

Urban Land Policy vis-à-vis Tenure Security and the Environment: A Case Study of Addis Ababa, Ethiopia

By - Sisay Habtamu Tekle, Ethiopian

Key Words: Urban land policy, environmental law, urban land management, security of tenure, environmental sustainability

SUMMARY

Ethiopia is among the least urbanized countries in sub-Saharan Africa with only 17% of its population living in urban areas. However, currently the urbanization processes in Ethiopia are among the fastest in the world with more than 5% annual growth rate. Hence, an appropriate urban land use regulation and development policy are compulsory to develop cities and towns in a sustainable manner. Proficient urban development planners and managers are also equally important to create a sustainable urban future. In this study, the researcher designed two research questions. i.e., “Does the urban land policy of Ethiopia ensure tenure security and protect the environment? Are there problems related to tenure security and the urban environment in Addis Ababa?” Therefore, the urban land and environmental policy of Ethiopia is primarily analyzed to evaluate practices of policy implementation on the ground in the case of Addis Ababa. Subsequently, observation of the city environment and development as well as focus group discussions were made to answer the research questions. The findings indicated that, although urban land is a vital revenue source for the government of Ethiopia, the rent collection system from urban land is discriminatory among the citizens regarding the use and benefit rights of urban land for private purpose. Since the coming into effect of urban land policy proclamation No. 80/93, for the last 18 years the urban land policy of Ethiopia has created a comfortable situation for corruption, illegal urban land speculation and wealth creation by some groups in Addis Ababa. Although the revised urban land policy proclamation No.721/2011 incorporated important regulations to control land speculators and corrupted officials, the policy still leaves space for corruption and land speculation. The urban land policy offers a fair security of tenure. However, regarding the issue of compensation of displaced people, the value of the expropriated land in terms of location and distance is not taken in to consideration for compensation payment, which is unfair for the people who are displaced from high land value areas. Whereas the environmental policy of Ethiopia is indispensable to create a sustainable living environment, it is not valued by municipality authorities and developers in Addis Ababa. This may be due to lack of professional competency and exposure to sustainable city planning. Therefore, beyond a good urban development policy, it is also crucial to develop the professional capacity of urban managers and planners through sustainable development education in order to create a sustainable urban future.

Urban Land Policy vis-à-vis Tenure Security and the Environment: A Case Study of Addis Ababa, Ethiopia

By - Sisay Habtamu Tekle, Ethiopia

1. INTRODUCTION

Land is among the valuable earth resources and a home base for human beings and other living creatures. If there is no interference and destruction by man, the ecosystem by itself can regenerate the nature and the land resources. However, world experience indicates that human beings are the extractors and destructors of the natural resources, leading to hazardous conditions for the regeneration of the earth's ecosystem. It is also the prime cause for the phenomenon of global warming and desertification in Africa, which is jeopardizing the life of agrarian societies that depend on rain fed agriculture. This is why countries are enforced to devise environmental policy and land use regulations, as a fundamental mechanism to control the harmful activities of man which impact upon the land and the environment.

This study focuses on the situation of the urban environment and the security of tenure in Addis Ababa in relation to the urban land policy of Ethiopia. Urban land policy is a key guiding document for land administrators and developers. Therefore, by analyzing the policy, it is possible to identify the level of concern of the government for the security of tenure and the urban ecosystem. This research aims to investigate urban land policy and implementation practices in Addis Ababa in relation to security of tenure and the living environment. Therefore, the research focuses on two main questions i.e. "Does the urban land policy of Ethiopia insure tenure security and the environment? Are there problems related to tenure security and the protection of the urban environment in the development processes of Addis Ababa?"

The urban land policy and urban environment policy of Ethiopia are analyzed in brief. Consequently, the urban land and environmental policy implementation practices are assessed in Addis Ababa via observation and focus group discussion method. Furthermore, the situation of city development processes and the security of land tenure system in Addis Ababa are analyzed and discussed in relation to the urban land policy and the environmental policy of Ethiopia. Accordingly, the research result will be an indicator for the government to know the gap between the urban development policy and the implementation practices on the ground. The findings have also significant value to indicate the problems and challenges related to land development and environment in Addis Ababa. Finally, the researcher suggests potential solutions for the challenges of land development and environment in Addis Ababa.

2. POLICY FRAMEWORK

2.1 Overview of Urban Land Policy of Ethiopia since 1975

Ethiopia is the sole African country which has never been colonized in the world history. However, due to the Italian imperial interest in Ethiopia, the country was invaded and occupied by the Italians from 1936 to 1941. Yet, due to strong resistance of Ethiopians and the changed international context after the start of the Second World War, the colonial mission was unsuccessful and ended in 1941. However, until 1974, Ethiopia was ruled with a monarchical system, and both urban and rural lands were under private ownership. The land ownership as well as land use and benefit rights were dominantly held by a few feudal landlords who exploited peasants' labor for cultivation. This was one of the major reasons for the 1974 popular revolt in which the slogan "land to the tiller" figured prominently. Finally, in the same year (1974) the Military Junta (Derg) removed the monarchy and assumed power over the state. Consequently, the Derg adopted the political ideology of socialism, which promoted a fair distribution of resources among the citizens. Thus, 'land ownership right' , 'the question of the people', was indirectly answered in 1975, that is, land ownership rights were transformed from private ownership to state ownership right, whereas the use and benefit rights of land were transferred to the people of Ethiopia.

Therefore, Proclamation No. 31/1975 declared the nationalization of all rural land and transferred the landholding and benefit rights to the peasants. Regarding urban land, Proclamation No. 47/1975 declared state ownership over urban land and extra houses of the landlords. Therefore, the use and benefit rights of the confiscated extra houses were transferred to the tenants and other homeless urban dwellers with a very low monthly rent paid for the government. This was administered via the Kebele, local administrative units responsible for infrastructure and service provision. However, the Derg did not pay any compensation for the confiscated urban houses and related properties of the landlords. In addition, the city/town administration provided up to 500 square meters urban land for free, to the citizens who did not have a private house. The socialist regime also developed rental apartment houses for the public, especially in Addis Ababa. However, no opportunity was provided for private sector investment in the housing sector. Moreover, there was no land classification in terms of monetary value and no rent regulation system for urban land.

The popular opposition against the socialist Derg regime was mainly formed by the Ethiopian Peoples Revolutionary Democratic Front (EPRDF), which succeeded power in May 1991. According to the study of Belachew Y. (2010), in most former socialist and communist countries land was under state ownership. Therefore, many of them made a policy reform after the downfall of socialism/communism which introduced private ownership of land. Belachew also identified that in the processes of market oriented development two approaches are mostly used. i.e., the first one is the experience adopted by Russia, Poland, and...so forth, which allow private

ownership of land. These former socialist countries introduced a comprehensive land policy reform which focuses on the security of land tenure for developers and the promotion of economic growth. The second is the experience adopted by China, that is the state control and ownership of land, but the grant of use and benefit rights to the people, which is more or less similar with the current Ethiopian land policy.

Although the EPRDF government introduced new policies regarding urban land, state ownership of land continued as under the Derg socialist rule. Therefore, it is since the transitional government period of Ethiopia that urban land is subjected to use via leasehold system or under rent regulation as stated by Proclamation No.80/1993.

The 1995 constitution of Ethiopia similarly declared under Article 40 that both urban and rural lands are state property and cannot be sold or exchanged like a private property. Accordingly, the urban land leasehold Proclamation is applied for private land uses and investments for a specified period. However, the urban land leasehold proclamation was not applicable for the previously occupied urban land for housing before the coming into effect of Proclamation No.80/1993. The land occupied before Proclamation No.80/1993 entered into the leasehold system, if and only if it is transferred for a third party except in the case of inheritance. The urban land policy also stated that, the lease-holding right of the urban land can be terminated by the government interest if the privately occupied land is needed for public service purpose. In this case, the lease-holder has the right to get equivalent land for relocation and compensation for the properties developed on the land, with equivalent value of the property at the time of demolition.

Although the EPRDF urban land leasehold Proclamation passed through various revisions, the core principles of landownership rights and leasehold rights were never changed. Therefore, the most recent Proclamation No.721/2011 states that “Land is the property of state and the peoples of Ethiopia” and “urban land can be used for private purpose via leasehold system for specified period of time”. In the 1993 Proclamation and its subsequent amendments, the maximum rent period for urban land in Addis Ababa is 99 years for housing; 70 years for industry and 15 years for urban agriculture. Therefore the later laws, i.e. Proclamations No. 272/2002 and 721/2011, are merely the enhancement of the original 1993 urban land rent regulation system. Moreover, the recent urban land leasehold proclamation No.721/2011 incorporated various detailed regulations, which are indispensable to control urban land speculators and to prevent illegal occupation of urban land, corruption and inappropriate use of urban land beyond the Local Development Plan (LDP) and the master plan.

In principle, the urban land policy of Ethiopia since 1993 has prevented the illegal invasion of urban land as well as the marketing and exchange of land as a private property. However, the urban land proclamations opened a space for land speculators to transfer the leasehold right for a

third party with a big profit without significant development added on the land. As a result, sometimes the city development progress has not been in line with the LDP and the master plan.

The urban land leasehold proclamation No. 721/2011 incorporated a system to control the transferring of undeveloped leasehold land to a third party. However, the leasehold land can, as stipulated under Article 24, sub Article 2 and 3, still be transferred to a third party even without any value added on the land, but through the responsible authority. In that case, the leaseholder is entitled to get the cost of any developments on the land; the amount paid for the leasehold including interests as calculated with a bank rate as well as 5% of the transferred lease value. Therefore, although the profit for urban land speculators is reduced, the revised urban land lease proclamation 721/2011, still offers an opportunity for the so-called investors (land speculators) to run their previous urban land speculation business, but with sharing of land speculation profit with the government.

2.2. Urban Environmental Policy of Ethiopia

Nowadays, different countries have incorporated environmental concerns in their constitution. Ethiopia is among the United Nations member countries that addressed environmental concerns within the constitution. Thus, the government of Ethiopia declared the concern for environmental protection in the 1995 constitution under Articles 43, 44 and 92. The constitutional provisions oblige the administrative bodies and residents to protect the living environment and the proper use of natural resources and cultural heritage. Under these articles the citizens have many opportunities to influence development policies and planning processes in their environment.

Accordingly, the Ethiopian citizens have - the right to improve their living standards, the right to meet their basic needs and to ensure sustainable development; the right to participate in development activities; the right to be consulted on policies and development projects that affect the community; the right to expression of views in the planning and implementation of environmental policies that affect the communities' life; the right to live in a clean and healthy environment. Public participation and consultation in development policy and planning processes are among the essential rights and opportunities of the citizens to be involved in decision making processes related to urban developments.

The Environmental Policy of Ethiopia written in 1997, also explicitly indicates rules and principles for the proper management of the living environment in a sustainable manner. Therefore, every human being has the right to live in a healthy environment without jeopardizing the rights of the future generations. Regarding the urban settlement area, the inhabitants have the right to live in a clean and safe environment; that is a living environment which is free from pollution, contamination and health hazards as well as from natural hazards like erosion, flooding, land sliding, and...so forth.

Since Ethiopia has a large cultural diversity among its people, the law aims to preserve the cultural heritage of the society in harmony with the environment and development. In general, the environmental policy of Ethiopia has incorporated all the necessary principles and mechanisms of environmental protection, as well as public rights and responsibilities to live in a healthy environment. The environmental policy of Ethiopia has also declared the necessity of environmental impact assessment (EIA), i.e., physical, biological, economic, social, cultural and political impact assessment before allowing any industrial development and other small to large scale developments. For that reason, according to my analysis, the environmental policy of Ethiopia is keen to ensure environmental sustainability.

3. ANALYSIS AND DISCUSSION OF FINDINGS

3.1. The Situation of Urban Areas in Addis Ababa

Addis Ababa is the capital city of Ethiopia and was founded in 1886. However, at that time, no city structure plan was proposed. The city development activities were carried out spontaneously by the first settlers, i.e., King Menelik II and his soldiers. Initially, the town development started from three centers. i.e., the administrative /political/ center; the market and exchange center- (Piazza area); and the cultural center (St. George church area) - which is currently known as Arada Sub-city. The first city master plan was designed by Italian planners during the short lived Italian occupation of Ethiopia from 1936 to 1941. Subsequently, after independence in 1941, the city master plan passed through various revisions by British and French planners.

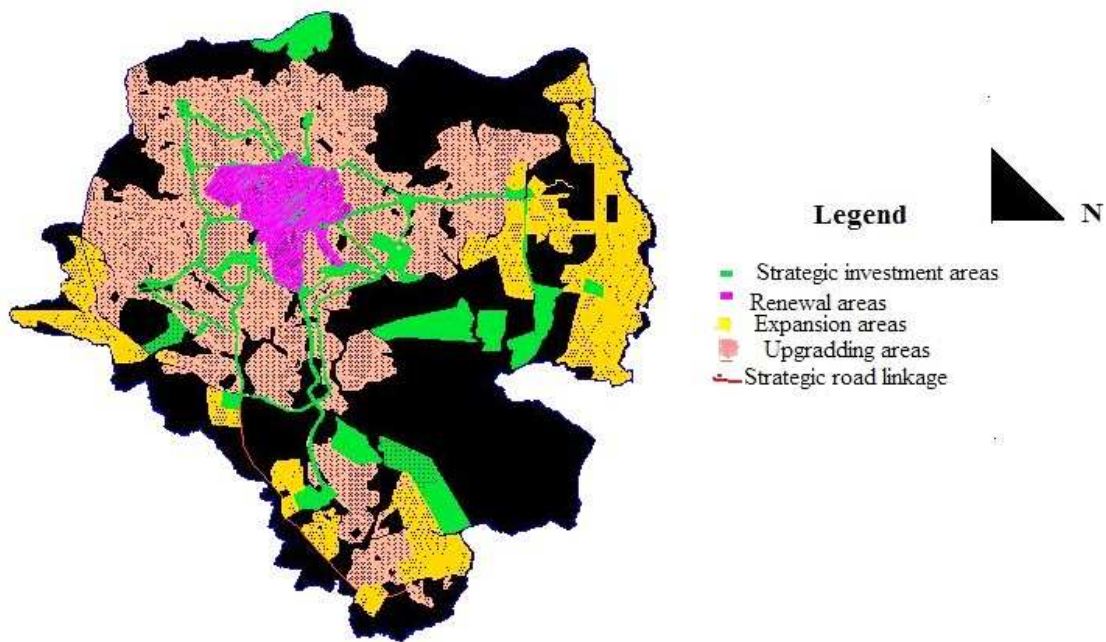
However, the city development practices in Addis Ababa are characterized by congested sprawling without densification. Especially the housing development practice in Addis Ababa has been dominantly a single dwelling unit. Moreover, the majority of the inner city houses in Addis Ababa are dilapidated with overcrowded physical conditions. These current images of Addis Ababa have been caused by both the legal development and illegal squatter settlement expansion in the suburbs. In general the majority of the housing and settlement areas are characterized by substandard and uncomfortable living conditions. Moreover, it is difficult to find open public spaces and greenery areas in the neighborhoods, which can be used for community facilities.

According to the revised Addis Ababa City Development Plan and the Millennium Development Goals needs assessment, 80% of the housing units in Addis Ababa are below acceptable standards and considered as slums; i.e., 25% of the households are living in overcrowded dwelling units (2.1 persons per room); 26% of the housing units have no separate cooking areas; 25% of housing units are without toilet facilities; 11.5% of housing units have no access to tap water. Among these housing units, 40% of them are owned by the government under the Kebele administration (MWUD, 2006). These Kebele houses are old houses, which were built before the

1974 revolution, and confiscated from landlords during the Military regime, with the declaration of the urban land and extra houses Proclamation No.47 /1975.

Since 2005, the government and private real-estate developers are constructing multistory condominium apartments for vast housing needs in Addis Ababa. This practice might reduce the sprawling of Addis Ababa since the city development program is incorporating inner city clearance and redevelopment with densification. However the researcher doubts the sustainability of the vast and speedy urban redevelopment processes in the capital city. This is because sustainable city development requires a long-term vision and strategy in the planning phase with consultation of various professionals, and then back-casting the visions step by step. However, all these urban development planning steps are missing in the redevelopment practices of Addis Ababa. As a result, many buildings with significant heritage value are demolished by the municipality rather than conserved. Moreover, buildings are constructed without consideration of public spaces, greenery areas and parking spaces, which are among the fundamental requirements for the creation of a healthy living environment.

Figure 3.1, shows Addis Ababa city (re)development intervention map



Addis Ababa City (re) Development Intervention Map

The pink color on the map indicates the old inner city area in Arada sub-city, which is destined by the municipality for renewal (redevelopment). The light brown indicates the upgrading sites; the yellow color indicates the expansion areas of Addis Ababa; and the green color indicates the strategic investment areas.

Whereas land is the property of the state and the people, the urban land lease policy clearly declares that an urban land shall be transferred to the users as leasehold via auction or public bid. Therefore, city administrations constantly provide vacant plots of urban land for marketing through advertisement on public media. Thus, the lease benchmark price/ or the land rent price base is set by the land providers. Hence, the minimum threshold price should be determined by the urban land authorities via consideration of infrastructural development costs, demolition costs as well as displacement costs in case of built up areas.

In Proclamation 721/2011, under Article 11 sub Article 5, it is stated that urban land shall be granted to the highest bidder through market competition and taking into account the amount of advance payment the latter offers. If the land market competition is below the threshold price, the municipality land authority has the right to cancel the offer. The other way of urban land transfer mentioned in the urban land policy proclamation No. 721/2011 under Article 12 sub Article 1 is via allotment or negotiation. i.e., allotment of urban land may be done, upon decision of the cabinet of the concerned region or city administration. This concerns land needed for social/public service institutions, for government institutions, for public housing, and self-help housing constructions. However, the initial rate set for the lease price in case of urban land transfer through negotiation/or allotment is a question of inhabitants while the market is leading the urban land value and rent.

Despite this fact, the current urban land leasehold market price in Addis Ababa is unaffordable for the majority of the inhabitants, which prevents them from building a private single dwelling. According to information from the Ministry of Works and Urban Development (MWUD), the city government is currently transferring urban land through competitive public bid. Thus, the initial leasehold price set by the government for the high land value area is 700 Eth. Birr per square meter. However, according to the MWUD, the land marketing experience in Addis Ababa has shown that the maximum prices reached 7000 to 10,000 Eth. Birr per meter square (from the public speech MWUD, 2011). The experiences show that the urban land market competition is very high; thus, the municipality generates a lot of profit through the tendering of urban land and the collection of revenue from rented urban land.

In fact, the demand for urban land is too high as compared to the supply side; there is a very low urban land supply, especially for the construction of single dwelling units. Whereas the population of Addis Ababa is constantly increasing, the housing demand and the land price are also equally inflating. This fact is clear for the inhabitants as well as for the higher officials.

Corruption, lack of transparency and injustice regarding land administration and distribution among the needy urban residents are among the problems of the municipality. Consequently, lack of transparency in the municipal authority and the land administration system has created a group of wealth collectors, land speculators, and brokers upon the public land resources. Consequently, these illegal groups of rent collectors have escalated the market competition of urban land leasehold prices and housing unit costs in Addis Ababa under the cover of the law. Due to the fact of 18 years of exploitation by urban land speculators, the Ethiopian government incorporated rules in its latest Proclamation 721/2011 for the accountability of land administrators and developers (i.e., since 1993, the illegal land scrambling and wealth creation were pursued under the cover of the law). Therefore, to some extent the revised urban land lease proclamation No. 721/2011 has integrated legal procedures to control inappropriate land developers, land speculators as well as corrupted land administrators.

3.2. Urban Development Policy and Security of Tenure

These days Addis Ababa is in a speedy (re)development process and renewal. Despite the city (re)development processes, many problems and conflicting interests are expected. Currently, the old inner city part of Addis Ababa is partly demolished and in the process of redevelopment. Therefore, many households are displaced from their house and former landholdings. Since the coming into effect of the urban land leasehold proclamation No. 80/1993, the legal land holders in urban areas are enforced to move if the land is needed for public service purpose. Accordingly, the municipality of Addis Ababa regulation of compensation to the displaced people from their house and landholding stated as follows:

Proclamation No 135/2006 (1999 E.C) stated in part 2 Articles 3-12, the type of properties that entitles the displaced individual to compensation is the cost of the house unit, the cost of the pavements in the housing compound, the cost of septic tanks, the cost of security fences and the cost of infrastructure and building costs with the recurrent price rate. However, the urban land location and distance factors that determined the value and demand for land are not taken into consideration by the policy, for determination of compensation for the displaced, which is unfair for the displaced households from high urban land value area.

According to Proclamation No.455/2004 (1997 E.C), its part 3, Article 7 sub Article 3, the minimum payment for the compensation of the displaced people should be the price of a one room housing unit in a shared apartment. In addition to compensation for all properties, the displaced household has the right to get a payment equivalent to the one year rental price rate of the demolished house; or he/she has the right to get an equivalent rental house from the government for one year. If the displaced is an urban land leaseholder, he/she has the right to get equivalent value land for the rest of the lease period in addition to the cost of the property and infrastructure developed on the previous land. If the leaseholder refuses to take another land, he/she has the right to be reimbursed the cost paid for the rest of the lease period.

Although land is a state property and every citizen has equal use and benefit rights of urban land, the land lease policy is partial and seems discriminatory as the previous landholders are free from land lease/rent/, but they equally benefit from infrastructure and public services provided by the municipality with the use of revenue collected from land lease payers. Hence, since the urban land proclamations since 1993 have created a leasehold system to provide citizens with the use and benefit of urban land, every urban landholder must be treated equally and has to enter into the leasehold system except in case of public servicing land. Yet, the urban land use policy, even after the adoption of the recent proclamation No. 721/ 2011, still leaves space for corruption and discrimination between the people with regard to urban land benefits.

Moreover, it is crucial to provide security of tenure for developers' confidence regarding their investment on land. It is also mentioned in the findings of Belachew Y. (2010) that an efficient functioning of the land market requires an efficient and updated land registration system. A standardized urban land registration system can potentially help the administrators to identify the legal ownership of urban land and guarantee tenure security. However, the experience in Addis Ababa has demonstrated many challenges related to the land management and development system as well as problems related to tenure security. These challenges and problems are the result of poor land registration/ or cadastre system, poor planning practice and prospects, and slow provision of infrastructure and services.

Therefore all these problems together made the urban land supply susceptible to corruption, and provided urban land benefits for land speculators rather than for real developers. A poor urban land registration system is among the great challenges for land administrators and developers, to solve the problems created by boundary disputes, and to identify legal and illegal occupants of urban land. Hence, it has created a comfortable environment for corruption among urban land administrators related to the legalization processes of the illegal urban landholdings.

It is also indicated in the study of Belachew Y. (2010) that security of tenure is essential for attracting and expanding investment. Land is also a major cause of controversies, disputes and conflicts among the societies, groups, individuals and countries. Since land is among the valuable resources of the government in Addis Ababa, the misuse of land is not only a waste of valuable resources but also negatively affects development and the environment as well as the living conditions of the society. Hence, institutional constraints, proper land registration system, mortgages facilitation, and legal system gaps should all be given attention in order to accomplish the desired objectives of the urban land policy.

Although Ethiopia has adopted an urban land leasehold system since 1993, no legal systems have been adopted to control urban land speculators, to prevent inappropriate land use/functions and benefits as well as corruption in land administration. So, we can say that, for the past 18 years, the urban land policy of Ethiopia has created conducive environment for illegal urban land

exploitation by land speculators. The absence of legal control mechanisms has to some extent been remedied by the recently adopted urban land lease proclamation No.721/2011.

The land lease proclamation No.721/2011 may benefit developers through the stabilization of the land market, which is now characterized by inappropriately inflated land lease prices due to urban land speculation. It will also help the city administrators to control whether development conditions are in accordance with the master plan and the LDP. Furthermore, it enables the government to collect huge revenue from urban landholders and to control illegal occupation of urban land and related corruption. Moreover, a secure land tenure system is an essential guarantee for developers and house builders as investment costs take the assets of individuals.

Why Urban Land Price is inflated in Addis Ababa?

The reason for the inflation of the urban land price is mainly the proliferation of urban land speculators and brokers. The contemporary urban land supply and distribution practices in Addis Ababa might have been the reason for the creation of land speculators; i.e., urban land was provided only for the so-called investors or real-estate developers. There is shortage of land supply for private house builders in the city. Previously, there was an urban land supply for house builders through housing cooperatives. Since the housing cooperative system does no longer exist in Addis Ababa, the only way to get a private house is via marketing processes of real-estate developers. Therefore, thousands of hectares of urban land are transferred to the real-estate developers via the leasehold system in Addis Ababa. The objective of the government was to increase the supply of the housing market for the residents.

However, in 2010, the municipality of Addis Ababa has recognized the following problems of land administration and the so called real-estate developers, i.e., some of the real-estate developers left the leased land without building the required development; rather, some of them sold the vacant land to a third party without adding any value on the land. Therefore, millions of dollars of profit and wealth from the public land resource are collected by speculators without any effort done to develop the land and also by abusing the LDP. Some of the so-called real-estate developers not even paid the required land rent for the government; some of them expanded the territory of their landholding illegally and some of them constructed according to their own interest with extreme density and without building permit. All these abuses related to urban land distribution and utilization have been practiced in the capital city under a legal cover, i.e., through the legal transfer of urban land for the so-called investors. This demonstrated that the huge urban land speculation and illegal activities were not only done by private sector developers but also with the cooperation of government delegates in urban land administration, investment and development.

Although vast real-estate development opportunity is given to the private sector developers with the provision of sites and services, the housing unit cost offered by the private housing market is too expensive. The prices for buying and renting of both single dwelling units and shared apartment units are unaffordable to pay for the low and the middle income residents, who constitute more than 90 per cent of the population in Addis Ababa. Therefore we can say that the real-estate developer's contribution to the provision of housing to the large majority of the inhabitants in Addis Ababa is insignificant.

According to the EPRDF urban land lease proclamation of 1993, its subsequent amendments and the current Proclamation No.721/ 2011, the government can expropriate privately occupied urban land at any time, if the land is needed for public purpose. However, the law is not clear on the type and significance of the alleged public service and the economic benefits offered to the society from the expropriated land. According to the findings of Belachew Y. (2010) urban land expropriation in Ethiopia is mostly carried out according to the interest of land administration authorities. If the land administrators believe that expropriation of privately occupied land is important and can potentially attract developers, they are keen to bulldoze the settlements in the area without considering the amount of people affected by displacement and the benefit of the new development for the community. However, the practice in Addis Ababa shows that after expropriation, private landholding is transferred to the so-called investors/land speculators, who didn't address the problems of the majority of inhabitants.

3.3. The Impact of Urban Land Lease Policy on the Environment

In this study the inner city and suburban developments in Addis Ababa are assessed to measure the condition of the city environment. It is known that cities are among the major producers of pollutants to the natural environment, to the rivers, streams and wetlands. Consequently, the polluted living environment is a cause for transmission of infectious diseases and other health hazards for the residents. Therefore, it is the responsibility of the city administration and the community to protect the environment from pollution and degradation.

Figure 3.2 - Environmental Map of Addis Ababa

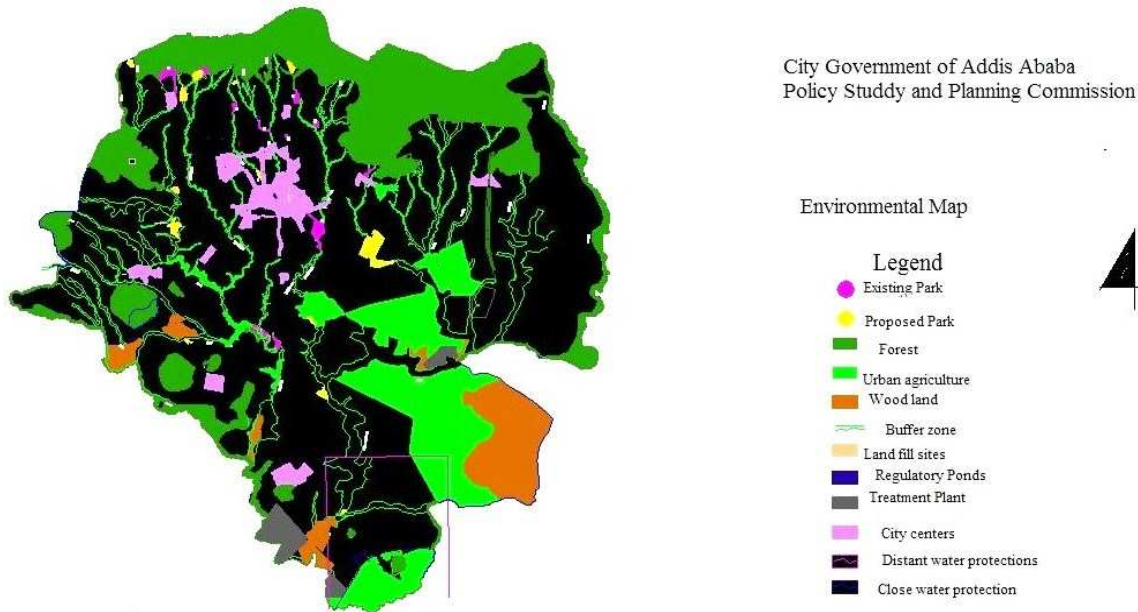


Figure 3.2 shows the environmental map of Addis Ababa. The darker green color indicates the protected mountain forest areas, the light green color indicates urban agriculture, and the light green lines indicate the buffer zone of the streams and rivers. The yellow color indicates the proposed park areas. Apart from the pink color indicating the old inner city area, the scattered pink colors indicate the existing parks in Addis Ababa.

Addis Ababa is a large city in terms of physical area coverage (about 560 kilometer square area coverage, in 2005) and population size, which accounts for more than three million. As Addis Ababa is a big city, it is divided into ten (10) sub-city administrations. Conversely, the public parks that are available for recreation are insignificant compared to the city's population size, in terms of areal extent and location. The existing and the proposed public parks are also unevenly distributed over the city. Moreover, some of the parks are not really intended for public recreation, but are environmentally protected areas. For that reason, it is advisable that every sub-city must provide a recreational public park at the neighborhood level.

Moreover, the advantages of integration of greenery in urban areas go far beyond the beautification and recreational purpose. By nature, green plants are absorbents of carbon-dioxide, which is toxic for human health and contributes to atmospheric pollution and global warming. Conversely, green plants release oxygen that balances the local climate. Hence, it is crucial to reconsider the integration of greenery and the provision of public parks at the neighborhood level.

Since land is the property of the state and the people, the municipalities have the full responsibility to provide safe settlement areas for inhabitants, which are free from manmade hazards like pollution and from natural hazards like flooding, erosion and land sliding. Moreover children are entitled to a play ground, and to grow in a healthy environment. Urban residents also have the right to get open spaces, green recreational sites and other public facilities from the municipality service for free.

Although the environmental policy of Ethiopia has indispensable value to address issues of environmental sustainability, there is a big gap between the implementation practice on the one hand and the policy requirements on the other. Therefore, the degradation and pollution of the urban environment are clearly observable and measurable especially in Addis Ababa. The Addis Ababa city administration seems unable to protect the urban environment in a healthy manner. Hence, it is easy to observe immense land, water and air pollution in the city. Although the household waste is collected with a door to door collection service, the garbage sometimes stays in the city for a couple of days before it is transported to waste dumping sites. This is often the cause for infectious and viral diseases affecting the community in Addis Ababa. The poor sewerage and septic-tanks in some residential areas are also a cause for land contamination and air pollution in the living environment. Some residents purposefully connect their sewerage system to the river and drainage patterns.

Regarding air pollution in Addis Ababa, it is easily observable that all the old automobiles and heavy trucks are releasing enormous amounts of dark and toxic carbon-dioxide into the environment and the atmosphere. The emission of old cars in Addis Ababa contributes significantly to air pollution and health hazards like throat and lung infections. There is no traffic regulation in Ethiopia that discourages old auto drivers in the city through various mechanisms; rather may be unintentionally, the transport authority is discouraging buyers of new cars through the huge tax (up to 100% tax) based on the price of the car. Therefore, it is common for the inhabitants to suffer from health problems as a result of environmental pollution.

Although the environmental policy of Ethiopia is conducive for nature protection and creation of a healthy living environment, there is a huge gap between the policy concerns (on the paper) and the implementation practices (on the ground) in Addis Ababa. The practice also shows that the urban land policy of Ethiopia is still unsuccessful to stop illegal land invasion and squatter settlement expansion in different areas of the city; i.e., there are no immediate actions taken by the municipality against illegal urban land invaders and speculators even when protected environments are concerned. According to the Environmental policy, the settlement showed with **figure 3.3** is a completely illegal occupation of a nature reserve area (the river buffer zone). However no measure is taken by the municipality/or environmental protection authority to control these kinds of illegal land and nature reserve invaders. Moreover, these illegal settlers might make it problematic for the city administration in the future to remove them from the area without provision of compensation and relocation.

If we look at the condition of the houses, it is a type of slum constructed by the use of wood, mud, old corrugated iron sheets and plastics. If we see the employment conditions of the community, according to my findings, most of the settlers on the river side are self employed in informal sectors like illegal slaughtering of animals at the riverside. These people are not only degrading and polluting the river, but they are also facilitators of infectious diseases and health hazards through the meat they supply for the customers.

Figure 3.3, Illegal settlements along the river banks, in Arada sub city, Addis Ababa

Figure 3.3, shows the illegal settlements in Arada sub city. This settlement area is found beside the mouth of a big river on sloppy terrain in the most inner city part of Addis Ababa. These settlers are illegal occupants of an area designated as nature reserve in the master plan. They are also among the major contributors of pollutants to the river as well as degraders of the land and the environment. Regarding the livelihood conditions of these settlers, they are poor people and engaged in informal employment activities. As to the safety of their settlement conditions, they are exposed to a number of risky factors like infectious diseases, erosion and flooding during the rainy season.

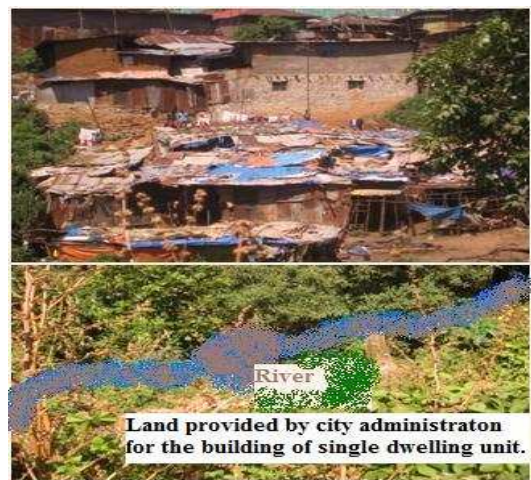


Photo by Sisay Tekle November, 2011

Figure 3.4, an urban land transferred for housing to the displaced people in Arada sub city

The picture in **figure 3.4**- shows the river buffer zone area, which is located in the most inner city part of Addis Ababa, in Arada sub city. This photograph is taken from the same area indicated in **figure 3.3**. The red color spot shows the bench marks put by the municipality for the building of single dwelling units.



Photo by- Sisay Tekle, November, 2011

The picture shows land divided into plots of 150 to 175 meters square, for single dwelling units and transferred to the displaced households for relocation. The displaced households were the legal private landholders in a high land value area in Arada sub city. Figure 3.3 shows that the right side of the river is occupied by illegal settlers, whereas figure 3.4 shows the same place but at the left side of the river buffer zone, which is indicated as a green area in the master plan and environmental map.

Although the land use and environmental map clearly show the area as a protected green belt zone, the land administrators transferred this flood prone wet land to house builders. This seems to indicate that the land authority in the municipality of Addis Ababa does not recognize or respect the environmental regulations and the risks for the residents. It also illustrates that land administration and land use planning authorities have insufficient capacity to manage the city development progress according to the urban development policy. Since the authorities in the city administration are apparently incapable to understand the requirements of sustainable urban development and environmental laws, sustainability conditions of urban (re)developments in Addis Ababa are in to question.

The environmental policy of Ethiopia is an essential guideline for land administrators and investors to develop the country in a healthy manner and in harmony with the natural environment. However, the city development practice in Addis Ababa demonstrates that the environmental parameters mentioned in the policy document are disregarded by the stakeholders. Consequently, the city (re)development in Addis Ababa is carried out without consideration of the consequences of development for the environment. For instance, degradation of hillsides, deforestation of riverside vegetations, connecting of sewerage systems to the rivers and streams, are still continuing. It is since 1993 that the value of urban land in monetary terms became very high for the government of Ethiopia, i.e., since the EPDRF led government introduced the leasehold system for the use and benefit rights of urban land. Accordingly, the urban land leasehold right is transferred for developers through public tendering; and the winner is the one who offers the highest price per meter square. As a result, the city government is collecting a huge amount of revenue by selling leaseholds on urban land for a maximum period of up to 99 years. Hence, the main customers of the city land administration authority in Addis Ababa are land speculators and real-estate developers who construct apartment housing and single dwelling units for sale.

However, the house unit cost in the housing market is unaffordable for the low and middle income residents in Addis Ababa. The practice shows that the main customers of private sector real-estate developers are rich Ethiopian Diasporas who can afford the market price. For instance, in the newspaper advertisements of the housing market, the minimum price of a 3 bedroom villa house with 100 meters square floor space in the suburbs of Addis Ababa is starting

from 1,000,000 Eth. Birr. Whereas a 3 bed rooms shared apartment house with a floor space of 111 meters square, is advertised for sale with the price of 1, 554,000 Eth. Birr.

Moreover, in all of the private real-estate housing neighborhoods, including the shared apartment building sites, no public space and greenery sites are provided. So, the leasehold lands built up by private sector developers are characterized by overcrowded conditions. This may be to generate more profit by building housing units at the maximum potential of the floor spaces of the leased land. Regarding this problem created by real-estate developers, i.e., the construction of overcrowded housing, the municipality points out that the planning and building permit office was not aware of these real-estate developments. Obviously, it is unacceptable to hear this kind of defense from the municipality building permit office as they are the responsible delegates of the government and the people to inspect the developments according to the LDP and the master plan.

Controlling and monitoring the planning and development problems in the city as well as the provision of public spaces and greenery areas in housing neighborhoods resort to the responsibility of the city administration. It is also mentioned clearly in the constitution and the urban development policy of Ethiopia, that people have the right to get a healthy living environment to be happy in life and to be productive in work. Children also have the right to access open space and play grounds for free, which is indispensable for their healthy physical and psychological development. However, all these basic necessities expected from the living environment are missing in Addis Ababa.

Moreover, the research findings show that in many cases the displacement of the original urban land holders is not for the purpose of providing public facilities like public space and greenery areas, but to sell the land with high lease market price through public tender. Of course, the government may need money for the development of public housing, and other infrastructure, but this should not go to the extent of disregarding the essential needs of the people (i.e., livable housing and living environment), and the threats to the ecosystem.

Hence, it is mandatory for the policy makers, city managers and planners to consider the requirements of sustainable urban development processes in the policy making and planning stages. In principle, planners are responsible for the creation of healthy development and they are also expected to plan with a long-term vision and back-casting the vision for the well being of the present and future generation as well as to create a sustainable urban future.

CONCLUSION

In this study the researcher has aimed to analyze the security of tenure and the protection of the environment in relation to the urban land policy of Ethiopia since 1993. The findings indicate that there is a gap between the urban land policy and its implementation in Addis Ababa. Regarding the environmental policy of Ethiopia, in principle it is keen to protect the environment

in a sustainable manner. The urban land leasehold policy also does not as such have a significant problem regarding the security of tenure. However, the policy is partial among the citizens regarding the use and benefit rights of urban land. Furthermore, the policy implementation is still creating considerable problems for the displaced people and the development of a sustainable living environment. Although the revised urban land leasehold Proclamation No.721/2011 has brought many improvements, it still leaves space for land speculators and corruption in urban land management.

Regarding the city environment and development many problems are identified in this study. Almost all problems identified by this research are dominantly due to lack of proficiency of the government delegates in urban land development management, lack of competency of planners, who are unable to see the future of the city in the planning phase; and lack of a long-term vision to plan for a sustainable urban future. So, it is possible to conclude that, all these development problems are not created by a scarcity of land in Addis Ababa, but due to lack of professional capacity in land management and planning as well as lack of good governance and accountability in the municipality administration.

RECOMMENDATIONS

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

- Since there is a professional and capacity gap in the municipality, it is expected from the government to appoint appropriate urban development professionals in the appropriate position.
- It is also crucial to develop professional capacity of the planners through training and experience sharing with other successful municipalities from the external world in the processes of developing a sustainable city.
- It is also recommended that the LDP is provided by the city planning office after an open design competition among professionals with the consideration of public spaces and greenery areas in the neighborhoods, and making the latter spaces free from lease/ rent payment for developers.
- Apart from the urban land and environmental policy, illegal invasion of urban land and nature reserve areas still continue both in the inner city and in suburban expansion areas. It is therefore essential to make a frequent inventory of developments in the city in order to control illegal land invasions and speculation.
- As identified in the policy analysis the urban land lease policy is partial and discriminatory among the citizens as some households are free from paying lease or rent for the urban land they occupied and benefited from. Therefore, it is recommended for the government to be uniform in its urban land lease policy regarding the use and benefit rights of privately used urban land, whether it is pre-occupied or not.

- To block the created room for land speculation and corruption, it is recommended that the urban land leasehold policy remove the statement provided under Article 24, sub Article 3/c, i.e., the right of the leaseholder to “5 % of the transfer lease value” by transferring the land to a third party.

REFERENCES

- Addis Ababa city administration regulation No. 3/2002 E.C (2009) for the management of compensation for displaced people due to government interest on privately occupied land for public use. Addis Ababa.
- Belachew Yirsaw (2010) Urban Land Lease Policy of Ethiopia: Case study on Addis Ababa and Lease towns of the Amhara National Regional state; FIG Congress 2010, Sydney, Australia.
- Daniel W/Gebrel; The New land lease proclamations, changes, implications, The Reporter News Paper, Saturday 12 November, 2011, Addis Ababa.
- Environmental Protection Authority (1997) the Environmental Policy of Ethiopia April 2, 1997, Addis Ababa.
- Federal Negarit Gazeta A proclamation to provide the leasehold of Urban Lands Proclamation, No. 80/1993’ the Federal Democratic Republic of Ethiopia, No.1, 23rd December, 1993, Addis Ababa.
- Federal Negarit Gazeta ‘ Re-Enactment of Urban Land Lease Holding Proclamation, No. 272/2002’ the Federal Democratic Republic of Ethiopia, 8th year No. 19. 14th May, 2002, P.1732- 1739; Addis Ababa.
- Federal Negarit Gazeta ‘ Urban Land Lease Holding Proclamation, No. 721/2011’ the Federal Democratic Republic of Ethiopia, 18th year No.4 28th November, 2011, P. 6220- 6247; Addis Ababa.
- Federal Negarit Gazeta, The Constitution of the Federal Democratic Republic of Ethiopia; 1st year, No. 1 August 1995, Addis Ababa.
- Ministry of Works and Urban Development (2008) Environmental and Social management framework, Urban Local Government Development Project, Addis Ababa.
- Ministry of Works and Urban Development (2006), Urban Upgrading and Renewal Manual, Federal Urban Planning Institute, Addis Ababa
- Zelalem Yirga, Pros, Cons of the litigious land lease proclamation; The Reporter News Paper, Saturday, 24 December 2011, Addis Ababa.

The Author Biography

Author Full Name: Ms. Sisay Habtamu Tekle (M.Sc. Spatial Planning)

Occupation:

TS03E - Planning Policies and Procedures II, 5841

19/21

By Sisay Tekle

Urban Land Policy Versus Tenure Security and the Environment in Addis Ababa, Ethiopia.

FIG Working Week 2012

Knowing to manage the territory, protect the environment, evaluate the cultural heritage

Rome, Italy, 6-10 May 2012

- Lecturer and Researcher, in Department of urban planning, Institute of Urban Development Studies, ECSU, since 2010 to Present
- Contributed a voluntary service with the cooperation of International Young Surveyors Association- as facilitator for the FIG-Working Week- Integrating Generations - Including the joint FIG-UN-Habitat Seminar on “Improving Slum Conditions through Innovative Financing” in Stockholm, Sweden, 14-19 June 2008.
- Worked as a graduate assistant and as a technical assistant from November, 1999 to July 2007, in Geography and Environmental study departments, in Dilla University.

Educational Background:

- M.Sc. Spatial Planning ; from KTH, Royal Institute of Technology, Stockholm, Sweden, December, 2009
- B.Ed. Geography and Environmental Study, from Dilla University, July, 2006
- Diploma in Surveying Technology, from Nazareth Technical College, (Adama University), July 1999

Contact Address:

P.O. Box: 190076, Addis Ababa, Ethiopia

Mobile Tel.: 251 (0) 911 83 23 15 / or 251 (0) 912 37 06 75

E-mail: sisayhbtamu@gmail.com; sisay.tekle@yahoo.com

Current Website: www.ecsu.edu.et

Ethiopian Civil Service University