that persons elected by members in a Gots, Sub-Kebelles or Kebelles from among themselves and consisting of equal numbers of females and males may constitute the General Assembly of the Association.
3. A meeting of the General Assembly shall be called once a year, to review the achievements and the problems of the water supply system. The chairperson of the water and sanitation committee shall present a progress report concerning progress, problems and achievements of the association during the year under review.
4. Other meetings of the General Assembly may

1. Determine the registration fee for membership as well as the applicable tariff to be paid for water and other services;
2. Elect the members of the water and sanitation committee as a whole and assign from among those elected specific offices;
3. Fix, as necessary incentives, such as sitting allowances to meetings, for the members of the water and sanitation committee.
4. Approve and amend the bye laws and internal regulations of the Association;
5. Approve or amend the annual work plan and budget submitted by the water and sanitation committee;
6. Receive and deliberate upon the annual report and audited accounts relating to the

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Association activities as well as accept, subject to such qualifications as the General Assembly may see fit, such report and accounts;

7. Approve the dismissal or acceptance of members from Association;

8. Elect and dismiss from office all or any member of the water and sanitation committee;

9. Prepare policy related guidelines for the effective and efficient management of domestic water supply;

10. Collaborate with government organizations, nongovernmental organizations, the private sector and funding agencies in technical and financial matters as well as, where appropriate and cost effective, in contracting out services to service providers.

15. The Water And Sanitation Committee

1. Rural domestic water users associations shall have water and sanitation committees which shall be elected by and accountable only to the General Assembly of the association.

2. Water and sanitation committee members shall be elected only from the members of the association.

3. The number of water and sanitation committee members shall be determined in the bye laws of the Association but shall be no less than 7 individuals of which (whenever possible) the majority shall be women.

4. Criteria for election shall emphasize merit and competence.

5. The term of office of water and sanitation

2. Based on methodology developed and given to

Keep an up-dated registration of members with

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18. ንኣብ ለውጥ U" B

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basic data;

10. Prepare the annual work program and budget
of the association and implement the same
upon approval;

11. Ensure that the rights and obligations of
members are correctly observed;

12. Call the meetings of the General Assembly and
report about the finances and activities of the
association.

13. Employ and fix the remuneration of such staff
as may be found necessary for the day-to-day
management of the system based on salary and
benefits plan approved by the General
Assembly;

14. Send on copy of the financial and activity
report, when submitting the same to the
General Assembly;

15. Execute such other decisions as may be made
by the General Assembly.

17. Liability Of Water and Sanitation Committees

Water and sanitation committees shall be
collectively and individually liable under the
law for any damage they cause intentionally or
negligently in the performance of their
functions.

18. Source of Funds

1. The funds of the association shall consist of:

a. Income from the sale of water as well as
fees and charges from connections of
pipelines and related other activities,

b. Revenue obtained from property sales;

c. Contributions made by the members of the
association as per decisions of the General
Assembly,

d. In cash or in kind contributions from the
various other bodies such as humanitarian
organizations and individuals.

2. The funds of the association described

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herein above shall only be used for the
following purposes as prioritized below:

- covering all operation and maintenance costs,
- undertaking rehabilitation or expansion works,
- providing public sanitation facilities;
- meeting any other developmental needs of the community as approved by the General Assembly of the association.

19. Indivisibility of the Assets of the Association

The assets of the association shall not be divided
among its members or any other party.

20. Books of Accounts and Annual Reports

All Associations shall hold complete and
accurate books of accounts in manner and
format that will be prescribed the regulatory
body.

21. Financial Year

The financial year of the associations shall be the
financial year of the Region.

22. Audit and Inspection

- The regulatory body or a body designated by
it shall audit the accounts of an association
hereunder established, at least once a year
within three months of the close of the fiscal
year.
- The audit report shall be submitted to the
General Assembly and the regulatory body.
- The regulatory body may also, at any time,
make or cause to be made by such person as
it may assign a surprise inspection of the
association's work execution, documents and
financial conditions.

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u} ል' ል፡፡ < S W[f ልJ " M::
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25. ÖpLL

4. Without prejudice to sub articles 1 and 3 of
this Article, inspection shall also be made
when:
a. A majority of the members of the water
and sanitation committee request,
b. One-third or more of the total number of
members of the Association make a
request for such a request.

23. Dissolution of the Association

1. An association shall be dissolved on the
following grounds:
a. Where a special resolution for its
dissolution is given by the members,
b. Where the service of the water supply
system is completely interrupted,
c. Where the number of members of an
Association falls below 10 and the
regulatory body decides the dissolution.
2. Without prejudice to sub article of (1) and (2)
above of this Article, an association the
dissolution of which is decided shall notify
same to the regulatory body within seven
days from the decision for its dissolution.

24. Liquidators

The regulatory body shall assign a liquidator
upon the application of the water and sanitation
committee or the General Assembly of the
association. The powers and duties of the
liquidator shall be as set out under Articles 459
to 467 of the Civil Code of Ethiopia.

PART FOUR POWERS AND FUNCTIONS OF THE REGULATORY BODY

25. General

1. The regulatory body shall be responsible for
all oversight, monitoring and regulatory
functions which are designed to assist rural
domestic water users' associations in

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 እስከ 482 ያሉ ድንጋጌዎችን ያስፈጽማል፤

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27. UÅv

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organizing, strengthening, and develop the technical and managerial capacity that will lead them to self-sufficiency and sustainability as well as the enforcement of the provisions of Articles 468 to 482 of the Civil Code of Ethiopia.

2. It shall take all other necessary steps that are consistent with and ensure the implementation and enforcement of the provisions of this Proclamation.

26. Policy Implementation

The regulatory body shall ensure that the basic policy statements stated in the federal water resources policy with regard to rural domestic water supply, including the principles of community-based management, operation and maintenance cost recovery, are adhered to.

27. Categorization

The regulatory body shall, as a matter of priority, develop criteria for determining which water supply systems or collection of water supply systems can be organized in to self-sufficient associations of primary or higher level taking into account:

1. The benefits of economy of scale;
2. Complementarities of system types and technologies,
3. The need to ensure that the water and sanitation committees function effectively as management committees,
4. The need to have hired personnel to take of the day to day operation and maintenance of the water supply systems including collection of water charges,

2. The Regulatory Body shall also ensure that various technical, managerial, financial and operational manuals, including basic record keeping and accounting, procurement and material storage and issuance, collection of water charges as well as planning on short term and planning and budgeting activities, are prepared, that training on the use of such manuals are given to those who are going to

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them and monitor and evaluate the effectiveness of such manuals from time to time.

3. Prepare in adequate quality and quantity manuals, relating to good governance particularly as it applies to community based - management, technical and financial management

31. Awareness Building

1. Design adequate awareness creation programs after evaluating short comings as to intensity and duration and content and methodology of present training programs incorporating approaches which enable committeesto organize themselves and their electorates into a form that can have legal recognition
2. Design and implement awareness programs for local administrators to bring about positive attitudinal changes in behaviour by sensitizing them to the need that the users have to become the supreme decision making bodies of the rural water services.

32. Building Own Capacity

1. Retrain staff to carry out their new duties and responsibilities with regard to policy implementation including assisting in organizing communities appropriately for community management and duties and responsibilities arising there form.
2. Take steps to review and amend its enabling legislation at the regional level to strengthen mandates that emphasis policy implementation duties and responsibilities.
3. As necessary review organizational structures

37. Power to Issue Directives

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" w[" < " Gw" < uS <K' ¼" H } sS<" "
Ýተቋሙ ð` ¼} ÄÄ²< } " kdni "
¼T Ä" kdkc< " w[" < ንዲሁም ዕዳዎችና
} ÖÄm' " < uS <K< u²=I አ^a I S W[f
KT >ssS <f ¼ÑÖ` ¼u?f " <eØ > ÑMÑKAf
ውዘ } sTf Ä} LKÓK<::

36. ደንቦችን የማውጣት ሥልጣን
¼i MK< S e} ÇÉ` Uክር u?f ይህ" " አ^a I
KT eðì U ¼T >[Æ Ä"x< " ¼T " >f Y Kx"
>K" <::

37. SS]Ä ¼T " >f YMx"
ተቆጣጣሪው አካል ÄI " " አ^a I KT cðì U ¼T >[Æ
መመሪያዎችን የማውጣት ሥልጣን አለው::

38. } ðíT >f cKT Ä• ^†" < Qð<
ÄI " " አ^a I ¼T >n[" T " †" <Uአዋጅ " ÄU
¼} KS Ä >c^` u²=I አ^a I " <eØ u} S KY~f
ÑÇÄ< LÄ } ðíT >f >Ä• [" <U::

39. @^a I ¼T >" u?f Ñ፯
ÄI አ^a I uÄÁነሕግÒ²?x ታትሞ Ý" >u?f
ቀንጀምር¼i " ÄJ " M::

**ያረጋል አይሸሽም
የቤኒሻንጉል ጉምዝ ክልላዊ መንግስት
ፕሬዚዳንት**

The regulatory body shall have the power to issue directives which are necessary for the implementation of this Proclamation.

38. Inapplicable Laws
Any law or customary practice inconsistent with this Proclamation shall not be applicable on matters provided for in this Proclamation.

39. Effective Date
This Proclamation shall come into force as of the date it has been published in Lissane Hig Gazeta.

Yaregal Aysheshim
The President of the
BenishangulGumuzRegionalState