

*Full Length Research Paper*

# **Urban public land management from governance dimension: The case of Gelan and Lega Tafo Lega Dadi Towns**

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**This study is an assessment of Urban Public Land Management from Governance Dimension: The case of Gelan and Lega Tafo Lega Dadi Towns. To achieve these objectives qualitative and quantitative research approach was employed to identify the gaps under urban public land management from governance dimension. Questionnaires, interview, focus group discussion, and secondary data were employed to collect data and these data were analyzed using descriptively. The findings of the study revealed that urban public land management is hindered by an absence of clear policies, direction strong institutions, transparency, and public participation and urban public land do not identified according to the land use planning. The criteria for urban public land ownership was not clearly defined and assigned to the right level of government. Hence, urban public land management still suffers from a lack of proper recording, scarcity, and inaccessibility of data. There is no urban land management law for peri-urban areas yet and the role of the urban land management and investment office at the town level is overlapped. Furthermore the scope and limitation of public purpose are unknown since the power of expropriation given to the state is a broader one and this creates tenure insecurity on all urban landholders. Finally compensation was not provided for the acquisition of all rights regardless of their recording status and there is no legal framework on how to compensate communal land and there is no compensation paid for urban land-use changes that affected small enterprises and service providing firms.**

**Key words:** Urban land management, good governance, and urban public land management.

## **INTRODUCTION**

Urban centers in developing countries have shown development and distribution of new settlements to be disorganized and making it very difficult for the development authorities to govern and manage such settlements as a result of varying factors. The United Nations Population Fund Projects (UNPF) has shown that

sub-Saharan Africa's urban population will double between 2000 and 2030 and this would take place in the urban areas (CIA, 2007). The problems of the urban areas to be envisaged as a result could include amongst others poor housing, poor basic infrastructure, poor environmental quality and urban land dispute. Generally,

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bring about changes in the unique urban landscape of the settlements, urban management system, and urban socio economic development (Wapwera et al., 2015). These changes are evident as physical planning problems and can best be addressed by the transformation processes involving key aspects of urban management through land use planning using their policy guide. Failures of these have manifested in the numerous physical planning problems; Urban sprawl, slums and environmental degradation as observed in most developing countries such as India in Asia and Nigeria in Africa (Wapwera et al., 2015). The theory of eminent domain implies the right of the state to claim private property for state use. The principle underlying such gaining is that the appropriation must be for public purpose as it is called in Ethiopia. Land acquisition policy in combination with land use policy frames a set of land policy that is compliant to the major development goals which society strives to attain. Therefore, it is the political economy of development which ultimately shapes such land policy in urban development, in the world. Land scarcity and demand in cities are also driving factors increasing the pressure on the governance of land management systems. Population growth and urbanization have a significant impact on driving up either value of land or land value which affects housing and property affordability for implementing planning functions and zoning regulations.

Land management in Africa, particularly Sub-Saharan Africa has presented a variety of challenges due to its historical, social, political, and cultural diversity. High profile land grabs and illegal state land capture, land insecurity and lack of public participation in the land decision-making process are being exposed across several African nations. Like other African countries, urban land management practices across Ethiopia highlights worrying signs and indication of serious urban land management problems. Gelan and Lega Tafo Lega Dadi towns are no exception.

In Ethiopia, land is the most important socio-economic asset. The struggle over who controls the land was the same as the question of controlling socio-economic and political powers. This has played a significant role in the history of Ethiopia and could continue to do so. Three periods can be distinguished concerning the history of land tenure systems and policies in Ethiopia that is, pre-1974 Imperials period, the Derg regime 1974 to 1991, and the period since 1991, the EPDRF period.

The land tenure system of Ethiopia before 1974 is said to be a very complex system. The landholding system was seemingly a customary one that governs the holding system. During this era all land was owned by the king. Thus, the land was primarily owned by a small number of landlords, Church, and sometimes prominent individuals, particularly in the north. Therefore, the nature of the land tenure arrangement comprises private, state, church land, kinship, and other forms.

The Derg, in its land reform in 1975 was nationalized in

all urban lands and extra houses under Proclamation No. 47/1975 and all rural land under Proclamation 31/1975 by the state and abolished the diverse tenure arrangements in the imperial regime. The Derg regime justified the land reform program on two principles. Historical justice that is, to overcome the exploitative character of imperial agrarian relations, and Justice as egalitarianism that providing each farm family with equal access to farming land according to their needs (World Bank, 2013). Landlords lost their land rights and the land was distributed to individual households, based on the size household system being used as the main criterion for land allocation (World Bank, 2013). The reform was the first identical tenure system imposed upon Ethiopia as a whole. In urban areas, urban dwellers' associations were established to administer and manage their towns and cities. The establishment of these institutions was hailed as an important milestone to give people the power to manage and administer their lands and resources. But these institutions were made to be government watchdogs and appendage to government structures and became more of problems than solutions for the urban people.

Under the Federal Democratic Republic of Ethiopia, urban land is governed and administrated by the urban land leasehold law which has been amended three times since its first application in 1993 (proclamation. 80/1993, 272/2002, and 721/2011). On the other hand urban land-related laws like proclamations No.574/2008 and the No. 818/214 also included. All these legislations have primarily aimed to promote efficiency and effectiveness in urban land governance. However, the objective to promote good governance in urban land management appears to be a frightening statutory forecast due to gaps under the law itself and in the course of enforcement. Empirical studies indicate that urban public land management does not promote good governance in urban land and discourage the widespread unethical practices from the government (World Bank, 2016). Survey results conducted on different Ethiopian cities that is, Bahir Dar, Addis Ababa, Hawasa, Dire Dawa, and other cities in Ethiopia by Berhanu et al. (2015), Takele et al. (2014) and Nigussie (2016) underlined that gaps and weaknesses in the legal framework widen opportunities for urban land management and land governance were generally weak and surrounded by a growing number of challenges. These include lack of coordination of the existing institutions, insecurity of tenure and illegal land settlements, displacement, lack of societal participation in decision making, and weak capacity for enforcement and monitoring of laws and land use planning. Hence, the efficiency and effects of the urban public land management at local government level is not clearly assessed yet .It would be significant if the urban public land management implementation from Governance Dimension assessed at the local level. The choice of

Lega Tafo Lega Dadi and Gelan towns because of these town's are vibrant towns proximity and surrounding capital cities of Addis Ababa and which has the same administrative structure and administered under Oromia regional state. Therefore this paper examines urban public land management from the governance dimension by focusing on identification of urban public land and clear management, transfer of urban public land to private use, transparency and fairness of acquisition procedures and private investment and transparency.

## LITERATURE REVIEW

### Overview urban land management

Governance and institutional issues are critical to urban land management in Africa, where institutional restructuring and decentralization are often undertaken due to the weakness of the state and the importance of improving good governance cited in Sintayehu (2016). Conventional urban land management systems, whether they are established for fiscal, multiple purposes, have four main elements, these are: land registration, cadastral surveying and mapping, land valuation and land-use planning (Dale and McLaughlin, 1988). These elements characteristics are in many land management systems worldwide. A country's land management systems can be ordered in many ways and can take the form of a centralized, decentralized or integrated land management system. Centralized systems use a centralized bureaucracy to carry out land management tasks, thereby relying on a single, closed approach. In decentralized land management systems, different land management functions are diversified and shared among different agencies (Ibd).

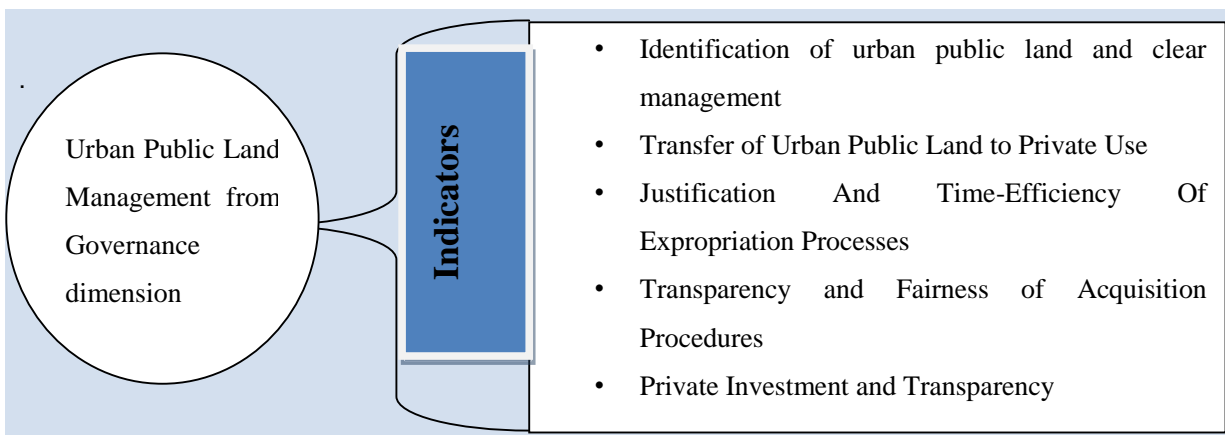
Good governance, efficiency and effectiveness feature prominently in integrated land governance as a means to ensure sustainable land management. The government of Ethiopia strongly conforms to the principles of decentralization. Ethiopia starts to decentralized government system in 1991. In a while, the FDRE constitution paved the way for a democratic system of government whereby people at all levels could exercise to participate in political, social and economic affairs. Hence, the constitution attempts to encourage self-rule at all levels and involvement of the people in the formulation of improvement policies and programs. Following the decentralized governance system, regional states have established land management institutions with varied scope of responsibility. Furthermore, land management institution is understood as institutions, in urban areas, that are mandated in allocating land, protecting interests, solving disputes, planning, and managing the use of land. However identification of urban public land and clear management, transfer of urban public land to private use and public participation in urban land management in local areas do not examined yet.

### Governance in Urban Land Management

The concept of governance has become well-known when sustainability requires the concern of balancing social, economic, and environmental components in the decision-making process, in few past decades. Urban Land governance concerns the set of rules, process, and structures via which decisions are prepared about access to urban land and its use, this means that the decisions are made and enforced, the way that rival interests in urban land are managed (FAO, 2009). It contains state structures such as land management, courts, and municipalities responsible for the urban land. It also covers the legal and policy framework for land, as well as traditional practices governing land transactions, inheritance, and dispute resolution systems (FAO, 2009). Currently, the discussion about governance has continued in various disciplines, even though the definition and concept remain debatable (Olowu, 2002). In this line, Sheng (2010) as cited in Samsudin (2014) perceptively states that governance is a complex concept because it has been described in various ways and the concept of governance varies widely, which is one side debate may refer to the quality of the public delivery system for society and on the other side may concern about the development of the appropriate institutional framework. Land governance refers to the rules and the structures that rule and arbitrate relationships, decision-making, and enforcement of the decisions taken on urban land. The rules and structures of land tenure can be formal (that is, Laws, regulations, and by-laws administered by parliaments, courts, and municipal councils) as well as informal or customary or a group of them (Temesgen, 2020).

On the other hand, the word governance can be defined in a variety of theoretical dimensions. Governance in the urban land executive is very important in many areas, as land management, especially in developing countries, grows increasingly vulnerable to maladministration. Whether pit or grand Corruption is linked to weak governance in developing countries where having power over land is considered as a means of controlling political and economic power and privilege through fraud (FAO, 2007). Weak urban land governance is also linked to increasing insecurity in property rights and a soaring level of bribery and corruption in urban land management activities, particularly in the developing world. Studies conducted by Burns and Dalrymple (2008) in developing countries have witnessed that cities are unable to provide affordable urban land in sufficient quantities, particularly for the urban poor, because of inefficiency and ineffectiveness of land management. Regarding this, they pointed out that a Weak institutional and legal framework will affect the poor in particular and may leave them marginalized and outside the law.

To evaluate urban public Land Management from Governance Dimension requires precise and well-defined evaluation framework. According to Deininger et al.



**Figure 1.** Urban Public Land Management conceptual framework .  
Source; Adapted from World Bank (2007).

(2011), FAO (2007) and World Bank (2013), the Land Governance Assessment Framework (LGAF) which was developed by the World Bank and its partners is one of the most well-known frameworks used to evaluate the good governances in the urban land management. Therefore, based on the objective of these studies the (LGAF) is used to assess urban public land management from Governance Dimension. LGAF is one of the most comprehensive and diagnostic tool frameworks for the evaluation of urban land governance from in a different perspective (Figure 1).

### Urban land management system in Ethiopia

Ethiopia's legal system is hierarchical mainly at federal and regional levels. It gives the regional government's considerable autonomy over land administration systems. Each Regional state government strives to include and interpret the federal land policy and ensure the harmony of systems in their peculiarities as the land tenure systems and the socio-economic context varies across regions. Whereas the Federal land policy guidelines and legal framework provide broader statements, regional proclamations set out detailed provisions reflecting their differences. The decentralization of powers to regions and local level administrations provides the room and flexibility for incorporations of these variations. Alemie in his recent work (2015) revealed that, the land policy and law-making process in the three government regimes (Imperial, Derg, and EPRDF). He argued that, the level of participation in the land policy and law-making process is very minimal if "not nonexistent". The law-making process in Ethiopia is entirely a government affair and stakeholders are rarely asked or consulted on proposed laws that affect their lives. Conversely, Ethiopia's legal framework on urban land contains its constitution and follows land laws enacted by the Federal Government for rural and urban land management the law being

introduced that define and differentiated rural land from urban land started in the 1970s. The then military Government of Ethiopia enacted proclamation 47/1975 to nationalize all urban lands and extra-urban houses. Hence, since 1975, Ethiopia administers and manages urban lands by establishing different legal systems and different institutions. Many proclamations were repealed and replaced successively. The current land laws include proclamation 455/2005 enacted for compensation matters, proclamation 721/2011 for urban land administration/lease law, and proclamation 818/2014 for urban land registration. There are also regional constitutions, laws, regulations, and directives. The federal constitution (Article 40) states that the right to ownership of rural and urban land, as well as of all-natural resources, is exclusively vested in the state and the people of Ethiopia. The main concern of the Government in advocating state ownership is that private ownership will lead to the concentration of urban land in the hands of few people who can buy resulting in the eviction of poor landholders and thus frustrating landlessness.

Therefore urban land management institutional framework does not examine whether existing urban land policy legal and institutional framework helps promote efficient land management in the local level and its constraints to brought good governance in urban land management.

### Urban public land management in Ethiopia

According to Federal democratic republic of Ethiopia constitution of 1995 Article 40(3), land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of transfer.

Government/state shall have the duty to hold, on behalf of the peoples of Ethiopia, land and other natural

resources in order to deploy them for their common good and development (FDRE, 1995, Article 89(5)). This means the state is responsible to administer peoples/public land, and in practice land management is the responsibility of town administration. The rights to land, the state and the public are joint owners of land. The state represents the different constituents like federal state, regional state, municipalities, and kebeles. The peoples represent farmers, urban residents and the like. Here people exclude private individuals, since private individuals have only the right to lease in the urban areas. They cannot sell exchange or mortgage the land. There are a lot of restrictions on land transfer to individuals which varies from region to region and urban areas. In Ethiopia since State and the Public are joint owners of urban lands there is no clear distinction between state land and public land. There are three major tenure types in Ethiopia- state; common/communal and private holding. Urban areas public land includes land occupied by education and health institutions, places of worship of religious organization, public recreation areas and parks, all city streets, highways, sewerage systems, rental houses, market areas and similar premises. As a result what matters most to distinguish state and public land is the destined use of the land, that is, if the destined use or public good purpose of the land is to provide benefit for the public then it is public land. World Bank (2013) defined public good as an asset, facility, resource or infrastructure provided for the benefit of the public. Public lands are unrecorded in respect of private holdings. Even the currently undergoing land registration activities do not cover public lands. Public land management is a critical factor for ensuring good governance in the land management of a country. There are common factors involved in poor public land management. There is typically ambiguity in authoritative roles and responsibilities, a lack of accountability in the systems of allocation, appropriation, disposal or use of public land, and a lack of information on state assets (Zimmermann, 2008). Weak governance in this area has direct and indirect implications for citizens, and broader effects on economic development, political legitimacy, peace and security and development cooperation. In Ethiopia, all land is jointly owned by the state and public. But land management is the responsibility of different constituents of the state. With most land being managed by the state, the land management system is critical to the government's ability to manage this asset both in an effective manner and in a way that represents all citizens' interests. Gaps can lead to loss of revenue and undermine transparency on a large scale, especially in areas subject to rapid urban expansion.

## METHODOLOGY

### Overview of study area

Gelan and Lega Tafo Lega Dadi towns are emerging new cities.

Gelan is located in Special Zone surrounding Finfinne in oromia regional state which is located at 25 km away from Addis Ababa in South-East direction or between 7° 12' - 9014'N Latitudes and 38°32' – 39°32' E Longitudes. Whereas Lega Tafo Lega Dadi is also located in Special Zone surrounding Finfinne located at 21 km away from Addis Ababa in the North-East direction. Gelan boundary is physically attached to Addis Ababa and Dukam and the total area of the City is 75.16 km<sup>2</sup> (7516) ha whereas lega tafo lega dadi town is bordered by Addis Ababa city and Sululta Wereda from the west and Northwest, by Berek Aleltu Wereda from the North, East and South with a total area of 7444.53 ha. Currently, the population of Gelan town increase to male 31043, female 33687 total 64729 and Lega Tafo Lega Dadi town population also increase to male 17927 Female 22937 total 40864 (Lega Tafo lega Dadi and Gelan towns admin, 2019). Both towns were established after the establishment of some investments around and have been grown by displacing and affecting the livelihood of local farmers. Figure 2 shows the maps of the study areas.

### Research design

The study employed a qualitative and quantitative research approach to identify and understand the gaps under the institutional and legal framework that brings weak governance into urban land management. The researcher selected the areas after critical observation and aims to assess the gap of urban public land management focuses on national, regional, and town levels. Based on the aim to describe in detail the current performance of urban public land management, descriptive- case study types was employed. This research utilizes quantitative data generated by a cross-sectional survey questionnaire and qualitative data collected via key informant interview (structured interview) and focus-group discussion. In this study, quantitative data was measured using a Likert scale.

### Sample technique and size

Non-probability and probability sampling techniques were employed to select samples from the population. The researchers purposely selected the key informants: from each towns, mayors, land management officials, each towns head of judicial in each town, four kebele officials from each town, investment offices and one 2 land experts, 2 urban planners expert, from each town were interviewed and totally 24 officials and experts were interviewed. From probability sampling, the researchers used systematic random sampling to identify respondents from each town and kebeles. The study population for this research consisted of the heads of households in two towns. According to the data obtained from Gelan and Lega Tafo Lega Dadi town administrations, their household numbers were Gelan 8722 and L/ Tafo L/Dadi 8173, a total of 16,895 and researchers would use Yamane's formula (1967), therefore, the sample size of household respondents would be determined by using the following formula:

$n = N / (1 + N(e)^2)$   $n = 391$ . The sample size for each town will be determined from the total sample size based on the household size of each town by the stratified sampling formula

•  $n_i = (n/N)N_i$  where,

Hence

1) Gelan =  $(391/16,895) 8722 = 202$

2) L/ Tafo L/Dadi =  $(391/16,895) 8173 = 189$

Therefore 391 sample representatives would be considered in two towns as respondent in the survey questionnaires.

Selecting a random starting point for independent household  $K = N/n$ . the formula would be used. Besides researcher adds 20% of

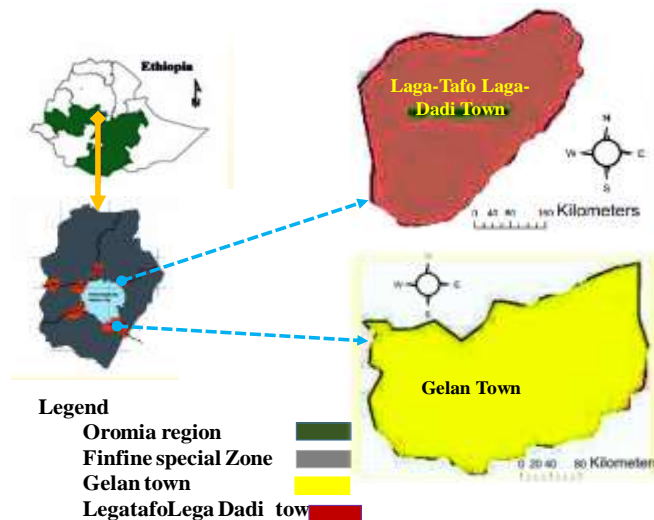


Figure 2. The maps of study areas.

sample size to increase the rate of return that is,  $391 \times 20 / 100 = 78$  questionnaires were distributed in addition to the determined sample size.

#### Data analysis method

The qualitative and quantitative data collected from respondents were analyzed descriptively. In the process of mixed data analysis, qualitative data analysis was dominantly employed. Three hundred ninety-one (391) questionnaires were distributed to head of households and all questionnaires were returned and entered to SPSS version 20 for the statistical analysis. The result of statistical analysis is presented using percentages; tables and graphs while data collected through interviews, secondary data, and focus group were analyzed through interpretation, narration, and content analysis, and finally data collected through interview, focus group discussions, and questionnaires were triangulated.

#### Urban public land management

##### Identification of urban public land and clear management

Urban Public land ownership should serve the public, inventoried, under clear management responsibilities, and relevant information has been publicly accessible. The detail of Identification of urban public land and clear management discussed as follows:

##### Urban public land ownership

The re-enactment of urban land lease proclamation No.272/2002 and No 271/2011 provides the legal basis for leasing of urban land and its Management responsibility is given to the minister of urban development and construction and its line Bureaus, and

offices at all levels. However according to land lease, most urban public land for private allocations is the responsibility of the city /town administration, with the consultation of regional authorities. Hence, urban kebeles have much-limited decision powers in respect of urban public land within their jurisdictions. In Ethiopia, there are three tenure typologies: state land, common land, and private land. State land includes public land, which includes land for public purposes such as land delineated for schools, health stations, churches, mosques, rivers, lakes, green, open space, buffer zone, etc. urban landholding registration proclamation. No.818/2014 and article 14 sub-articles 4 show that, unless proved to the contrasting, any plot of urban land on which use right is not recognized shall be to belong to the urban public land, and, upon request be registered in the name of the organ in charge of administering or developing the land. Furthermore, in the urban areas, urban public land includes land occupied by education and health institutions, places of worship of religious organizations, public recreation areas and parks, all town streets, highways, sewerage systems, rental houses, market areas, and similar premises. So what matters most to distinguish state and public land is the intended use of the land, that is, if the destined use or public good purpose of the land is to provide benefit for the public then it is categorized as the urban public land. World Bank (2013) defined public good as an asset, facility, resource, or infrastructure provided for the benefit of the public.

Urban land is administered by respective town administrations and urban kebeles. According to urban land lease policy of Ethiopia decisions is to allocate urban public land for private allocations and lease is the responsibility of the town administration. For instance, after the lease proclamation of 721/2011 auctions to

**Table 1.** Response rate of respondents on the indicator of Identification of public land and clear management.

Criteria for public land ownership are clearly defined and assigned to the right level of government	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	2	2	4	1.0
Agree	20	19	39	10.0
Undecided	11	3	14	3.6
Disagree	118	118	236	60.4
Strongly disagree	51	47	98	25.1
Total	202	189	391	100.0

Source: survey result, 2020.

transfer urban public land through leasehold to private entitlements have been carried out in study areas from last year (2014/15). Thus, in principle kebeles are supposed to administer all urban land tenure types within their jurisdiction but, in practice either their powers are much limited to decide on land or their capacities are deficient because of land use planning which urban guided by found only in the hands of town administration. Therefore the mandate of kebeles in participating in decision making while urban land transfer to the private or other public purpose was very limited. As indicated in Table 1 the respondents were asked to rate their view on whether the criteria for urban public land ownership are clearly defined and assigned to the right level of government. Accordingly, 236(60.4) and 98(25.1%) respondents were replied to disagree and strongly disagree, while 39(10) and 4(1%) respondents replied agree and strongly agree and 14(3.6%) respondents replied undecided. Thus, from Table 1 it can be stated that majority of 236(60.4%) respondents were confirmed that Criteria for urban public land ownership were not clearly defined and assigned to the right level of government.

Also, these interviews with kebeles administration and FGD in both towns shows that unless the kebele administration only asked to give urban land information and implementing the decision given from town administration and they have no power to decide on the urban public land. On the other hand, FGD conducted with urban land experts of Gelan and Lega Tafo Lega Dadi towns revealed that urban public land management is hindered by an absence of clear policies, direction strong institutions, transparency, and public participation. And also some urban public land is transferred to the private or control by informal settlers thus, urban public land is not identified and controlled according to the land use planning. Hence the Criteria for public land ownership were not clearly defined and assigned to the right level of government.

**Urban public land ownership information**

Survey data from study areas revealed that urban Public

land ownership as the meaning was not justified and known among the public. Especially under FDRE, where grass-root institutions are weak staffed with less motivated and unskilled manpower, and less transparency and accountability public/state ownership of urban land has more weakness.

Generally, there was a limited capacity of different administrative bodies to administer all urban land tenure types in their administrative jurisdictions. Even the town administration unable to protect and register the urban public land proposed in the land use plan of the town. As a result of this urban public land ownership information is not properly publicly accessible and could not have clear management responsibility. As indicated in Table 2 the respondents were asked to rate their view on whether urban Public land ownership information is publicly accessible. Accordingly, 222(56.8) and 98(25.1%) respondents replied to disagree and strongly disagree, while 35(9) and 10(2.6%) respondents replied to agree and strongly agree and 26(6.6%) respondents replied undecided. Thus, from Table 2, it can be stated that the majority of 266(56.8%) respondents confirmed that urban public land ownership information was not publicly accessible.

Furthermore, urban public land ownership is justified by the provision of public goods at the most appropriate level of government but management is very weak and doesn't such strong and there was no well-organized data that shows the urban public land. Thus, the capacities of personnel at the grass-root level were not skilled through the training of practitioners. The government also does not commit to developing an efficient urban land management system to overcome weak governance in the area of urban land management.

Table 3, data revealed that the management of urban public land is hindered by a lack of capable and strong institutions, lack of qualified manpower exposed to good governance problems. The urban public land including vacant land was poorly managed, unrecorded, and even unknown among town experts and officials according to the town's land-use planning.

Generally, urban Land registration and certification excludes the recording of public and common lands and



**Table 2.** Response rate of respondents on the indicator of Identification of public land and clear management.

Public land ownership information is publicly accessible	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	4	6	10	2.6
Agree	15	20	35	9.0
Undecided	18	8	26	6.6
Disagree	116	106	222	56.8
Strongly disagree	49	49	98	25.1
Total	202	189	391	100.0

Source, own survey result, 2020.

**Table 3.** Urban public land registration information.

T.No	Registered Urban public registered			Data inter into GIS fi Excel			Recorded and mapped		
	Zoning	Block	Parcel	zone	Block	parcel	zone	Block	parcel
1 Gelan	115	865	18981	115	865	18981	69	865	10387
2 Lega T/L /D	213	1799	25725	213	1799	25725	130	1205	8852

Survey result, 2020.

systematic information on urban public land in urban areas was missed in study areas. The critical problem is particularly when rural landholding is transferred and incorporated into urban uses. Rural land holdings are frequently transferred to urban landholding for urban expansion, especially, due to real estate development and industry expansion (mainly in L/ Tafo L/Dadi), but the real information of transferred land to urban was inadequate and not inventoried .

Besides efforts made by the government still not met its intended goal because only there is some attempt to record a few urban public land but also make the information accessible to the public is critical and lacks transparency. As a result of this urban public land ownership information is not publicly accessible and had no clear management responsibility.

### Urban public land ownership and clear management responsibilities

Data from the study areas revealed that modern and scientific form, urban land registration, certification, and systematic property registration are not yet started. Urban public land was not properly implemented and registered in the town even its implementation was not well unknown among the urban land office and has no clear management. As indicated in Table 4, the respondents were asked to rate their view on whether public land ownership is inventoried, under clear management responsibilities. Accordingly, 206(52.7) and 70(17.9%) respondents replied to disagree and strongly disagree,

while 58(14.8) and 23(5.9%) respondents replied to agree and strongly agree and 34(8.7%) respondents replied undecided. Thus, from Table 4, it can be stated that majority of, 206(52.7%) respondents confirmed that Urban Public land ownership was not inventoried, under clear management responsibilities. When we compare the view of respondents from two towns according to Table 4 on the urban public land ownership is inventoried, under clear management responsibilities their rates were almost relative. Generally, the fragmented and inefficient institutional arrangements joint with the lack of clarity of role and functions of stakeholders at town and kebele level. This is because decisions at town level about its use are power-related rather than institutional. So far, the institutions of good governance have not matured to the point where they are capable of handling the data needed to manage public land effectively. Because the problems of inventoried and management of urban public land were visible in many towns of Ethiopia (Figure 3).

Resource limitations are a driver force of rent-seeking. In this case, the resource is seen to mean both human resources as well as technical and financial resources. There have been cases of conspiracy and illegal speculation in the bidding and auctioning of urban land. An interview made with stakeholders in the study areas argues that the lack of transparency in the municipal authority and urban land management process has created a group of wealthy collectors and land speculators that take advantage of urban public land resources.

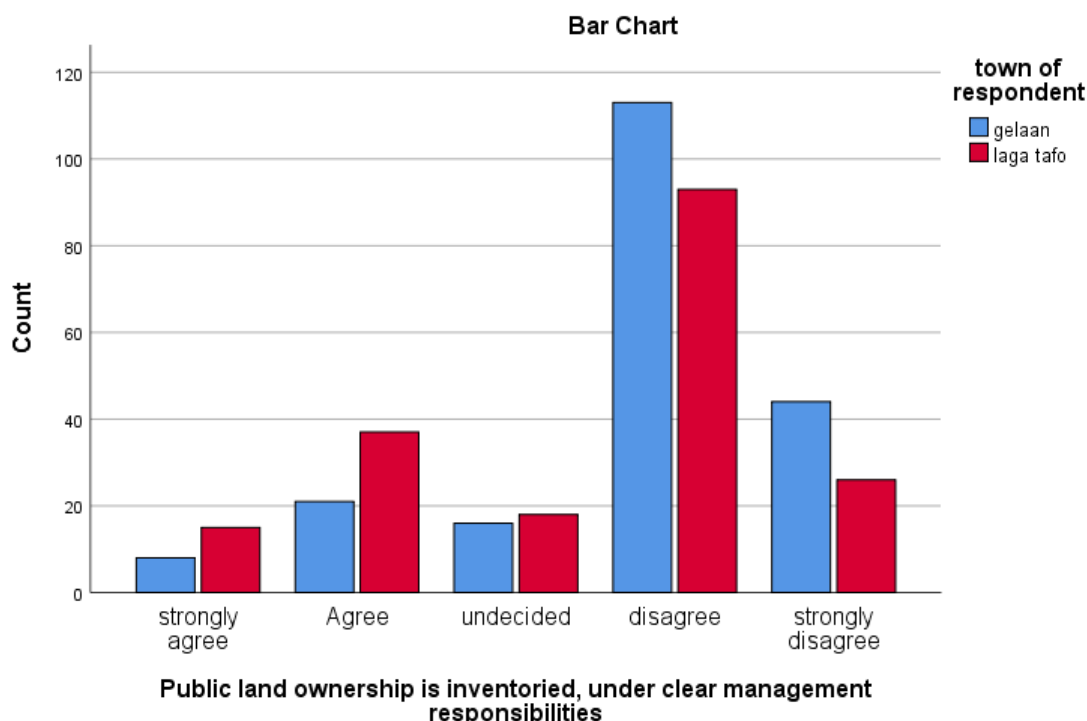
One of the drivers of rent-seeking has to do with staff



**Table 4.** Response rates of respondents on the indicator of Identification of public land and clear management.

Public land ownership is inventoried, under clear management responsibilities	Town of respondent		Total	Total
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	8	15	23	5.9
Agree	21	37	58	14.8
Undecided	16	18	34	8.7
Disagree	113	93	206	52.7
Strongly disagree	44	26	70	17.9
Total	202	189	391	100.0

Source, own survey result, 2020.



**Figure 3.** Public land ownership is inventoried, under clear management responsibilities.

funding. Underfunded staff with low motivation that operates in an environment of complicated procedures can have a direct impact on corrupt activities. Besides, capacity constraints are seen as a major obstacle for the urban land management office to carry out its urban land management and record urban land rights. While computerization is being implemented at some level, it is challenged by the lack of other infrastructures, such as broadband telecom services. Non-computerized systems have boring procedures that take appreciably more time. Besides; there are issues of displacement and loss of files. Even though resources are limited for responsible public institutions to discharge their urban land management responsibilities, the system makes effective use of limited available resources, with limited impact on

managing public lands. Therefore urban public land was not properly managed and well known on the ground.

### Urban public land allocations and public involvement

In urban areas, essential information on urban public land allocations to private interests was not publically accessible. Another case is urban land allocation was through the lease arrangement in urban areas. Lease auctions are usually public regarding the amount allocated, the area and locality of allocations, and the parties involved with some limitations.

The financial terms of allocations are later decided in the process. However, in large investment of vital urban

**Table 5.** Response rates of respondents on the indicator of Identification of public land and clear management.

The management responsibility for different types of public land is unambiguously assigned	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	10	18	28	7.2
Agree	36	50	86	22.0
Undecided	23	17	40	10.2
Disagree	101	81	182	46.5
Strongly disagree	32	23	55	14.1
Total	202	189	391	100.0

Source, own survey result, 2020.

land, the information was not accessible to the public except for urban land management officials. Key information for urban public land allocations is only partially recorded but is not publicly accessible, or the key information is recorded but only partially accessible. Tackling inefficiencies in administration requires improving good governance in urban land management. As such, efforts to combat rent-seeking in urban land management in areas are concerned with improving urban land governance. Generally making information on all proposed allocations in the affected area, providing clear guidelines on the implementation according to land law and define roles and responsibilities of different institutions were among the challenges of urban land management. Besides implement systems of urban land records and management of records in urban areas and establishing a complete mapping of urban land types as well as comprehensive public awareness campaigns, including systems to capture public feedback and capacitating urban land sector staff in ethical conduct, was a great challenge in improving good governance in urban management.

### The management responsibility for different types of urban public land

As indicated in Table 5, the respondents were asked to rate their view on whether the management responsibility for different types of urban public land is unambiguously assigned. Accordingly, 182(46.5) and 55(14.1%) respondents replied to disagree and strongly disagree, while 86(22) and 28(7.2%) respondents replied to agree and strongly agree and 40(10.2%) respondents replied undecided. Thus, from Table 5, it can be stated that majority of, 182(46.5%) respondents confirmed that the management responsibility for different types of urban public land was not assigned.

Ambiguity in the assignment of management responsibility or capability has been observed in the management of, game reserves, sanctuaries as well as peri-urban areas designated under urban jurisdiction for

urban expansion. There is evidence where the urban land certificate was not yet issued to some peri-urban rural kebeles which are delineated as urban expansion areas, for instance around urban fridge lega tafo lega Dadi and Gelan towns . Farmers living in such areas have considerable confusion as to which organ (urban or rural administrations) they should present their cases to. Likewise, as to which organ should manage urban public lands in urban areas, such as green areas, recreation areas, or the capability of grass-root administrative institutions to discharge their management responsibility is ambiguous.

Generally, there is ambiguity in the assignment of management responsibility or capability for different types of urban public land and major gaps in the extent to which equity and efficiency are often not attained in practice. There is a need to reconcile conflicting laws, such as urban land use planning and rural land use laws, applied to administer public lands. The problems of peri-urban areas are different from the problems of the urban and rural areas, so there is no land management law for peri-urban areas yet. And again the role of the urban land management and investment bureau at the town level is overlapping. The land management office prepares land for the investment and signed with the investor on land use only but the investment bureau again signed with the investor on the type of investment and investment service. Similarly, the management responsibility of different types of urban public lands in urban areas should be clear.

### Transfer of urban public land to private use

#### Urban public land transactions

As indicated in Table 6, the respondents were asked to rate their view on whether Urban Public land transactions are conducted in an open transparent manner. Accordingly, 161(41.2) and 47(12%) respondents replied to disagree and strongly disagree, while 110(28.1) and 36(9.2%) respondents replied to agree and strongly agree

**Table 6.** Response rate of respondents on the indicator of Transfer of public land to private use.

Urban Public land transactions are conducted in an open transparent manner	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	12	24	36	9.2
Agree	48	62	110	28.1
Undecided	23	12	35	9.0
Disagree	90	71	161	41.2
Strongly disagree	29	18	47	12
Total	202	189	391	100

Source: own survey, 2020.

**Table 7.** Response rate of respondents on the indicator of Transfer of public land to private use.

Urban Public land is transacted at market prices unless guided by equity objectives	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	17	20	37	9.5
Agree	49	64	113	28.9
Undecided	20	27	47	12
Disagree	97	58	155	39.6
Strongly disagree	19	20	39	10
Total	202	189	391	100

Source, own survey, 2020.

and 35(9%) respondents replied undecided. Thus, from Table 6, it can be stated that the majority of, 161(41.2%) respondents confirmed that Urban Public land transactions were not conducted in an open transparent manner.

### Urban public lands and market prices

As indicated in Table 7, the respondents were asked to rate their view on whether urban Public lands are transacted at market prices unless guided by equity objectives. Accordingly, 155(39.6) and 39(10%) respondents replied to disagree and strongly disagree, while 113(28.9) and 37(9.5%) respondents replied to agree and strongly agree and 47(12%) respondents replied undecided. Thus, from Table 7, it can be stated that the majority of, 155(39.6%) respondents confirmed that urban Public land was not transacted at market prices unless guided by equity objective (Figure 4).

### The public captures reimbursement arising from changes in permitted urban land use

As indicated in Table 8, the respondents were asked to rate their view on the public captures benefits arising from changes in permitted urban land use. Accordingly, 160(40.9) and 49(12.5%) respondents replied to disagree and strongly disagree, while 93(23.8) and 37(9.5%)

respondents replied to agree and strongly agree and 52(13.3%) respondents replied undecided. Thus, from Table 8, it can be stated that the majority of, 160(40.9%) respondents confirmed that the public captures benefits arising from changes in permitted urban land use.

### Justification and time-efficiency of expropriation processes

The government has to acquire urban land for public interest and this has to be done effectively.

### Transfer of acquired urban land to private

The Ethiopian expropriation proclamation defines public purpose in its widest meaning as one that gives “direct or indirect” benefit to society, and relates to the urban structural development” and the country’s general economic and development strategy. In Ethiopia, in general, there is no visible limit to the state’s power of expropriating private property, even for private use purposes. The expropriation law may not openly state that urban land which belongs to the individual can be expropriated for transfer to the individual. But it is perfectly possible to take the urban land from individual and transfer it to the individual, provided that the latter would put the urban land to better use. Currently regulation

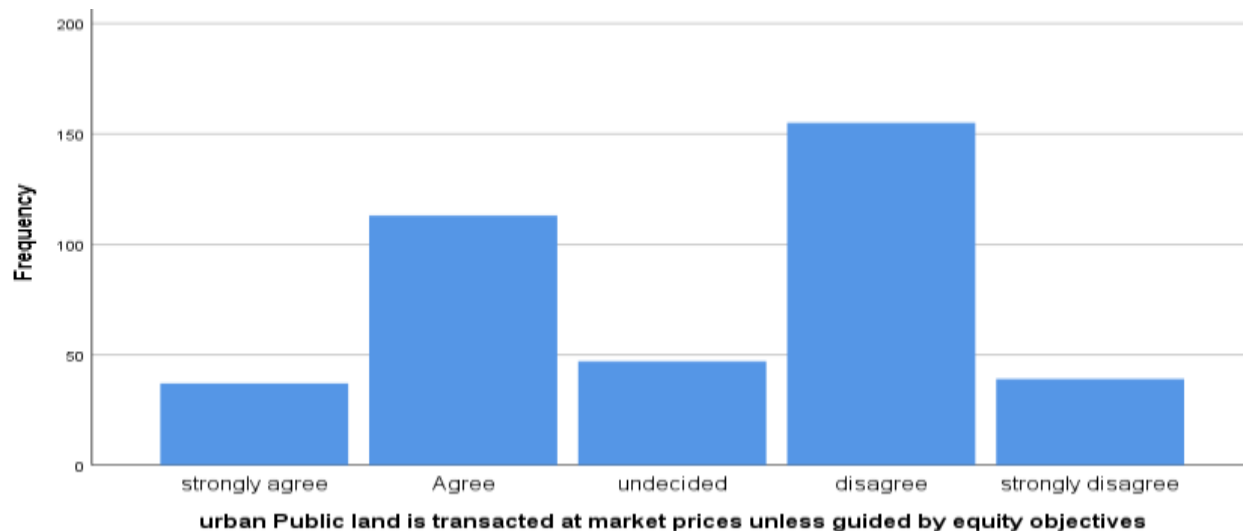


Figure 4. Urban public land transacted at market prices.

Table 8. Response rate of respondents on the indicator of Transfer of public land to private use.

The public captures benefits arising from changes in permitted land use	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	11	26	37	9.5
Agree	39	54	93	23.8
Undecided	26	26	52	13.3
Disagree	101	59	160	40.9
Strongly disagree	25	24	49	12.5
Total	202	189	391	100.0

Source, own survey, 2020.

Table 9. Response rate of respondents on the indicator of Justification and time-efficiency of expropriation processes.

There is minimal transfer of acquired land to private interests	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	12	26	38	9.7
Agree	45	51	96	24.6
Undecided	23	27	50	12.8
Disagree	103	67	170	43.5
Strongly disagree	19	18	37	9.5
Total	202	189	391	100.0

Source, own survey result, 2020.

entertains economic get as one of the attributes of public purpose. This indicates expropriations are the only major means of urban land acquirement by the state for all purposes. This rule implies that it puts all properties, which are found within the town center and the peripheries at the risk of expropriation. There is no clear

limitation on the power of the government that protects people's land and property rights. It is common for people in towns to give up their land for the construction of hotels, and for farmers to do the same for the establishment of other farms without any criteria. As indicated in Table 9, the respondents were asked to rate

**Table 10.** Response rate of respondents on the indicator of Justification and time-efficiency of expropriation processes.

Acquired urban land transferred to destined use in a timely manner	Town of respondent			Total	%
	Gelan	Lega Tafo	Lega Dadi		
Strongly agree	16	26		42	10.7
Agree	44	53		97	24.8
Undecided	23	14		37	9.5
Disagree	108	68		176	45.0
Strongly disagree	11	28		39	10.0
Total	202	189		391	100.0

Source, own survey result, 2020.

their view on the There is minimal transfer of acquired land to private interests. Accordingly, 170(43.3) and 37(9.5%) respondents replied to disagree and strongly disagree, while 96(24.6) and 38(9.7%) respondents replied to agree and strongly agree and 50(12.8%) respondents replied undecided. Thus, from Table 9, it can be stated that the majority of 170(43.3%) respondents confirmed that there was no minimal transfer of acquired land to private interests.

According to the discussion with key informant groups, there are many cases in towns where expropriation was not only for a public purpose, it is also to satisfy the interest of powerful individuals or the need for pet corruption among officials also reflected in these areas.

The Gelan and Lega tafo lega Dadi town data show that every year, towns collect large amounts of urban land into their land bank and develop to private interests more than half of what they have collected.FGD made with urban land experts and judicial organs in the town stated that the scope and limitation of public purpose are unknown since the authority of expropriation given to the government absolute one. This creates tenure insecurity on all urban landholders and paves the way for most urban public land to be transferred to private uses.

**Acquired urban land transferred to destined use on time**

In Ethiopia urban land, since the existing of urban land policy forbids land transfer through sale, the only mechanism of urban land acquisition left for the government and private investor is the use of expropriation system. Expropriation is used as a tool to supply urban land that is required for all economic activities. So intended use here includes both public and private uses. Many practices do not show that expropriated urban land is mostly transferred to destined use from 2016 to 2020 years in both Lega Tafo Lega Dadi and Gelan towns. Many delays are encountered after the urban land is transferred to developers in urban areas.

As indicated in Table 10, the respondents were asked to rate their view on the acquired urban land transferred to destined use on time. Accordingly, 176(45) and 39(10%) respondents replied to disagree and strongly disagree, while 97(24.8) and 42(10.7%) respondents replied to agree and strongly agree and 37(9.5%) respondents replied undecided. Thus, from Table 10, it can be stated that the majority of 176(45%) respondents confirmed that acquired urban land transferred to destined use was not use promptly.

Under the lease system, the land is allocated to private individuals and organizations with the obligation that land is developed according to the planned use within 18 months (proc.271/2011). However, there are numerous cases of allocated urban land remaining idle for long periods in Gelan and lega Tafo lega dadi towns. For instance, in lega Tafo lega dadi town, 11 projects do not enter into the work as per agreement since 2014 and land becomes idle yet due to lack of infrastructure, shortage of capital, and lack of finance encouragement and land speculations on behalf of the developers.

**Threat of land acquisition and preventative action by landholder**

Pre-emption rights require that, the landowners and users principle to offer their property for sale to the municipality first, normally at what may be described as the market value. In principle, after expropriation FDRE is paying compensations to individuals not for land but improvements made on urban land by their labor, skill, and capital. In the peri-urban areas, wise farmers plant vegetation/trees on their farmland and build houses on their plots nearby to the urban boundaries to increase the value of their land. Many farmers living in the peri-urban areas informally sell their land to speculators instead of expecting low state compensation. This is one of the reasons for the expansion of informal settlements around urban areas. As indicated in Table 11, the respondents were asked to rate their view on the threat of land acquisition does not lead to pre-emptive action by private

**Table 11.** Response rate of respondents on the indicator of Justification and time-efficiency of expropriation processes.

The threat of land acquisition does not lead to pre-emptive action by private parties	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	13	20	33	8.4
Agree	40	54	94	24.0
Undecided	31	21	52	13.3
Disagree	106	76	182	46.5
Strongly disagree	12	18	30	7.7
Total	202	189	391	8.4

Source, own survey result, 2020.

parties. Accordingly, 182(46.5) and 30(7.7%) respondents replied to disagree and strongly disagree, while 94(24) and 33(8.4%) respondents replied to agree and strongly agree and 52(13.3%) respondents replied undecided. Thus, from Table 11, it can be stated that the majority of 182(46.5%) respondents confirmed that the threat of land acquisition lead to pre-emptive action by private.

Furthermore, the expropriation regulation allows a parcel within the proposed new development area and resettlement assistance for expropriated farmers in peri-urban areas. But in practice, many farmers get a parcel, but no resettlement assistance. The implication of the pre-emption right in town is that the government should at least pay fair compensation to expropriated property, compensation which is not to the market price. The low and unfair compensation practices especially for urban expansion are well understood by many urban government officials. At the same time, the government's power of expropriation in municipal does not limit by law. In some towns, the current practice is injustice leads to tenure insecurity and its several consequences. Therefore the threat of land acquisition leads to pre-emptive action by the private.

### Transparency and fairness of acquisition procedures

Acquisition procedures have to be clear and transparent while fair compensation is paid expeditiously.

### Compensation provided and the acquisition of all rights

The survey results revealed that the practice of compensation payment was challenged by the following problems. The main compensation challenges emanate from the unwillingness to compensate from the municipal office. Interview conducted with the urban land officials revealed that the municipality refuses to pay compensation for the shortage of finance. On the other hand in most cases, payments of compensation are prolonged and delayed. Especially, the farmers

complained that the compensation was paid a year after they vacated their urban land. And the municipality did not consider inflation caused them much loss that came as a result of the delay in payment. Furthermore unrecorded rights to their urban land are not eligible for compensation of any kind. In peri-urban areas, many farmers are illegally selling their land to urban speculators and the buyers also had no legal rights over the urban land they bought from landholders. If a town administration expropriates such lands for urban expansion, compensation may not be paid. The government may consider the duration of occupancy and other issues to regularize such lands. If such farmer's lands are not endorsed by community leaders and neighbors they are not legible for compensation.

As indicated in Table 12, the respondents were asked to rate their view on whether Compensation is provided for the acquisition of all rights regardless of their recording status. Accordingly, 164(41.9) and 36(9.2%) respondents replied to disagree and strongly disagree, while 105(26.9) and 48(12.3%) respondents replied to agree and strongly agree and 38(9.7%) respondents replied undecided. Thus, from Table 12, it can be stated that the majority of 164(41.9%) respondents confirmed that compensation was not provided for the acquisition of all rights regardless of their recording status.

Besides, the compensation for expropriated urban landholding in the study areas is irregular and there is no legal framework on how to compensate communal land. Furthermore, there is no legal framework arrangement on how to provide resettlement assistance to the displaced private urban land user. The only exception is the administration directive on resettlement assistance provided to the displaced farmers in peri-urban areas. The majority of Compensation paid in terms of kind or cash, or substitution of land is paid for some unrecorded rights, however, those with other unrecorded rights are usually not paid.

Table 13, shows that there was a big difference among compensations paid by municipal and informal land markets, the landholders prefer to sell his/her land informally. Consequently, this kind of imbalance between payments paved the way for the increase of illegal

**Table 12.** Response rate of respondents on the indicator of Transparency and fairness of acquisition procedures.

Compensation is provided for the acquisition of all rights regardless of their recording status	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	21	27	48	12.3
Agree	51	54	105	26.9
Undecided	25	13	38	9.7
Disagree	89	75	164	41.9
Strongly disagree	16	20	36	9.2
Total	202	189	391	100.0

Source, own survey result, 2020.

**Table 13.** The below table shows the difference between compensation given by state and informal land transactions in urban areas.

Town	Compensation given state per square meter(EthB)	An average of land transferred to land user via bid per square meter (EthB)	An average of landholder sell informal per square meter (EthB)
Gelan	111	5000-7000	500-1000
Tafo	110	6000-10,000	600-100

Source; survey result, 2020.

settlement in the majority of the cities in Ethiopia. These results the increase of illegal buildings in cities from time to time which is causing socio-economic crises among the government and informal settlers, because many informal settlers buildings vulnerable to demolish.

The valuation technique does not worry to adjust the gap between the market value and the expropriation value of the urban property. In most cases, the difference is more than tenfold and it is always the state that fully captures the profit. Farmers in the peri urban areas, anticipating expropriation, tend to subdivide and informally sell their farmland, by realizing that the sales price is more compensating than the one paid by the town administration during expropriation. Those who buy urban land informally built houses on the land do not compensated. These brought inefficiencies in urban land management and delays in getting vacant land.

### Urban land use change and compensation process

Compensable interests refer to those property rights which are affected by expropriation and thus qualify for compensation. The key legal provisions in this discussion are Art 7 and 8 of the Expropriation Proclamation 455/2005 and a large part of the Compensation Regulation No. 135/2007. According to this Proclamation and the Regulation If an urban landholder loses his/her properties by way of expropriation, at least he/she supposed to get the following compensations.

- A. Cost of construction (material + labour),
- B. Compensation for improvements to the land,

- C. Compensation for plants,
- D. Replacement land,
- E. One year's house rent, and
- F. Cost of relocation.

But as indicated in Table 14, the respondents were asked to rate their view on whether Land use change resulting in selective loss of rights there is compensated for. Accordingly, 170(43.5) and 43(11%) respondents were replied to disagree and strongly disagree, while 89(22.8) and 41(10.5%) respondents replied to agree and strongly agree and 48(12.3%) respondents replied undecided. Thus, from Table 14, it can be stated that the majority of 170(43.5%) respondents confirmed that Land use change resulting in selective loss of rights there was not compensated for.

In general, no compensation is paid for loss of rights as a result of urban land-use change outside the acquisition process. According to FDRE compensation law ad practically what the researcher assures that there is no compensation paid for urban land-use changes that affected small enterprises and service providing firms.

### Acquired owners and compensation time

Compensation has to be paid in advance (before people moved from their land and houses), and it can be effected either by the municipality or by the implementing agency itself (Article 5.2 (13.1) of the Expropriation proclamation 455/2005) (FDRE, 2005; FDRE, 2007). If the implementing agency is a public body, then, usually, it is the town administration that pays the compensation



**Table 14.** Response rate of respondents on the indicator of Transparency and fairness of acquisition procedures.

Land use change resulting in selective loss of rights there is compensated for	Town of respondent			Total	Total
	Gelan	Lega Tafo Lega Dadi			
Strongly agree	18	23		41	10.5
Agree	36	53		89	22.8
Undecided	28	20		48	12.3
Disagree	96	74		170	43.5
Strongly disagree	24	19		43	11.0
Total	202	189		391	100.0

Source; survey result, 2020.

**Table 15.** Response rate of respondents on the indicator of Transparency and fairness of acquisition procedures.

Acquired owners are compensated promptly	Town of respondent			Total	%
	Gelan	Lega Tafo Lega Dadi			
Strongly agree	12	26		38	9.7
Agree	30	54		84	21.5
Undecided	18	15		33	8.4
Disagree	113	67		180	46.0
Strongly disagree	29	27		56	14.3
Total	202	189		391	100.0

Source, own survey result, 2020.

after the money is transferred to its account, but in some areas especially in Gelan and lega Tafo lega Dadi, the town administration pays after the land already taken from the urban land. As indicated in Table 15, the respondents were asked to rate their view on whether Acquired owners are compensated promptly. Accordingly, 180(46) and 56(14.3%) respondents were replied to disagree and strongly disagree, while 84(21.5%) and 38(9.7%) respondents replied agree and strongly agree and 33(8.4%) respondents replied undecided. Thus, from Table 15, it can be stated that the majority of 180(46%) respondents confirmed that Acquired owners were not compensated on time.

One difference that detected the requirement of advance payment of compensation is not properly observed, for instance, the compensation was paid a year after they were removed from their urban land. On the other hand, Interview made with key informant group delays in compensation payments were not solved many times, because of bureaucratic practices, farmers and urban residents have to wait a year to receive the compensation after they are already displaced from their land, and after year money will lose a value for inflation. Therefore, delay in compensation payment leads to a reduction in the compensation amount. This makes compensation unfair which is seen especially in study areas.

### Independent and accessible avenues for appeal and the acquisition process

As indicated in Table 16, the respondents were asked to rate their view on whether there are independent and accessible avenues for appeal against the acquisition. Accordingly, 196(50.1) and 56(14.3) respondents replied to disagree and strongly disagree, while 72(18.4) and 33(8.4%) respondents replied to agree and strongly agree and 34(8.7%) respondents replied undecided. Thus, from Table 16, it can be stated that the majority of 196(50.1%) respondents confirmed that there were no independent and accessible avenues for appeal against the acquisition.

In addition to these, there is no law of appeal under FDRE government decisions of public interest; there is a possibility for appeal only on the amount of compensation. If the land holder has a complaint on the amount of the compensation, s/he may petition the administrative compensation complaint hearing committee established within the town. The Compensation complaint hearing committee, after investigating the cases may either affirm the amount or order re-evaluation of assets. If the person is dissatisfied with the decision of the complaint hearing committees/ s/he may appeal to the regular court. Therefore since there is no law of appeal under the FDRE constitution for government decisions

**Table 16.** Response rate of respondents on the indicator of Transparency and fairness of acquisition procedures.

Independent and accessible avenues for appeal against acquisition	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	9	24	33	8.4
Agree	27	45	72	18.4
Undecided	11	23	34	8.7
Disagree	125	71	196	50.1
Strongly disagree	30	26	56	14.3
Total	202	189	391	100.0

Source, own survey result, 2020.

**Table 17.** Response rate of respondents on the indicator of Transparency and fairness of acquisition procedures.

Timely decisions are made regarding complaints about acquisition	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	8	17	25	6.4
Agree	43	31	74	18.9
Undecided	28	16	44	11.3
Disagree	95	95	190	48.6
Strongly disagree	28	30	58	14.8
Total	202	189	391	100.0

Source, own survey result, 2020.

of public purpose, there were no independent and accessible avenues for appeal against the acquisition.

**Complaints about acquisition and decisions on time**

The expropriation procedure is an important aspect of urban land taking that explains the important phases within the expropriation process. It starts with the planning and public meeting and passes through valuation, notice, and compensation processes. Following these steps is mandatory, and is also important to safeguard the interest and rights of the displaced people. The other characteristic of the town administration, the expropriation procedure is that notice is required to be served after completion of valuation. But in reality, notice is not given to project-affected people through written documents. As indicated in Table 17, the respondents were asked to rate their view on whether timely decisions are made regarding complaints about the acquisition. Accordingly, 190(48.6) and 58(14.8%) respondents replied disagree and strongly disagree, while 74(18.9) and 25(6.4%) respondents replied agree and strongly agree and 44(11.3%) respondents replied undecided. Thus, from Table 17, it can be stated that majority of 190(48.6%) respondents confirmed that timely decisions were not made regarding complaints about the

acquisition.

Furthermore, the FDRE constitution also fails to address the need for the cut-off date. It is only subsidiary laws that have no uniformity which try to incorporate it. Unfortunately, the Ethiopian legal framework is not recognizing appeal against government decisions of public interest. So there is no chance to present complaints on government decisions to acquire urban land through expropriation.

**State expropriates urban land and public interest**

As indicated in Table 18, the respondents were asked to rate their view on whether the state expropriates land only for the overall public purpose is done efficiently. Accordingly, 191(48.8) and 62(15.9%) respondents replied to disagree and strongly disagree, while 72(18.4) and 27(6.9%) respondents replied agree and strongly agree and 39(10%) respondents replied undecided. Thus, from Table 18, it can be stated that the majority of 191(48.8%) respondents confirmed that the state expropriates land only for overall public purpose was not done efficiently. Transferring public land to a private interest is through expropriation sometimes do not fit the public interest.

There is no limiting factor that restricts the government's power to expropriate public land for private interest.

**Table 18.** Response rate of respondents on the indicator of Transparency and fairness of acquisition procedures.

<b>The state expropriates land only for overall public interest is done efficiently</b>	<b>Town of respondent</b>			<b>Total</b>	<b>%</b>
	<b>Gelan</b>	<b>Lega Tafo</b>	<b>Lega Dadi</b>		
Strongly agree	9	18		27	6.9
Agree	34	38		72	18.4
Undecided	25	14		39	10.0
Disagree	111	80		191	48.8
Strongly disagree	23	39		62	15.9
<b>Total</b>	<b>202</b>	<b>189</b>		<b>391</b>	<b>100.0</b>

Source, own survey result, 2020.

**Table 19.** Response rate of respondents on the indicator of Transparency and fairness of acquisition procedures.

<b>There is mechanism by which the town administration would monitor the sustainability of displaced community member after they received fair compensation</b>	<b>Town of respondent</b>			<b>Total</b>	<b>%</b>
	<b>Gelan</b>	<b>Lega Tafo</b>	<b>Lega Dadi</b>		
Strongly agree	13	25		38	9.7
Agree	26	28		54	13.8
Undecided	29	19		48	12.3
Disagree	103	78		181	46.3
Strongly disagree	31	39		70	17.9
<b>Total</b>	<b>202</b>	<b>189</b>		<b>391</b>	<b>100.0</b>

Source, own survey result, 2020.

Moreover, there is no law of appeal under the FDRE constitution for government decisions of public interest and unlimited power of the state to expropriate the land for the undefined public interest. According to a discussion with the focus group, discussion land expropriate from individuals for public interest given to the individual was practiced in the study areas.

#### **Mechanism of Re-establishment displaced community**

As indicated in Table 19, the respondents were asked to rate their view on whether there is a mechanism by which the town administration would monitor the sustainability of displaced community members after they received fair compensation. Accordingly, 181(46.3) and 70(17.9%) respondents replied to disagree and strongly disagree, while 54(13.8) and 38(9.7%) respondents replied to agree and strongly agree and 48(12.3%) respondents replied undecided. Thus, from Table 19, it can be stated that the majority of 181(46.3%) respondents confirmed that there was no mechanism by which the town administration would monitor the sustainability of displaced community member after they received fair compensation.

## **PRIVATE INVESTMENT AND TRANSPARENCY**

### **Availability of urban land to investors and public participation**

As indicated in Table 20, the respondents were asked to rate their view on whether urban land to be made available to investors is identified transparently and publicly, in agreement with right holders. Accordingly, 173(44.2) and 50(12.8%) respondents replied disagree and strongly disagree, while 75(19.2) and 30(7.7%) respondents replied to agree and strongly agree and 63(16.1%) respondents replied undecided. Thus, from Table 20, it can be stated that the majority of 173(44.2%) respondents confirmed that the availability of urban land to investors was not identified transparently and publicly. Yet urban management searches the land for investment after investors asked land to invest in the areas and because there is inefficiency of town administration to prepare vacant land for different purposes.

### **Compliance with contractual obligations and monitor and evaluation system**

As indicated in Table 21, the respondents were asked to

**Table 20.** Response rate of respondents on the indicator of transparent process and economic benefit.

Urban land to be made available to investors is identified transparently and publicly, in agreement with right holders	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	13	17	30	7.7
Agree	27	48	75	19.2
Undecided	37	26	63	16.1
Disagree	97	76	173	44.2
Strongly disagree	28	22	50	12.8
Total	202	189	391	100.0

Source, own survey result, 2020.

**Table 21.** Response rate of respondents on the indicator of transparent process and economic benefit.

Compliance with contractual obligations is regularly monitored and remedial action taken if needed	Town of respondent		Total	%
	Gelan	Lega Tafo Lega Dadi		
Strongly agree	10	19	29	7.4
Agree	29	34	63	16.1
Undecided	32	19	51	13.0
Disagree	100	87	187	47.8
strongly disagree	31	30	61	15.6
Total	202	189	391	100.0

Source, own survey result, 2020.

**Table 22.** Response rate of respondents on the indicator of transparent process and economic benefit.

Are Safeguards effectively reducing the risk of negative effects from large scale land-related investments	Town of respondent		Total	Percent
	Gelan	Lega Tafo Lega Dadi		
strongly agree	8	19	27	6.9
Agree	41	38	79	20.2
Undecided	30	22	52	13.3
Disagree	86	78	164	41.9
Strongly disagree	37	32	69	17.6
Total	202	189	391	100.0

Source; survey result, 2020.

rate their view on whether compliance with contractual obligations is regularly monitored and remedial action is taken if needed. Accordingly, 187(47.8) and 61(15.6%) respondents replied to disagree and strongly disagree, while 63(16.1) and 29(7.4%) respondents replied to agree and strongly agree and 51(13%) respondents replied undecided. Thus, from Table 21, it can be stated that the majority of 187(47.8%) respondents confirmed that compliance with contractual obligations was not regularly monitored and remedial action was not taken on time.

### **Negative effects from large scale land-related investments and risk minimize strategy**

As indicated in Table 22, the respondents were asked to rate their view on Safeguards effectively reducing the risk of negative effects from large-scale land-related investments. Accordingly, 164(41.9) and 69(17.6%) respondents replied to disagree and strongly disagree, while 79(20.2) and 27(6.9%) respondents replied to agree and strongly agree and 52(13.3%) respondents replied undecided. Thus, from Table 22, it can be stated

that the majority of 164(41.9%) respondents confirmed that there was no safeguard strategies that effectively reducing the risk of negative effects from large scale land-related investments.

## Conclusion

FDRE government has made some improvement to advance the availability and accuracy of the urban land information system. The attempt to regularization of illegal settlements and non-document landholders of urban areas are among such major measures. However, urban public land management is hindered by an absence of clear policies, direction strong institutions, transparency, and public participation and urban public land do not identified and controlled according to the land use planning. And also the Criteria for public land ownership were not clearly defined and assigned to the right level of government. Hence, urban public land management in study areas still suffers from a lack of proper recording, scarcity, and inaccessibility of data. This in turn results in a lack of transparency and weak governance in urban land management. Besides efforts made by the government still not met its intended goal because only there is some attempt to record public land but also make the information accessible to the public is critical. As a result urban public land ownership information is not publicly accessible and could not have clear management responsibility.

Furthermore making information on all proposed allocations for public, providing clear guidelines on the implementation according to land law, define roles and responsibilities of different institutions, implement systems of urban land records and management of records in urban areas, establishing a complete mapping of urban land types, comprehensive public awareness campaigns, including systems to capture public feedback and capacitating urban land sector staff in ethical conduct, was a great challenge in improving good governance in urban land management. The problems of peri-urban areas are different from the problems of the urban and rural areas, so there is no land management law for peri-urban areas yet. And again the role of the urban land management and investment office at the town level is not clear and overlapped.

Finally, there was no minimal transfer of acquired land to private interests and towns where expropriation was not only for a public purpose, it is also to satisfy the interest of powerful individuals or the need for pet corruption among officials also reflected in these areas. The towns collect large amounts of urban land into their land bank and develop to private interests more than half of what they have collected. Consequently, the scope and limitation of public purpose are unknown since the power of expropriation given to the state is a broader one. This creates tenure insecurity on all urban

landholders and paves the way for most urban public land to be transferred to private uses. Compensation was not provided for the acquisition of all rights regardless of their recording status and compensation for expropriated urban landholding was irregular and there is no legal framework on how to compensate communal land. According to FDRE compensation proclamation and practice what the researcher assures that there is no compensation paid for urban land-use changes that affected small enterprises and service providing firms.

## RECOMMENDATIONS

Ethiopian has made some progress to improve the availability and accuracy of urban land information system. However, public land management in Ethiopia, in the study areas as a particular still suffers from lack of proper recording, scarcity and inaccessibility of data. Thus attention has to be given to urban public lands to generate public goods and services to commitment for surveying, mapping and registration of public lands and making the information accessible for public use.

There is a need to reconcile conflicting laws, such as traditional laws and urban land management and need to draft land management laws for peri-urban areas. Similarly management responsibility of peri urban areas for public lands should be clear.

There is no limiting factor that restricts the government power to expropriate urban public land for private interest. The scope and limitation of public purpose is unknown since the power of expropriation given to the state is a broader one. The only effective means to set the limits of the state expropriation power is through legislative revision and inclusion of limiting factors and essential to revise the legal framework and define the term 'public purpose' to take urban land and transfer to private interest.

There are cases where decisions are made in transferring public land to private interest, but the land is kept unused for a long period of time, especially in towns. A regulation has to be developed and practically implemented to improve the speed of transfer of public land to private interest and to its destined use.

In FDRE compensation proclamation, there is no compensation payment for urban land use changes that affected small enterprises and service providing firms. Since there is no law of appeal under Ethiopia law for government decision of public interest, government should limit its power and need to revisit the current expropriation and compensation law and its corresponding regulation to consider compensation payment when people lose right as a result of expropriation and land use change. Alternatively compensation to secondary rights/unrecorded rights should be addressed through land use plan. This is because effective and transparent management of urban

public land is a critical aspect of land governance, respecting human rights, rule of law, poverty reduction strategies and revenue generation.

## CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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