



Land Law and Clearance of Informal Settlements in Sheger City, Ethiopia

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Abstract

In developing countries, one-third of the urban population is living in informal settlements. Ethiopia is not an exception to the situation. In fact, major cities of Ethiopia are surrounded by informal settlements. Measures to tackle the challenge of squatting (informal settlements) are various and conflicting. In particular, the recently established Sheger City (in the outskirts of Addis Ababa city) is demolishing informal settlements. The paper investigates the causes and consequences of informal settlement and forced eviction in Ethiopia based on cases from Sheger City. To achieve this objective, analytical description, and qualitative & quantitative methods are used. The findings revealed flaws in the formal procedures of demolishing settlements, and have caused a gross violation of human rights, massive displacement, and homelessness. In addition, the absence of a comprehensive land policy, lack of multi-strategies to mitigate informal settlements, restrictions on landholders' land use rights and land lease rights, absence of preventive measures against illegal land occupations and construction, demolition, and evictions as primary strategies to tackle the challenges, and corruption are factors identified in causes and consequences of informal settlements. Therefore, it is strongly suggested that land policy reform, issuance of policy to manage informal settlements, respecting human rights and preventing illegal settlement.

Keywords: land law, informal settlement, eviction, human rights

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1. Introduction

In developing countries, land has been considered as an important economic and social asset where the status and prestige of people is determined². Ethiopia is principally an agrarian state and inhibited by agrarian society, land in Ethiopia has been the most means of livelihoods³. Land laws and the institutions that govern access and use of land can have great impact on effective land governance⁴. So, effective land laws and well-functioning institutions that govern lands are highly imperative so as to regulate rights in land.

According to UN-Habitat (2015), about⁵. The cities have a large proportion of poor standard housing and short of affordable formal rental market⁶. As a result, in many urban centers of the country, informal marketing of land plots and grabbing open public land from the periphery, for the construction of residential houses are considered as a solution for the housing problem⁷. Ethiopia have failed to meet

the housing demand of the majority of urban residents⁸. The Ethiopian government have taken different measures to satisfy the housing demand of urban dwellers in major urban centers. The main actions include providing plots for housing cooperatives, regulation of tenure and government housing development program. Despite these efforts, informal urban settlements still continue to be challenge due to a range of interrelated factors.

The urban land related provision of the constitution fails to provide an adequate framework of core issues and principles. Owing to the significant gaps of the constitution related to urban land, the constitutionality of the lease proclamation remains contestable. Further the constitution fails to mention urban dwellers as potential subjects of urban land rights and lacks inclusiveness in a strident contrast to investors, peasants and pastoralists.⁹ Access to urban land inconsistent with laws and the urban land laws itself has constitutional and legislative defects that make the standard below human rights¹⁰. The FDRE Constitution position on urban land is unclear and conflicting on the right holders of land as collective rights¹¹.

The urban land law limited land transfer only to lease holding and inheritance. The proclamation stipulates that all land in urban areas transferred to lease system (Article (6), hence, sale, mortgage and transfer of bare urban land is

²Klaus Deinige, Songqing Jin, Berhanu Adenw, Samuel Gebre-Selassie, Mulat Demeke, (20003), *Market and non-market transfers of land in Ethiopia: Implications for efficiency, equity, and non-farm development*, p. 2.

³ Ethiopian Economic Association, Ethiopian Economic Policy Research Institute (EEA), EEPRI (2002). United Printers, Addis Ababa.

⁴ Temesgen Solomon, (2020), *Legal and Institutional Frameworks Regulating Rural Land Governance in Ethiopia: Towards a Comparative Analysis on the Best Practices of Other African Countries*, Beijing Law Review, p. 66.

⁵ Koroso, N. H., Lengoiboni, M., & Zevenbergen, J. A. (2021). *Urbanization and Urban Land Use Efficiency: Evidence from Regional and Addis Ababa Satellite Cities, Ethiopia*. Habitat International, p. 117.

⁶ Matsumoto, T., & Crook, J. (2021). *Sustainable and inclusive housing in Ethiopia: A policy assessment. Coalition for urban transitions*.

⁷ Akirso, N. A. (2021). *Exploring causes and consequences of squatter settlement in Jimma town, Oromia regional state, Ethiopia*. International

Journal of Sociology and Anthropology, 13(2), PP. 58–63.

⁸ Matsumoto, et. al, supra note, 7.

⁹ Daniel Behailu, (2020), *Informal Urban Land Holdings in Ethiopia: A Policy Debacle*; in Murado Abdo (Ed), *Ethiopia's Urban Land Questions: Focus on Access to Justice and Dispute Resolution*, (Ethiopian Civil and Commercial Law Series Vol.9, 2020), P.183.

¹⁰ Murado Abdo(ed), (2020), *Ethiopia's Urban Land Questions: Focus on Access to Justice and Dispute Resolution*, (Ethiopian Civil and Commercial Law Series vol.9, 1-15.

¹¹ Ibid

prohibited. The law recognizes only tender and allotment as the two basic means of lease transfer from government to citizens (Article 7(2)) of proclamation No. 721. This proclamation stipulates the informal settlements being regularized based on the urban plan of regions and urban administrations within four years of the enactment of this law. However, formalizing informal settlement is seldomly implemented.

Due to the land policy of the country, there is threat to land tenure security under which the holder of land may lose the holding right. Most prominent threats include displacement because of private investment and eviction on account of the need the land for public purposes. On the other hand, since the land laws do not avoid the possibilities of future land distribution and expropriation, farmers could not feel secure on their holdings¹². Due to the widely practice of the expropriation by the name of public purpose, the farmers fear of expropriation sells their land a head of government reach and expropriate with cheap price and sell to other by expensive prices¹³.

The land and housing policies cannot solve the problems which aimed to fulfilling the housing demands of the low-income peoples¹⁴. As a result, people obliged to live in informal houses which have no access of infrastructure and utilities service. The price of land lease in cities is highly increasing which makes it difficult for low and middle-income people to acquire land.

¹²Abrar Juhar Mohammed and Makoto Inoue, (2014), *Land Tenure Reform and Its Implication for the Forest, Case Study from Oromia Regional State of Ethiopia*, Journal of Forest and Environmental Science <http://jofs.or.kr>, p. 399.

¹³Supra note no. 9, P. 184.

¹⁴Jemal Abagissa, (2021), *Research Article an Empirical Review of Informal (Squatter) Settlements in Addis Ababa City*, Ethiopia International Journal of Current Research, Vol. 13, Issue, 12, Pp. 19923-19931, p. 19928.

Hence, the current urban land policy is characterized by unable to balance the demand and supply of land or houses, the system cannot consider low-income people¹⁵.

In Ethiopia informal settlement are the houses which are built on government, communal or private land without having authorization¹⁶. Hence, informal settlement is characterized by informal housing development, and irregular arraignment housing¹⁷. In most cities of Ethiopia one of the challenging areas of urban land administration and management system is supply of urban land and incapability of the government to supply houses¹⁸. As a result, people tend to construct informal houses on unauthorized lands.

Oromia Regional State announced the launch of the operations of the new city administration on February 26, 2023. The news was accompanied by reports of house demolitions, and displacements of people. The informal settlements are also recently complicated by the aggressive move of the state to demolish such settlements and forced evictions.¹⁹The new administrative body of Sheger City made official

¹⁵Ephrem Nigusie, *Case Study on Peripheral and Inner-City Informal Housing Situation in Mekelle*, Funded by the Erasmus+ Programme of the European Union. P. 43.

¹⁶Ashenafi Getachew, (2015), *Factors Contribution for The Expansion of Informal Settlement in Hossana Town*, Addis Ababa University College of business and Economics.

¹⁷Dessalegn G/Silassie, (2017), *The Factors Contributing for Expansion of Informal Settlements: The Case Study of Yeka Sub-City, Addis Ababa Ethiopia*, Thesis Submitted, Addis Ababa University, P. 9.

¹⁸Jemal Abagissa. *An Empirical Review of Informal (Squatter) Settlements in Addis Ababa City*, Ethiopia, 2021. International Journal of Current Research, P. 19924.

¹⁹Daniel Behailu, (2023), *Rights to Housing Vis-À-Vis Demolishing Informal Settlements in Ethiopia: Is Forced Eviction by Government the Answer?* Unpublished.

that the house demolishing process would continue in an intensive manner.

Informal settlements and urban housing have been addressed by researches previously conducted but the issue of informal settlements and the legal rights and protection of evicted persons provided by the national and international laws have not been analyzed in detail. Therefore, this research concerned with identifying and describing informal settlements and forced eviction and the legality of aggressive measure of the government in demolition of houses in Sheger City in line with land law and international human rights laws. In doing so the following questions are raised: What is the nature of urban land tenure in the Ethiopian legal context? How forced eviction is evaluated in line with national and international human rights? Who are the main actors in the informal land tenure systems? How did the informal settlers originally acquire the land that they possessed? What are the legal rights of the people whose shelters are demolished? What are the challenges of managing informal settlements?

The general objective of this research was to investigate informal settlements and forced eviction and the legality of government measures in the demolition of houses in Sheger City. Hence in Particular, the objectives include: Exploring the nature of urban land tenure in the Ethiopian legal context; Assessing the forced eviction in line with international and national human rights; Identifying the main actors in the informal land tenure system, detecting how informal settlers originally acquired the land; Examining the legal rights of the people whose shelters are demolished and to identify the challenges of managing informal settlements.

2. Research Methodology

2.1 Research Design and Approach

To achieve the purpose, a descriptive design was employed. This is because descriptive design helps to learn about a large population by surveying a sample of that population. Both quantitative and qualitative research approaches were applied. In such approach, the overall strength of the study is greater than either qualitative or quantitative methods. Therefore, essentials of both quantitative and qualitative research approaches were used, at data collection, analysis and interpretation stages. For secondary data qualitative analytical research method was used.

2.2 Sampling Method

This study was conducted in Sheger City of Oromia Regional State, the sampling frame for this study was Oromia Land Bureau, Sheger City Land Office, and Sebeta Subcity Land Office and Burayyu Subcity Land Office using purposive sampling method. Informal settlers in the selected towns were part of the study using availability (convenience) sampling method. Therefore, officials, employees, informal settlers and other local community members were the units of observation by this study.

Accordingly, it was designed to collect data from each subcity 50 informal settlers, 10 employees from each offices of subcities and 10 employees from Sheger City. Additionally, one management member from each office of the selected subcities, one management member from Sheger City and one management member from Land Bereau were participate on interviews. As a result, to collect data 130 questionnaires were distributed and among these 116 questionnaires were collected. Therefor, 116 respondents were participated on questionnaire and 5 respondents were participated on interview and a total of 121 respondents were participate on this research.

2.3 Data Sources and Types

The research was used both primary and secondary data sources. Both qualitative and quantitative data were collected from the sample respondents by using different data collection tools. The secondary data source such as policy documents, proclamations, regulations, directives, and official and media reports and other documents were also reviewed.

2.4 Data Collection Tools

In this study three research instruments were used to collect data. These were self-administrated questionnaire, key informant interviews and document analysis. The questionnaire was used as a main data collection tool and interview and document analysis was used to triangulate the data that was collected through the questionnaires. The questionnaire was used to collect data from informal settlers and employees of the sampled institutions. These were targeted because of their better knowledge about the issue under the study. Hence, the interview was made with management members of the sampled institutions.

2.5 Data Analysis Method

The collected data was screened and entered into SPSS software. The result of the combined data was presented using percentage and frequency count. Figures and tables also used to summarize the results. The analysis was presented under various themes based on the objectives of the research. Qualitative results were used for triangulation of the study results. The research was analyzed Botswana's experiences, to figure out how to tackled the problem of informal settlements and forced eviction thereby squatting.

3. Eviction and International Human Rights Law

United Nations piercing that security of tenure is an essential requirement for the advanced

integration of the urban poor in the city, and one of the fundamental components is the right to housing²⁰. International conventions, to which Ethiopia is a party and recognized by the FDRE Constitution as the integral part of the law of the country, recognize a right to adequate housing and protection from forced evictions. The provisions of the Universal Declaration Human Rights (UDHR) the right of private property ownership is extended in Article 17, which provides as 'everyone has the right to own property alone or in association with others and no one shall be arbitrarily deprived of his property'.

The most important international human rights instruments for right to adequate housing and forced evictions is the International Covenant on Economic, Social and Cultural Rights (ICESCR). The right to adequate standard of living, including adequate housing, serves as affirmative provision of the ICESCR prohibiting the violation of this right in the case of forced evictions. The obligation to respect and protect the right to housing exists in the CESCR and as a signatory Ethiopia is bound by its provisions. It imposes an obligation that the state parties to the covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food clothing and housing. States are bound by the obligations curtailing from the right to housing, as stipulated under Article 11 of that treaty. International laws require states to offer people legal protection against all evictions, irrespective of the reason for the eviction²¹. So, where this

²⁰ Daniel Lirebo, (2006), *An Assessment of the Development and Implementation of Regulations on Informal Settlements: The Case of Addis Ababa City, Ethiopia*, Maters Thesis, Addis Ababa University, p. 43.

²¹ Milkias Bulcha, (2015), *Reconciling Human Rights and Evictions for Public Purposes in Ethiopia: Appraisal of the Laws and Practices with Focus on*

protection is not provided and an eviction takes place, this eviction should be characterized as a forced eviction, and as such, it should always result in a violation of international law.

The General Comment No. 7 defines forced eviction as ‘the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.’²² The expression forced eviction seeks to bear a sense of arbitrariness and of illegality.²³ More precisely, given Article 11 of the ICESCR obliges that people should be given protection against justifiable evictions. States must also refrain from practices that violate a person’s right to respect for their private life and home.

General Comments No. 4 the Committee holds that ‘all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.’²⁴ It looks to acknowledge forced evictions may be justified, stating forced evictions ‘can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law’.²⁵ In a similar token, in General Comment No. 7 the CESCR leaves the possibility for permissible forced evictions.²⁶ The CESCR holds that the prohibition of forced evictions

does not apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.²⁷

Therefore, it should adopt legislation to protect people against evictions. This is an essential basis upon which to build a system of effective protection.²⁸ This legislation should include measures which provide the greatest possible security of tenure to occupiers of houses and land, and need to conform with the ICESCR.²⁹ If an eviction is considered justified, the state should ensure the eviction is carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.³⁰ The State should take appropriate measures ‘to ensure that no form of discrimination is involved’.³¹

In addition to these general obligations, more detailed procedural obligations are applicable regarding protection against evictions. These obligations are mentioned in General Comments No 7. First, states should explore all feasible alternatives to eviction ‘in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force’.³² Second, some obligations concern consultation and information. There should be an opportunity for genuine consultation with those affected by an eviction.³³ All affected persons should be given adequate and reasonable notice, prior to the scheduled date of eviction. Information on the proposed eviction should be provided, and this information should be made available in reasonable time. Third, the General Comments

Some Selected Sites in Addis Ababa City, Thesis for Masters Degree, Addis Ababa University, p. 25.

²² UN CESCR, ‘General Comment No. 7: Article 11 (1) (The Right to Adequate Housing: Forced Evictions)’ (20 May 1997) UN Doc E/1998/22 (General Comment 7) [5].

²³ *Ibid* Para. 3.

²⁴ United Nations Committee of Economic Social and Cultural Rights (UN CESCR), ‘General Comment No. 4: Article 11 (1) (The Right to Adequate Housing)’ (13 December 1991) UN Doc E/1992/23 (General Comment 4) [8a].

²⁵ *Ibid* Para.

²⁶ General Comment 7, Para. 2.

²⁷ *Ibid* Para. 3.

²⁸ *Ibid* Para. 9.

²⁹ *Ibid*

³⁰ *Ibid*

³¹ General Comment 7, Para. 10.

³² *Ibid*

³³ *Ibid* Para. 14.

lays down rules concerning the way in which evictions need to be carried out.

The CESCR also addresses the situation after the actual eviction has taken place. It holds that ‘evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights’.³⁴ It maintains, in any case where the persons affected are unable to provide for themselves, ‘the state must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available’.³⁵ The ICCPR also addresses the right to be free from the deprivation of property in Article 17, which provides no one, can be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence.

The Human Rights Committee has responded to the problem of forced evictions in a 2004 Resolution. The Resolution recommends, inter alia, that ‘States provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation to persons that have been forcibly evicted’.³⁶ The Resolution, therefore, makes explicit the positive obligations of states parties to the ICCPR to provide due process, remedies, and prevention of further human rights abuses if the evictions are indeed legal.

The Constitution puts the international human rights treaties ratified by Ethiopia to be an integral part of the law of the country. Ethiopia has acceded to ICCPR, ICESCR, CRC, and other core human rights instruments. Since the country has been party to most international

human rights treaties that set minimum human rights standards universally, Ethiopia has an obligation to recognize, respect, ensure and fulfill the right not to be evicted as enshrined in ICCPR, ICESCR and other international and regional human rights laws. Hence, the protection from eviction could possibly and fairly be read in right to housing which in its turn integral requirement to right to life.

4. Botswana’s Experience

4.1 Land Tenure

In Botswana there are three types land tenure, these are tribal land, freehold land and state land. Tribal land is a traditional land tenure type that exists in rural areas and has been administered under customary rules and it is similar with customary land³⁷. Every individual in Botswana is entitled to a land plot for free which is made accessible to the people through administration of tribal land³⁸. Tribal land is administered by statutory land boards under customary and common law of Botswana.

State land is owned by the government and exists in both rural and urban areas. State land is distributed to individuals and organizations for residential, commercial and industrial purposes in urban areas, while in rural areas state land is distributed for establishment of national parks, game reserves and forestry reserves³⁹. In urban areas, state land is allocated to citizens for residential purposes. It is allocated through a Certificate of Rights (COF) which is convenient

³⁴ Ibid Para. 16

³⁵ Ibid

³⁶ U.N. Commission on Human Rights, Resolution on the Prohibition of forced evictions, para. 3, U.N. Doc. E/1998/22, annex IV (2004), Para. 4 and 5.

³⁷ Adams M., Kalabamu F. T. and White R., (2003), *Land tenure policy and practice in Botswana – Governance Lessons for southern Africa*, Austrian Journal of Development Studies XIX, Vol. 1, 2003, p. 55.

³⁸ Lina Bornegrim, Linn Collin, (2010), *Administration of Tribal Land in Botswana*, Bachelor’s Thesis in Geomatics, University of Gävle, P. 7.

³⁹ Nkwae B. and Dumba D., (2009), *From certificate of rights to long-term leaseholds in Botswana*, Habitat International, Article in Press.

for urban poor because of its low-cost form. Land can also be allocated through a Fixed Period State Grant (FPSG) which nowadays is the most common type in urban areas⁴⁰. Prominently urban land is administered according to the State Land Act by central government and local government councils.

The Certificates of Rights tenure system was introduced in Botswana during the 1970s, targeted to the needs of the urban poor. It provides holders with the right to use and develop land, while retaining State ownership and it is estimated to have benefited well over 100,000 people⁴¹. Certificates of Rights are inheritable, perpetual and secure. The holder has the usufruct to the plot while the state has the ownership⁴². A Fixed Period State Grant is leased for 99 years for residential use whilst 50 years for commercial and industrial use⁴³. A holder of a Fixed Period State Grant has the possibility to sell or transfer the remaining time of the grant period⁴⁴. Freehold land is mainly represented by farms and can be found in the agricultural girdles. It has become converted into tribal land and state land and it is perpetual, inheritable and transferrable⁴⁵.

Botswana's land-related policies and legislation is the aspiration to provide the land, shelter and production needs of all citizens. A related principle is that the land itself should not be bought and sold; Fixed Period State Grant

(FPSG) and Certificate of Rights (COR) were deemed to be the most suitable form of land tenure on state land in urban areas⁴⁶. While COR beneficiaries are granted usufruct rights, FPSG beneficiaries are holders of capitalized leases. The beneficiaries have leasing right rather than buying land, it only the government that can sell state land. FPSG leaseholders may only sell, transfer, relinquish etc. their rights and interests in land for the remainder of their lease periods. It is, therefore, morally, politically and economically justifiable for leaseholders to sell or transfer their land rights and interests.

4.2 Informal settlement

Botswana is known as one of the few African countries that have managed to successfully upgrade and prevent the development of new informal settlements in most of its urban centers⁴⁷. The government of Botswana has adopted various solutions in trying to exterminate existing and mitigate against informal settlements. The main strategies adopted in Botswana over the years include regularization and upgrading, demolition and displacement and provision of highly subsidized serviced sites⁴⁸. There are prominent success stories in approaches adopted over the years in providing shelter for all.⁴⁹ Botswana's policy measures were to some extent successful in removing existing and anticipated future informal settlements⁵⁰. Some of Botswana's successful policy strategies include upgrading of

⁴⁰ Ibid

⁴¹ Alain Durand Lasserre, (2006), *Informal Settlements and The Millennium Development Goals: Global Policy Debates on Property Ownership and Security of Tenure*, p. 16.

⁴² Supra note, no. 5.

⁴³ Supra note, no. 1.

⁴⁴ Kalabamu F. T., (2000), *Land tenure and management reforms in East and Southern Africa – the case of Botswana*, Land Use Policy, Vol. 17, Issue 4, 30 October 2000, p. 307.

⁴⁵ Nkwae, B. and Dumba, D. (2010), *From certificate of rights to long-term leaseholds in Botswana*, Habitat International, Vol. 34, p. 367.

⁴⁶ Faustin T. Kalabamu, (2003), *Informal Land Delivery Processes in Greater Gaborone, Botswana: Constraints, opportunities and policy implications*, p. 37.

⁴⁷ Mosha, A.C. (2013), *Low-income access to urban land and housing in Botswana*, Urban Forum, Vol. 24, p.154.

⁴⁸ Aloysius Clemence Mosha, Loyd Sungirirai, Bajehofi Alicia Dick and Partson Paradza, (2022), *The paradox of informality and sustainable human settlement in Botswana*,

⁴⁹ Ibid

⁵⁰ Ibid

informal settlements, self-help and site and service schemes, regularization, giving security of tenure, loans for development, eviction and finally demolition⁵¹. These strategies were used to address the challenges of informal settlements in urban areas.

Besides upgrading informal settlements, Botswana also promotes security of tenure to affected people by giving them Certificates of Rights⁵². These Certificates of Rights give the holder use rights while the government retains ownership of land. The adoption of Certificates of Rights provided a cheap platform for the registration of land rights. The good thing about a Certificate of Rights is that it can be converted into a Fixed Period State Grant (99-year lease), and then after title survey and registration at the Deeds Registry Office⁵³. Furthermore, a Certificate of Rights can be transferred from one person to the other if the parties involved are qualified citizens of Botswana. The success of Botswana's policies in dealing with informal settlements can be attributed to the cooperation between affected communities, government agencies, the donor community and other development partners⁵⁴. Security of tenure might be one of the contributing factors why the Botswana Government managed to eradicate the challenge of squatter settlements within its urban environments.

As a preventative measure to guard against the recurrence of informal settlements in urban areas, the Botswana government adopted the Self-Help Housing Agency (SHHA) and the Integrated Pilot Poverty Alleviation and Housing Scheme⁵⁵. The idea was that an empowered community would have sustainable livelihoods and break a vicious circle of poverty, which is attributed to being the root cause of urban informality.

Besides upgrading former informal settlements, the government has also not been tolerating perceived informal development there were evictions of and demolition informal settlements⁵⁶. Botswana's efforts to improve settlements and anticipated future ones have been successful. Also, the desire for squatter settlements-free urban centers perseveres in many towns in Botswana⁵⁷. Botswana is showing great improvement towards this goal. It is no doubt that there are no informal settlements (slums) in urban centers even in Gaborone the capital city with the highest population⁵⁸. As evidences portrayed, today, there is no plush sections of town and no slums in the capital city of Botswana.

⁵¹ Mosha, A.C. (2013), *Low-income access to urban land and housing in Botswana*, Urban Forum, Vol. 24, p.154.

⁵² Nkwae, B. and Dumba, D. (2010), *From certificate of rights to long-term leaseholds in Botswana*, Habitat International, Vol. 34, p. 370.

⁵³ Ministry of Lands and Housing (2014), Botswana HABITAT III Report, Ministry of Lands and Housing, Gaborone.

⁵⁴ Van Nostrand, J. (1982), *Old Naledi the Village Becomes a Town: An Outline of the Old Naledi Squatter Upgrading Project Gaborone, Botswana*, James Lorimer and Company, Toronto.

⁵⁵ Mosha, A.C. (1996), *An evaluation of Botswana's strategies to regularize informal settlements*, Review of Urban and Regional Development Studies, Vol. 8, pp. 46-65, cited in Aloysius Clemence Mosha.

⁵⁶ Molebatsi, C. (2013), *Botswana: Self-Allocation, Accommodation and Zero Tolerance in Mogoditshane and Old Naledi*, in Home, R. and Lim, H. (Eds), *Demystifying the Mystery of Capital: Land Tenure and Poverty in Africa and the Caribbean*, Routledge, p. 89.

⁵⁷ Ministry of Lands and Housing, Annual National World Habitat Day Observance, 2014, Under the Theme Voices from Slums.

⁵⁸ Ibid

5. Urban Land Law and Informal Settlements in Oromia/Ethiopia

5.1 Urban Land Lease Holding Rights

The lease system was introduced for the first time in Ethiopia as means of urban landholding in 1993 (Urban Lands Lease Holding, Proclamation No. 80/1993). Since the lease system was enacted before the adoption of the constitution, and since the constitution does not say anything about urban land, it can be argued that this proclamation and the subsequent lease proclamations for that matter lack constitutional base. This law was repealed in 2002 (Proclamation No. 272/2002) and it again was replaced by the current proclamation in (Proclamation No.721/2011).

The objectives of the proclamation as envisaged in the preamble are to satisfy the growing urban land demand resulted because of the fast economic growth of the country and to ensure good governance for the development of efficient land market and a transparent and accountable land administration system (Preamble of Proclamation 721/2011).

The law recognizes tender and allotment (land lease transfer without auction) as the two basic means of lease transfer from government to citizens (Article 6). The assumption is that any person who fulfills the requirements is entitled to get land by way of lease. The proclamation clearly declares that all land in urban areas (needed for residential, commercial, agriculture, industry, or service, and others) can be transferred in the lease system (Article 5).

City municipalities may give land by allotment to selected areas of paramount importance to society such as government offices, religious institutions, public residential housing programs, diplomatic mission and so on (Article (12). Besides, a person who is displaced from his house as a result of urban renewal shall get a land by allotment. All of them would pay lease price based on the bench mark set by the city

(Article.12 (3)). This shows the urban land law restricts free land hold acquisition. When land is transferred to third person other than inheritance, old possession and newly leased land are merged, and when informal settlement land is being regularized must subject to payment of lease price (Article (6) of proclamation No. 721).

According to the current Ethiopian law, lease right is freely transferable. Landholder who holds land lease certificate is entitled to transfer his lease right to the other. So, leasehold right is subject to any form of transaction including lease/rent, inheritance, donation, mortgage, and as a capital contribution.

5.2 Urban Land Tenure

The Constitution of Ethiopia unequivocally states that land shall not be individual's property. It asserts state ownership of land and thus no private property rights in land. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange (Article 40(3) of the constitution). Thus, there is threat to land tenure security under which the holder of land may lose the holding right. Most prominent threats include displacement because of private investment and eviction on account of the need to use the land for public purposes. Farmers located in the vicinity of urban areas are the most vulnerable who are often victimized due to urban expansion or the construction of new settlements⁵⁹.

Under the Lease Holding of Urban Land Proclamation, Proclamation No.721/2011, the transfer of land holding is lease system (Article 15). The lessee will be issued a "lease certificate" that shows name of lessee, land size,

⁵⁹ Beyene Tadesse, (2017), *Policies and Proclamations Relevant to Pastoral Areas Land Management for Ethiopia, Kenya and Uganda*, Review Report | December 2016, p. 25.

location, land use purpose, lease price, lease period and so on. As a matter of principle, every land needed for residential, commercial and others will be transferred by tender. However, as exception, city municipalities may give land by allotment to selected areas of paramount importance to society such as government offices, religious institutions, public residential housing programs, diplomatic mission and so on (Pro. No. 721/2011, Article 11). Besides, a person who is displaced from his or her house as a result of urban renewal (like in case of expropriation) can get a land by allotment. All of them would pay lease price based on the benchmark set by the city administration. The leasehold right is a right to use the land for fixed period of time against payment of agreed amount of money.

The leaseholder is entitled to get leasehold title deed. This is a certificate that proves the lessee's the rights to the land. Hence the right of use and enjoyment is conferred on the lease right holder. Another right is that the lease right can be inherited, donated, or mortgaged provided that the beneficiary's rights are limited by the period of the lease term. Finally, the lease can be sold or exchanged to any person (Ethiopian citizen) (Proclamation No. 721/2011, Article 13 (1)). The leaseholder may transfer, or undertake surety on (mortgage) his leasehold land and may also use it as a capital contribution to the amount of the lease payment he has made. Under the Ethiopian urban land law, the informal land tenure excluded from the ambit of security, in other words, there is no tenure security for informal settlers (Proclamation No. 272/2002, Article 16)⁶⁰.

Since the land laws do not avoid the possibilities of future land distribution and government owns the power of taking land by way of expropriation, farmers could not feel secure on

their holdings⁶¹. The threats to land tenure security under which the land holder may lose the holding right.

5.3 Informal Settlement Practices in Oromia/Ethiopia

Informal urban land holdings in Ethiopia contending that there is still policy disaster⁶². In Ethiopia, the law does not provide any protection to informal settlers' whose land subjected to be demolished as a result of eviction for any purpose. Informal settlers will not be compensated in case the land or houses they used to reside in are subjected to demolish for the public purpose. Hence, the informal settlement is quite a place where many human rights are violated and a pure result of land tenure insecurity. The cause for informal settlements in Ethiopia is land policy, poor land administration system and weak land management that hinders access to residential land and weak control informal land marketing⁶³. The general challenges of informal settlements are absence of tenure security and the constant threat of eviction, criminalizing the whole issue and focused on forced eviction of informal settlers.

Informal settlement in Ethiopia is the houses which are built on government, communal or private land against the will of the holder and/or without having authorization of building permission⁶⁴. Informal settlement is characterized by informal housing development, irregular arraignment housing, no have enough

⁶¹ Ibid

⁶² Supra note no. 9, P. 183.

⁶³ Supra note no. 9, P. 184.

⁶⁴ Ashenafi Getachew, (2015), *Factors Contribution for The Expansion of Informal Settlement in Hossana Town*, Addis Ababa University College of business and Economics.

⁶⁰ Re-enactment of Urban Lands Lease Holding Proclamation No. 272/2002.

infrastructures, utilities, and sanitation and have an impact on environment and etc.⁶⁵.

It is true that informal settlements occur when the current land administration and planning system fails to address the needs of the whole community⁶⁶. When the system fails to address social housing needs, then people use their own paths in settling on somebody else's land⁶⁷. Such settlements are characterized by rapid, unstructured and unplanned development. The critical factors causing informal settlements are notably related to several major interrelated challenges such as poverty, rapid urbanization and migration of people into urban areas, war, and natural disasters leading to massive movement of people to places of opportunity and safety⁶⁸ and are critical problems in developing countries including Ethiopia.

In Ethiopia most of informal settlements characterize by the people who have low or middle income and they built houses (*chereka bet*) informally in against to urban planning policies. Informal settlement is highly increase from time to time in periphery of cities⁶⁹. Among the factors contribute for informal settlers in Ethiopia are migration of the people from rural areas to the big cities as a result of less job opportunities and lack of good governances⁷⁰.

⁶⁵Dessalegn G/Silassie, (2017), *The Factors Contributing for Expansion of Informal Settlements: The Case Study of Yeka Sub-City, Addis Ababa Ethiopia*, Thesis Submitted, Addis Ababa University, P. 9.

⁶⁶Hagos Tadesse, (2012), *Challenge and prospective of urban renewal project in Addis Ababa: the case of Beshu Welde Chilot in Arada sub-city of Addis Ababa Ethiopia*. Journal of Economics, Finance, and Management, p. 9.

⁶⁷Ibid

⁶⁸Dessalegn G/Silassie, supra note, no. 190, P. 19.

⁶⁹Ibid

⁷⁰Jemal Abagissa, (2021), *Research Article an Empirical Review of Informal (Squatter) Settlements in Addis Ababa City*, Ethiopia International Journal

<https://journals.osu.edu.et/>

The policies itself cannot solve the problems which aimed to fulfilling the housing demands of the low-income peoples⁷¹. As a result, people forced to live in informal houses which have no access of infrastructure and utilities service like clean waters, road, sanitation, and electricity.

According to Ethiopian law, the major formal land delivery system for residential housing is through the lease system. Proclamation No 721/2011, land can be acquired based on lease system and through auction, negotiation, lottery system and the award system. The price of land lease in cities become highly increasing which makes it difficult for low-income people to acquire land⁷². Therefore, the land lease policy cannot access the demands of the majority of the low-income people. As a result, people use another option for sheltering by illegal land acquisition and it is also contributing for the expansion informal settlements.

According to the Oromia Regional State Office of the President Supervision Report (2021), informal settlement is beyond good governance problem; it is rather becoming political and systematic problem in the region. As stated in the report, illegal settlement is practiced in both at the center and periphery of the towns. Moreover, in the towns addressed by the supervision, it is reported that 45,000 houses in Burayu, 7077 houses in Adama and 5110 houses in Sululta town were identified as built illegally. Above all, it is also reported that the problem is sever on the urban and rural boundary. It is the place where corruption is highly exercised according to the supervision report (ORSPO, 2021). Countering the negative aspects of informal settlements requires governments to

of Current Research, Vol. 13, Issue, 12, Pp. 19923-19931, p. 19928.

⁷¹ Ibid

⁷² Ibid

recognize the challenges that residents are facing and actively include them in wider city systems.

5.4 Eviction in Oromia/Ethiopian Law

According to the principles of international law and human rights, forced eviction refers to the temporary or permanent removal of a person or family or community from their home or place of residence without their consent, without providing them with alternative solutions or legal protection. According to the urban land lease holding legislation, where the appropriate body decides the eviction which considered for public purpose, the possessor of land who legally acquired the land will be offered compensation in cash.⁷³ The English version of Proclamation No.721/2011 Article 12(2) entitles that any 'person displaced due to urban renewal program shall be entitled to a substitute plot of land'. In contrary, the Amharic version of the same provision of the proclamation put precondition that 'only the old possessor of a plot of land legally acquired before the urban center entered into the leasehold system or a land provided as compensation in kind to persons evicted from old possession will be protected from arbitrary eviction'. As rule of the country, when there is contradiction between the English version and Amharic version, the Amharic version prevails over the other.

The appropriate authority may clear and take over an urban land legally possessed which deemed necessary for a public purpose by issuing clearance order in writing to the concerned person (Proclamation No. 272/2002, Article 16). Where a leasehold right has been taken away by the state for public purpose, the state must compensate the leaseholder for the property on the land and the remaining lease rent. These provisions of the proclamation contravene the basic principles of human right

⁷³Article 2(8), 12(4) and article 26 of the proclamation no.721/2011.

(the right property) enshrined in the constitution and international human rights laws.

The authority has power to demolish houses built on illegally occupied urban land by merely serving a written order to the settlers in person without any alternative accommodation.⁷⁴ Illegal settlers may be evicted from the land they hold without any payment of compensation (Article 16 (2))⁷⁵. Evaluating the current Ethiopian land lease holding legislation relating to right holder protection from eviction, it appears inconsistent with international human rights laws as the laws clearly permit forced eviction against occupied unauthorized land. The law does not define what accounts to unlawful occupation. But possibly it is to mean those informal settlers who cannot prove that they acquired the land.

There is no clear law that regulates the informal settlement protection from arbitrarily evictions in Ethiopia. As result the government does not consult informal settlers the eviction plan. The law has totally ignored informal settlers from being concerned during mass eviction for public purposes. According to the Sheger City Administration, as revealed by the authorities in various media reports, the house demolition in city is being carried out with the aim of clearing illegal settlers and acquittal the illegally occupied lands. The government thus alleged that the demolition is only against the informal settlers that have no title for their ownership.

5.6 Eviction Procedure in Ethiopian Law

Where urban landholding is decided to be cleared by the concerned authority, the possessor of the land need to be served with a written clearing order stating the time the land has to be vacated, and the amount of compensation to be paid.⁷⁶ Similarly, Article 16 of Proclamation No.

⁷⁴ Ibid, Article 26(4)

⁷⁵ Re-enactment of Urban Lands Lease Holding Proclamation No. 272/2002.

⁷⁶ Article 27(1) of the proclamation No.721/2011,

272/2002 states that where the appropriate body decides that the eviction is essential for a public purpose, it simply clear and take over an urban land by issuing clearance order in writing to the concerned person⁷⁷. From all these legislations there are no requirements of consultation with affected people in order to carry out evictions for public interest. The Ethiopia's eviction regulating legislations which allows eviction for public purpose refutes the people from consultation on the issues that affecting them are, incompatible with the human rights.

According to Proclamation No. 721/2011, Article 28 (1), a person served with eviction notice or any other person alleging infringement of his right or benefit as a result of the order may submit, his grievance to the appropriate body, together with evidences his case, within 15 working days after receipt of the order. The legislation allows appeals against the decisions of the appropriate body can be lodged to the Appellate Tribunal within 30 days from receipt of the decision from administration. Regarding the amounts of compensation, appeal is admitted only after the evictees have handed over the house or the land subject to the clearance order.

6. Data Analysis and Report

6.1 Location and Area of Sheger City

Oromia Regional State government has restructured the former Oromia Special Zones Around Finfine (Addis Ababa) to Sheger City Administration. To form one metropolis, the towns which enclose Addis Abeba in all directions, have been merged under a single mayoral administration. So, the newly-established Sheger City consists of Sebeta, Burayu, Legetafo Legedadi, Gelan and Sululta Sub-Cities within which some kebeles of Addis Ababa were included. The newly established

Sheger City will have 12 Sub-Cities and 36 Woredas spread over 160,892.8 hectares of land and as the regulation stipulates, the size of the city will be increased or decreased when necessary. This is a triple size of the Capital, Addis Ababa, which is bounded within 54,000 hectares of land.

The Oromia Regional State Administrative Council issued a regulation for the establishment of Sheger City, Reg. No. 233/2022 which came to force commencing from October 19, 2022 and the new city officially began its operation from this day on wards. According to the regulation established Sheger City, Article 2(6), "Sheger City is the city in which cities, Woredas (districts) and Kebeles (sub-districts) found surrounding Finfine (Addis Ababa) organized as a single city". These cities are Burayu, Kolobo, Sululta, Legatafo Legadadi, Gelan, and Sebeta as well as Woreda's Kebeles such as Walmara, Sululta, Barrak, Aqaqi, and Sebeta Hawas are included to the newly formed City. Sheger City Administration is accountable to the City Council and the President of Oromia Regional State, and the seat of the city administration is in Addis Ababa.

According to the regulation established Sheger City, Reg. No. 233/2022, Article 9(2), the boundary of the city administration that demarcates the city administration with Addis Ababa City Administration is determined according to the agreement made between Addis Ababa City Administration and Oromia Special Zone Round Finfine Administration on June, 30, 2022. Pursuant to the regulation, Reg. No. 233/2022, Article 10, the city organized at City Administration, Sub-City Administration and Woreda Administration. The governing organs of the city are City Council, Mayer, Administrative Council and High Court.

⁷⁷ Re-enactment of Urban Lands Lease Holding Proclamation No. 272/2002.



Source: <https://www.voafaanoromoo.com/a/7118741.html>

As the assessment made by the government for the formation of the city and as revealed under the preamble of the regulation, the main objective of the establishment of Sheger City is to modernize the city, to make the city attractive and conducive for development, as well as to make the city economic, political and social center. Despite of these objectives, there are suspects and criticisms from different angles including the higher officials of the government and members of the *Coffe* Oromia (State Council). As one of the members of *Coffe* Oromia spoke to BBC Oromo language, “there is lack of transparency with regard to the formation of Sheger City and there was no consultation with the community and this implies how much the government undermines the people of the region”.

There are political elites, mostly from Oromo Ethnic group, criticizing the formation of the Sheger City as it is the second phase of Addis Ababa Master plan which was banned due to the protest undergone throughout the region and resulted in the over through of the EPRDF government and the emergence of the current regime. There are also susceptions and criticisms from the other side, regards to the formation of Sheger City. These group political elites believed as the formation of the new city is the

plan to demographic change so as to dominate Ethiopian politics and to make Addis Ababa part of the Oromia region, and this is why the Oromia Regional State government restructured the former Oromia Special Zones Around Finfine to Sheger City Administration. Since this issue is not the focus of this research, the research does not deal with these contradicting ideas.

6.2 Demolition of Houses and Eviction in Sheger City

As far as the right to housing is concerned, the FDRE Constitution Article 90(1) contains the national policy principles and objectives concerning access to housing, among other social objectives. Against to this basic principle of the constitution, the report of Ethiopian Human Right Commission (EHRC) envisaged, in Sheger City and Adama City administration, 111,811 houses were demolished commencement from October, 2022 until the report was made⁷⁸. Forced evictions, even from unlawful occupations, should comply with minimum human rights standards. The report of Ethiopian Human Right Commission (EHRC) shows that massive demolitions and forced evictions in Sheger City are illegal and against

⁷⁸ Ethiopian Human Right Commission Report, March 31, 2023, Ethiopia.

international and national human rights laws. In the report, the Commission highlighted that the demolitions and forced evictions in Sheger City is against the federal and Oromia region laws.

According to the EHRC's report, the demolished houses are classified into three categories. The first categories include those that are built before 10 years and so meet all legal requirements, the second category of owners also partially fulfill legal requirements, whereas the third category of house owners acquired their properties illegally. Owners in the first and second categories, according to the report, can have legal title deeds and are eligible for all types of compensation and replacement housing. In addition, EHRC stated that the eviction was carried out without notice and consultation with the dwellers. On the hand, the mayor of the city spoke to VOA that demolishing houses focused on those houses built without authorization and the measure taken to demolish the houses was handled to respect the rule of law and discussions were made with the residents before the houses were demolished.

According to the report of EHRC, in some places, the process of demolition and forced resettlement has resulted in violence, abuse, physical and psychological harm, and imprisonment. The report further depicts, as city administration spoke to the commission, there are people who organized in groups to disrupt the work and tried to harm the security forces. However, EHRC has received information that a human life has been lost in a domestic horse attack in a place called Filidoro found in Burayu. On the other hand, the Ethiopian Ombudsman Institution announced that it has received 100,000 complaints on the measure taken to demolish residential houses in the name of

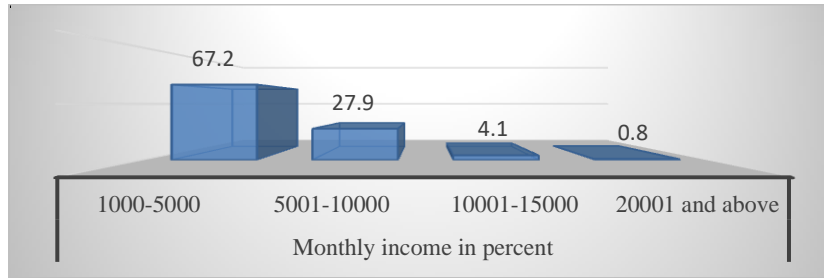
illegal construction⁷⁹. The institution expressed concern that the provision of temporary accommodation has not yet been prepared for those whose residential houses have been demolished.

6.3 Practice and Expansion of Informal Settlements

It is believed that the appearance of informal settlements such as slums and squatter settlements in developing countries came as a result of failure of how to deal with the phenomenon of rapid urbanization. Fast growing of the town and population creates shortage of residential homes and increasing house rents in the urban dwellers. Following this, informal purchasing of land plots and grabbing open space from the periphery for the construction of residential homes (squatter settlement) are considered as solution for the housing problem of dwellers.

⁷⁹ Ethiopian Ombudsman Institute Report, March, 2023, Ethiopia.

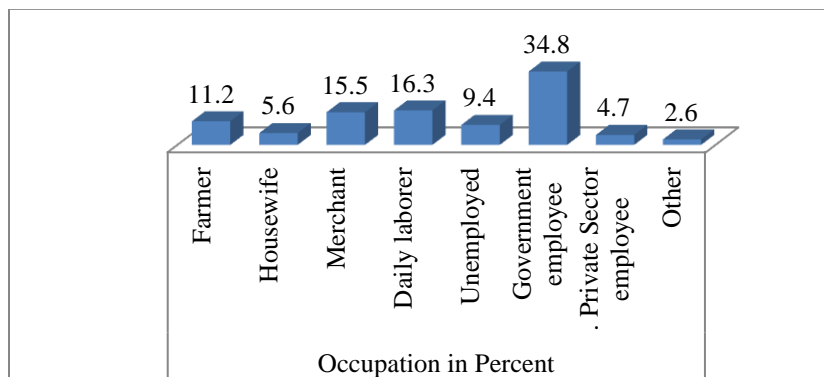
Figure 1: Income of the respondents



The Monthly income of the informal settlers revealed that the majority of respondents, as shown in Figure 1, 56% earned from 1000-5000 birr, 27.9% earned from 5001-10,000 birr, 4.1% earned from 10,001-15,000 birr, and the rest 0.8% earned 20,001 and above. These figures indicate that the monthly income of the majority of respondents fall on the range of below 5000 ETB, in other words, the low-income people are

participating in illegal construction. This indicated the inefficiency of economy push to getting to informal settlements. The life status such as the home rent, access to housing, and transfer of land is improbable for low-income people. This data represented the income level of the citizens contribute for the spreading of squatting in the study area.

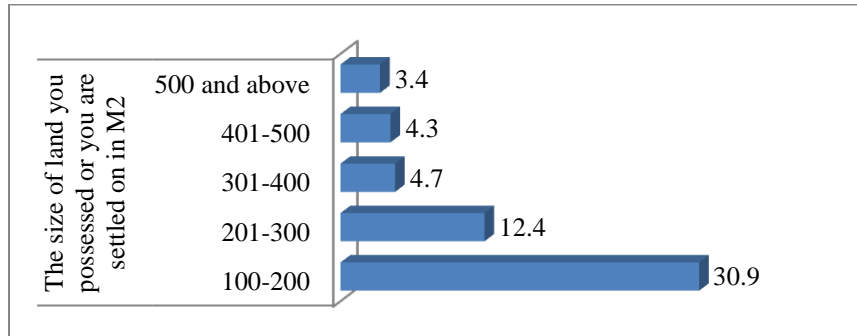
Figure 2: Occupation



The occupation of the respondents (informal settlers) will have relation with informal settlements. As indicated in the above Figure 2, among categories of persons participating in constructing informal houses, farmers are 11.2%, housewife 5.6%, merchants 15.5%, daily laborer 16.3%, unemployed 9.4%, government employees 34.8% private sector employees 4.5% and other or none of these persons 2.6%. From this it is possible to infer that people who are engaging in different occupations are participating in illegal house construction. However, the government employees are the

highest in involving in the construction of informal houses. The data obtained from interview shows that the government employees those who legally obtained the land from the city administration sold their poles of land and buy informal lands from farmers at the urban periphery. The rational for the government employees selling the land they legally acquired is, they are inept to construct the houses that meet the standards required by the city administration. As a result, they prefer to sale their legal lands with a better price and buy from farmers with cheap prices.

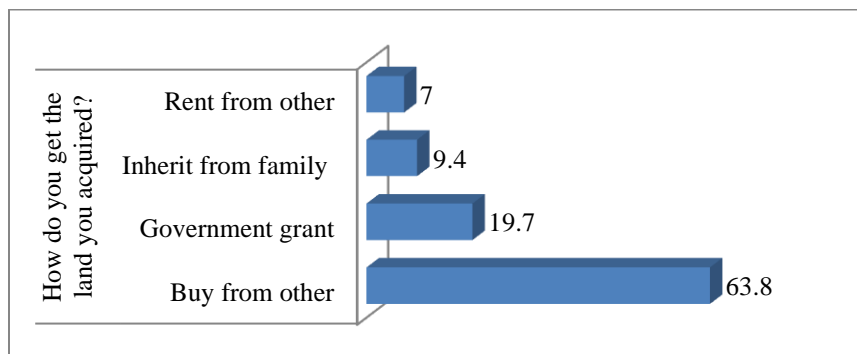
Figure 3: Size of land occupied



The informal settlers participated on the questionnaire also asked the size of the land they occupied. As portrayed in Figure 3, 30.9% (majority of them) confirmed that they possessed 100 – 200M² plot of land, 12.4% of them possessed 201 – 300 M² plot of land, 4.7% of them 301 – 400M², 4.3% of them 401 – 500

M² and 3.4% of them possessed more than 500 M² plot of land. This shows majority of the respondents (settlers) possessed land below 200M² and most of the time such size of plots of land used for residential purposes and thus, mostly people are buying unauthorized land and construct illegal houses for residences.

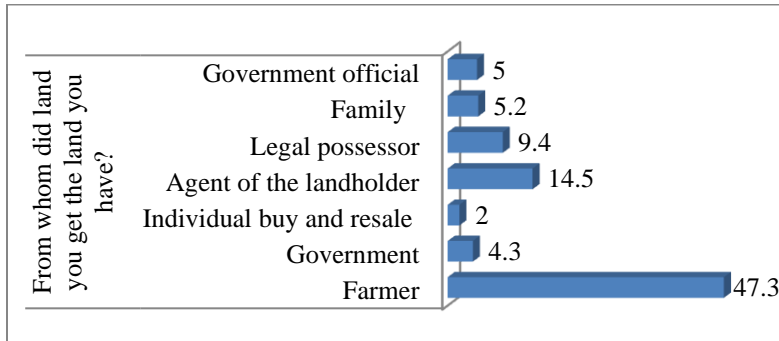
Figure 4: Original source of land occupied



The settlers originally acquired the land on which they built their shelter from some sources. The participants of this research were requested to reflect the means originally acquired the land. As shown in Figure 4, the majority of the

respondents buy the land from farmers (63.8%). Some of them acquired the land through rented from others, inherited from their families, and government grants.

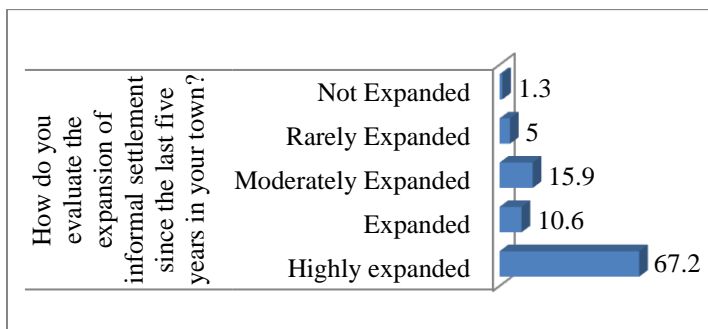
Figure 5: From whom land was acquired



The participants also optioned on the origin of the land they occupied. Hence, as shown in Figure 5, the majority of them (47.3%) bought from farmers. Not small number of them also

bought from the agents of landholders (14.5), most of the times speculators do not want to sell the land personally rather prefer to sell through third person (agent).

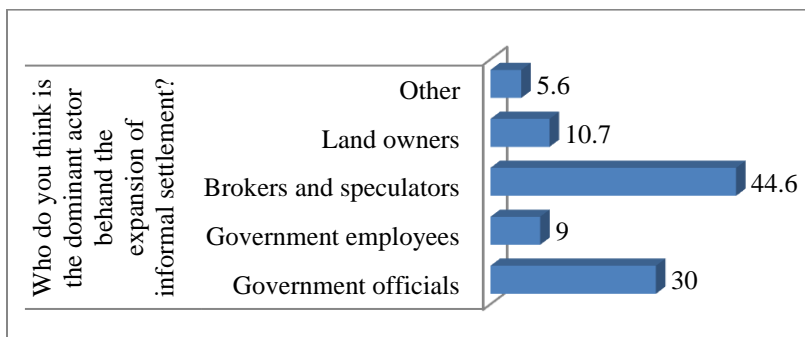
Figure 6: Expansion of informal settlements



The respondents were asked their observation on the expansion of informal settlements specially since 2018 (since the coming to power of the current regime). As indicted in Figure 4, 67.2% and 10.6% of the respondents agree as informal

settlements is highly expanded and expanded respectively in their cities. The officials interview made with them rate at the expansion of informal settlements at high scale, i.e., it is highly expanded.

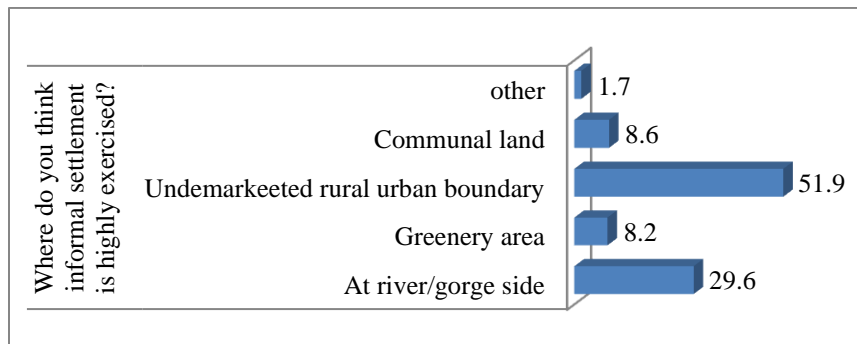
Figure 7: Actors in expansion of informal settlement



Different actors are involving in the expansion of informal settlements and the government officials are also taking part in such illegal practices. In order to identify the actors engaging in informal settlements in the study areas the respondents were asked to reflect their perception. As indicated in Figure 5, 44.6% of the respondents confirm that brokers and speculators are the main actors in the expansion of informal settlements. According to the data, next to speculators and brokers, government officials are the actors in the expansion of

informal settlements (30%), 10.7% of them replied as land owners are also taking part and 9% of them confirmed as government employees are also taking part in the expansion of informal settlements. The interview also justifies the main actors involving in land grabbing and illegal constructions are speculators and brokers. Speculators are not limited to brokers but include traders, government employees, officials, police officers, residents and others.

Figure 8: The area where informal settlement expanded

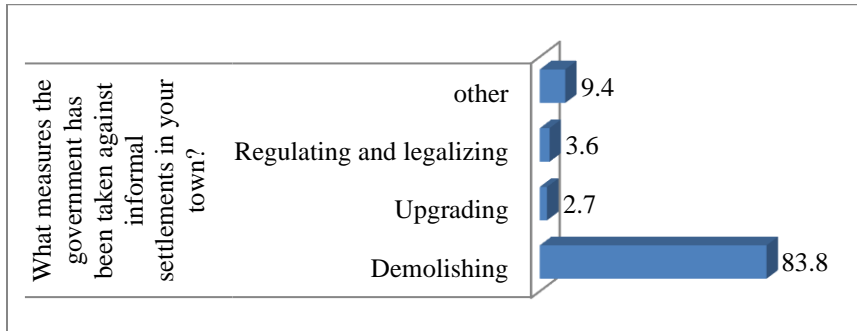


Squatters, most of the times grab land that belong to government or communal lands. The respondents were asked to detect the land that is highly grabbed by settlers in their vicinity. As revealed in Figure 6, the land that is at the urban periphery and not included to urban territory is the most land that is informal settlement is expanded (51.9%), the 29.6% of the respondents

reacted as informal settlement is expanded at riverbanks/gorge side, 8.6% of them agree as informal settlement is exercised on community land, 8.2% of them retorted as it is exercised on greenery areas. The data from interview also confirms the expansion of illegal construction are mainly on the land that is not included either to the urban or rural boundaries.

6.4 Legitimacy of Government’s Measures

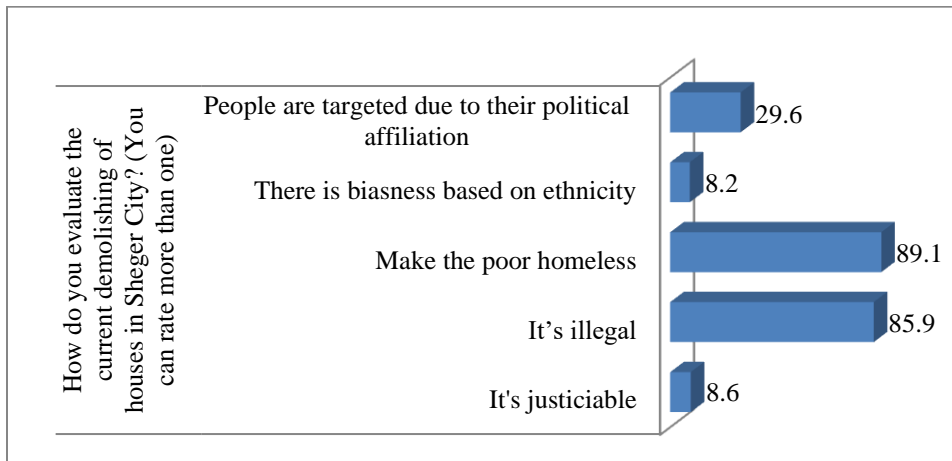
Figure 9: Government measure



As indicated in Figure 10, in the study area the primary strategy of the government against informal settlements is demolishing informal

houses (83.8%). According to the participants of the questionnaire, next to demolishing, the strategy that the government employed is regulating and legalizing/formalizing the illegal houses (23.6%).

Figure 10: Demolish of houses in Sheger City



It is known, currently the Sheger City Administration is demolishing illegal houses. The justification of the government to house demolition in Sheger City is to clear illegal settlers and freeing the illegally occupied lands and by doing this to modernize and make conducive and attractive the city. On the other side, there are scholars and Politian criticizing the justification of the government. To detect these contradicting ideas the respondents were requested to reflect their opinions. As shown in the above Figure 11, 85.9% of the respondents replied as the act of the government (forced

eviction and demolishing of houses) is illegal because it is contrary to international and national laws. These evictions made the citizens homeless (89.1%) which is also contravening the right to house of human beings that are recognized by international laws and ratified by the FDRE constitution. Not small number of the respondents (29.6%) confirmed as the house of the people whose houses are demolished targeted due to their political affiliations. In addition, 8.2% of the respondents agree as people were discriminated due to their ethnic background.

Table 2: Consequences of demolishing of houses in Sheger City

Items	Disagree	Neutral	Agree
The demolishing of shelters and forced eviction violates human rights	9.7	5.6	84.3
People whose shelters were demolished displaced and made homeless	20.2	7.7	71.7
People whose shelters were demolished given alternative residences	89.1	3.7	7.2

From the history of countries, demolishing of houses and forced eviction registered bad consequences. The demolishing of shelters and forced eviction undertaken in Sheger City causes violates human rights (84.3). People whose shelters were demolished are displaced and made homeless (71.7%), either the city administration, regional government or the federal government does not provide alternative residences for habitants whose shelters are demolished (89.1%).

The interview made with officials of Land Offices of reveals that the city administration is in the process of demolishing houses that do not have legal ownership certificates and those who do not have a legal certificate of ownership, including an aerial map, who are outside the existing farmer's possession, and especially since 2012. The houses built later were demolished according to the law. Regarding the houses that were built before 2012, and built

informally before the issuance of the proclamation will be converted to the regular version when they meet the urban plan and standard. However, the data obtained from the settlers revealed that these houses were demolished without carrying out the relocation work by ensuring that they met the requirements that would allow them to be moved to the regular version as per the law.

On the other hand, the interview made with the officials portrayed, the city administration measures were legal and it did not violate human rights. The action taken was on those group organized and attempted to disrupt the demolition of illegal buildings.

6.5 Challenges of Managing Informal Settlements

To identify the challenges of managing of informal settlements in the study are the researcher try to investigate and revealed the following results.

Table 3: Challenges to manage informal settlements

Items	Disagree	Neutral	Agree
Absence of policy for informal settlement	28.2	16.3	55.1
Weak land registration and display	17.1	12	69.5
Informal land market	10.6	3.3	84.4
Absence of community participation	8.8	4.2	75.8
Prevalence of speculators and brokers	9	9	79.8
Weak law enforcement	10.8	9.9	77.5
Absence of control of illegal construction	13.3	12	72.9
Rural to urban migration	12.9	11.2	74.2

Corruption practices	14.2	8.6	76.9
The ongoing war in the region	15.7	7.3	76.4
Current political instability	24.4	5.6	69.2

One of the challenges of the management of squatter settlement is the absence of informal settlement policy and law. As portrayed in Table 2, 55.1% of the respondents agree as the absence of informal settlement law and policy is a bottleneck for informal settlements management whereas 28.2% (which is not small number) of them not agree. Weak land registration and opening for the public (display) is another important issue. As depicted in the same table, 69.5% of the respondents are agree as there is weak registration of land and absence of publicizing. The other mostly aggravating land garbing and illegal construction is informal land market. As shown in the same table above 84.4% of the respondents agree as illegal land trades become the obstacle to manage informal settlements in the study area. Community participation will help to defend the expansion of illegality on land, as a result, 75.8% of the respondents are agree as there is the absence of community participation.

As the history of squatter of settlements of many countries show, speculators and brokers are the main actors in land garbing and expansion of illegal settlements. As portrayed in Table 2, 79.8% of the respondents agree as the prevalence of speculators and brokers are a challenge for managing informal settlements.

The mere existence of law on the paper has do nothing unless enforced. The participants of the questionnaire were asked if weak law enforcement is a barrier to managing informal settlements, as shown in the same table above, 77.5% of the respondents reacted as weak law enforcement is a block for managing informal settlements. As data obtained from the respondents using questionnaire divulged, 72.9% of the respondents agree as there is a

weak action on illegal building. Among the factors contribute for informal settlers in Ethiopia are migration of the people particularly the youth from rural areas to the big cities as a result of less job opportunities. security problems and so on. As indicated in the above table, 72.4% of the respondents agree rural to urban migration is another challenge to manage squatter settlements in the study area.

Corruption in our country is a sickness not only for illegal land occupation but also for the whole system. it is one of the challenges to both rural and urban land administration sector in Ethiopia. In relation to land administration corruption is perceived as a serious challenge to the socio-economic advancement and it has shown an increasing tendency over the last five years. According to the corruption survey conducted by Oromia State University (2022), public land is under transaction by the authorities for their personal gain and one cannot get access to plot of land unless bribing the officials. Again, the report of Oromia Attorney General Office (20220) depicts that land related corruption crime is the most prevalent. The participants respond that 76.9% of them agree as corruption is one of the severest factors for the expansion of informal settlements.

It is obvious that in Oromia region the war continuing for last three years which displaced thousands of people. As a result, the residents of particularly in West of Oromia highly migrated to the cities found round the capital and exacerbated illegal settlements. As divulged in Table 2, 76.4% of the respondents agree as the war continuing in the region contributed for the informal settlements and 69.2% of the respondents also agree as the current political instability in the region is also a cause for informal settlements. The officials interview

made with them believe as the main causes for informal settlements expansion are the war happened in North Ethiopia attention of the government was on the war and this opens the of urban plan and policy in these towns.

7. Conclusion

Forced eviction and demolition of houses were being conducted against the national and international human rights laws. The demolition of houses was carried out without consultation with the residents, adequate notice, compensation, or offering alternative housing for the victims. Besides, forces and violence were employed to clear the area. Most of the houses demolished in Sheger City were constructed many years ago and have access to basic infrastructures provided by the government and enjoyed various administration offices. These facts affirm the tacit agreement of the state to either regularize or tolerate as against the surprise move of the state to mass demolish the settlements in 2023.

The gas in the formal tenure, corruption, and the haphazard expansion of cities accompanied by draconian expropriation rules were factors contributing to informal land markets and settlements in the peri-urban areas. Different actors are involved in the expansion of the informal land tenure system; government officials, brokers, and speculators are among the main actors in the expansion of informal settlements, land grabbing, and illegal constructions.

The majority of the settlers bought the land from farmers against the formal land prohibiting sell of land. The expansion of informal settlements especially since 2018 is alarming as the state security apparatus is weekend due to conflict and corruption. The primary strategy that the government used against informal settlements was demolishing informal houses instead of

chance brokers and speculators. The other is corruption, migration from different corners of the country to these towns, and absences

regularizing them or fining other options in line with human rights. The evictions made the citizens homeless.

The absence of an informal settlement policy and strategy, aggressive informal land market (which aggravates land grabbing and illegal construction), weak land registration system, and absence of community participation during planning as well as demolition are bottlenecks for informal settlement management. Weak law enforcement is a driver in managing informal settlements from the root. Appropriate measures were not taken when the illegal houses were constructed nor were informal land deals happening. Again, corruption and conflict are complicating the situation. The mass demolishing of informal settlements exposing settlers to homelessness is only victimizing one side of the actors.

Therefore, Ethiopia needs a human rights-orientated policy and strategy to deal with land governance in general and informal land settlements in particular. The government needs to adopt multi strategies to mitigate the current and future informal settlements. Among the existing strategies and adopted by many countries are upgrading informal settlements, self-help housing, regularization, giving security of tenure, availing loan for development, and eviction and demolition. To this end, there need to cooperation between the community, government agencies, donor community and other development partners. Ethiopia should adopt a comprehensive and adaptable land policy which is detailed with proper legislation reinforced by effective implementing institutions. The availability of the

comprehensive land policy is not only essential but also mandatory.

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