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# ASSESSING THE IMPLEMENTATION PRACTICES OF URBAN LAND LEASE POLICY ON URBAN TOWNS OF TIGRAI NATIONAL REGIONAL STATE, ETHIOPIA

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## ABSTRACT

*This paper presents the findings of a study of assessing the implementation practices of urban land lease policy in Tigray national regional state, Ethiopia. The principal source of information (data) was primary household level cross sectional data collected from 1000 randomly selected rural households of which 800 of them were urban land lease beneficiaries, investors, and government officials and the remaining 200 were informal settlers. The main bottlenecks of urban land lease policy implementation practices are poor documentation mechanisms, lack of uniform land information system, and weak law enforcement system. The study revealed that the main determinant factors of informality were increasing level of poverty, high unemployment rate, high population growth, high house rentals, limited supply of land, high cost of input materials for construction, increasing number of illegal land transfers, lack of awareness for the program, lack of collateral security to borrow from financial institutions, illegal purchase of land, lack of low income estate agents, and very weak administrative control mechanisms. However, the intensity of land informality was not the same in all cities of the region. To address informality, the government officials employed mainly the no action (the laissez-faire approach) response option. Finally, to resolve the cases of informality the city administrators must have an open frequent discussions with the settlers, program implementers should capacitate themselves, the government should provide condominium houses to be sold on long term (life time) basis at lower interest and encourage local real estate agents as an alternative house provider at lower price.*

## JEL CODES

R11, R38, R58.

## KEYWORDS

Land, Policy, Tigray, Town, Urban Land Leas.

## INTRODUCTION

Land is a basic natural resource and one of the key factors of production. It supports all human activities and it is from it that all other Economic resources are derived. It can hardly be renewed or increased without adverse consequences, and therefore must be judiciously and efficiently managed in a sustainable manner for the use and good of all. It is for this reason those different countries over the entire world have evolved land tenure systems to protect various "interests" in land and for effective land governance and management (Olusola Atilola, 2010). Land is a factor of production essential to the provision of urban housing services and the production of agricultural goods. It is also demanded as a financial asset since it is often a good hedge against inflation, especially in countries where financial markets are not well developed (Bacry Y., et al, 2009). Land is more than just another factor of production or an economic good: it embodies other values such as homeland, place of ancestry, basis for survival, a prerequisite for individual freedom. It is also an object which is taxed and desired by government or interest groups; it is an instrument of power and dependency, a cause of conflict and war. This social construction of land is currently being reappraised in the context of market reforms and globalization of national economies and in the light of social responsibility of landed property amidst far-reaching structural changes in post-industrial and industrializing economies (Land Tenure in Development Cooperation Guiding Principles Summary - Working Paper, 2010).

According to the report of UN (1999), cities of nations of the globe are growing at a rate of 2% annually. While in 2000 about half of the world's population lived in cities, almost 2/3 (60.3%) will reside in urban areas in 2030. Especially African, Asian and Latin American cities are characterized by high urban growth rates (3.5% for Africa, 2.4% for Asia and 1.7% for Latin America) caused by natural population growth and rural-urban migration as well as by the underlying pull- and push factors such as the lacking infrastructure in rural areas and the hope for employment in the cities. As a result of the uncontrolled and uncoordinated growth of urban agglomeration characterized by informal land acquisition, fragmentation of peri-urban land, inefficient use of land, poorly functioning land markets etc. urban development is far from being sustainable. Taking the importance of land and the expansion of cities due to population growth and rural urban migration, the Ethiopian government has revised the urban land lease policy. According to the most recent urban land lease proclamation No 721/2011, land (rural and urban) is the property of state and peoples of Ethiopia and cannot be sold or exchanged. However, urban land can be used for private purpose via leasehold system for specified period of time. The main types of urban land tenure are lease holding and the free holding/permit system. Lease holding rights includes the right to occupy any building on the premises by means of a mortgage, and the right to erect, alter, or demolish buildings or improvements; the right to encumber the leasehold (the land and building); the right to dispose of the leasehold to any other person, which includes the right to sublet or bequeath the leasehold; and the right to be compensated (for the land and for the building). Free holding right differs from lease holding in that the free holder has no right to use the land as collateral; cannot dispose, transfer, and bequeath the land and has no right to be compensated for the land. This has serious implications for the mobility of urban landowners, asset buildings, and livelihood diversification of urban land owners (Ibid). The Ethiopian government policy and strategy aimed mainly at eradicating extreme poverty and hunger through improved access to land. Most cities and towns of the country (Ethiopia) are still struggling with a number of challenges (Gondo, 2008). According to Haimanot, 2009, the general perception among most town and city administrators is that the land delivery system has not been able to solve the urban land lease. Thus, the administration of public urban land lease requires a considerable level of skill and highly integrity in the working technical steps, so as to avoid unnecessary works time and tedious bureaucratic that result favoritism and informal payment. Although the urban land lease implementation practices is important to ones country cities or towns development is infant program in Ethiopia and previous research studies on urban land lease policy and informality have been studied (Bacry Y., et al., 2009, Sisay, H, Haimanot, 2009), most of them focused their research areas of studies in Addis Ababa and very few in Bahirdar. And to the best of knowledge of the researcher there was no studies conducted in the study areas.

## OBJECTIVES OF THE STUDY

The main objective of the study is to assess the implementation Practices of Urban Land Lease Policy in selected senior urban towns of Tigray National Regional State, Ethiopia. Specifically, the objectives are:

- To assess the key bottlenecks that affects the implementation practices of urban land lease policy
- To identify the major determinant factors of urban land informality
- To assess the policy response institutional option adopted to combat the urban land informality

Definition: "lease" means a system of land tenure by which the right of use of urban land is acquired under a contract of a definite period.

Definition: "urban land" means land located within an administrative boundary of an urban center; (Federal Negarit Gazeta "Proclamation No. 721/2011"). A squatter settlement is settlements where land and/or building have been occupied without the permission of the owner (UN-Habitat, 2003). In this study the researcher defined urban informal settlers or informality to be same as that of squatter settlement defined by UN-Habitat, 2003 above.

**Advantages of a lease system in Ethiopia:** The present government of Ethiopia accepted urban land leaseholds in its new urban land policy to exploit the advantages of achieving efficient land use planning, encouraging investors and investment and possibility of reclaiming (the is the possibility it gives to reclaim land from leaseholders when it is required for other purposes. In the leasehold system, it is certainly less expensive and easier to take land back than when it is in private ownership) (Bacry, *et al.*, 2009).

## METHODOLOGY

**DATA SOURCES AND SAMPLING PROCEDURE:** In order to arrive at reliable findings from the research study, the researcher applied both field and desk surveying method and then collected various types of data related to the research questions under consideration. Primary data was mainly employed through a combined quantitative and qualitative structure and semi-structure questionnaire. In addition, interviews and discussions with relevant officials of the government, private investors, and residents were held. Relevant documents, journals, reports, books, newspapers, project reports, etc were also used as a source of information to supplement the primary data. The cities/towns were selected from the four administrative zones, and one special zone and then cities/towns were selected from each administration zone based on the lease towns population size and the practices of implementing the urban lease policy. And 200 informal settlers were taken from all zones including Mekelle proportionally. Then, the study employed a total of 1000 sample respondents using appropriate proportional sampling procedure.

**METHODOLOGY OF DATA ANALYSIS:** Data was analyzed using both qualitative and quantitative methods. Descriptive statistics like mean, frequency, percentages, etc and Statistical Package for Social Science (SPSS) was mainly be employed to analyze the data.

## DISCUSSION AND DATA ANALYSIS

The need for transparent and accountable land management practices that promote equitable distribution have been recognized (Oruwari, 2004). Yet, in practice this appears harder to achieve. The challenges of the current urban land leasing system of Tigray National Regional State mainly have been studied. The assessment of urban land policy implementation practices in leased towns of Tigray National Regional State has shown that there are several issues that need due attention. The problems that tackle urban land lease policy implementation practices have been categorized from the following points of view: urban land lease implementers' limitation, residents' awareness, investors' awareness, and informal settlers' seem to be main ones. The main key bottle necks are mentioned below:

### KEY BOTTLENECKS OF THE IMPLEMENTATION PRACTICES OF URBAN LAND LEASE POLICY IN TIGRAI NATIONAL REGIONAL STATE

#### ▪ LACK OF PUBLIC (RESIDENTS) AWARENESS ON URBAN LAND LEASE POLICY

The Opinions of people who are directly affected by the policy (the investment, and housing sector) that are involved in the implementation of the urban land lease policy would have been used to evaluate the current urban land lease policy implementation and practices. According to the response of the governmental officials, though they have provided so many times awareness creation program utilization utilizing different occasions an opportunity where they can get the society to conduct the awareness, the society still lacks awareness on the program. About 85% of the governmental officials responded that still there is lack of awareness in the society on the urban land lease policy implementation and this demands further awareness creation.

#### ▪ THE URBAN LAND LEASE OFFICES ARE NOT EMPOWERED PROPERLY (FINANCIAL, EQUIPMENT, AND MANPOWER)

According to the government official program implementers' response, the key bottleneck for implementing the program was problems related to government official implementers themselves due to the fact that they have limited knowhow on the implementation program. The government official program implementers were asked if they have been trained or not and the training frequency in the last six months while the research conducted. Only 10% of them reply yes that is one time, but the rest did not and according to the program implementers they have replied that as they need frequent training of course it is not safe for getting per diem but to boost their knowhow on the program implementation. The second problem mentioned according to the government officials was the turnover of staffs. This was due to the fact that employees quit their job mainly due to low salary payment. The average work experience of the respondents was two years and this indicates that there was lack well experienced staffs due to the turnover staffs. The researcher has identified the status of the employees that there was no a single PhD holder in any of the zones where the study conducted. Most of the employees' status was degree holders however very few staffs have had second degrees. About 20%, 30%, 45% and 5% of the employees in Sothorn zone were certificate, diploma, degree, and master holders, respectively. In Mekelle 15%, 25%, 50%, and 10% of the employees were certificate, diploma, degree, and master holders, respectively. Relatively in Mekelle more degree and master holders were dominate than the other zone employees. This might be due the fact that Mekelle is the capital city of the region where most professionals select for residence. In Eastern zone where our University (Adigrat University) located the employees status of the program implementers who hold certificate, diploma, degree, and master were 20%, 25%, 50% and 5%, respectively. Status of the employees found in Central zone who hold certificate, diploma, degree, and master were 25%, 35%, 38%, and 2%, respectively. In Western and North Western 25% and 30% of the employees have had certificate, 35% and 30% of the employees them have had diploma, 39% and 40% of them were degree holders and 1% and 0% of the employees were master holders, respectively. Respondents have been asked question whether the program implementation was highly affected by the turn over staff or not. About 85% of them replied that the program implementation was highly affected by the turnover of staffs while 15% of them did not agree that though there was turnover of staff the implementation of the program was not highly hindered by the turn over of staffs.

#### ▪ LACK OF A CONSOLIDATED LAND REGISTRY FOR URBAN AREAS

While the researcher was conducting the study, it was hard to get the appropriate information. The documentation style was too traditional almost in all towns as a result the researcher was unable to get the necessary information. Not alone to get information electronically, no file was there to get information in document of the residential who obtained their residence house via lease.

#### ▪ LACK OF UNIFORM LAND INFORMATION SYSTEM

About 50% of the sample respondents were not satisfied by services mainly information they obtain from the implementers. This was worse in Western zone of the region. About 85% of the total sample respondents of the zone were dissatisfied by services or information provided by the implementers.

#### ▪ REGULATION PROBLEMS

There were poor follow up by the government officials to lease beneficiaries both the residence utilizers and investors according to the urban land lease directives.

## THE MAJOR DETERMINANTS OF URBAN LAND INFORMALITY

A total sample size of 200 informal settlers was employed proportionally from the four zones and Mekelle city to assess the determinants of the land informality related problems. A proactive way of dealing with challenges of urban land informality should be adopt in a systematic and intelligent way of doing in more collaborative approach way. The major cause of urban land informality has been the failure by many to get access to land assets (Daniel, W., 2011). One of the inhibiting factors is that the poor have a low propensity to save and hence a low propensity to borrow money from lending institutions. This situation has also been compounded by the increases in inflation levels. The general inflation rates in the a single five year period for instance reached 12.1% in which peaks were registered during 2006/07 (17.85) and 2003/04 (15%) Tendayi G. ( ). Urban Land Informality: Informal land development has become one the main means of access to urban land and housing by the urban poor in many developing and transitional countries, initially in Latin America and more recently also in Asia,



Africa, and the Middle-East. The main factors more commonly associated to informal development have been the lack of sufficient, affordable and accessible social housing policies; the lack of options of access to serviced land and housing offered by the formal sector; the concentration of services and equipments in few parts of the cities; and renewed political patronage practices. To these factors, it should be added that the nature of the legal order in general, and concrete legal practices, have also played a fundamental role in the determination of informal development (Edesio Fernandes, Unpublished). The level and scale of informality associated with Ethiopia's urban land policy has often been difficult to distinguish quantitatively. However a more qualitative approach based city/town officials perceptions reveals that the most affected land use has been residential, followed by commercial, industrial and lastly recreation (Tendayi G., ). According to him, the major cause of such informality has been the challenges or flaws associated with the land administration process among other factors that relate to historical land tenure systems and urbanization. Land administration in this analysis includes the functions involved in regulating the development and use of the land, gathering revenue from the land (through sale, lease, or taxation, etc), and resolving conflicts concerning the ownership and use of the land. The nature and trends in informality tends to vary from one urban area to another (Tendayi G.,). Descriptive statistics indicated that the magnitude of the informal settlers was different among towns and cities in Tigray National Regional State. The magnitude of the informal settlers in Mekelle city was higher than the other cities in the study areas. Almost in all zones or cities of the region the most frequently mentioned factors which causes land informality was mainly due to the following reasons: increasing level of poverty, unaffordable cost of land by the poor (high price of land in the formal market), high unemployment rate, population growth, high house rentals, limited supply of land, high cost of input materials for construction, increasing number of illegal land transfers, lack of awareness for the program (limited public participation in planning and urban services), lack of collateral security to borrow from financial institutions, illegal purchase of land, lack of low income estate agents, increasing rural-urban migration resulting in increased demand for land versus limited supply of land, corruption by some government officials (biasness) and very weak administrative control mechanisms to combat the informal settlers. Land informality was highly exercised in Mekelle followed by central zone and the least was observed in Western zone of the region according to the result findings of the study. About 60% of the informal settlers obtained their land purchasing from peri urban arable land of the farmers with less price while the remaining established their house on their own arable land illegally. There were 30% of informal settlers who have obtained their land via illegal land transfer from other relatives and 10% of them were possessing their land via corruption they gave some amount of money as bribe to tabia administrators and then the officials gave a permission letter via stamped to build house indicating that the date of permission ahead. This was commonly practiced in almost all cities or towns. Land information systems as they relate to the land market are generally inadequate. This problem has been compounded by a slow computerization process as well as the shortage of skilled manpower, shortage of manpower, corruption by some officials, nepotism (partiality) and the absence of an adequate information system are other factors that have rendered efforts by local governments in the land market inadequate. Procedures relating to access to land, registration and permission to develop have been dismissed by some officials as time consuming and flawed. This has largely been attributed to bureaucratic procedures that are involved and alleged corruption activities by some officials. The majority of the sampled officials (75%) acknowledged having witnessed irregularity in the land delivery system. Only a small proportion (25%) had not witnessed the problems with the land delivery system in their respective zones.

### INSTITUTIONAL RESPONSE OPTIONS ADOPTED TO COMBAT LAND INFORMALITY

The challenges posed by informality in the land delivery system have been dealt with in different ways by various urban local bodies across the region. The researcher has only focused on institutional response options adopted. As a result the researcher has identified four institutional response options. The first one was no action (the laissez-faire approach) this is to mean basically in our study that the concerned bodies consciously or unconsciously ignore the problems of informality either due to lack of capacity to tackle the problem or failure to recognize the existence of the problem in terms of its scale, intensity and severity. The second one was bulldozing (destroying illegally built physical structures). The third option was use of law and courts (the application of law enforcement mechanism in dealing with land disputes). The last institutional response option adopted was negotiation strategy (all collaborative efforts that seek to bring all affected parties to the drawing board so that they can solve their problems in a mutual manner). These four institutional response options adopted were applied for similar studies by (West, 2000; Tanner, 2002; Abdulai, 2006). The existing institutional response options adopted in the study areas have not been responsive enough to deal with land allocation disputes. According to finding of this study about 60% of the sampled officials dismissed the institutional setup for dealing with land disputes as ineffective. A weak monitoring and evaluation system in urban areas was another significant institutional constraint.

### SUMMARY OF FINDINGS CONCLUSIONS AND RECOMMENDATIONS

#### RECOMMENDATIONS

In view of the research findings of this study, the key bottlenecks identified were mainly related to policy implementation rather than to the policy itself. Therefore, the researcher has recommended the following recommendations:

- To resolve the existing problem associated with the land informal settlements the city administration must have an open frequent discussions with the settlers.
- Government must address in real way the problems of housing of the poor. Among which condominium houses should be sold on long term (life time) basis at lower interest rates.
- Government officials of the program implementers (city administrator) should capacitate themselves via training to solve the problems in the area of efficient land provision.
- Since there is a professional and capacity gap in the municipality, it is expected from the government to appoint appropriate urban development professionals in the appropriate position.
- The government should encourage local real estate agents as an alternative house provider at lower price so that the poor can have access to house through subsidizing cost of inputs (free tax for cost of inputs).
- There should be a continuous public awareness creation program through various means of communications on the importance of the urban land lease policy

#### CONCLUSIONS

Our discussion has focused on assessing the implementation practices of urban land lease policy in selected senior cities (towns) in Tigray National Regional State. From the discussions of this study, it is observed that the key bottlenecks of urban land lease policy implementation practices. According to the findings of this study, the main key bottlenecks of the implementation practices of urban land lease policy in the study areas have been identified as follow:

- Lack of Public (Residents) Awareness on Urban Land Lease Policy  
There is still lack of awareness in the society on the urban land lease policy implementation and this demands further awareness creation.
- Lack of Empowered Properly (Financial, Equipment, and Manpower)  
The key bottleneck while implementing the program was that problems related to government official implementers themselves due the fact that they have limited knowhow on the implementation program. There were turnover of staffs mainly due to low salary payment and less qualified employees in study areas highly dominated by degrees, diploma and certificate.
- Lack of a consolidated land registry for urban areas: The documentation mechanism was too traditional and almost in all towns it was hard to get the necessary information.
- Lack of uniform land information system: As mentioned earlier most of the staff members were fresh or new to the work as a result there was no uniform flow of information to the beneficiaries which highly affects the implementation of the program.
- Regulation problems: There was less follow up by the government officials. Those who have already taken land via lease; they were not governed by the urban lease policy regulations for example to accomplish their buildings within the specified time. Due to these and other unmentioned problems, the

newly implemented and practiced urban land lease policy was and is facing obstacles while implementing in Tigray National Regional State. The overall findings of the study on the main determinant factors which were commonly associated to informal development have been identified and concluded as follow:

Land informality was highly exercised due to increasing level of poverty, unaffordable cost of land by the poor (high price of land in the formal market), high unemployment rate, population growth, high house rentals, limited supply of land, high cost of input materials for construction, increasing number of illegal land transfers, lack of awareness for the program (limited public participation in planning and urban services), lack of collateral security to borrow from financial institutions, illegal purchase of land, lack of low income estate agents, increasing rural-urban migration resulting in increased demand for land versus limited supply of land, corruption by some government officials (biasness) and very weak administrative control mechanisms to combat the informal settlers. However, the intensity of land informality was not the same in all cities of the region. Most of the informal settlers obtained their land purchasing from peri urban arable land of the farmers. Lastly, there are four institutional response options to combat land informality by government officials, the no action (the laissez-faire approach) response option was highly adopted almost by all towns officials (60%) followed by use of law and courts (30%); & negotiation strategy (9%). However, it is scarcely employed the fourth response option bulldozing (destroying illegally built physical structures) (1%).

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