

Informal Settlement in Ethiopia, the Case of two Kebeles in Bahir Dar City

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Key Words: Informal, Illegal, Land Rights, Demolition, Poverty

SUMMARY

This paper investigates the status and condition of the informal settlement in Bahir Dar city, Ethiopia. Informal land settlement is socially, politically and economically growing problem in Ethiopia. Informal land settlement is usually referred to residential areas where a group of housing units have been constructed on land to which the occupants have no legal claim, or which they occupy illegally. They are characterized mostly by the low quality houses and the lack of, or inadequate infrastructure and social services. According to a recent assessment made by PRIME CONSALTUNTS, about 30 percent of houses in Bahir Dar city are categorized as informal settlements. The selected study areas in this study are established on agricultural land informally purchased from farmers. The causes of such squatting activities are population growth, inefficient land provision, the high cost of urban living standard, and illegal land grabbing by urban speculators. Migration is one reason for population growth which is forced because of shortage of rural agricultural land. Informal settlements in the city could cause environmental deterioration, social distress, economic destruction (fire), and urban violence.

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1. INTRODUCTION

Bahir Dar is another city that has managed to address the challenges of rapid urbanization. The Municipality of this city, now one of Ethiopia's most densely populated urban settlements, has developed an extensive range of measures to make it a healthier and more convivial place for its citizens. The city has shown great determination in its efforts to tackle difficult issues – such as housing shortages, economic stagnation, and lack of electricity – by using local labour to find solutions, developing sanitation and transportation infrastructure, and generally providing adequate public services. These actions have improved living conditions for the most vulnerable groups of society and have encouraged the community to work together to build a common future. In addition, the Municipality has succeeded in involving many sectors of civil society in its urban development project.

Mr Koïchiro Matsuura, Director-General of the United Nations Educational, Scientific and Cultural Organization on the occasion of the award of the *UNESCO Cities for Peace Prize*, March 18, 2002, Marrakesh, Morocco.¹

Formal land administration systems in developing countries have failed to cope with the wide range of land rights that have evolved under non-formal land tenure arrangements. Urban informal settlements in particular pose a challenge to existing land administration infrastructure in those countries. The tenure types, land rights and spatial units found in such settlements are inconsistent with the provisions of existing land laws. Conventional land administration approaches cannot work in these settlements. The settlements are left out of the urban development planning process as no land information is officially collected in them. This neglect often leads to low security of land tenure and poor living conditions due to lack of basic urban infrastructure and services.

Informal settlements also referred to as squatter settlements or shanty towns are dense settlements built and occupied illegally in other people or state lands. They are temporary but good alternatives of shelter for the urban poor who are denied of access to housing. Informal settlements occur when the current land administration and planning fails to address the needs of the whole community. These areas are characterized by rapid, unstructured and unplanned development. On a global scale informal settlements are a significant problem especially in third world countries housing the world's disadvantaged.

¹ See <http://unesdoc.unesco.org/images/0012/001252/125255e.pdf>

The measures taken by urban land administration authorities vary from countries to countries. Earlier, demolition of informally built houses was a common measure taken, but these days for economic and human right reasons regularization of these settlement is a preferred one.

This article investigates the status, causes and effects of informal land settlement in Bahir Dar city by focusing on two selected kebeles. Further it suggests the preventive and curative measures which should be taken place and the solution for the existing informal settlement.

2. URBANIZATION IN ETHIOPIA

2.1 Past experience

Urbanization refers to the demographic process of shifting the balance of national population from ‘rural’ to ‘urban’ areas (Jenkins, Smith and Wang 2007:9). Rapid urbanization, one of the greatest socio-economic changes during the last five decades or so, has caused the burgeoning of new kinds of slums, the growth of squatter and informal housing all around the rapidly expanding cities of the developing world. According to the 2003 UN-Habitat global report on human settlements, urban populations have increased explosively in the past 50 years, and will continue to do so for at least the next 30 years as the number of people born in cities increase and as people continue to be displaced from rural areas that are almost at capacity. The rate of creation of formal-sector urban jobs is well below the expected growth rate of the urban labour force, so in all probability the majority of these new residents will eke out an informal living and will live in slums (UN-Habitat 2003:XXXI).

In 1950 only 18 per cent of people in developing countries lived in cities. In 2000 the proportion was 40 per cent, and by 2030 the developing world is predicted to be 56 per cent urban (Ibid). And the number of cities with more than a million people will increase from 86 in 1950 to 550.2 in 2030 (Davis 2006:1). In Ethiopia, according to the 1984 census the total population number of the country was 39.9 million while this number increases to 53.5 and 73.9 million in 1994 and 2007 censuses respectively. Each successive Population and Housing Census demonstrates that national population size increased in steady increments of significant proportions. For instance, a comparison of the 2007 census results with those from 1994 shows that the population of the country increased by more than 20 million persons over the last 12 years. Similarly, in the previous decade (1984 to 1994), the population of the country increased by 13.6 million people (CSA 2007).

Year	Total Population (in Millions)	Urban population (in %)	Rural Population (in %)	
1984	39.9	11.4	88.6	
1994	53.5	13.7	86.3	
2007	73.9	16.1	83.9	

Figure 1: Population Growth (Extracts from different censuses of the Ethiopian Central Statistics Agency)

Urbanization in Ethiopia is a recent phenomenon because of the historical factors of the country. Many of the middle sized towns in Ethiopia were founded during the nineteenth century for political-military reasons (Markakis 2006:197). According to Donald Crummey, three major institutions shaped Ethiopian towns during the 19th and 20th centuries: palace, market and church. These institutions played three roles: political, economic and cultural (Bahiru 2008: 486). The establishment of the current capital, Addis Ababa, in 1886 is the third in line following Axum and Gonder from the early and middle age Ethiopian history respectively. Throughout most of its history, Ethiopia remained a land of small villages and isolated homesteads (Pankhurst 275). The reason for the absence of large settlement of urban areas in Ethiopia for long time is given by Richard Pankhurst as the continuous move of the royal camp. Middle age royal court was composed of immense agglomerations of population which consisted not only courtiers and warriors, but also of numerous non-combatants, among them wives, servants, and slaves, armourers, tent-carriers, muleteers, priests, traders, prostitutes, beggars, and even not a few children (Ibid). On the other hand, Molla Mengistu argued that there was a little need for urbanization, since it contradicts the existing self sufficient peasantry life style. Urbanization by its nature needs to transfer more land away from agricultural production to urban settlement (Molla 2009: 150). And yet, it can be concluded that modern Ethiopian urbanization has been flourished during the 20th century because of political stability (especial during the reign of Emperor Haileselesi I), and the modernization of the country. Most cities in the country, including Bahir Dar, were flourished around some economic center such as railway, factory, or trade route.

Addis Ababa was established by emperor Menelik II and it is said that in the beginning it was a collection of camps where the royal camp was located in a tent at the center of the high ground. The imperial camp was surrounded by his servants and other nobility were rushing for land grabbing in various part of the city. This can be stated as the first act of informal settlement for they settle on government land without permission of the emperor. Because of the insecurity they felt over the land they held, they made a request for Menelik to promulgate a land charter in 1907. This gave property holders greater security and a stake in the fate of the city. Not only did the land charter become the

most prized certificate of any urban household but it also contributed to activating the urban economy through sales and mortgages (Bahiru 2008: 490).

2.2 The Present Land holding system

After the demise of the imperial regime in 1974, the military junta, Derg, came up with two important land legislations in Ethiopia. The first was proclamation 31/1975 that transferred all rural land to the hand of the state while the second was proclamation 47/1975 that puts all urban land and extra houses in the hands of the state. The urban land proclamation nationalizes all urban land and extra rentable houses without any compensation. The law provides 500 square meter of land area for each family to construct a dwelling house (Proc. 47/1975: Art. 5). It also promised a plot of land for business house. The state prohibits the sale, mortgage, lease, and inheritance of urban land. It prohibited, further the construction of additional houses on the same plot (Id. Art. 11). This has, no doubt, contributed to the shortage of urban residential houses in the country.

After the down fall of the Derg, in 1991, the current government has shown no policy change on land ownership in the country. The 1995 Ethiopian constitution under article 40(3) affirms the state and public ownership of land in Ethiopia and hence land is not subject to sale and exchange. Currently urban land is administered by the lease proclamation of 272/2002. This was enacted after the repeal of its predecessor proclamation 80/1993. The lease law provides that urban land would be changed into lease system and every holder of urban land would get land from the state through lease arrangement. In urban areas lease land can be acquired mainly through auction and negotiation (Proc. 272/2002: Art.4). But regional cities are empowered to come up with other types of methods as well. Hence, besides the above two, grant by lot and award are also being used. Therefore, people who want a plot of land for residential and business purpose may bid to win. The bidder who offers the highest bid price will get the land. Besides, the government may want to encourage investment and provides land to investors by negotiation. The price is usually low and the opportunity is given only to the few. Land award is given to Ethiopians who contribute to the country some extraordinary contribution. The most usual way of land distribution to the average and low income citizen in the country is land grant. Lease land is distributed to individual people or association of people for residential purpose through lot for free. The problem with the last and important type of land distribution is that it does not happen so often compared to the demand of the people.

From the subject matter at hand, it is also important to look in to the policy problem exists in our rural land law. The constitution as well as the urban land administration and use proclamation ensure the right to get access for land by rural farmers. The constitution under article 40(4) ensures all farmers and pastoralists to get land free of charge (Constitution: Art. 40(4)). Moreover, proclamation 456/2005 that is provided for the administration and use of rural land confirms any person above 18 years and who wishes to engage in agricultural activities will get access to agricultural land (Proc. 456/2005: Art. 5). However, this right becomes useless because of another provision/rule in the federal as well as regional

land laws that prohibit rural land distribution (Ibid Art.9). Such laws categorically prohibit rural land distribution which left the new young generation in rural areas unemployed and with the fate of migrating to urban areas.

The point raised is that both the urban and rural land legislations create a condition of surge of population growth and on the other hand urban land shortage.

3. NATURE AND CONDITION OF INFORMAL SETTLEMENT

3.1 Definition

A clear definition of informal settlement is hardly available. Many synonymous words have been used in literature to refer to informal settlements. These include spontaneous, irregular, unplanned, marginal, and squatter settlements (Lamba 2005: 2). Some literatures have used the term slums and informal settlements interchangeably (UNHSP: 2003c). While a clear definition for informal settlement is still elusive, some organizations have given description of informal settlements and slums.

The UN Habitat categorizes informal settlements in to two (UN-Habitat: 2003)

- Squatter settlements- settlements where land and/or building have been occupied without the permission of the owner.
- Illegal land development- settlements where initial occupation is legal but where unauthorized land developments have occurred (e.g. Change of land use that breach zoning plans, building extensions without building permit, subdivisions without regard to services and infrastructure, etc.)

Informal settlements (often referred to as squatter settlements, slum areas, or shanty towns) are dense settlements comprising communities housed in self-constructed shelters under conditions of informal or traditional land tenure. They are common features in developing countries and are typically the product of an urgent need for shelter by the urban poor. As such they are characterized by a dense proliferation of small, makeshift shelters built from diverse materials, degradation of the local ecosystem and by severe social problems. In Ethiopia, they are known as illegal settlements or commonly “moon shine houses” (since people squat on the land during the dark hours of the night).

Informal settlement has never been defined in Ethiopian laws. However, one can gather its nature from the reading of the current Urban Planning legislation. Proclamation 574/2007 that concerns with urban planning, under article 25(1), provides “no development activity may be carried out in an urban center without a prior development authorization.” And according to article 24 of same proclamation “development” means:

...the carrying out of building, engineering works, mining or other operations on or below ground, or the making of any substantial change in the life of any structures or neighborhoods.

The urban land administration which is empowered with the issuance of the development permit shall ensure that the applicant has a legitimate right to the land to which she applied for. This means the requirement of a legitimate building are basically two: one the land on which the development activity (building) is going to be erected must be acquired through legal means (such as government grant, lease contract...) as per the existing laws; second, in order to effect the building activity, she needs a building permit (development authorization). This authorization is needed not only for the erecting of new buildings but also for modifying and demolishing them as well.

Hence, based on this premise we can conclude that informal settlement in Ethiopia covers houses which are built on government, communal or privately held land against the will of the holder and/or without having a development authorization (building permit). While the former focuses on the absence of a right to the bare land on which the house is built, the latter focuses on the need of proper planning and building permits.

The Addis Ababa Development and Improvement Project office (AADIPO) adopts the following working definition for informal settlement.

Informality/illegality includes any form of construction (such as houses, fence, notice board, sewerage lines, containers, temporary/movable kiosks, etc...) which have been erected or built on public lands without having legal basis. Furthermore, it also includes any unauthorized expansion/ encroachment made on public rental houses. However, the degree of informality/illegality varies: some can be totally informal where as others can only be partially informal. Based on this working definition, therefore, the whole forms of informality is divided in to two major groups: Group 1: includes those informal settlements which have been occupied and built without having any legal bases or evidence accepted by the law (such as title deed/ book and building permit). These settlements are commonly called as “squatter settlements” and mainly found at the expansion areas of a city. Group 2: includes settlements which are partially illegal/ informal. The illegality comes from so many sources. For example, they can have legal right (title deed/ book) but not building permit or having both the title deed/book and building permit but built, expand, upgrade, change the shape and size etc without the proper legal procedures/permit. Such settlements are mainly found in the inner part of a city (AADIPO 2003).

Although this study was conducted well ahead of the Urban Planning Proclamation, it seems the definition confirms with the proclamation and we can apply it as well for this study.

3.2 Cause and consequence

Literatures show different causes for the creation of informal settlement although the consequences are more or less similar. It is true that informal settlements occur when the current land administration and planning system fails to address the needs of the whole community. When the system fails to address social housing needs, then people use their own paths in settling on somebody else's land. Such settlements are characterized by rapid, unstructured and unplanned development.

3.2.1 Causes

The following may be the pushing factors for the housing need in urban areas:

3.2.1.1 *Population growth*

A century ago, only 4% of the world's population was urban. Today, cities are home to half of its inhabitants. The explosive growth of urban populations in developing countries over the past several decades can be attributed both to natural increase and to migration (Ulack 1978:535). Population growth and increased migration from rural to urban areas in developing countries have far surpassed available urban housing facilities for middle and low income citizens. City authorities are unable to solve such problem based on the demand of land by the people. The result has been that a variety of types of squatter colonies have grown up on vacant lands in the central areas and on the outskirts of major cities (Manaster 1968: 23). The overall population trend shows that the urban population growth will continue to grow and the housing demand will also grow in the same fashion.

3.2.1.2 *The Failure of Governance*

According to the UN-Habitat report on global human settlement, slums and urban poverty are not just a manifestation of a population explosion and demographic change, or even of the vast impersonal forces of globalization. Slums must be seen as the result of a failure of housing policies, laws and delivery systems, as well as of national and urban policies (UN-Habitat 2003: 5).

The report summarizes that the failure of policy is at all levels – global, national and local. At the global level, policies that have weakened national governments without any countervailing central control appear to be leading to an unrestrained globalization that is accommodating greater inequality and marginalization. At the national level, liberalization and the sectoral fragmentation of policy and analytical and institutional frameworks have failed to support the urban–rural and cross-sectoral dynamics that are critical both to sustainable economic growth and the distribution of its opportunities. At the local level, a startling lack of capacity to cope with, or manage, the situation has left many slum citizens in a no-man's land of illegality, insecurity and environmental degradation.

3.2.1.3 *Institutional and legal failure*

The urban poor are trapped in an informal and 'illegal' world– in slums that are not reflected on maps, where waste is not collected, where taxes are not paid and where public services are not provided. Officially, they do not exist. Although they may reside within the administrative boundary of a town or city, their local authority may well be a slumlord or mafia leader, rather than city council staff, who often no longer attempt to assert their jurisdiction or even enter the slums. As illegal or unrecognized

residents, many of these slum dwellers have no property rights, nor security of tenure, but instead make whatever arrangements they can in an informal, unregulated and, in some respects, expensive parallel market.

The institutions that are failing slum dwellers are not just those of government and law, but also the private and commercial systems. Slum dwellers' 'life chances' are low; they are rarely able to obtain formal-sector jobs because of their lack of social capital, including lack of education, lack of patronage and contacts, and a general exclusion from 'regular society' that is mediated by signifiers of social class and a lack of empowerment. Slum dwellers are also not able to access regular sources of finance to develop their own businesses. Banks do not usually have branches in slums, and if they do, the lack of legally registered collateral will exclude all but the most well-off slum dwellers from obtaining loans (Id).

3.2.2 Consequences

Informal settlements in a city are causes for health problems, environmental deterioration, social distress, economic destruction (fire), and urban violence.

Generally the consequences of informal settlements in many countries are similar. The first result of informal settlement is associated with health problems. Literatures show that Living in these settlements often poses significant health risks. Sanitation, food storage facilities and drinking water quality are often poor, with the result that inhabitants are exposed to a wide range of pathogens and houses may act as breeding grounds for insect vectors. Cooking and heating facilities are often basic, with the consequence that levels of excessive exposures to indoor pollution may occur. Access to health and other services may be limited; overcrowding can contribute to stress, violence and increased problems of drugs and other social problems. Together, these pose special risks to children both during the prenatal period and after birth. This indicator provides a general measure of these risks.

The other problem is related to insecurity of holdings. Since people occupy mostly government land they live in perpetual state of fear that one day the government would evict them from the area. Hence they tend to make no investment on the houses or the land which leads again to poor condition of living and environmental deterioration.

Since government authorities prefer to ignore informal settlements, mostly they are led by criminal gangs and mafias. Studies consistently show that such settlements are good shelters for criminals of cities since no law officer and police force able or do not want to penetrate it.

Informally settled areas are known for their unplanned and low quality houses. People settle without any building permit or plan and the material they use is mostly makeshift of plastics, wood and mud, and so on which is easy to catch fire and destroy by it. The streets and paths within the settlements are so narrow to allow any help from fire distinguishing authorities, if any.

4 METHODOLOGY AND SCOPE

This research has employed qualitative methods in its investigation of the problem. Hence primary and secondary data was collected through the following methodologies:

4.1 Primary sources

4.1.1 Interviews and group discussions

First hand information was gathered about the scale, status and nature of informal settlement in the city through interviews. City officials at the Bahir Dar city municipality gave interviews and opinions about the issue. Besides, those people who settle illegally on the area of study have given their opinions. The researcher preferred group discussion to collect the information. The group members include elders, women, young people and even children. The discussion was made in three groups at the locality. Kebele officials and police officers have also given their opinions.

4.1.2 Personal observation

The researcher has visited the research areas. One day was dedicated to each research areas. The tour was made on foot and it enabled the researcher to experience and appreciates the kind of life led by the settlers. It also enabled to interview passersby and farmers who were not related to the area but could still give relevant information.

4.1.3 Legislations

The existing land rights and the position of informal settlement are analyzed from the Ethiopian legislations perspective. Hence the past and present Ethiopian constitutions, the 1907 Menelik land charter, the urban land lease, the rural land administration and use proclamations, urban planning proclamation, building proclamations etc have been used.

4.2 Secondary sources

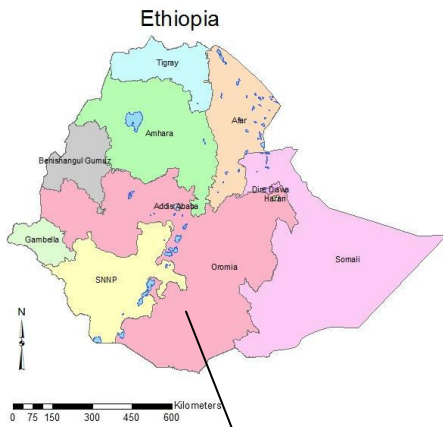
Literature review of different materials on informal settlement and squatting activities has been explored. An attempt has been made to include literary materials that represent developed, developing countries and Ethiopian materials. The Ethiopian materials mainly focus on the city of Addis Ababa.

4.3 Scope of the study

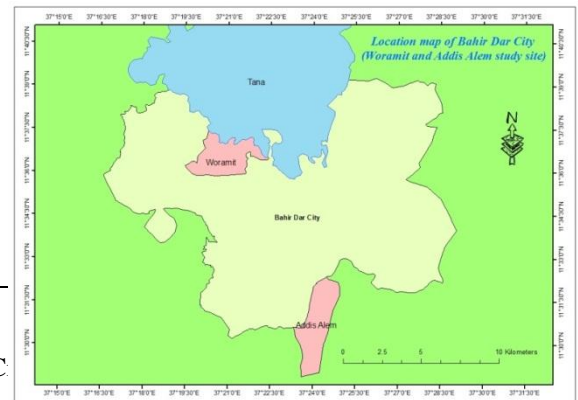
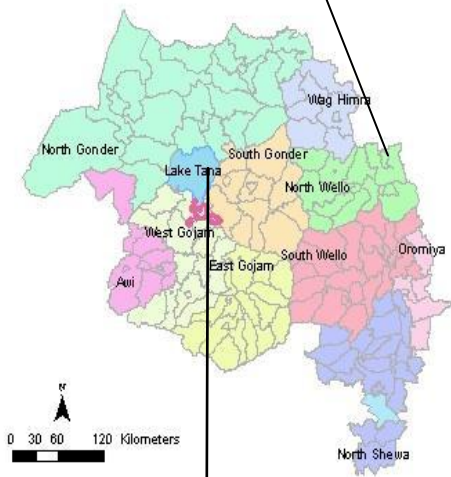
The scope of the study is restricted to two informal settlement cites in two kebeles of Bahir Dar city. In other words, the type of informal settlements included are newly established ones and hence it does not

focus on older cities or older specific houses from the city center. It mainly focuses on the description of the condition of the dwellers. The other limitation of the study is that it does not investigate in detail the institutional capacity of the city municipality and its contribution to the creation of the settlement. Lack of adequate and documented information and absence of full cooperation by city administration officials forced the researcher to leave that part. Hence, a further and detail research would be justifiable.

5 DESCRIPTION AND FINDINGS OF THE STUDY AREAS



Amhara National Regional State



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Figure 2: Map of Bahir Dar city and the Study areas in Pink

5.1 Description of Study Areas

Bahir Dar has a long history dated back to at least the sixteenth or seventeenth century. It is found in the southern shores of Lake Tana in the Amhara Regional State, Ethiopia. The city is distinctly known for its wide avenues lined with palm trees and a variety of colorful flowers. It is also considered by the UNESCO as one of the most beautiful, well planned, and safest cities by many standards. The city was the winner of award for *UNESCO Cities for Peace Prize* held in the 18 of March 2002 in the Moroccan city of Marrakesh.²

Based on figures from the Central Statistical Agency, in 1994 this city had an estimated total population of 96,140 in 20,857 households, of whom 45,436 were men and 50,704 women. The 2007 national census shows, on the other hand, the total population of Bahir Dar Special Zone increased to 220, 344 of which 107,578 are men and 122,766 are women. The data reveals that within 13 years the population of the city has increased by more than 124 000 people.

According to the recently finalized cadastral surveying work of Bahir Dar City, about 30% (9000) of the city houses are identified as informal settlements. This means they are constructed on state owned or farmers' land without any permission and right to do so. They are unregistered and unknown by the city municipality as legitimate properties worth protection. These are located mainly in 4 kebeles of the city.

The two study areas in Bahir Dar are located in *Shimbit* or commonly known as Kebele 13 and in Addis Alem on the way to Tis Abay. The first is also known by the name *Woramit* a place recently annexed to the city. The method of land acquisition in both areas is through the purchase of agricultural land, subdivision of it into smaller parcels, and illegal conversion of the land use from agricultural into housing

5.1.1 Woramit

The Woramit area is found in the northern and north-western part of the city. Perhaps it incorporates about 10 square kilometer of land area. The northern part was annexed to the city before 2 years and now administered under Shimbit (Kebele 13) Kebele. It was settled by farmers and still the people live

² See <http://unesdoc.unesco.org/images/0012/001252/125255e.pdf>

by harvesting *Chat*³ and other crops. The information gathered from the local people is that besides to the farmers, people from the urban center do purchase or lease land to harvest chat. The amount of the produce and the size of the farms must cover the need of many cities in the country. We have also witnessed that newly built houses on the land holding/compound of farmers for their newlywed child was demolished by kebele authorities. The reason behind the measures in this area is that since the area is annexed only recently and since a plan is not yet in place, it would be wastage to construct new houses which might be expropriated in the future. Further, the area is not serviced with basic utilities such as water, electricity, telephone and roads. The conclusion from this observation is that this neighborhood should not be categorized as informal settlement. True, it has not been serviced, but it is officially recognized as one part of the kebele and people also pay tax for their holdings. It should not be forgotten that the people were previously farmers and the houses are of more than 40 years old.

The western part of Woramit, on the other hand, is of different story. Unlike the northern part, this area is covered with less or no forest trees. Especially the area near the airport has no or little trees. This place, unlike the northern part is still under the administration of the Bahir Dar Zuria Wored, which is a rural administration. According to the information gathered from the settlers and the Bahir Dar city administration this place includes more than 600 houses and most part of this place was constructed in the eve of the 2005 election, within 15 days (Interview Ato Tesfahun).

5.1.2 Conditions of the Settlement

5.1.2.1 Tenure

As discussed above land in Ethiopia is owned by the people and the state and it is not subject to sale or exchange. The settlers illegally purchased land from the holders of the land, means the local farmers. Farmers subdivide a plot of farming area and sale it to different squatters for housing purpose. The people confide to us that the land value for square meter is ranging from 250-300 birr.⁴ For example, a woman who claimed living in the city center for more than 14 years was forced to purchase an 8X10 meters of land for 5 thousand birr, while others bought half of the size for the same price. The land occupied by the people is not belonging to state but to private holdings. Farmers have sold their farming plots piece by piece to the squatters. The holding of the land is therefore illegal since it is used for purposes other than the intended function, which is agriculture. It is also illegal in that it contravenes the constitutional principle that prohibits land sale and may be punishable by criminal law as stated in the national and regional land laws. By enlarge the possession and contract of the settlers is void. Because, according to our contract rules under the civil code, any contractual agreement which is based on illegal or immoral object (in this case sale of land) is invalid (Civil Code Art. 1716). Hence, the possession of the settlers is precarious and they live in perpetual fear of eviction.

³ A narcotic leaf chewed by most people in eastern Africa and widely harvested in Ethiopia.

⁴ Birr is an Ethiopian currency. Currently the exchange rate US Dollar with the Ethiopian Birr is 1:16.50

5.1.2.2 Structure

All the housing structures in the area are sub-standard and do not comply with local building and planning codes. Most of the structures in the study area are temporary shelters constructed from mud walls and roofs of iron sheets or mud walls and plastic roofs. Some of the worst are made from plastic and the local split bamboo wood, *Satara*. An average of four family members lives in an average land size of 20-30 square meters.

5.1.2.3 Infrastructure and Service

The people of the informal settlement are not recognized by public authorities as an integral part of the city. A query made on the city administration, rural administration, police, the closest kebele or the health authorities show that none of the above recognized the settlement as it existed. A local elder, actually vice chairman of the *edir*, an association of residents, told the researcher that once the local people prepared a party in which they invited authorities from the kebele, city administration and the police. Nobody appeared except one police officer. The fear of the authorities is that if they approach the people or give an answer to any question by the people that might be interpreted to recognition. Most importantly, they usually insist to pay land tax for their holdings, since they believe that might give them some leverage later on. But to their frustration, the kebele and the city administration refuse to receive any land tax from such areas.

Because of this total ignorance of their existence, we saw no roads and streets, water and sewerage, telephone or electricity services. They use water wells for drinking which are not clean and as a result there are cases of water-borne diseases. Some people try to carry water from the city for about 5 kilometers. We witness no road at all and the narrow streets are like lines that divide property and sometimes conflict is raised because of the unclear boundaries. A road leading from and to the northern part of the settlement is covered by water and during rainy season it is totally impossible to cross the area. Absence of electricity forced some of the people to smuggle electricity from the nearest area illegally. According to the settlers, last year they bought electric wires and poles for 15000 birr only to be stolen within few days. Theft is a common phenomenon and the group discussion held with five women in one neighborhood reveals that all the women are left home just to look after their homes from thieves while their husbands travel to the city center for search of daily works. Recently they constructed a community policing building but no presence of police observed. Similarly, they claimed that they do not receive any health or educational service. They send their children to school for about 30 minutes to one hour foot travel. In case of emergency they carry patients to the city hospital. Let alone normal health treatments, they do not even get vaccinations for their children which is customarily provided by health officers to the remotest area of the country.

5.1.3 Addis Alem

The Addis Alem area is located on the south eastern part of Bahir Dar. It is on the way to the famous tourist destination Tis Abay (*Tis esat*) water fall on the river Abay (Blue Nile). This settlement was recently occupied by squatters. The number of the houses constructed within few days in august 2009 was 150 (Ato Tesfahun). The nature of the houses constructed and the infrastructure were not different from the Woramit area except the Addis Alem area houses are no longer there. According to city officials, an immediate action of demolition was taken place only to be constructed again during the night. There were repeated demolition actions and construction activities thereafter; the people are struggling to maintain their holdings. Now the case is forwarded to police and justice bureau for criminal prosecution.

5.2 Causes of informal settlement

As mentioned above different reasons have been given for the emergence of informal settlement areas in different countries. Although the information gathered from the municipality is not satisfactory here are some of the assumptions.

5.2.1 Population growth and inefficient land provision

The major cause of informality has been the failure by many to get access to land assets. The population of the city has excessively increased to more than 230,000 people currently from merely 96,000 in 1994. The land supply in the city municipality is however tragically inefficient. The city municipality is currently unable to meet the demand of all the land requests. For example, the evidence from Shumabo kebele shows that the number of people registered for land grant before 5 years, which is the last time land was granted by lot, was 3000. The number of people who got the chance from that kebele was 171. Over all, in that year, 1500 people got a chance to get land from the whole city. Now if we assume similar number of people in each of the 9 kebeles would apply (27,000 people) for land and the land supplied was only 1500 lots, this shows only 5.5% of the demand was met.

Kebele	Land Demand	Land Supplied in actually	Performance
Shumabo	3000	171	5.7%
Whole city (9 kebeles)	9X3000= 27000	1500	5.5%

Now, this is only an assumption that because of the shortage of land supply in the urban area people may forced to construct houses illegally. Indeed, from the interviews and group discussions we came to understand that there are some people who came to such place only after they lost hope in getting land

in the city. In average one has to wait for more than five years to get land. Although lease auctions may be floated from time to time, poor people cannot afford them. Besides some people occupy or purchase land from peasant farmers to hold land for their children.

5.2.2 Urban poverty

The incomes of informal settlers are mostly too low for formally regulated markets to provide them with any kind of permanent housing. One of the inhibiting factors is that the poor have a low propensity to save and hence a low propensity to borrow money from lending institutions. This situation has also been compounded by the increases in inflation levels. Hence, they have acted to solve their own problems by building their own dwellings, or by building informal rental accommodation for each other. Indeed, the majority of the people (60%) interviewed or participated in group discussion fall under this category. For example, one woman who has been living in the city for more than 10 years claimed that after she received a chance to buy condominium house from the government, the down payment she was asked to pay was unrealistically high compared to her ability. She said the down payment she was asked was 15000 birr, and she just came to this place and purchased the land for 5000 birr. Similarly an elderly member of the community who gave an interview claimed similarly that he could not afford to pay the first installment for the condominium house and thereby forced to come here.⁵

The other related issue is non-affordability of rent in the city. Most of the people also complained that the non regularized rental practice in the city forced them to search for whatever type of shelter but theirs. Those people with family members are especially forced to pay a rent higher than their income. Moreover, the behavior and conduct of land lords are beyond one's ability to accept. Excessive restrictions were made on their use right in different ways such as restriction on the use of water, electricity, toilet services and even receiving and entertaining of relatives.

5.2.3 Land Grabbing

The authorities in the city administration associated the formation of the informal settlements with the land grabbing activities of urban speculators. Urban speculators, who wish to sale a land illegally, grab or purchase land on the outskirts of the city, which at this moment is another reason for squatting. In the Woramit area it is estimated 20-30% of the houses constructed are either occupied by non owners or vacant. The opinion provided by the members is that some people purchase land from farmers just to sale it back or to hold it in the hope of changing it to legitimate holding.

⁵ Currently the Ethiopian government has followed a policy that helps the low and middle level income urban residents to be home owners. To this end a massive construction condominium houses across the country is taken place. Critics, however, raised a concern that the urban poor is not yet made a beneficiary. Among others, the down payment requested by the state does not consider their income and saving.

5.2.4 Owner peasants

In both study areas, the original holders of the farm land have also participated in the construction of the informal settlements. Their intention is to rent it out to other settlers or to hold a house like any other settler for good or for bad. According to the regional expropriation and compensation rules farmers whose land holding is expropriated for city expansion would be, among other types of compensations, provided a plot of land for housing if there was residential house on the expropriated land. Now the point is that by constructing a shanty house they hope that they might be compensated similar land but legal one in the event of annexation and expropriation of the land by the city administration.

5.3 Consequences of the Settlement

The sprawling of poorly controlled settlement developments has resulted in many environmental and health related problems. Uncontrolled settlement development is causing physical disorder, uneconomical land utilization, and excessive encroachment of settlements into good agricultural land, environmental degradation and pollution risks (Ali and Sulaiman 2006: 10). Besides, informal settlements cause huge economic and social costs. At this moment it is difficult to conclude about the consequences of the settlement for it is only established recently. And yet from personal observation as well as the interviews and group discussions made the following possible threats are forwarded as consequences:

5.3.1 Environmental degradation

Environmental degradation in this case may be associated with pollution of water bodies, deforestation, and pollution of the environment. Both study areas, especially the Woramit area is covered with forest. Part of the western part of the Woramit area is covered with houses in the middle of the forest and there is a threat of deforestation by the settlers. Another worry is that, about waste disposal practices. Residents do not have proper toilet holes and they prefer to use the natural forest. In some areas we observe that rotten fish brought from the city was disposed in the area, and truly the women were complaining of some asthmatic problems because of the smell.

5.3.2 Encroachment in agricultural and common land

The land the settlers have settled originally belonged to peasant farmers and the land use purpose is agriculture. There is shortage of agricultural land in the region and yet farmers are selling land illegally. The uncontrolled expansion of human settlements will lead to conversion of the best agricultural land into settlements. The other problem is that peasants encroached into and subdivided a nearby grazing

land. Actually, according to local farmers, they have taken the case to courts for this restricts their access to the grazing land.

5.3.3 High economic cost

The construction of the informal settlement takes huge amount of money which is considered as wastage. The place will be demolished one day and taking with it all the money invested. That is what happened in the Addis Alem Area. According to information gathered from the settlers, it costs them about 6-7 thousand birr to construct one simple two room's house. Assuming that the municipality has demolished, at least once, 150 houses in the Addis Alem area, the total amount of money wasted was about 1 million birr. Another point is that, such informally occupied land would lose its potential value for investors would not prefer it. City administration will not collect all land tax which should be collected otherwise.

5.3.4 High Social Cost

The residents of the area are living in isolation from the city and they have no any contact in its legal meaning with the authorities. They have no identity papers, address numbers, bank accounts and so on. They are simply citizens of nowhere. A simple story told by the settlers was that during the past 2007 election, authorities refused them their right to election by denying them to set up electoral post in their settlement. Some of the people elect in their former residential areas and some remained without electing. It is only about some time before such settlements be manipulated by criminal gangs and other speculators. The story of *Kitel Sefer* discussed hereunder shows that the place was serving for many years as a hiding place for dangerous criminals. Such places are usually characterized as sources of fire, diseases, crimes, and urban violence.

5.4 Measures being taken

The measures taken and being taken by the city municipality lack harmony and uniformity because of absence of developed regulations to govern the matter. Currently there are at least three types of responses to informal settlements identified by the researcher:

- a. demolishing the houses and expel the squatters from the area without any compensation for the land or the house
- b. demolishing the house and give land replacement only in other areas
- c. regularizing the rights and changing same from informal to formal ones

5.4.1 Demolition and eviction

Demolition or bulldozing was a common measure taken against illegal or informal settlement activities in many countries. This type of response has, however, changed over time. Eviction and demolishing of informal settlement have followed by new curative and preventive practices. As early as the 1960s, it has known that secure tenure leads to self-help activities of squatters. Over the years, legalization, physical upgrading and later on the integration of informal settlement in the urban fabric (normalization) have become common responses to informal settlement. The above trend has actually been practiced in Ethiopia as well specifically in the city of Addis Ababa.

In Bahir Dar, the main response to newly established informal settlements and constructions is demolition. The Addis Alem area is a case in point. The city administration has demolished and evicted the residents although it is not successful in total cessation of the construction. Moreover, in the northern part of Woramit area, which was incorporated in to the city administration, there are evidences of demolition of newly built houses on residential plots. According to city officials currently, this measure is the most utilized one compared to the others.

The fear of the municipality seems that if it allows or simply does not oppose the construction of illegal settlements, tomorrow they will bring excessive cost in case of expropriation. Secondly, it would be a bad precedent for others would most likely to follow the practices of the squatters.

5.4.2 Demolition with land substitute

This is a rare practice, of course, in the city. The only evidence known in the city is the case of the *Kitel Sefer*, a well known slum and informal settlement in the city. The people in the area had been living there for the past 20-30 years without any legal basis. But they constructed a neighborhood of makeshift known for its bad examples, such as criminal activities. When the city administration finally decided to use that particular place for the construction of a stadium, there arose a controversy as to the fate of the squatters. It was argued that since they were illegal settlers without any legal evidence of occupation and permit of construction, no compensation should be paid. The expropriation law does not simply include such areas in its compensation package.

On the other hand, it was alleged that it was the fault of the municipality in allowing them to live there in the false hope of regularizing their holdings one day. It has been argued that had it not been for such false hope, the people would by now construct their own houses. The people in this area are relatively in good financial position since they have small business in the city center. The solution given was therefore a political rather than a legal one. The compromise was that every Ethiopian citizen has a

right to get access to land. And since they are also Ethiopians they should be allowed to get land for the construction of their homes. But, no compensation for the demolished houses was allowed.

5.4.3 Regularization

This is not possible in principle. Of course, the Addis Ababa city administration has regularized informally or illegally constructed houses. The houses were standard ones constructed not by urban poor but by middle class dwellers and free of any congestion. The squatters have used to pay land tax. Hence, it was easy to regularize them instantly.

Coming to Bahir Dar, the possibility of regularization of houses constructed illegally would not apply soon to the study areas. This does not mean, however, that there are no sporadic practices in the city. The Regional Works and Urban Development Bureau has issued a regulation/guideline about regularization of houses which were constructed before 1991 and provided that the holder can show some legal basis on the holding.

6. WHAT SHOULD BE DONE: A SYNTHESIS OF ANALYSIS⁶

A proactive way of dealing with challenges of informality is required and a systematic and intelligent way of doing so would be to adopt a more collaborative approach. Such an approach would however require that land administrators go through a three step process. The proposed three stage process starts off with the *recognition* that urban informality exists and that it operates in a known legal, policy and institutional environment. Resigning to the fate of these external factors (as often is the case with most land management initiatives in Ethiopia) would not assist. It is important for land administrators to take a constructive stance on these dimensions. This would entail an appreciation of the fact the legal, policy and institutional dimensions are not necessarily impediments, but rather constitute a container or support of any process taking shape within their fortresses. The next step is *awareness and identification*. I characterize this as a deliberate *search and examine exercise*. The ultimate objective of this conscious exercise is to come up with an inventory of the major and minor determinants of informality and the challenges likely to be encountered in dealing with such impediments.

The resultant audit would then be *assessed* for its significance to the land management process. Three possible impact scenarios are ‘no effect’, ‘positive effect’ and ‘negative effect’. It is important as well to document the scale of influence by quantifying the magnitude of effect. This would give land administrators a clear picture as to what to expect from the legal, policy and institutional dimensions of informality. This exercise alone would facilitate the prioritization of possible actions to take and would put the land administrator in a better position to determine when to be proactive / anticipatory, to take remedial action or to be reactive.

⁶ The synthesis is adapted from Gondo, T's work on Ethiopian similar situation.

6.1 Why cooperation?

Having taken stock of the various dimensions of urban land informality land management practitioners would then need to intelligently respond to issues that crop up during the land management process. Experience from sample regional states in Ethiopia has revealed three possible response options (Gondo 18). Whatever response option is adopted the resultant scenario for dealing with informality in the land management process takes either of the following two forms;

- Isolation and resistance
- Partnerships, cooperation, and mutual problem solving

The path that creates co-operation, partnerships and mutual problem solving is ideal (Carlsson and Barks 2005: 65-76). Confrontation and disregard would breed antagonism and resistance from affected parties. Some practical symptoms of this include threats, destructive criticism of land policies, manipulation and development of regressive climates in collaborative meetings and non action. Negotiated outcomes are often a characteristic of accommodative strategies. Land managers should adopt an integrative strategy that would at all times ensure collaboration with the major actors of land management. Such integration usually breeds negotiated outcomes that are characterized by constructive criticisms, progressive negotiation climates, good attendance in meetings, action. Such a stance also promotes joint outcomes and will often assist the land management practitioner to create more options for mutual gain.

Among the three possible response options (1) avoid (2) confront and (3) accommodate, experience drawn from elsewhere has shown that ignoring urban land informality issues as they crop up is a more attractive option as it is less taxing and less controversial. This however leads to sterile land management processes and the common manifestation of this is the complete breakdown of the land management process itself.

When issues and concerns are swept under the carpet, they would often resurface in later stages of the land management process. This normally creates an unwarranted demand for attention that breeds inconveniences at various stages of the land management process (Perara 1994). This would force land management practitioners to engage into a damage control kind of an exercise.

Active and open fighting is the next attractive response option. Such a confrontational approach is geared towards subduing the root causes of the problem. The usual objective is to try by all means necessary to smoothen the terrain for land management. Experience has shown that this often breeds tangible results at least in the short term. Unfortunately the land management process is often long and dirty and cannot be facilitated by such temporary and insufficient strategies. They are bound to resurface at any one stages of the land management process, leading to new battles and a possible diversion of resources to sort out these complications. The land management process itself should thrive on relationship building processes at every stage, right from the acquisition of land through to

land servicing, issuance of title deeds and monitoring, evaluation and reflection. Adopting a competitive strategy would not result in a relationship building process. The major outcome of such a strategy is always a win-lose situation. What is however required is win-win situation that can only be forged through a negotiation process.

Negotiation is by no means the best response option. The principal result of the negotiation process is consensus or compromise. When the legal, policy or institutional environment is posing a threat to the land allocation process, the key is to shift the situation to a win-win scenario even if it appears like a win-lose. Adopting the cooptation process does not however mean those other strategies are irrelevant. They still remain relevant if they are considered as valuable alternatives through a collaborative process.

Cooptation is therefore by no means the best institutional response option that is likely to yield sustainable solutions in dealing with the complex problems of informality in the urban land management process.

7. CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

The source of informal settlement in the study areas is the subdivision and informal/illegal sale of agricultural land. The kind of people who purchase in these areas are genuine urban poor who lack shelters or forced by high standard living cost in the city. Sometimes however, there are also urban speculators who aim to sell it back at profit. The common measure being taken is demolition of houses and total ignorance. The informal settlement found in both the study areas in Bahir Dar city share the common features of shanty houses and poor housing constructions like any other places in the world. Their residents are isolated and forgotten by city and government authorities. As the report on global human settlement has well summarized "rather than being assisted in their efforts by governments, they have been hounded and their homes frequently demolished, they have been overlooked when basic services are provided, and they have been ignored and excluded from normal opportunities offered to other urban citizens."(UN-Habitat 2003) The settlements have the potential of creating environmental pollution and land degradation, being sources of health problems, crime and urban violence. They will be a social liability unless assisted and rescued from such living conditions.

7.2 Recommendations

It has been shown that the constitution and urban land lease at least provide the possibilities of all urban citizens to get access to land in urban areas. Ethiopia is a signatory to the international instruments such as the UN Universal Declaration of Human Right (Art. 17) and African Charter on Human and

Peoples' Rights (14) which guarantee property right of citizens, and other UN conventions on the right of the people to "adequate housing". Ethiopia has also accepted and working towards the fulfillment of the Millennium Development Goals of which Goal 7, Target 11 aims that "by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers".

It is true that the informal settlers violate a set of laws of the country concerning land acquisition, building and planning permits. And yet forced eviction and demolition of the settlement does not follow the human right approach to which the country becomes a member. It only creates hard feelings and only subduing the root cause of the problem. The solution must be a sustainable one that permanently solves such problems. It must also be understood that informal settlement is by enlarge the result of the failure of proper land administration system, among which inefficient land provision is the first one. If Bahir Dar city is going to be found up to its words and is really the city which is claimed to be (see beginning of this article (UNESCO), then all its measures regarding the urban poor must be consistent. Hence, based on the above argument the following recommendations are forwarded:

- To solve the existing problem associated with the informal settlements the city administration must open a dialogue with the settlers.
- Since they have a fundamental right to get access to housing, a study should be conducted about the area and a development program should be launched to upgrade the housing condition and regularization of the properties
- The hostile approach by government authorities should cease and a forum for cooperation and consultation should be open
- Government must address in real way the problems of housing of the poor. Among which condominium houses should be sold on long term (life time) basis.
- Government must try to create a special fund by which the urban poor may buy condominiums on lower interest rates.
- Since they are a social liability, the government must from the outset provide the settlement with health and security services.
- City administration should capacitate itself to solve its problems in the area of efficient land provision.
- Rules and regulations should be revised to accommodate the rights of the urban poor.

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Interview

Interview with Ato Tesfahun Diress, Head of the Special force for land protection at Bahir Dar City Administration. A Group discussion with the people who settle in the area shows similar conclusion.

Interview with Ato Shibe Kinde, Head of the Cadastre Department at the Bahir Dar City Administration

BIOGRAPHICAL NOTES

Daniel Weldegebriel AMBAYE is currently a lecturer at the Institute of Land Administration, Bahir Dar University, Ethiopia and a PhD fellow at the Royal Institute of Technology, Sweden. He also provides lectures at the School of Law of same University. He has got his LL.B from Addis Ababa University and his Msc in Land Management from the Royal Institute of Technology (KTH), Stockholm, Sweden. He formerly served as assistant Judge of the Federal Court, Attorney of Commercial Bank of Ethiopia, and Assistant Dean of the Law Faculty at Bahir Dar University.

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