Housing, Land and Property Mapping Project

Ethiopia

**Background**

The following fact sheet and research memo have been developed to provide quick and key information of the legal and procedural context relating to Housing, Land and Property ("HLP") within the target country. They are intended to inform programming and emergency responses, especially those involving shelter interventions. A rapid understanding of the tenure landscape in each country context can assist in delivering stronger and more equitable responses. However these documents are not intended to be legal advice.

The HLP mapping project has been undertaken by the international law firm Webber Wentzel for the International Organization for Migration (IOM), using templates developed by the Australian Red Cross and the International Federation of the Red Cross and Red Crescent Societies (IFRC). All of the research has gone through a verification process with in-country lawyers and/or country experts.

**Document Change Management**

These documents are intended to be used and updated as necessary to ensure that they are always providing the most current and relevant information. We would appreciate ongoing feedback and updates from those working in country, in response or preparedness.

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Housing, Land and Property Law in Ethiopia

**1 KEY LAWS AND ACTORS**

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| [Laws](#sec_2_1_a) | The main laws governing housing, land and property are the 1995 Federal Democratic Republic of Ethiopia ("**FDRE**") Constitution; The Federal Rural Land Administration and Use Proclamation No. 456/2005 ("**Rural Land Proclamation**"); Urban Lands Lease Holding Proclamation No. 721/2011 ("**Urban Land Proclamation**"); Federal Urban Lands Registration Proclamation No. 818/2014 ("**Urban Land Registration Proclamation**"); Expropriation of Land Holdings for Public Purposes, Payments of Compensation and Resettlement of Displaced People Proclamation No. 1161/2019 ("**Expropriation Proclamation**"); and Regional Land Administration Proclamations and Regulations (for Tigray, Afar, Amhara, Oromia, Somali, Benishangul-Gumuz, Southern Nations Nationalities and People Region ("**SNNPR**"), Gambella and Harari) |
| [Key government actors](#Key_Govt_Actors) | The National Ministry of Urban Development and Construction ("**MUDC**"); Ministry of Agriculture; Federal Urban Real Property Registration and Information Agency (established by Regulation No 251/2011); Geological Survey of Ethiopia; Federal Housing Corporation; Land Development and Management Bureau; Housing Development and Administration Bureau; Houses Administration Agency; Housing Development Corporation; Land Bank and Transfer Office; Land Tenure Administration Office; Land Holdings Registration and Information Agency; Land Development and Urban Renewal Agency; Farmers and Urban Agriculture Development Commission ; Urban Good Governance and Capacity Building Bureau ("**UGGCBB**"); Land Administration and Use Directorate ("**LAUD**");Housing Development Corporation); Woreda Land Administration Offices; Kebele Administration offices. |

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| **2** [**COMMON TYPES OF TENURE**](#Common_types_of_tenure)The table below summarises the two types of tenure in Ethiopia.  |
| **Tenure** | **Commonly Registered?** | **Key Features** | **Title document** |
| Lease of [Urban land](#State_Land) | Yes | Only the Ethiopian State can own land. Urban land vests in the National Government and may not be sold or mortgaged. Urban land is obtained through tender process and is leased from the government. The land use right of urban land (leasehold right) can be mortgaged or transferred. Many urban dwellers live in what is known as Kebele housing.  | Lease and land registration certificate |
| Use rights over Rural Land | Yes | Only the Ethiopian State can own land. Rural land is owned by the government and may not be sold, transferred or mortgaged. All Ethiopian people are entitled to receive land for free from the National Government for an indefinite period of time. There are three forms of rural land holding: (a) Private land holding; (b) Communal land holding; and (c) State holding. The land use right of agricultural investment land (i.e., rural land acquired by investors for agricultural investment) can be mortgaged.  | Land registration certificate |

**3** [**SECURITY OF TENURE OF VULNERABLE GROUPS**](#Security_of_tenure_of_vulnerable_group)

|  |  |
| --- | --- |
| [Women](#Women) | In terms of the Rural Land Proclamation, women who wish to engage in agriculture shall have the right to get and use rural land. To afford women greater protection the National Government requires a land registration certificate to be jointly registered in the name of both husband and wife to ensure women have a right to inherit land if their husband passes. However, most women continue to face discriminatory application of laws which include the allocation of smaller and less fertile plots to female-headed households. Additionally, women in polygamous marriages will lose the right to a greater portion of their land as the size of land they have use of will shrink as a result of distribution to several wives.  |
| [Minority groups](#Minority_groups) | The Constitution vests all the land of Ethiopia in the State and the people, which includes minorities. In practice, there seems to be a complacency, and at times, the active participation, of the authorities allowing forced evictions of certain minorities from even legally held land. This is evident in the cases of IDPs who are forced back to their communities of origin with the destruction of informal structures. |
| [Informal settlements](#Informal_settle) | There are no secure tenure arrangements in place for those living in informal settlements in Ethiopia. Although occupants of informal housing who seek to avoid the threat of eviction and obtain land certificates use their payment of annual land tax as a ground for legal title, they may also use invoices or receipts from the payment of municipal services to show the legitimacy of their occupation. The City of Addis Ababa has through legislative intervention, regularized 80% of informal housing in the city.  |
| [Landless people](#Landless_people) | The Constitution establishes that all land of Ethiopia belongs to the State and to the people. However, due to rapid population growth and the lack of a proper rural land registration system a large percentage of the rural population as well as youths who gain majority are landless. Many families have resorted to subdividing already small landholdings to siblings and youth in order to survive while many others who are landless have resorted to land grabbing of vacant land as well engaging in deforestation.  |

**4** [**EVICTION, EXPROPRIATION AND RELOCATION**](#Eviction_Expropriation_Relocation)

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| --- | --- |
| [Eviction](#Eviction) | Evictions may occur as a result of the expropriation of land. Evictions may also take place from illegally constructed houses or landholdings by regional governments where illegal structures have been constructed on land which has not been properly registered with the relevant authority.  |
| [Expropriation](#Expropriation) | The Constitution empowers the State to expropriate land for a public purpose and against the payment of compensation in cash, or in kind, or both. This is furthered by the Expropriation Proclamation which has recently been updated. However, there is much debate surrounding the wide interpretation of public interest as well as insufficiently defined compensation which has led to unjust outcomes where landholders are expropriated against. |
| [Relocation](#Relocation) | The Expropriation Proclamation provides for relocation or displacement in the context of expropriation. In addition, the Kampala Convention has been ratified by Ethiopia on 13 February 2020. The Federal Government adopted its Strategic Plan to Address Internally Displaced Persons ("**IDPs**") on 08 April 2019 which it has been implementing. The Ministry of Peace established under proclamation number 1097/2011 on October 16, 2018 has the power to make appropriate preparations for natural or man-made disasters which may result in displacement or relocation of persons. |

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| **Housing, Land and Property (HLP) Country Profile**Ethiopia  |
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**Disclaimer**

This report is the result of a desktop review of publicly available information. This report is not legal advice.

1. Introduction
	1. Overview

The International Organization for Migration (IOM) and its partners are first responders to humanitarian emergencies caused by conflict or natural disasters. Humanitarian assistance falls within IOM’s mandate to support governments in addressing the needs of internally displaced persons (IDPs).

The Australian Red Cross, with technical support from the International Federation of Red Cross and Red Crescent Societies, has provided the research template to which this memorandum responds. This memorandum comprises three main sections:

* The first section, entitled ['Common types of tenure'](#Common_types_of_tenure), provides an overview of the different types of housing and land tenure in Ethiopia. It outlines the methods used to create and transfer tenure and analyses the degree of security of tenure afforded by each form of tenure.
* The second section, entitled ['Security of tenure of vulnerable groups'](#Security_of_tenure_of_vulnerable_group), considers whether, and to what extent, certain groups face legal barriers to accessing land and housing.
* The third section, entitled ['eviction, expropriation and relocation'](#Eviction_Expropriation_Relocation), considers Ethiopian law which governs, or is applicable to, forced evictions, compulsory acquisition of land and relocations. This section also considers whether compensation is available in these situations.
	1. Background information on Ethiopia

Officially known as the Federal Democratic Republic of Ethiopia, Ethiopia is a landlocked country in the Horn of Africa.[[1]](#footnote-2) Ethiopia shares borders with Eritrea to the north, Djibouti to the northeast, Somalia to the east, Kenya to the south, South Sudan to the west and Sudan to the northwest.[[2]](#footnote-3) Ethiopia has more than eighty distinct ethnic groups and indigenous languages which differentiate its ethnically diverse population.[[3]](#footnote-4) The country has gone through three major political changes, with the revolution in 1974 led by the Derg regime ending Imperial rule, to the overthrowing of the Derg regime in 1991 by the Ethiopian People's Revolutionary Democratic Front, who has been the ruling political coalition ever since.[[4]](#footnote-5)

Ethiopia is one of the poorest countries in the world. It is ranked 173 out of 189 countries and territories in the United Nations Development Programme Human Development Index.[[5]](#footnote-6) The majority of the population live in the rural landscape in villages while the other section of the population lives in the rapidly expanding urban areas. Although the country boasts vast areas of cultivable land, regular food shortages and famine are commonplace.[[6]](#footnote-7) A substantial proportion of Ethiopians therefore live in extreme poverty with only a small percentage of Ethiopians possessing considerable wealth.[[7]](#footnote-8)

Ethiopia is also the second most populous country in Africa with a population of 79 million.[[8]](#footnote-9) Its capital and largest city is Addis Ababa which is the educational and administrative centre of Ethiopia.[[9]](#footnote-10) Addis Ababa is located in the state of Oromiya and has a population of approximately 3.4 million, ten times larger than the second largest city in the country, Dire Dawa.[[10]](#footnote-11) The rapid increase in urbanisation and population growth have caused Ethiopian cities to suffer from a high degree of homelessness, environmental degradation, urban decay, a shortage of infrastructure and basic services, and high unemployment.[[11]](#footnote-12)



<https://reliefweb.int/sites/reliefweb.int/files/resources/Ethiopia%20Administrative%20Map%20%28As%20of%2027%20Mar%202013%29.pdf>

1. Common types of tenure
	1. Tenure typologies

**What are the key pieces of legislation governing housing, land, building and planning?**

The key pieces of legislation are:

The 1995 Federal Democratic Republic of Ethiopia ("**FDRE**") Constitution;

The Federal Rural Land Administration and Use Proclamation No. 456/2005 ("**Rural Land Proclamation**");

Urban Land Lease Holding Proclamation No. 721/2011 ("**Urban Land Proclamation**");

Federal Urban Land Registration Proclamation No. 818/2014 ("**Urban Land Registration Proclamation**");

Expropriation of Land Holdings for Public Purposes, Payments of Compensation and Resettlement of Displaced People Proclamation No. 1161/2019 ("**Expropriation Proclamation**");

Regional and Municipal legislation:

Afar National Regional State Rural Land Use and Administration Regulation No. 4/2011;

Afar National Regional State Rural Lands Administration and Use Proclamation no.49/2009;

Amhara National Regional State Rural Land Administration and Use System Implementation, Council of Regional Government Regulation No. 51/2007;

The Revised Rural Land Administration and Use Determination Proclamation No. 252/2017 of the Amhara National Regional State;

Benishangul Gumuz Regional State Rural Land Administration and Use Proclamation No. 85/2010;

Oromiya National Regional State Proclamation to provide for the Execution and Administration and Transfer of the Oromiya Regional State Government Houses No. 122/2006;

Proclamation to amend the Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Administration and Use Proclamation No. 130/2007;

Revised Rural Land Use Payment and Agricultural Income Tax Proclamation No. 131/2007 issued to amend the previous Proclamation No. 99/2005

Oromiya National Regional State Rural Land Administration and Use Regulation No. 151/2012;

The Tigray National Regional State Proclamation to Determine Revised Rural Land Use and Administration, Proclamation No. 136/2000;

Urban Local Government Proclamation of the Oromiya National Regional State No 65/2003 (as amended by Proclamation No.116/2006).

**What types of tenure exist?**

All land in Ethiopia, is ultimately subject to State control. This is mandated by Article 40(3) of the FDRE Constitution which states that the right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. In terms of Article 40(3), no land shall be subject to sale or to other means of exchange. There are therefore two main categories of land in Ethiopia: urban land and rural land.

* + - 1. Types of Tenure in Urban Land
1. What is it?

Urban land means land located within an administrative boundary of an urban centre[[12]](#footnote-13) and includes the capital city of Addis Ababa.

1. Who can own land?

Only the Ethiopian State can own land. Private individuals and organisations can own buildings and hold different types of use rights over land. Urban dwellers and investors have the right to lease urban land/property from the government. According to Article 4(1) of the Urban Land Proclamation, the right to use of urban land by lease shall be permitted in order to realize the common interest and development of the people.

1. How does it work?

The principle for urban land transfer is tender.[[13]](#footnote-14) This is regulated under the Urban Land Proclamation. In terms of the Urban Land Proclamation, urban land may also be transferred through allotment for public residential housing programs and government approved self-help condominium housing constructions.[[14]](#footnote-15) This allowed for the implementation of the Ethiopian Integrated Housing Development Program ("**IHDP**"). Through the IHDP, residents register to obtain a house through either a 10/90, 20/80 and 40/60 housing program.[[15]](#footnote-16)

In Addis Ababa only 30% of houses are owner occupied as rental housing is the dominant form of tenure in the city.[[16]](#footnote-17) The majority of low-income Ethiopians reside in rented Kebele housing.[[17]](#footnote-18)

A Kebele house is affordable public rental housing provide by the Ethiopian government for its citizens.[[18]](#footnote-19) Under the Derg Regime in 1975, these houses were nationalized and rented out to the public at low-cost. To obtain a Kebele house a person has to register with the Kebele administration and according to the order of registration they will be given the Kebele house to rent. Priority is given for those who have moved because of governmental redevelopment or to tenants who have moved due to the effect of natural or manmade disasters on their previous Kebele house.[[19]](#footnote-20) .

Many urban residents continue to live in Kebele housing due to the inability to afford to purchase or rent a house through the government or IHDP.

* + - 1. Types of Tenure in Rural Land
1. What is it?

Rural land means any land outside of a municipality holding or a town designated as such by the relevant law.[[20]](#footnote-21) 83% of Ethiopia's population live in rural Ethiopia and are either peasant or pastoral society.[[21]](#footnote-22)

Three forms of rural land tenure have been identified, (a) private land holding; (b) communal land holding; and (c) state holding.

1. Private land holding

The Rural Land Proclamation defines private land holding as rural land holding of peasants, semi-pastoralists and pastoralists and other bodies entitled by law to use rural land.[[22]](#footnote-23) Under the Ethiopian legal system, this is interpreted to mean that private holding is a holding right with the use right of the land extended to the holders indefinitely.[[23]](#footnote-24)

1. Communal land holding

The Rural Land Proclamation defines communal land holding as a rural land which is given by the government to local residents for common grazing, forestry and other social services.[[24]](#footnote-25) This therefore means that communal land is land which has been conferred by the government and under the custody of the community for common use.[[25]](#footnote-26) Communal land holding is designed typically from the customary use rights of the community but may be subject to conversion to private holding rights by the State.[[26]](#footnote-27) However, it is also argued that as communal land tenure may be converted to private land holding at the instance of the State, communal land holding may not in fact be a form of rural land tenure at all.

1. State holding

State land holding is defined as rural land demarcated and those lands to be demarcated in the future as federal or regional states holdings; and includes forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers, and other rural lands.[[27]](#footnote-28) Therefore, if a certain piece of land is not categorized under either private or communal land holding then it will automatically fall under the domain of state land holding due to the phrase "…*any other land*" included in the wording of the article 2(13) of the Rural Land Proclamation.[[28]](#footnote-29)

1. Who can own land?

Rural land is exclusively vested in the State and the people of Ethiopia. Under the FDRE Constitution and the Rural Land Proclamation, peasants and pastoralists engaged in agriculture for a living shall be given rural land for free.[[29]](#footnote-30) According to article 2(7) of the Rural Land Proclamation, a "peasant" is "a member of a rural community who has been given a rural land holding right and the livelihood of his family and himself is based on the income from the land." Article 2(8) defines a "pastoralist" is a "a member of a rural community that raises cattle by holding rangeland and moving from one place to the other, and the livelihood of himself and his family is based on mainly on the produce from cattle."

The Rural Land Proclamation prohibits the sale of land and the use of the land as collateral by peasants, semi-pastoral and pastoral farmers but permits limited land leasing and inheritance rights to be exercised, and also limited forced land distribution only to irrigation development.[[30]](#footnote-31)

Private and foreign investors may acquire land use rights in Ethiopia on the basis of legally allowed payment arrangements.[[31]](#footnote-32) In terms of Article 8 of the Rural Land Proclamation, foreign investors who acquire rural land can transfer their land use rights to family members by inheritance. They can also present their land use rights as collateral, unlike the peasants, semi-pastoral and pastoral farmers.[[32]](#footnote-33)

1. How does it work?

The Rural Land Proclamation is a framework legislation which affords regional states the power to enact rural land administration and land use laws within their respective regions necessary to implement the proclamation.[[33]](#footnote-34) Once peasants or pastoralists are given land use rights, they are allowed to exercise these use rights over the land for an indefinite period of time.[[34]](#footnote-35) Each holder of rural land (this includes peasants, semi-pastoralists, pastoralists and investors) is entitled to a land-holding certificate that indicates: the plot size, land use type and cover, level of fertility, and borders.[[35]](#footnote-36)

Peasant farmers, semi-pastoralists and pastoralists who are given holding certificates can lease their land (or a portion thereof) to other farmers or investors in a manner that shall not displace them, for a period of time to be determined by the rural land administration laws of the specific region based on particular local conditions.[[36]](#footnote-37) The Rural Land Proclamation has, however, authorized regional states to fix the duration of such rural land rent out.[[37]](#footnote-38)

The Rural Land Proclamation makes a distinction between the duration of a lease period depending on the identity of the lessee: if the lessee is a farmer the maximum duration is three years, while up to 25 years is allowed for an investor.[[38]](#footnote-39) The Rural Land Proclamation also allows for a fixed minimum holding size which is decided by the regional state and no renting may therefore be allowed on land smaller than the minimum holding size.[[39]](#footnote-40)

**Which, if any, of these types of tenure provide a high degree of security of tenure?**

In principle there is no real security of tenure in Ethiopia as all land vests in the State and may ultimately be expropriated, in terms of Article 40(8) of the FDRE constitution, for public purposes subject to payment in advance of compensation.

The FDRE Constitution affords rural land rights as peasants have the right to obtain land for free and offers protection against eviction from their land, however, the FDRE Constitution does not offer a fixed duration for these land rights and therefore the security of any such tenure from the FDRE Constitution comes from the protection against eviction from possession.[[40]](#footnote-41) However, the Rural Land Proclamation and other regional legislation have determined that rural land use rights shall have no time limit and this longer duration of time provides security of tenure to holders of such rights as any investment made on the land will not be threatened by a limitation of time to use such land.[[41]](#footnote-42) The FDRE Constitution equally does not guarantee or protect against the re-sizing of rural land as each year a new generation gains majority with the right to receive land.[[42]](#footnote-43)

As regards urban land, individuals may lose their urban land use rights either because of expropriation or after expiry of lease periods.[[43]](#footnote-44) It has been noted that urban lease agreements do not necessarily afford tenure as renewal of a lease agreement may be requested but it could be refused.[[44]](#footnote-45) Furthermore, no assurance is provided with regard to refusal as the grounds for refusal are not mentioned under the Urban Land Lease Proclamation.[[45]](#footnote-46) This issue has however been addressed by regional states who have set more or less identical grounds for refusal of a renewal request which are (i) when the structural plan of the urban centre is changed; (ii) when the land is required for public interest; (iii) when it is impossible to change the previous development to the development level the place demands.[[46]](#footnote-47)

In order to provide greater security of tenure the State adopted the Urban Land Registration Proclamation to realize real property rights of individuals, to provide reliable land information to the public at large, to minimize land related disputes and modernize the country's real property registration system.[[47]](#footnote-48) The Urban Land Registration Proclamation is applicable throughout the country and brings about urban land tenure security and certainty in real property transactions as registration provides reliable and public information both for the land holder and interested third parties.[[48]](#footnote-49)

**How does tenure differ between urban and rural areas?**

As mentioned above, rural land is offered to peasants, semi-pastoralists and pastoralists for free and for an indefinite period of time and tenure is only threatened through the possibility of expropriation or redistribution. Urban land is obtained through tender processes or through rental agreements and the security of a lease agreement may be threatened by an inability to meet the lease payments which could result in punishment or seizure and sale of the property of the lessee as well as non-renewal of lease agreements. Moreover, urban land cannot be passed on through inheritance in the way rural land can.[[49]](#footnote-50)

**What are the main government and non-government bodies (e.g. representative bodies) that administer or deal with housing, land and property?**

Government Organisations:

Ethiopia has a decentralized regulatory structure in which regional states are provided with considerable autonomy to manage their own internal affairs.[[50]](#footnote-51) The country is divided into nine states (*Kilils*) and two autonomous administrative areas being the Addis Ababa and Dire Dawa.[[51]](#footnote-52) The regional states comprise of zones, districts (*Woreda*), cities and neighbourhood administrations (*Kebeles*).[[52]](#footnote-53) In each region the districts are the basic planning unit and have jurisdiction over the Kebeles.[[53]](#footnote-54)

* The National Ministry of Urban Development and Construction ("**MUDC**") was created to guide the overall development of Ethiopia's urban areas. Under the MUDC there are various bureaus which include:
	+ Urban Land Development and Management Bureau whose aim is to "*establish a modern and effective system of urban land development and administration which enables the realization of achieving development, growth and good governance of cities*" which comprises of three departments: (i) Land Development and Urban Renovation Department; (ii) Land Marketing and Administration Department, and (iii) Urban Land Information Department[[54]](#footnote-55);
	+ Federal Urban Real Property Registration and Information Agency;
	+ Geological Survey of Ethiopia;
	+ Federal Housing Corporation;
	+ Housing Development and Administration Bureau was re-established to, amongst other things, contribute in poverty reduction through facilitating design of low-cost houses and to fill the gap between housing demand and supply[[55]](#footnote-56);
	+ Urban Good Governance and Capacity Building Bureau ("**UGGCBB**") is one of the main bureaus organized under the Ministry of Urban Development and Construction[[56]](#footnote-57);
* Ministry of Water, Irrigation and Energy;
* Ministry of Transport and Communication;
* Ministry of Agriculture overseas agriculture and rural development policies. The Ministry of Agriculture is empowered, among others, to “follow up and provide support for the establishment of rural land management and sustainable grazing land utilization systems and organize a national data base on the same.” In terms of the Expropriation Proclamation, the Ministry of Agriculture has the power to:
	+ Follow up and ensure implementation of the provisions of the Expropriation Proclamation pertaining to rural land;
	+ Support resettlement of displaced people from rural areas;
	+ Provide capacity building and technical support for regional states and Addis Ababa and Dire Dawa city administrations to help them implement the provisions related to expropriation of rural land.

Under the Ministry of Agriculture is:

* + Land Administration and Use Directorate ("**LAUD**") which includes three sub-units: (i) Land Use; (ii) Land Administration; and (iii) Geographic Information System ("**GIS**");
* The Ministry of Peace established under proclamation number 1097/2011 on October 16, 2018;
* The Land Bank and Development Corporation ("**LBDC**") is an autonomous entity accountable to the Ethiopian Investment Commission ("**EIC**"). LBDC is a government enterprise established for creating a methodological and inclusive national land holding development, management and administration system. The EIC does not have a direct mandate related to land, however, it has a facilitative role with respect to the provision of land for investment.
* City Administrations (Regional) - each city has its own government and administration[[57]](#footnote-58);
	+ Housing Development Corporation (Addis Ababa) was established to build quality and standardized houses for low and middle in-come residents of Addis Ababa and enable them be owners of houses by 2020[[58]](#footnote-59);
	+ The Peace and Security Administration Bureau (Addis Ababa) has the power to prevent, control, take or cause the taking of lawful measures against illegal construction, occupying land illegally and the illegal expansion of land holdings;
	+ Housing Development and Administration Bureau (Addis Ababa);
	+ Houses Administration Agency (Addis Ababa);
	+ Land Bank and Transfer Office (Addis Ababa);
	+ Land Tenure Administration Office (Addis Ababa);
	+ Land Holdings Registration and Information Agency (Addis Ababa);
	+ Land Development and Urban Renewal Agency (Addis Ababa); and
	+ Farmers and Urban Agriculture Development Commission (Addis Ababa).
* Woreda Councils are elected for each Woreda (District) which are the third-level administrative divisions of Ethiopia in the various Regions. The titles of government structures at the Woreda level may vary among regional states. However, they are typically referred to as Agriculture and Land Administration Offices. At the municipal administration level, they are usually referred to as Land Development and Management Offices;
* Kebele (neighbourhood) Administration. Woredas are subdivided into Kebeles (neighbourhoods). Every neighbourhood in Ethiopia’s larger cities has its own Kebele office, comprising of around 500 households per unit.[[59]](#footnote-60) In Addis Ababa there are 99 Kebeles and 300 councillors between them to represent 30,000 people.[[60]](#footnote-61)
* Peasant Associations. Peasant Associations, given legal status by Proclamation no 71/1975[[61]](#footnote-62), are involved in local issues in rural areas.

Non-governmental Organisations:

The Civil Society Organisation ("**CSO**") law provides that charities, civil society organisations and non-governmental organisations that receive more than 10 percent of their funding from foreign sources are prohibited from engaging in activities that advance human and democratic rights or promote equality of nations, nationalities, peoples, genders, and religions; the rights of children and persons with disabilities; conflict resolution or reconciliation; or the efficiency of justice and law enforcement services.[[62]](#footnote-63)

There are some non-governmental organisations active in Ethiopia:

* the community-based Integrated Sustainable Development Organisation ("**CBISDO**");
* Integrated Holistic Approach - Urban Development Project ("**IHA-UDP**");
* Norwegian Refugee Council ("**NRC**");
	1. Documenting tenure

**What statutory instruments or legal documents (e.g. title deeds or leases) are used to create or transfer tenure?**

The registration of land is done in most of the areas both urban and rural. However, given the dynamic nature of land information, the critical problem faced is the updating of land registry systems. Most of the country's land registration systems are analogue based, which make them vulnerable to loss and damage.

Urban Land

* lease contract[[63]](#footnote-64)

In terms of article 16 of the Urban Land Proclamation, any person permitted to lease urban land must conclude a contract of lease with the appropriate body. The lease contract is required to include.[[64]](#footnote-65)

* + - construction start-up time,
		- completion time,
		- payment schedule,
		- grace period,
		- rights and obligations of the parties,
		- as well as any other appropriate details.
* lease holding certificate[[65]](#footnote-66)

A person who has signed a lease contract will be issued with a lease holding certificate.[[66]](#footnote-67) The lease holding certificate must include the following[[67]](#footnote-68):

* + - full name of the lessee including grandfather’s name;
		- size and location of the plot;
		- the type of service, land grade and plot number;
		- the total lease amount and down payment;
		- the amount of the annual lease payment and the time of the final lease payment to be affected;
		- the lease period.
* transfer/sale of urban land

The process to sell the right to use a part of a plot of urban land by an owner possessing a land certificate is as follows[[68]](#footnote-69):

* + - the seller and a potential buyer are required to enter into an agreement which must then be registered with the Documents Authentication and Registration Agency ("**DARA**"). Although not a requirement, a potential buyer may approach a middleman or broker known as a dellala to assist them in finding a seller. The seller then employs a surveyor or technician and prepares a sub-division scheme (a plot needs to be a minimum of 300spm in order to be subdivided into two 150spm plots). Once the sub-division scheme has been completed, the application must be lodged at the Sub-City Housing Transfer and Administration Offices. The site is then checked by department technicians and planning consent is sought. The department will thereafter send planning remarks regarding the plan. If the sub-division plan is approved, the land holding certificates are issued to both parties for each portion of land.

Rural Land

There is no a complete registry of communal land (pastoral land). There are different levels of communal land administration systems and the government is yet to decide at which level the land holding certificate should be issued.[[69]](#footnote-70)

* rural land holding certificate

Any holder of rural land shall be given a holding certificate to be prepared by the competent authority and that indicates the following[[70]](#footnote-71):

* size of the land,
* land use type and cover,
* level of fertility and borders,
* as well as the obligation and right of the holder.

Where rural land is jointly held by husband and wife or by other persons, the holding certificate will be in the name of the joint holders.[[71]](#footnote-72)

* rural land lease

At a federal level, where peasant farmers, semi-pastoralists and pastoralists, who are given holding certificates, lease their land to other farmers or investors they are required to conclude a rural land lease agreement in accordance with the provisions of Article 8(1) of the Rural Land Proclamation and such rural land lease must then be approved by the competent authority.[[72]](#footnote-73) Regional states however have their own laws and which regulate the leasing of rural land by peasant farmers, semi-pastoralists and pastoralists.

**What non-legal documents or actions (e.g. verbal agreements or handshakes) are used to create or transfer tenure?**

Where an owner of a piece of urban land does not possess a land certificate, a sale of a portion of their plot or land is made through a traditional agreement known as *ye mender wul*, with some elderly people acting as witnesses.[[73]](#footnote-74)

* 1. Customary ownership

**Is customary ownership of land legally recognised? If so, what is the basis for legal recognition (e.g. constitution, national legislation)?**

Customary land ownership is recognised in Ethiopia in respect of rural communal land of pastoralists and semi-pastoralists who still practice customary tenure regimes.[[74]](#footnote-75) The Rural Land Proclamation recognises that rural land may be acquired by any person who is member of a peasant farmer, semi pastoralist and pastoralist family by donation or inheritance.[[75]](#footnote-76)

* 1. Informal settlements

**What are the locations and boundaries of informal settlements?**

30% of Ethiopia's housing is found in informal settlements due to rapid urbanization and the State and regional states have not been able to meet the demand for housing.[[76]](#footnote-77) Although the IHDP has built over 232,915 condominium units for poor or lower-income groups, these units are beyond the financial reach of these persons.[[77]](#footnote-78) Meanwhile, demand on land leaseholds heavily outstrips municipalities’ short supply.[[78]](#footnote-79) The greatest density of informal settlements can be found in the capital city of Addis Ababa and can be seen on hillsides, parks, roadsides, on the urban outskirts and even on valuable land in the city's centers.[[79]](#footnote-80) In Addis Ababa, informal houses are commonly known in Amharic as "Yecherka Betoch" meaning "the moon light houses"; a name given to such structures because they are often constructed under the moon light and appear overnight.[[80]](#footnote-81)

**What kinds of tenure arrangements are in place in informal settlements?**

There are no secure tenure arrangements in place for those living in informal settlements in Ethiopia. Although occupants of informal housing who seek to avoid the threat of eviction and obtain land certificates use their payment of annual land tax as a ground for legal title, they may also use invoices or receipts from the payment of municipal services to show the legitimacy of their occupation.[[81]](#footnote-82)

The city of Addis Ababa has implemented regulations and directives in order to control and prevent the expansion of informal settlements. In terms of Regulation No. 1 of 2000, all lands and houses which were occupied up to 1996 can be legalized if they are found in compliance with the master plan provided that they fulfil some conditions indicated in the law.[[82]](#footnote-83) However, a major issue which stemmed from Regulation No.1 of 2000 was the misunderstanding by residents that the Regulation meant that all informal housing units will be given legal status and recognition by the city government.[[83]](#footnote-84) Due to the growth in informal housing units stemming from this misunderstanding Addis Ababa enacted a second regulation, Regulation No.2 of 2010. This regulation sought to regularize informal settlements and managed to regularize 80% of the informal settlements.[[84]](#footnote-85)

1. Security tenure of vulnerable groups
	1. Women

Can women legally own, rent or inherit land and housing?

In terms of the Rural Land Proclamation, women who wish to engage in agriculture shall have the right to get and use rural land.[[85]](#footnote-86)

In practice do they? If not, why not?

Gender roles, primarily informed by a patriarchal orientation, greatly limited women’s ability to effectively participate in public affairs.[[86]](#footnote-87) In addition, women’s insecure rights to land resulted in the loss of potential benefits from national economic growth, including a rise in net household income, and an increase in expenditures on food and education.[[87]](#footnote-88) In recognition of the distinctive challenges faced by women and to capitalize on the positive development effects of empowering women, the Ethiopian Government requires rural land holding certificates to be jointly registered between husband and wife.[[88]](#footnote-89) After the implementation of Ethiopia's land registration and certification reform in 1998, several studies showed that the position of female-headed households benefitted especially from the improved tenure security provided by legal written documents in the form of land holding certificates.[[89]](#footnote-90)

According to these studies through land registration women have been able to lease land to good farmers with oxen and get half of the crop output from these farmers, thereby improving food security and the children's nutrition. It has also been easier for women to lease out land to those who pay best, and not just to family through better documentation of land tenure rights.[[90]](#footnote-91) According to the most recent land registry and certification reform, women owned as much as 48.8 percent of all privately held agricultural land in the Tigray region of Ethiopia.[[91]](#footnote-92)

This position, however, differs region to region in Ethiopia. Most women continue to face discriminatory application of laws which include the allocation of smaller and less fertile plots to female-headed households.[[92]](#footnote-93) Various social norms related to religion, lineage, marriage practice, and inheritance considerably affect women’s rights with regards to access to and control of land.[[93]](#footnote-94) Additionally, while polygamy is not permitted by federal law, it is customarily practiced in an estimated 6.5% of marriages in Ethiopia and subsequent wives in polygamous relationships often lose rights to land or are afforded much smaller portions of land and other assets when a marriage occurs.[[94]](#footnote-95)

* 1. Indigenous people

Is indigenous customary ownership (or custodianship) of land legally recognised?

According to the Rural Land Proclamation peasant farmers and pastoralists are given rural land free of charge. The FDRE Constitution further recognises customary law and the right of indigenous people to self-determination.[[95]](#footnote-96)

Does customary ownership provide indigenous people with a high degree of security of tenure?

No, the pastoralists of Ethiopia live on lands that have become the subject of great demand from foreign investors and have come under great pressure from the national government's large-scale commercial agriculture investment policy, the construction of irrigation dams and the national government's villagisation programme.[[96]](#footnote-97) These acts have led to what is known as "land grabbing" and involve the national government dispossessing indigenous people of their land in order to lease vast fertile lands to foreign and private investors.[[97]](#footnote-98)

If not, what are the barriers to indigenous people owning and/or living on their land?

The national government considers that its land investment policy is important to maximize the usefulness of the land through the development of "underutilized" lands in the lowlands. However, the selected lands are the source of sustenance for some 15 million indigenous peoples who include pastoralists, small farmers and hunter-gatherers, whose customary rights over these lands are thereby violated.[[98]](#footnote-99) These people are subject to indiscriminate arrests and detentions, harassment, murder and torture at the hands of the national government in order to displace them of their lands.[[99]](#footnote-100) The national government’s policy of villagisation has also seen many pastoralist communities and small-scale farmers moved off their traditional farming and grazing lands.

These governmental policies deny indigenous peoples’ access to land and water resources, healthcare provisions and to primary and access to secondary education remains highly inadequate.[[100]](#footnote-101) There is no specific national legislation protecting indigenous people, and Ethiopia has neither ratified the Indigenous and Tribal Peoples Convention of 1989 ("**ILO Convention 169**") nor was it present during the voting on the UN Declaration on the Rights of Indigenous Peoples ("**UNDRIP**").[[101]](#footnote-102)

Is there conflict between indigenous groups regarding land ownership? If so, to what degree? Are there mechanisms for resolving these conflicts?

There are various conflicts between indigenous groups in Ethiopia regarding land ownership and territory.[[102]](#footnote-103)

In Ethiopia indigenous groups recognise both the modern system of conflict resolution which are conducted in the court through litigation and are officially recognised by the government as well as the indigenous systems of conflict resolution which are an ancient set of practices in almost all the pastoral societies in Ethiopia.[[103]](#footnote-104) However, due to the multi-ethnic composition of Ethiopia the customary laws differ among ethnic groups and as a result they do not have uniform application all over the country.[[104]](#footnote-105) Article 34(5) of the FDRE Constitution recognises customary dispute resolution and states that "*the Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws with the consent of the parties to the dispute*". The customary dispute resolution mechanisms of Ethiopia are handled by elders, well known and respected members of the community and sometimes religious leaders, wise men and other community leaders.[[105]](#footnote-106) However, the composition, number, and the procedure they follow may vary from ethnic group to ethnic group depending on specific local customs and practices.[[106]](#footnote-107)

* 1. Minority groups

Can minority groups (i.e. ethnic minorities, immigrants, stateless people) legally own and/or rent land and housing**?**

Ethiopia has been hailed as a pro-minority country.[[107]](#footnote-108) This is evidenced by the FDRE Constitution which allows:

* Recognition of all languages in Ethiopia;[[108]](#footnote-109)
* All the sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia;[[109]](#footnote-110) and
* An unconditional self-determination of every Nation, Nationality and People in Ethiopia as well as the right to secession.[[110]](#footnote-111)

However, the right to property vests only in Ethiopian citizens as per the wording of the property clause in the FDRE Constitution.[[111]](#footnote-112) Consequently, Ethiopian law does not impose restrictions based on minority status of citizens. However, refugees, as they are not Ethiopian citizens, do not enjoy the right to land, but to recognize the rights and needs of refugees the Ethiopian government has set aside land on which to accommodate refugees.[[112]](#footnote-113)

In practice, do minority groups legally own and/or rent land and housing? If not, why not?

No persons in Ethiopia own land privately as per the FDRE Constitution.[[113]](#footnote-114) However, permanent structures such as houses are open to private individual ownership.[[114]](#footnote-115)

Yet, as alluded to in paragraph 3.2.4 above, there are issues minorities (such as indigenous peoples of various cultural backgrounds) face with regard to legal land holding, which could include forced displacement. There are claims of complacency of the Ethiopian government toward, and at times, their involvement in poor treatment of IDPs.[[115]](#footnote-116) Authorities have been accused of forcibly returning IDPs back to communities of origin.[[116]](#footnote-117) This is a particularly worrying situation when one considers that in 2020 Ethiopia has the highest number of IDPs in any country in the world.[[117]](#footnote-118)

Refugees do not enjoy the right to land. However, the Refugee Proclamation[[118]](#footnote-119) includes an Article stating that refugees will be given the most favourable treatment (as with foreign nationals) when it comes to movable and immovable property as well as to leases. We are, however, uncertain as to the scope of what constitutes "most favourable treatment" in this context. Although, as briefly mentioned in paragraph 3.3.1 above, Ethiopia has allocated 10 000 hectares of land for the sole purpose of securing refugee agricultural activities.[[119]](#footnote-120) The concerns that accompany this, however, is the risk that the refugees be met with vastly similar conditions and treatment of IDPs as expounded on in the above paragraph.[[120]](#footnote-121)

* 1. Landless people/squatters

Do landless people/squatters have rights to land and/or housing (e.g. adverse possession)? If so, are those rights respected?

In theory, as mentioned, all urban and rural land in Ethiopia, under the ownership of the State, is the common property of all Ethiopian Nations, Nationalities, and Peoples.[[121]](#footnote-122)

However, although all Ethiopian people have the right to land, many factors such as rapid population growth and a lack of a proper rural land registration system have led to a massive increase in landlessness. Only a small fraction of the youth (who obtain the right to possess land once they turn 18) obtain land and most receive land through the subdivision of family plots.[[122]](#footnote-123) Most households who possess land have therefore resorted to partitioning of their already small holdings to provide land to landless siblings or youth in order to survive.[[123]](#footnote-124) Families and youth who do not possess any registered land to subdivide have resorted to land grabbing and deforestation in order to obtain farming land.[[124]](#footnote-125)

The Ministry of Agriculture has attempted to remedy the situation by preparing to launch the digital web-based software for the National Rural Land Administration Information System. This digital system however will not provide land to the landless but only certify and legitimize those who already have land.[[125]](#footnote-126) It does not remedy the need for an equitable allocation and registration of rural lands in order to address landlessness and the consequences which arise therefrom.

Another factor which further exacerbates rural landlessness is the increasing demand for land by the private and public sector for the purposes of agricultural and industrial investment projects.[[126]](#footnote-127)

Landless persons in Ethiopia therefore have, constitutionally, the right to land however as explained above such right cannot be exercised thereby perpetuating landlessness amongst the rural population and incoming youth.

1. Expropriation, Eviction and Relocation
	1. Expropriation:

Are there laws or regulations permitting the government to expropriate land?

Such power, enshrined in Article 40(8) of the FDRE Constitution,[[127]](#footnote-128) is given effect under the Expropriation Proclamation. The currently updated Expropriation Proclamation seemingly seeks to address some of the issues inherent in previous legislation. This is an important development, given Ethiopia's highly contentious issues surrounding land insecurity in the past which lead to multiple regime changes.[[128]](#footnote-129) The scope of application of the Expropriation Proclamation extends to both rural as well as urban land.[[129]](#footnote-130) The core requirements for expropriation are;

* The reason for expropriating must be for a public purpose;[[130]](#footnote-131) and
* It must be made pursuant to compensation[[131]](#footnote-132) being paid (which value is similar to those of other properties in the area).[[132]](#footnote-133)

The authority empowered to institute the expropriation process vests in the State via the appropriate;

* Federal Authority;
* Regional Cabinet;
* Addis Ababa Cabinet; or
* Dire Dawa cabinet.[[133]](#footnote-134)

Despite these powers, the Expropriation Proclamation balances the interests of Landholders in Article 7;

* Landholders whose holdings are within the urban area to be redeveloped shall have priority rights to develop their land according to the plan either individually or in a group;[[134]](#footnote-135)
* Rural landholders for agricultural use shall have priority rights to develop their landholdings according to land use plan either individually or in groups;[[135]](#footnote-136)
* Priority rights to develop land as per sub Article 1 and 2 of this Article will be preserved for the landholders, when the capacity to develop the land as per the plan is presented;[[136]](#footnote-137) and
* The details of the right to develop first and the extent of the capacity to develop, and the time frame shall be determined by a Regulation.[[137]](#footnote-138)

A further protection afforded to landholders is the option to file objections on the public purpose reasoning.[[138]](#footnote-139)

Important in this instance is the amount of compensation paid in the past.

Although the requirement for compensation was included to combat arbitrary or destructive land expropriation[[139]](#footnote-140) it seems that the practical effect has been that insufficient compensation was paid to expropriated persons.[[140]](#footnote-141) To this end, the compensation paid has been seen to be less than the economic loss sustained as a result of the expropriation[[141]](#footnote-142) (where figures for compensation range from 3 to 30-times less than the market value).[[142]](#footnote-143)

Despite the inclusion of compensation for expropriation to deter corrupt and disingenuous exercise of State power, there are multiple allegations of land grabbing lodged against the Ethiopian Government[[143]](#footnote-144) (that is empowered to expropriate the land for use by investors given the wide application of public policy).

If so, are those laws or regulations applicable in the context of a disaster?

Where a disaster is of a nature that calls for the declaration of a state of emergency, it is possible that the declaration may provide that any expropriation of land should not be conducted for the duration of such state of emergency. Article 93 of the FDRE Constitution provides for the power to declare a state of emergency.

* 1. Eviction

Are there laws or regulations prohibiting forced evictions?

The FDRE Constitution makes provision for the protection against evictions of peasants[[144]](#footnote-145) and pastoralists[[145]](#footnote-146) from rural land. However, upon a reading of various proclamations, evictions are indeed possible.

Apart from the eviction from land due to expropriation as discussed above, forced evictions may also take place on illegally constructed houses or landholdings. Government organs such as the Peace and Security Administration Bureau in Addis Ababa, as mentioned in paragraph 2.1.5 above, are tasked with preventing the illegal construction and possession of land and are therefore empowered to take lawful action against those residing in illegally constructed houses or landholdings.

Despite this being the case, the Expropriation Proclamation as well as the Rural Land Proclamation introduced caveats to protect persons reliant on the land:

* In terms of the Rural Land Proclamation, the holders of rural land who are removed therefrom for a public purpose (i.e. expropriated) are entitled to compensation;
* The Expropriation Proclamation makes provision for further forms of compensation, such as Displacement Assistance.[[146]](#footnote-147);
* The Expropriation Proclamation is also clear that expropriations shall not be forceful as long as persons comply with the procedural requirements set forth in the proclamation.

Ethiopia is also a party to the International Covenant on Economic, Social and Cultural Rights ("**ICESCR**"). As a result the provisions of ICESCR concerning the provision of adequate housing are also applicable in these circumstances.

In practice, are those laws adhered to?

Despite there being provisions which seek to protect persons against forced evictions, there are currently forced evictions taking place, notably in the city of Addis Ababa, where authorities are removing illegally constructed houses and thereby forcibly evicting persons from land which they do not legally have a right to occupy (as in most instances such occupation is not registered with the municipal authority), allegedly without any prior notice or consultation.[[147]](#footnote-148)

* 1. Relocation

Are there laws or regulations governing relocations?

The Expropriation Proclamation provides for relocation or displacement in the context of expropriation.[[148]](#footnote-149) The Federal Government adopted its Strategic Plan to Address Internally Displaced Persons on 08 April 2019 which it has been implementing.[[149]](#footnote-150) The Strategic Plan to Address IDP's overall objective is to ensure the voluntary, safe, dignified and sustainable return or relocation of Ethiopia’s conflict-displaced populations.[[150]](#footnote-151) The Ministry of Peace was established under proclamation number 1097/2011 on October 16, 2018 and included in its powers and duties is the power to make appropriate preparations for natural or man-made disasters which may result in displacement or relocation of persons.[[151]](#footnote-152) The Ministry of Peace is said to be collaborating with United Nations agencies in order to launch a national process for the development of an inclusive peacebuilding strategy, with one of its goals being to foster the cohesive co-existence of internationally displaced people and host communities through inter-regional and inter-communal dialogue.[[152]](#footnote-153)

Are there any other laws or regulations (i.e. human rights instruments) that are applicable to relocations?

On 13 February 2020 Ethiopia ratified the African Union ("**AU**") Convention for the Protection and Assistance of IDPs in Africa ("**Kampala Convention**").[[153]](#footnote-154)

The Kampala Convention has a number of objectives, aiming to prevent internal displacement occurring due to conflict or other disasters, and to protect and assist people who have been internally displaced in Africa. The Kampala Convention holds both State Parties as well as international organisations accountable in the provision of aid to internally displaced persons.

There are a number of obligations placed on international organisations by the Kampala Convention, should they carry out aid missions in the jurisdiction of State Parties to the Kampala Convention. In this regard, article 6 requires international organisations and humanitarian agencies to comply with international law and the domestic law of the relevant State Party; all the while binding them to the principles of humanity, neutrality and impartiality. Article 3 and 5 contain a number of obligations for State Parties, the most notable being:

Article 3(1)(j) which requires State Parties to "ensure assistance to internally displaced persons by meeting their basic needs as well as allowing and facilitating rapid and unimpeded access by humanitarian organisation and personnel"; and

Article 5(1) which provides that "State Parties shall bear the primary duty and responsibility for providing protection of and humanitarian assistance to internally displaced persons within their territory or jurisdiction without discrimination of any kind."

In the context of relocations, Article 11 of the Kampala Convention is extremely important as it requires State Parties among others to:

* promote conditions for the relocation of internally displaced persons on a sustainable basis;
* enable internally displaced persons to make informed decisions regarding their relocation, return and/or integration; and
* take appropriate measures to restore the lands of communities who have a special dependency or attachment to the land from which they were displaced, upon their return to such land.

Article 12 requires State Parties to provide appropriate remedies to persons affected by displacement. While Article 12(1) does not elaborate on the form of remedy that should be provided, Article 12(2) requires State Parties to establish a legal framework that provides for just and fair compensation and similar reparations to internally displaced persons. Article 12(2) qualifies the calculation of compensation, requiring the calculation to conform to international standards. In respect of displacements caused by natural disasters, Article 12(3) evokes a quasi-penalty clause. Article 12(3) establishes a positive duty on State Parties to assist IDPs affected by natural disasters, failing which State Parties become liable for damages.

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127. Article 40(8) of the FDRE Constitution; "*Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property*". [↑](#footnote-ref-128)
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