

ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE GRADUATE STUDY
MA PROGRAM IN FEDERAL STUDY

Addis Ababa
University
(Since 1950)



**Powers of Urban Local Government on Land Administration
and the Challenges of Illegal Housing: The Case of Burayu
City Administration, Oromia National Regional State**

BY: Melkamu Negeri Dinsa

ADDIS ABABA

24, May 2016

ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AAND GOVERNANCE GRADUATE STUDY
MA PROGRAM IN FEDERAL STUDY

**Powers of Urban Local Government on Land Administration, and
the challenges of Illegal Housing: The case of Burayu City
Administration, Oromia National Regional State.**

By: - Melkamu Negeri Dinsa

Advisor: - Dr.Ghebrehiwet Tesfai

**A Research submitted to Graduate Studies of Addis Ababa University in
Partial Fulfillment of the Requirements of Masters of Art in Federal Study.**

ADDIS ABABA

24, May, 2016

ADDIS ABABA UNIVERSITY
COLLEGE OF LAW & GOVERNANCE GRADUATE STUDY
MA PROGRAM IN FEDERAL STUDY

**Powers of Urban Local Government on Land Administration and
the Challenges of Illegal Housing: The case of Burayu City
Administration, Oromia National Regional State.**

BY:- Melkamu Negeri Dinsa

Approved by:

_____	_____	_____
Advisor's name	Signature	Date
_____	_____	_____
Chair person	Signature	Date
_____	_____	_____
Examiner/Reader name	Signature	Date
_____	_____	_____
Examiner/Reader name	Signature	Date

Declaration

The researcher declares that this thesis is his original work, and it has not been presented for a degree in any other university; moreover, all sources of the materials that are used in this thesis have been duly acknowledge

Declared by:-

Melkamu Nageri

Signature _____

Date _____

Confirmed by:-

Dr.Ghebrehiwet Tesfai

Signature _____

Date _____

Table of Contents

	Page
Acknowledgments	iv
ACRONYMS	v
Abstract	vi
Chapter one	7
1.1. Introduction.....	7
1.2. Statement of the problem	9
1.3. Objective of the research	12
1.3.1. General Objective	12
1.3.2. Specific objectives.....	12
1.3.3. Research questions	12
1.4. Significance of the Study	13
1.5. Scope of the study	13
1.6. Limitation of the Study.....	13
1.7. Structure of the research.....	13
Chapter Two	14
2. Review of Related Literature	14
2.1. The concept of Federalism and Decentralization.....	14
2.1.1. Concept and Definition of Federalism.....	14
2.1.2. Theories of decentralization.....	17
2.2.1. Municipal and Local Government during the Imperial Era.....	19
2.2.2. Municipal and Local Government during Military Regime.....	21
2.2.3. Decentralization and Local Government in Contemporary Ethiopia	22
2.2.4. The Present status of ULG under EPRDF.....	23
2.2.5. Current Prospects of ULG in Ethiopia	26

2.2.6. ULG Powers Relation to Decentralization	26
2.3. Decentralization and Governance Perspectives in Land Administration	28
2.3.1. Decentralized Land Administration System	28
2.3.2. History of Land Policy and Administration in Ethiopia.....	28
2.4. Rural Land Policy in Ethiopia	30
2.5. Urban Land policy in Ethiopia	32
2.6. Oromia National Regional State Urban Land Policy	34
2.7. Urban Local government power on Land Administration	35
2.8. Literature related to the topic reviewed.....	36
2.9. Legal Framework	41
Chapter Three.....	42
3. Methods of the Study.....	42
3.1. Description of the Study Area.....	42
3.2. Study Design	42
3.3. Research Methods	43
3.4. Research Strategies.....	43
3.5. Data Sources and Collection Methods.....	43
3.5.1. Sources of Data.....	43
3.5.2. Data Collection Method and Instruments.....	43
3.6. Subjects of the Study	44
3.6.1. Population of the Study.....	44
3.6.2. Target Population	44
3.6.3. Study Units	44
3.6.4. Case Study Sampling.....	44
3.6.5. Sampling Frame	44
3.6.6. Sample size Determination.....	45
3.6.7. Methods of Data Analysis	45

3.6.8. Ethical Consideration	45
Chapter Four	46
4. Result and Discussion	46
4.1. Urban Land Law and Policy Implementation	46
4.2. Practice of Powers of ULG on Land Administration	50
4.3. Law making process and ULG powers on land administration	53
4.3.1. Sub-city (kebele) land administration power	54
4.4. The illegal housing expansion and its challenges	55
4.4.1. Actors in Illegal Housing	56
4.4.2. Impact of Illegal Housing	57
4.4.3. Controlling Illegal Housing	58
4.4.4. Officials Opinion on how to control Illegal Housing	59
4.5. Black market Land Transactions in the study Areas	59
4.5.1. Farmers Escape Expropriation	60
4.5.2. Evidence for Farmers Escaped	60
4.5.3. Evidence shows the current compensation	62
4.6. The Impact of Addis Ababa-Oromia Special Zone Integrated Developmental Master Plan (IDMP) within the perspectives of Inter governmental Relation (IGR)	65
4.6.1. The case of Addis Ababa-Oromia Special Zone Surrounding Addis Ababa Integrated Developmental Master plan (IDMP)	66
Chapter Five	69
5. Conclusion and Recommendation	69
5.1. Conclusion	69
5.2. Recommendations	72
Bibliography	75
Annexes	81

Acknowledgments

First, I would like to thank the Almighty God for giving me knowledge, strength and endurance to reach this far.

I would like to express my great respect and appreciation to my advisor, Dr. Ghebrehiwet Tesfai, for his constructive comment, suggestions, advice and encouragement from the beginning to end. Without his dedication the work has not become a reality.

It is also my pleasure to thank Honorable W/ro Mhibuba She-Adam, the chief of Oromia Justice Bureau, for her permission for my scholarship.

I am also grateful to all the respondents who gave me their precious time and the necessary information needed for this study, specially, Burayu City Administration and the six kebele officials, experts and residents, Oromia Supreme Court Judges and Experts, Oromia Urban Development and Industry Bureau, Oromia Land Administration and Management Agency Bureau experts and individuals who were interviewed.

Last not the least, I would like to thank my wife W/ro Almaz Tesema and my lovely son Lencho Melkamu, for their tolerances, assistances and encouragements when I was away from home for the study.

Melkamu Negeri

24, May, 2016

ACRONYMS

ANDM	Amahara National Democratic Movement
BPPI	Burayu Printing and Packaging Industry
BFCPLC	Burayu Food Complex Private Limited Company
CSA	Central Statistics Agency
DLD	District Level Decentralization
EPRDF	Ethiopia People Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focus Group Discussion
IDEA	International Development Economic Agency
IDMP	Integrated Developmental Master Plan
IGR	Inter Governmental Relation
MOUDC	Ministry of Urban Development and Construction
OPDO	Oromo Peoples Democratic Organization
SEPDM	South Ethiopia Peoples Democratic Movement
SNNPR	South Nation Nationality Peoples Region
TPLF	Tigray Peoples Liberation Front
UDA	Urban Development Association
ULGA	Urban Local Government Administration
ULG	Urban Local Government
UNDP	United Nation Development Program
UNCDF	United Nations Capital Development Fund
UN-HABITAT	United Nations Human Settlements

Abstract

The research investigates the powers of urban local governments and their capacity to execute policies and laws, in general and the competence of Burayu city administration in effecting land law and protecting illegal housing in particular.

The study used mixed research approach. Questionnaires, in-depth interviews with key informants and focused group discussions (FGD) from purposely selected Burayu residents were used as means to get data for the study. The key informants were officials of Burayu City and kebele leaders, farmers' residents of Burayu city, and investors. The study also used document analysis, from law, regulations, and procedures pertinent to the research under discussion as secondary data sources.

The study found out that Burayu city, the research site, is under the fast transformation, from small village to grade one urban local government within six decades. However, because of poor land administration and corrupted system, the city could be the source of contagious conflicts that could take the life of many citizens and distraction of uncalculated property in different zones of Oromia National Regional State.

The main reasons for this chaos were unfair compensation paid for expropriated farm land, high rate of the lease price, missed land cadastral, unable to register old land possession, and the backlog of packages formulated in lease law that cannot help the residents, and the poorly discussed and gullible "Addis Ababa –Oromia Integrated Developmental Master Plan" As a result many social and political challenges such as increase of illegal housing and land transaction "in black market" could be common phenomena.

This study points out that there is a need to rethink on the existing land rules and regulation of the land lease, property compensation and expropriation law; making law for pier-urban enclosed to the urban area, that urban expansion or investment shall be governed by equity and equality principle among the citizens. Realizing urban local governments, self administration and decentralized autonomy would build democracy from below,

Keywords: Federalism, Decentralization, Urban Local Government, Urban Land Administration and Illegal Housing.

Chapter one

1.1. Introduction

Annual urban expansion rate in Sub-Saharan Africa is almost five percent which is twofold higher than in Latin America and Asia (UN-Habitat, 2008:2). It has also the world's biggest percentage of urban residents living in slums, which today are home to seventy two percent of urban Africa's citizens in lieu of a total of some 187 million people. As more and more people seek a better life in towns and cities, the urban slum population in Africa is projected to double every 15 years in a process known as the urbanization of poverty. African cities are thus confronted in the new Millennium with the problem of accommodating the rapidly growing urban populations in inclusive cities, providing them with adequate shelter and basic urban services, while ensuring environmental sustainability, as well as enhancing economic growth and development (UN-Habitat, 2008).

In Ethiopia before urbanization expanded she experienced a decentralized system until the second half of the nineteenth century. Exceptionally the reign of Amade-Tsion and Zera-Yacob were centralizing their territory at middle age. It was around 1855G.C that a gradual centralization of power was initiated (Zemelak, 2011:133). By the first quarter of twentieth century, it became a highly centralized state. After the fall of the monarchy in 1974, the power of urban local government remained highly centralized.

The Dergue regime policy on urban land administration was strongly centralized. After the end of the regime, Ethiopia has adapted a decentralized governance system as a state building strategy. Between 1991 and 1995 the country was governed by the "Transitional Charter", which held up to the self-determination principle and provided for decentralized governance. A Federal system was chosen to drive as glue to hold the country together. The principle of self determination up to secession of Nations, Nationalities, and Peoples is preserved within this system. The constitutional assembly ratified the establishment of Federal Democratic Republic of Ethiopia.

In 1994, the new Federal Constitution brought a major breakthrough in political governance by providing for the establishment and operation of urban local governments in Ethiopia. Article 50(1) of the constitution empowers state governments to establish lower administrative levels and provide them with adequate power and responsibility to enable direct people participation in the political administration of the country. With the

promulgation of district (Woreda) level decentralization (DLD) in 2001, a range of powers have been decentralized from regional state level to district including municipal level.

Like other regional states, the Oromia Regional State has amended its constitution in 2001 with the objective to separate state power, to promote check and balance, transparency, accountability, popular participation, and effective state structure (Oromia Constitution, 2001). Based on this, the Oromia Regional State issued legislations under proclamation 65/2003 to determine the legal status, role, responsibilities and relationships of urban administrations in the Region. According to the Oromia Bureau of Industry and Urban Development (2012) there are 482¹ urban centers in the region and 39 (8%) of them have councils and running fully, 3.86 million people, about 13%, of Oromia region live in urban areas (CSA, 2011), though the rate of urbanization is galloping at 4.6% (Dadi, 2014:44-46).

Attached to the urbanization, urban land administration systems in Oromia have been improved with the sprit to decentralized power down wards. Proclamation 26/1999 article 5(a) and 6 dwells on the power of regulating urban land rent and urban house tax explicitly was given to the municipality. The amended proclamation 65/2003 article 8(2)(d) has empowered the Urban Local Government (ULG) to administer land. It also grants the power of expropriation to ULGs without prejudicing article 40(8) of FDRE Constitution, private property for public purpose subject to payment compensation.

A proclamation No.179/2013 of Oromia provides the establishment of Urban Land Development and Management Agency with the objectives, to implement programs stated in the urban land development and management policy in an organized manner. To make free limited resources from misuse and rent-seeking through the realization of urban land development and management system within the urban areas of the region in a way that has transparency and accountability and to realize social and economic transformation. Likewise, to strengthen implementation capacity of urban by creating information and data system of urban land by creating modern procedure and technology as well as building skilled and competent manpower. Finally, to establish an organ that work on urban land development and management issues which has been executed at different place in a scattered manner.

The urban government of Burayu city has experienced fastest urbanization in post 1991. It grew from one rural Kebele to town position in 1996. Burayu city is one of a local municipal government devolved power due to decentralization end over (Oromia Constitution, 2001). It has got Grade three municipality position by proclamation 65/2003

¹ Source, Taken from the journals of environment and earth science Vo.4,No-7,pp,44

of Oromia regional state in 2005. After a year Burayu was promoted to first Grade municipal position for its fastest economic, social and political progression it had achieved (“Kanke No-2”, 2015:34)².

The Proclamation No-65/2003 Article 5(1) of Oromia Regional state group’s urban centers in to four grades depends on population size. Grade one those in habituated greater than 90,000 residents, Grade two from 45,000 to 89,999, Grade three from 10,000 to 44,999, Grade four from 2000 to 9999.

Governance is the enabling environment that requires adequate legal frameworks, efficient political, managerial and administrative processes, as well as mechanisms, guidelines and tools to enable the local government response to the needs of the citizen. In fact, good governance prevents conflict, facilitates stability, helps cities to adapt to future challenges and is critical for their performance in an increasingly competitive world. Local governments have the proximity to translate the principles of good urban governance to effectively manage, govern and develop a city and to ensure equitable access to citizenship (UN-Habitat, 2008). Local governments need to establish the necessary dialogue channels with different networks and local stakeholders. To ensure effective measures and to achieve positive results for the citizens, tax-payers and economic agents, coordinated action is required. Challenges such as urban mobility, employment or environmental protection, among others, extend beyond the realm of local governments and cover various legal-administrative divisions in the territory; hence the need for multi-level dialogue, both horizontal and vertical is paramount (UN-Habitat, 2008).

This research focuses on urban local government land administration, decentralization and the challenges of illegal housing. Recently, Urbanization in Ethiopia is fast growing. In Oromia Regional State, particularly, in Burayu City it is serious with in connected to expansion of illegal housing and illegal land use. This study necessarily identifies the problem of illegal housing expansion and illegal land transaction in study area to address its objectives.

1.2. Statement of the problem

In the peripheral areas of many African cities, public land acquisitions deny the land owners their means of livelihood and hence negatively affect their lives. There is a general reluctance and hostility when an attempt is made to interfere with established land rights. And also, land is a peculiar institution, which occupies a central position in the

² “Kanke” is the bulletin annual Burayu city socio-economic and political reports of public media.

social organization of the community. Any attempt to change the existing land relations whether by expropriation or whatever means is likely to meet the strongest opposition even if such projects were implemented by the government itself (Belachew, 2012:30). Without taking this sensitive issue into considerations, a lot of irresolvable and blood shading disputes occurs in most of the developing countries including Ethiopia.

In post 1991 economic and social change accelerated urban expansion in Ethiopia. This in turn influenced the arrangement and administration of urban Land. Fast urban growing together with inefficient administration of Urban Local Government (ULG) has characterized illegal housing problem due to weak performance of land law and policy implementation.

Some of these non-formal categories, such as squatting, emanate from the inability of public allocation systems or land markets that provide for the needs of the poor. Even then, access to lower income groups through such arrangements is becoming increasingly constrained. Despite this, informal tenure categories remain the most common urban tenure category in many countries and accommodate the majority of lower income households, often expanding more rapidly than any other tenure categories (Addis Ababa Chamber of commerce and Sectoral Association, 2009).

Burayu city administration constitutes six units (Kebeles). However, “Gafarsa-Gujje” rural Kebele is exceptional as it was not included into master plan although administratively under Burayu municipality. The gap of exclusion of Gafarsa-Gujje has caused illegal housing and transaction of land in black market between the resident farmers and illegal buyers is a grave of concern. The geographical location of Burayu city administration is linked with the western Addis Ababa city, for this reason individuals who cannot afford to build house in Addis Ababa choose Burayu as the residence area. Additionally, others migrants from neighboring Zones and states buy the houses illegally and built by local farmers. This illegality has challenging the enforcement of Law and Regulations respecting Urban Local Government Land administration.

There are Laws and Regulations to administer the Urban Land, but the practical gap is caused during the transition of rural land to urban ownership for residential or investment purpose. The lack of immediate payment of compensation and registering under land Bank has been causing a problem. Also, these gaps have incites the peasant to construct illegal house and transfer to illegal buyers. Other great challenge for ULG is that there is no standardized and fair land compensation. The Farmers who are included under the city master plan are not willing to be part and parcel of the urban local government for two reasons: one, they believe that the compensation rate is unfair and does not guarantee

for their future life. The government pay for one square meter not greeter than birr 50. While, the least bench mark price lease for a square meter range from birr 307-426 in the first grade cities (Oromia Land Lease Regulation No.155/2013).

Two, when the peasant's offspring become legal person, they want to have their own land as means of livelihood and want to build their own residence. The compensation does not consider those new social groups of the peasant family; therefore, it has caused additional grievance and expansion of illegality (Federal, Proclamation No.455/2007). Other negative impacts on the expropriated peasants are the resource usage shafting the advantage to the investor. The land market value has primarily measured in the current time. Despite this fact, the peasant who leaves his/her land becomes poor. Also, this problem can invite the community to illegal land use.

The Federal Government shall enact laws for the utilization and conservation of land and other natural resources while states empowered to administer land and other natural resources in accordance with Federal Laws (FDRE Constitution, Article 51 (5) and 52(d)). As states cannot make land lease policies and laws in accordance with the nature of their culture, social status, and the demands of their community, it has caused conflict of interest and illegal land use. The derivative Laws of proc.No.179/2013 of Oromia, Regulation 155/2013 of Oromia, and directive No-9/2013 of Oromia regional state have the gap of protection of illegal land use and expansion of illegal housing in the urban Local government Administration (ULGA). As a consequence, it caused the demolishing of not less than 2000 houses in Burayu from July, 2015 to January 2016 (Burayu City Land Management Office Report, 2015/2016). This crisis has caused conflicts between the urban local government and the local community.

As Burayu City Local Government is one of the constituents of Oromia Special Zone Surrounding Addis Ababa City, the plan of "Addis Ababa-Oromia Special Zone Surrounding Addis Ababa Integrated Development master plan" without creating awareness and consulting the resident it causes the conflict of self governing power. The constitutional demarcation of power sharing between states and Federal Government may fall under question. Because the elect people untrustworthy to it's elected. These affect the local government power to administer the local-community. The indication of resistance from different University of Oromo students was one of the challenges. Additionally, the integrated master plan conflict raises the tension of land expansion Addis Ababa to Oromia. This case may challenge the Burayu City Urban Local Government to protect the illegal land use in its jurisdiction.

To settle this crisis, IGR purposely, necessitated for dispute resolution, and policy harmonization (Bolleyer, 2009). In Ethiopia, the IGR is not formalized. Center-state-Local government, state to state, and local government each other haven't vertical and horizontal formal IGR. Between Addis Ababa and Oromia, Addis Ababa and Burayu, there is no formal IGR. For this reason, the squatter houses are expanded. Another is collaboration among Addis Ababa Oromia and Burayu, in city bus transportation, reservoirs of drinking water, and other social services can be taken as example. But to resolve boundary problem and other social conflict the absence of IGR institution is main problem.

Depending on statement of the problem discussed above, objective of the research and research question address the further investigation of the research.

1.3. Objective of the research

1.3.1. General Objective

The overall objective of this research is to find out the gaps in the legal/ institutional frame work on urban land administration of Oromia and thereby examine the autonomy of urban local government to control /regulate illegal housing.

1.3.2. Specific objectives

1. To evaluate the power of ULG in implementation of urban policies and laws.
2. To examine the current land lease law, regulation, and related legislations.
3. To evaluate expansion of Illegal housing and its control in Burayu city.
4. To identify the reason why black market land transaction proliferate in Burayu city.
5. To evaluate how the developmental integrated Master plan of Addis Ababa-Oromia Special Zone in perspective of IGR and its impact on Burayu City Administration local power.

1.3.3. Research questions

1. Are ULGs well empowered to execute the urban land lease policy and the law effectively?
2. Do the land administration Laws and policies serve the interest of the people?
3. Does the existing government structure have the capacity to control illegal housing?
4. What factors are contributing to land transaction black market in Burayu City Administration?
5. Does the development integrated master plan of Addis Ababa-Oromia Special Zone have impacts on the Burayu City Administration local power?

1.4. Significance of the Study

This research shows the existing problem at the level of Urban Local government not only in Burayu city administration but also in the Oromia first grade city administration. This study has great contribution to indicate the Urban Land administration problem, the gap of Law and practice in Burayu. To settle the problems rise in the statement of problem, this research attempts to recommend possible policy option how to protect illegal land use. The finding stresses on the issue raised conflict of interest between rural community integrated under master plan and urban local government due to land use in Burayu. And also, it gives recommendation for policy makers, Legislature and to academician researcher for future welfare of society surrendering the fulfillment of the basic necessity of shelters.

1.5. Scope of the study

The scope of this study is limited to six Kebles four Bureaus of Oromia Regional State, Burayu City Administration.

1.6. Limitation of the Study

Undertaking the study is not an easy task; particularly, obtaining information for the purpose of the study demands and burdensome task owing to the government organizations, I was visited, those which are concerned with the land administration and also it is difficult to get relevant data to be used as input to the study due to the absence of organized information on the issues in the research topic. I exhaustively did for getting the real data that show the land management and illegal housing.

In spite of the researcher's efforts to gather the necessary information as objective as possible, the analysis of this study was based on the opinion of respondents, Lack of respondents cooperate to fill the questionnaires give back all the necessary data. This in turn limits the ability to make broader generalization from the study undergone. Furthermore, the status of participants in the illegal housing and other necessary information was difficult to measure because of its subjectivity.

1.7. Structure of the research

This study is organized into five chapters: chapter one presents introduction of the study, the literature review part of the study is presented in chapter two, chapter three the research method, chapter four data analysis and presentation and the final chapter deals with conclusion and recommendations.

Chapter Two

2. Review of Related Literature

2.1. The concept of Federalism and Decentralization

2.1.1. Concept and Definition of Federalism

To define the concept of Federalism, Ronald Watts (2008:8); differentiate the three provisions: “federalism,” “federal political systems,” and “federations.” In this distinction, “federalism” is used basically not as a descriptive but as a normative term and refers to the advocacy of multi tiered government combining elements of shared-rule and regional self-rule. Federalism is a form of government which has two orders formation, through all orders of government having a range of autonomous as well as shared decision-making responsibilities (Boadway and Shah, 2008:5-8). It is based on the presumed value and validity of combining unity and diversity, i.e., of accommodating, preserving and promoting distinct identities within a larger political union.

The essence of federalism as a normative principle is the value of perpetuating both union and non-centralization at the same time (Jonathan, 2004:489). “Federal political systems” and “federations” are used as descriptive terms applying to particular forms of political organization. The term “federal political systems” refers to a broad category of political systems in which, by contrast to the single central source of political and legal authority in unitary systems, there are two (or more) levels of government thus combining elements of **shared-rule** (collaborative partnership) through a common government and **regional self-rule** (constituent unit autonomy) for the governments of the constituent units. This broad genus encompasses a whole spectrum of more specific non-unitary forms, i.e.,

species ranging from “quasi-federations” and “federations” to “confederacies” and beyond. As in a spectrum, the categories are not sharply delineated but shade into one another at the margins (Watts, 2008:5-8).

Federalism represents either a “coming together” or a “holding together” of constituent units to take advantage of the greatness and smallness of nations. As Boadway acknowledged the Robert Inman (2007: 530,Boadway,2008:5) noted that “the word ‘federal’ has come to represent any form of government that brings together, in an alliance, constituent governments each of which recognizes the legitimacy of an overarching central government to make decisions on some matters once exclusively the responsibility of individual member states.” “Coming together” has been the guiding framework for mature federations such as the United States, Canada, and, more recently, the European Union. The alternative “holding together” view of federalism, also called “new federalism,” represents an attempt to decentralize responsibilities to state and local orders of government with a view to overcoming regional and local discontent with central policies. This view is the driving force behind the current interest in principles of federalism in unitary countries and in relatively newer federations such as Brazil and India and emerging federations such as Iraq, Spain, and South Africa. The Ethiopian Federal system is fall under “holding together”.

A federal form of government promotes decentralized decision making and, therefore, is conducive to greater freedom of choice, diversity of preferences in public services, political participation, innovation, and accountability (Boadway, 2008:6).It is also better adapted to handle regional conflicts. Such a system, however, is open to a great deal of duplication and confusion in areas of shared rule and requires special institutional arrangements to secure national unity, ensure regional equity, and preserve an internal common market.

Federal countries broadly conform to one of two models: dual federalism or cooperative federalism (Schapiro, 2002:2-4). Under dual federalism, the responsibilities of the federal and state governments are separate and distinct. under such a system, (a) “two levels of government rule the same land and the people, (b) each level has at least one area of action in which it is autonomous, and (c) there is some guarantee . . . of the autonomy of each government in its own sphere”(Boadway and Shah,2008:6, Akindele and Olaopa, 2003:170-173). Under cooperative federalism, the responsibilities of various orders are mostly interlinked. Under both models, fiscal tiers are organized at national and sub-national levels. The national government is at the apex and it has the option to deal with local governments either through state governments or more directly. Local governments

do not have any constitutional status: they are simply extensions of state governments and derive their authority from state governments. In the coordinate-authority model of dual federalism, states enjoy significant autonomy from the federal government, and local governments are simply handmaidens of the states and have little or no direct relationship with the federal government. The working of the federations of Australia, Canada, India, Pakistan, United States, Germany and Ethiopia resemble the coordinate authority model of dual federalism (Boadway and Shah, 2008:7).

The cooperative federalism model has, in practice, taken three forms: interdependent spheres, marble cake, and independent spheres. In the interdependent spheres variety as practiced in Germany and South Africa (a unitary country with federal features), the federal government determines policy, and the state and local governments act as implementation agents for federally determined policies. In view of federal domination of policy making, state or provincial governments in this model have a voice in federal policy making through a second chamber (the upper house of the parliament)(Boadway and Shah, 2008:7-8). In Germany and South Africa, the second-order (state) governments are represented in the upper house of the national parliament (the Bundesrat and the Council of the Provinces, respectively). In the marble cake model of cooperative federalism, various orders of government have overlapping and shared responsibilities, and all constituent governments are treated as equal partners in the federation. Belgium, with its three territorial and four linguistic jurisdictions, has a strong affinity with this approach. Ethiopia has represented the second chamber or upper chamber by Nation Nationality and People, each Nation, Nationality shall be represented at least one member (FDRE Constitution Article 62(1)). Members of the states have equal powers and right. Between orders of government there are explicitly, exclusive, concurrent and residual power sharing constitutionally. It characterized cooperative governmental system. Policy making has overlapping (FDRE Constitution Article 47(4), 51(2), 52(1)and 2(c).Finally, in a model of cooperative federalism with independent spheres of government, all orders of government enjoy autonomous and equal status and coordinate their policies horizontally and vertically.

The competitive federalism model is a theoretical construct advanced by the fiscal federalism literature (Boadway and Shah, 2008:7) and not yet practiced anywhere in its pure form. According to this construct, all orders of government should have overlapping responsibilities, and they should compete both vertically and horizontally to establish their clientele of services (Boadway and Shah, 2008:7-8). Some analysts argue that such a

competitive framework would create leaner and more efficient governments that would be more responsive and accountable to people.

Countries with a federal form of government vary considerably in terms of federal influence on sub-national governments. Such an influence is very strong in Australia, Germany, India, Malaysia, Mexico, and Pakistan; moderately strong in Nigeria and the United States; and weak in Brazil, Canada, and Switzerland. In the last group of countries, national control over sub-national expenditures is quite limited, and sub-national governments have considerable authority to determine their own tax bases and tax rates (Boadway and Shah, 2008:7-8).

In centralized federations, conditional grants by the federal government play a large role in influencing the priorities of the state and local governments. For example, Australia, the federal government is constitutionally required to follow regionally differentiated policies. Federal countries also vary with regard to the influence of sub-national on national policy making. In all Federations there is a clear separation of national and sub-national institutions and the two orders interact through establishing an independent institutional inter Governmental relation (IGR).

The role of states in National law making varies from a federation to another. For example, in Germany and South Africa, state or provincial governments have a direct voice in national institutions while in the United States and Switzerland regional and local coalitions play an important role in National law making. More over in Switzerland major legislative changes require approval by referendum, both at National and Communal levels. Such direct-democracy provisions indirectly reinforce the decentralized provisions of public services (Boadway and Shah, 2008:8).

2.1.2. Theories of decentralization

Decentralization is the transfer of responsibility and authority from the central government to lower levels of government or administration (UNDP and IDEA, 2014:22-28, Jo Bell, 2004:2-3, Sujit Choudhry, 2014:22-32). By making local government officials accountable to local constituents, decentralization can meet some of the demands for greater attention to be paid to rural and less developed areas, and can help to remedy regional inequality by ensuring a more equal distribution of public resources, improving public service delivery and giving citizens a greater voice in how they are governed. Partly as a result of these benefits, transitional democracies usually adopt some form of decentralization as part of the process of democratization and constitution building. In a decentralized system, the central government transfers responsibility and authority to

regional or local levels of government (Ghebrehiwot, 2014, Sujit Choudhry, 2014:8). Therefore, there are three dimensions of decentralization: political decentralization, administrative decentralization and fiscal decentralization (UNDP and IDEA, 2014:23).

Political decentralization involves the transfer of authority to provincial and local governments from central. Political decentralization has the capacity to foster 'democratic citizenship' by expanding political participation and increasing the ability of citizens to hold political actors accountable (Jonathan, 2004:481-488, Omar, 1999:2). In countries with a history of authoritarian and highly centralized government, with political leaders who are unaccountable to the people, political decentralization is important to new democracies. Although there are close links between the three dimensions of decentralization, a decentralized system of government can be decentralized to varying degrees along each of the three dimensions. Political decentralization increases the political accountability of local government officials to citizens of local constituencies by allowing local election of local officials. Administrative decentralization is the transfer of responsibility for public service delivery from central government to regional and local government's administrative entities (UNDP and IDEA, 2014:24 UN-Habitat, 2002:3-5, Omar, 1999:2-9).

Administrative decentralization and political decentralization are not necessarily linked: a politically decentralized, locally elected local government may have few administrative responsibilities, while a local administrative entity may bear service delivery responsibilities though remaining politically accountable to the central or regional government with no locally elected officials (Shahinoor and Muhammad, 20013:6). Finally, fiscal decentralization is revenue assignment to Sub-National governments to finance certain public services (UNDP and IDEA, 2014:24-26). Decentralization offers four primary benefits, in principle: improving service delivery: decentralization allows local governments to tailor services to local needs and make policy choices without central government approval; addressing neglect of marginalized areas by establishing local government structures capable of representing local needs, and ultimately promoting the distribution of public resources to regions that need them, in turn promoting development at the local level; promoting democratic citizenship through greater accountability, broadening citizen participation, fragmenting central power, and fostering political competition; preserving national unity and stability.

In general speaking, Federalism is the best optional system for developing countries like Ethiopia. To develop federalism in this country searching deep knowledge for federalism is necessary. To evaluate the degree of moving ahead decentralization in

federal system looking the past history and the present situation is more understandable about federalism and decentralization (UNDP and IDEA, 2014:13).

2.2. Decentralization and Local Government in Ethiopia Past and Contemporary Regime

2.2.1. Municipal and Local Government during the Imperial Era

The Haile Selassie I regime (1930–1974) is generally credited with initiating modern administrative and local government reforms in Ethiopia, although these reforms were of a particular kind (UN-Habitat, 2002:87-88). The need for reorganization of the provincial administrative system of the country was felt and the first comprehensive administrative regulation, Decree No. 1 of 1942, was issued following the restoration of Emperor Haile Selassie to power after the departure of Fascist Italy. The decree defined the power and role of the Ministry of Interior in matters related to provincial administration as well as the administration and responsibilities of the Governor-Generals of Provinces, representatives of the central government who used to exercise general supervision over all appointed officials.

The decree favored a highly centralized form of local government and regarded municipalities and other local institutions as parts of the national system of government. The regime instituted greater centralization of political power and authority, resulting in the dominance of the central government over, and undue interference in Awraja (zone), Woreda and municipal affairs.

The focus of development was on Awarajas (zones). Woredas and municipalities were considered more like de-concentrated units of government administration or field agents of the center instead of true local governments with adequate authority within their territorial jurisdiction. Side by side with the move towards greater territorial integration and modernization of the country, the Imperial regime issued the 1945 decree that recognized Addis Ababa as a municipality with defined functions (e.g. road and public security) and introduced a system of municipal taxation on land. This was a major initiative in municipal governance in Ethiopia (Sisay, 1996, UN-Habitat, 2002:88). With reference to municipalities in particular, part 74³ of the decree defined the status and functions of

³ Decree No-1/1942 Article 74, it explain the execution of cities under power and responsibility of kantiba or officials.

municipalities for the first time (decree No-1/1942). Furthermore, part 73⁴ of the same legislation formalized the institution of a council composed of appointee representatives and seven residents elected yearly amongst property owners and principal merchants to deliberate and advise on matters dealing with the development of the town and the welfare of its inhabitants as well as fixing municipal taxes and rates (Sisay, 1996, UN-Habitat, 2002:88-89, DecreeNo-1942, Article, 73).

On the other hand, part 71⁵ of the same decree provided for the status of chief executives of municipalities (Decree No-1/1942 Article, 71). These were known as “Kantiba” or Lord Mayor for Addis Ababa and Gondar municipalities, which were designated as chartered municipalities. All other non chartered municipalities were to be headed by Town Officers. It was also stated that the Emperor would appoint mayors upon the recommendation of the Ministry of Interior. Furthermore, all mayors and town officers were made to receive instructions from Governor Generals of their respective provinces, except the Kantiba of Addis Ababa who was supervised by the Ministry of Interior.

As part of the modernization drive, the Imperial regime issued (Proclamation No. 74 of 1945) “to provide for the control of municipalities and townships” in a more elaborate manner. The legislation defined the lawful taxes municipalities should impose and made provisions for the summoning of municipal councils. Six towns were recognized, namely: Addis Ababa, Jimma, Harar, Dire Dawa, Gondar and Dessie, as municipalities and ninety-nine other towns as townships. A particularly major reform at the time was taken with the issuance of General Notice No. 172 of 1954 that recognized the status of Addis Ababa as a chartered city (UN-Habitat, 2002: 89). The charter gave Addis Ababa its own council with legislative powers on all matters of policy. The “Kantiba” or Lord Mayor enjoyed the status of a Governor-General of a province and was to act as the chief executive officer and preside over the council. Furthermore, the city was given special powers, including the authority to issue bonds and to raise capital from domestic and external sources. Addis Ababa was an exception in this regard because no other municipality was provided with this legal authority. Indeed, all other municipalities of the empire were subject to strict control and supervision by the Ministry of Interior and the Governor-Generals of their respective provinces. Municipal elections were not entirely democratic during the Imperial era. Among other things, the qualifications for candidacy

⁴ Decree No-1/1942 Article 73... the councilors shall be the representative in the cities and seven Ethiopian residents elected yearly from amongst property owner and principal merchants and known by their works and good conduct.

⁵ Decree No-1/1942 Article 71, the emperor will appoint on the recommendation of the Ministry of Interior the officials, Kantiba of the city Addis Ababa, one kantiba for city of Gonder, and one officer of the town in every town.

were based on ownership of property (UN-Habitat, 2002:89-90). The automatic inclusion of representatives of eight officials⁶ from the different government administration municipal council was also a requirement to ensure the influence of the central government.

Moreover, the municipality's directorate within the Ministry of Interior was made responsible for oversight and support towards proper functioning of municipalities as well as issuing the necessary procedures that govern their operations.

2.2.2. Municipal and Local Government during Military Regime

Following the overthrow of the monarchy in 1974, the military regime issued a series of legislations, which affected the functioning and institutional set-up of municipalities and towns in Ethiopia. The various proclamations issued during 17 years of rule by the military regime made municipalities and woreda (District) administrations the focus of indoctrination of Marxist-Leninist ideology and strict one-party control (UN-Habitat, 2002:89-90). The regime created various forms of Urban Dwellers' Associations (UDAs) in urban centers, peasant associations (PAs) and service co-operatives both in urban rural areas to undertake economic development functions and deliver services to the people. Organizationally, municipalities were hierarchically organized into Central UDAs, Kefitegnas ('Higher' UDAs) and neighborhood associations or Kebele associations depending upon the size of the population.

To facilitate this reorganization, the regime took a major policy initiative by issuing proclamation No. 47 of 1975 that provided for the nationalization of urban land and extra urban houses. The proclamation designated a new Ministry of Works and Housing (later successively known as the Ministry of Housing and Urban Development and Ministry of Works and Urban Development) and transferred all the functions and authority over municipal administration from the traditional Ministry of Interior to this new institution. To further consolidate the process of municipal reorganization, the Derg regime issued the Urban Dwellers Association Consolidation and Municipalities Proclamation No. 104 of 1976. This law provided for Addis Ababa and Asmara to be headed by a Mayor and all other urban centers by town officers. It also provided for the organization of all urban

⁶ Haileselassie, proclamation 172/1954 Article 11, said that the Addis Ababa municipal council shall have 20 members elected from amongst the Ethiopian citizen in such manner that each district of the city will elect two members for the council, and eight officials from the different government administration. this proclamation not list the name of different government administration.

dwellers into co-operative societies of Kebele, Higher and Central UDAs⁷. It further defined the roles of these institutions in urban administration. Accordingly, every town was to be administered by a council composed of elected members and two representatives from the Ministry of Urban Development and Housing. The single most important requirement for election was laid down as acceptance of the then Ethiopian National Democratic Revolutionary Program (proclamation No-104/8(1)).

As part of the Derg's centralization drive, Urban Dwellers Associations and Urban Administration Consolidation Proclamation No. 206 of 1981 was issued to hand over municipalities and the administration of urban centers to the already established UDAs. Although municipal functions that were laid down in preceding legislation were listed as the powers and duties of central UDAs, those powers and duties common to UDAs and those specifically entrusted to Kebele and Higher UDAs were by and large political, and could be categorized as non-municipal functions by their very nature. Furthermore, while the powers and duties entrusted earlier to a chartered municipality: for example, Addis Ababa, were unaffected, non-chartered municipalities were made to be directed and supervised by the Ministry of Housing and Urban Development. Municipal council elections were periodically held and the then Ministry of Housing and Urban Development was to appoint a chairman, a deputy and a secretary from among those elected. The three officers worked on a full-time basis but the council was supposed to carry out both legislative and executive functions. The major criteria for elections and appointment were essentially political and ideological, that is, affiliation to the ruling party, class backgrounds and support for the government (proclamation No-47/1975, Article 26(1), proclamation No- 104/1975,(8), proclamation No- 206/1981,(38and 39)).

2.2.3. Decentralization and Local Government in Contemporary Ethiopia

Ethiopia is one of several African countries that are currently engaged in implementing decentralized system. Ethiopia engaged in the package of decentralization passed through a transitional period before the adoption of 1995 constitution. Gradually, after the constitution was adopted, power has been decentralized to local governments. This system consists of several interrelated between National and sub-national in policy making and fiscal administration (UN-Habitat, 2002:85, JoBell, 2004). The Federal Constitution

⁷ Proclamation 206/1981, Article,3(3),38(1) establish a central urban dwellers' association shall be formed in every urban center in which more than one higher urban dwellers' association are formed.

defines the federal government, the nine states as well as the city governments of Addis Ababa. This level of government is relatively well established whereby the regions are endowed with substantial resources to finance at least a part of devolved responsibilities. Below the regional level Zonal, Special self administered Zone, District and special District are structured within states depending up on the nature of their diversity and geographical location. For example, Oromia Regional state consists of Zonal and District (both urban and rural) local governments. In the Oromia constitution, they are mentioned explicitly as structures to be used for administrative convenience. In Oromia, urban local governments get legal recognition.(Oromia Regional state Proclamation No-65/2003). In SNNP, Gambela, Amahara, Benishangul-Gmuze Regions Zonal Nationalities structures administration tier follow the state. Each zone is sub-divided into ‘Woredas’ (Districts), which are considered to be the key local units of elected government. They play key roles in prioritizing the provision of public services.

The local governments closest to the people are kebeles (rural and urban). These kebeles council members are elected, and undertake certain political functions. The lower tiers of government are much less clearly crystallized as compared to the regional level, and they also are much less endowed with resources (UN-Habitat, 2002:85-86).

Prior to 1991, Ethiopia has limited experience with decentralization policies in comparison to many African countries in which a relatively developed system of local government prevailed from the colonial heritage. In Ethiopia, the culture and experience of local government has been applied to Woredas (districts) and municipalities. Woredas have existed as the lower tier of government or basic unit of administration for nearly half a century. Hence, they were under control of the province and responsible for security and land tax collection. Municipalities of various categories have been providing a range of services and carrying out the proper planning and development of urban areas. Nevertheless, there has not been meaningful integration and co-ordination between these units of government functioning at the grassroots partly, because the very concept of local government and its structure was not well conceived and developed in Ethiopia (UN-Habitat, 2002:86-87).

2.2.4. The Present status of ULG under EPRDF

Since the early 1990’s, a policy of decentralization that divides power and responsibilities between the central and regional governments has been put in place. Accordingly, nine regional States, and two autonomous administrative cities (FDRE Constitution,Article,47), including the City Government of Addis Ababa(FDRE

Constitution, Article 49) and Dire Dawa⁸ Special Administrative Council, were established with adequate power and authority to exercise self-rule. The designation of the regional states is mainly based on ethnic considerations⁹ with the aim to solve or prevent (potential) ethnic or political tensions in various parts of the country.

There were significant gaps in resource, institutional and administrative capacity among the regions of the country, particularly in terms of size of population, land area, socio-economic development, administrative capacity and level of infrastructure and services (Asmelash 2000, UN-Habitat, 2002:90). These regional disparities had posed practical problems in the decentralization process, in particular within those regions labeled as "emerging" (that is, Afar, Benishangul-Gumuz, Gambella and Somali).

In addition to disparities the constraints to decentralization in Ethiopia were more practical than political. In this respect, shortage of trained and experienced manpower was the problem of administrative and technical issues of government, but in recent time government has taken the measure of fulfilling trained human power through capacity building and expanding higher education from few to over 32 universities and plenty of vocational and technical training centers in all regions. May be the scarce of financial resources can be major constraint for planned development full successive. Scarce of financial capacity and lack of good governance also add to these inadequate co-ordination of regional development policies as well as lack of systematic monitoring and follow-up of the development process ineffective decentralization in Ethiopia. Each of the different government levels has a similar structure: a legislative, judiciary and executive bodies. The Federal Government structure consists of the House of People's Representatives, the House of Federation, and the Council of Ministers (FDRE Const. Art. 50(2)). Annotate

The 1995 federal constitution apportions powers and authority between the central government and the nine regional state governments. According to the constitution, each regional state government has a quasi-sovereign status and has been given considerable powers and authority, including a separate regional constitution, an elected regional assembly, the right to use its own national language in schools, its own public administration and own courts. In addition, each regional state has been given the authority to prepare its own socio-economic development plans, mobilize resources for local and regional development and prepare and implement the regional budget. Each regional state government must formally devolve adequate decision-making authority and control over

⁸ Dire Dawa constitutionally not recognized but it structured by de facto under parliament legislation (Charter).

⁹ In addition, states shall be de limited on the bases of the settlement patterns, language, identity, and consent of the people concerned criteria are taken into account (FDRE Constitution, Article 46(2)).

resources to zonal, woreda and kebele administrations in order to promote democratic decentralization and get government closer to the people (Ghebrehiwot, 2014). However, the stark reality in Ethiopia's decentralization process is that woredas and have been given too much responsibility and functions without the necessary financial and resource capacity to undertake development at the local level. This situation has to be changed in favor of devolving responsibilities and functions to woredas and kebeles accompanied by sufficient financial and human resource strength to undertake development at the local level. (Ghebrehiwot, 2014).

The FDRE constitution Article 50(4) points out, "state government shall be established at state and other administrative levels that they find as necessary. Adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units". Accordingly, Oromia Regional state constitution Article 45 constancy to the Federal Constitution it consists administrative structure that Zone, district, and kebeles to realize self administration and decentralizing power. Other regional constitutions also recognize woredas and kebeles as legitimate units of local government administration with legally defined authority and functions, including popularly elected councils and executive administration for democratic governance and local economic development. (Ghebrehiwot, 2014). At present time, the Oromia region zonal levels of government are staffed by appointees of the regional state governments and their functions remain one of supervising the work of woreda and kebele administrations (Oromia. Const. Art.70, 71). This practice is an anomaly in Ethiopia's government structure because Zonal administrations, which are non-elected bureaucratic structures, are being imposed on woredas and kebeles administrations (Oromia Regiona State Constitution, Article, 70(3a), which are legally recognized and democratically constituted local governments (Ghebrehiwot, 2014).

An exception to this observation has to be made in the SNNPRS, Gambela, Benishangul-Gumuz and Amhara where Nationality Zones have been designated as separate tiers of administration and governance with elected councils and administrative structures. The wide ethnic and nationality diversity in the regions made it necessary to create democratically constituted Zonal administrative and governance structures with elected councils and administrative structures that can conduct democratic self-rule and local economic development.

In view of the above the Government of Ethiopia is currently considering to the Woredas decentralization. It is the intention that the Woredas has been empowered since

2002 onwards through capacity building programmers' and through the routing of the budget directly from the region to the woreda (UN-Habitat, 2002:90-91).

2.2.5. Current Prospects of ULG in Ethiopia

Municipal/urban management and governance was a generally neglected area in the federal constitution and Regional constitutional structure in Ethiopia up to 2005(UN-Habitat, 2002:90-91), which was the more problematic since urban growth is rapid. The role and responsibilities of municipalities as well as their place in the broader realm of administration were not clearly and adequately stated in state constitution (Zemelak, 2011:114). For instance, Oromia regional state Constitution is silent about the recognitions and power of ULG.

However, to resolve this serious problem Oromia Regional State adopt the law that recognizes the urban local government powers, status and responsibilities in proclamation 65/2003. Amhara, SNNP, and Tigray, considerate the powers and responsibility of their cities in proclamation after they amend their state constitution in 2001. At present, individual regions have started to take their own policy initiatives to enhance municipal management capacity for service delivery and infrastructure provision. The goal is to create legally autonomous municipalities and urban centers of authority with the requisite management and resource capacity for effective local democratic governance and service delivery at the local level.

2.2.6. ULG Powers Relation to Decentralization

The relationships between the federal government and woreda or municipality administrations were not clearly defined in FDRE constitution (UN-Habitat,2002:85, Zemelak, 2011:144-45). On other hand, Regional states have assumed a rather paternalistic role over local governments, including woreda administrations and municipalities. Woredas are legally recognized under state constitution. For instance, Oromia Regional state Constitution, Article, 77 recognizes the district power and structure of the organs of local government, thus the structures of District has divided in to District Council, Administrative Council, and District Judicial Organ. Regarding to the municipalities, Oromia regional state constitution is silent, particular law establish the powers and structure of city administration.(Oromia Urban Local Government proclamation No-65/2003), and the Urban structure listed in Article 12 of the proclamation specify ,the Governance organs of city administration, those are, the city council; the mayor; the

mayor's committee; the city manager and other executive bodies, and the city court. The powers of urban local government, According to proclamation No-65/2003, article, 8 of an urban local government of Oromia, they shall have powers over local issues that listed bellows:-Initiate, adopt and execute its vision, goals, values and operation systems; initiate, adopt and execute the economic and social development and budget of the city; introduce, adjusts and collects the taxes and service chargers under its jurisdiction in accordance with the law; administers urban land and houses under the administration of the city government in accordance with law; manage its human resource in accordance with the law; enter into contract and cooperation agreement with the Regional Government bodies and private sector, mass organizations and other cities; expropriate, without prejudice to Article 40 (8) of the Constitution, private property for “public purposes” subject to paying equivalent “compensation”. So, Burayu city administration power is also enclosed under this law.

Connecting to empowering urban local government poverty reduction and urban development strategies are plan from federal to local government is lead to build the strong democratic federal government in Ethiopia. Decentralizing the power from top to down is characterized in policy formulation and implementation. For this reality, listing specific policy promotes transparency. In particular, the urban development strategy outlines the following broad priority policy areas and courses of action as merit special attention by the government in the past years (FDRE 2001; UN-Habitat, 2002:91) states that planning urbanization and development of urban centers in relation to development of agricultural and industrial activities. This policy supports the development of urban centers of different hierarchies that specialize in different commercial and industrial development activities in all the regions; developing urban infrastructure and services to assist urban growth and contribute towards development of sustainable urban communities; giving priority to commercial and productive establishments in the supply of land and infrastructure within municipalities and the surrounding areas; addressing currently existing implementation problems in relation to the urban land leasehold system, and institute a development-friendly, transparent and efficient system of land allocation both for urban residential purposes and potential investors in businesses and industries; promoting organized participation of the public in local political activity, municipal governance and local development endeavors, and encourage active community participation in the preparation and implementation of urban development plans; building adequate institutional capacity for efficient delivery of urban services and infrastructure; enhance the professional capability and institutional capacity of municipalities for preparation and implementation of urban development plans; further, enhance the role and involvement of

professionals and technical people in urban governance and management with a view to building adequate urban management capacity for service delivery and development, and instituting conditions for effective financial systems that will allow municipalities to be self-sufficient, create conditions for access to credit by municipalities and local governments and introduce cost recovery approaches and methods in the provision of most municipal services and infrastructure.

In sum, decentralizing urban local government has its importance for giving service delivery in each sector. All sectors have its service criteria. Especially, land is the sensitive issue of urban local government administration that challenges their service delivery efficiency. For this reason understanding the theory of decentralization of urban land administration can support to evaluate the performance of urban local governments.

2.3. Decentralization and Governance Perspectives in Land Administration

2.3.1. Decentralized Land Administration System

Land administration arrangements are commonly influenced by national culture. The institutional arrangements of land administration can be decentralized or centralized. A decentralized land administration has recently received more attention in developing countries like Ethiopia, because it has been used to enhance the adequate public services. It either requires the transfer of land administration operational functions to the local or delegation to lower level of governmental structure. A decentralized land administration system creates more opportunities to the local people in the decision making processes, promotes participatory and encouraging sustainability offers more efficient and effective administration, and replaces inappropriate centralization management (Sal farina, 2014:2-4)

2.3.2. History of Land Policy and Administration in Ethiopia

Ethiopia experienced different land policy systems. Since the past century, it is possible to classify the land policy of the country into two. Pre-1974 period could be characterized as a feudal system where a mixture of private, government, church and communal land holdings coexisted. These land tenure policies had various kinds of landholding arrangements. The two prominent kings of the country in the contemporary era Emperor Minlik and Emperor Hailesilassie introduced written land laws, which were believed to benefit certain land lords and adversely affect majority of the farming

communities (Solomon 1994 and Witten 2007:158; Zemen, 2013:1-2). However, the laws during the emperors' time allowed sale, exchange and mortgage of individual holdings. Land tenure issues have been central political and economic importance in Ethiopia's history. The decisive significance of the land question was perhaps most explicitly expressed in the course of events leading to the Ethiopian Revolution of 1974. 'Land to the Tiller' was the rallying cry of the student and opposition movement, which eventually prevailed and toppled the old regime (Helland, 1999; Samuel, 2008). Like in the past in contemporary Ethiopia too the issue of rural land is primarily a political economic and social question.

The land question of the 1960s or early 1970s was primarily a political question aimed at ending the feudal form of exploitation of peasants by a few landlords, especially in the southern part of the country. The 1975 radical land reform accomplished this objective and was applauded at the time as it seemed that the question of rural land had got an adequate answer (Samuel, 2008).

The post-1974 period could be characterized by public ownership of all land. With the dawn fall of Emperor Hailesilassie, all rural and urban lands were declared to be a public and state property abolishing all private and communal land holding rights without compensations. Individuals and communities were given only use rights (Zemen, 2013:2). The change of government in 1991 has brought some reforms in terms of land policy. The EPRDF-led government that overthrew the Military government (Derg) in 1991 has inherited the land policy of its predecessor. Even though the new government adopted a free market economic policy, it has decided to maintain all rural and urban land under public ownership.

The 1995 Constitution Article 40(3) of the Federal Democratic Republic of Ethiopia notes Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subjected to sale exchange or mortgage. "By inserting the land policy in the constitution, the current government has effectively eliminated the possibility of flexible application of policy" (Samuel 2006:2, Daniel, 2012:2-5).

Making the land ownership a Constitutional clue is strongly criticized by some scholars. For instance, Desalgn (2009b; Daniel, 2012:2-3), the weakness of this policy objective is that first, it does not address the urban land; article 40 of the FDRE Constitution that deals with property talks only about rural land. Second, it is argued that since there is lack of arable land in the highlands of the country, equality of access to land is ensured through transfer of land from large holders to small holders and/or to new comers; the result being diminution of holding plots (0.5-1 ha). Even though equity or

social justice seems the major objective of the redistribution, it also demonstrates the get-out in the policy which allows local authorities to use the land policy as a political instrument. In other regions, communal grazing and woodland was allotted to new claimants (Mulat, 1999; Samueal, 2008). Increasing population in the rural areas was thus absorbed in agriculture through leveling down of holdings, rather than through alternative forms of employment. Population growth could have been supported by rural non-farm employment creation, but this hasn't happened so young adults people remain in rural areas either unemployed, as landless laborers or as sharecroppers on someone else's land.

This consequence of the land redistributions and the current land policy does not seem to have been foreseen by the government of Ethiopia. Access to land is an important issue for the majority of Ethiopian people who, one way or the other, depend on agricultural production for their income and subsistence. However, the level of poverty and food insecurity have been worsened and failed to subside, despite fundamental changes in the land tenure system. This situation has called for development experts to revisit the role of the over three decades old land policy to foster/hinder rural development. The fact that farmers have only usufruct rights to land has sparked a debate among Ethiopian and foreign scholars regarding the effect of the tenure system on land investment and management, factor mobility and the development of the non-farm sector (Gebremedhin and Nega, 2005; Samueal, 2008).

There have been critics against these constitutional provisions and the land administration proclamations derived from it. Many believe that limiting land holders ownership to certain use rights not only infringe basic property rights, but also restrict users in many ways. According to UNECA's (2002) economic report in Africa, as cited by Gebresilasie (2006:2), the Ethiopian Government land policy has been a reflection of a centralized and top-down approach, which has not taken into consideration the need of the farmers, civil society and businesses. However, the Ethiopian Government argued that free property rights including sale of land could lead to distress migration of the poor.

2.4. Rural Land Policy in Ethiopia

Immediately after the revolution and the assumption of power by the Derg and the subsequent land reforms it conducted, various insurgent groups lifted arms against the Derg. The current incumbent, EPRDF (Ethiopian People's Revolutionary Democratic Front), won the war and replaced the Derg in 1991 (Daniel, 2012:5). After the downfall of the Derg in May 1991, the new Transitional Government disbanded all collectivization and village programs based on the consent of the people. Collective farms were privatized to

individual farmers and the government stopped the grain requisition program allowing farmers to sell their produce at market value. In December 1992, it adopted a new economic policy whereby the government declared that until a new constitution would be in place, land would remain under state ownership (Dani'el, 2012:3-4). All urban and rural land is the property of the state and the Ethiopian people (Article 40(3) of the FDRE Constitution). Accordingly, sale, exchange and mortgage of land are prohibited. In many countries land ownership is not as such treated as a constitutional issue, but in Ethiopia, Architect of FDRE constitution a leasing public ownership of land far by seems to associated with its leftist outlook pro peasant and partly the impact of land ownership on politics, economic and social equity and tenure security.

The FDRE Constitution as well as other Federal and Regional Land Proclamations ensure free access to agricultural land. The amount of land to be provided to peasant farmers, as far as possible, is made on equity principle. This way, the policy objective is to ensure equality of citizens in using the land. Tenure security is another policy objective and concern of the government. As mentioned above, the FRDE Constitution prohibits any sale and exchange of land. State ownership of land is considered as the best mechanism to protect the peasants against market forces. In particular, it has been argued that private ownership of rural land would lead to massive eviction or migration of the farming population, as poor farmers are forced to sell their plots to unprincipled urban speculators, particularly during periods of hardship (Daniel, 2012).

The justification is that for large-scale modern farms, there is an abundant idle arable land in the low lands; both for rain fed and irrigation farming. Most of the farmers, on the other hand, live in the highlands where there is scarcity of land but large amount of accumulated human power due to high population density. Allowing the farmer to sell land here, would lead either to displacing the farmers or converting them to tenants. In both ways, large amount of capital and labor will be wasted (Ibid). This argument of the government is just it want to secure the citizens Land holding unlimited usage. Despite the government's concern, some researchers conclude that farmers would not sell their land wholly or partially if given the right to own their plots. Another study, conducted by the World Bank, reveals that most farmers would rather rent their land during stressful periods compared to any other alternative, such as selling it (Ibid). In other words, in addition to all the other benefits of rental markets suggested in the literature, the availability of formal land rental markets will serve as a caution to enable farmers to withstand unfavorable circumstances by temporarily renting their land rather than selling it.

The usual argument forwarded by this people against the state/public ownership of land is one that focuses on lack of tenure security. They argue that absence of tenure security for land users provides little or no incentive to improve land productivity through long term investment; increase transaction cost because of land dispute; and it hinders the emergence of property market such as, credit availability/land mortgage. The fear of the critics and supporters of private ownership of land is, further, that government may use land as political weapon by giving and taking it away from holders. However, the government rejects such fears as groundless and claims that government provides better security as it is managed by regional governments. A good example is the land registration and certification processes which are being conducted in Tigray, Amhara, Oromia, and the Southern Regions which enable farmers to have a land certificate for their holdings. This gives protection and security to the holder.

The current practice of land registration and certification provides tenure security, according to a recent study made by the World Bank (Deininger et al. 2007; Daniel, 2012). Others, though, still do not have confidence on the land registration and certification process by concluding that the process had not brought about the feeling of tenure security. For example, as Daniel, cited in, Dessalegn, argued since the land laws do not avoid completely the possibilities of future land distribution and since government still possesses the power of taking land by way of expropriation, farmers could not feel secure on their holdings (Dessalegn, 2009a; Daniel,2012).

In general, the debates seem to be based on ideological differences rather than empirical studies. The private vs. state ownership of land by itself is not as such a decisive factor. What is important is whether or not there are adequate measures and regulations in place to guarantee tenure security, such as land certification, just compensation in the event of expropriation, long duration of rights, good governance, absence of corruption, so on.

2.5. Urban Land policy in Ethiopia

Then after the down fall of the Derg regime, and changed of socialist ideology that land under taken the government owner ship and limited any of land tuner security in privet use , even if did not change the public ownership of land in general, has made important changes on policies of urban land. Lease became the over-riding urban land holding system through proclamation No.80/1993. This proclamation enabled the government to transfer urban land administration from the permit system to leasehold system. This lease holding proclamation was replaced by urban lands lease holding proclamation No. 272/2002. Of course, these former urban land lease

holding proclamations were not practically applicable to all urban centers throughout the country and it is the new proclamation No.721/2011 which has expressly provided that every urban center in Ethiopia will be administered by the lease proclamation even if there is a transitional period of five years depending on the decision of the concerned regional cabinets for some towns found in the various regions (Araya, 2004:14).

The Ethiopian Land policy in general it adopted inters constitutional provision (FDRE constitution Article 40(3)). Others concerning Urban land policy is incorporated in proclamations. As cited above the first urban land policy is promulgated in proclamation No-80/ 1992. The second is Proclamation 272/2002 that defines that leasehold system is made applicable to urban land held by the permit system, or by leasehold system, or by other means prior thereto (Federal Proclamation No. 272/2002, Art. 3.1). Land lease holding legislation Proclamation No. 272/2002 replaced by the proclamation 721/2011. This proclamation is completely different from the previous proclamation 272/2002. In the former proclamation land holding by permit was allowed, but the later lease policy and legislation prohibited land holding by permit to residential or for other purpose. Allotment of in urban on bid (auction) basis any person who wants to have Land for residential purpose must compute and registered in public auction. On other hand, this proclamation, by exception to the former lease law in its Article 12, it permits land lease allotment for: office premises of budgetary government; social service institution run by government or charitable organization; public residential housing construction programs and government approved self help housing construction; place of worship of religious organization, manufacturing industries, use of Embassies and international Organization as per agreements entered into with government, project having special National significance and considered by the president of the region or mayor of the city administration and referred to cabinet, a person displaced due to urban renewal program shall be entitled to a substitute plot of land, a lawful tenant of government or kebele owned residential house in the region or Dire Dawa shall be entitled to allotment of residential plot of land at benchmark lease price if displaced due to urban renewal program and could not be provided with access to substitute housing, provided, However that he shall deposit money as determined by the appropriate body in a block Bank account to show his financial position, a lawful tenant of government or kebele owned residential house in Addis Ababa shall be entitled for facilitated purchase of condominium housing unit if displaced due to urban renewal program, a lawful tenant of government or kebele owned business house shall be accommodated as per the decision of administration if displaced due to urban renewal program.

Other than these criteria cited above in article 12 of lease law, there is no any consideration for poor and low income group. For this reason, and other political and economic implication, Many scholars and writers criticize the Ethiopian land policy in two ways, the first is the constitution gives free land tenure to the rural resident but it does not consider the Urban dweller citizen; and the second is lease proclamation does not consider the poor and low income peoples. It gives priority for the individuals who have capacity to win the lease bid system. Such a system may question issue of equality among citizens. Even if in the same country the resource distribution is not fairly addressed proportionally among the citizen, this may caused conflict between the government and peoples. Additionally, this proclamation has limited the power of urban local government, and the regional states by prohibiting allotting or transferring land in any manner contrary to the proclamation. Neither they have the power to amend as per the demands of local community (Federal lease Proclamation, 721/2011 Article (5)). This may challenge the federal government decentralization principle of self ruling and land administration power of states.

2.6. Oromia National Regional State Urban Land Policy

In Ethiopian enactment of laws and policy making for utilization and conservation of Land and Natural resource is the power of the central government (FDRE Constitution, Article 51(5)), while land administration and police enforcement power is given for the states (FDRE const. Art. 52(2d)). Ethiopian Land policy is a part and parcel of constitutional provision. As states have empowered to administrate their land, the same to that, the policy they enforce is sourced from the Federal land Law. Oromia Regional state constitution takes this provision in its enactment article 47 (2c) which states “administers land and natural resource of the region in accordance with the Laws enacted by the Federal government.” Therefore according to, the Federal lease proclamation No. 721/2011 Article 33(1) (2), the Regional state powers and duties on Urban Land is limited to administer land in all urban centers and to issue regulation and directives necessary for the implementation of this proclamation. In accordance with this legislation, if we evaluate the power of Regional states and urban local governments in the laboratory of Federalism and the principles of decentralization, their power is inter depended in the central government supervision. This can be seen for instance, the Ministry of Urban Development and Construction has the power to follow up and ensure the proper implementation of lease proclamation in all regions, and also, it can prepare model regulations, directives and manuals to be issued for the implementation of this proclamation (Federal Proclamation No.721,Article 32(1,5)).

This means any of the Regional state may not further go out of consultation and supervision of the center to prepare their policy of land administration.

Contrasting Oromia Regional state regulation No.155/2013 with the Federal lease proclamation 721/2011, one does not identify any significant difference if there is any; the former separates the urban centers on the level of their grade to determining the lease bench mark. Accordingly, nine cities are ranked first grade. The first level lease bench mark for residence (including Burayu city) ranges between birr 426-307. Second level cities are 11 with lease bench mark ranging between birr 307-222. The third level cities are 24 in number with lease bench mark ranging between birr 222-160. For other service it continued to express the lease bench mark determination in provision of the regulation (Oromia Regional state Urban lease regulation No.155/2013, Art. 6(3) and 32). Additionally, the state of Oromia Land Management and Administration Agency can enforce the regulation through preparing directive. And also, urban local governments are enforced to take the regulation and directive prepared by state to impalement in appropriate place.

2.7. Urban Local government power on Land Administration

The local government position is sub-ordinate of Regional states. FDRE constitution separates the power of Federal and state governments explicitly as, exclusive, shared powers and functions that do not assigned to the federal government are reserved to the states(residual power) (FDRE Constitution, Article, 51 and 52). Federal and state governments are competitively they have their own executives, legislative and judicial body of government. In accordance with FDRE constitution Article 50(4) in line with Federal Constitution Oromia Regional state Constitution Art. 103(1), in its political objective, recognizes the self ruling of the Region. Hence, blew the regional state, there are three government tiers namely, Zones, Districts and kebeles. The position and power of Urban Local governments of the region are not defined in this constitution (Oromia Const. Art.45). However, with regard to the land administration, power is vested to Regional government, Districts, other than collecting land tax has not given explicitly administrative power. Moreover, parallel to the district power, the urban local government land administration, power is not disclosed in this constitution. With the second wave of decentralization, some powers were devolved to woredas in 2002. The Oromia Regional state defines the power of urban local government land administration under supervision of Urban Development and Industry Bureau(Oromia Regional State proclamation No.179/2013).Hence, Land Management and Administrative Agency, is accountable to the Oromia Urban Development and Industrial Bureau(Oromia, Proclamation No.179/2013,Article, 5(2) . The directive of urban lease holding is enacted and controlled

under this Agency. And also, the Agency structure goes down to grass-root level or kebele position if it is necessary.

2.8. Literature related to the topic reviewed

There are researchers who have conducted political economy and social impacts on land relation and squatting housing in different regions of the country but they did not focus on issue of urban local government powers on land administration and the challenges of illegal housing. Another short coming of the studies is missing the new Ethiopian federal system in decentralizing power to the local government. Specially, land policy and land law are enacted at the center, while the administrative power is decentralized to states (FEDRE Constitution, Article 51/5/, 52/2d/). This research focuses on the power of urban local government land administration in Oromia, the case of Burayu City Administration. The assessments is evaluated and investigated, why the illegal housing challenge the research area? How land administration power is decentralized in this focus area? To address this perspective the researcher reviewed the related literature and fill attempts to the gap.

Bamlaku, (2009:75-76) in his research topic “Environmental impacts of urban Land use changes concerning Addis Ababa city kolfe keranio sub city 04 kebel the particular area known as “Silte sefer” conclude that most periphery of Addis Ababa, there is a dynamic change from the agriculture land into settlements and from rural to urban centers. The main factor that contributed to such a rapidly shift is the inappropriate land use change in the study area partly due to combination factors such as the increase of rural-urban migration, and partly lack of land for housing for the lower and middle class; the inappropriate land use change has resulted in negative consequences on the environment of the study area. “These are informal settlements where large plots of land are occupied by individuals, construction of houses on marginal land such as riverside and hillside, establishment of informal business which could pose health threat for local community, poor solid waste management, and loss of agricultural land and shortage of water (Bamlaku, 2009).” Bamlaku, in his research, focuses on environmental problem, the expansion of illegal housing, the shortage of shelter, the problem of migration from rural to urban and geographical problem of the sub-city features. But, when he discuss about the Addis Ababa periphery of socio economic problem, he didn’t address the adjoined of Burayu city which has been faced the similar problem.

Girmaye , (2011:114-116), in his research topic, “Issue of Expropriation: The Law and the practice in Oromia”, argues that both the federal and Oromia constitutions, explicitly provide that the amount of compensation must “commensurate” to the value of

the private property taken by the way of expropriation. That is the amount of compensation to be paid for the expropriation of private property situated on the land and permanent improvement made on the land must “commensurate” to the value of such property. However, the expropriated land holding of farmers and pastoralist is insufficient due to the amount of compensation payable under FDRE, proclamation No, 455/2007. In addition to the inadequacy for amount of compensation due to low standard (basis) of computing, the displaced farmers have been facing serious economic and social problems. The case of land expropriation in per-urban areas is also another critical case which has caused great discontent among the affected farmers in Oromia. This is connected with exploitation of public purpose implementation in practice and illegal land sale as well as corruption caused in connection with it. The other problem is that it is unfair to catch all the profit by the municipality while there are possibilities to empower farmers to negotiate on the land price where land is leased to investors. In this manner, unfair compensation affects tenure security of rural landholding and discourages people from making additional investment. This is one of the situations which call for revisiting of laws to fill the gap on urban land speculation particularly on expropriation of pier-urban landholdings.

Girmaye(2011), attempts to discuss about the rural land holding and expropriation. His focus stressed the eastern industrial region of the famers earned unfair compensation. He however failed to address the impact on the power of local government and urban land administration. And also, he didn't address the particular investigated area of the topic.

Araya, (2013:154-161), in his research topic of “salient features of the new Ethiopian urban land lease holding proclamation No-721/2011 and its implications on the Ethiopian economy” argues that as land under the FDRE constitution is owned by the state and the peoples of Ethiopia, the urban land laws enable urban residents to hold urban land for housing purpose. By entitling land to urban residents fairly through the periodical allotment system for residential purposes can be addressed the equity and equality of the constitutional provision of fair resource distribution among the citizen. He concludes that the proclamation is accompanied by its own negative implications on the Ethiopian economy. He farther argues that the negative implication of lease law as: abolishing the permit land holding and converting old possession to lease holding has negative impact on individual property right; the lease proclamation is made to applicable in all urban centers and for all grades of land and that everyone will be allocated urban land for any purpose based on tender is unfair taking in to account the economic capacity of most urban residents and the fact those urban residents as part of the people are theoretically joint owners of land. This drives the poor and the middle income urban residents out of the

game. It also brings the monopolization of urban land by few rich investors who can afford to offer much during auction; the exceptions that in the case of transfer of lease hold after half completion of construction the proclamation almost totally blocks the chance of benefiting holder from the market value of land. This proclamation hampers the right of access to urban land; old possessors couldn't sale their possessions at their market value as buyers are expected to pay lease for the government in addition to the sale price of the properties attached with the land to the sellers during transfer; the proclamation lacks the necessary transitional provisions for many issues. This has endangered the interest of many individuals by subjecting them to unexpected additional obligations. For instance, the proclamation has subjected many buyers of old possessions who bought such old possessions but did not start the process for transfer of title before the coming in to force of the same to double payments. Because this proclamation obliges them to pay lease for the government after they have already paid the full market value of such possession to the possessors. Thus it has caused financial crises on such individuals; the fact that there are no clear criteria in the case of projects having special national significance considered by the president of the region or the mayor of the city administration and referred to the cabinet under article 12(1/g), the case of a sole bidder with no clear criteria under article 11(8), the expression '...the appropriate body may authorize...' under articles 21(3) and 25(2) and the fact that the reasons for failure to renew the lease contract are not clearly stated under article 19, etc., may expand corruption; the absence of an explicit provision to the effect that informal settlements occupied after the coming in to force of the proclamation will not be regularized may aggravate the problem.

Thus unless due control and follow up is made this will bring about the loss of large resources and encouraging rent seeking practices; moreover, the time provided for commencement and completion of construction under the proclamation does not take into consideration the capacity of most urban residents. For instance, the fact that small scale construction projects are given only two years and half to complete construction is unrealistic and discourages the low and middle level income people from engaging themselves in minimizing the housing shortage problems in effect making them non beneficiaries of the urban land, however, the harsh measures following failure to commence and complete construction, including the fact that the requirements for a force majeure¹⁰ to exist are those stated under the civil code, but not based on the special

¹⁰ Art. 1793 of 1960 Ethiopian civil cod, *articulate* the cases of force majeure:

(a) The un foreseeable act of a third party for whom the debtor is not responsible; or

problems of the construction industry create a sense of insecurity on individuals and thereby discourage them from engaging in construction activities; the proclamation does not put the ways how the interest of third parties such as banks will be protected when the contract of lease is terminated according to article 25 and measures such as sale or demolition are undertaken. This in turn exposes third parties such as banks which extended loans having collateralized both the lease hold right and the construction on it to losses which can finally discourage them from granting loans to lease holders. On the other hand if banks are discouraged from granting loans investment activities will be discouraged; transaction of immovable's i.e., land and buildings, security of tenure of urban residents, the construction industry, banking services, urban housing service, the market and investment. This in turn affects money circulation, job opportunity and the income of both individuals and the government and has a negative bearing on the country's economy.

Araya (2013), focus on the implication of urban lease law proclamation No.721/2011, and he points out the future service of new lease law how fairly can serve the society. According to his argument, those poor and middle class cannot afford to compete in lease bid. Additionally, he argues that, the proclamation has negative implication on Ethiopian economy. According to his finding and recommendation, because of this negative implication amending lease law is a solution. Araya (2013), however did not evaluate this law in laboratory of federalism. He did not point out how this law impacts on states and ULG power. The researcher stressed only on particular provision of this proclamation, he do not observe the power of ULGs capacity to execute this law. Additionally, he did not examine how to address the powers of urban local government on land administration and the challenges of illegal housing.

Daniel (2011: 23-27), in his Article, "Informal Settlement in Ethiopia, and the Case of two Kebeles in Bahirdar City" argues that the source of informal settlement in the study areas is the subdivision and informal/illegal/ sale of agricultural land. The kind of people who purchase in these areas are the residents of urban poor who have not shelters or forced by high standard living cost in the city. Daniel, (2011: 23) argues that, there are also urban speculators who aim to sell it back at profit. The common measure being taken is demolition of houses and total ignorance. The informal settlement in both study areas in

-
- (b) An official prohibition preventing the performance of the contract; or
 - (c) A natural catastrophe such as an earthquake, lightning or floods; or
 - (d) International or civil war; or
 - (e) The death or a serious accident or unexpected serious illness of the debtor.

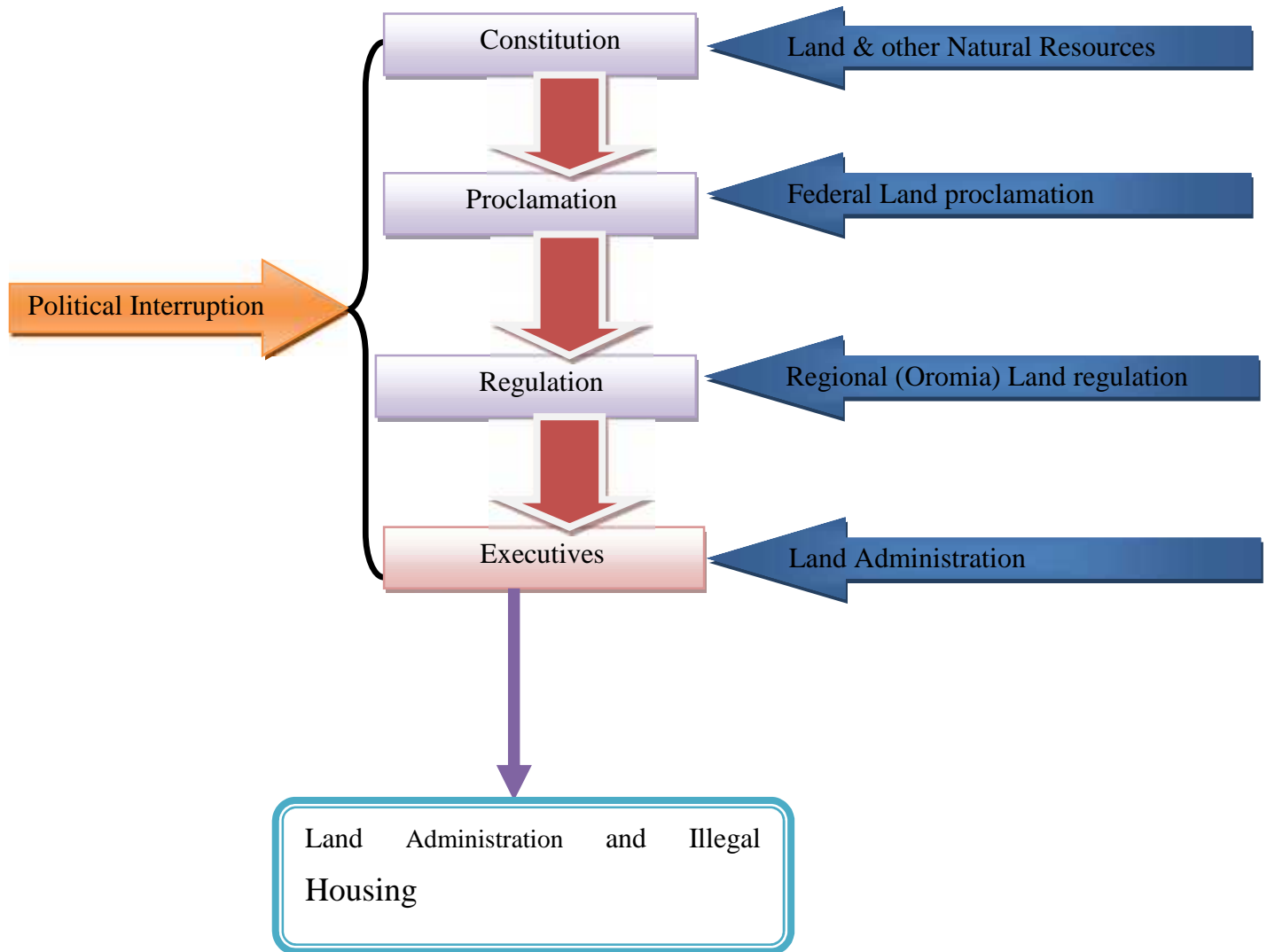
Bahirdar city share the common features of shanty houses and poor housing constructions like any other places in the world. Their residents are isolated and forgotten by the city and government authorities (Daniel, 2011: 24). As the report on global human settlement has well summarized "rather than being assisted in their efforts by governments, they have been bounded and their homes frequently demolished, they have been overlooked when basic services are provided, and they have been ignored and excluded from normal opportunities offered to other urban citizens"(UN-Habitat, 2003). The settlements have the potential of creating environmental pollution and land degradation, being sources of health problems, crime and urban violence. They will be a social liability unless assisted and rescued from such living conditions. He, discuss about the informal settlement in Bahirdar city particularly in two kebele. And also, he attempts to address the problem of agricultural land sale, the environmental problem and poor housing construction. This article, however, did not address the implication of new lease policy law in perspective of decentralized urban local Government land administration.

Degu , (2014:61), in his article entitled "the Characteristics of Squatter Houses in Burayu Town Adjoining Addis Ababa, Capital City of Ethiopia" argues that the expansion of squatter settlements and burgeoning of slum are among the challenges being posed by rapid rate of urbanization especially in developing countries like Ethiopia. He identifies characteristics of squatter houses in Burayu town in relation to location of the houses in environmentally sensitive areas, construction materials of the houses and accessibility of the houses to public utility services and facilities. His finding indicates that the characteristics of squatter houses in Burayu town are not different from characteristics of other houses which are developed in legal manner in the town. But, 58.1 per cent of the squatter houses are located in environmentally sensitive areas which are prohibited by the Structure Plan Preparation Manual prepared by the Ethiopian Ministry of Urban Development and Construction, in 2012. The common characteristic is the lack of ownership of the residential land on which the squatter houses have been built (Degu, 2014:61-62).

In sum, Degu investigates the impacts of land use and land administration on socio-economic and political problems. But he has failed to examine, the connection of power of federal government enacted laws and policies, on the urban land administration. And also, he didn't address the researched area particular issue of land Administration. Additionally, this researcher didn't touch the root cause of the squatter housing and illegal land transaction in Burayu City.

2.9. Legal Framework

Figure 1: The Legal Framework of the Study Subject



1. Constitution govern the land policy and natural resource usage overall the country through enacting the Policy and Law by parliament.
2. The Regional state council empowered by the Federal constitution to adopt the land administrative proclamations and regulations.
3. Urban local government subordinated under the state to execute land administration.
4. Political interruption through party channel has its positive or negative impact on land administration when the law is applicable.
5. Chain of land administration is top down structured from federal to states.
6. The land administrative structure between states and local governments has been practiced centralism.

Chapter Three

3. Methods of the Study

3.1. Description of the Study Area

Before 1946 E.C, prior to development of early settlements, Burayu was covered with dense forest. The name Burayu is reported that it was derived from one of the indigenous trees of the region. Merchants from the western part of the country and people from Addis Ababa who wanted to live and leisure at the sub-urban of Addis had also contributed a lot to the development of the town. Burayu is located from 9⁰02'to 9⁰02'30" N latitudes and 38⁰03'30"to 38⁰ 41'30"E longitudes. It is bounded by Addis Ababa City to the East, Sululta District to the North, Walmera District in the West and Sabata Hawas District to the South and North West (Burayu City profile, 2014/15). Administratively, Burayu town is under the special Zone of Oromia surrounding Finfine City Administration. In 2006 the Town has been granted 1st grade town status.

Based on the 2007 census, projected population of the town in year 2013 was estimated to be 81,740. Whereas as it was counted in year 2011 by Burayu town Municipality, the population size of the town was around 114,426. Out of the total population of the town, migrants constituted close to 61 %. There were 18,789 housing units (HUS) for households (HHS) in Burayu town; the ratio of the total number of HHS per 100 HUS becomes 1.0403. At the same period, the number of households who owned their residence is 11,376 and those who rent shared house is 10, 855. The percentage of households with house made of durable material is 14,633 (Burayu city profile, 2015).

Both crop production and live stock rearing activities are taking place in the city and periphery parts of the Towns. Vegetables are the dominant type of crop produced while live stock production includes dairy farm, cattle, sheep and goat fattening (Burayu City Agriculture Office, 2014). As the source of land Management Administration Agency office of Burayu town reports, the breakdown of the existing land use in Burayu town is low.

3.2. Study Design

Based on the complex nature of the information required to answer the research questions of the research under discussion, cross-sectional research design is believed

appropriate. This is because one issue may need much kind of cases from different sources simultaneously. Therefore, a cross-sectional research design is employed for a data collection and analyze.

3.3. Research Methods

The nature and objective of a certain research determine the type of data to be used; hence, the type of research methods to be chosen. The research under discussion needs complex information that may constitute both quantitative as well as qualitative data. Therefore, the mixed research approach is found appropriate to answer the research questions and achieve the research objectives.

3.4. Research Strategies

This study employed survey research strategy because the data are collected from many and different sources. It is also a survey to describe the reasons, and opinions, and documents to reach a certain conclusion about a particular issue. This again helps to predict similar issues may occur in other areas or circumstances.

3.5. Data Sources and Collection Methods

3.5.1. Sources of Data

To achieve the objectives of the study, both primary and secondary sources of data were used. To get the primary data, the survey questionnaires, interviews and FGD were used. The secondary data was collected from different published and unpublished documents such as journals, books, magazines, articles, websites, research findings, policy documents, different work manuals and other relevant documents to the research.

3.5.2. Data Collection Method and Instruments

The study employed structured questionnaires, interviews, focus group discussions, and document analysis.

The qualitative data such as key informants and focus group discussion (FGD) were collected from the transcripts of taped interviews, and FGD records. Participants of the study were purposely selected from the officials from Burayu city administration different departments and dwellers who are thought to be affected by recent problems including the Land administrators, residents, legislators, and police implementers. This is because most these officials have engaged in coordinating, organizing and following up the activities

related to land administration tasks of the city. Similarly, the participants of the FGDs were purposely selected from the local communities.

Professional data collectors were participated. Because of the great width of the study area, five professional enumerators were involved. During the data collection, in both sites, the following qualitative methods had been adopted over two month's period: focus group discussions with 8 participants of selected local communities. Similarly, interviews with key informants, under the concerned bodies, had been conducted.

3.6. Subjects of the Study

3.6.1. Population of the Study

All the study populations were residents of Burayu city administration of Oromia National Regional State.

3.6.2. Target Population

The target populations of the study were Burayu residents, investors and farmers who are living in six Kebeles of Burayu city administration, Oromia National Regional State.

3.6.3. Study Units

The residents, investors and farmers who live in the study areas and those full fill the inclusion criteria.

3.6.4. Case Study Sampling

This study was employed by both purposive and random sampling techniques in order to select the required size. First, purposively Burayu city was selected. Under this city administration there are six Kebles. All of them were included in the study. Then the final study units were sampled by random selection system.

3.6.5. Sampling Frame

The sampling frame of this study was list of residents who live in the study areas. The list was taken from the Land Administration Management Agency Office of Burayu City.

3.6.6. Sample size Determination

Questionnaires prepared for 100 persons who were selected from six Kebeles by strata random sampling method. Thus, 10 persons selected randomly. The rest 40 people were of experts, lawyers, politicians and others different bureaus of Burayu city. These subjects were selected because the issues under the research directly or indirectly involve them.

3.6.7. Methods of Data Analysis

After the data was collected, the raw data was converted into suitable form for analysis and interpretation. This was achieved through sequences of activities including editing, coding, entry, and tabulation. The objectives were to check the completeness, internal consistency and appropriateness of the answers to each of the questions. Finally, the data was analyzed using Statistical Package for Social Science (SPSS). Descriptive statistics were used to analysis and find out the results. This method of data analysis is important to analysis the land administration and illegal housing portions of the studies for many reasons.

In addition to this, the analysis of the qualitative data was based on the transcripts of taped interviews by converting from Afaan Oromo to English version. This data covers extensive field notes and field reports prepared by the researcher and the co-workers.

3.6.8. Ethical Consideration

The research addresses all relevant ethical considerations such as the issues of privacy and transparency. Consent was obtained from the Administrative of the town after explaining the relevance of the study.

Privacy of the individual should be kept confidentially; without exception to the interest of the society when and on what terms his or her acts should be open to the public. The right of respondents to be informed beforehand about why they are being asked how the information they supply was used was done.

Chapter Four

4. Result and Discussion

4.1. Urban Land Law and Policy Implementation

Any law or policy must be formulated to serve the interest of the people. Theoretically, at the time of initiation or adoption, until a policy/law is tested in practical implementation, it will be difficult to conclude as good or bad policy or law. After examined in practical execution, people may express their satisfaction¹¹ or dissatisfaction. Lease law aims to serve the public in accordance with article 40 (3and8) of FDRE Constitution that land is the property of the state and the people of Ethiopia.

Hence, its implementation shall be subject to specific laws and regulation. In fact, currently Ethiopia registered sustainable rapid economic growth across sectors such as agriculture leading industries and manufacturing. These economic activities are never done on the air. They also require land both from the urban as well as from the rural parts of the country. Investors who want to participate on industry investments increasingly and continuously demand urban land for planting their industries. The land provision issues also require careful and lawful administration but responsive of the pressing land resource demands.

The main objective for enacted lease law is to enhance the prevalence of good governance. It was aimed to facilitate the request for the development of an efficient, effective, equitable and well functioning land and landed; property market, the sustenance of a robust free market economy and for building transparency and accountability of land administration system that insures the right and the obligation of the lease and lessee (lease law preamble, 721/2011).

The general purpose of lease law is, as cited in the above statements, to balance the resource distribution in relabeling equity and good governance. However, when it is investigated in practice the public has got mixed opinion. Respondents of this research have prone and cons opinion on the lease law. People may evaluate this law through their standard judgments. Eventually, the result of this study identifies the opinion indicated in Table (Table 4.1) below.

¹¹ Measuring individual satisfaction may be difficult and subjective, but we may measure in the angle of government minimum service deliver agreement package.

As the assessment result elaborates, 88% of the respondents commented that the lease law does not fairly serve the urban dwellers; the remaining 12% of respondents think that the lease law has fairly served for the dwellers. Likewise, another question was raised whether the lease law has answered the urban dwellers housing demand or not. The result (93%) of informants responded that the lease law has not answered the urban resident shelter demands, whilst 3% of the respondents said yes, it answered, and remaining 4% did not comment on the questionnaires.

Table 4.1: Respondents opinion on lease law implementation

Variables	n ¹²	Dimensions		Remark
Do you think that the lease law has fairly served for the urban dwellers?	100	No 88%	Yes 12%	
Has Oromia lease law answered the urban dwellers demand for shelter?	100	93%	3%	4% informants did not respond

Source: survey by researcher.

A. Equity

The lease proclamation is made applicable in all urban centers and for all grades of land in Oromia municipalities. Everyone will be allocated urban land for residential purpose based on tender. However, urban land provision is unfair taking in to account the economic capacity of most urban residents and the fact that urban residents as part of the people are theoretically joint owners of land. Such kind of land supply deprives the poor¹³ and the middle income urban residents out of the game.

As the informants' responses show, only tender made of supplying land cannot fairly serve the ordinary citizens and it has not answered the people demands for shelter adequately.

Other comment on the provision of the existing lease law is that there is no individual limit to participate land bid. Specially, a person who has enough money can compete everywhere in the region, city and Kebeles despite proclamation 721/2011 Article 11(2) that prohibits

¹² Total numbers of respondents

¹³ According to the world bank information poor means a person has daily income \$1 dollar and less (E-Wayne,2006:10-15).

bidders competing lease bid more than one in the same plot. The gap seen in this provision is not limited on other plot of the same city. It also resulted in monopolization of urban land by few rich who can afford to offer highest price per seq. m during auction (Araraya, 2011:154). This is not bad for the investment but it seriously bans the other citizens (residents) competing in the lease auction. There may emerge unacceptable monopoly of scarce public land resource by few social groups.

So, as the respondents answered the wealthiest persons benefit from lease the law. In this regard as the opinion of the majority of the participants, the law discouraged the residents and it has pushed away them from the game.

Taking this into account, the following related questions were raised “Why has society not satisfied by the service of lease law?” And “Who are more benefited?” So, the answers to these questions are presented in Table below (Table 4.2).

Respondents give their opinion under table 4.1 and 4.2 on the problem of lease Law and why lease law cannot serve the people equally. Experts and residents participated in the participated answered this questions similarly. Hence, 98% of respondents believed that the lease law benefited the wealthy or the rich. However, 1% of the respondents believe that middle class has benefited more.

Surprisingly, no respondents believe that the lease law benefited the poor people. This evaluation is critical and raises questions on the equity and implementation of lease law. Basically, if anyone examines the purpose of lease law from the preamble, its fundamental aim is to serve the public through the sustainable economy, social welfare and fair distribution of resource among the citizens. Yet, the practical test and evaluation of the law diverted from its objectives as the comments of the people indicated. In fact as the Ministry of Urban Development and Construction reported the land lease aims to harmonize with the main policy objectives (MoDUC, 2012). Contrary to the current findings, the (MoDUC, 2012) finding stressed that the law attempts to tackle the citizens’ shelter problem.

Relatively, the government poverty reduction program for solving shelter problem is the parts of urban development policy which is harmonized with laws and regulation. However, at this moment as the citizens responding to the questionnaires show that the lease law cannot encompass the middle income earner and the poor people. So, this lease law has created challenges by itself. Good law and policy serve public at large. When we look the provision of lease law, it has alternative option to serve the public according to their capacity (FDRE proclamation No-721/2011, Article, 7 and 12). As the results of this research show, Burayu city administration made lease bid for two consecutive years. To get

plot of land for building residence, there is no option but competing in lease bid. This directs the society to illegally involve in land garbing. In actual fact, if policy and laws are not implemented as their objectives, they enforced to vehicle a problem between government and society. This is what has been observed recently in many cities of Oromia.

B. Balance of Demand and Supply

Fulfilling citizens' demand for shelter is one of the government duties. Fairly distribution of the public resources is one factor that would strength the peoples' trusty on its government. When laws and policies do not answer the interest of society at large, it raises questions of good governance and accountability of government.

The another gap that has emerged according to the respondents response is on one plot the same family members may win by organizing themselves or presenting fake documents(interview, Ato Fayisa Getachew, 2016). This is the consequences of unfair competition of lease auction and the transaction of illegal housing. This can be a threat for the indigenious people because it may also marginalize them (Interview, Ato Tadese Bahiru, and March, 3, 2016).

C. Alternative Solution

So, if the lease law did not benefit the majority people then the respondent were asked "what remedy should the government take?" 49% of the respondents suggested the amendment of the lease law, 29% of the respondents recommended for new policy enactment on land administration and the remaining 22% respondents wanted to repeal the law. Generally speaking, we can conclude from the respondents' interest that the lease law has to necessarily serve the public if at least some amendments are made. The government should work to benefit the majority of people by respecting their demands and interests. The government should listen to the society, experts' opinions, and other voices to solve the emerging the problem.

Table 4.2: Evaluation of beneficiary of lease law

No	Variables	n	Dimensions		
1	Which class of society has been more benefited from the existing lease law?	100	Wealth ¹⁴ person 98%	Middleclass 1%	Poor class 0% missed 1%
2	If the people are not benefited with the lease low, as your opinion what remedy the government should take to adjust the problem?	100	Amend the law 49%	Repeal the law 22%	Enacting new policy 29%

4.2. Practice of Powers of ULG on Land Administration

In Ethiopia gradually starting from transitional period to the contemporary day, political, administrative and fiscal decentralization is under taken in different reforming institutions and laws. We know that the power division between the federal government and the states are exclusive, concurrent and residually expressed in the provision of the constitution (FDRE Constitution, Article, 52(1)). Concerning local governments, Waredas and urban local governments are recognized in state specific legislation. Particularly, urban local government power is disclosed after the state reforms their constitution in 2001. They declare decentralization of urban local government in specific laws. In accordance with the principle of decentralization, one of the powers given to the ULG is managing urban land administration under master plan.

At the time of decentralizing power to local governments, different reforms were under taken. The urban land administration package is one of the government key sectors of reform. Hence, respondents who live in Burayu city administration distinguish the practice of ULG in land administration. Experts are involved in the implementation of practical lease law execution. So, the evaluation of informant on powers of ULG on land

¹⁴ World Bank classify countries in their capacity GNI and bases on per capita: low income \$ 1000 or less, low middle income \$1001-3000, upper middle income \$ 3000-9000, and high income \$ 9000 or more. Ethiopia is recorded in lower income countries E-Wayne, 2006: 20-26). This analyses is not based on the international categories of income, the wealth person means according to this assessment a person who has a capacity to invest and compete in lease bid at any time redundantly at higher bid.

administration, the answers of respondents are close to the reality of experience on the surface. Even though, 51% of the respondents replied urban land administration practically has not been decentralized to ULG, 40% of the respondents responded ULG land administration has been decentralized, and 9% did not respond. In parallel, 60% of informants said that ULGs have no autonomous power on land administration, 20% of the respondents said ULG have autonomous power on land administration and 20% choose silent (See Table 4.3). If that is so, why power of ULG is not practically decentralized? The respondents postulate some possible suggestions;

- Due to the interferences¹⁵ of the federal Government and higher officials of regional the state.
- In the reason that any law concerning land use is enacted under the federal government legislation; ULGs haven't the power of legislating land law in accordance to their people demand and administrative context.
- Because of law and regulations are limiting the scope of ULG power on land administration. Any movement concerning land administration is under the supervision of higher officials of the Oromia National Regional government. ULG cannot independently decide on land management as their local interest dictates them.

When respondents were asked if they believe that the ULG effectively administer urban land, the majority of the respondents, (90%), responded that they do not believe the ULG on its land administration, whereas, the other 8% of the informants said that the ULG effectively administer the land, the rest 2% of the respondent did not respond. These respondents believed that ULGs do not properly administrate urban land. They postulated some possible reasons for this, 36% of the respondents said that the problem is lack of good governance, similarly 28% of respondent said that the cause is corruption, the other 12% of the respondent said that the cause is lack of capacity, and finally the remaining 24% of the respondents said that all the causes this problem are inefficiencies or ineffectiveness of the system in general (Table 4.3).

According to this evaluation, lacks of good governance take first rank for the cause of ineffectiveness or inefficiencies of the ULG land administration. When lack of good governance is the cause for ineffectiveness of ULG land administration, another cause for inefficiency of ULG government land administration is corruption. Anyway, lack of capacity can also be the cause for ineffectiveness of ULG, at this moment, the government

¹⁵ Mayor is accountable to the president of the National Regional state (Oromia Regional state Proclamation No-116/2006:6), has opened a door for the regional to not only hinder the execution of the decision of elected representative of the local people, but also to replace local decisions with their own. This has under mined the role of local councils as the over seers of the performance of the local executive bodies (Zemelak, 2014:145).

provides the capacity building training to capacitate the civil servants but it could not be changed in the expected.

Good governance is realized through proper implementation of policies, transparency, effectiveness, consensus based decision making process, efficiency, responsiveness, accountability, respecting rule of law, and honesty. Those elements of good Governance are expected to be fulfilled by all levels of government. To grasp effective good governance decentralizing powers with responsibility and accountability may answer the people interests of service demand. Enhancing good governance produce the public confidence on government, by contrast lack of good governance result the public untrustworthy on government. As seen, the cause of Burayu city land administration system, more of the respondents stressed on the lack of good governance for the cause of inefficiency. The researcher shows lack of real and practical decentralizing power of land administration has resulted in the lack of good governance. To tackle this problem empowering local government with accountability can promote the cooperation between government and society (Interview, Ato Tadese Bahiru and Fayisa Getachow, 2016). People expect from the government to fulfill the basic necessity like shelter. A responsible and accountable government for its people provides the public service that meet public preference. To fill the shelter demand, providing land to the people as per their paying capacity is the duties and responsibility of the government (Interviews, informant, 2016, Burayu). ULG is near to the people at grass root. Lack of decentralizing power is obstacle to the service delivery necessitated to the people. This can be caused by lack of good governance and enhance corruption. The end result challenges the development of federalism and supposed self ruling and shared ruling.

Table 4.3: Power of ULG and land administration

Variables	N	Dimensions			
Do you think the land administration power is decentralized to ULG (municipality)?	100	Yes 40%	No 51%	Missed 9%	
Do the ULGs (municipalities) have autonomous power?	100	Yes 20%	No 60%	Missed ¹⁶ 20%	
Does the ULG effectively administer Urban land?	100	Yes 8%	No 90%	Missed 2%	
Which one is a cause for inefficient land administration of ULG?	100	Lack of capacity 12%	Lack of good governance 36%	Corruption 28%	All are the cause 24%

4.3. Law making process and ULG powers on land administration

The above table shows that Burayu city Administration is not responsive as far as land administration is concerned. Various factors attributed for this: Burayu City Administration has not practically empowered on land administration. Specially, sub-cities (Kebeles) have not been empowered on land administrating. The data obtained through interview from concerned officials of Burayu city administration and the officials of Burayu city Kebeles supported this idea. One of the officials of Burayu city Municipality argues that the law making process for land and natural resources is constitutionally the power of the Federal government. At the time of initiating law, consultation with concerned body should have been taken place. Only Enacting regulations and administrative power is given to the state. State enacted regulations in line with the federal law. After the law is adopted, then the Urban Local Governments implement the law. Practically, implementation of land administration has its own problem. For instance, all packages formulated in the lease law provisions are not equally implemented that is why today there is lack of good governance and illegal working systems are widespread in the city administration. The basic issues are thinking how the concerned bodies are resolving the problems of lack of good governance; how often are they successively implementing law and regulation wrongly used.

¹⁶ Missed manse the respondent not chooses from any of the alternatives.

Burayu city administration, like any other local governments of Oromia National regional states, enjoys land administration power through lease law. But implementing the rules and regulations has its defects. The human powers structure each city administration does not have enough manpower the service needed. Especially Kebeles do not have adequate man power and structure to satisfy the residents need. As the eye witness in each Kabeles suggested, there are around 20,000 people in one kebele. For instance, Lakku Kata has 22,000 populations and Gafarsa Burayu has 55,000 populations. Strengthens human power structure helps to serve the people closely. Power decentralizing and strengthen local government can build democracy and good governance. But, in Burayu city administration owing to the limitation of empowering Kebeles administration, its growth is obstructed.

4.3.1. Sub-city (kebele) land administration power

In Oromia regional state land administration power is the responsibility of the Oromia Land Administration Management Agency. According to the Oromia proclamation 179/2013, the structures go down ward to Kebele administrative level. Land administration power is also governed under lease law and Oromia land administration of regulation No-155/2013. The powers of city land administration are subordinated under the Oromia land management agency power. The Oromia Land management agency prepares directives to execute the lease law and regulations. City administration land management agency executed the land administration under the supervision of Oromia land Management Agency. Kebeles are performing the duty delegated from city administration. According to the Kebeles officials, power should be given to the Kebele administration to control illegal building; supervise the legal building in relation to the given master plan; distinguish and record the old processions and maintain rules and regulations. The power of preparing house plan and transferring land title for the purpose of different services, entering lease contract with lessee, certifying possession and administering land tax are performed by city administration offices.

Five from the six Kebeles in Burayu city administration are administering under city master plan. Exceptionally Gafarsa Gujje is not covered under city master plan. It is administered as a rural Kebele. One of the officer of peace and security of Gafarsa Gujje Kebele said that the policy making and legislation process is in hands of the federal government. The power of Oromia National Regional State is administering and enacting regulations to execute the lease law. The city administration power is executing the law, regulation and directives enacted by the federal and state. Kebeles are subordinated under city administration, and they are working accordingly.

Gafarsa Gujje Kebele is administrating under Burayu city administration. Gafarsa Gujje Kebele master plan is not adequately known. For this reason, there are no adequate services, that is, no infrastructure facility and the residents do not get full services from their Kebele. The absence of the master plan is creating challenges to control different illegal transaction performed on the land. In addition to the master plan transferring title and registering possession has its own problem. After the adoption of lease law, the power of Kebeles on land administration is totally prohibited. More service delivery is undertaken by city administration. Power is concentrated at the higher level; however, the people and service are concentrated at Kebele level. Therefore, Public service delivery and people demands do not match at all.

Generally, in this Kebele registering old land possession, transferring and certifying land holding is prohibited. City administration has no power to solve this problem. So, this leads to illegal land invasion and lack of good governance.

In evaluating the effectiveness of land administration in Burayu city administration, the finding do not attest successful story. Determining on land administration with the demand of resident and paying compensation is governed by federal legislation. Hence, city administration or Kabele cannot amend the compensation procedure with appropriating the current land value and demands of the expropriators. Farmers are complaining against the unfair compensation practice. Today's value of land per square meter is preceded by the lease law. Currently, the lease rate in Burayu city ranges from 6,000 to 23,000 per m² (Burayu, Land Administration Lessee document report, 2016).

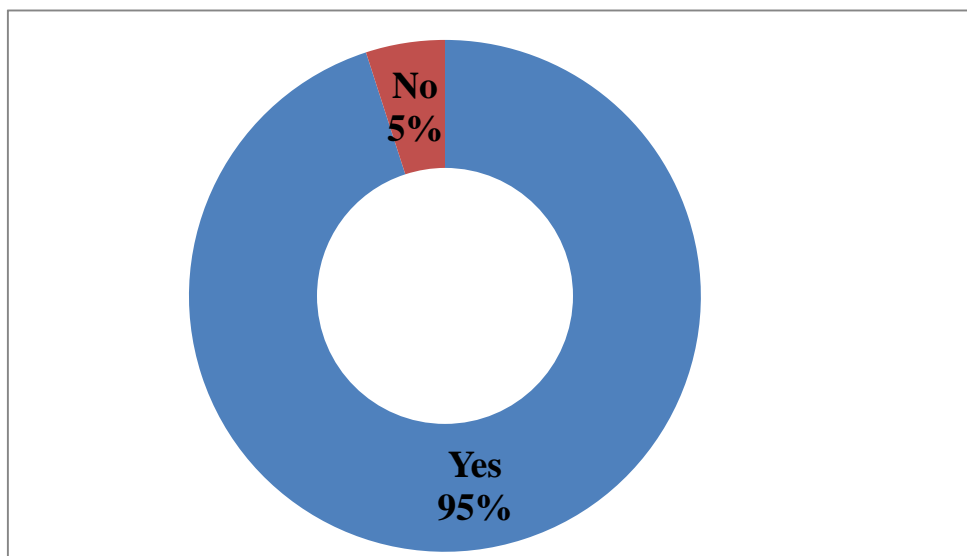
Proclamation 455/2007 governing the law of compensation cannot answer the current differences of currency between land value and payments of compensations. This has negative effect on good governance in the city administration procedures

On the other hand, distinguishing government land owner (cadastral), land putting in government bank and securing land tenure in this locality is negligent. This gap results in ineffectiveness of ULG service delivery and land administration. The majority of the participants share this fact.

4.4. The illegal housing expansion and its challenges

Expansion of illegal housing in Burayu city has become challenges to the city administration. Hence, the researched area socio-economic data shows over 7000 illegal houses are found in the city (Degu, 2014:14). Likewise, the output of the quantitative data illustrated that 95% of the respondent proves the presence of illegal housing expansion in Burayu city (Fig. 2).

Figure 2: The respondents' opinions on illegal housing expanded in Burayu city



The government officials who were interviewed witnessed the seriousness of illegal housing in the area. The data shows illegal housing in Burayu city is caused by high cost of lease price, Government's poor land management, and poor lease law awareness from the society side is clearly visible phenomena. (Table 4.4)

Table 4.4: Cause for Illegal Housing

Variables	Dimensions			
What are the causes for expansion of illegal housing?	High cost of lease price 63%	Lack of awareness about the lease 4%	Government Poor Management 21%	All are causes 12%

4.4.1. Actors in Illegal Housing

Consequently, Table 4.4.1, briefly shows the respondent's opinion who the actors involved in illegal houses. The following section shows the actors who are directly involved in the illegal housing activities.

Farmers: - would like to escape from expropriation due to unfair compensation. For this reason they contact with brokers to facilitate selling and contacting concerned officials in mysterious manor.

Brokers: - are greedy to earn income for their individual unfair income. They go between farmers and the buyers. They contact the rent seeking officials and facilitate illegal housing for legalizing.

Investors: - who went to reach across and rent seekers have involved in illegal land use and illegal housing to get illegal income. Implicitly they employ on land buying and selling, attaching with small building.

Officials: - some rent seekers officials associated themselves with illegal investors and brokers and involved in illegal land transacting from famers to the investor or individuals.

Government employees: - most of the government employees escape the lease competition for its high price. Some may involved to maximize rent seeking benefit.

Private employee: - more of them have the same case for solving their shelter shortage. Maybe some of them participate for getting high value of interest.

Generally, 82% of respondents said that officials, government employees, investors, brokers and private employees are involved in illegal housing and illegal land transaction in black market to fulfill their individual interests (Table 4.4.1). The municipality manager also elaborates how strengthen illegal housing in Burayu city. He underlines that the involvements of broker is accelerating the expansion of illegal housing. He points out that rent seekers government structures interdependent with brokers, expanding illegal housing. He contentious that the unfair compensation paid for land holders' expands illegal land use and illegal housing. The current market currency and payment of compensation do not matched. Other factors that contributed to the expanding illegal housing are lack of farmer awareness on the lease law.

Table 4.4.1: The Actors in Illegal Housing

Variables	N	Dimensions				
Who do you think are involved in illegal housing?	100	Government	Investor	Private	Brokers	All are
		Employees	0%	Employees	9%	Participant
		2%		3%		82%
						Missed
						4%

4.4.2. Impact of Illegal Housing

Illegal housing expansion may negatively affect the social, political and economy of the society welfare in different ways such as it can change the city demography; the illegal expansion of migrant can marginalize the indigenous people culture, language, identity, and demolish their livelihood of farming land. It can provoke conflicts between people and government because of the demolishing measures taken on illegal housing. All demolished individual person properties will have negative impact on socio economic welfare the country (interview, Ato Tadesese Bahiru, municipality manager of Burayu city, 2016).

Ato Feyisa Getachew, interview respondent expresses his opinion about the seriousness of illegal housing in Burayu city, particularly in Gefersa Gujje kebele. The

problem is challenging even for the leaders to manage the land administration and protecting illegal building. Migrants from different regions and adjacent cities settled in this Kebele. The majority of the farmer's area has sold their land holding due to the fearing of unfair compensation and expropriation from the government. They sold their land secretly through brokers, local leaders and the buyers. After selling, farmers build small house to be free from the charge of lease law prohibition. They make forged contract and concluded with buyer by regressing the day of contracting before 2011 to be free from charge lease sanction. Local leaders cooperate with the farmers, brokers and buyers and recognize a forged contract. Farmers and illegal buyers register their contract with the attachment of farmers land holding certificate (green card) to legalize in front of city administration. Farmers land holding certificate governed under proclamation 130/2007 of Oromia Regional state rural land law. The unique problem for this Kebele administration hasn't governed under city master plan. For this reason and other reasons mentioned above, farmers use the gap of law and conclude the contracts of house sale or contracts of donation by the name of their family. The hindrance of master plan exist the gap of controlling rule and regulation that proclamation 721/2011 of lease law and proclamation 130/2007 of Oromia rural land law simultaneously cannot govern city administration and rural Kebel. In the case of farmers complaining the unfairness of compensation, they choose illegal land transaction and illegal housing. Additionally, residents who cannot compete in lease bid also choose to purchase land or illegally constructed house from farmers. Those two groups who have a grievance on government law of compensation and lease law commonly expand the illegal housing and illegal land transaction.

4.4.3. Controlling Illegal Housing

The participants in the study express their views on how the government can control illegal housing. Thus, the majority of the respondents,(53%), said the government should choose periodical distribution of land plot for residents through allotment; the other 28% the government should create awareness of citizen on lease law; 3% preferred demolishing illegal housing and the remaining 8% choose enforcing the law seriously and 8% of respondents chose silent (Table 4.4.2). Proclamation 721/2011 Article 7and12 permits the land distributing through allotment for different social service and to solve shelter problem. Now this provision is not in practice in Burayu city administration. That is, the system of allotment land for residency did not perform. To be equitable the resource distribution among the citizens, distributing periodical land plot allotment through lease bench mark solves the shelter problem in accordance with the informants' opinion.

Table 4.4.2: Respondents' Opinion on how to Control Illegal Housing

Variables	N	Dimensions				
How can the local government control the illegal housing in Burayu city?	100	Crating citizen awareness	Demolishing illegal housing	Enforcing law seriously	Periodically Distributing Land for Resident through allotment	Missed 8%
		28%	3%	8%	53%	

4.4.4. Officials Opinion on how to control Illegal Housing

Officials give their opinions on the plan for tackling the illegal land transaction and the seriousness of illegal housing. One of the officials expresses his opinion how to control illegal housing activities. He suggested registering old possessions, certifying, and legalizing tenure security can tackle the problem. H added that adequately implementing the Gafersa Gujje master plan as soon as possible can mitigate the problem. Finally, he advised that reintroducing self help housing associations can reduce the shelter problem and illegal house building. The Kebele officials who were interviewed also suggested that creating awareness of resident on lease law can reduce illegal housing; continue building condominium; allowing self help housing association; periodical allotment land distributing for residential purpose through lease bench mark for citizens who have less income earners. They also strongly advised that Demolishing illegal housing and charging those who clearly and tangibly participated in illegal land and making registrations and certification of old possession immediately.

4.5. Black market Land Transactions in the study Areas

Constitutionally, land is a natural resource of Nation, Nationality, and Peoples of Ethiopia. The Constitution of the Federal Democratic Republic of Ethiopia secures the land tenure, and property right for all citizen (FDRE Constitution Article 40(3, 8)). Under the consideration of black market land transaction, as (Table 4.5) illustrated, 80% of the respondents convinced that this transaction present in their areas, whereas, the rest 13% of the respondent do not know. However, the remaining 7% of the respondent keep silent to say something about the raised issue. Based on the depth interview and focus group discussion informants response brokers, officials, government employees, farmers and the society at large are the actress bodies who participate in the transaction.

Table 4.5: Illegal land use

Variables	n	Dimensions		
Is land transaction in black market practiced	100	Yes	No	Missed
		80%	13%	7%

4.5.1. Farmers Escape Expropriation

Why farmers are not willing to expropriated? Is illegal house expanded in Burayun city? Does the government have solutions for these two questions? These questions have comparable concepts with illegal land use. Hence, as any building has an attachment with land, the discussion about illegal building goes with illegality of land transaction “in black market”.

Transaction of land in black market and building of illegal housing have interconnection with the escapements of farmers from expropriating their farm land. The data on Table 4.6 shows that non willingness of farmers to loss their farm land through expropriation. The reasons alternatively articulated by the majority of the respondents, 69%, are due to unfair compensation and the attachments of Oromo culture with land. Other 26% of the respondents said unfair compensation, and 4% said due to the Oromo culture farmers do not willing to loss their farm land and 1% chose silent. In sum up, the causes escaping farmers from expropriation is due to unfair compensation and the matter of their culture attachment with land. If farmers do prefer escaping the expropriation, they enforced to go to illegal land market. This illegal land market has expanded illegal housing.

Table 4.6: The reason why farmers escaping from their land

Variables	n	Dimensions				
Why farmers are not willing to loss their farm land through expropriation?	100	Due to unfair compensation 26%	Due to Oromo culture attachment with land 4%	All reason are the cause 69%	No reason at all	Missed 1%

4.5.2. Evidence for Farmers Escaped

This assessment also interviewed farmers who live in Gafarsa Gujje Kebele. The basic target of the researcher is to understand the fact that why they experienced to escape from their dwelling areas. One of the depth interview participant explained that more of the Kebeles population is dependent on agricultural livelihood. Gafersa-Gujje administratively is governed under Burayu city administration. The master plan of this Kebele is not

completed to get the infrastructures necessary for residents. So, the interviewed, Ato Fayisa, concludes that managing the problem of this Kebele to local government officials is complex. Related with that four farmers were interviewed to distinguish why farmers participating in building illegal housing, illegal land selling and why they escape the expropriation. As their response, they definitely disagree with the government expropriation of their land holding, because, the compensation paid by government is unfair, it did not consider the current market value of the land. As interviewed, Farmers said, that government paid Birr 14-18 for per m², but in lease bid it sells up to Birr 23,000 for per m². Moreover, they elaborated that the cost disparity between government compensation and the individual have wide differences. Whereas, they provide to the individuals by Birr 2000-4000 for per m². This depends up on the infrastructure facility and near to the avenue. It is obvious that the government provision and theirs have a great discrepancy. They also added that as their opinion the government land valuation for compensation lacks transparency, and is not predictable, its payment standard is unknown. The other unworthy of the expropriation is after paying compensation, farmers are forgotten, and there is no plan to hold farmers in self helps projects or small business. This makes their future life hopeless. The money they earn from the compensation is finished on unplanned household consumption. The farmer's has become unemployed after the expropriation. By contrast the persons invested on the farmers land become wealthy. Their position of resource holding beneficiary is exchanged each other. For instance, one of the residence of Burayu city Gafarsa Burayu Kebele, who was interviewed on February, 4, 2016, informed that he had three and half (3.5) hectares of farm land before expropriated in 2000. For 3.5 hectares he earned compensation from the local government Birr 60,000. The value of per m² is estimated 0.60 Birr. He was not engaged in any project for rehabilitation of his land. He spent the money he earned from compensation for household consumption. He was also a victim, i.e., the government took his land without paying fair compensation for the value of his farm land. So, today he doesn't have farm land to make his life.

There are about 212 manufacturing industries, 116 medium, and 96 small scale industries in Burayu city (Burayu city profile, 2015). Land is a capital asset naturally attached with any of building, industry and any investments. Farmers expropriated from their farm lands were loss their capital asset. Contrarily, investors gain the additional capital asset from the land. For this basic differences investors more benefited than farmers. The investigation of this research shows how investors benefited than the farmers that got compensation. The detail information is shown in Table 4.7

As the result indicates, the government paid for compensation is not fair in the transferring the land asset transferring to investors. The value of compensation and the government costs of transferring land for investment have different variations. The Investment cost is Birr 18.75 valued for per m². Government paid compensation Birr 0.60 for the value of per m². The difference between investment cost and the value of land expropriated is Birr 18.15. As one of the interviewees informed that, farmers are not benefited from the expropriation. Government and investors are more benefited than the farmers. Any citizen may not oppose the investment. Investment can develop and change the country. But, grievance arises because of unfair compensation. This unfair resource distribution affects the socio-economic welfare of the country. Economic development and expanding investment can be appropriately with the social welfare. On other hand the equity resource distributions among citizens enhanced strong relationship between the government and citizen. In building federal country respecting the citizen interest is one opting of building democracy and good governance

Table 4.7: evaluating land invested value

Name of the sector	Year of Investm ent	Allotment of land invested in m ²	Type of investment	Initial investm n Capitals Birr	Current asset value of investment ¹⁷ Million	Cost of leasM ² Birr	Total cost of lease in 60 years Birr	First payment Birr	Compe nsation paid Birr
Burayu Packaging andprinting industry(BPPI)	2000	11,770m ²	Manufacturing	8,000,000	120 Million	18.75	253790.63	22068.75	7062
Boo’eze Food Complex PLC	2000	7,000	Manufacturing	50,000,000	200 Million	18.75	150937.50	13125	4200

Source: - interviewing, BPPI and BFCPLC, February, 2016

4.5.3. Evidence shows the current compensation

As it was observed during the study, the practice of Burayu city land administration management agency office, the expropriated land compensation is evaluated by a committee formed for this purpose. Procedurally, compensation of farmers land expropriation or any land demanded for public purpose is governed by the proclamation 455/2007. When the land is valued for expropriation, the modality of compensation takes to account the following criteria:-

¹⁷ Valuation of the investment asset may conducted by the respective professionals, but the above information is taken from the company holders direct information.

- a) **Assessment of Crop on Farm Land:** - the expropriated farm land valuation is assessed considerations one year crop production amount for per hectare, and multiplying current market price of production to arrive at one year return of crop production finally the value is multiplied by the ten years the total amount of money is cumulative value of compensation.
- b) **Grass Land:** -first one year production per hectare is valued, i.e., how many bonds of grass may a hectare can produce and it is multiplied by the price of a bond of grass, finally multiplied by ten years production and paid as cumulative value of compensation.
- c) **Land Covered by Tree:-** vegetable, fruit, and economic trees are counted for each the value is calculated and cumulative ten years compensation is paid.

Table 4.8 and 4.9 depict farmland and grass land expropriated valuation.

Table 4.8: Expropriated Land Valuation

Year of expropriation	Area of land in M ²	Estimated Per hectare wheat production of one year in quintal	Average Value for one Quintal Wheat	Average Value for one year production	Average value for ten year production	Per m ² paid in Birr
2015	1303.405	154.71	937.50	42664.88	426,648.8	32.76
2015	203412	924.354	1100	1016789.4	10167894	49.50
2015	1406	6327	1100	6959.70	69597	49.50
2015	17871	80.4195	1100	88461.45	884614.50	49.50
2015	131907.71	461676..3	900	415485	4154850	31.50

The average value compensations paid in 2015 per m² is birr 42.55.

Source:-Burayu city land administration management agency expropriation committee report, 2016.

Table 4.9: Grass Land Valuation¹⁸

Year of expropriation	Land area in m ²	One year production in bond	Average price for one bond(Birr)	Average value for one year	Average value for ten year	Per m ² paid in Birr
2016	20000	300	80.00	24000	240,000	12

Source:-Burayu city land administration management agency expropriation committee report, 2016.

¹⁸ The data covers from July 2015 to January 2016

As mentioned above farmers' grievance for unfair compensation is clearly supported by the evidences provided in the above Tables. The data provided compensation of the government document show that the value paid for expropriated land does not fairly appropriated the current land value. For what value the government transfer land through lease bid? Is there wide difference between lease cost and the value paid for land compensation? The sample taken in Table 4.10 below can answer this question.

The government transfer land lease bid which is maximum Birr 20,550 and the minimum Birr 5273 per m². Comparative average between lease cost and compensation value of current land valuation shows the difference of Birr 20507.45. Land compensation paid for expropriation Birr 42.55 in average is far less than the current lease rate of government transfers to the lessee. The FDRE Constitution, Article, 40(8) governs commensurate to the value of the property, which compensation is mandatory paid, for properly expropriated for public interest. But, the current particular law of compensation in practice is not appropriate the value of commensurate compensation. It contradicts with the constitutional provision of the citizen property right. The fact that difference between the lease bid and valuation of compensation shows the unfairness of government payment. The farmers interviewed in the previous sub topic as express their comment on government payment of compensation. They pointed out that the expiry of proclamation 455/2007. Land value can be appropriated with the current lease value for valuation of expropriated land. Valuation by annual production cannot match with the current lease price rate. Obviously, the gap of law between lease price rate and compensation payment existed in accordance the evidence of data indicated below. Additionally, the city officials interviewed supported the idea of farmers that rose about unfair compensation. In their locality they observe the problem emerged the gap, but to solve the farmer's grievance the power of local government is limited.

Generally speaking, farmers are not willing to expropriate their land. Thus, they are indulged in illegal land transaction, and the expansion of illegal housings are caused by lack of good governance, high cost of lease price, unfair compensation, and the participation of government structure in illegal land transaction.

Table 4.10: The sample of land lease value.

No	Year	Land of lease	Lease supply for lease bid in m ²	Lease bench mark	The maximum and minimum values offers	Actual cost of lease per m ² with maximum value	First installment 10% payment	Actual compensation paid for per-m ²
	2014	31470	426		16650 4400	523975500	52397550	1557765
	2015	122465	426		23,000 5300	2816695000	28166950	6062017.5
	2016	855	1100/ 426		22000 6120	18810000	1881000	42322.5

Source: Burayu city land administration management agency office document, 2016.

4.6. The Impact of Addis Ababa-Oromia Special Zone Integrated Developmental Master Plan (IDMP) within the perspectives of Inter governmental Relation (IGR)

Assefa (2009:352) pointed out that “Intergovernmental relations are defined in a very broad notion referring principally to the relations as (formal or informal) between the federal government and the constituent states. This may concern the co-ordination of policies on shared programs but at times goes much further than that. It may also cover the horizontal relations between the constituent states or even the relations between the federal government and the local governments)”. IGR is a mechanism for resolving conflict that often emerge the process of planning, distributing, financing and execution of programs and project in the polity (Akume, 2014:173).

Even though, integrating the various groups need in to the national agenda in tier of jurisdictional relations is becalming increasingly complex due to differences in inter the Inter Governmental Management (IGM) arguable has the capacity to narrow the differences between generally state policies and specific problems that differ by location circumstance(Akume,2014:174) entrenching the utilization of IGM mechanism in IGR interactions is the basis for building a lasting understanding and trust between the various tiers of governments and civil society in governance process(Akume,2014:178)

In Ethiopian the intergovernmental relation (IGR) is not formally institutionalized. The House of Federation serves as the IGR institution, but it is limited to only dispute resolution. Other observance laws and policy are not mandate of HoF (FDRE Constitution Article, 48(2) and 62 (6)).The constitutional frame work institute the horizontal

intergovernmental relation between states (FDRE Constitution Article, 48(1)), but the practice of policy formulation takes place a centralized party channel and is implemented through the constituents in multilateral vertical (Haileyesus, 2014:84). For instance, we compare the IGR in Ethiopia with south Africa, explicitly sets in the South Africa Constitution a normative framework that shows the direction of the mechanisms of intergovernmental relations in Chapter three speaks about cooperative intergovernmental relations and the idea of cooperative intergovernmental relations is further advanced with the promulgation of the Intergovernmental Cooperation Framework Act No.13/2005 (Haileyesus, 2014:35). Inter governmental relation in all spheres of government that, National, Provincial, and local is constitutionally institutionalized. Any dispute resolution can undertake and resolved in IGR dispute resolution system before brought to the court (Oliver, 2007:72-75).The inter governmental relation between National and state, state and Local government in Ethiopia performed by de facto (Haileyesus,2014:242-244). The relationship between two states practically depends on dispute resolution, consultation and common developmental relation¹⁹ (Lema, 2007:2-17).

The local government participation and their mandate in policy formulation, and law making in IGR spirit, as observed in powers of ULG evaluation, is limited on execution. According to the Oromia urban local government proclamation No-65/2003 Article 24(1) describes local government relation with the accountability and responsibility to the regional state is guided by the spirit of cooperation partnerships, support and rule of law. In the case of this study area to settle the boundary conflict and the mobility of resident from place to place IGR institution governs between two states is not institutionalized. The collaboration between Addis Ababa and Oromia special zone cities particularly with the Burayu city necessitate formal IGR. The absences of formal IGR between local governments emerge the disturbance and conflict on integrated master plan of the Addis Ababa Oromia Special Zone Surrounding Addis Ababa Cities is our recent memory.

4.6.1. The case of Addis Ababa-Oromia Special Zone Surrounding Addis Ababa Integrated Developmental Master plan (IDMP)²⁰

Addis Ababa-Oromia IDMP is proposed with the collaboration of Addis Ababa City government and Oromia Regional state. The plan considers long common development vision of the Addis Ababa and Oromia Special Zone Surrounding Addis Ababa from 2006-2030 of E.C. It has vision of creating peace residence and middle class

¹⁹Presentation prepared by Lema Megersa on the topic of Dispute resolution between the boundary of Oromia regional state and Somali Ethiopia regional state.

²⁰ Source proposal document of IDMP of Addis Ababa Oromia Special Zone,2014

earning society, and home land for African diplomat with competent city on the world. The objectives initiating the two state (Addis Ababa and Oromia) spheres are:-

- Building economic infrastructure (road, water, electric, and railway)
- Building social service development
- To address common city transport service
- To enhance small and middle businesses
- To build medium and high industry
- To develop environmental protection
- To enhance tourism
- To enhance housing development to reduce shelter problem
- To build civilized international competent common market center to minimize cost for the purpose of common development.

The end goal of this proposal is performing for GTP effectiveness and takes up the country to middle class income development (Proposal document of AA-Oromia Special Zone, 2014). As discussed above, in Ethiopia the weakness of institutionalization of IGR makes this plan challenging. Before the government move to implement the plan, opposition group of Oromia regional state the resist the master plan.

This IDMP raises political issue in Oromia. Between government and the society there were controversial issues. The proposal is made behind the public knowledge of the society. It emerge the dilemma of territory expansion Addis Ababa to Oromia regional state. This existed by lack of transparency and by the side of state. Fewer informants informed, and high rate of the informant were not aware about IDMP. According to the findings of this study 53% of respondents say they do not have any information about IDMP, whereas, 40% of other respondents aware of it. However, the remaining 7% of the study participants abstained to give their opinion (Table 4.11). The conflict between the society and government triggered because of lack of transparency and the lack of IGR. Had state to state and local to local IGR been institutionalized, lack of awareness and resistance may reduce. Is negative impact IDMP on Oromo people? This question related to the awareness of respondents on IDMP. More of the respondents, 78%, said that IDMP has negative impact on Oromo people, culture, identity, and language endurance, while, 6% of the others say no negative impact. But the remaining 16% of respondents choose silent.

Table 4.11: Impact of IDMP

Variables	n	Dimensions		
Are you clear about the Addis Ababa-Oromia special Zone surrounding Finfenne Integrated Development?	100	Yes	No	Missed
Do you think the integrated development master plan		40%	53%	7%

Consequently, OPDO the ruling party, in the Oromia National Regional state, central committee in its meeting January 12, 2016, declared to terminate IDMP, because of the pressure from the society. OPDO central Committee, in its public statement stated that a democratic government elected by the people has an obligation to observe and to answer the people demand. For this reason from January 12, 2016 IDMP was terminated (Oromia Radio, January, and 2016). As it was observed in this year from last October, 2015, the resistance and disturbance of peace and security was unprecedented in the history of the country. Many lives were lost to restore peace and stability in different areas of the region. On different discussions forums the public clearly spoke that there is no problem about development oriented working. However, the problem is when illegally thing are done without the knowledge of the society; it is dangerous and catastrophic. At the time of proposal of IDMP development, the government should have consulted and developed the aware the society. However, after the disaster occurred; as observed now, the trust building work is tough work even when successful. The circumstance now we are in is vague to predicate what comes next.

Chapter Five

5. Conclusion and Recommendation

5.1. Conclusion

Demands for shelter, urban expansion and the fast growing of industries in Ethiopia are highly related to land provision. Local governments have the proximity to translate the principles of good urban governance to effectively manage, govern and develop a city and to ensure citizens have equitable access to public services. Challenges such as urban mobility, employment or environmental protection, among others, extend beyond the realm of local governments and cover various legal-administrative divisions in the territory; hence, the need for multi-level dialogues, both horizontal and vertical is paramount reality.

Since 1994 the new Federal Constitution has brought a major breakthrough in political governance by establishing urban local governments in Ethiopia. Article 50(1) of the constitution empowers state governments to establish lower administrative levels and provide them with adequate power and responsibility to enable direct people participation in the political administration of the country. With the promulgation of District Level Decentralization (DLD) in 2001, a range of powers have been decentralized from regional state level to district including municipal²¹ level. Municipal/urban management and governance was generally neglected area in the federal constitution and regional constitutional structure in Ethiopia up to 2005. It needs to be pointed out that as state's constitutional empowered to structure their local tiers, the constitution of the regional states express the right for municipality self-rule and administration at urban local government levels. The role and responsibilities of municipalities as well as their place in the broader realm of administration were not clearly and adequately stated in state constitution. However, cities and towns are recognized in the state special legislation after the reform was under taken.

A decentralized power to urban local government is important to provide service tailored to preference. Especially, land is the sensitive issue of urban local government administration that challenges the urban administration service delivery efficiency. For this reason understanding the theory of decentralization of land administration can use to evaluate the practical performance of local governments. A decentralized land administration has recently received more attention in developing countries, because it has

²¹ Municipalities recognized within the state proclamation (Oromia Regional state Proclamation 65/2003), constitutionally, state did not recognize municipality; District and Zones (Oromia Regional state Constitution Article 45) are institutionalized in state constitution.

been used to enhance public services. It either requires the transfer of land administration operational functions to the local or delegation to lower level of government. A decentralized land administration system creates more opportunities to the local people in the decision making processes. Even though the Ethiopian government adopted a free market economic policy, it has decided to maintain all rural and urban land under public ownership. The 1995 Constitution Article 40(3) of the Federal Democratic Republic of Ethiopia notes “Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale exchange or mortgage”. The rural land policy issues of FDRE Constitution as well as other Federal and Regional Land Proclamations ensure free access to agricultural land. The amount of land to be provided to farmers, as far as possible, is made equity principle. This way, the policy objective is to ensure equality of citizens in using the land. Tenure security is another policy objective and concern of the government. As mentioned above, the FRDE Constitution prohibits any sale and exchange of land. State ownership of land is considered as the best mechanism to protect the farmers against market forces.

In this regard, Oromia National Regional state amended its constitution in 2001 with the objective to separate state power, to promote check and balance, transparency, accountability, popular participation, and effective state structure (Oromia Constitution, 2001). Hence, Burayu city a constituent urban local government of Oromia, has experienced fastest urbanization in post 1991; it has also grown from one rural Kebele to town position in 1996. Burayu city is one of a local municipal government devolved power due to the decentralization activity. But, the expansion of illegal housing and land transaction “in black market” challenges this local government administrative governance. Factors that have attributed to maladministration include weak government policy implementation; weak capacity of enforcement of Law; unable to narrow the gap between the demand and the supply of residential land problem for urban dwellers of Burayu, and unfair compensation paid for expropriated farmers who were covered under the master plan.

Urban land policy is incorporated in proclamations. Thus, the first Urban land policy is promulgated in proclamation No-80/1992, the second is Proclamation 272/2002, that defines leasehold system is made applicable to urban land held by the permit system, or by leasehold system, or by other means prior there of (Urban Lands Lease Holding 272/2002, Art. 3.1). The current Land lease holding legislation replacing this proclamation by proclamation 721/2011, the policy of this proclamation completely

changed the policy of proclamation 272/2002. So, this new urban land lease law prohibit land holding other than lease auction.

At the state level, the regional powers and duties on urban land are administering land in all urban centers issue regulation and directives necessary for the implementation of this proclamation. In accordance with this legislation, if we observe the power of Regional states and urban local governments in the laboratory of Federalism and the principles of decentralization, their power is impliedly under super vision the central government. With regard to the land administration, power is vested to Regional government, districts other than collecting land tax; they have not given explicitly administrative power. Moreover, parallel to the district power the urban local government land administration power has not adopted in state constitution. The purpose of lease law aims to serve the public fairly through the sustainable economy, social welfare and fair distribution of resource among the citizens.

The practical test of law and policy implementation of land lease law cannot escape from the public critique. The government poverty reduction program and solving shelter problem are the parts of urban development policy, which are harmonized with laws and regulation. However, at this moment as the citizen responding their opinion shows that the lease law fails to capture the low income wealthy people are a group. This investigation shows that the more beneficiary of the lease law. Burayu city administration for consecutive two years has implemented lease bid. To get the residential land plot no option other than competing lease auction. The alternative provision lease law that help low income earner society is not adequately implemented.

In accordance with the principle of decentralization, one of the powers given to the ULG is managing urban land administration under master plan. When the power to local government decentralized, different reforms have been under taken. For instance, the urban land administration package is one of the government key sectors reform that was made to be established. However, practically, land administration decentralization remains on paper than in practice, because:-

- A. There are interferences of the federal and state higher officials
- B. Any law concerned to land use is enacted under the federal government legislation
- C. ULGs do not have legislative power on land law in accordance with the people demand and administrative context.
- D. Law and regulations have limited the scope of ULG power on land administration.

Any movement concerning land administration is under the supervision of higher officials of state government. ULG cannot independently decide about land management as

per the demands of community. As informants suggest in their opinion, miss empowerment of the localities on land administration could exerted its negative impact on the expansion of illegal housing and illegal land use.

As a conclusion, the major reasons for the illegal housing expansions are

1. The rural land bounded under city administration specially the blurred allocation of master plan of Gafersa Gujje Kebele has the great impacts of expanding illegal housing.
2. Unfair compensation paid for expropriated farmers seriously expand the illegal Land transaction.
3. Backlog of registering and certifying old land processors is another factor of expanding illegality.
4. The lease price inflation rate unfair for poor and middle class income earner to compete in lease bid causes for expansion of illegality.
5. Lacks of good governance and corruption have aggravated land transactions and illegal housing.
6. Unlimited competition of particular wealth person in lease bid, specially, on the residential plot escalating up the land holding monopoly and controversy with constitutional provision that prohibited private land owner.
7. The limitation of practical decentralizing land administration and the interference of higher official in duty of urban local government have been supposed the self rule. According to the Oromia urban local government proclamation No-65/2003 article 24(1) state to local governments' relation with the accountability and responsibility to the regional state is guided by the spirit of cooperation partnerships, support and rule of law. As the case of areas that are included in this study show; however, the reasons for conflict and the mobility of residents from place to place and the IGR institution governing between two states is not properly instituted. The collaboration between Addis Ababa and Oromia special Zone Cities particularly with the Burayu City require clear and tangible as well as formal IGR. The absences of formal IGR between local governments can cause disturbances and conflicts. For example, the integrated master plans of Addis Ababa Oromia Special Zone Surrounding Addis Ababa Cities are the recent memory.

5.2. Recommendations

Based on the above mentioned points and findings, the following recommendations will be made

- I. Policies and laws are tested with practice whether they serve the society or not before they are put into practice. Lease law was enacted to reduce corruption and lack of good

governance, and also it has the end goal to develop the sustainable economic development, equity and equality among the citizens. By contrast, the lease law exhibited problem to serve the people fairly. Some provisions of this law have lack of clarity, and they could facilitate unfair competition. This was particularly seen in the land bid prepared for residential purpose can hurt the poor and middle class for it favors the rich. Proclamation No.721/2011 Article 11(2) stipulates, “The sale bid documents shall be in a manner accessible to anyone willing to bid, provided that; however, that no single bidder may be allowed to buy more than one bid documents for the same plot”. To tackle unfairness, addition to this provision, government needs to add a clause, which can prohibit the redundancy competition on residential lease bid to protect the monopolizing land in few people. On other hand, Article 7(2) and 12(c and g) lack of clarity to use the appropriate rights of land holding under allotment for residential purpose. The Oromia National Regional Government has the duty to clarify and define these articles in regulation and directives in away to benefit the residents.

- II. Urban local Government status and power has not been defined in state constitution (Oromia Constitution, 2001). As district and zonal structure has got recognitions in the state constitution, urban local government also, in parallel, shall be recognized in the state constitution. Proclamations that declare urban local government power and status are weak and are less guaranteed than the constitutional recognition. Constitutional recognition should give strong responsibility and accountability to urban local governments and for their elective. Therefore, state should revise and clearly state the urban local government power and status in its constitution.
- III. Serving the people at grass root desire autonomous power devolution without interference. Power decentralization has been utilized to serve the people at locality. Theoretically, decentralization in Ethiopia starts since 1991, at time of the transitional period. Practically, urban local governments do not have autonomous power to decide on urban land administration as the demands of their locality. So, it is imperative for the Oromia National Regional Government to revise its power decentralization and to evaluate how it is practically implemented.
- IV. Any public service or political administrative structure has to be supported by rules and regulations. In this research it was found that when rural land enclosed to the city administration there were no laws and regulations to govern the procedure of enclosing rural lands to the urban lands. This causes serious land grabbing problem in Burayu City administration. Making laws and regulations that can govern the procedure of including rural land to the urban administration is very vital at this time.

- V. The research could show the main cause of illegal housing construction are high cost rate of lease bid on the poor residents, the lack of good governance, and lack of the society awareness on lease law. These could open the loop hole for rent seeking and corrupters, which have serious impacts on social, economic and political governance of land administration. Therefore, to tackle these problems, the government needs to revise the procedure of land supplying. It is also vital that the government listen to the demand of the majority, the residents of an area before starting any project even if that project is important.
- VI. The other causes of expansion of illegal housing and illegal land use in particular research area is delaines of managing the master plan, cadastral, registering and putting lands in the government land bank are exist uncontrolled land grabbing. To control this illegality, the government is expected to revise its structure strongly and actively implementing the respected laws by its machinery.
- VII. Lease law expresses the protection of land holding right, and when the land is expropriated for the purpose of public interest or urban expansion purpose. Land compensation should be commensurate within the value of the property. The respective constitutional provision of Article 40(8) protects the right of individual property. By contrast the law governs compensation and expropriation of FDRE proclamation No-455/2007 has not competed with the current value of land and the currency of current market. Land valuation is not standardized and depends on the yearly crop yield. This valuation system cannot fairly satisfying the expropriated farmers. Currently government sales the land lease bid in high price. Practically, there are wide difference between lease bid and the compensation paid to the land owners by the government. Hence, the Government needs to amend the proclamation 455/2007 with appropriate current land value.
- VIII. The experiences from countries which follow federal system show solving interstate conflicts are needs formal or informal structure of IGR. In Ethiopia, policy making and conflict resolution system between states and local governments goes through the informal (de facto) experience. The problem faced from the integrated developmental Master Plan Addis Ababa- Orommia Special Zone is a recent bad phenomenon because of weak IGR in Ethiopia Federal system. Thus, it recommended that the federal system should establish strong institution to work on conflicts that occur between states.

Bibliography

Legislations

- Urban Land Lease Holding, Proclamation, No.721/2011, Federal Negarit Gazeta. Year 18, No. 4.
- Expropriation of Land Holdings for Public Purpose and Payment of Compensation Proclamation, Proclamation No.455/2005. Federal Negarit Gazeta. Year 11, No.43..
- Re-enactment of Urban Lands Lease Holding Proclamation, Proclamation No.272/2002. Federal *Negarit Gazeta*. Year 8, No. 19.
- Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995. Federal *Negarit Gazeta*. Year 1, No.1.
- Urban Lands Lease Holding Proclamation, Proclamation No. 80/1993. *Negarit Gazeta* of the Transitional Government of Ethiopia. Year 53, No. 40.
- Federal Rural Land Administration Proclamation No.89/1997,
- Addis Ababa City Government Chatter Proclamation No.87/1997,
- Addis Ababa City Government Revised Charter Proclamation No.311/2003,
- Addis Ababa City Government Revised Charter Proclamation No.361/2003,
- Urban Land Development and Management Agency, Proclamation No.179/2013, Megeleta Oromia. Year 21, No.5
- Proclamation No.116 of 2006 Issued to Amend “Proclamation No. 65 of 2003 the urbab Local government Proclamation of Oromia National Regional Sate”. Megeleta Oromia, year 14 No.12
- The Urban Local Government Proclamation of Oromia Regional State No.65/2003.Megeleta Oromia year 9, No.12
- Proclamation 130/2007 to Amend the Proclamation No. 56/2002, 70/2003, 103/2005, of Oromia Rural Land Administration and Use.
- The Establishment of Town Administration in Oromia Regional State Proclamation No.26/1999. Megeleta Oromia, year7, No.3
- A Proclamation to Enforce The Oromia Regional State Revised Constitution of 2001. Megelata Oromia, year 10, No.1
- Urban Lease Holding Regulation of Oromia Regional State, No.155/2013,
- Government Ownership of Urban Land and Extra Houses, Proclamation No. 47/1975. *Negarit Gazeta*. Year 34, No. 41.
- Public Ownership of Rural Lands, Proclamation No. 31/1975. *Negarit Gazeta*. Year 34, No. 26.
- Urban Dwellers Association and Urban Administration proclamation No.206/1981. *Negarit Gazeta*, year, 40, No.15

General Notice No.172/1954, charter of The City of Addis Ababa. Negarit gazeta, year, 13, No.10
Decree No.1/1942, The Emperor Will Appoint on The Recommendation of Ministry of Interior,
Kantiba for Direction Municipality. Negarit Gazeta, No.6, Page 51.

A Proclamation Provide to For The Control of Municipalities and Township, No.74 of 1945.
Negarite Gazeta, year, 4, No.7.

Civil Code of the Empire of Ethiopia, Proclamation No.165/1960. Negaret Gazeta. Year 19,
No.2.

Books

Nicole Bolleyer, Intergovernmental cooperation, Rational Choice in Federal system and
Beyond, Oxford University press, 2009, pp, 173-190

Robin Boadway & Anwar Shah, Fiscal Federalism, Principles and Practices of Multi-order
Governance, Cambridge University Press, 2008, PP, 5-8

Ronald L.Watts, Comparing Federal system, Third Edition, Queen University Press, 2008, PP, 5-8

Kiaus Deninger, Land Policies for Growth Poverty Reduction, World Bank and Oxford University
Press, 2003, PP, 8-36

E-Wayene Nafziger, Economic Development, Fourth Edition, Cambridge University Press, 2006,
14-26

Other sources

Abraham G/Sillasie G/Yes, Assessment on the Implementation of Woreda Decentralization in
Gambella Regional State: Abobo Lare Woredas, Master's thesis, AAU, 2011, 30-38

Alberto Alesina and Enrico Spolare, The size of Nation, Massachusetts institute of Technology,
2003, PP, 132-144

Anthoni Arko-Adjci, Adapting Land Administration to the Institutional Frame Work of Customary
tenure, the cause of Prei-Urban Ghana, 2011, PP, 3-5

Araya Asgadam, Salient Features of The New Ethiopian Urban Land Lease Holding
Proclamation no.721/2011 and Its Implications on The Ethiopian Economy, masters
of degree of laws /LLM/, AAU, January, 2013, pp- 154-161.

Bamlaku Amente, environmental impacts of urban land-use changes in kolfe keranyio sub-
City, kebele 04 selti area, Addis Ababa using remote sensing and GIS techniques,
Department of earth sciences faculty of science, Master of Science, AAU,
January, 2009, pp, 75-76

Belachew Yirsaw Alemu, Expropriation, Valuation and Compensation Practice in Amhara
National Regional State (ANRS) – The Case of Two Cities (Bahir-Dar and Gonder),

Bahir-Dar University, Institute of Land Administration, Bahir-Dar, Ethiopia, Nordic Journal of
Surveying and Real Estate Research 9:1 (2012), pp 30–58.

- Burayu City Finance and Economic Office, Burayu City Administration Socio-Political Economy profile, 2015, PP, 2-29
- Burayu municipality annual Magazine “kanke No-2” 2015, pp, 25-34
- Clarissa Augustinus, Comparative Analysis of Land Administration system in Africa, Review World Bank, 2003, PP, 1-29
- Daniel Weldegebriel, Informal Settlement in Ethiopia, the Case of two Kebeles in BahirDar City, 2011, Ethiopia, pp-23/27
- Dani’el Welde Gebrie’l Ambaye, Land Right in Ethiopia: Ownership Equity and Liberty in Use right, FIG Working week, 2012, PP, 5-8
- Davd Forkuor, Peter Ohene Kyei, Prince Osei Wusu-Adjei, Enhancing Land Administration in Ghana Through the Decentralized Local Government System, International Journal of Development and Sustainability www.isdsent.com/ ijds Volune-2, No-2, 2013, PP, 1127-1141
- Degu Bekele (Research Scholar), Prof. S.S.A. Jafri, Prof. Melesse Asfaw, Characteristics of Squatter Houses in Burayu Town Adjoining Addis Ababa, Capital City of Ethiopia , Civil and Environmental Research www.iiste.org, ISSN 2224-5790 (Paper) ISSN 2225-0514 (Online) Vol.6, No.8, 2014, Ethiopian Civil Service University, Addis Ababa, Ethiopia, pp, 61
- Dessalegn Ramato, Land to innertors Large Scale Land Transfer in Ethipopia, Fouram for Socail Study, AA, 2011, PP
- Development Project Management: Experiences of Urban Local Governments in Oromia- Ethiopia, Journal of Environment and Earth Science www.iiste.org ISSN 2224-3216 Paper) ISSN 2225-0948 (Online) Vol.4, No.7, 2014 Ethiopian Civil Service University, pp, 6
- Ethiopia urban profile, United Nations Human Settlements Program Regional and Technical Cooperation Division, (UN-HABITAT), 2008, pp-2
- Economic Commission for Africa, Popular Participation and Decentralization in Africa _____.
- Freille-M Haqued, Rechar d Keneller, Federalism, Decentralization and Corruption, May, 2008, PP, 1-8
- Ghebrehiwot Tesfai Baraki, The Practice of Fiscal Federalism in Ethiopia: A critical Assessment 1991-2012, An Institutional Approach Doctorial Thesis, Switzerland, 2014, PP, 110-118
- Girmaye Kassaye, Issue of Expropriation: The Law and the practice in Oromia, Masters of Law (LL.M), AAU, November, 2011, pp, 114-116
- Joseph Siegle and Patrick O’Mahony, assessing the merits of decentralization as a conflict Mitigation strategy, pp-1

- Jo Bell, Decentralization and Engendering Democracy: Lessons from Local Government Reform in South Africa, Crises States Program ISS1740-5850, 2004, PP,2-4
- Jonathan Rodden, Comparative Federalism and Decentralization on Meaning and Measurement, 2004, PP, 481-491
- Land lease policy in Addis Ababa, , Private Sector Development Hub/Addis Ababa Chamber of Commerce and Sectoral Associations, 2009,pp-11
- Local government and decentralization for a better urban future, UN habitat, www.unhabitat.org,pp-2
- Liz Alden Wily, Governance and Land Relation: A Review of Decentralization of Land Administration and Management in Africa, International Environment and Development, London, 2003, PP,
- M.D ShahinoorRahamman Decentralization Urban land Use Planning in Bangladesh, Rationality of The Scene behind a Screen, 2013, pp, 6-10
- Meinzen, Pro poor Land Tuner Reform and Democratic Governance, 2008, pp, 2-14
- Ministry of Agriculture Assessment of Rural Land Valuation and Compensation Practice in Ethiopia, A consultancy Report, September 2012, PP, 122-123]
- Omar Azfar, Decentralization, Governance, and Public Service: The impact of Institutional Arrangements, IRIS Center University Of Maryland, College Park, September,1999,PP,2-9
- P-Zimmermann-SteinhartY Bekele, the implications of federalism and decentralization on Socioeconomic conditions in Ethiopia, 2012 volume 15 No 2, pp-90/569
- Salfrina-sumsudin, Decentralization and Good Governance in Land Administration System, FIG Congress, Malaysia, 2014, PP, 2-14
- Samuel Gebresillassie, Land Land policy and Small holder Agriculture in Ethiopia: Options And Senarios, March, 2006, www.future.agriculture.org, Discussion paper 008, PP,2
- Solomon Abebe Hayile & Reinfiend Mansberger, Land Policy Urban-Rural interaction and Land Administration Difirention in Ethiopia, 2nd FIG Regional Conference, Marrakech Morocco, 2003,PP,3-5
- S.T. Akindele & o.R.Olaopa, The Theory and Practice of Federalism as a Structural Mechanism of Governance How Adequate for Gender Struggle and Representation, 2003, pp, 170-173
- Sujit chollhry& Micha'el Heyman, Decentralization in Unitary states, constitutional Frame works for the Middle East and North Africa, Center for Constitutional Transitions, International IDEA, and the United Nation Development Program, 2014, PP, 22-23.
- Thea Hilhorst, Decentralization, Land Tenure and Local institution actors Building Partnership for equitable and sustainable Land Governance in Africa, Land Journal, PP, 35-36

- UN-Habitat, Local Democracy and Decentralization in East and South Africa, Experiences from Uganda, Kenya, Botswana, Tanzania and Ethiopia, 2002, PP, 5-8
- UN-Habitat, Ethiopia Urban Profile, 2008, pp., 2-5
- Yemane Hailu, The Power and Function of Local Governments in Ethiopia: A case Study of Tgrai Regional State, Edited Alem Habte, Ethiopian Federalism Principles, Process and practice, prepared for Faith International Conference on Federalism, Addis Ababa, 2010, pp, 97-110
- Zemen Haddis Gebeyehu, Towards improved Transaction of Land Use in Ethiopia” Annual World Bank Conference on Land and Poverty” The World Bank Washington Dc (April 8-11), 2013, PP, 1-2
- Zemelak Ayele, Local government in Ethiopia: still an apparatus of control? Doctoral intern with Local Democracy, State, Peace and Human Security Program Community, Law Centre, University of the Western Cape, VOLUME15(2011)DOI:<http://dx.doi.org/10.4314/idd.v15i1.7> ISSN: 2077-4907, pp-1.
- Zemelak Ayitenew Ayele, the Politics of Sub-National Constitution and Local Government in Ethiopia, perspective on Federalism, Vol-6, issue-2, 2014, PP, 95-109
- Zerihun Yimer, The Status, Powers and Functions of Local Governments in Oromia, Edited Alem Habte, Ethiopian Federalism Principles, Process and practice, prepared for Fith International Conference on Federalism, Addis Ababa, 2010, PP 131-136.

Interviews

- Interviews, with Ato, Tadese Bahiru, Burayu City Manicipal Manager, March, 1, 2016
- Interviews, with, Ato Gemechu Regassa, Chairman of Leku-Ketta Kebele, January, 27, 2016
- Interviews, with, Ato Teshome Motumma, Chairmann of Melka-Gefersa Kebele, February, 1, 2016.
- Interviews, with, Ato Tesfaye Beyene, Land Administration Manager of Leku-Keta Kebele, January, 27, 2016.
- Interviews, with, Ato Gelana Abdisa Land Administration Manager of Gefersa-Burayu Kebele, February, 29, 2016.
- Interviews, with, Ato Feyisa Getacho, Officials Peace & security of Gefersa-Gujje Kebele, February, 3, 2016.
- Interviews, with, Ato Temesgen Andualem, Administrative Manager of Burayu packaging & Printing Industry, February, 3, 2016.
- Interviews, with, Booez Food Complex PLC, Administrative Manager, February, 4, 2016.
- Interviews, with, Ato Tulu Kebede, Farmer, Resident of Gafarsa-Gujje Kebele, February, 4, 2016.

Interviews, with, Ato Hunde Bayecha, Farmer, Resident of Gafarsa-Gujje Kebele, February, 4, 2016.

Interviews, with, Ato Tesfaye Diriba, Farmer, Resident of Gafarsa-Gujje Kebele, February, 4, 2016.

Interviews, with, Ato Fufa Guta, Farmer, Resident of Gafarsa-Gujje Kebele, February, 5, 2016.

Interviews, with, Ato Demise Hordofa, Farmer, Resident of Gafarsa-Burayu Kebele, February, 4, 2016.

Annexes

Structured interviews prepared for various social statuses.

Investors

How many hectares of land have you taken for your investment? When?

How much did you bid for a square meter of land? When?

On what sector have you invested?

Have you ever sold part of the land you took for investment? If you say yes, how much?

At what price?

How your capital become differences since you start to the current? How much?

How many job opportunities does your business create?

Land holder expropriated

How many hectares you had before expropriated? When?

How much compensation did you get for the expropriated land? When?

How much of money you consume and how much of money you invest?

In what economic sector have you invested?

Now days on what occupation are you engaged in?

Farmers

Why you are not willing to expropriate your land holding?

What is the variance between government compensation and selling to individual?

From your experience to whom did conclude sell?

Officials (politicians)

How does the law making process of land administration look like?

What powers of land administration the Burayu urban local governments enjoy?

How effectively does the Burayu urban local government implement the land administration?

How serious illegal land transaction (land selling) in Burayu? What impact on political, economic and social problem illegal land transaction?

What short, medium and long term plans do you have on table to tackle the problem?

Questionnaires prepared for respondents

Introduction

This research prepared at Addis Ababa University College of Law and Governance Center for Federal study, for Partial Fulfillment Master of Art Graduating Class. The questionnaires are Distribute to Respondents set by Melkamu Negeri Dinsa for graduating Program of MA under Federal Studies on the title that “**Powers of Urban Local Government on Land Administration and Challenges of Illegal Housing: In the case of Burayu city Administration, Oromia Regional State**”.

Request

First, I thank you for your contribution in relabeling my research by responding this questionnaire. Additionally, I would like to inform you that your response to this questionnaire will serve for my academic purpose only and will remain confidential.

Dear, respondent, writing your name is not mandatory, but providing me with information on the rest is critical and request you kindly to take some minutes in filling up the questionnaires.

Instructions

Use the sign “X” in the box you select options.

If the space is not enough for your opinion, you can use on the back stating the number.

Sex _____ age _____ Address _____ occupation _____

Title (position) _____ Educational level _____

Questionnaires

1, do you think that the lease law fairly served the urban dwellers?

Yes No

2, if your answer for question number-1 is “yes”, do you think it has answered the urban dweller shelter demand?

Yes No

3, do you think the residents of Burayu city are well informed about lease law clearly?

Yes No

4, which class of the society do you think are more benefited from the current lease law?

Wealth persons Middle-class Poor class No any

5, to benefit the residents from lease law, what mechanism government can take as solution?

Amend the law Repeal the law Enact new policy

6, do you think that land administration power is decentralized to municipality in Oromia?

Yes No

7, if you say "yes" for question No. 6, has municipality autonomous power? Yes

No

8, If you say "yes" or "no" for question number-7, state your opinion why you say "yes" or "No"?

9, do you think urban local governments effectively administer urban land?

Yes No

10, if your answer for question No-9 is "no", what do you think the causes of their inefficiency?

Lack of capacity Lack of good governance corruption

If you have additional opinions state your idea?

11, Is there land transaction in "black market" in Burayu city? Yes No

12, if your answer is "yes" for question number-11, who is the actors?

13, why farmers are not willing to lose their land holding through expropriation?

Due to unfair compensation Due to Oromos culture to land

All reasons are the cause No reason at all

14, do you think illegal housing has been expanded in Burayu city? Yes No

15, if your answer for the question No.14 is "yes", what are the causes?

high cost of lease price

Lack of citizen awareness about lease law

Government poor management

If you have others, please state?

16, how can the government protect illegal housing in Burayu city?

Raising citizen's awareness about existing land administration law

Demolishing illegal house

Enforcing the law seriously

Periodically distributing land for residence through allotment

If you have others' please state?

17, who do you think are involved in illegal housing?

Government employees Investors

Privet employee's politicians

Brokers All are

If your answer for question number 17 is "all are", please state their rank and how they have involved?

18, Are you clear about the Addis Ababa-Oromia special Zone surrounding Finfenne Integrated Development Master plan? Yes No

19, what positive or negative impact it causes on ULG power if the integrated development master plan may applicable? If you say it has positive or negative impact state your reason?

20, do you think the integrated development master plan has negative impact on the Oromo people? Yes No

21, if you say “yes” for question number 20, state why you say negative impact causes on Oromo people?

22, if you say” no” for question number 20, how the Integrated Development Master Plan should be implemented? State your opinion?

Questionnaires translated to Afaan Oromo

Bar-gaffilee Qorannoo Deebistootaaf qophaa'e

seensa

Qorannoon kun kan qophaa'e Unversiitii Fiffinne Kolejjii Seeraa fi Bulchiinsaatti Giddu Galeessaa Qo'annoo Sirna Federalawaati dha. Kaayyoon isaas digirii 2^{ffaa} guuttachuun ittiin ebbifamuuf bar-gaaffii barataa Malkaamu Nagarii Dhiinsaatiin deebistootaaf qophaa'edha. Matadureen qoerannichaas “**Lafa magaalaa irratti Aangoo Bulchuu Bulchiinsi Magaala Qabanii fi Qormaata Ijaarsa Seeraan alaa Mudate, Dhimma Bulchiinsa Magaalaa Burayyun wal qabatu, Bulchiinsa Motummaa Naannoo Oromiyaatti**”.kan jedhudha

Gargarsa gaafachuu

Qorannoon koo kun akka firii godhatuuf bar-gaaffii koo deebisuuf gumacha isin naaf gootaniif durseen galteeffadchaa,deebistoota bar-gaaffii kanaa dursee kanan hubachiisu deebii isin naaf laattan bu'aa qorannoo koo kan cimsu ta'uu isaa isinii ibsuun barbaada. Gama biraatiinis kaayyoon qoranichaa hojii baruufi barsiisuu qofaa fi kan ooluu ta'uu isinii ibsaa deebiilaattoonni iccitiidhan kan qabaman ta'uu durseen ibsa.

Jaallatamtoota, deebiilaattotaa, maqaa keessaan barreessuun dirqama miti, garuu odeeffannoo kan biraa yoo guuttan qorannicha dhugoomsuuf tumsa qaba.

Hala odeffannichi itti guutamu

Iddoo filannoo keessanitti maallattoo “X” kaa'aa.

Yoo bakki yaada itti kennitan isin hanqate lakkofsa isaa tuqaatii duuba irratti barreessaa.

Gaaffii 6ffaa hanga 8ffaatti jiru oggeessota kan ilaallatu waan ta'eef bira darbaa.

saala _____ umurii _____ tessoo _____ hojii _____

S/barumsa _____

Bar-gaffilee

1, Seerrii lizii lafa magaalaa jiraattota haala walqixa ta'een tajaajileera jettuu?

Eyyee

Lakki

2, Gaaffii 1^{ffaa} dhaaf deebii keessan “eeyyee” kan jedhu yoo ta'e jiraattotaaf fedhiin mana jireenyaa guutameeraaf jettuu? Eyyee Lakki

3, Seerrii lizii lafa magaalaa amma hojii irra jiru dursee ummataaf ibsameeraa?

Eyyee

Lakk

4, Hawaasaa keessaa garee kamtu sirna lizii kanatti caalaa fayyadamaa jira jettuu?

Dureessota Warra giddugaleessa Hiyyeessa Kan fayyadame hinjiru

5, sirna lizii kana irraa jirattonni fayyadamoo akka ta'aniif, mootummaan haala kamiin rakkoo ihkuu qaba jettu?

Seeraa liizii foyyessuu Seericha haquu Polisiin haraa qophessuu

6, Angoon lafa bulchuu bulchiinsoota magaalaa gad bu'eera jettuu? Eeyyee
Lakki

7, Gaaffii 6^{ffaa}f deebiin keessan "eeyyee" kan jedhu yoo ta'e bulchiinsooni magaalaa aangoo bilisa ta'e qabu jettuu? Eeyyee Laakki

8, Gaaffii 7^{ffaa} dhaaf deebiin keessan "eeyyee" ykn "lakki" yoo ta'e, eeyyee ykn lakki sababa jettaniifi bsaa?

9, Bulchiinsooni Magaalaa haala qubsa ta'een lafa magaalaa bulchaa jiruu?

Eeyyee Lakk

10, Deebiin keessan gaaffii 9^{ffaa} dhaaf "lakki" yoo ta'e, haala quubsaan bulchuu dhabuun isaaniif sababa sababa kan ta'e maalidha jettu?

Rakkoo dandeetti Rakkoo bulchinsa gaarii Rakkoo
malammaltummaa

Yaada dabalataa yoo qabattan ibsaa?

11, Magaalaa Burraayyuu keessatti lafti dhoksaadhaan ni gurguramaa? Eeyyee
Laaki

12, Deebiin keessan gaaffii 12^{ffaa} dhaaf "eeyyee" yoo ta'e, eenyufaatu raawwata?

13, Qteebultooni lafati qonnaa isanii misoomaaf yroo barbaadamu irraa buqa'uuf maaliif fedhii dhabu?

Sababa beenyaa ga'aa ta'e hin arganneef

sababa aadaan jirenyaa isaanii lafa waliin walqabatuuf

kan armaan olitti caqasame hundinu saba ni ta'a

sababii ga'aan hin jiru

14, Magaalaa Burayyuu keessatti ijaarsi seeraan alaa babal'ateera jettuu?

Eeyyee Lakki

15, Deebiin keessan gaaffii 14^{ffaa} Dhaaf "eeyyee" yoo ta'e, sababiin isaa maalidha jettuu?

Kanfaltiin liizii mi'aa ta'uu lammiin hubannoo seera liizii dhabuu

Dadhabina bulchiinsa lafaa mootumma

Yaada dabalataa yoo qabaattan ibsaa?

16, Mootummaan ijaarsa seeraan alaa akkamitti ittisuu qaba jettuu?

hubannoo uummataa seera bulchiinasa lafaa irratti gabbisuu

Ijaarsa seeraan ala diiguuu

ciminaan seera kabachiisuu

yeroo yeroo dhaan jiraattotaaf lafa mana jireenyaa hiruu

yada dabalataa yoo qabattan ibsaa?

17, Ijaarsa seeraan ala keessaa hirmaannaa kan qaban warra kamidha jettuu?

Hojjettota mootummaa Invastaroota

Hojjettota dhabbata dhuunfaa Hogantoota siyyaasaa

Hundinuu hirmaannaa qabu

Deebiin keessan gaaffii 17^{ffaa} dhaaf "hundinuu hirmaannaa qabuu" yoo ta'e, adaraa keessan haalaa fi sadarkaa hirmannaa isii ibsaa?

18, Waa'ee Pilanii qindaa'aa Magaalaa Finfinnee fi Godina Addaa Oromiyaa Naannaa
Fifinnee hubannoo ga'aa qabduu? Eeyyee Lakki

19, Pilaanii Qindaa'aan kun yoo hojii irra oole bulchiinsa gadii (local government) irratti
dhiibbaa qaba moo hin qabu jettu? Dhiibbaa qaba ykn hin qabu saba jettaniif ibsaa?

20, Pilaanii qindaa'aan fedhii uummata Oromoo irraatti dhiibbaa qaba jettuu?

Eeyyee Lakki

21, Deebiin keessan gaaffii 20^{ffaa} dhaaf “eeyyee” yoo ta'e sababa dhiibbaa qaba jettan
ibsa?

22, Deebiin keessan gaaffii 20^{ffaa} dhaaf “Lakkii” yoo ta'e, haala kamiin pilaanii qindaa'aan
hojii irraa ooluu danda'a jettu? Yaada keessan ibsaa?
