

**CHALLENGES OF ACCESS TO LAND FOR URBAN HOUSING IN SUB-SAHARAN AFRICA****Hasrat Arjjumend<sup>1</sup> and Mifta Negash Seid<sup>2</sup>**

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**Abstract:** *Without looking at the issue of land there can be no meaningful discussion on how to solve the problems of housing for the poor in our cities and towns. Administrative and legal blockages such as government procedures, over-bureaucratization, transfer difficulties, etc. have been the major constraints of access to land for housing in urban areas of developing countries. Consequently, the urban poor are unable to obtain land by legal means or they are unable to afford such land on market prices. Such common problems are administrative and technical due to gaps created by policies, coupled with the lack of understanding of issues by people in power. In sub-Saharan Africa particularly, the challenges and issues of access to land for urban housing are urbanization, urban poverty, corruption in land sector and inadequate institutional capacity of land administration. Sub-Saharan African countries need fundamental reform in the policy instruments in order to avoid the urban poor to be further impoverished.*

**Keywords:** Access to Land; Urban Poor; Land Policy; Governance

**Introduction**

Land is fundamental to development, growth and housing delivery in any society. It is a crucial element in property development process, and its acquisition is vital to achieving efficient and sustainable housing delivery in urban environment. Access to land and property rights is a major key in economic growth and development (Ominrin, 2002). Providing the populace with access to land and empowering them to make effective use of it is central to poverty alleviation. Some scholars argue that land is not just only basis of life but it also supports all necessities for life to exist, and it acts as a tool for attaining social prestige, economic security and political power (Bello, 2007; Chukwujekwu, 2006). Access to land for housing development in urban areas in many developing countries, especially sub-Saharan Africa, is becoming highly problematic each passing day. The poor, who lack economic and political power to gain access to urban land, are experiencing severe challenges regarding land and housing accessibility in sub-Saharan Africa (Adedeji and Olotuah, 2012). As a result, most urban residents are forced to live in slums and squatter settlements.

Legal access to land is a strategic prerequisite for the provision of adequate and affordable housing for all. In contrast, lack of access to land is the cause for increased living costs, the proliferation of slums and informal settlements, environmental degradation, and the increased vulnerability of urban poor and women-headed households, and other marginalized and disadvantaged groups (UN-Habitat, 2011). Further, the land is a public property and an individual can enjoy only the user right of land under his/her possession. The means to acquire legally (formally) a plot of land for housing development and for investment purpose is dependent on the efficiency of lease policy application. This discussion paper encompasses the land accessibility issues in urban settings in sub-Saharan Africa, with an emphasis on Ethiopia. According to Ethiopia's Ministry of Economic Development and Cooperation, even though the urban centers housed a small proportion of the total population in Ethiopia, most of these places are characterized by acute shortage of housing and overcrowding. The problem may be aggravated by difficulties of individuals in obtaining access to land for housing. However, urban

land issues and housing are claimed to have been neglected by scholars, while extensive rural land studies were carried out (Solomon, 1994). Yet, this article explores the issue from policy perspectives.

### **Importance of Accessing Land in Urban Areas**

The role of land in urban development is multidimensional. Land is the major input in construction of residential, commercial and industrial structures as well as in the provision of public investment projects, streets, parks, sewers, etc. It also plays a key role in urban fiscal affairs (Wanger, 1984). Land is supposed to be the fundamental to development, growth and housing delivery in any society. It is a crucial element in property development process. Ominrin (2002) emphasizes that access to land and property rights is a major key in economic growth and development. It is now increasingly being realized that economic development of any country depends on how efficiently land is distributed among citizenry and competing urban uses. It is pertinent to note that providing the populace with access to land and empowering them to make effective use of it is central to poverty alleviation program. Some scholars argue that the land is not only basis of life but it also supports all necessities for life to exist, and it acts as a tool for attaining social prestige, economic security and political power (Bello, 2007; Chukwujekwu, 2006). It is noteworthy, therefore, to know that having unconstrained access to land is a tool against poverty and homelessness.

Further, the importance of land is reiterated by Berner (2000) while quoting: “...a precondition for subsisting in an urban environment is access to the use of urban land to build a house to put up a hut, or at least to find a temporary space for sleeping, eating and defecating...from this point of view access to urban land becomes the most basic human need in an urban area...” (Evers, 1984:481). Thus, the land is central to solving housing issues. It is required more than anything else; thereby, access to secure land is the thing that separates the poor from the non-poor in developing countries. Such notions indicate that the land is crucial element in housing the urban poor. Without land, there can be no housing. So, without looking at the issue of land there can be no meaningful discussion on how to solve the problems of housing for the poor in our cities and towns. The inaccessibility of decent, secure, affordable land is the major reason why there are so many slums in cities of developing countries. Simultaneously, stopping the wheel of urbanization seems impossible. Market forces, which are pushing up the cost of urban land, are making the land inaccessible to majority of city dwellers, especially poor (UN-Habitat, 2012).

### **Access to Land for Urban Housing in Developing Countries**

The access to land is considered a critical element in the betterment of the living conditions of urban dwellers, and to improve the overall development of towns and cities. According to Doebele (1987), most studies show that access to land for urban housing is a critical element in providing people with upward mobility in economic and social status. He signifies the condition as follow: “It is through the acquisition of a small parcel of land that people established themselves in urban economy. It is on this parcel that they engage in brick-by-brick capitalization, gradually accumulating the materials for a house or, in later stages, the addition of a rental unit that not only brings them income but adds to the housing stock of the city without the use of public funds.” Doebele (1987) further signifies that effective action to assure access to a parcel of land in urban places is not only necessary for social justice, but also is fundamental to assure that all members of the society are as economically productive as their talents and energies permit them to be. Consequently, a secure parcel and house can be the basis for small commercial and industrial enterprise in which the whole family may become economically productive. The same land parcel and house provide a financial cushion against loss of outside employment through illness or economic downturns.

Although land for urban housing is obtained through different forms of conditions such as customary allocation, inheritance, purchase, etc., in many developing countries the urban land on which urbanization occurs is public land which can only be allocated through government procedures (Faravacque and McAuslan, 1992). Access to such public land is said to have been constrained by different problems and issues. Some scholars admit that administrative and legal blockages such as government procedures, over-bureaucratization, transfer difficulties, etc. have been the major constraints of access to land for housing in urban areas of developing countries

(McAuslan, 1992; Turner, 1980). In this regard, McAuslan (1992) indicates that even though rapid urban growth in all countries of the developing world necessitates urban land in bulk, few governments have the administrative capacity or legal framework in place to cope with this demand; and the blockages, which eventually occur in the process of making land available, have served deleterious consequences. As a result, the urban poor are unable to obtain land by legal means or they are unable to afford such land on market prices. They are resultantly forced to resort to unauthorized settlements.

### **Factors Constraining Access to Land in Developing Countries**

There are various obstacles hindering access to land for the urban poor. These obstacles are universal in nature. Access to serviced land for housing is one of the major problems faced by practically all developing countries. In most cities of developing countries, the urban poor and even the middle-income group often have to step outside the formal land market to gain access to land and housing. Generally speaking, in the cities of developing countries the informal land market is much bigger than the formal market. To improve the operation of the formal land market it is necessary to understand the constraints that are preventing it from operating efficiently. It was found that the finance, policies, regulation, laws and other instruments formulated to improve the efficiency of the land market have often themselves become constraints requiring change. It is suggested that it will be necessary for governments to recognize the informal market and work with it, rather than ignore or oppose it as at present, to overcome these constraints (Sivam, 2002).

A lack of financial power to access the land through the market is one of the most common obstacles particularly for the poor. Rigidity, and sometimes ambiguity, in policies governing land generally exclude the poor from accessing land. According to the World Bank (2003), the land policies are at the root of social conflicts in countries as diverse as Cambodia and Colombia, Zimbabwe and Cote d'Ivoire. Zimbabwe's current political turmoil is live proof of this. Political controversies, the complexity of land issues and the fact that the benefits of policy improvements do not accrue to people, are hindrances of reform. Constraints to access to land can be, and are, country specific. Every developing country has its own obstacles. These obstacles can be physical or practical. For instance, Bertaud (1997) states that topography and land-use regulations severely restrict the land supply in Hong Kong. Delays in clarifying and registering titles are constraints for private sector developers (Kitay, 1987). In some urban areas, there are extensive land holdings and government policies that have not assisted in dealing with this issue. This is most common in many Asian countries, for example, Malaysia (Evers, 1983). In Pakistan, land conveyance is the main problem and presents difficulties in relation to establishing title to land, which delays housing developments.

While the above demonstrates that common problems are administrative and technical due to gaps created by policies, others argue that the lack of understanding of issues by people in power make the problem considerably more difficult than envisaged. Scholars state that: *"the resistance to act decisively on land issues appears to stem either from the lack of understanding on the part of those in positions of power and influence as to where action is really needed, or from their pursuit of short-sighted selfish interest while compromising their social responsibilities"* (Angel *et al.*, 1983). Thus, it is demonstrated that the factors that constrain to access the land for delivery of housing as experienced in different countries are larger and more complex than were first envisaged.

### **Scenarios of Access to Land for Urban Housing in Sub-Saharan Africa**

Adequate supply of land is generally recognized as a prerequisite for sustainable housing delivery system notwithstanding the important role it plays in the socio-economic life of people. It has been observed that access to land for housing development in urban areas in many developing countries of sub-Saharan Africa is becoming highly problematic with each passing day. In most African countries, urban land has increasingly become a commodity to be acquired and sold to the highest bidder. The low-income earners, who lack economic and political power to gain access to urban land for housing construction in suitable locations, are facing severe accessibility challenges in sub-Saharan Africa (Adedeji and Olotuah, 2012). Consequently, majority of urban residents are forced to live in slums and squatter settlements characterized by lack of secured

tenure, paucity of basic services and general poor housing conditions (Oruwari, 2006; Hall, 2007; Ademiluyi and Raji, 2008).

Recognizing the inevitability of urban population growth and the concomitant increase in the demands for shelter, the developing countries were trying to solve the issues through public or subsidized housing provisions, but their efforts have totally been inadequate to meet the growing shelter needs in their urban centers (Huyck, 1968). Given the inevitability of urbanization and the scarcity of governmental budgets, the problem of housing can only be solved if all the needy or interested individuals are able to construct their own houses. However, this ability has been, to large extent, dependent on the possibility of their obtaining access to land for housing in the right location and at right price (Suzanami, Kindokoro and Siang, 1992). Yet, gaining access to land for housing in urban areas of developing countries seems to be very difficult task. The situation is, in part, manifested by the fact that the production rates of dwelling units have always been much lower than requirements (Stone, 1993), and, in part, by the tendency of some urban residents to live in squatter settlements (Turner, 1980; Huyck, 1968; Abrams, 1970).

### **Challenges & Issues of Access to Land for Urban Housing in Sub-Saharan Africa**

The major challenges of access to land for urban housing in sub-Saharan African countries are discussed below:

#### **Urbanization**

Urbanization is a composite of both social and spatial dimensions over a time expansion. It includes the relationship between urban people and urban land. This relationship leads to the formation of urban properties such as buildings, infrastructure, or built urban environment more generally. Both vertical and horizontal urban growth and associated socio-economic activities are underpinned by the availability of urban land. Hence, the dynamics of an urbanizing world coupled with constant changes in land use/cover has been recognized as being an important aspect of human imprints over time and space (Scheuer, Haase and Volk, 2016).

In recent times, a higher rate of urban population growth is experienced than previously. This unprecedented demographic change creates a more urbanized global population for the first time: since 2007, the global urban population has exceeded the rural population. Reports show that the world's population is rapidly increasing and this is projected to reach some 9 billion by 2050. By 2015, 54 percent (4 billion) of the world's population lived in urban areas and this urban population had multiplied more than tenfold in the past a century, from 224 million in 1900 to 2.9 billion in 1999 (UN-Habitat, 2016). As UN-Habitat projection shows, the growth of urban population, particularly in the developing world, is expected to be twofold between 2000 and 2030 (UN-Habitat, 2016). The urban population is expected to continue to grow; by 2050, the world will have one-third rural population (34 per cent) and two-thirds urban population (66 per cent), roughly the reverse of the global rural-urban population distribution of the mid-twentieth century (UN-Habitat, 2014). Accordingly, the urban centers across Africa are going to become the future habitat for the majority of Africans. By mid-2030s, 50 per cent of Africans are expected to become urban dwellers. The size of Africa's urban population nearly doubled in 20 years from 237 million in 1995 to 472 million in 2015. Africa's urban population is expected to double between 2015 and 2035. Similarly, the total population in sub-Saharan Africa is expected to grow at a faster pace than any other region in the decades ahead, which would increase from 823 million in 2010 to 1.9 billion in 2050 (UN-Habitat, 2014).

As the urban population increases, the land area occupied by cities has increased at even higher rate. A global sample of 120 cities, observed between 1990 and the year 2000, shows that while the population grew at a rate of 17 per cent on an average, the built-up area grew by 28 per cent (UN-Habitat, 2016). It has thus been projected that by 2030 the urban population of developing countries will double, while the area covered by cities would triple (UN-Habitat, 2016). The unprecedented growth of the urban population in Africa and other parts of the developing world is causing an exceptionally rapid increase in the demand for urban land. Since the urbanization is poorly managed, it causes different problems such as informal settlements, poverty, and poor waste management. It can be said that, in other words, the urbanization

creates stress on the urban land and is detrimental to the urban development. And, coincidentally, poorly managed urbanization in most cases is a routine feature of developing countries (Cohen, 2006) including Ethiopia.

### **Urban Poverty**

In context of Africa, the economists and development practitioners have consensus that income inequality, conflicts, location, natural disasters, ill health and disability, inheritance of poverty, and human capital. in sub-Saharan Africa discusses the drivers and maintainers of poverty education and skills, and gender discrimination may cause poverty (Kabuya, 2007, cited in Kabuya, 2015). Similarly, Korf, Bogale and Hagedorn (2005) found that poverty is linked to the lack of resource endowments such as land and house. At the same time, Handley, Higgins and Sharma (2009) classify causes of poverty into two broad categories: socio-economic factors such as risk and vulnerability and low capabilities, and political economic factors such as non-developmental politics, corruption, and the resource curse. According to capabilities approach presented by Sen (1982), the positive freedom, a person's actual ability to be or to do something, and declining wages, unemployment, rising food prices, and food-distribution systems are the causes of poverty in developing countries, especially sub-Saharan Africa (Sen, 1982). Batano and Bucekuderhwa (2015) studied that the household's socioeconomic factors, physical and human capital, per capita income are significant factors behind a household's poverty level; and the female household heads are poorer than their male counterparts. Finally, the urban poverty is also attributed to the access to micro-credit, education, participation in agricultural seminars, livestock assets and location in high potential areas that significantly influence the probability of households exiting chronic poverty (Owuor, Ouma and Birachi, 2007).

Looking at the land availability in urban areas, the access to land for the urban poor has become a critical issue in a context of growing informality and the urbanization of poverty. Conventional approaches have failed to distribute land in an equitable and fair manner and policy-makers realize that intervention in the land market is necessary in a bid to make land markets work for the poor. Land price is a critical factor in accessing the affordable housing. High land prices, resulting from market forces (demand and supply), and restrictive legal framework together with low family incomes turn land into a single biggest component responsible for rising cost of urban housing in many developing countries (UNEP, 2002).

### **Corruption in Land Sector**

According to Transparency International (2011), corruption in the land sector can be generally characterized as pervasive and without effective means of control. It can be found in statutory as well as in customary systems. It can vary from small-scale bribes and fraud (e.g. administrative corruption), to high-level abuse of government power and political positions (e.g. political corruption). Corruption, whether administrative or political, does not favour the establishment of long-term national or local land strategies. When corruption is present in the land sector, related actions and decisions are driven by distorted interests and policies that favour the few (Palmer, Fricska, and Wehrmann, 2009). Corruption that occurs in public administration and government services is a common feature in the land sector. It can take the form of small bribes that need to be paid to register the property, change or forge titles, acquire land information, process cadastral surveys, and generate favourable land use plans (van der Molen and Tuladhar, 2007). Such bribery is facilitated by complicated processes. Political corruption in the land sector aims to gain control over a country's resources. Political corruption in the land sector relies on broader weaknesses or breakdowns in governance that compromise institutions' transparency, accountability and integrity. Illegal actions by elected leaders, public officials and the private sector may go unpunished as key national institutions are co-opted to serve the interests of the few. Parliament and parliamentary committees may be influenced or even controlled by members who have conflicts of interest when it comes to policy decisions on land governance. Judges may rule in favour of public officials and companies when land disputes arise, irrespective of evidence and the law (Transparency International, 2011). Corruption can involve various actors, ranging from public officials and local leaders to outside investors. Actors may include government officials (at the local and national level) as well as individuals that command political and economic power. Customary and communal authorities may also be involved, engaging in corrupt dealings and

practices. Sometimes eviction risks are closely linked to opaque dynamics between public and private actors engaged in corrupt practices (Jaitner, Caldeira and Koynova, 2017).

### **Inadequate Institutional Capacity of Land Administration**

Evidences from different countries show that much of the inefficiency has been ascribed to the land administration systems are related with institutional capacity. Practical experiences in many developed countries suggest that adequate institutional capacity and strong land administration systems go hand to hand while lack of institutional capacity can decline the efficiency of land administration systems. Institutional capacity ensures good governance in the field of land administration through creating and strengthening participatory institutions, decentralizing the decision-making and building sustainable partnerships with the private sector and stakeholders. Masum (2011) notes that problems in land administration institutions are endemic which hinder achieving land management goals.

Performance of many land administration institutions is poor due to lack of transparency, absence of accountability, widespread corruption and abuse of power, lack of human resources and technology, expensive and bureaucratic procedures as well as delays in service delivery (Burns, 2006; Wijetunga, 2008; van der Molen and Tuladhar, 2006). The causes of institutional weaknesses are diversified but related to institutional capacity. These may be categorized into two types broadly: (1) problems with resource related capacity, e.g. lack of human resource, technology and funding; and (2) problems related with management and administrative capacity, e.g. corruption, abuse of power, bureaucratic and expensive procedure, and lack of coordination with other institutions. It is commonly experienced that a system without proper procedures, legal framework, transparency, inclusiveness, honesty and responsibility affects the efficient use of urban land. The defunct delivery system leads to illegal procedures, land speculations, market distribution, illegal and/or squatter settlement, poor infrastructure and service provision, inadequate collection of revenue and so on (GoZ, 2005). Moreover, informal settlement emerges due to the failure of the municipality in providing sufficient plots of land for housing and their weak capacity to enforce regulations, although the problem is further exacerbated by the speculative tendencies on the part of peri-urban farmers, brokers (*delalas*) and corrupt bureaucrats and administrators.

### **Case of Ethiopia: Challenges and Issues**

Landlessness is a major problem in Ethiopia. One of the reasons is the high and increasingly growing population (Ethiopia is currently Africa's second most populous country). According to Central Statistics Agency (CSA) of Ethiopia, the urban population of Ethiopia is projected to nearly triple from 15.2 million in 2012 to 42.3 million in 2037, growing at 3.8 percent a year (CSA, 2013). Similarly, the population of Addis Ababa city is projected to grow over 8.1 million by 2040. In the context of rapidly growing urban populations the urban land and access to adequate housing would become a highly sought-after commodity (World Bank, 2012b). Another serious issue is of land grabbing and resettlement. Human rights activists and experts warn about the negative impacts of agricultural investments and the government's so-called "villagization" programme, which have forcibly displaced thousands of people from their lands (World Bank, 2012b). Moreover, the land sector is highly exposed to corruption in Ethiopia. According to Federal Ethics and Anti-Corruption Commission (FEACC) of Ethiopia, the corruption can take a variety of forms in this sector, ranging from (petty) bureaucratic corruption and corruption in auctioning processes to the state capture. There are numbers of elements in Ethiopia's current urban land administration system that can create potential entry points for corrupt activities to occur. These include: lack of clear policies, weak institutions, lack of transparency, limited public participation, and capacity challenges (World Bank, 2012a).

In Ethiopia, the urban land is handled by the Ministry of Urban Development and Housing Construction (MoUDHCo) at federal level. The MoUDHCo, as the coordinator of national urban land affairs through its Land Development and Management Bureau, supports urban local governments with policy implementation, planning, capacity building, and guideline formulation and implementation concerning urban land development and management. Urban land administration is delegated under the federal constitution to city governments and municipalities. The implementation of urban land development policies and administration functions at city or

town level are handled by city administrations in accordance with relevant regional legislations. In most of the urban centers of country, the land-related matters and functions are handled by the 'department of urban planning and land administration' set up in the municipal service office. This department is responsible for making decisions on land use and land development tasks, keeping records, underpinning secure tenure and facilitating transactions. However, it is observed that the functions performed by city administrations and the instruments available to them are not yet aligned with the tried and tested international practices (World Bank, 2012a). Particularly in the absence of an independent system of registering or recording real estate transactions, city administrations record the transactions, certify property rights, and maintain records and files. Moreover, the departments in the city administrations are directly involved in land acquisition and delivery processes for different urban development purposes.

The Constitution of FDRE also provides that government may expropriate private property for public purpose subject to compensation, which is equivalent to the value of property under Article 40(5)<sup>1</sup> of the Constitution. Under the Land Policy of Ethiopia, land needed by government for development work may become the subject of compulsory acquisition. The enabling legislation is the proclamation to provide for the expropriation of land holdings for public purpose and payment of compensation (Proc. No. 455/2005)<sup>2</sup>. Proclamation No. 455/2005<sup>3</sup> provided for compensation of property situated on land and permanent improvement to such land equal to the value of labour and capital expended. But in practice, local governments are not compensating for works such as land clearance, irrigation ditches and terracing. In addition, no compensation is paid for indigenous trees and communal land (Andrew, 2007). Moreover, land expropriation in Ethiopia encountered resistance from farmers because of unfair compensation and lack of transparency before and after compensation.

In recent past, the land tenure<sup>4</sup> in Ethiopia has undergone dramatic shifts – from feudalistic systems under the monarchy of Emperor Haile Selassie (1930-1974) to socialist land policies under the Derg military government (1974-1991) to the current system under Ethiopian People's Revolutionary Democratic Front (EPRDF) since 1991. These changes in land administration regime have left populations in uncertainty about their rights (Tetra Tech, 2013). Today, Ethiopia's land administration is a major source of concern given the country's level of poverty and development. The Constitution of the Federal Democratic Republic of Ethiopia (FDRE), under article 40(3), states that the type of landholding as:

*"The right to ownership of rural land and urban land, as well as of all natural resources, is exclusively vested in the state and the peoples of Ethiopia. Land is a common property of the nations, nationalities and peoples of Ethiopia".*

Currently, urban land is governed and administered by the urban land lease hold law, which has been subjected to changes three times since its first enactment in 1993. The Constitution of Ethiopia does not say anything about urban land, it can be argued that this proclamation, and the subsequent lease proclamations for that matter, lacks Constitutional base. The first urban

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<sup>1</sup> Article 40(5) of Ethiopian Constitution states that without prejudice to the right of ownership of land by the nations, nationalities and peoples of Ethiopia, the state shall guarantee the right of private investors to the use of land upon payment of money, the amount of which is to be determined by law. The particulars shall be determined by law.

<sup>2</sup> Proclamation No. 455/2005 (1) states that, a *woreda* (district) or an urban administration shall, upon payment in advance of compensation in accordance with this Proclamation, have the power to expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development project to be carried out by public entities, private investors, cooperative societies or other organs, or where such expropriation has been decided by the appropriate higher regional or federal government organ for the same purpose.

<sup>3</sup> Article 7(4) of Proclamation No. 455/2005 states that the compensation for permanent improvement to land shall be equal to the value of capital and labour expended on the land.

<sup>4</sup> The term 'tenure' is derived from a *Latin* term for 'holding' or 'possessing' land. Therefore, 'land tenure' refers to the manner in which land rights are held, used and transacted (Bruce, 1998). Land tenure is a social construct which defines the relationships between individuals, groups of individuals and the state with respect to land (UNECA, 2004; FAO, 2002; Bruce, 1998). A given land tenure system determines who can use which resources for how long, and under what conditions.

land leasehold law (Proc. 80/1993) was endorsed in 1993<sup>5</sup>. This law was repealed by another proclamation in 2002 (Proc. 272/2002)<sup>6</sup> and it again was replaced by the current proclamation in October 2011 (Proc. 721/2011)<sup>7</sup>.

Urban land is provided to the people through a lease system, a perpetual permit system and separate legislation for condominiums. The lease system has terms ranging up to 99 years. It requires payment of the agreed-on lease amount to the relevant government within a period to be determined by regions or city government within the lease contract. The permit system predominantly refers to permits granted prior to 1993 under which an annual land rent is paid to the government (World Bank, 2012a). There were five modalities of urban land acquisition: auction, negotiation, assignment, award, and lot. Since most of them are categorized as bad practices that opened door for corruption, the new law recognizes only tender (auction) and allotment (land lease transfer without auction) as the two basic means of lease transfer from government to citizens (Art.6 of Proc. 721/2011)<sup>8</sup>.

Despite wide recognition of the right to adequate housing as a central human right in international legislation, during the previous regimes of Ethiopia millions of people were facing violations of their housing and land rights. Currently, the important dimensions of Ethiopia's urban development policy, as they relate to the land policy, are: ensuring the equitable distribution of land to both the rich and poor, facilitating mechanisms by which low income groups are allocated adequate land at reasonable cost, promoting urban-rural and urban-urban linkages, support for small and micro enterprise and job creation, integrated housing development. Improved access to land by the poor is, therefore, recognized as a key to ending poverty by the federal government of Ethiopia (Belachew, 2010). In practice, although urban land policy tried to bring good sense in the land allocation process and the putting in place of various policy strategies that seek to address the needs of the poor, a number of challenges have been observed. Such challenges include: constraints in price rise and in demand for urban land, increased bureaucratic tendencies, weak monitoring and evaluation mechanisms, inadequate databank systems, shortage of financial resources, lack of participation by the poor, inadequate official records about poverty, the poor's lack of ability to pay for the land, lack of transparency in service delivery, poor being less active or not engaged in the land delivery process, most land allocation procedure based on the bidding system which favors the most affluent, and existing requirements of standards (Abuye, 2006).

## **Conclusion**

The access to land empowers the poor to alleviate poverty, attain social prestige, enjoy economic security and embrace political power. So, effective action to assure access to a parcel of land in urban area is not only essential for social justice, but is also fundamental to assure that all members of the society are economically productive. The access to land for housing provides a financial cushion against loss of employment through illness or economic downturns. It is articulated that in the cities of developing countries the informal land market is much bigger than the formal market. The finance, policies, regulation, laws and other instruments formulated to improve the efficiency of the land market have often themselves become constraints requiring change. Rigidity and ambiguity in policies governing land generally exclude the poor from accessing land. In African countries, generally, urban land has increasingly become a commodity to be acquired and sold to the highest bidder. The poor, who lack economic and political power to gain access to urban land for housing in suitable locations, are facing severe accessibility challenges in sub-Saharan Africa. The challenges and issues of access to land for urban housing in Sub-Saharan Africa have been distinctly identified, which are urbanization, urban poverty, corruption in land sector and inadequate institutional capacity of land administration. For

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<sup>5</sup> The 1993 lease proclamation indicates that the regulation is being applied only to urban land permitted to be held by lease. This proclamation was not applicable to an urban land held by other means prior thereto.

<sup>6</sup> Proclamation No. 272/2002 repealed the first law and declared that any urban land held by the permit system, the leasehold system, or by any other means prior thereto should be under lease system.

<sup>7</sup> The newly enacted Proclamation No. 721/2011 has addressed important issues that are not covered in previous lease policies such as: failure to push permit holders to make annual rent payments for use rights, the absence of formalizing informal tenure, and consolidation of the permit and leasehold tenure systems.

<sup>8</sup> According to Article (6) of Proc. 721/2011, an urban land shall be permitted to be held by leasehold: through the modality of tender or allotment.

example, despite progressive current land law in place, land expropriation in Ethiopia encountered resistance from farmers because of unfair compensation and lack of transparency before and after compensation. Ultimately, Ethiopia is bound to face acute challenges and constraints. The solution of problems lies in taking corrective measures in land administration and policies addressing the land tenure in rural areas.

## References

- Abrams, C. (1970), *Man's Struggle for Shelter in an Urbanizing World*. Massachusetts: The MIT Press, pp.25.
- Abuye, A. (2006), Synoptic reflection on urban land administration issues in Ethiopia. Land administration decisions makers Meeting, Windhoek, 7-8 December 2006, ITC-United Nations University, Polytechnic of Namibia, 2006.
- Adedeji, Y.M.D. and Olotuah, A.O. (2012), "An Evaluation of Accessibility of Low Income Earners to Housing Finance in Nigeria", *European Scientific Journal*, 8(12): 80-95
- Ademiluyi, I. and Raji, B. (2008), "Public and Private Developers as Agents of Urban Housing in Sub-Saharan Africa: The Situation in Lagos State", *Humanity and Social Sciences Journal*; 3(2): 143-150.
- Andrew, H. (2007), *Compulsory Purchase and Compensation Recommendations for Good Practice*. International Federation of Surveyors (FIG), Copenhagen, Denmark.
- Angel, S., Archer R.W., Tanphiphat S. and Wegelin E.A. (1983), *Acting on the Land Issue. Land for Housing the Poor*. Bangkok, Thailand: The Craftsman Press Ltd.
- Batano, G. and C. Bucekuderhwa (2015), "Determinants des Inegalites de Revenu a Burhale au Sud-Kivu or Determinants of Income Inequality in Burhale, South Kivu Province", Working Paper, 01, Catholic University of Bukavu, Democratic Republic of Congo.
- Belachew, Y. (2010), '*Urban Land Lease Policy of Ethiopia: Case Study on Addis Ababa and Lease Towns of Amhara National Regional State*', FIG Congress 2010, Facing the Challenges Building the Capacity Sydney, Australia, 11-16 April 2010.
- Bello, M.O. (2007), Accessibility of land as a tool for empowering the low-income earners of the informal sector. FIG Working Week, Honk Kong, China.
- Berner, E. (2000), Informal Developers, Patrons, and the State: Institutions and Regulatory Mechanisms in Popular Housing. Paper presented at the ESF/N-AERUS Workshop 'Coping with informality and illegality in human settlements in developing cities', 23 - 36 May, 2000. Leuven.
- Bertaud, A. (1997), *Measuring Constraints on Land Supply: The Case of Hong Kong*. Available online: <http://alain-bertaud.com/images/HK-outline4.pdf>
- Bruce, J.W. (1998), 'Review of land tenure terminology', Tenure Brief, No. 1, Land Tenure Centre, University of Wisconsin, Madison.
- Burns, T. (2006), "International experience with land administration projects: A framework for monitoring of pilots", paper presented at the National Workshop on Land Policies and Administration for Accelerated Growth and Poverty Reduction in the 21st Century, New Delhi, January 5-6, 2006.
- Chukwujekwu, I.E. (2006), "Facilitating Low Cost Housing Scheme: Which Way Forward?", *Journal of the Association of Housing Corporations of Nigeria*, 1(10):45-52.
- Cohen, B. (2006), "Urbanization in developing countries: Current trends, future projections, and key challenges for sustainability", *Technology in Society*, 28:63-80.
- CSA (2007), *Population and Housing Census*. Central Statistical Authority, Addis Ababa.
- Doebele, W.A. (1987), "Land Policy", In Lloyd Rodwin (ed.), *Shelter, Settlement and Development*. Boston: Allen & Unwin. pp.110-132.
- Evers, H.D. (1983), "Urban Landownership, Ethnicity and Class in Southeast Asian Cities", Working Paper No.38, Sociology of Development Research Centre, Bielefeld University, Germany.
- Evers, H.D. (1984), "Urban land ownership, ethnicity and class in Southeast Asian cities", *International Journal of Urban and Regional Research*, 8(4): 481-496.
- FAO, (2002), *Gender and access to land: Land tenure studies, volume 4*. FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy. Online: <http://www.fao.org/docrep/005/Y4308E/y4308e04.htm>, accessed on January 8, 2017.

- Farvacque, C. and McAuslain, P. (1992), "Urban Management and Land: Reforming Urban Land Policies and Institutions in Developing Countries", Urban Management Program Policy Paper. No.5, The World Bank, Washington, D.C. May, 1992.
- GoZ (2005), National Housing Policy Final Draft. Government of Zanzibar.
- Hall, P. (2007), "Urban Land, Housing and Transportation: The Global Challenge", *Global Urban Development Magazine*, 3(1): 35-40.
- Handley, G., K. Higgins and B. Sharma (2009), "Poverty and Poverty Reduction in Sub-Saharan Africa: An Overview of Key Issues", *Working Paper 299*, Overseas Development Institute, London.
- Huyck, A.P. (1968), "The Housing Threshold for Lowest- Income Groups: The case of India", In John D. Herbert and Alfred P. Van Huyck (eds.), *Urban Planning in the Developing Countries*. New York: Frederik A. Praeger Publishers. pp.71-92.
- Jaitner, A., Rute Caldeira and Svetla Koynova (2017), "Transparency International - Land Corruption in Africa: Finding Evidence, Triggering Change", Paper presented at the '2017 World Bank Conference on Land and Poverty', The World Bank, Washington DC, March 20-24, 2017.
- Kabuya, F.I. (2007), *Canada Economics for African Nations: Principles, Problems an Policies*, Victoria: Trafford Publishing. ISBN 1-4251-1306-0.
- Kabuya, Francois I. (2015), "Fundamental Causes of Poverty in Sub-Saharan Africa", *IOSR Journal of Humanities and Social Science*, 20(6):78-81.
- Kitay, M. (1987), "Public-private cooperation for the development of low-income shelter", *Habitat International*, 11(1): 29-36.
- Korf, B., A. Bogale and K. Hagedorn (2005), "Determinants of poverty in Rural Ethiopia", *Quarterly Journal of International Agriculture*, 44(2):101-120.
- Masum F. (2011), Strengthening Individual and Institutional Capacity and Developing Framework for Good Governance: The need for an Integrated Approach for Proper Land Administration. FIG Working Week 2011, Bridging the Gap between Cultures Marrakech, Morocco, 18-22 May 2011.
- McAuslan, P. (1992), Institutional/Legal Arrangements for Improved Administration of Land Development. Regional Development Dialogue, Vol. 13. No.1. United Nations Center for Regional Development, Nagoya. Pp.14-16.
- Omirin, M.M. (2002), "Issues in Land Accessibility in Nigeria", Proceedings of a National Workshop on Land Management and Property Tax Reform in Nigeria, Department of Estate Management, University of Lagos, Akoka, Lagos, Nigeria.
- Oruwari, Y. (2006), "Lest We Forget: The Poor People Need Housing in the Urban Areas in Nigeria too: A reflection of Low-income housing provision", In Okewole, A.I. *et al. (eds.): The Built Environment: Innovation Policy and Sustainable Development*, Ota: Nigeria, pp.2-9.
- Owuor, G., A.S. Ouma and E.A. Birachi (2007), "Determinants of Rural Poverty in Africa: The case of small holder farmers in Kenya", *Journal of Applied Sciences*, 7(2007):2539-2543.
- Palmer, D., Friccka, S. and Wehrmann, B. (2009), *Towards Improved Land Governance*. Land Tenure Working Paper 11. <http://www.fao.org/3/a-ak999e.pdf>
- Scheuer, S., Haase D. and Volk M. (2016), "On the Nexus of the Spatial Dynamics of Global Urbanization and the Age of the City", *PLoS ONE*, 11(8).
- Sen, Amartya (1982), *Poverty and Famines: An Essay on Entitlements and Deprivation*. Oxford: Clarendon Press.
- Sivam, A. (2002), "Constraints Affecting the Efficiency of the Urban Residential Land Market in Developing Countries: A Case Study of India", *Habitat International*, 26(2002):523-537.
- Solomon, G. (1994), 'Urban land issues and policies in Ethiopia: Land Tenure Project', Institute of Development Research, Addis Ababa University, p.25.
- Stone, M.E. (1993), *Shelter Poverty: New Ideas on Housing Affordability*. Philadelphia: Temple University Press. p.2
- Suzanami, H., Kindokoro, T. and Siang, L.M. (1992), "Improving Land Access for the Poor in Asian Megacities", *Regional Development Dialogue*, Vol.13, No.1. United Nations Center for Regional Development, Nagoya. p.3
- Tetra Tech (2013), "Ethiopia Strengthening Land Administration Program", available online: [http://www.tetratechintdev.com/index.php?option=com\\_k2&view=item&id=524:ethiopia-strengthening-land-administration-program&Itemid=223&lang=us](http://www.tetratechintdev.com/index.php?option=com_k2&view=item&id=524:ethiopia-strengthening-land-administration-program&Itemid=223&lang=us)

- Transparency International (2011), 'Corruption in the land sector', Working Paper 04, published 8 November 2011.
- Turner, J.C. (1980), *Cities of the poor*. London: Croom Helm.
- UNECA (2004), 'Land Tenure Systems and their Impacts on Food Security and Sustainable Development in Africa, Addis Ababa, Ethiopia', United Nations Economic Commission for Africa (UNECA).
- UNEP (2002), *Global Environmental Outlook 3: Past, Present and Future Perspectives*. London: Earthscan.
- UN-Habitat (2011), *Cities and Climate Change: Global Report on Human Settlements 2011*, London: Earthscan.
- UN-Habitat (2012), *Handling Land: Innovative tools for land governance and secure tenure*, Nairobi: United Nations Human Settlements Programme (UN-Habitat).
- UN-Habitat (2014), United Nations Conference on Housing and Sustainable Urban Development (Habitat III) First session of the Preparatory Committee New York, 17 and 18 September 2014
- UN-Habitat (2016), *Urbanization and Development: Emerging Futures*, World cities report, New York 18 May 2016.
- van der Molen and Tuladhar (2006), 'Corruption and land administration', paper published in XXIII FIG Congress on 'Shaping the changes', Munich, Germany, October 8-13, 2006.
- van der Molen, P. and Arbind Tuladhar (2007), 'Corruption and land administration', International Federation of Surveyors (FIG), Copenhagen, Denmark.
- Wanger, M.W. (1984), 'The Role of Quantity Premiums and Discounts', *World Bank Staff Working Paper: Market Prices and Assessed Values in Urban Land Market in Bogota, Colombia*. No. 651. Washington D.C.
- Wijetunga, A.A. (2008), "Lessons Learned from Land Administration Projects in Asian and Caribbean Countries", *Global Land Coalition Quarterly Newsletter*, Vol. 2, No. 1, March 2008
- World Bank (2003), *Land policies for growth and poverty reduction. A World Bank policy research report*. Washington, DC: World Bank Group. [http://documents.worldbank.org/](http://documents.worldbank.org/crated/en/485171468309336484/Land-policies-for-growth-and-poverty-reduction)
- World Bank (2012a), *Diagnosing Corruption in Ethiopia: Perceptions, Realities, and the Way Forward for Key Sectors*. <http://elibrary.worldbank.org/doi/book/10.1596/978-0-82139531-8>
- World Bank (2012b), *The Land Governance Assessment Framework*. [http://siteresources.worldbank.org/INTLGA/Resources/LGAF\\_Book\\_chapter4\\_Ethiopia.pdf](http://siteresources.worldbank.org/INTLGA/Resources/LGAF_Book_chapter4_Ethiopia.pdf).