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Addis Ababa University

College of Law and Governance Studies

Center for Human Rights

**Mainstreaming Human Rights in Urban Land Administration: Lessons from the town of
Debre Markos**

By

Nurlign Birhan

Advisor

Wondemagegn Tadess (PhD)

December, 2017

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A Thesis Submitted to the Center for Human Rights of Addis Ababa University for the Partial
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Mainstreaming Human Rights in Urban Land administration: Lessons from the town of Debre Markos

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Declaration

I, Nurlign Birhan, declare that to the best of my knowledge this thesis is my original work and that other works quoted in this thesis are properly acknowledged. This thesis has never been submitted to the center for human rights of Addis Ababa University or any other Universities for the award of a degree.

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Date_____

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Acronyms and Abbreviations

AGFE- Advisory Group on Forced Eviction

ANRS- Amhara National Regional State

CEDAW- Covenant on the Elimination of All forms of Discrimination Against Women

COHRE- Center of Human Rights and Eviction

DM- Debre Markos

DMU- Debre Markos University

FDRE- Federal Democratic Republic of Ethiopia

FGD- Focus Group Discussion

FIG- International Federation of Surveyors

GLTN- Global Land Tools Network

HLP- Housing, Land and Property

HR-BA- Human Rights -Based Approach

HRIA- Human Rights Impact Assessment

ICESCR – International Covenant on Economic, Social and Cultural Rights

ILO- International Labor Organization

OECD- Organization for Economic Co-operation and Development.

OHCHR- Office of the Higher Commission for Human Rights

UDHR- Universal Declaration of Human Rights

UNCHS- United Nations Center for Human Settlement

UNCTAD- United Nations Confrence on Trade and Development

UNDG- HRM- United Nations Development Groups- Human Rights Mainsteraming

UNESCO- United Nations Economic, Social and Cultural Organizations

UNFAO- United Nations Food and Agricultural Organization

UN-GA – United Nations General Assembly

UN-United Nations

UN-HRC- United Nations Human Rights Council

VGGT- Voluntary Guidelines on Governance of Tenure

WB- World Bank

Abstract

This research is conducted to investigate the urban land administration in Debre Markos (DM) city in line with the human rights protection. Specifically, this study is carried out to assess the practice of expropriation or development-based eviction in DM city based on the international human rights standards adopted in related to forced eviction. The study focused on assessing the features of mainstreaming human rights of adequate housing and land of evicted peoples in time of expropriation or development-based eviction. This is because currently in many cities of Ethiopia, in particular in DM city homelessness and landlessness are increasing due to expropriation or development-based eviction. In this study both inner-urban evictees and expropriated farmers are included. The issue is studied through the use of qualitative research methods to uncover the characteristics of development-based evictions with the consideration of the right to adequate housing and land rights of evicted communities in the city administration. The data is collected from both the city administration and expropriated peoples through the use of key informant interview, focus group discussion and observation. The study found that the use of expropriation power in DM city has been associated with the displacement of hundreds of people every year from the land that was considered to be 'theirs', with the lack of recognition of property rights and the limited access to judicial remedies as a result of several problems such as non-participatory land administration; human rights ignorance of workers; lack of strong civil society; eviction related corruption; absence of human rights impact assessment; lack of administrative and judiciary review in the city. To overcome all these problems and to promote human rights mainstreaming in the development-based evictions in the study area the study suggested the following as solution such as amendment on the expropriation laws; re-structure the city administration people- centered, accountable and democratic; build commitment of city administration to raise human rights awareness; reframe the urban concerns as human rights issues; and fostering participatory urban land administration in the city.

Key terms: - Mainstreaming, Human Rights, Expropriation (development-based eviction)

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CHAPTER ONE: INTRODUCTION

1.1. Background of the Study

Twenty years before, in 1997 the United Nations (UN) came with the idea of human rights mainstreaming as one solution for the ever increasing of human rights violation that its development agencies also have a contribution¹. That is why some scholars argue that mainstreaming human rights was initiated as a result of the global diffusion of human rights norms and discourse²; or due to a long term trajectory of human rights³. Even though, mainstreaming human rights was initially inaugurated to development agencies of the UN, later in 2005 at United Nations World Summit mainstreaming human rights presented as an agenda for heads of governments of several nations⁴. Since that time mainstreaming human rights came to be an agenda for policy and practice of organizations and governments⁵.

The responsibility of national governments to uphold and implement international human rights standards is not in doubt and also the applicability of international human rights treaties to ratifying states is not controversial⁶. So, there is no ambiguity about the general principle that governments are accountable for their violation of human rights standards⁷. Regarding to the human rights a state has threefold dut

ies i.e. the human right duty to respect, protect and fulfill. In spite of the expected positive roles that states have towards human rights, many of them brutally violate the human rights of their respective citizens⁸. The duty to respect human rights requires that states refrain from infringing

¹ Oberleitner, G. (2008). "A Decade of Mainstreaming Human Rights in the UN: Achievements, failures, Challenges". *Netherlands Quarterly of Human Rights* 26 (3), 359-390.

² Risse, T. and Sikkink, K. (1999). *The Socialization of International Human Rights Norms into Domestic Practices: Introduction*. Cambridge: Cambridge University Press.

³ Moyn, S. (2010). *The Last Utopia: Human rights in history*. Cambridge : The Belknap Press of Harvard University Press.

⁴ Olawuyi, D. S. (2013). Mainstreaming Human Rights Under National and International Law: Legal and Epistemic Question. *Indonesia Law Review* 3(3), 213-233

⁵ Ibid, p. 219

⁶ Megret, F. (2010). The nature of obligation, in Shah S. Sivakumaran S. and Moechil D.(Eds). *International Human Rights Law*, 125- 149, Oxford University Press.

⁷ Ibid

⁸ Mutua, M. (2001). Savages, Victims, and Saviors: The Metaphor of Human Rights". *Harvard International Law Journal* 42 (1), 201-245.

a human right directly through its own actions⁹. Though, mainstreaming human rights developed as a strategy in preventing direct abuses of human rights by the state and its agency¹⁰.

The need to mainstream human rights in government decision-making has been identified as a priority by the United Nations Office of High Commissioner for Human Rights (OHCHR)¹¹. Because of two reasons, the first one is mainstreaming human rights calls to governments to apply the best available human right standards or should take it into account in their decision-making activity¹²; or any administrative body in carrying out its functions, have due regard to the need to take human rights into account¹³. And the second reason is that mainstreaming human rights would help groups to involve and influence government decision-making, and encourages the participation of those with an interest¹⁴; or to seek out the views of those potentially affected by the decisions.

Internationally, mainstreaming human rights began to apply by the United Nations (UN) development agencies¹⁵; UN member states in their national policies and programs¹⁶; and even at the regional level the European Union (EU) to its members took mainstreaming human rights as an obligation¹⁷. At national level in the United States of America (USA), human rights mainstreaming in local administration was taking place through initiatives known as bringing

⁹ OHCHR. (2006). Frequently Asked Questions on Human Rights –Based Approach to Development Cooperation, UN, and New York

¹⁰ McCrudden, C. (2005). Mainstreaming Human Rights; Public Law & Legal Theory Research Paper Series, Research Paper No. 47

¹¹ U.N. Office of the High Commissioner for Human Rights, Mainstreaming Human Rights, available at <http://www.unhcr.ch/development/mainstereaming-01.html> accessed 23 January 2012.

¹² Koskenniemi, M. (1999). "Between Commitment and Cynicism: Outline for a Theory of International Law as Practice." *Collection of Essays by Legal Advisers of States, Legal Adviser of International Organizations and Practitioners*. New York: United Nations, 495-523.

¹³ Ibid

¹⁴ McCrudden, C. (2005). Mainstreaming Human Rights. Public Law & Legal Theory Research Paper Series, Research Paper No. 47

¹⁵ UNDG- HRM. (2013). Mainstreaming Human Rights In Development. New York: United Nation Development Group.

¹⁶ Ibid

¹⁷ Ussar, M. (2010). The Human Rights-based Approach: A More Effective Framework for International Development Policies in New EU Member States. policy paper: Minority Rights Group international .

human rights home: how state and local governments can use human rights to advance local policy¹⁸.

More particularly at city level, human rights mainstreaming advocated with Guwangju Principles for human right city¹⁹. According to Gwangju Principles (2014) cities should integrate human rights into the municipal policies and apply human rights-based approach to municipal administration and governance including planning, policy-formulation, implementation, monitoring and evaluation.

Among several municipal administration sectors, the urban land administration is the one that requires the integration of human rights²⁰. A famous land administration scholar Professor Stig Enemark argued that human rights must be considered in land administration²¹. According to him, in global perspective, land administration is about people, politics and place and by people he was referring to people's human rights, engagement and dignity²².

Regardless of the above idea, in less developed nations, particularly in sub-Saharan Africa the human rights perspective is largely ignored in land administration²³. The urban land administration is more problematic in many cities because it requires a complicated system of policies, procedures, and institutional framework that deals with the multifaceted process of handling and regulating rights, use, and values of land²⁴. The urban development phenomenon

¹⁸ Human Rights Institute. (2012). *Bringing Human Rights Home:How State and Local Governments Can Use Human Rights to Advance Local Policy*. Columbia Law School.

¹⁹ Gwangju Guiding Principles for a Human Rights City adopted on 17 May 2014, by 2014 World Human Rights Cities Forum held in Gwangju, Republic of Korea. In this guiding principle of human rights cities, principle 7 deals with the human rights mainstreaming. A human rights city emphasizes that all members of the city, including socially disadvantaged minorities, are respected regardless of their race, nationality, social status, and cultural background and they freely participate in and are responsible for city decision making and policy process.

²⁰ Enemark, S. Hvingel, L. and Daniel, G. (2014). Land administration, planning and human rights. *Planning theory* (SAGE) 13(4) : 331-348

²¹ Enemark, S. (2014). *Land Administration Systems: Underpinning the Human Rights Perspective*. Malaysia: FIG Congress.

²² Ibid

²³ Enemark, S. , Hvingel, L. and Daniel, G. (2014). Land administration, planning and human rights. *Planning theory* (SAGE) 13(4) : 331-348

²⁴ Yusuf, B. , S. Tefera and A. Zerihun. (2009). *Land Lease Policy In Addis Ababa*. Addis Ababa: Private Sector Development Hub/Addis Ababa Chamber of Commerce and Sectoral Associations.

in many cities of developing countries makes the urban land administration more problematic than cities in developed countries. Because in urban development projects and activities (such as industry, housing, city beatification, and so on) forced eviction is inevitable in many countries²⁵. This forced eviction as a result of urban development caused to the loss of land that gravely damage the right to land and adequate housing of evictees²⁶.

Due to an extraordinary land conversion from agricultural purpose to urban uses; and large displacement of inner-urban residents²⁷ millions have been forced to be homeless and landless²⁸. The absence of participatory urban land governance and lack of impact assessment on the effect of expropriation²⁹ which are caused by corruption; absence of clear administrative policy; weak institutions and lack of accountability in urban land administration could be mentioned as major causes for the absence of mainstreaming human rights³⁰. In my case study there are large-scale farming land expropriation and urban renewal activities. Taking these into consideration, I conducted this research to look into how the land rights of farmers whose land expropriated by the urban land administration and adequate housing rights of inner-urban evictees took into account by the municipal administration; what were the challenges hinder the municipal administration from respecting the right to land and adequate housing of evictees/expropriatees/ and what best practice the town has in this regard.

²⁵ UN- Habitat. (2012). *Forced Evictions:Global Crisis, Global Solutions*. Nairobi.

²⁶ Gilbert, J. (2013). Land Rights As Human Rights: The Case For A Specific Right To Land. *Sur- International Journal On Human Rights* 10 (18) : 115-135.

²⁷ Schneider, A. and Woodcock, E.C. (2014). Compact, Dispersed, Fragmented, Extensive? A Comparison Of Urban Expansion In Twenty-Five Global Cities Using Remotely Sensed, Data Pattern Metrics; *Urban Studies* 45(3) 659–692

²⁸ OHCHR. (2014). *Forced Eviction* . Geneva : UN.

²⁹ Human Rights Institute. (2012). *Bringing Human Rights Home:How State And Local Governments Can Use Human Rights To Advance Local Policy*. Columbia Law School, 2012.

³⁰ Lamond, E. (2015). *Urban Land, Planning And Governance Systems In Nigeria*. Urbanisation Research Nigeria (Urn) Research Report, London: Icf International.

1.2. Statement of the Problem

‘For public purpose’ is a response that governments are always claiming behind their expropriation of privately hold land³¹. As being a legitimate power of the government to do that it requires to respect internationally recognized human rights standards³². But in several countries governments have been exercising their expropriation rule vigorously with human rights and its international standards³³. This incommensurable expropriation is widely common in developing countries where their towns are unplanned and more in urban areas where the need for land is intensely increase for the socio-economic purpose³⁴.

When infrastructure such as roads, air ports, and other form of public transit is constructed in short period of time, urban settlers are especially at risk of eviction that complicates the human rights violation³⁵. For example, to provide infrastructure Addis Ababa City Road Authority in 2011/2012 fiscal year demolished 1,907 houses and also the Ethiopian Railway Corporation displaced 2,700 owners in Adam city of the Oromia region³⁶. In spite of the aspiration of human rights standards, land expropriation results a violent risk on the right to land and the right to adequate housing³⁷. And as a result, every year millions of people around the world have been threatened by evictions and often made them homeless, landless, and living in extreme poverty

³¹ Hoops, B. (2015). The Public Purpose for the Expropriation of Land:A Framework For Assessing its Democratic Legitimacy." In E. J. Marais, H. Mostert, J.A.M.A. Sluysman, and L.C.A. Verstappen B. Hoops, *Rethinking Expropriation Law I:Public Interest In Expropriation*, 237-278. Den Haag, The Netherlands: Eleven International Publishing.

³² Ibid

³³ Ocheje, P. D. (2007). In the Public Interest: Forced Evictions, Land Rights and Human Development in Africa." *Journal of African Law* 51(2): 173 - 214.

³⁴ Gotham, K. F. (2001). Urban Redevelopment, Past and Present." *Critical Perspectives on Urban Redevelopment*, no. 6 :1-31.

³⁵ Right to housing the 19th session-Pdf or accessed at www.humanrightsadvocates.org

³⁶ Daniel. W. A. (2015). *Land Rights and Expropriation in Ethiopia*. Springer International Publishing AG Switzerland.

³⁷ Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

and destitution³⁸. All these problems mostly happened as a result of lack of mainstreaming the human rights of adequate housing and land rights of potentially affected communities.

Above all layers of government, the local level is responsible to regulate local land issues and at the same time local level is a place where human rights violent land related decisions have been made³⁹. In Ethiopia, cities have a mandate to decide on the scope and purpose of expropriation by this large number of people being evicted from their home and land for a different purpose with a different process⁴⁰. Not only the process how expropriation carried out but also rehabilitation support provided for expropriates are scarce to the protection of human rights particularly to the right to land and adequate housing⁴¹. Or in many cases, development-based eviction (expropriation) is characterized in its contradiction to the international standards of human rights stated to govern forced eviction⁴².

To all these human rights insecurities of expropriation practice at local levels can be solved through mainstreaming of the right to land and adequate housing of expropriates in the land administration of the local governments. Because mainstreaming makes local governments morally and legally governed by the human rights standards⁴³ and it is one way for local governments to contribute to the implementation of human rights agenda's⁴⁴.

Considering its non-implementation in other cities and significance of mainstreaming human rights in urban land administration particularly in land expropriation (development- based eviction), this research carried out to assess the expropriation practice in line with human rights

³⁸ OHCHR. (2014). *Forced Eviction*. Geneva : UN

³⁹ Kaganova, O. (2012). Central and Local Governments as Land Regulators, Owners and Managers: who is doing what; Annual World Bank Conference on Land and Poverty; the Urban Institute, Washington, DC.

⁴⁰ The Federal Democratic Republic of Ethiopia expropriation proclamation No.455/2005.

⁴¹ Committee on Economic Social and Cultural Rights (CESCR), General Comment 4, the right to adequate housing including availability of services, habitability, location, and affordability.

⁴² Islam, M. R. (2016). Forced eviction in Bangladesh: A human rights issue. *International Social Work*, 59 (4): 494-507.

⁴³ Human Rights Council. (2015). Research-Based Report on the Role of Local Government in the Promotion and Protection of Human Rights, par. 39, July, 2015.

⁴⁴ Meyer, A. (2009). 'Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look', *Pace Diritti Umani*, 6(3): 7-23

of evicted peoples in DM city. The study conducted based on the international human rights standards that forced eviction need to comply towards human rights. More particularly, the researcher was interested to look into the consideration of the right to adequate housing of inner-urban evictees and land right of farmers whose land is expropriated by the DM city administration. This study also identifies the major challenges to mainstream human rights in DM city.

1.3. Research questions

1. How does the town of Debre Markos mainstream the right to adequate housing and right to land in time of expropriation of private holding urban land?
2. What are the challenges that affect the mainstreaming of human rights to adequate housing and land of potentially affected communities?
3. What are best practices of the town concerning to mainstreaming of the right to adequate housing and the right to land in the time of expropriation?

1.4. Research Objectives

This study has both general and specific objectives;

1.4.1. General Objective of the Study

The general objective of the study was to investigate practical mainstreaming of the human rights to adequate housing and right to land in case of development-based eviction practice in DM city.

1.4.2 Specific Objectives

- To assess the mainstreaming of human rights to adequate housing and land in DM city in the time of expropriation.
- To identify the challenges that affect mainstreaming of the human rights to adequate housing and land in the DM city in the expropriation process.
- To explore the best practices in mainstreaming the human rights to adequate housing and land in the town in the time of expropriation.

1.5. Significance of the Research

Mainstreaming of human rights is proposed as a best approach to local governments' contributions to human rights implementations⁴⁵. So, evaluative research in this regard is important to know the status of local government's contribution towards human rights agenda⁴⁶. Taking these into account, this research is conducted to investigate the practice of mainstreaming of the human rights to adequate housing and land in DM city in the time of expropriation.

This research has two prominent purposes; the first is an evaluative purpose. Accordingly, the study assessed the nature of mainstreaming of the human rights to adequate housing and land in the urban land administration of DM city and identifies the challenges in mainstreaming the human rights to adequate housing and land in the urban land administration in the time of expropriation. It also suggests possible solutions to be taken to overcome the challenges to mainstreaming the human rights to adequate housing and land in the city in the time of expropriation.

The second significance of this study is that it used as a gateway for other advanced researchers to conduct a research on the same issue and other urban issues. To do this, the study attempted to show the urban problems and the need to upgrade urban conditions in Ethiopia in general and urban areas in Amhara National Regional State (ANRS) in particular.

1.6. Scope of the Study

This research is both geographically and thematically delimited. Geographically the research conducted in DM city. While thematically, the study is carried out on the practice of expropriation/development-based eviction/ in the city of DM with the consideration of the human rights to adequate housing and land of the development-induced evictees (those who are the inner-urban residents and farmers in the urban administration) in the current period.

1.7. Organization of the Study

This research is organized into five major parts; chapter one is composed of background of the study, problem statement, research objectives, research question, significance, and scope of the

⁴⁵ Ibid

⁴⁶ Ibid

study, research methodology. The second chapter includes the literature review; the third chapter deals with the legal review; chapter four deals about data analysis and the last chapter is the data analysis and interpretation, conclusion and recommendation.

1.8. Operationalization of Basic Terms

- **Mainstreaming Human rights:** here in this research mainstreaming human rights is referred the practical consideration of the right to adequate housing and the right to the land of evictees.
- **Urban land administration:** is used to refer the land use by the city administration for urban purpose in the urban development phenomenon. By this how the urban administration in DM city is using the urban land owned by private individuals under the domain of public purpose in a manner that protected the internationally recognized human rights of those occupiers.
- **Eviction or expropriation** here in this study is used to refer development based eviction.

1.9. Research Methodology

1.9.1. Description of the Study Area

Debre Markos (also called as Mankorar). The city is named Debre Markos after its principal church, which was constructed in 1869 and dedicated to St. Mark. The city was used as a capital of Gojjam province and nowadays, it is the capital of East Gojjam Zone in Amhara National Regional State. It located North-West of the capital Addis Ababa by 300 km distance and South-East of Bahir Dar the capital of Amhara National Regional State by 265 km.

Incomparable to its long history, DM city is not urbanized as like many cities in Ethiopia⁴⁷. Both its inner-beautification and outward expansion of the city is recent. Currently, the city administration is working to gentrify the city by its inner-part and expand its size by incorporating several rural kebeles into city administration. By these inner-urban area residents and farmers in the urban administration currently are under pressure of eviction. Inner-urban residents in DM city have been expropriated due to road expansion and for construction of buildings by institutions and investors in the hotel industry. Accordingly, more than two

⁴⁷ Debre Markos city has an age of more than one hundred fifty years.

hundred inner-urban households were evicted and resettled in different directions of the city and many of them are relocated in kebele 07 under the city administration. In its external expansion of the city, as the information I found that, the farmland of more than four hundred fifty farmers' farmland is expropriated for housing, DMU new campus, and for few manufactures.

1.9.2. Research Approach and Design

In carrying out this study, the researcher employed qualitative research approach, because it tends to focus on the personal experiences and phenomena and on detailed understanding of processes in the social world⁴⁸. Since the urban land administration is a process, the qualitative research approach would enable the researcher to look into the phenomenon of development based eviction in DM city. Additionally, qualitative research approach enables the researcher to apply multiple sources of data such as interview, observation and document analysis⁴⁹. Through qualitative research approach, the researcher would enrich him/her with appropriate data about the issue investigated⁵⁰. To understand the process of development-based eviction, how it be carried out and the experiences of the urban land administration office in mainstreaming of human rights and other related decisions; qualitatively gathered data was appropriate. This is because qualitative research approach would help me to look into the issue in-depth.

From different types of qualitative research design, case study research design was applied. Case study research is a qualitative approach in which the investigator explores a bounded system or a case over time, through detailed, in-depth data collection involving multiple sources of information e.g., observations, interviews, audiovisual material, and documents and reports⁵¹. Through case study it is possible to investigate an entire program or an activity⁵². Case studies involve an in-depth examination of a single person or a few people and through reports of past studies; it allows the exploration and understanding of complex issues⁵³.

⁴⁸ Kalof, L., Dan, A. and Dietz, T. (2008). *Essentials of Social Research*, Open University press, McGraw-Hill, New York, USA

⁴⁹ Creswell, J. W. (2013). *Research design qualitative, quantitative and mixed methods approaches*, SAGE Publications, Inc.

⁵⁰ Ibid

⁵¹ Yin, R. K. (2003). *Case study research, Design and method*; 3rd ed. Thousand Oaks, CA: Sage.

⁵² Ibid

⁵³ Marczyk, G., DeMatteo, D. and Festinger, D. (2005). *Essentials of research design and methodology*, Published by John Wiley & Sons, Inc., Hoboken, New Jersey

Why case study to my study was appropriate is the nature of the issue investigated. Detail information was needed both from the side of the city administration and also from victims of development-based evictees. To do that the case study research design was found appropriate because it is mostly considered as a robust research method particularly when a holistic in-depth investigation is required⁵⁴. Specifically, in this research study exploratory case study type was used. Exploratory case study because the problem that has not been studied more clearly.

1.9.3. Source of Data

In this study, both primary and secondary sources of data were being utilized. Primary sources of data were those who were participants of my study, while the secondary source of data was the legal rules that the municipal is using to administer its urban land. The primary data was collected through the use of key informant interview, focus group discussion (FGD), and observation. On the other hand, secondary data was collected through document analysis.

1.9.4. Data Collection Techniques

Research data in this study was collected through the use of most common qualitative instruments i.e. Key informant interview, FGD, and observation. Key informant interview is an in-depth-interview with peoples who have special knowledge about the issue that the researcher is investigating⁵⁵. Key informant interview is an appropriate to collect information from a wide range of people including community leaders, professionals, or residents who have first-hand knowledge about the issue⁵⁶. The researcher employed key informant interview to collect data from nine officers in the city administration (both from the urban development, housing and construction office; and from the office of city mayor). One lawyer from Debre Markos University (DMU) Law school academic staff member who conducted personal observation on expropriation practice in DM city was my research participant. Other three individuals who were

⁵⁴ Zainal, Z. (2007). Case study as a research method, Jurnal Kemanusiaan bil.9, Faculty of Management and Human Resource Development, Universiti Teknologi Malaysia.

⁵⁵ Mountain States Group, Inc. (1999). Conducting Key Informant and Focus Group Interviews; Retrieved at <http://deltarhpi.ruralhealth.hrsa.gov/documents/conductingKeyInformantFocusGroupInterview.pdf>

⁵⁶ UCLA Center for Health Policy Research. (2004). Key Informant Interviews, section 4, Health DATA Program – Data, Advocacy and Technical Assistance. Retrieved at healthpolicy.ucla.edu/programs/health-data/treatinings/Documents/tw_cba23.pdf.

defending farmers' expropriation and members of the expropriated farmers were also participants of this study. The three individuals have high academic status; one of them is living in Debre Markos whereas two of them are living in Bahir Dar. These two individuals were interviewed when they came to visit their respective families at the annual holiday of St. Marks on 8, May 2017. Other two individual one from the grievance hearing committee in the city administration and one from DM police office were also interviewed.

The second data collection instrument used in my study was FGD. It is organized with evictees both from the inner-city evictees and farmers evicted. FGD is used to collect data through gather people in similar experiences and background to discuss the specific topic of interest⁵⁷. FGD participants of this study were selected from evictees in the town of DM. From a total of eight FGD participants, six of the participants were from farmers evicted from areas called Bole, Yeraba and Yemeka. Whereas two of the participants were from inner-urban evicted and now relocated and live in south-east part of the town near to the old DM airport under kebele 07 of the city administration. Both from inner-urban and farmers evicted were participants of the FGD of this study. Finally, observation data collection instrument was used in this study. The researcher employed field observation to see the real existing conditions where inner-urban areas relocated and the rehabilitation status of relocated inner-urban evictees.

1.9.5. Sampling Methods and Size

To conduct this study, twenty-two individuals were being used as participants. These participants were selected based on the non-probability sampling methods. Here I used purposive and snowball sampling methods to select my participants. Through purposive sampling, I identified important participants who are directly related to my case. Except, participants who were from evictees and their family others key informant discussants were selected purposely; while FGD participant evictees and three key informants who were on the side of the evicted farmers at the time were selected through snowball sampling techniques. Six farmers of the FGD participants were selected based on their role in influencing the urban administration in time of their

⁵⁷ Witkin, B. R., & Altschuld, J. W., (1995). Planning and conducting needs assessments: A practical guide. Newbury Park, CA: Sage Publications.

respective eviction. And two evictees from inner-urban areas of the city administration were being selected based on their current role in the relocated area.

1.9.6. Data Analysis

Data were collected on the practice of mainstreaming the human rights to adequate housing and right to land in the time of eviction carried out by the DM city administration. As it is mentioned early the data collected both from the side of the city administration and the evicted as well as expertise through qualitative instruments. This data analyzed based on the qualitative data analysis approach through text form. Initially, all the data was collected through Amharic language and then after I translated it into the English language. The data analyzed based on thematic data analysis technique. Thematic data analysis is the common type of qualitative analysis that seeks to identify patterns (commonalities, contrasts, etc.) in the contents of data⁵⁸.

1.9.7. Ethical Considerations

This research conducted based on fundamental research ethics such as informed consent of participants and confidentiality of their information. The collected data need to be received, stored, used and reported in a manner that ensures that no-one but the individual concerned is aware of their source⁵⁹. Based on the research ethics participants' idea is secured and their privacy is kept. Few research participants, here in this study are not mentioned by their name, rather they are mentioned by their office work. Generally, the research ethics principles anonymity, confidentiality, and informed consent were recognized.

⁵⁸ Sgier, L. (2012). Qualitative data analysis; Seminar for the Academic Swiss Caucasus Net (ASCN); an initiative of Gebert Ruf Stiftung, in Cooperation with the University of Fribourg.

⁵⁹ Behi, R. (2014). Ethical Issues in Research , Research Gate, retrieved at <https://www.researchgate.net/publication/45111693>

CHAPTER TWO: REVIEW OF RELATED LITERATURE

2.1 Introduction

The relation between land and human rights is twofold, that means land uses as a means for human rights and it is also one part of human rights. Many scholars and writers have discussed land as a means for several human rights such as access to food, housing, and development, but little has been said about land as human rights⁶⁰. Currently, the growing global concerns such as rapid urbanization and unstable use of natural resources have all contributed to the renewed attention to how land is being used, controlled and managed⁶¹. However, the main issue here is that how cities administer their land in the occasion of rapid urban growth with the protection of fundamental human rights to adequate housing and land rights.

In this chapter, I discussed academic literature and guiding principles that helped me to add issues related to the integration of human rights in urban land administration. Initially, I tried to conceptualize mainstreaming human right. And in line with this, the historical development of mainstreaming human rights in development practices; mainstreaming human rights in governance and particularly in the urban land administration are concepts slightly included. More broadly in this chapter, I discussed the practice of eviction under the scope of urban land administration as a result of urban development in line with the protection of the right to land and the right to adequate housing for farmers in areas under urban administration and inner-city residents respectively.

⁶⁰ Gilbert, J. (2013). "Land Rights As Human Rights: The Case For A Specific Right To Land." *Sur- International Journal On Human Rights* 10, No. 18: 115-135.

⁶¹ OHCHR. (2015). *Land And Human Rights: Standards And Applications* . New York: United Nations.

2.2. Conceptualizing Mainstreaming Human Rights

Not yet negotiated arguments were forwarded on the very concept of mainstreaming human rights, the process of mainstreaming and its desired outcome⁶². One of the debates about mainstreaming was, whether mainstreaming differs from traditional human rights compliance approach⁶³. As cited in Oberleitner (2008), there were four disagreements over the process of mainstreaming human rights and its desired outcome that could enlarge the misunderstanding towards mainstreaming among leaders, scholars, and others⁶⁴. Concerning its practical implementation questions early forwarded are what legal and institutional prerequisites mainstreaming human rights requires; and whether outsiders to the human rights community can effectively implement and enforce human rights principles and norms.⁶⁵

Due to the absence of agreement on the notion and nature of mainstreaming there are different understandings of mainstreaming human rights discussed hereunder. Firstly, mainstreaming human rights is conceived as a duty that should be carried out in one's activity. Such conception of mainstreaming human rights is originated and linked with the United Nations development agencies. In the UN development agencies, human rights mainstreaming is used as a mechanism to work towards a Human Rights- Based Approach (HR-BA)⁶⁶. According to this conception, the human rights-based approach is a strengthening and systematic application of the human

⁶² Oberleitner, G. (2008). "A Decade of Mainstreaming Human Rights in the UN: Achievements, Failures, and Challenges". *Netherlands Quarterly of Human Rights* 26, No. 3: 359-390.

⁶³ McCruden, C. (2005). Mainstreaming Human Rights. Public Law & Legal Theory Research Paper Series. Research Paper No. 47.....Human rights mainstreaming concentrates on government proactively taking human rights in to account. Mainstreaming approaches are intended to be anticipatory rather than essentially remedial...

⁶⁴ Oberleitner, G. (2008). A Decade of Mainstreaming Human Rights in the UN: Achievements, failures, Challenges. *Netherlands Quarterly of Human Rights* 26, No. 3: 359-390.

These are, 1st mainstreaming must involve the adoption of a right-based approach to an institutions activities; 2nd it must have operational consequences and lead to the development of specific programs or projects on human rights; 3rd it is an agenda for change because it requires the reorientation of existing programs towards human rights; and the 4th is mainstreaming means transcending the UN human rights programs including human rights in the broader UN policy development.

⁶⁵ Koskenkiemi, M. (2010). Human Rights mainstreaming as strategy for institutional power...there is no reason to be 'for' or 'against' mainstreaming without a clear sense of what priorities it is intended to support and how it is expected and affect the allocation of resources between different human groups.

⁶⁶ Wouters et. Al. (2013). *Integrating Human Rights In Development Policy: Mapping Donor Strategies and Practices*. Working paper No. 108, Ku Leuven.

rights mainstreaming⁶⁷. Several principal development agencies⁶⁸ have been implementing HR-BA that bases itself upon 'human rights mainstreaming' to all their areas of activities⁶⁹.

Secondly, mainstreaming human rights is viewed as a legal practice that advocates the integration of human rights norms and practices with social justice issues such as development, environmental protection, health, education, business, governance and labor⁷⁰. Accordingly, mainstreaming human rights is a subset of legal mainstreaming paradigm by which the most valuable contribution to the international protection of human rights can be made⁷¹.

In other notion, mainstreaming human rights is a strategy or project for seizing institutional power that is profoundly ambivalent in its political significance⁷². Martti Koskenniemi argued that mainstreaming human rights views and assumptions have been contrasting by typical challenges: right of sovereignty and the interests of an international community; international security and cosmopolitan justice; self-determination and national autonomy and international rules on human rights, development, and environment⁷³.

For the purpose of my research mainstreaming human rights refers the respect of the human right to land and adequate housing of evictees in DM city under the existing expropriation proclamation and regulation of Ethiopia and rehabilitation support directive of the Amhara National Regional State (ANRS).

⁶⁷ OECD/WB. (2013). Integrating human rights into development: Donors approaches, experiences, and challenges. 2nd . Washington DC: World Bank; Organization for Economic Co-operation and Development.

⁶⁸ Such as Food and Agriculture Organization (FAO), the UN Development program (UNDP), the UN Population Fund (UNFPA), the UN children's' Fund (UNICEF), the UN Development Fund for Women (UNIFEM) and the World Health Organization (WHO)

⁶⁹ Frankovits, A. (2006). The Human Rights-Based Approach and the United Nations System. Paris: UNESCO.

⁷⁰ Olawuyi, D. S. (2013). "Mainstreaming Human Rights Under National And International Law: Legal And Epistemic Question." *Indonesia Law Review* 3, no. 3: 213-233

⁷¹ Simma, Bruno. (2012). "Mainstreaming Human Rights: The contribution of the international court of justice." *Journal of International Dispute Settlement* 3, no. 1: 7-29.

⁷² Koskenniemi, M. (1999). "Between Commitment and Cynicism: Outline for a Theory of International Law as Practice." *Collection of Essays by Legal Advisers of States, Legal Adviser of International Organizations and Practitioners*. New York: United Nations, 495-523

⁷³ Ibid

2.3. Historical Development of Human Rights Mainstreaming

The promotion and protection of human rights at international level is started through the adoption of different international human rights instruments, i.e. human rights declarations and conventions after the end of World War II in 1940's. Despite their legal status, both instruments have played their pivotal role in the human rights protection and promotion. But the mere assertion of human rights declarations and the nominal ratification of human rights conventions by the state are not sufficient to the full realization of human rights. As a result, human rights mainstreaming had been taken as the strategy to support the realization of human rights at the international level.

Since the end of 1970's, an emphasis was given to the particular sections of the society like women and children. To ensure the rights and freedoms of women, the 4th United Nations World Conference on Women that held in Beijing in 1995 adopted mainstreaming strategy known as gender mainstreaming. By this, governments and other actors came to adopt an active and visible policy of mainstreaming a gender perspective in all policies and programs in 1996. Later on the 1997 United Nations Program for Reform the United Nations Secretary- General launched human rights mainstreaming movement. The then UN Secretary- General Kofi Annan, called all UN specialized agencies in 1997 to mainstream human rights throughout their policies and programs⁷⁴. In 2005, Heads of Governments and world leaders at the United Nations World Summit resolved to integrate the promotion and protection of human rights into national policies and to develop and support human rights mainstreaming strategies⁷⁵. In general, human rights mainstreaming is a recent practice and proposed to fill the gap of human rights implementation under a regular sense of human rights duty.

⁷⁴ United Nations. (1997). *Renewing the United Nations: A Programme for reform*. 51st session , UN.

⁷⁵ Olawuyi, D. S. (2013). Mainstreaming Human Rights Under National and International Law: Legal and Epistemic Question." *Indonesia Law Review* 3, no. 3 : 213-233.

2.4. Mainstreaming Human Rights in Governance

Governance is the process of decision-making and the process by which decisions are implemented or not implemented⁷⁶. It is the art of steering societies and organizations, it is a way in which society is managed and how the competing priorities and interests of different groups are reconciled⁷⁷. Unless the governance is good, ensuring the protection of human rights will be challenging. Good governance is essential to the realization of all human rights, including the elimination of poverty, and ensuring a satisfactory livelihood for all⁷⁸; and on the other hand, ideas of good governance can be derived from the human rights and fundamental freedoms⁷⁹. Particularly, good urban governance must enable an urban population to access the benefits of urban citizenship which are necessities of urban life, including adequate shelter, security of tenure, safe water, sanitation, a clean environment, health, education and nutrition, employment and public safety and mobility⁸⁰.

Human rights are being mainstreamed in several policies and programming areas; whereas it is difficult when human rights are located within governance unit⁸¹. Because in governance human rights mainstreaming requires not only the simple integration of human rights in all activities of the organizations or the government but also the “Do not harm” aspect⁸². Nowadays, the need to mainstream human rights in government decision-making has been identified as a priority by the United Nations Higher Commissioner for Human Rights⁸³. This is the power of

⁷⁶www.unescap.org/resources/what-good-governance

⁷⁷ Plumptre and Graham. (1999). *Governance and Good Governance: International And Aboriginal Perspectives. Institute on Governance Papers on International Conflict Resolution.*

⁷⁸ Saikia, I. K. (2013). *Good Governance And Human Rights: International And National Perspectives. International Journal of Advancements in Research and Technology* 2, No. 7: 124-134.

⁷⁹ FAO. (2007/2). "Good Governance In Land Administration And Land Tenure." 7-20.

⁸⁰ UNCHS. (2000). *The Global Campaign For Good Urban Governance. Draft 5, 20 November, 2005.*

⁸¹ Piron And O'Neil. (2005). *Integrating Human Right in to Development; A synthesis Donor Approaches and Experiences. OECD DAC Network On Governance (GOVNET).*

⁸² Ibid

⁸³ UN Office of the Higher Commissioner for 'Human Rights, Mainstreaming Human Rights' <http://www.unhcr.ch/development/mainstreaming-01.html> accessed 23 January 2012.

mainstreaming to ensure the better enforcement of the human rights duties of the state than other mechanisms⁸⁴.

In relation to this, how land owners should participate in the decision- making; how they should be treated by the government; and what compensation they should receive are all issues of governance. The protection of human rights at the domestic level is possible only when good governance prevails in which rule of law and independent judiciary exist. Working for good governance at local levels helps for the realization of human rights mainstreaming through strengthen democratic institutions, rule of law, improving service delivery and combating corruption⁸⁵.

Human rights in land- related situations arise largely in the context of governance of tenure that is complex and depends on the number of national and contextual factors. The one that is the land tenure systems that made up of multiple layers of laws, rules, customs, traditions, perceptions, and regulations, which sometimes overlap and/or contradict each other⁸⁶. And moreover, too many laws, particularly in areas of land management, are procured and passed by the economic and social elite to help them benefit from state activities rather than to meet any perceived need of the society at large⁸⁷.

2.5. Local Governments in Mainstreaming Human Rights

Local governments throughout the world are assumed to have a more important role in economic development of their communities as an increasing number of governments begin to decentralize powers and functions⁸⁸. Concerning to human rights duties, many states are claiming that the alleged violation was committed by a local authority when their human rights record became

⁸⁴ Mccrudden, C. (2005) "Mainstreaming Human Rights." *Public Law & Legal Theory Research Paper Series* (University Of Michigan School Of Law).

⁸⁵ OHCHR. (2007). *Good Governance practices for the protection of Human rights*. New York: United Nations.

⁸⁶ OHCHR. (2015). *Land and Human Rights: standards and applications* . New York: United Nations.

⁸⁷ Farvacque and Auslan.(1992). *Reforming Urban Land Policies and Institutions in Developing countries*. Washington DC: The World Bank.

⁸⁸ Rensubrg and Naude. (2007). Human rights and development:the case of local governeemnt transformation in South Africa. *Public administartion and development* 27, no. 5 : 393-412.

worse⁸⁹. In its General Comment No. 16, the Committee on Economic, Social and Cultural Rights also assured that the violations of the rights contained in the Covenant can occur through the direct action of failure to act or omission by state parties, or through their institutions or agencies at the national and local levels.⁹⁰ And also many of the solutions to tackle the human rights challenges can be found at the local and regional level⁹¹; by bringing good governance mainly through increasing popular decision-making⁹².

Recently, great attention has been paid to local governments due to the roles they can play towards the realization of human rights on which many agreed upon that the real effect of human rights experienced locally⁹³. Local governments potentially contribute to an implementation agenda through advocacy, standard setting or mainstreaming of human rights in public policy making⁹⁴. Taking this reality and to overcome the negative contribution of the local authority, having an explicit legal provision which obliges the local government to promote and protect human rights appears to be a preferable approach⁹⁵. In other words, placing the obligation on a strongly decentralized local government sector to be primarily responsible for socio-economic rights such as rights to housing, property, sanitation, health care etc., enables a state to go one step-up in its human rights duty⁹⁶.

⁸⁹ UN-HRC. (2015). *The role of Local government in the promotion and protection of Human Rights*. New York: UN.

⁹⁰General Comment No. 16 (2005),the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights), para. 42, accessed from <http://www.refworld.org/docid/43f3067ae.html>.

⁹¹ Meyer, A. (2009). *Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look*, *Pace Diritti Umani*, 6(3): pp. 7-23

⁹² Harpham, T. & A. Boateng K. (1997): *Urban governance in relation to the operation of Urban services in developing countries; Habitat International*, Vol. 21, No. 1

⁹³ Human Rights Institute. (2012). *Bringing Human Rights Home:How State and Local Governments Can Use Human Rights to Advance Local Policy*. Columbia Law School.

⁹⁴ Meyer, A. (2009). *Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look*, *Pace Diritti Umani*, 6(3): pp. 7-23

⁹⁵ UN-HRC. (2015). *The role of Local government in the promotion and protection of Human Rights*. New York: UN.

⁹⁶ Rensubrg and Naude. (2007). *Human Rights And Development:The Case Of Local Government Transformation In South Africa*. *Public administartion and development* 27, no. 5 : 393-412.

2.6. Why Mainstreaming Human rights in Urban land administration

The rapid urban expansion and development continually hurt the living conditions of millions in the developing continents because it has occurred in a much more uncoordinated and unplanned fashion than in the developed regions⁹⁷. The frequency, direction, and speed of urbanization are increasing unexpectedly that central and municipal governments have been unable to regulate and guide land development, provide urban infrastructure and services, and manage the environment⁹⁸. To put the point shortly, most cities in developing countries are growing without effective government control and land-use planning policies.

In several urban jurisdictions, urban growth management policies and controls are either almost non-existent or are weakly applied. Urban governments have paid little attention to the thought of controlling urban growth in Africa, partly because they are interested in attracting economic growth and have yet to observe the long-term consequences of such uncontrolled urban expansion⁹⁹. Uncontrolled outward expansion of urban development would result in negative impacts, including the loss of forests, environmentally sensitive areas, and productive agriculture lands¹⁰⁰.

What makes cities in developing regions being unable to control their urban expansion is primarily linked with their poor urban land management, which manifests their inappropriate urban planning. One major reason for the unlimited outward expansion of urban areas is the lack of comprehensive physical planning. In developing regions and cities deliberate planning has been lacking for years, and urban areas have been allowed to grow without control in all directions¹⁰¹. It is for the reason that why urban renewal has been happening after a time and

⁹⁷ Arku, G. (2009). Rapidly Growing African Cities Need to Adopt Smart Growth Policies to Solve Urban Development Concerns." *Urban Forum* 20 : 253-270.

⁹⁸ Stren, R. E. (1991). Old Wine in New Bottles? An Overview of Africa's Urban Problems and the "Urban Management Approach to Dealing With Them." *Environment and Urbanization* 3, no. 1: 9-22.

⁹⁹ Rondinelli, D. A. (1991). "Asian Urban Development Policies in the 1990s: From Growth Control to Urban Diffusion." *World Development* 19, no. 7 : 791-803.

¹⁰⁰ Araby, M. El. (2002). Urban Growth and Environmental Degradation: The case of Cairo, Egypt. *Cities* 19, no. 6: 389-400.

¹⁰¹ Arku, G. (2009). Rapidly Growing African Cities Need to Adopt Smart Growth Policies to Solve Urban Development Concerns. *Urban Forum* 20: 253-270.

causing many economic and social problems, including the right to adequate housing¹⁰². The urban outward expansion in Africa and other developing regions caused the loss of arable land of the farmers in surrounding of the city¹⁰³.

Due to the rapid expansion and re-development of urban areas two prominent rights fall in at risk, i.e. the right to land of the peri-urban farmers and the right to adequate housing of the inner-urban residents. As Marks and Modrowski cited, the urban development in the 21st century is manifested with social complexity resulting in the destabilization of social institutions and potentially societal collapse, which in turn are affected by measures to protect human rights, and advance democratization¹⁰⁴.

More briefly, Land administration activities are not just about technical or administrative process, rather are basically political and reflect the accepted social concepts concerning people, rights and land objects with regard to land tenure¹⁰⁵. Land administration is a comprehensive task in which human rights require due attention, but on many occasions; land administration is more problematic in several Third World countries by which the human rights are being abused¹⁰⁶. Human rights are affected by the way access to land and the use of land is managed, i.e. land administration system¹⁰⁷. Land administration systems are the operational tools for conceptualizing rights, restrictions, and responsibilities in the land¹⁰⁸.

Secured land/property/ rights provide a sense of identity and belongingness that goes far beyond and underpins the values of democracy and human freedom¹⁰⁹. Without secured land rights,

¹⁰² Ibid

¹⁰³ Minghong, D. (2005). Urban Land Expansion and Arable Land loss of the Major Cities in China in the 1990s." *Science China Earth Sciences* 48, No. 9: 1492—1500.

¹⁰⁴ Marks, G. and Modrowski, S. (2008). *Human Rights Cities: Civic Engagement for societal Development* . Sextant publishing.

¹⁰⁵ Deininger, K. and Enemark, S. (2010). Land Governance and the Millennium Development Goals; The annual Conference on Land Policy and Administration. Washington DC: World Bank, 1-10

¹⁰⁶ Enemark, S. (2014). Land Administration Systems: Underpinning the Human Rights Perspective. Malaysia: FIG Congress.

¹⁰⁷ Enemark S., Hvingel L. and Daniel G. (2014). "Land administration, planning and human rights." *Planning theory* (SAGE) 13(4) :331-348

¹⁰⁸ Ibid

¹⁰⁹ World Bank .(2010). *Innovations In Land Rights, Recognition, Administration, And Governance*. Edited By Clarissa Augustinus, Stig Enemark, And Paul Munro-Faure Klaus Deininger. Washington Dc: World Bank.

individuals and communities live under the constant threat of eviction, impacting a range of fundamental human rights¹¹⁰. Security of land rights is ensured through the establishment of an appropriate land administration system which is a base for generating economic development, social coherence, and environmental sustainability¹¹¹.

2.7. Urbanization of Peri-Urban Areas and Human Rights

Peri-urban areas refer to newly urbanized zones at the fringes of cities and urban periphery areas that have historically been subject to high development pressures strongly linked to an increasing per-capita consumption of urban land¹¹². Peri-urban surroundings are affected by the rapid expansion of towns and cities and the great surge in demand for housing land and investment¹¹³.

The growing demand of urban land for housing vis-a-vis the growing aspiration of safeguarding the land rights of landholders need to be compromised because urban land provision for the fulfillment of right to house on one side, and the protection and respect of the right to land in pre-urban areas and right to house of residents in another side, are the two contested tasks of the municipal government in several cities. Regarding to this, governments must adopt the policies, laws and programs required, to the maximum of their available resources, “to continually and progressively expand the enjoyment of housing, land and property rights and simultaneously ensure in policy, legal or other terms that no deliberately retrogressive measures are taken that lead to the decline in the enjoyment of these basic rights”¹¹⁴.

¹¹⁰ Wickeri, E. and Kalhan, A. (2010). Land Rights issues in international Human rights Law. *Malaysian Journal on Human Rights* 4, no. 1 : 16-25.

¹¹¹ World Bank. (2010). *Innovations in Land Rights, Recognition, Administration, and Governance*; edited by Clarissa Augustinus, Stig Enemark, And Paul Munro-Faure Klaus Deininger. Washington Dc: World Bank.

¹¹² Ravetz, T. (2013). The Dynamics of Peri-urbanization. In *Peri-urban futures: Scenarios and models for land use change in Europe*, edited by K. et al. Nilsson, 13-44. Springer-Verlag Berlin Heidelberg.

¹¹³ Nkwae, B. (2006). *Conceptual Framework for Modelling and Analysing Periurban Land Problems in Southern Africa*. Ph.D. dissertation, New Brunswick, Canada: University of New Brunswick.

¹¹⁴ Leckie and Simperingham. (2009). *Housing, Land and property rights in Burma: The current legal framework*. Displacement Solutions & The HLP Institute.

The violation of land right and the right to adequate housing is intensely growing in many developing countries due to insecure urban land tenure and commercialization of urban land in the market-led approach to economic development¹¹⁵. Farmers near urban areas, where land values are rising very rapidly, face displacement from the conversion of agricultural to building land¹¹⁶.

According to Nkwae (2006), one of the major land use problems facing urban areas in sub-Saharan Africa is that of providing space for residential and investment purposes for the new migrants and the swelling urban population of the cities¹¹⁷. As a result, the urban poor and new migrants from rural areas are likely to seek land in peri-urban settlements and open vacant places¹¹⁸. This penetration of urban areas into the peri-urban areas is affecting the existing land tenure relations through override the land rights of farmers in the area¹¹⁹.

On the other hand, the trend of mass urbanization has a devastating impact on the right to adequate housing, as every year hundreds of thousands of men, women, and children are forced to leave their homes for the sake of progress¹²⁰. Since land is a key component of the right to adequate housing¹²¹ forcing residents to leave their home and their area to give away for urban redevelopment and city beautification may lead to gentrification, unaffordable housing and violations of legal security of tenure. So, access to land and security of land tenure are the means by which the rights to housing can be realized both in rural and urban areas.

¹¹⁵ Payne, G. (2001). Urban Land Tenure Policy Options: Titles or Rights? *Habitat International* 25, no. 3: 415-429.

¹¹⁶ Toulmin, C. (2005). *Securing Land and Property rights in Africa: Improving the Investment Climate Global Competitiveness Report*. Geneva : World Economic Forum, Switherland.

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Cotula, L. and Neves, B. (2007). The Drivers of Change. In *Changes In Customary Land Tenure Systems in Africa*, Edited By Lorenzo Cotula, 15-31. Russell Press.

¹²⁰ COHRE. (2007). *Fair Play For Housing Rights: Mega-Events, Olympic Games And Housing Rights*. Geneva: Centre On Housing Rights And Evictions.

¹²¹ The 2007 Report Of The Special Rapporteur On Adequate Housing, Which States That ...Without The Adequate Legal Recognition Of Individual As Well As Collective Land Rights, The Right To Adequate Housing, In Many Instances, Cannot Be Effectively Realized.

Urban areas in Ethiopia have been growing very fast which has led to ever-increasing demand of land from peri-urban areas for housing and other non-agricultural activities. The urban development and growth strategy of Ethiopia is largely depending on compulsory acquisition or expropriation and re-allocation of peri-urban land¹²². According to Achameyeleh, the transitional peri-urban areas in Ethiopia are places where expropriation measures are being largely implemented and as a response to the growing demands of land and housing imposed by rapid urbanization. By the process of urbanization, the peri-urban areas are physically and functionally incorporated into the urban system and the land rights of the peri-urban farmland is required to convert into the urban rights. But in this process there is no mechanism for converting the land rights a local peri-urban farmer into urban rights during the process of urbanization¹²³.

The rapid growth of cities that is manifested by inner beautification and outward expansion of the urban areas contribute to the prevalence of forced eviction. In spite of the fact that, the right to land and adequate housing are internationally recognized parts of human rights individuals and groups are forced to leave their home and land. In this regard, the right to land and adequate housing are particularly being affected.

2.8. Expropriation of Land in Urban Areas

Urban areas are increasingly the sight for very large-scale forced evictions¹²⁴. These forced evictions in urban areas are carried out in the name of urban renewal or public purpose through using the legitimate expropriation power of the state. Local governments displaced people in slum urban areas for regeneration of urban areas and also expropriate huge hectare of land from surrounding farmers for several municipal purposes.

¹²² Achameyeleh G. Adam. (2014). *Peri-Urban Land Tenure In Ethiopia*. Phd Thesis, Stockholm, Sweden: Royal Institute Of Technology (Kth).

¹²³ Achameyeleh G. Adam. (2014b). Land Tenure in the Changing the Peri-Urban Areas of Ethiopia. *International Journal of Urban and Reginal Research* 38(6): 1970-84.

¹²⁴ Fact Sheet No. 25 Forced Eviction And Human Rights That Adopted By The World Conference On Human Rights, Vienna, 23 June 1993 (A/CONF.157/24 (Part 1), Chap. III)

In theory, anyone, who is forcibly evicted or internally displaced should be given fair economic compensation¹²⁵, but the practical applicability of expropriation contravenes the theoretical orientation. As a result “huge numbers of individuals and families are being forcibly evicted from their homes and lands, without adequate alternative accommodation or access to appropriate forms of legal or other protection”¹²⁶; and more beyond sometimes when the victims try to defend themselves against expropriations and evictions, they become targets of political and social repression, harassment, and even murder¹²⁷.

As Achameyeleh (2014) discussed it, currently, urban centers or cities in Ethiopia are struggling with the increasing demand for land for different urban development purposes, which makes the urban land delivery process a critical land policy matter in Ethiopia¹²⁸. As a response to the growing demand for land for rapid urbanization and the need for modernized infrastructures, the government has been implementing expropriation and reallocation of land mainly from peri-urban areas¹²⁹. The affected peri-urban landholders who cease to possess their land due to urbanization are entitled to substitute land or cash compensation. The federal legislation dealing with expropriation has rationalized the process based on a sense of public purpose¹³⁰.

However, the real practice shows that expropriation in Ethiopia is the main tool that supports urban expansion and makes land available to private developments such as residential

¹²⁵ Basic Principles And Guidelines On Development-Based Evictions And Displacement, Supra N 30 At Paragraphs 59–68; Principle 29(2) Guiding Principles On Internal Displacement, Supra Note 31; CESCR, General Comment No 7, supra note 29 at paragraph 13.

¹²⁶ Ocheje, P. D. (2007). In the public interest: Forced Evictions, Land Rights and Human Development in Africa. *Jornal of African Law* (School of Oriental and African Studies) 52(2): 173-214, pp.173.

¹²⁷ Nunez, D. G. (2014). Peasants’ Right to Land: Addressing the Existing Implementation and Normative Gaps in International Human Rights Law. *Human Rights Law Review* 14(4): 589–609.

¹²⁸ Achameyeleh G. Adam. (2014). *Peri-Urban Land Tenure in Ethiopia*. Phd Thesis, Stockholm, Sweden: Royal Institute of Technology (KTH).

¹²⁹ FDRE. (2013). *Urban Development Policy Federal Democratic Republic of Ethiopia Ministry of Urban Development and Housing Construction*. Third edition. Addis Ababa.

¹³⁰ FDRE. (2005a). *Expropriation of land Holding for public purpose and payment of compensation proclamation*. Addis Ababa: Federal Democratic Republic of Ethiopia Proclamation No.455/2005.

complexes, commercial centers, and other investments¹³¹. The amount of compensation actually received upon expropriation over the past few years indicates that the system is generally characterized by unfair and inconsistent valuation methods, leading to inadequate compensation¹³². Land loss through expropriation with compensation at less than market values or without ensuring that livelihoods are restored remains a source of tenure insecurity, particularly in areas of inner-city “redevelopment” or rural areas near cities¹³³.

In the current global change, old structure and foundation of cities could not respond the socio-economic demand of the time in terms of the provision of land, housing, services and basic infrastructure for residents¹³⁴. The traditional municipal planning practices of the past were designed during periods of steady growth and routine change. They are now being questioned and replaced by modern and more relevant planning practices¹³⁵, and municipal governments are instituting city master plans and urban regeneration or beautification strategies. These plans and strategies often incorporate forced evictions as a means of clearing land to make it available to private investors or for profitable development. In the process of urban renewal, the rights to housing and livelihoods for millions of city residents ranging from private homeowners and public housing tenants to rural migrants are being dismantled¹³⁶.

The central tenet of urban renewal program is to address issues relating to economic growth and development, the provision of major social services, the need for affordable, replicable and sustainable inner-city housing, as well as general environmental improvements¹³⁷. Supporters of

¹³¹ Achamyeleh G. Adam. (2014). *Peri-Urban Land Tenure in Ethiopia*. Phd Thesis, Stockholm, Sweden: Royal Institute of Technology (KTH).

¹³² Belachew Y. Alemu. (2013). Expropriation, valuation and compensation practice in Ethiopia The case of Bahir Dar city and surrounding. *Property Management* 31, no. 2: 132-158; Anteneh et al. 2012. *Ethiopia - Strengthening Land Administration Program*. A consultancy report, USAID and Ethiopia Ministry of Agriculture.

¹³³ World Bank. (2012). *Options for Strengthening Land Administration in Federal Democratic Republic of Ethiopia*. World Bank Report No:61631: ET., Washington DC.

¹³⁴ UN Habitat. (2012). *Forced Evictions: Global Crisis, Global Solutions*. Nairobi.

¹³⁵ Kemp, R. L. (2000). Cities in the Twenty-First Century: The Forces of Change. *National Civic Review* 89, no. 4: 375-384

¹³⁶ Ren, X. and Weinstein, L. (2009). The Changing Right to the City: Urban Renewal and Housing Rights in Globalizing Shanghai and Mumbai. *City & Community* 8, no. 4 : 407-432.

¹³⁷ Khosa, M. and Naidoo, K . (1998). Urban Renewal in Inner- city Durban." *Urban Forum* 9, no. 2: 225-239.

the central tenet of urban renewal argued that when cities expanded outwards the inner-city areas became falling down and were associated with social, economic and physical problems, such as crime, delinquency and racial conflict; so urban renewal is the response to these problems¹³⁸. On the other side, scholars who criticize urban renewal argued that, it tends to favor the wealthy at the expense of the poor and that often lead to exacerbated uneven development and inequalities. The post-world war II urban renewal and public housing program in several countries also criticized by its failure to meet its objectives that intended to improve the living conditions of the poor¹³⁹.

The severe impact of urban renewal on human rights particularly right to adequate housing can be related to the policy and practice matters such as the misunderstanding or miscalculation of public officials over the impact of urban formation; and over the value of the centrally located land by the policy-makers¹⁴⁰.

2.9. Compensation in the expropriation of land

In process of expropriation of land for public purpose, once the land is acquired compensation must be paid for the property taken¹⁴¹. When an eviction is unavoidable, and necessary for the promotion of the general welfare, the state must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property.

“In the case of urban expansion including the zoning of industrial parks, compensation should be paid by municipalities in cash, in kind (providing urban plots) or a mixture of both. Urban expansion problems were not anticipated early enough and the municipalities were not at all prepared for the eventuality of

¹³⁸ Uzun, N. C. (2003). The impact of Urban renewal and gentrification on urban fabric: three cases in Turkey. *Tijdschrift Voor Economicsche en sociale Geografie* 94, no. 3: 363-375.

¹³⁹ Gotham, K. F. (2001). A city without slums: Urban Renewal, public housing, and Downtown Revitalization in Kansas city, Missouri. *American Journal of Economics and Sociology* 60, no. 1 : 285-316.

¹⁴⁰ Price, A. D. (1991). Urban renewal- the case of Buffalo, NY. *The review of Black political economy* 19(3-4): 125-159.

¹⁴¹ Viitanen, K. and Kakulu, I. (2009). Global Concerns in Compulsory Purchase and Compensation Processes. *International Federation of Surveyors*.

compensation payments. In the early days of urban expansion, most farmers were left uncompensated¹⁴².

The calculation of compensation is based on the value of land rights and improvements to the land, and on any related costs. The determination of equivalent compensation can be difficult, particularly when land markets are weak or do not exist, when land is held communally, or when people have only the right to use the land¹⁴³. FAO in its land tenure studies by 2008 identifies some of the factors that hinder fair compensation. According to FAO the factors are; poorly drafted laws and regulations which creates opportunity to abuse of power and confusion; the lack of clear legal right to land which is difficult to determine the compensation; less negotiating power and experience of the affected owners or occupant at the time of expropriation; lack of standards and absence of good governance; time-consuming and expansiveness of the valuation activity as a result of poor expertise/low skill of valuers; and the expensive and difficult appeal process arranged which is untouched by the poor are the like are causes for unjust valuation of compensation.

As it is cited in (Mugisha 2015), most national constitutions provide for adequate, fair or just compensation for expropriated properties in the public interest¹⁴⁴. In many jurisdictions, expropriation is principally guided by the objectives of “equity” and “equivalence”. In Ethiopia, the 1995 FDRE constitution under article 40/8/ stipulated the commensurate compensation to the value of the property. But there are legal, technical and financial problems regarding to expropriation, valuation and compensation in Ethiopia¹⁴⁵. These may include the inadequacy of compensation rates, non-standardized valuation approaches, inordinate delays and arbitrary compensation that usually emanate from lack of independent and certified professional valuers¹⁴⁶.

¹⁴² Anteneh Alemu. (2012). *Ethiopia - Strengthening Land Administration Program*. A consultancy report, USAID and Ethiopia Ministry of Agriculture, p. ix.

¹⁴³ FAO. (2008). *Compulsory Acquisition of Land and Compensation*. Rome: UN FAO.

¹⁴⁴ Mugisha, J. (2015). "Compensation for Land Expropriation in Rwanda: The Need for Conventional Approaches to Valuation." *Journal of Land Administration in Eastern Africa* 3, no. 1: 296-306.

¹⁴⁵ Belachew Y. Alemu. (2013). "Expropriation, valuation and compensation practice in Ethiopia The case of Bahir Dar city and surrounding." *Property Management* 31, no. 2: 132-158.

¹⁴⁶ Ibid

In Ethiopia, the valuation of land and its attached properties for compensation purpose have been undertaken by a committee whose members are assigned by the local rural and urban administration, which is a political organ. Thus, expropriates have limited opportunity to participate either in the process of expropriation or in the valuation of land and attached property to be compensated fairly. As a result, municipalities expropriate land without paying any compensation or by giving very little compensation.

2.10. Challenges in Mainstreaming of Human Rights in Urban Land

Administration

Challenges of mainstreaming of human rights into local governments can be contributed by legal, institutional and political situations¹⁴⁷. In this regard, authors about human rights cities argued that the main reasons for cities to engage in human right are social, political and legal in their natures¹⁴⁸. This means the unconformity of socio-political and legal situations to human rights mainstreaming would be challenging. The relation between democracy and development has long been debated¹⁴⁹, or development and democracy were conceived and still understood by many peoples and governments as unrelated issues¹⁵⁰. As a result in many instance there was tradeoff one another. These help we to look into the presence of traditional perception that deals about urban land administration and human rights are conflicting¹⁵¹. But good governance is the negotiating instrument among urban land administration and human rights¹⁵². In order to assist the administration of development activities the mechanism of human rights mainstreaming raised before a decade. But several challenges faced the mainstreaming of human rights in

¹⁴⁷ Meyer, A. (2009). 'Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look', *Pace Diritti Umani*, 6(3): pp. 7-23

¹⁴⁸ Oomen, B and Baumgärtel, M. (2014). Human Rights Cities, Research Gate.

¹⁴⁹ Stiglitz, J. (2001). Participation and Development: Perspectives from the Comprehensive Development Paradigm. In F. I.I. You (Ed.), *Democracy, market economics, and development* (pp. 49-72). Washington, D.C.: World Bank.

¹⁵⁰ Elgström, O. (2002). Development and Democracy: gains and gaps. In O. E. Hyden (Ed.), *Development and Democracy; what have we learned and how?* (pp. 191-199). London: Routledge.

¹⁵¹ Enemark, S. (2014). *Land Administration Systems: Underpinning the Human Rights Perspective*. Malaysia: FIG Congress.

¹⁵² Ibid

different aspects of administration. Hereunder I discussed some of the fundamental challenges in human rights mainstreaming in urban land administration.

2.10.1. Over-Growing Demand of Urban Areas

In a process that is a phenomenon of civilization, growing numbers of people particularly in third world countries, succumb to the attract of modern living and daily leave the countryside in the hope of finding progress and improved living conditions¹⁵³. On the other side, industrial projects and urban real estate development are serious urban issues that raise the need for urban land¹⁵⁴. All these show that the increasing socio-political and economic significance of urban land throughout time. These growing demands of urban land possibly affect the right to land and adequate housing of original residents. The process has been facilitated by local or regional governments anxious to raise the rate of growth in their jurisdictions, which generate large spillover effects against human rights (the rights to land and adequate housing)¹⁵⁵.

2.10.2. The Inadequate Land Administration System

The human rights to own property and to enjoy adequate housing are fundamental and should be encouraged and promoted through building adequate systems of land administration that are relevant and accessible for poor people and serve their needs in a wider societal context¹⁵⁶. More specifically, tenure rights and their governance are important for the realization of human rights¹⁵⁷. But the existence of weak governance in land tenure negatively affects the right to land or house of the individual. Weak governance in land tenure exists when the law is complex, inconsistent or obsolete, peoples who work in land agencies lack motivation and are poorly trained and paid, or decision-making processes are unclear and civil society is weak¹⁵⁸. But

¹⁵³ UNESCO. (2004). *Human rights in urban areas*. Paris: Imprimerie des Press Univeritaires de France.

¹⁵⁴ Ghatak, M. and Mookherjee, D. (2013). Land acquisition for industrialization and compensation of displaced farmers; *Journal of Development Economics*, 2013: 1-10.

¹⁵⁵ Ibid

¹⁵⁶ Enemark S., Hvingel L. and Daniel G. (2014). Land Administration, Planning and Human Rights. *Planning theory* (SAGE) 13(4): 331-348

¹⁵⁷ Enemark, S. (2014). *Land Administration Systems: Underpinning the Human Rights Perspective*. Malaysia: FIG Congress.

¹⁵⁸ Palmer, V. (2009). *Towards improved land governance*. UNFAO and UN-Habita.

mainstreaming requires active, well sourced and potentially savvy civil society actors and a significant cultural shift within the public services¹⁵⁹. But this is a dream for most developing countries including our country Ethiopia. These problems are usual in several countries. For example, in the issue that I am looking i.e. eviction, despite debates behind it, how it should be carried out is the question of land governance.

2.10.3. Lack of legal and moral responsibility

Human rights have both legal and moral powers that imposed legal and moral responsibilities upon the different rational agent. Human rights should be seen as an ethical responsibility of government to ensure that people enjoy some basic rights as human beings¹⁶⁰. Human rights are not only universal, and therefore intrusive, they are also morally imperious, and therefore un-ignorable¹⁶¹. Thus human rights have acquired a global institutionalized authority on which we can draw to work out the moral obligations of all actors, be they individuals or organizations¹⁶².

The state in general and the government, in particular, is expected to hold legal and moral human rights obligations. The practical and moral consideration of human rights by the local government is significant. But due to the lack of moral and legal human rights duties of local government, in most cases, the human rights to adequate housing and land rights are frequently violated by the land administration of urban government in the urban development era. Demolishing house in the summer season and using a bulldozer to remove the home of individuals' are not moral. The moral position of human rights has played important role in the protection of human rights in addition to the legal basis.

¹⁵⁹ Meyer, A. (2009). Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look, *Pace Diritti Umani*, 6(3):7-23

¹⁶⁰ Enemark S., Hvingel L. and Daniel G. (2014). Land Administration, Planning and Human Rights; *Planning theory* (SAGE) 13(4): 331-348

¹⁶¹ Campbell, T. (2004). Moral Dimensions of Human Rights. In T. C. Miller (Eds.), *Human Rights and the moral responsibility of corporate and public sector organizations* (Vol. 20, pp. 11-30). New York: Kluwer Academic publishers.

¹⁶² Ibid

Chapter Three: - Review on legal frameworks and Practice of Expropriation

3.1. Introduction

Urban development-induced displacement or eviction from once house and land as a result of urban renewal project and urban zoning and planning laws is coming common in several developing countries. As it is cited in (Alemu 2013), expropriation is subject to two essential conditions: private property is to be taken only for public use, and just compensation must be paid for the property taken¹⁶³. But, in rapidly expanding cities many evictions and expropriations could not be done in the way that respect the people's rights and serves the public interest¹⁶⁴. In most countries, these are indicators for the loss of tenure of rights in favor of urbanization and industrialization and results homelessness and landlessness on a large number of people¹⁶⁵.

In the process of development- induced evictions or expropriation governments have a legal power to take land and resources from citizens for different purposes the commonly argued reason is for 'public purpose'¹⁶⁶. For broad reasoning, states have sovereign right under international law to take property held by privates or groups for economic, political and social or other reasons¹⁶⁷. The abuse of expropriation power (expropriate the private property in the name of public purpose for private or commercial use) may create considerable threats to land tenure security, human rights, and livelihoods upon the evictees¹⁶⁸. In most instances, procedures followed to compensate the affected peoples are deficient and contribute to grave violations of human rights of evictees. Both power abuse and deficient procedures related to expropriation worsen the human rights conditions or the rights to adequate housing and land rights get worse.

¹⁶³ Belachew Y. Alemu. (2013). Expropriation, valuation and compensation practice in Ethiopia The case of Bahir Dar city and surrounding." *Property Management* 31, no. 2: 132-158.

¹⁶⁴ Eerd and Banerjee.(2013). *Evictions, Acquisition,Expropriation and Compensation: Practices and selected case studies*. Working Paper I, Nairobi: United Nations Human Settlements Programme (UN-Habitat).

¹⁶⁵ Ibid

¹⁶⁶ Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

¹⁶⁷ UN. (2012). Expropriations . *UNCTAD Series on Issues in International Investment Agreements II*. New York and Geneva: United Nations.

¹⁶⁸ Ibid

In this chapter, I discussed on the legal frameworks (laws and procedures) that state adopts and use in exercising its legal and legitimate power in relation to expropriation or development-based eviction. In addition to laws and procedures, practical realities are also assessed. In this case study, human rights declarations, conventions and other non-covenants legal frameworks and which included the notion of expropriation are discussed.

3.2. Human rights Declarations and Conventions

3.2.1. Universal Declaration of Human Rights (UDHR)

The UDHR that adopted in 1948 has recognized the right to property under article 17 of its provision. According to sub-article 2 of this article, ‘no one shall be arbitrarily deprived of his property. Arbitrary deprivation of property refers unlawful taking of the property hold by privates’. Form this provision it is possible to deduce that the privately hold property can be confiscate in a manner that recognize the rights and interests of the property holder. So, what is required is providing fair compensation and protection to the rights of expropriates. Generally, the UDHR forbids the arbitrary confiscation of privately hold property without compensation even if that brings about greater welfare to society.

3.2.2. European Convention for the Promotion of Human Rights and Fundamental Freedoms (1950)

Under this convention, the protection of property rights is found within the protocol that is adopted in 1952. In this protocol the idea of expropriation of private property for public purpose has stated clearly. As stated under article 1 of the protocol ‘every natural or legal person is entitled to the peaceful enjoyment of his possessions and no one shall be deprived of his possessions except in the public interest. But this deprivation of private property is subject to the conditions provided for by law and the general principles of international law. According to this provision expropriation of private property for public purpose is allowed in a manner that protects the property rights of the holders. The expropriation should be carried out based on the relevant domestic laws in line with the international principles.

3.2.3. African Charter for Human and Peoples' Rights (1981)

As like the European Convention (1950), the Banjul charter on human and peoples' rights also acknowledged the right to property of every one under article 14. As stated, this right is only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws. What the appropriate laws refer that the use of relevant domestic or international laws to expropriate private property for public purpose. These appropriate laws are required to protect the human rights of those whose property take away for public purpose.

3.2. 4. The American Convention on Human Rights (1969)

More intensely, the American convention on human rights explained the expropriation of private property for the interest of the society. According to article 21 of the convention “everyone has the right to the use and enjoyment of his property”, but such use and enjoyment rights are subordinate to the interest of society. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.

This convention clearly specifies the legal requirements that signatory states should adhere with. Such as providing just compensation to property owner and applying appropriate procedures to expropriate the private property. All these are considered to protect the rights of property holders. So, through fulfilling the requirements the state has the right to expropriate the private property for public purpose.

3.3. Some other non-covenants legal frameworks;

3.3.1. General Comment No. 7 of the Committee on Economic, Social and cultural Rights

Earlier to the general comment No. 7 the Committee on Economic, Social and Cultural Rights emphasized on the need of security of tenure which guarantees legal protection against forced eviction, harassment and other threats under its general comment No. 4/1991. In its general comment No. 7 the committee came-up with the clarification and specification of forced eviction. According to the comment under paragraph 3, the prohibition of forced eviction does

not however, apply to evictions carried out by force in accordance with the law and in conformity with the provision of the international covenants of human rights.

Generally, the general comment ensured that forced eviction is allowed with the adequate protection of evictees. Procedural and due process rights of individuals should be protected through relevant legislations. The right to adequate compensation, consultation and provided with remedies are some of the requirements needs to be address by the state to expropriate privately owned properties.

3.3.2. Agenda 21(1992)

The United Nations General Assembly in its agenda 21(1992) prohibits the unfair eviction of people from their home and land. “People should be protected by law against unfair eviction from their home and land”¹⁶⁹. Here in this provision unfair eviction may refer to eviction which is carried out non-reasonably and unlawfully. The purpose of eviction and the laws govern the eviction should be fair/ appropriate to international human rights covenants. Eviction should be carried out for the public interest and on circumstances which will be uncontrolled. Eviction should not worse the life of evictees. Legal protection should be applied to regulate eviction in conformity with the human rights norms and standards.

3.3.3 Resolution 77/1993 of the Commission on Human Rights

The OHCHR in its resolution that made on forced eviction declared that everyone should be kept from forced eviction. The resolution under paragraph 3 stated that governments should confer legal security of tenure on all persons currently threatened with forced eviction and adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups. Resolution 77/1993 of the Commission on Human Rights blamed that forced evictions are gross violations of human rights.

¹⁶⁹ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, volume 1, (A/CONF.151/26/Rev.1 (vol. I), annex II, Agenda 21, chapter 7.9 (b)).

3.4. Some other guiding principles on expropriation

3.4.1. Basic Principles and Guidelines on Development-Based Eviction and Displacement

The United Nations adopted basic principles and guidelines that states should use to regulate development based eviction and displacement in their respective territory both in urban and rural areas. They are based on international human rights law, and are consistent with general comment adopted on the issue of property rights (the right to housing and tenure security)¹⁷⁰. According to these guiding principles there are different tasks of eviction that the state should fulfill. Such tasks of the state have classified into different phases like pre-eviction¹⁷¹, during eviction¹⁷² and post eviction¹⁷³ phases.

Generally, the guiding principles allow the involvement of all those likely to be affected in the entire processes of eviction. And declare that evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for them, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided.

3.4.2. Voluntary Guidelines on the Responsible Governance of Tenure (VGGT)

Recognizing a need for established international norms to govern land tenure the UN Committee on World Food Security endorsed international standards on the issue, known as Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) in 2012¹⁷⁴. These standards are stipulated to guide the expropriation lawmaking in different nations.

According to the VGGTs, the national expropriation laws should be guided in the way that responds to the following conditions: property has to be taken for a public purpose, should take place on a non-discriminatory basis, should take place in accordance with due process of law,

¹⁷⁰ United Nations; Basic Principles and Guidelines on Development-Based Evictions and Displacement; Annex 1 of the report of the Special Reporter on adequate housing as a component of the right to an adequate standard of living; A/HRC/4/18, paragraph 3

¹⁷¹ Ibid (paragraph , 37-44)

¹⁷² Ibid (paragraph, 45-51)

¹⁷³ Ibid (paragraph, 52-58)

¹⁷⁴ Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

and be accompanied by compensation¹⁷⁵. In another word, criteria have prepared to evaluate the national expropriation laws; such as Clarity, Certainty, Transparency, and Fairness¹⁷⁶.

To harmonize the procedural differences in the implementation of expropriation in different countries VGGTs predetermined that the process of expropriation should be transparent and participatory, by which affected should be identified, and properly informed and consulted at all stages¹⁷⁷. From these, it is possible to understand that expropriation should be carried out in a manner that is transparent, participatory, and responsible or accountability and guarantee the right to appeal to expropriates.

3.4.2.1. Transparent and Equitable Expropriation

Public hostility in opposition to expropriation may exist as a result of arbitrary actions that a government can take against a citizen where governments lack legitimacy, either through an absence of democratic processes or through a lack of transparency and equity in the administrative process¹⁷⁸. When the government expropriates land, it has an obligation to ensure that the process is completed based on equitable and transparent manner and people should not be impoverished because their land was acquired by government¹⁷⁹.

Transparency is required for the purpose of expropriation, valuation of the property and addressing the compensation. The purpose of expropriation or why the privately owned property is needed to be taken by the state has to be clear to the public. The other main phase that is crucial in the act of expropriation is the process of valuation of the property. Even though valuers are expected to do their valuation of the property in line with the existed formula or calculation, the valuation process should be transparent. The compensation proposed by the valuers should be paid in timely manner. The FAO Handbook further states that laws should prohibit governments

¹⁷⁵ UNCTAD. (2012). *Expropriation: A Sequel United Nations Conference on Trade and Development(UNCTAD)*. New York and Geneva : United Nations .

¹⁷⁶ The Voluntary Guidelines on Governance of Tenure (VGGT) standards under part 4 section 16; you can access it at www.fao.org/3/a-i3920e11.pdf.

¹⁷⁷ Ibid

¹⁷⁸ Ghatak , M. and Mookherjee, D. (2013). Land Acquisition for Industrialization and Compensation of Displaced Farmers." *Journal of Development Economics* : 1-10.

¹⁷⁹ FAO. (2008). *Compulsory Acquisition of Land and Compensation*. Rome : FAO Land Tenure Studies 10.

and acquire bodies from taking possession of the acquired land until after a substantial percentage of compensation has been paid¹⁸⁰.

3.4.2.2. Participatory Expropriation

Expropriation by the state which has legitimacy should not be decided and implemented alone by the government. Rather in the whole process of expropriation the involvement of different stakeholders with the primary inclusion of the wounded. Unless it has to be participant the trust will be eroded regarding its fairness and transparency. Through making the processes participant the government/municipal/could minimizes complaints against its act of expropriation by reaching consensus from the beginning and help to minimize corruption.

On the other hand, the participation of the public in the process of expropriation enables the affected peoples to have the chance to negotiate on compensation amounts. Fair and transparent negotiations between governments and affected populations help break down the barriers between the acquiring agency and the people whose land are being acquired and can allow each party to have a better understanding of the needs of the others.

3.3.3. Responsible Expropriation

Responsibility is compulsory in the process of expropriation. Agencies that compulsorily acquire land should be accountable for the good faith implementation of the legislation¹⁸¹. In another situation, when the government is not legally required to provide a relocation allowance, alternative housing, or alternative land, there is an increased risk that the displaced persons will be disadvantaged by the expropriation¹⁸². So, rehabilitation and resettlement assistance is needed in expropriation. Concerning to the officials and expropriate bodies accountability is desired for their violations of the expropriation laws¹⁸³. The missing of legally required requirements of the state and the deliberate infringe of the laws by the official or the government contravened result

¹⁸⁰ Ibid

¹⁸¹ Daniel W. Ambaye. (2015). *Land Rights and Expropriation in Ethiopia*. Springer International Publishing AG Switzerland.

¹⁸² Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

¹⁸³ Ibid

against the internationally recognized human rights; such as the right to property, and the right to housing and an adequate standard of living¹⁸⁴.

3.3.4. The Right to Appeal in Expropriation

In many of expropriation practice, there is often, in effect, a lack of due process, and very limited access to justice for the evictees¹⁸⁵. Such appeals may be needed when governments use incorrect or illegal procedures for calculating compensation and, consequently, affected populations are allotted insufficient compensation¹⁸⁶. Appeals can be against the purpose of expropriation; against the procedures used to implement expropriation; and against the compensation value¹⁸⁷. The right to appeal helps the victims to take their case or their complaint against the expropriation or particularly on the amount of compensation into the court¹⁸⁸.

In countries where courts are accessible to the population and are habitually used by them, they will be used to block expropriation¹⁸⁹. On the other hand, in countries where courts are not so frequently available to the population, other ways of expressing opposition to expropriation-refusing to depart the land or attacking officials will be resorted to¹⁹⁰.

3.4. Expropriation laws and procedures in Ethiopia

Expropriation laws refer to a broad range of legally binding instruments, including national constitutions, land acquisition acts, land acts, communal land acts, agricultural land acts, land use acts, regulations, and court decisions. In Ethiopia, there are several expropriation laws some of these are; the 1995 FDRE Constitution; the 1960 Ethiopian Civil Code and other land use acts. The Constitution provides a general provision regarding to expropriation of privately owned property. According to the constitution, expropriation can be made only for the public purpose

¹⁸⁴ Ibid

¹⁸⁵ Ocheje, P. D. (2007). In the Public Interest: Forced Evictions, Land Rights and Human Development in Africa. *Journal of African Law* 51, no. 2: 173 - 214.

¹⁸⁶ Bledsoe, D., Czerwinski, L. (2013). Bridging the gap between intention and action: Tools to enable socially responsible Land -related investment. Washington, D.C.

¹⁸⁷ FAO. (2008). *Compulsory Acquisition of Land and Compensation*. Rome : FAO Land Tenure Studies 10, 2008.

¹⁸⁸ Ibid

¹⁸⁹ Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

¹⁹⁰ Ibid

with commensurable compensation should pay in advance¹⁹¹. In addition to the constitution, the 1960 Ethiopian Civil Code¹⁹²; the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005; and more other land use acts have been used in regulating expropriation in Ethiopia. To further implement this proclamation, the Federal Council of Ministers has also adopted a Compensation and Valuation Regulation No. 135/2007. Particularly, in ANRS expropriation rehabilitation is directed under directive No. 26/2016 of the regional government.

Regarding land expropriation, laws in Ethiopia are too confusing by their stand on compensation. For example, the supreme law of the nation i.e. the FDRE constitution affirmed that Ethiopian peasants have right to obtain land without payment and protection against eviction from their possession¹⁹³. Even though, the land is not recognized as private property in the constitution; according to article 40/4/ if the land of a peasant is needed for public purpose, the expropriate body must pay compensation to the landowner. In the other subsidiary laws i.e. expropriation proclamation No. 455/2005 a landholder is being payable to compensation only to the property situated on the expropriated land and for permanent improvements he made to such land, not to the land itself¹⁹⁴.

In general, in Ethiopia, there are vague legal provisions that could divert the aim of expropriation and ultimately failed to fulfill a public purpose objective¹⁹⁵; so there should be an acute need for establishing a clear legal mechanism that would govern the action of land expropriation¹⁹⁶. Unclear guidance on what determines a valid “public” purpose for eminent domain or

¹⁹¹Article 40/8 FDRE Constitution...without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property.

¹⁹² The 1960 Ethiopian civil code allocated a substantial part of its sections to property law in general and expropriation in particular; under Book III of the civil code particularly Title IX, from articles 1460-1488 are dedicated to expropriation.

¹⁹³ FDRE constitution article 40 sub-4

¹⁹⁴ Article 7(1) of Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005.

¹⁹⁵ Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

¹⁹⁶ World Bank. (2012). *Options for Strengthening land administration in Federal Democratic Republic of Ethiopia*. World Bank.

expropriation together with institutional gaps implies that in practice expropriation is often seen as arbitrary and inconsistent across the country¹⁹⁷.

According to the World Bank report number 61631-ET;

“In Ethiopia, systematic land expropriation and eviction of the rural population in the areas of urban expansion has been the instrument of making land available for the urban growth. Appeals procedures, even if adhered to, often are biased against landholders and their effectiveness is further undermined by both the government officials’ and citizens’ limited awareness of rules and a lack of independent land valuation expertise. Thus, land loss through expropriation with compensation at less than market values or without ensuring that livelihoods are restored remains a source of tenure insecurity, particularly in areas of inner-city redevelopment or rural areas near cities”¹⁹⁸.

Regarding procedures that should be followed in the expropriation practices are stipulated under the FDRE constitution and proclamation No. 455/2005. Some of these are identified and discussed hereunder; commensurate compensation; substitution of land; and compliant and appeal.

Commensurate compensation: This is found in the FDRE constitution under article 40/8/. Commensurate compensation is understood as a compensation which equals to the loss. This principle is looking forward to the actual loss but not to potential loss continued by the owner of the expropriated property¹⁹⁹. In addition to its limitation to compensate the potential loss, even to the actual loss compensation is paid less than the amount of loss occurred as a result of expropriation; and even in some conditions, there may be no compensation paid for²⁰⁰.

¹⁹⁷ Ibid

¹⁹⁸ Ibid p. 3.

¹⁹⁹ According to Daniel W. Ambaye, (2015)... the compensation principle in Ethiopia is not clear. But one thing to say is that it does not fit to the indemnity principle which gives an equal or equivalent amount of compensation to the loss sustained by the owner of the expropriated property

²⁰⁰ Belachew Y. Alemu. (2013). Expropriation, Valuation And Compensation Practice In Ethiopia; the case of Bahir Dar city and surrounding." *Property Management* 31, no. 2: 132-158; Daniel W. Ambaye. 2015. *Land Rights and Expropriation in Ethiopia*. Springer International Publishing AG Switzerland, 2015.

Substitution of land: In the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 under article 8/3&4/ stated that those landholders be provided with a plot of urban land and where the woreda administration confirms that a substitute land which can be easily ploughed and general comparable income is available for the landholder.

Complaint and Appeals: One of the sources of grievance against expropriation is related to compensation value²⁰¹. Ethiopia has laws that explicitly grant alternative land to displaced persons²⁰². Under the proclamation no. 455/2005 of the Federal government expropriated landholders have the right to present their dissatisfaction against the compensation provided to the committee established to hear grievances²⁰³. But expropriates have no any right to challenge the expropriation as not for public purpose. Rather the government expropriates the land hold by the privates for the purpose of development. So, expropriates cannot challenge the expropriation in its intended use, rather they can challenge and make a debate with the government on the amount of compensation valued for their property.

3.5. An overview on the real practice of expropriation

In spite of the international standards and procedures of expropriation; and several national laws many of peoples are evicted arbitrarily or unlawfully. For example, in Tanzania, according to a World Bank study, expropriated rural land is routinely transferred to private actors²⁰⁴. In china, a survey of 467 expropriations in 2012-2013 found that nearly half of these expropriations were

²⁰¹ FAO. (2008). *Compulsory Acquisition of Land and Compensation*. Rome : FAO Land Tenure Studies 10.

²⁰² Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

²⁰³ Article 11 sub-article 2 of the proclamation 455/2005 of the Federal government of Ethiopia stated that ...Where the holder of an expropriated urban landholding is dissatisfied with the amount of compensation, he may lodge his complaint to the administrative organ established by the urban administration to hear grievances related to urban landholding.

²⁰⁴ Deininger et al. 2012. "The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector." Washington, D.C.: the World Bank. Available at: <http://elibrary.worldbank.org/doi/abs/10.1596/978-0-8213-8758-0>

for commercial purposes, such as factories and real estate development²⁰⁵. The above two cases are indicating that these two countries practiced expropriation in contrary to the recognized objective of expropriation i.e. expropriation for public purpose. As and evidence in India, farmers protested and challenged a government decision to expropriate village land in 2011, claiming that expropriation was unjustified because it did not serve the public interests²⁰⁶.

For another critical matter i.e. in-advance compensation, there were delays committed by the government in paying the compensation to expropriates. For example, in Rwanda, despite the 120-day deadline on compensation, a recent survey has found that payments of compensation for expropriation were, on average, delayed by 16 months past the legally imposed deadline for compensation payments²⁰⁷. In several states, development resulted eviction is the wider cause of eviction²⁰⁸. Such developments can be categorized as urban development (rapid urbanization, city beautification and so on); large-scale development (investment activities, creating of industrial zones, roads, irrigation schemes, national parks railways, and so on)²⁰⁹. As it cited in (Nunez, 2014), according to the International Accountability Project: at current rates, approximately 15 million people every year are forcibly displaced from their homes, communities, and lands to make way for large development projects such as coal mines, mega-dams, agro-fuel plantations and transportation infrastructure²¹⁰. In theory, anyone who is forcibly evicted or internally displaced should be given fair economic compensation; unfortunately, this is not a common reality.

3.6. The Practice of expropriation in Ethiopia

²⁰⁵ Keliang, Z. et al. 2006. "The Rural Land Question in China: Analysis and Recommendations Based on a Seventeen-Province Survey. *International Law and Politics* 38: 761-839 available at : <http://nyujilp.org/wp-content/uploads/2013/02/38.4-keliang.pdf>

²⁰⁶ Sharma, A. 2011. "Supreme Court Speaks Up on Land Acquisition." *The Wall Street Journal*. Available at: <http://blogs.wsj.com/indiarealtime/2011/06/28/supreme-court-raises-its-voice-on-land-acquisition/>

²⁰⁷ Rose, H., et al. 2016. "Implementation of Rwanda's Expropriation Law and Its Outcomes on the Population." Paper prepared for the Annual World Bank Conference on Land and Poverty. March 14-18, Washington, D.C.

²⁰⁸ UN-Habitat. (2012) . *Forced Evictions: Global Crisis , Golabl Solutions*. Nairobi: UN-Habitat.

²⁰⁹ Ibid

²¹⁰ Nuñez, D. G. (2014). Peasants' Right to Land: Addressing the Existing Implementation and Normative Gaps in International Human Rights Law. *Human Rights Law Review* 14, no. 4: 589–609.

There are several researchers conducted in related to Ethiopian land administration system and in particular land expropriation in Ethiopia. For example, Daniel W/Gebriel Ambaye in his PhD dissertation discussed broadly about the laws and practice of expropriation and compensation²¹¹. According to Daniel, in Ethiopia, expropriation procedure is totally administrative in nature by which the whole process of expropriation is decided by the administrative (executive) body. Unlike some other countries where the issue of compensation is decided by courts, in Ethiopia, compensation is determined by the land administration body. Daniel also identifies sources of grievances, in the country, most of the complaints and litigation related to expropriation are related to the inadequacy of compensation and the irregularities followed during the valuation process.

A study by the World Bank found that, in Ethiopia, expropriation was routinely used to transfer rural land to private actors using the rationales of urban expansion, town planning, productive rural investment and so on²¹². Even though land expropriation is undertaken for different purposes, in Ethiopia, there is no tradition to consult the community; because of this peasants are informed at the last when the implementation is to be undertaken²¹³. In Ethiopia, valuation of compensation is done by the experts and consultants as per the formula adopted by the government; and there is also the absence of clear and meaningful appellate body; so the result could be disappointing for the landholders²¹⁴.

²¹¹ Daniel W. Ambaye . (2015). *Land Rights and Expropriation in Ethiopia*. Springer International Publishing AG Switzerland.

²¹² Deininger, K, Selod, K. and Burns, H. (2012). *The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in land sector*. Washington, D.C.: World Bank.

²¹³ Belachew Y. Alemu. (2013). "Expropriation, valuation and compensation practice in Ethiopia The case of Bahir Dar city and surrounding." *Property Management* 31, no. 2: 132-158

²¹⁴ Daniel B. Gebreamnuel. (2015). *Transfer of Land Rights in Ethiopia: Towards A Sustainable Policy Framework*. Hague, Netherlands: Eleven International Publishing.

Chapter Four –Data Analysis and Interpretation

Introduction

Under this part of the study the data analysis and interpretation are made. The collected data are analyzed qualitatively based on two major themes. The first theme is about the process how development-based evictions were carried out in DM city. Under this theme, there are three sub-themes which are classified based on eviction phases such as pre-eviction, during eviction and post eviction. And the second theme is about challenges which made the development-based eviction nonconformity to the human rights of adequate housing and land of the affected communities. In this theme several socio-political, legal and administrative challenges are identified by the study.

4.1. The Nature of Development-Based Eviction and Practical Mainstreaming of Human Rights of Evictees in DM City Administration

The human rights impact of eviction is not a short period occurrence; rather it covers a long span time with wider human rights consequence. As mentioned above the impacts of development-based eviction on human rights are analyzed in three phase's pre-eviction, during eviction and post-eviction. These phases are also stated under the UN Guiding Principle on Development - Based eviction. Under each phase of eviction, the researcher used the six UN Human Rights principles of forced eviction to identify human rights of the eviction affected community such as consultation and participation of affected people and communities; adequate notification; effective administrative and legal recourse; prohibition of actions resulting in homelessness; prohibition of actions resulting in deterioration of housing and living conditions; and provision of adequate relocation and/or adequate compensation before evictions are carried out²¹⁵.

²¹⁵ United Nations Human Rights. 2011. 'Forced Evictions Assessment Questionnaire', <http://www2.ohchr.org/english/issues/escr/docs/ForcedEvictionAssessmentQuestionnaire.pdf>

4.1.1. Human Rights of Evictees in Pre-Eviction Period

4.1.1.1. The right to be Informed, Consulted and Participate

Being Informed, Consulted and Participant in the decision-making processes is recognized as the human rights of those people whose life could be affected by the decisions²¹⁶. More strictly for those land is their source of livelihood peasants or farmers their free consent during decision making that led to eviction is important. According to UN Guiding Principles of Development-Based Eviction affected peoples should be informed and consulted and even be a participant in the process²¹⁷. Before expropriating the land occupied by individuals or groups, the government has to explore all feasible alternatives in consultation with the possibly affected peoples. In this regard, international human rights law requires governments to explore all feasible alternatives before carrying out any eviction, so as to avoid, or at least minimize, the need to use force²¹⁸.

The Ethiopia constitution under article 40(4) stated that Ethiopian peasants have the right to obtain farmland and protection against eviction from their possession. But as it is stated in the constitution, the implementation of this provision is subjected to other specific expropriation laws which appear to be largely ignored the land rights of the farmers. Expropriation laws in Ethiopia are not in favor of safeguarding farmers from eviction and deter farmers from becoming the part of the eviction process. The only rights stated for evictees in the expropriation laws in Ethiopia are the right to be compensated for property situated on the land, and the right to appeal regarding the compensation presented²¹⁹.

As Daniel W. Ambaye wrote that public discussion in related to development-based eviction is actually practiced by all regions and cities in Ethiopia²²⁰. One of the participants said that;

“In DM city public discussion related to development-based eviction is rarely practiced. Even though, the city administration did not respect the idea of evictees

²¹⁶ U.N Special Rapporteur on Adequate Housing, Principles and Guidelines on Development- Based Evictions, supra note 10, par. 38;

²¹⁷ The general comment No.7 (1997); the right to adequate housing, stresses that....prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force.

²¹⁸ OHCHR and UN-Habitat. (2009). the right to adequate housing. Geneva: United Nations

²¹⁹ See expropriation proclamation No. 455/2005

²²⁰ Daniel W/G Ambaye. (2015). *Land Rights and Expropriation in Ethiopia*. Springer International Publishing AG Switzerland, pp.156.

few nominal public discussions were held”²²¹. The only proper public discussion was held in December 2015 with farmers whose land was expropriated for Debre Markos University (DMU) new Campus in the area known as “Yemeka”²²².

As he said that the proper public discussion was done by the DMU administrators to negotiate with farmers on the amount of compensation they received and on their privilege that they would have when the newly established campus started. Rather this was not done by the commitment or willingness of the city administration for its recognition of the land rights of farmers rather by the DMU administrators.

In the way that prove the above idea which is in DM city urban administration has less space to public discussion in the occasion of development-based eviction; the former head of urban development, housing and construction office said that;

“The city land administration office mostly is working alone without the involvement of possibly affected communities rather the office decides and plan on the land needed by its own”²²³. “So, our orientations that the government can use the privately owned land for a public purpose or for development, hide our understanding of the landholding rights of the individuals and groups in the city administration”²²⁴.

But, if the eviction was done based on the effective participation, consultation and negotiation with the affected individual and groups, it would help to minimize the human rights impact of forced eviction²²⁵. So, making an eviction without participation, consultation and negotiation with potential victims might worsen the human rights (the right to land and adequate housing in particular) condition of evictees. The participation of evictees on the process of eviction could make the process of eviction transparent and accountable.

²²¹ A key informant interview with Ato Yemata on May 7, 2017 (a person who was in the side of expropriated farmers in 2006 E.C

²²² Ibid

²²³ A key informant interview with Ato Daniel (former head of the UDHOC office) on May 27, 2017

²²⁴ Ibid

²²⁵ UN-Habitat. (2007). Finding Solutions to Forced Evictions World Wide: A Priority to Meet the MDGs and Implement The Habitat Agenda. Executive Summary Report of the Advisory Group on Forced Eviction, Kenya: UN-Habitat.

According to the participants, there were two major challenges that hindered the city administration from participating and consulting the evictees during decision making. The first one is the expropriation law itself; the Ethiopia expropriation law does not require public consultation and participation. In relation to this, one of my informants argued that “*why elongate the bureaucracy when there is a short way of expropriating the land from landholder through short notification of expropriation order*”²²⁶. The second challenge is the unplanned eviction. While international laws require that eviction must be performed through designed and studied manner²²⁷; through which its purpose of eviction, the process how it will be and its consequences on evictees has to be specified²²⁸. “*In DM city evictions are not studied; rather carried out randomly; due to this farmers or inner-urban residents may evict at any time when developmental projects presented to the city administration*”²²⁹.

In general, in the study area the top-down development approaches coupled with disrespect for the rights of local communities including the rights to free, prior and informed consent of evictees. Rather eviction announced to evictees through expropriation notification order as it is stated under article 4 of the expropriation proclamation No.455/2005. So, in this legal framework, there is no room for public consultation and participation. This is against the constitutional provision which grants every one the right to participation in national policies and be consulted in projects affecting their community. Even local government prioritizes development; residents have the right to be participating in the development-based projects and to be consulted with respect to policies and projects affecting their community²³⁰.

²²⁶ A key informant interview with Ato Awoke (head of the land sector of the UDHCO) on May 20, 2017

²²⁷ OHCHR. (2014). Forced Eviction . Geneva : UN

²²⁸ Ibid

²²⁹ A key informant interview with Ato Awoke on May 20,2017

²³⁰ See The FDRE Constitution Article 43/Sub Article 2

4.1.1.2. The Right to commensurate and In-Advance Compensation

The right to commensurate and in-advance compensation is another human right recognized for people who are evictees from their home or land²³¹. *Even though, the amount of compensation offered to evictees determined by the property valuation approach adopted by the respective state, commensurate/just/ compensation refers to an equal amount of cost provide to evictees so as to cover the damage of their property*²³². Ethiopia follows the replacement cost approach of compensation that makes evictees more losers incomparable to other property valuation approach such as comparable sales approach to market and income or capitalization approach to making value²³³. On the other side in advance compensation refers providing compensation fee to evictees before eviction takes place.

In the FDRE Constitution under article 40/8/stated that expropriated private property is subject to payment in-advance of compensation commensurate to the value of the property and also article 44/2/ stated that adequate compensation should be provided in case of eviction. Theoretically, these articles ensured that evictees have the right to obtain commensurate compensation and in advance payment. Based on these constitutional provisions the researcher asked a question to his informants that how commensurate and in advance compensation is applied in the activities of city land administration.

To look towards the nature of compensation to evictees in the study area the researcher initially assessed the valuation of property as a legal and practical matter. In related to development-based eviction in Ethiopia there is regulation i.e. regulation 135/2007. Concerning to this, one of my informants stated that *“when surveyors are making a valuation of the house of evictees they must refer article 13(1) of regulation”*²³⁴. This article deals about the formula for calculating the

²³¹ the UN Guiding principles on development based eviction

²³² A key informant interview with Mr. Mekonnen on May 23, 2017 DMU Law school staff... Replacement cost approach is a valuation methods commonly used and based on the belief that an asset should be worth no more than the cost of a similar asset possessing equivalent utility. Sales comparison approach is a valuation technique in which the value of the subject property is determined by comparing it with the properties recently sold in the subject property. The third type of valuation approach is the income capitalization approach is based on the value of income expected to generate over the life of the property at issue.

²³³ Ibid

²³⁴ A key informant interview with a person who is working as surveyor in UDHOC office of the city on May 23,2017

amount of compensation payable to evictees' properties including home. One of the senior surveyors speaks out about the challenges that surveyors are facing;

*"Surveyors are not free to make the valuation based on the spirit of the regulation because we are mostly influenced by municipal administration to make valuation of the house in used value not in a manner that enables evictees to construct other similar house based on the current construction value. When surveyors calculate other several expenditures and improvements in the house compound in addition to the walls and roof of the home the compensation value became large. At this time the municipal leaders assume that a surveyor has arranged a share with the owner. As a result I and other surveyors calculate the value of the four walls and the roof only"*²³⁵.

This idea showed that the valuation of home in DM city is performed incongruent with the regulation on the matter. *"In addition to the value of house and other improvement given to inner-urban evictees also earn a very little displacement compensation around 700 Birr"*²³⁶. *But the inner-urban evictees are required to pay other administrative expenditures as new in their relocated areas. Such expenditures are house plan fee, water meter fee and electric meter and others*²³⁷.

Concerning to evicted farmers, valuation of farmland is guided under regulation 135/2007 article 16(2), (3). According to the provision compensation for a plot of land calculated is based on the average price of its annual product in ten years period. In another word it is ten times its average price of the annual product. In the study area one of the member of valuation committee and the participant of this study confirmed that farmland compensation is always made according to the aforementioned provision. According to him; *"the city has no free land to provide replacement farmland to the expropriated farmers, so the administration provides them only financial compensation"*²³⁸. Accordingly, *"the committee calculates the price of the average annual yield of crops of the land expropriated and multiplied it by 10 (ten)"*²³⁹.

²³⁵ A key informant interview with a person who is working as senior surveyor in UDHOC on May 23, 2017

²³⁶ A key informant interview with Ato Daniel (former head of the UDHOC office) on May 27, 2017

²³⁷ Ibid

²³⁸ A key informant interview with Ato Mulugeta (head of the urban land preparation team and the member of the valuation committee) on May 24, 2017

²³⁹ Ibid

This is a practice of taking the source of livelihood of farmers within few ten thousands. Based on the above information, compensation in DM city in the time of eviction is in-commensurate with the damage sustained. The very important point here is factors that contribute to the in-commensurate compensation provided for home and land evictees. The first one is the expropriation regulation itself. In the case of land evictees, one of my informants asked legal question for him *“What is ten years? Why not fifteen or twenty years? Is the payment provided for ten years enable farmers not to be vulnerable to socio-economic problems? So, what legal and socio-economic justification of ten years has under the expropriation laws?”*²⁴⁰. This shows that the expropriation law in Ethiopia has no any justification regarding to the loss of social and cultural life of evictees and even the economic advantage of farmers is less recognized.

The participant continued in express his experience concerning to the inner-evictees, and his said that; *“inner-urban evictees should also be compensated for their intangible losses such as social and environmental aspects of life”*²⁴¹. He justified his reason as *“because the evicted person is not relocated in areas where social and economic infrastructures are fulfilled”*²⁴². The above ideas of my participants are indicators of problems related to expropriation, valuation, and compensation which are attributed in legal, technical and financial matters²⁴³.

The second reason is that lack of interest by the city administration. To me, the formula in the regulation is not binding rather it is a common denominator that each administration should refer at a minimum to offer compensation for evictees. So, local administration may provide better compensation beyond the statement in the provision of regulation. That means if there is source local governments can do to benefit evictees. As it is cited in Belachew Yirsaw(2013), expropriation and compensation payments for property taken for reasons of township expansion including the zoning of industrial parks should performed by the urban administration. Those municipalities that may have relatively better revenue collections can afford to pay better compensations²⁴⁴.

²⁴⁰ A key informant interview with Ato Daniel (former head of the UDHOC office) on May 27, 2017

²⁴¹ Ibid

²⁴² Ibid

²⁴³ Belachew Y. Alemu. (2013). Expropriation, valuation and compensation practice in Ethiopia The case of Bahir Dar city and surrounding. *Property Management* 31, no. 2 : 132-158.

²⁴⁴ Ibid.

In Debre Markos city large amount of the farmland expropriated from the peasants and given to private individuals who are living and working in the city for housing construction. So, individuals who received land for housing are required to pay compensation to the landholder. By this, the city administration can levy high amount of compensation upon each individual to give better compensation for landholders, but not done.

The third reason behind the in-commensurate compensation as identified by FGD members was the prevalence of corruption in the city administration. They further justified that there is a deep-rooted corruption in time of evicting farmers. All members confirmed that the valuation of property was not transparent and participatory. And participants from Yemeka site stated that *“even though DMU provide a large amount of compensation to farmers whose land took for DMU new campus more than half of the compensation was not reached to farmers”*²⁴⁵. Accountability and transparency are the two basic elements of good governance which are at stake in urban governance.

Generally the city administration carried out eviction for development purpose in the way that evictees’ right to commensurate compensation is violated. The city land administration worked to benefit a group of people on the expense of another group of people. In another word, the land administration in DM city benefited individuals who need urban land for housing purpose and investors and spoiled the interest of evictees. It is fact that those farmers are now a day at the worst condition of living. Such trend of the city administration is contradicting to the comprehensive socio-economic development of the town rather it is contributing to the creation of socio-economic crisis in the life of evictees. Since the city administration was not a direct payer of compensation to evictees (rather the one who received the land); it ought to have provided better compensation to evictees who were forced to leave their home and land to the city administration.

4.1.1.3. The Right to Access Substitution

In the expropriation, process resettlement is one of the core tasks should be done. Unless replacement arranged early, homelessness and landlessness are unavoidable occurrences may it

²⁴⁵ An interview with FGD Participant on April 24,2017

be for days or months in the life of evictees²⁴⁶. In Ethiopia, under article 14(1) of regulation 135/2007 stated that providing replacement urban land is one of the duties of urban administration. In DM city, “200m² urban land is provided for inner-urban evictees for each household”²⁴⁷. According to ANRS directive No. 26/2016 under article 7 the city administration has a power to determine the substitute land for housing to evictees. So the land given as substitution for inner-urban areas is for housing in other location where the city administration decides. To those individuals who had business or working place (example hotel and restaurant, garage and the like) in the area expropriated the city administration their substitution land are better located than residential areas.

Concerning to substitution of farmland for farmers expropriated from their land, regulation 135/2007 of the federal government under article 14/2/ confirmed that “the possessor of expropriated land shall, as much as possible, be provided with a plot of land capable of serving a similar purpose”. This indicates that substitution of farmland can be done when there is a resource of farmland in the sounding of the respective city. Similarly the (ANRS) government directive no. 26/2016 declared that the farmland substitution should decide by the municipal government through considering the future development of the town²⁴⁸. Even though different international guidelines of evictions and displacement argued that land substitution for the same purpose should be provided to those whose land has been taken²⁴⁹, many states and local governments fails to comply it. In DM city “there is no any substitution of farmland for farmers expropriated from their farmland; rather each expropriated farmer provided with 400m² land for construction of a house on areas identified by the municipal”²⁵⁰. When governments are not legally required to provide a relocation allowance, alternative housing, or alternative land, there is an increased risk that the displaced persons will be disadvantaged by expropriations²⁵¹.

²⁴⁶ Hellum and Derman. (2004). Land Reform and Human Rights in Contemporary Zimbabwe: Balancing Individual and Social Justice Through an Integrated Human Rights Framework. *World Development* 32, no. 10 :1785–1805.

²⁴⁷ A key informant interview with Ato Amare (chief urban land supply officer) on May 23, 2017

²⁴⁸ Article 6(1) of rehabilitation and resettlement directive NO 26/2016 of the ANRS

²⁴⁹ See the United Nations; Basic Principles and Guidelines on Development-Based Evictions and Displacement; Annex 1 of the report of the Special Reporter on adequate housing as a component of the right to an adequate standard of living; A/HRC/4/18, par. 60..... Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.

²⁵⁰ A key informant interview with Ato Amare (chief urban land supply officer) on May 23, 2017

²⁵¹ Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

The right to alternative land for inner-urban evictees is required to be better or equally satisfy their former area that includes adequacy, accessibility, affordability, habitability, and access to essential services such as health and education. But inner-urban evictees in DM are not relocated in areas that fulfill the criteria for new relocation. In-fact land is an option-less base for farmers in DM city administration, after expropriation farmers were forced to search other means of livelihood and even leave their locality for search job in to other areas.

Generally, under this sub-theme eviction related human rights such as the right to be informed and consulted, the right to in-advance and commensurate compensation and the right to access substitution are not recognized in DM city. Even if there are individuals argued that expropriation is not necessarily requiring consultation, the researcher argued that it is wrong. Because consultation and participation of the affected people are stipulated in several human rights documents and even at the national constitution as fundamental.

In DM city taking the issue of development-based eviction into the public is considered as a failure by the administration. So, the administration decides eviction alone without the involvement of even the affected communities. But what must be considered and applied here in the case of eviction is the city administration must bring the case to the public or make the public to own the process of development-based eviction. Make the people participant and decision maker could not affect the proposed projects if they were for the public interest. If so, the people understand the purpose of eviction and cooperate with the city administration for proper implementation of the process in line with the protection of the human rights of evictees.

Regarding to the right to substitution for evictees in DM is neither present nor absent. This means there is a provision of land for housing both to inner-urban evictees but the new resettlement locations are not affordable and no essential services nearby. On the other hand substitution of farm land for farmers evicted was not provided, this made farmers landless.

4.1.2. Human Rights of evictees during Eviction

This period is between a date of receive or refuses payment of compensation to hand over the land to city administration. Any landholder who has been served with an expropriation order shall hand over the land to the woreda or urban land administration within 90 days from the date

of payment of compensation²⁵² or, if he refuses to receive the payment, from the date of deposit of the compensation in a blocked bank account in the name of the woreda or urban administration as may be appropriate²⁵³.

4.1.2.1. Respect to Human Dignity and Security of the Affected

In development-based eviction, there are two opposite feelings anger by evictees and non-observance of the constitution and human right law by the local government. This non-observance of the local government towards the situation of the evictees and the human rights laws of the nation lead to the violation of not only the socio-economic and cultural rights but also the civil and political rights of the evictees.

Evictions must not be carried out in a manner that violates the dignity and human rights to life and security of those affected²⁵⁴. Under the FDRE Constitution the human rights to life, liberty and security are granted²⁵⁵. On the other side, the expropriation law in Ethiopia allows the use of police force to remove evictees²⁵⁶. Based on the option provided by the law, local governments prefer to use police force against evictees for their little delay. When police force intervenes in the process, the security of the evictees may be at risk. As FGD participants discussed that;

“In DM city in 2007 E.C framers in ‘Yeraba’ area did not left their farmland voluntarily and by their resistance, many of them were imprisoned at least for a day and some of them for a week. In addition to the use of police force, some municipal officials were treating evictees inhumanly that is out of the civic code or professional code of conduct. These officials were performed their task in their will without recognizing the human dignity of evictee”²⁵⁷.

²⁵² See article 4(3) of proclamation No. 455/2005 page 3126.

²⁵³ Ibid

²⁵⁴ See the United Nations; Basic Principles and Guidelines on Development-Based Evictions and Displacement; Annex 1 of the report of the Special Reporter on adequate housing as a component of the right to an adequate standard of living; A/HRC/4/18, par. 47

²⁵⁵ See the FDRE constitution article 14

²⁵⁶ See the Expropriation proclamation No. 455/2005 article 4(5)

²⁵⁷ An interview with FGD participants on April 24,2017

4.1.2.2. Sufficient time for Replacement

In most cases, the expropriation work of local government does not reflect the legal and institutional practice of the central government²⁵⁸. During the time of eviction, the local governments aggressively pushed the evictees to make the land free within few days²⁵⁹. Local governments in their self-guided time schedule of expropriation may cause anxiety upon the evictees when they order to leave their home within a short period. In addition to psychological consequences of intimidation and harassment; social and economic problems faced the evictees. For examples children school absenteeism, and high financial spending to fulfill raw material to construct a new house. In Ethiopia, there is a fixed period of time given for evictees to leave their original place. The time allotted is found in the expropriation proclamation no.455/2005 article 4(3) that is 90(ninety) days.

In the study area one of the participants argued that;

*“While three months are given to evictees to leave the land they situated, in DM city there is a tendency of forcing evictees to leave their home and land within short days. When there is a question of land by investors the city administration tries to push the residents in the proposed site to leave the area in short period”*²⁶⁰.

This can be reliable to AGFE conclusions that the municipal, state and national governments around the world regularly conduct evictions in violations of their own laws and constitutions²⁶¹.

4.1.2.3. Due Process Right/the Right to Appeal/

Peasant families may struggle to access justice against arbitrary dispossession, enforced displacement and lack of adequate compensation and so on²⁶². In doing this the right to appeal is recognized as human rights to those who believed that they feel injustice. As like other matters,

²⁵⁸ Lian, H. (2016). *The Relationship between Land-lost Farmers and Local Government in China*. Singapore: Springer.

²⁵⁹ Ibid

²⁶⁰ A key informant interview with Ato Daniel (former head of the UDHOC office) on May 27, 2017

²⁶¹ AGFE. (2007). *Forced Evictions-Towards Solutions*, A second Report of Advisory Group on Forced Eviction (AGFE) to the Executive Director of UN-Habitat, Foot note 5, accessed at <http://www.unhabitat.org>.

²⁶² Nunez, D. G.(2014). Peasants’ Right to Land: Addressing the Existing Implementation and Normative Gaps in International Human Rights Law. *Human Rights Law Review* 14, no. 4: 589–609

in time of development-based eviction victims have the right to submit their grievance concerning to the compensation to the committee organized by the city administration or woreda, if not to the court²⁶³. But the appeal process is more dominated by non-judicial body²⁶⁴.

*In Debre Markos city evictees have the right to appeal to grievance hearing committee which has five members and accountable to the city Mayor. And the committee looks the case presented and gives response to them within short time*²⁶⁵. Unlikely, FGD participants said that;

*“Even though, evictees with grievance are invited to submit their case to the committee evictees with grievance are disappointed by the committee response for their grievance because in most cases the committee responded to them negatively and became another cause of grievance. So, complaints mostly fear revenge or reprisal from the city administration*²⁶⁶.

Among the FGD members who evicted from the Yeraba site stated that the room for appeal was closed for evictees. As they said, *“at the very beginning evictees forced to sign a consensus that commensurate compensation will be offered to them by the city administration and in doing so the city administration take away our right to appeal”*²⁶⁷.

During eviction is a phase that requires high attention for human rights in the case of development based eviction. In DM city land administration use of force was common to evict and even to intimidate evictees. Whoever used it, the use of force is dangerous to the human dignity and rights of the evicted communities. So, this study is concluded that mostly the human dignity and security, the right to appeal and other due process rights of the evictees were violated. This is because of the excessive use of force both police force and even illegally force of intimidation. While the use of force is permissible in manners that “respect the principle of necessity and proportionality, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with

²⁶³ See expropriation proclamation 455/2005 article 11.

²⁶⁴ Belachew Y. A. (2013). Expropriation, valuation and compensation practice in Ethiopia The case of Bahir Dar city and surrounding. *Property Management* 31, no. 2: 132-158.

²⁶⁵ A key informant interview with Ato Anley (grievance committee member) on May 3, 2017

²⁶⁶ An interview with FGD participants on April 24, 2017

²⁶⁷ Ibid

international law enforcement and human rights standards”²⁶⁸. For its future the city administration must avoid the use of excessive force both legally and illegally during an eviction. Unless its development-based eviction may change into forced eviction which is more characterized by its severe consequence on human rights of evictees.

4.1.3. Post-Eviction Time

4.1.3.1 The Right to Access Resettlement and Rehabilitation support

After of the affected populations are forced to move off their land, they may be subject to significant impoverishment risks, including landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity, loss of access to common property resources, and community disruption²⁶⁹. Task of rehabilitation and resettlement should be provided immediately after eviction took place, unless the aforementioned problems may face evictees.

In Ethiopia, where resettlement assistance is not provided by law, displaced persons suffered a reduced standard of living after they were evicted²⁷⁰; that is why in many urban areas of Ethiopia relocation into new resettlement areas has been takes place without appropriate provision of basic urban services such as roads, electricity and potable water²⁷¹. Considering the challenges faced the evictees, the ANRS Executive Council adopts a directive No.26/2016 to provide rehabilitation support to farmers evicted. This directive affirmed that respective woreda’s and city administrations must afford rehabilitation support to evictees. According to the directive, each department of the region and other lower respective departments have duties to deliver support to farmer evictees in the rehabilitation program.

Although there is an endeavor to establish departments with role and functions of rehabilitating the evictees, the enforcement of this directive in Debre Markos city has a different character. Few offices/departments of the city administration rightly carried out their respective duties as

²⁶⁸ United Nations; Basic Principles and Guidelines on Development-Based Evictions and Displacement; Annex 1 of the report of the Special Reporter on adequate housing as a component of the right to an adequate standard of living; A/HRC/4/18, par. 48

²⁶⁹ Cernea, M. (2004). *Impoverishment Risks, Risk Management, and Reconstruction: A Model of Population Displacement and Resettlement*, Beijing.

²⁷⁰ Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Working paper, Washington DC: World Resource Institute.

²⁷¹ Getu A. and Assefa A. (2015). *Development-Induced Displacement and Its Impacts on the Livelihoods of Poor Urban Households in Bahir Dar, North Western Ethiopia*, AHMR, Vol.1 No3: 310-331

regards to the rehabilitation support of farmer evictees. On the contrary, many other offices/departments did nothing to evicted farmers. Regarding to the rehabilitation support, the FGD members discussed that;

“Training was given about entrepreneurship and other alternative working areas by the office of Vocational and Technical Enterprise. And Trade, Industry and Market Development office also made some of the evictees whose land expropriated for industry to work with the company. But due to the lack of the necessary support to evicted farmers majority of evicted farmer’s lives is complicated due to the failure of the city administration to provide a land for working and marketing. As a result children under age migrate into other areas to work and male-households also lost their leader because many husbands went to other potential areas to work and support their family”²⁷².

Concerning to the inner-urban evictees, rehabilitation support is worthless only side-road made to those resettled people. As the researcher observed the resettlement area is somehow impoverished. It is devoid of all the basic infrastructures like water, electricity. For instance there is no electricity for light and many of the households are using solar energy for light; schools are too far for students; working areas are too far for many of residents; and no full transportation.

In three phase of eviction periods (pre, during and post eviction), the human rights to adequate housing and land rights are scarcely mainstreamed. Evictees were not made to be a part of the development based eviction through proper information, consultation and negotiation. During eviction evictees were faced harassment and intimidation and somehow their security and liberty were at stake. After eviction rehabilitation supports were not properly addressed.

Taking all the realities about the treatment of development based evictees in the study area, I invited my participants to express their view about the challenges that hinder the city administration to mainstream the human rights of adequate housing and land right of the development- based evictees. The following are major challenges proposed by the participants of this study; these challenges are categorized into political, legal, administrative or institutional, economic and social by their nature.

²⁷² An interview with FGD on April 24, 2017

4.2. Major Challenges in Mainstreaming the Human Rights to Adequate Housing and Land of Evictees in DM city land administration practice.

4.2.1. Non-participatory Land Administration in the City

Popular participation is seen both as a desirable end in itself or a basic human right and as an essential component of democracy²⁷³, that pushes local governments to promote good governance through increasing popular decision-making²⁷⁴ in their sphere of governance. Land as being a source of livelihood for millions, the participation of people in land administration both in urban and rural areas is necessary²⁷⁵. The participatory land administration is a construct that seeks to contribute to responsible, fit for purpose, and pro-poor approaches to land administration²⁷⁶.

Participants of this study argued that;

“In DM city popular participation is asked when the administration needs something from the people and in time when peoples contribution is required for example ‘limat-sira’ /development work/. So, our voice is not taken into account by the city administration when they pass a decision of eviction”²⁷⁷.

Based on the idea obtained from FGD member, the researcher has raised questions to some of the members of the city administration. One of the participants justifies the rationality of the city administration, for its non-participatory approach of land administration in the city, particularly in eviction cases, by saying; *“who leave his home or land voluntarily? Why elongate the bureaucracy? If the city administration opens such option it may possibly enters into the conflict with farmers and other evictees”²⁷⁸. “So, to legalize the development-based eviction activity, the city administration has followed the rules stated in the expropriation proclamation that empowered the city administration to decide anything over the interest of the property owners”²⁷⁹.*

²⁷³ Harpham T., & K. Boateng (1997): Urban governance in relation to the operation of Urban services in developing countries. In: Habitat International, Vol. 21, No. 1

²⁷⁴ Ibid

²⁷⁵ Asiama K., Bennett R. and Zevenbergen J. (2017). Participatory Land Administration on Customary Lands: A Practical VGI Experiment in Nanton, Ghana, International Journal of Geo-information, vol.6,186-198

²⁷⁶ Ibid

²⁷⁷ An interview with FGD members on April 24,2017

²⁷⁸ A key informant interview with Ato Asmrome (Head of Mayor office) on May 3, 2017

²⁷⁹ An interview with Ato Lamesgen and Ato Kassahun on May 8, 2017

While participation is considered as the source of power for citizens to enhance the effectiveness of the outcomes of something²⁸⁰; evicted peoples had no a chance to participate in the eviction decision of the city administration. As they said, when they had a chance to participate in the decision behind their eviction they could influence the city administration on the amount of compensation, and other substitution. On the opposite, land administration in DM city follows the ‘traditional land administration type that focuses on a top-down approach’²⁸¹. This top-down approach of land administration in the study area is based on the ‘developmental policy’ of the country. “Developmentalist policies have privileged top-down development over the participation of the targeted beneficiaries and the accountability of the development actors”²⁸². This development oriented or (top-down) approach of land administration in DM city makes the city administration to think what it does to the people, not a process in which people participate to shape the decisions that affect their lives.

4.2.2. Lack of Human Rights awareness by the staff members

Illiteracy is a major obstacle to the effective enjoyment of human rights²⁸³. In fact, this terminology refers to the need for education, knowledge illiteracy or ignorance about human rights is one of the challenges for realizing human rights. Despite the fact that human rights violation can be committed both intentionally and unintentionally, human rights violation by an individual is mostly unintentional which can be caused by ignorance about human rights. To this, a person who knows his human rights and his duties towards the human rights of others would not act in the way that violates the human rights of others.

In Debre Markos city, staffs of the land administration office are lacking the knowledge of internationally recognized human rights. To the many of the participant human rights are those which are civil and some political rights such the right to life, liberty, security, the right to elect, assembly. So, for them respecting human rights is do not kill the human person. Additionally some of the participants misunderstand human rights responsibility and state that human rights

²⁸⁰ Asiamma K., Bennett R. and Zevenbergen J. (2017). Participatory Land Administration on Customary Lands: A Practical VGI Experiment in Nanton, Ghana, *International Journal of Geo-information*, vol.6,186-198

²⁸¹ Ibid

²⁸² Ocheje, P. D. (2007). In the public interest: Forced Evictions, Land Rights and Human Development in Africa. *Journal of African Law* (School of Oriental and African Studies) 52, no. 2: 173-214. Pp.195.

²⁸³ UNESCO. (1998). Illiteracy and Human Rights, published on the occasion the international year for human rights

violations should be seen in the act of police or other security forces, not within the activities of other civil servants.

Specifically, when the researcher asked about land right to staff workers one said that;

*“Land is a resource for economic or social development which is out of the scope of human rights. Human rights are inborn and naturally given to an individual, but land is created before the coming of human species and before the term, human rights was coined”*²⁸⁴.

Accordingly, for him and other staff members ‘human rights’ are those which are civil rights like the right to life, liberty, equality and so on. This perception of human rights is similar to ancient philosopher notion of natural rights. John Locke and his successors in 18th century refer the natural rights as rights held simply by the virtue of human being²⁸⁵. To go beyond the natural theory of human rights the land administration staff in DM city, required to offer training on social justice notion of human rights. According to social justice model, human rights are entitlements to the satisfaction of various human interests that would be guaranteed to members of a group²⁸⁶. Training on human rights is necessary to the practical mainstreaming human rights.

4.2.3. Fear of Evictees to ask their Human Rights

In most non-democratic countries, criminalizing the activities of human rights defender is become common²⁸⁷. These states increasingly push back on people defending rights and freedoms by wrongfully labeling and prosecuting them as criminals or terrorists. In such countries, almost all of their respective citizens are incapable to ask their human rights and challenge the work of the government. As a result of this, individuals or groups want to keep silent whatever any situation they faced.

What happened in my study area is evictees were not in a position to defend their rights to land and adequate housing. Particularly evictees from office house or locally known as “*Yekebele Bete*” did not ask the replacement cost even the law allows to access replacement cost. As they said, *since the city administration offers us housing land free of payment, if we ask*

²⁸⁴ A key informant interview Ato Nebyu (Urban land management officer) on May 10, 2017

²⁸⁵ Donnelly, J. (1982). Human Rights as Natural Rights. Human Rights Quarterly, vol. 4 no. 3:391-405.

²⁸⁶ Ibid

²⁸⁷ Martín, M. (2015). Criminalization of Human Rights Defenders: Categorization of the Problem and Measures in Response, Protection International

transportation cost, we may lose the land"²⁸⁸. Some evictees who asked their human rights and tried to influence the decision of the local government were faced intimidation by the local officials. This was another cause of fear of other evictees, and decided to abstain themselves from asking their rights. From the city administration, my key informant-1 also argued that the society is not in position to defend its human rights. In fact, a dynamic civil society is essential to a functioning democracy, how democracy being realized in Ethiopia without the active involvement of the civil society in self, local and national matters. In eviction related matters what makes evictees less concern about their rights is the treatment of the local government. A very good approach of local government towards evictees would help evictees to ask their human rights at any stage of evictions, while in bad treatment, evictees could not. The integrity of the local government is mandatory to the people who have no any awareness of human rights.

4.2.4. Eviction Related Corruption

Taking a human rights approach is critically about empowering groups that are exposed to particular risks. The human rights framework emphasizes explicitly that vulnerable and disadvantaged groups must be protected from abuse²⁸⁹. While corruption violates the rights of all those affected by it, it has a disproportionate impact on people that belong to groups that are exposed to particular risk (i.e. eviction for our matter)²⁹⁰. Corruption promotes discrimination, non-participation and unaccountable by the government. These are the major causes of human rights violation in many non-democratic governments.

In DM city evictees were exposed to corruption. Abuse of power by top city administrators and officials was the major form of corruption that has prevailed in the eviction times in the city administration. *Top city administrators by using their power rob more than fifteen million Birr from the total of thirty-two million Birr calculated for compensation in Yemeka site to farmers whose land was expropriated by DMU in 2007 E.C*²⁹¹. On the other side, inner-urban evictees were also victims of corruption by land administration officials. *Surveyors of the municipality in their mandate also pushed the evictees to pay some money to be valued better by their house. To*

²⁸⁸ Interview with FGD participants on April 24, 2017

²⁸⁹ International council on Human Rights Policy. (2009). Corruption and Human Rights: Making the Connection, Versoix, Switzerland accessed at www.ichrp.org/files/reports/40/131-web pdf.

²⁹⁰ Ibid

²⁹¹ Interview with FGD participants on April 24, 2017

*their commit of corruption, almost the same two houses were valued in a very great difference of compensation amount*²⁹².

In fact, corruption is the major problem of the land sector in Ethiopia²⁹³; evictees in the study area also have been facing corrupt behavior and act of the land administration officers in the city administration. Based on the latest information DM city Urban Development, Housing and Construction Office leaders are in charge of ombudsman of the Federal Democratic Republic of Ethiopia for their of committing a corruption²⁹⁴. Transparent expropriation procedures and accountability of officials are required to combat the corrupt practice of land administration in the city in the time of eviction.

4.2.5. Absence of proper Human Rights Impact Assessment by City Administration

Human Rights Impact Assessment (HRIA) is an instrument for examining policies, legislation, programs and projects to identify and measure their effects on human rights²⁹⁵. While its practice and use are relatively new, its instrumentalist importance is remained clear²⁹⁶. HRIAs are varying in accordance with the nature of issue or thing need to be assessed. National policy assessment requires assessing its impact on the entire population of the country, whereas development programs and projects impact assessment carried out in areas that geographically limited to the particularly affected population²⁹⁷.

Human rights impact assessment can be undertaken either *ex-ante* or *ex-post*²⁹⁸. *Ex-ante* impact assessment occur before intervention takes place and aim to measure the potential future effects

²⁹² Ibid

²⁹³ World Bank. (2012a). Diagnosing Corruption in Ethiopia: Perceptions, Realities and the way Forward for Key Sectors, World Bank

²⁹⁴ A Report by Ethiopian Chief Ombudsman Mrs. Fozia Amin to House of Peoples Representatives on July 5, 2017. Retrieved from: www.hahuvideos.info/watch-php?vid4d70c847f

²⁹⁵ World Bank. (2013). Study on Human Rights Impact Assessments: A Review of the Literature, Differences with other Forms of Assessments and Relevance for Development, Commissioned by the Nordic Trust Fund, The World Bank

²⁹⁶ Ibid

²⁹⁷ Walker, S. (2011). Human Rights Impact Assessments: Emerging Practice Assessments: Emerging Practice and Challenges; Paper presented at the Expert Meeting on Contemporary Issues in the Realization of Economic, Social and Cultural Rights, Geneva, 10–11 February 2011 (unpublished paper in file with the author)

²⁹⁸ Ibid

of such interventions on human rights. On the other hand *ex-post* impact assessments measure the actual impact of implemented policies, programs or projects on human rights²⁹⁹.

At local level, HRIAs must be done on the programs and projects run by the local government. But in DM city administration HRIAs on eviction related activities not yet practiced; in another word, neither *ex-ante* nor *ex-post* impact assessment of human rights of evictees was done properly. While human rights impact assessment is essential to mainstream human rights³⁰⁰; local governments are not willing to perform human rights impact assessment in their projects and programs.

Human rights impact assessment can be challenged by several factors, such as political, technical and practical³⁰¹. Those governments and companies carrying out HRIA are mostly manipulated and misuse the findings of the assessment and practically they carry out the impact assessment their own without the involvement of the affected people or human rights experts³⁰².

In particular, eviction-impact assessment necessitates to assessing the impact of a project and the resulting eviction, considering economic, social and cultural aspects, including community interaction, living conditions, and other non-material impacts such as psychological trauma and loss of services such as education and healthcare³⁰³. The eviction impact assessment must be timely, comprehensive and participatory³⁰⁴. If eviction- impact assessment undertake properly its consequence of human rights can be reduced because directions are sited early and even corrections are also undertaken latter based on the finding of the assessment.

²⁹⁹ Ibid

³⁰⁰ Meyer, A. (2009). Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look, *Pace Diritti Umani*, 6(3): pp. 7-23

³⁰¹ World Bank. (2013). Study on Human Rights Impact Assessments: A Review of the Literature, Differences with other Forms of Assessments and Relevance for Development, Commissioned by the Nordic Trust Fund, The World Bank.

³⁰² Harrison J. and Stephenson MA. (2010). 'Human Rights Impact Assessment: Review of Practice and Guidance for Future Assessments' (Scottish Human Rights Commission)

³⁰³ Rubinson A. (2014). Preventing Human Rights Violations Done "In the Public Interest": Recommendations for Development that Respect the Prohibition on Forced Evictions, *University of San Francisco Law Review*, Vol.48: 673-708

³⁰⁴ Ibid

Human rights impact assessment for the purpose of mainstreaming human rights in the government activity or action must be carried out before the implementation of the program or project. So the type of impact assessment needed here is *ex-ante* type of HRIA, because mainstreaming human rights is a proactive approach rather than remedial. The pre-intervention HRIA enables the government to look into the future possible happened human rights problems and take initial measures before the occurrence of human rights damage.

To be effective, an eviction-impact assessment should explore alternatives and strategies for minimizing harm; should be “comprehensive and holistic”; and “should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions.

4.2.6. Lack of Political Will by the City Administration

In less developed countries that adopt a decentralized form of state administration, local governments are mostly in a dilemma because they are expected to put up with both their political and social responsibilities at real. Local governments at the lower (example at woreda) levels have an administrative role, this is because the type of decentralization here in this level is administrative than political, by which they are required to decision making authority and service delivery to the local people. In administrative decentralization, the authorities have upward accountability than downward accountability. If leaders have downward accountability they are working to fulfill the social responsibility in conformity with the human rights of the residents. But their upward-accountability makes them give due emphasis to their political responsibility. In DM city administration as being one of the administrative decentralized districts in ANRS, *the administration in time of expropriation of farmers land in 2007 & 2008 E.C was responded as this is the direction of the regional government to provide land for urban housing throughout the region*³⁰⁵. *Even that was the direction of the regional government; the city administration was not willing to listen the question of the expropriates in a way that recognize their interest over their farmland*³⁰⁶.

³⁰⁵ A key informant interview with Ato Yemata on May 7, 2017

³⁰⁶ A key informant interview with Ato Kassahun on May 8, 2017

Another interviewee argued that *even expropriation is the power of the state and the local governments have a power to exercise it for the public interest, no direction given by the regional state to violate the human rights to the land of farmers ruthlessly*³⁰⁷. *Rather they lacked the political willingness to treat the interest of evictees and make them a participant in decision-making*³⁰⁸. Even in the post-eviction period low commitment of the city administration to provide social services can be seen as the indicator of lack of political willingness by the city administration. What I want to say here is since human rights are not the responsibility of central governments or regional governments, the city administration in DM also must share the human rights duties of the nation and contribute to the realization of these rights. So in doing this political will is a key³⁰⁹.

4.2.7. Lack of Administrative and Judiciary Review

In Ethiopian federalism the administrative layer is goes down up to the lower level i.e. kebele. The city administration is the mid layer between zone and kebele administrative layers. Each level of administration is accountable to the nearest higher government hierarchy. So, DM city administration is expected to be under the supervision of East Gojjam Zone administration. If so every activities of DM city administration must be supervised and monitored by the zone administration. But research participants confirm that the East Gojjam zone administration was inattentive to the issues of a violent feature of development-based eviction. *“To this, farmers whose land was expropriated were appealed to zone administration to stop the city administration from its abusive land taking”*³¹⁰. *“But the response given was ‘that is the mandate of the city administration’*³¹¹ *and for some of the evicted farmers the zone administration responds to them take their case to the courts”*³¹².

While administrative and judicial review must be performed in the development-based eviction, in DM city both of them have been unimplemented. The zone administration could not review the work of the city administration in this regards. And the ways to move to court were also

³⁰⁷ A key informant interview with AtoLamesgen on May 8,2017

³⁰⁸ Ibid

³⁰⁹ UN. (2013). Political Will of Member States Key to Successful Promotion of Human Rights, Secretary-General Says in Message for Observance accessed at <https://un.org/press/en/2013/sgsm155527.doc.htm>

³¹⁰ A key informant interview with Ato kassahun on May 8, 2017.

³¹¹ Ibid

³¹² Ibid

closed by the city administration through intimidation and harassment of evictees. So, no judiciary review took by the courts on the issue of development-based eviction in DM city. Both the inability of the zone administration to control and comment the work of the city administration regarding development-based eviction and the absence of judiciary review more exacerbate the violation of the human right to adequate housing and land rights of the evicted farmers and inner-urban evictees in the city.

In general, mainstreaming human rights requires the active participation of peoples, human rights impact assessment, human rights awareness or staff training. But the city administration couldn't perform one of these in its urban land administration activities particularly in a time of development-based eviction. On the other hand deep-rooted eviction related corruption, lack of political will and absence of administrative and judiciary review were also worsened the human rights situations in time of development-based eviction. The above mentioned problems are identified in this research as major challenges of mainstreaming the human rights of adequate housing and land rights of evictees by the city administration in DM. Dominantly, the happened eviction related corruption would affect the rights of evictees because corruption can make evictees not be properly compensated; corruptors use their legal authority to intimidate evictees and close all possible exposing situations and gaps over the interest of the evictees. Corrupter have no any care for affected communities.

4.3. Best Practices in DM town

This study has found nothing as best practice in the issue of expropriation in the study area.

Chapter Five: - Conclusion and Recommendations

5.1. Conclusion

Talking about human rights of the local communities in non-democratic states; must be after acknowledgments and considerations given by the local governments. This is because the mere ratification of international human rights treaties by the state and adoption of the national constitution in the spirit of the international human rights norms alone could not be a guarantee to the realization of human rights.

Currently, in most developing regions the urban development phenomenon is challenging for many cities. As a result of urban development force, many cities have been starting to grow-up both vertically and horizontally. Many of the municipal governments could not manage and control the speed and magnitude of urban development. Consequently human rights violations have occurred in several parts of the world including Ethiopia.

Particularly in my case study i.e. Debre Markos city, since 2004 E.C, both city beautification in the inner-city area and outward expansion appear as major tasks of the city administration. As results of these, hundreds of households were forced to leave their home and land by the city administration. Consequently, this study was conducted to assess the consideration of the human rights of adequate housing and land of evicted families by the city administration.

As findings of this research showed that in DM city, evictees' human rights to adequate housing and land in the land administration of the city are not yet recognized. This means that all development-based evictions were carried out in nonconformity with the human rights of adequate housing and land rights of the occupiers. In the entire process of expropriation / development-based eviction/ the affected communities were not a participant, consulted and even properly informed about the purpose and the amount of compensation they would receive in the pre-eviction period.

During eviction procedural and due-process rights of evictees were violated. Evictees were harassed and victims of intimidation by the city administration officials and leaders for their appealing and complaining. In post-eviction evictees also suffered long-lasting challenges due to lack of rehabilitation support by the city administration, inner-urban evictees are facing a shortage of social services like water, electricity, roads, schools and health centers. And the

farmers evicted had been facing family distraction and the problem of jobless. Many of the family members of evicted farmers are working as a daily laborer in different construction and other agricultural areas.

Generally, the way evictions are decided, planned, carried out; the use of harassment, threats, violence or force, and the results of the eviction all were contributing to worsening the human rights issues of affected communities in the development based eviction in DM city. The affected communities are living in a worse situation than before. This certifies that in DM city land administration the human rights to adequate housing and land were not recognized and considered in times of development –based eviction.

Accordingly, this study concludes that mainstreaming human rights in time of development-based eviction was not done by the city administration. To this, the study pointed out some fundamental challenges that could be grouped as socio-political, administrative and legal problems. In the city, development-based evictions were used as a tool to enrich individuals who were decision makers and actively involved in the process as officer and administrator over the interest of the poor farmers and poor inner-urban residents.

As a result of several other problems such as non-participatory urban land administration, low human rights awareness, lack of strong civil society, corruption, lack of human rights impact assessment, lack of political will of the urban administration and so on are identified in this study as major challenges of mainstreaming human rights in the urban land administration of the town of DM. So, to mainstreaming the human rights to adequate housing and land of evictees in DM city effective administrative and legal recourse should be set up.

5.2. Recommendations

Since land is mean the whole thing to farmers and even for urban dwellers to their adequate housing; the land administration must be performed in accordance with the recognition of the land importance for adequate standard of living in both areas. The land is not only a resource rather; it is also a human right for farmers whose life is established upon it. And at the same time expropriation of privately owned land for a public purpose is recognized as a legal authority of states. So, municipalities can use land that found under their administration for the urban purpose. But international standards demanding to exercise expropriation authority or development based eviction in manners that recognize the human rights of adequate housing and land rights of the affected community. My recommendation is forwarded to different bodies according to their powers and functions. Accordingly, the first recommendation is to the Federal Democratic Republic of Ethiopia government particularly to the House of Peoples and Representatives (HPR) and Council of Ministers.

- Amendment on the expropriation proclamation and regulation: - Since all of the local governments are expected to obey the law of the state. The law that deals about development-based eviction (Expropriation proclamation No. 455/2005) and regulation used to implement the proclamation(Regulation 135/2007) should be revised in the manners that promote the interest of potentially affected communities. The expropriation proclamation in Ethiopia has an age of more than ten years or it adopted in time when many of cities were at stagnant in their development. But now a day on the contrary many of the cities have been growing very rapidly couple with the creation of large number of people as jobless and homeless, due to expropriation of private property i.e. land and house. While it is true that law is static and society is dynamic, laws in eviction related matters seems too static or lacking remember by the federal government. When the researcher says this the existing laws are unable to accommodate the current rapid eviction phenomenon. So to accommodate the existing change currently happened in Ethiopia the existed expropriation law in Ethiopia should be revised. Because practical mainstreaming human rights require the conformity of legal rules with fundamental human rights principles.

The second recommendation is forwarded to the ANRS

- It is known that the ANRS executive council adopt directive No. 26/2016 concerning to the activities should be done in providing resettlement and rehabilitation supports to evictees of development in the region. But this study found that regular assessment on Directive No. 26/2016 is not taking place. Due to this many of the sectors which have duty in DM city are not in discharging their duty. So, this study recommends that regular assessment should be done on the implementation of this directive. This helps to make better somehow the post eviction situations of evictees the different cities and *woredas* of the regional state. Unless, the directive without regular assessment by any authorized body cannot achieve its intended objective.

To DM city administration

- At first place, DM city administration should structure to be people-centered, accountable and democratic:- despite the fact that decentralization promote public decision making and enable people to participate in their affairs and projects possibly affect their life; in DM city people participation in decision making is not practiced. By making the land administration people-centered in the city potentially affected communities in the future would use their human rights throughout the entire process of eviction to defend for their interest. The land administration in DM should be followed with accountability and should be democratic. Rational city administration is needed to promote the human rights issues in the urban land administration.
- Secondly, the city administration should make aspirational commitment to raise awareness of human rights: - human rights awareness is mandatory to realize the human rights. As findings showed that human rights to adequate housing and land are violated due to lack of human rights awareness by officials in the process of eviction. On the other way due to the absence of human rights awareness by the rights holders evictees were lacked to defend their human rights in time of evictions. So, creation of human rights awareness both to the officials and peoples in the city administration should be the primary task performed by the city administration to bring grass root change for the future. To do this the city administration should build aspirational commitments.

- Reframe urban concerns as human rights issues: - the tendencies of detaching the human rights issues from urban concern have been common in DM city. The one-sided urban land administration in time of development-based eviction in the town should be reframed. According to the findings of this study the city administration is working for urban development without concern for human rights communities potentially affected. The city administration should not to work to attract investors or to pause political questions without considering human rights of the affected peoples. So, the habit of working urban issues independently out of human rights should be readjusted into integrating human rights.
- The other major solution to integrate human rights in urban land administration in DM city is fostering participatory urban land administration. Whereas the finding assures that in DM city there is no participatory urban land administration. Making participatory the urban land administration, particularly the development-based eviction would help to reduce human rights abuse by the city administration. This is because, the people have got opportunities to ask their question and the entire process of development-based eviction is transparent. Participatory urban land administration help to combat land related corruption particularly the eviction-related corruption by the administration of the city.

References

- Achameyeleh G. Adam. (2014b). Land tenure in the changing the peri-urban areas of Ethiopia. *International Journal of Urban and Reginal Research* , 38 (6), 1970-84. doi: 10.1111/1468-2427.12123
- Achameyeleh G. Adam. (2014). *Peri-Urban Land Tenure in Ethiopia*. Stockholm, Sweden: Royal Institute of Technology (KTH). Doctoral Thesis. Retrived from <https://www.kth.se/...fs/1>
- Achameyeleh G. Adam. (2014). The challenges of Land rights in Peri-urban agricultural areas of Ethiopia in the Era of Urbanization: A property Rights approach. *Confrence on Land policy in Africa*, (pp. 1-21). Addis Ababa.
- Alemie, B. K. (2015). *Urban cadastres for urban land governance: A socio-technical analysis*. Netherlands: ITC printing department(university of Tewente.
- Anteneh Alemu. (2012). *Ethiopia - Strengthening Land Administration Program*. USAID and Ethiopia Ministry of Agriculture. Retrived from <https://www.usaid.gov/ethiopia>.
- Alterman, R. (2009). *Expropriation, land readjustment, and the dilemmas about the public purpose*. FIG paper, Hanoi Veit Nam (presented by oct. 19-22, 2009)
- Araby, M. E. (2002). Urban growth and environmental degradation: The case of Cairo, Egypt. *Cities* , 19 (6), 389-400. <http://doi.org/10.1016/50264-2751/02/00069-0>
- Arku, G. (2009). Rapidly Growing African Cities Need to Adopt Smart Growth Policies to Solve Urban Development Concerns. *Urban Forum* , 20, 253-270. <http://doi.org/10.1007/s12132-009-9047-z>
- Behi, R. (2014). Ethical Issues in Research, Research Gate, retrieved from <https://www.reasearchgate.net/publication/45111693>

- Belachew Y. Alemu (2013). Expropriation, valuation and compensation practice in Ethiopia The case of Bahir Dar city and surrounding. *Property Management* , 31 (2), 132-158. doi.org-10.1108/0263747/311309436
- Bennett, R.M.and Alemie B. K. (2015). Fit for purpose of land administration:lessons from urban and rural ethiopia . *survey Review* .doi. 10.1080/00396265.2015.1097584.
- Black, H. (1991). *Black's Law of Dictionary* (6th ed.). St. Paul, Minn: West Group.
- Bledsoe, D.,Czerwinski, L., Hannay, L., and Hughes, A.(2013). *Bridging the gap between intention and action: Tools to enable socially responsible land -related investment*. Washington, D.C.Reterived from: <https://www.landesa.org>
- Bouvier, J. (1984). *Bouvie's Law Dictionary* (4th ed.). William S Hein & Co.
- Calabrese, C. (2010). *Land Rights Issues in International Human Rights Law*. Fordham Law School.
- COHRE. (2007). *Fair Play for Housing Rights: Mega-Events, Olympic Games and Housing Rights*. Geneva: Centre on Housing Rights and Evictions. Reterived from <http://www.ruig-gain.org>
- Cotula, L. and Neves, B. (2007). The drivers of change. In the book. Cotula (ed.), *Changes In "Customary" Land Tenure Systems in Africa* (pp. 15-31). Russell Press.
- Creswell, J. W. (2009). *Research Design: qualitative, quantitative and mixed methods approaches*. SAGE Publications Ltd, 3rd ed. Reterived from <https://www.amazon.com>
- Daniel B. Gebreamnuel. (2015). *Transfer of land rights in Ethiopia: Towards a sustaniable policy framework*. Hague, Nethrelands: Eleven International Publishing.Reterived from <http://www.amazon.com>
- Daniel W/Ambaye. (2015). *Land Rights and Expropration in Ethiopia*. Springer International Publishing AG Switzerland. Retrived from; www.springer.com/gp/book/9783319146386.

- Daniel W/Ambaye. (2013). The History of Expropriation in Ethiopian Law. *Mizan Law Review* , 7 (4), 283-308. dio.org 10.4314/m/r.v 7i 2.4.
- Deininger, K., Augustinus, C., Enemark, S. (eds). (2010). *Innovations in land rights, recognition, administartion, and governance. A joint organizational discussion paper-issue 2*(World Bank, GLTN, FIG and FAO), published by World Bank ; Washington DC:
- Deininger, K. and Enemark, S. (2010). Land Governance and the millennium Development goals. *The annual conference on land policy and administration* (pp. 1-10). Washington DC: World Bank.Reterived from <http://www.fig.net/pub/figpub/pub 45/figpub 45. pdf>
- Deininger, K., Selod, K. and Bruns, H et.al. (2012). *The land governance assessment Framework: Identifying and Monitering Good Practice in land sector*. Washington, D.C.: World Bank. Available at: <http://elibrary.worldbank.org/doi/abs/10.1596/978-0-8213-8758-0>
- D' Hollander, D., Marx, A. and Wouters, J. (2013). *Integrating Human Rights in Development Policy: Mapping Donor strategies and practices*. Working paper 4, Leuven center for global governance studies. Retrived from <https://ghum.kuleuven.be.pdf>
- Drakakis-Smith, D. (1997). Third World Cities: Sustainable Urban Development III- Basic Needs and human Rights. *Urban Studies* , 34 (5-6), 797-823. <http://doi.org/10.1080/0042098975835>.
- Eerd, M and Banerjee, B. (2013). Evictions, Acquisition,Expropriation and Compensation: Practices and selected case studies,*Working paper*: Nairobi: United Nations Human Settlements Programme (UN-Habitat). Reterived from www.ihs.n/about ihs/ihs-staff/ihs.
- Elgström, O. (2002). Development and Democracy: gains and gaps. In O. E. Hyden (Ed.), *Development and Democracy; what have we learned and how?* (pp. 191-199). London: Routledge.Reterived from <https://books.google.com.et>
- Enemark, S., Hvingel, L.and Galland, D.,(2014). Land administration, planning and human rights. *Planning theory* , 13 (4), 331-348.

- Enemark, S. (2014). *Land Administration Systems: Underpinning the Human Rights Perspective*. Malaysia: FIG Congress .
- FAO. (2008). *Compulsory Acquisition of Land and Compensation*. Rome : FAO Land Tenure Studies 10. Reterived from www.fao.org/3/a-i0506e.pdf
- FAO. (2007/2). *Good governance in land administration and land tenure*.
- FAO. (2012). *Voluntary guidelines on Responsible Governance on Tenure*. Rome.
- Farvacque, C. and McAuslan, D. (1992). *Reforming Urban Land Policies and Institutions in Developing countries*. Washington DC: The World Bank.
- FDRE. (2005a). *Expropriation of land Holding for public purpose and payment of compensation proclamation* . Addis Ababa: Federal Democratic Republic of Ethiopia Proclamation No.455/2005.
- FDRE. (2013). *Urban Development Policy Federal Democratic Republic of Ethiopia Ministry of Urban Development and Housing Construction (3rd ed.)*. Addis Ababa.
- Frankovits, A. (2006). *The Human Rights-Based Approach and the United Nations System*. Paris: UNESCO. Desk study. Reterived from www.unesdoc.unesco.org/images/0014/00/469
- Fujita, S. (2011). The challenges of mainstreaming human rights in the World Bank. *The International Journal of Human Rights* , 15 (3), 374-396.
doi.org/10.1080/13642980903465300
- Garnett, N. S. (2010). *Ordering the city: Land Use, Policing, and the Restoration of Urban America*. Michigan: Sheridan Books. Reterived from <http://www.amazon.com>
- Ghatak , M. and Mookherjee, D. (2013). Land acquisition for industrialization and compensation of displaced farmers. *Journal of Development Economics* , 303-312. doi.org/10.1016/j.deveco.2013.01.001.
- Gilbert, J. (2013). Land rights as human rights: the case for A specific right to land. *Sur-International Journal on Human rights* , 10 (18), 115-135. Retrieved from www.conectas.org/sur-journal

- Gotham, F. K. (2001). A city without slums: Urban Renewal, public housing, and Downtown Revitalization in Kansas city, Missouri. *American Journal of Economics and Sociology* , 60 (1), 285-316. Doi 10.1111/1536-7150.00064
- Gotham, F. K. (2001). Urban redevelopment, past and present, in Gotham F. K (ed.) *Critical Perspectives on Urban Redevelopment (Research in Urban Sociology, Volume 6)* Emerald Group Publishing Limited, pp.1 - 31. Retrieved from <http://www.emeraldinsight.com>
- Habitat and OHCHR. (2001). *The Right to adequate Housing: A major commitment of Habitat agenda*. Nairobi: Habitat .
- Heinke, G. W. (1997). The challenge of urban growth and sustainable development for Asian cities in the 21st century. *Environmental Monitoring and Assessment* , 44 (1-3), 155-171. <https://doi.org/10.1023/A:1005724204846>
- Hoops, B. (2015). The Public Purpose for the Expropriation of Land:A Framework for Assessing Its Democratic Legitimacy. In E. J. B. Hoops (Ed.), *Rethinking Expropriation Law I:Public Interest in Expropriation* (pp. 237-278). Den Haag, The Netherlands: Eleven International Publishing.
- Human Rights Institute. (2012). *Bringing Human Rights Home:How State and Local Governments Can Use Human Rights to Advance Local Policy*. Columbia Law School. Retrived from <http://www.ushrnetwork.org/resources-media>
- International Land Coalition . (2003). *Towards a common platform on access to land: the catalyst to reduce rural poverty and the incentive for sustainable natural resource management*. Rome.
- Izeogu, C. (1993). *Public policy and affordable housing for Urban poor in Nigeria* . Habitat International l 21.
- Kalof, L., Dan, A. and Dietz, T. (2008). *Essentials of Social Research*, Open University press, McGraw-Hill, New York, USA

- Keliang, Z. et al. 2014. "The Rural Land Question in China: Analysis and Recommendations Based on a Seventeen-Province Survey. *International Law and Politics* 38: 761-839 available at: <http://nyujilp.org/wp-content/uploads/2015/02/38.4-keliang.pdf>.
- Kemp, R. L. (2000). Cities in the Twenty-First Century: The Forces of Change. *National civic review* , 89 (4), 375-384; <https://doi.org/10.1002/ncr.89406>
- Khosa, M.M. and Naidoo, K. (1998). Urban renewal in inner- city Durban. *Urban Forum* , 9 (2), 225-239. Retrieved from <http://link.springer.com/article/10.1007%2FBF03033051>
- Koskenniemi, M. (1999). Between Commitment and Cynicism: Outline for a Theory of International Law as Practice. *Collection of Essays by Legal Advisers of States, Legal Adviser of International Organizations and Practitioners* (pp. 495-523). New York: United Nations.
- Lamond, J., Awuah, B.K., Lewis, E. et.al. (2015). *Urban Land, Planning and Governance Systems in Nigeria*. Urbanization Research Nigeria (URN) Research Report. London: ICF International.
- Leckie, S. and Simperingham, E. (2009). *Housing, Land and property rights in Burma: The current legal framework*. Displacement Solutions & The HLP Institute.
- Leontidou, L. (1985). Urban land rights and working-class consciousness. *International Journal of Urban and Regional Research* , 9 (4), 533-553; doi/10.1111/j.1468-2427.1985
- Lettinga, D. and Lindert, V. (Eds.). (2014). *The future of Human rights in Urban world. a strategic study project, initiated by Amnesty International Netherlands*.
- Lian, H. (2016). *The Relationship between Land-lost Farmers and Local Government in China*. Singapore: Springer.
- Mabogunje, A. L. (1992). *Perspective on Urban Land and Urban Management Policies in Sub-Saharan Africa*. Washington D.C.: World Bank.
- Mahadevia, D. (2009). *Integrating the Urban Poor in Planning and Governance Systems*. Centre for Urban Equity.

- Maharaj, B. and Ramballi, K. (1996). Recent economic trends in local economic development: policy implications for urban reconstruction and development in South Africa. *Urban Forum* , 7 (2), 159-182.
- Mahony, Z. and Sweeney, R. (2011). The idea of home in law : displacement and dispossession. In M. a. Sweeney (Ed.), *The idea of home in law : displacement and dispossession* (pp. 1-13). Ashgate Publishing Limited.
- Marczyk, G., DeMatteo, D. and Festinger, D. (2005). Essentials of research design and methodology, Published by John Wiley & Sons, Inc., Hoboken, New Jersey
- Marks, G. and Modrowski, S. (2008). *Human Rights Cities: Civic Engagement for societal Development* . Sextant publishing.
- McCrudden, C. (2004). Mainstreaming Human Rights. *Public Law & Legal Theory Research Paper Series* .
- Meyer, A. (2009). Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look, *Pace Diritti Umani*, 6(3): pp. 7-23
- Mihr, A. (2009). urbanization and human rights. *Amsterdam conference on the human dimensions of global enviromental change*. Volendam, Netherlands.
- Minghong, D. (2005). Urban land expansion and arable land loss of the major cities in China in the 1990s. *Science China Earth Sciences* , 48 (9), 1492—1500.
- Mountain States Group, Inc. (1999). Conducting Key Informant and Focus Group Interviews; Retrieved at <http://deltarhpi.ruralhealth.hrsa.gov/documents/conductiongKeyInformantFocusGroupInterview.pdf>
- Moyn, S. (2010). *The Last Utopia: Human rights in history*. Cambridge : The Belknap Press of Harvard University Press.
- Mugisha, J. (2015). Compensation for Land Expropriation in Rwanda: The Need for Conventional Approaches to Valuation. *Journal of Land Administration in Eastern Africa* ,3 (1), 296-306.

- Nkwae, B. (2006). *Conceptual Framework for Modelling and Analysing Periurban Land Problems in Southern Africa*. New Brunswick, Canada: University of New Brunswick.
- Nunez, D. G. (2014). Peasants' Right to Land: Addressing the Existing Implementation and Normative Gaps in International Human Rights Law. *Human Rights Law Review* , 14 (4), 589–609.
- Oberleitner, G. (2008). A Decade of Mainstreaming Human Rights in the UN: Achievements, Failures, challenges. *Netherlands Quarterly of Human Rights* , 26 (3), 359-390.
- Ocheje, P. D. (2007). In the public interest: Forced Evictions, Land Rights and Human Development in Africa. *Jornal of African Law* , 52 (2), 173-214.
- OECD/WB. (2013). *Integrating human rights into development: Donors approaches, experiances, and challenges* (2nd ed.). Washington DC: World Bank; Organization for Economic Co-operation and Development.
- OHCHR. (2014). *Forced Eviction* . Geneva : UN.
- OHCHR. (2007). *Good Governance practices for the protection of Human rights*. New York: United Nations.
- OHCHR. (2015). *Land and Human Rights: standards and applications* . New York: United Nations .
- Okoth-Ogendo, H. (1986). The perils of land Tenure Reform: the case in Kenya. In L. N. J. Arntzen (Ed.), *Land Policy in Eastern and Southern Africa* (pp. 79-92). Tokyo: United Nations University Press.
- Okpala, D. (2009). *Regional Overview of the Status of Urban Planning and Planning Practice in Anglophone (Sub-Saharan) African Countries*. Global Report on Human Settlements.
- Olawuyi, D. S. (2013). Mainstreaming human rights under national and international law: legal and epistemic question. *Indonesia Law Review* , 3 (3), 213-233.
- Palmer, V. (2009). *Towards improved land governance*. UNFAO and UN-Habita.

- Payne, G. (2001). Urban land tenure policy options: titles or rights? *Habitat International* , 25 (3), 415-429.
- Piron, L. and O'Neil, T. (2005). *Integrating Human Right in to development; Asynthesis donor approaches and experiances*. OECD DAC Network on Governance (GOVNET); Overseas developmental Instiute. Retrived from <https://www.odi.org/resources/docs/4403.pdf>.
- Plumptre, T. and Graham, J. (1999). Governance and good governance: international and aborginal perspectives. *Institute on governance papers on international conflict resoultion* ; Reterived from https://iog.ca/docs/1999_December_govgoodgov.pdf.
- Porio, E. and Crisol, C. (2004). Property rights, security of tenure and the urban poor in Metro Manila. *Habitat International* , 28 (2), 203–219. Reterived from <https://ostromworkshop.indian.edu/library/node/35982>.
- Price, A. D. (1991). Urban renewal- the case of Buffalo, NY. *The review of Black political economy* , 19 (3-4), 125-159. Retrived from <http://hdl.handle.net/Doi:10.1007/BF02895341>
- Qian, L. (2014). *evaluating land administartion system from the prespectives of good governance*.
- Ravetz, J. (2013). The Dynamics of Peri-urbanization. In K. e. Nilsson (Ed.), *Peri-urban futures: Scenarios and models for land use change in Europe* (pp. 13-44). Springer-Verlag Berlin Heidelberg. Doi: 10.1007/978-3-642-30529-0-2.
- Rensubrg, V. and Naude', W. (2007). Human rights and development:the case of local governemnt transformation in South Africa. *Public administartion and development* , 27 (5), 393-412. Doi 10.1002/pad.449.
- Ren, X. and Weinstein, L. (2009). The Changing Right to the City: Urban Renewal and Housing Rights in Globalizing Shanghai and Mumbai. *City & Community* , 8 (4), 407-432.Doi:10.1111/j.1540.6040.2009.01300.4

- Risse, T., and Sikkink, K. (1999). The socializations of international human rights norms into domestic practice: introduction. In T. Risse, S. Ropp, & K. Sikkink (Eds.), *The power of human rights: international Norms and domestic change* (Cambridge studies in international relations, pp. 1-38). Cambridge: Cambridge university press. doi:10.1017/CBO9780511598777.002.
- Rondinelli, A.D. (1991). Asian Urban Development Policies in the 1990s: From Growth Control to Urban Diffusion. *World Development*, 19 (7), 791-803. Retrieved from [https://doi.org/10.1016/0305-750x\(91\)90133-3](https://doi.org/10.1016/0305-750x(91)90133-3).
- Rose, H., et al. 2016. "Implementation of Rwanda's Expropriation Law and Its Outcomes on the Population." Paper prepared for the Annual World Bank Conference on Land and Poverty. March 14-18, Washington, D.C.
- Saikia, I. K. (2013). Good governance and Human rights: International and national perspectives. *International Journal of Advancements in Research and Technology*, 2 (7), 124-134. Retrieved from www.ijoart.org/ResearchPaperPublishing-July2013.shtml
- Schneider, A. and Woodcock, C. E. (2008). Compact, dispersed, fragmented, extensive? A comparison of urban expansion in twenty-five global cities using remotely sensed, data pattern metrics and. *Urban studies*, 45 (3), 659-692. Doi: 10.1177/0042098007087340
- Server, O. (1996). *corruption: a major problem of Urban management- some evidence from Indonesia*. Habitat International. Doi: 10.1016/0997-3975(95)00032-1.
- Simma, B. (2012). Mainstreaming Human Rights: The contribution of the international court of justice. *Journal of International Dispute Settlement*, 3 (1), 7-29. Retrieved from <https://doi.org/10.1093/jilids/idr022>.
- Sgier, L. (2012). Qualitative data analysis; Seminar for the Academic Swiss Caucasus Net (ASCN); an initiative of Gebert Ruf Stiftung, in Cooperation with the University of Fribourg.
- Sharma, A. 2011. "Supreme Court Speaks Up on Land Acquisition." *The Wall Street Journal*. Available at: <http://blogs.wsj.com/indiarealtime/2011/06/28/supreme-court-raises-its-voice-on-land-acquisition/>

- Stiglitz, J. (2002). Participation and Development: Perspectives from the Comprehensive Development Paradigm. *Review of Development Economics*, 6(2), 163–182; Retrieved from onlinelibrary.wiley.com/Doi/10.1111/1467-9361.00148/Pdf.
- Stren, R. and Polse, M. (2000). Understanding the New Sociocultural Dynamics of Cities: Comparative Urban Policy in a Global Context. In S. a. Polse (Ed.), *Social Sustainability of Cities: Diversity and the Management of Change* (pp. 3-38). Toronto: Toronto University Press.
- Stren, R. E. (1991). old wine in new bottles? An overview of Africa's urban problems and the "urban management" approach to dealing with them. *Environment and Urbanization*, 3 (1), 9-22.
- Tagliarino, N. K. (2016). *Encroaching on Land and Livelihoods: How National Expropriation Laws Measure Up Against International Standards*. Washington DC: World Resource Institute. Retrieved from <https://www.wri.org/publication/encroaching-on-land-and-livelihoods>
- Teddlie, C., and Yu, F. (2007). Mixed Methods Sampling: A Typology With Examples. *Journal of Mixed Methods Research*, 1 (1), 77-99. DOI: 10.1177/2345678906292430
- Terminski, B. (2011). Housing in international Human Rights Law: Polish Transformation Experiences. *Revista Latinoamericana de Derechos Humanos*, 22 (2), 219-241.
- Toulmin, C. (2005). *Securing Land and Property rights in Africa: Improving the Investment Climate Global Competitiveness Report*. Geneva : World Economic Forum, Switzerland .
- UCLA Center for Health Policy Research. (2004). Key Informant Interviews, section 4, Health DATA Program –Data, Advocacy and Technical Assistance; Retrieved at healthpolicy.ucla.edu/programs/health-data/treainings/Documents/tw_cba23.pdf.
- UN. (2009, April 6). Retrieved from <http://www.unhcr.ch>
- UN. (2012). Expropriations . *UNCTAD Series on Issues in International Investment Agreements II*. New York and Geneva: United Nations.

- UN Habitat. (2012). *Forced Evictions: Global Crisis, Global Solutions*. Nairobi.
- UN Habitat. (2012). *Sustainable Urbanization: UN System Task Team on the post-2015 Development Agenda*. United Nations .
- UN Human Rights Council . (2015). *The role of Local government in the promotion and protection of Human Rights* . New York: UN.
- UN. (2010). *Land and conflict: Guidance note for practitioners*.
- UNCHS. (2000). *The Global Campaign for Good Urban Governance*. Draft 5, 20 November .
- UNCTAD. (2012). *Expropriation: A Sequel UNCTAD*. New York and Geneva : United Nations .
- UNDG- HRM. (2013). *mainstreaming Human Rights In Development*. New York: United Nation Deveelopment Group.
- UNESCO. (2004). *Human rights in urban areas*. Paris: Imprimerie des Press Univenitaires de France.
- UN-Habitat. (2012). *Forced Evictions: Global crisis , golabl solutions*. Nairobi: UN-Habitat.
- UN-Habitat. (2008). *Housing the poor in Asia Cities*. Bangkok, Thiland: United nations Economic and Social Commission for Asia and the Pacific(UNESCAP).
- UN-Habitat. (2008). *Housing the poor in Asian cities*. Bangkok, Thiland: United Nations Economic and Social Commission for Asia and the Pacific(UNESCAP).
- United Nations. (1997). *Renewing the United Nations: A Programme for reform*. UN.
- Ussar, M. (2010). *The Human Rights-based Approach: A More Effective Framework for International Development Policies in New EU Member States*. policy paper: Minority Rights Group international .
- Uzun, C. N. (2003). The impact of Urban renewal and gentrification on urban fabric: three cases in Turkey. *Tijdschrift Voor Economicsche en sociale Geogrfie* , 94 (3), 363-375.

- Viitanen, K. and Kakulu, I. (2009). Global Concerns in Compulsory Purchase and Compensation Processes. *International Federation of Surveyors* .
- WB. (2012). *Options for Strengthening land administration in Federal Democratic Republic of Ethiopia*. World Bank.
- Wehrmann, F. and Antonio, E. (2015). Applying the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) in Urban and Peri-Urban Areas. *World Bank Conference on Land and Poverty*. Washington D.C: World Bank.
- Wickeri, E. and Kalhan, A. (2010). Land Rights issues in international Human rights Law. *Malaysian Journal on Human Rights* , 4 (1), 16-25.
- Williams, R. C. (2013). Title through possession or position? respect for housing, land and property rights in Cambodia. In J. U. Williams (Ed.), *Land and Post-Conflict Peacebuilding* (pp.411-436). London: Earthscan.
- World Bank. (2012a). *Diagnosing corruption in Ethiopia: perceptions, Realities and the way forward for key sectors*. World Bank.
- World Bank. (2012). *Federal Democratic Republic of Ethiopia: Options for Strengthening Land Administration*. World Bank. © World Bank.
<https://openknowledge.worldbank.org/handle/10986/2721> License: CC BY 3.0 IGO.
- Yin, R. K. (2003). *Case study research, Design and method*; 3rd ed. Thousand Oaks, CA: Sage
- Yusuf, B. , S. Tefera and A. Zerihun. (2009). *land lease policy in Addis Ababa*. Addis Ababa: Addis Ababa Chamber of Commerce and Sectoral Associations. Retrieved from; www.ethiopianchamber.com/Data/Sites/1/psd.../land-lease-policy-in-addis-ababa.pdf.
- Zainal, Z. (2007). Case study as a research method, *Jurnal Kemanusiaan bil.9*, Faculty of Management and Human Resource Development, Universiti Teknologi Malaysia

Guiding principles and other References

African Charter on Human and Peoples' Rights

Committee on Economic Social and Cultural Rights (CESCR), General Comment 4, the right to adequate housing including availability of services, habitability, location, and affordability.

European Conventions on Human Rights (1950)

Expropriation proclamation No. 455/2005

Fact Sheet No. 25 Forced Eviction and Human Rights that Adopted by the World Conference on Human Rights, Vienna, 23 June 1993 (A/CONF.157/24 (Part 1), Chap. III)

Federal Democratic Republic of Ethiopia Constitution (1995)

Gwangju Guiding Principles for a Human Rights City adopted on 17 May 2014, by 2014 World Human Rights Cities Forum held in Gwangju, Republic of Korea.

International council on Human Rights Policy. (2009). Corruption and Human Rights: Making the Connection, Versoix, Switzerland accessed at www.ichrp.org/files/reports/40/131-web.pdf.

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

The 2007 report of the special Rapporteur on adequate housing, which states that ...without the adequate legal recognition of individual as well as collective land rights, the right to adequate housing, in many instances, cannot be effectively realized.

The Inter-American Convention on Human Rights(1969)

The Voluntary Guidelines on Governance of Tenure (VGGT) standards under part 4 section 16; you can access it at www.fao.org/3/a-i3920e11.pdf.

UN Office of the Higher Commissioner for 'Human Rights, Mainstreaming Human Rights'<http://Www.Unhchr.Ch/Development/Mainstreaming-01.Htm1> accessed 23 January 2012.

United Nations; Basic Principles and Guidelines on Development-Based Evictions and Displacement; Annex 1 of the report of the Special Reporter on adequate housing as a component of the right to an adequate standard of living; A/HRC/4/18

Universal Declaration on Human Rights

Appendix I

Key-Informant Interview Questions

I am MA student in the Center for Human Rights, Addis Ababa University and I am doing my thesis for the requirement of Master of Art in Human rights. And now I am collecting research data on the urban land administration practice in DM city with particular focus on the human rights mainstreaming in the process of development-based eviction practice in the DM city. Related to the issue I am investigating I found you as relevant. So, I select you to gather appropriate data to my study. Since your personal information and your privacy is secured please provide me relevant and true information on the question that I raised here under.

Personal information if necessary

- Name ()
- Office Duty (for those nine key informants)
- Profession (for those who were out of the nine key-informants)

Questions

1. Do you know about human rights generally, and the human rights to land and adequate housing in particular?
2. Are development based evictions practiced according to the laws of the country in Debre Markos town?
3. Do you know that evictees have human rights to adequate housing and land rights?
4. Is the office of land administration in the town considering the human right to land and adequate housing of evictees in its land administration? or are development-induced evictions in DM town being carried out in manners that respect the human rights to adequate housing and right to land of evictees?
5. Would you detail the procedure of expropriation on inner-urban evictees and farmers expropriated in the town?
6. Were evictees informed, consulted and participant in the eviction process? Were public discussions held in relation to the development-based eviction? Or how peoples were being participant in expropriation decision-makings?

7. Do you think expropriation decisions are open to administrative and judicial review in DM town?
8. Did compensations paid for evictee's in-advance and in-commensurate manner in the town?
9. How complaints related to compensation and other related aspects of expropriation are being treated?
10. Is there rehabilitation and resettlement support afforded to evictees? How relocations and rehabilitation supports have been provided to evictees?
11. How evictee's human rights and dignities are protected in the practice of development-based eviction?
12. What do you think about challenges faced land administration office in considering the human rights to land and the right to adequate housing of evictees in the town?
13. What important lesson other towns could learn from the town of DM in regarding to development-based eviction?

Appendix II

Focus Group Discussion points

Addis Ababa University

College of Law and Governance

Center for Human Rights

I am MA student in the Center for Human Rights and I am doing my thesis. And I am collecting data to my study. So, today I am assembling with you to share ideas on the following questions. Since, your privacy is kept and security is protected please feel free to provide relevant information on the following questions. Discussion was held with evicted farmers and inner-urban evictees on May 24, 2017.

Discussion Points

1. Were you pre-informed, consulted and participant in time of your eviction?
2. Was force used in the eviction process? Or were you being treated in a way that respects your personal dignity in time of your eviction?
3. Was there compensation that was commensurate and in-advance?
4. Grievance submission and the right to appeal?
5. Rehabilitation and replacement support?