

የትርጉም ጽሕፈት ቤት  
مكتب الترجمة  
ÜBERSETZUNGSBÜRO

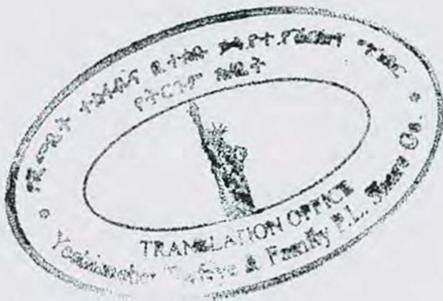


TRANSLATION OFFICE  
BUREAU DE TRADUCTION  
UFFICIO TRADUZIONI

የሺመቤት ተስፋዬና ቤተሰቡ ኃ.የተ.የሽርክና ማ.  
አዲስ አበባ - ኢትዮጵያ  
እስኪሰጡት ሕንፃ ቁጥር 7  
ስልክ (011) 515-7104, (011) 552-6312  
ፖ.ሣ.ቁ. 6127

Yeshimebet Tesfaye & Family P.L. Share Co.  
Addis Ababa, Ethiopia  
Stadium Building No.7  
Tel. (011) 515-7104, (011) 552-6312  
P.O.Box 6127

AFAR NATIONAL REGIONAL STATE  
RURAL LAND USE AND ADMINISTRATION  
REGULATION



May 2011  
Semera

  
የሺ. ስራ. ቃ. ጽ.  
Yeshi Besisekad  
ግ. ሥ. ሥ. ጽ.  
General Manager

**AFAR NATIONAL REGIONAL STATE  
RURAL LAND USE AND ADMINISTRATION  
REGULATION NO. 4/2011**

WHEREAS, it is provided by Article 3 of the 2002 Amended Constitution of Afar National Regional State Constitution that land property right is exclusively reserved to the state and the people;

WHEREAS, the implementation of regions' power of jurisdiction to administer land and natural resources shall be determined by federal government legislations and it is found necessary to exercise this Constitutional right clearly stipulated in Article 52(2)(d) of the Constitution of the Federal Democratic Republic of Ethiopia;

WHEREAS, laying down rural land use and administration system is considered to be of paramount importance to bring about stabilization of the livelihoods of pastoralist community in the region;

WHEREAS, realizing plot of land possession title rights of pastoralist communities of the region is believed to contribute to the realization of the ongoing food security efforts in the region;

WHEREAS, putting in place rural land use and administration system will have a crucial role to minimize incidents of land disputes that may arise between pastoralist and semi-pastoralist communities in the region;

NOW, THEREFORE, where it is found necessary to issue regulations providing for detailed implementation of the Afar Regional State Rural Land Administration Use Proclamation No 49/2009, this Regulation is hereby issued in accordance with Article 26(1) of the Proclamation as follows:



  
**የሥነ ምግባርና ግብርና ሚኒስቴር**  
**Yeshi Besufekad**  
የግብርና ሚኒስቴር  
General Manager



### 3. Gender Reference

In this Regulation, any expression in the masculine gender includes the feminine gender.

## PART TWO

### EQUAL USE AND DISTRIBUTION RIGHTS OF COMMUNAL HOLDINGS OF THE PASTORALIST COMMUNITY AND SEPARATION OF COMMUNAL HOLDINGS FOR USE OF THE PASTORALIST COMMUNITY

#### 4. Equal Use of Communal Holdings

1. Any pastoralist shall be entitled to equal land use right on communal holding;
2. The right of any pastoralist to equal use right on communal holding shall include the right to equal distribution of grazing, water, land lease, forestry resources and any other proceeds from the communal holding.
3. Any male or female person who is a member of a given community and is above 18 years of age shall have the right to obtain proportionate share of proceeds from grazing or lease on the communal holding of land.

#### 5. Separation and Administration of grazing and movement areas of communal holding

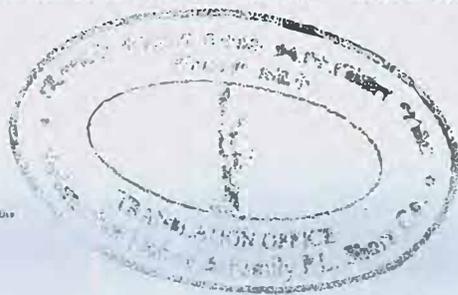
1. Land holdings for use of grazing purposes of the pastoralist shall be identified and delineated.
2. Without prejudice to the traditional practice where the pastoralist is allowed to use the delineated plot of private holdings in their movement in search of grazing and water, it is prohibited to take hold of new possessions or expand possessions, to this effect Kebele administrations and other appropriate bodies shall have the duty and responsibility to provide appropriate follow up to ensure prevention of such prohibited act.
3. Any person who transfers communal holding to private holding shall face criminal prosecution by law.
4. The regional state shall provide appropriate support implementation of traditional practices that may help to ensure prevention of natural resource degradation and realize natural regeneration sustainable utilization of natural resources on pastoralist holdings available grazing or other uses.

#### 6. Requisitions to obtain plot of land allocation for natural resource development, agriculture and animal husbandry purposes

1. Any person who requests for plot of land allocation for agricultural development purposes shall submit such request to appropriate body at Woreda level; which shall in turn issue decision on the matter.
2. Where the appropriate Woreda body to whom the request is submitted is not in a position to issue decision, they shall notify the matter to concerned higher body.
3. No plot of grazing land delineated for communal holding shall in any way be distributed or redistributed for private farmland holding.

#### 7. Use of private holding of pastoralist for investment purposes

1. No pastoralist shall transfer plot of land allocated for grazing and water purposes to investors.
2. Notwithstanding the provisions of the Sub-Article above, the Regional state may, where it is presumed that it is in the public interest and can transform the livelihoods of the pastoralist communities in the area, cause transfer of pastoralist holding to private investors.



  
Yeshu Besufekad  
Government Manager

**PART THREE**  
**USE RIGHTS OF RURAL LAND HOLDINGS OF SEMI-PASTORALISTS**  
**SECTION ONE**  
**DISTRIBUTION OF LAND**

**8. Distribution of Communal Holdings for Farming and other Development Activities**

1. Where community members so wish distribution of land under communal holding, the appropriate body with the power of jurisdiction to implement this regulation shall distribute the communal holding equally among community members, in collaboration with other relevant administrative offices.
2. In order to ensure equity in the distribution of land, a distribution committee drawn from communities shall be formed.
3. Elected women shall be represented in land distribution committee.
4. The numbers of women members in the committee shall in no way be below 40 per cent.
5. Any community member who is above 18 years of age shall have the right to equal entitlement to distribution land on communal holding.
6. Any distribution on communal holding shall be made on the basis of maximum and minimum holding.

**SECTION TWO**  
**RIGHTS AND OBLIGATIONS OF SEMI-PASTORALISTS**  
**IN DISTRIBUTION OF COMMUNAL HOLDINGS**

**9. Obligations of Semi-Pastoralists in Distribution of Communal Holdings**

1. Rights and obligations of pastoralists in distribution of grazing land communal holdings shall be applicable to semi-pastoralists.
2. Obligations of pastoralists in land use dispute settlement provisions set for communal holdings shall be applicable to semi-pastoralists.

**SECTION THREE**  
**RIGHTS OF SEMI-PASTORALISTS**  
**IN DISTRIBUTION OF PRIVATE HOLDINGS**

**10. Private Holdings**

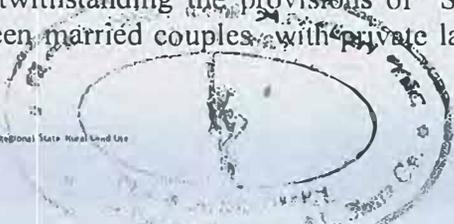
Semi-pastoralists shall have use right over private holding for farming purposes for unlimited period of time.

**11. Rural Land Use Right**

1. Any semi-pastoralist shall have the right guaranteed to use private holding acquired by way of government allocation or succession or otherwise subject to the maximum time limit stipulated by the time of promulgation of the Proclamation or issuance of this Regulation.
2. Notwithstanding the provisions of Sub-Article (1) of this Article, no contract or agreement shall prevent the person from handing over private holding acquired from another person.

**12. Common Holding of Married Couples**

1. Private possession of land acquired by spouses separately or allocated from government together as married couples upon marriage shall be common possession of married couples.
2. Private holdings of married couples acquired prior to marriage shall remain private holding after conclusion of marriage and after separation of their marriage.
3. Notwithstanding the provisions of Sub-Article (2) of this Article marriage concluded between married couples with private land titles shall in no way prevent the couples from



concluding agreement for making private property of one party to make the land common in accordance with the Family Code.

### **13. Farmland Request and Registration**

1. Applicants who want to engage in farm activities and request farmland shall submit application to appropriate body of the Woreda.
2. Appropriate body of the Woreda shall register applicants of farm land in permanent book of register in priority order. The registration form shall be similar in all Woredas and it shall include names of applicants, residential address, sex, age and other particulars of information required for priority order in distribution of land.
3. No applicant shall be allowed to submit more than one application in one Woreda.

### **14. Acquisition of Farmland**

1. Any young person who is above 18 years of age and living in semi-pastoralist areas shall be entitled to the right to acquire farmland.
2. Appropriate regional bodies of regional state shall distribute land to registered applicants requesting for farmland allotted for distribution on the basis of minimum holding stipulated in the Proclamation.
3. Where there is no adequate land allotted for distribution to applicants, the distribution may be made in the following manner:
  - a) First preference shall be given to the elderly, incapacitated persons, orphans and children who have no inheritance from parents, through guardians;
  - b) Second preference shall be given to women led households;
  - c) Other applicants in the Woreda;
  - d) Other applicants living in the region outside the Woreda.

### **15. The Elderly, Incapacitated Persons and Orphans Right to Acquire Land**

The elderly, incapacitated persons, orphans shall have the right to acquire farmland through guardians like any other person.

### **16. Distribution of Irrigable Land**

1. Where the plot of land to be distributed is located in areas of irrigation projects constructed by government or non- governmental organizations and is not previously occupied by semi-pastoralists, it shall be distributed to applicants on the basis of preference stipulated in the Article above.
2. Distribution of land shall be implemented by attaching preference to semi-pastoralists evicted from their holding due to irrigation projects .

### **17. Procedures on Eviction of Private Holders of Farmland**

1. Any semi-pastoralist who leaves farm as primary economic activity or moves to another area for any reason shall hand over the holding to appropriate body by stating the reason.
2. Where a semi pastoralist who wants to return farm activity after handing over farmland in accordance with Sub-Article (1) of this Article, he may submit application to acquire farmland.
3. Any semi-pastoralist who leaves the area for above three years without handing over or renting out the farmland and without putting in place custodian shall hand over the land to Appropriate body of the Woreda, which shall in turn hand over the land to another applicant on the waiting list living in the Woreda.

### **18. Where one of the married couples leaves the area**

1. Where one of the married couples leaves the area due to government or private work, a spouse or another family member shall have the right to use the land.



*[Handwritten Signature]*  
Yeshi Besiekad  
General Manager

2. If one of the married couples dies, their holding shall be transferred to other family members with inheritance right under the law.
3. Where a husband with private holding used by both married couples together as married couples dies the widow by law shall have the right use the land until she acquires another plot of land allocation in accordance with the Proclamation and this Regulation.
4. Where the deceased husband has no successors, the widow by law shall be entitled to preference in acquisition of the landholding over any other applicant.

**19. Prohibition of Redistribution of Land under Private Holding of Semi-Pastoralists**

Except for conditions stipulated in Articles 20 and 21 of this Regulation, any farmland, irrigable or rain-fed, under private holding of semi-pastoralists shall in no way be redistributed to others who are without land or used for another purpose.

**20. Redistribution of Rain-fed Farmland**

Any semi pastoralist's holding of rain-fed farmland in excess of the maximum ceiling of holding, which is limited to 10 hectare, shall be reduced and redistributed to other semi-pastoralists with inadequate or no land holding.

**21. Redistribution of Irrigable Land**

The maximum private holding of irrigable land for semi-pastoralist is limited to 5 hectares; nevertheless, where the holding of semi-pastoralist exceeds from the maximum allocation and no land is available for distribution to others who have no holding of land, any portion of irrigable land holding in excess of 5 hectare shall be deducted and distributed to semi pastoralists who have inadequate or no land holding.

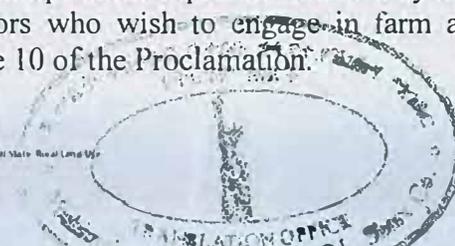
**SECTION FOUR**  
**TRANSFER OF PRIVATE HOLDING RIGHT**

**22. Transfer of holding right to successors by way of inheritance**

1. Private holding of any semi pastoralist may be transferred by way of inheritance to his descendants (children and grandchildren) whose mainstay is agricultural or activity semi pastoralist activity or wish to engage in farm activities.
2. Where the deceased private holder has no descendants, his holding may be transferred to ascendants who are lawful successors (father and mother); and if these are not existing, the holding may be transferred to siblings are engaged or wish to engage in agricultural activity.
3. Where the spouse of a deceased holder has no communal or private holding, and transfer of the holding to his successors by way of inheritance is deemed to render the existing spouse without land holding, the surviving spouse shall have the right to use the holding of the deceased person until landholding for livelihood is acquired from the Regional State.
4. To prevent jeopardy on the right of successors, the surviving spouse of the deceased person shall show due diligence to find other options to acquire plot of land allocation.
5. Successors of the deceased person may make every possible effort to remind the surviving spouse of the deceased person, who is using the holding of land acquired by way of inheritance, and may submit petition notify any act negligence of duty to appropriate bodies.

**23. Transfer of land use right by way of lease**

1. Any semi pastoralist private holder may rent out half of the holding to semi- pastoralists or investors who wish to engage in farm activities, by way of lease in accordance with Article 10 of the Proclamation.



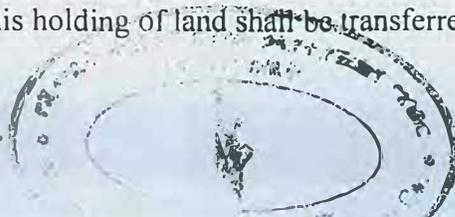
Handwritten signature and official stamp of the Regional State, including the text 'Yeshi Beaufort' and 'Regional State'.

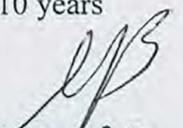
2. Any land lease contract agreement shall not be admissible by law unless it is made in writing.
3. Any valid land lease contract agreement shall contain particulars of information including name and address of the lesser and the lessee, the area of the leased plot of land measurement of the leased plot taken through modern measurement devices where possible, the lease period, the type and size of the leased plot of land, lease amount and terms of payment.
4. The land lease fee and crop harvests from the leased land, any royalty fees during the harvest season, annual production or amount of fees may be specified in the lease contract agreement.
5. The lease contact period specified in Sub-Article (1) of this Article, may be renewed upon expiry of the contract period.
6. Any lease contract made for a period of one to two years shall be registered with appropriate body of the Woreda where the leased land is located.
7. No lease contract made for a period of above two years shall be used as a ground for objection to the right of any third party unless it is registered with appropriate body of the regional state in writing.
8. Where the lease wishes to renew the lease contract upon expiry of three year period or more. the matter shall be notified to the leaser in writing in one year prior to expiry of the contract period.
9. The leaser shall give replies to the lease in six months period upon receipt of notice for renewal of the contract from the lessee.

## **SECTION FIVE** **FORFEITING HOLDING RIGHT AND BENEFICIARIES**

### **25. Conditions for Forfeiting Holding Rights**

1. Any person who has use right over holding of land shall be subject to forfeiting his holding rights on the following grounds:
  - a) Where he disappeared from the area of residence for and his where about is unknown for more than three consecutive years without renting out the holding or assigning any other person who will administer the land;
  - b) Where the person has not notified that he relinquished his holding right over the land upon free wishes, in a formal statement in writing to the appropriate body of the Woreda and Kebele Administration where the land holding is located .
  - c) Where it is determined by appropriate body that the plot of land holding is needed for public services.
2. Any person who is evicted from his holding of land for public purposes shall be entitled to appropriate compensation for property on the landholding in accordance with the provisions of Federal Government Compensation Proclamation and Regulation.
3. Subject to provisions of Sub-Article 1(a) of this Article, where a missing person has a spouse or minors, or if was missing accidentally, the provisions of Sub-Article 1(b) of this Article shall in no way be applicable, subject to evidence.
4. A person who has forfeited his landholding right in accordance with the provisions of Sub-Article 1(a)-(c) of this Article or successor shall have the right to claim appropriate amount of compensation for any property not removed from the developed holding of land, in accordance with Land Administration and Use Proclamation of the Regional State.
5. If a person who is missing is declared deceased or missing by the court before 10 years of absence, his holding of land shall be transferred to lawful successors.



  
 ገዢ ገዢ  
 Yeeshi Besufekad  
 የገዢ ገዢ  
 የገዢ ገዢ

5. Where marriage is concluded between the parties after issuance of land title certificate in the name of one party the married couples shall submit application for common land title certificate by notifying their agreement for common property of the land to Kebele Land Administration and obtain renewal of title certificate.
6. Unless an evidence is submitted to prove otherwise, common land use right under common title certificate shall be considered common property of married couples equally.
7. The common land title certificate shall include the following particulars of information:
  - a) Full address of land title owners;
  - b) Brief descriptions of rights and obligations of land title owners;
  - c) Land title identification number and area of land in possession;
  - d) Land title certificate number;
  - e) Signature and seal of the official who approved the land title certificate; and
  - f) Date and year of issuance of land title certificate.
8. In the event of loss, mutilation or defect in land title certificate, the bearer shall immediately report the matter to Kebele Land administration and obtain replacement of the certificate against payment of fees determined by authorized body.

#### **27. Land Holding Inventory and Record Management**

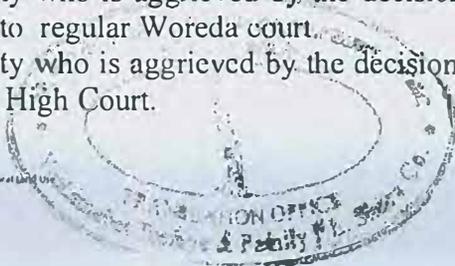
1. Land inventory book of record shall be maintained with appropriate body of each Woreda; which shall include particulars of information such as how the land was acquired, under whose possession it is, boundaries, and obligations of the title holder.
2. Any person who can prove that they have interest or right over the holding of the land may be allowed to inspect the book of record upon request, subject to payment of fees which may be determined by the directive.
3. Any obligations associated to security on land use rights, lease, succession or pledges shall be contained in the book of landholding records.
4. No third party shall raise claim on land use right and obligation in accordance with the provisions of Land Administration and Use Proclamation of the Regional State unless such claim is included in the book of land holding register.
5. No alteration or addition in the book of register shall be admissible unless it is verified by the registry officer.
6. The original book of land holding register shall be kept with land Administration of the Kebele, and one copy shall be maintained with appropriate body of the Woreda Branch, and summary of the register shall be sent to appropriate body of the Regional State. In the case of discrepancy or grievance arising in the records, the register maintained with Land Administration of the Woreda shall prevail.
7. Prior to registry of the agreements, the registry officer shall verify whether the document is prepared appropriately and signed by concerned parties.
8. No land holding register made on the basis of false evidence shall take legal effect.

### **PART FIVE**

### **SETTLEMENT OF DISPUTES ARISING FROM RURAL LAND USE**

#### **28. Private Land Holding Disputes that may Arise between Individual Pastoralists**

1. Any private land holding disputes that may arise between individual pastoralists shall be submitted to the Kebele administration, which shall in turn cause the matter proceeded and determined by local arbitrators nominated by the parties in dispute.
2. Any party who is aggrieved by the decision passed by traditional arbitration panel may appeal to regular Woreda court.
3. Any party who is aggrieved by the decision passed by regular Woerda court may appeal to Zonal High Court.



  
**Yeshi Desalegn**  
 General Manager

4. Decision passed by Zonal High Court in confirmation of decision passed by Woreda Court shall be final and binding.
5. Any person who is aggrieved by decision passed by Zonal High Court may appeal to Supreme Court of the Regional State. The decision passed by Supreme Court of the Regional State shall be final and binding.

## **29. Rural Farm Land Holding Disputes that may Arise between Semi-Pastoralists**

1. Efforts shall be made by the parties to settle any semi pastoralist land holding or use right civil disputes in amicable manner before recourse to civil lawsuit
2. Notwithstanding the provisions of Sub-Article (3) of this Article.
3. No other lawsuit or appeal shall be submitted on any dispute that has been settled between the parties in amicable manner.
4. Efforts shall be made by the parties to settle any semi pastoralist land holding or use right civil disputes in amicable manner through local arbitration mechanisms.
5. Where the dispute cannot be settled in amicable manner through local mechanisms, the aggrieved party may submit petition to competent court within the specified time limit, to the extent inconsistent with Federal or Regional State laws, no decision passed under customary local mechanisms shall take legal effect.

## **PART SIX** **MISCELLANEOUS PROVISIONS**

### **32. Incentive Scheme**

To the extent possible incentives or rewards shall be offered to land users for meritorious performance in the areas of protection of land holdings, development, planned utilization environmental protection, plantation of environment-friendly species of trees, irrigation practice, farming and animal husbandry practice, or any other exemplary practice; particulars of which shall be determined by directives that may be issued by appropriate body.

### **33. Transitory Provisions**

1. Any person shall have the duty to cooperate for implementation of this Regulation.
2. Any person who violates the provisions of this Regulation shall be penalized in accordance with relevant provisions of the Criminal Code.

### **35. Inapplicable Laws**

No other regulation, directive or customary practice shall, in so far as it is inconsistent with this Regulation, be applicable with respect to matters not covered by this Regulation.

### **36. Directive Issuing Authority**

Directives for implementation of this Regulation shall be issued by appropriate body with such power of jurisdiction.

### **37. Effective Date**

This Regulation shall come into force on the date of its publication in Dinkara Gazetta of Afar National Regional State.

Done at Semera, this 3<sup>rd</sup> day of June 2011.

**ESMAEL ALI SERRO**  
**PRESIDENT OF AFAR NATIONAL REGIONAL STATE**

**Sealed**

Afar National Regional State  
Office of the President

*(Each page of the document sealed as referred to above)*



  
**Yeshi Basifekad**  
General Manager