



**ADDIS ABABA UNIVERSITY**  
**SCHOOL OF GRADUATE STUDIES**  
**COLLEGE OF SOCIAL SCIENCES**

**LAND REGISTRATION AND CERTIFICATION IN MESKAN WOREDA, SNNPRS:  
PROCESS, STATUS AND CHALLENGES**

**BY**

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## GLOSSARY

**Bracketing** is a methodological device of phenomenological inquiry that requires deliberate putting aside one's own belief about the phenomenon under investigation or what one already knows about the subject prior to and throughout the phenomenological investigation (Carpenter 2007 in Chan et al. 2013:1)

**Khat** A widely cultivated and used stimulant in Ethiopia

**Communal Land** "a land out of government or individual possession and is being under the common use of the local community as a common holding for grazing, forest and other social services; " SNNPRS Proclamation NO. 110/2007, Section1 (2:14).

**Coordinate** latitude and longitude values which represent absolute locations of a place

**Debo** A social institution composed of farmers in the same village to complete massive cultivation or harvest with shorter time which would often take longer time with a single household

**Enset (False Banana)** A banana like (larger than banana), draught resistant plant with edible root and stem which is widely grown in the central, south and south-west Ethiopia

**Idir** A social institution established to facilitate burial ceremonies of members and their families, and to support members at times of accidents

**Iqub** A traditional rotating saving and credit Association usually established by neighbors or other aggregate groups

**Kebele (sub-district)** the smallest administrative unit

**Land Certification**-Issuance of use right certificates to landholders

**MASSREG** Centrally managed data administration system adopted by LIFT program

**Minimal holding size** "size of rural land holding, the productivity of which can ensure the food security of a peasant , semi-pastoralist and pastoralist family, or which suffices for crop farming, perennial crop farming, grazing, house building and garden" (SNNPRS Proclamation NO. 110/2007, Section1(2:12).

**Ortho-photo** Rectified (geometrically corrected) aerial photo or satellite image

**Probing questions** General, non-leading questions which often follow open-ended questions for clarity on responses (Gray, 2004:195)

**Woreda (District)** An administrative unit which comprises of many *kebeles*

**Berbere** a pepper like hot tasting vegetable (usually larger in size than pepper) which is used to flavor food

**IWORLLAIS** A software used to update transaction records

**Teff** An indigenous cereal to Ethiopia, which is known for the preparation of the favorite Ethiopian traditional food—*Injera*

**Parcel** A single plot of land delineated with its own boundary

**Timad** About 0.25 hectare of land, traditionally estimated to spend 1 day to plough with a Pair of Oxen

## ACRONYMS

<b><i>Ato</i></b>	The Amharic equivalent of "Mister", usually used for a married or adult male
<b>CSA</b>	Central Statistics Agency
<b>ECA</b>	Economic Commission for Africa
<b>EEA</b>	Ethiopian Economic Association
<b>EPRDF</b>	Ethiopian People's Revolutionary Democratic Front
<b>FNRD</b>	Farm and Natural Resource Development
<b>GDP</b>	Gross Domestic Product
<b>LAC</b>	Land Administration Committee
<b>MWFEDD</b>	Meskan <i>Woreda</i> Finance and Economic Development Department
<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>SNNPRS</b>	Southern Nations Nationalities & Peoples Region
<b>TVET</b>	Technical and Vocational Educational Training
<b>UNDP</b>	United Nations Development Program
<b>UNFP</b>	United Nations Population Fund
<b>UNIDO</b>	United Nations Industrial Development Organization
<b><i>Woizerit (W/t)</i></b>	An Amharic title for a an unmarried young girl or unmarried woman
<b><i>Woizero (W/o)</i></b>	An Amharic equivalent of "Misters", usually used for a married woman
<b>WFP</b>	World Food Program

## ABSTRACT

*This thesis examined the process of the second level rural land registration and certification in Meskan woreda, Gurage zone in SNNPRS. Focusing on the procedures followed, management of communal lands and rights of women and vulnerable groups during the process, data was collected using key informants interview, case study and document review. The theoretical framework which deals with the political economy of land in Ethiopia and the conceptual model comprised of legal and policy framework, institutional capacity and land registration and certification (in terms of input-throughput-output model) used to guide this research. The results of the data analysis shows that land registration and certification in the woreda is being guided by the Rural Land Administration and Use Proclamation No. 110/2007 and Regulation No. 66/2007 of SNNPRS in accordance with the national land policy. The findings showed that the extent of distributed certificates is less than half of the registered parcels in the woreda. It was understood that, certificate distribution couldn't exceed 45.3% of the registered parcels due to financial and technical constraints. Since there is no trend of recording transactions on holdings in the woreda, as time goes on, the credibility of the certificates that will be produced for the remaining parcels will largely be compromised. Even if the process followed clear procedures in some kebeles, the rush to grant certificates without clearly addressing the requirements of each procedure have resulted in post certificate complaints by landholders in the others. Unlike the case in monogamous marriages, which provided the right for women to have equal share of their possession with their husbands, the certification process in polygamous marriages is in favor of the men. Since men in polygamous marriages were registered either as first or second holder with both/all of their wives, and the women were registered as first or second holders on their respective holdings, it provided the men to have a share on all of their possessions while it has restricted each woman's share to limited possessions. In addition, lack of recorded boundary information on communal land that may serve as a reference to the registry staff, has induced communal land encroachment in the woreda. Finally, lack of awareness and less bargaining power have restricted some of the elders, orphans and disabled persons from participation in the process and even who got the certificates were abused either by their guardians or those who involved in land rent or share cropping.*

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

Land is the basic resource which supports majority of the rural lives in developing countries. About 70% of African population secures their livelihoods from land and utilization of the natural resources (ECA 2004:4). It is a means to achieve food security and sustainable development (ibid). In addition, land has significant contribution to the economy of the region and comprises the major share of the GDP and employment opportunity (UNDP 2015:3).

Ethiopia is the second populous country in Africa with an estimated human population of 94 million and about 82.5% of the population lives in rural areas (UNIDO 2014:6). According to UNDP (2015:5), agriculture remains the largest contributor of the country's economy having a share of about 40% of the GDP. In addition, agriculture covers about 90% of the exports, uses 80% of the labor force, and provides 70% of the raw materials to local industries (UNIDO 2014:7). Based on the above figures, it could be inferred that most of the economic activities in the country directly or indirectly depend on the ultimate resource, land.

Concerning land productivity and investments on land, tenure security comes at the frontline of the global agenda. There is a persistent debate pertaining to the ownership of land among politicians, academicians and policy makers in Ethiopia. Those who call for private ownership of land rights argue that privatization of land promotes sustainable land use through stimulating long term investment on land, improves soil fertility and land productivity than customary and state ownerships of land (Ermias 2014:2). On the other hand, proponents of state ownership of land argue that private property rights have adverse effects on small scale rural farmers in driving them to sell their land and become landless. They argue that prior to privatization reforms, capacity buildings on issues like how to sustainably re invest the cash owned from the sale of land for the small holder farmers should be maintained (Gerstter et al. 2011:10).

On the other hand, Migot-Adholla et al.(1991) in ECA (2004:38), observed a very weak relationship between individual land rights and agricultural production in Ghana, Rwanda and Kenya. In the same line of argument, many researches revealed that a tenure system alone cannot

bring the desired changes unless coupled with other policy measures in favor of the small holder farmers. Gerstter et al.(2011:3) have stated their argument as follows:

Reforms will only be successful when land redistribution is complemented by other policies that help small-scale farmers to successfully engage in agriculture, compete in the market and increase their capital. Overall, there is no one-size-fits all approach towards land reforms, ... In addition, scholars have also observed a lack of knowledge on how to design effective, pro-poor land policies.

In Ethiopia, tenure system in the imperial Regime (1930-1974) was characterized by the provision of land rights to the land lords through the *Rist-Gult* system and restricted the rights of the tenants either to sharecropping or to the decisions of the land lords (Hussein 2004; Crewett, et al. 2008). After the fall of the imperial regime in 1974, the "Provisional Military Administrative Council", the "*derg*" declared all rural lands to be the property of the state and officially ended tenancy relationships in the country in March 1975. As a result, majority of the rural families have been given usufruct right on land through frequent distributions (Hussein 2004; Crewett et al. 2008).

The present government, Ethiopian People's Revolutionary Democratic Front (EPRDF), has taken the same stand and made tenure system Constitutional. According to the Constitution (1995 article 40),"The right to ownership of land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia". The people have the right to use land, build immovable property on the land and have the right to claim for compensations for their assets in case of use right termination. The constitution does not provide the peoples of Ethiopia with the right to sell or mortgage the land.

Ethiopia has been acclaimed for exhibiting fast economic growth for the last eleven years and that strong growth is expected to persist in the coming years (Admit et al.2015). Poverty has been reduced from 38.7% in 2004/05 to 26% in 2012/13 and all of the MDG's were successfully achieved except Goal 3 (promote gender equality and empower women) and Goal 5 (improve maternal health) (UNDP 2015:3).Yet, it has been argued that the impact of the economic growth is still insignificant in reducing poverty and ensuring food security among the rural poor (Desalegn 2011:2).

Recently, Ethiopia has commenced a Land Administration Program which is meant to increase tenure security through land registration and certification among other measures as a means to

boosting production and investments on land. To cover the higher demand for an automated and coordinate based certification in Ethiopia, many international organizations have been technically and financially intervening in the four main regions (Tigray, Oromia, SNNPRS and Amhara), that accounts for majority of the rural population. Accordingly, in the last decade, the intensification of the process provided certificates for about one fifth of the households in Ethiopia (Zerfu and Harris 2014:7). This study documents and analyzes the extent, procedures followed and challenges faced by the land registration and certification. In addition, the rights of women and vulnerable groups and the management of communal lands during the process were investigated in Meskan *Woreda* of *Gurage* zone.

## **1.2 Statement of the Problem**

According to the World Bank (2012a), the rapidly growing rural population has increased pressure on land; and, land scarcity has been a focus of attention of the economy and politics in Ethiopia. Land administration in Ethiopia is threatened by absence of land inventory (registration), corruption and duplication of roles and responsibilities among the different parties. Lack of clear responsibilities among the different government levels in Ethiopia was identified as one of the perceived challenges to the land administration sector (ibid). For example, both the land administration institutions and the investment authorities have been given the mandate to allocate land to investors (ibid). In addition, corruption was identified as the other challenge to the land administration sector. The 2007/08 report of Federal Ethics and Anti-Corruption Commission indicated that 28 out of the 63 investigated cases were in the land administration and development sector (Plummer, 2012:300). Transparency International has listed the factors that promote corruption in land administration as, "lack of clear policies, weak institutions, lack of transparency, limited public participation and capacity challenges" (Lindner, 2014:5).

Aiming to increase tenure security, Ethiopia has employed land registration and issuance of certificates with a relatively lower cost and shorter time than other African Countries (Deininger et al. 2006:2). It has been argued that the certification process in Ethiopia has positive effects in increasing tenure security through investments on land, land rent, women's property right and the ability to receive compensation for terminated use rights (Deininger et al. 2009:254). On the other hand, Desalegn (2011: 6) argued that, since the current policy of Ethiopia provided the right to public authorities to expropriate land and natural resources; regardless of how well it is undertaken, the certificate alone is not sufficient to bring the desired tenure security. Moreover,

referring to Gebre and Keneaa (2008), Deininger et al. (2009:6), indicated that there is a tendency of the certification process to increase communal land encroachment by the powerful individuals in Ethiopia. Similarly, it tends to increase conflict among family members who collectively own a land leading to disagreements over the person whose name will be registered as owner (Ostuka and Place 2014:4). In addition, although land sale was prohibited by the constitution (1995 Article 40), land registration has been claimed for being in favor of the sellers since it rely on recorded evidences such as the first level certificates (Zerfu and Haris 2014:17).

Referring to the then Ministry of Agriculture, Sosina and Holden (2014:13) has indicated that land registration in SNNPRS was started in 2004. Since then, about 1.7 million households (72.7% of the total households) in the region have got first level certificates (Tigistu 2011:8). And, till March 2015, about 27.5% of the surveyed and adjudicated parcels have got second level certificates in the region (Gizachew et al. 2015; Tigistu and Bennett 2015:16/44). In addition, Tigistu (2011:9-11) has identified, "policy and legislative gaps, technical deficiencies, inadequate institutional capacity, inadequate financial source and lack of centers of excellence in land administration education and research" as the main challenges to rural land administration in Ethiopia. Gizachew et al. (2015:22/44), have also indicated the following reasons for the poor certification processes in the region:

- lack of sufficient logistics and insufficient commitment to mobilize the rural communities via 'development army' institutional set-up
- lack of sufficient budget
- unfilled approved positions/posts at the *Woreda* Land Registration Offices and frequent staff turnover.

Research findings have identified a high level of lack of awareness among landholders about the benefits of the certification as one of the challenges affecting the efficacy of the certification process. EEA/EEPRI (2004) cited in Deininger et al. (2006:7) has indicated that nationally about 63% of the landholders are not aware of the benefits of the certificates. They also found a significant regional variations on the awareness levels. That is 27%, 54%, 71% and 73% of Tigray, Amhara, Oromia and SNNPRS peoples respectively were not totally aware about the benefits of the certification.

This thesis is an ethnographic account of the second level land registration and certification in Meskan *woreda*. Meskan is among the *woredas* in SNNPRS which are known for frequent land disputes, communal land encroachment, minimal holding sizes and land degradation (MWFEDD

2016). Land certification in the *woreda* has a very recent history. The report of the *woreda* Farm and Natural Resource Development office has indicated that the second level certification in the *woreda* was started in 2012. Since then, a total of 112,385 parcels were registered and about 50,951 of the registered parcels were provided with certificates. Despite the fact that the second level registration was carried out for all *kebeles* before the end of 2015, less than half of the registered parcels were issued the second level certificates.

Since the certification process in the *woreda* has a very recent history, it is too early to see the effect of the scheme in the study area. To the best of the researcher's knowledge, most of the researches conducted on the land certification deal with the effects/impacts of the certification on investments on land, land transactions (rental market), and tenure security; and even those conducted on the process are limited to the technical procedures of a specific project. For example; Dubois (2016) in his work entitled, "*Efficient and Fast Production of Cadastral Maps in Ethiopia*", has stated the process followed by REILA project. In addition, Zerfu and Harris (2014) in their work entitled, "*Rural Land Registration in Ethiopia: Increased Transparency for 26,000,000 Landholders*", have described the process of land registration and certification held by REILA project in Ethiopia. Yet, the processes followed by the other projects which have conducted registration in the other parts of the country partly differ from the REILA project in addressing the requirements of each procedure of the process. Since the effects of the certification partly depends on the procedures followed and the overall process; understanding of the land registration and certification in Ethiopia requires in-depth studies of the processes and experiences on the ground. With this research gap in mind, I embarked on this research focusing on the extent and procedures of the second level certification, how the process considered the rights of women, vulnerable groups and its contributions to communal land management. The reason why the researcher chooses this topic is due to the fact that he has a little chance to know land registration and certification process from his experience of working both in the rural and urban cadasters in Ethiopia. Considering the issues raised above, the study attempts to answer the following research questions:

- ✓ What is the extent of the second level land certification in the *woreda*?
- ✓ What procedures were followed to demarcate, register and certify land holdings?
- ✓ How far were the rights of women and vulnerable groups treated during the registration and certification process?
- ✓ How was communal land managed during the registration and certification process?

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

The general objective of the study is to examine the land registration and certification process in Meskan *woreda* with an emphasis on understanding the Process, Status and Challenges. The specific objectives of the study are to:

- ✓ explore the coverage of the second level land registration and certification in the *woreda*
- ✓ assess the procedures followed in the certification process
- ✓ examine the extent to which the certification process considered the rights of women and vulnerable groups (elders, orphans and disabled persons) to land
- ✓ evaluate communal land administration and how it was treated during the registration and certification process

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

The findings of this research are expected to:

- ✓ firstly, contribute to motivate other researchers for further studies in the area of land governance
- ✓ secondly, document lessons learnt from the land registration & certification process in the *woreda*
- ✓ thirdly, be a stepping stone for researchers, policy makers, donors and concerned parties to be informed on the challenges of land registration and certification process
- ✓ fourthly and finally, recommend possible options to follow clear procedures on land registration and certification process

### **1.5 Scope of the Study**

The study focuses on the second level land registration and certification in Meskan *Woreda*. The thematic boundary of the study is on the process, status and challenges of the second level land registration and certification. It comprises of three sample *kebeles* out of the 31 *kebeles* that are covered by the certification process.

### **1.6 Research Methodology**

This section presents the research approach, data collection techniques, target population, sampling size and data sources which were used to carry out this research.

### **1.6.1 Research Approach**

The research was conducted using qualitative approach. Qualitative techniques enable researchers to share the understandings and perceptions of others and explore the way people structure and give meaning to their daily lives (Creswell, 2009; Berg 2001:7). Since it is an ideal method to get detail information and understand the views of participants, data was collected from multiple sources by the direct involvement of the researcher through a face to face contact with each participant.

### **1.6.2 Target Population**

The target population of the study are landholders of the three *kebeles*, the *Woreda* Farm and Natural Resource Development (FNRD) office staff , the *Woreda* coordinator of LIFT program, a mapping (technical) expert, officials of Document registration and Authentication office (*Wul ina Masreja*) in the Butajira town and its surrounding Area High Court and the *Woreda* First Instant Court, *Kebele* administrators, *Kebele* Land Administration Committees (LAC's) of the three sample *kebeles*, head of the *Woreda* Youth Office, head of the *Woreda* Good Governance, Grievance and Compliant Offices. Since the head of the *woreda* Good Governance, Grievance and Compliant office has more than 10 years experience as head of the *woreda* women office and the current head of the *woreda* women office has no experience in the office, the head of the *woreda* Good Governance, Grievance and Compliant office was interviewed as a representative of both offices.

### **1.6.3 Data Sources**

The research has collected data from both primary and secondary sources. The primary sources include the *Woreda* FNRD office administrators and experts, officer of the Ethics and Anticorruption office at FNRD, head of the *Woreda* Youth office, Butajira town and Surrounding Area High Court and the *Woreda* First Instant Court, *Kebele* officials (administrators, experts and LAC's) and farmers. Quantum GIS attribute data and shape files of *kebele* and registered holdings, recorded information about each registered holdings, reports of the *Woreda* FNRD Office, *Woreda* Finance and Economic Development office and Ministry of Agriculture and Natural Resource (Published and unpublished), books, journal articles, theses, dissertations, working papers and book chapters were used as secondary sources.

### 1.6.4 Data Collection Instruments

In this study, three data collection methods were used. These include; Key informant interview, case study and document review.<sup>1</sup>

#### i. Key Informants Interview

As one of the main data collection tools in qualitative research, key informant interview was held to get the diverse views of the study participants. Without restricting their views with time and information, the informants were provided with open ended questions. According to Gray (2004), open ended questions have advantages in providing rich information. Accordingly, non leading probing questions were followed for clarity on some of the responses. Thus, 23 key informants were involved in the study. These include: the former deputy core process owner, head of the Ethics and Anticorruption department in the *Woreda* FNRD office, *Kebele* administrators, *Woreda* coordinator and a technical expert of LIFT program, Land Administration Committees (LAC's), head of the *Woreda* Youth office and experts of the *Woreda* Document Registration and Authentication office (*Wul ina Masreja*), head of the *Woreda* Good Governance, Grievance and Compliant office, landholders (who have got use-right certificates and who didn't get use-right certificates, who are adjoining to communal lands, with minimal holding size and a village elder). Since the core process owner and the deputy core process owner in the FNRD office are newly assigned and have no full image of the process in the *woreda*, they were not selected as study participants. Hence, the core process owner has taken the role of a gatekeeper in the study. His cooperation has helped the researcher in getting interview participants and documents from the FNRD office. In addition, he has recommended the former deputy core process owner for interview.

Concerning background of the informants, besides their duty in land administration, for instance *kebele* administrators involve in various political, economic and social activities. The *kebele* chairpersons are committed to the overall administrative issues. while *Kebele* Land Administration Committee members have been engaged in social institutions such as chair person, secretary or a member of *Iqub*, *Idir* and religious institutions and others. In addition, the village elder has rich information on communal land management in one of the sample *kebeles*. According to he and some other elders, being a committee chairperson, he has significant contributions in the rehabilitation of about 290 households which moved to Silte zone from

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<sup>1</sup> Refer Appendix B for the profile of the study participants

Gurage Zone following the secession of Silte from the Gurage and the subsequent formation of Silte zone. In addition, while working as a secretary of a "Parent-Teacher Union" (*Welaj Memihir Hibret*) in the nearest public school, he had great contributions in restoring about 16 hectare encroached communal land by the then *kebele* administrators to the school. Recently, he has accused the existing *kebele* administrators in the Zonal Ethics and Anti-Corruption office for cases related to communal land encroachment in the *kebele*.

### **ii. Case Study**

Case study is an appropriate data collection method when the researcher is confronted with "why" and "how" questions concerning contemporary issues and when the study behavior cannot be manipulated by the researcher (Gray 2004:124). Accordingly, stories of five participants—women (in monogamous and polygamous marriages) and vulnerable groups (elders, disabled persons and orphans) were collected through case study.

### **iii. Document Review**

Data concerning the coverage of the second level certificates, quantity and locations of communal lands, number of disabled persons and orphans in a given *kebele*, survey date, name, gender, marital status and family size of landholders, size of holdings and related figures were obtained through reviewing the documents of the FNRD office, reports of the Ministry of Farm and Natural Resource Development, *Woreda* Finance and Economic Development Department, *Woreda* Youth office and Butajira town and its Surrounding Area High Court, the *Woreda* First Instant Court and projects being involved in the process were reviewed.

### **1.6.5 Sampling Techniques**

As the dominant sampling strategy of qualitative studies, purposive sampling technique was deployed for selecting the study participants. According to Padilla-Díaz (2015: 104), "purposive sampling is characterized by incorporating specific criteria met by the participants at the moment of selection". As a result, for their specific roles in the process, 30 participants (13 administrators, 6 experts, 10 farmers and 1 village elder) were involved in the study. These include, head of the *Woreda* Youth Office, head of Ethics and Anti-Corruption department in the *Woreda* FNRD, the former deputy core process owner at FNRD, head of the *Woreda*, Good Governance, Grievance and Compliant office, officials of Document Registration and Authentication offices in the Butajira town and its surrounding area High Court and the *Woreda* First Instant Court, the *woreda* Coordinator of LIFT program, 3 *kebele* administrators, 3 LAC's,

2 technical experts of the *woreda* including a mapping and a database expert, 2 *kebele* experts, female landholders in monogamous and polygamous marriages, a disabled (visually impaired) person and an orphan, 7 farmers (including those who have got use-right certificate, who didn't get use-right certificate, a farmer with minimal holding size, a village elder, a farmer who has involved in land transaction and a farmer adjoining to communal land) were involved in the study.

To get a clear image of the approaches and procedures followed by the three projects that have conducted land registration and certification in the *woreda*, three sample *kebeles* (1 from each project) were selected for this research. Since reliability of a given research largely depends on the selected site and samples taken, the selection of a particular research site is closely tied to obtaining access to an appropriate population of a specific subject (Berg 2001:29). Therefore, Wolensho2 (the single *kebele* registered and certified by REILA project), Wolensho1 from the government and Mikaelo from the LIFT intervened *kebeles* are sample *kebeles* for this study. Wolensho1, which shares similar geographic and socio-economic characteristics with Wolensho2, represents the government intervened *kebeles*. In the same token, the LIFT intervened *kebeles* are represented by Mikaelo for that it is an appropriate *kebele* to see communal land management and income diversification activities among smallholder farmers in the *woreda*.

#### **1.6.6 Methods of Data Analysis**

The data collected using the various data collection instruments were organized into four themes and were analyzed in accordance with the research questions and objectives of the study.

#### **1.7 Limitations of the Study**

Initially, there is lack of literature in support of the procedures of the land registration and certification process that is essential to organize the theoretical part of the study. Therefore the literature dealing with the procedures of the process mainly depends on the few available sources. In addition, during the time of data collection for this research, no field work was taking place by the *Woreda* FNRD office and the office activity was restricted to documentation and settling customer complaints. Therefore, registration and demarcation activities were not observed at field.

## **1.8 Ethical Issues**

The researcher has kept all ethical standards while conducting this research. For getting permission of the concerned government authorities, a recommendation letter from the Department of Social Anthropology of the Addis Ababa University was delivered to all *woreda* and *kebele* offices. Ethical issues were discussed with all participants and the gatekeeper in the *woreda* FNRD office. All of the participants involved in the study with their free will. Frequent discussions on the objective of the study especially with landholders have resulted in two merits; avoided suspicions of landholders and has facilitated the provision of genuine information. For security reasons, all of the study participants have given codes except for the case study participants whose name and associated stories appear in the discussion with their consent. Based on their involvements in the study, informants were grouped under five categories as: "A" =Administrators, "E" = Experts, "L" =Landholders, "M" =A woman in a monogamous marriage and "V.E"=A village Elder. Specific codes of each participant were clearly stated in Appendix B.

## **1.9 Organization of the Paper**

The first chapter introduced the study, stated the research approach and the data collection instruments used to collect data for this paper. Reviewed literatures from empirical studies and a theoretical and a conceptual framework guiding the study are included in the second chapter. Chapter three presents all aspects of the study area including geographic location, demographic and socio-economic characteristics. The data collected from the participants and document mining were presented and analyzed in the fourth and fifth chapters while the last chapter summarizes the major findings, concludes the study and recommends the possible measures to be considered.

## **CHAPTER TWO**

### **REVIEW OF RELATED LITERATURES**

This section presents related literatures in support of land administration, the dominant tenure systems and their respective arguments, land policy issues and the common land administration practices, procedures in land registration and certification, contributions of the registration and certification process for communal land management, how the land registration has considered the rights of women and marginalized groups, and the challenges to land registration and certification process. Finally a theoretical framework and conceptual framework guiding the research activity are clearly illustrated.

#### **2.1 Land Tenure Security**

Since the primary objective of land certification programs is to increase tenure security of landholders, discussion on tenure security creates a room for evaluating each phase of the process towards this end.

Land tenure could be defined as, "the set of norms and practices that define the different land rights of individuals or groups in a given society. It is either formally recognized in legislation or acknowledged by communities as legitimate (customary tenure)" (Lastarria n.d.:1). The different rights on land include: the right to access, manage...etc (Schlager and Ostrom 1992 in Ermias 2014:3). Similarly, "land tenure security" refers to "the landholder's perception of the likelihood of losing a specific right in land such as the right to cultivate, graze, fallow, transfer or mortgage" (Birhanu 2009:7). A person's rights on land depends on the level of tenure security being enjoyed. Desalegn (2011:6) explained the relationship between an individual/community and land right as, " ... land rights have always defined relations of power between the state on the one hand, and small holders and their communities on the other, though the specific circumstances of and justifications for these relations have been different under different political contexts".

Referring to Heltberg (2002), Ermias (2014:3) has summarized the common property rights on land as follows:

- i. **Private property right:** Private property right is complete, secure, and transferable, and provides the holder with the rights of possession, transfer, use, change and distraction of the asset.
- ii. **Common property right:** This term refers to land under communal ownership where access rules are defined for community or clan membership.
- iii. **State property right:** It refers to land under state ownership for which the state enforces access and conservation rules.
- iv. **Open access:** It refers to the condition of no property claims or a state of 'non property'. Thus, with open access, the rights of the owner are replaced by a state of anarchy in which anybody can capture the benefits of a resource.

Proponents of private property rights argue that the provision of land titles to private holders has a tendency to increase landholders access to formal credit and increase in long term investments on land (Gerstter et al. 2011:3). On the other hand, those who argue for state property rights are concerned for the livelihoods of the small scale farmers who are threatened by deprivation as a result of selling their land. In support of this argument, Gerstter et al. (2011:10) have summarized the notes of UNDP Human Development Report (2003) and De Shutter (2010) as:

"Individual property titles to land may sometimes put rural small scale farmers under pressure to sell their land to larger users or investors, with the effect of becoming landless again. Without capacity building on how to reinvest the cash received in exchange for the land, peasants could easily fallback into poverty."

Taking the different land tenure debates into consideration, the European Parliament came up with promoting a combination of tenure system and proper policy measures in favor of the small scale farmers (Gerstter et al. 2011:11; Abate et al. 2012). For them, there is no one size fits all approach towards land reform. The policies and reforms widely vary across different environmental, political, economic and social settings (Gerstter et al. 2011:11).

## **2.2 Land Administration**

### **a) Trends in Land Administration**

Land administration is defined as, "the processes of recording and disseminating information about the ownership, value, and use of land and its associated resources. Such processes include the determination of rights and other attributes of the land; the survey, description, registration and recording of these rights; and the provision of relevant information in support of land

markets" (USAID 2004:9), while "Land management" refers to the proper and sustainable use of land including economic and environmental perspectives (ibid).

Everybody has attachments with land in one or other ways. Land, along with associated natural resources produces food and raw materials for industries, and above all, is a habitat for living things. But, according to UN-habitat (2012:41), "not everyone's rights to land are secure". The rights, restrictions and responsibilities on land and the natural resources can be managed through various land administration functions (Birhanu 2009). Referring to Tesfaye (2006:273), Birhanu (2009) described these functions as; land transactions, land valuations and taxation, land use planning, control of the natural resources and utilities and infrastructure developments on land. The main components of land administration system are records of rights and/or information and spatial records (coordinates) that determine the applicability of these rights (Burns et al., 2006). Examples of such components include cadastral maps, land registries (inventories) or other forms of records on land (UN-Habitat 2012:23).

Land administration systems vary across the different socio-cultural, economic and political settings, productivity of the land, access to infrastructures, geographic locations among other factors. UN-Habitat (2012:103), has indicated that above 70% of the land in developing countries is not covered by modern land administration system. Lack of such systems specifically affects women and the marginalized groups due to their less bargaining powers in the absence of recorded land rights (ibid).

Features of land administration and management systems that benefit the poor and disadvantaged groups include; pro-poor, equitable and gender-responsive, affordable, sustainable, subsidiary, governance, systematic and large-scale (ibid). According to Burns et al. (2006:7), the practical ways of solving problems in land administration and management are:

- improving the efficiency of land resource use to support a growing population;
- conducting land use planning;
- protecting the natural environment from degradation;
- providing equitable and efficient access to the economic benefits of land and real estate markets;
- supporting government services through taxation and fees related to land and improvements;
- providing incentives for development, including the provision of residential housing and basic infrastructure such as sewer and water facilities.

Using Total Stations and GPS's with higher accuracy levels is appreciated in the formal land administration system. However, evidences in many parts of the world revealed that it is too expensive and insufficient to cover the continuum of registering land rights in developing countries where about not more than 30% of rural land is covered by modern land administration systems (UN-Habitat 2012:103; Dubois 2016).

No project in the developing world has been able to implement and sustain high-accuracy surveys over extensive areas of their jurisdiction. Those countries that have been successful in registering significant numbers of titles have tended to concentrate on relatively simple, low cost survey methods and produced graphical standard cadastral index maps. (World Bank 2012b:101)

Low income countries have been using low cost technologies to cover their entire land with modern land administration system. These alternatives include the use of Aerial photographs or Satellite images, hand-held GPS and computer based mapping (UN-habitat 2012:31; Sosina and Holden 2013a:5). In this regard, the experiences of Ethiopia and Benin are mentioned as success stories for their participatory, low cost, equitable and transparent processes (ibid).

#### **b) Experiences in Land Administration**

Countries at the two extremes in land administration practices are frequently cited in literatures for their respective successes and failures. In this regard, the Cambodian rural economy and land tenure has been criticized for its failure stories (Van 1999). In addition, the 1993 land registration practice in Indonesia was also blamed for "corruption, multiple certificates for the same parcel, public mistrust in the land administration system, and conflicts between formal and traditional land administration practices" (World Bank 2012b:98).

On the other hand, the land titling program in Rwanda is referred as "one of the most ambitious in the region" (UN-Habitat 2012:36). The land titling process of Rwanda was "..., ambitious, cost effective, participatory and issued certificates for three million parcels within a short period of time" (ibid). In the same token, experience of Thailand is cited as one of the best land administration systems in the world for its efficient manual land registrations (i.e. it takes only 2.5 hours to record a transaction) (World Bank 2012b:69).

## **2.3 Land Administration Practices in Ethiopia**

### **2.3.1 Land Policy and the Concurrent Debates in Ethiopia**

Tenure relations in Ethiopia have a long history of state interventions (ECA 2004). Being the source of power since the imperial regime, land policy has been the center of policy debate concerning property rights on land (Crewett et al. 2008).

The land tenure system in Ethiopia during the Imperial regime was not uniform across the country. *Rist*, *Gult*, *Gebbar*, Church land and *Maderia* were the common tenure systems of the imperial regime (ibid). With the *rist* system, the landlords have full rights on land except the right to sale land outside the family (ibid).

Following the upset of the Imperial regime, the "Provisional Military Administrative Council", named the "*derg*", took power in 1975 and declared all rural land to be the property of the state and inhibited tenancy relationships in March 1975 and gave usufruct rights to majority of the rural households through frequent redistributions (Hussein 2004; Crewett et al. 2008). Though the agrarian reforms of the "*derg*" had limitations on agricultural productivity and tenure security in general, it has been appreciated for providing entitlements to land for peasant association members who used to be tenant cultivators (Hussein 2001 in Crewett et al. 2008).

The present government, Ethiopian People's Revolutionary Democratic Front (EPRDF) has taken the same stand concerning land tenure system. The issue of land has been given more emphasis by the EPRDF and it was included in the constitution. According to the FDRE constitution, "The right to ownership of land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia" (Article 40) .

Opposed to the present tenure system, opposition parties and international donors argue in favor of private ownership of land in Ethiopia. On the other hand, stressing on the strong commitment of his government to state ownership of land, during the 2005 election debate, the late prime minister—Meles Zenawi argued as, "land will be sold on the cemetery of EPRDF". The EPRDF has stated that the current tenure system protects smallholder peasants from landlessness that might follow the sale of land to wealthier people. However, it has been witnessed that people have been expropriated and displaced from their land without fair compensation for their assets by the same government.

### **2.3.2. Land Administration Proclamations**

According to Federal Rural Land Administration Proclamation No.89/1997, regional governments are empowered to administer land and associated natural resources in accordance with the Federal Constitution Article 52 (2). Based on the power bestowed by this proclamation, each region was provided with the mandate to prepare related laws and proceed with necessary actions for the implementation of the laws at local level (USAID 2004; World Bank 2012b).

Accordingly, the five regions (Amhara, Oromia, Tigray, SNNPRS and Benshangul Gumz) have prepared rural land administration and use proclamations. The proclamations include, "The revised Rural Land Administration and Use Determination Proclamation No.133/2006" of Amhara National Regional State; "Revised Rural Land Administration and Use Determination Proclamation No.239/2006" of Tigray National Regional state;"The State of Southern Nations Nationalities and Peoples Land Administration and Use Proclamation No.110/2007"; "Proclamation to amend the Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration Proclamation No. 130 /2007" Oromia National Regional State and recently "the Benishangul Gumuz Regional state Land Administration and Use Proclamation No. 85/2010".

According to USAID (2004:10), there exist slight variation among the proclamations of Amhara, Oromia, Tigray and SNNPRS concerning leasing, feature reallocations, compensations and inheritances. The same report has also indicated that all the regional land laws did not clearly state about the provision of substitute land for expropriated and evicted land. In addition, how could the compensations be valued, how and when would it be paid and who would make the payment are not clearly mentioned in the regional land laws (ibid).

Until 2010, there were no federal and regional laws governing rural land registration and surveying (Tigistu 2011:9). The then Ministry of Agriculture (MOA) has taken the initiative to prepare such a legislative in 2010 (ibid). The legislations of rural land rights in Oromia, Tigray, Amhara and SNNPRS have come up with positive impacts through their implementations in land registration and certification (World Bank 2012b:1). Though, the rural land administration and use proclamation was developed and adopted in Afar and Gambella regions, it has not been implemented, while Ethiopian Somali region has neither developed nor adopted a proclamation yet (ibid).

### **2.3.3 Challenges to the Existing Land Administration Practices**

Tigistu (2011:9-11) identified "policy and legislative gaps, technical deficiencies, inadequate institutional capacity, inadequate financial resource and lack of center of excellence in land administration education and research" as the main challenges to the Rural Land Administration in Ethiopia. In addition, World Bank (2012c:96) has also described some of the challenges as follows:

Although no single document sets out Ethiopia's land policy, principles can be inferred from federal laws, together with the laws and directives promulgated by regional and municipal governments. However, the wide delegation of federal mandates to lower levels of government, without sufficient policy guidelines or laws to clearly define the roles of various levels of government, causes ambiguities and vertical overlap. In fact, the mandates on land allocation and administration to the different levels of government within a regional state are usually determined by unpublished administrative directives that often change quickly and without public notice. These practices are not in line with principles of good governance.

Land redistributions, landlessness, minimal holding size, lack of public notice, and lack of efficiencies in implementing the respective land laws are also some of the frequently cited challenges to the land administration sector in Ethiopia.

#### **A. Land Redistributions**

Properly planned and implemented land redistribution programs provide land to landless peasants. Land allocation is the only means of land acquisition by landless farmers who do not have access to land through inheritance, purchase, gift, share cropping or land rents (USAID, 2004). The benefits of egalitarian distribution of land are described as:

"... countries with a more egalitarian distribution of land tend to be characterized by higher levels of economic growth, and such distribution tends to have positive social impacts, such as higher literacy rates. Formal property rights are the exception rather than the rule among small-holders in developing countries" (Gerstter et al. 2011:3).

According to the report of ECA (2004:34), Kenya, Algeria, Egypt and Ethiopia are known for conflicts over uneven land distributions. The federal and regional proclamations of Ethiopia do not clearly address future land redistributions (Deininger et al. 2003;USAID 2004). But to minimize the number of landless people, holdings of those individuals who have left their land above the specified period as set by the proclamations of the respective regions are subject to future reallocations (ibid).

From 1991-1998, about 9%, 18% and 21% of the total land holdings at national level, Tigray and Amhara regions respectively were affected by land redistributions (Deininger et al. 2003:12). And, in Ethiopia, landholders at local level are still scared of possible redistributions (USAID 2004: xi).

### **B. Landlessness and Minimum Holding Sizes**

As the case in many sub-Saharan African Countries, landlessness is one of the major problems in Ethiopia. Melkamu and Shewakena (2010:4/20), indicated that especially young peasants, women and resettles are affected by the scarcity of land in Ethiopia. Following the global economic crisis in 2007/08, a high rate of youth unemployment has been observed in many parts of the world (Sosina and Holden 2013b:4). In 2013, about 12.6 % of the active age group remained unemployed worldwide and still higher unemployment figure is expected till 2018 (ILO 2013 in Sosina and Holden 2013b:4). Though employments in the agriculture sector are not predominantly affected with such a high unemployment figure, youths in this sector lead vulnerable livelihoods (ibid).

According to Sosina and Holden (2013b:4), the Proclamation No.110/2007 of the SNNPRS, which restricts formal transfer of rights on holdings less than 0.5 hectare has a tendency to increase the number of landless youths in the region. Nowadays, the scarcity of land and the soaring cost of land rents have posed a difficulty to access land through rent or sharecropping (Getnet and Asrat 2014:9). Although the 1995 constitution of Ethiopia has provided rural communities with the right to access agricultural land without payment; the amount of unoccupied land is far less than the demanding people (Lindner 2014:2;Getnet and Asrat 2014). Giving emphasis to population pressure on land and its related consequences, Getnet and Asrat (2014:9) described their finding as follows:

"People have 6 or 7 children, they can't give every one of their children land, they simply don't have enough. So they may give you a little land to put a shade on and then may be if they are kind and caring gives you a *gemed* of land or two to work on for a year or two. And once you are able to stand by yourself your younger ones will use the same land to get started as you did... There are just too many people and too little land".

According to the Ethiopian Economic Association (2002), there is a strong correlation between land holding size and net farm income in Ethiopia. Net farm income is relatively higher in regions with higher average holdings (ibid). In this regard, the wheat and *teff* producing areas

with relatively larger holding sizes earn 10 fold higher per capita household income than the extremely low household incomes of the densely populated areas in the south (ibid). In addition, access to land through land allocations by local authorities to the abundant demanding youths in the Southern Ethiopia is improbable (Sosina and Holden 2013b:8). As a result, in response to the push factors, rural-urban migration is one of the mitigation mechanisms to landlessness and lack of employment opportunities in rural areas (ibid:41).

#### **2.4 Land Registration and Certification in Ethiopia**

A well planned and implemented land titling and certification is believed to improve tenure security among landholders. In those countries where private ownership of land is exercised, landholders are provided with full titles to land including the right to sell or mortgage. On the other hand, in countries where land is under state ownership, landholders are provided with a certificate of registration. The cost of the certification, the participatory nature of the process and success stories in achieving tenure security widely varies across the globe. Cost of the process depends on the type of technologies used and in context (Elliot et al. 2012).

Using more precise surveying equipments for parcel boundary delineation is capital intensive and developing countries found hardly use these equipments. Therefore, the service is often provided on the request of landholders who are expected to cover all the associated costs. In some countries, it is common to see the cost of the titling exceeding the benefits (Gerstter et al. 2011:10). For example, in Honduras; it costs about \$600 per title (Lopez 1996 in Sosina and Holden 2013a:4). In addition, the conventional titling costs about USD150 per household in Madagascar (Deininger and Hosaina 2009:359). In support of this argument, (Gerstter et al. 2011:10) also noted that:

A cost-benefit analysis showed that the benefit of obtaining a formal title (as measured by the value of the increase in productivity) only exceeded the cost for holdings larger than 6 hectares. Since few of the plots sampled in Madagascar reached that size, obtaining titles was not advisable. Finally, formal land titles, once conferred, would also have to be regularly updated, causing additional costs. If such updating is not done, formal titles may lose much of their value.

As a result, most of the developing countries use low cost technologies such as; hand held GPS, high resolution satellite images or aerial photographs. It was found that the process is capital intensive even with these low cost technologies. For example; within a duration of two years

(2012-2014), the four regions of Ethiopia (Amhara, Oromia, SNNPRS and Tigray) have invested about a total of 3,350,000 USD for aerial photo surveys (Gizachew et al. 2015:4/44). As a result, it is common to see developing countries failing to succeed in the certification process. Thus, many international development organizations have been intervening the process in sub-Saharan Africa, Asia and Latin America. For example; the DFID-funded LIFT program has intervened in the Rwanda's land titling and Ethiopia's land certification programs. Since 2002, REILA, ELAP, ELTAP, SIDA and LIFT have supported Ethiopia's land certification program.

#### **2.4.1 Land Registration and Certification Approaches**

UN-Habitat (2012:11), has classified the land certification approaches that have been held in Ethiopia into two categories. The "less complex form" referred to as 1<sup>st</sup> level certification and the "more complex form" referred to as Second Level Land Certification (SLLC). The former is a process of land certification in which no cadastral surveying and no index map is attached to the certificate; while the latter uses maps and spatial references in the certificates of each plot (Tigistu, 2011:8). Yet, World Bank (2012b:84) has stated its stand on the SLLC as, "there is no full concern on the common definition and best approaches to the SLLC". This is what has been observed in the SLLC being undertaken in Ethiopia. The programs involved in the process have come up with different approaches. Some use the cheapest hand-held GPS's with accuracy levels ranging from 5-10 meters (Sosina and Holden, 2014:5), others use aerial photographs or satellite images of 40 centimeters resolution with accuracy levels ranging from 1-2 meters (Dubois, 2016:7; Zerfu and Haris 2014).

Nowadays, the drastic improvements that have been observed in the accuracies and resolutions of the images increase its suitability to cadastral applications (Dubois 2016). Since 2014, it seems that using rectified aerial photograph is dominating the practice in Ethiopia. Information Network Security Agency (INSA) in collaboration with the Ethiopian Mapping Agency (EMA) produces Ortho-photos with 25cm resolution for rural cadastre applications (EBC 2016). The former produces rectified aerial photographs (orthophotos) while the latter provides established ground control points for image processing and controls the quality of the products (ibid; Impact Consulting Oy Ltd. 2015:63/68).

### **2.4.2 Status of Land Registration and Certification in Ethiopia**

The land registration and certification program which was embarked in Ethiopia within the last two decades has covered above 80% of the holdings in the country with the first level certificates (Elliot et al., 2012). The initiation was taken by Tigray region in 1998-99 followed by Amhara region in 2003, Oromia and SNNPRS in 2004 (ibid; Holden et al. 2009:361). The land registration and certification held in Ethiopia is cited in many literatures as one of the world's largest, low cost and decentralized approaches. It has also been praised for covering a significant portion of the country relatively with shorter time and supported by strong public participation at local level (Sosina and Holden 2013a; World Bank 2012b; Tigistu 2011; Deininger et al. 2009; Deininger et al. 2006). The cost of the first level certificate in Ethiopia is very low even compared to other developing countries. It costs less than \$1 per parcel and about \$3.5 per household (Elliot et al. 2012; Tigistu 2011; Gerstter et al. 2011; Deininger and Feder 2009). The coverage of the first level certificate is about 97%, 87%, 85% and 84% in Tigray, Amhara, Oromia and SNNPRS respectively (FDRE, MoA 2010 in Tigistu 2011:8).

The second level certification in Ethiopia was started in 2002 using a total station and high precision GPS in two pilot *woredas* in Amhara region by the support of "Swedish International Development Agency (SIDA)" (Gizachew et al. 2015:14/44). In addition to the government, foreign aid programs such as, "Ethiopia-Strengthening Land Tenure and Administration Program (ELTAP)" and "Ethiopia-Strengthening Land Administration Program (ELAP)" of the USAID, "Responsible and Innovative Land Administration Project (REILA)" of Finland and recently the "Land Investment for Transformation" (LIFT) of DFID involve in the process using relatively low cost technologies such as hand-held GPS (HHGPS), rectified Satellite images and Aerial photographs (Gizachew et al. 2015:15/44).

The regional proclamations of the four regions (Oromia, Amhara, Tigray and SNNPRS) allow 5-7 Land Administration Committee Members (LAC) to be elected at *kebele* (Tigistu 2011). The LAC's are the main actors in mediating disputes and demonstrating boundaries of public/communal land to the registrars. Yet, they are working voluntarily without getting payment for their time (Deininger et al. 2009; Tigistu 2011:10).

Until March 2014, above 12 million certificates (48% of the registered parcels) were distributed through the first level certification in the four regions (Zerfu and Haris 2014). Concerning the

coverage of the second level certificates, only 27% of the surveyed and adjudicated parcels were provided with second level certificates (Gizachew et al. 2015:16/44). To sum up, a significant portion of the registered parcels remained uncertified, some of the produced certificates were packed in cartons while the remaining were put on tables in the *woreda* FNRD offices (ibid). Some of the common challenges related to poor implementation practice are discussed under section 2.7.

#### **2.4.3 Status of Land Registration and Certification in SNNPRS**

According to Tigistu (2011), about 84% of the holdings in SNNPRS are covered by the first level registration. The SLLC was introduced in the region in 6 selected *woredas* by the ELTAP in 2007 followed by ELAP in 2008 in 2 *woredas* (Gizachew et al. 2015). By 2010/11, the regional government allocated budget for the SLLC initially for 23 *woredas* which was latter extended to 83 *woredas* in the region using hand held GPS and Ortho-photos (ibid). Finally, the LIFT program has intervened initially in two selected *woredas* in February 2015 and has extended its coverage to other *woredas* in the region.

#### **2.5 Registration and Certification Process in Relation to Women and Vulnerable Groups**

Ethiopia has been praised for its successful achievements of five of the Millennium Development Goals (MDG's) except for lagging behind the two (UNDP 2015:3). Surprisingly, both of the MDG's that the country failed to meet are directly related to women; Goal 3 (promote gender equality and empower women) and Goal 5 (improve maternal health) (ibid). In addition, Ethiopia ranks 120<sup>th</sup> out of 149 countries in gender inequality index value of 0.547 (ibid). Efforts have been made by the government to address issues of women through its development plans including the Growth and Transformation Plans. One of the primary reasons for undertaking rural land certification in Ethiopia is to secure women's right through assuring their access to and control over land (Deininger et al. 2009:249).

The Rural Land Administration and Use Regulation of SNNPRS (2007), has stated that husband and wife shall jointly get a land use certificate and commonly use their possessions even which were accessed through inheritance or gift before and after marriage (section 5). In support of this statement, names of husband and wife have been included both in the first and second level certificates (ibid).

Under the traditional system, women are often disadvantaged in their access to land as the institution of land was biased based on gender and wealth (Sosina and Holden 2013a; Henrysson and Joireman 2007 in Deininger and Feder 2009:242). Aiming to address women's issues, Tigray and Amhara regions require at least 2 members of the LAC to be represented by women (Tigistu 2011:2). Yet, in some places it was found that "the work is too heavy for them" and it is common to see men dominating the LAC (Deininger et al. 2006:9). Gender issues were taken into considerations in the proclamations of the five regions including Benishangul Gumz region. During the first level certification, except Tigray, all regions use names and photos of both husband and wife on the certificates (World Bank 2012b:49).

The federal rural land administration proclamation No.89/1997 stated that women, orphans and disabled persons can use hired labor on their land or use other options without compromising their rights (Section 2). In addition, the legislation has also provided orphans inherited land-use rights through their legal guardians (World Bank 2012b:24). It is obvious that the level of the benefits they enjoy from the certificates and their bargaining power largely depend on their awareness levels on such rights and the attitude of the society towards the formal laws stated in the proclamation (Teklu 2005 and Verman 2007 in Hirut and Giovarelli 2013:5).

In addition, Kumar and Quisumbing (2010), have noted that there appears a disparity between men and women concerning their access to information and participation in the land certification process. Accordingly, women's awareness and participation at the initial stages of the process was found less than that of the men (Holden and Tefera 2008 in Hirut and Giovarelli 2013:5). As a result, in his case study sites of south Gonder zone of the Amhara region, Birhanu (2009:78) found that due to lack of information, holdings of some women were expropriated and their parcels were registered by the name of men who usually access the women's land through rent or sharecropping.

Unlike the practices that undermine women's rights elsewhere in other developing countries, the measures taken by women in Tanzania are a best practices in assuring women's property right. UN-Habitat (2012:58) described the practices of Massai women as follows:

...,the Maasai Women Development Organization facilitates the certification of village lands in a way that expressly defines the rights of women, and not solely those of men. It fosters women leaders and promotes women's participation in village governance. The idea behind its approach is that if women know their rights, they will be empowered to change their living situation. That will benefit them as well as their households and community as a whole. The organization of women's groups forms the starting point to give the women confidence by acting together. Men are more ready to accept their actions when women act in a group, rather than as individuals. The approach is also much more than helping women to apply for land: the groups' awareness-raising and dialogue activities aim to inform and change the attitudes of communities as a whole, of community leaders, and of land officials up to the district level.

## **2. 6 Procedures in Land Registration and Certification**

The registration and certification process has passed through various technical and administrative procedures which starts from planning and extends to the issuance of certificates. This section presents literatures on the basic steps of the process such as; public awareness campaign, the field and office activities, public display, and preparation and issuance of certificates.

### **i. Public Information and Awareness (PIA)**

Prior to conducting demarcation and registration activities, landholders should be informed about the benefits of the registration, how and who will conduct the activity and about their roles and responsibilities during the process."Communicating information about why the registration program is important is essential, as is helping landholders resolve disputes and uncertainties about their land right" (Shewakena and Haris 2015:23).

Various methods have been used to deploy the PIA at community level. These methods include; community meetings, women's meetings, radio broadcasts, audio messages, desk calendars, distributing flyovers (brochures) and newspaper articles (ibid; Gizachew et al. 2015). Legal holders or their representatives attending the PIA are told to bring any legal documents showing their rights on each parcel (Zerfu and Haris 2014:11).

Like the other procedures in the registration and certification process, the PIA is not without challenges. Shewakena and Haris (2015) identified low literacy levels and heterogeneity of the local languages as the main barriers they faced in Benishangul-Gumuz region. Since public trust couldn't be achieved with a single PIA campaign, implementing frequent awareness risings with diversified methods is essential to attain public trust and cooperation. In line with this argument,

Deininger et al. (2006:5) have noted that due to fear or lack of information about the advantages of the certification, some households didn't participate in the first level registration in Tigray region.

## ii. Field Work (Demarcation and Registration)

Field registration and demarcation of parcel information take place immediately after the public information and awareness rising. In the case of Ethiopia, the field team is often composed of a field registrars (who records attribute information—name of the landholder, ID Number of the specific parcel...etc), surveyor—who sketches parcel boundaries, a team leader and a representative of a *Kebele* Land Administration Committee (LAC) (Shewakena and Haris 2015; Gizachew et al. 2015).

Landholders are asked to provide legal documents showing their rights on the land including the first level certificates to check who has legal rights on the specified plot and how did he/she get it (i, e inheritance, leasehold or other tenure system) (Zerfu and Haris 2014; Zevenbergen 2002). After the landholder points out his/her holding walking around the parcel boundary with the presence of neighbors and the LAC, the surveyor demarcates the parcel boundary on the map and the registrar records attribute data to identify the exact location and size of the parcel (where and how much)? (ibid). Illustrations of the elements in land registration that was seen pertinent to this research was shown in the static model of land registration in the following figure.

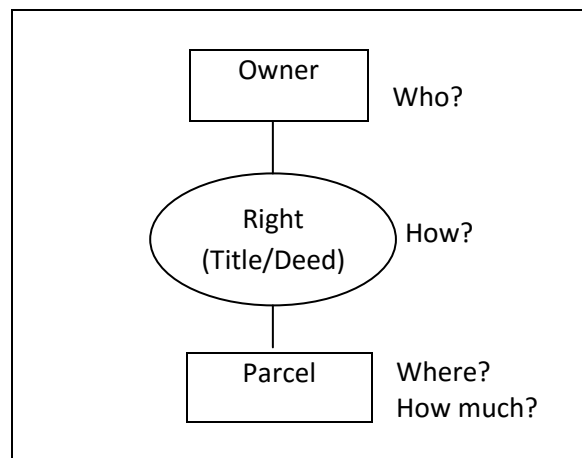


Figure 1. The main elements in land registration (Source: Zevenbergen,2002)

Finally, the landholder, the team leader and the LAC put their signatures on the recorded information confirming the clarity of the procedures followed and appropriateness of the collected data (Zerfu and Haris 2014).

### **iii. Office Data Processing**

After the completion of parcel demarcation and registration of socio-economic information, the next step is to record attribute information and digitize parcel boundaries in computers. Once field maps were scanned and geo-referenced, digitization and data entry will take place with open source mapping softwares such as Quantum GIS or ARC GIS (Dubois, 2016:26). Following the completion of the digitization in a certain *kebele*, the office activity will be finalized by quality checking and *kebele* boundary demarcations (ibid).

### **iv. Public Display and Corrections**

Public display is one of the basic activities of the registration process which enables landholders to identify errors made during the registration and parcel demarcation or digitization and data entry before the preparation of the final certificates (Dubois 2016; Zerfu and Haris 2014). Following the completion of office activities, the field maps showing boundaries and names and/or unique ID numbers of each parcel will be printed and displayed on a publicly visible place which is usually open for six days a week during the business hours for a minimum of one month (ibid). In this period, landholders check their parcel boundaries and attribute information with the assistance of the stationed field teams (Dubois, 2016). Minor errors such as spelling cases will be automatically corrected while Social Courts are mandated to mediate boundary or ownership disputes (Zerfu and Haris 2014:11).

### **v. Preparation and Issuing Certificates**

It is believed that using Atlas and map template has significantly reduced the time and effort that would take to generate parcel map (Dubois 2016:21). For example; using a map template, it takes only 5-10 minutes to prepare a single cadastral map (ibid). Once the comments given by the landholders during the public display were corrected, certificate production and dissemination to landholders will take place after signed and sealed by an authorized government authority.

## **2. 7 Challenges of Land Registration and Certification in Ethiopia**

### **A) Lack of Land Transaction Record Keeping System**

As a result of gift, inheritance, divorce or exchange of parcels; frequent changes take place in land rights, land holdings and parcels (World Bank 2012b:50). To maintain sustainable and reliable data, the need for updating as soon as the initial registration is unquestionable (ibid). Lack of sufficient land record keeping system was reported to undermine the land registration and certification process in Ethiopia (World Bank 2012b:105). Although about 70% of the holdings in Ethiopia are registered, their records are not kept up to date (Plummer 2012:307). In addition, lack of updating records cause certificates to lose their value (World Bank 2012b; Holden et al. 2009; Tigistu, 2011; Gizachew et al. 2015). According to World Bank (2012b:108), there is no consistency in the four regions of Ethiopia in their accuracy levels of the registration and the following possible causes were identified for the inconsistency:

- (a) badly designed registry books;
- (b) lack of training on the importance of updating;
- (c) lack of clear written procedures for updating; and
- (d) informal transactions among land rights holders, which is due to a lack of public awareness of, and the inconvenience of having to go to, the *woreda* office to register transactions. A public awareness campaign is particularly important measure to reduce the number of informal transactions.

Contrary to the case in Ethiopia, best practices in other developing countries has indicated that "land certificates are to be reissued upon life events with accurate descriptions of plot-splitting, new owner(s)' details, voiding original certificates, and parallel changes in land registry books" (ibid:50).

### **B) Corruption**

According to Lindner (2014), corruption is one of the challenges to both rural and urban land administration sector in Ethiopia. Lack of well developed compliant mechanisms, little monitoring of the registry staff and lack of proper dispute resolution system are some of the push factors triggering people to involve in informal activities including engagements in corruption (ibid). Referring to Transparency International (2013) and Mo Ibrahim Foundation (2013), Lindner (2014:4) described the status of corruption in Ethiopia as follows:

Corruption is perceived to be a serious problem in Ethiopia. It is ranked 111<sup>th</sup> out of 177 countries in Transparency International's 2013 Corruption Perceptions Index, with a score of 33 out of an achievable 100. On the 2013 Ibrahim Index of African Governance, Ethiopia scores 47.9% - lower than the continental average 51.6%.

The 2007/08 annual report of Federal Ethics and Anti-Corruption Commission has indicated that about 44.4% of the investigated cases were in the land administration and development sector (Plummer 2012:300). Recently, in January 2015, more than 600 (about two-third) of the total civil servants in Land Development and Management sector) in the 10 sub-Cities of Addis Ababa City Administration were either shifted their positions for "lack of the required expertise" or accused for "rent seeking and good governance issues" (Walta Information Center 2016). This is a clear indication that corruption is a serious problem to the land administration sector in Ethiopia.

### **C) Weak Institutional Capacity**

Capacity constraint is the other challenge to the land administration sector in Ethiopia. Lack of infrastructures like broadband telecom network services to the established computerized systems is one of the perceived challenges to the process (Melkamu and Shewakena 2010:1/20). In addition, World Bank (2012c:103), has identified "misplacement and loss of files" as additional challenges to the problem.

Financial constraint is the other factor found to undermine efficiencies in the land administration sector in Ethiopia. Tigistu (2011:11) has indicated that, due to financial constraints, Oromia and SNNPRS regions didn't make any change on the coverage of the first level certification from its status in 2007. In the same line of argument, lack of the required manpower is the other factor that has constrained institutional capacity. Except Amhara region, which assigned land administration experts for most of the technical and administrative positions; all regions are constrained by the required human capital at all administrative levels extending from region to *kebele* (Tigistu 2011:11; World Bank 2012b:74).

### **D) Rush for Certification**

Some regions rush to grant certificates without clearly mapping strategies and even without notifying the landholders about their obligations, the opportunities and constraints of the activity (USAID, 2004: xiii). Since the aim of large scale registrations is to issue massive certificates within a short period of time, maintaining quality is identified as the biggest challenge when

scaling-up a pilot/trial to a large scale programme (Shewakena and Haris 2005). Observing the first level certification practice in Tigray, Deininger et al. (2006:5) have noted as, "if one is not there, the plot will not be registered(some households did not participate due to fear or lack of information about the advantages)" .Muradu (2014:267) has also noted on the result of a rushed certification as, "the countryside has witnessed mushrooming of post-certification land disputes which perhaps arise out of the variable and imprecise land measurement systems used, the program`s individualistic underpinning and due to the haste with which the program was carried out"

### **E) Conflicts among Land Sellers and Buyers in Peri- Urban Areas**

One of the common challenges to the registration and certification process is its low considerations of informal land marketing such as land sales in rural areas. In such cases, even though both the seller and buyer have violated the stated rule in the constitution, sellers are always winners in courts as a result of the first level certificates they held while the buyers have no room to claim. Deininger et al. (2006:10) noted the issue in the four regions as:

When a sale took place before certification and the seller claims that it is his land, he will receive the certificate. The buyer loses out on all fronts, due to his illegality he is not even entitled to compensation for his improvements, although the social courts seem to handle it in a less strict way. In Oromia also the officials are preparing rules to try to balance buyer`s and seller`s position, instead of taking the above mentioned strict legal interpretation.

The REILA project was also confronted with such challenges during the SLLC process in SNNPRS). Zerfu and Haris (2014:17) described their experiences as follows:

Although the sale of rural land is illegal, informal sales frequently occur on the borders of small towns, with fields being sub-divided into smaller plots. ... This can result in violent disputes when field teams arrive to assess and demarcate existing rural rights. By the time the REILA field teams reach the site, the farmers with their green book come and request the parcels, which are not in agricultural use anymore, to be registered in their name. At the same time the current users of the land for non-agricultural use, protest for the parcels to be registered in their names. At this point, the field teams are unable to proceed with the mapping and registration activities.

### **F) Conflicts among Family Members who Collectively Own a Land**

In some countries, it is common to see the established formal tenure systems conflicting with traditional land rights (Deininger 2003 in Ostuka and Place 2014:4). This is common especially when the land titling/certification was implemented before the individualization of land rights

(Ostuka and Place 2014:4). In this case, "titling is likely to create conflict among family members, who collectively 'own' the same piece of land." (ibid:6). Referring to Atwood (1990), Gerstter et al. (2011:9) has also argued on the same issue as: "family members or peripheral land claimants jockey to see in whose name a parcel will be registered."

In the 1980's, some countries like ST. Lucia, tried to solve the problem by "simplifying the title through comprehensive adjudication and titling" (UN-Habitat, 2012:25). Yet it was found that the amount of family land tend to increase rather than the problem being resolved (ibid). Though the management issues are problematic, "comprehensive adjudication and individual titling are still being proposed as a solution to family land by many Caribbean countries" (ibid).

### **G) Increased Encroachment on Communal Land**

To protect encroachments on communal land by adjoining landholders, demarcating boundaries and recordings of claims on communal land is a precondition for conducting registration. According to UN-Habitat (2012:26), prior to the formal registration, boundaries were demarcated and associated claims were registered only for less than 10% of the communal lands in Georgia, Ghana, Nigeria and South Africa. As can be seen in literatures, the case is not different for Ethiopia. In line with this argument, Deininger et al. (2006:5) have noted their observation in Tigray as, "boundaries of (sub) *kebeles* and communal lands were not demarcated and measured, since this information (and markers in the terrain) were still relatively well known. The process was limited to the individual farming land".

In addition, for the registered communal lands, the registration was in the name of the *kebele*, but not in the names of the group of households within the *kebele* that have actual use rights for specific plots of communal lands (World Bank 2012b:67). For example; in the four regions the boundaries of grazing communal land were not uniformly recorded and were registered in the name of the *kebeles* rather than the group of households who have use rights over it (ibid:48).

World Bank identified "unclear definitions of communal land and unrealistic minimum holding sizes" as some of the shortcomings of the land certification carried out in Ethiopia (ibid:4). These pose challenge on sustainable land use, threaten tenure security, and promote informality and communal land encroachment (ibid). In addition Deininger et al, (2009:6) indicated that land

certification in Ethiopia has a greater tendency to encourage encroachments of communal lands by powerful individuals.

## **2.8 Theoretical and Conceptual Frameworks of the Study**

### **2.8.1 Theoretical Framework**

Referring to the relevant literature on some of the related theories like neopatrimonialism, the researcher has tried to discuss on the political economy of land in Ethiopia and an effort was made to justify the motives that drive Ethiopia to conduct rural land registration and certification.

A soaring population growth along with land fragmentation and a reduction in land productivity has resulted in an increasing pressure on agricultural land in Ethiopia (Davies 2008:12). And, it has made a discussion on land tenure highly relevant and a pressing issue for those who wish to deal with the broader problem of the country's underdevelopment (ibid). In history, the issue of land tenure has played key role in the economy and politics of Ethiopia. Ethiopian Economic Association (2005:292) stated the importance of dealing the political economy of land in Ethiopia as:

"The policy and politics of rural and agricultural tenure mark important events in Ethiopian socio-economic and political history. Ownership, access to land and tenure security have been important elements of not only agricultural and rural life but also of the social, economic and political relations in the country".

Concerning resource governance, literatures have pointed out neopatrimonialism as the core feature of politics in Africa (Amadi 2009; Bratton and Van de Walle 1994). The term "patrimonialism" was first elaborated by sociologist Max Weber (Kimchoeun et al., 2007). Referring to Weber (1978), they have defined "patrimonialism" as, "a situation where administrative positions and structures are set up by patrons who then assign authority to deputies over certain parts of the overall patronage domain" (ibid:39), whereas "Neopatrimonialism" refers to "a system of governance where the formal rational-legal state apparatus co-exists and is supplanted by an informal patrimonial system of governance" (Nawaz 2008:2).

As a result, the formal government systems in neopatrimonial states are the main actors in collecting income and have the power to control over resources (Kimchoeun et al., 2007:44). Referring to Chabal (1994), Davies (2008:82), pointed out the relationship between power and

resources in neopatrimonial states as, "ruling elites pursue resources to augment their power, but they also pursue power in order to acquire more resources". According to Sandbrook, (1985) in Davies (2008:83), Africa's economy in the colonial era used to depend on the provision of raw materials to the colonial powers and it was inherited even after independence. Therefore, the African governments who came after the colonial era tend to have control over the natural resources upon which their economy relies on (Davies 2008:83).

Unlike the case for other African countries in which state ownership of natural resources is believed to be a premise of the colonial legacy (GIGA 2006:20), Ethiopia is an uncolonized country (with the exception of Italian occupation in the 1930's and 1940's) which has exercised a state ownership of resources including land (ibid; Crewett et al. 2008). State ownership of land has a long history in Ethiopia. Since the imperial regime, land has been a source of power and the center of policy debate (Crewett et al 2008). Power relation between the state and smallholder farmers was discussed as follows:

In the past as well as today, land rights have always defined relations of power between the states on the one hand, and small holders and their communities on the other, though the specific circumstances of and justifications for these relations have been different under different political contexts (Rahmeto 2011:6).

For its greater significance in the economy and politics of agrarian countries like Ethiopia, land policy in such countries is referred to as, "power policy" (Crewett et al. 2008:4). Compared to the imperial regime; which was known for lack of uniform tenure system across the country, the "*derg*" declared all rural lands to be the property of the state and officially ended tenancy relationships in the country (ibid:12). Despite providing former tenant cultivators in the south who used to be Peasant Association members with an entitlement to land (Hussein Jemma 2001 in Crewett et al. 2008), the reform had limitations on tenure security and increasing agricultural productivity in general (Dejene and Dessalegn 1994 in Crewett et al. 2008).

The Ethiopian People's Revolutionary Democratic Front (EPRDF)—the successor of the *derg*, has inherited the state ownership of land and has laid constitutional base for its land policy. According to the Constitution (1995), "the right to ownership of land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia" (Article 40). It is frequently noted that "the aim of the government is to protect smallholder farmers from landlessness and lack of alternative source of income to secure their livelihood that might follow

the sale of land" (ibid:4). Like that of its predecessors, the EPRDF is being criticized for the tenure insecurity it confronts with. Crewett et al. (2008:6) have stated their opinion on the perceived tenure insecurity during the imperial, *derg* and the EPRDF governments as:

The antagonisms celebrated in the recent Ethiopian land debate fail to grasp this regional and also temporal diversity of land tenure systems in Ethiopia not only during the imperial regime, but also during the *derg* regime with very different bundles of rights attributed to the tillers in different places and different production systems. This diversity continues even today in regional land regulations that differentiate bundles of rights for different types of land use and plot holders, and in different regions of the country.

In addition, EEA/EEPRI (2002:iv) has stated frequent land redistribution as an additional factor which induced tenure insecurity in Ethiopia. According to the report, farmers are suspicious on future land redistributions and are not certain on how long to stay on their holdings (ibid).

The EPRDF and concerned bodies including opposition parties, international donors, the Ethiopian Economics Association and some indigenous scholars persistently debate on the appropriate measures to be taken to increase tenure security in Ethiopia. In this regard, the government takes land registration and the provision of use-right certificates to landholders as a key instrument to increase tenure security without making an amendment on its land policy. Consequently, the Ethiopian government in collaboration with its foreign partners has implemented massive rural land registration in the first and second level certifications and the process is still ongoing in the four main regions (Amhara, Oromia, Tigray and SNNPRS). Deininger et al. (2009), have noted that the land registration and certification process in Ethiopia has come up with positive effects in increasing tenure security through enhanced investments on land, increasing bargaining power of women and enhanced land transactions (rental market). On the other hand, Desalegn (2011: 6) argued that, since the current policy of Ethiopia provided public authorities with the right to expropriate land and natural resources; the certificate alone is not sufficient to bring the desired tenure security regardless of how well it is undertaken.

### **2.8.2 Conceptual Framework**

Based on the review of literatures and the discussed ideas, the researcher produced a conceptual framework on a clearly defined process of rural land registration and certification. As can be seen in figure 1, the model is largely based on the static model of the system of land registration. It illustrates input, throughput and output as the main elements (themes) for measuring the

process of land registration and certification. The arrows indicate the interaction between the different elements and the direction of exchange of information within these elements. As adopted from Hanstad (1998), The main elements of land registration process are described by the following diagram:

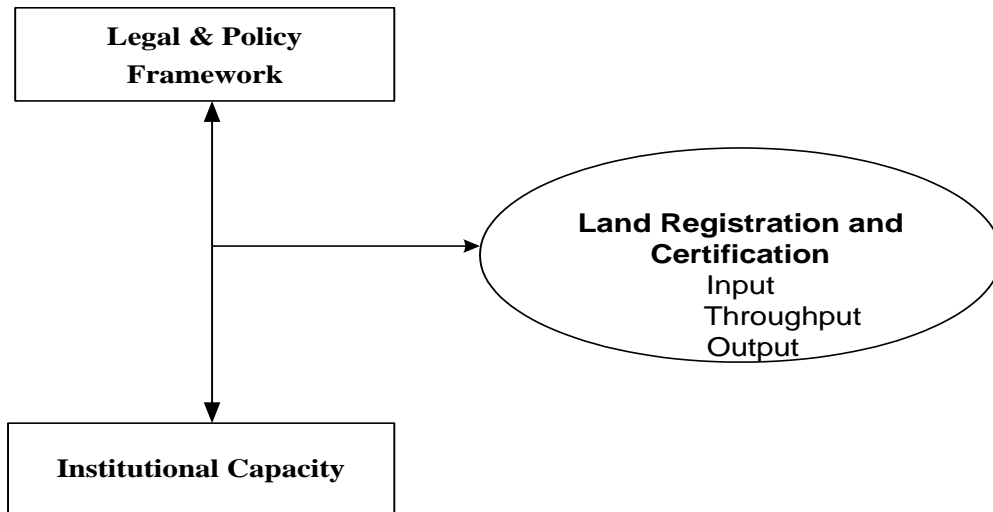


Figure 2: Conceptual Model of the Study

### Operationalization of the Model

#### 1. Legal and Policy Framework

Legal and policy framework governs all matters concerning land administration system in a given country. It includes law, policy, national and regional proclamations/regulations, dispute resolution mechanisms...etc. Based on the power bestowed by the constitution and national land proclamation, the four regions of Ethiopia including SNNPRS have enacted regional Land use and administration policies in accordance with the national land policy (USAID, 2004:9). These policies include transfer rights, access, dispute settlement, rights of women and marginalized groups (elders, orphans and disabled persons). The following table indicates legal and policy issues and their indicators.

<b>Theme</b>	<b>Indicators</b>
Law	<ul style="list-style-type: none"> <li>▪ Recognition of individual/group rights, secondary rights and rights of women and vulnerable groups (VG's)</li> </ul>
Policy	<ul style="list-style-type: none"> <li>▪ Ownership of land and allied natural resources belongs to the state and peoples of Ethiopia</li> <li>▪ Promote tenure security through registration and certification of holdings</li> </ul>
Proclamations (Federal and Regional)	<ul style="list-style-type: none"> <li>▪ Clearly stated rules and regulations on the rights of individual/group, women, VG's and secondary rights</li> <li>▪ Clearly stated rules on the livelihoods of landless youths and holders with minimum holding sizes</li> </ul>
Dispute resolution	<ul style="list-style-type: none"> <li>▪ Clear dispute resolution mechanisms during registration at field, office and formal dispute resolution institutions</li> </ul>

Table1: Operationalization of Figure2, Legal and Policy issues and their influence on the process

## **2. Institutional Capacity**

Some of the main entities that affect organizational capacity include human resource, budget, infrastructure, data management and updating transaction records.

<b>Theme</b>	<b>Indicators</b>
Human resource	<ul style="list-style-type: none"> <li>▪ Availability of skilled man power</li> <li>▪ Trainings to upgrade</li> </ul>
Budget	<ul style="list-style-type: none"> <li>▪ Allocated government budget</li> <li>▪ External funding sources</li> </ul>
Infrastructure	<ul style="list-style-type: none"> <li>▪ Office equipments ,vehicles and field materials,</li> <li>▪ Broadband telecom services, Software... etc</li> </ul>
Data management	<ul style="list-style-type: none"> <li>▪ Centrally managed data</li> <li>▪ Efficient back-up system</li> </ul>
Updating transaction records	<ul style="list-style-type: none"> <li>▪ Proper updating system</li> </ul>

Table2:Operationalization of Figure 2, Institutional Capacity and its influence on the process

## **3. Land Registration and Certification**

The term Land Registration refers to “the process of recording legally recognized interests (ownership and/or use) in land” (McLaughlin/Nichols1989 in Zevenbergen 2002:178). It includes Input, Throughput and Output as the main elements of the process (Zevenbergen 2002). Input refers to all resources that contribute to successful implementations of the process. These include: resources (financial and human), logistics for (field and office) activities, provision of trainings to fulfill the technical and administrative needs. Hanstad (1998:655), in an article entitled "*Designing Land Registration Systems for Developing Countries*" named the entities

listed above as," *Conditions Essential for Success*". Throughput refers to the implementation stage of the registration process. It includes all procedures of the registration activity (Public information and awareness, demarcation and registration, map preparation, public display and preparation of certificates) —which is referred as compulsory (systematic) registration of all land (Hanstad 1998:701). Finally, output refers to the immediate product of the registration process — certificates of registration. This includes joint certificate for husband and wife, independent (single) certificate for unmarried, divorced or widows, communal/public land certificate for local administration (*kebele*/sub-district) and certificate of orphans, elders and disabled persons to their legal guardians or representatives (SNNPRS proclamation No.110/2007).

<b>Theme</b>	<b>Indicators</b>
Input	<ul style="list-style-type: none"> <li>▪ Adoption of low cost and appropriate technology</li> <li>▪ Availability of the required logistics(field and office)</li> <li>▪ Availability of qualified human resource(surveyors, registrars and office technicians)</li> </ul>
Throughput	<ul style="list-style-type: none"> <li>▪ How does the office and field team function</li> <li>▪ How much parcels were registered during the process</li> <li>▪ How much certificates were prepared during the process</li> <li>▪ How was communal lands managed during the process</li> <li>▪ How were marginalized groups (Women, Elders, Orphans and Disabled Persons) treated during the process</li> </ul>
Output	<ul style="list-style-type: none"> <li>▪ Issued certificates for land holders (male headed and female headed households, orphans and disabled persons)</li> <li>▪ Issued certificates for public/ communal lands</li> </ul>

Table 3:Operationalization of Figure2, Land Registration and Certification and its influence

As can be seen in table 3, the researcher has tried to operationalize the conceptual model of the study into a specific and testable entity and the discussion was also made in the way that creates the mental image of the study.

# CHAPTER THREE

## DESCRIPTION OF THE STUDY AREA AND THE PEOPLE

### 3.1 The Study Area

#### 3.1.1 Geographic Location of the Study Area

Meskan is one of the 15 *woredas* in Gurage Zone, SNNPRS. According to Meskan *Woreda* Finance and Economic Development Department (MWFEDD)(2016:4), the *woreda* specifically lies between  $7.993515^{\circ}$ - $8.278101^{\circ}$  latitude and  $38.263131^{\circ}$ - $38.5786^{\circ}$  longitude. It shares boarder with Sodo *woreda* in the North-East, Kokir\_Gedebano in the North-West, Muhurna\_Aklil in the West, Mareka & Silte in the South and Aliche in the South-West. Butajira town, the administrative capital of the *woreda*, is located at 130 kilometers south of Addis Ababa.

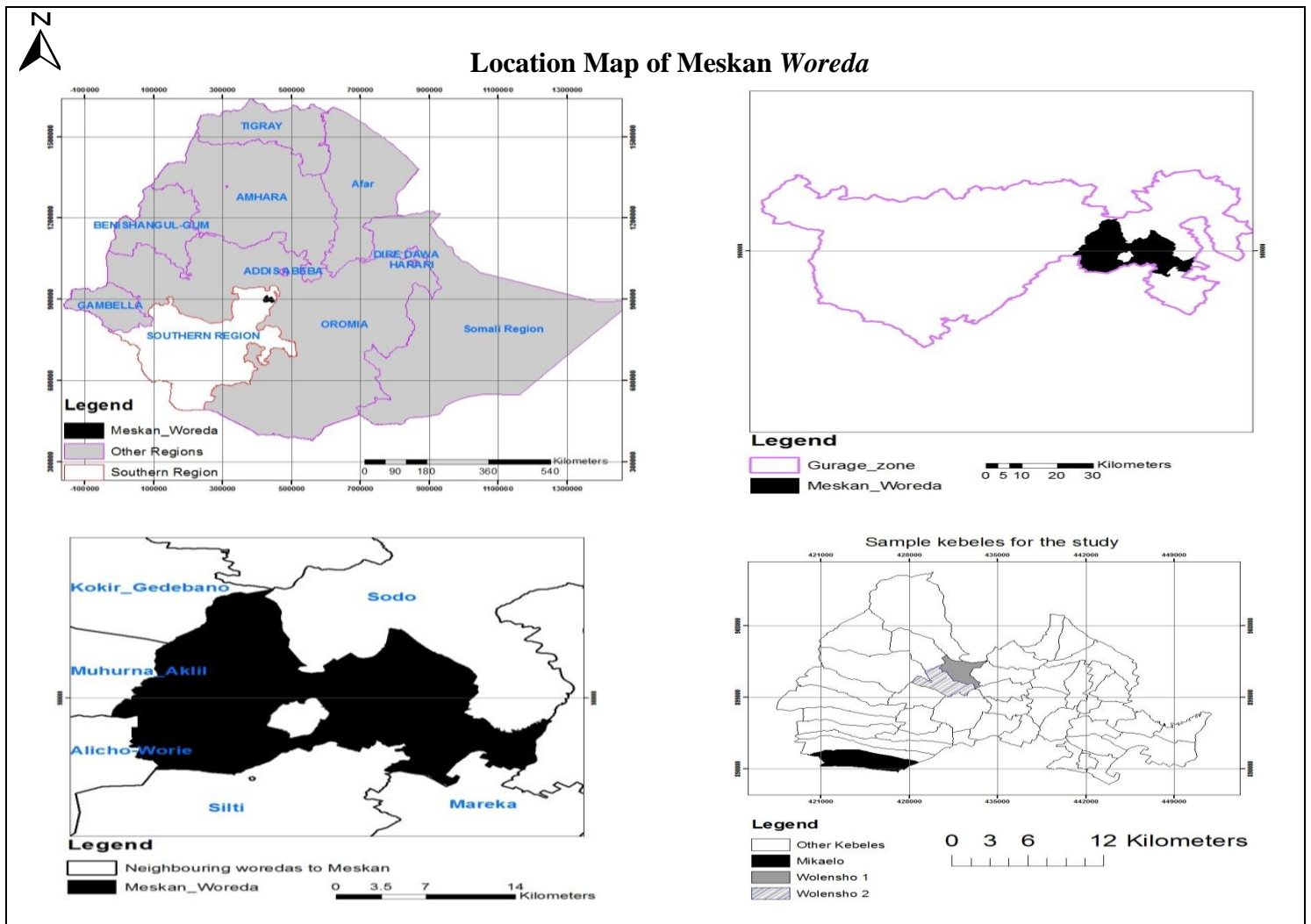


Figure 3:Location map of the study area

### 3.1.2 Climate

Among the five climate zones of Ethiopia—*Bereha* (Desert), *Kolla* (Semi-desert), *Woinadega* (moderate temperature), *Dega* (cold) and *Wurch* (extremely cold); about 80% of the *woreda* lies under *Woinadega* and the remaining 20% has *Dega* climates with 1501m-3500m elevation above sea level (MWFEDD 2016:4-6). The average annual temperature of the *woreda* ranges from 10.5- 17.5<sup>0</sup>C and its average annual rainfall ranges from 1000-1200mm (ibid).

### 3.1.3 Farming Practices

About 53% of the *woreda* is covered by black soil (MWFEDD 2016:9). It is the dominant soil type in the lowland areas of the *woreda*. It is reported that black soil is the most fertile soil in the *woreda* and is known for its suitability for *Mareko Berbere*, which is a widely used spice throughout the country and also used as a raw material for paint factories. Red soil covers about 22% of the *woreda* and is found on the riversides and eroded areas (highlands) (ibid). It is suitable for deep rooted trees like Eucalyptus and *Juniperus procera* (*Tid*). Gray soil covers about 25% of the *woreda* (ibid). This soil type is found on the highlands of the *woreda* and is less fertile than the black soil. Hence, it is widely used for grazing, livestock herding and afforestation.

### 3.1.4 Historical Background

Until 2002, the study area was known as Meskan and Mareko *woreda*. Since then, both became independent *woredas* for various political and economic reasons (MWFEDD, 2016). And the same is true for Gurage and Silte zones before the independence of Silte as a zone in 2001. However, the Ethio-GIS data adopted by the Environmental Science Research Institute (ESRI) was not updated to indicate such modifications. Therefore, the vector data indicating zone, *woreda* and *kebele* boundaries used in this paper are the data modified by the Ethiopian Central Statistics Agency (CSA).

### 3.1.5 Demographic Characteristics

Referring to the projected 2007 Population and Housing Census report of Ethiopia, MWFEDD (2016:12) has indicated that the *woreda* has about 202,236 total population with 0.9:1 ratio of men to women. The same report has indicated that the *woreda* population has 2.9% annual growth rate with an average 4.9 persons per household—which was reported as one of the *woredas* with the highest fertility rate recorded in Gurage zone (MWFEDD 2016:12). About

185,135 (92%) of the *woreda* population lives in rural areas whose lives directly tend to depend on land (ibid). According to the *woreda* Social Protection Department (MWSPD) (2016), Meskan is a home for 703 disabled persons (374 males and 309 females), 5278 elders (3936 males and 2442 females) and 38 street children (30 males and 8 females). And 258 orphans who have lost both parents (130 males and 128 females) (CSA n. d.).

Table4:Statistical Report of Marginalized Groups in Meskan *woreda*

Social Group	Total Population		
	Male	Female	Total
Elders	3936	2442	5278
Orphans	130	128	258
Disabled persons	374	309	703

(Source: Meskan *Woreda* Social Protection Department,2016 and CSA, n. d.)

### 3.1.6 Ethnic and Religious Composition

Although Meskan is dominated by Gurage people (82.6%), other ethnic groups like Silte, Oromo, Amhara...etc permanently inhabit the *woreda* (MWFEDD 2016:12). Concerning religious composition, Islam dominates the *woreda* with 60.5% of the population followed by Orthodox Christians 34.2%, Protestant Christians 4.7%, traditional beliefs 0.5%, Catholic Christians 0.08% and others comprises of about 0.02% of the total population (ibid:15).

### 3.1.7 Marriage Practices and Asset Transfer Mechanisms

According to an interview with an elder in the *woreda*, marriage in Meskan *woreda* is inclusively exogamous; no one is allowed to marry from his mother's and/or father's line of decent. Although majority of the households in the *woreda* are in monogamous marriage, polygamy is also widely exercised in the *woreda* (Mesay 2008:53).

As far as property ownership in the *woreda* is concerned, there appears a disparity between men and women in their access to immovable property (land, house and other permanent assets). According to table 6, about 67.8% of the women in Wolensho1 and Wolensho2 *kebeles* access land through marriage (their husbands). According to the head of the *Woreda* Good Governance, Grievance and Complaint office, though women have less access and control over land; compared to the past, the legal recognition of women's right to inherit and transfer right on land

has slightly increased some women (who have the awareness and bargaining power) to enjoy their rights on their land.

Concerning informal property transfer in the *woreda*, Mesay (2008:44), has indicated that compared to male headed households, female headed households largely involve in informal asset transfer mechanisms at times of critical food shortage. These include; share cropping, land rent, exchange of oxen, asking loan or gift among others (ibid).

### **3.1.8 Land and Rural Economy**

Referring to Admassu (2012), Zenebe and Kessler (n. d: 5/20), "Meskan *woreda* is characterized by semi-arid and unreliable rainfall pattern with high evapo-transpiration". The livelihood of the people in the *woreda* depends on subsistence agriculture dominated by rain-fed mixed crop-livestock system (OESPO 2003 in Zenebe and Kessler n.d:5/20). MWFEDD (2016:12) indicated that about 92% of the *woreda* population depend on agricultural crops such as Maize, Wheat, Barley, Sorghum, Avocado, Mango, Banana, *Teff*, *Khat*, *Berbere* and others. The remaining people were engaged in trade, service sectors and employments in the public or private sectors while the rest depend on temporary (seasonal) income or remained jobless.

According to Mesay (2008:55), population growth has resulted in decreasing individual holding sizes in the *woreda* by dividing family lands to newly grown family members. Such fragmentation of land has discouraged many rural households to use crop rotation, fallowing and using different agricultural inputs to improve soil fertility (ibid:56). Poor soil management practice along with minimal holding size, soil erosion, adverse climatic conditions such as erratic rain and flood have made food security hardly achievable in the study area (ibid:57). As a result, nearly half of the *woreda* (20 out of the then 44 rural *kebeles* in the *woreda*) were food insecure (Zenebe and Kessler (n. d: 5/20).

Investments on rent land, sharecropping, off farm activities, involvements in Safety Net Program and out migration are among the mitigation mechanisms to the food insecurity in the *woreda*. Mesay (2008:55), indicated that although some families increase their household income through investing on rent land or sharecropping, compared to male headed households, the number of female headed households who use these options is insignificant. According to the landholders involved in the key informants interview, landholders with minimal holding sizes often involve

in off-farm activities such as petty-trade and daily laboring in the surrounding towns. According to Zenebe and Kessler (n. d: 3/20), the 20 food insecure rural *kebeles* in the *woreda* have been involving in Productive Safety Net Program (PSNP) which was embarked in 2005 by the Ethiopian government and foreign donors. Referring to Andersson et al., (2011) and Wiseman et al., (2010), Zenebe and Kessler (n. d: 3/20) have identified two main components of the PSNP – public works and direct support.

With an objective to mitigate the impact of climatic and food insecurity risks on chronically food-insecure households by creating employment opportunity to ‘able-bodied’ persons, the public work component of the PSNP was implemented in the *woreda* (ibid). However, it has been argued that although the landholders who involved in the program have increased their household income through spending their labor on public works, compared to the non participants of the program, they invested less labor on their own plots (improving soil fertility & controlling soil erosion) (ibid).

Migration to Addis Ababa, other cities in the country or to Arab countries was identified as the other response to food insecurity in the *woreda* among the landless and land scarce farmers (MWFEDD 2015:21). A study conducted in 2005 entitled as "*Gurage-Siltie Enset and Teff Livelihood Zone*", has revealed that remittance from some of the migrants have been increasing household income of the remaining family.

## **CHAPTER FOUR**

### **PROCESS AND STATUS OF SECOND LEVEL LAND REGISTRATION AND CERTIFICATION**

In this chapter, attempt was made to present and analyze the data collected from the study participants and documents so as to answer the basic questions and address the objectives of the study. The chapter is comprised of three parts. The first and second parts deals with the capacity of land administration institutions and the process of land registration and certification (in terms of input-throughput-output) respectively in accordance with the conceptual model of the study. The third section is mainly on the status of land registration and certification in the study area.

#### **4.1 Background to Rural Land Registration and Certification**

Daniel (2012:5/27) has identified two main objectives for the state ownership of land under the current regime—"social equity and tenure security". Aiming to assure social equity, the EPRDF, both in the constitution (1995) and proclamations (the federal and regional) has officially asserted the right of the peasants to obtain farm land without payment. Yet, it has been argued that there is scarcity of arable land in the highlands of Ethiopia and redistribution of land from landholders with relatively larger holding size to the needy was taken as an alternative mechanism (Daniel 2012:6/27). This mechanism was in turn criticized for diminishing average holding sizes and affecting tenure security among landholders who have relatively larger holding sizes (ibid; EEA / EEPRI 2002: iv).

The proclamations and regulations of federal and regional governments have laid legal basis for rural land registration and certification in Ethiopia. Based on the power bestowed by the Federal Rural Land Administration Proclamation No. 89/1997, SNNPRS enacted Land Administration and Use Proclamation No. 110/2007 with an objective to govern land and associated natural resources. The subsequently issued regulation No.66/2207 of SNNPRS has dealt with rural land possession, use, measurement, registration and certification of individual/group, women, orphans and other types of holdings. Section 2 of the same regulation has clearly stated the right of rural land holders to receive certificates for their measured and registered parcels and has set criteria on the contents of the certificates including holders name, family size, neighbors, area, and other

basic data. Based on this background, this thesis tries to examine the land registration and certification process in Meskan *woreda*.

#### **4.2 Land Administration Institutions and their Implementation Capacity**

According to the former deputy core process owner, Rural Land Administration and Use Directorate (RLAUD) in the Ministry of Agriculture and Rural Development (recently it has changed its name to Ministry of Farm and Natural Resource) was established with a mission to address rural land policy and administration in Ethiopia. The flow of information from the RLAUD to grassroot level passes through different institutional setups in (regions, zones, *woredas* and *kebeles*) and vice versa. According to World Bank (2012:5), based on the directions from the RLAUD, regional land administration institutions are responsible for providing technical guidance to land administration institutions in *woredas* and *kebeles*. Farm and Natural Resource Development offices in *woredas* are responsible for directing the day to day activities at local level. Therefore, in this context, the term "land administration institution" refers to the *woreda* Farm and Natural Resource Development (FNRD) Office—an authorized government office, which is responsible for implementing land registration and certification at local level.

According to the former deputy core process owner, "Rural Land Administration, Handling and Use Core Process" (RLAHUCP) is one of the core processes established under the *woreda* FNRD office with a mission to address rural land administration in the *woreda*. As Burns et al. (2006) noted, the main components of land administration system are records of rights and/or information and spatial records (coordinates) that determine the applicability of these rights. As a result, the *woreda* FNRD office along with its development partners has been conducting rural land registration and certification in the *woreda*.

As Lindner (2014) has noted, capacity constraints are the main factors affecting land administration and recording land rights in Ethiopia. In this context, capacity may be determined in terms of the availability of the desired human capital (in quantity and quality), adequacy of the allocated budget, access to basic infrastructures, proper data handling mechanisms and updating land transaction records among others.

#### 4.2.1 Human Resource

This section deals with the permanent employees of the *Woreda* Rural Land Administration, Handling and Use Core Process staff in the *Woreda* FNRD office. According to World Bank (2012b:74), compared to the three regions (Oromia, Amhara and Tigray), SNNPRS is below the minimum qualified staff requirement—which requires at least 33% of the staff to fill with university degree holders and the remaining with college diploma holders. Based on their roles and responsibilities in the registration and certification process, *woreda* and *kebele* staffs are grouped as administrators and experts. Except the voluntarily working LAC's in *kebele*, the remaining staff are permanent government employees.

With reference to the profile of the core process staff, the core process owner and the former deputy core process owner are graduates of Natural Resource Management with the former having 12 years of relevant experience while the latter has 16 years of work experiences respectively. In addition, there are three other staff members (1 surveyor and 2 database experts). The surveyor has a level 3 diploma in surveying with four years relevant experience. One of the database experts is a TVET diploma holder in Information Technology with 3.5 years relevant experience in field data registration, while the other has two years experience in parcel demarcation. With regard to direct experiences to their current positions, except the surveyor, who has been working on his current position for the last one year, all of the staff are newly assigned to the core process (i, e both the core process owner and the deputy core process owner have 3 months while the transaction experts have 2 months) direct experiences. In fact, the reviewed staff profile has indicated that the former core process owner and the former deputy core process owner have more than 4 years direct experiences to their positions. According to the interview participants, the core process owner and the former deputy core process owner have attended short term trainings on land administration, while the transaction experts have attended trainings on parcel demarcation, registration and updating transactions.

As far as the educational qualifications of the staff is concerned, all the staff have no directly related educational qualifications for their positions and/or are under educated for the requirements of their current positions. It is evident that there is no BSC. or MSC degree holder in Land Administration in the administrative positions and a Geographic Information System (GIS) and Remote Sensing expert in the technical positions. As a result, the interviewed database

expert argued that, "due to lack of familiarity with the updating software (IWORLAIS), sometimes it is common to cease work for a long period in seeking the support of senior experts of LIFT program" (E1-2 on 7/09/2016).

This idea is consistent with World Bank (2012b:75) which identified lack of the required professionals on the job market as one of the factors that contributed to the scarcity of skilled man power especially at local level. For example, the same report indicated that it is only Bahir Dar University which has launched BSC. Degree Program in Land Administration and has been providing its few graduates to the country since 2010.

According to World Bank (2012b:74), out of the required 1196 land administration experts at *kebele*, SNNPRS didn't assign any expert in its *kebeles*. Therefore, land administration activities in the *woreda* have been carried out by non land administration *kebele* experts who are permanently working as veterinarians, plant science experts, animal science experts or crop production experts. The interview participants have indicated that both *Woreda* and *kebele* experts involve in the registration and certification process in addition to their operational activities. Concerning the educational qualifications of the experts in *kebeles*; most of the experts in the sample *kebeles* are TVET diploma holders in Animal Science, Natural Resource Management and Crop Production with a half day training on land registration and certification process.

*I have been working as a natural resource management expert in the kebele for many years. Since there is no land administration expert in the kebele, I have been working also as a land administration expert. I have active participation in helping the field data registrars and surveyors in creating public awareness and convincing landholders on their suspicions toward the process and facilitating office activities such as data recording and distributing certificates. Yet when I became busy on my operational work—distributing seeds and fertilizers to farmer, I left participation in the registration and certification process. Following my departure from the process, I heard a rumor that some landholders were not included in the registration process due to lack of awareness and one of them was given a certificate without any signature and stamp of the legal authorities (E2-1 on 6/9/2016).*

In summary, the study indicates that there is a shortage of qualified administrators and experts in the *woreda*. The trainings provided seem unsatisfactory and inadequate. In addition, lack of permanent land administration experts in *kebeles* has pushed non land administration *kebele* experts to engage in land registration and certification process in addition to their operational

activities. As a result, lack of permanent land administration experts in *kebeles* has compromised the outputs (certificates) both in quality and quantity.

#### 4.2.2 Budget

Since the aim of discussion on budget is to assess its contribution to institutional capacity; its adequacy to the process was expressed in general words like, "fair, enough, inadequate...etc". Budget is usually allocated to cover wages of contract employees (salary), transportation, fulfill field and office equipments, adopting competent technologies (Aerial photographs, Satellite images and Softwares) and carryout transaction records (updating). The interviews and the reviewed documents have shown that the amount of the allocated budget in the *woreda* has taken two forms. The government budget allocation to one end and that of donor funded projects to the other end. Both the interviewed *woreda* and *kebele* administrators have commented on the adequacy of the allocated budget as, "there are many landholders in our *kebele* who didn't get the SLLC as the Woreda FNRD office announced that it has financial constraints to do so" (A3-1 on 04/9/2016).

*Not more than half of the government implemented kebeles were provided with the second level certificates(SLLC's) as a result of inadequate budget allocations while those kebeles financed by external actors such as REILA and LIFT programs have relatively fair budget allocations and have reached a significant proportion of the holdings with SLLC. (A1 on 17/8/2016).*

The above interviews were crosschecked with the reviewed documents in the *Woreda* FNRD office and the result indicates that, out of the 13 *kebeles* for which demarcation and registration was carried out by the government, certificates were prepared and issued only for landholders in 4 *kebeles*<sup>2</sup>, whereas, this is not the case for the externally funded projects such as REILA and LIFT. For instance, the REILA project has completed the registration and all landholders in the Wolensho2 *kebele* have received certificates<sup>3</sup>. And, the LIFT program has also addressed nearly half of the registered parcels in 26 *kebeles* with certificates and the certification process is still ongoing in the remaining *kebeles* relatively with a better financial and logistics provision<sup>4</sup>.

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<sup>2,3,4</sup> Refer Appendix I for the status of registered and certified parcels

### **4.2.3 Infrastructures**

Availability of adequate infrastructure is perceived as one of the basic requirements to increase institutional capacity. The main infrastructures required for land administration institutions include; access to broadband internet service and communication facilities, transportation facilities, genuine and efficient softwares, proper data storage system among others. Melkamu and Shewakena (2010:1/20), have identified lack of infrastructures like broadband telecom network services to the established computerized systems in Ethiopia. The technical expert has shared the experience in the *woreda* as:

*During the registration period in Wolensho1 and Wolensho2, we used to work on Windows7 operating system without genuine Anti-Viruses. Thus, threats of losing data and loss of some files were the common problems of the technical staff. Recently, in the last 26 kebeles, the self protective 'Ubuntu' operating System adopted by the LIFT program has resolved our threats and we are safe in protecting files saved in computers. Yet, still we do not have access to internet connection. Since our job is highly related to technology, we need to have internet access to read and resolve some of the technical problems. What we are doing now is to use a mobile internet from staff members who have access to such applications. (E1-1 on 21/6/2016)*

In addition, the researcher has observed that there is lack of telephone service to serve the staff. The technical staff were seen using their personal Cell Phones for office activity. Moreover, informal discussions with some of the technical staff indicated that there is a frequent shortage of electric power supply and the reserve power supply (generator) of the *Woreda* FNRD office is too small to provide power for all offices in the compound. As a result, many work days were lost due to shortage of electricity and this in turn has affected the pace of certificate preparation in the *woreda*.

### **4.2.4 Data Management**

In this context, "data" refers to all materials and information used for the registration process and produced certificates following the registration and demarcation of parcels. The data discussed in this section may represent an electronic (soft copy) and paper based (hard copy) documents. The electronic data include ortho-photos, vector data of digitized parcels, prepared certificates and other documents. The hardcopy data include printed certificates, printed index maps, manuals, reports, guidelines and others. The technical expert has shared data management experience in the *woreda* as, "hardcopy data have been stored in shelves, cabinets, cartoons, on tables and in

sacs while the softcopy data; in computers, external hard disks " (E1-1 on 21/6/2016). The expert has also pointed out problems in data management in the *woreda* as:

*In the case of Wolensho2 ,the field team used to return sketched field maps and field records on a daily basis. But the case in the other kebeles is somewhat different. The field maps and records weren't returned back on time. Some field team members put it at their homes or unsafe places which tend to lose the neatness of the maps. As a result, some of the maps were found difficult to scan geo-reference and digitize parcel boundaries as the images were either distorted by water droplets or invisible through contaminations with dirt. In addition, loss of files or mismatch of map data (vector information) to its corresponding socio-economic information of landholders were the common problems among some field team members. (E1-1 on 21/6/2016)*

This idea is consistent with the findings of World Bank (2012c:103) which identified "misplacement and loss of files" as additional challenges to the land administration sector in Ethiopia. The *woreda* Coordinator of the LIFT program has reflected some of the possible causes for the problem as follows:

*Some of the field team members put field maps and records in their homes. Since they know that their contract will terminate at the end of the registration in the woreda, they have intentionally put these materials at their homes since it has provided them a room to say, 'I didn't finish field work'. Finally, in collaboration with the Woreda FNRD office, we have returned back about 8000 hidden field records of parcel information from the field teams. (A2-1 on 18/6/2016)*

From the above explanations, it can be understood that lack of proper controlling mechanisms have contributed for the loss, damage and misplacement of data in the *woreda*. This finding is consistent with what was argued by Plummer (2012:8) as, "little monitoring of the registry staff or proactive systems to discourage illegal activity by the registry staff" as one of the perceived challenges to the registration process in Ethiopia.

#### **4.2.5 Updating Land Transaction Records**

So as to have an up-to-date and reliable information on land parcels, the need of updating as soon as the initial registration is indisputable (World Bank 2012b). It has been argued that lack of updating land transaction history was found to undermine the value of land registration and certification process in Ethiopia (World Bank 2012b:105). Initially, as can be seen in table 8, formal updating on transactions of about one third (31%) of the households in the *woreda* were

restricted by the regional Land Administration and Use Proclamation No.110/2007. This proclamation in section 2 has set 0.5 hectare of land as the "minimum holding size" for rain fed agricultural lands. Landholders having less than 0.5 hectare of land are not allowed to involve in formal land transactions and their right to have a use-right certificates is restricted. Thus, discussions on legal transactions in the *woreda* deal only with the two-third (69%) of the total households which have holding sizes above 0.5 hectares.

Updating transaction records in the *woreda* has a very recent history. In this regard, the former deputy core process owner has reflected his view on the history of updating transaction records in the *woreda* as, "there were no formal records for which transactions were made before five months. Recently, the *woreda* FNRD office took the initiative and has recruited two database experts and allocated resource for the activity under the Rural Land Administration and Use Core Process" (A1 on 17/8/2016). Similarly, the database expert in the *Woreda* FNRD office has explained the status of the activity as:

*It's two months since we attended training on updating transactions using the 'IWORLAIS' software. A person involved in transaction for more than 0.5 hectare of land shall bring a letter from Document Registration and Authentication office of the Woreda First Instant Court or Butajira Town and its Surrounding Area High Court confirming on the legal recognition of the transaction. Based on the letter of the official authorities, our office was established to void the initial certificates and issue new certificates for whom the transaction was approved. However, we are facing different challenges from the beginning. For example; the updating software stated above, doesn't properly work and was installed with English letters. It doesn't allow the installation of Amharic letters. Since the certificate have been written in Amharic, it is difficult to pursue using this software. Alternatively, we are trying to work with the Quantum GIS Software. In addition, we have no background images (Ortho-photos) for parcel modifications (splitting and merging of parcels). Although we have more than 10 cases waiting for updating, no single transaction was carried out till this moment. (E1-2 on 7/09/2016)*

The above quotation not only indicates the challenges to updating land transaction records in the *woreda*, but also identifies lack of proper preparation in designing updating softwares and checking their compatibility with *Amharic* letters. In addition, lack of background images (Ortho-photos) for updating transactions has led the database experts to use subjective judgments to split or merge parcels in the absence of orthophotos.

Records of the Document Registration and Authentication Office of the *Woreda* First Instant Court has indicated that there were about 19 holdings (for which recorded data was obtained) which were legally transferred through gift in the year 2010. The transaction expert in the Document Registration and Authentication Office of the *Woreda* First Instant Court has shared his experience as follows:

*Document Registration and Authentication in the woreda was started in mid 2005. Since then, transactions related to gift(Sitota), Testimony (Nuzaze) and inheritance (Wurs) have been registered and authenticated in our office and Butajira Town and its Surrounding Area High Court. Since 2014, the mandate to record transactions related to gift was given to Butajira Town and its Surrounding Area High Court while our office was restricted to record and authenticate transactions on testimony and inheritance (E3 on 04/9/2016).*

Although no sequentially recorded document was available on transactions, similar view was reflected by the Document Registration and Authentication Expert in the Butajira Town and Surrounding Area High Court as:

*Transactions were officially considered in accordance with the regional proclamation No 110/2007 and Regulation No.66/2007. Even if transactions were not made by the Woreda FNRD office, officially Registered and Authenticated transactions in this office are legally valid<sup>5</sup> (E4 on 04/9/2016).*

Concerning the challenges to legal transaction, the same expert has stated his experience as follows:

*Lack of awareness is the basic challenge we faced during the process and some of our legal requirements for transaction were considered as 'bureaucratic' by the landholders. Even if, we didn't create awareness at kebele level, we have been distributing brochures for those who are waiting turn for cases in court and notices at the main gate of the office were posted<sup>6</sup>. (E4 on 04/9/2016).*

On the other hand, the traditional land transaction system is believed to serve almost all landholders with holding sizes below the minimal requirements of the formal transaction systems (<0.5 hectares) and even some—who qualify the requirements for the formal transaction system. A landholder who has involved in the traditional transaction system responded as:

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<sup>5</sup> Refer Appendix G for sample recorded transactions

<sup>6</sup> Refer Appendix E for the content of the Brochures

*Most of the landholders prefer the traditional transaction system for its considerations of time and local contexts. When you see the formal systems, they have many requirements such as photographs, tax receipts and a confirmation letter from kebele administration office. Moreover, it takes long time to complete a single transaction"*<sup>7</sup> (F3 on 05/9/2016).

From the above quotations, it can be inferred that lack of awareness on the benefits of formal transactions along with the bureaucratic procedures of the formal Document Registration and Authentication offices has restricted rural households to use formal transactions in the *woreda*. Concerning the activities of the *Woreda* FNRD office, it is at a trial level to keep transaction records than performing with its full capacity.

To sum up, the Rural Land Administration and Use Directorate in the Ministry of Farm and Natural Resource Development has exerted an effort to improve rural land administration throughout the country using the various institutions extended from regions to *woredas* and *kebeles*. Meskan *Woreda* Farm and Natural Resource Development (FNRD) office is one of these institutions embarked on massive rural land registration and certification as one of the tools to improve rural land administration. The capacity of the *Woreda* FNRD office can be determined in terms of the availability of the desired human capital (in quantity and quality), adequacy of the allocated budget, access to basic infrastructures, proper data handling mechanisms and updating land transaction records among others.

Accordingly, the study indicates that the office is deprived of qualified land administration and technical experts. The trainings provided to *woreda* and *kebele* experts were short and inadequate. Concerning budget allocation, in *kebeles* registered by the government budget, the certificate production and dissemination didn't exceed a quarter (4 out of 13) of the registered *kebeles*. While in the case of donor funded projects, certificates were fairly distributed and the process is still ongoing in the remaining *kebeles*. In relation to the data management practice of the office, improvements have been observed than it was at the beginning of the registration process. For instance; the adoption of self protective operating system (Ubuntu) has solved treats of loosing soft copy data by virus attack. Whereas managing hard copy data (maps and other documents) looks still challenging. Lack of infrastructures such as broadband internet and telephone services has partly affected the efficiency of the registration and certification process

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<sup>7</sup> Refer Appendix F for sample traditional transaction record

in the *woreda*. Finally, as indicated in the paper, the *woreda* lacks updating transaction records of parcels. Although efforts have been made to record on transactions by the *Woreda* FNRD office and LIFT program, the attempt didn't pass a trial stage. As a result, lack of updating transaction records has a tendency to lose the credibility of the registration in isolating what has been registered in papers from who really owns the land on the ground.

### **4.3 Land Registration and Certification Process**

Land registration and certification has passed through many stages from the registration and demarcation to the preparation and dissemination of use-right certificates. Since the aim of the discussion on the registration and certification process is to examine the status and challenges of the process, the discussion in this section mainly focuses on the more formal process (the second level certification). The process was presented in three themes—input, throughput and output as shown below.

#### **4.3.1 Input**

This section presents all the resources deemed necessary for the registration and certification process. It includes the adoption of low cost and appropriate technology, adequacy of the financial resources, availability of the required logistics and qualified human resources.

##### **A) Adoption of Low Cost and Appropriate Technology**

Using modern instruments such as Total Stations and GPS's with high accuracy levels is appreciated in the formal land administration system. However, as evidenced by UN Habitat (2012), these instruments are too expensive for developing countries to cover their entire rural land by registration. Accordingly, most of the developing countries have been using low cost technologies such as aerial photographs, satellite images and hand held GPS's to demarcate and register their entire land. In the same token, the reviewed Index Maps in the *Woreda* FNRD office has indicated that aerial photographs with 25 cm resolution were used for parcel demarcation in all the registered *kebeles*. All of the Index Maps were printed in A3 Paper with 1:2000 reference scale. The field team leader has commented on the maps used during the process as, "the ortho-photo maps used in the *woreda* are clear and visible for parcel demarcation except for radiometric problems, haze and shadow effects on some images" (A2-2 on 18/8/2016).

## **B) Logistics**

Since the provision of logistics largely depends on the adequacy of the allocated budget, discussion on logistics basically deals with the allocated budget for the process. As discussed under section 4.2.2, out of the 13 *kebeles* for which demarcation and registration was carried out by the government, only 4 *kebeles* were provided certificates. The former deputy core process owner replied on the issue as follows:

*We have deficiency in the required logistics; such as the provision of field vehicles. As a result, we couldn't pursue our task beyond the surrounding kebeles to Butajira town which were accessible using Bajaj and Horse driven carts (Yeferes Gari in Amharic)" (A1 on 17/8/2016).*

On the other hand, no problem was reported about the provision of computers, mapping softwares, ortho-photos and others deemed basic to the process. Compared to the specified case above, the experiences in the REILA and LIFT intervened *kebeles* is quite different. The field team leader has illustrated the experience in the LIFT intervened *kebeles* as, "while we work with LIFT program, we were provided 4 field vehicles which were permanently serving the 60 field team members in the course of the field work. We didn't face any problem from the onset to the end of the program" (A2-1 on 18/8/2016).

## **C) Qualified Human Resource**

### **I. Land Administration Committees (LAC's)**

The basic human resource required for this activity include surveyors, registrars, map production experts and *kebele* Land Administration Committees (LAC's). Unlike operational tasks which assign permanent employees for their routine activities, land registration and certification process is a time bounded activity dominated by short term contract employees and LAC's working voluntarily with very little or no wage. Based on the mandate given to the then Regional Bureau of Agriculture and Rural Development (currently it has changed its name to Regional Bureau of Farm and Natural Resource Development) by the Regulation No. 66/2007 (section 4) of SNNPRS, to let the community to elect about 5-7 Rural Land Administration and Use Committee members in each *kebele*; all the interviewed *kebele* administrators have revealed that the community have elected 5 LAC members. In line with what Deininger et al. (2009) and Tigistu (2011), noted as LAC's work voluntarily without payment, the *kebele* administrators indicated that the LAC's are working

voluntarily without getting payment in Wolensho1 and Wolensho2 *kebeles*. Whereas the case in Mikaelo is quite different.

*Based on our commitment to serve our community, we have voluntarily participated in the process. Those LAC members who have young sons help them in farming and feeding their cattle. Unfortunately, I have no able bodied son. When I work with the surveyors and registrars at field, my wife used to feed the cattle beyond her domestic work. I used to plough on the weekends where there were no registration activities. Doing so, I wasn't paid a single coin for my contribution. (A4-2 on 18/8/2016)*

Concerning the case in Mikaelo, the *kebele* LAC member has reported that there was a per diem for their time.

*During the registration period, we were paid 80 birr per day. Compared to our personal business, the payment is insignificant. For example; we earn about 200 birr/day on other businesses. Since our aim is to serve our community, we accept it as fair (A4-3 on 19/8/2016).*

Regarding the selection criteria, the informants have indicated that hard working and trustworthiness are perceived as the main criteria to elect LAC's. "Those who served the community with honesty and integrity while working as a chair person or secretary of *Idir* will be nominated for membership in LAC" (A4-1 on 04/9/2016). The same experience was shared by the other *kebele* administrator as follows:

*To be elected as a LAC member, a person should have at least grade 5 level education, be a model farmer in the kebele, well accepted by the community and exhibit a proven leadership role at least at household level (A4-2 on 18/8/2016).*

Concerning sanctions of misbehaved LAC's, one of the *kebele* administrators argued as, "if a LAC member is suspected in corruption or other illegal activities related to his job, his contract will be terminated before the end of the contract period and a copy of the termination letter will be sent to the *Woreda* FNRD Office" (A4-2 on 18/8/2016). The LAC member in Wolensho 1 has shared the experience in the *kebele* as:

*A LAC member working in one of the three sub-Kebeles in our kebele was engaged in corruption with some of the landholders who have merged part of a road with their parcels. Consequently, the kebele administration has terminated him from job through formal assessments (*Gimgema* in Amharic) before the end of his contract period (A4-1 on 04/9/2016).*

As far as gender balance is considered, all the interviewed *kebele* administrators responded that there is no female LAC member in the three sample *kebeles*.

*The community didn't nominate female in the LAC and no woman has refused to accept the responsibility while being nominated. In fact, there are many women who are working on better positions than LAC; I think the community didn't nominate women for 'the difficulty of the task for them' (A4-2 on 18/8/2016).*

As stated by the informant, no woman was represented as a LAC member in the *kebele* and the community was not motivated to nominate women. In this regard, Quisumbing and Kumar (2010:8), have stated that the presence of female LAC members encourages the participation of women in the registration process. It means that lack of female members in LAC could negatively affect the participation of women landholders in the land registration process. As can be seen in section 4.3.2.1a, there is a significant disparity in the number of female landholders to that of their male counterparts attending the public awareness campaign in Mikaelo *kebele*. This implies women's awareness on the benefits of land registration and certification increases their participation in the process and vice versa.

## **II. Registration and Mapping Staff**

According to the technical expert, during the intervention period of LIFT program, there were independent experts for data entry (encoding) and certificate (map) preparation, while in the case of REILA and Government, a single expert was entitled for both activities. According to the interview participants, all the three projects have appointed an independent technician for scanning and geo-referencing field maps. Concerning the field team, there is slight difference in the composition of the field teams among the three projects (Government, REILA and LIFT).

*In the REILA pilot project, 4 teams were deployed at the kebele. Each team was composed of a surveyor, a registrar, a team leader and a supervisor from the FNRD office. In the kebeles registered by the government, the same team composition was used for the first 4 kebeles while a team leader was excluded in the remaining 9 kebeles. In the case of LIFT program, 4 teams were deployed at a kebele with each team comprised of 2 sub-teams (each sub-team consists of a surveyor and a registrar). 1 team leader was assigned for organizing the 2 sub-teams. (E1-1 on 21/6/2016)*

The reviewed profile of the field staff has indicated that most of the field surveyors, registrars and team leaders have diploma and first degree in Surveying, Drafting, Information Technology, Rural Development, Civil Engineering, Natural Resource Management and related disciplines.

In the case of LIFT program, all the team leaders are BSC. degree holders with 0-3 years relevant experiences.

As far as competency of the project staff is concerned, some of the staff are reported to have good qualifications and experiences while others lack the basic skills required to their positions regardless of their educational status (degree or diploma). For instance, poor hand writing in recording socioeconomic data (Unique Parcel Identification Numbers (UPIN's) and names of landholders) has affected certificate preparation in office. It has resulted in duplication of UPIN's and spelling errors in the names of landholders. The other issue that the technical team leader has stressed is lack of the required skills by the surveyors and mapping experts. As the researcher has observed in the *Woreda* FNRD office, the cumulative effect of the aforementioned challenges has resulted in post certificate complaints by the landholders.

### **4.3.2 Throughput**

#### ***4.3.2.1 The Procedures Followed During The Process***

According to the interview with *woreda* and *kebele* administrators, except slight variations in the level of commitments, almost similar procedures were followed in all the three sample *kebeles*. These procedures include; Public information and awareness, parcel demarcation and registration, map preparation, public display and correction, and preparation and issuance of certificates.

#### **a) Public Information and Awareness**

Public awareness has been held by the LAC's, FNRD office and the projects involved in the process. According to the interview participants, the public awareness campaign was conducted through meetings with the landholders, distributing written documents and displaying Posters showing the process of SLLC on publicly available places such as in *kebele* Administration Compounds, Health Centers, Farmers Training Centers (FTC's), Schools...etc. The benefits of landholders from the registration and certification process largely depend on the level of their awareness on the possible outcomes and their active involvements in the process. The level of information perceived by landholders basically determines their involvement in the process, their willingness to provide reliable information about their holdings and enjoy their benefits from the outcomes of the process. In this regard, Shewakena and Haris (2015:23) have stated that, "...

communicating information about why the registration program is important is essential, as is helping landholders resolve disputes and uncertainties about their land right".

According to the report of EEA/EEPRI (2004) in Deininger et al. (2006:11), about 73% of the landholders in SNNPRS are not aware of the benefits of the registration and certification process. Concerning public awareness and information in the study area, no written information is available on the number of public awareness raising campaign participants in the *woreda*. Yet, according to the interview participants, the landholders in Wolensho2 are better aware than their counterparts in Wolensho1. A LAC member in Wolensho1 has summarized his observation in the *kebele* as follows:

*The kebele community was told about the process and its benefits before demarcation by experts of the Woreda FNRD office and kebele LAC's. Those who didn't attend the meeting were told by their neighbors. But the public awareness held before public display was unsatisfactory. As a result, the number of landholders who have attended the public display was very little. (A4-1 on 04/9/2016)*

The experiences in Wolensho2 *kebele* in the face of the LAC member were reflected as:

*There were frequent public awareness raising campaigns before registration, before public display and before certification by the Woreda FNRD office experts, REILA project experts and LAC's at kebele. During these campaigns, the community was told about the benefits of the certification process and their roles and responsibilities in the course of the process. Elders, disabled persons and orphans were told through their legal guardians and representatives. Except landholders living abroad, all the kebele residents were aware of the process. (A4-2 on 18/8/2016)*

Statistical report of the *kebele* level public awareness participants in the sample *kebeles* was shown in table 5 as follows:

Table 5: Kebele level Public Awareness Participants *Source: LIFT Woreda Coordination office*

S. No.	Kebele	No. of participants		Materials Disseminated		Date of involvement
		Male	Female	Type of Material	Quantity	
1	Wolensho 1 and Wolensho 2	*	*	*	*	*
2	Mikaelo	77	7	Flipchart Leaflet A Leaflet B Poster	1 25 25 2	25/02/2015
Total		84		53		

\* = Not known , **Leaflet A**= Leaflet on land use rights and obligations, **Leaflet B**= Leaflet on highlights on the process of SLLC, **Poster** = A diagram showing the process of SLLC

From table 5, it can be understood that out of the total *kebele* population, only 84 persons have attended the public awareness meeting in Mikaelo *kebele*. According to the *kebele* Administrator, "most of the *kebele* residents have got information through informal communications (i, e *Yelimat Budin*—a group composed of 5 to 20 persons), at coffee ceremony and communal activities like *Idir, Ikub, Debo...etc*" (A3-3 on 19/08/2016). A landholder whose land was registered and who have received use-right certificate, has responded for the question "how do you hear about the registration process?" as, "I heard about the registration process while I was participating in *Yelimat Budin*" (F1 on 5/09/2016). Referring to Holden and Tefera (2008), Hirut and Giovarelli (2013:5), indicated very less participation and awareness of women in the initial stages of the process than that of the men. Table 5 clearly presents a disparity between male and female landholders in their access to information. Out of the 84 participants, only 7 females attended the public awareness campaign. A woman in a monogamous marriage replied for the question, "how do you hear about the registration process?" as, "I didn't hear about the registration, but I involved in the process when the field registrars came to my home and asked me to show the boarder of my holding". (M on 04/9/2016)

With regard to the involvement of landholders in the process, except for those who were not available at their holdings during the registration period, no landholder was reported to intentionally refuse participation in the process. Even, some landholders were found cooperative and enthusiastic to know the objectives and the schedule of the registration and certification process.

*After the day of public awareness raising, some landholders have been frequently coming to kebele Administration offices to know the exact date of registration in their respective villages. Some landholders have also significant contributions in showing the boarders of absentee landholders during the registration period. Others also act as village elders and show farmers involved in land marketing (land sale) with their respective holdings and abused land of vulnerable groups. (A2-2 on 18/8/2016)*

In general, the number of landholders attending formal public awareness raising campaigns is very small and there appears a gender disparity in the number of formal public awareness campaign participants. In addition, the written materials in support of the awareness rising process are in short supply. Although landholders can get information through informal communications, the question how far these informal communications could address the benefits of the process and obligations of the landholders remained unanswered.

## **b) Parcel Demarcation and Registration**

The LAC's, surveyors, registrars and team leaders have specific roles and responsibilities in the process. (A2-2 on 18/8/2016) has replied that:

*The main role of LAC's is to convince landholders on the benefits of the process and mediate disputes, the surveyors identify and mark boundaries of each parcel on the map, the registrars record socio-economic information of each holder and unique parcel identification number, while the team leader is responsible for coordinating the field team, provision of materials, and dissemination of team reports among other activities.*

Concerning monitoring of the field teams, the former deputy core process owner reflected the experience in the *woreda* as follows:

*Even if federal and regional experts [experts from the Ministry of Farm and Natural Resource Development and SNNPRS's Bureau of Farm and Natural Resource Development] sometimes involve in the supervision of the field teams, it is a usual activity of administrators in the Woreda FNRD office. The continuous follow-up and supervision of the field team in Wolensho 2 during the REILA project wasn't scaled up to LIFT program. Since LIFT implemented 3 kebeles at a time, I found it difficult to scale up the monitoring activity by the few administrators who used to supervise the field work parallel to their operational activity. The same is also true for the government implemented kebeles. (A2-1 on 18/6/2016)*

The above quotation clearly indicates that monitoring and supervision of the field teams lacks uniformity among the projects that have conducted the registration process in the *woreda* (Government, REILA & LIFT). This implies not only the difference in the project approaches but also lack of national rural land registration and certification guideline in Ethiopia concerning staff composition and monitoring of the registry staff.

## **c) Map Preparation**

According to the field team leader, "after the field registration and demarcation activity was completed, the field teams, and the LAC's put their signature on the field registry sheets and deliver the Index Maps to office technicians" (A2-2 on 18/8/16).



Figure 4: Sample demarcated Index Map (Source: Woreda FNRD office)

The technical expert has described the office activity as follows:

*The mapping activity in office starts with scanning and geo-referencing of field maps. Accordingly, the geo-referenced maps will be digitized using open source mapping softwares such as Quantum-GIS or ARC-GIS (MASSREG in the case of LIFT). In Quantum GIS, recording socio-economic data takes place parallel to the digitization activity on the same software. Whereas in MASSREG, the digitization activity takes place in an independent centrally managed database system (server) and will be joined latter. Following the completion of the office activity, the next step is to prepare and print maps and socio-economic information of each parcel for public display. (E1-1 on 21/6/2016)*

The above explanation about the office activity tends to show that the mapping activity take place by low cost or open source technologies. However, compared to the open source Quantum-GIS or ARC-GIS softwares, the centrally managed database system (MASSREG) adopted by LIFT program is not user friendly and frequently claimed by the technical experts for its failures to work in the absence of local network connections.

#### **d) Public Display and Correction**

After the completion of map preparation in office, the next activity is to display parcel map of each holder with its associated socio-economic data on publicly available places— usually in the

compound of *kebele* Administration Offices. Public display enables landholders to identify errors made during field registration and demarcation and/or office digitization and data entry before the preparation of the final certificates (Dubois 2016:20; Zerfu and Haris 2014:11). In the views of the respondents, regardless of the similarities of the procedures followed in the public display throughout the *woreda*, implementation practices largely differ in the sample *kebeles*. For instance, the public display held in Wolensho 2 *kebele* was explained by the *kebele* administrator as follows:

*Maps of individual parcels with their corresponding owners were displayed in the kebele Administration Office compound for a duration of 1 month. All landholders were told to comment and they did so. Holdings of elders, orphans and disabled persons were commented through their legal guardians or representatives (A3-2 on 18/8/2016).*

On the other hand, the experience in Wolensho1 *kebele* is quite different. The *kebele* administrator has shared the practice in the *kebele* as:

*Organized public awareness was not held before the public display in our kebele. Only few landholders have attended the public display and commented on their holdings. Hence, there were many spelling errors in those certificates which were prepared without incorporating comments of landholders and it was common to see misplacements of parcel information (vector data) with their corresponding attribute (socio-economic) information. I wish the process to be done again in the kebele. (A3-1 on 04/9/2016)*

Similarly, the case in Mikaelo *kebele* was reflected by the *kebele* administrator as follows:

*Based on the information provided in the public display, we have collected all the comments of landholders and corrective actions were made both on the maps and attribute information of the given parcels. Although the corrections were given to the technical staff in office, most of the certificates were printed and issued without incorporating the corrections made during the public display. (A2-2 on 18/8/2016)*

According to the informants, procedural errors like the specified cases above were reported to create post certificate complaints. As a result, the former deputy core process owner has argued on the case as, "some of the certificates were decided to be re-issued by the *Woreda* FNRD office for one or more procedural errors made during the process" (A1 on 17/8/16). This idea was crosschecked with the reviewed documents in the *Woreda* FNRD office and the result has indicated that five certificates were decided to be re-issued for some procedural errors (mismatch of vector information with its corresponding socio-economic information, incorrectly spelled

names, incorrect holding sizes...etc) made during registration at field or certificate production in office.

#### **e) Preparation and Issuance of Certificates**

The final stage of the technical office staff is to integrate the comments collected during the public display and produce certificates. Dubois (2016:12) noted that improvements in map production techniques such as using Atlas and map templates has significantly reduced the time and effort that would take to generate a parcel map. Similarly, the researcher have observed the technical staff using map templates for certificate production, and the technical team leader argued as using map templates has significantly reduced the time for certificate production in the *woreda*. Concerning the contents of the certificates, as shown in Appendix D (2), the certificate contains vector map of each parcel and its adjoining parcels, UPIN (Unique Parcel Identification Number), absolute location of each parcel (Latitude and Longitude values), full name of the landholders, certificate issued date, map elements (Title, North Arrow, Reference Scale and Legend), names and signatures of the officials who produced and approved the certificate and official stamp of the authorized office (*Woreda* FNRD office).

As Lindner (2014:5) has identified "lack of transparency" as one of the factors that create a room for corruption in the land administration sector in Ethiopia, the registration process has also triggered corruption in the *woreda*. Although no photograph was attached on the certificates, taking photographs of landholders was reported as a source of bribe among the businessmen and the *Woreda* FNRD office officials during the implementation period of LIFT program. The interview with the *Woreda* Coordinator and head of the Ethics and Anti-Corruption Department in the *Woreda* FNRD office has revealed that landholders have paid "exaggerated price" for giving their pictures and scanning photographs for certificates. "During the registration process, photographs were collected from landholders. I heard that compared to the usual cost of a single photograph, the landholders were forced for an inflated payment" (A2-1 on 18/6/2016).

*Five photo shops were involved in the process without formal procurement procedures. I heard from landholders that they were enforced to engage in exaggerated payment for photographs (20 birr for giving pictures and 50-70 birr for scanning a single photograph). Based on this information, I have discussed with the Camera-Men and they were convinced to return half of the money received for scanning photographs. Since the money was collected without issuing receipts for the landholders, the attempt tried to return the money was not successful by the intervention of some landholders who claim for money actually who haven't paid for photographs. To crosscheck names of landholders who paid for scanning photographs, I have written a letter of inquiry for the list of landholders whose photographs were collected and scanned to the process owner of Rural Land Administration, Handling and Use Core process<sup>8</sup>. Yet, I didn't get any response and the Core Process staff were not cooperative to do so. Even if I raised the issue on the formal woreda administration staff assessment (Gimgema in Amharic), the Core Process Owner has shifted position to another department without responding to my inquiry. Since then, I couldn't raise the issue again as the newly assigned Core Process Owner could no longer respond to my question (A7 on 6/09/2016).*

Finally, the certificates were produced without including photographs of landholders. The woreda coordinator of LIFT program has clarified the issue as, "the program senior officials ordered that the current proclamation of SNNPRS doesn't consider attaching photographs on certificates as obligatory" <sup>9</sup>.

Based on the discussed idea above, it can be inferred that, some of the projects have kept the procedures in depth, while others rush to grant certificates without clearly addressing the requirements of each step in the process. In addition, lack of transparent procedures along with ill-prepared planning has created a room for corruption during the registration process.

### **4.3.3 Output**

The last stage in the registration and certification process is to disseminate certificates to landholders. According to the technical team leader, once certificates are prepared, file will be opened for each landholder in the Woreda FNRD office with keeping backup both electronic (soft copy) and paper based (hard copy). Finally public awareness will be held to landholders to deliver certificates. Similar opinion was reflected by all the administrators concerning the certification process. "All prepared certificates were distributed to landholders in the kebele except 6 landholders who are living abroad. Certificates prepared for communal lands were stored in the kebele administration office" (A3-2 on 18/8/2016). Statistical figure on the coverage

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<sup>8</sup> Refer Appendix H for the details of the letter

<sup>9</sup> Refer Appendix D (2) for the contents of the second level certificate

of the certificates in the *woreda* was briefly discussed in section 4.4.1. One of the *kebele* administrators stated his observation as follows:

*More than half of the landholders in our kebele have received certificates. All prepared certificates were distributed to landholders. Even for those who couldn't come to kebele Administration office to take certificates and have no legal guardians, we took the certificates to their home and have delivered it. (A3-3 on 19/08/2016).*

Although second level certificates are being disseminated to landholders, the process of certificate distribution itself has been criticized for creating tenure insecurity in the *woreda*. As can be seen in Appendix D, the first level certificate provides all parcels held by an individual in a single certificate while the second level certificate provides separate certificates for each plot. According to the interviewed landholders, since the landholders didn't receive second level certificates for all of their holdings, taking their first level certificates has affected tenure security in the *woreda*. One of the *Kebele* experts has stated the practice in the *woreda* as:

*Receiving the first level certificates from landholders without providing a second level certificate for all of their holdings has created tenure insecurity among landholders. They frequently come to kebele administration office and ask for the remaining certificates. Since the certificates are produced and disseminated by the Woreda FNRD office, we couldn't confidently respond beyond escalating the issue to the woreda (E2-1 on 6/9/2016).*

A landholder whose first level certificate was taken but who wasn't provided second level certificates for some of his holdings has commented as follows:

*I have 2 hectares of land located in 5 separate places in the kebele, and it was registered in my name and my second wife. Although I have attended the registration and public display for all of my holdings, I have received a certificate only for 1 parcel. My first level certificate (green book) was returned back to the Woreda FNRD office while certificates remained un issued for 4 of my possessions. The farmers adjoining to my holdings have children who have been working in different Federal offices in Addis Ababa. Even though I didn't face any problem until this moment, I am suspicious that if dispute occurs, how could I bargain with my adjoining farmers who are being provided with the required financial and technical assistance by their children (F2 on 05/9/2016).*

As can be understood from the interview, the process lacks proper planning before certificate preparation and distribution in the *woreda*. For instance, the question how to provide a landholder with second level certificates for all of his holdings before receiving his/her first level certificate was not clearly assessed. The former deputy core process owner has also stated the possible causes for the complaints as:

*I have identified 2 main reasons for the problem under discussion; a) landholders were provided certificates only for some of their holdings, and b) two or more adjoining parcels held by the same person which were registered as separate holdings during the first level certification were treated as one parcel and were provided a single certificate in the second level certification without compromising holding sizes. But this practice was misunderstood by the landholders as they expect the same number of certificates in the second level certification regardless of the size of their holdings. I think this is due to lack of proper public awareness during certification (A1 on 17/8/2016).*

Hence, it is obvious that ahead of the technical and financial challenges affecting the provision of a landholder with second level certificates for all of his/her holdings before receiving his/her first level certificate, lack of proper public awareness during certification was also one of the challenges affecting tenure security in the *woreda*.

In summary, section 4.3 has examined land registration and certification process in terms of input, throughput and output. Concerning the basic inputs to the process, the three projects have almost similar trend in their staff composition, adoption of low cost technologies and infrastructure development except the inadequacy of budget allocation by the government which has affected certificate production and dissemination in nine *kebeles*. Concerning the procedures followed during the registration and certification process, the three projects (Government, REILA & LIFT) didn't have the same level of commitment to keep each step of the process in depth. For instance; the REILA pilot project was appreciated for employing transparent procedures from public awareness to certificate distribution. Whereas the government and LIFT projects were criticized for lack of clear procedures throughout the process and, which in turn has affected the outputs (certificates) both in quality and quantity.

#### **4.4 The Status of Land Registration and Certification in Meskan *Woreda***

##### **4.4.1 The Extent of Registered Parcels and Issued Certificates**

Land registration and certification process in Meskan *woreda* deals with both the first and second level certificates. According to Tigistu (2011:8), the first level certificate was a "less complex" form which did not employ cadastral surveying and index maps while the second level certificate is "a more complex" form in which cadastral maps were used and each parcel was surveyed. The other basic difference between the two forms lies on their contents (i, e. the first level certificate

provided information on all parcels held by an individual in a single certificate, while the second level certificate requires a single certificate for each parcel).<sup>10</sup>

The first level certification in Meskan *woreda* took place in two phases. Out of the 40 *kebeles* in the *woreda*, registration and certification for the first 24 *kebeles* took place in 2005 while for the remaining 16 *kebeles* in 2006 (A1 on 17/8/16). The same respondent has also mentioned that compared to the case in the second level certification, there was lack of proper public awareness in the first level certification. As a result, the number of landholders who didn't receive the first level certificates is more than those who didn't receive second level certificates in the study area. Since the first level certificates are being replaced by the second level certificates in the *woreda* and more emphasis has been given to the second level certificates than the former, discussion in this section is mainly on the second level certificates.

According to the former deputy core process owner, second level land registration in the *woreda* was launched in June 2012 by REILA project and has taken a duration of 6 months from registration to certification in a selected pilot *kebele*—Wolensho2. Registration was held and certificates were issued for a total of 2364 parcels in the *kebele*. Following the completion of the process in Wolensho 2, the government took initiatives to register and provide certificates for some of the rural *kebeles* in the *woreda*. Although the registration has covered about 31,402 (all individually held parcels in 13 *kebeles*), the production and dissemination of certificates was limited to 4 *kebeles* (Wolensho1, Debub-Shershera, Mekicho and Dubo-Tutu). The former deputy core process owner has also mentioned some of the reasons to the disparity in the number of registered parcels and issued certificates as follows:

*There are 2 main reasons for the lack of progress in the remaining 9 kebeles. Lack of adequate logistics such as; field vehicles and the inauguration of a fully funded registration and certification process by some donors in other kebeles. Not to lose the chance provided by a Foreign Aid, we have drawn our attention to kebeles being registered by LIFT program. (A1 on 17/8/2016)*

As a result, certificates were not totally produced for landholders in the remaining 9 *kebeles* for the specified reasons above. In line with the discussion in section 4.2.5, lack of updating transaction records in the *woreda* coupled with the delay to produce and distribute certificates

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<sup>10</sup> Refer Appendix D for the contents of the first and second level certificates

has largely compromised the credibility of the information on holdings in the 9 *kebeles* which were registered before 3 years.

Compared to REILA and the government projects, LIFT program has conducted relatively massive land registration (the rest 26 rural *kebeles*) in Meskan *Woreda*. However, when the time taken to registration and certification is considered, certificate production and distribution takes quiet longer time and it is a challenging activity for LIFT program than the parcel demarcation and registration. The reviewed documents of the *Woreda* FNRD office indicate that 78,619 parcels were registered within 10 months (until July, 2015) whereas certificates were issued only for about 35,141 (46%) of the produced certificates (until September 2016). The technical expert of LIFT program has listed some of the possible causes for the delay in certificate production and distribution as, "... the delay of field teams to deliver demarcated field maps and socio economic data, frequent electric shortages, time wasted to understand poorly recorded socio economic data and poorly sketched field maps, lack of preparation for public display, the delay to conduct public awareness before certification among others". (E1-1 on 21/6/16)

Concerning reliability of the data reported by LIFT program, there is controversy on the number of registered parcels to that of the produced certificates. Referring to the report of LIFT program, the former deputy core process owner has indicated that LIFT program has prepared certificates for 76,428 parcels out of the registered 78,619 parcels<sup>11</sup>, whereas certificates were not prepared for the remaining 2191 parcels. "Our question concerning certificate production for the rest 2191 parcels remained unanswered and LIFT program has shifted to another *woreda* in the assumption that it has completed the process in Meskan *Woreda*". (A1 on 17/8/2016)

The technical expert of LIFT program has justified on the reasons for why the program didn't prepare certificates for the 2191 of the registered parcels as:

*Since the SNNPRS in its Land Administration and Use Proclamation No.110/2007 has set 0.5 hectare of land as 'the minimal holding size' for rain-fed agriculture and has restricted the right of landholders having less than 0.5 hectare of land to have a use-right certificate, we didn't prepare certificates for holdings less than 0.5 hectare. (E1-1 on 21/6/2016)*

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<sup>11</sup> Refer Appendix I for the coverage of registered parcels and issued certificates

To triangulate the credibility of the above interview with documents, the certificates prepared by LIFT program were reviewed and the result was not consistent with the interview. Contrary to what has been indicated by the technical team leader, the contents of the certificates revealed that certificates were produced for holding sizes as small as 0.07 hectares<sup>12</sup>. In addition, the discussion in section 5.2.2, indicates that about one third of the households in the *woreda* have less than the "minimal holding size". If one accepts the opinion of the technical team leader, "we didn't prepare certificates for holdings less than 0.5 hectare", does one third of the households in the 26 *kebeles* (which were registered by LIFT program) hold only 2191 parcels?

This indicates that the restriction to exclude certificate preparation and dissemination for holdings less than 0.5 hectare was not properly functional in the *woreda*. In addition, the LIFT program's shifting to another *woreda* without reaching an agreement on the production of about 2191 certificates with the Woreda FNRD office indicates that the program lacks clarity on the procedures concerning certificate preparation and dissemination.

As far as certificate dissemination is considered, literatures have disclosed that there is a disparity in the number of registered parcels and issued certificates in Ethiopia. For example; based on their findings from the four regions, Gizachew et al. (2015:16/44) found that certificates were issued only for 27% of the surveyed and adjudicated parcels in Ethiopia. Likewise, the case in Meskan *woreda* didn't exhibit a different phenomenon. The report of the *Woreda* FNRD office has shown that only 50,951 (45.3%) of the 112,385 registered parcels in the *woreda* were issued certificates. Out of the 31 *kebeles* in which certificates were prepared, landholders in 2 *kebeles* have fully received certificates and landholders in 17 *kebeles* have partly received it, while no certificate was issued in the remaining 12 *kebeles*.

#### **4.4.2 Land Registration in Relation to Women, Elders, Orphans and Disabled Persons**

Aiming to assure the right of all citizens to benefit from their immovable property (land), SNNPRS in its Land Administration and Use Proclamation Number 110/2007 has stated as, "Any resident of the region, eighteen years old or more, who wants to engage in agriculture, has the right of rural land holding and use" (section 2). But contrary to what has been stated in this proclamation, UN-habitat (2012:41), has stated that "not everyone's rights to land are secure".

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<sup>12</sup> Refer Appendix D (2) for a certificate prepared for a holding size smaller than 0.5 hectare

Thus, it is not uncommon to see abused land rights of women and vulnerable groups including elders, orphans and disabled persons in SNNPRS in particular and in Ethiopia in general. Corresponding to this argument, the reviewed documents in the *Woreda* Good Governance, Grievance and Complaint office indicated that compared to other social groups, possessions of women, elders, orphans and disabled persons are subject to abuse by different parties (including their husbands and guardians). According to the documents, about one third of the grievances in the *Woreda* Good Governance, Grievance and Compliant office were raised by women and vulnerable groups. Out of the 96 documented grievances, 32 were raised by women, elders, disabled persons and orphans.

Having an objective to assure women's land right through land registration and certification, the Rural Land Administration and Use Regulation of SNNPRS (2007), has stated that husband and wife shall jointly get a land use certificate and commonly use their possessions even which were accessed through inheritance or gift before or after marriage (section 5). In support of this regulation, the reviewed certificates in the *Woreda* FNRD office has indicated that names of husband and wife were incorporated both in the first and second level certificates in the *woreda*. All the interviewed administrators and reviewed documents have demonstrated that in monogamous marriages, men were registered as first holders and women as second holders, whereas in polygamous marriages men were registered as first holders and their first wives as second holders in possessions that they commonly use with their first wives. In the remaining holdings, the subsequent wives were registered as first holders and their husbands as second holders in their respective holdings.

To sum up, the registration and certification in polygamous marriages held in the *woreda* didn't follow the statement of the SNNPRS Rural Land Administration and Use Regulation No. 66/2007 which declared the land rights of couples as, "if the husband and wife have land holding before their marriage, they shall jointly get a land use right certificate after their marriage" (section 2). Because the practice provided a man in polygamous marriages with the right to share holdings with all of his wives while the right of the women was restricted to their respective holdings. As a result, rural land registration in polygamous marriages was in favor of men than assuring women's property rights.

As far as the number of holdings registered in the name of women either as first or second holders is concerned, the information from the two sample *kebeles* (for which recorded data was obtained) indicates that about 954 (23%) of the holdings in Wolensho1 and Wolensho2 is held by women as first holders. Out of which, male second holders are available for 131 parcels, while the remaining 823 parcels are totally held by women. which indicates that they are either widows, divorced or unmarried. In addition, women were registered as second holders for about 67.8% of the total holdings. From table 6, it can be understood that about 91.3% of the women in the 2 sample *kebeles* have access to land either as first holders or jointly with their husbands.

Table 6: Holdings of Women and Orphans in the two sample *kebeles*

<i>Kebele</i>	Male First Holders	Female First Holders	Male Second Holders	Female Second Holders	Guardians	Total No. of holdings	Percentage (%) of women land holders		
							Individual	Joint	Total
Wolensho1	1340	334	44	1245	27	1701	19.6	73	92.6
Wolensho2	1637	620	87	1513	107	2364	26.2	64	90.2
Total	2977	954	131	2758	134	4065	23.5	67.8	91.3

(Source: Adopted from Woreda FNRD Office documents)

Based on table 6, the registration of about 67.8% of the women in the two sample *kebeles* was as a second holder, which indicates that most of the women in the *woreda* access land through marriage (their husbands). Concerning the registration process, a woman in a monogamous marriage has reflected her opinion as, "my husband was registered first and I am second. Since this is a practice held throughout the *kebele*, I got it fair" (M on 04/9/2016). On the other hand, the experience in polygamous marriages was shared by the field team leader as follows:

*Some of the husbands in polygamous marriage were not happy on the registration of their subsequent wives as first holders. They argue that the women were not married during the first level registration and their names didn't appear in the green book. (A2-2 on 18/8/2016)*

As stated in the interview, the intention of men in polygamous marriages implies that for women, registration in the green book was considered as the basic criterion to have a right on a specific plot of land. To assess the registration and certification process in polygamous marriages, a story of W/o Rauda Beshir, a woman in polygamous marriage was presented as follows:

### Case1

Rauda Beshir, 45 years old

*I am a second wife in a polygamous marriage. I have been living with my husband and our five children in Wolensho1 kebele. We depend on 0.75 hectare of land for subsistent agriculture. Concerning my awareness on land registration and certification process, since I didn't have any information on public awareness campaign in our kebele, I didn't attend formal public awareness campaigns from land registration to certificate dissemination. Therefore, hearing from my neighbors, I have participated in the registration process. In both first and second level registrations, I was registered as first holder while my husband as a second holder and I have received the second level certificate from the Woreda Agriculture office [Woreda Farm and Natural Resource Development office] and then my husband has put the certificate with him. Till now, I didn't face any boundary or ownership dispute with anyone.*

(Interview with Woizero Rawuda Beshir on 05/09/2016)

From case1, one can easily understand that the case of W/o Rauda was consistent with the opinion of the *kebele* administrators and documents of the *Woreda* FNRD office which entail the registration of women other than the first wives in polygamous marriages as first holders and their husbands as second holders. Yet, the case indicates that still there is lack of awareness among women in polygamous marriages on the benefits of the certificates. For instance, although the main objective of providing women in polygamous marriages with certificates as first holders is to increase their bargaining power and assure their property rights, case1 indicates that even if the certificate vows W/o Rauda as a first holder, she has put the certificate with her husband. Her response to the question, "why not you put the certificate with you?", "could it be with a female when there is a husband living with her?" indicates that some women in polygamous marriages are not fully aware on the very objective of producing certificates in the name of women as first holders.

Pertaining to the registration practices on the possession of elders, healthy and physically fit elders participate in the registration in showing their borders while those who can't do so send their closer relatives, neighbors or LAC's. According to the head of the *Woreda* Good Governance, Grievance and Compliant Office, holdings of some elders who can't use either of

these options is sometimes subject to abuse by farmers who use their land through rent or share cropping and others . Detail story of an elder in Wolensho1 *kebele* was discussed as follows:

### Case2

W/o Zergi Weldegebriel, 80 years old

*I have been living in this place since the first date of my marriage 60 years ago. My 4 children (1 son and 3 daughters) were born and raised here. I have shared half of my holding (about 0.25 hectare) to my son—Ato Abegaz Darunga. I didn't have information on the land registration held in the kebele. Even if the land is around my home and I am at home all the time, no one has asked me to provide information on my holding. One day, while drinking coffee next door, I heard that land registration was held in the kebele and my neighbors had been waiting certificates of registration. Consequently, I sent one of my sons in law to inform the case to the Woreda [Woreda FNRD office] and he was told to wait a public display to comment on the registration. During the public display, I was told that my land was registered in the name of one of my daughters in law— wife of Ato Abegaz. As a result, I provided an appeal that since the land is mine and the first level certificate is in my name; the second level registration should follow the same procedure. During my waiting time for the response, she told me that she has given the second level certificate. Then, I have provided a grievance to the woreda [Woreda FNRD office]. After hearing the report of its Ethics and Anti-Corruption officer, the Woreda FNRD office admitted its mistake and has written her a formal letter to return the certificate and have decided to prepare a new certificate in my name<sup>13</sup>. Yet she has taken the case to formal court [Butajira town and Surrounding Area High Court]. The Court sent a letter to the kebele administration to terminate the right of both of us on the land until its final decision. It is more than five months I am neither benefiting from the land nor get decision.*

(Interview with W/o Zergi Weldegebriel on 02/09/2016)

As can be seen in case 2, the story not only show the challenges abstaining elders to enjoy their benefits from their property, but also the bureaucratic procedures of formal dispute resolution institutions to decide on the rights of the elders and lack of proper controlling mechanisms on the applicability of written rights of elders.

Although the Land Administration and Use Proclamation No.110/2007 of SNNPRS doesn't state anything on how to conduct the registration on holdings of disabled persons, the *kebele* administrators have indicated that disabled persons have registered their holdings either physically appearing on their land or through their representatives. "Holdings of disabled persons were registered either by their physical appearance, their representatives or *kebele* administrators

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<sup>13</sup> Refer Appendix J for the letter of the Woreda FNRD office confirming on the elder's possession

and LAC's. I think no one claims for abused rights of disabled persons in our *kebele*." (A3-3 on 19/08/2016). Similarly administrators of the two sample *kebeles* have also indicated that no claim was raised in their *kebeles* concerning the registration practices on holdings of disabled persons. This didn't necessarily indicate disabled person's ability to protect their property rights, but the strong commitment of their representatives, *kebele* administrators and LAC's to protect their rights.

Finally, SNNPRS in its Land Administration Proclamation No.110/2007 has provided an opportunity to the possession of orphans below the age of 18 to be registered and receive certificate in care of their guardians. Pursuant to this proclamation, the interviews held with the *kebele* administrators indicated that holdings of orphans below the age of 18 were registered and certificates were delivered to the orphans in care of their guardians. As presented in table 6, about 134 holdings of orphans were registered through their guardians in the two sample *kebeles*. On the other hand, absence of guardians has inversely affected the participation of orphans in the registration process and their ability to receive certificates. Corresponding to this argument, the story of orphans in Wolensho1 *kebele* was presented as follows.

### **Case 3**

#### **Family of W/o Wache Alemar**

*W/o Wache and Ato Mengistu (her husband) passed away in 2012 and 2013 respectively. At the time of losing their father: Ermias, Sara, Yonas and Selamawit were 16, 15, 12 and 8 years old respectively. Following the demolition of the old hut in which the family used to live, the village community has contributed money and has been building a house for the orphans<sup>14</sup>. Concerning the registration and certification of their possession, since the family was in polygamous marriage, the first level certificate was produced in the name of W/o Wache. At the time of second level registration, as the orphans were under the age of 18, they didn't involve in the registration of their holding and they didn't have a guardian who attended the registration of their possession. Yet, by the help of village elders, the land was registered and certificate was prepared in the name of W/o Wache. During certificate distribution, for lack of legal document that confirm on their inheritance (formal letter of the Woreda First Instant Court), they didn't receive the certificate and still it is in the Woreda FNRD office.*

(Interview with Yonas Mengistu on 05/09/2016)

<sup>14</sup> Refer Appendix K to check the house being built to the orphans by the village community

From the story presented in case 3, it could be inferred that lack of guardians to attend the registration on the possessions of orphans under the age of 18 could adversely affect the orphan's ability to have a use-right certificates. This in turn could affect their bargaining power on their property and, above all, could increase their vulnerability to abuse on their property. In fact, the village community and elders have significantly contributed to the well-being of the orphans, land registration process often require legal guardians who attend the registration of the orphan's possessions. Although lack of certificates could increase the orphans vulnerability, it doesn't mean that all orphans who have use-right certificates could get fair benefit from investments on their land. Evidences reveal that some orphans including those who have use-right certificates are not fairly benefiting from investments on their land. The experience in Meskan *woreda* was presented by head of the *Woreda* Good Governance, Grievance and Compliant office as follows:

*Although possessions of orphans under the age of 18 were registered in care of their guardians and have received certificates, some of the orphans are not able to benefit from the investments on their land. Even some of them work on their land as tenants without getting payment. Lack of awareness has inhibited them from taking their grievances to legal authorities. But, the few ones who came to our office have been getting fair decisions. For example, there are about 400 grievances which were solved simply through telephone calls to kebele administrators. For the unsolved cases at kebele, our office takes the case to the Woreda First Instant Court and follow up until its final decision. (A6 on 1/09/2016)*

This experience, implies that providing certificates to orphans is not a guarantee to their intact benefits from the investments on their holdings unless they are fully aware of their rights and a continuous follow up is held by an independent authority (i.e. *Woreda* Social Protection office) on the applicability of written rights provided by the certificates.

#### **4.4.3 Registration of Communal Lands**

Registration of communal lands depends on two basic sources; recorded documents and oral sources. The recorded sources include information on the location and size of communal lands in *kebele* administration and *Woreda* FNRD office; while the unrecorded information refers to the knowledge and experiences of the surrounding community on the border and size of communal lands.

As shown in Table 7, the *woreda* has about 10,129.19 hectare of communal land located in 23 *kebeles*. Based on the document of the FNRD office, most of the recorded communal lands are

found in inaccessible mountainous parts of the *woreda*. "The amount of communal land in irrigable and agricultural areas is very little and which often tends to decrease through encroachment and legal allocations to landless youths or investors". (A1 on 17/08/2016).

S. No	Kebele	No. of Communal Land	Size (hectare)	S. No	Kebele	No. of Communal Land	Size (hectare)
1	Deresa	30	13.2	14	Sost Amba	14	655.5
2	D. Shershera	6	7.73	15	Meserete Wegera	17	2159.22
3	Wolensho1	3	33.21	16	Sh. Mechmena	6	283.76
4	Dubotutu	10	66.65	17	Jole 1	1	4.43
5	Mekicho	4	0.38	18	Wita	3	311.09
6	Mikaelo	3	20.28	19	Yimerwacho1	1	4.6
7	Gidena Aboret	2	7.9	20	Yimerwacho2	2	11.75
8	Mirab Embor	1	206.53	21	Yimerwacho3	3	119.65
9	Yetebon	2	642.08	22	Wejabati	6	169.04
10	Goyban	2	2521.48	23	Beresa	3	53.6
11	Dobi	23	1110.14	24	Dobena Bati	2	56.12
12	Dida	6	119.61	25	Wolensho1	1	2.46
13	Dega Gogot	7	1548.78				
Total No. of Communal land = 158 Size in hectare = 10,129.19							

Table 7: Quantity and size of communal land in Meskan *Woreda* (Source: FNRD office)

The former deputy core process owner was asked whether there is communal land encroachment in the *woreda* or not, and about the measures taken if it persists.

*Yes, there is an encroachment on communal land. Kebele administrators, LAC's, adjoining farmers to communal lands and landless youths are the main actors in the encroachments. About 70% (495 hectare) of encroached land was returned back by the cooperative action of FNRD office and security forces. There are two reasons for taking this action. The first one is there appears a reduction on the size of communal lands from the recorded data in the first level registration. The second one is that the appeal raised by the group of community who have use-rights on it. (A1 on 17/08/2016)*

According to the Proclamation No. 110/2007, of the SNNPRS, "Land holding certificate for communal land shall be prepared in the name of the beneficiary community and be kept at *kebele* administration offices". Yet, in the *woreda*, as shown in (Appendix C), both in the first and second level certificates, communal lands were registered and certificates were prepared in the name of the *kebele*. This practice is consistent with what was actually reported by World Bank

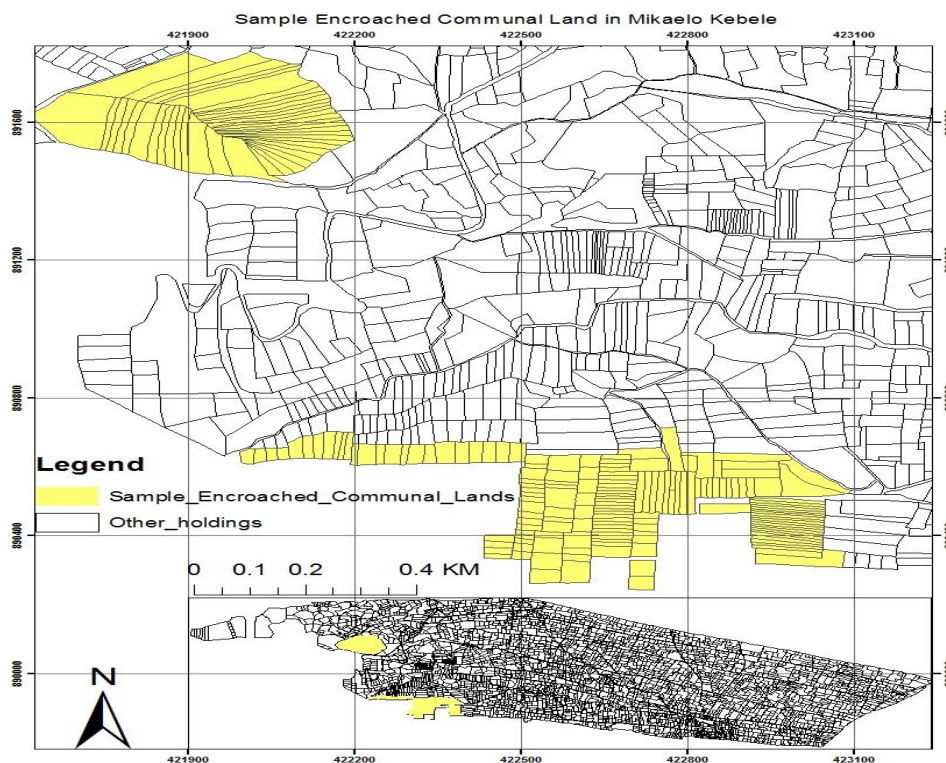
(2012b:48) as the boundaries of grazing communal land were not uniformly recorded in the four regions, and the registration was in the name of the *kebeles* rather than the group of households who have use right on it.

According to an administrator of Wolensho 2 *kebele*, communal lands in the *kebele* were registered in the name of the *kebele* and the certificates have been kept in the *kebele* administration office. "The communities who have use right over the communal lands were not prohibited from using it. But we do not consult the community when transferring communal land to a third party" (A3-2 on 18/8/2016). An interviewed village elder has shared his experience on communal land management in Mikaelo *kebele* as follows:

*Before few years, the kebele has over 500 hectare communal land. But now the registered communal land is not more than 20 hectares. The kebele has been losing 500,000-700,000 birr/year due the sale of pasture (Gitosh). I don't have objection on the allotment of communal land to landless youths. But in the name of these groups, land was sold to farmers who have arable land in the kebele or those who have permanent source of income in Butajira, Addis Ababa and other towns. I took the case to the Zonal Good Governance, Grievance and Compliant office. Appreciating my initiation and motivation, an integrated committee having representatives of the Zonal Good Governance, Grievances and Compliant office and Ethics and Anti-Corruption Officers of the FNRD offices(both from zone and woreda) has visited the encroached communal land and the Ethics and Anti-Corruption officer of the Woreda FNRD office was given an assignment to provide a comprehensive report on the issue before two months [before May 2016]. (V.E on 6/09/2016)*

Even though the Gurage Zone Good Governance, Grievances and Compliant office hasn't declared its final decision yet, the complaints suggest that *kebele* administrators were also some of the actors being claimed for communal land encroachments in the *woreda*.

Figure5:Sample Encroached Communal Land in Mikaelo *kebele*



(Source: Adopted from the Woreda FNRD Office)

Out of the suspected 500 hectare encroached communal land in Mikaelo *kebele*, figure 5, presents 34 hectare (198 parcels), for which recorded evidence was obtained. The *kebele* administrator has indicated that he has transferred list of 24 landholders who have encroached communal land in the *kebele*. Similarly, the reviewed documents in the Woreda FNRD office has indicated that 24 prepared certificates (consisting of about 6.4 hectare) remained unissued for landholders who were suspected on communal land encroachment. An interview participant who was asked whether these individuals were engaged in the encroachment or not has replied as, "these certificates were prepared in the name of individuals who encroached communal land, but this list indicates only residents of 1 sub-*kebele*, the list from the other sub-*kebeles* were not included" (E2-2 on 6/9/2016). An adjoining landholder to a communal land whose holding certificate is among the 24 certificates which were suspected in communal land encroachment, has argued as follows:

*I have 0.75 hectare of land which I inherited from my father. 0.25 hectare of it is used for agriculture, the remaining 0.5 hectare is used for grazing. Even if the land was registered in my name, I was not issued a certificate. Yet, the kebele administrators told me that the land that I have been using is a communal land and it belongs to the kebele. (F4 on 6/09/2016)*

Although the landholder argued as he has inherited the land from his father, he was unable to provide legal documents (the first level certificate & tax receipts) depicting his right on the land. In general, communal land administration in the *woreda* has no clear procedure from registration to certificate preparation. Lack of delineating boundaries of communal lands before registration has provided adjoining landholders with an opportunity to encroach communal lands. For instance, the measure taken by the *Woreda* FNRD office in suspending certificate provision for 24 certificates in Mikaelo *kebele* indicates the process's failure to properly identify boundaries of communal lands before registration and certificate production.

To sum up, section 4.4 has assessed the status of land registration and certification with an emphasis on the extent of registered parcels and disseminated certificates, how the process has considered property rights of women and vulnerable groups, and how it has affected communal land management in the *woreda*. As far as the extent of registered parcels and disseminated certificates is considered, there is a significant disparity between the number of registered parcels and disseminated certificates. Due to various technical and financial challenges, certificate dissemination couldn't exceed 46% of the registered parcels in the *woreda*.

Unlike the case in monogamous marriages, the registration practice in polygamous marriages has favored men in providing them with the right to have a share with all of their wives while restricted the women's share to limited holdings. In addition, lack of guardians to attend the registration on possessions of orphan's under the age of 18 has negatively affected their ability to have a use-right certificate on their holdings. Moreover, bureaucratic procedures of the formal dispute resolution institutions have a tendency to discourage elders to bargain on their property rights in the *woreda*. Finally, lack of delineating boundaries of communal lands before registration has increased communal land encroachment by adjoining landholders to the communal lands.

## CHAPTER FIVE

### CHALLENGES OF LAND REGISTRATION AND CERTIFICATION

Like that of any land administration activity, land registration and certification is not free from challenge. Hence, this chapter presents the main challenges that affected land registration and certification process in Meskan *woreda*. Although challenges related to the implementation capacity of land administration institutions and the procedures of land registration and certification were discussed in chapter 4, the aim of this chapter is to discuss disputes over land, landlessness and minimal holding sizes that have negatively affected land registration and certification process in the *woreda*.

#### 5.1 Disputes over Land

The field team leader has revealed that disputes may arise during registration, during public display and during certification. According to them, disputes on family land and disputes within land sellers and buyers are believed to be arisen by land registration and certification process.

##### i. Disputes on Family Land

Referring to Deininger (2003), Ostuka and Place (2004:4) found that the formal tenure system conflicts with traditional land rights in some parts of the world. In this regard, itself the registration and certification process has been criticized for provoking dispute on family land. According to the informants, in the traditional land administration system parents (father/mother) transfer their land to their children in the presence of village elders ,LAC's or religious leaders. The same participants have argued that issuing independent certificates to children has been a source of dispute among family members who used to live in harmony before certification. The field team leader has reflected his view as follows:

*Traditionally, landholders transfer part of their possession to their children. Although they [the landholders] transferred the land, most of them do not have the trend of formalizing the transaction through Document Registration and Authentication offices. Since the first level certificate was produced in the name of the landholders and the transactions were not officially recorded, some of the landholders deny the transaction and request for the land to be registered in their names in the second level registration. As a result, the landholders have frequently felt in conflict with their children in the second level registration and certification process (A2-2 on 18/8/2016).*

This explanation presents the effect of officially unrecorded transactions on the second level registration and certification process. Similar to the discussion in section 4.2.5, which identified lack of transaction record keeping system as one of the challenges to the land administration system in the *woreda*, it has also affected the land registration process in provoking ownership dispute on land.

## **ii. Land Sale and Related Disputes**

The other type of dispute which often occurs following the registration and certification process is a dispute within land sellers and buyers. One of the key informants interview participants have revealed that land sellers and buyers who used to live in harmony before the registration and certification process often come into conflict during the registration period. As Zerfu and Haris (2014:17) have noted, since the policy restricts land marketing, buyers are always losers in formal dispute settlement institutions. The same issue was argued by the *kebele* administrator of Wolensho1 *kebele* as follows:

*Since the national land policy restricted land sale in the country, there was no trend to transfer the first level certificates to the buyers. As a result, in the second level registration, land sellers often request their lands to get registered in their own names using the first level certificates as an evidence of their right on the possession (A3-1 on 04/9/2016).*

The above interview implies that disputes within land sellers and buyers is one of the perceived challenges to land registration and certification process in Meskan *Woreda*.

Concerning the dispute resolution mechanisms, in any dispute on land, village elders have been given great emphasis in resolving disputes. From its survey in Amhara region, World Bank has provided a report on the dominant modes of dispute resolution mechanisms in rural areas. The report has indicated that about 80% of the rural community take their cases to customary dispute arbitrators (village elders and religious leaders) (World Bank 2012b). Similarly, Dessalegn has stated that Social Courts are more preferred for mediating disputes among the landholders than the formal courts (Rahmato 2007 in World Bank 2012b:56). The reason for the popularity of the customary dispute resolution mechanisms is due to their "simpler, fairer, faster and for their low cost demands and less level of formality" (USAID 2008 in World Bank 2012b:37).

All the interview participants have replied that minor cases such as border disputes were resolved during registration with the presence of the compliant, LAC's and village elders. But the few

unresolved cases were taken to *kebele* social courts and get their final decision there. Such a kind of cases was not reported to escalate this level. According to the informants, except few cases, which prefer the formal dispute resolution institutions, most of the disputes were resolved at *kebele* Social Courts. Using their extensive experiences of mediating disputes and their existing knowledge of respective holders of each parcel in their villages; LAC's, religious leaders and village elders are often successful in mediating disputes.

The *kebele* administrators and LAC's have indicated that the first level certificate is preferred by social courts than the second level certificates for its provision of names of adjoining farmers and for providing information for a landholder on all of his/her holdings with a single certificate. See (Appendix D). The view of a *kebele* administrator from Wolensho1 *kebele* was presented as follows:

*Unlike the green book, the second level certificate doesn't show names of adjoining farmers. While mediating disputes, we order the landholders to bring their second level certificates in the absence of the green book. But we get it irrelevant to the dispute resolution method we use. Rather we prefer kebele documents and eye witnesses to decide on the appropriate holder (A3-1 on 04/9/2016).*

The experience in Wolensho2 *kebele* was also presented by the *kebele* administrator as:

*In my extensive experience as a LAC member and kebele administrator, I have observed that the green book [the first level certificate] is appropriate for dispute resolution in Social Courts. When the landholders report their disputes, we order them to bring their green book to check about the number of holdings they have and name of their adjoining farmers. The second level certificate doesn't qualify these, criteria. Rather numbers [Unique Parcel Identification Numbers] were written on the certificates. Since most of the disputes were resolved by Social Courts, what does this mean for the dispute mediators who do not know modern instruments [GPS] and for some, even who cannot read and write? And even for those disputes mediated by modern courts [Formal Dispute Resolution Institutions], they didn't send a single person [surveyor] to provide information on our possessions. Rather, they send letters for the kebele Social Courts to mediate the dispute using village elders or to provide further information (A3-2 on 18/8/2016) .*

The above quotation indicates that the first level certificate is preferred by customary dispute resolution institutions for fulfilling the requirements of customary dispute resolution institutions than the second level certificates.

## 5.2 Landlessness and Minimal holding sizes

The land registration and certification in Ethiopia is acclaimed for increasing tenure security through investments on land, increasing bargaining power of women and enhanced land transactions (rental market) (Deininger et al. 2009). On the other hand, due to two main challenges— landlessness and minimal holding sizes, it has been criticized for its failure to achieve social equity among rural residents.

As the case in many sub-Sahara African Countries, landlessness is one of the major problems in Ethiopia. It has been argued that especially peasants, women and re settlers are affected by the scarcity of land in Ethiopia (Melkamu and Shewakena 2010:4/20). As far as landlessness in SNNPRS is concerned, Sosina and Holden (2013b:4) have identified the Proclamation No.110/2007 of SNNPRS as one of the factors which tends to increase the number of landless youths in the region by restricting formal transfer of rights on holdings less than 0.5 hectare. Having an objective to provide landless youths with land, the same Proclamation in section 5 has clearly stated the possible options for rural youths to access land either through participating in "voluntary resettlement programs" or through "formal allocation of communal lands" from government authorities. Although the Proclamation states the right to landless rural youths to possess agricultural land through either of these options, it didn't provide alternative options for lack or absence of land which will be given to the landless youths. For instance; what if, if there is lack of communal land and/or in areas where there is no resettlement programs take place?

The reviewed document of the *Woreda* Finance and Economic Development Department (MWFEDD) (2016:31) indicated that, in 2015, there were about 6257 jobless youths in the *woreda* (note that this figure is exclusive of unregistered landless youths in the *woreda*). Out of which, 4791 were rural residents, 2668 of them have got temporary job opportunities while the remaining 3589 have secured their livelihood neither through permanent nor temporary sources of income. For the question, "What measures were taken to provide land or job opportunities to the landless youths?", head of the *woreda* youth office replied as:

*Of course, there are many jobless youths in the Woreda. The Woreda Youth office in collaboration with the Woreda Farm and Natural Resource Development office, Woreda Mineral and Energy office and Omo Microfinance Institute facilitates the provision of communal land (bare land, grazing land and quarry sites) and finance. The youths are expected to be in groups comprised of 5-9 individuals. Initially, they are promoted to engage in less capital intensive activities like quarry and sand development with one year contract on a given land. After saving 7000 birr(20% of the allowed budget for a single group), they will be provided credit of 30,000 ETB (80% of the allocated budget) and shift to capital intensive activities like cereal production, animal husbandry, poultry or other activities with two years contract. After the termination of the contract period, they are expected to own the initial capital to engage in non-agricultural activities. As a result, their land will be transferred to newly grouped youths. Since the amount of available communal land for such activity is far less than the number of the demanding youths, only 10% of the groups that provide winning proposals are beneficiaries of the program. (A5 on 01/9/2016)*

As far as the applicability of such rules is considered, there is disparity between what has been depicted in contract documents to that of in practice. For example; the same respondent has replied that:

*Since engagements in quarry or sand development is a lucrative source of income with a little initial investment, most of the youths who were engaged in developing quarry sites on contract basis are not willing to transfer the land at the end of the contract period. Although we tried our best to take the land in collaboration with polices, still a considerable proportion of these youths didn't transfer the land to their successors. (A5 on 01/9/2016)*

In triangulation, a *kebele* administrator from Wolensho1 *kebele* shared his observation as:

*Some landless youths have been investing on communal lands with contract basis. But I didn't see peaceful transfer of the lands to their successors. In some places, the youths fall in deadly conflicts when their land transferred to 'investors'. I am not clear on the causes of the conflicts if the youths have agreed and signed contracts to transfer the land to their successors at the end of the contract period, and whether the woreda has transparent and accountable land transaction system or not (A3-1 on 04/9/2016).*

In response to lack of employments and landlessness, the rural youths take mitigation mechanisms such as, "migration to Addis Ababa, the Middle East and other cities in the country" (MWFEDD 2015:21; A3-1 on 04/9/2016 and A1 on 17/08/2016)

Minimal holding size is the other pressing problem reported to undermine productivity and reduce net farm income in Ethiopia. The report of EEA (2002), has indicated that net farm income is higher in regions with relatively higher average holding sizes. Referring to Meskan

Woreda FNRD office, MWFEDD (2015:20) has identified the *woreda* as one of the land scarce and fragmented *woredas* in the region. The following table clearly indicates holding sizes in respect to the households in the *woreda*.

<b>Holding size (hectare)</b>	<b>Number of households</b>	<b>Percentage (%)</b>
< 0.5	6096	31
0.5- 0.9	10,466	53
1-2	1914	9.6
> 2	1391	6.4
<b>Total</b>	<b>19,870</b>	<b>100</b>

Table 8: Statistical Report of Holding Sizes in Household level (Source: MWFEDD,2015)

From table 8, one can understand that, about one third (31%) of the households in the *woreda* have holding sizes less than 0.5 hectare—the "minimum holding size" for rain fed agricultural lands as specified by Proclamation No.110/2007, of the SNNPRS (section 2). As Sosina and Holden (2013b:4) noted, "...This is particularly true for Southern Ethiopia where farm size is the smallest in the country. New land laws also add complication as the minimum farm size is now set as 0.5 hectare while many farms are already smaller than this". About 53% of the households have holding sizes ranging from 0.5-1 hectares. The remaining 9.6% of the households comprises of 1-2 hectares while the rest 6.4% of the households possess above 2 hectares.

It is obvious that assuring food security via the usual farming system is hardly achievable for the households with minimal holding sizes. According to the interview participants, investments on rented land, engagements in off-farm activities and cultivating cash crops are among the main coping strategies taken to secure the livelihoods of landholders with minimal holding sizes. Respondents from Wolensho1 and Wolensho2 *kebeles* reflect almost similar opinions; while those from Mikaelo conveyed quiet different practices on mechanisms being taken to increase household income. "..., even if it is difficult to get land through rent or sharecropping, the few, who have got these options have better chances to increase their household income while some others are engaged in off-farm activities like daily labor and petty trade in Butajira town". (A3-1 on 04/9/2016). "There is almost no land to get through rent or sharecropping, households with minimum holding sizes engage in trade and daily labor activities in Butajira and surrounding towns" (A3-2 on 18/08/2016) .The case in Mikaelo *kebele* was discussed as follows:

*The soaring price of Khat has promoted massive cultivation of Khat plant in the kebele. In addition to investing on cereals, almost all farmers have a trend of cultivating Khat in his/her fragmented land. Beyond assuring their food security, some farmers have owned permanent assets like car, shops and built houses in Butajira and Addis Ababa; largely from the sale of Khat. (A3-3 on 19/08/2016)*

In addition, the field team leader who had the exposure of facilitating the registration process in the LIFT intervened *kebeles* has shared his experience as follows:

*In kebeles located south-west of Butajira town like Mikaelo, Wurib, Gidena Aboret, Ytebon, Mirab Meskan, Mirab Embor and Goyban, there is land scarcity and fragmentation more than anywhere else in the woreda. Concerning farming practices, every plot of land in these kebeles is covered with a mosaic of crops. It is common to see a timad (about 0.25 hectare) of land is usually covered by 4 types of crops such as Enset, Khat, Corn and others. Except Khat, all the crops are meant to domestic consumption while the cash gained from the sale of Khat has induced the income of many households (A2-2 on 18/08/2016).*

Perhaps, the small plot, which might not help to sustain the livelihood of the rural community by cultivating cereals would better improve the income of the farmers through the cultivation of cash crops like *Khat*.

A farmer with minimal holding size in Mikaelo *kebele* has discussed land scarcity and the alternative sources of income in the *kebele* as:

*There is 1.5 timad (about 0.375 hectare) of land serving 5 households(a total of 17 family members) composed of me and my 4 brothers. Apart from building our homes, Khat, Enset and Avocado are the main crops being cultivated on the land. Since our application to the kebele administration 3 years ago to invest on communal land was refused, we have been engaged in off-farm activities like daily labor. My wife produces home-made traditional carpet (Jiba) for sale. Similarly, wives of my two brothers are merchants in Butajira town. Doing so, I am earning at least for subsistence (F5 on 06/09/2016).*

Like that of the case in other parts of the country, landlessness and land fragmentation are pressing problems in the *woreda*. As can be inferred from the interviews, the *woreda* is in chronic scarcity of land and, land fragmentation has affected the livelihoods of many households in the *woreda*. As a result, in response to a reduction in household income, many rural households were engaged in cultivating cash crops and off farm activities like daily labor and petty trade.

To sum up, chapter 5 summarized the main challenges affecting land registration & certification process in the *woreda*. Disputes within land sellers and buyers and among family members have

affected the registration process in arising disagreement over the person whose name will be registered as a holder. In addition, due to the growing number of landless youths in the *woreda*, the certificate has partly failed to succeed in one of its objectives—to achieve social equity (Daniel 2012:5/27) in rural areas. Moreover, the SNNPRS Land Administration and Use Proclamation No. 110/2007, which sets 0.5 hectare as a "minimal holding size" for rain fed agriculture was identified as one of the challenges restricting certificate dissemination for about 31% of the households in the *woreda* who possess less than 0.5 hectare of land.

## **CHAPTER SIX**

### **CONCLUSION AND RECOMMENDATIONS**

This chapter summarizes the major findings that were drawn from the discussions and states conclusions based on the findings. In addition, possible recommendations were provided for the improvement of the registration and certification process and to minimize the major challenges faced during the process.

#### **6.1 Summary**

This study attempted to examine land registration and certification process in Meskan *woreda* with an emphasis to the process, status and challenges. The study used qualitative research approach to collect, present and analyze the data. The data collected through interviews, document review and case study were used to generate meaning for this research. Accordingly, the data analysis indicated the following major findings in accordance with the research objectives expected to be addressed by this paper.

The findings of the study indicate that the *woreda* FNRD office lacks qualified land administration and technical experts. The trainings provided to *woreda* and *kebele* experts were short and inadequate. Concerning budget allocation, compared to the government, the donor funded projects (REILA & LIFT) have allocated relatively fair budget and they have fairly distributed certificates and the process is still ongoing in the remaining *kebeles*. In relation to the data management practices, improvements have been observed than it was at the beginning of the registration process. For instance; the adoption of the self protective operating system (Ubuntu) has solved treats of loosing soft copy data by virus attack. Whereas managing hard copy data (maps and other documents) looks still challenging. Lack of infrastructures such as broadband internet and telephone services has partly affected the efficiency of the registration and certification process in the *woreda*. Finally, as indicated in the paper, the *woreda* lacks updating transaction records of parcels. Although efforts have been made to record on transactions by the *Woreda* FNRD office and LIFT program, the attempt didn't pass a trial stage. As a result, lack of updating transaction records has a tendency to lose the credibility of the registration in isolating what has been registered in papers from who really owns the land on the ground.

Concerning the coverage of the registration and certification of holdings in the *woreda*, the pace at which the registration and demarcation has taken place was not extended in the production and dissemination of certificates. Although all *kebeles* were covered by registration and demarcation, certificates were given for less than half of the registered and demarcated parcels in the *woreda*. When *kebele* level coverage is concerned, as shown in (Appendix I), only 2 *kebeles* have received certificates for all of the registered and demarcated parcels, whereas 17 *kebeles* received some of the produced certificates. In addition, certificates were prepared but not distributed in 12 *kebeles* and inadequacy of financial resource has restrained certificate production for the remaining *kebeles*. As the certificate production didn't consider transaction records carried out after the registration, the delays in the production and distribution process tends the registration to lose its value. For example, as time goes on, the credibility of the certificates that will be produced for the nine *kebeles* which were registered before three years will largely be compromised.

The procedures followed during the registration and certification process depend on the projects involved in the process. As a result, clear procedures were followed in some *kebeles* with strong public participation while in the others the procedures were not clearly addressed for lack of adequate financial resources and the rush to grant certificates. The study has revealed that lack of clear procedures has created an entry point to bribe in enforcing landholders for inflated payments for photographs. In addition, lack of need assessments prior to designing the second level certificates has reduced its significance to social courts. Since, the second level certificate didn't include names of adjoining landholders with their respective holding sizes, which are the key requirements of social courts; it is less preferred by the social dispute mediators than the green book. Moreover, receiving the first level certificate from landholders with providing second level certificates for some of their holdings has created a vacuum in the level of tenure security for lack of legal document confirming their use-rights on the remaining holdings.

The trend in the registration and management of communal land in the *woreda* lacks clear procedures and transparent controlling mechanisms. Lack of demarcating boundaries of communal land before registration has partly contributed to disputes among *kebele* administrators and adjoining landholders to the communal lands who were suspected in

communal land encroachments. Contrary to what has been stated in the Land Administration and Use Proclamation Number 110/2007 of SNNPRS; which promote the registration and certification of communal land in the name of the beneficiary community, communal lands in the *woreda* were registered in the name of the *kebeles*. In addition, lack of proper controlling mechanisms in accordance with the binding contract agreements which were made before land transaction was reported to induce conflict among the landless youths who have been given temporary use rights on the land with their successors. Moreover, failures to consult with the surrounding community to the communal lands who have customary rights on the communal lands while transferring the land to a third party was reported to build mistrust among the beneficial community on the transparency of the transaction processes.

Finally, mixed results have been observed concerning the registration and certification of land held by women, elders, orphans and disabled persons. Some of the holdings are registered and certificates were produced in the name of the women, elders, orphans and disabled persons, and they have been getting fair benefit from investments on their lands. Others are not fairly benefiting from the investments on their holdings even if they have use-right certificates. Whereas the rest fall under those neither whose holdings were registered & certificates were produced in their names nor who are benefiting from the investments on their holdings. Lack of awareness and less bargaining power are the main challenges from the landholders' side while inadequate follow up mechanisms on the benefits of these groups from the side of concerned government authorities are the perceived challenges to the process. It does not necessarily mean that those who are fairly benefiting from their holdings are fully aware on the process and have better bargaining powers. But for the presence of loyal and cooperative guardians, *kebele* administrators, village elders, LAC's... etc to some extent.

## **6.2 Conclusion**

The study has indicated that the second level registration and certification has a history of above four years in the *woreda*. Since its inception, the provision of the certificates has covered nearly half of the registered parcels. When the time taken for the main activities is considered, certificate production and dissemination has taken longer time than the registration and demarcation of parcels in the study area. The procedures followed during the process tend to depend on the availability of resources and technology in accordance with the proclamations and

regulations at national and regional levels. Absence of one or more of these factors has contributed not only for the under coverage of certificate disseminations, but also has affected the quality of the outputs—certificates. For instance; some of the certificates were decided to be re-issued by the *Woreda* FNRD office for one or more procedural errors made in the process.

Involvement of landholders in the process basically depends on their level of awareness on the benefits of the process. The study has indicated that the main source of information on the benefits of the process is interpersonal communications among landholders than the formal public awareness campaigns. Lack of information along with less bargaining powers have created a room for abuses on the rights of some landholders, especially women, elders and orphans.

Failures to demarcate boundaries of communal lands before the registration of individually held land in the *woreda* among other factors has induced the encroachment of communal land by adjoining landholders and *kebele* administrators. As the study indicated, about 24 produced certificates were not disseminated to the landholders for suspected encroachments on communal lands. And *kebele* administrators were being accused for encroachments by a village elder and the *Woreda* FNRD office in one of the sample *kebeles*.

### **6.3 Recommendations**

To minimize the challenges stated by the findings of this research and improve the dissemination of holding certificates both in quality and quantity, the researcher has tried to suggest on the possible recommendations. Based on their roles and responsibilities, different parties involved in the process were recommended as follows:

#### **a). Farm and Natural Resource Development Offices at Federal, Regional and *Woredas***

Farm and Natural Resource Development Offices are expected to:

- ✓ improve their capacity (financial and human resource) as deemed by the registration and certification process
- ✓ strictly follow the regional proclamation and regulation on the management and registration of communal lands
- ✓ collaborate with the *woreda* Social Protection Department and follow up on the registration of parcels held by vulnerable groups (women, Elders, disabled persons, orphans) and be sure on their benefits from the investments on their holdings are intact

#### **b). Projects involved in the process (Government and Collaborators)**

All of the projects that have been conducting the process are expected to:

- ✓ be sure that they have clear procedures and all the procedures have been strictly followed
- ✓ involve representatives of village elders, LAC's and concerned parties before designing and producing holding certificates
- ✓ provide second level certificates for all individually held parcels before taking the first level certificates from landholders
- ✓ triangulate all the information provided by the landholders with that of the LAC's and the adjoining landholders

### **c). Landholders**

The main activities that are expected from landholders include:

- ✓ be aware on the benefits of the registration and certification process through attending formal public awareness raising campaigns and/or informal communications with landholders
- ✓ cooperate with field registrars and surveyors in providing accurate socio-economic and parcel information

### **d) Land Policy**

The national land policy of Ethiopia is expected to:

- ✓ set clear rural land registration and certification procedures from public awareness raising to certificate dissemination
- ✓ increase the capacity of land administration institutions to undertake land transaction record keeping system in Ethiopia
- ✓ provide alternatives on the registration on the holdings of orphans below the age of 18 who have no guardians to attend the registration and receive the certificates
- ✓ Provide equitable land registration and certification mechanism which maintain the benefits of the husbands and wives in polygamous marriages
- ✓ set clear implementation criteria on the registration of communal lands written in the Land Administration and Use Proclamation No. 110/2007 of the SNNPRS

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## APPENDICES

### Appendix A

#### I. Interview questions for administrators and landholders

The purpose of this interview is to collect data for the MA thesis being conducted with a title: "*Land Registration and Certification in Meskan Woreda, SNNPRS: Process, Status and Challenges*". Beyond its academic significance, your genuine responses would have valuable merits in providing the image of land administration practices in the *Woreda*. Thank you very much for your cooperation!

Age \_\_\_\_\_

Sex \_\_\_\_\_

Marital status \_\_\_\_\_

Educational Background \_\_\_\_\_

Position(for administrators and experts)\_\_\_\_\_

*kebele* (for *kebele* administrator, LAC's and landholders)\_\_\_\_\_

- a) The deputy core process owner in the *Woreda* FNRD office, *Kebele* Administrators, LIFT *Woreda* coordinator and Field team leader
1. What procedures were followed before registration and demarcation, during registration and demarcation, during public display and during certification?
  2. Do you think that all individually held parcels in the *Woreda/Kebele* are covered by the registration and certification?
  3. Are there unregistered and uncertified parcels in the *Woreda/Kebele*? If yes, what are the reasons for missing and what is planned by WARLA/the involved programs to register and issue certificates for missed (unregistered and uncertified) parcels?
  4. The rights of women and vulnerable groups ( elders, orphans and disabled persons) during and after registration and certification
    - 4.1 Does names and photos of both husband and wife appear on the certificate as joint owners?
    - 4.2 How does the registration take place in polygamous marriages; does names and photos of all wives appear on the certificates as a joint owner?

4.3 Were the land rights of elders, orphans and disabled persons kept as any able bodied person in the *Woreda*? If not what mechanisms were deployed to protect their rights? and in case of abuse, what measures were taken by the WARLA to protect their rights during the process?

5. Registration and certification practices of family land

5.1 How was a family land (the land that is commonly used by family members) registered and certified?

6. Updating of land transaction records

6.1 How does land transactions up accessed for the certified parcels? if no updating, how does the *woreda/kebele* manage to keep the records of transacted lands?

6.2 Is there land sale and related disputes mediated by the *woreda/kebele* during the registration process? If yes, what were the causes and how were they mediated?

7. Registration and certification practices of communal lands

7.1 Is there a communal land in the certified *kebeles/your kebele*? if yes, were the boundaries of the communal lands demarcated before registration ?

7.2 Are communal lands registered and certified? If it is registered/certified, by whose name was the land certified?

7.3 Are there allocated communal lands by the *woreda* youth office for landless youths?

7.4 Is there communal land encroachment? If yes, what measures were taken by the WARLA/*kebele* to protect the encroachments, to take back the encroached land and to take corrective measures on the involved parties in the encroachment?

8. landless farmers

8.1 Are there landless farmers in the *woreda/kebele*? If yes, what mechanisms were deployed to give them land?

Additional Interviews for *Kebele* administrators

9. How many LAC members are there? how many Female LAC's are there?

10. How long is it since the present LAC's elected?

11. What are the criteria to select LAC's?

b) *Kebele* Land Administration Committees (LAC's)

1. How long is it since you are elected?
2. What is your role in the land registration and certification process?
3. Were all parcels held by the same farmer registered? if not why?
4. How do you manage your domestic work with the LAC during registration?
5. How do you manage your time during registration when you confronted with personal or social issues (i.e. market days, burial or religious ceremonies, ... etc)?
6. Was there communal land encroachments in the *kebele*? if yes, did you located the encroached lands and the involved parties in the encroachment to the field registrars and the *kebele* administration?
7. Did you have incentives (daily subsistence) during the land registration? if yes, was it comparative to the governments daily subsistence rate of the time?

c) Head of *Woreda* Youth office

1. Are there landless youths in the *woreda*? If yes, what is the figure at *woreda* level?
2. What measures were taken to provide land or job opportunities to the landless youths?
3. Based on the regional proclamation, if communal land is allocated for landless youths on a temporary basis, does the *woreda* youth office follow it and allocate the land to other landless youths at the end of the contract period?
4. If there is allocated communal land to landless youths on a temporary basis, does the *woreda* youth office follow in whose name was the land registered?
5. If there is a communal land encroachment in the *woreda* what is the role of the *woreda* youth office in protecting the encroachments, to take back the encroached land and to take corrective measures on the involved parties in the encroachment?

d) Head of *Woreda* women office

1. What was the role of the *woreda* women office in creating public awareness to women during land registration and certification?
2. What are the efforts made by the *woreda* women office to protect the land rights of women?
3. Is there any support or counseling service for women whose land rights were abused?
4. Are there landless women in the *woreda*? What measures were taken by the *woreda* women office to provide them with land or to create them job opportunities?

e) Head of *Woreda* Document registration and Authentication

1. What is the role of *Woreda* Document registration and Authentication office?
2. Is there a trend by the farmers to come to the *Woreda* Document registration and Authentication office to officialize land transaction? if not why?
3. How much land transaction records are there in the *Woreda*?
4. What measures were taken by the *Woreda* Document registration and Authentication office to create awareness on official land transactions?

f) Landholders whose holdings were registered and certified

1. How do you hear about the registration and demarcation process?
2. Have you attended all the procedures from registration and demarcation to certification? if not which procedure did you miss?
3. If you have more than one parcel, are all your parcels registered? If not why?

g) A landholder involved in land transactions

1. Did your spouse agreed and signed on the contract as a joint owner? if not why?
2. Did you make the transaction official through the document registration and authentication office? if not why ? and what alternatives did you use to record the transaction?

h) A landholder adjoining to communal lands

1. What is the size of your holding (in hectares)?
2. Do you have use right certificate/s on your holding/s? if yes was the boundary of your neighboring communal land demarcated and registered before certification?
3. Do you think that you and/or your neighboring farmers are engaged in communal land encroachments? if yes, is that part of the certified plot/s and what are the causes for your engagement/s?

i) A landless farmer

1. What is the occupation your livelihood depends on? If farming, what is your means of land acquisition?
2. Have you applied for the *Woreda* youth office for land allocation?

II. Vulnerable groups (Women, elders, disabled persons and orphans) - (case study)

- ✓ Detail Cases (stories) related to the registration, demarcation and certification process were taken for each

Appendix B  
Profile of study participants


Code	Sex	Age	Marital Status	Level of education	Date	Description	Location (Woreda/Kebele)
A1	M	35	Married	BSC degree	17/8/16	The former deputy core process owner	FNRD(Woreda)
A2-1	M	40	Married	MA degree	18/6/16	Woreda coordinator	LIFT program
A2-2	M	25	Single	BSC degree	18/8/16	Field team leader	LIFT program
A3-1	M	47	Married	Grade 10	04/9/16	Kebele administrator	Wolensho-1
A3-2	M	50	Married	Grade 8	18/8/16	>>	Wolensho-2
A3-3	M	45	Married	12 complete	19/08/16	>>	Mikaelo
A4-1	M	47	Married	Grade 10	04/9/16	LAC	Wolensho-1
A4-2	M	50	Married	Grade 8	18/8/16	>>	Wolensho-2
A4-3	M	57	Married	Grade 6	19/8/16	>>	Mikaelo
A5	M	35	Married	BA degree	1/9/16	Head of youth office	Woreda
A6	F	43	Married	BA degree	1/09/16	Head of Woreda Good Governance, Grievance and Complaint office	>>
A7	F	42	Married	BA degree	6/09/16	Head of Ethics and Anti-corruption office	FNRD office (Woreda)
M	F	45	Married	Illiterate	04/9/16	A woman in monogamous marriage	Mikaelo
E1-1	F	24	Single	TVET dip.	21/6/16	A technical expert engaged in all Kebeles which were covered by the process	FNRD office (Woreda)
E1-2	M	26	Single	TVET dip.	7/09/16	Database expert	FNRD(Woreda)
E2-1	M	34	Married	12 complete	6/9/16	Land administration expert	Wolensho-1
E2-2	M	33	Single	TVET dip.	6/9/16	>>	Mikaelo
E3	F	30	Married	LLM degree	04/9/16	Document Reg/n and Authentication Expert	Woreda First Instant court
E4	M	40	Married	BA degree	04/9/16	Document Reg/n and Authentication Expert	Butajira town and surr. area court
F1	M	50	Married	illiterate	5/09/16	A farmer who held a use-right certificate	Wolensho-1
F2	M	59	Married	illiterate	05/9/16	A farmer who didn't get a use-right certificate	>>
F3	M	40	Married	12 complete	05/9/16	A farmer involved in land transaction	>>
F4	M	54	Married	Grade 7	6/09/16	A farmer adjoining communal land	Mikaelo
F5	M	49	Married	Readand write	6/09/16	A farmer with minimal holding size	>>
V.E	M	61	Married	Grade 10	6/9/16	A village elder	Mikaelo

Interview Participants

FNRD= Farm and Natural Resource Development office, M= male, F= female

Appendix C

First level certificate showing Communal land



በደቡብ ብ/ብ/ሕ/ክ/መንግሥት በግብርናና ገጠር ልማት ቢሮ  
የተፈጥሮ ሀብትና የገጠር መሬት አስተዳደር ዘርፍ

የወል፣ የመንግሥትና መንግሥታዊ ያልሆኑ ድርጅቶች  
የይዘታ ማረጋገጫ የምስክር ወረቀት

መለያ ቁጥር *#001261008101/2009*

1) በ *ገ.ጌ* ዞን በ *መስከር* ልዩ ወረዳ/ወረዳ  
በ *ወረዳ - 15* ቀበሌ በ *ሀንጃር - 1* መንደር  
የሚገኝ የ *ወረዳ* ይዘታ ነው።

2) የይዘታው ስፋት በሄክታር *0.5 (ወረዳ 461)*


3) የይዘታው አዋሃዎች  
ሀ. በሰሜን *ወረዳ* ለ. በምስራቅ *ገገሳ*  
ሐ. በደቡብ *ወረዳ* መ. በምዕራብ *ወረዳ*

4) ይህ ይዘታ የ *ወረዳ* ስለመሆኑ፣

ሀ. የረገጠው ስም *ገገሳ*  
ፊርማ *[Signature]*

ለ. የፀደቀው ስም *ገገሳ*  
ፊርማ *[Signature]*

ሐ. የተሰጠበት ቀን *3-12-05*

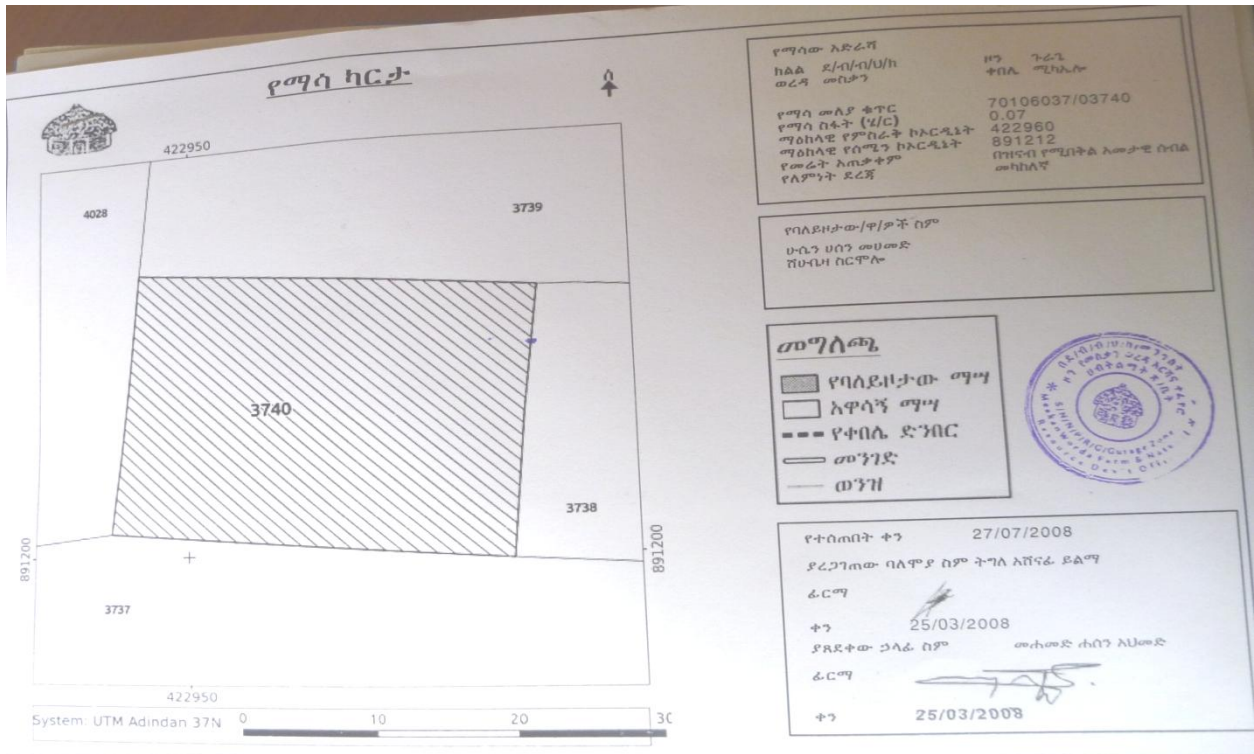


Appendix D  
Components of First and second level certificates

5. የደብዳቤ አዋጣኞችና ስፋት በኬክታር

የደብዳቤ ቁጥር	ደብዳቤ በኬክታር	የደብዳቤ አዋጣኞች				ደብዳቤው የሚገኝበት ንዑስ ተበላ ስም
		በሰሜን	በደቡብ	በምሥራቅ	በምዕራብ	
1	0178	አርጥሮ	ዘገባ	አርጥሮ	ሬታ	
2	0112	ሬታ	ደብዳቤ	ዘገባ	ደብዳቤ	
3	01225	ደብዳቤ	ሬታ	አርጥሮ	ና)	
4	010425	ገብተ	ደብዳቤ	ደብዳቤ	ግብተ	
5						

1. Components of first level certificate



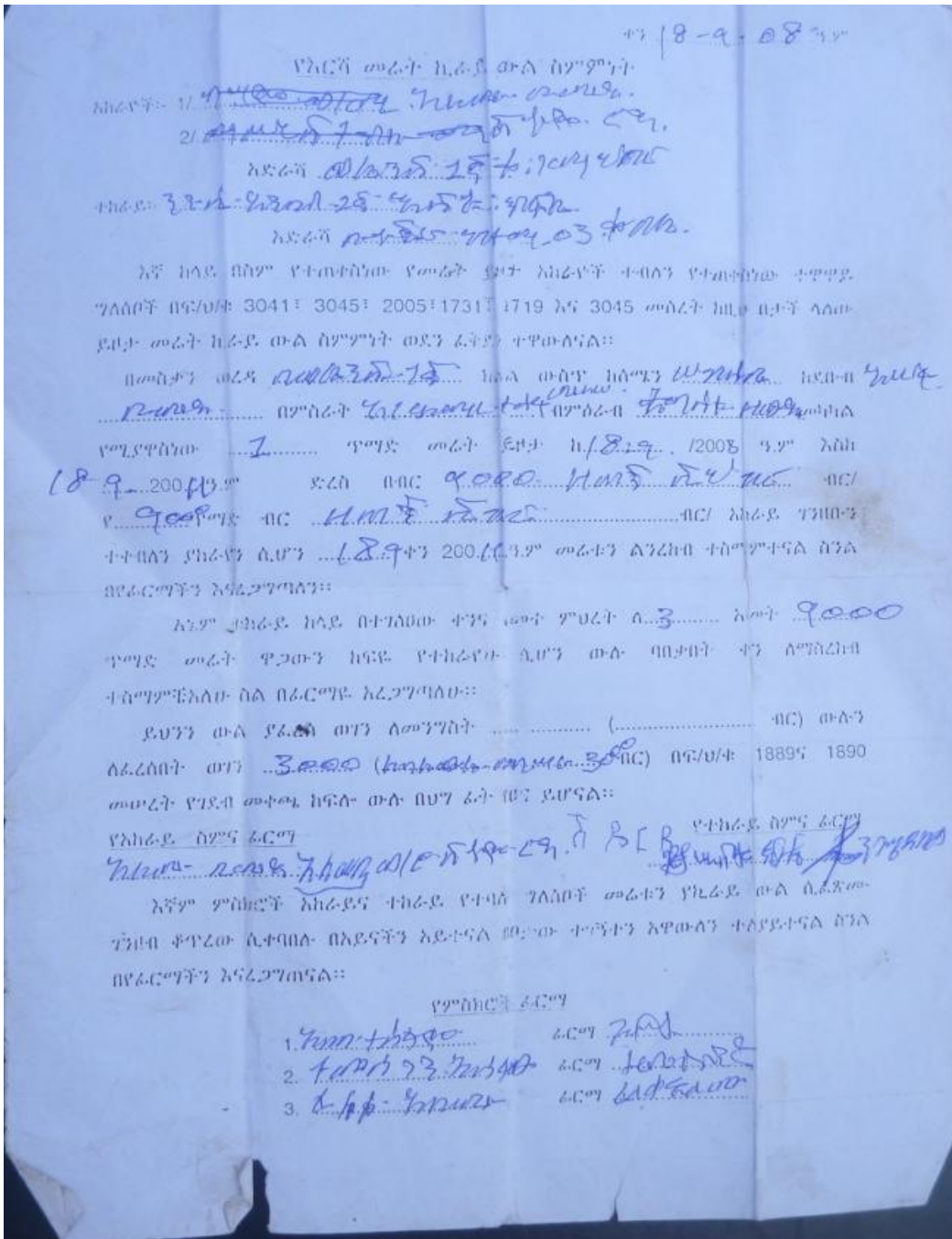
2. Components of Second level certificate

ማስታወቂያ

ቡታ/አካ/ማህ/ጽ/ቤት የስጦታ ውል ምዝገባ ለማድረግ ለምትፈልጉ ከዚህ በታች የተዘረዘሩትን መረጃዎች አሟልታችሁ መቅረብ ይኖርባችኋል፡-

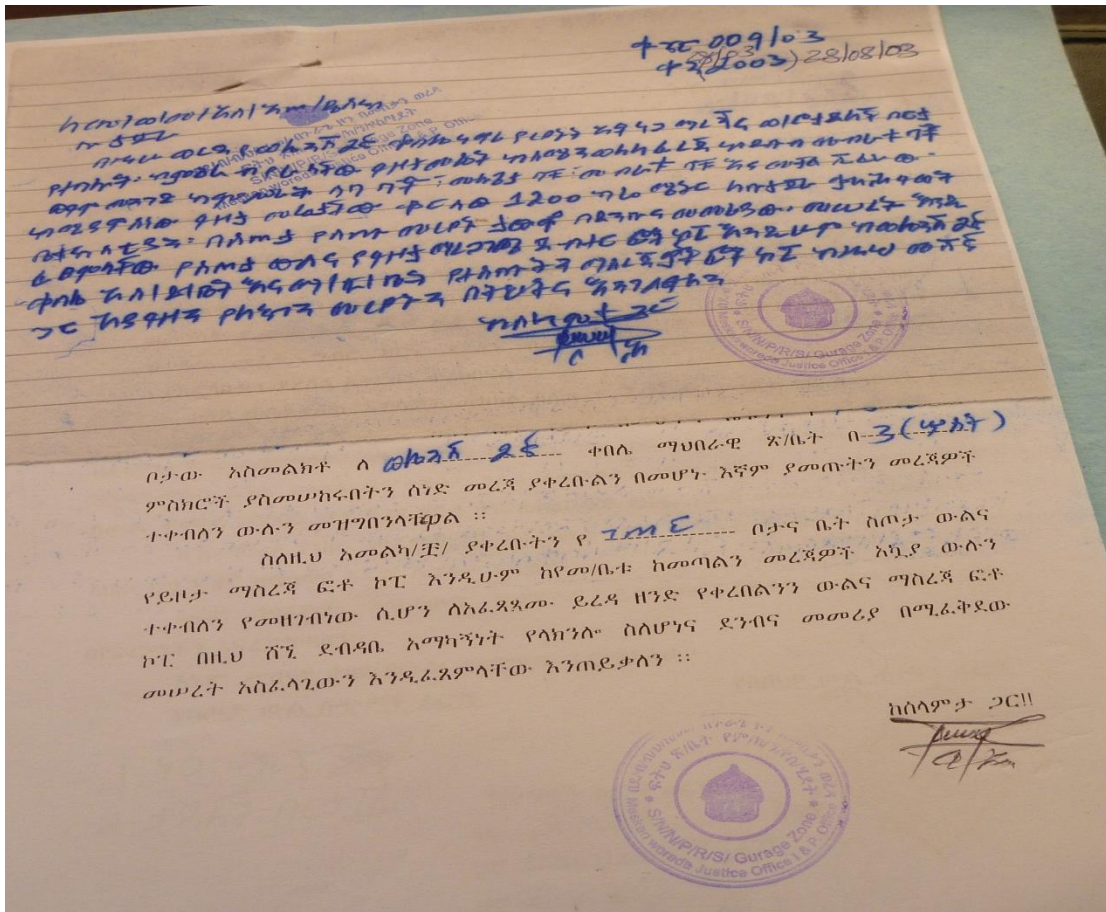
- ውል በ4 ኮፒ የተሰራ ፣
- ከከተማ አስተዳደር ታክስ አስተዳደር ክፍል የቴምብር ቀረጥ መስፈሉን የሚገልጽ ደብዳቤ ፣
- ከማዘጋጃ ቤት ቤቱ ከባንክ እዳና ክፍ/ቤት፣ ክርክር ነጻ ስለመሆኑ እንዲሁም የዘመኑን ግብር መገበሩን የሚገልጽ ደብዳቤ ፣
- ቤቱ ካለበት ቀበሌ ቤቱ የውል ሰጪው ስለመሆኑ የሚያረጋግጥ ደብዳቤ ከነማስታወቂያው ፣
- ውል ሰጪው ውሉ እንዲመዘገብለት የሚገልጽ ማመልከቻ /ለመ/ቤቱ/ ፣
- የቦታ ማረጋገጫ ኦርድናሉን ከ4 ኮፒ ጋር ፣
- የውል ሰጪውና ውል ተቀባይ የታደሰ የዘመኑ መታወቂያ ኦርድናል ከ1 ኮፒ ጋር ፣
- ቴምብር የ20 ብር ይዘው በመምጣት ቢሮ ቁጥር 6 በመገኘት የስጦታ የውልና ማስረጃ ምዝገባ ማድረግ እንደሚችሉ እንገልጻለን ።

Appendix F  
Sample Traditional Transaction Record System



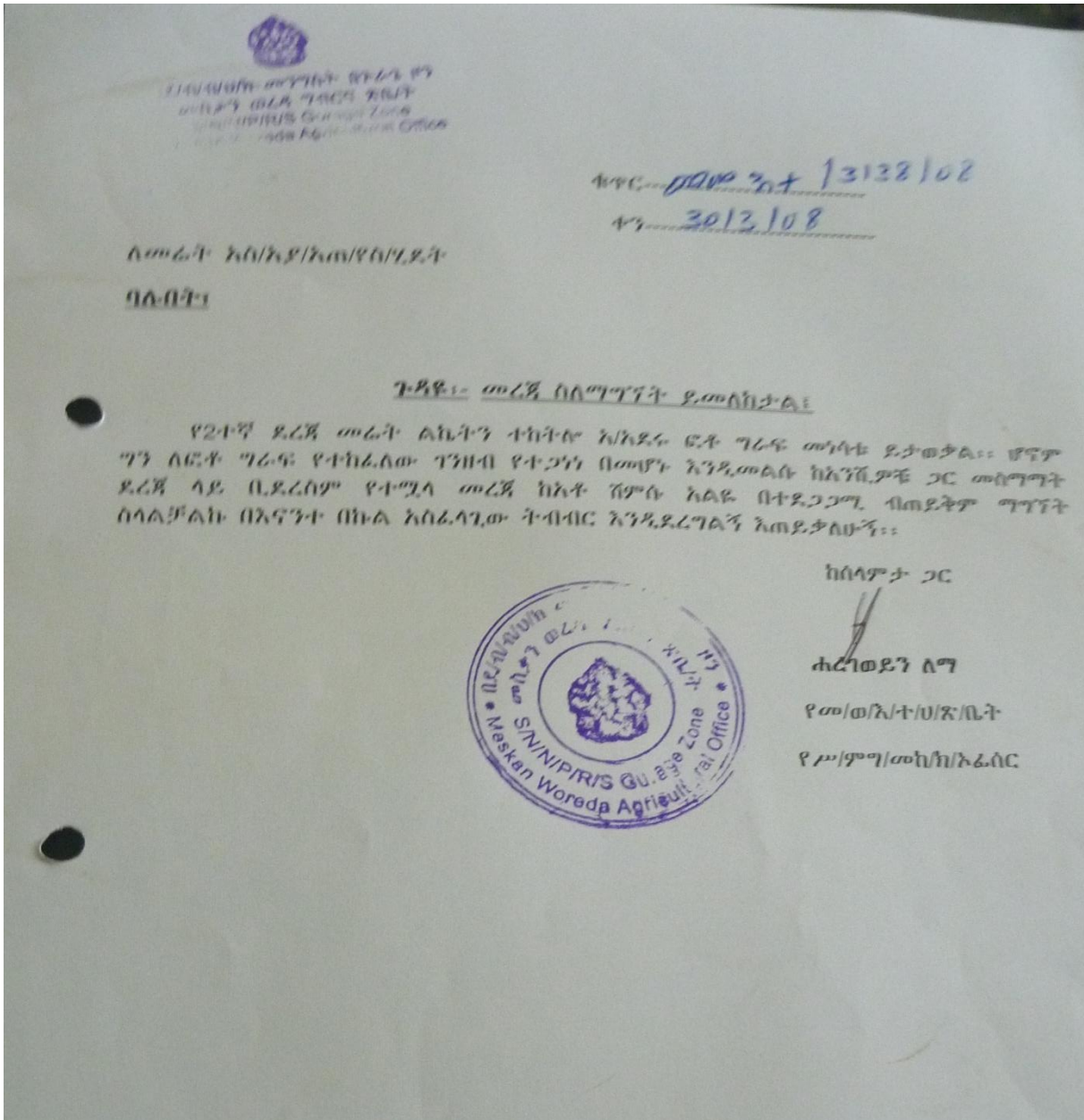
Source: A farmer involved in traditional land transaction

Appendix G  
Sample modern transaction Record



Appendix H

Letter of Ethics and Anticorruption Department in the Woreda FNRD office



Source: Ethics and Anti-Corruption Department of the Woreda FNRD office

Appendix I  
Coverage of The Second Level Land Registration and Certification in Meskan Woreda

S. No	kebele	No. of registered & digitized parcels				Holding size (hectare)				No. of parcels for which certificates were prepared				No. of holders who received certificates				Issued certificates	Difference b/n Prepared & issued certificates		Difference b/n registered & digitized parcels & issued certificates		Implementing agents
		M	F	G	T	M	F	G	T	M	F	G	T	M	F	G	T		#	%	#	%	
1	Wolensho 2	1637	620	107	2364	713	80	7	5528	1637	620	107	2364	629	285	53	967	2364	0	0	0	0	REILA
<b>Sub-total</b>		<b>1637</b>	<b>620</b>	<b>107</b>	<b>2364</b>	<b>713</b>	<b>80</b>	<b>7</b>	<b>5528</b>	<b>1637</b>	<b>620</b>	<b>107</b>	<b>2364</b>	<b>629</b>	<b>285</b>	<b>53</b>	<b>967</b>	<b>2364</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
2	Wolensho 1	1340	334	27	1701	570	80	17	4069	1218	412	20	1650	400	120	4	524	1650	0	0	51	3	Government
3	Mekicho	1939	600	97	2636	630	265	15	6182	1220	414	89	1723	500	212	1	713	1723	0	0	913	34.6	
4	D/Shershera	1698	700	61	2459	550	50	7	5525	1216	420	60	1696	180	82	4	266	1696	0	0	763	31	
5	Dubotutu	1273	321	60	1654	300	200	7.9	3816	1219	404	31	1654	370	101	4	475	1654	0	0	0	0	
6	S/Shershera	1604	700	16	2320	600	150	2	5392	0	0	0	0	0	0	0	0	0	0	0	2320	100	
7	Mis/Meskan	1641	503	19	2163	550	210	0.25	5086	0	0	0	0	0	0	0	0	0	0	0	2163	100	
8	Mir/ Meskan	1618	426	39	2083	670	350	5	5191	0	0	0	0	0	0	0	0	0	0	0	2083	100	
9	Mis/Enbor	1702	704	16	2422	700	180	7	5731	0	0	0	0	0	0	0	0	0	0	0	2422	100	
10	Drama	1731	714	46	2491	720	104	30	5836	0	0	0	0	0	0	0	0	0	0	0	2491	100	
11	Elle	2417	900	200	3517	740	211	7	7992	0	0	0	0	0	0	0	0	0	0	0	3517	100	
12	Beche	1607	738	55	2400	354	190	2	5346	0	0	0	0	0	0	0	0	0	0	0	2400	100	
13	Bati-Feto	2219	938	220	3377	600	180	2	7536	0	0	0	0	0	0	0	0	0	0	0	3377	100	
14	E/Ahame	1716	413	50	2179	160	70	6	4594	0	0	0	0	0	0	0	0	0	0	0	2179	100	
<b>Sub-total</b>		<b>22505</b>	<b>7991</b>	<b>906</b>	<b>31402</b>	<b>7144</b>	<b>2240</b>	<b>108</b>	<b>72296</b>	<b>4873</b>	<b>1650</b>	<b>200</b>	<b>6723</b>	<b>1450</b>	<b>515</b>	<b>13</b>	<b>1978</b>	<b>13446</b>	<b>0</b>	<b>0</b>	<b>24679</b>	<b>78.6</b>	

S. No	kebele	No. of registered & digitized parcels				Holding size (hectare)				No. of parcels for which certificates were prepared				No. of holders who received certificates				Issued certificates	Difference b/n Prepared & issued certificates			Difference b/n registered & digitized parcels & issued certificates		Implementing agents
		M	F	G	T	M	F	G	T	M	F	G	T	M	F	G	T		#	#	%	#	%	
15	Mikaelo	*	*	*	3890	*	*	*	*	*	*	*	3778	979	196	*	1175	3421	357	9.4	469	12	LIFT	
16	Wurib	*	*	*	2891	*	*	*	*	*	*	*	2876	810	211	*	1021	2692	184	6.4	199	6.9		
17	Gidena-Aboret	*	*	*	3202	*	*	*	*	*	*	*	3146	824	201	*	1025	2928	218	7	274	8.6		
18	Dobina-Gola	*	*	*	3198	*	*	*	*	*	*	*	3164	689	121	*	810	3003	161	5.1	195	6.1		
19	Dobina-Bati	*	*	*	909	*	*	*	*	*	*	*	901	191	452	*	643	821	80	8.9	88	9.6		
20	Wita	*	*	*	2824	*	*	*	*	*	*	*	2812	663	108	*	771	2313	499	17.7	511	18.1		
21	Yimerwacho1	*	*	*	3612	*	*	*	*	*	*	*	3607	874	122	*	996	3556	51	1.4	56	1.6		
22	Yimerwacho2	*	*	*	2981	*	*	*	*	*	*	*	2979	750	92	*	842	2450	529	17.7	531	17.8		
23	Jole1	*	*	*	3336	*	*	*	*	*	*	*	3171	454	96	*	550	2250	921	29	1086	32.6		
24	Shersherabido	*	*	*	2764	*	*	*	*	*	*	*	2636	594	98	*	692	1937	699	26.5	827	29.9		
25	Sh/Mechmena	*	*	*	1919	*	*	*	*	*	*	*	1916	458	76	*	534	1358	558	29	561	29.2		
26	Goyban	*	*	*	3391	*	*	*	*	*	*	*	3225	1121	215	*	1336	2948	277	8.6	443	13		
27	Yetebon	*	*	*	3536	*	*	*	*	*	*	*	3389	989	218	*	1207	3190	199	5.9	346	9.8		
28	Mirab-Embor	*	*	*	2389	*	*	*	*	*	*	*	2388	674	191	*	865	2274	114	4.8	115	4.8		
29	Beressa	*	*	*	3584	*	*	*	*	*	*	*	3240	0	0	0	0	0	3240	100	3584	100		
30	Dida	*	*	*	4309	*	*	*	*	*	*	*	4143	0	0	0	0	0	4143	100	4309	100		

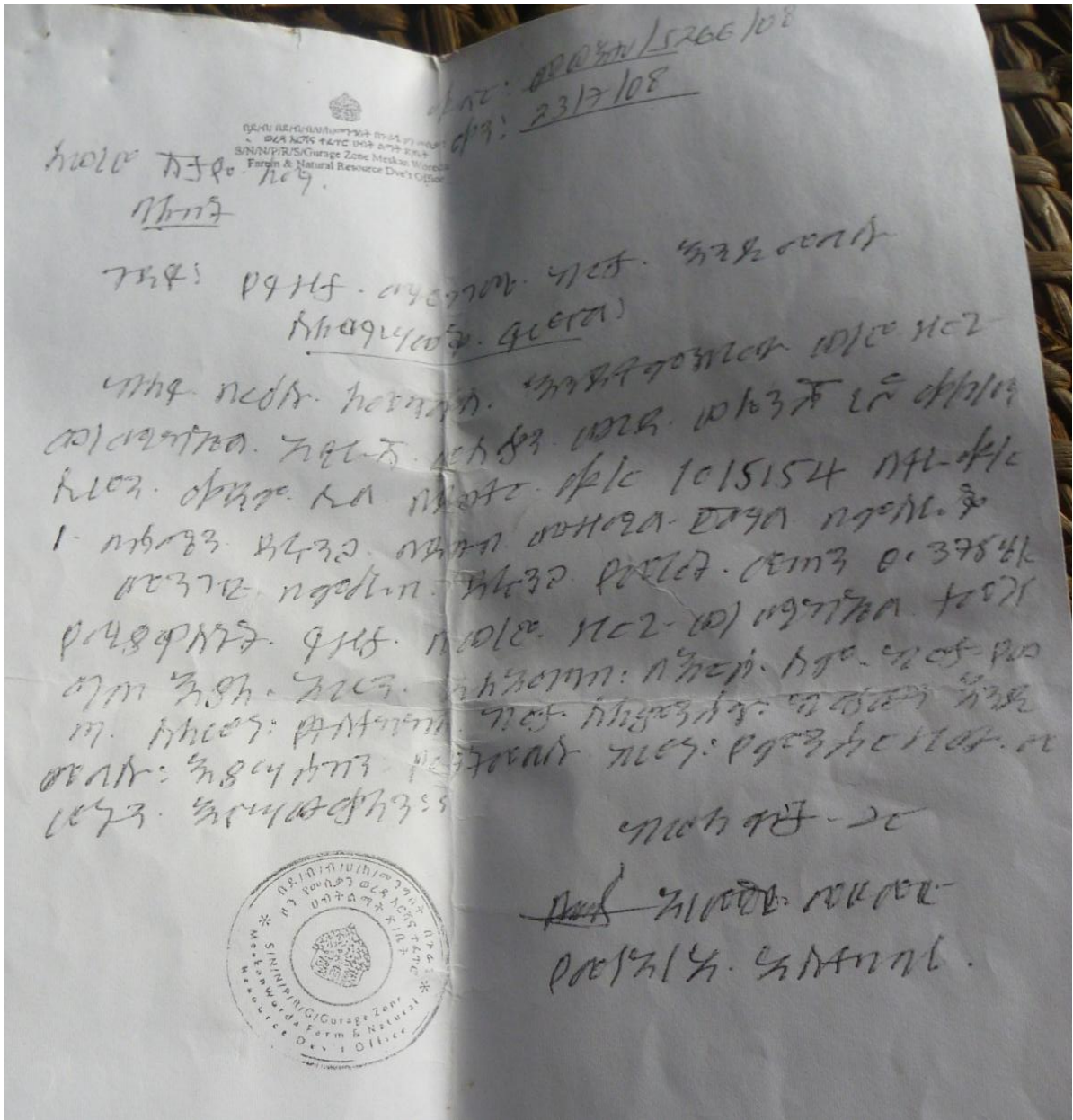
S. No	kebele	No. of registered & digitized parcels				Holding size (hectare)				No. of parcels for which certificates were prepared				No. of holders who received certificates				Issued certificates	Difference b/n Prepared & issued certificates			Difference b/n registered & digitized parcels & issued certificates		Implementing Agents
		M	F	G	T	M	F	G	T	M	F	G	T	M	F	G	T		#	#	%	#	%	
31	Ocha-Geneme	*	*	*	2643	*	*	*	*	*	*	*	2641	0	0	0	0	0	2641	100	2643	100		
32	Woja-Bati	*	*	*	2055	*	*	*	*	*	*	*	1922	0	0	0	0	0	1922	100	2055	100		
33	Bamo	*	*	*	3259	*	*	*	*	*	*	*	3194	0	0	0	0	0	3194	100	3259	100		
34	Yimerwacho3	*	*	*	2339	*	*	*	*	*	*	*	2335	0	0	0	0	0	2335	100	2339	100		
35	Bati-Lejano	*	*	*	3566	*	*	*	*	*	*	*	3518	0	0	0	0	0	3518	100	3566	100		
36	Jole2 &3	*	*	*	6380	*	*	*	*	*	*	*	6171	0	0	0	0	0	6171	100	6380	100		
37	Sost-Amba	*	*	*	1481	*	*	*	*	*	*	*	1404	0	0	0	0	0	1404	100	1481	100		
38	Mes/wegeram	*	*	*	2789	*	*	*	*	*	*	*	2528	0	0	0	0	0	2528	100	2789	100		
39	Dega Gogot	*	*	*	1315	*	*	*	*	*	*	*	1315	0	0	0	0	0	1315	100	1315	100		
40	Dobi	*	*	*	4057	*	*	*	*	*	*	*	4029	0	0	0	0	0	4029	100	4057	100		
<b>Sub-total</b>		*	*	*	<b>78619</b>	*	*	*	*	*	*	*	<b>76428</b>	<b>10070</b>	<b>2397</b>	<b>0</b>	<b>12467</b>	<b>35141</b>	<b>41287</b>	<b>54</b>	<b>43478</b>	<b>55.3</b>		
<b>Grand-total</b>		<b>24142</b>	<b>8611</b>	<b>1013</b>	<b>112385</b>	<b>7857</b>	<b>2320</b>	<b>115</b>	<b>77824</b>	<b>6510</b>	<b>2270</b>	<b>307</b>	<b>85515</b>	<b>12149</b>	<b>3197</b>	<b>66</b>	<b>15412</b>	<b>50951</b>	<b>41287</b>	<b>48.3</b>	<b>61434</b>	<b>54.7</b>		

M= male headed households, F= female headed households, G= guardian, T= total, \*= has no clear information

Source: Adopted from the Woreda FNRD office documents

Appendix J

Letter of Woreda FNRD office to return a disqualified certificate



Appendix K

A house built by village community to an orphan family in Wolensho 1 Kebele



Photo taken by the researcher on 05/09/2016

**LETTER OF DECLARATION**

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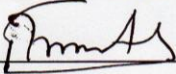
I, the undersigned graduate student, declare that this thesis is my original work and has never been defended in an undergraduate or graduate program in any university and all sources of material used for the Thesis have been duly acknowledged.

Name: Melkamu Amsalu

Signature:  Date: 02/07/2017

I confirm that this thesis has been submitted for examination with my approval as a university advisor.

Name: Fekadu Adugna (Ph. D)

Signature: 

Date: 01/07/2017