



## Combating corruption in the Ethiopia land administrative system

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### Abstract

In Ethiopia, corruptions in the land sector still the most pervasive event that retard the country development despite the government efforts to mitigate it by adopting various policies since 1991. The aim of this paper is intended to identify some possible mechanism/measures to fight or reduce corruption in the Ethiopia land administration. The study findings come up with the subsequent alternative as the measures to combat land corruption such as adoption of consistent, clear and inclusive land policy, avoidance of impunity, increased transparency and accountability, empowering local communities', improvement of the staff's incentives and digitalization of the land information system (LIS). Moreover, the study employed qualitative research type both descriptive and analytical methods. Purposive sampling method was also used in the selection of the research participants notably in the process of interview and focus group discussion. The study entirely relies both on the primary and secondary data sources such as in-depth interview, observation and focus group discussion in the case of the former. And the latter were collected from both published and unpublished documents such as books, article, thesis, proclamation and other legal documents.

**Keywords:** Land governance, land corruption, combating corruption, land policy and Ethiopia

### Introduction

Corruption is the global phenomenon in which every state is not immune from. In most cases, corruption is rampant in the low-income countries, since conditions in least developed countries provide fertile ground for the expansion of the corruption (Myint, 2000) [14]. Ethiopia is one among the least developed countries in the world, is also affected by corruption. Among others, land related corruption is at the alarming rate ranging from the petty corruption, land grabbing, and state capture as well as to corruption in the auctioning process. Moreover, weak legal and the institutional framework in the country are also alleged to be the main causes of the land corruption (Kaunain, 2018) [8].

Now a day, land is the most valuable as well as significant resources that enhanced countries economic growth and development. It is also an essential factor of production that sustains the societal socio-economic and cultural values and practices (Adisu& Daniel, 2018) [1]. As elsewhere in the world including Ethiopia, land provides great opportunities that serve as the main source of survival for the vast majority of the population (Solomon, 2017) [15]. Hereafter, the increasing population under the abject poverty in most urban centers, exacerbated by the frequent rural- urban migration, the demand on urban land as the means to acquire wealth and sustains the living standard as also increased (Berihu, 2022; Misganaw, 2021) [4]. Thus, rapid growing demand often raised the land market prices in most Ethiopia urban cities. All these forced everyone to hold the plot of land in the town by any means possible either for free or lease hold land acquisition process. These processes paved the way for corrupt practices between the land services providers and services receivers (Ibid).

Although, the term corruption is familiar more often in politics and in social sciences; it is commonly understood as anything related to paying of bribe to civil servant in return for benefits and misuse of the public resources for the personal gain (Amundsen, 1999) [3]. As a result, it has universally received great deal of attention from many actors due to its inescapable nature in all countries developed and developing; public and private's sectors as well as in non-profit and charitable organizations (Myint, 2000) [14]. It is charges and allegation has also played crucial roles in the politics than in any other place. The effect it imposes led to demise of most governments, ruined the career of most renowned public figure, tarnished the reputation of many firms (Myint, 2000) [14]. Accordingly, corruption in the form of bribing, nepotism, state capture, embezzlement and extortion are found to be the widespread form of land corruption in most Ethiopia's urban centers. Therefore, this study had tried to identify some possible measures or recommendation to combat urban land corruption in the selected Ethiopia cities.

### Statement of the problem

Land governance is the most vulnerable sector to corrupt practices notably in the developing countries (Berihu, 2022) [4]. Corruption in this sector negatively impact on the citizens' access to land, livelihoods of the small- scale producers, agricultural laborers, indigenous communities and landless poor (Ibid). Land corruption can also threat the growth and prosperity of the national economies and eventually lead to food insecurity (Ben Wheatland, 2016) [19]. Countries like Ethiopia also encounter the same challenge of the urban land governance because land becomes the main source for the wealth, conflicts, and

illegal action (Misganaw, 2021). A number of factors that are responsible for the rapid expansion of corrupt activities in Ethiopia are associated with the lack of clear policies, weak institutions, capacity constraints and lack of inclusive public participation and limited transparency (Rahman, 2018) [8]. In addition to this, impunity to hold municipal officials and experts accountable to their misdeed on the land related issue, political patronage, informal land acquisition and expansion of the slums and squatter also account for the occurrence of the land corruption (Berihu, 2022) [4].

Similar empirical evidence on the land related corruption were also identified such as the prevalence of the discretionary power within the land administration, unlimited state powers, extensive development of the urban land for the commercial and residential purposes as in the case of the most West African cities. In Ghana, land acquisition process and customary authorities' utilization of the land related revenues; national and local elite's capture of the land titling in Kenya are found to be the key enabler of the corruption (Koechlin, L, *et al*, 2016) [9]. This reveals that, the patterns of the corruption in the land sector are specific to country context. With these in mind, there are invariable odd spillover effect of the land governance on the country overall development (Ibid). As the result, it is necessary for the any state to take a strong and effective land management measures as the remedy to fight corruption in the land sector. However, given the technical absurdities of the land administration, effective land governance reform has always shown less progress (Ben Wheatland, 2016) [19]. Likewise, in Ethiopia, several administrative measures to combat corruption in the land governance had been attempted. Few to mention in this regard is the policy directive that defines and regulate land governance in the post 1991 [13] like Urban Land Law which permitted the acquisition of the urban land only through the lease system (Urban Land Lease Holding Proclamation No.80/1993). The aim of this proclamation is to combat corruption and rent- seeking practices in the Ethiopia urban land administration by ensuring transparency and accountability (Misganaw, 2021).

Furthermore, Ethiopia had also been a signatory to the United Nation Convention Against Corruption and African Union Convention on Preventing and Combating Corruption in 2003 and 2004 respectively (UNODC, 2018; African Union, 2018) [2]. However, despite all these efforts the country domestic legislative frameworks to prevent and sanction corruption is not effective enough to fight the tragedy of corruption (Business Anti- Corruption portal, 2017) [15]. More recently, a study conducted by Berihu (2022) [4] suggested that land governance in Ethiopia still susceptible to corruption owing to many challenges. Among others, formulating good urban land governance policy throughout the country still needs thorough investigation. To this end, lack of the comprehensive studies on issue related to the policy recommendation to combat corruption in the country land sector is what inspired the researcher to conduct further study on the topic. This paper identifies some possible measures to combat corruption in Ethiopia urban land administration system.

## **Review of the Related Literatures**

### **Combating/Mitigating Corruption in the Land Administration Systems**

The notion of tackling corruption in the land sector is more often associated with the improvement of its

administration/governance. However, lacks of tangible successful evidence is hardly achieved in the land administration reform and anti- corruption. Available literatures agreed on the increased transparency and accountability, open and fair inclusion of the local communities in the decision-making process, strong land legislation, use of technology and international donors' influences as can all contributed to fight against corruption (Ben Wheatland, 2016) [19]. In this respect, the following are effective measures to help fight corruption in specific context.

### **Transparency and Accountability**

Strengthening transparency and accountability in the land governance are keys pillars that can reduce the prospects for the occurrence of the corruption in the land sector. In the sense that, transparency in the land administration enable the public to have feasible access to keys land information such as land plans, maps and urban plans (Ben Wheatland, 2016) [19]. In short, it indicated the official dissemination of all land related issues to the public before the implementation. To this end, it enhances the possibilities to minimize land corruption (Ibid).

Equally, enhancing accountability is also crucial in the fight against corruption as it enables the citizens to hold the public institutions and officials accountable to their actions (Menocal, A and Taxell, N, 2015) [12]. In this respect, strong and effective land administration legislation requires strengthening institutional accountability measures. These mechanisms might include financial inspections, participatory budgeting, independent audits of the land surveyors, citizens monitoring of the service delivery, information dissemination and public review of drafts, approved and actual compensation plans by the independent committees (Ben Wheatland, 2016; Menocal, A and Taxell, N, 2015) [12, 19]. Thus, independent accountability through this act helps to reduce abuse of power and officials engagement in rent- seeking activities (Ben Wheatland, 2016) [19].

However, some empirical evidence also reveals that transparency and accountability alone without inclusive policies that engage citizens to the central decision-making process are not sufficient to combat corruption. Thus, complementing them with inclusive citizens' participation in the land administration is deemed to improve the challenge (Menocal, A and Taxell, N, 2015) [12].

### **Inclusive Public Participation**

This refers to the enforcement of the law that ensure the involvement of the local communities in the decision-making process associated with the land deals. More importantly, it safeguards the free, prior and informed consent of the communities being affected with the land development plans earlier to its implementation (Global witness, 2012) [7]. This is in line with the UN principle on the land right which advocated the principle of "free consent and being informed". These implied the early dissemination of the information on the land acquisition process to enable the concerning stakeholders to discuss theirs concern prior to the onset of the program. With this principle, ill policies on the land administration that encourage the threat and manipulation on the local communities under the gesture of land development would be reduced with the recognition of the equal bargaining power (Ben Wheatland, 2016) [19].

### **Strong Land Legislation**

Accordingly, Ben Wheatland (2016) <sup>[19]</sup> posit that reducing corruption in the country land sector requires clear land legislation which encompasses all aspects of the land administration which should include; sound legal and institutional frameworks that should recognize the right of the existing land users, and should also allow owners to enforce their right easily and ensuring of the societal benefits (Ibid). Hence, parliament power of legislation and resource allocation can also retard corruption such as the role of its members including opposition political parties remarkably is to monitors and control the operation of the government administration by criticizing, making suggestion and informing general public. It also has a right to know, to set up inquiries, establishing oversight committee, make investigation and question to any governmental and administrative act (Amundsen, 1999) <sup>[3]</sup>.

These should be complemented with the strong support to implement legal reform that includes recognition of the multiple forms of tenure such as customary right, to promote more inclusive formalization of right and delivery of land services and mitigate corrupt practice in the allocation, conversion and development of customary land (Koechlin, L, *et al*, 2016) <sup>[9]</sup>.

However, turning these into reality requires the prevalent of the strong democratic institutions to ensure the political responsiveness of the politicians and civil servants. Among these, an independent judiciary is very essential to control the executive and legislative power. To execute the function of fighting corruption, the court need appropriate financial, institution and professional resources (prosecutors, investigators and judges), they also need due legislation and specialized provision to works with and relevant authority to discharge its duties independently from the executive (Amundsen, 1999) <sup>[3]</sup>.

### **Application of the Technology**

The application of the information technology in the land administration and digitalization of the land registry reduced the risk of the corruption. It provided feasible way to obtain information and document than provision of the hard copies documents to land service receivers (Ben Wheatland, 2016) <sup>[19]</sup>. Land corruption can be reduced with the enhanced use of the Geographic and Land Information System (GIS and LIS) software to make the land and cadastral information publicly available online. For instance, the introduction of the online records of rural property in India increased their accessibility, easy update and also minimizes previously widespread opportunities for the bribe (Koechlin, L, *et al*, 2016) <sup>[9]</sup>.

In Bangladesh, attempt to reform the land administration had received attention which include among others, the use of digital surveys, digitalization of land records, e- filling of documents and the scanning of the hard copy files. In addition to these, the creation of the electronic version of map on the government websites and receiving update information through text message also help to reduce land corruption in the respective countries (Ben Wheatland, 2016) <sup>[19]</sup>. The use of the information-based technology help to prevent fraud, multiple land allocation and rent- seeking. It also facilitates access to open source data on the land rights and use as well as offering the land users the opportunities to challenge corrupt officials decision these measures positively contributed for the reduction of the land

corruption in respective countries (Bertot, *et al* cited in Koechlin, L, *et al*, 2016) <sup>[9]</sup>. However, despite the proved positive link on the improved practice of technology in mitigating land corruption. Critique argued that, lack of the political commitment by the state officials to foster transparency make the use of technology alone less responsive to curb land corruption.

### **Institutional Factors: Domestic and International**

Establishing land governing institutions with the clear and publicly defined mandate and roles also reduce the threat of land corruption. These ensure the perfect match between the national and local demand via the decentralized and centralized land management bodies. Decentralization should reduce land related corruption went local demand vary greatly throughout the country but with the present of the strong and effective local government. At this instance, local institutions are mandated to provide services related to the registry of the land rights and other process to avoid the duplication of the multiple coexisting registries (Ben Wheatland, 2016) <sup>[19]</sup>. On the other hand, Dixon Gough & Bloch (2006) <sup>[6]</sup> also noted that, centralization serves the same purpose of combating land corruption in the scenario where demand on the services are similar and where service beneficiaries are distributed across wide geographical range. Thus, instituting an independent formal land disputes resolution bodies is also suggested to mitigate the potential spread for the corruption by strengthening land dispute resolution and appeal mechanism (Wehrmann, 2008) <sup>[18]</sup>.

Another institutional factor is the roles of the donors' agencies in the fight against land corruption. Albeit, it's the primary duty for the national government to reduces corruption in the land administration. International donors can also support the national government initiative to mitigate land corruption through technical support, supporting land titling, IT support and establishment of the conflict resolution mechanism to settle land disputes (Ben Wheatland, 2016) <sup>[19]</sup>. International donors can also do this through encouraging information gathering, data generation and dissemination process associated with official government documents and other land governance data. These also enable the local NGO to persuade the government to make the reforms on the land administration. They can also raise awareness creation activities with the intent to raises public knowledge about the land corruption (Ben Wheatland, 2016) <sup>[19]</sup>.

### **Material and Methods**

#### **Research Design/Approach**

In this study descriptive research design had been employed using survey method. The rationale of employing descriptive studies stems from the fact that such studies illustrate relationship between variables such as explanatory and response variables which involves both dependent and independent variables. It is also important for describing of the state of affairs as it exists at present (Kothari, 2004) <sup>[10]</sup>. This research study is the qualitative research type. It deals with analyzing and narrating social events; and finding solution to that problem. Based on the study objectives, qualitative research type such as explanatory and analytical methods are employed.

#### **Data Types and Sources**

The sources of data for this study are both primary and secondary data sources. Sample households from the urban community, households who received service from the

urban land administration system, urban land administration employees and reports and documents in the land administration office, anti-corruption commission and other offices are used for the primary and secondary sources of data. Besides, different official records, rules and regulation concerning urban land administration system, good governance principles in urban land administration system, procedure used in acquiring land are thoroughly reviewed to substantiate the primary data.

### **Sample Size and Sampling Methods**

A multi-stage sampling technique which combines different sampling design is employed for this study. In the first stage, the country (Ethiopia) is stratified in to 10 regions and two city administrations. In the second stage the regional capitals including city administrations and the surrounding hotspots rural areas are included in the sampling process. Then six kebeles from each zonal capital are selected for the study as the third stage using purposive sampling method. Finally, sample households from the respected kebeles are selected using simple random sampling method. Additionally, households who received land related services from the urban land and rural (kebele) administration are also selected using simple random sampling. Purposive sampling is also applied for the selection of the sample respondents from the community and employees in the urban land administration for FGD.

### **Data Collection Tools/Instruments**

In this study data were collected through questionnaire, FGD, interview and documents review that are developed based on the objectives of the research.

### **Data Analysis**

In this study, data obtained through primary and secondary methods were analyzed both descriptively and analytically. As far as the study is concerned, data obtained through interview, FGDs and observation were analyzed, interpreted and investigated through narration and justification. Therefore, the study was analyzed based on qualitative approach.

## **Results and Discussion**

### **Measures to Combat Corruption in the Ethiopia Land Administration System**

As it's noted above, there are several factors that backed corruption notably in the country land administration system. In fact, the term corruption is very complicated with no precise meaning in its common sense; these in turn render it pretentious solution to combat it or devoid of universal solution. As the result, combating/bringing land related corruption under the control required its own strategy. Because of its subtlety, combating corruption required different measures depending on its forms (IMF, 1998) [16]. As the remedy to combat land related corruption in the country, the informants had suggested some potential ideas and recommendation as here below:

#### **Adopting Consistent, Clear and Inclusive Policy**

Accordingly, an interviewed informant revealed that the major causes of the land corruption in most Ethiopian urban cities are closely linked with the government policy and directive on the land administration. Therefore, to combat corruption, government should adopt clear, consistent and

inclusive land policy, directive and proclamation that would not only serve the interest of the elites in powers and wealth individual. For instance, experienced had shown that some state policies and directives had encouraged corruption to some certain degree through creating an enabling atmosphere for briber and bribe, rent seekers and state capture (Klitgaard, 1988 cited in IMF, 1998).

The same is also true in our case; as some informant argued, Ethiopia land policy is also characterized by the lack of clarity, consistency and inclusiveness, this is due to the application of the policies and directives that serves different purpose in different time and location. Hence, such policies and directives are designed to attend particular objective for the individual elites /regime in powers within specified time frame and cease to function after it achieved its intended objective. As evidence, an interviewed expert pointed that, such policies are the main causes for the occurrence of the state capture corruption in the most urban land. For instance, in Addis Ababa during the EPRDF led TPLF regime there were a policy directive issued by the city administration to resettle the residents in the Merkato area in the name of the city development plan. In that resettlement significance numbers of the resettles majority are ethnic Gurage, who are the inhabitant that were displaced. However, despites the implementation of the government stated development policy plan ethnic Tigrean were settle to resides in that designated area.

In addition to this, similar trends in Addis Ababa also occur in the post 2018 [1] reform. In that instance, the city administration adopted the circular directive that permitted the accession of the land license to both pastoral and agrarian communities in the Addis Ababa city. In reality, the implementation of that policy directive turn to be far from the expected result, rather it led to the adoption of what is termed as "Indome mapping" - where it become the conduit for acquiring land by the ruling elites in the city. The same experience was also certain in the Gambella town as an interviewed informant that was also the victim of the inconsistent land policy cited the displacement of the police camp residents in 01 kebele of the Gambella town that took place in 2011 G.C under the rubric of the government development plan as the policy designed by the elites in the regional powers to hold the land after resettling the residents the then elites diverted the intended plan for their own residential building this reflected the state capture corruption whereby the elites in powers adopted land policy that serve their own interest.

These sufficiently made it possible to conclude that the existing land policies, directives and proclamation in Ethiopia were designed to serve the interest of the particular group in powers than the public interest. Therefore, the government in powers needs to amend the existing land policy, directive and regulation with the more inclusive, participatory, consistent and clear land policy that would serve the interest of all citizens irrespective of their political and economic status.

#### **Avoiding Impunity**

Combating corruption also required the imposition of the strong penalty on the offender either public/private offenders. In Ethiopia, since most offenders of the land corruption is found to be elites in powers and wealth individual/businessmen. The government must start by publicly punishing well renowned political figure among the

ruling elites who had allegedly involved in land related corruption. For instance, the recent measure of imposing corruption charge on the Addis Ababa city administration officials by exposing through media publication is the best lesson that every elites would learn from, because corruption charge ultimately ruined political reputation.

### **Improvement of the Staffs' Incentives**

It is also crucial for the government to take in to account the level of the citizens standard of living particularly public sector employees, because the involvement of the land sector experts in the corrupt practice such as alternating to receives bribe over undertaking duty is due to less salaries payment and lack of other incentives in many Ethiopian public employees. To prevent this, the government should increase the salaries of the public employees particularly in the corruption prone areas; worth to mention in this regard is the land related sector. Empirically, country like Singapore reveals the direct link between the degree of the corruption and public employees' wages. In that, high public employees' wages positively contributed to the reduction of the extent of the corruption (IMF, 1998) [16].

### **Empowering the Local Communities**

Land corruption such as bribing and rent- seeking can also be combated through the promotion of the public/communities awareness on the legal land acquisition procedures. These practices would enable the citizens to have clear understanding on how to legally own the land within the shorter time possible without paying money for the bribe. For this reason, creating awareness on easy accessibility of the land is very essential to reduces land related corruption in the country. This measure can be ensure through different means of disseminating anti-corruption information with regard to land corruption such as through publishing and cascading training to local communities members, experts, government officials and civil society organization on how to overcome land corruption.

Empirically, some study added, strengthening training in land administration governance and transparency dimensions with emphasis on public service delivery and fairness is another important means to combat land corruption (Koechlin, L, *et al*, 2016) [9]. Public awareness can also be achieved through responsible press release as its very crucial means to expose corrupt practice by playing the roles of the whistleblower. In line of this, experiences also suggested the enhanced uses of media, social media and open source intelligence tools to support the distribution and gathering of the information about land deals and increasing involvement at all stages of the transaction in reducing the spread of the corruption (Ibid).

### **Increased Transparency and Accountability**

In addition to this, some informants further noted the lack of transparency and accountability in the exacerbation of the corruption in the land sector mostly government officials in all administrative hierarchies starting from the central to local level especially kebele administration. The interviewed informant suggested the idea that employing kebele administrative officials with monthly salaries is essential to combat land corruption in Ethiopia. In our country, kebele officials have important roles in the distribution and allocation of the land related services. The officials are

unpaid simply assigned to perform these functions without any monthly salaries from the government. This enhance the involvement of these officials in the illegal uses of the land as the conduit to receive bribe in return for the services especially in the development infrastructure and other land related services in their respective localities. For this reason, it's recommendable that local government structure in the kebele and villages chief administration needs to be restructured such as having monthly salaries because unpaid officials are less accountable than monthly paid officials.

### **Digitalization of the Land Information**

Furthermore, some informants also stress lack of the proper documentation in most cases as another contributing factor for the spread of the land corruption in the country whereby the expert delete the existing information of the original owner in favor of the bribe from the wealth individual. To rectify this, digitalization of the land administration would be crucial step toward the reduction of the land corruption throughout the country. This would make it impossible for the experts to purposely remove the information digitally recorded than manually documented one. Moreover, another pending issue for the alarming growth of the corruption in the land related services in Ethiopia is found to be the rising price of the land whereby holding land in the urban area as it become the vital source to accumulated wealth within the short period of time. In this regard, governments need to reconsider the use of land for other development agenda such as social services, building and investment by lowering its price for the individual purpose.

## **Conclusion and Recommendations**

### **Conclusion**

In sum, corruption in the Ethiopia land sector has shown steady increase from time to time owing to different factors. Among these, deficiencies and fragility of the land governance policy in the country is found to be the major one for the rapid spread of the land corruption. Moreover, given the complexities of the phenomenon many studies on the issue admitted the difficulty of fighting corruption without deep scrutiny to its form. This indicates that, combating/fighting corruption is not compatible with "one size fit all approach." Therefore, in order to achieve effective anti-corruption measures, each form of corruption required its own strategy to combat it. In nutshell, the study suggests the following alternative as the possible remedy to mitigate corruption in the Ethiopia land administration such as adopting consistent and clear land governance policies irrespective of which regime in powers, imposition of the strong penalty charge on the offenders, improvement of the staff's incentive such as salary and other benefits, local communities' empowerment through training, transparency and accountability, improved use of technology and devaluing land market price for the individual purpose.

### **Recommendations**

In order to combat corruption in the country land administration the researcher recommends the implementation of the following approaches both by the national (federal) and regional governments as the relevant strategies to deals with the land related corruption. Among these:

- The government should adopt the directive, rule and regulation that dictate the uses/acquisition of the urban

land only through government-based development plans. To ensure this, government should prohibit any urban land acquisition process outside the government development plans as well as treating it as a crime by applying all necessary legal measures including imprisonment and financial punishment on the perpetrator.

- The government should give a priority to human development that enhance the favorable atmosphere for the participations of the local communities in the land related issues in order to make the public central to the land policy.
- Thus, to reduce the over dependency of the communities on the land related services such as being the main source of wealth in the urban areas. The governments have to reduce the land market price and diversification of the local communities' incomes in the urban centers via different means.
- For instance, an interviewed informant suggested the Brazilian practice whereby the government encouraged the villagers with the collection of the solid waste as the alternative source of the income by increasing its demand by buying solid waste for the recycling purpose. Accordingly, the practice had helped to the reduction of the villagers too much dependency on the land, this in turn, limited the vulnerability of the land to corruption.

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