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Title: Impacts of Condominium Housing Development (CHD) on the property rights and tenure security of smallholder farmers in peri-urban area of Addis Ababa

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Title

Impacts of CHD on the Property Rights and Tenure Security of Smallholder
farmers in Peri-urban Area of Addis Ababa

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Abstract

Addis Ababa City Administration is implementing various Condominium Housing Development (CHD) projects in its outskirt peri-urban area. Nevertheless, so far there has been no study conducted to specifically explain impacts of CHD on the property right and tenure security of smallholder farmers in the study area. The study explains the impacts of CHD on the property right and tenure security of smallholder farmers in the peri-urban area of Addis Ababa taking Koye Fache and Bole Arabsa localities as the case study. The study used a qualitative approach to collect the required data and, hence, both secondary and primary methods of data collection were employed. The secondary method used includes desk review of the relevant secondary, as well as analysis of unpublished primary documents, was conducted. The primary data collection methods employed are in-depth interviews and FGDs. In-depth interview and focus group discussion (FGD) was conducted displaced smallholder farmers. A total of 22 in-depth interviews with affected farmers and officers working in government agency and two (2) FGD were conducted with affected farmers. The finding of the study was analysed using qualitative methods of analysis.

The study found out that, expropriation of agricultural land in the peri-urban area for CHD caused the transformation of landholding system from unlimited freeholding rights to public land leasing system in the study area. As a result, the smallholder farmers in the peri-urban area were forcefully displaced from their property they held for generations and lose their use rights and tenure security in the study area. The study also reveals that the expropriation of land for CHD in the peri-urban area was implemented without informed consent and genuine participation of smallholder farmers in the study area. The study revealed that there was a high prevalence of the problem of governance expressed regarding forced land acquisition without smallholder farmers consent and participation for CHD. Also, unfair compensation was provided for displaced smallholder farmers not based objectively on available legal frameworks rather official's judgments and goodwill in the study area. Thus, the government did not neither protect their property rights and tenure security nor provide fair compensation for their expropriated properties.

The study revealed that there is no separate legal framework governs acquisition of land for CHD in the peri-urban area. Farmers residing in urban and rural areas are guided by the same existing legal frameworks regarding the land acquisition for development endeavours. The study also found out that, lack of single responsible organization for managing land acquisition for CHD, but the existing agencies accountable for availing land for other development activities are undertaking are shouldering the task with dual responsibility leading lack of concern for the displaced farmers for CHD projects. Also, the low commitment of government officials to implement the existing laws and regulations for land acquisition and lack of organized community organization within displaced smallholder farmers aggravated effects of CHD on the property right and tenure security of displaced smallholder farmers in the study area. The study found that the deterioration and reduction of smallholder farmers property rights was not as a result of change in tenure system rather change in landholding system from freeholding to public leasing due to CHD in the study area.

Keywords

Property Right, Land Tenure, CHD, Compensation, Expropriation, Smallholder Farmers

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Abbreviations

CHD	Condominium Housing Development
ETB	Ethiopian Birr
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focus Group Discussion
ULMDO	Urban Land Management and Development
TPTAPO	Transitional Period Tenure Administration Project Office

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Chapter 1: Introduction

1.1 Introduction

This chapter covers background of the study, problem statement, research objectives, research questions, significance of the study and scope and limitations of the study.

1.1.1 Background

Africa is the least urbanized region with highest urbanization rate in the world. In the year between 1995 and 2015, Africa was most rapidly urbanizing region with urban population growth rate of 3.44 percent which is highest compared to Asia, Latin America, Europe, and North America (Habitat, 2010, Habitat, 2016). In 2011, East Africa had the lowest number population living in urban area. From 2010 to 2020, urban population growth rate of the region was projected to be 5.35 percent which is the highest relative to another region of the continent. In 2010 East Africa urban population was 21.4 percent, but in 2050 it projected to be 42.9 percent. Ethiopia is one of the least urbanized countries in East Africa with 17 percent of the population living in urban area. According to Habitat (2014) despite low urbanization, in 2050 Ethiopia urban population is estimated to reach 41.9 million which was 4.234 million in 2010. In 2014, the population of Addis Ababa city was 3.5 million. The population number is projected to reach 4.705 million by 2025. In 1984 the size of the city covered 224 km² whereas in 2014 the city size grew twice and became 540 km². By the year between 2010 to 2020, Addis Ababa city was estimated to have the annual growth rate of 3.30% which is the third rapidly growing primate city in East Africa following Dar es Salaam and Nairobi (Habitat, 2014). The projected population growth is continuing to put pressure on peri-urban areas to encounter the growing requests of land for housing and other urban development purposes.

Like other Sub-Saharan Africa, in Ethiopia, natural population growth and rural-urban migration are forcing the city to expand horizontally. Growing population requires additional land for housing and other urban uses. The tendency to accommodate increasing population through expropriating peri-urban land nearby to municipal boundary leads to peri-urbanisation (Adam, 2014a). Peri-urbanization is defined as course of changing social, economic, and physical conditions of communities between urbanized city and dominantly agricultural rural area (Tian, 2015), courses of action and situations of transforming old rural ways order to new and privileged urban order (Abramson, 2016), process of converting agricultural land to non-agricultural uses (Cobbinah, Gaisie, et al., 2015). In peri-urban area growing urbanization inevitably affect the existing tenure arrangement and land use rights of indigenous smallholder farmers (Adam, 2014a). Though there are no explicit tenure system and standardized land use rights over property, peri-urban area is known by its changing land use rights of landholders, dynamic tenure arrangements, and evolving institutions governing land ownership ((Payne, 2001, Adam, 2014a, Van Asperen, 2014).

Property rights in the peri-urban area are evolving as tenure system, and governance system of land is changing. Property rights are defined as “a recognized interest in land or property vested in an individual or group” (Payne, 2001), rights individuals/groups have or attain over the use of properties (Musole, 2009), and property right exists if and only if there is connection between landholders and land (Adam, 2014a). Property can be owned by the state, individuals, and community, and behaviours of property owners determine what types of the right have to be exercised (Bromley, 1989). Property rights and their characteristics vary between urban and

rural area. Rural landholders use holding rights for the unlimited period. Agricultural free land holding is neither sold nor transferred except through inheritances to the family members. Landholders have the right to use and rent land for family members only for agricultural purposes. Whereas, public landholder exercises lease rights for the limited time based on lease contract between government and leaseholders. Leaseholders have use/develop, donate/transfer, mortgage and sell rights. Landholders in the peri-urban area have the right to exercises unlimited holding right of land the same as rural landholders. But in practice, if the property is required for development, indigenous landholder probability to be displaced from his property is 100 percent. For example, in Ethiopia, the government have eminent domain to evict the indigenous landholders by the name of public development purposes (Adam, 2014a, Adam, 2014c). Land tenure system determines bundle of property rights of landholders (Payne, Durand-Lasserve, et al., 2009, Payne, 2001, Van Asperen, 2014).

Urban growth in Ethiopia goes together with growing urban sprawl which results in the change of prime agricultural land to urban land (van Dijk and Fransen, 2008). Most often, inadequate compensation negatively affects smallholder farmers in the peri-urban area. According to van Dijk and Fransen, (2008) dual system of land management triggers complexity of the peri-urban area. The free holding system holds rural land under customary tenure system. Whereas, the urban property is owned by lease system under private tenure system (Adam, 2014c, Habitat, 2014). There are three primary laws governing land issues in Ethiopia (van Dijk and Fransen, 2008). These are, the law governing ownership and control (FDRE constitution, 1995), the law concerning with land delivery issues (Lease proclamation no.272/2002), and law concerning land re-acquisition (expropriation proclamation 455/2005). The authors stated that laws governing the land in Ethiopia are founded on the premises that state has complete and total control and ownership over both rural and urban land.

Evolving political, social, economic and physical conditions in the peri-urban area require the clear understanding of triggering factors influencing property rights and tenure security of smallholder farmers. Specifically, it is essential to know to what extent CHD has an impact on property rights and tenure security of smallholder farmers. Also, it is critical to see the existing property rights and tenure system of smallholder farmers, relationships between property rights and tenure security, legal and Institutional frameworks implemented in the land acquisition, and governance problems in land acquisition for CHD in the peri-urban area. To explain and analyses impacts of CHD on property rights and tenure security of smallholder farmers, CHD in the Koye Fache and Bole Arabsa peri-urban area of Addis Ababa was selected as the case-study.

1.1.2 Problem Statement

Peri-urban smallholder farmers are facing growing displacement, low tenure security, and loss of property rights on land with little or no compensation. In Ethiopia there is growing urbanization trends with the significant increase of population growth and spatial coverage of the urban area. Rapid urbanization growth causes increased demand for land and housing. Peri-urban areas are a preferable place to accommodate the rapidly growing needs for land and housing. As a result of urban expansion, property rights and tenure security of indigenous landholders are expected to be endangered and replaced by other people who can afford the increasing prices of land to be paid by leasing (Adam, 2014c, Adam, 2014a). Increasing land prices is the central factor moulding the physical and socio-economic conditions of peri-urban areas (Shatkin, 2016). Leasing peri-urban land for residential housing and expropriating agricultural from smallholder farmers for social housing programs are the two primary policy

interventions by government to address increasing land and housing demands of rapidly growing urban population dominantly in peri-urban areas (Adam, 2014b). Increasing competition between agricultural and urban uses is caused by alarmingly growing of the people living in urban area. And increasing demands for land and housing is planned to be encountered by expropriation and forced relocation of the indigenous landholders using leasing of peri-urban land to most affording people (Adam, 2014c). The implication of competition over relatively cheap and undeveloped peri-urban land is associated with the transformation of property rights and tenure system of indigenous farmers. Acute shortage of land and booming rent in the city leads a rush for land expropriation and speculation in the peri-urban areas. Residential housing development and other non-agricultural activities compete over cheap land in peri-urban areas involving in authorised and unauthorised property formation (Adam, 2014c).

Conversion of peri-urban land from agricultural to non-agricultural activities affects the land ownership of indigenous farmers. “All land in Ethiopia is owned by the state and granted to the people withholding right, and the landholding arrangement is dichotomized into rural and urban systems. In-between urban and rural spaces, there is a transitional peri-urban agricultural area on which growing urbanization has been exerting unprecedented pressure” (Adam, 2014a). Developers and landholders enjoy the limited bundle of development rights on land (van Dijk and Fransen, 2008). The enjoyment of bundles of right from peri-urban land is worst and complicated due to unclarity of either land tenures or who own the plots of land. The government has the ultimate power to expropriate and force the relocation of indigenous landholders from their land for urban expansion and development or any other public reasons (Adam, 2014c). According to Adam (2014c), the increasing land use change in peri-urban area is due two main factors. The first element is the expropriation and forced the relocation of indigenous landholders by the government for urban development purposes. The second one is selling of agricultural land through the informal land market by indigenous landholders themselves. Indigenous landholders sell their agrarian land rights because of the fear of future expropriation and forced relocation by the government (Adam, 2014c).

Addis Ababa as primate city is rapidly growing both in population and space. Population growth and rapid physical expansion of the city inevitably puts pressure on peri-urban land which in turns affects smallholder farmers property rights and tenure security. The inefficiency of land patterns and conflict over the peri-urban area is caused by failed western based instruments of land use management, and government-driven policies (van Dijk and Fransen, 2008). The authors explained that the efforts made by the government to control urban sprawl and unlimited land use in the peri-urban area failed. As a result, it is not only low-income groups involving in tapping advantages of the relatively low price of land in urban interfaces, but also middle and high-income groups are actively engaging in land speculation. Most importantly, profit-motivated developers significantly take advantage of maximum profits and low development costs in the peri-urban area. Van Dijk and Fransen (2008) stated, most of the agricultural land transformation in the peri-urban area is for residential housing development. The authors added that housing units of 30,000 to 60, 0000 are constructed in the peri-urban area of Addis Ababa, and around 600,000 population are accommodated from residential housing development. The land acquired for residential housing development accounts more than 90% of others use in the peri-urban area of Addis Ababa.

Addis Ababa city administration initiated and launched condominium housing development (CHD) projects since 2005. CHD projects are taking place both in the inner city and the peri-

urban area of Addis Ababa (Fransen, Kassahun, et al., 2010). Residential housing development in the peri-urban area is taking extensive amount agricultural land of smallholder farmers. As a result, indigenous farmers have expropriated their farmland and indeed forced to displace from their estate. Research is done on the impact of CHD on the property rights, and tenure security of smallholder farmers are limited. Therefore, this study aimed at analysing and explaining the qualitative understanding of how and to what extent CHD has affected the property rights and tenure security of smallholder farmers. Further, the study aimed at analysing and explaining the existing property rights and tenure system of smallholder farmers, relationships between property rights and tenure security, legal and institutional frameworks implemented in the land acquisition, and governance problems manifested in land acquisition for CHD in the peri-urban area of the study area.

1.1.3 Research Objectives

To explain the impact of the Condominium Housing Development (CHD) on the property rights and tenure security of smallholder farmers in the peri-urban area of Addis Ababa.

1.1.4 Research Question

1.1.4.1 Main Research Question

To what extent does the Condominium Housing Development (CHD) have an impact on the property rights and tenure security of smallholder farmers in the peri-urban area of Addis Ababa?

1.1.4.2 Sub-Research Questions

1. What are the existing property rights and tenure system of smallholder farmers in the peri-urban area of Addis Ababa?
2. In what ways does governance problems manifest in land acquisition for Condominium Housing Development (CHD) in the peri-urban area?
3. How does the legal and institutional framework implemented in the land acquisition for Condominium Housing Development (CHD) in the peri-urban area?
4. What are the relationships between property right and tenure security of smallholder farmers in the peri-urban area?

1.1.5 Significance of the Study

The study explains the impacts of CHD on the property rights and tenure security of smallholder farmers in the peri-urban area of Addis Ababa. It covers effects on the landholders (smallholder farmers). In order understand the impacts of CHD on the property rights and tenure security of smallholder farmers qualitative approaches are applied. This in turn helps to fill methodological gaps in studying land acquisition and associated issues in peri-urban area. This study is multidisciplinary touching land use planning, economic, social and political aspects of the land in peri-urban area. So, it informs policy makers, planners, politicians and other development actors about land development, property right, and tenure security nexus in the peri-urban area. Further, the study helps the government to formulate explicit laws governing land acquisition, and formulate separate agencies with clear responsibilities to manage land acquisition to protect and maintain property rights and tenure security of

smallholder farmers in the peri-urban area. This helps to formulate equitable land development policy in peri-urban area so that the livelihoods of smallholder farmers in peri-urban area can be improved as well. Apart from this, the study will enhance the academic understanding of changing and multifaceted concepts of land development in peri-urban area so that it helps to instigate further research on the issue.

1.1.6 Scope and Limitations of the Study

Even though CHD is taking place all over the city of Addis Ababa, spatially, the study was limited to peri-urban area of Addis Ababa namely Koye Fache and Bole Arabsa localities where there is high expropriation of agricultural land for CHD. Despite, peri-urban area smallholder farmers are facing various socio-economic, cultural and environmental problems due to urbanization, thematically the study was delimited to explaining impacts of CHD on property rights and tenure security of smallholder farmers in the study area. Specifically, the study focuses on analysing and explaining existing property rights and tenure system of smallholder farmers, governance problems in land acquisition, relationships between property rights and tenure security, and legal and Institutional frameworks implemented in land acquisition for CHD in the peri-urban area.

In the study area there are various urban development activities in addition to CHD. These are industrial development, private real estate development, etc. However, this study was limited to CHD by government in Akaki Kaliti and Bole sub-city of Addis Ababa peri-urban area. The study did not focus on private housing development in the study area. The main reason why the study targeted CHD was that it is highly expanding and dominant urban development activities in the study area. The rate of CHD expansion in Akaki Kaliti and Bole sub-city peri-urban area is much higher than other parts of peri-urban area in Addis Ababa.

Chapter 2: Literature Review / Theory

2.1 Introduction

Under this chapter relevant literatures on the property rights and land tenure are discussed. It started with concepts of peri-urbanization, peri-urban land governance, and peri-urban land development. Following this, land expropriation and compensation, property rights, tenure security and economic development, property rights and tenure security in peri-urban area, and conceptual frameworks are examined and presented.

2.2 Peri-Urbanization

Peri-urbanization continues to be a controversial concept in the world. There is no universal understanding by scholars on the definition of peri-urbanization. Peri-urbanization is defined as a course of changing social, economic, and physical conditions of communities between the urbanized city and dominantly agricultural rural area into urban and it includes a shift from agriculture to non-agricultural economic activities (Tian, 2015). Abramson (2016) defined peri-urbanization as the confused spaces, courses of action and situations of transforming old rural ways of social and physical order to new and privileged urban social and physical order (Abramson, 2016). Peri-urbanization is the process of converting agricultural land to non-agricultural uses and transforms demographic and physical characteristics and livelihoods of rural area and communities (Cobbinah, Gaisie, et al., 2015). Peri-urbanization results in the quick change in socio-cultural conditions through mixing the rural lifestyle with urbanities, and geographical setting by combining rural landscape with urban features (Woltjer, 2014). The local municipal government is the critical actor in the peri-urbanization through converting rural land to urban land for manufacturing industry expansion, residential and other non-agricultural uses (Cobbinah, Erdiaw-Kwasie, et al., 2015, Shatkin, 2016, Tian, 2015).

According to Woltjer (2014), the drivers of peri-urbanization are mainly growing foreign direct investment and a large number of claims of land use in the peri-urban area. Low production cost, availability of large plots of land and agglomerations of manufacturing industries attract foreign direct investment to the peri-urban area. Whereas, less pollution, smooth traffic flow, high safety and the cheap agricultural land of peri-urban area attract development of residential housing for middle and high-income groups of the urban population (Woltjer, 2014). Despite this, the force behind peri-urbanization also varies among countries. For instance, in China, peri-urbanization is caused by expansion of manufacturing industry which require extensive land in the peri-urban area (Tian, 2015), and migration, urbanization and industrialization of the rural area (Simon, 2008). Whereas in Ghana peri-urbanization involves alteration of prime agricultural land to dominantly residential use and other due to low land value, high demand and physical proximity to the urbanized area of the city (Cobbinah, Gaisie, et al., 2015). ‘Population growth, uneven physical development and rural-urban migration due to limited livelihood options in the rural area and perceived employment opportunity in the urban area, and increasing insecurity due to decreasing agricultural products’ are triggering factors for peri-urbanization (Cobbinah, Erdiaw-Kwasie, et al., 2015). Taking land as objects to be exchanged and transacted with cash in peri-urban land due to escalating prices of land and increasing demand for property by growing population causes unplanned and natural integration of peri-urban area into the urban physical setting (Malizani, 2012). Further, land monetarization by which government extract income from increasing land values to finance public services to the citizen is another peri-urbanization mechanism (Shatkin, 2016). Shaktin narrates peri-

urbanization “as one of violence and dispossession, in which governments act as collaborators to the demolition of communities, environments and livelihoods at the hands of capital” (Ibid).

Different scholars discuss different contradicting views of peri-urbanization and its concomitant impact on the peri-urban environment and communities. Pro peri-urbanization scholars argue that peri-urbanization generate opportunities including intensification of agriculture on small land, market accessibility, alternative income generating activities, and better physical and social infrastructures, improved social services to peri-urban farmers (Cobbinah, Gaisie, et al., 2015, Oduro, Adamtey, et al., 2015). Pressure from peri-urbanization does not destroy agricultural activities in peri-urban areas instead it enables agrarian activities to ‘endure and transform’ (Woltjer, 2014). Whereas, scholars against peri-urbanization argue that peri-urbanization results in land fragmentation in peri-urban area (Tian, 2015), shortage of farming land, destructing extended family ties and insecurity of livelihoods activities due to reduced agricultural products (Cobbinah, Gaisie, et al., 2015), displacement of indigenous farmers from their land (Shatkin, 2016), and urban sprawl and informal settlement (Cobbinah, Erdiaw-Kwasie, et al., 2015). Though different scholars argue differently about pros and cons of peri-urbanization, there is a universal consensus on adverse consequences of peri-urbanization on prime-agricultural land in peri-urban land owned by smallholder farmers.

2.3 Peri-Urban Land Governance

Land governance closely associated with land registration, property rights, and land tenure. Significant countries in the world are experiencing poor governance in land management. And the public body has independent power to exercise so that they can easily abuse their power to intervene in an illegal acquisition of land by dominant group ignoring property rights and tenure security (Deininger and Feder, 2009). According to Deininger and Feder 2009, “governance with reliable lawful and established basis, broad access to information, and competent and impartial institutions (for example, courts and an honest bureaucracy) to enforce rights - is critical for making property rights effective and ensuring that positive impacts from land administration interventions can be realized” (Deininger and Feder, 2009). Thus, there is growing importance of governance to ensure that there are clear property rights and legal and institutional grounds contributing to the intended outcomes of land facilitating the way by which the influential groups in the community exploit the rights of marginalized groups of society (Deininger and Feder, 2009).

Growing urbanization is challenging peri-urban land governance capability of local governments. The limited capacity and potential of local government, high adaptive capacity of peri-urban land to other uses, multifunctionality and dynamisms of peri-urban land, uncertain and open-minded governance circumstances over peri-urban land, and variety of conflicting interests complicate the issues of governance in the peri-urban area (Hedblom, Andersson, et al., 2017). The inherent and unclear power of central and local government, dynamic nature of authority and sources of authority to manage peri-urban land in another cause for prevailing poor land governance (Kihato, Royston, et al., , 2013). To address the overlapping governance and growing need for comprehensive systems of new land governance, Hedblom, Andersson, et al. 2017 suggests the following.

1. Raising the consciousness of urban planners, citizens and peri-urban dwellers about the impact of peri-urbanization on socio-economic and physical settings.
2. Facilitating discussion ground to enable stakeholders to participate in the pro-active plan to reduce the likely effects of peri-urbanization so that the peri-urban communities will be benefited from local change and governance.

Complementing governance with legal and policy reforms enables to improve land governance in property rights and tenure security (Deininger and Feder, 2009). According to Hedblom, Andersson, et al., 2017, to change the problem of governance in peri-urban land there is a need to improve existing perception of considering the peri-urban land as transition zone between city and rural area subject to unplanned development to land with significant consideration for its power and importance for both rural and urban inhabitants. Further, it is essential to make peri-urban land governance explicit by focusing on needs of an indigenous community (Hedblom, Andersson, et al., 2017). Woltjer (2014) also suggest strengthening local government capacities, rescaling or adapting boundaries to meet the needs by urban dynamics, and strengthening regional or metropolitan coordination at regional and cross-municipal level is very important to solve multifaceted and dynamic peri-urban land governance (Woltjer, 2014). Kihato, Royston, et al., (2013) stated that even though government agents, legal grounds, and land ownerships are essential in peri-urban land governance, considering the social legitimacy from which the power to govern the land is emanating is very important. Land governance is not solely the products of government and laws instead it is results of government, laws and non-government stakeholders with different stages of recognitions. Despite the fact that state is the foundation of land governance, the government is not the only powerful to govern land, and origins of governance should recognise the existence of comparative authority of different states of influence and the various governing instructions (Kihato, Royston, et al., , 2013).

2.4 Peri-Urban Land Development

Urbanization is the main reason for growing request of land for development in both developed and developing countries. Growing regional economic growth and industrialization is triggering factors for peri-urban land development. A peri-urban area serves explicitly as space for medium and high-income residential housing development. Also, Woltjer, 2014, explained four justifications for peri-urban land development. The first one is the economic change in the peri-urban area manifested through high demand for transformation of the agricultural based economy to mechanized manufacture dominated economy. The second one is spatial innovations demonstrated through environmentally friendly land uses and clustered development. The third one is public identity by which there is a process of changing rural agricultural identity to non-agricultural identity. And the fourth one is functional and social decomposition of the peri-urban area by which urban ways of life is rapidly spreading outside urban boundary and put pressures on rural livelihoods as the urban area continues its horizontal expansion (Woltjer, 2014).

In most developing countries, land for development to accommodate growing urban population encountered by expropriating prime agricultural land in the peri-urban area through expropriation (Ding, 2007). The motivation behind land expropriating also includes generating income for financing public infrastructures, distribution of benefits, social housing development, the land value improvement, and inner-city redevelopment (Adam, 2015, Hong and Brain, 2012). Peri-urban development leads to rapid, extensive, and uncontrolled land use change from rural land to urban land uses with a substantial effect on rural economic conditions. As a result, land conversion in the peri-urban area tends to bring considerable impacts regarding reducing agricultural employment, prime agricultural land, and food production of smallholder farmers in the peri-urban area (Woltjer, 2014).

Land development tool mostly practising in developing country is through land expropriation. Land expropriation is the powerful land development tool without the participation and goodwill of the landowners. The implementation of the land expropriation involves

marginalization of poor community through displacement from their land, and it is against the property rights of the landowner (Hong and Brain, 2012). It is the traditional land development tool in most of developing country where the government has free and exclusive power over land (Adam, 2015). In China, the motivation behind forceful land expropriation is to get revenues from land development to finance public infrastructures (Lin and Yi, 2011). The public in China is considering land as the object for exchange for cash through land monitorization policy to finance public infrastructures (Shatkin, 2016). The same is true in Ethiopia where the government is solely controlling both urban and rural land, and the power of land expropriation guaranteed by the constitution of the country by the name of public interests (Adam, 2015, Adam, 2014c, Ambaye, 2015).

2.5 Land Expropriation and Compensation

2.5.1 Land Expropriation

Economic improvement requires additional land for development. To allocate land needed for development, most of developing country expropriate privately owned property for public interests. Acquisition of land through expropriation is a means to extend public authority over the development of the area or is an instrument by which the public accumulate land to answer problems of land limitation required for development (Yirsaw Alemu, 2013). Land acquisition through expropriation is “administrative process, through which privately/collectively owned rural land is converted to state-owned urban land” (Song, Wang, et al., 2016). Land expropriation works on either transforming individually/collectively owned land to publicly owned property. After the area expropriated, local government can use monopolistic authority to sell to developers at a high price (Ding, 2007).

Land expropriation has terrible consequences if not properly managed. Cernea (1996) identified some implications of displacement as a result of land expropriation. First, expropriation causes landlessness through displacing landholders from their natural and human-made capital. Second, joblessness follows the displacement of landholders from their land on which most of the life of landholders depend. Thirdly, homelessness is inevitable consequences of expropriation for most displaced landholders through loss of shelter provisionally or regularly. Fourthly, expropriation causes marginalization of some segments of the population as displaced landholders lose economic power in the community. Food insecurity, loss of access to common property, and destruction of social construction follows displacement by expropriation (Cernea, 1996). Cernea (1996) explained weak institutional capacity, top-down authoritarian approach, lack of comprehensive policy, and financial shortage as the triggering factors for causes displacement by land expropriation.

Some country like Ethiopia and China use land expropriation as a means to exercise their eminent domain in the name of public interests, and they have independent power to control both rural and urban land (Ambaye, 2015, Song, Wang, et al., 2016, Adam, 2014c, Shatkin, 2016). In China where the government owns rural land held collectively and urban property, indigenous landholders are the direct victims of displacement from their property. Land acquisition of agricultural land involves expropriation by which the rural landholder participation is not significant and not necessarily relevant to the authorised process of land acquisition (Song, Wang, et al., 2016). In Ethiopia, where the government explicitly owns both rural and urban land, there is no room for landowners to claim his/her property expropriated by the government. Like China, displacement of landholders is inevitable, and participation of

landholders in the land acquisition process is insignificant (Ambaye, 2015, Song, Wang, et al., 2016, Adam, 2014c, Shatkin, 2016).

Even though most of the country share similar features, the motivation for land expropriation varies from state to country. In Ethiopia, the growing economic development and the associated public constructions require a significant amount of land. Also, the private developers need the massive property for investment. And the government has limited land stocks to provide for public and private investment, and the only option is exercising eminent domain to acquire property required for development (Yirsaw Alemu, 2013). Whereas, in China land acquisition involves not only administrative ways through which land owned by private or groups of individuals is transferred to the public property to finance public infrastructure but also it is the means by which various stakeholders with diverse interest illegally benefit from land development (Song, Wang, et al., 2016). Unlike China and Ethiopia, in the western country land acquisition is used to correct the failure of the land market to achieve intended urban development and to preserve natural environment through protection of green spaces and parks (Ding, 2007).

2.5.2 Compensation

Land expropriation always followed by the issue of compensation. “In most countries, compensation is used by the state as the virtually single financial tool for handling expropriation, displacement, and resettlement” (Cernea, 2008). Despite the fact that most of the country has compensation standards and laws, their implementation is sporadic. For example, in China, compensation to be given to displaced farmers is not enough to restore her/his livelihoods which are dominantly dependent on farming. And payment in China is not considering the soft components of farmers life like psychological and cultural aspects. The weak compensation is aggravated by corruption and government priority for generating income through expropriating the land of farmers particularly in the peri-urban area (Song, Wang, et al., 2016). While in Ethiopia land acquisition through expropriation is followed with unfitting recompense, poor standard of compensation, incomplete compensation laws, unclear public interest definition, and insignificant participation of landholders on land acquisition and recompense process (Yirsaw Alemu, 2013).

Compensation for land acquired for development in the most country particularly of developed nations is based on market values (Ding, 2007). A comprehensive definition of property right, market perfection, and the guarantee of constitutional laws for the ownership of land make the compensation standards and mechanisms better in the developed country. For instance, in the USA and New Zealand, expropriation of land owned by private landholders is possible if and only if the public provides fair and just compensation based on the market values of the property (Ibid). Whereas, in most developing countries compensation valuation is based on annual agricultural products of land without considering market values. For example, in Ethiopia and China, compensation for the agrarian area is calculated based on how much the property is produced annually. And there is no consideration of socio-economic, environmental, and cultural conditions of landholders in compensation standards (Shatkin, 2016, Ding, 2007, Yirsaw Alemu, 2013). Thus, the compensation given to landowners is not enough to restore their livelihoods and landholders are the victims of marginalization and increasing inequality in the community after displacement from their land.

Despite recognising multifaceted economic, social, and cultural effects of expropriation, the most governments are claiming compensation alone is sufficient to re-establish the livelihoods of displaced communities. The financial shortage is the main reason presented not to supplement compensation with additional finances (Cernea, 2008). Based on empirical evidence from a different developing country (Brazil, Colombia) and developed country (China, Japan, Canada), the authors argue that compensation alone is not enough to reconstruct and improve economic, social, and cultural aspects of displaced landholders. He added that political will and commitment of countries more affects the effectiveness of compensation for expropriated land than resource limitations. Cernea (2008) suggests land expropriation and compensation reforms to increase compensation level, formulating efficient mechanism of payment, and improve political wills and commitments to prevent impoverishments of displaced landholders.

2.6 Property Rights

2.6.1 Concepts of Property Right

The concepts of property right are controversial among scholars, planners and policymakers for centuries. According to Bromley (1989), the property right is associated with protected right or anticipation of benefits from the resource (Bromley, 1989). Property rights are rights individuals/groups have or attain over the use of properties. Whereas Payne defined property rights as “recognised interest in land or property vested in an individual or group and can apply separately to land or development on it” (Payne, 1997). Property rights also associated with either land itself or development on the ground. Property right exists if and only if there is a connection between landholders and land (Adam, 2014a). Payne (1997) added that there are two categories of thought in the evolution of concepts of property rights (Payne, 1997). The first idea is when individuals or corporate people recognize land as commodity or objects. Based on this thought land and the associated bundle of rights to property can be sold and exchanged to the monetary or other values to the maximum level. The second one is the people who believe the land is limited natural gifts to human being collectively than privately. So that area should be preserved for generations the same as protected for them by the past generations.

Property and associated rights are constructed by social, economic and political situations of particular society. The concept of ownership and attributed rights are evolving based on changing technology, social and cultural values and there are no absolute rights (Jacobs, 2013). He illustrates evolvements of concepts of property by taking a right to “the heavens above” when owners of the property (land) have the right to claim over the heaven above his property. The right to the heaven above is alienated from landowners after the invention of the air plane. Harvey added that, before women’s movement and child welfare movement and Animals movement, the wife was the property of their husband, and children were property of their parents and animals was the property of their owners. After all these movements, the husband is no longer owners of his wife, and parents are no longer the owners of their children’s and animals are no longer considered as property for their owners. Changing social construction in society and advancing technology over time has evolved bundle of rights that individuals or groups have to enjoy (Ibid).

Bundles of the right to be enjoyed by landholders are determined the land governance system and legal frameworks and requirements of a particular country (Adam, 2014a). Based on that specific right to land is allocated to individuals, groups or neither of them. From legal points of view property rights are rights that are defined by government and acknowledged by-laws.

In Ethiopia for example, where leasing system landholders govern urban land has the right to use/develop, right to donate/transfer, mortgage and sell his/her lease rights. Whereas, in the case of rural where land governed by the free holding system, landholders has the right to use, usufructs and inherits to the family members but has no right to transfer and sell land except through to the family members (Adam, 2014a). Despite legal frameworks and governance system, economic conditions landholders determine bundle of rights from the property (Ibid). According to Musole (2009), it is not only government and recognition of laws that define property rights but also the non-legal basis in which rights are practised and capability of the individuals/groups to exercise use rights, generate income, sell, or transfer properties non-legally under informal and social contracts.

2.6.2 Type of Property Rights

The primary concern in property right is who own and make the decision over particular resources. Ownership and decision making over resource exists as a result of socially legitimized and recognized agreements and rules by governing institutions (Bromley, 1989). The nature of organizations governing the relationship between individuals, groups, and resource (land) and attribute values to resources (land) determines types of property and associated rights. According to (Bromley, 1989b), there are four regimes/forms of property rights:

A. Non-Property: Is when individuals/group have only shared privilege to access and use the resource but has no right to exclude others from using the resource. The particular resource is open to everyone, and no one is the owners. In non-property, despite property is considered as owned by the group of people, there is no way to exclude others from using the land and property privileges are not specifically allocated to any individuals or groups (Musole, 2009).

B. Common Property: Is the system in which property is owned collectively by the community. Here property is co-production of collective individuals under defined rules of agreements with mutual privileges and responsibilities regarding the frequency of use and preservation of property used. Rights are allocated to specific community explicitly (Musole, 2009). And members of the community can exclude other non-members from using the property and associated values to property. Members of the community have the right to regulate and control property use by individuals in the community.

C. Private Property: Is the property when private Individuals own the property, and an individual owner can exercise the power of exclusion so that non-owners have no right to use. In private property regime, an individual owner is responsible for abiding by social constructions in the community. Despite clear ownership of land, government or community can impose certain formal or informal limitations on rights associated with the property (Musole, 2009).

D. State Property: Is the property when the property is owned and controlled by the government. Individuals and groups can use Property/resource under control of government and government determine the frequency and categories of uses. Ownership of property by state indicates that the government holds the property rights and government can provisionally transfer some of the privileges to individual users or societies (Musole, 2009).

2.7 Land Tenure

2.7.1 Concepts of Tenure Security

In all countries, privileges of ownership and land tenure are related to emotional concerns of society. Belongingness to society, individual roles and responsibilities, and labour and capital investment to be made is linked to land ownership (Dunkerley, 1983). Dunkerley stated that for example in Latin America and Asia ownership of land is attributed to the discrepancy between marginalization and dependence, and economic security and independence in the community. Whereas for Europeans land tenure is the product that can be marketed by owners. Land tenure is the primary means that directly or indirectly affect economic development policy of particular society. Land tenure entitles privileges of individuals and communities with regards to land including rights of occupancy, uses, develop, inherit, and transfer. It is also about social constructions involving sets of multifaceted instructions to administer land ownership and uses in particular society (Durand-Lasserve and Selod, 2009). Payne (2001) defined land tenure “as the mode by which land is held or owned or the set of relationships among people concerning land or its product” (Payne, 2001). Whereas Adam (2014b) defined land tenure as formal and informal relationships with individuals, groups, and the public with the land. A legal relationship is governed by laws and regulations whereas customs and traditions govern the casual relationship (Adam, 2014b).

Types of land tenure determine bundle of rights and extents of security that landholders are possessing. Security of tenure mainly depends on four primary factors. These factors are status of tenure (formal and informal tenure), main tenure privileges of land (occupying public, private and communal property), dwelling status of occupancy (owners, tenants), and political and legal circumstances (legal base of tenure, political will and commitments) (Durand-Lasserve and Selod, 2009). There are no absolute standards of measuring tenure security, and it is difficult to know the supposed difference of security between individual livings is squatter settlement and formal housing. Also, increasing globalization is influencing most countries to import market-based tenure system (Payne, 2001). Dunkerley (1983) point out about how different types of land tenure affects urban land supply and demand which in turn affect the effectiveness of land market efficiency, distribution of resources among various segments of society, and enabling investment. It compares different types of de facto and de jure tenure based on productivity, responsiveness to change, equity, compatibility, and continuity. According to Dunkerley, based on their level of tenure security, public freehold and leasehold, private freehold and leasehold, communal ownership and informal land tenure perform differently. He stated that formal land tenure has relatively high tenure security than non-formal land tenure which in turn affects investment of households in land and housing improvements (Dunkerley, 1983).

2.7.2 Type of Land Tenure

Types of land tenure vary from country to country and system of administration (Dunkerley, 1983). For example, there are around fifty recognized types of rights over land during Anglo-American law. It is different in the country of Francophone where there is the variety of ownership exists together, and Napoleonic law code governs ownership over land. Whereas, in some parts of Africa and the Middle East country the ownership of property is determined by “Ottoman Land 858”, and land tenure is categorized in “mulk (private), miri (state), musha (tribal and collective), and wagf (charitable and religious)” (Ibid, p.70). According to Payne

(2001) despite the variety and complexity, there are four mostly practised land tenures applicable for both developing and developed countries. These are;

1. Customary Tenure

This type of tenure is mainly found in developing countries. Evolution of customary tenure is from societies mostly dependent on agriculture in which land has low economic values or little compensation. In customary land tenure, the property is viewed as holy, and members of the community are responsible for protecting/preserving the land for the future generations. Any bundle of rights and prices of the area is determined by community leaders and the property rights and the governing rules over land transfer and acquisition are not documented (Van Asperen, 2014). Van Asperen added that customary tenure is most dynamic tenure categories that are readily adaptable to new circumstances. Customary land tenure comprises ownership by tribal and ownership by neighbourhood (Dunkerley, 1983). Land ownership by tribal as communal tenure system is the oldest system of land tenure. It is when the tribe controls property/land is neither owned by any firm nor family instead of by tribal group entirely, and the chief of the tribe is responsible for allocating the area for housing and other uses to members of the tribe. Uses of property are excludable to non-members of the tribe. However, communal ownership by neighbourhoods is when members of communities' specifically low-income group readjust land ownership and give control over excludability and prices of land and it is the defence mechanism against land speculation, displacement and other external threats from developers and government.

2. Private Tenure

This type of tenure is mostly practiced in the western country. It is the tenure type in which private landholders have total control over land and property rights. And can exist together with other types of the land tenure system. As such, it may co-exist with other indigenous tenure systems. It is also excludable types of tenure in a way that private landholders can exercise the right to exclude non-owners from using land and associated rights. Private tenure includes private freehold and private leasehold (Dunkerley, 1983). Private freehold is when landholders either private individuals and firms possess complete, and force of market determine disposition and land uses. Whereas, private leasehold is when property owned by private is leased to individual or corporation for the specific period.

3. Public Tenure

Under public tenure, the government has full control over the land and rights on the property. Ownership of property by the public is the response for the shortcoming of private tenure. In individual tenure, the land is not accessible to all segment of society, and it is excludable. Whereas in public tenure enables all sections of the community to acquire access to the land under circumstances of growing rivalry over the area. But the bureaucracy and corruption is the bottleneck for the productivity of land under public ownership. The same as private tenure, public tenure system involves public freehold and public leasehold (Dunkerley, 1983). Public freehold exists when a state is a complete possessor of the property. Whereas, public leasehold is when a public agency leases or rents property to private individual or firm for a definite time.

4. Informal Tenure

Under informal tenure, there are broad categories of tenure with different extent of lawfulness or unlawfulness. Informal types of tenure are the response to the limitation of customary and statutory land tenure to provide affordable land to low-income groups of society (Van Asperen, 2014, Adam, 2014a, Adam, 2014c, Payne, Durand-Lasserve, et al., 2009, Durand-Lasserve and Selod, 2009). Literatures argues that informal tenure is created as a result of government failures to provide affordable land particularly for the poor segments of society through either customary or statutory tenure system. According to Van Asper (2014), informal tenure is the most unsecured types of tenure due to lack of formal document of occupancy or uses, and its noncompliance to land use planning (Van Asperen, 2014). In informal tenure, more than one kinds of tenure can exist together in the same parcel. Informal tenure comprises two forms (Durand-Lasserve and Selod, 2009). The first one tenure created as a result of unauthorized developments on privately owned land when land is divided unlawfully by violating subdivision or zoning regulations. The second one is informal settlement established by squatter settlements on private or government land, and property is illegally occupied, in contradiction of the will of the owner of the land. Informal land tenure is dominantly manifested in the peri-urban area, and it is the response to political, economic and legal exclusion in providing affordable land and housing particularly for low-income group.

2.8 Property Rights, Tenure Security and Economic Development

The debate on the link between land titling and economic development continues among scholars and policymakers. Some scholars argue that land titling increases tenure security and enhance the economic productivity of households from different points of view (Durand-Lasserve and Selod, 2009, Dunkerley, 1983, Galiani and Schargrodsy, 2010). For example, the finding of experimental research done in Buenos Aires in Argentina shows that the households with full land titling have a better investment in housing, small family size and improved education for their children's than households without land titles. But the improvement in the family socioeconomic situation is not the results from their ability to access credits. Because most of the low-income family having land titles obtain informal credits from neighbours, relatives, colleagues etc. than formal credit institution like banks and cooperatives (Galiani and Schargrodsy, 2010).

Durand-Lasserve and Selod (2009) look at effects of tenure regularization (land titles) and provisions of property rights to low-income groups living in informal settlements in their overall socio-economic conditions. Based on this, they found that formal land titles reduce risks of eviction which in turn increases household investment in the house, raises the family labour productivity and encourages the provision of infrastructures and services. Regarding formal land title effects on land and housing markets, they found that tenure formalization helps to integrate informal land markets with formal one which in turn increase the efficiency of land markets (Durand-Lasserve and Selod, 2009). But some authors argue that "families view their land and other property developed on land primarily as homes and the basis for raising a family and improving community life. They regard their properties as social assets, not economic commodities to be traded in the market" (Payne, Durand-Lasserve, et al., 2009). Durand-Lasserve and Selod (2009) also found that land titling does not necessarily help to access formal credits and mortgage services. Their argument is based on the fact that, needy families do not want to engage themselves in risky business through mortgages and credit though they are given formal land titles with an increased bundle of rights. Provision of land title is not the only means to improve tenure security instead the combination of the formal land title with informal

tenure system better ensures tenure security especially for low-income groups of the community (Durand-Lasserve and Selod, 2009). Payne (2001) added that necessarily land titling does not help to increase tenure security of households and increase their economic development, rather the recognition of various alternative tenure option is more critical (Payne, 2001).

Based on the case study Senegal and South Africa, land regularization was failed in achieving its intended objectives of improving investment in properties, increasing local government revenues, formalizing land markets and enhancing access to credits and mortgages services (Payne, 2001, Payne, Durand-Lasserve, et al., 2009). Indeed, the land title increase tenure security but also various forms of non-formal tenure without the land title does provide high tenure security. Payne (2001) illustrate his argument by looking at the connection between land titling or tenure formalization with investment in housing construction and improvements, access to formal channels of credit, and property tax revenue base of local authorities. He also used the narration on the link between land titling and land and housing markets and efficiency and the equity of land and housing markets. According to Payne (2001) and Payne, Durand-Lasserve et al., (2009) finding, there is no tangible evidence showing formalization of tenure through a provision of ownership titles provides tenure security and improve socio-economic standards of landowners specifically poor(Ibid).

Despite the fact that security of tenure is a prerequisite to investing in improvements and construction of the house, providing land title is not the only way to do so (Durand-Lasserve and Selod, 2009, Payne, 2001). For example, there is a significant investment with a simple statement that shows community with informal land tenure will not be displaced and they will be given a temporary certificate of occupancy and uses (Payne, 2001). Payne took Pakistan government, when public provided titling for hundreds of thousands of households living in informal settlements and households refused the government idea of legal titling and prefer to stay with their previous tenure options (see Payne 2001). Regarding access to formal credit improvements, Payne argues that most of collateral and credit institution are not requiring legal land titles rather they primarily lack the ability to pay back by any means. Also, Payne stated that low-income households do not need a significant amount of money to borrow, but they need access to small loans to improve their houses. Under enhancing the property tax base, Payne stated that providing of land titles may not generate a corresponding increase in tax revenues instead it creates high confidence to claims holders not to pay tax for the governments. Also, providing land titling will not guarantee government influence over land markets rather land titles for informal settlers informs and motivate developers and landowners to increase the value of land through illegal subdivision significantly. Land titles, in turn, reduces government control over land and housing markets and make the already distorted property and housing market worse than before. In terms of improving the efficiency of land and housing markets, land and housing market in most of developing country is not only affected the lack of land titles but also by the land policy of favouring elite groups and marginalize the low-income group of society. Besides, political and other social factor play significant roles in the inefficiency of land and housing markets (Payne, 2001, Durand-Lasserve and Selod, 2009).

There is no one single consensus on the link between property rights, land tenure and economic improvements of landowners. Despite various argument among scholars, almost all authors agree on the importance of the provision of tenure security and improved property rights to improve the socio-economic conditions of landholders. At the same time, there is another argument on whether the provision of tenure security through land titles is enough to bring

substantial improvement in the socio-economic conditions of landholders exclusively (Payne, Durand-Lasserve, et al., 2009, Payne, 2001, Durand-Lasserve and Selod, 2009). They based their argument on the fact that, formal land tenure requires an enormous capacity to implement, not recognize existing local conditions, and not equally benefiting all segments of society particularly weak, and not applicable to all land tenure, mainly informal tenure. Besides, they argue that using land titling as the only means to improve tenure security and improve the economy of landholder's inflexible way. They agree on the importance of using combination formal land titles with customary tenure and recognizing non-formal tenure like informal tenure.

2.9 Property Rights and Tenure Security in Peri-Urban Area

Increasing urbanization complicated the property rights and tenure security in the peri-urban area. The tendency of people to settle near to the city create the peri-urban area. People in peri-urban are settling on undeveloped/underdeveloped vacant land owned by private or public either with the consent or without a permission of landowners. Besides, they can access land through buying directly from land users that are mostly agricultural land held by customary tenure system. In the process of continues settlement, the peri-urban area is subject to change from multiple viewpoints. Changes in the peri-urban area can be stated from land uses, economy, social relationships and demographical point of views (Van Asperen, 2014). Most of the land for agriculture starts to be used for urban uses, livelihood base begins to be changing from subsistent farming to trade and other non-agricultural options, family structure starts changing from extended to nuclear family, and settlement structures start to be shifting from sparse settlement to densely populated settlements. He stated that the subjectivity of peri-urban area to change from various perspectives is triggering factors for the dynamism of property rights and land tenure in the peri-urban area (Ibid).

As the interface between the rural area and urban area, peri-urban property rights and land tenure are affected by two critical problems (Adam, 2014c, Adam, 2014a). The most dominant problem is peri-urbanization. Peri-urbanization is creating continuing conversion of agricultural land to urban land use in the peri-urban area caused institutional changes in property rights and land tenure. The land holding mechanism is continuously changing with changing bundle of property rights and tenure security levels. Even though peri-urban landholders are supposed to exercise holding rights the same as rural landholders for infinite time, in practice, the increasing urbanization is changing subjects of privileges and land tenure of landholders in the peri-urban area (Ibid). Growing demand for the peri-urban land and forceful land acquisition causes isolation of property rights and tenure security from indigenous landholders (Adam, 2014c). Adam added that as urban area is expanding to the adjacent rural area, property regime is changed from customary to either private or public. Evolving property regime, in turn, leads to change in tenure system. According to Adam (2014a), another challenge to peri-urban area property rights and land tenure is landholder uncertainty for how many years they will hold properties. He found out that, most of the indigenous landholders are not aware of the years to hold land in the peri-urban area and this aggravates the tenure insecurity of property. Growing urbanization and existence of various competing interest groups over the peri-urban land increases the uncertainty of landholders about their years of ownership (Adam, 2014c, Adam, 2014a).

Adam (2014a) found that in the peri-urban area where there is dual land governance it is challenging to precisely know what kinds of property rights and land tenure exists. The dualism of land governance system is accompanied by multifaceted and overlapped tenure categories

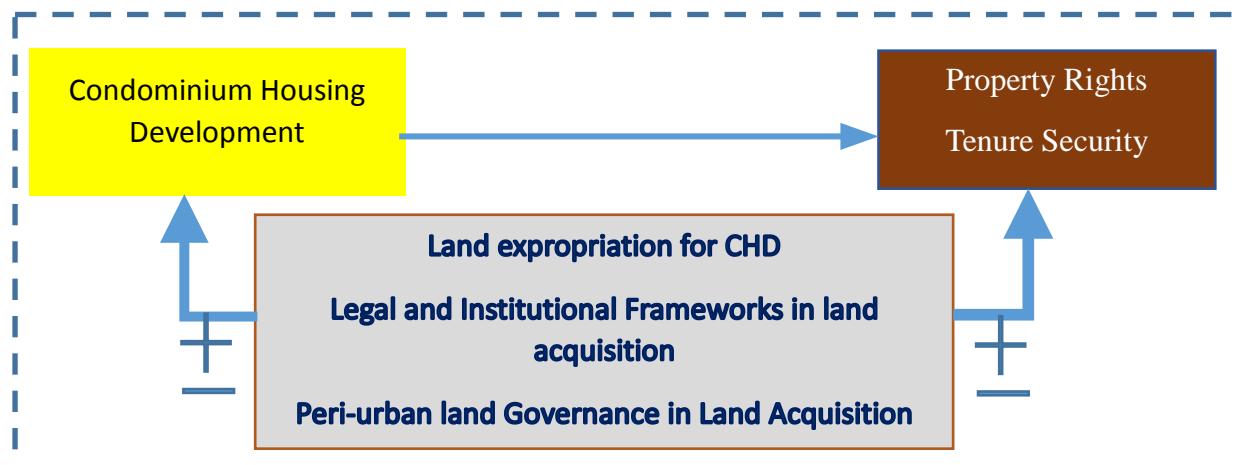
in the peri-urban area. Peri-urban land tenure is complicated due to inexplicit land tenure arrangements, and unclarity of who own plots of land, and uncertainty on for how long property is going to be held by landholders (Adam, 2014c, Adam, 2014a). It is also unclear and explicit answers about who has access to the specific bundle of rights over the particular parcel of land (Van Asperen, 2014). According to Adam (2014a), some of the property in the peri-urban area are governed by leasing system. Some other the land is held by freehold system when landholders have only usufructs rights. The leaseholders have use, development, transfer right by gift, inheritance and sale rights. Also, leaseholders have the right to access credit and mortgages. Whereas, for freeholders, their right to sell and transfer land is alienated from the bundle of rights. And they cannot obtain mortgages and credit services because of low tenure security of tenure (Adam, 2014a). Peri-urban area is characterized by the existence of mixed tenure arrangements followed by complicated property rights (Adam, 2014c, Van Asperen, 2014). The authors added that in peri-urban area communal property, private property, and public property co-exist with different tenure categories having a varying degree of tenure security. Bundle of property rights and level of tenure security increase as we go from squatters to freeholders and vice versa is true (Durand-Lasserve and Selod, 2009, Payne, 2001). Despite the fact that each tenure system has the bundle of rights, land rights within different tenure systems are not exclusive to one tenure system. And there is no standardised continuum of rights within specific tenure system, and application of land rights with particular tenure system is constructed based on conditions of the real world (Van Asperen, 2014).

2.10 Conceptual Framework

Peri-urbanization is multifaceted phenomenon causing social, economic and physical changes in peri-urban area (Tian, 2015, Abramson, 2016, Shatkin, 2016, Cobbinah, Gaisie, et al., 2015). Increasing population growth and the concomitant physical expansion are the main force behind peri-urbanization. Mainly the rationale of peri-urbanization is accommodating growing urban population through conversion of agricultural land owned by smallholder farmers to residential housing development (Cobbinah, Gaisie, et al., 2015). Peri-urban land monitorization by local government to generate revenues is triggering factors for converting agricultural land in the peri-urban area (Shatkin, 2016, Malizani, 2012). Municipal government and private real estate developer compete over cheap and affordable land value in the peri-urban area to accommodate growing residential housing demands (Ding, 2007).

Transformation of peri-urban area affects property right, and tenure security of smallholder farmers (Adam, 2014a, Adam, 2014c). Continuing conversion of agricultural land in the peri-urban area lead to changing institutions governing property right and tenure systems. Even though there is no standardized continuum of rights within specific tenure system in the real world (Van Asperen, 2014), change in the bundle of rights and reduction in the level of tenure security in the peri-urban area is directly related to the governing institution's tenure system (Durand-Lasserve and Selod, 2009, Payne, 2001). Payne (2001, 2009), stated that levels landholder tenure security is directly related to the bundling of rights. The more tenure security, the more bundle of rights and vice versa. Lack of flexibility in legal frameworks and implementing institutions in recognising various land tenure system complicates property right and tenure security in the peri-urban area (Payne, 2001, Payne, Durand-Lasserve, et al., 2009).

Figure 1: Conceptual Framework



Source: (Cobbinah, Gaisie, et al., 2015, Adam, 2014a, Adam, 2014c, Ding, 2007, Payne, 2001, Shatkin, 2016, Tian, 2015)

Chapter 3: Research Design and Methods

3.1 Introduction

This chapter discusses frameworks of research methodology in studying the impact of CHD on the property rights and tenure security of smallholder farmers in peri-urban areas of Addis Ababa. Specifically, revised research questions, research approach and techniques, operationalization of variables, sample size and selection, validity and reliability, data Collection Methods, and data analysis methods were discussed.

3.1.1 Revised Research Question(s)

The main research question of the study was to what extent CHD have an impact on property rights and tenure security of smallholder farmers in the peri-urban area of Addis Ababa? To answer the main research question, the following sub-questions was addressed in the study;

1. What are the existing property rights and tenure system of smallholder farmers in the peri-urban area of Addis Ababa?

Justification

It is vital to answer the question what is the property right accessible to smallholder farmers in the peri-urban area and how smallholder farmers understand and react regarding existing property right in the peri-urban area. It was also important to answer in what ways smallholder farmers are holding land and land-related properties in the study area.

2. What are the relationships between property right and tenure security of smallholder farmers in the peri-urban area?

Justification

It was critical to answer the question 'in what ways do the property right affect tenure security of smallholder farmers and vice versa in the peri-urban area. It was also vital to answer the question how the dynamism of tenure system in the peri-urban area affects both bundles of rights and tenure security level of smallholder farmers in the study area.

3. How is the legal and institutional framework implemented in the land acquisition for CHD in the peri-urban area?

Justification

It is essential to analyse and explain existing legal and institutional frameworks governing land acquisition for CHD in the peri-urban area. Specifically, it was vital to answer the question of what are the implementation level of the existing legal frameworks in protecting the property rights and tenure security of smallholder in the peri-urban area. It was also vital to answer what are the organizations responsible for land acquisition for CHD in the study area.

4. In what ways governance problems manifest in land acquisition for CHD in the peri-urban area?

Justification

It was vital to answer in what way do problems of governance manifested in land acquisition for CHD in the peri-urban area. In response to the problem of governance, it was also vital to answer how the existing legal and institutional frameworks are responding to protect the property rights and tenure security displaced smallholder farmers in the study area.

3.1.2 Operationalization: Variables, Indicators

To answer the main research question, sub-research questions were operationalised into variables that can be measured. Variables were collected using relevant indicators from unlike sources of data by using various data collection instruments. Operationalization of variables is displayed in Table 3.1 as follows;

Table 1: Operationalization of Variables

Concepts	Variable	Indicators	Data Collection Methods	Data Type	Data Source
Property right	Bundle of rights	✓ Right to use ✓ Right to sell ✓ Right to transfer ✓ Right to exclude ✓ The right to manage	Interview	Qualitative	Primary data
Tenure security	Tenure forms	✓ Statutory tenure ✓ Customary tenure ✓ Informal tenure	Interview	Qualitative	Primary data
Land acquisition	Legal and institutional frameworks implemented	✓ Formal institutions ✓ Informal institutions ✓ Formal laws ✓ Informal laws	Interview Policy document Government report	Qualitative Qualitative Qualitative	Primary data Secondary data Secondary and primary secondary data
Governance in land acquisition	Benefits	✓ Level of Participation ✓ Expropriation ✓ Compensation in cash/kind ✓ Compensation time	Interview Government report	Qualitative and Quantitative Qualitative and Quantitative	Primary data Secondary and primary secondary data

Source: Author (2017)

3.1.3 Research Strategy

The study used explanatory research approach. The study aimed at explaining impact CHD on property rights and tenure security of smallholder farmers in peri-urban areas of Addis Ababa. In the study, qualitative research approach was used. The qualitative research approach was used to collect information on existing property rights and tenure security, relationships between property rights and tenure security, legal and institutional frameworks implemented in the land acquisition process for housing development and benefits of smallholder farmers from CHD in peri-urban areas of the study area. In qualitative research approach, the primary and secondary data was collected through in-depth interview and desk research review. The study used cross-sectional study design to collect data once at a time. Shortage of time was considered by the researcher to choose cross-sectional study design.

Case study research strategy was used in the study. The case study enabled the researcher to get comprehensive and in-depth information from a small number of the sample on a various number of unknown variables in the study. In order analyse the impacts of CHD on the property rights and tenure security, a single embedded case study was used in the study. Single imbedded case study helps to compare and contrast findings of different cases (Van Thiel, 2014). Accordingly, two homogenous case study of CHD project in the peri-urban area was selected in the study. The repeatability of the finding from homogenous case study enables to boost reliability and validity of the study (Ibid).

Despite to in-depth of information in the case study, the small sample size used as a unit of study jeopardised the ability of the finding of the study to represent general population and limited the validity of data in the study. Using case study likely lead researcher partiality in selecting cases, developing data collection instruments and interpretations of data due to direct contacts of the researcher with research subject (Ibid). Also, it reduces the validity of the finding of the study.

Besides, the study used desk research review strategies as supplementary to the case study. Using the combination of desk research review of secondary and secondary primary document, and case study strategies enable to increase the validity and reliability of information in the study which, in turn, improves the validity and reliability of the finding of the study.

3.1.4 Sample size and selection

In the study, two homogenous case study was selected. Despite various CHD localities in the peri-urban area of Addis Ababa, Bole Arabsa and Koye Fache CHD localities were chosen purposively. The reason for selection of the two-case study area was the fact that, in both localities CHD is extensively undertaking on significant hectares of land taken from smallholder farmers.

As the study wanted to generate detailed information on impacts of CHD on property rights and tenure security of smallholder farmers, the study depends on the combination of purposive and snowball sampling of nonprobability sampling techniques to draw sample units of the study. One of sample framework of the population was displaced smallholder farmers in Koye Fache and Bole Arabsa condominium housing project localities in the peri-urban area. Snowball sampling will be used to select units of analysis from displaced smallholder farmers affected by CHD in the peri-urban area. By using snowball sampling, 17(seventeen) smallholder farmers key informants; 11(eleven) units of analysis from Koye Fache and other 6

(six) units of study from Bole Arabsa condominium housing project site was selected from displaced smallholder farmers.

Another sampling framework of the study was officers working in government agency s working at different levels of responsibilities in public offices, and have a direct or indirect link with the subject to be studied. Purposive sampling was used to select key informants from professional government officers. Grounded on this, 5 (five) key informants were selected using purposive sampling. In addition, 2 (two) FGD were separately conducted for cases in the study. By using purposive sampling 20 (twenty) key informants of which 4(four) female and 16 (sixteen) male were chosen in FGD. The selection of key informants was determined by their background of the subject of the study in both in-depth interviews and FGD. Characteristics and number of respondents are described in the table below as follow:

Table 2: Number of Respondents

Data collection methods	Respondents	Type of Respondents	Number
In-depth interview	Farmers	Displaced farmers who lost only agricultural land	6
		Displaced farmers who lost both agricultural land and residential premises	11
	Government officers	Legal officers	2
		Compensation officer	2
		Land Use planning expert	1
Focus group discussion	Farmers	Displaced farmers who lost only agricultural land (1 FGD)	9
		Displaced farmers who lost both agricultural land and residential premises (1 FGD)	11
Total			42

Source: By Author, 2017

3.1.5 Validity and Reliability

The study employed triangulation methods to ensure validity and reliability of the study. To ensure the validity of the study, data source triangulation was used in the study. The information generated from different data sources was triangulated. Based on this, secondary data obtained from various document analysis, secondary data, and primary, secondary data was triangulated with primary data collected through FGD, in-depth interview and observation. “By gleaning information from several sources, or analysing it in various ways, the researcher will soon gain an idea of how reliable or valid the data are” (Van Thiel, 2014).

Methodological triangulation was used to maintain the reliability of information in the study. Multiple data collection instruments composed of the semi-structured interview, FGD, field observation, and secondary data analysis was used to collect the same data in the study. The data collected by in-depth discussion was triangulated with data collected through FGD, field

observations, or secondary data analysis in the study. Moreover, testing interview guide questions were used. Transparent documentation of interview process and asking understandable questions to key informants were used to increase the reliability of the data in the study. Besides, reviewing the finding of the study by other researcher and independent experts was used to ensure the reliability of the study.

3.1.6 Data Collection Methods

The study used the qualitative method of data collection. By using qualitative research approach, primary data, and secondary data were collected in the study. Primary data was collected through in-depth interview and field observation. Whereas, secondary data was collected through analysing of existing secondary document.

A. Focus Group Discussion (FGD)

To generate a more qualitative understanding of how and to what extent housing development affected the property rights and tenure security of smallholder farmers, FGD was conducted. Focus group discussion enables the researcher to get the different point of view about the subject of study. In selecting FGD, demographic characteristics of the group was considered. Based on this, two focus group discussion was conducted. The FGD was composed all sex and age group of displaced smallholder farmers in the study area. Holding 2 (two) separate FGD for both cases study area helps the researcher to compare various understanding of the subject and improve the reliability of the study. It also helps to analyses and explains how and to what extent housing development in the peri-urban area affect smallholder farmers of each case studies.

B. Interview

To get first hand and detailed information, the study used the in-depth interview. The flexibility of Interview as data collection instrument enables the researcher to get the detail and fullest understanding and explanation of the subject of study (Van Thiel, 2014). The semi-structured interview guide was used to collect primary data from officers working in government agency s, officials, and displaced smallholder farmers in the study area. The in-depth interview was used to generate primary data and detailed information on impacts of CHD on property rights and tenure security of smallholder farmers in the peri-urban area of Addis Ababa. Despite the fact that, it is flexibility to collect detailed data, an interview will consume time and intensive workforce. This reduces the ability of the researcher to collect data from a large number of respondents which in turn endanger the generalizability of the finding of the study. Unless key respondents are not willing to record their responses, all interviews information was recorded, translated and transcribed. If there is a case that respondents were not interested in recording their response, the researcher took notes during an interview.

C. Observation

To complement in-depth interview, field observation was used in the study. Observation helps the researcher to get holistic data and detailed information on the subject under study within its situations (Van Thiel, 2014). Observation guides were used to collect data. During observations, physical characteristics of the study area (Bole Arabsa and Koye Fache) was observed. Complementary to observation, informal interview with some people in Bole Arabsa and Koye Fache site was used in the study. The informal discussion was aided by taking notes and recording sounds based on the consent of respondents. The observations were supported

by capturing pictures and videos and making field notes in the study area. After taking field notes and recording, observation information was transcribed, coded, and analysed. Despite its richness to collect detailed information, observation has the risks for validity and reliability of the study. Researcher biases in selecting information and taking notes during observation and influences of researcher expectations in observation are two primary constraints of observation (Van Thiel, 2014).

D. Secondary Document Analysis

Secondary document analysis was used to collect data from secondary data and primary secondary (unpublished) data. Secondary document analysis was used to support and cross-check the validity of the information generated through the in-depth interview from various primary sources of information. Data from the previous study, policy documents, reports, laws and legislations, and other relevant secondary documents was assessed in Secondary document analysed to collect secondary data in the study. Whereas, public notices, minutes of meetings, official letters, and reports were examined to collect secondary primary data in the study.

3.1.7 Data Analysis Methods

The methods of data analysis were determined by the types of data used for the study. The study used qualitative methods of data analysis. Qualitative data collected through the in-depth interview from experts, officials and affected smallholder farmers will be categorized separately. Then, classified qualitative data were transcribed, coded, and write out into English. After that, the data generated through interview was interpreted, summarized, paraphrased, and scrutinised.

Whereas, contents of documents or written material was analysed for qualitative data generated from secondary sources. Contents of relevant policy documents, reports, laws, and legislations were explained in the study. Content analysis of secondary material from secondary data and primary secondary (unpublished) data sources were used to complement and authenticate the primary qualitative data. The study utilised the research questions and the theoretical frameworks for analysing the data. The presentation framework of the analysis follows the sequence of sub-questions of the study. Further, the data presentation was supplemented with photographs, and maps analysed and interpreted qualitatively.

3.1.8 Limitation of the Study

The study has some limitations. The main limitation of the study was related to difficulty to cover large number respondents and peri-urban area in the study. Due to the shortage of time, the study only covers two localities in peri-urban area of Addis Ababa, and rely on data from a small number of key informants. This, in turn, affects the representativeness of the study to entire peri-urban area of Addis Ababa. To cover this gap, the researcher used triangulation of different data and various data collection instruments. Secondly, hence the issues of the land in the peri-urban area is socially and politically sensitive, some of the displaced smallholder farmers were not willing to give their response. Also, political officials and some officers working in government agency were not available to give their response in the study. Thus, there was fear of both formal and informal social networks to tell the facts of what is taking place on the ground in the community. This fear, in turn, limited the trustworthy of information from key informants. Finally, the study aims to analyse and explain data based on the opinion of displaced smallholder farmers and Officers working in government agency. This view limits

the generalizability of the study to the affected population. However, the finding of the study shows the understanding and opinion of several key informants involved in the study.

Chapter 4: Research Findings

4.1 Introduction

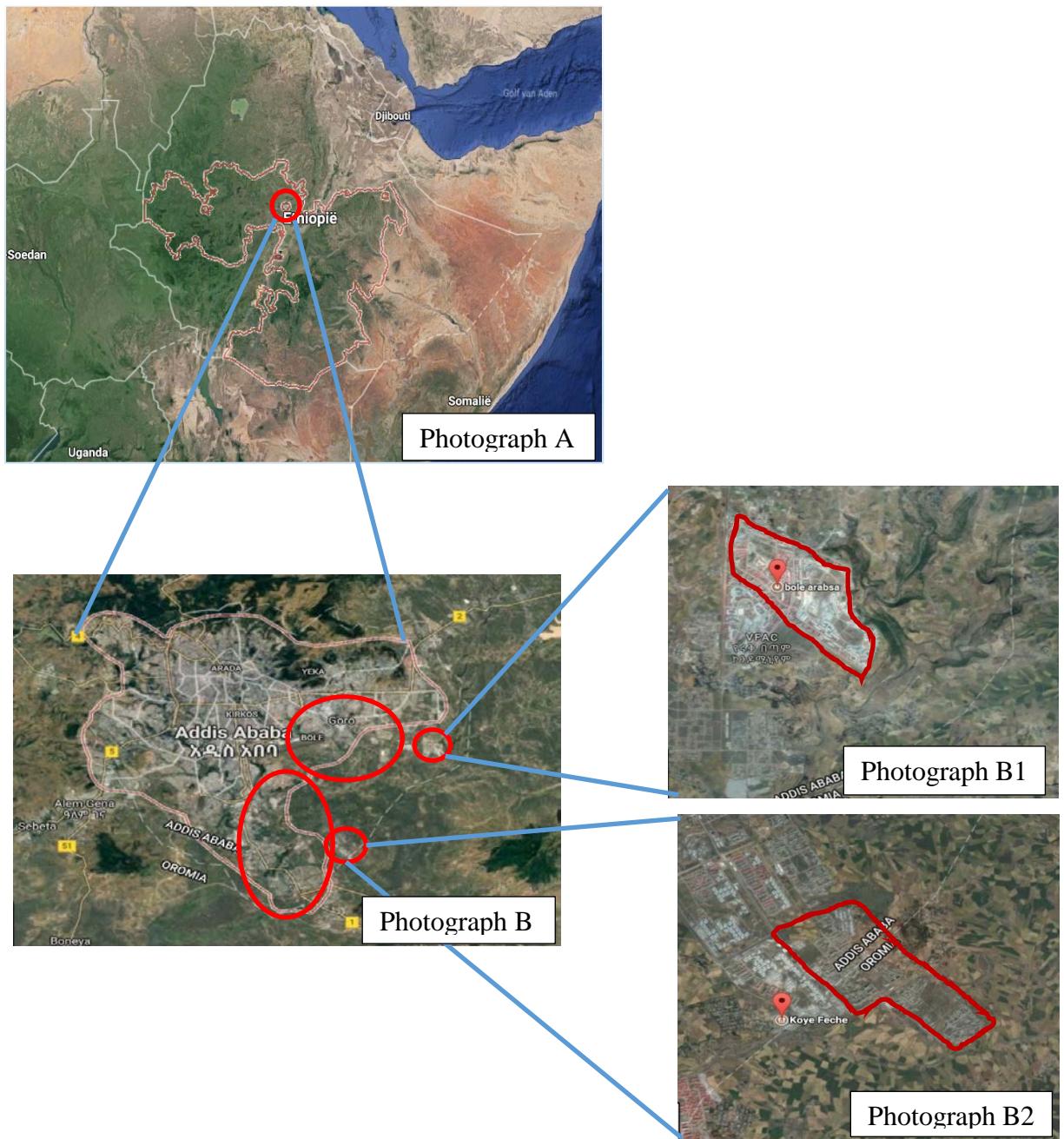
This section presents analysis and discusses impacts of CHD on the property rights and tenure security of smallholder farmers in the peri-urban area of Addis Ababa. To analyses the research question, this chapter mainly covers description the of the study area, characteristics of the respondents, and data presentation and analysis of the study.

4.2 The Description of the Study Area

This study was conducted in the peri-urban area of Addis Ababa city administration specifically, Akaki Kaliti and Bole sub-city. Akaki Kaliti and Bole sub-city are one of the ten sub-cities in the city administration. Based on 2007 census data, Addis Ababa city Administration has the population of 3,384,569 of which 47.64% and 52.36% were male and female respectively. Addis Ababa has the area coverage of 526.47 km². The elevation of Addis Ababa lay at 2300 meters and located at located at 9°1'48"N 38°44'24"E. Specifically, Akaki Kaliti and Bole Sub-city are sub-cities situated in the peri-urban area where there is an extensive development of condominium housing in the area. Thus, Koye Fache CHD site of Akaki Kaliti sub-city and Bole Arabsa CHD site of Bole sub-city selected as case study area in the study.

The map below shows peri-urbanization and growing land use change in peri-urban area of Addis Ababa. As revealed in photograph A, Addis Ababa city administration is located at the centre of Oromiya National Regional State sharing boundaries with rural districts in the region. Whereas, photograph B shows Akaki Kaliti sub-city which is located in the southern peri-urban area of Addis Ababa and Bole sub-city which is located in the south-eastern suburb of the Addis Ababa city. Specifically, photograph B1 shows Bole Arabsa CHD site situated in the peri-urban area of Bole sub-city. Whereas, photograph B2 shows Koye Fache CHD site which is located in the peri-urban area of Akaki Kaliti sub-city of Addis Ababa City Administration.

Figure 2: Study Area Maps



Source: Author, 2017

4.3 The Description of the Respondents

The respondents in the study comprise of smallholder farmers and government officers working at sub-city government agencies in the study area. Focus group discussion, in-depth interview and observation techniques were used to collect relevant data for the study. Also, the secondary document was used to strengthen and improve the validity of the study. For both case study, FGD techniques conducted separately. In Koye Fache of Akaki Kaliti Sub-city FGD composed of 7 men and 2 was held. Whereas in Bole Arabsa of Bole Sub-city FGD consisting of 9 men and 2 women was conducted. In-depth interview consisting of 16 displaced smallholder farmers was conducted. In Koye Fache case study in-depth interview with 8 men and 3 women were conducted. Whereas in Bole Arabsa Case study, in-depth interview with 6 male key informants were conducted. The respondents for both FGD and the in-depth interview was composed of young, adult and elder people of both men and women. Also, in-depth interview with 3 government officers working in Akaki Kaliti sub-city and another 2 government officers working in Bole sub-city were conducted in the study. Secondary document analyse was used to support information gathered by FGD and in-depth interview in the study.

4.4 Presentation and Analysis of Data

4.4.1 Existing Property Rights of Smallholder Farmers

The key informant responses from officers working in government agency, displaced smallholder farmer, and researcher observation shows that there are two main factors causing property rights change in the study area. These are change in land holding system and settlement pattern of the community in the peri-urban area. The finding of the study reveals that free landholding was the dominant tenure system governing property rights of the community in the study area. Displaced smallholder farmers response shows that as the city is expanding and the need for peri-urban land for development is increasing, their freeholding right was changed to public leasing through expropriation of agricultural land. The second factor for the changing property right in the peri-urban area is changing settlement patterns of the community. According to response from officers working in government agency, the growing expansion of Addis Ababa city to its surrounding rural area caused change in the settlement pattern of smallholder farmers from rural settlement to urban settlement. The finding of the study shows that before land was expropriated for CHD settlement pattern of the community in the study area was dominantly rural in which their livelihood was subsistence agricultural farming. Whereas after government expropriates their land, their settlement pattern is forced to change to urban settlement and livelihoods base of the smallholder farmers changed to non-agricultural economic activities. Primarily, the development of CHD is the reasons for changing the ownership of property in the study area.

The study reveals that, when the tenure system was freehold system, and settlement pattern was rural, the smallholder farmers in the peri-urban area has the use right on his/her property. The farmer in the study area used to have the liberty to produce the variety of crops on his/her land, use grazing land, and to plant trees on his/her property. The farmer also had the right to temporarily rent or and give contract his/her land to others for the specific period when the owner of the property is not able to make his/her property productive by his/her labour forces. After the parent is getting older and at the time of parental death, children have the right to inherit their parent property. The parent used to inherit their land to their children when they are alive. One of the elderly farmers in Bole Arabsa stated smallholder farmers had legitimate

right to use, administer, rent, and transfer to my descendants, grant, etc. their land. Whereas with changing land use in the area the smallholder farmers lost their right over the property. He added that, government was easily claiming landholding rights of smallholder farmers based on the constitutional ground that land belongs to the state, and government can come and displace smallholder farmers by paying very less amount of money that they call it compensation.

The study shows that expropriation of farmland for CHD caused change in existing property rights of smallholder farmers in the study area. For example, before the government takes land for CHD smallholder farmers has the right to use/develop, administer, rent, and transfer his/her property to others. Whereas, after the land expropriated, farmers deprived of their right to their properties. Another adult key informant from displaced smallholder farmers in Bole Arabsa explained the situation as follow:

“Since the land belongs to me, as long as I pay tax to the government, I had full right to use that land for any purpose. I used to grow crops and make the livelihood for my family. I used to grow different trees and sell/use it. I feel that I have the right to use, administer, transfer, rent, and bequest the land. But later, they caused their proclamation that denies our right to the land. They say you have no right to the land, except the tangible properties on it. Using this proclamation, they have taken the land at all, and now we have nothing other than our leaving premises.”

In the study area, smallholder farmers used to enjoy the right to use our land for production, the right to bequest our property to our generation, the power to administer the property. They also used to have the right to do any construction on the land. But the smallholder farmers have no reason to sell or transfer land to other regardless of the tenure system and settlement pattern of the community. Also, with rural landholding right peri-urban area smallholder farmers cannot use his/her property either land or related land properties to get the mortgage or other financial support. The finding of the study shows that smallholder farmers had no legal document proving their ownership of land to get mortgage services. One of the adult displaced smallholder farmers in Koye Fache area stated the situation as follow:

“The right I had on my land is...I can farm if I needed and when I face any problem, I can rent or give contract my use right for 1 or 2 years temporarily. I can also transfer to my family member through inheritance. But I cannot sell the land to others because the land belongs to the government”.

The study reveals that the property rights in the peri-urban area are completely different before and after the land expropriated for CHD. Before the land expropriation, smallholder farmers property rights were associated with farmland, grazing land, trees land and residential premises. Smallholder farmer had the right to use, administer, transfer, rent, and bequest the land before 2011/2012. But they have no right to sell the land. However, the property rights of smallholder farmers after government expropriated the land for CHD associated with residential premises. In Koye Fache peri-urban area, smallholder farmers lost all their land and land-related properties. And they are given replacement land instead of their demolished residential building. However, in Bole Arabsa peri-urban area smallholder farmers lost their farmland, grazing land and trees. Their residential premises not destroyed yet. In both case study, the farmers have the right to inherit their property to their children and their children have also right to bequest their family property. The finding of the study reveals that smallholder farmers

had the right to use/develop their land in the study area. Despite, the types of use or development right is determined by laws. Displaced smallholder farmers response shows that if any land use change is required smallholder farmers have to ask for permission from the government agency at Woreda/District and sub-city level.

According to the response from smallholder farmers and officers working in government agency at sub-city level, after farming land is expropriated and farmer displaced from their property, the special right added to bundles of the right of displaced farmers is the right to get the mortgage and another financial support. Despite the fact that this particular right determined by the types of the legal document the displaced farmers possessed. The study reveals that, most of the displaced farmers have no legal document on the replacement land given to them instead of their demolished residential house due to condominium house development in the study area. Rather they are given the temporary use document of ownership on the land. This temporary use document of ownership is not accepted by any financial institutions so that the displaced farmers cannot access mortgage services. In general, the existing property right of displaced farmers is limited to only on replacement land given to smallholder farmers instead of their demolished residential premises in Koye Fache and remained residential premises in Bole Arabsa peri-urban area.

4.4.2 Existing Tenure System of Smallholder Farmers

The response from all key informants reveals that, starting from 1983 the tenure system governing property rights was public tenure system in the study area. Displaced smallholder farmers and officers working in government agency response shows that, starting from 1983 they had freeholding system for unlimited period until their land was expropriated for CHD in the area. Displaced smallholder farmers response shows that after their land was taken for CHD smallholder freeholding right completely changed to public land leasing. This shows, CHD caused change in land holding rights while the tenure system remains public in the study area.

To analyse and figure out the existing tenure system in the study area, displaced smallholder farmers and officers working in government agency were interviewed. The response of all key informants reveals that the way people in the study area held land is very complicated and there is no single way that farmers used to own or keep the land and related land properties. The response of the smallholder farmers reveals that dominantly there are two means of ownership of land and land-related properties in the study area. The first one is the situation when the ground is provided to smallholder farmers directly from the government. The government ruled the country in the past has different ways of giving land to the people. For example, During Emperor Haile Selassie (1960-1975) ownership of the property was entitled to the landlord and other people are renting or taking the contract from the landlord to improve their living standard and support their family. There was the neutral party (landlord) entitled to give right to hold land to others. The government was giving the right to own property to the landlord, and landlord, in turn, has the right to provide ownership title to other people. Whereas during Dergue Regime (1975-1991) the government took back all the land owned by the landlord and distributed to all people who are landless at the time. The government was entitled to give ownership right to people. But during Federal Democratic Republic of Ethiopia (FDRE) (1991- Current), land ownership right was taken away from people and the government become the owner of the land. Since FDRE took power, the people have no more right to own the property. One of the key informants in FDG of Koye Fache peri-urban area described the situation follows:

“The land is given to us by Dergue Regime. During Haile Sillasie regime landlord owned most of the land. Farmers work for the landlord at that time. But Dergue Regime equalises rich and poor by dividing the land owned by the landlord to people who have no farmland. Dergue regime distributed land for all of us equally. It distributed for young, and adult people regardless of our age and marital status. At that time, we are asked to pay tax for the land given to us. Since that time this farmland is ours, and we used to farm until the current government takes the land for development.”

The second means is the situation in which the children inherited land and land-related properties from their parent. The children inherit the farmland to support their family when their parent is getting older. After the death of the parent the children took over their family property. One of the key informant Bole Arabsa stated that:

“We inherited the land from our family. My father got the land in 1974 when the Dergue regime declared land to tiller/farmer from the hand of the landlords. My father has passed away but, my mother is still alive. She gave me half of the farmland as grant. So, I got the land from my mother as the grant. I have land taxpayer document (file) from the district, by which we pay the tax every year, and that file is our legal document of our land ownership.”

The study shows that smallholder farmers in both case study area are an indigenous community living in the area for generations. They inherited their ancestral family land through the land passed through the different system of tenure administration changing with changing government system ruling the country in the past. Another elder smallholder farmer key informant in Bole Arabsa peri-urban area stated his means of ownership right to land and land-related properties as follow:

“I was born and grew up here, my father, grandfather and beyond too. As to my knowledge, this is where our tribes were originally living. This land is our original homeland, where our grand families and we were living. I inherited the land from my father 52 years ago, so does my father from his father, and so on. I feel that I will be the last generation of my tribe to lose our land; I am unlucky among my clan”.

There is the situation where the land ownership right is given by the government and inheritance from parent coexist together. There is some smallholder farmer who gets some of ownership right to land from state and another ownership of property from their parent. Though they had their land given to them by the government, some parents grant some parts of their land to their children when they are alive so that the children will be taken care of their elderly family. One of the displaced smallholder farmers key informant in Koye Fache peri-urban area stated as follow:

“I was born and grew up here. Originally, this land belongs to my father, who used have tax certificate both during the Dergue and Hailesillassie regimes. My siblings and I inherited the land from our father. Therefore, I owned this land for the whole age I lived (since the Dergue regime) and inherited the land from my father. I also have some land I got from the government during Dergue regime. But most of my land I had was the one I inherited from my family. They have now taken it to construct condominium houses”.

The study reveals that, though there is the law governing rural land and urban land separately, the expansion of the urban area is not necessarily affecting the existing tenure system in the peri-urban area. All the current land laws derived from FDRE constitution are in support of

public tenure system. For example, for urban land, urban land lease holding proclamation 721/2011 is governing the tenure system in the urban area. In the proclamation, no person shall possess urban land contrary to lease holding system. For rural property, rural land administration and land use regulation proclamation 456/2005 is governing tenure system in the rural area. The declaration stated that peasants/farmers/pastoralists engaged in agriculture for a living should be given the rural land free of charge for the unlimited period. The same as urban land, rural property is governed under public tenure system. However, the study shows that there is no separate proclamation or any other laws governing tenure system in the peri-urban area. The tenure system remains the same under both proclamations governing tenure system in the rural and urban area.

In both Koye Fache and Bole Arabsa localities free holding system is the dominant tenure system. The study figured out the case by separating the existing tenure system before and after the CHD is launched. Before the government expropriated the farm and grazing land, smallholder farmers used to use/develop, inherit, transfer and manage farmland, grazing land, the land for planting trees and their residential premises privately. The response from Urban Land Management and Development Office (ULMDO) and Transitional Period Tenure Administration Project Office (TPTAPO) key informant shows that, after government expropriated smallholder farmer land for CHD the tenure system was changed from freeholding to public leasing system. The smallholder farmers are no longer allowed to use/develop, inherit, transfer and manage land in the study area. Instead, the government took over the ground and started to use/develop, lease, transfer and manage the land in the study area. There was also communal property like communal grazing land and land for religious services that are owned by the community in the study area. For common property governed by customary tenure system, members of the community have the right to use property. At the same time members of the community legible to use property has the responsibility to protect land and related land properties. There was also informal tenure system created through speculation of land market in the peri-urban area.

4.4.3 Governance and Land Acquisition in Peri-Urban Area

The finding of the study shows that there were high land governance problems in land acquisition for CHD in the study area. According the response of displaced smallholder, and officers working in government agencies working at Akaki Kaliti and Bole Sub-City ULMDO and TPTAPO the land needed for CHD acquired through expropriating agricultural land from smallholders in the study area. The expropriation of farm land belongs to farmers was based on Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 and FDRE Constitution Proclamation No. 1/1995. Expropriation Proclamation No. 455/2005 article 3 stated the inherent power of local government body to expropriate urban or rural land as follow:

“A woreda or an urban administration shall, upon payment in advance of compensation following this Proclamation, have the power to expropriate rural or urban land for better development to be carried out by public entities, private investors, cooperative societies or other organs, or where such expropriation has been decided by the appropriate higher regional or federal government organ for the same purpose”.

Supporting expropriation proclamation, FDRE Constitution article 40 sub-articles 8 stated the power of government to expropriate private property as follow:

“Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate with the value of the property”.

Responses of displaced smallholder farmers, and officers working in government agency in Akaki Kaliti, and Bole Sub-City ULMDO and TPTAPO reveal that compensation payment and stakeholder participation are the main areas where governance problem is manifested itself in land acquisition for CHD. The question here is, what are the main governance problems revealed when the government pay compensation to smallholder farmers in the study area? How is the local government recognising decision making the power of smallholder farmers and other stakeholders in land acquisition for CHD in the study area? The following section will explain the situation as follow:

4.4.3.1 Smallholder Farmers Participation in Land Acquisition

The study reveals that there are only two stakeholders participating in land acquisition for CHD. The first stakeholder is the government who in need of farmers land for CHD. The second stakeholder is the smallholder farmers entitled to hold the land in the study area. As mentioned in previous section government have independent power to expropriate land in either rural or urban area. Whereas, there is specific criteria government have to fulfil to confiscate landholding rights of smallholder farmer. The study shows that there are conditions before expropriating land in both rural and urban area. One of the requirements for expropriation is giving notification order for the urban or rural landholders. Expropriation Proclamation No. 455/2005 Article 4 stated the conditions as follows.

“Where a woreda or urban administration decides to expropriate a landholding, it shall notify the landholder in writing. At the same time, local government should indicate the time when the land has vacated and the amount of compensation, and the period of notification shall not be less than 90 days after he/he received compensation from Woreda or urban administration”.

In expropriation proclamation, there is no room for enabling landholders to participate in land acquisition for public purposes. The government is only responsible for notifying the smallholder farmers so that smallholder farmers prepare themselves to leave their land for the development purposes without mutual agreements. The response from smallholder farmers shows that the participation of smallholders in land acquisition for was inadequate and they had no decision-making power on their property. One of elderly smallholder farmers in Bole Arabsa said that government was coming to smallholder farmers at the final stage of planning just to acquire land for the intended development. He added that smallholder farmers are invited to be informed after the government passed the decision. The participation of smallholder farmers was not necessarily significant for the success of acquiring land for CHD. Meaning, good willing of farmers to leave the land timely was required but not necessary to change the prior decision made by the government. The smallholder farmers are subject to be deprived their property whether they agree with the government decision to acquire land or not. Another adult key informant of the displaced smallholder farmer in Bole Arabsa condominium development site explained the participation level of the smallholder farmers in land acquisition for CHD as follow:

“Yes, they come from local and city administration office and gather us; tell us that the land is needed for development, they tell us that they will pay us compensation, we do not have

the influential role on the discussion. They just come to tell us that the land is needed and we have to leave the land for the construction project. We cannot deny”.

The intention of participation of smallholder farmers was not genuine to make smallholder farmers decision maker in land acquisition for condominium house development. According to the response from smallholder farmers, most of the time local government at the district level of city administration inform the farming community about the intended/planned development. They added that the government officials were also telling about the compensation and other benefits to be paid to smallholder farmers while they are expropriated their land for development. However, the intention of informing smallholder farmers was just to convince them so that they will leave their property peacefully. One of the smallholder farmers in Koye Fache condominium site stated that, when smallholder farmers claim not to leave their land for development, they were facing exclusion and politically considered as anti-development in the community. Even arguing for fair compensation and replacement land other than what the government planned to provide was putting displaced smallholder farmers under pressure of marginalisation in the study area. The Government was only responsible for telling the smallholder farmers when the land needed for CHD rather than enabling the smallholder farmers to actively participate in land acquisition as a recognition to the intended development. Other displaced smallholder farmers in Koye Fache described their participation level in land acquisition for CHD as follow:

“Yes, government body at local level called the farmers for meeting. On the first day meeting, the government informed us they want some portion of our farmland for development and for that fair compensation will be paid to the farmers displaced from their farmland. That day we told them, we do not want to give our land, and we need to farm the land. After we refused them on the first day of the meeting, they let us to go. Then they called the second meeting after seven (7) days to discuss with the community. That day they caused some officials from the city and sub-city administration. On that day, we said to them “our land is inherited from our ancestors so that we do not want to give for any development. Then, we depart without agreement again. After that in the third meeting, they start differentiating people within the group for the meeting. The government internally disseminated rumours frustrating the community. Finally, they started threatening the farmers by saying ‘the house of the farmers who disagree about this development will be in jail. Then the people enforced to accept the idea by force. The threatening of smallholder farmers was intentionally created to frustrate farmers. That is the day they told us our land is taken for development without our interest and agreement. We all cry that day, and we went back to our home. Then after, they start enforcing the farmers to leave their land, and they start demolishing our houses by force. We begin to be displaced from our property and home by force without any consent and agreement with the government. The police come from the city, the administrator come from the district, even officials from federal came and told us to be displaced by force, and our land is taken away, and we have no right to it anymore”.

The study reveals that smallholder farmers were not against the development planned by the government. But they were in need to be fully involved so that they can recognise the development and work with the government in reducing negative consequence after the expropriation of land. The displaced smallholder farmers response shows that the lack of genuine participation of smallholder farmers in land acquisition and other issues associated with after land expropriation was irritating the smallholder farmers in the study area.

Supporting the response of key informant from displaced stallholder farmers in both case study, one of the senior expert in Akaki Kaliti Sub-City TPTAPO described the situation as follows:

“Based on my assumption, there is no way to take the land of farmers without discussing with them. I think so. If not, there will be a huge conflict between the government and the farmers. Farmers and farmers own a huge amount of land are dependent on this land for their livelihoods. I think the local government will consult with the community who owned the land. Without consultation with farmers, I do not think all this farmland is taken for development. Though, I cannot say farmers are strong decision makers in the consultation process. You can categorise the decision-making power of the farmers into two. In the first category, some farmers want to involve themselves to be a beneficiary. In the second group, some farmers are against the decision of the government to take farmland for development. Therefore, no organised system allows/enable the farmers to fight/struggle for what they want and do not want. Especially, in the rural area, they do not have both formal and informal system/institution that organises farmers to fight for their rights. There is neither community association like farmers association established by farmers, nor specific laws and regulation favouring the farmer's rights to their land in the peri-urban area. The farmers in peri-urban are very disorganised so that they have no power in decision making and their decision-making power is very low. That matters their decision-making power and their participation level in land acquisition for development”.

According to the response from the key informant working ULMDO of Akaki Kaliti sub-city, the first thing done whenever a land is needed for some purpose was to call out smallholder farmers and inform about the reasons why the property is required, the compensation amount, the replacement land and how they are benefited through the process. Despite that, the smallholder farmers involvement in decision making was below average. Whereas, the expert working in ULMDO of Bole Sub-city stated the participation of smallholders as follow:

“To my knowledge, their participation was enough. The discussion with farmers is needed at the time their land required for the public interest. At the time of discussion, the government will discuss why their land is needed and amount of land needed. The government will also ask people about their interest and questions. After the discussion with farmers, if finalised and the consensus is reached, the farmers will be asked to form the committee from the owners of the land needed for development. It is this committee formed by the community themselves who is responsible for measuring the land of the farmers needed one by one. On this, if the farmers have any claim, there is room to present their claim to the concerned body. There is a law regarding how to present their claim. They can present their claim to wereda/district, sub-city, and city administration. Also, if the experts affect them, there is the same way to present their claim”.

The study reveals that the formation of the committee from the displaced smallholder farmers was based on the goodwill of government than farming community in peri-urban area. The selected representative from smallholder farmers was working and committed toward achieving intended CHD than local and city administration than making the displaced smallholder farmers beneficiary from development in the peri-urban area. Most of the time the committee must be formed whether the farming community agrees or disagree with the government decision to take agricultural land held by smallholder farmers. To sum up, the low participation level of smallholder community in land acquisition for CHD shows the small commitment of local, sub-city, city and federal level administration body in enhancing

stakeholder's participation. Also, lack of clear laws and regulation regarding smallholder participation in land acquisition and associated issues contributed a lot to the low recognition of smallholder farmers participation in land acquisition for CHD in the study area.

4.4.3.2 Land Expropriation for CHD and Compensation to Displaced Smallholder Farmers

The study shows that despite government have independent power to expropriate landholding rights of the smallholder farmers in the study area; the smallholder farmers have the right to claim for fair compensation based on the laws. The government shall provide reasonable and appropriate compensation for the displaced farmers so that the displaced farmers can be able to lead and improve their living standards. The compensation payment for displaced smallholder farmer will be determined by FDRE Constitution Proclamation No. 1/1995, Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005, and Payment of Compensation for Property Situated on landholding expropriated for public purposes Council of Ministers Regulations No 135/2007.

According to FDRE Constitution Proclamation No. 1/1995 Article 40(7), every Ethiopian has the right to claim fair compensation for his/her land and related land properties. FDRE constitution Article 40 sub-article 7 stated the right of the property holder as follow:

“Every Ethiopian shall have the full right to the immovable property he builds, and to the permanent improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it. Law shall determine particulars”.

In support to Article 40 sub-article 7 of FDRE Constitution, Expropriation Proclamation No. 455/2005 Article 7 sub-article 1 and 2 stated that, when the landholder expropriated his/her land and land-related properties he/she shall be legible to claim for fair compensation for his/her property located on the land and for the developments he/she made to the property. Moreover, the compensation amount shall be determined based on the replacement cost of capital situated on the land. Expropriation Proclamation No. 455/2005 Article 8 sub-article 1, 2, and 3 also stated about the responsibility of government to pay fair compensation either in kind or cash for displaced landholders. For example, in article 8 sub-article 1, the proclamation stated that at the time landholding rights are expropriated from rural landholders permanently, the landholder has right to claim for displacement compensation, besides, to benefit to property situated on the land. Displacement compensation shall be 10 times the mean of annual income or product he/she got in the past preceding five years before the land was expropriated. Also, Payment of Compensation Regulations No 135/2007 stated clearly on assessment of compensation for different land use type (Article 3-13), and provision of replacement land and payment of displacement compensation (Article 14-18) for displaced landholder.

The study reveals that there are two ways of compensating displaced smallholders. The first one is through the provision of cash payment for the property he/she lost as a result of development. Based on the laws mentioned above the cash payment was provided to the displaced farmers for their demolished residential house, grassland, cropland and trees. The calculation of compensation for property lost depend on the type of property. For the benefit of the destroyed residential house is based on floor area coverage of the building and material from which house is constructed. Whereas the compensation for cropland is paid based on the

five (5) years average annual production capacity of the land multiplied by ten (10) years again increased by Kari meters of the farmland. The study shows that compensation either of grazing, farm, trees or residential premises was not paid for the land because the right to own the property belongs to the state rather than the smallholder farmers in the study area.

The response of displaced smallholder farmers shows that the amount of compensation paid to displaced smallholder farmers by the government was not fair. The compensation payment for the smallholder farmers was only based on the market prices of the farming products at the time land expropriated from farmers. Displaced smallholder farmers confirm that they only received compensation for their farming products. The finding of the study shows that the compensation for smallholder farmers did not include both land value and future market value of the land. Moreover, the finding of the study reveals that, smallholder farmers do not know how to calculate the compensation for their expropriated properties and they are not aware of laws and regulations determining compensation amount both in kind and in cash. The study shows that there was no initiative from the government to aware the displaced smallholder farmers to make them know how the compensation is calculated. The same is true for laws and regulation on which the calculation of compensation depends. Displaced smallholder farmer key informant in Koye Fache said the following about the amount of compensation they received from the government instead of their land and land-related properties:

“We do not know how they pay us. They give us some money for hectares of land they take. They roughly pay us 18.57 ETB for farmland and 9.50 Ethiopian Birr (ETB) for grazing land per square meter. The compensation was not fair. They have taken almost all of our land with a very insignificant amount of money. They do not properly pay compensation for tangible properties such as demolished houses and trees. For example, they paid only about 30,000 ETB for a very organised and wide house bearing with about 195 pieces of the Corrugated iron sheet for roofing. There is no transparency at all”.

The study reveals that compensation payment per meter square of the farm was not the same every year. City administration council of Addis Ababa was improving once annually in November. Whereas the improvement made to the compensation for displaced smallholder farmers was not significant to improve and transform the lives and livelihoods of displaced smallholder farmers in the study area. The response of displaced smallholder key informant in Bole Arabsa shows that compensation paid to the displaced smallholder farmers was not fair. Smallholder farmer key informant in Bole Arabsa peri-urban area described the unfairness of compensation paid to him as follows:

“Yes, I received compensation. The land taken by the government for development exists in different locations. The compensation payment was also in different time. There was the time 20 ETB paid for me; there was the time 29 ETB was paid for me and there also the time 33 ETB paid for me for 1 square meter. Compensation was not enough. For example, the compensation paid in 2016 and 2017 had a difference. In 2016, compensation was 33.50 ETB for farmland and 9.50 ETB for grazing land, but in 2017 the compensation improved and become 51.57 ETB for farmlands and 54 ETB for grazing lands. From the starting time, if this amount were paid to the farmers, a lot of farmers would have caused transformed and improved their living standards”.

This shows that most of the displaced smallholder farmers received compensation for their expropriated property when the compensation rate was minimal. The key informant working

Bole Sub-City ULMDO said that compensation paid for displaced smallholder farmers was not fair. He added that, though the compensation level is improving from year to year annually in November, the amount of compensation government paid was not enough to enable displaced farmers to make their lives sustainable. He described the unfairness of compensation as follows:

“The compensation is meagre. Compensation for land is improving/amending once in a year. Before I am employed in this office around 2010, the farmers were paid 3 ETB for 1 square meters of farmland. Then it became 11 ETB, 20 ETB, 23 ETB, and 33 ETB. Now, it is somehow improved. It reaches 51.57 ETB per 1 square meters of farmland. There is a difference between farmers who took compensation before and now. Farmers are taking lessons from the problems of previously displaced farmers. Those who are paid in the past 10 years are now in the difficult problem. Those in the past become a guard, wage labourer and beggar now. Displaced smallholder farmers are in miserable life. But, displaced smallholder farmers received at this time are much better than the past. They are learning how to hold money and start some business to lead their life smoothly. Government is also working on the mistakes done on the former farmers displaced from their land not to repeat. There is an improvement now”.

Displaced smallholder farmers response shows that, in addition to being paid low compensation, the government was not paying an estimated cost of compensation once at a time. Rather the compensation was paid to the farmers in a different period without considering the inflation value of money. Also, compensation benefits were only for some segments of the family. For instance, children of less than 18 years old are not legible to get replacement land. Smallholder farmers had 8 children of which all of them are less than 18 years old was getting the same as farmers who have no children. Also, though the children of farmers are more than 18 years old, unless he/she is married, he/she was not legible to get replacement land in kind. Another elderly displaced smallholder farmer key informant in Koye Fache described the unfairness distribution and amount of compensation he took from the government instead of the property he lost as a result of CHD as follow:

Yes, I received compensation. But the payment was not fair. It was a minimal amount of money. They took 17 kerts (4.5 hectares) of my land excluding grazing land and residential premises. The government paid me 18.57 ETB per square meters. They paid only for the farmland. I had 3 kerts (0.75 hectares) of residential premises, and I had 4 houses built in the yard on 1000 Keri meters. For 3 homes, they gave me only 69,000 ETB of compensation. Together with my house one time they gave me 470,000 ETB and other time they gave me 480,000 ETB. That is it. They gave me only this for all my properties. There is nothing paid for me other than this. Nothing at all. Recently they gave me 30,000 ETB for one land. They are not giving the compensation together. They gave me at a different time. To this time, they did not pay my compensation for grazing land. They gave me replacement land for building resident for my family now. The replacement land is 500 square meters. I have a lot of children. They are 10 including me. Children are 8. With my wife and me we are 10 family members. The replacement land is not given to all my family members. This replacement land is not enough for all this family member”.

The study reveals that the compensation paid to displaced smallholder farmers was not the same as what is determined by Compensation and Expropriation Proclamations. According to proclamation mentioned above, if the average estimated compensation prices of a 1-meter

square of farmland for land five (5) is 18.57 ETB in current market prices at the time land was expropriated, the compensation amount shall be 18.57ETB multiplied by 10 years multiplied by 1 square meter of the property. The final payment shall be 180.57 ETB per square meter. Whereas according to the response from displaced smallholder farmers and experts working ULMDO and TPTAPO of Akaki Kaliti and Bole sub-city, displaced smallholder farmers are paid 18.57ETB per square meter of farmland for 10 years. These imply that smallholder farmers were paid 1.857 ETB for one year which was only 10 % of the total payment displaced smallholder farmers deserve to be paid for his/her expropriated properties. One of the smallholder farmer key informant displaced from his property in Koye Fache FDG stated the compensation problem at the community level as follows:

“We received compensation in cash for farm land and grazing land. But the payment was unfair and very small. The compensation for farmland was 18.57 ETB for 1 square meters of farmland. Whereas, it was 9.50 ETB/1 square meters for grazing land. We are paid only for one year. We are also given replacement land in kind instead of our residential premises we lost due to condominium house development. The replacement land was also minimal. Some farmers own up to 3000 square meters of land for residential premises. But now we are given the maximum of 500 square meters and minimum of 105 square meters as replacement land for the residential premise. That is even based on the family side of the farmer, and the government was counting the family size of the farmer. For example, the farmer with 8 or more family members got 500 square meters, 4-7 family member got 375 square meters of land, and 1-3 family member got 250 square meters of land. Besides, only married young people who are more than 18 years old got 105 square meters of land under their parent regardless of their family size. Unmarried young children of the farmer did not get any land regardless of their age. In addition to replacement land government also paid the estimated cost for the demolished house as a result of development. The payment for the house was based on the material from which farmer construct their house and the quality of the farmer house”.

There are also other farmers who did not receive his compensation for his property. According to the displaced smallholder farmers the key informant response, there was the governance problem in providing compensation in both cash and kind. They added that some of the experts working in ULMDO and TPTAPO of Akaki Kaliti and Bole sub-city were asking for corruption money to estimate the compensation prices in time for the displaced farmers. The local government officials and sub-city officials were not committed to answering the governance claim presented by displaced smallholder farmers in the study area. Also, smallholder farmers selected in land acquisition committee are not elected by displaced farmers rather by government officials at different levels of the city. One of the displaced smallholder farmer key informants in Koye Fache described the situations as follows:

“The government took my land in 2012. I did not receive compensation for the property I lost. I did not take any compensation for my farmland, grazing land, trees and residential premises. MY land was overlapped with another farmer land. Around 2 hectares of my land was overlapped with my family land. Also, 1.5 hectares overlapped with the land of another farmer who shares the boundary with me. Around 3.5 hectares/14kerts of my land is overlapped with another land. I asked to correct and remeasure my land which overlapped with my family land and another one who shared the boundary with me. Then, workers Akaki Kalitti Sub-City ULMDO asked me to give them 50,000 ETB of corruption. I presented my worry/question from kebele to city level administration. But they are one; they have a

chain, they know each other. To the one who asked me 50,000 ETB of corruption money, I said to him I cannot buy my right by cash. I said I cannot buy my right hand by my left hand. When I said that he told me I am not going anywhere, I am going back to him again. I can even tell you their name; they are working sub-city land management. Car accident died one of them. God is great. More than 2 times, the kebele committee identified for me my land overlapped with my family land. In general, my land is around 25 kerts/6.1 hectares. That was what I am asking for. But, they are asking me for corruption money again and again. When one person left the position, another one coming. They are the same, no difference at all”.

The second method of compensating displaced smallholder farmer is providing replacement land. The replacement land was given instead of their residential premises or garden lost as a result of development. Based on the response from smallholder farmers and officers working in government agency s, before 2016 the calculation of replacement land for displaced was based on the family size of the displaced farmers. One of the key informant working in ULMDO of Bole Sub City said the following;

“From 2000 to 2018 the land replacement for the displaced family was based on the family number he/she has. The farmer who has the family size of 1-3 was given 250 square meters, of 4-5 given 330 square meters, of 6-7 was given 375 square meters and of more than 8 was given 500 square meters of land regardless of the size his/her residential premises take by the government. Children of the displaced farmer who was married and equal or more than 18 years old got 105 square meters size of replacement land. But after 2016, replacement land to displaced farmer started to be determined based on the size of the displaced farmers residential area. Then after the displaced farmer will be given 500 square meters regardless of his family size and size of the residential area. In this case, after 2016, children of farmers who are equal or more than 18 years old have right to claim 150 square meters of land regardless of his/her marital status”.

In both methods of compensating displaced smallholder farmers, the displaced smallholder claimed that their children were not considered by the government. Responses of displaced smallholder farmers and experts working in ULMDO and TPTAPO of Akaki Kaliti and Bole sub-city shows that before 2017 children of displaced farmers less than 18 years old was not legible to take replacement land for residential premises. Also, unmarried children of farmers regardless of his/her age was not eligible to claim for replacement land. Whereas in 2017 children of equal or greater than 18 years old started to be legible to request for replacement land. But compensation in cash was only for households who had landholding title in the study area. According to displaced smallholder farmers key informants, smallholder farmers were accommodating their children from what the government paid them. To sum up, the compensation for displaced smallholder was not only unfair and inequitable but also complicated by lack of governance in measuring the property of displaced smallholder farmers, estimating compensation cost and executing compensation payment according to laws and regulations formulated at the different level of administration.

4.4.4 Legal and Institutional Frameworks Implementing in Peri-Urban Land Acquisition

According to the response of experts working in sub-city ULMDO and TPTAPO, the implementation of proclamations, regulations, and directives in land acquisition for condominium house development as guiding principles are questionable. The commitment of organisations implementing the present proclamations, rules, and guidelines in land acquisition is vitally important. The following section will explain the existing legal and institutional framework implementing land acquisition for CHD in the study area.

4.4.4.1 Legal Frameworks Implementing Peri-Urban in Land Acquisition

The study reveals that there are no explicit and implicit legal frameworks treating land acquisition for CHD in the peri-urban area. However, there are complementing laws, proclamations, regulations and directives formulated by different legislative organs at various levels. According to the key informants working in ULMD and TPTAPO of Akaki Kaliti and Bole sub-city, all existing laws implementing in land acquisition are derived from the FDRE constitution. Mainly the proclamations, regulations and directives in land acquisition focus on property rights of the landholder, expropriation of land for public purposes, rural and urban land administration, and payment of compensation while expropriating land for public uses.

In the constitution of FDRE article 40 (1) stated that the right of every Ethiopian citizen to own private property belongs to them. For example, article 40 sub-article 2 said that tangible and intangible property produced by labour, creativity, enterprise or capital of individual citizen, association with legal personality, and community as specified by laws is considered as private property. Whereas, in article 40 sub-article 3 private property does not include land and other natural resources existing above or below the land surface. Land and other natural resources above and below land surface is the property of government and people of Ethiopia. In the same article, sub-article 4 and 5 the right of peasant and pastoralist landholders to be protected from forceful eviction and displacement from property they possessed is described respectively. Also, sub-article 7 and 8 of article 40 defines the rights of peasant and pastoralist landholders to claim fair compensation for his/her tangible and intangible properties and the independent power of the state to expropriate the private property for public purposes.

Based on FDRE constitution, there Rural Land Administration and Use Proclamation No. 456/2005 and Urban Lands Lease Holding Administration Proclamation No 721/2011 was formulated by House of People Representatives to manage rural and urban land separately. For this study, discussing Rural Land Administration and Use Proclamation No. 456/2005 is relevant. For example, article 7 of Rural Land Administration and Use Proclamation describe duration rural land use right. Article 7 (1) mentions that peasants who are rural landholders have use rights for an unlimited period. Under the same article sub-article 3 of the proclamation says:

”Holder of rural land who is evicted for public use shall be given compensation proportional to the development he/she has made on the land and the property acquired, or shall be given substitute land thereon. Where federal government evicts the rural landholder, the rate of compensation would be determined based on the federal land administration law. Where regional governments evict the rural landholder, the rate, of compensation would be determined based on the rural land administration laws of regions”.

Whereas, the land in Koye Fache and Bole Arabsa Area was categorized under neither rural nor urban land. The existing laws and regulations were working in complement ways to treat the property in the study area. The response from displaced smallholder farmers and experts confirms that, before expropriated by the government for CHD the land in the study area was utterly agricultural land used for farming activities for extended times. Though the property in the study area was purely agricultural held by smallholder farmers, there is no clear boundary to say the land exists in urban or rural administration. But in practices, the land owned by smallholder farmers was treated under municipal ground by default. So, lack of clear laws and regulation to address property in the peri-urban area was complicated by the undefined boundary between urban and rural land in the study area. According to the response of key informant working at Akaki Kaliti and Bole sub-city ULMD office and TPTAPO, there are no separate laws treating land acquisition for condominium house development in the peri-urban area. Therefore, the government was using both rural and urban land proclamation together to manage the land acquisition for public interest in the study area. The key informant working in TPTAP office of Akaki Kaliti Sub-city described drawbacks of laws and regulation implementing in acquiring land for development purpose in the peri-urban area as follows:

“Everything is on starting stage. I did not see separate legal framework publicly known land acquisition for CHD. There is no separate legal framework formulated to acquire land for condominium house development. But, there is constitutional law, proclamations, regulation, and directives dealing with how land is acquired, and how the owner of the land is treated when land is needed for public interest or any other development purposes in general. There is separate urban land tenure system administration. At the same time, there is rural land tenure system administration. But no separate laws are governing peri-urban land. For example, in the case surrounding the peri-urban area of Addis Ababa, those land included under the city administration are governed by urban land tenure administration laws. And those land still in the rural administration is governed by rural land tenure administration laws. I know there is a cooperation between rural administration and city administration body to govern the property right and tenure system in peri-urban area”.

Also, there is expropriation proclamation No. 455/2005 dealing with right and responsibilities of government in expropriating private property, and treating landholders from whom landholding right is seized. Expropriation proclamation No. 455/2005 article 3 sub-article 1 describes the power of the state to confiscate private property for public purposes with fair compensation payment for landholders. In article 4 sub-article 1 of the proclamation explains government responsibility in providing notification to landholder before expropriating his/her private property for public purposes, and article 4 sub-article 2 says the notification days should not be less than 90 days after the compensation is given to the landholder. Whereas, article 4(3) mentions the responsibility of the landholder to handover the expropriated land to the government in less than 90 days from the date of compensation payment. But article 4 sub-article 4 expropriated property should be handover within 30 days after compensation payment if crops do not cover the land. Article 7 and 8 of the proclamation describes bases and amount of compensation, and displacement compensation respectively. For example, in article 8 sub-article 1 explains about the amount of compensation payable to displaced rural landholders. It says the rural landholders shall be paid displacement compensation which shall be equivalent to ten (10) times the average annual income he secured during the five years preceding the expropriation of the land’. Whereas, article 11 of the proclamation describes the complaints and appeals concerning compensation payment for the expropriated property.

The compensation payment regulation No 135/2007 describe assessment of compensation payment for various types expropriated property, and provision of replacement land and amount of displacement compensation for landholders. For example, evaluation of compensation for building, compensation for crops, compensation for trees, compensation for grasses and compensation for the relocated property are described in article 3, 5, 7, 8 and 10 of the regulation respectively. Moreover, section 13 of the regulation explicitly mentions the how to calculate, and bases of calculation for each type of property holders lost as a result of development. For instance, compensation for crops will be the total amount of the land in square meters multiplied by the market value of the plants per kilogram multiplied by-products of crops obtained from one square meter of land multiplied by the cost of permanent improvement of the property. Whereas provision of replacement urban land, provision of rural replacement land, displacement compensation for land used for crops and perennial crops, and displacement compensation for protected grass or grazing land are mentioned in article 14, 15, 16, and 17 of the compensation payment regulation. For instance, section 15 of compensation payment regulation No 135/2007, described the provision replacement for rural land as follows:

“Where land used for growing crops or a protected grass or pastoral land is expropriated for the public purpose, the possessor of such land shall, as much as possible, be provided with a plot of land capable of serving a similar purpose”.

The response from experts and displaced smallholder farmers shows that, implement ability of laws and regulation while expropriating landholding rights of smallholder farmers was based on the commitment of implementing organisations in the study area. Whereas, there is no specific organisation responsible for implementing particular responsibilities in the study area. There is the overlap of responsibilities between/among institution in enforcing laws and regulation. The implementation level of rules and regulation in land acquisition for CHD and associated issues in providing compensation for displaced smallholder farmers was low. Lack of political commitment from government administration body at a different level and lack of proper governance in implementing laws and regulation the main reasons hindering the implementation of rules and regulation in the study area.

4.4.4.2 Institutional Frameworks Implementing in Peri-Urban Land Acquisition

The study reveals that there is no implicit and separate implementing organisation of property right and tenure system for the peri-urban area. The same is valid for the organization responsible for land acquisition for development in the peri-urban area. Response from the key informants working ULMDO and TPTAPO of Akaki Kaliti and Bole sub-city shows that there is various organisation responsible for land acquisition for CHD in the study area. These different governmental institutions are working together in coordination. For instance, to acquire land in the peri-urban space for the public purpose, rural land and urban land governing body have to work together. If there is conflict on the boundary and there is a claim of property right in the peri-urban area, there is a team established from both rural and urban governing body to see and solve the cases. Whereas, local government is primarily responsible for land and land-related management and development cases in peri-urban. Woreda administration is mainly responsible for controlling and managing the property right and tenure system in the peri-urban area.

The response of key informants working in Akaki kaliti and Bole sub-city TPTAPO and ULMDO show that Addis Ababa city administration, sub-city administration, woreda/district administration are the main governing body in land acquisition for CHD in the study area.

Whereas there are also technical offices established to implement land acquisition for development in the peri-urban area. The key informants working in Unregistered Property Desk Office of TPTAPO said the following:

“To my knowledge, there is no separate implementing organization in governing the property rights and tenure system in the peri-urban area. The organisations established in the urban area are working through coordination. For example, there is Unregistered Property desk team established under TPTAPO. This team is working on creating rights for displaced farmers who have no legal document on their land in the peri-urban area. The right created or displaced farmers is based on two criteria. The first one is if the land of the displaced farmers is existed/entered on satellite maps. The second one is if the farmers have tax paying receipts documents for the land he owned. We are working on both rural and urban land. There is also another office, I.e. Building Permission Office, Planning and Lease Office, Urban Renewal and Compensation Office, and Housing Development Office established under ULMDO. The responsible institutions work together with woreda administration at the local level to bring effective land management and development in peri-urban area”.

The response of key informants working in Bole sub-city ULMDO also shows, there is four (4) main office established under ULMDO sub-city level to handle land acquisition for CHD. These Are Urban Planning Office, Urban Land Development and Urban Renewal Office, Land Bank and Transfer Office, and Housing Development Agency. For example, Urban Plan Office is responsible for preparing LDP for condominium house development. Whereas, under Urban Land Development and Urban Renewal Office there is two separate team working in coordination. The first one is Compensation Payment and Rehabilitation Team which is responsible for clearing the site for development through either executing compensation payment or providing replacement land for displaced landholders and making sure that the property is free from any claims. This team is also responsible for working on rehabilitation of the displaced landholders to sustainably improve their living standard. The second group is Land Preparation and Infrastructure Provision Team which is responsible for providing necessary infrastructures at both the area where replacement land is given to displaced farmers and newly planned development localities. Then, they are responsible for transferring prepared land for newly planned development and displaced landholders to Land Bank and Transfer Office. Land Bank and Transfer Office are responsible for transferring prepared property to the customers. Finally, Housing Development Agency is in charge of Bidding and construction of the CHD in the study area.

The lowest level of administration body responsible for land acquisition was Wereda/district administration in the study area. Woreda administration is accountable to handle issues like establishing a committee at the local level from displaced smallholder farmers. It is also responsible for forming and facilitating discussion platform with the community and other stakeholders to make land acquisition process smooth and efficient. They are also responsible for screening landholding legibility of smallholder farmers and preparing lists of legible smallholder farmers to claim compensation and other benefits while government expropriates their land for development purposes. Woreda administration mainly works with the committee established by the displaced smallholder farmers in the study area. The second level of implementing organisation is sub-city administration. Sub-city administration is supporting local government at woreda level through providing technical and political support. Sub-city administration is composed of different offices responsible for various activities in land

acquisition. For instance, TPTAPO established at sub-city is responsible for creating rights to smallholder farmers based on the existing legal document of landholding rights of the smallholder farmers. Then with the committee is established at the community level, experts from sub-city ULMDO will be responsible for measuring the property of smallholder farmers, estimating the compensation amount both in-kind and cash, paying compensation, providing replacement land, and clearing and handing over the site for development. Sub-city administration and other technical offices established at sub-city level are working as a bridge between city-level and local government at woreda level. Another implementing organisation is City Administration and various bureaus found at the city level. This level of agencies is responsible for providing political support to sub-city and local level administration. They are also responsible for formulating different directives to implement regulations formulated by Council of ministers and proclamations formulated by House of People Representatives. Besides, city level administration was responsible for amendment of law decided by Cabinet of Addis Ababa City Council. In general, organisation implementing land acquisition for condominium development are composed of government at local, sub-city and city/municipality level with various technical offices supporting effective implementation of land acquisition.

4.4.5 Impact of CHD on Property Rights of Smallholder Farmers

The response of all key informants reveals that CHD in peri-urban area negatively affects property rights of the smallholder farmers in the study area. The legitimate landholding rights of smallholder farmers were deprived entirely due to CHD on their agricultural lands. Adult displaced smallholder farmers key informant in Koye Fache said that after 2011/2012 when government farmers expropriated their land lost their agricultural land, grazing land, trees land and residential premises. Following that the smallholder farmers in the area lost their property rights associated with land and land-related properties. He described effects of CHD on his property rights:

“Before my land taken in 2011/2012, I had legitimate rights on it. Then after the land is taken for development by government, I lost my farmland that I inherited from my family. I lost my agricultural practice; my job, I lost my income. Now we are obliged to get into daily labour work to live. We were farmers; all we know is farming. We do not know carrying stone and cement, we do not know running a business, but we know farming, and with our farming, we used to live very happy life. Since 2012 when our land is taken, we are living a life full of hardship. We have sold our cows and oxen. I am jobless now because I am not able to do the daily labour works. We are suffering a lot. Now I cannot claim for any matter of the land. I cannot farm, I cannot transfer to the second person, I cannot grant it to someone else, I have no right to do any construction on the land. I have no right to the land any more”.

The study shows that, after smallholder farmers lost their land, they were not allowed to claim any rights other than accepting government decision of receiving decided compensation and replacement land. Also, expropriation of smallholder agricultural land causes loss of their economic activities on which the livelihoods of displaced smallholder farmers rely. They lost farming activities and sold their livestock's due lack of grazing land to feed their animals. Another female displaced smallholder farmers key informant in Koye Fache peri-urban area stated that the CHD on the smallholder farmers property was the main reason to lose her legitimate right to the land she protected more than three decades. The added that the farmers

in the area do lose rights not only their land and land-related properties but also the natural right to use the land to improve their livelihoods. She stated the situation as follows:

“I lost everything I had before. The right of farmers never protected. I lost my farmland, grazing land and residence premise. After they took all the land I had and demolished my residential premises, they threw my family and me in the area where there is no basic social services and infrastructures. There is no water, electricity, road, school etc. in this area. We are suffering a lot here”.

Before 2011/2012, smallholder farmers used to produce a variety of crops on their agricultural land. The community in the peri-urban area is used to herd variety of livestock to complement their farming activities. Smallholder farmers were using products of crops and livestock for both family consumption and market consumption. They also had the plantation of trees and vegetable production in their residential premises to support their life. Whereas after 2011/2012 when government expropriated the land, smallholder farmers lost their livelihoods situated on the property. According to the response from the expert working in ULMDO and TPTAPO, the intention of the CHD was not to deteriorate the life of smallholder farmers in the area instead to improve their living standard through urbanizing smallholder farmers in the area. However, in practice, after the land was expropriated from the farmers in the area, their living standard is getting worse and worse than before. The response of displaced smallholder farmers shows that the government did not provide alternative livelihood activities for the displaced farmers except giving unfair compensation in cash and kind. They added that the government did not create any awareness on how to use compensation money to establish alternative income generating activities for the displaced farmers in the area. The displaced smallholder farmers key informant in Bole Arabsa peri-urban area added effects of condominium house development on his property as follows:

“There is no right at all since our land was taken. When I had farmland, I use to produce teff, wheat, peas, etc. I used to feed and dress my children by farming my land. Since my land is taken, I feed my family by purchasing from the market with that insignificant money they gave me as compensation. Now, I have run out of that money and life is getting worse. Even this day, they are vowing to displace us from our home for the same purpose they took our farmlands. I have nothing left now. They are considering us as illegal residents, not as indigenous farmer family that lost his land. We cannot build even hut in our compound. I have no guarantee to use my land property. The government is not recognising us at all”.

Response from the key informant working in ULMDO AND TPTAPO of Akaki Kaliti Sub-City shows that CHD in the peri-urban area deprived smallholder farmers by taking their farmland, grazing land and residential premises. As a result, inevitably smallholders are enforced to lose their rights on land and land-related properties. An expert key informant working in TPTAPO of Akaki Kaliti Sub-city described the situation as follows:

“I cannot say it does not affect the property rights of the farmers. Smallholder farmers lost their land that is the base for their livelihoods. They also lost their social bondage and capital they constructed over many years. As I said before, a few people might be benefited from this project. But the majority of the displaced farmers are affected badly. Managing this effect requires good leadership and management skills to treat displaced smallholder farmers fairly. But in practice, it is like on and off. It is very passive forms of solving the problems. Government is not vigilantly working in solving the negative effects of development on

smallholder farmers in the peri-urban area rather rushing only at the time problem happens.”

The study reveals that government think the property rights of smallholder farmers was protected unless they are not given compensation money and replacement land for their demolished residential premises. According to the response from the expert key informant working in ULMDO Bole Sub-City, provision of compensation for land and land-related properties to displaced smallholder farmers were indicators of protection to property rights of farmers in the study area. For him, the way to protect property rights of displaced smallholder farmer is only providing fair compensation and replacement land as per the law. In general, lack of specific rules and regulations governing property rights and lack of particular organisation implementing laws and regulations are reasons for complete loss of smallholder farmers property rights as a result of CHD in the study area.

4.4.6 Impacts of CHD on Tenure Security of Smallholder Farmers

Tenure security serves as a guarantee for the farmers to enable them to be engaged in diverse economic activities. The study reveals that there is some smallholder farmer with high tenure security on their land and another smallholder farmers with low tenure security in the study area. Some property in the study area has highly vulnerable to land use change whereas ground in some area has less vulnerability to land use change. For example, there is the land where the government needs for development purposes. Researcher personal observation shows that agricultural property in the study area was fenced for industrial development parks and CHD. Moreover, the response of smallholder farmer key informant and worker in ULMDO and TPTAPO of Akaki Kaliti and Bole Sub-City shows that most of the agricultural land in the peri-urban area are in need to be expropriated by the government for public purposes. In the study area, tenure security of smallholder framers was analysed before and after land is expropriated by the government.

Before the land was expropriated for CHD smallholder farmers had farmland, grazing land and residential premises. The smallholder farmer has land holding right for the unlimited period granted to him/her by Rural Land Administration and Land Use Proclamation No. 456/2005. The landholding system governing the property was freeholding system. The farmers had the right to use/develop, the right to inherit to their children, the right to transfer to the second person by renting for a temporary time, and the right to manage/exclude others from using their property. Whereas after government expropriates their land for CHD, the landholding system governing land in the study area immediately changed to public leasing system. As a result, the smallholder farmers lost their property and property rights attached to it. Change in land use and policy governing the property in the study area causes the erosion of smallholder farmers tenure security in the peri-urban area.

The researcher analysed two case studies. In case of Koye Fache of Akaki Kaliti Sub-City, the smallholder farmers lost their land and land-related properties entirely. In this case, the smallholder farmers have expropriated their farmland, grazing land and residential premises as a result of CHD and given replacement land to build the house instead of their demolished residence. Displaced smallholder farmers completely lost the security of their tenure on farmland, grazing land, trees land and residential premises expropriated by the government for CHD. After their land was expropriated, replacement land was given to displaced smallholder farmers in the area existing in the middle of undergoing condominium housing construction.

So, the question here was how the smallholder farmers perceive their tenure security on the replacement land given to them?

Based on the displaced smallholder farmers response, in peri-urban area, smallholder have no tenure security. They explain that government is in need of extra land for expansion of CHD in the peri-urban area. Moreover, the replacement land given to displaced smallholder farmers is surrounded by condominium houses. In the future, the displaced smallholder farmers are in fear of displacement again due to increasing land market in the area and less affordability of displaced farmers to develop their replacement land to the standard of structural plan of Addis Ababa city. Also, most of the displaced farmers in the study area are not given legal document for their replacement land, and they had the temporary certificate of ownership. Displaced smallholder farmers are frustrated not to be expropriated their property and displaced to another area. Though displaced smallholder farmers are given legal document in the future, the government can confiscate their land at any time with compensation if the land is needed for development. The concept that land is the property of the state in FDRE Constitution and other supportive proclamation make displaced smallholder farmers not to feel secure on their farmland in the study area. Elder displaced smallholder farmer key informant in Koye Fache peri-urban area described his level of tenure security as follows:

“No, I am not feeling secure. We are frustrating. We are afraid of government in the future. We are surrounded by condominium house developed by the government. In the future, our fear is ‘how the government will allow us to stay in this place in the mud house? We did not receive the original site plan for the replacement land. We have a provisional document for the property. Just some people had the permanent legal document. Most of the farmers have no stable legal document. Our question is why it says temporary plan? We think it is intended to displace us in the future when the land is needed for development. In this area, some of the land occupied by condominium house developed by the government, the property near to the main road will be sold to the rich in the future by the lease. We constructed mud house based on our capacity. What we received is not enough to build than mud house. So how can we stay here? I do not think it is possible”.

Whereas in Bole Arabsa of Bole Sub-city, smallholder farmers lost their farmland and grazing land and land for trees. Smallholder farmers here are not expropriated their residential premises. But they are under threat to be expropriated shortly. They are waiting the day to come to leave their residential premises for CHD expansion. An expert key informant working in ULMDO in Bole sub-city response shows that the Local Development Plan for CHD was already prepared and ratified by the city administration. Therefore, expropriation of land used residential premises in the area will be inevitable shortly. He added that smallholder farmers are already informed about the proposed expansion of condominium house in the area. Smallholder farmers key informants in the area response also shows that they know the governing is going to expropriate their residential premises as a result of development expansion in the area. The same as displaced smallholder farmer in Koye Fache area, the community in Bole Arabsa have no tenure security due to ongoing CHD in the area. Though replacement land will be given to them in the future, they have no guarantee not to be expropriated and displaced from their property for the same reason as Koye Fache community. Smallholder farmers are afraid of the experience of other displaced farmers nearby to their area. In general, the study reveals that farmers in the peri-urban area of Koye Fache and Bole Arabsa have no tenure security. Most important reason is the argument that FDRE constitution and

other derived proclamations supporting the independent power of government in expropriating private property as long as the land is needed for public and other development purposes.

4.4.7 Property Right and Tenure Security Nexus in Peri-Urban Area

The finding of the study shows that smallholder farmers have deprived landholding rights when government expropriated land and land related properties. When the land belongs to smallholder farmers seized for CHD, the landholding system was changed from freeholding to public leasing system. Before the government expropriated the ground through the state were entitled to own property and natural resources in and on the property, smallholder farmers were allowed to have holding rights for an unlimited period under freeholding system. But after the land was expropriated for CHD, the smallholder farmers lost their landholding rights and the tenure system governing property rights, and ownership was changed to public leasing system. Therefore, deprivation of landholding rights and tenure security of farmers are the synergistic effects of CHD in the study area.

The study reveals that lack of formal legal document or land title did not affect the property rights of the smallholder farmers. The smallholder farmers in the peri-urban area were enjoying the right to produce the variety of crops on their farmland and herding variety of livestock on their grazing land to improve their lives and livelihoods. They were also enjoying the right to transfer their property temporarily for a short period through the contractual agreement. Also, smallholder farmer can inherit their land and land-related properties to their children. Displaced smallholder farmers response shows that, though selling the land was not allowed to smallholder farmers, smallholder farmers were selling their land through the informal land market. In the study area, smallholder farmers were selling their agricultural land as a result of the fear of future expropriation and forced relocation by the government. This, in turn, were causing authorised and unauthorised property formation in the peri-urban area. Before their land was expropriated, smallholders were using their land tax receipt to engage in informal land market and to claim their landholding rights in the study area. Therefore, the property right of the smallholder farmer was not affected by the tenure security level of the farmers in the study area.

Whereas, the study reveals that, change in land use as a result of CHD and the concomitant shift in landholding system governing ownership of land from freeholding to public leasing causes diminishing property rights of smallholder farmers in the study area. According to Cernea (1996) land expropriation creates landlessness, joblessness, homelessness, and marginalisation of displaced smallholder farmers (Cernea, 1996). Response from smallholder farmers and Experts working ULMDO AND TPTAPO OF Akaki Kaliti and Bole Sub-City shows that displaced farmers lost their farmland, grazing land, and trees as a result of CHD. They also lost their residential premises. For example, in Koye Fache area smallholder farmers lost all land and land-related properties. And they are given replacement land instead of their demolished residential houses. Whereas, in Bole Arabsa area smallholder farmers lost their farmland, grazing land and land covered by trees. They left with their residential premises. But their residential premises in under threat of expropriation by the government for condominium house development expansion in the area. This shows that smallholder farmers in the study area are deprived of their property rights at the day government expropriated their land for public purposes. The change in tenure system from private to public tenure form as a result of CHD diminished tenure security of smallholder farmers in the study area. Therefore, the study reveals that change in the bundle of rights in the study area was as a result of change tenure system governing property rights and ownership in the peri-urban area.

Chapter 5: Conclusions and Recommendations

5.1 Conclusions

5.1.1 Existing Property Rights and Tenure System in the Study Area

The finding of the study shows that the existing property rights of the smallholder farmers are changing in the study area. According to Jacobs (2013) property rights of landholders change based on changing social, economic and political situations in society (Jacobs, 2013). Confirming this, the property rights in the study area was changed based on changing landholding system from freeholding to public leases. Under the freeholding the smallholder farmers were entitled to enjoy the right to use/develop, administer, rent, and transfer/inherit his/her property with conditions. Despite this, smallholder farmers were not allowed to sell the land hence the land is owned by government. Also, smallholder farmers are not allowed to use their freeholding rights for mortgage services. Whereas, after landholding system changed to public land leasing for limited period, smallholder farmers lost their freeholding rights. Thus, growing economic interest to peri-urban land for public development purpose is the driving force for changing landholding system and loss of property rights in the study area.

Payne (1997) stated that changing social, economic and political situations caused changing views/thoughts of society toward property rights (Payne, 1997). Response from displaced smallholder farmers shows that, land was viewed as social and economic assets that can be preserved for future generations. Whereas, with changing market values of land in peri-urban area smallholder farmers are enforced to view the land as commodity that can be changed to monetary values. Whereas, the smallholder farmers are conscious that this kind of views toward land is risking them to loss their property preserved of generations by their grandparents. The finding of the study reveals that smallholder farmers views of the land as commodity in the peri-urban area was coping mechanism to existing situations. Musole (2009) stated that not only government and recognition of laws define property rights but also non-legal basis in which rights are practised and capability of the individuals/groups to exercise their rights under informal and social contracts (Musole, 2009). In contrary to this, the finding of the study shows that the existing property rights in the study area was only defined by government and laws and smallholder farmers in the peri-urban area are only entitled to practice either freeholding rights or leasing rights with conditions as defined by laws.

The finding of the study shows, existing tenure system governing property rights in the study area remain public tenure since 1983. Peri-urbanization determines change in tenure system governing property rights in peri-urban area. As the urban area is expanding to the adjacent rural area, the tenure system is changing from customary to either private or public (Adam, 2014c, Adam, 2014a, Adam, 2014b). Whereas, in the study area the CHD in the peri-urban did not affect the existing tenure system in the study area. The finding of the study reveals that the tenure system was public tenure system regardless of urban and rural land in the study area. Despite public tenure system remains dominant, CHD in peri-urban area caused change in land holding system from freeholding to public land leasing. Adam (2014a) stated that some of the property in the peri-urban area are governed by leasing system and some others are held by freehold system when landholders have only usufructs rights (Adam, 2014a). Contrary to this, properties in peri-urban area of Addis Ababa are only governed under freehold system before the land was expropriated for CHD in the study area. Whereas, after the land was expropriated by government for CHD, displaced smallholder farmers are entitled to hold their replacement

land under public land leasing system in the study area. The finding of the study shows that the growing expansion of CHD is the main reason for changing landholding system in the study area.

5.1.2 Governance Problems in Land Acquisition for CHD

The finding of the study shows that there were land governance problems in land acquisition for CHD in the study area. According to Hedblom, Andersson, et al., (2017) peri-urban land governance shall explicitly focus on needs and active participation of an indigenous community (Hedblom, Andersson, et al., 2017). In contrary to this, the finding of the study reveals that there was less participation of smallholder farmers in land acquisition for CHD. The response from smallholder farmers key informants reveals that the government was forcefully expropriated the agricultural land held by smallholder farmers in the study area. In addition, the existing laws like Expropriation Proclamation No. 455/2005, Compensation Regulations No 135/2007, and FDRE Constitution Proclamation No. 1/1995 are not genuinely supporting active participation and recognition of smallholder farmers in land acquisition for public purposes. Instead this laws and regulations are encouraging the explicit power of government to expropriate the land and land-related properties in the study area.

Kihato, Royston, et al., (2013) stated that government agents, legal grounds, and land ownerships are not enough to solve land governance problems in peri-urban area. But also, it is essential to consider the social legitimacy from which the power to govern the land is emanating (Kihato, Royston, et al., 2013). Whereas, the finding of the study reveals that there was lack of organized and strong non-formal social institutions which support active smallholder farmers participation in land acquisition for CHD in peri-urban area. Moreover, the existing informal social institutions like community association was not recognized to take part in land acquisition for CHD in the study area. Rather the land required for CHD was expropriated and acquired by good will of government officials without considering the interests of smallholder farmers in peri-urban area.

The study found that there were governance problems revealed through unfair and inappropriate compensation, delay in compensation payment, and high corruption perception in executing compensation for smallholder farmers in the study area. Compensation laws, standard of compensation, and the commitment of implementing institutions determines the amount of compensation paid for land and land related properties (Yirsaw Alemu, 2013). Confirming this compensation amount paid for smallholder farmers was based solely on the market values of farming products. This implies that the land values and future market value of land was not considered in calculating compensation in the study area. Also, ineffective compensation laws due to less commitment of implementing government agencies affected the amount and time of compensation payment for smallholder farmers in peri-urban area. High corruption perception by government officials and officers working in government agency was another deriving factor for poor land governance in the study area. Cernea (2008) stated that political will affects the effectiveness of compensation for expropriated land (Cernea, 2008). Based on this, the study reveals that there was low political commitment and will from government sides to protect the property rights and tenure security of smallholder farmers in the study area. According to response from all key informants the political officials were not committed in enforcing existing compensation laws, encouraging implementing agencies, and easing bureaucracy for timely payment of compensation in the study area.

5.1.3 Existing Legal and Institutional Frameworks Implemented in Land Acquisition for CHD

The finding of the study shows there was no single and separate legal and institutional frameworks implemented in land acquisition for CHD in the study area. The existing Expropriation Proclamation No. 455/2005, Compensation Regulations No 135/2007, Rural Land Administration and Land Use Proclamation No. 456/2005 and FDRE Constitution Proclamation No. 1/1995 are complementing in governing the land acquisition in the study area. These laws and regulations are general laws working for land acquisition in either rural, urban, or peri-urban area for any development purposes. Thus, there was no single and separate laws and regulations formulated to deal with the land acquisition for CHD in the peri-urban area. The study also found that there was no single and explicit government agency implementing land acquisition for CHD in the peri-urban area. The lowest level of administration body responsible for land acquisition was Wereda/district administration in the study area. Woreda administration mainly works with the committee established by the displaced smallholder farmers in the study area. The second level of implementing organisation is sub-city administration. Sub-city administration is supporting local government at woreda level through providing technical and political support. At sub-city administration level, ULMDO and TPTAPO are mainly established to implement land acquisition for CHD based on established laws and regulations. The highest performing organisation was City Administration and various bureaus found at city level which is responsible for providing political support to sub-city and local level administration. Thus, institutions implementing land acquisition for the condominium development in the peri-urban area are composed of government at local, sub-city and city/municipality level, and they are complementary to one another for effective implementation of land acquisition for CHD in the study area.

5.1.4 Impacts of CHD on the Property Rights and Tenure Security of Smallholder Farmers

The finding of the study reveals that CHD in peri-urban area is highly threatening the property rights and tenure security of smallholder farmers in the study area. Growing demand for peri-urban land and forceful land acquisition causes isolation of property rights and tenure security from indigenous landholders (Adam, 2014c). Confirming this, growing demands for peri-urban land and associated expropriation of the land by government deteriorated the property rights of smallholder farmers in the study area. In addition, the existence of laws and regulations supporting eminent domain of government power to expropriate the land owned by smallholder farmers, and in contrary against recognition for landholder active participation in land acquisition for CHD intensified deterioration of property rights in the peri-urban area. As a result of CHD, the smallholder farmers lost the right to use/develop, transfer/inherit, administer, and rent his/her on land and land-related properties. The study also reveals that smallholder farmers had no guarantee on their land and land-related properties in the peri-urban area. The reason behind was lack of legal document showing the ownership of farmers over the land he/she used to have holding rights. Moreover, smallholder farmers have no right to claim for the continuation his/her property rights at any time government needed the land for development in the peri-urban area. Accordingly, lack of clear laws and regulations governing property rights and lack separate organisation implementing rules and regulations in the peri-urban area are the main reasons for complete loss of smallholder farmers property rights in the study area.

The study found that CHD in peri-urban area triggered deterioration and reduction in tenure security of smallholder farmers in the study area. The change in land use from agricultural land uses to urban land uses and landholding system governing the property rights from freeholding to public leasing system causes the loss of smallholder farmers tenure security in the peri-urban area. Moreover, the argument that FDRE constitution and other derived proclamations are supporting the complete power of government in expropriating private property as long as the land needed for public and other development purposes caused erosion of tenure security in the study area. Reduction in the level of tenure security in the peri-urban area is directly related to the governing institution's tenure system (Durand-Lasserve and Selod, 2009, Payne, 2001). In relation to this, the study found that there was no single responsible organization for managing property rights and land tenure system in the study area. In addition, there was low commitment of government officials to implement the existing laws and regulations to protect property rights and maintain tenure security of smallholder farmers in the study area.

The study also reveals that lack of formal legal document or land title did not affect the property rights of the smallholder farmers. Durand-Lasserve and Selod (2009), Dunkerley (1983), Galiani and Schargrodsy, (2010) stated that lack of formal land titling reduces and deteriorates the property rights and tenure security of land holder. Whereas Payne (2001) and Payne, Durand-Lasserve, et al., (2009) explained that land titling will not necessarily increases and maintain the property rights and tenure security of landholder rather recognizing another non-formal tenure better helps to increase and maintain the property rights and tenure security of landholder. Supporting the late argument, the study found that smallholder farmers in the study area are entitled to bundle of rights over their property regardless of their legal document in the peri-urban area. Thus, nothing happened to their landholding rights and tenure security due lack of legal documents of ownership. Despite, the study reveals that CHD in peri-urban area caused change in landholding system from freeholding to public leasing which in turn caused diminishing property rights and tenure security of smallholder farmers in the study area.

5.2 Recommendations

Recently, Addis Ababa city administration is committed in providing affordable housing to its increasing population. The only option for the city administration to get affordable land for housing development would be acquiring surrounding agricultural land owned by smallholder farmers in the peri-urban area. Expropriation of land through displacing smallholder farmers would be inevitable to acquire land for CHD. Despite the fact of developing affordable condominium houses for the low and middle-income group of people is appreciable, considering the life and livelihoods of smallholder farmers from whom land is expropriated should be acknowledged. The expropriation of the land held by smallholder farmers in the peri-urban area deteriorate the living standards of the farmer's community in the peri-urban area. Hence based on the finding of the study, the researcher recommends the following to make CHD beneficiary and participatory for both smallholder farmers owned agricultural land, and for the urban population in need of affordable houses in the peri-urban area.

- A. The government should encourage active participation of smallholder farmers in land acquisition through establishing community discussion and consultation platforms in planning, implementation, monitoring, and evaluation CHD project in peri-urban area. Claim handling procedures. In addition, government should provide awareness and community training to smallholder farmers on existing laws and regulations regarding land expropriation, and compensation laws and standards in the study area.
- B. The government need to have better compensation laws and compensation standard to protect the property rights and tenure security of smallholder farmers in peri-urban area. In addition, the government need to have political will and commitment practically in implementing compensation in accordance to laws and regulations so that the displaced smallholder farmers will be compensated (in cash or kind) as fair as they deserve in the peri-urban area. In addition, to proper compensation in cash and kind the government should provide alternative income generating activities to the displaced smallholder farmers through organizing them in micro and small-scale enterprises and cooperative association so that displaced smallholder farmers can improve their living standards in peri-urban area.
- C. The government would formulate separate legal frameworks to govern land acquisition for CHD and to protect and maintain the property rights and tenure security of smallholder farmers in the study area. In addition, the government should establish separate agencies with clear responsibilities to manage land acquisition for CHD and implement the existing laws and regulations so that it would be easy to protect the property rights and tenure security of displaced smallholder farmers in the peri-urban area. Despite this, the smallholder farmers need to have strong community based organizations so that they can defend violation on their property rights and forced expropriation of land for CHD in peri-urban area.

5.3 Further research

Comprehensive understanding of impacts of CHD in peri-urban area needs intensive research covering the extensive area of the subject under study. This study helps to understand the dynamic and changing property rights and tenure system and existing legal and institutional frameworks implemented in land acquisition for CHD in the peri-urban area. Further, the study helps to understand the problem of governance and its driving force in land acquisition for CHD in the study area. Though the study was undertaken to produce an in-depth understanding of the impacts of CHD on the property rights and tenure security of smallholder farmers in the study area, it's limited to represent the peri-urban area. Moreover, there is the further exciting issue about impacts of CHD on smallholder farmers in the peri-urban city of Addis Ababa to be studied. Therefore, this study recommends the following new research question that needs further investigations.

1. Conflict resolution mechanisms in land acquisition process for development in peri-urban area
2. Sociological and Anthropological impacts of CHD on smallholder farmers in peri-urban area
3. The Institutional challenges of property rights and land tenure system in the peri-urban area.

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Annex 1: Research Instruments and Time schedule

Annex 1.1 Research instruments

Institute Of Housing And Urban Development Studies (His), Erasmus University, Rotterdam, The Netherlands
Msc. Urban Management And Development (Umd 13)
July 2017

Thesis Title: “Impacts of Condominium Housing Development on the Property Rights and Tenure Security of Smallholder Farmers in Peri-urban Area of Addis Ababa”.

My name is Girma Mulu Alemu. I am studying MSc in Urban Management and Development at Institute of Housing and Urban Development Studies, Erasmus University, Rotterdam, the Netherlands. The objective of this study is to explains impacts of condominium housing development on the property rights and tenure security of smallholder farmers in peri-urban area of Addis Ababa. The intention of this interview is to enable the researcher to collect data and information for academic purposes. The information collected will be treated confidentially. The researcher requests your response to the questions as sincerely as possible. Thank you for your time and cooperation.

Interview Guide Questions for Smallholder Farmers and Community Leaders

1. Do you have land or land related properties in the areas?
2. For how many years have you owned these properties?
3. How did you own your property?
4. Do you have any legal document for your ownership of land or land related properties?
4(a) If you have any legal document, please can you explain it?
5. What are your different types of rights on your properties?
6. 6(a) Are you able to use /manage your land or land related properties?
6(b) Are you able to sell your land or land related properties?
6(c) Are you able to transfer your land or land related properties?
6(d) Are you able to exclude your land or land related properties?
7. Have you lost land or land related properties for condominium housing development?
7(a) If yes how and why did you lose your land or land related properties for condominium housing development?
8. Do any organization invited you to discuss condominium housing development projects?
8(a) If yes, please which organization and what was the main issue of discussion?
9. How would you describe what happens to your properties when condominium housing developed on your land?
10. Can you explain what happened to you and your family when the land was taken away from you for condominium housing development projects?
11. What types of compensations were you paid and in what form?
12. Can you describe how condominium housing development affects;
12(a) your property rights?
12(b) your tenure security?
13. To what extent do you think the condominium housing development have a positive impact on;

- 13(a) your property rights?
- 13(b) your tenure security?
14. To what extent do you think the condominium housing development have a negative impact on;
 - 14(a) your property rights?
 - 14(b) your tenure security?
15. What are the major things that you lost as a result of condominium house development in this area?
16. How can you describe the condominium housing development to you?
17. What is your perception regarding the expansion of Addis Ababa City to the surrounding rural land due to condominium housing development?
18. What measures do you suggest need to be taken to benefit small holder farmers and the condominium housing development?
19. What do you think about the current government rules and regulations regarding land acquisition process for condominium housing development?
20. What are the benefits that you get from Condominium housing development?
21. Are all your household members sharing the benefits from Condominium housing development? If no, why? Who are the beneficiaries?
22. Do you know the criteria used when they decided the benefit packages?
23. What types of benefits you need or expected that you lost/ not given to you or your household members?
24. What suggestions can you give me to meet your benefit expectations?
25. What is your general opinion or any comment in addition to what we have discussed?

Interview Guide Questions for Officials, and Officers working in government agency

1. Please what is your profession?
2. Does the government have a separate legal framework for governing the development of condominium housing?
3. What are legal frameworks involved in land acquisition process for condominium housing development projects?
4. What are the existing legal frameworks governing property rights and tenure systems in peri-urban area?
5. What are the existing organizations implementing property rights and tenure systems in peri-urban area?
6. What is your opinion regarding implementation of legal frameworks?
7. What types of institutions are involved in land acquisition process for condominium housing development projects? Please, can you mention them?
8. Have you consulted smallholder farmers about condominium housing development?
7(a) If yes, what were the main issues of consultation?
9. What is your opinion regarding the level of participation of smallholder farmers in land acquisition process for condominium housing development?
10. Who are the main stakeholders in the land acquisition process for condominium housing development projects? Can you mention them, please?
11. What are the gaps that the legal frameworks have that deter the proper implementation of condominium house development?
12. In what ways have smallholder farmers benefited from condominium housing development in peri-urban area?
13. Are there any standards of benefits for displaced smallholder indigenous farmers?
14. What are the bases to calculate benefits of smallholder indigenous farmers?
15. Can you describe whether the compensation is paid for land alone or land related properties?
16. What is your opinion regarding the level of benefits to smallholder indigenous farmers?
17. Who decide the benefits to smallholder farmers? When and why?
18. Would you say the condominium housing development in the peri-urban area of Addis Ababa is a success?
19. If yes. Please to what extent do you think the impact of condominium housing development on property rights and tenure security of smallholder farmers in the peri-urban area of Addis Ababa is a success?
20. What is your general opinion or any comment in addition to what we have discussed?

Questions for Focus Group Discussion

1. What types of people are living here? (ethnic, settlement types, Occupation etc)
2. What types of property the community own in this area?
3. Have the community lost properties as a result of condominium housing development?
 - 3(a) If yes. What types properties the community has lost as a result of condominium housing development in this area?
 - 3(b) How and why did they lose their properties for condominium housing development?
4. How do the community own the property in this area?
5. How many of the community have legal document on their properties? 4(a) what types of legal document the community have on their properties, please can you explain it?
6. What are different types of rights the community have on their properties?
7. 6(a) Are they able to use /manage your land or land related properties?
 - 6(b) Are they able to sell your land or land related properties?
 - 6(c) Are they able to transfer your land or land related properties?
 - 6(d) Are they able to exclude your land or land related properties?
8. Do any organization invited community to discuss about condominium housing development projects?
 - 8(a) If yes, please which organization and what was the main issue of discussion?
9. How would you describe what happens to community properties when condominium housing developed on your land?
10. Can you explain what happened to the community when the land was taken away for condominium housing development projects?
11. What types of compensations were paid for the community and in what form?
12. Can you describe how condominium housing development affects;
 - 12(a) property rights of community?
 - 12(b) tenure security of community?
13. To what extent do the condominium housing development have a positive impact on;
 - 13(a) property rights of the community?
 - 13(b) tenure security of the community?
14. To what extent do the condominium housing development have a negative impact on;
 - 14(a) property rights of the community?
 - 14(b) tenure security of the community?
15. How can you describe the condominium housing development to the community?
16. What is your perception regarding the expansion of Addis Ababa City to the surrounding rural land due to condominium housing development?
17. What measures do you suggest need to be taken to benefit smallholder indigenous farmers from condominium housing development?
18. What do you think about the current government rules and regulations regarding land acquisition process for condominium housing development?
19. What are the benefits that community get from Condominium housing development?
20. Do you know the criteria used when they decided the benefit packages?
21. What types of benefits the community need or expected that they lost/ not given to them or community members?
22. What suggestions can you give to meet community benefit expectations?
23. What is your general opinion or any comment in addition to what we have discussed?

Annex 2: IHS Copyright Form

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