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**ADDIS ABABA UNIVERSITY**  
**SCHOOL OF GRADUATE STUDIES**  
**COLLEGE OF DEVELOPMENT STUDIES**

**The Effect of Rural Land Certification on Land Tenure  
Security: A Case Study in Libo-kemkem  
Woreda, Amhara Region**

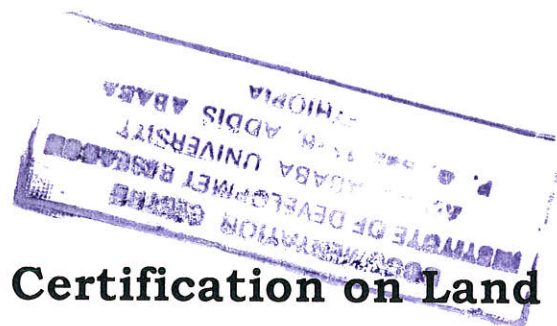
**A thesis Submitted to the  
Institute of Development Research  
Department of Rural Livelihood and Development**

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**Advisor: Ato Yigremew Adal**

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**SCHOOL OF GRADUATE STUDIES**  
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**INSTITUTE OF DEVELOPMENT RESEARCH**



**The Effect of Rural Land Certification on Land  
Tenure Security: A Case Study in Libo-kemkem  
Woreda, Amhara Region**

**By: Berhanu Adugna**

**For the Partial Fulfillment of the Requirements for the  
Degree of Master of Art in Development Studies**

**Advisor: Ato Yigremew Adal**

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By

*Berhanu Adugna*

DEVELOPMENT STUDIES

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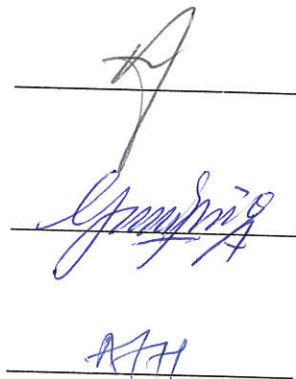
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## Acronyms and Abbreviations

AAU	Addis Ababa university
ANRS	Amhara National regional state
BPR	Business processing re-engineering
EPLAUA	Environmental Protection Land Administration and use Authority
Ha	Hectare
HH	Household
IDR	Institute of Development Research
LKWARDO	Libo-kemkem woreda Agriculture and Rural Development Office
NGO	Non-governmental organization
SIDA	Swedish International Development Agent
UN	United Nation
UNECE	United nation Economic Commission for Europe
WEPLAUA	Woreda Environmental Protection Land Administration and use Authority

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## **Abstract**

*This study examines the effect of land certification in Libo-kemkem woreda, South Gonder administrative zone, Amhara region. Both primary and secondary data are employed in the investigation. The sources of the primary data were HH survey, interviews with key informants, discussions with focus groups and case studies. Secondary data sources include articles, published and unpublished documents, books and other related materials.*

*The findings of the study revealed that in Libo-kemkem woreda community participation during the registration was generally good but it differs from one kebele to another. But the participation of females in land administration was very low. In all 84 sub-kebeles of the woreda, there were only 69 females. The participation of females in Shamo and Agelahana kebele KLAUC was none.*

*Land registration in Libo-kemkem woreda was almost completed and more than 54% of the land holders have received their book of rural land possession. But there were problems during the land registration. Majority of the respondents (69.9%) were not satisfied by the measurements of their holdings that were registered on their certificates. About 62.5% of total respondents observed that most of the extra lands in their kebeles were not properly identified and recorded. There are corruptions at kebele and woreda level up on those extra lands. Other problems during the implementation of the registration were lack of proper support for the land administration institutions at all levels and the absence of an established and continuous monitoring and evaluation system.*

*The study investigated that while 43.2% of the respondents do not feel guaranteed about the security of their lands to go to another place and work there for a longer period, about 23.8% were not sure whether or not their holdings would be secure. The majority of the respondents (64.8%) expect future land redistribution in the next five years. However, the investigation also shows that the majority of the respondents feel guaranteed that all or part of their holdings will not be taken from them by the government without compensation.*

*The research found that women have faced several problems during the registration. Many female who married after the recent land redistribution were not entitled to register with their husbands in the study kebeles. Many women who don't work the land themselves and who have to share crop, couldn't succeed in registering their plots of land. Similarly, the land certification couldn't bring for communal lands to be secure in the two kebeles. The boundaries of most communal lands were not demarcated properly during the registration. The encroachment has also increased after land certification.*

*Land dispute has decreased after land certification in relation to the registration time. But the land registration process didn't bring border dispute reduction between administrative areas. There are still kebele to kebele and woreda to woreda border disputes. For example, Shamo and Agelahana kebeles have dispute with their successive three neighboring kebeles. In addition, for those farmers whose holdings are around towns, the certificate couldn't reduce the dispute with the municipalities.*

*The study also reveals that although there are some efforts which are conducive for the sustainability of the land administration system, there are serious challenges and problems that should be resolved to sustain the system. Staff turnover, low capacity, lack of vehicles and other equipments are still some of the constraints in the office. Most members of the Committees in the woreda are not today in function. Moreover, the committees and the WEPLAUA office were inefficient for delivering justice and timely services. Favoritism, bribe, and unwillingness to give fair services were the major problems of the woreda EPLAUA office and KLAUC. The current situation of land register storage in Libo-kemkem woreda is also poor. These documents are in a manner in which they can be easily used for undesirable purpose and there are observations of corruptions in the office.*

*Thus, to solve the problems encountered during the registration and improve the existing land administration system, there should be discussions with the community and the employees and there should be also efforts to remove bottlenecks that aggravate land tenure insecurity.*

# Chapter one: Introduction

## 1.1 Background

Land tenure has been and is still a contentious public policy issue in Ethiopia. Despite the debate, the EPRDF government is consistent in its firm stand of retaining the public policy of the Derg. But in response to various factors, the government has initiated new policy measures one of which is the establishment of the land administration system where land registration and certification are the major components. While there are many studies and debate on land tenure policy, there are limited empirical studies about the effects of land registration and certification in Ethiopia.

Ethiopia is an agrarian country whose national economy is mainly dependent on rain-fed agriculture and with millions of smallholders. The natural base of the country, including land, is immense but, it is not properly utilized. Land degradation, land fragmentation and small holding size are serious problems which resulted in less production and productivity there by contributing to food insecurity and famine in the rural areas of the country. There are many causes for such intermingled problems, but the central cause is believed to be lack of tenure security (Zerfu, 2006:80).

Like the other African countries, in Ethiopia land is a key asset for rural livelihood and economic development (Nazneen et.al, 2005:3). Similarly, land is also the major source of assets for a majority of Ethiopia's poor. And when the legal system provides the poor with assured access and long-term rights to land, it can make a huge to their households' income, food security, and general well being. But in the country, since long time, there have not been appropriate policies, formally established systems and practices dealing with

proper allocations, utilization, and management of land. As a result distribution of land, rights, administration and protection of those rights, establishment and regulation of land use function and other similar activities like land transfer have not been carried out properly (Yigremew, 2002:96).

On the other hand, there has been a growing concern that lack of such land use and land administration institutions are negatively impacting on the use and management of natural resource of the country. Moreover, the government itself, donors, and other concerned agencies believe the prevalence of tenure insecurity and assume as it is the most important constraint to agricultural production and food security. As a response to such growing concerns and pressure from different angles, land administration is getting some increasing attention (Yigremew, 2007:3). The four regional states have begun beyond enacting laws, taking measures towards establishing land use and land administration system. They have also started comprehensive rural land registration and certification. Over a short period, more than 7.2 million households were registered. This has to be encouraged. However, registration is one step towards ensuring tenure security but not a sufficient condition.

The justification for rural land certification is the expectations that it will enhance the security of farmers through the recording of their rights (Marquardt, 2006:10). Secured land rights can in turn promote investment, reduces land disputes, facilitate inheritance transferring, and encourages wise use of land from environmental as well as economics point of view. But, the international experience shows that land titling/certification is not a sufficient condition for the achievement of tenure security (Solomon, 2006:39).

For instance in Kenya, Green (1987) stated that the registration has often served to redistribute assets towards the wealthier and better informed. As Nazneen and his colleagues argued, where there are significant costs to registration in cash, time and transport, smallholders are particularly

vulnerable to losing their rights over land (Nazneen et al, 2005:4). Evidence also suggested that formulating property rights through individual title can have negative consequences for poor groups in particular for women and those relying on secondary rights to land (Askale, 2005:1). Moreover, responses to the impeding condition brought on by its implementation may have resulted in insecurity problems beyond those that already existed (Green, 1987:5). Similarly, in Ethiopia as Dessalegn (2004) and Solomon (2006) argue, the land registration and certification by itself can't bring tenure security since the present land legislation by itself promotes tenure insecurity.

Therefore, this study tries to assess the effects of land certification on land tenure security. The research area is Libo-kemkem woreda in Amhara region. The woreda is selected since the researcher is familiar with the language and culture of the people and has also worked there in the agricultural and rural development office for some years.

## **1.2 Statement of the problem**

The EPRDF-led government is facilitating rural land registration and certification program. In Amhara region, the land registration and certification process has begun in 2003 for the first time supported by SIDA. According to the regional EPLAUA, as of April 2009, all landholders were registered and over 57% of the registered land holders have received the book of rural land possession. This is a great achievement with limited resources and within short period of time.

The certification in Ethiopia is an effort initiated by the state to provide basically security of land tenure. But there are mixed reports and views about the effect of land certification on land tenure security. For instance, Getahun (2008), in his thesis titled as "the effect of land certification on securing land rights in Amhara region", reported that almost all of his respondents perceived

their land rights as secure as a result of land certification. About 92% of his respondents don't fear future land redistribution.

On the other hand, Dessalegn (2004) believes that land certification by itself, however well it is undertaken, will not be sufficient to ensure full tenure security and bring sustainable rural development. To him the present land policy by itself promotes insecurity of tenure because it allows, among other things, periodic redistribution (or at least the threat of redistribution hangs over many peasants), is inefficient because it promotes fragmentation of land and growing pressure on land resources because it discourages rural people from leaving their farms for other employment opportunities and give the state immense power over the farming population because land is state property (Dessalegn, 2004:2). Askebir (2006:43), in his MA thesis "The 1996 Rural land redistribution: process and socio-economic consequences: a case study in Libo-kemkem woreda (South Gondar)" which is also the study woreda for this research, reported that the land redistribution has aggravated the tenure insecurity and farmers continue to fear new land redistribution. This worry about possible future land redistribution was found to be one of the major sources of tenure insecurity in rural Ethiopia (Nazneen et al, 2005).

Moreover, in Libo-kemkem woreda (the study area) there were much land-related disputes and litigations which vary from one kebele to another during the implementation of the land registration. There were also disputes even after land certification, between land holders that are found around Addis-zemen town, the administration center of the woreda, and the town municipality. For such farmers, the certificate didn't' bring security of their holdings.

This study, therefore, intends to examine the effect of rural land certification on land tenure security. The study attempts to address the following research questions:

- What were the objectives of the land registration & certification?

- How was the actual implementation of land registration and certification in Libo-kemkem woreda?
- What were the problems in the implementation of land registration and certification program in Libo-kemkem woreda?
- Did the land certification bring the security of land tenure?
- What were the opportunities and challenges in the sustainability of the existing land administration system?

### **1.3 Objectives of the Study**

The main objective of the research is to assess the effect of land certification on land tenure security. To this end, the thesis attempts to address the following specific objectives:

1. to examine the objectives of rural land registration and certification program
2. to investigate the strengths and problems in the implementation of the land registration and certification
3. to examine the feelings of land holders about their tenure security as a result of the certificates they held.
4. to examine the opportunities and challenges in the sustainability of the existing land administration system

### **1.4 Significance of the Study**

Rural land certification program has been implemented in the four regions of the country recently. The main expectation is it will enhance land tenure security. But little is known about the effect of the certification. Therefore, this study tried to assess about the implementation of the land registration, the effect of land certification on land tenure security and the sustainability of the land administration system. By doing so, the research results would contribute to the existing literature, and can be also important for policy and decision maker if the need arises to take any relevant mitigation measures.

## **1.5 Scope of the Study**

This study tried to examine the effect of rural land certification on land tenure security. The selected woreda is Libo-kemkem in South Gonder administrative zone, Amhara region. The study sites are two kebeles in the woreda. Basically data are collected from certain land holders who have the certificates. Moreover, there are discussions with KLAUC and kebele administrators. Interview is also conducted with key informants such as woreda and regional EPLAUA employees, town municipalities, woreda administrators, and religious and elderly persons in the two kebeles. Case studies are also conducted in certain household to assess the effect of the certification on women's land tenure security and on holders whose holdings are found around Addis-zemen and Ambo-meda towns.

## **1.6 Limitations of the Study**

In this study there are limitations on investigating all legal, technical, financial and institutional aspects of rural land registration and certification in required depth because of the lack of budget, time and other resources. On the other hand, the provision of permanent book of rural land possession started in Libo-kemkem woreda at the beginning of 1999E.C. It was good as the effects of the certification could be studied in the future.

## **1.7 Organization of the Thesis**

This paper consists of five chapters. The first chapter- Introduction- focused on the background and statement of the problem, the objectives of the research, the significance of the study, scope and limitations of the study. Chapter two dealt with the review of the theoretical and related literature. Chapter three and chapter four deal with the methodology and findings of the study respectively. The last chapter presents the conclusion and recommendations of the research.

## **Chapter Two: Review of Related Literature**

### **2.1 Land Tenure Security**

Security of tenure is a general term for several conditions describing the relationship between individuals and their land. It can be defined narrowly or broadly. Tenure security, narrowly defined, is the land holder's perception of the probability of losing land within sometime period (Barrows and Michael, 1989:21). This definition doesn't show other specific rights related to land. But land tenure security can also be defined more broadly including the land holder's perception of the likelihood of losing a specific right in land such as the right to cultivate, graze, fallow, transfer or mortgage.

According to Lavigne Delville 2003 cited in Nazneen et al (2005:3), land tenure security refers to the degree of confident held by people that they will not be arbitrarily deprived of the land rights enjoyed and/or of the economic benefits deriving from them. It includes both objective elements (nature, content, clarity, duration and enforceability of the rights) and 'subjective' elements (land holders' perceptions of the security of their rights).

Another definition, which is more or less convectional and stated in Yigremew (2007: 37) and Abera (2008:3) is that "security of tenure implies to the ability of a farmer to cultivate a piece of land on a continuous basis, free from imposition, disputes, or approbation from outside sources, as well as the ability to claim returns from input or land improvements while the farmer operates the land and when it is transferred to another holder".

From the above definitions and explanations it is clear that tenure security is the certainty that a person's right to land will be protected. The right holders may face insecurity when their rights to land are violated by others to the extent to abandon it as a result of land grabbing or eviction. Citing FAO

documents, Askebir (2006:26) stated that people with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost because of eviction. Therefore, land tenure security is something the people must bear in mind to be fair. From this view point, land tenure security has a special feature in that it cannot be measured directly and to a large extent, it is what people perceive it to be and its attribute may change from one context to another (Getahun, 2008:25).

According to Dessalegn (2004:35), there are three key factors that have a strong bearing on security of tenure:

- a) ***The duration of rights***: the land holder has a right to the land on a continuous basis for good or for long enough to have an incentive to improve or invest on it.
- b) ***The assurance of rights***: the land holders feels assured that his/her rights are not arbitrarily overridden by others, including the state. The loss of rights should occur only in exceptional circumstances and should be a result of due process, the decision of a court law, or according to the provision of contract, in which case, the holder will be compensated in full for the land and /or the investments on it.
- c) ***Robustness of rights***: the holder has the freedom to use, dispose of or transfer the land free from interference by others, including the state.

According to Getahun (2008:15), land tenure systems in Africa are mainly grouped in to “customary” and “statutory or modern” land tenure systems. In most parts of Africa, before the imposition of colonialism and the existence of current national states, land was governed by traditional procedures and norms on land utilization, access, and, transfer. Since it was traditional, the norms and procedures were social constructs whose essential elements were passed orally, by ways of example or practice, from generation to generation belonging to a particular community. Land was administered by chiefs, clan or tribal elders and ownership was vested in the respective tribe or clan.

On the other hand statutory land tenure system and its management structure were adapted from Europe in to Africa as part of the colonization packages (Getahun, 2008:15). During this period the expropriation of vast areas of land from Africa by European settlers and colonial administrators were possible after the issuance of a series of proclamations, decrees, orders in councils, and the like. After the attainment of political independence, the expansion of modern agriculture techniques led to the emergence of cultivators who had interests in secure land tenure rights stipulated in modern law.

According to (Nazneen et al, 2005:5), in much of rural Africa, customary and statutory tenure systems coexist over the same territory-often resulting in overlapping rights, contradictory rules and competing authorities (“legal pluralism”). Generally, in historical perspective, land tenure systems in Africa are not static; rather, changing in response to political and economic progress of societies.

## **2.2 Land Administration**

Land may be viewed from different perspectives. Some may think of it as the actual space in which people live and work; some may think of it as a set of real property rights; some may see it as an economic commodity; other may see it as a part of nation-hood and their cultural heritage. From whatever perspective, it is a resource that must be carefully managed for the benefit of future generation (UN- ECE, 2004:ix). According to this document, the information infrastructure that supports this management is known as Land administration.

Many literatures try to define land administration with varied scopes. According to UN-ECE, 1996 Cited in Yigremew (2007), land administration is the process of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies.

As to the guidelines on real property units of UN-ECE (2004:5), land administration simply is the management of information about the ownership, value or use of land and its associated resources.

Another definition is that land administration is “the regulatory framework, institutional arrangements, systems and processes that encompass the determination, allocation, administration and information concerning land. It includes the determination and conditions of approved use of land, the adjudication of rights and their registration via titling, the recording of land transaction, and the estimation of value and taxes based on land and property” (Lyons and Chandra 2001 cited in Getahun, 2008). Based on this definition, land administration has a wider scope which comprised a number of different tasks, roles, and responsibilities in accomplishing issues related to land. Among those indicated key components, land administration involves a regulatory framework, institutional arrangement, adjudication of rights in land, organization of land information concerning holding rights, land value or land use and above all the updating of records.

According to Getahun (2008:12), the components of land administration are categorized in to three:

1. The registration of holding rights and maintaining the registered data up-to-date. This component is believed to be decisive for development and offers a base for other components, generating information concerning ownership, holding rights, value and use of land for disseminating to users.
2. Regulating restrictions of land use or unlawful utilization of the land against specified in the law.
3. Land valuation and taxation

When we come to Ethiopia, particularly as the Amhara region's recent version of land law, proclamation No. 133/2006, Article 2 sub Article 23 defines "*land administration means a process whereby rural land holding security is provided, land use planning is implemented, dispute between rural land holders are resolved and the rights and obligations of any rural land holder are enforced, as well as information on farm plots and grazing land of holders are gathered, analyzed and supplied to users*" (ANRS, 2006:6). This definition which is applicable only to rural land has incorporated the basic components of land administration such as the adjudication of rights in land and dispute resolution mechanisms, the regulatory aspect-controlling land use and reinforcement of obligations to put them in to effect, the task of collecting, organizing and disseminating land information to various users, administration of land rights and ensure their security.

Land administration encompasses a range of functions that ensure proper management of rights, restrictions and responsibilities in relation to property, land and natural resources. According to Tesfaye (2006:273), these functions include the areas of land tenure (security and transferring rights in land), land value (valuation and taxation of land and properties); land use (planning and control of the use of land and natural resources); and land development (utilities, infrastructure, construction planning, permits, and implementation). These functions are based on and are supported by appropriate land information system (Ibid, 273). In the document of the UN-ECE, it is also stated that the function of a land administration system is to record, maintain and make available information that can create security of tenure and support the land market (UN-ECE, 2004:5).

Moreover, the social and economic benefits of good land administration as it is spelled out in UN-ECE 2005b cited in Marquardt (2006:13-16) includes: facilitating private land ownership and security of tenure; securing private

rights in land; recording public rights in land; developing a secure financial sector; providing a basis for land taxation; and providing land information as a basis for land management.

Understanding the above stated roles and benefits, scores of developing countries have embarked upon a program of establishing land administration systems and undertaking systematic rural land titling, involving land rights adjudication, registration, cadastral surveying and titling (Solomon, 2006:39). But many land administration and land titling projects lose sight of the main purpose of the exercise and concentrate on the technical aspects such as surveying, mapping and preparation of and issuing titles (Ibid, 39). Land administration and titling are not about the sophistication of these activities nor are the technical aspects end themselves. "Land administration & titling are about protecting land rights adequately and permitting those rights to be transferable efficiently, i.e., simply, quickly, securely and at a low cost and maintaining the integrity of the cadastre by continuous updating of transactions in land rights as they occur (Williamson 2000 cited in Solomon, 2006:39). The success of a land administration and titling program is, therefore, the extent to which it fulfills those set of purposes not the number of land title it issues, notwithstanding that these numbers may be one of the indicator of successful implementation.

Whatever the level, a land administration agency ideally demands good governance, adequate resource, culturally sensitive approach, equity, quality and commitment. If these requirements are available, land administration development can meet its objectives. To the contrary, land administration becomes impracticable and will significantly disrupt sustainable development where there exists uncertainty in governance, inadequate resource, low legality, insensitive approaches, excessive control and lack of commitment (Torhonen 2003 cited in Getahun, 2008).

## **2.3 Land Registration and Certification**

Various literature try to define land registration that have more or less similar concepts. Marquardt (2006:8) defines land registration as the official recording of legally recognized interests in land. The guideline for real property of UNECE (2004:2) also defines land registration as the process of recording rights in land either in the form of a register of deeds and other documents associated with the ownership of the land rights or else in the form of a register of titles to land.

Another definition is that land registration is a process of recording rights on land which provides safe and certain foundation of acquisition and disposal of rights in land (Solomon, 2006:165). The ANRS revised proclamation No 133/2006 Article 2/20 also defines in that “Land registration means an activity of registering the detailed information about location, area, boundaries, fertility grade, the identity of the holder on the book concerning the rural land” (ANRS, 2006:5).

On the other hand, land certification is a process of registering land under holding and issuing the certificate as evidence that such rights in land are legally secured (Getahun, 2008:21). The recently Amhara region land law Article 24/1 stated that “the holding certification is a legal certificate of the holder” (ANRS, 2006:27). In this regard, the essence of land certification is an attempt by the government to provide security of tenure and protect the use rights of land users by registering their holdings and issuing certificates that are for their guarantee to holders from facing another loss through land redistribution at least for a period of 20-30 years (Nzioki, 2006:80).

Land certification/titling is the strongest legal form that registration of land rights can take, with titles usually guaranteed by the state. It is the most expensive form of registration to carry out, requiring formal surveys and checking of all rival claims to the property (Nazneen et al, 2005:6).

There is an important distinction between rights to land and their registration. Land rights include those concerning land access and use such as the right to use a piece of land at a particular time, and the right to exclude others, as well as rights to transfer or encumber land to determine future holders of defined interests in land (Nazneen et al, 2005:5). Collectively, interests in a piece of land are often referred to as a “bundle of rights”. Such rights may be held by individuals or groups (e.g. private property) or by the state (ownership, trusteeship, etc). They may be based on national legislation, on customary law or on combinations of both.

Registering to land is a distinct, though intertwined, activity. Registration is the system to document land rights, irrespective of their content (Nazneen et al 2005:5). The same rights in land may be registered in different ways. Conversely, land registration may be applied to different types of rights-from private property (e.g. Ghana) to use rights on state owned land (e.g. Mozambique, Ethiopia).

There are two basic components to a land records system: the piece of land and the rights over that piece of land (Marquardt, 2006:8). The basic unit in a land register is a parcel and its boundaries. Parcel is an area of a land with a particular type of land use or an area exclusively controlled by an individual or a group (Marquardt, 2006:8). Boundary of parcel can be defined by physical demarcation on the ground or by a mathematical description usually based on a coordinate system. The accuracy, and consequently the cost, of cadastral surveys are dependent up on the accuracy needed for boundary description for the system to meet countries objective. This accuracy should reflect factors such as the value of the land, the risk and cost of land disputes, and the information needs of the users of the registry (Bayeh & Tenaw, 2006:8).

The second major component of land registry is the record of property rights. These rights, most of them, are thought of as belonging to an individual. But they may also be recorded as belonging to a husband and wife (joint title), family, a community, or even the state. This record of recorded rights (“ownership”) can be private or public (Ibid, 9). The process of determining these rights is adjudication: what evidence is acceptable to determine why one person has rights over a piece of land instead of someone else. These rights are established initially by use, by the recognition of neighbors and other community members, and eventually by different forms of written documentation (Marquardt, 2006:9).

### **2.3.1 Methods of Land Registration**

According to Abera (2008:9), there are two types of rural land registration: non-conventional and conventional ways of registration.

**Traditional/non-conventional way of registration:** In this type of registration land information are recorded in estimation. These are like land size, and general boundary (meaning not fixed). Non-conventional way of registration is simple, needs less skilled persons and doesn't need too much time, as a result, is not costly. It has relatively less input to solve land administration activity like boundary dispute resolution when compared to the conventional way of registration. Also updating is limited here.

**Conventional/ modern way of registration:** When we come to a conventional way of registration, it is the way of getting genuine land information like land size, fixed boundary and map. It is somewhat complex, needs skilled persons and needs too much time. As a result its input for further land administration activity like boundary dispute resolution or reducing litigation and update is high.

### **2.3.2 Potential Benefits of Land Titling/Certification**

Land registration and certification have several benefits. According to Marquardt (2006) and Yigremew (2007), the benefits of an effective land registration system are that it will:

- a. guarantee ownership and security tenure
- b. reduce land disputes
- c. provide security for credit
- d. facilitate the management and protection of state lands
- e. facilitate rural land reform
- f. support for land and property taxation
- g. develop and monitor land markets
- h. improve urban planning and infrastructure development
- i. protect land resources and support environmental management
- j. Produce statistical data.

On the other hand, Pagiola (1999) cited in Solomon (2006) stated that the potential benefits from land titling may be derived through four channels. These are effects of security, collateral, land (use-rights) market, and land information.

As we can see, land certification has many theoretical/potential benefits. But from these main benefits, Solomon (2006: 51) argues that one should ask which types of benefits would accrue from rural land titling in Ethiopia.

According to Green (1987), one of the classical and basic reasons for undertaking land titling is to promote land tenure security which in turn is expected to result many benefits. The theory is that rural land titling/certification increases security of tenure thereby removing disincentives to investment in land and protection of the environment. Land holders who hold a certificate will be able to develop a sense of ownership and will be

reassured that they will not lose their plots in the future (Dessaegn, 2004:20). Because land holders have long term security, they would be willing to invest their labor and capital in land improvement with long gestation periods (farm buildings, irrigation, timber and tree crop planting, terracing, bunding, manuring), resulting in improved agricultural productivity, enhanced environmental protection, increased farmers' income and higher standard of living and welfare (Solomon, 2006:40).

Yigremew (2007:37) also stated that security of rights is among those important considerations in land tenure policy, for resource management and economic growth. According to Place et al (1993) cited in Yigremew (2007), secure rights based on economic theory are believed to: increase credit use through greater incentives for investment and projects; increase land transactions; raise productivity through increased agriculture investment; reduce the incidence of land disputes through clearer definition of and enforcement of rights.

Therefore, it can be argued that promoting tenure security is the major and the basic objective of land certification which in turn is expected to encourage sustainable use of land. Documentation can also decrease land dispute which give rise to social unrest, expensive litigation and lead to the general exacerbation of tenure insecurity.

It is also widely appreciated that formal law tends to treat women more favorably than customary law. In this context, land registration process, if appropriately designed, can contribute to improve the land tenure system of women, by providing them with documented land rights (Nazneen et al, 2005:19). Deninger et al (2007) also believe that in rural Africa contexts providing poor land owners or users, who are often females with options to have their rights documented can yield significant benefits. These benefits

includes among other things enhanced gender equality and bargaining power by women.

Although land registration and certification have such multiple benefits, the experience of Africa with land registration has been more limited (Marquardt, 2006:10). In the former British colonies, most of the earlier registration programs concentrated on the settler enclaves leaving the rest of the land in customary tenure regimes. Kenya had one of the earliest attempts to systematically register land beginning in the 1950s (Green 1987:5). There is growing concern about the sustainability of this system as new transactions are not being recorded and land subdivisions continue to occur. Uganda also developed a land record system initially in the Mailo areas of central Uganda. Two pilot land registration programs were attempted in the 1960s, but were never extended beyond the initial areas (Marquardt, 2006:10).

Ghana also has a long history of land records. There have been deeds registration since 1883 and title registration since 1986 (Nazneen et al, 2005:8). But in recent years the institutional and land administration structures of the government have resulted in competing authorities and lack of coordination to maintain the existing records, not to mention new transactions coming in to the system.

South Africa has probably the most developed and best function system in sub Saharan Africa, but the records are limited to land areas which had previously been under white ownership during Apartheid era. Extension of titling in to the former Bantustans is only recently getting underway (Marquardt, 2006:10).

Moreover, over the past few decades, a number of African countries have adopted also land administration system and land laws in which land

registration has become the major task to secure the land right of the rural population. One of these countries is Ethiopia.

## **2.4 Land Policy and Administration in Ethiopia**

### **2.4.1 The Current Land Policy and Debate**

Land in Ethiopia is the basic economic resource. As a result, the mode of land ownership has been and is still one of the burning political issues in recent political history of the country.

Prior to 1975, Ethiopia's land tenure system was highly complex and diverse (Deninger et al, 2007:7). During this period, the main forms were a communal Rist system in the North and a largely feudal system that encouraged absentee landlordism in the south (Deninger et al, 2007:7). In the north, communal form of land tenure was prevalent, where it was known as Rist in Amhara areas and Risti in Tigray. Rist was a land use right and access to land involving all individual member of a particular community of their ancestor to which those individual belonged ( Bruce 1976 cited in Hussien, 2001 ). However, no user of any piece of land could sell his or her share outside the family since land belonged not to the individual but to the descent group or the community (Behranu and Fayera, 2005:5; Hussien, 2001:39).

The 1975 land reform of Derg abolished all customary and other pre-existing rights to land and vested in the state the power to redefine rights of property and access to land (Dessalegn, 2004:1; Berhanu, 2004:320; Bruce et al, 1994:2). It nationalized the lands of all rural and urban lands (Berhanu, 2004:320; Bruce et al, 1994:2). During this regime, individual households had only usufruct right over the land they cultivated, a right they could not transfer by sale, lease, mortgage or gift (Bruce et al, 1994:25; Deninger et al, 2007:7).

The EPRDF-led government, although adopted a free market economy and took many policy reforms, it has retained rural (and urban) land tenure policy of its predecessor. Land remained public property and in the present case the land policy is enshrined in the constitution adopted in 1995. The government tried to give reasons for retaining the present tenure policy which in one hand emanates from the predication of the potential adverse effects of private ownership of land on the poor peasantry. That is, land privatization will lead to social stratifications, the eviction of a wide spectrum of poor farmers, the emergence of massive unemployment and the resurgence of tenancy institution (Hussien, 2001:49).

Many political parties, scholars, international organizations and donors don't agree with the existing tenure policy option and advocates for private ownership of land. The central argument by those who favor privatization is that private ownership provides most robust rights to individual holders and provides the peasant with incentive necessary to make investments and long-term improvements on the land and improves agricultural production (Berhanu, 2004:315). For the proponents of private land tenure system, the prevailing land tenure system is one of the root causes of Ethiopia's poverty, food insecurity and under-development as it restricts citizen's access to land for maximizing economic use. They oppose the incorporation of land policy in the country's constitution, as this limits the possibility for flexible policy making to favor free-hold and land market.

Although under the present circumstance reforming the land tenure will entail amending the constitution which will be a difficult task, land tenure is and will remain at the centre of the debate on Ethiopian development. But, the EPRDF-led government is insistent on its firm stand by viewing public ownership of land as an alpha and omega. But the fact is that as the government itself and other advocators of the public tenure policy agreed, there are still tenure insecurity and an alarming rate of land degradation in the country. By

recognizing such problems and in response to wide spread criticism and pressure from several quarters, the government has initiated new policy measure to address a number of problems including that of tenure insecurity. One of this is the establishment of land administration system,.

### **2.4.2 Land Administration System in Ethiopia: A New Policy Initiative**

Land administration and use laws that focus on issues of land access and tenure security are among important measures that must be undertaken to alleviate land tenure problem. Accordingly, the Federal land administration law, proclamation no 89/1997, was enacted in July 1997. The law vested regional government with the power of enacting rural land administration and use law and establishing and strengthening land administration and use institutions and systems.

Although it was late, the four main regional governments have made their land laws. The initiative was taken by Amhara in 2000, followed by other regions, Oromia in 2002, Tigray in 2002 and SNNP in 2003 (Yigremew, 2007; Action Aid Ethiopia, 2006). The four main regional governments have established structure that are responsible to manage land administration with some variations about their organization, locations in the government hierarchy, nomenclature and responsibilities. In Amhara, Southern and Tigray regions it is named as “Environmental Protection, Land Use and Administration Authority”, while in Oromia region it is named as “Land Administration and Natural Resource Authority”(Yigremew, 2007:13; Action Aid Ethiopia, 2006:24). The new structures for land administration also extend to woreda and kebele level where land administration offices at woreda and land administration committees at kebele and sub-kebele have been established. At the central level, there is no separately established and autonomous land administration institution (Berhanu and Fayera, 2005: 7; Action Aid Ethiopia, 2006:23). But

the Ministry of Agriculture and Rural Development is made responsible for the task of land issues, for which it established the land administration and land use study team (Berhanu & Fayera, 2005: 6-7). Issues related to natural resources management and developments in pastoral areas are within the mandates of the Ministry of Federal Affairs.

## **2.5 Rural Land Registration and Certification in Ethiopia**

In Ethiopia, there has never been a system of systematic rural land registration (Berhanu & Fayera, 2005:8). During the last years of Haile Selassie regime, a Ministry of Land Reform and Administration was established to measure and register rural lands aiming to create a system of free-hold tenure, provide individual titles of land, and to facilitate land sales (Hobben 1973 cited in Holden, 2008:19]. However, registration of rural land was not successful since it was opposed primarily by the land lords of southern Ethiopia (Bruce et al, 1994:46). During Derg time, there was no also a formal land registration and certification system.

Currently, registration of land holdings and granting land use certificates to holders are being undertaken in Ethiopia. It has been initiated when the Tigray region started a comprehensive rural land registration and certification process in 1998 (Berhanu & Fayera, 2005:10). The Amhara region, by starting formal land registration in 2003, is the first to introduce a more scientific and technically advanced method of land registration in Ethiopia (Ibid, 10). Oromia and the Southern Nations Nationalities and Peoples Region followed suit.

### **2.5.1 The Land Registration System and Process in the Four Regions**

The land registration systems that work in the four regions is title registration. The document contains information on the plots of each holder and what they are currently being used for. Except the Amhara pilot projects, plot measurements are shown in local units and the boundaries are described according to customary practices (Dessaiegn, 2004:19).

In terms of registering right holders, there is joint titling of spouses in the three regions except single spouse in the case in Tigray (Yigremew, 2007:15). Local governments and communities are registered right holders for communal and state lands. The books of records are kept at woredas level in Amhara, Oromia and SNNPR region while in Tigray they are stored at kebele level (Yigremew, 2007:15). There is no fee to be paid for the books in the Amhara region while there are nominal fees to be paid in the other three regions (Ibid, 15). Except some systematic attempts in the Amhara region, there are no designed monitoring and evaluation system in place yet.

Regarding local institutions involved in the land administration process, there are kebele land administration committees in Amhara, Oromia and SNNP regions. In Tigray, however, kebele administrations are doing it with the help of agricultural extension personnel. Kebeles are, in all regions, administration levels where registration takes place (Yigremew, 2007:15).

In the four regions the process is systematic and all those who hold land are registered with low cost, low technology and locally managed options. Generally, there is a highly participatory process with most of the input for adjudications and demarcation of land provided by the local community, including women (Solomon, 2006:167).

The four regions are involved in two land registration initiatives: a traditional land registration program, which covers all the four regions and a relatively high-tech land registration in two pilot project area in Amhara region. The number of rural households in Ethiopia to be registered is estimated ranging from 10 to 13 million made up of somewhere between 30 and 50 million parcels (Wood, 2006:31). According to Solomon (2006) and the recent report of Amhara EPLAUA office, from the total rural households in the four regions, registration has been completed for about 7,263,393 households.

### **2.5.2 Constraints of the Land Registration and Certification Implementation in Ethiopia**

The land registration and certification moves of the regions are to be appreciated for starting an important process necessary for sustainable land management. However, the existing land administration system is questionable due to many factors which encountered in the implementation of the land registration and certification. According to Dessalegn (2004:21-22) and Solomon (2006:171-173) the following constraints have been encountered during the registration process in the four regions.

**Technical issues and constraints:** traditional methods of plot measurements and demarcation (but such methods are imprecise and will give risk to discontent and disputes), lack of mechanism for accessing and updating registered data, shortage of skilled manpower, and the absence of monitoring and evaluation system in all regions.

**Institutional issues and constraints:** the presence of poor physical safeguard of registered data, lack of coordination among different organizations, and at the federal level there is institutional gap for undertaking national land administration and use issues.

**Legal issues and constraints:** Lack of comprehensive registration regulations (Federal, Tigray, SNNPR and Oromia region) on data storage and dissemination, exclusion of women as land right holder in the registration process (mainly in Tigray), lack of provisions that allow for regular updating, to reflect transactions in rights, or for registration of secondary interests in land.

**Economic issues and constraints:** logistics and budget problems, lack of remuneration system for land administration committee members.

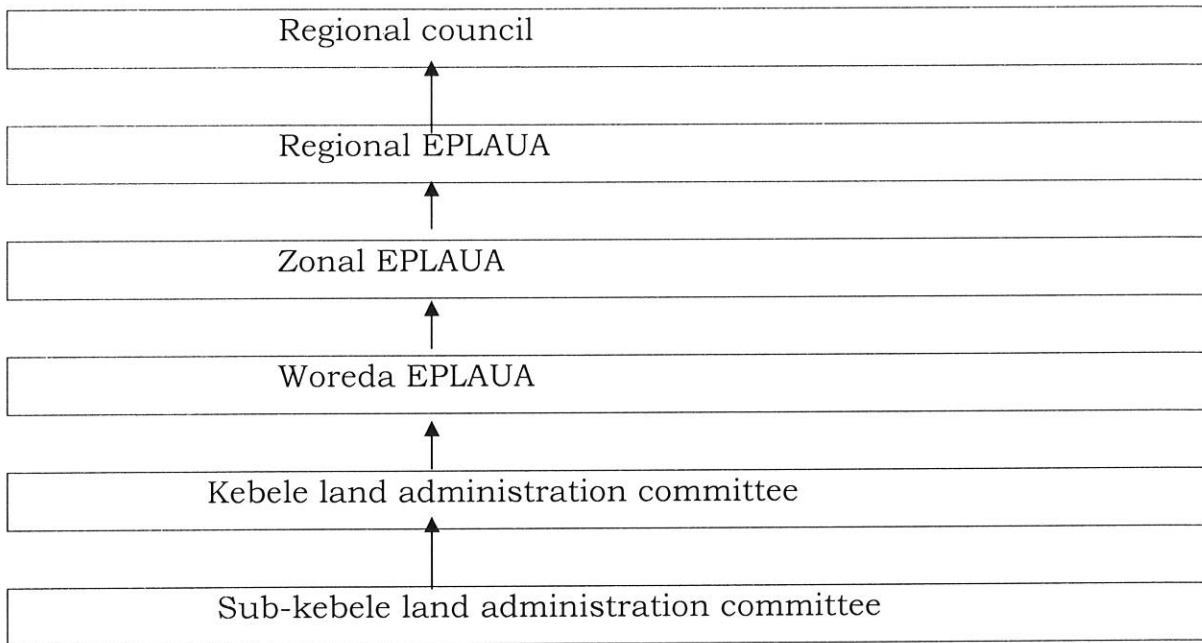
## **2.6 The Land Administration Initiative in Amhara Region**

The Amhara regional government is a pioneer in initiating systematic land administration system in the country (Action Aid Ethiopia, 2006:25; Yigremew, 2007). The region issued its first law, land administration & use law (proclamation 46/2000), which is mainly directed towards ensuring tenure security and proper resource use. For instance, article 6(3) states that “so long as the land users utilize the land according to the established rules, this proclamation assures & secures their all holding use rights” (ANRS, 2000). In the preamble of the revised land administration and use proclamation 133/2005, it is also stated that:

*“WHEREAS, it is understood that to create conducive situation in the region to fully make practical the rights of farmers and semi-pastorals to get and use land freely and not be displaced from it as ensured in the Federal and National Regional Constitutions” (ANRS, 2006:1).*

EPLAUA was established & became operational in December 2001. EPLAUA has an organizational structure that stretches from the region to kebele level which is the lowest administrative structure (see diagram 1).

Diagram 1:- The organogram of land administration institutions in the Amhara region.



### **2.6.1 The Rationale for Land Certification in Amhara Region**

Land registration in Amhara meant to serve two purposes: improving tenure security and encouraging land and natural resources conservation & rehabilitation. The first objective is in line with overall policy of the Ethiopian government in recent years. Tenure insecurity has been the subject of much discussion, which seems to have convinced the government to develop measures to improve the situation. The recently issued federal land law (proclamation No. 456/2005), for instance, states that certificate of title will be issued as a proof of rural land use right. It is believed that in the absence of secure property rights, land and natural resource degradation will accelerate (Berhenu & Fayera, 2005:4). The regional government has decided, therefore, to include goals towards environmental protection and improved land management in the land administration legislations. Therefore, it can be

argued that the basic rationale for the land registration and certification is to secure land tenures and in the long run to bring sustainable use of land.

### **2.6.2 The Land Registration and Certification System, Process and Status in Amhara Region**

EPLAUA has designed to have two levels of licensing in the region (Zerfu, 2006:78). The first registration was based on manual and using local and traditional methods (Zerfu, 2006:78). The second phase was focused on geodetic measurement with modern technology of all parcel boundaries. Such a full shift to the modern GPS-GIS techniques based outcome (as occurs in the SIDA pilot project area) is envisaged in future and can take 10 to 20 years.

EPLAUA has conducted the modern method of land registration and certification in pilot areas supported by SIDA. The pilot program was started in January 2003 in two selected pilot woredas; Gozamen in East Gojam zone and Dessie Zuria in South Wollo zone. The approach used is a cadastral survey, based on land measurement and identification of boundaries and locations. The pilot project was originally planned for a one-year period. However, provision of certificates to the farmers in the pilot kebeles was postponed several times and finally took place in March 2005 (Berhanu and Fayera, 2005).

In the rest areas, the traditional approach of land measurement, registration and title certification is under the way. This way of registration was started towards the end of 2003 in all woredas in Amhara region. In each woreda a few kebeles were selected and farmers were trained to do the land measurement and registration.

The procedure adopted in both the pilot and in the traditional registration involves first the demarcation of kebele boundaries, followed by delineations of common lands and fields (Berhanu & Fayera, 2005: 13). The 1996 /97

unpopular land redistribution carried out in the localities are taken as the basis for the land adjudication system (Yigremew, 2007:15).

The land title certificate is issued in the name of the husband and wife, and contains list of all plots measured and names of family members (Berhanu and Fayera, 2005: 13). The names of both husband and wife are recorded in each book and the photographs of each person are also attached. The book contains the rights and obligations of each holder and the benefits of the document.

The process of land registration is handled by the level of local government (kebele and sub-kebele). Kebele and sub-kebele land administration committees were elected by the local community and trained as land registrars. Committee members and temporary employees do much of the registration task (Yigremew, 2007:18). The process of certification took place in three phases. In the first phase, a piece of paper as a temporary certificate will be issued after registration. The temporary document has been replaced as the books are available. This permanent certificate is known as book of rural land possession. This book, which resembles a bank book with 20 pages, has two parts; the first part (from page 6-13) for the first level certification and the second part from page (14-19) for the secondary level certification.

EPLAUA has entered in to the adjudication operation since 2003. The total households to be registered were about 3,278,906. But as of January 2009, the total households registered were 3,447,267 out of which 1,974,881 HHs were issued primary land holding books. The total numbers of parcels registered were 14,418,894 with their area 4,162,936.79ha. As the table in annex 2 also shows from the total HHs registered, 55.3% are jointly titled. While 25.9% were female-led HHs, the rest 18.8% were male-led HHs. With regard to modern registration, in the two pilot projects, the total households issued secondary level of books are 1,612 with their total parcels of 80,495 and land size of 1,889.3ha.

## **2.7 Empirical Evidences about the Impact of land Certification on Tenure Security**

It is true that the land registration and certification program can promote the security of land tenure. But the available evidence on the international experience shows that the benefits of land titling/ certification are not so straightforward. While situations exist in which land titling has produced the expected benefits mentioned earlier, there are also situations where land titling resulted in benefits that are insignificant vis-à-vis their costs or, worse still, in negative socio economic impacts.

First of all, many literatures (Green, 1987; Bruce et al, 1994 to mention some) argue that lack of land titles/certificates should not be equated with tenure insecurity. An evidence can be the fact that for centuries, customary land tenure systems in much of the third world, particularly in Asia and sub Saharan Africa, have provided relatively secure land rights without formal titling ( Bruce et al, 1994). This means lack of formal land titles may not be the cause of tenure insecurity. Land grabbing by the elite, disputes with neighbors over boundaries, disputes with relatives over inheritance claims, expropriation of land by government agencies with or without adequate compensation, land redistribution as experienced in China and in Ethiopia under successive governments may be major sources of insecurity whether or not one title to land.

Titling programs can result in increased insecurity and inequity if the process is politically manipulated in favor of the wealthy and politically powerful. If the process is complex and information about the procedures is scant, accessibility is difficult and costs are high, vulnerable group like woman, orphans, the elderly and the disabled can be and often are disadvantaged. By citing different

sources, Solomon (2006:43) stated that such negative impacts have occurred with serious social conflicts in Ghana, guinea Bissau, and Mauritania.

Yigremew (2007) by citing Dickerman et al (1989) stated that a huge project that evaluated the experience of the land registration and tenure reform of 41 countries in Africa concluded that “results of registration projects have been predicted or achieved it to a lesser degree than expected or, in some cases, have had undesirable consequences”. The study noted that registration and title are no guarantee for success but merely the necessary foundation.

When we come to Ethiopia, because land registration is a recent phenomenon, there are no much empirical evidences about the impacts of land certification. But various scholars and literatures based on the existing land policies and initial observations of the land registration process have tried to assess the effects of the land certification on tenure security.

The major objective of the certification program is to enhance the security of farmers through recording of their rights. However, some scholars argue that despite the new initiative in land registration and certification under way in the last some years, tenure insecurity still remains the overriding problem of the land system in this country. According to Dessalegn (2004), tenure insecurity will continue to prevail in Ethiopia's since the registration and certification program is underway under the existing legislations and land laws which promotes insecurity of tenure because it allows, among other things, periodic redistribution (or at least the threat of redistribution hangs over many peasants). But redistribution and the leveling down of holdings that it gives rise to, means that there is generalized insecurity and little incentive on the part of holders to invest on the land and to manage it properly. An evidence for this is the 1996/97 land redistribution that has taken place in Amhara region.

Many researches criticize the 1996/97 land redistribution of Amhara in terms of its results on tenure insecurity. Yigremew (2000b) and Hoben (2001), cited in Hussien (2004) and Yigremew (1997) and Molla (1999) cited in Askebir (2006) concluded that the redistribution has aggravated the tenure insecurity. In addition, in his thesis that examined socio-economic consequences of the 1996 rural land redistribution, Askebir (2006) found the increment of tenure insecurity in his study areas.

Dessaiegn (2004:35) argued also that tenure insecurity has been aggravated not just because of the threat of periodic redistribution, but also due to the following factors

- a. Increasing rural poverty and the fact that farm life is becoming unviable
- b. Growing population pressure and increasing land scarcity
- c. Interventionist measures by government officials in the field leading to extra-legal decisions affecting land matters
- d. The lack of knowledge on the part of their rights and their inability to defend their rights
- e. The lack of proper and accessible juridical body for land disputes

He also argues that tenure security also depends on past decisions of policy makers or authority systems and historical experiences. Recurrent political instability, the loss of respect for the law by the public or the frequent resort to arbitrary decisions by power holders will create or exacerbate insecurity in general and tenure insecurity in particular. Once insecurity becomes wide spread, as it did during the Derg regime, it is very difficult to reverse it (Dessaiegn, 2004:36).

As to Yigremew (2007:38), the real source of tenure insecurity in rural Ethiopia is the government itself through its high handed and arbitrary intervention made for political and other reasons. Due to this, there is no guarantee that

rights written in certificates would be respected (Ibid, 38). He observed situations in some areas that farmers land was taken without compensation for establishment of farmers training centers and conservation purposes.

The other indicator of the government as a source of insecurity is the situation of land holders who are residing in peri-urban areas. Studies that assessed this aspect of the land problem show that urban land policy tends to marginalize the peri-urban farming communities. Feleke (2003) cited in Berhanu & Fayera (2005:13) from his study around Addis Ababa concluded that the urban land lease policy is not friendly with rural households in general and the poor land holders in particular. Based on the newly expanding flower farms around Addis Ababa, Berhanu and Fayera (2005:13) also reported that displacements are causing severe consequences on the livelihoods of the poor people. Although the land law states that land holder can claim compensation up on losing land, in practice however, such a process has been difficult and protracted for poor land holders (Ibid,13).

In Amhara region, many of the towns and cities have already incorporated some of the rural kebeles and farm lands around them. But jurisdiction, compensation and other issues are not yet clear regarding these new urban expansion moves. For instance, as Yigremew (2007:32) reported, around kombolcha town farmers whose land was taken for investment were given compensation that was equivalent to only three year produce from the land. He also observed that in some cases, urban administrations just go and allocate land for building construction or other purposes without due consultation with farmers and the woreda land administration office. In such cases, farmer feel insecure even though they held the certificates.

Land titling is often associated with reduction of land disputes which are one of the indicators of tenure security/insecurity situation. However, in Kenya it

was found that, most land disputes occurred after land registration and titling (Green, 1987). Evidence from Tigray also shows that the certificates have little added value for defending plot border dispute since they don't contain any map of the plots ( Holden et al, 2007:4). If holding rights are under dispute and litigations insecurity of rights will persist.

Land dispute is likely to manifest when landholders feel uncertainty over their land rights, in effect gives rise to the development of dispute for controlling the land. This is typically prevalent when the livelihood of a household is dependent on land.

In addition, where land disputes are too many, this can create disorder and confusion around the court yard and can be the cause of court failure due to large congestion. In this regard, it is noted from the experience of Ghana and Tanzania that extensive and accumulated court cases of land are identified as major causes for land related investment and improvement to hamper (African Union Commission cited in Getahun, 2008).

Experiences from others tell us that registration and formal courts alone are not able to resolve land disputes. Rather negotiated resource-use frameworks represent one approach for reconciling different interests in land. Moreover, dispute resolution mechanisms need to recognize the role of both customary and adjudicated dispute mechanism in resolving land related conflicts (IFAD, 2004 cited in Getahun, 2008:33).

Although many literatures and scholars stated that in Ethiopia land registration and certification by itself is unlikely to bring tenure security, some researches, however, reported the reversal. For instance, the recent study of Getahun (2008) in two kebeles (one pilot and the other non-pilot) in Amhara region, found that about 92.2% of his respondents are certain that future land redistribution will not occur and 100% of the pilot kebele and 80% of the non-

pilot kebel respondents demonstrated that their land rights are protected as a result of the certificate they held.

However, as the above discussions shows, land tenure security can be realized only if it is supported by other enabling conditions including favorable land sector policies and if bottlenecks that impede the benefits of land certification from accruing are reformed. Moreover, as Solomon (2006:46) argued, land registration and titling activities cannot be effective in the presence of factors that instill fears of tenure security such as (a) land grabbing by the elite; (b) disputes with neighbors over boundaries; (c) disputes with relatives over inheritance claims; (d) expropriation of land by government agencies without adequate compensation; (e) restrictions on the amount of land that can be rented out and short periods for land leases and rent controls; and (f) fear that tenants may lay claims of use right on the land they are renting. Land titling alone, without removing such fears or risks in the legal framework and land policy administration, will not establish robust land tenure security that forms the basis for derivation of other benefits.

### **2.7.1 Land Certification and Women's Land Rights**

Land certification is assumed to be important for the security of land tenure of the poor, particularly for women. However, in the past many land registration programs ended up eroding women's land rights, because women's secondary rights were often not recorded in the register. And the same registration process may affect men and women differently, due to gender differentiation in language skills, access to information, contacts and resources, time availability and, more, to cultural factors (Nazneen et al, 2005:19).

The experience from Kenya shows that land registration threatens the security of tenure previously guaranteed women by virtue of traditionally defined

relationships. It isolated women from the registration process and resulted in a complete transfer of land rights to men (Green, 1987:7).

In Ethiopia, during Derg land was allotted to the head of a household irrespective of sex and willing to cultivate. The land was, therefore, given to the husband because he was by law the head of the household. Such land reform used heads of a family concept (a male) as the basis of the land allocation (Askale, 2005:5). Thus, women's rights to land in Amhara region, for instance, became secondary rights, derived through their membership in households and attained primarily through marriage (Askale, 2005:5).

The benefits of certification includes among other things, enhanced gender equity and bargaining power by women. The research in Amahra region shows that the promotion of women's land rights such as the joint titling provision has provided and improved context for women to secure greater land rights (Askale, 2005:3). Moreover, whether women's land rights are secured or not by the current land certification, Getahun (2008) reported that 90% of his respondents confirmed that women land rights are protected as a result of certificates of holdings.

However, practice of land registration in Amhara showed the risk to women when policy intentions to protect women's rights are not supported during implementation. Most local land administrations committees were only composed of men. Both local leaders and government officials don't promoted women's participation in committees because they perceived the work involved as to difficult for women (Nazneen et al, 2005:20). The same situation is also observed by Yigremew (2007:26) in his study kebeles.

## **Chapter Three: Methodology**

### **3.1 Description of the Study Area**

#### **3.1.1 Location**

Libo-kemkem Woreda is one of the eleven woredas of South Gondar administrative Zone, Amhara regional state. Geographically, the woreda is located from 11°57'44.6"N-12°25'32.6"N and 37°34'4.89"E-38°3'30.9"E (Askebir, 2006). The Woreda is bounded by West Belessa Woreda in the North, Ebinat Woreda in the East, Fogera Woreda in the South, and Lake Tana and Gonder Zurie Woreda in the West. The total area of the Woreda is 1081.57km<sup>2</sup> sub-divided by 34 kebeles, of which 29 are rural kebeles. Addis-zemen town, the administrative center of the Woreda, is located on the main road of Addis Ababa-Gondar, and is far 67kms from south Gonder administrative zone, 85 kms from Bahir Dar and 645Kms from Addis Ababa.

#### **3.1.2 Demography**

According to the 2007 population and housing census results of Ethiopia, Libo-kemkem woreda has a total population of 198,374 out of which 100,951 were males and 97,423 were females. From the total population 176,324 (88.9%) of the people are living in rural area (CSA, 2008:14).

#### **3.1.3 Topography**

As to Libo-kemkem Woreda Agricultural and Rural development Office, the main land features of the woreda are mountainous (21%), rugged terrain (30%), plain (42%), valley (1%) and water (6%). The altitude of the woreda ranges from 1800m-2850m above sea level (LKWADO, 2000E.C).

### **3.1.4 Climate**

Based on the woreda agricultural and rural development office document, the woreda has three main agro-climatic conditions: Woinadega which accounts for 73%, Dega 22% and Qolla covering 5% of the total area. The average annual rainfall of the woreda is from 900-1400mm and the average temperature is 18°-25°C (LKWARDO, 2000E.C).

### **3.1.5 Soil and Vegetation**

The largest portion (60%) of the land of the woreda has brown soil followed by reddish (22%), dark (15%) and gray (3%). About 1.2% of the total area of the woreda is covered by forests. Eucalyptus, cordial Africana, and acacia are among the main types of trees (Askebir, 2006).

### **3.1.6. Land use and Economic Activities**

From the total area of the woreda, 53.3% is cultivable land, 26% is covered by water, 8.3% is pastureland, 6.3% is used for settlement, 2.9% potentially useless and 1.2% covered by forests. The average land holding size of a household is about 1.06ha (LKWARDO, 2000E.C).

The main economic activities of the rural population are mixed farming (92%), arable farming (3%), and others (5%). Various types of crops and cereals, vegetables and fruits, and spices grow in the woreda. From crops and cereals, teff, dagusa, wheat, barley, sorghum, pea, beans, chick peas, from vegetable and fruits, potato, tomato, banner, lemon, papaya, cabbage and from species white and red onions, are being produced (Askebir, 2006:9).The rural population has long experience in practicing water and soil conservation methods. The most important methods of conservation practices are terracing, check-dams, planting trees, and contour ploughing.

## **3.2 Research Methods**

### **3.2.1 Research Design**

The choice of the method of a particular study depends on the purpose of the research at hand. At the same time, in a given research the choice of methods influence the way in which the researcher collects and analyze data. Although there is no strict rule as such for the choice of the method, a researcher needs to strike a balance between the cost and time available for the research, and depth and breadth of information needed to be analyzed by either quantitative or qualitative or both methods.

### **3.2.2 Selection of the Study Area**

The Amahara national regional state was purposefully selected since the first land administration system in Ethiopia was established in this region. The investigator also selected the study district, Libo-Kemkem Woreda, as a research site purposefully. The rationale behind selecting the woreda as area of case study is the investigator's familiarity with the woreda's culture and local language. Moreover, I worked also for some years in the woreda agricultural and rural development office and I was there when the land registration and certification program begun in the woreda.

Shamo and Agelahana kebeles were also selected purposefully. The criteria used for the selection of the kebeles were a difference in the level of the performance during the implementation of the registration which in turn resulted variation in issuance of the book, distance from the administrative center of the Woreda, and the gap of the time/year of the land registration. The information from WEPLAUA employees has helped to select the kebeles according to the criteria.

In Libo-kemkem woreda land registration has begun in 1995E.C. and it was finished in 1999 except some cases in some kebeles. The issuance of the

permanent book has begun in 1999E.C. and until the beginning of 2009, 23 kebeles have already issued the permanent book. Four kebeles such as Shamo, Yifag-akababi, Tara-gedam, and Tahara land holders have received their books in 1999E.C. From these kebeles, Shamo kebele is a kebele where there was relatively less dispute and litigation during the registration and it is also the furthest kebele from them, being 25kms far from the woreda center. As to January 2009, the book of rural land possession is not issued for six kebeles (Derita, Asta-mariam, Michael-debir, Agelahana, Libo and Tez-amba) in the woreda. From these kebeles, Agelahana is a kebele in which there were much dispute and litigations during the registration. Even though the registration has begun in both Shamo and Agelahana in 1996 E.C, still the issuance of the permanent book was not done for Agelahana land holders. This is because of many problems created by the land administration committees that have to be corrected by the woreda EPLAUA office. Moreover, Agelahana kebele is found around Addis-zemen town.

The selection of Shamo and Agelahana kebeles has helped the investigator; to see whether or not there were differences on the effect of the land certification between those land holders which received the permanent book and those that held only the temporary certificate; the fact that the two kebele are found in different distances from Addis Zemen town, gave the chance to see whether or not the implementation of the land registration and certification differ from sub-woreda to sub-woreda and among the nearest and furthest kebeles.

### **3.2.3 Sample size and Selection of the Respondents**

The size of sample is determined based on the nature of the research like distribution and variance of the population, objective and various resources of the research as well.

Considering the budget, time and other resources and in order to collect and analyze the qualitative expressions of the views, observations and reasons of

the land holders, the sample size was 3% of the total certified farmers in each selected kebeles. To give more opportunity for female headed households, the proportion of males and females was in accordance with their ratio in the registry.

The selection of the respondents was based on stratified and random sampling methods. First, according to the registry that is found in the woreda EPLAUA office, the land holders who have the certificate are categorized in to male and female and were listed by their own identification numbers. In Shamo kebele 1252 land holders (from which 932 were male-headed, and 320 were female-headed households) have already taken their books. A total of 38 (28 male-headed and 10 female-headed) households were selected by using simple random sampling based on their identification number. Similarly, from 1671 (1337male and 334 female-headed households) who received the temporary certificates in Agelahana kebele, 50 households out of which 40 male-headed and 10 Female-headed were selected by using simple random sampling.

### **3.2.4 Sources and Types of Data**

Both primary and secondary data are used in this study. The sources of primary data were HHS, who are land holders and who held the certificates selected from the two sample kebeles. In addition, to help as a cross checking mechanism and to dig out more facts, first hand information has been collected from informants like the kebele land administration and use committees, religious and elderly persons, the kebele administrators (cabinet), woreda EPLAUA staff, woreda court, town municipalities, the woreda administration council and the Amhara region's EPLAUA staffs. Case studies were also conducted in order to assess the effect of land certification on female-headed households, and on land holders whose holdings are around Addis-zemen and Ambo-medeta towns.

The main secondary data sources were the documents of the woreda and regional EPLAUA, government published and unpublished sources like proclamations, directives and reports. Furthermore, sources from books and articles on the land registration and certification, statistical abstracts and census reports, internet etc, were used to collect the required data for the study.

Both qualitative and quantitative data about land registration and certification information were collected from primary and secondary data sources. From the primary sources, quantitative data were generated from the household survey. The qualitative method helped the researcher to analyze the understandings and meanings of the existing realities by acquiring the experiences, belief, reasons, and feelings of the respondents.

### **3.2.5 Data Collection Techniques**

The instruments used for the acquisition of primary data were interviews, discussions and case studies.

**Interviews:** it is often understood as an exchange of view between persons who have a conversation about a topic of common interest. It is normally flexible, dynamic and open ended. Interview can be structural, semi-structural and un-structured. The household survey was basically administered by pre-tested structured along with semi-structured questionnaires. The survey was conducted by two trained DAs under close supervision of the investigator. They interviewed one house hold after the other based on the structure of the questionnaire.

Interviewing key informants with semi- structured questionnaire using topics prepared to guide the specific questions during the interview are also employed for primary data acquisition. I made interview with two key informants from each kebele who are religious and elderly persons with active participation in

resolve conflicts of death cases and land boundary disputes. I used background information from DAs and my friends to select the key informants.

I also made interviews with 3 employees in each of the woreda and regional EPLAUA office who are land administration experts engaged in land administration activities. In addition, former woreda employees were also conducted to get more information for those questions in which the present employees couldn't respond because of their low awareness. Interview was also made with the district/woreda court as a key informant since it is a source of evidence about the status of land related disputes in the woreda. I also made interview with the Woreda Administration Council to assess their role and support on the implementation of the land registration and certification.

**Focus group discussions:** Like Interviews, focus group discussions were conducted to collect complementary information about the implementation and effects of land certification. The KLAUC are the main actors and implementers of the registration in their respective kebeles. In addition, according to the regional land administration system, the responsibility to administer communal lands such as grazing and forest reserves is set aside to each respective kebele administrative bodies. So, discussion with regard to communal land status was vital. Therefore, discussions were conducted with the Shamo and Agelahana kebeles cabinets and KLAUC. After appointment for all members of KLAUC and the cabinets, discussions were conducted with those who were present at the time. The discussions were held with the help of assistance note taker. It helped me to cross check the information that I got through the discussions.

**Case studies:** Four case studies were also conducted to see the effect of the land certification on female-headed households and on those land holders living aside the Addis-zemen and Ambo-meda towns.

Generally the primary data sources of this study are summarized in a table and are attached at the end of the paper (see annex 5).

The secondary data collection method involved document review, that is, the reading and interpretation of various related sources such as legislations; work performance reports, published and unpublished sources, books and articles about land registration and certification.

### **3.2.6 Data analysis and Interpretation**

The Data collected from different sources were analyzed quantitatively and qualitatively. The primary data collected as a result of household survey is organized by tallying the responses with a separate sheet of paper in respective of each interview question. The quantitative data was analyzed by using descriptive statistics such as percentiles, and ratios. As to the method of data presentation, data summary tables are extensively used for interrelated questions that can promote observers to look proportions at a glance. The information collected from other informants are qualitatively expressed.

After the analysis of the raw data, the information gained was interpreted in an understandable way based on the actual condition in the study area. Whenever necessary, comparisons between the research result and the previous findings, between the survey results and the other informants have been discussed. When the data results were significantly different between the Shamo and the Agelahana respondents the difference is also discussed. After the interpretation of the research, valuable recommendations and conclusions of the paper were coined.

## Chapter Four: Findings of the study

### 4.1 Socio-economic Profile of the Respondents

The socio-economic backgrounds of the respondents are important for various reasons. Therefore, this part of the study describes some of the important socio-economic profiles of the sample households.

According to the household survey the age of all respondents ranges from 22-75 years old. As the table below shows, in both Kebeles, the highest percentage of the respondents (54.6%) were from 35-50 years old. While 26.1% were from 51-65 years, about 10% were under 35 years old. Only 9% of all respondents were above 65 years old.

Table: 1 distribution of the respondents by age class in the selected Kebeles.

No.	Kebele		Age class				Total
			Under 35 years	35-50 years	51-65 years	Above 65 years	
1	Shamo	No.	5	23	8	2	38
		%	13.1	60.5	21.1	5.3	100
2	Agelahana	No.	4	25	15	6	50
		%	8	50	30	12	100
	Grand Total	No.	9	48	23	8	88
	%		10.2	54.6	26.1	9.1	100

Source: household survey

When we see the educational status of the interviewed HHs, only 22.7% of the total respondents have some elementary school status, from 1-6 grades. About 46.6% can only able to read and write. The rest, 30.7% were illiterate.

The proportion of illiterate households, relative to their youngness is quite larger. This is partly the residual effect of the poor access to primary education in the past. Partly, it can be also the effect of the negligence of non-formal education in the present educational policy. Whatever the reason, the educational levels and the age status of the respondents are among factors that influence the decisions of rural households and the level of awareness about the land laws and regulations.

Land is the most important resource on which the livelihood of the rural community is highly dependent. One of the factors that results a pressure on this basic resource is high population growth. In Ethiopia tenure insecurity could be aggravated among other things, by population pressure and increasing land scarcity (Dessalegn, 2004). This is because, if the rural population livelihood rely only on land and have no or little income from other non-farm activities, the struggle to access and control land increases and could be a threat to tenure security. To this end, the socio economic information of the respondents such as their family size, land holding size and number of parcels were collected. The following table summarizes the household survey results.

Table: 2 Number and average measures of family size, land holding size and parcels of the respondents based on sex in the selected kebeles

No	Kebele	No. of HHS	Family		Land holding			Parcel	
			Total number of family members	Average family size/ HH	Total land size in ha.	Average land size/ HH in ha.	Per capita land holding in ha	Total no. of parcels	Average number of parcels /HH
1	Shamo	M=29	188	6.48	27.5	0.95	0.146	94	3.24
		F=9	45	5	6.75	0.75	0.15	20	2.22
		T=38	233	6.13	34.25	0.9	0.147	114	3.0
2	Agelahana	M=40	258	6.45	47.25	1.18	0.183	217	5.43
		F=10	49	4.9	11.75	1.175	0.24	58	5.8
		T=50	307	6.14	59	1.179	0.192	275	5.5
	Total	M=69	446	6.46	74.75	1.08	0.168	311	4.51
		F=19	94	4.95	18.5	0.97	0.197	78	4.11
		T=88	540	6.14	93.25	1.06	0.173	389	4.42

Source: household survey

As table 2 clearly shows, in the two study Kebeles, the average HH family size is almost similar and the aggregate value is about 6.14. This is greater than the regional average household size of the rural population which is 4.5 per HH (Berhanu and Fayera, 2005). But when we compare between the male-headed and female headed households, whether it is at aggregate level or in each of the selected Kebeles, the average-male headed households have greater family size than female-headed households.

The survey data indicate also that the average land holding size of all the respondents was 1.06ha/HH. This is almost similar with the average land holding size of the woreda (1.0ha), but it is lower compared with the Amhara region's value (1.10ha). If we compare the landholding size of the two Kebeles

respondents, the average landholding size of Shamo's respondents is smaller than that of Agelahan's respondents.

When we look the aggregate value of all the respondents by sex, a female headed household has an average 0.97 ha per each while the average male headed household land size is 1.08ha. From male headed and female headed HHs, in both Shamo and Agelahana Kebeles, the average landholding size of females is smaller than male headed HHs. The gap is much higher in Shamo where the average female headed HHs land holding size is 0.75ha/HH compared with 0.95ha/HH of male-headed households.

The household survey data also shows that, the per capita land holding size of all the respondents of the two Kebeles is 0.173 (Berhanu and Fayera, 2005). This is much smaller than the regional value which is 0.24ha. In Shamo, the per capital land holding size of female headed households is 0.15 ha and male headed households is 0.146 ha. In Agelahana, the per capital landholding of female headed households is 0.24ha compared with 0.183ha of male headed households. Therefore, while a female headed average land holding size is lower than male headed households in both Kebeles, the per capita landholding size of female headed household is better than male headed households. This is because the average family size of females is lower than that of male-headed households.

The above table also shows that the average number of parcels of all the respondents is about 4.42 which is almost similar with the regional value of 4.2 per HH (Berhanu and Fayera, 2005). In addition, the average land size of a parcel that a household held is 0.24ha and this is almost similar with the Woreda which is 0.21ha (this is derived based on the WEPLAUA data showed on Table 7). In Shamo, the respondents' average number of parcels per HH is 3.0, but in Agelahana, it is 5.5 per HH. Another difference is that in Agelahana

the average number of parcels of female headed HHs (5.8) is slightly greater than that of male headed households (5.43) unlike that of Shamo's respondents where the male headed households parcel number is greater than female headed households.

The above socio-economic assessment clearly depicts that the population is still high and this high population growth is exerting a pressure on land. The average land holding size or the per capita holding of the respondents show that land holding is shrinking from time to time. When land becomes scarce and scarcer, unless other livelihood options are available, farmers struggle to access and control over it increases, and thus, insecurity aggravated. The result also shows that there is high fragmentation of lands and as a result individual farmers would waste their time and labor by moving from one plot to another. Besides, it will make difficult and high cost to invest and apply different agricultural input and technologies, and to adapt different soil and water conservation methods. The situation is worst in Agelahan kebele since respondents have more scattered lands than that of Shamo's. That is why it is stressed that unless the land administration is able to pace with other development operations, the land certification in general may contribute insignificantly to the rural poor.

The other socio-economic data of the household survey collected was the mechanisms of the acquisition of their holdings. This is important to know farmers experiences which in turn have influence on the condition of tenure security.

Table: 3 The Mechanisms of land acquisition of the household respondents by sex

No.	Mechanism of land acquisition		Shamo		Agelahana		Total	
			Count	%	Count	%	Count	%
1	Inheritance Only	M=	13	34.2	10	20	23	26.1
		F=	2	5.3	5	10	7	8
		T=	15	39.5	15	30	30	34.1
2	Land redistribution Only	M=	5	13.2	15	30	20	22.5
		F=	8	21	10	20	18	20.5
		T=	13	34.2	25	50	38	43.2
3	Gift only	M=	2	5.3	5	10	7	8
		F=	-	-	-	-	-	-
		T=	2	5.3	5	10	7	8
4	Both inheritance and redistribution.	M=	8	21	5	10	13	14.7
		F=	-	-	-	-	-	-
		T=	8	21	5	10	13	14.7

Source: household survey

When we look the above table, the way of acquiring the land holdings of the respondents is categorized into four types. The most important mechanism of acquiring land holdings is redistribution, where 43.2% of all the respondents reported that their current holdings are acquired in that way. The second major way of land owning is inheritance accounting 34.1% of all the respondents followed by both inheritance and redistribution which account 14.7% and gift accounting only 8.0% of the respondents. If we compare the two Kebeles respondents, in Agelahana the main acquiring mechanism is land redistribution while in Shamo it is inheritance.

When we look the male-headed and female-headed households the majority of the female in both Kebeles own their lands by way of the 1996/97 land redistribution. But the majority of male-headed households acquire their holdings by way of inheritance. From the data female headed households respondents don't acquire land either by gift or by both inheritance and redistribution. The data shows that many of the respondents have got their holdings by the recent land redistribution. This life experience of the land holders has an effect on the tenure security since it would be one of the factors for the farmers to expect future land redistribution as it would be seen later.

## **4.2 Genesis of the Land Registration laws and other preparations before implementation**

Land registration and certification must be done after proper preparation. The preparation would include promulgations of laws, regulations and clear procedures for the land registration, consultation of the community and stakeholders about the draft of these laws and regulations, establishing the necessary institutions, recruiting the necessary number and well trained staff.

In order to assess the level of EPLAUA's preparation before embarking on land registration at regional and woreda level, the turnover of the staff and unavailability of documents had made difficult to get adequate information. But to grasp enough information, in addition to the present EPLAUA office employees' interview was also conducted with the former woreda EPLAUA employees.

Before rushing to the implementation of land registration and certification, EPLAUA'S preparation shows that there were strengths and shortcomings. EPLAUA has promulgated the first land law, proclamation No. 46/2000 before the adjudication started, although it was revised by proclamation No.133/2006. The Regulation No.51/2007 to provide for the implementation of

land administration and use for the region was, however, enacted very lately, after much of the work of the registration was done. The registration and the certification were done with the help of a procedure issued before the regulation. But there was a difference between the regulation and the procedure in the case of inheritance which created a problem during the implementation. Another problem of the procedure was it lacks clarity about the participation of females in the committees, particularly at kebele level. It stated that the chair man and the secretary of the sub-kebeles committees could form the kebele committee. At the same time, it stated that there has to be one female at kebele level. This has created confusion during the election of committees and it is one of the cause for low participation of the females in land administration committees.

The other issue is the consultation of different stakeholders on the draft of the laws, regulations and the like. An important land policy should not be formulated without public participation and input of the farming population (Dessalegn 1999 cited in Askebir, 2006). Moreover, many literature (such as Hussien, 2001 and Berhanu, 2004) stated that a land policy should be based on rigorous studies, if possible on pilot experiments. The investigator couldn't get documents that show the effort of the Amhara region regarding the consultation and discussions with stakeholders about the drafts of the land laws. The interviewed regional EPLAUA employees couldn't give responses since they were not working in EPLAUA at that time. However, in Libo-kemkem as all the household respondents, key informants, the KLAUC and the Woreda EPLAUA employees agreed, there were no community consultations and participations on the drafts of the land laws, regulations and procedures.

Before embarking to the registration in the whole woredas of the region, testing on pilot projects can be very effective for successful implementation. This was not done even at national level. One may assume the land registration and

certification in the two pilot kebeles of Gozamen and Dessie-zuria woredas in Amhara region as a pilot projects for the traditional registration that took place in the whole woredas of the region. But in reality they are not pilots. First, the work in the pilot projects and the traditional registration has begun at the same time. The other point is that method of the registration is quite different between the pilot projects, in which modern types of registration with close supervision of the SIDA experts was exercised and the rest part of the region, where even traditional tools are not used in measuring the plots. Therefore, the evaluation that was done after some years has little value for the extensive registration of the whole region.

Another important task was the establishment of the necessary institutions with the necessary man power. As it was stated in the review literature part, EPLAUA at regional level was established in 2001. According to the former woreda employees, the EPLAUA's institution was established at Desk level under the woreda agricultural and rural development office in 1994E.C. During this time and in the following two years, the numbers of the employees were 2 and 3 respectively. The former employees argued that when the Desk embarks to the registration, in addition to the shortage of man power, the absence of any vehicle, shortage of stationary materials and other equipments were some of their problems.

In the study woreda, kebele and sub-kebele land administration committees were not formed at once in all kebeles. The EPLAUA Desk at that time established the kebele and sub-kebele committees in various years in accordance to the plan where the registration would be in place. The committees have been trained for 5 days before they start the work by trained WEPLAUA employees. The following table shows the years (in E.C.) of the establishment of land administration committees in Libo-kemkem Woreda.

Table 4: Number of kebeles where committees were established and elected committees members, and the establishment years (E.C.) in Libo-kemkem woreda

		1995	1996	1997	1998	Total
No of kebeles where kebele and sub- kebele Committees were formed		1	10	10	8	29
Number of sub-kebele committees members	M	10	216	140	139	505(88%)
	F	4	1	56	8	69(12%)
	T	14	217	196	147	574(100%)

Source; Woreda EPLAUA document, unpublished

As the above data shows, there were attempts by EPLAUA in establishing the necessary institutions up to kebele level and the offering of training for those woreda experts and kebele committees. But, lack of preparing clear guidelines in time, fulfilling the necessary manpower and logistics (such as finance, materials) were some of the main constraints in the pre-implementation period. These constraints have resulted impacts on the implementation of the registration that would be further stated in the findings of the study.

### **4.3 Community Awareness about the Land Registration and Certification**

Public awareness is a prerequisite in a land registration system that land owners and the general public understand the process sufficiently to have confidence in it. Of course, this building of confidence in the system is not something that happens in the short-run, but rather is something that develops over time through use, access to information, and experience of individual, their neighbors, and institutions that need their land record

information. This section of the study, therefore, tried to assess the efforts to aware the community about the land registration before embarking to implementation, the level of the awareness of the selected land holders about the objectives of the land registration and certification, their rights and obligations.

Concerning the efforts to make aware about the land registration and certification objectives and the laws before the implementation began, nearly 2/3 of all the respondents reported that it was not enough. As a result there were some suspicions. The key informants and the Kebele land administration and use committees in the two kebeles also agreed as there was suspicion within the community. As the key informants stated, *“at first we were not clear about the intention of the government. The fear of expropriation of our land, and the increment of tax were some of the questions in our mind. Later on and through repeated meetings, the purpose of the registration became somewhat clear”*.

Another question administered to the households was whether there are farmers who are not interested by the registration. From all household, about 38 % of them respond that there are some members of their family who were not interested by the land registration and certification. The justifications why their family members were not interested are more or less similar in both kebeles: the fear that the certification may deny access to land in the future and the need to have a land and registered by their names, and fear of the expropriation of their family lands.

On the other hand, about 63% of all the respondents, the two kebeles KLAUC and key informants observed that there were members of the community who were not interested by the land registration and certification. Such community members, and their reasons were; those who had not enough land sought

redistribution before the registration, those who had enough land had fear that their land might be taken, and those who were called ‘bureaucrats’ and ‘remnants of feudal’ whose land was expropriated during the 1996/97 land redistribution sought that their land should first be returned to them. The above assessment, therefore, shows that the community was not consulted effectively either by the drafts or the issued laws/regulations in order to avoid ambiguity, and if necessary to take proper measures for the farmers needs.

The land registration and certification that was started in 1996E.C has already been finished in the two kebeles. But in order to assure, a questionnaire was administered for the households whether they are aware and able to justify or not about some of the advantage of land registration and certification program. The household survey result is summarized in the following table.

Table 5: Respondents awareness about the advantages of land certification.

No.	Advantages	Shamo		Agelahana		Total	
		Count	%	Count	%	Count	%
1	Secure land tenures	38	100	50	100	88	100
2	Reduce land-related Dispute	38	100	50	100	88	100
3	Create incentive for better natural resource conservation	36	95	48	96	84	95.4
4	Create incentive to improve land productivity	35	92	48	96	83	94.3
5	Enable farmers to rent in/out more lands	35	92	48	96	83	94.3
6	Enable farmers to rent in/out for long period	38	100	50	100	88	100
7	Allow equity in tax payment	36	95	50	100	86	97.7

Source: household survey

From the survey result, almost all the respondents in the two Kebeles were familiar with the major advantages of land registration and certification

program. If it can be mentioned, the least familiar were 'it can increase incentives to improve land productivity' and 'enable farmers to rent in/out more lands' which are stated only by 94.3% of all the respondents.

Land holders knowledge about the their rights and obligations is important in one way or another for social, political, legal, technical, economic or institutional aspects of the region's land administration system (Getahun,2008). To this end, respondents were asked to enumerate some of the basic land rights and obligations they know in reference to the regions land law. The survey result has two purposes. The first is to test respondents' ability that how many basic rights are able to list down, and the second purpose is to identify which basic rights/obligations are more popular or known and which are obscured or not known. The result is summarized in the following table.

Table 6: Survey result of the awareness of the HHs about their rights and obligations.

		Shamo		Agelahana		Total	
		Know	didn't know	Know	didn't know	Know	didn't know
	<b>Rights</b>						
1	Not to be evicted	38	–	50	–	88	–
2	Transfer of holdings	38	–	50	–	88	–
3	Renting land	38	–	50	–	88	–
4	Get enough compensation when their land is expropriated	38	–	50	–	88	–
5	Get credit up on the collateral of their products on their lands	29	9	40	10	69	19
	<b>Obligations</b>						
6	Protect and conserve the land	38	–	50	–	88	–
7	Apply land use plan	31	7	43	7	74	14
8	Co-operate during registration	38	–	50	–	88	–
9	Co-operate during redistribution	37	1	48	2	85	3
10	Must hold a certificate	38	–	50	–	88	–

Source: household survey

As the aggregate survey result demonstrated, almost all the respondents in general are aware about the land use rights and obligation. The list frequently stated from all the rights/obligations was “to get credit”. When we compare the

'rights' with 'obligations' lists, the aggregate result shows that while four out of five rights are known by all respondents, three out of the five obligations are known by all respondents. When we compare the respondents of Shamo and Agelahana Kebeles, there is no much difference in the awareness of the respondents about their land use rights and obligations. This is important particularly for the Agelahana Kebele respondents in which they hold only the temporary certificates, where like the permanent book of rural land possession the rights and obligation are not listed on their certificates. So, the survey result indicates that there was much agitation to involve the community to register their holdings.

## **4.4 The Implementation of Land Registration and Certification**

### **4.4.1 Land Registration and Certification Process in Libokemkem Woreda**

When registration of land takes place for the first time, a special procedure may need to operate. This is known as adjudication, which is the process, whereby existing rights in parcels of land are finally and authoritatively determined (Yigremew, 2007:7). Adjudication is the first stage in the registration of title to land in areas where the ownership of the land is not officially known. Adjudication needs determining "who" owns "what", that is, the rights and ownership must be ascertained as well as the extent of the land affected. The latter means that the boundaries of each parcel must be agreed between the adjoining parties.

According to the procedure for the implementation of land registration and certification, land registration in each kebele should start first by the adjudication of the kebele boundary, followed by delineation of communal lands and other holdings. But, all the KLAUC members of the two kebeles

agreed that they didn't start the adjudication by demarcating first the kebele boundary. Instead, what they did first was the demarcation of the communal lands. The woreda EPLAUA staffs also stated that in most kebeles, still kebele boundary demarcation was not done.

Another point is the registration of farmers' holdings. The registrations of private holdings in the two kebeles have been done by the sub-kebele committees. The temporary workers assigned at kebele level have done much of the registration (written) works. The sub-kebele committee registered the land holders' information such as family members, each parcels and their size (in 'timad' which is a local language meaning 0.25ha) with the neighboring holders on a sheet known as field sheet (see annex 4).

The region's regulation stated that holdings have to be registered by using traditional or modern tools and a land mark indicating the boundary shall be put up there on. But during the registration, parcels are not measured by any type of traditional measurement, but are estimated. Both KLAUC members mentioned that they registered the number of parcels and amount of the land size with the agreement of the land holders. They didn't register by measuring and moving from plots to plots.

In the registration of the private holdings, there were differences between Shamo and Agelahana KLAUC. As the Agelahana KLAUC members stated, at first since the participation of the community was low, they registered some of the lands by themselves. They believe as they know much of the parcels and land sizes of land holders since they are leaving in each sub- kebeles. Later on, when the community participation improved, they did the registration with the agreement of the farmers. Although there were differences from sub-kebele to sub-kebele, relatively Shamos KLAUC has attempted to register the holdings in consultation with the land holders. When they face a dispute, both kebeles

committees used the 1996/97 land redistributors or the local elders' as evidence.

After the registration was completed, as all the household respondents and KLAUC members agreed the work was evaluated at kebele level by the community. The Woreda EPLAUA employees also stated that before the issuance of the temporary certificates, the evaluation of the registration was done in all kebeles. The basic aims of the meeting or the evaluation was to tell the farmers their registered lands, to correct if there are mistakes, and to compile in one field sheet if land holders have lands in more than one sub-kebele. But the evaluation couldn't be effective in correcting mistakes as the investigation of the study later on shows.

After evaluation, field sheets of the each kebele land holders, compiled as a kebele registry, have been sent to the woreda office from the two kebeles. As to the woreda employees, after the kebele registry was brought to the woreda, the temporary certificates (see annex 3) were prepared in three copies with the help of the contract / temporary employees. Eventually, one copy has been given to the land holder and the rest were put in the woreda. After the land holders were registered on the main registry, the next step is the issuance of the permanent book. No any document of the land holders was put at kebele level in the woreda.

#### **4.4.2 Community Participation During the Registration and Certification process**

It is clear that when an activity like the implementation of new land policy is underway, intended target groups need to be informed and should take part in the actual operation. The participation of the community in the election of the local land administration committees and especially their needs to cooperate during the registration of their holdings are some of the crucial things in the whole implementation works.

With regard to community participation in the election of the committees, in Shamo and Agelahana kebeles, the committees were elected by the community in 1996E.C. All the house hold respondents in the two kebeles agreed with this. The interviewed EPLAUA staffs also respond that in all kebeles committee members were also elected freely by the public.

Although land holders were not fully aware about the purpose of the registration at the beginning, as it was stated above, this has improved later on and the community became much eager to register and get the certificates as an assurance of their holding rights. The two kebeles KLAUC and the key informants' interviews result confirm this. All the interviewed woreda EPLAUA staff agreed also that the participation of the community in the registering process was generally good but there were differences from kebele to kebele and even within a kebele from sub-kebele to sub-kebele.

Compared to each other, the participation of the community in Agelahana kebele, particularly at the beginning of the registration was not good. As the key informants mentioned, *"the suspicion of the community in our kebele was high since the kebele is found around the town (Addis-zemen) and at the same time the effort to aware the farmers was low. So the farmers became reluctant for some time even when the registration was going by the committees. It was eventually that the community participation improved"*. Hence, it can be argued that the reason for those kebeles that faced low participation is that the farmers were not well informed about why and how they register their lands. This was one of the indications of poor preparation before the implementation.

#### **4.4.3 Status of the Land Registration and Certification**

In Libo-Kemkem woreda, four types of tenure were registered and certified. These are private holdings, communal lands, government, and non-government holdings (which includes lands of churches, private service

organizations like grain millers etc). The data from the WEPLAUA is organized in the following two tables.

Table 7: The status of the registration and certification of private holdings in Libo-Kemkem woreda.

		M+F	M	F	Total
Registered	HHS(in number)	20,177	7,968	10,007	38,152
	Parcels (in number)	109,854	32,875	40,883	183,612
	Land size (ha.)	22,735.23	6,783.32	9,317.39	38,535.56
Certified (permanent book)	HHS(in number)	10,005	4,696	4,751	19,452
	Parcels (in number)	45,134	21,220	21,429	87,783
	Land size ( in hand )	10,202.49	4783.56	4842.69	19828.74

Source: Adopted from Libo-kemkem woreda EPLAUA report document

As the table depicts, as of January 2009, about 38,152 households with their 183,612 parcels and 38,535.56ha land size were registered. From the total households, those who jointly registered (M+F) were 20,177(52.9%), male-headed households were 7,968(20.9%) and female-headed households were 10,007(26.2%). The table also shows that from the total registered households, 20,603 households (54%) have received the book of rural land possession. But all the registered households have received the temporary certificate. According to the data, the average land holding size of the woreda is nearly 1.0ha. At an average a female-led households has lesser land holding (0.93ha) than a jointly registered household which has 1.13ha.

Besides the private holdings, in the woreda 1622 grazing lands with 4,740.58 ha land size, 60 forest lands with 384.6ha land size, 143 government and 190 non- government organizations lands with 1,153.28 ha and 186.28ha respectively were registered in all the 29 kebeles.

Table 8: the status of the certification of non- private tenure in Libo-kemkem woreda

No	Type of tenure	Number	land size
1	grazing lands	1622	4740.58
2	forest lands	60	384.6
3	government holdings	143	1153.28
4	Non-government holdings	190	186.28
	Total	2015	6464.74

Source: Adopted from Libo-kemkem woreda EPLAUA report

As we can see from both the regional and woreda registration status, the number of men-headed households is high. But it is unlikely at least in Libo-kemkem woreda that many male-headed households are living in rural areas without marriage. For the question why the male-led households' number is exaggerated, both KLAUC members mentioned that many husbands registered only by their own name although they have marriage and born many Children. As the key informants clearly noted in most of the households who married after the 1996/97 land redistribution, males excluded females from being jointly registered assuming that the land is only the property of the males. This means if the marriage was before the land redistribution and wives were counted as member of the family during the land redistribution, the spouses are jointly registered during the registration. But if wives were not the members of the household during the land redistribution, the husbands consider the lands only as their property. As a result, the land was registered only by the name of the husband and the wives were not entitled for joint registration

As to the regional and the woreda EPLAUA employees, though they are not sure there could be two reasons in addition to the KLAUC and key informants stated for the separate registrations;

1. Fear of expropriation: Farmers, who have enough land and fear that their lands may be expropriated, preferred to register their land separately by the husband, and the wife.
2. Common agreement: there are some spouses who previously have their own lands, and during marriage that agreed only to use the production jointly. As a result, they might prefer to register their lands separately.

According to the land law of Amhara region, any rural land has to be measured and registered. The Shamo and Agelahana KLAUC members stated that except some lands here and there they have registered all the lands in their respective kebeles. The regional and the woreda EPLAUA reports also showed as the registration is almost completed. But the regional and woreda EPLAUA staffs don't agree with this. Some of the regional employees stated that there are some woredas in the western part of the region where the registration was not conducted. This is because in this part of the region many of the land holders have more than the regions ceiling land size. The Amhara region land law recognizes maximum holding size for kolla 10ha, and for Dega and Woina-dega areas 7ha. The regional EPLAUA employees believe that other procedure and guidelines has to be employed in these areas.

The woreda EPLAUA employees also mentioned that all the rural lands in the woreda are not still registered. They noticed for instance, unregistered holdings of farmers (who fear and not registered all their lands), lands which were illegally sold ('yework-meret') and exchanged – parcels, those small lands which are used not for cultivation but for other propose, and even they also noticed communal lands that are not still registered in some kebeles.

The issuance of the permanent book of holdings, whether at the regional or woreda levels, is not in accordance with the plan. As to the regional and woreda EPLAUA interviewed staffs, the reasons for the delay are unavailability of the

books by the regional EPLAUA in time, lack of man power and budget, less support from region and zone offices to woreda, transport problem at woreda, staff turnover particularly at woreda, and the engagement of the regional staff by new and campaign activities, and in some kebeles like Agelahana the problem in the implementation of the registration that took long time to solve the uncertainties were some of the reasons.

## **4.5 Problems and Constraints During the Land Registration and Certification**

### **4.5.1 Problems of the Land Registration and Certification Process in Libo-kemkem Woreda**

As it is stated earlier, in both kebeles plot measurements have been done by estimation and there was no a sign as a boundary demarcation. Such methods are very imprecise and can result distention and dispute. In this regard respondents were asked whether their parcels were measured and registered properly. This is important in that if the certificate contains information or data that is not believed by them, particularly like incorrect measurements of their land holdings, it can indicate that the value they gave for the certificate will decrease and can feel insecurity about their lands.

As the household survey result showed, from the two Kebeles respondents, many respondents were not satisfied by the measurements of their holdings that were registered on their certificates. When we look each kebele, in Shamo, the majority of the respondents (50%) said that some of their parcels are not properly measured and, 15.8% reported that all or most of their parcels are not properly measured and registered. In Agelahana, the majority (40%) of the respondents however reported that all or most of their parcels were not

properly measured and registered. The rest 34% respond that some of their parcels are not properly measured and recorded.

The situation seems somewhat worst in Agelahana. Since the consultation of the farmers during the first time of the registration was poor, the Agelahana committees' efforts to register by themselves without using any type of measurement have created much dispute and dissatisfaction by the registration. This coincides with that the implementation of land registration differs from kebele to kebele. Moreover, such method of registration gave opportunities for discrepancies among farmers, dissatisfactions by the land holders, and the rise of much disputes.

Therefore, information that are now put on farmers certificates, and hence the reports of the woreda and the region EPLAUA about land data cannot be considered as accurate. With such uncertain and unreal data it is impossible to bring tenure security and to make informed decisions for land policies and development strategies.

Another problem still continued is the participation of particularly females in the registration process. As we know one of the expressions of their participation is their involvement in their respective kebeles land administration efforts. The Amhara region procedure for the implementation of land registration and certification stated that in each kebele and sub-kebele committees there has to be at least 1 and 2 female members respectively.

In order to examine the extent of female participation in the local land administration committees according to this procedure, data about accurate number of female and men members of the committees is not available in the woreda EPLAUA office. In Libo-kemkem woreda, there are about 84 sub-kebeles. The WEPLUA office report since 1998E.c.stated that the number of

kebele committees are 189 (M=160, F=29) and sub-kebeles are 574 (M=505, F=69). This report has many problems. First, since only the chairman and the secretary of sub-kebeles committees form the kebele committee, the maximum number of the kebele committees in the woreda cannot be more than 168. But the report exceeds by 21 which is out of the procedure. Secondly, the report indicated that there is one female member in each kebele. However, as the investigator founded, for instance, there were no female members at Shamo and Agelahana KLAUC from the beginning.

If we look the data of the office in table 4 above, we found inconsistency and unreliable data about the participation of females in land administration committees. In the woreda, in each kebele the number of sub-kebeles ranges from 2-5. In 1996 E.C., in 10 kebeles (considering the minimum number of sub-kebeles in a kebele) while there has to be at least 40 members of females, there was only one female member. Similarly, in 1998, by considering the minimum sub-kebele number in a kebele, while there has to be 32 female members at sub-kebele level, there are only 8 females. But in 1997 the number of females is unlikely very high. Even, if we take the woreda's total data of sub-kebele committees members as it is, the participation of females is low, it is only 41% of what should be based on the procedure.

The present woreda employees were not able to justify the reasons for the inaccuracy of the data. The office is still reporting the number by looking only the past report data without assuring the current information. This means, from the office report, there can be former committee members who are now not in function due to death, unwillingness to work, or other reason. For instance, from Agelahana committees, 7 are not in function currently but the woreda is reporting them. It is also similar for female participation.

The former employees argue that the problem was created because of the confusion in understanding the procedure and because of the implementation problem. Kebele committees are chairman and secretary of the sub-kebeles. When the Desk established accordingly, and since there are no females in such positions, it made their participation very low. But at sub-kebele the problem is the kebele administrators who were not willing to make females to be elected arguing that they can't do this huge task.

Generally, as the above data clearly showed, the participation of females in Shamo and Agelahana kebele KLAUC was none. Even, based on the office data, their involvement in the land administration at sub-kebele is very low. Moreover, the woreda EPLAUA office in particular and the woreda administration in general, regardless of rushing for the registration, they couldn't assure at least to make a member of females in the committees by following the procedure. The absence of women participation in the land rights registration process in Amhara is an indication of the absence of gendered implementation guidelines.

#### **4.5.2 The Identification and Registration of Extra-lands**

A good land registration implementation has to identify the right property holders. In this regard, one of the important problems in Libo-kemkem woreda is the proper identification and registration of extra-lands.

As the household survey shows, there are great problems in both kebeles concerning the extra-lands. From all respondents, while about 62.5% of total respondents respond that most of the extra lands in their kebeles were not properly identified and recorded by the committees, about 20.5% of them stated that some extra lands were not identified properly. All the key informants also agreed with this. From the two kebeles, the problem associated with such lands seems more in Agelahana kebele.

The KLAUC of the two kebeles, however, didn't agree with the survey and key informants responses. "We have tried as to our best to identify and record the extra lands. The problem is after the registry was brought to the woreda office" as all of them mentioned. This means they consider the WEPLAUA office as a source of the problem for the extra lands.

Some of the key informants also considered the WEPLAUA office as one of the problem creator. *"At first it seems that a lot of 'Yemote-keda meret' (extra lands) being identified and enumerated by the committees. Eventually, after the registry was brought to the woreda, those lands that could solve the problems of many landless became the legal possessions of rich farmers"* as one of the key informants mentioned.

The interviewed EPLAUA staffs, on the other hand argue that the problem begins from the kebele. They stated three important reasons. The first problem is that in all kebeles the KLAUC didn't properly identify and register all the extra lands. There were favoritisms and bribes in addition to their ignorance. The other two problems they observed were after the documents brought to the woreda office. As to them, one problem was the issuance of the proclamation 133/2005. Before this proclamation, a person who can inherit land was who have been registered as a member of the family during the 1996/97 land remuneration and redistribution. But the new proclamation permits inheritance of rural lands by any rural person. As a result, most of the extra lands previously recorded by the KLAUC were transferred to others through the court. According to them, this has opened a room for undesirable possession of lands. The third problem the WEPLAUA staffs observed is regarding the extra-lands of some of the woreda authorities. Because the documents at woreda are not safely guarded and because of the favoritisms by some employees in the office, they observed that the extra lands of about 5 woreda authorities were illegally transferred to their families. The interviewed staff members also noted

that some of the employees of the woreda EPLAUA including the vice chairman of the office were previously farmers who have had farm lands. They suspect them as they transferred their lands to their families.

Currently, there is no data available about how much extra land were identified by KLAUC and how much remains at woreda level. In the selected kebeles the KLAUC couldn't remember the amount. However, as we can see from the above observations, regardless of the gap created by the new proclamation, there are corruptions at kebele and woreda level up on those extra lands that can solve the problems of many landless youths.

#### **4.5.3 Support of the Respective Administrations to the Rural Land Registration and Certification Program**

The government asserts that it has given great attention to secure the holdings of farmers through giving a certificate as an assurance. Therefore one can expect great attention and support from the respective administrators to effectively implement the land registration and certification. But one of the problems during the implementation of the registration is a lack of proper support for the land administration institutions at all levels.

The woreda administration stated that it is supporting the EPLAUA office kebele and woreda levels with the necessary budget and other things. But the responses of the KLAUC and employees were different. "Rather than supporting, mostly they were interfering in our work" as all the KLAUC members of the two kebeles agreed. Similarly, as WEPLAUA staffs, the support of kebele administrators for the KLAUC is less in all kebeles. There are no offices for KLAUC in all kebeles. Similarly, the WEPLAUA staffs were dissatisfied by the support of the woreda administration to their office. "Although the issue is a sensitive one for the rural community and the government, the office couldn't get enough support in terms of budgets,

materials, vehicles and so on from the woreda administration”. Sometimes, even there are unnecessary interventions by local authorities for personal cases. Some of the woreda cabinets tried to impose the WEPLAUA employees to do illegal works for themselves, their families, friends, and so on rather than supporting and monitoring not to do such injustice and unfair works.

#### **4.5.4 Monitoring and Evaluation During the Implementation of Land Registration and Certification**

In the implementation of land registration and certification, monitoring and evaluation are vital. But as the regional EPLAUA employees stated, there is no established system for monitoring and evaluation of the implementation of the region’s land registration and certification. “Except the evaluation of the two pilot projects in 1997 E.c, there is no so far evaluation of the region's land registration and certification performance and it is difficult to say about the efficiency of the implementation”. At present there are reports that some woredas are working by the proclamation no. 46/2000. But they are not monitoring and supporting the woredas. As one employee noted, “I didn’t go to any woreda or zone for the last one year”. They argue that nobody has given attention for the program despite its importance.

The Libo-kemkem woreda administrators assumed that they are following the registration and certification program in the woreda. However, such evaluations were not continuous partly because there is no system that was designed to monitor and evaluate the implementation of the land registration and certification in the woreda. The WEPLAUA Staffs stated, unless some issues might be raised in some meetings, totally there is no any attempt to evaluate the whole work. They argue that if there were monitoring and evaluation at woreda level, many of the problems that happened during the implementation could be solved.

Generally, when we see the above data, besides the low support for the land administration system in general and the land registration and certification program in particular, there is no still an established and continuous monitoring and evaluation at all levels. Undoubtedly, such constraints have brought inefficiency in the land registration and certification performance. Moreover, despite the number of issued certificates, there is no guarantee that the performance of the implementation is in a right way, and one couldn't confirm that data about the registration and certification are accurate.

#### **4.6 The Effect of Land Certification on Securing Land Tenure**

As the reports of the regional and woreda EPLAUA showed, land registration is almost completed and what remains is the replacement of temporary certificates by the permanent books of certain land holders. But land certification is not simply the issuance of certificates. The ultimate objective of land certification is security of land tenure.

This part of the study focused basically on the perceived feelings of the land holders. To this end, the study collected the perception of the sampled land holders about the security of their land holdings and communal lands (grazing and forest) as a result of the land certification. Moreover, case studies were also conducted to examine the extent of land tenure security of female-headed households and land holders who are living around Addis-zemen and Ambo-medda towns.

#### **4.6.1 The Effect of the Land Certification on Securing Private Holdings**

One of the potential effects of the certification is that it can make rural people feel secure to go far from their farms for search of other employment. In both kebeles, the household survey result showed that 43.2% of the respondents don't feel that their holdings would be secure to go to another place and work there for a longer period. This is because they fear that their land may be considered as "Yemote-keda" (land without right holder) and could be confiscated by the Kebele administrators or the government; and they also have fear that their contracting party might claim their holdings to make legal possessions. About 23.8% were not sure whether their lands would be secure or not. Importantly, this assessment indicates that the certificates could not build land holders confidence to feel secure of their holdings to participate on non-farm or other activities far from their residents.

In Ethiopia, particularly in Amhara region, frequent land redistribution was a threat for insecurity of land rights in the past regimes. Thus, in order to study the over time changes of subjects perception after certification, a questionnaire is administered whether they expect future land redistribution or not. The aggregate survey result showed that the majority of the respondents, 64.8%, expect future land redistribution in the next five years, while 34.1% not expect. In other words, the ratio of those who expect future land redistribution to those who do not expect is almost 3 to 1. This result contradicts with Getahun (2008) survey result that more than 92% of his respondents did not have fear of future land redistribution. If we look the two kebeles, the expectation is more in Shamo which was 73.7% and in Agelahana 58%.

Table 9: Respondents expectation of future land redistribution

	Shamo		Agelahana		Total	
	Count	Percent	Count	Percent	Count	Percent
Yes	28	73.7	29	58	57	64.8
No	10	26.3	20	40	30	34.1
No response	-	-	1	2	1	1.1
Total	38	100	50	100	88	100

Source: household survey

The reasons of those who advocate future land redistribution, in one way or another are associated with landlessness or shortage of land. They want land redistribution because the presence of many landless youths, and since they believe that there is skewed pattern of holdings, they need to get land due to the smallness of their holdings. Although insignificantly stated, the other reason is a hope for getting their lands which was confiscated by the 1996/97 land redistribution. These farmers are those who were entitled as ‘bureaucrats’ or ‘feudal remnants’ during that time and were subjected to lose their lands beyond 1ha irrespective of their family size. These respondents hope for returning their land. This coincides with Yigremew (2007) observation that the Addisna Gulit KLAUC and community members needed some adjustment of the injustice in land holding resulted by the 1996/97 land redistribution.

On the other hand, the reasons for those who didn’t expect future land redistribution were: shortage and fragmentation of land to redistribute, and if land redistribution again happened some believe that farmers would be discouraged to invest on their land, and they also fear another discrimination and injustice up on them. This means that, those farmers who were subjected to lose their lands during the recent land redistribution have two opinions about future land redistribution: some want redistribution to return their

former land holdings, and others do not want because of fear of other biased or injustices up on them.

As it was stated earlier, the average land holding of the respondents is about or below 1ha and any further redistribution would further decrease the average holding to 'a starvation plot'. But, generally, farmers expect land redistribution in a near future. As the survey result shows, once again land redistribution is not out of the minds of the farmers of Libo-kemkem Woreda. They still consider land redistribution as a lasting panacea for landlessness. The certification cannot avoid the farmer experience of the past land redistribution by the successive governments. As a result one cannot claim that security is brought by the rural land certification.

On the other hand, the investigation shows that 78.9% of Shamo's and 84% of Agelahan's respondents feel as guaranteed that all or part of their holdings will not be taken from them by the government without compensation. About 13.1% of shamo and 10% of Agelahan reported that they are not sure because of the fear of getting enough compensation. The rest respondents were unable to decide. This result can be taken as a positive outcome of the certification to develop land holders confidence about the security of their tenures. However, all the key informants agreed that they were not sure that the current law that states compensation when land was taken would be consistent and enforceable. *"We don't know what will happen if the government is changed by another. Even in this government, we observe mostly inconsistency of procedures and usually law is not respected. So, one can't exactly sure that this law would not be changed by tomorrow"* as one of the key informants of the Agelahana kebele mentioned. Such fear of compensation for land taken can create a high degree of tenure insecurity and anxiety among rural landholders.

Generally, from the above feelings of the respondents, we can observe contradictory responses. In one hand, the majorities of the respondents either don't feel or are not sure that their holdings would be secure to go to another place and work there for a longer period. At the same time, most farmers expect future land redistribution. On the other hand, these land holders were sure that they will get enough compensation when land was taken. Nevertheless, all these situations do not indicate that land tenure security can be gained by the land certification. It seems rather that the insecurity has continued even after certification has completed.

#### **4.6.2 The Effect of Land Registration and Certification on Women's Land Rights**

Important policy concerns are whether or not the land policy in the form of land registration and certification has contributed to increased tenure security, especially for the poor, including women. Evidences from Tigray show that women think differently about their land certificates than men do as their tenure rights have been less secure than that of men, and the certificates may therefore have a higher value to them than they have to men (Holden, et al, 2007). There is also a wide appreciation that providing poor land owners or users, who are often females with options to have their rights documented, can yield significant benefits. But the experience from South Africa shows that customary practice is highly subject to change these benefits (Quan, 1997). Some studies also suggest that formulating property rights through individual title can have negative consequences for poor groups and in particular for women (Deninger et al, 2007). To this end, this study tried to investigate whether the land certification has brought security of female-headed households.

As the household survey result, the KLAUC, the woreda and regional EPLAUA employees show they believed that land certification contribute to increased

tenure security of women because of joint titling. Of course, the promotion of women's land rights such as the joint titling provision in the Amhara region's land legislations is commendable and this has provided to secure greater land rights.

However, the efforts made by EPLAUA, to make women holders to secure their land rights during the registration were very poor. In Libo-kemkem woreda women have faced several problems during the registration. As we have seen earlier, those women who married after the recent land redistribution are not entitled to register with their husbands.

Women have very limited access to formal laws and courts which are costly and time consuming. They often are under pressure to accept fewer benefits than to which they are formally entitled. Therefore, a special treatment has to be employed during the land registration. But the regulations of the implementation don't have special treatments for vulnerable groups like females. As the KLAUC of the Shamo and Agelahana kebeles and the WEPLAUA office clearly noted, there were no specific measures and affirmative actions taken by them to protect the rights of women land holders during the registration.

Those charged with land administration committees are predominantly men and their decisions on land matters often put women at a disadvantage. As the employees at woreda and regional EPLAUA mentioned, during the land registration women were subjected for much disputes and even many of them have lost their holdings. Females who have got land particularly by the land redistribution of the 1996/97 and those women who don't work the land themselves and have to share crop, have not succeeded in registering their plots of land. The two case studies revealed all these conditions and how women were in a disadvantage by the registration.

**Case one**

W/ro Alemitu is a women living with her 3 children in Agelahana kebele. She had 0.5ha of land which acquired during the land redistribution of the 1996/97. Her livelihood basically depends on sharecropping of these lands for one of her relatives. One day, before the registration began, she was told that her mother was sick and went to another kebele where her mother is living. Unfortunately, she stayed there for many months. In the mean time, she heard that her land was registered by the name of her contracting farmer. She was not aware about the detail of the registration. She appealed to the committees and the woreda employees. But she couldn't get justice. She then went to the woreda court, and the court decided the right of the land for her. She soon returned to her poor and sick mother and as a result she was not in a position to know that her counter party has appealed to zone court. Eventually, her counter party brought a decision for him. When she heard this, she went to zone court. But she was told as the date of appealing has passed. She lost her money, labor and time steering here and there at regional offices. By that time, however, she lost both her mother and her basic livelihood resource, the land. Currently, she is trying to feed her children by collecting and selling fire wood to Addis-zemen town dwellers.

### **Case two**

W/ro Tequada has four children. She is living in Shamo kebele and her family's livelihood relied on share-cropping of her 0.75 ha land. When the registration started, one of her contracting farmer claimed her 0.5ha land as his own holding. Although she knew that the KLAUC chair man is the brother of her land contractor, she appealed for the KLAUC. As she thought to herself that she would not get justice at kebele, she again brought her case to the woreda court. But the woreda court decided the land for her counter party. The same decision was also given by the zone court when she appealed. At the end, she brought her case to the federal court and brought a decision for her. But still the decision was not enforced by the kebele administrators. She then appealed to the woreda EPLAUA and is waiting for the enforcement of the decision. In all of these processes her brother has helped her a lot without his help she would not attempt anything.

### **4.6.3 The Effect of the Land Registration and Certification on Securing Communal Lands**

The Amhara region's land law recognizes that land can be possessed by the community. Such lands are communal lands. According to the revised land proclamation of the region "communal Holding means rural land which is out of the ownership of the government or private holding and used by the local people in common for grazing, forestry and other social services."(ANRS, 2006:3). In Amhara region communal lands accounts about 25% of the holding types (Getahun, 2008).

In Ethiopia, since the last days of the Derg regime, communally possessed plots of land and other natural resources have become under intensive attack by individuals. Particularly community forests and grazing lands are among

resources that have been invaded by individuals (Yigremew, 2002:98). Therefore, one of the expected benefits of current land registration is the protection of communal lands from such invasions. In this regard, this section of the study tried to assess whether security of communal land is promoted as the result of the land certification. Because there were no available data to compare the situation of the encroachment of communal lands before and after the certification in the two kebeles, the study depended up on the views of the various informants such as the selected households, key informants, KLAUC, kebele administrators, the regional and woreda EPLAUA employees.

Table 10: The Number of pieces of communal lands in the selected Kebeles

Kebele	Grazing land	Forest land	Total
Shamo	15	5	20
Agelahana	13	9	22
Total	28	14	42

As the table shows, there are 28 grazing and 14 forest pieces of lands in the two kebeles. Both kebeles administrators have received certificates for all the communal lands.

Regarding the proper demarcation of communal lands, the KLAUC in the two Kebeles mentioned as they have done it properly. On the other hand, in both Shamo and Agelahana three-fourth of the household respondents and all the participant kebele administrators (Cabinets) said that the boundary of most communal lands were not demarcated properly based on the 1996/97 land enumeration.

With regard to the trend of the encroachment of communal lands after registration and certification, the household survey result in both Kebeles shows that the majority (71.6%) of the respondents agreed that the

encroachment has increased even after certification and about 15.9% responded that the encroachment after certification is the same as before the certification.

All the Kebele administrators and KLAUC members who participated in the discussion and the key informants also agreed that the situation of the encroachment of communal lands is still increasing. "... even people are constructing houses on grazing lands" as Shamo Kebele administrators reported. Concerning the implementation of the law upon those culprits, both kebeles KLAUC and administrators agree that only some were brought to the attention of the woreda courts.

Therefore, in addition to the poor delimitations of the communal land, there is weak management and protection of communal lands. The causes for such poor administration of communal lands are various. As the household survey result, the KLAUC members and the key informants' responses showed favoritisms, discrepancies and lack of commitment by the Kebele administrators were some of the mentioned reasons. In addition, the landlessness situation of the two kebeles is also one of the major aggravating factors for the scramble of communal lands.

Many of the two Kebele cabinets themselves confirm as they lack the commitment. But they also mentioned some reasons that they considered beyond their capacity or power. They stated that the encroachers are too many. Since land cases could not be seen by the social court they believe that it is impossible to bring all 'illegals' to the woreda court. For instance, in Shamo, 200 people had encroached the communal lands in 1999E.C. and at that time all of them have been brought to the social court. However, before decision was given upon these encroachers, the social court stopped to see land related cases. As a result, the kebele administrators couldn't charge all the 200

offenders and they brought only 21 of the encroachers to the woreda court. They left the others as free and they charged only those who were assumed encroaching of large areas. This is how the kebele administrators of the two kebeles are currently doing to protect and secure communal lands.

Another reason forwarded by the Kebele administrator and KLAUC is the low participation of the community. There are grazing elders or 'Yegot Shimagle' elected by the community in each village which have common grazing land. These elders are expected to follow up the security of communal lands and if they encounter a problem first they try to solve it peacefully. If they fail to solve the problem they are expected to report to the Kebele administrators. However the Kebele administrators complain that these elected 'elders' did not always report and they are not willing when they are asked to be witnesses in the court.

At the same time, the woreda and regional EPLAUA staffs agreed that the present certification cannot secure communal lands at all levels. According to the WEPLAUA employees, although the problem exist in all the kebeles, in some kebeles the situation of communal lands is beyond encroachment. For instance, in Tez-amba kebele people have already scrambled some of the grazing land illegally. This has resulted contentious among the community members. Some need to secure these grazing lands for their livestock. Others, particularly, landless youths, claimed a share on these lands. As a result, it was a cause for the death of 14 farmers, and gunfire up on the some of the woreda EPLAUA staffs. The problem is still not solved and it seems beyond the power of the woreda.

Even cadastral surveys and maps are not a guarantee for the security of communal lands. The regional EPLAUA staffs stated that in those pilot projects of Gerado and Addisnna Gulit, where the cadastral survey was conducted in a

huge amount of money, communal lands are not properly secured. *“I observed one grazing land in Addisnna Gullet that was scrambled by the community and almost it has reached to disappear as being a grazing land. The problem is the enforcement of the law”* as one of the interviewed regional EPLAUA employee stated.

When we look at the data of the woreda court, at average, the encroachment of communal lands is the third reason accounting for 18.66% from all the land related cases. In 1998 E.C., almost half of the land related cases were due to communal land but it is decreasing in the following years. However, this does not mean that the encroachment is decreasing, as the above responses of the informants revealed.

The KLAUC of the two kebeles and the key informants generally believe that communal lands currently don't have a responsible body to administer and manage properly. As the household survey result also shows, about 90% of them have lost confidence in the administrative capacity of the kebele administrators to secure communal lands. Therefore, the existing land administration efforts are not strong enough to secure and protect communal lands.

#### **4.6.4 The Effects of the Land Certification on Reducing Land-Related Disputes**

Land certification is often associated with reduction of land disputes. But in Kenya, the land registration process created a greater insecurity of tenure, citing growing number of disputes and the confusion over property rights that resulted as people were denied legal recognition of their customary rights to land or as people were extended more rights than they were due (Green, 1987).

According to Getahun (2008: 32) land related disputes can be divided in to two: those that deal with adjudication and those that deal with compensation matters. Those that are related with adjudication are usually disputes between individuals and can be also between administrative areas. Those that are related with compensation matters are dispute between individuals and administrations which are likely to arise at the time of expropriation of land due to urban expansion.

In this section, the study tried to assess about the land related conflict resolution mechanisms that are being exercised in the woreda and the status of land related disputes. Case studies were also conducted to assess the effect of the certification on land holders who are living around Addis-zemen and Anbo-meda towns. All of the assessment in turn can indicate the level of tenure security/insecurity.

#### **4.6.4.1 System of land-related dispute resolution mechanisms in Libo-kemkem woreda**

Land certification cannot be successful without a credible and effective system of adjudication of land dispute. Such system will be acceptable if it is close to peasants' communities and will not involve high cost and long absence from the work place.

In Amhara region conflict resolution is handled by administrative and judicial mechanisms. The Amhara region recent proclamation and regulation stated that when dispute arise regarding holding rights it could be resolved by the following bodies: local mediators elected in each sub-kebele by the community, judicial bodies, and by KLAUC and WEPLAUA office.

Local conflict mediators have traditionally played an important role in solving land related disputes in Ethiopia. This has been also enhanced in the Amhara

region recent land regulation. However, practically in the last some years of the land registration period, land dispute resolution mechanism at kebele was neglected. According to the woreda court, before the proclamation of 148/99, social courts had legitimacy to see land cases at kebele. But, since Social courts are assumed to be insufficient to resolve land dispute and secure the right holdings of farmers, they lost legitimacy and land cases were decided to be seen only by courts. Because no comparable institution replaced them, this condition has decreased the role of local conflict mediation. As to the household survey result, about 86.7% of Shamo's and 100% of the Agelahana's respondents agreed that the customary land dispute resolution mechanism has decreased when compared with the dispute level. The key informants also agreed with this and according to their observation, farmers simply prefer going to the courts.

When social courts are prohibited to look land cases, the woreda court faced congestion and this has created delay of justice and unnecessary wastage of money and time up on the farmers. One of the indications for the congestion is the increasing number of land cases even after land certification. This can be seen in the table below. Libo-kemkem woreda court has 6 judges but one land case at an average took 4 months till the final decision. Therefore, during the last few years, the land dispute resolution mechanisms practiced in Libo-kemkem woreda has neglected the role of customary land conflict resolution mechanism, and as a result was not successful to reduce land dispute and litigations.

#### **4.6.4.2 The effect of the certification on reducing land related disputes between individuals**

With regard to land related dispute, table 11 show the major types of land related disputes in the woreda. In the three years, inheritance cases were the most important cause for land related disputes. It accounted about 55.88% in

1997 E.C, 27.15% in 1999 E.C. and 44.94 % in 2000. In 1998 E.C. it is the 4<sup>th</sup> cause accounting for about 11.83%. In all the years it accounts at average of 35.46%. The second most important land- related case was divorce that accounts at an average 20.4% of all the four years. The third major reason was the encroachment of communal lands accounting at an average 18.66% of the land related disputes. The other land related cases were disagreement in rental market (6.22%), compensation claims (1.84%) and land grabbing (0.12%).

Table 11: The major types of land-related dispute in Libo-kemkem woreda from 1997-2000 E.C.

	Types of land-related case	1997		1998		1999		2000		Total	
		No	%	No	%	No	%	No	%	No	%
1	inheritance	755	55.88	180	11.83	202	27.15	688	44.94	1825	35.4
2	boundary dispute	200	14.8	290	19.08	160	21.51	240	15.68	890	17.3
3	encroachment of	150	11.1	500	32.9	120	16.13	190	12.41	960	18.67
4	Divorce	170	12.58	400	26.32	180	24.19	300	19.6	1050	20.4
5	default of rental contract	70	5.18	140	9.9	50	6.72	60	3.92	320	6.22
6	land grabbing	1	0.08	-	9.22	2	0.27	3	0.19	6	0.12
7	Compensation Claim	5	0.37	10	0.65	30	4.03	50	3.26	95	1.8
		1351	100	1520	100	744	100	1531	100	5146	100

Source: Woreda court, unpublished

The situation of the land related cases during the registration time was higher than the situation before the registration started. Among the respondents, 86.4% of them have reported that it has increased while 13.6% of them responded that there was no difference. But nobody claims that it had decreased. On the other hand, after certification, almost all responded that the land dispute had decreased when compared with the situation during the registration time. All the key informants, the KLAUC and the WEPLAUA employees also agreed with this response.

When we compare the status of the land related dispute after certification with the situation of the years before the registration has begun, from all the respondents more than 2/3 agreed that the dispute has increased. Those who stated no difference and decreased were about 17% and 11.4% respectively. The key informants and the KLAUC of the two kebeles also agreed with this. As the Agelahana kebele key informants stated, “We do not know about the future, but currently the dispute and the litigation is still high in our kebele”.

Data are not fully available in the woreda court to compare the land-related cases with other cases before the registration and after the certification. The data available in the court is since 1997E.C and this is summarized in the following table. The data at least can be used to compare the land disputes situation during registration and after certification.

As table 12 shows, in all the four years, the percentage of the land related cases were greater than other cases that were brought to the woreda court. Moreover, whether in number or proportion, land-related cases are increasing from time to time except 1999E.C where both land-related and other cases have been reduced. From all the cases brought to the woreda court, in 1997 E.C, 57.6% were land disputes, and the percentage has increased to 65.5% in 1998 E.C and 71.8% in 2000 E.C.

Table 12: the number and percentage of land related cases compared with other cases in Libo-kemkem woreda from 1997-2000E.C.

No	Types of cases		Years in E.C			
			1997	1998	1999	2000
1	Total	No.	2351	2320	1444	2131
2	Land-related cases	No.	1351	1520	744	1531
		%	57.46	65.5	51.5	71.8
3	Other cases	No.	1000	800	700	600
		%	42.54	34.5	48.5	28.2

Table: Source: Woreda court, unpublished

The woreda court data does not coincide with the result of the house hold survey. But according to the court, the land related cases has increased at the woreda court, particularly in 2000E.C, since there was no institution involved to see land issues at kebele level.

Registration of holding rights can bring about security or protection of rights provided that the registered and documented land rights are free from dispute and litigations. If holding rights are under dispute and litigations, insecurity of rights will persist. In this regard, the survey result showed that in Shamo, 86.8% and in Agelahgna 70% of the respondents did not face dispute. There are some differences between the Shamo respondents and Agelahana partly because of the implementation problems in Agelahana. From those who faced dispute, the major type they confronted was border dispute. As the result shows after the land holders have got the certificates in the study kebeles, land dispute between them is showing a decrement. The result seems to contradict with the above observation of the households and key informants. This might be because the selected land holders may not face a dispute by themselves but the land disputes brought as a result of the registration might be very high for other land holders. Hence, it is impossible to conclude that the land related

dispute has decreased after certification compared with the time of before the registration began.

#### **4.6.4.3 The effect of land certification on reducing boarder disputes among administrative areas**

This study also examined whether the land certification has reduced kebele to kebele boarder disputes or not which further could show the situation between neighboring woredas, administrative zones and the Amhara region with its neighboring regions.

According to the registration process procedure, the first task is kebele boundary demarcation. But as it was explained earlier, the KLAUC of the two kebeles didn't follow this procedure. They left the boundaries of their kebeles as they were. Such implementation could not to solve the border disputes between the study site kebeles and their neighboring kebeles. Therefore, in Libokemkem woreda, in those kebeles where there were a border disputes before the registration, the disputes have continued after certification. For instance, before the registration both Shamo and Agelahana kebeles have disputes with their respective three neighboring kebeles. But these disputes have continued till now after five years of the completion of the registration in their kebeles. Similarly because kebele boundaries were not demarcated, there are still disputes between the woreda and its neighboring woredas such as Gonder Zuria and Ebinat woredas.

The regional EPLAUA Staffs also admitted that the present land registration process didn't bring administrative border dispute reduction. One regional EPLAUA staff stated that the Amhara region has a border dispute with Tigray and Oromiya regions. The above assessment shows that although the land registration has been completed, the registration system and process that was

practiced in region including Libo-kemkem woreda, has little value for boarder disputes between administrative areas.

#### **4.6.4.4. The effect of the land certification on dispute reduction around peri- urban rural areas**

By the recent urban expansion, most towns and cities in Amhara region have already claimed many rural lands. Similarly, in Libo-kemkem woreda the three towns have recently claimed many rural lands surrounding them. But farmers have certificates/books for these newly demarcated lands. For such problems, the certificates are expected to result for the poor land holders to increase their bargaining power and feel secure of their holdings.

In order to examine land holder's feelings whose holdings are around peri-urban areas about their tenure security, case studies were conducted in Shamo and Agelahana kebeles. Moreover, interviews were also conducted with WEPLAUA and municipality employees.

The land holders that are found around Addis-zemen town have faced problems for many years. One of the problems which is still creating a dispute is the master plan of the town which has included the holdings of some farmers in the surrounding kebeles. During the 1996/97 land redistribution, these lands were enumerated as a rural land and holders are still paying rural land use taxes. On the other hand, the municipality always claims these lands. This problem of communication between the municipality and the kebele administration has created much dispute and insecurity on the land holders. The woreda EPLAUA staffs stated that this has resulted a litigation between some land holders and the municipality that reached up to Federal court. Although land holders have the certificate the problem is not resolved. This can be seen in the following case study three.

### **Case three**

Ato Ashagre is a farmer who is leaving around Addis-zemen town in Agelahana kebele with his wife and three children. He had nearly 1ha of land acquired in 1976E.C. By 1996/97 land enumeration his possessions have been assured to be his own and he was paying rural land use fees. But, from 1994E.c on wards, he faced a continuous dispute with Addis-zemen municipality. When the registration started in his kebele in 1996 E.C, the Addis-zemen town municipality wrote a letter for the KLAUAc and the WEPLAUA office claiming that he is an 'illegal' holder and the lands are the territory of the town. When the municipality claimed his lands first he tried to resolve by appealing to the WEPLAUA office. He was not satisfied with the decision of the office and hence, he appealed to the woreda court. But the woreda court also gave the right of the land for the municipality. Even the zonal court decision was the same. Finally, he appealed to the federal court where he got no solution but was advised to negotiate with the municipality. At the end, after 6 years litigations he negotiated with the municipality and has received a quarter of his possession for house construction leaving the rest for the municipality.

Another problem is associated with the recent urban expansion where demarcation of new rural lands was made for the three towns in Lib-kemkem woreda in 1997E.C: Addis-zemen, Ambomeda, and Yifag towns. Data about kebeles or parts of them and the size of rural lands which are adjudicated to urban areas are not available at both WEPLAUA and municipality offices. Even the present WEPLAUA staffs did not have clear ideas about how the demarcation and jurisdiction was done. According to the municipalities of Addis-zemen and Ambo-meda towns, the master plan of these towns is being

on the way to be changed by considering the new rural lands. This is done without the consent of the surrounding land holders. The newly incorporated lands to the three towns are cultivable lands in which farmers' livelihood is based. Moreover, the land holders have certificates. The Amhara region land law states that farmers can claim compensation upon losing land. But compensation and other matters are not clear by WEPLAUA and the municipality offices. With regard to compensation, the interviewed regional EPLAUA staffs mentioned that farmers would be paid and there would be a rehabilitation program for those whose lands would be expropriated by the government. But the reality is not as it is stated. This can be clearly seen in case four below.

As the case study four shows, expropriation of lands without compensation is still common in Ethiopia. The case study revealed this fact vividly. Even in recent years where there is law that states there would be compensation if farmer's holdings were expropriated for various purposes by the government, farmers did not have trust on it.

As the above data shows, landholders are not consulted when matters that can affect their basic livelihood such as adjudication of their lands to urban area is done. In addition, they are not sure of getting enough compensation when their lands are taken. Therefore, for those land holders whose holdings are around towns, the certificate could not build their confidence over their land rights and hence they still feel insecurity about their lands.

#### **Case four**

Ato Bimrew is 65 years old and has 4 children. He has 1 ha of land at two different places. He is living in Shamo kebele near Ambo-medda town. He stated that *“one day some people who seem committee members were moving around my parcel of land and were trying to make marks on my land. When I asked what they were doing, they gave me fake responses and denied that they are making a new demarcation for the town. Later I heard that they were adjudicating new rural areas including my parcels of land to the town. While they do the demarcation, nobody has consulted me.”*

Ato Bimrew is not sure of the compensation for his land. *“During Derg, about 1 hectare of land was taken from me for the purpose of health center construction without compensation. In the current government, from 2 ha of my land, 1 ha was expropriated by the 1989 E.C land redistribution. My land was expropriated for many times without compensation. I cannot be sure to get compensation for the expropriated lands in the future. Even though the land law of the ANRS stated that there could be enough compensation, I am not sure that the law would be enforced”.*

### **4.7 Sustainability of the Land Administration System**

The creation of a system might be relatively simple exercise. But in land administration, the key issue is the sustainability of the value of the land certification in particular, and the land administration system in general. As we have seen earlier, during the registration there were problems that could result inefficiency in the registration performance. These problems, undoubtedly, would have their own consequences on the sustainability of the land administration system and land holders' confidence over the system. But in

this part of the study, institutional issues, updating of records, the proper handling of documents, fair and justices in service delivery which are some of the crucial things in the sustainability of the land administration system are dealt in brief.

Adequate institutional situation is a key factor for the sustainability of the land administration system. EPLAUA, since its establishment, has made several improvements in its organizational structure and its responsibility. The shift of its accountability from agriculture and rural development bureau to the regional council and the strengthening of its representatives at Zone and woreda levels were some of the improvements.

Formerly, EPLAUA had three main responsibilities. By the new BPR, the responsibilities are reduced in to two units; land administration, and environmental protection. The land use part is now given for the agricultural and rural development bureau. Some of the interviewed EPLAUA employees are not interested by this change arguing that land rights, land use and land valuation are the major components of a land administration system that should not be manipulated separately.

The organizational structure of EPLAUA of the Amhara region stretches up to kebele level. In Libo-kemkem woreda, EPLAUA at desk level was established for the first time in 1994E.C, and at the beginning of 2000E.C it has been strengthened to office level. Currently, the office is engaged in two works like the regional EPLAUA. Compared with the previous situation, there are improvements in the Strength of the institution particularly in number and qualification of the employees. The following table shows the number of the recruited employees in relation to the authorized work positions in Libo-kemekem woreda EPLAUA office since the establishment of the office.

Table 13: Number of employees since the registration begun in Libo-kemkem

		Years in E.C							
		1994	1995	1996	1997	1998	1999	2000	2001
Number of authorized work position		17	19	19	19	19	19	19	17
Number of permanent employees	12 grade finished	-	-	-	2	2	2	-	-
	certificate	1	1	1	1	2	2	2	-
	Diploma	-	-	2	2	3	3	5	7
	Degree	1	1	-	1	-	1	1	3
	total	2	2	3	6	7	8	8	10

Source: Libo-kemkem woreda EPLAUA office

As the table shows, the number of employees has reached 10 (including the head of the office), out of which 3 are degree and the rest diploma. But, as EPLAUA employees stated, staff turnover, low capacity, lack of vehicles and other equipments are still some of the constraints in the office. These problems have exerted their pressure on the service of the office. The burden and the risk of the work, in addition to low salary and absence of career ladder, do not encouraged employees to serve for a long time in the woreda office. The employees are shifting to other office for better salary and other benefits. Furthermore, many of the employees are working without adequate training about the land laws, regulations and other necessary skills and knowledge. For instance, from the presents 10 employees only one has got training about the land laws, regulations and guidelines about land registration and certification.

By the new BPR, one position (for diploma graduate) is authorized at kebele level although not practical. According to the interviewed regional EPLAUA staffs, this person at kebele is responsible for doing land registration, transfer rights, dispute resolution, boundary demarcation, and other land administration activities. On the other hand, the land administration and use committees will also continue to function. But most members of the Committees are not today in function. They don't have incentives and are discouraged. From Agelahana kebele members of the land administration and use committees which were 10, only 3 of them are currently working. The rest don't want to work and still substitutes are not elected. From Shamo, about three were not in function and most were not interested to work in the future.

Land administration system works if it is able to continue to provide accurate information to all users of the system (Marquardt, 2006:17). In the regulation No. 51/99 of the ANRS, article 20 sub article 7 and 8 stated that where the land holding is transferred from one person to another in any legal holding or when the certificate book is lost, torn or spoiled it shall be necessary to issue a new or substitute holding certificate by applying to the pertinent KLAUC as soon as possible (ANRS, 2007:35).

But KLAUC are not much clear about their role in updating. When they face request of updating by farmers, they simply write a letter to the WEPLAUA office attaching the farmer's letter of appeal. The WEPLAUA office was doing updating before some months ago. "Since we have enough certificates (books), we were issuing a book for new land holders and we were also updating land data based on the request of land holders when land is transferred." But the regional EPLAUA stopped the office arguing that farmers have to pay some fees for the services. Therefore, currently, the woreda EPLAUA is not doing formal updating and still the regional EPLAUA didn't decide on the fees amount to be paid.

The quality of the service delivery of the land administration institutions and the beneficiaries trust on these institutions are important for the sustainability of the system. In Libo-kemkem woreda most of the land registration and certification work is shouldered on the committees and the woreda employees. Those committee members don't seem to maintain without some form of incentives. The load and the burden of the work, the presence of intense land litigations, and the absence of incentives have discouraged both the local committees and employees and all of these conditions have created inefficient service delivery and great dissatisfaction among the farmers. According to the house hold survey, about 1/3 of Shamo and 2/3 of Aglahana respondents don't have a trust on the services of KLAUC. Similarly, from Shamo 60% and from Agelahara 74% of the respondents reported that they were not satisfied by the services of WEPLAUA office and have lost confidence on it. The most important stated problems for the unfair and injustice services of the committees and woreda office were; the bureaucratic and lengthy services which resulted time, labour and other costs on them, favoritism for kinship, and bribes. Similarly, the key informants also expressed their dissatisfaction on the services at woreda and kebele level.

Most of the KLAUC members of the both kebeles don't accept this. The interviewed woreda EPLAUA office employees, however, agreed that there are problems on both kebele and woreda institutions. Low capacity, doing beyond responsibilities (like acting as a court), favoritisms, bribe, and unwillingness to give proper and fair services were some of the problems observed by the employees. However, there were no serious measures that were taken upon those problematic committees or employees. Moreover, there was no trust between the KLAUC and the WEPLAUA office.

Another issue is the safe guardedness of the documents. The land registration and certification program under taken in the region is generating a large body

of land data that need to be systematically recorded, filed, and safely stored for later access. But the current situation of land register storage in Libo-kemkem woreda is poor. In the woreda EPLAUA office, there are two main types of land data. The first are those documents (*protocol*) of the 1996/97 land enumeration and redistribution. These documents among other things, contains the lands which were distributed to other farmers. The other and the basic documents which hold all the rural land holders of the woreda are the present registry documents. Copies of the land registry which have to be put in each kebele are also documented in the woreda EPLAUA office. But all these documents are not safely guarded, according to the interviewed employees of the office. For example, some of the previous land documents were bitten by rat and other insects. The other major problem is that these documents are in a manner in which they can be easily used for undesirable purposes or corruptions by somebody. For instance, from some of the 1996/97 and the current kebeles registry documents, as the employees observed, certain pieces of paper have been replaced by another papers systematically. This condition by itself has discouraged the employees to work effectively.

## **5. Conclusions and Recommendations**

### **5.1 Conclusion**

Since long time, the institutional aspect of rural land administration has not been given enough attention in Ethiopia. The recently started regional land administration systems are important beginnings in the country. Currently, registration of land holdings and granting land use certificates to holder has become government policy in Ethiopia. The four regions are almost completing the registration and certification of their rural lands. Amhara region has finished registration of rural lands except in some woredas. The ultimate objective of land registration and certification is to ensure tenure security. But land certification by itself is not sufficient conditions to bring tenure security.

Before embarking to the implementation of land registration and certification, EPLAUA efforts were encouraging in establishing the necessary institutions up to kebele level and in offering training for those woreda experts and kebele committees. However, preparing the necessary and clear guidelines and regulations in time, and at woreda level fulfilling the necessary man power and materials were the main limitations in the pre-implementation period.

The research findings show that almost all the respondents in the two Kebeles were familiar with the major advantages of land registration and certification program and are aware about their rights and obligation. This is because of much agitation. But there was lack of intense discussions and consultations of the community. As a result there were members of a family and the community who were not interested by the registration and certification programs.

The participation of the community in the registration process was generally good but there was a difference from kebele to kebele in the woreda. But the participation of females during the registration was low. Land administration

committees are totally male dominated. For example, the participation of females in Shamo and Agelahana kebeles KLAUC was none. Even at woreda level, from the 84 sub-kebeles, while there has to be 168 female members, there were only 69 females in the land administration committees.

In Libo-kemkem woreda the land registration was almost completed and the permanent book was issued for more than 54% of the registered households. This might be encouraging. However, during the registration there were many problems. The farmers' holdings were not measured by any traditional type of measurement but were simply estimated. As a result majority of the respondents (69.9%) were not satisfied by the measurements of their holdings that were registered on their certificates. Besides, low support of the respective administrations for program, the absence of continuous monitoring and evaluation at all levels were some of the problems encountered during the registration. The other problem was with regard to extra lands. About 62.5% of total respondents perceive that most of the extra lands in their kebeles were not properly identified and recorded. About 20.5% of them stated that some of the extra lands were not identified properly. The problem was more in Agelahana kebele. There were favoritisms and bribes by KLAUC, woreda EPLAUA and woreda authorities.

Regarding the effect of land certification, the findings of the study revealed that there were mixed perceptions. The household survey result showed that 43.2% of the respondents don't feel guaranteed that their holdings would be secure to go far from their farms for search of other employment. They fear that their land may be considered as "Yemote-keda" (land without right holder) and could be confiscated by the government; and they also fear that their contracting party might claim their holdings to make legal possessions. About 23.8% were not sure whether or not their lands would be secure.

Concerning land redistribution, the majority of the respondent's (64.8%) expect future land redistribution in the next five years. Their justifications were the presence of many landless youths and the skewed pattern of holdings. The expectation is more in Shamo since most respondents have smaller holding size. To the contrary, about 34.1% don't expect because of the shortage of land that can be given for the landless youths; farmers would be discouraged to invest on their land; and the fear of another discrimination and injustice if land redistribution again happened. Therefore, it can be argued that once again land redistribution is not out of the minds of the farmers of Libo-kemkem Woreda. They still considered as a lasting panacea for landlessness.

On the other hand, the investigation shows that 78.9% of Shamo's and 84% of Agelahan's respondents were guaranteed that all or part of their holdings will not be taken from them by the government without compensation. But about 13.1% of Shamo and 10% of Agelahan reported that they are not sure because the fear to get enough compensation. The rest respondents were unable to decide. This result can be taken as a positive outcome of the certification for tenure security. However, all the key informants mentioned that they were not sure that the current law that states compensation when land was taken would be consistent and enforceable.

The investigation shows that the efforts made by EPLAUA, to make women holders to secure their land rights during the registration were very poor. As the employees of woreda and regional EPLAUA, and the case studies revealed, during the registration women were subjected for much disputes and even many of them have lost their holdings. Females who have got land particularly by the land redistribution of the 1996/97 and those women who don't work the land themselves and have to share crop, have lost their land by the registration. The investigation also revealed that for those land holders whose

holdings are around towns, the certificate couldn't bring a reduction of disputes and protection of their rights over their land.

With regard to communal lands, the research reveals that the boundaries of most communal lands were not demarcated properly by the KLAUC based on the 1996/97 land enumeration and redistribution. Moreover, about 71.6% of the respondents, all the key informants, KLAUC and kebele administrators mentioned that the encroachment of communal lands has increased even after land certification. About 15.9% responded as there is no difference, meaning the encroachment is as high as the time before the certification. Corruptions, favoritisms and the landlessness situations are among the reasons for the poor administration of the communal lands. Therefore, the existing land administration effort in the form of land certification is not strong enough to secure and protect communal lands.

The study found that the land dispute resolution mechanisms practiced in the woreda during the last some years has neglected the role of customary land conflict resolution mechanism, and this has resulted congestion on woreda courts and unnecessary costs on the beneficiary land holders.

In Libo-kemkem woreda the land dispute had decreased after certification compared with the situation during the registration time. But when we compare the situation of the land related dispute after certification with the years before the registration has begun, more than 2/3 of the respondents and all the key informants agreed that the dispute has increased. About 17% of the respondents stated as there is no difference.

The research findings show that the present land registration didn't bring border dispute reduction among administrative areas. For example, currently Shamo and Agelahana kebeles have disputes with three of their respective neighboring kebeles. Similarly, there are still disputes between the study

woreda with its neighboring woredas such as Gonder Zuria and Ebinat woredas. Therefore, in Libo-kemkem woreda in particular and the Amhara region in general, the land registration process has little value for border disputes between administrative areas.

In relation to the sustainability of the land administration system, the investigation shows that there were opportunities and challenges. In Libo-kemkem woreda, compared with the previous situation, there were attempts to strengthen the institution particularly in number and qualification of the recruited employees. The number of employees has reached 10 out of which 3 were degree and the rest were diploma holders. But staff turnover, low capacity, lack of vehicles and other equipments are still some of the constraints in the office. The quality of the service delivery of the land administration institutions and the beneficiaries trust on these institutions were very low/poor. The most important stated problems for the unfair and injustice services of the committees and woreda office were; the bureaucratic and lengthy services, favoritism for kinship, and bribes.

The current situation of land register storage in Libo-kemkem woreda is poor. The documents are in a manner in which they can be easily used for undesirable purpose and for corruptions. For instance, as the woreda EPLAUA employees observed, from some of the 1996/97 and the current kebeles registry documents certain pieces of paper have been replaced by other papers systematically.

## **5.2 Recommendations**

As the research shows, it is unlikely to expect land tenure security from mere land certification. Moreover, the sustainability of the existing land administration system is really uncertain. However, improvements in land administration shall be seen as part of the long term strategy. Therefore, it is

important to appreciate the land registration and certification efforts with whatever limitations. But it should be noted that the benefits that could be derived from land certification can be realized only if they are supported by other enabling conditions. The following issues need to improve the efforts of land certification and establishing an efficient land administration system in the region which will improve the land tenure security for all people.

- There should be political commitment to continuously monitor and evaluate the land registration and certification works, and to take relevant measures for mistakes. It is important to have discussions with the community and employees about the problems and solutions.
- Land laws that threaten security of tenure have to be revised. For example, unequivocal enunciation in the regional proclamations that there will no further land redistribution will enhance tenure security much more effectively than land certification alone.
- Addressing fear in valuation and compensation laws and, more importantly, in applying these laws in a fair and equitable manner are essential for tenure security.
- Particular efforts should be made to ensure women's participation on land administration and to protect women land rights.
- The management of communal holdings in Amhara region should not be overlooked. A concerted effort has to be invested to secure communal lands.
- After land registration disputes may decline for a time. Research which assumes that such a decline is lasting may mislead. Particular emphasis is needed on mediation and conflict resolution at the community level. Referring land related conflicts to community elders for arbitration is by far faster and more effective. Land laws and regulations should therefore recognize and empower such modes of land dispute arbitration.

- Enacting good land laws is not enough to result in fair and efficient land administration. There is need for a long-term vision of creating such a system. Adequate institutional situation is a key factor for the land administration system. It is important to separate the efforts towards instituting rural land administration from the campaign for land certification. Adequate number and well trained staff need to be deployed to administer the system. They need to be provided with the necessary office and filed equipment to carry out their tasks efficiently.
- The development of a system of record keeping and archiving of records to ensure that information is protected, development of procedures for handling information and updating records should be the focus of EPLAUA at all levels.
- Land holders may face costs in terms of time, informal fees, and corruption that often surround land record systems. There are also other 'costs' that the public might see as being associated with the system or derived from the system such as property taxes, suspicious about the possible corrupt practices of officials handling the records, suspicious about the security of the information in the system. However, it must be obvious to the public that the benefits of the system outweigh the costs. This, as well as the confidence in the system, will only become evident over time. Thus, a concerted effort needs to be made from the start to demonstrably produce the benefits while making every effort to justify, restrict or eliminate the perceived costs.
- Incentives for the local committees spend for the work is beneficial. Employees at various EPLAUA levels should be also encouraged through various means to improve their service deliveries.
- There has to be further rigorous studies about the impacts of land registration and certification. Government could solicit the support of civil society organizations such as NGOs in this endeavor.

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## **Annex 1**

**ADDIS ABABA UNIVERSITY**

**SCHOOL OF GRADUATE STUDIES**

**COLLEGE OF DEVELOPMENT STUDY**

**INSTITUTE OF DEVELOPMENT RESEARCH**

### **Questionnaire developed to assess the effect of land certification on land tenure security**

The principal objective of this questionnaire is to gather all the relevant information (data) for the partial fulfillment of MA Degree in development studies. The data will be utilized only for academic purpose. That is, to conduct master thesis research on the effect of rural land certification on tenure security in Ethiopia, with special reference to Amhara region, Libo-kemkem woreda.

Dear respondent! Your information is very much valuable to achieve the desired goal of the study. Thus, you are kindly requested to give answer freely and openly. Any information you give is to be kept confidential!

Thank you very much for your cooperation!

### **Questions for household heads**

#### **Part I. General: household information**

1.1 Address: Kebele \_\_\_\_\_ Gote (village) \_\_\_\_\_

1.2 Sex \_\_\_\_\_ Age \_\_\_\_\_

1.3 Educational level: A. illiterate B. Read & write C. 1-6 D. 7-8  
E. 9-12 F. Above 12

1.4 House hold size: male \_\_\_\_\_ Female \_\_\_\_\_ Total \_\_\_\_\_

1.5 Marital status: A. Single B. Married C. divorced D. other \_\_\_\_\_

**Part II. Community Awareness about the Objectives and Advantages of the Implementation of the Land Registration and Certification Program**

2.1 How many Timad of land you have? \_\_\_\_\_.

2.2 Number of parcels (possession at different places) you have\_\_\_\_\_

2.3 What are the main mechanisms of the acquisition of your holdings?

A. inheritance B. gift C. land redistribution D. other (specify)\_\_\_\_

2.4 Was there community consultations and discussions about the land laws, regulations, and procedures drafts? A. yes B. no C. other(specify)\_\_\_\_

2.5 Was there a meeting and discussions about land registration before implementation? A. yes B. no C. other (specify) \_\_\_\_\_

2.6 How do you express the efforts made to make the community aware about the objectives of the land registration and certification? A. enough B. not enough

2.7 From your family members, are there who are not interested by the registration? A. yes B. no If you say yes, why?

2.8 From the community members, are there who are not interested by the registration and certification program? A. yes B. no.

If you say yes, who are they and why?

2.9 What are the advantages of land registration and certification? (Please mark with ✓ whether you know or not)

	I know	I don't Know
<ol style="list-style-type: none"> <li>1. Secure land tenure</li> <li>2. reduce land related problems</li> <li>3. enable to rent in more land</li> <li>4. enable farmers to lease land for many years</li> <li>5. create incentive for better natural resource conservation</li> <li>6. create incentive to increase investment on land and increase productivity</li> <li>7. allow equity in tax payment</li> </ol>		

2.10 Can you list down the land use rights and obligations described in the land law? Please mark with  $\sqrt$  whether you know or not the following rights and obligations of a land holder.

	I know	I do not know
<u>Rights</u> 1. Not to be evicted 2. Transfer of holdings 3. Renting land 4. get enough compensation 5. get credit		
<u>obligations</u> 1. protect and conserve the land 2. apply land use plan 3. cooperate during registration 4. cooperate during redistribution 5. hold a certificate		

**Part III. Land holders observation about the implementation of land registration and certification**

3.1 Did the KLAUC established through public election?

A. Yes      B. No      C. Other (specify) .....

3.2 Did all your parcels are properly measured and registered on your certificates? A. yes B. not at all C. partially D. other specify \_\_\_\_\_

3.3 After the registration was completed, was there evaluation of the work? A. yes B. No C. I don't remember

3.4 What is your opinion about 'yemote-keda' or extra parcels during registration? A. all of them were identified and recorded properly

B. most were not identified and recorded properly      C. some were not identified and recorded correctly      D. other specify \_\_\_\_\_

If you choose B or C please explain your reason.

3.5 During the registration did the KLAUC give services in short period of time and equally for all people?

A. Yes            B. No            C. Other (Specify) .....

3.6 Currently, do you have trust on the services of the KLAUC?

A. yes   B. no   C. other (specify)-----

3.7. If your answer is no, explain your reason.

3.8. Do you think that the woreda EPLAUA Services are satisfactory?

A. Yes                            B. No   C. other (specify) -----

3.9. If you say no, why?

3.10 What should be done to reduce the problems associated with land registration and certification?

#### **PART IV. Effects of the Land Registration and Certification**

##### **A. Land Holders Perception about the Security of their Tenure and Communal lands**

1. After certification, do you feel that your holdings would be secure to go to another place and work there for a long period of time? A. yes   B. no   C. Not sure   Please explain the reason in all cases.

2. Do you expect future land redistribution? A. yes   B. no   C. can't judge   please explain your reason in all cases

3. If you expect future land redistribution, when did you expect?

A. in the next 5 years   B. in the next 5-10 years   C. in the next 10-15 years   D. in the next 15-20 years   E. in the next 20-30 years   F. other(specify)\_\_\_\_\_

4. After you hold the certificate, are you guaranteed that all or part of your holding may not be taken from you without compensation? A. yes   B. No   C. not sure   Please explain your reason in all cases.

5. Do you believe that women land holdings are secured more after certification? A. Yes   B. No   C. unable to decide

Please give your reason for your answer.

6. During registration what is your opinion about the boundary demarcation of communal lands? A. all of them were demarcated properly   B. most were not demarcated properly   C. there were only some problems   D. other specify

---

7. What trends have you observed about the encroachment of grazing/ forest lands after registration/certification? A. decreased b. increased c. no change

If you say increased or no difference, what is your reason?

8. Do you think that the kebele administrators are capable to protect and secure communal lands?

### **B. Land Holders Perception about the Effect of the Certification on Reducing Kand-Related Problems**

9. In your kebele how was the trend of land dispute :

9.1 during registration time compared with the previous situation?

A. increased B. decreased C. No difference D. other specify\_\_\_\_\_

9.2 after certification compared with the registration time?

A. increased B. decreased C. No difference D. other specify\_\_\_\_\_

9.3 after certification compared with the time before the registration?

A. increased B. decreased C. No difference D. other specify\_\_\_\_\_

10. Have you faced land dispute after certification A. Yes B. no

If you sat yes, what type of dispute you face?

11. If you face land dispute in the future, do you expect to secure your holding easily and in a short period of time? A. yes B. no C. other specify \_\_\_\_\_

### **Discussion points with Kebel Land Administration Committee**

1. Was there consultations and discussions about the land laws, regulations, and

procedures drafts? Was there a meeting and a discussion about land registration before the implementation started?

2. If you say yes, do you think that the community was convinced? Why?

3. What was your feeling to work as a committee member before you embark to the work of the registration? What about now?

4. Have you trained before the work? If yes, for how many days?

5. How were the registration and the certification processes in your kebele?

6. During registration, how was the participation of the community? Have you faced any resistance from the community? Why?
7. Have you observed members of community who were not interested by the registration? If you say yes, who are they and why?
8. What type of tenures that the KLAUC has registered?
9. Have you registered all the land in the kebele? If not, why?
10. How do you measure and register each parcels and communal lands?
11. What were your sources as evidences?
12. Do you think that the KLAUC has measured and registered all the private holdings properly? If not, why?
13. Do you think that women's land tenure are secured by the registration? Why? During the registration and certification process, are there exceptional efforts made by you to secure the holdings of vulnerable groups particularly females?
14. Have you demarcated and registered all the communal lands properly?
15. What trends you observed about the encroachment of communal lands during registration and after certification? Do you think that all the culprits were send to the court? Why?
16. During the registration how was the support of the kebele administration? Have you faced intervention from Kebele administrators, woreda authority or Woreda EPLAUA? If yes, what type?
17. How much timed 'yemote keda meret' have you selected and recorded?
18. Do you think that the extra lands were identified and recorded properly by you? If not, why?
19. After registration was completed, was there evaluation by the community?
20. Are there still kebele to kebele boarder dispute?
21. How was the trend of land dispute:
  - 21.1 during registration time compared with the previous situation?
  - 21.2 after certification compared with the registration time?
  - 21.3 after certification compared with the time before the registration?

22. What is your role when updating is requested by farmers?
23. What should be done to make rural land registration and certification fruitful?

#### **Discussion points with Keble Administrators**

1. How many communal lands (grazing and forest lands) are there in your Keble?
2. Did these communal lands have been demarcated well during the registration?
3. Have you got the certificate for all communal lands?
4. What is the current status about the encroachment of communal lands?
5. Do all culprits have been accused of? If not, why?
6. Have you got any support on the administration of communal lands?
7. Are you sure that you are capable to administer communal lands?
8. What should be done to administer well the communal lands?

#### **Questions for Woreda Court**

1. How was the trend of the land-related cases compared with other cases before and after the land registration?
2. What are the most important land related cases in the woreda court before and after the registration?
3. What are the land dispute resolution mechanisms in the woreda? Explain the strengths and shortcomings of them.
4. What are the acceptable evidences for land dispute decisions?
5. How long a particular land case could take in the court procedure till final decision is passed?

#### **Questions for WEPLAUA employees**

1. Before implementation, do you think that the woreda EPLAUA desk has made the necessary preparation:
  - 1.1. In fulfilling manpower, finance, materials and other equipments

up to the kebele | sub kebele level.

- 1.2 In establishing the necessary structures up to sub kebele level?
- 1.3 By training the woreda staffs and the kLAUC members with the necessary knowledge & skill?
2. Was there community consultations and discussions about the land laws, regulations, procedures drafts?
3. Do you think that the KLAUC were elected freely by the community?
4. How was the registration and certification process in the woreda?
5. How was the participation of the community during the registration and certification process?
6. How was the participation of females in the land administration committees in the woreda?
7. Do you think that women's land tenures are secured by the registration? Why?
8. Did the registration of all lands have been completed in all kebeles? Why?
9. Is the certification is in accordance with the plan? If not, why?
10. What are the main constraints during the land registration and certification Implementation at woreda and kebele \ sub kebele level?
11. What is the current status of the certification?
12. Do you think that the woreda office has given enough support for the kebeles during the registration? If not, why?
13. Is there a system that monitors and evaluates generally the woreda land registration and certification implementation?
14. After registration, was there evaluation by the community in each kebele?
15. Have you faced a new guide line or a change in the procedure when the registration is going on?
16. During the registration and certifications process, how was the support of the woreda and kebele administration offices for the committees and the WEPLAUA office? Have you observed unnecessary intervention up on the work of the KLAUC and the WEPLAUA office? If yes, please explain.

17. During the registration and certification process, do you think that the KLAUC and the WEPLAUA office has given proper services?
18. Do you think that, the KLAUC has identified and registered properly 'yemote-keda' or extra lands? Why?
19. Have you observed problems about these extra lands after the document is brought to WEPLAUA? If yes, what are these problems?
20. Are there still kebele to kebele and woreda to woreda boarder dispute? If yes, why?
21. Concerning those rural lands in peri-urban areas
  - 21.1 Are there kebeles or parts of them demarcated to urban areas?
  - 21.2 If your answer is yes, how much area and how many farmers' holdings are included to the new urban expansion?
  - 21.3 How the demarcation and jurisdiction was done?
  - 21.4 Do the WEPLAUA is clear about the futurity of the farmers in terms of compensation and other matters?
22. How was the trend about the land dispute during registration and after registration? Why?
23. What are the numbers of the workers by their educational status under the office since the beginning of the land registration?
24. How many kebeles do have offices for the KLAUC?
25. Do you think that the woreda document is put safely? If not, what problems have you seen?
26. Is currently the woreda EPLAUA is engaged in updating and land rental activity? If not, why?
27. What is your opinion to work in EPLAUA offices?
28. What should be done for the sustainability of the land administration system?

### **Questions for Woreda Administrators**

1. What is the role of the woreda council or administration in the land registration and certification implementation of the woreda?
2. During the land registration and certification implementation, how was your support (on behalf of the woreda administration) for the woreda EPLAUA office?

3. Is there a system of monitoring & evaluation during the land registration and certification implementation at woreda level?

4. Have you evaluated so far the efficiency of the of the land registration and certification implementation? If yes, what are the strengths and short comings in your evaluation? If not, why?

#### **Questions for Addis-zemen and Ambo-meda town municipality**

1. Are there new rural lands which were recently demarcated to the municipality?
2. If you say yes, how many farmers and how much of their lands were demarcated to the town? Have you consulted these land holders?
3. Are you clear about compensation?

#### **Questions for Regional EPLAUA Staffs**

1. Before embarking to the implementation of land registration and certification, do you think that EPLAUA has made enough preparation:

1.1 In preparing a clear guide lines to avoid ambiguity up to the lowest structure?

1.2 In fulfilling the necessary manpower, finance and materials?

1.3 In establishing the necessary institutions up to the lowest level?

1.4 In training the manpower with the necessary knowledge and skill up to kebele/ sub kebele level?

1.5 Consultation of the stakeholders and the land holders during the genesis of the land laws

2. Do you think that the land registration of the region has brought

2.1 Women's tenure security? Why? 2.2 The security of communal lands? Why?

3. Do you think that the registration of all rural lands is completed?

4. Did the region has completed boundary demarcation with its neighboring regions and country? If not, why?

5. Are there still zone to zone boarder disputes? If yes, please give examples.

6. Concerning the Peri-urban rural lands 6.1 How was the role of the EPLAUA during demarcation and jurisdiction? 6.2 What could be the futurity of the farmers whose holdings are within the boundary of the new urban expansion in terms of compensation and other matters?

7. Is the land region certification going on in accordance with the plan? If not, why?

8. Is there a system of monitoring and evaluation in the implementation of the registration and certification?

9. Did EPLAUA has so far evaluated the region's land registration and certification efficiency? If not, why?

10. During registration, what were the land dispute resolution mechanisms and the justification for them? What were the strengths and the short comings of these land dispute mechanisms?

11. Since its establishment, what improvements EPLAUA has made on its organizational structure and responsibilities?

12. Are you satisfied by the new EPLAUA organizational structure and responsibility? If not, why?

13. Why EPLAUA is not engaged in updating?

### **Questions for key informants**

1. Was there a meeting and discussions before the implementation of the land registration?

2. Before the registration began, how do you express the efforts made to aware the community to understand the objectives of the land registration and certification program? Have you observed members of the community who were not interested by the registration? If you say yes, who were and why?

3. How was the participation of the community during the registration?

4. How were the services of the KLAUC and the woreda EPLAUA office during the registration? What were the major problems you have observed on their service delivery?

5. After the registration was completed was there evaluation of the work in your kebele?

6. After you hold the certificate, are you guaranteed that all or part of your holding may not be taken from you without compensation? Why?

7. Are you sure that the current land law that states about compensation would be consistence and enforceable in the future? Why?

8. During the land registration in your kebele, do you think the all 'yemote keda' or extra parcels were identified and recorded properly? If not, what problems you observed?

9. In your kebele, what is your opinion about the boundary demarcation of communal lands during the registration?

10. How is the trend of the encroachment of communal lands after registration?
11. Do you think that the land certification program has brought the security of communal lands? Why?
12. Do you think that the kebele administrator can secure and protect communal lands? If not, why?
13. In your kebele do customary dispute resolution increased /decreased during registration? Why?
14. Generally, in your Kebele what is the trend of land related dispute before the registration and after certification?
15. What should be done to reduce the problems associated with land registration and certification?

**Annex 2**  
ANRS Registered private holding and Issuance of permanent book land holding

No	Descriptio n	Zone	Husband and Wife			Male-headed			Female-headed			Total			
			No of HH	No of Parcel	Parcel area/ha/	No of HH	No of parcel	parcel area/ha	No of HH	No of parcel	parcel area /ha/	No of HH	No of parcel	parcel area/ ha/	
1	Registered	North Wollo	188028	641109	103960.4	89105	281246	42859.24	126217	409091	67876.16	403350	1331446	214695.8	
2		South Wollo	314521	2112323	336508.3	127807	628321	96662.22	154133	882037	125464.9	596461	3622681	558635.42	
3		South Gondar	235991	1064526	253930.4	88120	338671	77181.97	120202	439412	105937.2	444313	1842609	437049.57	
4		North Shawa	201781	915223	337947.1	73701	318663	98923.48	91589	431871	111111.5	367071	1665757	547982.08	
5		Oromya	42748	8600	7858.1	10795	1715	1577.8	8136	2774	2549.4	61679	13089	11985.3	
6		Wag Hemera	44514	159619	78551.29	17966	53868	27760.19	27430	74337	34191.23	89910	287824	140502.71	
7		Awi	168136	750126	249057.1	17247	66272	25012.6	48767	171525	66519.03	234150	987923	340588.73	
8		West Gojjam	238449	1015204	257024.8	74987	271956	67798.31	98536	337362	95832.63	411972	1624522	420655.74	
9		East Gojjam	239777	942417	293409.7	77119	236230	108145.2	109553	310588	161247.5	426449	1489235	562802.4	
10		North Gondar	233405	981212	716108.4	71585	236521	65311.14	106922	336075	146619.7	411912	1553808	928039.24	
		<b>Total</b>	<b>1907350</b>	<b>8590359</b>	<b>2634355.59</b>	<b>648432</b>	<b>2433463</b>	<b>611232.15</b>	<b>891485</b>	<b>3395072</b>	<b>917349.25</b>	<b>3447287</b>	<b>14418894</b>	<b>4162936.76</b>	
1	Issued Primary land holding	North Wollo	140795	503402	92467.81	89082	295660	39907.67	118229	362453	62679.44	348106	1161515	195054.92	
2		South Wollo	290030	1525342	299971.8	117823	566019	86975.29	142177	777384	105241.9	550030	2868745	492188.99	
3		South Gondar	102813	419235	115698	36840	149216	36078.41	54934	225285	56165.73	194587	793736	207942.14	
4		North Showa	72294	296659	125498.7	31392	108320	35869.99	38464	127098	46549.67	142150	532077	207918.36	
5		Oromya	17108	3647	3325.76	9484	726	665.16	6025	1170	1074.56	32617	5543	5065.48	
6		Wag Hemera	21331	81371	35932.25	12925	37547	27253.1	14553	42025	6634.57	48809	160943	69819.92	
7		Awi	93504	301176	119623.9	18480	62612	24953.86	31127	111983	39984.64	143111	475771	184562.4	
8		West Gojjam	102078	417150	98201.42	29984	100979	24733.39	42390	144929	33297.59	174452	663058	156232.4	
9		East Gojjam	141360	530622	262277.7	41468	122042	66695.07	56358	160845	90062.45	239186	813509	419035.22	
10		North Gondar	64217	256061	104874	14018	40730	12664.36	23598	73738	33704.57	101833	370529	151242.93	
		<b>Total</b>	<b>1045530</b>	<b>4334665</b>	<b>1257871.34</b>	<b>401496</b>	<b>1483851</b>	<b>355796.3</b>	<b>527855</b>	<b>2026910</b>	<b>475395.12</b>	<b>1974881</b>	<b>7845426</b>	<b>2089062.76</b>	
1	Issued secondary land holding	North Wollo													
2		South Wollo	587	4109	880	84	588	126	168	1176	252	839	5873	1258	
3		South Gondar													
4		North Shawa													
5		Ormya													
6		Wag Hemera													
7		Awi													
8		West Gojjam													
9		East Gojjam	445	73924	448.08	151	295	80.18	177	403	103.04	773	74622	631.3	
10		North Gondar													
		<b>Total</b>	<b>1032</b>	<b>78033</b>	<b>1328.08</b>	<b>235</b>	<b>883</b>	<b>206.18</b>	<b>345</b>	<b>1579</b>	<b>355.04</b>	<b>1612</b>	<b>80495</b>	<b>1889.3</b>	





## Annex 5

### Primary data sources of the study.

except from listing their names for ethical and other

Respondents	Shamo	Agelahana	others	Total
Households	38	50	-	88
Members	7	3	-	10
Administrators	5	6	-	11
Students	2	2	-	4
Staff	2	2	-	4
Employees	-	-	3	3
Partners	-	-	1	1
Others	-	-	1	1
LAUA	-	-	3	3
Group heads	-	-	2	2
	54	63	10	127

## Declaration

I, the undersigned, declare that the thesis is my original work, has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

Declared by:

Berhanu Adema  
[Signature]

Candidate

Confirmed by:

Yigremew Adal  
[Signature]  
Advisor