

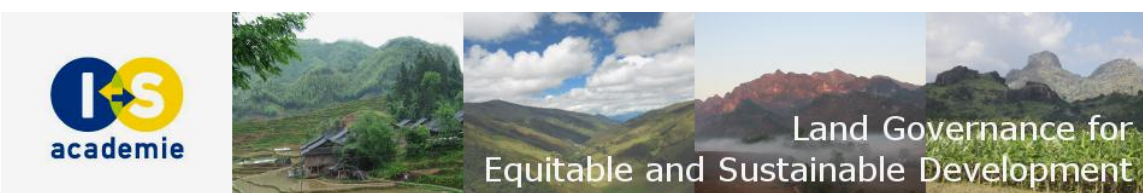
ETHIOPIA

FOOD SECURITY AND LAND GOVERNANCE FACTSHEET

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ABSTRACT

In Ethiopia, food security and integrated water resources management are closely related to access to land, tenure security and collective user rights. Major challenges to land governance are the growing population, the small size of land holdings in many areas, the pressure on natural resources and the policy to attract (foreign) direct inward investment in land. As landlessness in rural areas is widespread, rental markets have become important. In the past years, Ethiopia has made much progress with registration of user rights over farmland. Women's rights over land are recognized during registration but requires active facilitation. A source of controversy is the government policy to increase medium and large-scale leasing of land. It has lead local communities and farmers to lose access to land or to be displaced. These risks for local communities are reinforced by the lack of transparency which characterise these transactions.





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About IS Academy on Land Governance for Equitable and Sustainable Development

LANDac, the IS Academy on Land Governance for Equitable and Sustainable Development, aims at bringing together researchers, policy makers and practitioners in the field of land governance and development. It is a partnership between several Dutch organisations and their Southern partners involved in development-related research, policy and practice. LANDac is one of the IS Academies for International Cooperation sponsored by the Netherlands Ministry of Foreign Affairs.

About KIT

The Royal Tropical Institute (KIT) in Amsterdam is an independent centre of knowledge and expertise in the areas of international and intercultural cooperation, operating at the interface between theory and practice and between policy and implementation. The Institute contributes to sustainable development, poverty alleviation and cultural preservation and exchange.

Country expert contribution:

We acknowledge and thank Mr. Maru Shete (PhD candidate LANDac) and Mr. Dessalegn Rahmato (Forum for Social studies) for their insights and comments on the latest development impacting land governance in Ethiopia.

1 POLICY AND LEGISLATION

1.1 Regulatory land governance framework

Historic events have influenced land policy in Ethiopia. Following the overthrow of the imperial regime of Haile Selassie by the Derg in 1974, the latter introduced a major program of land reform, nationalizing all land. The Derg also prohibited the renting out of land, and other transactions (sales, mortgages, sharecropping) were severely restricted. Nationalization was followed by redistribution of land through Peasant Associations within communities, and also resettlement from the highlands, but which became one cause of the famine in the 1980s.

After the fall of the Derg in 1991, the new federal government drafted a constitution (1995). The constitution assigned legislative power over land to the federal level of government and reserved implementation of federal land laws to the States, which was reinforced by a Federal proclamation in 1997 (updated in 2005). Land remains public property, and the prohibition of sales and exchanges was also continued or restricted, but renting out of land was now allowed. The last massive land distribution took place in the mid-1990s, but this practice ended with the introduction of land certification programs.

This decision However, the hope for landless people to access land in their home areas remained. Resettlement programs are still in place but now voluntary and mostly within the State towards the lowlands or forest land.

The question of land continues to be a major theme in socio-economic and political discussion (e.g. elections 2005). Opinions differ on issues related to ownership and providing tenure security: maintaining state ownership over land versus privatization¹).

The policy legal framework shaping land governance includes the land policy and laws at federal and regional levels, and also related laws such as the investment proclamations and the biofuel policy. Regional States are responsible for land administration and the main regions have all issued several laws pertaining to their jurisdictions.

Land Policy	Content
The federal Land Administration and Land Use Proclamation 1997	all land belongs to the state and peoples of Ethiopia and shall not be subject to sale or to other means of exchange (article 40.2 Proclamation No. 1/1995) Federal level has legislative power; states are in charge of implementation
<i>Rural Land Administration and Land Use Proclamation</i> No. 456/2005 (which replaced 89/1997)	Aim: increase tenure security, improve productivity and avoid expectations of land re-distribution. Farmers have a perpetual use right on their agricultural holdings, and this right will be strengthened by issuing certificates and keeping registers. The federal land law only provides a framework. Each region arranges land registration in its own regional Proclamation.
Related legislation of importance to land governance	
Investment proclamations and the regulations 2002, 2003, 2008	Investment proclamations and the regulations governing incentives provided to foreign and domestic investors. Guarantees against expropriation/ nationalization except when required for public interest – but then fully compensated at prevailing market value and paid in foreign currency. Tax exemptions and export facilitation offered (FDRE 2002a, 2003a; 2003b, 2008b)

¹ A reason given by government to resist privatization is the fear that poor farmers will sell their lands and become landless.

Investment Directives, 2010	Sets the priority investment area, new lease tariff calculation etc. (issued by MOA in 2010)
Biofuel strategy 2007	Bio-energy production by foreign and domestic investors with government providing land, financial incentives and other support -24 million hectares of suitable but unutilized land available, leasing out these lands will not interfere with food crop production / food security.
Directive council of ministers 2010	Centralization at the federal level of procedures for allocating large-scale land leases of over 5000 ha to investors: delegation by regional government (FDRE 2010).

1.2 Land tenure forms

The nationalization of land in 1975 led to the extinguishing of previously existing (customary) rights to land in the highlands, but not in the lowlands.

Elements of customary tenure are still in use for allocating and managing grazing and forest lands.

User rights	Farmers have user rights. Conditions for keeping these rights are being present in the kebele (see: 1.3), using the land and proper land use); Violation of these conditions can lead ultimately to losing user rights. Most land certified (in local level land register).
Leases	There are three types of lease arrangements: <ul style="list-style-type: none"> o lease to other farmers, o lease by farmers to investors o lease by the state to investors. Farmers are legally allowed to lease out their lands for shorter period than the state.

1.3 Institutional land governance framework

The Ministry of Agriculture -MOA- is responsible for coordinating land issues. Each Regional State has its own institutional arrangement for land administration (e.g. Amhara Regional State the Bureau of Environmental Protection Land Administration and Use -BEPLAU; regional Environmental Protection Land Administration and Use Authority (EPLAUA) in Tigray; the Oromia Bureau of Land and Environmental Protection (OBLEP), Bureau of Agriculture and Rural Development in SNNPRS etc). Ethiopia is discussing a revision of the institutional structure for land administration systems (Melkamu and Shewakena, 2010).

In rural areas, land administration and the daily management of land issues is delegated to local governments (*woreda* and *kebele* level). The *kebele* administrators had previously registered community members holding land, noting names and area in terms of local measures, as the basis for taxation. The *woreda* is also in charge of the issuance of certificates. The register in which the certificates are noted is kept at the *woreda* level.

1.4 Land registration

Ethiopia has developed an innovative approach to securing land rights, which is massive in scale, pace and cost effectiveness. Land registration and certification started in 1995 in Tigray and now covers the states of Amhara, SNNP, Tigray and. The other states such as, Benshanguel Gumuz, Gambella, Somalia, Harari and Afar are not yet included in the scheme. Over 15 million households have received a certificate (registration is by household and not by plot).

The registration of farmland is systematic and takes place at the lowest levels of local government (*woreda* and *kebele*). The registration of user rights and confirmation of the field

boundaries is done in public and neighbours are to be present. The work is done by the so-called land administration committee (LAC). The members of a LAC are from the community and work as volunteers. They are selected in consultation with the community and women are to be included, according to the instructions. The LACs are trained by woreda officials (agricultural bureau). According to the regional land proclamations, the LAC is a permanent organization that will continue to play a role in land conflict mediation, formalization of land rental markets, implementing land use planning and monitoring and enhancing more sustainable land use. The downside of the approach used is that it is limited to administrative records which lack basic spatial framework and registry maps. The updating of the register and issuing of new certificates (following divorce, inheritance etc.) is relatively time taking. Various pilots are ongoing to develop operational and affordable solutions for spatial referenced data capturing and maintenance.

Research by the World Bank and others has shown that the registration of land has increased the willingness to invest in crops and soils, which is important for improving food security (Deininger ET al, 2008). One of its contributions is to reconfirm in public the boundaries of fields.

1.5 Gender

The constitution of 1995 provides for equal access to land for unmarried women. This was implemented during the land redistribution that still took place in the 1990s and improved women's access to land. Women's user rights were subsequently confirmed by the land registration process. To farm the land, women may have to enter into sharecropping agreements with those who own oxen.

In addition, the land registration process now include also special measures to protect and strengthen women's' rights (plot, boundaries). The woredas have been instructed that women should be included in the LAC, which is important to protect rights. In practice, female representation was weak in many committees. Another intervention is that certificates now include both the name and picture of both husband and wife (IIED -2005)

1.6 Foreign (and domestic) investment in land

The government has the right to expropriate land for "public purposes", including allocating land to those who may be able to use land more productively such as investors, cooperatives and other entities.

The government has centralized the management of large-scale land investments for blocks of land of over 5000 ha and appointed the federal MOA as lead agency. A so-called "land bank" is set up at the federal level which can be accessed by investors through MOA. In 2010, about 3,5 million ha of land was transferred by the regions to the federal land bank (Dessalegn 2011). According to the land matrix (ILC, 2012), there are 83 deals which have been stroke over 5,345,228 ha, mostly for large-scale agriculture. While the government and investors see this as a positive development, it creates conflicts with local population and small-scale farmers. Communities have been displaced (villagisations).

Regional governments continue to allocate land to investors for blocks of less than 5000 hectares that is not included in the federal land bank. The Regional Investment Commissions issue license for investment. The income from all land leases (land rent, income tax, and other payments) are intended for the Regions. The rental fee charged is determined by the regional land law and varies between regions. However, a tariff for land rent has been developed in the Investment Directive and serves as references for leases administered by the MOA.

The MOA's Agricultural Investment Support Directorate is responsible for preparing information and other technical inputs to attract foreign and domestic investors, signing contracts and transferring lands to those eligible, and undertaking follow-up and oversight. When the investor has signed a contract with the MOA or regional governments, the latter then instructs the relevant agricultural bureaus and woredas to provide support for follow-up

and supervision, and to facilitate the transfer of land. The role of the Regional Land and Environmental Protection Bureau varies between regions. The woreda authorities have the difficult task of handling any grievances or claims voiced by local households regarding the land in question.

By law, the environmental protection Agency (EPA) was responsible for reviewing and approval of environmental impact assessment reports. In 2009, this responsibility was transferred to MOA, although not having the technical and institutional capacity to carry out the duties involve (Dessalegn 2011). In many cases, implementation of investment projects begin before submission and approval of EIA (Shoneveld and Shete, forthcoming).

2 INTEGRATED WATER RESOURCE MANAGEMENT

2.1 Regulatory framework for Integrated Water Resource Management

Watershed management in Ethiopia is closely linked to the ability to protect and manage soils and forests. Sustainable Land management (SLM) and deforestation are policy concern for decades but land degradation and disappearance of forests continues.

The basis of the current legal framework guiding the use of forest resources started with the *Environmental Policy*, which is given effect via several proclamations to reconstitute the Environmental Protection Authority (EPA 295/2002), and for EPA to set and uphold environmental standards (299/2002, 300/2002). The federal *Forest Development, Conservation and Utilization Proclamation* (542/2007) provides the framework for forest resource management. This proclamation demonstrates a much greater acceptance of community management (Abebe et al 2010).

Forestry in particular has suffered from the frequent restructuring of both federal and regional government institutions. The federal level has lost much influence and is now almost non-existent (a few foresters are located in the Sustainable Land and Watershed Management sector of MOA). The importance of the regional level for forests and thus watershed management has grown. Activities vary across regions with Oromia being most active in establishing new management regimes (IIED paper forestry).

Other institutional factors contributing to the loss of forest cover include weak regulation and land use planning, and limited availability of data on land classification and actual land use. As a result, government may not have enough insight in the real availability of land to allocate to, for example, investors or for resettlements. Moreover, there is limited capacity to supervise and enforce regulations for designated protected areas, participatory forest management (PFM) sites, or investment schemes (FAO, 2009).

3 REALITIES ON THE GROUND

Major challenges to land governance are the growing population, the small size of land holdings in many areas, the pressure on natural resources and the policy to attract (foreign) direct investment in land.

Landlessness and fragmentation of plot size is an issue in rural areas, particularly the highlands. As farming remains the main economic activity, there is a growing demand for leasing land and sharecropping. One alternative pursued by the government is resettlement (as a farmer).

The land certification process has improved the tenure security in highland areas for farmers who can register their use rights, although there are challenges with keeping the system updated. This is important for investments that contribute to higher food productivity. However, the Government lacks the resources to scale-up work on land certification (USAID, 2010), while suffering from severe capacity constraints. While multiple donors are expressing interest in lending support, managing these interests is a major challenge, particularly given

other problems of interagency coordination between regional and national government. Moreover, this improvement is only valid for those benefiting from individual land rights². Communal and group land rights (dominant in low land and pastoral areas) have been overlooked so far.

A growing source of conflict is large-scale leasing of land when leading to loss of land, natural resources for local farmers and displacement. Large-scale land leasing is taking place in these “common” areas using arguments that land is “idle”, “unused” or “under-utilized”. For these reasons, perceptions of tenure insecurity and dispossession are widespread in these regions amongst farmers and agro-pastoralists for whom land is at the basis of their livelihood.

With respect to land allocation, concerns are voiced with respect to the process for identifying and mapping available land (environmental situation, implications for local people), the “degazetting” of protected forest, implications for wildlife and use of wetlands that play an important role in the hydrology of an area. Another concern is the lack of transparency around some deals, the assessment of business plans and the application of environmental regulations (FAO, 2009; Dessalegn 2011). For the farms already in place, (voluntary) codes are being proposed to stimulate more sustainable management of soils and other natural resources.

Overall, large-scale land acquisitions raises critical policy questions on balancing individual rights with state and national mandates for public and private investment, modernization and food security; managing the interests and tensions between biofuels for renewable energy and food production; and mainstreaming the rights of the poor and vulnerable groups in order to broaden and secure their access to productive resources (USAID, 2010).

4 RESOURCES AND OTHER INFORMATION

4.1 Related country profiles

- USAID: <http://usaidlandtenure.net/usaidltpproducts/country-profiles/ethiopia>
- FAO: <http://www.fao.org/countryprofiles/index.asp?lang=en&ISO3=ETH>
- FAO/Gender: <http://www.fao.org/gender/landrights/report/en/>
- IMF: <http://www.imf.org/external/country/ETH/index.htm>
- World Bank: <http://www.worldbank.org/en/country/ethiopia>

4.2 Laws, policy and regulations search engines

- FAO Lex (Land & NR search engine): <http://faolex.fao.org/faolex/index.htm>
- Water Lex (Water laws search engine): <http://faolex.fao.org/faolex/waterlex.htm>

4.3 Maps and databases

- Land and soils databases/information systems: <http://www.fao.org/nr/land/databasesinformation-systems/en/>
- Water database/information systems: http://www.fao.org/nr/water/infores_databases.html
- Land and water maps and graphs: <http://www.fao.org/nr/solaw/maps-and-graphs/en/>
http://www.fao.org/nr/water/infores_maps.html

4.4 Portals and other resources

- http://landportal.info/search/apachesolr_search/ethiopia
- <http://www.landesa.org/search/?q=ethiopia>

² In the State of SNNPR, for example, the so-called coffee forests are managed according to customary tenure systems. In SNNPR, the land registration process may even have stimulated the conversion of coffee forest in farm land, because forest land could not be registered. In other cases, such coffee forests have been allocated to investors, ignoring customary rights (FAO 2009).

4.5 Donor support programs

- USAID: Ethiopia Strengthening Land Administration Program (ELAP), 2008–2013: strengthen rural land tenure security by improving the legal framework; advancing public awareness of land rights; reforming administration and use laws; promoting investment in high-potential areas; and strengthening the capacity of federal and regional land administration agencies to deliver secure land rights and land administration services.
- Sustainable Land Management. IDA \$20 million (late FY2008); GEF 9 million,
- SIDA: SARDP/BEPLAU: Land Registration in Amhara

4.6 Civil society organizations working on land governance

Members of International Land Coalition from Ethiopia:

- The Eastern Africa Farmers Federation (EAFF) participates actively in national and international discussions on land governance. They also published in 2010 *The Entebbe Declaration on Large Foreign Land Acquisitions* <http://www.eaffu.org/go/downloads/EAFF%20Position%20on%20Land%20Grab.pdf> EAFF covers the following countries: Burundi, Democratic Republic of Congo, Djibouti, Eritrea, Federal Democratic Republic of Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania. General website: <http://www.eaffu.org/go/>

Members EAFF in Ethiopia:

- Oromia coffee farmers cooperative union

Other CSOs:

- The forum for social studies is one of the think tanks active on land governance and members are engaged in various research programs around land governance <http://www.fssethiopia.org/>

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