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ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE STUDIES
SCHOOL OF GRADUATE STUDIES

**ASSESSING THE INSTITUTIONAL PERFORMANCE OF URBAN LAND
ADMINISTRATION: THE CASE OF BURAYU CITY ADMINISTRATION**

BY: MULISA MERGO BULTO

ADDIS ABABA
FEBRUARY, 2017

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BY MULISA MERGO BULTO

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APPROVAL SHEET

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DECLARATION

I, Mulisa Mergo, hereby declare that this Thesis is my own work and has not been submitted to any other institution to receive a degree or diploma of any nature. To the best of my knowledge, works of others used in this Thesis have also been dully acknowledged.

Name: Mulisa Mergo

Signature: _____

This Thesis has been submitted for examination with my approval.

Dr. Muradu Abdo (Associate Professor)

Signature: _____

ACRONMYS AND ABBREVATIONS

Art.	Article
BPR	Business Process Re-engineering
CCI	Council of Constitutional Inquiry
E.C	Ethiopian Calendar
EPDRF	Ethiopian people’s Democratic Revolutionary Front
FDRE	Federal Democratic Republic of Ethiopia
FDREC	Federal Democratic Republic of Ethiopian Constitution
FULLPRA	Federal Urban Land and Land Related Property Registration Agency
FIULI	Federal Integrated Urban Land Information System
FOIL	Freedom of Information Law
HLP	Secretary-General’s High Level Panel
HoF	House of Federation
HoPR	House of Peoples’ Representatives
IDRC	International Development Research Center
MoUDH	Ministry of Urban Development and Housing
NGOs	Non-Governmental Organizations
ONRS	Oromia National Regional State
OIULDB	Oromia Industry and Urban Land Development Bureau
OULDMA	Oromia Urban Land Development and Management Agency
Proc	Proclamation
ULDMB	Urban Land Development and Management Bureau

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Dedicated to my brother Dr. Lammeessa Mergo

Abstract

This Thesis reviews the legal and institutional framework for urban land in Ethiopia with greater emphasis to the institutional dimension in the context of Burayu City urban land institution. The standards for assessing urban land institutional framework are identified and analyzed. Those parameters have been employed to assess urban land institutional framework of Burayu City using both doctrinal and empirical approaches. Burayu City is selected because of high demand for urban land in the city due to its closeness to Addis and hence, evaluating the state of urban land administration within the city is considered to be very crucial. Putting in place urban land legal and institutional frameworks is necessary but not sufficient for good governance within urban land administration to prevail. Thus, the institution side is expected to be transparent, accountable, armed with complaint handling scheme and operate with a mind-set to serve the public especially with a spirit of agency.

Thus, the Thesis has employed these standards to assess the urban land institution of the study area and found that the performance of the institution in connection with service delivery regarding land is far below the standards due to the fact that there is lack of transparency, accountability and agency mentality and the complaint handling scheme established at this sector is almost not serving the customers. Burayu City Urban Land Institution ignores the feedback that comes from the complaint handling scheme established at city administration to handle complaints. The Thesis argues that absence of guidelines on transparency and accountability and mechanisms of ensuring the same within urban land institutions results in absence of these standards on the ground in service delivery. The role of mass media, public representatives, civil organizations and others in overseeing how public institutions are serving the public is very insignificant. Mechanism such as significant supervision or monitoring (including by external actors) is almost absent. This Thesis, thus, recommends that the problems of transparency, accountability, complaint handling and agency should be solved to ensure good governance in urban land administration.

CHAPTER ONE

1. BACKGROUND

Land is obviously a critical asset which any country needs to effectively manage for its better utilization. It is indisputable fact that land is very crucial asset of any society of the world without which nothing can be done. Urban land which becomes scarce in the urban area needs to be seriously managed and accordingly, legal and institutional frameworks are very important. And it is the reflection of this fact that our country enacted urban land law in different times and thereby established institutions that enforces the former. Urban institutions are institutions which give services to the public in relation to urban land. But the issue of their performance in providing service to the public particularly from the perspective of good governance is very questionable. Thus, this thesis is interested to see the performance of Burayu City land administration institution in the administration of this critical asset in the city administration

1.1 HISTORY AND PROFILE OF BURAYU

Burayu¹ is one of the towns in the Oromia National Regional State. It is located in the special zones of Oromia surrounding Finfinne/Addis Ababa. The city was founded in 1946 by landlord of the area called Grazmatch Robi Kelacha. During the Imperial regime, Burayu used to be administered under Menagesha Awuraja of Shoa Province.² During Derg, it was administered under the Wolmera District of West Shoa Zone as rural kebele.³ In 1996, the Municipality of Burayu City was established over the area between Ketta and Gefersa. Currently, City Administration has six kebeles: Leku Ketta, Burayu Ketta, Gefersa Burayu, Gefersa Guje, Melka Gefersa and Gefersa Nono.⁴ Nowadays, Burayu is one of the first grade towns in Oromia Region and located in the western fringe of Addis Ababa along Addis Ababa- Nekemte road. It is bounded by Addis Ababa in the east, Sebeta Hawas District in the

¹The name “Burayu” was derived from one of the indigenous trees of the region called “Burayu” which means “Tiqur Inchet” in Amharic according to City Administration’s Government Affairs Office.

² Burayu City Administration’s Government Affairs Communication Office.

³ Ibid

⁴ Ibid

south and Wolmera District in the north and west.⁵ The city has experienced unprecedented population increase where the total population was 4,138 according to the population and housing census of 1984 and increases to 63,873 per the 2007 population and housing census.⁶

Currently, the population size of the city is reckoned to be more than 200,000, and the total land area of the city is about 66.9 km² according to the City Communication Office.

1.2 BRIEF HISTORY OF URBAN LAND RIGHTS IN ETHIOPIA

Land is obviously the basic political, economic, social and cultural asset.⁷ The significance and demand for urban land increases from time to time due to urbanization. Thus, the history of urban land in Ethiopia is traced back to the history of urbanization in the country. Urbanization in Ethiopia begin after the then rulers established fixed center as their capital⁸; Axum, Gonder and Addis Ababa respectively.⁹ However, Urban land right centrally began to be governed during Menelik era. During reign of Emperor Haile Sillasie, private ownership of urban land is recognized.¹⁰ The Civil Code provisions also recognized private ownership of urban land.¹¹ But, in the post 1974, this scattered land tenure system reached its final edge after coming to power of the socialist government who declared government ownership of urban lands and extra houses.¹² After the down fall of Dergue, the issue of determining the

⁵ Ibid

⁶ Ibid

⁷ Girma Kassa, Issues of Expropriation: The Law and Practice in Oromia, LL.M Thesis (Addis Ababa University, unpublished, 2011)

⁸ Molla Mengistu, “The Ethiopian Urban land holding system: An Assessment of the Governing Legal Regime”, in Muradu Abdo’s (Eds.) Land Law and Policy in Ethiopia since 1991: Continuities and Changes, Ethiopian Business Law Series, Vol. III (2010), p.150. He provides that there was private and government ownership of urban land and this was continued until and maintained during the reign of Emperor Haile Sillasie I.

⁹ Ibid

¹⁰ See 1955 Revised Constitution, articles 44 and 130(d). It entitled every citizens of the empire to own and dispose private property which mainly consisted of land and empowered the government to own all unoccupied land.

¹¹ See Civil Code, articles 1535-1552

¹² Government Ownership of Urban Lands and Extra Houses Proc. No. 47/1975, articles 4 & 5(1), Negarit Gazette, 34th year, No. 41, 1975. This proclamation radically changed the urban land tenure system by vesting its exclusive ownership in the hands of the government and the individuals were entitled to only the use right which is very restricted.

ownership of land became mandatory to wait upcoming constitution as the transitional government pledged that the issue would be determined in the constitution. But before this issue was considered, the lease system as a mode of urban land holding system was introduced in Ethiopia for the first time in 1993 when the Transitional Government without making significant change on the then existing land tenure system issued Urban Land Lease Proclamation No.80/93.¹³ Proc. No. 272/2002 and proc. No. 721/2011 are other lease laws adopted under the current regime.

The land rights under the lease system are broader than under the former rent system. This history of urban right is more explained under chapter two.

The developments/improvements of urban land laws also simultaneously bring improvements/modifications in urban land institutions which are established to implement these laws. Indeed, we will see what is meant by the term institution for the purpose of this research briefly under chapter two.

1.3 STATEMENT OF THE PROBLEM

As discussed above, in Ethiopia, the history of urban land tenure system is traced back to the history of urbanization and the country passes through different urban land tenure systems in an attempt to utilize urban land for various purposes. Starting from the time of beginning of urbanization up to the adoption of rule in 1907, there was no rule adopted to recognize and govern urban land rights.¹⁴ This rule began to recognize and govern urban land rights. It is continued to be regulated under different land tenure regimes until the reign of Emperor Haile Sillase I. And this was abolished during Derg where urban-rural land dichotomy was devised. Since 1993 the urban land governance in Ethiopia was transformed to new era of urban land holding through the lease system. What we may understand from these endeavors is that it is an attempt made to utilize urban lands for political, economic and social purposes.

On the other hand, urbanization is rapidly increasing in Ethiopia. According to World Bank report of Ethiopian urbanization review of 2015, the urban population is projected to approximately triple from 15.2 million in 2012 to 42.3 million in 2037 growing at 3.8% a

¹³ Supra Note 8, p.157

¹⁴ Id, p.153

year. This shows, there will be, among other things, intensive demand for urban lands for housing, business and planting of factories. On the other side, there should be proper land management/administration. This completely requires accountable, transparent urban land administration system which needs to have the legal and institutional infrastructure. And these infrastructures are indispensable to utilize urban land for the desired purpose.

The two wings needless to say are inseparable and indispensable to achieve all these ends. This reveals that establishment of urban land institutions is mandatorily required for administration of urban land. However, this does not mean that having the urban land institution is sufficient for administration of urban land unless the institution is transparent and accountable and unless it has complaint handling scheme and operate with mind-set to serve the public with a spirit of agency as well as the required institutional structure that enables it to accomplish its tasks as required. It is in line with these conceptions in mind that this study endeavors to assess the institutional framework for urban land specifically in the case of the study area.

Therefore, in light of this, this research attempts to answer the following questions:

- 1) What does the existing institutional framework for urban land in Ethiopia look like?
- 2) What are the standards and theory in light of which we should assess performance of urban land administration institutions?
- 3) What is the state of performance of urban land administration institution in the study area assessed in light of those parameters?
- 4) What are the possible solutions?

1.4 THE OBJECTIVES OF THE STUDY

1.4.1 GENERAL OBJECTIVE

The main objective of this study is to assess the institutional framework for urban land in Burayu City Administration.

1.4.2 SPECIFIC OBJECTIVES

Specifically, the study is designed to achieve the following objectives:

- To analyze the institutional framework for urban land in general and that of Burayu City in particular.

- To identify and analyze the standards and theory in light of which the institutional frameworks for urban land should be assessed.
- To evaluate the institutional framework for urban land in the area in light of the standards.
- To suggest recommendations.

1.5 SCOPE OF THE STUDY

The scope of this research is confined to assessing the present institutional framework for urban land in Burayu City Administration, Oromia National Regional State.

1.6 METHODOLOGY OF THE STUDY

The writer employed both doctrinal and empirical methodologies to undertake this study. With respect to doctrinal, analysis of relevant laws and literature were used. With respect to the empirical approach, interview with individuals working in the area of the study, selected officials who were selected based on purposive sampling and customers, lawyer and judge selected based on simple random sampling was conducted as well as observation was used. My sample was 20 customers from 200 populations where every 10th sample was selected and, one lawyer and judge from five lawyers and judges where 5th sample was selected respectively. In these interviews, the researcher used unstructured interview. Municipal documents were also reviewed to generate empirical analysis. Thus, both primary and secondary sources of data were used and analyzed qualitatively.

Burayu City Administration is selected because it is one of the cities where there is high intensity of demand for urban land for residential, businesses, industries and due to its closeness to Addis and, tied to this, issues of the institutional framework will inevitably be raised and hence, assessing its urban land institutional infrastructure is paramount important to know how the state land administration institution in the City and how it is working around this critical asset.

1.7 SIGNIFICANCE OF THE STUDY

This research is significant for it may serve as stepping stone for further researches as well as for it may become an input for policy makers, law makers, the government and other stakeholders. The study may also help the urban land institutions to adjust themselves according to the findings of the study and play paramount role in an endeavor to govern urban land in transparent, accountable, efficient and effective manner.

1.8 LIMITATION OF THE STUDY

Undertaking the study has various limitations. The basic limitation I have come across during my study came from the then political situation in Oromia. As a result, the informants were very reluctant to give their idea fearing that it affects them which results in the shortage of data. Besides, some key informants from the study area were also not eager to give their idea and relevant documents to be referred. Meeting, site observation, absence of key informants from the office and absence of adequate source were also other limitations. The other limitation was I could not get the consent of some of informants (customers) from my samples, who were reluctant to give their ideas, due to the then political situation in the region. Given time, nature of the study which is more of doctrinal and my personal experience, I did not use questionnaires and survey to assess the satisfaction of the customers.

1.9 ARRANGEMENT OF THE PAPER

The study is organized into five chapters. The first chapter introduces the reader with the bird's eye view of the study. It briefly highlights study background, the reasons that necessitated undertaking the study and the objectives of the study. It also briefly provides significance of the study, methodology of the study as well as limitations of the study.

Chapter two introduces a brief account of the general overview of urban land legal and institutional frameworks in Ethiopia. Under chapter three, the standards and theory that the writer is going to use to assess the institutional framework for urban land are introduced and analyzed. Chapter four of the study focuses on case study, i.e., assessing Burayu City urban land institutional framework in light of the established standards. And finally, the Thesis concludes that there are problems of service delivery within Burayu City Urban Land Institution due to lack of transparency, accountability, complaint handling and serving with a spirit of agency. And we could get systematic information about the performance of urban land institutions in general and that of Burayu in particular and ensure good governance and improve service delivery in urban land institutions by assessing it against these standards. The Thesis thus recommends that problem of transparency, accountability, complaint handling; and lack of serving with a spirit of agency visible within Burayu City Urban Land Institution should be solved to improve service delivery and good governance in institution.

CHAPTER TWO

2. GENERAL OVERVIEW OF URBAN LAND LEGAL AND INSTITUTIONAL FRAMEWORKS IN ETHIOPIA

In every life the fruits of today are the learning of yesterday. I mean, the way things developed in the past shape future possibilities. Lessons obtained from yesterday became an input for the improvement/development we make today. And this is what is witnessed from the developments made from imperial era to the current federal structure as we will see hereunder.

In this chapter, I am going to briefly introduce the subject matter of this chapter only beginning from the imperial era because of non-availability of sources. Thus, historical development of legal and institutional frameworks for urban land in Ethiopia up to the present are briefly discussed. In so doing, the chapter seeks to show us the developments/improvements made around urban land administration system.

2.1 AN OVERVIEW OF HISTORICAL DEVELOPMENT OF THE URBAN LAND LEGAL FRAMEWORKS IN ETHIOPIA

Urban land in Ethiopia has been governed through various legal regimes under different governments. This extends from non-lease system to the lease system as we shall see hereunder.

2.1.1 THE PRE-1991 OVERVIEW

Ethiopian land tenure system before the coming into power of the Dergue was characterized by diverse and complex tenure¹⁵. This was true for both rural and urban lands until the radical land reform development was undertaken by Dergue. During the beginning of urbanization, there was no centrally adopted and uniformly applicable legal regime that governs urban lands in the country.¹⁶ Even the land tenure of Addis Ababa went through significant change for the first time when Emperor Menelik officially recognized private ownership of land by adopting rules containing 32 articles.¹⁷

¹⁵ CGIAR System Wide Program on Collective Action and Property Rights (CAPRI) C/- International Food Policy Research Institute, available at www.capri.cgiar.org

¹⁶ Supra Note 8, p. 153

¹⁷ Richard Pankhurst, State and Land Law in Ethiopian History, Institute of Ethiopian Studies, pp.156-157

The rule clearly recognized the private and government ownership of land in Addis Ababa.¹⁸ Shortly, the rule adopted by emperor Menelik marks the first centrally adopted legal infrastructure to recognize and govern urban lands in Ethiopia. According to Molla Mengistu, this private and government ownership of urban land was also maintained during the imperial era. The revised 1955 Ethiopian constitution also witnessed this fact.¹⁹ The private ownership of land is implicitly embraced under this provision as the term property is a general term including land. This might be without moot became more unequivocal from another provision of the same constitution.²⁰ Thus, the 1955 revised constitution envisaged basic legal framework for governing property in general and urban land in particular in the empire. The customary laws also played paramount role in governing land related matters until the promulgation of civil code.²¹ The civil code also envisaged provisions that govern the urban land under article 1549.

There were also Orders and Legal Notice enacted as legal regimes governing the urban land. For instance, Addis Ababa municipality Legal Notice No. 74/1945 grades the urban land of the city.²² Generally, in the pre-1975 the urban land in Ethiopia was governed through different legal regimes. However, what one may critically reflect is that there was hardly comprehensive legislation that specifically deals with the urban lands like urban legislations under the successor regimes.

The socialist government once overthrows the monarchy from power come up with radical land reform in the history of the country by ending the previous land tenure system and enacting the 1975 Government Ownership of Urban Land and Extra Houses and Public ownership of the rural land. It abolished the previous land tenure system and threw urban

¹⁸ Ibid. For instance, article III reads that “Individual holders may sell their holdings in accordance with the provisions of this law”. Article XIV confirms same stating “When individual sell land to each other, the sale shall be recorded in the government registers and shall bear official seal.”

¹⁹ Supra Note 10, article 44 reads “Everyone has the right, within the limits of the law, to own and dispose of property”.

²⁰ Id, article 130(d) which reads “All property not held and possessed in the name of any person, natural or juridical including all land in escheat and all abandoned properties as well as product of sub-soil, all forest and grazing lands, water-course, lakes and territorial waters are state domain.”

²¹ Supra Note 17, p. Vii

²² Legal Notice No. 74/1945, Negarit Gazette No.5, 6th year, 1945

lands under the exclusive ownership of the government entitling the citizens only the usufruct right.²³

Under the proclamation urban landholding was accessed based on free grant land allocation²⁴ called permit system/rent system.²⁵ However, the right to use of urban land was significantly restricted because urban land was not to transfer by sale or otherwise.²⁶ Shortly, the 1975 urban land radical reform changed the pre-existing diversified urban land tenure to the government ownership of urban lands.

The urban land regulation and directive issued to implement the proclamation were also other legal frameworks that govern urban land during the socialist government.²⁷ This urban land allocating system was continued to exist until it was replaced by the lease system.

2.1.2 AN OVERVIEW OF THE POST-1991 URBAN LAND LEGAL FRAMEWORK

The post-1991 period was marked by the introduction of the new arrangement in allocating urban land because of the adoption of the lease system as a mode of urban landholding system. The proclamation that introduced the lease system as a mode of urban land holding for the first time was proc. No. 80/1993. The Transitional Government of Ethiopia adopted this lease system as mode of urban landholding by indirectly replacing the pre-existing mode of urban landholding system.²⁸ The provisions of article of the Federal Democratic Republic of Ethiopian Constitution (FDREC) that deal with land ownership²⁹ explicitly enshrined or imply nothing as to the mode of urban landholding through the lease system.

²³ Supra Note 12, articles 4 &5

²⁴ Id, articles 5 & 11

²⁵ Supra Note 8, pp.154-155

²⁶ Supra Note 12, article 4. The only basic land use right the proclamation granted to the holders with regard to this was to transfer the land to his/her spouse or children only up on death as per article 6.

²⁷ Id, articles 24(1) & 45

²⁸ Supra Note 8, p. 157

²⁹ Federal Democratic Republic of Ethiopian Constitution, Proc. No.1/1995, Federal Negarit Gazette, 1st year, No. 1, 1995 Article 40(3) reads “The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.”

What the constitution vividly envisaged rather is that the peasants and pastoralists have the right to obtain rural land through free grant.³⁰ The constitution doesn't give any hint about the establishment of the lease system as a mode of holding urban lands. On the other hand, the first lease law that introduced lease system as a mode of urban landholding was adopted a year before the promulgation of the FDREC. Hence, it is tenable to say that the FDREC is not a base for the introduction of the lease system. And, therefore, the possible justification behind the adoption of this lease system which has no constitutional base rather could be the policy change from socialist economy to free market economy of the Transitional Government.³¹ But some individuals argue that article 40(6) of the constitution is applicable to urban lands.

This lease system broaden landholders right allowing to mortgage and transfer his/her right in collateral or contribute as capital to the extent of maximum amount paid as lease price.³² The regulations and directives issued for implementation of the proclamation were also legal infrastructures governed the urban land.³³ Generally, lease holding brought a new era of holding urban land through inexperienced manner in the history of the country. However, it had created two parallel urban landholding systems for it allowed continuation of the rent system, a system where urban land is allocated for free grant, for urban lands allotted before the issuance of the proclamation for building dwelling houses while other urban lands were governed via lease system.³⁴

About nine years after the adoption of the first lease law, the current Government adopted another lease law by repealing the previous one. The repealing proclamation came up with important improvements in administration and allocation of urban lands such as defining the

³⁰ Id, article 40(4) &(5)

³¹ A Proclamation to provide for the Lease Holding of Urban Lands, Proc. No. 80/1993, preamble, Negarit Gazette, 12th year, No. 14 , 1993

³² Id, article 10

³³ Id, article 16

³⁴ Supra Note 8, p. 159

concept of lease, its applicability to all urban lands.³⁵ The legislated laws beneath the proclamation for its implementation are also the legal infrastructure that governs urban lands.

Another legal framework for urban land is the existing Urban Land Lease Holding Proclamation, Proc. No. 721/2011 and come up with improvements.³⁶ It plainly envisaged that its applicability covers all urban land of urban centers. This reveals that possessing and permitting urban lands other than through lease holding is legally prohibited by virtue of this proclamation.³⁷ However, with regard to old possession the applicability of the proclamation is suspended until detail study is conducted by MoUDH to determine the modality of converting old possession into lease hold.³⁸ Of course, the time when the conversion will be effective is unknown. Shortly, what was promised is not yet realized.

The proclamation clearly envisaged that what should be done whenever urban land is prepared for tender.³⁹ This is basically desired to prevent corrupt practices and abuses as well as to ensure the impartiality in the process.⁴⁰ The land prepared for tender should be publicized with detail information including land grade, lease benchmark price.⁴¹

The difference between repealing and repealed proclamations with regard to the right of lessee to transfer or use as collateral or capital contribution of his/her lease hold right is that

³⁵ Re-enactment of Urban Lands Lease Holding Proclamation, Proc. No. 272/2002, Federal Negarit Gazette, 8th year, No.19, 2002. For instance, it defines lease as “a leasehold system in which leasehold of urban land is transferred or held contractually.” It also provides that it’s applicable to all urban lands though its enforcement to urban lands allotted before the adoption of the lease system has been suspended which results in the continuation of the dual urban landholding system.

³⁶ Urban Lands Holding Proclamation, proc. No. 721/2011, Federal Negarit Gazette, 8th year, No. 4, 2011. For instance, it clarified the concept of lease under article 2(1).

³⁷ Id, article 5

³⁸ Id, article 6

³⁹ The city administration or region should ascertain that the lands are free from any sort of legal claim, have access to basic infrastructures and the land need to be advertized for tender and the tender should be implemented in the manner that it secures the appropriate price of land without, however, violating the principles of accountability and transparency per article 8.

⁴⁰ Adhering to the principles of transparency and accountability is essentially necessary to prevent corrupt practices and abuses as well as to ensure impartiality in the whole process of allocating urban land through tender per article 4.

⁴¹ Id, article 9 and 10 .The region or city administration is also required to publicize their annual plans indicating the quantity of urban land to be presented for tender along with the detail of aforementioned information per article 10.

under the existing proclamation, lessee will get only 5% of the proceed of sale in addition to effected lease payment with interest thereon and the value of already executed construction if s/he wishes to transfer his/her leasehold right prior to commencement or half-completion of construction where the remaining 95% shall be taken by the government.⁴² This is not true under the repealed proclamation. And, this seems to prevent speculation in urban land and enable the government to generate the required benefits from urban land. The regulation and directives issued under the proclamation are other legal frameworks for urban lands.

2.2 BRIEF ACCOUNT OF URBAN LAND INSTITUTIONAL FRAMEWORK IN ETHIOPIA

2.2.1 ARTICULATING THE NOTION OF INSTITUTION

The term institution is open to various definitions.⁴³ Black's law Dictionary defines institution as "established organizations especially of public character like public institutions."⁴⁴ Douglas North argued that institution should be characterized in terms of the rules that govern its operation. He defined institutions as humanly devised constraints that structure human interactions.⁴⁵ There are also scholars who argued that the term should be used in the dual sense- not only social arrangements embracing rules and norms but also organizations.⁴⁶ Geoffrey Hodgson defines institutions as systems of established and prevalent social rules that structure social interactions.⁴⁷ And illustrate that this include formal as well as informal rules and organizations.⁴⁸ He further underscored that since North was insufficiently clear with distinction between institutions and organizations, many people misinterpret him as suggesting that organizations are not type of institutions though he did not actually write

⁴² See Supra Note 36, article 24 for detail. This seems to prevent speculation in urban land and enable the government to generate the required benefits from urban land.

⁴³ Yeraswork Admassie (translated by Yonas Admasu), Institutions, Political Freedom and Development in Ethiopia, Economic Focus Bulletin, Vol. 8, No.6, 1997, p. 21

⁴⁴ Bray A. Garner (ed), Black's Law Dictionary, 7th ed, 1999, p. 556

⁴⁵ Douglas C. North, Economic Performance Through Time, American Economic Review, Vol.8, No.3, p. 360

⁴⁶ Supra note 45

⁴⁷ Geoffrey Hodgson, What Are Institutions?, Journal of Economic Issues, vol. XL, No.1, p. 2

⁴⁸ Ibid

this.⁴⁹ Thus, starting with a definition of institutions as socially embedded system of rules it is evident that organizations are special type of institutions, with additional features.⁵⁰ The term institution is used by the Secretary- General's High Level Panel/HPL/ of eminent persons on post-2015 development agenda to cover laws, rules and government entities.⁵¹ Brunson N. *et al* also argued that organizations that handle public affairs should be conceptualized as institutions.⁵²

These all indicates that the term can be defined in both dimensions and, hence, for the purpose of this study, the term 'institution' refers to urban land institution/organization/ that has legal power and responsibility in the administration of urban lands.

2.2.2 DEVELOPMENT OF INSTITUTIONAL FRAMEWORK FOR URBAN LAND IN ETHIOPIA

Urban land administration system requires urban land institutions beside urban land legal frameworks. Thus, it is necessary to have urban land institutions for proper administration of urban lands. In Ethiopia, urban land institutions pass through different developments during different regimes as discussed hereunder.

To begin with, during the era of Imperial Government basically there was no urban-rural land dichotomy except some cities/towns that were recognized and governed as municipalities as we can observe from various Legal Notices and Orders issued during the time. This also holds with respect to the institutional infrastructure. Such dichotomy came into picture only as we all know after the nationalization of urban and rural lands in 1975. Indeed, it is difficult to know the detail of the institutional frameworks for urban land of the imperial period due to absence of literature but we can get a bird's eye view from the laws published in the Negarit Gazette.

Order No. 1/1943, an order to define the power and duties of the then ministries established 11 ministries of Ministry of Interior was one.⁵³ Accordingly, the Ministry had, *inter alia*, the

⁴⁹ Id, p.8

⁵⁰ Ibid

⁵¹ For details see www.oecd.org/development/effectiveness, last visited on 15, July 2016

⁵² Brunson, N. and Olsen, J.P. (1997) *The Reforming Organization*, Bergen: Fagbokforlaget, p.20

⁵³ Legal Order No. 1/1943, article 22, *Negarit Gazette*, 5th year, No.5, 1943

power and function to control municipalities and lands and surveys.⁵⁴ Thus, lands within the empire were under the administration of the Ministry of Interior at the country level. In 1966 eleven additional Ministries were established of which the Ministry of Land Reform and Administration was one. By virtue of Order No.46/1966, the Ministry of Land Reform and Administration was empowered to prepare, recommend and implement reforms in the field of land tenure and classify land for taxation and other purposes.⁵⁵ Therefore, at national level there was the Ministry of Land Reform and Administration that dealt with land administration generally, be it urban or rural. There were also departments such as Department of Land Tenure under the Ministry at national level. Towns or Municipalities were established at each province (Teklay Gezat) and Awraja Treasures were also responsible with land tenure issues.⁵⁶ There was also Title Department (Riste Kifle) before which a person should establish the ownership of land, the Technique/Survey Department which prepared plans and surveyed lands as well as various land departments at woreda level.⁵⁷

The urban land-rural Land dichotomy was devised for the first time during the Dergue period.⁵⁸ This also resulted in the establishment of separate land institutions for urban and rural lands administration. The proclamation to amend the power and responsibilities of ministries of socialist government, accordingly, established the Ministry of Urban Development and Housing at national level.⁵⁹ In each unit of the urban area, the cooperative society of the urban dwellers was established.⁶⁰ The Proclamation also established, based on population of urban area, higher cooperative society and central cooperative society of urban

⁵⁴ Id, article 36

⁵⁵ Legal Order No. 46/1966, article 15, Negarit Gazette, 25th year, No.23, 1966

⁵⁶ Imperia Government of Ethiopia, Ministry of Land Reform and Administration, Department of Land Tenure Report, Addis Ababa, 1967

⁵⁷ Teame Beyene, Memorandum on Operation of Land Registration in the Municipality of Addis Ababa, 1942, Addis Ababa University Library (unpublished)

⁵⁸ This is when Government Ownership of Urban Lands and Extra Houses and Public Ownership of Rural Lands Proclamations were enacted in 1975

⁵⁹ A Proclamation to Amend the Power and Responsibilities of the Ministries, Proc. No. 216, article 3 Federal Negarit Gazette, 4th year, No. 3, 1981. The Ministry was responsible for the overall administration of government houses and urban lands.

⁶⁰ Supra Note 12, articles 22-24. It is responsible to follow and execute urban land use and building directives issued by the Ministry and to collect urban land and house rent up to \$100 per month.

dwellers which would co-ordinate the functions of the cooperative society of urban dwellers and higher cooperative society respectively.⁶¹

The fall of socialist government and the coming to power of the EPDRF brought the federal structure in Ethiopia. According to FDREC, federal government has the power to enact land laws and regions have power of administration over land based on federal land laws.⁶² Some argue that, though different terminology is used, land law is special case of shared power where federal government has the power to legislate land laws and the states have the power to legislate land laws based on federal laws.⁶³ Hence, the power to administer includes the power to legislate land laws.

Along with this legislative competence, there are institutional structures laid down to accomplish the tasks they are entrusted with. Thus, the institutional framework for urban land in the current federal structure is laid down as demonstrated hereunder.

At the federal level, the Ministry of Public Works and Urban Development was entitled with, among other things, power to deal with urban development sector⁶⁴ before this power was

⁶¹ Id., articles 24-25

⁶² Supra Note 29, articles 51(5) and 52(2) (d). Some define these different usages of constitutional terminologies differently stating that the power of utilization refers to the power to enact land laws whereas regions have the power to administer land, not to legislate land laws, based on federal legislations. The famous case in this regard is the case between *Biyadglegn Meles & et al v. the Amhara Regional State* in which, according to Assefa Fiseha, the applicants requested CCI to declare that state land laws and regulation enacted there under are unconstitutional based on the ground that the power to enact comprehensive land legislations is power of federal government, not regions. CCI ruled that it's constitutional: for one thing, it's residual power of states and for another thing, federal land legislations empower regions to enact their own land laws within the framework of federal land laws. In this regard, CCI seems saying that article 55(6) is an exceptional case due to the fact that HoPR could enact civil laws of which land law is one based on the recommendation of HoF that it is necessary to establish one economic community.

Others argue that though the constitution uses different terminologies, land law is a typical area of special shared power between the two tiers. It is an area of shared power where federal government has the power to issue general land legislations leaving the detail room for states to issue their own legislations. According to these analyses, power of "land administration" refers to legislating land laws as well as land management. Thus, states also have the power to enact land laws besides administering land in the region.

⁶³ See the decision of the CCI in the case between *Biyadglegn Meles & et al v. the Amhara Regional State*

⁶⁴ Definitions of Powers and Functions of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation, Proc. No. 4/1995, art. 16, Federal Negarit Gazette, 1st Year, No,4, 1995

given to the Ministry of Federal Affairs by proclamation No.256/2001⁶⁵. However, later, this power was given again to the Ministry of Public Works and Urban Development.⁶⁶ Currently, this is the power and function of the Ministry of Urban Development and Housing.⁶⁷ It has powers and duties over urban issues such as the power and duty to undertake studies pertaining to urban centers, set criteria for grading of urban lands and provide capacity building support for urban centers for improving their service delivery.⁶⁸ Beneath this Ministry, there are about eleven bureaus.⁶⁹ And Urban Land Development and Management Bureau (ULDMB) directly deal with urban land administration. It has main responsibilities over urban centers establishing land information system, supporting cities and towns to accomplish land inventory and registration and others.⁷⁰ Under it, it has four departments: Urban Land Information Department, Urban Land Development and Renewal Department and Urban Land Delivery and Management Department⁷¹ to accomplish these and related tasks. There is also Federal Urban Land and Land Related Property Registration Agency (FULLPRA), whose main functions, among other things, is creating data base and preparing cadastre for and registering urban lands in the country.⁷²

In short, whereas ULDMB is the creator of urban land rights, the Agency is the certifier of those rights.⁷³ The Federal Integrated Urban Land Information (FIULI) Project Office is another urban institution under the MoUDH that is responsible for capacity building issues

⁶⁵ Reorganization of the Executive Organs of the Federal Democratic Republic of Ethiopia, Proclamation, Proc. No. 256/2001, art. 11, Federal Negarit Gazette, 8th year, No. 2, 2001

⁶⁶ Definitions of Powers and Functions of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation, Proc. No. 471/2005, art. 18, Federal Negarit Gazette, 12th Year No.1, 2005

⁶⁷ Powers and Duties of the Executive Organs of the Federal Government Proclamation, Proc. No. 691/2010, article 9, Federal Negarit Gazette, 17th year, No. 1, 2010

⁶⁸ Id, article 25

⁶⁹ http://www.landinfo.gov.et/index.php?option=com_content&view=category&layout=blog&id=22&Itemid=198, last visited 13 July, 2016

⁷⁰ See, http://www.landinfo.gov.et/index.php?option=com_content&view=category&layout=blog&id=15&Itemid=167, last visited 13 July, 2016

⁷¹ Ibid

⁷² Interview with Ato Kassa Lakew, Department Head of Federal Urban Land Delivery and Management, at Ministry of Urban Development and Construction, 18 July, 2016

⁷³ Ibid

such as giving training, preparing various information of urban land in the country and developing different system software which can be an input for FULLPRA.⁷⁴

At regional level also there are urban land institutions that administer urban lands according to the federal and regional urban land legislative frameworks. For instance, the Oromia National Regional State (ONRS) thus has its own institutional framework that run the activities of the urban land administration. At regional level there is the Oromia Industry and Urban Land Development Bureau (OIULDB).⁷⁵ The organizational structure beneath the bureau reveals that there are different agencies or offices. Accountable to OIULDB, Oromia Urban Land Development and Management Agency (OULDMA)⁷⁶ is an agency that is empowered and directly responsible with administration of urban land and landed properties in the region.⁷⁷ There are also other institutions that work with agency in the administration of urban land.⁷⁸ City administrations in the Region also have their own urban land institutions and that of Burayu is discussed under chapter four.

Under this chapter, we have seen the developments made around urban land administration system in Ethiopian history dominantly starting from Imperial era to the present by analyzing the urban land legal and institutional frameworks. The analysis revealed that urban land administration system was improved from time to time and became more comprehensive, efficient and effective than before. This is due to the fact that the two wings are improved from time to time to utilize urban land for the desired purpose(s). In addition, employing certain standards to assess the performance of urban land institutions improve the standard of

⁷⁴ Ibid

⁷⁵ A Proclamation to Define the Powers and Duties of the Administrative Organs of the Oromia National Regional State (amendment) Proc. No. 162/2011, article 12, Megeleta Oromia, 14th year, No. 6, 2011

⁷⁶ A proclamation to Establish Oromia National Regional State Urban Land Development and Management Agency, Megeleta Oromia, 21st year, No. 5, 2013

⁷⁷ It in particular has the power and responsibility, among other things, to provide modern urban land development and administration system, support, control and follow up, to provide and cause to be provided urban land administration and service delivery system which ensures transparency, efficiency, equitability and accountability as well as implement, follow up and control lease laws as per article 8 of the same proclamation.

⁷⁸ Oromia Urban Planning Institute and Oromia Urban Land Integrated Information System Project Office are institutions that work with the agency .Their role includes dealing with urban planning and preparing urban land information respectively.

good governance within the institutions. Thus, the next chapter identified and analyzed standards that are important to assess urban land institution's performance.

CHAPTER THREE

3. THE STANDARDS AND THEORY TO ASSESS THE PERFORMANCE OF THE URBAN ADMINISTRATION LAND INSTITUTIONS

Interest in performance assessment within the public services has attracted the attention from government bodies since 1980's and is seen as being essential to ensure improvements in public sector performance.⁷⁹ Wisniewski and Stewart also noted that performance information is essential for managerial control, informed decision making and the public accountability of any organization in any sector.⁸⁰ Since assessing the performance of the institutions has various purposes apart from this, thus, institutional assessment is highly crucial. Institutional/organizational assessment refers to the process of obtaining systematic information about the performance of the organization and the factors that affect its performance to diagnosis the area of investment for improvements and compliance with the law or values.⁸¹ That means, institutional framework assessment enables us to obtain organized information about the performance of the institution and to know what affects its performance which finally become an input for the potential improvements and adjustments. Thus, it helps us to know how they did perform, how they are performing.

Several years ago, the International Development Research Center (IDRC) and Universal Management Group began to explore the issues surrounding how to assess the institutional/organizational performance.⁸² It also did not keep quite to tell us that there was lack of literature with regard to assessing the institutional performance.⁸³ The performance of the institutions/organizations may be assessed from various perspectives. It may be assessed

⁷⁹ Andrew Armitage, *et al*, Public Service and Performance Management: The Working Performance Inventory, Journal of Finance and Management in Public Service, vol.8, No.1, p.3

⁸⁰ Wisniewski, M. *et al* (2004) , Performance Measurement for Stakeholders: The Case of Scottish Local Authorities, International Journal of Public Sector Management, Vol. 17, No. 3, pp 222-233

⁸¹ Canadian International Development Agency, Organizational Assessment Guide, p.4

⁸² Assessing Organizational Performance, A 3rd Evaluation Association Conference, Professional Development Workshop, Cape town, South Africa, 2004

⁸³ Ibid

from the point of view of the extent to which institution adapts to the changing environment or performance of the institution in terms of its efficiency.⁸⁴ It can also be assessed from the perspectives of the values, principles/standards as well as vision⁸⁵ of the institution which in one way or another stem from the law and/or policy on the basis of which institutions carry out their daily activities. The researcher adopted the last perspective to assess the performance of the Burayu City Urban Land Institution. Indeed, here, what is meant by performance may need worth of consideration. According to Black's Law Dictionary it refers to completion of the contractual duty.⁸⁶ According to Business Dictionary, it refers to the accomplishment of a given task evaluated against preset of standards.⁸⁷ In literature, performance of the public institutions is defined in terms of principal-agent relationship that links person in charge of providing services for customers/public and the state which represents the public at large. Accordingly, it is defined by the extent to which the agent(s) fulfill(s) the objectives or duties assigned by the principal, state who represent the society as whole.⁸⁸ Indeed, in the current public management discourse, the term performance is most commonly associated with the question of efficient and effective administration of government laws and policies.⁸⁹ Put it simply, it refers to the implementation of government laws and/or policies.⁹⁰

What we can understand from both dictionary and literature definitions is that the public institutions (civil servant agents) have the obligation to provide service for the customer/public according the preset standards which are set out in the legislations and/or policies. Therefore, assessing the public institution's performance refers to evaluating how the public institutions or agents are discharging their duties in light of the preset standards set out in the legislations and/or policies. And this helps us to diagnosis the weakness and strength of the institution. Under this chapter, thus, the writer has identified and analyzed the principles

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ Supra Note 44

⁸⁷ <http://www.businessdictionary.com/definition/performance.html>, last accessed 18, July 2016

⁸⁸ Pierre Pestieau , Assessing the performance of Public Sector, CREPP Working papers 2007/03, p.5

⁸⁹ The Australian and New Zealand School of Government, Office of the Information Commissioner, Queensland: Transparency and Public Sector Performance, Occasional Paper No. 1, pp. 9-10

⁹⁰ Ibid

and line of thought that help us to assess the performance of Burayu City urban land institution.

3.1 STANDARDS TO ASSESS THE PERFORMANCE OF THE URBAN LAND ADMINISTRATION INSTITUTIONS

Since Northcote Trevelyan laid down the foundations of the modern civil service in the mid-nineteenth century, a concern with establishing the ground rules for public servants and ensuring that they conform to a core set of standards in their everyday behavior has been a perennial theme in public administration.⁹¹ A consensus has developed world wide over the importance of the standards to assess public institutions in order to reform the institutions, prevent and combat corruption, to protect public resources, to enhance public institution's performance and strengthen government's role in orchestrating development and providing services.⁹² Such standards are also part and parcel of the values of most institutions/organizations. Analyzing the institutional performance also enable us to know the weaknesses and strengths of the institutions. Under this topic, such standards which are very helpful to evaluate the public institutions in general and urban land institutional framework in particular are discussed.

3.1.1 TRANSPARENCY: MEANING AND SOURCE

It is not a moot that states usually talk about and struggle to achieve the transparency of the government institutions without sector reservation. It is a powerful tool to serve the public interest.⁹³ Its introduction as fundamental principle was traced back to early nineties when EU has introduced and implemented it to its institutions.⁹⁴ However, an examination of most publications reveals that there is lack of research on transparency of the government institutions.⁹⁵ After all, let us see what is meant by the term transparency. It is lamentable that

⁹¹ Terry Pratchet, Standards for Public Servants in Public Administration, 1999

⁹² Ahmed Sakr Ashour, Transparency, Integrity and Accountability in the Public Sector in the Arab Region, Concept Paper, 2004

⁹³ Supra Note 88

⁹⁴ Matteo De Nes, "The European Stability Mechanism and The Principle of Transparency", Perspectives on Federalism, Vol. 7, Issues 3, p. 130

⁹⁵ Carlos Soares, *et al*, Transparency in Government Institutions: A Literature Review, pp.1-2

currently there are no commonly agreed up on definition of the notion of transparency.⁹⁶ Nor we find its definition under Ethiopian laws. The ordinary meaning of the word is simply the condition of allowing light to pass through a medium such as glass so that clear vision of something on other side is possible.

The relevant meaning for our purpose is metaphor stemming from word's original meaning of allowing clear vision. In this metaphorical way transparency is defined as:

“The conditions in which knowledge of activities that are of public interest is revealed so as to provide the potential for accountability”⁹⁷

It tells us that transparency is about making knowledge/information available for the purpose of the public interest. Thus, with regard to public institutions, it means that holders of public office should be as open as possible about all the decisions they made and actions they take.⁹⁸ They could restrict information only when the wider public interest so demands.⁹⁹ Even all draft documents, arguments for and against proposal, decision about the decision making process itself and all final decisions should be made publicly.¹⁰⁰ Defining narrowing, it is a release of relevant information for evaluating institutions.¹⁰¹ Charter for Public Service in Africa clearly demands transparency stating:

⁹⁶ Monika Bauhr, *et al*, What is Government Transparency? - New Measures and Relevance for Quality of Government: Quality of Governance Working Paper Series 2012:16, p.4

⁹⁷ Paul Sturges, What is this Absence Called Transparency? p. 5 .This definition is broad enough that it accommodates wide range of ways and tells us that transparency is about making knowledge/information available for the purpose of the public interest. It further qualifies that the intention for information disclosure is to make it possible to hold those concerned accountable on the basis of what is disclosed.

⁹⁸ Enhancing Professionalization of Human Resource Management in the Public Service in Africa: Capacity Building Workshop for Public Sector Human Resource Managers in Africa on “Strengthening

Human Resource Capacities for the Achievement of the Millennium Development Goals and Africa’s Development”, Cotonou, Republic of Benin, pp.4-6

⁹⁹ Ibid

¹⁰⁰ Ibid

¹⁰¹ Supra Note 96

*All administrative units shall make available all the necessary information on acts and procedures in their respective domains, as well as the information required to assess their management, with a view to enabling those interested to have full access.*¹⁰²

This is vivid enough to convey the message that public institutions have duty to disclose all necessary information to the public or to those interested to have access and transparency is a rule not an exception. Secrecy is allowed only if it is for the public interest. The point needs to be noted here is that the information or decision/decision-making process in public institutions should not only be available and accessible but also be timely, relevant and reliable. The charter also tells us that transparency is the release of information that is important for evaluation of the institutions.¹⁰³ Thus, it as a process, where citizens and administration are part of the process, involves not only availing information but also active participation in acquiring, distributing and creating knowledge.¹⁰⁴ This is supposed to generate greater public trust, more participation, more efficient administration and less corruption. Keeping this aspect in mind, one of the most recent and exhaustive definitions of transparency was provided as ‘transparency is availability of information about an organization or actor allowing the external actors to evaluate the internal workings/performance.’¹⁰⁵ Transparency would, therefore, include both state’s and public’s perspectives on the release and access to information (active and passive transparency). It also includes participation of citizens in the process and consequently, their capacity to evaluate the performance of institutions/public servants.

The other dimension of transparency refers to ensuring that laws are administrated and implemented in a uniform, impartial and reasonable manner.¹⁰⁶ In all dimensions of

¹⁰² Charter for Public Service in Africa, article 12

¹⁰³ Bauhr M and Nasiritousi N (2012) Resisting Transparency: Corruption, Legitimacy, and the Quality of Global Environmental Policies, Global Environmental Politics, Vol. 12, pp 9–29.

¹⁰⁴ Cotterrell R (2000): Transparency, Mass Media, Ideology and Community, Cultural Values, Vol. 3, pp.414–426

¹⁰⁵ Grimmelikhuijsen SG and Welch EW (2012): Developing and Testing a Theoretical Framework For Computer-Mediated Transparency of Local Governments, Public Administration Review, Vol.72, pp.562–571

¹⁰⁶ Supra Note 96, p.4

transparency, the content, quality and frequency of information provided by the public institutions and whether the public is actually getting that information should also be considered.¹⁰⁷ Other thing worth of mentioning at this juncture is that the institutions should be transparent on their own account (active transparency), not only up on request. The trend in some countries shows that the government institutions have obligation to release timely and reliable information of their institutions, unless there is good reason to make it confidential, by virtue of freedom of information laws (FOIL).¹⁰⁸ But what our law provides is access to information right which is passive transparency.

Public institutions perform their duties under the legal framework that provides for transparency and other standards. Unsurprisingly, the urban land institutions perform their duties under the urban land legal frameworks which also clearly recognized and envisaged transparency to ensure good governance in urban land administration. As a standard of performance assessment of urban land institutions implicitly envisaged, transparency is recognized under the existing urban lease proclamation to achieve prevalence of good governance.¹⁰⁹ Indeed, the basis for this recognition of the principle of transparency is the fact that it is enshrined under the basic law of the land.¹¹⁰

It is also clearly envisaged under the Revised Constitution of Oromia.¹¹¹ Therefore, the Urban Land Institutions as public institution should perform their duties adhering to the principle of transparency recognized both under the federal and regional constitutions as well as urban land legislations and policies. In other words, the institution should make timely, relevant and reliable information available and accessible to customers, make all decisions around urban land open to public unless confidential for public interest, and above all administer and implement urban land laws and policies in a fair, impartial and predictable manner. The government, the public, NGOs and media play great role in ensuring the transparency of the urban land institutions.

¹⁰⁷ Ibid

¹⁰⁸ Supra Note 97, pp.7-8

¹⁰⁹ Supra Note 36 ,for detail see the preamble and article 4 of the proclamation

¹¹⁰ Supra Note 29 , see article 12

¹¹¹ See article 12 of the Revised Constitution of Oromia National Regional State

3.1.2 ACCOUNTABILITY

3.1.2.1 THE NOTION AND SOURCE OF ACCOUNTABILITY

The term *accountability* comes from the Anglo-Saxon World where there is a broadly shared understanding of its meaning though defining what exactly it is difficult.¹¹² Like transparency, accountability is nowhere defined under Ethiopian laws. Thus, it is logical to resort to literature to know what it means.

It is an amorphous concept. However, broadly speaking, accountability exists when there is a relationship where an individual or body and the performance of tasks or functions by that individual or body, are subject to another's oversight, direction or request that they provide information or justification for their actions/inactions. It concerns the processes by which those who exercise power whether as government or public servants must be able to show they have exercised their powers and discharged their duties properly.¹¹³ It is the responsibility of the government and its agents toward the public to achieve previously set objectives and to account for them in public.¹¹⁴ It also refers to the answerability of the public institutions (public servants) to customers/public for performance and decision they made.¹¹⁵

Therefore, the notion of accountability involves two distinct stages: *answerability* and *enforcement*. Answerability refers to the obligation of public institutions/servants to provide information or justification about their decisions/actions/inactions.¹¹⁶ Enforcement suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behavior.¹¹⁷ And as such different accountability institutions might be responsible for either or both of these stages. These make the public servants to

¹¹² Siani Pearson, A Cross-Disciplinary Review of Concept of Accountability: A Survey of Literature Review, p.5

¹¹³ Supra Note 98

¹¹⁴ Ibid

¹¹⁵ World Bank, Accountability in Governance, Available at:

<http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/AccountabilityGovernance.pdf>-last visited 18 July 2016

¹¹⁶ Ibid

¹¹⁷ Ibid

show they have exercised their power and discharge their duties properly. And this serves as corner stone to ensure good governance in the urban land institution.

Another dimension of accountability Koppell indentified from institutional/organizational perspective is accountability refers to: transparency which he employed to know whether the institution revealed the facts of its performance, controllability-whether the institution do what the principal desired, responsibility-whether the institution followed the rules and, liability- whether the institution faced consequences for its performance.¹¹⁸ Thus, the definition of accountability geared around performance and compliance with laws.

Like transparency, accountability is envisaged under existing urban land lease proclamation.¹¹⁹ This clearly tells us that the urban institutions/public servants working therein are accountable for their performance or the decision/actions/inactions they made in exercising their duties based on the principle of accountability. Indeed, this principle stems from the FRDREC which in white and black envisaged accountability as basic constitutional principle.¹²⁰ In similar fashion, the constitution of the Oromia also envisaged this principle.¹²¹

Therefore, accountability of the public servants working within urban land institution is both legislative and constitutional responsibility.

3.1.2.2 TYPOLOGIES OF ACCOUNTABILITY

The concept of accountability can be classified according to the type of accountability exercised and/or the person, group or institution the public officials answers to. Accordingly, these forms of accountability are discussed below.

1. HORIZONTAL ACCOUNTABILITY

The prevailing view is that the institutions of accountability such as the parliament and judiciary provide horizontal accountability.¹²² It is the capacity of the state institutions to check abuses by other public institutions or the requirement for such institutions to report

¹¹⁸ Koppell, J. (2005) "Public Administration Review," Public Administration Review, vol. 65, p.94

¹¹⁹ Supra Note 36, article 4. It is also enshrined under the preamble of the same.

¹²⁰ Supra Note 29, article 12

¹²¹ Supra Note 111

¹²² Supra Note 115

sideways.¹²³ Indeed, other state institutions with relatively autonomous power such as Anti-corruption Commission, Office of Ombudsman and Human Rights Institutions can also oversee how public institutions are serving the customers/public.¹²⁴ Thus, horizontal accountability is the capacity of autonomous state institutions to check how public institutions are exercising their power and discharging their duties.

The public servants working within urban land institution are directly accountable to their superiors. They may also be accountable to the department or agency which in turn may be answerable to minister which again may be accountable to the parliament who are accountable to the public at large.¹²⁵ That is a typical example of vertical accountability. Mass media also play paramount role in overseeing how public institutions are serving the public.

The accountability institution as key actor thus may require the urban land institutions/their workers to implement urban land lease laws, policies and programs and hold them accountable for their performance in this regard. For instance, parliament as accountability institution may require the urban land institutions/their workers to implement these laws and policies it has enacted and make them accountable in case of failure. Indeed, in representative democracy, parliament by itself is the agent of electorate and elected to enact laws and oversee government actions on their behalf.¹²⁶ Generally, this is how the accountability institutions/organs oversee the actions of public institutions or their workers to make them accountable for their performance horizontally or vertically.

2. SOCIAL ACCOUNTABILITY

Social accountability is a situation whereby ordinary citizens and/or civil society participate directly or indirectly in exacting accountability.¹²⁷ Indirect engagement here refers to where the citizens or civil society checks the accountability of the public servants through other accountability institutions. Mechanisms of social accountability can be initiated and supported

¹²³ Ibid

¹²⁴ Ibid

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ Ibid

by state, citizens or both but very often they operate from the bottom-up.¹²⁸ Shortly, social accountability as society driven horizontal accountability, seeks to provide direct answerability from government to citizens, and parliament are indispensable vehicles through which citizens/civic groups can extract enforcement.¹²⁹ The point I should mention here before discussing another standard is that the importance of ensuring accountability is as equal as that of transparency.

3.1.3 COMPLAINT HANDLING MECHANISMS

3.1.3.1 MEANING, SIGNIFICANCE AND SOURCE

Complaint is “an expression of dissatisfaction or grievances made to or about an organization/institution related to its service, products, staff or the handling of complaint where a response or redress is explicitly or implicitly expected or legally required.”¹³⁰ Thus, whenever the customers are dissatisfied with or aggrieved by decision of staff of an institution or with service of an institution or other, it presupposes that there should be a response to such grievances which still presupposes to have the scheme that handle it. Hence, complaint handling mechanism is a scheme through which the grievance or dissatisfaction of customers of the institution get response or redress.

This scheme helps us to assess the institutional performance as a whole on one hand and the complaint handling scheme of the institution on the other. Thus, broadly the merit of analyzing this standard is twofold. Complaints are an important way for management of an institution/organization to be accountable to the public as well as valuable prompts to review organizational performance and the conduct of its workers.¹³¹ It also provides information that can lead to improvements in service delivery of the institution.¹³² Where complaints are handled properly, it contributes to provision of quality of service by the institution and strengthens public confidence in institution’s administrative processes. To sum up, complaint

¹²⁸ Ibid

¹²⁹ Ibid

¹³⁰ See Australian/New Zealand Standard AS/NZS 10002:2014, Guidelines for Complaint Management in Organizations available at www.standards.com.au, last visited 3 July 2016

¹³¹ Ibid

¹³² Ibid

handling scheme improves provision of service, ensures accountability and good governance in the urban land institution.

Internationally, different institutions/organizations publishes an international standard which sets down guidelines for complaint handling in organizations and this can be taken as source of complaint handling scheme. For instance, British Standards Institution publishes such guidelines. Australian Ombudsman guidelines on complaint handling for organizations are another point of illustrations.¹³³ Thus, different organs have complaint handling schemes through which complaints made against organization are redressed.

3.1.3.2 PRINCIPLES OF COMPLAINT HANDLING

Here are some principles of good complaint handling mechanisms on which most literature agree and to which the complaint handling scheme of an institution/organization should adhere to.

A) Accessibility- complaints should be handled at no charge and this should be made clear in the information provided about complaint handling process.¹³⁴ It should be accessible to complainants or customers in the way they can understand information of the scheme. B) Visibility- this principle underlines that information about how and where to complain should be publicized to customers, staffs and other interested persons.¹³⁵

C) Responsiveness- complaints should be acknowledged timely, addressed promptly according to order of urgency and the complainants should be kept informed throughout the process.¹³⁶ D) Objective and Fairness- complaints should be handled in an equitable, objective and unbiased manner.¹³⁷ Hence, complaint handling procedure should adhere to the principle of procedural fairness.

E) Confidentiality- the personal information of complainants and any person subject to the complaint should be kept confidential and only used for the purpose of addressing

¹³³ See Supra Note 130

¹³⁴ Mike George,*et al*, Complaint Handling: Principles and Best Practice, p. 17

¹³⁵ Supra Note 130

¹³⁶ Ibid

¹³⁷ Ibid

complaint.¹³⁸ F) Remedy and Review- when complaints is upheld, the institution should provide remedy which could be an apology, explanation, correcting the error or financial remedy. And there should also be an opportunity for internal and external reviews and/or appeal about organization's response for complaint and the complainants should be informed about these avenues.¹³⁹

The adoption and implementation of such principles enables the institution to provide quality services, to implement urban land lease laws and policies, and ensures good governance in urban land institution in general because it subjects institution to feedbacks which become the very input for improvements.

3.2 THEORY THAT HELP US TO ASSESS THE PERFORMANCE OF URBAN ADMINISTRATION LAND INSTITUTIONS

The term *theory* was derived from Greek term *theoria* that means *looking at*, or *viewing*. It is a line of thought that help us to evaluate or explain things. Thus, under this topic, I am going to discuss line of thought that may help us to assess the urban land institutional framework performance. It has to be noticed that there is no general consensus as to what theory is most relevant for the study of public organizations/institutions.¹⁴⁰ Thus, I have chosen the following theory used in literature to study public institutions from different perspectives.

3.2.1 AGENCY THEORY

Agency relationship is defined as one in which the principal engages the agent to perform some service on behalf of the former which involves delegating decision-making authority to the agent.¹⁴¹ Agency theory is a theory that explains the relationship between the principal and agent both in public and private administration structures.¹⁴² Thus, it is possible to assimilate government operations to principal-agent relationship and apply agency theory to

¹³⁸ Ibid

¹³⁹ Ibid

¹⁴⁰ Tom Christensen, *et al*, Organization Theory and the Public Sector, p. 14

¹⁴¹ Charles W., *et al*, 'Stakeholder-Agency Theory', Journal of Management Studies, Vol. 29 No. 2, p. 132

¹⁴² Ameneh Malmir, *et al*, , 'Citizen Relationship Management and Agency Theory,' International Journal of Managing Value and Supply Chains, Vol.5, No.3 p. 83

public institutions.¹⁴³ In state structures, it highlights issues regarding the responsibility and accountability of the government structures towards citizens.¹⁴⁴ In public sector there is double principal-agent relationship: the government represents the interest of the whole public (principal) in providing public service where the public servants are the agent for the government to discharge the function and duties on behalf of the latter. And hence, the government who is the agent of the public becomes principal for the public servants. Thus, there is indirect agency relationship between the public and public servants according to this analysis.

We know that the underlying tenet of the theory is that the agent act on behalf of the principal per the explicit or implicit contracts or the law and the agent should avoid conflict of interest as s/he is there just to serve the interest of the principal. Public institutions have contractual relationship with public servants and the latter are there to protect and preserve the interest of the principal, the institution which is presumed represent or to serve public interest. Thus, the public servants should not run the institution for their own individual interest and should not limit principal's access to information and take unfair advantage of information asymmetry.¹⁴⁵ That is, agent can limit access of public/customers to vital information and may take unfair advantage of information superiority.

This taking unfair advantage of superiority of information in public institutions may result due to bureaucratic procedures¹⁴⁶ which create opportunities for hindering information, absence of transparency and accountability. It may also result due to lack of strong monitoring or supervision.¹⁴⁷ This may create an opportunity for abusing information asymmetry and hence, brings corruption. Within public institutions, the possible way outs to minimize the effects of information asymmetry are: controlling the agents' activities through strong supervision or monitoring, practically implementing the principles of transparency and accountability and

¹⁴³ Luc Leruth, *et al*, A Principal- Agent Theory Approach to Public Expenditure Management System in Developing Countries, IMF Working Paper WP/06/204 , pp. 4-6

¹⁴⁴ Supra Note 141

¹⁴⁵ Gyorgy Atilla, 'Agency Problem in Public Sector', Bucharest Academy of Economics, Vol.21, p. 708

¹⁴⁶ Ibid

¹⁴⁷ Ibid

using other means that help to reduce the effects of information asymmetry. Limiting access of information to principal is against the principle of transparency we have discussed so far. They are agents and thus should serve the interest of the principal on the basis of the law.

In our context, public servants working in urban land institution are the agents of the government (public) who are just to serve the public interest, not their interest, according to urban land laws and policies. As agents, they are ultimately accountable to the public for their actions and decisions through different modes of accountability afore-explicated.¹⁴⁸ This, on the other hand, requires transparency of the public servants in exercising their power and discharging their duties. In another way round, the government as public representative has the duty to ensure public servants, as its agents, implements urban land laws, program and policies.¹⁴⁹ These all are important in controlling the rent-seeking behaviors visible around urban land areas.

Generally, under this chapter, we have identified and explicated the standards that help us to assess how urban land institutions are performing/serving the public or implementing urban land laws. For the purpose of this study, transparency, accountability and complaint handling scheme, and agency theory were used. A consensus has developed world wide over the importance of the standards to assess public institutions. This institutional assessment enables us to obtain organized information about the performance of the institution and to know what affects its performance which finally becomes an input for improvements and adjustments. They were used to assess urban land institutional framework of Burayu as analyzed in the next chapter.

¹⁴⁸ See Supra Note 140

¹⁴⁹ See Supra Note 115

CHAPTER FOUR

4. ASSESSING BURAYU CITY URBAN ADMINISTRATION LAND INSTITUTION: CASE STUDY

Assessing urban land institution is a broad concept and assessment may be made from various vantage points. However, due to various constraints, this chapter focuses on the main points for assessment against the standards analyzed under chapter three of this Thesis: transparency, accountability, complaint handling scheme and agency theory. And these standards clearly tell us that public institutions should adhere to such standards practically in service delivery. In addition, there should be law or guideline that addresses the issue in-depth to see them on the ground and improve service delivery. There should also be strong supervision/monitoring, make awareness and internalize that public servants are agents and there just to serve the public/customers, not to promote their interest, to overcome the problem of agency visible within public institutions. On the other hand, there are problems of transparency, accountability, complaint handling scheme and agency. Besides, the institution is reluctant to take feedbacks and make improvements and adjustments accordingly. Hence, this chapter is going to thoroughly evaluate Burayu City Urban Land Institution against these standards.

Besides, since knowing the organizational structure of the institution is crucial for it provides guidelines and frameworks on who should or can do, what and how each task can or should be done, the chapter also discusses the rough sketch of the structure of the institution. In general, the established standards are indispensable to assess and to answer why to assess urban land institutions.

4.1 THE ORGANIZATIONAL STRUCTURE OF BURAYU CITY URBAN LAND ADMINISTRATION INSTITUTION

Organizational structure refers to a structure that consists of positions and rules for who shall or can do what, and which defines how various tasks should or can be done or executed.¹⁵⁰ Thus, knowing Burayu City Land Institution structure is vital. Burayu is one of the cities/towns grouped under the first group cities/towns in the region.¹⁵¹ According to the revised BPR (business process re-engineering) adopted in the region in general and at

¹⁵⁰ See supra note 140, pp.15-21

¹⁵¹ See Oromia National Regional State Regulation to Implement Urban Land Lease, article 6, Regulation No.155/2005

OULDMA level in particular, the organizational structure of urban land institution of cities/towns is different based on categorization of same under different groups as envisaged under the regulation. This is particularly true with regard to sub-departments. Accordingly, Burayu City Land Institution has three main departments and numerous sub-departments that enable it to run its daily activities as briefly expounded herein under.

4.1.1 URBAN LAND DEVELOPMENT AND TRANSFER DEPARTMENT

This department, as its name speaks for itself, basically deals with the development and transfer of land in the city administration. Preparing urban land development plan, making land inventory, giving boundary and registering in the land bank, ensuring that urban land tender and allotment process execution is based on the law, follow-up and checking urban land contracts are made according to lease contract, making research on urban land market demand, investigating compensation and paying compensation for those who are displaced due to development are some of the main functions of the department. The department has about four sub-process departments: urban land use, urban land development and bank, and urban land transfer and lease contract follow-up sub-processes.

4.1.2 URBAN LANDHOLDING ADMINISTRATION DEPARTMENT

The main responsibilities of this department, *inter alia*, are preparing and giving urban landholding certificate, replacing the lost one, registering various urban lands related contracts and changing the title deed. This department has two sub-processes that enable it to accomplish its tasks, i.e., contract registry, verification and administration sub-process and urban landholding documentation sub-process.

4.1.3 URBAN LAND REFORM IMPLEMENTATION DEPARTMENT

This department chiefly discharges the task of reform implementation within Burayu City urban land institution by preparing training plan, making investigation on urban land reform laws and implementation capacity, identifying reform implementation capacity gap and giving training on the gap, creating awareness on urban land reform laws and giving legal advice service.

The sub-processes under this department include urban land reform development and research, urban land reform implementation scanning and urban land laws observance sub-processes.

4.2 ASSESSING BURAYU CITY URBAN LAND ADMINISTRATION INSTITUTION AGAINST THE STANDARDS

As said above, the assessment made under this sub-topic is focused solely on the main points as portrayed below. Each sub-topic assesses Burayu City Urban Land Institution in light of specific standard.

4.2.1 TRANSPARENCY WITHIN BURAYU CITY URBAN LAND ADMINISTRATION INSTITUTION

Obviously, transparency is a basic principle that ensures proper and impartial implementation of law, delivering of service as per the law, accountability and good governance in public institutions. It is also a means to an end and an end in itself. Therefore, Burayu City urban land institution should disclose all information/decisions that have connection with urban land to customers/public by ensuring its accessibility timely as required by lease laws. In other words, there should be fair and impartial implementation of lease laws within the institution. Thus, existence of transparency in action brings realization of what was stated above. The following sub-sections assess Burayu City urban land institution in light of the principle of transparency.

4.2.1.1 TRANSPARENCY IN TRANSFERRING URBAN LAND THROUGH TENDER

Tender/auction refers to a means of transferring lease of urban land to a bid winner fulfilling competition requirements.¹⁵² The competition requirements are such as bidders should not be less than three in first round, the same holds true for the second round and on the 3rd round number of bidders should not be less than two, the bidders can compete only through bid document, and a bidder cannot buy more than a single bid document for a plot, bidders should provide bid bond¹⁵³ and others. A bid winner is one who scores highest point from 100% where the bid price for a plot carries 80% and down payment carries 20%.¹⁵⁴

Lease laws in black and white envisaged that urban land to be transferred through tender must be prepared by plan annually and disclosed to the public. As one dimension of transparency is proper implementation of lease laws, at this point it is imperative to see whether there is this

¹⁵² See Supra Note 36, article 2(9)

¹⁵³ See articles 11 and 18 of Lease Proclamation and Oromia Regional State Urban Land Lease Regulation respectively

¹⁵⁴ See Supra Note 151, article 18(2)

preparation annually. One interviewee replied that there was a preparation of plan of urban land to be transferred through auction annually.¹⁵⁵ The following table 1 shows land prepared for a bid for residential and commercial in 2008 E.C. This clearly indicates there is preparation of plot for a bid, be it for residential or commercial. But the problem is that it is non-transparent to the public/customers.

TABLE: 1 PLAN OF PREPARED PLOT FOR TENDER

S/n	Kebele	Prepared plot in m ²	
		For residential	For commercial
1.	Burayu Ketta	960	-----
2.	Gefersa Burayu	1,145	-----
3.	Gefersa Nonno	1,4200	4200
4.	Melka Gefersa	25,680	5000
Total		41,982	9200

Source: Burayu City Urban Land Development and Management Office, 2008

TABLE: 2 PLAN OF PREPARED PLOT FOR TENDER

In 2009 also there is urban plot prepared for a bid. Until this data is collected, however, the institution does not dichotomize the prepared plot based on the amount of land and number of plots available per kebele. The following table 2 shows urban plot prepared for a bid for residential and commercial.

Prepared plot in hectare		Total
For residential	For commercial	

¹⁵⁵ Interview with Ato Bantii Cimdii, Lease Contract Expert, at Burayu Urban Land Institution, 3 October, 2016

26.82	15.47	42.29
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Source: Burayu City Urban Land Development and Management Office, 2009 E.C

Both tables (table 1 and 2) are used just to indicate that there is a preparation of urban land for a bid by Burayu City Urban Land Institution at least annually. Yet we have to see its disclosure to the public to assess the institution from the perspective of transparent performance.

The presence of preparation of plan of urban land to be transferred via tender is one reflection of the existence of transparency within this institution. But unless this plan is disclosed to the public timely in an accessible manner, it is hardly possible to say there is transparency pertinent to this point. Disclosing plan to the public is important to promote public confidence on the institution. Besides, lease laws envisaged that it should be disclosed so that it is transparent. Thus, the means through which it is disclosed and accessibility of the same aids us to test whether there is transparency within the institution and hence, assess the latter. Posting advertisement paper of the plan on the notice board is the only mode used to disclose this plan within Burayu City urban land institution I observed. Not only inadequacy of the mode of disclosure, the available means of disclosure is inaccessible to the public because of the place where it is posted. Therefore, it is hardly tenable to say that the prepared plan is disclosed to the public/customers. The institution has no web-site though expected. The duty of Burayu City urban land institution to disclose the information, need to be underlined here, is that not only up on request but on its motion. The information related to urban plot prepared for tender such as plot has basic infrastructure, land grade, lease benchmark price, plot is free from any legal claim and others should be disclosed to the public. Of course, this is disclosed by the institution to the public/bidders through advertisement paper posted to notify plot prepared for a bid. Items of information such as land grade and lease benchmark price are available on a bid document. The bidders fill information on bid document and compete only after they observe the plot has basic infrastructure¹⁵⁶ and this is good tool to test existence of transparency with this respect. But there are instances where bid is made twice on a single

¹⁵⁶ Ibid

plot¹⁵⁷. Interview with Burayu City District Court Judge also indicates that there is problem of transparency within City Urban Land Institution as we may understand from a plan map on single plot but for different individual which became an issue before court.¹⁵⁸ There are a lot of similar cases brought before the court which clearly indicates absence of transparency in service delivery within the institution and which also indicates absence of controlling mechanisms he added.¹⁵⁹ Ato Tekle Adamu also testified there is no transparency within the institution.¹⁶⁰ The argument here is that had there been controlling mechanism which helps to ensure transparency; such problem would not have been occurred. Thus, these interviewees are saying that it is not mistake of handling data but deliberate act.

The customer of the institution spoke out that most of plots prepared for bid in the city administration almost have no basic infrastructure except poor quality road and, others are installed only afterwards.¹⁶¹ Some plots have cliff which is difficult to construct building. The point raised by interviewee above is that the bidders could not have the chance to check whether plots have basic infrastructure because they bid without getting chance of observing plots as the institution post plots for bid and transfer same without bidders' observation i.e. the bid winner would know the plot only after s/he wins a bid. This reveals that there is a problem of transparency within this urban land institution with respect to basic infrastructure particularly water, electricity and road because these infrastructure is absent in strict sense at the time plots are transferred to the bid winner.

The other area where we should test the existence of transparency and thereby assess Burayu City urban land institution against this standard in transferring urban land through tender is tender process. Tender process encompasses various processes ranging from advertising prepared plot for bid to identifying bid winner and transferring plot to the latter after lease contract is concluded. Hence, assessing the institution against the current standard at this

¹⁵⁷ Ibid

¹⁵⁸ Interview with Ato Kumsa Dhabasa, Burayu City District Court Judge, at the Court, 16 November, 2016

¹⁵⁹ Ibid

¹⁶⁰ Interview with Ato Tekle Adamu, Attorney at Court of Law, at his Office, 16 November, 2016

¹⁶¹ Interview with Ato Eshetu Tekalegn, customer of Buryau City Urban Land Institution, at City Urban Land Institution, 3 October, 2016

particular point starts from testing transparency of the advertisement. The institution advertises this information for the public through newspaper like Addis Zemen, advertisement posted on notice board and Oromia Television.¹⁶² This ensures transparency of this particular information. From accessibility point of view, the language in which the advertisement is made is imperative and hence, it is made through Afan Oromo and Amharic.¹⁶³ However, it also strengthens accessibility of the information and hence transparency, if modern technology products such as face-book page and web-site are used. Once the public transparently gets information about plot prepared for a bid, the next task is to buy bid document. Thus, since bidders cannot participate in a bid without getting this document, it is indispensable to see its transparency.

Interview with Ato Banti reveals that the office No. where a bid document could be collected is notified on notice board. The bidders can also ask the information desk and any other staff to get the information, and hence, it is accessible and transparent he added.¹⁶⁴ However, during my observation, I did not see office that has No. within this Urban Land Institution. Moreover, there is also no word that indicates the name and position of the public servant in the institution except few. This is because we should not take the generalization that it is obvious. In my view, thus, absence of this necessary information is indication of inaccessibility and may become an obstacle to transparency. Customer of this institution also testified the same.¹⁶⁵ Executing a bid and verifying the result of bid is a critical point so to say where transparency of the institution should be highly necessary. Bid executing and result of bid verifying groups are groups in charge of executing bid and verifying result of bid respectively.¹⁶⁶ Bid box is closed at 5:00 AM daytime in front of observers by bid executing group and protected by police until it's opened in the next working-day.¹⁶⁷ Bid executing group opens bid box and identify bid winner based on the aforementioned criteria in an open camera where the bidders or their representatives, observers and any person wish to attend are

¹⁶² Supra Note 155

¹⁶³ Ibid

¹⁶⁴ Supra Note 155

¹⁶⁵ Ibid

¹⁶⁶ See Supra Note 151, articles 20 and 22

¹⁶⁷ Supra Note 155

present.¹⁶⁸ Result of bid verifying group verifies whether bid executing group impartially and fairly executed the bid by checking bid price for a plot and the amount of down payment they provide against their score. The result of bid with score of bidders once verified by result of bid verifying group is posted on notice board. Thus, the fact that the bid box is closed before observers and protected by police until opened in the next working-day and the fact that who is a bid winner, identified before bidders or their representatives, observers and any one wishes to attend shows existence of transparency. If bidder/s/ has complaints on the result of bid, s/he, they can complain before complaint handling office which again helps to ensure transparency here.¹⁶⁹ Though the regulation stipulates that the result of bid could be disclosed to the public through City web-site¹⁷⁰ to ensure its transparency more, the City Administration has so far no web-site.

4.2.1.2 TRANSPARENCY IN TRANSFERRING URBAN LAND THROUGH ALLOTMENT

Allotment refers to modality through which urban land is provided by lease for an individual or project without bidding. The plan of projects that get urban land through allotment should be prepared annually by the Burayu urban land institution and submitted to state council for ratification.¹⁷¹

It is only after regional ratification that this urban land institution can transfer urban land through allotment. The lease laws give the power to decide transferring urban land through allotment to the cabinets or management of the city evasively without providing criteria giving wide discretion and this without any doubt makes the process of transferring urban land through allotment non-transparent. That is why Ato Banti frankly spoke out that transferring urban land through allotment within Burayu City urban land institution was non-transparent at all.¹⁷² There is also no established criterion by which they transfer urban plot via allotment and it is very subjective he added.¹⁷³ What he put on the ground simply is that it

¹⁶⁸ Ibid

¹⁶⁹ Ibid

¹⁷⁰ See supra Note 151, article 20(4)

¹⁷¹ Id, article 24

¹⁷² Supra Note 155

¹⁷³ Ibid

is the problem of lease laws that contribute to absence of transparency within an institution with regard to transferring urban land through allotment. The fact that decision of transferring urban land through allotment is in the hands of the cabinet makes the issue of transparency even questionable at this point because urban land institution is snatched this power even though it is an institution mandated with urban land administration in general.

With regard to the query of preparation of plan of urban plot and its disclosure to the public, one interviewee replied that it is not planned by the institution rather by OULDMA and even this plan prepared at regional level was never disclosed to the public and, in this institution not disclosing information on their motion to the public but by public request itself is not as such accustomed.¹⁷⁴ The following table 3 shows presence of urban plot prepared for allotment in 2009 E.C

TABLE: 3 PLAN OF PREPARED PLOT FOR ALLOTMENT

	For condominium	For social services	For micro & small enterprises	Total
Prepared land in hectare	20.26	15	31.5	66.76

Source: Burayu City Urban Land Development and Management Office, 2009

The table simply indicates that there is a preparation of plan of land to be transferred through allotment but the institution did not disclose it for the public though it has the duty to do so. Thus, it is non-transparent to the public. The public has the right to get this information under lease laws not up on request but the institution has the duty to disclose on its own motion timely.

4.2.1.3 TRANSPARENCY OF THE INSTITUTION IN OTHER SERVICE DELIVERY

There are also other services rendered by the institution where we can assess the latter from transparency perspective. One is related with service delivery day, i.e., whether the institution/workers working within, serve the public indeed throughout the working days.

¹⁷⁴ Ibid

What I observed during my study was far from answering this query positively. It is vivid fact that the working process within the institution is highly intertwined, I mean there are situations where a single service needs to get access of different departments or sub-processes. In that case, a customer who gets service providing individual of one department or sub-process should be adjourned for the next working day or after a week as the case may be due to the fact that the individual needed by the customer is not present for the reason the latter does not know. This makes customers to come to the institution and get-back without getting the service they need to get. The reason that customer usually gets, I heard, is that s/he is not present today or s/he is on the meeting or he went to a site. But OULDMA argued that customers should get service on working days whether there is meeting, site observation or not, and there is no rule/principle that says customers could not get service where there is meeting or site observation.¹⁷⁵ Therefore, there should be personnel that provide service he added.¹⁷⁶ To question how the Agency could ensure whether urban land institutions are providing service transparently or otherwise, he replied that they use plan-report cross-check and supervision.¹⁷⁷ There is, indeed, yet problem of transparency in service delivery and the government is working on to cut it from grass root as much as possible he added.¹⁷⁸ But, according to Ato Banti, what the Agency said is far from the truth on the ground; it did not employ any mechanism to oversee how Burayu Urban Land Institution is working. There is rare supervision by agency only on investment sector he added. He also told me that even Burayu Urban Land Institution has no mechanism to check or control whether each worker is discharging his/her daily works transparently and accountably.

The most prevalent reason why some bosses of the departments or sub-processes are not present on their regular work, due to nowadays situations in Oromia, is politics-they focused on the political issues. Had the customer/s known this fact in advance, they would have come on the day when he is present. But to make service delivery transparent in action, there should be a schedule that set out days for meeting or for site observation etc that is not subjectively

¹⁷⁵ Interview with Ato Merid Gudeta, Oromia Urban Land Development and Management Agency Deputy Manager, at the Agency, 14 November, 2016

¹⁷⁶ Ibid

¹⁷⁷ Ibid

¹⁷⁸ Ibid

dynamic and that the customers should get its access. Besides, in order to avoid stopping of service delivery, there should be an individual who serve the customer in the place of the one who is not present. That is also what OULDMA knows.¹⁷⁹ Such problem should be resolved by directives or working rules of the institution. The claim of the customers is that most workers within institution follow close door policy besides not giving service timely.¹⁸⁰

The other is related with the problem of not providing service timely. This problem is visible around all services the institution provides such as giving landholding certificate, change of name, giving plan map, contract of lease, etc. The customer I interviewed said that there was a problem of providing service timely within Burayu City urban land institution, without any moot, due to absence of transparency in service delivery.¹⁸¹ This is due to the absence of set out standard that provides list of services/works and the time frame within which customers can rightly get service/s. But Ato Tesfaye Tilahun, alleged that there is scheduled standard that indicates which service in how much time or day should be delivered for the customers/public.¹⁸² There is also nothing I observed the standard that shows works/service and time frame within which it could be completed or if there was one it was inaccessible to the public/customers. But by hasty generalization, they are saying that our customers know this.

The customer, on the other hand, convincingly told me that there was no such standard posted on the windows or other places customers can get access showing me all places where customers are supposed to get information about service.¹⁸³ We can say there is transparency in service delivery if services are provided timely, and to avoid the subjectivity of this, thus, make transparent, there should be time frame that indicates which service in how much time or day can be provided for the customers. The customers/public should also get access of this so that s/he can come and consume the service timely as per the schedule without wasting

¹⁷⁹ Ibid

¹⁸⁰ Interview with Ato Abdu Mohammed, Customer of Burayu City Urban Land Institution, at City Urban Land Institution, 14 November, 2016

¹⁸¹ Interview with Ato Ishetu Tolessa, Customer of Burayu City Urban Land Institution, at City Urban Land Institution, 10 October , 2016

¹⁸² Interview with Ato Tesfaye Tilahun, Buayu City Urban Land Institution Registration, Verification and Registration Works Administration Sub-Process Integrator, at Office, 11 October, 2016

¹⁸³ Supra Note 180

resources. Thus, putting such schedule, if any, in the computer or inaccessible place does not satisfy the principle of transparency. The other justification the institution claim with regard to complain of customers that they are not getting service timely is that since the service this institution gives is highly interconnected with other institution such as revenue authority of the city, customers indeed sometimes does not get service timely.¹⁸⁴ Coming of the customers with incomplete information or without necessary documents also contribute to not providing service timely.¹⁸⁵ When files of customers have problem such as when it is feared to be forged, service will not be provided timely until clarified.¹⁸⁶ The urban landholding certificate is not given yet for old possessions within Burayu City Administration and the institution confirmed the existence of the problem and planned to give starting from this year.¹⁸⁷ But the customers have fearing that it will be given this year saying that such promise was common during previous years but customers have not seen it on the ground.¹⁸⁸ That is, the institution promised to give the certificate for old possessors for several years but this promise was not yet realized. The institution, hence, should work-hard to achieve customer's/public's satisfaction in service delivery. It should improve its service delivery taking into account, instead of ignoring, the customers feedback. In short, there should be transparency for it stimulates public participation.

4.2.2 ACCOUNTABILITY WITHIN BURAYU CITY URBAN LAND ADMINISTRATION INSTITUTION

This sub-topic tries to assess Burayu City Urban Land Institution in light of the accountability standard. Under chapter three, we have seen that, broadly speaking, accountability exists when there is a relationship where an individual or body and the performance of tasks or functions by that individual or body, are subject to another's oversight, direction or request that they provide justification for their actions/inactions. This conveys a message that it is necessary to oversight how the institution or its workers, as the case may be, are performing

¹⁸⁴ Supra Note 182

¹⁸⁵ Ibid

¹⁸⁶ Ibid

¹⁸⁷ Ibid

¹⁸⁸ Interview with w/ro Tarike Takele, customer of Burayu City Urban Land Institution, at Burayu Urban Land Institution, 11 October, 2016

the tasks or responsibility it/they is/are assigned with. This oversight may be made by the institutions of accountability, civil organizations, citizens/public or boss. This is just to see whether the institution or workers is/are discharging its/their duties or serving the public properly. It is a mechanism to control whether the institution/its workers are serving the public/customers, performing according to the law. The other mechanism to ensure accountability is ensuring transparency as there is inextricable relation between them.¹⁸⁹ They are reciprocally supporting.¹⁹⁰ Theoretically, disclosure of reliable, relevant and timely information reinforce accountability because we could make accountable those concerned where there is transparency of decision they made, action/inaction they have taken and hence, greater transparency generate greater accountability. If there is answerability and sanction for one's action/inaction/decision, this increases the number of things that should be disclosed, routes in which information should be disclosed and in doing so encourages greater openness.¹⁹¹ Supervision and report and plan cross-checks are among mechanisms employed to ensure transparency within urban land institutions. These mechanisms of ensuring transparency help to get about 821 individuals who became accountable for their abusive works within urban land institution at regional level as data obtained from OULDMA depicts.

There is the spirit of accountability within Burayu City urban land institution. On one the hand, obviously, OULDMA rarely oversees the performance of the institution through report. Institutions of accountability such as the Office of Ombudsman, Ethics and Anti-Corruption Commission also oversee whether the institution is discharging its duty or serving the public properly based on a citizen's complaints.¹⁹² Accountability of workers of the institution is checked by bosses vertically but usually it is considered as toothless dog for they are reluctant to touch each other but what helps to make hold accountable those concerned within the

¹⁸⁹ Institutionalizing Transparency and Accountability in Indian Governance, available at: www.Iosrjournals.Org

¹⁹⁰ Ibid

¹⁹¹ Bovens M (2007): Analyzing and Assessing Accountability: A Conceptual Framework, European Law Journal, Vol. 13, pp. 447–58.

¹⁹² Supra Note 182

institution indeed is the complain of the public/customers to institutions such as Ethics and Anti-corruption Commission and Office of Ombudsman.¹⁹³

Even though institutions of accountability such as judiciary, public representatives were not checking how public institutions such as Burayu City Urban Land Institution are properly implementing lease laws, serving the public, this is not being exercised. Mass media should also play its role by disclosing to the public how the institution is serving the public, implementing laws. These help to ensure and enforce accountability, transparency and standard of good governance within the institution. On the other side, exercising accountability practically results in enforcement, i.e., taking some measure/sanction beside answerability for an action/inaction. And hence, the worker(s) of the institution may be demoted, expelled, jailed or other as the case may be and this may affect the stability of the institution because there may be no individual with same qualification that may serve the public/customers in the place of that individual or until the new one is going to be recruited or even if there is an individual, s/he is assigned. Within Burayu City Urban Land Institution, there are personnel who became accountable for their actions/inactions/decisions in discharging their assigned duty improperly.¹⁹⁴ At regional level, about 821 workers were fired due to accountability.¹⁹⁵ This indeed affects the stability of the institution to provide service properly but usually the other co-workers discharge such duties until a person is assigned to the position.¹⁹⁶ What is advisable in such cases according to one staff of the institution is to work on the mind of all staffs, i.e., give capacity building training on transparency, accountability, corruption and others.¹⁹⁷ The other proactive measure should be taken is to have adequate human resource.

He also criticized the existing system for everything within such public serving institution is highly politicized. If s/he is a political man, whatever s/he does, if s/he is made accountable,

¹⁹³Interview with(confidential), Burayu City Urban Land Institution staff, at Burayu Urban Land Institution, 11 October, 2016

¹⁹⁴ Ibid

¹⁹⁵ Supra Note 176

¹⁹⁶ Supra Note 183

¹⁹⁷ Supra Note 193

s/he will be promoted and gets better position.¹⁹⁸ Thus, the institution, government and other stakeholders should work-hard to make the work/service of the institution transparent so that there is no room for improper service delivery. Where a staff is sanctioned due to accountability, rule of law should be, not theoretically, but respected on the ground. Politics should not be a roof where wrong doers get asylum for their wrongness or considered as a righteous person. Clear law that addresses accountability and transparency within public institutions in detail is necessary and hence, this should get attention.

4.2.3 COMPLAINT HANDLING SCHEME WITHIN BURAYU CITY URBAN LAND INSTITUTION

This sub-topic endeavors to assess what Burayu City Urban Land Institution looks like from complaint handling mechanism standard perspective. It is not doubt that complaint handling scheme is imperative within an institution that provides service for the public because it gives a chance to get redress for one who is aggrieved or dissatisfied by the service the institution provides. It also enhances the spirit of transparency in service delivery within the institution and enhances accountability. Furthermore, it gives feedback for the institution and serves as source of improvement.

Within Burayu City Administration, there is complaint handling office that handles complaints coming from different sectors in city administration.¹⁹⁹ This complaint handling office is established on the basis of the regulation that is issued to handle administrative matters and public complaint in the region.²⁰⁰ It thus can handle complaints coming from different sectors including that come from Burayu City urban land institution. In handling complaint, the office follows complaint handling procedures adhering to the principles of natural justice such as hearing both complainant and the complained one, the right to produce evidences, giving adjournments where necessary, the right to appeal and others.²⁰¹ It also

¹⁹⁸ Ibid

¹⁹⁹ Interview with Ato Abdella Dekebo, Burayu City Public Complain Complaint Handling Officer, at his Office, October 3, 2016

²⁰⁰ See Oromia National Regional State Regulation No. 154/2013, a Regulation Issued to Handle Administrative Matters and Public Complain in the Region

²⁰¹ Supra Note 199

provides remedy after analyzing issue/s/ of complain with pertinent rule/s/.²⁰² The remedy it provides is different case by case. The appeal against the decision of the office can be taken to the mayor of the city. Thus, in light of the accepted principle of complaint handling, the scheme within Burayu City Administration is good because it provides remedy for a complaint submitted to it, even follow until it is executed, work with justice sector to execute it and inform any dissatisfied party to take appeal telling the availability of avenue.²⁰³ It is also accessible to all customers/public and without any charge. Any one in need of the office can access office by asking information desk found at the very gate way and other staffs. There is also fairness as it's visible from the complaint handling procedure the office follows. Ato Abdella unequivocally told me that personal information of the complainants is highly confidential and they are addressed promptly, acknowledged timely. He also told me that their office recently established complaint handling scheme at each sector within the City Administration including urban land institution to reduce complain congestions though complainant can yet directly complain before their office.²⁰⁴ This is called public complain and administrative matters handling focal. However, during my study observation, I did not see this focal is discharging the assigned duty within Burayu City urban land institution. Its availability within the institution is unknown to the customers and hence, inaccessible. It is inaccessible to the customers because there is nothing within the institution that tells or reveals its availability nor it is serving. Moreover, the following table 4 shows that complaint handling scheme has good performance and, on the other hand, it disclosed the fact that the institution's service delivery has problem of transparency compared to other sectors.

²⁰² Ibid

²⁰³ Ibid

²⁰⁴ Ibid

TABLE 4: COMPLAINS MADE AGAINST SOME SECTORS IN BURAYU CITY

S/N	Sectors/offices	No. of complaint made against office	Percentage	Rank
1.	Burayu City Urban Land Development and Management Office	50	27.7	1 st
2.	Burayu City Transport Office	25	13.3	2 nd
3.	Burayu City Water Supply Office	15	8.3	3 rd
4.	Burayu City Environmental Protection Office	7	3.8	4 th

Source: Burayu City Administration Administrative Matters and Public Complain Complaint Handling Process Report, 2008 E.C

As understood from the figures in the table, highest complain is made against Burayu City Urban Land Institution. This is due to the fact that the customers are not served according to lease laws and transparently. In addition to disclosing the problem of transparency in service rendition, it also indicates how the scheme is performing in handling the grievance/complains of the customers. But the problem is that the institution did not use it to improve its service delivery.²⁰⁵

²⁰⁵ Ibid

4.2.4 BURAYU CITY URBAN LAND ADMINISTRATION INSTITUTION IN LIGHT OF AGENCY THEORY

According to Charles Hill *et al*, agency is a relationship in which a principal engages an agent to perform some service on his behalf which involves delegating decision-making authority to agent. Ameneh Malmir *et al* vividly revealed that agency theory could explain the agency relationship both in private and public management structures.

In public institutions, the government represents the public and workers within such institutions are there just to serve the interest of the principal. According to this analysis, thus, these workers should serve the public in the sense of agent i.e. they should know that they are agents. Agent works to protect, preserve and promote the interest of the principal, public in our case, not his own, according to the contract or law (urban land laws). The scope of authority of agent in our case is as provided within urban land laws i.e. the powers and functions these laws assign to the public servant to serve the public.

So, according to the underlying tenet of this theory, an agent has a duty to serve the interest of the principal on the basis of lease laws by avoiding conflict of interest. Agent is also expected to disclose or inform all necessary information for the principal and taking unfair advantage of information asymmetry is against transparency. Agent is accountable to principal i.e. the latter can ask and oversight actions/decisions of the former. Thus, agency theory also promotes the principles of transparency and accountability.

Are the workers within Burayu City Urban Land Institution serving the public/customers within the spirit of agency? Are they after all know that they are agents and there to serve the public interest? Are they indeed acting on behalf of the principal according to the scope of their authority which is provided by lease laws in our context?

As I observed during my study, though they serve the public they do not act or know as they are agent. Thus, the first thing we have to internalize in these workers is that they are agents and there to serve solely the public. They are there to protect, preserve and promote public/customer's interest. They are not serving public/customers on the basis of lease laws. They are not transparent enough towards public/customers in their daily activities. An agent cannot run for his/her interest. The argument here is that they have problem of attitude with regard to this important mission in serving the public.

4.3 ANALYSIS OF STRENGTH AND WEAKNESSES OF BURAYU URBAN LAND INSTITUTION

As explicated above, assessing institutional performance also helps us to diagnosis its weaknesses and strengths. Accordingly, based on assessment made on Burayu urban land institution, I found the following strengths and weaknesses.

Strengths	Weaknesses
There is complaint handling scheme handling complains or grievances of the customers.	But the institution did not use complain made against it as feedback to improve its service. It rather ignores. The complaint handling focal recently established at institution level is inaccessible to the customers/public and not properly working.
Transparency as a principle of service delivery is there theoretically.	The problem is there is no transparency on the ground. Theoretically, every word/sentence come from inside within this institution is transparency but invisible practically. There is no law that obliges the institution to disclose information/decisions/actions/inactions to the customers/public timely (active transparency) save for envisaging transparency solely as a principle.
Institutional Structural changes are discernible to, <i>inter alia</i> , provide customers' satisfied service delivery, to meet the objectives of the institution and implement lease laws.	But it affects service delivery up until it is familiarized with new institutional structural changes.
There is the spirit of accountability, the	But this exacting accountability within the

public servants are answerable for their actions/inactions or decisions rarely.	institution is usually by bosses or by agency at regional level which others call as toothless dog (for they are usually reluctant to make accountable each other or for they usually make false reports which conceal them from accountability)-hence, supervision or monitoring by other separate organ is indispensable. That is, the role played by accountability institutions such as media, civil society organizations, peoples' representatives at various level, judiciary etc in checking or supervising whether the institution is serving the public according to the law or meeting its objectives is insignificant. However, they are expected to check what is being done or running within the institution in relation to transparency and accountability.
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CHAPTER FIVE

CONCLUSION, FINDINGS AND RECOMMENDATIONS

5.1 CONCLUSION

As an overview of the historical development of urban land legal and institutional frameworks in Ethiopia made in this Thesis depicts, various attempts were made to improve urban land administration system with the view to deploying urban land for a desired purpose. The short historical survey reveals that land administration system was put in place during the Imperial Era lacking in transparency and accountability in land administration. Urban land was separately treated under comprehensive urban land legislation for the first time during the socialist regime. That separate approach is followed in the current urban land administration system which embraces the principles of transparency and accountability in theory. Besides, having complaint handling scheme and serving with a spirit of agency is also indispensable to achieve good governance in the urban land administration system. That is, urban lands institutions should be transparent, accountable and should have complaint handling scheme and serve with a spirit of agency in service delivery. Thus, unless we employ such standards of assessment, it is difficult to obtain systematic information about how Burayu City urban land institution in particular and urban land institutions in general are governing this critical asset and also difficult to ensure good governance in urban land administration. That is why the Thesis identified and analyzed these standards and assessed Burayu City urban land institution in light of the same.

5.2 FINDINGS

Burayu City Urban Land Institution is assessed against specific standards. And what was found is that the performance of the institution in service delivery is far below the standards. The main factors for their being below the standards include: 1) There is almost no transparency on the ground within the institution which also absolutely kills public participation. 2) Even what is meant by transparency is not clearly understood by both the customers and personnel of the institution. 3) Ethiopian law on transparency encourages solely passive transparency/access to information/which still has problem in implementation but it should also encourage active transparency/impose duty on government and its institutions to disclose/disseminate information on their own motion without citizen's request.

Within Burayu Urban Land Institution, thus, it is hardly possible to say there is transparency of information about urban land.

4) The notion of accountability itself, let alone its implementation, is not clearly understood by the workers of the institution as well. This is because had they known, they would not have been reluctant to hear the customers when the latter ask why they could not get service timely. The customers/citizens can oversee the work of public servants, agents under social accountability dimension to take the simplest instance. Besides, in principal-agent relationship, the former can oversee the work of the latter, ask justification for certain decision/action to make agent accountable. And the latter also knows s/he is there just to serve and protect, promote and preserve the interest of the former. The role of accountability institutions that can oversee how public institutions are serving the public is very insignificant. Their focus is solely matters related to politics. Mass media, public representatives are instances.

My interviewees told me that there was almost no institution that could oversee how urban land institution is serving the public/customers, whether it is working according to the law or otherwise though there should be. Even at least there was no supervision from the region on how the institution is administering urban land in the city. The institution itself does not employ mechanism to check whether its employees are working transparently and accountably.

5) The complaint handling scheme of the city administration is effectively handling the complaints coming from various sectors but complaint handling scheme established at urban land sector was not serving. Besides, the urban land institution ignores the feedback/decision of city administration's complaint handling scheme instead of making improvements according to the feedback.

6) There is problem of absence of giving service timely within the institution. These findings imply that there is problem of transparency, accountability and agency within the institution.

5.3 RECOMMEDATIONS

The following recommendations are forwarded based on the Thesis in general and its findings in particular.

1. Transparency should not only be theoretical but also be practical within the institution. To achieve this, there should be at least guidelines on transparency. There should also be awareness and training on transparency for both service providers/workers and consumers/customers. Public participation should be activated and encouraged. Public institutions should also have duty to disseminate/disclose information to the customers/public on their own motion (active transparency) in addition to up on customers/citizens' request-access to information (passive transparency).

2. Likewise, there should be accountability on the ground; I mean the work of institution should be subject to oversight of an external body to know how the institution is, indeed, serving the public/customers and administering urban land within the City Administration. OULDMA who has the duty to ensure transparency and accountability in urban land management across the region should take necessary such measures as undertaking significant supervision and monitoring. Though the Agency stated that there is supervision at least twice annually, which is very insignificant, my informants who are workers of the institution revealed that there was no follow-up on how the institution is performing by the Agency or region, whether supervision or otherwise, and there was rare supervision of the investment sector of the city administration.

The role of accountability institutions such as public representatives, mass media, civil organizations and citizens should be activated and encouraged to oversee how urban land institutions are serving the public/customers and administering this critical asset. There should also be at least guidelines on accountability. Training and awareness on accountability should be given to public/customers and workers of the institution. For those who are or should be accountable, the rule of law should prevail, i.e., they should be sanctioned where their act is followed by sanction and politics should not be a route through which wrongdoers get an asylum. And there should be remedy for those who are affected adversely. The institution should develop mechanism to check or control whether each worker is working transparently and accountably in daily activities. For instance, there should be internal monitoring, suggestions boxes be made available in place where customers could give suggestion freely and survey how each worker in particular and institution in general is giving service daily, and make improvements accordingly.

3. There should be awareness that the personnel of Burayu Urban Land Institution are there just to serve the public/customers and to satisfy them in service delivery. Since they have more information than the customers/public, there could be problem of agency. And we have to tackle such problem by practically implementing transparency, accountability, supervision and monitoring within the institution.
4. Burayu Urban Land Institution should accept feedback, thereby make adjustments, which come in the form of decision from the city administration complaint handling scheme, instead of ignoring the same. The complaint handling scheme established at urban land sector should be functional and accessible to the customers.
5. The problem of providing service timely within the institution should be solved. Due to frequent and lengthy meetings, site observation and others, the customers could not get service timely and this should be removed from the grass-roots. Finally, this Thesis recommends other researchers to undertake further empirically grounded inquiry into the role of transparency and accountability in land governance of the country as a whole.

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