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OPEN AND DISTANCE LEARNING
DEPARTMENT OF LAW
A SENIOR RESEARCH PAPER
BASED ON
EXPROPRIATION OF LANDHOLDING AND COMPENSATION
IN BAHIR DAR MUNICIPALITY CITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENT
FOR L.L.B DEGREE
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ABSTRACT

This paper generally contains four chapters .that is chapter one deals with background of the study, statement of the problem ,objectives of the study, significance of the study ,delimitation and limitation of the study. Methodology of the study. on the other hand chapter two deals with related literature reviews that contains sub content of definition of the term, historical background of expropriation and compensation in common law countries and in civil law countries, historical over view in Ethiopia. Also chapter three contains of sub titles such as presentation and interpretation of data ,background of the respondents ,interpretation and analysis of the data gathered through interview, observation structured written questionnaires Finally chapter four contains summary, conclusion and recommendation of the study.

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CHAPTER ONE

INTRODUCTION

1.1 Back ground of the study

the federal democratic republic of Ethiopia is a land locked country in the horn of Africa covering an area of 437,600 square miles . Ethiopia is the second population country in sub Saharan Africa next to Nigeria with an annual growth rate of 2.9%(2004 .the total population of the nation is 82 million in the year 2008 (CSA 2008).the country's economy is sustained primarily through agriculture .coffee being the number one export. Subsistence farming engage over 80% of the total population but frequent through . The agriculture sector of the economy employees 85% of the labor force contributes about 90% exports and 50% of gross domestic product (GDP) and provides about 70% of the country's raw materials requirements for industry (BOI,2002) access to land is an important issue for the majority of Ethiopian people who directly or indirectly depend on agriculture's production for their livelihood .in doing these a person who became land possessor consider the land like his eyes he would rather die it someone ask him to give to others b/c his land is one only as property but a special thing he/she learnt to succeed to his child .now a day urban centers of the country have been brewing time to time and the number of urban dwellers has been increasing and there be land development for the construction of residential houses ,infrastructures, investment ,and other services to perform this ,the government needs to this the law of expropriation come in to practice .

The Amhara region covers a total area of 170052 KM² and has a population of 2008 (SCA) this account for roughly 27% of the total population of the country in terms of area size the region constitutes only 15% . About 89% of the population lives in a rural area principally engaged in small scale subsistence farming to their livelihood.

The region is one of the constituent's states of the federal democratic Republic of Ethiopia located in the north western of the country .In ANRS according to 2005 project of the region the gross domestic product(GDP)was around 17019 billion birr(ANRS BOI 2005).

Bahir Dar city is the capital of the Amhara national regional state .It is ground in the north west of the region .The total area of the city is 15455 km² of the 17.2 % is covered by water .the first modern plan of the city was prepared in 1953 and was implemented in 1954 E.C.

Bahir Dar city municipality has three satellite village namely Zegie , Meshenti and Tiss Abay.

Investors involving in different activities' like flowing vegetable plantation /horticulure/ real states different agriculture industries etc which requires land for their activities .in addition to d/t projects have been implemented by the government and private sectors .

1.2 Statement of the problem

As other region in the country our region (ANRS) is in the process of development .Different project have been implemented in long term plan and short term plan by both the government and private sector. Each and every project activities required land.

ANRS bureau of investment round wide land tip the in vestries who need to invest their capital in the region in d/t sites and those land possessors are losing their land for public and investment purpose. The regional state has enacted rural land administration proclamation 455/2005 is also applied. However land possessors who lost their land always have complain in the until application of the law expropriation and compensation even if the land is to the people of Ethiopia and the government based on the constitution based on this basic problem conducting research could have vital importance in identifying the problem and show the law and the practice pap and to suggest and efficient way of expropriation of land in a manner that satisfy those who one in need of their justice.

My research on expropriation of land holdings for public purpose and payment compensation in BHIR Dar city municipality provide answers to the following questions.

1. What are the major causes of public dissatisfaction during valuations and compensation?
2. What are the grounds for complains? The law? The procedure?
3. What are the remedies or measure to be taken to avoid if not to minimize complains and dissatisfaction?

1.3 objective of the Study

As to the researchers understanding there is a scarcity of research on Expropriations land holding for public purpose and payment of compensation in Bahir Dar city Municipality.The Studies which do exist mostly describe the fairness of the compensation system or part of the system (strategy) in terms of the law .Then the research has general and specific objects.

1.3.1. General Objects

The general objective of the study is therefore assess compensation from the perspectives of implementation of the law and the implementers of the studying region.

- a) Identifying the problems of implementing the law of expropriation and compensation that causes public dissatisfaction.
- b) Investigating the implementation and effectiveness of the law of expropriation, the gaps of the application and the real law.

1.3.2. Specific objective

- a) Identifying the main causes of the public dissatisfaction
- b) The effectiveness and its outcome of the law of expropriation
- c) Assessing dispute settlement mechanism to avoid public dissatisfaction and to fulfill the objective of the law
- d) Evaluating and ascertaining the competency of the research area
- e) Providing appropriate recommendation

1.4. Significance of the study

The study will enable someone to know and understand the expropriation of land holdings for public purpose and payment of compensation in the research area. It will be comprehensive baseline information for interested researchers who need to conduct future studies in the area as well as it provides information to policy implementers lawyers and other interested bodies in the investment and public use law implementers. Also it can be used to show corrective actions to implementing bodies to overcome implementation problems. It can be a source of information for government and non-government organizations in their strategy, policy making, monitoring and evaluating of the situation when it is successfully implemented. This study also contributes through extending the awareness of the concerned bodies about the usefulness of the law of expropriation and compensations when it is carefully implemented. Generally it gives certain vision about the problems for future investigation of the area.

1.5 Delimitation of the study

The geographical delimitation of this study is limited only in Bahir Dar city municipality of some reasons such as the shortage of time for conducting and collecting data from distant municipalities and elsewhere in the country.

The other reason is financial constraints of the investigators. The study attempts to see expropriations Land holding of for public purpose and payment of compensation in the Bahir Dar city municipality and problems in implementation within the domain of the researching area.

1.6 limitation of the study

Even through the study had been made at possibly high rate of effort it is not out of limitation some of them one discussed as follows

First, reading materials limitation .the societies books that is related to the study had made it difficult .the study area is limited by the absence of available data (information) in the term of compiles manner ever the data available is not well organized and their destination in time period and place is not fully known.

Second time limitation requires futures time than the study had taken to gather more data and to make the study more significant because of the researches did not get the respondents at their waiting them until they inter in time office .

1.7 methodology of the study

1.7.1 Source of data

The data four this particular study was collecting from primary and secondary data sources .the secondary data source collected from the record documents, annual reports journal and books. Primary data is collected through well designed questionnaires, interview, observation and care analysis

1.7.2 Method of data analysis

Towards to achievement of the objective research used a simple descriptive statics to analyzes the data simple tactical measure like percentage ratio and preparation and tables one used . Essentially qualitative method employed to obtain the required information to achieve the anticipated results of the study.

CHAPTRE TWO

2. Related Literature Review

2.1. Theoretical Overview

2.1.1. Expropriation in general

2.1.1.1. Definition

The term expropriation can be defined broadly and narrowly. The broad definition is “the power to take private property for public use by the state, municipalities and private persons or corporation authorized to exercise the function of public characters. The narrow definition is “the power of government to confiscate private property for government use” in the narrow definition the government is the only organ who expropriate. But both definition lack others essential element like compensation, valuation, consent of the owners etc (Daniel W/Gabriel 2007 page 12 p.2)

2.1.2 Historical Development

2.1.2.1. in common law countries

A. England

With regard to property rights, the magna Charta declares “no freeman shall be deprived of his free hold ---Unless by lawful judgment of his expropriation not known in England rather they utilize “compulsory purchase” as the England doctrine expressed compulsory purchase expressed it was applied only in the exercise sovereign to enter lands for the defense of the realm. This is b/c the magna Charta prevented the king from applying such power to all types of properties. Black law also strengthen this idea and says that the crown had no inherent power to take land, even for public purpose. It shows that the English monarch had no powers to take private property without first securing the consent of the owners and providing compensation there to, but there were two exceptions in which the king could exercise power to take without satisfying the about requirements i.e. consent of the owners of compensation. Since 1402 only the parliament was empowered with the authority to effect compulsory purchase unlike the king, parliament had complete powers of eminent domain to take private property upon payment of compensation with the increase of urbanization and the expansion of sophisticated public facilities during the period b/n the 17th and 19th c parliament issued a series of statues condemning private lands for the construction of roads, bridges, drainages system naval barer etc.

Today the powers of compulsory purchase is delegates by acts of parliament to regional authorities to enables municipal and other corporations to take property for this use.

B. The Unites States Of America

The term expropriation is known “Eminent domain” in the United States ,the necessity of eminent domain powers were concerned in the American colonies. The early practice that was before the adoption of the constitution reveals two significant characteristics

1st –property was usually expropriated without resort to litigation.

2nd –The duty to compensate a deprived land an owner was generally not recognized.

At the end of American revolution, although eminent domain are legal form had began to take shape it exercise by government or courts was not limited in other words there was no concept of public use in the statute and court decisions at that time when the U.S.A constitution was adopted the concept of eminent with its limitation of public use was incorporated into the 5th amendment.

2.1.2.2. In civil law countries

Scholars of civil law countries become skeptical as to the existence of the king’s power of eminent domain .They argue that “if the king Ahab had the powers of eminent domain , he would not have needed to kill Nab off to grab his vineyard land (1st kings. Chapter 20 of the holly Bible)

We notice that expropriation was a rare occurrence when we study the Middle Ages .The 17th century civil law writers including Grotius, pufendorf, Bynkershock and others gave the issue enough concern to ensure its inclusion in civil code. As Dutch legal philosopher Hugo Grotius expressed “envisaged not only the states as the takes of property but it also assumed the age old doctrine of immunity of the sovereign from the liability for the taking of the property its citizen. When the industrial Revolution in Europe started and the demand for expropriation was revived on a wider scale with the development of democracy and the concept of liberty in France. At around 1789 a binding rule governing the procedure for expropriation and compensation was laid down. This becomes significant when the rule was included under Article 545 of the code Napoleon.

2.1.2.3. Historical overview in Ethiopia

We can see the historical development of expropriation in Ethiopia starting from the first written legal document in the 15th c "Fitha Negest" up to present different legislation.

A .Fitha Negest's era

Fitha negest covers most of the private areas but it does not address the issues of expropriation some argue that the absence of this issue with using economical law considered by some to be international implying that government should refrain from expropriating private land but there argue otherwise .

There is little recorded history regarding the application of this power before 19th century some studies have shown that expropriation were in the country tradition the power to do what he wished "the power of expropriation in the Ethiopia tradition was justified under the principle of "reserved rights "

Organization in modern Ethiopia history is only a late 19th century phenomenon. This tells as expropriations have been a rare occurrence in the absence of significant urbanization and development activities the government rarely needed private owned land.

B. Menelik's era

In 1908 emperor Menelik promulgated legislation concerning the purchase of urban land .this law was the 1st of its kind that dealt partly with expropriation of land and compensation payable as a result .let's mention the two articles which as and as of this legislation b/c they are related to study area . Article 7-25 says "it there is building on the land ,the government shall pay the amount agreed upon or should give an equivalent thing" . The above provisions include such modern principle as the payment of compensation and variation of the property ,but it does not defined clearly though the first article contain the idea of the public purpose with some kind of justification for taking the land .

C. The 1931 constitution

The 1931 constitution incorporated the issue of expropriation article 27 of the constitution reads "except on occasions when necessary for the public advantage in accordance with the provision of the law no person shall have power to take from a national of Ethiopia any property movable or immovable that he holds in his possession this provision expressly state

that public purpose is the prerequisite to implement expropriation .It also says that expropriation shall be in accordance with the provision of the law .this was absence in the provision laws .but the defect of this provision was its failure to include compensation as an essential element and its discriminately approach to foreign properly owners .

D. The 1955 revised constitution

The revised constitution is another land mark legislation converting expropriation under article 43 relates expropriation with due process of law .it provides that no one with in the empire might be deprived of life liberty or property without due process of law.

Article 44 expressed that everyone has the right within the limits of the law to own and dispose of property no one maybe deprived of his property except upon finding by ministerial order issued pursuant to the requirement of a special expropriation law enacted and except upon payment of just compensation determined in the absence of agreement by judicial procedure established by law.

E. During pre-Derg time

In Ethiopia prior to 1974 the relationship between land users and owners was based on feudal systems which granted tenure subject to land road .tenure forms known as guilt and rest were practiced according to 1984 the terms and not imply ownership but referred to the right and duties of the different owners and the entitlement of rite right by blood relations .

F. During Derg regime/1974-91/

Following the over thrown of the imperial regime the Marxist government Derg) transferred the ownership of all rural land to the state and distributed land to the fillers through peasant association.

The military government in 1975 proclaimed to be land collective property of the people redistributed land to forms and abolished the system and promised to prove 10 hector per bourse but in practice it was less than 3 hector due to selling and population pressure. Selling, buying leasing and mortgaging land were legally for bidden.

G. The current (FDRE) government

The country follows social democracy the role of the government to involve in the economic sector is a most the government along with private sector facilitates economic development in a manner that statistic the interest of the public at large

Ethiopia have been growing time to time and there by land is highly needed to infra structure investment and other service in accordance with their respective preparation and prevision by land for development works in rural area has also been increasing from time to time . Therefore it is necessary to define the basic principle that have to be taken in consideration in determining compensation to a person whose land holding has been expropriation it is also necessary to define organs that have the power to determine and the responsibility to pay the appropriate compensation.

2.2. Expropriation laws

2.2.1 Constitutional provisions

The FDRE constitution under art 40(8) say that “without prejudice to the right to private property the government may expropriate private property the public purposes subject to payment in advance of compensation commensurate to the value of the property.”

The ground for expropriating private property is the existence is the existence of public purpose .when we say public purpose we mean that the use of land defined as such by the decision of the appropriate body in conformity with urban structure plan or development plan in order to consolidate sustainable socio-economic development . The government define trying to implement expropriation law must first as certain for the existence of public purpose.

The FDRE constitution under article 44(2) provide that “a person who is displaced or has lost means of his livelihood due to the implementation of state programs the right to seek appropriate compensation from the state “this article re-affirms that a person who lose his possession as a result of expropriation he has constitutional guarantee to obtain appropriate compensation from the government

CHAPTER 3

3. Presentation and interpretation of data

This chapter deals with the analysis and interpretation of the data gathered from the respondents. All the data were collected with the help of questionnaires interview and observation recorded the structured questionnaires to some selected farmers and residents of Bahir Dar city who were displaced b/c of expropriation of the real estates and observation. The secondary data collected from d/t published source from Bahir Dar city we selected to persons randomly

3.1 Back ground of the respondents

The data on the background of the residents were gathered to have a clear picture about the person involved in this study. The following tables with this issue.

Table 1. Respondents by sex, age, marital status, qualification

No	Item	No of respondent	Percentage	
1	sex	male	13	65%
		Female	7	35%
		total	20	100%
2	Age in years	15-25	-	
		26-35	-	
		36-50	5	25%
		51-65	10	50%
		>65	5	25%
		total	20	100%
3	Marital status	single	-	
		married	18	90%
		divorcé	2	10%
		total		100%
4	qualification	12 complete	12	60%
		Certificate	2	10%
		Diploma	2	10%
		degree	4	20%
		total		100%

Source survey 2006 E.C

The federal expropriation proclamation (proclamation no 455/2005) under article 3(1) and the ANRS expropriation directive under article 5(1) of the FDRE constitution

The woreda or city administration can't implement expropriation it obtains the decision of the higher organs .the federal or regional higher organ must decide whether expropriating a certain land necessary or not with regard to lease holding land unless the lease has faced to honor the obligation.

Assumed under the lease proclamation and regulation or the land is required for development work to be undertaken by government no land lease has during will be expropriated (art3 (2) of pro 455/2005and art5 (2) of ANRS directive no 35/2000E.C).

3.2 Interpretation and analysis of data gathered through questionnaires

Table 2. The practice of expropriation procedures the finding of the collected data

No	Question	Item	No of respondent	Percentage
1	Were you served with notification of expropriation order?	yes	2	10%
		no	18	90%
		Total	20	100%
2	Did you discuss with kebele officials about the objectives of the expropriation	Yes	4	20%
		no	16	80%
		Total	20	100%
3	Did you know about expropriation before you land was expropriated	yes	15	75%
		no	5	25%
		total	20	100%
4	It you answer is yes in question nol was the period of notification sufficient	Yes	2	10%
		no	-	-
		Total	-	-
5	When did you hand over you land	Before	20	100%
		After	-	-
		total	20	100%

Source survey 2006 E.C

Different legislation about expropriation provided that notification should be given to the long holding but the practice shows 90% were not served with notification beside this other procedure defect like public discussion were permanent 80% that were displaced could not get chance to have discussion with kebele officials .so the practice contradicts with the law .The land owner know expropriation before the land was expropriated this in dilates the owner had some concept about the law and the constitution .

3.3 Data collected from the municipality city paid for compensation

Table 3 sample way compensation which was paid a yechka house

Item	Description	Value	
		birr	cents
A sub structure	1.excavation and each work	556	11
	2. concrete work		
	3. masonry work	669	54
	total	1225	65
B. Super structure	1.concert work	501	76
	2.block,brich,masonry work	1877	04
	3.root work	1983	76
	4. car printer and jointer work	459	80
	5.door and window	150	
	6.electric installation	125	
	total	5097	36
Total A+B		6323	01

Source Bahir Dar city service office

Table 4 sample ways compensation which was paid for building house

Item	Description	value	
		birr	cents
A. Sub structure	1.excavation earth work	583	83
	2. concrete work		
	3. masonry work	890	37
	total		
B. super structure	1.concreat work	662	48
	2.block,brich,masonry work	2313	04
	3.root work	2399	89
	4.car printer and jointer work	589	95
	5.door and window	150	00
	6.electrical installation	125	
	total	7711	50

Source Bahir Dar city service office

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Table 5. Sample calculation of house can parking fence kitchen service qualify and main building

no	Parts of house	Total amount	remove
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		birr	cents	
1	Car parking	11178	19	
2	fence	96457	16	
3	Service qualify 1	26667	26	
4	Service qualifier 2	141902	58	
5	Main building	372768	46	
	total			

Source Bahir Dar municipality city

Table 3,4and5 show that show valuation and compensation system is identical through the city .but still there are a lot of complains about the amount of compensation .we suggest that valuation and compensation made to the people that were in the expropriated areas should be revised as the compensation of those who were displaced by the investment.

3.3.1 Valuation and its revised valuation by complain of urban holders

Table 6-valuation and revised valuation with its difference

no	Land holder	Types of house valuated	1 st value		Revised		Difference	
1	A	Main house service qualifier shop	146658	00	259098	62	112440	21
2	B	Main house qualifier service & babe	84525		155139	3	70614	13
3	C	Main house and service qualifies	73773		98632	33	24859	63
4	D	Main house and qualifier service	181582		232639	34	51097	42
5	E	Main house qualifies	14502		196633	23	82130	74

Source Bahir Dar city service

From table 6 we can understand that valuation in Bahir Dar city for property situated on the land particularly on the land owned by person A,B,C,D,E, were on the list cost description prepared by urban development and housing burial .the valuation after the complain has great difference .we saw the committed has not valued in accordance with the laws return by this experience they did before and the competency of the committee members is still in question mark without considering the current valued coat.

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3.4 Data analysis and interpretation gathered through interview from valuated committees

The valuates committees a were organized from two urban administration an experts from environmental protection land administration and use authority micro industry office leader there committee member prepared formula to valuated a property based on the following bench marks .

1. Based on proclamation 455/2005
2. Based on current market value
3. Based on agreements of experts in valuation

From the interview I understand that the committee was agreed to apply the criteria which was formulated but they were not had the same application procedure when valuated the expropriation land .they had different a stimulated compensation for each item like can parking fence ,service qualifier and main building that why the owner were applied their complain and the municipality city forced to valuated again and had difference valuated which was given by the committee and the revised valuated .

3.5 Exportation procedures collected from document

A. Under federal expropriation proclamation

The proclamation under art4 provide about notification of expropriation order and it say that when the werada or an urban administration decides to expropriated a land holding in accordance with article 3 of this proclamation it shall notify the land hold in writing indicating the time when the land has to be vacated and the amount of compensation to be paid art4 (1).the period of notification to be given shall not be less than 90days .but it can be more than 3 months art 4(21)pro no 455/2005

B. under the ANRS law

The revised ANRS rural land administration and use proclamation pro 138/2006 art 18(1)provide that the ANRS environmental protection ,land administration and use authority may expropriate land from and hold or use for public service by paying compensation in advance according to the authority can expropriate land from and hold i.e. individual group of people on community government body social institution in other body with the legal personality having possession right over a natural land or from any use i.e. a person vested with power to use rural land production for public service .

C. Pre-condition for expropriation

The regulation under art 29(3) provides that “before the decision shall be reached to conclusion that the rural land shall be expropriated the following precondition must be falsified

The request for land expropriation must be submitted to the branch authority of land administration and use before a year attached with full information as certainly that the development project is related to public use art 29(3)(a)

The absence of other appropriate land to the development activity in question must also be ascertained art29 (3)(b).

The absence of appropriate land to the development activity in question cannot be a ground to take the possession of organs aged men and women art 29(3) (c)

The land possessor or user whose land is to be expropriated must be informed about expropriation in writing art29 (3) (d)

The land to be expropriated is given by lease every request is unacceptable unless it is initiated by the regional development programs.

D. Determining compensation

-The property in the land which cannot be transferred be taken art30 (1) (a).

-Expense made to permanent improvement on the land art30 (1) (b)

-Income of possessor or use during the past year art30 (1) (c)

- a person hill land forever for public purpose he shall be paid ten time of this average income during the past five years as displacement compensation ship in accordance with article 1of this article art30(2)

-if the land is to be expropriated based on interest of the kebele’s development program the woreda should first ascertain for the existence of equivalent land in productivity size and distance art30(5)

E. Who has the right to expropriate landholdings?

Under the federal expropriation law pro.no 455/2005/this proclamation provide that a woreda or an urban administration shall up on payment in advance of compensation in accordance with this proclamation have the power to expropriate rural or urban land holding for public purpose where it be lives that it should be used for a better development project to be carried out by

Public entities private investor's cooperative societies or other organ or where such expropriation has been decided by the appropriate higher regional or federal government organ for the some purpose art 3(1)

Under the Amhara regional laws rural land administration and use proclamation proc no 133/2006 provide that the Amhara national regional state environment protection land from any land holder or use try public purpose by paying appropriate compensation in advance act 28(1) comm art 2(2)

F. Valuation of property

Under the federal expropriation law (proc no 455/2006) the proclamation provide that valuation of property suited on and to be expropriated shall be carried out by certified on the base of valuation formula adopted at the national level art 19(1)until such time that the minister federal affects in consultation with the appropriate federal and regional government organ ascertain the creation of the required capacity to make valuation of property as specified under sub art (1)of this article under the regional level regulation no 51/1999 E.C the power of valuate the properties on the land to be expropriated and to determine the total amount of compensation is given to the regional environmental protection land administration and the authority art 32(1)

G. Compensation

Under the federal expropriation law proc no 455/2005 the compensable interest are property situated on the land to be expropriated and permanent improvements made to such land art 2(1) .

Under the regional land administration and use regulation no 51/1999 the compensable interest include non trustable properties on the land permanent improvement made on the land and annual income of the land to be expropriated art30(1)(a,b,c)

According to the respond ants 13(%) are male and 7(%) are females. This shows that the numbers of male is greater than females As far as age concerned 20(100%) are above 35 years there was no respond ants below 35 years old. item 3 shows marital states as indicated in the table 20(100%) was married or divorced. Based on item 4 the qualification most respond ants 140(20%) were certificated and below it means 12 completed their rest 6(30%) have diploma and degree.

CHAPTER FOUR

1.4.SUMMERY,CONCLUSION AND RECOMMENDATION

In this paper summary conclusion and recommendation of the study are presented the chapter attempt to indicate the general come to the study. The enter investigation of the finding is explained briefly.

4.1. Summary

This study was intended to find out some of the problems in the implementation of compensation and expropriated law of land holding owners in the study areas Bahir Dar city municipality and to recommend possible solution through answering the following basic questions.

- what are the major challenges in applying the expropriation law in the study area
- what are the major effects that can be made for cover come the constraints of expropriation law implementation.
- what is the evaluating criterion for the successful achievement of the law of expropriation and law of compensation.

Therefore the study is intensively concerned about expropriation and compensation law and its implementation in the studying area .in order to assess the problem and applicability of the law this paper in the first chapter try to contain introduction part statement of the problem objective scope and limitation of the study .in order to find answers for the above basic question related literature was reviewed In chapter two.

Besides these necessary information was gathered through questioner interview and observation .the questioner were distributed for to persons which was expropriated then home and interview was made with valuated committee future more record documents of 2005E.Cwas observed by the research and then the data were analyzed and interpreted by using table in chapter three.

4.2. Conclusion

On the analysis and interpretation the following finding can be concluded and it was indicated by majority the respondents the compensation up to two dates was law and are not applicable based on the law under the study .more ever nearly all the respondents claimed that there is no clearly stated evaluated criterion for the expropriation and compensation law failure or success rather than excessive existence of obstacles to implement the law .those problems that always existed on the study area rather than sometimes usually and rarely .as the most respondent mentioned that the effort of the committee to eradicate or reduce the problem in implementing the expropriation and they were used their own method rather than common for all committee .

4.3 recommendations

One cannot fail to understand and appropriate increase the critical importance of compensation law in order to implement expropriation law effectively to economic and social development successfully to implement expropriation and compensation law in the study area face sections challenge since it is intangible by various problems

In order to overcome those problems .it must get access responsibility and active implementer of it in addition to this the overall community and government and users of the study area should be active participation is an important factor in successful implementation of the law. In the light of the finding of the study and the conclusion made the following recommendation are forwarded.

1. The regional government must take great case in implementing the expropriation procedure rules and the administrative organs must follow up payment of compensation be made in time. The officials who have right to valuated expropriated and made payment of compensation must made in accordance with the laws.
2. The current regional directive to provide for the expropriation of land holdings for public purpose and payment of compensation (directive no 35/2000)should be revised so as to include valuation for free and displacement compensation in urban area for rural developers.
3. to obtain the objectives of expropriation law the government must satisfy the land holders in the expropriated area by property valuating this properties by the component valuator who are expert and professionals in valuating during displacement compensation in urban calculation must be made based on income capitalized and service value .the officials must quickly respond to proper valuation and compensation claims

4. the amount of compensation payable during expropriation is in constitute through at urban area of the region due to lack of uniform valuation rules in compensation of valutors .so that regional government has to work had to create effective valuation method .

5. even though there is an institution in Bahir Dar city that solve the problems related to land complain its consequences and the expropriation legislation which provide right to complain its competently and the expropriation legislation which the institution implements of compensation practically the vellums who applied to this institution have not get responses

6. The location of house was not included in valuation price lists are not revised regularly interaction and price fluctuation are not considered when valutors valued the property .the regional government should amend expropriation legislation particularly valuation systems should be up to date.

Reference

- Getachew Desta (1975) expropriation law and practice (unpublished senior research the A.A.U)
- Danel W/gbrel master thesis on expropriation law and practice in Amhara region.
- Module land administration in Ethiopia by Ato Danel Wolde gebriel.
- The FDRE constitution
- The FDRE proclamation no 455/2005
- Amhara national regional state urban land valuation regulation 28/2006
- ANRS directive to provide for the expropriation of land holding for public purpose payment of compensation (dir no 35/2000e.c)
- The 1960 civil code
- ANRS land administration and use regulation (reg. no 51/1999e.c)

ST. MARY'S UNIVERSITY COLLEGE
COLLEGE OF OPEN AND DISTANCE LEARNING
DEPARTMENT OF LAW
STRUCTURED WRITTEN QUESTIONNAIRES

DEAR RESPONDENTS

I am currently undertaking a research work on in Amhra National Regional state Bahir Dar Municipality city for the accomplishment of Degree program in Law in St. Mary's University College .the aim of the research is to assess the expropriation and compensation in Bahir Dar Municipality city .Accordingly this questionnaire is deigned to gather all rounded data from the respondents to help the research purpose .As you are the part of expropriation and compensation the genuine response you have to individual quotation are highly valued and are essential assets to the success of the study .

THANK YOU IN ADVANCE

INSTRUCTION;- for your answer /choices ,please use X mark

PART 1:- THE RESPONDANTS GENERAL INFORMATION

- 1. Sex** **Male** **Female**
- 2. Age** 15-25 26-35 36-50 51-65 >65
- 3. Marital status** Single Married Divorce
- 4. Qualification** 12 complete certificate diploma Degree

PART 2:- INFORMATION FOR ALL THE BASIC QUATIONS OF THE RESEARCH

- 1. Were you served with? Notification of expropriation ordert ?
yes No
- 2. Did you discus with officials about the objectives of th
kebele expropriation
yes No
- 3. Did you know about ropriation before you land was expropriated
yes No
- 4. It you answer is yes in question nol was the period of notificatio
yes efficient
- 5. When did you hand over No
you Land
- yes No