

Review and Gap Analysis on Land Use Planning Related Policies and Laws

Project Title: Participatory Land Use Planning (PLUP)

Contract No.: 83326545

Prepared by:

Mellese Damtie (PhD)

Email address: mellesedamtie@gmail.com

Cell phone No.: +251-911171687

Addis Ababa, Ethiopia

January 2020

Table of Contents

Acronyms.....	5
1. Introduction	6
2. Data Collection Methods.....	8
2.1. Literature Review.....	8
2.2. Key Informant Interviews (KIs).....	8
2.3. Focus Group Discussions (FGDs)	8
2.4. Validation Workshop.....	9
3. Objectives	9
4. Review of Federal Policy and Legal Instruments	9
4.1. The FDRE Constitution	9
4.2. Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 1097/2018.....	10
4.2.1. Ministry of Agriculture (MoA)	11
4.2.2. Environment, Forest and Climate Change Commission	12
4.2.3. The Ministry of Urban Development and Construction (MoUDC)	12
4.2.4. Ministry of Water, Irrigation and Energy.....	13
4.2.5. Ministry of Mines and Petroleum.....	14
4.2.6. Ministry of Transport.....	14
4.3. Conservation Strategy of Ethiopia (1996)	15
4.4. Growth and Transformation Plan II (GTP II 2015/16-2019/20)	16
4.5. Ethiopia's Climate-Resilient Green Economy (CRGE) Strategy	19
4.6. Urban Development Policy of 2005	19
4.7. Environmental Policy of Ethiopia (1997).....	20
4.8. Rural Development Policy and Strategies (2003)	20
4.9. Food Security Strategy of Ethiopia (1997).....	22
4.10. The Biofuel Development and Utilization Strategy, 2007	22
4.11. Urban Plan Preparation and Implementation Strategy	23
4.12. Federal Rural Land Administration and Land Use Proclamation No. 456 of 2005.....	24
4.13. Forest Development, Conservation and Utilization Proclamation No. 1065/2018.....	25
4.14. Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007	26

4.15.	Urban Planning Proclamation No. 574/2008	26
4.16.	Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 1161/2019	28
4.17.	Urban Landholding Registration Proclamation No. 818/2014.....	29
4.18.	Environmental Impact Assessment (EIA) Proclamation No. 299/2002	30
4.19.	Investment Proclamation No. 769/2012.....	32
4.20.	Industrial Park Proclamation 886/2015.....	32
4.21.	Industrial Parks Council of Ministers Regulations No. 417/2017	33
4.22.	Industrial Parks Development Corporation Establishment Regulation No. 326/2014	33
4.23.	Ethiopian Water Resources Management Proclamation No. 197/2000	34
4.24.	Ethiopian National Urban Green Infrastructure Standard of 2015	34
4.25.	Apiculture Resources Development and Protection Proclamation No. 660/2009.....	35
4.26.	Urban Lands Lease Holding Proclamation No. 721/2011	36
4.27.	Land Bank and Development Corporation Regulation No. 431/2018	37
4.28.	Ethiopian Geospatial Information Agency Reestablishment Proclamation No.1079/2018	38
4.29.	Labor Proclamation No. 1156/2019	38

Labor Proclamation also has relevance in aspects of land use planning, especially regarding its implementation. As it is expected, the implementation of land use planning would bring about many activities in the country which could deploy many workers in various disciplines. The Labor Proclamation is issued, among other things, to consider occupational safety, health and work environment; obligations of an employer in relation to workers' safety, ranging from taking appropriate steps to ensure that workers are properly instructed and notified about the hazards of their occupations and the precautions necessary to avoid accident and injury; obligations of workers such as obeying all health and safety instructions issued by the employer or by the competent authority; etc. . 38

5. Review of Regional Policy and Legal Instruments 39

5.1. Addis Ababa Laws 39

5.1.1. Addis Ababa City Master Plan Preparation, Issuance and Implementation Proclamation No. 17/2004 39

5.1.2. Addis Ababa City Government Regulations to Prevent Illegal Expansion of Land Possession and Construction on Illegal Possession Regulation No. 14/2004..... 40

5.1.3. Addis Ababa City Government Executive and Municipal Service Organs Re-establishment Proclamation No. 35/2012..... 40

5.2. Afar Regional State Policies and Laws 42

5.2.1. Rural Land Use and Administration Policy, 2008 42

5.2.2. Afar National Regional State Rural Land Administration and Use Proclamation No. 49/2009

5.3.	Amhara Regional State Land Policy and Laws	45
5.3.1.	Amhara Regional State Rural Land Administration and Use Policy, 2000.....	45
5.3.2.	The Revised Rural Land Administration and Use Determination Proclamation No. 252/2017 46	
5.3.3.	The Revised Rural Land Administration and Use Implementation Regulation No. 159/2010 E.C. 48	
5.3.4.	Land Use Directive for the Implementation of Proclamation No. 252/2017 and Regulation No. 159/2010 E.C., No. 2/2010 E.C.	48
5.4.	Benishangul Gumuz Land Policy and Laws.....	48
5.4.1.	Benishangul Gumuz Land Administration and Use Policy	48
5.4.2.	Rural Land Administration and Use Proclamation No. 152/2018.....	49
5.5.	Dire Dawa Laws.....	50
5.5.1.	Dire Dawa Administration Rural Land Administration and Land Use Regulation	50
5.6.	Gambella Regional State Laws	51
5.6.1.	The Gambella Regional State Rural Land Administration and Use Proclamation No. 52/98 or 52/99	51
5.6.2.	Gambella City Master Plan Proclamation No. 65/1999 E.C.	51
5.7.	Harari Regional State Laws	53
5.7.1.	Rural Land Administration and Use Regulation No. 11/1998 E.C.....	53
5.7.2.	Rural Land Administration and Use Regulation No. 11/1998 Implementing Directive No. 12/2003 E.C.....	53
5.8.	Oromia Regional State Laws.....	53
5.8.1.	The Oromia Regional State Rural Land Administration and Use Proclamation No. 130/2007 53	
5.8.2.	Oromia Regional State Rural Land Administration and Use Regulation No.151/2012.....	54
5.9.	Southern Region Nations, Nationalities and Peoples Regional State Laws.....	55
5.9.1.	Southern Nations, Nationalities and Peoples Land Administration and Use Proclamation No. 110/2007	55
5.9.2.	Rural Land Administration and Use Regulation No. 66/2007 issued to implement Proclamation No. 110/2007	55
5.10.	Somali Regional State Laws.....	56
5.10.1.	Somali Regional State Rural Lands Administration and Use Proclamation No.128/2013	56
5.11.	Tigray Regional State Laws	57
5.11.1.	The Revised Tigray Regional State Rural Land Administration and Use Proclamation No. 239/2006 E.C.....	57

5.11.2.	The Revised Tigray Regional State Rural Land Administration and Use Regulation No. 85/2006	57
6.	Major Findings and Gap Identification from Review of Policies and Laws	58
7.	Conclusion and Recommendations	64
7.1.	Conclusion	64
7.2.	Recommendations.....	66
7.2.1.	Recommendations on the Points to be Considered by the Forthcoming Legal Instrument	66
7.2.2.	Other Recommendations	69
8.	List of references cited	71

Acronyms

ADLI	Agriculture Development Led Industrialization
CRGE	Climate Resilient Green Economy
EFCCC	Environment, Forest and Climate Change Commission
EIA	Environmental Impact Assessment
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focus Group Discussion
GHG	Greenhouse Gas
GTP	Growth and Transformation Plan
ILDP	Integrated Land Use Development Master Plan
KII	Key Informant Interview
MoA	Ministry of Agriculture
MoARD	Ministry of Agriculture and Rural Development
MoUDC	Ministry of Urban Development and Construction
NILUPP	National Integrated Land Use Planning Project
SNNPRS	Southern Nations, Nationalities and Peoples Regional State
UGI	Urban Green Infrastructure

I. Introduction

Competition for land is increasing as demand for multiple land uses rises. The demand for land has increased due to various factors which include: population pressure; economic growth; climate change and environmental degradation; and emergence of biofuels as new energy sources. Managing increasing competition for the supply of land for various activities while accounting for different stakeholders' interests requires efficient allocation of land resources. Land use planning can aid in finding a balance among competing and sometimes contradictory uses, while promoting sustainable land use options.

Land use planning can be defined as a systematic assessment of land and water potential, land use alternatives, and socioeconomic conditions in order to formulate and implement the best land use options. Its main purpose is to select and put into practice those land uses that will best meet the demands of people while safeguarding soil, water, and biodiversity for future generations.¹ In short, it is about doing the right thing in the right place at the right scale.

According to the report of the 2017 Global Land Outlook, ... though land is a finite resource, evidence suggests that with the adoption of more efficient planning and sustainable practices and changes in consumer and corporate behavior, we will have sufficient land available in the long-term to meet both the demand for essentials and the need for a wider array of goods and services.² This suggests that, land use planning enables efficient land allocation that promotes sustainable land use options and aids in finding a balance among competing and sometimes contradictory uses.

Land use planning has evolved from a top-down, expert-driven approach, to one of land suitability, in the 1960s and 1970s. From the 1980s onwards, this shifted towards a more integrated approach, involving planning experts, decision-makers, and ordinary citizens, an approach integrated into national institutions, and increasingly linked to financial planning.³

The traditional concept of land use planning has diversified over time, to include the appraisal of factors related to sustainability (i.e., social acceptance, economic viability, physical suitability, and environmental sustainability). Based on these considerations, currently it is generally accepted that land use planning is a universe that includes variants

¹ UNCCD (2017), Global Land Outlook, p. 278.

² See UNCCD (2017), Global Land Outlook, pp. 9 and 12.

³ Graciela Metternicht (2018), *Land Use and Spatial Planning: Enabling Sustainable Management of Land Resources*, Springer, p. 7.

or sub sets like: integrated land use planning, spatial land use planning, urban land use planning, and ecological land use planning.⁴

There are two common land use planning approaches; expert-driven and participatory. The expert-driven approach is also referred to as the blueprint or institutional approach. It is a rigid and top-down approach. People, the very users and managers of land, are not consulted concerning their opinion. Recognition of the weaknesses of the conventional top-down approach has led to the development of participatory land use planning as an alternative approach. Participatory land use planning is a people-centered, bottom-up approach that recognizes the differences that exist from place to place with respect to socio-cultural, economic, technological and environmental conditions.⁵ The Ethiopian Roadmap for National Integrated Land Use Planning has adopted beneficiary-driven, institution facilitated and expert-guided planning approach,⁶ which appears to be a participatory approach.

Currently in Ethiopia land use planning is an issue of emergency. The factors which make land use planning imperative include: high population increment; allocation of vast tracts of land for agricultural and other investment initiatives; high level of youth joblessness; unplanned urbanization and uncontrolled squatter settlement in large and small urban centers; and expansion of farmlands into forests, wetlands, steep slopes and other environmentally sensitive areas. If Ethiopia embarks on land use planning in a short period of time, it is possible to satisfy all the necessary demands for land in a sustainable manner. This, however, requires making difficult choices and trade-offs. The costs and consequences of inaction regarding land use planning will be too big and hence it is high time for Ethiopia to quickly work on land use planning. However, preparation of good land use planning by itself does not solve the problem. It needs to be accompanied by a

⁴ Ibid, pp. 9-11.

⁵ GIZ (2012), *Land Use Planning: Concept, Tools and Applications*, p. 30.

⁶ Azene Bekele (2017), *Roadmap for National Integrated Land Use Planning in Ethiopia: Consultant's Report*, p. viii.

strong lead institution that can effectively embark on planning activities by engaging and coordinating all stakeholders for its preparation and implementation.

This study is conducted to review rural and urban land use and land administration legislations with the view to analyzing the gaps on the existing laws, regulations, directives, guidelines, and standards both at federal and regional levels and come up with recommendations which would serve as an input for the draft land use policy and subsequent land use legislation. Section 2 of the study highlights data collection methods while Section 3 and 4 deal with review of federal and regional policy and legal instruments respectively. Section 5 is devoted for the discussion of major findings and gap analysis from review of policies and laws and interviews and focus group discussions. Finally, Section 6 gives conclusions and recommendations.

2. Data Collection Methods

2.1. Literature Review

The literatures reviewed include books, journal articles, workshop proceedings, land policies and laws of other countries, and resources from the internet. In addition to these, review of the relevant official records from the concerned federal and regional government offices has been made. The literature review also incorporates review of the relevant policy, legal and strategic instruments of the Federal and Regional Governments.

2.2. Key Informant Interviews (KIIs)

The KIIs include interviews officials and experts of various government institutions. Semi-structured interactive interviews have been made with these individuals. As part of the KII, a number of Government institutions have been visited. These include: Afar Regional State Land Administration and Use Bureau; Amhara Regional State Urban Planning Institute; Agriculture and Natural Resources Bureau and Urban Planning Institute of the Gambella Regional State; Oromia Regional State Land Administration and Use Bureau; and Ministry of Agriculture. The purpose of the visits was to get more detailed information and insights from experts and officials to complement the literature review.

2.3. Focus Group Discussions (FGDs)

In addition to the KII, a FGD has been made at the Urban Planning Institute of the Gambella Regional State and the Amhara Regional State Urban Planning Institute.

2.4. Validation Workshop

This study has benefited from the validation workshop. Particularly, the four day workshop created opportunities to access the experts and officials who were not in office during the field visits. The very active engagement of the participants during the workshop was important in getting additional information and refining the already collected data.

3. Objectives

The main objective of the assignment is to review rural and urban land use and land administration legislations and analyzing the gaps on the existing laws, regulations, directives, guidelines, and standards both at federal and regional levels and come up with recommendations for the draft land use policy and subsequent land use legislation.

In addition to the main objective, the assignment has the following specific objectives:

- Assess and analyze the existing land use legal frameworks and policies at federal and regional levels;
- Undertake a review and gap analysis on existing policies, legislations, and strategic frameworks which are relevant for land use policy;
- Evaluate existing guidelines and regulations on data input entry, data retrieval, data updating and upgrading for both rural and urban land use planning, if any;
- Analyze law enforcement institutional frameworks at federal and regional levels and identify legal entities responsible for enforcement of relevant laws and make recommendations to improve existing enforcement frameworks;
- Draft recommendations for institutional and legal frameworks for effective implementation of rural and urban land use planning and policy; and
- Develop inputs for a draft rural and urban land use policy and legislation.

4. Review of Federal Policy and Legal Instruments

4.1. The FDRE Constitution

Land use planning can take place in Ethiopia at two tiers of government, that is, at the federal and regional government levels. Regarding the mandates of the Federal Government, the Ethiopian Constitution in its Article 51(2) and (5) respectively provides that: The Federal Government shall formulate and implement the country's policies,

strategies and plans in respect of overall economic, social and development matters. It shall enact laws for the utilization and conservation of land and other natural resources, historical sites and objects.

From these Constitutional provisions, it can be seen that the Federal Government is mandated to prepare policies, strategies and plans (including land use plan) for the overall socioeconomic development of the country. In addition to this, the Federal Government is empowered to enact laws for land utilization, which include rural and urban land use laws and policies. The Constitution also empowers Regional States to administer land and other natural resources in accordance with federal laws.⁷ However, this rule does not stop Regional States from preparing their own land use plans on the basis of the federal laws. They can prepare their own policies, laws and strategic documents based on their specific geographic and socioeconomic conditions.⁸

The Constitution is a general framework document and is not expected to go into details of specific issues. As the result of this, it is not possible to get more details from its contents. For instance, it is not indicated in the constitution which institution is responsible for land use planning. Such details are available in the lower laws of the country. One of these laws is the law that defines powers and duties of the executive organs. The current such law is “Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 1097/2018.”

Ethiopia does not have a standalone and comprehensive land use policy at federal as well as regional levels. Neither does it have an approved comprehensive and integrated land use plan at federal as well as regional levels.⁹ Issues related to land use planning are found scattered in various policy, legal and strategic instruments. The following sections explore these instruments.

4.2. Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 1097/2018

This is one of the primary laws and it defines the powers and responsibilities of the federal executive organs (ministries, commissions, authorities, agencies, etc.). Nearly all of these federal organs use land in one way or another and are concerned about land use

⁷ (Article 52, (2)(d))

⁸ Regional constitutions give similar powers to their respective regional states.

⁹ The only exception for this is the ILDP that is approved recently by the Gambella Regional State’s Government. Moreover, currently preparation of a land use policy is taking place.

planning in relation to their sectoral activities. The following organs have more relevance on land use planning aspects under this Proclamation.

4.2.1. Ministry of Agriculture (MoA)

The powers and duties of the MoA have been listed down under Article 18. Among the sectoral powers and duties of the MoA which are related with land use planning will be discussed hereunder.

Article 18 of the Proclamation provides that:

- a. *follow up and provide support for the establishment of rural land management and sustainable grazing land utilization systems; organize a national data base on same;*

These activities have some elements of sectoral land use planning which involve establishment of systems within the agricultural sector. The rural land management may relate to allocation of land for various agricultural activities and also for nature conservation purposes.¹⁰

- c. *foster basin developments on water bodies in pastoral and semi-pastoral areas; establish natural and irrigated pasture utilization system; foster small-scale irrigation developments;*

These sectoral activities also have aspects of land use planning. They require identification and allocation of areas which are suitable for the intended activities.

- f. *follow up the expansion of basin developments, infrastructure and fodder banks necessary for livestock development;*

Expansion of works for livestock development needs planning of land use type as a planning of the subsector within the agriculture sector.

- n. *by creating effective collaboration with the relevant organs, ensure that agricultural investment activities are undertaken properly; devise strategy to promote large agricultural investments;*

¹⁰ Even if there are separate institutions for nature conservation, it requires the engagement of other institutions, especially the institutions responsible for agriculture.

The activities in this sub article need large tracts of land for agricultural investment. Devising strategies for these activities presupposes some level of planning of land for a use which requires vast land.

From these activities of the Ministry, it can be seen that some level of land use planning practices are included in its functions. This does not, however, mean that the MoA is following clear and clean procedures of land use planning for its activities. There are even arguments that the agriculture sector is not doing well regarding land use planning for agricultural purposes, though it is the major claimant of land in the country.¹¹

4.2.2. Environment, Forest and Climate Change Commission

This Commission also engages in activities which would require expanses of land for its activities. Its activities which could involve sectoral land use planning, as provided under Article 32 (3) include:

- k) propose disincentives to discourage practices that may hamper the sustainable use of natural resources or incentives to encourage prevention of environmental degradation or pollution;*
- m) coordinate, and as may be appropriate, carry out research and technology transfer activities that promote the sustainability of the environment and the conservation and use of forest as well as the equitable sharing of benefits accruing from them while creating opportunities for green jobs;*
- q) establish a system for development and utilization of small and large-scale forest including bamboo on private, communal and watershed areas, and ensure implementation of same;*
- r) establish a system for protection and, as the case may be, for sustainable utilization of the natural forest resources of the country; and ensure its implementation;*
- s) establish a system to rehabilitate degraded forest lands and ensure its implementation to enhance their environmental and economic benefits.¹²*

4.2.3. The Ministry of Urban Development and Construction (MoUDC)

The other Ministry whose powers and duties include land use planning is the MoUDC. Its powers and duties are prescribed under Article 22 of Proclamation No. 1097/2018. The most relevant powers and in relation to land use planning listed hereunder as follows:

¹¹ This point was repeatedly mentioned by the participants during the validation workshop at Bishoftu.

¹² See Article 32 (3) of the Proclamation.

The Ministry of Urban Development and Construction shall have the powers and duties to:

- b) undertake studies relating to urbanization, in coordination with other relevant bodies establish system for integrated urban development and preparation of national spatial plan; follow up implementation of same;*
- c) outline directions that ensure compliance of urban centers with regional and national development schemes and integrated urbanization plans;*
- e) design strategies that ensure balanced development and population settlement in urban centers; implement same in collaboration with the pertinent federal and regional government bodies;*
- f) put in place new procedures for economic use of urban land; follow up implementation of same;*

The powers and duties given to the MoUDC in this Article are highly related with planning of urban land uses. Particularly, preparation of the national urban development spatial plan and putting in place procedures for economic use of urban lands has strong relation with land use planning activities.

4.2.4. Ministry of Water, Irrigation and Energy

The Ministry of Water, Irrigation and Energy is also an institution which uses land resources while performing its activities and it has some aspects of land use planning powers. Article 23 of the Proclamation lists down powers and responsibilities of the Ministry. Of these, its functions which have relevance to land use planning include:

- a) design policies and legal frameworks for the development of water resources and irrigation; upon approval follow up the implementation thereof;*
- b) undertake basin studies and verify the country's ground and surface water resource potentials in volumetric and quality terms, and facilitate utilization of same;*
- f) determine conditions for optimum and equitable allocation and utilization of water bodies that traverse across or lie between more than one regional states among various uses and regional states;*
- j) cause the carrying out of study, design and construction works to promote the expansion of medium and large irrigation development schemes;*

These activities of the Ministry require large expanses of land and have connection in one way or another with land use planning within the water sector.

4.2.5. Ministry of Mines and Petroleum

This Ministry also has functions which require extensive parcels of land. Its powers and functions in relation to land use and are listed down under Article 24 of the Proclamation include:

- d) ensure the quality and accessibility of geophysical map and data on minerals, petroleum and natural gas;*
- e) design and implement policy that encourages small-scale mining operations once approved by the concerned body;*
- f) organize and build the capacity of individuals engaged in traditional mining operation;*
- h) lead and oversee the exploration of petroleum and natural gas; organize modern system and institutional set up for the supply of products to markets;*
- k) set standards for petroleum storage and distribution facilities; follow up enforcement of same;*
- n) ensure that information relating to mining, petroleum and natural gas is collected, maintained and availed for utilization by users.*

It is clear that these activities need land use and hence require land use planning. Mining and petroleum works need extensive studies and exploration tasks which require a certain area of land be set aside for the purpose.

4.2.6. Ministry of Transport

The transport sector is another sector whose functions are highly related with land use. Among the powers and functions of the Ministry, which have relevance to land use planning include:

- 1) ensure the integration, efficiency and accessibility of land, air and sea transportation services, and thereby realize the country's development strategies and meet the transport service requirements of development hubs and corridors;*
- 3) ensure that transport infrastructure are constructed, upgraded and maintained; set standards and systems to determine the usage, maintenance and administration of transport infrastructure; and ensure their implementation;*

6) *expand, administer and control highways that connect two or more Regional States.*

The above Federal institutions have other institutions under them which are preparing sectoral land use plans and executing same. Examples of such institutions include: Basins' Development Authority; Ethiopian Roads Authority; Irrigation Development Commission; Federal Houses Corporation; Ethiopian Geological Survey; and Ethiopian Wildlife Conservation Authority. In addition to these, there are regional institutions which require land and also engage in sectoral land use planning in relation to their specific activities.

These institutions conduct studies to identify the appropriate lands for their activities and use the lands for their intended purposes. Even if this is a good practice, it has its own challenges. The major challenge is that each institution's demarcated land for its purposes may overlap with another institution. In such instances conflicts may arise. Sometimes, the summation of the areas needed by the institutions may be greater than the total area existing in a certain woreda or zone. Such problems can be resolved by embarking on integrated land use planning which is coordinated, integrated and participatory.¹³

In addition to the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 1097/2018, there are other policies, laws and strategic documents which deal with issues of land use planning. These are highlighted below.

4.3. Conservation Strategy of Ethiopia (1996)

The Conservation Strategy of Ethiopia was launched in 1989. Its aim was to study the natural resources, environmental imperatives and development demands in the country and to harmonize them. It was finalized in 1996 after being worked on for several years. It is organized in five volumes which deal with various conservation strategies. Section 3.4 of Volume II is devoted for a federal land resource use policy and strategic physical land use planning. While expressing the use of zoning and land use plan in socioeconomic development and environmental protection activities, paragraph 103 provides that:

“Hitherto land development has not occurred within a medium to long-term strategic planning framework. In the state sector this has often resulted in uncoordinated land development with conflicts among the objectives of various state sector agencies. For example, soda extraction from Lake Abijata is in direct conflict with the conservation

¹³ See discussions below under major findings section for more details on this point.

objectives of the Abijata-Shala Lakes Park, while the Bebekka State Coffee Farm was developed in one of the Priority State Forest Areas.”

The document continues on the discussion of the situation analysis by disapproving the government’s own deeds which were haphazard and unplanned. Paragraph 104 states that:

“There have been state sector land developments undertaken with little or no consideration for participation of existing peasant or pastoral sector users and their land use systems. Examples of these include the delineation of Parks in areas used by pastoralists and agro-pastoralists, development of large state fuel wood plantations in areas of mixed smallholder agriculture, large-scale irrigation schemes in vital pastoralist dry season grazing areas, the alienation of large areas of smallholder agriculture for state farms, and the establishment of resettlement schemes in areas unsuitable for rain fed agriculture.”

The objective of this section of the strategic document is to achieve coordinated, integrated and participatory local plans and land use decisions to achieve ecologically, socially and economically sustainable state and private sector land utilization.¹⁴ Moreover, it provides three guiding principles for zoning and land use planning. These are: (1) zoning and land use planning should begin with broad categories which should guide detailed local level planning; (2) land use categories should be based on natural and socioeconomic considerations; (3) so as to avoid conflicting interests among various stakeholders, the responsibility for undertaking strategic land use planning should not be done by a single line ministry but by an agency which is impartial to all.¹⁵

According to this Strategy, competition over land use may end up in disastrous consequences unless activities are done in a manner that balances various types of land uses.

4.4. Growth and Transformation Plan II (GTP II 2015/16-2019/20)

This is the second GTP which will run until mid-2020. GTP I also had extensive land use issues in relation to various activities such as agriculture, forestry transport, etc. The following targets of the GTP I had direct relevance to land use and land use planning.

¹⁴Paragraph 106.

¹⁵ See Paragraph 107, (a), (b) and (c).

- Increasing land covered with multipurpose/versatile trees from 6,058,000 ha in 2009/10 to 16,210,000 ha in 2014/15;
- Increasing land developed for medium and large scale irrigation schemes from 2.5% to 15.6% by the end of GTP I;
- Increasing the total cultivated land for major food crops from 11.25 million ha to 12.17 by the end of GTP I;
- Increasing cultivated land for coffee production by smallholder farmers from 462,000 ha in 2009/10 to 815,000 in 2014/15;
- Increasing forest coverage from 13.0 million ha to 18.23 million ha by the end of GTP I;
- Increasing natural resources conservation activities in pastoral areas from 200,000 ha of land to 350,000 ha by the end of GTP I;
- Increasing land under the production of vegetables, fruits and herbs from 2,472 ha to 33,000 ha by the end of GTP I;
- Preparing and developing 15,000 ha of land for working premises, and constructing shades and buildings for micro and small enterprises;
- Developing an additional 200,000 ha of land for sugarcane plantation; and
- Enabling 300,000 km² of land to be categorized as petroleum provinces by obtaining geological and geophysical data from the existing international companies involved in exploration.¹⁶

GTP II also has some relevant sections regarding land use planning. The following are extracts from various sections of the GTP:

- Looking forward, the country's potential in the development of commercial farming has to be effectively unleashed for development through strengthening land administration system.¹⁷
- In order to deal with rent-seeking and ensure good governance, the legal framework to implement transparent and accountable as well as modern land administration information system (cadaster) was prepared. Executing bodies were organized to support the implementation of the system. Training and capacity building programs were designed and conducted for land management professionals.¹⁸
- The second major source of rent-seeking is urban land and the urban land administration would be modernized through establishment of cadastral system in

¹⁶ See sections 3.3 and 5.1.1 of GTP I.

¹⁷ Section 2.1

¹⁸ Section 5.2

major cities of the country. The cadastral system would enable registration of land and property, clarify ownership and use rights on properties and land parcels, protection of such rights of rightful owners, etc. These in turn would transform the governance of urban land and help address the corruption and rent-seeking problems in the administration of urban land. Thus the on-going land administration or cadastral system reform would be accelerated during GTP II.¹⁹

- Regarding rural land administration, the following major targets are set: (i) Provide land use certificates for 7.2 million male and female headed households that secure land use right by carrying out the second level of certification for 28.6 million farmlands in 359 woredas; (ii) prepare national rural land use master plan; and (iii) prepare land administration and utilization master plan for each regional state.
- With regard to irrigation development, activities will be carried out to ensure sustainable agricultural development enhancing its productivity through improved water utilization and agro-ecological based irrigation schemes. Over 4 million hectare of land will be developed by strengthening irrigation works that can be undertaken by smallholder farmers during the GTP II period. Besides, medium and large scale irrigation development and dam constructions will be undertaken and strengthened by federal and regional government institutions. The following major targets are set with respect to irrigation development during GTP II:
 - increase the area of land covered by irrigation from 2.34 million hectare in 2014/15 to 4,143,000 hectares by the end of 2019/20,
 - develop 1,743,000 hectare additional irrigated land during the plan period and providing access to at least one alternative water point for 80% of smallholder farmers (semi-pastoralists) of which 50% are users of the full irrigation farming package. If these targets are achieved as planned, this will contribute to the realization of the irrigation potential of the country.²⁰
- During the GTP II period, urban areas with compatible land use plans will be proposed that can act as agricultural processing hubs and serve more rural locations, including acting as bases for emerging national businesses and micro, small and medium-sized enterprises (MSMEs).²¹

Although most of the issues raised above are related with land administration, it goes without saying that the ideas which are set forth in the GTP II are the yardsticks in the preparation and implementation of land use planning. It is even suggested that such

¹⁹ Section 7.1.3

²⁰ Section 4.1.A.5

²¹ Section 1.4.5

massive land administration and use plans should have been preceded by land use planning.

Regarding pastoral development, GTP II devices two strategic directions. These are: (1) enhancing the outcome from livestock development in line with the pastoral livelihood system and then enable the pastoralists benefit from the outcomes of the development process; (2) promoting the development of the pastoral community to ensure sustainable transformation of the livelihood in pastoral areas was encouraging voluntary based and irrigation centered sedentary agricultural development. The Plan also states that further emphasis will be given to ensure the benefits to the pastoralists building on the achievements gained so far and through enhancing voluntary sedentary farming (crop farming) practices.²² GTP II's strategies for pastoral areas to progressively introduce irrigated agriculture and voluntary sedentarization need intensive land use planning activities in the lowland areas of the country which makes the GTP II document a relevant instrument for land use planning.

4.5. Ethiopia's Climate-Resilient Green Economy (CRGE) Strategy

This strategy is intending to bring about sustainable development in the country with the minimum possible GHG emissions and it has few relevant statements on the importance of better and coordinated land use planning to achieve its intended objectives.²³ It continues stating that the usage of land and natural resources needs to be subject to an integrated land (use) planning effort to determine the best of alternative land uses. It also underlines on the importance of implementation of an integrated catchment management system to prevent sedimentation of hydropower facilities,²⁴ expounding its relevance to land use planning.

4.6. Urban Development Policy of 2005²⁵

In its preamble, the Policy states that urban centers have not been centers of development and remained places of many unemployed people. Problems of development, democracy and good governance have been the main features of urban centers in

²² Section 2.1. See also Section 4.1 of the GTP for agricultural development plans in the pastoralist areas.

²³ CRGE p. 56.

²⁴ CRGE pp. 87 & 88.

²⁵ The English version of this Policy is not found.

Ethiopia. The city of Addis Ababa cannot escape the problems stated by the Urban Development Policy.

Section 4.3.1 (b) of the Policy provides for principles for land allocation. The following are among these principles:

- Using urban land with plan and economically as it is very limited resource, and
- By fairly allocating land for residential, business and greeneries so that suffocation of houses would be avoided.

Section 4.5.3 of the Policy is devoted for environmental protection activities in urban areas and one of the policy statements is allocation of sufficient green areas and mainstreaming environmental protection measures in all urban development activities.

As can be seen from its contents, this Policy provides general guidelines for urban development in the country. The rules and principles of this Policy can be considered during the preparation and implementation of land use planning.

4.7. Environmental Policy of Ethiopia (1997)

This document briefly deals with land use planning and provides similar ideas with one of the guiding principles under the Conservation Strategy of Ethiopia (Volume II, Section 3.4 paragraph 107 (a)).

4.8. Rural Development Policy and Strategies (2003)

This document is commonly known as an ADLI Strategy. It is a policy and strategic document which specifically deals with agricultural development in the country. Issues raised in the document in relation to land use planning are with special reference to promoting agricultural productivity by proper utilization of agricultural land. By doing so, it tries, among others to: (1) take different agro-ecological zones into account or bring about regional specialization of agricultural productions; (2) distinguish between drought prone regions and regions with adequate rainfall; and (3) devise prudent land use approaches such as agroforestry to reduce erosion.

The title of Section 1.2 of this document is proper utilization of agricultural land. Under this Section, it states that:

“Identifying what land should be used for what type of activity and utilizing land accordingly is a key issue in the proper use of land in general. Moreover, ensuring a proper land to population balance is also an important consideration. It is well known that in our country there are regions when there are large populations but limited land and vice versa. Our land use strategy will necessarily take all these factors into account. In short, the issue of using our land in a manner that will maximize its contribution to overall development, that promotes sustainability of the natural resource base, and that ensures broad access is the path that will guide our agricultural strategies and policies.”

Section 3.2 of this document is devoted for proper land use policy. The section emphasizes on the efficient land utilization and enhancement of agricultural productivity to alleviate poverty. It further states that each hectare of land should be allocated for what it performs best. In addition to allocating each hectare of land for its best performance, maintaining its best performance for long period of time by adopting appropriate protection methods. The strategy under this section also focuses on the significant problem of the country as far as land utilization is concerned. The main problem, according to the Strategy, is not lack of land use policy and implementation mechanisms; but the main problem is backward farming system and poverty. If a given piece of land produces enough for the livelihoods of the farmers, they would not have gone to clear forests in steep slope areas to conduct farming. The Strategy goes on stating that – when it is stated that forests should not be cleared or steep slopes should not be farmed, it does not mean that they should be merely protected. It means that they should be utilized in a manner that they should bring about concrete economic benefits for the people.

Although the Strategy claims that a comprehensive land use policy would be formulated and implemented by an institution which would be established, no time frame was set for the adoption of such land use policy and establishment of an institution which would implement it. Irrespective of this direction of the Strategy, agriculture is expanding in steep slopes, forestlands, wetlands and wildlife reserves in many parts of the country haphazardly. Land use planning is expected to play big roles in giving shape for the country’s agricultural activities, which are expanding in an unregulated manner all over the landscape. The Strategy also considers the lowlands of the country which run from north to south as unutilized lands. As the result of this, it suggests such vast lands shall be allocated for irrigated agriculture.²⁶ This kind of blanket strategic move may result in unintended consequences.

²⁶ See Section 4.5 of the Strategy.

The other important issue dealt with the Strategy is development activities in pastoral areas. Settlement of pastoralists is given a paramount importance in the development of pastoral areas. In its Section 4.4, the Strategy states that:

“Planning the settlement of the pastoral population should start as early as possible. The work can start with:

- Identification of potentially suitable sites with particular reference to low cost irrigation, and prioritizing the sites in terms of where to start and how to proceed from there on;
- Preparation of agricultural packages that are consistent with the socioeconomic realities in the identified sites and the settlers; and
- Designing of a training system that takes into account the background of the settlers and the likely agricultural packages to be introduced.

Although this strategic document is old and needs amendment, still it can be taken as supportive for the forthcoming comprehensive land use planning and it can be implemented together with the land use plan.

4.9. Food Security Strategy of Ethiopia (1997)

In its Section B.I, Paragraph 39, the Food Security Strategy issues that: “The food security strategy, as a multi-sector strategy, will touch on many different policy areas including that of land tenure and land use, rural credit and marketing systems. With regard to land management, the government will increase security of tenure through certification, and with community participatory land use planning, better manage the natural resources.” The purpose of this strategic document is ensuring food security and appropriate land use planning is considered to be a means for attaining food security.

4.10. The Biofuel Development and Utilization Strategy, 2007

This Strategy is targeted for supply of fuels from locally produced biofuel and the objective of the strategy is to ensure the production of biofuel without affecting food self-sufficiency, import substitution and improve balance of payment. The Policy focuses on three biofuel plants namely; *jatropha curcas*, *castor crop* and *palm tree*. It requires 25.657 million hectares of land from seven regional states, except Afar and Harari Regional

States. This document is taken as a land use planning document as it tries to allocate large expanses of land for biofuel development.

4.1.1. Urban Plan Preparation and Implementation Strategy

In its introduction, the Strategy provides that: “Urban planning is a crucial tool for ensuring of sustainable development by building or strengthening urban-urban and urban-rural linkages. Urban planning should integrate socioeconomic development plan and land use planning and use as a basis the national and regional development hubs and commercial corridors development plans.” It also emphasizes on the importance of putting in place a system that ensures urban residents actively participate in and exercise ownership over the preparation and implementation of urban plans.²⁷

The Strategy adopts various principles of urban planning and these are:²⁸

- Transparent, accountable and effective system of urban plan preparation;
- Building a system that considers the needs and aspirations of stakeholders, bases itself on policies adopted by the government and has a legal backing for implementation;
- Guaranteeing that the principle of compact settlement is adhered to during urban plan preparation and implementation;
- Preparing and implementing urban plans that address physical, spatial, social and economic problems of urban centers in an integrated and comprehensive manner;
- Ensuring the 25: 30: 45 proportion is followed in urban plan planning;²⁹
- Adopting a system that promotes public participation in urban plan preparation and implementation processes; and
- Promoting mixed settlements and community integration in urban plan preparation process.

Part Four of the Strategy deals with the main strategies and execution mechanisms of urban plans. Under this part, there are very relevant strategies like: making sure that land management measurements are maintained during the preparation of city plans; establishing an urban plan system that guarantees the participation of all actors and

²⁷ See the introduction of the Strategy.

²⁸ Section 3.3

²⁹ Note that there is discrepancy between the Amharic and the English versions. The English version allocates 30: 30: 40 proportions. (30% of the land for roads and other infrastructures, 40% for buildings, and 30% for green areas and shared public space.)

implements the Government policies; and building a system to prepare environmental impact assessments and implement the recommendations of the assessment.

Part Five of the Strategy deals with the role of executive organs and mechanisms of policy implementation. Regarding the role of the executive organs, it prescribes the roles of the Ministry of Urban Development, Housing and Construction³⁰ the Ethiopian Mapping Agency as the major key implementers. It also lists down the roles of regional governments, urban development bureaus, city administrations, urban planning institutions, and education and research institutions.

From these and other contents of the Strategy, it can be easily discerned that it is one of the most important instruments as far as preparing and implementing land use planning is concerned.

4.12. Federal Rural Land Administration and Land Use Proclamation No. 456 of 2005

One of the purposes of issuing this Proclamation is emphasizing on the need to have a comprehensive rural land use planning. In accordance with this emphasis, it states that – *“it has become necessary to sustainably conserve and develop natural resources and pass over to the coming generation through the development and implementation of a sustainable rural land use planning based on the different agro-ecological zones of the country.”*³¹ This preambular statement is accompanied by a rule in the body of the Proclamation. Article 13 (1) of the Proclamation provides that: *“A guiding land use master plan, which takes into account soil type, landform, weather condition, plant cover and socioeconomic conditions and which is based on a watershed approach, shall be developed by the competent authority and implemented.”*

More importantly, the Proclamation defines rural land administration as; *“a process whereby rural landholding security is provided, **land use planning is implemented**,³² disputes between rural land holders are resolved and the rights and obligations of any rural landholders are enforced, and information on farm plots and grazing landholders are gathered analyzed and supplied to users.”* From this definition, it can be realized that land administration is a set of activities which requires very strong institutional capacity with duly qualified personnel. Absence of a specialized institution at Federal and the regional levels regarding land use

³⁰ Now it is the Ministry of Urban Development and Construction.

³¹ See preambular statement 2

³² Emphasis added.

planning has created its own problems with the effect of leaving the country without effective and comprehensive land use planning.

As it is clearly known, at the Federal Government level and in some regional states (e.g. Gambella and Benishangul Gumuz Regional States) institutional arrangement, land administration and use is incorporated under agriculture and environmental protection and investment, respectively. In the Ethiopian socioeconomic scenario, land has a pivotal place. It is the foundation for all of the sectoral institutions' activities. Some sectors such as agriculture, environmental protection, mining, power generation, urban development, etc. need vast tracts of lands and their activities have direct impacts on land use interests of all other sectors. It is, therefore, high time to establish strong institutions at federal and regional levels which are responsible for land use planning activities. If such strong institutions are able to see the light of the day, they can resolve many of the problems created as a result of undue competitions among various institutions for land.

Article 13 of the Proclamation deals with land use planning and proper use of *sloppy* [sic],³³ gully and wetlands. Under this Article, the Proclamation addresses some elements of land use planning and management; but without giving sufficient details and guidance on how to embark upon a comprehensive and integrated land use planning and how to regulate the utilization of different lands for various purposes. The Proclamation also calls for the development of a master land use plan based on a watershed approach by a competent authority without dealing with comprehensive land use plan. Details are left to be determined by the rural land administration and use laws of regional states.³⁴ However, the regional states have not given sufficient details on the essence of the watershed land use plan. For instance, the Amhara Regional State's Land Administration and Use Regulation No. 159/2018 gives more emphasis on the taskforce/committee that is going to prepare the watershed land use plan rather than dwelling on the contents and technical aspects of land use plan.³⁵

4.13. Forest Development, Conservation and Utilization Proclamation No. 1065/2018

This Proclamation does not directly mention land use planning. However, in many of its articles, it states about designation of various forest types by the concerned government

³³ The Proclamation here meant steep slopes.

³⁴ See Article 13 (4).

³⁵ The Afar Regional State issued an implementation guideline on land use and administration which gives more details on the contents of a land use plan to be prepared. (See Article 5 of the Guideline)

organs signifying the importance of allocating the necessary proportion of land for forestry. Designation of land for forest development or maintaining the existing forests as forest covered lands and giving the necessary protection for them can be taken as a subsection of a comprehensive land use planning.

4.14. Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007

Like the Forest Proclamation, this Proclamation also does not state anything about land use planning. However, in many of its provisions it deals with the designation of protected areas such as national parks, wildlife sanctuaries, wildlife reserves and controlled hunting areas. Wildlife development and conservation activities are done on lands which are identified and selected through observation and scientific studies. These studies can be taken as processes of land use planning.

4.15. Urban Planning Proclamation No. 574/2008

As stated in the preamble of the Proclamation, the purpose of the law is to regulate and guide the proliferation of unplanned urban centers by sound and visionary urban plans to bring about balanced and integrated national, regional and local development. The principal objectives of the Proclamation are establishing a legal framework in order to promote planned and well developed urban centers and regulating and facilitating development activities in urban centers and thereby enhancing economic development of the country.³⁶ The Proclamation sets 10 basic principles for initiation and preparation of urban plans. These include:

- Sharing the national vision and standard as well as capable of being implemented;
- Consideration of inter-urban and urban-rural linkages;
- Delineation of spatial frame for urban centers in view of efficient land utilization;
- Ensuring the satisfaction of the needs of the society through public participation, transparency and accountability;
- Promotion of balanced and mixed population distribution;
- Safeguarding the community and the environment;

³⁶ See Article 4 of the Proclamation.

- Preservation and restoration of historical and cultural heritages;
- Ensuring sustainable development.³⁷

There are two types of urban plans; citywide structure plan and local development plan.³⁸ A structure plan is defined by the Proclamation as: *“a legally binding plan along with its explanatory texts formulated and drawn at the level of an entire urban boundary that sets out the basic requirements regarding physical development the fulfillment of which could produce a coherent urban development in social, economic and spatial spheres.”*³⁹ It also defined local development plan as: *“a legally binding plan depicting medium term, phased and integrated urban upgrading, renewal and expansion activities of an urban area with the view to facilitating the implementation of the structure plan by focusing on strategic areas.”*⁴⁰

Any structure plan shall indicate: the magnitude and direction of growth of the urban center; principal land use classes;⁴¹ housing development; the layout and organization of major physical and social infrastructure; urban redevelopment intervention areas of the urban center; environmental aspects; and industry zone.⁴² In addition to these, a structure plan shall have an implementation scheme, which comprises the institutional setup, resource and legal framework.⁴³

A local development plan shall prescribe the functions, development objectives, implementation strategies, role of implementing bodies, required institutions, local economic dynamism, urban design principles, concrete standards, spatial framework, budget and time of the implementation of a structure plan.⁴⁴

Irrespective of the existence of such a legal framework in the country, the level of its implementation is weak for various reasons and hence a number of problems are observed in urban areas. These include:

- Rapid and not properly planned urbanization and infrastructure development;
- Weak urban-rural and urban-urban linkage;
- Unregulated and Unbalanced urban expansion in direction and size;

³⁷ See Article 5.

³⁸ Article 8 of the Proclamation.

³⁹ See Article 9 (1).

⁴⁰ Article 11 (1).

⁴¹ Emphasis added.

⁴² Article 9 (2).

⁴³ Article 9 (9).

⁴⁴ Article 11 (2).

- Excessive urban expansion over the real population and economic growth of cities;
- A tendency to expand the city administrative boundary with urban area expansion plan;
- Because of the split between urban and rural land rights, registration and management incentives exist for informal development outside the city boundary; and
- The existing urban planning tradition promoting rivalry and uneconomical competition rather than a sense of complementarity and synergy among sectoral agencies.⁴⁵

These national problems can be solved if there exist specialized and strong institutions, at federal and regional levels, which work both on urban and rural lands.

4.16. Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 1161/2019

Based on the framework provided by the Constitution, a proclamation and a regulation were issued by the federal government. These were: Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 (Expropriation Proclamation) and Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes, Council of Ministers Regulation No. 135/2007 (Expropriation Regulation). However, public grievances were aired on different occasions⁴⁶ and as a result it was necessary to come up with new revised expropriation and payment of compensation proclamation to fill the gaps of the former laws.⁴⁷

One of the underlying reasons for providing the Expropriation Proclamation, as indicated in its preambular statements, is for urban expansion and rural development activities to

⁴⁵ National Integrated Land Use Policy Framework, Prepared under the Auspices of the Prime Minister's Office Federal Democratic Republic of Ethiopia March, 2017, Addis Ababa, pp. 71-74.

⁴⁶ The reasons for the grievances on the previous compensation laws include:

- The amount of payment given to people who lose their landholdings and other properties was small;
- The laws did not recognize that location was a compensable property interest; instead, the amount of compensation for property situated on the expropriated land was determined on the basis of replacement cost of the property;
- The level of public participation especially in relation to resettlement was low; people's participation in decision making regarding resettlement was minimal;
- The compensation laws did not make credit facilities, training or job opportunities for the relocated persons. In the absence of such facilities, relocated people had suffered from changed situations. When resettlement is an agenda, the primary issue to be considered is about the forthcoming livelihood of the displaced people. The new Compensation Proclamation tried to address these problems.

⁴⁷ See the 5th and 6th preambular statements of the Proclamation.

meet the growing needs of the public.⁴⁸ Expropriating land for public purposes is only on the basis of approved land use plan, urban structural plan, or development master plan is one of the basic principles of the Proclamation.⁴⁹ As indicated in Article 5 (4) of the Proclamation, expropriation which is intended to be executed in the absence of land use plan, or master plan or structural plan can be a reason to lodge opposition by landholders. This means that, implementation of the Proclamation shall be preceded by an approved land use plan or urban structure plan or a development master plan. This is set as one of the basic principles of the Proclamation. Article 4 (1) of the Proclamation provides that—expropriation of land for public purposes shall be made only on the basis of approved land use plan, urban structural plan, or development master plan.

The Proclamation also rules on the importance of preparing resettlement packages by the regional states, Addis Ababa and Dire Dawa city administrations to sustainably resettle displaced people. On the basis of such resettlement packages, urban or woreda administrations shall have the duty to resettle the displaced people.⁵⁰ The preparation of resettlement packages and resettling people as per the resettlement packages also requires a land use plan prepared in advance such resettlement activities. These situations make the new Expropriation Proclamation a very relevant legal framework for the implementation of land use plan in both urban and rural settings.

Two federal ministries, Ministry of Urban Development and Construction and Ministry of Agriculture are empowered to implement the Proclamation in urban and rural lands, respectively.⁵¹

Expropriation of land for public purposes is eminent domain of the Government. However, this is one the areas where the Government has to exercise its powers cautiously. One of the cautions is preparing a comprehensive and integrated land use planning before dwelling on expropriation of lands. This is particularly true when expropriation covers large expanses of land.

4.17. Urban Landholding Registration Proclamation No. 818/2014

This Proclamation has two major objectives. These are:

⁴⁸ See the second preambular statement of the Proclamation.

⁴⁹ Articles 4 (1) and 5 (1 & 2) of the Proclamation.

⁵⁰ See Article 16 (2 & 3) of the Proclamation.

⁵¹ See Article 22 (1 & 2).

1. Ensuring uniform protection of landholding rights of private, joint holders, associations, government and nongovernmental institutions, by enabling urban centers know the land available at their disposal through inventory and create integrated national landholding system compatible with the rural land administration which supports the building of one economic community; and
2. Accelerating the economic, social and environmental development of urban centers by ensuring landholders' security of landholding right and recognition of title to immovable property by certifying the right through registration.⁵²

These objectives of the Proclamation have direct relevance to the integrated land use planning as they provide the necessary and correct information on urban lands such as which parts of urban lands are held by who, what parts are not under use, which parts can be considered as expansion areas, how to bring urban-rural socioeconomic integration, and the like. On the other hand, a valid urban plan is endorsed by an authorized organ, is necessary for the purpose of adjudication of an urban landholding right.⁵³

Moreover, one of the principles of the Proclamation is – landholding adjudication may be carried out only in landholding adjudication neighborhood having local development plan and in which regularization of illegal holdings are fulfilled and completed.⁵⁴ From these, it can be seen that the Proclamation would assist in identifying landholding by ownership or possession, location, quality and size (cadaster). Therefore, it is a relevant legal instrument in formulation and implementation of urban land use planning as well as in urban-rural integration.

4.18. Environmental Impact Assessment (EIA) Proclamation No. 299/2002

Safeguards aim to ensure that land use planning actions do not cause negative social or environmental impacts and cover a range of issues, including respect for the knowledge and rights of local communities, transparent policy, legal and institutional structures, effective participation of stakeholders, and the conservation of natural resources and biodiversity. Effective systems to share information will help promote transparency, guard against unintended social and environmental harms, and provide information on the impacts of implementations of land use planning. An important element of land use planning is devising a system for how safeguards are addressed and respected. Effective

⁵² Article 4 of the Proclamation.

⁵³ See Article 5 (2) of the Proclamation.

⁵⁴ See Article 10 (10) of the Proclamation.

systems to share information will help promote transparency, guard against unintended social and environmental harms, and provide information on the impact of implementations of land use planning.

The ideas of safeguards, according to the EIA Proclamation⁵⁵ and other laws, policies and strategies of the country as well as the international instruments are summarized as follows:

1. Conducting environmental impact assessment as per the EIA Proclamation and the guidelines provided by EFCCC and relevant international conventions and agreements;
2. Ensuring People's participation in a manner that they engage in decision making;
3. Ensuring the provision of infrastructure and public services to improve, restore, or maintain accessibility and levels of service for people who are displaced as the result of implementation of land use planning. These include, but not limited to, provision of alternative or similar resources to compensate the loss of access to community resources, farmlands, grazing areas, fuel, or fodder in new resettlement sites or host communities;
4. Recognition of the special interest of vulnerable groups such as those below the poverty line, the landless, the elderly, women and children, disadvantaged (marginalized) groups, if any;
5. Giving special attention to the resettlement of local people with traditional mode of life whose livelihoods, identity and cultural survival is highly attached to the land they occupy. The purpose of such special attention to make resettlement programs compatible to their cultural way of life;
6. Considering the involuntary restriction of access to resources on which people depend for their livelihood. As the result of implementation of land use planning, people may be denied access to the resources they were using. Attention must be given to avoid or significantly reduce such restrictions as a result of implementation of land use planning;
7. Considering credit facilities, training or job opportunities for the relocated persons as a result of implementation of land use planning;
8. Mechanisms for entertaining complaints in relation with the amount of compensation; conflicts involving displaced persons – conflicts among resettlers, between resettlers and host communities and/or conflicts among host communities in relation to the resettlement initiated due to implementation of land use planning.

⁵⁵ The EIA Proclamation deals with not only environmental issues but also social issues. It can be considered as environmental and social impact assessment law.

4.19. Investment Proclamation No. 769/2012

The Investment Proclamation has incorporated some important elements in relation to planning and zoning which are the cornerstones of land use planning. In its preambular statement, it states that: *“it has been considered that the establishment of industrial development zones helps, by creating enabling and competitive condition, to interrelate manufacturing sectors based on value creation as well as to attract and expand investment”* signifying the importance of zoning of land for the purpose of industrial development. As time goes by, the Ethiopian economy is hoped to depend more on industrial development than the current situation where the mainstay of economy is agriculture.

The Proclamation gives a broad definition for industrial development zone. It defines ‘industrial development zone’ as an area with distinct boundary designated by the appropriate organ to develop identical, similar or interrelated industries together or to develop multifaceted industries, based on a planned fulfillment of infrastructures and various services such as road, electric power and water, and having special incentive schemes, with a broad view to achieving, planned and systematic, development of industries, mitigation of the impacts of environmental pollution and development of urban centers, and includes special economic zones, industrial parks, technology parks, export processing zones, free trade zones and the likes designated by the Investment Board. This definition clearly shows the importance of land use planning for investment activities of the country.

The Proclamation is applicable all over Ethiopia and shall be considered as an integral part of urban development plan by providing the necessary environmental and social safeguards with the view to ensuring sustainable development. These features of the Proclamation make it relevant during preparation as well as implementation of the land use planning.

4.20. Industrial Park Proclamation 886/2015

One of the preambular paragraphs of this Proclamation underlines on the importance of economical land use and establishing and expanding planned urban centers. In its Article 25 (2) (d) it clearly indicates that – one of the criteria for allocating a certain place as a site for an industrial park is compatibility with master land use and the like. But the

problem here is that, the construction of industrial parks is preceding the preparation of a comprehensive integrated land use plan in Ethiopia.

4.21. Industrial Parks Council of Ministers Regulations No. 417/2017

To enforce the Industrial Park Proclamation No. 886/2015, the Council of Minister issued Industrial Parks Council of Ministers Regulations No. 417/2017. The Regulation has also relevant provisions in relation to land use planning. One of the duties of the Investment Commission⁵⁶ is ascertaining that land is prepared and designated as industrial park, ensure lease and sub-lease agreements are concluded, construction permits are granted in accordance with the system in place, and ensure that infrastructure is developed as per the plans, provided properly and utilized for production and provision of associated services. Preparation and designation of land for industrial park development presupposes a land use plan.

In addition to the Investment Commission, the Industrial Parks Development Corporation plays a role in the preparation of land for industrial parks. Regarding this, Article 10 (1) states that: *“The Corporation shall ... keep in the land bank the land that it obtains from regions through agreement with and get a site plan to develop by it or to transfers to other industrial park developers...”* From this provision of the Regulation it can be discerned that the Corporation obtains land from regional states for the establishment of industrial parks. This situation also presupposes a land use plan prepared beforehand.

4.22. Industrial Parks Development Corporation Establishment Regulation No. 326/2014

The Industrial Parks Development Corporation is established to accomplish seven listed purposes. Of these one is – to prepare detailed national industrial parks master plan based on the national spatial master plan and receive such lands which serve as industrial parks’ establishment and to keep as land bank in accordance with agreements concluded with regional governments.⁵⁷

⁵⁶ It is the Ethiopian Investment Commission that is responsible to implement the Industrial Parks Proclamation and this Regulation. (See Article 4 of the Regulation)

⁵⁷ See Article 5 (2) of the Regulation.

4.23. Ethiopian Water Resources Management Proclamation No. 197/2000

The purpose of this Proclamation is to ensure that the water resources of the country are protected and utilized for the highest social and economic benefits of the people of Ethiopia, to follow up and supervise that they are duly conserved, ensure that harmful effects of water are prevented, and that the management of water resources is carried out properly.⁵⁸ The Proclamation sets basic principles and of these the following two are relevant for the discussion at hand. These are:

“The integrated basin master plan studies and water resources legal frameworks shall serve as a point of reference ...;

The social and economic development programs, investment plans and programs and water resources development activities ... shall be based on the country’s Water Resources Policy, the relevant basin master plan studies and water resources laws.”⁵⁹

From these basic principles of the Proclamation it can be seen that water resource development activities shall be based on prior plans and studies. Such sectoral plans need to be part of the larger integrated land use plan.

4.24. Ethiopian National Urban Green Infrastructure Standard of 2015

This document recognizes that urbanization creates demanding societies. It also notes that if the rapidly growing urban population and urbanization did not match with the corresponding work on creating good urban environmental conditions, urban centers will not provide good living conditions with increased pollution and climate problems. To solve these problems, the document proposes many solutions. The following are some of these solutions provided under various sections of the document.

- Building a healthy river corridor to allow plants and animals to move between different green spaces across the city;
- Classifying public green open spaces in patches (e.g. parks, gardens, amenity green open spaces, green open spaces surrounding administrative buildings, cemeteries, natural areas etc.) and corridors (e.g. river corridors, rights of way, linear parks etc.);

⁵⁸ Article 3 of the Proclamation.

⁵⁹ Article 6 (1 & 2) of the Proclamation.

- Enhancing biological diversity through the protection and improvement of urban wildlife habitats, sensitive natural areas and rare and endangered species to maximize ecological, social and cultural benefits.

In Section VI, where the Urban Green Infrastructure General standards are set, the document provides for specific standards for location, capacity and accessibility of urban green infrastructure. These include:

- Competent authorities shall follow Urban Planning Preparation and Implementation Strategy, to allocate 30% of the land for roads and infrastructure, 30% for green areas and shared public use and 40% for building construction in their urban land management plan.
- Competent authorities shall ensure a minimum of 15m² public green open space per capita within the city boundaries.
- Every inhabitant shall live within 500m from a public green open space of a size of at least 0.3 ha, an area big enough for e.g. playing football and for other informal play.
- The public green open spaces in a city should be classified in patches (e.g. parks, gardens, amenity green open spaces, green open spaces surrounding administrative buildings, cemeteries, natural areas etc.) and corridors (e.g. river corridors, rights of way, linear parks etc.).

Public green open spaces should be connected (1) with each other to create one large UGI network within the city, and (2) with green and nature in the urban fringe and outside the city. Corridors which connect green spaces throughout the city raise the value of the urban ecological system. Existing natural /water/ topographical characteristics of the area should be used as starting points to guide the planning of the network and the location of the green open spaces.

As can be seen from its contents, this document is a very important instrument to consider while preparing and implementing the comprehensive integrated land use planning.

4.25. Apiculture Resources Development and Protection Proclamation No. 660/2009

The objectives of the Proclamation, as stated in its preamble, are:

- Promoting household and commercial beekeeping development in areas of high apiculture resource potential to realize appropriate contribution of the sub sector in the process of rapid economic development;
- Recognizing that proper development of apiculture resources require the conservation of the biodiversity of honey bee races and honey source plants.

Beekeeping is a very longstanding and deep-rooted practice in the rural communities in Ethiopia. If this sector is given due attention, it can contribute its share in food security and economic development of the country. Hence, the forthcoming comprehensive land use planning, with its intervention strategies, is hoped to make beekeeping as a very important livelihood activity that can successfully support many families in addition to its contribution to environment and biodiversity conservation.

4.26. Urban Lands Lease Holding Proclamation No. 721/2011

The Urban Lease Proclamation is applicable to all urban centers in Ethiopia with regard to urban land.⁶⁰ The Proclamation defines urban plan as structural plan, local development plan or basic plan of an urban center including annexed descriptive documents which are legally endorsed by the authorized body and have legally binding effect.⁶¹ All major activities in urban areas can only be done in accordance with such a plan. For instance, the Proclamation in its Article 2 (19) states that manufacturing industry premises are plots of land reserved, developed or allotted, in accordance with the land use plan, for use of manufacturing industry.

Article 21 of the Proclamation provides for the utilization of urban land lease holding. Under this Article it is prescribed that a lessee of urban land shall use the land for the prescribed purpose within the period of time stated in the lease contract. However, if the lessee wants to change the land use, the appropriate body may authorize the change in the land use where it ascertains that it is in conformity with the land use plan of the urban center.⁶²

As the forthcoming integrated land use plan covers both urban and rural lands, ideas incorporated in the Urban Lands Lease Holding Proclamation are worth considering.

⁶⁰ Urban Lands Lease Holding Proclamation No. 721/2011, Article 3.

⁶¹ Article 2 (8) of the Proclamation.

⁶² See Article 21 of the Proclamation.

One of the preambular statements states: “Whereas the proliferation of unplanned urban centers needs to be regulated and guided by sound and visionary urban plans to bring about balanced and integrated national, regional and local development” clearly shows the importance of urban planning.

4.27. Land Bank and Development Corporation Regulation No. 431/2018

This Regulation established a corporation which is outside of the executive structure of the Government and governed by the Public Enterprises Proclamation No. 24/1992.⁶³ The Investment Commission shall serve as the supervising authority of the Enterprise.⁶⁴ The Corporation is established with the objective of administering landholdings under the Federal Government agencies and public enterprises all over the country. The land administration activities of the Corporation include:

- Identifying each landholding of the Federal Government’s agencies and public enterprises and ensuring that they issued with landholding certificates;
- Developing the landholdings in a manner that facilitates the services Federal Government agencies and public enterprises provide;
- Identifying all landholdings under Federal Government agencies and public enterprises and take landholding certificate in its name;
- Ensuring the transfer of previously issued landholding certificates to its name;
- Developing and keeping centralized data on the landholdings to help decision-making;
- Develop through joint venture with other investors or unilaterally, control and manage the identified landholdings as holdings of the Federal Government agencies and public enterprises.⁶⁵

The landholdings of the Federal Government’s agencies and public enterprises seem to have tilted towards investment projects. This can be discerned from the fact that the supervising organ of the Enterprise is the Federal Government’s Investment Commission.

Although this legal instrument has no direct relevance for land use planning, its discussion has significance in that the Enterprise appears to be one of the major land claimant Government organs in the country.

⁶³ See Article 2 of the Proclamation.

⁶⁴ Article 3 of the Proclamation.

⁶⁵ See Article 5 (1-8) of the Proclamation.

4.28. Ethiopian Geospatial Information Agency⁶⁶ Reestablishment Proclamation No.1079/2018

Geospatial information is defined as timely data referenced to a location with a set of geographic coordinates which can be gathered, stored, organized, processed, and displayed using the techniques of aerial photography, surveying, mapping, remote sensing and GIS.⁶⁷ This Proclamation is applicable for all geospatial information except for military and national security related geospatial information.⁶⁸ This means that the geospatial information systems developed by the Institute are one of the key inputs in the land use planning activities and their implementation.

4.29. Labor Proclamation No. 1156/2019

Labor Proclamation also has relevance in aspects of land use planning, especially regarding its implementation. As it is expected, the implementation of land use planning would bring about many activities in the country which could deploy many workers in various disciplines. The Labor Proclamation is issued, among other things, to consider occupational safety, health and work environment; obligations of an employer in relation to workers' safety, ranging from taking appropriate steps to ensure that workers are properly instructed and notified about the hazards of their occupations and the precautions necessary to avoid accident and injury; obligations of workers such as obeying all health and safety instructions issued by the employer or by the competent authority; etc.⁶⁹

⁶⁶ By Proclamation No. 1097/2018, it is renamed as Ethiopian Geospatial Information Institute.

⁶⁷ Article 2 (5) of the Proclamation.

⁶⁸ Article 3 of the Proclamation.

⁶⁹ See Article 92—94 of the Proclamation.

5. Review of Regional Policy and Legal Instruments

5.1. Addis Ababa Laws

5.1.1. Addis Ababa City Master Plan Preparation, Issuance and Implementation Proclamation No. 17/2004

The preamble of this Proclamation underlined on the importance of adopting a law that stipulates the preparation and issuance of a plan by which the city development is directed and implemented by coordinated and supporting structural, strategic and local development plan. It also states that such a law creates conducive environment for development of the city of Addis Ababa being supported by the science of urbanization.⁷⁰

Article 2 (6) defines structural plan as a document of the city plan that has a legal force which contains the major leading concepts of land use of the city as well as that indicates reserved places for essential functions in different parts of the city and places that satisfy the demand of those persons who are undertaking construction activities.

Article 3 of the Proclamation sets its objectives. It has two objectives. They are:

1. Ascertaining the rights of residents to participate in the preparation of the coordinated framework plan especially and jointly in a distinct and complete manner from the very beginning up to the end of the process that enables to implement the right of property in accordance with law and to undertake investment efficiently and effectively.
2. To create favorable conditions for the issuance of the decentralized decision making and implementation system in the preparation and issuance of plan.

Article 5 of the Proclamation lists the levels of the Addis Ababa city plan. They are: 1) the city development framework; 2) structural plans; 3) the long and medium term city development plan; and 4) local development plan. It is stated that the city plan shall be prepared by considering the interconnection of nationwide development plan; the city plan as well as local development plans.

Article 6 of the Proclamation deals with keeping of data related to land and preparation of land for use. It is the general manager of the city who is responsible to gather, possess and protect data concerning land use. This Article also states that Land Development Agency, in collaboration with Land Administration Authority, prepare lands for

⁷⁰ See the preamble of the Proclamation.

development and submit for users to implement plans approved in accordance with this Proclamation. It is obvious that these activities require extensive works in relation to land use planning and determination of allocating better areas for better uses.

Preparation of the plan shall give opportunity for the residents of the city to participate and forward their grievance by announcing the idea of the plan preparation, and opening the plan and relevant documents of the structural plan for observation to the public, all affected by the plan and state holders take holders.⁷¹

This Proclamation is the major legal document for the preparation and implementation of the Addis Ababa master plan which can be seen as part and parcel of the national integrated land use plan. Therefore, it is one of the most relevant legal instruments to consider during the preparation and implementation of the upcoming land use plan.

5.1.2. Addis Ababa City Government Regulations to Prevent Illegal Expansion of Land Possession and Construction on Illegal Possession Regulation No. 14/2004

This Regulation is issued in response to illegal occupation and expansion of land in Addis Ababa. As it is stated in the preamble of the Regulation, illegal expansion and undertaking of construction activities on lands illegally possessed is not only an obstacle to an endeavor to develop the city in a planned and orderly manner but also it weakens a healthy urban life.⁷² It is an enforcement regulation for the Addis Ababa Master Plan Preparation, Issuance and Implementation Proclamation No. 17/2004.

As it can be observed, still now illegal possession of land has continued in various parts of Addis Ababa. Unless the City Government strengthens its capacity to control this situation, squatter settlement may become one of the major challenges on the future of city's development. The capacity development should also include planning as to how people get residents by legal means in expeditious ways.

5.1.3. Addis Ababa City Government Executive and Municipal Service Organs Re-establishment Proclamation No. 35/2012

In addition to the major institutions which directly work on land such as Land Development and City Renewal Agency, Land Bank and Transfer Office, Urban Plan

⁷¹ Article 14 (1) of the Proclamation.

⁷² See the first preambular statement of the Regulation.

Institute and Land Information and Technology Centre, there are other institutions which have sectoral planning activities based on the Addis Ababa Master Plan.

These other institutions include, Bureau of Trade and Industry, Environmental Protection Authority and Government Construction Agency. Bureau of Trade and Industry is empowered by this Proclamation to establish market centers and designate places for urban agriculture and abattoirs.⁷³ The Environmental Protection Authority has powers, among others, to designate sites for various greeneries and planting exotic and indigenous plants in selected areas, developing riversides and other environmental protection activities,⁷⁴ which require considerable amount of space in the city. The Government Construction Agency prepares designs or causes the preparation of such designs for construction, causes the preparation of construction plans.⁷⁵

Regarding land utilization, the Proclamation provides for an ingenious method. It gives the Land Development and Management Bureau a power to coordinate those institutions which have duties in relation to land. Article 31 (1&2) state the powers of Bureau as follows:

- (1) Without prejudice to that each Bureau is accountable to the Mayor, cooperate and coordinate Bureau of Construction and Housing Development, Bureau of Micro and Small Scale Enterprises Development, Bureau of Road and Transport, and Municipal Service Organs for the purpose of implementation and coordination of the urban development and construction policy;
- (2) Superiorly direct, coordinate and integrate the 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.

Irrespective of the preparation of ten master plans for Addis Ababa and issuance of legal instruments for their implementation, in practice the implementation of the master plans is in a weak state. There are a number of reasons for the weak implementation of the master plans. These include:

⁷³ Article 21 (3) (h)

⁷⁴ Article 11 (7—11)

⁷⁵ See Article 26 of the Proclamation.

- *Most of the master plans proposed for Addis Ababa were comprehensive and future oriented rather than being relevant to the actual problems within a given time frame. In this regard, the master plans of Addis Ababa suffered from poor coordination and haphazard implementation. Most of the master plans were already outdated at the time of their legal endorsement. Most of the master plans proposed for Addis Ababa were already outpaced by the growth of the city before their actual implementation. Hence, their implementation was more problematic than solving the problem of the city.*
- *Substituting one master plan with another was mistakenly perceived as a solution to the basic problems of the city since the problems required institutional and structural changes that bring efficiency and competency to enable effective implementation of the plans.*
- *Despite having many planning proposals there were no attempts to learn from the successes and the failures of previous master plans. Most of the planning documents lacked critical evaluation of previous master plans' constraints, bottlenecks and shortcomings, which were the main causes of their failure. This was a result of lacking institutional memory (high turnover), which could be a lesson to learn from past mistakes. Therefore, the weaknesses of previous master plans have persisted in the new plan too.*
- *Most of the previous master plans were biased in favor of the planners' own experiences and foreign values and estimation rather than grounded in research. Hence, such master plans overlooked the rapid population growth, limited resources, and poorly developed social and physical infrastructure.*
- *The time gap between the preparation of a master plan, its legal approval and subsequent implementation is a long process, which rendered previous plans outdated by the time of their approval.⁷⁶*

5.2. Afar Regional State Policies and Laws

5.2.1. Rural Land Use and Administration Policy, 2008

In the section that describes the objective condition of the regional state, it is indicated that:

“Rural lands in the region are mainly administered under clan leaders. The government also administers rural lands in few areas where there are state farms and national parks

⁷⁶ Yirgalem Mahiteme (2007), ‘Carrying the Burden of Long-term Ineffective Urban Planning’ An Overview of Addis Ababa’s Successive Master Plans and their Implications on the Growth of the City, Working papers on population and Land use change in central Ethiopia, Addis Ababa University, pp. 30—31.

that are found in Zone Two. There are certain areas where rural lands are administered by individuals in areas where sedentary farming prevails in Argoba Special Zone.”⁷⁷

It can be seen from this that there are three entities that administer land. Of these, the largest extent of land is administered by clan leaders. The Policy further explains that lands that are under clans and clan leaders are mostly used as communal grazing lands and communal farms. It is also stated by the Policy that all members of a given clan do not have equal rights to use and decide on the communal lands under the clan leader’s administration.⁷⁸ As it is the case in many parts of the country, in Afar Regional State also women do not have equal rights with men to use and decide on land related matters.⁷⁹

Under Section 2 of the Policy, the main reasons for adopting the policy have been listed. These include:

- The traditional land administration and use system, instead of being in congruence with the formal government land administration and use system, it overshadowed the formal system by creating hindrance to investment and tourism activities in the region.⁸⁰
- The existence of conflict between land use for farming activities; and grazing activities and protection of wildlife.
- The previously existing land use plan of 1:250,000 scale was not supported by policy and legislation to fully implement it.

As per the expression in the section, the Policy is not intending to completely eliminate and replace the traditional land administration system by a formal one. Instead, it seems that it requires to take the traditional clan leader led land administration system side by side with the formal one. On the other side, under Section 2 of the Policy, there are statements which negate this line of thinking. It states that: “since in most parts of the region, land is divided by clans and administered by clan leaders; the state and public ownership of land is hardly recognizable.” Based on this analysis, the Policy provides a policy statement which reads as: “the right to ownership of rural lands is vested *only*⁸¹ in the state and the people.” The word ‘only’ here may be intended to deny the clan ownership of land and the roles played by clan leaders. In support of this, the Policy also states that:

⁷⁷ Section 1.2 of the Policy.

⁷⁸ See *ibid*.

⁷⁹ See *ibid*.

⁸⁰ See the Amharic version of the Policy.

⁸¹ The word ‘only’ does not appear in the English version but in the Amharic version.

“The pastoralists and agro-pastoralists of the region have no equal use right to lands because of the fact that land is administered by clan leaders under the traditional land administration and use system. Furthermore, permission to have access to land and price determination for investors are made by clan leaders not by government agency. This system does not create conducive environment for investment and also does not provide legal guarantee and security to investors... The investor is insecure because not only he gets access to land with the agreement and permission of the clan leader, but also the terms of the lease agreement could be annulled at the whim of the clan leader.”⁸²

These policy statements made it clear that the clan leaders’ system has not created equality among the clan members. Moreover, as investors can access land only at the mercy of the clan leaders and the fact that price is also determined by the latter had put investment activities in the Regional State in a precarious condition. Above all, the cancellation of land transfer agreements unilaterally by the clan leaders is seen as a factor that has a repellant effect for most of the economic growth activities.

Regarding land use planning, the policy has provisions which directly and indirectly deal with land use planning. Section 4.11 of the Policy makes direct reference to preparing and implementing a land use plan. It states that an indicative land use plan study has been prepared by in the Regional State with a scale of 1:250,000 but it is not possible to implement such a low resolution land use plan at woreda level which requires a scale of 1:50,000 or higher resolution. The Policy gives direction for the preparation of a high resolution land use plan.

The Policy also makes indirect reference with regard to the need for land use planning in the policy statement under Section 4.17. It states that – *“suitable settlement areas around riversides shall be identified and essential infrastructures will be established in order to enable pastoralists to voluntarily settle and practice irrigation agriculture.”*

Settling pastoralists to make them either semi-pastoralists or farmers requires an in-depth study and land use planning.

⁸² Section 4.2 and 4.6 of the Policy.

5.2.2. Afar National Regional State Rural Land Administration and Use Proclamation No. 49/2009

Following the adoption of the Rural Land Use and Administration Policy, the Regional State issued the Rural Land Administration and Use Proclamation No. 49/2009. Most of the issues included in the Policy also have been made part of the Proclamation. In relation to land use plan, the Proclamation has points to raise. In one of its preambular statements the Proclamation states that – *“it is of paramount importance and timely to design and implement a sustainable land use plan in order to sustainably develop, protect, and use natural resources to transfer to the future generation.”*

This preambular statement is not only limited in describing the importance of land use plan for effective and efficient utilization of land resources for the existing generation but also it indicates its importance for the generations to come.

The Proclamation also defines ‘land use plan’ as a practice that strives to get the best out of land utilization in terms of economic feasibility and environmental protection.

Although the Regional State issued rural land use and administration regulation in 2011 (Regulation No. 4/2003 E.C.), it is silent on the issue of land use plan. However, the guideline which is issued by the then Environmental Protection, Rural Land Use and Administration Agency for the implementation of the Proclamation and the Regulation gives further details on the particular types of land uses to be covered by the land use plan.⁸³

5.3. Amhara Regional State Land Policy and Laws

5.3.1. Amhara Regional State Rural Land Administration and Use Policy, 2000⁸⁴

Section 2 of this Policy deals with the importance of using land based on studies and information, although currently the land in the regional state are being used without study and plan by seriously affecting the natural environment. Under same section, the policy provides for five basic principles of which the first basic principle states that: “land use studies and land use planning as well as their implementation shall be conducted by participating the public.” Under Section 3, the Policy lists down its main goal and specific

⁸³ See Article 5 of the Guideline.

⁸⁴ Only the Amharic version of this document is obtained.

objectives. Of the six policy objectives, one is focusing on the importance of considering land capability and suitability of land for the purpose of land use.

Section 4.2.3 of the Policy is devoted for land administration and land use plan. One of the policy statements under this section provides that any land administration and use in the regional state must be based on study and land use plan in a manner that does not affect the natural resources. It appears that the Amhara Regional State made a correct decision to prepare a land use policy before embarking on land use plan activities.

5.3.2. The Revised Rural Land Administration and Use Determination Proclamation No. 252/2017

The preamble of this Proclamation emphasizes on importance of preparing and implementing multidimensional rural land based on different ecological zones of the region with the view to developing natural resources sustainably and transferring them to the next generation. From this preambular statement it can be clearly seen that land use plan is beneficial for sustainable development and use of natural resources and making them available for generations to come.⁸⁵ This situation is also reflected in the definition given to land use plan.⁸⁶ This definition gives wider meaning to land use plan as compared to other documents such as the Roadmap for National Integrated Land Use Planning in Ethiopia prepared by NILUPP Office.⁸⁷

The Proclamation devotes a full part (Part Four) for preparation and implementation of land use plan. It is the Regional Rural Land Administration and Use Bureau that is going to prepare the regional level land use master plan based on the national master land use plan or self or region initiated master land use plan focusing on the regional contexts. The scale of land use plan which is prepared by the Bureau cannot be less than 1:250,000.⁸⁸ Zonal land administration and use departments, based on the regional master land use plan, shall prepare zonal master land use plan considering the specific zonal conditions and contexts. The scale of the zonal master land use plan cannot be less than 1:100,000.⁸⁹

⁸⁵ See the eighth preambular statement.

⁸⁶ Land Use Plan is defined by the Proclamation as: “a means a practice whereby the options that give greater economic benefits without causing land degradation and environmental pollution are determined and implemented from among the different use options a rural land can give on the basis of physical, economic and social information.”

⁸⁷ This roadmap document gives definition for urban and rural land use plans separately in a narrow manner.

⁸⁸ See Article 29 (1) of the Proclamation.

⁸⁹ See Article 29 (2) of the Proclamation.

The process continues to woreda and local (kebele or watershed) level. The land administration and use office in each woreda shall prepare the woreda master land use plan based on the zonal master land use plan within which it is located. The resolution of the woreda land use master plan cannot be less than a scale of 1:50,000.⁹⁰ In the same manner, the local, which is kebele based or watershed based land use plan shall be prepared by engaging the local people with the technical assistance of the concerned woreda land administration and use office experts. The local level land use plan cannot be less than 1:10,000 except for semi-pastoralists' grazing areas whose scale shall be as small as 1:20,000.⁹¹

According to Article 29 (7) of the Proclamation, rural land use shall consider the following conditions.

1. Specific rural land use shall have comparative economic advantage for the intended land use type.
2. Any rural land use type shall not cause any environmental impact or the environmental impact should be insignificant.
3. The land use type shall be acceptable by the users of the intended land use.⁹²

The Amhara Regional State Rural Land Administration and Use Proclamation No. 252 of 2017 provides very detailed rules on land use plan as compared to other regional states' rural land laws. As the regional state is in a critical rural land shortage with roughly half of its population is landless,⁹³ land use plan is crucially important to economically use land resources and to reduce the negative impacts on the natural environment due to improper use and handling of land.

Article 30 of the Proclamation provides for updating of land use plans. Regional, zonal and woreda master land use plans shall be updated from 10 to 15 years while local land use plans' updating would be determined by a regulation. Any updating activity shall not affect wetlands, natural and religious/traditional heritages or other related entities.⁹⁴

A very important idea is included in Article 31 of the Proclamation. It deals with establishment of rural kebele centers. These centers are hoped to be centers for job

⁹⁰ See Article 29 (3) of the Proclamation.

⁹¹ See Article 29 (4, 5) of the Proclamation.

⁹² See Article 29 (7) of the Proclamation.

⁹³ Assessment of the Implementation of Rural Land Laws in Amhara National Regional State, study conducted by the Institute of Land Administration, Bahir Dar University in Collaboration with ANRS BoEPLAU, Supreme Court, and Justice Bureau, 2015, p. v.

⁹⁴ See Article 30 of the Proclamation.

creation, diversification and rural economic transformation. Moreover, they are hoped to reduce the creation of squatter settlements in urban areas and illegal and unintended expansion of urban areas. They are also expected to reduce population flow from rural areas to big towns and cities.

Article 32 of the Proclamation prohibits changing of a land use plan with the exception of changing steep slopes with a slope of 50% or more to perennial plant development.

5.3.3. The Revised Rural Land Administration and Use Implementation Regulation No. 159/2010 E.C.⁹⁵

The title of Part Three of the Regulation provides for rural land use plan preparation, implementation and evaluation. The regulation covers land use plan at kebele and watershed level that can be executed at parcel level. However, the Regulation does not give technical details on the land use plan but focuses on the institutional organization for the preparation, implementation and evaluation of land use plan. It lists down members of a taskforce and a technical committee at kebele level and procedural issues in relation to the activities of these entities.⁹⁶

5.3.4. Land Use Directive for the Implementation of Proclamation No. 252/2017 and Regulation No. 159/2010 E.C., No. 2/2010 E.C.

This is a scanty directive with only 10 articles. One of the objectives of the Directive is to prepare favorable conditions for the creation of land use system that has social acceptance and economic feasibility.⁹⁷ In its Article 5, the Directive provides that those land users who introduce any change in the land use plan shall be subject to administrative and judicial measures.

5.4. Benishangul Gumuz Land Policy and Laws

5.4.1. Benishangul Gumuz Land Administration and Use Policy⁹⁸

In its Section 2, the Policy states the reasons why land administration and use policy is a necessity in the regional state. It underlines that agriculture is the mainstay of the

⁹⁵ The English version of this Regulation is not found.

⁹⁶ See Articles 16 to 20 of the Regulation.

⁹⁷ Article 3 (2) of the Directive.

⁹⁸ Only the Amharic version of this Policy is obtained and the date of issuance is not indicated in the document.

economy of the regional state and the major input for agriculture is land. Therefore, to make the agriculture based economy sustainable and reliable; land has to be used economically based on feasibility studies. Any land use must follow informed decision. The Policy also states that if the present trends continue, it would seriously affect the natural environment and soil productivity. As a result of these facts, having a land use plan is a decisive step.

Preparation of land use plan and its implementation is stated in Section 4.2.3 of the Policy. The objective of land use plan preparation and implementation is to ensure sustainable development by transferring limited natural resources to generations to come by preparing and implementing land use plan which is based on accurate information. Five policy statements have been provided and they generally consider the importance of preparing and implementing land use plan in a way that promotes production and productivity; considering the existing realities of the regional state such as its ecosystems, basins, human settlement and density, cultural knowledge systems and needs of societies; protection of the natural environment; etc.

5.4.2. Rural Land Administration and Use Proclamation No. 152/2018

In the 3rd preambular statement, the Proclamation stresses on using land and its resources only according to a land use plan. Even if preambular statements have no legal force, they guide its interpretation. Rural land use plan is defined by the Proclamation as *“a plan which is prepared by considering physical, economic and social information and without causing land degradation and environmental pollution with the view to choosing the best use of the land among the alternative uses; and includes strategic and environmental development plans.”*⁹⁹ According to this Proclamation, implementation of land use planning shall be based on environmental protection concerns.¹⁰⁰

The Proclamation gives details on land use plan in its Article 14.¹⁰¹ Sub article (1) of this Article states that land use plan shall be prepared in the regional state step by step having considered the existing capacity¹⁰² for the purpose of making a given land for specific use. The rural land use plan, as much as possible, shall be based on study and information.¹⁰³

⁹⁹ See Article 2 (8) of the Proclamation. Note that this is the author’s translation of the Amharic version. This author did not get the official English version of the Proclamation.

¹⁰⁰ Article 5 (6) of the Proclamation.

¹⁰¹ The Amharic version of this Article is clearer as compared to the English version.

¹⁰² Here ‘capacity’ could mean the capacity of the regional state in relation to financial, human, material, etc. capacity for preparation and implementation of the land use plan.

¹⁰³ Article 14 (2) of the Proclamation.

The ‘as much as possible’ qualification of the Proclamation may lead the organ which is responsible for preparation of the land use plan to even go for the preparation of the plan when there are no sufficient data or information.

According to Article 14 (4), rural land use plan shall be based on watershed and its preparation shall consider, among others, soil type, weather condition, vegetation cover as well as socioeconomic and *political*¹⁰⁴ situations. Land users are required to use their landholdings according to the plan.¹⁰⁵ Article 14 (6) of this Proclamation and Article 29 (7) of the Amhara Regional State Land Administration and Use Proclamation 252/2017 are crafted in exactly similar manner.¹⁰⁶

In relation to land use plan, other sub articles of this Article mention issues like the prohibition of using land for illegal activities by any land user; possibility of land change if such use is supported by scientific research and study; conducting settlement for a better land use; prohibition of illegal and squatter settlements; and limiting shifting cultivation only within one’s own landholdings.¹⁰⁷

A regulation for the implementation of this Proclamation is expected to be adopted in the near future.¹⁰⁸

5.5. Dire Dawa Laws

5.5.1. Dire Dawa Administration Rural Land Administration and Land Use Regulation¹⁰⁹

This Regulation is issued to implement the Federal Rural Land Administration and Use Proclamation No. 456/2005.¹¹⁰ Part Four of the Regulation is devoted for regulating issues related with land use plan under the head of ‘Study, Plan and Conservation’. Article 15 of the Regulation has similar contents as Article 14 of the Rural Land Administration and Use Proclamation No. 85/2010 of the Benishangul Gumuz Regional State.

¹⁰⁴ It is not clear why the term ‘political’ is used here. Probably, it may mean land use plan can consider administrative boundaries.

¹⁰⁵ Article 14 (5)

¹⁰⁶ See above.

¹⁰⁷ See sub articles 10 to 16 of Article 14 of the Proclamation.

¹⁰⁸ Comment given during the Bishoftu validation workshop, 25 to 28 December 2019, at JeCCDO Training Center.

¹⁰⁹ The copy of regulation the author got is not numbered.

¹¹⁰ See the 5th preambular statement of the Regulation.

5.6. Gambella Regional State Laws

5.6.1. The Gambella Regional State Rural Land Administration and Use Proclamation No. 52/98 or 52/99¹¹¹

As can be seen from its preamble, the Proclamation is issued with the view to, among others, developing and reducing loss of natural resources, introducing effective and sustainable land utilization systems and reducing land related conflicts. Article 3 of the Proclamation is devoted for land administration and use principles. Of these principles, one is related with land use plan and it states that: “land use plan and its implementation shall be made by engaging the people” showing the pivotal role of people in preparation and implementation of land use plan.

Article 18 of the Proclamation is devoted for land use plan. Under this Article, the following rules are provided:

- a) A guiding land use master plan, which takes into account soil type, landform, weather condition, plant cover and socioeconomic conditions and which is based on a watershed approach, shall be developed by the competent authority and implemented.
- b) A land use master plan prepared based on:
 - a. its potentials for better benefits;
 - b. its economic and ecological feasibility;
 - c. its impact on the natural environment.

Even if it is not a comprehensive law, it has some elements of land use planning rules and principles. As the result of this, it can be taken as one of the regional legal instruments which have relevance to look into during preparation and implementation of the integrated land use planning.

5.6.2. Gambella City Master Plan Proclamation No. 65/1999 E.C.¹¹²

The objectives of this Proclamation are:

- To respect the property rights of the people;

¹¹¹ This Proclamation has no English version and translation is unofficial.

¹¹² This Proclamation has no English version.

- To expedite investment activities;
- To engage the residents of the city of Gambella in the development of the integrated master plan for the city; and
- To implement a system of decentralized decision making in the preparation of a master plan.

The master plan has 4 levels. These are (1) city development framework, (2) structure plan, (3) long and medium term development plan and (4) local development plan. The major objective of the structure plan is indicating the future development of the city regarding land use and infrastructure development.¹¹³ The Proclamation also states that any plan that is prepared in Gambella would align with the national plan. This Proclamation is all about planning and it can be considered as part and parcel of the land use planning.

The Gambella Regional State has prepared and adopted an integrated land use and development plan (ILDLP). By doing so, it is the only regional state in the country. Even if the plan is launched by the Government of the Regional State, its implementation has not seen the light of the day. The reasons for this include:

- a) The ILDP has been prepared at zonal scale level which makes it difficult to implement it at local level.
- b) Implementing such a big plan requires big financial, material and expert capacity. Even if it can be said that the capacity at the Agriculture and Natural Resources Bureau level is relatively better, when one goes down to local level, there are severe problems. For instance, at woreda level, there is no land administration and use expert at all.
- c) Vast tracts of land which are identified for other use types by ILDP (e.g. as national parks) are now under investor's holdings. The remaining lease time of the investors is long and it is beyond the Regional State's capacity to reclaim such lands by paying compensation.

¹¹³Article 10 of the Proclamation.

5.7. Harari Regional State Laws

5.7.1. Rural Land Administration and Use Regulation No. 11/1998 E.C.

This Regulation is issued to implement the Federal Land Administration and Use Proclamation No. 456/2005. Article 15 of the Regulation dwells on the importance of land use plan. According to the Regulation Land use plan shall be prepared step by step having considered the capacity (of the organ that is responsible for preparing and implementing the plan). The master land use plan which is going to be prepared by the regional state shall consider soil type, landscape, slopes, weather conditions, vegetation cover and socioeconomic conditions.¹¹⁴ The Regulation also states that the current land use can only be changed when such change is supported by a plan which is based on study and information.¹¹⁵

5.7.2. Rural Land Administration and Use Regulation No. 11/1998 Implementing Directive No. 12/2003 E.C.

As can be seen from the nomenclature of the directive, it is issued to implement the land use regulation. Regarding land use plan, the Directive is silent except providing some rules in its Article 10 on surveying.

5.8. Oromia Regional State Laws

5.8.1. The Oromia Regional State Rural Land Administration and Use Proclamation No. 130/2007

Article 18 of the Proclamation provides rules related with land use plan. According to the Proclamation, “a guiding land use master plan, which takes into account soil type, landscape, weather conditions, vegetation cover and socioeconomic conditions at watershed based approach, shall be developed and implemented by the Oromia Agricultural and Rural Development Bureau.”¹¹⁶ The rest of the sub articles of this Article deal with issues like prohibition of free grazing in areas where soil and water conservation works have been undertaken; restrictions based on the slope of a given rural land; conservation of degraded lands via

¹¹⁴ Article 15 (1) of the Regulation.

¹¹⁵ Article 15 (2) of the Regulation.

¹¹⁶ Currently it is the Oromia Rural Land Administration and Utilization Bureau and for the reference of this note see Article 18 (1) of the Proclamation.

methods such as area closure and utilization of wetlands only in accordance with relevant and use strategy.¹¹⁷

Article 22 of the Proclamation is another provision which has relevance to land use plan. Under the heading of “Protected and Demarcated Lands”, it lists down the following points, among others.

- 1) The government can demarcate and hold wildlife sanctuaries, parks, forest areas, mining areas, lakes, etc. necessary for the existence of many *living things*. [sic]¹¹⁸
- 2) Demarcated areas shall be made to contribute for a sustainable economic development.
- 3) Delineation, demarcation, development, protection and rehabilitation and conservation of protected land shall be done by the participation of the local community.

This Article presupposes a land use plan because demarcation of a certain area for a particular purpose, be it national park or mining area, requires a study that leads to such land use type.

5.8.2. Oromia Regional State Rural Land Administration and Use Regulation No.151/2012

Article 19 of the Regulation under the heading of “Preparation of Rural Land Use Plan”, the issues pointed include:

- The Bureau shall conduct study and prepare at all level land use planning based on watershed that considers the socioeconomic development, the natural resources situation, current land use and etc. of the region with full participation of the community.
- Activities that are going to be undertaken on rural land shall be implemented in accordance with the land use plan which has been prepared based on conducted study.
- The data compiled by the bureau on rural land use planning shall be available for users.
- To ensure the compliance of any development activity with the land use plan, follow up and supervision works shall be undertaken.

¹¹⁷ See Article 18 (2—10).

¹¹⁸ It may mean biodiversity.

Such indicative land use plans prepared at a regional state level have two major advantages. Firstly, they can guide the national level integrated land use planning process as it has already covered agriculture related land uses. Secondly, zonal and woreda and local level land use plans can be based on such regional plans.

5.9. Southern Region Nations, Nationalities and Peoples Regional State Laws

5.9.1. Southern Nations, Nationalities and Peoples Land Administration and Use Proclamation No. 110/2007

One of the preambular statements of the Proclamation underlines on the importance of land use planning based on the different agroecological zones of the region for the purpose of sustainably conserve and develop natural resources and pass over to the coming generations.¹¹⁹ The Proclamation defines rural land use plan as *“a practice whereby the options that give greater economic benefits without causing land degradation and environmental pollution are determined and implemented from among the different use options rural land can give on the basis of physical, economic and social information.”*¹²⁰

As it has been seen in the proclamations of various regional states which have been discussed above, the definitions are basically the same.

Article 13 of the Proclamation under the title of “Land Use Planning and Proper Use of Steep Slopes, Gully and Wetlands” it considers issues like: the need for the preparation of land use plan; restriction on free grazing and introduction of cut and carry feeding; types of farming activities which should be introduced depending on slope; the importance of rehabilitation of degraded areas; conservation and sustainable utilization of biodiversity in rural wetlands; rehabilitation of degraded lands; and protecting and administering rural lands that are demarcated for soil conservation, mining, and historical importance.

5.9.2. Rural Land Administration and Use Regulation No. 66/2007 issued to implement Proclamation No. 110/2007

Under Article 13, the Regulation provides some points in relation to land use planning and proper use of steep slopes, gullies and wetlands. Regarding slopes, it states that:

¹¹⁹ See the 4th preambular statement.

¹²⁰ Article 2 (5) of the Proclamation.

- Plain areas having 0-2% slopes can be used for agriculture by draining if necessary.
- On lands having slope of 3-10%, the landholder shall cultivate using appropriate soil and water conservation measures.
- On lands having slope of 11-15% with shallow soil depth, low soil fertility and exposed for erosion, farming shall be conducted only by applying appropriate soil conservation techniques.
- On steep slopes, having 15-30% slope, with shallow soil depth, low soil fertility, and being exposed for erosion are not allowed for annual and row crops without applying appropriate soil conservation measures.

Regarding the utilization of wetlands, it provides that:

- Wetlands, based on a study and with community participation, shall be protected from sedimentation and loss of biodiversity.
- It is forbidden to drain wetlands for farming and other purposes. However, they can be used based on study and supported by local development plan.

5.10. Somali Regional State Laws

5.10.1. Somali Regional State Rural Lands Administration and Use Proclamation No.128/2013

Article 19 of this Proclamation deals with the preparation of rural land use plan and proper use of land resources. It lists a number of issues which include:

- A guiding master land use plan which takes into account soil type, land form, weather condition, plant cover and socioeconomic conditions and which is based on water shed approach, shall be developed by the competent authority and implemented.
- In any type of rural land where soil and water conservation measures have been undertaken a system of free grazing shall be prohibited and a system of cut and carry feeding shall be introduced step by step.
- The management of rural lands the slope of which is less than 30 percent shall follow the strategy of soil conservation and water harvesting.
- Development of annual crops on rural lands that have slopes between 30-60 percent may be allowed only through making bench terraces.

- Rural lands, the slope of which is more than 60 percent; shall not be used for farming and free grazing; they shall be used for development of trees, perennial plants and forage production.

When we see all of the land laws of the regional states, they followed same trends. It would have been better if the regional states have seen their particular contexts. For instance, cut and carry feeding is not much suitable for the Somali Regional State when compared to, say, Amhara Regional State.

Although the regional state prepared a draft land use regulation, it is silent on issues of land use planning.

5.1.1. Tigray Regional State Laws¹²¹

5.1.1.1. The Revised Tigray Regional State Rural Land Administration and Use Proclamation No. 239/2006 E.C.

This Proclamation is silent about land use plan. However, Article 27 deals with modern surveying and registration of rural lands. Under this Article the issues considered include: all types of rural lands shall be surveyed and registered; a technology supported secondary level land certification shall be conducted in a manner that ensures sustainable development; and modern information system on land administration and use shall be established.

5.1.1.2. The Revised Tigray Regional State Rural Land Administration and Use Regulation No. 85/2006

This Regulation, like the Proclamation, does not give details on land use plan. It gives detailed rules on land administration issues. However, it has some issues in relation to land use plan. These include:

- In Article 27, it prescribes on activities which can be conducted on hillsides. These are; animal ranching including poultry and apiculture, orchard or forest development.¹²²
- In its Article 31 (2), it provides that converting communal land to private holding shall only be based on kebele land use master plan.

¹²¹ Tigray laws are prepared in two languages, Tigrigna and Amharic and they have no English version.

¹²² See Article 27 (2) and Article 31 (3).

These and other provisions of the Regulation give clues on the importance preparing land use plan, although it does not directly dwell on land use plan.

6. Major Findings and Gap Identification from Review of Policies and Laws

The following are the major findings and gaps identified from the review of federal and regional policies and laws and interviews and focus group discussions.

1. Review of federal and regional policy and legal instruments reveals that there is no standalone policy or legal instrument which deals with land use planning. Even if having a separate policy and/or legal instrument that regulates land use planning around the world is a common practice,¹²³ Ethiopia does not have policy or legal instrument to this effect. However, it does not mean that land use planning has never been an issue of policies and laws in Ethiopia. Rules and principles which regulate land use planning have been scattered in various policies and laws of the country.
2. Even if land use planning and related issues have been incorporated in various policies and laws, all of them are related with sectoral land use planning. Most of the plans deal with agriculture and watershed related planning. Other plans are related with urban planning. These constitute majority of land use plans in Ethiopia.
3. The review of the documents revealed that there is a plethora of sectoral policy and legislation that enables different institutions (ministries, bureaus, etc.) to promote different types of land use and to engage in sectoral land use planning. The major problem observed with these sectoral land use planning efforts is that there is weak or even no horizontal coordination among the institutions and no harmonization of sectoral laws and procedures on land use planning.
4. Government officials tend to have the perception that the State is the owner of all lands and hence they can freely allocate land for purposes they wanted to use. This is particularly true for large scale investment activities which have taken place in the lowlands of the country. The ADLI Strategy is considering the lowlands of the

¹²³ Many African countries also have such separate instruments regarding land use planning. To mention some examples: Ghana has a Land Use and Spatial Planning Act (2016); Rwanda has Law No. 24/2012 of 15/06/2012 Relating to the Planning of Land Use and Development; South Africa has Spatial Planning And Land Use Management Bill (2012); Tanzania has The Land Use Planning Act (2007); Kenya has The Physical and Land Use Planning Bill (2017); and Uganda has the Physical Planning Act (2010).

country as unoccupied and unutilized. This approach led to a top down decision making without sufficient consultation with local land users.

5. Lack of strong tenure over communal lands made communal landholders more vulnerable. This has resulted in tensions in relation to land use changes in communal lands. In many areas of the country, particularly in pastoralist areas, the major landholding type is communal. However, communal landholdings have not got effective recognition by the FDRE Constitution. According to the FDRE Constitution, Article 40 (3), 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. This means that, all persons who are using land have the right of using the land and/or deriving the fruits thereof. This is what is called a usufruct right. For any person to have a claim over land in the sense of usufruct, he/she must show that he/she has made an improvement traceable to his/her labor or capital. One's claims to land without establishing improvements thereon are not so bold. This situation has put those who use the natural fruits from communal lands and landed resources without putting much capital or labor on land, such as pastoralist communities, in a precarious condition although their rights are entrenched in the FDRE Constitution. The Afar Regional State is known for its pastoralists. It issued Directive No. 2/2006 E.C. on expropriation of rural lands and compensation payment. The very first preambular statement states that: *"Whereas it is necessary to expropriate the rural lands under the possession of pastoralists and semi-pastoralists as per the policies and strategies of the Government..."* The Directive in its Article 7 (1) provides that – when any land under the regional state which is occupied unlawfully or a communally held land is expropriated for public purpose, no compensation shall be paid for the landholder.¹²⁴ This Directive clearly shows the "thin" rights of communal landholders such as pastoralists. When communal lands are changed into other forms of land use, say large-scale commercial farming, conflicts usually erupt. The new Federal Expropriation Proclamation No. 1161/2019 does not give details on how the pastoralist land expropriation is going to be handled. Even if it defines communal landholding as "land which is neither state owned nor individually held; and which is held and used by communities for grazing, forestry, and other social services, etc.," it may be converted easily to other types of holdings.¹²⁵ Another important issue regarding pastoralist landholdings is that –

¹²⁴ As per the information gathered during the field trip and from discussions at the validation workshop, there is compensation payment when pastoral lands are converted to other land uses, though there have been grievances on the modality of payments.

¹²⁵ Article 5 (3) of Proclamation No. 456/2007, "Government being the owner of rural land, it can change communal rural landholdings to private holdings as may be necessary." Note also that, the federal and many of the regional states' land laws define landholding right as: "the right of any peasant farmer or semi-pastoralist and pastoralist shall

fewer efforts have been made to incorporate traditional governance systems of the pastoral areas into the formal legal system in the country. This is true both for Federal as well as Regional legal instruments. The only exception to this is the Afar Rural Land Use and Administration Policy. This Policy in its Section 6.3 states that: “The customary laws and practices of the region will be studied and accorded recognition and will be enforced as long as they do not contradict with the region’s constitution and this policy.” Irrespective of this policy direction Article 25 of Afar Rural Land Use and Administration Proclamation No. 49/2009 and Article 35 of the Afar Rural Land Use and Administration Regulation No. 4/2011, state: “No law, regulation, directive or customary practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for in this Proclamation/Regulation. These provisions of the Proclamation and Regulation seem to have dropped the policy direction of recognizing customary laws and practices in the Regional State.

6. The review also revealed that the current policy and legal framework is that land use is being conducted in an uncoordinated way and sectoral plans are developed and implemented in isolation. Absence of integrated land use planning would pose some challenges. The most significant challenge could be each sector may go for larger and larger areas without considering the needs of other sectors. The following facts give examples:

- a) In 2009, the then Ministry of Agriculture and Rural Development (MoARD)¹²⁶ declared that the country has 66.6% of its total area (i.e. 74.3 million ha from the total area of 111.5 million ha) suitable for crop production. By this declaration the Ministry of Agriculture invited foreign investors to come and engage in large-scale commercial agriculture.¹²⁷
- b) The Biofuel Strategy of 2007 allocates 25.657 million hectare of land (nearly one-fourth of the country’s geographic area) for biofuel development.¹²⁸
- c) In its recent report the EFCCC declared that it has identified 73% of the total area of the country has potential for tree based landscape restoration.¹²⁹

have to use rural land for the purpose of agriculture and natural resource development, lease and bequeath to members of his family or other lawful heirs, and includes the right to acquire property produced on his land thereon by his labor or capital and to sale, exchange and bequeath same;” showing the thin rights of pastoralists.

¹²⁶ Now it is the Ministry of Agriculture.

¹²⁷ www.moard.gov.et

¹²⁸ The Strategy claims 17.2 million ha from Oromia, 3.1 million ha from Benishangul Gumuz, 2.8 million ha from Gambella, 1.5 million ha from Somali, 1.0 million ha from Amhara, 0.05 million ha from SNNP and 0.007 ha from Tigray Regional States.

If these sectoral plans are mutually exclusive, their summation, by far exceeds the total area of the country. The summation of these three sectors makes up 165.257% of the area of the country. When other sectors, such as the mining and petroleum, dam construction for energy or irrigation, transport networks, urban areas, etc. are included, the sectoral planning efforts may not be enforced without engaging in conflicts. It can be realized from this that such sectoral planning efforts sitting within their own box will end up in unrealistic conditions. Such efforts do not help in ensuring sustainable development of the country. Moreover, it does not address the centrality of land in Ethiopia and the complexities around it. This suggests the importance of comprehensive and integrated land use planning in Ethiopia.

7. The other major finding is the institutional arrangements around land issues. Land administration, use and other issues in relation to rural land in Ethiopia are under different institutions, although some regional states have started establishing separate rural land administration and use bureaus. On the other hand, the Oromia Regional State brought urban and rural land administration and use issues under a single bureau. At federal level, the issues of rural land administration and use are treated by the Land Administration and Use Directorate of the Ministry of Agriculture. In Benishangul Gumuz Regional State, environmental protection and land administration and use are organized as a single bureau. In Tigray also the same organizational structure is adopted but it is an agency rather than a bureau. In Gambella and SNNP regional states, rural land administration and use is organized as a department under the bureau of Agriculture and Natural Resources.

When an institution which is mandated with land matters is organized in combination with another institution, some problems may arise which impair its activities. These include: it may create communication and reporting problems;¹²⁹ when land issue is combined with another sector, say agriculture, its activities may be relegated to secondary level and be dominated by the other segment; and land resources may be unduly governed for the interest of that particular sector rather than for a balanced interest of all sectors. For instance, currently in many regional states there are watershed based land use planning initiatives. When the land administration and use is combined with agricultural sector, the process is dominated by the agriculture department.

¹²⁹ EFCCC (2018), National Potential and Priority Maps for Tree-Based Landscape Restoration in Ethiopia, Technical Report, p. 33.

¹³⁰ Some regional state institutions have to communicate and report to two or even more federal institutions. Such dissections may hamper communication effectiveness.

8. The other major finding is that there is no land use planning institute which is specialized in land use planning. It is rather being done by sectoral institutions with the view to perform sectoral activities. While such sectoral institutes conduct planning activities, there is a tendency that they perceive land is there to serve only or mainly their sectoral interests.
9. The other finding is improper urbanization. Ethiopia is one of the least urbanized countries in the world. Even by African standard, Ethiopia is one of the least urbanized countries. As the world is rapidly urbanizing, Ethiopia cannot escape this trend and this situation will obviously result in land use changes. The major source of conflict in the process of this land use change is related to complaints on the amount of compensation paid for those who are displaced from peri-urban areas and the future livelihoods of the displaced persons. As land is property of the government, the real market price of land is not known in the country. The government has no sufficient resources to pay compensation for those who are displaced as the result of expansion of urban centers, it usually pays small amount as compared to the expectation of the people who are being displaced. One of the reasons for issuance of Proclamation No. 1161/2019 is to resolve this situation. Accordingly, the new Proclamation gives priority rights for the landholders to develop the land according to the plan either individually or in group. Moreover, such landholders have the right to have shares in the investment, if the displacement is for investment.¹³¹
10. Many activities which claim land are preceding the preparation of a comprehensive integrated land use plan in Ethiopia. For instance, large scale commercial farming activities such as sugarcane plantations, dam construction, industrial park development, etc. are taking place. Such activities may lead to unsustainable land use practices resulting in conflicts among land claimant bodies and also with the people.
11. The finding on dispute resolution or grievance redress mechanism is that – the Ethiopian laws are following the principle of exhaustion of local remedies. Parties in dispute or the aggrieved party (this usually applies for land expropriation cases) are required to take their cases to elder arbitrators, then to local administrative organs. If the issue is not resolved at the local administrative organ level, it can be taken to a court of law. Some laws (e.g. the Gambella Regional States Rural Land Administration and Use Proclamation) do not mention court but simply appeal to the concerned organs. Similarly, the Tigray Rural Land Administration and Use Regulation does not explicitly recognize the right of citizens to appeal to court. However, it does not state about administrative finality and hence it cannot be

¹³¹ See Articles 7 and 16 (4) of the Proclamation.

taken as prohibiting appeal to the court of law. The new Expropriation Proclamation also allows appeal to a court if the landholder is aggrieved by the decision of Complaint Hearing Body and then by the Appeal Hearing Council. However, if the landholder is not satisfied by the decision of the lower court, he/she can appeal to a higher court by surrendering his/her landholding.

12. The other important finding is related with the existence of regulations and/or guidelines on data entry, data retrieval, and data updating. As it is known, a well-functioning land administration system is a crucial element for all land based activities.¹³² Land administration has four components: namely; registration of landholding, land use planning, valuation of land and development components (e.g. development of infrastructure).¹³³ It goes without saying that these activities require well organized data. It is also important to note that having sufficient data on the activities in relation to land administration is not enough by itself. It is important to update these data as previously entered data could quickly become out of date to maintain the dynamic nature of activities under land administration. If the land information system is regulated by law, it would facilitate the management, dissemination and use of the information appropriately. Existence of such laws in the form of either regulations or even in the form of directives also facilitates transparency and accountability in relation to the data or information system on land governance issues. Currently in Ethiopia no law on data entry, data retrieval and data updating at federal as well as regional levels regarding urban and rural lands has been found. However, two manuals,¹³⁴ which were prepared by LIFT, state some points on data entry procedures during field works and in office, data entry corrections and verifications regarding on rural land administration system and secondary level land certification. Otherwise, there is no law on such land information system in the country.
13. Another significant finding which was particularly revealed during interviews and focus group discussions was problem of law enforcement. The laws in relation to land use planning such as rural land administration and use laws and urban master plans are not implemented well. In the case of rural lands, for example, steep slopes which are not allowed to be farmed for crop production are intensely farmed. In urban areas, the master plans are not respected. Lack of law

¹³² Land administration may be defined as the process of recording and disseminating information about rights, value, and use of land and its associated resources when implementing land management policies. Such process includes the determination (adjudication) of rights and other attributes of the land, the survey and description of these, their detailed documentation and the provision of relevant information. (Adapted from Rural Land Administration System Manual, Version 2, Ethiopia Land Investment for Transformation (LIFT), 2017, p. 2.)

¹³³ Discussion with Ato Abebaw Abebe, Rural Land Administration and Use Directorate, Land Administration Case Team Coordinator, 24 September 2019.

¹³⁴ Rural Land Administration System Manual, Version 2 (2017) and Second Level Land Certification Manual (2014).

enforcement is mainly attributable to weak capacity of executive as well as judicial intuitions.

14. Ethiopian policies and laws disregard peri-urban areas. Urban and rural lands are defined in a manner that each would exclude the other, without treating the peri-urban areas separately.¹³⁵ Having seen their socioeconomic and political conditions, it is necessary to deal with the peri-urban areas by giving them special emphasis.

7. Conclusion and Recommendations

7.1. Conclusion

There are many sectors with various functions which need to use land in different forms. Each function requires a delineable portion of land. Land is an immovable and limited resource, which makes it difficult to combine different functions. As a result of this, conflicts arise wherever people have different interests on land use. The challenge is how to combine as many functions on land as possible, without destroying the land and its resources. This can be achieved if the relevant land users and experts enter into a dialogue on planning of the uses of land and eventually agree on the best land use concepts to come up with effective land use plan by engaging all stakeholders.

Currently a number of institutions, at Federal as well as Regional levels, engaged in their own land use planning having considered their sectoral interests. The planning efforts in the Regional States also have no uniformity from Region to Region though the planning institutions have similarity. Even so, these plans are not being implemented by institutions which are expected to implement them.¹³⁶ Unless these fragmented planning efforts are integrated and unless they become part and parcel of the larger national comprehensive and integrated land use plan, competitions and conflicts may persist on land use.

Land use planning is understood as a process on making decisions about how to use land. A land use plan aims at shaping the future development on land. It is an instrument to organize and regulate the utilization of land. To get out of the existing situation where there are no or weak policy and legal situations in relation to land use planning to a situation where effective policy and binding laws would be in place, it is necessary to dwell on the completion of the draft national land use policy. It is high time that the country needs now land use policy and law which could lay down the responsibilities for steering land use planning and define land use planning as a binding instrument; having decentralized decisions in the making as well as implementing the land use planning

¹³⁵ **Urban land** means land located within an administrative boundary of an urban center. (Urban Lands Lease Holding Proclamation No. 721/2011, Article 2 (2)); **Rural land** means any land outside of a municipality holding or a town designated as such by the relevant law. (Rural Land Administration and Land Use Proclamation No. 456/2005, Article 2 (1)).

¹³⁶ This issue has been raised during the validation workshop at Bishoftu.

including establishment of relevant institutions with qualified staff; integrating all sector plans by making all sector institutions to seek approval from the land use planning institution (a ministry or a commission); making the land use planning a binding instrument to allocate and manage land use. It goes without saying that to achieve these conditions, it is imperative to have a non-land claimant institution for planning purpose whose plans are observed by all land user institutions, whether they are governmental, nongovernmental or private.

It is expected that the land use planning process and later its implementation can encounter a number of constraints. These may be related to cultural conditions (e.g. people may not be willing to leave their areas, if planning has to relocate them, as they have cultural attachments with specific areas); capacity problems (skilled manpower, finance and materials); absence or inadequate policy and legal instruments; economic priorities of the government (for instance, allocating fragile ecosystems such as wetlands for agricultural investment purposes irrespective of planning proposals); environmental and climate change problems which may hinder implementation of land use planning; inadequate infrastructure; and problems associated with good governance.

The traditional land use planning usually focuses on a single function in an exclusive manner. For instance, lands allocated for agriculture or forest protection are used for these purposes and other uses are excluded. However, currently there is a growing realization that a single function land use is a narrow perspective and there need to be recognition that any piece of land can provide different services like livelihood, recreation, environmental services, biodiversity conservation, etc. based on well thought planning principles. The multi-functional land use in synergistic mode is considered to be the best option for managing conflicting interests on the land use.¹³⁷ In this regard it is hoped that the future land use policy and law would consider this approach.

When land use planning is an agenda, there are key considerations which have to be part of the planning process. These include: (1) social, cultural and spiritual conditions; (2) rights of future generations or intergenerational equity; (3) gender issues, rights of minority groups, marginalized people (if any), and people with disability; (4) demographic conditions; (5) capacity of implementing institutions; and (6) existing and potential conflicts.

Land use planning can transform rural as well as urban economies to a higher level. Land use planning can contribute for the transformation of the economy in different ways. For instance:

¹³⁷See Arun Chaturvedi, 'Land Use Synergy and Land Use Planning: An Approach for Sustainable Rural Development' in M. V. Rao et al (eds.) (2016), *Integrated Land Use Planning for Sustainable Agriculture and Rural Development*, Apple Academic Press, Inc. p. 300.

- a) By promoting healthy and safe living conditions and by preserving existing natural resources for all residents, urban and rural, land use planning can boost the working situations by providing clean air, pure water, uncontaminated food sources, etc. will contribute for transforming local as well as national economy;
- b) By enhancing provision of services, such as transport and energy, land use planning can serve as a trigger for economic transformation;
- c) By improving tenure security; (1) it will boost rural land market (e.g. land rental by those who are not in a position to work on land personally – due to old age, infirmity, etc.) consequently boosting agricultural production by transferring land to the most productive person; (2) it will incentivize landholders to invest and improve their lands, since there is assurance that their lands will not be appropriated easily; and (3) by easing access to formal credit so farmers can more readily invest in their land.¹³⁸

7.2. Recommendations

7.2.1. Recommendations on the Points to be Considered by the Forthcoming Legal Instrument

These recommendations are proposed to be considered when the forthcoming legal instrument is prepared for the comprehensive and integrated land use planning.

- I. The law needs to set its fundamental principles of the comprehensive land use planning. The principles could include:
 - a. Serving all sectors of the society;
 - b. Improving the level of the provision of infrastructure and social services for sustainable human settlements;
 - c. Facilitating the creation of employment opportunities and eradication of poverty;
 - d. Participation of stakeholders in influencing decision and consideration of local knowledge;
 - e. Sustainable development aiming at balancing social, economic and environmental needs;
 - f. Focusing on sectoral integration and interdisciplinary cooperation or 'horizontal integration';

¹³⁸ See Jae Hong Kim, 'Linking Land Use Planning and Regulation to Economic Development: A Literature Review', *Journal of Planning Literature* 26(1) 35-47, 2011; Julia Michalak, Jeff Lerner, Linking Conservation and Land Use Planning: Using the State Wildlife Action Plans to Protect Wildlife From Urbanization; Thomas Jayne et al, The Role of Land Policy in Agricultural Transformation and Inclusive Economic Growth: Implications for Africa, 2016 World Bank Conference On Land And Poverty.

- g. Integrating bottom-up with top-down approaches or ‘vertical integration’;
 - h. Promoting living in harmony with nature;
 - i. Following the idea of subsidiarity;
 - j. Taking into consideration long-term optimum utilization of land and conservation of scarce land resource including preservation of land with important functions;
 - k. Being inclusive and taking into consideration the culture and heritage of people concerned;
 - l. Be future-oriented or visionary;
 - m. Be implementation-oriented, realistic and adapted to local conditions;
 - n. Taking into account new approaches such as transit-oriented development,¹³⁹ mixed land uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources.
2. The law needs to set the objectives of the institution to be established¹⁴⁰ for land planning purposes. The objectives of the institution (a land commission or ministry) may include:
- a. Ensuring sustainable development of land and human settlements through a decentralized planning system;
 - b. Ensuring judicious use of land;
 - c. Enhancing the attainment of Ethiopia’s decentralization program and in particular create an enabling environment for local level to better perform the spatial planning and human settlements management functions;
 - d. Facilitating efficient management of land use;
 - e. Empowering landholders and users to make better and more productive use of their land;
 - f. Promoting sustainable land use practices;
 - g. Ensuring security and equity in access to land resources;
 - h. Facilitating the establishment of a framework for the prevention of land use conflicts and dispute resolution mechanisms;
 - i. Facilitating overall macro-level planning while taking into account regional, sectoral and local considerations;
 - j. Coordinating inter-sectoral stakeholders at all levels;
 - k. Ensuring the use of political and administrative structures and resources available at national, regional, and local levels;

¹³⁹ Transit Oriented Development (TOD) is the exciting fast growing trend in creating vibrant, livable, sustainable communities. TOD is the creation of compact, walkable, pedestrian-oriented, mixed-use communities centered around high quality train systems. This makes it possible to live a lower-stress life without complete dependence on a car for mobility and survival.

¹⁴⁰ Currently, there is a NILUPP Office under the EFCCC. However, the legal status of this office is uncertain.

3. The law needs to specify the application of the law on all land claimants including public and private institutions which are responsible for human settlement, spatial planning and use of land in any form. When specifying the institutions, the law must also give details on a person who is responsible for the development of a specific land or the bigger area, issues related to the national, regional, zonal and local (woreda or kebele) spatial planning, formulating zoning regulations, planning standards and processing of land use permit, etc.
4. The law needs to list down the functions of the institution to be established. The functions of the institution could include:
 - a. Prepare and provide for the technical human settlements planning component;
 - b. Ensure that the use of natural resources for agriculture, mining, industry and other related activities does not adversely impact on human settlements and the natural environment;
 - c. Oversee the implementation of approved policies regarding spatial planning and physical development within the country;
 - d. Provide assistance to all land use planning organs and prepare land use plans, monitor their implementation and, from time to time, evaluate them;
 - e. Coordinate the activities of all bodies concerned with sectoral land use planning matters and serve as a channel of communication between such institutions and the Government and foster cooperation between the Federal, regional and local government authorities;
 - f. Stimulate public and private participation in activities related to land use planning for rational and beneficial use of land;
 - g. Promote the advancement of scientific knowledge in land use matters and encourage the development of technology directed at the prevention or reduction of adverse effects on land;
 - h. Specify standards, norms and criteria for the protection of beneficial uses and the maintenance of the quality of land;
 - i. Undertake and coordinate research, investigation and surveys relating to land use planning and collect, collate and create a national data bank to disseminate information about the findings of such research, investigation or survey;
 - j. Establish and operate a system of documentation and dissemination of information relating to land use planning;
 - k. Establish and maintain liaison with other countries and international organizations, with respect to issues and matters relating to land use planning;
 - l. Undertake, in cooperation with relevant agencies, programs intended to enhance land use planning education, and public awareness about the need for sound land management;

- m. Undertake and promote educational programs in land use planning for the purpose of educating the public on proper land use planning and the role of the public in its protection, use and improvement;
 - n. Ensure compliance with the approved land use plans;
- 5. The law may need to establish a land use planning fund. One of the sources of the fund could be the money generated through issuance of permits and penalties.
- 6. The law should provide for penalty clauses against defaulters of the land use planning.
- 7. The law shall specify details on evaluation and review the National Land Use Planning.
- 8. Provide rules on training programs for institutions and agencies at all levels that a) focuses on the key aspects of land management policy and legislation; b) focuses on the roles and responsibilities of agencies and institutions; c) emphasizes the environmental constraints to land management d) emphasizes the need for land capability to be assessed, e) emphasizes the need for economic, social and environmental sustainability to be assessed; and f) assists in the development of data bases and data storage and retrieval systems appropriate for each level.
- 9. The law needs to address the customary land administration and use systems (such as the Afar and Somali clan leader practices) with the view to selecting the best elements from the formal law and the customary practices. When considering the traditional authorities' powers, it is important to incorporate how they become accountable for the decisions they make and their environmental responsibilities. It is very important to note on the fact that the land allocation practices of clan leaders should be in line with the land use planning.
- 10. The forthcoming law on land use planning needs to be followed by regulations or guidelines which deal with data entry, data retrieval and data updating for both rural and urban land use planning.

7.2.2. Other Recommendations

- 1. The issue of land use planning is being aired for long time in Ethiopia, without touching the ground. This situation needs to change very quickly or the country should be prepared to pay heavy costs and bear consequences which are the results of inaction. If Ethiopia does not formulate and then implement land use planning, time will come where land use planning is impossible.
- 2. Ethiopia does not have standalone law or regulatory framework on land use planning. To formulate and implement land use planning, it is necessary to have a policy direction on land use planning. It is high time now to have such a direction so that the country could lead to formulating and implementing a comprehensive and integrated land use planning.

3. Formulation and implementation of a comprehensive and integrated land use planning needs a strong institution. Currently land issues are managed by different institutions with no legally mandated institution to run matters related with land use planning. The legal status of NILUPP Office is uncertain. It is important to formalize the NILUPP Office by establishing it as an autonomous institution.
4. Currently existing legal frameworks which incorporate land use planning such as rural land administration and use laws, forest laws, wildlife laws and township master plans are not enforced well due to weak institutional capacity. Lands designated for a certain purpose as per these laws are being used for other purposes. For instance, riversides are being overwhelmed by squatter settlements, steep slopes are farmed for crop production, national parks are converted into commercial farms, etc. Executive and judicial institutions must be strengthened to enforce the laws.
5. Law enforcement highly depends on institutional cooperation and coordination. In Ethiopia, there is no regulatory framework which is designated for such institutional cooperation and coordination. If there is any institutional coordination that is based on ad hoc manner without any legal backup. It is important to ensure institutional cooperation and coordination with regulatory framework for effective implementation of policies and laws. It is better, until the compelling law is enacted, to create cooperation and coordination by signing memorandum of understanding.
6. Recognition of pastoral communal lands is weak under the Federal Rural Land Administration and Use Proclamation. The definition given for communal lands under this Proclamation does not seem to incorporate the lowland pastoral areas.¹⁴¹ The land laws of Regional States also give similar meaning for communal lands except the Afar and Somali Regional States. The draft land proclamation of the Federal Government shall give due consideration for the lowland communal lands so that they could fit to the socioeconomic conditions of the lowland people.
7. Allocating extremely large tracts of land has been a commonplace practice in Ethiopia.¹⁴² This calls for ceiling of land to be allocated for an investor.

¹⁴¹ It defines communal landholding as: rural land which is given by the government to local residents for common grazing, forestry and other social services. (Article 2 (12) of the Proclamation).

¹⁴² For example, in 2006, Land and Sea PLC received 390,851 ha of land in Benishangul Gumuz Regional State for 25 years free of charge. On another occasion, in 2010, Karuturi Company received 100,000 ha of land in Gambella with the promise of additional 200,000 ha for 25 years with a lease price of 30 Birr/ha/year. This appears to be very outrageous and needs to be corrected.

8. List of references cited

1. Arun Chaturvedi, 'Land Use Synergy and Land Use Planning: An Approach for Sustainable Rural Development' in M. V. Rao et al (eds.) (2016), *Integrated Land Use Planning for Sustainable Agriculture and Rural Development*, Apple Academic Press, Inc.
2. Assessment of the Implementation of Rural Land Laws in Amhara National Regional State, study conducted by the Institute of Land Administration, Bahir Dar University in Collaboration with ANRS BoEPLAU, Supreme Court, and Justice Bureau, 2015.
3. Azene Bekele (2017), *Roadmap for National Integrated Land Use Planning in Ethiopia: Consultant's Report*.
4. Babette Wehrmann (2012), *Land Use Planning: Concept, Tools and Applications*, GIZ.
5. Christopher Duerksen and Cara Snyder (2005), *Nature-Friendly Communities: Habitat Protection and Land Use*, Island Press.
6. Ghana Land Use and Spatial Planning Act (2016).
7. Graciela Metternicht (2017), *Land Use Planning: Global Land Outlook: Working Paper*.
8. Haoran Yang (2015), *Land Rental Market and Rural Economic Development: Evidence from Rural Chongqing, China*, PhD thesis at Rheinischen Friedrich-Wilhelms-Universität Bonn.
9. Haoran Yang, Land Rental Market and Agricultural Production Efficiency: A Bayesian Perspective, *Bayesian Young Statisticians Meeting (BAYSM), Milan June, 5-6, 2013 Paper no. 44*.
10. Integrated Land use and Development Master Plan for Gambella People's National Regional State Volume I: Land Use Plan for Agriculture Development/Crop Production Horn of Africa Regional Environment Center & Network, August, 2016.
11. Jae Hong Kim, 'Linking Land Use Planning and Regulation to Economic Development: A Literature Review', *Journal of Planning Literature* 26(1) 35-47, 2011.
12. Julia Michalak, Jeff Lerner, Linking Conservation and Land Use Planning: Using the State Wildlife Action Plans to Protect Wildlife From Urbanization.
13. Land Equity (2016), *Review of the Urban Legal Cadastre of the Government of Ethiopia: Issues and Policy Recommendations Report*.
14. Land Use Planning Act (2007), Tanzania.

15. Law No. 24/2012 of 15/06/2012 Relating to the Planning of Land Use and Development, Rwanda.
16. National Integrated Land Use Policy Framework, Prepared under the Auspices of the Prime Minister's Office Federal Democratic Republic of Ethiopia March, 2017, Addis Ababa.
17. Physical and Land Use Planning Bill (2017), Kenya.
18. Physical Planning Act (2010), Uganda.
19. Spatial Planning And Land Use Management Bill (2012), South Africa.
20. Sustainable Development Goals
21. Thomas Jayne et al, The Role of Land Policy in Agricultural Transformation and Inclusive Economic Growth: Implications for Africa, 2016 World Bank Conference on Land and Poverty.
22. Tigistu Gebremeskel (2011), *Experience and Future Direction in Ethiopian Rural Land Administration*: Paper Presented at the Annual World Bank Conference on Land and Poverty.
23. UNCCD (2017), Global Land Outlook.
24. www.ethiopia.gov.et/gambella-regional-state.
25. Ying Liu, et al Farmland Rental and Productivity of Wheat and Maize: An Empirical Study in Gansu, China, *sustainability*.
26. Yirgalem Mahiteme (2007), 'Carrying the Burden of Long-term Ineffective Urban Planning' An Overview of Addis Ababa's Successive Master Plans and their Implications on the Growth of the City, Working papers on population and Land use change in central Ethiopia, Addis Ababa University.

People consulted during the study

1. Ato Abdu Seid, GIS and cartography expert, Afar Regional State Land Administrative and Use Bureau
2. Ato Hussein Ahmed, soil survey expert, Afar Regional State Regional State Land Administrative and Use Bureau
3. Ato Melkamu Mehret, Amhara Regional State, Urban Planning Institute
4. Ato Solomon Messele, Director of Legal Department, Amhara Regional State, Urban Planning Institute
5. Ato Adane Adgo, legal expert, Amhara Regional State, Urban Planning Institute
6. Ato Abebaw Abebe, MoA, Rural Land Administration and Use Directorate, Land Administration Case Team Coordinator
7. Ato Pegna Omod, Gambella Regional State, Land Administration and Use Specialist of Resilient Landscape Livelihood Project at Agriculture and Natural Resources Bureau
8. Ato Mitiku Bekele, Director for Land Study and Land Planning, Oromia Regional State Land Administration and Use Bureau
9. Wro. Azalech Ayalew, Senior Land Use and Administration expert, Oromia Regional State Land Administration and Use Bureau
10. Ato Abera Mirekena, Gambella Regional State, Rural Land Administration Expert at Agriculture and Natural Resources Bureau
11. Ato Adem Oubala, Urban Planning Institute of the Gambella RS, Director of the Institute
12. Ato Oujulu Akway, Urban Planning Institute of the Gambella RS, Surveying Work Process Owner
13. Ato Gatdet Jok, Urban Planning Institute of the Gambella RS, Surveying Expert
14. Ato Addisu Negussie, Urban Planning Institute of the Gambella RS, Human Resources Department Head