



ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
SCHOOL OF LAW

**Protection of Informally Settled Residents from Forced Eviction: A Focus on Addis
Ababa, Yeka and Arada Sub-Cities**

**A Thesis Submitted to School of Law of Addis Ababa University in Partial Fulfilment of
the Requirements for the Degree of Masters of Law
(in Human, Rights Law)**

By: Metasbia Tsegaye ID No.GSR/6939/12

Advisor: Dr. Mizanie Abate

Addis Ababa, Ethiopia

September 2024

ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
SCHOOL OF LAW

APPROVAL SHEET BY THE BOARD OF EXAMINERS

Title: Protection of Informally Settled Residents from Forced Eviction: A Focus on Addis Ababa

APPROVED BY BOARD OF EXAMINERS

_____	_____	_____
Advisor's Name	Signature	Date
_____	_____	_____
Examiner's Name	Signature	Date
_____	_____	_____
Examiner's Name	Signature	Date

Table of Content

ACKNOWLEDGEMENT	VI
CHAPTER ONE	1
1. INTRODUCTION	1
1.1. Background of the study	1
1.2. Statement of problem	3
1.3. Objective of the Study	6
1.3.1. General Objective of the Study	6
1.3.2. Specific Objective of the Study	6
1.4. Researcher question	7
1.5. Research Methodology	8
1.5.1. Research Design	8
1.5.2. Interview	8
1.5.3. Focus Group Discussion (FGD)	9
1.5.4. Document Analysis	9
1.5.5. Source of Data	9
1.5.6. Sample Techniques and Sample Size	10
1.6. Related Review Literature	10
1.7. Significance of the study	11
1.8. Organization of the paper	12
CHAPTER TWO	13
2. Conceptual Framework of Informal settled residents and Forced Eviction	13
2.1. Introduction	13
2.2. Definition and Conceptual framework of Informal Settler	14
2.2.1. Factors of Informal Settlements	16
2.2.2. General Characteristics of Informal Settlements	18
2.2.3. Informal Settlement in Addis Ababa	19
2.2.4. Approaches on Informal Settlers	21
2.2.5. Impact and Consequences of Forced Evictions	26
CHAPTER THREE	28
3. The Rights to Housing and Prohibition of Forced Eviction Under International, Regional and National Legal frameworks	28
3.1. Introduction	28
3.2. The Right to Adequate Housing	29
3.3. Protection from Forced Eviction	32

3.4.	Procedures Safeguards against the Protection of Forced Eviction.....	34
3.4.1.	Obligation and Procedures Before Eviction	35
3.4.2.	Obligations and Procedures During Evictions	36
3.4.3.	Obligation and Procedures After the Eviction	37
3.5.	States Obligation to Respect, Protect and Fulfill.....	38
	Chapter Four	41
4.	Informal settlers and Forced Eviction: The law and the practice in Addis Ababa; Arada and Yaka Sub-city.....	41
4.1.	Introduction	41
4.2.	The Legal Frameworks on the Right to Housing and Forced Eviction	42
4.3.	Implementation of Safeguards against Forced Eviction.....	46
4.3.1.	Procedural Safeguards Before Eviction	46
4.3.1.1.	Regularization as a measure to control Informal Settlement	56
4.3.2.	Procedural Safeguards Duering Eviction	57
4.3.3.	Procedural Safeguards after Eviction	60
4.3.3.1.	Institutional Remedies	63
4.4.	The Impacts of Forced Eviction on Informal Settlers on the Two Sites	65
	CHAPTER FIVE	68
5.	Conclusion and Recommendation.....	68
5.1.	Conclusion	68
5.2.	Recommendations	70
	Bibliography	72

Declarations

I, METASBIA TSEGAYE, hereby declare that this research paper work entitled “Protection of Informally Settled Residents from Forced Eviction: A Focus on Addis Ababa” is my original work, has not been presented earlier for award of any degree to any university and that all sources of materials used for the thesis have been duly acknowledged.

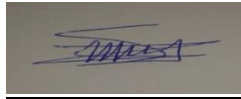
Name: Metasbia Tsegaye

Signature: _____

This research paper has been submitted with my approval as University Advisor:

Dr. Mizanie Abate (PhD)

Signature:

A rectangular box containing a handwritten signature in blue ink, which appears to be 'Mizanie Abate'.

ACKNOWLEDGEMENT

I am deeply grateful to all those who have supported me along the way. Foremost, I would like to express my heartfelt gratitude to my advisor **Dr.Mizanie Abate, PhD** whose guidance, expertise, and encouragement have been invaluable throughout this process. Your insights and constructive feedback have shaped this work, and I am truly grateful for your great support and belief in my abilities.

I am profoundly grateful to my family and friends for their encouragement and support. Their love and support have been a source of strength throughout this academic endeavour.

Finally, I would like to acknowledge the institutions for their contributions to this research providing information. Your assistance has been crucial in the completion of this thesis.

List of Abbreviations and Acronyms

ACHHPR-African Charter on Human and Peoples Rights

CEARD-Convention on Elimination of all forms of Racial Discrimination

CESCR- Committee on Economic Social and Cultural Rights

COHRE-Center on Housing Rights and Evictions

CPRs –Civil and Political Rights

ESCRs- Economic Social and Cultural Rights

FDRE- Federal Democratic Republic of Ethiopia

FGD-Focus Group Discussion

ECtHR- European Court of Human rights

EHRC-Ethiopia Human Rights Commission

ICCPR- International Covenant on Civil and Political Rights

ICESCR- International Covenant on Economic, Social and Cultural Rights

OHCHR- Office of the High Commissioner for Human Rights

HRBA-Human Rights Based Approach

UDHR-Universal Declaration of Human Rights

UNCH-United Nation Charter

UNHRC- United Nation Human Rights Council

Abstract

This paper analysis informal settlers, residents who doesn't have legal title dee on the place they leave in, and Forced evictions in Addis Ababa City. The city is currently marked by frequent forced evictions, driven by developments for public purposes and land transactions involving individuals who lack legal ownership of the land.

The primary aim of this study was to assess the protection of informal settlers from forced eviction by analyzing the substantive and procedural safeguards in place, as well as their patterns and extent in the Yeka and Arada sub-cities. A qualitative research approach was employed for data collection, including in-depth interviews, focus group discussions, observations, and key informant interviews.

The study finds out that there are both substantial gaps and failure to implement procedural safeguards to protect informal settlers from forced eviction by different bodies. Hence, this leads to the violation of other human rights including the right to housing, the right to livelihood, the right to food. The finding also indicate that the national legal frameworks does not align with different international human rights instruments in regards to the right to adequate housing and protection from forced eviction. The findings also reveal that there is no adequate legal framework to protect the rights of informal settlers.

Keywords: *informal settlement; Forced Eviction; the right to housing, Human right*

CHAPTER ONE

1. INTRODUCTION

1.1. Background of the study

Various terms have been used to define "informal settlement" in literature to describe these types of areas, including "spontaneous," "irregular," "unplanned," "marginal," and "informal settlements." The United Nations uses the term "informal settlements" to describe residential areas where housing units are built on land that the occupants do not legally own or occupy illegally.¹ In contrast, informal settlements involve individuals, often squatters, who claim or occupy land without official registration in their name. This land may be government property or owned by others. Squatters are those who inhabit land or buildings without the owner's explicit consent.² Without accessibilities as well as a violation of the rule and the settlement proceeded stress for the illegal settlers, informal settlement became the concern of the world recently. The widespread growth of informal urban settlements has become an issue in the last two decades, especially in developing countries.³

Urban expansion in developing nations has been characterized by the rise of informal settlements. According to the human settlements programme (UN-Habitat), informal settlements account for 20% to 80% of urban growth in developing countries. In 2022, 1.6 billion people or 20% of the world's population live in inadequate housing, of which one billion reside in slums and informal settlements.⁴ This implies that there is still a long way to go in reducing the large gap between informal residents and the rest of the urban population living in adequate shelter with access to basic services, indicating that informal

¹ United Nations (2015) formalizing the Informal: Challenges and Opportunities of informal Settlements in South-East Europe. United Nations FIG Publication

² UN Habitat Informal Settlements in the Arab Region (2020), Towards Arab Cities without Informal Areas: Analysis and Prospects; and John Abbott & David Douglas (2003) The use of longitudinal spatial analyses of informal settlements in urban development planning, Development Southern Africa

³ United Nations Human Settlements Programme (UN-Habitat) (2003). *the challenge of slums: Global report on human settlements*, London: Earth scans Publications.

⁴ UN -Habitat. (2022). Children, Cities and Housing: Rights and Priorities, May 2022. New York: United Nations.

settlements are a persistent issue that requires close attention.⁵ The number of people living in slums or informal settlements grew to over 1 billion, with 80 per cent attributed to three regions, eastern and south-eastern Asia (370 million), sub-Saharan Africa (238 million) and Central and Southern Asia (227 million) in 2018.⁶

Globally, informal settlement has common characteristics of lack of infrastructure like waste disposal system, overcrowding, inaccessibility of water and under qualitative houses, violation of building permits, substandard houses or inappropriate building structures and poor quality construction materials, a materials reused from demolitions.⁷ There is overcrowding in which occupants affected by poverty, social exclusion and serious health problems.⁸ It also causes doubling of such problems even if difficulties are occurring for re-settlement and settlement upgrading as there is no response from the government side to legalize the informal settlers or address their issue of right to housing.⁹

In the Ethiopian context, these types of settlements are known as "Chereka Bet/sefer". The term implying that the constructions of the houses are carried out at nights due to its illegal nature of the process. The settlements are done without having legal ownership on the land and without having construction permit from the concerned government institution. In Ethiopia, different cities have responded differently to informal settlements. In case of Addis Ababa, Bole, Yeka and Kolfe sub-cities, there were demolitions in 2001 GC, which destroyed 13,440 informally constructed houses.¹⁰

⁵ Ibid

⁶ United Nations Department of Economic and Social Affairs (2019): Make cities and human settlements inclusive, safe, resilient and sustainable;

⁷ Nasise Shafi, (2022), Existing Status of Informal Settlement in Addis Ababa: The Case of Kolfe Keraniyo And Nifas Silk Lafto Sub City, Addis Ababa University College of Social Sciences Department of Sociology Graduate Program

⁸ Haji.M & Muhammad. (2006), the causes and consequences of the informal settlements in Tanzania

⁹ Getalem, & Yenew, A. (2014). Assessment of informal settlement and associated factors of public health issue in Bahir Dar city

¹⁰ Daniel Lirebo, (2006) An Assessment of the Development and Implementation of Regulations on Informal Settlements, The Case of Addis Ababa City, Ethiopia, Addis Ababa University.

The international community has long recognized that the issue of forced evictions is a serious one and homelessness has been described as the most extreme violation of the right to adequate housing.¹¹ Apart from allegations brought to the national human rights commission, human rights watch and amnesty international repeatedly reported the case of forced evictions in inner and countryside violating human rights in Ethiopia.¹²

1.2. Statement of problem

Developing countries have faced enormous population movements from rural to major urban centers and this led to swelling informal settlements posing socio-economic challenges on cities.¹³ One of the confounding problems confronting many of the developing countries today is the illegal occupation of urban land. The UN habitats survey estimated that between 40 and 70% of urban growth in developing countries is "informal".¹⁴ This figure is similar in Addis Ababa City with the housing located in unplanned areas or informal settlements.¹⁵

Informal settlements in Addis Ababa emerged as a result of many factors, such as the delay of the implementation of legal housing, delays of providing legal land provisions, and increases of the cost of housing rent in the urban areas.¹⁶ Besides those economic factors, there are political and legal failures that represent the absence of government actions to control and arrange open spaces, the lack of code enforcement service to regulate and

¹¹ Miloon Kothori (2004), Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context: Homelessness as a global human rights crisis that demands an urgent global response; Paragraph 4, A/HRC/31/54

¹² Oakland Institute. (2011) "Understanding Land Investment Deals in Africa: Country Report: Ethiopia," <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia>,

¹³ Nouri A. Elfarnouk. (2015), *Squatter Settlements in Tripoli, Libya: Assessing, Monitoring, and Analyzing the Incidence and Prevalence of Urban Squatter Areas in the Peri-Urban Fringe*

¹⁴ Habitat (1982), Survey of slum and squatter settlements / by the United Nations Centre for Human Settlements (Habitat), Dublin: Tycooly International Publishing Ltd.,

¹⁵ Daniel Lirebo, (n10)

¹⁶ Minwuyelet, M. (2005) City expansion, Squatter Settlements, and Policy Implications in Addis Ababa: The case of Kolfe Keranio Sub City. Working papers on population and land use change in Central Ethiopia, No. 2, Acta Geographical, Trondheim,

control the appearance of illegal house construction, the absence of inclusive legal responses towards the continuous appearance of the squatting phenomenon, and the lack of controlling and legalizing the practice of making profits from land sale by land speculators.¹⁷ Forced evictions often linked to the absence of legally secure tenure, which violates the issue of the right to adequate housing. Most informally settled residents are subject to forced eviction due to the absence tenure security.¹⁸

Forced evictions constitute gross violations of a range of different international human rights instruments. The violations of the rights extend to other human rights including the right to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement.¹⁹

All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction and other threats irrespective of the way the person acquire the place where he resides.²⁰ Forced evictions are prima facie incompatible with the requirements set under ICESCR.²¹ The UN Committee on Economic, Social and Cultural Rights clarified the normative and legal content of the right to adequate housing and forced eviction. One of the key aspects of the requirements of adequacy is legal security of tenure. In unequivocal terms, the committee made it clear that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other

¹⁷ Ibid

¹⁸ United Nation Human Rights Office of the Higher Commissioner, (2014); forced eviction, fact sheet 25 Rev.1, New York Geneva,

¹⁹ United nations human rights office higher commissioner, (2024) Forced evictions Special Rapporteur on the right to adequate housing,

²⁰ Office of the High Commissioner for Human Rights Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant) Adopted at the Sixth Session of the Committee, on 13 December 1991 (Document E/1992/23), paragraph 8(a)

²¹ Ibid, paragraph 1

threats.²²In case evictions are unavoidable and justified on the very legitimate grounds, states shall ensure procedural safeguards before, during and after carrying out evictions.²³

Despite the above legal grounds as to the protection of a person from forced eviction, there are many instances where forced eviction carried out, especially on residents who don't have security of tenure for the land or dwelling they inhabit, on which usually are referred as informal settlers. The governments' refusal to acknowledge their existence and the informal nature of their settlement usually followed with forced eviction and infringement of many rights.²⁴ The governments' refusal to recognize informal settler's problem ranges from being reluctant on enforcing different legislation on forced eviction to infringing and committing gross violation of human rights.²⁵ The interdependency nature of human rights leads to automatic infringement of various human rights following forced evictions.²⁶ Thus, while manifestly breaching the right to housing, right to food, water and shelter, the practice of forced evictions may also result in violations of other rights, such as the right to life, the right to security of the person, the right to family and home and the right to peaceful enjoyment of possession.

Forced evictions in Addis Ababa city have been by far more rampant and unremitting than of the countryside. Addis Ababa is characterized by recurrent forced evictions induced by, among other things, public purposes developments and land purchase from persons that have no legal ownership on the land.²⁷ The city has been undergoing a major transformation

²² Ibid, paragraph 8

²³ Basic principles and guidelines on development-based evictions and displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living A/HRC/4/18

²⁴ UN-Habitat, (2015) Global report: increasing synergy for greater national ownership. Nairobi

²⁵ Davas, N.,Amis, P., Beall,J.,Grant,U.,Mitlin, D., Nunan, F.& Rakodi, C.(2004). Urban governance, voice and poverty in the developing world. London: Earth scan.

²⁶Office of the high commissioner for Human rights, the right to adequate housing (Art.11.1): forced evictions: .20/05/97.CESCR General comment 7. (General Comments), Sixteenth session, 1997, para.4

²⁷ Forced evictions in Addis Ababa render jobless workers homeless amid COVID-19; April 2020, accessed on; <https://www.amnesty.org/en/latest/news/2020/04/ethiopia-forced-evictions-in-addis-ababa-render-jobless-workers-homeless-amid-covid-19/#:~:text=April%2029%2C%202020-Ethiopia%3A%20Forced%20evictions%20in%20Addis%20Ababa%20render%20jobless%20workers%20homeless,pandemic%2C%20Amnesty%20International%20said%20today.>

as evidenced by the expansion of road networks and many other projects.²⁸ Contrary to many international instruments informally settled residents are subjected to forced eviction in Addis Ababa and many human rights violations takes place following these measures. Enormous numbers of individuals and families are being forcefully evicted from their home and land without adequate alternative accommodation and deprived of the right of access to appropriate legal or other protections.²⁹

This thesis seeks to inquire in to the protection of informal settlers from forced eviction and to assess the substantive and procedural safeguards taken with different national and international human right standards in Addis Ababa, Ethiopia. The purpose of this thesis is to assess the protection granted for informal settlers from forced eviction and examine the legal and practical challenges and provide recommendation thereof.

1.3. Objective of the Study

1.3.1. General Objective of the Study

The General Objective of the study is to examine the level of protection granted to informal settlers from forced eviction in Addis Ababa, Ethiopia. The study also examined the right to housing for informal settlers.

1.3.2. Specific Objective of the Study

Having in mind the general objective of the study, the specific objectives of the study are;

- To examine the adequacy of the Ethiopian legal framework in protecting persons from forced eviction, with a specific focus on informal settlers.;
- To assess the practical implementation of existing laws in Addis Ababa during the eviction of informal settlers;

²⁸ Gebre Yintesu, (2008) Urban Development and Displacement in Addis Ababa: The Impact of Resettlement Projects on Low-Income Households, in Eastern Africa Social Science Research Review, Volume 24, Number 2, pp. 53-77;

²⁹UN-HABITAT, (2006); Globalized eviction" Guerrilla News Network, United Nations Human Settlements Programme, Forced Evictions - Toward Solutions, Advisory Group on Forced Evictions, p. 2;

- To assess and examine regional and international human rights instruments and guidelines on eviction;
- To assess whether Ethiopia's legal framework, practices, and procedures regarding eviction align with international human rights instruments to which the country is a party;
- To assess the adverse effects of forced eviction on informal settlers reside in Addis Ababa and violation of other human rights;
- To examine the possible remedies available at both the national and international levels for informal settlers subjected to forced eviction in violation of their human rights;

1.4. Researcher question

Based on the general and specific objectives of the study, the research addressed the following central questions of the study;

- Is there an adequate legal framework in Ethiopia for protecting individuals from forced eviction, specifically regarding informal settlers?
- What is the practical implementation of the existing laws in Addis Ababa in regards to eviction of informal settlers?
- What do regional and international human rights instruments stipulate regarding forced eviction?
- Do the legal framework, the practical implementation and the procedure observed while carry out eviction cope up with international human rights instruments provisions on eviction in general and informal settlers in particular?
- What is the adverse effect of forced eviction on informal settlers reside in Addis Ababa and the human rights violations thereof?
- What are the possible remedies available both in the national and international level for informal settlers subjected to forced eviction?

1.5. Research Methodology

1.5.1. Research Design

The researcher employs a qualitative research approach to achieve and answer the stated objectives and questions of the study. The qualitative research method is considered for this study as it permits to probe the concerned bodies and share their experiences fully in their own terms. Through employing this approach, the problems were addressed in-depth and provide a more accurate solution based on the participants responses on forced eviction. Therefore, instead of carry out a survey type of engagement, a qualitative entrenched with through interviewing key informants in Yeka and Arada sub-cities, observations of forcefully evicted informal settler's current living condition, focus group discussion (FGD), and document analysis approach will be employed.

1.5.2. Interview

On this research both structured and unstructured forms of interviews were employed. The researcher selects the following informants or personalities for the interview.

This research utilized different data collection methods. In-depth interviews were conducted with 10 participants and 4 key informants from both evicted sites. The participants were primarily heads of households, and key informants from government bureaus who has relevant information and mandate on the issue. This groups provided valuable perspectives on the factors contributing to the expansion of informal settlements and the challenges faced by residents.

As the primary target of the study are informal settlers who are victims, figuring out where such key informants are located and conducting interview with the victims found in Addis Ababa region was the major task. Hence, two eviction sites were selected randomly, Yeka and Arada sub-cities, as these two sites have different causes of eviction. Therefore, depth interview was conducted as a major tool to assess the procedure carried out to carry out the eviction, the remedy provided, the impacts and other related human right violations following force eviction.

Concerned officials from the selected sites woreda were the other key informants interviewed. Conducting interview with the woreda officials helped the researcher to evaluate the implementation of national and international legal frameworks and guidelines on the ground while carrying out the eviction. It also helped to evaluate and identify the roots of the problem of the work units starting from the body who order the eviction to the one who execute it.

Moreover, interview with human rights-based civil society organizations that has a role in the protection and promotion of human rights in Ethiopia were interviewed.

1.5.3. Focus Group Discussion (FGD)

Focus group discussion (FGD) were used to gather the relevant data for the study. Accordingly, five FGDs composed of the key informants were carried out in the two eviction sites of the study so as to get the more accurate information and understanding of the problem. This tool was employed with the aim to address and get the victims sincere feeling and grievance in depth concerning forced eviction and other related human right violation following the eviction.

1.5.4. Document Analysis

Document analyses are one of the instruments that enable researchers to get rich data on the study area. Hence, international, regional and national legal frameworks, instruments, reports, general comments and other documents were analysed.

1.5.5. Source of Data

The study uses both primary and secondary data sources to obtain the desired data that would answer the stated research objective and questions. Primary data collection was achieved through legal document analysis and in-depth interviews, focus group discussion with informal settlers who are victims of forced eviction and key actors in relation to the issues such as woreda officials, human rights institutions and legal actors. Concerning secondary data sources, different studies, documents, reports, publications, discussion papers, books and other related documents were thoroughly reviewed. Obtaining rich qualitative data is made considering that research subjects to be analysed are pre-selected

and interviewees are selected based on their mandate on the subject matter, level of knowledge, experience and willingness to participate in the subject matter of this study.

1.5.6. Sample Techniques and Sample Size

The researcher employed a purposive sampling technique to identify and select key informants of the study including victims that have direct or indirect relationship with the subject matter. Purposive sampling method is employed for the researcher to pick the victims or interviewees mentioned above for the fact that they are either victims or they have direct or indirect relationship with the subject matter.

Participant's size under this study were determined by data saturation. Once the researcher got all the necessary information from the respondent, the researcher discontinues carrying out the data gathering.

1.6. Related Review Literature

There are related literatures on protection of individuals from eviction in general and informal settlers in particular. However, most of related studies in Ethiopia are done on the focus of eviction in general rather than a specific study on the protection of informal settlers from forced eviction. Moreover, most of the researches that focus on informal settlers are carried out from the geographical aspect of the issues and city or urban beautification.

The first research related to this research is “reconciling human rights and eviction for public purpose in Ethiopia: Appraisal of the law and the practice with focus on some selected sited site in Addis Ababa City” by Mikias Bulcha. On this paper the researcher finding indicates that there exists legislative gap which allows the authorities tremendously and quickly eviction for public purpose. It also finds out that human rights-based approach to development and limitation clauses provided by human rights laws impose certain condition and restriction on developmental projects by putting human rights at the Centre

of any development schemes.³⁰ The other related research is “demolition, forced evictions and wellbeing in the city in three cities in India” by Jaideep Gupte. On this research the findings show that the experience of demolition entails a variety of collateral damage, including a loss of livelihood and property.

“The Right to Adequate Standard of Living With specific Focus on the Right to Adequate Housing” by Armaye Assefa found out that the overall understanding of socio-economic rights in Ethiopia is weak and indicates that there is a gap on the legislation.³¹ “Forced Evictions in Informal Settlements and the Role of the Courts in the Protection Socio Economic Rights in Kenya” by Kikoech Nicholas analyse the country constitution and a case brought by 3500 petitioners following forced eviction. The paper analysed that courts, just like the State have a negative obligation to prevent the State and even private individuals from acting in ways that infringe on the enjoyment of a socio-economic right in a way of “watchdog” role, not prescribing to the state what it must do but ensuring that the relevant State organs act in accordance with their constitutional mandates.

1.7. Significance of the study

This research is expected to provide the following benefits after its accomplishment:

- It will serve as a reference for the law enforcement bodies to refine the existing practical challenges by looking in to the identified violation occurred following forced eviction of informal settler.
- It will serve as the base for the legislature, and policy makers to take further steps by enacting laws and policies that are not addressed under the existing legal frameworks on the subject matter of the study.

³⁰ Mikias Bulcha, (2015); Reconciling human rights and eviction for public purpose in Ethiopia: Appraisal of the law and the practice with focus on some selected sited site in Addis Ababa City: Addis Ababa University school of law,

³¹ Armaye Assefa, (2011); The Right to Adequate Standard of Living With specific Focus on the Right to Adequate: The institutional and Legal frameworks in Ethiopia, LLM thesis, Addis Ababa University,

- It will be the stepping stone for further researches and for academic purposes that are related to the subject matters of this study.

1.8. Organization of the paper

This thesis is structured into five chapters. The first chapter provides an introduction to the study, covering the historical background, problem statement, study objectives, research questions, methodology, literature review, and significance. The second chapter presents the theoretical framework related to informal settlements and forced eviction. Chapter three explores the international, regional, and national legal frameworks designed to protect individuals from forced eviction and the right to housing and. The fourth chapter examines the practical impacts of forced eviction on informal settlers and the violations it causes. Finally, the fifth chapter concludes the study and offers recommendations.

CHAPTER TWO

2. Conceptual Framework of Informal settled residents and Forced Eviction

2.1. Introduction

A notable trend in Africa's rapid urbanization has been the rise and unchecked expansion of informal settlements, often constructed by immigrants to address their housing needs. These settlements are termed "informal" because they are developed outside official planning frameworks and are typically marked by specific physical and social conditions. As informal settlements spread across African cities, most governments initially responded to both in-migration and the growth of these settlements with increased regulation and enforcement.³²

Informal settlements were often perceived as slums areas associated with poverty, disease, and crime. They were seen as a challenge to the modernization goals of African governments, which aimed to develop well-planned and orderly cities. These settlements were believed to undermine property values in formally developed neighborhoods and deter commercial investments. Consequently, governments focused on enforcing planning regulations, public health laws, and building codes to safeguard established areas. They sought to curb in-migration and the expansion of informal settlements through demolition policies and persuasive campaigns.³³

From a broader perspective, the cumulative impact of informal settlements has been profoundly detrimental to cities, their overall populations, and the residents of these settlements. The implications of this phenomenon are serious and multifaceted, affecting legal, social, environmental, political, and economic aspects. Informal settlements

³² Payne, G. A. Durand-Lasserve (2009); *The limits of land titling and home ownership*; *Environment and Urbanization* 21(2):443-462,

³³ Kubale Palmer, E. and C. V. Patton., (1988); *Evolution of Third World Shelter Policies*, Spontaneous Shelter: International Perspectives and Prospects, Temple University Press, Philadelphia: 3-24.

contribute to health issues, environmental degradation, social unrest, and urban violence. Various authors have highlighted different consequences of squatter settlements in various regions around the world.³⁴

Hence, this chapter will conceptualize informal settler and analyze their characteristics and impact in detail.

2.2. Definition and Conceptual framework of Informal Settler

The terms 'informal' in carry negative connotations and are often defined in terms of what they lack or are perceived to lack. There are different definitions, meanings and interpretations around the world. These are areas where housing is developed on land that occupants do not have legal claim to, or they occupy land illegally or without formal permission.³⁵ Characteristics often associated with informal settlements include inadequate access to basic services such as water, sanitation, and electricity, as well as poor infrastructure and housing quality. The term 'informal' suggests a lack of formal recognition or legality, which can imply marginalization or exclusion from formal urban planning processes.³⁶ The illegal occupation of urban land, usually referred as squatting, presents a significant challenge for many developing nations today. This phenomenon is primarily driven by several key factors.³⁷ There is often a rapid increase in national population, leading to a surge of people moving towards urban areas in search of opportunities and better living conditions.

Individuals and families resort to squatting as a means of securing shelter in urban areas where formal housing options are limited or unaffordable. This informal settlement often occurs on vacant or unused land, sometimes owned by the government or private entities.

³⁴ Jemal Abagissa, (2019); *Informal Settlements in Addis Ababa: Extent, Challenges and Measures Taken*, Addis Ababa University, Department of Public Administration and Development Management.

³⁵ Jaideep Gupte & Dolf te Lintelo, (2019); *Demolition, forced evictions and wellbeing in the city*; Institute of Development Studies, University of Sussex.

³⁶ Ibid

³⁷ Jemal Abagissa, (n34)

Squatting communities typically lack basic services such as sanitation, clean water, and access to education and healthcare, further exacerbating social inequalities and public health challenges.

Addressing the issue of informal settlers requires comprehensive urban planning strategies that prioritize equitable access to housing and urban infrastructure. Governments and policymakers in developing nations need to focus on sustainable urban development initiatives, including affordable housing programs, land tenure regularization, and improving basic services in informal settlements. By tackling the root causes of squatting and providing viable alternatives, countries can work towards creating more inclusive and resilient urban environments for all residents.

Ethiopia remains one of the least urbanized countries, yet recent studies show its urbanization rate is increasing rapidly, much like other developing nations. A significant issue in its urban areas is the prevalence of informal settlements, largely driven by the subdivision and illegal sale of agricultural land.³⁸ In developing countries, including those in Africa, approximately 924 million people live in informal settlements on the peripheries of urban centers, often without basic services.³⁹ In these less developed nations, squatters and the urban poor working in the informal sector typically struggle with inadequate incomes. As urban areas expand horizontally, sustainable development challenges will increasingly focus on these informal regions, particularly in rapidly urbanizing countries like Ethiopia.⁴⁰

The surge in urbanization has attracted many people to cities in search of employment and better living conditions. However, newcomers, including rural migrants and existing urban residents, face significant difficulties in securing adequate, livable space. Many have been forced to settle in neglected areas, such as uneven terrains and marshy lands, due to the

³⁸ Nasise Shafi, (n7)

³⁹ Ram, B. Acharya (2010) Urban Poverty: A Sociological Study of Shankhamul Squatter: Dhaulagiri Journal of Sociology and Anthropology Vol. 4, | 179/180

⁴⁰ Ibid

scarcity of affordable housing and space for various activities. The rapid urbanization has drawn many people to urban centers in search of job opportunities and improved livelihoods. However, newcomers, including rural migrants and some existing urban residents, encountered significant challenges as they started their new lives. One of the primary and long-standing issues they faced was securing adequate, living space. In their quest for private shelters and sufficient space for various activities, many were compelled to settle in areas that the government had neglected, such as uneven terrains and marshy lands.⁴¹

Forms of informality are generally categorized into two major groups: the first comprises informal settlements that have been established and constructed without any legal foundation or documentation recognized by law, such as title deeds or building permits. These settlements, often referred to as "squatter settlements," are typically found in the expansion areas of cities. The second groups include settlements that are partially illegal or informal. The sources of illegality in this group vary. For instance, these settlements may possess legal titles or deeds but lack building permits. Alternatively, they may have both title deeds and building permits but have made unauthorized modifications such as expansions, upgrades, or alterations to the original structures.⁴² This research focuses on people unlawfully established settlements, which are in violation of existing land ownership and building restrictions.

2.2.1. Factors of Informal Settlements

- **Socio-Economic factors:** - factors, such as population growth, rapid urbanization, poverty, shortage of formal housing, lack of employment, expensive land, industrialization, and rural to urban migration have played significant effect on the expansion of informal settlements. housing shortage increasing urban poverty, high

⁴¹ Jemal Abagissa, (n37)

⁴² AADIPO (2003), Informal Settlement in Addis Ababa: Addis Ababa Development and Improvement Project Office, Addis Ababa.

rate of rural-urban migration, high rate of unemployment, high cost of living, and economic recession is among the factors.

- **Lack of Affordability and Inadequate Housing:** - The root causes of informal settlements are directly linked to the twin problems of housing affordability and inadequacy, which are prevalent in developing countries. According to UN-habitat adequate housing encompasses more than just the mere availability of shelter. Essential components such as quality, affordability, accessibility, and security are equally critical.⁴³
- **Population Growth:** - In developing countries, population growth and the rising migration from rural to urban areas have greatly outpaced the availability of urban housing for middle- and low-income residents. City authorities struggle to address the demand for land, leading to the proliferation of various types of squatter settlements on vacant lands in central areas and on the outskirts of major cities.⁴⁴ This trend indicates that urban population growth will persist, and housing demand will continue to increase accordingly.⁴⁵
- **Administrative factors:** In most developing countries, inefficiencies in institutions have contributed to the growth of informal settlements. These issues include delays in obtaining building permits, inadequate enforcement of building regulations, a lack of penalties for violators, corruption in the permit process, poor land administration, and centralized bureaucratic procedures in land management. Extensive bureaucratic procedures related to land acquisition and building permits, along with corruption among public officials and experts, are key institutional

⁴³ Ampofo, J. A., Iddrisu A., Arfasa, G. F., Mantey, I. and Aniah, E. (2024). Causes of Informal Settlement in Africa: A systematic review. *ADRRI Journal of Contemporary African Development*, Ghana: Vol. 1, No. (1), Pp.1-18, E-ISSN: 2961-0257, 2024

⁴⁴ Kenneth A. Manaster (1968); *The Problem of Urban Squatters in Developing Countries: Peru*, Wisconsin Law Review. Vol. 23.

⁴⁵ Tewodros Teshome Seid. (2020), *Factors Contributing for The Expansion of Informal settlements In Jimma City*.

factors contributing to the growth of informal settlements. Additionally, in sub-Saharan Africa, corruption and inconsistent policies and plans are major determinants driving the prevalence of informal settlements.⁴⁶

- **Political and Legislative factors:** In cities of developing countries, the expansion of informal housing is driven by inefficient legal frameworks for urban management, inadequate building standards, poor enforcement of rules and regulations, and increasing political instability. Moreover, lack of political commitment, less emphasis to urban issues, civil war, in appropriate policy among the factors.⁴⁷

2.2.2. General Characteristics of Informal Settlements

Informal settlements, or squatter settlements, can be understood through three main defining characteristics:⁴⁸ physical, social, and legal. These aspects are interrelated and collectively describe the nature of these communities.

Physical Characteristics: Due to their “non-legal” status, informal settlements typically lack adequate services and infrastructure. This includes essential services such as water supply, sanitation, electricity, roads, drainage systems, schools, health centers, and marketplaces.

Social Characteristics: Residents of informal settlements generally belong to lower-income groups, often working as wage laborers or in various informal sector jobs. Most earn wages close to the minimum wage, and many are migrants from rural areas or other cities.

⁴⁶ Matamanda, A. R. (2019). Battling the informal settlement challenge through sustainable city framework: Experiences and lessons from harare, Zimbabwe. *Development Southern Africa*, 1–15.

⁴⁷ McGranahan, G., & Satterthwaite, D. (2004). The Impact of Urbanization on the Environment in Developing Countries. *Environment and Urbanization*, 16(1), 23-34.

⁴⁸ Daniel Lirebo, (n10)

Legal Characteristics: A defining feature of informal settlements is the lack of legal ownership of the land on which they are built. These settlements may be situated on vacant government or public land, or on marginal lands such as railway setbacks or marshy areas. As the land is often not in productive use by its official owner, it may be sold or transferred, even if the settlement itself is not formally recognized.

2.2.3. Informal Settlement in Addis Ababa

Addis Ababa is a fast-growing city beset by issues that plague most developing-world cities, such as widespread urban poverty, unemployment, insufficient housing, severe overcrowding and congestion, and poor infrastructure. Furthermore, rising social problems like begging, homelessness, and teenage criminality are harsh realities of metropolitan living. In 2006, the unemployment rate for people aged 10 and above was 28.6%. Slums and informal settlements have posed numerous issues to the city, and are often regarded as the main issue affecting people's livelihoods and the state of the urban environment.⁴⁹

The first sign of squatter settlement in Addis Ababa appeared in the late 80's on government land, but administered. The key factors that contributed to the rapid growth of informal settlements in the city is land ownership and administration issues. The involvement of peasant associations in managing government land created a complex and often inefficient land distribution system.⁵⁰ The depletion of serviced vacant land within the city led to a critical shortage of affordable housing options. Using the opportunity, peasants' associations living in the expansion areas of Addis Ababa started to sell their land illegally by attracting urban residents and migrants who could not afford the prices of administration agencies operating under government.⁵¹

⁴⁹ Tsutsumi, J., & Bendewald, M. J. (2010). Urban environmental challenges in developing cities: the case of the Ethiopian capital Addis Ababa. *International Journal of Environmental and Ecological Engineering*;

⁵⁰ Matamanda, A. R. (n46)

⁵¹ Ibid

Squatter settlements in Addis Ababa are known in Amharic as "Yecherka Betoeh". This name is given to such constructions since they are often built under the moonlight and appears overnight. These squatter groups are built with in short period of time. Squatters frequently build their homes at night. The squatters and their families then move inside the shelter as soon as it takes on the shape of a house, which they gradually enhance. Squatters who fall into this category are persons who have the ability to build a home if they were given the necessary land.⁵²

The influx of rural migrants into metropolitan areas, coupled with rapid population growth, has led to the proliferation of informal settlements. Housing has emerged as a critical challenge for these newcomers, many of whom arrive with limited financial resources and skills. The struggle to find adequate shelter has given rise to squatting, homelessness, and overcrowded slums, creating unprecedented urban problems.⁵³

The rapid growth of squatter settlements and unplanned urban expansion on the outskirts of Addis Ababa is primarily attributed to two factors. The main reasons for the proliferation of squatter settlements and unplanned expansion of the city at the peripheries of the Addis Ababa city are that peasants around the city provide urban land to individuals for housing construction without the consent of the concerned legal urban authorities. An interruption in formal housing development between 1982 and 1986, due to the formulation of a new housing strategy, created a significant housing shortage. This forced many city residents to seek alternative land acquisition methods, often through informal channels.⁵⁴

⁵² Ibid

⁵³ Nasise Shafi, (n7)

⁵⁴ Ibid

2.2.4. Approaches on Informal Settlers

2.2.4.1. Preventive measures

Preventive measures for managing informal settlements involve several strategic actions. Comprehensive urban planning and zoning regulations are essential to guide land development and prevent the emergence of informal settlements. By creating detailed land-use plans and enforcing these regulations, unauthorized construction can be deterred. Affordable housing initiatives also play a critical role; promoting and developing low-cost housing projects through government and private sector collaboration can reduce the demand for informal settlements by offering viable alternatives for low-income populations.⁵⁵ Land regularization programs are another key preventive measure. These programs provide legal titles or lease agreements to residents of informal settlements, thereby integrating these areas into the formal property market and preventing future informal settlement issues. Public awareness and education campaigns are also vital; by informing communities about legal housing options, planning regulations, and the benefits of formal land ownership, illegal land occupation and construction can be discouraged.⁵⁶

Engaging local communities in the urban planning process ensures that their needs and preferences are addressed, leading to more effective and widely accepted solutions for housing and land use. Additionally, investing in infrastructure development in underserved areas can improve living conditions and diminish the appeal of informal settlements. This includes providing essential services such as water, sanitation, and transportation. Strengthening law enforcement is equally important; robust

⁵⁵ UN-Habitat. (2014). *The State of the World's Cities 2014/2015: Urbanization and Development - Emerging Futures*. United Nations Human Settlements Programme.

⁵⁶ Ibid

enforcement of building codes and zoning laws, along with regular inspections and prompt action against violations, can prevent unauthorized construction.⁵⁷

2.2.4.2. Curative measures

Curative measures addressing existing informal settlements are implemented through various methodologies. The processes of legalization and regularization including the issuance of property titles and lease agreements serve to enhance land tenure security and facilitate the integration of informal settlements into municipal planning frameworks.⁵⁸ Upgrading and improvement initiatives are designed to enhance infrastructure, housing quality, and access to essential services within these settlements, encompassing improvements to sanitation, roadways, and public amenities. In instances where upgrading is not practicable, planned relocation and resettlement programs may be warranted. Such programs must be executed equitably, ensuring appropriate compensation is provided and that relocated communities are afforded adequate housing and support services. Furthermore, enhancing access to essential services, including healthcare, education, and social services within informal settlements, can significantly improve the quality of life for residents and promote their integration into the wider urban environment.⁵⁹

A participatory approach that involves residents in decisions about their relocation or eviction is crucial for developing effective and sustainable solutions. Providing financial support or incentives, such as subsidies, availing low rental houses, substitute housing such a chance to get condominium lottery can facilitate the transition to formal housing.⁶⁰ Hence, establishing systems for monitoring and evaluating the effectiveness

⁵⁷ Mitlin, D., & Satterthwaite, D. (2013). *Urban Poverty in the Global South: Scale and Nature*. Routledge

⁵⁸ World Bank. (2010). *World Development Report: Development and Climate Change*, World Bank Group.

⁵⁹ Ibid

⁶⁰ Kumar, A., & McGregor, D. (2016). Land Tenure and Property Rights in Urban Africa: An Analysis of Current Trends. *African Studies Review*, 59(2), 115.

of curative measures ensures that interventions meet their intended goals and allows for necessary adjustments.

2.3. Forced Eviction

Forced evictions are a serious issue affecting millions of people globally. They often impact the most marginalized communities, including the poor, minorities, and those living in informal settlements. The repercussions are devastating: losing one's home means losing a sense of security and stability, which can lead to severe psychological trauma and economic hardship.⁶¹ In many cases, displaced individuals face increased risks of violence, exploitation, and prolonged poverty. Addressing this issue requires both immediate humanitarian support and long-term solutions that respect human rights and provide legal protection for vulnerable populations.⁶²

Between 1998 and 2008, center on housing rights and evictions (COHRE) estimated that 18.59 million people were impacted by forced evictions. In the period from 2007 to 2008 alone, COHRE found that nearly 4.5 million people faced eviction threats or actual evictions.⁶³ Of the approximately 1.5 million individuals who experienced actual forced evictions during 2007 and 2008, COHRE's regional breakdown is as:

- Asia: 872,926 or 55%;
- Latin America: 433,296 or 27%;
- Africa: 270,660 or 17%; and
- Europe: 13,286 or .85%⁶⁴

⁶¹ Forced Evictions, Fact Sheet No. 25/Rev.1(2014), United Nations Human Rights Office of the High Commissioner, UN Habitat for a better Urban Future

⁶² Ibid

⁶³ Centre on Housing Rights and Evictions, (2009); Submission to the Universal Periodic Review Concerning Sudan Eleventh Session of the UPR Working Group of the Human Rights Council.

⁶⁴ Ibid

Forced evictions is defines as “permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”.⁶⁵

Forced evictions are issues constituted under international law and are closely associated with the lack of legally secure tenure, which is a fundamental component of the right to adequate housing. The consequences of forced evictions are akin to those of arbitrary displacement, including population transfers, mass expulsions, mass exoduses, ethnic cleansing, and other forms of coerced and involuntary displacement from homes, lands, and communities.

The practice of forced evictions is widespread and affects persons in both developed and developing countries. Owing to the interrelationship and interdependency which exist among all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.⁶⁶

Many of the consequences of forced eviction are similar to those of arbitrary displacement and other practices involving the coerced and involuntary displacement of people from their homes, lands and communities. Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement. Evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.

⁶⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR); adopted by the United Nations General Assembly on 16 December 1966 through GA. Resolution 2200A (XXI), and came into force on 3 January 1976

⁶⁶ General comment 7. (n26)

2.3.1. Cause of Forced Eviction

There are many reasons of forced evictions. However, the most prevalent causes⁶⁷ of forced eviction will be discussed on this paper below.

1. **Large scale Development Projects:** Development projects at a large scale, like expanding infrastructure, developing commercial areas, or reviving urban spaces, frequently lead to forced evictions, causing the displacement of whole communities. According to the World Bank's 1994 report, public sector projects displaced approximately 190 to 200 million individuals over a span of twenty years within just three economic sectors. This averages to about 10 million people being displaced annually.⁶⁸ Taking into account the pace of displacements across all economic sectors, including both public and private sector projects, the conservative estimate of development-related displacements increases to approximately 280-300 million over a 20-year period, or about 15 million people annually.⁶⁹ Large-scale projects are often justified by claims of boosting the economy, enhancing infrastructure, or creating jobs. However, they can result in significant social and economic damage for those who are forced to relocate.

Since these projects impact a large number of people simultaneously, displacement can be especially harsh in areas where residents lack resources and legal protection. The key is to find a balance between development needs and the rights and needs of the communities affected. Many major development initiatives rely on the argument of serving the "greater good" to validate actions that could have serious adverse effects on marginalized communities. These kinds of projects particularly affect indigenous peoples, who are especially vulnerable and informal settlers.

⁶⁷ Leilani Farha; (2004) Forced evictions Global crisis, A Review of the Status of Forced Evictions Globally Through the Work of the Advisory Group on Forced Evictions, Un-Habitat and Other International Actors

⁶⁸ Ibid

⁶⁹ Ibid

- 2. Urban Development:** The global phenomenon of rapid urbanization presents both opportunities and challenges. It has the potential to fuel economic growth through the concentration of resources, talent, and innovation. However, it also gives rise to significant issues in urban planning and management, resulting in a substantial rise in the population of 'slum dwellers', with nearly one billion people now residing in inadequate housing globally, many without secure land rights.⁷⁰ As a result, residents are often evicted from their homes without proper compensation or support for relocation, leading to homelessness or inadequate alternative housing. Additionally, such displacement disrupts established communities, breaking up social networks and support systems that are crucial for individuals' well-being. Those who are displaced often become more vulnerable to poverty, marginalization, and exploitation in their new living conditions.⁷¹
- 3. Economic Evictions:** This often-overlooked cause of forced eviction has significantly impacted housing for many low-income households. Economic evictions arise from various interconnected factors. For instance, rising rental costs in the private market, combined with increased poverty exacerbated by the recent global financial crisis, have led to a surge in forced evictions. Although many evictions are legally justified due to non-payment of rent or mortgage defaults, states are still bound by international human rights laws to ensure that such evictions do not result in homelessness.⁷²

2.2.5. Impact and Consequences of Forced Evictions

Forced eviction commonly results in overcrowding of households, loss of livelihood, unemployment, family breakup, increased consumption of alcohol and drugs, loss of educational opportunities, scarcity of food and potable water, and a loss of culture and

⁷⁰ Miloon Kothari, (n11)

⁷¹ Ibid

⁷² Vienna declaration and programme of action (1993), adopted by the World Conference on Human Rights, Vienna, (A/CONF.157/24 (Part 1), para. 30

community.⁷³ The major impacts include loss of shelter/home and personal possessions, violence, physical abuse, threats, harassment and unlawful detention, loss of social ties, psychological disorders, economic hardship, loss of on economic livelihood, food insecurity, interruption of education, relocation to communities without adequate resources like clean drinking water and basic health care and discrimination, particularly when trying to resettle in a new community.

Forced evictions invariably impact the most marginalized and disadvantaged groups, including those with the most insecure tenure and those who are the poorest. This often includes slum dwellers and squatters, female-headed households, people with disabilities, indigenous communities, the elderly, and ethnic and racial minorities.⁷⁴

⁷³ Basic principle on development, (n23) principle 14

⁷⁴ Ibid, page 28-29

CHAPTER THREE

3. The Rights to Housing and Prohibition of Forced Eviction Under International, Regional and National Legal frameworks

3.1. Introduction

The right to housing and prohibition of forced eviction are rights enshrined under international human rights instruments, particularly under the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The ICESCR directly addresses the right to adequate housing, recognizing it as a fundamental element of the right to adequate standard of living. Article 11 of the ICESCR explicitly states that everyone has the right to an adequate standard of living, including adequate housing. Housing must meet certain standards of adequacy and security, and it obligates state parties to take steps towards the realization of this right progressively. The prohibition of forced eviction is particularly significant under this covenant.

Forced eviction undermines the enjoyment of housing rights and often leads to severe consequences for affected individuals and communities. The ICESCR requires states to ensure that any evictions are carried out in accordance with the law and with due process, providing protections to prevent arbitrary and unjust displacements. Freedom from the fear of eviction is a core aspect of security of tenure, as outlined by the committee on CESCR. Legal security of tenure is considered a primary factor in ensuring the adequacy of the right to adequate housing.

Respecting, protecting, and fulfilling the right to protection from eviction requires a full understanding of the scope of rights guaranteed by international, regional, and national human rights instruments. The full enjoyment of this right is shaped by how these rights are legally interpreted and the extent of the obligations placed on the state to fulfill them. Striking a fair balance between preventing rights violations and imposing legal, legitimate, and proportionate limitations is crucial. This balance ensures not only the protection against evictions but also supports the fulfillment of other human rights. Additionally, having an enforceable remedy for violations under human rights laws plays a significant role in safeguarding, respecting, and fulfilling the state's obligations to protect individuals from

eviction. The CESCR further clarifies the obligation to take necessary measures in its case law regarding the right to housing protection. Even in instances where evictions are deemed unlawful, states must still comply with established guidelines and adhere to the obligation to implement necessary measures, as outlined by the CESCR.

The purpose of this chapter is to provide descriptive analysis of the right to housing and prohibit from eviction, addressing a broad range of human rights norms, principles, values, and related discourse.

3.2.The Right to Adequate Housing

The right to be free from forced evictions is derived from the right to standard of living and the right to adequate housing, established under Article 25(1) of the 1948 Universal Declaration of Human Rights (UDHR), a declaration that acquired jus cogens status as a result of consent practice of the states, stated as:

“Everyone has a right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, and housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

This right has been most clearly articulated as part of the right to an adequate standard of living, including adequate housing, under Article 11(1) of the ICESCR. The provision stated that:

“... the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

The right to adequate housing encompasses wide range of freedoms and entitlements. These include protection against forced evictions and the arbitrary destruction or demolition of one's home, the right to be free from arbitrary interference with one's home, privacy, and family, and the right to choose one's residence, determine where to live, and enjoy freedom

of movement. Additionally, this right includes several entitlements such as security of tenure, restitution of housing, land, and property, equal and non-discriminatory access to adequate housing, and participation in housing-related decisions.⁷⁵

The term “adequacy” is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account including legal security of tenure, availability of services, affordability of the houses, habitability of the house, accessibility of the house and to the continuous improvement of living conditions.⁷⁶ Hence, while evicting individuals, the effect of the eviction is not limited to the mere deprivation of shelter or insecure tenure, rather it also includes denial of access to services within once home, exposure to high rental costs, housing located far from workplaces or essential social facilities, difficulties in accessing or renting housing, and homes that are culturally inadequate. All these factors can constitute eviction.

While some obligations may necessitate financial resources and time to implement, others are immediately actionable and do not require additional resources. This includes the obligation to prevent forced evictions. In this regard, States must ensure that everyone, regardless of their type of tenure, is afforded a level of security that provides legal protection against forced eviction, harassment, and other threats, and this must be done in a non-discriminatory manner.⁷⁷

The right to adequate housing applies to everyone notwithstanding the type of tenure. All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It also enshrined certain aspects of the right that must be taken into account which includes security of tenure.⁷⁸ The

⁷⁵ UN Habitat: The Right to Adequate Housing, Fact sheet No.21 rev.1, Office of the United Nations Higher Commissioner for Human Rights

⁷⁶ General Comment No 4; (n20) para 8,

⁷⁷ FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land (2022), Fisheries and Forests in the Context of National Food Security, Food and Agriculture Organization of the United Nations Rome,

⁷⁸ Ibid, para 7

committee, far beyond the idea of forced eviction, provided detailed pre-requisites to be observed to implement the right to adequate housing. These includes irrespective of the type of tenure the person has a right to adequate housing, availability of services, materials, facilities, infrastructure, habitability, accessibility, location and other factors. The right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence constitutes a very important dimension in defining the right to adequate housing.

The right to housing should not be narrowly or restrictively defined as simply having a roof over one's head or viewing shelter merely as a commodity. Instead, it should be understood as the right to live in security, peace, and dignity. This broad interpretation is justified for two main reasons. First, the right to housing is closely connected to other human rights and the core principles of the covenant, which emphasize the inherent dignity of every person. This requires that "housing" be interpreted to include various considerations, ensuring that the right to housing is available to all individuals, regardless of income or economic resources. Second, the reference in Article 11(1) should be understood as relating not just to housing in general, but to adequate housing.⁷⁹

The right to house is addressed under different regional instruments. The African Commission on Human and Peoples' Rights provided that, while the right to adequate housing was not explicitly recognized in the charter, it could be inferred from other rights.⁸⁰ This right is also recognized under the European convention on the Legal Status of Migrant Workers, the African Charter on the Rights and Welfare of the Child and the revised European Social Charter. Other regional human rights instruments including the European Convention for the Promotion of Human Rights and Fundamental Freedoms, the European Social Charter, the American Convention on Human Rights, does not explicitly refer to the right to adequate housing, in the jurisprudence its protection has been derived from the

⁷⁹ General Comment 4, (n20) para 3

⁸⁰ In the Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria (communication No. 155/96)

enjoyment of other human rights, such as the right to privacy, the right to property and peaceful enjoyment of possessions, and the right to protection of the family.

3.3. Protection from Forced Eviction

Protection against forced evictions is a key element of the right to adequate housing and is closely linked to security of tenure. The UN Human Rights Council referred forced eviction as a gross violation of a broad range of human rights, in particular the right to adequate housing.⁸¹ As stated above, freedom from eviction is derived from other fundamental human rights due to the interdependent nature of human rights. Hence, the violation of the right to adequate housing will lead to the violations of other rights including the right to food, the right to life and other human rights. The Council also highlighted that forced evictions are a severe violation of other human rights.⁸²

The Committee on Economic, Social and Cultural Rights (CESCR) General Comment 7 on forced eviction stated that, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It concluded that forced evictions are prima facie incompatible with the requirements of the Covenant. The general comment drives the obligations of States parties in relation to forced evictions based on the Convention Article 11(1) which is reinforced by Article 17(1) of the International Covenant on Civil and Political Rights (ICCPR) which complements the right not to be forcefully evicted without adequate protection. It also provides that the State's obligation to ensure the respect of this right is not qualified by considerations relating to its available resources.

The general comment also addresses the groups which might be affected disproportionately from forced evictions, including women, children, youth, older persons, indigenous people and ethnic and other minorities. With respect to the rights of women, it asserts that women in all groups are especially vulnerable given the extent of statutory and other forms of

⁸¹ Miloon Kothari, (n11)

⁸² Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, Vol. I (A/CONF.151/26/Rev.1 (vol.I), annex II, Agenda 21, chap. 7.9 (b).

discrimination which often apply in relation to property rights or rights of access to property or accommodation and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless.⁸³ States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoid, or at least minimizing the need to use force.

Where eviction is unavoidable, the procedural protections to be applied should include an opportunity for genuine consultation with the evictees, adequate and reasonable prior notice for all affected persons before the date of eviction, the alternative purpose for which the land or housing is to be used, where groups of people are involved, government officials or their representatives to be present during an eviction, all persons carrying out the eviction to be properly identified, evictions not to take place in particularly bad weather or at night unless the affected persons is consented, provision of legal remedies to seek redress where there is violation from the courts.⁸⁴

In the case between Spain Vs Mohamed Ben Djazia and Naouel Bellili, a case on eviction of lessees as a result of judicial proceedings initiated by the lessor, the committee that accept the communication admissible stated that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. The committee explained that it also applies to persons living in rental house, public or private and should enjoy the right to housing even after the expire date of the lease.⁸⁵ In the same token, on SERAC Vs. Nigeria case, the African Commission of Human and Peoples Rights (ACHPR) linked the violation of different rights including the right to food and life with eviction from their land.

⁸³ General comment No. 7: (n26)

⁸⁴ Ibid

⁸⁵ Spain Vs Mohamed Ben Djazia, Committee on Economic, Social and Cultural Rights Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with regard to communication No. 5/2015*

3.4.Procedures Safeguards against the Protection of Forced Eviction

Evicting people from their land and home is interferences and violation of human rights. Forced evictions as defined under international human rights law must be prohibited in all circumstances, regardless of ownership or tenure status of those affected. Victims of forced evictions must receive adequate compensation, reparation and access to housing or productive land as appropriate.⁸⁶ However, the way the eviction is carried out identifies either there is human rights violation or not.

Hence, any limitations imposed on the enjoyment of human rights should be determined by law and should be done solely for the purpose of promoting the general welfare of the society.⁸⁷ Most human rights treaties enshrined that any act of states to limit or restrict the full enjoyment of the rights and freedoms must be established with in, or authorized by, a prescription of law. In the cases eviction, where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.⁸⁸ In the case of evictions which carried out for public purpose, all feasible alternatives shall be explored in consultation with the affected persons priorly, with a view to avoiding, or at least minimizing, the need to use force while conducting the eviction.⁸⁹

It focuses on ensuring that everyone, regardless of ownership status, has access to a safe and secure living environment where they can live with peace and dignity. This right includes various forms of security of tenure, such as rental agreements, cooperative

⁸⁶ Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, paras. 23–27) and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, arts. 17 and 24

⁸⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966 entered in to force 23 March 1976)999 UNTS 171 (ICCPR), and International Covenant on Economic, Social and Cultural Rights Adopted, 16 December 1966, General Assembly resolution 2200A (XXI), Common article 4

⁸⁸ General Comment No .7, (n26) para 14

⁸⁹ Ibid, para 13

housing, leases, home ownership, emergency housing, or informal settlements, and is not limited to formal legal titles.

Similarly, the right to adequate housing is distinct from the right to land. While some argue that the right to adequate housing implies a right to land, access to land is just one aspect that can support the realization of adequate housing, especially in rural areas or indigenous peoples. Inadequate housing or the practice of forced evictions can be the consequence of being denied access to land and common property resources which international human rights law does not, currently, recognize a self-standing right to land.⁹⁰

3.4.1. Obligation and Procedures Before Eviction

Evicting people from their land and home is an intrusion on individuals' human rights. However, whether these evictions constitute a violation of protected rights depends on the manner in which they are carried out. These elements address various aspects of the eviction process, including legal support, valuation of properties, compensation for losses, and the provision of adequate alternative housing and services. Affected individuals should have access to both legal and technical support to fully understand their rights and options and to challenge eviction decisions effectively.

They should be able to present alternative proposals and articulate their demands and development priorities. In addition, comprehensive assessments of property values should be conducted to evaluate the worth of affected individuals' properties, investments and other material assets that may be damaged or lost. It is also important for individuals facing eviction to have the opportunity to document and assess non-monetary losses, such as the loss of community ties or cultural heritage, to ensure they receive thorough compensation.⁹¹

⁹⁰ Miloon Kothari, (n11) paras. 26 and 31

⁹¹ UN-Habitat (2014): *Assessing the Impact of Eviction Handbook*, United Nations Human Settlements Programme;

Furthermore, adequate alternative housing or resettlement options should be provided, ideally as close as possible to the original residence and sources of livelihood to minimize disruption. Robust grievance mechanisms must be established to allow all affected individuals to voice their complaints and seek effective resolution. Additionally, resettlement sites should be equipped with essential services, including water, electricity, sanitation, schools, access roads, and appropriate land allocation, to ensure that relocated individuals have access to necessary resources and infrastructure.⁹² These principles are crucial for ensuring that evictions are conducted in a manner that respects the rights and needs of affected persons and provides them with fair and equitable solutions.

3.4.2. Obligations and Procedures During Evictions

Evictions should be conducted in strict adherence to human rights standards with utmost respect for human dignity. They must be based on clear legal grounds and preceded by adequate notice. Eviction procedures should be well-planned, transparent, and subject to independent oversight. All evictions should be carefully planned, with clear procedures established to prevent human rights violations and uphold human dignity. The execution of the eviction process shall observe and exhaust many procedures.⁹³

Evictions should be scheduled to avoid adverse conditions such as inclement weather, night-time hours, or times when residents are likely to be away from their homes. The procedures for dismantling homes should ensure that evictees are not forced to demolish their own structures, and they should be given the opportunity to salvage as many of their belongings as possible. The eviction process must prioritize the safety of those being evicted, protecting them from physical harm, threats, and gender-based violence. It is also crucial to have relevant authorities present during the eviction and to allow independent and neutral observers to be on-site. Personnel involved in the eviction should be clearly identified, and formal authorization for the eviction must be verified. Additionally, clear

⁹² Ibid

⁹³ Ibid

and comprehensive information about the eviction process should be provided to all affected individuals.⁹⁴ Evictions should be meticulously planned with well-defined procedures to prevent human rights violations and to maintain human dignity throughout the process. An impact assessment should focus on the execution of the eviction and ensure that the process adheres to established guidelines.

3.4.3. Obligation and Procedures After the Eviction

Post-eviction support, including rehousing assistance, access to essential services, and potential compensation, should be provided to help evictees rebuild their lives. Independent monitoring and enforcement mechanisms are crucial to prevent abuses and ensure accountability.⁹⁵

At this final stage, it is essential to monitor and report on specific characteristics of the relocation site to assess living conditions over the short, medium, and long term. Establishing key indicators will create a baseline for ongoing measurement and evaluation over extended periods. One of the basic principles of the right against forced evictions is the duty on the State to provide adequate compensation. The adequacy of compensation depends on the circumstances of each case. In general, however, there is a strong bias to real property compensation, and recognition that cash compensation should under no circumstances replace real compensation in the form of and common property resources.⁹⁶ Restitution is considered to be a human right on the premise that “human rights violation must be remedied by a process of restoration to re-establish as far as practicably possible the pre-loss position of those affected.”⁹⁷

⁹⁴ Ibid

⁹⁵ Miloon Kothari, (n11) para 60

⁹⁶ Ibid

⁹⁷ Assessing the Impact of Eviction Handbook, (n91)

3.5.States Obligation to Respect, Protect and Fulfill

States hold the primary responsibility to protect and promote human rights. These obligations are established and enforced through international customary law reflecting widespread state practices recognized as legally binding and through international human rights treaties, which impose binding duties on the States that have ratified them to uphold these rights. Given that forced eviction have impact on many others human rights, the corresponding obligations arising from the right not be to conduct forced evicted are also multidimensional. States are not solely responsible for their own infringements on protected rights. The obligation to respect the right to housing mandates that States refrain from conducting forced evictions, while the obligation to protect requires States to prevent forced evictions perpetrated by non-State actors, such as landlords, developers, and paramilitary forces.⁹⁸

States are obligated to progressively achieve the full realization of the right to adequate housing as provided under the CDESCR. This means that the Covenant recognizes that States may face resource constraints on which certain aspects of this right are considered subject to progressive realization. Obligations such as the principle of non-discrimination are immediate and not subject to progressive realization.⁹⁹ However, states must show that they are making every possible effort, within the available resources, to protect and promote the right. Available resources refer to those existing within a state as well as those available from the international community through international cooperation and assistance.¹⁰⁰

Common Article 2(1) of the ICESCR and ICCPR addresses the obligations of states parties. Article 2 of the Covenant is crucial for a comprehensive understanding of State obligations related to the right to protection against eviction, and it should be viewed in an active interplay with all other provisions of the Covenants. State obligations fall into three

⁹⁸ Ibid, para 8

⁹⁹ ICESCR, (n65) Article.2(1)

¹⁰⁰ Ibid, Article.2(1), 11 and 23

categories, the obligations to respect, protect and fulfil. States should ensure that all actions regarding informal tenure are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments, including as appropriate to the right to adequate housing.¹⁰¹ Where it is not possible to provide legal recognition to informal tenure, States should prevent forced evictions that violate existing obligations under national and international law.

The obligation to respect mandated states to avoid both direct and indirect interference with the enjoyment of the right to adequate housing. In regards to housing, this includes refraining from conducting forced evictions or demolishing homes, denying security of tenure to specific groups, implementing discriminatory practices that restrict women's access to housing, land, and property, violating privacy and protection of the home, denying restitution of housing, land, and property to certain groups, or polluting water resources.¹⁰² Eviction and interference with other rights constitute violation of the obligation to respect. This obligation not requires availability of resources, it imposes immediate realization and hence not subjected to progressive realization.¹⁰³

State parties ensure individuals within their jurisdiction are protected from eviction violations perpetrated by non-State actors, including businesses and private landlords on the duty to protect mandate.¹⁰⁴ This duty requires states to take proactive measures, such as implementing legislation to prevent unjustified evictions from any source.¹⁰⁵ States

¹⁰¹ food and agriculture organization of the united nations, voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security revised version, Rome 2022, pg,26-27

¹⁰² The Right to Adequate Housing, Fact sheet.21, (n75) page 33

¹⁰³ Committee on Economic, Social and Cultural Rights, General Comment 3, The nature of States parties' obligations (Fifth session, 1990), U.N. Doc. E/1991/23, annex III at 86 (1991), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 14 (2003), para 3-5.

¹⁰⁴ General Comment No.7, (n26) para 14

¹⁰⁵ Ibid

should, for instance, regulate the housing and rental markets in a way that promotes and protects the right to adequate housing. Conversely, the negative obligations require States to refrain from any actions that would directly or indirectly undermine the right to be free from eviction. Consequently, States must avoid evicting individuals from slum or squatter settlements, informal settlements, or both private and public tenancies in ways that violate international human rights standards. Thus, the duty to protect against eviction involves both proactive and restrictive obligations for State parties.¹⁰⁶

The obligation to fulfill encompasses both the obligation to facilitate and the obligation to provide. This dual dimension means that the government must work progressively towards the full enjoyment of freedom from eviction. It requires not only neutral actions but also proactive adjustments to ensure the realization of this right. The CESCR has clarified that State parties' obligations include both obligations of conduct and obligations of result.¹⁰⁷

The obligation of conduct requires States to take specific actions to ensure freedom from eviction. For instance, States should implement national strategies that support the right to freedom from eviction by conducting human rights impact assessments prior to any evictions for public purposes, providing alternative accommodation when evictions are unavoidable, and safeguarding the livelihoods of those affected. These actions represent the obligation of conduct, which involves actively facilitating the realization of the right.

¹⁰⁶ General Comment No.3, (n102) para 5

¹⁰⁷ Ibid, para 4-5.

Chapter Four

4. Informal settlers and Forced Eviction: The law and the practice in Addis Ababa; Arada and Yaka Sub-cities

4.1.Introduction

Informal settlements in Addis Ababa become very prevalent due to many reasons among other things, due to the increase in number of internally displaced person because of conflicts, high inflation rate and inability to afford rental houses. Eviction and demolition have been used as a means of curbing informal residences without granting legal security of tenure.¹⁰⁸ The legal frameworks in Ethiopia directly and indirectly regulate evictions for public purposes. Moreover, Ethiopia is a signatory to various international human rights instruments designed to prevent forced evictions and fundamental rights and freedoms that enshrined in chapter three of the FDRE Constitution interpreted as per Article.13(2) of the constitution. The practical implementation of settlements has often proven ineffective and even counterproductive. Destroying homes without offering alternative housing options tends to worsen the situation, resulting in the creation of new informal settlements.¹⁰⁹

The influx of rural migrants to urban areas, coupled with rapid population growth, has led to the proliferation of informal settlements. Housing has become a critical challenge for many people reside in Addis Ababa. As a result, many find themselves resorting to squatting, street sleeping, and overcrowded slum conditions. These factors have created a pressing urban housing crisis in rapidly growing cities. The demand for housing in the city far exceeds the available supply. This imbalance is driven by two factors: a surge in rural-to-urban migration and a growing population. As a result, many struggles to find affordable and legal housing. The consequence is extensive land grabbing, with frustrations mounting among those waiting for a chance to own a home. This trend of rapid, unplanned growth

¹⁰⁸Jemal Abagissa: (n34) page 18

¹⁰⁹ Ibid

in low-income settlements on city outskirts, often lacking essential public services, is likely to continue unless addressed.

A more promising approach, regularization was employed, which involves legalizing tenure through titling and improving public services and job opportunities. By granting tenure security, regularization can empower residents of informal settlements and prevent forced evictions. However, the success of regularization depends on addressing the underlying causes of informal settlements, such as failed policies, inappropriate regulations, corruption, and the illegal land market.

Any eviction must be legally justified and authorized, adhere to national and international human rights standards and be undertaken solely for the general public welfare. They must also be reasonable and proportional. If eviction is unavoidable, it should include procedural protections for all affected individuals, with special consideration for vulnerable groups, regardless of their legal property title under domestic laws.

This chapter aims to analyze whether eviction laws in Ethiopia's, particularly on informal settlers, and the practices align with international human rights standards. It assesses the legal frameworks and the practice on the protection of forced eviction, a focus on informal settlers on a case of Yeka and Arada sub-cites eviction sites in Addis Ababa. The study compares the eviction procedures and their implementation in Addis Ababa with international human rights standards. Findings and discussions made with the victims and other key informants will be analyzed in detail as well. It analyzes the adverse effects of forced eviction on informal settlers. Through this analysis, the research seeks to reconcile the practice of eviction with the protection of human rights in Addis Ababa, particular focus on informal settlers.

4.2.The Legal Frameworks in Ethiopia on the Protection of Informal Settlers from Forced Eviction

While the Ethiopian constitution does not explicitly recognize the right to housing, it can be inferred from various provisions. Chapter three of the Constitution addresses fundamental rights and freedoms, primarily focusing on civil and political rights. However, certain articles, such as Article 41(3), imply that the peoples of Ethiopia as a whole, and

each Nation, Nationality and people in Ethiopia have the right to improved living standards and sustainable development. Additionally, Article 90(1) identifies housing as a guiding policy principle. The FDRE Constitution establishes various social, economic, and cultural objectives and principles that the state must follow when formulating national policies, as outlined in Chapter Ten. Articles 89 and 90 detail these policy principles and objectives, which mandate that the government create policies that promote the rights of citizens. Overall, the socio-economic objectives stipulate that policies should be designed to provide equal opportunities for all Ethiopians to enhance their economic conditions and ensure access to essential services such as public health, education, clean water, housing, food, and social security.¹¹⁰

The constitution Article.13(2) established a mechanism for the authoritative interpretation of human rights, specifying that the fundamental rights and freedoms outlined in Chapter Three should be interpreted in alignment with the principles of the UDHR, the ICCPR, and other international human rights instruments ratified by the country.

Furthermore, ratification of international human rights agreements, as outlined in under Articles 9(4) and 13(2) of the constitution, reinforces the interpretation of the right to adequate housing as an implied constitutional right. These provisions require that any ambiguities in the Constitution be interpreted in accordance with international human rights standards. For instance, Ethiopia is a signatory to ICESCR, that incorporates provisions on the right to adequate housing and protection from eviction. Therefore, the standards set by ICESCR are applicable in these situations.

A careful examination of Article 40(8) of the constitution and the preamble of proclamation No.1161/2019 Expropriation of Land holdings for Public Purposes, Payments of Compensation and Resettlement of Displaced People indicates that evictions may be legally conducted for a public purpose such as large-scale initiatives. The proclamation

¹¹⁰ Sisay Alemayehu, (2008) The Constitutional Protection of Economic and Social rights in the FDRE, Journal of Ethiopian Law, Volume XXII No 2, December, p. 141.

specifies evictions must be carried out in accordance with the law. The same proclamation explained that, there are key requirements for the eviction to be valid including the land in question must be deemed crucial for other uses and better suited for large-scale development projects the evictions must be accompanied by appropriate and reasonable compensation.¹¹¹ The proclamation also provide that the landholder shall be served with writing notice specifying the deadline for vacating the land and the amount of compensation to be paid with a vacating period not less than ninety days.¹¹² However, the evictees has to be notified about the intended project and consulted at least one year before the eviction take place.¹¹³

The urban land lease proclamation provided that any person served with a clearing order or any other person alleging infringement of his right or benefit as a result of the order may submit his grievance to the appropriate body within 15 working days after receipt of the order and may appeal to the appellate tribunal as well.¹¹⁴ However, the proclamation stated that the decisions of the tribunal, except relating to compensation, on issues of law and facts including claims for substitute land shall be final.¹¹⁵ Hence, there are neither interim measures nor procedural safeguards to protect informal settlers with a minimal remedies available from the irreversible human costs of forced eviction. This provision is in contradiction of the right to a fair trial, as outlined in Article 14 of the ICCPR, ensures that everyone is entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law. Additionally, the provision of legal aid is a crucial procedural safeguard that the State must fulfil, particularly in cases of eviction for public purposes.

¹¹¹ Proclamation No 1161/2019: Expropriation of Land Holding for Public Purposes and Payment of Compensation; July 2005, Federal Negarit Gazette No.90, 23rd September ,2019, Article.3(1)

¹¹² Ibid, Article.8(7)

¹¹³ Ibid, Article.8(1(a))

¹¹⁴ Proclamation No. 721/2011. Urban Lands Lease Holding Proclamation, Federal Negarit Gazeta No. 4 28th November, 2011, Article.4

¹¹⁵ Ibid, Article.29

In the case of Murad vs. Bole Sub-City Land Development and City Beautification Office, the Addis Ababa city government urban land clearing and compensation appellate tribunal determined that informal settlers are not entitled to consultation or alternative accommodation in the event of an eviction for public purposes. The tribunal has consistently interpreted Ethiopian law to restrict entitlement to alternative accommodation to those with legal ownership documents. Informal settlers, public housing tenants, and private renters are excluded from receiving alternative accommodation, both legally and in practice.¹¹⁶ Likewise, decisions from the Addis Ababa city government urban land clearing and compensation cases appellate tribunal have shown that only property owners or legal landholders are afforded protection from eviction.¹¹⁷ Hence, contrary to the international human rights instruments, it is safe to conclude that the Ethiopia legal frame work and courts decision/precedents in regards to protection of informal settler from forced eviction is contrary to international laws and violates the rights of informal settlers.

The approach taken by the city administration, regularization, with the aim to lead the informal residence to the legalizing of the property and many regulations were enacted with the aim to execute the approach. Regulation No.1 of 2000, Regulation No.2 of 2010 and Directive No.17/2014 were promulgated by the City Government in relation to legalizing informal settlers. The regulations stressed that squatter settlements affect the growth and development of Addis Ababa and have adverse impact up on the growth of the city in general and master plan of the city of the city in particular. Legislation adopted by Addis Ababa city administration land and development management office at different times in order to control and prevent the expansion of squatter settlement in the city is the other

¹¹⁶ Murad Zayid v. Bole sub-city Land Development and City Beatification Office. Ababa City Government Urban Land Clearing and Compensation cases Appellate Tribunal, File No. 261/ 2005, Judgment 9June 2006

¹¹⁷ Gasit Getahun v. Nifas Silk Lafto Sub-city, Addis Ababa City Government Urban Land Clearing and Compensation cases Appellate Tribunal, File No. 661/ 2006, Judgment 9June 2006; see also: Yeshe Gebayeh v. Addis Ababa City Kirkos Sub-city Land Development and City beautification office, Addis Ababa

legal frameworks. Two basic approaches are of relevance in this case, preventive and curative measures.

Directive No.33/2021 is currently in effect in regards to contesting and legalizing informal settlers without security of tenure based on the specific requirements set under the directive. The directive set out requirements to consider legalization of informal settlers. First, the house must align with the city's master plan. According to the directive, if the occupied space does not conform to the master plan, the informal settler is responsible for demolishing the house at their own expense and returning the land. However, if the land is used for residential purposes, a replacement site with a minimum area will be provided. Additionally, the house must be reflected on the aerial map/GIS from 2004 G.C. or be registered by a government institution before 2004 G.C., and the settler must prove ownership and construction of the house. If the house is only partially indicated on the aerial map/GIS, it must still serve a residential purpose.

Additionally, informal settlers must occupy a minimum of 75 square meters not exceed 500 square meters; any excess area must be demolished. Hence, informal settlers occupying less than 75 square meters are excluded from the legalizing process. Lastly, the directive explains that any informal tenants who expanded their space after April 1997 G.C. will face demolition of the additional area, and the land will be returned to the land bank. Even though national policies and legislation should not be designed to benefit already advantaged social groups and must address others, the national legal frameworks including Directive No.33/2021 seems to set a pre-condition to respect the rights set under national and international laws.

4.3. Practical Implementation of Safeguards against Forced Eviction

4.3.1. Procedural Safeguards Before Eviction

National laws governing evictions must adhere to human rights standards, including the principles of human dignity, reasonableness, proportionality, and due process. These standards should apply equally to individuals who are informally reside. All viable alternatives to eviction should be explored in consultation with those affected. If relocation is deemed necessary and desired by the community after meaningful engagement, adequate

alternative housing of similar size, quality, and cost must be provided near the original residence and sources of livelihood¹¹⁸ as evictions should not result in homelessness.¹¹⁹

Furthermore, no relocation of indigenous peoples should occur without their free, prior, and informed consent.¹²⁰ Different grievance mechanisms must be established to allow all affected individuals to voice their complaints and seek effective resolution including access to justice must be guaranteed throughout the eviction process. Additionally, resettlement sites should be equipped with essential services including water, electricity, sanitation, schools, access roads, and appropriate land allocation to ensure that relocated individuals have access to necessary resources and infrastructure. Hence, priority has to be given for those social groups living in unfavorable conditions by giving them particular consideration.

Human rights, particularly the right to due process, must be upheld at every stage. Due process protections include:

- a) Public purpose
- b) Offering genuine consultation with those affected and adequate and reasonable notice for the eviction;
- c) Alternative use of land or housing available in a timely manner to all those affected.

¹¹⁸ Basic principles and guidelines on development-based evictions and displacement, Annex of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living A/HRC/4/18 para. 60).

¹¹⁹ General comment No. 7, (n26) para 10 and 13.

¹²⁰ United Nations Declaration on the Rights of Indigenous Peoples, Resolution adopted by the General Assembly on 13 September 2007, Committee (A/61/L.67 and Add.1) 61/295 art.10.

I. Public purpose

The term "public purposes," often referred to as "public use," is generally defined in relation to the public interest and safety.¹²¹ Ethiopian urban Lands Lease Holding Proclamation, "public interest" is used as a substitute of "public purposes" which has defined as;

"the use of land defined as such by the decision of the appropriate body in conformity with urban plan in order to ensure the interest of the people to acquire direct or indirect benefits from the use of the land and to consolidate sustainable socio-economic development". But the previous legislation uses the term "public purposes" for exactly the same concept unlike the latter proclamation.

Urban Lands Lease Holding Proclamation.721/2011, further legitimizes evictions for public purposes, such as securing land for development projects that support public services, accommodate expanding urban populations, and facilitate land redevelopment for housing, infrastructure, investment, and rural development.¹²²As to the meaning of public purpose, the constitution does not clarify what constitutes "public purposes" or who has the authority to determine whether a project qualifies as such. However, Proclamation No. 272/2002 defines "Public Interest" as determined by an appropriate authority in accordance with the master plan or development plan, with the aim of ensuring the land's usability and promoting urban development.

Proclamation.721/2011 authorize the relevant authority to clear and take over urban land for public interest, provided that proportionate compensation is paid in advance for the people evicted. It explained that, tenants with legal security of tenure must be given written notice to vacate the land within a period of no less than 90 days. Contrary to the residence who have legal security of tenure, the proclamation give power to the authority to clear

¹²¹ West's Encyclopedia of American Law, in Lehman, J. & et al (eds.), Eminent Domain., Vol.4, 2nd ed. San Francisco, London and Munich: Thomson Gale, p.125.

¹²²Proclamation No 721/2011(Re-enactment of Urban Land Lease Holding Proclamation), November 2011; Article.26

illegally occupied urban land without issuing a clearance order or paying compensation, by simply providing a written notice of seven working days to the occupant or by posting it on the property.

In the case of each eviction sits of this research, the government fails to achieve the intended purposes exposing peoples from their home and land, particularly informal settlers being forcefully evicted and exposed to violations of other human rights without having other alternatives. For evictions to be considered justified, they must occur only in the most exceptional circumstances, all possible alternatives that address the exceptional situation must be thoroughly explored in consultation with the affected community and due process protections must be provided to the individual, group, or community involved.¹²³

The officials from the woreda administration¹²⁴ reasoned out that the evictions that took place in Yeka sub-city, behind shola Michael church, is due to the road construction in the area. However, the key informants¹²⁵ who are victims of the eviction explained that hundreds of houses were demolished and peoples are exposed to forced eviction due to the new Chaka project conducted in the area. The key informants questioned the necessity and nature of "public purposes" projects that lead to evictions made them question the legitimacy of the process. They believed that the justification for the eviction of hundreds of houses and peoples, purportedly for public purposes, may not align with the true intentions or benefits of the public. Similarly, key informants¹²⁶ in Arada sub-city explained on the focused group discussion that demolishing historical buildings and area that has values far beyond random village or residence cannot survey public purpose. They stated that even though they don't agree with the public purpose nature of the projects, the

¹²³ General comments No. 4, (n20) and General comment No. 7, (n26)

¹²⁴ Ato Nibret Gelaw, Arada Sub-City Woreda 9 housing development office coordinator, 3rd September 2024.

¹²⁵ Focus Group Discussion with Mamush Teshome, Enate Belete and three others who refuse to reveal their name, 2nd September 2024.

¹²⁶ Focus group discussion with 6 informants who are informal settlers and victims of forced eviction who is not willing for their name to be disclosed, 9th August 2024.

required procedure before carrying out eviction should have been carried out. The provision of proclamation No.721/2011 is contradictory to international human rights laws excluding the informal settlers and exposing them to forced eviction without observing the principles and procedures provided thereof.

II. Notification, Meaningful Consultation and Adequate and Reasonable Notice

Being informed about decisions that directly affect one self and the family, having access to plans and projects, and being able to engage meaningfully with authorities to provide input in decision-making are fundamental rights that must be observed ahead of time before conducting any eviction. When eviction is unavoidable, those affected individuals have the right to be actively involved in decisions regarding alternative housing, relocation, and compensation. States are obligated to ensure effective participation and consultation with affected communities and groups, such as women, internally displaced persons, minorities, or indigenous people who have the right to be involved in decisions impacting them and their communities.

In the cases of the eviction sites area of the two sub-cities, the informants/victims are those who fall under the provisions of the directive and the one who doesn't have the right to go through the legalization process as they don't fulfill the specific requirement provided thereof. Currently, the government is carrying out massive eviction in Addis Ababa due to the corridor project, hill Chaka project and road expansion purpose.

Key Informal settlers' informants from Arada sub-city site, explained on a depth interview about the process of their eviction:

"It has been many decades living in this house. My mother and grandparents were raised and live in this house let alone me. Currently I am living with five family members of my own. The woreda call the residents in that area for a meeting and notified us we have 90 days till the woreda conduct the demolition. They also pledged that nobody will be homeless and we will choose alternative housing of either kebele house or condominium. However, the meeting they call was not genuine because they didn't hear our opinion, rather they talk what they want. They didn't keep their promise, they come and demolish the house after two weeks of the consultation. they didn't care

about us. The meeting was held for a media consumption as the current demolishing in Piassa was a burning issue in Addis Ababa now. ¹²⁷

In Arada sub-city, Doro manekea area, most of the places were very shanty houses and very old buildings contains of both formal residents with legal security of tenure and informal settlers. Whereas, the majority of evicted settlers in Yeka sub-city eviction sites are informal settlers with a very shanty and crowed area.

The informants in Yeka sub-city explained during the FGD¹²⁸:

“prior to the eviction, they call for the meeting at the woreda and the cabinet announced that the area will be demolished due to the need for road expansion. However, we knew that they are demolishing our house due to the hill Chaka project carried out in the area with makes the eviction totally unreasonable and unacceptable. The cabinet promised us that everybody, both tenants with title deed and informal settlers will be awarded either compensation or alternative housing. By the time, we trust their word and start waiting for further consultation as to the compensation or the alternative housing. However, they come and demolished the house with in three days after the meeting. They were not willing to talk or to respond to any of the questions we raised. There were older persons crying and begging to leave their house mentioning that they have nowhere to go in this rainy season.”

As the informants explained, even though the woreda call the evictees for meeting to notify about the eviction, it was done only for procedural purpose and media consumption. They were not given the chance to fully understand and exercise their rights and options and to challenge the eviction decisions.

¹²⁷ Interview with Tariku Belay, victim of the forced eviction from Arada sub-site, 9th Aug 2024

¹²⁸ Focus Group Discussion with Mamush Teshome, Enate Belete and three others who refuse to reveal their name, 2nd September 2024

Under international and national legal framework and guidelines it provided that residents should be given advance notice of an eviction decision in a suitable format and language. This notification should include the reasons for the decision, explain why no alternative solutions are available, outline the timeline of events, provide details on relocation and compensation, and describe the procedures for filing complaints. Additionally, residents should be informed about the assistance available for moving their belongings and building materials to the new location. Similarly, communities near the relocation sites should be consulted to avoid potential tensions with the newly relocated residents.¹²⁹

Despite the above conditions, no written notification letter with a specific date of evacuating their house and the remedies they have was served for any of them except one time brief consultation was made with the evictees.¹³⁰ As they explained, they were obliged to leave the house without moving their properties to other places as majority of them did not have nowhere to go or a relative that they can ask help. The law empowers the relevant authority to clear and take possession of urban land in the public interest, provided that proportionate compensation is paid in advance to those with legal security tenure. A written notice to evacuate must be given, allowing at least 90 days for compliance.¹³¹ According to Proclamation No. 721/2011, Article 26(4), the authority can clear illegally occupied urban land without issuing a clearance order or making compensation, simply by serving a written notice of seven working days to the occupant or by posting it on the property.

¹²⁹ Force Eviction Fact Sheet No.25, (n18)

¹³⁰ Focus Group Discussion with Mamush Teshome, Enate Belete and three others who refuse to reveal their name, 2nd sep 2024

¹³¹ Proclamation No. 721/2011; (n120), Article.26(1) & Article.27(1 &2)



Figure 1: Yeka sub-city informal settler living condition

III. Availing alternative Housing and Adequate compensation

Forced evictions should not lead to homelessness or endanger individuals lives or health. Before any eviction takes place, alternative and sustainable housing solutions should be provided. Relocation sites must be fully operational before any eviction occurs. Adequate relocation sites and alternative housing should adhere to international human rights standards, specifically the right to adequate housing. To be considered adequate, a relocation site should, at a minimum¹³²:

- Provide secure tenure without legal disputes.
- Ensure safety and avoid potential conflict or tension with host communities.
- Be free from pollution, not located near pollution sources, and situated away from unsafe or hazard-prone areas.

¹³²General comment No. 7, (n26)

- Offer housing with sufficient space and access to water, sewerage, electricity, heating, and other facilities;
- Include access to employment opportunities, health services, schools, childcare centres, and social services;
- Provide public transportation that is affordable and conveniently located to not hinder employment;
- Ensure that housing is affordable in the long term.
- Offer housing and facilities that are culturally appropriate.

On the case of the two sites, the informants from the two sites indicated that they were promised by the woreda cabinet on the meeting that they are not going to be homeless and alternative housing or compensation will be provided for them. However, the informants reported that it was a mere promise and they become homeless with their family on the rainy season with the most inconvenient ways. As per the international practice, Fair and equitable compensation for all losses should encompass any damage to personal, real, or other property or goods, including rights or interests in property, as well as any economic and social losses experienced by those affected by eviction.¹³³ It should also cover all economically quantifiable damage and be appropriate and proportional to the severity of the violation and the specific circumstances of each case. This includes losses such as: loss of life, physical or mental harm, lost opportunities, including employment, education, and social benefits; material damages and lost earnings, including potential future earnings; moral damages; and expenses for legal or expert assistance, medical care, and psychological or social support.¹³⁴ The key informants explained that they were neither

¹³³ Force Eviction Fact Sheet No.25, (n18), page 33

¹³⁴ Ibid

provided compensation nor alternative place. The woreda provided alternative housing for those residents with a title deed.

On the interview with the Woreda administration¹³⁵, explained that when eviction is conducted in a certain site due to justified reasons of serving public purpose, prior consultation and notification will be done with that specific sites of eviction. He explained, reasonable period of time provided under the proclamation, directives and other relevant laws are observed when conducting the eviction in the Arada site. In regards to the evicted informal settler, he stated that they are not obliged either to compensate or avail replacement as it is also provided under the law. Rather, on case by case base with the good governance and internal procedures, the informal settlers can submit their application for the woreda cabinet, to the sub-city administration and Addis Ababa city administration respectively. He also explained that the issue will be dealt based on the case of the specific informal settler, i.e., if they can proof that they are very poor cannot afford to rent a house. He concluded, that they are doing their job according to the laws and regulations and accepting grievance from evictees who has issues.

However, unlike what's provided under the covenants or the justification given by the woreda officer, in both sites of eviction, Yeka and Arada sub-city, it observed that, based on the informant's interview and FGD, the woreda officials does not carry out the demolishing procedure in accordance with the procedures laid out under the international human rights instruments that must have been observed before, during and after eviction. procedural protections and due process are fundamental to all human rights, but they are particularly crucial in cases of avoiding forced evictions, which directly impact numerous recognized human rights as provided under general comment 7 on forced eviction.

¹³⁵ Ato Nibret Gelaw, Arada Sub-City Woreda 9 housing development office coordinator, 3rd September 2024

4.3.1.1.Regularization as a measure to control Informal Settlement

Regularization, often referred as the "legalization of informal settlements," aims to address the lack of legal ownership titles for those living on state-owned lands. This process typically involves legalizing informal settlements or correcting existing planning, zoning, and construction irregularities. Key measures in regularization includes revising zoning and planning procedures, regulations, and standards. Upgrading informal settlements and applying controls and upgrading individual constructions to meet environmental, health, and safety standards. Regularization approaches vary depending on government policies and priorities.

Regulation No.1/2000 was the first regulation adopted by the Addis Ababa City administration with the primary purpose of build efficient land utilization in the city by controlling informal settlements. The regulation stipulates that all illegal and squatter settlements established after the enactment of Proclamation No. 47/67 are to be addressed in two distinct ways. First, lands and structures occupied up to 1996 may be legalized if they comply with the master plan and meet the conditions outlined in the law. Specifically, informal settlers or illegal holdings intended for residential use that conform to the urban development plan and meet other criteria specified in the regulation shall be regularized according to the minimum plot size standards of the City. This regularization program was set to occur within four years from the effective date of the regulation, and formalized through the lease system.

However, despite the regulation, informal settlements have proliferated in the city due to inadequate enforcement of the law and a lack of action against newly established illegal residences. Even though the regulation tries to address issues of informal settlers and minimize the number, there was a misinterpretation of the regulation by residents. The regulation's intent was to reduce illegal settlements by legalizing residential structures built between 1975 and 1996, provided that they meet minimum requirements such as alignment with the master plan and a maximum plot size of 175 square meters. However, residents interpreted the regulation as a guarantee that all squatter housing units would be granted legal status and recognition by the city government. Consequently, the issuance of the

regulation inadvertently spurred the growth of new squatter settlements, rather than curbing and addressing the issue.

Following the first Regulation, regulation No.2/2010 come in to force with the aim to give solutions to the squatter settlements established before 1996 since Regulation No.1/2000 has almost failed to properly address its objectives. Within this regulation, the city administration has identified more than 73,000 informal settlements to be upgraded to formal settlements while on the first Regulation around 44,000 informal settlers went under the regularization process. Regulation No. 2/2010 achieved notable success in the regularization of squatter settlements by employing both preventive and curative approaches discussed under chapter three of this research. The implementation results indicate that the regulation had a positive impact, as it regularized approximately 80% of the squatter settlements. This is underscored by the issuance of Directive No. 17/2014, which aimed to regularize around 14,000 squatter settlements established before 2005.

Currently, Directive No.33/2021, a directive on regulation of informal settlers is operating. The directive provided many requirements indicated on the above section. The informal settlers who were evicted from the two cited stated that they could not go through the regularization process due to failure to fulfil the required documents as provided the above stated regulation and directives.

4.3.2. Procedural Safeguards Duering Eviction

Evictions should be planned and conducted with clear procedures in place to prevent human rights violations and uphold human dignity. evictions should not occur during inclement weather, at night, or when people are likely to be away from their homes. Individuals being evicted should not be pressured to destroy their homes and should have the chance to salvage as many belongings as possible. The process must not endanger the health or lives of those being evicted any destruction should be proportionate to the legitimate objective.¹³⁶

¹³⁶ Fact sheet No.25, (n18), page 35

Measures should be taken to protect evictees from assaults or threats, including gender-based violence, and their possessions should be safeguarded against theft and looting. Procedural requirements include the presence of authorities, the opportunity for independent observers to be present, formal authorization for the eviction, provision of clear information about the actions to be taken. Ensuring access to legal remedies and providing legal aid, where possible, to individuals who need assistance in seeking judicial redress should also be granted.¹³⁷

The key informants in Yeka sub-city on the focus group discussion explained how the eviction was carried out as:

“the eviction was carried out during night time. It was raining. the road was muddy as it was raining due to the winter. There was an elderly person who fall down slipped by the mud and her arm bone fractured. Some of the evictees among the informal settlers were told to demolish the house by themselves. After they demolish their own house with the order of the task force, they took the wood and the remaining of the demolish. majority of the evictees didn’t move their properties as most of us didn’t have anywhere to go or to put our property’s in. The notice period was very short as well. They came to demolish the house after three day of the meeting. We were exposed to different troubles and left out on the street with our families, kids and property that we earn the whole time. There were older persons, as the informants from Yeka sub-city explained on the interview, who fall down and fractured their bone as they eviction was carried out during rainy time and at night”¹³⁸

¹³⁷ Fact sheet No.25, (n18) page 30

¹³⁸ Ibid



Figure 2: Yeka sub-city: demolished area after eviction have been carried out

On the Arada site, as the informant explained, the task force demolished their house before the date of the eviction date. They were told that the place will be cleared within two weeks. They explained, as they were not ready and have nowhere to go or to put their properties to, some of them were inside the house when they come to demolish their place and rushed them out and through there belongingness on the street.¹³⁹

Article 17(1) of the ICCPR which complements the right not to be forcefully evicted without adequate protection under CESCR recognizes, inter alia, the right to be protected against "arbitrary or unlawful interference" with one's home irrespective of the type's tenure. In contrary, the urban land lease proclamation supports the arbitrary action carried out by the authorities who conduct the demolition. The proclamation stated that the appropriate body, when it finds it necessary to use force to clear the land and may not be held responsible for any property situated on illegally held plot of urban land in the course

¹³⁹ Focus group discussion with 6 informants who are informal settlers and victims of forced eviction who is not willing for their name to be disclosed, 9th August 2024

of clearing the land.¹⁴⁰ The persons assigned to conduct the demolishing are misinterpreting this provision to oblige the evictees from there place.

4.3.3. Procedural Safeguards after Eviction

Post-eviction support, including rehousing assistance, access to essential services, and potential compensation, should be provided to help evictees rebuild their lives. Independent monitoring and enforcement mechanisms are crucial to prevent abuses and ensure accountability.¹⁴¹ It is essential to monitor and report on specific characteristics of the relocation site to assess living conditions over the short, medium, and long term. One of the basic principles of the right against forced evictions is the duty on the State to provide adequate compensation which must be implemented before the eviction takes place, but to the late, immediately after the eviction was carried out.

An informant from Yeka sub-city explained on interview:

“as we explained earlier the government didn’t provide alternative housing. Let alone replacement place, they didn’t even give us emergency housing or shelter for the time being until we can figure out where to go and what we do. This eviction turns our life ups and down. We were already living in a very less standard life style and now it become worse. Currently, I am living at my friend’s house around Abadu for the time being. I used to work around shola selling cloths as employment, and my children we learning around here as well as I am in Abadu now, I don’t know how I am going to work from here to there and what I will do with my kids schooling as well. I can’t afford to rent a house as well.”¹⁴²

A human rights-based approach to development incorporates international human rights norms, standards, and principles into development plans, policies, and processes. This

¹⁴⁰ Proclamation No.721/2011, (n120) Article.31 (4 & 5)

¹⁴¹ Miloon Kothari, (n11) para 60

¹⁴² Interview with informal settler in Yeka sub-city, she refuses to mention her name, 2nd September 2024

approach involves aligning with human rights standards, ensuring accountability focusing on non-discrimination, particularly with regard to vulnerable and marginalized groups. The fact that no measure was taken after the eviction was carried out lead the evictees and their family to further violation of other human rights including the right to housing, the right to food, the right to live a standard of life and the right to education.

Moreover, access to justice including legal aid service has to be provided for those evictees with grievance and who wants to challenge the whole process of the eviction or any related issues in that regard. In the cases of the two sites, the informal settlers where not awarded with either alternative relocating house, emergency housings or compensation and were left alone on the street. They explained that, they submit their gradience at the woreda concerning body. However, they mentioned that the woreda didn't do anything even after they become aware of the situation, they are in. most of the informal settlers who took part on the interview and group focused discussion have a family of 3 to 5. The impacts of the eviction extend to their children and families as well and lead to the violation of other rights such as the right to Education.

Informants in the site of the study area, Piassa, explained on FGD interview that they were informed about the eviction with in short period of time and before they knew it, they were rushed to leave their house and left in a bad condition. They stated that the area is beyond just a house for them as it breaks the social bond. Most settlers in both study area occupied land informally used temporary building materials, such as mud and wood due to low living condition and fears of government action against the them as they don't have legal security of tenure.

A key informants and victims of forced eviction in Arada sub-city, Piassa doromanekaa area on FGD stated that:

“we are obliged to evacuate the place where our grandmother, mother and ourself were lived and raised mentioning that we don't fulfil the documentation requirement. Despite our long-lasting occupancy of the houses, they choose not to compensate us due to the absence of title deeds. During the consultation meeting that we had with the woreda, they promised the residence that irrespective on the status of their house, either formal

or informal residence, nobody will be homeless and left on the street. However, after two weeks, they come and demolish our house leaving us homeless with our family and children's. As they come and demolish our house suddenly, we were not ready and all our properties and belongingness were left on the street. Our children were shocked to see us homeless overnight. They award compensation and replacement only for those who have legal security of tenure or title deed stating that we can follow up on our case after evacuating from our house. we are not presenting our grievance the Woreda, sub-city and mayor office seeking for a swift solution even though nobodies seem to care about us. ''¹⁴³

In the urban lease proclamation, it stated that the appropriate body shall take over a land in respect of which a clearing order or notice has been served where the person served with the clearing order or notice has not lodged a grievance against the action. In the case at hand, the informants submitted their grievance for the concerned body but told to leave and follow up with the case.

The key informants in each eviction sits believed that evictions conducted under the guise of public purposes fail to prioritize human concerns, social bond the people's wellbeing. The government's focus on infrastructure projects overlooks the needs of people as beneficiaries, placing an undue burden on the people in addition to the difficult situation the peoples are in due to inflation and conflicts in different part of the country. This approach sacrifices the livelihoods, lives, liberties, social connections, and properties of those evicted persons, all in the name of public development.

The CESCR General Comment No. 4 on the right to adequate housing clearly provided that notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal

¹⁴³ Focus group discussion with 6 informants who are informal settlers and victims of forced eviction who is not willing for their name to be disclosed, 9th August 2024

security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups. Unlike what is provided under the international human rights instruments, the practice in regards to eviction in general and informal settlers in particular in the two sites is against the international human rights instruments, guidelines and practice.

Observing the legal frameworks and the practical implementation thereof, it is safe to conclude that the substantive and procedural safeguards to protect informal settlers from forced eviction are violated.

4.3.3.1. Institutional Remedies

Ethiopian human rights commission is a national human rights institution has a mandate to promote and protect human rights. In regards to the issue, a situation report of the commission stated that individual complaint were submitted to the commission in regards to forced eviction in 2024 GC. Both residential and commercial houses were demolished for "public purpose or development projects". The commission noted failure to obey with laws and procedures at the time of eviction, during eviction and post- eviction. The commission underlined that eviction process should follow the principles of human rights and should be carried out in accordance with the law.¹⁴⁴

The commission, following the complaints submitted, try to consult with the city administration to discuss on the issues raised by the evictees and to work on the solution. The commission make a recommendation to the city administration that the 1400 evictees should be provided with replacement or alternative housing and to abstain from making peoples homeless and exposed them to other human rights violation.¹⁴⁵

¹⁴⁴ Ethiopia Human Rights Commission, Annual Ethiopia Human Rights Situation Report (June 2023 - June 2024), page 73

¹⁴⁵ Ibid

In particular, the commission stressed on, to give adequate advance notice, especially prevent from excess use of force, conducting meaningful and inclusive participation of the vulnerable groups including disabled and the elderly persons, informing the community about the project useful for public interest or development that necessitate and lead to the eviction inclusive public consultation/participation prior the eviction process, the provision of affordable housing for all residents should be strictly observed. Moreover, the commission stated that where the weather is not favorable the city admiration should avoid carrying out the eviction with the aim to avoid unnecessary inconvenience on the evictees.

In relation to informal settlers, the commission stated the need to address their issues through sustainable policy framework in collaboration with different stakeholders on the issue.¹⁴⁶

On the other hand, the director of a human rights-based civil society organization explained that regularizing informal settlements is the best way to address their issue. It will grant them with legal recognition and enhancing tenure security. This protection against eviction ensures long-term stability. Regularization typically leads to improved infrastructure and better access to essential services such as water, sanitation, and healthcare, greatly enhancing living conditions.¹⁴⁷ Additionally, it can increase property values, giving settlers access to credit and investment opportunities previously out of reach. Legal recognition also enables settlers to assert their rights and resolve disputes through formal channels, fostering better community development and social cohesion. Moreover, integration into municipal planning supports more sustainable development practices and eligibility for government support programs, further improving residents' quality of life.

¹⁴⁶ Ibid

¹⁴⁷ Interview with Mintesnot Belay, human rights officer at Mizan Young Lawyers Center; a Civil Society Organization

4.4. The Impacts of Forced Eviction on Informal Settlers on the Two Sites

Forced evictions must not leave individuals homeless or expose them to violations of other human rights. If those affected are unable to support themselves, the State party is required to take all necessary measures, utilizing its available resources to the fullest extent, to ensure that adequate alternative housing, resettlement options, or access to productive land is provided.¹⁴⁸

- 1. The right to adequate housing:** The right to adequate housing is the right that will be violated and impacted by eviction. It is outlined in Article 11(1) of the ICESCR and reflected in the FDRE Constitution (Articles 9(4) and 13(2)), includes a right to housing that meets certain standards. According to General Comment No.4 by the CESCR, one key criteria for housing adequacy is security of tenure, which grants protects against eviction. This right applies to all individuals, including informal settlers and sub-tenants, emphasizing the protection of domestic life and privacy rather than just property interests. The key informants referred that having a random shanty house is a luxury for them no as they loss that one as well let alone adequate house with full access.
- 2. Livelihood:** The other impacted of eviction is on the livelihood of the evictees is among the major impact eviction entail. The term "livelihood" encompasses the means of securing basic necessities like food, water, shelter, and clothing, either individually or collectively, through activities that utilize both human and material resources. While livelihood activities themselves are not considered sufficient, they are integral to achieving an adequate standard of living as outlined in Article 11(1) of the ICESCR. In cases of unavoidable evictions, international human rights law mandates that evictees receive adequate compensation for their affected property. As per the urban lease proclamation, it stipulates that compensation, generally provided in cash, covers losses related to buildings, crops, and other assets. However, it provided under the Ethiopia law that informal settlers will neither be subject to compensation nor house

¹⁴⁸ General comment 7 (n26) para 16

replacement.¹⁴⁹ Evictees must be restored to their livelihoods post-eviction, including offering alternative land for similar use.

From the FGD held with evictees from the Arad sub-city, one informant stated that:

"We relied solely on renting out small units within our property to generate income. The rent payments helped cover our food, children's school fees, and other essential services such as health care, community contributions, clothing, water, and transportation. However, following the evacuation and eviction completely changed our livelihood in a negative way. We need to figure out what we should do next and it require us a lot of effort and we are going to start from a scratch."

The other informant from Arada sub-city stated that the area was the place where he establishes his business as a person born and raised on that house. He said he now loss everything. He stated that in the process of struggling in life, the eviction exposed him for additional hustles and problems and make him feel hopeless, i.e., rental fee as I lost my house and left with nothing.¹⁵⁰

The impacts of evection on the livelihoods of the evictees includes the impacts on the right to food as well. The right to food does not entail providing food directly to every individual; rather, it involves ensuring that everyone has the opportunity and resources to secure and produce their own food. This means respecting and facilitating the conditions that allow individuals to access and utilize the means necessary for their own food production.¹⁵¹

- 3. The right of vulnerable groups:** The right of vulnerable groups, i.e., women, children and indigenous people are another impacted group by the eviction. Forced eviction

¹⁴⁹ Proclamation No.721/2011, (n112) Article.26

¹⁵⁰ Interview Tariku Abera, informants from Arada sub-city; 1 September 2024

¹⁵¹ Allan Rosas: "The right to development in Economic Social and Cultural Rights", in (A. Edie, et al, (ed.,) Kluwer Law International, Netherlands, 2nd ed,2001,) p.135.

disproportionately affects various vulnerable groups, including women, children, youth, elderly, indigenous peoples, ethnic and other minorities. Among these, women are particularly at risk due to widespread statutory and other forms of discrimination related to property rights, including home ownership and access to accommodation. They also face heightened vulnerability to violence and sexual abuse when rendered homeless.¹⁵² Moreover, from the key informant's discussion, there were older persons during the eviction time who doesn't carry and move their property and belongingness in both sites. In Arada sub-city:

“when government officials ordered us to evacuate the property and to empty the house, we tried to explain that many evicted elderlies have nowhere to go or got no one to support them. We told the woreda that forcing to move them could led to fatal. Despite our concerns about the old people, they carry on the land clearing and shows no willingness to reconsider their decision. Their health condition was not well as well.”¹⁵³

Evictions that impact women almost always affect children as well, since women are typically the primary caregivers. Beyond the mental and physical trauma experienced, children also suffer from educational deprivation as a consequence of eviction. while the entire family is affected by forced eviction, again it is the women who suffer most. Women will have to cope with the new circumstances, will have to fulfil their responsibilities as before, but with more limited means, and will need to work harder to make ends meet.¹⁵⁴

¹⁵² General comment 7: Forced Eviction (n26) para 10

¹⁵³ FGD with Arada sub-city informants and victims, (n142)

¹⁵⁴ Economic and social policy and its impact on violence against women; (E/CN.4/2000/68/Add.5), para. 55.

CHAPTER FIVE

5. Conclusion and Recommendation

5.1. Conclusion

While the Ethiopian Constitution does not explicitly recognize the right to adequate housing, it can be inferred from various provisions. Chapter three of the Constitution addresses fundamental rights and freedoms, primarily focusing on civil and political rights. However, certain articles, such as Article 41(3), imply a right to equal access to publicly funded social services, including housing. Additionally, Article 90(1) identifies housing as a guiding policy principle. Furthermore, Ethiopia's ratification of international human rights agreements, as outlined in Articles 9(4) and 13(2), reinforces the interpretation of the right to adequate housing as an implied constitutional right. Housing has become a critical challenge many people reside in Addis Ababa, who often arrive with limited resources and skills. As a result, many find themselves living in poverty, resorting to squatting, street sleeping, and overcrowded slum conditions. These factors have created a pressing urban housing crisis in rapidly growing cities. The demand for housing in the city far exceeds the available supply. This imbalance is driven by two factors: a surge in rural-to-urban migration and a growing population.

Forced evictions must not leave individuals homeless or expose them to violations of other human rights. If those affected are unable to support themselves, the state party is required to take all necessary measures, utilizing its available resources to the fullest extent, to ensure that adequate alternative housing, resettlement options, or access to productive land is provided. The right to adequate housing, livelihood, the right to food, the right to vulnerable groups including women's and children are among the right that will be violated and impacted by eviction. There is a legislative gap exists that enables authorities to evict people swiftly and broadly, particularly on informal settlers. The government argues that eviction is necessary to carry out developmental projects, asserting that these projects would otherwise be unattainable.

Eviction frequently occurs in Ethiopia in general and in Addis Ababa City in particular for City beautification such as the corridor project, road expansion and other big development projects justified as "public purpose". The study reveal that developmental projects are being carried out in the city with the expense of violation of human rights of informal settlers. Legitimate

public development must be achieved without the infringement of human rights as provided under national and international law.

The research indicates that there is a gap and inconsistency in the international human rights instruments, standards, principles and the national legal frameworks. The national legal frameworks and the interpretation before court of law clearly overlook and compromise the rights of informal settlers. Victims of forced eviction lack the ability to seek recourse in regular courts to challenge the legality of evictions, compromising their right to a fair trial. The right to protection from forced eviction is exclusively granted only for individuals who can demonstrate ownership or land use rights. Even though regularization approach were employed, it was not easy to curb the expansion thereof and give long term solution for informal settlers. However, even for these legal owners, the laws only provide for alternative accommodation as compensation, without addressing the sustainability of their livelihoods. In practice, the government often overlooks other competing human rights during eviction enforcement, especially informal settlers due to lack of security of tenure. As a result, many human rights including the rights to livelihood, the right to food, life, housing, privacy, and security of the evictees are violated.

In general, the research revealed that there are legislative and procedural gaps on the protection of informal settlers from forced eviction. The existing laws are not in line with international human rights instruments, principles and guidelines. Moreover, both substantive and procedural safeguards for the protection of informal settler's from forced eviction are not implemented in accordance to the national and international instruments and guideline. There are a lot of human rights violations following forced eviction of informal settlers.

5.2.Recommendations

Based on the research conducted on the two selected eviction sites, the following recommendation are provided:

- Addis Ababa city administration and Ministry of Construction and Urban Development, should carry out eviction, where it is inevitable, based on human rights impact assessments both before and after the eviction process. These assessments must adhere to international standards and involve genuine consultation with the potential affected communities.
- Addis Ababa city administration should initiate legislative and policy reform and adopt a law that address the protection of informal settlers from forced eviction and provide the remedy thereof. It also requires revision of the existing laws including the urban land lease holding proclamation No.721.2011 and Expropriation of Land holdings for Public Purposes, Payments of Compensation and Resettlement of Displaced People Proclamation No.1161/2019 addressing informal settlers and eviction in accordance with international human rights instruments and following up the implementation thereof.
- The government must adopt a human rights-based approach substantive and procedural working guidelines for the Woreda administrator that's should be observed before, during and after eviction is carried out.
- Addis Ababa city administrator should provide a remedies and solution for informal settlers that don't fall under the requirements of the directive to go through regularization system as they are beneficiary of neither compensation nor replacement, irrespective of the type and the forms of tenure secured with the aim to mitigate further violation of other human rights. Such solution might include developing and implementing an effective urban land policy that promotes sustainable solution of the provision of adequate housing for all urban residents.
- Courts should resort to international human rights instruments that Ethiopia is party to and refer to benchmark cases of other regional and international bodies with jurisdiction with the aim to address the issues of informal settler in relation to forced eviction as there is no compressive legal frame in that regard.

- Courts should allow and entertain informal settlers' cases who are victims of forced eviction availing them the chance to resort and exhaust their rights on issues of law and facts including claims for substitute land and should allow the courts to set new precedent on the issue.

Bibliography

Book

- AADIPO (2003), Informal Settlement in Addis Ababa: Addis Ababa Development and Improvement Project Office, Addis Ababa:
- Allan Rosas:“The right to development in Economic Social and Cultural Rights”, in (A. Edie, et al, (ed.,) Kluwer Law International, Netherlands, 2nd ed,2001,) p.135
- Assessing the Impact of Eviction Handbook, United Nations Human Settlements Programme (UN-HABITAT), 2014
- Armaye Assefa, 2011 'The Right to Adequate Standard of Living With specific Focus on the Right to Adequate: The institutional and Legal frameworks in Ethiopia, Addis Ababa University;
- Centre on Housing Rights and Evictions (COHRE) 2009;
- Commission on Human Rights resolution 2005/25 on women’s equal ownership, access to and control over land and the equal rights to own property and to adequate housing.
- Daniel Lirebo, (2006) An Assessment of the Development and Implementation of Regulations on Informal Settlements, The Case of Addis Ababa City, Ethiopia, Addis Ababa University,
- Davas, N.,Amis, P., Beall,J.,Grant,U.,Mitlin, D., Nunan, F.& Rakodi, C.(2004). Urban governance, voice and poverty in the developing world. London: Earth scan.
- Forced evictions in Addis Ababa render jobless workers homeless amid COVID-19; April 2020, accessed on; <https://www.amnesty.org/en/latest/news/2020/04/ethiopia-forced-evictions-in-addis-ababa-render-jobless-workers-homeless-amid/>
- Food and Agriculture Organization of the United Nations, voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security revised version, Rome 2022

- Gebre Yintesu, Urban Development and Displacement in Addis Ababa: The Impact of Resettlement Projects on Low-Income Households, in *Eastern Africa Social Science Research Review*, Volume 24, Number 2, June 2008, pp. 53-77
- Getalem, & Yenew, A. (2014). Assessment of informal settlement and associated factors of public health issue in Bahir Dar city;
- Haji.M & Muhammad. (2006). the causes and consequences of the informal settlements in Tanzania;
- Habitat (1982), *Survey of Slum and Squatter Settlements*, Tycooly, Dublin;
- International Human Rights Clinic, ESCR-Net, *the Price of Steel: Human Rights and Forced Evictions in the POSCO-India Project*; New York, NYU School of Law, 2013
- Kumar, A., & McGregor, D. (2016). Land Tenure and Property Rights in Urban Africa: An Analysis of Current Trends. *African Studies Review*, 59(2), 115-130.
- Kenneth A. Manaster (1968) *The Problem of Urban Squatters in Developing Countries: Peru*, *Wisconsin Law Review*. Vol. 23.
- Jaideep Gupte & Dolf te Lintelo, *Demolition, forced evictions and wellbeing in the city*; Institute of Development Studies, University of Sussex, Mach 2019
- Jemal Abagissa (2019), *Informal Settlements in Addis Ababa: Extent, Challenges and Measures Taken*, Addis Ababa University,
- Matamanda, A. R. (2019). Battling the informal settlement challenge through sustainable city framework: Experiences and lessons from harare, Zimbabwe. *Development Southern Africa*, 1–15;
- McGranahan, G., & Satterthwaite, D. (2004). The Impact of Urbanization on the Environment in Developing Countries. *Environment and Urbanization*, 16(1), 23-34
- Minwuyelet, M. (2005) *City expansion, Squatter Settlements, and Policy Implications in Addis Ababa: The case of Kolfe Keranio Sub City*;

- Mikias Bulcha. (2015) “Reconciling human rights and eviction for public purpose in Ethiopia: Appraisal of the law and the practice with focus on some selected sited site in Addis Ababa City”: Addis Ababa University school of law;
- Mitlin, D., & Satterthwaite, D. (2004). *Urban Poverty in the Global South: Scale and Nature*;
- Miloon Kothari: Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living: Geneva: UN, 11 May 2007: para 60
- Nasise Shafi, (2022) Existing Status of Informal Settlement in Addis Ababa: The Case of Kolfe Keraniyo and Nifas Silk Lafto Sub City, Addis Ababa University College of Social Sciences May, 2022
- Nouri A. Elfarnouk. (2015), *Squatter Settlements in Tripoli, Libya: Assessing, Monitoring, and Analyzing the Incidence and Prevalence of Urban Squatter Areas in the Peri-Urban Fringe*
- Oakland Institute. (2011) “Understanding Land Investment Deals in Africa: Country Report: Ethiopia,”;
- Ram, B. Acharya, (2010) Urban Poverty: A Sociological Study of Shankhamul Squatter: Dhaulagiri Journal of Sociology and Anthropology Vol. 4, | 179/180;
- Taye Tadesse (2002) Squatter Settlements in Peri-Urban Addis Ababa: Nature. Causes and Implications for Squatter Settlers: The Case of Woreda 24 Addis Ababa University;
- Tewodros Teshome Seid, (2020), Factors Contributing for The Expansion of Informal settlements In Jimma City:
- Tsutsumi, J., & Bendewald, M. J. (2010). Urban environmental challenges in developing cities: the case of the Ethiopian capital Addis Ababa;
- Urquhart, (2006); Forced Evictions: Globalized eviction; United Nations Human Settlements Programme (UN-HABITAT), p. 2.

- Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, Vienna, 23 June 1993 (A/CONF.157/24 (Part 1));
- UN Habitat: The Right to Adequate Housing, Fact sheet No.21 rev.1, Office of the United Nations Higher Commissioner for Human Rights;
- United Nations Human Settlements Programme (UN-HABITAT), 2005 Forced Evictions - Toward Solutions Advisory Group on Forced Evictions, para 8

Report

- UN-Habitat, 2015 Global report 2015: increasing synergy for greater national ownership. Nairobi: UN-Habitat;
- UN Habitat: (2011) Forced evictions, Global crisis, Global solutions report
- Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, Vol. I (A/CONF.151/26/Rev.1 (vol.I), annex II, Agenda 21, chap. 7.9 (b);
- Report of Habitat: United Nations Conference on Human Settlements, Vancouver, 31 May - 11 June 1976 (A/CONF.70/15), chap. II, recommendation B.8, para. C (ii);
- “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari” (A/HRC/4/18, paras. 26 and 31);
- Ethiopia Human Rights Commission, Annual Ethiopia Human Rights Situation Report (June 2023 - June 2024), page 73

Law, Guidelines and General Comments

- Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 60) and the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2);
- Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, paras. 23–27) and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural;

- Committee on Economic, Social and Cultural Rights General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant) Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (Contained in Document E/1992/23);
- Committee on Economic, Social and Cultural Rights, General Comment 7, the right to adequate housing (Art.11.1): forced evictions: 20/05/97, Sixteenth session, 1997
- Committee on Economic, Social and Cultural Rights, General Comment 3, The nature of States parties' obligations (Fifth session, 1990), U.N. Doc. E/1991/23, annex III at 86 (1991), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 14 (2003)., para 3-5;
- Geneva Convention (IV) Protection of Civilian Persons in Time of War, article 54 of the First Additional Protocol to the Geneva Conventions of 1949 and article 14 of the Second Additional Protocol;
- International Covenant on Civil and Political Rights (adopted 16 December 1966 entered in to force 23 March 1976)999 UNTS 171(ICCPR)
- Proclamation No 455/2005: Expropriation of Land Holding for Public Purposes and Payment of Compensation; Article.3(1);
- Proclamation No 721/2011(Re-enactment of Urban Land Lease Holding Proclamation), Article.26;
- Proclamation No. 721/2011; Urban Lands Lease Holding Proclamation, Article.26(1) & Article.27(1 &2);
- Special Rapporteur on the right to food, A/HRC/13/33/Add.2, annex, principle 2
- United Nation OCHA, Guiding Principles on Internal Displacement, September 2004, Guiding Principles 7 and 8;

Case

- Gasit Getahun v. Nifas Silk Lafto Sub-city, Addis Ababa City Government Urban Land Clearing and Compensation cases Appellate Tribunal, File No. 661/ 2006, Judgment 9June 2006; see also: Yeshe Gebayeh v. Addis Ababa City Kirkos Sub-city Land Development and City beautification office, Addis Ababa City Government Urban Land Clearing and Compensation cases Appellate Tribunal, file no. 647/2005, judgment 2 march 2005;
- Murad Zayid v. Bole sub-city Land Development and City Beatification Office. Ababa City Government Urban Land Clearing and Compensation cases Appellate Tribunal, File No. 261/ 2005, Judgment 9June 2006;
- Spain Vs Mohamed Ben Djazia, Committee on Economic, Social and Cultural Rights Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with regard to communication No. 5/2015;
- The Impact of Evictions on Children: Case Studies from Phnom Penh, Manilla and Mumbai (New York, United Nations Economic and Social Commission for Asia and the Pacific and the Asian Coalition for Housing Rights, 1997);
- In the Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria (communication No. 155/96)

Interviews

- Ato Nibret Gelaw, Arada Sub-City Woreda 9 housing development office coordinator, 3rd September 2024.
- Interview Tariku Abera, informants from Arada sub-city; 1 September 2024
- Interview with Mintesnot Kinde, human rights officer at Mizan Young Lawyers Center; a Civil Society Organization.
- Interview with informal settler in yeka sub city, she refuses to mention her name, 2nd September 2024

- Focus group discussion with 6 informants who are informal settlers and victims of forced eviction who is not willing for their name to be disclosed, 9th August 2024.
- Focus Group Discussion with Mamush Teshome, Enate Belete and three others who refuse to reveal their name, 2nd September 2024.

Annex 1

Key Informant Interview Questions with Concerned Government Officials

Name _____ Government Organization _____ Position _____ Address _____

Questions

1. What are the reasons for eviction?
2. How is "public purpose" defined? What criteria determine public purposes? Do people leave their homes or land voluntarily, or is it imposed on them?
3. Do you believe that reasons such as city beautification, palace construction, and land renewal adequately justify evictions?
4. Do you conduct human rights impact assessments before starting projects that lead to evictions for public purposes?
5. How do you ensure a fair balance between the rights of evictees and projects deemed to serve the public good?
6. Do you explore viable alternatives before proceeding with evictions?
7. Do you engage in genuine consultations with groups affected by eviction?
8. Are adequate and reasonable notices provided to all affected individuals prior to eviction?
9. Are informal settlers notified of the eviction?
10. What procedures do you follow before, during, and after an eviction?
11. Do you address complaints regarding unlawful eviction? If an eviction is found to be illegal, what remedies are available for the evictee?
12. Are compensations or alternative housing provided for evictees, including informal settlers?
13. What remedies are available for informal settlers? Is there an emergency shelter program in place for them?

Annex-2

Interview Guide Questions with Evicted Informal Settlers

Name _____ **Age** _____ **Occupation** _____

No. of families _____ **Addresses** _____

Questions

1. What are the reasons for your eviction? Do you believe it benefits you in any way?
2. Are the justifications provided for your eviction reasonable and sufficient?
3. Were you consulted by the authorities to explore alternative options before your eviction?
4. Do you think the authorities conducted a genuine consultation with you?
5. Do you find the notice you received adequate and reasonable?
6. Was the timeframe for the notice appropriate?
7. Where can you submit complaints about evictions you believe are forced, illegal, or unjust?
8. Have you received any effective remedies? What options are available to you?
9. Were you offered compensation or alternative emergency housing?
10. How do you assess your human rights situation after the eviction?
11. What impacts has the eviction had on you?

Annex 3

Questionnaires for Focused Group Discussion with Evictees

1. Can you describe the reasons behind your eviction? Do you believe it has benefited you in any way?
2. How would you explain your involvement in defining the reason for the demolishing your area for public purposes that led to your eviction?
3. Please discuss the circumstances of your eviction, including how, when, and by whom it was carried out.
4. What procedural guarantees were you provided before, during, and after the eviction?
5. How has the eviction affected your specific human rights, such as your livelihood, food security, housing, choice of residence, privacy, and personal security?
6. Can you explain the disproportionate impacts of forced eviction on specific groups, such as elder peoples, women, and children?
7. What remedies are available for evictions that you consider to be unfair, unlawful, or disproportionate to the rights affected?