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Land Governance Assessment Framework Implementation in Ethiopia

Final Country Report

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With Contributions from Expert Investigators**

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¹ Their brief biography is presented in annex 14

Extended executive summary

Ethiopia's performance on land governance is assessed using the Land Governance Assessment Framework (LGAF), which is a diagnostic tool developed by the WB and its partners. The aim of the assessment is to look the land governance status of the country and suggest ways on how to make corrective measures in those areas that are found weak and very weak performances and how to strengthen those performances that are found strong and very strong. Information are collected from existing record, administrative reports, reviewing existing policies and legal frameworks and institutional setups at federal and regional levels by nine professional experts assigned for each panel. This country report is prepared by compiling main points from the context analysis and main findings from the dimension analysis presented in each background reports. The result obtained from the dimensions analysis is interpreted using descriptive statistics at two levels. The first level is at panel level, which means to have insight how the overall performance looks like. The second level of analysis is at Land Governance Indicator (LGI) level by aggregating the results of the dimensions analyzed under the LGI. The scores designated as A, B, C, and D are labeled as very strong, strong, weak and very weak respectively. To have an aggregated result, points are assigned for the scores designated as A, B, C, and D. The points assigned are 4, 3, 2, and 1 for A, B, C, and D scores respectively. With this methodological approach, this extended executive summary presents the compiled country report.

Since 1995, Ethiopia has decided to follow a federal political arrangement and has nine regional states and two chartered city administrations. Hierarchically, administrative structures of the regional states includes Region, Zones, Woredas and Kebeles. Most of the human population live in the highland areas of the country with a population density of about 160 people per sq. km while the human population density is less than 20 people per sq. km in the lowland areas. This figure gives an indication why the highland farmers have about 0.5 ha of land per holding.

The Federal constitution has paved the way for developments of land administration legal frameworks at federal and regional² levels. At federal level, for rural land administration, proclamation 89/1997 was the first proclamation that is replaced by proclamation 456/2005. For expropriation and compensation objectives, proclamation 455/2005 has been enacted at federal level. Regional states developed regulations for expropriation and compensation based on proclamation 455/2005. Several regional governments have formulated their land policies and land laws, among them Tigray Region proclamation 136/2007 (first issued 1997, amended 2002 and 2007), Amhara Region 133/2006 (first enacted 2000, amended in 2006), Oromia Region 130/2007 (first issued 2002, amended in 2007), and SNNP Region 110/2007 (first enacted 2003, amended in 2007), Afar Region 49/2009, Benishangul Gumuz 85/2010, Gambela Region 185/2011, and Ethiopia Somali Regional State 128/2013. There are lower level laws, which includes regulations and directives, developed by regions. Federal and regional land administration and land use proclamations provide unlimited period of use right to farmers, pastoralists and semi-pastoralists. The urban land management has many types of legal instruments that includes, Condominium proclamation 370/2003, urban plan proclamation 574/2008, revised urban land leasehold proclamation 721/2011 and the urban land

² Some commentators say that regional states are not empowered to enact land laws

holding registration proclamation 818/2014. For the urban land management, regional states use the federal level urban land laws.

Under the overall public ownership as stipulated in the constitution, subsequent proclamation recognize different tenure types in the rural land administration. Proclamation No. 456/2005, defines three tenure types. In article 2 sub article 11, it defines private holding as rural land in the holding of peasants, semi-pastoralists and pastoralists and other bodies entitled by law to use rural land. Article 2 sub article 12 gives definition of communal holding as rural land which is given by the government to local residents for common grazing, forestry and other social services. State holding is defined in article 2 sub article 13 as a rural land demarcated and those lands to be demarcated in the future at federal or regional states holdings; and includes forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers, and other rural lands. The same proclamation, article. 5:4:a, recognizes private investors to acquire and use agricultural land, which is stated as - Private investors that engage in agricultural development activities shall have the right to use rural land in accordance with the investment policies and laws at federal and regional levels. The tenure types are private holding, communal holding and state holding.

There are five tenure types that includes leasehold, old possession, state holding, condominium and informal settlement, tenure types in the urban land administration system. The Urban Land lease Holding proclamation No. 721/2011, defines two tenure types. In article 2 sub article 1 Lease is defined as system of land tenure by which the right of use of urban land is acquired under a contract of a defined period. Article 2 sub article 18 defines old possession as a plot of land legally acquired before the urban centres entered into the leasehold system or a land provided as compensation in kind to persons evicted from old possession. Although not clearly defined in the proclamation, the rest is assumed under public holding. The same proclamation clearly stipulates that all land in urban areas shall in future be transferred in to lease system. It emphasized that lease system would be the principal landholding system in the country in the urban context.

At Federal level, Ministry of Agriculture is mandated to oversee the rural land sector while the Ministry of Urban Development, Housing and Construction is mandated to oversee the urban land sector. The Ethiopian Mapping Agency (EMA), established at Federal level, is responsible for countrywide topographic mapping and for the establishment and maintenance of geodetic control points. It has also a responsibility to carry out aerial photography, surveying and orthophoto map production, which can be used for rural and urban land cadastre. Information Network Security Agency (INSA) is another Federal institution mandated to capture, process, store and disseminate geo-spatial data in the country, which benefit both rural and urban land cadastre.

The day to day responsibility of overseeing rural land administration, in the Ministry of Agriculture, lies under the responsibility of Rural Land Administration & Use Directorate (LAUD), which is one of the directorates found under the state minister for natural resources development, conservation and utilization. The RLAUD is responsible for overseeing land use and land tenure of rural lands outside large scale agricultural investment lands. Specifically, the RLAUD is responsible to follow-up implementation of the Rural Land Administration and Use Proclamation 456/2005, enacted by the Federal Government, by providing professional support to the regional rural land administration

institutions and coordinating competent authorities working on land related issues. In addition, the LAUD has to create and facilitate information exchange between regions and contribute on capacity development of the regional institutions. The directorate links the work at the federal level with that at the regional level and provides inputs for policy making to advance the harmonization of rural land administration in Ethiopia. The MoA has the responsibility to develop standards for rural land administration purposes. Under the Ministry of Agriculture, there is a newly established semi-autonomous agency to administer large scale agricultural investment lands, which is called Agricultural Investment Land Administration Agency (AILAA). The AILAA is responsible for federal level management and lease of state holdings. The regional states manage agricultural investment lands up to 5,000 ha. The agency is delegated by the regional states to handle all large scale agricultural investment lands above the limit indicated above.

As presented above, the responsibility to administer and to manage land and natural resources is given to the regional states. Accordingly, regional states have enacted regional land laws and established land administration and management institutions for rural lands following the federal pattern. For the urban land administration regional states use the federal laws. Although the regional implementing institutions for rural land administration are varying between regional states, in naming and organizational setting, there are offices at regional, zonal and woreda administrative levels in all the nine regional states. Some regions, such as Amhara and Oromia, extended their office to the Kebele level, which is the lowest administrative structure. At federal and regional level, there are institutions that have functions of land management related matters.

There are local level institutions established to implement land administration systems, which are called Land Administration & Use Committees (LAUC). Land administration and use committee members are volunteers elected by land holders in each kebele to implement the land administration system. The participation of landholders in implementing land administration system is guaranteed through public hearings and meetings as well as through the elected land administration committee members. In some regions, *Shemaglewoch Shengo*³ is established in each Kebele to handle land related conflicts using traditional rules. It plays a key role in integrating customary (traditional) law into the formal setting. The active involvement of land holders both directly through public hearings and indirectly through their representatives in land administration committees and *shemaglewoch shengo* is a good lesson in which the Ethiopian system can contribute for other countries in similar situation.

Having the contextual information presented above, the Ethiopian land administration performance is assessed from the sight of land governance against international best practices. An extended dimensions analysis have been conducted and documented in all the nine panels' background reports. The results are extracted from each dimension analysis and are condensed with additional explanations, when deemed necessary, and are presented. In the report, Dimension scores are tabulated and are presented for each panel. The tables include indicators, dimensions, scores and statements/explanation of the scores. This is assumed to help the reader to understand the meaning of the scores without any difficulties. On the tabulated results, descriptive statistical analysis is

³ Elders' council

performed to have an insight on performance status of each dimensions and to make an informed judgments. Furthermore, dimension results are aggregated to have an insight on the performance level of the indicators and to make again an informed judgments. Policy statement/recommendations are summarized for each dimension and are presented in policy matrix in annex 14. The policy statements given specifically for each dimension are believed to support monitoring of improvements of practices in each dimension areas in the future.

The thematic area, "Land Rights Recognition, **panel 1**", is assessed by two Land Governance Indicators (LGI) and 12 dimensions. Out of the assessed dimensions, which are 12, only 2 (16.67%) scored A. These dimensions are rural land registration and respect for women's right in property registration. Those dimensions that scored B are 4 (33.33%). Putting together the A and B scores it is 50%. Based on this assessment, Ethiopia has very strong and strong practice, only on 50% of the assessed dimensions, in Land Right Recognition within the existing constitutional framework. However, there are 3 (25%) dimensions that scored C and 3 (25%) dimensions that scored D, which is categorized as weak and very weak practices. The dimensions that scored C and D have to be a serious concerns of Ethiopia. When performance is assessed at indicator level, Ethiopia has nearly strong practice in recognition of a continuum of rights in the existing constitutional framework. The country's performance in respect for and enforcement of rights is nearly strong too. Substantive and elaborated explanations on each dimension are given in sections 4.1.1 and 4.1.2.

Critical and actionable policy recommendation (panel 1)

- Registration and certification of rural land holdings is conducted without formally enacted registration and cadastral laws. Therefore, registration and cadastral laws should be developed and enacted.
- Methodology for communal lands registration and certification should be developed and pastoral community areas registration and certification has to be conducted in time.
- Issues of compulsory land expropriation, valuation, level of compensation, and rehabilitation of affected people are concern areas that need revisiting. There is a big dissatisfaction on the less involvement of affected communities in the compensation computation process.. This situation needs an urgent reconsideration to revise laws
- A proper study has to be conducted before a pastoral area is allocated to large scale agricultural investments in order to leave to the pastoralist the very critical areas for their livelihood.
- Legal provisions essential on the right to use small rural landholders' use rights to get access to credit services.
- There is a need to harmonize the land laws and family laws in regards to heirs issues

Performance of Ethiopia in the area of "Rights to forest and common lands & rural land use regulations, **panel 2**" is analysed through 15 dimensions and two Land Governance indicators⁴. The result shows that there is no dimension that scored A, which indicates that Ethiopia is not performing Very Strongly on issues and subject matters addressed in any of the dimensions. There are 7 dimension that scored B, which is 50% of the dimensions analysed. Hence, Ethiopia has strong

⁴ one dimension found irrelevant to the Ethiopian context

practices in 50% of the dimensions. However, 3 dimensions scored C, which is weak performance and 4 dimensions scored D, which is a very weak performance. The two together represent 50% of the dimensions assessed. These dimensions have to be a serious concern for Ethiopia. The country has to make the necessary corrective measures on (i) clearly identifying and giving responsibilities to appropriate institutions in the legal system for common lands, (ii) defining the co-existence of multiple rights on the same plot of land in the legal system and its enforcement, and (iii) providing the necessary opportunities for recording and mapping of lands managed and used by identified groups of communities. An immediate corrective measure for those dimensions scored D (28.57%), which are very weak practices, is highly essential. The essential measures include (i) recording and geo-referenced mapping of lands under communal use, (ii) monitoring the swift use of rural land after land use change is decided, (iii) making public process a mandatory in zoning of rural lands to respect existing rights in the area, and (iv) monitoring effectively the use of protected areas in the rural setting in accordance to the decided use. Weighted mean points are calculated for the two LGI separately. The performance of activities under indicator "Effectiveness and equity of rural land use regulations" is found to be weak compared with performance of activities under indicator "Rights to forest and common lands". Substantive and elaborated explanations on each dimension are given in sections 4.2.1, 4.2.2 and 4.2.3

Critical and actionable policy recommendation (panel 2)

- Ethiopia is using its land and land resources without having comprehensive national land use policy. Formulation and enactment of a national land use policy is urgently essential. At the same time provision of policy framework to give clearer responsibility for managing communal lands is needed
- Developing an appropriate guideline for participatory rural land use planning and rezoning is essential. Ensuring transparent public process for rural land use planning and joint forest management is an indispensable requirement for sustainable development.
- There are protected forest areas, national parks, wildlife reserves and wetlands. These areas are meant to serve the purpose as the names indicate. However, there are evidences to suggest that the land which was classified as forest reserve, wildlife sanctuary, national park, and wetlands diverted to other purposes particularly for agriculture over the years. This diversion has taken place either in the form of encroachments by the surrounding herders and smallholder farmers or in the form of allocation for large scale agricultural investments. Hence, there is an urgent need to officially demarcate, map and register these lands to sustain initially identified use

Very strong and very weak results are not recorded in the dimension analysis of the thematic area of "Urban Land Use, Planning, and Development, **panel 3**". Most of the dimensions, 64.29%, scored B, which is strong practice and the rest, 35.71%, scored C, which is weak practice. Practices in these dimensions have to be changed and performance has to be improved and an immediate attention has to be paid by the municipalities and city administration. Proposed practices, among others include, (i) making the urban land use plan change in a clear public process with full participation of all stakeholders, (ii) making implementation of low-cost housing policy more effective in order to decrease those living in inadequate shelters, (iii) adhere to the land use plan developed to guide the

expansion of the largest city, (iv) develop a speedy mechanism in the land use planning process to cope with urban growth and avoid informal settlement and (v) develop a clear regulation to manage common properties effectively under condominiums system. After observing the result at dimension level, further analysis is made at an indicator levels by aggregating scores under each indicator. There is a strong practice under indicator "Restrictions on rights" and indicator "Speed and predictability of enforcement of restricted land uses", while the practice is weak under indicator "Efficiency in the urban land use planning process". The results of the other indicators is found in between the results presented above. Substantive and elaborated explanations on each dimension are given in sections 4.3.1 - 4.3.6.

Critical and actionable policy recommendation (panel 3)

- In the big towns, there are large scale eviction from old settlement locations. There is a need to redesign policy and strategies that limit large scale eviction problem through exploring other options such as more participatory urban upgrading without damaging the social, economic and environmental fabrics of an area
- It is common to see settlements mushrooming in risk prone locations. It is necessary to develop enforceable regulation to restrict settlements at risk prone areas and develop and implement mitigation measures for those settled in risk prone areas until resettled in non risk prone areas
- Stringent regulation ought to be designed for any zoning modifications to satisfy primarily the interest of the majority of affected communities rather than endorsing the technocrat based analysis
- Proper investigation is essential to harmonize the ability of the poor to pay and the cost of construction of condominiums, and to find out conducive environment to implement low cost housing

The result of dimension analysis on thematic area "Public Land Management, **panel 4**", shows that only one dimension scored A (8.33%), which means there is a very strong practice to transfer acquired land to its destined use in time. There are four dimensions (33.33%) scored B. However, those dimensions scored C and D together, which means weak and very weak, are much higher (58.33%) than very strong and strong practices. Ethiopia has to look seriously on those practices scored weak and very weak. To rectify the weaknesses and improve practices in dimensions that scored C, the following rectification measures have to be taken, which includes, (i) remove any ambiguity in responsibility assignment and capacitate mandated institution in public land management, (ii) allocate sufficient resources (financial, material and human) for better management of public lands, (iii) develop a system to acknowledge unrecorded rights and making compensations for those lost benefits due to land use change in public lands, and (iv) reduce the time in compensation payment after rights are removed due to land use change. An immediate action is required on those practices that are very weak (scored D) by (i) completely recording and mapping of the public lands to know the extent of public lands, (ii) monitoring the transfer of public land satisfy public interest, and (iii) establishing a system to compensate lost interest due to land use change.

Additional evaluation of the result is made at indicator level. As the result indicates, there is a need to work hard to rectify weak practices and improve performances of all the indicators. Substantive and elaborated explanations on each dimension are given in sections 4.4.1 - 4.4.4.

Critical and actionable policy recommendation (panel 4)

- There is a need to work on clearly defining responsibilities between the federal and regional institutions on the management and development of public lands
- Transferring public land to private interest is through expropriation. There is no limiting factor that restrict the government power to expropriate public land for private interest. Therefore, it is essential to revise the legal framework and define the term "public purpose" to take land and transfer to private interest
- There are cases where decisions are made in transferring public land to private interest, but the land is kept unused for a long period of time, especially in towns. A regulation has to be developed to improve the speed of transfer of public land to private interest and to its destined use
- There is a need to revisit the current expropriation and compensation law and its corresponding regulation to consider compensation payment when people lose right as a result of expropriation and land use change. Alternatively compensation to secondary rights/unrecorded rights should be addressed through land use plan

Panel five "Transfer of Large Tract of Land to Investors, **panel 5**" is analyzed with nineteen dimensions packed under four indicators. As the result indicates, there are only two dimensions, 10.53%, that scored B. Out of the nineteen dimension twelve of them scored C, which is weak practice, and five dimensions scored D, which is very weak practice. Proportionally, 63.16% and 26.32% of the dimensions are weak and very weak practices respectively. As a matter of priority, to rectify very weak practices, scored D, and to achieve better performance corrective measures have to be taken that includes, (i) make the transaction of public lands transparent and open to the public, (ii) establishing a proper mechanism for significant benefit sharing from the gains in land use change, (iii) developing a policy for accessing assets developed in the area of transacted lands, (iv) establishing resettlement policy to manage resettlement properly when it is implemented and (v) involve the right holders to negotiate and establish future benefits that can be gained due to the land use change. Analysis made at indicator level shows that the performance in all the indicators is weak or very weak. Substantive and elaborated explanations on each dimension are given in sections 4.5.1 - 4.5.5.

Critical and actionable policy recommendations (panel 5)

- Large scale investment projects need closer follow up to check compliance with lease agreements and whether the projects receive proper services from the public institutions that are mandated for the purpose
- The institutional efficiency need to be enhanced through comprehensive analysis of pros and cons of the existing institutional arrangement for the rural land sector. Apparently, the agricultural investment land administration system need to be integrated with the general land

administration and use system of the country as in reality the principle of land administration is similar for all lands.

- Investment projects should be given the go-ahead only after full consultation with local communities. The government should be accountable to communities and should involve them at all stages of the decision-making process
- Contracts should contain clear, specific and enforceable clauses to protect the environment, wildlife, biodiversity, and water sources. The use of agro-chemicals must be closely regulated to prevent damage to the soil and to surface and subsurface water Systems from toxic waste.
- There must be an enforceable benefit-sharing scheme instead of simply leasing out the land so that communities stand to gain from the investment projects. This could be a profit-sharing scheme as is being tried in some African countries with large scale extractive projects.
- Contracts should stipulate investors' obligations with regard to social investments in the communities concerned (e.g. schools, health centers, and clean water). Social investments should address community needs, based on consultation with them
- It is important to minimize investments that cause involuntary displacement and, where such displacement is absolutely unavoidable, it is essential to ensure that adequate compensation is paid in time

Dimension analysis result on "Public Provision of Land Information, **panel 6**" showed that there are six dimensions, (33.33%) that have very strong performance. On the contrary, there are six dimensions, (33.33%) that recoded very weak performance. When the dimensions recoded weak and very weak performance are taken together it becomes 55.56%, which outweigh very strong and strong performances of the dimensions under the thematic area. As a matter of priority, focusing on those dimensions scored D, the following corrective measures are urgently essential, which includes, (i) speedup the rural and urban cadastre and making a complete information system, (ii) develop a system to synchronize information in the public registry for an easy information exchange, (iii) develop a system that makes updating of transactions mandatory, (iv) develop a cost recovery system to enable the registry to run by itself, (v) improve level of investment for land administration as land is one of the basic resources of the country, and (vi) in the long-run, develop and incorporate ethical education in the education system and in the short-run, develop controlling mechanism to discourage illegal actions of staffs. The necessary measures have to be taken on other dimensions to improve overall performances of the thematic area. Additional analysis has been conducted by aggregating the results of the dimension to have an insight on the level of performances of indicators and to make an informed judgment. There is a very strong practice in "mechanism for recognition of rights". However, "reliability" and "cost effectiveness and sustainability" indicators are a serious concerns that need an immediate actions. Substantive and elaborated explanations on each dimension are given in sections 4.6.1 - 4.6.6.

Critical and actionable policy recommendations (Panel 6)

- The tenure system in the pastoralist and semi pastoralist areas is different and requires policy definition of group (clan) rights for effective formalization. Due consideration have to be made for local practices during policy formulation

- The first registration is part of the establishment of the initial land administration infrastructure and therefore the cost has to be free of charge. Updating and maintenance of records that is not practiced in Ethiopia except in Amhar regional state need to be based on cost recovery policy principles. The implementation should be based on the study
- Policy to develop a comprehensive land administration system that can record encumbrances and obligations at the holding level is required. Furthermore, a policy that clearly stating as to how restrictions or charges are consistently recorded is necessary.
- Policy to synchronize public services and public registers is required. The data in land registers have to be the base for public services such as address and identification of citizens personal records.
- Ethiopia is now engaged in vigorous rural land cadastre activities. Mapping and registering of parcels information is very important activity. However, unless the cadastral information is updated as transactions take place, the information will be obsolete soon and its importance decline in time. Therefore, there must be a legal instrument that can support efficient updating

"Land Valuation and Taxation, **panel 7**" thematic area is assessed under two indicators and six dimensions. There is only one dimension that have very strong, 16.67%, practice. Again, there one dimension that scored B, which shows that there is strong practice, 16.67%. On the other end, two dimensions scored D, 33.33%, that expresses the practices in these dimensions are very weak. There are two dimensions that are scored C, which means weak practices. When the dimensions that scored C and D are taken together, it becomes 66.67%. Therefore, the country has to take corrective measures that include (i) making property valuation for taxation and compensation that reflect market value, (ii) developing a policy and a guide that makes valuation rolls are accessible to the public, (iii) developing a system that increase the percent of liable property tax payers in the tax rolls more than 70% and put in place monitoring mechanisms and (iv) developing a system that increases collection efficiency of assessed property tax values to make the collection more that 70% and put in place a monitoring mechanisms. Indicator level result shows that "transparency of valuation" is very weak while collection efficiency is much better". Substantive and elaborated explanations on each dimension are given in sections 4.7.1, 4.7.2 and 4.7.3..

Critical and actionable policy recommendations (panel 7)

- Real Property valuation and taxation in Ethiopia have legal, technical, institutional and financial problems. To guide implementation of valuation, property valuation policy development and institutional establishment is essential
- Compensation that could have been paid to affected property owners/holders ought to be valued by independent professional property valuers. In addition to that, both the Federal and Regional expropriation and payment of compensation laws ought to be amended in such a way that property valuers have to use anyone of the three valuation methods when they find them appropriate
- The Government, in addition to paying fair and reasonable compensation, has to set mechanisms to rehabilitate the affected property owners when their property is taken for public purpose

- The expropriation of landholdings for public purposes and payment of compensation laws should be reviewed to ensure that there is more extensive information dissemination to the public and access to the valuation rolls, and to empower the affected citizens in the process of decision making

Summary of scores for **panel 8**, shows that one dimension scored A, three dimensions scored B, two dimensions scored C and one dimension scored D. Taking the dimensions scored A and B together, which means very strong and strong practices, it becomes 57.14%. The balance, 42.86%, is weak and very weak practices. Giving priority to the weak and very weak practices to change the situations and improve performances, Ethiopia has to take corrective measures including (i) reduce court cases of land dispute by identifying and eliminating the cause of disputes through appropriate measures, (ii) encourage community level dispute resolutions to reduce costs and to enable disputants to use their time for other productive purpose, and (iii) develop a system to make the appeal court cases in shorter time and in a cost effective manner. Indicator level result shows that there is a better practice in the area of assignment of responsibilities. Substantive and elaborated explanations on each dimension are given in section 4.8.1, 4.8.2 and 4.8.3.

Critical and actionable policy recommendations (panel 8)

- A legislative revisit is necessary to reduce the different types of dispute settlement avenues. For example, it is possible to eliminate municipal courts and other tribunals and rather empower regular courts. The revision of the law may also be a good opportunity to adopt a comprehensive procedural approach for land dispute settlement
- Revise laws to encourage the recognition and enforcement of arbitral decisions and agreements. This will lessen the number of cases reaching courts and people will understand the result of their agreements
- A policy shift is necessary for courts to focus on quality of decisions instead of quantity only. The current policy in courts is focusing on quick disposal of cases and hence reducing backlogged cases. In this regard, it is performing very well. But the overall length is not shortened since quick decisions are open for errors and then being held for longer times in appellate courts. Therefore, the policy must balance the need for speedy trial with quality of decision. Establishing a separate land bench within the first instance court system will help judges to be more expert in the area and can create the balance between quantity and quality of decision. Furthermore, similar decision needs to be considered in opening separate benches within the High Court and the Supreme Court
- Further study is needed to conclude about sources and magnitude of land dispute in order to provide solution and thereby reduce land disputes. Further research is also necessary to determine the percentage of land disputes compared to other disputes. Further research is required to make a reasonable conclusion on the percent the cases

"Institutional Arrangements and Policies, **panel 9**" is analyzed under two indicators and thirteen dimensions. As the analysis result shows, there is no dimension that scored A or D. Seven dimension, 53.86%, scored B and six dimensions, 46.14% scored C. In this case, those dimensions

scored C, which means weak, should get first priority to take corrective measures. Among others, Ethiopia has to (i) remove overlaps that exist within institutions that have interest in the land sector, (ii) Making land information readily accessible, (iii) strengthening the coordination between different institutions that deal with land, (iv) put in place a very strong monitoring system for implementation of ecological and environmental policy objectives, (v) establish a system and implement a system for cost benefit analysis for land policy implementation, and (vi) Enforce and monitor policy implementation that prevent settlement in high risks areas. During the panel discussion, two prominent issues debated and recommended that include (a) the country should have a comprehensive land policy and land use policy and (b) the country should have an institutionalized valuation system to develop valuation rolls by professional valuers. Analysis made at indicated level shows that the performance of the two indicators is not very different to each other. As the result shows, the performance at indicators level is not weak or is not strong. Substantive and elaborated explanations on each dimension are given in sections 4.9.1, 4.9.2 and 4.9.3.

Critical and actionable policy recommendations (panel 9)

- A harmonized and comprehensive national land policy and land use policy is required and is an urgent matter to be considered taking in to account other related policies and strategies such as the rural development policy and strategy, the conservation strategy of Ethiopia, the water management policy etc
- Detail assessment on the horizontal and vertical responsibility overlaps may be required to craft clear institutional responsibility among institutions dealing on land management.
- Government should speed up the computerized land information system to simplify information sharing. The computerized information system should include a web based application to create an enabling environment for key public bodies to get connected
- Although the land laws are enacted to satisfy the ecological and environmental objectives of the country, law enforcement to this end is very poor. Hence, the provisions in the legislation need to be enforced rigorously through a functional monitoring mechanism.
- The cost accounting on implementation of land policy needs to be holistic and demands further study to be able to establish efficient and effective cost of implementing various components of land policies
- There is a need to establish property valuation institution to develop valuation rolls by professional valuers for different economic activities

Comparing the result of the nine panels that are assessed under 27 indicators and 119 dimensions, provided in which panel Ethiopia is relatively performing well. A summarized result, table 16, shows that in three of the panels, very strong and strong practices, which means A+B, outweigh the weak and very weak practices, which means C+D. Among these, the panel "urban land use, planning and development" has the highest number of dimension, 64.29%, that scored very strong and strong practices followed by the panel "dispute resolution" 57.14%, and "institutional arrangement and policies" 53.83%. But it does not mean that there are no dimensions that scored very weak practices among these panels.

The highest number of dimension, 89.47%, that scored weak and very weak practices is observed in "transfer of large tract of land to private investors" followed by "land valuation and taxation" 66.67", "public land management" 58.33" and "public provision of land information: Registry and Cadastre" 55.56". However, as the result shows, it does not mean that there is no very strong and strong practices in these panels. For example, the highest number of dimensions that scored A, which means a very strong practice, 33.33%, is in panel 6. The result of panel 2, "rights to forest and common lands and rural land use regulation" and panel 1, "Land right recognition" performances are at the borderline. Ethiopia has to take a very serious corrective measures in panel 5, panel 7, panel 4 and panel 6 as specified in policy matrix and summarized recommendation given under the discussion of each panel.

1. Introduction

Land governance⁵ is the ways property rights to land (for groups or individuals) are defined and can be exchanged and transformed; the way in which public oversight over land use, land management, and taxation is exercised; the type of land that is state owned; the way such land is managed, acquired, and disposed of; the nature and quality of land ownership information available to the public and the ease with which it can be accessed or modified; and the way in which disputes are resolved and conflicts are managed.

Having in mind the above concepts of land governance, implementation of LGAF Ethiopia has been initiated. Information are collected from existing record, administrative reports, reviewing existing policies and legal frameworks and institutional setups at federal and regional levels by nine professional experts assigned for each panel. The background reports had been reviewed by many, which includes the country coordinator, World Bank expert responsibly for the process, Technical Advisory Group (TAG) established for the purpose under Africa secretariat and national senior experts. Finally, significant input is obtained to improve the background reports. Basically, this country report is prepared by filtering and compiling main points from the context analysis and main findings from the dimension analysis presented in each background reports. When deemed necessary, additional explanation and discussion are included.

Chapter two is devoted for explanation of the methodology. Contextual information is presented in chapter three. In this chapter, federal and regional land administration institutional set-ups, legal frameworks and tenure typologies in rural and urban are presented. The rural land administration performance is briefly indicated. Bilateral and multilateral projects and programs working in land administration are presented and their area of operation in the country is indicated. Institutions established for public land management, land dispute resolution and taxation are discussed. Ethiopia's economic growth is briefly presented. The country's economic growth target, rural and urban cadastre targets, agricultural land transfer target, aimed in GTP II, are indicated in chapter three.

Results from the dimensions analysis are presented in chapter four. Unanimously agreed scores during panel discussion, with score description, are tabulated for each thematic area and are presented in this chapter. Findings of each dimension analysis are condensed and are presented. Based on the findings of the dimensions analysis, conclusions and key recommendations are provided for each thematic area. Chapter five deals with the way forward. Supportive information are presented in the annexes of the report.

⁵ Deininger K etal, 2012 Land Governance Assessment Framework, Washington DC, USA.

2. Methodology

The Land Governance Assessment Framework (LGAF) is a diagnostic instrument to assess the status of land governance at the country or sub-national level using a highly participatory and country-driven process that draws systematically on local expertise and existing evidence rather than on outsiders. The assessment is based on a comprehensive review of available conceptual and empirical material regarding experience in land governance by local experts. The LGAF was developed by the World Bank in partnership with FAO, UN Habitat, IFAD, IFPRI, the African Union, and bilateral partners.

The LGAF focuses on the following 5 focus areas:-

1. Recognition and respect for existing rights
2. Land Use Planning, Management and Taxation
3. Management of Public Land
4. Public Provision of Land Information
5. Dispute Resolution and Conflict Management

In implementation of LGAF Ethiopia, the focus areas are analyzed in nine panels/modules, 27 land governance indicators and in a total of 119 dimensions, table 1. For each dimension, pre-coded statements are used as proposed in the LGAF manual. Scores vary from best practice (A) to weak practice (D).

Table 1. Panels, indicators, and dimension managed in the assessment

Panels	Indicators	Dimension
1. Land rights recognition	2	13
2. Rights to Forest and Common Lands & Rural Land Use Regulations	2	15
3. Urban Land Use, Planning, and Development	5	14
4. Public Land Management	3	14
5. Transfer of Large Tract of Land to Private Investors	4	19
6. Public Provision of Land Information: Registry and Cadastre	5	18
7. Land Valuation and Taxation	2	6
8. Dispute Resolution	2	7
9. Institutional Arrangements and Policies	2	13
TOTAL	27	119

To carry out the implementation, country coordinator is assigned by the LGAF Global secretariat established at the World Bank. The country coordinator, in cooperation with the Global secretariat and the African secretariat, developed Terms of Reference (ToR) guided by the LGAF manual. For each panel/module one senior investigator is contracted, based on the ToR, by the LGAF African secretariat established for the purpose and is located in Nairobi, Kenya. The country coordinator provided orientation to Expert Investigators (EIs) to enable them to comprehend the concepts described in the manual. In addition several reference materials are collected, as much as possible, and are provided to the EIs. Furthermore, EIs collected reference materials relevant to the topics they made the investigation. As the scope of the assessment is more of a desk work, data are collected

from administrative datasets, legislative and policy documents, institutional and project report. Supportive information are collected from research papers and relevant land related publications.

Background reports are drafted, revised and final version produced in step by step approach, Annex 2 . Expert investigators, with support of the country coordinator, produced the first draft of background reports. All draft reports had been reviewed and comment by the country coordinator focused on alignment to the LGAF requirement. Comments are included by the expert investigators and second drafts were produced. The World Bank global secretariat reviewed and commented on second drafts before being sent to the Technical Advisory Group (TAG) established under the LGAF African secretariat located in Nairobi, Kenya. Expert investigators revised the second version according comments and suggestion given by the Global secretariat for LGAF and the third versions were produced. Third version of all background reports sent to the TAG for more and deeper review. Comments and suggestions made by the TAG are taken and the fourth versions were produced after revisions made by expert investigators. The background reports have two main parts categorized as context analysis and dimension analysis. In the dimension analysis part, preliminary rankings for the set of concerned dimensions are presented. Final review on the fourth draft was launched on the background reports by contracting three Ethiopian senior experts in the land sector in Ethiopia. There had been two LGAF workshops the contributed to shape the implementation process. The first one was conducted on 18-19/12/2014 in Ethiopia with participation of country coordinators, TAG members, LGAF global secretariat and African LGAF secretariat, Figure 1. The second was conducted on March 21/2015 in Washington DC. This progress review workshop gave significant input to the process of LGAF Ethiopia implementation.

Detail schedules had been developed by the country coordinator and panels conducted as planned. The country coordinator gave a presentation on how the project initiated, LGAF implementation status in the world and in Africa, how the background reports developed and produced, objective of the panel session, and remaining major activities in the process. Panels were organized on each topic for full one day discussion. To provide a common basis of information to the panel participants, which is indispensable as a basis of consensus on rankings, background reports were sent to invited panel participants well in advance. They discussed on each of the dimensions in detail to arrive at a consensus ranking and agreed policy priorities. Panel experts were pooled from institutions working in the land sector. A total of 63experts participated that makes an average of 7experts per thematic area Figure 2. The validation workshop, with participation of 37 participants, made the final touching on scores, conclusions and key recommendations Figure 3.

A country report, by summarizing main points from the background reports, is prepared. The result obtained from dimension analysis is interpreted using descriptive statistics at two levels. The first level is at panel level, which means to have insight how the overall situation looks like. The second level of analysis is at Land Governance Indicator (LGI) level by aggregating the results of the dimensions analyzed under the LGI . The scores designated as A, B, C, and D are labeled as Very Strong, Strong, Weak and Very Weak respectively. To have an aggregated result, points area assigned for the scores designated as A, B, C, and D. The points assigned are 4, 3, 2, and 1 for A, B, C, and D scores respectively.



Figure 1. Picture from LGAF planning workshop



Figure 2. Pictures from LGAF Ethiopia panel sessions



Figure 3. Pictures from LGAF Ethiopia validation workshop

3. The Context⁶

3.1 Ethiopia's location, topography and climate⁷

With a surface area of about 1.1 million square Kilometers, Ethiopia is the 7th largest country in Africa. It is bordered by Eritrea to the north, Djibouti and Somalia to the east, Sudan and South Sudan to the west, and Kenya to the south.

Located in East Africa in the sub-region better known as the Horn of Africa, the topography of the country is composed of high plateaus and extended lowlands. The altitude of the country ranges from 100 meters below sea level in the Dallol Depression of Afar, to mountain peaks of over 4,600 meters above sea level in Semien Mountains. The highest peaks are Ras Dashen in the Semien, located West of the great rift valley and Batu Mountain in the Bale mountains range located in East of the great rift valley.

The great Rift Valley separates the western and the eastern highlands diagonally; and these highlands gradually descend to the lowland areas in the east, west, and south of the country. Much of the country consists of high plateau and mountain ranges, which are dissected by numerous streams and rivers. Among the biggest river basins are Blue Nile (Abay), Awash, Baro, Omo, Tekkeze, Wabe Shebelle and Genale. The altitudinal variation that ranges from 100 m below sea level to more than 4,600 m above sea level significantly influenced the diversity of flora and fauna in the country including the soil types.

The climate in Ethiopia is mainly influenced by altitude and the main climatic regions are the following:-

Dega (cool to cold temperature) - This is typical of the cool highlands where average temperature falls between 10°C and 16°C. The altitude is above 2500 meters above sea level.

Weina Dega (warm to cool climate) - Average annual temperature ranges between 16°C and 20°C and comprises much of the highlands between 1,500 to 2,500 meters above sea level.

Kolla (warm to hot climate) - This is the climate of the hot lowlands, and the average temperature is between 20°C to 30°C. The altitude ranges from 500 to 1,500 meters above sea level.

Bereha (Hot and arid climate) - This covers the area of the desert lowlands below 500 meters above sea level and the average annual temperature is over 30°C.

There are two distinct seasons in Ethiopia, the dry season which is for the most part from October to May (mostly winter season in Europe) and rainy season from June to September (summer season in Europe.) Precipitation across the country is characterized by high spatial and temporal variability. On a spatial scale, the distribution of annual rainfall ranges from less than 400 mm in the Somali Region and the Afar Triangle to more than 2,400 mm in the southwest of Ethiopia.

⁶ The context part is extracted and condensed from background reports developed by expert investigators. Additional issues are extracted from the inception report. For more information readers are advised to refer the background reports and inception report.

⁷ Most of the information is taken from the Ethiopian Government portal

3.2 Ethiopia's settlement pattern⁸

Ethiopia is one of the countries found in the horn of Africa with an area of 1.1 million square kilometre. According to the conventional classifications of ecological systems of the country, about 44% of the country's landmass falls in highland ecology, which is above 1500 meters above sea level. The balance, which is 56%, is categorized as a lowland area. The Central Statistical Agency of Ethiopia projected Ethiopia's population to reach 90 million by the year 2015. Settlement pattern of the population of the country is very much skewed to the highland ecology due to historical, climatic and soil factors. It is estimated that about 88% of the human population, about 79 million, resides on 44% of the country's landmass. With 83% of rural population estimate, about 64 million people are living in the highlands of Ethiopia in which their livelihood is dependent on sedentary agriculture that integrates crop and livestock production. About 56% of the country's land mass is mainly occupied by pastoral communities. Taking into consideration the general statistical figures for highland and lowland proportion, indicated above, about 11 million people are living in the lowland ecology of the country. When the 83% is used to estimate the rural population in the lowland area, about 9 million people are found in the rural pastoral economy. In terms of population size of the two chartered cities, most recent figure, Addis Ababa is the highest with 3,103,700 people and Dire-dawa has about 269,100 people.

Estimates on the Ethiopian livestock population indicates that there are about 150 million heads of livestock in the country, which makes the country to stand first in livestock population in Africa. The livestock population pattern follows the human population settlement pattern. It is estimated that 75% of the livestock population, about 110 million heads, is found in the highland areas. The rest 25% of the livestock population is in the pastoral areas. Pastoralists, mostly in Afar, Somali, some parts of Oromiya and SNNP Regional State, inhabit over half of the Ethiopian territory (56%). The above crude statistical figures indicate that the highland areas are heavily populated, 163 people per sq.km, while the lowland areas have about 18 people per sq.km.

3.3 System of Governance⁹ and legal frameworks

3.3.1 Administrative structures

Ethiopia decided to follow a federal political arrangement and has nine regional states and two chartered city administrations. Hierarchically, administrative structures of the regional states includes Region, Zones, Woredas and Kebeles. The Oromiya national regional state, which is one of the nine regional states, covers an area of 355,000 sq.km with a projected total population of 32.8 million. Administratively, it is divided into 20 Zones, 275 Woreda administrations and 6,814 rural Kebele administrations. The second largest regional state is the Amhara national regional state with a total area of 171,000 sq.km and with a projected total population of a little more than 20 million. The

⁸ A comprehensive Ethiopian highland reclamation stud had been conducted in 1984 by FAO funded by the WB. Although the study is not updated, it is believed that the general population pattern is still holds true.

⁹ It is important to note that the number of zones, Woreda, and Kebeles in a given region can change when there is a need and decision is made to merge or sub-divide for better service delivery purpose.

region constitutes 12 administrative Zones, 139 Woredas and 3,234 Kebeles. The Southern Nations Nationalities and Peoples' Regional State (SNNPR) is the third largest regional state that covers an area of 113,323 sq.km. Population of the region is estimated to be 17.84 million. It is the most diverse region in the country in terms of language, culture and ethnic background. Administratively the Region is divided into 14 Zones, 4 special Woredas with a total of 134 Woredas, and 3,600 rural Kebele administrations. The Tigray Regional State consists of 4 administrative Zones, one special Zone, 35 Woredas and 695 rural Kebele administrations with a total area of 80,000 sq.kms. The regional population is estimated to be 4.96 million

The Afar regional state is one of the lowland regions with a total land mass of 96,707 square kilometers and with a projected total population of 1.68 million. All the grazing land in the Afar Region is owned communally except in agro-pastoral areas where some people grow crops along big rivers and have small private grazing areas for cattle. Registration of rural land has started very recently. The Ethiopia Somali regional state occupies about 279,250 sq.km with a total population of 5.31 million. Most households in Somali region have access to large communal grazing lands and are primarily dependent on livestock and livestock products used as a major sources of food, cash and assets. The benshangul-Gumuz region has an area of 48,800 sq.k divided into 3 zonal administration, 20 woredas, 437 kebeles. The Gambela regional state has an area 25,600 sq.k with 4 zones, 13 woredas and 198 kebeles. Harari is the smallest regional state with a size of 400 sq.k divided into 13 kebeles. The two chartered cities, Addis Abeba and Dire Dawa have an area of 500 sq.k and 1,500 sq.k respectively. The Dire Dawa town includes the surrounding rural kebeles.

In Ethiopia, population level is used to determine status of urban centres. The categorization is small towns with a population of 2,000 - 20,000; medium towns with a population of 20,001 - 50,000; large towns with a population of 50,001 - 100,000; cities with a population of 100,001 - 1,000,000; and metropolis with a population of > 1,000,000. Accordingly, there are 850 small towns, 84 medium towns, 20 large towns, 16 cities and 1 metropolitan.

3.3.2 Legal frameworks

The 1995 constitution has paved the way for developments of land administration legal frameworks at federal and regional levels. At federal level, for rural land administration, proclamation 89/1997 was the first proclamation that is replaced by proclamation 456/2005. For expropriation and compensation objectives, proclamation 455/2005 has been enacted at federal level. Regional states developed regulations for expropriation and compensation based on proclamation 455/2005. Several regional governments have formulated their land policies and land laws, among them Tigray Region proclamation 136/2007 (first issued 1997, amended 2002 and 2007), Amhara Region 133/2006 (first enacted 2000, amended in 2006), Oromia Region 130/2007 (first issued 2002, amended in 2007), and SNNP Region 110/2007 (first enacted 2003, amended in 2007), Afar Region 49/2009, Benishangul Gumuz 85/2010, Gambela Region 185/2011, and Ethiopia Somali Regional State 128/2013. There are lower level laws, regulations and directives, developed in all the regions. Federal and regional land administration and land use proclamations provide unlimited period of use right to farmers, pastoralists and semi-pastoralists

The urban land management has many types of legal instruments that includes, Condominium proclamation 370/2003, urban plan proclamation 574/2008, revised urban land leasehold proclamation 721/2011 and the urban land holding registration proclamation 818/2014. For the urban land management, regional states use the federal level urban land laws.

3.4 Historical perspective of land Governance

The tenure structure during the monarchy period was quite complicated and in parts of the country highly exploitative. During this feudal period there were on the one hand small-scale owner-cultivators, and on the other hand large landholders, who in many instances obtained their possessions through political means. Such landholders were members of the nobility and the local gentry. The nobility were absentee landlords while the gentry resided close to their property. The system is said to be exploitative, because nobility and landlords contribute no part in the production process but demand the highest share of the benefit from agriculture. The shares they demand were ranging from one third to two thirds of the product especially in the southern parts of the country. Complete and irreversible defeat of landlordism was the greatest achievement of the military dictatorship Derg.

Indigenous land tenure systems in Ethiopia were varied and evolved through a complex of processes. The major forms of land rights and land tenure systems operated in Ethiopia were Atsme Irist and Gult. The Gult system was a decentralized taxation system, where the Gult right holder has the right to levy and collect tax on behalf of the central government. The tax used to be paid in kind. Usually the Gult holder adds some margins on the proportion for covering his administrative costs. The commonly used proportion was one tenth of every product. The Gult right holders have the right to exempt Irist right holders (gebars) from taxes. In general, the Gult right holders are responsible for the overall administration of the area, but they have no right or power to give or take land from Irist right holders (gebars). The Gult system was abolished during the Imperial period after the Italian invasion and replaced by a centralized taxation system, which continued up until the end of the Derg period.

Atsme Irist commonly known as Irist is a hereditary ownership system of land tenure. The Irist right holder (gebar) is the kinship group of the first settlers of the area. The individuals in the kinship group have their own private holdings, but they cannot transfer their right to an outsider without the consent of the group leaders, which means decision on transaction of land was under strict control by the local community. The Irist system was the most dominant system in northern part of Ethiopia. The Irist system is believed to be the first tenure system in the region. It is believed that land was free to everyone before the Irist system. Irist system emerged when the first settlers in an area are legitimized as rightful holder of the area. The land being not occupied by the Irist holders was declared to be under the control of the central government.

There was a system of allocating unoccupied land for different government services as a salary for the military and for civil servants. This type of land was known as Maderia. Unlike Irist, Maderia land was not hereditary, though the services sometimes were inherited. The land was reallocated when the service to the government ended. Maderia covers only the interest in the estate, while Gult

is the right to tax and administer land, including Maderia land itself. The government also allocated land for church services. Sometimes the government allocated unoccupied land to the church as a Gult area. Then the church was allowed to collect taxes from users as a compensation for running the church services.

The church services givers are divided mainly into two groups: firstly the priests and deacons, locally called Kedash responsible for spiritual services, and secondly the locally called Debteras, who are assigned and educated to render the administrative and educational services. When the right holder is not educated or no male member is available in the family (only males are qualified to be priests, but females can be Debteras), an appropriate person has to be hired to accomplish the service. In almost all cases the land allocated for the church services is within the vicinity of the church so that the service giver is easily available whenever required.

Different land governance systems that existed in Ethiopia are eradicated immediately after the overthrow of the monarchy system. One of the most popular mottos of the socialist revolution was “Land for the tiller”. On 4th of March 1975, the Derg proclaimed the nationalization of all rural land through the rural land proclamation number 31/1975. Since then land is under the ownership of the government. The same proclamation is the base of the establishment of Kebeles, the lowest administrative units in Ethiopia. The Kebele administrations were responsible for land reallocation and resolving land related conflicts during the Derg era. The urban land was not included in the proclamation 31/1975. It seems that the Derg was in a desperate situation to cool down its political opponents that promote the motto of "land for the tiller". However, it seems that it had realised most of the urban land is under the control of the nobility and landlords. Therefore, it enacted proclamation 47/1975 to nationalize urban lands and extra urban houses. Since 1975, Ethiopia administers and manages rural and urban lands by different legal systems and different institutions.

The current government included most important land policies in the constitution. The constitution delegated the details of land issues to be proclaimed separately. Proclamation no 89/1997, which later on replaced by proclamation 456/2005, which is currently active, was the result of the constitutional provision Article 55/2). In the constitution, it is proclaimed that land is not subject for sale or any other type of exchange in Ethiopia (Article 40/3). The ownership to land is exclusively vested to the state and to the peoples of Ethiopia. It is only the holding right that is given to individual citizens (Article 40/4).

By the framework law (456/2005), power is given to the regional states to enact their own land administration and use proclamation in accordance with the federal law. (Article 17/1). The regional laws are supposed to take into account the regional specific conditions and to achieve the regional objectives. The proclamation also enables regional states to establish their own institutions pertinent for the implementation of the proclamation (Article 17/2).

There are active legal instruments enacted by the Federal Government to administer and manage urban lands and urban development, which includes Condominium proclamation no.370/2003, Urban planning proclamation no.574/2008, Building proclamation no.624/2009, Urban land lease holding Proclamation no. 721/2011 and Urban land holding registration proclamation no. 818/2014.

3.5 Currently operating tenure typology

Ethiopia's legal framework on land comprises its constitution and subsequent land laws enacted by the Federal Government for rural and urban land administration and management. Enacting separate laws for rural and urban land started in the mid 1970s. The then military Government of Ethiopia enacted proclamation 31/1975 to nationalise all rural land and enacted proclamation 47/1975 to nationalize all urban lands and extra urban houses. Hence, since 1975, Ethiopia administers and manages rural and urban lands by establishing different legal systems and different institutions.

Many proclamations repealed and replaced successively. The current land laws includes proclamation 455/2005 enacted for compensation matters, proclamation 456/ 2005 for rural land administration, proclamation 721/2011 for urban land administration/lease law and proclamation 818/2014 for urban land registration. There are also regional constitutions, laws, regulations and directives. The federal constitution (Article 40) 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 people of Ethiopia. The main concern of the Government in advocating state ownership is that private ownership will lead to concentration of land in the hands of few people who have the ability to buy, resulting in the eviction of poor peasants and thus aggravating landlessness and potentially leading to massive rural - urban migration of people with unpredicted consequences. Therefore, as per the federal constitution, land is a common property of the Nations, Nationalities and peoples of Ethiopia and shall not be subject to sale or other means of exchange (Article 40/3). Sub Article 4 also states that Ethiopian peasants have the right to obtain land without payment and the protection against eviction from their possession. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it.

Under the overall public ownership as stipulated in the constitution, subsequent proclamation recognize different tenure types. Proclamation No. 456/2005, defines three tenure types, table 2. In article 2 sub article 11, it defines private holding as rural land in the holding of peasants, semi-pastoralists and pastoralists and other bodies entitled by law to use rural land. Article 2 sub article 12 gives definition of communal holding as rural land which is given by the government to local residents for common grazing, forestry and other social services. State holding is defined in article 2 sub article 13 as a rural land demarcated and those lands to be demarcated in the future at federal or regional states holdings; and includes forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers, and other rural lands. The same proclamation (Art. 5:4:a) recognize private investors to acquire and use agricultural land, which is stated as - Private investors that engage in agricultural development activities shall have the right to use rural land in accordance with the investment policies and laws at federal and regional levels.

The Urban Land lease Holding proclamation No. 721/2011, defines two tenure types, table 3. In article 2 sub article 1 Lease is defined as system of land tenure by which the right of use of urban land is acquired under a contract of a defined period. Article 2 sub article 18 defines old possession as a plot of land legally acquired before the urban centres entered into the leasehold system or a land provided as compensation in kind to persons evicted from old possession. Although not clearly

defined in the proclamation, the rest is assumed under public holding. The same proclamation clearly stipulates that all land in urban areas shall in future be transferred in to lease system. It emphasized that lease system would be the principal landholding system in the country in the urban context.

¹⁰There has been debate about the Ethiopian land tenure system largely between professionals, academics, opposition political groups and the government or the ruling party. The Constitution of the Federal Democratic Republic of Ethiopia has enshrined the basic principles about the property right of citizens under Article 40. Sub-article 1 of this Article generally provides that “every Ethiopian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise.” However, these general provisions are qualified and limited by exceptions under sub-articles 2, which provides that “private property, for the purpose of this Article, shall mean any tangible or intangible product which has value and is produced by the labour, creativity, enterprise or capital of an individual citizen, association which enjoy juridical personality under the law, or in appropriate circumstances, by communities specifically empowered by law to own property in common.” According these constitutional provisions, there is no labour, creativity, enterprise and capital to create land and to consider it as a private property. The other side of the debate emphasis that the constitution has put the most precious resource of the nation "value less". There are a heated debate on this issue especially during election campaign in every five years.

¹⁰ Main concepts in this paragraph are taken from unpublished report prepared by Mola Mengistu for the Amhara BoEPLAU

Table 2. Tenure typology for the rural land sector

Type of tenure	Legal recognition, registration, transferability and characteristics
State land	<p>Legal recognition: Recognized as state holding by the federal Rural Land Administration and Land Use Proclamation (No. 456/2005) and regional land laws.</p> <p>Registration/recording: Land banking is a method practiced in Ethiopia to prepare land for investment and resettlement programs. In this program state holdings were demarcated and mapped. The surveyed land is ready for the transfer to investors (domestic and foreign) through lease contracts. This is a point of controversy that sometimes is termed as land grabbing (Rahmato, 2011). The maximum duration for the leasehold is different in different regions. Lease contracts can be renewed after the expiry period. In the lease contract the rights and obligations of the lessee as well as of the lessor are included. Among others, taking proper natural resources conservation measures are major responsibilities of the lessee. But in practice, large scale commercial investment farms are not environmentally friendly.</p> <p>Transferability: State land is transferred by lease agreement with the regional states. The leased land can be used as collateral during the lease term. The lease can also be inherited for the term as long as the legal heirs are willing to continue to abide with the previous lease contract.</p>
Private holding	<p>Legal recognition: The land holding right is given by constitutional provision and further clarified by federal framework land law Proclamation No. 456/2005.</p> <p>Registration/recording: Four major regional states are issuing primary books of holdings following participatory adjudication process. The coverage can be estimated between 60 to 98% of the land holders in the four major regional states.</p> <p>Transferability: Private individual holdings cannot be sold and can be transferred only through inheritance to family members practicing agriculture and living with the right holder. Holdings can be leased to other farmers or investors, subject to restrictions on the extent and duration of leases.</p>
Communal holding	<p>Legal recognition: Access rights to communal holding over rural land are recognized by the constitution and proclamations (Proc. No. 456/2005).</p> <p>Registration/recording: Registration of communal holdings in four major regions is similar to individual holdings except that the holders of communal holding are group of people. However, the users generally are not happy on the enforcement of billows for the protection of communal holdings. In pastoralist areas the group, clan is the owner of the area of land though they are not permanently settled on the area.</p> <p>Transferability: for example Proclamation 133/2006 defines the common holding as rural land not under the ownership of the government or of any private holding, but used by the local people in common for grazing, forestry and other social services. In most cases, communal holdings are governed by traditional rules and by-laws. According to the regional states regulations the local society is entitled to establish by-laws based on local circumstances. The decisions based on these local rules are legally valid unless or until they are in contradiction with established formal law.</p> <p>The regional land laws have also provisions how to transform communal holdings into individual holdings. Legal restrictions in the transformation process are the agreement of the rightful users of the concerned area and the perpetuation of the existing land use type after individualization. Additionally, the transformation</p>

	<p>process has to be approved by the authorities to minimize possible environmental consequences.</p> <p>The common rights are normally given to specific Kebele (parish) membership, but in some cases the rights are limited to specific groups within the Kebele. Common rights are linked to the place of residence. The landless dwellers of the Kebele have full right and responsibility to use the common pool resources within their vicinity.</p> <p>Common pool resources are grazing lands, community and conservation forests, market places and other service areas, river banks, and water bodies. In practice the right to use the common pool resource is not exclusively given to the landholding rights, but it is a beneficial right with a weak connection to the holding right. Communal rural land holdings can be changed to private holdings as may be necessary” (Proc. No. 456/2005, Art. 5-3).</p>
Leasehold /rental	<p>Legal recognition: Lease according to the definition of some regional states is the agreement between investors and regional states. Whereas rent is the agreement between individual land holders and tenant. Private investors can acquire time-bound use rights on payment basis over rural land to engage in commercial activities through contract with the state or private landholders (Proc. No. 456/2005, Art. 5/4 and art.8).</p> <p>Registration/recording: any rural land that is held through lease or rental shall be registered by the competent authority ((Proc. No. 456/2005, Art. 6/).</p> <p>Transferability: Investors who hold rural land through lease or rent have the right to transfer and use as collateral their holding right.</p>

Table 3. Tenure typology in the urban land sector

Tenure typologies	Legal recognition, registration, transferability and other characteristics
Public/state land	<p>Legal recognition: pursuant to the constitution, article 40, sub article-3, the right to ownership of rural and urban land as well as all of natural resource exclusively vested in the state and in the people of Ethiopia.</p> <p>Registration: Pursuant to urban land holding registration proclamation no.818/2014, article 14, sub-article 4, unless proved to the contrary, any parcel of land on which use right is not created shall be presumed to belong to the government, and, up on application be registered in the name of the organ in charge of administering or developing the land.</p> <p>Transferability: As per the constitution article 40, sub-article 3; land shall not be subject to sale or other means of exchange. Nonetheless, pursuant to urban land leasehold proclamation no.721/2011, article 5(sub-article 5), article 8 (sub-article 1 &2), article 12 (sub-article 1-5), it recognizes public land right transfer through lease either by tender or allotment modalities. So, to sum up as per the aforementioned legal frameworks, land is not transferred but it's the abstract right on land that is transferred.</p>
Old possession	<p>Legal recognition: as per urban land holding registration proclamation no.818/2014, article 2, sub-article 3, land holding means a use right on urban land acquired in accordance with lease law or an old urban land possessions recognized by the lease law. It includes private residential permit system acquired legally before the urban centres entered in to the leasehold system.</p> <p>Registration: Pursuant to urban land holding registration proclamation no.818/2014, article 30, sub-article-1, all rights, restrictions, and responsibilities' stipulated in contracts of old possessions shall be registered.</p> <p>Transferability: pursuant to urban land leasehold proclamation no.721/2011, article 6 (sub-article 3), a property attached to an old possession is transferred to a third party through any modality other than inheritance, the person to whom the property is transferred become the possessor through lease holding.</p> <p>Note: Proclamation no.47/1974 declared state ownership of urban land and extra houses and privileged the tenants and other homeless to live paying very low rent for the Kebele and Rental House Administration. Nonetheless, these old possession ownership right administered by kebele has been transferred illegally to natural person for unscrupulous gain by corrupted municipal professionals.</p>
Leasehold	<p>Legal recognition: urban land leasehold proclamation no.721/2011 provides for lease holding administration of all new residential dwellings and regularized unauthorized</p>

	<p>settlements administered under urban land lease holding.</p> <p>Registration: Pursuant to urban land holding registration proclamation no.818/2014, article 30, sub-article-1, all rights, restrictions, and responsibilities' stipulated in contracts of lease holdings shall be registered. Besides, as per the same proclamation, article-2, sub-article 3, land holding means a use right on urban land acquired in accordance with the lease law</p> <p>Transferability: Pursuant to urban land leasehold proclamation no.721/2011, article-24, sub-article 1 & 2, a lessee may transfer his leasehold right or use it as collateral and capital contribution to the extent of the lease amount already paid. If a lessee, with the exception of inheritance wishes to transfer his leasehold right prior to the commencement or half completion of construction, he shall be required to follow transparent procedure of sale to be supervised by appropriate body.</p>
Communal land holding	<p>Legal recognition: under the condominium proclamation no.370/2003, article 9, sub-article 1-5, any units owners have the right to use common elements, which includes all that are part of the condominium (including common areas) except the unit.</p> <p>Registration: Pursuant to urban land holding registration proclamation, article 14, sub-article 5, when two or more persons are registered as co-holder of a right on single land holding, the verifying officer shall, unless proved otherwise, presume that each of the joint holders have equal share on the land and verify the right accordingly</p> <p>Transferability: Pursuant to condominium proclamation no.370/2003, article 1, sub-articles 1-5, unit holders of a condominium have a right to sell or transfer their unit, which implicates the transfer of the undivided share of interest in the common element as common elements are not divisible.</p> <p>The above proclamation, article 9, sub article 5 specifically stipulates that any legal act on a unit shall also be effective up on the undivided share of interest.</p>
Informal settlements	<p>Legal recognition: Urban land holding registration proclamation no.818/2014 article 6, sub-article 4, in order to regularize possession held without the authorization of the appropriate body, the possession which have to be found acceptable in accordance with urban plan and parcelling standards following the regulations to be issued by the region and city administration shall be administered by lease holding. As per the above proclamation, if the unauthorized settlements can be accommodated as per the regularization regulation provisions of the region and city administration; and if the possession of unauthorized settlements is not contravening urban plan and parcelling standards, it can be administered under lease holding system. Yet, those unauthorized settlements not accommodated by the region and city administration regulation as well as those contravening urban plan and parcelling standards are not legally recognized</p> <p>Registration: no provision for explicit registration of unauthorized settlement in the</p>

	<p>registration system.</p> <p>Unauthorized settlements are not registered directly. As per urban land holding registration proclamation no.818/2014 article 6, sub-article 4, unauthorized settlement must be administered under urban land lease holding system in order to be registered, fulfilling the following conditions:</p> <ul style="list-style-type: none"> • The possessions are legally recognized, as per regularization regulation provision of the region or city administration. • The possessions are not contravening urban plan and parcel sub-division standard of the region or City administration. <p>Transferability: informal transactions are not legally recognized by the lease holding proclamation no.721/2011 albeit in practice there is informal transaction.</p> <p>It shall be noted that despite the lack of legality privileges in de jure regulation, informal land market perpetuates due to the informal are expecting regularization and recognition in the registration system one day and by occasional legal decision tracing the history of continual time line based regularization conducted in Ethiopia.</p>
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3.6 Land administration institutions¹¹

Institutional setup is one of the most important factors contributing to the success of land administration systems through transforming legal tools and policies into practice. It is believed that institutional mandates shall emanate from legal provisions. Since 1975, Ethiopia decided to administer and manage its lands by enacting two different proclamations. Proclamation 31/1975 was enacted to nationalize all rural lands and proclamation 47/1975 to nationalize all urban lands and extra houses. Since then, Ethiopia administers and manages rural and urban lands by different legal systems and institutions. After the overthrow of the military government, Ethiopia adopted a new constitution that established the Federal Democratic Republic of Ethiopia in 1995. Since 1995, the country has Federal Government, nine Regional States and two chartered city administration. The division of power between the Federal Government and the Regional States is asserted by the 1995 constitution. Enacting laws for utilization and conservation of land and other natural resources is vested in the Federal Government pursuant to Article 51. Sub-article 5 of the Federal Constitution. Regional States are vested with the power to administrate land and other natural resources in accordance with the federal laws as provided under Article 52. Sub-article 2(d) of the Federal Constitution.

At Federal Government level, Ministry of Agriculture is mandated to oversee the rural land sector while the Ministry of Urban Development, Housing and Construction is mandated to oversee the urban land sector. The Ethiopian Mapping Agency (EMA), established at Federal level, is responsible for countrywide topographic mapping and for the establishment and maintenance of geodetic control points. It has also a responsibility to carry out aerial photography, surveying and orthophoto map production, which can be used for rural and urban land cadastre. Information Network Security Agency (INSA) is another Federal institution mandated to capture, process, store and disseminate geo-spatial data in the country, which benefit both rural and urban land cadastre. The INSA has recently developed a national spatial data management policy and currently working on National Spatial Data Infrastructure (NSDI) system development.

The day to day responsibility of overseeing rural land administration, in the Ministry of Agriculture, lies under the responsibility of Land Administration & Use Directorate (LAUD), which is one of the directorates found under the state minister for natural resources development, conservation and utilization. The LAUD is responsible for overseeing land use and land tenure of rural lands outside large scale agricultural investment lands. Specifically, the LAUD is responsible to follow-up implementation of the Rural Land Administration and Use Proclamation 456/2005, enacted by the Federal Government, by providing professional support to the regional rural land administration institutions and coordinating competent authorities working on land related issues. In addition, the LAUD has to create and facilitate information exchange between regions and contribute on capacity development of the regional institutions. The directorate links the work at the federal level with that at the regional level and provides inputs for policy making to advance the harmonization of rural land administration in Ethiopia. The MoA has the responsibility to develop standards for rural land administration purposes. There are remarkable success stories registered in rural land administration

¹¹ A detail institutional mapping in land related matters is presented in annex 3

in Ethiopia, specifically in first level registration and certification. As presented in table --, out of 11.5 million rural households 9.4 million households have received first level holding certificates, table 4.

Table 4. Achievements in first level registration and certification¹²

Regions	Total Rural households	Rural households received first level land holding certificates		
		Total	Male headed	Female headed
Amhara	3,500,000	3,325,000	2,191,047	1,133,953
Oromia	4,014,500	3,091,165	2,598,027	493,138
SNNP	2,979,851	2,289,571	1,991,927	287,644
Tigray	695,000	688,050	598,604	89,446
Harari	13,543	1,125	817	308
Dire Dawa	21,000	500	NA	NA
Gambela	53,000	2,000	NA	NA
Somali	101,554	NA	NA	NA
Afar	25,765	NA	NA	NA
Benishangul Gumuz	125,175	NA	NA	NA
Total	11,529,388	9,397,411	7,380,649	2,004,533

Under the Ministry of Agriculture, there is a newly established semi-autonomous agency to administer large scale agricultural investment lands, which is called Agricultural Investment Land Administration Agency (AILAA). The AILAA is responsible for federal level management and lease of state holdings. The regional states manage agricultural investment lands up to 5,000 ha. The agency is delegated by the regional states to handle all large scale agricultural investment lands above the limit indicated above. In the last five years, the agency transferred 2.4 million hectares of land for national and foreigner investors. However, it is only 840 thousand ha of land that is brought into agricultural production¹³.

As presented above, the responsibility to administer and to manage land and natural resources is given to the regional states. Accordingly, regional states have enacted regional land laws and established land administration and management institutions for rural and urban lands following the federal pattern. Although the regional implementing institutions for rural land administration are varying between regional states, in naming and organizational setting, there are offices at regional, zonal and woreda administrative levels in all the nine regional states. Some regions, such as Amhara, extended their office to the Kebele level, which is the lowest administrative structure.

There are local level institutions established to implement land administration systems, which are called Land Administration & Use Committees (LAUC). Land administration and use committee members are volunteers elected by land holders in each kebele to implement the land administration system. The participation of landholders in implementing land administration system is guaranteed

¹² LAUD annual report 2015

¹³ GTP II plan for 2015/16 - 2019/20

through public hearings and meetings (direct participation) as well as through the elected land administration committee members. In some regions, *Shemaglewoch Shengo* (traditional arbitration committee) is established in each Kebele to handle land related conflicts using traditional rules. It plays a key role in integrating customary (traditional) law into the formal setting. The *Shemaglewoch Shengo* is established according to land law. The active involvement of land holders both directly through public hearings and indirectly through their representatives in land administration committees and *shemaglewoch shengo* is a good lesson in which the Ethiopian system can contribute for other countries in similar situation. Institutional establishments of the rural land administration is presented in table 5.

Table 5. Types of rural land administration following administrative structures¹⁴

Administrative structure				
	Region	Zone	Woreda	Kebele
Federal	Land Administration & Use directorate and Agricultural Land Investment Agency			
Afar	Agency under BoA and pastoral	No organ	Office: reporting to Woreda Office of Agriculture and pastoral	LAUC
Amhara	Bureau, member of regional cabinet	Department member of Zonal cabinet	Office: member of Woreda cabinet	Office (Kebele expert and LAUC)
Benishangul Gumuz	Bureau member of regional cabinet	Department member of Zonal cabinet	Office: member of Woreda cabinet	LAUC
Dire Dawa	Work process within Bureau of Agriculture	No	Work process within Office of Agriculture	LAUC
Gambella	Bureau member of regional cabinet	No organ	Work process within Office of Agriculture	LAUC – under establishment
Harar	Work process	No	No	No
Oromiya	Bureau, member of regional cabinet	Department member of Zonal cabinet	Office: member of Woreda cabinet	LAUC
SNNP	Agency within BoA	Work process in department of Agriculture	Work process under office of Agriculture	LAUC
Tigray	Agency under BoA	No organ	Office: member of Woreda cabinet	LAUC
Somali	Case team within Bureau of Pastoralist & Agriculture	Not established yet	Not established yet	Not established yet

Looking the urban land administration and management, the Ministry of Urban Development, Housing and Construction institutionalized itself by establishing two state ministerial offices (see figure 1), nine bureaus and other supportive offices on the following objectives, responsibilities and mandates.

- undertake studies relating to urbanization, and set criteria for grading urban centers;
- provide all-round and coordinated support to urban centers to make them development centers capable of influencing their surroundings;
- provide capacity building support to urban centers for improving their service delivery; and where necessary, organize training and research centers in the field of urban development;
- in cooperation with regional states, undertake studies for the integration of urban and rural development activities; assist and follow-up the implementation of same;
- follow up the activities of city administrations accountable to the federal government;

¹⁴ Background report on panel 1

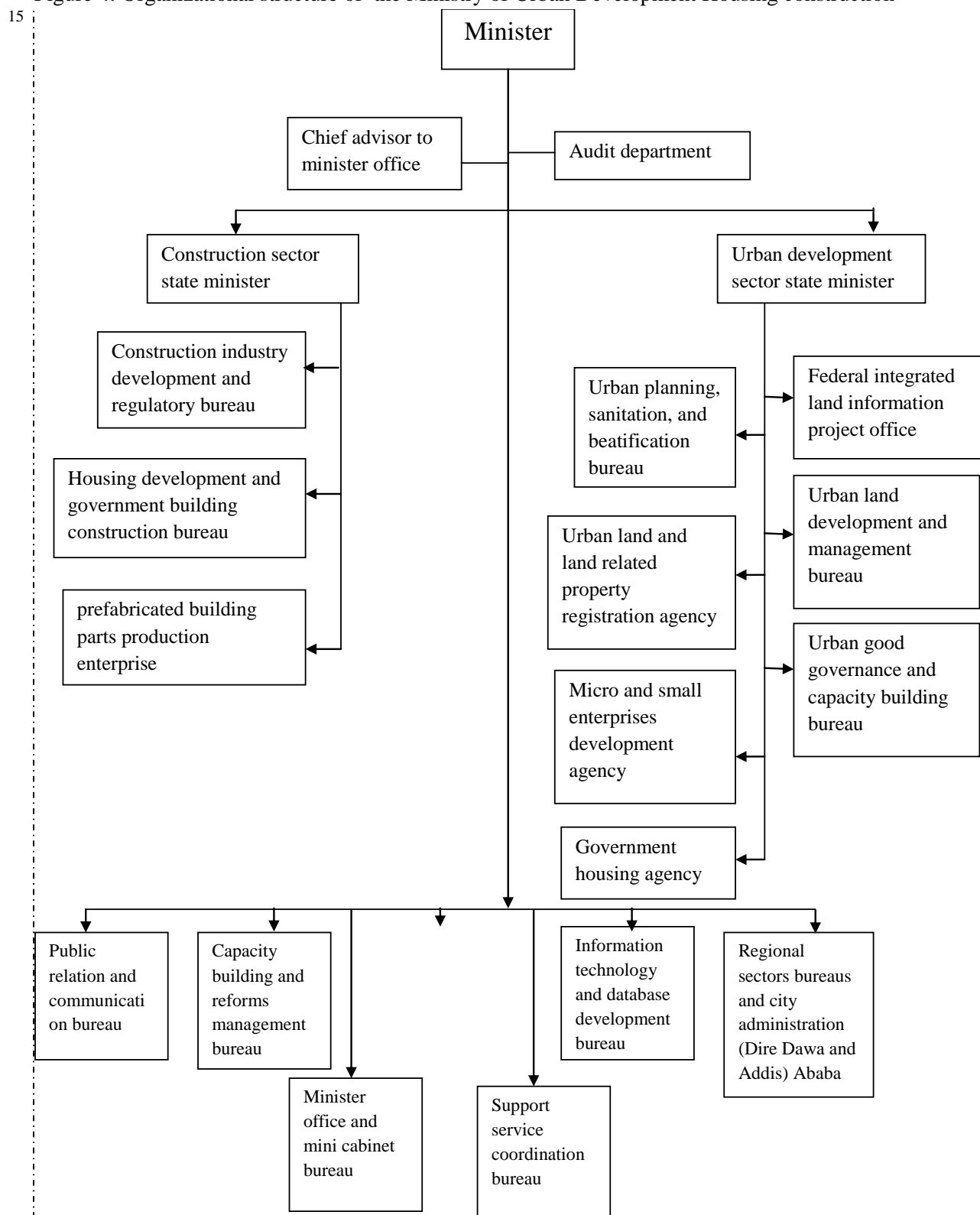
- undertake studies for setting general directions for urban dwellers to build residential houses compatible with their own means; provide capacity building support to urban centers for the implementation of same;
- undertake studies for the integration of urban development with poverty reduction activities, and support the implementation of same;
- promote the expansion of micro and small enterprises;
- without prejudice to the powers given by law to other organs, set and follow up the compliance of standards for construction works;
- create conducive conditions for the development of internationally competitive construction industry;
- provide necessary support in the preparation of designs and contract documents for, and in the supervision of building constructions financed by the federal government;
- register and issue certificates of professional competence to engineers and architects; determine the grades of contractors and consultants, and issue certificates of competence to those operating in more than one regional states;
- undertake research for improving the types and qualities of local construction materials;

At regional level there are different institutional arrangement. In some regions, urban land administration and management is established as trade, industry and urban development, such as in the case of Southern Nations Nationalities and Peoples Region (SNNPR) and in some regions it is organized as industry and urban development, such as in the case of Amhara National Regional State. Keeping the regional level arrangement, the structure goes down to Zonal level. Below zonal level, city administrations are responsible for urban land administration and management.

In addition to administrative structures indicated above, population level is used to determine status of urban centres or city administrations. The categorization is small towns with a population of 2,000 - 20,000; medium towns with a population of 20,001 - 50,000; large towns with a population of 50,001 - 100,000; cities with a population of 100,001 - 1,000,000; and metropolis with a population of > 1,000,000. Accordingly, there are 850 small towns, 84 medium towns, 20 large towns, 16 cities and 1 metropolitan. The total number of parcels that are managed by the urban land administration and management is estimated to be 6.5 million.

Ethiopia's urbanization and industrialization is speeded up in the last decade. Expansion of towns always bring more land from the surrounding agricultural fields into the built up environment. These are the areas where cooperation between the urban land administration and the rural land administration institutions needs to cooperate and work together to make the transfer to happen smoothly.

Figure 4. Organizational structure of the Ministry of Urban Development Housing construction



¹⁵ This structure was till September 2015. Currently, the ministry is divided into two independent ministries and the structure of the two ministries is under development

3.7 Federal level institutions mandated to manage state owned lands

There are state owned lands, defined as public lands, managed by different federal Governmental institutions in accordance the type and nature of the resource and product in which the land is used. The Ethiopian Wildlife Conservation Authority (EWCA) is responsible in managing protected areas for the purpose of developing fauna and flora of the country in significantly populated areas. The Authority manages 20 national parks, 2 wildlife sanctuaries, 2 wildlife reserves, 17 controlled hunting areas and 7 open hunting areas.

The recently established Ministry of Environment and Forest (MoEF) is mandated to conserve and developed state owned forests and forest areas and to market forest products. The total estimated area that fall under the ministry's management is about 3.5 million ha. The forest type encompasses natural forest area and plantation. The type of plantations can be categorized as plantation developed for lumber production and plantations established for fuel-wood production. Some regions, such as Amhara and Oromiya, have established forest enterprises to manage their forest resources. In addition, the MoEF provides extension services to smallholder farmers in forest resources development for their own household consumption and to market for their own household income generation.

Ethiopia has an ambitious plan to bust up the number of sugar factories to 13 from the current 3 factories. Most of them have already established sugar cane plantation in thousands of hectares managed by the Ethiopian sugar corporation. These plantations sites are managed by the Ethiopian sugar industries development corporation owned by the federal government. The plantation sites are established in the pastoral areas where the government claims that the land is publicly owned. There are a few public lands managed by the ministry of mines and energy. In the urban context, the MoUHC is responsible for the management of public lands. There are public lands in cities and towns managed by public institutions. During urban expansion, once the land is acquired from the surrounding rural kebeles, it becomes a public land and is managed by the urban land low.

3.8 Land disputes and institutions for dispute resolution

3.8.1. An overview of land disputes

Historically, the origin of many conflicts in Ethiopia may be traced back to disputes over land. There was little attention given to land administration in general and land dispute settlement mechanisms in particular. Even if land dispute constituted much of the courts cases starting from the imperial period, cases were supposed to be handled through the formal judicial system. During the period of the military government, rural land dispute settlement was handled mainly by a local peasant association (PA) without a right to appeal to formal courts, and as a result the process was spoiled with corruption and inefficiency.

For the first time a rural land administration proclamation was promulgated at Federal level in 1997 (Proc. 89/1997) even if it failed to address issues of land dispute. Nevertheless, regional states tried

to incorporate rural land dispute settlement mechanism in their respective rural land administration proclamations. The Federal Rural Land Administration Proclamation 89/1997 was replaced with the current proclamation in 2005 which among others provides a guiding principle on dispute settlement mechanism.

There is no overarching urban land administration legislation like its rural counterpart and hence no specific urban land dispute settlement mechanism. However, this issue is treated under the different municipal and lease laws which one way or the other are related to urban land.

Land dispute is one of the major types of disputes in Ethiopia which arises from different sources as indicated above. In the present rural Ethiopia, the root cause of dispute is shortage of agricultural land in the face of high population pressure and very limited alternative means of livelihood. This can be manifested in the form of boundary conflict, encroachment and land grab of community owned, divorce, land transaction related conflicts (inheritance, donation and lease) and corruption by land administration officers and the like.

One of the objectives of the current rural land administration proclamation is to create conducive environment to resolve land dispute amicably and efficiently. It envisages that “where dispute arises over rural landholding right, effort shall be made to resolve the dispute through discussion and agreement of the concerned parties. Where the dispute could not be resolved by agreement, it shall be decided by an arbitral body to be elected by the parties or decided in accordance with the rural land administration laws of the region.” The law prefers the resolution of disputes at local level with the assistance of the land administration institutional apparatus before it resorts to judicial one. The law also aims to reduce disputes through systematic registration and certification of landholdings. Land certification is the best measure to reduce land dispute and enhance tenure security among land holders and users. Hence, one of the results which was hoped to be achieved during the initial stage of the registration process in Ethiopia was a significant fall in the number of land disputes. The assumption had been that unclear land boundaries were the main reasons for land related conflicts.

In the rural land administration part, in spite of all the impressive gains of the land registration and certification activities in Ethiopia, the number of land disputes among landholders and family members is increasing at an alarming rate. It is not strange now to see Courts in many parts of the country being congested with land-related cases and farmers filling their halls. For instance, it is reported that land related disputes are claiming more than 70 percent of civil litigations, table 6, and 48 percent of homicide crimes in the Amhara Region Courts. This shows that the source of land conflict is wider than what was anticipated. Field study in Amhara region and interviews conducted with regional land experts indicated that besides boundary dispute, cases also emanate during inheritance, rental, and community land encroachment¹⁶. Although the magnitude is different, the trend is similar in the other regions.

¹⁶ As reported in panel 8 background report

Table 6. Magnitude of land related cases in North Shewa Zone, Amhara Region, July 2013-June 2014¹⁷

Worda court Name	New Civil Cases of 2006 EC (2013/2014)	Total cases Decided within the budget year	Estimate Land related cases (70%)	Estimate Land related cases Decided
Tach Bet	853	839	597.1	417.97
Assagirt	703	699	492.1	344.47
H/mariam	952	948	666.4	466.48
Angolalana Tara	1425	1410	997.5	698.25
Efrata Gidim	2352	2268	1646.4	1152.5
Tarmaber	1097	1083	767.9	537.53
Keit	774	740	541.8	379.26
Moja na Woira	1373	1294	961.1	672.77
Minjar	1568	1552	1097.6	768.32
Antsokia	1426	1372	998.2	698.74
Siadebna Wayu	1546	1546	1082.2	757.54
Kesem	124	122	86.8	60.76
Mida	1664	1655	1164.8	815.36
Shenkora	1060	1013	742	519.4
Basona Worena	1148	1139	803.6	562.52
Ensaro	787	754	550.9	385.63
Ankober	791	705	553.7	387.59
Woremo Wajete	920	905	644	450.8
Berehet	444	437	310.8	217.56
Gemza	867	834	606.9	424.83
Merhabete	1750	1740	1225	857.5
Mezezo	308	285	215.6	150.92
Moretna Jiru	2982	2982	2087.4	1461.2
Qewet	1338	1322	936.6	655.62
M/qeya	892	870	624.4	437.08
Debre Birhan	1916	1916	1341.2	938.84
Gera Midir	1897	1864	1327.9	929.53
Lalo Midir	722	720	505.4	353.78
Mama Midir	1582	1555	1107.4	775.18
Gish	1010	946	707	494.9
Shewa Robit	1170	1157	819	573.3
Total	37441	36736	18346	26209

3.8.2 Institutions for dispute resolution

Federal and Regional land laws and court establishment laws show that there are various avenues for land dispute settlement. Regular courts (woreda/first instance, high, and supreme) are recognized as having binding power over all disputes including one emanating from land. However, in some instances, administrative authorities entertain land related disputes even without having specific authority under the law.

¹⁷ Taken from panel 8 background report

It is observed that regional rural land laws are not similar in adopting provisions to resolve a land disputes. However, there is a similarity in that all regions recognize customary or village level arbitration as starting point in dispute settlement stage. In most cases, while the poor and vulnerable group tends to try first their case by arbitration, the rich and the powerful usually skip arbitration and rather prefer courts. With regard to procedure which shall be followed by rural land arbitration committee, even if some regions are good in elaborating the role of arbitration committee and the procedure for dispute settlement, it is not uniformly followed by all. Amhara and Tigray regions are providing detailed procedures to be followed by the arbitral committees.

There are also religious courts recognized by the constitution as operating side by side with regular courts. The federal Constitution under Article 78.5 recognizes the possibility of establishment of “religious and customary courts” besides the regular courts. As a result, Sharia courts are established at Federal and Regional levels. The consent of both parties is necessary for the Sharia courts to entertain the case according to Islamic laws.

There are also other types of land related dispute hearing tribunals operating in urban areas: municipal courts and clearance and compensation hearing tribunals. Urban municipal courts operate on some limited level. When the city administration becomes a party, municipal courts are the ones to hear the case. In the event of expropriation of land, there might be claims related to compensation, public purpose or ownership/holding rights. In this case the urban land clearance and compensation hearing tribunal which is responsible to the city administration and possesses a *quasi*-judicial power, will hear the case. The urban land clearance and compensation hearing tribunal is administrative body with quasi-judicial power, and the judges put in this tribunal are not legally trained judges but people working within the urban land administration institution, and this makes their competence questionable at best. They have neither clear procedure to follow during dispute settlement nor legal knowledge to interpret the law.

3.9 Tax reforms Institutions for taxations

The Federal government of Ethiopia has attempted to rationalize the tax structure, broaden the tax base, and improve equity, fairness, consistency, in the administration and the tax laws so as to increase revenues performance. As part of this reform program, the government has undertaken different tax policy measures through designing and implementation of six projects under tax policy and administration package.

The Government has been introducing tax policy and administration reforms over the last twenty two years; specifically during the last ten years tax policy and administration reform was comprehensive and intensive in nature. On the policy side, rate schedules have been rationalized and the numbers of rate slabs have been substantially reduced. Moreover, Value Added Tax (VAT) has been introduced as a replacement of conventional sales tax in 2003 and foreign trade tariffs brought down from the maximum of 230 percent to a maximum of 35 percent by the reforms. In parallel to tax policy reform, tax administration reform has taken place. In line to tax administration reform objective, Revenues Board was replaced by the Ministry of Revenues in 2001 to lead the tax system reform and the Tax Reform Taskforce was established to deepen tax policy and administration reforms. An

inter-ministerial steering committee chaired by the Ministry of Capacity Building- unique ministerial office established to lead the national reform program to refine and support the tax system reform program.

The most notable tax administration reform has taken place recently in 2009 which centralized tax collection by merging different tax collection authorities under one umbrella headquarters. This administration reform was the result of Business Process Reengineering (BPR) study which was carried out to streamline the process of the tax administration operations with a view of process efficiency and effectiveness. As a result, the BPR study came up with the new proposal of merging different tax offices-Federal Inland Tax Authority (FIRA), Ethiopian Customs Authority (ECA) and the regulatory ministry office-Ministry of Revenues (MoR) under one headquarters of Ethiopian Revenues and Customs Authority (ERCA). The primary objective of the tax policy and administration reform was to raise tax revenues measured in terms of tax to GDP ratio from less than 10 percent to 18 to 20 percent of over medium range plan after implementation of the reform program. Land tax is collected by two different institutions. Rural land tax that include land tax and income tax, is collected by the kebele administration and deposited to the woreda finance account. In urban areas land tax and building tax is collected by municipal mandated institutions and deposited in the account of the woreda finance. In all cases tax collected goes to the government treasury.

3.10 Human resource development for the land sector

The country's progress in education sector is remarkable. Up to the end of first GTP, the number of universities in the country reached 33 with a total capacity of about 500,000 students. The plan for the second GTP period is to build 10 more universities, which makes the total number of universities 43 at the end of the second GTP period. Out of the existing 33 universities, currently operating, it is only three universities that offer comprehensive land administration training. These universities are Bahir Dar, Woldia and Haromaya universities. The two universities, Woldia and Haromaya, not yet started producing trained manpower. There are some land related courses at Civil service University. Bahir Dar University, received the first batch of students in 2006, the average annual enrolment in the Institute of Land Administration (ILA) is about 80 students, far below the sector requires per year. The first batch graduated in 2010. Up to July 2015, the number of graduates from the university is 1,015 (M 853 and F 162).

Ethiopia has developed National Technical Vocational and Education and Training (TVET) strategy in 2008. As stated in the national TVET strategy document¹⁸, the overall objective of the National TVET Strategy is to create a competent, motivated, adaptable and innovative workforce in Ethiopia contributing to poverty reduction and social and economic development through facilitating demand-driven, high quality technical and vocational education and training, relevant to all sectors of the economy, at all levels and to all people. To insure the coordination and effective implementation of the TVET strategy, the Federal Government Established Technical and Vocational Education and

¹⁸ Ministry of Education, 2008, TVET strategy, Addis Abeba, Ethiopia

Training Agency (FTA) under the Ministry of Education in 2011¹⁹. Some of the objectives of the agency are;

- to ensure that technical and vocational education and training is properly organized and its quality and sustainability are maintained with a view to realizing the country's objectives for economic and social progress; and
- to ensure that equitable training is provided to citizens and that all training programs are based on the country's development strategies and labor market needs.

In accordance to the TVET strategy and requirement, the Ministry of Agriculture has initiated production of trained manpower at a technical level recently. With the support from the Government of Finland, through the Responsible and Innovative Land Administration (REILA) project, a new Technical and Vocational Education and Training (TVET) program on Rural Land Cadastre and Registration launched in Assosa Agricultural TVET college. This initiative is a significant milestone in human resource development in the land sector of Ethiopia, which is needed at grassroots level. A study conducted²⁰ to estimate and project human resource needs of the country in the land sector reported that 36,200, 47,400 and 55,200 in 5 years, 10 years and 20 years time respectively. Out of this estimated and projected human resources demand, 70% is proposed to come from the Technical and Vocational Education and Training (TVET) programs.

3.11 Research on environment, forest and other natural resources

The Federal Government of Ethiopia established Environment and Forest research Institute, which is an autonomous institution under the Ministry of Environment and Forest (Regulation 327/2014). This research institute conduct research on environment, forest and other natural resources on its own and coordinate research activities implemented by the regional research organizations. It also coordinate similar research activities conducted by academic institutions. The institute has eight technical directorates that includes Plantation and agroforestry research directorate, forest resources utilization research directorate, natural ecosystem and management research directorate, forest protection research directorate, climate science research directorate, environmental pollution and management research directorate and socio economics, policy extension and gender research directorate. Furthermore, the institute has planning, monitoring and evaluation sections, public relation section and administrative and finance sections. It has developed a 10 years, (2015 - 2025) strategic plan and aiming to be a centre of excellence in environment and forest research in Africa by 2025. The strategy focuses on technology adaptation and generation, research coordination, and capacity building and system development.

¹⁹ Council of Ministers, Regulation No. 199/2011, Addis Abeba, Ethiopia

²⁰ Medendorp, J, etal, 2014, Human and Institutional Capacity Development Working Group Center for Global Connections in Food, Agriculture, and Natural Resources, Michigan State University, USA

3.12 Current initiatives on urban and rural land administration in Ethiopia

As it is mentioned many times in this report, Ethiopia administers its urban and rural land by establishing separate institutions and legal frameworks since 1975. Bilateral and multi-lateral projects are initiated in accordance to this separation. In the urban land administration, there are a few projects compared to the rural land administration. One of them is a project called Modernized Property Tax System project (2013 - 2016). This project is implemented in three town (Bahir Dar, Dire Dawa and Mekele) and financed by Bill and Melinda Gates foundation. The project will create a modernized urban property tax system that aims at the creation of a substantial, consistent and equitable urban property tax that will provide a source of general revenues to provide for the recurrent operation and maintenance of local public services. Another project to mention is Ethiopian urban expansion initiative that works on 18 towns with the objective of preparing land at the expansion areas up to 2040. The project is implemented in cooperation with New York University.

However, the country's rural land administration initiative has attracted many development partners in support of the country's effort. Main contributions of initiated projects are directed to technical capacity building, awareness creations to the public at large, policy and legal framework gap analysis, rural cadastral works, institutional and human capacity development. Almost all projects are in the rural land sector are coordinated by the Rural Land Administration and Use Directorate of the Ministry of Agriculture. These initiatives are briefly presented in this section of the country report.

3.12.1 Land Administration and Land Use Development Project (LALUDEP) (2009/10 - 2015/16)

The ELALUDEP is summarized concept note developed by the Ministry of Agriculture, as roadmap for the development of the land sector, to share Ethiopia's commitment with development partners in order to solicit funding. This document is meant as a working document during the GTP period, 2010/11 - 2014/15. As presented in the document, the overall objective of the ELALUDEP is to improve land administration and land use planning and implementation in order to achieve sustainable land management by enhancing security of tenure of small holder farmers, pastoralists and agro pastoralist through efficient and effective land policies and legislation, cost-effective land holding certification and responsive and sustainable land administration. The ELALUDEP describes the challenges in the land sector that include policy and legal frameworks, institutional arrangements, technical and financial aspects. It outlines a very ambitious plans to finalize all rural cadastre, more than 40 million parcels, and issue second level land holding certificates during the GTP period. It presents financial, material and human resources requirement for such voluminous plan to be effectively implemented. It had served to initiate discussion with development partners and contribute for materialization of many land projects during the GTP period

3.12.2 Community-Based Integrated Natural Resources Management Project in Lake Tana Watershed (2010 - 2017)

This 7-year project focuses on the Lake Tana watershed (LTW) within Amhara National Regional State (ANRS). As described in the project document, it will pioneer a new approach in Ethiopia

under the national SLM platform, which has been developed in the spirit of TerrAfrica initiative and the GEF's Strategic Investment Program. The project's goal is to contribute to poverty eradication undertakings in the watershed and its objective is to increase household income through disseminating and up-scaling of sustainable land management practices in the watershed. Simultaneously, ecosystem integrity will be improved, and global environmental benefits realized: these include carbon sequestered in the land and CO₂ emission reduced at rural household level through alternative energy supply, biodiversity (including agro-biodiversity) of global importance protected, and the source of the Blue Nile conserved. The project is under implementation in Lake Tana watershed and supported by GEF-IFAD funding. The project will build on the baseline and provide incremental funding to ensure sustainable land management, delivering both local and global benefits. As presented in the project document, the project's immediate objective will be achieved through the following four components

- Institutional, Legal, Policy Analysis and Reform Enabled (Land administration, second level certification is included in this component)
- Alternative Livelihood Options diversified and adopted
- Community -Based Integrated Watershed Management implemented
- Project Management and Coordination

3.12.3 Sustainable Land Management Project (SLMP) (Phase 2, 2014 - 2018/19)

Ethiopia, in collaboration with multi-donor groups, has launched a 15 years national initiative named Ethiopian Sustainable Investment Framework for Sustainable Land Management (ESIF-SLM) Project that seeks partnerships among different stakeholders committed to harmonize and align their investments in order to alleviate rural poverty through restoring, sustaining and enhancing the productive capacity, protective functions and bio-diversity of Ethiopia's natural ecosystem resources (FDRE/MoARD, 2008). Accordingly, Sustainable Land Management Project (SLMP) launched. The overall goal of SLMP is to provide an integrated holistic framework to effectively address poverty, vulnerability, and land degradation in order to improve the livelihoods of land users while restoring ecosystem functions and ensuring sustainable land management.

The SLMP is a holistic framework under which government, civil society, and development partners can work together to promote and scale up SLM. With the support from the World Bank, GEF, and other donors, Project implementation is in progress already in six regional states that includes Amhara, Oromia, Tigray, SNNP, Beneshangul Gumuz, and Gambela. According to the project implementation manual (PIM) (2014), the Project has four components, namely:

- Integrated Watershed and Landscape Management;
- Institutional Strengthening, Capacity Development and Knowledge Generation and Management;
- Rural Land Administration, Certification and Land Use; and
- Project Management

3.12.4 Responsible and Innovative Land Administration (REILA) Project (2011 - 2016)

The REILA Project is a land administration project found under implementation through the bilateral agreement made between the Governments of Ethiopia and Finland. REILA focuses particularly on two areas of Ethiopia, in Benishangul-Gumuz National Regional State and Tana-Beles development Growth Corridor in Amhara National Regional State. The Finnish cooperation supports ESIF in addressing the interlinked problems of poverty, vulnerability and land degradation at the rural community level, and more specifically ESIF's component 2 of improving Ethiopia's land administration and certification system. Thus the Overall Development Objective of the Finnish support is adopted from ESIF: *improved livelihood and economic well-being of the rural population through promotion of sustainable land management practices*. The support is also based on ESIF's key guiding principles of ecological, socio-cultural, and economical sustainability, as well as institutional sustainability. The Purpose of the Finnish support is *to have an improved and appropriate land administration system for Ethiopia*, and to that end Finland:

- Support public information and participation in Ethiopian land administration, with a focus on Benishangul-Gumuz and Amhara regions;
- Support capacity building at the federal level through the newly established Directorate for Rural Land Administration and Use in the Ministry of Agriculture and Rural Development; and capacity building for Ethiopian Mapping Agency;
- Support basic capacity building for land administration in the Benishangul-Gumuz region;
- Support improved process and capacity for responsible land allocation for investments in the Tana-Beles Growth Corridor; and
- Support university level education in Ethiopia in the field of land administration.

The project has institutionalised rural cadastre and land registration training at Assosa Agricultural Technical Vocational Education and Training (TVET) college. The program is launched in 2014 at level III in accordance to the Ethiopian TVET program requirement. The project supports the development of National Rural Land Administration Information System (NRLAIS) development.

3.12.5 Land Administration to Nurture Development (LAND) Project (2013 - 2018)

Land Administration to Nurture Development (LAND) is a follow - on project to two previous land administration projects implemented in Ethiopia,

1. Ethiopia – Strengthening Land Administration Program (ELTAP); and
2. Ethiopia – Strengthening Land Administration (ELAP)

The projects were implemented in the regional states of, Amhara, Oromia, SNNP, and Tigray, Afar & Somali with funding from USAID/ETHIOPIA. LAND Project activities are implemented with & through the Ministry of Agriculture's Land Administration and Use Directorate (MOA/LAUD) & the regional land administration bureaus of Afar, Amhara, Oromia, Somali, SNNP, and Tigray.

The LAND Project has four Components:

1. Improving policy & legal frameworks at national & regional levels;
2. Building capacity in national, regional & local land administration and use planning;
3. Strengthening capacity of Ethiopian Universities to engage in policy analysis & research related to land tenure & train land administration & land use professionals ; and
4. Strengthening community land rights in pastoral & agro-pastoral areas to facilitate market linkages and improve pastoral livelihoods

The LAND project is leading at the moment the revision of proclamation 456/2005 and supporting different studies that eventually lead for a comprehensive land policy and land use policy for development in Ethiopia.

3.12.6 Land Investment for Transformation (LIFT) Project (2014 - 2019)

Land Investment for Transformation (LIFT) project is a land administration project found under implementation through the bilateral agreement made between the Governments of Ethiopia and British Government. Major objective of the project is to improve the incomes of the rural poor and to enhance economic growth, through support to:

- second level land certification
- improved rural land administration, transparency, and regulatory environment
- development of the rural land sector to enhance productivity and investment

The project assumes that cadastre based land certification and sustainable land administration, supported by market initiatives brings:

- increased security of tenure
- reduced level of dispute
- increased productivity of land
- higher incomes for farmers
- greater empowerment of women and disadvantaged
- better environmental practices
- improved domestic revenue collection

The project uses Aerial image for second level certification and operates in Amhara, Oromiya, SNNP and Tigray regions.

3.12.7 Ethiopia's Agriculture Sector Policy and Investment Framework (PIF) (2010 - 2020)

The Policy and Investment Framework (PIF) provides a strategic framework for the prioritisation and planning of investments that will drive Ethiopia's agricultural growth and development. As described, it is designed to operationalise the CAADP Compact signed by the Government and its development partners. The PIF is a 10-year road map for development that identifies priority areas for investment. It is anchored to, and aligned with, the national vision of becoming a middle income country by 2020 together with a number of key policy and strategic statements. The CAADP

Compact and the PIF are critical in policy alignment and securing access to the finance needed for sectoral development from both domestic budgetary and international sources.

The agricultural sector, critically important to both overall economic performance and poverty alleviation, has performed strongly over most of the last decade, but there is still substantial scope to sustainably improve productivity, production and market linkages. Government has demonstrated strong commitment to the sector through allocation of more than 15% of the total annual budget.

The Goal of the PIF is to “*contribute to Ethiopia’s achievement of middle income status by 2020*”. The Development Objective aims to “*sustainably increase rural incomes and national food security*”. This objective embodies the concepts of producing more, selling more, nurturing the environment, eliminating hunger and protecting the vulnerable against shocks; all of which are embodied in various national policy instruments, and are expressed in terms of four main themes, each with its own and the following Strategic Objective:

- To achieve a sustainable increase in agricultural productivity and production
- To accelerate agricultural commercialization and agro-industrial development
- To reduce degradation and improve productivity of natural resources
- To achieve universal food security and protect vulnerable households from natural disasters

3.12.8 The Ethiopian Land Research and Development Network (ETHIOLANDNET) (Long-term)

The ETHIOLANDNET is a recent initiative, in the land sector, taken by the Institute of Land Administration (ILA) at Bahir Dar University with other collaborators. ILA is the centre of excellence in higher education on land administration in Ethiopia. Overall objective of the ETHIOLANDNET is to provide the academic, research and development communities a forum for promoting research and disseminate research outputs on land issues, providing access to the expertise and information they need in the areas of land tenure, land administration and land management to inform the nation’s research, training and development agenda in these fields.

The ILA and its collaborators took the initiative on the bases of;

- Realizing that research on land issues in Ethiopia is conducted on an ad hoc basis and the need for systematic, coordinated and sustained effort by institutions engaged and/or supporting such research;
- Recognizing that lack of a regular forum where findings of research and development efforts on land are discussed, debated and the proceedings published is limiting the ability of field-based evidence informing formulation of policy and development in the land sector;
- Noting that there is no central repository, where results of research and development work in the land sector in Ethiopia are archived and access to them is difficult and laborious;
- Desirous of promoting, facilitating and guiding research in land tenure, land administration and land management issues by researchers in Ethiopia.

Among others, some of the functions of the Network are;

- a). Developing and maintaining a roster of professionals, organizations, associations, Networks etc. working in land-related research and development in Ethiopia;
- b). Establishing and maintaining database on land-related research and development and serve as a national repository of data and information on research, development projects, legal documents, etc. on land tenure, land administration and land management and operating a website for online access to such data and information;
- c). Conducting research and development review meetings once a year;
- d). Establishing and strengthening linkages with national and international Networks;
- e). Disseminating information through publications of journals, newsletter, proceedings, reports, policy briefs, radio/television programs, websites, social media and other means;
- f). Identifying, promoting and supporting focus area of research among members;
- g). Facilitating joint research and development activities;
- h). Facilitating research grants on land issues to graduate students and other researchers;
- i). Contributing to curriculum development, harmonization and reviews of training in land tenure, land administration and land management upon request;
- j). Facilitating and enhancing the capacity of stakeholders;
- k). Working constructively with government and legislative bodies (local, regional and federal levels) on land issues.
- l). Organizing national and/or international conferences, conducting public lectures, seminars, symposia and workshops on land issues;
- m). Steering and coordinating the preparation of research and development projects to secure funds from supporters and donors.

3.13 Ethiopia's economic performance in a glance (till 2014/2015)

The agricultural sector is the trusted sector to transform Ethiopia's economy to a higher level of performance and transformation to industrializations. This is due to the reason that agriculture has the biggest labor force in the country, 85% of the population, it is the main contributor to the country's export products, 85% of export earnings, and contribute 44% to the country's GDP²¹. In the long run, intended strategy of the country is to increase contribution of the industrial and service sectors to the country's GDP growth and enable these sectors to overtake the contribution of the agricultural sector step by step.

Taking into consideration the potential of the agricultural sector, according the existing Ethiopian situation, for future growth and development of the country, the Ethiopian Government has committed to design relevant policy and strategy to guide the country's economic development. The basic policy foundation for Ethiopia's economic development is Agriculture Development Led Industrialization (ADLI), which is a generic type policy. Abide by the policy, the Federal Government made a commitment to allocate annual budget for the agricultural sector more than 10%, which is the minimum level agreed in Maputo 2003²² by African heads of states while other African countries allocate about 5% as average.

²¹ UNDP Web site, 2015, Agricultural growth and transformation

²² AU, 2003, Maputo declaration, Maputo, Mozambique,

The periodic plans followed the ADLI, which includes Sustainable Development and Poverty Reduction Program (SDPRP) 2002/03-2004/05, Plan for Accelerated and Sustained Development to End Poverty (PASDEP) 2005/06-2009/10 and Growth and Transformation Plan (GTP) 2010/11-2014/15, gave significant emphasis for the agricultural sector. Agriculture in Ethiopia has experienced steady growth since 2004²³. Planning for the GTP II, 2015/16 - 2019/20, is underway, which is expected to give significant weight in budget allocation to the agricultural sector.

Though Ethiopia started to lean on the agricultural sector for its future development in the early 2000, the 2008 worldwide food crisis influenced the political leaders of Ethiopia to work hard on how to remove obstacles in the agricultural sectors and make the agriculture sector a strong and reliable driving force for the country's economic development. In this regard, as a think-tank institution, the Agricultural Transformation Agency (ATA) is established and mandated to target major bottlenecks and look ways on how to remove them in order to boost agricultural production and productivity²⁴.

As indicated above, since 2003, Ethiopia has launched aggressive development goals in its periodic plans to enable the country to reach at a middle income country by 2025. As reported²⁵, during the Plan for Accelerated and Sustained Development to End Poverty (PASDEP) plan period, the country's achievement was a remarkable success. During this plan period, the country's real GDP growth was targeted to reach 7 - 10%, in base and higher scenario respectively, but the achieved real GDP growth was 11%²⁶. When the achieved growth is disaggregated, agricultural and service sectors registered beyond the higher scenario while the industry sector achieved a bit below the base scenario. This higher performance has encouraged the country to plan for a higher and ambitious targets. As indicated in the Growth and Transformation Plan (GTP), 2009/10 - 2014/15, the minimum and maximum GDP growth expected is 11% and 15% respectively. During this plan period, learning from other countries development path is found important and some Asian countries, such as South Korea, are selected that can be used as an example in a reasonable adaptation and adoption of their development path to the Ethiopian situation. The country registered successful results in reducing poverty. The country's population living below the poverty line was 48% in 1990 and reduced to 29.6% in 2012 and targeted to reduce further to 22.2% in 2015²⁷. Nominal GDP per capita has increased from 370 US\$ to 538 US\$ between 2010 and 2013²⁸.

There are Mega projects initiated during the PASDEP period and continued in the first GTP period with additional Mega projects initiations. In the energy sector, the country has launch an ambitious project in hydropower development. The Grand Renaissance Dam is the largest hydro-power project in the country and expected to generate about six thousand mega-watt of electric power. When it is

²³ UNDP Web site, 2015, Agricultural growth and transformation

²⁴ Council of ministers, regulation No. 198/2010, Addis Abeba, Ethiopia

²⁵ MoFED, 2010, Growth and Transformation Plan (GTP), Addis Abeba, Ethiopia

²⁶ MoFED, 2010, Growth and Transformation Plan (GTP), Addis Abeba, Ethiopia

²⁷ -----, 2014, National Indicative program, 2014-2020, Anex 1B, signed between the Ethiopian Government and the European commission, Nairobi, Kenya

²⁸ Ibid, Anex 1A

completed, the country's power production is expected to reach ten thousand mega-watt. Rail way network development is one of the Mega projects, which is going on to connect the capital city to Djibouti port and internally to connect regional states. Developing big sugarcane farms and establishing sugar production factories are part of the Mega projects initiated during the first GTP period. The Government claim that the country's economic performance is the main reason that enabled Ethiopia to host the third international conference on Financing for Development conducted 13-16 July 2015 in Addis Ababa.

3.14 The five years plan (2015/2016 - 2019/2020)

The Growth and Transformation Plan, GTP I, (2009/10 - 2014/2015), has been completed. The federal government has reported that two digit average annual growth is achieved although it is less than the base scenario expected during the plan period. In the draft plan prepared for GTP II, it is reported that the average annual growth achieved in GTP I was 10.2% while the expectation was 11.2%. One of the reason given for lower achievement is due to the lower achievement of the agricultural sector growth. During the GTP II, expected average annual growth rate of the economy is 12.2%.

In GTP II, Rural and Urban Land Administration is considered and targets are established. During the plan period, a total of 28.6 million parcels, holdings of 7.2 million rural households, will be surveyed, mapped and registered into the cadastral system, which covers 359 woredas. Large tracts of land for agricultural investment will be transferred to national and foreigner investors. Accordingly, 671,800 ha of land is the target to transfer during the plan period. On the urban land management side, there is a plan to bring 1.6 million parcels in 91 towns into the urban cadastral system. There is a plan to transfer 62,000 ha of public land to private sector through tender and allotment. Establishment of modernized property tax system in 970 cities/towns is targeted. In the forestry sector, there is a plan to increase the forest coverage of the country from the current 15.5% to 20% at the end the plan period.

4. Summary of results of Dimensions analysis

An extended dimensions analysis have been conducted and documented in all the nine panels background reports. In this report, results are extracted from each dimension analysis and are condensed with additional explanations, when deemed necessary, and are presented in this part of report. Dimension scores, after final comments and adjustments are made by panellists, are tabulated and are presented for each panel. The tables include indicators, dimensions, scores and statements/explanation of the scores. This is assumed to help the reader to understand the meaning of the scores without any difficulties (Table 7 - Table 15). Following the summarized results of each panel, conclusions and key recommendations are presented. On the tabulated results, descriptive statistical analysis is performed to have an insight on performance status of each dimensions and to make an informed judgments on the status of the practice compared with international practices (Annex 2 - Annex 10). Furthermore, dimension results are aggregated to have an insight on the performance level of the indicators and to make again an informed judgments (Table - 17 - Table 25 in the annex part of the report). Both information are presented in annexes. Detail policy statement/recommendations are summarized for each dimension and are presented in policy matrix and are presented in annex 11. The policy statements given specifically for each dimension are believed to support monitoring of improvements of practices in each dimension areas. score card is developed and is presented in annex 12.

4.1 Panel one: Land Rights Recognition²⁹

Table 7. Panel 1, Summary of scores

1. Land Rights Recognition					
Land Governance indicators	Dimensions	scores			
		A	B	C	D
1.1 Recognition of a continuum of rights: the law recognizes a range of rights held by individuals (incl. secondary rights of tenants, sharecroppers, women etc)	1.1.1a. Individuals' rural land tenure rights are legally recognized				Existing legal framework recognizes rights held by 70% - 90% of the rural population
	1.1.1b. Individuals' rural land tenure rights are protected in practice				Existing legal framework protects rights held by 70% - 90% of the rural population
	1.1.2. Customary tenure rights are legally recognized and protected in practice				There is partly recognition and effective protection of customary rights
	1.1.3. Indigenous rights to land and forest are legally recognized and protected in practice.				This is not ranked since it is out of context
	1.1.4. Urban land tenure rights are legally recognized and protected in practice				Existing legal framework recognizes and protects rights held by 70% -90% of the urban population
1.2 Respect for and enforcement of rights	1.2.1. Accessible opportunities for tenure individualization exist				The law provides opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights if they so desire. Procedures are not affordable or clear, leading to discretion in their application
	1.2.2a. Individual land in rural areas is registered and certified with book of holdings				More than 90% of individual land in rural areas is formally registered and certified with book of holdings
	1.2.2b. Individual land in rural areas is registered and mapped				Less than 50% of individual land in rural areas is formally surveyed and mapped.
	1.2.3. Individual land in urban areas is recorded and mapped				Less than 50% of individual land in urban areas is formally recorded and mapped.
	1.2.4. The number of illegal land sales is low				The number of illegal land transactions is low and some are unambiguously identified on a routine basis.
	1.2.5. The number of illegal lease transactions is low.				Existing legal restrictions on land leases are routinely neglected.
	1.2.6. Women's property rights in lands as accrued by relevant laws are recorded				More than 90% of the cases are effectively recorded
	1.2.7. Women's property rights to land are equal to those of men				Equality of women's property rights to those by men is established by law, but there are considerable limitations to exercising such rights in practice.

²⁹ This section is a summary of the background prepared for panel one. For details refer, Shewakena Aytenfisu, 2015. Background Report on Land Governance Assessment Framework, Analysis for Land Rights Recognition in Ethiopia, Version 5, unpublished, Addis Abeba, Ethiopia

4.1.1 Recognition of a continuum of rights

1.1.1a Individuals' rural land tenure rights are legally recognized

Individual's rural land rights are recognized under federal and regional land administration laws. Most rural land holders' rights were recognized since the nationalization of all rural lands under Proclamation 31/1975 even if there were no certificates of holdings. Since 1995, land is given a constitutional recognition and peasants, pastoralists and semi-pastoralists who are or wish to be engaged in agriculture including women have the right to get land without charge for indefinite period of time as well as the protection against eviction from the land they possess. Private investors are also entitled to use land on the basis of rent payment for a specified period of time. According to the proclamation 456/2005, rural land can be acquired either by allocation, redistribution-in irrigable areas, settlement programs, donation or inheritance.

1.1.1b Individuals' rural land tenure rights are protected in practice.

It is necessary to analyze the translations of the rights enacted in the federal and regional land laws to better understand whether individual land tenure rights protected in practice or not. The issuance of the federal proclamation on Land Expropriation for Public Purposes and Payment of Compensation, Proclamation No. 455/2005, was also a step in the right direction to protect the land rights of holders. The proclamation is elaborated by regulation 137/2007. Before the issuance of the proclamation and the regulation indicated above, government agencies and local administrative bodies, in most cases, were expropriating farmers' holdings without compensation under the pretext that land belongs to the state. The bundle of rights protected in practice includes, rent out for a specific period, rent for share cropping, pass through inheritance and gift. The Proclamation gives regional states the power to issue directives. Amhara and Tigray have developed valuation and compensation guidelines. Most regional states have not developed. There is a wide variation in compensation practices between different projects; and across the different regions. Furthermore, the federal government's expropriation, valuation and compensation laws do not deal with valuation of communal lands and compensation of holders or users of the communal lands.

1.1.2 Customary tenure rights are legally recognized and protected in practice.

Customary land use rights and other productive natural resources rights in Ethiopia are very popular among the pastoral communities where livestock grazing, shifting cultivation and hunting practices are common in regions like Afar, Ethiopian Somali, Benishangul Gumuz, SNNP, Oromiya and Gambela regions. In Ethiopia, pastoralists reside mainly in semi-arid and arid lowlands that covers the biggest part of the country. The customary land tenure system has been recognized under the 1995 Constitution and proclamation 456/2005. All regional states have enacted regional land laws under the federal umbrella laws that recognize the rights of the pastoralists. However, the practice is a concern. There are increased encroachment upon the pastoralists' land and water resources in favor of interventions that are less useful for pastoral production and social organization. Large state and private farms emerged and or expanded at the expense of pastoralist herders in different regions.

1.1.3 Indigenous rights to land and forest are legally recognized and protected in practice.

There are no legally recognized indigenous groups or communities in Ethiopia. However, there are vulnerable communities in remote areas of the country. For instance, the Gumuz, Berta, shinasha, Mao and Komo in Benishangul Gumuz, the Anuak (Anywaa), Nuer, Majangir, Opo and Komo in Gambella Regional states, Mursi, Suri and many others in SNNP, the Borena Ormos in Oromiya Regional states are considered as vulnerable communities with their distinctive cultural and traditional land tenure regimes. Different scholars and think tank institutions wrote that the lives and livelihoods of these vulnerable communities continue to be endangered by land management and governance policies put in place by the Ethiopian government keen to attract investment.

1.1.4 Urban land tenure rights are legally recognized and protected in practice.

Urban land and extra houses are nationalized by proclamation 47/1975, which abolished private ownership that existed before. Since then, the country maintained the state ownership of the urban land. However, successive legal instruments issued that includes proclamation 80/1993, proclamation 272/2002, (FDRE 2002) and proclamation 721/2011 (FDRE 2011) to administer the urban land. The tenure rights recognized in the currently operating proclamation 721/2011, are old possessions, leasehold and condominiums. As it is indicated in the lease proclamation lease periods differs based on the land use function starting from 50 years minimum to 99 years maximum. The lease contract can be renewed when both parties agreed. When the municipalities want land for development activities, based on change of urban plan, the contract shall not be renewed. The effect of non-renewal of contract is that the land will be taken after the removal of any property erected on the land by the owner. The compensation paid is only for the erected infrastructure based on a cost replacement approach, which is not popular by the society. The federal government is committed to ensure recognition of property rights by introducing a secure and sustainable real property registration system focused on development of legal cadastre. The legal cadastre demanded new laws to be formulated and implemented. The Urban Landholding Registration Proclamation No 818/2014 is the first in its kind in the country. This proclamation intends at creating a harmonized cadastral system in the country. Organizational Structure at national, regional and city levels instituted. Clear responsibilities for the different stakeholders at different levels are identified.

4.1.2 Respect for and enforcement of rights

1.2.1 Accessible opportunities for tenure individualization exist.

The federal rural land administration and use proclamation 456/2005 defines “communal holdings” as land to be allocated to local residents for the common grazing, forestry and social services. However, it further subjects such holdings to be transferred to individual holdings when the government consider it necessary. This notion of the federal government is further strengthened in the regions where customary land use is exercised.

In Benishangul-Gumuz, the proclamation affirms the Federal Proclamation which subject communally held land to be converted to private holding upon the decision of the government. There

is no provision either in the regulation or the directive that requires the decision of the Kebele community for such conversion. The Afar regional state rural land administration and use proclamation 49/2009 Article 5(8) clearly stipulates “no private holding allowed in the area assigned for pastorals grazing land.” Moreover, it further declared “communal lands that are used communally by pastoralist for grazing, and social services shall not be leased to investors. Similar provisions stated in the Ethiopian Somali Regional State Rural Land Administration and Use proclamation No. 128/2013 Article 5 (9 & 10). However, in some areas where communal use is threatened by external forces, the community resort for individualized use.

1.2.2a. Individual land in rural areas is registered and certified with book of holdings.

According to the data compiled from the federal land administration and use directorate annual reports of MoA, there are 560 districts, 13,846 rural Kebele administrations, close to 50 million parcel of land, and 11 million households with an average 4.5 parcels of landholdings in the four major regions. Reportedly, over 10.2 million households registered their parcels in the first level registration program and of which 9.5 million households got their landholding certificates. A number of studies show that the first level registration and certification of rural land has attained its primary objective of enhancing tenure security to individual landholders.

However, due to lack of experience and methodology in communal land surveying and registrations, pastoral areas are not covered in the registration programs of the country. Now pastoralists are claiming that their communal lands should be surveyed registered and certificate of holdings should be issued to user communities to protect their communal land holdings. Pastoralists presented petitions to government officials at the 2014 National Pastoralists’ Day that their communal lands should be registered and certificates of holding be issued to them.

1.2.2b Individual land in rural areas is registered and mapped.

As indicated above, there are more than 50 million parcel of land, and 11 million households with an average 4.5 parcels. Current reports indicate that about 1.8 million parcel, about 4 %, of individual rural landholdings registered and mapped by using various surveying technologies such as Hand held GPS, Total Stations, RTK GPS, and ortho-images. There is big movement by regional states using their own resources and resources obtained from development partners to cover wide areas by ortho-image for second level registration.

1.2.3 Individual land in urban areas is recorded and mapped.

The Ministry of Urban Development and House Construction has decided on implementation of a cadastral surveying and land registration project in all Ethiopian towns and cities which have more than 20,000 inhabitants (87 towns) in the coming few years. The MUDHC has selected 23 towns for the first phase according to population size priority order. The total estimated built up area of the 23 towns excluding Addis Ababa found to be about 1,862 sq.km. This indicates that the size of registered and mapped urban land is small.

1.2.4 The number of illegal land sales is low.

In principle, land sale is forbidden by the competent Ethiopian laws. Some studies indicates that there are illegal land sales both in urban and rural areas. The practice seems common in peri-urban areas. In most cases the source of illegality emanated from the imbalance between the demand and supplied sides. When access to urban land and basic services are beyond the reach of low and middle-income people through the formal institutions people look for the other way out. One of the employed mechanism to stop illegal land deals is the use of coercion approach refers to all forms of legal and/non legal measures that result in the forceful eviction of illegal settlers. In most towns and cities of Ethiopia, this approach has often been in the form of bulldozing of illegal structures and the use of the law and the courts to evict illegal settlers.

1.2.5 The number of illegal lease transactions is low.

Though land markets are underdeveloped in the urban centres of Ethiopia significant amount of capital money transacts in the economy. According to recent information, 2013, the urban lease price index report published by MUDHC, the average bid winning price per square meter for mixed use in Addis Ababa city was 9, 610.00 ET Birr. One year later in May 2014 the Addis Ababa city administration announced its 8th round lease bid. In this specific bid one of the parcels set for auction has a mixed land use function with 202 square meter total area and a lease benchmark price of 290.00 ET Birr. According to the result announced after 3 weeks showed that the winner quoted 65, 552.00 ET Birr with 20% down payment for the same parcel of land. This shows that more than 55,000.00 ET Birr increment than the average winning price per square meter just in a year, and therefore it leads to the emergence of artificial and sky rocketed land price per square meter. There are restrictions on the size of land that can be leased/rented out by private land holders in the rural land sectors. The restriction varies between regions. However, the restriction are not fully respected. As illegal lease transaction are not recorded, it is not easy to trace and get reliable information.

1.2.6 Women's property rights in lands as accrued by relevant laws are recorded

During implementation phase of land rights' adjudication, cadastral surveys, and registration women's land right sought high level of attention and cares. According to RLAUD³⁰, in Amhara region there are about 3.5 million estimated households of which 3.4 have registered and completed first level certification of their holdings. About 52% of land holdings are registered in the name of both spouses, 27% in women and 21% are registered in men in Amhara. Similarly, out of more than 4 million estimated land holders in Oromiya regional state 3.4 registered their land holdings and of which 84% have received their first level land holding certificate/book as of June 2013. About 54% of land holdings are registered in the name of both spouses, 16 % in women and 30 % are registered in men in Oromiya. In SNNP, from registered land holders, about 51% of land holdings are registered in the name of both spouses, 12 % in women and 37 % are registered in men. Whereas in Tigray national regional states, from the registered land holders, about, 13 % land holdings are registered in women while 68 % in the name of both husband and wives and the balance is in men's name.

³⁰ Panel one background report

1.2.7 Women's property rights to land are equal to those of men

One of the underlying public policies principles of Government of Ethiopia stipulates that all interventions have to be gender sensitive and can ensure equitable development for all women and men. Consistent with this public policy principles, Article 35 of the Ethiopian Constitution (1995) restates principles of equality of access to economic opportunities, including the right to equality in employment and land rights. Moreover, all federal and regional land laws boldly recognize women's land rights equally with that of men. However, in practice, in areas and societies where polygamy is allowed, the right written in the legal system is not respected.

4.1.3 Conclusions and key recommendations

- i. Registration and certification of rural land holdings is conducted without formally enacted registration and cadastral laws. Therefore, registration and cadastral laws should be developed and enacted. Methodology for communal lands registration and certification should be developed and pastoral community areas registration and certification has to be conducted in time.
- ii. Issues of compulsory land expropriation, valuation and compensation, and rehabilitation laws are concern areas that need revisiting, There is a need to carry on empirical research undertakings to inform policy makers to enable them to take corrective measures.
- iii. The current municipal land supplies for the market and the price signals have to be studied under the context of understanding the viability of the land lease system and its policy implications
- iv. A proper study has to be conducted before a pastoral area is allocated to large scale agricultural investments in order to leave to the pastoralist the very critical areas for their livelihood.
- v. There is a need to conduct rigorous research on the implications of restriction on land use right transfers in different regions and the need to have formal provisions on the right to use small rural landholders' use rights to get access to credit services. Furthermore, there is a need to study and harmonize the land laws and family laws in regards to heirs issues and issues related to polygamy.
- vi. It is essential to conduct robust study to improve the system and determine good land governance in the urban environment. To speed-up mapping and registration in the urban land sector is highly essential
- vii. To make the recent cadastral initiative, both in rural and urban, more effective there must be a well-articulated strategy and effective implementation with availability of financial, material and properly educated human resource

4.2 Panel two. Rights to forest and common lands & rural land use regulations³¹

Table 8. Panel 2 summary of scores

Panel 2: Rights to forest and common lands & rural land use regulations						
Land Governance indicators	Dimensions	Scores				Scores Description
		A	B	C	D	
2.1 Rights to forest and common lands	2.1.1 Forests are clearly identified in law and responsibilities for use is clearly assigned					Forests are clearly identified, responsibility for land use is clearly identified but implementation is ambiguous
	2.1.2. Common lands are clearly identified in law and responsibility for use is clearly assigned					Common lands are not clearly identified; but responsibility for land use is clearly assigned.
	2.1.3. Rural group rights are formally recognized and can be enforced					The tenure of most groups in rural areas is not formally recognized but groups can gain legal representation under other laws (e.g. corporate law)
	2.1.4 Users’ Rights to Key natural resources on land (inc. fisheries) are legally recognized and protected in practice					Users’ rights to key natural resources are legally recognized but only some are effectively protected in practice or enforcement is difficult and takes a long time
	2.1.5 Multiple rights over common land and natural resources on these lands can legally coexist					Co-existence is possible by law and respected in practice but mechanisms to resolve disputes are often inadequate
	2.1.6 Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist					Co-existence is legally possible and respected in practice but mechanisms to resolve disputes are often inadequate
	2.1.7 Multiple rights over land mining/ other sub-soil resources located on the same plot can legally coexist					Co-existence is possible by law but rarely respected in practice
	2.1.8 Accessible opportunities exist for mapping and recording of group rights					The law provides opportunities for those holding group land under customary, group, or collective tenures to record and map land rights if they so desire. Procedures are not affordable or clear, leading to discretion in their application
	2.1.9 Boundary demarcation of communal land					Less than 10% of the area under communal and/or indigenous land has boundaries demarcated and surveyed and associated claims recorded
2.2 Effectiveness and equity of rural land use regulations	2.2.1 Restrictions regarding rural land use are justified and enforced					Regulations regarding restrictions on rural land use effectively serve public purpose but enforcement is weak.
	2.2.2 Restrictions on rural land transferability effectively serve public policy objectives					There are a series of regulations that are for the most part serve public purpose but that are not enforced
	2.2.3 Rural land use plans are elaborated/changed via public process and resulting burdens are shared					Not scored
	2.2.4 Rural lands, the use of which is changed, are swiftly transferred to the destined use.					Less than 30% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use (e.g. forest, pastures, wetlands, national parks etc.)
	2.2.5 Rezoning of Rural Land use follows a public process that safeguards existing rights					Rezoning processes are not public process and rights are ignored or not properly or promptly compensated in the majority of cases
	2.2.6. For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use.					The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is greater than 50%

³¹ This section is a summary of the background report prepared for panel two. For details refer, Amare Worku, 2015. Background Report on Land Governance Assessment Framework Analysis for Rights to Forest and Common Lands & Rural Land Use Regulations in Ethiopia, Version 5, unpublished, Addis Abeba Ethiopia

4.2.1 Rights to forest and common lands

2.1.1 Forests are clearly identified in law and responsibilities for use is clearly assigned

The current Federal Forest Development, Conservation and Utilization Proclamation No. 542/2007 recognizes two types of forest ownership, namely, state forests that may be under the ownership of the federal or regional government, and private forests, which may be developed by private individuals, associations, NGOs or investors (Article 3 & 4:1). In the Oromia Forestry Proclamation (No.72/2003) and SNNPR's Forest Proclamation (No147/2012) a third category of forest tenure is defined, namely, community ownership. The regional authorities allocate state forests in the form of concessions for the purpose of privately managed plantations, or for conservation purposes managed by regional authorities and/or NGOs in participation with local communities.

The need of forest communities leaving in and around the forests area in accessing and use of state forests for household and subsistence use is recognized in the Federal Proclamation which states that the extraction of Non Timber Forest Products (NTFPs) is permitted as long as this follows an approved management plan (Article 10.3 & 10.4 of 542/ 2007). Part II, article 4 paragraph 3 of the proclamation states that “management plan shall be developed, with participation of the local community, for forests that have not been designated as protected or productive state forests, and such forests shall be given to the community, associations or investors so that they conserve and utilize them in accordance with directives to be issued by the appropriate body”.

Both federal and regional Forest Proclamations are supportive of the engagement of communities in the management of state forests. For example, Article 4:2 (e) of the federal Forest Proclamation (542/2007) promotes the encouragement of farmers and pastoralists to sustainably manage and use forest resources by engaging in PFM (542/2007); Further, Article 4:3 encourages communities, associations, or investors to develop PFM forest areas out of non-gazetted forest reserves by stating that such areas shall be “given” to them (implying ownership or management rights). Article (9:3 of 542/ 2007) provides communities with the incentive to participate in forest management by enabling them to share the benefits of state forest products with the relevant management authority.

Establishing PFM involves developing a Forest Management Plan (FMP), which states the specific uses of the forest and management activities, and a Forest Management Agreement (FMA), which outlines the specific roles and responsibilities of the participating parties. Once the FMP and FMA have been approved by the regional authorities they will transfer use and management rights to a designated community Forest Management Group. The FMA is a legally binding contract between the Forest Management Group and the relevant regional authorities and includes details about benefit sharing arrangements between parties.

2.1.2. Common lands are clearly identified in law and responsibility for use is clearly assigned

Common lands broadly cover all lands under common use. There is no single category or classification of land use that corresponds to all of these lands. Various, they are found as hill-side closures, forestlands - outside state management, grazing lands, roadsides, riversides, and wet-lands.

The common feature that bring these lands as common resources is that the nearby community/communities have the right to access. Under Section one, article 2 of the Federal Land Administration and Use Proclamation, 456/2005 , "communal holding" means rural land which is given by the government to local residents for common grazing, forestry and other social services. According to Section 3 (3) of the same proclamation, the government being the owner of land, it can change communal rural land holdings to private holdings if necessary. In the highland areas of Ethiopia, common lands are registered in the name of those groups using the common land resources and a group certification is exercised. Once certificate is given, the holders of the certificate are responsible for sustainable use of the land. But, in practice, the management is very poor. In the pastoral areas, where extended communal land exists, the registration and certification process is not yet in practice. But there is an interest by the regional governments and the pastoral community to register and map the common lands in the area.

2.1.3. Rural group rights are formally recognized and can be enforced

The obvious and the largest rural groups in Ethiopia are the pastoralists that occupy about 60% of the land mass of the country. In addition, there are smaller rural groups of hunters and gatherers in some locations, still in the lowland areas. The constitution of the country recognizes the right of pastoralists (article 40:5) and is stated as "Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands". The rural land administration and use proclamation (456/2005) confirms constitutional rights of pastoralists. Further confirmations found in regional land laws. The Afar regional state rural land administration and use proclamation 49/2009 Article 5(8) clearly stipulates "no private holding allowed in the area assigned for pastorals grazing land." Moreover, it further declared "communal lands that are used communally by pastoralist for grazing, and social services shall not be leased to investors. Similar provisions stated in the Ethiopian Somali Regional State Rural Land Administration and Use proclamation No. 128/2013 Article 5 (9 & 10). However, in practice, pastoral group rights are infringed due to conversion of grazing lands into private and state owned large farms.

2.1.4 Users' Rights to Key natural resources on land (inc. fisheries) are legally recognized and protected in practice

Pastoral lands are largely managed by customary authorities using rules and regulations that evolved over a long period of time. Clans operate in a socially recognized territory over which they have exclusive primary land use rights. Such territories have dry and wet season grazing areas where members of the clan practice rotational grazing. River basins that are usually flooded during rainy seasons and valley bottoms whose soils retain moisture far into the dry season constitute dry season grazing areas. Neighboring clans who have similar primary land use rights over their territory also have secondary rights in their neighboring clan territories during droughts or failure of water resources. These secondary rights are based upon inter-clan negotiated reciprocity. When such reciprocities are practiced, the guest clan has to observe the rules and regulations of the host clan on the use of the grazing and water resources such as refraining from cutting trees, observing turns at watering points and not stealing livestock. When the pastoral community is hit by severe droughts, there is a traditional migration of pastoral communities into the area of sedentary agriculture, which

means an area of higher altitudes. During cropping seasons, where the farm area is fully occupied by crops, the highlanders move down their cattle to the pastoral areas.

To extend the information outside the pastoral system, users' rights on key natural resources like water resources, forest resources including fishing has been recognized under different proclamations. Forests are regulated by Federal Forest development, conservation and utilization proclamation, No. 542/2007.

Forest resources are accessible to communities in different forms. Fodder harvesting from natural forests and closure areas is allowed free of charge based on certain procedures arranged by the communities. Generally right to collect dead wood, medicinal herbs, honey, fuel wood, fodder, and grazing are permitted unless specifically prohibited for a defined reasons. Regional Forest Development Proclamations, proclamation 72/2003 of Oromia and proclamation 147/2012 of SNNP region, have detailed provisions that allow forest resources use by communities.

Regarding water resources use, the Ethiopian Water Resources Management Policy declares that water is a “common property of all Ethiopians”, (GoE Water Resources Management Policy 1999). Any community can access any water resources as far as the water resources is available in their area. All fisheries development and fishing related issues are regulated by the Fisheries Development and Utilization Proclamation No 315/2003. Article 5 (1-12) describes that a person is entitled to fish in any waters with the terms and conditions stipulated by the license granted for that purpose by the relevant authority. Specifically, part two, section five, paragraph 3 of the proclamation states that any person who undertakes subsistence fishing, commercial fishing or recreational fishing within a national park or a reserved fishery area shall hold a written permit from the authority responsible to administer the parks.

2.1.5 Multiple rights over common land and natural resources on these lands can legally coexist

Multiple rights on common land, as described in the instruction part of the LGAF manual, is not a widely known common practice in Ethiopia. Although there is no law that recognizes or restricts co-existence of multiple rights over common lands, there are some practical uses on common lands. For example, in the pastoral areas, there are local artisans who use special types of soil for making pottery while the majority of people are engaged in rearing animals and own the pastoral land. The rights of such artisans on the communal lands that have the soil type they prefer is exercised. Individual farmers can use trees of their neighboring farmers to hang traditional bee hives to trap bee colonies. Use of small springs nearby a village can be another example. The spring can be found in common lands owned by specific community, while individuals from other communities are allowed to use water from the spring. In some cases, the water spring can be on a land owned privately.

2.1.6 Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist

Multiple rights on the same parcel of land in the form of right of way is the most common practice in Ethiopia. If there is no public access road to reach a farm, then farmers have the right to pass on

someone farm. The same is true to channel irrigation water on someone's parcel. If we take national parks and game reserve areas a parcel, there are multiple rights on the same parcel. Game hunting is allowed for people over 18 years old who possess a resident hunter license. Recent wildlife policies and regulations emphasize development-oriented conservation, the practical use of tourism, and the local people's participation in natural resource management and utilization. Local artisans such as potters can also collect potting materials like clay soil from communal and private land. Clay soil collection from privately owned land is becoming more difficult as landowners feel that clay mining destroys their valuable farmland. Nevertheless, there may be conditions where joint holders, like divorcees, or heirs agree to use the parcel jointly. In this case one could use the trees while the other farm the parcel for growing crops.

2.1.7 Multiple rights over land mining/ other sub-soil resources located on the same plot can legally coexist

The new Mining proclamation No. 678/2010, supports the modern and global approach of the utilization and administration of the natural resources for sustainable mining development. The proclamation declares that no person shall be granted an exploration license, a retention license or a mining license over an area if it is (i) reserved for cemeteries and religious sites (ii) containing archaeological remains or national monuments (iii) reserved for physical infrastructure (iv) within areas reserved for natural habitats or national parks (v) within 500 meters from the boundary of a village, city or water reservoir or dam without the consent of the competent body; or (vi) reserved by any other law of the country. The Government may, however, where it is in the national interest of the country, authorize the opening of any reserved area for mining operations upon providing appropriate compensatory arrangements. However, small and local mining rights co-exist on communally owned areas as explained before.

2.1.8 Accessible opportunities exist for mapping and recording of group rights

The Federal Rural Land Administration and Use Proclamation 456/2005 in article 6 provides the need of measuring lands found under private use, communal use, governmental and nongovernmental use and preparation of cadastral maps for those lands. All Regional Rural land Administration and Use Proclamations have also provisions on land registration and certification including private and group holdings. However, the practice is not yet implemented in pastoral areas due to technical difficulties to identify clan boundaries and to demarcate, register and map the property in the name of the clan. Communally owned lands in the highland part of the country area demarcated and registered in the name of the users. The country has invested a lot of effort in choosing and deciding the best suitable cadastral methodology. After several piloting and testing, it has arrived on to use a hybrid of technologies and methods as deemed necessary. The widely accepted tool is ortho-photo in rural cadastre. It is currently in practice in the main four highland regions of the country. It will be used in the pastoral areas soon.

2.1.9 Boundary demarcation of communal land

Though the Federal and Regional States' Land Administration and land Use proclamations declare that lands in pastoral areas are to be registered and recorded with appropriate traditional and modern measurements, pastoral land areas are not demarcated, registered and mapped due to the reasons explained before. The Forest Development, Conservation and Utilization Proclamation(542/2007) emphasizes that communal forest areas to be demarcated, delineated and management plan to be developed. But the practice on the ground does not reflect the statements in the legal provisions.

4.2.2 Effectiveness and equity of rural land use regulations

2.2.1 Restrictions regarding rural land use are justified and enforced

There are many restriction in the legal system. For instance, a farmer is not allowed to cultivate land having 30 degree slope, without putting terraces on the land (456/2005, Article13.4). There are other legal tools (proclamation 381/2004) issued to restrict land use changes of biodiversity hotspot areas into agricultural use. Restrictions are framed to ensure that there is reliability to the purpose in which the land is to be used and area described in the preamble of the Federal and regional Land Administration and Use proclamations. Restrictions are stemmed from the necessity to put legal conditions which are conducive to enhance and strengthen the land use right of farmers to encourage them to take the necessary conservation measures in areas where mixed farming of crop and animal production is prevalent and where there is threat of soil erosion and forest degradation. Besides, to establish a conducive system of rural land administration that promotes the conservation and management of natural resources, and encourage private investors in pastoralist areas where there is clan based communal landholding system. Other forms of restriction area connected to plant species selection for agroforestry practices, biodiversity conservation and wildlife protection.

Despite that there are a lot of restrictions on rural land use, in the legal system, as described above, these restrictions which are mainly top-down, have challenged with various reactions when enforced. They are neither monitored nor enforced in most cases. Moreover, restrictions especially those that do not take into consideration livelihoods needs of the rural community are generally challenged and difficult to enforce. Especially in the northern part of the country, communities cultivate very steep-slope areas that are in fact prohibited by law. Usually they encroach forest areas in search of agricultural land and space for settlement and hunt wild animals without permit. National parks designated for wildlife protection are invaded by livestock herders. It can thus be summarized that even though these restrictions are in existence, they are not enforced to the desired level. Finally, there are also unwritten local restrictions within customary land tenure (e.g. cutting down of trees in monasteries, churches, graveyards, ritual places, etc.) which need to be taken advantage of by the government.

2.2.2 Restrictions on rural land transferability effectively serve public policy objectives

Tenure security is a policy objective and concern of the Ethiopian government. The FRDE Constitution prohibits any sale and exchange of land. State ownership of land is considered as the best mechanism to protect the peasants and pastoralists from evictions. In particular, it has been argued that private ownership of rural land would lead to massive eviction or migration of the

farming population to urban centers. Restrictions are placed on rural land transferability so that land may be used for the purpose it is sought to be used, and so that the holders, most of whom are intended to be farmers, pastoralists, semi pastoralists, would not be deceived out of their rights over the land. In most cases, restrictions are set to protect landholders from disadvantaged backgrounds who are often prone to be cheated of their land or are simply not able to prioritize the long-term interest of land security over short-term cash gains that could result from such transfer.

The Federal Rural Land Law provides a general provision that allows leasing of rural land. It generally says that peasants and pastoralists can “lease to other farmers or investors land from their holding of a size sufficient for the intended development in a manner that shall not displace them, for a period of time to be determined by rural land administration laws of regions based on particular local conditions” (Art. 8(1) of Proc. 456/2005).

The other means of acquiring land is inheritance and donation. Any person who is a member of peasant family may have the right to get rural land from his/her family through inheritance or donation/gift (Art. 5.2 of Proc. 456/2005). A family member is defined as “any person who permanently lives with holder of holding right sharing the livelihood of the latter” (Art. 2.5 of Proc 456/2005). As can be inferred from the above cited provision, a family member is one who “lives” with the peasant who holds the land and “shares” his “livelihood.” This means, the law does not specifically require marital or blood relations for a person to be considered as a family member.

Hence, a laborer who has no alternative income of his own and lives with the farmer without salary under the same roof may be considered as family member and eligible for inheritance. The Amhara Rural Land Proclamation goes one more step by allowing inheritance of land by will to any farmer engaged in agriculture (Art.16.1). By contrast, it is not possible to inherit or donate rural land to one’s children who live elsewhere or are engaged in other professions. The rationale behind such rule seems that since land belongs to the state and the people and not a private one, it has to be transferred to those who are in need of it, irrespective of their blood relations. There are similarities among all the regions on restriction of land transferability.

2.2.3 Rural land use plans are elaborated/changed via public process and resulting burdens are shared

The Rural Land Administration and Land Use Proclamation of 2005 recognizes that it is necessary to “sustainably conserve and develop natural resources through the development and implementation of sustainable land use planning based on different agro-ecological zones of the country”. The same Proclamation states that “A guiding land use master plan, which takes into account soil type, landform, weather condition, plant cover and socio-economic conditions and which is based on a watershed approach, shall be developed by the competent authority and implemented”

The Regions’ Land Administration and Use proclamation puts a number of obligations on the rural land users. Not adhering to these can lead to loss of the land use right. For instance, if land is not used according to the comprehensive rural land use plan, or if land is not properly conserved, this can lead to withdrawal of the land use right. There is also a strong notion among officials in Ethiopia

that land use planning is essential for all lands. Land use planning needs consultation, endorsement and decision making at various levels. Implementation of land use plans needs long-term supervision, monitoring and other relevant actions. However, although the importance of rural land use plan is recognized in the legal system of the country, the country does not have an enforceable land use planning system and land use policy.

2.2.4 Rural lands, the use of which is changed, are swiftly transferred to the destined use.

It had been explained above that there is no land use plan policy and enforceable land use planning system. But it does not mean that there is no land use change. For instance, lands can be taken from smallholder farmers and can be transfer to investors for development of modern production systems. Due to urban expansion, agricultural lands get incorporated into the built up environment. There are big forest areas transferred to investors for development of tea and coffee plantation. Farmers are slowly changing their land uses. As there is no land use plan that guides land use change process, there are situations where land uses are being converted to other uses not intended at all. For example, farmers plant eucalyptus trees or *chat* (stimulant plant) on lands that are supposed for crop production; since eucalyptus and *chat* generate more income to farmers. In addition, farmers who have farm lands along main roads build houses on their farm lands and sale the house. Such actions have given rise to the mushrooming of un planned small towns here and there in the rural landscape. Similarly, due to absence of appropriate control mechanism, some lands that are transferred to investors are staying ideal for long time before entering into intended production. There are also cases where wildlife parks and wetlands are converted to other land uses. However, there is no well document information at hand to decide of the speed of transfer except a general judgment.

2.2.5 Rezoning of Rural Land use follows a public process that safeguards existing rights

The constitution, in article 43:2, says " Nationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community." Other lower level legal, policy and strategic documents incorporate the need of public consultation in any development initiatives.

Laws promulgated by the Federal Government including Proclamation No. 455/2005 on the Expropriation of Landholdings for Public Purposes and Payment of Compensation and Council of Ministers Regulation No. 135/2007 pertaining to the Payment of Compensation for Property situated on landholding expropriated for public purpose. However, the modality of compensation payment in the case of regional infrastructure projects such as rural roads and various water works constructions is not involving the public to the expected standard. In many cases, the implementing agencies do not involve the public in the issue of compensation level calculation. There is widespread belief among the staff of these agencies that they are not supposed to pay compensation because land belongs to the government. The process for rezoning is hardly public, as it is merely notified for persons who are interested in finding out about it, and does not involve them in the decision making process. In the case of urban expansion, including the zoning of industrial parks, compensation is paid by municipalities in cash, in-kind (providing urban plots) or a mixture of both. Urban expansion problems were not anticipated early enough and the municipalities were not at all prepared for the

eventuality of compensation payments. Articles 3 (1) and 4 (3) of Proclamation 455/2005 clearly indicate that compensation in cases of expropriation is to be made in advance of the eviction of the holder.

In general, as there is no national land use policy, rezoning is not practiced systematically with public participation. Development has happened without clear strategic analysis of optimal allocations of land in the regions for industry, forestry, crop, pasture, fisheries, tourism and wildlife. Though methods of land use planning shall involve a systematic evaluation of resources, an active participation of all stakeholders and an interactive partnership between governments and people, the current rezoning particularly allocation of land for urban development and agricultural investment lacks transparency and in general not open to the public as expected.

2.2.6. For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use.

There are protected forest areas, national parks, wildlife reserves and wetlands. These areas are meant to serve the purpose as the names indicate. However, there are evidences to suggest that the land which was classified as forest reserve, wildlife sanctuary, national park and used for extensive grazing for pastoralists has been diverted to other purposes particularly for agriculture over the years. This diversion has taken place either in the form of encroachments or in the form of allocation of land overlooking the existing norms and uses. A recent example is allocation of natural forests in Gambella with livelihood and cultural significance to the Mazengar community to Verdanta Harvests despite the Environmental Protection Authority recommending to the Minister of Agriculture that the lease should not proceed, since the short term benefit would not outweigh the long term costs of this land diversion.

Wetlands are critical to local livelihoods. They serve as a buffer against floods, are areas of high biodiversity, help to regulate river flows and recharge groundwater supplies. Yet little attention is given to protecting wetlands in Ethiopia. Several key wetland areas have been given to investors such as the Karuturi's Gambella that drained the wetlands for the purpose of agricultural crop production.

The national parks are suffering from encroachment and in some cases they are invaded by herders such as the Awash National park. In most national parks it is common to see wild animals and domestic livestock grazing side by side. Most reports indicate that wildlife reserves and game parks exist on paper only. The Gambella National Park and Yabello Sanctuary have been seriously challenged by an agricultural investment projects. .Bale Mountains National Park has suffered from uncoordinated development in and near its boundaries. The problem is exacerbated by the fact that state holdings are generally not mapped or recorded. Recording and demarcation of publicly held land in some regional states had occurred in some cases by the end of the 1990s: Awash and the Simen Mountains national parks were legally mapped, and demarcation of the Omo and Mago national parks was completed in 2005. It is not difficult to say protected rural land use is not corresponding to actual use.

4.2.3 Conclusions and key recommendations

- i. Ethiopia is using its land and land resources without having comprehensive national land use policy. Formulation and enactment of a national land use policy is urgently essential. At the same time provision of policy framework to give clearer responsibility for managing communal lands is needed
- ii. Develop appropriate land registration and certification system conducive to communally owned lands in pastoral system to exercise collective tenures arrangement in recording and mapping land rights
- iii. Although there are attempts to exercise participatory local level land use planning, it is not guided by a national framework. Therefore, developing an appropriate guideline for participatory rural land use planning and rezoning is essential. Ensuring transparent public process for rural land use planning and joint forest management is an indispensable requirement for sustainable development.
- iv. There are protected forest areas, national parks, wildlife reserves and wetlands. These areas are meant to serve the purpose as the names indicate. However, there are evidences to suggest that the land which was classified as forest reserve, wildlife sanctuary, national park, and wetlands diverted to other purposes particularly for agriculture over the years. This diversion has taken place either in the form of encroachments by the surrounding herders and smallholder farmers or in the form of allocation for large scale agricultural investments. Hence, there is an urgent need to officially demarcate, map and register these lands to sustain initially identified use.
- v. Although there are attempts to manage forests through participatory forest management (PFM) approach, in some of the regional states, this approach is not guided by a national legislation/framework. Therefore, issuing a federal level legislation on this regard is essential.
- vi. There are multiple rights exercise on the same plot of land. It is necessary to develop a harmonized legal instrument that supports multiple rights to co-exist on the same plot of land.
- vii. It is necessary to conduct adequate research to develop mechanisms to manage conflicts that can arise on the use of critical and common natural resources such as pastures
- viii. Provision of Institutional Capacity Building is essential to the newly established Ministry of Environment and Forest to enable the ministry to handle effectively the ongoing process and efforts in amending, harmonizing and unifying various laws and policies related to forest management.

4.3 Panel three. Urban Land Use, Planning, and Development³²

Table 9. Panel 3, summary of scores

Panel 3. Urban Land Use, Planning, and Development					
Land Governance indicators	Dimensions	scores			
		A	B	C	D
3.1. Restrictions on rights: land rights are not conditional on adherence to unrealistic standards	3.1.1. Restrictions regarding urban land ownership and transferability effectively serve public purpose and are enforced				
	3.1.2. Restrictions regarding urban land use (disaster risk) effectively serve public policy objective				
3.2. Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific group	3.2.1. Process of urban expansion/infrastructure development process is transparent and respects existing rights				
	3.2.2. Changes in urban land use plans are based on clear public process and input by all stakeholders				
	3.2.3 Approval requests for change in urban land use are swiftly followed by development on these parcels of land				
3.3 Efficiency in the urban land use planning process: land use plans and regulations are current, implemented, do not drive people into informalities, and cope with urban growth.	3.3.1 Policy to ensure delivery of low-cost housing and services exists and is progressively implemented				
	3.3.2 Land use planning effectively guides urban spatial expansion in the largest city				
	3.3.3. Land use planning effectively guides urban development in the four largest cities, excluding the largest city.				
	3.3.4 Planning processes are able to cope with urban growth.				
3.4 Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and predictably	3.4.1. Provisions for residential building permits are appropriate, affordable and complied with				
	3.4.2 The process for obtaining a building permit for a residential dwelling is short.				
3.5 Tenure regularization schemes in urban areas	3.5.1 Formalization of urban residential housing is feasible and affordable.				
	3.5.2 In cities with informal tenure, a viable strategy exists for tenure security, infrastructure and housing.				
	3.5.3 A condominium regime allows effective management and recording of urban property				

³² This section is a summary of the background report prepared for panel Three. For details refer, Gizachew Birhanu 2015. Background Report on Land Governance Assessment Framework Analysis for Urban Land Use, Planning and Development in Ethiopia, Version 5, unpublished, Addis Abeba, Ethiopia

4.3.1. Restrictions on rights

3.1.1. Restrictions regarding urban land ownership and transferability effectively serve public purpose and are enforced.

According to the constitution of the Federal Democratic Republic of Ethiopia, article 40, the right to ownership of urban and rural land, including natural resources, is vested in the state. The government has eminent domain and restricts its use through land use planning and management interventions. Pursuant to article 40, sub-article 3 of the constitutions, it is legally enforced that land shall not be sold or subject to other means of exchange.

As per proclamation no. 721/2011, chartered cities and the region have developed regulations for limiting minimum and maximum parcel size as per standards in their own context. The minimum and maximum parcel size restriction for replacement land for those properties liable for expropriation varies from one city to the others. For Addis Ababa (min 75m²-max 500m²) while the restriction is stringent in case of replacement land for expropriation as the maximum legal extent is only 175m² whatsoever the previous parcel size. In Dire dawa (160-500 m²), Adama (105-500m²), and Sebeta (160-500 m²) while in case land expropriation for public purpose, there is restriction on parcel size provided as replacement land for those relocated due to redevelopment.

There are restriction on transfer prices. Pursuant to proclamation no.721/2011, article 24, sub-article 2-3, the seller is eligible only 5% of the profit from land increment value including the invested cost and bank interest rate while the current law allows the government to collect 95% of the land value increment.

Pursuant to proclamation no.721/2011, article 24, sub-article 4, market based increment in land value is not considered for collateral purpose while building and its accessories constructed on leasehold as well as the use right are subject to collateral. The regulation on mortgage restriction is actually enforced.

The urban land holding registration proclamation no.818/2014 article 4 sub-articles 1 recognizes uniform protection of land holding rights of private, joint holders, associations, and government and non-government institutions. Moreover, the same proclamation article 30, sub-article 1, recognizes the registration of all rights, restrictions and responsibilities of old possessions and lease holdings concluded with the appropriate government body in the course of creation of landholding right. The regulation does not recognize the registration of informal settlements unless administered through the lease holding administration. The registration does not recognize newly formed squatters contravening the lease proclamation and regulation.

The regulatory restrictions have provided range of benefits in urban development and redevelopment, easier for infrastructure installation, securing land for social and physical infrastructure development through the state power of eminent domain.

3.1.2. Restrictions regarding urban land use (disaster risk) effectively serve public policy objective.

As per urban plan proclamation no.574/2008, article 5, sub-article 7, any processes of urban plan preparations and initiations have to safeguard the community and the environment as well as preservation and restoration of historical and cultural heritage. Actually, in most urban centers of Ethiopia, settlements range from new squatter proliferation to consolidated ones are seen on risk prone areas and in repeated occurrences the risk of flood and land slide are claiming the lives of people and property.

In Addis Abeba, informal settlements are existing and squatters are still mushrooming on high risk prone and environmental sensitive areas while the measures that has so far been taken to resolve the problem is either resettling informal settlers incorporated in regularization plan or else bulldozing newly formed squatter.

The common denominator of problems for most urban centers are the practice of designing coping strategies for mitigating the risk till they resettled is either non-existent or minimal which leads to vulnerability of the settlers to risk or disaster. For instance, in Dire Dawa, due to the settlements of informal on risk prone areas, during the flash flood in 2006, 256 people were killed, 244 disappeared and 10,000 were displaced. In general, there is discretionary enforcement of zoning regulations to protect the inhabitants and the environment as most of the old consolidated settlements are still residing on risk prone areas and the extent of settlements on risk prone area is high for largest cities. Although the intention of the law reflect public purpose, enforcement is a challenge.

4.3.2. Transparency of land use restrictions

3.2.1. Process of urban expansion/infrastructure development process is transparent and respects existing rights

The urban centers of Ethiopia are experiencing horizontal urban expansion. The horizontal urban expansion is affecting the livelihood of farmers on peri-urban area. In order to address the needs of affected farmers and communities, urban plan preparation document recommends the participation of the community in phases of planning such as preparation stage, planning stage, and implementation and evaluation stage. However, in the course of expropriation of land for development activities, the participation of affected farmers and communities in urban expansion is varied from one urban center to the others. In this regards, many scholars underscore the little participation of community in compensation decision making and benefit packages, which implies government is the sole decision maker in compensation and benefit package computation. The compensation can be in kind and in cash. The procedure says that an urban land holder whose holding has been expropriated under proclamation shall be provided with a plot of urban land with access to similar public infrastructure and services.

The procedures for public participation on infrastructure development especially on right of ways are specified in step wise manner from right of way request to the affected dwellers taking compensation that includes 16 defined steps. The most important element of the this procedure is the establishment of a committee, with 3-7 members, to represent affected dwellers in the process of relocation from planned land for infrastructure.

In general, there is appreciated practices pertain to community consultation and participation, clear procedures, election of community representatives, and publicizing of compensation value and parcel size for the public, and signing memorandum of understanding with the community for infrastructure development and compensation during urban expansion and redevelopment, however, the practice and depth of community participation is not the same throughout the country.

3.2.2. Changes in urban land use plans are based on clear public process and input by all stakeholders.

As per urban plan proclamation no.574/2008, article-15, sub-article 1-3, stipulates that the process of urban plan approval shall be preceded by public hearing to be conducted at convenient location, and such process and hearing shall be transparent and adequately communicated to the public at large. Besides, the relevant suggestions and objections shall be taken as input to rectify the plan. Moreover, the structure plan preparation manual mentions that public advisory committee should be established for urban centres at all levels to reflect the view of the community. In principle, initiation for preparation of LDP for specific area could come either from government, private investor and community. Yet, in real practice most of the planning is not derived from the initiation of the community rather it is government driven. LDP is not initiated from the community for most urban centres while community consultation and feedbacks are obtained from vision setting, preparation and approval stage notwithstanding the fact that some LDP's have still been done with more technocrat oriented approach with no meaningful community participation.

The current strategy is more stringent on participation by stipulating that neighbourhood plan is initiated after the plan proposal is dialogued by the affected dwellers and if at least 30 % of dwellers council endorses the Neighbourhood Plan (NP) preparation. However, the practice very far from what is described in the procedure documents.

3.2.3 Approval requests for change in urban land use are swiftly followed by development on these parcels of land

In case of Ethiopia, no organized surveillance and monitoring practice of inventorying urban land use change to destined land use has so far been practical. Yet, the increasing speed of land use change through dominantly formal land delivery system, especially on large cities, is witnessing the extent of prompt land use change for its destined use.

Ethiopia is now one of the most rapidly urbanizing countries in the world. According to recent U.N. estimates, the urban population of Ethiopia is expected to triple between 2010 and 2040, growing at an average rate of 3.5% per year. The built-up areas of the four largest cities (Mekele, Adama, Hawassa, Bahirdar) are expected to expand at an even faster rate than their population.

In small and medium urban centers, where the urbanization trends are low and the resource is meager for financing infrastructure cost, the formal land delivery system is failed to cope up with urban growth and investment needs. As a result, the change in use to destined use occurs so slowly which

by in turn liable the existing statutory urban plan to be outgrown by proliferation of squatter settlements and informal land market. Besides, the capacity to provide serviced land is weak as one goes from largest cities to small urban areas, which implies large undeveloped land liable for squatting in situations where the change in use to destined use in formal land delivery system is weak.

4.3.3 Efficiency in the urban land use planning process

3.3.1 Policy to ensure delivery of low-cost housing and services exists and is progressively implemented.

The government estimates that the current housing deficit is between 900,000 and 1,000,000 units in urban areas, and that only 30 per cent of the current housing stock is in a fair condition, with the remaining 70 percent in need of total replacement. In Addis Ababa alone, 300,000 units are required to meet the deficit. For Dire Dawa, city category based on urban level, there is a backlog of 24,000 houses, and it is expected to grow annually by 2,900 houses. For Adama, city category based on urban level, the housing backlog is estimated to be greater than 4,000 housing units in 2013/14. For Hossaena, large town as per urban level, there is huge backlog that stands about 7,034 unit, out of which only 948 houses (13.47%) are transferred through formal land delivery as per 2013/14.

Out of the planned 400,000 units' condominium low cost housing construction, more than 171,000 units (43%) have been constructed while comparing with the aforementioned housing backlog figure, much has remained to be done. The housing deficit is set to increase concurrently with the foreseen high population and urbanization growth which indicates the failure of the formal housing system responsiveness to housing demand.

Housing policy development is recent phenomena. As per the 2005 urban development policy, the construction of housing estate has to be carried out through the participation and co-ordination of the government. The major role of the urban administration shall be supplying land and infrastructure for housing estates, supplying cost-saving alternative designs, supporting rehabilitation and repairing of dilapidated houses and villages by the owners and improvement of the infrastructure and social services of their locality. Moreover the urban administration and the regional government, as much as possible, shall allocate finance for the construction of housing estates to be sold to low income group of the society through long-term loan. Such housing schemes shall be space saving condominium buildings designed to save cost and material the construction of which shall participate the beneficiaries thereby creating job opportunities.

One of the main pillars of urban development and urban good governance packages was Integrated Housing Development Program (IHDP) which is the prominent current government approach for solving the low-income housing challenge initiated by MWUD in 2005. The IHDP has been successful in many respects.

Although the large-scale program has not met all of its original targets, it has built more than 171,000 housing units based on 2010 figure, a significant achievement considering the previously limited capacity of the Ethiopian housing sector. The program has greatly increased the number of

homeowners that would never otherwise have owned a home within their lifetime, and, in parallel, has benefited the housing market by increasing the supply of owner occupied housing and rental units.

There are, however, a number of unanticipated challenges facing the program. The most pressing is the affordability of the units for low-income households, with the cost increases in the price of condominium houses deeming them no longer an option for many low-income households. Furthermore, the inability to pay the monthly mortgage and service payments forces many households to move out of their unit and rent it. Regional governments are taking different measures to minimize costs.

3.3.2 Land use planning effectively guides urban spatial expansion in the largest city.

Based on the experience of Addis Ababa, urban plan is prepared following the hierarchies stipulated in urban plan proclamation no. 574/2008 as national and regional development plan is considered in city wide structure plan preparation. Subsequently, Local Development Plan is prepared based on the framework of Structure plan. Structure and local Development plan is statutory plan which is legally binding. In structure plan preparation, the physical implication of sectoral plan, infrastructure development and public investment are integrated in regional development strategy.

The legally binding urban plan is ineffective in controlling the pace, direction and intensity of urban development. Lease sub-division is performed on outskirts of the city without the preparation of detail local development plan guided only by paved road without fulfilling the required infrastructure and utilities for provision of serviced land. There are couples of cases that condominium housing (Yeka Ayat and Yeka Abado) project is constructed on peripheries before preparation of LDP and thereafter infrastructure is integrated with urban plan. Yet, in most encountered cases, LDP and urban design is approved before indulging in construction of large condominium housing projects. In expansion areas where LDP or NP is prepared before large scale housing and infrastructure project, the structure plan framework is not satisfactorily guiding to reflect the anticipated population change, service and infrastructure demands envisaged to be implemented in LDP. Currently, due to planning failure, quite reasonable numbers of condominium sites have critical shortage of water for accommodating the residential and services demands of dwellers as a result water expansion project is commenced for some LDP sites after the units are occupied by the proprietors.

Though hierarchies of statutory urban plan are specified by law, land use planning has not effectively guided and controlled urban morphology and forestalls changes arising from the demand for land for different uses, infrastructure and utility requirements. In repeated occurrences, the prepared statutory urban plans are modified through zoning changes. Urban expansion is guided by major infrastructure development, large scale housing projects and informal development for reasonable number of cases. In some of the cases, large scale condominium housing projects are executed without well-articulated detail LDP and forestalling the demand of land, services and infrastructure requirements.

3.3.3. Land use planning effectively guides urban development in the four largest cities, excluding the largest city.

Next to Addis Ababa, the four largest cities are Mekele, Adama, Dire Dawa and Hawassa. The four largest cities have shown significant increase in population size. For instance, the population of Dire Dawa has shown an increase of 24 % between 2000 and 2005. Hawassa will grow to more than 6-fold its 2010 population by 2040, Mekele to almost 5-fold its 2010 population, and Adama and Bahir Dar to almost 4-fold their 2010 populations

In the largest cities, the legally binding urban plan is ineffective in controlling the pace, direction and intensity of urban development. In Diredawa, lack of formal access and a huge demand for housing has made squatter settlements a main growth area in the city. An estimated 182,000 people live in sub-standard housing in Diredawa, many of which are living in hills and flood plains. In Mekele, ineffective implementations of urban plan regulations, speculation and poor supply of land are contributing factor for urban expansion through informal development. For Adama, the urban plan on the periphery is either occupied by farmers or susceptible for squatters and speculation though the municipality has taken measures to increase the incremental land value on the outskirts through lease for discouraging speculation. In practice, land use change is mainly driven by informal development, major public investment and infrastructure project.

3.3.4 Planning processes are able to cope with urban growth

Currently in Ethiopia, serviced land is delivered for different development activities by lease either through the modality of allotment or tender. The serviced land is allotted by lease mainly for residential development of condominium housing targeting middle and low income while lease by tender modality is allotted for private construction and Real Estate Housing Development.

Though land is delivered for residential development, Ethiopia has astounding housing deficit of about 1 million housing units. It is estimated that over 2 million housing units need to be built in urban areas of Ethiopia in 2015 to accommodate the current housing deficit and urbanization. On the other hand, in Ethiopia, only 171,000 housing units were constructed through condominium IHDP while the initial goal was to construct 400,000 units, which means achieving only 43% of what is planned. In Addis Ababa alone, more than 300,000 housing units are required to meet the deficit.

As indicated above, in fact, there remains huge unmet demand for housing. So, the plot allocation for grand housing development especially condominium housing projects and the previous housing cooperative efforts did not reflect the ability of urban planning to cope with urban growth and did not contribute for effectively reducing housing backlog.

4.3.4 Speed and predictability of enforcement of restricted land use

3.4.1. Provisions for residential building permits are appropriate, affordable and complied with.

The Ethiopian building code, the provisions of building proclamation no.624/2009 and derived building regulation no.243/2011 are legally binding and enforced by local government to guide and regulate standards, planning, design and requirement of building in general. Parts of Ethiopia are located in an earthquake zone and a code exists to ensure buildings resist maximum predicted earthquake loads. The codes are only used and enforced in buildings developed in the formal system.

As per assessment made based on regulation and practices in local government for processing building permit, the procedures specified for lease agreement, title deed, involvement of adjacent neighbors, reviewing urban plan compliance as well as criteria and time limit for reviewing the design and structure, and fire safety inspection are all technically justified and reasonable.

As per building regulation no.243/2011, article 24, sub-article-2, the planning consent costs birr 300 from urban administration. Plan review is also paid unless the applicable building plan is standard plan prepared by city administration. Furthermore, as per building regulation mentioned above, building plan review fee is affordable and especially low rate for residential houses.

There is a pressing need for more cost efficient alternative materials, as the current cost of construction materials is a high proportion of total construction cost, typically around 70 percent. Building materials are high in price and of a low quality relative to neighboring countries as the material, production and supply is shifted to market based although the government is still active in retailing and some subsidies remain in place. The urban planning regulations and building standard are not affordable for the majority of the poor urban population, which is replicated and modified based on developed countries standard. For instance, the building standard for G+0 and G+1 in Addis Ababa have entailed construction cost of 3,889 and 6,667 USD , which are only affordable for households who earn a monthly income of more than 167 and 222 USD respectively. While, paradoxically in terms of income, 92% of the dwellers earn below 167 USD.

3.4.2 The process for obtaining a building permit for a residential dwelling is short.

In case of efficiency, if all requirements are met, the issuance of building permit is executed within three months, which is well with the practice standard of three months. Yet, due to the defect found on qualifying the preconditions, planning and design scrutiny for complex building, sometimes, the time limit for processing building permit has extended to up to 6 month. Though the normal time period for building permit execution is three months, however, the processing of building permit is pending or rejected with the justification of contravening urban planning or design regulations while the process is executed and approved sometimes after unscrupulous benefit, which provides room for discretionary enforcement of the building permit regulation and creeping of corruption practices. This fact is evidenced by measures taken by firing and demotion of officers in large cities as well as the consistent building permit violations and zoning regulation changes. Moreover, the other factor hindering the efficient processing of building permit is the disagreement of neighbors on building permit, and poor surveillance/monitoring of building progress.

4.3.5 Tenure regularization schemes in urban areas

3.5.1 Formalization of urban residential housing is feasible and affordable.

Pursuant to urban lease holding proclamation no.721/2011, article 6, sub-article 5, through transitional period, starting from the date of coming in to force of this proclamation up to four years, those unauthorized possessions not contravening urban planning and parceling standard are regularized and administered under leasehold system, which implies guarantying tenure security for large section of the population consisting of unauthorized settlements and there by implicates the success of the land administration system.

A directive is developed to guide the formalization and regularization process. The directive has a number of steps to follow that includes identification of informal settlements for regularization as per directives, field survey and adjudication, checking whether the parcel and property on it is not contravening urban planning and sub division standard as per directives, checking if the building on the site meets the minimum standard requirement for building permit, execute lease fee and penalty, and provision of title deed.

However, the requirements of regularization for urban planning and parceling standard are clearly showing disparity treatment as those properties affected significantly by urban planning and parcel standard are liable for demolishing of their properties without compensation and the only privilege they got is the replacement land with restricted parcel size (75m²-common wall or 150m²-single) in case of Addis Ababa. On the other hand, those unauthorized properties not affected by urban planning and parcel standard are privileged in terms of parcel size and landed property as they are not affected till their legal extent is not exceeding 500m². As per the above disparity treatment of unauthorized settlers, speculators have manipulated government regulation to their own advantage as they got somewhat access of the structure plan from the land officers/technicians and adjust the informal built up structure accordingly.

Currently, the penalty imposed for regularizing unauthorized settlement is very high to be afforded by many of informal settlers. In cases of Addis Ababa, for new regularizing plan based on 1994 E.C and 1997 E.C aerial photograph, the penalty for unauthorized occupation is very high, while residence plot, up to 75m², is exempted from penalty. For instance, computing based on Illegal settlers situated in an area with highest land grade (L1_1), if the unauthorized person acquired 360m², she/he will be compelled to pay penalty US \$ 721.5 or birr 14,535, which is very expensive to afford for low income people. On the other hand, if we take squatters settled on low land grade (L3_4) acquiring small parcel size (172 m²) of land illegally lying on the lowest land grade will be forced to pay birr 2,529 or US \$ 126, which is at least on affordable range.

3.5.2 In cities with informal tenure, a viable strategy exists for tenure security, infrastructure and housing.

Urban centers especially Metropolitan, City levels and large towns are embarking on massive systematic regularization ventures in order to curb the illegal settlement problems once and for all as stipulated on urban land management policy and within four years period of enactment of urban lease holding proclamation.

As per urban land management policy of Ethiopia, in order to control the rampant illegal tenure and informal settlement problems in the country once and for all, the policy bestowed the responsibility for the regions to devise systematic regularization contextualized to regional setting. It also stipulates the obligatory implementation of physical regularization complying with urban land use plan and parcel standard before intervening in tenure regularization and legitimize the tenure by the law. The policy also underscores that unauthorized settlements regularized after qualifying urban planning and parceling norms and standard, have to be administered under leasehold tenure. In order to solve illegal settlement problems once and for all, the policy strategize the stringent legal framework and putting in to practice strong enforcement system.

The urban leasehold proclamation also enforces the swift implementation of systematic regularization and conversion of unauthorized settlements to lease holding administration. Accordingly, as per urban leasehold proclamation, the regularization process to be undertaken by the region and city administration in accordance with sub article (4), shall only be effective within four years of the coming in to force of this proclamation.

Currently, though sporadic regularization is the normative prevailed experience in most urban centers, for implementing the aforementioned policies and regulatory frameworks, systematic regularization has been launched in haphazard manner especially for the largest 23 cities based on high resolution aerial photograph. In the prevailing practice of Ethiopia, systematic regularization is conducted based on the acquisition date of aerial photograph unluckily banning squatters proliferated after the acquisition date.

3.5.3 A condominium regime allows effective management and recording of urban property

In order to implement other alternatives of urban land use in addition to plot basis urban land use, the government ratified condominium proclamation no.370/2003. Related to ownership right, subject to the condominium Proclamation article 8, sub article 1-2, a unit owner is entitled to ownership right upon the unit and a unit of a building registered under this proclamation shall be subject of any legal transaction. According to the proclamation, it recognizes the right of ownership to the unit and the possible transaction right of right holders on the unit.

Regarding the common unit, the above proclamation article 9 stipulates that the right to use common element is undivided and attached to the unit ownership and the percentage of undivided interest in the common element shall be part of the unit ownership and any legal act on a unit shall also be effective up on the undivided share of interest. Common includes the roof, staircases, exterior walls and windows, building foundations, infrastructure such as water pipe, and electric cables.

The provision has also bestowed the responsibility for unit owners association pertains to the management of common elements and areas. As per condominium proclamation article 13, the unit owners' association is entitled to adopt or amend the declaration description by laws and rules, approve budgets and amendments there to, determine the condition on the use of common element, lease, subject to security and transfer the common element, determine fines, fees and contributions,

hire, administer and fire employees, own, enter in to contract, to sue or be sued. In addition, the unit owner association elected board of directors responsible for external maintenance of the roofs, use of common areas, pet and livestock restrictions and other above mentioned administrative matters.

As aforementioned on article 13 of the proclamation, the unit owners' association board of director is bestowed with the responsibility of managing common areas such as green areas, parking lots, playfields and so forth but detail provisions related to directives, norms and standards for management of common areas are required for management of common areas in environmentally friendly manner. Though the degree of management varies from one site to the other, the unit owner associations have exercised to manage common facilities and areas by renting common building, developing park and green areas, fencing and patrolling the area as well as ensuring waste management and recycling practices.

On part of the city administration, there is no practice of regular follow up whether the institutions are regularly functioning to administer the common elements and areas in efficient and effective manner as well as there is no scrutiny and monitoring to check whether the designed internal directives by the association are sufficient enough to derive efficient and effective management of the common elements and areas.

4.3.6 Conclusions and key recommendations

- i. In the big towns, there are large scale eviction from old settlement locations. There is a need to redesign policy and strategies that limit large scale eviction problem through exploring other options such as more participatory urban upgrading without damaging the social, economic and environmental fabrics of an area
- ii. It is common to see settlements mushrooming in risk prone locations. It is necessary to develop enforceable regulation to restrict settlements at risk prone areas and develop and implement mitigation measures for those settled in risk prone areas until resettled in non risk prone areas
- iii. There is a big dissatisfaction on the less involvement of affected communities in the compensation computation process and on the level of compensation payment. This situation needs an urgent reconsideration
- iv. Stringent regulation ought to be designed for any zoning modifications to involve primarily the interest of the majority of affected communities rather than endorsing the technocrat based analysis by the process council.
- v. System development to track land use change is essential with all rounded institutional development.
- vi. Proper investigation is essential to harmonize the ability of the poor to pay and the cost of construction of condominiums, and to find out conducive environment to implement low cost housing.
- vii. Measures have to be designed and implemented to make proper implementation of the legal tools enacted. Additional legal tools have to be developed to guide the urban expansion based on land use plans.

- viii. Institutional capacity building is essential to make the system effective and to cope with the increasing demand
- ix. Appropriate study on different alternatives of regularization approach and to enable genuine participation of informal settlers during the regularization process is essential

4.4 Panel four. Public Land Management³³

Table 10. Panel 4, summary of scores

Panel 4. Public Land Management					
Land Governance indicators	Dimensions	Scores			
		A	B	C	D
4.1 Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible	4.1.1 Criteria for public land ownership are clearly defined and assigned to the right level of government				Public land ownership is justified by provision of public goods at the most appropriate level of government but management may be discretionary
	4.1.2 There is a complete recording of public land				Less than 30% of public land is clearly identified on the ground or on maps
	4.1.3 Information on public land is publicly accessible				All the information in the public land inventory is accessible to the public, but information for some types of public land (land used by the military, security services, etc.) is not available for justifiable reasons.
	4.1.4 The management responsibility for different types of public land is unambiguously assigned				There is ambiguity in the assignment of management responsibility or capability for different types of public land and/or major gaps in the extent to which equity and efficiency are often not attained in practice
	4.1.5 Responsible public institutions have sufficient resources for their land management responsibilities				There are significant constraints in the financial and/or human resource capacity but the system makes effective use of limited available resources, with limited impact on managing public lands.
	4.1.6 All essential information on public land allocations to private interests is publicly accessible				Key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation) is only partially recorded but is publicly accessible; or the key information is recorded but only partially accessible
4.2 Justification and time-efficiency of acquisition processes: the state expropriates land only for overall public interest and this is done efficiently	4.2.1 There is minimal transfer of acquired land to private interests.				More than 50% of land acquired in the past 3 years is used for private purposes.
	4.2.2 Acquired land is transferred to destined use in a timely manner				More than 70% of the land that has been acquired in the past 3 years has been transferred to its destined use
	4.2.3 The threat of land acquisition does not lead to pre-emptive action by private parties				Some
4.3 Transparency and fairness of expropriation procedures: expropriation procedures are clear and transparent and fair compensation is paid expeditiously	4.3.1 Compensation is provided for the acquisition of all rights regardless of their recording status				Compensation, in kind or in cash, is paid for some unrecorded rights (such as possession, occupation etc.), however those with other unrecorded rights (which may include grazing, access, gathering forest products etc.) are usually not paid
	4.3.2 Land use change resulting in selective loss of rights there is compensated for				Where people lose rights as a result of land use change outside the acquisition process, compensation is not paid
	4.3.3 Acquired owners are compensated promptly				Between 50% and 70% of acquired land owners receive compensation within one year
	4.3.4 There are independent and accessible avenues for appeal against acquisition.				
	4.3.5 Timely decisions are made regarding complaints about acquisition				

³³ This section is a summary of the background report prepared for panel four. For details refer, Teshome Taffa, 2015. Background Report on Land Governance Assessment Framework Analysis for Public Land Management in Ethiopia, Version 5, unpublished, Addis Abeba, Ethiopia

4.4.1 Identification of public land and clear management

4.1.1 Criteria for public land ownership are clearly defined and assigned to the right level of government.

As it is defined in proclamation 456/2005 (2:14), state holding means "rural land demarcated and those lands to be demarcated in the future at federal or regional state holding; and includes forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers and other lands". In urban areas public lands include those areas that are under the ownership of municipalities. Public lands are managed by public institutions based on the size of the holding and significance of the resources on the holding from the public interest perspective. There are federal and regional institutions that are responsible for the management of public lands. The ministry of environment, forest, and climate change and bureaus at regional level are responsible to manage state forest areas in the country. Ethiopian wildlife conservation authority is assigned for the management of national parks, and other areas identified for the protection of wildlife resources. The big sugarcane plantations are managed by the country's sugar enterprise established for the purpose. There are ministries and regional bureaus established for the management of mining lands and water resources. Urban public land is managed by the ministry of urban development, housing and construction and municipalities at a lower level. However, efficiency of the management of these resources to satisfy the needs of the public is a serious concern.

4.1.2 There is a complete recording of public land

In Ethiopia, in its modern and scientific form, land registration and certification is a recent development. The registration process was started in the early 2000 and most of the smallholder holdings are register in the areas of sedentary agriculture is practiced with the support of rural land registration and certification program. This registration is based on the application of traditional instruments and they are not supported with maps. Currently, there is a significant move to cover the country with multipurpose cadastre. However, the previous registration and certification process in rural areas excluded public lands. In urban areas, systematic property registration is not yet in full function. The law is issued only recently (Proc. No. 818/2014). Therefore, records of public lands is far from completeness.

4.1.3 Information on public land is publicly accessible

In the last three decades attention given in management of public lands is significantly low. As a result, in the rural areas, there are reports indicating serious encroachments by the communities into areas of public lands for the purpose of crop production and grazing. The changes in area of the public lands is not properly registered and documented. The Gambella National Park has, for example, challenged very seriously by an agricultural land investment promoted by the regional and federal governments. The same is true to Yabello Sanctuary, which has challenged by a livestock project, and Bale Mountains National Park, which has suffered from uncoordinated development in nearby its boundaries. The Awash national park is under intense pressure from the surrounding pastoralists and sugar cane plantation. All these and other dynamics are not properly registered and

documented. Information on management of other public lands is not easily available. The situation in management of public lands in urban areas is not very much different from the rural public lands.

4.1.4 The management responsibility for different types of public land is unambiguously assigned

Ambiguity in the assignment of management and responsibility has been observed in the management of national parks, game reserves, sanctuaries. The federal and regional land policies and laws enacted prior to 2008 attempted to address tenure insecurity only for landholders in the settled agricultural areas. Public lands managed by the Federal and regional states are scattered in different agro-ecological zones in most of the regional states in the country. There are conflict of interest between the Federal and regional state on public lands. For example the Simen Mountain National Park is transferred to the federal level management without the consent of the regional state. In all the national parks and designated priority forest areas there are overlapping of interest. Management and development responsibilities of these areas are not clearly separated and established.

4.1.5 Responsible public institutions have sufficient resources for their land management responsibilities

Public lands management and development needs resources like any development activity. In this case, resource is seen to mean both human resources as well as technical and financial resources. Mandated institutions to manage public lands get their budget from the government annual budget allocation, which is not as required. In addition, technical and management capacity constraints are seen as a major hindrance for the Ethiopian government to carry out its land administration and record land rights.

4.1.6 All essential information on public land allocations to private interests is publicly accessible

Information on public land allocation to private interest is not difficult once recorded. In 2012/2013 fiscal year Addis Ababa city was acquired 1,632 ha of land and out of it 1,611 ha was transferred to different stakeholders. Out of the land acquired and transferred in 2011/12, 743 ha of land was used for construction of housing, 480 ha for industry, 73.3 for Micro and Small Enterprises, and 21.7 is set to be transferred by lease based on public auction. All these hectares of land were acquired in the expansion area, by expropriating surrounding farm lands. Further, a total of 314 hectares of land was acquired from within the city center of which 58.37 is used for private investment, such as hotels and company buildings, and 255.63 hectares of land is used for public offices, embassies, and other NGOs.

4.4.2 Justification and time-efficiency of acquisition processes

4.2.1 There is minimal transfer of acquired land to private interests.

The Ethiopian Expropriation Proclamation defines public purpose in its widest meaning as one that gives “direct or indirect” benefit to society, and relates to the “urban structural development” and the country’s general economic and development strategy. These parameters invite for a variety of

limitless projects and activities, which in effect, leave the “public purpose” requirement in a difficult situation. There is no visible limit to the state’s power of expropriating private property, even for private use purposes. The expropriation law may not openly state that land which belongs to individual A can be expropriated for transfer to individual B. But it is perfectly possible to take the land from individual A and transfer it to individual B, provided that the latter would put the land to a better use, such as building a hotel or grow flowers for export or to produce. The present law entertains economic gain as one of the attributes of public purpose. This means expropriations are the only major means of land acquisition by the government for almost all purposes. The land in rural areas under communal use and all properties, which are found within the city centre and the peripheries are at the risk of expropriation. If a new road is constructed in a neighbourhood, for example, the city may demand the land owners either to upgrade their buildings according to the master plan, which most of the time is beyond their ability, or else the land would be transferred to those who can afford. It is common for people in cities to cede their land for the construction of hotels, and for farmers to do the same for the establishment of horticulture farms.

4.2.2 Acquired land is transferred to destined use in a timely manner

In Ethiopia, since the existing land policy forbids land transfer through sale, the only mechanism of land acquisition left for the state and private developers is the use of expropriation procedure. Expropriation is used as a tool to supply land that is required for all economic activities. So destined use here includes both public and private uses. Data on time taken to transfer acquired land to destined use is not readily available. It also varies from place to place. But many practices reveal that expropriated land is mostly transferred to destined use within a period of 3 years. This shall be considered as good practice in Ethiopia. Delays are encountered after land is transferred to developers in developing the land. Delays may be related to lack of infrastructure in the area, shortage of capital and lack of credit facility and speculations on the part of the developers.

4.2.3 The threat of land acquisition does not lead to pre-emptive action by private parties

The federal and regional governments of Ethiopia acquire land through expropriation. In principle, after expropriation Ethiopian government is paying compensations to individuals not for land but for improvements made on land by their labour, skill and capital (For example for buildings, trees, etc.). In the peri-urban areas ‘wise’ farmers plant trees on their farm and build houses on their plots adjacent to the urban boundaries to increase the value of their plot. Many farmers living in the peri-urban areas informally ‘sell’ their land to speculators instead of expecting the ‘low’ government compensation. This is one of the reasons for expansion of informal settlements around urban areas. Therefore, there are some pre-emptive action in the area where expropriation is going to take.

4.4.3 Transparency and fairness of acquisition procedures

4.3.1 Compensation is provided for the acquisition of all rights regardless of their recording status

The practice of compensation payment suffers mainly from the following problems. The first issue is reluctance or refusal to compensate. There are government agencies that refuse to pay compensation

for no apparent reasons. Furthermore, small towns which expropriate land from the nearby farmers are reluctant to pay compensation on the ground of lack of financial capacity. Secondly, in most cases, payments of compensation are protracted and delayed. Especially, rural farmers complained that the compensation was paid a year after they vacated from their land. And the government did not make good as inflation caused them much loss that came as a result of the delay in payment.

Thirdly, unrecorded rights to their land are not eligible for compensation of any kind. This includes both rural land and pastoral land. Under normal circumstances most rural lands and some pastoral lands are registered and certified. Thus most farmers are not victims of this practice. But in peri-urban areas many farmers are informally selling their land to urban speculators. The buyers have no legal rights over the land they bought from farmers. If government expropriate such lands for urban expansion, compensation may not be paid. Actually the government may consider duration of occupancy and other issues to regularize such lands. If such lands and pastoral lands are not endorsed by community leaders and neighbours they are not eligible for compensation. Unregistered rights such as grazing are not compensated.

4.3.2 Land use change resulting in selective loss of rights there is compensated for

Compensation is paid according the Expropriation Proclamation 455/2005 and Compensation Regulation No. 135/2007. Recorded right holders get compensation in accordance the legal framework. However, those rights lost due to change of land use are not compensated.

4.3.3 Acquired owners are compensated promptly

Compensation must be paid in advance (before people moved from their land and houses), and it can be effected either by the woreda/ municipality or by the implementing agency itself (Article 5.2 (13.1) of Expropriation proclamation 455/2005). If the implementing agency is a public body (administrative or enterprise), then, usually, it is the woreda that pays the compensation after the money is transferred to its account. On the other hand, if the implementing agency is a private one, then, mostly, it is this body that pays the compensation directly, but in some regions, the woreda pays once the money is put in its account by the private investor. One discrepancy that is detected is that the requirement of advance payment of compensation is not properly observed.

4.3.4 There are independent and accessible avenues for appeal against acquisition.

If the owner or holder has a grievance on the amount of the compensation, s/he may petition to the administrative “compensation grievance hearing committee” established within the *woreda* or municipality. The Compensation grievance hearing committee, after investigating the matter may either affirm the amount or order re-evaluation of assets. If the person is dissatisfied with the decision of the grievance hearing committee, he may appeal to “regular appellate court or municipal appellate court within 30 days from the date of the decision.” However, expropriated person cannot establish an appeal against acquisition due to an absolute power given to the governments to acquire land as deemed necessary.

4.3.5 Timely decisions are made regarding complaints about acquisition

As explained in 4.3.4, appeal cases cannot be established.

4.4.4 Conclusions and key recommendations

- i. Ethiopian has made considerable progress to improve the availability and accuracy of land information system. The successful first level rural land registration and certification programs as well as the recent land holding registration of urban areas are among such prominent measures. However, public land management in Ethiopia still suffers from lack of proper recording, scarcity and inaccessibility of data. This in turn results to lack of transparency and weak governance in land administration and management. This needs an urgent attention
- ii. Attention should be paid for the management of public lands to generate public goods and services. Strategic commitment for surveying, mapping and registration of public lands and making the information accessible for public use is an urgent matter
- iii. There is a need to work on by the government to clearly define responsibilities between the federal and regional governments on the management and development of public lands
- iv. Transferring public land to private interest is through expropriation. There is no limiting factor that restrict the government power to expropriate public land for private interest. Therefore, it is essential to revise the legal framework and define the term "public purpose" to take land and transfer to private interest.
- v. There are cases where decisions are made in transferring public land to private interest, but the land is kept unused for a long period of time, especially in towns. A regulation has to be developed to improve the speed of transfer of public land to private interest and to its destined use.
- vi. Developing and enacting legal tools is essential to prevent pre-emptive actions by private parties
- vii. There is a need to revisit the current expropriation and compensation law and its corresponding regulation to consider compensation payment when people lose right as a result of expropriation and land use change. Alternatively compensation to secondary rights/unrecorded rights should be addressed through land use plan.
- viii. All rounded institutional capacity building is essential for institutions involved in public land management

4.5 Panel five. Transfer of large tract of land to Private investors³⁴

Table 11. Panel 5, summary of scores

Panel 5. Transfer of Large Tract of Land to Investors					
Land Governance indicators	Dimensions	scores			
		A	B	C	D
5.1: Transfer of public land to private use follows a clear, transparent, and competitive process	5.1.1: Public land transactions are conducted in an open transparent manner				The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is less than 50%. (Except for equity transfers)
	5.1.2: Payments for public leases are collected				Between 70% and 90% of total the agreed payments are collected from private parties on the lease of public lands
	5.1.3: Public land is transacted at market prices unless guided by equity objectives				Only some types of public land are generally divested at market prices in a transparent process irrespective of the investor's status (e.g. domestic or foreign) or the purpose for which the land is assigned
	5.1.4: The public captures benefits arising from changes in permitted land use				Mechanisms to allow the public to capture significant share of the gains from changing land use are not used.
	5.1.5: Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored.				No policy in place to improve access to and productive use of assets by poor and marginalized groups
5.2 Private Investment Strategy	5.2.1: Land to be made available to investors is identified transparently and publicly, in agreement with right holders				A policy to identify land that can be made available to investors exists, based on ad hoc assessment of land potential and limited consultation with communities and is applied in more than 90% of identified cases
	5.2.2 Investments are selected based on economic, socio-cultural and environmental impacts in an open process				Process is in place but many investments go ahead that are either not according to the policy or despite unfavorable outcomes
	5.2.3: Public institutions transferring land to investors are clearly identified and regularly audited				Institutions to make decisions are clearly identified but lack either capacity or incentives in ensuring socially beneficial outcomes or their decisions are not always implemented
	5.2.4: Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (including sub-soil)				No policy is in place but some decisions on land use and land rights are coordinated across sectors
	5.2.5: Compliance with contractual obligations is regularly monitored and remedial action taken if needed				Monitoring of compliance is limited or only part of the results accessible to the public
	5.2.6: Safeguards effectively reduce the risk of negative effects from large scale land-related investments				Safeguards (EIA, SIA, etc.) are partly in line with global best practice
	5.2.7: The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice				Resettlement policy does not exist; if resettlement takes place than it is in an ad-hoc manner
5.3 Policy implementation is effective, consistent and transparent and involves local stakeholders	5.3.1: Investors provide sufficient information to allow rigorous evaluation of proposed investments				Investors' business plans (application materials) require some evidence of technical viability, community consultation, and availability of resources but this is insufficient to effectively identify project risk ex ante
	5.3.2: Approval of investment plans follows a clear process with reasonable timelines				The review process for investment application related documents is not uniform and stable over time; in most cases, investors receive a response within 9 months of date submission
	5.3.3: Right holders and investors negotiate freely and directly with full access to relevant information.				Current users have limited or no rights.
	5.3.4: Contractual provisions regarding benefit sharing are publicly disclosed				Modalities for benefit sharing included in a significant share of relevant contractual arrangements and affected parties are aware of these and of ways to enforce them even though there is limited public disclosure
5.4. Contracts involving public land are public, easily accessible, with agreements monitored	5.4.1 Information on spatial extent and duration of approved concessions is publicly available				Spatial information and temporal information is available to relevant government institutions but not accessible on a routine basis by private parties
	5.4.2: Compliance with safeguards on concessions is monitored and enforced effectively and consistently				There is little third-party monitoring of investors' compliance with safeguards and mechanisms to quickly and effectively ensure adherence are difficult to access for affected communities
	5.4.3: Avenues to deal with non-compliance exist and obtain timely and fair decisions				Third-party monitoring of investors' (and the state's) compliance with contractual provisions is practices in some cases but mechanisms to quickly and effectively reach arbitration in case of problems exist

³⁴ This section is a summary of the background report prepared for panel five. For details refer, Tesfay Ashine, 2015. Background Report on Land Governance Assessment Framework Analysis for Transfer of Large Tract of Land to Investors in Ethiopia, Version 5, unpublished, Addis Abeba, Ethiopia

4.5.1: Transfer of public land to private use follows a clear, transparent, and competitive process

5.1.1: Public land transactions are conducted in an open transparent manner.

Ethiopia promotes national and international investors to engage them in large scale investment in the areas of agricultural, hotels development, manufacturing industries and other investment dimensions. The federal and regional governments acquire and transfer land to investors. Transfer of public land to private use follows a mix of practices mostly selection of investors for a rural investment land is by a committee (composed of different experts which is different from urban) taking in to account predetermined selection criteria. In Amhara region the bureau of environmental protection land administration and use is responsible to screen and select potential investors and present it to the regional cabinet for approval. In all stages of the selection process, minutes are prepared and signed. There are similarities in the process of selection in other regions of the country although there some differences between the institutions handling the responsibility.

In urban areas usually land is transferred by advertising lease tender (proclamation 721/2011 article 11). However, each plot of urban land have a benchmark price which is determined on the basis of objective conditions of each urban center in accordance with regulations issued by the respective regions and city administrations (proclamation 721/2011 article 14). Therefore, during implementation there is a need to make the whole processes of investors' selection more transparent. There are other process, such as allocation to transfer land to investors. Therefore, the approaches for the transfer of land to investors follow different approaches and institutions in urban and rural areas.

5.1.2: Payments for public leases are collected.

Given the investment incentives provided under Article 12/4, Article 16 of the investment proclamation 769/2012 and Article (5) and (6) of regulation 270/2012 investors are obliged to pay the agreed payments (lease prices). Usually, lease payments are collected annually. Investors have to renew their investment permits on annual bases. Unless they pay the annual lease payment, it is not possible to get a renewed permit. However, for various reasons, such as production failure in rain fed production areas, the collection is not as high as expected. In some cases due to inefficient follow-up at lower level of the government institutions the collection could less than expected

5.1.3: Public land is transacted at market prices unless guided by equity objectives

The land valuation system in Ethiopia is not well developed. It suffers from lack of valuation system and lack of well trained professionals. In both the urban and rural land regulations, the valuation of property is carried out by a committee. Public land, an agricultural investment land, is transferred to investors with a predetermined rental payment per hectare, which is very small as compared to other countries. Rental value increases for an agricultural land when the location is near to the capital city, Addis Abeba. Rental value difference between the regional state of the country. Urban land is transferred by government to investors based on advertised lease prices above the predetermined

bench mark prices. This implies that bench mark price of urban land varies from location to location which in turn will vary during tender.

5.1.4: The public captures benefits arising from changes in permitted land use

In the rural landscape, investment in large-scale farms is part of the government effort to shift the agricultural production system from smallholder subsistence production to commercialized production system. The main objective is agricultural modernization and rural transformation leading to food self-sufficiency and economic growth. However, there is no evidence that many of these objectives are attained as it has been contested due to the damage caused by the projects outweighs the benefits.

From the information that is available, however, there appears to be little evidence that Ethiopians living in the areas where investment is taking place have benefited in ways consistent with the government's goal of promoting sustainable development of smallholder farms. Moreover, there is little sign that broader goals, such as employment and infrastructure creation, technology transfer and enhanced foreign currency earnings, have been realized. Therefore, the public is not yet fully enjoying the benefits of the land use changes. Besides, investors are not utilizing the whole land they received at full capacity.

5.1.5: Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored.

Investors include potential asset creation in their project proposals and possible potential benefit from created assets to communities leaving in the investment areas. In most cases, these promise is to convince authorities how important is the project for the communities in the project. However, commonly, promised asset creation remains unrealized. If it is created, it is based on the will of the investor. There is no policy instrument to influence investors to implement asset creation as promised in the project proposals and to create enabling conditions for the communities to access the assets.

4.5.2 Private Investment Strategy

5.2.1: Land to be made available to investors is identified transparently and publicly, in agreement with right holders

In areas where land registration and certification is not finalized the right of the local community can be affected by the land transfer to Investors. The whole exercise of large scale public land transfer to investors may contradict the equity principle and affects the poor. It appears that in many cases pastureland, grassland, woodlands and waterways that is used by local communities but not actively and regularly cultivated or occupied, are considered to be unused and made available to investors.

It is reported that in Oromiya and Gambella, investment projects have enclosed land and water sources and are posing a threat to local communities who fear that they will be denied access to the

rivers on which they depend for fishing and household water. In addition, there is a report that local communities have been denied access to the woods where they obtained firewood, grass for roof thatching, and wild food collection during times of food scarcity.

As has happened in regional states (eg. Amhara region) investment lands are identified and mapped and investors are provided with the lease agreement including of the map and coordinates of the investment land. Therefore, identification of investment land before transfer of the same is rooted in each regional land laws and the federal regulation on administration of investment land

Reports indicate that there has been lack of inter-agency consultation in decision-making. Although, at the federal level MoA makes all the decisions, key agencies such as, the Ethiopian Wildlife Conservation Authority (EWCA) was not aware of the decision to transfer thousands of hectares of lands in the middle of the Gambella National Park to investors until environmental and conservation groups raised the apprehension and took the matter to the authorities concerned. Besides, there has been limitation in consulting the local communities. This dictates that there have been gaps in consulting the local community in the transfer of public land to investors. In rural areas where registration and certification is implemented and in urban areas, compensation is paid for the right holders though the level of payment is not appreciated by the right holders.

5.2.2 Investments are selected based on economic, socio-cultural and environmental impacts in an open process.

Ethiopia issued investment proclamation No.769/2012 with a view of, accelerating the economic development of the country by encouraging and expanding investment, increasing the inflow of capital and speed up the transfer of technology into the country. With regard to areas of investment, the proclamation No.769/2012 categorizes those exclusively reserved to government, allowed for foreign investors and those reserved to domestic investors. Pursuant to investment proclamation, the council of ministers issued regulation on investment incentives and investment areas reserved for domestic investors. The country has environmental policies and laws, such as environmental impact assessment proclamation, solid waste management proclamation, biosafety proclamation, that demand investors to come up with environmental impact assessment document that shows how to minimize negative impacts and potential positive benefits. However, in most cases, the potential economic gains are prioritized and less attention is given to negative impacts that can occur on socio-cultural and on the environment.

5.2.3: Public institutions transferring land to investors are clearly identified and regularly audited

It should be noted that based on regulation 283/2013 the Ministry of agriculture has established an Agricultural Investment Land administration Agency, which is in charge of administering the allocation of land above 5,000 hectares for investment purposes. The responsibilities given to the agency may bring about changes in the future provided that it works at full capacity.

The agricultural investment land regulation 283/2013 declares that the Agency is responsible to administer investment land for which it gets delegation from the regional states. In addition, at both

federal and regional levels, there are investment Agencies responsible for the registration and promotion of investment. The Regional states have also the jurisdiction to transfer investment land to investors. However, the institutional responsibility in transferring investment land and signing contract varies from region to region. In urban areas, transferring public land to investors is managed by municipalities and city administration.

5.2.4: Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (including sub-soil).

Under its program of large-scale land investments, the Ethiopian government has leased out tracts of land to foreign as well as domestic investors and plans to lease out more. The investment program is part of the government's overall plan for export promotion or raw materials production for domestic industries. There is a strong emphasis on attracting foreign investors into the agricultural sector by providing a favorable investment climate and offering financial incentives. The Ministry of Mines has the power to grant mining license and allocate mining areas to investors. Municipalities and city administration acquire land and release it to private investors. However, there is no policy and legal instrument to influence these institutions to share information.

5.2.5: Compliance with contractual obligations is regularly monitored and remedial action taken if needed.

Usually, the compliance of investors with contractual obligations is not regularly monitored and remedial actions are not taken. This responsibility of monitoring compliance lies on those institution which are signatories of the lease agreement. Likewise at the federal level the investment land administration is lead institution for large scale investment in the rural areas. In addition there are responsibilities for regional institutions to monitor compliance. In urban areas, municipalities and city administration are responsible to follow up compliance of investors. To be able to monitor compliance of investors with contractual obligations, the capacity of both regional and Federal institutions including municipalities and city administration must be strengthened. Hence, the technical, financial and proper staffing gaps need to be filled. To enforce the contract, baseline data must be collected for every investment land.

5.2.6: Safeguards effectively reduce the risk of negative effects from large scale land-related investments.

The federal conservation strategy of Ethiopia has aims to ensure that the disadvantaged stakeholders, especially local communities and women at all levels of society are fully involved in the development, management and use of the natural, man-made and cultural resources and the environment and thus social, cultural and economic sustainability is achieved. Accordingly, investment contracts usually take into account environmental concerns to be respected by the investor. However, sometimes due to lack of inter-agency consultation in decision-making, there are reported impacts on national parks where agricultural investment is permitted to happen inside the boundary of national parks as the case is in Gambella national park and Nechisar national park. Besides, there has been limitation in consulting the local communities.

There is lack of effective safeguards to reduce the potential negative impacts of large scale transfer of public land to investors. A recent report of the federal investment land administration agency shows that out of the 85 agricultural investment projects which took agreement with the Agency for 534,280.87 hectare of investment land; 28 (33%) projects have EIA (Environmental Impact Assessment) document, 15 (17%) projects are preparing EIA document and 42 (50%) projects have no EIA yet.

Those safeguards which are applied partly in ad hoc manner are usually about respecting what is included in the approved EIA reports. Therefore, compliance with environmental impact assessment reports and mitigation measures entails the safeguards to be respected.

5.2.7: The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice.

Resettlement practiced in many countries for different reasons. Ethiopia has exercised resettlement programs for many years. The resettlement is in some case conducted by the resettlors themselves or motivated by government. Due to the need to deal with food insecurity in some highland areas of the country, the Government of Ethiopia and its development partners created a new coalition for food security in June 2003. The was a working document prepared for the resettlement program. It is called “voluntary resettlement program (access to improved land). The program rests on four pillars;

- The first is the principle of voluntarism which entails that settlers will migrate voluntary, they can return to their home areas if they change their minds, and they have a use right for their land in the home area for three years.
- The second pillar is the availability of underutilized land. The regional governments must identify and have enough land available before the program starts.
- The third pillar is the consultation with the host communities. The host community must agree to receive settlers in their areas.
- The fourth pillar is proper preparation. This means that a minimum of infrastructure must be in place before moving people (New Coalition for Food Security in Ethiopia 2003).

The resettlement program has been continued from 2003 to 2005. In some regions there has been cases where resettlement has been implemented until recently. However, currently, resettlement is not taking place many parts of the country.

Where foreign and local investors have acquired extensive land in Benishangul Gumuz and Gambella regions, resettlement program has been launched to relocate communities away from their previous home areas. Both the Regions and the federal government justify the relocation on the grounds that this will enable local authorities to provide essential services such as education, health, clean water, etc. Conversely, interviews held with local farmers in Gambella shows that the relocation is done for investors to provide them access to land and other resources.

4.5.3 Policy implementation is effective, consistent and transparent and involves local stakeholders

5.3.1: Investors provide sufficient information to allow rigorous evaluation of proposed investments.

Before transfer of public land to investors, investors are required to qualify for an investment permit. To qualify for an investment permit an investor should submit personal and legal document and project proposal. In many cases investors provide a project document prepared by consultants and experts. Although, there are project documents which seem copies of previous documents, usually investors' interests are included in the project document. However, still investors' business plans require some evidence of technical viability and community consultation which do not deeply identify project risk forecasts. Likewise, after the project document is selected for implementation, it often becomes apparent that short-term profit seekers are more likely to take advantage of weak governance and tend to be less concerned about the adverse impact of their actions. In general, since there is a trend to encourage more investment in both rural and urban setting, scrutiny on project proposal is less rigorous.

5.3.2: Approval of investment plans follows a clear process with reasonable timelines.

The land banking system, for agricultural investment is managed by the Agricultural Investment Land Administration Agency, an agency under the Ministry of Agriculture. The role of the Agency is to create a more coherent investment system than previously existed; to put together information and attract investors; to provide technical support, such as use of GIS, surveying and mapping, capacities that regional governments generally do not have; to streamline the investment process; to assess the capacity of investors; and to carry out auditing and monitoring of investments.

The land investment process entails first submitting an application to the Ethiopian Investment Agency, detailing the proposed project, the capital to be invested, employment creation, marketing plans, and utility and raw material requirements. The investor then receives investment license. After the license, a land use agreement is then developed with the Agricultural Investment Land Administration Agency. The process of developing a land use agreement is as follows: the investor puts together a business plan; the Agency investigates the capacity of the investor, including technical competency and financial capacity; land is identified from the land bank; a feasibility study is carried out; and finally, a land lease agreement is signed. The land use agreement specifies terms and conditions, such as the need to carry out an environmental impact assessment within three months of signing the land use agreement, the land rent, and any requirements to develop land within a certain period, as well as arrangements for termination of the agreement. However, land allocation is seen by many critics as too rapid, without adequate capacity for assessment and monitoring of investments, and biased towards foreign investors.

5.3.3: Right holders and investors negotiate freely and directly with full access to relevant information.

As per the land law it is apparent that landholders have the right to rent out their land if they are registered and certified. Accordingly, those small holder farmers are renting out their land to those who are able to rent in either in the form of share cropping or money. However, since the size of

landholding in the areas of sedentary agriculture are very small, it is not a point of discussion for the purpose of this analysis, which is transferring large tract of land to investors.

Ethiopia is implementing the land expropriation and compensation laws before transferring any land to private investors. Therefore, if a certain piece of land is required for the purpose of benefiting the public, any land can be expropriated. Usually large scale agricultural investment lands are found in the lowlands where smallholder farmers are not using the land rather it is occupied by communal owners. Communal owners in these areas are not registered and are not certified to be eligible for compensation as per the law. Both in rural and urban areas, the government acquire the land before it is transferred to investors. Therefore, there is no possibility for the land users to negotiate with any investors that need large tract of land.

5.3.4: Contractual provisions regarding benefit sharing are publicly disclosed

Ensuring social and financial sustainability requires the sharing of benefits arising from investments among all stakeholders. Such benefit sharing is usually decided by the investor, who benefits from arrangements that improve its relationship with local communities. Benefit-sharing arrangements that maximize social development, however, are best when decided jointly by local communities, investors, and local governments. These arrangements should include enforceable provisions for including communities in decisions surrounding local development, and for including infrastructure and other benefits in the development plans of local governments. Ideally, partnerships between local communities, governments and investors should agree on an optimally balanced sharing of benefits that is acceptable by all.

In Ethiopia in many cases investors include the elements of benefit sharing in their proposal. Because they know that their project document will be selected by doing so. Knowing the low level of compliance monitoring, usually the investors do not keep their promises. On the side of the government there is no clear enforcement mechanisms on promised benefit sharing by investors.

4.5.4. Contracts involving public land are public, easily accessible and with agreements monitored

5.4.1 Information on spatial extent and duration of approved concessions is publicly available

Availability of well organized information about on-going and concluded projects to the public is a prerequisite for checking of the extent to which investors comply with their obligations and taking measures to encourage compliance and avoiding transaction costs or risks incurred by investors who have to check whether a given plot has already been requested by or transferred to another party.

On the agricultural investment side, as indicated under Article 6 (6) of regulation 283/2013, the investment land administration agency is responsible to “collect data on lands transferred to investors and lands under investment and create agricultural investment land information system easily accessible to beneficiaries”. It is expected also from municipalities and city administration to record and document public lands transferred to private investors. However, due to the fact that there is lack of well organized public information, accessibility is a challenge

5.4.2: Compliance with safeguards on concessions is monitored and enforced effectively and consistently

The potential of using local land use plans for environmental purposes is best illustrated in some countries where states have embarked on a significant effort with support by major multilateral institutions, to establish such plans as a tool to mainstream environmental issues and ensure that large land holders comply with broader environmental obligations. Methods for enforcement and sanctions for non-compliance should be specified.

Usually, the compliance of investors with contractual obligations is not regularly monitored (third party monitoring is not yet put in place) and remedial actions are not taken. To this end the government has been temporarily suspending consideration of new land allocations for agricultural investment. It did so because of concerns that many project developers were too slow in undertaking land development activities. Compliance with safeguards in urban areas is a challenge too. In urban areas, if the developer is not putting the land for intended purpose in a given time period, municipalities and city administration take back the land and put it in the urban land bank system.

5.4.3: Avenues to deal with non-compliance exist and obtain timely and fair decisions.

It is an advantage to specify methods for enforcement and sanctions for non-compliance. Accordingly, the investment land administration Agency establishment regulation 283/2013 under Article 6 (5) gives responsibility to the agency to “monitor and ensure that investors to whom agricultural investment land is transferred are implementing the business plans they have submitted”. Besides, contract agreements disclose the rights and responsibilities of both the investor and government. However, it lacks monitoring (including third party monitoring) and enforcement of the same.

4.5.5 Conclusion and key recommendations

- i. Ethiopia is using its land without having a comprehensive national land use policy and guideline for land use planning. A harmonized and comprehensive national land policy, land use policy and guideline is required urgently.
- ii. Large scale investment projects need closer follow up to check compliance with lease agreements and whether the projects receive proper services from the public institutions that are mandated for the purpose. The government should enhance the capacity of concerned institutions at all levels to enable them to conduct monitoring and oversight and enforce project obligations effectively.
- iii. The differences in institutional responsibility across regions shall be reasonably reviewed in such a way that flow of information and uniformity of implementation standards can be attained. The institutional efficiency need to be enhanced through comprehensive analysis of pros and cons of the existing institutional arrangement. Apparently, the investment land administration system need to be integrated with the general land administration and use system of the country as in reality the principle of land administration is similar for all lands.

- iv. The investment land information system need to be implemented as stipulated in the investment land administration regulation. However, the information system shall be compatible with the general land administration information system, as for instance in Amhara region; ISLA captures all forms of landholding including state land. When a state land is leased out it will be recorded accordingly.
- v. The quality of investment land administration in terms of policy implementation and progress of planned activities should be regularly monitored, selection of investors need to be an even transparent for the betterment of the investment sphere. Land use regulation in the country is loose and should be considered as a tool to enhance optimized utilization of investment land. Therefore, land use policy development is an urgent matter.
- vi. Investment projects should be given the go-ahead only after full consultation with local communities. The government should be accountable to communities and should involve them at all stages of the decision-making process.
- vii. Contracts should contain clear, specific and enforceable clauses to protect the environment, wildlife, biodiversity, and water sources. The use of agro-chemicals must be closely regulated to prevent damage to the soil and to surface and subsurface water Systems from toxic waste.
- viii. There must be an enforceable benefit-sharing scheme instead of simply leasing out the land so that communities stand to gain from the investment projects. This could be a profit-sharing scheme as is being tried in some African countries with large scale extractive projects (mining, petroleum, etc).
- ix. Contracts should stipulate investors' obligations with regard to social investments in the communities concerned (e.g. schools, health centers, and clean water). Social investments should address community needs, based on consultation with them.
- x. A team of experts and community members should carry out monitoring and supervision to ensure that investors are honoring their obligations.
- xi. Government shall clearly define the scope of "public purpose" to avoid ambiguities while interpreting and implement any transfer of land to investors.
- xii. It is important to minimize investments that cause involuntary displacement and, where such displacement is absolutely unavoidable, it is essential to ensure that adequate compensation is paid in time
- xiii. To ensure greater land tenure security, it will be necessary to assess whether laws requiring compensation for expropriated land are being adequately implemented. If appropriate, changes in law and policy should be considered.
- xiv. It is critical for the legal and policy framework for large scale land deals to specifically address and protect the land and water rights of pastoralists. This is especially so in countries and regions where a significant number of people are dependent on grazing lands for their livelihood.
- xv. It would be useful for the state and other stakeholders to determine whether the country's laws requiring environmental impact assessments are being followed by investors properly monitored

4.6 Panel six: Public Provision of Land Information: Registry and Cadastre³⁵

Table 12. Panel 6, summary of scores

Panel 6. Public Provision of Land Information: Registry and Cadaster					
Land Governance indicators	Dimensions	scores			
		A	B	C	D
6.1 Mechanisms for recognition of rights	6.1.1 Land possession by the poor can be formalized in line with local norms in an efficient and transparent process				There is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently
	6.1.2 Non-documentary evidence is effectively used to help establish rights				Non-documentary forms of evidence allow full recognition of claims to property when other forms of evidence are not available
	6.1.3 Long-term unchallenged possession is formally recognized.				Legislation exists to formally recognize long-term, unchallenged possession but applies only to one specific type of land (e.g. either public land or private land)
	6.1.4 First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.				On-demand recording of rights includes proper safeguards to prevent abuse and costs do not exceed 0.5% of the property value
6.2 Completeness of the land registry	6.2.1 Total cost of recording a property transfer is low.				The total cost for recording a property transfer is less than 1% of the property value (time and effort costs, informal and official fees etc.)
	6.2.2 Information held in records is linked to maps that reflect current reality.				Less than 50% of records for privately held land recorded in the registry are readily identifiable in maps (spatial records)
	6.2.3 All relevant private encumbrances are recorded				Relevant private encumbrances are recorded but this is not done in a consistent and reliable manner
	6.2.4 All relevant public restrictions or charges are recorded.				Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner
	6.2.5 There is a timely response to requests for accessing registry records				It generally takes more than 1 week after request to produce a copy or extract of documents recording rights in property
	6.2.6 The registry is searchable				The records in the registry can be searched by both right holder name and parcel
	6.2.7 Land information records are easily accessed				Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any
6.3 Reliability: Registry information is updated and sufficient to make meaningful inferences on ownership	6.3.1 Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost				Few or none of the relevant links exist
	6.3.2 Registry information is up-to-date and reflects ground reality				Less than 50% of the ownership information in the registry/cadaster is up-to-date and reflects ground reality
6.4 Cost-effectiveness and sustainability: land administration services are provided in cost-effective ways that are sustainable in the long term.	6.4.1 The registry is financially sustainable through fee collection to finance its operations				The total fees collected by the registry are less than 50% of the total registry operating costs
	6.4.2 Investment in land administration is sufficient to cope with demand for high quality services				There is little or no investment in capital in the system to record rights in land
6.5 Fees are determined transparently to cover the cost of service provision	6.5.1 Fees have a clear rationale, their schedule is public, and all payments are accounted for				A clear rationale and schedule of fees for different services is not publicly accessible, but receipts are issued for all transactions
	6.5.2 Informal payments are discouraged.				Mechanisms to detect and deal with illegal staff behavior are largely non-existent
	6.5.3 Service standards are published and regularly monitored				Service standards have been established, but have not been published and there is little attempt to monitor performance against the standards

³⁵ This section is a summary of the background report prepared for panel six. For details refer, Gebeyehu Belay (PhD), 2015. Background Report on Land Governance Assessment Framework Analysis for Public Provision of Land Information: Registry and Cadastre in Ethiopia, Version 5, unpublished, Addis Ababa, Ethiopia

4.6.1 Mechanisms for recognition of rights

6.1.1 Land possession by the poor can be formalized in line with local norms in an efficient and transparent process

The land rights in the four major regional states of Ethiopia said to be formalized after first registration and issuance of primary book of holdings. The current holding rights of land holders in four major regional states came from informal rights. During the derg era land used to be redistributed by local leaders (kebele administration). Therefore kebele administrators and the local community have knowledge about who had the informal right on which land. In addition to this farmers were obliged to pay land use taxes and the tax receipts were considered as supportive document to prove informal land holding rights.

The process of the recognition of informal rights in four major regional states has a number of steps and procedures that includes provision of repeated information on the importance of formalized rights to elders and land holders, election of land administration committee to lead the formalization process and future administrative activities, application by the landholders to get formal right, approval of the application by the committee, filling the field form all the details, and public hearing as a final confirmation. Following the approval with public hearings temporary certificates will be given by the Woreda (district) land offices for about one year. During this period all claims are expected to be settled. The primary books of holdings will be given after the adjudication process is completed and the claims are then said to be formalized after this period. However, possessions on public lands such as in national parks, forest areas etc cannot be formalized.

The land holding types in pastoralist and semi pastoralist areas are different from that of the system in four major regions. Informal rights in pastoralist areas are mainly group rights. Traditionally many of the clans in the pastoralist areas have a vaguely defined boundary where they have a traditional right to graze. The right is said to be vague because the members of the clan are not clearly defined and also the boundary of the land they can claim grazing right is also not definite. Land administration and use laws are enacted by the regions that have pastoralist and semi pastoralist dominant life style. But the conversion of informal rights to formal property rights is not yet implemented.

The four main regional states have efficient and transparent land administration process. On contrary to this the process on the remaining developing regional states can be said at its early stage. Urban land administration process that is the responsibility of municipalities is mainly using lease law and it has its own formalization and regularization process.

6.1.2 Non-documentary evidence is effectively used to help establish rights

Small scale farmers' rights on their land, before first level book of holdings are issued to them, had no documentary evidences to prove. The only evidence that can be presented by the land holders were tax receipts. The tax receipts were assumed as the proof for the use of the land for the particular taxation period. The participatory way of working accepted by the four major regions is a step by

step approach including public hearings, adjudication of rights, land surveying (mapping), registration and issuance of primary and secondary book of holdings. The process is deployed to convert none documentary evidences to legal land holding rights. The evidences collected and approved by consecutive public hearing activities are converted to legal rights after approval by public authorities. Local recognition or neighbors' recognition of each other's holdings is also important proof that courts or administrative authorities accept as evidence. Participatory methods and the way public hearings can be implemented to pastoralist areas should be the point of attention in the coming future.

Landholders are involved in the land administration processes from the very beginning to the end. Public hearings with landholders are carried out as final collective approval meetings. Land administration committees, that are elected members of the landholders in the Kebele, participate at all stages of the land administration process.

Customary land disputes arbitration committee is playing a significant role in reducing conflicts to be submitted to the courts. The committee is a bridge between the formal and customary (informal) system. All decisions taken under customary rules were acknowledged by the formal system as long as the case is not of criminal nature and decision will be used as evidence to assure holding rights. However this practice is only limited to four major national regional states and have to be expanded to the remaining regional states.

Communal holdings in the area of sedentary agriculture are rural lands that are not under the ownership of the government or of any private holding, but used by the local people in common for grazing, forestry and other social services. In most cases, communal holdings are governed by traditional rules and by-laws. According to the regulation the local society is entitled to establish by-laws based on local circumstances. The decisions based on these local rules are legally valid and are important evidence for communal holding right unless or until they are in contradiction with established formal law.

6.1.3 Long-term unchallenged possession is formally recognized.

The land holding system in Ethiopia do not include land ownership right. The recognition of long-term unchallenged possession is not connected to holding right on land. Land laws in Ethiopia are silent about the formal recognition of long-term unchallenged possessions. However the 1960 civil code put the limit for long term unchallenged possession to a maximum of ten years. The ruling of the Supreme Court on the legal status of unchallenged long time possession is based on this argument. According to the ruling of the Supreme Court (rulings of a supreme court are legal provisions according to Ethiopian law) long-term unchallenged possession for more than ten years is accepted on private landholdings.

Long term possessions without proper legal documents exists both in rural and urban settings of Ethiopia. The long term possessions can be possessions that have no legal evidence or can be possessions occupied illegally. Settlers who cannot prove their holding rights by presenting legal site plans and parcel maps but who can show evidences of occupancy such us tax receipts, telephone and

electricity connection fees are mostly considered as traditional holdings. These holding types are not illegal but have no proper evidence for their holding rights. The traditional land holding rights are expected to be converted to formal holding right after passing through legal processes and checks and therefore they are not subject to eviction.

6.1.4 First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.

The first time systematic adjudication and issuance of first level certification is free of charge for the land holder and had all the legal protection to land holders. The book of holding is legally accepted as a proof of holding right in front of courts. The book of holding can be revoked and challenged only if evidence can be presented that the document was issued by using wrong data and corrupted practice.

The precision level of parcel identification and mapping has a strong influence on the costs of land rights formalization. The costs of formalization increase exponentially with precision level. It is not obvious that a high precision level of second level certification program in Ethiopia is worth the additional cost. The low-cost and participatory approach using neighbours as witnesses in the first Stage registration in Ethiopia was enough to bring about tenure security.

4.6.2 Completeness of the land registry

6.2.1 Total cost of recording a property transfer is low.

The cost of registration and certification for first stage land registration and certification in Ethiopia was estimated to be about 1USD per farm plot or 3.5USD per household. Property transfer is the activity limited to Amhara regional state rural land administration system and hence the discussion on total cost of recording a property transfer is on limited significance. Though land transactions and transfers like inheritance and gift are also legal in other regions activities on demand are not registered and no cost is associated for the activity. Cost described here are establishment costs for property formation. The total cost for recording property transfer includes overhead costs, material costs and running costs. The estimated average cost for first time surveying, per parcel for remote sensing tools is \$8 and \$10 for orthophotos and HRSI respectively. The cost for giving the demanded cadastral services is not determined yet in Ethiopia. There is no data or information about the cost of transfer of property rights in urban areas. In the rural areas, adjudication cost is reduced as a result of participatory way of working and the active participation of committee members free of charge. The committee members contributed in fast and easy approval for application for getting first level books of holdings.

6.2.2 Information held in records is linked to maps that reflect current reality.

Information held in records is linked to maps only to main cities and trial and pilot project sites in the rural lands of which the total area is not known. Some of the examples of pilot projects and trials

conducted in Ethiopia are: Gerado and Adisna gulit pilot projects in the Amhara region supported by SIDA (Swedish International development Agency), ELTAP and ELAP land tenure pilot projects supported by USAID and conducted in selected districts of Amhara, Oromia, Tigray and SNNP regional states focusing on the use of hand held GPS for cadastral purposes, The World bank and FINIDA supported pilot projects conducted in selected districts in four regional states focusing on the use of remote sensing tools for cadastral purposes. Since cadastral mapping is a very recent phenomenon it is too early to discuss about the problems related to updating. The good thing is the system development and piloting is well aware of the importance of updating. The old cadasters built in big cities like addis Abeba had no built in system for updating and therefore the maps are not capable of reflecting the current reality. Due to lack of studies and evaluation documents it is difficult to comment the level of the problems related to the ability to reflect the current situation in the urban cadaster.

6.2.3 All relevant private encumbrances are recorded.

Encumbrances on holding rights in Ethiopia can emanate from both individual rights and public regulation. The main encumbrances emanating from individual rights are servitudes and easements. Land laws in Ethiopia allow the landholder the right to use other holders' land, if he has no other possibility to access the public infrastructure, e.g. roads. Another case to use others' land is to pass runoff water, if the contour and drainage pattern forces him to do so. This is the encumbering right for the servant property. The encumbrances locally called obligations are stated on laws but not commonly recorded on registers. The rights and obligations of the holder described in Ethiopian federal and regional land laws are similar to the right of way and easements in other countries.

There is no provision or practice in Ethiopian land laws, where a land holder has any right on the users of his property. He only has the right to rent his land. The maximum legally permitted period for a rental agreement between the landholder and the tenant in a single term is 25 years in Amhara region. Other regions have different rent durations. The right for sublease of land is dependent on the prior contract agreement. The landholder has to be notified, when the tenant is subleasing the rented holding with the possibility to cancel the contract, if he is against the subleasing. The obligation to give notice before cancelling contracts and the tenant protection laws are encumbrances on the land holders.

Detailed land-use plans that entail encumbrances are missing in rural Ethiopia. The master plans that can be considered as detailed land use plans are operational only on few large cities in Ethiopia. The state is entitled to take land for public purposes from land holders by paying compensation in advance. The eminent domain of the state is an encumbrance on land holders. In the urban land administration system, mortgages are registered as encumbrance.

6.2.4 All relevant public restrictions or charges are recorded.

Public restrictions or charges are not commonly recorded in Ethiopia. There are no records of charges except rental contracts and mortgage agreements for leased state holdings with investors in Ethiopia. The introduction of land administration system in Ethiopia contributed to an increased

involvement of landholders in land rental market. The significance of rental market for the landholders is very high. The rental income share for the landholders increased from 30% up to 50% in the past ten years. The rented holdings normally are used for crop cultivation. Some exceptions are rental agreements in peri-urban areas. Parcels in peri-urban areas are rented for house construction and for eucalyptus plantations. The involvement of landholders in the rental market before the introduction of land administration system for example in ANRS was only about 5%. Some studies found that land certification has enhanced tenure security and the willingness to rent out land and amounts of land rented out among potential landlord households in Tigray region, and especially for female-headed households.

Investors who have land lease agreement with the state can take loan from banks by using their lease agreements as collateral. The land administration offices that are responsible for managing lease contracts on behalf of the state are also responsible to register the loan agreements with banks. The land administration offices will write confirmation letters to the concerned banks. Basically the letter is stating that the banks will be notified about any forthcoming transactions on a leased land so that they can take appropriate measures.

6.2.5 There is a timely response to requests for accessing registry records.

Records are manual and limitations related to access are related to the ease for searching paper files. The filing system and filing facilities are generally poor and can even cause loss of valuable documents. The other bottleneck for getting copies or extracts of documents is the location to which they are stored. The closest office for small scale farmers to get official documents is at District (woreda) land administration offices. The distance from kebeles to the woreda offices is in most cases long enough to demand days of travel time. Kebele offices are established in some regional states such as Amhara to serve as a front office. The front offices are planned to collect applications and ask users to fill the relevant forms at Kebele level. The kebele land administration officer then will take the issue to relevant woreda officer every week and present the result for applicants. The planned arrangement is expected to improve the service to land holders. The registry in urban land administration system is not to the level expected in terms of modernity.

6.2.6 The registry is searchable.

The registry in Ethiopia in general is mainly manual. The manual system is inherently not suitable for searching. But searching of documents in the registry can be facilitated by creating suitable design. The layout of the registry books in Ethiopia includes both unique parcel identifier and the full names of the land holders. The unique parcel identifier is hierarchically organized. The region, Zone, Woreda, kebele, holding and parcels are represented in the unique identifier. The unique parcel identifiers are available on both the book of holding and on land registers. The availability of systematic parcel identifier can be identified as a tool to make data in the manual registers searchable. The search in the manual system can also be conducted by the names of the land holders and the bordering land holders. The records in the manual system can be searched by both the right holder name and parcel unique number.

Computerization is introduced only in Amhara national regional state. The computerized system developed in Amhara national regional state is called Information System for Land Administration (ISLA). The development of computerized land registration system to serve the whole country is under development by the federal ministry of agriculture with technical and financial support from the Finland government. The computerized systems under development will facilitate searching land related records both by right holder name and unique parcel identifier. Unique parcel identifiers in the urban land administration are a bit different. However, the unique parcel identifiers are available on both the book of holding and on land registers.

6.2.7 Land information records are easily accessed.

There is little capacity for the dissemination of information to the public about the various land administration reform programs, their objectives, and ways that they will impact local resource use. Insufficient effort has been undertaken by either regional or national authorities to inform the public about the land administration reform exercises currently underway. Programs should be developed to inform the public of the certification programs well in advance of the field exercise. Sensitization of the public to the issues of land rights and implications for the certification programs is critical to the acceptance and ultimate success of the programs. Land administration information can be accessed through public awareness campaigns. Private land records are accessible on demand basis. The requirement to get permission to access land records is to prove the interest on the record and get permission from registrars. Copies of land records can be requested. However, there is no law to govern how to get copies of land administration documents and who will cover the costs.

4.6.3 Reliability

6.3.1 Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost

The world best experience showed greater benefits from synchronized public registers. In many of the instances the base for public information is the land register. The register and cadastral offices generate process and disseminate land information to the users. Historically land registration and cadastral offices are organized in separate places. The unitary land administration offices organized to serve both land registration and cadaster are the once that can better serve the synchronization of public registers. The land information offices can contribute for example by the use of unique parcel and building identifiers that can serve as a basis for other public services too. The synchronization can better facilitate when land registers are computerized. Land registers and cadastral information in Ethiopia are not computerized yet. There is nearly no online public service and public registers in Ethiopia that are synchronized. Some efforts are reported from land offices to informally share the land register data for tax and revenue purposes. This cooperation is also confined to some jurisdictions and on ad hoc basis.

6.3.2 Registry information is up-to-date and reflects ground reality.

Updating is the tool for making ownership information in the registry/cadaster up-to-date and reflects ground reality. In the rural land administration, updating of records is exercised only in ANRS rural land administration. The Ethiopian first level rural land registration has been increasingly deteriorating over the past decade or so. There have been no exhaustive or in-depth studies on the subject or steps that could be taken to redress the root causes, particularly those available within the existing legislative framework. There have been increasing concerns expressed by commentators regarding the erosion of the accuracy and reliability of the land record database that was created during the “1st Level Certification” and therefore the increasing degradation of the massive land registers created in Amhara, Oromiya, Southern, Nations and People’s (SNNP) regional states. In a study that covered Amhara, Oromiya, SNNP and Tigray regional states new certificates were issued in about 60% of the sample kebeles (i.e. from the total sample kebeles of 115) where cases of inheritance were reported and the records were updated in only about a quarter of the cases. The lack of clear procedures, deficiencies in the various registry formats to accommodate transactions and the lack of awareness on the part of the land users are often cited as key reasons for permanent land use right transactions not being officially reported and updated.

4.6.4 Cost-effectiveness and sustainability

6.4.1 The registry is financially sustainable through fee collection to finance its operations.

The first registration and associated costs for issuance of second level certification in Ethiopia is free of charge. Service charges and fees will be collected only during updating and transaction of land records. Irrespective of some variation in the way of working across regions, the broad-scale First Stage land registration and adjudication of rights is without fees. Updating and recording land transactions are limited to Amhara region. At this stage it is difficult to say that land registration system in Ethiopia is financially sustainable through fee collection from system users to finance its operation. The users showed their willingness to cover the costs for land administration system. Multipurpose cadaster can in the future also attract many users and generate income through sell of maps of different kind. The methodology on cost recovery principle can be adopted for all regional states in Ethiopia. Municipalities and city administration fee collection is not enough to run the business by itself. Annual budget allocation from government is the working modality at the moment.

6.4.2 Investment in land administration is sufficient to cope with demand for high quality services.

The First Stage land registration and certification in Ethiopia is implemented almost without any outside assistance. International researchers have been involved in evaluating the impacts of the First Stage reform in Tigray. The cost for evaluation is covered by international funding organizations. SIDA has provided support for high quality registration and certification in selected areas (East Gojjam and South Wollo) in the Amhara region. USAID has provided support among others for piloting Second Stage certification in selected districts in the four regions Tigray, Amhara, Oromia and SNNP through the Strengthening Ethiopian Land Tenure and Administration Program (ELTAP) project that lasted from 2005 to 2008 and the following program, the Ethiopia Strengthening Land Administration Program (ELAP), that lasted from 2008 to 2013 (USAID 2010). The investment from

international development partners is mainly for system establishment and capacity building. It is only big municipalities like Addis Abeba that are struggling to generate income to run their land administration system. In general investment both from internal and external financial sources is not enough to effectively run land administration services in Ethiopia.

Land administration services especially the spatial part of land information system is resource demanding. Increased investment in land sector is required to deliver services that can satisfy user needs and fulfill expectations. Investment in capacity building includes investment on university level training. Institute for Land Administration (ILA) was established in Bahir Dar University to train professionals at BSc and MSc. The intake capacity is growing every year and it reached near 100 per year. Other universities such as Woldia University and Civil Service University are also starting land administration training on different level.

4.6.5 Fees are determined transparently to cover the cost of service provision

6.5.1 Fees have a clear rationale, their schedule is public, and all payments are accounted for.

Since there is no active record of transactions, especially in the rural land administration, except in one national regional state, fee collection cannot be clear and rational activity. But receipts are mandatory for all transactions with in land administration systems. Municipalities and city administration are much better in this activity. However, it is not possible to say fee levels are determined in a transparent manner.

6.5.2 Informal payments are discouraged.

Incidence of corruption in the Ethiopian public sector is evident. Both petty and grand corruption is spreading. It was reported that one could not get government services in several institutions without paying bribes to persons in charge. Corruption has become a serious problem in the country assuming several forms. In most cases, it is very difficult to distinguish one form of corruption from the other because they partly overlap and used interchangeably with other concepts. The government clearly announced that corruption is a threat to the country's futurity unless tackled in time.

Land administration services especially services in town municipalities are identified as corruption prone sectors in Ethiopia. However there are policy measures implemented to control rent seeking behavior in land sector. The first policy measure is making prominent land issues of constitutional category. The measure helped to control the administrative system and officials to modify land policies for their individual benefits. It is difficult for officials to distort land issues because they are widely known by the public as it is part of the country's constitution. In addition to that it is not easy to modify the constitution without public support. The participatory way of working or the procedures that demand public approval before any legalization in the other tool to increase transparency in decision making. Public education and awareness raising campaigns contributed for clear understanding of rights and obligations by land holders. When the rights and obligations are clarified the room for informal payments is narrowed. The book of holding distributed for every land holder includes the major rights, responsibilities and obligations of the land holder in addition to the

major information about the land and land holders. Within all these measures, corruption in the land sector is apparent.

6.5.3 Service standards are published and regularly monitored.

Service standards emanate from institutional mandates. Standards can be crafted based on the mandates of respective institutions. The division of power between the Federal Government and the Regional States, the legislation concerning the use and conservation of land is vested in the Federal Government pursuant to Article 51. Sub-article 5 of the Federal Constitution. Regional States are vested with the power to administer land and other natural resources in accordance with the federal laws as provided under Article 52. Sub-article 2(d) of the Federal Constitution.

The boundary of the responsibilities between federal and regional institutions needs to be clarified by law. The institutional mandate shall emanate from legal provisions. For land administration issues, the main responsible ministries at federal level are the Ministry of Agriculture (rural land) and the Ministry of Urban Development and construction (urban land). The Ethiopian Mapping Agency is responsible for countrywide topographic mapping and for the implementation and maintenance of geodetic control points.

In Ethiopia the responsibility to administer and to manage land and natural resources was given to the regional states. Most regional states have created similar regional and zonal institutions for urban land administration, whereas municipalities are the major implementing agencies. The regional implementing agencies for rural land administration are varying between regional states – in naming and organizational setting. The last restructuring was made after the completion of a BPR (Business Process Reengineering) study by the federal and regional land offices. BSC (Balanced Score Card) was used as a tool to plan and to define responsibilities. Service standards were defined but the follow up of their implementation is weak.

Regional governments do not appear to have adequately thought through monitoring and evaluating the impacts of their reform efforts. Without this information it will be difficult to measure impacts, review and modify existing administrative procedures, and develop new policy reform measures. There was no evidence of any mechanism to monitor the impact of the certification program on changing land use, changing cropping patterns, investment in land, or the reduction in property disputes. There is no indication that there has been (nor is there planned) any effort to undertake socioeconomic surveys to determine if tenure security has been increased as a result of the certification programs. The service standards are not clear and the customers cannot easily demand for their rights.

4.6.6 Conclusions and key recommendations

- i. Policy statements to effectively identify long term unchallenged possessions with good will are necessary to avoid the spread of illegal possessions with the assumption of the possibility

of being legal. Rural and urban land laws have to incorporate the issue in a way it should be addressed.

- ii. The tenure system in the pastoralist and semi pastoralist areas is different and requires policy definition of group (clan) rights for effective formalization.
- iii. Public hearings as a tool for recognizing none-documented evidences and the use of *shimaglewoch shengo*³⁶ to connect the informal rules to the formal legal system is significantly important and it has to be expanded to the regions other than the four main regions. In-depth study of traditional rules and informal setting is required for coding customary law in the pastoral setting.
- iv. The first registration is like establishing land administration infrastructure and therefore the cost has to be free of charge. Updating and maintenance of records that is not practiced in Ethiopia except in Amhar regional state need to be based on cost recovery policy principles. To establish such a system proper research has to be implemented.
- v. Currently ongoing engagement to link land records with maps have to be strengthened and continue till all land parcels are managed. Policy for the continued use of adjudication records from first level certification during second level certification is necessary. Cadastral maps need to be simple, connected to the national grid, low cost and multipurpose. The cadastral maps should be able to gradually serve for legal, financial and technical functions.
- vi. Policy to develop a comprehensive land administration system that can record encumbrances and obligations at the holding level is required. Furthermore, a policy that clearly stating as to how restrictions or charges are consistently recorded is necessary.
- vii. Policy to synchronize public services and public registers is required. The data in land registers have to be the base for public services such as address and identification of citizens personal records.
- viii. Ethiopia is a beginner country to establish proper land administration system. System development, implementation and sustained management needs huge investment. The current investment to the land sector is not to the level required and needs serious consideration in investment budget allocation.
- ix. Ethiopia is now engaged in vigorous rural land cadastre activities. Mapping and registering of parcels information is very important activity. However, unless the cadastral information is updated as transactions take place, the information will be obsolete soon and its importance decline in time. Therefore, there must be a legal instrument to make updating obligatory.
- x. Cost recovery principles have to be supported by policy provisions so that the system is enabled to finance itself and to deliver quality services on demand basis.
- xi. Existence of illegal payments for individuals working in land offices is a threat to the system. A system needs to be designed to detect and discourage illegal payments.
- xii. All rounded institutional capacity building is essential to mandated land administration institution.

³⁶ Elders' council

4.7 Panel seven: Land Valuation and Taxation³⁷

Table 13. Panel 7, summary of scores

Panel 7: Land Valuation and Taxation					
Land Governance indicators	Dimensions	scores			
		A	B	C	D
7.1 Transparency of valuations	7.1.1 There is a clear process of property valuation.				
	7.1.2 Valuation rolls are publicly accessible				
7.2 Collection Efficiency	7.2.1 Exemptions from property taxes payment are justified and transparent				
	7.2.2 All property holders liable to pay property tax are listed on the tax roll.				
	7.2.3 Assessed property taxes are collected				
	7.2.4 Receipts from property tax exceed the cost of collection.				

4.7.1 Transparency of valuations

7.1.1 There is a clear process of property valuation.

The expropriation process passes through a long procedure beginning with the conceptualization stage up to the payment of compensation despite it lacks procedural laws and uniformity in all places. After the City/Woreda administration has decided to expropriate the land for public purpose, in principle Project preparation and implementation sensitization meetings shall be organized in the project affected area aiming at explaining to the residents on the likely project benefits. The claimants would be informed that they will be compensated and resettled and that their legal rights to get compensation will be intact. Different alternatives may be given according to the interest and financial capacity of the affected people. After the overall discussion has been undertaken and a consensus reached on developmental issues, the people that are going to be displaced will nominate their representatives that will handle problems and negotiate with expropriators.

After consulting the affected people, tasks to be undertaken by the City / woreda administration are identified. These tasks include identification of expropriates and/or the people to be displaced and

³⁷ This section is a summary of the background report prepared for panel seven. For details refer, Belachew Yirsaw (PhD) 2015. Background Report on Land Governance Assessment Framework Analysis for Land Valuation and Taxation in Ethiopia, Version 5, unpublished, Addis Abeba, Ethiopia

resettle in the resettlement site; plotting of existing property boundaries, inspection of properties, preparation of the layout plans/ scheme, cadastral surveying, valuation and assessment of compensation, payment of compensation, and undertaking the resettlement process. Property valuers would be assigned to inspect and identify site and property boundaries to know the extent of acquisition. The assigned properties valuers list and record compensable items and then determine the amount of compensation that would be paid.

7.1.2 Valuation rolls are publicly accessible

One of the common problems experienced in the country is lack of full public participation and the secrecy involved in the determination of property values for compensation and other purposes. Property owners /holders, especially those living in rural areas are usually powerless, with inadequate sources of information, and without access to unbiased valuation organizations. Most often, the government assigns property valuers to assess the value of the structure for the purpose deemed and to come up with a certain value. On the one hand valuation committee members are not professionals and on the other hand valuation workings and property values are all kept secret from property owners. This contradicts the right of property owners to know how the values are derived and what rates have been used. If the property owners object or disagree, the government agents often threaten them for obstructing public development and for acting against “public purpose”. It is based on these arguments that the claimants believed that “confidentiality” of the valuation working increases the chances of inconsistencies, and arbitrary use of valuation rates and methodology.

According to Proc.455/2005, Article 4(3), any landholder who has been served with an expropriation order shall hand over the land to the Woreda in rural areas or city administration in urban areas within 90 days, or within 30 days where there is no crop, perennial crop or other property on the expropriated land from the date of payment of compensation. However, the law did not say anything about the date of valuation, payment of compensation, the new compensation rates applicable and additional interest payments if the compensation is not paid within a reasonable period of time after valuation.

4.7.2 Collection Efficiency

7.2.1 Exemptions from property taxes payment are justified and transparent

Tax collection has shown significant improvements since 2009. Though about 70% to 80% of assessed land tax is collected, still there are uncollected assessed land taxes. One of the reasons for non-collection is thus in a large number of exemptions the criteria for which are not always clearly based on equity or efficiency grounds and are not always applied in a transparent and consistent manner. In urban areas notably in Addis Ababa, exemption from property taxes are granted to specific investment sectors or specific land uses while regions additionally exempt rural land below a minimum stated size. Exemptions of religious institutions, schools, health facilities, burial grounds, premises used for recreational purposes, and any other premises by resolution of the local authorities with the regional tax authorities’ approval. These exemptions are generally found to be justified. Despite rural land use and agricultural income tax is based on flat form (land size), there is some

inconsistencies among regional states. For instance, in Oromiya regional state, a rural land holder is exempted from land use payment and agricultural income tax if its landholding is less or equal to 0.5 hectare. In general, the exemptions to the payment of land/property taxes are not always clearly based on equity or efficiency grounds and are not always applied in a transparent and consistent manner.

7.2.2 All property holders liable to pay property tax are listed on the tax roll.

Allocated land is listed in the tax rolls as a matter of procedure which implies that tax rolls are normally complete. In urban areas the process of listing property for taxation purpose is integrated into the land allocation system, resulting in low cost of collection. The property listing in urban areas extend beyond those liable to pay taxes. The preparation of the list is integrated with land allocation process. There is also misconception that a tax roll listing is a means of formalization for informal settlements despite stipulations to the contrary in the official tax reforms. Similar misconceptions have been identified in rural areas. This is one of the reasons that informal land holders are expanding at the pre-urban lands of Addis Ababa in particular and in Ethiopia in general. In rural areas where second level registration and certification is implemented, 10-15% of parcels are found unregistered during the first level of registration.

7.2.3 Assessed property taxes are collected

In Ethiopia, the contribution of land tax to local economy has not been adequately analyzed. However, tax revenue constitutes the lion share of government revenue. About 70% of total domestic revenue is derived from tax, and makes > 13.7% of GDP. Recently, its contribution showed substantial increase, especially due to the recent introduction of urban land lease and rental taxes as well as application of tax reform programs. The rural land use fee used to be 51.3 million birr in 1982/3 and reached more than double in 2000/1, which has become 116.2 million birr. However, this makes 1.1% of the total government revenue.

Domestic revenue collection has been improving in the past several years owing to vigorous tax reform measures, improved tax administration and trade-facilitation efforts. During 2012/13, tax revenue increased by 24.8%. In recent years, rural land use fee and urban land lease fee collection at regional level has improved in nominal terms. There is a high level of collection which is estimated to range between 50% and 70% of assessed property taxes, especially in urban areas. This is due to number of reasons, including tax payers land rent payments at the finance offices instead of deployment of tax collectors, integration of property tax in the land allocation system

7.2.4 Receipts from property tax exceed the cost of collection.

The cost of collecting property taxes is minimal both in urban and rural areas mainly because of the simplicity in the tax legislation and concurrent collection of taxes. In urban areas the process of listing property for taxation purposes integrated to the land allocation system, resulting in low cost of collection. In rural areas, the land use fees are calculated along with agricultural income taxes,

resulting in low cost of collection. In most cases the cost of identification and valuation, which accounts for most of the costs, is very low in Ethiopia.

4.7.3 Conclusions and key recommendations

- i. Real Property valuation and taxation in Ethiopia have legal, technical, institutional and financial problems. To guide implementation of valuation, property valuation policy development and institutional establishment is essential
- ii. Compensation that could have been paid to affected property owners/holders ought to be valued by independent professional property valuers. In addition to that, both the Federal and Regional expropriation and payment of compensation laws ought to be amended in such a way that property valuers have to use anyone of the three valuation methods when they find them appropriate.
- iii. The Government, in addition to paying fair and reasonable compensation, it has to set mechanisms to rehabilitate the affected property owners when their property is taken for public purpose.
- iv. A policy should be developed on tax exemptions with guidelines that can be used in urban and rural context
- v. A policy measure has to be devised to avoid illegal land holding and to avoid misconception reflected among informal settlers
- vi. The expropriation of landholdings for public purposes and payment of compensation laws should be reviewed to ensure that there is more extensive information dissemination to the public and access to the valuation rolls, and to empower the affected citizens in the process of decision making.
- vii. Taxation plays key role in helping the country's development goal. The government is facilitating the development of the nation through the collected money from the taxation. Hence, to avoid tax evasion on the one hand and to get the trust and full participation of tax payers so that to improve tax collection on the other hand, the overall tax system both in rural and urban areas should be analyzed further
- viii. Institutional capacity building to keep up the system is necessary

4.8 Panel eight. Dispute resolution³⁸

Table 14. Panel 8, summary of scores

Panel 8. Dispute resolution						
	Dimensions	Scores				Scores Description
		A	B	C	D	
Land Governance indicators	8.1.1 There is clear assignment of responsibility for conflict resolution					There are parallel avenues for dispute resolution but cases cannot be pursued in parallel through different channels and evidence and rulings may be shared between institutions so as to minimize the scope for forum shopping
	8.1.2 Conflict resolution mechanisms are accessible to the public					Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities
	8.1.3 Mutually accepted agreements reached through informal dispute resolution systems are encouraged					There is a local, informal dispute resolution system that makes decisions that are not always equitable but this system is recognized in the formal judicial or administrative dispute resolution system
	8.1.4 There is an accessible, affordable and timely process for appealing disputed rulings					A process exists to appeal rulings on land cases at high cost and the process takes a long time/ the costs are low but the process takes a long time
8.2 The share of land affected by pending conflicts is low and decreasing	8.2.1 Land disputes constitute a small proportion of cases in the formal legal system					Land disputes in the formal court system are more than 50% of the total court cases
	8.2.2 Conflicts in the formal system are resolved in a timely manner					A decision in a land-related conflict is reached in the first instance court within 1 year for 90% of cases
	8.2.3 There are few long-standing (> 5 years) land conflicts					(by considering the overall time) The share of long-standing land conflicts is between 5% and 10% of the total pending land dispute court cases

³⁸ This section is a summary of the background report prepared for panel eight. For details refer, Daniel Ambaye, (PhD) 2015. Background Report on Land Governance Assessment Framework Analysis for Land Dispute Settlement in Ethiopia, Version 5, unpublished, Addis Abeba, Ethiopia

4.8.1 Assessment of responsibilities

8.1.1 There is clear assignment of responsibility for conflict resolution

Federal and Regional land laws and court establishment laws show that there are various avenues for land dispute settlement. Regular courts (woreda/first instance, high, and supreme) are recognized as having binding power over all disputes including one emanating from land. However, in some instances, administrative authorities entertain land related disputes even without having specific authority under the law. It is observed that regional rural land laws are not similar in adopting provisions to resolve a land disputes. However, there is a similarity in that all regions recognize customary or village level arbitration as starting point in dispute settlement stage. In most cases, while the poor and vulnerable group tends to try first their case by arbitration, the rich and the powerful usually skip arbitration and rather prefer courts. With regard to procedure which shall be followed by rural land arbitration committee, even if some regions are good in elaborating the role of arbitration committee and the procedure for dispute settlement, it is not uniformly followed by all.

There are also religious courts recognized by the constitution as operating side by side with regular courts. The FDRE Constitution under Article 78.5 recognizes the possibility of establishment of “religious and customary courts” besides the regular courts. As a result, Sharia courts are established at Federal and Regional levels. The consent of both parties is necessary for the Sharia courts to entertain the case according to Islamic laws.

There are also other types of land related dispute hearing tribunals operating in urban areas: municipal courts and clearance and compensation hearing tribunals. Urban municipal courts operate on some limited level. When the city administration becomes a party, municipal courts are the ones to hear the case. In the event of expropriation of land, there might be claims related to compensation, public purpose or ownership/holding rights. In this case the urban land clearance and compensation hearing tribunal which is responsible to the city administration and possesses a *quasi*-judicial power, will hear the case.

8.1.2 Conflict resolution mechanisms are accessible to the public

Institutions for providing first instance conflict resolution are accessible at the local level in the majority of communities at no cost or affordable cost. As already mentioned above, dispute settlement mechanisms are established at the lowest administrative unit of most areas and are accessible to the public. They are affordable and accessible to the public even if they have capacity problems.

In the regions where first level registration is exercised, the dispute settlement committee is established at kebele level by nominating three representative from the three sub-kebeles. The committee members serve the public freely for 3-4 years. Their task is to encourage the disputing parties to solve their problems through conciliation and negotiation. In some regions, they directly involve the committees to help both parties to resolve their disputes. In regions where land

administration (LA) offices are effectively established at kebele level, the committee is monitored by the kebele LA officer. In others, the woreda LA or the woreda administration gives direction.

The next higher administrative unit is the woreda wherein a woreda court (lowest hierarchy of the formal judicial system is located) is found. Based on the geography, a woreda may include 20-40 kebeles under its administration. The woreda court basically entertains both civil and criminal cases and land issues are categorized as one part of civil litigation. Since the magnitude of land related disputes is large, in some courts (Eg Amhara) a separate bench is dedicated to hear land related cases only. Legally speaking, the woreda court is the first instance court for formal litigations as village level dispute settlement is categorized as informal.

The cost is affordable to rural disputing parties since dispute settlement committee is closely available to the public and takes less time to resolve cases. However, if the dispute cannot be resolved amicably through negotiation or arbitration or if one of the parties prefers not to settle the case by arbitration, the disputing parties need to go to regular woreda court. This causes relatively higher transaction costs since disputing parties need to travel longer distances and incur higher costs. Of course, the court fee is small as already mentioned above. In urban areas, there are municipal/woreda/first instance regular courts to entertain land dispute cases.

8.1.3 Mutually accepted agreements reached through informal dispute resolution systems are encouraged

There is a local, informal dispute resolution system that resolves a significant number of conflicts in an effective and equitable manner but might not be recognized in the formal judicial or administrative dispute resolution system. In all regions of Ethiopia, agreements reached through negotiation, compromise, or arbitration is encouraged. About half of disputes are resolved through locally established institutions before reaching the formal judicial system. However, there is no uniformity in recognizing these agreements by court of law. In most cases only agreements reached by arbitration are recognized and enforced but not those reached by negotiation. Some regions (Oromia) clearly recognize arbitral decisions/agreements as binding while others fail to specify its status in clear terms. The non-clarity of the law is resulted in an inconsistent approaches followed by courts. For example, in a field visit made in North Gonder of Amhara Region, courts do not at all recognize arbitral decisions as binding agreements; they start afresh irrespective of the fact that the parties had reached agreement through negotiation or arbitration. The fear of the courts is that if arbitral agreements are to be taken as final ones, disputing parties may be left without right of appeal. This in other words means that one party who might be forced to cede a certain interest because of cultural influence (mostly women) would ultimately be a victim of the agreement and hence a fresh and fair investigation from courts is warranted.

8.1.4 There is an accessible, affordable and timely process for appealing disputed rulings

Appeal is accessible but requires more money, time and knowledge of law. Appeal is available to disputing parties to take their case to higher courts. But this demands longer time and higher costs and especially not affordable by women and the poor. For rural land disputes, as already mentioned

before, the initial stage for disputing parties to settle their cases is through either negotiation or arbitration. Agreements reached by arbitration are accepted as final decisions and may not be heard again in court of law. This is at least the position of the Civil Procedure Code and rural land laws of certain regions.

In all urban and rural dispute settlement systems, a right of appeal is recognized except, of course, in case of expropriation where appeal is allowed only in relation to compensation grievances. Any decision given by a woreda/first instance/municipal court is appealable to a regional or federal high court. Any decision rendered by woreda/first instance Sharia court is similarly appealable to a High Sharia Court. If the court decides in favor of the appellant, the aggrieved party has further right to appeal to Regional or Federal Supreme Court. And if there is any error of law in the decision of either of the Supreme Courts, the cases may finally be taken to the Federal Cassation Court, which is the highest appellate court in the country.

While it is true that the cost of initial dispute settlement is affordable to majority of rural and urban disputing parties, the cost of dispute in appellate courts is higher especially to rural people who are forced to travel repeatedly to urban centers. In urban areas, there are municipal/woreda/first instance regular courts to entertain land dispute cases. Of course, the cost may not be as cheap as that of the traditional dispute settlement since disputing parties are required to pay court fee and sometimes fee for legal support. And if the case is further taken by appeal to a high court and thereby to Supreme Court, people will incur more cost and time. In case of high court, rural people may be required to travel hundreds of kilometer to bigger urban centers.

Appellate courts are expensive to rural poor not because the court fee is as such big but because they need to pay higher expenses for such costs as fees for legal assistance, transportation, accommodation and food. Appellate courts take much time first to investigate the case thoroughly and second because they are flooded with more appeals. For example, in 2013 the North Shewa High Court entertained 265 newly initiated cases but 2808 appeals coming from all the 31 woreda courts.

4.8.2 The share of land affected by pending conflicts is low and decreasing

8.2.1 Land disputes constitute a small proportion of cases in the formal legal system

The general scenario in the country shows that more than 50 percent (in some areas up to 70 %) of civil cases in woreda courts are associated to land arising in the form of inheritance, marital, private or community land right encroachments and land transactions (lease, exchange, gift). The sheer size of land related disputes in Ethiopia are dominating the other types of disputes. This is especially the case in rural areas. Population growth together with lack of additional arable land makes competition for land resource stiff. Our estimation in Rural Amhara is that about 50% of the rural population is landless. The last land distribution was conducted in 1997 and those youths below 18 year by then are now in search of land. In each household, there are at least two youths without land. Parents tried to give part of their land by donation but this is not enough. Hence, conflict is always flared between family members during divorce, donation, and inheritance. Conflicts are also raised out of lease contracts when the powerful takeaway the land they leased from women and the poor. The landless

is involved in massive land grab activities belonging to the communities (common land such as grazing land) and government lands (such as forest land.)

The other factor that contributes to the increase of land disputes is the law itself. Many regions incorporate unfair, unclear and contradictory provisions which are reasons to fuel disputes. For instance, in Amhara Region, inheritance and donation laws are considered as reasons to contribute for disputes raised between family members.

In other regions, such as Oromia, the significant appreciation of land value becomes a reason for higher land disputes. There are large amount of informal land sale around the city of Addis Ababa and other major towns in all the regions. Farmers just sale land informally and over time this becomes a reason for conflict. Sellers when they see the appreciation of land value, they want their land back. In Oromia and the South land resource in pastoral areas are reasons for escalated conflicts. For example, there is continuous armed conflict between the pastoralists of Borana and Guji Oromo in Oromia Region, and the Afar and the Amhara around the borders of Amhara and Afar Region because of pasture and water points.

8.2.2 Conflicts in the formal system are resolved in a timely manner

Conflicts in the woreda court, which is formally the first instance court, are mostly on average resolved within 6 months for more than 90% of cases. This is true from data collected from Amhara region. As per the telephone conversation with experts from different regions as well (Oromia, Tigray and South) the figure is not as such different. This is as a result of the court reform introduced in Ethiopia that requires judges to dispose cases in their hands within fixed period of time unless the cases are found to be complicated. In Amhara, judges explained that if all evidence is readily available, cases may be decided in less than three months. However, in reality there are many ups and downs until all evidence is completed. Woreda courts usually demand evidences from woreda/kebele land administration offices, and because of the poor recording and preservation of data, the office in turn demands the evidence from the local land administration committee. The committee again calls public meeting and collects evidence from the public discussion and sends such finding to the LA office and thereby to the court.

8.2.3 There are few long-standing (> 5 years) land conflicts

The share of long-standing land conflicts is less than 5% of the total pending land dispute court cases in woreda courts but higher in percentage in the high court or the regional supreme court (10% and 20%). This is because it is only highly complicated cases or cases for which evidence is difficult to find that are held for longer period by woreda courts. But in higher and supreme courts, one may find several such cases because of the intricate procedure.

4.8.3 Conclusions and key recommendations

- i. A legislative revisit is necessary to reduce the different types of dispute settlement avenues. For example, it is possible to eliminate municipal courts and other tribunals and rather

empower regular courts. The revision of the law may also be a good opportunity to adopt a comprehensive procedural approach for land dispute settlement

- ii. Revise laws to encourage the recognition and enforcement of arbitral decisions and agreements. This will lessen the number of cases reaching courts and people will understand the result of their agreements
- iii. A policy shift is necessary for courts to focus on quality of decisions instead of quantity only. The current policy in courts is focusing on quick disposal of cases and hence reducing backlogged cases. In this regard, it is performing very well. But the overall length is not shortened since quick decisions are open for errors and then being held for longer times in appellate courts. Therefore, the policy must balance the need for speedy trial with quality of decision. Establishing a separate land bench within the first instance court system will help judges to be more expert in the area and can create the balance between quantity and quality of decision. Furthermore, similar decision needs to be considered in opening separate benches within the High Court and the Supreme Court.
- iv. Strengthening local arbitral bodies through provision of training, legal materials and work offices so that to enhance their capacity to settle disputes cheaply and efficiently. If the local community is confident about their ability, ethical behavior and efficiency, more people would prefer them to regular courts. The support can also be extended from courts and the administration by recognizing and enforcing their decisions. Supporting local legal aid centers established by universities will be very important actions. These centers can assist the poor and vulnerable groups in their litigations
- v. Further study is needed to conclude about sources and magnitude of land dispute in order to provide solution and thereby reduce land disputes. Further research is also necessary to determine the percentage of land disputes compared to other disputes. Further research is required to make a reasonable conclusion on the percent the cases
- vi. Enhance land law capacity of woreda judges through capacity building programs of short term trainings.
- vii. There is a problem in case classification and reporting of woreda courts concerning land laws and the system of land cases classification and recording needs to be revisited in order to accommodate the registration of more than two names (eg. inheritance and land, contract and land etc). In this way it is possible to address all land cases.

4.9 Panel nine. Institutional Arrangement & Policies³⁹

Table 15. Panel 9, summary of scores

Panel 9. Institutional Arrangements and Policies						
Land Governance indicators	Dimensions	scores				Scores Description
		A	B	C	D	
9.1 Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed	9.1.1 Land policy formulation, implementation and arbitration are separated to avoid conflict of interest					In situations that can entail conflicts of interest or are sensitive to abuse (e.g. transfers of land rights) there is some separation in the roles of policy formulation, implementation and arbitration
	9.1.2: Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap)					The mandated responsibilities of the various authorities dealing with land administration issues are defined but institutional overlap with those of other land sector agencies and inconsistency is a problem
	9.1.3: Administrative (vertical) overlap is avoided.					Division of land-related responsibilities between the different levels of administration and government is clear with minor overlaps
	9.1.4: Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible					Information related to rights in land is available to interested institutions but this information is not readily accessible or not available at a reasonable cost
	9.1.5: Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.					The Legal framework and procedures for land-related matters (incl. renewable and subsoil resources) are fully consistent but there may be differences in the way complaints and grievance redress are handled
	9.1.6: Ambiguity in institutional mandates (based on institutional map) does not cause problems.					Different public institutions deal with land-related matters very differently but functioning mechanisms for coordination are in place and regularly used
9.2. Equity and non-discrimination in the decision-making process: policies are formulated in a broad public process, address equity, and implementation is meaningfully monitored.	9.2.1: Land policies and regulations are developed in a participatory manner involving all relevant stakeholders					A comprehensive land policy exists or can be inferred by the existing legislation, and sections of the community affected by these decisions are informed, but feedback is usually not sought or not used in making decisions
	9.2.2 Land policies address equity and poverty reduction goals; progress towards these is publicly monitored.					Land policies incorporate clearly formulated equity and poverty objectives that are regularly and meaningfully monitored but their impact on equity and poverty issues is not compared to that of other policy instruments.
	9.2.3: Land policies address ecological and environmental goals; progress towards these is publicly monitored.					Land policies incorporate some ecology and environmental sustainability objectives but these are not regularly and meaningfully monitored
	9.2.4: The implementation of land policy is costed, matched with benefits and adequately resourced					The implementation of land policy is not fully costed and/or to implement the policy there are serious inadequacies in at least one area of budget, resources or institutional capacity. Policy commentary
	9.2.5: There is regular and public reporting indicating progress in policy implementation.					Formal land institutions report on land policy implementation in a regular and meaningful way but reports are not made public.
	9.2.6: Land policies help to improve land use by low-income groups and those who experienced injustice					Policy is in place to improve access to and productive use of assets by poor and marginalized groups, is applied in practice, but is not effective
	9.2.7: Land policies proactively and effectively reduce future disaster risk.					Policy is in place to prevent settlement in high risks areas but which is not enforced

³⁹ This section is a summary of the background report prepared for panel nine. For details refer, Sintayehu Deresse, 2015. Background Report on Land Governance Assessment Framework Analysis for Institutional Arrangement and Policies in Ethiopia, Version 5, unpublished, Addis Abeba, Ethiopia.

4.9.1 Clarity of mandates and practice

9.1.1 Land policy formulation, implementation and arbitration are separated to avoid conflict of interest

It must be noted that Ethiopia has no a comprehensive land policy unless otherwise it is inferred from the constitution and land laws. Therefore, the land laws are formulated and endorsed by the House of People's Representatives at the federal level (HPR). The regional states councils, based on the federal frame work law, enact their laws. Accordingly, implementation of the law is the responsibility of ministry of agriculture and the regional states' land administration institutions. The regional states through their land authorities (bureaus) are the most responsible organs in the implementation of both federal and regional laws. Thus, implementing Agencies are different from law makers and the Judiciary.

There is a local, informal dispute resolution system that resolves a significant number of conflicts in an effective and equitable manner. Hence, the land disputes arbitration committee, is playing a significant role in reducing conflicts to be submitted to the courts. It serves as a bridge between the formal and customary (informal) system. In all regions of Ethiopia, agreements reached through negotiation, compromise, or arbitration is encouraged. At a higher level, there are first instance courts, higher courts and supreme courts.

9.1.2: Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap).

The Ministry of Agriculture (the rural land administration and use directorate) is the lead institution in the countrywide implementation and oversight of rural land administration. The responsibility of rural land administration in the Ministry of Agriculture lies in two offices namely the rural land administration and use directorate and the Agricultural Investment Land Administration Agency. The first is responsible for land use and land tenure, while the second is responsible for federal level land administration of large scale agricultural investment lands.

The ministry of urban development and construction (MoUDC) is responsible for guidance and oversight of urban land administration. However, the institutional separation between urban and rural areas is an essential weak point of the institutional setting in Ethiopian land administration as there are peri urban land holders whose land rights are not registered either by the urban or the rural land administration institutions.

At regional level, there lacks clarity and overlap of responsibility in the preparation and implementation rural land use planning (e.g in between Amhara Bueau of Agriculture and Bureau Environmental Protection, Land Administration & Use). The responsibility of land administration and use and the Bureau of Agriculture of other regions including Somalia and Gambela regional states are also blurred and lack clarity. For instance, BoA is preparing watershed development plans which synonymously call it "land use plan" for watershed development objectives. However, the land use types of a specific watershed should be determined by the Land Administration and use

Authority as the watershed development options will largely be influenced by the selected land use type. The ministry of mines, ministry of environment and forest have competing interest on land use. The ministry of environment and forest is mandated to protect, conserve, develop and for the provision of goods and services from the forest resources. On the other hand the ministry of mines and energy is mandated for extraction and use of different mineral resources for public use. Sometimes large deposit of mineral get explored in highly forested areas. The two interests can not be implemented on the same area.

9.1.3: Administrative (vertical) overlap is avoided.

The overall mandate to enact laws for the utilization and management of land and other natural resources in Ethiopia is given to the federal government. Simultaneously, the responsibility to administer land and other natural resources is given to regional states within their jurisdictions. Institutions responsible for administration of land are divided for rural and urban land despite the fact that there is an overlap management, leading to conflict of interest and lack of clarity on the matters related to peri-urban land. Responsibilities are also shared between the federal and regional level, with large differences in structure and capacity between the regional states.

At the federal level, rural land matters are handled by the Ministry of Agriculture (MoA), Directorate for Land Administration and Use. The key responsibility of this directorate is to implement the Rural Land Administration and Use Proclamation by providing professional support and coordinating competent authorities. The directorate links the work at the federal level with that at the regional level and provides inputs for policy making to advance the harmonization of land administration.

The federal constitution under article 52/1 stipulates that Regional governments are the principal administrators and regulators of land, including the assignment and granting of use-rights and regional land-use planning. The organizational structure and arrangement of regional land administration authorities vary from region to region in Ethiopia. For instance, rural land administration matters such as land registration and certification of holding rights, allocation of land, dispute resolution and other rural land matters in ANRS are handled by the Bureau of Environmental Protection, Land Administration and Use (BoEPLAU), reporting directly to the regional government. In Oromia National Regional State, the responsibility to administer rural land is given to the Bureau of Land and Environmental Protection (BoLEP) which is also accountable to the regional state. Rural land administration matters in Tigray National Regional State (TNRS) are handled by Environmental Protection, Land Administration and Use Agency (EPLAUA), which is accountable to the regional Bureau of Agricultural. In SNNP, the responsibility to administer rural land has been given to the regional Environment and Natural Resources Agency. Implementation of the land administration exercise both in urban and rural areas is often challenged by interference from the local Administration. Hence, the lack of clarity regarding the roles and responsibilities of institutions may be resolved by establishing elaborated list of responsibilities to each level of implementing agency (National, Regional, and Local institutions).

9.1.4: Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.

At all levels it is quite a common practice of the government of Ethiopia to prepare and agree on annual plans. The plan usually includes the monitoring and reporting arrangement. It is further communicated to line agencies at the beginning of each fiscal year and disaggregated by zone and woreda and the woreda again disaggregates the annual plan by kebele.

Each level of implementing institution submits regular report on the implementation status of the planned activities. However, sharing of the land use information is limited and regularly reported to regional Bureau of finance and economic development (BoFED) and Ministry of Finance and Economic development (MoFED). Later, BoFED compiles and reports to the regional Administration. At woreda level (e.g. in every woreda of Amhara region), the printed land registration data are shared upon request by the tax authority. Likewise, the urban land right and use information is reported to the city administration.

Since computerization is not well exercised a full set of information related to rights in land is not readily accessible. Hence, there is no uniform textual and spatial land-related information at all levels. However, it is worth mentioning that initiatives in Amhara region has been started and is being implemented, although, it lacks spatial information. The fact that computerization of uniform textual and spatial land related data is not in place; means that the accessibility of land records is under question. As in many developed nations, computerization has given a lot of opportunity to avail land related information to all the institutions such as tax authorities, courts, local administration, etc that might have an interest in land issues at reasonable cost.

The regular reports of each line institution are simply a fraction of the information held in the rural land registry (e.g. Number of registered parcels or number of landholders). Hence, the rural land information is not in position to facilitate such access. In addition, even though there is a project which is on progress, there is no such facility in urban land administration. The traditional practice of making information available to public bodies is what is working now a days and it is not easy to avail information using the existing paper based information administration.

9.1.5: Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.

The rural land law and the urban land law identifies the types of tenure and defines the right holder. The fact that land registration has started means that the rights attached to a specific piece of land is clarified. By doing so, blurred land rights in many rural areas are getting cleared and overlapping rights are avoided. However, those rights which are not properly registered and those rights which are not properly protected are subject to overlap of use rights. This is mainly manifested in communal holdings encroached by individuals and in urban areas where informal settlements occur on state land. It is important to note that farmers whose land is included under the urban boundaries following the expansions of towns has been subject to informal/illegal transfer of their rights to urban dwellers leading to informal settlements.

From the point of view of tenure typology, often disputes stem from the overlapping claims of communal landholders. Individual right holders who have rights in the same land also overlap when one of them grants rights to someone through secondary arrangements, such as renting out, or sharecropping. Any events that bring these multiple and overlapping rights into contradiction may reduce the security with which they are held, and increase the likelihood of conflict, unless effective dispute resolution mechanisms are in place. The land laws of Regional states expressly state grievance redress mechanisms.

For instance Amhara (proclamation 133/2006), Southern Nation and Nationalities (proclamation 110/2007), Tigray (proclamation 136/2008), Oromia (proclamation 130/2007) regions have a legal provisions to resolve conflicts/disputes on land through the administrative procedures at kebele level by the land administration and use committee. Accordingly, when dispute arises over rural land holding right, the case is brought to kebele land administration committee. The committee then tries to let the dispute be resolved by negotiation & arbitration through local elders set by the choice of the two parties.

9.1.6: Ambiguity in institutional mandates (based on institutional map) does not cause problems.

The Ministry of Agriculture (the rural land administration and use directorate) and the Ministry of Urban Development and Construction are the lead institution in the country wide guidance and oversight of rural and urban land administration respectively. Besides, the Ministry of Agriculture has established an agency to take over the administration of agricultural investment land in excess of 5000 hectares.

In urban areas the city administration is responsible to approve permits for land and building. In rural areas, it is the Land Administration Committees at the kebele level that are most relevant units in the process of land registration and certification. In Amhara region, there are kebele offices responsible for the implementation of planned land administration and use activities. Besides, proclamation 818/2014 gives urban land registration responsibility and will avoid the urban-rural complexes as it provides legal basis for the registration of urban land which were conflict zones in the urban rural fringes particularly where the rural and urban boundary were not demarcated.

4.9.2. Equity and non-discrimination in the decision-making process

9.2.1: Land policies and regulations are developed in a participatory manner involving all relevant stakeholders.

The Ethiopian system is essentially parliamentary, where the political party or parties with the greatest number of seats in the HPR shall form and lead the executive. The most important function of the HPR is to enact laws on matters assigned to federal jurisdiction and ratify national policy standards. The HPR also exercises other important functions including the appointment of federal judges, the ratification of international agreements and the investigation of the conduct of members of the executive.

The FDRE Constitution, 1995 (Art.50/3) empowers member states of the federation to establish a legislative organ called the State Council. The State Council is composed of representatives accountable to the people of the State. The State Council represents the highest level of state authority, and has the power of legislation on all matters falling under state jurisdiction. The FDRE Constitution (Art.50/5) declares that the State Council is also given the power to draft, adopt and amend the state constitution. Most regional States have only a single parliamentary Council that both enacts laws and decides State constitutional issues.

However, before any policy document goes to endorsement by the House of Peoples Representatives (HPR), any ministry is expected to draft policy and present to the council of ministers for review. It is also a common practice that workshops are conducted to get feedbacks from stakeholders. After deliberation in the council of ministers, the policy/legal document is passed to HPR. The HPR then pass it to a standing committee for review. After it is reviewed, it comes back to the HPR. For wider participation of the public at large, media announcement is made to collect comments. This in principle explains the participation of people during the approval of the laws through their representatives. When it comes to land policy, in Ethiopia there is no such comprehensive land policy and hence it is inferred from the existing legislation. Hence, it requires formulation of a comprehensive land policy. The experiences of policy making in Ethiopia both at federal and regional levels is generally initiated by implementing government institutions. Accordingly, it lacks thorough consultation with communities; validation and enrichment process with researchers and Academics practitioners before delivering of the validated draft policy to policy makers for endorsement.

9.2.2 Land policies address equity and poverty reduction goals; progress towards these is publicly monitored.

Right to equality and access to justice are provided for both the in Federal Constitution (Article 25 and 37). The development policies and strategies pursued during Sustainable Development and Poverty Reduction Program (SDPRP), the country's vision and achievements registered under SDPRP were the basis for the PASDEP. The Plan for Accelerated and Sustained Development to End Poverty (PASDEP) is the First Five Year Phase to attain the goals and targets set in the MDGs at a minimum. The main objective of the PASDEP was to lay out the directions for accelerated, sustained, and people-centered economic development as well as to pave the groundwork for the attainment of the MDGs by 2015. Fundamental policy directions that agriculture and rural development sector among other things focuses on are scaling up productivity of land.

The Ethiopian government seeks growth that is poverty reducing, and substantial poverty reduction requires an increase in growth. The government is committed to making meaningful changes to the role of private investment in agriculture. The plan envisages that private investors in agriculture will focus on the lowlands, where land is abundant, which means sparsely populated. The government will assess and identify suitable land and keep a land bank, establishing an effective land administration system and implementation agency and providing the necessary support to attract local and foreign investors. The government plans to identify, prepare and transfer 3.3 million ha of

land to commercial farming investors within the GTP period, primarily for export crops. It also plans to increase nine fold the area under horticulture in the GTP period.

In addition, certification programs of use-rights have been carried out and have increased perceptions of tenure security and resulted in economic benefits for participants. In this short period of experience of regions, notable benefits have been registered. Preliminary findings of studies confirm that GoE's regional land certification program is appreciated by rural landholders and is resulting in increased sense of tenure security leading to attitudinal change from short term exploitation to long term protection and development of land with multiple positive benefits. Recorded benefits include: increased soil conservation; increased planting of perennial crops including timber; increasing intensive production; enhanced land rental market; gender equality in tenure rights; and significant reductions in land disputes. In some woredas reported court cases are down, and the cadastral-based modern method of land certification appears to be enhancing farm households' confidence and security of tenure.

Although there is no strong monitoring of the policy implementation at higher levels, the plan usually includes the monitoring and reporting arrangement and it is communicated to line agencies at the beginning of each fiscal year and disaggregated by zone and woreda and the woreda again disaggregates the annual plan by kebele. Given the fact that the performance of the planned activity is evaluated, the measures taken following the evaluation on the implementation gaps to address poverty reduction goals are usually not satisfactory.

9.2.3: Land policies address ecological and environmental goals; progress towards these is publicly monitored.

Ethiopia has no comprehensive land policy; however, some regions have developed land administration and use policies. For instance, the Amhara Region has formulated and put in place a land use and administration Policy. The basis for the policy is the Amhara Regional Conservation Strategy. The policy was adopted in July 2000 and followed by proclamations on land administration and establishment of the authority to manage land administration and use.

The Federal Conservation Strategy of Ethiopia is emphasizing the necessity to ensure the empowerment and participation of the people and their organization at all levels in environmental management activities; and raise awareness and promote understanding of the essential linkages between environment and development. The cross sector objectives and strategies gives emphasis to provide security of tenure for land and natural resources users by clearly defining and strengthening land and other natural resources tenure rights and responsibilities so as to support sustainable agricultural, pastoral, forestry and fisheries production and a sustainable urban environment.

The federal land law (proclamation 456/2005) in its preamble emphasized the necessity of sustainably conserving and developing natural resources and pass over to the coming generation through development and implementation of a sustainable rural land use planning based on different agro-ecological zones of the country. More bluntly, article 13 deals about land use planning to have eco-friendly agricultural practices. Besides, the same land law stipulates that in areas where soil and

water conservation works have been done, free grazing is to be prohibited. Based on the federal land law, the regional land laws address environmental and ecological goals of their respective regions.

Article 3 of the Environmental Impact Assessment proclamation number 292/2002 stipulates that no person is allowed to commence implementation of any project that requires environmental impact assessment should get authorization from the environmental protection agencies of the federal government or the regional states. In addition, prior to issuing an investment permit or a trade or an operating license for any project any licensing agency should ensure that the federal or the relevant regional environmental agency has authorized its implementation.

9.2.4: The implementation of land policy is costed, matched with benefits and adequately resourced.

Land administration in Ethiopia has been started from scratch and initially there was no trained manpower to estimate the cost of implementation of land administration/policy. However, the land law (proclamation 456/2005 article 13) stipulates that the land registration approach to be pro poor and low cost (the measurement simply employs traditional units and lacks spatial information). In addition, the law demands, when possible, the measurement of land using modern surveying instruments.

The cost of registration and certification for first Stage land registration and certification in Ethiopia was estimated to be about 1USD per farm plot or 3.5USD per household. Property transfer is the activity limited to Amhara regional state rural land administration system and hence the discussion on total cost of recording a property transfer is on limited significance. Cost described here are establishment costs for property formation. The total cost for recording property transfer includes overhead costs, material costs and running costs. The estimated average cost for first time surveying, per parcel for remote sensing tools is \$8 and \$10 for orthophotos and HRSI respectively. The cost reported by REILA pilot projects was \$8.5 for orthophotos and \$11 for HRSI. The cost per parcel for the ground survey is accounted for both the cost for RTK GNSS and total station accurate surveys and the second is for ground survey using cheap hand held navigation GPS. The average cost per parcel for RTK GNSS surveys is calculated to be \$12.6 and the equivalent cost for hand held GPS surveys is \$6.9. The cost estimated for total station surveys by other studies is 175 Ethiopian Birr that is equivalent to 9.7USD. However, the whole cost of land policy implementation has not been accounted for and adequately resourced. It should be noted that there is a great gap in terms of technical and financial capacities which has to be considered in the cost estimation.

9.2.5: There is regular and public reporting indicating progress in policy implementation.

The official reports of tracking implementation progresses of the planned activities are regularly prepared at all levels. The recent development on tracking of land policy implementation sound better. Accordingly, statistical records by responsible institution are becoming available and field visit by regulating body and reports to public bodies are now regular.

9.2.6: Land policies help to improve land use by low-income groups and those who experienced injustice.

Regional States of Amhara, Tigray, Oromia and SNNP are at a relatively better stage in registration of landholding rights in the rural areas which helps to establish security of tenure and put in place legal conditions which are conducive to enhance and strengthen the land use rights of farmers and to encourage them to take the necessary conservation measures where there is threat of soil erosion and forest degradation.

Some of the fundamental characteristics of an effective legal framework include transparency and predictability, equal and fair treatment, rapid adjudication as well as consistency with customs, norms and level of development. Likewise, the rural land laws of each region are designed to equally serve the poor taking into account local contexts and norms as for instance in conflict resolution. The land registration in rural areas is pro poor and approved through the participation of the community. The joint titling of land rights has greatly improved the right of women on land who before titling was not benefited from the economic returns of the land. Having a joint title enables women to have a know share of landholding.

Government has established a youth package to enable the landless youth in the rural areas to be engaged in any income generating sector. One of the ways described in the package is to allocate them land when available through consensus with the landholding community to engage in any identified business plan such as tree nursery establishment, beekeeping, and production of horticultural crops, sand mining, etc. In addition, providing access to credit for the youth to be able to rent in any productive land is also part of the package approach.

The rural land laws favor aged, disabled, orphans, women, and also those in the same situation to use their holdings by renting out or entering an agreement to share income with a developer. However, in some regions (as in SNNP and Oromia) the laws do not clearly address the rights of women in polygamous unions. The major gap that impedes proper land use by the low income community is the poor level of preparation and implementation of land use plans in rural areas.

9.2.7: Land policies proactively and effectively reduce future disaster risk.

With 17 % of the population living in urban areas, Ethiopia is one of the least urbanized countries in the world. However, urbanization can be observed on a rapidly increasing rate with Addis Ababa holding 25% of the urban population of the country. While in the past most disaster risk profiling focused mainly on rural areas, these trends show that more attention needs to be given to urban contexts.

There is a general paradigm shift from reactive post emergency response to ex-ante preparedness, mitigation and holistic and proactive Disaster Risk Management (DRM) that aims to improve knowledge through better multi-sectoral and multi-hazard assessments as outlined in the National Policy and Strategy on Disaster Risk Management. Tackling urban hazards has also been part of the GTP1, especially under the objectives of urban development and construction such as integrated housing development program, urban infrastructure program and capacity building of regional, urban

and city administration officials. In order to operationalize the DRM policy a strategic program and investment framework (DRM-SPIF) has been developed.

Proclamation 624/2009 applies only to urban centres and to public, industrial and commercial buildings outside of urban centres. It determines certain national standards for the construction or modification of buildings, and outlines the regulations and requirements for local authorities to enforce in their own jurisdictions. Construction is also regulated at the individual level, as Proclamation 491/2003 requires construction workers as well as architects to hold aptitude certificates. There are many legal frame works enacted to reduce future disaster risk.

4.9.3 Conclusions and key recommendations

- i. A harmonized and comprehensive national land policy and land use policy is required and is an urgent matter to be considered taking in to account other related policies and strategies such as the rural development policy and strategy, the conservation strategy of Ethiopia, the water management policy etc
- ii. The preparation of land policies and laws need to take reasonable time for consultation and seek comments through a thorough involvement of relevant stakeholders (policy makers, rural & urban community representatives, civil societies and scholars)
- iii. Provided that more than 50 percent (in some areas up to 80 %) of civil cases in woreda courts are associated to land, establishing clear institutional mandates concerning the regulation and management of the land sector is deemed relevant which will avoid duplication of responsibilities.
- iv. Detail assessment on the horizontal responsibility overlaps may be required to craft clear institutional responsibility among institutions dealing on land management.
- v. A vertical ambiguity of responsibility should be avoided through establishing clear responsibilities at all levels. These responsibilities need to be backed by directives or guidelines.
- vi. Government should speed up the computerized land information system to simplify information sharing. The computerized information system should include a web based application to create an enabling environment for key public bodies to get connected
- vii. The ongoing land registration exercises both in urban and rural areas need to be completed. The registered rights should then be protected and the laws need to be enforced rigorously through a functional monitoring and evaluation mechanism.
- viii. Although the land laws are enacted to satisfy the ecological and environmental objectives of the country, law enforcement to this end is very poor. Hence, the provisions in the legislation need to be enforced rigorously through a functional monitoring mechanism.
- ix. The cost accounting on implementation of land policy needs to be holistic and demands further study to be able to establish efficient and effective cost of implementing various components of land policies
- x. There is a need to establish property valuation institution to develop valuation rolls by professional valuers for different economic activities.

- xi. It is essential to conduct study on advantages and disadvantages of having two separate land administration institutions for urban and rural lands to enable decision makers to make an informed decision.

5. Final Conclusions, Recommendations and the way forward

5.1 Conclusions

The nine panels are assessed under 27 indicators and 119 dimensions. Results of the dimension analysis are condensed and are presented in section 4 of this report with score tables. Conclusions and actionable key recommendations are presented for each panel in the same section. As a final conclusion, a summarized result for all panels is presented in table 16. As presented in the table, in three of the panels, very strong and strong practices, which means A+B, outweigh the weak and very weak practices. Among these, urban land use, planning and development has the highest number of dimension, 64.29%, that scored very strong and strong practices followed by dispute resolution and institutional arrangement and policies panels. But it does not mean that there are no dimensions that scored weak and very weak practices within these panels. Although Ethiopia has achieved significant results in the first level registration and certification in the rural land sector and legally recognizing women's land right, there remains a lot to make geo-referenced parcel mapping to enhance tenure security and enforcing the legally recognized women's land right specifically in communities exercising polygamy marriage arrangements.

The highest number of dimensions, 89.47%, that scored weak and very weak practices is observed in transfer of large tract of land to private investors followed by land valuation and taxation, public land management and public provision of land information: Registry and Cadastre panels. However, as the result shows, it does not mean that there is no very strong and strong practices in these panels. For example, the highest number of dimensions that scored a very strong practice, 33.33%, is in panel 6. The result of panel 2, rights to forest and common lands and rural land use regulation performance and panel 1, land rights recognitions are at the borderline. Ethiopia has to take a very serious corrective measures on land governance issues in panel 5, panel 7, panel 4 and panel 6 as specified in policy matrix in annex 12.

Table 16. Summarized result for all panels

Panels	Dimensions score in percent					
	A	B	C	D	A+B	C+D
1. Land rights recognition	16.67	33.33	25.00	25.00	50.00	50.00
2. Rights to Forest and Common Lands & Rural Land Use Regulations	0.00	50.00	21.43	28.57	50.00	50.00
3. Urban Land Use, Planning, and Development	0.00	64.29	35.71	0.00	64.29	35.71
4. Public Land Management	8.33	33.33	33.33	25.00	41.67	58.33
5. Transfer of Large Tract of Land to Private Investors	0.00	10.53	63.16	26.32	10.53	89.47
6. Public Provision of Land Information: Registry and Cadastre	33.33	11.11	22.22	33.33	44.44	55.56
7. Land Valuation and Taxation	16.67	16.67	33.33	33.33	33.33	66.67
8. Dispute Resolution	14.29	42.86	28.57	14.29	57.14	42.86
9. Institutional Arrangements and Policies	0.00	53.85	46.15	0.00	53.85	46.15

5.2 Summarized main recommendations

There are recommendation given as an assignment to the government that serve as an instrument to open policy dialogue and to take actions The main recommendations are presented as follows.

- i. Ethiopia, since mid 1970s, administer and manage its land by two different legal instruments and two separate institutions. The LGAF Ethiopia recommends that the government has to open a policy dialogue to merge the two institutions or to continue as they are operating.
- ii. In the rural land sector there are two institutions. The RLAUD, which is responsible for the administration of smallholders' and government owned lands in the rural areas. The Ethiopian Agricultural Investment Land Administration Agency (EAILA) is mandated to oversee large scale agricultural investment lands in the rural areas. The LGAF Ethiopia questions the importance of this institutional arrangement and request the government to open a policy dialogue to merge the two institutions or to allow them to continue as they are currently operating.
- iii. Real Property valuation and taxation in Ethiopia have legal, technical, institutional and financial problems. To guide implementation of valuation, property valuation policy development, legal formulation and institutional establishment is essential. Compensation that could have been paid to affected property owners/holders ought to be valued by independent professional property valuers. In addition to that, both the Federal and Regional expropriation and payment of compensation laws ought to be amended, proclamation 455/2005, in such a way that property valuers have to use anyone of the three valuation methods when they find them appropriate. The policy and legal framework has to address rehabilitation of affected people in addition to compensation payment.
- iv. Neither the federal government nor regional states issued detailed rural lands registration and cadastral survey laws which define the system of registration; the standards set for surveying; the powers and functions of the registering officer (registrar), the power to cancel or amend and maintain the registry file in general; the procedure of updating the files; and the legal effect of the holding certificate; etc. Therefore, registration and cadastral laws should clarify this situation so as to enforce and implement the law accordingly. Hence, the draft land registration and cadastral surveying legislation shall get promulgated and enforced before any unintended effects on registered rights practiced. Methodology for pastoral and semi pastoral communal lands registration and certification should also be developed and implemented in time.
- v. Ethiopia is using its land and land resources without having comprehensive national land use policy. Formulation and enactment of a national land use policy is urgently essential. At the same time provision of policy framework to give clearer responsibility for managing communal lands is needed.

- vi. There are protected forest areas, national parks, wildlife reserves and wetlands. These areas are meant to serve the purpose as the names indicate. However, there are evidences to suggest that the land which was classified as forest reserve, wildlife sanctuary, national park, and wetlands diverted to other purposes particularly for agriculture over the years. This diversion has taken place either in the form of encroachments by the surrounding herders and smallholder farmers or in the form of allocation for large scale agricultural investments. Hence, there is an urgent need to officially demarcate, map and register this lands to sustain initially identified use. Attention should be paid for the management of public lands to generate public goods and services. Strategic commitment for surveying, mapping and registration of public lands and making the information accessible for public use is an urgent matter.
- vii. In the big towns, there are large scale eviction from old settlement locations. There is a need to redesign policy and strategies that limit large scale eviction problem through exploring other options such as more participatory urban upgrading without damaging the social, economic and environmental fabrics of an area. There is a big dissatisfaction on the less involvement of affected communities in the compensation computation process and on the level of compensation payment. This situation needs an urgent reconsideration. Measures have to be designed and implemented to make proper implementation of the legal tools enacted in urban land use. Additional legal tools have to be developed to guide the urban expansion based on land use plans.
- viii. Investment projects should be given the go-ahead only after full consultation with local communities. The government should be accountable to communities and should involve them at all stages of the decision-making process. There must be an enforceable benefit-sharing scheme instead of simply leasing out the land so that communities stand to gain from the investment projects. This could be a profit-sharing scheme as is being tried in some African countries with large scale extractive projects (mining, petroleum, etc). Contracts should stipulate investors' obligations with regard to social investments in the communities concerned (e.g. schools, health centres, and clean water). Social investments should address community needs, based on consultation with them.
- ix. The first registration is like establishing land administration infrastructure and therefore the cost has to be free of charge. Updating and maintenance of records that is not practiced in Ethiopia except in Amhar regional state need to be based on cost recovery policy principles. To establish such a system proper research has to be implemented. Cost recovery principles have to be supported by policy provisions so that the system is enabled to finance itself and to deliver quality services on demand basis. Ethiopia is now engaged in vigorous rural land cadastre activities. Mapping and registering of parcels information is very important activity. However, unless the cadastral information is updated as transactions take place, the information will be obsolete soon and its importance decline in time. Therefore, there must be a legal instrument to make updating obligatory.

- x. A policy shift is necessary for courts to focus on quality of decisions instead of quantity only. The current policy in courts is focusing on quick disposal of cases and hence reducing backlogged cases. In this regard, it is performing very well. But the overall length is not shortened since quick decisions are open for errors and then being held for longer times in appellate courts. Therefore, the policy must balance the need for speedy trial with quality of decision. Establishing a separate land bench within the first instance court system will help judges to be more expert in the area and can create the balance between quantity and quality of decision. For appeal cases, to provide speedy trial especially in relation to land related disputes needs establishing a separate bench at the high and supreme court level dedicated only to land disputes.
- xi. There is a need to establish property valuation institution to develop valuation rolls by professional valuers for different economic activities. It is essential to conduct study on advantages and disadvantages of having two separate land administration institutions for urban and rural lands to enable decision makers to make an informed decision.

5.3 The way forward

The LGAF Ethiopia implementation came up with specific recommendation given under each thematic area. Recommendations include policy matters, organizational issues, legal related subjects matters, institutional capacity building measures and research needs. This is an important result that has to be acknowledge as a benchmark for future monitoring of the land governance performance of the country. It is believed that this benchmark will help both decision makers and practitioners. Decision makers can make a focused and prioritized decisions to shape up the land sector management for the benefit of the country's economic, social and environmental development and on the use of the country's scarce resources for important areas of land governance measures that need urgent corrective actions. Practitioners can benefit in prioritizing activities for those land governance issues that demonstrated weak and very weak performance and that need immediate attentions.

The result provides an opportunity to focus on the monitoring of progresses and to make continuous corrective measures in an incremental approach. Conducive environment for monitoring progress is expected in GTP II. As presented in section 3.14, in the rural land sector, the plan for the GTP II period is to survey, map and register 28.6 million parcels and in the urban land sector is 1.6 million parcels. During the plan period, there is a target to transfer 62,000 ha and 671,800 ha of land to private investors in the urban and rural land sectors respectively. This huge task need to be monitor in time and necessary adjustments have to be made vigilantly to achieve successful results.

During the GTP II, period, it is believed that there are ample opportunities to implement monitoring activities of land governance progress and improvement. One of the areas that the government identified as problematic sector in terms good governance is the land sector. The government promised to the public to use any available means to remove all bad governance related issues in the land sector, which implies to put and practice monitoring measures. As presented in section 3.12 of this report, there are many projects operating in the urban and rural land sectors. This opportunity has to be exploited as much as possible for enhanced monitoring activities. Hence, it is necessary to work

out how to streamline a monitoring activity in the projects in their area of interest and project objectives.

The EthioLandNet established at Institute of Land Administration in Bahir Dar University, presented in section 3.12.8 of this report, which is a new initiative, is an opportunity to use it in the monitoring activities of the country's land governance improvement. Other Universities such as Woldia and Haromaya universities are potential institutions for monitoring of progress of the country on land governance implementation. In all these universities and others to come to provide land administration education, students' term papers and graduating thesis research can be oriented to monitoring of the country's progress on land governance. Environment, forest and climate change impact research institute is an important organization to monitor progress of governance issues related to key natural resources. All Ethiopian experts⁴⁰ involved in LGAF Ethiopia implementation are potential human resources to be invited to participate on land governance monitoring activities. The coordination of the monitoring activities have to be managed by the responsible federal and regional institutions supported by international institutions such as the World Bank and others.

⁴⁰ Country coordinator, expert investigators and national senior experts reviewed background reports

Annex 1. Steps, actions and milestones in LGAF Ethiopia.

Actions and output matrix in LGAF Ethiopia implementation processes		
Steps	Actions taken	Outputs/milestones
1	Expert investigators, with support from the country coordinator, produced the first drafts of background reports.	First draft
2	All draft reports had been reviewed and commented by the country coordinator focused on alignment to the LGAF requirement and manual.	Commented first draft
3	Comments were included by the expert investigators and second drafts were produced.	Second draft
4	The second draft sent to WB global secretariat. The World Bank global secretariat reviewed and commented on second drafts before being sent to the Technical Advisory Group (TAG) established under the LGAF African secretariat located in Nairobi, Kenya.	Commented second draft
5	Expert investigators revised the second version according comments and suggestion given by the Global secretariat for LGAF and the third versions were produced.	Third draft
6	Third version of all background reports sent to the TAG for more and deeper review. The TAG made their comments and suggestion	Commented third draft
7	Comments and suggestions made by the TAG were taken and the fourth versions were produced after revisions made by expert investigators.	Fourth draft
8	A review on the fourth draft was conducted by contracting three Ethiopian senior experts in the land sector in Ethiopia.	Commented fourth draft
9	Expert investigators incorporated comments and suggestions given by the senior experts	Fifth draft
10	Nine Panel sessions, one day for each panel, organized and comments and suggestions collected	Commented fifth draft
11	Expert investigators revised the fifth background reports	Sixth draft
12	Validation workshop organized on the sixth and comments collected. The validation workshop is mainly on summary country report.	Commented sixth draft
13	Expert investigators revised background reports according comments and suggestions given during the validation workshop.	Final versions produced
In addition to the above mentioned important processes, there had been two LGAF workshops that contributed to shape up the implementation process. The first one was conducted on 18-19/12/2014 in Ethiopia with participation of Country Coordinators, TAG members, LGAF global secretariat and African LGAF secretariat. This workshop was more of planning of implementation. The second was conducted on March 21/2015 in Washington DC. In this workshop progress reports were presented. This progress review workshop gave significant input to the process of LGAF Ethiopia implementation. Finally, draft country report produced and reviewed two times before the final report is produced		

Annex 2. Critical and actionable policy recommendations and monitoring indicators

Key Actionable recommendations	Monitoring indicators	Responsible institutions
Panel 1. Recognition of Land Rights		
Registration and certification of rural land holdings is conducted without formally enacted registration and cadastral laws. Therefore, registration and cadastral laws should be developed and enacted.	Registration and cadastral law developed and enacted	Ministry of Agriculture
Methodology for communal lands registration and certification should be developed and pastoral community areas registration and certification has to be conducted in time.	Method for Pastoral land registration and certification developed	Ministry of Agriculture with support from development partners
Issues of compulsory land expropriation, valuation, level of compensation, and rehabilitation of affected people are concern areas that need revisiting. There is a big dissatisfaction on the less involvement of affected communities in the compensation computation process.. This situation needs an urgent reconsideration to revise laws	Compensation laws revised and approved	Ministry of Agriculture and Ministry of Urban development and housing
A proper study has to be conducted before a pastoral area is allocated to large scale agricultural investments in order to leave to the pastoralist the very critical areas for their livelihood.	A guideline developed on how to conduct the study	Ministry of agriculture
Legal provisions on the right to use small rural landholders' use rights to get access to credit services.	Rural land law revised and approved	Ministry of agriculture with support from development partners
There is a need to harmonize the land laws and family laws in regards to heirs issues	Land law and family law area harmonized and revised	Ministry of Agriculture and ministry of women affairs
Panel 2. Rights to forest and common lands & rural land use regulations		
Ethiopia is using its land and land resources without having comprehensive national land use policy. Formulation and enactment of a national land use policy is urgently essential. At the same time provision of policy framework to give clearer responsibility for managing communal lands is needed	Land use policy developed and endorsed	Ministry of Agriculture and development partners
Developing an appropriate guideline for participatory rural land use planning and rezoning is essential. Ensuring transparent public process for rural land use planning and joint forest management is an indispensable requirement for sustainable development.	Guideline on participatory land use planning and joint forest management is developed	Ministry of Agriculture and Ministry of Environment and Forest
There are protected forest areas, national parks, wildlife reserves and wetlands. These areas are meant to serve the purpose as the names indicate. However, there are evidences to suggest that the land which was classified as forest reserve, wildlife sanctuary, national park, and wetlands diverted to other purposes particularly for agriculture over the years. This diversion has taken place either in the form of encroachments	All public lands are surveyed, mapped and registered	Ministry of Environment and forest, Ethiopian Wildlife Conservation Authority

by the surrounding herders and smallholder farmers or in the form of allocation for large scale agricultural investments. Hence, there is an urgent need to officially demarcate, map and register these lands to sustain initially identified use		
Panel 3. Urban Land Use, Planning, and Development		
In the big towns, there are large scale eviction from old settlement locations. There is a need to redesign policy and strategies that limit large scale eviction problem through exploring other options such as more participatory urban upgrading without damaging the social, economic and environmental fabrics of an area	Participatory urban upgrading policy and strategy developed, endorsed	Ministry of Urban Development and Housing
It is common to see settlements mushrooming in risk prone locations. It is necessary to develop enforceable regulation to restrict settlements at risk prone areas and develop and implement mitigation measures for those settled in risk prone areas until resettled in non risk prone areas	Enforceable regulation developed, endorsed	Ministry of Urban Development and Housing
Stringent regulation ought to be designed for any zoning modifications to satisfy primarily the interest of the majority of affected communities rather than endorsing the technocrat based analysis	Regulation developed, endorsed	Ministry of Urban Development and Housing
Proper investigation is essential to harmonize the ability of the poor to pay and the cost of construction of condominiums, and to find out conducive environment to implement low cost housing	Low cost housing modality developed	Ministry of Urban Development and Housing
Panel 4. Public Land Management		
There is a need to work on clearly defining responsibilities between the federal and regional institutions on the management and development of public lands	Clear responsibility document developed and endorsed	Federal Government
Transferring public land to private interest is through expropriation. There is no limiting factor that restrict the government power to expropriate public land for private interest. Therefore, it is essential to revise the legal framework and define the term "public purpose" to take land and transfer to private interest	Public purpose defined	Federal Government
There are cases where decisions are made in transferring public land to private interest, but the land is kept unused for a long period of time, especially in towns. A regulation has to be developed to improve the speed of transfer of public land to private interest and to its destined use	Regulation developed and implemented	Ministry of Urban Development and Housing

There is a need to revisit the current expropriation and compensation law and its corresponding regulation to consider compensation payment when people lose right as a result of expropriation and land use change. Alternatively compensation to secondary rights/unrecorded rights should be addressed through land use plan	Compensation laws revised and endorsed	Ministry of Agriculture and Ministry of Urban Development and Housing
Panel 5. Transfer of large tract of land to Private investors		
Large scale investment projects need closer follow up to check compliance with lease agreements and whether the projects receive proper services from the public institutions that are mandated for the purpose	Enforceable guideline developed/endorsed	Agricultural Investment Land Administration Agency
The institutional efficiency need to be enhanced through comprehensive analysis of pros and cons of the existing institutional arrangement for the rural land sector. Apparently, the agricultural investment land administration system need to be integrated with the general land administration and use system of the country as in reality the principle of land administration is similar for all lands.	Agricultural investment land administration and small holders' land administration merged into one institution	Ministry of Agriculture
Investment projects should be given the go-ahead only after full consultation with local communities. The government should be accountable to communities and should involve them at all stages of the decision-making process	Policy Guideline developed/endorsed	Agricultural Investment Land Administration Agency
Contracts should contain clear, specific and enforceable clauses to protect the environment, wildlife, biodiversity, and water sources. The use of agro-chemicals must be closely regulated to prevent damage to the soil and to surface and subsurface water Systems from toxic waste.	Guideline developed/endorsed	Agricultural Investment Land Administration Agency Ministry of Environment and Forest
There must be an enforceable benefit-sharing scheme instead of simply leasing out the land so that communities stand to gain from the investment projects. This could be a profit-sharing scheme as is being tried in some African countries with large scale extractive projects.	Guideline developed and endorsed	Agricultural Investment Land Administration Agency
Contracts should stipulate investors' obligations with regard to social investments in the communities concerned (e.g. schools, health centers, and clean water). Social investments should address community needs, based on consultation with them	Guideline developed and endorsed	Agricultural Investment Land Administration Agency
It is important to minimize investments that cause involuntary displacement and, where such displacement is absolutely unavoidable, it is essential to ensure that adequate compensation is paid in time	Guideline developed and endorsed	Agricultural Investment Land Administration Agency

Panel 6. Public Provision of Land Information: Registry and Cadastre		
The tenure system in the pastoralist and semi pastoralist areas is different and requires policy definition of group (clan) rights for effective formalization. Due consideration have to be made for local practices during policy formulation	Formalization guideline developed/endorsed	Ministry of Agriculture
The first registration is part of the establishment of the initial land administration infrastructure and therefore the cost has to be free of charge. Updating and maintenance of records that is not practiced in Ethiopia except in Amhar regional state need to be based on cost recovery policy principles. The implementation should be based on the study	Cost recovery guideline developed/endorsed	Ministry of Agriculture
Policy to develop a comprehensive land administration system that can record encumbrances and obligations at the holding level is required. Furthermore, a policy that clearly stating as to how restrictions or charges are consistently recorded is necessary.	Policy guideline developed/endorsed	Ministry of Agriculture and Ministry of Urban development and Housing
Policy to synchronize public services and public registers is required. The data in land registers have to be the base for public services such as address and identification of citizens personal records.	Policy guideline developed/endorsed	Ethiopian Government
Ethiopia is now engaged in vigorous rural land cadastre activities. Mapping and registering of parcels information is very important activity. However, unless the cadastral information is updated as transactions take place, the information will be obsolete soon and its importance decline in time. Therefore, there must be a legal instrument that can support efficient updating	Legal tool developed/endorsed for updating	Ministry of Agriculture and Ministry of Urban Development and Housing
Panel 7. Land Valuation and Taxation		
Real Property valuation and taxation in Ethiopia have legal, technical, institutional and financial problems. To guide implementation of valuation, property valuation policy development and institutional establishment is essential	Policy and legal instrument developed/endorsed. Institution established	Ethiopian Government
Compensation that could have been paid to affected property owners/holders ought to be valued by independent professional property valuers. In addition to that, both the Federal and Regional expropriation and payment of compensation laws ought to be amended in such a way that property valuers have to use anyone of the three valuation methods when they find them appropriate	Compensation laws revised and guideline developed/endorsed	Ministry of Agriculture and Ministry of Urban Development and Housing
The Government, in addition to paying fair and reasonable compensation, it has to set mechanisms to rehabilitate the affected property owners when their property is taken for public purpose	Guideline developed/endorsed	Ministry of Agriculture and Ministry of Urban Development and Housing

The expropriation of landholdings for public purposes and payment of compensation laws should be reviewed to ensure that there is more extensive information dissemination to the public and access to the valuation rolls, and to empower the affected citizens in the process of decision making	Guideline developed/endorsed	Ministry of Agriculture and Ministry of Urban Development and Housing
Panel 8. Dispute resolution		
A legislative revisit is necessary to reduce the different types of dispute settlement avenues. For example, it is possible to eliminate municipal courts and other tribunals and rather empower regular courts. The revision of the law may also be a good opportunity to adopt a comprehensive procedural approach for land dispute settlement	Law revised/endorsed	Ministry of Justice
Revise laws to encourage the recognition and enforcement of arbitral decisions and agreements. This will lessen the number of cases reaching courts and people will understand the result of their agreements	Law revised/endorsed	Ministry of Justices
A policy shift is necessary for courts to focus on quality of decisions instead of quantity only. The current policy in courts is focusing on quick disposal of cases and hence reducing backlogged cases. In this regard, it is performing very well. But the overall length is not shortened since quick decisions are open for errors and then being held for longer times in appellate courts. Therefore, the policy must balance the need for speedy trial with quality of decision. Establishing a separate land bench within the first instance court system will help judges to be more expert in the area and can create the balance between quantity and quality of decision. Furthermore, similar decision needs to be considered in opening separate benches within the High Court and the Supreme Court	Policy guideline developed and separate benches established	Ministry of Justice
Further study is needed to conclude about sources and magnitude of land dispute in order to provide solution and thereby reduce land disputes. Further research is also necessary to determine the percentage of land disputes compared to other disputes. Further research is required to make a reasonable conclusion on the percent the cases	Study report	Ministry of Agriculture
Panel 9. Institutional Arrangement & Policies		
A harmonized and comprehensive national land policy and land use policy is required and is an urgent matter to be considered taking in to account other related policies and strategies such as the rural development policy and strategy, the conservation strategy of Ethiopia, the water management policy etc	Policy developed/endorsed	Ministry of Agriculture

Detail assessment on the horizontal and vertical responsibility overlaps may be required to craft clear institutional responsibility among institutions dealing on land management.	Assessment report	Ethiopian Government
Government should speed up the computerized land information system to simplify information sharing. The computerized information system should include a web based application to create an enabling environment for key public bodies to get connected	Computerised system developed	Ministry of Agriculture and Ministry of Urban Development and Housing
Although the land laws are enacted to satisfy the ecological and environmental objectives of the country, law enforcement to this end is very poor. Hence, the provisions in the legislation need to be enforced rigorously through a functional monitoring mechanism.	Law enforcement is monitored	Ministry of Agriculture, Ministry of Urban Development and Housing, and Ministry of Environment and Forest
The cost accounting on implementation of land policy needs to be holistic and demands further study to be able to establish efficient and effective cost of implementing various components of land policies	Study report	Ministry of Agriculture
There is a need to establish property valuation institution to develop valuation rolls by professional valuers for different economic activities	Policy and law developed/endorsed, Institution established	Ethiopian Government/Ministry of Finance

Annex 3. Institutions relevant in land governance

<i>Institutional mapping</i>			
<i>Institutions</i>	<i>Level</i>	<i>Major responsibilities</i>	<i>Scope</i>
House of Peoples' representatives	Federal	<ul style="list-style-type: none"> • Legislates Rural and Urban lands administration & management laws • Legislates environmental and forestry laws • Ratifies international agreements • Approves establishment of land related ministries • Legislates other relevant laws • Approve annual budgets • Evaluate implementation performance 	Serves the whole nation and legislated many land, environmental and forestry related laws
Council of ministers	Federal	<ul style="list-style-type: none"> • Submit draft land and forestry laws to the House of Peoples' Representatives for approval • Ensures the implementation of land and forestry laws and decisions adopted by the House of Peoples' Representatives • Decide on the organizational structure of land and forestry ministries and coordinate their activities and provide leadership • Draw up the annual Federal budget and, when approved by the House of Peoples' Representatives, it shall implement it. • Formulate and implement economic, social and development policies and strategies • Provide uniform standards of measurement • Enact regulations pursuant to powers vested in it by the House of Peoples' Representatives 	Serves the whole nation and enacted many land, environmental and forestry regulations
Ministry of Agriculture	Federal	<ul style="list-style-type: none"> • Draft laws and regulations and submit for enactment • Develop directives • Develop standards • Capacity develop for regional institutions • Create enabling environment 	Serves the whole nation that need service in rural land administration and use and facilitated enactment of rural land laws

		<ul style="list-style-type: none"> • Coordinate projects and relevant offices • Evaluate implementations 	
Ministry of Urban, Housing and Construction	Federal	<ul style="list-style-type: none"> • Draft laws and regulations and submit for enactment • Develop directives • Develop standards • Provide capacity development for regional institutions and urban centers • Create enabling environment for urban centers development • Coordinate projects and relevant offices • Undertake studies for setting general direction for urban centers development • Follow-up and evaluate implementations of housing projects 	Serves the whole nation that need service in urban land administration and use and facilitated enactment of urban land laws and regulations
Ministry of Environment and forestry	Federal	<ul style="list-style-type: none"> • Draft laws and regulations and submit for enactment • Develop directives • Develop standards • Provide capacity development for regional institutions • Create enabling environment • Coordinate projects and relevant offices • Follow-up and evaluate implementations 	Serves the whole nation, in rural and urban setting, that needs support in forestry development and environmental protection
Federal Agricultural Investment Land Administration Agency	Federal	<ul style="list-style-type: none"> • Identify and record potential areas for agricultural investments • Provide information to interested investors in large scale agriculture • Create enabling environment for large scale agricultural investment • Support Agricultural investment projects 	Serves investors engaged and that need to be engaged in large scale Agricultural investment and contracted out thousands of hectares of land
Land Development and Management	Chartered Cities	<ul style="list-style-type: none"> • Coordinates and cooperates with relevant bureaus, enterprises, agencies established in the cities to 	Serves the population in the jurisdiction of the cities'

Bureau of Addis Ababa & Dire-Dawa Cities		<p>deal on urban land related matters</p> <ul style="list-style-type: none"> • Superiorly direct, coordinate and integrate; <ul style="list-style-type: none"> ○ Land Development and City Renewal Agency ○ Land Bank and Transfer Office ○ Building Permit and Control Authority ○ Urban Plan Institute ○ Land Information and Technology Centre ○ Integrated Land Information System Installation Project Coordination Office ○ Immovable Property Registration and Information Agency ○ Title Administration Transitional Period Service Project Office • Follow up proper implementation of the registration of properties in accordance the law • Install a system which ensures the land use and construction in the city is accordance with the plans issued • Conduct studies and take measures to strike the balance between the demand and supply of land within the City • Many other relevant responsibilities 	administration
Municipalities	Urban/City	<ul style="list-style-type: none"> • Land and land related property registrations • Immovable property valuation • Managing leaseholds • Managing old possessions • Collect fees and taxes • Allocate construction sites for different purposes • Monitoring and control illegal settlements • Provide other municipal level services 	Serve urban/city dwellers'

Courts		<ul style="list-style-type: none"> Dispute resolution (first instance, higher, supreme and cassation, municipal) 	
Regional councils	Regional	<ul style="list-style-type: none"> Under the federal umbrella laws, enact regional rural land law, urban land law, environmental and forestry laws and regulations Approves establishment of land related bureaus Legislates other relevant laws and regulations Approve annual budgets Evaluate implementation performance 	The regional councils give services for the regional population as a whole. The size of the population and area coverage varies from region to region.
Regional Bureaus of Environmental Protection, Land Administration & use (BoEPLAUs)	Regional	<ul style="list-style-type: none"> General <ul style="list-style-type: none"> Draft laws and regulations and submit for enactment by the regional council Develop directives Provide capacity development for Zenal and Woreda line offices Create enabling environment Evaluate implementations Specific responsibilities <ul style="list-style-type: none"> Study, register and maintain the type and amount of rural land available in the Regional state Using traditional/modern surveying instruments, survey and register each and every plot of land and thereby issue a certificate of holding with a map Register all transactions permitted by the regional land law and keep the land record up to date Evaluate project plans of investors, up to 5,000 ha, and approve before the commencement of the projects Assist development of land use plans in each kebeles Facilitate compensation 	The regional bureaus give services for the rural population engaged in agriculture in general and forestry development. The size of the population and area coverage varies from region to region.

		payments to those who lost their possession right for public interest	
Regional Bureau of Urban Development, Housing, and construction	Regional	<ul style="list-style-type: none"> • General <ul style="list-style-type: none"> ○ Draft laws and regulations and submit for enactment by ○ Develop directives ○ Provide capacity development for Zenal, Woreda offices and urban centers ○ Create enabling environment for urban development ○ Follow-up and evaluate planned activities implementation performances • Specific <ul style="list-style-type: none"> ○ Formulate the construction, urban development and housing policies and strategies ○ Ensure the observance of the country's building codes and the standards of design and construction works ○ Study the growth of urban centers found in the Regional State and thereby propose their standardized promotion into development centers ○ Devise a mechanism through which infrastructural works are to be expanded in urban centers in compliance with the master plan ○ Provide technical and professional support to the urban administration of the Regional State in terms of planning and urban plan preparation and implementation ○ Devise a mechanism through which the private sector may be able to participate in urban development activities; ○ Conduct various studies to speed up the development of urban centers and realize good governance 	

		<ul style="list-style-type: none"> ○ Put in place working procedures for urban lands to be utilized in an economic and effective manner ○ Assist in the preparation of sufficient land to be set aside for various development services and follow up the fairness of its delivery thereof; 	
Zonal BoEPLAU Departments	Zonal	<ul style="list-style-type: none"> • Capacity development for Woreda offices • Coordinate implementation at Woreda level • Create enabling environment • Follow-up and evaluate implementations of planned activities 	Serve zonal level population engaged in rural land use in their respective regions
Woreda BoEPLAU offices	Woreda	<ul style="list-style-type: none"> • Facilitate free election of Land administration and use committees in each kebele and sub-kebele • Ensure women's representation in the committees • Make a follow-up on the activities of the committee to observe if they perform in accordance the land law • Provide training to the committee to enable them to know their rights and obligations in accordance the land law • Properly handle land administration and use data of the woreda • Conduct awareness creation at Woreda level 	Serves the population found in the rural areas of the Woreda engaged in rural land use.
Land Administration & Use Committees	Kebele	<ul style="list-style-type: none"> • Administer the land found in the kebele • Cause the decision of the land use in the kebele through public participation in cooperation with the Woreda office • Register and keep land holders' data • Conduct awareness creation at Kebele level 	Serves the rural population in the kebele engaged in rural land use

Annex 4. Panel 1, statistical interpretation of results

The thematic area, Land Rights Recognition, is assessed by two Land Governance Indicators (LGI) and 13 dimensions. The Expert Investigator assessed each dimension and gave preliminary scores except dimension 1.2.4 that says "The number of illegal land sales is low" due to the reason of lack of data or information. Because there is no official record on illegal land transaction. However, during the panel discussion, participants debated in length and agreed to score B for the dimension, which is stated as "The number of illegal land transactions is low and some are unambiguously identified on a routine basis". The panel changed some of the score levels. Dimension 1.2.3 was scored C by the expert, but the panel changed it to a lower level of score D. Similarly, Dimension 1.2.5 was scored C by the expert. But the panel changed the score to D. Furthermore, the panel scored dimension 1.2.7 C that was scored B by the expert investigator. One of the dimensions, dimension 1.1.3, which says "Indigenous rights to land and forest are legally recognized and protected in practice" is not scored by the panel due to the reason that there is no legally recognized indigenous communities in Ethiopia. However, the dimension was assessed and scored D by the expert investigator. For the other dimension, scores given by the expert investigator are approved by the panel and the final score result is presented in table 7. Based on the adjustments made by the panel on scores, an overall evaluation is made on the thematic area. Out of the assessed dimensions, which are 12, only 2 (15.38%) scored A. These dimensions are rural land registration and respect for women's right in property registration. Those dimensions that scored B are 5 (38.46%). Putting together the A and B scores it is 53.84%. Based on this assessment, Ethiopia has strong and very Strong practice in Land Right Recognition within the existing constitutional framework. However, there are 4 (30.77%) Dimensions that scored D, which is categorized as Very Weak practices. These dimensions have to be the concern of the country. Concerning these dimensions, the country has to take corrective measures, which includes, (i) creating access opportunities for tenure individualization, (ii) geo-referenced mapping of individual parcels in rural areas, (iii) registering and geo-referenced mapping of parcels in urban areas, and (iv) managing properly lease transaction. When the country's performance is assessed at indicator level, as presented in table 17, Ethiopia has nearly Strong practice in recognition of a continuum of rights in the existing constitutional framework. But the country's performance in respect for and enforcement of rights is nearly weak.

Table 17. Panel 1, result at indicator level

Panel 1. Land rights Recognition							
LGI. 1.1 Recognition of a continuum of rights				LGI 1.2 Respect for and enforcement of rights			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value
1.1.1a	B	3	2.5	1.2.1	C	2	2.25
1.1.1b	B	3		1.2.2a	A	4	
1.1.2	D	1		1.2.2b	D	1	
1.1.3	--	--		1.2.3	D	1	
1.1.4	B	3		1.2.4	B	3	
				1.2.5	D	1	
				1.2.6	A	4	
				1.2.7	C	2	

Annex 5. Panel 2, statistical interpretation of results

The thematic area "Rights to forest and common lands & rural land use regulations" is assessed under 15 dimensions that are packed under 2 Land Governance Indicators, table 8. Preliminary scoring is given by the expert investigator and an adjustment is done during the panel discussion. The panel changed the score for dimension 2.1.3 from A to B, which means from higher level score to a lower level score. Preliminary score given by the expert investigator for dimension 2.1.5 has been debated by the panel participants and finally agreed to change it from C to B. This change is from a lower level of scoring to a higher level of scoring. With similar trend of debate on each dimension the panel changed the score of dimension 2.1.6 from C to B, dimension 2.1.8 from B to C, and dimension 2.2.5 from C to B. Dimension 2.2.3, which is stated as " Rural land use plans are elaborated/changed via public process and resulting burdens are shared" is one of the highly debated dimensions. The issue is that there is no land use policy in the country and there is no systematic land use planning and implementation in practice. From this perspectives, although the expert investigator scored D, the panel decided to cancel the score and to leave the dimension without score due to the reason that there is no score that fit to choose. The expert investigator is unable to assign preliminary scores for dimension 2.2.4 that is stated as " Rural lands, the use of which is changed, are swiftly transferred to the destined use" and dimension 2.2.6 stated as " For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use" due to insufficient data and relevant information. Although there is limited data and information, the panel made a judgment and scored each dimension D.

According score adjustments made by the panel, the performance of the country in the thematic area, which is stated as " Rights to forest and common lands & rural land use regulations" is analysed. The result of scoring of the dimensions under the thematic area is presented in table 8. The result shows that there is no dimension scored A, which indicates that Ethiopia is not performing Very Strongly on issues and subject matters addressed in any of the dimensions. There are 7 dimension scored B, which is 50% of the dimensions scored. As presented in the methodology, score B is labelled as "Strong" performance. Hence, Ethiopia has strong practices in 50% of the dimensions. However, 3 dimensions scored C and 4 dimensions scored D. The two together represent 50%. Again as presented in the methodology, C is labelled as "Weak" and D is labelled as "Very Weak" practice. These dimension have to be a serious concerns for Ethiopia. The country has to make the necessary corrective measures on (i) clearly identifying and giving responsibilities to appropriate institutions in the legal system for common lands, (ii) defining the co-existence of multiple rights on the same plot of land in the legal system and its enforcement, and (iii) providing the necessary opportunities for recording and mapping of lands managed and used by identified groups of communities. An immediate corrective measures for those dimension scored D (28.57%), which are Very Weak practices, is highly essentials. The essential measures includes (i) recording and mapping of lands under communal use, (ii) monitoring the swift use of rural land after land use change is decided, (iii) making public process a mandatory in zoning of rural lands to respect existing rights in the area, and (iv) monitoring effectively the use of protected areas in the rural setting in accordance to the decided use. The analysis performed at LGI level is presented in table 18. Weighted mean points are calculated for the two LGI separately. Calculated weighted mean values are found to be 2.44 and 1.8

for LGI 2.1 and LGI 2.2 respectively, which are in the area of Weak and Very Weak. In general terms, Ethiopia has to make serious corrective measures in order to improve the indicators.

Table 18. Panel 2, result at indicator level

Panel 2: Rights to Forest and Common Lands & Rural Land Use Regulations							
LGI: 2.1 Rights to forest and common lands				LGI 2.2 Effectiveness and equity of rural land use regulations			
Dimensions	Scores	Score points	Weighted mean value	Dimensions	Scores	Score points	Weighted mean value
2.1.1	B	3	2.44	2.2.1	B	3	1.8
2.1.2	C	2		2.2.2	B	3	
2.1.3	B	3		2.2.3			
2.1.4	B	3		2.2.4	D	1	
2.1.5	B	3		2.2.5	D	1	
2.1.6	B	3		2.2.6	D	1	
2.1.7	C	2					
2.1.8	C	2					
2.1.9	D	1					

Annex 6. Panel 3, statistical interpretation of results

During the panel discussion, panel 3, there was an approval of scores on most of the dimension proposed by the expert investigator and the senior national reviewer. Changes of scores have been made only on two dimensions. The score for dimension 3.3.4 changed from B to C and dimension 3.5.1 changed from C to B. The final result of the scores is presented in table 9. As presented in table 9, Very Strong and Very Weak results are not recorded. Most of the dimensions, 64.29%, scored B, which is Strong practice and the rest, 35.71%, scored C, which is Weak practice. The specific dimensions that scored C are, dimensions 3.2.2, dimensions 3.3.1, dimensions 3.3.2, dimensions 3.3.4 and dimensions 3.5.3. Practices in these dimensions have to be changed and improved and an immediate attention has to be paid by the municipalities and city administration. Proposed practices, among others, (i) making the urban land use plan change in a clear public process with full participation of all stakeholders, (ii) making implementation of low-cost housing policy more effective in order to decrease those living in inadequate shelters, (iii) adhere to the land use plan developed to guide the expansion of the largest city, (iv) develop a speedy mechanism in the land use planning process to cope with urban growth and avoid informal settlement and (v) develop a clear regulation to manage common properties effectively under condominiums system.

After observing the result at dimension level, further analysis is made at an indicator levels by aggregating scores under each indicator. As presented in table 19, there is a Strong practice on restriction on rights, (indicator 3.1) and on speed and predictability of enforcement of restricted land uses (indicator 3.4). However, the practice on efficiency in the land use planning process is almost weak (indicator 3.3). Looking the situation on how to improve the practices under this indicator has to be a serious concern for the urban land sector.

Table 19. Panel 3, result at indicator level

Panel 3. Urban Land Use, Planning, and Development							
LGI: 3.1. Restrictions on rights				LGI: 3.2. Transparency of land use restrictions			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value
3.1.1	B	3	3	3.2.1	B	3	2.67
3.1.2	B	3		3.2.2	C	2	
				3.2.3	B	3	
LGI: 3.3 Efficiency in the urban land use planning process				LGI: 3.4 Speed and predictability of enforcement of restricted land uses			
3.3.1	C	2	2.25	3.4.1	B	3	3
3.3.2	C	2		3.4.2	B	3	
3.3.3	B	3					
3.3.4	C	2					
3.5 Tenure regularization schemes in urban areas							
3.5.1	B	3	2.67				
3.5.2	B	3					
3.5.3	C	2					

Annex 7. Panel 4, statistical interpretation of results

Table 10 shows the summary of results in panel four. Some scores changed during the panel discussion. The changes are on dimension 4.1.3, from C to B, dimension 4.1.5 from D to C and on dimension 4.1.6 from C to B and on dimension 4.3.1 from D to C. Furthermore, the panel cancelled scores of dimension 4.3.4 and dimension 4.3.5. and concluded not appropriate to the Ethiopian situation. Therefore, the result on table 10 is after all these adjustments are made.

Dimension 4.2.2 scored A (8.33%), which means there is a very strong practice to transfer acquired land to its destined use. There are four dimensions (33.33%) scored B. However, those dimensions scored C and D together, which means weak and very weak, are much higher (58.33%). Ethiopia has to look seriously on those activities scored weak and very weak. Dimensions that scored C are dimension 4.1.4, dimension 4.1.5, dimension 4.3.1 and dimension 4.3.3. To improve practices in these dimensions, the followings have to be made respectively. (i) remove any ambiguity in responsibility assignment and capacitate mandated institution, (ii) allocate sufficient resources (financial, material and human) for better management, (iii) develop a system to acknowledge unrecorded rights and making compensations for those lost benefits, and (iv) reduce the time in compensation payment after rights are removed. An immediate action is required on those practices that are very weak (scored D) by (i) completely recording of the public lands, (ii) monitoring the transfer of public land satisfy public interest, and (iii) establishing a system to compensate lost interest due to land use change.

Additional evaluation of the result is made at indicator level and is presented in table 20. As the result indicates, there is a need to work hard to improve performances of the indicators that scored C&D. Those dimensions scored A and B are outweighed by those scored C and D.

Table 20. Panel 4, result at indicator level

Panel 4. Public Land Management							
LGI 4.1 Identification of public land and clear management				LGI 4.2 Justification and time-efficiency of acquisition processes			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value
4.1.1	B	3	2.33	4.2.1	D	1	2.67
4.1.2	D	1		4.2.2	A	4	
4.1.3	B	3		4.2.3	B	3	
4.1.4	C	2					
4.1.5	C	2					
4.1.6	B	3					
LGI 4.3 Transparency and fairness of acquisition procedures							
4.3.1	C	2	1.67				
4.3.2	D	1					
4.3.3	C	2					
4.3.4	----						
4.3.5	----						

Annex 8. Panel 5, statistical interpretation of results

Panel five is analyzed with nineteen dimensions packed under four indicators. On relative terms, many changes of scores, on seven dimensions, took over in this thematic than the others during the panel discussion. There are only two dimensions, 10.53%, that scored B, table 11. Out of the nineteen dimension, twelve of them scored C, which is weak, and five dimensions scored D, which is very weak. Proportionally, 63.16% and 26.32% of the dimensions are weak and very weak practices respectively. As a matter of priority, to improve practices and to achieve better performance, (i) make the transaction of public lands transparent and open to the public (dimension 5.1.1), (ii) establishing a proper mechanism for significant benefit sharing from the gains in land use change (dimension 5.1.4), (iii) developing a policy for accessing assets developed in the area of transacted lands (dimension 5.1.5), (iv) establishing resettlement policy to manage resettlement properly when it is implemented (dimension 5.2.7) and (v) involve the right holders to negotiate and establish future benefits that can be gained due to the land use change (dimension 5.3.3). Analysis made at indicator level shows that the performance in all the indicators is weak or very weak, table 21.

Table 21. Panel 5, result at indicator level

Panel 5. Transfer of Large Tract of Land to Investors							
LGI 5.1: Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing)				LGI 5.2 Private Investment Strategy			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value
5.1.1	D	1	1.6	5.2.1	C	2	1.86

5.1.2	B	3		5.2.2	C	2	
5.1.3	C	2		5.2.3	C	2	
5.1.4	D	1		5.2.4	C	2	
5.1.5	D	1		5.2.5	C	2	
				5.2.6	C	2	
				5.2.7	D	1	
LGI 5.3 Policy implementation is effective, consistent and transparent and involves local stakeholders				LGI 5.4. Contracts involving public land are public, easily accessible, with agreements monitored and enforced			
5.3.1	C	2		5.4.1	C	2	
5.3.2	C	2	1.75	5.4.2	C	2	2
5.3.3	D	1		5.4.3	C	2	
5.3.4	C	2					

Annex 9. Panel 6, statistical interpretation of results

Table 12, depicts summary of scores after adjustments made during panel discussion. There has been upward score change on dimension 6.2.3 and dimension 6.5.3. Downward score change is made on dimension 6.1.1, dimension 6.2.5 and dimension 6.5.2. The other scores are maintained as proposed by the expert investigator. As illustrated in table 12, there are six dimensions, (33.33%) that have very strong performance. On the contrary, there are six dimensions, (33.33%) that recoded very weak performance. When the dimensions recoded weak and very weak performance is taken together it becomes 55.56%, which outweigh very strong and strong performances. As a matter of priority, the following corrective measures are essential. (i) speedup the rural and urban cadastre and making a complete information system (dimension 6.2.2), (ii) develop a system to synchronize information in the public registry (dimension 6.3.1), (iii) develop a system that make updating mandatory (dimension 6.3.2), (iv) develop a cost recovery system to enable the registry to run by itself (dimension 6.4.1), (v) improve level of investment for land administration as land is one of the basic resources of the country (dimension 4.2.1), and (vi) develop and incorporate ethical education in the education system and develop controlling mechanism to discourage illegal actions of staffs. The necessary measures have to be taken on other dimensions to improve overall performances.

Additional analysis has been conducted by aggregating the results of the dimension to have an insight on the level of performances of indicators and to make an informed judgment. As presented in table 22, there is a very strong practice in mechanism for recognition of rights (indicator 6.1). However, reliability (indicator 6.3) and cost effectiveness and sustainability (indicator 6.4) are a serious concerns that need an immediate actions.

Table 22. Panel 6, Result at indicator level

Panel 6: Public Provision of Land Information: Registry Cadastre							
LGI 6.1 Mechanisms for recognition of rights				LGI 6.2 Completeness of the land registry			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value
6.1.1	B	3		6.2.1	A	4	
6.1.2	A	4	3.75	6.2.2	D	1	2.71
6.1.3	A	4		6.2.3	C	2	

6.1.4	A	4		6.2.4	C	2	
				6.2.5	C	2	
				6.2.6	A	4	
				6.2.7	A	4	
LGI 6.3 Reliability				LGI 6.4 Cost-effectiveness and sustainability			
6.3.1	D	1	1	6.4.1	D	1	1
6.3.2	D	1		6.4.2	D	1	
LGI 6.5 Fees are determined transparently to cover the cost of service provision							
6.5.1	B	3					
6.5.2	D	1	2				
6.5.3	C	2					

Annex 10. Panel 7, statistical interpretation of results

Scores' summary of panel seven is presented in table 13. As the table tells, there is only one dimension that has very strong, 16.67%, practice (dimension 7.2.4). Dimension 7.2.1 scored B, which shows that there is strong practice, 16.67%. On the other end, dimension 7.1.1 and dimension 7.1.2 scored D , 33.33%, that expresses the practices in this dimensions is very weak. When the dimensions that scored C and D are taken together, it becomes 66.67%. Therefore, the country has to take corrective measures that include (i) making property valuation for taxation and compensation that reflect market value (dimension 7.1.1), (ii) developing a policy and a guide that makes valuation rolls are accessible to the public (dimension 7.1.2), (iii) developing a system that increase the percent of liable property tax payers in the tax rolls more than 70% and put in place monitoring mechanisms (7.2.2) and (iv) developing a system that increases collection efficiency of assessed property tax values to make the collection more that 70% and put in place a monitoring mechanisms (dimension 7.2.3). Indicator level result shows that transparency of valuation is very weak while collection efficiency is much better, table 23.

Table 23. Panel 7, result at indicator level

Panel 7: Land Valuation and Taxation							
LGI: 7.1 Transparency of valuations				LGI: 7.2 Collection Efficiency			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value
7.1.1	D	1		7.2.1	B	3	
7.1.2	D	1	1	7.2.2	C	2	2.75
				7.2.3	C	2	
				7.2.4	A	4	

Annex 11. panel 8, statistical interpretation of results

Summary of scores for panel 8 are presented in table 14. There has been changes of scores during the panel discussion. The panel changed the score of dimension 8.1.3 from B to C and score of dimension 8.2.2 from C to B. As the table shows, one dimension scored A, three dimensions scored B, two dimensions scored C and one dimension scored D. Taking the dimensions scored A and B together, which means very strong and strong practices, it becomes 57.14%. The balance, 42.86%, is

weak and very weak practices. Giving priority to the weak and very weak practices to change the situations and improve performances, Ethiopia has to take corrective measures including (i) reduce court cases of land dispute by identifying and eliminating the cause of disputes through appropriate measures (dimension 8.2.1), (ii) encourage community level dispute resolutions to reduce costs and to enable disputants to use their time for other productive purpose (dimension 8.1.3), and (iii) develop a system to make the appeal court cases in shorter time and in a cost effective manner. Indicator level result, table 24, shows that there is a better practice in the area of assignment of responsibilities.

Table 24. Panel 8, result at indicator level

Panel 8: Dispute Resolution							
8.1 Assessment of responsibilities				8.2 The share of land affected by pending conflicts is low and decreasing			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value
8.1.1	B	3	2.75	8.2.1	D	1	2.33
8.1.2	A	4		8.2.2	B	3	
8.1.3	C	2		8.2.3	B	3	
8.1.4	C	2					

Annex 12. Panel 9, statistical interpretation of results

Panel nine is analyzed under two indicators and thirteen dimensions, table 15. During the panel discussion, score of three dimensions changed. The changes are dimension 9.1.1 from A to B, dimension 9.1.5 from C to B and dimension 9.2.7 from D to C. The rest of the scores remained as proposed by the expert investigator. The result of the final scoring is summarized and presented in table 17. As it is shown in the table, there is no dimension scored A or D. Seven dimension, 53.86%, scored B and six dimensions, 46.14% scored C. In this case, those dimensions scored C, which means weak, should get first priority to take corrective measures. Among others, Ethiopia has to (i) remove overlaps that exist within institutions that have interest in the land sector (dimension 9.1.2), (ii) Make land information readily accessible (dimension 9.1.4), (iii) strengthening the coordination between different institutions that deal with land (dimension 9.1.6), (iv) put in place a very strong monitoring system for implementation of ecological and environmental policy objectives (dimension 9.2.3), (v) establish a system and implement a system for cost benefit analysis for land policy implementation (dimension 9.2.4), and (vi) Enforce and monitor policy implementation that prevent settlement in high risks areas (dimension 9.2.7). Analysis made at indicated level is presented in table 18. The performance of the two indicators is not very different. However, indicator 9.2 is a bit better than indicator 9.1, table 25.

Table 25. Panel 9, result at indicator level

Panel 9. Institutional Arrangements and Policies							
LGI: 9.1 Clarity of mandates and practice				LGI: 9.2. Equity and non-discrimination in the decision-making process			
Dimensions	Scores	Score value	Weighted mean value	Dimensions	Scores	Score value	Weighted mean value

9.1.1	B	3	2.5	9.2.1	B	3	2.57
9.1.2	C	2		9.2.2	B	3	
9.1.3	B	3		9.2.3	C	2	
9.1.4	C	2		9.2.4	C	2	
9.1.5	B	3		9.2.5	B	3	
9.1.6	C	2		9.2.6	B	3	
				9.2.7	C	2	

Annex 13. Detail policy matrix at dimension level

Policy matrix - Panel 1, Recognition of Land Rights		
Dimension	Result from the analysis	Recommended policy measures/ policy statements
1.1.1a	B: Existing legal framework recognizes rights held by 70% - 90% of the rural population	Conduct research on the implications of restriction on land use right transfers in different regions and the need to have formal provisions on the right to use small rural landholders' use rights to get access to credit services, study and harmonize the land laws and family laws in regards to heirs, issues related to polygamy should be revisited in the legal system, maximum parcel size issue revisited in the legal system
1.1.1b	B: Existing legal framework protects rights held by 70% - 90% of the rural population	Issue of compulsory land expropriation, valuation and compensation, and rehabilitation laws are concerns that need revisiting, There is a need to carry on empirical research undertakings to inform policy makers in this regard.
1.1.2	B: There is legal recognition of all customary rights but these are only partly protected in practice	A proper study has to be conducted before a pastoral area is allocated to large scale agricultural investments in order to leave to the pastoralist the very critical areas for their livelihood. A joint certification system has to be developed to demarcate and certify pastoral communities.
1.1.3		There is a need to develop and enact a law that openly defines and recognize indigenous people and their rights of use of resources. Development activities of the governments have to recognize and protect the land and property rights of the indigenous communities with meaningful consultation, consent, and compensation for loss of land and livelihoods.
1.1.4	B: Existing legal framework recognizes and protects rights held by 70% -90% of the urban population	Conduct robust study to improve the system and determine good land governance in the urban environment that shows speedy expansion
1.2.1	D: Although there is demand, the law provides no opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights.	Conduct robust research to understand the needs of the society on the ground and respond in the regions land policy and laws.
1.2.2a	A: More than 90% of individual land in rural areas is formally registered and certified with book of holdings	The registration and certification of individual parcel is conducted without formally enacted registration and cadastral laws. Therefore, registration and cadastral laws should be enacted . Methodology for communal lands registration and certification should be developed and pastoral community areas registration and certification has to be conducted.
1.2.2b	D: Less than 50% of individual land in rural areas is formally surveyed and mapped	Mapping of the huge number of parcels needs a huge resource in terms of finance, material and human resources. In addition it need to revisit the institutional capacity, policy and legal framework that exist in the current set-up.
1.2.3	D: Less than 50% of individual land in urban areas is formally recorded and mapped.	To make the recent initiative effective there must be a well-articulated strategy development and effective implementation with availability of financial, material and properly educated human resource.

1.2.4	B: The number of illegal land transactions is low and some are unambiguously identified on a routine basis.	It has been difficult to propose score due to insufficient data. Robust research is required to know the level of illegal sale
1.2.5	D: Existing legal restrictions on land leases are routinely neglected.	The current municipal land supplies for the market and the price signals have to be studied under the context of understanding the viability of the land lease system trend and its policy objectives implications
1.2.6	A: More than 90% of the cases are effectively recorded	Study on how effectively the women benefit from the registration
1.2.7	C: Equality of women's property rights to those by men is established by law, but there are considerable limitations to exercising such rights in practice.	
Policy matrix - Panel 2, Rights to forest and common lands & rural land use regulations		
2.1.1	B: Forests are clearly identified, responsibility for land use is clearly identified but implementation is ambiguous	Provision of Institutional Capacity Building to enable the ongoing process and efforts of the newly established Ministry of Environment and Forests in amending, harmonizing and unifying various laws and policies. Develop Clear directives to avoid overlaps in the boundaries of various land use (Agriculture, Settlement, large-scale tea and coffee plantations and wildlife parks.
2.1.2	C: Common lands are not clearly identified; but responsibility for land use is clearly assigned.	Provision of policy framework to give clearer responsibility for managing communal lands is needed and formulation and adoption of a national land use policy is essential
2.1.3	B: The tenure of most groups in rural areas is not formally recognized but groups can gain legal representation under other laws (e.g. corporate law)	Increase capacity of cooperatives to influence government policy and legislation for further improvement.
2.1.4	B: Users' rights to key natural resources are legally recognized but only some are effectively protected in practice or enforcement is difficult and takes a long time	Create conducive environment to apply existing legal and institutional mechanisms for securing local land and resource claims to address community interests and create appropriate mechanisms for Participatory land use planning
2.1.5	B: Co-existence is possible by law and respected in practice but mechanisms to resolve disputes are often inadequate	Issue a comprehensive law that protect multiple rights over the common lands and create appropriate mechanism in capacity building of the judiciary (local courts), and stakeholders
2.1.6	B: Co-existence is legally possible and respected in practice but mechanisms to resolve disputes are often inadequate	Develop a harmonized legal instruments that support multiple rights to co-exist on the same plot of land. Adequate research on mechanisms to manage conflicts for such natural resources management arrangements is very essential
2.1.7	C: Co-existence is possible by law but rarely respected in practice	Issue a harmonized and comprehensive law that recognize any preferential right of those who have surface rights, thus creating a regime where multiple rights operate over the same plot of land
2.1.8	C: The law provides opportunities for those holding group land under customary, group, or collective tenures to record and map land rights if they so desire. Procedures are not affordable or clear, leading to discretion in their application	Develop appropriate land registration and certification system conducive to pastoral and other customary, group or collective tenures to record and map land rights
2.1.9	D: Less than 10% of the area under communal and/or indigenous land has boundaries demarcated and surveyed and associated claims	Institutional capacity building to survey, demarcate and map the communal land including forests, wildlife parks, etc is necessary

	recorded	
2.2.1	B: Regulations regarding restrictions on rural land use effectively serve public purpose but enforcement is weak	Capacitate the relevant institutions to enforce the restrictions
2.2.2	B: There are a series of regulations that are for the most part serve public purpose but that are not enforced.	Strengthen the capacity of relevant institutions to enforce policies and laws
2.2.3		Develop an appropriate guideline for participatory rural land use, rezoning and plan formulation
2.2.4	D: Less than 30% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use (e.g. forest, pastures, wetlands, national parks etc.)	Research and information documentation on the subject is mandatory
2.2.5	D: Rezoning processes are not public process and rights are ignored or not properly or promptly compensated in the majority of cases	create promising way to minimize land disputes in the long term through (a) consensual identification and recording of boundaries that will improve land information, (b) more accessible and responsive institutions, and (c) greater transparency in procedures involving land transactions
2.2.6	D: The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is greater than 50%	Strengthen the capacity of the existing institutions in terms of skilled manpower and necessary materials to demarcate, map and record data on forest and other vegetation types as well as other land cover types
Policy matrix - Panel 3, Urban Land Use, Planning, and Development		
3.1.1	B: There is a series of regulations that are for the most part serve public purpose but enforcement is deficient.	redesign policy and strategies that curb large scale eviction problem through exploring other options such as more participatory urban upgrading for vibrating the social, economic and environmental fabrics of an area as well as tenure recognition, infrastructure and service provision and other reputable land management regulatory practices
3.1.2	B: There are a series of regulations that are for the most part serving public purpose but that are not enforced.	Develop enforceable regulation to restrict settlements at risk prone areas and develop and implement mitigation measures for those settled in risk prone areas till get resettled in non risk prone areas
3.2.1	B: Information on planned urban expansion and infrastructure development is publicly available with sufficient anticipation and a systematic process to deal with land rights by those affected in a way that is not fully in line with international standards	There is a big dissatisfaction on the less involvement of affected communities in the compensation computation process and on the level of compensation payment. This situation needs reconsideration
3.2.2	C: Public input is sought in preparing and amending land use plans but the public comments are largely ignored in the finalization of the land use plans.	Stringent regulation ought to be designed for any zoning modifications to involve primarily the interest of the majority of affected communities rather than endorsing the technocrat based analysis by the process council.
3.2.3	B: Between 50% and 70% of the land that has had a change in land use assignment in the past 3 years has been developed to its destined use.	System development to track land use change is essential with all rounded institutional development.
3.3.1	C: There is a policy for low cost housing and services but implementation has major gaps so that the number of those with inadequate shelter actually increases.	Institutional capacity building is an essential measure to overcome implementation problems. In additions, proper investigation is essential to harmonize the ability of the poor to pay and the cost of construction of condominiums, and to find out conducive environment to implement low cost housing.

3.3.2	C: In the largest city, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion occurs in an ad hoc manner with infrastructure provided some time after urbanization.	Measures have to be designed and implemented to make proper implementation of the legal tools enacted. Additional legal tools have to be developed to guide the urban expansion based on land use plans.
3.3.3	B: In the four major cities, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development is guided by the provision of infrastructure which implements only a part of the land use plans	Measures have to be designed and implemented to make proper implementation of the legal tools enacted. Additional legal tools have to be developed to guide the urban expansion based on land use plans.
3.3.4	C: In the largest city, the urban planning process/authority is struggling to cope with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are informal	Institutional capacity building is essential to make the system effective and to cope with the increasing demand
3.4.1	B: Requirements to obtain a building permit are technically justified and affordable but only partly complied with.	System development for improvement of compliance is essential
3.4.2	B: All applications for building permits receive a decision within 6 months.	System has to be designed to speed up the permit process and award the permit in three months of time
3.5.1	B: The requirements for formalizing housing in urban areas are neither clear, straight-forward, or affordable but many applicants from informal areas are managing to satisfy the requirements	Revisiting the requirements and enabling full participation of affected communities is essential
3.5.2	B: A strategy exists to regularize land rights and provide services to existing informal occupants but existing regulations provide incentives for new informal occupations	Appropriate study on different alternatives of regularization approach and to enable genuine participation of informal settlers during the regularization process is essential
3.5.3	C: Common property under condominiums is recognized but the law lacks clear (or regulations) for management and publicity of relevant records	Development of institutional arrangement to support condominium associations, legal tools and capacity development of condominium associates are necessary measures expected from the government side.
Policy matrix - Panel 4, Public Land Management		
4.1.1	B: Public land ownership is justified by provision of public goods at the most appropriate level of government but management may be discretionary	Design efficient management system, involving communities in public land management and capacity building officers is required
4.1.2	D: Less than 30% of public land is not clearly identified on the ground or on maps.	Government has to give attention for surveying and mapping of public lands in the country and capacity building of the responsible institutions is required
4.1.3	B: All the information in the public land inventory is accessible to the public, but information for some types of public land (land used by the military, security services, etc.) is not available for justifiable reasons.	Attention should be paid for the management of public lands to generate public goods and services. Strategic commitment for surveying and mapping of public lands and make the information for public use is an urgent matter
4.1.4	C: There is ambiguity in the assignment of management responsibility or capability for different types of public land and/or major gaps in the extent to which equity and efficiency are often not attained in practice	There is a need to work on by the government to clearly define responsibilities between the federal and regional governments on the management and development of public lands
4.1.5	C: There are significant constraints in the financial and/or human resource capacity but the system makes effective use of limited available resources, with limited impact on managing public lands.	Allocating adequate budget is an essential measures to enhance management of public lands
4.1.6	B: Key information for public land allocations (the locality and area of	System development on transparency of actions and accessibility of information is

	the land allocations, the parties involved and the financial terms of the allocation) is only partially recorded but is publicly accessible; or the key information is recorded but only partially accessible	an essential measure
4.2.1	D: More than 50% of land acquired in the past 3 years is used for private purposes	Transferring land to private interest is through expropriation. There is no limiting factor that restrict the government power. Therefore, it is essential to revise and define the public purpose to take land and transfer.
4.2.2	A: More than 70% of the land that has been acquired in the past 3 years has been transferred to its destined use	System has to be developed to improve the speed of transfer of land to its destined use
4.2.3	B: Some	Developing and enacting legal tools is essential to prevent pre-emptive actions by private parties
4.3.1	C: Compensation, in kind or in cash, is paid for some unrecorded rights (such as possession, occupation etc.), however those with other unrecorded rights (which may include grazing, access, gathering forest products etc.) are usually not paid	Designing and enacting legal tool to consider those who are not registered but leaving on the product they get from the land expropriated
4.3.2	D: Where people lose rights as a result of land use change outside the acquisition process, compensation is not paid	There is a need to revisit the current expropriation and compensation law and its corresponding regulation to consider compensation payment when people lose right as a result of land use change.
4.3.3	C: Between 50% and 70% of acquired land owners receive compensation within one year	This makes compensation unfair. So it is strongly suggested that government should revise its compensation law and its implementation procedure
4.3.4		Design legal instrument to create avenue for lodging complaint against acquisition
4.3.5		The cut-off date which is missed in the current law must be clearly included in the inventory stage.
Policy matrix - Panel 5, Transfer of Large Tract of Land to Investors		
5.1.1	D: The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is less than 50%. (Except for equity transfers)	To improve the system, there should be a clear guideline on public land and natural resource use rights, responsibilities and procedures to enable future decision making to be transparent, accountable and equitable. The guideline should take into consideration genuine involvement of affected communities to guarantee their benefits
5.1.2	B: Between 70% and 90% of total the agreed payments are collected from private parties on the lease of public lands	The amount of rural land rent per hectare per year needs to be revised taking into account the experiences of other countries and of the urban land lease pricing which initially takes into account benchmark price and later the price is determined based on a high lease price from tender
5.1.3	C: Only some types of public land are generally divested at market prices in a transparent process irrespective of the investor's status (e.g. domestic or foreign) or the purpose for which the land is assigned	The rental price of rural land is generally low. Hence, the amount of payment per hectare needs to be revised. The variation between the regions may need harmonization. The general recommendation is that the current urban lease price setting based on benchmark pricing seems a logical approach to get reasonable land lease price for the rural land.
5.1.4	D: Mechanisms to allow the public to capture significant share of the gains from changing land use are not used	There should be a regular follow up and supports to investors to enable them comply with socioeconomic and environmental standards. There is a need for a team of experts and community members to carry out joint monitoring and supervision to

		ensure that investors comply with their obligations
5.1.5	C: No policy in place to improve access to and productive use of assets by poor and marginalized groups	In areas where land registration and certification is not finalized the right of the local community needs to be carefully assessed and protected from any mistreatment when land is transferred to investors
5.2.1	C: A policy to identify land that can be made available to investors exists, based on ad hoc assessment of land potential and limited consultation with communities and is applied in more than 90% of identified cases	Well elaborated procedure has to be developed and enforced. In areas where government allocates investment land, the existing land rights need to be formally recognized and protected as a pre-requisite before any decision on the transfer of any large-scale land to investors for commercial purposes. Institutions mandated to manage those lands have to be consulted.
5.2.2	C: Process is in place but many investments go ahead that are either not according to the policy or despite unfavorable outcomes	A harmonized and comprehensive national land policy and guideline is required. The land transfer should be more transparent when implemented. Any investment land transfer shall use a wider range of announcement through a number of media (mass media, notice, newsletter, etc). A revision on the institutional arrangement is required. Monitoring implementation is essential
5.2.3	C: Institutions to make decisions are clearly identified but lack either capacity or incentives in ensuring socially beneficial outcomes or their decisions are not always implemented	Full decision making power is essential to mandated institutions to avoid lengthy process for final approval by other political institutions.
5.2.4	C: No policy is in place but some decisions on land use and land rights are coordinated across sectors	The transfer of large tract of public land to investors has a negative side effect to the natural resources and to environment, and to the local communities. Therefore, all concerned stakeholders need to be consulted and the allocation of investment land should be based on a pragmatic land use planning
5.2.5	C: Monitoring of compliance is limited or only part of the results accessible to the public	Compliance of investors with contractual obligations should be regularly monitored and remedial action need to be taken if needed. This responsibility of monitoring compliance lies on those institution which are signatories of the lease agreement. Institutional capacities of responsible institution should be developed.
5.2.6	C: Safeguards (EIA, SIA, etc.) are partly in line with global best practice	Government shall fulfil the aims of the conservation strategy and the land law of the country. The land use planning and environmental impact mitigation measures should be seriously implemented and monitored
5.2.7	D: Resettlement policy does not exist; if resettlement takes place than it is in an ad-hoc manner	Resettlement is not currently operational. But if the government need to initiate again, there must be well designed policy and plan.
5.3.1	C: Investors' business plans (application materials) require some evidence of technical viability, community consultation, and availability of resources but this is insufficient to effectively identify project risk ex ante	Government has to be consistent in demanding investors to present their business plan and mitigate measures of potential side effect risks
5.3.2	C: The review process for investment application related documents is not uniform and stable over time; in most cases, investors receive a response within 9 months of date submission	Enforceable guideline to respond in time and capacity building of the responsible institution is essential
5.3.3	D: Current users have limited or no rights	?????
5.3.4	C: Modalities for benefit sharing included in a significant share of relevant contractual arrangements and affected parties are aware of these and of ways to enforce them even though there is limited public	The sustainability of investment is constrained by poor level of benefit sharing arrangement and hence, it is relevant to make sure that benefit sharing element is included in the project document. Besides, government should conduct a compliance

	disclosure	monitoring to ensure that the benefit sharing arrangement is implemented.
5.4.1	C: Spatial information and temporal information is available to relevant government institutions but not accessible on a routine basis by private parties	Responsible institutions should develop a system to have well organized public information on spatial extent and duration of approved concessions and proposed investment land transactions to maintain legitimacy and create trust and transparency.
5.4.2	C: There is little third-party monitoring of investors' compliance with safeguards and mechanisms to quickly and effectively ensure adherence are difficult to access for affected communities	The compliance of investors with contractual obligations needs to be regularly monitored and remedial actions should be taken. To this end, the government should put in place monitoring mechanism (including third party monitoring) to check, enforce effectively and consistently compliances with safeguards stated in the contractual agreements
5.4.3	B: Third-party monitoring of investors' (and the state's) compliance with contractual provisions is practices in some cases but mechanisms to quickly and effectively reach arbitration in case of problems exist	Monitoring system development is an essential measure to be taken by the responsible institutions
Policy matrix - Panel 6, Public Provision of Land Information: Registry and Cadastre		
6.1.1	B: There is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently	The tenure system in the pastoralist and semi pastoralist areas is different and requires policy definition of group (clan) rights for effective formalization
6.1.2	A: Non-documentary forms of evidence allow full recognition of claims to property when other forms of evidence are not available	Public hearings as a tool for recognizing none- documented evidences and the use of shimaglewoch shengo to connect the informal rules to the formal legal system has to be expanded to the regions other than the four main regions. In-depth study of traditional rules and informal setting is required for coding customary law in the pastoral setting.
6.1.3	A: Legislation exists to formally recognize long-term, unchallenged possession and this applies to both public and private land (and rural and urban) although different rules may apply	Policy statements to effectively identify long term unchallenged possessions with good will are necessary to avoid the spread of illegal possessions with the assumption of the possibility of being legal. Rural and urban land laws have to incorporate the issue in a way it should be addressed
6.1.4	A: On-demand recording of rights includes proper safeguards to prevent abuse and costs do not exceed 0.5% of the property value	The first registration is like establishing land administration infrastructure and therefore the cost has to be free of charge. Updating and maintenance of records that is not practiced in Ethiopia except in Amhar regional state need to be based on cost recovery policy principles. To establish such a system proper research has to be implemented
6.2.1	A: The total cost for recording a property transfer is less than 1% of the property value (time and effort costs, informal and official fees etc.)	To establish cost recovery system for property transfers, study is required
6.2.2	D: Less than 50% of records for privately held land recorded in the registry are readily identifiable in maps (spatial records)	Currently ongoing engagement to link land records with maps have to be strengthened and continue till all land parcels are managed. Policy for the continued use of adjudication records from first level certification during second level certification is necessary. Cadastral maps need to be simple, connected to the national grid, low cost and multipurpose. The cadastral maps should be able to gradually serve for legal, financial and technical functions

6.2.3	C: Relevant private encumbrances are recorded but this is not done in a consistent and reliable manner	Policy to develop a comprehensive land administration system that can record encumbrances and obligations at the holding level is required
6.2.4	C: Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner	Policy clearly stating as to how restrictions or charges are consistently recorded is necessary
6.2.5	C: It generally takes more than 1 week after request to produce a copy or extract of documents recording rights in property	Policy that deals with data ownership and regulation for accessing public documents is required
6.2.6	A: The records in the registry can be searched by both right holder name and parcel	Policy for the computerization of land holding record and legalization of digital data is required
6.2.7	A: Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any	Policy for land information distribution and public awareness creation is necessary
6.3.1	D: Few or none of the relevant links exist	Policy to synchronize public services and public registers is required. The data in land registers have to be the base for public services such as address and identification of citizens personal records
6.3.2	D: Less than 50% of the ownership information in the registry/cadastre is up-to-date and reflects ground reality	Creation of favourable policy environment for updating of land records is necessary. The benefits of updating of records should be clear for users and the cost for activities on demand has to be low.
6.4.1	D: The total fees collected by the registry are less than 50% of the total registry operating costs	Policy provisions to introduce cost recovery approach for land administration offices are necessary
6.4.2	D: There is little or no investment in capital in the system to record rights in land	Cost recovery principles have to be supported by policy provisions so that the system is enabled to finance itself and to deliver quality services on demand basis
6.5.1	B: A clear rationale and schedule of fees for different services is not publicly accessible, but receipts are issued for all transactions	Cost recovery principles have to be supported by policy provisions so that the system is enabled to deliver transparent and quality services on demand basis
6.5.2	D: Mechanisms to detect and deal with illegal staff behavior are largely non-existent	Policy with clear and participatory way of working is the tool to discourage informal payments.
6.5.3	C: Service standards have been established, but have not been published and there is little attempt to monitor performance against the standards	Policy for clear standard of services and mechanism for accountability monitoring is necessary
Policy matrix - Panel 7 Land Valuation and Taxation		
7.1.1	D: The assessment of land/property for tax or compensation purposes is not clearly based on market prices	Compensation that could have been paid to affected property owners/holders ought to be valued by independent professional property valuers. In addition to that, both the Federal and Regional expropriation and payment of compensation laws ought to be amended in such a way that property valuers have to use anyone of the three valuation methods when they find them appropriate.
7.1.2	D: There is no policy that valuation rolls be publicly accessible	The expropriation of landholdings for public purposes and payment of compensation, Proc.No.455/2005 and the council of Ministers Reg.No.135/2007 should be reviewed to ensure that there is more extensive information dissemination

		to the public and access to the valuation rolls, and to empower the affected citizens in the process of decision making.
7.2.1	B: There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds but are not applied in a transparent and consistent manner.	A policy should be developed on tax exemptions with guidelines that can be used in urban and rural context
7.2.2	C: Between 50% and 70% of property holder liable for land/property tax are listed on the tax roll.	A policy measure has to be devised to avoid illegal land holding and to avoid misconception reflected among informal settlers
7.2.3	C: Between 50% and 70% of assessed land/property taxes are collected	Research on how to increase system efficiency is necessary
7.2.4	A: The amount of property taxes collected exceeds the cost of staff in charge of collection by a factor of more than 5	Capacity building to keep up the system is necessary
Policy matrix - Panel 8 Dispute Resolutions		
8.1.1	B: There are parallel avenues for dispute resolution but cases cannot be pursued in parallel through different channels and evidence and rulings may be shared between institutions so as to minimize the scope for forum shopping	A legislative revisit is necessary to reduce the different types of dispute settlement avenues. For example, it is possible to eliminate municipal courts and other tribunals and rather empower regular courts. The revision of the law may also be a good opportunity to adopt a comprehensive procedural approach for land dispute settlement
8.1.2	A: Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities	Strengthening local arbitral bodies through provision of training, legal materials and work offices so that to enhance their capacity to settle disputes cheaply and efficiently. If the local community is confident about their ability, ethical behavior and efficiency, more people would prefer them to regular courts. The support can also be extended from courts and the administration by recognizing and enforcing their decisions. Supporting local legal aid centres established by universities will be very important actions. These centres can assist the poor and vulnerable groups in their litigations
8.1.3	C: There is a local, informal dispute resolution system that makes decisions that are not always equitable but this system is recognized in the formal judicial or administrative dispute resolution system.	Revise laws to encourage the recognition and enforcement of arbitral decisions and agreements. This will lessen the number of cases reaching courts and people will understand the result of their agreements
8.1.4	C: A process exists to appeal rulings on land cases at high cost and the process takes a long time/ the costs are low but the process takes a long time	Establish a separate land tribunal/bench at appellate court. To provide speedy trial especially in relation to land related disputes is establishing a separate bench at the high and supreme court level dedicated only to land disputes.
8.2.1	D: Land disputes in the formal court system are more than 50% of the total court cases	Further study is needed to conclude about sources and magnitude of land dispute in order to provide solution and thereby reduce land disputes. Further research is also necessary to determine the percentage of land disputes compared other disputes
8.2.2	B: A decision in a land-related conflict is reached in the first instance court within 1 year for 90% of cases	A policy shift is necessary for courts to focus on quality of decisions instead of quantity only. The current policy in courts is focusing on quick disposal of cases and hence reducing backlogged cases. In this regard, it is performing very well. But the overall length is not shortened since quick decisions are open for errors and then being held for longer times in appellate courts. Therefore, the policy must balance the need for speedy trial with quality of decision. Establish a separate land bench

		within the court system so that judges can be more expert in the area and can create the balance between quantity and quality of decision
8.2.3	B: The share of long-standing land conflicts is between 5% and 10% of the total pending land dispute court cases	Enhance land law capacity of woreda judges through capacity building programs of short term trainings. Further research is required to make a reasonable conclusion on the percent the cases
Policy matrix - Panel 9 Institutional Arrangement & Policies		
9.1.1	B: In situations that can entail conflicts of interest or are sensitive to abuse (e.g. transfers of land rights) there is some separation in the roles of policy formulation, implementation and arbitration	Provided that more than 50 percent (in some areas up to 80 %) of civil cases in woreda courts are associated to land, establishing clear institutional mandates concerning the regulation and management of the land sector is deemed relevant which will avoid duplication of responsibilities.
9.1.2	C: The mandated responsibilities of the various authorities dealing with land administration issues are defined but institutional overlap with those of other land sector agencies and inconsistency is a problem	Detail assessment on the horizontal responsibility overlaps may be required to craft clear institutional responsibility among institutions.
9.1.3	B: Division of land-related responsibilities between the different levels of administration and government is clear with minor overlaps	Ambiguity of responsibility should be avoided through establishing clear list of responsibilities at all levels. These list of responsibilities need to be backed by directives or guidelines.
9.1.4	C: Information related to rights in land is available to interested institutions but this information is not readily accessible or not available at a reasonable cost	Government should speed up the computerized land information system to ease information sharing. The computerized information system should include a web based application to create an enabling environment for key public bodies to get connected
9.1.5	B: The Legal framework and procedures for land-related matters (incl. renewable and subsoil resources) are fully consistent but there may be differences in the way complaints and grievance redress are handled	The land registration exercises both in urban and rural areas need to be completed. The registered rights should then be protected and the laws need to be enforced rigorously through a functional monitoring and evaluation mechanism.
9.1.6	D: Different public institutions deal with land-related matters very differently and effective mechanisms for coordination are not in place	Different public institutions which are dealing directly or indirectly with land matters should be assigned with clear mandates
9.2.1	B: A comprehensive land policy exists or can be inferred by the existing legislation, and sections of the community affected by these decisions are informed, but feedback is usually not sought or not used in making decisions	The preparation of land policies and laws need to take reasonable time for consultation and seek comments through a thorough involvement of relevant stakeholders (policy makers, rural & urban community representatives, civil societies and scholars)
9.2.2	B: Land policies incorporate clearly formulated equity and poverty objectives that are regularly and meaningfully monitored but their impact on equity and poverty issues is not compared to that of other policy instruments.	A harmonized and comprehensive national land policy and guideline is required. Besides, the effort of the regulatory body in regularly and meaningfully monitoring on land policy/law against equity and poverty objectives should be strengthened
9.2.3	C: Land policies incorporate some ecology and environmental sustainability objectives but these are not regularly and meaningfully monitored	Although the land laws are enacted to satisfy the ecological and environmental objectives of the country, the law enforcement to this end is very poor. Hence, the provisions in the legislation need to be enforced rigorously through a functional monitoring mechanism.
9.2.4	C: The implementation of land policy is not fully costed and/or to implement the policy there are serious inadequacies in at least one area of budget, resources or institutional capacity	The cost accounting needs to be holistic and demands further study to be able to establish efficient and effective Cost of implementing various components of land policies

9.2.5	B: Formal land institutions report on land policy implementation in a regular and meaningful way but reports are not made public	The recent developments in tracking policy implantation shall be supported through application of web based land information system
9.2.6	B: Policy is in place to improve access to and productive use of assets by poor and marginalized groups, is applied in practice, but is not effective	A harmonized land administration and use policy is required at national level taking in to account other related policies and strategies such as the rural development policy and strategy, the conservation strategy of Ethiopia, the water management policy etc
9.2.7	C: Policy is in place to prevent settlement in high risks areas but which is not enforced	Enforcing system needs to be developed soon

Annex 14. Score card for dimensions

LGAF - Ethiopia, score card for dimensions					
Panel 1. Land Rights Recognition					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
1.1 Recognition of a continuum of rights: the law recognizes a range of rights held by individuals (incl. secondary rights of tenants, sharecroppers, women etc)	1.1.1a. Individuals' rural land tenure rights are legally recognized				
	1.1.1b. Individuals' rural land tenure rights are protected in practice				
	1.1.2: Customary tenure rights are legally recognized and protected in practice				
	1.1.3. Indigenous rights to land and forest are legally recognized and protected in practice.				
	1.1.4. Urban land tenure rights are legally recognized and protected in practice				
1.2 Respect for and enforcement of rights	1.2.1. Accessible opportunities for tenure individualization exist				
	1.2.2a. Individual land in rural areas is registered and certified with book of holdings				
	1.2.2b. Individual land in rural areas is registered and mapped				
	1.2.3. Individual land in urban areas is recorded and mapped				
	1.2.4. The number of illegal land sales is low				
	1.2.5. The number of illegal lease transactions is low.				
	1.2.6. Women's property rights in lands as accrued by relevant laws are recorded				
	1.2.7. Women's property rights to land are equal to those of men				
Panel 2: Rights to forest and common lands & rural land use regulations					
Land Governance Indicators	Dimensions	Scores			
		A	B	C	D
2.1 Rights to forest and common lands	2.1.1 Forests are clearly identified in law and responsibilities for use is clearly assigned				
	2.1.2. Common lands are clearly identified in law and responsibility for use is clearly assigned				
	2.1.3. Rural group rights are formally recognized and can be enforced				
	2.1.4 Users' Rights to Key natural resources on land (inc. fisheries) are legally recognized and protected in practice				
	2.1.5 Multiple rights over common land and natural resources on these lands can legally coexist				
	2.1.6 Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist				
	2.1.7 Multiple rights over land mining/ other sub-soil resources located on the same plot can				

	legally coexist				
	2.1.8 Accessible opportunities exist for mapping and recording of group rights				
	2.1.9 Boundary demarcation of communal land				
2.2 Effectiveness and equity of rural land use regulations	2.2.1 Restrictions regarding rural land use are justified and enforced				
	2.2.2 Restrictions on rural land transferability effectively serve public policy objectives				
	2.2.3 Rural land use plans are elaborated/changed via public process and resulting burdens are shared				
	2.2.4 Rural lands, the use of which is changed, are swiftly transferred to the destined use.				
	2.2.5 Rezoning of Rural Land use follows a public process that safeguards existing rights				
	2.2.6. For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use.				
Panel 3. Urban Land Use, Planning, and Development					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
3.1. Restrictions on rights: land rights are not conditional on adherence to unrealistic standards	3.1.1. Restrictions regarding urban land ownership and transferability effectively serve public purpose and are enforced				
	3.1.2. Restrictions regarding urban land use (disaster risk) effectively serve public policy objective				
3.2. Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific group	3.2.1. Process of urban expansion/infrastructure development process is transparent and respects existing rights				
	3.2.2. Changes in urban land use plans are based on clear public process and input by all stakeholders				
	3.2.3 Approval requests for change in urban land use are swiftly followed by development on these parcels of land				
3.3 Efficiency in the urban land use planning process: land use plans and regulations are current, implemented, do not drive people into informalities, and cope with urban growth.	3.3.1 Policy to ensure delivery of low-cost housing and services exists and is progressively implemented				
	3.3.2 Land use planning effectively guides urban spatial expansion in the largest city				
	3.3.3. Land use planning effectively guides urban development in the four largest cities, excluding the largest city.				
	3.3.4 Planning processes are able to cope with urban growth.				
3.4 Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and predictably	3.4.1. Provisions for residential building permits are appropriate, affordable and complied with				
	3.4.2 The process for obtaining a building permit for a residential dwelling is short.				
3.5 Tenure regularization schemes in urban areas	3.5.1 Formalization of urban residential housing is feasible and affordable.				
	3.5.2 In cities with informal tenure, a viable strategy exists for tenure security, infrastructure				

	and housing.				
	3.5.3 A condominium regime allows effective management and recording of urban property				
Panel 4. Public Land Management					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
4.1 Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible	4.1.1 Criteria for public land ownership are clearly defined and assigned to the right level of government				
	4.1.2 There is a complete recording of public land				
	4.1.3 Information on public land is publicly accessible				
	4.1.4 The management responsibility for different types of public land is unambiguously assigned				
	4.1.5 Responsible public institutions have sufficient resources for their land management responsibilities				
	4.1.6 All essential information on public land allocations to private interests is publicly accessible				
4.2 Justification and time-efficiency of acquisition processes: the state expropriates land only for overall public interest and this is done efficiently	4.2.1 There is minimal transfer of acquired land to private interests.				
	4.2.2 Acquired land is transferred to destined use in a timely manner				
	4.2.3 The threat of land acquisition does not lead to pre-emptive action by private parties				
4.3 Transparency and fairness of expropriation procedures: expropriation procedures are clear and transparent and fair compensation is paid expeditiously	4.3.1 Compensation is provided for the acquisition of all rights regardless of their recording status				
	4.3.2 Land use change resulting in selective loss of rights there is compensated for				
	4.3.3 Acquired owners are compensated promptly				
	4.3.4 There are independent and accessible avenues for appeal against acquisition.				
	4.3.5 Timely decisions are made regarding complaints about acquisition				
Panel 5. Transfer of Large Tract of Land to Investors					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
5.1: Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing	5.1.1: Public land transactions are conducted in an open transparent manner				
	5.1.2: Payments for public leases are collected				
	5.1.3: Public land is transacted at market prices unless guided by equity objectives				
	5.1.4: The public captures benefits arising from changes in permitted land use				
	5.1.5: Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored.				
	5.2.1: Land to be made available to investors is identified transparently and publicly, in				

	agreement with right holders				
	5.2.2 Investments are selected based on economic, socio-cultural and environmental impacts in an open process				
	5.2.3: Public institutions transferring land to investors are clearly identified and regularly audited				
	5.2.4: Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (including sub-soil)				
	5.2.5: Compliance with contractual obligations is regularly monitored and remedial action taken if needed				
	5.2.6: Safeguards effectively reduce the risk of negative effects from large scale land-related investments				
	5.2.7: The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice				
5.3 Policy implementation is effective, consistent and transparent and involves local stakeholders	5.3.1: Investors provide sufficient information to allow rigorous evaluation of proposed investments				
	5.3.2: Approval of investment plans follows a clear process with reasonable timelines				
	5.3.3: Right holders and investors negotiate freely and directly with full access to relevant information.				
	5.3.4: Contractual provisions regarding benefit sharing are publicly disclosed				
5.4. Contracts involving public land are public, easily accessible, with agreements monitored and enforced	5.4.1 Information on spatial extent and duration of approved concessions is publicly available				
	5.4.2: Compliance with safeguards on concessions is monitored and enforced effectively and consistently				
	5.4.3: Avenues to deal with non-compliance exist and obtain timely and fair decisions				
Panel 6. Public Provision of Land Information: Registry and Cadaster					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
6.1 Mechanisms for recognition of rights	6.1.1 Land possession by the poor can be formalized in line with local norms in an efficient and transparent process				
	6.1.2 Non-documentary evidence is effectively used to help establish rights				
	6.1.3 Long-term unchallenged possession is formally recognized.				
	6.1.4 First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.				
6.2 Completeness of the land registry	6.2.1 Total cost of recording a property transfer is low.				
	6.2.2 Information held in records is linked to maps that reflect current reality.				
	6.2.3 All relevant private encumbrances are recorded				

	6.2.4 All relevant public restrictions or charges are recorded.				
	6.2.5 There is a timely response to requests for accessing registry records				
	6.2.6 The registry is searchable				
	6.2.7 Land information records are easily accessed				
6.3 Reliability: Registry information is updated and sufficient to make meaningful inferences on ownership	6.3.1 Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost				
	6.3.2 Registry information is up-to-date and reflects ground reality				
6.4 Cost-effectiveness and sustainability: land administration services are provided in cost-effective ways that are sustainable in the long term.	6.4.1 The registry is financially sustainable through fee collection to finance its operations				
	6.4.2 Investment in land administration is sufficient to cope with demand for high quality services				
6.5 Fees are determined transparently to cover the cost of service provision	6.5.1 Fees have a clear rationale, their schedule is public, and all payments are accounted for				
	6.5.2 Informal payments are discouraged.				
	6.5.3 Service standards are published and regularly monitored				
Panel 7: Land Valuation and Taxation					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
7.1 Transparency of valuations: valuations should be based on clear principles, applied uniformly, updated regularly, and publicly accessible	7.1.1 There is a clear process of property valuation.				
	7.1.2 Valuation rolls are publicly accessible				
7.2 Collection Efficiency: land and property taxes are collected and the yield from doing so exceeds collection cost	7.2.1 Exemptions from property taxes payment are justified and transparent				
	7.2.2 All property holders liable to pay property tax are listed on the tax roll.				
	7.2.3 Assessed property taxes are collected				
	7.2.4 Receipts from property tax exceed the cost of collection.				
Panel 8. Dispute resolution					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
8.1 Assessment of responsibilities: Responsibilities for conflict management at different levels are clearly assigned in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against	8.1.1 There is clear assignment of responsibility for conflict resolution				
	8.1.2 Conflict resolution mechanisms are accessible to the public				
	8.1.3 Mutually accepted agreements reached through informal dispute resolution systems are encouraged				
	8.1.4 There is an accessible, affordable and timely process for appealing disputed rulings				
8.2 The share of land affected by pending conflicts is low and decreasing	8.2.1 Land disputes constitute a small proportion of cases in the formal legal system				
	8.2.2 Conflicts in the formal system are resolved in a timely manner				

	8.2.3 There are few long-standing (> 5 years) land conflicts				
Panel 9. Institutional Arrangements and Policies					
Land Governance Indicators	Dimensions	scores			
		A	B	C	D
9.1 Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed	9.1.1 Land policy formulation, implementation and arbitration are separated to avoid conflict of interest				
	9.1.2: Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap)				
	9.1.3: Administrative (vertical) overlap is avoided.				
	9.1.4: Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible				
	9.1.5: Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.				
	9.1.6: Ambiguity in institutional mandates (based on institutional map) does not cause problems.				
9.2. Equity and non-discrimination in the decision-making process: policies are formulated in a broad public process, address equity, and implementation is meaningfully monitored.	9.2.1: Land policies and regulations are developed in a participatory manner involving all relevant stakeholders				
	9.2.2 Land policies address equity and poverty reduction goals; progress towards these is publicly monitored.				
	9.2.3: Land policies address ecological and environmental goals; progress towards these is publicly monitored.				
	9.2.4: The implementation of land policy is costed, matched with benefits and adequately resourced				
	9.2.5: There is regular and public reporting indicating progress in policy implementation.				
	9.2.6: Land policies help to improve land use by low-income groups and those who experienced injustice				
	9.2.7: Land policies proactively and effectively reduce future disaster risk.				

Annex 15. Brief biography of expert investigators and country coordinator

Panel/module/report	Expert investigator/ Coordinator	Brief Biography
Final country report	Zerfu Hailu (PhD)	<p>Zerfu Hailu did his PhD studies in Forest Ecology at the Vienna University of Natural Resources and Applied Life Sciences (2002), his MSc studies in Management of Natural Resources at the Norwegian University of Agriculture (1993) and his BSc studies in Forest Management at the Swedish University of Agricultural Sciences (1988). He has more than 30 years of experience in the area of sustainable land management at different positions. To mention the a recent ones, October 2002 to March 2006 he had worked at a position of deputy manager for the then Environmental Protection, Land Administration & Use Authority (EPLAUA) for Amhara region, April 2006 to June 2008 he had worked at position of project manager for GEF-IFAD supported Community based integrated Natural Resources Management project planning for Lake Tana Watershed. July 2008 to September 2011 he worked as senior policy advisor and deputy manager for the then German Development Cooperation (GTZ) office established in Bahir Dar to support the Sustainable Land Management Project of the Amhara Region. October 2011 to the present he is working for Responsible and Innovative Land Administration (REILA) Project at a position of deputy team leader and National Land Administration Adviser for the project.</p>
Panel 1: Land tenure recognition	Shewakena Aytenfisu	<p>Shewakena Aytenfisu, born in 1971, married and with two children, is a senior expert and holds MSc degree in Land Management from the Royal Institute of Technology (KTH), 2007, Sweden; BA degree in geography from Debub university in 2000; and many technical trainings related to land tenure. He has about 15 years of experience in land administration and land use planning. He has rich experience in working with bilateral and multilateral funded projects. He is a well known professional in Ethiopian rural land sector.</p>

Panel 2: Rights to forest and common lands & rural land use regulations	Amare Worku	Amare Worku is a senior expert who holds MSc degree in farm forestry from Swedish University of Agricultural Sciences, Uppsala, Sweden, 1997; Post Graduate Diploma, International Institute for Aerospace Survey and Earth Sciences (ITC), Enschede the Netherlands, 1993; BSc in Forest Management, University of the Philippines, Losbagnos, College Laguna, Philippines, 1988; and Diploma in forest management from Wondo-Genet forestry college in 1972. He has more than 35 years of experience in forestry, natural resources management, land use planning and land administration. He has rich experience in working with bilateral and multilateral funded projects. He has served at different level of responsibilities in government organizations and projects. He is a well known professional in Ethiopian forestry sector
Panel 3: Urban land use, planning, and development	Gizachew Berhanu	Gizachew Berhanu, born in 1970 and married, is a senior expert and holds MSc degree in Urban Planning and Management from International Institute of Geo-Information Science and Earth Observation, Enschede, The Netherlands, 2002; Bachelor of Arts in Geography(1986-1990) from Addis Ababa University, 1990; and postgraduate diploma in Land Management and Informal Settlement Regularization, IHS, International Institute of Urban Management of Erasmus University, Rotterdam, 2010. He has about 15 years of experience in urban land planning. He has rich experience in working with bilateral and multilateral funded projects. He has served at different level of responsibilities in government organizations. He is a well known professional in Ethiopian urban land sector.
Panel 4: Public land management	Teshome Taffa	Teshome Taffa, born in 1964, married and with two children, is a senior expert who has got his MSc degree in Land Management from the Royal Institute of Technology (KTH), Sweden in 2006. He got his MA degree in Human Geography, Addis Ababa University, July 1994 and his thesis is Impacts of Population Pressure on Land, Land Cover and Land Use Patterns in Robi Catchment, Ethiopia. He received his BA degree in Geography, Addis Ababa University, July 1987. He has served at different level of responsibility in Bahir Dar University at the Institute of Land Administration and other departments. He will

		finalize his PhD soon. He has about 27 years of years of experience in teaching, research and community outreach. He has many scientific publications.
Panel 5: Transparent of large tract of land to private investors	Tesfaye Ashine	<i>Tesfay Ashine</i> , born in 1962, married and with three children, is a senior expert <i>and</i> holds MSc <i>degree</i> in Land Management from the Royal Institute of Technology (KTH), 2006, Sweden; BSc degree in Agricultural engineering from Alemaya University in 1987. He has <i>more than 27</i> years of experience in land administration <i>and land use planning and in natural resources management</i> . He has rich experience in working with bilateral and multilateral funded projects. He has served at different level of responsibilities in government organizations. He is a well known professional in Ethiopian rural land sector.
Panel 6: Public provision of land information: registry and cadastre	Gebeyehu Belay (PhD)	Dr. Gebeyehu Belay, born in 1968, married and with two children, is a senior expert who holds PhD degree in cadastre from University of Natural Resources and Life Sciences, Vienna in 2014; MSc in Land Management from the Royal Institute of Technology (KTH), 2005, Sweden; BSc degree in Agricultural extension from Alemaya university in 1999; and Diploma in forest management from Wondo-Genet forestry college in 1985. He has about 30 years of experience in land administration, forestry, natural resources management and land use planning. He has served at different level of responsibilities in government organizations. He has rich experience in working with bilateral and multilateral funded projects. He is a well known professional in Ethiopian rural land sector.
Panel 7: Land valuation and taxation	Belachew Yirsaw (PhD)	Dr. Belachew Yirsaw, born in 1970, is a senior expert who holds PhD in Real Estate Economics from Royal Institute of Technology (KTH), Sweden, May, 2014. His thesis research is on Expropriation, Valuation and Compensation in Ethiopia. He has MSc degree in Land Management, from Royal Institute of Technology (KTH), Sweden (2006); MA degree in Economics from Aligarh University, India (2000); and BA degree in Economics from Addis Ababa University, Ethiopia (1993). He has about 15 of experience in teaching, research and community outreach. He has many scientific publications. Currently he

		is the head of the land administration department in ILA. He is a well known academician and researcher in Ethiopia land sector.
Panel 8: Dispute resolution	Daniel Weldegebriel (PhD)	Dr. Daniel Weldegebriel, born in 1975, is a senior expert who has got his LL.B from Addis Ababa University, his MSc in Land Management and PhD from the Royal Institute of Technology (KTH), Sweden. He has served as assistant Judge of Federal Court, Attorney of Commercial Bank of Ethiopia, and Vice Dean of the Faculty of Law at Bahir Dar University. Currently, he is Assistant Professor and Deputy Director of the Institute of Land Administration at Bahir Dar University, Ethiopia.). He has many years of experience, 14 years, in teaching, research and community outreach. He has many scientific publication. He is a well known academician and researcher in Ethiopia land sector.
Panel 9: Review of institutional arrangements and policies	Sintayehu Deresse	Sintayehu Deresse, born in 1977, married and with one child, is a senior expert and holds MSc degree in Land Management from the Royal Institute of Technology (KTH), 2007, Sweden; BSc degree in Forestry from Debub university in 2003; and Diploma in forest management in 1992 from Wondo Genet forestry college. He has more than 20 years of experience in land administration and land use planning natural resources management. He has rich experience in working with bilateral and multilateral funded projects. He has served at different level of responsibilities in government organizations and projects. He is a well known professional in Ethiopian rural land sector.