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Evaluation of Urban Land Administration Processes and Institutional Arrangements of Ethiopia: Based on Advocacy Coalition Theory

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ABSTRACT

Land is the most vital resource on earth from which humankind derives almost all its basic needs. Land plays significant role through economic, social, political and cultural dimensions. Administration of this vital resource (Land) is a major issue underlying social, economic and cultural development. Its protection will be sustainable if there is proper land administration system. Land administration and management in urban Ethiopia during the last decade was in transition and has faced many interrelated challenges simultaneously. Addis Ababa (capital of Ethiopia) had a plan to expand its territory into the surrounding areas. However, the master plan proposed by the city administration in 2016, has faced challenges from the residents of the surroundings. Thus, the major objective of this paper is to evaluate the Federal urban land administration processes and institutional arrangements in light of advocacy coalition theory. In order to achieve the objective stated above, the paper has used primary and secondary data sources. Desk review research strategy and qualitative research approach are at the heart of the analysis. Primary data through telephone interview with federal urban and rural land administration experts, secondary data from different sources such as internet, proclamations, regulations, reports and constitution were benchmarked. Two governmental institutions have been used as coalition allies, which are Addis Ababa city administration and Peri-urban towns. The federal government in this case is served as a policy broker. The paper found that Ethiopia administers and manages its land by two different legal frameworks and separate institutions. The rural land administration and management, at federal level, is administered by the Ministry of Agriculture and Natural Resources while the urban land, at federal level, is administered by the Ministry of Urban Development and Housing. All urban lands in the country are governed by the new urban land lease holding proclamation No. 721/2011. This proclamation has been enacted in accordance with article 40 of the Constitution.

Keywords

*Land Administration,
Land Administration processes
Institutional arrangement,
Advocacy Coalition Theory*

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1. INTRODUCTION

Land is the most vital resource on earth from which humankind derives almost all its basic needs. Land plays significant role through economic, social, political and cultural dimensions. In terms of economic use, it serves as basis for livelihood; in terms of social aspect, land is a space for interaction; in term of politics, land is the source for power; in terms of culture, land is a symbol for collective identity. Administration of this vital resource (Land) is a major issue underlying social, economic and cultural development (Plimmer, 2011).

Ethiopia administers and manages its land by two different legal frameworks and separate institutions. The rural land administration and management, at federal level, is administered by the Ministry of Agriculture and Natural Resources, (MoANR), while the urban land, at federal level, is administered by the Ministry of Urban Development and Housing (MoUDH, 2015). All urban lands in the country are governed by the new urban land lease holding proclamation (No. 721/2011). This proclamation is provided by Article 40 of the Constitution of the Federal Democratic Republic of Ethiopia that land is the property of the State and the peoples of Ethiopia and that its use shall be subject to specific regulation by law. The responsible organs for executing this proclamation are ministry of urban development and housing with all regional bureaus, and the two administrative cities (FDRE, 2011).

With regard to rural lands, it is governed by the proclamation of Federal Rural Land Administration and Use (No. 456/2005). In order to implement this proclamation the ministry of agriculture and natural resource has established an organ responsible for rural land administration and management at federal level, regional, zonal, woreda and kebele level. In accordance with this proclamation, all regions have enacted their own proclamations so as to administer their lands. And the respective zones, woreda and kebeles follow the responsible organ of land administration and management (FDRE, 2005b).

Land administration is the process by which rules of land tenure are applied and made operational and is the basis for recording the complex range of rights, restrictions and responsibilities related to people, policies and places. A land administration system provides a country with the infrastructure to implement land related policies and land management strategies. It is the basis for conceptualizing rights, restrictions and responsibilities related to people, policies and places. Its protection will be sustainable if there is proper land administration system. Proper land administration system in this case refers to fit-for-purpose, appropriate and adequate, interoperable and sustainable, flexible and inclusive, and able to accelerate efforts to document, record and recognize people to land relationships in all its forms. Proper land administration provides humanity with better access to and

security of land and property rights, able to mitigate issues relating to land as a root cause triggering conflict, and to leave no one behind, the overarching principle of the 2030 Agenda (Ian et al., 2010).

2. PROBLEM STATEMENT AND JUSTIFICATION

Many African countries have changed their land legislation or institutional setup with the goal of being able to recognize land rights and provide security of tenure to occupants in new and innovative ways (Deininger et al., 2008). One of the legislation enacted changes is the proposal of master plan introduced in Addis Ababa, the capital city of Ethiopia. Accordingly, Addis Ababa had a plan of expanding and integrating its territory with the surrounding areas. However, proposed master plan has faced challenges both from the residents and the of surroundings administrations. The disagreement between the two administrations calls for the Federal government to interfere and reach decision. With the scope of these two administration zones the case was evaluated in light of Advocacy Coalition Framework (ACF). Based on this argument, the paper has attempted to evaluate the Federal Urban land administration processes and institutional arrangements in light of advocacy coalition theory. Under this umbrella, the paper has addressed the following question. How Advocacy coalition theory can be contextualized to the Federal urban land administration processes and institutional frameworks?

3. METHODOLOGY

In order to achieve the objective stated above, primary and secondary data sources have been employed. Primary data have been collected through telephone interview with federal urban and rural land administration experts and secondary data from different sources such as internet, proclamations, regulations, reports and the constitution. Collected data were analyzed with qualitative approach.

4. THEORETICAL FRAMEWORK: ADVOCACY COALITION THEORY

Advocacy coalition theory is a framework of the policy process that deal with wicked problems those involving substantial goal conflicts, important technical disputes and multiple actors from several levels of government (Sabatier, 1998). The framework is one of the most influential approaches to public policy to emerge from the 1990s. Its key aim is to make sense of such complex policy-making systems which: (Paul, 2013)

- contain multiple actors and levels of government;

- process policy in very different ways, from intensely politicized disputes containing many actors in some areas, to issues that are treated as technical or specialist and processed routinely, largely by policy specialists, out of the public spotlight;
- produce decisions based on limited information and often high levels of uncertainty and ambiguity;
- take considerable time (perhaps “a decade or more”) to turn decisions into outcomes

According to Wikipedia, Policy network analysis is a field of research in political science focusing on the links and interdependence between government's sections and other societal actors, aiming to understand the policy-making process and public policy outcomes. Policy subsystems are interactive networks of legislatures, interest groups, beneficiaries and agencies. The purpose of the coalition is a pact or treaty among individuals or groups, during which they cooperate in joint action, each in their own self-interest, joining forces together for a common cause. This alliance may be temporary or a matter of convenience.

An advocacy coalition contains people from a variety of positions (elected and agency officials, interest group leaders, researchers) who share a particular belief system i.e. a set of basic values, causal assumptions, and problem perceptions and who show a non-trivial degree of coordinated activity over time. The ACF focuses on the interaction between competing advocacies coalitions within a policy subsystem which, in turn, operates within a wider political system and external environment (Paul, 2013). Beliefs are the “glue” that keeps a large number of actors together. There are three main types:

Deep Core Beliefs: These regard an actor's “underlying personal philosophy,” often expressed as a point on the left/right-wing continuum. Examples include: beliefs on whether people are evil or socially redeemable; how we should rank values such as freedom and security; and whose welfare should count the most.

Policy Core Beliefs: These regard “fundamental policy positions.” Examples include: the proper balance between government and market and the proper distribution of power across levels of government.

Secondary Aspects: These relate to the funding, delivery, and implementation of policy goals

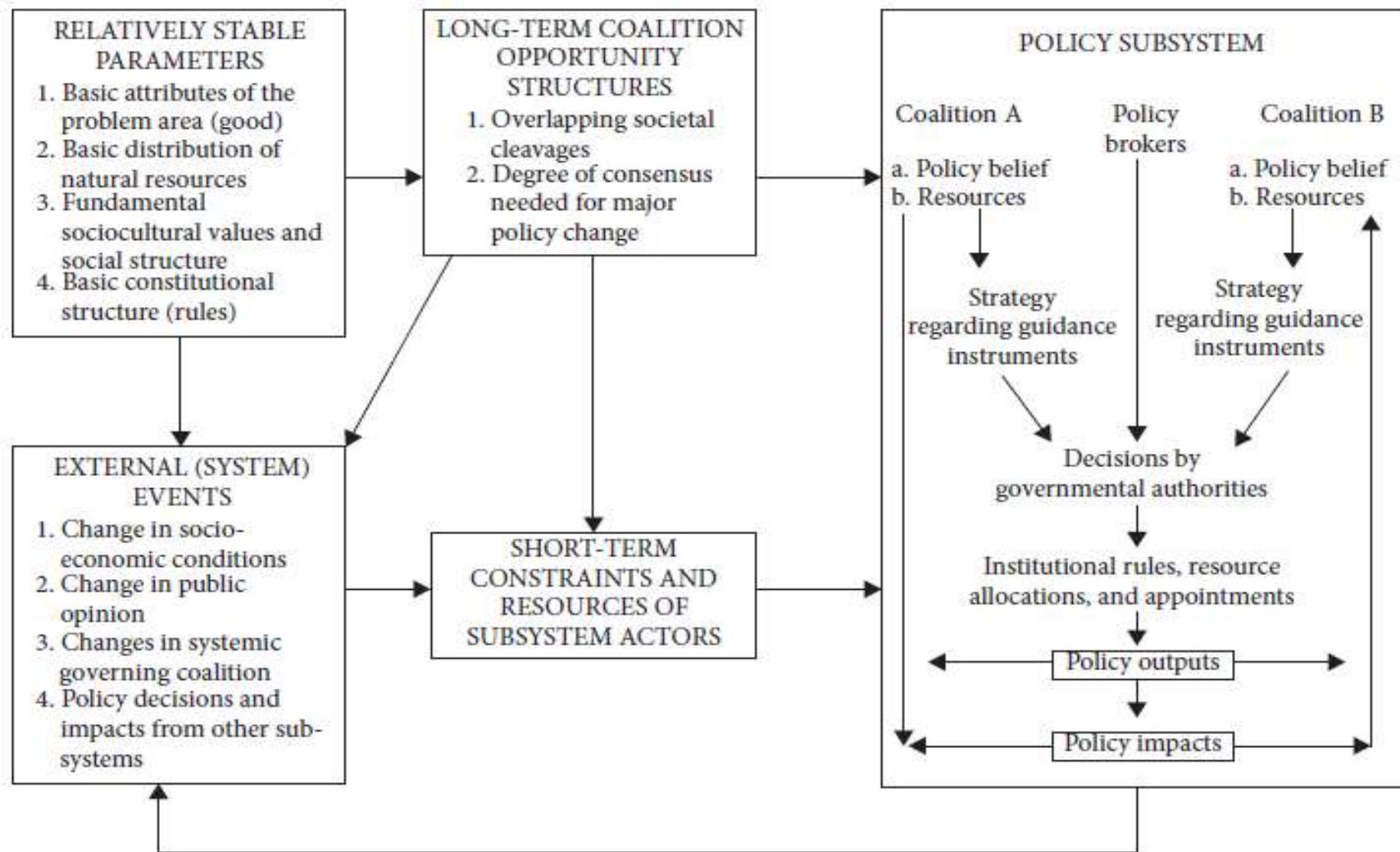


Fig. 1: Advocacy Coalition Framework (Paul, 2013).

5. RESULTS AND DISCUSSIONS

5.1. Urban Land Administration and Management Processes

With the change of government in 1991, a decentralized form of government has been introduced by a Federal Constitution that established a Federal Democratic Republic, consisting of nine Regional States, the federal capital city Addis Ababa, and the special administrative region of Dire Dawa. The government structure has four tiers: - Federal, Regional, Woreda (or city/municipal) and Kebele. The nine regional states have their own constitutions. The country has introduced a dramatic change in terms of its traditions of governance. This legal framework has enabled more participation of the regional states in matters that concern them (FDRE, 2005a).

Ethiopia's constitution Article 40, sub-article 3, 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 in the peoples of Ethiopia. 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 exchange.

Ethiopia administer and mange its land by two different legal frameworks and separate institutions. The rural land administration and management, at federal level, is overseen by the Ministry of Agriculture and Natural Resources and the urban land, at federal level, is overseen by the Ministry of Urban Development and Housing. The Rural Land Administration and Use Directorate (RLAUD) under the Ministry of Agriculture and Natural Resources (MoANR) is the main governmental institution responsible for the implementation of rural land administration and management issues of the country. Urban land is managed and controlled by the Ministry of Urban Land Development and Housing. Land management in urban Ethiopia during the last decade was in transition and has faced many interrelated challenges simultaneously. The government has replaced the old system of urban land tenure (the "rent" system) by a more market-oriented system of long-term leases. The process is phased and introduces the new system gradually; starting first in major urban centers that gradually will applied and cascaded to all urban centers in the country.

Development of national policies, legislation, and regulations, the development and management of capacity building support, the development and management of national programs and projects; the initiation of studies, reports and assessments in a number of areas including urban land and real property markets, spatial and development planning, municipal finance, housing, training, human resource development and infrastructure and services development; Institutional and organizational reform - supporting good governance.

Effectively functioning land administration systems, providing guarantees of land tenure, are of central importance to the ongoing economic development. In many countries, however, land administration systems are not sufficiently robust to deliver effective land tenure, and this can limit or restrict economic development. This impacts the global economy as well as the economy and the welfare of the citizens of the country involved.

5.2. Institutional Framework of Urban Land Administration and Management

At the Federal level, urban land is administrated and managed by the Ministry of urban land development and housing. The organizational structure and responsibility of the organ are indicated below. Under the ministry of urban development and housing there are a variety of responsible organs that are responsible for different activities. Ministry is composed of three agencies, three bureaus and one project office. The three agencies are; urban land and land related property registration and information agency, micro and small enterprise development agency, government house agency. The three bureaus are; urban planning sanitation and beautification bureau, urban land development and management bureau, urban good governance and capacity building bureau. The project office is integrated land and land related information project office. These divisions are responsible for all activities given for the ministry of urban development and housing.

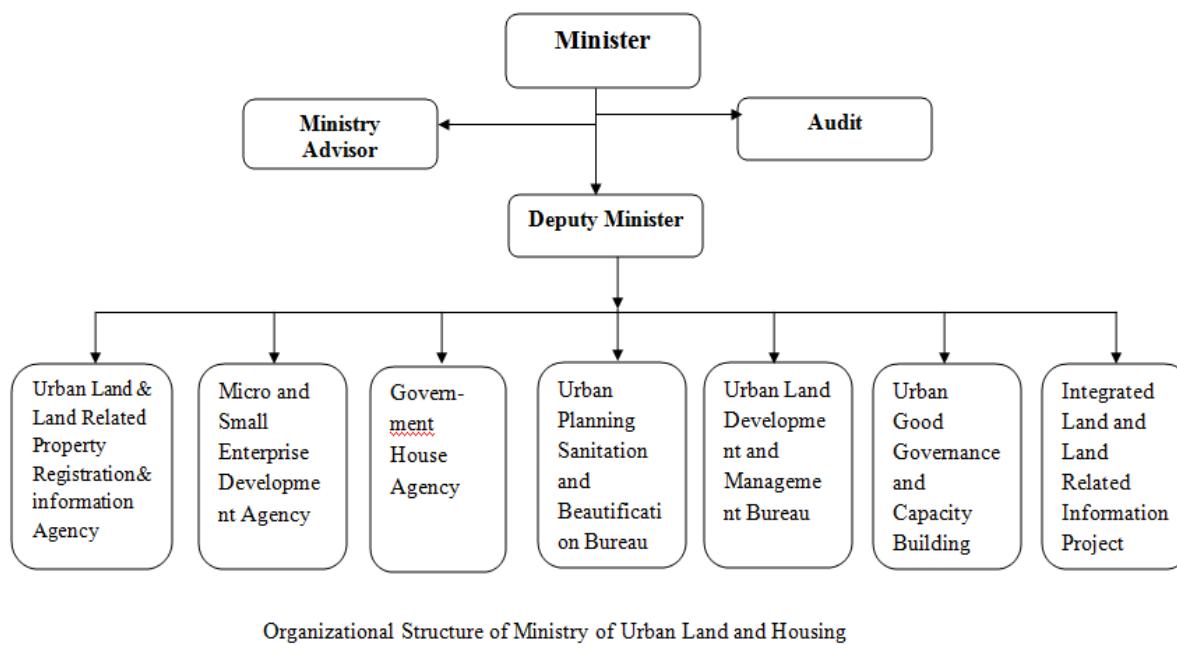


Fig. 5.1: Organizational structure of urban land administration

5.2.1. Duties and Responsibilities of the Ministry: - (FDRE, 2005a)

- a) set standards for design and construction works, and follow up and supervise the implementation of same;
- b) ensure the preparation of designs and contract documents for construction works financed by the Federal Government;
- c) cause the supervision of and inspect the execution of construction works financed by the Federal Government to ensure their conformity with the quality standards, time limits and cost as provided in their contracts;
- d) register and issue certificates of professional competence to engineers and architects; determine the grades of contractors and consultants, and issue certificates of competence to those operating in more than one Regional State;
- e) undertake research for improving the types and qualities of local construction materials;
- f) ensure the proper construction and maintenance of federal roads and the proper utilization of the road fund;
- g) undertake studies relating to urbanization, and set criteria for grading urban centers;
- h) undertake studies for setting general directions for urban dwellers to build dwelling houses compatible with their own means; provide capacity building support to urban centres for the implementation of same;
- i) undertake studies for the integration of urban development with poverty reduction activities, and support the implementation of same;
- j) provide all-round and coordinated support to urban centers to make them development centres capable of influencing their surroundings;
- k) provide capacity building support to urban centers for improving their service delivery; and where necessary, establish training and research institutions in the field of urban development;
- l) in cooperation with Regional States, undertake studies for the integration of urban and rural development activities; assist and follow up the implementation of same;
- m) follow up the activities of the city administration accountable to the Federal Government;

5.3. Urban Land Administration Process in Addis Ababa

The responsibility of urban lands in Addis Ababa is given for the city administration as per Article 33 of the lease proclamation. The lease percolation clearly states that there are two major options for the transfer of urban land through lease contracts which are auction and allotment. All parties who receive urban land by tender or allotment are expected to pay at least ten percent of the initial lease price set by a particular city administration. The leasehold right system defines the rights of a leaseholder of urban land and the obligation to use the land for the prescribed purpose within the specified period. The leasehold rights

provided to the leaseholder include the rights to use and develop the land. The right to transfer leasehold right through inheritance, gift and sale is also permitted if there is an improvement or development on the land. The leasehold right can also legally be used as collateral for bank loans, at least for the lease amount already paid

In accordance with the proclamation 721/2011, the duration of leasehold varies depending on the purpose of the land. The maximum leasehold period is 99 years for residential houses, science and technology centers, research centers, government offices, charitable organizations and religious institutions, embassies. 15 years is allocated for urban agriculture. The period of a lease can be renewed upon its expiry based on the benchmark lease prices and other requirements of the time. For instance in Addis Ababa urban land is permitted 90 years for education, health, culture and sports; 70 years for industry; 60 years for commerce and 60 years for others. After the end of the lease period, the lease holder may renew his/her land (FDRE, 2011).

5.4. Advocacy Coalition Framework in light of the Study

Addis Ababa City administration and the surrounding administration are involved in the coalition framework. The comprehensive master plan proposed by Addis Ababa city administration is aimed at strengthening the linkage between the two administration zones. The area of cooperation urban to peri-urban linkage was through infrastructure facilities (road, electricity, water, hearth cares, etc.), employment opportunity, transportation, etc.

Application of ACF applied to the Master Plan Coalitions

ACF Component

Relatively Stable Parameters

*Basic attributes of the problem (area)
Basic difficulties of natural resources*

*Fundamental cultural values and societal structure
Basic constitutional structure*

Policy Subsystems

*Territorial scope
Substantive scope
Policy participants*

Belief Subsystems

*Deep core beliefs
Policy core beliefs
Secondary beliefs*

Advocacy Coalition

Policy Brokers

Resources

Venues

Mechanisms of Policy Change

Addis Ababa city and its periphery

*At the periphery or Per-Urban of Addis Ababa city
Disagreement between AA City Administration Vs AA Zuria woreda Administration
Indigenous property right,
Federal government and regional governments*

*Addis Ababa city and the periphery
Master plan development and urban-rural linkage
University researchers, Medias, Policy makers*

*Neo-conservative belief
Pro-Mutualism belief, Urban-rural linkage development,
Scientific evidence*

*AA City Administration Vs AA Zuria woreda Administration
Federal Government*

*Scientific research results, public opinions, indigenous rights,
cultural right, economic right*

*Medias, local governments and authorities, regional states
Not yet decoded, awareness creation, making master plan for
open discussion*

Fig. 5.2: Advocacy Coalition Framework in light of the Study

In addition to these, urban expansion which may results in housing problem reduction, different land uses development. The second coalition in this case, Addis Ababa Zuria administration, disagreed on the proposed master plan. Basically, this is because of frustration of systematic expropriation of their land. In addition to this, indigenous rights, cultural rights social ties among the residents will be affected and weaken.

With this situation the Federal government can be served as a negotiator or policy broker. The broker (the federal government) has further investigated their case with the support of scientific research. The broker has created awareness among the people, participatory approach considered for the approval of the master plan. With this situation at hand, the broker is at the process of researching solutions for the final decision and approval.

6. CONCLUSION AND RECOMMENDATION

The first step in making this de facto policy is understanding the interests of the coalition parties. To this end, the government allow parties to present their interests and plans. It may be done by facilitating venues for coalition parties to reflect their genuine stance and beliefs like presenting their interest for members of the parliament, to the media, to their respective administrations and other stakeholders. Then after, the federal government as a broker shall look into the master plan set by Addis Ababa city administration. It shall make open for public discussion which involves the participation of both parties using medias, take feed backs and better solutions if any. All this process make independent, shared beliefs and interests of parties clear.

Despite the whole process, it is true that making decisions based on the aforementioned proceces is impossible due their conflicting and unsientific ideas so, rendering scientific backed solution is needed. To this end, the broker shall collect facts, values, opnions through interveiw, questionier, observation on the ground in both sides where comparable interests raised. This helps to know the attitudes of these people towards the master plan in depth, it also gives insight for the broker how people perceive the plan, about its prospects and negative sides of the plan. It also helps to unveil hidden problems attached with the interests of each party. In addition to this, to make it more science based the broker shall sponser researches which explores problems and prospects of the plan and shall also take into account the narratives, and real facts, interests of the other group. Forinstance, a research on urbanization and social impacts, expropriation, cultural and native rights over land on one side. While on the other side, urbanization and economic development, modernization , etc. Then squeezing the whole results and making part of the solution is a role expected from the decision maker. Indeed this whole process is lengthy and time consuming but

coming with solutions expediently is necessary, it shall not consume time as policy making which takes long steps.

Participating land technocrats in the decision making process plays an important role in rendering better decision. The decision have to have spaces for changing in situation or robust. For instance population growth in both sites. The solution shall also make possible to handle problems occurring on the spot or resilient. The solution shall base on mutual benefits and shared risks. For instance, the peri urbans benefited from employment opportunities, infrastructure facilities, transportation, media coverage, transportation, water and electric supply. To the city administration as a means for urban expansion, housing, public spaces, etc.

Naturally ACF prone from biasness so care must be taken by the broker so as to make decisions which matchs with the political, economic goals of the federal government totally setting aside the interests of parties. All the aforementioned solutions skirt around the master plan but thinking out of the box and finding parallel and supportive solutions rather than making the whole agenda towards the master plan is worth much. For instance, rather than concentrating on horizontal expansion of the city considering and incorporating vertical expansions, building common housings, making investment sites out of the city will be better. In order to control the growing population, urban concentration, migration from other parts of the country which causes expansion of the city, creating employment opportunity, urban sites, institutions in decentralized manner will also be part of the coalition process.

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9. Key Terms and Definitions

Evaluation: is a systematic determination of a subject's merit, worth and significance, using criteria governed by a set of standards. The primary purpose of *evaluation*, in addition to gaining insight into prior or existing initiatives, is to enable reflection and assist in the identification of future change (Wikipedia).

Land Administration Processes: processes that are an important infrastructure, which facilitate the implementation of land policies in both developed and developing countries.

Institutional Arrangements: are the policies, systems, and processes that organizations use to legislate, plan and manage their activities efficiently and to effectively coordinate with others in order to fulfill their mandate (UNDP).

Advocacy Coalition Theory: is a framework of the policy process that deal with wicked problems those involving substantial goal conflicts, important technical disputes and multiple actors from several levels of government (Sabatier, 1998).