

# **Addis Ababa University**



## **School of Law**

**A Thesis submitted to the School of Graduate Studies in  
partial fulfillment of the requirements for the Degree of  
Master of Laws in Urban Property and Land Law**

**"Land Possession Disputes in Addis Ababa:  
The Case of Meskel Square and Jan Meda"**

**By:**

**Seifu Meaza ID No.GSR/9130/15**

**Phone No, +251912068644**

**Email: M.aseifume@gmail.com**

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**Addis Ababa, Ethiopia**

# Addis Ababa University

## School of Law

### Approval Sheet

This is to certify that the thesis prepared by Seifu Meaza Nigusse, entitled "**Land Possession Disputes in Addis Ababa: The Case of Meskel Square and Jan Meda**," is submitted for the partial fulfillment of the requirement for the Degree of Master of Laws in Urban Property and Land Law complies with the regulations of the University and meets the accepted standards of originality and quality.

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## DECLARATION

I, the undersigned, declare that the thesis is my original work and has not been presented for a degree in any other university and that all sources of materials used in the thesis have been duly acknowledged.

**Declared by:-**

Seifu Meaza Nigusse

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Confirmed by:-**

Mekete Bekele (Assoc. Prof.)

Signature \_\_\_\_\_

Date \_\_\_\_\_

## **Acronyms**

**EOTC** - Ethiopian Orthodox Tewahido Church.

**EPRDF** - Ethiopian People's Revolutionary Democratic Front.

**FDRE** - Federal Democratic Republic of Ethiopia.

**UNESCO** - United Nations Educational, Scientific and Cultural Organization.

## **Glossary**

**Archbishop:** A member of the Holy Synod and the father of one Diocese.

**Baptism:** According to the EOTC faith, it is the sacrament through which children are reborn and enter the kingdom of GOD.

**Ceremony:** A formal religious or public occasion, celebrating a particular event.

**Debtera:** A clerk, singer and the name of a church.

**Demera:** A bundle of sticks that are used by Demera during Meskel and other spiritual celebrations.

**Epiphany:** A Greek word denoting the mystery of the revelation of GOD.

**Jan:** Is a cultural cloth, a red color, anciently used to make a tent.

**Kesegabaz:** Guardian for a local church.

**Meskel:** A cross, symbolic of Christians.

**Rights of Possession:** refers to a claim of the right of possession upon the presentation of documents on record.

**Rights to Possession:** denotes the rightful holder of property or the sole owner or the actual owner having ownership rights.

**Square:** A place where religious worship and other celebrations take place.

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## **Abstract**

It is supposed that land possession is one form of owning property. It is accomplished by taking possession with the intent to become the lawful possessor. In reality, rights of land possession may be proved merely by possession or presenting documentary evidence to settle an existing dispute. Hence, the main objective of this study is to examine the rights to land possession regarding Meskel Square and Jan Meda.

In order to attain the objective of the study, the research used a doctrinal legal research methodology, which incorporated a thorough review of land related laws, case law, legal reasoning and interview. It analytically scrutinized the rights to land possession and the claim of EOTC over the Meskel Square and Jan Meda land dispute by studying various provisions of the relevant laws to unreservedly understand the rights to land possession existing over the disputed land.

The study found that, EOTC has rights to land possession for a long period of time without interference over Meskel Square and Jan Meda; aside the existing land laws, the mayor of Addis Ababa City's decision-making regarding the disputed land possession is in error laws fully; which has resulted in increased land disputes among various religious institutions. As a result, these various religious institutions have suffered to get proper government response to overcome the problem.

At the end, the study recommends that, instead of confusing the people at large, the information about Meskel Square and Jan Meda must be made available and accessible to all Ethiopian society; and disputing land possession rights over the place must get permanent official and legal oversight to disinvite various groups in to the dispute.

# Contents

<b>Declaration Form</b> .....	<b>iii</b>
<b>Acronyms</b> .....	<b>iv</b>
<b>Glossary</b> .....	<b>iv</b>
<b>Acknowledgments</b> .....	<b>v</b>
<b>Abstract</b> .....	<b>vi</b>
<b>Chapter One</b> .....	<b>1</b>
<b>1. Introduction</b> .....	<b>1</b>
1.1 Background of the study .....	9
1.2 Statements of the Problem .....	11
1.3 Basic Research Questions .....	14
1.4 Objectives of the Study.....	14
1.4.1 General Objective .....	14
1.4.2 Specific Objectives .....	14
1.5 Significance of the Study.....	15
1.6 Scope of the Study .....	15
1.7 Research Methodology .....	15
1.8 Organization of the Study .....	16
<b>Chapter Two</b> .....	<b>17</b>
<b>2. Literature Review</b> .....	<b>17</b>
2.1 The Possession and Classification of the Land Regimes.....	19
2.1.1 Private Land Possession Right .....	19
2.1.2 Communal Property.....	20
2.1.3 State Ownership of Land .....	20
2.2 Church Land.....	20
2.3 Public Purpose .....	21
2.4 Nature of Disputes over Meskel Square and Jan Meda .....	23
2.5 The History of Meskel Square and Jan Meda for the period of the Imperial Era.....	24
2.5.1 Meskel Square .....	24
2.5.2 Jan Meda.....	25
2.6 Meskel Square and Jan Meda during the Derg & EPRDF Regime .....	26

2.7 After the Recent Reform (2010, E.C).....	28
2.8 EOTC`s Historical Rights to Land Possession Concerning Meskel Square and Jan Meda-- -----	30
<b>Chapter Three.....</b>	<b>36</b>
<b>3. Laws and Rules Governing Rights to Land Possession over Meskel Square and Jan Meda .....</b>	<b>36</b>
3.1 The Rights to Land Possession of EOTC under Decree No. 2 of 1935, E.C.....	36
3.2 The Rights to Land Use of EOTC Under General Notice No.230 of 1957 .....	38
3.3 The Rights to Land Possession of EOTC Under Proclamation No. 229 of 1966.....	39
3.4 The rights to Land Possession of EOTC Under Order No. 45 of 1966 .....	39
3.5 The Rights to Land Possession of EOTC Under Proclamation No.47 of 1967 .....	40
3.6 The Rights to Land Possession of EOTC Under Proclamation No.36 of 1989 .....	40
3.7 The Rights to Land Possession of EOTC Under Proclamation No.209 of 2000.....	41
3.8 The Rights to Land Possession of EOTC Under Ethiopian Civil Code .....	41
3.8.1 Actual control of the thing.....	42
3.8.2 Actual Exercise of the thing .....	42
3.9 The Land Possession Rights Under the Constitution of The Federal Democratic Republic of Ethiopia .....	43
3.10 The Land Possession Rights Under Urban Land Lease Proclamation No.721/2011----- -----	44
3.1 The Rights to Land Possession of EOTC Under the Regulation No. 163/ 2016 E.C.....	44
3.12 The Available Road Design Plan and Contract of Sale Concerning Meskel Square.....	46
3.13 The Effect of Title Deed in Public and Private Matters.....	47
<b>Chapter Four.....</b>	<b>49</b>
<b>4. Data Analysis and Results of the Research.....</b>	<b>49</b>
4.1 Introduction.....	49
4.2 Official Documents and Archives on the Disputed Land .....	49
4.3 The analysis of Interviews with Key Informants .....	56
<b>Chapter Five.....</b>	<b>62</b>
<b>5. Conclusions and Recommendations.....</b>	<b>62</b>
5.1 Findings of the Researcher.....	62

5.2 Conclusions.....	63
5.3 Recommendations.....	64
References.....	67
Annexes.....	72

## Chapter One

### 1. Introduction

This research deals with the **"Land Possession Disputes in Addis Ababa: The Case of Meskel Square and Jan Meda."**The research focuses So as to investigate land possession problems connected to religious institutions at Meskel Square as well as at Jan Menda.

In Ethiopian Orthodox Tewahido Church History, the celebration of Jesus Christ Cross goes back to the 14<sup>th</sup> century during the reign of King Dawit (1375, E.C.) Similarly, the celebration of Epiphany (we call it Timket) dates back 530, E.C during the reign of Emperor Gebre-Meskel.<sup>1</sup>

Replicas of the Ark of the Covenant, known as Tabotat, were first placed in baptismal locations during King Lalibela`s reign.<sup>2</sup>

Starting from that time, the commemoration feast of the finding of Jesus Christ Holy Cross has taken place on September 16 and Epiphany on January 10 and 11 in Ethiopian calendars.

Moreover, these two holy celebrations highly celebrated throughout the country without any distinction of ethnicity, language, gender, color, age or religion.

Many foreign citizens, diplomats, and tourists have been taking part in the Meskel and Timket celebrations; not all of the participants were Ethiopian. As a result, Meskel Demera and Timket celebrations are becoming increasingly popular and are no longer merely local traditions.<sup>3</sup>

In the meantime, there are 54 dioceses within the Ethiopian Orthodox Tewahido Church and 39 dioceses outside, for a total of 93 dioceses. Her patriarch is in charge of the church.

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<sup>1</sup> "Taken From Magazine prepared by Department of Gospel preaching and Evangelist Missionary under Ethiopian Orthodox Tewahedo Church patriarchate head Office, Jan 19, 2014, E.C, P.134"

<sup>2</sup> "Walelegn Emiru Adghe, The Dynamics of religious rituals and secular ceremonies in public places of Addis Ababa, AAU June 2003, P.22»

<sup>3</sup> Ibid, PP.146-147

The Archbishops synod, chaired by the patriarch, decides any case involving or relating to church administration.<sup>4</sup>

In particular, the church has been contributing certain values to the progress of the country and people with the consideration of education, literature, fine arts, unity, safeguarding the environment etc. Recently, the events in public spaces reflect a complicated mix of social truths where secular and sacred elements are inextricably intertwined.<sup>5</sup>

Of course, the religious and historic background is revealed at the Meskel spiritual celebration which marks the end of the rainy season and the beginning of the Ethiopian New Year. Because of this and other reasons, the celebration of Meskel Heritage was recognized in Baku, the capital of Azerbaijan, during the 8th meeting of the UNESCO intergovernmental committee, which took place from November 23 to 28, 2006, E.C (2013, G.C).



**Photograph of Meskel Square, March, 2004, E.C; taken from #Ethiopia ቃሪካችን#AddisAbaba Page**

This event marked the first inclusion in the representative list of intangible cultural heritages of humanity. Then again, Ethiopian Epiphany celebration was also registered during 14<sup>th</sup> session of

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<sup>4</sup> "Abba Gorgorios, social Ministry of the Ethiopian Orthodox Church in the past and the present, Etudes e ethiopiennes, Volume I, Paris 1994, pp.392"

<sup>5</sup> Supra note 2, P.156

UNESCO intergovernmental committee, in the capital of Columbia, Bogota, on December 12/2019, G.C.<sup>6</sup>

Hence, the celebrations of Meskel and Epiphany serve as the fundamental means of promoting peace and were recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as intangible cultural heritages in 2013, and 2019, respectively.

Generally speaking, the Ethiopian Orthodox Tewahido Church's legal personality is confirmed by Article 398 of the Ethiopian Civil Code and subsequent articles. This suggests that, in line with civil code Articles 1140 and 1141, the Church may own property just like anybody else.

The first law enacted for the protection and preservation of antiquities was proclamation Number 229/1966, which was published in the Negarit Gazette No. 7 on January 29, 1966, G.C. According to the proclamation, the importance of cultural heritage discovered in Ethiopia as witnessed to the country's history and culture necessitated their legal protection.<sup>7</sup>

To hold up this proclamation, the second piece of legislation that laid the groundwork for Ethiopia's state to preserve its cultural heritage was published in the Negarit Gazette 49<sup>th</sup> year No.4 on October 7, 1989 G.C of the transitional Government of Ethiopia, Proclamation Number 36/1989, which declared in Article 4 (3) that a certificate of registration would be issued to the person who registered the cultural heritage or antiquities, not to any other third party.

Likewise, Article 6 stated that a legal or artificial person must protect the preservation of antiquities situated on land which has been provided to him in usufruct.

Also, in 1995, the Federal Democratic Ethiopian government outlined provisions in the constitution and established proclamations to protect Intangible Heritages in general and elements in particular. For instance, according to Article 40 (1) of the FDRE constitution, every Ethiopian citizen is entitled to private property ownership. Therefore, as EOTC has legal

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<sup>6</sup> "Ethiopian epiphany - Intangible Cultural Heritage - UNESCO Available at: <https://ich.unesco.org/Ethiopian-epiph/cross>, accessed on 29 Jan, 2023 E.C"

<sup>7</sup> "Teferi Mekonnen Bekele, Cultural and Religious Studies, Vol. 6, Addis Ababa University, April 2018,P. 231"

personality in light with Art 398 of the civil code; she can acquire, use and dispose of property in pursuant to Art.40 (1) of the Constitution.

Additionally, Article 91 of the Federal Democratic Republic of Ethiopia's Constitution declares that it is the responsibility of the government and all Ethiopians to preserve the nation's historical sites, natural resources, and artifacts.

Regarding this constitutional provision, The Research and Conservation of Cultural Heritage of the Negarit Gazette 6<sup>th</sup> year No.39, Proclamation Number 209/2000, under Art.20 states that any individual who receives land in usufruct is responsible for ensuring the preservation of the cultural heritage located therein. This indicates that the proper preservation of land possession on which cultural heritages are situated must get increased attention.

The Ethiopian Cultural Policy of 2016, G.C under Part II (2.1.1) also says that the cultural, historical, and natural heritages of Ethiopian nations, nationalities, and peoples must be scientifically examined in their respective domains, identified, registered, maintained, and given governmental recognition.

This implies that cultural heritages and their place of celebration are inseparable from one another. As a result, it is illogical and illegal to prohibit EOTC Meskel Demera and Epiphany celebrations from taking place at their designated locations. Thus, If EOTC denied the rights to land possession of Meskel Square and Jan Meda where the celebrations take place; it would be a systematic splitting of cultural heritages and the location of celebration. Meaning, it is causing Meskel Demera and Epiphany to lose the status of cultural heritages.

In accordance with Art.9 (4) of the FDRE Constitution, all international agreements that Ethiopia has ratified are regarded as essential components of its legal system. Therefore, Ethiopia ratified the 2003 Paris Convention for the Safeguarding of Intangible Cultural Heritage.

According to the convention described in Article 2 (1), the term "intangible cultural heritage" encompasses a diverse range of elements: practices, representations, expressions, knowledge, skills, instruments, objects, artifacts, and cultural spaces. These elements hold significant value to communities, groups, and some time individuals, as they are acknowledged as essential

components of their cultural heritage. Similarly, both Meskel Demera and Epiphany are intangible cultural heritages that are registered according to this convention.

Overall, these laws give recognition to the protection and preservation of religious intangible and cultural heritages such as Meskel Demera (commemoration feast of the finding of the True Holy Cross of Christ) inscribed in 2013, G.C, Ayiidde/Fichee Cambalaalla (the festival of New Year of the Sidama People) inscribed in 2015, G.C, Gedda System (an indigenous democratic socio-political system of the Oromo) inscribed in 2016, G.C, Ethiopian Epiphany inscribed in 2019, G.C, Shuwalid Festival (an annual three-day festival celebrated by the Harari People of Ethiopia in the aftermath of Fast of Ramadan) inscribed in 2023, G.C and The Xeer Ciise (the oral customary laws of the Somali Issa communities in Ethiopia, Djibouti and Somalia) inscribed in 2024, G.C.<sup>8</sup>

As these religious and cultural intangible heritages are not celebrated in a vacuum, their celebration presupposes a location where activities are conducted. In addition, the place of celebration and such religious and cultural activities are intrinsic elements. This means the places of celebration of such religious activities are inseparable.

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<sup>8</sup> "Periodic Report on the UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage in 2006, (cycle 2020-2024), Question A.5.2"



**Photograph of Jan Meda in 1958, E.C; taken from Ethiopian History & Tourism Page**

With respect to the servitude of Meskel Square and Jan Meda, the EOTC has been enjoying it for over a hundred years. As the Ethiopian Civil Code Article 1364 prescribes "A servitude shall be of no effect on third parties unless it has been entered in the Register of Immovable at the place where the servient tenement is situated." In light of this provision, no one can claim to use servitude unless such servitude usage has been registered in the place where such servient tenement is situated.

Furthermore, pursuant to Art.1366 of the Ethiopian Civil Code an apparent servitude can be acquired through ten years of use. This implies the one who owns and uses a place of servitude at least ten years would be the exclusive owner of such servitude.

In this context, the utilization of Meskel Square and Jan Meda has not been officially recognized as shared property mandated by any governmental entity. If a service is not registered and it is mandatory to use it commonly, third parties have no rights over such service. As a result, the entity who has been enjoying it for over a decade would become the sole owner of this servitude.

However, currently Meskel Square and Jan Meda have become grounds for dispute. Hence, So as to examine the possessory rights of such locations, it is important to analyze the historical background of the places at grass roots level for this study, because, where such religious ceremonies are celebrated can be subjected to various disputes.

For instance, the EOTC administration, as well as its believers, claims that land possessory rights must ask permission before other religions or government events take place in such areas. Even though, the place of celebration frequently changed throughout time, specifically, Ceremony of Jesus Christ Cross in 1949 and Epiphany in 1936 were warmly celebrated in Meskel Square and Jan Meda and continue to this day.<sup>9</sup>

After that, a national monument in memory of those massacred by the Derg regime in the Red Terror of the 1970s has been built at the eastern entrance to the Square, and the remains of many victims from that period have been buried there.

From the very beginning, The Ethiopian Orthodox Tewahido Church has claimed the exclusive use of the Square. Failing to secure the rights to land possession, public grievances are leading to increased tensions related to land use rights.

During the last three years (2013 – 2016, E.C) after the reconstruction or renovation of the Square serious disputes were raised due to the different religious institutions, Government and individuals started to claim rights to land possession over such places and in which they claimed possessory rights in written form. In advance, regarding Meskel Square:-

1. The Ethiopian Orthodox Tewhado Church Archdiocese requested the government in reference no. 4100/11/19/2013, on date 2/10/2013, E.C.
2. The Followers of Wake Fana faith in the city stated that its ancient name was Huleqo Korma, such request in reference no. ፩፱፱/143/2014, on date 15/06/2014, E.C.

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<sup>9</sup> "Blatta Mersie-Hazen Wolde-Kirkos, a short description/Diary on the 1936, E.C Epiphany Ceremony held at the Jan Meda Taken from Ethiopian National Archives and Library, Call No.63.1.46.27, unpublished, 1936, E.C.>><<Recorded Video On The commemoration of feast of the finding of Jesus Christ Holy Cross, Taken from Mekoreta Tube (1949, E.C)"

3. Halal Promotion requested permission to prepare an Iftar in reference no. HP/083/021 dated April 20, 2013, E.C.
4. Once again, the EOTC Archdiocese with reference No. 3843/240/13 dated 28/8/2013, E.C, stated that Iftar should be organized in Addis Ababa Stadium and not in Meskel Square.

On the other hand, as reported in the media, after reconstruction or renovation of the Meskel Square, on June 6, 2013, E.C, the Prime Minister Dr. Abiy Ahmed said that the square belongs to everyone and also Mrs. Adanech Abebe, the Mayor of Addis Ababa City, publicly narrated that "The Meskel Square is public."<sup>10</sup>



**Photograph of Meskel Square @Travel to Ethiopia, April 8, 2020, G.C;  
Taken from Ethiopian History and Tourism**

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<sup>10</sup> "Speech made by the Prime Minister Dr. Abiy Ahmed and Mrs. Adanech Abeba the Mayor of Addis Ababa City on commemoration of the Square, taken from Balageru TV, Jun 6, 2013, E.C"

Therefore, as there has been no legally appropriate response from the government concerning such controversial places, this has remained a bone of contention among various religious institutions, the government and individuals. Besides, it would be better to study the historical background of the places along with their rights of possession from the Ethiopian legal regime. Consequently, to research over such controversial places is a contemporary issue.

### **1.1 Background of the study**

According to Black's Law Dictionary possession is the fact of having or control of property; the exercise of dominion over property; or the right to control something to the exclusion of all others; and the ongoing exercise of a claim to the exclusive use of a material object or something that a person owns or controls.<sup>11</sup>

The Constitution of the Federal Democratic Republic of Ethiopia also says that every Ethiopian has the entire right to the immovable property he builds and the permanent improvements he makes to the land with his labor or capital. This right includes the right to alienate, to bequeath and if the right of use expires, to remove his property, transfer his title or seek compensation.<sup>12</sup> In addition to the above, the Ethiopian Civil code of Art. 1140 defines the word "possession" as the actual control which a person (whether legal or artificial) exercises over a thing.<sup>13</sup>

Having the above concept in mind, land holders have the right of control and use over their land possession. Like-wise, historically, Ethiopian Orthodox Tewahido Church (EOTC) has occupied Jan Meda in Addis Ababa, Jan Tekel in Gonder, Jan Meraki in Lasta, Jan Terara in Sayint and King Zerea-Yaikob Square in Shewa, and so on ... with possession rights over the lands mentioned here in above.

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<sup>11</sup> "Black's Law Dictionary St. PAUL, MINN., 1999."

<sup>12</sup> "Constitution of Federal Democratic Republic of Ethiopia, Proclamation No. 1, Negarit Gazeta, Year 1, No. 1. Addis Ababa on December, 1995, Art.40 (7)."

<sup>13</sup> "The Ethiopian Civil code PROCLAMATION No. 165 of 1960, Art.1140."



**Photograph of Jan Tekel in 2017, E.C; taken from Ethiopian History & Tourism Page**

As it is known, the biggest Meskel Holiday Celebration, Epiphany, Ashenda Festivals, Ireacha, Ayiidde/Fichee Cambalaalla, Memory of Martyrs, victory of Adwa, Shuwalid Festival, etc are celebrated in Squares. Similarly, the Ethiopian Orthodox Tewahido Church (EOTC) holds about 270 parishes in the municipality of Addis Ababa, where Meskel Demera and Epiphany are celebrated. From those parish churches the Fourteen parish Churches' Tabotat (replicas of the Ark of the Covenant) is taken to Jan Meda exclusively by a priest of the parish church and escorted yearly by believers on the eve of Epiphany (Ketera).<sup>14</sup>

In relation to this, advocating for the celebration of such holidays in one place or Square is not the focus point of this study. But, while those events or holidays are going to be celebrated in one place or Square, it is obvious that claims in relation to possession rights may arise. Since, Religious, National and governmental festivals or Holiday celebrations have been held in Squares or specialized areas, the Government should have provided all legal documentation, land

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<sup>14</sup> "Taken from DW Amharic News, January 20, 2024, and January 18, 2025, G.C"

possession authentication and related norms directed toward peace and dispute resolution mechanisms.

Here, the EOTC has the rights to possess the squares, forests, schools, monasteries and rent shops. For instance, The EOTC was historically handed the land known as Jan Meda during the king Minilik the 2<sup>nd</sup>.<sup>15</sup>

Therefore, in order to solve land related possession right disputes, the researcher intended to examine the available legal frameworks and the other customary dispute resolution mechanisms.

## **1.2 Statements of the Problem**

The separation of state and religion is outlined in Art.11 of the Ethiopian Constitution. There are three elements to the article.

1. State and religious institutions are separated.
2. There is no state religion.
3. The state cannot interfere with religious matters and religious institutions cannot interfere with state matters.

Because of the clear separation of church and state, there is no example of a state or federal government owning a church property. As such, work in churches is always private and rights to land possession held by a church, benefice, or religious house; land vested in an ecclesiastical body.

As we know, Meskel Holiday and Epiphany have been celebrating for a long period of time in Ethiopia, particularly in Meskel Square and Jan Meda in Addis Ababa. In relation to this, these holidays got universal acceptance and were registered as Intangible World Heritages by the United Nations Educational, Scientific and Culture Organization (UNESCO). However, according to the above clear separation of the church and state, there is no Legal precedent for when a state or federal government will own property possessed by a church.

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<sup>15</sup> "an official Letter written to the mayor of Addis Ababa city administration By His Holiness Abune Matthias I, Patriarch of Ethiopia, Ref.No.ል/ድ/322/180/2010, Date 12, 8, 2010, E.C"

To emphasize, the Ethiopian cultural policy of 2016, G.C states in Part II (2.1.1) that The Cultural, Historical and natural heritages of Ethiopian`s nations, nationalities and peoples shall be studied scientifically in their respective fields, identified, registered, preserved and accorded official recognition.

Furthermore, according to Gezahegne Girma, major public meeting places and squares in cities and towns around Ethiopia are named after celebrations. For example, they are known as Meskel Squares. These squares served as cultural spaces and sacred places where the Demera ignited and colorful celebrations took place.<sup>16</sup> This implies that cultural heritage and their places of celebration are inseparable from one another, and they are considered as part and parcel of world Heritage.

On the other hand, The Meskel Square and Jan Meda are used often for other secular purposes. Concerts, carnivals, car races, Athletics and various other government and public events are held there. In addition to these, political parties often hold assemblies in the Square.<sup>17</sup>

Then again, the last three years (2013 – 2016, E.C) after the reconstruction or renovation of the Square, those areas have been becoming bone of contention because; the other religious fathers and political officials questioned and claimed the possessory right over those places. Similarly, related disputes also happened all over Ethiopia. For instance, in Gamo-Gofa Zone, similar events have taken place.<sup>18</sup>

Over the last three years, there have been severe land possession concerns surrounding Meskel Square and Jan Meda. The EOTC is unable to peacefully celebrate major holidays such as Meskel (Demera) and Timket (Epiphany) due to lack of proper land possession over the places where these celebrations are conducted. For example, major problems were observed in Hadiya

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<sup>16</sup> "Gezahegne Girma, The registration of Meskel celebration, Ayiidde/Fichee Cambalaalla and Gedda system (Ireecha) as Intangible Heritages in UNESCO; the process and Benefits, By Ministry of Culture and Tourism Heritage, First Edition, Shala printing press, February, 2016, pp.80-89"

<sup>17</sup> "M.r Malede Wasihun, Taken From sub-section of Book, prepared by Department of Sebeka Gubae organizing unit under Ethiopian Orthodox Tewahedo Church patriarchate head Office for 40th year anniversary of the Sebeka Gubae organizing unit. October 11, 2019, E.C, P. 97"

<sup>18</sup> "Ethiopian Orthodox Tewahido Church, in Gamo-Gofa zone Diocese, Melokoza Wereda Laha Debre Sahel St.Michael Church parish Council by Ref. No.ላሀ/ደ/ሥነ/ቅ/ሚ/ቤ/ክ/3000/62/14, on Date,28/04/2014"

and Silte. In these specific locations, the EOTC was not able to celebrate its spiritual holidays of Meskel (Demera) and Timket (Epiphany) from 2013 – 2014, E.C due to land possession issues.<sup>19</sup> As a result, there is no guarantee to avoid such an incident in Addis Ababa. There were minimal signs which took place in Jan Meda during the occurrence of Covid-19 corona virus.

Many other events were conducted at Meskel Square as well as at Jan Meda, the church claiming that using the square exclusively was her right. For that reason, political shockwaves in the course of changing circumstances caused internal conflicts affecting social relations between religious institutions. In addition to this, grievances also led to increased tensions and religion-based conflicts related to land use rights.

Meanwhile, Federal Governments and city administrations including regional states, failed to bring a peaceful solution to disputes related to land possession use rights. Hence, no-one attempted to promote peaceful mediation of these disputes or to encourage peace building among the religious institutions. Therefore, the above problems and related predicaments encouraged the researcher to undertake this research.

Following the reform (2010, E.C), Meskel Square was built at a cost of 2.5 billion birr to accommodate 1,400 automobiles. In connection with this project, several official communication letters between church leaders and the government are mentioned below.

Furthermore, to demonstrate that Christianity is the main religion in Ethiopia, despite the presence of other religious traditions such as Islam and Judaism; Therefore, the role of the church in these national problems is crucial.<sup>20</sup>

In conclusion, this study attempts to investigate and explain rights to land possession and related disputes over Meskel Square and Jan Meda by identifying relevant property laws, policies and major issues.

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<sup>19</sup> "Public Statement released By Ethiopian Orthodox Tewahido Church of Hadiya and Silte Diocese, on Date,13/01/2014"

<sup>20</sup> Dr. Kelebogile Thomas Resane, "The role of the church in the land debate, Department of Historical and Constructive University of the Free State Scriptura Theology, 118 (2019:1), P.8"

### **1.3 Basic Research Questions**

The problems in this regard which pushed the researcher to undertake the study can be provided together with the next issues. Having this in mind, the following research questions are going to be formulated and answered in the study:

Research Questions:-

1. Why have land possessory right claims over Meskel Square and Jan Meda become source of disputes?
2. Who has the rightful possession of Meskel Square and Jan Meda?
3. What is the role of religious leaders and government officials in solving disputes over these contentious areas?
4. What possible solutions are available to solve such possession land disputes?

### **1.4 Objectives of the Study**

Research objectives describe concisely what the research is trying to achieve. This research therefore seeks to identify the EOTC rights to Land possession and her roles in Meskel Demera and Timket religious celebrations.

#### **1.4.1 General Objective**

The main objective of this study is to examine the rights to land possession of Meskel Square and Jan Meda in Addis Ababa City.

#### **1.4.2 Specific Objectives**

This study has the following specific objectives:-

1. To review and analyze the rights to land possession of the Ethiopian Orthodox Tewahido Church (EOTC) in relation to specific study areas according to the FDRE Constitution and other land related Laws;
2. To examine land possession disputes which arise among different religious institutions over Meskel Square and Jan Meda;
3. To assess the historical and legal rights to Land possession of Meskel Square and Jan Meda;

### **1.5 Significance of the Study**

This study will assist the Ethiopian Orthodox Tewahido Church (EOTC) administration (The Patriarchate Head Office) including other religious institutions in governing the values and norms associated with their rights to land possession.

It could help to other Future scholars studying Meskel Square and Jan Meda in relation to Ethiopian Law. Furthermore, it will educate the next generation on the rights to land Possession on two disputable sites.

### **1.6 Scope of the Study**

The scope of this study is limited to land possession rights over Meskel Square and Jan Meda. On the other hand, a general understanding of land possession rights is required for all religious institutions.

### **1.7 Research Methodology**

This study employs doctrinal research methodology based on gathering data. In the data gathering process, efforts will document relevant legal evidence together with the current issues over Meskel Square and Jan Meda in particular.

In addition to this, in depth interviews will be arranged using unstructured and structured questions with selection of the EOTC Addis Ababa Dioceses and Parishes staff members, Clergies, Spiritual fathers from various members of different religious communities and other concerned institutions like the Patriarchal Head Office, Center of Exhibition, Parish Churches and individuals related with this research.

Further information can be gathered from different legal books, articles, constitutional provisions, minutes, decisions of the Division of the Federal Supreme Court, magazines; news papers, letters, and online relating to land Possession rights on the case of Meskel Square and Jan Meda.

All data collected will be carefully analyzed using qualitative methods, in light of the legal literature. Information from different perspectives facilitates wider spectrum of views on the role of religions among believers.

### **1.8 Organization of the Study**

This study has five chapters. The first chapter deals with the introduction, background, the statements of the problem, Objectives and methodology of the research. The second chapter reviews the conceptual frameworks and literature reviews. The third chapter is devoted to critically analyzing Ethiopian legal frame work regarding land possession. Data and results were analyzed in the fourth chapter. The fifth chapter finally concludes with findings, conclusions and recommendations of the research.

## Chapter Two

### **2. Literature Review**

The Ethiopian Orthodox Tewahido Church has 54 dioceses inside the country and 39 dioceses outside the country, a total of 93 dioceses. The church is led by Patriarch and the Holy Synod. The Archbishops` synod chaired by the patriarch, makes decides on all matters relating to church administration.<sup>21</sup>

The church long time has been playing a major role in certain values for the progress of the country and people with the consideration of education, literature, fine arts, unity, safeguarding the environment etc.

In this regard, the researcher is interested to conduct a study on its land use right, which is becoming to be sources of dispute and affects her benefits and value of possessing the rights of land.

Consequently, this study focused on rights to land possession of the Ethiopian Orthodox Tewahido Church and accompanied disputes in the case of Meskel Square and Jan Meda; specifically it looked at the role of religious based associations in promoting peace in Addis Ababa, Ethiopia.

In the Ethiopian Orthodox Tewahido church, Meskel is a celebration of an annual Christian holiday that commemorates the discovery of the True Cross upon which Jesus was crucified by the Romans. The history goes back to the 4th century E.C, when the Roman Empress Helena made a trip to find the Cross. She ordered the people of Jerusalem to collect wood. Then, fire to the Demera and the smoke from a huge burning wooden pile would indicate the location where the cross was buried.<sup>22</sup>

Further, Meskel is the Celebration of the Finding of the “True Cross” by Empress Helena (Eelena) who was the Mother of Constantine the Great, the Famous Roman Emperor in 4<sup>th</sup> Century E.C, where as Timket has been celebrated commemorating the baptism of Jesus Christ by John the Baptist.<sup>23</sup>

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<sup>21</sup> Supra note 4, p. 391

<sup>22</sup> “The Ethiopian Orthodox Tewahido Church Faith, Order of Worship and Ecumenical Relations, first published in January 1995, P.69”

<sup>23</sup> Supra note 2, p. VII.

Besides, Epiphany is the time of the baptism of Christ by John the Baptist. On the eve of Timket priests from the city's churches gather at Jan Meda where they spend a night of celebration. The next day they are escorted back to their churches by the faithful, each caring the Tabot (a representation of the Ark of the Covenant) belonging to his church.<sup>24</sup>

The place of Jan Meda and Janhoi-Meda or Jan-Hoy Meda (meadow) race courses situated between Omedla and Russia Street, called by the public interchangeably. Jan Meda was cleared of trees and leveled by Emperor Menelik II in the year 1905 G.C. It now provides an extensive stadium for horse racing, military parade grounds, hurdle jumping, boxing, a football match or competition, tug of war and a race.<sup>25</sup>

A third of the realm's territory was given to the church as collateral as part of the agreement, to be kept forever. This is overstated, though; the church actually owns a relatively small fraction of the land. Each specific church or monastery owns the property; the corporate ownership has not yet been determined.<sup>26</sup>

The Kesegabaz office, which Menilek II had established, lost many of its duties when Decree No. 2 of 1942 was implemented. It stipulated that all church lands must pay taxes from the land cultivator instead of the government at the same rate as secular lands.<sup>27</sup>

However, the Solomonic Empire was rocked by revolution in 1974, and the Derg nationalized the entire nation's land, both rural and urban.<sup>28</sup>

The Derg promised the church a set percentage of the money it earned in land taxes as compensation for the revenue it lost due to the nationalization of the land. Additionally, it

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<sup>24</sup> "Addis Ababa a pocket Guide to Ethiopia's capital city, by H & L communication Ltd, 85/87 Jermyn street, London Sw1y 6JD England, first published in 1987, P.26"

<sup>25</sup> "The Mirror of Addis Ababa, by Authority of Addis Ababa municipality published on the occasion of the 58<sup>th</sup> anniversary of Imperial Majesty's birthday, in Berhanena Selam printing press, Addis Ababa, July 1950, p.133 & 163"

<sup>26</sup> "Aymro Wondmagenehu & Jachim Motovu, The Ethiopian Orthodox Tewahido Church, editors published via Ethiopian Orthodox Tewahido Church mission, Addis Ababa, printed by Berhanena Selam H.S.I printing press Addis Ababa Ethiopia, 30, June 1970, G.C, P.124"

<sup>27</sup> "Donald Crummey, Land and society in the Christian kingdom of Ethiopia, from thirteenth to the twentieth century, published by the Board of Trustees of the University of Illinois, manufactured in the USA, ©2000, P.240."

<sup>28</sup> Ibid, p.228

directed those monies through the patriarchate's administration, which then returned them to the provinces via the bishopric hierarchy. As a result, the formal episcopate was strengthened in comparison to the independent local endowed churches and monasteries that existed until 1974.<sup>29</sup>

In general, in Ethiopia, during private land ownership period pre-1975, public land ownership with usufruct rights only from 1975 – 1993 and public land possession with lease hold rights post 1993 took place under the law.<sup>30</sup>

Therefore, the nationalization laws of 1975 greatly influenced the Ethiopian Orthodox Church's organization. The patriarchate, as a prominent national institution, was heavily influenced by the party. The emperor had made the church somewhat political. This was further extended by the Derg.<sup>31</sup>

## **2.1 The Possession and Classification of the Land Regimes**

As revealed by Hiruy Wubie, Occupancy is a mode of acquiring that belongs to nobody previously. It is done by taking possession with intent of becoming possessor/owner of the thing. In fact, if the taking of possession is lawful, the one who takes possession becomes in all respects the owner of what is taken.<sup>32</sup>

For this reason, the system of permit land possession existing before the coming of land lease holding proclamation No. 272/2002 was one mode of acquiring possession. Thus, land is one form of property that is a subject of possession regimes: private, communal and state.

### **2.1.1 Private Land Possession Right**

It is a property agreement where total and unique rights are given to one individual (whether natural or artificial) or a specific group of individuals.<sup>33</sup>

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<sup>29</sup> Ibid, p.246

<sup>30</sup> “Wubshet Berhanu, Real Estate Developments and the Housing Supply Issue in Ethiopia, Case studies from Addis Ababa, Journal of the Ethiopian Engineers and Architects (EEA) published annually by faculty of technology Addis Ababa University, December 2004.”

<sup>31</sup> Ibid, PP.246-247

<sup>32</sup> “Hiruy Wubie, Property Rights of the Ethiopian Orthodox Tewahido Church over Objects under its Custody, Faculty of Addis Ababa University, Addis Ababa, June 2006, P.6”

<sup>33</sup> Daniel W.Ambaye, “Land rights and expropriation in Ethiopia, Springer theses or recognizing outstanding PhD research, Stockholm, October 2015, P.30”

### **2.1.2 Communal Property**

In contrast to the right to own land privately, the right of possessing communal land is a distribution of property rights that benefits a group of users. In this situation, no one person has the power to control and dominate all resources.<sup>34</sup>

### **2.1.3 State Ownership of Land**

The 1960 Ethiopian Civil Code under Articles 1444-1459 presents the nature and status of public lands in urban areas.<sup>35</sup>

Terms such as public ownership, collective ownership, and government ownership are used to explain state ownership of land. The 1960 Ethiopian Civil Code utilizes the term "public domain" for the identical aim. In this discussion, they will be used interchangeably as required. The idea is that, despite the fact that the land is owned by the state, the goal is to utilize it for the benefit of society as a whole.<sup>36</sup>

During the time of the Ethiopian monarchy, land that is not owned privately or by the church is automatically classified as belonging to the government or designated as public domain.<sup>37</sup>

## **2.2 Church Land**

The Ethiopian Orthodox Tewahido Church has received the most state land grants since it was founded in the early fourth century in Axum. Historical records indicate that grants continued to be made until the 21<sup>st</sup> century, when the church allegedly possessed one third of the country's land prior to the 1974, revolution.

Church land, commonly called "Semon" belongs to functionaries, ladies of the nobility and other persons who have requested the government to transfer their holdings to this system. John M.Cohen in his classification of Land Tenure found that from the types of Land Tenure, Church Land tenure is one. As he said, St. Abune Tekle Hayimant made a bargain with the

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<sup>34</sup> Ibid, P.31

<sup>35</sup> Ibid, P.35

<sup>36</sup> Ibid, PP.33-34

<sup>37</sup> "Land ownership in Hararge Province, Agricultural Economic and Business Imperial Ethiopian collage of Agricultural and Mechanical Arts, Haile-Selassie I University, June 1966, P.9"

reestablished Solomonic line in the thirteenth century which ensured that one third of the country would be given in perpetuity to the Church.<sup>38</sup>

This generosity of the state was subsequently included in the Fitha-Negest in section 44, Chapter 3, No.4, Page 520. In this Book of Justice of Kings, Church Lands had the highest privilege of exemption from tribute payments and land taxes.<sup>39</sup>

However, this does not mean that those who farm the church land would not have to pay land tax whereas; they held the same amount of responsibility as any other commoner. This implies that the church would receive the tax and tributes from the land cultivator instead of the government.<sup>40</sup>

The government has approved that the land tax given to a church, if transferred to the clergy, must be paid to the church's treasury and not used otherwise. The money will be used to expand the church, support its schools, and fund its charitable activities as outlined in Negarit Gazeta 2<sup>nd</sup> Year, No.3, November 30<sup>th</sup> 1935/1942, Decree No.2 of 1942.<sup>41</sup>

### **2.3 Public Purpose**

An examination of laws in various countries shows that the concept of public purpose is referred to by different terms. In the United States, it is called "as public use," In Europe it is referred to as "public interest," and in Ethiopia it is termed "public purpose." However, despite their diverse scopes, they all have the same goal.<sup>42</sup>

From a property rights standpoint, another important aspect of the public purpose concept is that private property seized from an individual cannot be given solely for personal use. The transfer should result in some type of advantage for either the entire society or a portion of it. Therefore,

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<sup>38</sup> "John M.Cohen, Land and Peasants in Imperial Ethiopia: AAU Ethiopian Collection, 1975, P.45"

<sup>39</sup> Supra note 33, pp. 43-44

<sup>40</sup> Ibid, P.44

<sup>41</sup> Supra note 37, p. 8

<sup>42</sup> Supra note 33, p. 170

the public objective will be defined by achieving a fair equilibrium between the societal concerns and those of the individual. The necessity for public purpose or use means that private property can only be taken if it benefits society as a whole, not just one person.<sup>43</sup>

From the very beginning, there is no public purpose over another public purpose. As researcher`s understand, Meskel Square and Jan Meda, at their very nature, serve as public purpose. Meaning, a large and huge population of Ethiopia and different worldwide tourists come to celebrate and watch Meskel Demera and Epiphany, whereas, the Mayor of Addis Ababa city administration took the rights of land possession of Meskel Square and Jan Meda by regulation No.163/2016, Art.13 (6) under the pretext of public purpose.

The essence of use of private property for public purposes does not affect converting it to a public property. Though cultural heritages owned by the Church belong to it as private property, it should not be denied that they are heritages of the public in general.

Therefore, the public is interested in ensuring their protection. Imposing necessary restrictions on owners can ensure the protection and sustainability of cultural heritage, to benefit future generations while respecting public interest. Considering everything as public domain and restricting the owners from exercising property rights over their private property is completely prohibited.<sup>44</sup>

Before the issuance of regulation No.163/2016, Meskel Square and Jan Meda were under actual control and exercise of EOTC for the Celebration of Meskel Demera and Epiphany. This fact cannot be denied due to the mere absence of certification. If Meskel Square and Jan Meda were under the rights of land possession of Addis Ababa city administration, at the time, it would not require issuing new regulation authorizing the Urban Beautification and Green Development Bureau to own title deed and manage it. This indicates the systematic denial of EOTC rights to land possession.

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<sup>43</sup> Ibid, P.171

<sup>44</sup> Supra note 32, p. 34

## 2.4 Nature of Disputes over Meskel Square and Jan Meda

There is dispute between different religious groups on the one hand and between religious groups and government institutions on the other hand. Consequently, the Addis Ababa Orthodox Tewahido Church Diocese, Mosque leaders, and Protestant churches are the primary competing religious groups regarding worship and ceremonial locations.<sup>45</sup> Churches, Prayer houses, Mosques, Shrine and Synagogues have been serving as Worship Places in Addis Ababa for different religious groups and cult practices.<sup>46</sup>

A Public Place, like Jan Meda, is called “Ye Beal Bota” or “Ceremonial Place,” while public places like Meskel Square are called “Adebbaye” meaning “meeting places” where many streets meet, and people gather for different ceremonial occasions.<sup>47</sup>

Meskel Square and Jan Meda are appropriate public venues for hosting these celebrations. Nevertheless, these communal spaces had been functioning as typical ceremonial locations for the Orthodox Tewahido Church. However, major conferences were planned by the protestant churches for Tahisas 1987, E.C, in Jan Meda and for Miyazia 1987, in Meskel Square, among other locations.<sup>48</sup>

This situation made the Orthodox Tewahido Christians' followers very angry. Because, the Orthodox Tewahido Church scholars believe that places where baptisms and other ceremonies take place are just as sacred as other places of worship in the Church, which is why worship for other Non-Orthodox religions are not allowed.<sup>49</sup>

The researcher understands that the people's feelings and perceptions towards ceremonial worshiping places are different. Therefore, the stories about different geographical areas serve as

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<sup>45</sup> Supra note 2, P.107

<sup>46</sup> Ibid, P.81

<sup>47</sup> Ibid, P.80»

<sup>48</sup> Ibid 2, p.110

<sup>49</sup> Ibid

a significant way to highlight one's uniqueness by employing the religious and cultural terminology associated with specific locations like Awde-Mihret, Yebete-KristianYizota, Yebeal-Bota, etc.<sup>50</sup>

In a report to the Ethiopian government on January 21, 1995, E.C, Police Commissioner Ato Workineh Gebeyehu and his deputy Ato Hassen Shifa stated that legal action would be taken against troublemakers, but emphasized the need for immediate land policy to prevent religious conflicts.<sup>51</sup>

The Orthodox Tewahido Church has infused spiritual meanings into places of worship and ceremony such as Awide-Mihret (land of Mercy), Yebal-Bota (sacred space), Yebetekristian-Yizota (church's property), etc. These serve as ideological tools to protect their worship and ceremonial spaces and distinguish themselves from others.<sup>52</sup> Generally, the act of EOTC symbolically taking over locations based on her religious and public values is a basis for asserting control over worship and ceremonial sites.<sup>53</sup>

## **2.5 The History of Meskel Square and Jan Meda for the period of the Imperial Era**

### **2.5.1 Meskel Square**

Addis Ababa, the capital of Ethiopia, is situated on the country's plateau at an elevation between 2,200 to 2,500 meters above sea level.<sup>54</sup> Meskel Square in Addis Ababa links six important roads in the city. The square is made up of a wide road and tiers of seats that hold up to 300,000 people, all well constructed and surrounding the road.<sup>55</sup>

According to John Graham, in his Ethiopia, off the Beaten Trail, in 2001, Meskel Square is described as stunning, awe-inspiring, and a fantastic focal point for the city. In the time of Menelik II, Meskel Square was called Ras Birru Meda and was just a simple meadow where the

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<sup>50</sup> Ibid, P.113

<sup>51</sup> Ibid, P.117

<sup>52</sup> Ibid, P.136

<sup>53</sup> Ibid, P.137

<sup>54</sup> Supra note 24, P.21

<sup>55</sup> Supra note 2, P.105

Emperor often watched his armies' parade. The sides of the Square are lined with imposing walls and monuments decorated for the anniversary of Revolution Day under Ethiopia's military socialist government.<sup>56</sup>

In the past, on January 24, 1905, E.C, a military demonstration was held in the presence of King Abeto Eyasu, in front of the residence of Ras Biru Wolde-Gebreale, who served as Emperor Menelik's Minister of War.<sup>57</sup>

### **2.5.2 Jan Meda**

The origin of the name "Jan Meda" comes from two Amharic terms; "Jan" and "Meda". The term "Jan" originates from the word "Jano" used for the traditional red garment (Shema), while "Meda" directly translates to meadow or open space. Building shelters using Jano clothes in the meadow would result in the area being named Jan Meda.<sup>58</sup>

Addis Ababa has 74 multipurpose baptismal locations. In addition to being used for Baptism, these locations also function as aerodromes, football fields, motorcycle racetracks, marketplaces, grazing areas, horse racing and training facilities, monastery compounds, Park Forest areas, and more. Jan Meda in Addis Ababa is a vast meadow covering 259,250 square meters, known for its historical and political significance as a national baptismal site.<sup>59</sup>

In Ethiopia, there are numerous sites named Jan Meda where during feudal Ethiopia, the aristocrats utilized the Jan Meda regions for plotting against government officials and monarchs. As a result of this, Menilik agreed to his wife's suggestions, leading to Jan Meda becoming Ethiopia's first official national baptismal site in 1887, E.C.<sup>60</sup>

As discussed above, in the time of Menelik II, Jan Meda was utilized by aristocrats and nobles to scheme against officers by setting up tents made of Jano clothes. Empress Tayitu suggested to

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<sup>56</sup> Ibid, P.106

<sup>57</sup> Supra note 9, p.52

<sup>58</sup> Supra note 2, pp. 102-103

<sup>59</sup> Ibid, P.102

<sup>60</sup> Ibid, P.103

Menelik II to turn Jan Meda into a Baptismal place to prevent the frequent conspiracies causing trouble in the court.<sup>61</sup>

Prior to 1887 E.C, the original location for the baptism ceremony was a spring located at the base of Entoto Mountain called Hamus-Gebeya. Then, even though the event took place at Jan Meda, the baptism occurred at Ginfle River, close to the current French Embassy Compound. Following the baptism of the congregation in the river, the Tabots were then transferred to Jan Meda. The rest of the ceremony took place at Jan Meda.<sup>62</sup> Due to the absence of pools and piped water at Jan Meda, believers had to travel to the river and then return to Jan Meda to complete the ceremony.<sup>63</sup>

In 1936 E.C, Emperor Haile-Silassie authorized the construction of a baptismal pool with piped water, the area to receive electricity, and the erection of a statue showing the baptism of Jesus by John the Baptist. An iron perimeter was built surrounding the pool as well.<sup>64</sup>

## **2.6 Meskel Square and Jan Meda during the Derg &EPRDF Regime**

Meskel Square is a city square open to the public in Addis Ababa, Ethiopia. It is commonly used for public assemblies or protests as well as for organized religious ceremonies, such as the Meskel celebration that it is named after. The name Meskel Square was given by Emperor Haile-Selassie for the first time, and since then, it has been used as the official location for the ceremony. Following the fall of the Emperor in 1974 G.C, Meskel Square was renamed Revolution Square, and during EPDRF, the previous name was reinstated.<sup>65</sup>

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<sup>61</sup> Ibid

<sup>62</sup> Ibid P.104

<sup>63</sup> Ibid, P.104

<sup>64</sup> Ibid

<sup>65</sup> Ibid,P.106



**Photograph of Meskel Square in 1977, E.C; taken from Tarikn Wedehuala Page**

Before the Meskel ceremony moved to Meskel Square, it was held in front of St. George Church near Menelik II Square. In the year 1968 E.C, the location of the ceremony was moved from Meskel Square to the open field located in Piazza near the municipality building. One year later, the Meskel ceremony had restored its original significance.

Between 1969, and 1991, Meskel Square was utilized for commemorating both Meskel and Revolution Victory Day, with crowds gathering to join in the festivities. It was significantly expanded to accommodate the annual Revolution Day and May Day (International Labor Day) celebrations on 12 September and 1 May respectively.<sup>66</sup>

In this expansive and impressive natural amphitheatre, large gatherings and additional events are organized annually in September to commemorate the Ethiopian Revolution. The Square is prominently decorated with large paintings of the three communist leaders Marx, Engels, and Lenin, as well as Ethiopia's leader, Comrade Mengistu Haile Mariyam. The Addis Ababa

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<sup>66</sup> Ibid

Museum, located at one end of Revolution Square, was originally the home of Ras Biru Wolde-Gebreale, a former nobleman and Minister of War for Emperor Menelik.<sup>67</sup>

In this scenario, Meskel Demeras was still being lit there for a few years, with the Patriarch of the Ethiopian Orthodox Tewahedo Church taking over the emperor's role in burning the Demera. From 1988 to 1991, the government, which officially did not believe in any religion, instructed the Meskel celebration to be relocated to the small square outside the southern gates of St. George Cathedral.<sup>68</sup>

As far as Jan Meda is concerned, after the Derg military government came to power, the significant material cultures of this baptismal site were destroyed. The Iron Precinct was robbed; the images of Jesus and John the Baptist etched on the Stone tablets, the engravings on the pool, and the vegetation surrounding the pool were all ruined.<sup>69</sup>

Further, in 1994 E.C, the EOTC repaired the Jan Meda's damaged areas from the Derg Regime, including its baptismal pool. To enhance the ceremony, new buildings and statues were also built.<sup>70</sup>

### **2.7 After the Recent Reform (2010, E.C)**

After the reform (2010, E.C), Meskel Square was built at a cost of 2.5 billion birr to allow parking of 1,400 cars at the Meskel Square of the Prosperity Government. At this time, the leaders of the church made a request and submitted a complaint to the government stating that the Square was registered as a World Heritage site along with the ceremony. The previous mayor, Engineer Takele Umma, stated that it was a mistake to build the Square without permission and asked the church to participate in the appeal by apologizing to the church.

Afterward, the Square's refurbishment finished on June 6, 2013, E.C and was unveiled by Prime Minister Abiy Ahmed. As reported in the media, after Prime Minister Abiy Ahmed said that the

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<sup>67</sup> Supra note 24,P.94

<sup>68</sup> “Blaten Geta Mahiteme-Silasse Welde-Meskel, Zikre-Neger, 2nd Edition, Addis Ababa, 5 March, 1962, P.243 or 535”

<sup>69</sup> Supra note 2,P.104

<sup>70</sup> Ibid

Square belongs to everyone; The Mayor of Addis Ababa City, Mrs. Adanech Abebe, added that a lot of people in our community asked questions about who owned the Square.

There is the evidence in written form to the above-mentioned public speech by Prime Minister Abiy Ahmed, Mrs. Adanech Abebe Mayor of Addis Ababa City and other Government Officials. These are the following:-

1<sup>st</sup>. In reference No.4100/11/19/2013, on date 2/10/2013, E.C, the Archdiocese requested the government in a letter to stop the acts of violence in Jan Meda and other places of worship.

2<sup>nd</sup>. Reference No.ፈዋፄ/143/2014, on date 15/06/2014, E.C, followers of the Wake Fana faith in the city stated that its ancient name was Huleqo-Korma and a request was made to celebrate the Hora-Finfine festival in this Square and give them a certificate of ownership.

3<sup>rd</sup>. Through a letter with Reference No.HP/083/021 dated April 20, 2013, E.C, Halal Promotion requested permission to prepare an Iftar schedule on May 1, 2013, E.C at Meskel Square. In addition to this, on September 11, 2014, E.C, the Supreme Council of Ethiopian Islamic Affairs submitted a written request to the Mayor of Addis Ababa for equal use of the Square.

4<sup>th</sup>. Once again, in the letter of Ethiopian Orthodox Tewhado Church Archdiocese with reference No. 3843/240/13 dated 28/8/2013, E.C, stated that Iftar should be organized in Addis Ababa Stadium and not in Meskel Square.

In general, the last three years have seen major problems in Addis Ababa, Ethiopia resulting from religious requests of rights to land possession over Meskel Square and Jan Meda, including many other factors. The EOTC is unable to celebrate in peace its major holidays such as Meskel (Demera) and Timket (Epiphany) because of lack of proper land possession over the places where these celebrations are conducted. The church argued that she had the right to use both Meskel Square and Jan Meda exclusively; despite the fact that many other events were taking place in the locations.

For that reason, political shocks in the course of changing circumstances caused internal conflicts which affected the social relations between religious institutions. In addition to this, grievances also led to increased tensions and religious based conflicts related to land use rights.

Meanwhile, the federal governments and city administration have failed to bring a peaceful resolution to these conflicts related to land use rights. Hence, no one attempted to promote peaceful mediation of these conflicts or encourage peace building among the religious institutions.

This inevitably led to heightened inter-religious tensions and an increasing tendency towards confrontation, which can even result in violence. These developments are undesirable, and added efforts are required by religious leaders and local society to keep them in check.<sup>71</sup>

On April 16, 2014, Henry E. Smith stated that, basic possession involves persons, things, and a connection between the former and the latter that gives the possessor rights against a group of others. Therefore, in this research, I argue that possession shall tend to the former land holder and the later respectively.

In conclusion, this study attempts to investigate and explain the current federal and regional state of knowledge in the field of rights to land possession and related conflict resolution over Meskel Square and Jan Meda by identifying relevant land laws, policies and major issues.

## **2.8 EOTC's Historical Rights to Land Possession Concerning Meskel Square and Jan Meda**

Christianity, in numerous forms, is the dominant religion of Ethiopia, although it co-exists with other religious traditions such as Islam and Judaism. Therefore, the role of the church in this national crisis is beyond dispute, because, the church has a theological mandate to demonstrate and incarnate the love of Christ.<sup>72</sup>

With respect to this study EOTC is the legal entity (person) and the entity for which rights to land possession is claimed on Jan Meda and Meskel Square.

Yared Gebre-michael, (1958, E.C) in his study *identified that* Addis Ababa was founded on November 9, in 1879, E.C, at that time; the heart of Addis Ababa city was called Tulu Finfinea, " which means 'hills of Finfinea. Since then, Jan Meda, which has been an international horse

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<sup>71</sup> ‹‹Henry E. Smith, the Elements of Possession, on April 16, 2014,››

<sup>72</sup> Supra note 20, P. 8››

racing field during the reign of Emperor Minilik II, has been a place of recreation and pleasure for the people of Addis Ababa.<sup>73</sup>

The foreign governments that had diplomatic relations with Ethiopia, frequently, organized horse racing competitions and Emperor Minilik II attended and rewarded the winners. From the reign of Menelik II up to the reign of the 1<sup>st</sup> Haile-Selassie, Jan Meda was not distinguished from horse racing competitions.<sup>74</sup>

In addition, it is necessary to remember that during the reign of His Majesty Emperor Haile-Selassie, this field got a great opportunity because, this field served as the second station of the Ethiopian airport after a place called Siga Meda and before Bolea Airport with the strength and dedication of Haile-Selassie I.

At this juncture, the writer Blatta Mersie-Hazen Wolde-Kirkos, stated at this point that the Kebena River flowed nearby Ferensay Legasiyon, where most of the people of Addis Ababa celebrate the baptism worship. However, this place was steep, and the road was narrow. It was difficult to celebrate and show the practice of the ceremony properly, since, priests used Jan Meda to perform the worship at night and chant the hymn of thanksgiving. This year, however, His Majesty saw this situation and ordered that a special place be prepared with stone and cement to receive the water.

In this place, the obelisk was erected with a picture which shows Christ standing in the Jordan River with John baptizing him. After this time onwards, the priests brought the Tabot (replicas of the Ark of the Covenant) with them in the evening of the next day and placed it in the tent that Jan Meda had already set up.<sup>75</sup>

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<sup>73</sup> "Yared Gebre-Michael, Come to Addis Ababa in reputation, Birhan Ena Selam printing press, on February 30, 1958, E.C, PP.55-57"

<sup>74</sup> Supra note 68,P.242

<sup>75</sup> "Blatta Mersie-Hazen Wolde-Kirkos, A short description in 1936 E.C, The Ethiopian Epiphany Ceremony held at Jan Meda open space, Unpublished, Found in Ethiopian National Archives and Library Agency, Catalog No.63.1.46.27."

The Book, called Mirror of Addis Ababa says that, the present site of Addis Ababa was chosen in 1878 G.C. In 1870 G.C, Emperor Menelik II had set up the Government's seat on mount Entoto, a few miles north of the present city of Addis Ababa. Before, the original name of the site of Addis Ababa was Phinphinnie due to the hot springs found on the site.

After the foundation of the city, during the reign of Haile-Selassie, there were a number of principal avenues, streets, roads and squares or memorial sites. the squares were like:-

1. Constitutional Square; around house of peoples representatives (HPR).
2. Haile-Selassie I Star square; situated in the heart of the city around Piassa.
3. Independence Square near Black Lion Hospital; in opposite the railway station.
4. Menelik II Square; facing St. George's Church.
5. The Mexico square; located in Addis Ababa, formerly named Mychew Square.
6. Miyazia 27 Square; the so called Meagabit 28 Square during Derg era, at 4 Killo.
7. Yekatit 12 Square; at 6 Killo.
8. Yekatit 23 Adwa Square; around Kasanchis.<sup>76</sup>

The Book also explained Jan Meda was a vast area cleared of trees and leveled by Emperor Menelik II in the year 1905 G.C. It now provides an extensive stadium for horse racing, a race, military parade ground and football field.<sup>77</sup>

On the other hand, Tajebe Beyene in his Book named Addis Abeba Tinager, page 132; says Addis Ababa has not a place to celebrate holidays and to welcome its guests. In due time, the Derg regime built the so called Abiyot Square on September 2, 1968, E.C and opened it for anniversary of Abiyot event.<sup>78</sup>

In relation to study areas, a book named Addis Ababa, A pocket Guide to Ethiopia's Capital City states that Meskel (the discovery of the actual cross) on which Christ was crucified occurred on

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<sup>76</sup> Supra note 25, PP 2 &34

<sup>77</sup> Ibid, PP.2, 6, 34, 133 & 163»

<sup>78</sup> "Tajebe Beyene, Addis Abeba Tinager, Artistic printing House, published in 1968 E.C. p.132."

Meskel Day. On the eve of Meskel, priests gather in Menlik Square to chant around a Demera, which is lit by the patriarch of the Ethiopian Orthodox Tewahido Church with his blessing.<sup>79</sup>

In order to strengthen the historical rights to land possession of EOTC it is important to examine some samples of newspapers existing during the regime. For instance,

1. On March 18, 1918, E.C, horse racing took place in Jan Meda in the presence of Queen Zewditu, successor to King Ras Teferi Mekonen and Nobles of Europe.<sup>80</sup>
2. Up on the presence of the Mayor of Addis Ababa City, Nesibu and at the first get of the great palace, Queen Zewditu, Meskel Demera was celebrated near hot spring with in governmental prepared tent.<sup>81</sup>
3. Even though Meskel Demera and Ethiopian Epiphany are celebrated in mass altogether in one area like Meskel Square and Jan Meda before the invasion of Italy, after the end of five years occupation the people were in deep condolence. For that matter, it was decided that those public celebration have to celebrate in different areas of their surroundings.

From the newspaper we can understand that both Meskel Demera and Ethiopian Epiphany were celebrated in Meskel Square and Jan Meda respectively in mass. But, after the war, it affected the society in life morally, and materially. As a result, the government decided to celebrate such public celebrations out of their original places.<sup>82</sup>

4. Addis Zemen Newspaper 2<sup>nd</sup> year, No. 21, edition, on September 16, 1935, E.C, announced that the celebration of Meskel had to be celebrated in each village. This was authorized by the then Mayor of Addis Ababa City. During that time, Meskel was celebrated near the residences of the people.
5. On January 10-12, 1935, E.C, in the celebration of Ethiopian Epiphany, ten parishes with their arks of covenant celebrated Epiphany in Jan Meda.<sup>83</sup>

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<sup>79</sup> Supra note 24, P. 27

<sup>80</sup> "Aemiro Newspaper, No.91, edition, published on March 25, 1918, E.C."

<sup>81</sup> "Aemiro Newspaper, No.117, edition, published on September 22, 1919, E.C."

<sup>82</sup> "Sendek Alama Newspaper, No.22, edition, published on September 20, 1935, E.C."

<sup>83</sup> "Addis Zemen Newspaper, No.38, 2nd year, edition, published on January 15, 1935, E.C."

6. Then, the same newspaper of 1937, 4th year, No. 22, on September 20, publicized the celebration of Meskel was celebrated in Jan Meda and nearby the compound of successor of the King. The celebration was organized and prepared by the Mayor of Addis Ababa City. Until 1974, time the celebration of Meskel showed that it celebrated at the status of the government and dispersed in different places of Addis Ababa City.
7. Likewise, on September 16, 1938, Meskel was celebrated nearby prince, the successor of Emperor Haile-Selassie as reported by Addis Zemen.<sup>84</sup>
8. In the same year, Epiphany was celebrated warmly at Jan Meda as mentioned in the Addis Zemen Newspaper.<sup>85</sup>

This demonstrates that both Meskel and Epiphany celebrations took place by the insistence of government officials including the Emperor. It is possible to infer that those places got recognition of government officials and the Emperor for the EOTC possession right since the government administrative body may not appear in such celebrations unless they accepted the celebration of Meskel and Epiphany in those places.

9. The Celebration of Epiphany took place in 1960, E.C, in Jan Meda was celebrated warmly upon the presence of the Emperor Haile-Selassie the 1<sup>st</sup>.<sup>86</sup>
10. Addis Zemen Newspaper of 1960, 27<sup>th</sup> year, No. 953, on February 9 reported that the government of Italy, in collaboration with the Ethiopian government, displayed industrial products as exhibit in Meskel Square. This shows that Meskel Square was not only a place of religious celebration rather it also could be used for different government festivals, a center of exhibition etc.<sup>87</sup>

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<sup>84</sup> “Addis Zemen Newspaper, 5th year, No. 22 Edition, published on September 19, 1938, E.C.”

<sup>85</sup> “Addis Zemen Newspaper, 5th year No. 38, Edition, published on January 11, 1938, E.C.”

<sup>86</sup> “Addis Zemen Newspaper, 27th year, No. 930, edition, published on January 10, 1960, E.C.”

<sup>87</sup> “Addis Zemen Newspaper, 27<sup>th</sup> year, No. 953, edition, published on February 20, 1960, E.C.”

11. During the Derg regime, on September 2, 1968, E.C, the name of Meskel Square was converted to Abiyot Square. But, the celebration of Meskel Demera in the Square was continued. In the same year, the Derg regime celebrated the downfall of the monarchial kingdom.<sup>88</sup>

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<sup>88</sup> ‹‹Addis Zemen Newspaper, No.807 & 808, 35 & 36<sup>th</sup> year, edition, published on September 2 & 3, 1968, E.C››

## Chapter Three

### **3. Laws and Rules Governing Rights to Land Possession over Meskel Square and Jan Meda**

Different religious institutions, including the Ethiopian Orthodox Tewahido Church, have legal protection from laws and rules defining rights and duties. In order to demonstrate that one can notice various laws as promulgated by the government of Ethiopia during the monarchial, DERG and EPDRF regime.

- For instance, as per to Ethiopian civil code Art.398, The Ethiopian orthodox Tewahido church is regarded as a person and she can have and exercise through her organs, all the rights which are vested upon her by the administrative laws.<sup>89</sup>
- Under Article 492 of the New Criminal Code, the disturbance of a religious ceremony and the profanation of places, images or objects used for religious ceremonies are forbidden.
- Besides, in accordance with the new Commercial Code of the Federal Democratic Republic of Ethiopia, Art.4 (1), the religious institutions are exempted from limitations applying to ordinary traders.

#### **3.1 The Rights to Land Possession of EOTC under Decree No. 2 of 1935, E.C**

Ethiopian Kings and members of the nobility gave parcels of land for the service of the churches and monasteries throughout the country.<sup>90</sup> Since then, the reign of king Haile-Silassie has enacted The Negarit Gazeta 2<sup>nd</sup> Year, No.3, on November 30<sup>th</sup> 1935, Decree No. 2 of 1935, which legally recognizes the church`s land use rights.

Even though, it seems that, the EOTC had a strong relationship with the kingdom`s of the regime, there was no obvious written proclamation, decree, order or general notice related to the land holding system of the church. However, this decree, under Art.3 stipulates that any land given by the government to the church or in any way held by the Church and any income generated from this land holding is attributable to the church.

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<sup>89</sup> Supra note 26, P. 15

<sup>90</sup> “INTTONTA HAMARA NOH KIDANE MIHRET MONASTERY (1910-1974), Alemayehu Fanta, Addis Ababa University, on June 1995, P.34”

The decree under consideration in Article 8 declares any land or place found by law, in heritance, donation, sale and by any means acquired income from rent or in kind must wholly be used for church administration.

Even though, states have the sovereign right under international law to take property held by nationals or aliens for economic, political, social or other reasons; this action has to be in accordance with the law.<sup>91</sup>

However, as far as my reading goes, the decree is not cancelled, amended or repealed by another law. So, if the law is not clearly repealed, it is logical to say that the Decree approving regulation concerning the administration of the Church is in force.

In addition, the government approved that the land tax given to a church, if transferred to the clergy, must be paid to the church's treasury and not used otherwise. The money will be used to expand the church, support its schools, and fund its charitable activities as outlined in Negarit Gazeta 2<sup>nd</sup> Year, No.3, November 30<sup>th</sup> 1935, Decree No.2 of 1935, Arts, 1 and 2.

Thus, any income earned from rent or lease of Meskel Square and Jan Meda by the government should automatically fund church administration. But, recently, the city administration has collected income and has been using it for its own benefit. This is not legal.<sup>92</sup>

In this regard, John M.Cohen wrote that Semon Land, whether held by the Church, or by individuals serving the church carries no tax to the crown. This principle was confirmed by Decree 2 of 1935 E.C/1942 G.C.<sup>93</sup>

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<sup>91</sup> “Journal of Ethiopian Law, Edition 26<sup>th</sup>, No.2, December 2014, G.C, P.11”

<sup>92</sup> “The book of compilation of laws during the Imperial era, published by Birhanena Selam printing press, Regulation No. 10/1935, (19 62, PP. 536 – 565).”

<sup>93</sup> Supra note 38, P.240

According to Decree No.2 of 1935 E.C/1942 G.C, for the administration of all church lands, those who own church lands, should pay tax at the same rate as secular property and the office of the Kese-Gabaz, which Menilek II had established is stripped of many of its functions.<sup>94</sup>

For the most part, Art.8 of this decree stipulates that, the leader of the church (Alaqa) or the parish (Debir) shall be responsible for the collection of money which is paid to into the treasury of a consecrated church for the church as the result of vows, from donations or from offerings at memorial services for the dead and from any source of this nature, and for all other money that the church shall obtain from properly inherited property, rent or produce from land or sites received by gift or purchase, or by any other means or from shops and dwelling places. This money shall be paid to the church treasury and shall be used for church management, whereas, in 1974, revolution convulsed the Solomonic Empire, then; the Derg nationalized all land in the country, both rural and urban.<sup>95</sup>

As stated by Donald Crummey, in compensation for the income which the church lost in the nationalization of land, the Derg guaranteed to it a certain proportion of the income received in taxation from the land. It also channeled those funds through the office of the patriarchate, which in turn passed it back down to the provinces through the hierarchy of bishops. This strengthened the formal episcopate, vis-à-vis what had been until 1974, autonomous local endowed churches and monasteries.<sup>96</sup>

### **3.2 The Rights to Land Use Rights of EOTC Under General Notice No.230 of 1957**

The Negarit Gazeta 17<sup>th</sup> Year, No.6, December 30<sup>th</sup>, 1957, announced the land (Jan Meda) use right of the church under General notice No.230 of 1957. The charter allows the Ethiopian Horse Racing Club to use the land and even construct buildings upon authorization from the government. However, this charter under provision No.8 reads that the horse association has to keep the Janhoi-meda open to the public, free of charge, on occasions of religious celebrations

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<sup>94</sup> Supra note 27, P.240

<sup>95</sup> Ibid, P.228

<sup>96</sup> Ibid, P.246

and official functions deemed necessary by the government. When the association is dissolved, it will relinquish to the landowner the state domain.<sup>97</sup>

This indicates that the Jan Meda rights of land possession are in the hands of the government. Here, the role of association is only administering the Jan Meda area on behalf of the government. In this regard the charter obviously recognized only the church to use Jan Meda for the common celebration of Ethiopian Epiphany.

### **3.3 The Rights to Land Possession of EOTC Under Proclamation No. 229 of 1966**

According to the researcher's findings, next to the above General Notice No.230 of 1957; Proclamation No. 229/1966, promulgated for the protection and preservation of antiquities. This law was first enacted for the protection and preservation of antiquities, proclamation Number 229/1966; published in the Negarit Gazette 25<sup>th</sup> Year, No. 7, on January 29, 1966, G.C.

In the proclamation, the importance of cultural heritage unearthed in Ethiopia as witnessed to the country's history and culture, must be legally protected. But, in 1989, Proclamation Number 36 repealed this antiquities proclamation.

### **3.4 The Rights to Land Possession of EOTC Under Order No. 45 of 1966**

Subsequently, in order to implement Proclamation No. 229/1966; the Negarit Gazette No.17, 25<sup>th</sup> Year, Order No. 45/1966, was issued. Pursuant to Art.3 Sub art.2 of this order, an administration shall have, and shall pursue, the promotion and facilitation of the custody, repair, reconstruction and restoration of Ethiopian antiquities.

As a rule, the current administration is responsible for the maintenance of records concerning the discovery, location and possession of Ethiopian antiquities, as described under sub article 3 of the same provision.

Likewise, the present Ethiopian Cultural and Heritage Authority has a similar duty with the promotion, facilitation and maintenance of the cultural heritage of Meskel Demera and Epiphany celebration with their location as the heritages win the attention of UNESCO.

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<sup>97</sup> "General notice No.230 of 1957, the Negarit Gazeta 17<sup>th</sup> Year, No.6, Addis Ababa, on December 30<sup>th</sup>, 1957"

### **3.5 The Rights to Land Possession of EOTC Under Proclamation No.47 of 1967**

Regarding government ownership of urban lands and extra buildings, the Negarit Gazette 34<sup>th</sup> Year, No. 41, Proc. No. 47/1967, does not expressly declare ownership of church lands by the government. Instead, it clearly indicates that extra church buildings owned by the government are for the purpose of preservation of special payments per to Art.21 of the proclamation.

What the proclamation reveals is that the churches render religious services explicitly excluded from proclamation No.47/1967, according to Art. 47.

Actually, the main objective of the proclamation is:-

1. To improve the weak economy.
2. To construct urban based buildings with proper planning.
3. To create balanced economic distribution among society.
4. To reduce the price of rental properties.
5. To protect society from exploitation.

With respect to these parameters, directly or indirectly, the EOTC has no extra housing or land holdings without any religious functions. Hence, except as mentioned in Arts. 21 (1) and 44 of the proclamation, it does not publicly proclaim to own church land, including Meskel Square and Jan Meda.

To conclude, even though the DERG Regime took over the buildings of the church, it allotted budget funding as compensation directly from the government to the patriarchate head office. Consequently, the government took her possessory rights and compensated the church.

### **3.6 The Rights to Land Possession of EOTC Under Proclamation No.36 of 1989**

The following legislation established the framework for Ethiopia to preserve its cultural heritage published in the Negarit Gazette 49<sup>th</sup> year No.4 on October 7, 1989, G.C. of the transitional Government of Ethiopia, and was titled "Study and Protection of Cultural Heritage Proclamation Number 36/1989."

It declared in Article 4 (3) that a certificate of registration would be issued to the person who registered the cultural heritage or antiquities, not to any other third party.

Likewise, Article 6 stated that any person must protect the preservation of antiquities situated on land which has been provided to him in usufruct. This means that EOTC, as an artificial person, has land use rights over Meskel Square and Jan Meda, in regard to her Demera and Epiphany religious celebrations which are designated as World Heritage.

Overall, the goal of this antiquities proclamation was to research and protect Ethiopian Cultural Heritage, both tangible and intangible. Moreover, concerning religious antiquities, art.2 (f) of the proclamation defines the rights of a church, monastery, mosque or any other site of worship.

As a result, the provision appears to grant the EOTC and other religious institutions rights to land possession to use their specific worship places in exchange for legal protection from fraudulent acts.

Furthermore, the proclamation prohibits the nationalization of antiquities utilized for religious purposes, as stated in Article 12 (2). However, in 2000, Proclamation Number 209 repealed Proclamation Number 36/1989.

### **3.7 The Rights to Land Possession of EOTC Under Proclamation No.209 of 2000**

The recent Research and Conservation of Cultural Heritage of the Negarit Gazette 6<sup>th</sup> year No.39, Proclamation Number 209/2000, serves a similar purpose to previous antiquities proclamations, which proclaimed the study and preservation of Ethiopian Cultural Heritage, both tangible and intangible. For example, Article 20 of Proclamation Number 209/2000 specifies that any individual who gets land in usufruct is accountable for preserving the cultural heritage existing there.

This indicates the proper preservation of land possession on which cultural heritages are situated must get increased attention, including Meskel Demera and Epiphany, which have been registered in the World Cultural Heritage list.

### **3.8 The Rights to Land Possession of EOTC Under Ethiopian Civil Code**

In compliance with the Ethiopian Civil Code Art.1140, “Possession consists in the actual control which a person exercises over a thing.” This provision explains the two elements of possession

as stated by the Federal Supreme Court`s cassation decision bench in volume 15, File number 80241, Page 297. These elements are as follow:-

1. Actual control over a thing
2. Actual exercise over a thing

### **3.8.1 Actual control of the thing**

In fact, the EOTC has had actual control over Meskel Square and Jan Meda with the intention of using land in the center around Baptismal Lake (river) that is under the custody of EOTC by gate kipper for a longer period than the recent claimants.

This actual control is not only by period of time. But also there is an actual sign that signifies the places are controlled by EOTC. For example, in Meskel Square and Jan Meda, there is a sign "Meskel Demera and Castle "or "Monument of Epiphany" respectively. This cannot be denied or rebutted by anyone. Further, the actual control comes from the name of the square itself, which is "Meskel Square."

In this regard, the FDRE Supreme Court Cassation Bench provided a binding decision over lower courts in similar matters. Concerning actual control of possession of land, in this binding decision, the cassation bench stated that "land possession is an actual control over a thing in the absence of forgery or deceitful act."<sup>98</sup>

### **3.8.2 Actual Exercise of the thing**

When we come to the EOTC`s actual exercise of the places, there are various indications to demonstrate the EOTC actually exercises and uses the disputed land. For instance, EOTC celebrated Meskel Demera in Meskel Square on 16 September of Ethiopian Calendar. The same is true in Jan Meda that EOTC celebrated Ethiopian Epiphany on January 10 to 12 in the Ethiopian calendar.

These religious spiritual celebrations in those places have never been objected to by the government. Likewise, only recently, different religions started asking to use the disputed places for their followers.

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<sup>98</sup> «Ethiopian federal Supreme Court cassation bench, File No.36645, vol.9, Date, 11/3/2001, E.C, p.31»

In history, there is no such intention on the places by the groups. Besides, EOTC properly reports and publishes that the religious acts of worship in Meskel Square and Jan Meda could be accessed by everyone and become fruitful for registration as a World Cultural Heritage and became a source of income and image building for the country.

To sum up, when the Pope and archbishops died, their funeral ceremonies took place in Meskel Square. This indicates the EOTC exercises control over the disputed land. Pursuant to Article 1142 of Ethiopian Civil Code, "The possessor shall not lose his rights where he is temporarily prevented from exercising control over a thing" In light of this provision, due to the reconstruction and renovation of Meskel Square and Jan Meda, the EOTC shall not lose her possessory rights for the reason of temporary prevention.

Assuming the above legal provision, Sisay Alemahu said that; "any limitation or infringement of the right to property not justified by public interest and not in accordance with appropriate laws is basically in violation of the right."<sup>99</sup>

### **3.9 The Land Possession Rights Under the Constitution of The Federal Democratic Republic of Ethiopia**

According to the FDRE Constitution Art.40 (3), all urban and rural land is the property of the state and the Ethiopian people. Consequently, the sale, exchange or mortgage of land is prohibited.<sup>100</sup>

Per FDRE Constitution Art.51 (5), the power to enact laws for the utilization and conservation of land and other natural resources, historical sites and objects is provided under the constitution to the federal government. In this regard, urban land lease proclamation No.721/2011 was brought into existence.<sup>101</sup>

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<sup>99</sup> "Sisay Alemahu Yeshanew, The Justifiability of Economic, Social and Cultural rights in the African Regional Human Rights system Theories, Laws, Practices and prospects, Abo Academy university press, 2011 G.C, p.233"

<sup>100</sup> Supra note 33,P.63

<sup>101</sup> Ibid, P.66

### **3.10 The Land Possession Rights Under Urban Land Lease Proclamation No.721/2011**

According to this Urban Land lease proclamation No.721/2011, Art.2 (1), lease is the only manner of a land holding system in urban Ethiopia and, except for those lands which were acquired before the coming of the lease system in 1993, it is prohibited to acquire land through modalities other than the lease system.

As it is possible to understand from the reading of these proclamations and preceding laws, before the coming of proclamation No.80/1993, land possessed by individuals was not compulsory under the lease system. Even after, it was not proclaimed that a land holding system existing before 1993 should be entered into the land lease system.

Therefore, in this particular instance, EOTC's rights to land possession over both Meskel Square and Jan Meda which it possessed before 1993 is deemed her permitted land possession right. To emphasize this idea, the proclamation No.721/2011 under Art.2 (18) exempted the old land possession right from the land lease system, said "old land possession" refers to a plot of land that was lawfully obtained prior to the urban center's implementation of the lease hold system or land that was given as in-kind compensation to those who were evicted from prior possession.

Thus, all land acquired and held during the Imperial Era and the Derg Era after that, an outside lease system will be considered as "old possession." Besides, replacement land given to possessors whose land was expropriated may also be considered as "old possession" since the land was given without lease contract.<sup>102</sup>

### **3.11 The Rights to Land Possession of EOTC Under the Regulation No. 163/ 2016 E.C**

Regulation number 163/2016 Art.13 (6) provides that places render services once a year, For instance, Meskel Demra and Jan Meda shall be issued with title deed by the name of urban Beautification and Green Development Bureau of Addis Ababa city on the behalf of EOTC.

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<sup>102</sup> Ibid, P.78

The same way, before this regulation number 163/2016, a minute No.8/98 of Addis Ababa city land development management board in agenda 1.22 (4/c) decided that the EOTC should have a title deed for 74 baptismal sites, including Jan Meda in the name of environmental authority. Whereas, the land possession right of public domain is not required to be registered in the register of immovables as clearly mentioned under Art.1578 of the Ethiopian civil code. This legal provision of the civil code is not repealed or amended in subsequent legal revisions. But, contrary to the above provision, the Addis Ababa City Administration issued recognition inconsistent with the civil code.

Despite the fact that the Previous Minutes of meeting No.8/98 of Addis Ababa City Land Development Management Board and regulation number 163/2016 prohibit providing title deeds for Religious Institutions and other individuals to areas where public celebrations occur once a year, in September, 2020 G.C/2012 E.C, the Addis Ababa City Administration, land Development and Urban Renewal Agency, formally issued a title deed for annually commemorated Irreechaa Ceremony.<sup>103</sup>

On the other hand, the Ethiopian Orthodox Tewahedo Church has prohibited the acquisition of rights to land possession pertaining to Meskel Square and Jan Meda, which it has retained for long period of time. This evidently illustrates the discriminatory actions and practices of the Addis Ababa City Administration.

Meskel Square and Jan Meda are public domains, which particularly EOTC believers have the highest attention in relation their Faith. As researcher's understand, Meskel Square and Jan Meda, at their very nature, serve as public purpose. Meaning, a large and huge population of Ethiopia and different worldwide tourists come to celebrate and watch Meskel Demera and Epiphany, whereas, the Mayor of Addis Ababa city administration took the rights of land possession Meskel Square and Jan Meda by regulation No.163/2016, Art.13 (6) under the pretext of public purpose.

This violates the principle of legal consistency, which requires the lower legislative hierarchy must comply with the upper hierarchy of the law. In this regard, the regulation No.163/2016, issued by Addis Ababa City Administration, allows issue of title deed over public domain which has no legitimate grounds.

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<sup>103</sup> "Available @Ethiopia Reporter, accessed on 20 Jan, 2025 G.C"

### **3.12 The Available Road Design Plan and Contract of Sale Concerning Meskel Square**

So to examine the rights to land possession over Meskel Square and Jan Meda, the researcher attempted to make a broad study.

In order to find the real possessor of the disputed areas, the researcher went to different governmental and religious institutions, including Addis Ababa City Municipality, the City Administration of Addis Ababa; the Government Developmental Organizations Authority, Exhibition Center and Market Development Enterprise, Addis Ababa City Administration Bureau of Youth and Sport, Federal and Addis Ababa Inter-Religious Council, patriarchate Head Office and Churches.

During the investigation, various newspapers, title deeds and sale contracts were found in different places of the research. Among these documents, contract of sale over a piece of land near Meskel Square concluded between the son of Ras Biru Wolde-Gebreale who was Emperor Menelik's Minister of War, Dejazmach Teshome Biru, and INTTONGO HAMARA NOH KIDANE MIHRET Monastery under the responsibility of the Patriarchate Head Office. In relation to this, different groups have been claiming rights to land possession on the Road Plan circulating on air via digital media, particularly regrinding Meskel Square.

While observing the contract that establishes the sale of land found near Flamingo Bar & Restaurant at Southeast and Saint Joseph School at Northwest was sold to INTTONGO HAMARA NOH KIDANE MIHRET Monastery by Dejazmach Teshome Biru. However, this contract of sale did not demonstrate the sale of Meskel Square to the parish church. Instead, it indicated that there was a piece of land nearby Meskel Square, which was not part of the square.

In advance, the researcher tried to find the Road Design Plan that was circulated on the air through digital media. Likewise, this, Road Design Plan was given to sell land mentioned above. The plan itself did not prove any land right over Meskel Square.

As a result, the available Road Design Plan and sale contract which claimed by the EOTC administration did not ascertain any rights to land possession over Meskel Square. Unless the EOTC administration proves the rights to land possession with other credible evidence or title deed, it would be difficult to claim possession.

Concerning Jan Meda, the EOTC has no credible title deed over any specific area of Jan Meda, including the place of the baptismal pool. This demonstrates that EOTC does not have complete rights to land possession to Jan Meda, as evidenced by the title deed.

### **3.13 The Effect of Title Deed in Public and Private Matters**

In private land possession right, one who claims rights of land possession has to present title deed to prove his possession right. The Ethiopian Civil code under Art.1195 reads the issue by the administrative authorities of a title deed to the effect that a given immovable belongs to a given person shall raise a presumption that such person is the owner/possessor of such immovable.

This provision provides that the one who has title deed can be presumed the possessor of the land. But, holding a title deed serves not only as evidence for being a possessor. Meaning, according to Article 1196 of the Ethiopian Civil code, that title deed can be rebutted and proven otherwise. For instance, FDRE Supreme Court Cassation Bench, by file number 36320, vol.9, ascertained that rights to land possession can be proven by other means without title deed.

On the other hand, concerning public domain, having title deed is not mandatory. In other words, a possession over public domain can be proven without title deed. In this context, The Ethiopian Civil Code under Art.1578 stipulates that the immovable which is not privately owned and those which serve for a public use shall not be registered in the Register of Immovable unless they are in relation to rights which need be registered.

Another, Churches are regarded as public domain According to Art.1446 (C) of the Ethiopian Civil code. With respect to this provision, the Ethiopian Federal Supreme Court Cassation Bench confirmed that a public domain that serves public use is not required to prove a possession right by title deed as in private land possession right.<sup>104</sup>

The reason behind proving land possession of public domain without title deed is to protect the interest of the public. Proving public land possession does not require the same degree of proof

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<sup>104</sup> "Ethiopian Federal Supreme Court cassation bench, File No.22469,Vol 6, on Jul 5,1999, E.C. and File No.36320,Vol 9, on October 18,2001, E.C"

that is required for private land possession right. Therefore, the EOTC which has actually controlled Meskel Square and Jan Meda for an extended period of time is not expected to present title deed of the disputed land possession.<sup>105</sup>

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<sup>105</sup> Supra note 33, P.30

## Chapter Four

### **4. Data Analysis and Results of the Research**

#### **4.1 Introduction**

This chapter analyzes and interprets the data. As explained in Chapter One, the researcher used Doctrinal methodology which includes legal review and analysis. As a result, the researcher identified major themes to analyze carefully, addressing objectives and basic research questions.

There have been major problems in the case of Meskel Square and Jan Meda, such as misconceptions, faulty assumptions, unguaranteed land possession right, data distortion, fabricated history and hate speech concerning Ethiopian Orthodox Tewahido Church land use rights. In order to address and overcome the above issues and basic research questions, the researcher critically analyzes official letters and interviews with legal provisions of the law.

#### **4.2 Official Documents and Archives on the Disputed Land**

1. EOTC claims that she is the exclusive possessor of Meskel Square and Jan Meda through her higher patriarch, archbishops, bishops and believers via official letters, statements and digital media. For instance, His Holiness, Abune Matthias I, Patriarch of Ethiopia, Archbishop of Axum, Echegue of the St. Tekle-Haymanot, wrote an official letter to the Mayor of Addis Ababa City administration that claims EOTC is the exclusive possessor of Jan Meda beginning from the regime of King Menlik II in 1887, E.C for the last 123 years with the intention of using land in the center of Jan Meda around Baptismal lake (river)<sup>106</sup> that is under the custody of EOTC by gate kipper.<sup>107</sup>

The letter of communication between EOTC and Mayor of Addis Ababa City Administration shows the intention of EOTC to possess the land under dispute. Art.1140 of the Ethiopian Civil Code also reads that Possession consists in the actual control which a person exercises over a thing which means, a possessor of the thing is under control with the intention to be the master thereof.

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<sup>106</sup> Supra Note,15

<sup>107</sup> "An interview made with Feleke Getu who is a gate kipper of Baptismal place in Jan Meda, on 9 April, 2016, E.C"

2. On April 22, 2012, E.C, there was a meeting between Addis Ababa City Administration higher officials and EOTC administration delegates. The goal of this meeting was the reconstruction and renovation project of Meskel Square. At this meeting, a document had been prepared and delegates on both sides signed and the delegates from EOTC questioned why wasn't the Mayor of Addis Ababa city informed before starting the project.

Then, the city administration higher officials responded let us consider the reconstruction and renovation of the project of Meskel Square in good faith.<sup>108</sup>

In the researcher's view, the EOTC's claiming land possessory right should not be passed over on mere saying of good faith because, due to the failure to give legal response over the disputed land possession, the issue has not been properly resolved. The EOTC objection is also backed by legal provision of the civil code under Article 1178 (1) says that Whosoever has erected a building on land the property of another against the clearly expressed will of the landowner shall have no right on such building.

On the other hand, the Ethiopian Federal Supreme Court Cassation Bench, file No.155720, given a binding decision that based on 1179 of the Ethiopian civil code, if the possessor of bare land has no objection, the building of a new house by another person on the possessor of bare land, both the new builder and the previous possessor of the bare land would have equal entitlement of possession.

However, concerning public land possession, it is not possible to create on another new possession right pursuant to Art.1455. It clearly states that property forming part of the public domain may not be acquired by possession in good faith or usucaption.

The basic reason behind this provision is to give protection for the interest of the majority. Because, Meskel Square and Jan Meda are public domains, which particularly EOTC believers have the highest attention in relation their Faith. As a result, the title deed that has been given for Addis Ababa sport commission is in violation of the above provisions.

3. Addis Ababa youth and sport commission issued with title deed in serial number 045493, Date 12/02/97 E.C. Beside, the Addis City Government Tenure administration transitional

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<sup>108</sup> "A minute held in a meeting, took place at EOTC patriarchate head office between the delegates of both sides on April 22, 2012, E.C"

period service project office wrote a letter to Addis Ababa Arada Sub City Tenure Administration Office, ordering to survey and give a title deed for Addis Ababa City Beautification & Parks Development Administration Agency by the name of Jan Meda festival site.<sup>109</sup>

Thereafter, the tenure administration prepared a digital title deed No.አ/12/37/7218/00/00 by the name of Jan Meda festival site and submitted it on 08/04/2005, as permitted land; but the title deed was not accessible to all.

This title deed overlapped with Addis Ababa youth and sport commission's title deed over the same place. So, from the examination of the data, it is possible to demonstrate that the working and procedure of the Addis City Government Tenure administration is not consistent and clear in land allocation because, it cancels title deeds again and again. This in turn creates mistrust in people and in the long run being a cause of dispute among the claimants of the land possession right.

To object to the issuance of the title deed to commission under EOTC, Addis Ababa diocese wrote a letter to the patriarchate head office to request the cancellation of the title deed given to Addis Ababa youth and sport commission.<sup>110</sup>

The implication is that the EOTC persistently settling her possession over the disputed land and objecting any issuance of title deed to other artificial persons. The problem is that proof of possession over immovable cultural heritages cannot be made through proving the existing right. What is going to be used as a proof of possession if an immovable heritage of the church is not registered and does not have a certificate? In the opinion of the researcher, the nature of the cultural heritage can serve as a means of proving possession over it. Out of the immovable cultural heritages of the church, church buildings and caves can be cited as examples.

Who else other than the Church can claim possession over these heritages? The State cannot do so since it is not in a position to own a sacred place of a single religious group. An individual cannot claim to be a possessor of such kind of immovable, which by its very nature is out of

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<sup>109</sup> "An official Letter written by Addis Ababa City Government Tenure Administration Transitional Period Service Project Office for Six Governmental Institutions, in Ref No.ዩ.አ.አ/975/2005"

<sup>110</sup> "An official Letter written by Addis Ababa diocese to the patriarchate head office, in Ref No.936/757/2012, Date 18/09/2012, E.C"

private commerce. Since nobody else other than the Church itself can claim possession over immovable cultural heritages of the Church destined for religious use in the Church, the nature of the heritage can serve as a manner of proving possession over cultural heritages where it cannot be proven by using the aforementioned means.

4. The city Government of Addis Ababa construction bureau agreed with EOTC to finish and complete the project before the Meskel celebration according to the bilateral agreement reached between the higher officials of EOTC and Addis Ababa city government bodies.<sup>111</sup>

This shows that the EOTC has a right to possession to celebrate Demera in Meskel Square. Due to the project reconstruction and renovation, EOTC must not lose or interrupt the celebration of Meskel at that place. As a result, the government reached consensus with EOTC higher officials. If EOTC has no possessory right over Meskel Square, the government doesn't require such agreement.

5. The EOTC General Manager wrote a letter to the then Mayor of Addis Ababa city engineer Takele Umma to portray an image of Demera of the Meskel that manifest the religion in the reconstruction and renovation process.<sup>112</sup>

Likewise, in order to follow and monitor the project with Addis Ababa city administration, EOTC organized a technique committee of five numbers that work in cooperation.<sup>113</sup> Such a request to Addis Ababa city administration denotes a belief that EOTC has possessory right of Meskel Square and has to have a sign or image that explains interest in the project of Meskel Square.

6. During the time of the Covid-19 Corona virus, Addis Ababa city administration permitted Jan Meda meadow to the fruit and vegetable traders to sell their products in order to avoid suffocation and body contact. Disappointed by the decision of city administration, EOTC

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<sup>111</sup> "An official letter written by Addis Ababa construction bureau, in Ref No.10/አ.አ/ኮቢ/21/182, Date, 14/09/12, E.C"

<sup>112</sup> "An official letter written by EOTC general manager to mayor of Addis Ababa city, Ref-No.4081/290/12, on Date 5/10/2012, E.C"

<sup>113</sup> "An official letter written by EOTC general manager to mayor of Addis Ababa city Ref-No.4107/290/2012, on Date 9/10/2012, E.C"

wrote a letter to the Mayor of Addis Ababa City requesting the removal of the market place and making it free.<sup>114</sup>

If the EOTC has no legal or better right than any other third person, she will not request such removal by the city administration. Accepting the EOTC request, the mayor of city administration shifted the traders immediately to Garment around Nifas Silk Lafto sub-city.

7. Mentioning that Jan Meda and Meskel Square are under the possession of EOTC and according to the decision of EOTC administration meeting, the general manager of EOTC asked the technique committee organized to follow up the project reconstruction by the city administration to provide the EOTC with 40 shops, some toilets and an image that manifests the EOTC religious history.<sup>115</sup> As the reconstruction and renovation of Meskel Square took place on the rights to land possession of EOTC, she has the right to acquire the fruit of the project.

8. To make a dialogue regarding Meskel Square and reach consensus, the Mayor of Addis Ababa City Administration wrote a letter signed by Mrs. Adanech Abebea.<sup>116</sup>

However, the higher archbishops of EOTC, including the pop, did not appear or participated in the dialogue meeting called by the Mayor of Addis Ababa city administration on 30/5/2014 E.C. Then after the EOTC Holy synod office by its own initiation wrote a letter to Mayor Mrs. Adanech Abebea objecting to the incident that took place by Protestants on January 1<sup>st</sup>, 2014, E.C. the main message of the letter signed by the pop was asking for the appearance of Mayor Adanach Abebea in person at the Holy Synod office to dialogue.<sup>117</sup>

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<sup>114</sup> "An official letter written by EOTC general manager to mayor of Addis Ababa city Ref-No.1121/290/2013, Date 29/01/2013, E.C"

<sup>115</sup> "An official letter written by EOTC general administration, Ref No.1283/290/2013, Date, 23/2/2013, E.C"

<sup>116</sup> "An official letter written by Mayor Mrs. Adanech Abebea to EOTC Holly synod office, Ref No.አ/አ/አ/01/03/23, Date, 30/5/2014, E.C"

<sup>117</sup> "An official letter written by Pop of EOTC to Mayor Mrs. Adanech Abebea, Ref No.115,177/2014, Date, 1/6/2014, E.C"

Following the preceding official letters, delegates from the EOTC 15 Archbishops and the pop; from the government, five higher authorities were made at a meeting on 8 February 2014 E.C. At the meeting, the EOTC Archbishops strongly asked and affirmed that both Meskel Square and Jan Meda are a legal possessory right of the EOTC.

In Addis Ababa, there are three important open places serving as religious and civil ceremonial public places: Addis Ababa Stadium, Jan Meda and Meskel Square. Addis Ababa Stadium was founded in 1947, on the occasion of the 18<sup>th</sup> anniversary of Emperor Haile-Selassie.

It is a multipurpose area, many religious conferences, annual festivals, political and social practices have taken place there. The Addis Ababa protestant churches have been carrying out their conferences in Addis Ababa stadium.

Since 1991, the Muslims of Addis Ababa have been celebrating their annual Festivals in Addis Ababa Stadium. Before 1991, these festivals were taking place in the grand mosque, called Anwar Mosque. On the other hand, the EOTC had been celebrating its Open Place worship in Jan Meda and Meskel Square.<sup>118</sup>

However, indifferent times, some persons called the Meskel Square like Eid square, Gospel Square and Public Square, being cause of dispute with the EOTC. Consequently, let the government provide the EOTC with title deed and end up the issue with a final solution. At the time, Mayor Mrs. Adanech Abebea promised to give especial attention to the issue and issue a final decision.<sup>119</sup>

9. As the Ethiopian Epiphany is registered as a world cultural heritage, the Addis Ababa City Government culture, Arts and Tourism Bureau wrote a letter for the Addis Ababa Sports Commission that prohibits any construction on Jan Meda.<sup>120</sup>

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<sup>118</sup> Supra note 2, P.101

<sup>119</sup> "A minute of meeting took place between EOTC archbishops and pop with higher Governmental authorities, on 8 February, 2014, E.C"

<sup>120</sup> "An official letter written by Addis Ababa Tourism Bureau, Ref No.፬/ከ/፳/፳/2928/13/ Date, on 01 March, 2013, E.C"

Similarly, Addis Ababa City Administration Youth and Sports Bureau, Jan Meda sports Training and Education Center ascertained that any activity is not allowed to take place at the center or Jan Meda without recognition of EOTC administration.<sup>121</sup>

10. The EOTC Patriarchate Head Office requested the FDRE Prime Minister secretariat and other governmental institutions prevent other religious institutions from using Meskel Square.<sup>122</sup>

From the reading of this letter and the earlier letters, one can understand that EOTC has an exclusive rights to land possession over Meskel Square and Jan Meda because, EOTC has been controlled for a long period of time the Square and the meadow. Due to this reason, the Square is called Meskel Square, identifying her historical possessory right.

On the other hand, the reaction of letters between the EOTC and the government institutions signifies the existence of her land possessory right. Once again, the government, in its response, in nowhere and no time denied and said she had no rights to land possession.

Different administrative organs of the government were claimed to be impediments to the property rights of the Church. These obstacles are not recognized in law. In fact, they clearly contradict it. However, they are creating real problems with the Church's right to property. The Church has opposed these impediments at different times in its official letters to the government.<sup>123</sup>

Religious autonomy in any legal system is achieved actively through the express grant and preservation of rights of self-determination, self-governance and self-regulation and passively through non-interference on the part of organs of state, such as national government, local or regional government or the secular courts.<sup>124</sup>

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<sup>121</sup> "An official letter written by Jan Meda sport training and Education center, Ref No.አ/አ/አ/ወ/ሰ/ጳ/ሰ/ጎ/ግ/18/05/116/16, Date, on 21/03/2016, E.C"

<sup>122</sup> "An official letter written to FDRE Prime Minister Secretariat by Ref No.6090/290/2014, Date, on 21/8/2014, E.C"

<sup>123</sup> Supra note 32, P.42

<sup>124</sup> "Pieter Coertzen, M. Christian Green and Len Hansen, Law and religion in Africa, The quest for the common good in pluralistic Societies, First edition 2015, G.C, P.369"

With this in mind, unless the Addis Ababa city mayor office declares that neither Meskel Square nor Jan Meda form part of public domain, it has no legitimate right to alienate the disputed land from being public domain as stipulated under article 1454 of Ethiopian civil code. But, contrary to this provision, the Mayor of Addis Ababa City has rented both Meskel Square and Jan Meda which is in violation of the former article.

In conclusion, these letters indicate that the EOTC holds possessory right to utilize and manage Meskel Square and Jan Meda. Furthermore, no third parties can engage in any activities without prior consent and acknowledgment from the EOTC. This clearly illustrates the EOTC's exclusive rights to land possession.

As Jan Meda is her possession, she had re-built Bahire-Timket (pool) at Jan Meda in 2024, E.C by Arcon Design and Built PLC. In addition to this, the researcher in person made field observations in Jan Meda and noticed a castle or monument erected in the middle of Jan Meda in 1916, E.C, during the Empress Zewditu for the remembrance of Baptism. This historical evidence signifies that EOTC has possessory land right over Jan Meda.<sup>125</sup>

However, contradicting the historic evidence, spirit and prohibition of the letter written by Addis Ababa Tourism Bureau, Jan Meda sport training and Education center made a lease contract with various entities to build warehouse and cafe.

### **4.3 The analysis of Interviews with Key Informants**

1. Throughout this study, the researcher conducted interviews with the manager of Ethiopian Horse Association and Polo competition manager. According to the Polo competition manager, Jan Meda is used for polo competition starting from 1950 E.C until this day. The Polo Competitors of America, Great Britain, France and Italy diplomats were allowed to exercise and compete through their embassies by using horses. These horses lived in 50 rooms (paddocks) specially prepared for them.<sup>126</sup>

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<sup>125</sup> "See the picture of the castle taken from Jan Meda at 1100 A.M, Date, on 09/8, 2016, E.C"

<sup>126</sup> "The interview made with manager of Ethiopian horse association in their office found in front of St. Estefan's church, at 10: 30 A.M, on 12, March 2024, G.C"

2. Addis Ababa City Administration Bureau of Youth and Sport has six sport sites. One of these centers is Jan Meda Sport, Education and Training Center. According to the interview with the manager of this center, Jan Meda accommodates services for different international competitions such as athletics and horse racing.

It also is used as water storage with three huge Tanks for Addis Ababa Water Development and Construction. Similarly, the field (Meadow) serves as a place for EOTC Epiphany celebration. Currently, the area is also used as a station for public service transport parking.

The office also leases some parts of Jan Meda. For example, there is a lease of 1000 Square meters at Jan Meda sport training center commencing 2023/10/06 (G.C).

Aside the above services Jan Meda renders, there is one initial building that stands without finishing for a gymnasium. But, the building was not completed because of a design error. This indicates that Jan Meda is possessed and owned by Addis Ababa City Administration Bureau of Youth and Sport.<sup>127</sup>

3. According to the interview made with Legal Service Department Head of Ethiopian Federal inter Religious Council, he said that, any one, including EOTC, who claims rights to land possession over Meskel Square and Jan Meda, should prove its right by title deed.

He continued that if the church claims disputed places are her possession, she has to solve the issue by court and if the government requires taking the places for public purpose, it has to give other land in exchange with compensation. He also replied that the interreligious council of Ethiopia could only intervene where it is invited to do so.

As per the question raised to the interviewee by the researcher, the EOTC claims that it has rights to land possession over Jan Meda and Meskel Square. In addition, before any other religious Institutions use the land; her consent must first be given. So, what is the role of the Inter Religious council? In this regard, as the interreligious council of Ethiopia is immediately

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<sup>127</sup> "The interview made with manager of Jan Meda sport, education and training center in their Jan meda office at 11:00 A.M on 25, April 2024, G.C"

accountable to the ministry of peace and security, per the interreligious council of Ethiopia, the council co-jointly works for peace, development and unity. However, the Council has no power to solve the disputes except providing advisory counsel to the ministry of peace and security.<sup>128</sup>

4. A similar question rose for Inter religious council of Addis Ababa peace building unit leader and he replied. There are three important celebrations that took place in public squares. such as:-

4.1 Religious celebrations like Ethiopian Epiphany, Meskel Demera and Iftar events during Ramadan.

4.2 Cultural celebrations such as Gedda system (Ireecha), Ayiidde/Fichee Cambalaalla, New Year festival of the Sidama people and Shuwalid Festival.

4.3 National celebrations such as Adwa victory, Military shows and peaceful and support demonstration for different purposes.

In relation to EOTC, the respondent stated that Meskel celebration which took place in Meskel Square is a spiritual act directed toward God, not true ritual, and there is a spiritual show to commemorate the works of Empress Helena. Therefore, the square should not be taken as a sacred place because, as he described, there are no true ritual and Christian worship sacraments.

According to his understanding, as that place is not a place of Christian worship for EOTC, it can be used for other religious and national events. Concerning the possession right over the land, he said that the one who claims the right has to ascertain it by law. Meaning, right can only be established by law and proven in court.<sup>129</sup>

The researcher participated and observed religious and annual Ethiopian Epiphany celebration taking place on January 19 & 20, 2024, G.C. In those days, the interview conducted with EOTC priests, Deacons, Teachers, Debteras and believers on the celebration of Ethiopian Epiphany at Jan Meda in January 10-11, 2016, E.C.

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<sup>128</sup> "The interview made with legal service department head of Inter religious council of Ethiopia, in its office nearby ambassador at 9:00 A.M, on 21, April 2024, G.C"

<sup>129</sup> "The interview made with peace building unit leader of Inter religious council of Addis Ababa, in its office nearby ambassador at 11:00 A.M on 01/08/16, E.C"

Most of interviewees said that the EOTC got rights to land possession of Meskel Square by inheritance from Ras Biru Wolde-Gebreale, who was Emperor Menelik's Minister of War. On the other side, some interviewees believe that the EOTC possessed Meskel Square and Jan Meda and actually controlled them for long period of time. Therefore the EOTC is considered as actual possessor of both disputed properties.

The interviewees demonstrated that initially and for most, EOTC is public domain. If Meskel Square and Jan Meda have been controlled by the church for a long period of time, they are deemed to be rights to land possession of EOTC.

As EOTC held and actually controlled both land possessions for a long period of time, it is no longer required to produce documents that ascertain her possession right, because, only recently land registration and documentation commenced in Ethiopia. So, due to the absence of title deed, EOTC must not lose her possession right over the disputed land.

In relation to the above interview, Sisay Alemahu explained that The African Commission charter mentions the right to property. Article 14 states a justifiable right to the usage of land by an indigenous community without real title.

In this context, EOTC holds land without title deed due to the absence of registration and documentation in order for religious worship and to celebrate Meskel Demera since ancient times. Even if EOTC has no real title, she has had virtual control over the disputed land for centuries. Consequently, it is possible to argue that the EOTC has a possessory right over the places.<sup>130</sup>

5. According to the interview made with the official communication of exhibition center, the center was established by regulation number 14/1991, E.C. The interrelationship of the exhibition center and Meskel Square is administrative or managerial, beginning November 1998, E.C, until fully controlled by the Addis Ababa City Mayor's Office, it was governed by trade and associations of Addis Ababa.

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<sup>130</sup> Supra note 99, p.237

However, since December, 2015, E.C, the exhibition center and Meskel Square exclusively have been in the hands of the City Administration of Addis Ababa; government developmental Organizations Authority under mandate of the Mayor of Addis Ababa city. Currently, the exhibition center administers the Meskel Square as agent on the behalf of Addis Ababa City Mayor`s Office.

The interviewee also said that, during project reconstruction and renovation, the center of Meskel Square where the Demera field was reserved without concrete cement enabling the Demera to stand on the ground in the presence of EOTC Archbishops.<sup>131</sup> This interview reveals that the EOTC administration was willing for the reconstruction and renovation of the project, despite later claiming that had no awareness or information.

6. An interview made with an EOTC senior legal officer showed that, the title deed given to Addis Ababa sport commission over Jan Meda seriously narrowed the rights to land possession of EOTC.

For this reason, the EOTC administration objected to the title deed issued to Addis Ababa Sport Commission and met with the ex-mayor of Addis Ababa`s city Engineer, Takele Umma. Consequently, the mayor and the EOTC administration established a committee to solve land related problems over Meskel Square and Jan Meda. But, the mayor immediately lost his authority and the issue was interrupted without resolution.

The interviewee also noted that in the past, the presence and the appearance of kings in the celebration of Meskel Demera at Meskel Square and Epiphany at Jan Meda respectively, were highly affected and gave negative connotation to EOTC by the present generation. Because, they consider the church and the past monarchial governments were one and same side of the coin. However, the truth is another thing. Meaning, the previous kings appeared to gain popularity, generate income, to find educated personnel and political affairs.<sup>132</sup>

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<sup>131</sup> "An Interview made with the official communication bureau of exhibition center at 11:00 A.M, on 1<sup>st</sup>, April 2016 E.C"

<sup>132</sup> "The Interview made with EOTC administration higher legal officer at 3:00 P.M, on 3<sup>rd</sup> April, 2016 E.C"

In view of this fact, Ethiopia for centuries was a theocratic monarchy in which, as in the Roman Empire, church and state were a bilateral unity and of which the emperor was Christ's vicegerent.<sup>133</sup> For this reason, at this time, the church administration was ashamed and feared that a constructed negative connotation would prevent her claim to proper land possession.

In general, most of the interviewees suppose that the EOTC and the government shall work in harmony and constantly solve the possession issues raised over the disputed land.

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<sup>133</sup> Supra note 26, P. 113

## Chapter Five

### **5. Conclusions and Recommendations**

#### **5.1 Findings of the Researcher**

- ✓ First, Meskel Square and Jan Meda have become a source of dispute due to unnecessary government interference in giving title deeds for different government institutions. Whereas, these places are part of public domain.

This finding establishes that there is systematic denial of any rights to land possession of EOTC by the government. This demonstrates that even though one has real title, no one has full security over possession rights unless there is approval from the government.

- ✓ Second, currently other religious institutions that have no custom of celebrating their ritual worshiping at Meskel Square and Jan Meda have begun asking to celebrate at these places. While, EOTC persistently is objecting to the requests of other religious institutions to celebrate their ritual worshiping at these places, by the same token, government negligently permits other religious institutions to use these places without giving an appropriate response to questions of EOTC.
- ✓ Third, as those areas have been a cause of dispute and considered a sensitive issue, the concerned body should make critical and legal decisions that permanently settle arising disputes over the places.
- ✓ Fourth, the analysis of research data and results established that the EOTC has a relatively superior possession rights over disputed land than recent claimants, because, she has actual control and actual exercise over the disputed land for centuries without any opponents or intervention. As land registration and documentation are a recent phenomenon, EOTC must not expect to automatically have real title deed. As the EOTC is owned by the public, it is public domain. Therefore, she should not be required to ascertain her rights to land possession by title deed.

- ✓ Fifth, the outcome of research data also demonstrates that; the interreligious council of Ethiopia is immediately accountable to the ministry of peace and security. In fact, the role of religious institutions is insignificant, because, the council can only have the power of providing advisory opinions. The interreligious council of Ethiopia, co-jointly works for peace, development and unity. However, it is known that the council has no power to solve the disputes except by providing advisory opinion to the ministry of peace and security.
  
- ✓ Sixth, the result of data also found that parallel to EOTC, the government, during different regimes used the disputed land for horse racing, football, athletics, public gatherings, demonstrations, and military shows. Because of this, the EOTC should have no objection to the use of the disputed land by the government.

## **5.2 Conclusions**

As far as the researcher's reading and observation goes, even though the EOTC has no exclusive and full title deed over the disputed lands of Jan Meda and Meskel Square which is given by a concerned state body, there are tangible and credible documents, archives, newspapers, monuments and indicators that demonstrate the EOTC does have rights to land possession over these places.

The other fact that portrays this disputed land possession belongs to the EOTC can be inferred from the UNESCO registration of Meskel Demera and Ethiopian Epiphanies as World Cultural Heritages, and since, UNESCO registers certain cultural heritages as World Cultural Heritages, there are important intrinsic elements that constitute the cultural heritage required to be considered. The cultural heritages of Meskel Demera and Epiphany will not make sense in the absence of the field or place where the celebrations take place.

Therefore, the above results of the research indicate that the disputed lands and the celebration of Meskel Demera and Epiphany are one and inseparable, proving the disputed land belongs to the EOTC. According to FDRE Constitution Article 91 (2), Proclamation Number 209/1992 under Art.20 stipulates that any person shall ensure the preservation of cultural heritage situated on land which is given to him in usufruct. This indicates that the proper preservation of land possession on which cultural heritages are situated must procure increased attention.

### **5.3 Recommendations**

As it is possible to understand from the findings of the research, most EOTC supporters and the people as a whole, assume that Meskel Square was in the past possessed by Ras Biru Wolde-Gebrieal, who was emperor Menlik II's Minister of War, given by gift or donation for INTTONTA HAMARA NOH KIDANE MIHRET Monastery.

However, there is no document or other evidence that proves the Meskel Square was donated to the Monastery, and again the Monastery has not presented her evidence and claimed her possessory right before the courts. But, as the researcher's observation and reading informs, there was a contractual sale between the Monastery and the son of Ras Biru Wolde-Gebrieal.

The contract only demonstrates the sale of a partial house of Ras Biru and a few pieces of land, but, not all the present Meskel Square. Therefore, instead of confusing the public, the information must be made available and accessible to all Ethiopian society.

As Jan Meda is used for various public purposes such as religion and sports, there should be specific regulations put in place to indicate the utilization and avoid any disputes arising over the land.

As Jan Meda and Meskel Square provide public services, they should require that no building or construction be allowed.

As it is known, without any interruption, the EOTC has been commemorating Meskel Demera and Ethiopian Epiphany in Meskel Square on September 16 and Jan Meda on January 10-12 Ethiopian calendar, respectively.

This continued with the exception of third-party claimants. Meaning, except for the EOTC, other religious institutions have no claim to celebrate their worship services. But, now a days, in the last two-three years (2013 – 2016, E.C), various religious institutions and private organizations have started using both Meskel Square and Jan Meda with the permission of Addis Ababa City's Mayor.

This initiated disputes over the properties. Now, the fear is that; if the celebration day of EOTC overlaps with the other religious institutions and private organizations' celebrations, what will occur? To overcome such problems, it would be better to decide the appropriate possessory right

of the disputed land by the responsible body. Unless and otherwise, undoubtedly, serious conflict may arise among different religious institutions' followers.

As those areas have been causes of dispute and considered sensitive, the one who has a legitimate power or responsibility should make critical and legal decisions that settle disputes arising. Subsequently, the government has to properly govern and administer the locations to protect illegal activities that can be causes for dispute.

As the Ethiopian Orthodox Tewahido Church has a long historical land possession rights, it has to be given limited title deed with leadership rights over Meskel Square and Jan Meda. This leadership right should not exclude others from using the disputed land.

In this regard, in giving title deed of the possession land, the EOTC has prohibited usufruct rights over Meskel Square and Jan Meda by regulation number 163/2016. This regulation reduced her historic right to use Meskel Square and Jan Meda to the extent of her interest. Since, the regulation stipulates that religious worshipping can only be performed in their celebrations. This does not go with the preceding higher laws and reflects her historic land possession right.

Various literature, data, archives, magazines, newspapers and pamphlets explain the EOTC higher administration bodies have no common stand; via permanent and similar views regarding Meskel Square and Jan Meda land possession right. This contributed to a misconception by the supporters of the church and people of Ethiopia about the disputed land. For instance, a magazine, titled St.Cross of Seat of GOD published by the EOTC public relations officer, on September 16, 2014, E.C, shows that the project of Meskel Square is conducted in cooperation with EOTC church administration and city administration with full agreement in a way supporting and upgrading the utilization of Meskel Square.<sup>134</sup>

In addition, public relations affirmed that some activists and politicians made the project a source of dispute among the church and the government and the government with the people. But, per his explanation, their bad faith was aborted and government with EOTC administration

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<sup>134</sup> "A Magazine of EOTC public relation office, called St. Cross of Seat of GOD, published by Tinsae Zegubaea printing press, on September 16, 2014, E.C. PP.22-29"

appropriately worked hand-in-hand. He also confirmed that EOTC usufruct right is permanently secured.

On the other hand, the EOTC higher administration officials, including the Pope in different letters, communicated with government and decided that Meskel Square is a possessory right of the EOTC, which actually controlled it for a long period of time.

These opposing and contradictory ideas are confusing the public. Therefore, the management of EOTC has no standing regarding the disputed land. They have to first identify and clarify their positions over the contested places. Further, EOTC management altogether shall come with common agreement that represents the position of the church to avoid any ambiguity.

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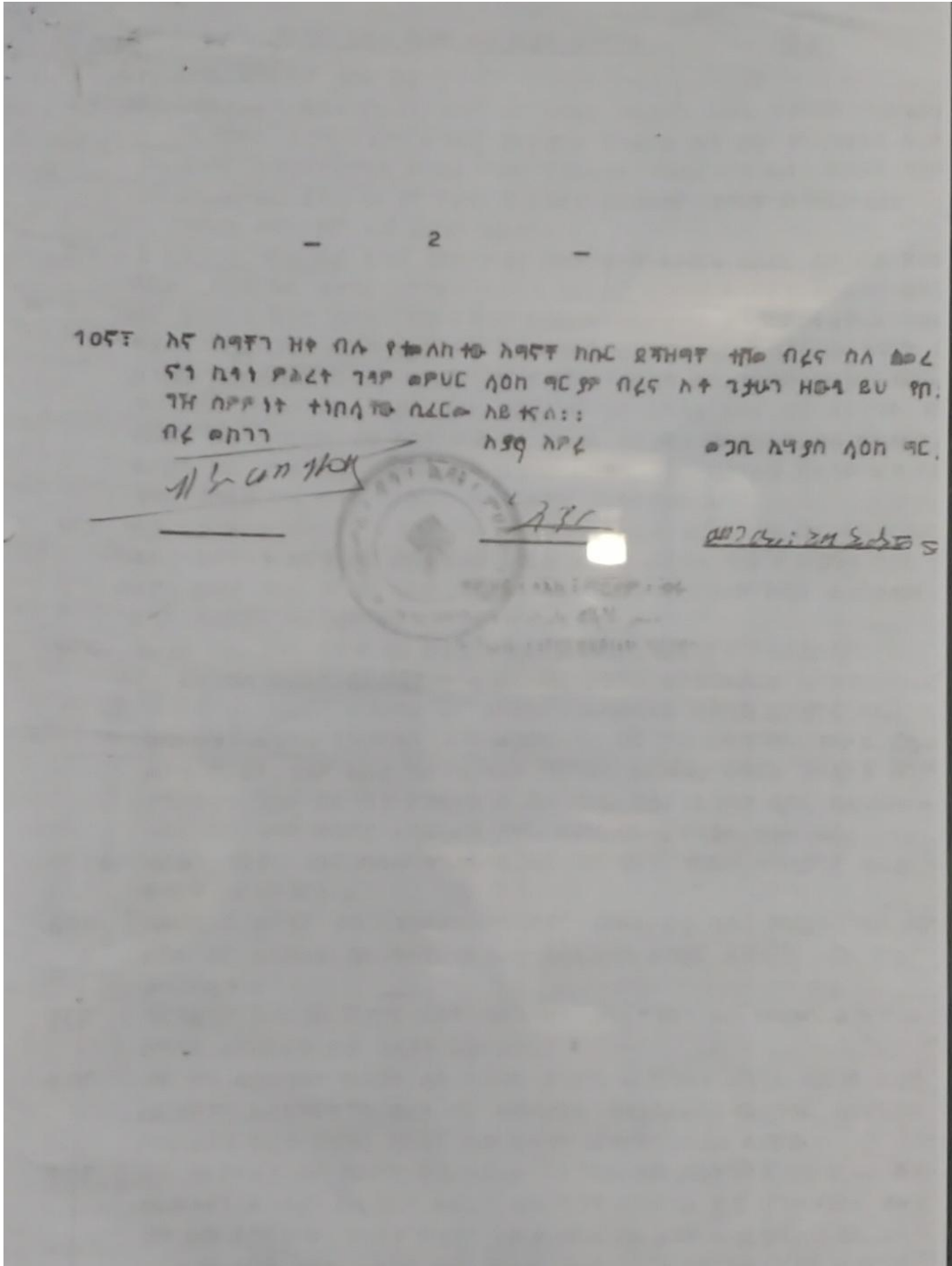
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Contract of lease

Land Lease Agreement

የክፍት ቦታ ኪራይ ውል

Article 1

አንቀጽ 1

About establishing the contract

ውሉን ስለማቋቋም

This contract agreement is established between Addis Ababa youth and sport bureau, Janmeda sport education and training center hereinafter called the "lesser" address Addis Ababa city sub-city Arada Woreda 6 and Mr/Mrs. Janmeda Sport Education Center address A-1 sub-city Arada Woreda 11 house no. \_\_\_\_\_ phone no. 0910987374 hereinafter called the "lessee".

በአዲስ አበባ ወጣቶች ስፖርት ቢሮ የጽንጫ ስፖርት ትምህርትና ስልጠና ማዕከል ከዚህ በኋላ አከራይ ተብሎ የሚጠራው አድራሻ አዲስ አበባ ከተማ ክፍለ ከተማ አራዳ ወረዳ 6 የሆነውን ተከራይ ተብሎ የሚጠራው አቶ/ወሮ ጆርጂ ገብረ ለገሰ አድራሻ አ. 1 ከተማ አራይ ወረዳ \_\_\_\_\_ የቤት ቁጥር \_\_\_\_\_ ስልክ ቁጥር 0910287074 በሆነው መካከል ይህ ውል ተቋቋሟል።

Article 2

አንቀጽ 2

The Purpose of the Agreement

የውሉ አላማ

The purpose of this agreement will be the owner (lesser) Janmeda sport education and training center the place name around Gymnasium renting to the lessee with ETB 70,000.00 (Seventy Thousand birr) per month.

ይህ ውል ባለቤትነቱ (አከራይ) የውል ሰጪ የሆነው የጽንጫ ስፖርት ትምህርትና ስልጠና ማዕከል መኖሩ ልዩ ቦታው ጄምስዚየም ለካብሊ ለውል ተቀባይ በወር ብር 70,000.00 (ሰባ ሺህ ብር) ማክራየት ይሆናል።

Article 3

አንቀጽ 3

Lease Agreement Period

የኪራይ ውል ዘመን

This agreement is valid only after signing of two parties from 2023/10/06 to 2024/10/06

ይህ ውል ሁለቱ ተዋዋይ ወገኖች ከተፈራረሙ ከዛሬ 25/01/16 ቀን 2016 ዓ.ም. ለስከ 2024/10/06 2016 ዓ.ም. ድረስ ብቻ የሚያገለግል ነው።

Article 4

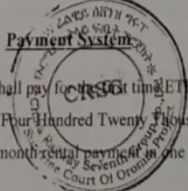
አንቀጽ 4

Payment System

የክፍያ ስርዓት

The lessee shall pay for the rent in one time. 420,000.00 (Four Hundred Twenty Thousand birr) for six months rental payment in one time.

ተከራይ ለመጀመሪያ ጊዜ የሰድስት ወር ኪራይ ባለንድ ጊዜ ብር 420000.00 (አራት መቶ ሃያ ሺህ ብር) ይከፍላል።



- Then the lessee shall make a payment of ETB 70,000.00 (Seventy Thousand birr) every month to the lessor.
- After this, every month, according to the Ethiopian calendar, from the first to the fifth day of the month, the payment will be made at the financial office where the contract was made.
- If payment is not made within the time limit specified in subsection 1 of this article, a penalty of 5% of the payment amount will be charged until the payment is made.

**Article 5**

**Obligation of Lessor**

- Issuing a legal receipt to the lessee when monthly payments is made.
- Hand over 1,000 (one thousand) square meters of working space specified in this contract to the lessee for warehouse use.
- If there is a third party claim dispute on the land, the Lessor will pursue the matter through its own legal department.

**Article 6**

**Obligation of Lessee**

- The lessee shall use the leased space only for the purpose of the work requested by the lessee, i.e. as a warehouse for building finishing materials.
- According to Article 5, if the lessee does not pay in advance (according to the schedule) from the first to the fifth of the Ethiopian calendar month, a 5% penalty will be charged from the sixth day of every month until the time of the lessee pay...

- በመቀጠልም ተከራይ ለአካላዊ በየወሩ ብር 70,000.00(70 ሺህ ብር) ከፍቶ ይፈቅጣል።
- ከዚህ በኋላ በየወሩ ወር በገባ እንደ ኢትዮጵያን ዘመን አቆጣጠር ከአንድ እስከ አምስተኛው ቀን ድረስ ውል በተገኘበት ፋይናንስ ቢሮ ቀርቦ ከፍቶ ይፈቅጣል።
- በዚህ አንቀጽ ገደብ ፣ በተከፈለበት የጊዜ ገደብ ውስጥ ከፍቶ ካልፈጸመ የከፍቶ ብር 5% ቅጣት እየጨመረ እስከ ተከፈለበት ጊዜ ድረስ ይታስባል።

**አንቀጽ 5**

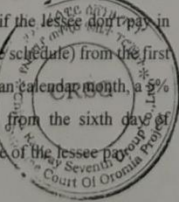
**የለኪራይ ግዴታ**

- በየወሩ ከፍቶ ሲፈጸም ለተከራይ ህጋዊ ደረሰኝ የመስጠት።
- ለተከራይ በዚህ ውል የተገለፀው ለመጋዘን እገልግሎት የሚውል መስሪያ ቦታ ለከፍ 1000 (አንድ ሺህ) ካሬ ሜትር የማስረከብ።
- በቦታው ላይ ለሌላ ማንኛውም የሚገባ የይገባኛል ክርክር ካለ አኪራይ ጉዳዩን በራሱ የህግ ክፍል ይከታተላል።

**አንቀጽ 6**

**የተከራይ ግዴታ**

- ተከራይ የተከራየውን ቦታ ለጠየቀት የሲራ መስክ ብቻ ማለትም የእቃ መጋዘን በመስራት ለህንፃ ማስጨረሻ አቃዎች ማስቀመጫነት የመጠቀም።
- በአንቀጽ 5 መሰረት አንድ ኢትዮጵያ ዘመን አቆጣጠር ወር በገባ ከአንድ እስከ አምስት ድረስ በቅድሚያ(በተቀመጠው የጊዜ ሰሌዳ) ያልከፈለ አንደሀን በየወሩ ከስድስተኛው ቀን ጀምሮ 5% ቅጣት እየጨመረ እስከከፈለበት ጊዜ ድረስ የቅጣት ከፍቶ ይፈቅጣል።





> In the event of cases not covered by this contract, it will be enforced according to 40:040404C 1111 and the agreements made by government offices.

> This contract shall be legally valid from 25/11/16 in the presence of the parties and witnesses.

**Lessor**  
Name \_\_\_\_\_  
Signature \_\_\_\_\_  
Date 25/11/16

**Lessee**  
Name \_\_\_\_\_  
Signature \_\_\_\_\_  
Date 25/11/16

**Witnesses**

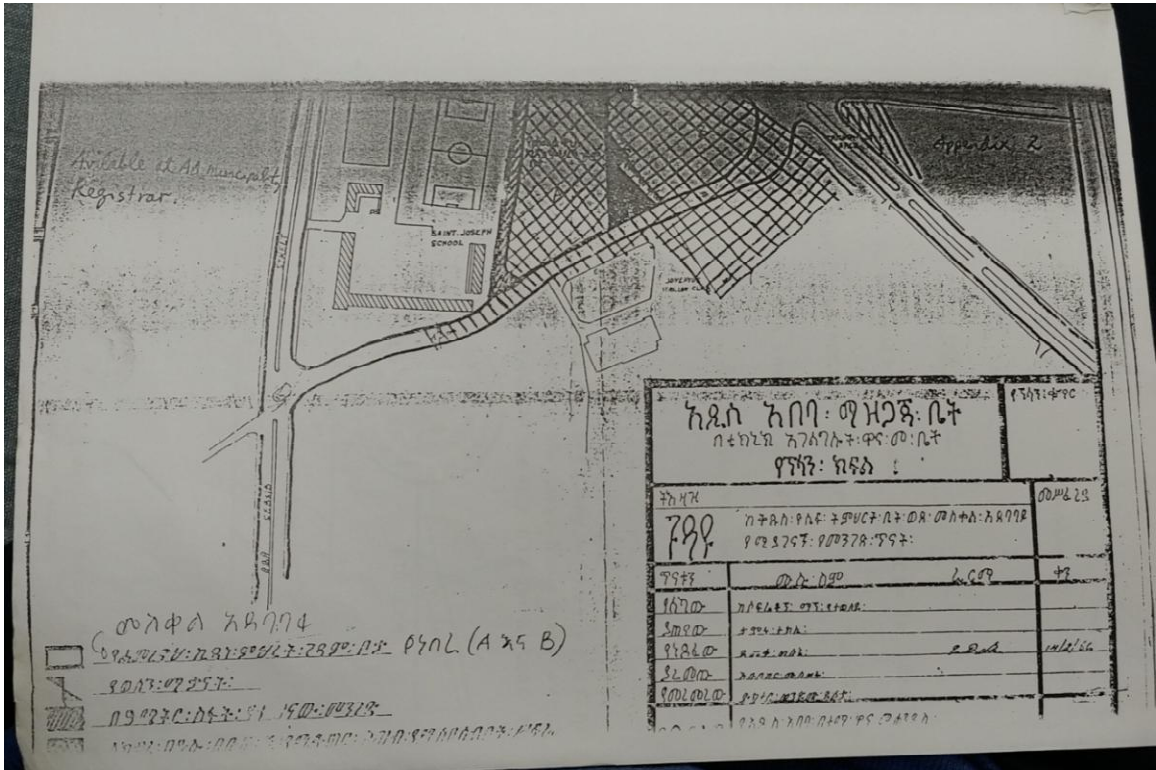
1. [Signature]  
2. [Signature]  
3. AMEKE ASSEFA

1. [Signature]  
2. [Signature]  
3. [Signature]

25/11/16



- A Copy of Road Design Plan that was circulated on the air though digital media  
 Page 1 of 1

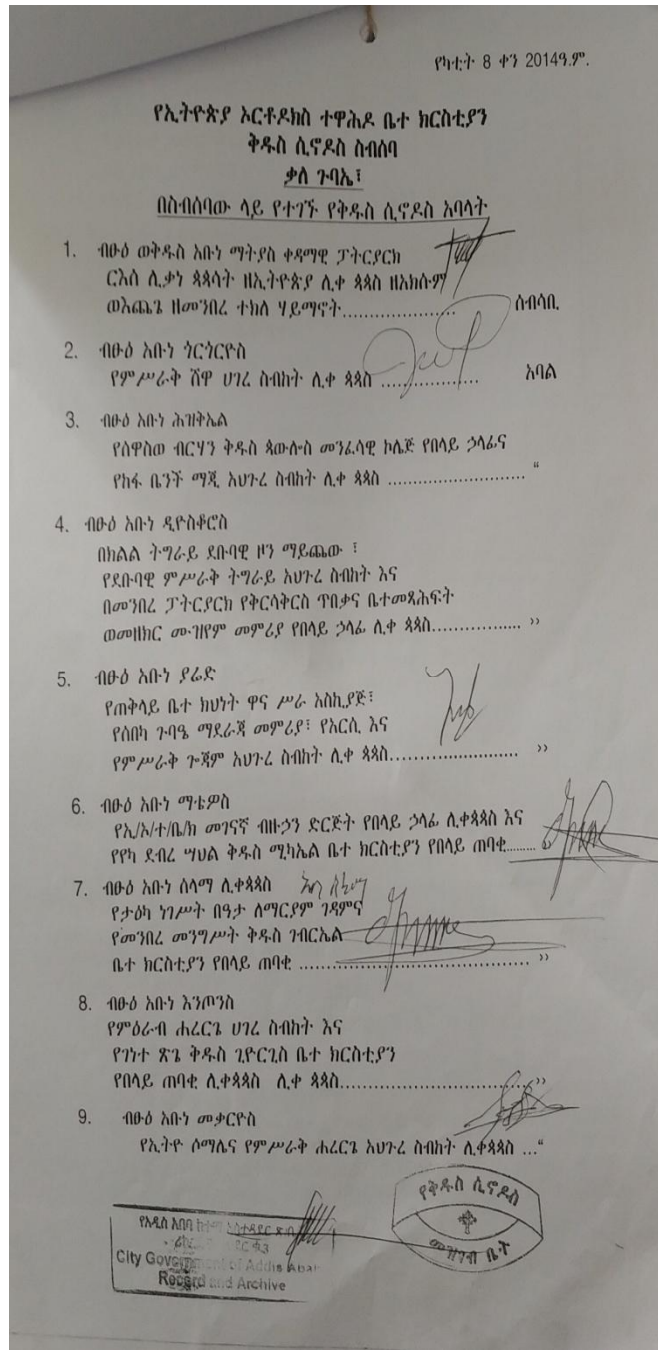


**Annex 3**

**Minutes**

- Minutes of meeting took place between the EOTC archbishops and Pop with higher Governmental authorities, on 8, February 2014, E.C.

Page 1 of 4



10. ብፁዕ አቡነ ደስሐቅ  
የወላይታ ዳውሮ ሀገረ ስብከት ሊቀጳጳስ

11. ብፁዕ አቡነ ዜናማርቆስ  
የጉጂ፣ ምዕራብ ጉጂ ቦረና ሊቡን ዞኖች ሀገረ ስብከት ሊቀጳጳስ

12. ብፁዕ አቡነ ዲዮናስዮስ  
የጀርመንና አካባቢው ሀገረ ስብከት ሊቀጳጳስ

13. ብፁዕ አቡነ ፊልጳስ  
የደቡብ አሞ ሀገረ ስብከት እና የቅድስት ሥላሴ ዩንቨርሲቲ የባላይ ኃላፊ ሊቀጳጳስ

14. ብፁዕ አቡነ በርናባስ  
በደቡብ ካልፎርኒያ ረዳት ሊቀጳጳስ

15. ብፁዕ አቡነ ጴጥሮስ  
የሰሜን አሜሪካ ኒውዮርክና አካባቢው ሀገረ ስብከት ሊቀጳጳስ

16. ብፁዕ አቡነ ዮሴፍ  
የቅዱስ ሲኖዶስ ዋና ጸሐፊና የሲዳማ ክልልና ጌዴኦ አማርኛ ቡርጂ ዞኖች አህጉረ ስብከት ሊቀጳጳስ

17. ወ/ሮ አዳነች አቤቤ የአዲስ አበባ ከተማ አስተዳደር ከንቲባ

18. አቶ ጃንጥራር አባይ የአዲስ አበባ ከተማ አስተዳደር ምክንያቱ

19. አቶ ጥራቱ በየነ በአ/አ/አ/አ በምክንያቱ ማዕርግ የአስተዳደሩ ዋና ሥራ አስኪያጅ፤

20. ዶ/ር ቀንላ ያደታ የአዲስ አበባ ከተማ አስተዳደር የሰላምና ፀጥታ ቢሮ ኃላፊ

21. አቶ መለሰ ዓለሙ የከተማ አስተዳደሩ የመንግሥት ዋና ተጠሪ

22. አቶ ተተካ በቀለ የከ/አስተዳደሩ የመንግሥት ረዳት ተጠሪ

**የስብሰባው ምክንያት፡-**

በኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን ሃይማኖታዊ የአደባባይ በዓላት በሆኑት የመስቀል አደባባይ እና የጃንሜዳ የባሕረ ጥምቀት ይዞታ ጉዳይ የተነሱ የባለቤትነት ጥያቄዎች ዙሪያ ከኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን ቋሚ ሲኖዶስ እና በአዲስ አበባ ከተማ አስተዳደር አስተዳደር በተያያዘው ቀጠሮ መሠረት የተደረገ የጋራ ውይይት ስብሰባ ነው።

በመሆኑም የተፈጠረውን ችግር አስመልክቶ በቋሚ ሲኖዶስ አባላቱ በኩል ተከታዮቹ የቤተ ክርስቲያኒቱ ጥያቄዎች ተርጉሟል።

1. ለውይይቱ መነሻ የሆኑት ሃይማኖታዊ የአደባባይ ይዞታዎች መስቀል አደባባይ እና ጃንሜዳ የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን ለዘመናት የአደባባይ በዓላቶቹን የምታከናውንበት ሕጋዊ ይዞታዎ ነው። ሆኖም ግን የተለያዩ የእምነት ተቋማት በተለያዩ ጊዜ "የአድ አደባባይ" "የወንጌል አደባባይ" የሕዝብ አደባባይ በማለት ትንኮሳ በመፍጠር ከፍተኛ የሰላም መናጋትና ውጥረት ሲከሰቱት እኛም

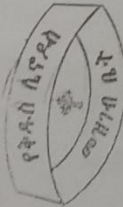
የአዲስ አበባ ከተማ አስተዳደር ጽ/ቤት  
City Government of Addis Ababa  
Records and Archives

በአባትነት ልጆቻችንን በማስታገስ አቆይተናል። በመሆኑም ይህ ጉዳይ የመጨረሻ አልባት ሊጠሰው እንደሚገባና የይዞታ ማረጋገጫ እንዲሰጠን።

2. በጥምቀት በዓል አከባቢ የወይብላ ማርያም ክብረ በዓል ላይ በፀጥታ እካላት የተፈጠረው የነፍስ መጥፋትና የእካል ጉዳት ድርጊት ሕጋዊ መፍትሔ ሊበጅለት ይገባል። በተጨማሪም በገነተ ጽጌ ገነተ ጽጌ ቅዱስ ጊዮርጊስ ቤተ ክርስቲያን ያገለገሉ የነበሩ ያታሠሩ ወጣቶች በተመለከተ በአስቸኳይ ሊፈቱ ይገባል በማለት ጥያቄዎች ተርጉሟል።

በመቀጠል ከቋሚ ሲኖዶስ አባላት ለቀረቡት ጥያቄዎች በከተማ አስተዳደር ከፍተኛ አመራሮች የተሰጡ ምላሾች፡-

የአዲስ አበባ ከተማ አስተዳደር ጽ/ቤት  
 የክርስቲያናት ጉዳይ ማኅበር  
 City Government of Addis Ababa  
 Records and Archive



1. ክብርት ከንቲባዋ ለቤተ ክርስቲያኒቱ ያላቸውን አክብሮትና ቤተ ክርስቲያኒቱ ለሀገር ያበረከችውን በጎ አስተዋጽኦ በማውሳት በአሁኑ ሰዓትም በተፈጠረው ወቅታዊ ክስተት ችግሩን አባቶች በሰከነ መንገድ በማየት የከተማዋ ሰላም እንዲረጋገጥና ጉዳዩ በውይይት እንዲፈታ ላደረጉት አስተዋጽኦ ምስጋና አቅርበው በተጣይም ተመሳሳይ ችግሮችን ከቤተ ክርስቲያኒቱ ጋር በጋራ በመወያየት ለመፍታት ከተማ አስተዳደር ሙሉ ዝግጁ መሆኑን አረጋግጠዋል።
2. በመቀጠል ሁሉም የከተማ አስተዳደር ከፍተኛ አመራሮች በሰጡት ማብራሪያና ምላሽ በዋናነት የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን ያቀረበችውን ጥያቄዎች ከአሁን ቀደም ከተማ አስተዳደር ለቤተ ክርስቲያኒቱ ጥያቄዎች ምላሽ በመስጠት ተገቢውን ጥረት ሲያደርግ የቆየ መሆኑን በማውሳት አሁን ለተፈጠረውም ችግር ከተማ አስተዳደር ልዩ ትኩረት ስጥቶ በቤሮ ደረጃ ተወያየተው ቤተ ክርስቲያኒቱ በምትወካላቸው የጋራ ኮሚቴ በማደራጀትና ተጣይ ወይይቶችን በማድረግ የመጨረሻ ውሳኔ የሚሰጥበትና ችግሩም ከመሠረቱ ለአንድና ለመጨረሻ ጊዜ በማያዳግም መልኩ መልስ እንደሚሰጥበት ምላሽ ሰጥተዋል።
3. በተጨማሪም የወይብላ በዓል ጥምቀት ላይ የተከሰተውን ድርጊት በፈጅራል መንግሥት በጉዳዩ ላይ እያከናወነ ያለው ምርመራ እንደተጠበቀ ሆኖ ድርጊት ፈጻሚዎችን ተከታትሎ ፖሊስም ይሁን ማንኛውም ጉዳዩ የሚመለከተው በኃላፊነት ያለ እካል ተገቢው ሕጋዊ የርምጃ አርምጃ እንደሚወሰድና እንዲሁም ጉዳዩ የሚመለከታቸውን እካላት በማስተባበር ችግሩን በዘላቂነት መፍታት እንደሚገባ ስምምነት ላይ ተደርጏል።
4. በሕግ አግባብ የተገሱ ጥያቄዎች በሕግ ባለሙያና በሕግ አግባብ ምላሽ እንዲያገኙ ይደረጋል።
5. በገነተ ጽጌ ቅዱስ ጊዮርጊስ ቤተ ክርስቲያን በተከሰተ ድርጊት የታሠሩ ወጣቶችን በተመለከተ የሚቀረው ኮሚቴ የውይይት እካል ሆኖ በሕግ አግባብ መፍትሔ እንደሚሰጥ ምላሽ ሰጥተዋል።

ጉባኤው በተገሱ ጥያቄዎች ዙሪያ ተገቢውን ውይይት በጋራ ካደረገ በኋላ የሚከተለውን ውሳኔ አሳልፏል።

*[Handwritten signatures and stamps of various officials]*

**ውሳኔ**

በውይይቱ ከኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን የመስቀል አደጋጭና የጳጳሳዊ ጣሕረ ጥምቀትን በተመለከተ የተነሱትን ጥያቄዎች በአጭር ጊዜ ውስጥ የጋራ ኮሚቴ በማቋቋም መረጃዎችና ቀጣይ ውይይቶችን መሠረት በማድረግ የግንኙነት ምላሽ ለመስጠት የጋራ ስምምነት ላይ ተደርጏል።

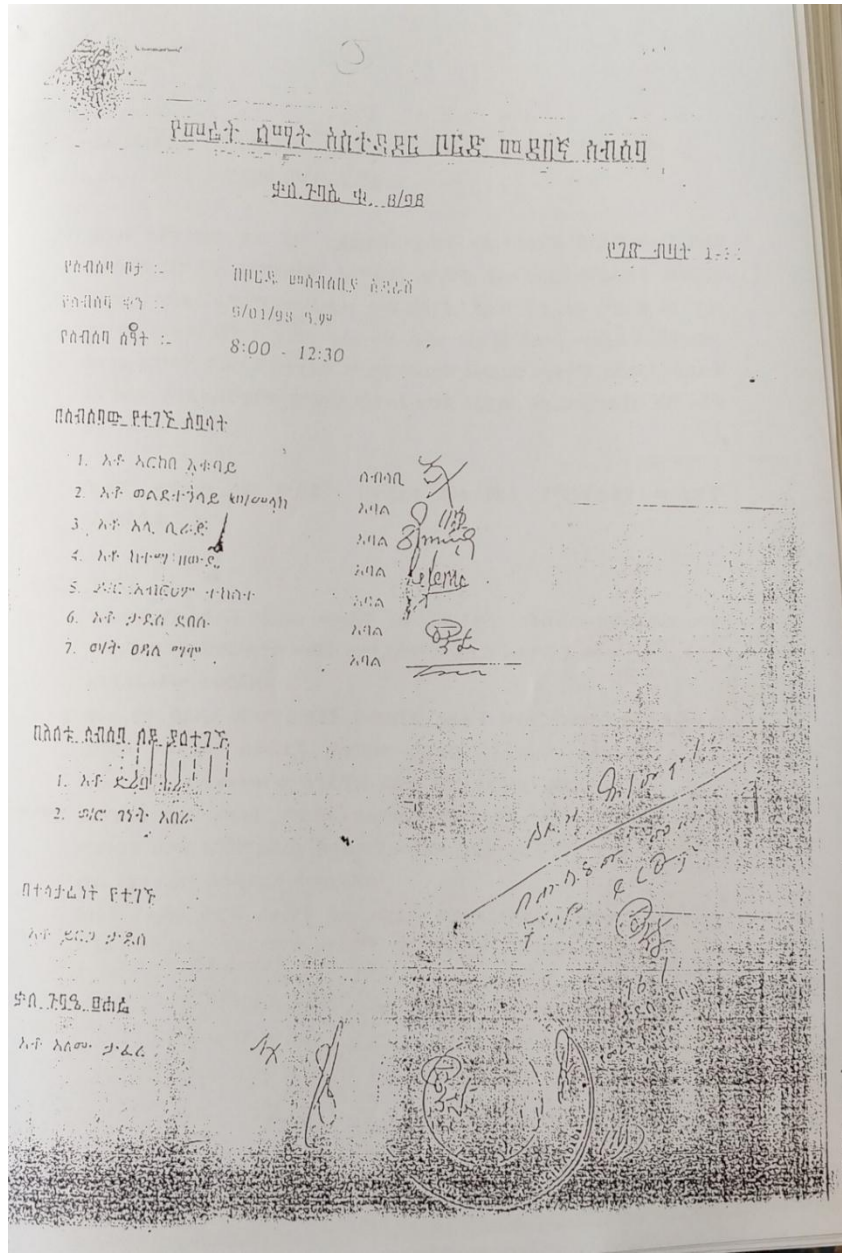
ወደፊትም ቤተ ክርስቲያንና የከተማ አስተዳደሩ በልማት፣ በሰላምና በተያያዥ ጉዳዮች ዙሪያ ከመቼውም ጊዜ በበለጠ ተቀራርቦ የምንሠራ መሆኑን ስምምነት ላይ ተደርጏል።

ይህ ቃለ-ጥያቄ በሁለት ቅጂ ተዘጋጅቶ አንዱ ለቅዱስ ሲናዶስ አንዱ ለአዲስ አበባ ከተማ አስተዳደር እንዲቀመጥ በሙሉ ድምጽ ተወስኗል።

*[Handwritten signatures and stamps]*

የቅዱስ ሲናዶስ መዝገብ ቤት

City Government of Addis Ababa  
Record and Archive



ግልጽ ለሆኑት ሰታች የሆኑ ክፍት ስጦታዎችን በተመለከተ ሊኖር ስለሚገባው የአሠራር መርህ ከወላጅነት የተረጋገጠው ማብራሪያ እና በዚህ ስጦታ ላይ ስለሚገኘው ስህተት ማስተካከያ ሰርዳ በሠራው ከተወያዩ በኋላ በተረጋገጠው የውሳኔ ሃሳብ መሠረት ክፍተት ለማት ለማሳደግ በሚካሄድባቸው አጠገብ የሚገኙ እነሆተኛ ክፍት ሰታዎች በተመለከተ በየክፍሉ ከተማው የመረት ለማትና አስተዳደር ጽ/ቤቶች በዝርዝር እየታዩ ለማትን እያካሄዱ ላሉት አልሚዎች በከፍተኛ የጨረታ ዋጋ እንዲሰጣቸው ተወስኗል።

የሆኑ ስጦታ በተመለከተ የሚሰጡት እስከ 150 ካራ ሜትር የሆኑ ክፍት ሰታዎች ሲሆኑ ወይም እስከ 250 ካራ ሜትር ስጦታ ነገር እቸው ፊት ለፊት ከ7 ሜትር የማይበልጥና ራሱን ችሎ ለማገናኘትም ሌላ ጥንቃቄ የማይውል መሆኑ በትኩረት እየተረጋገጠ እንዲሰጥ ተወስኗል።

አረፋቸውን በተመለከተ በመረት ለማትና አስተዳደር ላይ ለሚገኘው ዝርዝር መመሪያ እንዲፈጸም ተወስኗል።

4. በዕለት የጻፍ ስብሰባ ላይ የተነሱ የማጠቃለያ ነጥቦች

1. የኢትዮጵያ አስልጣኝ ትምህርት ሚኒስቴር ማህተም ማህተም ማህተም የተረጋገጠው የሆኑት ክፍት ሰታዎች በሰጠው ስልት የተረጋገጡ ሲሆኑ በልዩ ተቃራኒ ስህተት የተረጋገጡ ሲሆኑ ለሁሉምም ሁሉም የሚገኙ ማህተም ክፍት እንዲሰጣቸውና አረፋቸውን እንዲከታተሉ ተወስኗል።

2. ከኢትዮጵያ አርቶጳክስ ተዋህዶ ቤተክርስቲያን በተመሳሳይ የተረጋገጠው የክፍት ሰታዎች በተመለከት፡

ሀ. እስከሁሉ በደብዳቤው ቤተክርስቲያን አርባት የሚገኘውን የቤተክርስቲያን የገዳማትና የመሳሰሉት ሁሉም የደብዳቤ ማህተም ክፍት እንዲሰጣቸው ተወስኗል።

ለ. ከዚህ ውጭ እንደ ደብዳቤ የያዙባቸው ሰታዎች በተመለከተ ሌላው ማህተም አገልግሎቶች ማለትም እንደ ትምህርት ሚኒስቴር ስልት ለማት የመሳሰሉት አገልግሎቶች እንዲያውሉት ክፍት ሰጠውባቸው ተወስኗል።

*(Handwritten signatures and stamps)*

ሐ. ለተወሰኑ ጊዜ ይደግፍታል ሥነ ሥርዓት የሚሰጡ ቦታዎች ማለትም እንደወገን፣ ዳርቻ ለምሳሌ ባቶራ (ጋሪጋ-ኦርያ) እንዲሁም የጥምቀትና የመናገሻ ቦታዎች የመሰለሉት በአካባቢ ጥበቃ ባለሥልጣን ስም ካርታ ከተሠራ በኋላ ከአምነት ተጽዕኖ ጋር በመገገገር ወይቶና ገጽህናው ተጠብቆ ለገብረተሰቡ ለመናገሻነትና ለባ አገልግሎት የሚለጥቡት ሁኔታ እንዲሆኑት፤

ሀ. ሀ.ሐ. የህግ ቦታዎች የያዙ የአምነት ተጽዕኖ ካለ ከፊል ለለዕተዳደሩ የልማት ሥራ እንዲወልድ የሚመለከቡት ሁኔታ በመግባባት እንዲሆኑት እፈፃሙ የሚችሉት ልማትና ለለተዳደር ባለሥልጣን ሥራ አሥኪያዩ ከፍተኛና ለግ ጉዳዩት ቢሮ ጋላሬና ከቤቶች ግንባታ ፕሮጀክት ጸ/ቤት ሥራ አሥኪያዩ ጋር በመሆን እንዲከታተሉና እንዲያስፈጽሙ መወከላቸውን፤

3. የካታሊክና የፕሮቴስታንት የቶሮ የቦታ ጥያቄዎች በተመለከተ በአምነት ተጽዕኖ የቦታ አለጣጥ መመሪያ መሠረት በባለሥልጣን እየተሰተናገዱ ቦታ በነፃ እንዲሆኑት እንዲደረግ፡-

4. ለአምባሰዎች ለአትሌቲክና ለሎሳሎት አገልግሎት ተብሎ ቦታ የተወለደባቸው

- 4.1. የጋርኝ ሠብል ገበያ ድርጅት
- 4.2. የቲንት ማመላለሻ ድርጅት
- 4.3. የጥልጽ አገር አጭሮ አውተብስ ድርጅት
- 4.4. የትራንስፖርት ባለሥልጣን
- 4.5. የትራሬክ መከላከያ መቆጣጠሪያ መኮንን በባለሥልጣኑ በኩል ግዕዝ ቦታ ተዘጋጅቶ እንዲሰጣቸው፤

5. ለአትሌቲክ ተደጋጋሚ ሥነ ሥርዓት በተወሰነው መሠረት ወደ ልማት ግንባታ ግንባታ ስራ

- ከትራንስፖርት ባለሥልጣን 4
- ከትራሬክ መኮንን 3
- ካህንነት ለደህንነት ከተሰጠ ቦታ 3
- ፕሮፕል ጉዳይ ዳር 1
- ሲቪል ኢንጅነር እንዲሁም የተሩ ቦታዎች ካሉት ተዘጋጅቶ እንዲሰጣቸው
- በአዲስ አበባ ያለው ቦታ ካልሆነ በደርጅቱ ስምር Sub-Center እንዲሁም ተዘጋጅቶ እንዲሰጣቸው



መ/ሰ/ተ.ሰ.ሰ. ሰርተፎካት ተሰጥቶ የሰብዓተ ወንጌልና ሐዋርያዊ ተልዕኮ መምሪያ ኃላፊ፤

ሊ/ሥ/አስከንድር ገብረ ክርስቶስ የህዝብ ግንኙነት መምሪያ ኃላፊና ቃለ ጉባኤ ያኝር በመሆን ስብሰባው በብፁዕነታቸው ጸሎተ ቡራኪ ተጀመረ፤

**የሰብሰባው ምክንያት** ብፁዕ ጠቅላይ ዋና ሥራ አስኪያጅ በመስቀል አደባባይ እየተሠራ ባለው የግንባታ ሥራና በጃንሜዳ ባሕረ ጥምቀት እየተካሄደ በአለው የገቢያ ማዕከል ሥራ አስመልክቶ ለአዲስ አበባ ከተማ አስተዳደር ከንቲባ ጽ/ቤት ሚያዝያ 13 ቀን 2012 በቁጥር 3595/290/2012 የጻፉትን ደብዳቤ መነሻ በማድረግ በሁለቱም ጉዳዮች ዙሪያ የጋራ ውይይት ተደርጎ የመፍትሔ አቅጣጫ ለማስቀመጥ ታስቦ የተደረገ ስብሰባ ነው፡፡

በመሆኑም ብፁዕ ጠቅላይ ሥራ አስኪያጁ የአዲስ አበባ ከተማ አስተዳደር ከንቲባ ጽ/ቤት ቤተ ክርስቲያኒቱ ያቀረበችውን ጥያቄ በአግባቡ ተቀብሎ ከመንበረ ፓትርያርክ ጠቅላይ ጽ/ቤት የሥራ ኃላፊዎች ጋር የሚወያዩና የመፍትሔ አቅጣጫ የሚያስቀምጡ ባለሙያዎችን መላኩ የሚያስመሰግነው የተቀደሰ ተግባር መሆኑን በመግለጽ በ2ቱም አጀንዳዎች ላይ ውይይቱ እንዲቀጥል አባታዊ የሥራ መመሪያ ሰጥቶል፡፡

በዚህም መሠረት በጉባኤው ላይ የተገኙት የአዲስ አበባ ከተማ አስተዳደር የሥራ ኃላፊዎች በመስቀል አደባባይ እየተካሄደ ባለው የግንባታ ሥራ ዙሪያ ከመንበረ ፓትርያርክ ኃላፊዎች ጋር ለመነጋገር መምጣታቸውን ከገለጹ በኋላ የመስቀል አደባባይ የግንባታ ሥራን በተመለከተ ከ16 ዓመታት በፊት ታቅዶ የነበረ ሥራ መሆኑን ገልጸው አደባባይ ከሃይማኖታዊ ክብር በዓል ማክበሪያነት ባሻገር ዘወትር ስፖርታዊ እንቅስቃሴዎች የሚደረግበትና የአደባባይ አብዛኛው ክፍልም ከአገልግሎት ብዛት የተነሳ በእጅጉ የተገባቸው ከመሆኑም በላይ ንጽህናው ያልተጠበቀና ልዩ ልዩ ወንጀሎች የሚፈጸሙበት

Handwritten signatures and initials in blue ink at the bottom of the page, including a prominent signature that appears to read 'Hlaw feut'.

... በመሆኑም በመሰረቱ ለታደሰና የከተማዎን ታላቅነት ባገናዘበ መልኩ ሊሰራ እንደሚገባው የከተማ አስተዳደሩ እምናበታል።

ይህንንም መነሻ በማድረግ ከ20 በላይ ዘመናዊ መጻጻጃ ቤቶች ያሉት ከ1400 በላይ መኪናዎችን ማቆም የሚችል የመኪና ማቆሚያ ያለው ደረጃውን የጠበቀ ሥራ እንደሚሰራና በግንባታው ወቅት የሚከናወነው ሥራ ሁሉ በመስቀል በዓል ላይ ምንም አይነት አሉታዊ አስተዋጽኦ ሊያበረክት የሚችል ሥራ እንዳልተሰራ ይልቁንም የመስቀልን የማይዳስስ ቅርስነት ታሳቢ ባደረገ መልኩ በዓሉን በድምቀት ለማክበር የሚያስችል ሥራ በመስራት ላይ መሆኑን የሥራ ኃላፊዎች አስረድተዋል።

ከዚህ ጋር የግንባታ ሥራው መነሻውን ከመስቀል አደባባይ በማድረግ እስከ አዲስ አበባ ከተማ አስተዳደር የሚዘልቅ የአረንጓዴ ልማት ፕሮጀክት አካል መሆኑንና የግንባታ ሥራውም ከ2.5 ቢሊዮን ብር በላይ በጀት የተያዘለት ፕሮጀክት መሆኑንና የግንባታ ሥራውም ከመስከረም 2013 ዓ/ም የመስቀል በዓል ቀድሞ እንዲጠናቀቅ ውል ተገብቶ እየተሠራ የሚገኝ መሆኑን ኃላፊዎች ገልጸዋል። የግንባታ ሥራውን ዝርዝር ሁኔታም በምስል በታዘዘ መልኩ በግንባታ ሥራው አማካሪ አማካኝነት ማብራሪያ ተሰጥቶበታል።

በሌላ መልኩ በጃንሚዳ ባሕረ ጥምቀት እየተሠራ ያለው የገቢያ ማዕከልም የጥምቀት በዐሉ አከባበር በማይቃረን መልኩ በጊዜያዊነት እንደሆነ አስረድተዋል።

ከዚህ መሠረተ ሀሳብ በመነሳት የመንበረ ፓትርያርክ ጠቅላይ ጽ/ቤቱ የሥራ ኃላፊዎች በልማት ሥራው ዝርዝር አፈጻጸም ዙሪያ ያላቸውን ጥያቄ በማቅረብ በአስተዳደሩ ባለሙያና በአስተዳደሩ የሥራ ኃላፊዎች በኩል ማብራሪያና ምላሽ ተሰጥቶበታል።

ከተነሱት በርካታ ጥያቄዎች መካከልም ፦

1. ፕሮጀክቱ ከመጀመሩ በፊት ቤተ ክርስቲያን እንድታውቀው ለምን አልተደረገም ?

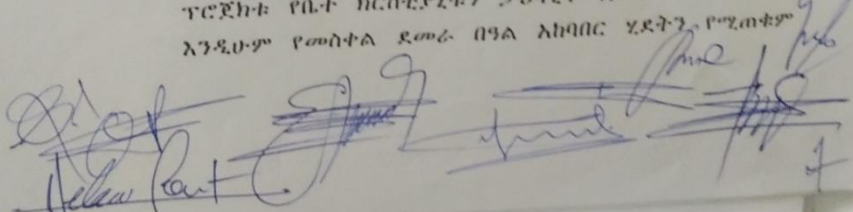
በታችኛው ላይ ስምዎችን እና ስምዎችን ያጻፉ

3. በመስተል አደባባይ እየተካሄደ ያለው የገንባታ ሥራ ከመስተል ደመራ አካባቢ ይዘት እንዲት ይታያል የግራና የመሳሰሉት ዋናዎቹ ናቸው፡፡

በመሆኑም የአስተዳደሩ የሥራ ኃላፊዎች ፕሮጀክቱ እንዲገባና የከተማዋን ገጽታ ከመለወጥ አንጻር ወሳኝ በመሆኑ እንዲሁም ፕሮጀክቱን ከ2013 ዓ/ም የመስተል ደመራ በዓል በፊት ለግጠናቀቅ በግብርብ ሁኔታ ላይ በአስተዳደሩ ስምምነት የተደረሰ በመሆኑና ፕሮጀክቱ እስከ ግዙጋጃ ቤት የሚዘልቀው የልማት ሥራ እካል በመሆኑ ፕሮጀክቱ በአስተዳደሩ እንዲጀመር ከነበረን ቀናነት የተሞላበት ጉጉት አንጻር እንዲሁም በመስተል በዓል አባባር ላይ ምንም ዓይነት አለታዊ ገጽታ ሊያመጣም ከግራ በጉ አመለካከት በመነሳት ወደ ሥራ መግባታቸውን የገለጹ ሲሆን ቀድመው ሥራው ከመጀመሩ በፊት ከቤተ ክርስቲያኒቱ ጋር አለመመካከራቸው ትክክል እንዳልሆነና ሥራው በአስተዳደሩ እንዲሰራ ከመረለግ አንጻር በቅንነት ያደረጉት መሆኑን በመገለጽ በከተማ አስተዳደሩ ስም ቤተ ክርስቲያኒቱን ይቅርታ ጠይቀዋል፡፡ የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን የሥራ ኃላፊዎችም ይቅርታውን በመቀበል በተጣይ መሥራት ባለባቸው ጉዳዮች ዙሪያ ከልዑካኑ ጋር ሠፊና ጥልቅ ውይይት በማድረግ የሚከተለውን የጋራ ውሳኔ አስተላልፈዋል፡፡

**ው ሳ ኔ**

1. እሁን የተጀመረው ውይይት በቅዱስ ፓትርያርኩ በቋሚ ሲኖዶስ በከተማ አስተዳደሩ ምክንያቱና በካቢኔ ደረጃ እንዲቀጥል፡፡
2. በመስተል አደባባይ የገንባታ ሥራው የተጀመረው ፕሮጀክት ምንም እንኳን ጠቃሚ እና አካባቢውን የሚለወጠው ቢሆንም ፕሮጀክቱ የቤተ ክርስቲያኒቱን ታሪካዊና ሃይማኖታዊ ጉዳዮችን እንዲሁም የመስተል ደመራ በዓል አካባቢ ሂደትን የሚጠቁም



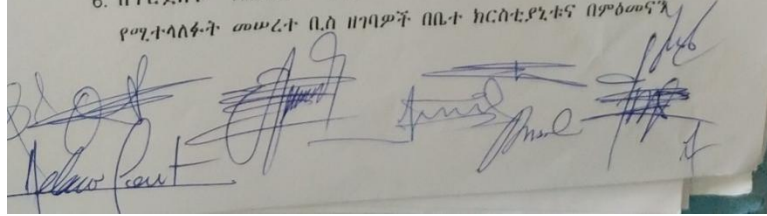
ጥቅም ላይ የዋለው ክርስቲያኒቱን ታሪካዊና ሃይማኖታዊ ጉዳዮችን እንዲሁም የመስተል ደመራ በዓል አካባቢ ሂደትን የሚጠቁም ሊሆን ስለሚገባው የቤተ ክርስቲያኒቱ የምህንድስና ባለሙያዎች በፕሮጀክቱ መካተቱ ያለባቸውን ጉዳዮች ለማመልከትና ፕሮጀክቱ ለቤተ ክርስቲያኒቱ የሚሰጠውን ሁሉን አቀፍ ጥቅም ለመገምገም ሲባል ከከተማ አስተዳደሩ ጋር በጋራ የሚሰሩበት ሁኔታ እንዲመቻች እንዲደረግ፡፡

3. ፕሮጀክቱ የቤተ ክርስቲያኒቱን ጥቅም የሚያስጠብቅ መሆኑንና ከግንባታው ውጤት ጀርባ የከተማ አስተዳደሩና ቤተ ክርስቲያኒቱ የጋራ ተጠቃሚነታቸውን የሚያረጋግጡበት ፕሮጀክት መሆኑን ለህዝብ ለማስገንዘብ ሲባል የስምምነት ሰነድ ተዘጋጅቶ በቅዱስ ፓትርያርኩና በከተማ አስተዳደሩ ምክንቲባ የፊርማ ስምምነት እንዲደረግ፡፡

4. በፕሮጀክቱ ዙሪያ በህዝብ ክርስቲያኑ ዘንድ የሚሰማው አሉታዊ መረጃ የከተማ አስተዳደሩን የልማት ዓላማና ፍላጎት የማንጸባረቅ እንዲሁም ቤተ ክርስቲያኒቱ በፕሮጀክቱ መካከት ዙሪያ የሚቀርባት ምንም ዓይነት ጥቅም እንደማይኖር ህዝብ ክርስቲያኑ እንዲያውቅ ለማድረግ ሲባል የጋራ ጋዜጣዊ መግለጫ እንዲሰጥና ቅዱስ ፓትርያርኩና ምክንቲባው በፕሮጀክቱ አካባቢ ጉብኝት በማድረግ የሚዲያ ሽፋን እንዲያገኝ እንዲደረግ፡፡

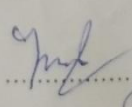
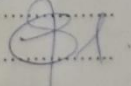
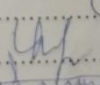
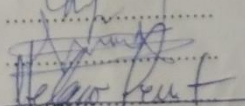
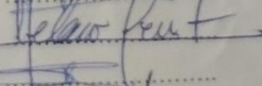
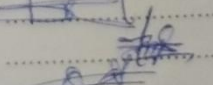
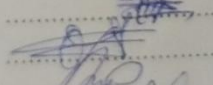
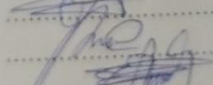
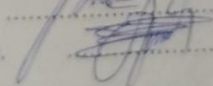
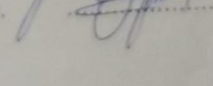
5. ፕሮጀክቱን በተመለከተም ይሁን በሌሎች የሰላምና የልማት ሥራዎች ዙሪያ በከተማ አስተዳደርና በቤተ ክርስቲያኒቱ መካከል የሚደረገው የሥራ ግንኙነት ተቋማዊ በሆነ መንገድ ማከናወን ይቻል ዘንድ የሁለትዮሽ ግንኙነቶች ሁሉ በጠቅላይ ጽ/ቤቱ ዋና ሥራ አስኪያጅና ከብዑዕነታቸው በሚወከሏቸው የሥራ ኃላፊዎች ብቻ እንዲደረግ፡፡

6. በፕሮጀክቱ አፈጻጸም ዙሪያ በአንዳንድ ማኅበራዊ ሚዲያዎች የሚተላለፉት መሠረተ ቤስ ዘገባዎች በቤተ ክርስቲያኒቱና በምዕመናኝ



በጥርጅክቴ ዙሪያ ያሉ ህብረተሰባዊ ቅሬታዎችን በአስቸኳይ ከመፍታት እንጻር በተተላጠፈ ማለትም እስከ ሚያዝያ 24 ቀን 2012 ዓ/ም ድረስ የባራው ውይይት ተደርጎ በቅዱስ ፓትርያርኩና በም/ከንቲባው ደረጃ እንዲቀጥል እንዲደረግ ለዚህም የከተማዋ አስተዳደር የሥራ ኃላፊዎች በም/ከንቲባው በኩል ፕሮግራሞችን በማመቻቸት በአፋጣኝ ውይይቱና ከፍ ሲል የተጠቀሱ ውሳኔዎች ተፈጻሚ እንዲደረጉ፡፡

7. በጃንሚያ ባሕረ ጥምቀት እየተሠራ ያለው ጊዜያዊ የገቢያ ማዕከል ጥር 10 እና ጥር 11 ቀን 2013 በሚከበረው በዐለ ጥምቀት ዕንቅፋት እንዳይፈጥር የከተማ አስተዳደሩ በዐለ ከመድረሱ በፊት ሁኔታዎችን እንዲያመቻች በመስማማት የጋራ ስብሰባው በብፁዕነታቸው ጸሎት ተጠናቋል፡፡

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4. 
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10. 


**Annex 4**

**Letters**

**4.1 Official Letter, written by Addis Ababa City Government Tenure Administration Transitional Period Service Project Office for Six Governmental Institutions, in Ref No.ደአስ/975/2005.**

**Page 1 of 1**

በአዲስ አበባ ከተማ አስተዳደር  
 የይዞታ አስተዳደር የሽግግር ጊዜ አገልግሎት ሃርጀክት  
 ጽ/ቤት


 Addis Ababa City Government  
 Tenure Administration Transitional period Service Project  
 Office

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ቀን 14 ጥቅምት 2005  
 Date

ቁጥር ደአስ 975 /2005  
 Ref No

ለአራዳ ክ/ከተማ ይዞታ አስተዳደር የሽ/ጊ/አገ/ገ/ጽ/ቤት  
 ለቦሌ ክ/ከተማ ይዞታ አስተዳደር የሽ/ጊ/አገ/ገ/ጽ/ቤት  
 ለቱርቆስ ክ/ከተማ ይዞታ አስተዳደር የሽ/ጊ/አገ/ገ/ጽ/ቤት  
 ለኮልፌ ቀራንዮ ክ/ከተማ ይዞታ አስተዳደር የሽ/ጊ/አገ/ገ/ጽ/ቤት  
 ለገንጠ ስልክ ሳፍቶ ክ/ከተማ ይዞታ አስተዳደር የሽ/ጊ/አገ/ገ/ጽ/ቤት  
 ለአቃቂ ክ/ከተማ ይዞታ አስተዳደር የሽ/ጊ/አገ/ገ/ጽ/ቤት


አዲስ አበባ

ጉዳዩ:- የጥላካና የክብረ-በዓል ቦታዎች ካርታን ይመሰክታል

የአዲስ አበባ ከተማ አስተዳደር የውበት፣ መናፈሻና ዘላቂ ማረፊያ ልማትና አስተዳደር ኤጀንሲ በቁጥር መ/መ/ሰ/ማ/ል/አስ/አ/503/04 በቀን 21/12/04 በላይው ደብዳቤ የጥላካና የክብረ በዓል ቦታዎችን እንዲያስተዳድር በአዋጅ በተሰጠው ስልጣን መሰረት ቦታዎቹን በተጣይ ማልማት ይችል ዘንድ የይዞታ ማረጋገጫ ካርታ እንዲሰጠው ገ/ጽ/ቤታችንን ጠይቋል።

በመሆኑም በክ/ከተማችሁ የሚገኘውን የጸንጫ ፌስተሽል ሳይት ይዞታ ከዚህ በፊት በሌላ አግባብነት ባለው አካል የይዞታ ማረጋገጫ ሰነድ ያልወጣበት ስለመሆኑና በኤጀንሲው እጅ ስለመያዙ ተጣርቶ የይዞታ ማረጋገጫ ካርታ ተዘጋጅቶ እንዲሰጣቸውና አፈጻጸም ሪፖርት እንዲደረግልን እያሳሰብን ኤጀንሲው ከከተማ ጥላን ኢንስቲትዩት ጠይቆ የላከልንን የቦታውን/የይዞታውን የጥላን ፎርማት በሃርጅና ሶፍት ኮፒ አያይዘን የላክን መሆኑን እነሳውቃለን።

ከሰላምታ ጋር  
 ለመገመቱ  
 የሽግግር ጊዜ አገልግሎት ምዘገባና ጥበቃ አገልግሎት  
 ቤቱን መሪ



**ግልጻጭ**  
 በአዲስ አበባ ከተማ አስተዳደር

- ለይዞታ አስተዳደር የሽግግር ጊዜ አገ/ገ/ጽ/ቤት
- ለውበት፣ መናፈሻና ዘላቂ ማረፊያ ልማትና አስተዳደር ኤጀንሲ
- ለይዞታ አስተዳደር የሽግግር ጊዜ አገልግሎት ገ/ጽ/ቤት
- ለይዞታ/ክብረት ምዘገባና ጥበቃ አገልግሎት ቤቱን


አዲስ አበባ

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"ለአዲስ ለውጥ፣ በአዲስ መንፈስ !!!"

አባ ማትያስ ቀዳማዊ ፓትርያርክ  
 ርእሰ ሊቃነ ጳጳሳት ዘኢትዮጵያ፤  
 ሊቀ ጳጳስ ዘኢፕሶም፤  
 ወዕጪኔ ዘመንበረ ተክለ ሃይማኖት



**ABBA MATTHIAS I**  
 Patriarch of Ethiopia, Archbishop of Axum,  
 Echegue of the See of St. Tekle Haimanot

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ለክቡር አቶ ድረባ ኩማ  
 የአዲስ አበባ ከተማ አስተዳደር ክንቲባ  
 አዲስአበባ

ጉዳዩ፡- **የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን ታቦታተ ሕግ ከመንበረ ክብራቸው እየወጡ የሚያድሩበት ጃንሚዳ አደባባይ በካርታ ተክልሎ ይሰጥ ዘንድ የቀረበውን ጥያቄ በሚመለከት ይሆናል ።**

የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን በአደባባይ ከምታክብራቸው ዓበይት በዐላት መካከል በዐለ ጥምቀት አንዱና ዋነኛው በመሆኑ ቤተ ክርስቲያናችን ባለችበት ሀገርና በታ ሁሉ ታቦታተ ሕግ ጥር 10 ቀን ወጥተው፤ በማንበረ ካህናት ወምእመናን ታዩበው በየተመደበላቸው የጥምቀተ ባሕር ቦታ ከደረሱ በኋላ መንፈሳዊ አገልግሎት እየተሰጠ ያድራሱ።

እንደዚሁ ሁሉ ጥር 11 ቀን በሕዝብ ክርስቲያኑ ታዩበው በወጡበት አኳኋን ወደ መንበረ ክብራቸው እንደሚመለሱ የታወቀ ነው ይህ የቤተ ክርስቲያናችን ቀናናዊ ሥርዓትና የተቀደሰ ትውፊት ከቀደምት አበው ኢትዮጵያውያን ዘመነ ነገሥታት ዘመን ጀምሮ እየተከበረና ለትውልደ ትውልድ እየተላለፈ አሁን ካለንበት ጊዜ ላይ ደርሶ ይገኛል ።

ከላይ እንደተገለጸው የሚያደስ ቅርስ ሆኖ አገልግሎት ሲሰጥ የኖረውና አሁንም እየተካሄደ ያለው የጥምቀት በዐለ አካባቢ ሥርዓትና የስነ ሰዕሉ ይዘት የተመልካች ጎሴናን የመሣረከ፤ የመላብና በስነ አእምሮ የሚሥረዕ ኃይል ያለው በመሆኑ የሀገሪቱና የቤተ ክርስቲያኒቱ ክብርና ልዕልና ከመኖሪውም ጊዜ በበለጠ በዓለም መድረክ ከፍተኛ ዕውቅና እንዲኖረው አስችሏል ።

ከዚህ አንጻር የስነ ሰዕሉን አካባቢ ይዘት ለመከታተልና ታሪካዊ ሒደቱን ለመመዘገብ ከቅርብም ሆነ ከሩቅ የሚመጡ የሀገር ውስጥና የውጭ አህጉር ተራሮቹ ቁጥር ከጊዜ ወደጊዜ እያደገ ይታያል ።

የሀገራችንና የቤተ ክርስቲያናችን መንፈሳዊና ማህበራዊ አገልግሎት ከግርማዊ ዳግማዊ አዲ ማኅልክ ዘመነ መንግሥት ጀምሮ የአገልግሎት ታሪክ እየተካሄደበት ያለው ይኸው የጃንሚዳ አደባባይ በካርታ ተክልሎ እንዲከበር ማድረግ በሚቻልበት ሁኔታ ላይ ቀደም ሲል ከቤተ ክርስቲያኒቱ ማዕከላዊ አስተዳደር የተደጋገመ ጥያቄ ቢቀርብም በተለያየ ምክንያት ጥያቄው ሊስተናገድ ባለመቻሉ፤

ታቦታተ ሕግ የሚያድሩበትና የሚውሉበት፤  
 ስብሐተ እግዚአብሔር የሚደርስበት፤  
 ማንበረ ካህናት ወምእመናን ሥርዓተ ጥምቀቱን የሚከታተሉበት፤

290 ቁጥር 118/322/180/2010  
 Ref. No.

ቀን 12/8/2010 ዓ.ም  
 Date

አዲስ አበባ 12/8/2010

አባ ማትያስ ቀዳማዊ  
 ፓትርያርክ ርእሰ ሊቃነ ጳጳሳት  
 ወዕጪኔ ዘመንበረ ተክለ ሃይማኖት  
 Abba Matthias I Patriarch  
 of Ethiopia, Archbishop of Axum  
 Echegue of the see of St. Tekle Haimanot

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251-111-550577  
 251-111-565747, 251-111-551013

Fax:- 251-111-552211  
 ☒ 1283 አዲስ አበባ Addis Ababa


E-mail: abamatthiaspatriarch@yahoo.com  
 abagerima@yahoo.com  
 www.eotc.patriarch.org





4.4 A letter, in reference No.4100/11/19/2013 on date 2/10/2013, E.C.

Page 1 of 4



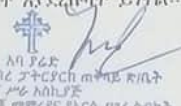
የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን  
መንበረ ፓትርያርክ ጠቅላይ ጽ/ቤት  
Ethiopian Orthodox Tewahedo Church  
PATRIARCHATE HEAD OFFICE


ተጥር 4100/11/19/13  
Ref. No.  
2/10 ቀን ፳፻13 ዓ/ም  
Date 20

ለኢ.ፌ.ዴ.ሪ ጠቅላይ ሚኒስቴር ጽ/ቤት  
ለኢ.ፌ.ዴ.ሪ ሰላም ሚኒስቴር  
ለፌዴራል ፖሊስ ኮሚሽን  
ለአ/አ ከተማ አስተዳደር ኮንቲባ ጽ/ቤት  
ለአ/አ/አ/አ/አ ሰላምና ፀጥታ አስተዳደር ቢሮ  
ለአዲስ አበባ ፖሊስ ኮሚሽን  
አዲስ አበባ፤

ጉዳዩ፡- ሥርዓተ አምልኮ የሚፈፀምባቸው ይዘታዎቻችን ላይ የሚፈጸሙ የሁከት ድርጊቶች እንዲቆሙ እና ሕጋዊ ዋስትና እንዲሰጣቸው፤ እንዲሁም በቤተ ክርስቲያናችን፤ በሃይማኖት አባቶቻችንና በምዕመናን ላይ የሚደርሱ መከራዎች እንዲቆሙና ተገቢው ካሳ እንዲሰጣቸው ስለመጠየቅ

ከላይ በርዕሱ ለመጥቀስ እንደተሞከረው የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን ሕግ አውጥታና ሥርዓት ተርጉሞች ለመሆኑ ሲወርድ ሲዋረድ ሃይማኖታዊና ሀገራዊ ይዘቱን በጠበቀ መልኩ ለማያወ ሥርዓተ አምልኮ የሚፈጸምባቸውና የመንፈስ ቅዱስ ጸጋና በረከት ለምዕመናን የሚሰጥባቸው የዚህች ታላቅ፣ ጥንታዊትና ዓለም አቀፋዊት ቤተ ክርስቲያን የፈጣሪን ስም የምትጠራበት፤ መንፈሳዊና ታሪካዊ ክብር የሚታይበት፤ የሀገር መልካም ገጽታ የሚገልጽበት፤ የሕዝብ አንድነት፤ የአብሮነት እሴት የሚጠናከርባቸው በዓለም አቀፍ ደረጃ የታወቁ፤ ምዕመናንና ዜጎች ሁሉ በየዓመቱ በጉጉት የሚጠብቋቸው ከሃይማኖታዊ ዕሴታቸው በተጨማሪ በርካታ ሥነ-ጥበባዊ፤ ኪነ-ማዕከራዊ ዕሴት ያላቸው የእውቀት መፍሰቂያ፤ መሸጋገሪያና የታሪክ መዘክር እንዲሁም ሀገርን ጨምሮ ለብዙዎች የገቢ ምንጭ የሚሆኑ የአይባሳይ በዓላቶች ባለቤት ነች። ሆኖም ግን በተለያዩ የሀገራችን ክልሎች ቤተ ክርስቲያኖች ላይ እየደረሱ ያሉ በደሉች ክዕለት ወደዕለት እየተባሰሱ፤ በተደራጀ እንዲሁም መንግሥታዊ ብልም መዋቅራዊ ድጋፍ እያገኘ በሚመስል መልኩ የተለያዩ ጫናዎችን በማሳደር ጥቃቶች እየደረሱባት ይገኛል።

  
ለባ ፓሬቱ  
የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን  
ጥናትና ስነ-ምግባር  
የሰበሰብ ጉባኤ ማደራጀት ማዕከልና የአርሲ ሀገረ ሰብከት  
ሲቶ ጳጳስ

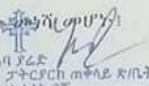
  
 የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን  
 መንበረ ፓትርያርክ ጠቅላይ ጽ/ቤት  
 Ethiopian Orthodox Tewahedo Church  
 PATRIARCHATE HEAD OFFICE

ቀን ጸሃ \_\_\_\_\_ ዓ/ም  
 Date \_\_\_\_\_ 20 \_\_\_\_\_

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ከነዚህም መካከል ለአብነት ያህል፡-

1. በጋሞጎፋ ሀገረ ስብከት በመሰብዘ ወረዳ የሰላ ደ/ገ/ቅዱስ ሚካኤል ቤተ ክርስቲያን ሰበርነታ ዓመታት የመስቀልና የጥምቀት በዓል ማክበሪያ ሆኖ ሲያገለግል የቆየ የቤተ ክርስቲያን ቦታ የወረዳው የመንግሥት አካላት ለሌላ የልማት ሥራ በሚል በሥልጣናቸው የወሰዱ መሆኑ፤
2. በተመሳሳይ በሀይደ ዞን በሆነዕድ ከተማ ለተከናወነው የጥምቀት ባህር ቦታ ንጥቂያ የክልሉ መንግስትም በሰጠው ውሳኔና አቅጣጫ ጭምር መኖሪያ ለመስጠት ያለመፈለግ እና ኢ-ፍትሃዊ የሆኑ ተግባራት ዘልቀው ለሁከት እና ብጥብጥ የሚገፋፋ ድርጊት እየፈፀሙ መገኘታቸው፤
3. በአዲስ አበባ ሀገረ ስብከት የአፍሪካ ሕብረት ቅዱስ ሚካኤል ቤተ-ክርስቲያን የቦታ ጥያቄ አቤቱታም ለከተማው አስተዳደር እና ከንቲባ ጽ/ቤት ጭምር በተደጋጋሚ በቅሬታ መልክ አቤቱታ የተረጋገጠ ሆኖ ነገር ግን ምላሽ ያላገኘበት መሆኑ፤
4. በታሪክም ሆነ በሀገራዊ ባለቤትነትም አከራካሪ ያልሆነውን በአዲስ አበባ ሀገረ ስብከት ሥር የሚገኘው የመስቀል አደባባይ ጋር ተያይዞ በያዘው 2013 ዓ.ም በሙስሊም ወገኖቻችን በኩል ለአፍጣር መርሐ-ግብር በሚል ሰብብ በተወሰኑ የሀይማኖቱ ተከታይ ግለሰቦች አካላችን የቤተ ክርስቲያኗን ታሪካዊ ባለቤትነት በሚሸረሸር ሁኔታ የአደባባዩን ስያሜ ከመስቀል አደባባይነት “አድ አደባባይ” እና “አብዮት አደባባይ” በማለት በተለያዩ የማህበረሰብ ሚዲያዎች በሚሸረሸር እና ንቅናቄ በመፍጠር ሀይማኖታዊ ሁከት እና ግጭት ለመፍጠር ታስቦ የተሠራ ቢሆንም ምዕመናኑን በማረጋገጥና የተፈጠረው ወቅታዊ አለመግባባት በውይይት እንደሚፈታ በማመን እንዲሁም ይህንን ታሪካዊ ባለቤትነቷን ለደቂቃም የሚሸረሸር እውነት የሌላቸው ግለሰቦች እንቅስቃሴ መሆኑን በማስገንዘብ አለመግባባቶችን በስምምነት ለመፍታት ጥረት እያደረገን ባለንበት ሁኔታ በጎግል ማገገም “Google Map” ላይ በተደራጀ ዓለማዊ ስንቅስቃሴ “የመስቀል አደባባይን” “አድ አደባባይ” በሚል የስም ለውጥ በማድረግ ላይ የሚገኝ እንቅስቃሴ መኖሩን ስንረዳ ይህ ዓለማዊ ክይታ ነጠቃነት ከፍ ያለ እና ኦርቶዶክሳዊ ተዋህዶ እምነታችንን ለማጥፋት በፅቅድ እየተሰራ ያለ ሴራ መሆኑን ለመረዳት ችለናል።
5. በአዲስ አበባ ሀገረ ስብከት ሥር የሚገኘውን የጽንሜዳ የጥምቀት ባህር ማክበሪያ ይታችንም በተመለከተ በካሮና ወረርሽኝ ጋር በተያያዘ ከቤተ ክርስቲያኗ ፈቃድ እና ይሁንታ ውጭ ለንግድ አገልግሎት እንዲውል መደረገና የተቀደሰው ታቦታችን የሚያርፍበት የታቦት ማደርያችን ጭምር ከአምልኮተ ቤተ ክርስቲያን ዓላማ ውጭ እንዲውል መደረጉ እና የጭቅጭቅ ስሜት መሆኑን፤

  
 አባ ያሬድ  
 የኢትዮጵያ ኦርቶዶክስ መንበረ ፓትርያርክ ጠቅላይ ጽ/ቤት  
 ጥና ሥራ አስፈጻሚ

አዲስ አበባ  
 ADDIS ABABA



የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን  
መንበረ ፓትርያርክ ጠቅላይ ጽ/ቤት  
Ethiopian Orthodox Tewahedo Church  
PATRIARCHATE HEAD OFFICE

ቁጥር \_\_\_\_\_  
Ref. No. \_\_\_\_\_  
ቀን ፳፻ \_\_\_\_\_ ዓ/ም  
Date \_\_\_\_\_ 20 \_\_\_\_\_

6. ባለፉት ዓመታት በኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያናችን ላይ እየታየ ያለው የኦብያተ ክርስቲያናት መቃጠል፣ የምዕመናን በግፍ መገደልና ክስል ጉዳተኛ ማድረግ፣ ሁብት ንብረታቸውን ማውደም፣ በኃይል ሃይማኖታቸውን እንዲቀይሩ ማስገደድ ከዕለት ወደዕለት እየተባባሰ እና እየተስፋፋ መምጣቱ እጅግ እየሰፋለን መሆኑ፤

የኢትዮጵያ ኦርቶዶክስ ተዋሕዶ ቤተ ክርስቲያን ቅዱስ ሲፕሪስ ምልክት ጉባዔ በግንቦት 19 ቀን 2013 ዓ.ም ባደረገው ስብሰባ ክላይ በገርገር የተጠቀሱት ተግባራት በእስቸኳይ በማመልከተው እኩል እንዲታረሙ አዕንሉት ሰጥቶ ተወያይቶ ውሳኔ አሳልፏል።

በመሆኑም፡-

1. ጉዳዩ የሚመለከታችሁ ፈጠራ-ላይም ሆነ ክልላዊ መንግስታዊ እኩል በገርገር የተጠቀሱት ነጥቦችን በተመለከተ ሃይማኖታዊ ሥርዓተ እምልኮ የሚከናወኑባቸው የመስቀል አደባባይ እና የጃንሚዳ የጥምቀተ ባህር ይዞታዎቻችንን ጨምሮ በመላ ሀገሪቱ የሚገኙትን ሁሉ በተመለከተ ያለምንም ቅድመ ሁኔታ የማይደፈር ጽኑ መሠረት ያለው የይዞታ ማረጋገጫ ተዘጋጅቶ እንዲሰጠን እንዲደረግ፤
2. የይዞታ ማረጋገጫው እስከሚሰጥ ድረስ ከይዞታችን ጋር የሚገናኝ ማናቸውም አይነት ድርጊት ከመፈጸሙ በፊት የቤተ ክርስቲያናችን ይሁንታ ማግኘት ያለበት በመሆኑ በዚሁ አግባብ ተፈጻሚ እንዲደረግ ተገቢው አቅጣጫ እንዲሰጥ፤
3. ድርጊቱ በማንም ይሁን በማን ሰነግል ማገገም "Google Map" ላይ እየተፈጸመ ያለው የስም ቅያሬን በተመለከተ መንግስት በእስቸኳይ የእርምጃ አርምጃ ወስዶ ታሪካዊ ባለቤት ለሆነችው ቅድስት ኦርቶዶክሳዊት ቤተ ክርስቲያን ስያሜ ወደሆነው "መስቀል አደባባይ" ወደሚለው እንዲስተካከል ተገቢው የማስተካከያ እርምጃ እንዲወሰድ፤
4. በአዲስ አበባ ሀገረ ስብከት የአፍሪካ ሕብረት ቅዱስ ማክሲል ቤተ ክርስቲያን ጥያቄም በአግባቡ ምላሽ እንዲያገኝ፤
5. በመላ ሀገሪቱ በተለይም በኦሮሚያ ክልል፣ በቤኒሻንጉል ክልል፣ በደቡብ ክልል፣ በአማራ ክልል፣ በሲዳሞ ክልልና በትግራይ ክልል እንዲሁም በአንዳንድ አካባቢዎች በኦርቶዶክስ ተዋሕዶ እምነት ተከታይ በሆኑ

አባ ያፈድ  
ጠ.አ.አ.ቤ.ቤ. ማንበረ ፓትርያርክ ጠቅላይ ጽ/ቤት  
ጥ/ ሥራ አስፈጻሚ  
የፅዕኑ ኃይለ ማርያም መኖሪያና የአር.ሲ.ሲ ሀገረ ስብከት  
ቤተ ክርስቲያን

የመልስት ጥገና ቁጥር ፩፻፺፪  
P.O. Box 1263  
TEL. 011-155 00 98

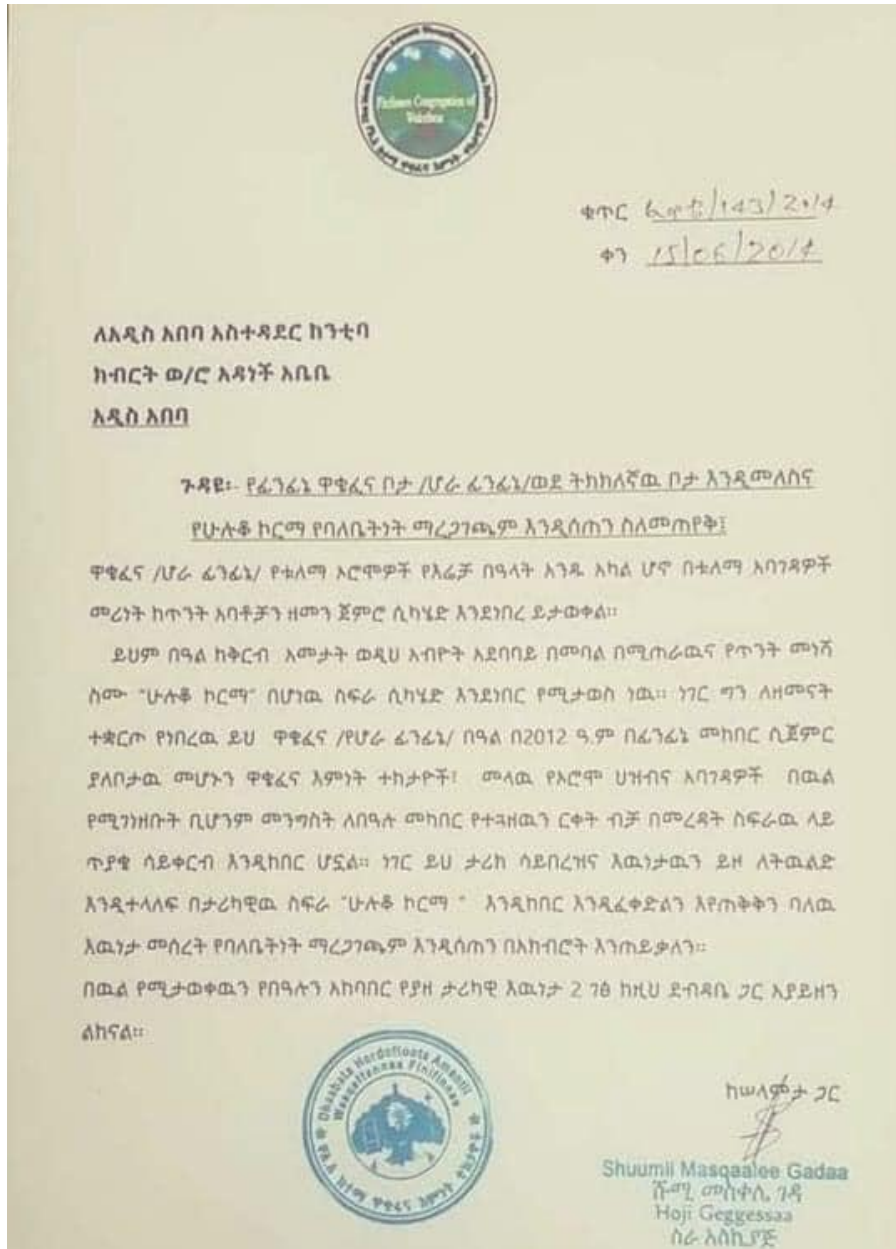
ABBA YARED  
GENERAL MANAGER OF THE E.O.T.C ARCHBISHOP  
OF PARISH COUNCIL DEPARTMENT AND  
ARSI DIOCESE

አባ አብ  
ADDIS ABABA  
FAX 57-45-14



4.5 A letter, in reference No.ፊዋቁ/143/2014, on date 15/06/2014, E.C.

Page 1 of 1





4.7 Official Letter, written by the Ethiopian Islamic Affairs Supreme Council addressed to Mrs. Adanech Abebea, the Mayor of Addis Ababa City Government.

Page 1 of 1



4.8 Public Statement, released By Ethiopian Orthodox Tewahido Church of Hadiya and Silte Diocese, on Date, 13/01/2014.

Page 1 of 1

  
 በኢትዮጵያ ኦርቶዶክስ ተዋህዶ ቤተ ክርስቲያን  
 የሀዲያና ስልጤ ሀገረ ስብከት ጽ/ቤት  
 Ethiopian Orthodox Tewahido Church  
 Hadiya and Silte Diocese


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**በኢትዮጵያ ኦርቶዶክስ ተዋህዶ ቤተ ክርስቲያን ከሀዲያና ስልጤ ሀገረ ስብከት ጽ/ቤት የአደባባይ በዓላት አከባቢርን በተመለከተ የተሰጠ መግለጫ፤**

በኢትዮጵያ ኦርቶዶክስ ተዋህዶ ቤተ-ክርስቲያን የሀዲያና ስልጤ ሀገረ ስብከት ጽ/ቤት የሆላዕና ከተማ ጥምቀተ ባህርና የመስቀል ደመራ በዓላት ማክበሪያ ቦታ እንዲከበር ከ1974 ዓ.ም ጀምሮ ለመንግሥት እያቀረበ ባለው ጥያቄ መሰረት መንግሥት ቦታው ለቤተ ክርስቲያን፣ እንዲከበር የተለያዩ ውሳኔዎችን ቢሰጥም ጉዳዩ በውሳኔው መሰረት ሊፈጸምልን ያልቻለና ቦታው ለሌላ የማህበራዊ አገልግሎት (ለገበያ) እንዲውል በመደረጉ የበዓላት ማክበሪያው ቦታ በገበያተኛ መግቢያ የተከበበና በቆሻሻ ክምችት የተበከለ ቦታ ስለሆነ ለአምልኮተ እግዚአብሔርና ለቤተ-ክርስቲያን፣ እንዲሁም ለሕዝብ ክርስቲያን ክብር ሲባል ቦታው ተክብሮ ቤተ-ክርስቲያን ለምትፈልገው አገልግሎት ምቹ እስኪሆን ድረስ በቦታው ላይ በዓደባባይ የሚከበሩ የጥምቀትና የመስቀል ደመራ በዓላትን ላለማክበር ቀደም ሲል መስከረም 14 ቀን 2013 ዓ.ም እና ጥር 9 ቀን 2013 ዓ.ም ባወባው መግለጫ መሰረት የ2013 ዓ.ም የመስቀል ደመራና የጥምቀት በዓላት ሳይከበሩ መቅረታቸው ይታወቃል ።

አሁንም ቢሆን ሀገረ ስብከቱና በጉዳዩ ላይ የተቋቋመው ኮሚቴ የቤተ-ክርስቲያን ተቋማዊና የህዝብ ክርስቲያን ነጻና ሰላማዊ በሆነ ቦታ ላይ የማምለክ ሕገ መንግሥታዊ መብት ለማስከበር በየደረጃው ለሚገኙ የመንግሥትን አካላት ጥያቄውን በማቅረብ ጉዳዩ እልባት እንዲያገኝ ለሚደረገው ጥረት በሀዲያ ዞን አስተዳደርና በደ/ብ/ብ/ሀ/መንግሥት በኩል በርካታ በጎ ምላሾችን ቢያገኝም እንጂ ከዚህ ቀደም ሁሉ አሁንም በአፈጻጸም ችግር ምክንያት ጉዳዩ ሲፈጸም ያልቻለና በቦታው ላይ ያሉ ችግሮች በዘላቂነት ሊቀረፉ ያልቻሉ ስለሆነ የሀዲያና ስልጤ ሀገረ ስብከት ጽ/ቤት ቀደም ሲል መስከረም 8 ቀን 2013 ዓ.ም እና ጥር 9 ቀን 2013 ዓ.ም ባወባው መግለጫ መሰረት የ2014 ዓ.ም የአደባባይ በዓላቶችን ማክበር የማንችል መሆኑን እየገለጹን መንግሥት ለጉዳዩን በላቂ መግቢያ እስኪሰጥና የመጨረሻውን ዕልባት እስኪያገኝ ድረስ መላው የሆነዕና ከተማ ምዕመናን በሰላትና በትዕግስት እንድትጠባበቁ በእኩልነት እንገልጻለን ።

መስከረም 13 ቀን 2014 ዓ/ም  
ሆላዕና



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፡ «Tel.0465552407      Fax 0465552407      P.O.Box87      ዘዋዕና ኢትዮጵያ  
 E-mail: hadiyasilte dioceses@yahoo.com      Hossana, Ethiopia»

## Annex 5

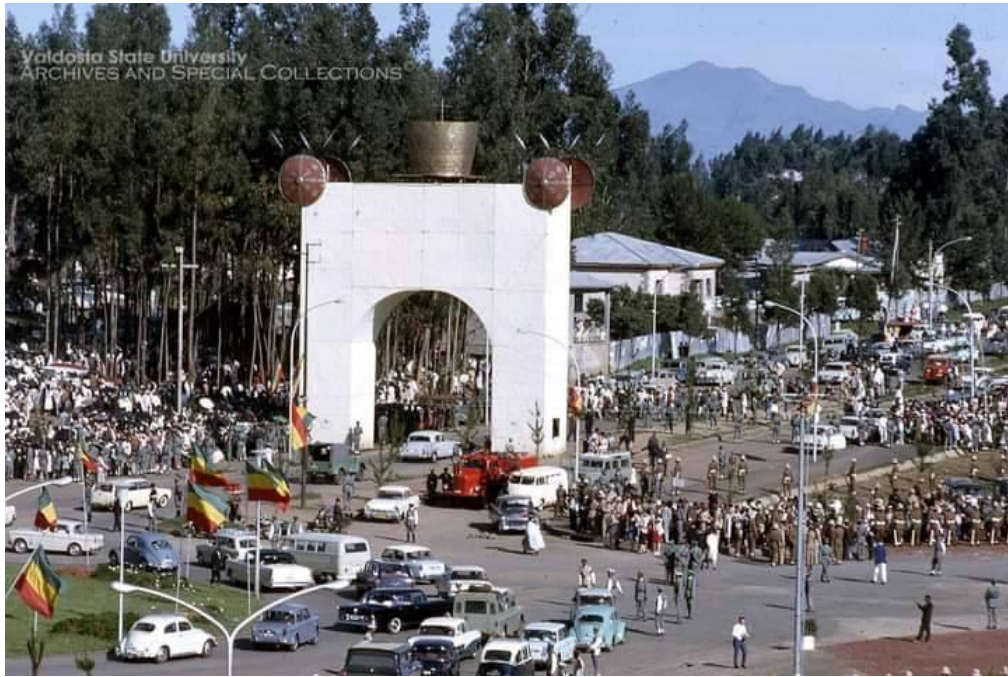
### Photographs

- 6.1 Photograph shows a castle or monument erected in the middle of Jan Meda in 1916, E.C, during Empress Zewditu's reign for the remembrance of Baptism.



**Photographed by a researcher in Jan Meda, on April 9, 2016, Ethiopian Calendar**

6.2 Photograph of Meskel Demera Holiday celebration at Meskel Square, in 1958, E.C.



**Taken from the Ethiopian History & Tourism Page**

6.3        Photograph depicts the Celebration of Ethiopian Epiphany Holiday at Jan Meda in 1958, E.C.



**Taken from Ethiopian History & Tourism Page**

## Annex 6

### Interview Questions

The EOTC Church claims the possessory right over Meskel Square and Jan Meda. Likewise, the other religious institutions similarly allege possessory rights over such places. Thus,

1. What is the position of the church in this regard?
2. Can the EOTC prove the possessory right over Meskel Square and Jan Meda? If she has credible evidence, was there a case file brought before the court?
3. Meskel Square was rebuilt by FDRE government with 2.5 Billion Birr and opened officially for the public by the Mayor of Addis Abeba City, Mrs. Adanech Abebea, together with the Prime Minister on Sunday, Jun 6, 2013, E.C. In this opening speech, the Mayor said that, the Meskel Square possessory right is on behalf of all the people.

The Government also decided to submit the administration of the Square for exhibition center and anyone who visits the site paying 20 Ethiopian Birr. In addition the Square renders parking station with payment. Having this in mind, what is the opinion of the church in this regard?

4. Where the possession right is wholly or partially owned by the state and other individuals, could the release of statements by religious fathers and leaders be used to establish whether there is possession right or not?
5. There is a claim of possession right both written and in speech by different religious fathers to the government. So as not to causes dispute, what would be the role of religious fathers?

**Annex 7****List of Interview contributors**

<b><u>No.</u></b>	<b><u>list of Interviewees</u></b>	<b><u>Place of Interview</u></b>	<b><u>Status</u></b>
1	Aba G/Silasse Getinet	Patriarchate Head Office	The Legal Department Head of Patriarchate Head Office
2	Bizuayehu Gashaw	Alongside Street of Jan Meda.	The Preacher of New Testament of the Bible at St. Mark Parish church.
3	Elias Mekonen	At the BEATA Monastery Church.	Former Deacon of BEATA Monastery Church.
4	Endalkachew Gezahegne W/Mariyam	At the Jan Meda.	The Manager of Addis Ababa City Administration Bureau of Youth and Sport.
5	Estifanos Sahilea and Mesfin Tsige	At the HAMARA-NOH KIDANE MIHRET Monastery.	The administrative staff of the Monastery of INTTONGO HAMARA-NOH KIDANE-MIHRET.
6	Eyouel Neka-Tibeb	Alongside Street of Jan Meda.	Debtera or Singer in BEATA Monastery Church.
7	Feleke Getu	At the Jan Meda.	EOTC Gate Keeper at Jan Meda
8	Lemesa Guteta	At interreligious council of Sub Cites in Addis Ababa.	Director of the interreligious council of Sub Cites in Addis Ababa.
9	Hayile-Liuel Abebe & Nigusu Ayele	At the BEATA Monastery Church.	Spiritual Employees` of BEATA Monastery Church.
10	Mamo Wejega	At Federal interreligious council.	Head of Legal department of Federal interreligious council.
11	Surafel Teshome	Alongside Street of Jan Meda.	Believer of EOTC.
12	Tesfaye Mekonin	At exhibition center.	The Head of communication bureau of exhibition center.
13	The other informants who are unwilling to disclose their names.	Alongside Street of Jan Meda.	Believers of EOTC.