

MAJOR LAND DEVELOPMENT CHALLENGES OF ADDIS ABABA CITY FROM THE PERSPECTIVE OF GENERAL LAND DEVELOPMENT PROCEDURES OF THE COUNTRY

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EXECUTIVE SUMMARY

Land is major economic factor and it is crucial for the development in our Country. Land Administration is the process of implementing land related policies and land management strategies to ensure economic, social equity, and environmental protection issues. Land management is the process by which the resources of land are put into good effect (UN-ECE, 1996). Land management encompasses all activities associated with the management of land and natural resources that are required to achieve sustainable development.¹ The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty. It is also the cause of increased living costs, the occupation of hazard prone land, environmental degradation and the increased vulnerability of urban and rural habitats, affecting all people, especially disadvantaged and vulnerable groups, people living in poverty and low income people.²

Land development is both an art and a science. It is an art that builds on your creativity, instincts and vision to transform an idea from concept into reality. As a science, it systematically progresses through a series of activities to accomplish a successful outcome a new development. Thus, land development refers to the processes of implementing land-use planning or development proposals for building new urban neighborhoods and new physical infrastructure and managing the change of existing urban or rural land use through granting of planning permissions and land-use permits. In this process we have to take a serious look on the building blocks of sustainable development. Any development has to be in line with sustainable development.

Introduction

Land may not be obtained as sufficient as needed and demanded for many different economic activities. Even the available lands may have limitations from the developer arena. This shows that there is a gap between demand and supply of land. To close or narrow down the gaps that exist between the land demand and supply, devising mechanisms is mandatory and as a result of this the government of Ethiopia has proclaimed a proclamation and regulation for the procedures and requirements of land development. Proclamation No. 624/2009 Ethiopian Building Proclamation and regulation number 243/ 2011 are some laws which are legislated on the urban land development. These laws have procedures for guiding urban land development.

1. Significance of the paper

The paper assesses the procedures of land development which are enshrined there in the law and the applicability of the there to. Besides, it will show the challenges of land development and the causes for such problems. So it is crucial for any one who wants to know the land development challenges of Addis Ababa city.

2. Objectives of the paper

The objectives of the term paper are:-

- To assess the land development procedures which are stipulated in the law;
- To show the challenges associated with land development; and
- To recommend a solution for those challenges.

3. Scope of the paper

The scope of this paper is limited on the procedures of land development and the challenges attached there to.

4. Limitation of the paper

The paper is only showing a bird's eye view about land management procedures and the challenges attached there to and it is not that much detail which is caused by shortage of data for the study and the time given for the paper is very short.

5. Major land development challenges of Addis Ababa city from the general perspective of land development procedures

As stated earlier the demand for land and the supply of it may not be proportional most of the time. This is resulted from the nature of land i.e. land is a scarce resource. To manage this scarce resource governments of different nations have formulated different procedures for the development of land. These procedures are also found in the Ethiopian building laws and this paper will assess the procedures and the practicability of the same.

5.1. planning

To effectively and efficiently utilize the scarce land resource planning about land is crucial. It is planning the development goals and needs of the town, available land resources, infrastructural availability and probability of the availability in the near future, financial capacity of the country in general and the developers in particular and the time needed for the development are the major considerations to be taken at the initial planning stage. These procedures are mostly practiced by

the Addis Ababa city administration. Any proposed project before starting the main project the government has been made planning studies. But the planning at this stage are not that much detail. For example if we select the one element of planning which is the availability of infrastructures in the area, it is the main problem still in Addis Ababa. For example because of the absence of plan about the existence of infrastructures of the probability of those to be built in the near future, many neighbourhoods of Addis Ababa city are still not liveable. Some times development goals and needs of the town may not be clearly planned. For example for the expansion of Sheraton Hotel, vast tract of land is given to one investor but still the development is not conducted, it is more than 10 years without any building. The cause for this problem is because of the absence of a development goal and need of the town. Sometimes these problems are attached to the low political commitment that higher officials have and the wrong attitude of rent seekers. Besides this, the time required for the construction of any project should be planned at this stage. When we come to the reality at hand, the time needed for a project is simply put on a paper without considering the reality. Because of this many projects are not completed at the proposed and planned time. The executive bodies with their responsibilities should also be pinpointed at this stage. The reality is the reverse. Even though the responsibilities of executing bodies are enshrined in the plan, cooperation lacks at the implementation stage. Cooperation among stakeholders is the heart of any project and the Addis Ababa city should learn from this and stakeholder engagement should be given due concern.

Plan discussion with the stakeholders and approval is the other skeleton of planning stage. Every stakeholder should be identified and be part of the discussion. It is not only participating in the planning process but should be part of decision making process. In reality participation exists but the participation is a mere participation. Stakeholders participation is not more than simply giving ideas and they have no the right to decide. The decision about the plan is reserved for the parent institution. Since there is a weak stakeholder cooperation, as far as the knowledge of the group members is concerned, still now there is no memorandum of understanding signed between the land administering body and other stakeholders.

Land development plan after approved by the parent institution is publicized which shows the amount of land available for development, the land use type that the land is expected to serve, location of the land and the total time allowed for the development. Here the challenge is that publicizing the planned land by itself is the cause for corruption and rent seeking. The developers after looking the publicized planned land have tried to make a network with experts and even higher officials.

Generally even though planning is being conducted for lands to be developed problems stated above are still there.

5.2. Site identification

In this stage the consistency of the site and the urban plan is assessed by directly going in to the area. The existence of infrastructures or the probability to provide the same easily is also part of the assessment. In reality, group of experts are ordered to identify the area. No more problems are observed in this procedure.

5.3. Site delineation

At the delineation stage corner stones are placed on the land proposed for development and the place is demarcated on the map and that much problem is not seen at this stage.

5.4. Making information available to the public

Information and awareness creation for the public about any proposed plan and development is the back bone for the implementation of the proposed development. Public participation is also one part of awareness and with out awareness and public participation the project will not be sustainable. By taking this fact in to consideration this procedure is about awareness creation. In reality the proposed development land with its map and th total area, the proposed service that the land is expected for, the period of the project and the respinsible organization for the implementationof the proposed plan is presented to the representatives of the public. The problem attached with this stage is that the information is already provided for the public but the information providers ar not ready to accept comments and suggestions.

5.5. Detail plan preparation, approval and publicizing

At this stage detail plans are prepaire and presented to the concerned organ for approval. After approval the detail plan will be publisized for the general public. Detail plan preparation and approval are the skeletons which are really practiced by Addis Ababa city addministration. Publications for the awareness of the plan to the community are made to a lessor extent. Limitations have been seen in this area and not all detail plans are made available to the public. Even some experts and officials still consider plans as a secrete document.

5.6. Land aquisition

This area is the most serious and needs different repeated discussions wiith those whose land holdings have been or going to be expropriated untill mutual consensus is reached. The most sever problem and mistake is taken place at this stage. The dwellers whose land holdings are going to be expropriated are, if they are lucky, notified about the project and the day to leave their holding. Even some times the holders are forced to leave their holding with out prior payment of compensation. Datas are collected for the payment of compensation and calculations are made based on the data collected and the assessment and payment of compensation proclamation number 455/2005 and implementing regulation 135/2007. Here what the land holders have said is that the compensation paid for this purpose is not fair and just and is against the constitutional provisions. Especially there ambigious terms in the law which opens room for corruption and mal administration.

After assessment of compensation, the amount is assessed by other experts, in our case by other higher political body, and if the amount passess the test of this auditing. The compensarion will be publisized and paid to land holders. The problem here is the payment of compensation is assessed by experts but most of the time is revised by higher political body. This erodes the confidence of land holders. The compensation payment and assessment law by it self is not fair and it contains unclear and vague terms. After payment of compensation, the land will be free from holding. The government may use police force in order to make the proposed land free from any kind of holding. Some times excessive use of force by the police force has been seen in some part of Addis Ababa(Lideta Redevelopment project). The other major problems reported by urban administrations with regard to land acquisition are related to the absence of legal

frameworks for expropriation and compensation to previous holders and the lack of capacity to compensate current holders that are not willing to vacate the land required for development. Rural – urban conflict exist due to lack of clear compensation regulation. Where regulations exist, they are urban oriented peasants not given sufficient attention moreover; the capacity of urban centers to mitigate problems of displacement is very low. In addition to the lack of clear regulations for expropriation and compensation, municipalities have financial limitations to acquire land.

5.7. Infrastructure provision

Once the proposed area is free from any holding, the next responsibility of the government is providing or making to be provided infrastructures which are crucial for the area. To do so detail design of infrastructures like road is mandatory. This stage is the place and home of many problems as far as Addis Ababa is concerned. First, infrastructures are not provided before the commencement of the project. Most infrastructures are provided after the construction of the main project is accomplished. For some projects infrastructures may be constructed before the main development. In the construction of infrastructures agreements of construction between the government and contractor is made. But, the stage is the residence of corruption and mal administration. Even after the construction of infrastructures low quality infrastructures may get acceptance as a result of corruption. This scenario is observed in Addis Ababa especially road projects.

5.8. Land parcelation and surveying works

It is the step of identifying each parcels and the placement of corner stones after the surveying works. Parcels are divided based on the prior study and the standard. This process is also available in Addis Ababa.

5.9. Land Banking

At this stage the conformation of development level and capacity is checked and assured followed by the registration of the land in the land bank and protection of the same from unlawful occupants. In Addis Ababa all these steps are being conducted by the land management office. But still the poor functioning of land records are becoming a problem for lands under land bank. Some times because of the weak record that we have some lands recorded under land bank are being lost without any clear reason. Generally, lack of expropriation and compensation regulations, rural-urban conflict due to lack of compensation, urban oriented approach, peasants not given sufficient attention, very low capacity to mitigate problems of displacement and others are problems of Addis Ababa city that hampers land acquisition.

5.10. Submission of application and plans

The Federal Democratic Republic of Ethiopia Building proclamation and implementing regulation are started the procedure from here and they gave deaf ear for the previous development procedures.

The proclamation on the submission of application has said any person intending to carry out construction shall submit an application to the urban administration or designated organ. The application to carry out construction shall be made on an application form prepared by the urban administration or designated organ and shall consist of a design and report according to the

category of building in question. The application shall be accompanied with a reference to main roads and names of prominent places. The applicant shall submit proof of possession rights to the land or property on which the construction will take place. The documents to be submitted shall be sufficiently complete to determine compliance with this Proclamation and other laws. (Art. 4 of building proclamation number 624/2011). The implementing regulation has also enshrined the process in a broader manner. In practice, these steps are being conducted by the developer and the concerned body. But sometimes applications which are not fulfilling all the requirements cited above may be accepted and may be said go ahead. These practices are practiced by some experts and officials who are linked with rent seeking activities. There are also other problems which affects the developer in particular. Ordinances do not spell out where to submit applications and which agency has the final approval authority and the submittal requirements by themselves are not clear to which any specific time frames/limits for reviews and approvals to ensure timely decisions is not kept and proclaimed. Moreover, there are no pre-application conferences between the developer and staff necessary to present concept or sketch plans for a project.

5.11. Planning consent

In this stage the urban administration will give the developer a go ahead letter and title deed which is generally a plan information letter and this includes the maximum and minimum level of the development and the specific use which the development ought to be. In the building proclamation this principle is enshrined under article 5 which states any person intending to carry out construction shall secure a planning consent prior to submitting application for construction permit and after having received an application for a planning consent a building officer shall grant a written declaration for compliance or noncompliance with the urban planning of the urban center. The regulation contains detail points on the planning consent under its article 4; more or less these steps are being obeyed by experts and officials. Sometimes those who are not complied with the building proclamation and regulation can get planning consent.

5.12. Submission of plans/ designs

As per article 6 of the proclamation and 5 and 6 of the regulation, developers are expected to come there in front of the building officer with plans of their development which is expected to be conducted in order to check their compliance with the laws.

Building plans that do not comply with the provisions of this Proclamation and other laws shall be rejected by a building officer which is enshrined under article 8 of the proclamation. The major problems of Addis Ababa in land development arena are found in this procedure. Developers who are not complied with the proclamation and the regulation are allowed to build a development by stamping “approved” on their plan. Most of the time, these noncompliance approvals are being made by higher officials of the city.

5.13. Approval of plans

The plan prepared and presented before the officer needs to be approved based on the law. The approval is dependent on whether the plan is in line with the law and standards or not. Here also looking approved plans which are against the law and the standards is common.

5.14. Construction permit

The planning consent and the plans for the development are passed the test of the law and the officer before this stage. It is after those things are ok that building permit comes. Article 9 of the proclamation states approved plans are also used as a construction permit and there is no need to get construction permit once the approved plan is in the hands of the developer. A plan which has been approved in accordance with the provisions of the Proclamation shall constitute a construction permit but even on the plan the permit need to have serial number showing the date of issuance and validity period. The problems in Addis Ababa are still similar with that of the previous one. Individuals who are not in line with the law are sometimes granted plan approval visa vis construction permit. For example, it is prohibited to construct a construction below 20 floors around stadium but practically some individuals are allowed and given a construction permit to do so. Giving this permit for developers who are not in compliance with the law is becoming common in the city which the main cause is corruption. In general informality of developments is the major problem of Addis Ababa. Informal developments that comprise construction without permit on legally occupied land and informal land occupation is high in the city. Low institutional and expertise capacity is also another problem which adds fire on the kerosene. Generally, informality of construction without permit, informal land occupation is high in peripheries of the city, lack of public awareness on land policy; eviction and demolishing are the main administrative measures, limitation of capacity of urban administrations to combat informalities and others are identified as major problems of Addis Ababa as far as urban development in general and building permit in particular is concerned.

5.15. Occupancy permit

This is the last step in the Ethiopian urban development procedures. The owner should apply to get occupancy permit. As per article 18 of the building proclamation and article 16 of the implementing regulation a newly constructed category “C” building shall not be put to use before it has been inspected for compliance with this Proclamation and a certificate of occupancy has been issued. A building officer may provide occupancy permit for partially completed building provided safety is ensured. There for occupancy permits are requirements of category “C” buildings only. Article 2(8) enshrined the meaning of category “C” buildings which states “category ‘C’ building” means any public or institutional building, factory or workshop building or any building with a height of more than 12 meters. More or less the practice also follows the words of the law. Occupancy permits are being given for category “C” prior to occupancy.

6. Conclusion

Land development refers to the processes of implementing land-use planning or development proposals for building new urban neighborhoods and new physical infrastructure and managing the change of existing urban or rural land use through granting of planning permissions and land-use permits. As far as urban land development is concerned, there are procedures which an executive body obliges to follow. These procedures are also found in Ethiopia and adopted by the building proclamation, proclamation number 624/2009 and its implementing regulation number 243/2011. When we come to the practice, some procedures are only found as de jure, in which they are only found on white paper, while some others are there in practice. The main reasons or problems associated with the impracticability of those procedures are the low institutional and personal capacity, attitude of experts and officials towards corruption and rent seeking, and others.

7. Recommendation

After conducting serious discussions I have recommended the following points.

- ✚ Government should give high emphasis on the capacity building for experts as well as higher officials. Institutional arrangement should also be a crucial point so as to come up with the capacity and the other problems mentioned above.
- ✚ The attitude of experts and officials towards corruption and rent seeking should be reduced, if possible avoided, by working on the mentality of individuals. To do so awareness creation works should be one responsibility of the government.
- ✚ The government should enforce the laws on corruption and rent seeking seriously and corruption and rent seeking which are found on the area should be penalized depending on the mouth of the law, which is crucial to deter the criminal specifically and the public at large.

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