

Urban Land Policy Vis-a-Vis Tenure Security and the Environment: A case Study of Addis Ababa, Ethiopia

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1. Introduction

Aim- the aim of the research was to evaluate urban land policy of Ethiopia related to **tenure security** and **the environment** .

Research questions

1. **Does the urban land policy of Ethiopia insure tenure security and the environment?**
2. **Are there problems related to tenure security and the protection of the urban environment in the development processes of Addis Ababa?**

Scope of the study: This research is done based on analysis of urban land policy and environmental policy of Ethiopia and its **implementation practices** in Addis Ababa

Significance of the study : the research is an important input for the government to incorporate the findings and comments in the urban land lease policy and implementation practice in Addis Ababa.

Methodology: Analysis of Policy document; Observation, and Interview with affected residents

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2. Policy Frameworks

2.1- Overview of Urban Land Policy of Ethiopia

- Ethiopia is among the least developed African countries, which has never been colonized in the world history
- Until 1974, the country was ruled by monarchical system
 - Land ownership right and control was under few feudal landlords
 - it led to countrywide revolution in 1974, with a popular slogan "Land to tiller"
- ^~In 1974, the Military Junta removed the monarchy and assumed state power
-in 1975, the Military Junta proclaimed state ownership of both rural and urban land.
- ^~with Proclamation No.31/75 -all rural land was transferred to peasants

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- ^~ whereas with Proclamation No. 47/1975- Urban land and extra houses were confiscated by the government, and rented out to the people
- - City dwellers who did not have a house were also entitled to get urban land up to 500 square meters.
- The Derg/socialist regime was ended in May, 1991, and an EPRDF led government assumed state power.
- Since 1993- Urban Land Policy Ethiopia passed through various revisions without significant effect on the ownership right of land
i.e. Land is state property, but use and benefit rights are given to the people of Ethiopia.
- By 1993, the government declared Urban Land lease/rent/ policy with Proc. No.80/1993.

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i.e. . **Urban land can be transferred to the people with a leasehold for specified period of time.**

- 99 years for housing
- 70 -years for industry
- 15- years for urban agriculture

-The urban land occupied before Proc.No.80/1993. stayed as freehold,

-The freehold urban land should enter to leasehold system, if the land **transferred to third party**, exception for inheritance.

Termination of leasehold right :

- If the Lessee can't pay the rent, and use the land beyond the LDP
- If the privately occupied land needed for public service

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- If the lessee inforced to leave the land, he/she has the right to get **compensation and Land for relocation**, or **reimbursement** for the rest of the lease period.
- Although, the urban land lease policy revised consecutively, the core value of the policy is not changed but enhanced .
- Until the recent proc. No.721/2011, no legal system was stated in the policy to control urban land speculators, illegal developments, and corruption.
- Urban land lease Proc.No. 721/2011- incorporated more details under all articles and introduced legal control system for land spaeculators.

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2.2- Environmental Policy of Ethiopia

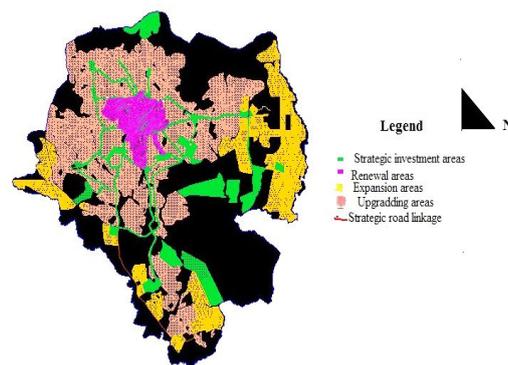
- Ethiopia is among the UN –member countries –trying to address environmental sustainability issue within the constitution.
- It is written in the 1995 constitution under articles 43,44, and 92, i.e.
 - Citizens have the **rights to be consulted and influence policies, planning and development projects** that affect communities ...
 - the right to meet their basic needs and ensures sustainable development.
- Environmental policy of Ethiopia written in the 1997 ,indicated that – citizens have the **right to use the environment without jeopardizing the rights of the future generation.**
- It declared that **EIA** (i.e., physical, biological, social, cultural, economical)- as essential before offering any development in the environment.

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3. Analysis and Discussion of Findings

- Addis Ababa City established in 1886.
- The areal extent of the city is about **560 sq.kms**, in 2005.
- The first city master plan was done between 1936-1941, passed through various revisions by British and French Planners.
- Acco. to the 2006, MDG need assessment,- **80% of houses** in AA- are **slums or** below acceptable standards .
- **40%** of them are owned by government which were confiscated from landlords with **Proc. no 47/1975**.



Addis Ababa City (re) Development Intervention Map

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Urban Land Policy and Security of Tenure

- **Less security of land tenure** and investment on urban land , because
- The law stated that- the government can expropriate even the leasehold urban land
- The payment of **compensation** to the displaced owner does not consider **the value, distance and location of expropriated urban land (unfair for high land value owners).**
- **The Urban land policy is not clear about**
- What kinds of public service lead to expropriation of privately occupied urban land; and
- the **type** and **significance** of the **alleged public service** and **benefit** offered to the society.

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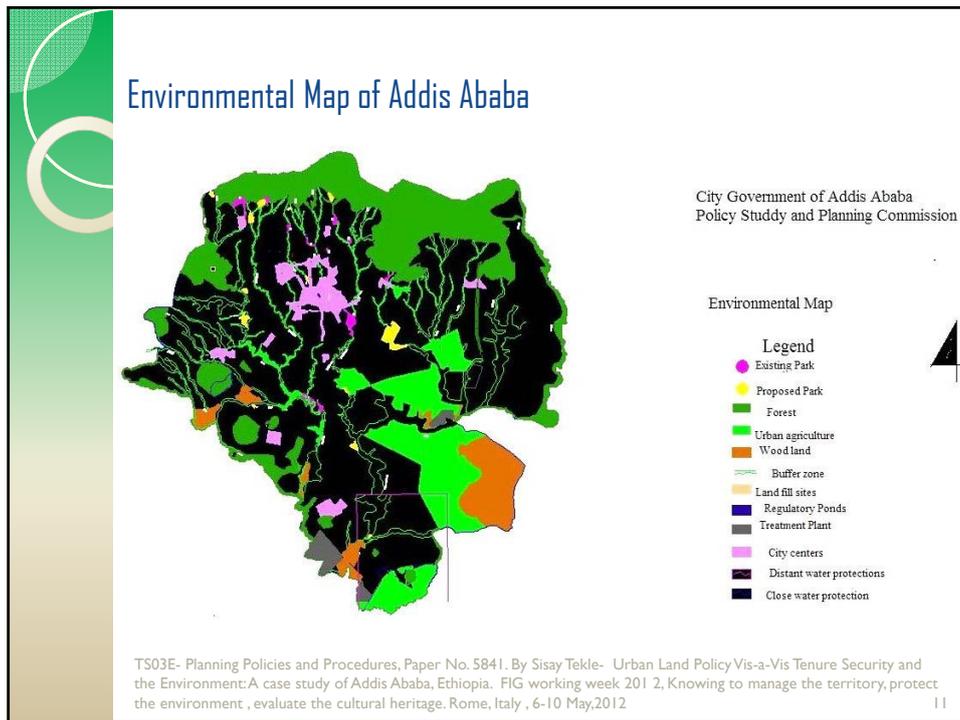
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Urban land policy and related impact on Environment and Development

- The urban land lease policy of Ethiopia, until the recent proc. No. 721/2011- **opened room for land speculation and corruption in land administration.**
- As stipulated under Article 24-sub Article 2 and 3, the leaseholder can transfer the land to a third party without any value added on the land.
- He also gets **5% transfer value of the land for third party + reimbursement of all the money including the bank interest rate.**
- **Urban land lease price is very expensive as it is transferred to the lessee with public tender, for the highest bidder . -As a result**
- Price for housing market is escalated beyond the purchasing power of residents.
- **Less open public space, recreational sites, greenery areas, children play ground and parking space left for public use both in residential quarters and business districts.**

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The photo shows over consumption of urban land and nature reserve/ or river buffer zone wet lands- occupied by illegal settlers, and land provided by municipality -for the housing of displaced people from high land value areas, in Arada sub city.

Land provided by city administrator for the building of single dwelling unit.

Illegal Settlement on the wet land

Land provided by city administration to build a private dwelling units on the river buffer zone

■ There is a big gap between Environmental policy of Ethiopia on the paper and implementation practice in Addis Ababa - for addressing Environmental sustainability

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Recommendations

The dominant **city development problems** identified by this research are mainly **related to policy implementation rather than to the policy itself**. Therefore the researcher would like to recommend the following possible solutions:

1. Since there is a **professional and capacity gap in the municipality**, it is expected from the government to **appoint appropriate urban development professionals in the appropriate position**.
2. It is also **crucial to develop professional capacity of the planners through training and experience sharing** with other successful municipalities.
3. It is better to **provide the LDP after an open design competition among professionals with the consideration of public spaces and greenery areas in the neighborhoods**, and making the latter spaces **free from lease payment** for developers.

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4. Apart from the urban land and environmental policy, **illegal invasion of urban land and nature reserve areas still continue both in the inner city and in suburban expansion areas**. It is **essential to make a frequent inventory of developments in the city in order to control illegal land invasions and speculation**.
5. The urban land lease policy is **partial and discriminatory** among the citizens as some households are **free from paying lease/rent** for the urban land they occupied and benefited from. Therefore, it is **recommended for the government to be uniform in its urban land lease policy regarding the use and benefit rights of privately used urban land**, whether it is pre-occupied or not.
6. To **block the created room for land speculation and corruption**, it is recommended that the urban land leasehold policy **remove the statement provided under Article 24, sub Article 3/c**, i.e., the right of the leaseholder to **"5 % of the transfer lease value"** by transferring the land to a third party.

Thank You !!!

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