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on
The Role of Law in the Protection of the Environment and Natural Resources
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Editors
Mulu Beyene
Zbelo Hailesselassie

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The Mekelle University Environment and Natural Resources Law Center (MU-ENRLC) of the School of Law, Mekelle University

P.O.Box: 451, Mekelle

Email: muslenvironmentnrlc@gmail.com

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Workshop Rapporteurs:
  Mulu Beyene
  Zbelo Haileselassie

Editors: Mulu Beyene and Zbelo Haileselassie

Page Setting and Layout: Mulu Beyene

Cover design: Eskedar Awgichew
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**Acronyms**

ACSOT: Alliance of Civil Society Organizations of Tigray  
APAP: Action Professionals’ Association for the People  
CRGE: Climate Resilient Green Economy Strategy  
EFFORT: Endowment Fund for the Rehabilitation of Tigray  
ENRLC: MU - Environment and Natural Resources Law Center  
EIA: Environmental Impact Assessment  
EMP: Environmental Management Plan  
EPA: Environmental Protection Authority  
ETB: Ethiopian Birr  
GES: Green Economy Strategy  
GFD: Group Focus Discussions  
GTP: Growth and Transformation Plan  
ICCPR: International Covenant on Civil and Political Rights  
MU: Mekelle University  
NGO: Non-Governmental Organization  
PIL: Public Interest Litigation  
UDHR: Universal Declaration of Human Rights  
UN: The United Nations Organization  
UNEP: United Nations Environment Programme
Short Glossary

abo gereb  forest guard(s)
Ato       Mr
baito     local, elected administrative council/assembly
belbal    a land certificate, usually containing basic information
Derg      ‘a committee’, a name used to identify the previous regime in Ethiopia (1974-1991)
eshel ketema emerging town; an administrative designation of a village that is being transformed into a full-fledged town
geza ebay a person who lives and grows up in a family without being a natural or adopted child, roughly a foster child
gult      fief right, land right emperors grant for administrators
kebele    lowest administrative unit (in towns)
metesha   a plot of land for residential purpose in rural Tigray
kushet    lowest administrative level in Tigray, village, local community
shigshig  redistribution of free arable rural land
rist/risti communal land rights inherited through descent
sirit     local bylaws
tabia     administrative area/parish
wereda    administrative district
Foreword

In Ethiopia, environment, society and economy are so closely intertwined that systematic attention in government policy and law is essential if conflicts among these components are to be resolved and synergies realised. For example, the majority of poor people (farmers) in Ethiopia are principally dependent on agriculture, and the society at large, in turn, is dependent on farmers managing land well to sustain water supplies, biodiversity and other environmental services. Such relationships are dynamic and increasingly intense: climate change, population explosion and resource scarcities put them all under pressure. Hence, an all-inclusive perspective that works operationally is needed – one that makes economic, social and environmental sense and that inspires stakeholder. The Climate Resilient Green Economy Strategy (CRGE) that the Ethiopian Government has recently developed aims to tackle the problems inherent in growth paths that produce environmental problems, and to realize potentials from investing in Ethiopia’s natural assets. For example, the country’s agricultural products and potential for green hydroelectric power are unique attributes that could drive development in ways that are environmentally sound and provide new jobs and satisfying livelihoods.

Ethiopia is one of the first countries in Africa to develop a green growth strategy. Ethiopia’s leadership, and its early attempts through greening its economy to achieve more inclusive growth, are of real interest for a world in which alternative growth models for long-term
sustainable development and social equity have rapidly become a priority in government, business and civil society. This is perhaps the first time in Ethiopia that key developmental and environmental aspirations have been dealt within an integrated way and with a clear policy and strategic plan.

The main policy driver for green growth in Ethiopia—the CRGE—has made tremendous strides in providing vision, high-level commitment, credible analysis and planning an extensive portfolio of investments in a very short time. The CRGE’s goal is to increase economic growth so as to leap from least-developed to middle-income country status, whilst at the same time reducing greenhouse gas emissions and increasing climate resilience. The CRGE has two components: a Green Economy Strategy (GES), which mainly addresses mitigation and was launched in 2011; and a Climate Resilience Strategy (CRS), which focuses on adaptation and is currently being developed with a focus on agriculture, forestry and land use.

Through case studies that mainly focused in the Regional State of Tigray this proceeding shows: the constitutional framework for environment protection and the rights associated with it; the national endeavors towards green economy; some recent data on environmental protection and natural resource governance and challenges; and the need for the synergy among environment, society and economy.

I trust that this proceeding will serve as the catalyst for driving the CRGE forward and creating awareness on the importance of
protecting our environment—it reminds us the green Ethiopia we want. I personally believe the framework to practice green economic growth and green lifestyle in Ethiopia is in place. The windows of opportunity are wide open at global and national levels; all we need is strong commitment from all of us—the government and citizens as also clearly put in the FDRE Constitution Art.92 (4) that; “Government and citizens shall have the duty to protect the environment.”

Tsegai Berhane (PhD)
I. About Mekelle University Environment and Natural Resources Law Center

Environment and Natural Resource Laws Center is one of the research and community service oriented centers at the School of Law - Mekelle University. The Center was established in September 2010 as part of the NORAD III Cooperative Agreement with the following vision, mission and objectives:

**Vision**

- Creating environment sensitive generation and environmental friendly development policies and laws that will enable present and future generations to live a prosperous and dignified life in a clean and healthy environment.

**Mission**

- Alerting the public about the need for environmental protection and the impacts of environmental problems and damages;
- Working for the adoption and enactment of laws that ensure the prevention of environmental damages and that provide adequate and appropriate remedies whenever damage occurs to the environment;
- Becoming a major resource centre on environment and related issues by publishing research outputs and by providing the general public access to publications of all kinds, laws and policies on environment;
The Role of Law in the Protection of the Environment and Natural Resources

- Working in collaboration with governmental and nongovernmental organizations that are concerned with the environment;
- Initiating and assisting the establishment of environmental clubs, associations and centers and establishing a network among the same in different parts of Tigray and Ethiopia for the better protection of the environment and natural resources.

Objectives

- To organize and support training programs for stakeholders to tune in their policies, procedures and outcome in an environment friendly manner and ensure public participation on decisions that may affect the quality and nature of the environment and natural resources;
- To assist people to be the primary beneficiaries of their natural resources by upholding the relevant provisions of the Constitution;
- To extend free legal assistance to individuals or people who have been victimized by environmental problems and to those who are denied of their right to reasonable exploitation of their natural resources, and making sure that they get justice;
- To provide consultancy services to regional and federal institutions and private national and international organizations in the area of environmental and natural resources management and law;
• To create a knowledge base that helps raise the awareness of the public, the legislature, government officials, judges, legal practitioners, NGOs and other concerned organs on environmental issues;

• To help strengthen institutions which function as positive pressure groups for the adoption of policies and laws that addresses all the existing and potential environmental concerns, and serve as a watchdog towards their effective enforcement.

To achieve these objectives, the Center has funded many researches that focus on the legal dimension of the environment and natural resources management. Findings of these researches have been the base for workshops that result in proceeding of this kind and also employed in trainings that the Center provides.

The Center also organizes moot competitions in its attempt to achieve one of its pillar objectives of raising the awareness of different stakeholders working on environmental and natural resources related issues. Accordingly, the Centre has organized a series of moot court competition on selected environmental and natural resource law issues in Ethiopia. The Moots are organized with the aim of inculcating court culture and courtroom manners among law students and make them conversant with issues related to environment and natural resource laws, the moot competitions are classified into two categories, namely in-house and national moot court competitions.
The Center also aimed at opening a master’s program which can deliver long term training to solve the problems of qualified human resources in the country in general and in the region in particular. To this effect, the Center has facilitated the development of a curriculum for a postgraduate program on Natural Resources Governance. At present, the Program has admitted students in the regular enrollment and it is also looking to partner with stakeholder institutions to train their staff.

In addition to its basic activities, the Center is always on the lookout for potential partners to work with both from governmental and nongovernmental stakeholders. It is especially interested to work with organs who would like to associate with it in the areas of implementation of environmental and natural resource laws of the country and the region.

In the area of advocacy, the Center is working with the view to providing legal service, consultancy and legal representation in issues relating to the environment and natural resources. The Center would like to invite potential interested partners to work on further providing awareness creation, advocacy and provision of free legal advice on environment and natural resource related cases and issues.
II. The Proceeding

i. An Overview

This proceeding is a result of a day-long regional workshop held in the Moot Court Hall of the School of Law, Adi Haqi Campus, Mekelle. In the preparations of the proceeding, an audio recording of the event, minutes of two rapporteurs, as well the slides presented are used.

The proceeding provides a summary of the presentations made at the national workshop along with the discussions and reflections that followed. Accordingly, four papers were presented, discussed and reflected upon during the morning session of the workshop. After lunch break, presentations, discussions and reflections followed on the remaining two presentations. The actual order of the presentations and reflections during the workshop are, to the extent possible, maintained in this proceeding.

ii. Opening Speech

Ato Mehreteab, the head of the School of Law, welcomed the participants and invited Professor Tadesse Dejene, Research and Postgraduate Director of Mekelle University, to officially open the workshop.

Professor Tadesse thanked and welcomed the workshop participants. He stated that conducting researches and disseminating findings to relevant stakeholders is among the three pillars of Mekelle University, the other two being teaching and the rendition of community service.
He then emphasized on the need to involve stakeholders in refining findings, which is instrumental for a better implementation. To this end, the fact that the participants are drawn from relevant institutions working on the environment and natural resources, he hoped, would have a strong bearing in enriching the papers.

Expressing his worries over the growing depletion of the natural resources and degrading quality of the environment, he pointed out the role of scientific research in reversing the trend. He, thus, commends the work of the researchers and the organizers. Encouraging researches to engage in more of similar works in the future and wishing success to the event, he officially opened the workshop.
iii. The Presentations

1. Functional and Structural Frameworks of the Environmental Regulatory Administrative Bodies in Tigray: Analysis of Law and Practice*

Presenter: Gebrehiwet Hadush, Dean, College of Law and Governance, MU
Moderator: Gebreyesus Abegaz, School of Law, MU

First, the presenter gave a brief overview of the research topic. It is stated that environmental issues demand complex institutional structures since it involves crosscutting issues, touching different disciplines and sectors. Institutional relations among different levels of governments are stated as unsettled discourses while variations are inevitable across states. Existing models on how various organs working on the environment undertake their responsibilities are also recalled. While some employ an ‘autonomous model’, which requires the actors to operate separately within their mandate, others use a ‘collaborative model/integrationist model’ in which all environmental administrative institutions are intertwined and interconnected to one another.

It is also mentioned that states are required to ensure public participation in planning and the implementation of development projects by, among others, changing the normative environmental governance from the rigid top-down to bottom-up decision-making process, drawing from the 1992 Rio Declaration on Environment and Development as an authoritative document. The demand for new

* The research is conducted by Gebrehiwet Hadush and Eyoel Behailu.
relations and networks between all actors is required to alleviate environmental problems.

The research is done with some pillar objectives, according to Gebrehiwet. It analyzed the functional and structural frameworks of the regulatory administrative and environmental entities in the region. It mainly intends to answer the question whether the existing institutions have strong regulatory and structural basis to ensure compliance of environmental requirements or standards in Tigray. These objectives and research questions are addressed using qualitative approach, where the respondents were selected based on their work experience so that their opinions would have a strong impact on the findings. The observation of the researchers is also taken as primary data source for triangulation purposes. The research also used open-ended interviews and non-participant observation as data tools to gather primary data from selected institutions. Moreover, closed ended questionnaire to assess the public awareness and confidence on the existing environmental regulatory bodies is also used as a data tool.

The research covers all zones in Tigray except Humera and the newly designated zones. Further, a random sample of a wereda is taken from each of the zonal administrations included and closed questionnaire is filled by 10 households randomly selected from each of the woredas chosen. The Environmental Protection and Rural Land Use and Administration Agency of Tigray (hereinafter the Agency) is directly
made subject of the study to get region wide information on the overall environmental decision making process.

The legal and theoretical framework of the research topic in relation to the status of the laws is also discussed to show the existing structures and functions of the administrative organs. As such, Article 55 of the FDRE Constitution stipulates that the Federal Government is the powerhouse to generate countrywide environmental policies and legislations. The 2004 FDRE Environmental Policy, EPA establishment laws, Proclamation on EIA, Climate Resilience, 2011 Green Economy Strategy, National Plan of Action for Adaptation and Mitigation Strategy are also discussed as supportive and milestone legislative and policy tools for the Federal and Regional governments.

The Convention on Biodiversity, the UN Convention to Combat Desertification, the UN Framework Convention on Climate Change, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous and Pesticides in International Trade are stated as relevant multilateral environmental agreements ratified by Ethiopia with a bearing on the research.

After describing the above general legal framework, the devolution of environmental decision-making is discussed. In this regard, it is stated that the Regional States are empowered to implement federal laws and policies related to environment under Article 52 of the FDRE Constitution. To that end, autonomous regulatory environmental
institutions, which are not accountable to federal regulatory environmental institutions can be established by the regional states. Still, the establishment of parallel federal regulatory environmental institutions is also possible by the Federal Government, Gebrehiwet explained, recalling the law that established the EPA with a power to establish regional branch offices.

At the regional level, the regulatory environmental entities in Tigray are also mentioned, including the Agency, *wereda* desks, and Committee of Rural Land Administrations at *tabia* and *kushet* levels, and the Bureau of Health. The study covers all of these regional organs except for the Bureau of Health.

Detailing the respective roles of the organs, the presenter explained that the power to issue regulations and directives for effective implementation of the federal policies is conferred upon the regional regulatory administrative bodies such as the Agency and the *wereda* desk. However, there are no specific regulatory bodies for each environmental case. What is provided instead is a structural set up of the Agency, the *wereda* desk, and partly the *tabia* and *kushet* based rural land administration committees without clearly specifying their respective powers in this regard. Environmentally detrimental projects are subject to suspension or termination by the head of the Agency upon a receipt of recommendation from a legal unit of the same and supported by experts. The Agency is also represented by *wereda* desk at *wereda* level. The *wereda* desk is empowered to exercise
the power and function of the Agency. Committees of Rural Land Administration are also established by the State Council at tabia level. They are elected by tabia council upon nomination of tabia administrator and kushet representatives. Administrative decisions regarding rural land uses and distributions are handled by committees. Decisions of wereda desk is also enforced by the same committees. They also make administrative decisions regarding unlawful and improper use of rural land such as the cutting of trees. However, as both organs at tabia and kushet levels are responsible to the wereda desk, they do not have a separate existence.

The EIA procedure in the region does not create forums for public discussion while the right to public participation is provided under the EIA and Environmental Pollution Control Proclamations No. 299/2002 and 300/2002 respectively, with the Agency as a responsible organ to create necessary public avenues for discussion. Also, members of the community are allowed to bring any environment related complaint for the Agency against any development project. The cost and expenses for initiating and conducting public participation is left to borne by the proponent of the project since the public opinion is expected to be attached with the project proposal of the proponent.

Next, findings of the research were presented along the lines of institutional autonomy, staffing, coordination or integration, experiences of the institutions in handling environmental complaints, visibility of the relevant organs, and public perception on the same.
Accordingly, it is found out that the *wereda* desks and Committee of Rural Administrations at *tabia* and *kushet* levels often face intrusions by *wereda* administrations and cannot imagine beyond the dictates of the *wereda* administration while the *wereda* administration is not interfered with by the Agency. Similarly, the Agency is made to be accountable to the Bureau of Rural Development and Agriculture, and therefore, cannot be held accountable on its own. These arrangements, to the present, are not workable in terms of creating an enabling environment as bringing about accountability.

When it comes to staffing, the research found out that the Agency is relatively well staffed. However, it lacks staffs in its legal unit. The different *wereda* desks representing the Agency are also staffed by one or two technical staffs even if these are the places where actual developmental works take place. The need to provide technical trainings for the technical staffs is also felt due to the dynamism and complexity of environmental problems.

As far as coordination between the different relevant organs is concerned, evidence is not found whether there is coordination among the various actors apart from devolving regulatory environmental decision-making to *wereda* and to a certain extent to *tabia* and *kushet* administration levels. For instance, relations between the Agency and Bureau of Health is not clear. While the Agency thinks of itself as a supreme organ in regulating the environment, the *wereda* desks are detached from its purview. Against this, it is found
out that there is relatively better integration among the *wereda* desk, *tabia* and *kushet* rural land administrations even if, as pointed out above, the lower level organs are not having a level of independence.

Ato Gebrehiwet then went on to discuss the findings of the research in relation to complaint handling experiences of the environmental institutions. Accordingly, a large number of complaints from the community members are received by the Agency mainly regarding hazardous industrial wastes and use and exploitation of natural resources even if they are not properly reported. However, the Agency has failed to function as per its mandate on other serious public issues such as chemical waste from, among others, EFFORT companies Almeda Textiles, Messebo Cement Factory, and Ayder Hospital in Mekelle. The *wereda* desk is also found out to be almost dysfunctional with regard to prevention and stoppage of risky and detrimental development activities with the exception of a few that have issued warnings. Further, standard forms for petitions are absent. Petitioners are also confused on how to lodge complaints, when to bring petition, and the time within which the Agency/desks would respond to them etc.

Lack of focus for environmental protection is also visible while much focus is given for rural administration as the Agency as well the other relevant organs at *wereda*, *tabia* and *kushet* levels are entrusted with dual roles of administering rural land and the protection of the environment. The officers of the *wereda* desk are not environmental
protection officers on a regular basis. The officers are also found sharing offices with other staff from different units.

Public perception was difficult to establish since most of the relevant questions in this regard were left unanswered by respondents. Variations of responses are found out on similar questions and providing conclusive remark on public perception proved impossible. However, as indicators of public knowledge, dusts, industrial wastes, smelly detergents, overgrazing, and deforestation are mentioned as environmental problems by the respondents. Moreover, these environmental problems are considered unenforceable via the Agency or wereda desks by the great majority of respondents.

Finally, Gebrehiwet presented some recommendations to help alleviate the problems identified. Accordingly, the need to have a strong institutional framework that enables the concerned organs in the region to respond to the dynamic and complex environmental problems is suggested. The regional Agency is recommended to be autonomous and, if need be, be accountable only to the regional Council instead of another executive body. The public empowerment and participation in every environmental decision making is also emphasized. Similarly, it is recommended to let every wereda desk be accountable to the respective wereda councils as this helps make them autonomous in environmental decision-making. The coordination among the concerned bodies at every level starting from the Agency
to the committees found at *tabia* or *kushet* levels also need to be set in a clear and distinct manner by the regional Council.

Building human resource capacity of the *wereda* desks is strongly recommended since its absence is rendering them toothless to regulate environmental problems. The public also needs to play its role in taking part in discussions during drawing of environmental protection action plans by the Agency. The role of media in raising public awareness and creating environmentally sensitive citizens is also suggested for the Agency to consider. A predictable and cheap complaint handling mechanism is also suggested to be put in place by the Agency and the *wereda* desks.
2. The Role of Justice Organs in Protecting the Forest in the Regional State of Tigray†

Presenter: Awet Hailezgi, School of Law, MU
Moderator: Gebreyesus Abegaz, School of Law, MU

Ato Awet started off by explaining the dual purpose of the paper, i.e., to inquire the sufficiency of the existing laws to effectively protect the forest in the region and to assess the roles different justice organs in the region are playing in this regard.

As a background to the research, he explained that the forest coverage has gradually diminished from around 35% to only 0.2% nationwide (2002 estimation). The Tigray region whose plateaus were once covered by evergreen forest with belts of mixed deciduous and Acacia savannah woodland has also experienced the same degradation. As conservation and utilization of forest plays a decisive role in preventing the degradation of natural resources as provided for in Forest Development, Conservation and Utilization Proclamation No. 542/2007, it deserves an utmost consideration. To this end, an enabling legal regime as well as proactive justice organs to implement it is indispensable, according to Awet. The societal acceptance of the laws also greatly affects the work of these organs, he added. He also introduced the major forests in the regional state with area coverage of over 20,000 hectares.

†The research is conducted by Awet Hailzeghi, Mihretab Gebremeskel, Yared Berhe, Gebreyesus Abegaz, and Mebrahtom Fitwi.
With this as a background, Awet detailed the research design used. Accordingly, the research is an empirical legal research. As such, empirical data has been used through in-depth interviews with relevant informants from courts, prosecutors’ offices, and police officers, executive branches of government with quasi judicial functions, and regional bureaus that are directly involved in the implementation of forest protection laws in the region. On top of this, the research analyses relevant international, federal, and regional laws from different perspectives in order to scrutinize their effectiveness to achieve their objectives. The key informants for the research include judges and prosecutors who have entertained forest related cases, police officers, environment and land use and administration officers, wereda and zonal agriculture and rural development experts, and wereda and Mekelle zone council members.

As far as sampling method is concerned, both purposive and snowball sampling methods are used. While judges, public prosecutors and police officers who have handled forest related cases are selected for interview purposively, snowball sampling was employed in the selection of experts for interview, the presenter explained.

Based on proximity to major forests in the region and alleged rate of frequent deforestation, five zones and nine rural weredas were selected, including Mekelle zone. As such, from Central zone, Axum and Laelay Maichew were chosen, while Ofla and Enda Mekoni are chosen to represent Southern zone. While Seharti Samre, Deguaa
The presenter then went on to discuss relevant laws governing the forest. Accordingly, sources of international law on forest are found mainly in international human rights instruments, international agreements on the biosphere, customary international practices, general municipal practices, judicial decisions, the writings of publicists, emerging fundamental norms that may be considered *jus cogens*, and regional treaties. Instances include Article 3 of the UDHR that states, ‘[e]veryone has the right to life, liberty and security of person’ as it forms the foundation for a right to a healthy environment. Besides, Article 22 of the same indicates that the rights are to be realized 'through national effort and international cooperation.' Article 6(1) of the ICCPR that provides for an inherent right to life to every human being is also understood broadly to include the means to realize the right to life, including through the safeguarding of a healthy environment.

More specifically, Article 4(8) of the United Nations Framework Convention on Climate Change imposes an obligation on state parties to give due consideration to “forested areas and areas liable to forest decay.” The Convention also invests on justice organs vast powers for its implementation. Other relevant international agreements ratified by Ethiopia along with date of ratification include:

- Convention on Biological Diversity  (5 April 1994)
- Convention Concerning the Protection of the World Cultural and Natural Heritage (6 July 1977)

- United Nations Convention to Combat Desertification (ratified 27 June 1997)

- United Nations Framework Convention on Climate Change (5 April 1994)

- Vienna Convention for the Protection of the Ozone Layer (11 October 1994)

The presenter also discussed some policy and legal instruments dealing with the role of justice organs in the protection of the forest at national and regional levels. To this end, the Environmental Policy of the FDRE (2004) and GTP II Document, Item 1.4.9 on ‘Commitment of the Nation to Protect the Forest to Build Climate Resilient Green Economy’ were mentioned as the primary policy tools. The FDRE Constitution is also mentioned as providing important rights. Among others, the right to sustainable development under Article 43 (1), and the right to live in a clean environment that Article 44(1) grants to everybody are the notable ones. Similar provisions are also reproduced in the regional Constitution of Tigray under Arts. 44 and 95.

When it comes to the issue of federal power sharing, while the Federal Government is given a legislative jurisdiction (Arts. 51(5) cum 55(2a), the regional governments have administrative power in forest protection and utilization (Art.52(2d). This is also strengthened through the Environmental Protection Organs Establishment Proclamation No. 295/2002 that, among others, dictates that ‘regional
governmental agencies shall ensure the implementation of federal environmental standards or, as may be appropriate issue and implement their own no less stringent standards (Art.15(2)).

Besides, the Constitution imposes on all federal and state legislative, executive and judicial organs at all levels the responsibility and duty to respect and enforce the provisions of Chapter three, that include Articles 43 and 44 with a strong bearing on the protection of the forest. The Forest Development, Conservation and Utilization Proclamation No. 542/2007 is the enabling law at the federal level that also empowers the regional states to administer state forests in their respective regions in accordance with the proclamation.

Moving to the state of affairs in the Regional State of Tigray, some laws have been enacted. Among the notables is Forest Protection, Use and Control Regulation No. 14/94 E.C. that deals with the use, control, and possible punishments for illegal use of the forest. The law was enacted to enforce Proclamation No. 23/89 E.C. that the regional Council enacted before the federal law was passed and provides flexible and milder penalties for violators compared to the federal law. The proclamation was subsequently repealed. The presenter also noted that communities in some weredas have consolidated local bylaws called ‘sirits’, which are predominantly akin to criminal laws and provide some level of penalty for some activities including cutting of trees. Concerning the institutions that work on forest
development, use and protection, many state and traditional community actors are involved, Ato Awet explained.

The next theme for discussion related to some important notions and rules as provided for in the relevant laws. Accordingly, a ‘forest’ is defined under Article 2(3) of Proclamation No. 542/2007 as a ‘community of plants naturally grown or developed by planting, trees and other plants having woody character’. The federal proclamation also classifies forests as state forests and private forests and the presumption is that if a forest is not a private forest, it remains a state one. Besides, a private forest owner has to obtain forest products movement permit before s/he harvests and transports forest products from one place to another. Also, while a private forest owner has to obtain forest products movement permit before s/he harvests and transports his forest products from one place to another, the utilization of state forests is possible only in accordance with an approved forest management plan and by government organizations or private persons who are given concessions to that end. The local community may, however, gather grasses, collect fallen woods and utilize herbs from a state forest in conformity with the management plan developed for the forest by the appropriate regional body. (Art.10)

The proclamation further prohibits activities such as cutting of trees, temporary or permanent settlement, grazing domestic animals, carrying out hunting activities, carrying cutting saws and any other tools used for cutting trees, keeping bee-hives or extracting honey
from state forests unless one obtains a permit from the Bureau of Agriculture and Rural Development of the region (Art.13(2)). Moreover, endangered indigenous natural forest trees are specially protected as their cutting from state forest is prohibited under any circumstance and the Ministry of Agriculture is empowered to issue a directive as to what constitutes endangered indigenous trees (Art. 14(1)).

Art 20 then provides the corresponding penalties for non-compliance with the prohibitions, unless the crime is otherwise punishable with greater penalty, mainly under the relevant provisions of Criminal Code including Arts. 516, 522, 685, 689, and 776. Accordingly, whosoever cuts, removes, processes or uses forest product in any way contrary to the proclamation and other directives is punishable with imprisonment of one to five years and a fine amounting to ETB 10,000 under Art. 20(1) of the Proclamation No. 542/2007. The fine set does not provide a room for flexibility and is mandatory, which as explained below is problematic, Awet explained. The law also provides different forms of damages that may be afflicted on forests along with corresponding penalties for contravention. Then, under Art.20(6), it condemns whosoever commits fault which are not mentioned in the aforementioned provisions (sub (1)-(5)) with imprisonment from 6 months up to a maximum of five years and ETB 30,000 in fine. According to Awet, as the rule puts forward a punishment for acts that are not specifically provided for as crimes, it stands against the established principle of legality.
Ato Awet then moved to discuss the findings of the research. Accordingly, in seven of the 10 *weredas* assessed, deforestation of different magnitudes is reported by the state councils even if some improvement in the trend is also recorded. Furthermore, more than 185 cases were reported to the police offices of the 10 *weredas* in 2005 E.C. Of this, around 60 were brought to the public prosecution office and only 36 of them reached the *wereda* court during the same period. One of the explanations given for the dropping of the cases before they get to the courts is that the police and the prosecutors tend to prefer bargaining with the suspects as there is a general understanding that the law is either unclear or the penalty is harsh and difficult to enforce.

The relationship between the police and the forest guards, locally known as ‘*Abo Gere’b*’ who are responsible to the *wereda* Natural Resources office is reported to be relatively poorer, as compared to the extent of coordination among the police-prosecutors-and courts which is found out to be healthier.

Some of the evidence related challenges identified by the police and prosecutors in the studied *weredas* include: that the testimony of forest guards is not usually taken as conclusive evidence by courts; falsified testimonies by witnesses; lack of exhibits as trees cut are usually sold through auction quickly and that low level of awareness from the general public means that the participation of the community in prosecuting violators is low, the research found out.
Difference of understandings on the applicable laws was also observed in the study. While five of the nine wereda prosecutors and five of the eight wereda judges responded that only the federal law (Proclamation No.542/2007) is applicable, the remaining thought that the regional law (Regulation No.14/94 E.C) is also applicable. Some of their reasons for them to apply the regional law the legality of which is questioned include the assumption that the federal law is harsh and provides similar penalty regardless of the severity and magnitude of the damage one causes on a forest and that some aspects are not regulated in the federal law. Instances of the last reason include that the law (Art.20) only protects state forests. Hence, issues regarding non-state or private forests remain debatable. The other problem that all the respondents (8 wereda judges and 8 wereda prosecutors) agreed with is that the penalty provided in the federal law is very excessive, whereas the majority of them saw the punishment in the regional law as proportionate. This might also explain why some of the justice organs kept using the regional law.

At last, lack of the required facilities to monitor forests; absence of sufficient incentives to forest guards; and lack of technical skills during investigation are identified as hindering effective performance by the different justice organs involved in the protection of forest. The presenter concluded by summarizing the challenges the justice organs are facing, mainly the dilemma on the applicable laws and their interpretations and some practical shortcomings that are hindering efforts to effectively protect forests in Tigray.
3. Public Interest Litigation (PIL) as a Means to Protect the Environment: The Case of Tigray Regional State†

Presenter: Mebrahtom Fitiwi, School of Law, MU
Moderator: Gebreyesus Abegaz, School of Law, MU

The presenter started with some remarks on the background of the study. Accordingly, a usual tension that exists between development and the environment is highlighted. Besides, the situation in the ground in urban Ethiopia characterized by poor environmental sanitation, insufficient and unsafe water supply, poor sewerage system, inadequate access to basic infrastructure services is recalled by the presenter. He also mentioned that the problem is worst in Tigray even if there are relatively small numbers of industries. Based on earlier findings, awareness related problems, few researches on environment, less public participation, and unsatisfactory enforcement of public interest litigation (hereinafter PIL) are the main problems mentioned to justify the study. The existence of considerable environmental pollution by industries in the region is also reported based on a research finding from the Agency. The thrust of the introductory part was to show the importance of providing a legal framework that allows PIL, among other tools, to help alleviate the environmental problems.

The need for incorporating and implementing PIL is mainly justified by the FDRE Constitution, the presenter contended. On this, the right to development and the right to clean and healthy environment

† The research is conducted by Mebrahtom Fitiwi, Tsegay Berhane (PhD), and Tecle Hagos.
provided for under Articles 43 and 44 of the FDRE Constitution respectively, are mentioned as constitutional stipulations that, albeit indirectly, support the use of PIL on environmental matters. The effective implementation of these rights, according to Ato Mebrahtom, justifies PIL given the fact that the environment is of a common concern.

Having discussed the preliminary assumptions and some constitutional grounds that support the use of PIL in relation to environmental problems, the presenter went on to explain the central questions the research tried to address. In general, the purpose of the research is reported to be exploring the legal framework and practice of PIL in Tigray. In particular, examining if there is environmental degradation that invites the use for PIL; inquiring if the existing legal framework as well as level of awareness is conducive for the application of PIL in the region; and investigating as to who can undertake PIL and finding out if there has been any practice of such a litigation in Tigray are some of the issues the paper tried to answer.

Moving to the research design, Ato Mebrahtom explained that the objectives and research questions of the research are addressed through qualitative and quantitative or mixed approaches of research methods. Primary and secondary data are also used as data sources. Further, data is collected from Laelay Maichew, Tahtay Maichew, Adwa, and Maichew as sample areas to highlight the current practice and attitude towards using PIL on environment related issues. Judges, members from the Natural Resources and Agricultural Development
Bureau, relevant staff members from the Agency, public prosecutors, and lawyers were consulted to provide information on the issues so as to triangulate against the data collected from the research areas. Regional and federal laws are also used as primary data sources. Interviews and questionnaires are used as tools to gather the data. Content analyses is also employed to infer the implications of different documents including researches, case reports, and other documents.

The next discussion focused on some theoretical and conceptual notions related to the research. Accordingly, Ato Mebrahtom begun with the definition and nature of PIL. The presenter firstly offered a Balck Law Dictionary’s meaning of the expression that defines it as a legal action initiated in a court of law for the enforcement of public interest or general interest in which their legal rights are affected. According to Mebrahtom, such a definition is very restrictive as it excludes possibilities of lobbying for the interest of a community of people from the ambit of PIL. On top of this, the definition confines the use of PIL to disputes entertained in courts. The second and more comprehensive definition that the presenter cited from an authority in the area considers PIL as a tool to push the boundaries of the law so that the interest of the poor and marginalized members of the community can be served (Dhliwayo). Finally, he brought into the attention of participants the fact that there are different naming/expressions for PIL such as human rights litigation, strategic litigation, test case litigation, impact litigation, social action litigation, and social change litigation.
Next, the status of PIL in general under Ethiopian laws, how it is conceived, and what requirements are to be met to make use of it, and similar particulars are presented. In this regard, it is cited that the recognition of PIL under Ethiopian laws can be inferred from the cumulative reading of Articles 9(2) and 37 of the FDRE Constitution. It is reiterated that under the Constitution every person may bring a legal action over a justiciable matter in a court of law. The presenter emphatically stated that any association representing the collective or individual interest of its members; or any group or person who is a member of, or representing a group with similar interests can bring any legal action. It is clarified that individuals or group of individuals representing a group of people can bring a justiciable matter seeking a legal remedy on behalf of the latter. The presenter furthermore expressed that the constitutional provision is not clear as to whether an individual who intends to represent a group of people through PIL should also be a member of that group in terms of having the same/similar cause of action or not.

Other relevant laws were also discussed. Among others, the requirement of vested interest to bring a legal action under Article 33 (2) of the Civil Procedure Code does not support the objective of PIL. Similar difficulties to practice PIL were also observed on other laws, including the Impact Assessment Proclamation and Solid Waste Management Proclamation. It is only under Article 11 of Pollution Control Proclamation No. 300/2002 that PIL is clearly provided among the relevant laws, according to the presenter. This
Proclamation specifically stipulates that vested interest is not required for a person or an organization to take a court action in relation to environmental pollution on behalf of others, the presenter noted. The problem with the law, however, was said to be that it only allows PIL in relation to environmental pollution.

Having analyzed the strong and weak sides of the Pollution Control Proclamation, he discussed the single PIL case brought to court by APAP some years back. The case was brought against the Ethiopian Environmental Authority for failing to live up to its mandates in stopping projects that did not comply with the relevant environmental requirements. However, it was rejected by the court at a preliminary objection. The central holding of the court was that PIL is not meant to be invoked against regulatory bodies. Even if the case was taken up until the Federal Supreme Court Cassation Division, the decision of the lower courts was confirmed on the reasoning that there was no error of law. Ato Mebrahtom thought that the courts narrowly interpreted the laws that allow PIL and this was erroneous and against the very purpose of having the PIL system. The presenter argued that Article 11 of Pollution Control Proclamation does not prohibit any complaining party, whether through PIL or not, to appeal to a court requesting the latter to compel the Authority carry out its obligations. The unfortunate decision is also said to have blocked the door for potential further cases involving PIL in Ethiopia.

Beside this legal gap, financial and technical incapacities by claimants and courts’ reluctance to enforce PIL claims are also stated as the
other bottlenecks to the implementation of PIL. Historically speaking, the presenter recalled, this problem was common, hindering litigations of environmental problems through PIL in countries like South Africa and the UK. However, unlike the practice thus far in Ethiopia, the Constitutional Court of South Africa could offer a legal solution by allowing individuals or organizations to claim against the state without any court fee, where there is any constitutional violation that includes environmental rights. It is also stated that the Societies and Charities Proclamation have had a negative impact on the potential use of PIL as it has disallowed many organizations working on environmental rights.

In Tigray, Mebrahtom explained, similar problems to the above cases such as environmental degradations, ineffective remedy for public outcry, environmental pollution and the absence of an attempt to exercise PIL are also common.

As to the findings of the research, it is stated that 107 of 192 of the respondents have responded that there has never been a court case lodged by PIL in their localities and 85 of them also reported that they do not know there was a legal ground for PIL. Neither was any information availed regarding the possibilities and application of PIL in all of the weredas covered in the research. A search of court files and interview with some judges also reveals that there has never been a case brought through PIL in Tigray. It is also found out that the magnitude of and trend in environmental degradation and pollution
requires a generous standing in courts, including through PIL in the region.

Drawing on these findings and summarizing the central tenets of the research, Ato Mebrahtom concluded by arguing that PIL should be exercised in Ethiopia against failure by government organs to implement their legal mandates. He also noted that despite its recognition under the FDRE Constitution and the Pollution Control Proclamation, PIL, as things stand, is only possible on environmental pollution disregarding other environmental problems. Further, the legal dilemma on the capacity of NGOs to bring PIL cases in a court of law is considered as problematic. Finally, it is recommended that public awareness creation campaign should be strengthened. A favourable condition that allows NGOs to seek court remedies through PIL is also recommended.
4. Urban Land Acquisition and Transfer under Ethiopian Law

Presenter: Yared Berhe, School of Law, MU
Moderator: Gebreyesus Abegaz, School of Law, MU

Ato Yared explained that the study, structured in three chapters, intends to examine the central tenets of the existing urban land holding system in the country. A doctrinal research in nature, it also explores past urban land systems in the country since the imperial time.

He then introduced working definitions of the two main themes the paper covers, i.e., land acquisition and transfer. Accordingly, while land acquisition refers to the modalities of land transfer from the government to individual leaseholders, land transfer indicates the modalities of land transfer from private leaseholders to other fellow potential landholders.

As a background to the study, Ato Yared explained the high place that land occupies in the Ethiopian society. As such, land has been a source of wealth and security, economic growth, employment and a source of basic survival for an overwhelming majority of the country's population. Rapid urban development also increased the instrumentality of urban land, he noted.

Much of the debate on land in Ethiopia lies on the issue of ownership of rural land. This excessive emphasis on the controversies in

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8 The research is conducted by Yared Berhe, Awet Hailezghi, and Gebreyesus Abegaz.
ownership of rural land has neglected urban land tenure policy and laws. As a result, when in 2011 the Ethiopian Parliament adopted the Urban Land Lease Holding, Proclamation No. 721/2011, a wide-range of debate and controversies ensued, arguably attracting public debate next in magnitude to the nationalization of all land and urban houses during the formative years of the Derg, according to the presenter.

The law, Yared explained, apart from bringing all forms of land use other than the lease system to an end, requires the conversion of all previous forms of old holdings to a lease system - a move that drew serious controversy among the public and other stakeholders including political parties and some members of the international communities.

The central concerns raised related to the law’s effect - expropriating property rights without compensation; issues of constitutionality; and an alarm that lease may be unbearable to many sects of urban society including to holders of old possessions in terms of higher lease price and limited duration of construction period that it imposes. On the side of the government, the single most line of argument has been that the law was enacted mainly to fully implement the Constitution, which vests ownership of all urban and rural land on the state and the nations, nationalities and people of Ethiopia.

Having said this as an introduction, Ato Yared went on to sketch historical development of urban land holding system in the country.
Accordingly, he identified and briefly discussed three main epochs, namely the imperial, the Degrue, and post-1991 periods.

On the first era, the presenter stated that prior to 1930 there were only informal and different holding systems applying to different parts of the country. Thus, he focused on the last imperial reign, the time of Emperor Haileselassie (1930-1974). Accordingly, the urban land holding system in this period was characterized by a freehold tenure system that allows land to be sold, exchanged, rented, leased or transferred without restriction. The result, unfortunately, was a concentration of vast urban land under few hands. As an indication of this, a survey from 1966 was mentioned revealing that five percent of the population of Addis Ababa owned 95 percent of the privately owned land. An additional way of acquiring land under the 1960 Civil Code was through usucaption, provided the conditions under Art. 1168 of the Civil Code are met.

During the Derg regime, the modality of acquiring and transferring urban land was tailored with the governing Socialist ideology of the day. Thus, through Proclamation No. 47/1975, a Proclamation to Provide for Government Ownership of Urban Land and Extra Urban Houses, monopoly of land ownership by the state was officially declared and private ownership and transaction in land was abolished (Articles 3-6). Yared also noted that private ownership of urban houses was not completely terminated during that period and an individual could own a single dwelling house. Further, the law also
abolished private tenancy and while houses and businesses can be transferred, the government held a pre-emptive right over all sales transactions. The mode of land acquisition, therefore, was made to be predominantly government’s permit system in which the landholders have an indefinite *usus* and *fractus* rights over the land along with a house.

In the post 1991 period, public ownership of land was continued. It was considered so important that it was provided for under the FDRE Constitution. The presenter shared with participants that in many countries land issues do not make it to a constitution and are regulated under ordinary laws instead. Accordingly, Art 40(1) of the Constitution provides the state and the Nations, Nationalities and people of Ethiopia to be the exclusive owners of both urban and rural lands leaving no possibility for private ownership of land under any circumstance. Further, unlike for peasants and pastoralist that the Constitution guarantees a right to acquire rural land free of charge, urban land, including right to residential houses is not specifically addressed by the Constitution. As to Yared, the fact that investors under Article 40(6) can acquire land upon payment of a lease fee does not seem to indicate that urban dwellers may also invoke the constitutional provision to claim the right given the difference in the purpose for which the land is used. Besides, whether Art 40(6) applies to urban or rural lands or both is not certain. Some regional constitutions, for instance, that of Amhara Regional State, has replaced the term ‘investor’ in the corresponding provision by a ‘proprietor’, which would make likely to include urban dwellers as well.
That said, Yared saw three different periods in the post 1991 urban land holding system itself. The first covers the years between 1991 and 1993, where the laws from past regime were continued. The second phase came in 1993 during which public lease form of urban land tenure in Ethiopia was introduced through Proclamation No. 80/1993 for the first time. The law, as amended by Proclamation No. 272/2002, though strived for unifying the permit and lease systems under the leasehold tenure, public permit system was tacitly allowed to operate in parallel with lease except in few major cities like Addis Ababa in which case leasehold was the only mode of land holding, thus a classification between lease towns and non-lease towns became a rule of the time. The lease itself was effected through auction/tender, allotment, negotiation and, to a limited extent, award and lot methods.

The third and current period was introduced with the enactment of the Urban Land Lease Holding, Proclamation No. 721 in 2011 that abolished all forms of land acquisition modalities other than lease. Some of the reasons the government gave as justifications for opting a public lease system include the argument that the system:

- Serves as a means to transfer land use rights from government ownership to individual citizens' holding without contravention to the public ownership of land policy.
- Is an important instrument to collect adequate amount of revenue for the government in the form of ground rent, mainly to finance urban infrastructure.
• Turns public land from a timeless and costless resource into formally exchangeable commodity with both cost and time limit, thereby increasing land use efficiency and investment; and

• That it gives an opportunity to attach a market value to land.

In addition, some of the alleged problems in the implementation of the previous laws have also contributed for the enactment of the new law. Among others, urban land administration was said to be infested with corruption and inefficiency; demand for land was not matched by supply, and uniformity was needed as inconsistent land tenure systems was a commonplace. Unifying the urban land tenure under a single lease system was regarded as a solution to these ailments, the government would argue.

Going into the details of the law, Yared reiterated that the law only allows a lease form of urban tenure land system (Art.5(1) and tender is the main modality, even if allotment might also be used for specific uses. The tender system encompasses different stages, including preparation of land tender plan, plot identification, determination of the lease price, and advertisement of lease, tender process and announcement of a winner based on market competition. The law also talks about the need to align the supply of plots of land with real demand and that before plots are advertised for bidders the plot need to be clear from disputes, that it conforms with the city/town plan, and have access to basic infrastructure, among others. (Art.8)
In relation to lease price, a benchmark lease price need to be prepared reflecting an updated objective conditions of the respective urban centers. In relation to the actual bidding, the law requires that the administration should provide sufficient information regarding the plots of land ready for bidding and that no single bidder may be allowed to buy more than one bid document for the same plot. At that juncture, the presenter reminded the participants that the law, in this regard, is only providing the limitation with regard to a single plot of land and a person may compete on many plots as s/he wishes. Then comes the declaration of winners that shall depend on bid price and the amount of advance payment offered. The list of winners with the details of their scores shall also be made public, the law demands.

In relation to the second modality of urban land acquisition, allotment, Yared explained that it is designed to provide land without tender for the construction of government offices, social service organizations, public residential housing construction, religious organizations, manufacturing industries, embassies, and projects referred by presidents of regional states or by mayor of a city administration to the cabinet because of their special national significance (Art. 12(1). The presenter opined that the logic of vesting the power to cabinets than experts in different organs is to stem corruption. Art.26 of the Proclamation also provides for a situation where an owner of an old possession is displaced through expropriation and dictates that s/he shall be provided with
commensurate compensation and a plot of land. This is also allotment as there is no tender involved.

Going back to the lease system, Ato Yared went on to discuss the validity requirements of a lease contract under the law. In this regard, the contract, which shall be signed between the local administration and the lessee, shall contain terms on, among others, construction starting time, completion time, payment schedule, and grace time. A lease holding certificate with all the details, including owner information, land details, and lease period need also to be issued, as well.

The lease period extends from 15 years for urban agriculture to 99 years, which is allowed for residential housing, science and technology, research and study, government offices, charitable organizations, and religious institutions. In this regard, the law gives discretion for local authorities to decide on the period of lease considering the level of development of the particular city or town and the nature of the development project to be implemented in the particular land. What is legally possible for the authorities is to reduce the period from the ceiling the law sets and, to Yared, this is less likely to happen as doing so means reducing land rights for those citizens living in that particular locality that would obviously bring about social dismay and complaints.

Fast moving towards the other unique features of the new law, the presenter noted that there are two ways the law intends to bring about
uniformity. The first being by changing the system for the acquisition of urban land from permit system to lease, the second is conversion of old possessions into a lease system. On old possession - a plot of land legally acquired before the urban center entered into the leasehold system or a land provided as compensation in kind to persons evicted from old possession (Article 2(18), the Council of Ministers is supposed to determine the modality its conversion. Besides, all forms of transferring old possessions other than by inheritance results in changing the tenure system from permit system to leasehold tenure under Art. 6.

Having discussed the relevant part of the law, the presenter then proceeded to constitutional issues usually raised thereon. Accordingly, the first issue was related to the timing of the laws. On the fact that the lease system was introduced before the adoption of the Constitution, there are two opposing arguments on its implication regarding the constitutionality of the system. The first is that the Constitution has tacitly accepted the system as a sole way of acquiring urban land. The counter argument to this include that, if recognition was indeed given, it applies to all the systems that have been in use, thus, including the permit system. Therefore, the argument goes, providing a lease system as the only modality of acquiring urban land does not have a constitutional backing. In addition, some would say that if the framers of the Constitution believed it was so, they could have clearly indicated it given its importance, according to Yared.
The other aspect of the law that attracts constitutional issue is related to the problem of public participation in the process of law making. Here, the main argument in support of the unconstitutionality of the lease system relates to the lawmaking process of the Lease Proclamation. The Constitution, under Art 40(3), vests the right of ownership of both urban and rural lands to the state and people of Ethiopia that makes them equal co-owners (parties) with respect to land. This joint ownership right calls for a special arrangement and consent of the public with regard to the enactment of laws regarding to land, including urban land beyond the general public participation clause of the Constitution provided in Article 43 of the Constitution. Moreover, the House of Peoples Representatives, though representative of the public, is deemed to have exercised its power as part of the government. Hence, lack of meaningful participation of the public on the jointly owned matter is the major setback that causes claims of violation of the Constitution.

Yet, another constitutionality issue is raised in respect to Article 23 of the Proclamation, which partly provides that ‘…a lessee may transfer his leasehold right or use it as collateral or capital contribution to the extent of the lease amount already paid.’ The issue is how to reconcile with Art.40(3) of the Constitution that prohibits the sale, exchange or mortgage of bare urban land.

The constitutional stipulation, according to the presenter, seems to only allow the transfer of improvements/investments on the land. The provision of the Proclamation, on the other hand, seems to allow
transfer of the land without any improvement as it allows transfer of a land prior to commencement of construction. Hence, it allows transactions on bare land with no improvement though the subsequent provisions clearly fix the amount of the financial benefit such a lessee could obtain and the conditions under which such land can be transferred. Yet, according to Yared, it is fair to hold that this contravenes the last limb of Art 40 (3) of the Constitution, which forbids the transfer of land by sale or other means of exchange as long as there is a gain out of such transaction how nominal it may be so.

Also, sub-art 2 of Art 23 allows the transfer of land through inheritance before commencement of construction. It is not clear if this concept of inheritance is used in the sense of intestate succession or it includes also testate (with a valid will) succession. If in the second sense, the effect may be similar to that of transfer of bare land by sale as, however rare it may be, people may opt for such an arrangement to make advantage of the loophole the effect of which is a violation of Art 40 (3) of the Constitution.

Ato Yared also took issue with the law for rigorously regulating some land transfer matters leaving little and, in some circumstances, no space for private arrangements. An instance in this case includes fixing the percentage of the total value of sale that one is entitled to receive when s/he transfers one’s leasehold particularly when the construction is only half completed or below as provided in Art 23(3). Although this stipulation seems to be included to discourage the
widespread urban land speculations and non-value adding profits that used to be fetched by some speculators used to happen prior to the enactment of the proclamation, it is criticized due to its negative implication on narrowing the scope of private property rights and tenure security.

On the other hand, the provision treats a lessee with bare land in the same way as one who commenced construction, but the construction is half-completed or under when it comes to transfer of such land. From the point of view of the Constitution, these two categories of lessees should not be treated equally as the latter has made some improvements on the land.

Finally, Yared emphasized that lease as a tenure system cannot be said to violate the Constitution for, at least, two main reasons. First, he reiterated that there is no good justification that the lease system goes against the Constitution. Secondly, the very Constitution seems to incorporate some element of lease system under Art 40(7). This provision stipulates that 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; and 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.

Lastly, the presenter recommended comprehensive study on the pros and cons of unifying the various urban land tenure systems under
sole public leasehold tenure system. In addition, the public should be consulted and given a chance to decide on the very issue of making lease as a sole form of tenure. In particular, the implication of the lease on the urban poor shall be carefully examined and reconsidered, he suggested. Detailed and independent study shall be made before converting old possessions to leasehold system with meaningful public participation and the study shall investigate the pros and cons of treating big cities and small towns alike under the lease system, the presenter concluded.
iv. Plenary Discussion - I

After the presentation of the four papers, the floor was open for suggestions, questions, and reflections by the participants.

Accordingly, a staff member of the College of Law and Governance was the first to share his thoughts. His first comment was on Yared’s presentation. He thought that the textual analysis being good, a comprehensive and empirical study on the lease system would have resulted in a better understanding. Related to this, he opined that as the lease law has been in place for 5 years now, an investigation on its impact on the ground would have been more helpful. He then inquired how far we have come as a country in terms of helping the poor and mitigating corruption when we compare the different land holding systems since the imperial period.

Next, reiterating the constitutional provision that stipulates land as belonging to the state and the people and that land cannot be sold, he expressed the view that what is being done in reality is selling land and the constitutional co-owner, the people, is absent when it comes to deciding on fundamental matters such as urban area development plans, lease policy, and prices etc.

He further opined that despite the official claim that the land policy is pro-poor, it, actually, is only benefiting few members of the community who have been amassing land in the last few years as competition is now the sole criteria of acquiring urban land. For him,
given the fact that the poor has no way of securing a shelter, he opined that the essence of being an Ethiopian national is being losing meaning in this regard. Lastly, he criticized the practice of favouring the Diaspora over the resident nationals in relation to land acquisition, which he contended is against what the whole struggle in Tigray stands for.

The next speaker, from the Agency, admitted the structural challenges Gebrehiwet pointed out in his presentation, including the lack of coordination among the various organs involved in the administration of rural land and the protection of the environment; the lack of autonomy for the Agency; and legal uncertainties on the responsible organs to initiate and follow up a court proceeding when there is an alleged violation of the rules regarding forestry. He further opined that one of the central challenges has been the lack of regulations and directives to help implement the relevant proclamations. He then corrected the presenter that as of late the desk at wereda level that used to represent the Agency, is replaced by an office that is accountable to the respective wereda councils. He, therefore, challenged the finding that the desk at wereda level is ‘dysfunctional’ as not representing their current reinvigorated standing and multifaceted activities. Lastly, he suggests that the ETB 10,000 fine that the law provides against anyone that cuts trees from a forest is not excessive. That said, he shared that at times, judges also impose lesser amounts in fines even if the law seems to provide a fixed number. For him there is nothing in the law that denies discretion of the courts.
Another speaker, opened his notes wondering if the fact that right to urban land is not specifically provided for in the Constitution and that considerable plots of land is being taken from the hitherto rural areas to the burgeoning urban towns and cities can be seen as unconstitutional. He then contended that the absence of directives to the proclamation for the protection of forests cannot a justification for not implementing the law as it wouldn’t anyhow change the fine that the proclamation has set. Furthermore, conceding that Regulation No. 14 has been wrongly in use, he shared that through successive trainings to judges and public prosecutors the challenges are being ameliorated. He also pointed out a legal loophole in the law on forestry that has been hampering from achieving its intended purposes. In this regard, the fine that the law provides apparently applies to government forests and it was only recently that five forests are so designated in the region as such. Before that it was difficult whether to apply the provision or not. Some judges in a certain workshop, he shared, even contended that the provision was not applicable as there was no ‘government forest’ so to speak. As to him the designation seem to be having a real effect as can be seen from the significant reduction on the flow of coal that used to come to Mekelle, which reached some 1400 loads of mule a day at its peak. In addition, he discussed a new challenge in the implementation of Art.20(6) of the forest proclamation that, to him, is wide open for interpretation. He mentioned an example, where in a certain case a forestry expert was called out to assess the damage caused as a result of cutting a single tree. He calculated the loss in terms of a decreased in the absorption of
carbon and the loss in oxygen that can be occasioned by cutting a single tree and the total sum came to be around ETB 200,000 (two hundred thousand) and it was difficult to implement it.

Yet pointing to another critical problem, the next speaker from the Bureau of Labour and Social Affairs, shared a serious concern that he holds on the interaction between investment and environment. For him, the existing system is not robust enough in terms of ensuring that investment permit conditions are being adhered to. He thought that there needs to an effective system to make sure that a plot of land is destined for the purpose for which it was allotted and a measure that deters non-compliance need to be put in place.

The other concern he raised was in relation to the current pattern of land administration, which he said is, highly attached with political affiliations. It is not the law that is regulating issues of who gets land and who does not, it is political affiliations instead. He specifically mentioned this to be rampant in the lower land administration bodies at tabia level and encouraged more research on this area.

Specifically talking about forest protection, he noted that the imposition of penalty on wrongdoings against the forest is becoming difficult to enforce since the government is transferring the possession, administration and management of forests from government to private individuals and thereby making them beyond the purview of the law. He also repeated an opinion aired out earlier that that there is no clarity if it is the police or the expert working in
the different organs who has a duty to appear in court of law to enforce the law on forest protection.

The other concern he raised relates to the potency of local bylaws, also known as *sirits*, to have a deterrent effect in protecting the forest. Widely used in some communities along with the state laws, their effectiveness is questioned because they are not uniform and prescribe milder penalties, he argued. Lastly, out of concern from the growing trend of many towns in the region to expanding outward swallowing rural areas, he suggested that there needs to be a law that regulates and provides a limit on the size of land that can be carved out to the urban centers from the rural area.

The next speaker focused on Gebrehiwet’s presentation. He mentioned that a regulation and a directive to implement Proclamation No.139/2006 is now enacted, a fact that was not mentioned during the presentation. He also repeated the restructuring undertaken at *wereda* level in relation to the desk. He then proceeded to share his observation in the practical implementation of the laws. As to him, the laws are there, more or less workable. The problem is that in courts these laws are not being considered as fully applicable ones. The same inferior status is also noticeable, he claims, at both regional and *wereda* levels, where the offices (the Agency and the *wereda* offices) are not influential in their respective levels. He, furthermore, thought that the attention to the environment and natural resources was more visible during the Derg era than it is today. The last issue he identified as a concern was the existence of
multiple ‘judges’ on land in Tigray, mainly referring to the tabia land committees and courts and their role in the adjudication of land related disputes. He opined that disputants are swinging from one to another in an attempt to obtain a favourbale decision since the relationship among the organs is not clearly spelt out.

The person who spoke next also strengthened the above concern by stating that the tabia officials responsible for the protection of the environment and natural resources are not represented in the cabinet, whereas in weredas they are represented without a vote. He tried to this by comparing the two wings that exist at the Agency and down to the tabias. Accordingly, while there normally is a team of experts working on the valuation of land and other properties and deciding the amount of compensation for losses of land holdings in case of expropriations and takings in the land administration wing, such specialized committees are not available in the environmental protection section of the organs.

He also explained that the complaints from farmers, residents, and investors are all being handled by the same organs and this is compromising efficient service delivery. However, he took an issue with a conclusion in Gebrehiwet’s presentation that found out the absence of public participation in environmental governance. To substantiate this, he mentioned the case of Hintalo Wajerat, where the residents some years back have opposed the continuance of operation
by one manufacturing industry. He, therefore, thought that such good practices should have been recognized.

He also clarified that there are three types of forests, i.e., government, community, and that of private and community forests are the ones hosting wide range of conflicts. He explained that while the relevant land laws recognize three types of land, state, community and private and therefore the forest categorization should also have followed suit, the forest laws only talk about state and private forest. He, thus, inquired Awet why the law did not mention community forests and if there is a way to amend the law in such a way this is rectified.

Then followed an opinion from another participant emphasizing on the need to focus on political leadership to bring change. He was of the opinion that what really matters to succeed in protecting the environment and better manage natural resources is a committed political leadership, an issue that is not usually researched about. He opined that studying as to what the environment meant to high level politicians is a key factor as they are the ones with power to influence results through policies and budgeting. He shared an instance, where a top regional official from the region once personally went to the Tigray-Afar border areas and ordered the abolishment of a checkpoint following a popular uproar against strict enforcement of the forest protection laws. He also wondered if there is a reading between the different organs in the government. For instance, while the country has pledged a 65% reduction in carbon release by 2030, it is a rampant practice for the state to provide land with its forests to investors with
a tacit permission for the latter to get rid of the forest and ‘develop’ the land. On top of this, he mentioned that the reported national forest coverage of around 11% does not take into account the fact that seasoned and indigenous trees are being replaced by smaller and foreign plants. Concluding his remarks, he forwarded a critical view of an unwritten ‘norm’ around Dese’a forest in Tigray that considers as excusable to sale once a tree is cut. For him the wrong assumption is that there is nothing left to be done. He thinks that this leniency is rather aggravating deforestation in the area.

Another participant that spoke next reflected that in relation to pollution the practice of quarantining different items should have been given due consideration given its growing effect.

The next speaker from the Supreme Court of the region begun his speech by thanking the School and the researchers for the work. He then asked why the papers were not presented in time. Appreciating the importance of the researches presented, he underscored on the importance of presenting findings in time. He then opined that given the fact that land is one of the most important means of production, especially here in Ethiopia, further research is needed in relation to its management and utilization.

He shared with participants that Regulation No. 14 is sometimes used as a last resort even if it was adopted based on a repealed law and is, thus, inapplicable. Nowadays, he reported, the Proclamation, with all its problems, is being better used through trainings to judges and
prosecutors. As to the ETB 10,000 fine that the law provides in case of tree cutting, he shared to the audience that the Cassation Division of the Federal Supreme Court has passed a decision in relation to fines, where it is ruled that they should be aligned to the ability to pay of the person concerned. That means it is possible to be flexible with the ETB 10,000 fine that the law sets, he opined. He understood why courts were finding it difficult to impose the flat fine irrespective of the degree of contravention.

He then commented that the coordination between the judiciary and the Agency is improving unlike the general claim in the presentations that coordination among relevant stakeholders is lacking. Having appreciated this development, he continued to express the worrying number of land related cases that are choking courts at all levels including the Cassation Division of the regional Supreme Court. The fact that the dispute is usually between family members, relatives or neighbors makes it even the more worrisome and thus, needs more work. He hoped that the wider in coverage in the cadastre system might mitigate the challenges. He then went on to ask for some clarification. On this, he thought the claim that public participation is low is not well substantiated and asked if this is so at the law making stage or during their implementation. Further, he did not agree with the claim in the presentation by Yared that we do not have a separate urban land policy and asks for clarity if the presenter meant that it was issued before the lease proclamation. The last of his inquiries was as to which aspect of the lease law violates the Constitution.
The next speaker began his address by asking some methodological issues. First, he thought that the presenters did not offer quantified findings of the studies. He explained that findings should be very specific, but what has been presented predominantly is rather general remarks. Second, he questioned the representativeness of the areas covered in many of the studies. With these remarks, he expressed his doubts on the statistics presented in relation to forest coverage in the region. He is of the view that the forest in Tigray is dwindling than recovering, as many reports would show. He suggested that a closer study would be important to know the level of societal awareness on the need and tools to preserve forests. In relation to the research output on PIL, he thought that more literature is needed how the PIL is understood in literature. He also wanted Ato Yared, who presented on the lease law, to share his views on the law as much of the presentation was on academic arguments.

The next speaker shared a current development whereby a committee of experts is established at a national level to study the existing laws on land and would come up with suitable proposals to solve current land administration challenges. Reiterating a comment above, he stated that a policy specifically dealing with urban land development and management has been adopted in 2003. Coming back to the relevant lease regimes in the country, he stated that the governing law before the current lease proclamation came into effect allowed acquisition of urban land only through a lease. He contended that the five forms/systems that Yared mentioned in his presentation are all
different variants of a lease system. Furthermore, he argued that the current law allows acquisition of urban land through rent mentioning that those towns that do not fall into the lease system are still transferring land through renting. Commenting on an earlier question from the audience in relation to the appropriateness and constitutionality of taking rural land to the towns, he argued that this is only natural and healthy process of urbanization. A common trend in other countries too, he proposed, the way out is how best to manage the process. At last, he wanted to reflect on the first comment from a participant regarding the ‘selling’ of land and said that since a lease by definition is time bound, it cannot be considered selling by any measure.

The next person to share his thoughts on the presentations was a staff member of the School. He started off with his talk on the autonomy of institutions. Classifying them between institutional or functional, he asserted that high sounding and orderly institutional setting by itself does not guarantee autonomy and what matters rather is the practice. He meant that naming the relevant institution working on the environment as a ministry, agency or bureau does not predetermine their efficiency. He then posed a question if our laws are really meant to promote the public interest or are a mere tool for external consumption. He also noted that legal pluralism seems to be lacking, for instance, in not providing Alternative Dispute Resolution mechanisms (ADR) in solving environmental and natural resources issues so that communities can have a say through their institutions
and local norms. He mentioned, as an instance, the Maichew Particleboard/Chipboard Manufacturing and wondered whose trees are being used to produce the material and the contribution of the communities in planting and preserving the trees. He asked how the legitimate interest of communities around such plants who use forest are being protected. He also reflected on the essence of the public interest litigation and said that its importance emanates from the tragedy of commons.

Still from the School, a staff member wanted more of analysis on how the current laws pertaining to acquisition of land through succession play out in case of testate and intestate succession rules. That said, he went on to question the constitutionality of the section in the lease law that dictates the conversion of old possessions into a lease holding system. He expressed his difficulties to make sense why a land, that a person has been having through the permit system, would be treated under the lease law when it is transferred to another through succession.

The last person to reflect views in the morning session expressed his worries on the lax regulation of our forests. He compared the current state of the Dese’a forest with that the situation 30 ago and hold that the deforestation is and thus needs to be tackled.
v. Reflections

As lunchtime was fast approaching, the moderator only allowed few minutes for reflection. Accordingly, Gebrehiwet began by appreciating all the comments and reflections and explained that in the final paper they have tried to incorporate the developments that workshop participants have been mentioning. Regarding the complaint handling mechanism, he opined that the critic of the paper has been mainly on the system and the public participation that the finding showed as lacking is in the law. He stressed that there is neither any forum nor a mandatory provision that imposes a duty on any organ to facilitate public forums for the public to have a say. Further, he argued that it is possible for the lawmaker to enact laws that provide rules on how public participation may be carried out on areas affecting the environment.

Awet on his part agreed on the inapplicability of Regulation No. 14 and appreciated the attendants for reminding the classification of the forest in to three including community forests. He also opined that as the law stands now, the ETB 10,000 fine is a fixed amount and does not seem to allow flexibility, one of the challenges the paper identified.

Ato Mebrahtom then thanked the audience for enriching the papers through discussion and reflected that many of the reflections touch upon drafting issues in the law and it could have been avoided or at least mitigated if experts were involved in their drafting.
Yared, whose presentation attracted a considerable degree of comments also had the chance to reflect upon some of them. He firstly appreciated for the constructive comments and accepted the suggestion that the practical implementation of the law would yield important results and is ripe for research. Regarding the issue of the lease system, he recounted two aspects of the argument. For once, allegations of unconstitutionality is related to the lack of public participation in the making and enforcement of the law as a co-owner as the FDRE Constitution would provide. Proponents of this argument would say that the public consultations on the law only happened after its adoption, a fact that does not measure up to entitlements of a co-owner that the public is constitutionally guaranteed of. He also mentioned that there is a counter argument for this along the lines of the HPR that passed the law being a representative of the public. Critics, according to Yared, however would consider the house as a part of the government and the public should have an elevated role, unlike other laws, if we would stick to the constitutional stipulation that land belongs to both the state and the people.

The second prong of the argument to demonstrate the unconstitutionality of the law, Yared continues, alleges that the Lease Proclamation in reality tantamount to unlawful expropriation. The arguments is that since the law intends to convert all urban land holdings into a lease system, it affects already established land rights of the public as it basically shortens the span of time that the rights
would have been enjoyed had it not been for the law. Lastly, in response to one of the comments given, Yared contended that the classification of towns as lease towns and non-lease towns before 2011 clearly shows that there, indeed, was other ways of acquiring urban land than through lease.
5. Urban Waste Management and Disposal in Tigray: Legal and Institutional Analysis with Insights to the Practice**

Presenters: Mekonen Fisseha and Ataklti H/slassie, School of Law, MU
Moderator: Mehreteab Gebremeskel, Head, School of Law, MU

The presentation included a background, theoretical discussions, the legal regime governing waste management in Tigray, institutional frameworks of urban waste management in Tigray, and remedies for urban waste hazards. Conclusions and recommendations are finally drawn.

As an introduction, it is stated that urban waste generation is caused normally by urbanization and industrialization and is worsened if a proper urban waste management is not put in place. Sound environmental protection is considered as imperative in this regard through legal and institutional responses. The presenters, furthermore, added that some 1.3 billion tons of solid waste is collected worldwide every year and is expected to increase to 2.2 billion tons by 2025, mainly from developing countries as estimated by the United Nations Environment Program (UNEP).

With these remarks as an introduction, poor waste management and disposal system in major towns of Tigray, as revealed by some previous studies, is provided as a justification for the research. The fact that we are having a developmental state and thus the government is active in industries makes the study the more

**The research was conducted by Mekonnen Fisseha, Ataklti Hailesselassie, and Eyob Awash.
comprehensive, the presenters noted. Thus, the presenters set to discuss the paper with a hope that the research will have a role to play in conceptualizing some tenets of urban waste management and highlighting some of the gaps in law and practice.

The research is conducted with the main objective of evaluating the adequacy or otherwise of legal and institutional frameworks of urban waste management in the region. To this end, the comprehensiveness of the laws to address prevailing issues, vertical and horizontal consistency of the laws and institutional relations, budget and human resources, and other practical urban waste management issues such as public participation and remedies for victims are discussed. The thrust of the study arises from the belief that human action is fundamentally the cause of urban waste and its negative effects can thus also be mitigated through human intervention, among others, researches of this kind.

Data tools such as semi-structured interview, observation and legal analysis are used as primary data sources and documents, statistics and public reports, yearbook, government websites and other reports are also used as secondary data sources. Institutions directly entrusted with the powers and responsibilities of urban waste management are used as key sources of information.

A purposive sampling is employed in choosing towns for the study. Thus, based on population and level of urbanization, four zonal towns are covered, namely (Southern Zone-Maichew, Eastern Zone-Adigrat, Central Zone-Axum, North Western Zone-Shire) and Mekelle. Expert
opinion and experience or information-based test was also a basic guide in sampling respondents from each study population. The data from each study population is collected thematically and analysed qualitatively and relevant national and regional laws, policy documents and other observed practices are analysed for triangulating the collected data.

Relevant institutions at regional, zonal and wereda levels are taken as study populations for the research. Accordingly, the research is done targeting the Regional Sanitation and Beautification Core Process under the Bureau of Trade and Industry, Bureau of Health, Bureau of Water Resources, the Agency, Mekelle City Administration Sanitation and Beautification Core Process, Maichew Sanitation and Beautification Office, Maichew Land Desk, Maichew Health Office, Adigrat Sanitation and Beautification Office, Adigrat Land Desk, Adigrat Health Office, Axum Sanitation and Beautification Office, Axum Health Office, Axum Land Desk, Shire Sanitation and Beautification Office, Shire Land Desk, and Shire Health Office as study population.

Then followed a discussion on some theoretical and conceptual underpinnings of waste and urban waste management. Accordingly, waste is defined as “substances or objects that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law” under Article 2.1 of the Basel Convention. It is also defined as any substance which should be disposed of or that has been disposed of according to the Bamako Convention. In
Ethiopia, Article 2 of the Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009 provides, “waste” means liquid, solid or other waste generated from industries, agricultural institutions, schools, residential or commercial areas, health and research institutions, toilets or other similar institutions which can affect the health of human beings or animals”. The types of wastes are also stated as hazardous and non-hazardous wastes, biodegradable and non-biodegradable, solid waste and liquid waste. The negative consequences of urban waste extend from environmental hazard to human health problems and economic loss.

National and international legal frameworks addressing urban waste management were also discussed. Related to this, it is stated that Ethiopia has acceded in 2000 to the Bali Declaration, Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes, and has prepared a strategic framework for the implementation of the Basel Convention for 2012-2021, which addresses waste management and disposal. Among the relevant legal tools at the federal level - laws, manuals and guidelines cited as relevant for urban waste management include the following: FDRE Constitution (Article 43), the 1997 Environmental Policy of Ethiopia, the 1993 Health Policy of Ethiopia, the 2001 Ethiopian Water Supply and Sanitation Policy, Urban Waste Management and Green and Beautification Draft Strategy prepared by Ministry of Urban Development and Construction, the 2011 – 2015 National Sanitation and Hygiene Strategic Action Plan, Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009,
Environmental Pollution Control Proclamation No. 300/2002, the Solid Waste Management Proclamation No. 513/2007, the Prevention of Industrial Pollution Regulation No. 159/2008, Urban Plans Proclamation No. 574/2008, the EIA Proclamation, the 2012 Solid Waste Management Manual with Respect to Urban Plans, Sanitary Landfill Sites and Solid Waste Management Planning, and the Federal Landfill Site Selection. According to the Constitution and the laws mentioned above, the presenters opined that the Federal Government seems to have a leading role to play in the regulation of urban waste. At the level of the region, Tigray EIA Proclamation No. 200/2011, Tigray Environmental Pollution Control Proclamation No. 199/2011, Tigray Urban Land Use Regulation No. 76/2013, Tigray Waste Management and Disposal Proclamation No. 191/2011 (as amended), Tigray Waste Management and Disposal Regulation No. 81/2013, and Tigray Rural Land Use and Administration Proclamation 239/2006 are cited as important and supportive legal frameworks.

Different techniques of urban waste management systems are then discussed. In a hierarchy ascending from the least preferred to the most preferred ones, the models stretch from land filling, incinerating, composting, recycling to source reduction.

The presenters then went on to discuss the results and findings of the research. Accordingly, the general legal regime is stated as having no fundamental problem and many of the respondents also reported to know many of the federal and regional laws. Further, the regional laws dealing with environmental pollution control, city cleaning and
beautification, EIA, etc., for many of the respondents, have a supplementary or gap filling role to play to the federal laws.

When it comes to the adequacy of the law, it is labelled as inadequate by the respondents. The absence of updated laws reflective of the current economic, social and environmental situations and the non-compliance to the laws are found to be some of the problems. It is also found out that the laws are incomprehensible, since the appropriate and detailed regulations, directives and working manuals and procedures are lacking except for municipal dry waste. Other types of wastes such as liquid wastes are not regulated fairly enough. The existing manual on urban waste management is also found to be vague and difficult to implement. The expansion of urbanization, booming construction works and industrial expansions are not regulated, according to respondents. Other problems emanating from construction, disposal of sick horses and dogs are not sufficiently addressed under the laws and manuals.

The institutional framework and empowerment of the different organs that regulate waste disposal was the next area of analysis. The finding shows that the multiplicity of the organs has resulted in a state of confusion and duplication of tasks. To demonstrate this, the following analysis was offered. At the federal level, the then Environmental Protection Authority (Now Ministry of Forest, Environment and Climate Change), Ministry of Health, Ministry of Trade and others justice organs are among the horizontally important institutions. This said, the Environmental Protection Authority is
entrusted to collaborate with regional environmental agencies and also the power to evaluate and monitor the adequacy of municipal waste management systems under Article 5(2) of the Pollution Control Proclamation. Multiple institutions in the region are at the same time entrusted with a mandate of waste disposal regulation. For instance, the Agency is mentioned as a case to highlight the issue. Accordingly, the Agency is given vast powers to regulate environmental protection and waste disposal matters without specifying how it would relate to the monitoring and investigatory powers of the federal Authority.

Furthermore, the fact that the Agency is organized in such a way to handle dual tasks, i.e., protection of the environment as well as administration of rural land is found out to be an area of concern for respondents. According to many of them, the core process that deals with environmental issues in the Agency is relegated to a secondary place in terms of drawing its budget and human resource. While rural land is found politically sensitive and thus a priority for the Agency, corresponding political commitment at regional and sectoral levels by the policy makers including at the Agency on the environment is clearly lacking. At the Agency level, the amount of budget designated to the environmental protection core process is badly limited. Besides, budget for environmental protection programs is not drawn and administered by the concerned wings themselves. A similar trend of neglect is also noticed at other sectoral offices which are responsible for urban waste management, including in the Bureau of Trade and Industry & Bureau of City Development. Manpower with the required
knowledge and skill on waste management and disposal are found inadequate in the offices. For example, Mekelle City Administration Sanitation and Beautification Core Process is being run by only 20% of the total human resource required. Meager and insufficient budget to dispose and recycle waste is allocated to the office of the city administration, it is further reported.

Besides, lack of a comprehensive understanding of environmental issues is also found out as contributing to the lack of attention, the presenters recounted. In this regard, it is suggested that the environmental protection core process of the Agency needs to be autonomous and should be accorded the degree of attention that it deserves and its scope broadened to include the regulation of health, city beautification and sanitation, and liquid waste disposal under one umbrella.

Yet another challenge identified in the study relates to the existence of different horizontal institutions in the region with a mandate to regulate some aspects of waste disposal. Among others, the Agency, the Health Bureau, Bureau of Trade, Industry, and City Development, and the Tigray Water Resource Bureau are some. As confirmed by the majority of the respondents, the existence of these institutions has resulted in confused roles and at times is exploited to externalize problems among each other. It is also argued that even if the Agency is expected to coordinate and cooperate with these actors as the highest regulatory organ, this role is not being implemented as required.
Public consultation and participation in the administration of urban waste is the other problem observed in the study. Public consultation in the selection and management of waste landfill sites is found absent in the research areas except for Adigrat. The other sites are known as waste dumping sites even at the level of naming. These waste dumping sites are found out to be adversely affecting the environment and exposing the nearby community to health related risks. This is the case even if the sites are located outside the towns as this simply means polluting animals, hitherto clean rural areas as well as the residents.

Towards the end, the presenters shared the findings of the research in relation to the practice of complaint handling mechanisms and remedies. Accordingly, there is no any practice proving complaint reporting mechanism in the region while the law states that complaints may be lodged potentially by individuals, groups, environmental activists where there is any environmental pollution. Cases reinforcing administrative and judicial remedies for environmental pollutions are not yet practiced. Adequate ways of administrative and judicial remedies for illegal waste disposal practices are also found absent. The remedies provided for under the laws are, in addition, found inadequate as they do not include civil remedies.

As a conclusion, the impacts of rapid urbanization, economic development and industrialization on the production of waste is reiterated and the importance of having comprehensive and
harmonized laws, empowered and coordinated institutions to mitigate the negative consequences was noted. There was a special emphasis on liquid waste disposal and management as the most neglected area. In this regard, the need to put in place standardized disposal and management system for liquid waste flowing from the cesspit of toilets and septic tanks was stressed. A concern was also expressed with the considerable gap that was observed with regard to follow up, supervision, control, and expert support in waste handling and disposal practices. The failures are attributed to the existence of multiple institutions without a clear line of mandate, lack of common working policy, lack of legal and institutional platforms for an integrated environmental monitoring and evaluation, lack of adequate resource, human resource and experts, as revealed through interviews and field observation. These limitations, therefore, need to be effectively addressed.

Finally, an overhaul of the existing liquid waste disposal system based on the Agency’s environmental audit report for 2007 E.C is recommended. In that audit, a fundamental and immediate change in the existing laws and institutions relating to liquid urban waste management is strongly recommended before the problem gets worst. The environmental protection core process of the Agency and the Bureau of Trade and Industry need to be restructured in such a way that guarantees autonomy. Work to bring about clear line of mandate and missions and spirit of collaboration among the different organs working on waste management is also underlined.
6. Rural Land Administration in Eastern Zone of Tigray: the Law and the Practice††

Presenter: Kahsay Debesu, School of Law, MU
Moderator: Mehreteab Gebremeskel, Head, School of Law, MU

The presenter began by informing the participants that a new law and very pertinent to the research was enacted in 2006 while the research was underway and every attempt has been made to update the findings in line with the new law.

He then went on to explain the importance of land in the life of Ethiopians. This was said to be particularly true in relation to rural farming societies whose livelihood is contingent on agriculture and thus the role of an effective, fair, and harmonious laws and institutions in its administration and utilization was emphasized. Further, citing some researches, Ato Kahsay recounted the role the agricultural sector in Ethiopia as follows. It accounts for more than 80% of employment opportunity; contributes 45%-50% of the national GDP; contributes nearly 90% for export and foreign currency; and is a source of security and social status beyond its economic significance.

A brief historical account of rural land policies in the country was also offered. Accordingly, in the pre 1975 Ethiopia, though multi tenure systems were in place throughout the country, the Rist system dominated land tenure system of northern Ethiopia while the Gult tenure system was the principal system in the Southern part of the

††The research is conducted by Kahsay Debesu and Merhatibe Teklemedhen.
country. During the brief stay of the Derg regime, on the other hand, land was nationalized. He then moved on detailing the state-people co-ownership of land under the FDRE Constitution and the modalities of implementing them mainly under Article 40 of the same. He reiterated, among others, peasants’ right to obtain land without payment and the protection against eviction from their possession under Article 40(4) of the Constitution. Detailed laws are also enacted at both federal and regional levels to this effect, Kahsay discussed.

Fast moving to the statement of the problem of the study, the researchers identified two. The first being that the legal and institutional machineries of the regional state’s land administration are emerging and as such it is hardly possible to have a full-fledged system that could adequately entertain the mushrooming actual/potential disputes that are associated with rural land. The second problem identified to justify the research was that in the Eastern zone of the National Regional State of Tigray the lion-share of rural civil and criminal court cases are associated with rural land. Consequently, the central research question is framed to be inquiring the legal viability and administrative feasibility of rural land administration in the zone. The thrust of such framing, according to the presenter, is the assumption that legal viability and administrative feasibility results in and indeed is a condition for an effective administration and utilization of rural land.

On the research design and data collection methods, the presenter explained that primary and secondary data was collected from key
informants who, in turn, were selected purposefully. In addition, court cases and other documents such as \textit{Belbal}, which is a traditionally prepared land certificate, various forms including for land exchange and, donation are also employed. In gathering data from research participants, semi-structured interview and focus group discussions have been used. Eventually, the data collected from primary and secondary sources have been interpreted and analysed against relevant laws, according to Kahsay. At last, the accuracy of the findings was validated by triangulating the various data sources and using peer debriefing. The presenter also noted that ethical considerations have been taken care of during the research.

Then followed a brief discussion on the relevant federal and regional laws relating to rural land administration. Accordingly, the constitutional stipulation that empowers the Federal Government, through the HPR, to enact laws for the utilization and conservation of land and other natural resources is noted (Article 51(5) cum 55(2) (a)). In addition, the role of the regional states to administer land and other natural resources in accordance with federal laws under Article 52(2) (d) of the Constitution is also reiterated.

In line with the Constitutional stipulations, the Federal Government has enacted the following relevant legislation: the Rural Land Administration and Land Use Proclamation No. 456/2005, the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005, and Expropriation of

Having outlined the governing laws, Ato Kahsay went back in time to recall the rural land distribution by the then communal assemblies, the Baito, using their respective local bylaws, commonly known as Sirit in 1979, 1982/3 E.C. In the scheme, rural land was mainly distributed to farmers residing around the rural land at hand as well as, through special consideration, to some people who were residing in urban areas, a phenomenon that proved controversial later in time. There has also been rural land certification (belbal) program in the region, which was substantially carried out by youth who were trained in Agbe. The trainees, Kahsay went on, heavily relied on information from local administrators and the farmers in filling out the certificates that led to disparity with reality, double issuance and misrepresentation of names, rights, sizes, and locations and with the certificate having incomplete information that gave rise to more disputes later on.
The presenter then extensively detailed the relevant rules, at both federal and regional levels, in relation to land administration. This discussion, in tandem with the objective of the research, was divided into two parts, the legal normative framework and practical aspect of it. On the first, areas of succession and donation of land, circumstances that may lead to land use termination, the time within which appraisal of free arable land is assessed and redistributed in tabias, the minimum allowed landholding in the region, possibilities of rural land exchange, and conditions for the expropriation of landholdings for public purpose were discussed. Below follows the major legal limitations that the research identified.

In relation to succession of rural land, the presenter expressed difficulties of justifying why succession should be limited between parents and children and why only children of 18 years or more are eligible for inheritance. This is so given the fact that the Civil Code, as the governing law on the law of succession, does not provide such a limitation and the land law is only an exception. He also criticized the fact that the law puts forth residence in a tabia as a condition to get arable land. He thought that it does not accommodate the legitimate interests of those that live in other tabias until they get land in their own tabia. This condition was also considered as limiting the movement of people to earn a living.

He also expressed uncertainties in the law if a person can succeed his/her adopted child or receive donations from the same. Further,
the practice of denying a child that is raised with a given family without being formally adopted or ‘geza ebay’ as they are commonly called in the research area, from receiving a donation of land from landholders with whom she/he is living, usually serving them, has been opposed. There also seem to be a confusion between a geza ebay and an adopted child, he further noted.

The other issue raised was more of practical. According to the presenter, while the assessment of arable land to be redistributed in a given tabia is conducted every two years from July 1-15 (Ethiopian calendar), the actual assignment, locally known as shigshig, is effected between February 16-30 (Ethiopian calendar) the following year. The duration within which the assignment of free land is completed is said to be too short and causing practical problems. Among others, it does not give the land administration committee enough time to distribute all available plots of land. Due to this, unassigned land is left idle until the following schedule. This is uneconomical in a situation where many people are not having a land to farm.

Related to this, it is presented that as there are usually more eligible (adult residents) seeking for an arable land than what is available, priority is given to women and people with disability. That being commendable, the law does not distinguish between singles and those having families during redistribution. The presenter thought that number of dependents must have been taken into account in prioritizing people. The research also found out further complications and sources of complaint in relation to redistribution of arable land in
the study area. Among others, the lack of institutional memory means that there is a heavy reliance on people who were actually involved during the land distribution that was principally conducted some 30 years ago. In many areas, it is found out that these people are hard to find. The other source of complaint relates to the special treatment of some individuals who were given rural land while they were residing in urban areas. Many of them still have the land and this is strongly opposed by the rural residents, the presenter observed. Compounding these lapses are that the land certificates that were issued in earlier times are not complete and are thus exacerbating disputes.

Having discussed some of the land law related challenges the research found out, the presenter then went on to quickly sketch the administrative aspects as well. To this end, it was shown that many organs of the executive and the judiciary branches of the government have a role to play in the administration and use of rural land. From among the executive, the role of the Agency is notable. The Agency is mandated to administer rural land through the enactment of rural land administration directives. The actual administrative role of the Agency, however, is conducted by *Wereda* Desks, *Tabia* Rural Land Administration Committees, and *Kushet* Rural Land Administration Committees at *wereda*, *tabia* and *kushet* levels, respectively. Regarding their structure, while the *Kushet* Rural Land Administration Committee is accountable to their *kushet* community and *Tabia* Rural Land Administration Committee, *Tabia* Rural Land Administration Committee is accountable to the *Tabia* Administration and *Wereda*
Desk. Wereda Desks issue land certificates and serve as a repository of the same. In addition, authentication and registration of documents is undertaken by the office of Public Prosecutors under the justice Office of respective weredas.

The organs having a judicial role on rural land were also discussed briefly. Accordingly, there are four levels of judicial organs with a power to entertain rural land cases in the region. First, a land related dispute begins in Tabia Land Adjudication Judges– unpaid locals, hearing and deciding all land related disputes. Through an appeal, the case might also go to Wereda Courts, Zonal High Court and possibly to the Cassation Division of the Supreme Court of the region as it has power of cassation over any final court decision on state matters which contains a basic error of law. Highlighting the crucial role of these organs, it is found out in the research that the lion-share of rural civil and criminal court cases are associated with rural land.

Ato Kahsay then pointed some of the problems that the research discovers in the structure and working of the different executive and judicial organs involved in rural land administration and adjudication. The first being presence of conflict of interest and duplication of effort between the rural land administrative and judicial wings, related to this is the equivocal use of the two wings by disputants, a problem of forum shopping. On the first issue, problems of executing Tabia Land Judges’ decisions is mentioned.
The other problem is that the Kushet and Tabia Land Administrators and Judges suffer from serious capacity limitations and nominal incentive schemes. To substantiate this, Kahsay mentioned, citing key informant interview, focus group discussion, and review of cases, that up to 80% of the Tabia Land Judges’ decisions are appealed from and as much as 90% of them are reversed by the wereda courts.

In addition, other general problems hindering smooth running of rural land administration were mentioned. Prevalence of mishandling and misuse of seals and forgery of documents and discriminatory practices and procedural irregularities during the redistribution of land (favors, nepotism, bypassing mandatory procedures) are mentioned noticed. Besides, the fact that plaintiffs need to pay allowances for a witness to testify for them is a source of complaint in the communities and limits access to justice. At last, it is also observed that the adequate, immediate, and prompt compensation that the law provides for land expropriation is not being implemented, Ato Kahsay detailed citing an instance of a road construction that covers from Freweini to Hawzen.

Lastly, the presenter finalized with some positive notes and works in progress in the study area. To this end, it is reported that there are interface and cadastre development endeavors that are expected to alleviate the maladministration in rural land administration. Most importantly, the scheme, unlike earlier certificates, contains a great deal of data that is crucial to help improve the challenges currently
faced. The data included are an aerial photo, satellite measurement of the land in verifiable numbers,‡‡ a computerized back up, husband and wife holding, and rights and duties of rural landholders. The system is also parcel-based land certification, where one certificate is issued for a land parcel instead of aggregation. Besides, a distinction is being made and is indicated in the registration system among government, religious, residential or metesha, a common expression in Tigrigna, free land, barren land, and grasslands. The introduction of such a modern land demarcation and registration scheme enables the government to install a full-fledged institutional memory; know the actual and potential resources, and undertake a knowledge based interventions to promote the best use of land to the public. The coverage of aerial photo and certification in Tigray, according to the presenter, is now at 53% and 23%, respectively, and some weredas in the Eastern zone, where the study was conducted, have completed the job. Sharing the doubt if the existing organs will be able to make use of the modern system effectively, the presenter opined that the role of experts in assisting the existing organs is expected for a greater positive impact.

‡‡ Land measurement is now provided for in hectares unlike previous certificates that used traditional measurement expressions that may give raise to controversies. Among these measures, tsindi, ferki tsemedi, gbri, ferki gebri were the most common ones.
vi. Plenary Discussion – II

The first participant to speak after the afternoon presentations wanted some reflection on what is being done in the regional city of Mekelle in relation to the liquid waste that is coming from the condominium houses for the members of the defense forces near Adi Hawsi as well as the recently opened Moha Soft Drinks factory near arid campus. On the second presentation, he felt that Eastern zone, the area of study on rural land administration, is relatively stable. He thought Western Tigray would have been a more appropriate choice given the difficulties of land distribution that he noticed there. He shared his fear that a system of land distribution that can be characterized as discriminatory is taking in the area and might lead to conflicts unless urgently rectified through the intervention of higher level government organs.

The next speaker emphasized on the importance of the earth in life and after and thus a need to have a long vision and human centered land policies. He also stressed that democracy is the best system of governance to bring about such a policy. He then linked housing as a preconditioned for a dignified life, and calls for the government to try to work more so that every citizen would have a shelter over his/her head.

Questions continued from further three staff members of the School who spoke consecutively. The first challenged the legality of taking rural land to the urban centers, which compromises the constitutional
protection of urban land. He then asked what law governs the semi-towns in Tigray, locally called ‘eshel ketematat’ that are being treated as towns when it comes to the management of the land therein without putting in place the required infrastructure one would expect for towns. He also questioned what comparative standards have been used to conclude whether the laws regulating urban waste management are adequate, comprehensive, or effective laws or otherwise. He suggested that a research has to be scientific and reasonable objective criteria need to be used in making assessments of an existing system or law. The second speaker forwarded his first question to Ato Mekonnen and Ataklti. Accordingly, having identified problems with the institutions dealing with liquid waste and how ineffective the system is, he asked what kind of approach they recommend as a solution. On the second presentation, he asked if the study also includes pastoralists as it is practiced in the Eastern zone to a certain level. The third speaker asked how effective formalization of rural land administration would be if it is devoid of corresponding societal norms. To corroborate his doubts, he cited some research outputs proving the ineffectiveness of a mere formalization of land regulatory mechanisms. A research by a writer called Rahmato Desalegn, which was conducted in Southern Ethiopia was mentioned as an instance in this regard.

In relation to waste management, he inquired if the source of the problem relates to the law or its implementation or else societal norms
and culture. Identifying the core source, he suggested, would help identify the area of intervention.

The next seeker, appreciating the efforts put into conducting the researches, commented that involving some staff members from the city’s planning department in studying urban waste management would have made the study more comprehensive. He further contended that the central challenge now is the implementation of the laws mainly in terms of equipping the relevant regulatory bodies with qualified experts. Opining on a housing issues raised earlier, he closed his speech with a remark that it is difficult to provide a house to every citizen and that the government is doing what it can to progressively minimize the housing shortage in towns and cities.

The next person to share views was from the region’s Bureau of Urban Development. He recognized that the themes of the researches are timely and that such endeavors support the government to identify triggering problems. However, he said concrete and workable directions have to be put forward that can help solve a problem a research reveals. He thought that such was not forthcoming from the presentations. He then mentioned that holding a discussion on waste management is a new issue. The understanding whether waste is a valuable resource or simply taken as garbage is a new debate and helps bring a new understanding in the society. He then expressed his reservation on the projection that urban waste will exponentially increase in the next decade, an assertion discussed in relation to waste
management. He hoped that sophistication in technology such as recycling will rather help rather decrease waste.

On the second presentation, he asked which aspect of the cadastre would be helpful in modernizing rural land administration as the cadastre system covers a wide range of items and data. At last he shared some data, in a way addressing a question raised earlier on. Accordingly, he mentioned that there are not 12 semi-urban (emerging) towns, eshel ketema in Tigray and they are regulated by urban land laws, thus the lease law.

The next person to comment focused mainly on waste management. While waste is basically an urban problem, he stated that one of the existing challenges is that the regional Agency does not have its own branch offices in towns. Furthermore, there is a lack of coordination between different governmental bodies. For instance, the Agency has faced challenges in trying to oversee the environmental impact of road constructions as the contractors would have all clearances from the road authority and local land administration sidelining the role of the Agency. In relation to the presentation on rural land administration, many of the issues identified as problems are well known and some of them are indeed justified, he contended. As for the speaker, the themes of the study should have been narrowed down so as to allow comprehensive treatment of a specific subject matter and the recommendations should have been specific enough to help action.
A speaker who came from the Agricultural Research Institute of Tigray suggested the importance of comparison, among others, between zones or bureaus so that they can learn from each other and suggested that the researches would have been more helpful if such an approach was followed. In addition, he suggested that recommendations should have included steps on how they can be put into practice. He then expressed his concern with the heavy metals the Abergele tannery around Wekero is emitting and the chemicals flowing from Alemeda textile and their negative effects on productivity and calls for an action from the Agency. Commenting on the last presentation, he argued that conceding, as a limitation of the study, that some of their informants may have provided biased information compromises the integrity of the findings. What, he contended, should have been done is to mitigate such a potential bias using other balancing measures. Lastly, he commented that time management in the presentations needs to be improved.

An official from the Agency was the next person to express his views. He started his address by thanking the presenters. He then detailed the three main aspects that normally should be addressed in environmental governance, namely policy tools, regulatory issues and societal behavior. Even if the researches focus on regulatory issues for obvious reasons he wished the other two aspects, as well, were addressed. He also noted that it would have been great to triangulate the findings with the experience of other countries. With these
introductory notes, he asked the moderator for a leave to address some of the issues raised during the workshop.

Having secured the leave from the moderator, he shared the concerns raised in relation to Almeda Textile, Messebo Cement, Sheba Leather and the condominium looking buildings in Mekelle, adding that the Agency has been closely following them all. Regarding Almeda, he informed participants that the Agency has been in discussion with the factory for a long time and have denied a clearance letter that Almeda needed for an international recognition. Further, the enterprise has now developed an Environmental Management Plan (EMP) and hopes that this will lead to a better result. As far as Messebo is concerned, he clarified that unlike the new plant, the old section of the factory is not equipped with the required technology to absorb the dust. Even in the new section, he said the machines sometimes fail and hazardous dust covers the entire surrounding. As a result, the residents of the area needed to be relocated and the company has paid ETB 13 million for this purpose. However, the actual relocation is lagging behind schedule due to different practical hurdles. He also informed us that an EMP for the plants is now being finalized.

When it comes to Sheba Leather, the official said that it is the only tannery in Ethiopia with a secondary plant, meaning a tool that minimizes the toxic nature of the chemicals used. Yet, it is still problematic, as it did not provide an EMP. Moha drinks, on the other hand, is releasing less hazardous chemicals, as their frequent laboratory tests proved. Yet, damage has been done in the eyes of the
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public, he agreed, as the canal that transports the release to town in full public view has created a negative perception regardless of its objective negative effects. The factory is now finalizing preparations to use the water released for agricultural land nearby the factory, as it is safe. The last area of concern, the condominium looking buildings, where national defense personnel are residing, is polluting a major river that runs through it. He said that the problem is mainly related to planning as the environmental implications of the project was not taken into account from the very beginning and the same is true all over Tigray, unfortunately. He urged the Bureau of City Development to deal with the issue.

Next to speak was a geologist from the University. He mentioned that most rivers found in Mekelle were used for recreation purposes only some years back. These days, however, the rivers no more serve for that purpose rather they are causing health problems. He invited participants to imagine how difficult a cleanup of the rivers in Addis Abeba is today, resulting from years of neglect and the same will be true if something is not done in Mekelle, too. At last, he mentioned his critical view on the low implementation of the EIA in the region. He opined that even if every plant is supposed to conduct EIA, non-compliance is rather the rule. Besides, there are no waste treatment plants built by many industries in the city that are obliged by law to construct one, and urged the Agency to enforce the laws before it is too late. He mentioned, as an example, that wastes disposed from Mekelle University, Arid Campus is polluting nearby water wells.
unabated. He recommended that regulating the unruly expansion of urbanization and industrialization as a strategic solution to the problem.

The last speaker, representing NGOs working in the region, appreciated the Center’s endeavors and encouraged reinforcement in conducting further researches recalling the massive magnitude of problems there is requiring research. He expressed that engaging policy makers is very important when research findings are presented for a greater impact.

With these general remarks, he thought that focus needs to be on big organizations and manufacturing industries as they are the main polluters. He also urged the need to involve local community in relation to potential developmental project from earlier stages. In this regard, he shared an incident he knew from Wukro, where the local community once compelled a big industry to stop manufacturing because the waste that came from the industry was rendering life very difficult. When the issue got more publicity, ACSOT, an umbrella of NGOs in the region, got involved and heard the grievances of the residents and the industry. The management of the manufacturing industry responded that it did not have any parcel of land to establish a waste treatment plant. He argued that the issue would have been different for good had the officials in the area involved the community from the very beginning and that the likes of the Agency were enforcing the environmental laws. In relation to the presentation on rural land administration, he mentioned that the area of land given
for farming in the Eastern zone, ¼ hectare, is too small to be productive. At last, he commended the government to have incorporated green economy directions under the GTP-II and hoped to see a better implementation of laws and robust researches.
vii. Reflections

Ato Mekonnen appreciated participants for the constructive comments. He reflected that literature review, including best practices and a level of comparison have been incorporated in the paper, but was not presented due to time constraint. He mentioned an instance where in terms of waste dumping site selection Adigrat seem to fare better and Axum is rated as the worst as the solid waste are being dumped on top of a heel that can simply be spread around. Besides, he mentioned a good practice in Adigrat, where residents and businesses need to clean within 20 meters radius of their house/place. On the question of partly attributing the poor waste management practices to cultural norms, he responded that it goes beyond the scope of their study and could not say much about it.

Regarding their specific recommendation against the problems identified, Mekonnen opined that identifying a problem on its own tantamount to providing part of the solution. Having said that, he also added that having a separate waste management organ like that of Addis Ababa might be helpful. Ataklti then added a caveat in comparing zones in relation to their choice of waste dumping sites. Accordingly, the fact that some towns have chosen to dump their solid waste away from the towns means that the rural farmland, animals and children are being polluted and this needs to be taken into account.
Reflecting on the comments relating to rural land administration, Ato Merhatibeb, a co-researcher, clarified that their research was solely focused on rural farmland and did not include grazing land. The issues the paper tried to address are basically two, as to Merhatibeb, i.e., legal viability and administrative feasibility – meaning assessing how the principles of common but differentiated responsibility that avoids conflict of interest and duplication of efforts is being implemented on the ground. He also added that they have tried to neutralize the possibility of having biased information as commented by one of the participants.
viii. Closing Speech

Ato Eskedar, the Director of the Center, thanked the participants for their active engagement in enhancing the papers and for their insights that are helpful to the School in general. Inviting all stakeholders to engage the Center on issues of common interest, he called upon the Dean of the College of Law and Governance, Ato Gebrehiwet Hadush to officially close the workshop.

Gebrehiwet thanked all for their contribution and expressed that the School and the Center is honoured to have all of them for the whole day despite tight schedules. He expressed his hope that the workshop has achieved its purpose of bringing relevant stakeholders together and laying groundwork for further cooperation. The fact that the environment is such a cross cutting issue meant that it touches many disciplines and law only plays some share, he recounted. He, thus, called for a closer working relationship between the School and all other relevant stakeholders. Related to this, he pleaded the participants to kindly host and help students and staff members of the School who might need their assistance in the course of teaching and research endeavors.

With regard to the papers presented, he expressed that attempts are made to update them even if they were principally conducted a few years back. Still, he promised that they will be further refined incorporating developments that the participants have brought to the attention of the researchers. Lastly, he thanked and congratulated the
head of the Center and the entire team for organizing such a successful workshop. This brought the one-day workshop to an end.