

Original Paper

Institutional Arrangement of Land Administration and Legal Frameworks for Providing Urban Land to Housing Cooperatives: Evidence from Bahir Dar City

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Abstracts

At global level, raising awareness of land management and institutional development plays an important role in building strong institutions for urban, regional, and national development, especially for housing. This can help the urban homeless by providing urban land when they need it. Hence, robust and well-structured urban land administration institutions are crucial for meeting planned housing land demand and achieving national, regional, and city-level objectives, contributing significantly to urban development. Because an effective urban land delivery system for housing favors low-income groups organized as housing cooperatives. However, substantial gaps in the current literature on land administration institutional structure have not been addressed in depth, notably in performing the land delivery process and utilizing communication as a tool between and within land administration functions and levels. The objective of this article is to investigate how an insufficient land administration institutional structure affects urban land supply to housing cooperatives as a capacity bottleneck. To achieve the study's objectives, interviews and desk reviews were used as part of the mixed-methods approach to identify institutional structure challenges that limit effective communication and impede institutional performance in land delivery. The study found that inadequate institutional structures, conflicting roles, and poor communication channels were responsible for poor urban land delivery for housing cooperatives. Thus, without well-structured institutions in place, managing urban land may become an impossible mission, impeding progress towards sustainable development goals in cities. To this end, it is necessary to reform existing institutional structures to close current performance gaps related to institutional arrangements in urban land administration in general and land delivery for housing in particular. Ultimately, this conclusion calls for further

research on responsible land stewardship and institutional arrangements, emphasizing the importance of understanding urban land institutions for housing developers in urban and analogous cities worldwide.

Keywords

Capacity, Coordination, Institutional arrangement, and Urban land

1. Introduction

Strong land administration institutions, effective governance, and comprehensive land policies are essential for addressing land management and information infrastructure challenges. According to Enemark (2006a), to build a sustainable strategy, both an efficient land market and an effective mechanism of land use regulation must be implemented as the fundamental instruments for establishing a sustainable approach. However, in many emerging and transitional countries, there is a lack of mature institutions and human resources to manage land rights, restrictions, and responsibilities.

More significantly, as Douglass C. North points out, institutions are man-made boundaries that influence human contact, or, to put it another way, the boundaries that create human interaction incentives. Furthermore, institutional change is crucial to understanding historical development since it dictates how societies evolve through time and hence is critical to our understanding of history (North, 1990). As a result, the formal institutions, rather than the informal and organizational ones, needed to be discussed.

Robust and well-coordinated institutional frameworks play a significant role in urban land delivery for housing to achieve set objectives. Housing is a vital aspect of a country's economy and a need for people to exist since they cannot live without it. People's wants, desires, and social processes are strongly linked to the availability of land, infrastructure, construction materials, technology, labor, and housing financing (UN-Habitat, 2010). Hence, housing has an inescapable physical manifestation through the construction of houses, "dwellings, shelters, accommodation, sites, services, and/or residential units, operating within an overarching governance framework defined by institutional and policy systems that enable society to build homes and neighborhoods".

Research in various countries around the world demonstrates that the importance of land institutions is heavily influenced by the circumstances of the country. Hence, local land governance institutions such as ejidos in Mexico, land boards in Botswana, and village land councils in Tanzania are decentralized land governance systems in which local governments have broad land management and administration functions (Bruce, 2013). On the other hand, the histories of these three institutions are vastly different, and the national government retains responsibility over land policy and has veto power over local decisions. Moreover, there is a global need for increased awareness of land management and institutional development in order to generate viable national conceptions. This comprises the establishment and implementation of a land development policy as well as a method that integrates the land administration function with topographic mapping (Enemark, 2006b).

Other researchers have also studied factors that influence housing affordability (Badawy, 2019); urban land acquisition, and housing development practices (Adgeh & Menbere, 2021); housing delivery system, need, and demand (Makinde, 2013); and housing challenges and the New Urban Agenda (Watcher et al., 2018). In our local case, land is managed by two independent legal systems and institutions. Hence, at the federal level, the Ministry of Agriculture is in charge of rural land management. On the other hand, the Ministry of Urban and Infrastructure is responsible for urban land (Chekole, 2020). Furthermore, research undertaken in three Ethiopian cities (Bahir Dar, Hawass, and Dire Dawa) found that all three towns faced a professional deficiency, and as a result, critical land concerns were handled by people from unrelated professions. This issue was most serious at the local level, which included municipalities and kebeles (Alemie & Zevenbergen, 2011).

However, substantial gaps in the current literature on land administration institutional arrangements have not been addressed in depth, notably horizontal and vertical coordination between and within land administration functions and levels in the land delivery process. As a result, the purpose of this study was to analyse the institutional capacity of urban land institutional arrangements to facilitate land delivery for housing cooperatives in Bahir Dar.

Therefore, the key question is how inadequate land administration institutional structure affects the urban land supply to housing cooperatives as a capacity bottleneck. The specific questions are:

- What is the present level of performance of the institution in preparing and providing land for urban housing cooperatives?
- How do municipalities utilize communication as a tool in vertical and horizontal coordination processes to enhance land delivery performance?

Following this introduction, the paper examines the capacity barriers of urban land institutional arrangements and laws governing housing cooperatives, focusing on the effectiveness and efficiency of these institutions. It also provides study methods, case analysis, and conclusions.

2. Conceptualizing Institutional Structure, Its Performance, and Legal Frameworks

2.1 Significance of Urban Land Institutional Arrangements

Institutions are human-created limitations that govern political, economic, and social interactions. They are made up of both informal and formal restraints and property rights. Humans have built institutions throughout history to promote order and eliminate uncertainty in exchange (North, 1991). Moreover, institutions are instruments used to improve governance because they can influence outcomes, whereas, structure is a link that connects two or more subsystems, allowing for the straightforward transit of information and data from one subsystem to the next (Wapwera et al., 2015).

Institutional arrangements define institutional forms of social interactions and social attributes such as expertise, negotiation, knowledge, performance, and information. Institutional frameworks within a collaborative partnership provide both desired and undesirable consequences (Malik & Roosli, 2021). Furthermore, the institutional theory of cooperation investigates how and why institutions emerge, as

well as the implications of such collaborations for their stakeholders. Building favorable institutional arrangements for social, economic, intellectual, or physical resources in the public and private sectors is one reason stakeholders collaborate.

Land administration as one of the processes for granting property rights to owners, cannot be realized without well-functioning and coordinated institutions. Land policies, initiatives, and plans necessitate the existence of institutional frameworks, which African and developing nations lack. This includes laws and regulations for land access, land use, user rights, and the like for organizational structures such as ministries, commissions, and private entities such as NGOs and software institutions (Prosper, 2021). The following section highlights the significance of institutional coordination in improving performance by emphasizing the motivation behind its structure and functions.

2.2 Motives for Communication to Perform Better in Urban Land Institutions

Performance is a combination of an institution's effectiveness and efficiency in achieving its goals. The degree to which the institution's aims are met is referred to as its effectiveness. Efficiency is a comparison of what is attained versus the resources consumed such as money, time, labor, and others (UNDP, 2010a). This section delves into efficiency, effectiveness, and sustainability in terms of the clarity of procedures for gaining access to land, dispute resolution, and enforcement.

Inconsistencies in land acquisition methods, as well as disconnected and fragmented information, are key considerations in the land acquisition process (Arko-Adjei, 2011). Hence, the rights of landowners are best maintained by a robust legal and institutional framework, which also implies that rights are used to benefit society as a whole (Barreto, 2007). Moreover, good governance is essential for ensuring clearly defined property rights contribute to the desired socioeconomic outcomes. This necessitates a clear division of institutional tasks within the land administration system, an audit of legislative requirements, and open management and access (Feder & K. Deininger, 2009). All of this testifies to the ambiguity of the missions of the land administration institutions and weak communication among them.

Communication is an essential component of every organization, and it is required for improving workplace coordination, which influences institutional performance and decision-making, as a result, communication is key to the efficiency and effectiveness of land-institution actions (Musheke & Phiri, 2021). One of the key reasons for uncertainty and poor planning is a lack of appropriate communication. Therefore, it is critical to note that the environment inside the formal institutional framework has an impact on the successful transmission of concepts and ideas from the suitable sender to the appropriate receiver. Land agencies in Ethiopia must understand superior-subordinate coordination, horizontal networks, and the country's legal framework, as reviewed in the next section on urban land and cooperatives' legal frameworks.

2.3 Land and Cooperative Legal Frameworks in Ethiopia

2.3.1 Urban Land Policy in Ethiopia

The desire for housing drives the demand for land in cities, which in turn drives the demand for land

services. As a result, land markets can serve as a simple entry point into the system as well as a means of carrying out land market transactions (Takele et al., 2018). However, in per 1975, Ethiopia was a feudal state, and Proclamation 47/1975 established the government's land ownership monopoly by nationalizing all urban land. As a result, the government took land supply and development control (Yusuf et al., 2009).

Similarly, Ethiopia's federal constitution promotes public land ownership, prohibiting private land ownership in urban and rural areas (FDRE, 1995 art.40.3). The purpose was to provide low-priced housing while simultaneously lowering the cost of living in the city, but not solve the problem. Similarly, urban land policy and strategy for achieving an effective urban land supply will remain critical (FDRE, 2016b). Therefore, the Land administration is facing significant challenges due to unresolved issues and weak institutional capacity, particularly at the local level, resulting in overburdening the system.

2.3.2 Cooperatives Law and Housing Cooperative in Ethiopia

Cooperatives have traditionally been shown to play an important role in eliminating poverty through job creation and revenue generation (European Union, 2021). Cooperatives had a role throughout Ethiopian history, but the ideology that emerged was different. Housing cooperatives were not mentioned in Proclamation 241/1966 but were formed during the Derge era and were ineffectual. As a consequence, through Cooperative Proclamation No. 147/1998, the Federal Democratic Republic of Ethiopia's Constitution acknowledged the legitimacy of cooperatives (European Union, 2021). Ethiopia's Federal Cooperative Commission Proclamation No. 985/2016 was recently revised to maintain one economic community by our constitution through a consistent cooperative society proclamation (FDRE, 2018).

According to Ethiopia's urban housing strategy (FDRE, 2016a), residential housing cooperatives have played an important role in alleviating the housing shortage, hence, a conducive situation that would enable them to play their irreplaceable role is to be created. The question is why is not all land for housing co-operatives being made accessible through low-cost lease allocation? Amhara National Regional State issued directive No.1/2020 on how to deliver land for cooperative housing, although article 17(4) of this directive specifies that any housing cooperative may seek land one year after it is formed. As a result, Bahir Dar has around 783 housing cooperatives, with an average of 16,842 households on the housing waiting list (Emiru, 2022). This implies that the directive does not encourage cooperatives to acquire land for housing purposes.

The following section explores the research methodology, design, and materials utilized to investigate the institutional structures of urban land in Bahir Dar, Ethiopia. Research Design and Methodology

3.1 Description of the Study area

Case sites were selected based on theoretical rather than statistical concerns, as well as the amount of time, effort, and cost required (Bhattacharjee, 2012). Bahir Dar was selected because it has a fast-expanding housing need despite a lack of efficiency in land delivery for housing. In the previous

two decades, the population has more than doubled, resulting in a rise in informality. Bahir Dar has a population of 325,506 people (Koroso et al., 2021).

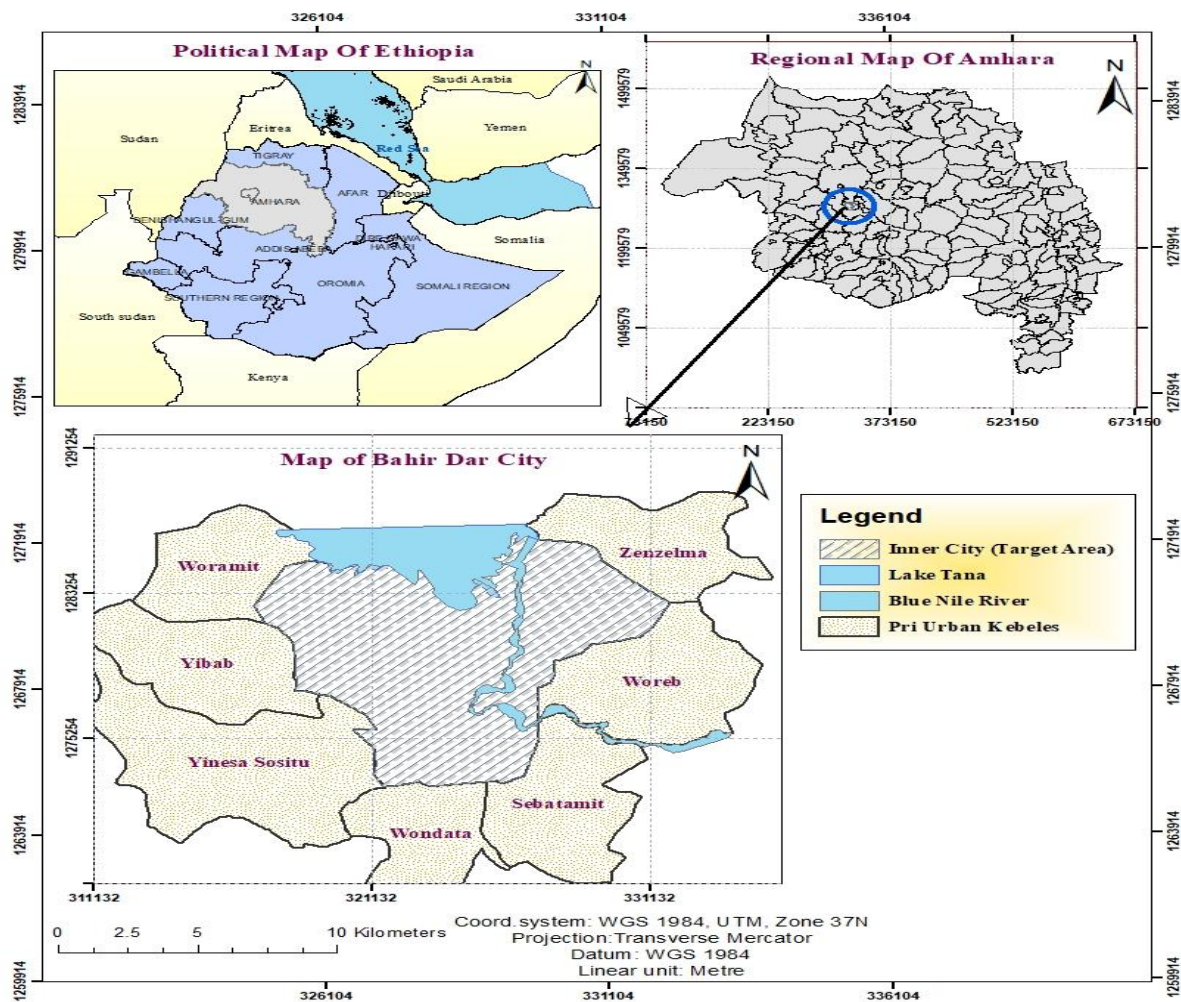


Figure 1. Location Map of the Case Study Area (Note 1)

3.2 Research Design

This research design is a descriptive research design using a survey research technique. The purpose is to examine the institutional capacity challenges across land administration functions and coordination at different levels of government in addressing housing cooperatives' land demand. The study used both qualitative and quantitative methodologies. It seeks to investigate the challenges of land institutions' horizontal and vertical coordination in the land delivery process.

3.3 Data Collection, Instruments and Source

This study relied on primary data collection techniques such as interviews and field observations. Semi-structured interviews were performed with the heads of urban municipalities and team leaders in land management. The researcher used participant observation to supplement and improve the information gathered during the interview. A desk review was carried out to collect data from

secondary sources like the physical institutional structure, mandates and responsibilities designed by institutions, published documents, annual and mid-term plans, and, most importantly, 5-year land delivery performance reports for cooperative housing.

3.4 Data Presentation and Analysis

In this study, interviews, observations, and documents are used to examine the existing status and concerns about the urban land institutional performance in Bahir Dar. Simple statistical techniques were applied, and tabulations were used to display secondary data. Notes were taken to document the qualitative data acquired through interviews and observations.

3.5 Assessment Framework and Measurements

Progress and results are reflected in improvements in institutional performance, which may be quantified in terms of increased efficiency and effectiveness. As a result, context-based measurement components are valued in institutional competency measures (UNDP, 2010b). Institutional performance (efficacy and efficiency) was used as variables to assess *quality* (improving land delivery based on demand) and *quantity* (improving land preparation and delivery based on amount required), *clarity* (roles and responsibilities for cooperative land delivery); *alignment* (land institutional structure linked with the mission to eliminate overlap), and *cycle time acceleration* (a reduction in the total time it takes to prepare and deliver the land).

In the next section, significant capacity characteristics and challenges in the delivery of urban land for cooperative housing are discussed using primary and secondary information.

3. Results and Discussions

The data was extracted from both primary and secondary sources. While some attention has been given to land issues, questions about land institutions persist. The main topics discussed in this part of the series are major actions and patterns of significant capacity features of coordination barriers that support housing cooperatives' land needs.

4.1 The Institution's Track Record in Developing and Providing Urban Land for Housing

Institutions are the most important factors influencing the effectiveness of land management systems, especially in terms of land delivery and the implementation of legislative acts. The Federal MUI and regional BUIs oversee urban land, while municipalities share roles and responsibilities (Chekole, 2020), however, as indicated in Table 4.1 and demonstrated in Figure 4.1 below, the structural organ is not aligned to carry out effective and efficient land delivery.

Table 4.1 Data from the Previous Studies

	Issues	Response of participants (%)		
		yes	no	total
1	Land Institutional Structure Perspectives			

a	In terms of land supply, is the land institution well-structured and functionally clear?	7	93	100
b	Have a comprehensive coordination structure in place to deliver service efficiently?	6	94	100
c	Is the organization's goal broadly understood both within and outside its walls?	13	87	100

Source: Questionnaire July 2021 (Emiru, 2022).

According to the Emiru's (2022) survey, 93% of experts and officials believe that the availability of land in the research area suggests that urban land administration institutions are not well organized or effective, as demonstrated by Table 4.1. As a result, there is no dedicated staff for development and land use. However, the land tenure portion of the current system is repetitious, as are its functions.

Ethiopia has a substantial mismatch between housing demand and supply (FDRE, 2016a). As a result, the FDRE's urban housing strategy seeks to alleviate urban housing shortages. The strategy entails implementing major changes by incorporating new housing concepts and practices. Furthermore, the regional government has put in place a land leasing policy to stimulate housing development.

Table 4.2 Land Delivery Performances for Housing Cooperatives in Bahir Dar and the Region

Land preparation and delivery performance in hectors								
	Activities	2016	2017	2018	2019	2020	Total	Remark
Bahir Dar	Prepared	6.3	1.215		376		383.515	
	delivered	0	1.215		207.4		208.615	
	Preform%	0	100		55.16		54.11	
	No. of illegal building	1545	2476	1355	-	-	5376	
	Prepared	848.516	338.801	328.347	2269.204	93.449	3878.313	
Region	delivered	570.735	600.656	625.5481	1313.49	796.16	603961.93	
	Preform%	67.26	>100	>100	54.88	>100	>100	
	No. of illegal building	12606	20583	20807	41330	17975	113301	

Source: BUI 5-Year report (2016-2020).

However, land preparation and delivery for cooperative housing in Bahir Dar is unsatisfactory due to a lack of institutional competency. As a consequence, many urban landholdings in the area are illegally held, having been built or illegally converted into homes (Urban Infrastructure Bureau (BUI) report, 2016-2020 (Table 4.2). Therefore, to investigate institutional capacity and offer remedies, the

performance of land delivery for housing cooperatives during the last five years has to be evaluated. Over five years, only 383.515 and 208.615 hectares of land were produced and transferred for housing cooperatives, respectively. However, 5376 unregistered holdings own an average of 80.64 hectares, accounting for 39% of lawfully transferred land, and in 2018 and 2020, no land was planned or provided for housing cooperatives in the city. In contrast, around 783 legally recognized housing cooperatives and an average of 16,842 households were on the housing waiting list in 2020. This demonstrates how informal land supply fills gaps in Bahir Dar left by land institutions' inability to execute land leases. Furthermore, there was no economic land-use or compact city development strategy that prioritized vertical development rather than horizontal expansion.

4.2 Communication and Coordination in Land Administration Institutions

Ineffective land management can be hindered by a lack of horizontal coordination across land functions and with peer agencies. This is even though prior surveys found that 94% of municipal managers and employees agreed on the significance of a strong coordination framework for efficient land delivery (Table 4.1). An interview conducted for this study confirms that the frequency of coordination and communication across land functions does not correspond to the work schedule. This is confirmed by a previous survey conducted by Emiru (2022), which revealed that 87% of urban land experts and officials in Bahir Dar (Ethiopia) were aware of the problem. This is because the institution's mission was not generally known, both internally and outside, due to a lack of communication within the sector. Coordination across government levels is hampered by a poorly structured work process, vertically unaligned institutions, and inadequate communication routes. Interviewees confirm that communication is focused on specific issues and institutions rather than serving as a general system. As a result, there are substantial gaps in communication on time and consistently enough to improve cross-agency and different levels of government coordination.

4.3 Existing and New Proposed Institutional Structure of Urban Land

Not only are key components of land administration lacking, but their integrity is being questioned. Furthermore, as per the literature review, institutions and institutional structures are tools used to improve governance since they have the power to impact results (Wapwera et al., 2015).

Thus, administrative issues in Bahir Dar are exacerbated by inter-institutional variables such as land tenure overlaps, missing land administration functions, and a lack of coordination in the land institutional structure. This is further confirmed by Emiru's (2022) research, which found that 94% of urban land and housing administration officials and experts acknowledge the complexity of the land administration's institutional structure. As a result, the lack of coordination between government levels and land administration functions leads to inadequate urban land delivery and exacerbates urban good governance challenges.

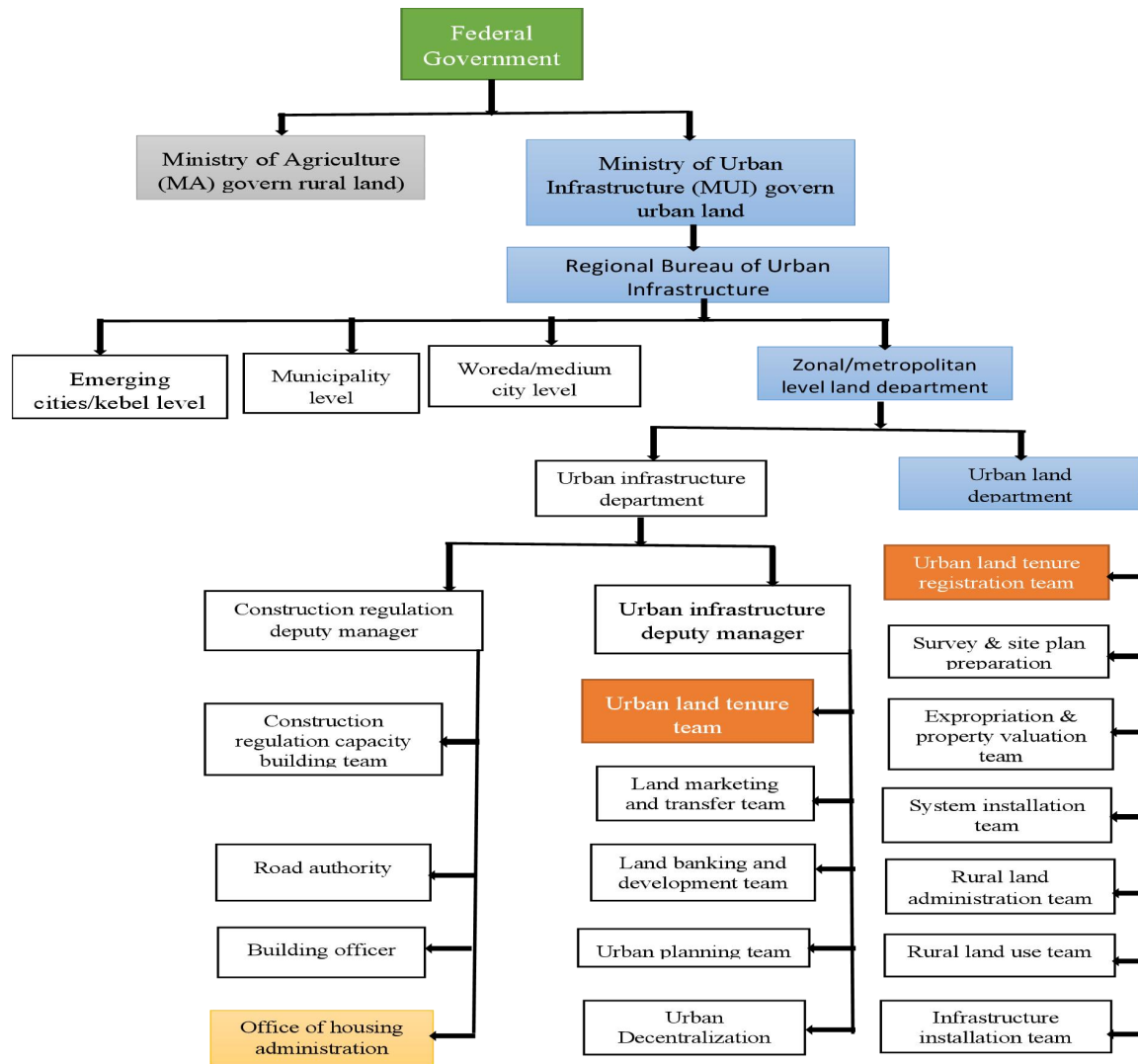


Figure 3. Existing Amhara National Regional State Urban Land Institutional Arrangement
(Note 2)

Therefore, the land institution of the region will be restructured by revised ANRS proclamation No. 280/2021 (ANRS,2021), to be handled by the same regional bureau that is in charge of both urban and rural land in the region. Bahir Dar's housing office is now responsible for the city's construction and regulatory deputy manager, who has been separated from the urban land administration department. As a result, coordination between urban land administration and housing departments was absent from the very beginning. Figure 4.2 depicts the proposed organizational structure of a land management department to handle this issue

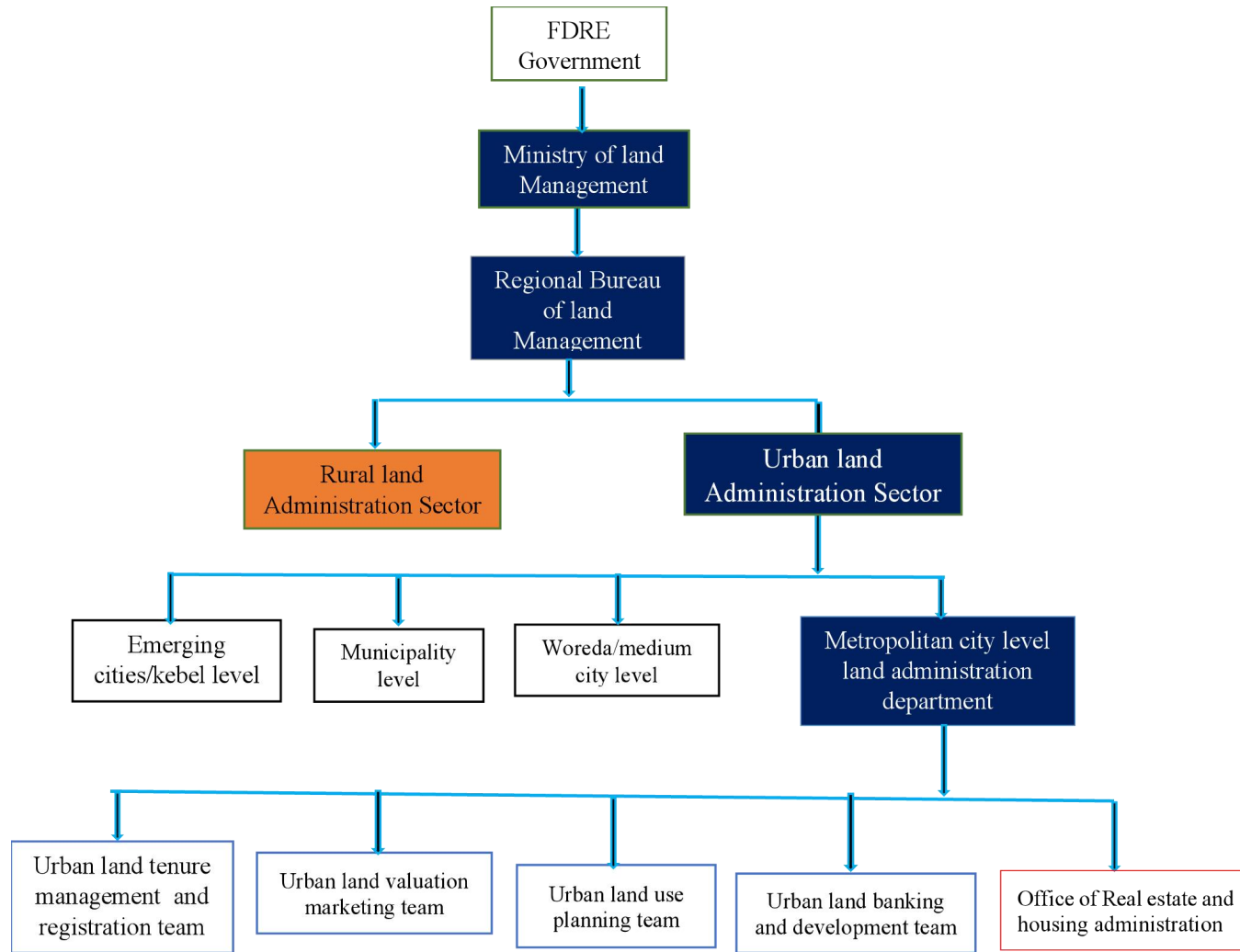


Figure 4.2 The Proposed Regional Land Institutional Arrangement (Note 3)

4. Conclusions and Recommendations

The urban land issue is being managed by institutions such as the Ministry of Urban Infrastructure, the Bureau of Urban Infrastructure, and municipalities. However, the existence of overlapping roles, conflicting structures, and a lack of coordination and communication mechanisms leads to ineffective and inefficient land delivery for urban housing cooperatives. This contradicts the assumption of a global need for increased land management awareness and institutional development to generate viable national conceptions that integrate the land administration function (Enemark, 2006b).

The current urban land preparation and delivery procedures in Bahir Dar are deficient, owing mostly to a lack of coordination among land sectors. As a result, many legally registered housing cooperatives are on housing waiting lists since their members are mostly urban poor people who cannot afford to buy or pay for the city's ever-increasing housing rentals. As a result, unless remedial measures are taken to address both land delivery shortcomings and institutional insight for arrangement, the objectives of urban land policy, housing strategy, and housing cooperative legislation may continue to be wishful

thinking.

Finally, lack of coordination, poor communication channels, overlapping roles, and contradictory structures within land institutions are not well handled. Establishing competent urban land management institutions is essential for delivering planned urban land for housing while also satisfying national, regional, and city development objectives. Without such institutions, administering urban land may become impossible, limiting progress toward city-wide sustainable development goals.

Regardless of the overall process, it is critical to develop results-driven solutions. Thus, the government's dogmatic approach to the status quo of land institutional structures, as well as the confusion produced by the inability to perform work efficiently and effectively, should be revised. The institutional structure for urban land should take into account the city's homeless poor's increased demand for land and the existing inefficiency and ineffectiveness of the urban land delivery system. This leads to the recommendation that a well-designed institutional capacity development framework be built and maintained between land institutions to increase efficiency and minimize costs in land preparation, planning, development, and transfer. Further study is needed to facilitate the formation of strong institutional coordination across agencies by providing a clear channel of communication.

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Notes

Note 1. Source: Emiru et al. (2023).

Note 2. Developed from the text review.

Note 3. Author developed.