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LAND TENURE AND PROPERTY RIGHTS

ETHIOPIA

OVERVIEW

Ethiopia is the second-most populous country in sub-Saharan Africa with a population of 97 million people and a population growth rate of 2.5 percent in 2014. It is a large, ecologically diverse country with a rapidly growing population of 97 million people living in nine regions (Afar; Amhara; Benishangul-Gumuz; Gambela; Harari; Oromia; Somali, Southern Nations, Nationalities, and Peoples' Region; Tigray) and two chartered cities (Addis Ababa and Dire Dawa). The nine regions are further subdivided into 68 zones comprising *woreda* (district) and *kebele* (municipal) administrations.

The country's economy experienced strong and broad-based growth averaging 10.8 percent over the period 2003/04 to 2013/14, mainly the result of expansion in its services and agricultural sectors. The percentage of its population living in extreme poverty fell from 39 percent to 30 percent over a five-year period beginning in 2004-05. Over the past two decades, significant progress has been made with human development: primary school enrollment has quadrupled, child mortality has been cut in half and the number of people with access to clean water has more than doubled. However, continuing progress toward alleviating poverty and improving lives and livelihoods remain important challenges. The Government of Ethiopia (GOE) is already devoting a high share of its budget to pro-poor programs and public investment that is complemented by large scale donor support (World Bank 2016).

Ethiopia's Second Growth and Transformation Plan (GTP II), 2015/16—2019/20 seeks to maintain this momentum and elevate the country to lower middle income status by 2025 by achieving an annual average real GDP growth rate of 11 percent within a stable macroeconomic environment while at the same time pursuing aggressive measures toward rapid industrialization and structural transformation. It aspires to achieve these objectives via the following pillars (GOE, National Planning Commission, 2015):

- a. Sustaining the rapid, broad based and equitable economic growth and development of the last decade including GTP I;
- b. Increase productive capacity and efficiency by rapidly improving the quality, productivity and competitiveness of its agriculture and manufacturing industries;
- c. Enhance the transformation of the domestic private sector to enable them to become a more capable development force;
- d. Build the capacity of the domestic construction industry, and bridge critical infrastructure gaps with particular focus on ensuring quality provision of infrastructure services;
- e. Proactively manage the on-going rapid urbanization to unlock its potential for sustained rapid growth and structural transformation of the economy;
- f. Accelerate human development and technological capacity building and ensure its sustainability;
- g. Continue to build democratic and developmental good governance through enhancing implementation capacity of public institutions and actively engaging citizens;

- h. Promote women and youth empowerment, ensure their effective participation in the development and democratization process and enable them to equitably benefit from development; and
- i. Build a climate resilient green economy.

Ethiopia's economy depends on the productivity of its natural resources, principally land and water. Through their use, agriculture contributes 42 percent of Ethiopia's GDP. Governance of these resources is shared between the federal government and nine ethnically based regional governments. The decentralized approach to government extends public sector oversight and involvement to district (*woreda*) and local (*kebele*) levels. Relative to the 2004-06 base period, aggregate crop and livestock production had, by 2013, increased 57 and 30 percent respectively, the outcome of public investment in infrastructure, market development and institutional reform.

Notwithstanding these gains, the country continues to face important macroeconomic and political development challenges. Per-capita income remains among the world's lowest. Many young people leave to seek opportunity elsewhere. While agriculture is an important contributor to GNP, it remains vulnerable to droughts and external shocks.

Since 2005, Ethiopia has achieved strong rates of GDP growth, in part due to good weather conditions, and because of the significant attention government has dedicated to boosting agricultural productivity, exports, and rural investment through public investment in roads, irrigation, and market facilities. As noted, Ethiopia's economy is heavily dependent on agriculture which accounts for 42 percent of GDP and 90 percent of exports in 2014 (USG 2015). Coffee, livestock and gold dominate exports, although Ethiopia's floriculture sector (which emerged in the late 1990s) has become the second largest flower exporter in Africa after Kenya with exports expected to reach \$550 million by the end of 2016 (East Africa Business Week, 2015).

Although Ethiopia's highland areas and rivers feed the Blue Nile as it flows north to Egypt, its use of this water for hydropower generation and irrigation is still limited, in part due to decades-old agreements with neighboring Sudan and Egypt. However, the GOE in 2011 announced plans to build four large dams on the Nile, including the Grand Ethiopian Renaissance Dam (formerly Grand Millennium Dam) with a storage reservoir of 1,561 km² and potential of generating up to 6,000 MW of electricity (making it the largest hydroelectric power plant in Africa when completed); as of October 2014, the dam was 40% complete (International Rivers, n.d.). Similarly, the GOE plans to increase irrigated acreage substantially (see Section 2 below).

Land certification (registration) to promote individual land use rights has been tested and expanded to millions of households nationwide, with generally positive results, although critics believe that more must be done to enhance tenure security and stimulate greater economic investment at the local level. However, while the government has made substantial headway advancing certification in the highland areas, land is still not easily transacted, it can be expropriated for public use without compensation or due recourse, and development and investment patterns remain severely constrained by public financial and organizational capacity.

The federal government has also been successful in attracting foreign and domestic investors to the agricultural sector, but long-term leasing of community lands in lowland areas has been criticized for having ignored the property rights of local communities, especially to pastureland, forest resources and seasonal water sources. While such investment holds promise for increasing agricultural productivity, creating jobs, and improving management know-how and capital, achievement of these outcomes in

practice has been mixed and livelihoods of the poor and disadvantaged are sometimes being threatened. Efforts are now underway to expand certification to pastoral communities in lowland areas via group certification. There nonetheless remains lack of clarity or assurance regarding the rights of many peasants, pastoralists, women and others to manage, access, or use land, forest, water, and mineral resources upon which they depend for their livelihoods. Conflict between government and communities has been on the rise as government expropriates land for urban expansion, infrastructure, irrigation, resettlement and investment.

Agricultural development in Ethiopia continues to face formidable challenges. Average farm sizes are small with 87 percent of farming households in 2000 operating less than 2 hectares (ha) and 41 percent operating 0.5 ha or less (Future Agricultures, 2006). Since the 1980s, Ethiopia has been a major recipient of emergency food and cash assistance from the international community. Highly variable rainfall patterns have resulted in recurrent drought and crop/livestock loss, while in good years, markets have been unable to absorb surplus production. Establishment of the Ethiopian Commodity Exchange in 2008 is now helping to mitigate production shortfalls and better manage surpluses by reducing costs between producers and consumers via improved market information, market coordination, and open price discovery using auctions (Ethiopia Commodity Exchange, n.d.). Nevertheless, smallholder crop yields are below regional averages, market linkages are weak, the use of improved seeds, fertilizers and pesticides remains limited, only 6 percent of cultivated land is currently under irrigation, and child undernutrition rates are among the highest in the world (USG 2015). Issues of land access and land rights influence or are impacted by all these constraints.

As one reviews this brief, it is important to keep three important caveats in mind. First, in Ethiopia, regions have considerable autonomy to develop their land use policies and administration systems consistent with federal law and policy. Land interventions, whether they be proclamations, policies, systems or programs implemented are geographically dispersed and nuanced. Second, because of widely differing capacities at the national and regional level and rapid changes in the land dynamic in Ethiopia, information can fall out of date quickly or not be known with certainty due to constraints in knowledge management systems and communications. Third, land issues and intervention can vary regionally. For example, household level certification is widespread in the highlands, community level certification has shifted to pastoral regions and forest zones, and commercial land acquisition is focused on good agricultural land with reliable access to rivers. This profile here possible or known, tries to make clear these regional distinctions, however, the reader is cautioned to avoid geographic overgeneralization.

KEY ISSUES AND INTERVENTION CONSTRAINTS

Secure land and property rights and good governance are fundamental to economic growth, peace and stability, and environmental sustainability. The following are selected interventions identified and expanded upon in the remainder of this Brief that will hopefully guide future land tenure reform in Ethiopia toward these outcomes:

- **Extending and supporting land certification.** *Donors should continue to support land certification in arable and pastoral settings by harmonizing the legal and regulatory framework between federal and regional levels; deepening this harmonization in pastoral regional states that were late in developing their proclamations; supporting rights awareness campaigns to improve landholder understanding of the rights they hold; improving the capacities of land administration authorities to demarcate, register land and store and manage land records; supporting the piloting of certification initiatives in pastoral areas to communities as legal entities; strengthening the role of women and minorities in group registration efforts to promote good*

governance; and broadening women's participation in land administration. These actions would be consistent with the GOE's Growth and Transformation Plan II, 2015/16—2019/20. It will be essential for the government to develop a land administration system which is fit for purpose to meet the basic needs of the majority, then "improves" over time with demand. Otherwise, there is risk that government-led certification will be inappropriate (technically and financially) for the use and user at hand. Fit for purpose should take into account needs related to social inclusion, costs consistent with anticipated benefits and system reliability and efficiency to help ensure sustainability.

- **Build the capacity of land administration institutions.** Donors should support efforts improving the capacity of land administration institutions to make sure that land laws are enforced and land administration services are provided. Special attention needs to be given to updating land records when transactions occur—this remains a threat to the sustainability of the land certification system. The rural cadaster will rapidly become outdated if this is not done on a timely basis. An emphasis on computerization, one-stop-shopping, low transaction fees, a customer service orientation and prorating fees for "fit for purpose" are helpful in this regard.
- **Strengthen and improve land rental markets.** Donors should support efforts to broaden rights and facilitate land leasing and rental markets to lower transaction costs and provide landholders with greater security in land market transactions, as a means to promote economic growth.
- **Address the need to improve the expropriation policy and framework.** Donors should assist government with developing a functional expropriation/compulsory land acquisition policy that ensures full and open consultations with stakeholders affected by land takings for public purposes, ensures fair compensation, and provides due recourse to facilitate investment in public goods while protecting rights of affected populations. Further, with regard to large-scale land acquisitions, the GOE should support the development of a policy to improve land management and secure land rights, building upon recommendations such as those provided by GIZ: 1) establish transparency and a credible and reliable information base; 2) strengthen the monitoring and negotiating functions of civil society; 3) review the existing international legal framework; 4) develop and implement international guidelines; 5) support and maintain political dialogue; and 6) establish security through land laws, policies and enforcement in developing contracts between communities and investors (Graefen 2015).
- **Support integrated land use planning and participatory resource management.** Donors should support initiatives aimed at preparing and implementing integrated land use planning at all levels. They should further support initiatives aimed at devolving authority or facilitating participatory resource governance including deepening participatory forest management (PFM), supporting property rights and value chains of artisanal and small scale miners in mineral extraction, strengthening governance structures and empowerment of communities in negotiations with investors, and providing support to government ministries and regional bureaus to promote decentralization and service delivery.
- **Build capacity of pastoralist communities and water users' groups and support community land rights formalization.** Donors should work to improve the capacity of pastoral and water users' groups to understand commercial investment and the GOE's policy related thereto. Further work with government, investors and communities on negotiating land transactions that are pro-growth and equitable and better serve the interests of all parties involved is required. This should include assessing pastoral land rights, formally securing those rights via community or group certification, identifying membership, developing constitutions or community charters that secure members' rights and clarifying transferability, undertaking community mapping that relate rights to physical land boundaries, and

developing land and resource plans to improve land resource management for improved livelihoods, resilience and sustainability.

FOR MORE RECENT LITERATURE:

www.land-links.org/ethiopia

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SUMMARY

Ethiopia covers an area of 1,104,300 square kilometers. Of its total land area (100.0 million ha excluding inland water bodies) in 2013, 36.3 percent was agricultural land, 15.2 percent was arable, 1.1 percent was permanent cropland (mainly coffee and horticulture), 20.0 percent was permanent pastures, and 12.4 percent was forested. Only 164,600 ha was irrigated in 2011, or 0.5 percent of agricultural area. Terrestrial protected areas encompassed 18.4 percent of Ethiopia's land area in 2012 (Knoema World Data Atlas). An estimated 19 percent of Ethiopia's 97 million people live in urban areas, making it one of the least urbanized countries in the world, highlighting the importance of land access for rural livelihoods.

Agriculture accounts for about 42 percent of GDP and 80 percent of the population gains its livelihood, directly or indirectly, from agricultural production. Of the total value of agricultural production of \$11 billion in 2012, crop and livestock production comprised 81.5 percent and 18.5 percent respectively; of total crop value, cereal production comprised 54.4 percent. Over the 2007 to 2013 period, cereals production rose steadily from 12.2 to 22.7

million tons, roots and tubers from 6.3 to 8.5 million tons, oilseeds from 188.0 to 246.8 thousand tons, and vegetables from 1.11 to 1.9 million tons (Knoema 2013), all contributing to growing food security.

Oilseed production, while important for local consumption, is also expanding rapidly due to increasing exports to the Middle East and China; exports increased ten-fold between 2002 to 2012 (Knoema 2013). Ethiopia is reputed to be the origin of Arabica coffee that is in great demand in European, US and Japanese markets. Ethiopia's floriculture and horticulture export sector industry is growing rapidly with exports of flowers mainly to European destinations. The Government is actively encouraging smallholder and commercial agriculture to produce coffee, oilseeds, pulses, flowers and vegetables for export. Coffee is the major foreign exchange earner, generating about 31 percent of total merchandise

Box 1. Macro Indicators

	Year	Score
Population, total	2014	96,958,732
Population growth (annual %)	2014	2.5
Population density (people per sq. km of land area)	2014	97
Total labor force (millions)	2013 est	45.65
Labor force in agriculture (000 persons)	2013	30,817
Rural population (% of total population)	2014	81
GNI, Atlas method (current US \$) (million)	2014	53,620.7
GNI per capita, Atlas method (current US \$)	2014	550
GNI per capita, PPP (current international \$)	2014	1,500
GDP at market prices (current US \$) (millions)	2014	55,612.2
GDP growth (annual %)	2014	10.3
Foreign Direct Investment (current US \$) (millions)	2014	1,200.0
Poverty headcount ratio at national poverty lines (% of population)
Inflation, GDP deflator (annual %)	2014	11
Domestic credit provided by financial sector (% GDP)
Agriculture, value added (% GDP)	2014	41.9
Life expectancy at birth, total (years)	2013	63
Improved water source (% of population with access)	2015	57
Improved sanitation facilities (% of population with access)	2015	28
Prevalence of undernourishment (%; 3-year average)	2014-16	32
Primary completion rate (gross intake rate), total (%)
Surface area (sq. km)	2014	1,104,300
Forest area (sq. km)	2012	120,144
Percent forest cover (% of land area)	2013	12.4
Annual rate of forest loss (woodlands & shrub loss)	2015	1.25 (1.8)
Arable land (000 ha)	2013	15,119
Terrestrial and marine protected areas (% of total territorial area)	2012	18.4
Agricultural area (1000 ha)	2013	36,259
Total area equipped for irrigation (1000 ha)	2013	290.00
Crop production index (2004-2006 = 100)	2013	156.8
Livestock production index (2004-2006 = 100)	2013	129.5
Ores and metals exports (% of merchandise exports)	2013	0.1

Sources: World Bank Development Indicators 2015; FAOSTAT, and Index Mundi

export earnings in 2012, with oilseeds and pulses adding another 17 percent. Other major exports include natural gums, khat, vegetables, cotton and gold.

The livestock sector contributes an estimated 12 percent to total GDP and 45 percent to agricultural GDP; pastoral livestock population is an estimated 40 percent of total livestock production. In 2010, total livestock numbers included 52 million cattle, 3.3 million sheep, 30 million goats, and 2.5 million camels. Of these totals, 30 percent of cattle and sheep, 70 percent of goats, and 100 percent of camels were situated in pastoral areas of Afar, Somali, SNNP, Oromia, Diredawa, Benishangul-Gumuz and Gambela regional states (Shiterek 2012). Processed and semi-processed hides and skins are the second most important foreign exchange earner; Ethiopia was the largest producer of livestock in Africa in 2010-11 and the largest producer in the world after Brazil and Vietnam (MoARD 2010). However, livestock's contribution to GDP is underestimated because of some of its economic benefits are excluded—notably livestock draft power. Taking these benefits into account would double the official value of livestock's contribution to GDP. The same applies to export; livestock products probably constitute a fifth of Ethiopia's exports, but about half of these exports are not officially recognized because of informal cross border trade (ICPALD 2013).

Despite the importance of livestock to the agricultural sector, the claims of pastoralists to land and pasture, particularly in the South, are poorly recognized or upheld by Federal, regional, or state authorities, although this is changing. Conflicting claims on grazing resources have been a contributing factor to violent clashes. The expropriation of pastoral lands for infrastructure, town expansion, investment and irrigation, often without fair compensation, consultation or exercise of due recourse, has divested communities of valuable land and resources and weakened their resilience to natural shocks (Hundie and Padmanabhan 2008; Beyene and Korf 2008).

While the estimated contribution of the forest estate to GDP is only 2.8 percent, 90 percent of the population relies on various forms of biofuels. Use of non-timber forest products such as honey, medicinal and spice plants, fodder, and the benefits of environmental services are essential aspects of people's livelihoods. Forest clearance for agricultural expansion and settlement, habitat fragmentation, and the impact of uncontrolled grazing and fire upon forest regeneration are all drivers of deforestation in Ethiopia. Encroachment on state forest reserves and associated illegal logging and arson are significant problems.

Ethiopia produces various types of minerals such as gold, silver, gemstones, soda ash, tantalum, kaolin, construction materials, particularly colorful dimension stones, and mineral water. Most minerals are mined by artisanal and small-scale miners (ASM). It is estimated that more than one million people are engaged in ASM activities, and 5-7 million people indirectly benefit.

I. LAND

PRE-1975 LAND LEGACY¹

Ethiopia's land tenure system reflects long-standing and competing historical themes, including feudal traditions and the effects of military rule to rectify feudal injustices. The prevailing constant, regardless of the form of governance, has been significant control by the state over the allocation and use of land.

¹ This and the following section draw heavily on Ofcansky and Berry, 1991.

Attempts to modernize land ownership by giving title to peasants who till the soil, or to large-scale farms and cooperatives were attempted under imperial rule and the Marxist regime (the Derg). More recently, the current regime has supported large-scale land use certification efforts.

Prior to the 1974 Ethiopian Revolution, Ethiopia was divided into northern highlands and the southern highlands. The following tenure systems prevailed (Crewett et. al. 2008):

- The communal *rist* system was prevalent in the northern regions of Tigray and Amhara and was based on ancestral claims and customary law. By birthright, both male and female descendants could substantiate and claim use-rights to a portion of arable land. The land was owned by the lineage or community rather than the individual, who was entitled to rent use-rights but could not mortgage, sell, or give the land away. *Rist* rights were conditional upon payment of taxes or fulfillment of obligations to the family or community, who retained secondary rights to an individual's holdings (e.g. water, trees, or fodder).
- *Gult*, a form of private ownership, prevailed mainly in the southern regions, consisting of large holdings granted by the Emperor or provincial authorities. Owners were entitled to collect taxes or labor service from tenant farmers, some of whom had been cultivating the same land under customary or community-property rights. *Gult* rights were often provided in lieu of salaries to imperial officials and soldiers and the system contributed to concentrated landholdings, absentee ownership, political patronage, and widespread share-cropping under penurious terms. Owners could lease, sell, or mortgage land while tenants were subject to numerous restrictions, steep taxes, mandatory labor services and arbitrary eviction.
- Other forms of tenure included *samon*, *mengist* and *madeira* land. *Samon* was land granted by government to the Ethiopian Orthodox church which held an estimated 10–20 percent of all arable land; tenant farmers on these lands also provided tribute or labor in exchange for use-rights. *Mengist* was agricultural land registered as government property, and *madeira* was land granted mainly to government officials, war veterans and patriots in lieu of a pension or salary.

In lowland areas and the Rift Valley, transhumance and allocation of land according to tribal custom prevailed until after World War II. Highlanders disliked the hot and humid lowland climate and feared malaria. Beginning in the 1950s, malaria eradication programs opened up lowland areas to irrigation in order to promote agriculture and create new tax revenues. Major concessions to entities such as the Tendaho Cotton Plantation and Wonji Sugar Plantation led to disruptions of pastoral life and traditional migration patterns for grazing and water. Creation of the Awash Park had a similar effect.

By the mid-1960s, an upwelling of support for land reform and integrated rural development had begun.

POST-1975 REFORMS AND TENURE TYPES

The 1974 overthrow of the Haile Selassie regime by the Derg provided usufruct rights to large numbers of rural families while declaring all land to be the property of the state. Following this regime change, the Land Reform Proclamation was enacted in February 1975. Articles 8 and 10 of the Proclamation required that peasants be organized into associations that would facilitate the implementation of rural development programs and policies.

By the end of 1987, there were 20,367 peasant associations, each 800 ha in size regardless of membership, totaling 5.7 million farmers. Members included tenants, landless laborers, and landowners with ten or fewer hectares. Those landowners with more than 10 ha could join an association only after

redistributing land. Starting in 1976, the government encouraged farmers to form service cooperatives and producers' cooperatives based on a series of proclamations and directives issued by the Derg between 1978 and 1981. The Derg also promoted large-scale state farms with forced labor, estimated to cover 216,000 ha by 1987/88, in an effort to reverse declining food production; however, these settlements were abandoned in the late 1980s because the State was unable to sustain services.

Voluntary resettlement started in Ethiopia in 1958. Shortly after the 1974 revolution, the Derg promoted its acceleration. Resettlement programs effectively required "forced" participation and gained momentum as a result of the 1984 famine. By 1986, the government had resettled more than 600,000 people to three resettlement areas. In 1985, the government also initiated a new program of "villagization" with the objective of grouping scattered farming communities into small village clusters (200 to 300 households) to promote rational land use; conserve resources; provide access to clean water, health and education; and strengthen security. By 1986, about 4.6 million people in Shewa, Arsi and Harerge had been relocated into more than 4,500 villages. The civil war that ended in 1991 with the defeat of the Derg reduced forced participation of farmers in agricultural cooperatives and collectives, but otherwise largely maintained the property rights regime.

The Derg ruled the country from 1974 to 1991. During this period the Federal Democratic Republic of Ethiopia was formed, and regions largely defined on the basis of ethnicity or "nationality." The government formed by the incoming Ethiopian People's Revolutionary Democratic Front (EPRDF) in 1991 vested all land in the government and people of Ethiopia. People have land use rights that are transferable through inheritance, gifting, divorce and rent. Investors can also lease land from government for commercial farming. Increasingly, broad discretion is granted to regional governments to regulate and administer use-rights and seven regional governments have passed laws that allow some degree of rental rights to local people.

In recent years, the government has undertaken two programs to expand productive land use: resettlement and long-term leasing to investors. The resettlement initiative was launched in 2002 through administrative decisions taken by regional governments to encourage farm families from the crowded highlands of Amhara and Tigray regions to move into the lowlands near Metema and Humera along the Sudan border to reduce their food insecurity and improve their livelihoods. While in principle, the program was voluntary, it echoed the forced replacement carried out during the Derg years and attracted considerable criticism. More recent initiatives to make "unused" land available on long-term leases to foreign investors have also been controversial (see below).

In pastoral and agro-pastoral areas of the country the customary land tenure system has been recognized under Proclamation 31/1975 by the Derg regime, and under the 1994 Constitution. Pastoral lands in Ethiopia are largely managed by customary authorities using rules and regulations that evolved over a long period of time. Clans operate in a socially recognized territory over which they have exclusive primary land use rights. Such territories have dry and wet season grazing areas where clan members practice rotational grazing. River basins that are usually flooded during rainy seasons and valley bottoms whose soils retain moisture far into the dry season constitute dry season grazing areas. Neighboring clans who have primary land use rights over their territory also have secondary rights in their neighboring clan territories (e.g. for dry season grazing and watering), based upon inter-clan negotiated reciprocity. When such reciprocities are practiced, the guest clan has to observe the rules and regulations of the host clan on the use of the grazing and water resources. From the 1950s to the present time, the state has asserted authority over customary management of pastoral lands, particularly

Box 2. Land Tenure Indicators

	Score
<u>Millennium Challenge Corporation Scorebook, 2015</u>	
- Land Rights and Access (Range 0–1; 1=best)	0.86
<u>International Property Rights Index, 2015</u>	4.0
- Physical Property Rights Score (Range: 0–10; 0=worst)	4.8
<u>World Economic Forum's Global Competitiveness Index, 2015-2016</u>	3.7
- Property Rights (Range: 1–7; 1=poorly defined/not protected by law)	3.6
- Ease of Access to Loans (Range: 1–7; 1=impossible)	2.2
<u>International Fund for Agricultural Development, Rural Poverty Report, 2001</u>	
- Gini Concentration of Holdings, 1981-1990 (Range: 0–1; 0=equal distribution)	0.47
<u>International Fund for Agricultural Development, Rural Sector Performance Assessment, 2007</u>	
- Access to Land, 2007 (Range: 1-6; 1=unsatisfactory access)	3.2
<u>Food and Agricultural Organization: Land Portal/Land Matrix, 2014</u>	
- Total number of land deals	107
- Total number of agricultural deals	105
- Total hectares in contracted deals (000)	1,345.2
<u>World Bank Group, Doing Business Survey, 2016</u>	
- Registering Property-Overall World Ranking (Range: 1–181; 1=Best)	141
<u>World Bank Group, World Development Indicators, 2014</u>	
- CPIA property rights and rule-based governance rating (1=low to 6=high)	3.0
- Registering Property-Number of Procedures	7
- Registering Property-Days Required	52
<u>World Bank Group, World Development Indicators, 1998</u>	
- Percentage of Population with Secure Tenure	..
<u>Heritage Foundation, 2016</u>	
- Index of Economic Freedom-Property Rights (Range 0-100; 0=no private property)	30
<u>Economic Freedom of the World Index, 2015 (2013 data)</u>	
- Legal Structure and Security of Property Rights (Range 0-10; 0=lowest degree of economic freedom)	4.97
- Protection of Property Rights (Range 0-10; 0=lowest degree of protection)	4.00
- Legal Enforcement of Contracts (Range 0-10; 0=lowest degree of protection)	5.55
- Regulatory Costs of the Sale of Real Property (Range 0-10; 0=highest amount of restrictions)	8.53

those that contain river basins in which the State has initiated irrigation developments or land leases to investors.

There have been long standing doubts within government about the viability of pastoralism as a means of livelihood. Both the Imperial regime and the Derg made efforts to settle pastoralists on irrigated land in the river basins alongside the irrigated state farms that were developed on expropriated grazing lands. Because pastoralists lacked farming know-how, the State built irrigation infrastructure and farm machinery services while pastoralists provided labor for weeding and harvesting the crops grown, which was mainly cotton. While Federal government and the regional governments of Afar and Oromia are currently developing regulations to secure the rights of pastoralists to their customary lands, some still see pastoralism as an antiquated and unproductive livelihood.

Although the expropriation of land for irrigation development

abated during the early years of the current EPRDF government, it is now on the rise as allocations for both private and state-run large sugar and cotton estates are being made. These allocations once again are eroding the sustainability of the pastoralist mode of livelihood (Hundie and Padmanabhan 2008; Beyene and Korf 2008).

All urban lands (land inside perimeter fences) not expropriated during the Derg regime and lands given to individuals for purposes of building houses is held under a system of usufruct granted by permits. After the coming into force of The Re-Enactment of Urban Lands Lease Holding Proclamation No. 272/2002, the leasehold system was made applicable to urban land held by the permit system, or by leasehold system, or by other means prior thereto (Art. 3.1).

LAND DISTRIBUTION

Successive national governments in Ethiopia have implemented differing approaches to the distribution of rural land. The imperial regime of Haile Selassie allocated land ownership to political supporters without regard to its occupation or use by farming populations. This created a feudal regime of landholdings in much of the country, with many farmers operating tenancies on lands held by absentee landlords. Growing anger and unrest over the oppressive and inequitable effects of this feudal tenure system, particularly the large-scale eviction of tenants to make way for commercial farming, were major factors leading to a coup in 1974 by a cadre of military officers (the Derg) and the overthrow of the Emperor. “Land to the Tiller”, the rallying cry of the opposition, became the basis for the Nationalization of Rural Lands Proclamation of 1975 and subsequent sweeping land reform.

Between 1976 and 1991, the Derg implemented a series of reforms in which all rain-fed farmland in highland Ethiopia was confiscated and redistributed, after adjusting for soil quality and family size (Devereux et al. 2005). The Derg regime redistributed previously “privatized” land to farming households but went further, repeatedly redistributing land every year or two with the aim of achieving an equitable allocation of usufructory rights. Such frequent redistribution reduced land access and undermined tenure security for both current land holders and inheritance by children, creating disincentives to invest in land and protect resources. The Derg retained state ownership of some large properties, setting them up as state-owned and -operated farms.

The government formed by the incoming Ethiopian People’s Revolutionary Democratic Front (EPRDF) in 1991 largely maintained these policies. They assigned ownership of lands to the state and use-rights to farmers and livestock keepers. Land sales were prohibited and redistribution of use rights was encouraged as a means to avoid landlessness. The Government allowed limited leasing and inheritance rights to be exercised. Gradually, more authority for land distribution policies was delegated to regional states. Growing recognition of the negative impact of frequent land redistribution on security of tenure led to Proclamation No. 456/2005 which limited forced land redistribution to only irrigation development areas.

Additional land can only be acquired through leasing, as current policy restricts consolidation of holdings and prohibits the sale or purchase of holdings. While the right of women’s access to land is stated in the Constitution, anecdotal evidence suggests that women’s role and involvement in decisions regarding the allocation and use of landholdings at the local level remains limited (Kebede 2008; Mersha and Githinji 2005; Stein and Tefera 2008). However, land certification has resulted in an increase in women with legally recognized rights as holders by including both spouses on the certificate in the case of joint ownership, and providing certificates to women in case of divorce, separation or death. Widows do not receive the certificate of holdings until any inheritance issues are settled and recognized by the district court. Women are issued with holding certificates during separation or divorce only if the property was jointly registered in both spouses’ names. Women landholders report concern about renting out or share-cropping to non-relatives for fear that tenants may dispossess them. Certification is helping to address this fear and broaden access to those seeking land to rent or sharecrop.

LEGAL FRAMEWORK

Under the 1995 Constitution, the state retained ownership of all land and the right to seize and redistribute as needed. The Constitution affirms that “the right to ownership of rural and urban land, as well as all natural resources, is exclusively vested in the State and in the peoples of Ethiopia” and reserves the right of the government to stipulate the amount of land a citizen may hold. However, the

Constitution also recognizes the right of peasants to “obtain land without payment and the protection against eviction from their possession.” Pastoralists “have the right to free land for grazing and cultivation” and “the right not to be displaced from their own land” (GOE Constitution 1995, Art. 40). Regional governments are also empowered to administer land and other natural resources in accordance with Federal laws. Landholders have only usufruct rights and cannot sell or mortgage their landholdings. Smallholders have usufruct rights in perpetuity while large scale farms have term limits on their leased land (Abza 2011).

The first federal Rural Land Administration and Use Proclamation was promulgated in 1997 to provide regional states with an umbrella framework for enacting rural land administration laws. The Federal Rural Land Administration and Land Use Proclamation No. 456/2005 was enacted for the purpose of ensuring tenure security; strengthening the land holding rights of farmers; sustainably conserving and developing natural resources; establishing a land data base; and establishing efficient land administration in the country. It abolished forced redistribution of land which was a major source of tenure insecurity for the rural population. The Federal Proclamation also transferred significant authority and responsibilities for land administration to regional governments and it provided the legal basis for piloting land certification activities that are ongoing and broader in geographic scope. It reaffirmed ownership of rural land by the state, but conferred indefinite usufruct rights to smallholders along with rights to succession and land renting (Abza 2011).

Certification processes consist of adjudicating land rights for each parcel of land by village land committees in the presence of adjoining landholders. The landholder(s) of each parcel are given a certificate of holding if land rights of the parcel in question are not contested by another claimant(s). If the land rights are contested, the village land committee attempts to resolve the contest, failing which the contestants settle the case in the district court. A landholding certificate is issued to such parcels only after the contest is settled (GOE Rural Land Administration and Use Proclamation 2005a).

In relatively quick succession, the four regional states revised their land laws to reflect changes in federal law— Amhara (No. 133/2006), Tigray (97/2006, repealed by Proclamation No. 239/2013), Oromia (No. 130/2007), and SNNP (No. 110/2007)—followed later by Afar (No. 49/2009), Gambela (No. 52/2007) and Benishangul-Gumuz (No. 85/2010). All the regional states have issued regulations to implement their land administration and use proclamations. The Amhara and Oromia Proclamations broadened landholder rights (Abza 2011). However, certain provisions in regional laws are still believed to undermine security of land tenure, restrict access to land for in-migrants, or deter people working elsewhere from remitting earnings back home. In Tigray, for example, the land laws require residency on one’s holding; thus, individuals absent from the locality for more than two years’ without sufficient cause risk forfeiture of their landholdings (Tigray National Regional State Land Administration and Land Use Proclamation No. 239/2013). The term ‘sufficient cause’ is not defined and has been interpreted in different ways. Land administration officials and experts argue that sufficient cause should be interpreted strictly, for example, the land holder was absent because he was sick and went to some hospital in the city. But if he went to the city to find temporary employment this would not be considered as ‘sufficient cause.’

The land administration proclamations above were mainly aimed at settled areas of the highlands where lands are individually held and not for pastoral and agro-pastoral areas where customary tenure based on clan, sub-clan and lineage membership predominates. More recent legal and regulatory reform in Afar and Oromia regions are incorporating policy revisions to account for community and group rights and

registration. However, despite having land policies and laws in place, they have not implemented them in customary settings because of capacity issues and lack of guidelines.

Under the Federal Expropriation of Lands for Public Purposes and Payment of Compensation Proclamation No.455/2005 and Valuation of Property and Payment of Compensation Regulation No. 135/2007, Regional States are given power to issue guidelines/directives to implement the Federal Proclamation and Regulation. However, only Amhara and Tigray have done so. Under the law, “public purpose” is defined as any development activity that, in the view of the administration, may directly or indirectly benefit the land holder community. Therefore, there is no legally recognized right to challenge in the courts government’s determination of “public purpose” when expropriating property. However, a landholder can challenge the amount offered as compensation (Tamrat 2010).

The legal reforms enacted since 2005 have dramatically altered smallholder land rights in rural areas. Although rural landholders do not have private ownership rights to land, they are nonetheless guaranteed rights to immovable property built on land (e.g., housing) and permanent improvements made to land. They have rights to alienate, bequeath, transfer title, and claim compensation; and are protected against arbitrary eviction by the state (Ambaye, 2012). As noted, land takings are, however, frequently undertaken without fair payment, consultation or due recourse.

Ethiopia continues to wrestle with the legacy of the debate over private versus state ownership of property. The government maintains that state ownership of all land is essential to ensure equitable distribution of land to all rural people and to ensure ongoing redress of historical injustices created by the feudal tenure system. Critics contend that the continuation of this policy stifles agricultural investment and has led to fragmentation and excessively small and unproductive parcel sizes (Gebreselassie 2006; Crewett et al. 2008).

Have the more recent legal reforms had a positive impact on land tenure security? Regional states are still in the process of implementing regulations, but overall, Box 2 suggests some progress has been made but more can be done to secure a broad range of rights for Ethiopia’s landholding population. By almost every indicator of tenure security measured, Ethiopia falls between best and worst case extremes, indicating the need for further legal reform, including developing and implementing regulations that provide law with legal traction. Certain indicators are particularly low, such as access to credit (reflecting both poor land marketability and low collateral value), limited economic freedom in land and property utilization, and high costs in transacting property. While land sizes in rural areas are small, and large scale land deals still remain a small portion of overall land area, the Gini coefficient of 0.47 still suggests considerable landlessness.

SECURING LAND RIGHTS

In many instances, securing rights to use land in rural Ethiopia involves the concurrence of public authorities. Successive national governments, including the current government, have taken interventionist approaches to land redistribution for various reasons (power, social justice, economic interests) with significant impacts on land-users rights of access and use. Crewett et al. (2008) distinguish between rights for access, withdrawal, management, exclusion, and alienation and review the complexities associated with the ways in which these rights are (or are not) made available to individuals and communities in different parts of the country.

While the current land policy is based on state ownership where landholders are only awarded usufruct rights, there has been a significant shift in *de facto* rights since the Derg era. Federal and regional laws

have evolved to accommodate efficiency and fairness, but regional bureaucrats still selectively implement the proclamation (Crewett et al. 2008). Farmers are provided with a “holding right” that give peasants many of the rights of ownership except for sale and mortgage; they can use the land for agricultural production, rent a portion to fellow farmers (sharecropping), lease to investors, and inherit or bequeath (as a gift) to family members, all held in perpetuity. However, as the ability to transact land and property at low cost is a central tenant of a market economy, current restrictions remain an important policy issue (see below). Another shortcoming of regional legislation is the lack of mechanisms to secure rights of pastoralists to customary grazing lands in the lowland areas of the country where pastoralists must travel across broad landscapes in search of food and water for their animals (Ambaye 2012).

Land certification, first introduced in 1997, has now been extended to all regions of the country. An emerging body of empirical evidence suggests that it is increasing tenure security. Research by Bezabih et al (2011) found peasant farmers’ trust of the Amhara government was enhanced by certification. The impact on long-term investment in land, water and forest resources may not yet be evident, and more time is needed to study the impact of land certification as programs have only recently begun to scale up. However, there is early evidence that limits on land transfer rights continue to negatively affect long-term investment, contributing to low returns on land and perpetuating low growth rates and poverty (Ali et al. 2011).

Deininger et al. (2008) note the value of certificates for prompt and fair compensation in land takings. The Government continues, however, to experience problems paying fair and adequate compensation to land holders, particularly in the case of government takings for public investment in roads and economic development projects. For example, Addis Anteneh and Associates (2008) report considerable variation in income foregone and actual compensation paid within and among regions. This contributes to ongoing land tenure security, loss of wealth by those negatively affected and conflict between the state and local communities.

INTRA-HOUSEHOLD RIGHTS TO LAND AND GENDER DIFFERENCES

Although the 1974 land reform promised a more equitable distribution of land, women were effectively prohibited from benefiting equally in land allocation schemes. Land registration all too frequently registered land holdings exclusively in the name of the male head of household. Where polygamy was practiced, land registration records reflected one of several households, excluding households of subsequent wives (Girma and Giovarelli 2013). The 1995 Constitution, affirms gender equality and prohibits discrimination on the basis of sex however the right of married women to land is based on their

Box 3. Land and Gender Indicators		Score
<u>OECD: Social Institutions and Gender Index, Restricted Resources and Assets, 2014</u>		
- Women have equal and secure access to land use, control and ownership (Range: 0-1; 0=no discrimination)		0.5
- Women have equal and secure access to non-land assets use, control and ownership (Range: 0-1; 0=no discrimination)		0.5
- Women have equal access to financial services (Range: 0-1; 0=no discrimination)		0.5
<u>FAO: Gender and Land Rights Database, 2011-2012</u>		
- Percentage of Female Holders of Agricultural Land		19.2
- Percentage share of agricultural land area held by women		15.0
- Percentage share of agricultural land are held jointly with men		39.0

husband’s claim as head of household. The regional constitutions and land laws also affirm equal rights of women. Land laws of both Federal Government and the regions also provide that the landholding certificate be issued in the names of both spouses, and a wife must give her consent when her husband enters into a transaction that involves jointly-titled land (GOE Constitution 1995).

Equity provisions in the Constitution are reinforced by the Rural Land Proclamation which confirms equal rights of women in land transactions and the Family Code which recognizes communal property among spouses. The problem with securing women's rights to land and property is not the absence of laws but lack of awareness, traditional practices curtailing rights of women, and absence of strict legal observance by government institutions (Girma and Giovarelli 2013). Women's security of tenure may be further undermined through the abrogation of provisions allowing the issuance of a certificate to a woman in a polygamous marriage, as well as through the role of traditional leaders who administer the first level of land disputes hearings. The Revised Family Code of 2000 provides for community of property (with exceptions) for anything acquired after marriage and for common law unions lasting not less than three years, presuming joint ownership and consent of both spouses before the disposition or transfer of any property (Cotula 2007).

Without inclusion of their names on land certificates, women risk losing their rights to land in the event of divorce or becoming widowed. Joint titling, including both husband and wife's names on a land certificate, was introduced in 2003. The nationwide certification program is intended to be highly participatory and decentralized through Land Use and Administration Committees comprised of community members. However, there are regional variations that affect evenness of implementation: land certification across regions began at different dates; while Tigray region did not mandate joint titling, Amhara, SNNP and Oromia regions did; Amhara and SNNP regions required photographs of both spouses on certificates while Oromia region only required the husband's photograph; and different methodologies were employed in issuing certificates in the case of polygamous households (Girma and Giovarelli 2013).

In an IFPRI study analyzing panel data from 1997 to 2009, aside from women being somewhat less aware of the land registration process, less inclined to attend meetings and less likely to receive written material, there were remarkable similarities between men and women on seventeen attributes of knowledge and participation documented about land certification (this similarity held across all three regions studied—Amhara, Oromia and SNNP). However, women tended to have smaller plot sizes, less cropped area, and lower quality holdings although only slightly so (Kumar and Quisumbing 2012). Despite requirements to include at least one female member in the LACs only 20 percent had done so. Nevertheless, there is growing evidence that the problems above are being corrected, that certification is improving tenure security of both men and women, and that including wives' names on land certificates is enhancing public expectation of equal division of land upon divorce or death of a spouse (Girma and Giovarelli 2013). Land certification and reform of the Family Code also appear to be having mutually reinforcing effects on women's rights and welfare (Kumar and Quisumbing 2012).

Ethiopia has come a long way since 1975 in broadening women's rights to land. But as noted in Box 3, there is still considerable space for further progress in securing equal access to land use, control and ownership; having equal and secure access to non-land assets; and having equal access to financial services. Moreover, women compared with men, still have unequal land access outside of the share jointly held with their spouses.

LAND ADMINISTRATION AND INSTITUTIONS

At the Federal level, land administration was a small and under-resourced unit in the Natural Resources Development Directorate of the MoARD until 2010 when a separate Land Administration and Use Directorate (LAUD) was established. It now coordinates implementation of the Federal Rural Land Administration and Use Proclamation by providing national strategic planning, standardizing land

administration systems, coordinating donor activities, and providing technical and financial support to regions. Six Regional states—Amhara, Oromia, SNNP, Tigray, Gambela and Benishangul-Gumuz—have established land administration offices to implement federal and regional laws. Some started as regional agricultural bureaus and changed to independent authorities under these bureaus. Those in Amhara and Oromia have been elevated to fully autonomous bureaus (Abza 2011).

More recently, all regional states in Ethiopia are obliged by law to establish an Environmental Protection Land Administration and Use Agency (EPLAUA) but names and statuses vary. For instance, in Dire Dawa Administration and Harari People National State, they are established as authorities. In Amhara, Benishangul-Gumuz, Gambela and Oromia regional states, they are established as bureaus. And, in Tigray and SNNP region, they are established as agencies (Berhane 2015).

In urban areas, the city council is authorized to approve permits for land and building. In rural areas, it is the Land Administration Committees at the *kebele* level that are most relevant from the perspective of most Ethiopian farmers. A number of projects are working with local authorities to improve their capacity to plan and administer land allocation and use. For example, the Institute of Land Administration (ILA) was established at Bahir Dar University in 2008 to offer university-level training in land administration, geodesy and geomatics with technical assistance of the Royal Institute of Technology (KTH) and financial support of SIDA. USAID's LAND program collaborated with Bahir Dar University's ILA to offer a master's degree program on land administration and establishing the Ethiopian Land Research and Development Network (ETHIOLANDNET). Haramaya University's Department of Law established the Land Tenure Institute in 2010 to conduct policy research and assist regional governments develop new land legislation. Nevertheless, most of these programs are still in their infancy.

Despite the significant changes made in both legal reform and land administration institutions governing land and property, there remain important challenges (Abza 2011):

- Policy and legal gaps, particularly surrounding pastoral and agro pastoral lands. Regional states are currently developing regulations that address certification and are working on valuation and compensation guidelines for land expropriation.
- Technical deficiencies, including appropriate land registration and cadastral survey methodologies and lack of surveying and mapping infrastructure (including CORS state for geo referencing).
- Inadequate institutional capacity of federal and regional land administration agencies to cope with the growing demands of land administration services.

LAND MARKET

Ethiopia has not enacted a land policy, but federal and regional proclamations are serving as policy documents. The proclamations provide unlimited usufruct rights to farmers and pastoralists and grant rights to inherit, bequeath and lease but with variations (Gebeyehu 2013):

- Federal Government: allows leasing as long as it doesn't cause displacement
- Amhara Region: allows leases of up to 25 years without size limitations among peasant farmers and from peasant farmers to investors
- Oromia Region: allows 3-year leases among peasant farmers for traditional farming, and 15 years from peasant farmers to investors for modern farming, but limited to no more than half a holding

- **SNNP Region:** allows 5-year leases among peasant farmers and from peasant farmers to investors for 10 (annual crops) to 25 (perennial crops) years as long as the remaining holding is sufficient for annual consumption
- **Tigray Region:** allows 3-year leases among peasant farmers for traditional farming, and 10 years from peasant farmers to investors for modern farming, both up to half the holding and with no displacement

For landholdings of peasant farmers that are only several hectares in size, it is inconceivable that land could be identified and consolidated across multiple households to attract investors if only half one's parcel can be leased or if the remaining land must provide for the family's consumption. In addition, the above provisions can be expected to have varying effects on tenure security; long-term investment; ability to reduce or consolidate fragmented landholdings; and incentives to migrate (e.g. being able to lease out only half one's plot leaving the rest behind).

Using a panel data set covering 400 households prior to certification and two, five and eight years after in Tigray region, Holden et al (2011) found that land certification had a significant positive effect on land renting, and the participation of female-headed households as landlords. However, context helps explain this: only men cultivate with oxen as there are cultural norms against women cultivating with large livestock, which results in a higher proportion of women leasing out their land because they lack some of the means to farm it themselves. While it has also become easier for tenants to access land to rent in, transaction costs in the land rental market nonetheless remain high, suggesting ample space at the local level to facilitate land rental markets further.

Another study investigating the impact of limited transfer rights and perceived land tenure insecurity on investment in coffee, khat and eucalyptus found that the share of holdings allocated to these crops substantially increased if transfer rights are present; that extending these findings to soil conservation improvements would magnify positive impacts further; and that the current policy is pushing farmers toward low return, subsistence production by keeping their time horizons short and focused on single-period crops. Rural landholders need an enabling environment that encourages a longer-term planning horizon. This would mean providing guarantees that land (and investment) will not be appropriated, allowing credit markets to develop using land as collateral, and allowing increased land mobility and efficiency via land sales and rental (Ali et al. 2011).

Debates related to land ownership continue. One group argues that privatization and secure, long-term and transferrable use rights would spur economic growth and help alleviate poverty. The other argues that a freely operating land rental market could, instead, spur unproductive land concentration, risk distress rentals, and could exacerbate landlessness with destabilizing results. This continuing debate suggests a need for more nuanced research into land rental markets and along with pilots to test and rigorously evaluate the effects of proposed policy changes (McClung 2012).

LARGE SCALE INVESTMENT

The allocation of farmland to investors has been occurring since the mid- to late-1990s but until late 2002 those requesting land were predominantly local investors. Foreign investors began to show interest following passage of key enabling legislation, notably Proclamation 280/2002 and amendments in 375/2003 (Horne 2011; Rahmato 2011). Proclamation 456/2005 under article 5(4)(a) allows investors who have the capital and technology to obtain land for agricultural investment purposes (Ambaye 2012). From 2007 onwards, federal and regional governments were actively promoting land investment and

seeking foreign capital. The MOARD in 2008 was tasked to prepare information to attract investors, negotiate contracts, and administer all lands received from regional government in a federal land bank. Between 2009 and 2010, 3,589,678 ha was transferred from regions to the federal land bank including: Amhara (420,000 ha), Afar (409,678 ha), Benishangul-Gumuz (691,984 ha), Gambela (829,199 ha), Oromia (1,057,866 ha), and SNNP (180,625 ha) (Rahmato 2011).

The Agricultural Investment Support Directorate (AISD) was created in 2009 within the MoARD to identify potential land for agriculture, receive land from regions (for purposes of the federal land bank) and transfer it to investors. Investors wanting land in excess of 5000 ha apply to the AISD with a completed business plan that is vetted for technical feasibility, financial viability and environmental and social acceptability. If a proposal is accepted, a long-term land lease ranging from 25–99 years is issued. Investors seeking land less than 5000 ha go through the same procedure by applying to the regional state's investment bureau and signing lease agreements with the regional agricultural land administration agency.

A number of studies outline the extent of land investment in Ethiopia but with varying degrees of precision, accuracy and thoroughness. Some focus only on certain areas of the country, involve incomplete data or exclude certain size categories of farms. Records within some regions are poor, there is no centralized registry of land deals, and statistics often must be compiled from personal communications with officials. The amount of land reported may underestimate the land that has been actually granted to investors (Horne 2011).

According to a World Bank Study, 406 commercial land investment projects covering 1.2 million ha were approved in Ethiopia between 2004 and 2008; 49 percent of this area was granted to domestic investors, and only 5 percent was provided to foreign investors (Deininger and Byerlee 2011). A more recent analysis by the International Land Coalition's Land Matrix shows 56 land investments of 200 ha or more covering slightly over 2.4 million ha from 2000 to 2012. Another study showed that as of January 2011, 3,610,509 ha had been awarded to investors with the following regional breakdowns: Oromia (36.4 percent); Benishangul-Gumuz (17.6 percent); multi-regional (13.8 percent); SNNP (13.0 percent); Gambela (7.1 percent); Federal (5.5 percent); Amhara (4.8 percent); Tigray (1.3 percent); Afar (.3 percent); and Somali (.2 percent) (Horne 2011).

Despite data limitations, a number of important observations can be gleaned from these studies. Large concessions are being granted to some of the best agricultural land in the country, but very few projects are fully operational. While large-scale foreign attention garners media attention, a large share of the investment is by domestic investors (perhaps 95 percent accounting for more than half the land area leased) (Horne 2011). The vast majority of foreign investors in Ethiopia are private companies, mostly Indian or from the Gulf states. Some foreign investments are extremely large in size. Karuturi Global, Ltd., an Indian Company has leased 100,000 ha for corn, rice and palm oil in Gambela with an option to lease an additional 200,000 ha if it develops the initial block per terms of the lease.² Karuturi has also begun a 10,700 ha project in Oromia Regional State known as the Bechera Agricultural Development project. Saudi Star, owned by Ethiopia-born Sheik Mohammad Al-Amoudi, was issued a 60-year lease to grow rice on 10,000 ha of land (Vhughen and Gebru 2013). The processes for making these allocations are often problematic: consultations with affected communities are often limited; terms of the leases are

² On December 28, 2015, Ethiopia revoked the Karuturi contract on grounds that by 2012 it had developed only 1,200 ha of land within the initial two-year period of the contract, far less than the 100,000 ha agreed upon (Cultural Survival 2016).

not transparent; and few of the communities affected by the compulsory acquisition receive compensation.

Proponents assert that such land deals help increase agricultural productivity and exports while transferring knowledge, skills and better paying jobs to the country. But these transactions also disrupt livelihoods, particularly in pastoral and agro-pastoral areas, where commercial farms have divested pastoralists of wet season grazing and cut off transhumant migratory routes. While government policy is that pastoral lands are underused and should be developed, pastoral communities often feel subjected to political and economic marginalization. Resource alienation and curtailment of mobility have resulted in livestock decline, overgrazing, land degradation, alien plant invasion, increased vulnerability to recurrent drought and famine, and resource-based conflicts (Elias and Abdi, 2010; Schmidt and Pearson 2015). The traditional pastoralist way of life is increasingly making way for sedentary farming and private enclosure (Elias and Abdi 2010). Ongoing land privatization and increased government presence is weakening indigenous institutions and cultural identity (Schmidt and Pearson 2015).

COMPULSORY ACQUISITION OF PRIVATE PROPERTY RIGHTS BY GOVERNMENT

The Federal Constitution gives to the government the power to expropriate private property in the public interest, provided it pays compensation prior to acquisition and in an amount commensurate with the value of the property being taken (GOE Constitution 1995, Art. 40.1). Enacting legislation promulgated by the Federal Government include Proclamation No. 455/2005 on the Expropriation of Landholdings for Public Purposes and Payment of Compensation and Council of Ministers Regulation No. 135/2007 pertaining to the Payment of Compensation for Property situated on landholdings expropriated for public purpose.

Large amounts of land are being expropriated for urban development, urban expansion, road construction and large-scale investment. Despite the guarantees outlined in Proclamation No. 455/2005 related to compensation, land valuation criteria currently do not provide for fair and consistent valuations (Ambaye 2012). For example, in urban areas, location is not valued and owners are only compensated for “replacement cost” of buildings. In rural areas, the compensation provided is equivalent to the value of ten years’ production. A common criticism is that compensation is not adequate, is not paid, does not reflect market value, and does not adhere to constitutional guarantees (Ambaye 2012). Implementing agencies sometimes ignore the requirement to pay compensation or claim tight public budgets prevent them from compensating those who lose property. There is widespread belief among agency staff that compensation isn’t needed because land belongs to the government, or they assume that since communities benefit from public expenditure and development, they aren’t interested in compensation or shouldn’t be paid it in addition to public benefits received (Addis Anteneh and Associates 2008).

In some cases, local officials forcibly evict landholders, without paying compensation. Mechanisms for the submission of grievances and complaints are not often used. Landholders frequently do not have a good understanding of their rights and procedures to follow in the event of expropriation. The courts are also unaware that Proclamation 455/2005 empowers them to look into cases concerning expropriation-related compensation (Addis Anteneh and Associates 2008). Currently, there is no legally recognized right to challenge the government’s determination of “public purpose.” However, a landholder can challenge the amount offered as compensation (Tamrat 2010).

LAND DISPUTES AND CONFLICTS

Weak government and customary institutions, population growth, frequent drought, resource degradation, encroachment and expropriation of rangelands are some of the causes of inter-pastoral conflicts and between pastoralists, government, and farmers (Hundie 2006; Michael et al. 2005; Rahmato 2011, Horne 2011). The reforms of the 1990s did not cover urban land and the expansion of urban centers into the surrounding countryside creates conflict in peri-urban areas. Lack of adequate demarcation, registration and record keeping has led to overlapping land claims stemming from inheritance that also results in conflict. There is some evidence that violence and intimidation are used against women who attempt to use the law to establish and defend their right to landholdings (Stein 2008).

While land border disputes are being dealt with via land certification campaigns, three general types of land conflict are prominent—land takings for large scale agriculture, land takings for urban expansion, and villagization (Box 4). While all governments must reserve the right to exercise expropriation for the public good, lack of transparency, consultation, payment of fair compensation, and replacement of livelihoods lost are key factors contributing to land based conflict in Ethiopia currently.

Box 4. Land Conflict Case Studies

- 1. Land Takings for Large-Scale Agriculture.** Large areas of virgin land, formerly allocated to the Gambela National Park, have been transformed into rice, sugar cane and palm oil plantations by foreign-owned ventures. For the Anuaks and the Nuers, this has meant thousands of people forced to abandon a traditional way of life. Government identifies the land as abandoned because it is sparsely populated, but local people use the land for grazing and to lay fallow. Gambela with several rivers and a sizable dam is rich in water resources; access to water motivates many land deals. According to officials, the investment will create jobs, improve farming know-how and reduce chronic food insecurity. People are relocated to areas with better access to clean water, health and education. Critics complain of forced relocation, poorly paid work on the new farms, environmental degradation and failure to deliver on promises of better social infrastructure. A rice farm owned by a Saudi Sheik will be the largest in Africa, exporting up to 1 million tons of rice earning an estimated \$1 billion in export earnings per year. The Anuak and Nuer are not participating in benefit sharing and claim that their land was illegally taken. While companies have access to much of the region's best land and water, local people been moved to drier areas where farming and grazing is difficult (Cassandra 2012, IRIN 2011, Martin and Huber 2013, Human Rights Watch 2012).
- 2. Land Takings for Urban Expansion.** In November 2015, protests broke out in the town of Ginci, 50 miles west of Addis Ababa, over the Addis Ababa Master Plan that would promote urban development but also evict Oromo farmers from their land with little or no compensation. The master plan is part of an effort to manage the city's rapid expansion. But critics contend that the plan is focused mostly on attracting investors and ignores the Oromos' historical and cultural values. By late December 2015, violent clashes between protestors and security forces had spread across Ethiopia's Oromia region (Ademo 2015, Meseret 2015). Ethiopia announced its intent to scrap the master plan in January 2016 after the protests killed 140 students and farmers (Chala, 2016).
- 3. Villagization.** Under its 'villagization' program, the GOE is forcibly relocating 70,000 indigenous people from western Gambela region to new villages that lack adequate food, farmland, and educational facilities. People there are being asked to abandon cattle-based livelihoods in favor of settled cultivation to make way for sugar plantations in Ethiopia's Lower Omo Valley, without consultation or compensation. The project will consume the vast majority of the water of the OMO river basin, potentially devastating the livelihoods of 500,000 people in Ethiopia and neighboring Kenya who rely on the Omo's waters for their livelihood. (Human Rights Watch 2014).

KEY LAND ISSUES AND GOVERNMENT INTERVENTIONS

Ethiopia's Second Growth and Transformation Plan (GTP II), 2015/16—2019/20, seeks to increase the country's productive capacity and efficiency by improving the competitiveness of the agriculture and manufacturing industries (GOE National Planning Commission 2015). Improvements in agricultural efficiency are envisioned via: 1) increased and market oriented crop production and improved

productivity focusing on strategic crops; 2) increased livestock production and productivity, 3) reduced degradation and improved productivity of natural resources; and 4) enhanced food security at national and household levels (Ethiopia ATA n.d.) Further, unlocking systemic bottlenecks in land administration and formalizing farmers' land rights is expected under GTP II to promote more sustainable land use and encourage longer term land investment (Ethiopia ATA, n.d.). Accordingly, the Ministry of Agriculture under GTP II, with government and donor support, plans to survey and register 28.6 million parcels of land, benefitting 7 million farming households (The Ethiopia Herald 2015).

Many farm households experience moderate to extreme land scarcity, while others have access to adequate acreage but the land quality is too poor to support much crop or livestock production. Efforts to relocate land-poor Ethiopians from highland areas to less densely settled lowland areas have generally not been well received by the intended beneficiaries (Kassa 2009). Out-migration to urban areas is constrained by the loss of rights to land left behind as well as difficulties of acquiring land and property in towns and urban areas. Land certification programs have been well-received by many rural Ethiopians. Official donors continue to support these efforts as a means to stimulate rural investment and reduce poverty. However, these certification schemes do not yet significantly address common property holdings (pastures, forests, watersheds), nor do they facilitate rental of land or permit mortgaging.

Despite state ownership of land, there is evidence that the land certification program has increased tenure security and shifted people's attitudes from short-term exploitation to long-term protection and development with multiple positive benefits: increased soil conservation; increased planting of perennial crops including timber; more intensive production; enhanced land rental market; gender equality in tenure rights; and a significant reduction in land disputes. In some *woredas*, reported court cases related to land are down, and the cadastral-based modern method of land certification appears to be enhancing farm households' confidence and security of tenure (Negatu et al. 2009).

DONOR INTERVENTIONS

Among donors, the Swedish International Development Cooperation Agency (SIDA) and USAID have led efforts to pilot and implement the current land certification system in Ethiopia in support of the Government. The SIDA work supported Amhara region only, while the USAID work supported four to six regions spanning three projects—Afar, Amhara, Oromia, Somali, Southern and Tigray.

The Environmental Protection and Land Administration and Use Authority (EPLAUA) was established by the Amhara NRS Proclamation 47/2000 in 2001 (legally upgraded to bureau—BoEPLAUA—in 2009). Work on piloting a new land administration system began in 2002 in East Gojam and South Wollo. Technical assistance was provided by SIDA in initiating pilot operations and identifying methods for scaling up the land administration system. Over the period 2002 to 2009, nearly all rural farmland in the Amhara region was registered and 3 million certificates issued. SIDA helped establish the Land Administration Institute at Bahir Dar University and supported it through 2012. SIDA also assisted the BoEPLAUA with developing a computerized Information System for Land Administration (ISLA) in 2003 that by 2010 was operating in 40 of 130 *woredas* in Amhara. The outcome of these interventions has been a reduction in land conflicts, increased investments in farm equipment, and improved agricultural production (Orgut Consulting 2010). The system there is now self-sustaining and arguably is the most sophisticated in terms of land administration capabilities in the country.

USAID's work with land tenure and property rights in Ethiopia began with the Ethiopia Land Policy and Administration Assessment in 2004 which led to three consecutive projects:

- **Strengthening Ethiopia Land Tenure and Administration Program (ELTAP)** (2005 to 2008), to reform the legal framework for land and property by harmonizing regional land administration and use laws with federal legislation; pilot parcels mapping and certification; improve the awareness of land users and stakeholders about land administration and land use laws and regulations; and strengthen the capacity of federal and regional governments to implement second-level registration and certification. The work supported the MoARD with a focus on four regional states: Amhara, Oromia, SNNP and Tigray (USAID 2010).
- **Ethiopia Strengthening Land Administration (ELAP)** (2008-2013), to further strengthen rural land tenure security by improving the legal framework; advancing public awareness of land rights; reforming administration and use laws; expanding land mapping and certification to promote investment in high-potential areas; and strengthening the capacity of federal and regional land administration agencies to deliver secure land rights and administration services. The project worked with Regional Land Administration Agencies of Amhara, Oromia, SNNP, Tigray, Afar and Somali regional states, the latter two expanding into pastoral areas (USAID 2010).
- **Ethiopia Land Administration to Nurture Development (LAND) Program** (2013-2018), to assist federal and regional governments to further strengthen legal and policy frameworks at the national and local levels; strengthen the capacity of national, regional and local land administration and land use planning entities; enhance capacity of Ethiopian research institutions and universities to engage in policy analysis, research and training; and strengthen community land rights in pastoral and agro pastoral areas (USAID 2013). The project is mainly implemented with the MoARD's LAUD and land administration bureaus of Afar, Amhara, Oromia, SNNP, Somali and Tigray regional states (USAID 2010).
- **USAID's Pastoralists' Areas Resilience Improvement Through Market Expansion Project (PRIME)** (2012-2017) is a five-year project designed to increase household incomes and enhance resilience to climate change through market linkages in Ethiopia's dryland areas. Results include: increased livestock productivity, increased capacity of communities to respond to climate change, improved access to alternative livelihoods, improved nutritional outcomes, and improved knowledge management and learning for pastoralist issues. USAID's LAND project works in close collaboration with the PRIME project to achieve mutually beneficial outcomes that improve the livelihoods of pastoralist communities.

The efforts of SIDA and USAID laid the foundations for land certification in the highlands which other donors are now extending. USAID with its LAND project is working in lowland pastoral and agro pastoral regions while continuing to assist the MoARD's LAUD with law, land administration and capacity strengthening nationwide. This work has laid the foundations for two other important land interventions supported by British DFID and Finnish Aid.

DFID is supporting a six-year Land Investment for Transformation (LIFT) program (2013/14 to 2019/20), to support the GoE (and regional states of Amhara, Oromia, Tigray and SNNP) by further developing the land administration system, recording all rural land use rights, and strengthening regional and local government institutions to sustain the system once the intervention has ended. LIFT uses the "Marking Markets Work for the Poor (MMWP)" approach to enable farmers to more fully use land investment opportunities. Under the maximum investment scenario, the project is expected to certify and register up to 14 million parcels in 140 *woredas* affecting 6.1 million households with the following outcomes: an increase in land rental agreements, higher incomes for those participating in MMWP activities, reduction

in land related disputes, improvements in the land sector's productivity and investment, and a more effective tax system.

The Government of Finland and Ethiopia Government are jointly funding the Responsible and Innovative Land Administration (REILA) project (2011-2016) to provide support for national certification with a specific focus on Amhara and Benishangul-Gumuz regions. The overall objective is to improve the livelihoods and economic wellbeing of the rural population through promotion of sustainable land management practices. Its purpose is to contribute to an improved, transparent and appropriate land administration system that is implemented via four components: public information and awareness, capacity building and legal harmonization, development of a basic land administration system in Benishangul-Gumuz, and strengthening the land administration system in the Tana-Beles Growth Corridor of Amhara region (Hailu and Harris 2014, Impact Consulting Oy Ltd 2015).

In addition, the REILA project is upgrading the Information System for Land Administration (ISLA) developed with SIDA support in Amhara region for 1st level certification to include a spatial component (maps) for 2nd level certification. The new National Rural Land Administration System (NRLAIS) which is parcel based will be used nationwide and will assist the LIFT project above in its certification activities in 140 *woredas* (Impact Consulting Oy Ltd, 2015). Until completed, ISLA will continue to be used for maintaining changes in the land registry. A second phase of the REILA project is in the process of being procured for the period 2017-2020.

Two successive Sustainable Land Management Projects have provided a multi-donor forum for collaboration on land related work. The Sustainable Land Management Program, 2008 to 2013 sought to reduce land degradation in selected agricultural landscapes and to improve smallholder agricultural productivity through five components: watershed management, land administration, improving the framework for scaling up SLM approaches, agricultural advisory services and project management. The MoARD led program coordination. The work on rural land certification and administration supported first level certification between 2008-2011 and second level certification beginning in 2011. Implementing partners included the WB, KFW, CIDA, IFAD, EU, GIZ, and Government of Finland (Tadesse 2013). The Sustainable Land Management Program II, 2013-2019, also includes Land Administration, Certification and Land Use with two sub-programs—issuance of geo-referenced land certificates to individual land users and for communal lands to communities to enhance tenure security, and incentives to adopt sustainable land management practices on communal and individual land (GoE 2013).

All of the above projects and programs have emphasized gender and enhancing the role of women in development through increasing participation in land administration, empowerment in decision-making, and issuance of land certifications to them either individually or via joint title with their husbands.

2. FRESHWATER (LAKES, RIVERS, GROUNDWATER)

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Average rainfall is 848 millimeters, but varies significantly both temporally and spatially. Seventy percent of freshwater run-off occurs in June-August. As a result, many rivers flow only seasonally, and there is minimal perennial flow below 1500 meters. Freshwater lakes comprise approximately 7000 km². Total estimated renewable freshwater resources are 122 billion cubic meters/year from 12 major river basins. Renewable ground water resources are estimated to be 2.6 billion cubic meters. Total water withdrawal

is 5.6 billion cubic meters/year of which 93.6 percent is used for crops, irrigation, and livestock; 6.0 percent for domestic use; and 0.1 percent for industry (FAO 2016, World Bank 2006).

Current estimated renewable freshwater per capita of 1,900 cubic meters indicates that Ethiopia has an abundance of water. However, development and management of Ethiopia's water resources faces two major challenges—exceptionally variable and unpredictable rainfall resulting in endemic and unpredictable drought and floods, and a high percentage of surface runoff impacting neighbors downstream where tensions are high. Along with abundance of water and total lack of water storage comes massive soil loss and land degradation, which results in power generation and irrigation due to sedimentation and vulnerable watersheds (World Bank 2006, Mosello et al. 2015). Concerns are growing over competition between the environment and agriculture in lowland areas where water is being diverted to irrigation and river basin flows diminish or stop in the dry season. Integrated water planning is weak, so water resource allocation neither takes into account competing demands nor is based on systematic understanding of available water resources. The result has been cases of conflict in the Awash River Basin between upstream and downstream irrigators and hydropower operators (Mosello et al. 2015).

Ethiopia's National Water Resources Policy gives priority to human and livestock consumption. Still, only 52 percent of Ethiopia's 97 million people have access to improved drinking water (97 percent urban and 42 percent rural population), and only 24 percent have access to improved sanitation facilities (27 percent urban and 23 percent rural) (Index Mundi 2015). The time required for girls to travel long distances for potable water, and then caring for those who become ill from waterborne diseases, limits school attendance and their ability to engage in income earning activities (World Bank 2006). Despite the low total water usage compared to the total available freshwater supply, some regions are facing shortages and unsustainable demands on both surface and groundwater resources (UNESCO 2006).

Nearly 8 percent (290,000 ha in 2013) of Ethiopia's potential 3.7 million ha of irrigable land is under irrigation. Four types of irrigation are practiced: traditional (38 percent), modern communal or small-scale irrigation (20 percent), modern private (4 percent), and public (38 percent). Cognizant of the high potential of irrigation to increase agricultural production and growth, the Government has an ambitious plan of increasing the irrigated area under government sponsored irrigation schemes to 1.2 million ha in a period of five years. Two-thirds of this expansion (0.8 million) is expected to be small-scale irrigation development (UNESCO 2006; Seleshi 2010; World Bank 2006).

LEGAL FRAMEWORK

The Constitution (Art. 40(3)) vests the ownership of all natural resources, including surface and underground water, to the State. The federal government (article 50.9) may delegate its powers and functions to the regional states; a case in point is Government's adoption of the river basin as the geographical unit for water resources management in the country.

Proclamation No. 4/1995 established the Ministry of Water Resources (MoWR, now the Ministry of Water Resources and Energy) as the federal authority responsible for oversight of water development throughout the country. The Ethiopian Water Resources Management Policy states that water development should be based on rural-centered, decentralized management and participatory approaches through the participation of "user communities" and support for "community self-initiatives in water resources management". It also mandates community participation, when feasible, in the development and management of dams and reservoirs (GOE Water Resources Management Policy

1999). The policy further provides for appropriate linkages between Federal and Regional governments; this has led to establishment of River Basin Organizations (Tamrat, 2013).

Following adoption of the 1999 WRM policy, the MoWR in collaboration with the Environmental Protection Authority of Ethiopia, issued the Environmental Policy of Ethiopia in April 1997, followed by the Ethiopian Water Resources Management Proclamation No. 197/2000, and the National Water Sector Strategy in 2001 to translate policy into action. The River Basin Councils and Authorities Proclamation was issued in 2007 (Proclamation No 534/2007) to decentralize water resources planning and management to River Basin Councils. The proclamation provides for the creation of River Basin High Councils and Authorities. These institutions will operate on a two-tier structure: River Basin High Councils will address policy and strategic decision making, and River Basin Authorities will serve as the administrative/technical arms of the Basin High Councils.

TENURE TYPES AND ISSUES

The Government of Ethiopia reserves all surface and groundwater resources as the common property of government and people of Ethiopia. According to Ethiopia's 1999 Water Resources Management Policy, water is a natural endowment commonly owned by all people of Ethiopia. The policy states that every Ethiopian citizen should have sufficient water of acceptable quality to satisfy basic human needs; water should be recognized as both an economic and social good; water resources' development should be underpinned by rural centered, decentralized management, participatory approaches, and an integrated framework; water management should ensure social equity, economic efficiency, systems reliability and sustainability; and it should entail full stakeholder participation in water resources management. However, the Water Policy falls short on elaborating clear water rights in rural and urban contexts.

Proclamation No. 197/2000 defines the responsibilities and powers of the MoWR/MoWRE and specifies water permit and dispute resolution guidelines. This Proclamation remains the legal instrument governing the management planning, utilization, and protection of water resources in Ethiopia. It also identifies the predominant jurisdiction over the management, utilization, and administration of water resources in the country (Tamrat 2013).

Ethiopia's WRM Regulations (No. 115/2005) clarify the terms for issuing permits and requirements for water charges (the Council of Ministers set the fees per article 31.4). However, despite existing legislation, the institutional capacity to systematically administer a water permitting system is rudimentary (Adams et al. 2006). Water permits are required to construct waterworks, supply water for one's own use or use of others, transfer water from a primary source or supplier, and discharge waste into water bodies. Permits are not required for developing water sources or use of water from hand-dug wells, or for traditional irrigation, artisanal mining, animal rearing, or water mills. Permits may be transferred to another at the request of the permit holder and with approval by the relevant authority. Use permits are tied to a specified method for withdrawal and use, area, and quantity over a specified time frame (GOE Water Resources Management Proclamation 2000; GOE Water Resource Management Council of Ministers' Regulation 2005b).

The WRM regulation also provides that Water Users Associations shall be governed by the Cooperative Societies Proclamation No. 147/1998 and will be considered "Water Users Cooperative Societies". In traditional irrigation schemes, water-user groups manage water use. Each participating household is entitled to equal access to water.

According to Deneke et al. (2011), community-based water user associations (WUAs) have proliferated throughout the Awash River Basin, operating either as formally registered cooperatives or informally within small scale irrigation schemes. However, WUAs have not been able to manage their irrigation systems sustainably due to lack of strong technical support and training from responsible agricultural or water agencies, and *woreda*-level Agricultural and Water Offices themselves lack the necessary technical and financial capacity (Tamrat 2013) to help. Another study in Amhara region provides evidence that non-participatory WUAs, neglect of traditional water rights, corruption, village power relations, inequitable allocation of irrigated land, and free grazing are impacting the governance of commons, while governance structures that are imposed by outsiders lack acceptance by farmers and sufficient local government support (Deneke et al. 2011).

Climate change is also affecting access to land and water, particularly in the lowlands of Ethiopia where pastoralists identify climate-related threats to their livelihood: higher temperatures, reduced rainfall, and more unreliable and localized rainfall and drought. These changes contribute to land and pasture degradation, a shift from raising cattle to smaller animals such as goats, and a dramatic reduction in herd size, which is forcing people to search for other livelihoods or to migrate further with their animals in search of pasture and water. This vulnerability is further exacerbated by expansion of agricultural schemes and conflict with neighboring clans that further restricts access to drought grazing areas and places stress on evolved customary systems (Eriksen and Marin 2011).

A changing climate makes the management of natural resources more complex and involves more people, perspectives and specialized knowledge. The challenges also require local interventions to increase individual and community adaptive capacity. Successful community-based resource management has the potential to enhance community and ecosystem resilience. However, local political units (states, provinces, towns, cities, villages and communities) determine what happens within their jurisdictions, and these jurisdictions do not coincide with the formal boundaries of a watershed or river basin (FAO, 2014b). There are thus discontinuities between law and practice that remain an operational challenge.

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The MoWR/MoWRE is authorized to manage and allocate the flow and use of water across regions. Under Proclamation 692/2010, the MoARD is assigned responsibilities for use of water resources. Regional Water Bureaus have been established in each of the 9 regional states, as well as Dire Dawa Federal City Administration. These bureaus are responsible for program planning, management, coordination, and capacity building at regional and local levels. The WRM Proclamation specifies how regional organizations regulate irrigation development. In many cases, Regional states have set up institutions responsible for irrigation development activities, mainly establishment or irrigation construction works (Tamrat 2013). Management and delivery of water and sanitation services is the responsibility of regional and local institutions, with most functions concentrated at the *woreda* and *kebele* level. In relation to urban water supply and sanitation, the same regulations provide for the establishment of an Office of Urban Water Supply and Sewage Services.

Under Proclamation 197/2000, the relevant state authority with jurisdiction over a dispute between water permit holders, or between a permit holder and another party, may arbitrate and decide the dispute as well as set the appropriate level of compensation (if any). The decision may be appealed to a court of appropriate jurisdiction within 60 days (GOE Water Resources Management Proclamation 2000, Art. 9.1–2). In some areas, strong forms of customary water management persist, wherein elders, known as “water fathers” or “water judges,” are elected to mediate and adjudicate water disputes.

The existing legal and policy framework for WRM enshrines the principles of Integrated Water Resources Management (IWRM), but it requires updating and strengthening, while basin-level planning through the River Basin Authorities remains weak. WRM institutions and activities are undermined by the absence of secure, long-term financing, high staff turnover, and capacity gaps. Because provisions for water allocation and pollution reduction are not enforced, the needs of poor and marginalized communities may be treated as subsidiary to the interests of the more “well to do” and powerful (Mosello et al. 2015). There is still lack of effective coordination among stakeholders (public and private) in water use management and planning (UNESCO 2006).

Beyond institutional shortcomings, IWRM underscores the tight nexus between land and water constraints in providing for sustainable livelihoods and resource management in Ethiopia, lack of integration between ecological and economic interventions, lack of access to and conflict over communal land resources, and inadequate or passive participation and coordination of actors in watershed management. A program for ‘Learning Watershed’ has been established by Addis Ababa University with support of the Swiss Agency for International Development and Cooperation to study and design interventions in six watersheds to demonstrate and scale up best practices through establishment of watershed development committees, enabling community participation in physical and biological conservation measures, and establishing community-level bylaws to control grazing, maintain conservation structures, and regulate benefit sharing (WLRC 2015).

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

As noted above, the Government of Ethiopia reserves all surface and groundwater resources as the common property of government and people of Ethiopia. Though Ethiopia’s WRM Policy explicitly provides for rural centered, decentralized management and participatory approaches and participation of “user communities” in water management, government-sponsored irrigation schemes have historically been developed and managed with little focus upon or involvement from farmers; such schemes have been run by “technical and managerial elites” working for foreign investors, the state, or parastatal enterprises (Rahmato 1999).

The federal government has developed a Water Sector Strategy and Water Sector Development Strategy (2002–2016) and Fund to pay for its implementation. The Strategy includes fostering stakeholder involvement, particularly that of women, in the management and use of water resources. The federal government has been involved in the development of hydroelectric and irrigation schemes. The actual degree of NGO and citizen participation in water management remains a challenge; government consultation with civil society organizations remains limited and is often done as a result of donor requirements (WaterAid 2005).

DONOR INTERVENTIONS AND INVESTMENTS

Water considerations cut across nearly every aspect of USAID programming in Ethiopia—water for drinking, hygiene, health care, irrigation and livestock development, and industrial use. A dwindling water supply is a potential source of conflict and an important constraint to resiliency and peoples’ ability to cope with drought. USAID incorporates water activities within its health, education, agriculture, governance, resilience, and emergency assistance programs. USAID also contributes to national capacity to plan and manage water resources through the Addis Ababa program with the University of Connecticut (USAID 2014). Selected projects include:

- **Water, Sanitation and Hygiene Transformation for Enhanced Resilience (WATER) (2011-2016).** Improves access to clean and sustainable water sources for target communities in the Somali, Afar and Oromia regions and enhances public awareness on natural resources to prevent rangeland degradation.
- **Pastoralist Areas Resilience Improvement and Market Expansion (PRIME) (2012-2017):** Targets pastoral areas of Ethiopia to promote the viability and resiliency of pastoralist communities through market development and natural resource management. Further aims to increase climate resilient growth in the lowlands of Ethiopia by promoting livelihood diversification, enhance local use of national meteorological information, and pilot weather-based livestock insurance products.
- **Index-Based Livestock Insurance (IBLI) (2012-2015):** Since 2010, ILRI has been undertaking research aimed at designing, developing and implementing market mediated index-based insurance to protect livestock keepers from drought related asset losses. Index-based insurance could allow vulnerable rural smallholder farmers and livestock keepers to benefit from insurance and thus reduce climate-related risk. The research proposes to: effectively introduce index-based livestock insurance products to pastoral and agro-pastoral populations to help them manage drought-related livestock mortality; learn and document the effectiveness of index-based livestock insurance as a tool for managing weather related perils; and incorporate lessons continuously learnt in the process of upscaling IBLI to other regions of East Africa.
- **SERVIR:** Assists the Government of Ethiopia's National Meteorological Agency in developing maps and datasets, monitoring water resource availability and quantifying future climate impacts.
- **Empowering New Generations to Improve Nutrition and Economic Opportunities (ENGINE) (2011-2016).** Uses nutrition cooking demonstrations and other platforms to conduct community conversations on WASH, to promote hand washing, safe water and food storage preparation and handling and use of latrines, and to ensure that participants understand the relationship between nutrition, illness and WASH practices.
- **Productive Safety Net Program (PSNP).** Constructs and rehabilitates potable water sources and sanitation facilities through public works, promotes hygiene education, provides water-harvesting technologies to smallholder farmers and promotes watershed management activities.

DFID-UK is supporting implementation of the Government of Ethiopia's One WASH National Program (2013/14 to 2017/18) to increase the number of people in rural and small/medium towns with improved sources of water and sanitation facilities as well as providing support for policy development in the water sector.

The Canadian Government is providing support for the Capacity Building for Sustainable Irrigation and Agriculture project (2013 to 2017), which aims to train Ethiopia public and private institutions to better design, build and manage small-scale irrigation and micro-irrigation systems, and to introduce improved water and soil management and crop irrigation practices to smallholder farmers and WUAs.

The second phase of the Sustainable Land Management Project II will cover the period 2013-2019. The German government's development agency, GIZ, is assisting the MoARD to implement the SLMP II in rural regions of Tigray, Amhara, Oromia, Benishangul-Gumuz, Gambela and SNNP by providing advice on the legal framework for SLM and supporting Ethiopia's agricultural extension service and decentralized agricultural bureaus. The program focuses on technical and in-service training to build

capacity for the implementation by government institutions. Under the previous SLM I program, 180,000 ha of degraded lands were rehabilitated using measures such as terracing, crop rotation systems, improvements to pastureland and establishment of permanent green cover. Smallholder irrigation increased by 2,000 ha; and more than 670 management plans for water catchment areas were drawn up with communities. Norwegian NORAD is also supporting Ethiopia's SLMP II through trust program support.

Finnish Aid is supporting the Tana Beles Water Resources Development Program linked to the Nile Basin Initiative, financed by the World Bank. The program is developing institutions and making investments for integrated planning, management and development in the Tana and Beles Sub-Basins to accelerate sustainable growth. Finland is giving a grant to the Trust Fund and providing technical assistance for the design, development and establishment of a Watershed Monitoring and Evaluation System, including hydrological monitoring.

The World Bank is funding the Water Supply, Sanitation and Hygiene project intended to finance the construction of 6,300 rural water schemes and rehabilitate and expand water supply systems for about 70 towns. In addition, the project will finance the improvement of water supply for health clinics and schools, and will focus on women and children who are typically responsible for fetching water for their families.

The Japan International Cooperation Agency (JICA) is assisting the Water Resources Bureau of SNNP region with the Project for Rural Water Supply, Sanitation and Livelihood Improvement through Dissemination of Rope Pumps for Drinking Water, 2013 to 2016.

3. TREES AND FORESTS

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Forests cover 10 percent and woodlands and shrubs 43 percent of Ethiopia. Forest plantations totaling 972,000 ha (.8 percent) have been on the rise relative to previous decades; these are mainly comprised of non-industrial, small-scale private plantations and woodlots used to supply wood to the construction sector (poles, posts and fuel use). Nevertheless, deforestation continues; the estimated annual rate of deforestation from 2010 to 2015 is 1.25 percent per year for forests and 1.8 percent per year for woodlands. Over the period 1990 to 2015, forests, woodland areas and plantations have declined from 15.1 to 12.5 million ha, while low woodlands and shrubs have declined from 44.6 to 40.6 million ha (FAO, 2014).

While the estimated contribution of the forest estate to GDP is only 2.8 percent, 90 percent of the population relies on various forms of biofuels, 68 percent of which comes from woody biomass. Use of non-timber forest products such as honey, medicinal and spice plants, fodder, and the benefits of environmental services are essential aspects of people's livelihoods. Forest clearance for agricultural expansion and settlement, habitat fragmentation, and the impact of uncontrolled grazing and fire upon forest regeneration are all drivers of deforestation in Ethiopia. Encroachment on state forest reserves and associated illegal logging and arson are significant problems (FAO 2014).

LEGAL FRAMEWORK

The Constitution (Art. 40) vests the ownership of all natural resources in the State. The Forest Development, Conservation, and Utilization Proclamation No. 542/2007 recognizes state (both Federal

and regional) and private forest ownership. Communal forests are not separately recognized and are considered part of private forests. Other supportive policies, strategies and programs include: The National Action Program to Combat Desertification (NAP 1997), the Rural and Agricultural Development Policy Strategies (2002); Productive Safety Net Program (PSNP) (2003), Ethiopian Program of Adaptation on Climate Change (EPACC); Sustainable Land Management Program (SLMP I and II), and Climate Resilient Green Economy, Phase I (CRGE) (2011-2030) (Yirdaw et al. 2014).

The Ethiopia Forest Policy and Strategy recognized and encouraged Participatory Forest Management (PFM), but the Federal Forest Proclamation No. 94/1994 does not. Nonetheless, the Proclamation contains rules and principles that positively contribute to PFM: developing forests on communal lands, handing over designated state forests or undesignated forest lands to communities for management and development, and transferring the ownership rights of state forests to communities by way of concession agreements that enable PFM to be conducted within the legal framework.

The 1994 Ethiopian Forestry Action Program (EFAP) sought to sustainably increase production of forestry products, increase agricultural production by reducing land degradation and increasing soil fertility, conserve forest ecosystems, and improve rural community welfare. The role of environmental conservation for sustainable development has been articulated in the Government's Growth and Transformation Plan (GTP) with the aim of formulating laws and strategies that foster social and green economy development. One of the four pillars of the green economy plan (GoE, 2011) focuses on protecting and re-establishing forests for their economic and ecosystem services, including carbon stocks. Without any change, between 2010 and 2030, 9 million ha will be deforested; annual fuelwood consumption will rise by 65 percent. To guard against these outcomes, proposals include: increasing afforestation/reforestation, promoting enclosure via rehabilitation of degraded land, and intensifying agricultural production to reduce pressure on forests (GoE, 2011, Eshetu, 2014).

Forest laws have been issued in two regional states. The Forest Proclamation of Oromia No. 72/2003, Article 14 (1) (b) recognizes state, private and communal forests and the user rights and management responsibility of local communities when state forests are transferred to communities. Communal forests can also be developed on communal lands. The SNNP Forest Management, Development and Utilization Proclamation No. 77/2004 is similar to the Federal and Oromia laws; it is favorable to PFM and provides for joint management of state forests by the state and communities. However, it fails to provide for tree tenure and the mode of transfer rights of people engaged in PFM. Both recognize communal forest and landholdings subject to common use, establishing a legal basis for community forest ownership (Bane et al. 2007; MELCA 2008).

TENURE TYPES AND ISSUES

Ethiopia's remaining forest coverage is small and confined to the southwestern part of the country. Primary causes of natural forest destruction include agricultural expansion through shifting cultivation, large scale investment and spread of sedentary agriculture; increasing demand for construction materials; forest fires, fuelwood and charcoal; and expansion of resettlements and livestock grazing. Increasing tenure security would encourage people to develop wood lots for fuel wood and construction (Eshetu, 2014).

State forests include all forests held by the federal or regional state governments. Private forests include all forests outside state control and include those held and managed by individuals and groups, including community forest associations (USAID 2008). Ethiopian and international forestry experts stress the need to distinguish forest tenure issues from those of land and land policy and address issues that are

pertinent to forest management and use. In particular, there is a need to assess the policy environment and enabling circumstances of the evolution of community forest management and to clarify land and forest-use rights in forest areas (Bane et al. 2007).

In some forest areas, complex customary rules and practices governing forest use persist, despite continuing claims of exclusive authority by some government forest authorities. In one study, perceived insecurity of tenure, including restrictions on transfer rights and the potential for government seizure of holdings was found to have a strong negative impact on farmers' willingness to invest in perennial crops such as khat and coffee, as well as the planting of trees (Stellmacher and Gatzweiler 2005; Dercon and Ayalew 2007).

Despite significant efforts to develop Ethiopia's agriculture over the past 50 years, some measures to improve agricultural productivity have inadvertently exacerbated natural resource degradation (e.g. strategies allowing or encouraging area expansion) and led to the clearance of millions of hectares of forests and woodlands (Bishaw et al. 2013). Until 2010, community consumption of forest products was largely unregulated, and the period from the 1990s to 2010 was marked by accelerated conversion of forests to farmland by local people. The state's initial response was to reduce the size of the natural forest to accommodate new farms, but due to cumulative forest loss, emerging values and revenue streams from ecotourism, conservation and ecosystem service payments, forest policy has changed and consent to homesteading claims is becoming more difficult, former homesteads are being demolished, and forests are being replanted (Guillozet and Bliss 2011).

Declining size of arable and grazing land holdings is also exacerbating environmental degradation and forest loss (Bishaw et al. 2013; FAO 2014b). Agroforestry interventions that are suitable for climate change adaptation include: improved fallow; rotational woodlots; alley cropping; live fencing, hedges, animal pens, and boundary markers; windbreaks; fodder species for soil conservation; home gardens; fodder banks; silvopasture; riparian forest buffers and forest farming (Bishaw et al. 2013). However, lack of adequate tenure security limits uptake of these approaches and needed investments (WLRRC 2015).

The forest-farm interface is the focus of attention surrounding forest use, investment and conflict in highland forests. In Koma forest of Kaffa zone, for example, rainforests are divided into forest use-rights plots individually held by local peasants. The nationalization of all land in 1975 shifted responsibility for forest management to state bodies which lacked the resources and expertise to effectively fulfill their tasks. Traditional use rights of forest users lingered on, backed by local community institutions, with a status of 'tolerated illegality'. However, use rights were limited to some groups, excluding others, resulting in a situation that allows high rates of deforestation and forest degradation. (Stellmacher 2013).

PFM enables local communities to enter into a Forest Management Agreement with the state; agreements spell out the rights and responsibilities of each party. The first practice of collective forestland certification took place in Gesha *woreda* of Kaffa Zone, SNNP, where WSFLG is implementing the NTFP-PFM project. About 7575 ha of forest, managed by seventeen PFM groups, have been certified as communal forest and issued a group certificate. However, there is widespread infringement on forest rights of PFM communities that is blamed on the lack of formal ownership rights. Farmers are often harassed when extracting essential forest products for home consumption from state forests at the same time they are given relatively secure usufruct rights over farmland converted illegally from the same forests. Without collective registration and certification of forest land, communities will be encumbered in fully participating in PFM as envisioned (Wood and Lemenih 2013).

Another study examining the impact of land certification on tree growing on private plots in Amhara and Tigray reached the conclusion that land certification encourages tree planting, and allowing more tree planting on private land would help reduce pressure on common forests (Mekonnen et al. 2012).

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

Government has undertaken major efforts to reverse deforestation and rehabilitate degraded forest lands including adoption and scaling up PFM to most natural forest blocks, watershed-based afforestation, area enclosures, and institutional reform. The Ministry of Environment and Forest (MoEF) was established in 2013 to coordinate the implementation of the Climate Resilient Green Economy (CRGE) strategy to develop an environmentally sustainable and climate resilient economy. The REDD+ Secretariat at the MoEF is responsible for coordination and implementation of the National REDD+ readiness process and for creating incentives for improved forest management. REDD+ readiness, supported by the FCPF Readiness and BioCarbon Fund grants, provides a viable source of sustainable finance for investment in forest management, forest conservation, and forest restoration (FAO 2014).

The Forestry and Wildlife Conservation and Development Team within the MoARD is responsible for forest policy and oversight of forest management by regional governments. The Ethiopian Agricultural Research Organization and a number of other government authorities are also directly and indirectly involved with management and research in the forest sector. Lack of enforcement regulations and shifting responsibilities among different levels of government have weakened forest management and enforcement efforts.

While PFM is now enshrined in government policy, decentralization of local resource governance has also been shown to produce negative impacts: government reluctance to relinquish power over important use rights; patronage networks between lower government officials and community leaders; control of benefits by political and wealthy elites; and community leader's lack of accountability to community members. Devolving management authority, exclusion and use rights to high value resources such as plantations would encourage better forest governance and minimize opportunistic behavior (Mohammed et al. 2012).

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

The GoE's Sustainable Land Management Project (SLM) I (2008 to 2013), was focused on reducing land degradation in agricultural landscapes and improving the agricultural productivity of smallholders via: 1) watershed management aimed at scaling up best SLM practices and technologies for smallholder farmers in high potential/food secure areas that are becoming vulnerable to land degradation; 2) rural land certification and administration to strengthen tenure security of smallholder farmers; and 3) financial and technical assistance to the MoARD and local government units to support the SLM project.

SLMP II (2013-2019), builds on the results of SLMP I and introduces measures to address climate change related to Green House Gas emission reduction to meet the Growth and Transformation Plan (GTP) and Climate Resilient Green Economy goals. The Government's green strategy calls for adoption of land use efficiency measures and increasing carbon sequestration in forestry by protecting deforestation and increasing reforestation as pathways of green growth (GoE, 2011 and 2013). SLMP II is comprised of four components: 1) Integrated Watershed and Landscape Management; 2) Institutional Strengthening, Capacity Development and Knowledge Generation and Management; 3) Rural Land Administration, Certification and Land Use; and 4) Project Management. Components (1) and (2) support construction of small scale irrigation schemes, community access road construction; degraded forest rehabilitation

and reforestation, gully rehabilitation, land mapping and registration, most of which affect the tenure rights of people and/or their access to resources (GoE 2013).

DONOR INTERVENTIONS AND INVESTMENTS

Farm Africa pioneered the introduction of PFM in the mid-1990s in partnership with SoS Sahel and with GIZ (then GTZ), originating in a 1994 workshop designed to raise awareness of deteriorating forest conditions. Ethiopia's first pilot project was launched by Farm Africa and SoS Sahel in 1995 in Chilimo and Bonga. Since 2000, other development partners have joined the initiative. As noted above, PFM is formally recognized in forest proclamations of the Federal Government and four regional states: Oromia, SNNP, Benishangul-Gumuz and Amhara. Nearly 40 percent of the country's forest resources now operate under some form of PFM. A Farm Africa PFM project, supported by the EU, covers 254,000 ha in four regional states. GIZ is integrating PFM into the Sustainable Land Management Project (Lemenih et al. 2015).

USAID is supporting the CRGE to enhance resilience and promote low emissions development. The U.S. Forest Service is providing targeted assistance to improve natural resource management methodologies and practices and to introduce participatory landscape level planning, management and control of invasive species.

The World Bank is supporting the Forest Carbon Partnership Facility, of which Ethiopia is a member. The initiative focuses on building Ethiopia's capacity to participate in carbon markets through REDD efforts. The World Bank is also supporting the Humbo and Soddo Community-Based Natural Regeneration Project (2007-2018), to sequester carbon in a biodiverse native forest, pilot community ownership and management of public land, and restore the habitat of locally indigenous threatened species. The World Bank and GoE are negotiating the Ethiopia PFM project to support the government in implementing the next generation of PFM reforms.

Between 2010 and 2014, the European Union implemented the Strengthening Livelihoods and Forest Management Project in four regional states (Amhara, Oromia, Benishangul-Gumuz and SNNP) to secure sustainable management of Ethiopia's forests and reduce environmental degradation for 200,000 people who depend on 270,000 ha of targeted forests through PFM and NTFP. The Scaling-up Participatory Forest Management (PFM) project, 2009-2014, was implemented by the MoARD in the same four regional states to improve forest conditions and forest-based livelihoods of participant communities by building capacity, and scaling up PFM and NTFP.

Norway and UK's DFID provided a grant through the World Bank's BioCarbon Fund in 2014 to support a REDD+ Readiness program through the MoEF. The grant supports the development of an investment operation in Oromia Regional state that conserves forests, restores degraded lands, and enhances landscape productivity. The grant is also enhancing capacity to scale up similar landscape-wide initiatives in other parts of the country.

4. MINERALS

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Ethiopia produces various types of minerals such as gold, silver, gemstones, soda ash, tantalum, kaolin, construction materials, particularly colorful dimension stones, and mineral water. In 2013, construction accounted for 4.6 percent of GDP and mining and quarrying 1.2 percent; Ethiopia's mineral exports

were valued at \$593 million (of which \$584 million was gold) representing 19 percent of total export value compared with coffee (Ethiopia's largest export commodity), representing 26 percent in export revenues (Yager 2013, World Bank 2014).

Most of the minerals are mined by artisanal and small-scale miners (ASM). It is estimated that more than one million people are engaged in ASM activities, and 5-7 million people indirectly benefit. ASM communities engaged in gold are estimated at 300,000 to 350,000 spread out in all regions of the country. More than 100,000 miners are organized into cooperatives. The amount of gold purchased by the National Bank of Ethiopia increased from 735 kg in 2009 to 8,386 kg in 2013. Gold from Ethiopia is conflict-free; traceability/origin is easily identified because each step of the supply chain is documented (Yager 2013, GOE MoM, 2013).

Artisanal and small scale miners are mainly engaged in the mining of gold, gemstones, tantalite and quarrying for industrial and construction materials. Of the total estimated number of miners, 63 percent are men and 38 percent are women; the vast majority have been in the mining business for more than 6 years. Mining is seasonal; 43 percent of miners are also involved in farming but 26 percent have no other livelihood options. Fewer women participate in mineral transactions due to cultural reasons, household chores, and lack of capital. Less than 1 percent of mining sites have access to pipe water and only 9 percent have latrines so health and sanitation are serious concerns (Antonious, 2014). The vast majority of miners and mineral traders are operating informally without a license and suffer from a number of problems: environmental degradation, poor health and safety conditions, dangerous working conditions, child labor exploitation and engaging in "illegal mining" and smuggling (MoM, 2012 and 2013).

LEGAL FRAMEWORK

Beginning in the early 1990s, the GoE began to reform its legal regime to attract investment in the mining and minerals sector. In 1993, the Proclamation to Promote the Development of Mineral Resources No. 52/1993 was repealed by the Proclamation to Promote Sustainable Development of Mineral Resources No. 678/2010. The Regulations on Mining Operations No. 182/1994 still remain in effect. The Mining Income Tax Proclamation of 1993 governs income taxes from mining operations. Three further laws regulate oil and gas extraction—Petroleum Operations Proclamation No. 295/1986, Payment of Income Tax on Petroleum Operations No. 296/1986, and its amendment Petroleum Operations Income Tax Amendment Proclamation No. 226/2000. These are the laws that mainly govern mining and management of oil, gas and mineral resources today (Hindeya 2012).

The mining proclamation provides for six types of licenses—reconnaissance, exploration, retention, artisanal mining, small scale and large scale. Only Ethiopian nationals or cooperative societies registered under law are eligible to obtain an artisanal mining license. The mining law in force does not establish principle or provide guidelines or rules on the amount of money investors should allocate to communities for development, creating the possibility that communities are short-changed in mining investments (Hindeya 2012).

Mining licenses are issued by regions. ASM is incorporated in the Mining Proclamation No. 678/2010, and is incorporated in the country's poverty reduction strategy and Growth and Transformation Plan (MoM 2014). Under the 1993 proclamation, licensees have the right to sell extracted minerals either domestically or internationally.

TENURE TYPES AND ISSUES

Artisanal and small-scale mining were not legally recognized until 2003; however, since that time artisanal mining with government encouragement and assistance have evolved into important contributors to mineral production and export. State-owned, domestic, and international exploration and mining companies must secure a license for mineral prospecting, exploration, and extraction in Ethiopia. The MoME issues non-transferable, non-renewable licenses granting exclusive prospecting rights to designated areas. Artisanal licenses are granted to Ethiopian nationals, either individuals or groups, seeking to engage in non-mechanized mining. Artisanal mining licenses are valid for one year and can be renewed annually without limit. The license to the claim can be transferred, assigned, encumbered, or inherited. However, the regional authority can rescind artisanal licenses with 90 days' notice if the extraction of the full estimated potential production requires more advanced exploration and mining methods. The licensing authority may be required to compensate the holder of a rescinded license (GOE Mining Proclamation 1993, Ch. 3, Secs. 1.14.2; 1.15.2; 1.15.4).

An ongoing conflict in the Ogaden region of eastern Ethiopia between the Ogaden National Liberation Front (ONLF) and the Government of Ethiopia is reflected in ongoing threats and claims over potential oil and gas reserves in the region. The ONLF has opposed any mineral, oil, or gas exploration in the region until such time as it has achieved self-determination and can benefit from its natural resources. The Government of Ethiopia is signing agreements with foreign oil companies to explore oil and mineral resources in the region but has been unable to guarantee their security. Reports of forced evictions and human rights abuses in the vicinity of oil and gas fields is creating a new wave of grievances (McKenna 2014). As recently as 2015, the ONLF voiced intolerance to foreign companies entering into economic partnerships with the Ethiopian Government to illegally exploit resources of the Ogaden region (TesfaNews 2015).

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

Licensing authority for mining other than artisanal mining rests with the Federal MoME that includes the Mineral Operations Department, Regional Mining Bureaus, and the Ethiopian Geological Survey. Authority and responsibility for artisanal and small-scale mining, the administration and licensing of construction materials, and exploration and prospecting has been delegated to Regional Mining Bureaus.

Although the Regional Mining Bureaus have the mandate to administer artisanal and small-scale mining, the federal government continues to extend its support for artisanal mining. In 2006–2007, the MoME provided technical and material support to build the capacity of artisanal mining; as a result, 26 new artisanal mining associations were formed. An additional nine associations were provided assistance to export their gold production through the National Bank of Ethiopia (GOE 2007a, 92).

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

Government has learned a number of lessons with respect to constraints infringing on ASM: artisanal mining was not well addressed in mining law, there was a high level of illegal mining and smuggling, no one government institution was dedicated to ASM, mining activities by individuals and families are highly disorganized, miners use outdated mining technologies, mining output and productivity is poor, artisanal miners assess sites through trial and error, mining populations suffer from land degradation and health and social issues. In addition, buying and selling gold and gemstones is considered an illegal business, artisanal miners lack credit access, and lack integration with other sectors of the economy (MoME 2013).

Over time, the government has undertaken legal and institutional reforms to address these constraints. The MoME is now responsible for artisanal mining activities through its Artisanal Mining and Transaction Coordinating Directorate (for monitoring, regulating and providing assistance to miners), and its Environment and Community Development Directorate (for managing and regulating environmental and social issues). Licensing of ASM is the responsibility of Regional Mining Bureaus. Making ASM and small scale mining legal and providing these sub-sectors support is generating important improvements in productivity and the quantity of ore being sold through legal markets. Over the period 2008/2009 to 2012/2013, ASM minerals produced increased from 0.4 to more than 8 tons of gold, and from 658 to 12,078 kg of gemstone (MoM 2012, 2013).

DONOR INTERVENTIONS AND INVESTMENTS

In October 2014, the World Bank Group and the MoME jointly organized the 2014 Ethiopia Extractives Forum with support of the UNDP; Australian Government; Canada's Department of Foreign Affairs, Trade and Development; UK's DFID, and the African Minerals Development Center to help raise awareness about opportunities and challenges in the extractive industry and to share good practices for its sustainable management. The WBG is supporting the Ethiopian government with building a competitive, predictable and responsible strategy and legislative/institutional framework for the oil, natural gas and mining industry. It is supported by the Extractive Industries Technical Advisory Facility, a demand driven multi-donor trust fund launched in early 2015.

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