

## ASSESSING GOOD GOVERNANCE IN RURAL LAND ADMINISTRATION IN EASTERN ZONE OF TIGRAY NATIONAL REGIONAL STATE, ETHIOPIA: CHALLENGES AND POLICY FRAMEWORKS

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### ABSTRACT

This study assessed the challenges and policy frameworks of good governance practices in rural land administration. The design adopted was the cross sectional descriptive research design, with mixed approach and primary and secondary sources. Primary data was obtained through questionnaires, interviews and focus group discussions, whereas secondary data involved reviewing literature from journals and legal frameworks. The study also adopted the purposive and systematic sampling techniques. Quantitative data was analyzed using descriptive statistics, whereas the qualitative were analyzed using thematic analysis. This study found that corruption and rent seeking behavior, absence of implementing the given code of conduct, ineffective complaint hearing mechanisms, and lack of qualified personnel, were the challenges in rural land administration. Moreover, unsuitable land laws, lack of clarity of land allocation, lack of committed land administration officials, lack of motivation to the land administration committees and land tribunals at the *tabia* and *kushet* level, were also other challenges in rural land administration. Strengthening the *woreda* complaint hearing offices through delivering ‘on job training’ and ‘off job training’, and revising the land law that dictates age based land allocation to the farmers, to family number based allocation that assures the need of the farmers, were stated as recommendations.

Keywords: Governance; Good Governance; Rural Land; Land Administration; Land Proclamation

### INTRODUCTION

Governance and good governance have become increasingly important topics of discussions in the developed and developing countries. Good governance was developed in response to the governance and development challenges of developing countries since 1980s. It is taken as the main target of the Millennium Development Goals making political and administrative authorities at all levels responsible to development needs that help enable to tackle poverty and enhance a state economy (Maldonado, 2010 and UNDP, 2011).

Good land administration has an equivalent history with good governance. It has been used to refer to the rules, processes and structures through which

decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed (Solomon and Mansberger 2003). It promotes participation, transparency, accountability, effectiveness, equitable use of land resources, and ensures rule of law (Takele Necha *et al.*, 2014).

Local governance with respect to land administration has been viewed as the preparation and accomplishment of collective actions encompassing the direct and indirect roles of local land administration institutions and the roles of networks and community organizations to deliver local public services (Solomon and Mansberger, 2003). However, low practices of transparency, responsiveness and



participation have become bottlenecks to the success of development policies in many countries. For example, land scarcity has remained a source of conflict in Africa. Inability of the land systems and land governance to respond land needs aggravated land insecurity in the continent (Woldeab Teshome *et al.*, 2012).

Ethiopia, one of the developing countries in Africa witnessed rural land administration in its successive regimes. Under the Hailelassie and Derg regimes, rural land administration was not responsive to Ethiopian farmers. The current EPRDF has also encountered limited public participation, inappropriate land policies and laws, and capacity limitations of land administrator officials (Dessalegn Rahmato *et al.*, 2008). The Eastern Zone of Tigray National Regional State rural land administration has also faced the same thing. Thus, this study assessed the challenges and policy frameworks of good governance in rural land administration in Eastern Zone of Tigray National Regional State.

This research assessed good governance in rural land administration in Eastern Zone of Tigray National Regional State including the challenges and policy agendas. Specifically, it investigated the challenges of good land governance and the suitability of the land laws to achieve good governance in land administration.

## METHODOLOGY

**Description of Study Area:** Tigray National Regional State is located in the northern part of Ethiopia. It borders Eritrea to the North, Sudan to the West, Afar to the East, and Amhara region to the South-West. It is sub-divided into seven administrative zones (Western, North Western, Central, Eastern, Mekelle, and Southern, South Eastern) and fifty-two woredas with its capital city in Mekelle. It has a total population of 5,056,000 and a

projected area of 53,638 square kilometers (CSA 2007). The climate is largely sub-tropical with over 80% of the people resides in rural area, and their livings depends on subsistence farming. Eastern Zone of Tigray Regional State is bordered by Afar regional state in the East, South Eastern zone in the South, by Central zone in the West and by Eritrea in the North. It has a total population of 755,343, of whom 359,638 are men and 395,705 are women; 146,064 or 19.34% are urban inhabitants (CSA, 2007).

**Study Design:** This study employed the cross sectional descriptive research design. Descriptive research design is important for the study as it is of paramount importance to analyze several variables of good land governance in rural land administration, provide empirical justification, and collect original data. Besides, survey research is desirable for a study that comprises of tabulation and statistical treatment. Furthermore, descriptive research design is preferable as the main target of the research is to assess how the principles of good governance are effective in rural land administration in Eastern Zone of Tigray National Regional State woredas.

Quantitative and qualitative/mixed research approaches were also used to exploit the strength of both approaches and compensate the weakness of each approach. Quantitative research approach was employed as it produces quantitative information and describes feature of the characteristics of large population, and analyze several variables simultaneously (Neuman, 1994). It helped to reach on generalized proposition about the expectations, knowledge and perceptions of the rural farmers about good governance in rural land administration.

On the other hand, Kothari (2004) had argued that qualitative approach is useful to undertake an in-depth description, explanation, and analysis of many components of a given case with the purpose of achieving full understanding of that case.



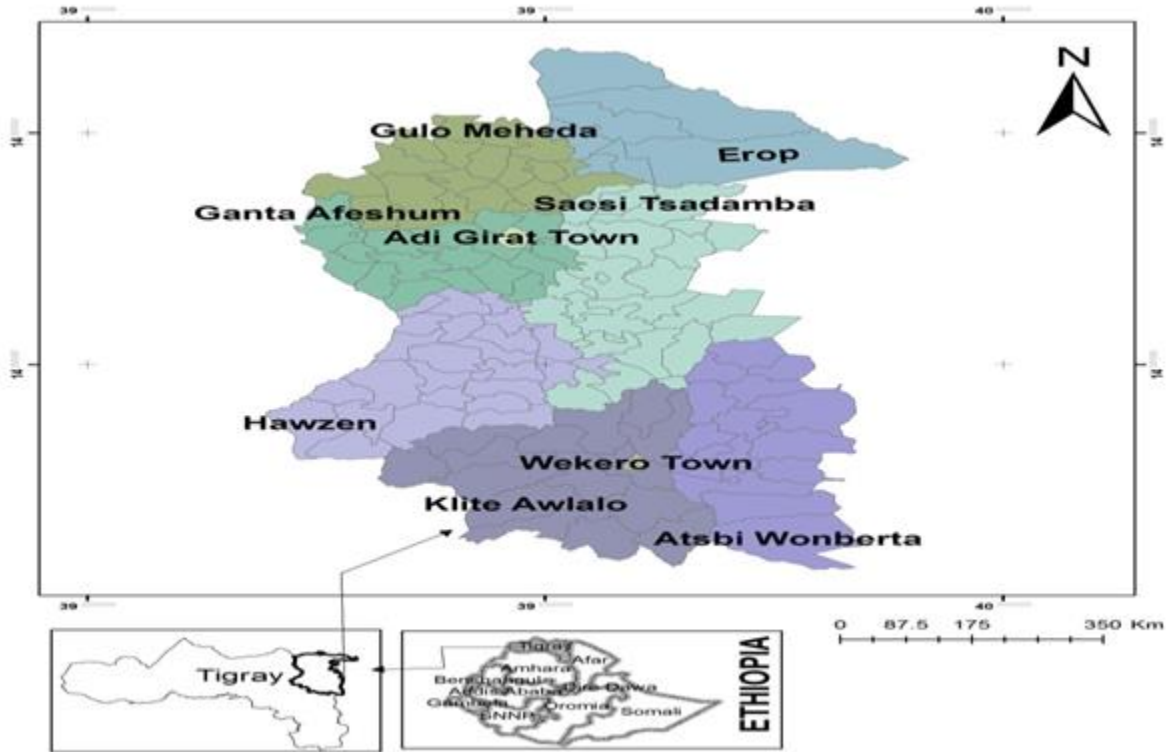


Figure 1: GIS based Map of the Study Area (Woredas in Eastern Tigray Zone)

**Sampling Technique:** The study has made use of both probability and non-probability sampling techniques. Probability sampling specifically simple random sampling was used to prove all farmers of the study got equal chance of being selected in the sample whereas non-probability sampling was applied to identify *Woredas* and key informants (Babbie, 1973). With regard to the sample size and selection, *Kushet*, *Tabia*, and *Woreda* level land administration officials were taken as a pivotal theme, because they are key local units of government in land administration as they play key roles in prioritizing the delivery of land governance services). Four *Woredas* namely *Gulomekada*, *SaesieTsaedaemba*, *Ganta-feshum*, and *Wukro-*

*kilteawlaelo* (eight *Kebeles*, two from each *Woreda*) were selected purposively due to high prevalence of bad governance than the other nine administrative units in Eastern Tigray Zone. The four *Woredas* have 120,152 household heads. Out of this, 399 household heads were selected to fill questionnaires. The sample size was determined by using Yamane’s formula. The formula is  $n = \frac{N}{1 + N(e)^2}$   $n = \frac{120,152}{1 + 120,152(0.05)^2} = 399$  Where:  $n$  = sample size  $N$  = population size  $e$  = the level of precision  $1$  = the probability of an event occurring. Non-probability and probability sampling techniques were employed to select samples for the study. The key informants of the study were purposely selected. Systematic sampling



was used to select households' respondents from the *Tabias*.

**Data Collection:** Both primary and secondary sources of data were utilized in order to generate qualitative and quantitative data. Qualitative data were collected from primary sources of data such as interviews, questionnaires, and focus group discussion. Specifically, quantitative data were generated by making use of primary sources of data. Primary data were collected through questionnaires administered to samples selected from rural farmers. Questionnaires, interview and focus group discussion guides were prepared in English language and translated to *Tigrigna* due to the widespread use of *Tigrigna* language. In fact, all questionnaires were returned effectively.

Structured interview is quite often useful technique in descriptive survey study because of its being more economical, provides a safe basis for generalization, and requires relatively lesser skill on the part of the interviewer (Kothari, 2004). Hence, to counter check the response collected through questionnaires, key informant interviews with Eight *Kushet* land committee, sixteen *Tabias* land committee, eight *Tabia* land tribunal, six *Woreda* land desk, and four compliant hearing offices to gather primary data were made to illicit thick and in-depth information.

Focus group discussion was also conducted to clarify and counter check the data collected during key informant interviews as well as through questionnaires. According to Flick (2002), it is more appropriate to organize focus group discussion with strangers instead of groups of friends or of people who know each other very well as implicit tend to be higher in the latter. Hence, the study had

administered eight focus group discussions in the four *Woredas*, i.e. two from each the sampled *Woredas* (8\*8=64 FGD discussants). The participants were purposively selected local elders, women and household heads based on their relevance for the study.

Creswell (2009) states that document analysis enables a researcher to obtain unobtrusive sources of information, as written evidence save a researcher the time and expense of transcribing. In light of this, document review (reviewing the legal laws) of the region and Ethiopia was conducted. It was helpful to draw lessons from developed systems for the effective implementation of good governance in land administration.

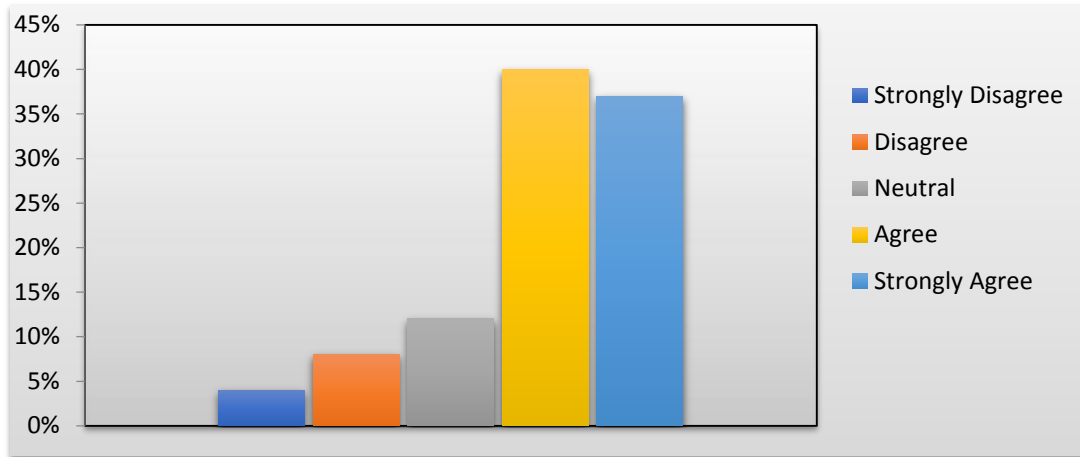
**Data Analysis:** As long as data analysis and presentation is concerned, once the necessary data's and information were at hand, both quantitative and qualitative methods of data analysis were employed. The quantitative data gathered through questionnaire was analyzed using descriptive statistical analyses. Accordingly, descriptive statistics were employed to describe the data. Moreover, the qualitative data collected through key informant interviews, focus group discussion and document review were analyzed by thematic analysis method.

## RESULTS

### Challenges of Implementing Good Governance in Rural Land Administration

Corruption, absence of transparency, inefficiency, ineffectiveness, and absence of responsiveness in land administration have been potential challenges to service delivery in land administration.



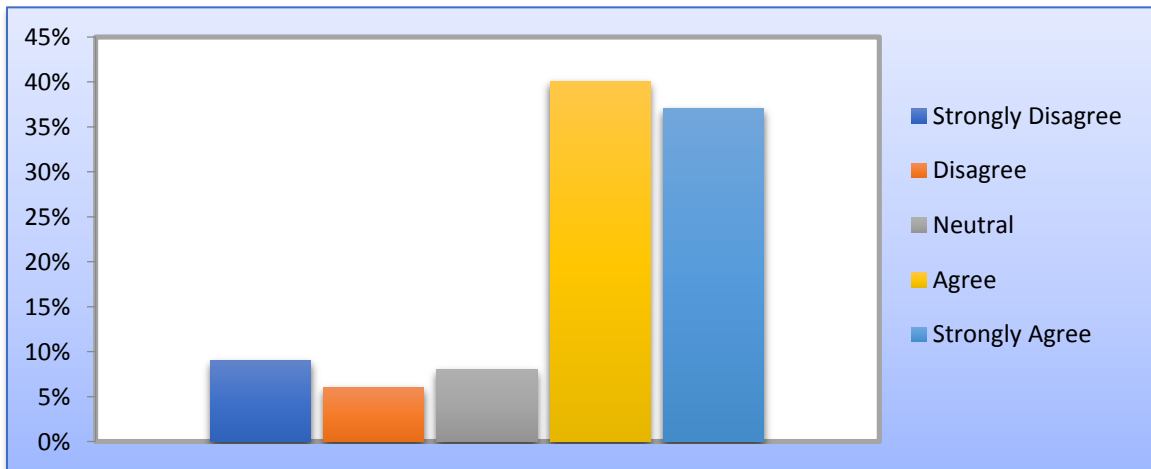


**Figure 2: Corruption and Rent Seeking Behavior**  
(Source: Own Survey Data, 2018)

**Corruption and Rent Seeking Behavior**

As indicated in the Figure 2, 88% of the respondents rated corruption and rent-seeking behavior as a challenge to good governance in land administration. The zone compliant hearing official also noted that corruption in terms of nepotism at the *Woreda* level

was widely expanded and showed an increasing trend. The *Woreda* land desk argued that, farmers have frequently replaced corrupt officials from their position. However, the newly appointed officials did the same thing due to ineffective way of tackling corruption and rent seeking.



**(Figure 3: Lack of Commitment of land Administration Officials**  
(Source: Own Survey Data, 2018)





### Lack of Commitment of land Administration Officials

As stated in the Figure 3, 77% of the farmers responded that lack of commitment of land administration officials to further good governance has become a setback to land administration. In this line, the key informant interview of the land

administration committees of the *Tabias* claimed that lack of commitment from the officials at different levels of land administration office limits effective land governance in land administration. As to the focus group discussants, lack of commitment is a threat for the proper function of the land administration office.

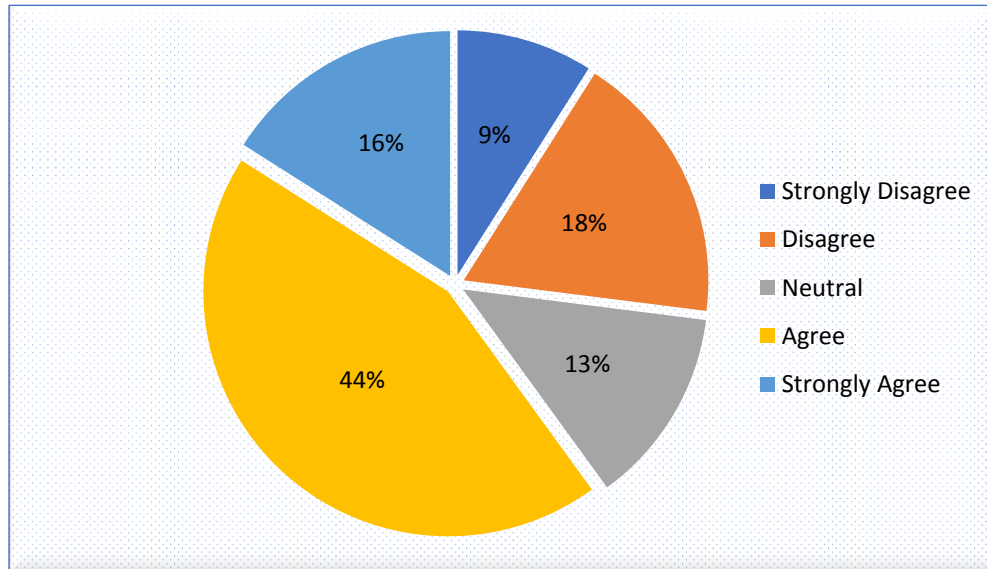


Figure 4: Lack of Qualified Human Power in Rural Land Administration Office  
(Source: Own Survey Data, 2018)

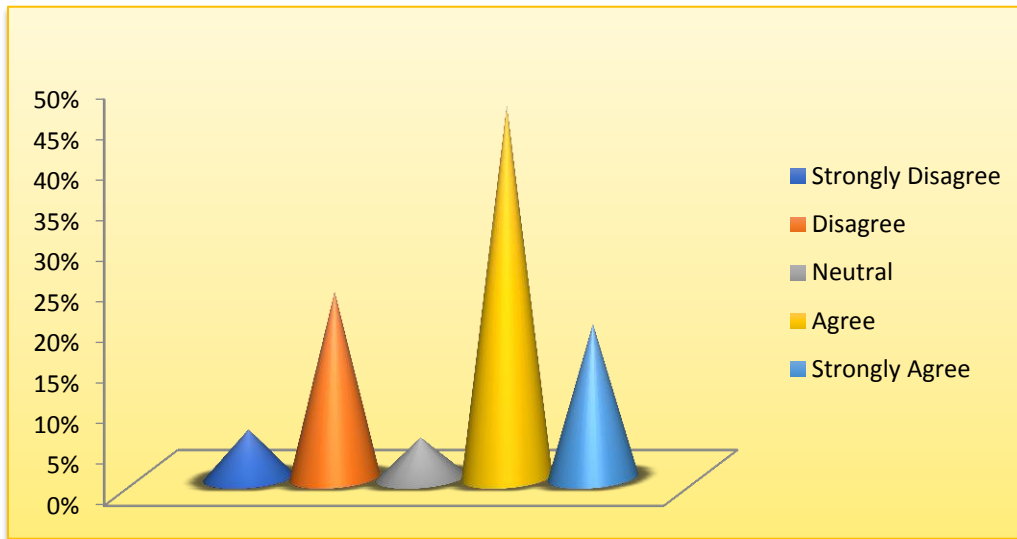
### Lack of Qualified Human Power in Rural Land Administration Office

The Figure 4 shows that lack of qualified staff as rated by the 60% of the respondents raised a hike in land administration system. In similar vein, the key informants of the land tribunals and *Kushet*, *Tabia* and *Woreda* land administration officials revealed that the farmers do not have adequate knowhow about the policies, laws, and proclamations of land. Besides, land administration officials at the *Tabia* and *Kushet* lacked the necessary skills to run the rural land administration.

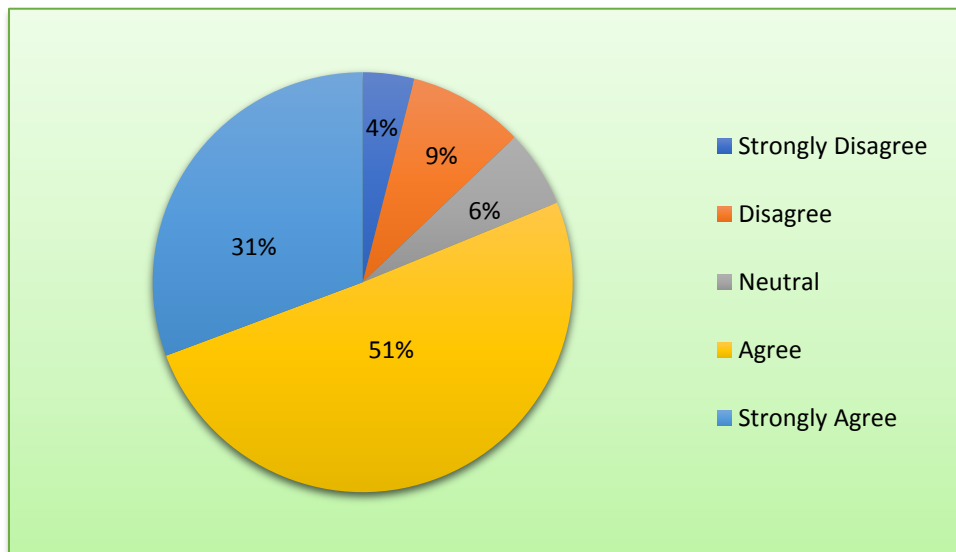
### Lack of clarity in Land Allocation in Rural Land Administration

As shown in the Figure 5, 46% and 19% of the participants agree and strongly agree respectively that the land allocation and valuation is not clear and distribution system is vague. Though, the key informants of the land tribunals stated that sometimes training was given to the *Tabia* and *Kushet* land administration committees to tackle this problem, still the land allocation and valuation problems have remained unsolved.





**Figure 5: Lack of clarity in Land Allocation in Rural Land Administration**  
Source: Own Survey Data, 2018



**Figure 6: Lack of Implementing the Ethical Code of Conduct in Rural land Administration Office**  
Source: Own Survey Data, 2018



### Lack of Implementing the Ethical Code of Conduct in Rural land Administration

About 82 % of the farmers replied that the land administration officials usually give lip service to the practice of the ethical code of conduct. Land administrators observe very little practice of ethical code of conduct as 51% of the respondents responded agree, and 31% of the respondents replied strongly agree. The focus group participants also replied that, the implementation gap is downed by low commitment of leadership, low capacity, and

corruption. According to the *Woreda* land desks, the main challenges to effective practice of code of conduct in the public service are weakness in leadership, lack of knowledge of the code of conduct, weak enforcement, difficulty of comprehending and applying the law of the ethical codes. Corrective activities suggested by the focus group discussants to improve effective practices of code of conduct were rigorously applying the reward and punishment system on the behavior of land administration officials particularly at the *Tabia* and *Kushet* level.

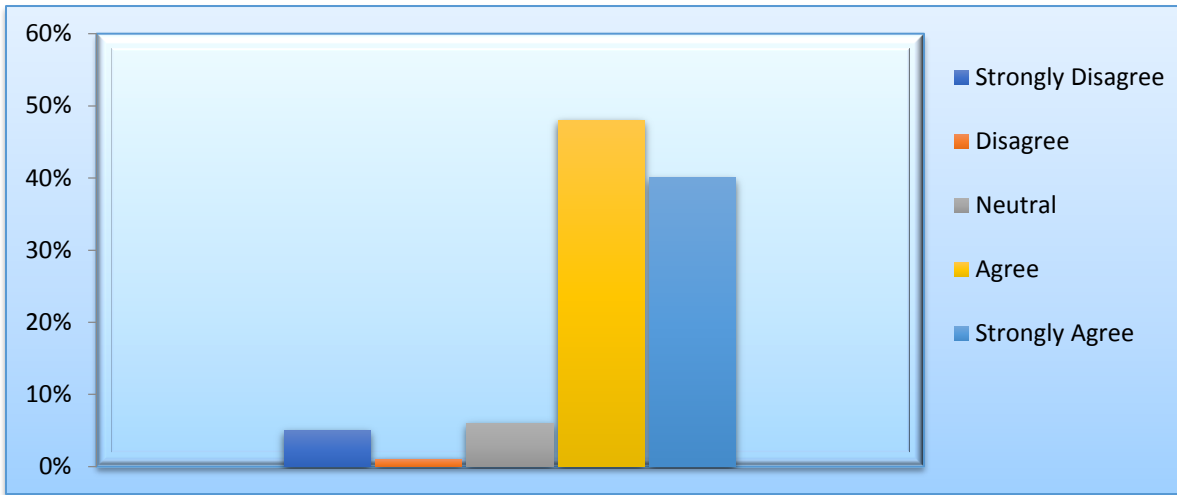


Figure 7: Lack of Effective Complaint Hearing Mechanisms in Rural land Administration  
Source: Own Survey Data, 2018

### Lack of Effective Complaint Hearing Mechanisms in Rural land Administration

As indicated in the figure 7, 88% of the farmers stated that lack of effective complaint hearing mechanisms hindered good governance practice in land administration. They also noted the existence of corrupted and ineffective compliant hearing mechanisms. The Zone compliant hearing officer also verified that, though the farmers were participated in

the process of electing and disposing land administration officials at *Kushet* level, good governance in the rural land administration is generally found to be low. Supporting this idea, the *Woreda* land desks stated that, the farmers have tried to possess land unlawfully by violating the established rules and regulations of the land administration.





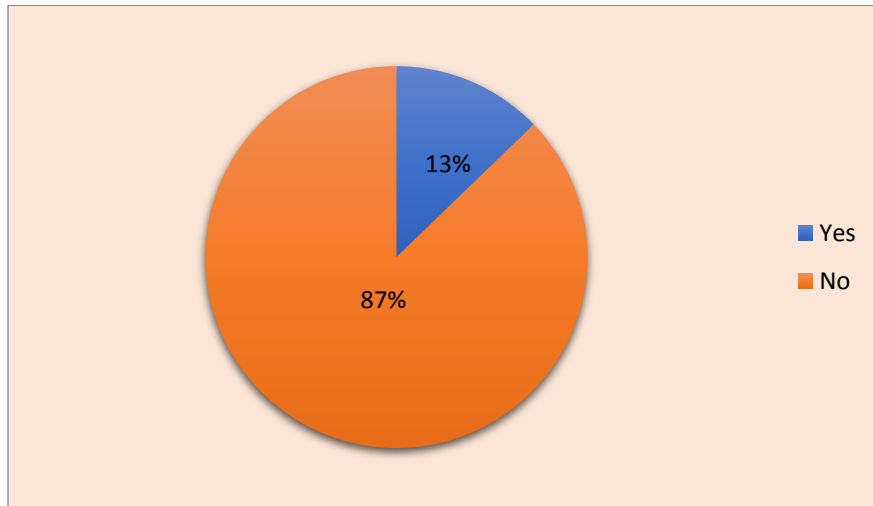


Figure 8. Suitability of the land proclamation, laws and regulations  
(Source: Own Survey Data, 2018)

### Suitability of the Land Policy and Land Proclamation in Land Administration

As it is shown in the figure 8, the majority (87%) of the respondents responded that, the land related policies and proclamations were not suitable for ensuring good land governance. Land proclamations, laws and regulations were not suitable for ensuring good land governance.

### DISCUSSION

This study revealed that the challenges of implementing good governance in rural land administration were corruption, absence of transparency, inefficiency, ineffectiveness, and absence of responsiveness.

With respect to this, the farmers, the zone compliant hearing officials and *Woreda* land desk argued that corruption and rent-seeking behavior as a challenge to good governance in rural land administration. This has negatively influenced the proper service delivery in the land administration institutions, and

undermined officials - farmers' relations. The low salary of the land administration committees and land tribunals at the *Kushet* and *Tabia* dragged them in to corrupt activities. In similar line, FAO (2007) argued that corruption such as bribery, fraud, nepotism and favoritism in rural land administration is aroused due to inconsistent and inappropriate policies and strategies, unclear, overlapping mandates and inadequate information. Therefore, lack of rewards systems invited land administration officials to participate in corruption and rent seeking activities. The rural land administration committees, land tribunals and land desks received additional benefit from the farmers for delivering services. Instead of lay open the corrupt officials, the farmers are paying bribes to them. The absence of financial resource allocation to the land administration offices at the *Tabia* and *Kushet* level that are in charge of overseeing the land deals that forced them to corruption and rent-seeking behavior.

The second main challenge according to the farmers, *Tabia* land administration committees, and focus



group discussants were lack of commitment of land administration officials. Lack of commitment from the officials at different levels of land administration office limited effective land governance in land administration. As a result, the farmers have the tendency to obtain land in illegal means violating the established rules and regulations of the land administration. Public participation in improving governance in the land sector is low due to low level of awareness creation training given by the land administration officials. In relation to this, Dinka-Tessema *et al* (2016) stated that, in Ethiopia, transparency and responsiveness in rural land administration were found dissatisfactory. This is resulted from the low stakeholders' coordination and absence of proper commitment of land administration officials ranged from *Kushet* to *Woreda* level. Land administrators and land tribunals situated at *tabia* and *Kushet* level have no salary and incentives, which in turn reduced the commitment of the unpaid officials in their work.

The farmers, *Tabia* land tribunals and *Kushet*, *Tabia* and *Woreda* land administration officials revealed that lack of qualified human power in rural land administration office were a challenge that hinders good land governance. Bell (2008) and FAO (2007) argued that officials who run the land administration have a poor understanding of the land proclamation, which in turn made them unable to easily solve land disputes. Hence, land administration officials have a capacity gap in running diverse tasks under the authority of decentralized land governance. The officials at the *Kushet* and *Tabia* level are not qualified in running land registration, cadastral surveying and mapping, fiscal, legal, multipurpose cadasters and land information systems.

The study also claimed that lack of clarity in land allocation in rural land administration is common in rural land administration in Eastern Zone of *Tigray Woredas*. Absence of synchronization of stockholders has contributed to this mal-functioning. In relation to this, Dinka-Tessema *et al* (2016) stated that the coexistence of different laws and institutions

at federal and regional levels with unclear responsibilities and allocation and valuation of land fueled much further the complexity of laws in land administration. Thus, implementation gap where the Federal and Regional Land proclamation largely remained unpracticed is also a contributing factor to the existence of this problem. The land sector suffered from overlapping mandates, and there was lack of clarity about the relationships amongst the different levels of land administration officials, as well as between state agencies and customary institutions.

The study further indicated that lack of implementing the ethical codes of conduct were common challenge in rural land administration. Land administrators observed very little practice of ethical code of conduct. From this, it can be inferred that most officials in the land administration paid only little attention to the issues of standard of behavior and are not committed to the effective implementation of ethical code of conduct. This implementation gap is downed by low commitment of leadership, low capacity, and corruption. Land administration officials at different levels were not transparent, responsive, and accountable to their action. The main challenges to effective practice of code of conduct in the public service are weakness in leadership, lack of knowledge of the code of conduct, weak enforcement, difficulty of comprehending and applying the law of the ethical codes. Moreover, ineffective reward and punishment system, weak supervision and monitoring and undue farmers' pressure on land administration officials are other obstacles. The formal ethical codes of conduct and its enforcement were found weak and the institution in charge of monitoring land transactions does not have enough staff.

The study found that, lack of effective complaint hearing mechanisms hindered good governance practice in rural land administration. There is a low participation of the local people in rural land administration processes, and their complaints received no responses and they had no say in land



administration plans. The participation of the community is insignificant for improving the atmosphere of governance. The officials have not been serving individuals who present their dissatisfaction and complaints in proper way and on time, and prioritizing self-benefit by land administration officials are very common. Kumera-Kanea (2006) argued that, compliant and grievance handling offices facilitate timely response to farmers and safeguarding better land administration but they are danger if their handling mechanisms are affected by political intervention. Hence, with a view to tackling the challenges in service delivery process, the *Woredas* understudy have received different grievance and complains. Though the farmers in the study *Woredas* have different complaints on the process of land allocation/distribution, land disputes and land valuation, the handling mechanisms for their complaints is not satisfactory. The farmers have the right to rise any complain of the land administration system in the *Kushet* land administration office and even have the right to appeal to the *Tabia* land committee and to *Woreda* land desk but the answer for their complaint is highly affected by political intervention.

Generally, the farmers claimed that there is lack of good governance in land administration. The issue of land is not discussed with the farmers though they have an interest to participate, but the administrators only take the task of handling land matters. This has heavily negatively affected the life of the farmers.

The *Woreda* rural land was a source of bad governance. Understanding this, corruption and bad governance is rampant in rural land administration. In order to improve those problems, the *Woreda* is striving by creating awareness, enhancing the ability of the land administration officials, informing, and training the farmers about land proclamations, rules, and regulations and building the developmental agents. But, still there is a big problem in sustaining good land governance.

In its GTP II, the federal government of Ethiopia gives due attention to the principles of transparency, responsiveness and accountability over all public institutions and public enterprises. Moreover, good governance is aimed at enhancing transparency and accountability thereby combating corruption and bringing development (MOFED, 2015). Despite this, there is poor rural land administration practice that practically has negative impacts on the farmers overall social, economic, cultural and political development. The farmers are not satisfied with the existing land administration system. Lack of good governance accentuated corruption and reduced the standardization of service delivery. If the affected farmers are unable to receive the information about related policy or planning, they did not get an opportunity to negotiate with the government body and not involve in the process of decision-making and implementation to defend their right. This with no doubt led in to corruption and bad governance in land administration.

As long as the suitability of the land policy and land proclamation in land administration is concerned, the study found that the land related policies and proclamations are not suitable for ensuring good land governance. In July 2005, the Federal government endorsed the Federal Rural Land Administration and Use Proclamation (No. 456/2005), which stated possession of rural land by the state, but conferred unlimited land rights, rights to property produced on the land, rights to land transfer, rights to rent out land, and lease rights to land users for investments. The law endorsed provision for the registration and accreditation of land rights. This proclamation has provisions showing that there will be no further tenure reallocation, except under exceptional situations. Regional states have also ratified legislations to reinforce tenure security, demonstrated after the national law. In addition, Tigray National Regional State has endorsed the proclamation No 130/2007 with the main purpose of ensuring good land governance by establishing land institutions up to the lowest administrative level, which is *Kushet*. However, farmers, land administration committees





and land tribunals opposed the Tigray land proclamation No 15/2001/02 that declares all individuals who reached 18 and above to have the same chance to get land through the lottery system. This has added fuel to the existing discontent of the community on the poor land administration. In this regard, focus group discussants also argued that land distribution reallocation to be age based than giving equal chance. The farmers are not happy with the existing land allocation system. In relation to this, Dinka-Tessema *et al.* (2016) in his study revealed that Ethiopia's weak monitoring and evaluation system, low implementation capacity, low coordination among stakeholders, and co-existence of multiple laws worsened the situation. Though the regional government is striving to ensure good land governance by improving the institutions of land administration, land proclamation, and regulations are not suitable to ensure good governance in the study area. Rural land administration committees have the responsibility of awareness creation to the people and delivering administration solution on the issues of land administration and land use. In practice, they are not apparent and farmers' interests over land matters are compromised due to the absence of administration solutions.

### Conclusion

The study found that corruption and rent seeking, incompetency of land administrators at local level, lack of competent leadership, lack of implementing ethical codes, and ineffective complaint hearing mechanisms were the main challenges of good land governance. Moreover, low capacity related to technical and human resources, low commitment from the side of officials, corruptors, lack of motivation for the officials and unfair treatment of farmers by the officials are the main challenges for improved good land governance. The land administration officials were not apparent, responsive, and accountable and then the farmers' interest was downsized. It further revealed that, land laws such as the Tigray land proclamation No 15/2001/02 was not suitable to promote good

governance in rural land administration. This is because this land law in the case of age based is not in favor of the need of the farmers who favored household number based land allocation.

### Recommendation

The principles of good governance implementation in rural land administration and farmers satisfaction on land use and land distribution is not as much as required. Hence, the *Woreda* land desk, *Tabia* and *Kushet* land administration committee, and *Tabia* land tribunals should follow the principle of good governance in running the day-to-day activities.

The *Woreda* land desk should reduce corruption and rent seeking by awaking the farmers to say no to corruption and rent seeking behaviors of land administration officials. It should also rectify the incompetency of land administrators at local level by delivering on job and off job training to produce competent leadership and effective complaint hearing officials.

The Tigray land proclamation No 15/2001/02 is unsuitable in promoting good governance in rural land administration. Thus, the Tigray regional state rural land administration bureau through its council should revise this proclamation that dictates age based land allocation to family number based allocation in order to assure the need of the farmers. Moreover, the land law should be made apparent to the farmers and to the land administration officials through measures that enhance knowhow on land laws such as training and capacity building efforts.

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