

**AFAR NATIONAL REGIONAL STATE  
RURAL LAND ADMINISTRATION AND USE  
PROCLAMATION NO. 49/2009**



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July 2009 Semera

## Preamble

Whereas, the Federal Democratic Republic of Ethiopia asserts land ownership is solely vested in the peoples of Ethiopia and the State;

Whereas, the Constitution of the Afar National Regional State that was amended in 2002 Article 38(3) also asserts that land ownership is vested in the people and the State;

Whereas, it is imperative to exercise the rights guaranteed to Regional States by the Constitution of the Federal Democratic Republic of Ethiopia Article 52(2) that asserts the power of administering lands and land based natural resources vested in the Regional States shall be exercised under the laws that will be enacted by the Federal government;

Whereas, it is necessary to enact a law to implement the Land Administration and Use Policy of the Afar National Regional State adopted in 2008;

Whereas, it is of paramount importance and timely to design and implement a sustainable land use plan in order to sustainably develop, protect, and use natural resources to transfer to the future generation;

Whereas, it is necessary to establish a land information system in order to identify the area, location and land use types of land holdings under different tenure systems in the region, i.e., communal, private, and government;

Whereas, it is necessary to establish a suitable land administration system so as to ensure tenure security of pastoralists, agro pastoralists, and investors;

Whereas, ensuring security of user rights is an essential guarantee and incentive to investors who desire to invest in the Region;

Whereas, the weakening of the traditional rural land administration system is giving rise to natural resource degradation and spread of conflict;

Whereas, ensuring the land ownership and user rights of women are essential to guarantee and enhance productivity and social development;

Whereas, it is found necessary to establish suitable legal framework that enhance and ensure the tenure security and user rights of pastoralists and agro pastoralists so that they will protect, and develop lands and land based resources in areas where crop farming and animal husbandry are jointly practiced where soil erosion and deforestation are becoming serious problems;

Whereas, it is necessary to increase agricultural productivity in order to broaden the agricultural marketing base and to guarantee its sustainability and reliability;

Whereas, it is essential to establish a land administration system that is suitable for natural resource management and protection; and that incentivize investment within the traditional clan based communal land tenure system;

Whereas, the Federal Rural Land administration and Use Proclamation No.456/2005 Article 17(1) empowers national regional states to enact land administration and use laws that take their objective condition into account;

Now therefore, under the revised Constitution of the Afar National Regional State Article 47(3) (a), it is hereby proclaimed as follows.

## Part 1

### General

**Article 1 Short title** This Proclamation may be cited as “the Afar National Regional State Rural Lands Administration and Use Proclamation No. 49/2009”

**Article 2 Definition** In this Proclamation, unless the context requires otherwise:

1. “Regional state” means the Afar National State
2. "Rural land" means any land outside of a municipality holding or a town designated as such by the relevant law;
3. "Rural land administration" means a process whereby rural land holding security is provided, land use planning is implemented, disputes, between rural land holders are resolved and the rights and obligations of any rural land holders are enforced, and information on farm plots and grazing land holders are gathered analyzed and supplied to users;
4. "Rural land use" means the process whereby rural land is conserved and sustainably used in a manner that gives better output.
5. "Rural land use plan" means the practice whereby the options that give greater economic benefits without causing land degradation and environmental pollution are, determined and implemented from among the different use options a rural land can give on the basis of physical, economic and social information;
6. "Holding right" means the right of any pastoralist and agro pastoralist shall have to use rural land for purpose of animal husbandry, agriculture and natural resource development, lease and bequeath to members of his family or other lawful heirs, and includes the right to acquire property produced on his land thereon by his labor or capital and to sale, exchange and bequeath same.
7. "Family member" means any person who permanently lives with holder of holding right sharing the livelihood of the later.
8. “Guardian” means a person who raises and administers the property of minor children whose parents are dead.
9. “Child” means son or daughter born from his/her natural mother/father or adopted son or daughter.
10. “Use right” means using land and the produce from the land pursuant to this Proclamation.
11. “Land user” means any person vested with the right of using land and produce from the land.
12. "Pastoralist" means a member of a rural community that raises cattle by holding rangeland and moving from one place to the other, and the livelihood of himself and his family is based mainly on the produce from cattle.
13. "Agro pastoralist" means a member of a rural community whose livelihood is based mainly on cattle raising and to some extent on crop farming.
14. “Minimum size holding" means size of rural land holding the productivity of which can ensure the food security of a pastoralist and family and agro pastoralist and family

or which sufficient for annual crop farming, perennial crop farming, grazing, house construction and gardening.

15. "Minimum private holding" means rural land in the holding of pastoralists, agro pastoralists, and other bodies who are entitled by law to use rural land.
16. "Communal holding" means rural land which is held by two or more persons who have indivisible right over the land and that is used equally by the communal holders.
17. "Joint holding" means rural land holding which is not government or private land holding; and that is communally used by the local people for grazing, forestry, and other social services.
18. "State holding" means land demarcated and land to be demarcated in the future as federal or regional states holding; and includes forestlands, wildlife protected areas, state farms, mining lands, lakes, rivers and other rural lands designated as state land.
19. "Holding certificate" means certificate of title issued by a competent authority as proof of rural land use right.
20. "Land registration" means the process whereby information on rural land use right and holding right are gathered and organized, and stored.
21. "Land information system" means a system whereby rural land related information is gathered, analyzed, and distributed to users;
22. "Competent authority" means a body established in accordance with the law of the Afar region to ensure the implementation of the rural land administration and use system.
23. "Redistribution" means allocation of irrigation lands or other lands that will be determined by law.
24. "Distribution" means allocation of lands that are not held by land holders or that are evacuated, to the landless; or to those who have smaller size holdings.
25. "Rent" means an agreement or contract where investors or others get land for a certain period of time from pastoralists or agro pastoralists.
26. "Lease" means a system of rent where investors get lands from the government for a certain period of time.
27. "Public interest" means development infrastructure for the common service of the people in the area of education, health, road, water, etc.
28. "Person" means natural or legal person.
29. "Settled life" means the voluntary settlement of pastoralists in order to lead a sedentary life following the infrastructures established by government or non-governmental organizations.

#### **Article 3 Gender Reference**

The provisions of this Proclamation that are referring to masculine gender shall also apply to feminine gender.

#### **Article 4 Scope of application**

1. This Proclamation shall apply to rural lands in Afar National Regional State.
2. Notwithstanding the provision of the above sub article 1, laws that pertain to lands designated as forest lands, wildlife sanctuaries, bio-diversity protected lands, environmental and natural resource conservation and preservation areas may not be affected.

**Part 2**  
**Ensuring the rural land use right of pastoralists**

**Article 5 Access to and use of grazing lands**

1. The right of pastoralists of the region to use their grazing lands has no time limit.
2. Women pastoralists have equal rights with men to access and use grazing lands.
3. Grazing lands that have been used and accessed by the pastoralists shall be identified and delimited. The detail shall be determined in the regulation that will be enacted to implement this Proclamation.
4. Land holders who have land holdings within the communal land tenure may bequeath their individual land holdings to their children or other legal heirs.
5. A person who is the age of 18 and above has the right to free access to farm lands where such person intends to engage in sedentary farming and submit his request to the competent authority in the Region.
6. Pastoralists have the right to voluntarily settle as sedentary farmers under resettlement programs that may be organized by the Regional Government.
7. The customary rights of the elderly; the handicapped; and other infirm persons to use communal lands is recognized and protected under this Proclamation. The Regional Government shall provide assistance and support to realize these rights guaranteed by this Proclamation. The detail will be determined in the regulation that shall be enacted to implement this Proclamation.
8. Communal pastoral lands used communally by pastoralists shall not be transferred into private holdings.
9. Communal lands that are used communally by pastoralists for grazing, and social services shall not be given/leased to investors. This, however, shall not affect the power of the government, as owner of all lands, to transfer communal holdings into private holdings as deemed necessary and in consultation and in agreement with pastoralists.
10. Subject to giving priority to the interest of pastoralists, governmental, nongovernmental, and social and economic institutions shall have the right to use rural lands.

**Article 6 Surveying and registering of pastoral communal lands and issuing communal holding certificates**

1. The communal lands that are held communally by pastoralists shall be surveyed, registered and certificate of holdings shall be issued in the name of the community using such communal lands. The detail will be determined in the regulation.
2. Communal land holding certificate shall be deposited with the representative of the holder community/clan of the land.

**Article 7 Dispute settlement**

1. Land disputes arising between pastoralists shall be settled under the customary dispute settlement system.
2. The Regional Government shall provide the necessary assistance to strengthen the customary dispute settlement institutions and to facilitate execution of judgment

rendered by the customary institutions. The detail will be provided in the regulation that shall be enacted to implement this Proclamation.

3. A party who is aggrieved with the decision of the elders under sub article 1 of this article may apply to the woreda court.
4. A party who is aggrieved with the decision of the woreda court under sub article 3 of this article may appeal to the high Court.
5. A party who is aggrieved with the decision of the High Court under sub article 4 of this article may appeal to the Regional Supreme Court. The decision of the Regional Supreme Court shall be final.
6. The decision of the Regional Supreme Court may be revised by the Cassation Court where there is fundamental error of law in the decision of the lower court.

#### **Article 8 Conserving and protecting natural resources**

The Regional government shall provide the necessary assistance to strengthen the customary natural resource protection and conservation system. The detail will be provided in the regulation that shall be enacted to implement this Proclamation.

### **Part 3**

#### **Ensuring the rural land use right of agro pastoralists**

##### **Article 9 Access to rural lands and use right**

1. Agro pastoralists have the right to use their communal grazing lands that they communally use.
2. The rights and duties guaranteed to pastoralists on their communal grazing land holdings are equally applicable to agro pastoralists' communal land holdings.
3. Any agro pastoralist resident of the Afar Regional State who is 18 years old above; and who intends to be engaged in raising animals; crop farming; and natural resource development activities; has the right to access to farm and grazing lands free of charge.
4. The land use right of agro pastoralists over their holdings has no time limit.
5. Women who intend to be engaged in raising animals, crop farming; and natural resource development activities have the right to access to and use farm and grazing lands free of charge.
6. The youth in rural areas who intend to be engaged in animal raising; crop farming; and natural resource development activities shall have the right to access to and use farm and grazing lands free of charge in communal or government land holdings found in their locality. The detail shall be determined in the regulation that shall be enacted to implement this Proclamation.
7. Husband and wife shall have equal right of use over their land holdings. The spouses' right to their private land holdings each of them had before marriage shall not be affected as consequence of the marriage. The detail shall be determined in the regulation that shall be enacted to implement this Proclamation.
8. Females heading their households/female headed households shall have the full right of use over their land holdings.
9. Rural women whose husbands are away from the locality and are in other places to render government services; or to do other work shall not lose their right of use over the joint/communal holding.

the land holdings shall indicate the areas of the land holdings; the land use of the land holdings; and their degree of fertility. After such information is gathered it shall be registered and deposited in the information centers that will be established at various levels in the region.

2. Maps that show the boundary demarcations of all land holdings surveyed and measured under sub article 1 of this Article shall be prepared by the competent authority.
3. Every land holder shall be issued with land holding certificates that shall be prepared by the appropriate authority. The land holding certificate shall show the size of the holding, land use of the holding, degree of fertility of the holding, neighboring boundaries of the holding; and rights, duties and responsibilities of the land holder.
4. Where the land holding is a joint property of the husband and the wife, the land holding certificate shall be prepared in the name of the joint holders, the wife and the husband. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
5. Female house hold heads shall be issued with land holding certificates for their land holdings in their own names.
6. Where the husband of a woman is away for government duty or some other purposes, the land holding certificate shall be prepared in the name of such wife; and shall be issued to her.
7. The land holdings of orphans may be surveyed, measured, and registered through their guardians. The land holding certificate shall be prepared in the name of the land holder orphan but may be deposited with the guardian.
8. The land holding certificate shall be updated or changed in the name of the new holder where a land holding is transferred.
9. Agro pastoralists shall be issued with a land holding certificate for their common grazing lands that they communally use. The certificate may be prepared in the name of the communal land holder and deposited with the representative of such community.

#### **Article 11 Transfer of land holding use rights through rent**

1. Agro pastoralists who are issued with land holding certificates have the right to rent out the use rights of not more than half of their land holdings to other agro pastoralists or to investors as the circumstances permit. The transfer may not result in the displacement of the agro pastoralist. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
2. The rent period where agro pastoralists rent out their land holdings shall be as follows:
  - a. The rent period where agro pastoralists rent out their land holdings to other agro pastoralists shall be up to five years.
  - b. The rent period where agro pastoralists rent out their communal; joint; or private land holdings to investors who produce annual crops shall be up to ten years.
  - c. The rent period where agro pastoralists rent out their communal; joint; or private land holdings to investors who produce perennial crops shall be up to 20 years.



10. Orphans shall have the right to use their land holdings through their guardians until they attain the age of 18.
11. The death or separation of one of a land holding spouses as a result of change of residence shall not cause the loss of the right of use of the family on the land holding of such spouses.
12. Agro pastoralists have the right to access to land that could be used communally for social, cultural, and religious purposes free of charge.
13. Any member of an agro pastoralist family has the right to access to rural land from his family through gifting; or inheritance; or allocation of grazing or farm land by the appropriate authority.
14. Every member of an agro pastoralist community of the Region who intends to be engaged in raising animals; crop farming; or resource development activities has the right to access to rural land free of charge where such person wishes to settle voluntarily in a resettlement program conducted by the Regional Government.
15. The family members of the elderly, the handicapped; and other infirm persons have the right to access to rural lands and to use of the holding rights.
16. The Government, as owner of rural lands, may transfer communal lands or joint holdings of the agro pastoralists into individual holdings as deemed necessary and in consultation and with the agreement of the agro pastoralists.
17. Agro pastoralists have the right to payment of fair and equitable compensation to the investment and improvements they made on land where their communal or individual land holdings are expropriated for public purposes. They shall also be entitled to get other lands as compensation to the expropriated land holding. The compensation to the land holder who is expropriated shall be calculated and made as follows:
  - a. Where the land is expropriated by the federal government, the amount of compensation shall be determined in accordance with the Federal law;
  - b. Where the land is expropriated by the Regional Government, the amount of compensation shall be determined in accordance with the regulation that will be enacted by the Region.
  - c. Notwithstanding the provisions of sub-articles (a) and (b) of this Article, agro pastoralists shall have the right to fair and equitable compensation where their grazing lands that is the basis of their livelihood is expropriated. The valuation of the expropriated grazing lands shall be based on the benefits the agro pastoralists derive from such lands. The detail shall be determined in the regulation that will be enacted to implement this Proclamation.
18. Land holdings shall not be redistributed more than once in order to enable the landless access to rural lands. This, however, shall not affect agro pastoralists' access to land holdings through inheritance, or other modes of transfers recognized by the law.

**Article 10 Surveying and registering of agro pastoralists' farm lands and issuing holding certificates to agro pastoralists**

1. Land holdings of agro pastoralists that are held communally or individually shall be surveyed, and registered using traditional or modern means of surveying and measurement equipments as the condition demands. The surveying and registration of

- d. Notwithstanding the provisions provided under sub articles a-c of Article 11 (2), the detail shall be provided in the regulation that will be enacted to implement this Proclamation.
3. Contracts agreed under sub articles (1) and (2) of Article 11 shall be of no effect unless the members of the family of the land holder or others who have share in the land use right give their consent to the rent agreement. The rent agreement shall be approved and registered by the appropriate authority. The rent agreements shall be registered:
  - a. In the woreda administration that has the power and function of registering such acts where the rent agreement is up to two years;
  - b. In the regional registration office that will be established to register such acts, where the rent agreement is for more than two years.

#### **Article 12 Rural land allocation and redistribution**

1. Where a situation is created that redistribution of rural land holdings is the only solution and there is no other alternative; the appropriate authority shall implement the redistribution. The redistribution of land holdings, however, may not be conducted in a manner that may result in fragmentation of land holdings that in turn brings about natural resource degradation; and that may result in making the redistributed land holdings below the minimum size allowed by law. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
2. Land holdings already held before the enactment of this Proclamation and that are beyond the maximum size of holding allowed under this Proclamation may be reduced to the maximum size allowed under this Proclamation and taken away by the appropriate authority. Such land holdings taken by the appropriate authority may be allocated to the landless and to those who have small size land holdings. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
3. Agro pastoralists whose land holdings may be lost as a result of irrigation projects shall have the right to access to lands in the irrigation area so that they could become beneficiaries of the irrigation project. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
4. Land holdings that belong to agro pastoralists who have left the area for good as a consequence of resettlement; or for other causes voluntarily; or if the agro pastoralist land holder dies and has no heir; shall be allocated to the landless; or to those pastoralists, and agro pastoralists whose land holdings are small.
5. Lands those are irrigable through irrigation projects that are built at the cost of government and/or non-governmental organizations; may be redistributed judiciously to members of the community. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
6. Communal or government land holdings that may be used for raising animals; crop cultivation; or other resource development activities; and that are not held individually; may be redistributed to landless youth in the locality and/ or to agro pastoralists of the locality who have small size land holdings.

**Article 13 Determining minimum size of land holdings and encouragement consolidation of land holdings**

1. Without prejudice to the land holdings of a family, either irrigable, or rain fed held previous to the enactment of this Proclamation, the minimum size of land holding that shall be allocated as of the effective date of this Proclamation shall be:
  - a. Not less than half of a hectare where the land to be allocated to pastoralists and agro pastoralists is irrigable land; and the irrigation scheme is developed by government or/and non-governmental organizations;
  - b. Not less than a hectare where the land is to be used for rain fed agriculture;
  - c. Without prejudice to sub articles 1(a) and 1(b) of this Article, the maximum size of land holding, whether irrigation land or rain fed, of an individual family shall be determined on the basis of study and research that takes the economic and social conditions of the locality; and also the fertility of the land into account. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
2. Where the size of a rural land holding that is to be transferred through inheritance is to be less than the minimum size allowed under this Proclamation when partitioned among the successors, such successors shall use such land holding jointly or may find other alternatives that may not result in the fragmentation the land holding. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
3. Where a joint land holding husband and wife are divorced, they may not partition the joint/common land holding if the partition results in making the share of each holder less than the minimum size allowed under this Proclamation. In such cases the land holding shall be used jointly by the divorcees. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
4. Consolidation of land holdings shall be encouraged to be undertaken by agro pastoralists with their full consent and participation in order to bring about small size farm holds together so that such holdings will be convenient for investment and development. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
5. Information concerning the consensual exchange of land holdings between agro pastoralists that have the effect of consolidation shall be disseminated by the appropriate authority in the woreda so as to raise the awareness of other agro pastoralists. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
6. Resettlement programs that are undertaken with the consent and participation of agro pastoralists shall be based on the principles of consolidation of land holdings. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.

**Article 14 Transfer of rural land use rights**

1. Land holders have the right to establish partnership agreements that have the objective of agricultural development, animal husbandry; or other natural resource

development activity with investors; by contributing their use right that they have over their rural land holding as share contributions. The partnership agreement shall be approved and registered by the appropriate authority. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.

2. Agro pastoralists have the right to bequeath their rural land use rights to their family members.
3. Any rural land holder having a land use right may transfer the property he produced on the land through sale, pledge, gifting, bequeathal, or exchange to another person.

**Article.15 Rural land dispute settlement**

1. Where a dispute arises between land holders over a rural land holding, the complaining party shall submit a petition to the kebele administration. The kebele administration shall cause elders to be elected by the disputants or otherwise who shall resolve the dispute through arbitration or conciliation.
2. A party who is not satisfied with the decision of the arbitrators may file an application to the woreda regular court.
3. A party, who is aggrieved by the decision of the woreda court under sub article 2 of this Article 15, may appeal to the High Court.
4. A party, who is aggrieved with the appellate decision of the High Court under sub article 3 of this Article, may appeal Regional Supreme Court. The decision of the Regional Supreme Court shall be final.
5. Final decision given by the Regional Supreme Court under sub article 4 of this Article may be revised by the Cassation division where the decision is believed to have been affected by fundamental error of law.

**Article 16. The right of other persons to use rural lands**

1. Giving priority to agro pastoralists:
  - a. Investors who intend to be engaged in animal husbandry, crop cultivation; or other natural resource development activity shall have the right to access to rural lands on the basis of investment policies and laws enacted by the Federal or Regional governments.
  - b. Government and non-governmental organizations; and civic and economic institutions shall have the right to access to rural lands on the basis of and in line with the development plans and goals adopted by the Region.
2. The duration of the rural land use right of other land holders shall be limited by time. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
3. A lessee who leased rural land holding has the right to transfer his land use right through mortgage.
4. Any land holder has the right to transfer by sale; exchange; gifting; bequeathal; mortgage or pledge the property he produced on his land holding with his labor or money.
5. No private person or legal person may hold and use rural lands without having a rural land holding certificate.

**Article 17. Measurement, registration and issuance of holding certificates to land holders other than pastoralists and agro pastoralists**

1. Land holdings that are under the holdings of government and non - governmental organizations shall be surveyed, measured and registered in a traditional or modern way as conditions require. The size, the land use, and the degree of fertility of such land holdings shall be identified and registered at registration centers that will be established at various levels.
2. Government, non-governmental organizations, civic and economic associations shall be issued with land holding certificates for their respective rural land holdings.
3. The appropriate authority shall register and maintain rural land information system that indicates the name of the rural land holder, the neighboring boundaries of the holding, the land use of the holding, the degree of fertility of the land holding; the duties and responsibilities of the land holder.
4. Rural land holdings that are leased or rented out shall be registered by the appropriate authority. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.

**Part 4**  
**Duties and Obligations of Rural Land Holders and Land Use**  
**Restrictions**

**Article 18. Duties of rural land users**

1. Persons who have rural land use rights have the duty to pay land use tax according to the type of the land use of the land holding, (grazing, crop cultivation, etc.); and also other considerations. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
2. The rural land holder has duty to properly protect and conserve his land holding. The land holder may lose his land holding right where the land is degraded as a consequence of the failure of the land holder to protect and conserve his land holding. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
3. The land holder has the duty to allow easements such as irrigation pipes or other infrastructure that need to be installed; or require passage over his land holding. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
4. The land holder has the duty and responsibility whenever required by the appropriate authority to actively participate and cooperate with the rural land registration authorities that survey, measure, and register his land holding.
5. The land holder, when abandoning his land holding on own consent, has the duty to inform the appropriate authority; and he has also to return back the land holding certificate. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
6. Land access requests and land development plans submitted by individuals; government and non-governmental bodies shall be favorable to the environment and may not undermine the eco system or the environment. Where the environment is adversely affected by such land holders, they shall be subject to penalty according to law; and shall be obliged to rehabilitate the land to its previous condition. The detail

shall be provided in the regulation that will be enacted to implement this Proclamation.

7. Every investor has the duty and responsibility to protect and conserve the land he holds by lease or rent agreement from land holders. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
8. Every individual or legal person who is holding lands as a result of a lease or rent agreement has the duty and responsibility to undertake land conservation and protection measures on such holdings within the currency of the lease or rent agreement. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
9. The Regional Government shall establish a system of incentives that is based on research and study to encourage pastoralists and agro pastoralists who use their land holdings and undertake protection and conservation measures on their land holdings.

**Article 19. Factors that may cause loss of land holding**

1. Land holding rights may be lost as a result of the expropriation of the land holding by the government for higher public purposes with the consent and participation of the community. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
2. Land holding rights may be lost as result of the miss handling of the land and exposing the land to degradation and deterioration of the land holding. The land holder may lose his holding right if the damage to the land holding is egregious and cannot be remedied by imposition of penalty.
3. Land holders who without sufficient cause fail to develop their lands; or allow their land holdings fallow beyond the time limit stipulated by the appropriate authority, may lose their land holding rights. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.

**Article 20 Preparing rural land use plans; and proper use of sloppy, gully, and wetlands**

1. A guiding master land use plan which takes in to account soil type, land form, weather condition, plant cover and socio economic conditions and which is based on water shed approach, shall be developed by the competent authority and implemented.
2. An equitable water use system shall be established between upper and lower riparian communities.
3. In any type of rural land where soil and water conservation measures have been undertaken a system of free grazing shall be prohibited and a system of cut and carry feeding shall be introduced step by step.
4. The management of rural lands the slope of which is less than 30 percent shall follow the strategy of soil conservation and water harvesting. The details shall be enacted in the regulation that will be enacted to implement this Proclamation.
5. Development of annual crops on rural lands that have slopes between 30-60 percent may be allowed only through making bench terraces.
6. Rural lands, the slope of which is more than 60 percent; shall not be used for farming and free grazing; they shall be used for development of trees, perennial plants and forage production.

7. Rural land of any slope which is highly degraded shall be closed from human and animal interference for a given period of time to let it recover, and shall be put to use when ascertained by the appropriate authority.
8. Rural lands that have gullies shall be made to rehabilitate by private and neighboring holders and, as appropriate, by the local community, using biological and physical works.
9. Rural lands that have gullies and are located on hilly areas shall be rehabilitated and developed communally and as appropriate by private individuals.
10. The biodiversity in rural wetlands shall be conserved and utilized as necessary, in accordance with a suitable land use strategy. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
11. Rehabilitation plans shall be designed to rehabilitate degraded communal land holdings; and shall be rehabilitated with the participation of the community. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.
12. Lands that are designated as forest lands, wild life sanctuary, soil development and conservation, mining development and as historical sites shall be given adequate protection in order to sustainably preserve them with their entire eco-systems. Such protected and preserved lands shall be administered by the appropriate authority that shall be established by law.
13. The local community shall have the right to use forest resources that are not woods, such as gums and incense, etc. found in government holdings. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.

## **Part 5**

### **Miscellaneous**

#### **Article 21 Responsibilities of the authority that will be established to implement this Proclamation**

1. The authority shall be responsible for the establishment and strengthening of rural land administration institutions at various levels.
2. The authority is responsible to seek and create cooperation and collaboration with other relevant institutions; it shall also provide the necessary training and support to such institutions in order to effectively implement this Proclamation.
3. The authority has a duty to analyze information gathered at woreda level and through monitoring and evaluation; and on this basis shall submit proposals for the incorporation of new ideas and working methods for the betterment and improvement of the institution.
4. The authority shall be responsible to lay a system that enables the exchange of information on rural land administration and use between federal and the Region; and also between the woredas in the Region.
5. The authority shall be responsible to establish kebele land administration committees. The detail shall be provided in the regulation that will be enacted to implement this Proclamation.

6. The authority shall cause the designing of strategy that shall strengthen voluntary resettlement and villagization programs that will enable provision of social services and the creation and establishment of a better rural land use system.

**Article 22 Functions and responsibilities of the rural Kebele Land Administration Committees**

1. The rural kebele land administration committees that shall be established at kebele level shall have the responsibility to implement this Proclamation in collaboration with the person assigned or designated by the competent authority at kebele level. The functions and responsibilities of the Kebele Land Administration Committee are:
  - a. In cooperation with the land administration and use organ that will be established at woreda level, the Kebele Land Administration Committee shall administer land in the kebele, and in collaboration with the land administration institution that will be established at woreda level; with the participation of the community, it shall cause decisions on land use to be made.
  - b. The Kebele Land Administration Committee shall entertain applications regarding land matters and shall make decisions according to their submission and in cooperation with the community.
  - c. On the basis of directive given to it by the Regional competent authority, the Kebele Land Administration Committee shall maintain register of all land holders (who are issued with land holding certificates and who have not received one) in the kebele.

**Article 23 Duty to cooperate**

Every person has a duty to cooperate with relevant bodies that implement this Proclamation.

**Article 24 Penalty**

Any person who violates this Proclamation or the regulations and directives issued for the implementation of this Proclamation shall be punished under the applicable criminal law.

**Article 25 Repealed and inapplicable laws**

No law, regulation, directive or customary practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for in this Proclamation.

**Article 26. Power to issue regulation and directive**

1. The Regional Council shall issue a regulation to implement this Proclamation.
2. The institution that will be established to implement this Proclamation may, on the basis of this Proclamation and the regulation that shall be enacted to implement this Proclamation, issue a directive.

**Article 27. Transitional provisions**

1. All land disputes that are pending shall be decided on the basis of the provisions of this Proclamation.
2. All rights and duties relating to rural land matters that are guaranteed by other laws shall be applicable so far they are consistent with this Proclamation.



**Article 28. Effective date**

This Proclamation shall enter into force on this 16<sup>th</sup> date of July, Month, 2009

**Ismael Ali Serro**  
**President of the Afar national Regional State**