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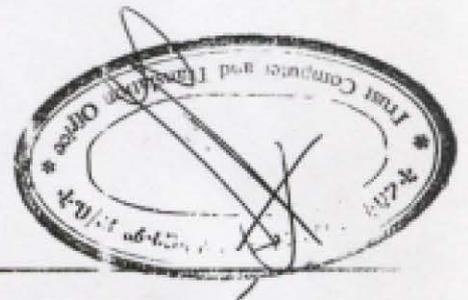
Proclamation No. 23/1997

Tigray National Regional State's Rural Land Usage Proclamation

Where as; a farmer has received land on a subsistence level, when land distribution was made in Tigray earlier. This law is proclaimed to decide, administer and other related subjects, such as a question of transfer, inheritance, the right to give land on a lease.

Where as; the land under the possession of every farmer will be developed by maintaining its balance and it is found necessary to decide on the right and obligation of a land possessor.

Now therefore, this Proclamation is made by the Council of Tigray National Regional State, in accordance with Article No. 49/3/1 Constitution of Tigray. It is hereby, proclaimed as follows.



Article 1

Short title:-

This Proclamation may be cited as the “Tigray National Regional State land usage Proclamation No. 23/1997.”

Article 2

Definition

Unless the context otherwise requires, in this Proclamation: “Responsible Organ” means, the bureau of agriculture and natural resources of Tigray region.

“Executive Committee” means, the executive committee of national region of Tigray, that proclaimed by the Constitution of Tigray National State.

Article 3

General reference

The provisions of this Proclamation set out in the masculine gender shall also apply to the feminine gender.

Article 4

Applicability of limite

This Proclamation is effected on the demarcated places, when the land was distributed earlies as the state and people possession. As they are not in contradiction with this Proclamation, the consented civil code Articles will be realized on the regulated provisions of this Proclamation.

Article 5

Right to use

In accordance with the E.F.D.R regualted Constitution Article 40, land is the joint property of State and people. Land can't be sold, exchanged, forbidden to use as a bond,

permitted to give on a lease for indefinite time. Every farmer has right to use land, which is under his/her possession by fulfilling this conditions.

Article 6

Right obtained by council rule

1. Earlier in accordance with the regulation of the Council, land distribution which was made earlier, in every surrounding has acceptance by this Proclamation.
2. The provisions on No. 1 of this Article have no effect on the land distribution that will be carried on canal surrounding.

Article 7

Give land on a lease

1. Every farmer can give his land on a lease which is under his possession; to individuals or organization, who want to get benefit by developing it.
2. The duration of the contract agreement in order to give land on a lease will be effected between the lessor and leasee:
 - a) For a leasee, who will use technology, rather than the traditional farming methods until 10 years,
 - b) For a leasee, who will use traditional farming methods will be not for more than 2 years.
3. Concerning the detailed realization of the contract agreement of land given on a lease will be accomplished accordingly, it will be realized by directive that will be issued by the responsible organ.

Article 8

To give state's land to a lease holder

1. Estimating the economic advantage, a state can give land to a lease holder by through a contract which will be realized between the lease holders and the responsible bureau.
 2. The contract agreement which will be made in this same Article sub article 1, should not be realized to the disadvantage of the farmer.
 3. Reckoning the size of land and the type of investment, the land lease contract agreement which will be accomplished by state can be until 50 years. Detail applicability will be decided by a directive.
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4. Application of payment cost for land lease will be applied according to the provision approved by the executive committee of the region.

Article 9

The usage of cultivated land

1. Every farmer has right to cultivate, to give his land on a lease, to give in inheritance, which is under his possession.
2. Where as it the regulation which is in this Article sub-article1, regarding the usage of land, the possessor of the land i.e. the farmer has the following obligations:-
 - a) He should cultivate his land with out damaging the trees on. If so will be responsible for the eliminated trees;
 - b) The edge between farmland shouldn't be damaged;
 - c) Cultivated farm must be 3 mts away from a rivers beach.
3. Every farmer has obligation to maintain soil and water, develop the land in his private or in joint possession.
4. If farmers leave their residential area for more than two years their land will be taken by the council later, it will be among those those who don't have land. If one of the family husband or wife stay behind at their residential area, this don't affect their right use of land.
5. Those who got land when the last distribution was effected and if now they live in town, their right to use land is preserved.
6. The regulation in this Article sub-article 4, don't affect those who are working in the Ministry of defence, other fighters and those who passed away (sacrificed). These group shall retain the land which they possessed easlier.

Article 10

Trees grown on a cultivated land

1. Trees that are planted on a cultivated land, belongs to the land possessor,
2. To palnt fig. Euclaptous tree, and other similar on a cultivated land is forbidden
3. Whereas, in accordance with the regulation about protection of trees on a Proclamation No. 94/86; and to use trees like for example incense, gum, "Semok", Acacia "Aye", Sycamore and Pine tree is forbidden to cut down.
4. Incense and gum trees, which are found on a cultivated land belong to the possessor of the land has right to get profit by selling or to give it on a lease.

5. The land possessor has obligation to make the necessary caring for trees which are on his land,

Article 11

Land Administration

1. In accordance with the federal Constitution Article 40 land is the property of people and State. So that it will be administered by councils in all level
2. The land distribution made for last time in very residential area or district the land, from today onward this will be administered by councils in all level, except by authorization and directive from the regional state, it is forbidden to hold and demarcated any land.
3. Land that is under private possession of farmer can be taken by State if it is found necessary to use it for the peoples social and economy service activities, by paying a fair compensation or giving a similar land in another place.
4. Regarding using uncultivated (barren) land and mountains, after it is surveyed and studied by a responsible organ, it will be accomplished with a regulation issued by regional executive committee.

Article 12

Uncultivated (barren) land

1. Uncultivated land will be used for residence and for various necessary social activities buildings and places such as:: Mosque, Church, Cemetery area, School, public meeting hall, Road, Canals, forest areas, barren land and others will be included to to places where State demarcated for governmental activities.
2. Organizations will be built for entertain various social activities in a land that should not be use for cultivation.

Article 13

To get land for agricultural investment

1. Those who are interested to invest on agricultural work, they can get land:-
 - a) An investor who can invest from 100,000.00 (one hundred thousand birr) to 250,000.00 (two hundred fifty thousand birr) will effect a contract agreement with the bureau of agriculture and natural resources.

- b) An investor who can invest above 250,000.00 (two hundred fifty thousand birr) in accordance with the contract agreement with the bureau of agriculture and natural resources, after he received Investment Certificate by the regional investment bureau, then after he will enter in to a contract agreement with the bureau of agriculture and natural resources.
2. They will be granted an Investment Certificate, after the Regional Administration finds a suitable land and approved, if it is free from any problem, which could be used for agricultural investment.
After realizing these pre-conditions they will be given land according to a contract agreement with the bureau of agriculture and natural resources, if they are not interested to get an investment certificate, they can automatically get land after effecting a contract agreement with the bureau of agriculture and natural resources.
3. The responsible organ has an obligation to ensure that the process of realizing a control agreement for a land lease and getting land in accordance with the agreement is accomplished in 30 days.

Article 14

Investors who invest on agricultural activity

1. Investor who has got land by a lease from State, has an obligation to maintain properly the land he go on lease, and to allocate part of his land for tree development. Detail application will be decided by the regulation that will be issued
2. Whereas, the regulation in this Article No. 1, instruments and goods, which are imported tax free can't be transfered to another person with out paying tax.

Article 16

About inheritance

1. Every farmer has right to use the land he has got by division or land distribution until his death.
2. When the possessor who has right to use the land passed away, son can inherit his father's land and father- if his son hadn't left children- can inherit his son's right to use land.
3. The right to use can be transferred :
 - a) Son is the only dependant on his father's farm income. Regardless their age all children inherit their parent's right equally.
 - b) son who is self-subsistent outside agriculture sector don't have right to get inheritance.

4. The land distributed which is made among inheritents, should not be below one-fourth hectar. If it's below the mentioned size it would be better to use the land jointly.
5. In this article regulation No. 4, don't refer about the size of land usage on a traditional irrigation and water springs.
6. When the possessor passed away according the regulation mentioned in this Article, and he has no body to be inherited, his land will be returned to the council, which in turn will be given to landless people.
7. The concerned Civil Code on the right to use land by inheritance has no effect in no way.

Article 17

Land given to build a residence

1. Land will be given from the demarcated land for purposes of building residences, when land was distributed earlier, to males who are 22 years old and females who are 16 years old and youth who are above this age and new returned immigrants who did not receive land earlier for building a residence, other immigrated farmer who were settled and had not received land for building a residence.
2. The residential area's Council can give land which is uncultivated for building a residence, in the surroundings, which don't have a demarcated land for this purpose.
3. The area of land which will be given for building a residence is 20x20mts
4. Regarding land given for building of a residence those who returned home from abroad, and those we were in settlement areas will get priority. Those whose age mentioned in this Article sub-article 1, will also have lans next to the above;and those who are older than their age above according the order of their age - the elders will get priority from this group. But if there are two youth who was born in the same year, they will draw a lottary, in order to decide,as they have the age.
5. In the surrounding, which diddn't have a demarcated land for building residences or don't have land to be demarcated for this, in this case parents ought to give land for their children voluntarily.
6. Land that will be given for building a residence should be:-
 - a) un used residence
 - b) it should not obstruct road, which pass through
 - c) not far from rural infra-structure such as: clinic, school, road ... etc.
 - d) in the area where it can serve for other residence buildings, and can be extended.
 - e) area where it will be issued a plan in continuing as a regularity and that can be reached the rural infra-structure services.

- f) This must be out side of a demarcated land for cultivation,grazing, stable /pen or stall, and forest.
- g) It is not allowed to hold land for building a residence out side the provisions of this article.

Article 18

Grazing land

1. Land for grazing will be realized according the demarcated place when land was dstributed earlier and as for the future will be accomplish by a mutual agreement of the surrounding community and administration.
2. Regarding the usage of grazing land, it will be in accordance with the tradition, which is accustomed in the surrounding. If it is found necessary the surrounding community through its residential council can promulgate and put in practice a regulation of the residential area.

Article 19

The usage of running water and land for development in the reservoir surrounding

1. A land for development around the reservoir will be given to farmers, who will be displaced from their possession due to reservoir construction, if the size of and for development around the reservoir from the land possessed by a displaced the farmers from the site, identifying the relation of inorder those farmers who reside near to the constructed reservoirthey will be made to divide it in addition the land they have got during land earlier distribution.
2. To maintain the survival and service of the reservoin and in order to give service in continuity, the conservation of the running water in the reservoir must be conducted by the community of the surrounding.
3. Regrding the usage of land around the reservoir it can be demarcated for cultivation, grazing, residence, forest, a land that can be free of contact of people and cattle, according the survey that will be presented by a responsible organ. The user have obligation to practise the directive for land use.
4. Farmers who use of the hoard water in the reservoir have obligation to maintain and make renovation, care, and the necessary conservation of the running water in order the reservoir and canals continue to give their services.
5. Farmers who use water from the constracted reservouir are obliged to pay water service in accordance with a payment (tariff) that will be issued by a responsible organ

6. People of the surroundign, administration and bureau of health are responsible and have obligation to protect disease that could come due to hoard water in the reservoir.
7. Farmers, who are displaced from the constructed reservoir area, according the above mentioned distribution of land for building residence, should get priority to receive land in order to build their town residence.

Article 20

Issuance of a regulation

If it is found necessary regulation can be issued for detailed application of the provisions, by athe regional executive Committ in this Proclamation.

Article 21

Lawsthatcould not be applicable

1. Law or custom, which contradicts with Proclamation, will not be applied on the provisions indicated in this Proclamation.
2. The regulated provisions in this Proclamation regarding land usage are abide by the Constitutions proclaimed by the Federal government.

Article 22

Effectted Date

This Proclamation shall enter into force as from its issuance in the National Regional Negarit Gazeta of Tigray. Done at Makelle .

March 1996 - 97
Gebru Asrat

President of the Tigray National State