

Proclamation No. 130/ 2007

Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration

WHEREAS, Agriculture is the main source of livelihood to the majority of the population of Oromia and proper management and utilization of land and land resources is required, in which, the present use doesn't compromise the development endeavors of the coming generation;

WHEREAS, it is found necessary to correct the distortions and miss-interpretation shown on irrigable land administration and management;

WHEREAS, it is found important to solve and harmonize the problems encountered while implementing the existing proclamations regarding, rights, obligations and security of rural land.

NOW, THEREFORE, in accordance with the Revised Constitution of Oromia Regional State No. 46/1994 Article 49 (3) (a) , it is hereby proclaimed as follows:

**PART ONE
GENERAL**

1. Short Title

This proclamation may be cited as the "Proclamation to amend the Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration Proclamation No. 130 /2007".

2. Definition

Unless and other wise the context requires, in this proclamation;

- 1) "Rural Land" refers to all land out side the boundary of a municipal holding.
- 2) "Irrigation Land" refers to potentially irrigable land or where irrigation scheme shall be constructed upon agreement with the land users and concerned government organs to develop the land;
- 3) "Land acquired by law" means land legally distributed by competent body, or transferred by inheritance or donation.
- 4) "State holding" means rural land demarcated and those lands to be demarcated in the future which includes forest lands, sanctuaries and protected areas, state farms, mining areas, lakes , rivers and other rural lands.
- 5) "Communal Holding" refers rural land which the local community commonly uses for grazing, woodlots and other social purposes.
- 6) "Private Land Holding" refers to rural land in the holding of peasant or pastoralists or semi pastoralists or other bodies who are entitled by law to use the land.
- 7) "Possession" refers the right of any peasant or pastoralist or semi pastoralist shall have to use rural land for agricultural purposes and natural resources development, lease out and bequeath to members of his family and includes the right to acquire property produced on his land thereon by his labor or capital and to sale, exchange and bequeath same.

- 8) "Distribution" refers to the allocation of unoccupied land to individual landless and land deficit persons.
- 9) "Redistribution" refers to the reallocation of land that targets the holding/s/ of individual or common holding which is applicable only to irrigation land.
- 10) "Rural Land use" means a process by which the rural land is sustainably used to give better outputs through proper management and conservation.
- 11) "Rural Land Administration" means a process whereby rural land tenure security is provided , land use planning is implemented , disputes and conflicts on land is resolved , and the rights and obligations of land holder are enforced and controlled and as well the land related data are collected and analyzed to be availed to users.
- 12) "Rural Land Use Plan" means a practice whereby the options that greater economic benefits without causing land degradation and environmental pollution are determined and implemented from among the different use options a rural land can give on the basis of physical, economic and social information.
- 13) "A peasant" means any person to whom the right to use rural land is provided to earn the livelihood for him and/or his family.
- 14) "Pastoralists" refers to a member of rural community whose livelihood depends on livestock rearing and move from place to place in search of water and grazing land.
- 15) "Semi- pastoralist" means a member of rural community whose livelihood depends mainly on livestock rearing and to some extent on crop production.
- 16) "Family member" means children of the land holder or dependents who do not have other income for their livelihood.
- 17) "Fixed assets" means perennial plants that give yield seasonally.
- 18) "Modern Agriculture" means any farming system whereby modern farming technologies are applied for better economic development including irrigation and livestock production.
- 19) "Land information system" refers a system whereby rural land related information are collected, analyzed and be availed for the users.
- 20) "Land registration" means the process whereby information on the expression of rural land use right and holding is gathered and analyzed.
- 21) "Holding certificate" refers to certificate of title issued by Oromia Bureau of Agriculture and Rural Development as proof of rural land use right.
- 22) "Watershed" refers to catchment area from which the run-off flows into one direction/ out let.
- 23) "Mother tree" means a matured and physically good standing tree from which seed is collected.

3. Gender expression

The provisions of this proclamation set out for masculine gender shall also apply to the feminine gender.

4. Scope of Application

This Proclamation shall apply to any rural land in the Oromia Regional State.

PART TWO

The Right to Acquire, Use and Guarantee to Use Rural Land

5. The Right to Acquire Rural Land

- 1) Any resident of the region, aged eighteen years and above, whose livelihood depends on agriculture and/or wants to live on, have the right to get rural land free of charge.
- 2) Women have equal rights with men to possess, use and administer the rural land.
- 3) Government and non governmental organizations, private investors and social organizations have the right to get rural land.
- 4) The rural community has the right to access rural land for grazing; religious or ritual places, water points and other social services.
- 5) Any peasant, pastoralist or semi pastoralist having the right to use rural land may get rural land from his family by donation, inheritance or from government.

6. Land Use Rights

- 1) Any peasant or pastoralist, or semi pastoralists who has the right to use rural land shall have the right to use and lease on his holdings, transfer it to his family member and dispose property produced there on, and to sell, exchange and transfer the same without any time bound.
- 2) Without prejudice to this Article Sub-Article (1) selling of fixed assets like coffee, mango, avocado, papaya, orange etc, is prohibited.
- 3) Without prejudice to this Article Sub- Article (2), selling of products of fixed assets like product of coffee, mango, avocado, papaya, orange etc. shall be possible if and only if the following conditions are fulfilled:
 - (a) The land occupied by the product to be sold shall not exceed half of the total land holding of the individual.
 - (b) The product shall be sold for three (3) years only.
- 4) According to this Article Sub-Article (3) any individual or organ who bought the property shall be obliged:
 - (a) To return back the holding to the owner after three years.
 - (b) To take care of and conserve the asset accordingly.
- 5) Any peasant or pastoralist or semi pastoralist shall not be evicted from his holding and his holding shall not be transferred to any body or organization due to any liability or execution of judgment.

- 6) In any condition the right to sell property specified under this Article, Sub-Article (1) doesn't include the land.
- 7) The use right of any peasant, pastoralist or semi pastoralists shall not be transferred because of selling fixed assets, and the previous agreement made on this processes shall be treated in accordance with this Article Sub-Article 3 (b).
- 8) Any individual or organ who bought houses and other buildings built on rural land shall be obliged to take off his property.
- 9) Any rural land user who terminates the right of using his holding is obliged to notify to the Agricultural and Rural Development Bureau of Oromia.
- 10) Without prejudice Sub- Article (1) of this Article, the rural land use right shall be terminated only if that land is required for more important public uses.
- 11) According to this Article Sub-Article (10,) any individual or organ whose land holding is taken for public uses shall have the right to get compensation for his properties and benefits lost beforehand; as much as possible, gets equivalent land individually or in group.
- 12) *If not possible to replace in accordance with Sub-Article (11) of this Article, compensation for rehabilitation shall be paid.*
- 13) *Without prejudice to the condition under Article 7(1) of this Proclamation, considering the number of their children they raise, husband and wife upon divorce shall have the right to share their land holding that was registered by their name equally.*
- 14) Aged, disabled, orphans, and women, and also those in the same situation can use their holdings by hiring labour, renting, or entering an agreement to share income with a developer.
- 15) According to Sub-Article (14) this Article, if the agreement is for more than six months, the agreement shall be in a written form shall be concluded before the Agricultural and Rural Development Bureau of Oromia.
- 16) Without prejudice Sub-Article (1) of this Article, any rural land user shall be deprived of his land use right under the following conditions: leaving the land unused for two consecutive years, leaving the holding on his own reason, or neglect conserving the land. The detail shall be decided by Oromia Agricultural and Rural Development Bureau.

7. Determination of Farm Plot Size

- 1) Maintaining the existing farm plot size as it is, the holding size for the future shall not be less than 0.5 hectares for annual crops, and 0.25 hectares for perennial crops.
- 2) The plot size for new settlers shall take into consideration the average holding size of the community in that specific locality.

8. Consolidation of Farm Plots

The merging of farm plots shall be made based on the consensus and willingness of the holders.

9. Transferring Land Use Rights Through Inheritance or Donation of Land

- 1) Any peasant, pastoralist, or semi pastoralist landholder, shall have the right to transfer his land use right to his family member who have inheritance right according to the law.
- 2) Without prejudice to Sub- Article (1) of this Article, heirs whose livelihood is entirely dependent on the income from that land, or have no other income shall be given inheritance priority.
- 3) *If the inheritance of land contradicts the provision specified in Article 7(1), the claimants shall either jointly, or by any other means they agree upon use the land.*
- 4) The government can distributed any land for which no heir is found, to the landless or to land deficit peasants.
- 5) Any peasant or pastoralist or semi pastoralist shall have the right to transfer his land use right to his family members or children whose livelihood depends on it, or have no other income, or to his children who have no other incomes or are landless as a gift.

10. Renting of Private Holding

- 1) Without prejudice to Article 7(1) any peasant, pastoralist or semi pastoralist has the right to *rent out up to half of his holding.*
- 2) Duration of the agreement shall not be more than three years for those who apply traditional farming, and fifteen years for mechanized farming.
- 3) Land renting shall be valid before the law, if and only if it is registered and approval by Oromia Agricultural and Rural development Bureau. *The agreements made prior to this Proclamation shall be treated according to this proclamation.*
- 4) Necessary support shall be made to make the valuation of land for renting coincide with the *prospective return from that land.*
- 5) Any organ who rented rural land is obliged to apply proper preservation and conservation for the duration he holds the land.
- 6) Any agreement made on land renting shall bear the consent of all individuals who have rights on that land.
- 7) For any rented land, the land tax shall be paid by the name of the landholder.
- 8) Any land holder, having the right to use land, can make special agreement with any investor to develop his holding. *The agreement shall be registered and approved by Agricultural and Rural development office in the vicinity.*

11. Land Renting by Government

- 1) The government can rent out the land not held by the peasants or pastoralists or semi pastoralists.
- 2) The agreement to be made by Sub-Article 1 of this Article shall protect the benefits of the *peasants, pastoralists or semi pastoralists.*
- 3) The renting price of rural land by government shall be subject to revision as necessary.
- 4) *The duration of the renting agreement shall be decided by the government.*

12. Investment Land

- 1) In accordance with the existing investment law of the Region, any private investor shall have access to rural land and is obliged to conserve accordingly.

- 2) Private investors are obliged to plant indigenous trees at least on 2% of the given land.
- 3) The investment land shall be determined in the way that it shall protect the natural resources of the surrounding.

13. Land for Social Services

- 1) The community has the right to reserve land for residence and other social services
- 2) Land can be used for establishing a village or urbanization by the consent of the community on substituting equivalent land or paying compensation to the holders.

14. Distribution and Redistribution of Land

- 1) Redistribution of peasant or pastoralist or semi pastoralist's land holding shall not be carried out in the region, except irrigation land.
- 2) Unoccupied pockets of agricultural lands may be distributed to the landless and land deficit persons.
- 3) By the virtue of their comparative advantages, abandoned state farms shall be distributed to the peasants and/or be rented out to investors.
- 4) For proper utilization of irrigation land and water resource, irrigation land shall be distributed/redistributed as follows;
 - (a) *A maximum holding size of irrigation land of a peasant household shall not exceed 0.5 hectare.*
 - (b) *"The distribution and redistribution" of irrigation land shall be applied to both traditional and modern irrigation lands; but, irrigation lands used by individual or group of farmers by developing spring water, diverting small rivers, water harvesting shall not be redistributed. The details shall be determined by regulation.*
 - (c) *The distribution and redistribution of irrigation land shall take place with the participation and decision of the community using the land.*
 - (d) *Giving priority consideration of retaining the maximum holding size of 0.5 hectare for each holder whose land have fallen under irrigation development, and later from the remaining land a minimum holding size of 0.25 hectare of land shall be distributed for peasants in the vicinity of the.*
 - (e) *Any peasant, pastoralist and semi pastoralist whose irrigable land holding is redistributed to others shall be compensated with a reasonable rain fed land by the users of the schemes. If compensation is not possible the land holder shall have the right to get additional half (0.5) hectare from the irrigable land.*
 - (f) *Any peasant, pastoralist and semi pastoralist whose holding falls under irrigation construction and if the landscape compels, is obliged to permit his holding. However, the land holder has the right to claim for compensation or replacement of land.*
 - (g) *Any Land user whose holding fall under dams, shall be compensated for his properties and given replacement of land by the users of the schemes or from government.*
 - (h) *Any irrigation land user shall be obliged to fully and effectively utilize and conserve the land.*
 - (i) *All irrigation land users shall be responsible to minimize and mitigate the negative environmental impacts associated with irrigation scheme.*

15. Rural Land Measurement, Registration and Holding Certification

- 1) The size of rural lands under the holdings of private, communities, governmental and non-governmental organizations shall be measured in accordance with their size, land use, and fertility status and also, shall be registered by the data centers established highrarchically.
- 2) The rural land holdings described in Sub-Article 1 of this Article shall be surveyed with geo-referenced boundaries and maps shall be prepared by Oromia Agricultural and Rural Development Bureau.
- 3) Rural land holding data including the current holder, its boundaries, status, potentials, the right and obligation of the holder shall be registered by Oromia Agricultural and Rural Development Bureau and be availed for utilization.
- 4) Any holder of rural land shall be given a holding certificate by Oromia Agricultural and Rural Development Bureau describing the size of holding, use and coverage, fertility status and boundary, and also the right and obligation of the holder.
- 5) Any rural land that is held by lease or rent shall be registered by Agricultural and Rural Development Bureau of Oromia.
- 6) *Any rural land holder shall be given a life time certificate of holding.*
- 7) Governmental, non-governmental organizations, investors and social organizations shall get certificate on their holdings.
- 8) Husband and wife holding a common land holding, shall be given a joint certificate of holding specifying both their names.
- 9) Without prejudice to Sub-Article 8 of this Article, husband and wife having equal right in using the land registered in their names can also independently have a holding certificate for their private holdings. The detail shall be decided by a regulation.
- 10) The use right of a husband or a wife, or both shall not be affected due to change of their residential areas.
- 11) *Any person who has the right to use rural land is obliged to return the holding certificate to Agricultural and Rural Development Bureau up on leaving to use the land.*
- 12) Whenever the use right of rural land is change, the holding certificate shall be changed to the new acquiring body accordingly.
- 13) According to Article 10(2) of this proclamation when the private holding is rented out, the holding certificate shall be held by the holder.
- 14) Any person who is found using the land not given to him legally shall be obliged to leave the land with out any condition and also be subject to penalty in accordance with the law.
- 15) An investor who has got the use right of rural land through lease or renting from government shall use the right of his assets on the land as collateral.
- 16) Any one (governmental or non governmental organization or community etc.) who has the right to use rural land shall be given a holding certificate by their name, whereas for the communal lands held in the Kebele, the holding certificate shall be given by the name of the community using the land jointly. The details shall be worked out by Oromia Agricultural and Rural Development Bureau.

16. Conflict and Dispute Resolution

- 1) Any conflict or disputes arising on land shall be resolved as follow:
 - (a) First application shall be submitted to the local Kebele Administration.
 - (b) The parties shall elect two arbitrary elders each.
 - (c) Chairpersons of arbitration elders are elected by the parties or by the arbitral elders, if not agreed up on shall be assigned by local Kebele administrator.
 - (d) The Kebele Administration to whom the application is lodged shall cause the arbitrary elders to produce the result of the arbitration 15 days.
 - (e) The result of given by the arbitration shall be registered at the Kebele Administration, and a copy with an official seal shall be given to both parties.
 - (f) A Party who has complaint on the rating elders, has the right to institute his case to the woreda court attaching the result of arbitration elders within 30 days as of the date registered by the Kebele Administration.
 - (g) Woreda court should not receive the suit if the result given by the arbitration is not attached to it.
 - (h) The party dissatisfied by the decision given by the woreda court shall have the right to appeal to the high court.
 - (i) If the high court altered the decision rendered by the woreda court, the dissatisfied party may appeal to the Supreme Court.
 - (j) The decision given by the Supreme Court shall be the final.
- 2) Notwithstanding the provision described Sub-Article 1 of this Article, the parties shall have the right to resolve their cases in any form they agreed upon.

17. Pending Cases

- 1) Pending cases at Kebele Social Court shall be resolved according Article 16 of this Proclamation.
- 2) Pending cases at woreda and other courts shall continue as it is.

PART THREE

Restrictions on Rural Land Use Planning and Conservation

18. Land Use Planning and Use of Sloppy and Gully Lands

- 1) A guiding land use master plan, which takes in to account soil type, landscape, weather conditions, vegetation cover and socio-economic conditions at watershed based approach, shall be developed and implemented by the Oromia Agricultural and Rural Development Bureau.
- 2) An equitable water use system shall be established between upper and lower watershed communities.
- 3) In any type of rural land where soil and water conservation works have been undertaken, free grazing shall be prohibited and the condition in which the society utilize will be made step by step.

- 4) If the slope of the land is less than 30 - 60% its management shall follow the strategy of soil conservation and water harvesting techniques.
- 5) Growing annual crops on rural lands having a slope gradient of 30-60% may be allowed only through the necessary terracing.
- 6) The rural land with a slope gradient of >60% shall not be used for crop production and free grazing and is limited to production of perennial and forage crops only.
- 7) Rural land of any slope which is highly degraded shall be closed from human and animal interferences for a given period of time to let it recover, and shall be used when ascertained that it has recovered. Unless and otherwise the degradation is not caused by negligence, the users - the peasant, pastoralists and semi pastoralists- shall be given compensation or other alternatives for the interim period.
- 8) Rural lands that have gullies, shall be put to rehabilitate and use by private and neighboring holders and, as appropriate, by the local community, using biological and physical conservation works.
- 9) Rural lands that have gullies and are located on hilly areas shall be rehabilitated and developed communally, and privately individuals as necessary.
- 10) The biodiversity in rural wetland shall be conserved and utilized in accordance with a suitable land use strategy as necessary.

19. Conservation of Farmland

- 1) Any rural land user who has got the use right shall be obliged to work on proper management and conservation of land individually and in cooperation with his neighbors.
- 2) Any individual who is entitled to use rural land shall be obliged to manage and conserve farm land boundary.
- 3) Any rural land user shall be obliged not to perform activities that aggravate soil erosion, like forest clearing, cultivating along the slope and unplanned design of traditional drainage systems etc.
- 4) Any rural land user shall be obliged to plant tree species that can't cause any damage on agricultural land and production and those having economical and environmental advantages.

20. Wetland Management

- 1) Rural land users are obliged to refrain from performing activities that cause damage to the wetlands and springs.
- 2) Mismanagement and improper utilization of wetland is prohibited.
- 3) The wetland shall be used for agricultural purposes, with the consent of the community and technical support of professionals.

21. Dams and Reservoir Areas

- 1) Any land user is obliged to rehabilitate and undertake conservation activities on the catchment areas of dam sites and reservoirs.
- 2) Rural land use in the vicinity of lakes, streams and springs that can cause devastation of natural resources and biodiversities are prohibited.

22. Protected and Demarcated Land

- 1) The government can demarcate and hold wildlife sanctuaries, parks, forest areas, mining areas and lakes, etc necessary for the existence of many living things.
- 2) As per Sub-Article 1 of this Article, the demarcated areas shall be made to contribute for a sustainable economic development.
- 3) Delineation, demarcation, development, protection and rehabilitation and conservation of protected land shall be done by the participation of the local community.
- 4) The condition by which the local community may share the benefit from the protected areas shall be arranged.

23. Patches of Forest Land

Patches of natural forest lands shall be identified, demarcated, protected, conserved, and sustainably used by the local community.

24. Management of Remnant Mother Trees

Land users are obliged to conserve and protect mother trees found on their holdings.

25. Mismanagement and Improper Utilization of Land

- 1) Any land user is obliged not to plant tree species that can cause damage on agricultural production or water sources, and shall also be obliged to eradicate noxious weeds from his holdings.
- 2) Any rural land user, using land for agricultural development is obliged to conserve, preserve, renew soil and water conservation structures, and if not done, construct a new.
- 3) Any entity engaged in mining development and production shall be obliged to rehabilitate and develop the mined land.
- 4) A directive for the proper utilization and conservation of unoccupied hills, degraded and unproductive lands, slid easily, sloppy and mountainous areas shall be drawn.
- 5) Forest lands, bushes and grass, gullies, shall be protected from fire hazards, expansion of farm lands and also production of coal.
- 6) Livestock production shall be made to harmonize with the carrying capacity of the grazing land.
- 7) Grazing farm lands and natural resources in development areas is prohibited.

PART FOUR **Miscellaneous Provisions**

26. Responsibility of Oromia Agricultural and Rural Development Bureau

Oromia Agricultural Rural and Development Bureau is responsible for the execution of this proclamation.

27. Penalty

Any land user who violates the provisions in this proclamation or regulations issued for the implementation of this proclamation shall be tried under the applicable law.

28. Obligation to Cooperate

Any person shall be obliged to cooperate with the relevant bodies for the implementation of this proclamation.

29. Responsibility of the Region

Oromia Regional Council shall issue the necessary regulations for the implementation of this Proclamation.

30. Repealed and Inapplicable Laws

- 1) Rural Land Administration and Use Proclamations No. 56/2002, No. 70/2003 and 103/2005 are repealed and replaced by this Proclamation.
- 2) Any law and practice inconsistent with this proclamation shall be null and void.

31. Effective Date

This proclamation shall enter into force as of 29th date of July, 2007.

Done at Finfinee, this 29th July, 2007

**Abadula Gemedu
President of Oromia National Regional State**