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Thesis Report on  
Land Tenure Security and Certification in Northern Ethiopia:  
The Case of Amhara Region

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## Acronyms

ADLI	Agricultural Development Lead Industrialization
CLAU	Communal Land Administrative and Use Committees
DRC	Dispute Resolving Committee
ECE	Economic Commission for Europe
EPLAUA	Environmental Protection Land Administration and Use Authority.
LAUC	Land Administration and Use Committee
GIS	Geographic Information System.

## *Glossary of local terms*

Arike	Local prepared alcohol for drinking.
Derg	The provisional Military Administrative Council of Ethiopia
EDIR	Traditionally community-based self-help funeral service
Ekub	A financial form of traditional cooperative which formed voluntarily
Mahiberawi Freebie	social court
Merit deleday committee	Land redistribution committee of 1998
Mesheta bet	House to drink for local drinks
Tela	Local beer
Timad	Local unites of measurement equivalent to 0.025 ha.
Ygelegle Yeshemagli	Land advisory committee of the Keble

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## *Abstract*

*The study examines the rural land certification practice of the responsible organization so called Environmental Protection Land Administration and Use Authority (EPLAUA) and the land users' tenure security in Amhara region, Ethiopia. The certification process has been involved in four main regions of the country since 1998 with aims to provide land tenure security. The aim of this study is to provide a full picture of the current perspective of certified land holders by comparing with intended certification objectives for tenure security. This abstracts composed of feed backs from EPLAUA officers and land user who are using both temporary and first level land certification. Case study methods used to investigate the Anedasa and Wendata land certification practice of EPLAUA placed in Bahirdar Zuria district of Amhara region. The 'critical perspective' of land tenure security is preferred rather than the 'conventional view' of land titling. Feedback from land users indicates there are differences in perceptions on land certification, unequal land tenure security, and low participation of land user in the process of certification, they perceive land as cultural and social value in addition to economical value and they discontent in the process of compensation payment for expropriated land. Moreover, institutional feedback indicates weak institutional set up, limited skilled human power, ineffective process of registering the use rights and to demarcate the parcel of land, they had limitation to understand the existing land accessing mechanism, increasing land related conflict in the process of implementing the certification and related land transaction. This study concluded the assumption that land titling is seen and designed as a linear process which can be controlled and managed by the state and specific set of institutions is not realized in the villages I studied. There is a critical need to look for land titling approaches beyond the linear models and which take on board the experiences of farmers or land holders with both the 'customary' land arrangements and those that related to the land titling process.*

## Chapter 1: Introduction

This study seeks to come to grips with what happens during the certification of land and whether it contributes to land tenure security in contemporary northern Ethiopia. Understanding and conceptualising the rural land certification process has a twofold aim. First, it is important to understand and explore land titling processes empirically; second, a thorough analysis of the processes will provide lessons for improvement and identify areas for advancement. The process of property's formalization is not new in Africa (Benjaminsen, 2008). In Africa, colonial authorities attempted to formalize customary institutions and peoples-land relations by superimposing their laws and views. The degree of success of land titling programmes and how these were implemented is considerably influenced by the nature of the political regime and the capacity of the state to implement. It has proven to be an important element, particularly in the design and implementation of land reform programmes in Africa. A variety of regimes have initiated reforms for a variety of reasons. Ethiopia's political history and land related policies is characterised by the fact that during the last 50 years three distinct political systems governed the country. Till 1974 Ethiopia was governed by an emperor, Emperor Haileselassie, in 1974 the *Derg* (military council) took control over the state through a military coup and since 1991 Ethiopia is ruled by the Ethiopian People's Revolutionary democratic Front (EPRDF). Each of these political regimes is different in that they were driven by different ideologies: '*feudalism*', '*socialism*' and '*market oriented*' respectively. Land is respectively viewed as owned by the land lord and by the state. Despite these 'structural' differences, the land related policies that were implemented did not provide land tenure security. The country's small farmers in particular are faced with land related insecurities. The current EPDRF regime introduced a programme in 1998 to certify rural land with a specific aim to improve land tenure security. This thesis explores the outcomes of certification processes in Ethiopia.

This chapter elaborates in some detail how to study land titling and the processes that are involved. Based on a review of some of the land titling literature we will be able to formulate the problem statement for the research, and associated with that the research objectives and questions of the study. We will also reflect on the field methodologies applied to generate data to be able to draw conclusions about the dynamics and impact of land titling in Ethiopia.

### 1.1. Conceptual Framework

The land titling/certification for land tenure security is hotly debated. The land titling literature can be divided in two opposing and contrasting theoretical and ideological positions. A first body of literature perceives land titling as a positive and necessary process to generate economic growth. This position has been labelled by Broegaard (2005) as the conventional view on land-peoples relationships. A second body of literature is critical of titling and shows that reality of relations between people concerning land is far more complex than assumed in the first position. The more critical position points out that the assumptions made do not resonate well with the reality of land-peoples relationships. These assumptions will be reviewed and will be problematized and empirically questioned.

Before we present the theoretical and methodological arguments of the thesis, it is appropriate to define some of the key notions that play a role in this thesis. Land tenure is defined as an institution which ‘rules created by societies to control behaviour which define: how property use rights to land are allocated within societies, how access is granted to rights, how land is controlled and transferred, as well as associated responsibilities and constraints. Hence, land tenure systems determine who can use what resources for how long, and under what conditions’ (FAO, 2002). Insecurity of tenure is the uncertainty that a person’s rights to land (the above rules) will not be recognized by others and not protected in cases of specific challenges. As a result, insecurity of tenure exists when rights to land will be threatened by competing claims, and even lost as a result of eviction. Security of tenure is the certainty that a person’s rights to land will be recognized by others and

protected in cases of specific challenges. Security of tenure cannot be measured directly and, to a large extent, it is what people perceive it to be. The attributes of security of tenure may change from context to context. There is no more difference on significance of tenure security for user with the exception of its contents.

Holding right is the right of any farmer, semi pastoral or any other body vested with right on it in accordance with the proclamation to be holder and use the land and service of the land. It includes transferring this right to others as it stated in proclamation No.133 of EPLAUA, 2006. A Land user means any person vested with power to use the rural land and its production. Land registration means an activity of registering the detailed information about location, area, boundaries, fertility grade, and the identity of the holder in a book concerning the rural land.

Historically, land has been recognized as a primary source of wealth, social status, and power. For instance land serves as base of livelihood security and as part of the social status of the family within a village or community (Ellis, 1992). It is an ultimate source of status and power for agricultural societies Singh, (1984). In same vein in Ethiopia, land is primary means to invest, collect wealth, and transfer it to generations (Deininger and Feder, 1998; Tesfaye, 2003). In the country, land is not only economical but also it is highly connected to the cultural and social value of the community Tesfaye, (2003).

Rights to use and/or control over land are central to the lives of the rural populations. In countries like Ethiopia where the majority of the population lives on land and the main source of income and livelihood are derived from land, other income earning opportunities are limited the right to access land is critical. Access to land affects not only livelihood but also food security. For example, FAO, (2002) emphasise the importance of access to assets such as land among others for individual to be food secure.

Land tenure plays a vital role in shaping the terms on which land is held, used, and transacted. Rules of land tenure define how property rights in land are distributed within societies along with associated responsibilities and restraints (see Belay and Mwangi, 2004).land tenure security viewed as one precondition for escalating agricultural production and better natural resource management and sustainable

development (see Maxwell & Wiebe, 1998). According to UN/ECA,(2003) report land security has huge impact on household to use its resources. It indicates being insecure results a large number of unconstructive consequences in their future feasibility and sustainability of the households. Access to land and to natural resources are governed by land tenure institutions and social relations that are usually defined in terms of “a bundle of rights”-specific rights to do certain things with land or property (Maxwell and Weibe, 1998).

State/statutory and customary/ traditional systems of land tenure are usually portrayed in much of Africa. These laws regard not only property rights and ownership, but also institution of power of control and inheritance which results land tenure. Cotulla *et al.* (2004) report that, state systems of land tenure characterised by its written laws and regulations, acts of centralized or decentralized government agencies and on judicial decisions. Customary land tenure is unwritten, local practices and norms based, flexible, negotiable and location specific. This system administered by a local chief, traditional ruler or council of elders. The system persistently evolves as a result of cultural interactions, socio-economic change and political processes.

Land tenure system in Ethiopia was one of the most complex tenures in the world Desalegn (1984). For instance, three land tenure regimes according to different political regimes in Ethiopia (Ahmed *et al.*, 2002). The country’s geographical, ethnic, and cultural diversity and its historical background considered as factors of this complex land tenure. This complex land tenure system hinders any effort towards a meaningful reform of the system.

#### *1.1.1. Pro-land titling: the conventional view*

Many have argued for the necessity of issuing title deeds to African land holders, or as well as in the colonial past (see e.g. Simpson, 1954; World Bank, 1974; Feder, 1988) which legitimised a series of state interventions during the colonial and post-colonial period to reform land-people relationships. Land reform programmes were carried out in Africa with the objective to issue freehold titles (Benjaminsen, 2008). However, these programs not always succeeded or were only partially implemented. Commenting on the importance of land certification on tenure security Deininger et

al. (2009) argued with support from empirical evidence that land titling greatly reduces the perception among land users that land will or can be expropriated. Stein et al, (2007) found that in Tigray, in the northern part of Ethiopia found that those households with certified land perceived a lower risk of eviction and greater likelihood of receiving compensation. The World Bank (2010) puts forward that land titling reduces conflicts about land, encourages farmers to invest in the land to generate economic growth, encourages sustainable forms of land use and improves women’s economic and social status. Land titling also allows land users to rent out their land in return for cash. Holden et al (2009) have shown that female heads of household were more likely to rent out the land due to land certification.

The relationship between certification, tenure security and economic view is explained in the Figure 1. I call this way of looking at land and land titling the ‘Conventional View on land tenure security’. Proponents argue that the titleholder can reasonably expect his or her property rights to be enforced provided that there are proper and well working institutions to safe guard the rights and on the basis of that the owner of the property will be induced to make long-term property investments. This condition, accompanied with better access to formal credit, is anticipated to lead to higher levels of investment in agriculture, more production, higher land prices and a better-functioning land market.

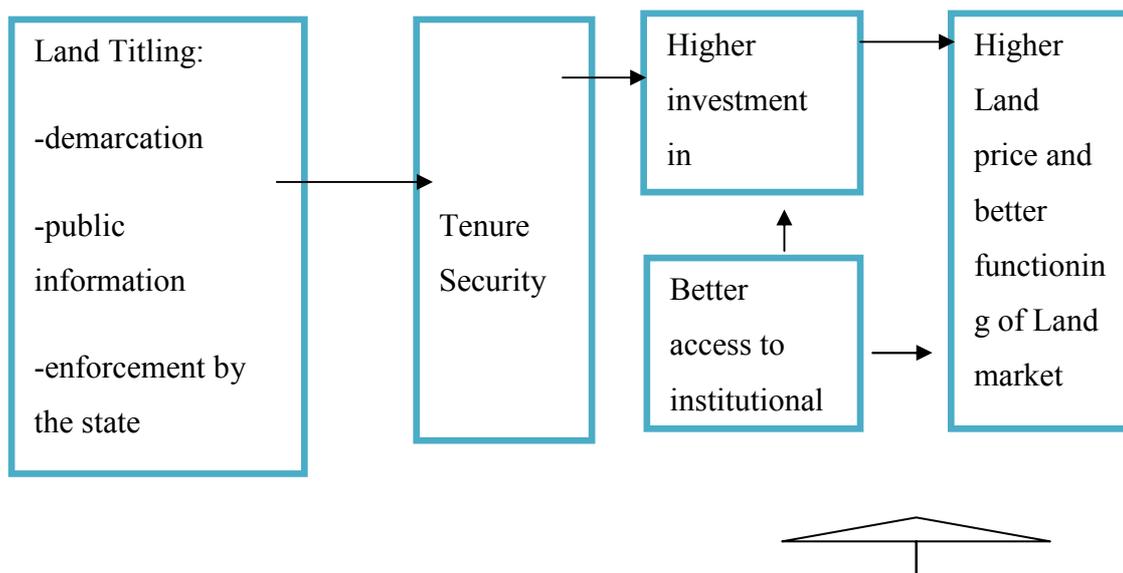


Figure 1. The ‘Conventional’ View of Land Tenure (adapted from Broegaard, 2005)

### *1.1.2. Critical perspectives*

Contrary to these views about the advantages of land titling, many authors argue that it may not bring land security for all land users. Evidence from India shows that land titling programs is benefit the wealthy and powerful at the expense of the poor and marginalized (Besley and Burgess, 2000; Cotula et al., 2004; Deininger et al., 2003).

Scott (1998), in his book “Seeing like a state” used the notion of “legibility” to show how the modern state imposed orders upon those aspects of the society that it needed to understand and control. According to him “the order is imposed by simplifying complex phenomena such as land ownership”. The point that Scott makes is on the one hand that the state’s view on land-peoples relationships and tenure are imposed on people. On the other hand these do not resonate necessarily with rural reality. The view of the state may contrast sharply with existing people’s ways of dealing with land relationships and the issues that arise from them. The state view on land hinges considerably on the views of experts. Scott, (1998) but also Keely and Scoones, (2003) are extremely critical about the role of experts in the design of land related interventions (see also Boergaard, 2005). The views and experiences of experts requires scrutiny and questioned need to be asked about their knowledge base.

Broegaard (2005) shows that a series of critical factors that come into play are: the institutional set-up that enforces the right of the land users, the process and the technology of demarcating the boundary between land parcels, access to public information to land user are also equally important.

A large body of literatures (see Lemel, 1988; Bromley, 1991; Ostrom, 2001 and A.O. Pottier, J. (2005). 'Customary Land Tenure' in Sub-Saharan Africa Today: Meanings and Contexts. In: C. Huggins and J. Clover (Eds.), From the Ground up: Land Rights, Conflict and Peace in Sub-Saharan Africa. ACTS and ISS, Nairobi and Pretoria, pp. 55-75) argues that lands to people relationships are far more complex than assumed. The relationship between people concerning land is not always nicely and neatly ordered. Claims and counter-claims to land and litigation and court procedures are indicative of the fact that the realty of land is often messy. Imposing a linear way of thinking about land is bound to generate conflicts and security for some only. The

way land is demarcated and boundaries set and fixed between parcels appear a crucial. We will come back to this below. First we will focus on the role of institutions and after return to the boundary problematic.

#### *1.1.2.1. Institutions and land titling*

Conflicts about land have increased in intensity, asset inequality has increased substantially, overlapping, contrasting and co-existing legal systems and the manipulation of the process by an elite to its own advantage. For instance in Kenya see e.g. Shipton, (1988); Hauteur, (1989); Bruce and Migot-Adholla, (1994). Moreover Crewett et al., (2008) shows that divorced women lack security to land rights, “lack of legal knowledge and weak implementation”, because this limits women’s ability to exercise their rights Deininger et al., (2008). The experience in other countries shows that the land registration and certification process gives a sense of security to wealthy land holders rather than for small scale landholders (GTZ, 1998). Moreover, as Broegaard, (2005) puts forward is that titling of land is shaped by the capacity of the institution that enforces entitlement. Other factors thus have to be taken into account when considering land titling such as the nature of the relationships between local people and the institution responsible for registering land. The roles of local elites often work out in them registering land because of their status and their connections with land registration officials. The critical literature critiques the assumption that land titling is necessity. There is enough evidence that shows that that a lack of individual land titling (land certification) does not necessarily mean that individuals’ land tenure is insecure (Jansen and Roquas, 1998; Lemel, 1988; Place and Hazell, 1993). Ostrom (1990) and a range others have shown that complex sets of locally embedded and negotiated rule and regulations exist that secure rights to land under conditions of communal ownership. Coles Coghi (1993) and Roquas (2002) for instance studied how the existing local norms and the length of ownership of land provide a high degree of tenure security in spite of the lack of formal land titles.

Institutions are the rules of the game in a society (North, 1990) are manmade (Luban, 2000), has its own objectives and evolves over time. ‘Institutions consist of norms, social values, rules and regulations which shape but do not necessarily determine opportunities for people to access and utilize resource’ (Hebinck and Lent, 2007). Objectives of the institutions can be formulated by groups, governments and

individuals. The same is true for EPLAUA and to achieve the established objectives rules and proper institutional arrangement were developed. North, (1990) and Runge, (1984), as cited by Luban (2000), noted that the function of an institution is to coordinate behaviour. This means institutions set the rules of the game and ensure that each individual knows what is acceptable, not acceptable, expected and not expected from other fellow beings. According to Luban, these rules should eliminate conflict of interest [between actors] (Luban, 2000).

To implement the certification process regional, zonal and district level institutions are identified and responsibility assigned for each level of institution. Regional branches of EPLAUA have the role and responsibility of administrating the land within the legal framework of the Federal government. The lower levels of administration have decision making power at various degrees. For example the district and Keble level administration has regulatory responsibility to expropriate and alienate land when it required for different purposes. EPLAUA is not the only organization to be granted power with respect to the issue of land. Other organizations such as the Regional office of Agriculture and the Water Resource Development and investment agency are amongst the other organizations that have discretionary powers with respect to land. However EPLAU is the organization that has the certification process as its principal focus. The proclamation of 455 of 2005 gives the district level administrators power to expropriate lands and evict peasant from the lands when the lands are desired for “public purpose “(article 3/1). As a result, the district has a greater role in land related issues such as identifying the land, selecting the committee who should decide the value of the expropriated land even though the majority of the peasant is not satisfied.

Initially there were high expectations that EPLAUA would provide answers to the land tenure security question but in practice it appears too difficult to address the issue. Hence from the peasants’ perspective, they incurred high costs (in terms of time and energy) in order to access this institution, and a very expensive legal system impeded the effective and equal enforcement of the land titling process, especially for poor, small-scale farmers. The experience of other countries shows that the land registration and certification process (titling) gives a sense of security for wealthy land holders more than for small scale landholders (GTZ, 1998).

### *1.1.2.2 The demarcation problematic.*

Broergaard (2005) lays particular emphasis in his critical reflection on land titling on demarcation of land parcels. Demarcation has both an institutional dimension (how are rights enforced) and a technology or technocratic dimension (how land parcels are demarcated).

#### *Limitations in the Enforcement of Rights*

In theory, the office of Agriculture, or more specifically the different levels of the EPLAUA are responsible for recognizing the legitimacy of a land title and enforcing the user rights, as well as to giving appropriate sanctions in cases where property rights are violated. Additionally, in order to practice enforcement of user rights effectively this institution has to be transparent, easy and equal access to, even for poor, rural farmers. Moreover, sanctions must be in place and these must be sufficiently strong to make property rights violations an unrewarding crime (Bromley 1991; Ostrom, 1990). However, in the study area, interviews with farmers indicated a huge gap in the enforcement of this user right due to a) The existence of the Region, Zone and district levels within the organization which led to a confusion in responsibility of the various officers b) Inadequacy of staff at the district level able to respond the day to day questions of the farmers and also capacity to fully comprehend the rights, and c) the intervention of other actors in the process of titling. If a dispute arises in the village the user must initially contact the district level dispute resolving committee, district level, zone level and finally the region until he gets a solution to his problem. The regional is the final level of decision. But this level is not easily accessible, or transparent for the majority of the people.

As it might be clear now the relationship between titling and tenure security is affected by a lot of factors. Hence, the tenure issue is not isolated from titling (certification in this case) of land. Rather it is complex and inconsistent, and related to many other issues. Tenure security is highly embedded into the socio-political situation at different arenas of the organization (region, zone and District) which are responsible for land tenure security. It has been challenged by the existing complexity of land issues on the ground.

### *Demarcation technology*

Boundary demarcation fits with the conventional view of land titling. Titling creates tenure security through the registering of the demarcated parcel of land which in turn enhances the availability of public information. Both registering and availability of public information is also assumed to improve the enforcement of the right to land. EPLAUA has the responsibility in Ethiopia to enforce user rights. However in the majority of cases, this role is delegated to district level administration as we saw above. Staffs at this administrative level are no more qualified than staff at the higher administrative level and many of them are faced with work overload. As result there are a lot of gaps in the efforts to match re-registered land holders' titles to actual land as it was intended and hence the enforcement of user rights to the land.

A boundary is an imaginary line that divides bordering estates (Dale, 1999). In ordinary terms it is the physical object by which division is described. Most of the time disputes arise at the moment that his imaginary line is implemented on the ground. Thomas 108<sup>th</sup> congress 2003; boundary conflict arises in the context where private claims of ownership to certain land overlap with federal ownership of the same land. In this study context the boundary is established by rule of thumb using temporary marks of stones, soil bunds, shrubs etc. According to EPLUA's plan the boundary will be determined by doing a cadastral survey. The result of the model district's where cadastre survey conducted showed that cadastral surveying is too complex to carry out on the ground. In reality boundaries are negotiable rather than mapped or demarcated in the study area. Table (1), Conflicts in Bahir Dar Zuri district demonstrates the trajectory of land conflict with respect to the provision of certification to secure land tenure.

Hanstad (1997) shows that there two ways to establish demarcation. These are firstly by fixing the boundary in the presence of the parties who serve as witnesses, and secondly by using ground futures through Arial photograph or ground surveys. The first technique can be considered as the traditional way of demarcating the land boundary. This is also the kind of demarcation process undertaken in the study area (Adenew and Abdi, 2005). According to Hanstad (1997) there may be a chance that

unnecessary boundary dispute may arise when using this method, because in this method, stones, trees and different temporary physical features are used as boundary markers. In the case that some of these markers are changed by the neighbouring land holder, disputes are likely to occur. On the other hand, the involvement of the parties in the initial stage means that they are both accorded a primary negotiation role, which can serve as a basis for the transfer of taken for granted knowledge from generation to generation. However nowadays, if someone does not reach a consensus during this process, the boundary could also be determined by an officer or a court as a supportive solution. In the study area, the rule of thumb method is used to demarcate the boundary.

The second procedure uses efficient techniques (aerial photos or ground surveys) to identify the boundary. As a result it requires technical skill and training to implement the procedure. Scholars indicate that this method is fast and cheap in most cases, but also that it is difficult for the adjacent land owners to reach an agreement concerning their own parcel of land. The title user may agree on boundary through surveying papers. However it is too difficult to implement in practice.

### *1.1.3. Methodological approach of the study*

Methodologically, the study revolves around unpacking the assumptions made by the conventional view to design and implement land titling in the South. The critical literature points out that there is a discrepancy between theory and practice of titling (see above). Keeley and Scoones (2003) and McGee (2004) focus on two related and important mechanisms that explain the discrepancy between policy and practice. Policies are frequently ill-conceived and derived from assumptions about rural realities that are not founded in fact. They are often based uncritically on the 'received wisdom' of the development field and contain assumptions about empirical reality that have not been tested in the conditions in which the policies will be applied (see also Leach and Fairhead 2000). Often the conventional view on land titling is in fact one of such received wisdoms: land titling provides security of tenure, secure investment and there increasing agricultural output. This leads to 'bad' or ill-informed policy choices (Keeley and Scoones, 2003). Moreover, the national statistics that inform policies are not always reliable, available and up-to-date (Jerven, 2010) and frequently fail to adequately reflect developmental trends at local and grassroots level.

Scott (1998) describes this phenomenon as ‘seeing like a state.’ State policies are riddled by regulations that are not only designed and fine-tuned by the state and the experts it employs but monitored by them as well. Projects are the institutional vehicle for the implementation of a rationalist, technicist, modernising approach to development.

The set of ideas and assumptions that inform land titling policies (and thus the conventional approach to land relationships) can be listed as follows. What connects this assumption is the role of the expert and their body of knowledge and ideologies they tap from and are inspired by.

First, land titling is seen and designed as a linear process which can be controlled and managed by the state and specific set of institutions. We will argue that the land titling programmes assumes that all land is owned and managed by the state. It is assumed that state ownership has replaced previously existing land tenure regimes (see chapter 2). Locally embedded and historically experienced relationships between people concerning land are ignored and not seen.

Second, land titling assumes that boundaries can be drawn between land parcels. The idea and technology of demarcation departs from the notion that the issues of overlapping rights can be solved. Land is conceptually treated as a one dimensional resource that is pre-dominantly meant for productive purposes. Any other usages and meanings are largely ignored and/or downplayed.

Third, the institutions that implement land titling are perceived as being in place, properly working (that is equally) and neutral in its orientation. As the critical literature argues this is far from reality encountered in land titling and land tenure reform programmes in Africa. The unpacking of the assumptions offers guidance and direction for a scrutiny of land titling practices in Ethiopia and elsewhere.

## 1.2. Problem statement

The problem statement that – iteratively – has provided direction to this study is that the assumptions that shape and drive the land titling and certification process do not resonate well with the multiple rural realities in Ethiopia.

## 1.3 Research Objective

The four regional governments of the regions in Ethiopia have been the main actor involved in the design and implementing the land certification process since 1998. Land titling or certification of land has predominantly been shaped by the conventional view on land-people relationships. An organization called the Environmental Protection Land Administration and Use Authority (EPLAUA) has been made responsible and its task is to set up the certification procedure from top to bottom at different administrative arenas (region, zone, and district). According to their plan, the formalization process of certification has three distinct phases (see chapter 2) which supposed to be accomplished within five years. The certification is far from completed at this moment.

There is little knowledge about how the land titling process is implemented and experienced in Ethiopia. There is little information available about the role of the experts that implement the titling procedures and their assumptions about rural reality in the villages. This thesis aims to fill that gap through an empirical investigation.

The main aim of this study is to provide a full picture of the current perspective of certified land holders by comparing with intended certification objectives. To do so I will assesses the formalization processes of land certification in two villages; Anedasa and Wenedata. I will focus on the approach used by the officers who have to implement the land size measuring, registering and certification process, what has happened when this process was implanted in the local villages and what is the current status of the certification and/or how certification is being renewed.

#### 1.4 Research Questions

The main research question that this thesis addresses is: How is the land titling programme being implemented in Ethiopia, and what are the experiences with land titling. These questions allow an unpacking of the assumptions that have informed and shaped land titling in Ethiopia and moreover facilitates a critical questioning of the technologies of demarcation, the institutional that are created to implement the programme, and the role of experts and officials.

The sub questions thus are formulated as follows:

- a) What institutions are created and how do they work in practice?
- b) How are demarcation and the enforcement of rights done in practice?
- c) What are the views and experiences of villagers and farmers with land titling? and
- d) What is the role of experts and officials?

#### 1.5 Techniques of Data Collections and Data Analysis

These sections will present the methods that I followed to design the case study, to select the cases, to collect and analysis the data. Case Study design is one aspect of a research design which helps to elicit an understanding of “complex phenomena” and helps to answer questions such as “how’ and ‘why’ (Yin, 2009). In the same way as Yin states, the aim of thesis study is to understand the available information about the implementing of land certification process to enhance the land tenure security in Amhara Region, Ethiopia where land certification has been implemented. As a method of data collection a case study helped me to understand the phenomena such as the challenges of land administration through certification, land related practice of rural villages within a context (in the office, in village) and observed changes in the two rural case villages.

Among the four regions in which land certification has been implemented, Amhara region was purposively selected for the following reasons: farming is the main source of livelihood, it is the region which has experienced high levels of land degradation (relative to other region), and it is easy for me to understand the language of this

region. I strategically selected Bahirdar Zuria district as a context. It was strategic in that the district was collecting and backing the certification book, more farmers crossed from Keble to district and zone level. That means the certification process is on-going and land holder have the feeling of what certification means for them. I choose two villages in this district because it helps to understand the phenomena in depth and also to get the accurate individual experiences related to the issue.

I deliberately selected two villages: Anedasa and wenedata in Bahidera Zuria District to understand the interaction of the certification processes and the actual villagers' practice on the ground. These villages were faced with conflicts and tension related to land and land use. I was not interested to study the whole conflict situation in these villages; however the conflict situation arose during the implementation of certification (demarcation, enforcement of the right). This helped me to understand the traditional and currently implemented ways to solve conflict at local level. As Nuijten states a 'conflict situation gives insight into the central resource at stake, the power struggle and practices which developed around them [actors]' Nuijten (1998). Hence, it was my entry point to understand how certification process was implemented by the officers and practiced by the land users. In this regard, practice was used as point of departure to explore the nature of land tenure relationships and land tenure security to answer my research question. Additionally the consideration of a conflict situation helped me to understand the observed changes at village level when the state's view on land is being implemented.

Individual interviews were conducted with Zone, district and Keble level officers, with different informants who have both temporary and first level certification during natural conversation in their village. During the process I used a recording device to record the interview as it is too difficult to remember all things after the interview. To explore the different cases, storytelling was used to understand an individual farmer's experienced land tenure and certification processes from means to end, or to date. I used storytelling to back-track how people used to feel in past about land tenure issue and compare this with current events. Storytelling is part of a historic process that will help to analyse the way people reflect on events and /or activities. The focus is the manner in which people reflects on events, and explain how they experienced the event. These experiences show the underlining notion of reality and existing

discourse. This method is another way of understanding the experience of organizational practice as theoretical discipline and the subjective experience of the organizational membership (Philips, 1995).

The unit of analysis for this thesis was the land certification process itself. However, since the certification process is an abstract concept which cannot be observed, I used actors who have been involved in the certification process as a unit of analysis. This is what (Yin, 2009) calls embedded unit of analysis (for example, female-headed households, male-headed households with certified holdings or with more land or less land, public actors at different arenas). It is considered as a unit of analysis which enables the researcher to get a holistic view of the land tenure and land certification for tenure security during implementation. This helped me to understand the practice and views of the villagers in different cases of where the certification process was being implemented. After the views had been explored in the village, I tracked the existing relationship of farmers with other actors: EPLAUA officers at different arenas (especially at district and Keble levels). For instance, at Keble level, the Keble administrator, the land registration committees, the land advisory committee and development agents were some actors who interact with villagers on land issues. Secondary data like documents of the state and the international land titling literature, previous research, and annual reports were used where relevant.

The data analysis process was started during data collection. However, during the final stage of field work, qualitative data from interview transcripts, field notes of personal observations and published or unpublished documentary sources from the district level EPLUA office and other relevant documents for instance from district level court office were systematically summarized and interpreted. I used a series of coding for transcript text to sort out and to make links between different concepts.

## Chapter 2: Review of the Land Tenure Systems in Ethiopia:

### Introduction

This chapter has two parts. The first provides a short overview of the land tenure systems that were in place before the land titling and certification programme was initiated. It is important to review previous land-peoples relationships as they may still be important in contemporary Ethiopia. The transfer of land from the feudal land lord to the state in 1974 after a military coup may not have replaced fully previous experiences with land. The second part of the chapter deals with land related policies. It zooms in on the initiatives taken by the current regime to achieve land tenure security. It also provides an analysis of the views held by those experts that implement the land titling and certification policies.

### 2.1 Historical Context

#### *The Emperor Regime*

Emperor Haileselassie's regime (till 1974) can be best characterised as feudal. Political power was in the hand of the emperor with support from a group of wealthy land owners. Most land was considered to be belonging and controlled by the land lord. Small scale farmers would be landless with no formal rights to the land. Producers were tight to share cropping arrangements which entailed that a certain proportion would be taken by the land lord. During the imperial regime smallholder agriculture were not considered in terms of special policies and the development strategies of the country were not focused on peasant production. The hegemonic feudal people-land relationships had different forms and shapes. There was the *rist* and the *gult* system of tenure. Some land was held under freehold, sometimes referred to as private (also known as *gebbar*), the church owned land (known as *samon*), and the state owned most of the land (Crewett et al., 2008). These were subjected to the power of the land lords. The *rist* and *gult* system were common in the northern and southern part of the country respectively.

### *The Rist system*

The Rist system was “a type of corporate ownership system based on descent” (Hoben, 1973). Rist means that the land lord granted usufruct rights to the tenant or producer. This is return for a share of the produce. The usufruct rights were not referring to specific plots of land; as a result of which security of tenure was not provided. Claims on land based on ancestral relationships and user rights could be made theoretically but in practice, the land lord decides who cultivates the land. The tenants had their own organisation, the Rist Corporation to deal with land claims. The claims were accepted or rejected by representatives as usually consult other members of the kinship group (Hoben, 1972). In many localities redistribution of land within the kinship group occurred regularly to address the increase in population (Aberra, 2000; Hoben, 1972; Hoben, 1973).

### *The Gult system*

The Gult land to people relationship system was commonly practised in the southern part of the country. Gult rights referred to the rights of land holder who held other types of traditional land rights (out of descent). Like with the Rist system, right holders had to pay tribute and taxes to landlords in various forms such as in cash, in kind, or in labour (Bereket, 2002; Cohen and Weintraub 1975, Pausewang 1983). Gult rights were not inheritable (Bereket 2002, Pausewang 1983).

The imperial regime hardly attended to the needs of the vast majority of land holders in the country side. Productivity was low, fields were small, and population increase increased the pressure on the land. Regular famines were recorded due to a combination of exploitation (embedded in the share cropping arrangements), an underdeveloped infrastructure and regular droughts. The 1980s saw mass starvation because of a devastating drought leading in turn to a military coup by the army.

### The Derg Regime

The military government (Derg) came to power with a new slogan- the so called 'Land for tillers' which was a response to the pressing demands of small farmers. This regime adopted a rigid Marxist-Leninist ideology. The Derg introduced massive land reforms and declared all land to be state land. The privileges of the land lords were taken away and all their land confiscated. In fact, the reform abolished the exploitative type of relationship between landlords and tenants. The land reform accredited tenants to be beneficiaries with user rights. Those that under the Gult or Rist land tenure system held more than 10 ha of land (legal ceiling) were appropriated/confiscated and redistributed to landless people. In the 1980s the Derg initiated an agrarian collectivization (i.e. formation of cooperative societies, expansion of collective state owned farms, villagization). Farmers accessed the land through state-mandated peasant associations (Keble). Membership of a Keble was compulsory and mandatory to hold land or even to get land. Land remained state owned and Keble's became the land distributing institution. Producers thus had like during the Imperial regime only usufruct rights. This means farmers did not have rights to sell, mortgage or exchange the land. In the 1987 constitution state ownership of the land was preserved.

### The Ethiopian People Democratic Revolutionary Front (EPDRF)

In 1991 the military regime was overthrown after a long period of civil war and the government that came into power with a new ideology which embraces the market as the best institution to allocate resources such as land and capital. However, in practice there has not been much change in terms of land tenure; all land remained state owned. The Transitional Government of Ethiopia did not question state ownership of land (Hussein 2001; Kassa and Manig 2004; Yigremew, 2001). The EPDRF announced the continuation of the land policy of the previous regime in its declaration on economic policy in November 1991. In 1995, the constitution approved the state ownership of land in Ethiopia.

The only change that can be observed within the policy papers is that, there has been a small modification that allows farmers to rent out the land for short period of time, and it allows limited forms of land transfers in terms of inheritance, donation and exchange. Other theoretically major change that the new regime embarked on is the aim to register land. The regime started to call for a land certification programme to address the issue of tenure security. The certification was launched from 1998 onwards; first in the Tigray region and extended to the three of the largest regions afterwards. Land would be measured and users would be registered as owners who would receive a certificate. This certificate serves as legal evidence in case of a land-related dispute. Furthermore, the land certification has been designed to facilitate a better administration and use of land. For example it would facilitate soil and water conservation by the farmer and enhance the productivity of the land, and it should enable the farmer to receive appropriate compensation to farmer in case the land is expropriated by the state or private investors, and reduce land relate disputes.

As it might be clear from the above historical context, the land tenure system in Ethiopia with in different regimes pose a set questions that can only be answered by asking the expert views(a set of assumption on land tenure) and the empirical reality which exists in the ground. The next section shows you an overview of land issue in the policy paper and the establishment of the land certifying institution.

## 2.2 The Development Policy of Ethiopia and the Land Issue

Ethiopia follows a federal administrative system. The country is subdivided into nine regions and two chartered cities. The development policy of the country has focused more than before on agriculture and rural development, which is the so-called Agricultural Development Lead Industrialization (ADLI) Approach. The rationale behind ALDI is that since the majority of the people in Ethiopia live in rural areas, Agriculture is the back bone of the country's economic development. It is the basis for exports and produces inputs for the industry. This makes a land policy an economic necessity. Sorting out the problems around land – first and foremost land insecurity – is a priority.

The constitution (Art.40) declares that access to land for rural people is a right and it vows each adult in the rural areas to have “land sufficient” for her/ his livelihood.

This constitutional article is the basis for a land policy in each of the country's region. Land issues are also included in the constitution of the country which was issued in 1995, in the federal Law of 1997, which was replaced by a similar law issued in 2005, and the law on land expropriation and payment of compensation (FDRE, 2005a; FDRE, 2005b). The constitution clearly indicates that land is a property of the people but it is administrated on their behalf by the state, and cannot be sold, exchanged or mortgaged but there is limited possibility of inheritance. Moreover, the Amhara National Regional State Zikre-hige- no.18 (2006) clarify the expropriation of land holding as: "taking rural land from the holder or user for the sake of public interest and paying compensation in advance... by the decision of the government body vested with power". Zikre-hige (ibid) also notes that the advance payment will be done in the agreement of the land user and government bodies. Additionally, the law gives unlimited holder right for farmers. In the proclamation, 133/2006, any land holder who has the right to hold and use rural of land can transfer his use and holding right to another farmer engaged, or would like to be engaged in an agricultural activity. The process of Bequeath is done within a will before death or without a will after death. Before his death, the land holder can request for his bequeath to be transferred. However these bequeaths have to be confirmed and approved by EPLAUA officers to transfer, without additional evidence, his right to bequeath.

### 2.3 Land Titling and Certification

The Regional Environmental Protection Land Administration and Use Authority (EPLAUA) was established on August 5, 2000 with the proclamation of 47/2000. According to article 3 of the establishing law of EPLAUA, it is accountable to the executive committee of the regional State Cabinet, Bureau of Agriculture and Rural Development at Regional level. The institutions have a General Manager and Deputy Mangers at the Regional level. The authority was established with the objective to ensure regional social and economic development activity, to ensure an encouraging atmosphere for management, administration and use of rural land. EPLAUA consists of three Departments, namely the Land Administration Department (LAD), Environment Protection Department (EPD) and Land Use and GIS department. The LAD is sectioned into two teams, the land administration team and land registering and measuring team. The EPD also consists of two teams, namely the Environmental

pollution team and Eco-system study and regulatory team. Lastly, the Land Use and GIS Department consists of five teams: the soil survey, the Agro Ecology, socioeconomic, land evaluation and GIS and remote sensing teams. A similar model of each Regional Department exists in both the zone and district level. These land administration units also exist at Keble and sub Keble level.

As stated above, the institution works in the three main focus areas, Land administration department, Environment protection department, Land use and GIS department. Currently the EPLAUA mainly focuses on the LAD as this is the highest priority for the government. This department is expected to improve the land transactions (eg. donation, rent and inheritance) through formalisation. In other departments there has been little progress to operationalize the proclamation of EPLUA. This is due to the fact that one activity is done by two offices, which creates duplication of activities. There is no clear demarcation of duties and responsibilities between the implementing offices. For example, both the EPD and Agricultural office are responsible for soil and water conservation activities. Among these offices there is no effective/functional cooperation mechanism. Similarly there is a duplication of activities by EPD with the Health office in the area of wastage disposal.

At present, land use departments are in a process of developing the regulations to make them more operational. Interviewed officers indicate that in land use plans the land that has a gradient of up to 30 % slope should not be used for cultivation. According to this plan, the majority of the rural land in the country, including the study area, cannot be cultivated; however most of such land has already been certified for agricultural use to farmers. From a farmer's perspective this contradictory plan may reduce their confidence in the certification book/system as they will not be able to cultivate their land. From an institutional perspective it may thus be an obstacle to effectively implement the goals of achieving land tenure security. Currently, of the three departments which make up EPLAUA, only the land administration department measures and registers the land holder. In comparison with other institutions (e.g. the agricultural office and the regional education office) there are insufficiently skilled staff, and inadequate facilities, data systems, GPs and other tools which are required to handle the certification process. The institution is structured in the following way.

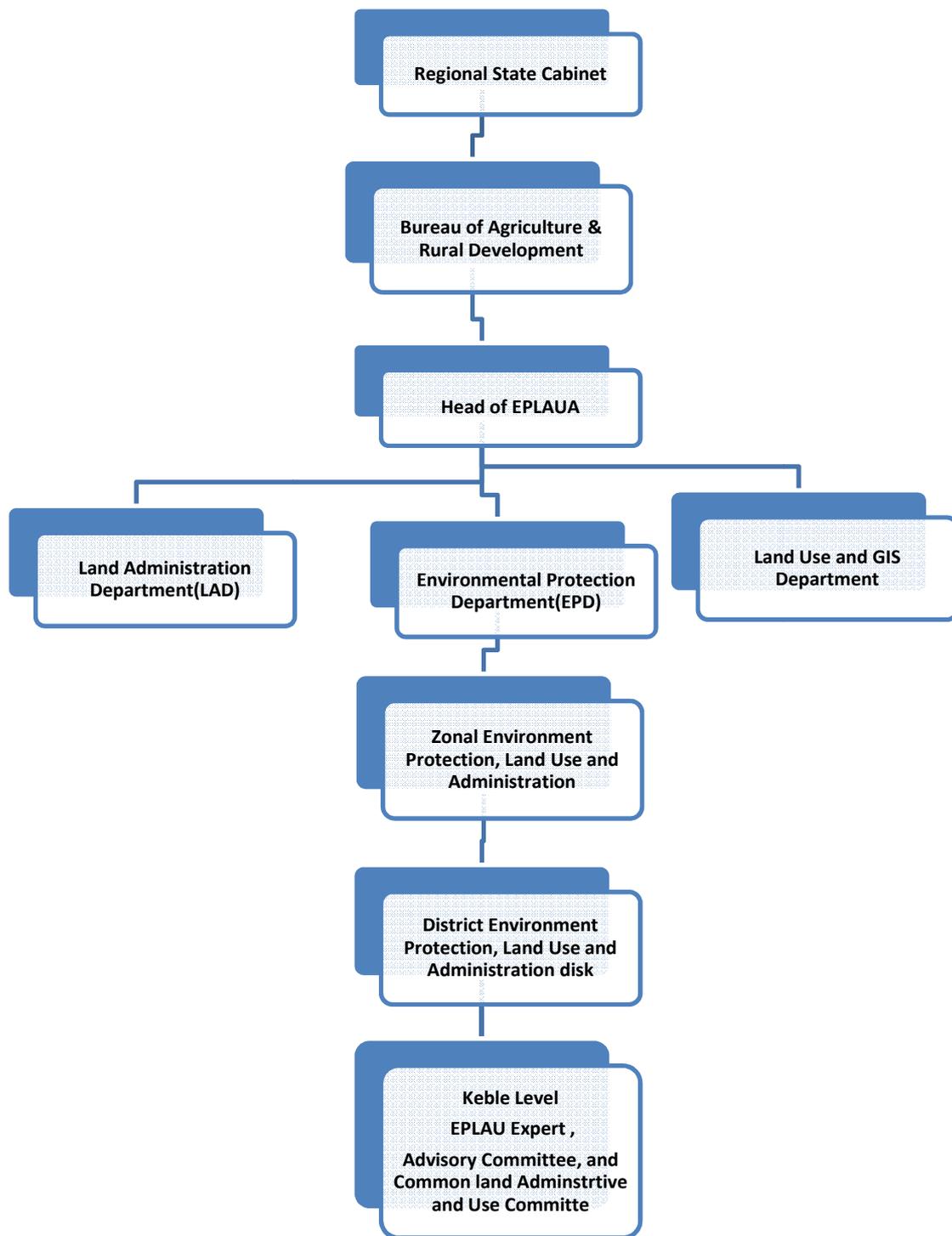


Fig.2 Organisational structure of EPLAUA

As the EPLAUA's main focus is in the department of land administration, we can see how the land administration, registration and measuring is conducted at the district and Kebele level. The responses of officers interviewed at the district level showed that Measuring, Registering and Certification (MRC) of land was done for the use and transfer of the land use right for the next generation in a peaceful and sustainable manner. According to them, different land law and proclamations were established to create a comfortable condition for the processes of land certification by the institution to improve land tenure security. They felt that this process came due to the fact that the existing system was considered as the cause of land tenure insecurity.

### *2.3.1. Phases of Land Certification in Amhara Region*

The EPLAUA office intended to give three types of certification papers: temporary certification, first stage certification, and second stage certification. In 2007, temporary certification was given to all farmers after traditional measuring and registration of the land by the committee. Then after one year the first stage certification was given. According to the district officers, the first stage certification book was offered for 81.3 % of land users. This shows that there are land holders still who did not have first stage certification. Inadequately skilled staff and shortage of certification books were the main reason that the office was not offering the certification to 18.7% of land users.

The main difference between the temporary and first level certification book is that farmers who hold temporary certification are legally allowed to use their land user right however they are not able to donate, transfer and inherit their land use right. However first stage certification allowed the right to donate, transfer and inherit their land use right. The second stage certification book will hold precise information which will be done by cadastral surveying. The process of preparing second stage certification expects to use accurate measurement. Before preparing this certification book every farmer's information has to be recorded in a computer and verified.

### *2.3.2 Experts Perspectives*

In order to answer the sub research question: the role of experts, their practice in demarcation of boundary and enforcement of right, I begin by exploring the actors involved in certification process.

#### *Actors, Their role and Practice in the certification*

Numerous actors at different levels (region, zone, district, Keble and sub Keble levels) participated to convince farmers to implement the certification process. Each level has its own responsibility and duty.

#### *District EPLUA officers*

The district level experts are responsible for establishing the land administration and use committee at Keble level and for controlling the process of Measuring, Registration and Certification. Additionally, they are also responsible for creating awareness amongst lower level actors and properly handling documents used in the process. In an interview, a district officer explains that the district branch office of EPLUA have limited experts both in terms of quality and quantity. To improve their performance, the district officers were employed as non-permanent staff members in order to register the information collected at the Keble level on the 'field sheet'. However, the temporary registration document (field sheet) was not fully utilized and handled in an effective manner as these temporary workers were not well trained and lacked an understanding of how to register the information. Currently one permanent expert per Keble has been assigned to handle the certification process.

At present, experts are working at different levels in the rechecking of registered information at the field level. However, there has been a lack of staff available to undertake this rechecking program. By virtue of Bahir Dar University which is in close proximity, the district can utilize graduate students from the university who have obtained relevant expertise. Interviewed district officers account for the current complexity of the rechecking process which is the consequence of inadequately skilled human resources required for establishing committees at different Keble and sub Keble levels. These committees are under the obligation to measure, register and

certify the rural land which exists in differ holdings. The following two tables show the regional and district level human resources in terms of their education and gender respectively.

Table1: Educational level and sex of Regional Human resources

Years	Sex	Educational level				
		Below diploma	Diploma	Degree	Msc	PhD
2009	Male	21	10	15	20	-
	Female	6	19	5	4	-
	Total	27	29	20	24	
2011	Male	19	11	23	21	-
	Female	5	14	10	2	-
	Total	24	25	33	23	
2012	Male	21	8	21	21	-
	female	18	2	10	3	-
	Total	39	10	31	24	

Source; Yearly reports of the regional EPLAUA

Table2: Educational level and sex of district Human

Years	Sex	Educational level				
		Below diploma	Diploma	Degree	Msc	PhD
2009	Male	1	5	4	-	-
	Female	1	2	-	-	-
	Total	2	7	4	-	-
2011	Male	1	3	5	-	-
	Female	1	1	1	-	-
	Total	2	4	6	-	-
2012	Male		3	8	-	-
	female	-	2	2	-	-
	Total	-	5	10	-	-

Source: Yearly reports of the district branch of EPLAUA

As it is indicated in table (1) and table (2) the EPLAUA and district office have a constraint in skilled staff. Those higher qualified employees are found at higher levels (at the regional level) than at district and Keble levels where activities are practiced.

#### *Keble level EPLAUA Experts*

Experts at the Keble level are the subordinate experts within EPLAUA. Nevertheless, they play a big role during the measuring, registration and certification of the land. For instance, they create awareness amongst land holders in order to enforce the land proclamation. They also put their efforts into protecting the land-use rights of children, women and disabled people. Unfortunately, these experts have no supplementary training that allows them to address the land related issue comprehensively. Hence they are limited in providing efficient and necessary

information on time on behalf of the authority. They do not have ample time to communicate and address the farmers on the land issue. This effectively reduces the quality of the information collected during the process of registration and rechecking.

#### *The Keble Level Administrators and other committees*

The Keble level administrators have so far been the principal actors in the process of measuring, registering and rechecking the land. They work with district experts in the establishment of committees and they identify and support the disabled persons, children and women in this process. They also endeavour to ensure that the activities progress more effectively. However, they lack commitment in rechecking and reporting certification activities as they are already busy doing other activities.

In the same manner, as a branch of the same authority, the dispute resolving committee and the Communal Land Administrative and Use Committees (CLAU) were created. There are some differences in responsibilities of these two committees. The former committee was formulated to solve farmers' land associated disputes. Organizationally, this committee has three permanent and two temporary members. They offer solutions for disputes based on their knowledge of the area and consider the disputant's written document. This committee communicates with the Keble level land Administration and Use expert through monthly reports. Meanwhile, the latter committee was established to administer the communal land with support of the Keble level land administrative committee. Their role is to formulate the regulations about communal land administration for common land users. Ideally, the regulations are supposed to be formulated with the participation and agreement of farmers who benefit from common land. Moreover, the committee is responsible for punishing those who violate the regulation established for communal lands.

#### *Keble Land Administration and Use Committee*

In 2006, the Keble Land Administration and Use Committees (LAUC) were established, which are different from the land redistribution committee established in 1998. The LAUC consists of seven members of which two are female in order to balance the process of decision making. On paper these committees are supposed to be established for the fulfilment of the interests and participation of farmers. Moreover they are replaced after three years of existence. They are responsible for identifying and registering all holdings such as Keble boundary, communal, governmental, institution and private lands. During awareness creation, the committee

was supposed to extensively inform, identify and measure the land in the presence of the land holders. However, the committee members did it under the ‘shade of the tree’, in taverns (local name, Meshetabet) and in some cases by interviewing farmers. The committee used their personal knowledge and guesswork to measure and identify the land as a substitute for communicating with farmers and without looking at the actual plot of land. This is due to the perception and skill of district level experts and Keble level administrators to establish this committee. Hence, the Keble with relatively better equipped experts and administrators formed a better selection of appropriate committees. In this regard Wenedata Keble land the administrator committee has a better organization and communicates more effectively with farmers than the Anedasa Keble.

### *2.3.3 Awareness creation*

The awareness creation sessions were about land use policy and legislation at different levels of the organization (region, zone, district and Keble). It was done to make the different actors aware of user rights, the expected obligation of holders and to balance different expectations of the process of measuring and registering of the land. For committees it was about how they identified, measured and registered the different holdings of land at the Keble level in order to create common understanding among the actors of the process. Even though training was offered at different levels there is a lack of clarity within EPLAUA legislation about some aspects of certification. It states that possessing a certificate book serves as a promise to avoid frequent land redistribution. That means there will be no land redistribution in the future. However, in the EPLAUA legislation there is the possibility that land redistribution could take place when modern irrigation systems are established in the future. The objective of redistribution would be to increase the productivity of land and to decrease the fragmentation of a plot of land. Hence in the name of modern irrigation land holders might expropriate their land or the land may be redistributed for those who have the capacity to use modern irrigation facilities. This shows that having certification might not serve as guarantee for land users, who have use rights on land which could in future be cultivated using modern irrigation systems.

#### *2.3.4 How Rural Land is Measured and Registered*

Theoretically, neighbouring land users were to be called to attend and decide upon their boundary, size and amount of their plot of land in the process of certifying land. The registration and land use committee assumed to register each land size and the boundary by seeing every plot of land. However, in some cases the committee measured rural lands under the tree and in the absence of the land holder. Additionally, to finalize the process on time, the committee's process of registration was quick. In this way rural land accessed through rent and bought, women's land and user rights of disabled people were registered for others by changing the boundary. Additionally, many plots of land and users of these plots of lands were not registered. In the process of certification, two copies of temporary registration certificates were prepared with the names of land holders. This certificate indicated the conditions of the land holding, including the four boundaries, the fertility standards of the land, the service of the land and the obligation of the land holders. One copy of the document was sent for rechecking and confirmation by individual farmers within a period of one year and returned back to the district level office for confirmation. After confirmation of the temporary certification, the first certification book was prepared.

#### *2.3.5 Boundary Demarcation in Practice*

In history, land users use rule of thumb methods to establish their boundaries of land. They used physical markers such as hedge, fence, trees, stones etc. EPLAUA in a similar way used this method for identification of a piece of land on registration forms and personal certificates. I found it was very low cost, locally well-understood and locally available choices that land is quantified using traditional measures (time required to plough). They demarcated in some case with the names of the family head, four neighbours, and a neighbourhood within the village. However, in some case only committee by themselves identify the boundary and give the certificate without putting boundary on the ground. As result boundary, has been one source of dispute for farmers. For instance, in the certification book only four boundaries have been identified as Eastern (E), Western (W), and Southern(S) and Northern (N) holdings of the land. In actual fact the land is not only bounded by four directions only, but the land also bound in NE, NW, SE and SW direction. In addition to other factors, lack of taking in to consideration of this boundaries, makes the land certificates as one source

of dispute. The lack of understanding this process creates opportunity for a plot of land to be registered by more than one name.

### *2.3.6 Current Situation of Land Certification*

The district branch of EPLAUA showed progress in providing the first stage certification book to land users. They are involved in the second rechecking process of the registered holder's book. This is because they realized that their previous activity was not implemented in an efficient manner since farmers were not fully participating in the process. Yet, the officers continue to work without the full participation of the farmers. They recheck the information of registration by naming land holders in front of the people, which requires minimal effort for checking the information on the ground.

According to the 2011 report of the Bahird Dar Zuria district EPLAUA office, the rechecking results were 1608 people whose holdings were not registered, 2938 people whose holdings had wrongly been registered, 108 people whose holdings were subject to wrong decisions, 20 people whose holdings were being appealed for another decision, 3331 people who were taking another holding, 20094 people who had boundary problems. The district provided solutions for 19091 people's problems only. This result showed that the first stage certification was full of incorrectly registered information which suggests an incorrect use of the certification book. Due to these faults in the registrations process, the farmers might be unable to use their user rights and others might get the user right of other people's land.

The district branch of EPLAUA has been doing; on the one hand it is ready to provide 18.7% first level certification for people who only had temporary certification. On the other hand, they are preparing to do a cadastral survey. However to practice the cadastral survey, the information has to be rechecked again. The district officer rechecks the previously registered land user certification. This is needed because the 1998 measuring and certification of land was started with no prior readiness as to what the process would require, there was lack of skilled staff and the registration was done at the farmers' level. Since September 2010, the district started to verify and recheck the process of registration.

### *Land Related Conflicts*

Despite the implementation of the rural land certification process, there are land related conflicts and is increasing from day to day. Conflicts have been defined differently by different scholars. For example, Wallenstein, (20002) stated that conflict occurs when one party has something in common with another party. Nicholson, (1991) notes that conflict occurs when two or more parties have opposed views about how a social situation should be organized. Deutsch, (1991) in his publication notes that the causes of conflicts are “perceived incompatibility” and “perceived utility” among beneficiary actors. In his eye, the personal or group attributes such as attitude, belief, goal, interest, value, ideology or resource are perceived incompatibility features which could be the cause of conflicts.

In the study area, the main sources of land related conflict were the intention of farmers to maintain the right to other land holdings, interests to expand the boundary and the process of transfers of the right through inheritance, donation and exchange. These land conflicts happened due to actor’s different views over how the land could satisfy their demands and over the service of lands. In the same vein as Deutsch, the study area conflict seems to be due to differences in perceived incompatibility. More over there are some land users who think that there is some utility in common that they act on it. This happened for example in land of communal holding such as grazing land. However, this was not as significant as boundary conflict in the study area.

To improve the land tenure security of land user and to use the land in better way conflicts need to be solved. Conflict resolution is a site where the conflicting parties come to an accord in order to resolve their “central incompatibility, admit each other and continued existence as party and cease all violent action against each other ” (Wallenstein’s, 2002). Resolving conflict helps to use the different resources such as land, labor and time in better way. Hence the need to resolve a dispute is unquestionable as it helps both parity and efficient allocation of the land. In this regard, in the four regions of the country and in the study village, measuring, registering and certification of land holders was intended to make known the right user and reduce the anticipated conflicts of land. As NUECE (1996) report, registering the land is considered as one mechanism of land dispute prevention. Hence

at the time of the registration, formal procedures should be followed that will resolve the uncertainty. EPLAUA established Land advisory committee at Keble level to resolve land related conflict.

EPLAUA established Keble level conflict Advisory committee to solve this conflict at local level. In the study village, the Land advisory committee of the Keble (in local language, yemerit yeshemagli committee) has been made legally responsible for resolving rural land related conflicts. This advisory committee provides an immediate solution and they also transfer the land issues which are beyond them to courts. They also serve as sources of legal evidence in court during land related decision making processes with other experts. Farmers indicated that they do not trust this committee because they are not established by them (but by majority rule) and the committees do not give black and white solutions to their conflicts. More over the solutions provided by this committee create constant worry on and place strains on day to day social relations amongst the villagers.

As conclusion of this chapter, the certifiers perceived the land as one dimensional entity for input of production which can be measured and registered through certification process to ensure land security. The EPLAUA is not well positioned in skilled human power and in functioning of its three departments. The registration practice of user rights for the land and the technology used to identify parcel of land was very limited. As result, numerous conflicts have been registered since the intervention of the certification processes. This makes me to argue that the process of land certification by the officers were not a neutral as they assumed.

## Chapter 3: Land Certification Experience: in Anedasa and Wenedata Keble

In this chapter I will describe the study area and will account for what land actually mean in rural context, and then present field results from the land holder views.

### 3.1. Description of the Study Area: Anedasa and Wenedata Villages

Anedasa and Wenedata are situated around Bahir Dar in the south west direction, Amhara Region, Ethiopia. Administratively, both villages are included in Bahir Dar sub-urban district. Bahir Dar Zuria has thirty two farmers' associations (Keble) and is located at a distance of 564 km north-west of the capital Addis Ababa, Ethiopia. The district is situated at an altitude ranging from 1700-2300 meters above sea level and has a surface area of 151,119 ha. The average annual rainfall in the area ranges from 820 to 1250 mm. The area is known for its production of wheat, barley millet, teff and maize (Asaminew and Eyassu, 2009).

Anedasa is small rural village located 20 km to the south west of Bahir Dar on the way to Tassis Abay fall. The altitude is 1750 m a.s.l. and the mean annual rainfall is 1496 mm (Yihalem, 2003). Its population is estimated to be around 2,521. It is divided into Guacha, Zerchami and Teneba sub Keble. Economically, the villagers depend mainly on rain fed and irrigated farming. Common crops are wheat, barley millet, teff, and maize and pulses. Villagers also keep livestock as an alternative means of income.

Wenedata Keble is small village located 14km to the south west of Bahir Dar. The Keble divides in to three sub Keble namely; Amari, Embeli and Guta. The main means of living for villagers is Agriculture. The main crops are wheat, barley and pulses. They also keep livestock to use them as a source of labour, income and food.

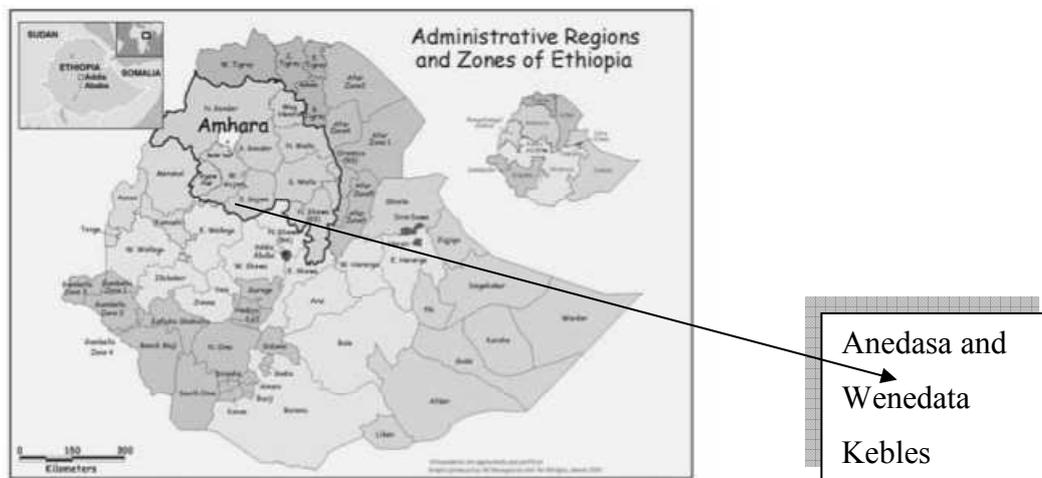


Fig.3 Map of Administrative Regions and Zones of Ethiopia (adapted from Berhanu Adenew and Fayera Abidi, 2005)

### 3.2 Land and Land Tenure in Rural Context

Land is intimately connected to the cultural and social value of the community in study area. Economically, farmers use land directly as an input for crop and livestock production. Moreover, it is a direct cash source through renting, share cropping, and can be used to get credit from others by contract. Based on the contract, in the case that the debtor is not able to repay the loan at the specified period, the creditor may use the land for a longer period. That is how rural peoples practice and constitute land marketing to make their livelihood, even though the land policy does not allow farmers to exercise land marketing. Socially, land is space for social interaction to exchange ideas and experiences. Different indigenous practices and knowledge are enacted in small labour organizations through farming activities such as sowing, weeding, and harvesting. Land is also a source of permanent wealth which serves to differentiate social status in society. Accordingly rural farmers categorize people based on the amount of land and other resources as poor or rich. The argument I will pursue here is that the villagers are economically, socially and culturally attached to land and they derived social identity from that bond in varying degrees.

Most local people access the land from their Ancestors through inheritance. Family members have the right to use their family land. On some occasions, relatives also have user rights if the user gives consent to use it. Those who have money and oxen for ploughing, but do not have enough land, can access extra land in the form of share cropping, short term yield buying. By and large, there is a lot of competition and struggle between family members, relative and others to get access to land. This is mainly because some portions of the society have better access to land (better families, oxen and money). However, some portions of society like youngsters may not have access to land when they start their independent life. This complex land relationship causes disputes among actors who try to gain access to land. Failures of contracts are an additional cause of dispute, for example the promising to conserve the land during rent period from degradation, disagreements over quality and quantity of share cropping, or the sharing of by-products such as straw for animal feed, housing and sources of cash. During disputes elders, contract documents (if available), and oral accounts are main mediators for dispute resolution. As a family expands or population increases, the family shares a plot of land amongst their children especially during marriage. As a result, in the search for additional land, farmers cut trees and change grazing land to farmland which leads to land degradation and further disputes. Hence, the process increases competition for land and tenure insecurity. This indicates that land tenure insecurity comes from different sources.

### 3.3 Land Certification Experience for Land Users' Viewpoint

#### *3.3.1 Perception of land user for land certification*

At the beginning of the certification process, farmers assumed that it would increase the amount of tax paid for land and would reduce the size of the plot of land, if there is land beyond limited amount. The land certification process was new to the farmers in the study area. Hence there was a challenge to come to a common assumption about the importance of the certification. The current views of farmers for land certification were of two types. Some farmers, most probably those who cannot read and write, do not understand the exact importance of land certification. For instance, some farmers assumed that the information of the EPLUA experts on land transaction is not practical on the ground and as a result they use the traditional rules of renting and exchanging land. On the other hand, there are farmers, most probably those who

are educated, those know the consequence of the land certification, and have tried to use it according to the institutional rules. Because, the second groups of farmers consider the land use right of an individual parcel of land registered and certified in the name of land user. Hence they are afraid the trust among them too rent and to inherit land traditionally. Moreover, farmers are not certain about the importance of the certification book. Because the certificates (paper) which show their user right has continuously changed over time. For example, in 1998 there were letters which stated the user right for newly redistributed land. In 2007, there was a temporary certification and green book (first level certification) which stated the user right to the land. Currently this first level certification has gone back to the district EPLAUA office for a process of rechecking. For this reason they are not sure which certification will help during different problems of land related conflicts.

### *3.3.2 Farmers' Participation in Certification Processes*

In practice, farmers' participation did not amount to more than serving as witnesses during the returning of land holder rights of disabled members of the community and to listen their registered land when it was named by the registering committee. In some situations, they make up groups to use the common lands and to return back the already sold user rights. They form groups based on locality and relatives to pass on their information and hence to resist the land certification rechecking process. These farmers were arguing that the evidence signature and knowledge which were collected at time of registration were enough. These groups of farmers assumed that the rechecking process would not benefit them but would rather lead the administrator and officers to change their position on behalf of them. On the other hand there are farmers who would like to go through the rechecking process, who have wished to have additional land.

### *3.3.3 Women and the Rural Land Certification Processes*

In the certification process female headed household have been challenged by the process like the male counter parts. One purpose of certification was to address the female and disabled persons and enable them to benefit from their rights to the use of land. One of my female informants in Anedesa village told me the following history;

*She is forty seven, and lives in Yegoma Keble, sub district of Bahir Dar Zuria. Before she divorced her husband in 1989, they had relatively sufficient land in the village. At time of divorcing, she had no right to share the land, but only the service of land. Since then, her means to a living depends on income from daily labour work, sale of feed for animals, and preparing local beer (in Local language, Arike and tella). She is responsible for taking care of her four children. Two of them got the chance to accessing schooling. However, the increased day to day living cost has pressured her to look for support for the rent of her house, food and costs for their educating children.*

*In 1998, the land redistribution committee identified her as a landless villager. She got right to use 0.025 ha land. In 2002, her mother passed away and she inherited all the resources and land (0.025 ha) that her mother had possessed. In the meantime, the farmer who rented out her land denied her user rights after the death of the mother. He had rented the land since her mother alive; but he gradually tried to take over the product and her user rights. She charged him and agreed with the renter to pay 1000 ET birr to forego the service of the land. However, the renter changed the message of the document which had been signed and submitted for legal courts. The agreement states that the payment includes the right to take over her use right of the land, as she is illiterate. He took her user rights to the land and now she has forwarded the issue to legal body (courts). The renter has claimed her as he is holder of the land even if he did not pay any tax for land.*

*She has been moving back and forth from sub Keble to district branch office EPLUA, to district gender office. The gender officers confirmed that the user rights of the land were registered in her name. However, the EPLUA officers did not secure her inheritance because she asked to have additional inheritance right for the land. She has incurred heavy costs of the process, such as formal written applications, buying stationary, and payments for legalization. Nevertheless the process is still unresolved.*

From her history, we can see that the EPLUA set-up for land certification was one factor that challenged her livelihood.

#### *3.3.4 Means of Accessing Rural Land (Trusteeship and Certification)*

Historically, farmers who got hold of land from their parents, committee (Keble administrator) in the course of inheritance, donation, rent and exchange. They acquired land as a donation from those who had more land (who are relative) through an oral agreement based on trust. Farmers were rented the land by giving some service of land depending on the quality of the land (paying the 1/4<sup>th</sup>, 1/3<sup>rd</sup> and half of the product). The foregone trust on transaction of land was sky-scraper as the market value of land products were near to the ground. At this time, a limited number of land conflicts were occurring among land users who were using others' user right and expanding their land boundaries. Knowledgeable neighbouring people, relatives of them and religious leaders were used in their locality to resolve their conflicts. They trusted each other's in words.

Since 2007, the legal written certificates given by officers were assumed to be serving as evidence for any land related conflicts and activities, because every land transaction had been legalized and registered in the district Environmental protection, Land Use and Administration office. In practice, the land certification process did not answer the land related conflicts. Two of my male informants in the study village of Wendata told me the following;

*...they are 54 and 58 respectively and their lives depend on farming activities in the Wendata Keble. One of my interviewees preferred the advantage of handling certification than traditional trusteeship as a means of accessing a plot of land. To support his idea he used the traditional saying that "things in word will be lost, but things in a written way will be remembered". However, the second of my interviewees explained that certification develop troubles in the family. For instance, the family may give a plot of land for his children. At the moment that a family member gets divorced, the family may deny their gift of land since it is registered in the name of the husband and wife. Hence, it will not be easy to give a plot of land for children. This will worsen if the child is only for either the husband or the wife.*

These two histories of farmers show that the new means of accessing land (through certification book) created mistrust among people, and even landless people can claim land through accessing certification only, since accessing certification depends on the knowledge and expectation of the committee members. The land redistribution committee, rural land measuring and registering committee and Experts were responsible for collecting information for the purpose of certification. The majority of the work (measuring and registering) was given to the committee because they assumed that they knew very well who has what land in the community.

### *3.3.5 Expropriation of Certified Rural Land*

Before the certification process, land was expropriated for different purposes such as for health centre or for the establishment of agricultural offices. The communities evaluated the quality of the land by considering different criteria (size, quality of land, soil type). Then land from the communal territory was given as compensation payment to the previous land holders. Since 2007, the legal written certificates assumed to be serving as evidence at time of compensation payment.

In 2008 the Government expropriated privately certified lands in Wendata village for floriculture production in the name of 'land for public interest' regardless of the interest of the land holder. The following case shows the situation of expropriation in the village.

*The privately certified land of five farmers was expropriated for public purposes by the government in 2008. One of my interviewees was one of these. Two of his plots of land (0.25 ha) were expropriated. He formerly used the land for production of cash crops (for chatte) and pulses. Previously, he assumed as had an income of 15 thousands Ethiopian Birr (Euro 652.17) per year from his sales. He used the income from the land for household consumption, children schooling and farming costs (for fertilizer, pesticide etc.). In 2008, the government used land for floriculture production and paid 21 thousands Ethiopian birr (Euro 913), taking into account the past four years' production value of the land. The agreement was initially for ten years. Hence, he assumed that he would regain his user right after ten years. But, in*

*the current rechecking process he realised that the land is permanently deleted from the holder's certification book.*

*He stated that the compensation pay did not consider the current market value of the land. Moreover he was displeased with these payments as it is in the form of cash (money) that can be used for current consumption only (unable to use for the next generation). The expropriated land was intended for floriculture production; however it was used for oil seed (nug) production for one year. It was also used for the fattening of oxen for the second year and now it is fenced off and is not being used to produce anything.*

### *3.3.6 Motivation of Farmers for Soil and Water Conservation*

The certificates have been assumed to help motivate farmers to avoid land degradation, for updating the information, identifying land holders and the size of land. From interviews and observations, it became apparent that the farmers' practices for soil and water conservation carried out with the aim of maintaining soil fertility are slowing down/reducing. An interview with the district Agricultural office expert highlighted a lack of commitment by the land use department to develop and implement the land use plan. To justify this issue, farmers were involved in mass soil and water conservation strategies from mid January for forty working days in the study village and in the designated regions. Previously, this activity was done individually. However currently, soil and water conservation activities are being done first on communal land and then on private land as part of a five year transformation and development plan designed by the government. Officers were applying a penalty of 13 Euro (300 ET .Birr) as a punishment for those who did not get involved in the activity/scheme.

### 3.4 Observed Changes as a Result of Land Certification

From the farmers' perspective we observed how farmers traditionally implement the different land transaction processes. Below, we will see how the EPLAUA institution implemented this land transaction. Comparing these two perspectives helps to see how the current certification is handling land related problems and dealing with the challenge of providing land tenure security for farmers.

#### 3.4.1 Land Conflicts

During my stay in the field, I saw land holders facing different land related conflicts in the village. This suggested to me that, in addition to the individual land holder, the district court would be able to show the land related situation of the study area. The table below shows the land and non-land related struggles in the district.

Table3: Conflicts in Bahir Dar Zuri District

No. of farmers	Years						
	2006	2007	2008	2009	2010	2011	January2012
Farmers in land conflict	215	239	1163	1005	287	308	175
Farmers out of land conflict	1570	2818	1873	2152	1317	4216	1440
Total farmers	1785	3057	3036	3157	1604	4524	1615

Source; district Court office, Annual Reports from 2006-half of 2012.

Experts perceived the conflicts of land are the results of villager's behaviour than their own process of land certification. They balm the land users limitation to use offered training, established institution from regional to local level and the different committee which established to facilitate the process. As table (3) shows, land related conflicts are increasing from year to year. As it is indicated 1,163 and 1,005 farmers came to the district court office to seek a solution in two consecutive years (2008 and 2009). Interviews with these court officers viewed the increment of conflicts over the course of two years in two ways, which are given below. According to them prior to 2008, decisions regarding land conflict were made by the Social court (in local

language, Mahiberawi Ferdebite). Hence, farmers who were unsatisfied with the decision of social courts had no chance to go to another area. After 2008, the responsibility for the land issue shifted from the social court to the district level office. Hence, more farmers including those who had formerly been cut off their issue began coming to the district office. However as the table shows up by January of this year the number of farmers who are in conflict over land are increasing. These conflicts resulted from the fragile process of establishing the committees, which was undertaken by the district EPLAUA office. Moreover, the office has not sufficiently implemented the legal enforcement mechanism.

According to the EPLAUA district reports of 2011, the dispute resolving committees have put efforts into doing activities which surpass their obligations and responsibility. For instance, the report shows that the committee attended to concerns which should be decided on by courts and other responsible bodies. In principle, this committee is not responsible for providing solutions for issues which have been decided on by courts. Interviewed committee members indicated that they are working to resolve the land conflicts of farmers.

Moreover, the report indicates the committee were swayed in their decisions by powerful relatives and by personal quarrels. This situation decreases the opportunity of finding win-win resolutions to conflicts as it creates weak relationships among themselves and with the farmers. Interviews with certificate user farmers showed that this committee continuously changed the time and place of appointment. This is due to the fact that there is no incentive for the committee to do the activity. Moreover the committee did not have the necessary stationary and office in which to meet with farmers.

In the conflict resolution process, the EPLAUA uses the new land registration committee and the 1998 land redistribution committee (in local language, Merit deleday) as a witness. However the land distribution committee became cause of land related conflict as they sold paper (which state land use right) for the land user in andasa village. In the study village, farmers who have power (for example a relative with a position in the government), or who are able to speak well and write the appeals, use the use right of others.

### 3.4.2 Conflicts and Land Certification

Theoretically the rural land certificate is assumed to reduce land related conflicts. In actual fact the certificate by itself is one cause of conflict for some rural communities. As it is indicated in table (3) above since EPLAUA introduced the land certification land related conflicts have been increasing. This is because the certification process (and changes to it) which is intended to respond to the increase in demand coming from the population, is ineffectively implemented. This makes the legal process complicated and more costly than the traditional procedure for land transaction. Local community have used the traditional agreements among them and some time by using other option than what EPLUA announced for the community in formal way.

In Anedasa village farmers accessed the land by purchasing land certificates from the 1998 land redistribution committee. This committee was considered as a bench mark for the land certification process and serve as evidence to be used in cross checking at the time of a conflict. However they developed mistrust about the importance of legal certification. A plot of land registered by names of more than one land users by only changing the boundary in the certificate but in real grounds which leads them in to conflicts. The conflict existed between a father/mother and son (members of the same household) and between one household and another. Moreover, in the study village there were boundary disputes over communal lands more than over privately registered lands. This was due to the increasing interest of the land holder to take over communal land and use it as private land. Moreover, the land transaction process (renting, donation, inheritance, buying use right) and the high demand for arable land are the main causes of land related conflict and land tenure insecurity.

### 3.4.3 Land Donation

In the proclamation N0.17, 133/2006, farmers have the right to use and transfer their use and holding rights. 'Donation' refers to the right of land holders to give their use right of land for their family or children. Donation cannot be practiced simply by the wish and interest of the donor. Rather, certain conditions should be followed for it to be acceptable by law. For instance, the donor has to have a shortage of capacity, meaning that he is unable to utilize all his user rights and possesses enough land for

his own survival. Meanwhile, the beneficiary has to be involved in agricultural activities and must have limited land.

#### 3.4.4 Process of Land Donation

Theoretically, awareness must be created amongst the two parties 15 days prior to the donation process. After the Keble level EPLUA office has created awareness amongst both parties they come to the Keble level land Administration and Use committee to check the process. The beneficiary should have additional evidence from the Keble administration which states that he will support the donor for three consecutive years beyond personal profit. Finally after confirmation by the committee at the Keble level, the expert within the institution changes the certification book in order to record the user rights for the beneficiary. An agreement of donation must be made in writing, as orally made agreements are not accepted by the law. The agreements are reported and registered by the district level office. As it was shown in the section on farmer's perspective, this differs from when farmers donate their land use rights in their village orally.

#### 3.4.5 Procedures of Land Bequeath

The interviewed officers stated that when the land holders die without making a will and /or when the will is not accepted by law, his right is transferred to his relatives following certain procedures. These procedures make a distinction between three types of cases: firstly where there are children who are aged below eighteen years, or if the deceased has no children, other family members. Secondly where there are children who are above eighteen years old and /or other families who are engaged in agricultural activities. Thirdly, where children are above eighteen years old and have no land or only a small plot of land. The size of the 'small' amount of land depends on the agro ecological zone: in kola, the children should not have more than 10 ha of land and in dega agro-ecology about 7 ha. Fourthly, where there are the deceased holder's parents who are engaged in farming activities. However, if the land is below the minimum requirement for certification (0.025 ha), family members are allowed to use bequeath registered together as one land user to avoid fragmentation of land. One of my informants told me the following story about how the land certification had been used for land inheritance and how they perceived it;

*In their family they were four children. When their father died, the children were legally allowed to inherit the use right of their father. The plot of land was subdivided in to the father's and the mother's use rights. One was transferred to their mother and the other for the four children. During the division process, the mother was allowed to take the fertile part of the land and the children were offered the remaining land. The land use right which was offered to the children was registered in the name of the oldest child. Children who were given less fertile and degraded land led them to migrate to search for alternative land. The oldest child is the legal inheritor but internally she has to share the benefit with the other three children. Officers were forced to divide the land into two only to reduce the splitting of land but farmers divided the land traditionally based on the quality of the land into four, giving a part for each child.*

Children assumed that they will have long term needs for land. They can subdivide the land by themselves in sustainable manner and which can benefit all as they know the fertility of each plot of land.

#### *3.4.6 Land Rent*

Theoretically, a land holder can rent his use right to another person for a minimum of three years and a maximum of twenty five years. The renting agreements for more than three years are done in writing, submitted and registered in the district level authority office. The amount to be paid for rent is decided in agreement between the person letting and the tenant. In the legal process the person letting must have his/ her land registered in the first level certification book. However those who have only temporary certification or user rights for land plots less than 0.025 ha are not able to rent their use right.

Currently, the EPLAUA officers need the land renting practiced according to proclamation in legal way. However, interviewed certificate users indicate that in order to rent their use right there are a lot of procedures such as asking the Keble level office, checking the exact holder of the land, receiving confirmations of rights by district, all of which incurs them costs. Additionally the farmers who want to rent land (the tenants) have to cover the costs of the process. Due to this costly procedure farmers prefer to rent the traditional way. More over the tenants need to grow the

annual crops on rented than the perennial crops, as it gives security for their use right and service of land.

To sum up, Villagers in the study area conceptualize land not only as economic importance but also it has important to their cultural and social values. Land users practice both traditional and formal way of land accessing mechanism. They have limited involvement in the formalization process and have diverged perception in the certification of rural land. As it is indicated in chapter two, the certifier's experts are incomplete to understand the ground reality of land use in the village. This makes me to argue that the existence of large irregularity between EPLAUA certification practice and what is actually happening on the ground. Certification creates extra conflicts in the practice of land transaction which lead land users more insecure for land tenure.

## Chapter 4: Discussion and Theoretical Reflection

In this chapter I will discuss the main issues arising from the research on land titling practices in Ethiopia. The data is presented in chapter two and three. The study started by asking the general question ‘How is the land titling programme being implemented in Ethiopia, and what are the experiences with land titling’. The relevance of this thesis is that there is little detailed and field based knowledge about how the land titling process is implemented and experienced at various levels of society in Ethiopia. This thesis questions the role of the institutions and the experts that have been assigned with the task to implement the titling procedures. Their assumptions about rural reality in the villages are somehow distorted. The aim of my study was to understand the experiences of certified land holders their perspectives on land by comparing these with the intended land titling policy objectives. The stated objectives are; to better administration and use of land, to motivate soil and water conservation by farmers, to give appropriate compensation to farmers in cases where the land is expropriated by the state or private investors, to enhance the land use rights of women, to reduce land related dispute and to improve land tenure security as a whole. In contrast to that I found that land conflicts have increased and that tenure security has not been really provided by the land titling process and procedures.

### 4.1 key Findings

Using the research question as a guideline, this section summarizes the key findings of the previous chapter.

*4.1.1. Concerning the first sub research question the institutions and their work in practice. I put forward that EPLAUA is not impartial/neutral as the land titling policy assumes it is.*

After the legal framework was formulated in proclamation the Environmental Protection Land Administration and Use Authority (EPLAUA) was established to implement the land titling process. EPLAUA set out to develop a set of procedures at regional and sub Keble level that aim to guarantee that the policy objectives are achieved. EPLAUA offered different training sessions to update knowledge and skills

of the implementing EPLAUA officials to which were followed by training at Keble level for the land redistribution committees.

Below I will summarize my main points and experiences with the implementing agency.

#### *Institutional Limitations*

At regional level, the institution did not give attention for Land Use and Environmental Protection Department. The officers did not understand the reality on the ground (notably the multi dimensionality of land) in the study area. At Keble and sub-Keble level the established committee were not any incentive to practice their task. At the level of the Keble I found that there were limited qualified personals. Keble level officers not provide clear guidelines for the land titling. Furthermore, basic training, a data base and, additional reading materials were not available at Keble level. These materials assume to provide the offials a source of information to serve the land users. In the study area there was one land registration expert per Keble while in other office such as the agricultural office, three experts per Keble existed.

#### *Limited Achieve of an Institutional Objectives*

In both Wendata and Anedasa villages there were efforts to measure register and certify rural land to enhance tenure security. However, the institutional objectives were not implemented according to the intentions of the EPLAUA in terms of both time frame and activities. Time wise, the office was supposed to give first stage certification within five years, however, there were cases of farmers who did not have even had a first stage rural land certification but only a temporary one. These land users are not able to transfer their land use right because the temporary certification allows for land use only, and the landholder cannot transfer his right. In terms of activities, the EPLAUA officers were limited in their capacity to address the stated objective of the institution and also the anticipated impact of the land certification on land tenure security. This is evidenced by the reported increases in land related conflicts.

Land certificates are intended to serve as solid evidence for all land transactions. Hence, land users have to visit the EPLAUA office in order to secure rented, donated and inherited land tenure each time that a transaction takes place. Farmers were

reluctant to go to the EPLAUA office to deal with every aspect of the transaction, because it costs time and money to follow the formal procedure. Often, farmers or land holders relied on the traditional or customary transaction arrangements their village even if these are not legally acceptable. The legal process of returning back the sold use right via trust has created more disputes among land users. This practice challenges the existing social relations (marriage, helping each other through sadness and happiness) of the villagers.

#### *Limited Man Power for Land Certification Process*

Human and material resources are very essential for the successful implementation of well-organized programs. According to ECE (1996) land administration guidelines, the success of the system of land administration depends on the skilled staff at all levels. As it is indicated in table (1) and table (2) in chapter 2 the EPLAUA and district office are constrained by lack of skilled staff. Numerous officials are at the diploma level of education, or the level below in most cases. More over there are no experts who are educated at the PhD level. Those higher qualified employees are found at higher levels (at the regional level) than at district and Keble levels which are the levels where land titling and registration is happening and becomes real. Furthermore, the majority of the experts have field experience of soil and water conservation, forestry and program planning and little in land titling. Land issues are complex and encompass the social, economic and political spheres of social life and require capable expertise. With the exception of a small number of employees, most are not skilled or knowledgeable in the field of land administration and certifications.

#### *District Level*

District officers are mainly responsible for confirming and certifying the documents for land users. This office uses additional temporary employees to register the field data on field sheets. However this opportunity is not efficiently used due to lack of documentation facilities such as computers, skilled staff and office space. At this level the updating of collected information is limited. As it was clearly indicated in section (2.3.2) there are drawbacks in the recording and keeping of certification documents which come from all Keble. Moreover there is a weak communication channel between the Keble and the district office experts, who communicate by means of monthly written reports.

The district branch office is located in the regional city (in Bahir Dar). However, it does not have its own buildings (offices) to facilitate its program- instead a house is rented from a private property owner. Hence, offices must change location to another area when the landlords are in need of their property. For instance, on September 9, 2011 the EPLAUA office changed location to another area without properly informing all the Keble under the district office of the branch. Interviewed farmers responded that they were even unaware of the exact location of the offices. Farmers noted that the offices are too inaccessible for them to get solutions for their problems. The change of office was only announced to representatives of the organization at the higher level and some representatives at the Keble level.

#### *Keble Level*

At Keble and sub Keble level, especially committees which are found in the nearby vicinity of farmers, take a long time to give appointments (for three months' time) for land issues and change the appointment time frequently. Some of the committee members lack an interest in the process, while others seek personal advantage and some committees prioritize personal relationships at the expense of others in the process of providing solutions and evidence in land conflicts. These practices are due to the fact that there are no incentive mechanisms (eg. salary, per diem and training) for serving on this committee while the committee members are like other ordinary people depending on agriculture for their livelihoods. Hence they devote much of their time to their personal activities instead of getting involved in the process.

#### *4.1.2. Concerning to the sub question of the demarcation and enforcement of rights done in practice.*

I would argue that the demarcation part of the process of land certification is not impartial and is not an easy straight forward process for experts as is assumed in the policy documents. They have been limitations in a way that to enforce the right of land user and to demarcate land parcels of individual.

#### *Demarcation of parcel of land*

EPLAUA uses physical markers such as hedges, trees, stones etc for the identification of a piece of land on registration forms and personal certificates. I found it was very low cost, locally well-understood and locally available choices that land is quantified

using traditional measures (time required to plough). They demarcated in some case with the names of the family head, four neighbours, and a neighbourhood within the village. However, in some case only the committee without involvement of villagers identified the boundary and give the certificate without putting boundaries on the ground. Moreover, in the certification book only four boundaries have been identified, but in reality land is bounded by more than four bounders. As result boundary, has been one source of dispute for farmers.

#### *Legal Enforcement Mechanism of the Institution*

Enforcement mechanism is a fundamental part of the institution to reduce the possibility of violation. EPLAUA established obligation and rewards as one mechanism of enforcement of land certification in the proclamation No.133/2006. These obligations serve as sanction for farmers who are against movement of the implementation of the rural land certification. The authority established a prize mechanism for those farmers who perform exemplary activity in land conservation and protection activity. The prize is in the form of certificates, farm equipment and money which enable the farmer to exchange his experience with other farmers. Nonperforming of the obligations result to oral, written notice and administrative measures consecutively. Farmers who failed to respect the above obligations would be not able to transfer their use right to others. If the fault doing is continued, farmers would be suspended from their user right for limited time up to expropriating from their land by paying compensation. However, in the Wendeta and Andasa Keble, farmers who violate the obligation had never obtained the recommended punishment since the land certification process operational due to lack of implementing the enforcement mechanises. This is the same for those who accomplish exemplary activity and were rewarded.

4.1.3. Concerning the question of the views and experiences of villagers and farmers with land titling. The field findings of this study indicate there are large inconsistencies between EPLAUA certification process for land tenure security and what is actually happening on the ground.

#### *Land users perception for Land certification*

Some informants considered that land certification provides the exact landholders with a sense of holding the land, because they viewed it as evidence during renting and land disputes. However other did not share this view because there are people who are able to access land by only accessing land certification, which create conflicts with users of the land. These farmers used different mechanisms (power, good relations or supplying money to the land committees) to hold the land belonging to others by simply accessing certification. Hence, the process of implementing the land certification was viewed as the main challenge for their livelihoods and the cause of mistrust within existing family relations. In the Wenedata Keble, land certification used as evidence during expropriation of the registered land, in fact the land user was not satisfied by the compensation payments because the process of estimating the compensation did not take into consideration the current market value. Moreover they needed the same piece of land or a replacement plot rather than a cash payment, because land is a key livelihood resource which they need and want to transfer it to their children.

#### *Practice of Renting Land*

The descriptive studies by various authors (Teferi, 1994; Yigremew, 2000; Aklilu and Tadesse, 1994) found that farmers did not readily grow perennial crops, for example planting trees, because of the fear of losing their rights. In the study area, both the traditional and the formal procedures for renting land are practiced. Farmers are renting out their land in the traditional way either because they only have temporary certificates, or because they have less than 0.25ha, or because they dislike the length of the process and costs incurred. Some farmers have used the formal renting procedure by using their certification book. In both renting procedures, tenant informants stated that they choose to grow annual crops rather than perennial crops (for instance chatee) because they feel more security if there is something wrong they will change easily. In the formal way of renting, EPLAUA has changed its certificate over time after they have already engaged in a long process of formalizing the agreement and incurred costs, and letting has required additional payment every year following the change of the paper. This creates a sense of insecurity and disagreement for the tenant. Hence on most of the rented land, annual crops are grown. This finding contrast with (Holden and Yohannes, 2001) who stated growing perennial crops reinforce the security of tenure.

### *Land Inheritance*

Any land holder who has the right to hold and use rural land can transfer his use and holding rights to other farmers engaged in or who would like to be engaged in agricultural activities (EPLAUA, 133/2006). However, as it is stated in section (3.4.5), in the study area, for farmers who want to possess land use right through inheritance, the formal land inheritance processes costs much more than the traditional procedure. In addition to hidden payments to the Kebele administrator when evidence is being given, farmers paid 70 and 30 ET birr to the formal writer and to the courts respectively. Moreover, all the families who are the part of the inheritance process have to go to the district, then to the Kebele, and then back to the district for confirmation. After this long process, even when there are four family members, the inherited land is divided in two to reduce land splitting. As section (3.4.5) shows, following the formal inheritance procedure, three children were allowed to use the land in the name of the user right of the oldest child. However in reality they sub- divided the land into four plots. Using the family land in the name of the oldest child might push the family into a bloody struggle to access the land instead of a peaceful use of the land, because the land is registered in the office in the name of only one child. This situation might deteriorate if there is a personal disagreement between these children.

### *Limited motivation for soil & water conservation*

The study by Tesfu (2011, p 10) shows that the land tenure security is not a precondition for farmers' "decisions on soil conservation practices", because, according to him availability of labour at household level and education levels also affects the decision about soil and water conservation. Other studies note farmers' awareness of water and soil degradation in Ethiopia (Belay, 1992, 1998; Tekie, 2001) and show evidence of farmers who apply indigenous conservation practices in degraded areas of Ethiopia (Kruger et al, 1996). In Anedasa and Wendata villages, there is a high demand for arable lands for farmers. As a result they have a tendency to get the right to land through rent and inheritance from family and relatives. However, the long lasting institutional (governed by EPLAUA) process response to these high demands for arable land has led to more land related conflicts as it shown in Table 3, in chapter three. These conflicts constitute a threat to soil and water

conservation and other perennial crop investments. As indicated in section (3.3.6) currently the land users are involved in collective Soil and water conservation practices and it appears that they do not do it individual. This shows that even if farmers have indigenous knowledge of conserving the land and are aware of soil degradation, they did not need to keep their land. Informant farmers are unsure what may happen in the near future concerning their land use. They expend their labour and time to secure their rights and look for solution for land dispute from the institution. Meanwhile some of them do not have the security to invest in growing perennial crops. As viewed by informants the function of the rural land certificate for soil and water conservation is declining. Moreover the process of certifying the land has created disputes due to the weak capacity of the institution to identify the right land holders.

#### *Women land use right*

Deininger and Ghebru (2009) conducted a study in Tigray region of Ethiopia, and found that as a result of the land certification program, female heads of household were more likely to rent out the land. Females are believed to have been more tenure insecure than their male counterparts in the previous regime and this still persists even with the current regime. At the time of the Imperial regime, women were hardly ever recognized as landowners. They accessed land only through marriage and inheritance- for instance, women could inherit land from their parents or deceased husbands, but they could not own land in their own right (Crummy 2000). During divorce, women went back to their family without their land user rights. In the 1975 legislation, it was written that spouses could enjoy joint ownership of land, implying that on paper men and women were entitled to the same land rights. However, women's rights to land depended on marriage and were not registered separately. They therefore had no control of the land (Crewett et al. 2008). Currently, simple modifications have been made to the land tenure system and land user rights which include a formal confirmation that land rights are granted to men and women. The modification of land tenure was for the right to lease out, inherit, exchange and donate land. However, in practice female land holders face challenges when they attempt to claim their holding and use rights. This view is the same as studies by Crewett et al. (2008) that shows divorced women lack security to land rights, due to numerous exceptions which strictly limit their rights. Other studies indicate that even if women have legal rights they may not benefit from them when there is "lack of legal knowledge and weak

implementation”, because this limits women’s ability to exercise their rights (Deininger et al. 2008). That means it is not sufficient to simply formulate the legal right of an individual- there is also a need for access to public information (creating awareness about the right), enforcement of these rights and strong institutions who are responsible for implementing it.

In the study village the institution that implementing the rural land certification was not strong enough to establish the right committee, to create awareness, to resolve the conflicts and to implement EPLAUA’s stated objectives. This limitation of the organization affect women’s agency to exercise their use rights and erodes their traditional means of making a living. The process of certification poses challenges to the livelihoods of some rural villagers, because it is common to see many farmers in the EPLAUA office who are awaiting solutions for their land related problems. During the weekend (Sunday) and even in working days more people come to the local office to deal with their certification. Those who are able to afford the transport and other costs to access institution were travelling 20km to reach the various levels (Keble, District, Zone, and Region) at different times of the week. They used working days of the week for travel to district because these offices are open only on working days. Some of the land holder would not be returning to their usual activity because they had failed to secure their use right of land. For example, as it is shown in (3.3.3) one of my female informants gets additional income from preparing local beer to secure her livelihood. However this activity is challenged by the process of securing land. She used existing social networks, knowledge, labour and markets to generate income for their livelihoods. However this social network is damaged by the weak implementation of the certification process. Hence, external bodies (EPLAUA officers) need to recognize the multiple means of livelihood rather than only considering formal livelihoods. Moreover, the certification process has not only challenged alternative means of livelihood, it has also challenged traditional land transactions (eg. renting, inheriting of family land) which has used by villagers for ages.

#### *Compensation payment for Expropriation Rural Land*

Ideally, officers should ask landholders about their interests and discuss with land user before paying compensation payments for losing their rights to land. This would

help the experts to know the exact amount of land users' production and to calculate the proportional payment. In practice, as section (3.3.5) show, informant farmers do not have the possibility to discuss and cancel the process of expropriation if they are not in agreement with the process. Moreover, the informants would prefer in kind compensation (another plot of land) when their land is needed for public purpose rather than receiving cash compensation. Based on evidence from the informants, even if certification serves as evidence during the process, they are not interested in that for a number of reasons. Firstly because they receive a much lower amount in compensation than would they expect to receive for their land. For instance, the plot of land (0.25 ha) belonging to one of my informants was expropriated for public interest. As it stated, the compensation payment was 21 thousand Ethiopian birr based on the past four years' productivity. According to my informant the production of his plot of land was worth 15 thousand Ethiopian birr per year. This means 60 thousand Ethiopian birr (Euro 2608.69) within four years. The land value was initially evaluated by district administration officers and the district finance office paid the payment. The long procedure of payment and the underestimated value of the compensation did not satisfy the land user. Secondly, the initial information was that the expropriation period was ten years. However, gradually this period changed to 'permanent' by deleting the land holder's name in the certification book. Thirdly, the expropriated land was taken without a prior plan of land use because the land was not functional for years after it was expropriated. This shows that the land user's right can be snatched away at any time, but at least farmers may be compensated by using their certificate as evidence.

4.1.4. Regarding to the sub research question the role of experts and officials in the processes of land certification.

I found that experts hold and sustain a conventional land titling perspective. For instance experts were not concerned to let the land users participate in the process of certification and implemented the procedures quite rigidly. The registered user rights did not always match with the measured size of the parcel of land. The rural land certification process in this way rather increases the extend and degree of land tenure insecurity.

*Limited Participation of Land User in Certification Process*

Theoretically and according to the policy document, the land certification process is assumed to be done with the involvement and active participation of land holders. According to proclamation No. 47/2000, the EPLAUA is responsible for developing the necessary legislation, training and financial support to empower local communities. In principle the participation of land holders was used as a tool to empower them and enhance their abilities and to prevent the manipulated imposition of external decisions in the certification process of land. However as Leeuwis (2004) points out participatory methods could be used as a means of controlling, rather than empowering communities. In the study area, the concept of land users' participation is not being properly used to empower the local community in the process of land certification. For instance in Anedasa and Wenedeta village the informant farmers did not actively participate in the land certification process. As section (3.3.2) shows, land holders passively participated in the rural land certification for example by taking the certification book and answering when asked by officers. That is why during the rechecking program it was found that a lot of plots of land had not been properly registered during the certification process.

The different committees, experts and land users were assumed to be fully participating and working with land holders. According to my informants, the land certification process, including the current rechecking practice was functioning only according to the interests of the of EPLAUA officers, as there was no understanding of the role and interests of the land holders., As it is indicated in section (4.6), the land registration and certification made previously had a lot of faults which served as a trigger for starting the current rechecking process. These created an opportunity for land users to mistrust the land certification process as it is indicated in the results section (4.3.4). Hence the certification process and even the current rechecking process would have to be done with the full involvement of the land holders.

#### *Imperfect Registration of Rural Land*

The district branch of EPLUA showed progress in providing the first stage certification book. Currently, they are involved in the second rechecking by naming the land holder in front of people rather than checking the information on the ground. Hence another second rechecking process may be required. As section (4.6) indicated from the total land users in the district, excluding those who used temporary

certification, the land use rights of 28,099 farmers land were wrongly registered in the land certification process. This result showed that the first stage of certification was not considering the reality on the ground. As a result of these imperfections in the certification process the rural land user is misunderstanding their use right of the land and the meaning of the certification book. Hence rural land certification will increase rates of land tenure insecurity in the context of a weak implementation process.

#### *Land Related Conflict*

Theoretically the rural land certificate is assumed to reduce land related conflicts. In actual fact the certificate by itself is one cause of conflict for some rural communities. As it is indicated in table (3) since EPLAUA introduced the land certification land related conflicts have been on the increase from year to year. This is because the certification process (and changes to it) which is intended to respond to the increase in demand coming from the population, is ineffectively implemented. This makes the legal process complicated and more costly than the traditional procedure for land transaction.

In Anedasa village farmers accessed the land by purchasing land certificates from the 1998 land redistribution committee. This committee was considered as a bench mark for the land certification process and serve as evidence to be used in cross checking at the time of a conflict. However they developed mistrust about the importance of legal certification. A plot of land registered by names of more than one land users by only changing the boundary in the certificate but in real grounds which leads them in to conflicts. The conflict existed between a father/mother and son (members of the same household) and between one household and another. Moreover, in the study village there were boundary disputes over communal lands more than over privately registered lands. This was due to the increasing interest of the land holder to take over communal land and use it as private land. Moreover, the land transaction process (renting, donation, inheritance, buying use right) and the high demand for arable land are the main causes of land related conflict and land tenure insecurity.

#### *Conflict Resolution*

Before the introduction of land certification, land related conflicts were solved by local elders on the basis of trust, which involved minimal investment in time, energy

or money. This conflict resolution process often led to a win-win situation that would bring everlasting peace among the farmers. Since the introduction of land certification, the EPLAUA authority established the land dispute resolving committee at Keble and sub Keble level with the aim of enabling a smooth functioning of the certification process. In fact, the existence of this committee can be viewed in two ways. Positively, this committee supporting the farmers for forwarding their issue to district, zone and region level courts. Negatively, they become obstacle to farmers issue in a way by giving their evidence for courts and EPLAUA. The district court office and EPLAUA used different ways to solve the land related conflict of farmers. They need to have an agreement about the decision on these land transaction processes in order to give a better service to land users. For example, in the inheritance process the courts used their own by-law (Fetabehire) which allows the son of the family to be the first inheritor of land. However the EPLAUA office uses their proclamation which states different steps for the inheritance of rural land as it is indicated in section (4.5.4). Hence this might create the opportunity to lose rights or acquire them in the wrong way.

#### 4.2 Theoretical Reflection

In this study land tenure or rather land-people relationships is not interpreted from a conventional perspective. The conventional view on land-people relationships assumes land titling and certification generates tenure security. This view is shared amongst the EPLAUA officials. I rather followed a more critical perspective of land titling, one that assumes lack of titling does not necessarily mean lack of land tenure security. Formal titling is not the only way to provide security or the rural landholder. Moreover, I found that the EPLAUA view on land-peoples relationships are imposed on people and do not resonate necessarily with rural reality. This way of looking is good to investigate rural land certification practices and how the 'conventional views' of the officer's challenged with the ground reality. Seeing the rural land certification in this way allowed me to understand how the EPLAUA officers practiced it in Andasa and Wenedata Keble. In addition to the existed social net work in local context this approach helps me to see the institutional incapability of EPLAUA in the process of rural land certification.

#### 4.3 Conclusion Remarks

I would argue that land tenure security is not to be perceived as one-dimensional which cannot be simply measured by linking EPLAUA objectives directly to observed outcomes of rural land certification. The assumption that land titling is seen and designed as a linear process which can be controlled and managed by the state and specific set of institutions is not realized in the villages I studied. There is a critical need to look for land titling approaches beyond the linear models and which take on board the experiences of farmers or land holders with both the ‘customary’ land arrangements and those that related to the land titling process. The mixed and sometimes conflictive situations that occurred because of the demarcation of land departs question the assumption that demarcation can be implemented as the issue of overlapping rights can be solved. Moreover, land which in the process of titling is conceptually treated as one dimensional resource ignores the other meanings local people attach to land which in turn is a source of conflict and distrust.

#### 4.4 Recommendation

To have meaningful changes that benefit the rural land users in the study area I would recommend: the administrators and experts who are responsible for designing and implementing the rural land certification process need to reconceptualise their conventional view for land tenure security. The institutions should have to recruit qualified and related experts to fill the gaps of educated man power especially at district level who are main centre and responsible of the certification of land to insure tenure security. There should have short to long term training for Kebele and district experts including the land holders to build their capacity and to bring common consensus. EPLAUA should not only consider the offering of certificate but the application of public information, clear boundary demarcation and enforcement mechanisms to functional land use rights. More over EPLAUA officers need to consider the existed land tenure system on the ground to understand other usages and meanings of land.

#### 4.5 Implication for the Study

The rural land certification in Anedasa and Wendata villages provides some critical implication for the entire rural land certification in the Amhara region. Land tenure security is a complex process; it cannot be achieved by land certification which

viewed and designed as a linear process and can be controlled and managed by the state and specific set of institutions. Land certification needs a thorough analysis of the existing land transaction (renting, donating, and inheritance) before starting it. The EPLAUA assumed that the existence of land certification improves the overall land uses and managements, and also land tenure security. However, some of the land certificate user, especially women and who unable to write and read, as I showed in the discussion part, face challenges to rent out and practice their day to day activity. Moreover certified lands are expropriated in the name of the “public interest” for investors without considering the interest of the land holder and good payment of compensation. These situations have anticipated consequence on the livelihood of an individual and decrease the land tenure security of the farmers.

Although it is essential to have different committee and experts at different level of EPLAUA, some committees are causes of land conflicts and tenure insecurity in reality, through giving inappropriate evidence for courts and EPLAUA. Different socio-technical problems of farmers resulted from poor implementation of the rural land certification, in the study area, makes frustrated the land security process by increasing the conflict of farmers.

#### 4.6 Lesson for the Future

The need exists for land certification for farmers’ in rural villages of Anedasa and Wnedata; however the conventional view of land certification service does not consider the existing land tenure system. Offering land certification to rural land user is a big step towards land tenure security, however other measures such as strong institutional set up, public information, clearly identified boundary and enforcement mechanism and understanding the meaning of land from land user perspective have to be put in to practice to improve the land tenure security of the land users. Moreover, the certification processes should be taken in to account the full participation of farmers and their traditional land transaction system.

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