

Housing Tenure in Ethiopia, Empirical Study on Private Residential Tenancy in Bahir Dar City

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SUMMARY

This paper presents about housing tenures in Ethiopia, existing challenges and the rationale for government involvement in private residential tenancy. To have a decent place to live is the fundamental core element of individual's human right. Due to its crucial importance for a dignified human existence, the right to housing is expressly recognized in various international, regional and domestic legislations. Accordingly the FDRE Constitution has also given unequivocal recognition for individual right to housing. It is argued in this paper that since the private rental sector is the major housing tenure in Ethiopia, the government is suppose to involve effectively in creating a conducive conditions through enacting laws, establishing institutions etc with the purpose of balancing the bargaining power of the land lord and the tenant and enforcing their respective right and duties. Nonetheless, the existing practical scenario shows the government is failing of its responsibility interms of engaging itself in the private rental housing tenure.

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1. INTRODUCTIONS

Getting a decent place to live is one of those basic necessities for a dignified human existence. Due to its crucial nature and as a foundation for the realization of other fundamental human rights it is recognized both under international multi-lateral conventions and national legislations. However, the attempt to bring the right into reality may not be that simple and it may require the involvement of those directly concerned individuals through building their own dwelling house, the government through building low cost houses and regulating other housing tenure, real estate companies or associations and private land lords. Nonetheless mainly due to financial constraints especially in developing countries individuals may not be in a position of building their own houses consequently they may ultimately depend on other tenure types mainly on governmental and private rental sectors.

Under the Ethiopian context especially in relation to the private rental sector we have gone through different approaches in the past three regimes including the present ruling authority. During the reign of Emperor Haile Sellasie there was an absolute free market approach with a trivial government involvement in the housing sector and a few individuals got the opportunity to own and rent residential houses. However, during the Dergue regime the country was travelling in a completely different path with the guidance of the socialist ideology. Accordingly the government had issued Proc.No.47/1975 by which all extra-urban houses were confiscated and the private rental sector was entirely abolished under the guise of benefiting the public. Throughout its ruling days and until the government reached at the virtue of collapse the rental tenure was wholly controlled by the public sector. Nonetheless, after the socialist government was overthrown, the victorious party or currently existing government has almost reinstated the previously existed free market approach in the private rental sector and promised to issue relevant legislations to regulate the private rental housing tenure.

The government with the aim of fulfilling its promise and obeying its international obligations as a signatory party to the Universal Declaration of Human Rights and the International Covenant on Social, Economic and Cultural Rights (ICSECR) among others, as part of its housing policies and strategies need to come up with specifically designed legislations and institutions with the purpose of enforcing individuals adequate housing rights. In fact in view of the spirit of ICSECR the issue of housing is included under Article 91 of the FDRE

Constitution by which the government declares its commitment based on the available resources to fulfill the need of residential houses of its citizens. Accordingly the right to housing as part of the State duty to build residential house is basically regarded as a progressively realizable right depending up on the economic capability of the State. Nonetheless, despite the existence of economic constraints, all State parties have also assumed the duty to take immediate actions. Among others they are required to tackle any kinds of violation of the right to housing either by their own agencies or private land lords. Such duties of States basically demands the existence well organized and committed institutions and clearly stipulated legislations that will properly regulates the relationships between tenants and land lords.

Therefore, as the primary targets of this research an attempt will be made to identify the existing governmental institutions and governing legislations and whenever necessary the contents and approaches of these domestic institutions and laws will be analyzed in light of the experiences of other countries. As part of its main focus through firsthand information that will be collected from land lords and tenants the researcher will also try to show what the existing relationship between these concerned parties look like. Thus, since there are no sufficient researches conducted on the area of private rental sector especially in Bahir Dar Town and as it is the neglected tenure type in Ethiopia, it is the believes of the researcher that up on the accomplishments of the study besides initiating other researchers to conduct very detailed researches, it will create awareness on the part of land lords and tenants in relation to their specific rights and responsibilities in connection with their tenancy contract. It will also disclose basic facts which will necessitate government involvement in the private rental sector and the identification of those matters which require government intervention will also help those concerned agencies to smoothly involve and regulate this housing sector if they wish to do so.

2. GENERAL OVERVIEW OF BAHIR DAR CITY

The Federal Democratic Republic of Ethiopia (FDRE) is constituted of nine Regional States including the capital city of Addis Ababa as the sit of the Federal Government, (Article 47 of the FDRE Constitution) and the city of Dire Dawa which is under the care of the central government and its administration is directly accountable to the Ministry of Federal Affairs. (Asnake K. and Hussien J., 2007, P.84)

The Amhara National Regional State (ANRS) is one of the autonomous regions with its own law making, executive and judicial power as per the Federal Constitution as its foundation and the Regional Constitution in particular. (Article 46 of Proclamation No.59/2001)

The region covers the total areas of 157,076.74 square Kilo meter and it is divided into ten administrative zones and one special 'woreda'. These zones are generally divided into 128 'woredas', 22 city administration and 3,232 'kebeles'. (Beyene M. 2008, P.) Bahir Dar is the

capital city of Amahara National Regional State and it is also serving as the administrative centre both for its surrounding areas and West Gojjam administration Zone. It is located in the north- western part of the country at the road distance of 565 kilo meter from the capital city. The astronomical location of the town is 11^o36' north latitude and 37^o 25 East longitude and it is also lies on a flat topography with an average altitude of 1802 meters above sea levels and the average annual rain fall is 1393.7mm with a minimum and maximum average temperature of 10^oc and 23.3^o c respectively. (Gebeyaw W. 2003, P.24)

The problem of housing in Bahir Dar city is so feasible despite the fact that 679 hectare of land is occupied only for residential purpose which is the largest land use category in the city. (Executive Summary, 2006, P.36) In the existing situation there are four types of residential land use categories, the first type is pure residential land use category which takes the lion share of the area used for residence purpose, the second type is a mixed type residential land use category that is mainly found in the city centre and on both sides of the main roads, the third type is the informal settlement which is found in different parts of the urban periphery ,which is developed in violation of the previous master plan and the last residential land use category is covered by special housing type ,which are owned by different institutions including the Regional State. (Executive Summary 2006, P.36) Thus currently despite huge number of plots of land are occupied for this purposes in the town there are obvious manifestation as to the lack of adequate number of residential houses.

Thus after having a brief overview of the study area, in the following sub-sections as the main theme of this paper, the writer will analyze the data collected from land lords and tenants who are residing in Bahir Dar city of different 'Kebeles' and show their reflections on the respective rights and duties of those concerned parties in the private rental tenure and whether there will be a need for government involvement in this tenure system or not. More over under the proceeding sub-sections in addition to those basic issues which are in one way or another correlated with the issues of housing, the opinions of land lords and tenants towards the existing government institutions will also be discussed and analyzed.

3. SOME CONCEPTS IN RELATION TO RESIDENTIAL TENANCY

3.1. Urbanization in General

In demand and supply of housing many factors will have their own impact in different part of the world even though the extent and degree of their influence varies from one place to another. One of the most important factors which impose a stronger impact on housing needs is Urbanization.” Urbanization is normally understood as a demographical process of shifting the balance of national population from rural to urban areas”. (Jenkin P., Smith H. and Wang P.Y. 2007, P. 9) Accordingly this process of urbanization which is shifting inhabitants from

rural to urban areas implies that their livelihood will be dependent on non- agricultural activities.

It is suggested that there are various causes which directly attributed for urban population expansion. Mainly rural-urban migration and natural growth have been regarded as the two important components of urban population growth. (Jenkin P., Smith H. and Wang P.Y. 2007, P.20) However, those reasons which make rural residents to migrate to urban centres could be generally classified as pulling and pushing factors. Accordingly, pushing factors are those reasons which force rural resident to leave their home and decide to live in urban areas. These factors may encompass land scarcity due to increasing population or lack of unfavourable land tenure system, agricultural production stagnation, poverty, environmental crisis and consequent famine. (Gebeyaw W. 2003, P. 19) All these factors are basically detrimental in their nature which pose danger on the life or health of rural residents and render them out of choice but to leave somewhere or in the nearby town in order to sustain their life. However, there are also pulling factors which basically attract rural residents and ultimately increase urban populations. The urban pull factors are generally include the desire for modern education, health and other services, improved living standards. And of course the expectation of earning higher income is also one of the primary motivating factor that makes rural residents to migrate to the cities and nearby towns. (Gebeyaw W. 2003, P. 19)

Nonetheless, whenever the urban population increases dramatically be it due to pulling or pushing factor, the cities or town especially in developing regions containing the largest population, might be incapable or unable to accommodate and provide necessary physical and social infrastructures including shelter. (Gebeyaw W. 2003, P. 19)Therefore, the increments of urban population due to natural growth of urban residents and rural to urban migration will impose a huge burden on those towns and cities which are not ready to provide the aspired higher standard of living, shelter and well paid works. Without any doubt these phenomena will also exacerbate the existing critical shortage of basic needs like housing.

3.2. Urbanization in Ethiopia and its Impact on Housing Needs

It is also indispensable to have a brief overview on the Ethiopian urbanization development, rate and its impact on housing needs. But before dealing with the level and rate of urbanization, it is indispensable to have a brief look on some aspects of historical development of towns and cities in Ethiopia.

The development of towns in Ethiopia has gone through a different track than most of the African Countries and even more unlike than the West African countries. This is basically attributable to the fact that Ethiopia has remained isolated from the rest of the world for many centuries which ultimately left out the cities out of touch with the rest of the world. Gebeyaw W.,2003, P.20)Besides its detachment from the outside world other factors have also contributed for the non-existence of well organized and developed cities among others,

internal political conditions mainly manifested by serious wars among tribes and nationalities which may keep on for a long time, the rugged topography which created obstacles to communication hindering easy contacts between people leads to regional isolations and the continuous struggle to keep out foreign intruder has also played its part. (Gebeyaw W.2003, P.20)

The historical development of towns in Ethiopia indicates that there was actually a system of towns however, its structures and mode of development was different from the features and characteristics of currently existing towns. Depending on the then existing system of governance the traditional towns were primarily feudal settlements with in the Feudal State of whose social, political structures and economical organizations are fundamentally different from the existing towns. (Gebeyaw W.2003, P.20) In fact the earliest developments of town in Ethiopia unlike the Western countries were basically influenced by political than economic factors which eventually became consumers rather than producers and their contribution for the general economic development of the country were too insignificant. (Gebeyaw W., 2003,.P.21)Nonetheless the rate and level of growth of Ethiopian Towns were considerably changed during the 20th century due to the political and administrative development within the Empire of Ethiopia, and of course the main credit for such development is given for Emperor Menilik II who attempted to unify the country at least geographically and create a permanent seat for himself and his governance in the present capital city of Addis Ababa.

Alike any least developed country the increments of population in Ethiopian towns has also been directly linked to the high rate of natural increase and rural-urban migration. This highly accelerated urban growth rate is naturally being reflected in the rapid territorial expansion of existing urban centres towards the peripheral semi- urban area as well as in the emergence of new towns. (Solomon M.(Dr.) and Ruth M.L.,2004, P.7)The absence of strict population policy on the part of the government to control an alarmingly increasing number of population coupled with the attitude of the society of considering children as a blessing from God, will make the natural increase as main contributing factors for the urban population to boost in Ethiopia. Whereas the rural–urban migration is more or less alike other countries it is influenced by the rural push and urban pull factors. The rural push factors in Ethiopia are basically attached to man-made and natural disasters like land scarcity and fragmentation, natural increase of population, the reduction in productivity of land and labour due to improper farming practice and environmental degradation and continuously existing poverty and famine. (Gebeyaw W., 2003, P.23)

Even though the country is known by the low level urban residents, its cities and towns including Bahir Dar are currently encountering a plethora of problems including acute and ever worsening housing shortage, insufficient solid and liquid waste management, serious shortage of potable water, growing number of unemployment and poverty....etc. (Solomon M.(Dr.) and Ruth M.L., 2004, P.7)Based on all these facts it is possible to assert that due to

the increment on the level and rate of urban residents the government and other concerned parties must try to fulfil all the necessary infrastructures especially the housing sectors in order to avoid any possible problems of overcrowding or informal settlements and worse homelessness

3.3. International Instrument on Housing Rights

The general concept of right is not something that can easily be defined and illustrated by simple examples. This is due to the fact that there is a different conception of their constitutive elements and in some cases what is regarded as a right in some part of the world might not be regarded as a right at all in other part. But generally the socio-economic rights are understood as those kinds of rights which give people access to certain basic needs necessary for human being to lead a dignified life. (Dejene G., 2007, P.14) These kinds of rights are manifested by their role in terms of providing unequivocal recognition for individual to get food, shelter, water and health care services. Accordingly based on the broader pictures of the socio-economic rights, the right to housing can be understood as the right to get or access to housing without being restricted to a roof over one's own head, rather it is the right to live somewhere decent which at least fulfil basic sanitation. (Dejene G., 2007, P.14)

Therefore, as a fundamental right, to have a place to live or to establish one's own personal habitat in a certain community with a decent and dignified way of life shall not for any reason be regarded as a luxury or a privilege nor shall it be left only for those who are economically capable of building their own houses. (The United Nations Housing Rights Programme, 2003, P.17) Rather the indispensable importance of housing for personal security, privacy, health, integrity, protection from different challenges and the needs of maintaining different positive attributes of shared humanity irrespective of one's economic status has necessitated the international community to recognize adequate housing as basic and fundamental human rights. (The United Nations Housing Rights Programme, 2003, P.17)

As a manifestation of the international community's commitment for its enforcement, the right to adequate housing is enshrined in a number of international human right instruments. In fact the right to housing in the field of human rights is not a recent development rather it was regarded a long time ago as an essential attributes for ensuring the wellbeing and dignity of human beings. The rights to get access to housing is normally regarded as an integral part of the whole of human right in general, and it has been either explicitly or impliedly included in most authoritative international and regional multi-lateral treaties regarding human rights. (UN-Habitat, 2003, P. 2)

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 the right to adequate housing has been reaffirmed and explicitly recognized in a wide range of international human right instrument and create a legally binding obligation upon States

parties to which became part of these instruments through the ratification or accession process. (The United Nations Housing Rights Programme, 2003, P.18) Nonetheless, this does not mean that its effect is limited only on these States; rather the binding effects of its provisions are also extended on none-signatory parties as well. This is because there is a tendency to regard the ideas incorporated under UDHR which constituted the basic ideas of right to housing as they are transformed into customary international law, and thus it will be applicable on every States regardless of their signatory status. (The United Nations Housing Rights Programme, 2003, P.18) Moreover, with respect to right to housing, among all international agreements, International Covenant on Economic, Social and Cultural Right (ICESCR) is regarded as the most important international multi-lateral treaty on which 145 States are bound by its provisions.

Before resorting to the specific duties of signatory parties it will be appropriate to have a look at some of the provisions regarding housing rights included on some important conventions and covenants. This is mainly because these conventions may have the purpose of forwarding guidelines, setting standards and enabling third world countries to aspire something more than what they already have.

The UDHR has expressly recognized the right to housing under Art. 25 as:-

“Everyone has the right to standard of living adequate to health and well-beings of himself (herself) and of his (her) family, including food, clothing, housing and medical care and necessary social services” (Emphasis added)

According to this particular provision member State as part of their obligations which they have assumed by being a signatory States, or since the concept under the UDHR has grown into international customary law none-member States as well, are require to assure the attainment and fulfilment of these basic needs for their citizens.

Moreover a detailed and more elaborative provision regarding housing rights has also been included under ICESCR of Art 11(1), which states that,

“The State parties to the(ICESCR) recognizes the right of every one to an adequate of living for himself (herself) and for his (her) family , including adequate food , clothing and housing , and to the continuous improvements of living conditions. The State parties will take appropriate steps to ensure the realization of these rights, recognizing to this effect the essential importance of international co-operation based on free consent.(Emphasis added).

Unlike the UDHR which expressly declare that everyone is entitled to the rights to housing and take an implied assumption of State obligation in the realization of such right, ICESCR has clearly stipulated the State parties' obligation that they must take appropriate measures for the realization of these rights and to carry out their international obligations. Therefore, according to this Convention State parties are not only encouraged but they are also required to take all necessary measures towards the fulfilment of their obligations. Moreover, since in some cases the State parties may not have the required technical and financial capability to carry out their obligation the need of international co-operation has also been indicated as a way to realize the fulfilment these basic human needs. Thus any country, with a better financial and technical capacity as a way of manifesting their solidarity to the international community and sharing the pain and difficulties of others they, shall take part even if it is a single drop so long as it has a positive contribution in the realization of the right.

Moreover, in addition to these well known international conventions, there are also other international human right instruments which provide express recognizance to housing rights. Among these instruments, the International Convention on the Elimination of all form of Racial Discrimination of Art.5(e)(iii) in compliance with the fundamental obligations of State parties laid down in Art.2 of this convention, the State parties are required to under take all necessary measure to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of every one , without discrimination as to race, colour, national or ethical origin to equality before the law and mainly in the enjoyment of the right of housing as it indicated under sub-article e (iii). Accordingly if any State happens to be a signatory party of this convention it is normally expected and as per the convention is obliged to forbid any kinds of discrimination before their happening and if there is any kinds of discrimination of whatsoever it is required to take all necessary measures to eliminate and expressly outlaw these discriminations.

The International Convention on the Elimination of All forms of discrimination against women has also stipulated under Art.14 (2)(h) that the State parties are require to eliminate all kinds of discrimination against women based on their gender and ensure their enjoyment of adequate living condition particularly in relation to housing, sanitation, electricity etc. Moreover, Art. 27(3) of the Convention on the Right of Children states that signatory parties taking into account their own technical and financial capability must provide all necessary material supports for the parents or anyone who is responsible for the child to fulfil adequate shelter.

Based upon the above stated provisions of different conventions it is possible to conclude that the right to housing is a fundamental human right whose realization requires more efforts both from each and every government and co-operation from the international community because its fulfilment will have a great contribution for the enforcement of other basic rights which will be dealt in the subsequent parts.

According to the Habitat agenda the parties' obligation to respect requires all State parties and their ministries, including all levels of public authority to refrain from carrying out or aiding in any ways or tolerating any practice or policy which may have a determinant effect on individuals' housing rights or diminish their legal status and render them incapable to enforce their right. (The United Nations Housing Rights Programme, 2003, P.27)

Whereas, the obligation to protect housing right has imposed very serious responsibilities on States to take all necessary positive action in order to tackle any possible violation of housing rights. Accordingly the agenda stipulates that:- (The United Nations Housing Rights Programme, 2003, P.27)

“ ...housing right commits the States and its agents to prevent the violation of any individual's right to housing –by not only the State itself , but also individuals, private entities, and other non State actors .Holder of housing right must therefore ,be protected from abuse by land lords, property developers ,land owners or any third party capable of abusing these rights .Where such infringement do occurs public authority should act to preclude further deprivation as well as guaranteeing access to redress including legal and equitable remedies for any infringement caused .Effective measures protecting persons from forced eviction, racial or other form of discrimination, harassment, withdrawal of service or other threats must be established”

According to the above quoted paragraph State parties are required to eliminate all kinds of violations on individual housing rights irrespective of the fact that the infringement arose due to the acts of governmental authorities or private landlords or any other person who is in a position of breaching this fundamental right. Therefore, the authorities besides being directly involving in the protection of individual right against any possible violations, they are also expected to establish all necessary mechanisms and institutions which will enable all aggrieved parties to bring their claim in order to get possible redresses.

The last State obligation according to the Habitat agenda is the duty to fulfil which encompasses the obligation to facilitate the enforcement of housing rights through promulgating different legislation which gives due recognizance for the full and progressive realization of the right and the obligation to provide an adequate shelter for those who cannot afford to build their own home.

4. GENERAL OVERVIEW ON ETHIOPIAN HOUSING POLICY

“Housing which constitutes a living space with physical structure and basic infrastructure facilities is not only one of the basic necessities but also a right for human being survival”. (www.lth.se/fileadmin/hdm/alumni/papers/sdd2006-12.pdf)

Therefore, for the fulfilment of this absolute necessity there is always an indispensable need from the concerned governmental authorities to take appropriate measures. These measures could be manifested through providing due and express recognition under domestic legislations and issuing relevant and feasible strategies and policies which will be used as a tool for its full realization.

Accordingly, the Ethiopian housing sector has gone through various up and downs for more than thirty years and such experience can be used as an important input for any kinds of attempt in drafting and implementing feasible and comprehensive housing policy. (Esayas A. P.3) Generally the Ethiopian housing policy can be classified and dealt under three eras, i.e. pre-1975 revolution, during the Derg regime (socialist regime), and the current situation.

The housing provisions in the pre-1975 was characterised as one operating on the free market principle, accordingly landlords were constructing residential houses for tenants and leasing urban land without any kinds of restriction and there was also no limitations imposed by the government on the buying and selling of houses. (Tegegne G/E and Daniel S., 1997, P.117) Even though at the very beginning the then government had no interest of issuing policies and regulating housing sector there was a need for the government to intervene specially in the housing sphere for low income groups this is due to the fact that the existed private rental sector were mainly providing residential houses for medium and high income groups. (Tegegne G/E and Daniel S., 1997, P.117)

This can be best exemplified by the situation existed in Addis Ababa around the year of 1960s. During this period it was estimated that only five percent of its inhabitants owned about 95 percent of the city urban land and 55 percent of the houses in the city were rental houses. (Tegegne G/E and Daniel S., 1997, P.117) Ultimately since there was no national or municipal authority which was able to control the increment in land price or prevent growing speculation, the urban land price increased tremendously which in one way or another forced the majority of urban dwellers to live in a highly crowded place which was built and owned by few land lords. (Tegegne G/E and Daniel S., 1997, P.117)

However, after the over throw of the Imperial dynasty the military regime has come up with subsequent legislations in conformity with its socialist ideology. The legislations and policies

adopted by the Derg regime are generally categorized into implicit housing policy issued between 1975 -1986 and explicit housing policy adopted in 1986.

The implicit housing policy of the government had been mainly manifested under Proclamation No.47/1975 and its promulgation was necessitated in order to eradicate the existed vast occupation of urban land by insignificant number of feudal lords, aristocrats, high government officials, and capitalist. The occupation of urban houses which are suitable for different purposes by few individuals and due to the exploitation of the majority of the population through payment of rent for the land lords have also played its part for the enactment of the law. (Proclamation No. 47/1975 preamble, paragraph 2 and 3)In accordance with this proclamation the transitional military regime had nationalized in the name of the public all urban lands and extra houses as per Article 3 and 13 respectively. Consequently since the coming into effect of this proclamation, the role of private rental sector was totally abolished and it was assumed to be performed by the government in general and by the special agencies authorized for this purpose. Moreover the proclamation expressly prohibited as per Article 20(1) the earning of any rental income by individual landlords, and by incorporating different requirements and conditions in the transaction of urban houses the government set a very fertile ground to take control of the housing market in general.

However, even if the government had envisaged under its implicit housing policy to construct houses for low income groups it has done little in this regard because of its financial constraints and sectoral allocation, which were generally biased against the housing sector. In fact let alone to make a significant contribution in the housing stock the government was even unable to maintain the houses that had been nationalized from individual owners. (Tegegne G/E and Daniel S.,1997, P.119)

Before the government came up with its first explicit housing policy in the year of 1986, it had issued a directive around the year of 1984 to ban all kinds of urban land allocation all over the country until a national housing policy would be formulated in light of its socialist ideology. Following the issuance of the directive and until the promulgation of Proc. No.92/1986, no new residential houses were built and such decision of the government has exacerbated existed housing shortage. (Tegegne G/E and Daniel S., 1997, P.120)

Nonetheless, in 1986 the government issued a policy which was regarded as the first housing policy of the country. The main target of this housing policy was to standardize the building code and to make the existing housing stock more effective by using different mechanisms. Solomon (M.(Dr.) and Ruth M.L.,2004, P.12)Thus in order to achieve the crucial objectives of the proclamation the government has enshrined three important mechanisms to be employed. The first mechanism was through stating a housing standard in terms of the required plot size and housing space. Promoting housing co-operatives through providing credits with less interest rates and prioritizing them in assignment of land were also used as

the second tool for implementing the explicit housing policy. Thirdly, a very surprising measure has also been taken in contrary to what has been incorporated under pro. No.47/1975, that sub-letting was made official and it was even encouraged to alleviate the existed acute shortage of residential houses.

Nonetheless, it is possible to deduce that given the existed housing shortage the socialist regime has contributed very little in the realization of housing rights in Ethiopia, and has performed nothing in defining and setting the rights and duties of the tenant and the landlord even at the time when it gave permission for sub-letting.

After the overthrow of the socialist regime and following the coming into power of the existing ruling government, during its transitional period it has introduced a market oriented economic system of which residential housing development was part of it. (Esayas A., P.2) This was actually a fundamental transition from centralized to free market system and the government has in conformity with its new economic orientation introduced a land lease Pro.No.80/1986 which was intended to regulate among others the right to possess land so as to build houses for residential as well as rental purposes. According to requirements of this proclamation any person is an Ethiopian Citizen may lease urban land on bid- bases and the durations of urban land possession also made to be different according to the types of services and the maximum period is set to be 99 years for plots of land allotted for building residential dwellings. (Esayas A. P.3)

Though now it is more than twenty years since the government came into power, however except its recently developing constructions of condominiums for low income groups there is no any significant attempts or improvements especially in terms of promulgating necessary legislations, issuing feasible housing policy and strategies and establishing appropriate institutions particularly for the sake of regulating the private rental sector.

5. HOUSING TENURE IN ETHIOPIA

5.1. Back grounds of Tenure

Countries around the world regardless of their economic status whether they are poor, rich or in transition exhibit a remarkable range of forms of housing tenure. (Turner B.,and et al,2005,P.4) Housing tenure is mainly conceived as an arrangement under which the household occupied its living quarters and it has an enormous implication on the nature of the housing policy and programmes for housing development. (Tadesse G/ G., 2000, P. 8) The housing tenure type also manifests various kinds of rights entrusted to the occupier and his specific obligations.

The issue of tenure, specifically the security of tenure was a long time concern, and currently due to its multi-dimensional impact on individual rights or economic development it is becoming a significant issue mainly due to influential polemics of Hernando De Soto. (Turner B., and et al, 2005, P.4) Moreover, the issue of housing tenure is recently given a very strong emphasis which makes it part of the United Nations Millennium Development Goals in relation to urban development.

According to the authoritative interpretation of the provisions under the Economic, Social and Cultural right, by which the State parties will be bound, given under General comment No. 4 it is understood as:- (United Nations Housing Rights Programme, 2003, P.59)

“...tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner occupation, emergency housing and informal settlement, including occupation of land or property.”

According to the committee’s interpretation of tenure, regardless of who build the house and how it is occupied, the arrangement of the occupation of the dwelling in which someone is residing is considered as tenure. Therefore, tenure mainly refers to rental houses, which could be rented from the government or from individual landlords or real estate developers and owner occupied dwelling. It also refers to co-operative houses in which individuals will exercise ownership rights over their units but they build their living quarter along with other individuals. Generally, after the committee underlined that all persons must live in their dwelling with an adequate security of tenure which ultimately guarantee them to get legal protection against forced eviction, harassment and any other threats, and it strongly required signatory parties to provide all necessary protections regardless of the type of tenure. (United Nations Housing Rights Programme, 2003, P.59)

The most important reason for imposing such kinds of very stringent obligations on State parties is that there are various factors which attributed for insecurity of tenure, among other inefficient legal and regulatory system, excessive land regulations, gender discrimination, corruption and the lack of political will, etc.(www.housing-the-urban-poor.net/Docs/QG_origpapers/RentalHousing.pdf) However, it is believed that all these factors can be properly tackled by the positive action of the government, and it will ultimately result in the protection of individuals housing rights since security of tenure is its main component.

5.2. Governmental Tenure

Before coming into power of the military administration, during the Emperial regime the housing sector was entirely dominated by the private sector who build their own house as well as for rental purposes. And this period is mainly known by the absence or minimal government involvement in the housing sector. However, when the Derg regime held power

the previous trend has been dramatically changed following the introduction of Proc.No.47/1975 which totally abandoned the private rental sector and entirely replaced by the public sector. According to its clear manifestations stated under the preambles of the proclamation of all extra-houses owned by any person was be nationalized for the sake of the public good.

It is mainly after the nationalization of privately owned extra-houses that the governments' role in the housing sector became so apparent. After the government made a sort of classification based on the amount of rent to be paid it gave the mandate to administer these nationalized houses for the Administration of Rental houses (AARH) and the co-operative societies of urban dwellers or 'Kebeles'.

According to their responsibility specified under the proclamation these governmental agencies besides collecting rent they were also required to maintain the existing dwellings, and build additional houses to increase the role of the government on the housing stock. However, as per the extensive researches conducted by different scholars due to age and lack of proper maintenance, the physical condition of most houses especially those under 'kebele' administration are very bad. (Tadesse G/E., 2000, P.9)The main reason behind such failure is due to the disproportional amount of collected rent and the huge financial requirements for maintenance. Even though AARH is more financially capable and allowed to build houses, the agency is not carrying out its responsibility and it is mainly focusing on the administration and maintaining of existing houses and collecting rents. (<http://www.agh.gov.et/aboutusnext.htm>)

After the overthrow of the military regime, the existing government has issued an amendment proclamation No.133/1998 which made some modifications on its preceding proclamation. Basically the public sector or the governmental tenure had a significant contribution in filling the gap and alleviating the housing problems especially for the low income groups.

5.3. Private Tenure

The other most important housing tenure in Ethiopia is the private sector which includes owning and living in one's own house, or to have ownership right over the house build by either the real estate developers or co-operative associations and the growing rental tenure by private land lords.

The owner occupied tenure is actually by far the main and the most dominant housing type in Ethiopia. However, following the enactment of proc. No. 92/1986 which made sub-letting of privately owned residential houses official, private rental housing has become one of the major rental house supplier since 1986. (Tadesse G/E., 2000, P. 9)

Therefore, the rental tenure from private landlords is not a newly introduced phenomena in Ethiopian housing sector, because it is just the restoration of what existed during the Imperial period but suspended by the Derg. Despite the fact that there could be different reasons, the primary motive for the land lord to construct and rent residential units is to earn money. This private rental sector has different forms. Some landlords built service quarters adjacent to their own house usually for rental purpose and they live in the main house, and this is the dominant rental type in Bahir Dar city. However, others may rent the main house and live in the service quarter. But in both cases both the landlords and tenants are normally required to live within the same compound and share different kinds utilities and facilities including toilet, bathroom, kitchen etc. Moreover, some land lords may also become both lessor and tenant at a time, in that they may entirely rent their houses for a higher price and become a landlord, and live in another place renting a house at a lower price and become a tenant. (Tadesse G/E., 2000, P.9)

Even though, they are constructing villas, apartments and other type of houses either for sale or rental purpose for those higher income earning groups, the share of the real Estate developers in the Ethiopian especially in Bahir Dar housing sector is trivial. It is mainly because this housing sector is generally inaccessible by the majority who are categorized under low income groups and directly victimized by shortage of housing.

The Ethiopian housing tenure type could be generally classified as rental and ownership. In the rental tenure type the dwellers may rent their living quarter either from governmentally owned houses through 'Kebeles' or AARH or private land lords or from real estate developers. Whereas the owner ship tenure is basically besides building one's own house it could be obtained through buying built houses from real estate developers, by becoming a member of a co-operative association or to buy condominium units from the government.

6. EMPIRICAL RESULTS

The questioner distributed to Tenants and Land lord are comprised of different kinds of issues which has the target of collecting related and relevant information in relation to the objectives of the paper. In order to provide a clear picture of their response towards those questions the writer has converted the number of respondents into percentage.

I) Requirements of Forms

Even though the way they were enquired has different modes, one of the primary issues which is needed to be addressed by the respondents is how they have concluded their tenancy agreements i.e. whether it is in written or oral form. As it is stated under Art.2946 (1) of the civil code of Ethiopia the municipality is mandated to prepare a model written contract for the lease of a house or a flat which will be used by those land lords who are residing within the municipal territory and renting their house as a bench mark. The same provision under its sub-

section (3) also allows contracting parties to depart from the terms of the model contract so long as they have expressly stipulated such otherwise agreement. This provision somehow indicates that contracts for a lease of a house need to be concluded in written forms. Nonetheless, the proof of the existence of tenancy contracts as per Art. 2898 could be made either through a written instrument or an admission made by the adversary or by oath taken in the court. This indicates that in the absence of a written lease agreement, and if a dispute arose as to the existence of the lease contract let alone those specific issues it will be left to the adversary party either to admit or deny up on oath. Thus this shows that it will be more appropriate to conclude tenancy contracts using written forms.

However, according to the collected data 94.9 percents of tenants have responded that they have concluded their lease contract in oral forms. Likewise 65.2 percents of land lord have also stated that they prefer to conclude their lease agreement in oral forms. Moreover, 80.5 percents of tenants have also responded that they have never concluded tenancy contract in written forms. Thus this shows that a written form of agreement is not what practically accustomed in Bahir Dar Town.

However, there is a need to assess some of those possible reasons in connection with this outcome of why significant numbers of tenants have concluded their agreement in oral forms and why considerable numbers of land lords prefer to conclude tenancy contract in the same form. Obviously as it is rightly pointed out by different scholars concluding tenancy agreement in written form will have a multiple importance for the contracting parties. Especially such importance of written form is significantly observed in light of protecting the rights of the tenant. Therefore, one of the main significance of the written form is that it will provide security of tenure for the tenant. This is because if the rights and responsibilities of the contracting parties are clearly defined it will enable the tenant to claim for the enforcement of such rights and stand against any possible violations by the land lord. More over the written form may also reduce if not avoid the existing vague relationships of tenants and land lord and reduce the unlimited discretionary power of the latter.

Moreover, what will be the possible rationales for the land lords to prefer oral form rather than written forms of lease contract? Is it because the municipality has failed to carry out its responsibility of preparing a model contract as per the provisions of the civil code, or is it because the land lords do not know how to prepare written lease contract at least by including the general conditions or is it more convenient for the land lords to conclude in oral forms so that they can do whatever they want whenever they wish and ultimately tenants will resort to other options than to claim their rights. Different kinds of possibilities could be identified in relation to such preference of the land lord. Normally in tenancy contract it is the lessor who proposes the forms of their agreement. This indicates that if the municipality has some involvement in drafting written lease contract in accordance with its legitimate power and of course its responsibility and demands the lessor to use this draft as a bench mark in

concluding a lease agreement there will be a chance to clearly stipulate as to how they will govern their relationships through specifically stating all those necessary terms and conditions of their agreement. Given the significance of written lease contract tenants' refusal to such form is generally presumed to be very minimal.

II) Habitability and Repairs

The other important information which is collected from both tenant and land lord is whether the rental unit fulfils certain basic standards of housing or utilities and the issues of repair. Of course within the given overall economic situation of the country it will be more unrealistic to demand the rental units to meet some modern standards and equipped with fancy accessories. Nonetheless, taking into account the rights of every individual to have adequate housing which will assure their dignity, the rental dwelling units are normally required to meet certain basic standards to fit for human habitation irrespective of the general economic problem of the country or tenants economic status. Accordingly both land lords and tenants were inquired whether the house they have rented and residing in respectively contains proper toilet, bath room, utilities like drinking water and electricity, water drainage system, kitchen and sufficient floor space.

To begin with among the respondents 59.5 percent of them have asserted that the dwelling unit they have rented only consists of a single room and 28.3 percent of them say they have rented two rooms. Tenants have also asked whether they think the house they are living in fulfils the minimum standards of housing and 55.8 percent of them have stated that it does not meet such standard and the remaining have answered affirmatively. In relation to their response on the inquiry whether the rental unit fulfils those conditions or utilities, the data show almost a similar response from both groups of respondents. According to the empirical result both the land lord and tenants have indicated that the rental unit fulfils proper toilet and utilities, like drinking water and electricity but they have indicated that the rental unit is not connected with the drainage system.

With regard to the fulfilment of other conditions their response is somehow different in that 56.5 percents of land lords have stated that the house they are renting has a proper bath room, whereas it is only 20.8 percents of tenants that have agreed to this effect. The same different answer also goes to the issue of kitchen and sufficient floor space of the rental unit. Accordingly 69.6 percent and 73.9 percents of lessor have asserted that their rental unit has a proper kitchen and sufficient floor space respectively. On the other side 41.6 percent and 38.9 percent of tenants have agreed that the house they are renting have a proper toilet and sufficient floor space. Generally as it has been indicated above the majority of tenants do have the opinion that the rental unit does not meet with the minimum housing standard and the empirical result show that they have also a low opinion as to the fulfilments of those basic conditions. But the writer wants to leave these different opinions of the land lord and tenants

under a big question mark as to why they hold a diverse view on the fulfilment or otherwise of those conditions, is it because of the existence of different perception as to what should be fulfilled or the land lords think that what they already put in the dwelling unit is sufficient for the tenant to live in or tenants' expectation is unrealistic within the given situation.

The other matter which is going to be addressed by this paper is the issue of repairs. In relation to the issue of repair both contracting parties do have their own responsibilities of making repairs. Thus unless the repair which is incumbent upon the lessee is necessitated due to the old age of the immovable or force majeure or agreed otherwise with the lessor to avoid such responsibility, the tenant will be accountable to conduct repairs necessary to the door, windows, floor board, tiling, taps and water drains and works of cleaning and maintenance which become necessary due to the enjoyment of the thing. (Article 2954 and Article 2955 of the Civil Code of Ethiopia)

However, the information collected from tenant shows 64.5 percents of them have stated that necessary repairs on electric cable, water pipe, door and window and painting the wall is the responsibility of the land lord and 6.6 percent of them agreed that it the duty of the tenant. The remaining lessees have stated that it is a joint responsibility of the contracting parties. The data collected from the land lords have also shown almost the same result, in that 52.2, 91.3, 73.9 percent of them have stated that painting the wall, repairs on water pipes and electricity cables, and repair on windows and doors respectively are their responsibilities. Thus this almost similar outcomes of the study on the issue of repair indicates that either such responsibilities are customarily or normally regarded as the duty of the lessor or the contracting parties have concluded otherwise agreement using the permissive provision of Art.2954(1) of the civil code. Nonetheless, the researcher have some doubts on how in the existence of an express provision of the law and in the absence of written contract which may evident the existence of otherwise agreement, the claimant specially the tenant will prove that it is the responsibility of the land lord.

III) Determining amount of Rent and Making Increments

The other most important issue in the private residential tenancy is the issue of rent, i.e. as how it is determined, possible attributable factors for its increment, how much and how frequently the land lord may increase on their initially agreement and what possible remedies are available for both parties in case of dispute etc. In fact the issue of rent may be one of those crucial matters which stand first in troubling every tenant.

Depending on what is provided under Art.2950 of the civil code the amount of rent is left to be determined by the free will of the contracting parties. Pursuant to the intention of this provision it is generally presumed that both the land lord and the tenant will take part in the process of determining the amount of rent, and when and how it is going to be paid.

Nonetheless, the data collected from landlords and tenants manifests that what practically existing is different from such presumption. In that 65.2 percents of landlords have stated that for the house they are renting they normally determine the rent in advance before even a potential tenant comes and 51.9 percent of tenants have also declared that the rent they are paying is fixed by their land lord without their involvement of whatsoever. This result basically indicate that in relation to the amount of rent the lessor offers his house for the lessee on a take it or leave it basis and he may not be ready for any possible counter offers.

With regard to the amount of rent, according to the collected data 59.2 percent of tenants think that the amount of rent they are paying is not appropriate. Moreover as a way of tackling such unjustifiable amount of rent they suggested different way out. Among these respondent 88.5 percent of them suggest that the government should directly involve in controlling the amount of rent and 20 percent tenants have also suggested that landlords should reduce the amount by their own initiative. Others have also stated that tenants must organize and protect their interest.

In the Civil Code of Ethiopia which is a pertinent governing law in regulating residential tenancy there is no provision which deals with the issues of rent increment. Therefore, in the existing situation there are no guidelines as to how and when the rent could be increased by the land lord. Among the respondents 53.2 percent of tenants have asserted that they have experienced unjust increment of rent. Among these respondents 61 percent of them have refused the payment of the increased amount however, in case of such refusal the reactions of the lessor were very serious. Accordingly 72 percent of tenants have indicated that majority of land lords mainly resort to provide notice of termination, other prefer to end the lease agreement without providing prior notice and/or rest cut utilities and others chose to harass tenant as way of retaliation and either to make him pay the increased amount or to indirectly force him to leave the premise. However, none of the respondents have asserted that they have been sued in the court. This may show that in case when the increased amount of rent is rejected by the tenant taking the case to the court is either not a convenient place for land lords or the increased amount is generally unjust.

The writer has also attempted to assess the facts on the side of the land lords as to their reasons to increase the amount of rent, and whether they will have discussions with tenants before the increased amount of rent gets effect or provide an advance notice for tenant . According to the collected data 95 percent of the respondents have claimed that they will make discussions with tenants when they are intending to increase the rent .Moreover 80.9 percent of the respondents have also stated that they always provide an advance notice of such increments and 14.3 percent of them provide such notice occasionally. However, if the tenant did not agree with such increment 52.2 percent of lessor have stated that they will directly or indirectly force the tenant to leave the dwelling unit and 13 percent of them claim that they will institute a case in the court either to evict the tenant or make them increase the rent.

With regard to the advance notice 70 percent of land lords have stated that they provide 30 days of notice regardless of the length of the lease contract or how long tenant have stayed the rental unit. According to their response 65.2 percents of landlords claimed that the increment of the rent is directly attributable to the existing escalation of living standards. Others have also stated that the increasing amount of fees paid for utilities and construction material have their own part in the increasing the rent. In fact it only 17.4 percents of land lords believe that the increasing number of potential tenants or demands for rental housing is the cause for making increments of rent.

IV) Restrictions and Illicit Acts on Individuals Rights

The other most important concern in the private residential tenancy which might be the point of contest between the contracting parties is the nature and extents of restrictions and the violation of fundamentals rights of tenants like the right to quite enjoyments of the premise etc. According to the collected data 68.1 percents of tenants have answered affirmatively that they are subject to different kinds of restrictions imposed by the land lord. Out of those respondents 87.8 percent of them claim that they are only allowed to enter in the rental premise before 10:00 pm, and of course if they came after this time is lapsed the choice they have is either to jump over the fence which certainly disappoint the lessor or to have a shelter in their relatives house or to get exposed to another expense by renting hotel room. Among those respondents 30.6 percent of them claimed that they face limitation on the use of water and electric power and 28.6 percent of them on the number of guests and how long they stay in the rental unit. The information gathered from land lords also manifests the existences of these restrictions in the private residential tenancy.

For the questions which targeted to assess whether or not the rights of privacy and quite enjoyment of tenant is violated by the land lord, 73.3 percents of tenants have answered affirmatively that their rights have been infringed by the lessor. Among these respondents 70 percents of them claim that they have encountered undignified harassments and serious inconveniences and 25 percent of tenants have also stated that the lessor spy on them by looking through the window and others have claimed that the land lord enters into their dwelling unit either without invitation or providing prior notice.

V) Convenience of Regular Courts and the Need for Government Involvement

In order to assess the convenience or otherwise of regular courts in resolving tenancy disputes lessees were inquired whether they will take their case to the courts of law if their rights enshrined under the lease contract or relevant provision of the law is violated. Accordingly 54.1 percents of tenants have responded that they will not take their case to the court even if their right is violated by the lessor. Among these respondents 60 percents of them believe that it is better to look for other rental houses than to litigate in the court. They also equally

attribute their inability to look for remedies to the time taking and rigorous procedures of courts and 7.5 percents of the respondents are also afraid of the consequence of taking the case to the court that it may create antagonistic relationships with the lessor.

In fact among those tenants who are the subjects of this research 59.7 percents of them do not think that the existing regular courts are the convenient place to adjudicate tenancy disputes. Moreover, among these respondents 90.7 percents of them have suggested that it would be better to arrange a separate division to exist under the regular courts that will only be responsible for tenancy disputes or to establish tenancy tribunals under the municipality or 'Kebele' level. Normally this is one of those issues which need a direct involvement of the government.

In addressing the nucleus part of this paper both tenants and land lords were asked whether the government should involve and regulate private residential tenancy through promulgating relevant and detailed law and establishing necessary administrative institutions. In accordance with what has been collected from tenants 89.6 percents of them stated that the government should involve and regulate the private rental sector. Whereas, among the respondents 69.6 percents of land lords have agreed on the need of government involvement. Hence a rough observation of their response shows that tenants are more interested than land lords in government involvement. This could be due to the reason that land lords are pessimistic of such involvement that it may include to control the amount of rent and they may also feel that it will minimize their traditionally existed discretions.

Normally if the government involves in regulating private residential tenancy in Ethiopia in general, its involvements will be manifested in different ways. First, since in the existing situation the only pertinent law to regulate tenancy issues is the civil code of Ethiopia which is enacted in 1960, there is a need on the part of the government to enact new legislations in accordance with the needs of the time which will either repeal or serve as a supplementary to the existing provisions of the civil code. Basically the law to be promulgated by the concerning law making organ is expected to specifically and clearly state the rights and obligation of tenants and land lords.

Secondly government involvement in the private residential sector may also be shown in establishing necessary administrative institutions which are entrusted with different responsibilities. The primary target of these institutions could be registering and keeping record of rental houses in the town, this is because currently the municipality only have the data of those building which are serving either for business or residential purpose. According to the interview conducted with Shibe Kinde the municipality have no data whether those residential building or houses are resided by the owner or owned by private individual and entirely rented for tenant or inhabited by both the land lord and tenants. Therefore, the

government initially needs to have the records of those rental houses before resorting to any other practical measures.

These administrative institutions may also have the role of conducting supervisions either on random basis or upon the application of the lessee. Among others things this supervising authority may be entrusted with power of checking the habitability of the rental houses. However, according to the interview conducted with Bazezew Gelaw currently the municipality is not doing anything to control or supervise the habitability or otherwise of private residential tenancy in the town.

Moreover, the collected data has manifested that in the existing situation regular courts are regarded as inconvenient place to resolve tenancy disputes. Thus governments' involvement may also be needed in establishing certain institutions which are responsible to adjudicate tenancy issues in a less formal, less costly and less time taking manner.

Thirdly, the government may also be involved in either determining or controlling the amount of payable rent. The government may fix the amount of rent depending up on the standards of the house taking into account different criteria like the location of the house, or whether it is made of concrete or mud, and the size of the room etc. The implementation of fixing the amount of rent in the private rental sector may not be as smooth as it seems. However, the government may involve in controlling rent through setting certain guidelines as to how the rent may be increased and in setting grounds for its increments rather than determining the initial amount. Therefore, in this method the government should allow the contracting parties to determine the amount of rent by their own free will. But latter on the government may limit the discretions of the lessor on the frequency and percentage of increment of rent on the initial amount; this is basically what is termed as a third generation rent control in European countries. Furthermore the government may also set certain pre- conditions to be fulfilled for the land lord to increase the rent within a certain percentage like after making a significant upgrading on the rental unit, or due to increments of utility values, or upon the occurrences of other circumstances which make the dwelling unit more comfortable to live in for instance the owners in that locality contributed a certain amount of money and covered the dusty area with cobble stones.

7. CONCLUSIONS

Shelter is one of those basic necessities for the survival of human beings in addition to food and clothing. Hence due to its importance it has been expressly recognized as part of fundamental human rights in different international instruments and national legislations. Among those international multi-lateral agreement the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights have given express recognition and imposed duties on state parties to enforce the right to housing of

every individual irrespective of his economic or social status, and his political opinions or other considerations. By being member of these international agreements the signatory parties have committed themselves to promote, protect, and ensure the full and progressive realization of the right to housing. These obligations of States normally are comprised of beyond taking their part in providing or constructing residential houses for those who are in need, to refrain from any kinds of conducts or not to tolerate any kinds of practices which may jeopardise the right to housing of every individual. Thus in order to accomplish their respective obligations State parties are normally required to come up with their own feasible legislations, policies, strategies and strong institutions with the aim of implementing individual's right to housing and to regulate private rental sectors.

Despite the existence of such State duties with regard to the fulfilment of the right to housing, its realization is basically challenged by different factors. Besides the financial constraints, developing countries are currently facing an alarmingly increasing rate of urbanization which enhance the urban population and put pressure on the demands of residential houses. Thus the cumulative effects of these factors and the insufficient supply of housing especially for the low income groups both from the private and governmental housing sector are making the existing situation worse.

One of the housing sector in Ethiopia which is greatly contributing its part to fill the gap in the existing housing demand is the private rental sector. Under this sector it is private individuals who are directly involved through building additional rooms within their compound for rental purpose.

In the existing situation there are plenty of evidences which show that there exist imbalances of bargaining power in the private residential housing sector. Despite this fact almost all the terms and conditions of their agreement is left to be determined by the contracting parties under the guise of freedom of contract. However, such freedom of contract will become an illusion or bizarre when the parties are not in equal footing to bargain and protect their interest and when the land lord sets everything in advance and offers the other party on a take it or leave it basis. Such tenancy relationships which is established in an imbalanced bargaining power will leave the tenant under the mercy of the land lord about everything including increments of rent, or setting different kinds of limitations only based on their wishes of the landlord and without regarding the interests of the tenant or violating his rights of privacy and quite enjoyments and even in some cases employing different mechanisms to make the tenant leave the dwelling unit.

Once again by making inferences from the overall legal and institutional frameworks of the country in the current situation there is no feasible attempt on the part of the government to regulate private rental sector.

8. RECOMMENDATION

Based on the above stated conclusions which are basically inferred from the theoretical analysis and the empirical results, the writer would like to suggest the following recommendations which are believed to be feasible and helpful in regulating private rental sector.

- In order to avoid any possible confusion on the specific terms and conditions of their agreement and to serve as a bench mark for the contracting parties, the municipality as part of its legitimate responsibility should draw or prepare written lease agreement

- Since currently the relationship between land lords and tenants is regulated by the Civil Code of Ethiopia which was enacted more than sixty years ago the law making organ should enact clear and up to date legislations which will state rights and obligations of the contracting parties.

- Since currently there is no data which indicates how many private rental houses do exist in the town, the government should establish relevant administrative institution which is entrusted with the power to register privately built rental houses.

- In order to assure the habitability of the private rental houses the government should also establish such institutions which have the power to make supervisions.

- As the empirical result has indicated the existing regular courts are not found to be appropriate to adjudicate tenancy disputes, therefore the government should choose among the following alternatives so as to entertain tenancy conflicts:

- First at least to reduce the length of time that could be wasted during trial in the civil benches of regular courts, the government may organize a separate division under the regular court which only entertain tenancy issues.

- Second, as part of a new approach tenancy tribunals could be established under the municipality. But the problem with this alternative is that for instance in Bahir Dar Town there is only a single municipal authority for the whole town, so its efficiency and effectiveness could be doubted.

- Thirdly, with the purposes of enhancing accessibility of justice, and for efficiency reason the government may establish tenancy tribunals under the 'Kebele', which is the lowest and more accessible administrative institution. In establishing such institutions either under the municipality or especially 'Kebele' level, they must be initially given the power to mediate the disputant parties with a less formal, less costly

manner without violating their constitutional rights of appealing their case to regular courts.

- Since one of the main complaints on part of the lessee is the amount of rent and its rate of increment, the government should be involved in controlling, rather than determining the initial amount of rent, i.e. through setting an average percentage of increment and those factors which entitle the land lord to make such increments.

- With the purpose alleviating the existing residential housing shortage and in some extent to empower tenants through creating an average equilibrium between demand and supply, the government should continue and of course increase the construction of condominiums for low income groups.

- Awareness as to the limitation of ownership right over rented dwellings must also be created on the part of the land lord with the purpose of avoiding the possibility of abusing such right. Moreover, land lords must also have a clear picture on their rights and responsibilities while building dwelling units for rental purposes

- Tenants must also be aware of their specific rights and responsibilities in order to enable them to defend themselves against any possible violations by the land lord and of course to make them refrain from violating the rights of the lessor as well.

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Interview conducted with Ato. Shibe Kinde, Responsible for Cadastral Survey in Bahir Dar Municipality, in his Office at 4:00pm on 2011/02/08)

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