

## Urban Land Lease Regime and Informal Settlements in Ethiopia: Reconciling Law with Human Rights

Alemayehu Gonfa Jabessa\*

### Abstract

This article critically analyses Ethiopia's urban land lease law, constitutional provisions, municipal regulations, and policy frameworks governing urban land rights and informal settlements, identifying key gaps and proposing reforms consistent with international housing rights laws and standards. Drawing on a doctrinal analysis of national urban land laws, it argues that Ethiopia lacks both procedural safeguards and substantive protections for informal settlers facing eviction. Although the urban land lease law allows for the regularisation of informal settlements, legal gaps and institutional capacity constraints have limited implementation, and informal residents continue to experience forced evictions without due process. National laws exclude informal tenure from security-of-tenure guarantees, leaving informal residents unprotected despite Ethiopia's housing rights commitments under international human rights instruments. Informal settlements in Ethiopia are the direct consequence of state failures in land administration, housing provision, and urban planning. The government's practice of forced evictions without due process breaches its housing rights obligations, fails to meet rights-based standards, undermines tenure security, and excludes informal settlements from urban planning. The article recommends comprehensive legal reform, including a judicial review standard, to strengthen judicial oversight, participatory planning, and equitable access to land and housing. Thus, the article highlights the need to align Ethiopia's laws and practices with international human rights and urban development standards, focusing on strengthening urban governance, ensuring inclusive planning, protecting housing rights, and fostering just and sustainable urban development.

### Keywords

Urban land rights;  
Informal  
settlements; Human  
rights law; Housing  
rights; Ethiopia

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\*LLB. LL.M, MA, PhD Candidate, Assist. Professor, Bule Hora University, School of Law, Bule Hora, Ethiopia, [Email-tadego2010@gmail.com](mailto:Email-tadego2010@gmail.com) ORCID No. 0009-0008-2075-6805

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## 1. Introduction

Urbanisation is a permanent global trend, reshaping social, economic, and spatial landscapes worldwide, with more than half the population now urban and projections reaching 70% by 2050.<sup>1</sup> As cities expand, one of the most persistent consequences is the rapid growth of informal settlements. Currently, a projected one billion people, approximately one-quarter of the world's urban population, live in slums and informal settlements, particularly across the Global South.<sup>2</sup> Governance failures have left many urban communities without secure tenure and other essential services, reflecting deep structural inequalities in access to land and housing, and undermining the realisation of the human right to adequate housing.<sup>3</sup> The proliferation of informal settlements is not confined to a single region; it is characteristic of broader urban governance challenges, in which inadequate planning, weak regulatory frameworks, and limited institutional capacity fail to ensure secure tenure, basic services, and equitable access to housing.<sup>4</sup> This is a widespread phenomenon affecting cities in Latin America, Asia, and especially Sub-Saharan Africa.<sup>5</sup> When the land administration authority fails to provide for the housing needs of the community as a whole, squatter settlements may arise.<sup>6</sup>

The emergence of informal settlements is strictly linked to systemic failures in land administration and urban governance.<sup>7</sup> When governments are unable to supply sufficient serviced land or affordable housing to meet the needs of rapidly growing urban populations, residents often resort to occupying public land, engaging in informal land markets, or resorting to unauthorised

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<sup>1</sup> United Nations, *World Urbanization Prospects: The 2018 Revision*, Department of Economic and Social Affairs, Population Division, 2019; World Bank, *Urban Development Overview*, Washington, DC: World Bank, 2020; OECD, *Cities in the World: A New Perspective on Urbanization*, Paris: OECD Publishing, 2021; UN-Habitat, *World Cities Report 2022: Envisaging the Future of Cities*, Nairobi: UN-Habitat, 2022.

<sup>2</sup> *The Shift: The Right to Housing for Residents of Informal Settlements*, International Development Research Centre, P. 2

<sup>3</sup> UN-Habitat, *World Cities Report: Envisaging the Future of Cities*, Nairobi: UN-Habitat, 2022.

<sup>4</sup> *Supra* note, no. 1.

<sup>5</sup> Michael Oloyede, 'Determinants of Informal Settlement Expansion in Sub-Saharan African Cities: The Case of Lokoja, Nigeria', 2019.

<sup>6</sup> Zelalem Tekalign and Kirubakaran A., 'The Social Determinants and Impact of Squatter Settlement on the Delivery of Infrastructure Among Urban Squatters: The Cases of Some Select Woredas of Ilu Aba Bora Zone, Oromia Regional State, Ethiopia', *Anthropo-Indialogs* Vol. 1 no. 1, 2021.

<sup>7</sup> *Ibid*

construction.<sup>8</sup> High population growth, rural-to-urban migration, and the limited capacity of states to enforce planning standards or regulate land allocation further accelerate the expansion of unplanned settlements<sup>9</sup>. Although the specific drivers vary across countries, the underlying pattern is consistent. Informal settlements arise where formal systems fail to provide equitable access to land and housing.<sup>10</sup>

Ethiopia exemplifies these global dynamics. Over the past two decades, the country has experienced rapid urbanisation, particularly in Addis Ababa, *Sheger*, and other cities, with unprecedented expansion.<sup>11</sup> Yet the supply of affordable housing has not kept pace with demand. Formal rental markets remain limited, construction costs are high, and state-led housing programs have reached only a segment of low-income residents.<sup>12</sup> As a result, many urban dwellers turn to informal land transactions or occupy open public land on the urban periphery as a practical, though legally insecure, solution to their housing needs.<sup>13</sup> Despite government initiatives aimed at curbing informal settlements, they continue to grow due to inconsistent urban planning, weak land administration, and limited institutional capacity.

The legal and policy response to informal settlements in Ethiopia has been characterised by tension and inconsistency. State authorities frequently rely on expropriation laws and urban land lease regulations to justify demolitions and evictions, often without compensation, adequate notice, consultation, or resettlement. These practices raise serious concerns under international human rights law. The International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Ethiopia is a party, stipulates that evictions must not render individuals homeless or expose

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<sup>8</sup> Jemal Abagissa, 'Informal Settlements in Addis Ababa: Extent, Challenges and Measures Taken', *Journal of Public Administration, Finance and Law* Issue 15, 2019.

<sup>9</sup> Ibid.

<sup>10</sup> Degu B., Melesse A. and Jafri S, 'Causes and Remedy of Squatting in Burayu Town, Ethiopia', *Developing Country Studies*, Vol.4, No.11, 2014.

<sup>11</sup> Jemal Abagisa, (2019), *supra* note, no. 8.

<sup>12</sup> Matsumoto, T., and Crook, J., *Sustainable and Inclusive Housing in Ethiopia: A Policy Assessment*, *Coalition for Urban Transitions*, (2021).

<sup>13</sup> Akirso, N. A., 'Exploring Causes and Consequences of Squatter Settlement in Jimma Town, Oromia Regional State, Ethiopia', *International Journal of Sociology and Anthropology*, 13(2), 2021, PP. 58–63.

them to further rights violations.<sup>14</sup> Except in narrowly defined circumstances, forced evictions are incompatible with international human rights standards. Yet in Ethiopia, the absence of legal recognition for informal tenure and the lack of procedural safeguards leave informal settlers highly vulnerable to arbitrary eviction.

The prevailing scholarship on Ethiopia's urban land governance tends to examine either the legal framework governing land administration or the human rights implications of forced evictions. Limited attention has been given to the intersection of these domains, specifically to how national land laws align with or conflict with Ethiopia's obligations under international and regional human rights instruments. This gap is significant, as the tension between legality and human rights lies at the heart of contemporary urban governance challenges in the country.

This article seeks to address this gap by critically examining Ethiopia's constitutional, legislative, and policy frameworks governing urban land rights and informal settlements. The article aims to analyse how Ethiopian laws govern urban land and informal settlements, and to identify gaps, inconsistencies, and tensions between national laws and international human rights protections. It also proposes legal and policy reforms that reconcile Ethiopia's urban land governance with human rights principles, ensuring equitable treatment and security of tenure for informal settlers.

## **2. Research Methodology**

This article employs a doctrinal legal research methodology, which is appropriate for analysing the content, structure, and coherence of Ethiopia's legal framework on urban land and informal settlements. By examining primary national legal instruments, including the 1995 Constitution, the Urban Land Lease Proclamation No. 721/2011, and the Expropriation Proclamation No. 1161/2019, alongside international and regional human rights frameworks such as the ICESCR, the African Charter on Human and Peoples' Rights, UN-Habitat guidelines, General Comments, and relevant jurisprudence, the research situates domestic law within its broader normative obligations. This approach ensures a systematic evaluation of how Ethiopia's laws align with international standards on housing rights and tenure security.

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<sup>14</sup> International Covenant on Economic, Social and Cultural Rights (hereafter called ICESCR), Article 11(1); UN Committee Economic Social and Cultural Rights (hereafter called CESCR), General Comment No. 7: The Right to Adequate Housing: Forced Evictions), para. 16.

Comparative and gap analyses are used to identify inconsistencies and tensions between national legislation and human rights protections, highlighting areas where Ethiopia's framework falls short of its commitments. Normative legal analysis complements this by moving beyond description to develop policy-oriented recommendations, grounded in international best practices. This combination of doctrinal, comparative, and normative methods is justified as it not only exposes structural weaknesses in Ethiopia's urban land governance but also provides a principled foundation for proposing reforms that advance equity, tenure security, and compliance with human rights obligations.

### 3. Conceptual Framework: Urban Land Rights and Human Rights

Urban land rights are essential for equitable urban development, as secure tenure reduces vulnerability and enables investment in housing and livelihoods. In Ethiopia and other rapidly urbanising contexts, contested land rights and exclusionary practices have perpetuated poverty and driven the growth of informal settlements.<sup>15</sup> These settlements, often lacking infrastructure and legal recognition, reflect governance failures but also embody community resilience.<sup>16</sup> Scholars emphasise that informal settlements are not only symptoms of weak governance but also spaces of social innovation, underscoring the need for reforms that integrate land rights into inclusive urban planning.<sup>17</sup>

The human rights dimension provides the normative foundation for evaluating land rights and informal settlements. International law affirms the right to adequate housing, protection against forced eviction, and access to basic services as essential to human dignity.<sup>18</sup> Weak governance compromises these rights, leaving residents in precarious conditions.<sup>19</sup> Law and governance therefore act as mediating mechanisms, translating rights into enforceable policies through transparency, participation, and accountability.<sup>20</sup> Embedding human rights principles into governance structures can transform informal settlements into inclusive urban spaces, bridging the

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<sup>15</sup> UN-Habitat, *Land Governance: A Review and Analysis of Key International Frameworks*, 2017.

<sup>16</sup> World Bank, *Securing Land Tenure for Urban Development in Africa*, 2020.

<sup>17</sup> Payne, G., *Urban Land Tenure Policy Options: Titles or Rights?* (Habitat International, 2001).

<sup>18</sup> United Nations, *Universal Declaration of Human Rights* (hereafter called UDHR), 1948, Article 25.

<sup>19</sup> Amnesty International, *Forced Evictions and Human Rights Violations in Africa's Cities*, 2019.

<sup>20</sup> FAO, *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*, 2012.

gap between normative ideals and practical realities.<sup>21</sup> In Ethiopia, land reform policies have failed to consider the human rights aspects of land use fully.<sup>22</sup> The population has grown manyfold in Ethiopia, and land scarcity is evident throughout the country, yet policy adjustments to land tenure that consider informal settlements remain insignificant.<sup>23</sup>

#### 4. Urban Land Legal Framework in Ethiopia

From the twentieth century to today, in Ethiopia, three land tenure regimes have existed under three distinct political regimes. These were the feudal system of pre-1975, the state-ownership system of 1975-91, and the semi-liberal, market-oriented system from 1991.<sup>24</sup> Before 1975, the country's land tenure system was characterised by a feudalistic nature and landlord-tenant relationships.<sup>25</sup> Although there were many other types of tenure systems practised in different parts of the country.

##### 4.1 During the Imperial Regime

In the feudal regime of Ethiopia, land was controlled by the king and the ruling elites under the land administration system of *rist* in the north and *gult* in the south.<sup>26</sup> In the south, southeast, and west of the country, the traditional lands and territories of several ethnic groups were incorporated under monarchical control and, in due time, redistributed to the nobility and supporters in the *gult* system,<sup>27</sup> either in the form of private, church, or government land.<sup>28</sup> The peasants were allowed to use, rent, and inherit the land for family members, but selling it to non-family members was prohibited; in exchange, peasants were obligated to pay various land-related taxes.<sup>29</sup> Government-owned land was distributed to various people on the condition that they serve the state at different

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<sup>21</sup> UN-Habitat, The Right to Adequate Housing, Fact Sheet No. 21, 2014.

<sup>22</sup> Daniel Behailu, *Transfer of Land Rights in Ethiopia towards a Sustainable Policy Framework*, (Eleven International Publishing, 2015), p. 207.

<sup>23</sup> Getachew Diriba, 'A Contribution to the Homegrown Economic Policy Reform to Accelerate Food System Transformation in Ethiopia', Policy Working Paper 03, 2022, p. 11.

<sup>24</sup> M.M. Ahmed, S.K. Ehui, Berhanu Gebremedhin, S. Benin and Amare Teklu, 'Evolution and Technical Efficiency of Land Tenure Systems in Ethiopia, Socio-economic and Policy Research', Working Paper 39, 2002, p. 5.

<sup>25</sup> Zemen Haddis, 'Access to Land and Tenure Security in Ethiopia's Ethnic-Based Administration System', *African Journal on Land Policy and Geospatial Sciences*, Vol. 5 Issue 3, 2022, P. 522.

<sup>26</sup> Daniel Weldegebriel, *Land Rights in Ethiopia: Ownership, Equity, and Liberty in Land Use Rights*, (FIG Working Week, 2012, p. 2.

<sup>27</sup> Ibid.

<sup>28</sup> M.M. Ahmed, S.K. et. al., *supra* note, no. 26, p. 24.

<sup>29</sup> Ibid.

levels. The government heavily relied on the land under its control to run the state. Land was also provided to the Church, which was considered a major ally to the imperial power.<sup>30</sup>

Informal settlements in Imperial Ethiopia emerged largely from traditional land tenure systems, *gult*, *rist*, church land, and state land, which restricted access to formal urban land and pushed low-income households into informal arrangements or land occupation.<sup>31</sup> Weak municipal capacity, inconsistent enforcement, and tolerance of informal housing in exchange for *gabbar* further enabled unplanned expansion.<sup>32</sup> Modernisation efforts such as the 1960 Building Proclamation and the 1963 Addis Ababa Master Plan had limited impact due to institutional weaknesses and the absence of affordable housing.<sup>33</sup> Evictions for public projects were often abrupt and uncompensated, displacing residents to new peripheral settlements.<sup>34</sup> Overall, fragmented land systems and ineffective governance entrenched urban informality during the Imperial era.

There were laws and institutions governing urban and rural land under Emperor Haile Selassie, but they were piecemeal and never amounted to a comprehensive land reform. Urban governance and land control were governed by municipal law, such as Proclamation No. 74/1945 to provide for the Control of Municipalities and Townships/1945 and the 1960 Civil Code, which provided general property and expropriation rules. Addis Ababa and other towns operated a permit/old-possession system, administered by municipalities, with expropriation for public purpose recognised in law since the 1908 Addis Ababa Land Charter and refined thereafter. Urban land was privately owned during the imperial regime.

#### 4.2 During the *Derg* Regime

The nationwide reforms of 1975, specifically the Public Ownership of Rural Land Proclamation No. 31/1975 and the Government Ownership of Urban Lands and Extra Houses Proclamation No.

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<sup>30</sup> Zewde, B., *A History of Modern Ethiopia, 1855–1991*, (Boydell and Brewer, August 201), p.7.

<sup>31</sup> Markakis, J. *Ethiopia: The Last Two Frontiers*, (Boydell and Brewer Ltd, Volume 10 of Eastern African studies 2011); Crummey, D. *Land and Society in the Christian Kingdom of Ethiopia: from the Thirteenth to the Twentieth Century*, (Urbana : University of Illinois Press, 2000).

<sup>32</sup> Daniel Lirebo, ‘An Assessment of the Development and Implementation of Regulations on Informal Settlements: The Case of Addis Ababa City, Ethiopia’, (Master Thesis, Addis Ababa University, 2006), p. 53.

<sup>33</sup> The State of African Cities: A framework for Addressing Urban Challenges in Africa, 2008, p. 206.

<sup>34</sup> Richard Pankhurst: *History of Ethiopian Towns from the Mid-Nineteenth Century to 1935*, (Cambridge University Press: 24, 2009).



47/1975, fundamentally altered Ethiopia's agrarian and urban property systems<sup>35</sup> after the fall of the imperial regime. These proclamations abolished the landlord-tenant relationship for rural land and the private land ownership system, confiscated additional houses and urban land from individuals, nationalised additional houses, and restricted transfer rights, leaving citizens with only lifetime use rights under a permit system.<sup>36</sup> While the measures were intended to dismantle feudal landlordism and promote socialist equity, they effectively eliminated private property rights, created a compensation implementation gap, and entrenched state dominance over land.<sup>37</sup> The uncompensated nationalisation of urban land and housing generated enduring tenure insecurity and encouraged illegal land transactions, fostering informal settlements.<sup>38</sup> The state's monopoly over rental and transfer rights, coupled with weak enforcement, undermined trust in governance and widened the gap between law and practice.<sup>39</sup>

Urban land was subject to a state property regime under the Derg government; it could not be transferred by sale, antichresis, mortgage, succession, or any other means, except by inheritance to a spouse or children.<sup>40</sup> Although individuals were denied ownership of land, urban residents were granted lifetime use rights under a permit system, which required them to pay urban land rent<sup>41</sup> and housing tax.<sup>42</sup> Those without land were guaranteed up to 500 square meters for housing,<sup>43</sup> and while they became owners of the houses they constructed, their rights were limited to transferring them by sale, succession, or exchange.<sup>44</sup> Renting out houses or receiving rent was strictly prohibited,<sup>45</sup> as the government was the sole authority permitted to rent properties and collect rent. Over time, informal settlements and illegal land transactions proliferated, prompting the government to recognise self-help housing cooperatives (*kuteba bet*) as a means to mitigate the

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<sup>35</sup> Daniel Weldegebriel Ambaye, *Land Rights and Expropriation in Ethiopia*, (Royal Institute of Technology (KTH), 2013), p. 4

<sup>36</sup> Pausewang, S., *The Ethiopian Revolution: Proclamations and Politics of the Derg*, 1983.

<sup>37</sup> Proclamation No. 31/1975, Public Ownership of Rural Land.

<sup>38</sup> Proclamation No. 47/1975, Government Ownership of Urban Lands and Extra Houses.

<sup>39</sup> UN-Habitat, *Urban Land Tenure in Ethiopia: Policy and Practice*, 2010.

<sup>40</sup> Proclamation No. 47/1975, Article 4(1) and Article 6.

<sup>41</sup> *Ibid*, Article 9.

<sup>42</sup> *Ibid*, Article 11(4).

<sup>43</sup> *Ibid*, Article 5(10).

<sup>44</sup> *Ibid*, Article 12(1).

<sup>45</sup> *Ibid*, Article 20(1).



housing shortage.<sup>46</sup> Although the proclamation formally allowed compensation for private houses that had been nationalised,<sup>47</sup> this provision was never implemented in practice. As a result, both individuals and organisations saw their houses nationalised without any compensation, meaning that, in reality, no payments were ever made for the expropriation of additional houses.

These historical policies continue to shape Ethiopia's urban landscape, where informal settlements proliferate, and contemporary land governance struggles to reconcile socialist legacies with global standards of fairness and human rights. International law affirms the right to property and adequate housing, yet the *Derg*'s uncompensated confiscation of extra houses contravened these norms.<sup>48</sup> The absence of compensation and restrictions on property use raised significant human rights concerns, particularly regarding fairness and legality.<sup>49</sup> Comparative perspectives highlight that Ethiopia's socialist land policies diverged sharply from international property regimes, which emphasise compensation and protection of tenure security. As a result, the legacy of the *Derg* proclamations remains central to understanding current urban tenure insecurity, informal settlements, and the ongoing challenges of aligning national land governance with international human rights standards.

### 4.3 Transitional Period

Transitional Government of Ethiopia was established after the collapse of the *Derg* in 1991<sup>50</sup> and confronted the formidable task of redefining land institutions in a post-socialist setting. Although many anticipated a decisive move toward privatisation and land title registration as a means to boost agricultural productivity,<sup>51</sup> the government chose instead to maintain state ownership of land under its 1992 economic policy, a position it upheld until the adoption of a new constitution.<sup>52</sup> The Ethiopian People's Revolutionary Democratic Front (EPRDF), which assumed power, deliberately

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<sup>46</sup> Feyera Abdissa and Terefe Degefa, 'Urbanization and Changing Livelihoods: The Case of Farmers' Displacement in the Expansion of Addis Ababa': In, Teller, C. and Hailemariam, A. (eds.), 'Demographic Transition and Development in Africa: The Unique Case of Ethiopia,' (London: Springer, 2011), P. 217.

<sup>47</sup> Proclamation No. 47/1975, Article 18(1).

<sup>48</sup> UDHR, 1948, Article 17.

<sup>49</sup> Amnesty International, Forced Evictions and Housing Rights in Africa's Cities, 2019.

<sup>50</sup> Daniel Weldegebriel, (2013), *supra* note, no. 35.

<sup>51</sup> Wibke Crewett, Ayaleh Bogale, and Benedikt Korf, 'Land Tenure in Ethiopia Continuity and Change, Shifting Rulers, and the Quest for State Control', CAPRI Working Paper No. 91, 2008, P. 15.

<sup>52</sup> Federal Democratic Republic of Ethiopia, (1993), Urban Lands Lease Holding Proclamation No. 80/1993; Pausewang, S., *The Ethiopian Transition and Land Policy*, 1994.

preserved the socialist principles of its predecessor, thereby ensuring that public ownership of land remained a deeply contested issue.<sup>53</sup>

The government introduced a significant reform in urban areas: the leasehold system, established in 1993 through Proclamation No. 80/1993.<sup>54</sup> This marked a clear departure from the earlier permit system, as the leasehold framework enabled urban land to be transferred under open tender, with lease rights freely transferable through sale, mortgage, or contribution to share companies (Article 10(1)).<sup>55</sup> While the system was intended to alleviate housing shortages and generate revenue to fund the construction of dwellings, it suffered from a critical weakness: the absence of a firm constitutional foundation. The 1995 Constitution<sup>56</sup> did not explicitly address urban land, leaving the proclamation on uncertain legal ground. Subsequent revisions, including Proclamation No. 272/2002 and later enactments, entrenched the leasehold system but also produced far-reaching socio-economic consequences. Informal settlers and low-income households faced heightened risks of eviction, deepened tenure insecurity, and mounting affordability challenges.<sup>57</sup>

The persistent gap between constitutional legitimacy and practical implementation raised pressing questions about human rights compliance, particularly regarding the fairness of leasehold transfers and the protection of vulnerable urban residents.<sup>58</sup> Thus, Ethiopia's transitional period illustrates a profound shift in land governance: from socialist nationalisation to state-controlled leaseholds. This transformation embedded enduring tensions between constitutional legitimacy, tenure security, and human rights obligations, tensions that continue to shape urban and rural land debates in the country.

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<sup>53</sup> Rahmato, D., *Land Policy in Ethiopia at the Crossroads*, (Forum for Social Studies, 2009); Markakis John, *Ethiopia: The Last Two Frontiers*, (James Currey, 2011); Daniel Behailu, (2015), *supra* note, no. 18, p.22.

<sup>54</sup> Proclamation No. 80/1993.

<sup>55</sup> *Ibid*, Article 10(1).

<sup>56</sup> Federal Democratic Republic of Ethiopia, (1995), Proclamation No. 1/1995, Federal Negarit Gazeta, Addis Ababa (hereafter the Constitution).

<sup>57</sup> Federal Democratic Republic of Ethiopia, Urban Land Lease Holding Proclamation No. 272/2002.

<sup>58</sup> Rahmato, Dessalegn, *The Peasant and the State: Studies in Agrarian Change in Ethiopia 1950s–2000s*, (Addis Ababa University Press, 2009), p. 104.

## 4.4 The Current Urban Laws

### 4.4.1 The FDRE Constitution

The Federal Democratic Republic of Ethiopia Constitution (1995) (hereafter, the Constitution) entrenched state ownership of land<sup>59</sup> as a constitutional principle, thereby perpetuating the socialist legacy of both the *Derg* and the Transitional Government. Land ownership in Ethiopia is not merely a matter of policy but also a constitutional issue due to its profound socio-economic significance. The Constitution empowers the federal government to enact laws governing the utilisation and conservation of land and natural resources, and delegates to regional states the authority to administer land in accordance with federal legislation.<sup>60</sup> The Constitution also guarantees private property rights over the products of labour, creativity, and capital,<sup>61</sup> yet it explicitly vests ownership of all rural and urban land in the State and the people of Ethiopia.<sup>62</sup> This regime of public ownership prohibits the sale or exchange of land, relying instead on use rights, while simultaneously granting the State sweeping authority over allocation and administration.

Although peasants and pastoralists are constitutionally guaranteed access to land without payment and protection against eviction,<sup>63</sup> they do not hold ownership of the land itself. Rather, they retain full rights to immovable property and improvements they create, including the ability to alienate, bequeath, and receive compensation upon expiration of use rights.<sup>64</sup> Expropriation for public purposes is permitted only with advance and commensurate compensation,<sup>65</sup> yet persistent implementation gaps have raised serious concerns regarding procedural fairness and compliance with human rights standards.<sup>66</sup>

The Constitution does not explicitly regulate urban land acquisition or transfer, thereby creating ambiguity regarding urban tenure security. The Constitution grants investors access to land on a

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<sup>59</sup> The Constitution Article 40(3).

<sup>60</sup> Ibid, Article 52(6).

<sup>61</sup> Ibid, Article 40(1) (2).

<sup>62</sup> Ibid, Article 40(3).

<sup>63</sup> Ibid, Article 40(4) (5).

<sup>64</sup> Ibid, Article 40(4) (7).

<sup>65</sup> Ibid, Article 40(8).

<sup>66</sup> Rahmato Dessalegn, 2009, *supra* note, no. 59.

payment basis,<sup>67</sup> has been interpreted by some as extending to urban residents, though its original intent was limited to profit-oriented investment.<sup>68</sup> Some regional constitutions later replaced the term “investor” with “proprietor” to address this gap. This interpretive gap has contributed to significant socio-economic challenges for informal settlements and low-income households,<sup>69</sup> where eviction risks and tenure insecurity remain pressing realities.

From a human rights perspective, Ethiopia’s constitutional land provisions warrant critical evaluation against international norms that safeguard property rights and prohibit arbitrary deprivation. Article 40 of the Ethiopian Constitution vests land ownership in the state and the people, granting citizens only use rights. This framework diverges from international standards such as UDHR Article 17, which affirms the right to own property and to be protected against arbitrary deprivation. Similarly, the African Charter on Human and Peoples’ Rights emphasises secure tenure and fair compensation in cases of expropriation. Yet, empirical evidence from Ethiopia’s urban centres demonstrates a persistent gap between constitutional authority and practice. Informal land transactions, driven by bureaucratic inefficiencies and corruption, have become widespread in cities, undermining tenure security and creating parallel markets. Moreover, enforcement challenges and frequent state-led expropriations with inadequate compensation highlight the tension between Ethiopia’s constitutional framework and its international obligations. These realities suggest that Ethiopia’s land regime, while formally recognising property rights, often fails to meet the standards of international human rights law.

#### **4.4.2 Urban Land Lease Proclamation**

The Urban Land Lease Proclamation established leasehold as the exclusive tenure system for urban land in Ethiopia, replacing the earlier permit system and creating a comprehensive framework in which land is transferred through tenders or allotments under municipal authority.<sup>70</sup> Leasehold is tenure for a specified period, subject to payment of rent, conferred by the owner, whether state or

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<sup>67</sup> The Constitution, Article 40(6).

<sup>68</sup> Crewett, Wibke, and Benedikt Korf, ‘Ethiopia: Reforming Land Tenure’, *Review of African Political Economy* 35, no. 116, 2008, pp. 203–220.

<sup>69</sup> Markakis, John, *Ethiopia: The Last Two Frontiers*, (James Currey, 2011).

<sup>70</sup> Proclamation No. 80/1993.

private.<sup>71</sup> The leasehold right system defines the rights of urban land leaseholders and the obligation to use the land for the agreed purpose within the specified period.

Leaseholders are granted extensive rights to use and develop land, employ it as collateral, and transfer lease rights through sale, mortgage, inheritance, or capital contribution, subject to the obligation of utilising the land for its prescribed purpose.<sup>72</sup> By prohibiting the transfer of bare land or incomplete constructions, the proclamation sought to curb speculation and reinforce the principle that land remains the property of the State.<sup>73</sup> This framework introduced a fundamental dichotomy between rural landholding rights, which are indefinite, and urban leasehold rights, which are fixed in duration and subject to renewal.<sup>74</sup>

The lease proclamation represents a significant intervention in the governance of urban land, establishing leasehold tenure as the dominant framework in Ethiopia's urban centres.<sup>75</sup> By requiring all urban land to be identified, registered, and transferred into the lease system,<sup>76</sup> the state reconfigures the relationship between government, municipalities, and citizens. This reflects a broader global trend in urban land policy, where governments balance public ownership with private use rights to ensure oversight and economic utility.<sup>77</sup>

The proclamation provides two mechanisms for lease transfer, tenders (auctions) and allotments (non-auction transfers), both of which are designed to align with planning guidelines and legal frameworks.<sup>78</sup> The assumption that any qualified individual may obtain land through lease shows conditional access, a principle common in state-led land systems.<sup>79</sup> In practice, land for housing, commerce, and business is predominantly allocated through competitive tender, underscoring the

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<sup>71</sup> John W. Bruce, *Review of Tenure Terminology, Tenure Brief*, (No. 1, 1998), p. 3.

<sup>72</sup> Proclamation No. 80/1993, Article. 10.

<sup>73</sup> *Ibid.*

<sup>74</sup> Crewett, Wibke, and Benedikt Korf, 2008, *supra* note, no. 70, pp. 203–220.

<sup>75</sup> Federal Democratic Republic of Ethiopia, Urban Land Lease Holding Proclamation No. 721/2011 (hereafter called Proclamation No. 721/2011), Article 7(2).

<sup>76</sup> *Ibid.*, Article 6.

<sup>77</sup> UN-Habitat, *Urban Land Policies and Tenure Security in Developing Countries*, 2012, pp. 34–36.

<sup>78</sup> Proclamation No. 721/2011, Article 6.

<sup>79</sup> Alemu, G., 'Urban Land Lease Policy in Ethiopia: Reform, Implementation, and Challenges' *Ethiopian Journal of Development Research*, 2015, p. 112.

state's reliance on market-based competition to distribute scarce urban land resources.<sup>80</sup> Ethiopia's leasehold rights are designed to be flexible and economically functional, permitting inheritance, donation, mortgage, and capital contribution. This positions Ethiopia's urban land regime closer to global financial practices, though enforcement challenges and the constitutional prohibition on private ownership continue to create tension with international human rights norms.<sup>81</sup> Yet speculative practices, where land is sold at prices far above the initial lease value, reveal tensions between regulatory intent and market realities, urban land markets and other rapidly urbanising contexts.<sup>82</sup>

Despite this transactional flexibility, the proclamation imposes restrictions that require lease rights to be exercised in accordance with the land's prescribed purpose. Lease durations are tailored to regulate land use for construction and development, reflecting policy concerns with planned urban growth.<sup>83</sup> Transfers to third parties outside inheritance merge old and new lease rights, while regularisation of informal settlements requires payment of lease fees. This integration of informal and formal systems illustrates Ethiopia's effort to reconcile unregulated practices with formal frameworks, a hallmark of contemporary urban land policy.<sup>84</sup>

A critical dimension of the lease proclamation lies in its treatment of informal settlements. Although the law formally allowed for the regularisation of informal settlements within four years of enactment,<sup>85</sup> implementation has been rare, leaving large segments of urban residents without tenure security.<sup>86</sup> Proclamation No. 1161/2011 further entrenched exclusion by denying informal settlers compensation or rehabilitation during eviction, thereby intensifying socio-economic vulnerability.<sup>87</sup> Rising lease prices have compounded these challenges, rendering access to urban

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<sup>80</sup> Global Tenders, 'Latest Ethiopia Urban Planning and Landscape Tenders', 2024, pp. 9–11.

<sup>81</sup> Rahmato, D., *Land Rights and Tenure Security in Ethiopia: Policy and Practice*, (Addis Ababa University Press, 2014), pp. 88–90.

<sup>82</sup> Payne G., *Land, Rights and Innovation: Improving Tenure Security for the Urban Poor*, (ITDG Publishing, 2002), pp. 57–63.

<sup>83</sup> Proclamation No. 721/2011.

<sup>84</sup> Durand Lasserre A. and Selod, H., 'The Formalisation of Urban Land Tenure in Developing Countries. World Bank Policy Research Paper, 2009, pp. 14–16.

<sup>85</sup> Ibid, Article 5(4) and (5).

<sup>86</sup> Proclamation No. 80/1993.

<sup>87</sup> Proclamation No. 1161/2011.

land unaffordable for low-income households,<sup>88</sup> exacerbating inequality, and fuelling the persistence of informal land transactions.<sup>89</sup> The Urban Land Lease Holding Proclamation restricts residents' access to urban land as lease prices rise.<sup>90</sup> From a human rights perspective, the leasehold system raises serious concerns about its compatibility with international norms on housing and tenure security, particularly when evictions occur without adequate safeguards or compensation.<sup>91</sup>

The Ethiopian Constitution remains silent, even implicitly, on the urban land lease holding system. Instead, the country has adopted a dichotomous approach to regulating land tenure, distinguishing between rural and urban land. Consequently, separate legal and institutional frameworks govern the rural landholding and urban leasehold tenure systems. The rights derived from these systems are distinct: in rural areas, the relationship between individuals and land is established through holding rights of unlimited duration, whereas in urban areas, individuals exercise leasehold rights for fixed periods determined by the type of lease.<sup>92</sup> Since land is constitutionally recognised as the property of the state, tenure security remains precarious, as landholders may lose their rights under certain conditions. Prominent threats include displacement due to private investment and eviction for public purposes.<sup>93</sup> Farmers residing on the peripheries of urban centres are particularly vulnerable, often facing dispossession due to urban expansion or the construction of new settlements.<sup>94</sup>

Under Ethiopian urban land lease law, informal land tenure is excluded from the ambit of legal protection. In other words, informal settlers are denied tenure security within the existing legal framework.<sup>95</sup> This exclusion reflects a broader tension in urban land governance between formal regulation and informal practices. While rural tenure systems emphasise continuity and security,

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<sup>88</sup> Jemal Abagissa, (2021), *supra* note, no. 30 p. 19928; Tewodros Mekonnen, 'Policies and Practices of Urban Land Governance in the Special Zone of Oromia Region Surrounding Addis Ababa, Ethiopia', (PhD Dissertation, Addis Ababa University, 2020), p. 284.

<sup>89</sup> Markakis, John, 2011, *supra* note, no. 71.

<sup>90</sup> Tura, H. A., *Land Rights and Land Grabbing in Oromia, Ethiopia*, (Land Use Policy, 70, 2018), pp. 247–255.

<sup>91</sup> ICESCR, 1966, Article 11.

<sup>92</sup> Proclamation No. 721/2011.

<sup>93</sup> UN-Habitat, *Urban Land Policies and Tenure Security in Developing Countries*, 2012, pp. 88–90.

<sup>94</sup> Alemu, G. (2015), *supra* note, no. 83, pp. 102–104.

<sup>95</sup> Payne, G. (2002), *supra* note, no. 84, pp. 59–61.



the urban leasehold system prioritises planned development and state oversight, often at the expense of marginalised groups.

Empirical evidence from urban centres underscores the persistence of enforcement gaps, rising displacement driven by urban expansion, and the systematic exclusion of informal tenure from legal protection.<sup>96</sup> These dynamics continue to undermine both constitutional guarantees and Ethiopia's obligations under international human rights instruments, highlighting the enduring tension between state-controlled urban land governance and the principles of tenure security, equality, and human dignity.

### **5. Absence of Compensation for Informal Settlements**

The Constitution guarantees that “all persons displaced or whose livelihoods are adversely affected as a result of government programs are entitled to commensurate amounts or alternative means of compensation, including relocation with adequate government assistance.”<sup>97</sup> Yet the scope of this provision remains ambiguous when applied to informal settlers, who acquire land outside formal authorisation. The Urban Land Lease Holding Proclamation and subsequent Compensation and Rehabilitation Legislation, Proclamation No. 1161/2011, restrict compensation to those holding land legally under lease or prior lawful possession.<sup>98</sup> This statutory interpretation effectively excludes informal settlers from protection, leaving them vulnerable to eviction without compensation or rehabilitation.<sup>99</sup>

According to Ethiopia's Urban Land Lease Holding Proclamation, once the competent authority determines that eviction is necessary for a public purpose, compensation is provided in cash only to those landholders who formally acquired their plots from the government.<sup>100</sup> By contrast, individuals who legally obtained land before the introduction of the leasehold system, or those who received land as compensation in kind after earlier evictions, are afforded protection against displacement.<sup>101</sup> This framework makes clear that persons who informally acquired land are

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<sup>96</sup> Richard Pankhurst, Alula, 2009, *supra* note, no. 34.

<sup>97</sup> The Constitution, Article 44(2).

<sup>98</sup> Proclamation No. 80/1993; Compensation and Rehabilitation Proclamation No. 1161/2011.

<sup>99</sup> Crewett, Wibke, and Benedikt Korf, 2008, *supra* note, no. 70, pp. 203–220.

<sup>100</sup> Proclamation No. 721/2011, Article 2(8), 12(4) and Article 26.

<sup>101</sup> Alemu, G. (2015), *supra* note, 83, pp. 41–43.

excluded from legal protection and cannot escape eviction. The exclusion of informal settlers reflects a broader challenge in urban land governance, where the drive for planned development and state authority often comes at the expense of tenure security for marginalised populations.

The exclusion of informal settlements from Ethiopia's land governance framework raises profound constitutional and human rights concerns. While Article 40 of the Constitution guarantees peasants and pastoralists protection from arbitrary eviction and compensation for expropriation, urban informal settlers are denied comparable safeguards.<sup>102</sup> The Compensation and Rehabilitation Proclamation promises displaced persons support for sustainable income, housing, and infrastructure, yet its implementation systematically omits informal settlers.<sup>103</sup> This omission directly contradicts international human rights standards, particularly ICESCR, which prohibits punitive demolitions and requires adequate housing protections.<sup>104</sup> Ethiopia's Urban Land Lease Holding and Compensation and Rehabilitation Legislation explicitly permits eviction of informal settlers without defining "illegal occupiers," a term that appears to apply to settlers unable to prove acquisition with official authorisation. Consequently, informal settlements lack legal protection against arbitrary eviction, and authorities are not obliged to consult affected communities when planning evictions. This framework leaves informal settlers vulnerable to both private evictions and mass displacements for public purposes, reflecting a legislative approach that prioritises formal tenure while disregarding the rights of marginalised urban populations.

The reality in Ethiopian cities demonstrates that informal residents are frequently evicted without consultation, compensation, or rehabilitation, reflecting a systemic enforcement gap.<sup>105</sup> Jurisprudentially, Ethiopian courts have rarely addressed the rights of informal settlers, thereby reinforcing their exclusion from legal protection.<sup>106</sup> The absence of compensation for informal settlements thus illustrates a profound inconsistency between constitutional guarantees, statutory frameworks, and international human rights obligations. This inconsistency perpetuates tenure

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<sup>102</sup> The Constitution, Article 40.

<sup>103</sup> Federal Democratic Republic of Ethiopia, *Compensation and Rehabilitation Proclamation No. 1161/2011*.

<sup>104</sup> ICESCR, 1966, Article 11.

<sup>105</sup> Richard Pankhurst, Alula, 2009, *supra* note, no. 34.

<sup>106</sup> Rahmato, Dessalegn, 2009, *supra* note, no. 59.

insecurity, socio-economic marginalisation, and a widening gap between Ethiopia's constitutional commitments and its lived urban realities.

## 6. Land Rights as Human Rights in Ethiopian Laws

Legal instruments in Ethiopia present land as a form of immovable property, defining it as the surface of the earth together with any fixtures such as buildings, fences, trees, plants, and other improvements.<sup>107</sup> In contrast, the human rights approach views land as an essential element for the realisation of fundamental rights.<sup>108</sup> Land is not merely a commodity but a vital resource for sustaining livelihoods and ensuring dignity.<sup>109</sup> The livelihood of rural households directly and urban households indirectly depends largely on access to land resources in Ethiopia.

The Constitution explicitly recognises the right to property, including its various components.<sup>110</sup> Within the Ethiopian legal framework, land is treated as a constitutional matter rather than a mere policy option. This is incorporated under Chapter 3, which addresses fundamental rights, and more specifically under democratic rights. The Constitution guarantees the right to access land, to utilise it, and to collect its fruits, allowing individuals to enjoy a usufructuary right over land they do not own. It further states that Ethiopian peasants and pastoralists have the right to obtain land without payment and are protected against eviction from their possession.<sup>111</sup> In doing so, the Constitution underscores the importance of land access to the well-being and dignity of rural populations, elevating it to a constitutionally guaranteed right. Moreover, it emphasises the security of landholding rights by protecting peasants and pastoralists against eviction. However, in practice, arbitrary dispossession and forced evictions remain widespread, adversely affecting the lives and dignity of the people, thereby contradicting the constitutional guarantees.<sup>112</sup>

*In Ethiopia, no property rights and much chaos. Constant human reshuffling within Addis Ababa shows how hard life is. The government owns all land and has broad authority to seize it. The constitution states that individuals can lease land and own the property built on it, although that aspect doesn't seem to be honoured either. While land leasing systems*

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<sup>107</sup> Civil Code of Ethiopia, Property Law Provisions, Articles 1204–1207.

<sup>108</sup> UDHR, 1948, Article 25.

<sup>109</sup> UN-Habitat, *Urban Land Policies and Tenure Security in Developing Countries*, 2012, pp. 45–47.

<sup>110</sup> The Constitution, Article 40.

<sup>111</sup> The Constitution, Article 40(4)(5).

<sup>112</sup> Alemu, G. (2015), *supra* note, no. 83, pp. 88–90.

*have worked elsewhere, it doesn't seem to in Ethiopia. Some migrants have no legal claim to the land; they are ultimately disposable to the government. ... People's homes get razed and their possessions scattered on little notice. That land ... benefits politically connected developers. Other displaced slum dwellers get relocated to new large public housing complexes on the city's outskirts. While the housing quality is higher than that found in Addis' villages, wait lists are long, and the units are located far from the city's best jobs. It should be apparent by now the chaos that surfaces from lack of private land ownership, at least in Ethiopia.<sup>113</sup>*

However, the distinction between constitutional guarantees and practice reveals significant gaps. While the Constitution protects rural households from arbitrary dispossession, urban residents, especially informal settlers, lack comparable safeguards.<sup>114</sup> The practices demonstrate that forced evictions and arbitrary dispossession remain common, undermining the constitutional promise of tenure security.<sup>115</sup> This divergence highlights the tension between Ethiopia's constitutional land model, which emphasises collective ownership and usufruct rights, and international human rights standards such as ICESCR, which prohibits arbitrary eviction and affirms the right to adequate housing.<sup>116</sup>

A balanced assessment suggests that although Ethiopia's constitutional framework recognises land as a human rights issue, weak enforcement, the exclusion of urban informal tenure, and persistent arbitrary evictions compromise its effectiveness. Thus, land rights in Ethiopia remain both a constitutional entitlement and a contested human rights concern, requiring stronger alignment between law and practice.

## **7. Informal Settlements and Eviction under Ethiopian Law**

Ethiopian constitutional law remains silent on informal settlements, yet the Urban Land Lease Holding Proclamation No. 721/2011 explicitly empowers urban administrations to demolish houses informally constructed by serving written notice, without providing alternative accommodation or compensation.<sup>117</sup> This provision effectively authorises forced eviction against

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<sup>113</sup>Scott Beyer, *Ethiopia: No Property Rights, Much Chaos*, (2023), Available online at: <https://catalyst.independent.org/2023/08/14/ethiopia-property-chaos/>.

<sup>114</sup> Crewett, Wibke, and Benedikt Korf, 2008, *supra* note, no. 70, pp. 203–220.

<sup>115</sup> Pankhurst, Alula, 2009, *supra* note, no. 34.

<sup>116</sup> ICESCR, 1966, Article 11.

<sup>117</sup> Proclamation No. 721/2011), Article 26(4).

unauthorised settlers, considering informal and illegal settlements as the same.<sup>118</sup> At the same time, the proclamation allows for the regularisation of houses built before January 24, 2013, provided they do not conflict with the urban plan or parcelling standards.<sup>119</sup> This duality creates a legal paradox: while some informal houses may be regularised, others remain subject to demolition without compensation, reflecting inconsistent statutory treatment.

From a constitutional perspective, this framework raises significant concerns. Article 44(2) of the Constitution guarantees displaced persons compensation and relocation assistance, but its application to informal settlers remains unclear.<sup>120</sup> The exclusion of informal settlements from compensation and rehabilitation contradicts Ethiopia's obligations under international human rights law, particularly the ICESCR, which prohibits arbitrary eviction and punitive demolition.<sup>121</sup>

The practices reveal that residents of informal settlements are often evicted without consultation, compensation, or rehabilitation, actions that undermine both constitutional guarantees and international human rights standards.<sup>122</sup> Compounding this problem is the failure to distinguish between two very different realities: informal settlements, which are frequently tolerated and eventually regularised, and informal occupations, which constitute deliberate violations of planning law. Considering these categories as the same has led to widespread eviction practices that disproportionately burden low-income households.<sup>123</sup> A more nuanced legal framework, one that differentiates types of occupation, ensures procedural fairness, and provides pathways for compensation or regularisation, would bring Ethiopian urban land law into closer alignment with constitutional principles and international obligations.

## **8. International and Regional Human Rights Obligations**

Ethiopia is bound by the ICESCR and the African Charter on Human and Peoples' Rights, both of which protect the right to adequate housing and prohibit forced evictions without due process. General Comment No. 7 (ICESCR) emphasises consultation, adequate notice, and alternative

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<sup>118</sup> Crewett, Wibke, and Benedikt Korf, 2008, *supra* note, no. 70, pp. 203–220.70

<sup>119</sup> Proclamation No. 721/2011, Article 6(4).

<sup>120</sup> The Constitution, Article 44(2).

<sup>121</sup> ICESCR, 1966, Article 11.

<sup>122</sup> Richard Pankhurst, Alula, 2009, *supra* note, no. 34.

<sup>123</sup> Markakis, John, 2011, *supra* note, no. 71.

housing in eviction cases. Despite these commitments, informal settlers in Ethiopia are often evicted without sufficient consultation, compensation, or participation in urban planning, highlighting a persistent gap between national law and international human rights standards.

### 8.1 Land as a Human Right

International human rights instruments emphasise that all individuals are born free and equal in dignity and rights, and land plays a pivotal role in the realisation of these rights<sup>124</sup>. Land is not simply a resource or commodity; it is a foundation for livelihood, housing, food security, and economic participation.<sup>125</sup> In Ethiopia, both rural and urban households depend, directly or indirectly, on land, making the protection of land central to the enjoyment of rights to adequate housing, food, health, and work.<sup>126</sup> The absence of secure land rights undermines these entitlements, while forced evictions and arbitrary dispossession carry broad human rights consequences.

The ICESCR recognises “the right of everyone to an adequate standard of living... including adequate food, clothing and housing, and to the continuous improvement of living conditions.”<sup>127</sup> Land is indispensable for realising these rights, particularly the right to adequate housing, which derives from the broader right to an adequate standard of living. Similarly, the UDHR enshrines the property right, prohibiting arbitrary deprivation.<sup>128</sup> General Comment No. 7 of the Committee on Economic, Social and Cultural Rights explicitly affirms that forced evictions are incompatible with ICESCR obligations.<sup>129</sup> Although the African Charter on Human and Peoples’ Rights does not explicitly recognise land rights, they are implied by the property right, which permits infringement only in the public interest and in accordance with appropriate laws.<sup>130</sup>

A nuanced analysis requires distinguishing land as a resource essential for realising rights from land as a legally recognised human right. Ethiopia’s constitutional model treats land as a collective

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<sup>124</sup> UDHR, Para 1 of the Preamble and Article 1.

<sup>125</sup> Montgomery Wray Witten, *The Protection of Land Rights in Ethiopia*, *Africa Focus*, (20(1–2), 2007), p. 159.

<sup>126</sup> Elisabeth Wickeri and Anil Kalhan, *Land Rights Issues in International Human Rights Law*, *Institute for Human Rights and Business*, p. 2; Rahmato, Dessalegn, 2009, *supra* note, no. 59.

<sup>127</sup> ICESCR, 1966, Article 11.

<sup>128</sup> UDHR, 1948, Article 17.

<sup>129</sup> CESCR, General Comment No. 7: The Right to Adequate Housing, Article 11.1.

<sup>130</sup> African Union, African Charter on Human and Peoples’ Rights, 1981, Article 14.

resource under state ownership, granting usufruct rights rather than private ownership.<sup>131</sup> While this framework aims to balance equity and state regulation, its implementation often diverges from constitutional guarantees, particularly in urban contexts where informal settlements lack protection.<sup>132</sup> Recognising legitimate state regulatory powers is important, but aligning them with international human rights standards and ensuring procedural fairness, compensation, and protection against arbitrary eviction remain critical challenges.

## 9. Right to Housing

The right to adequate housing is a legally binding human right under international law, applicable to all persons, including residents of informal settlements. The Committee on Economic, Social and Cultural Rights (CESCR) has clarified that adequacy requires legal security of tenure, protection against forced eviction, and access to essential services.<sup>133</sup> Forced demolitions are *prima facie* incompatible with the ICESCR, and the former UN Commission on Human Rights has classified forced evictions as a gross violation of human rights, particularly the right to housing.<sup>134</sup> Importantly, tenure security is not confined to formal ownership but extends to informal settlers, meaning that the right to be free from arbitrary eviction is integral to the right to housing.<sup>135</sup> The right to life itself is undermined if housing, food, water, and health facilities are not secured.

Within Ethiopia, the FDRE Constitution recognises housing as a social objective under Article 90(1), requiring the government to promote access to housing for all citizens.<sup>136</sup> Ethiopia has acceded to the ICCPR, ICESCR, and other core human rights instruments, thereby assuming obligations to respect, protect, and fulfil the right to adequate housing.<sup>137</sup> However, constitutional silence on informal settlements and forced evictions has created ambiguity. This does not mean that, under Ethiopian law, forced evictions of informal settlements are permissible, because international laws recognised by the Constitution are an integral part of the country's law.<sup>138</sup> A

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<sup>131</sup> The Constitution, Article 40.

<sup>132</sup> Crewett, Wibke, and Benedikt Korf, 2009, *supra* note, no. 70, pp. 203–220.

<sup>133</sup> CESCR, General Comment No. 4: The Right to Adequate Housing, Article 11.1, 1991.

<sup>134</sup> UN Commission on Human Rights, Resolution 1993/77: Forced Evictions, 1993.

<sup>135</sup> CESCR, General Comment No. 7: The Right to Adequate Housing Article 11.1, 1997.

<sup>136</sup> The Constitution, Article 90(1).

<sup>137</sup> United Nations Treaty Collection, Ethiopia's accession to ICCPR and ICESCR.

<sup>138</sup> Crewett, Wibke, and Benedikt Korf, 2008, *supra* note, no. 70, pp. 203–220.

doctrinally precise reading suggests that Ethiopia's constitutional framework recognises housing as a right, but enforcement gaps and the absence of explicit protections for informal settlements weaken its practical effect.<sup>139</sup>

A clear doctrinal distinction must be drawn between the absolute prohibition of arbitrary eviction, which is impermissible under both constitutional and international human rights law, and regulated evictions undertaken for legitimate public purposes. The latter, while legally permissible, requires strict adherence to procedural safeguards, such as prior consultation, adequate notice, transparent decision-making, and the provision of compensation or alternative housing. Without such differentiation, Ethiopia's housing law risks combining unlawful eviction with lawful state action, thereby weakening constitutional protections and failing to meet international human rights standards. Establishing this distinction would not only enhance legal clarity but also ensure that urban development initiatives proceed in a manner consistent with principles of fairness, dignity, and accountability.

#### **10. Informal Settlements and Eviction under International Laws**

International human rights law establishes clear obligations regarding housing and protection against forced evictions, obligations that Ethiopia has accepted by acceding to core treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).<sup>140</sup> ICESCR affirms the right to an adequate standard of living, including adequate housing, and obliges states to respect, protect, and fulfil this right.<sup>141</sup> Forced evictions, defined as arbitrary or unlawful removals from one's home or land, are generally incompatible with these obligations.<sup>142</sup> The Committee on Economic, Social and Cultural Rights, in General Comment No. 4, emphasised that all persons must enjoy a degree of tenure security that guarantees legal protection against eviction, harassment, and other threats.<sup>143</sup>

At the same time, international law recognises that evictions may be permissible in exceptional circumstances, provided they comply with strict procedural safeguards. General Comment No. 7

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<sup>139</sup> Rahmato, Dessalegn, 2009, *supra* note, no. 59

<sup>140</sup> *Supra* note, no. 140.

<sup>141</sup> ICESCR, 1966, Article 11.

<sup>142</sup> *Supra* note, no. 139.

<sup>143</sup> CESCR, *Supra* note, no. 136.



clarifies that evictions must be lawful, proportionate, and carried out in accordance with human rights standards.<sup>144</sup> This includes genuine consultation with affected persons, adequate notice, provision of information, and exploration of alternatives to eviction.<sup>145</sup> Crucially, evictions must not render individuals homeless; states must provide adequate alternative housing, resettlement, or access to productive land.<sup>146</sup> The ICCPR reinforces these protections through Article 17, which prohibits arbitrary or unlawful interference with privacy, family, and home.<sup>147</sup>

Regional jurisprudence adds further nuance. The African Charter on Human and Peoples' Rights implies land rights by protecting property, allowing interference only in the public interest and in accordance with the law.<sup>148</sup> The African Commission has interpreted this to mean that mass evictions without compensation or consultation violate both property rights and broader socio-economic rights. In practice, governance realities in Ethiopia reveal a gap between these binding obligations and enforcement: informal settlers are often evicted without consultation or compensation, contrary to international standards.<sup>149</sup> A doctrinally precise reading therefore requires distinguishing between binding treaty obligations (ICESCR, ICCPR, and African Charter) and interpretive standards (CESCR General Comments, UN resolutions), while acknowledging Ethiopia's constitutional incorporation of treaties.<sup>150</sup> This framework makes it clear that Ethiopia's current eviction practices, particularly those targeting informal settlements, remain inconsistent with its international human rights commitments. Therefore, the government should adopt legislation to protect people against evictions. This is an essential basis for building an effective protection system. This legislation should include measures that provide the greatest possible security of tenure to owners of houses and landholders, and should conform to the ICESCR. 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.

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<sup>144</sup> CESCR, *supra* note, no. 138.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> United Nations, International Covenant on Civil and Political Rights (ICCPR), 1966, Article 17.

<sup>148</sup> African Union, African Charter on Human and Peoples' Rights, 1981, Article 14.

<sup>149</sup> Pankhurst, Alula, 2009, *supra* note, 73.

<sup>150</sup> The Constitution, Article 9(4).

The Constitution treats the international human rights treaties ratified by Ethiopia as an integral part of the country's law. Ethiopia has acceded to the ICCPR, the ICESCR, and other core human rights instruments. Since the country has been a party to most international human rights treaties that set minimum human rights standards, the Ethiopian government has an obligation to recognise, respect, ensure, and fulfil the right not to be evicted as enshrined in the ICCPR, ICESCR, and other international and regional human rights laws. Hence, the protection against eviction could fairly be read as a right to housing, which, in turn, is an integral requirement of the right to life.

### **11. Disjuncture between Urban Land Law and Human Rights in Ethiopia**

Urban land governance framework in Ethiopia reflects a state-centred model that prioritises public ownership, orderly urban planning, and strict legal compliance. Proclamations such as the Urban Land Lease Holding Proclamation No. 721/2011 and the Expropriation Proclamation No. 1161/2019 grant authorities broad powers to evict residents of informal settlements in the name of public purpose, urban development, or the demolition of informal settlements (what the authorities called illegal houses).<sup>151</sup> While these laws require compensation for lawful landholders, informal settlers, despite long residence or community investment, are excluded from protection. In practice, evictions are frequently carried out with minimal notice, limited consultation, and inadequate resettlement measures, all of which are inconsistent with international standards such as ICESCR, General Comment No. 7, and African regional jurisprudence, which mandate meaningful consultation, adequate notice, and safeguards against homelessness.<sup>152</sup>

Constitutionally, Ethiopia recognises property and housing rights under Articles 40 and 90, but the silence on informal settlements creates a gap between law and practice.<sup>153</sup> International human rights law, by contrast, recognises the security of tenure of de facto settlers and obliges states to prevent arbitrary eviction.<sup>154</sup> The practices reveal that informal residents are often evicted without compensation, consultation, or rehabilitation, deepening socio-economic marginalisation.<sup>155</sup>

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<sup>151</sup> Proclamation No. 721/2011; Proclamation No. 1161/2019.

<sup>152</sup> CESCR, *supra* note, no. 138.

<sup>153</sup> The Constitution, Article 40 and 44.

<sup>154</sup> CESCR, 1966, Article 11.

<sup>155</sup> Pankhurst, Alula, 2009, *supra* note, no 73.

Urban planning and land governance in Ethiopia are largely top-down. Residents of informal settlements rarely have opportunities to participate meaningfully in decision-making processes regarding urban affairs that will affect their interests. International human rights frameworks emphasise the right to participation, particularly for marginalised groups affected by state actions. The absence of participatory mechanisms in urban planning further exacerbates this disjuncture: informal settlers rarely have opportunities to influence decisions that directly affect their livelihoods, despite Ethiopia's ratification of treaties that emphasise rights to participation.<sup>156</sup>

A balanced analysis must acknowledge legitimate state interests in regulating land use, preventing speculation, and ensuring orderly urban growth. Yet, the current legal approach prioritises legality over rights, embedding structural tensions between national law and international obligations. Reform pathways include: clarifying statutory distinctions between informal and illegal settlements; inserting procedural safeguards such as consultation, notice, and compensation; integrating participatory mechanisms into urban planning; and aligning expropriation practices with constitutional guarantees and international human rights standards.<sup>157</sup> Reconciling Ethiopia's state-centred land regime with human rights obligations is essential for protecting human dignity, reducing tenure insecurity, and fostering inclusive urban development.

## **12. Conclusion and Recommendation**

In Ethiopia, the urban land governance system exhibits a deep imbalance between legality and the protection of human rights. The Constitution offers strong protections for peasants and pastoralists against eviction, but urban residents in informal settlements are excluded. Laws like the Urban Land Lease Proclamation allow authorities to remove informal settlers citing public purpose or urban development, yet lack safeguards such as consultation, notice, or compensation. This creates a legal vacuum where long-term informal settlers are treated as unlawful occupants without tenure security. Evictions often occur abruptly, disregarding socio-economic impacts, leaving families homeless and marginalised.

This disjuncture between law and practice undermines Ethiopia's commitments under international treaties, including the ICESCR, the ICCPR, and the African Charter, which it has

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<sup>156</sup> ICESCR, 1966; Rahmato Dessalegn, 2009 *supra* note, no. 59.

<sup>157</sup> Markakis, 2011, *supra* note, no. 71.

ratified. These treaties ban arbitrary dispossession and forced eviction and require respect for the right to housing and security of tenure. Informal settlements, though illegal under domestic law, result from systemic failures, poor land management, and urbanisation. Treating them as solely illegal ignores their social and economic role. Ethiopia's current approach prioritises government control and urban order over human dignity and social justice, highlighting the need for reform.

The Ethiopian government has an international obligation to respect citizens' rights. Demolishing informal houses without following human rights standards and due process, under the guise of law enforcement, violates these commitments. Destroying homes without due process and rights safeguards is not legitimate law enforcement. The human rights approach to informal settlements requires that residents have security of tenure, meaning the government must adopt policies that allow people to live in their homes with security, peace, and dignity. Recognised as a universal right under international law, this applies to all, regardless of land title. Ensuring security means no eviction from informal settlements, as evictions show flawed processes and a lack of engagement with communities, undermining human rights. Protection against forced eviction should extend to residents of informal settlements, even if they lack legal authorisation. Evictions should only happen in exceptional cases with clear, strictly enforced grounds. Alternatives must be explored through community consultation, with due process and proper housing guaranteed. If eviction is unavoidable, affected individuals should receive compensation. Ethiopian law currently excludes informal settlements from such protections, highlighting the urgent need for legal reform to include informal settlers within human rights and housing security rights.

In Ethiopia, rapid urbanisation has made fair land rights an urgent issue. Addressing informal settlements requires legal reform, recognising informal land tenure, establishing mechanisms for residents to secure land rights, and creating policies to integrate settlements into the formal urban landscape. Urban land rights are crucial for equitable access and addressing housing and eviction challenges. The government should develop a comprehensive urban land rights policy and planning framework that considers informal settlements, enact laws to protect residents' land rights, and safeguard against forced eviction. City administrations should provide legal land-use certificates or long-term leases instead of demolitions, thereby promoting human rights and inclusive urban development. The government must create an inclusive land policy to prevent land grabbing, ensure fair access, and address urban land rights, especially in informal settlements. It

should prioritise securing tenure, participatory planning, and access to services, adopting a human rights-based strategy that covers land governance and the needs of informal settlement residents.

Addressing tensions between Ethiopia's land laws and human rights requires a comprehensive, rights-based approach to urban governance. A human rights framework should embed international standards into law, ensuring urban development promotes legality and social justice. Legislation must include safeguards against arbitrary eviction and require that expropriation and demolition processes follow international standards. This involves community consultation, adequate notice, participation, and access to remedies. These safeguards would align Ethiopia's urban laws with international human rights commitments and better protect vulnerable urban groups. Formal recognition of informal settlers' use rights or incremental tenure can offer legal protection against arbitrary eviction. Ethiopia could implement mechanisms that secure residents' tenure while balancing urban planning. This reduces vulnerability, boosts social stability, and supports inclusive development. Compensation should go beyond property replacement to include socio-economic impacts like livelihood disruption, loss of social networks, and diminished community resources. Policies need resettlement options that sustain employment, education, and urban access, preventing evictions from worsening poverty or marginalisation.

Inclusive planning is vital to balancing urban growth with human rights. Cities should enable informal settlers to participate in planning, relocation, and resettlement negotiations, thereby boosting transparency and trust. Strengthening judicial and administrative oversight by empowering courts and ombudsman offices to review evictions, disputes, and legal compliance is essential. Incorporating these safeguards aligns Ethiopia's urban policies with human rights and prevents vulnerable communities from being neglected. Urban development in Ethiopia should focus on affordable housing, fair land distribution, and inclusive infrastructure, ensuring that legality and dignity support each other. The government must align national laws with international human rights norms and shift urban land governance from enforcement to social justice. This approach would protect informal settlers' rights and promote sustainable, inclusive urban growth. Ethiopia's housing policy should differentiate between vulnerable settlers who occupy land out of necessity and opportunistic occupiers who exploit legal gaps for speculation. Vulnerable households need protection through compensation, rehabilitation, or regularisation, while opportunistic occupiers require enforcement and sanctions. To ensure the feasibility of

compensating evicted informal settlers, the government should establish a dedicated compensation fund, supported by diversified funding sources. This approach balances social protection and legal accountability, aligning urban growth with constitutional and human rights standards.

### **Conflict of Interest**

The author declares no conflict of interest.