FEDERAL NEGARIT GAZETA
OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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PROCLAMATION NO. 270/2002

A PROCLAMATION TO PROVIDE FOREIGN NATIONALS OF ETHIOPIAN ORIGIN WITH CERTAIN RIGHTS TO BE EXERCISED IN THEIR COUNTRY OF ORIGIN

WHEREAS, a significant number of foreign nationals of Ethiopian origin wish to strengthen their tie with their country of origin:

WHEREAS, it is believed that foreign nationals could contribute to the development and the prosperity of the peoples and country of their origin if the legal restrictions pertaining to the enjoyment of certain rights and privileges are lifted;

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 “Providing Foreign Nationals of Ethiopian Origin with certain Rights to be Exercised in their Country of Origin Proclamation No.270/2002.”
2. Definitions

In this Proclamation unless the context otherwise requires:

1) "Foreign National of Ethiopian Origin" means a foreign national, other than a person who forfeited Ethiopian nationality and acquired Eritrean nationality, who had been Ethiopian national before acquiring a foreign nationality; or at least one of his parents or grand parents or great grand parents was an Ethiopian national;

2) "Ethiopian Mission" means an Ethiopian Embassy, a Permanent Mission or a Consulate;

3) "Ministry" means the Ministry of Foreign Affairs of Ethiopia;

4) "Authority" means the Authority for Security, Immigration and Refugees Affairs;

5) Provisions of this Proclamation set out in the masculine gender shall also apply to the feminine gender.

3. Objectives of the Proclamation

This Proclamation shall have the following objectives:

1) By identifying foreign nationals of Ethiopian Origin who have acquired foreign nationality due to their life circumstances or other factors, entitle them to various rights and privileges by lifting the legal restrictions imposed on them when they lost their Ethiopian nationality;

2) In order to create a legal framework whereby persons of Ethiopian Origin fulfill their contribution to the development and prosperity of their country of origin.

4. Scope of Application

The rights and privileges provided for under part two of this Proclamation shall be applicable to a foreign national covered by Article 2(1) of this Proclamation, who hold a valid identity card obtained pursuant to Regulations issued herunder attesting that he is a foreign national of Ethiopian origin.

PART TWO

Rights and Responsibilities of the Holder of the Identification Card of Foreign Nationals of Ethiopian Origin

5. Rights

The holder of the Identification Card of foreign national of Ethiopian origin shall enjoy the following rights and privileges:

1) he shall not be required to have an entry visa or residence permit to live in Ethiopia;

2) without prejudice to Article 6(2) of this Proclamation, he shall have the right to be employed in Ethiopia without a work permit;

3) he shall not be subjected to the exclusion that applies to foreign nationals regarding coverage of pension scheme under the relevant pension law;
4. without prejudice to Article 40(3) of the Constitution, the provisions of Articles 390-393 of the Civil Code shall not apply to persons of Ethiopian origin holding the Identification Card;

5. he shall have the right to be considered as domestic investor to invest in Ethiopia under Investment law.

6. restrictions imposed on foreign nationals regarding the utilization of Economic, Social, and Administrative Services shall not be applicable to foreign nationals of Ethiopian origin holding the Identification Card.

6. Exception
Notwithstanding Article 5 of this Proclamation, the holder of the Identification Card of foreign national of Ethiopian origin:
1. Shall have no right to vote or be elected to any office at any level of Government.
2. Shall have no right to be employed on a regular basis in the National Defence, Security, Foreign Affairs and other similar political establishments.

PART THREE
Issuance of Identification Card

7. Identification Card
An Identification Card shall be issued, in accordance with this Proclamation with a view to identifying foreign nationals of Ethiopian origin and oversee the enforcement of the rights, privileges and responsibilities of such individuals.

8. Identification Card Eligibility
1. Any person fulfilling the criteria set out under Article 2(1) of this Proclamation, shall have the right to be issued with an Identification Card attesting his Ethiopian Origin in accordance with the application to be submitted pursuant to the regulations to be provided under this Proclamation.

2. Notwithstanding Sub-Article (1), of this Article, a person shall be denied from obtaining the Identification Card on any one of the grounds set out under Article 14(2), 14(3) or 14(4) of this Proclamation.

3. A spouse of a foreign national of Ethiopian origin who possesses foreign nationality shall be entitled to apply for an Identification Card specifying that he or she is the spouse of a person holding the Identification Card of a foreign national of Ethiopian Origin. This provision shall also apply to spouses possessing Eritrean nationality.

4. A person with an Identification Card issued in accordance with Sub-Article (3) of this Article shall enjoy the rights and privileges and be subject to the restrictions stipulated in this Proclamation.
5) The Identification Card issued in accordance with Sub Article (3) shall only be valid until the Identification Card of the person of Ethiopian Origin is returned in accordance with Article 13 or canceled in accordance with Article 14 or upon dissolution of the marriage.

6) The children of the holder of the Identification Card of foreign nationals of Ethiopian origin who are under the age of 18 may not be required to have a separate Identification Card. They shall have the right to enjoy facilities granted in this Proclamation provided that they are specified as children in their parent(s) identification Card.

7) Notwithstanding Sub-Article (6), children under the age of 18 covered by the definition of “Foreign national of Ethiopian Origin” under this proclamation, may have the right to be issued with separate Identification Card upon application, taking into account the provisions of the Ethiopian Civil Code pertaining to minors.

8) Notwithstanding the provision of Article 2(1) of this Proclamation, when the Ministry and the Authority find it appropriate, they may jointly grant to foreign national residing in Ethiopia, rights and privileges accorded to Foreign National of Ethiopian origin. The details shall be prescribed by a directive.

9. Authority Issuing the Identification Card

The Identification Card shall be issued by the Ministry when abroad and by the Authority when in Ethiopia.

10. Application for the Issuance of Identification Card

A regulation providing the conditions for the granting of the Identification Card shall be issued following this Proclamation.

11. Validity of the Identification Card

The duration for the renewal of Identification Card issued in accordance with Article 8 of this Proclamation shall be specified by the Regulation.

12. Fee

The amount of fee payable to obtain the Identification Card and its renewal shall be specified by the Regulation.

PART FOUR

Miscellaneous Provisions

13. Return of the Identification Card

1) Any person holding the Identification Card of foreign national of Ethiopian Origin may return such card at anytime without specifying the reason.

2) Notwithstanding Sub-Article (1), of this Article the person who returned the Identification Card, however, shall be responsible to perform the contract or other obligations he entered into during the validity of the Identification Card.

The Identification Card may be cancelled for one of the following reasons upon the joint decision of the Ministry and the Authority:

1) if the Identification Card was obtained by means of fraud, false representation, or concealment of any material fact; or
2) If the holder of Identification Card has been convicted for crime of terrorism or smuggling of narcotics or armament;
3) if the holder of Identification Card is a citizen of any country at war with Ethiopia or is found willingly helping such country;
4) if the holder of Identification Card is proved to have served in the regular army or intelligence of another country;
5) if it is contrary to the public and national interest that the person should continue to hold the Identification Card.

15. Inapplicable Laws

Any Laws, regulations, directives, decisions or procedural practices shall not be applicable in so far as they are inconsistent with this Proclamation.

16. Duty to Cooperate

Any concerned office or person shall extend the necessary assistance in the implementation of this Proclamation.

17. Regulations and Directives

1) The Council of Ministers may issue Regulations necessary for the proper implementation of this Proclamation.
2) The Ministry may issue Directives necessary for the proper implementation of this Proclamation.

18. Effective Date

This Proclamation shall come into force as of the 5th day of February, 2002.
Done at Addis Ababa, this 5th day of February, 2002.

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

BERHANENA SELAM PRINTING ENTERPRISE