

Socio-economic and Human Rights Implications of Development-Induced Displacement in Addis Ababa

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Abstract

This article evaluates the socio-economic and human rights implications of Development-induced Displacement (DID) in the City of Addis Ababa. Development-induced Displacement is a broad concept and policy framework used by governments to justify the displacement of people in meeting their development activities. A redevelopment program is one of the common policy justifications of DID in urban settings to improve the living and working conditions of people. In principle, displacement of people from their homes, land, and community is not allowed unless a compulsory public interest requires such moves. If displacement becomes unavoidable, the rights and benefits of those displaced shall be regulated by adequate legal framework guaranteeing due process and effective remedy. Within the human rights framework of the right to development, the central subject, ultimate participant, and beneficiary are the people who are called to leave their land, home, and community. In light of these principles and legal frameworks, this article examines the processes and outcomes of a redevelopment programs in three sites of Addis Ababa. The evidences from the qualitative investigation revealed that the redevelopment program was not backed by an adequate legal framework, the practices are incompatible with international human rights standards and principles cited for unavoidable DID. Particularly, the program did not recognize those individuals whose livelihoods have been

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affected by the program as the central subject, ultimate participants, and beneficiaries of its process and outcomes. , At worst, the program becomes a cause for human rights violations, destabilizes social systems, and creates impoverishment risks in the lives of displaced urban poor. The article recommends policy, legal, and practical reform to alleviate further socio-economic impacts and human rights abuses sponsored in the name of development.

Keywords: Redevelopment, Public Interest, Impoverishment Risk and Reconstruction Model, Rights-Based Approach, the Right to Development, Forced Eviction, Addis Ababa.

Introduction

Displacement of people as a result of development interventions has been identified as one of the major forms of forced migration problem worldwide.¹ Populations living both in urban and rural settings of many developing countries are displaced due to development projects such as infrastructure expansion, redevelopment, gentrification, and urbanization programs.² Inherent to this development moves is the effect of taking the land rights of citizens and the process of redressing the latter. As such, the transfer of land through such processes affects the human rights of evicted people, , resulting in varying socio-economic consequences. .

Displacement from land possession is a recurrent phenomenon in Ethiopia's urban and rural settings. It is taken as an important policy intervention by the

¹Eguavoen I & Wini Tesfai. Social Impact and Impoverishment Risks of the Koga Irrigation Scheme, Blue Nile basin, Ethiopia (*Africa in focus — Volume 25, NO. 1* (2012), pp. 39-60

²Dhru Kelly, *Acquisition of Land for Development Projects in India: The Road Ahead*: Gurath, Research Foundation for Governance, (2010).

government in the pursuit of economic development. At the same time this phenomena is the most important subject of policy debate in the country. The debate takes the rights of evictees against displacement on the one hand, and the uncontested power of government to displace citizens from their possession on the other.

Recent empirical evidences have indicated that development projects such as agricultural investments, dam constructions, urban restitution, and infrastructure expansions such as roads, urban drinking water, electricity, and housing have caused displacement of thousands of people in rural and urban areas.³ For instance, a study conducted on the first Gilgel Gibe dam construction shows that more than 10,000 people were displaced.⁴ Similar study on the Koka dam and irrigation scheme indicated the displacement of a large population of pastoralists in the Awash Valley.⁵ Yet evidences from other investigations on urban displacement and relocation in Addis Ababa revealed eviction of a significant number of urban dwellers from the inner city

³ Eguavoen I & Wini Tesfai, *supra* note1.

⁴ Gebremeskel Zinawi, *The Impact of Slum Renewal on the Livelihood of Displaced People in Addis Ababa: The Case of People Relocated to Jomo Resettlement Site*. MA Thesis, Addis Ababa University, School of Graduate Studies: Addis Ababa, (2012). Kassahun, Kebede, *Re Relocation and Dislocation of Communities by Development Projects: The Case of Gilgel Gibe Dam (1962-2000) in Jimma zone*.MA Thesis, Addis Ababa University and School of Graduate Studies: Addis Ababa, (2011). Etenesh, Melesse, *Impact of Development-Induced Displacement on Female Headed Households in Inner City Slum Areas of Addis Ababa: The Case of Sheraton Addis Expansion Project*: MA Thesis, Addis Ababa University, School of Graduate Studies: Addis Ababa, (2007). Desalegn, Keba, *The Socio-Economic and Environmental Impacts of Large Scale (Agricultural) Land Acquisition on Local Livelihoods: A Case Study in Bako Tibe Woreda of Oromia Region, Ethiopia*; MA Thesis, Centre for Development and the Environment University of Oslo Blindern, Norway, (2011). Berhanu, Zeleke, *Impact of Urban Redevelopment on the Livelihoods of Displaced People in Addis Ababa: The case of Casanchis Local Development Plan*, MA thesis, Addis Ababa University, (2006)

⁵ *Id.*

to the outskirts.⁶ The majority of these people – even though their exact number is unknown⁷ – are the urban poor who have resided in neglected quarters of urban areas, slums, and, often inner-city places.⁸

It is recognized that the urban redevelopment program has positive impacts and unintended consequences. Some argue that slum clearance fosters economic growth through the provision of land for private investment.⁹ Others also hold that redevelopment may create a suitable urban space for work and residence thereby raising its standards.. Addis Ababa , the capital of the federal government and the seat of the Africa Union and other international organizations, needs suh development program that raise the standards of its infrastructure and services.¹⁰ The redevelopment program also aims to combat the deep-rooted housing problems, and to improve the poor environmental quality of the city .¹¹ However, the socio-economic and human rights costs of those directly affected by the redevelopment projects have been causing serious concerns.

Evidences show that relocated households pay the price without reaping significant benefits from the redevelopment programs.¹² Among others, the forced evictions and relocations destroy people`s traditional life.¹³ It disrupts

⁶ *Id.*

⁷ *Id.*

⁸ Abebe, G., Resettlement of slums dwellers in contemporary Addis Ababa: The perspectives of relocated households. MA. Thesis, Vdm Verlag, Saarbrücken, (2010)

⁹ Mathewos Asfaw, *supra* note 7.

¹⁰ The Addis Ababa City Government Revised Charter, Proclamation No. 361/2003, Federal *Negarit Gazeta*,(2003), Para 1.

¹¹ Federal Democratic Republic of Ethiopia, Plan for Accelerated and Sustained Development to End poverty, 2005/6-2009/10.Ministry of Works and Urban Development Plan for Urban Development and Urban Good governance

¹² Parasuraman S. *The Development Dilemma: Displacement in India*, Palgrave Macmillan, London, (1999).

¹³ *Id.*

their jobs, source of incomes, and their established social networks.¹⁴ Most had to move from their areas of work, disconnected from their social networks, and face additional costs for transport and schooling. Further, they experienced loss of benefits from prior connections such as home-based small businesses and clients and site-related opportunities, which in turn resulted in entire interruption of income, unemployment and other socio-economic complications.¹⁵

Of course, taking a different perspectives, others argue that urban redevelopment projects increase the value of land, higher-income people displace low-income residents, creating inaccessible housing market for the urban poor.¹⁶ They add that, with high-income groups moving into city centers, low-income communities are further marginalized and forced to the outskirts of the city, where they lack access to public infrastructures, transport, jobs, and schooling.¹⁷

Studies have been investigating the processes and outcomes of such programs. As the impacts of DID in Addis Ababa are multi-dimensional, most prior studies have been fundamentally concerned with the socio-economic consequences of redevelopment programs to low-income

¹⁴Dolores Koenig, Development-caused forced displacement and resettlement in urban India, *India Resettlement News Network, New Delhi. Resettlements News*, No .19, (2006).

¹⁵Ashenafi Gossaye, Addis Ababa: *In progress or crisis? Ethiopian Review: Ethiopian News and Opinion Journal*, (2008) (<http://www.ethiopianreview.com/content/2983>) (accessed June 15, 2022), see also Haregewoin, Y. Integrated housing development programs for urban poverty alleviation and sustainable urbanization. The case of Addis Ababa. W17-Housing and Sustainable Urbanization in Developing Countries. International Conference, Rotterdam (25-28 June 2007)

¹⁶UN-Habitat, Situation Analysis of Informal Settlement in Addis Ababa, United Nations Human Settlements Program Nairobi, (2007).

¹⁷*Id.*

population and the most vulnerable.¹⁸ However, the legal and human rights dimensions have not been sufficiently researched. It is equally true that there is a need to get more research in different disciplines to deeply understand the interaction between redevelopment programs, actors involved, land and property rights, and housing tenure. Therefore, the lack of research evidences on human-rights-based approach to development in the context of Addis Ababa redevelopment program gave the impetus to this study . As such , the study investigates the subject with a particular focus on the socio-economic and human rights implications of the program. The investigation employed a case study research approach covering three redevelopment sites: American Gibi, Cassanchis No.2, and Dejach Wube Sefer. Focus group discussion and In-depth interview were used a major data generating tools. Three focus group discussions with 12 members each have been conducted from American Gibi and Dejach Wube redevelopment sites. These subjects were selected on non-random basis, yet arranged on the basis of sex, marital status, employment, and possession in the house demolished.

A total of 82 individuals, who know the redevelopment program process, were interviewed . The majority of these people (62) are evicted citizens, while the remaining 20 are officials working in the city administration, and experts at the woreda level. The study also used a human rights-based approach to assess the feasibility of legal and policy frameworks within international standards and models relevant to DID.

2. Redevelopment as a Cause of DID

Urban Redevelopment program is one of the causes of DID claimed by governments while meeting their commitment to development. It is the main

¹⁸Gebremeskel, *supra* note 4.

constituting in-built element in DID that creates an environment for the displacement of individuals and communities from their homes and land in urban settings. It is also an important intervention designed to improve urban residents' living and working environments by abolishing slum areas and dilapidated neighborhoods.¹⁹

As evidences from some studies indicate, millions of people are displaced annually by development projects contrary to international principles and human rights norms.²⁰ While such projects can bring enormous benefits to society at large, they also impose costs, which are often borne by its poorest members.²¹ The severity of these risks and the vast number of people affected every year make displacement one of the most pressing human rights issues associated with development. A growing body of human rights protection for displaced people and standards for the prevention and mitigation of displacement-related risks is emerging to challenge flawed moral and economic assumptions that allow such massive hardship to be justified in the name of development. One of the efforts against DID is to respond to the human rights impacts and risks of DID by formulating a variety of guidelines and laws essentially designed to address the constituting factors that define DID. According to the Committee on Economic, Social, and Cultural Rights, general comment No. 7(1997) on the right to adequate housing:²²

¹⁹ The Federal Democratic Republic of Ethiopia Urban Plans Proclamation, Proclamation No 574/2008, *Federal Negarit Gazette* (2008), Art. 40(1).

²⁰ Human program (UN Habitat), *Assessing the Impact of Eviction*, (UN 2014), <http://www.un-habitat.org>, (accessed June 10, 2022).

²¹ *Id.*

²² UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 7: The Right to Adequate Housing (Art.11.1): Forced Evictions*, E/1998/22(20May1997), <https://www.refworld.org/docid/47a70799d.html>.

Forced eviction is the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.

The elements that constitute forced eviction are not only inclined to use force; rather, they separately or cumulatively define forced eviction. According to the definition above, forced eviction comprises permanent or temporary removal from housing, land, or both. The removal is carried out against the will of the occupants, with or without the use of force. It can be carried out without the provision of proper alternative housing and relocation, adequate compensation, and/or access to productive land, when appropriate; it is carried out without the possibility of challenging either the decision or the process of eviction, without due process and disregarding the state's national and international obligations.

As such forced eviction involves displacement of people in the absence of appropriate legal rules designed to manage the processes of a development program and further remedies which in particular guarantee due process and participation for those evicted. .

Looking into the redevelopment program in Addis Ababa in this light, one could see much of these elements characterizing this phenomenon. Among others, there is no specific law regulating the redevelopment program. The evictees were not empowered to make decisions concerning the process. They have no procedural guarantee to contest their removal through a court of law. The compensation schemes underway in line with the redevelopment program were not able to reconstitute the evictees or better their livelihoods if not impossible leading to impoverishment. There was also clear coercion against the evictees without respect for the right to adequate housing, tenure security,

and property rights. In many of its forms, the redevelopment program of Addis Ababa under this research site explains the existence of forced evictions. Accordingly, it should also be noted that the displaced may not challenge the eviction practically in any form. Failure to resistance for eviction does not constitute the legality of eviction.

3. Development-induced Displacement: an International Perspective

The phenomena of DID as a category of involuntary mobility of people was first raised by American sociologist Eugene M. Kulischer.²³ The first extensive study on this subject , was devoted to an exploration of the consequences of urban relocation in the USA. Such evidences were instances that illustrate the costs of DID on the livelihoods of evictees.²⁴ The World Bank guideline on involuntary resettlement adopted in 1980 and other scholarly moves coming under the theme of “putting people first: sociological variables in rural development” in the late 1980s further initiated more advanced studies on the subject.²⁵

Such scholarly moves continue to this day as DID has become a global phenomenon of the modern time, affecting people of both developed and developing nations. Of course, there are disparities among countries in the analysis of displacement and mechanisms of managing its effects. In some countries, it is a cause of socio-economic problems leading to violations of human rights and a significant reduction in the level of individual and

²³Bogumil Terminski, *DID and Resettlement: Theoretical Frameworks and Current Challenges*, Geneva, May (2013).

²⁴*Id.*, p.43.

²⁵Michael Cerenea.M. (ed.), *Putting People First: Sociological Variables in Rural Development*, World Bank & Oxford University Press, Oxford-Washington, 1985, (1991).

community security, while in others it cause little or no harm.²⁶ The determining factor for the variation is the difference in the standards of implementating relevant domestic rules and international standards. Further, the form of government, the principles of economic development and environmental protection policies, property rights, the level of respect for human rights, the level of development of civil society, the relation of government to social inequalities, and the margins of society are some of the factors affecting the nature and consequences of DID.²⁷

Scholars such as Oliver(2009) argue that be it in rural or urban rich or poor countries, the overwhelming majority of victims of evictions are members of the poor and marginalized communities.²⁸ This , according to the writer, is rooted in their socio-economic status. The fact that they lack formal tenure security can make them immediately vulnerable to removal from land, home, and community. The fact that they lack the power of influence can make them targets of least resistance during development planning processes. The fact that they live under terrible conditions can in itself become grounds for their eviction.²⁹ Cernea (1999) in her urban renewal study supported the views of Oliver, stating :

The problem the planners tackled was not how to undo poverty but how to hide the poor. Urban renewal was designed to segment the city so that barriers of highways and monumental buildings protected the rich from the sight of the poor and enclosed the

²⁶ *Id.*

²⁷ *Id.*

²⁸ Oliver-Smith, A. (ed.) *Development and Dispossession: The Crisis of Forced Displacement and Resettlement*. Santa Fe, New Mexico, School for Advanced Research, Advanced Seminar Series, (2009).

²⁹ *Id.*

*wealthy center away from the poor margin. New York is the American city that best exemplifies this transformation.*³⁰

Given the fact that most urban residents in the inner city of Addis Ababa are poor, it is tenable to argue that their socio-economic status exposed them to displacement in the outskirts of the City. Being in poverty is one of the self-challenge barriers that preclude the evicted residents not to be heard as well as receiving displacement as the best option for their next livelihoods.

The impacts of DID are multidimensionally ranging from socio-economic to psychological damages as well violations of human rights and fundamental freedoms. According to Cernea and Mathus, displacement de-capitalizes the affected population, imposing opportunity costs in the forms of lost natural capital, lost man-made physical capital, lost human capital, and lost social capital. They add that these losses could not be replaced even if there are remedies after/before eviction.³¹ They conclude that the dominant outcome of displacement is not income distortion but impoverishment.³² Further, these scholars point out that the human costs of forced displacement fundamentally result in a wide range of negative consequences on the livelihoods of those affected. This includes multiplying individual and social impoverishment such as homelessness, physical, physiological and emotional trauma, insecurity for the future, high transportation costs, removal of children from school, loss of faith in the legal and political system, loss of significant cultural sites, higher housing costs, and absence of a choice of alternative

³⁰ Michael M. Cernea, Capacity building for Resettlement Risk Management: Risk Analysis and the Risks and Reconstruction Model in Population Resettlement Training Course, Asian Development Bank, Manila, (2008).

³¹ Micheal M. Cernea, The Risk and Reconstruction Model for Resettling Displaced Populations: World Development. World Bank, *Elsevier Science Limited*, Vol. 25. No 10, (1997).

³² *Id.*

accommodations and criminalizing self-help housing.³³ The majority of the human costs of displacement were realities in the redevelopment sites of Addis Ababa in which this research is undertaken.

Turning to the other perspective of analyzing modern DIDs, one finds its contradiction with the principles of human rights and fundamental freedoms of evictees. A considerable number of International laws explicitly recognizes the right to security of tenure and adequate housing as major immediate effects posing adverse impacts on the lives of evictees. Yet displacement actions are made in ways that, directly and indirectly, violate the full spectrum of human rights recognized in major human rights instruments.

Forced displacement of people attains international recognition as being a global problem and practice that constitutes a gross and systematic violation of human rights. For instance, the UNHRC in its resolution 1993/77 declared forced displacement as a gross violation of human rights.³⁴ The Committee on Economic, Social, and Cultural Rights in its General Comment No. 4 stated that practices of forced displacements are prima facie incompatible with the requirements of the ICESCR.³⁵

The severity of the risks emanating from DID and the eviction of a vast number of people every year makes displacement one of the most pressing human rights issues associated with development programs today. Due to this, the international communities including the UN agencies, multilateral

³³ Michael M. Cernea (ed.), *The Economics of Involuntary Resettlement: Questions and Challenges*. World Bank, Washington D.C, (1999).

³⁴ Office of the High Commissioner for Human Rights, Forced évictions Commission on Human Rights resolution, e-cn-4-res-1993-77 doc 1993/77, (67th meeting, 10 Mar 1993) <https://ap.ohchr.org> (assessed June 25, 2022).

³⁵ Office of the High Commissioner for Human Rights, CESCR, General Comment 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant) (Sixth session, 1991).

financial institutions, NGOs, and others have taken different measures that help to manage such programs and to address the rights of affected people. One of the fundamental steps in this regard is the formulation of standards and guidelines aimed at balancing the risks and benefits of DID, particularly protecting the rights of displaced people and preventing, mitigating, and challenging the risks of displacement pursued in the name of development.³⁶

Human rights violations resulting from DID may manifest in two ways . The first violation is related to the specific nature of rights that are linked to displaced people. The most significant human rights instruments in this regard are the Declaration on the Right to Development (DRTD), the Declaration on the Rights of Indigenous Peoples (DRIPs), and the African Charter on Human and Peoples' Rights' (ACHPR). As such, the right to development in general and the right to participation in development, in particular, are core components of the rights violated in the design, implementation, and evaluation of development projects that cause displacement. If displaced people are denied their right to participate in the processes of development projects, it follows that other fundamental freedoms and human rights begin to be violated. Therefore, it can be argued that the non-observance of people's right to participation in development is a root cause for the denial of other human rights. DID has a direct implication for the right to development, which violates the autonomy of individuals and communities as active

³⁶ Among the prominent instruments, those most cited in response to the human rights impacts and risks of DID are the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, the UN CESCR General Comment No. 4 and 7 on the right to adequate housing and, Eviction Guidelines for Aid Agencies on Involuntary Displacement and Resettlement and the Report of the World Commission on Dams; Comprehensive Human Rights Guidelines on Development-Based Displacement, Guiding Principles on Internal Displacement, Basic Principles and Guidelines on the Right to Remedy and Reparation, and so on.

participants, central subjects, and beneficiaries in the process of development.³⁷

DID violates the human rights and fundamental freedoms of evictees recognized under general human rights instruments. The provision relevant to rights during displacement include Articles 17 and 25 of the UDHR. Articles 11(1) and 2 of the ICESCR and CESCR General Comment No. 7 documented in 2010. These provisions lay down the property right of citizens, the prohibition of arbitrary deprivations, the right to adequate housing, the right to adequate standard of living including adequate food, clothing, and housing, and to the continuous improvement of living conditions.

Apart from such socio-economic impacts, DID substantially threatens several rights enshrined under the international covenant on civil and political rights (ICCPR). Particularly, it violates the rights to life (ICCPR, Art 6(1)), freedom from cruel, inhuman, and degrading treatment (ICCPR, Art.7), and the right to security of the person (ICCPR, Art.9(1)), the right to non-interference with privacy, home and family (ICCPR, Art.17), freedom of movement and to choose one's residence (ICCPR, Art.12(1)), the right to health (ICESCR, Art.12), the right to education (ICESCR, art 13), the right to work (ICESCR, Arts. 2.3 and 26), the right to vote and take part in the conduct of public affairs (ICESCR, Art.25), and the right to self – determination (common art. 1 of ICCPR and ICESCR).

In most cases, DID denies the right to remedy and to judicial or other accountability mechanisms including challenging the reasons for forced eviction that results in further human rights violations related to access to

³⁷ General Assembly Resolution 41/128, Declaration on the Right to Development A/ Res 41/128 (December 1986) [https:// www.ohchr.org](https://www.ohchr.org) (accessed June 2022) See preamble para 12 and Art. 2(1).

justice. However, there are also state legislations and practices allowing the evictees the right to challenge arbitrary eviction. The case in point is the Indian Constitution which gives power to ordinary courts to apply international principles in adjudicating eviction cases. To this effect, in *Sudama Singh and others vs the government of Delhi*, the High Court of Delhi invoked the UN Basic Principles and Guidelines on Development-Based Evictions to argue that an eviction should not take place without the provisions of alternative land and housing. Further, the court ruled that evictees should not be placed in a worse situation after eviction.³⁸

With a similar legislative intent, the Constitution of South Africa provides a clear constitutional right to adequate housing and corresponding prohibition on forced eviction.³⁹ Accordingly, the constitutional court of South Africa is vested with the power to entertain such cases. In another instance, Article 47 of the Constitution of the Land of Brander burg, Germany provides an obligation for the realization of adequate housing and prohibits eviction unless alternative accommodation is fulfilled.⁴⁰

Forced evictions also have been condemned by decisions of regional human rights mechanisms. For instance, the African Human Rights Commission passed a valid decision in similar cases prohibiting forced eviction through the

³⁸ *Sudama Singh and others vs the government of Delhi*, WP(C) Nos.8904/2009, 7735/2007,7317/2009 and 9246/2009, High Court of Delhi at New Delhi, <https://indiankanoon.org> (11th February, 2010).

³⁹ *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg V City Of Johannesburg and Others* (24/07) [2008] Constitutional Court of South Africa Zacc 1; 2008 (3) Sa 208 (Cc); 2008 (5) Bclr 475 (Cc) (February 19, 2008).

⁴⁰ *African Commission on Human and Peoples' Rights, Centre for Minority Rights in Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, Communication No. 276/2003, (February 4, 2010).

readings of Articles 14,16 8(1), and 22 of the ACHPR.⁴¹ Similarly, the Inter - American Commission on Human Rights through the consideration of Articles 11 and 21 of the ACHR, the European Court of Human Rights based on Article 8 of the ECPHRFF and Article 1 of its protocol, and the European Committee of Social Rights as per Articles 16 and 31 of the European Social Charter have addressed the issue of evictions and disregard it as a state legitimate right implemented in all conditions.

As pointed out in the beginning of this section, DID is one of the contemporary problems threatening the lives and livelihoods of individuals, groups, and communities worldwide. The existing international laws, standards, and obligations of states in such instruments are far-reaching in creating precedence to stop or mitigate arbitrary evictions. In line with this, social anthropologists have developed theoretical frameworks and eviction impact assessment (EIA) practice as a way to guide the process of displacement through testing or contesting the feasibility of redevelopment projects.

Scholars claim that EIA to be a powerful tool for designing development projects that are compatible with principles of human rights and redress the problems of those targeted in the process.⁴² It promotes the development of creative and viable alternatives to planned evictions and serves to formulate risk mitigation and remedial strategies as part of the planning of unavoidable displacement.

⁴¹Inter-American Commission on Human Rights, Press Release N° 114/10, (November18, 2010).

⁴² UN Habitat, *Losing Your Home: Assessing the Impact of Eviction*, (2011).

3.1 International Principles and Standards for DID

3.1.1 UN Basic Principles and Guidelines on DID

The United Nations Basic Principles and Guidelines on Development-Induced Evictions emanate from the obligations of states in numerous international human rights instruments. The guidelines address the human rights implications of DID in urban and rural areas. More specifically the basic principles and guidelines are based on international human rights law, General Comment No. 4 (1991), and General Comment No. 7(1997) of the committee on ESCR, the Guiding principles on internal displacement, the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Cross Violations of International Human Rights Law, and Serious Violations of International Humanitarian Law, and the Principles on Housing and Property Restitution for Refugees and Displaced Persons.

The basic principles and guidelines can be seen in two ways: (1)The principles related to the obligations of states and (2) the principles and guidelines that focused on procedures that must be followed during DID.⁴³ The guidelines lay down three fundamental principles that must be followed by states in the pursuit of development that resulted in displacement. The first principle is the prohibition of displacement.⁴⁴ The principle did not guarantee states a right to displace persons in the name of development. The second principle is an exception to the first principle in that it allows displacement in exceptional conditions where prevention of displacement is unavoidable due to compelling public interests.⁴⁵ The third principle flows from the second

⁴³ Miloon Kothari, The UN Basic Principles and Guidelines on Development-Based Evictions and Displacement presented in the annual report to the UN Human Rights Council by the UN Special Rapporteur on adequate housing. (2007).

⁴⁴ *Id.*

⁴⁵ *Id.*

principle where displacement becomes the last resort, any eviction must be authorized by law, carried out in accordance with international human rights law, undertaken solely for the purpose of promoting the general welfare; reasonable and proportional, ensure due process, fair and just compensation and effective judicial remedy among other things.⁴⁶

3.2 Impoverishment Risk and Reconstruction Model (IRR)

Development practitioners confirmed that most socio-economic consequences of DID have a direct impact on the human rights of displaced persons.⁴⁷ Thus, the proper management of costs and risks of displacement using the IRR model will make DID compatible with international human rights norms and principles.

Scudder and Colson(1982) formulated a theoretical model of settlement processes distinguishing four stages: recruitment, transition, development, and incorporation/handing over.⁴⁸ The Scudder Colson diachronic framework was built around the key concept of “stage”; it focused on settlers’ stress and their specific behavioral reactions in each stage. Initially, the model was formulated to apply to voluntary settlement processes. Subsequently, Scudder extended it to some involuntary resettlement processes as well, but only to those involuntary relocations that succeed and move through all four stages, as the model is not intended to apply to resettlement operations that fail and do not complete the last two stages.

⁴⁶ *Id.*

⁴⁷ W. Courtland Robinson, *Risks and Rights: The Causes, Consequences, and Challenges of DID*, The Brookings Institutions, SAIS Project on Internal Displacement, *Occasional Paper*, (2003).

⁴⁸ Michael M. Cernea, *Understanding and Preventing Impoverishment from Displacement: Reflections on the State of Knowledge*, *Journal of Refugee Studies*, Vol.8:No.3, *Oxford University Press*, (1995).

Different from the Scudder-Colson model, the IRR model does not attempt to identify different stages of displacement but aims to identify the impoverishment risks intrinsic to forced displacement and the processes necessary for reconstructing the livelihoods of the displaced. Cernea developed the IRR model as a conceptual and methodological tool to perform several essential functions in support of analytical operational development work.⁴⁹

The framework enables project planners to focus from the outset on the poverty issues that are at the heart of involuntary displacement.⁵⁰ The IRR model does not promote displacement but rather argues that human displacement as a result of development projects is to be avoided wherever possible. The maximum effort to avoid displacement is one of the approaches of the theory in the response to the risks of development projects. The model has a dual aim to identify and analyze risks and then match or reverse these with viable countermeasures during project planning. Accordingly, Cernea identified eight major impoverishment risks namely landlessness, joblessness, homelessness, marginalization, increased morbidity and mortality, loss of access to common property, and social disintegration.⁵¹ Rober Muggah and

⁴⁹ Michael M Cernea, The Risks and Reconstruction Model for Resettling Displaced Populations, in *World Development*, Vol.25:No.10, (1997), pp.1569-1589.

⁶⁰ Michael M. Cernea, Impoverishment Risks, Risk Management, and Reconstruction: A Model of Population Displacement and Resettlement*-Paper Presented to the UN Symposium on Hydropower and Sustainable Development, (Beijing, October 27-29, 1990).

⁶¹ W. Courtland Robinson, Risks and Rights: The Causes, Consequences, and Challenges of Development-Induced Displacement, the Brookings Institution-SAIS Project on Internal Displacement, *Occasional Paper*, (2003).

⁵¹ M Cernea, Bridging the Research Divide: Studying Development Ousters, in Tim Allen(ed), *In Search of Cool Ground: War, Flight, and Homecoming in Northeast Africa* (London: United Nations Research Institute for Social Development, Africa World Press and James Currey), (1996).

Theodore Downing suggested additional two risks such as loss of access to community services and violations of human rights.⁵⁴

3.3 Human Rights-based Approach to Development

A human rights-based approach to development is a conceptual framework for the process of human development normatively based on international human rights standards and operationally directed to promoting and protecting human rights.⁵² A rights-based approach integrates the norms, standards, and principles of the international human rights system into the plans, policies, and process of development. It emphasizes the indivisibility of human rights and development and has brought about a paradigm shift in the conceptualization of development as well as in the understanding of poverty.⁵³ More importantly, the approach urges the need to link development with human rights and empower people to participate in the development, and ensure fair distribution of benefits from its processes. To realize a rights-based approach to development, the policy and legal framework of a country must be formulated in a way that can appropriately integrate human rights into development processes.

There are three attributes used to evaluate the existence of appropriate national development policy within the human right to development framework. A national development policy is said to be appropriate if it is a comprehensive and human-centered development policy, participatory human

⁵² Julia Hausermann. *A Human Rights Approach to Development*, London: *Rights And Humanity*, (1998), p. 32.

⁵³ Fifth Report of the Independent Expert on the Right to Development Open-ended Working Group on the Right to Development (Geneva, 7-18 October 2002). U.N. Doc E/CN.4/2002/WG.18/6 (September 18, 2002) Para. 46.

rights process, ensuring social justice.⁵⁴ Such policies and strategies should also include explicit provisions for the realization of all human rights in general and indicate its approach towards human rights when national development policies and strategies are implemented.⁵⁵

The model and nature of the development of countries is marked by various development policies across the world. However, a working development policy must ensure the constant improvement of the well-being of the entire population and of all individuals based on their active, free and meaningful participation, and fair distribution of benefits from development.⁵⁶ The human rights-based approach is envisaged where there is a clear rule in policy and legal frameworks, justifying the relevance of human rights as a standard setting in every aspect of government efforts. According to Arjun Sengupta, the human rights-based approach brings to development work the realization that the processes by which development aims are pursued should themselves respect and fulfill human rights.⁵⁷

Looking into the Ethiopian legal and policy landscape in light of these insights, one would find hosts of inconsistencies and ambiguities in the move to deal with consequences of DID in Ethiopia. The FDRE Constitution, the supreme law of the country, recognizes human rights as a standard-setting norm in pursuing government activities. As such, it sets the stage to adopt a

⁵⁴ Right to Development criteria and operational sub-criteria/HRC/15/WG.2/task force/2 add.2, (February 2010).

⁵⁵ Study on the current state of progress in the implementation of the right to development submitted by. Arjun. Sengupta, Independent Expert, Fifty-sixth Session Open-ended Working Group on the Right to Development (Geneva, 13-17 September 1999), U.N. Doc. E/CN.4/1999/WG.18/2, (July 27, 1999) Para. 47.

⁵⁶ General Assembly Resolution 41/128, Declaration on the Right to Development A/ Res 41/128 (December 1986) [https:// www.ohchr.org](https://www.ohchr.org) (accessed June 2022) Art. 2(3)

⁵⁷ Arjun Sengupta, 'Right to Development', Note by the Secretary-General for the 55th session, August A/55/306, (2000b), pp.21-22.

human rights-based approach to development activities.⁵⁸ However, the formulation of the Ethiopian national development policy approach meets neither the international human rights standards nor the country's constitutional framework. It is not clear whether human rights and fundamental freedoms are taken as a framework for the realization of development endeavors or are progressively ensured along with other aspects of development. More importantly, the national development policies consecutively endorsed for the last years did not make a clear provision entailing the status of human rights via the country's development processes.

The formulation of the country's national development policies did not indicate the integration of the norms, standards, and principles of international human rights into the plans, policies, and process of development. The country's trend in formulating national development policy and strategy is dominantly followed an economic growth-centered approach committed to achieving it on a broad-based basis. For instance, the plan for Accelerated and Sustained Development to End Poverty (PASDEP) which was implemented for five consecutive years before GTP1 has a principal objective of scoring accelerated, equitable, and sustainable economic growth.⁵⁹

The government formulated the two Growth and Transformation Plans (GTPs) from 2010/11-2014/15 to 2016-2020 to carry out the unfinished important strategic directions pursued in times of PASDEP.⁶⁰ The existing 10 years national development plan which will be endorsed for the periods 2021-2030 failed to mainstream the human-rights-based approach as a strategic

⁵⁸ FDRE Const, preamble para 2, arts 9(1,4), 10, 13, chapter 3, Arts. 85 and 89.

⁵⁹ The Federal Democratic Republic of Ethiopia, Ministry of Finance and Economic Development, plan for Accelerated and Sustainable Development to End poverty (PASDEP), 2005/6 2010.

⁶⁰ There is no clear provision or any approach that indicates the integration of human rights and development in the country's successive GTP1 and GTP2.

framework to realize its vision. Of course, it is equally true that the human rights records of the country early at the beginning of the reform after March 2018 repeatedly got worse than ever.⁶¹ Yet the policy moves from that time on is characterized by clear deviation from the spirit of the FDRE Constitution . This is evident in such high-profile policy policy documents. The second practical challenge for the government with regard to a right-based approach to development at the national level is the poor integration of human rights in the commencement of development projects. As some case studies revealed, development projects carried out at the national level are not participatory and human rights-based.⁶² Large-scale land acquisition programs in Gambella and Benishagul- Gumuz Regional States displaced local communities from their land and communities. According to some studies, thousands of hectares of land for commercial agricultural investment have been transferred to investors in those regions without proper consultation with the local communities and in the absence of fair compensation made to them.⁶³ Such government practice threatens the economic, cultural, and ecological survival of local communities that depend on customary forms of land access and control.⁶⁴ Among others, the disruption of fundamental rights of those communities whose livelihoods are dependent on natural resources violates the United Nations Convention on Biodiversity and the Declaration

⁶¹ Federal Democratic Republic of Ethiopia, Planning and Development Commission, Ten years Development Plan, a pathway to prosperity, (2021-2030).

⁶² For instance, the sugar development projects in Tana Beles and Arjo Dedessa caused the displacement of more than 2800 rural farmers without their involvement in the processes. (The office of Federal Ombudsman on February 04, 2016 released its report to EBC concerning the problems associated to the displacement of rural peasants from their land due to government sugar projects.

⁶³ Desalegn Rahmato. *Land to Investors: Large-scale Land Transfers in Ethiopia*, FSS Policy Debates 1, Addis Ababa: Forum for Social Studies, 2011; Tsegaye Moreda. Large-scale Land Acquisitions, State Authority and Indigenous Local Communities: Insights from Ethiopia, *Third World Quarterly*, Vol. 38, No. 3, (2017), PP. 698–716.

⁶⁴ *Id.*

on the Rights of Indigenous Peoples. Similar other recent instances can be mentioned to indicate that the development activities of the Government of Ethiopia are conducted contrary to the human rights norms and standards.

5. Socio-Economic and Human Rights Implications of DID Program in Addis Ababa

5.1. Addis Ababa in Context

Addis Ababa, founded by Emperor Minilik II in 1887, served as the seat of government for different regimes and used as the industrial, commercial, and cultural center of the country. Addis Ababa has long been Ethiopia's socio-economic and political center and will continue to be for some time in the future. It is the largest city in Ethiopia and one of the fastest-growing cities in Africa; Addis Ababa plays an important role in promoting the well-being of the country and economic prosperity in the region. Despite its economic importance and contribution to the country, Addis Ababa faces various challenges including deep-rooted urban poverty, manifesting in many ways such as joblessness, inadequate housing, severe overcrowding and congestion, undeveloped physical infrastructure, and lower level of standard of living for many residents of the city of Addis Ababa. The problem is largely associated with quality of governance which continuously become a major concern for its resident; this contributes to the erosion of trust between the Government and citizens in the city with a long-term adverse impact on the realization of the City's vision.

The other overwhelming problem of the city is its multiple identities. The city administration is accountable to the federal government contributing to the multiple characteristics of the city as both a self-governing entity, the capital city of the federal government, and the city to look for the special interest of

the State of Oromia.⁶⁵ This contingency makes the administration of the City more politicized. The Polarization of the leadership approach based on party and ethnic affiliation in the service delivery in public institutions has produced two interrelated and mutually reinforcing consequences. With a vision of fast-growing Addis Ababa and little credit for merit and competence as the ultimate pre-requisite to establish responsive institutions, the governance of the city remains frustrating for most citizens.

The geographical land escape of Addis Ababa relative to the State of Oromia is an issue worthy of critical examination as a backdrop to other explanations. Addis Ababa is founded in the middle of the state of Oromia. This made most of its development moves a contested issue, and a challenge for its long vision. The FDRE Constitution under Article 49(5) together with the Charter of the city Administration recognizes such an enduring phenomenon between these two administrations. No subsidiary law has been enacted following Article 49(5) of the FDRE Constitution. However, the influence of the existing political setup brings a continuous existential threat to the administration of Addis Ababa and its residents.

Yet another challenge and main concern in this article is the problems related to the redevelopment program of the City. The redevelopment program of the City is taken as the main priority concern of the City Administration and the Federal Government alike . The City of Addis Ababa has a total of 54,000 hectares of land, out of which slums constitute 15000 hectares covering 70-80 percent of the geographical area of the inner city in the years 2004/2005. Between 60 and 70 percent of the residents of the City who become the main

⁶⁵ FDRE Const., Art. 49 (2).

target for urban redevelopment live in those slum areas.⁶⁶ According to some reports, the percentage of slums has decreased from 70 percent to 35 percent in the years 2009/2010.⁶⁷ However, demolishing continues in a complicated, unclear way, and without clear and specific law although there being no latest data indicating the coverage of slums in the City.

5.2. Socio-economic Consequences of the Redevelopment Program

5.2. 1. An overview

The legal regimes designed to regulate the different interests that evolved under DID have different gaps. These shortcomings can be seen in two ways. The first relates to problems of justifications by the government in pursuing displacement in development projects. The justifications associated with the public purpose for expropriation, lease, and urban redevelopment program are narrow and fall under the exclusive discretionary power of administrative agencies. The second problem in addressing DID is the rights of evictees against displacement. The FDRE Constitution under Articles 40 (4 & 5) recognize the right not to be displaced from land possession in principle. It is stated under this same provision that the specific rules used to implement the right will be set out in subsidiary laws. However, This same Constitution defeats the right to protection against eviction by guaranteeing the government the power to displace citizens from their land in the absence of restrictions on the former's claim. Therefore, the principle of the prohibition of eviction and the power of the government to displace persons from their

⁶⁶ Basha Woldie Chilot No.1, Redevelopment Cost Evaluation, Social And Economic Benefit Analysis, Addis Ababa Urban Redevelopment and City Renewal Agency (2016).

⁶⁷ Federal Democratic Republic of Ethiopia Ministry of Urban Development and Construction 'Integrated Urban Redevelopment Operational Manual', Addis Ababa (2014).

possession holds the conclusion that DID could not be contested as a prohibited act even if the protection against eviction is a right under the Constitution.⁶⁸

The new expropriation proclamation, i.e., Expropriation of Landholdings for Public Purposes, Payments of Compensation, and Resettlement Proclamation No.1161/ 2019 and its implementing Council of Ministers Regulation No. 472/2020 are not different from the previous proclamations regarding its ideology on land rights. It is founded , like its predecessors, on the rule that land is the basic instrument for the Government to pursue its economic and social development programs.⁶⁹ As can be read from the preamble of the proclamation, the Government has constitutional legitimate power to displace land possessors from their holdings through the payment of compensation. The competent body has the power to expropriate rural or urban landholdings for a public purpose where it believes that it should be used for better development projects.⁷⁰ The new proclamation has not provided the standard used to decide the expropriation of land and it leaves several issues unaddressed . For example, it is practically difficult to determine the extent to which a “better development project” ensures direct or indirect benefits for people from the use of land in the absence of clear scientific measurement mechanisms .

The mere priority rights to develop land for the landholders is another derision on the principles of justice. The government allows this right of developing

⁶⁸ See the contents of land related laws of the FDRE, they are not enacted in way that prohibits displacement in principle.

⁶⁹ Expropriation Proclamation No.1161/2019, *supra* note 6: The Federal Democratic Republic of Ethiopia Expropriation of Land for Public Purposes and Valuation, and Resettlement, Council of Ministers Regulation No. 472/2020, *Federal Negarit Gazette* (2020).

⁷⁰ Expropriation Proclamation No.1161/2019, *supra* note 6, Art. 5.

the land to the landholders while it knows that they cannot afford the required capital for better development.⁷¹ Using such rules, it takes the current market value of the land from the holders. As such, the policy is not human-centered; it rather follows the justice of covetous capitalism whose targets are land and money, not people.

Apart from such unjust unspinning against individual land holders, the proclamation is more nebulous in the lack of clarity in ensuring whether every better development project would meet the objectives of public purpose. The proclamation does not allow landholders to object to the decisions of the 'competent' body as far as the decision for expropriation is made in line with the master plan to ensure public purpose.⁷² Displaced persons also have no right to express their views before the appropriate body that makes a decision against their possession for expropriation.⁷³ They are called on only to listen to the decision of the Government within one year and less than one year if the land is required urgently for investment.⁷⁴ Informing the decision of the Government without involving the displaced in its initial plan and denying them to give informed consent as regards the need for expropriation does not constitute participation.⁷⁵ The proclamation restricts the rights of displaced persons to participate even if the decision of the Government on expropriation affects their interests.

Now we turn to the scheme of compensation. Subsidiary laws of compensation were in place over the decades. They have been amendment mad to such laws. While the scope of compensation becomes broad overtime,

⁷¹ Better development requires economy (financial capacity), not only an interest to better the environment. How can it possible for the urban displaced poor.

⁷² *Id.*, Art. 5(1, 2, and 4).

⁷³ Expropriation Proclamation No.1161/2019, *supra* note 6, Art. 8 (1(a)).

⁷⁴ *Id.*, Art. 8 (1 (a), (b)).

⁷⁵ Art. 2(3) of Declaration on the Right to Development.

its ultimate objective is not changed ; it is mainly construed as payment of pecuniary compensation that indemnifies only limited category of losses, leaving others unaddressed. For example, it does not guarantee onsite relocation for urban citizens either in the provision of substituted land or rehousing schemes . Also, it does not make displaced citizens part of the development benefits obtained from the land dispossessed. Its ultimate purpose is designed to pay money for whatever loss they encountered due to expropriation.

All complaints arising out of expropriation cannot be entertained by ordinary courts. Courts do not have first-instance jurisdiction on matters regarding the decision of an appropriate body on expropriation. Courts have appellate jurisdiction over cases emanating from an expropriation order or a claim or interest on the property expropriated.⁷⁶ A party aggrieved by the decision of the Regional High Court or the Federal First Instance Court has the right to file an appeal upon surrendering of his landholding entailing that the appellate court has no power to see reasons for expropriation.⁷⁷ The proclamation under Art. 5(4) allows landholders to file objections against the decisions on expropriation by the appropriate body in the absence of the fulfillment of the requirements of public purpose and master plan. However, they have no right to lodge complaints against the facts that establish the existence of public purpose to expropriate the land. The criteria that determine the existence or absence of public purpose are left to the exclusive jurisdiction of an administrative body in which no claim is allowed in this regard. Furthermore, the remedy does not include the rights of evictees related to participation, fair distribution of benefits from development, and the objection against expropriation.

⁷⁶ Expropriation Proclamation No.1161/2019, *supra* note 6, Art. 20(2).

⁷⁷ *Id.*

The proclamation is sometimes used to translate expropriation into its Amharic version as DID. In this context, if expropriation is claimed as a justification for development, it is subject to international principles, standards and procedures called for DID. If the case is so, better development to meet public purposes cannot be a justification for the displacement of people from their homes and land unless there is an unavoidable compelling public interest. If displacement is possible in such compelling circumstances, the process shall respect participation and due process. The proclamation is essentially a replica of the previous problematic expropriation proclamation in that it gives the government uncontrolled discretionary power without defining and setting sound criteria to determine direct and indirect benefits, better development, and definition of public purposes. Like the previous land-related proclamations, the new proclamation still restricts substantive rights of landholders; most importantly, the right to participation, effective judicial remedy, and protection against eviction.

The other inconsistency in evaluating the democratic nature of the system is the commitment and levels of protection of private property rights of displaced citizens upon redevelopment. The property right is a fundamental human right stipulated under Article 40 of the FDRE Constitution. However, the absence of clear procedures in monitoring redevelopment programs as to land tenure security and property interests of evicted urban dwellers creates an environment for the loss of assets of those displaced. As witnessed by evicted informants, the demolition of homes brought a significant impact in destroying valuable properties that are not either restituted by schemes of compensation or through the efforts of evictees

The hosts of socio-economic damages outlined so far demonstrate that the redevelopment process and outcomes practiced in the city of Addis Ababa is inconsistent with the widely acclaimed principles and intents of development.

The meaning, principles, and policy orientation that constitute development have critical affinity in determining the consequences of DID. Development is a comprehensive concept encompassing economic, social, cultural, and political processes aimed at the constant improvement of the well-being of the entire population and all individuals based on their meaningful participation and fair distribution of benefits from its process. Furthermore, the right to development underlined that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development.⁷⁸ Similarly, the basic aim of development activities as stipulated under Article 43(4) of the FDRE Constitution is to enhance the capacity of citizens for development and to meet their basic needs. The empowerment of the individuals within society as independent actors determining their development fate and ensuring benefits from its process is the main constituting element that explains the contemporary concept of development.

As the redevelopment program is one of the justifications for claiming DID, its purpose and effects on the livelihoods of those displaced determine the nature of development that the government engages with. The approach can be further examined by raising three interconnected issues, namely, the purpose of redevelopment, the primary beneficiaries from its outcome, and the approaches to its implementation. The main purpose of the redevelopment program in Addis Ababa is to upgrade the standards of the city as the seat of the Headquarters of the African Union and international institutions as well as to create a conducive environment for its residents for working and living. It has also the objective of opening urban space for private developers' access to land by abolishing slums and dilapidated areas. However, the fate of the urban poor living in slums has been given less emphasis. The purpose of the

⁷⁸ Art. 2(1) Declaration on the Right to Development.

redevelopment program failed to address the interest of the main actors in its process. Evicted citizens were not taken as ultimate beneficiaries in the redevelopment process, a factor that failed to regard international standards recognized under international law. The approach of the program was economic growth centered manifested by promoting the prevalence of government interest as a prime factor over the rights of evictees. Evicted urban dwellers were not participants in making decisions in the process of the program nor did they get benefits from its outcomes.

The last issue worth considering is the importance of a theory-led (IRR) eviction impact assessment (EIA) approach. As has been observed in the redevelopment sites of this research, EIA was not conducted before the displacement program come into effect. The absence of such a scientific approach made the consequences of displacement complicated. The majority of the risks encountered by the evictees can be avoided or possibly minimized where there is EIA conducted before the commencement of displacement. In summary, this problem along with the other attendants outlined in this section make the purpose, process, and effects of the redevelopment program in Addis Ababa inconsistent with international standards and norms.

5.2 .3. The Human Rights Consequence of DID

The second significant issue in the redevelopment program is the manner in which human rights are treated. As discussed earlier, the FDRE Constitution is the fundamental supreme law that gave greater credit for human rights and fundamental freedoms in Ethiopia. The Constitution is a basic framework that boldly disciplines all government actions to follow its very provisions and aspirations. One of the critical challenges in lieu of this paradigm is the gaps that existed between the premises of the Constitution with that of subsidiary laws and the economic development program of the government in general.

Accordingly, the most citable source of the problem that underpins the strength of human rights enforcement in this research is the inconsistency between the intents of the Constitution and the national development policies and subsidiary laws. This inconsistency apparently makes government bodies less likely observe and ensure human rights as per the words of the Constitution. The argument, therefore, flows from the fact that the poor conception and practice of human rights in the redevelopment program is the byproduct of the government approach characteristically geared towards growth-centered economic development.

The factor that aggravates the human rights violation in the redevelopment program is thus manifested by the government's failure in integrating human rights with its economic development land-related subsidiary laws. The lack of clear and specific laws that are committed to upholding human rights in the redevelopment program is the core of the problem. More importantly, the practical gap between the constitutional human rights-based approach on one hand and the government's economic growth-centered approach on the other gradually gave practical legitimacy for the government to compromise economic development over rights.

As observed in its practice, redevelopment program is a cause for violations of a significant number of human rights, the majority of which are infringed as a consequence of socio-economic impacts. The rights violated in this program can be categorized into two levels. The first and most obvious right violated in this regard is the right to development. The right to development is an umbrella of all other rights including its constituent elements of the right to participation in development

As the evidences from the informants show, the evictees in the redevelopment sites of this research did not participate in the decision-making process of the

program. They were not taken as the central subject of the redevelopment process, nor were they participants and beneficiaries in its outcomes. The right to development is the primary right that is used to balance the costs and benefits of development by taking the human element as its central thesis. Therefore, failure to recognize affected citizens in the planning, implementation, and evaluation of the redevelopment program and denying benefits obtained from its outcomes constitutes a clear violation of the right to development as stipulated under the Declaration on the Right to Development and Article 43 of the FDRE Constitution.

The right to participation in development is a fundamental specific right violated in the redevelopment program. The evictees in the redevelopment sites of this research were not taken as main components of the program and also were not empowered to decide on matters of their concern. Therefore, the two important human rights that are cited in any DID have been violated in the redevelopment sites of this study.

The second categories of rights violated in the redevelopment sites of this research are immediate consequences of the failure to comply with the right to development and the right to participation in development. The redevelopment program did not recognize the urban evictees as a major component of its process. This approach violates the rights of evictees to the continuous improvements of their living standards (ICESCR Article 11(2)). A growth-centered approach in the program could not represent the constant improvement and well-being of the evictees. This right is further rooted in many international human rights instruments such as the right to adequate standard of living for the health and well-being of all people including the right to adequate housing, security of tenure, and property rights. Some of the urban poor in the redevelopment sites of this research get poorer due to the intervention. The evictees become homeless and lost their previous means of

livelihood. The scheme of arrangement to continue the life standards of the evictees is poor and unbalanced (ICESCR Article (11(1)).

The evictees are denied their right to remedies against displacement in a court of law. They have no right to claim protection against eviction. It is also clear that the evictees could not get the opportunity to claim against displacement conducted in the absence of their participation. The right to get fair compensation upon displacement is also violated. The protection against interference of one's privacy, children's right to education, and other rights are clearly infringed in the process of the program.

Generally, the redevelopment program is one of the reasons for claiming development, its process did not meet the international principles and standards relevant to DID. The program failed neither to justify the absence of alternatives except for displacement nor to respect the right to participation, due process, and fair distribution of benefits for the evictees. It is further prone to socio-economic impacts on the livelihoods of the displaced urban poor and violates their fundamental freedoms and human rights, particularly the right to development and the right to participation in development.

5.2.3. Socio-economic consequences of DID

DID is ethically unacceptable for it is against the general purpose of development and in its several forms promotes the marginalization of the already excluded groups as a result of displacement. The data under Table 1 below is taken from the Land Development and Urban Renewal Agency to illustrate the number of evictees from three redevelopment sites.

Table 1:Some data indicating redevelopment sites of Addis Ababa

Name of redevelopment site	Area	Year of start	No. evictees	Kinds of possession			Types of Compensation			
				Private	Kebele	Pub. house agency	Condominium house	Kebele house	Substitute Land	Monetary compensation
Sengatera firde bet	26	2001	1442	373	1018	7	949	160	261	119,768,578.70
Sengatera no.2	17	2003	619	78	496	25	427	59	55	35,105,096.8
Shebele jerba	10.43	2006	428	53	284	91	175	36	24	11,989,659.52
Tekele haimanot	33	2007	2733	536	2100	97	1190	219	132	102,615,856.85
Sheraton Masfafiya	25	2002	1944	473	1471		934		421	179,383,769.90
E.C.A masfafiya	2	2010	321	81	174		140		245	11,195,307.74
Africa Union no. 1	23	2010	145	33	109	3	49			22,999,839.00
Africa Union no.2	12	2011	639	141	476	22	352	70		40,626,530.78
Wello Sefer	9.8	2009	537	180	346	1	133	9	168	42,462,879.03
Meskel megebiya	3.2	2009	223	26	198		162	16	75	12,900,000.00
Cassanchis no.3	23	2015	2793	524	1833	100	1337	111	280	21,075,236.94
Felege Yordanos	17.1	2016	909	163	849	17				1,935,177.03
Basha woldie no.1	27	2010	1640	262	1027	53	962	194	204	37,933,158.10
Basha Woldie no.2	14	2010	1319	270	713	12	853	2	62	42,514,471.16
Aroge kera no.1	9	2014	1874	168	935	3	326		77	20,678,822.30
Aroge kera no.2	45	2015	1246	224	841	181	789	110	168	49,758,375.41
Sheraton masfafiya	17	2010	1342	389	985	4	873	318	286	39,814,113.76

Parlama masfafiya	4	2010	319	70	259	5	191	69	48	3,591,051.76
Gedam Sefer Dejache	13.9	2016	1012	147	685	93				31,633,116.25
Wube	11.6	2016	762	121	568	70	373	149		11,084,116.33
America Gibi	22.7	2016	2167	289	1517	195	1542		204	55,208,618.30
Cassanchis no.2	26	2016	687	145	474	68	241	1		43,335,437.41

Source: Urban Renewal and Land Development Agency report, 2017-20

A closer look into the data shows that the redevelopment sites of Addis Ababa largely target slums in the inner city. Comparing the status of the evictees across the redevelopment sites, the majority of the evictees lived in kebele houses. Out of the 25,101 households, 17,358 lived in kebele houses, 1047 in public rentals, and 4746 in private houses. Among the evictees, 10,927 have got condominium houses, 1523 substituted kebele houses and 2710 got substitution land to re-house them. From the total number of evictees who were displaced from Dejache Wube Sefer, American Gibi, and Cassanchis No. 2 sites, 373, 1542, and 241 households' got condominium houses respectively.

The data further implies that living in kebele houses for the majority of families is a manifestation of poverty. It is their poverty that made them perpetually live in an unsafe, decayed, and crowded area and also exposed to displacement. The total number of households displaced from three redevelopment sites is 3616 : – American Gibi (2167), Dejach wube Sefer (762), and Cassanch No..2 (687). Out of this total number of households, 2559 houses were administered under the kebeles. The remaining 333 and 555 were subjected to government housing agencies and private ownerships respectively.

Out of the households displaced from Dejache Wube, 46 households who lived in kebele houses and 70 households in public rental houses are not covered either in a condominium or substituted kebele houses. The data also did not indicate whether private landholders in this site got substitution for their holdings. Similarly, 203 households displaced from kebele houses and 195 evictees who lived in public rental houses in American Gibi did not get replacement houses. The fate of 85 private landholders displaced from this site is not known according to the data. The data also did not indicate the whereabouts of 231 evictees in the Cassanchis site who lived in kebele houses and 68 evictees in public rental houses. No evidence can be found as to whether or not 145 private urban landholders on this site got as a substitution for their holding.

The case in Addis Ababa in its redevelopment program has witnessed similar effects on the livelihoods of the displaced that DID is commonly classified for. The citizens displaced in the inner city of Addis Ababa are leveled as poor who lived for decades in low-quality infrastructure, overcrowded and old houses, poor sanitation, congested slums, and dilapidated areas.

The redevelopment program of the city of Addis Ababa has the plan to renew the status of the city by removing 15,000 hectares of slum areas as of the year 2020. However, the fates of the urban poor displaced in such areas have become another assignment for the city administration that determines the quality of redevelopment processes and governance.

The evictees in the redevelopment sites have faced deterioration of livelihoods. The deterioration of livelihoods as a consequence of the implementation of redevelopment programs has brought multi-generational and irreversible effects. Urban dwellers for many generations organically

linked with their social system are forcefully displaced and compelled to change their site-related economic model and social ties significantly.

The relocation often entails the loss of access to site-related business opportunities. The urban evictees from American Gibi, Cassanchis No 2, and Dejache Wube Sefer redevelopment sites had a similar complaint on their site-related business activities before displacement. Voicing his grievances to this effect, one of the informants from this site remarked ;

We were engaged in different economic activities from street trade to hotels and restaurants and have a significant number of customers established for decades. Due to the redevelopment program, we were forced to leave this opportunity and many of us could not start business again.

Informants added that making business in American Gibi, Cassanchis or Dejache Wube is quite different from other outskirts of Addis Ababa. The former business were lucrative enough to sustain their lives. This was mainly because they were located in the inner city with sustainable customer flow. This flow of customers is drastically declined in the same business located in the new sites. Complaining about the damage, one of the informants remarked. 'the scale of interruption of [customers] is unimaginable' , Further, most of the informants reported that the program cost their site-related economic activities, an opportunity that could not be reinstated anywhere in the peripheries of the city.

The other economic impact of the redevelopment program is related to the interruption of daily job opportunities. According to informants displaced from American Gibi, the lower level daily income earners lost their livelihood subsistence because the redevelopment detaches their existence from Merkato. The daily incomes of most families in the American Gibi were associated with the market transactions of Merkato. Once they were displaced

from American Gibi, the means of income of families and dependents were crippled while their attachment to Merkato was set aside due to displacement.

Yet another negative consequence of this program is extra cost of schooling parents faced to bear. Due to the inadequacy of facilities available in the relocation sites, the urban poor families displaced are forced to enroll their children in an expensive private school. This incidence disrupted the livelihoods of most displaced citizens who had been educating their children in public schools based on their economic capacity.

The redevelopment program also caused the loss of properties of the evictees. According to informants, the prevalence of force to demolish houses and the insufficient time given for vacating their properties were potential threats for most evictees to lose assets and properties. The different items of properties have been damaged and lost during the demolishing of their homes. According to informants from American Gibi and Dejache Wube Sefer, the process of demolishing homes was unplanned. Because of this, they were not in a position to save their properties at times of demolishing processes.

Still other segments of the evictees remain homeless because of the deficiencies and injustice underlying the schemes of compensation for private landholding. The purpose and amount of compensation payable upon expropriation for the properties situated on private landholding are not aimed at securing livelihood improvements. The over-fluctuation and escalation of the price of construction materials, labor force, and the requirements of standards of buildings together with the inadequacy of compensation to meet all these requirements meant that most displaced were unable to re-house themselves. The displaced urban poor who lived in kebele houses or public rental houses has been given the priority to buy condominium houses. However, the huge gap between monthly payments for Bank mortgages and

their real income was a critical challenge for most households. For instance, 347 evictees from American Gibi who have the chance of buying condominium houses in the Kara Qore Haji Amba condominium site faced the problem of paying monthly installments to the Bank.

As per the obligation emanating from the law concerning condominium houses, those displaced urban poor will not have the chance to remain in the house unless they can save the specified amounts within the specified time.⁷⁹ According to some informants, the inability to save payments in the Bank pushes displaced urban poor to sell their houses informally and choose to live in private rental houses. This coincidence at the same time may lead to the risk of homelessness for those who failed to find other income opportunities. The government, while it is taking away the market value of their land, does not devise a mechanism to protect them from such risks of homelessness.

The destruction of social networks is among the prevailing list of repercussion of this program. The citizens displaced from the three sites lived for decades in those areas and established strong social systems such as Idir, Ikub, and Mahiber. These are social systems that tie the urban poor with remarkable traditional values rooted in their lives. One of the members of the focus group discussion conducted at American Gibi stated the following.

I am now 67. I was born here and my family had lived here before. We have developed a significant number of values shared between us seeking help and support for each other. We considered each other as having a similar psychological makeup in times of peace and difficult conditions. However, the redevelopment program crashed our important social systems and forced

⁷⁹The Federal Democratic Republic of Ethiopia Condominium Proclamation No. 370/3003, *Federal Negarit Gazette*, (2003).

us to start a new way of life in a new place with citizens whom we did not know before.

Accordingly, the preservation of social systems as a core component of people's culture was taken as an elementary issue in the redevelopment process. The possibilities of legitimate on-site relocation and upgrading options were not duly considered by development planners. This kind of development approach not only affects people's values developed over time but also creates inconvenience in the life of evictees.

Psychological disturbance and instability were serious problems for evictees as a consequence of the redevelopment program. Such psychological trauma is associated with other problems that were often encountered by the processes of redevelopment. The inadequacy of consultation schemes together with the lack of genuine power of the evictees to influence the processes resulted in problems in the psychological state of the evictees.

Conclusion

Looking into the hosts of evidences revealed through varying mechanisms, one would argue that development-induced displacement in Ethiopia is a principle that did not impose any restriction on the government to find alternatives and limit the scope of displacement. The legal regimes designed to regulate the different interests that evolved under DID have different gaps. The first relates to problems of justifications by the government in pursuing displacement in development projects. The justifications associated with the public purpose for expropriation, lease, and urban redevelopment program are too narrow and fall under the exclusive discretionary power of administrative agencies. The second problem relates to the lack of a Constitutional guarantee for urban dwellers in cases where there is arbitrary eviction from their possession. While the FDRE Constitution recognized the protection against

eviction as a fundamental human right for peasants, semi-pastoralists, and pastoralists, there is no such right for urban residents. This is a clear discrimination against land rights and tenure security for citizens of one country. The third problem relates to the absence of legal and judicial remedies for those who are displaced from their land and home contrary to human rights standards and norms.

The existing legal regime and practice do not allow citizens to invoke ground of arbitrary displacement before a court of law. It rather narrowly allows to claim the amount of compensation assessed related to displacement. To put it differently, land-related laws that are enacted to reflect and realize the power of the government on land indescribably trump the rights of persons on land.

The fourth, and perhaps, the most damaging problem of the redevelopment program stems from the economic-growth-centered approach of the country. The human-rights-based approach is a development framework recognized as a fundamental principle in the FDRE Constitution as well as in many international human rights instruments. However, the development approach of the country did not give priority to human well-being but rather economic-growth centered as witnessed by its legislative and practical experiences. Thus, the existing redevelopment program in all its legal and practical applications did not satisfy the requirements of the general principles, standards, and practical models called for DID and below international human rights norms which in turn become a cause for impoverishment risks and violation of fundamental rights of urban citizens.

Recommendations

- As stipulated in the FDRE Constitution, the Government of Ethiopia has committed itself to respect, protect, and fulfill human rights and

fundamental freedoms endorsed by major international human rights instruments, recognizing the international human rights norms as fundamental principle of the same constitution. Indeed, the development processes of the country in major economic projects in general and the redevelopment program of Addis Ababa, in particular, are commenced against a right-based approach to development in the name of development focusing on capital returns or to open opportunities for others while disregarding the fates and rights of the displaced poor and the vulnerable.. Non-observance of such an approach as the trend of government –both in theoretical and practical process –contradicts its international commitment, taking it to a category of principal violator of human rights norms and pushing the larger public to question the legitimacy of such development activities in Ethiopia.

- The displacement of citizens from their land and home in the absence of specific laws in the inner-city of Addis Ababa makes the redevelopment program illegitimate and controversial which created unbalanced risks and benefits for the actors involved in the process. The existence of clear specific laws to regulate the processes of redevelopment programs at any level is a timely response from the relevant legislative body.
- Displacement of citizens from their homes, land, and community should not be undertaken as a primary option in any economic development program in general and redevelopment program in particular. The program shall be designed in a way to find alternatives that can avoid displacement. Together with this, the claim for displacement must be justified with clear requirements indicating the existence of unavoidable compelling public interests, implementation strategy, and compliance with human rights norms, international standards, and principles.

- The right to land, security of tenure, adequate housing, and protection against eviction are fundamental human rights recognized in major international human rights instruments to which Ethiopia is a party. However, these rights have not got proper recognition and protection in the Ethiopian constitutional law experience and requires amendment of the FDRE Constitution in line with international human rights norms.