

# **The Effects of Rural Land Certification in Securing Land Rights: A Case of Amhara Region, Ethiopia**

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# **The Effects of Rural Land Certification in Securing Land Rights: A Case of Amhara Region, Ethiopia**

by

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## Abstract

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This study looks at the effects of rural land certification in securing land rights in Amhara region. It also looks the status of land improvement activities made by land holders after government certification program and extent and composition of disputes over land. It was based on secondary data collected from governmental organizations and a field survey carried out in five administrative kebeles of the Fagetalekoma wereda in Amhara region.

Tenure security was low during the past regimes because of frequent land redistribution and this contributes a lot towards economic development and natural resource degradation in the region. Most of the existing rural economic and social situations of the region can be traced back as manifestations of tenure insecurity. However, in response to the insecurity problem the current government have been taken measures of rural land certification to increase tenure security by granting holding certificate as legal evidence.

The findings of this study show that rural land certification has a positive effect in securing land rights of holders in general and in particular the incentive to improve land is also positive. In addition, the vulnerable group of the society especially women land rights are protected as a result of holding certificate and land related disputes are decreased. It is also observed that there are encouraging activities undertaken by the landholders to increase the fertility status of farm land and changing the environment by doing tree planting, terracing and applying manure.

However, the current research finding reveals no significant relationship between certification and productivity of farm. Land degradation, access and price of inputs such as fertilizer, improved seeds and shortage of rainfall are main reasons accountable for the low productivity of farm land in the study area.

In general, the findings of the study demonstrate that the feeling of land rights security is increasing through time. As well as the findings show that the government rural land certification interventions carried out to increase tenure security has been achieving its intended objectives and is effective in improving tenure security of landholders.

**Keywords:** Land policy, Land administration, Land tenure, land rights, Land certification, certificate of holding and security of land rights.

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Assefa Belay

*Dedicated to  
My Wife Sisay Yimer*

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## **Acronyms**

ACSI	Amhara Credit and Saving Institution
BOARD	Bureau of Agriculture and Rural Development
BOFED	Bureau of Finance and Economic Development
CSA	Central Statistic Agency
ECE	Economic Commission for Europe
ECA	Economic Commission for Africa
EPLAUA	Environmental Protection, Land Administration and Use Authority
EPLAUO	Environmental Protection, Land Administration and Use Office
FAO	Food and Agricultural Organization
FDRE	Federal Democratic Republic of Ethiopia
GDP	Gross Domestic Product
LAS	Land Administration System
RRR	Rights, Restrictions and Responsibilities
SIDA	Swedish International Development Agency
UNDP	United Nations Development Program
USAID	United States Agency for International Development

# 1. Introduction

## 1.1. Background of the study

Ethiopia is one of the countries in the Horn of Africa with a lot of cultural diversity and it has a population of 73.9 million of which 83.9 percent lives in rural areas and the population grows at a rate of 2.6 percent annually (Central Statistics Agency 2008). Out of the population, females account 49.5 percent and male 50.5 percent, and more than 32 percent of the population lives below the poverty line. Agriculture is the backbone of the country's economy. Agriculture accounts for 46% of its GDP and 90% of its export earnings and employs 85% of the country's labour force and 70% of the raw material requirement of agro-based domestic industries (UNDP 2002).

Land is a fundamental asset for economic development, food security and poverty reduction in sub-Saharan Africa and has a crucial importance to the economies and societies of the region contributing a major share of GDP and employment, and constituting the main livelihood basis for a large portion of the population (Cotula, Toulmin et al. 2004). Likewise, land is a vital asset for a country like Ethiopia, where the country's economy is based on agriculture; where the opportunities for non-farm means of livelihood are limited; and where land is considered as a significant and valuable means of livelihood and reflective of both symbolic and relating to interaction of people and material aspects by the local people (Lyons and Chandra 2001).

However, land remains the point of controversy and political grievances during the past regimes and tenure insecurity was high in the country. The 1995 federal constitution of the country which is about property rights provides that "The right to ownership of rural land and urban land, as well as of all natural resources is exclusively vested in the state and in the Peoples of Ethiopia. Land is stated as a common property and shall not be subject to sale or other means of exchange and it also states that "Ethiopian peasants have right to obtain land without payment and have the protection against eviction from their possession"(FDRE 1995). The government is the ultimate owner of land using the power given by the constitution. Hence, the Federal Democratic Republic of Ethiopia passed the Rural Land Administration Proclamation of 1997 to the regional governments that provide power to enact laws to administer land.

Following the enactment of the federal constitution and land policy, land has become a very high-profile issue in the country and rural land policy has remained one of the sources of discussion and focus of debate among academicians, politicians and other concerned parties in the country. In this regard, the rural land tenure system and land rights security have been taken seriously as one of the most debatable issues facing the country.

Thus, in order to increase farmer's security of tenure the government has started a comprehensive program on rural land certification in the major regions since 1998. Accordingly, the program has been implemented in Amhara region since 2002 with the objective of improving sense of ownership which in turn could enhance tenure security and investment in land.

## 1.2. Background and justification of the problem

In the conventional literature it is said that, ‘‘land remains an asset of great importance to African economies, as a source of income, food, employment and export earnings. As well as its economic attributes, land continues to have great social value as a place of settlement, providing a location within which people live and to which they return as well as symbolic and ritual associations, such as burial sites, sacred woodlands, and spiritual life’’(Ogendo 2000).

Hence, in most developing countries agricultural land is still the main source of livelihood, investment, and wealth for the large majority of the society. However, Deininger argues that in most developing countries, ‘‘the way land is instituted and distributed and ownership conflicts are resolved has a far-reaching consequence beyond the sphere of agricultural production’’ (Deininger, Jin et al. 2003). In addition, Rahmato (2004) contends that for the agricultural based economy land tenure arrangements weakened not only the ability of rural households to produce for their survival and for the markets, but also their social and economic status, their incentive to work and use land resources in a sustainable way (Rahmato 2004).

As many African countries the issue of rural land in Ethiopia has been mainly considered as a political or social question. Several radical land reforms have been accomplished since 1975. However, the results of the reforms have no effect to change the intensity of poverty and food insecurity in the country. On the contrary, they increase under utilization of land, high tenure insecurity, and continuous political grievances. This situation has sparked a debate among different Ethiopian and foreign scholars regarding the poor performance of the economy in general and agricultural performance in particular and the current debate mainly focuses on land ownership and on private-state dichotomy (Gebreselassie 2006).

According to Rahmato (2003), one of the reasons for the poverty situation and unsatisfactory agricultural development in the country in terms of productivity and sustainability is the absence of sufficient investment; and this is due to lack of tenure security which in turn, is due to the absence of private ownership in land (Rahmato 2003). Furthermore, the current land tenure system in the country which is under the control of the state, through its egalitarianism of land division policy has gradually thinned economic and social differentiation within the rural communities. Land has been distributed to all farmers equally to give equal opportunity and this results land fragmentation and weak performance of the economy in general and the agricultural sector in particular (Rahmato 2004). Thus, they argue that lack of tenure security should be blamed for all the stagnant agricultural performance and rural poverty in the country.

In addition, it was argued that only private ownership of land could provide adequate incentives for investment in land, and that such tenure security could only be achieved through land certification/titling and registration of privately owned land. For instance, De Soto explored that lack of land tenure security and land registration is the main reasons why developing countries have not developed to the same extent as Western countries cited in (Törhönen 2004). As stated by Toulmin, the arguments in favour of registering title to land most commonly have benefits like: Land registration stimulates a more efficient use of the land; enables the creation of a land market; and it provides farmers with a title that can be offered as collateral to financial institutions (Toulmin 2009). As it is indicated in the above argument for some scholars, private ownership of land is the only

mechanism to build tenure security and to give wider incentives for investment and in turn to alleviate poverty in the farming communities.

On the other hand, another argument provided by policy makers to keep rural land under public ownership is they believe that rural land plays not only an economical role, but also a social security role. Based on this argument, Ethiopian policy makers voted for a constitution (in 1994) that grants free access to land to every rural resident who wants to farm and earn income from farming (Gebreselassie 2006). Hence, there is a strong belief by the current government and some academicians that it is not security of tenure to be blamed for the poor performance of agricultural development and investment in land in Ethiopian context. They argue that the issue of tenure insecurity is addressed through the provision of land certificates. Critics argue that private ownership of land will lead to concentration of land in the hands of a few who have the ability to buy, to evict the poor farmers, landlessness, and rural-urban migration of the same farmers who are left without any alternative means of livelihood.

Foreign scholars have also taken both sides of the argument and some say that land tenure is one of the areas most in need of reform in the rural area to enhance tenure security (Deininger, Jin et al. 2003). Another group of researchers and policy analysts believe that the benefit from private land ownership is not expected to be large and it should not be considered as the only way to increase tenure security. And they consider the cases of China and Kenya for the purpose of illustrating such controversy (Lia, Rozelle et al. 2000). Within the general framework of state ownership of land, China has long experience and has made extraordinary economic development while countries like Kenya can be cited as examples where private ownership of land rights did not achieve the objective of increasing the required security of tenure.

Thus, literatures indicate that there are no similar conclusions showing the relationship between land ownership and those positive social and economic features of land tenure. Hence, it can be noticed from the above argument that there are various ideas among scholars on issues of land tenure. Some say private ownership of land is the best tenure arrangement to provide adequate incentives to investment in land and to increase tenure security, and others say it is not the ownership type that really matters for land tenure security and incentives for investment, it is rather more important the way how tenure security is addressed.

Land registration and granting land holding certificates to landholders have recently become one of the government's interventions in Ethiopia. The Federal government issued the Federal rural land administration proclamation (Proclamation No. 89/1997) that made provision for the enactment of a land administration law by each regional council. Accordingly, several regions including the Amhara, Tigray, Oromia, and Southern Nations, Nationalities and peoples National Regional States have enacted their own land administration Laws. Based on the land administration laws, for instance, in the years 1998, 2002, 2003 and 2004, Tigray, Amhara, Oromia and Southern regions have been respectively started the implementation of rural land certification program (Deininger, Ayalew et al. 2008). The main objective is to improve tenure security through land registration and certification thereby promotes better land management, more investment on land and reduces disputes over land. Amhara region is one of the regions where rural land certification has been implemented within the framework of the national program. However, the effect of rural land certification is not much researched and less is known about its effect in securing landholding rights. Moreover, the previous studies have not evaluated the effect of land certification in securing land rights nor has similar

conclusion showing the relationship between land certification and characteristic of tenure security. This creates more curiosity to conduct a research so as to come up with some evidences to narrow the existing knowledge gap of the issue under current debate. Thus, it is compelling to study the effect of the program in order to provide the much needed information to the stakeholders about developments.

### **1.3. Statement of the problem**

Land tenure security is believed to be important in improving investment in land, land management and sustainable use of natural resources. However, the possible effects of land certification on tenure security, proper utilization of land, improving investment in land and dispute resolution is debatable. In the case of Amhara region it is believed that insecurity of land rights exacerbate land degradation, overgrazing and poor performance of the agricultural economy. It is also suggested that the indicators of poor performance of the agricultural sector under the existing tenure arrangement are; insecurity of holding rights, reduction of holding size and subsistence farming practices. Moreover, the current land tenure system, which is vested in the public and under the control of the state, is considered as an obstacle to achieve long-term land improvement activities. As a consequence the issues of land become the point of argument among different actors who have interest in land. For instance, Nega, Adnew et al. (2003) found that landholders were not willing to made land improvement activities because of the fear of future redistribution (Nega, Adenew et al. 2003).

Furthermore, the land reform in the Derg regime which was implemented 1975 was another problematic area of the land reform which results frequent land distribution. It was believed that fragmentation of land, insecurity of tenure and shortage of farm inputs were the results of the land distribution. In addition, it is also pointed out that land improvement measures were not carrying out by many landholders such as tree planting, terracing, fencing and manure etc, because of the fear that they would not be compensated for the development they made in their land. Conversely, the current government policy trend discloses that the chance to carry out land distribution looks to be very little or will not happen at all. This may be an important measure to guarantee landholding rights by granting a certificate of holding as legal evidence. To this end the land administration institute is established at a grass root level (Nzioki 2006).

Another significant feature of the problem lays with the fact that certification in the Amhara region is a recent undertaking which possibly creates knowledge gap in terms of its effects. Despite the fact that land certification has been implemented over the past seven years, little is known about the effects of certification on tenure security, investment in land, dispute over land and the perception of farmers about security of land rights.

Accordingly, based on the existence of the knowledge gap in the topic under discussion, one of the primary reasons for conducting this study is to fill the knowledge gap about the effects of certification in one selected wereda in the region. Above all, insecurity of land rights have had diversified implication that can affect the social and economic wellbeing of farmers. The main indication of tenure insecurity comprises poor performance of agricultural sector; lack of incentives for the land based investment at household level, legally recognised women land rights being impossible, discourage development of rental market and increased land disputes. More over, in some cases farmers are obliged to waste resources to protect their land rights (Place, Roth et al. 1994). In such situation, it is imperative to study how farmers are responding to government intervention on rural land certification that aims to build tenure security and make use of land more productive. Thus, this

research is motivated by the desire to assess the effect of rural land certification in securing land rights, in order to investigate whether the intended objectives of certification are met or not.

To this end, land holders through out the region have received primary level certificate of holding over the last seven years. At this stage the major research question is focused on the effect of land certification program. Does rural land certification improve the feeling of tenure security of farmers and do they feel their land rights are really secured as a result of certification? To what extent do individuals invest in their land? What noticeable developments are there in terms of productivity of each farm land? And what trends are observed in the extent and composition of land related disputes?

## **1.4. Research Objectives**

### **1.4.1. Main Objective**

The main research objective is to analyze the effect of rural land certification in securing land rights and improving investment in land in the region.

### **1.4.2. Specific objectives**

- To assess how land holders perceive land rights security before and after certification in the study area.
- To determine the effect of land certification on farmers' incentive for investment in land.
- To assess the effect of land certification on the extent and composition of land dispute

## **1.5. Research Questions**

Question for sub-objective 1

- Does rural land certification improve the feeling of tenure security? What is the perception of farmer's?
- Does tenure insecurity exist in the study area?

Question for sub-objective 2

- What is farmers' perception about land certification on changes in land improvement?
- Does certification enhance investment on land? How do these characteristics influence changes in land improvement?
- What effects in land improvement occur after issuing land certificate?

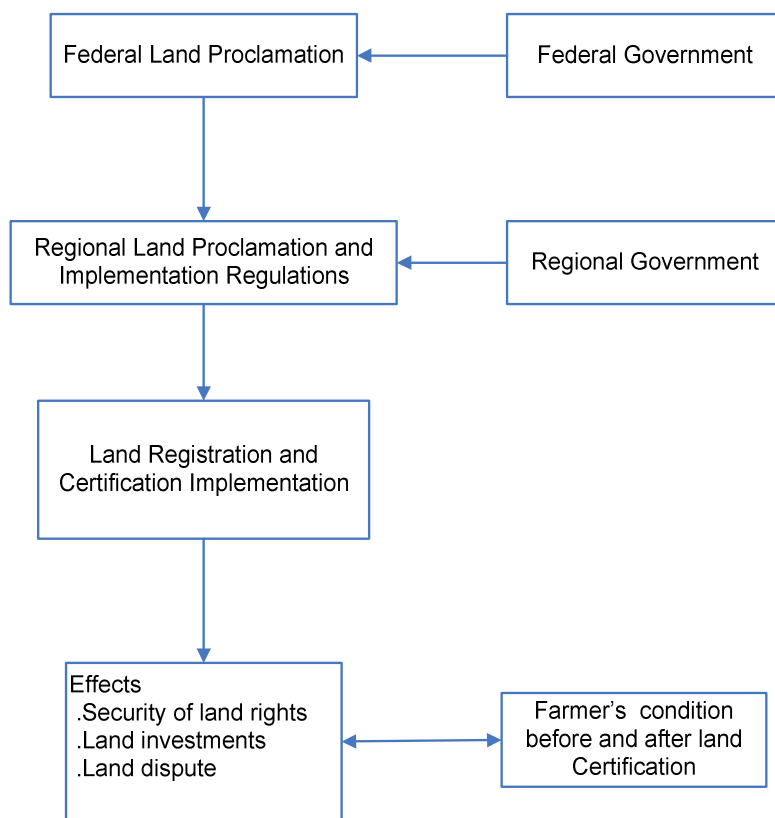
Question for sub-objective 3

- Does rural land certification reduce the extent and composition of land-related disputes?



### 1.6. Conceptual Framework

The general conceptual framework of this study is constructed on the idea how the land policy framework is initially formulated at the federal level in the federal proclamation and then each region has prepared its own regional land proclamation and related implementation regulations. The effect of implementation of land registration and certification programme on security of land rights, land related investment and land dispute are assessed based on farmers' condition before and after rural land certification. Figure 1 shows the relationship of the concepts used in this research.



**Figure 1 Conceptual framework**

## 1.7. Research Design

The research is initiated with a literature review in relation to the objective. The review is carried out with the purpose of establishing a theoretical framework to more fully understand the concept of land tenure security and the effects of rural land certification. The process of the research approach is illustrated in Figure 2 below.

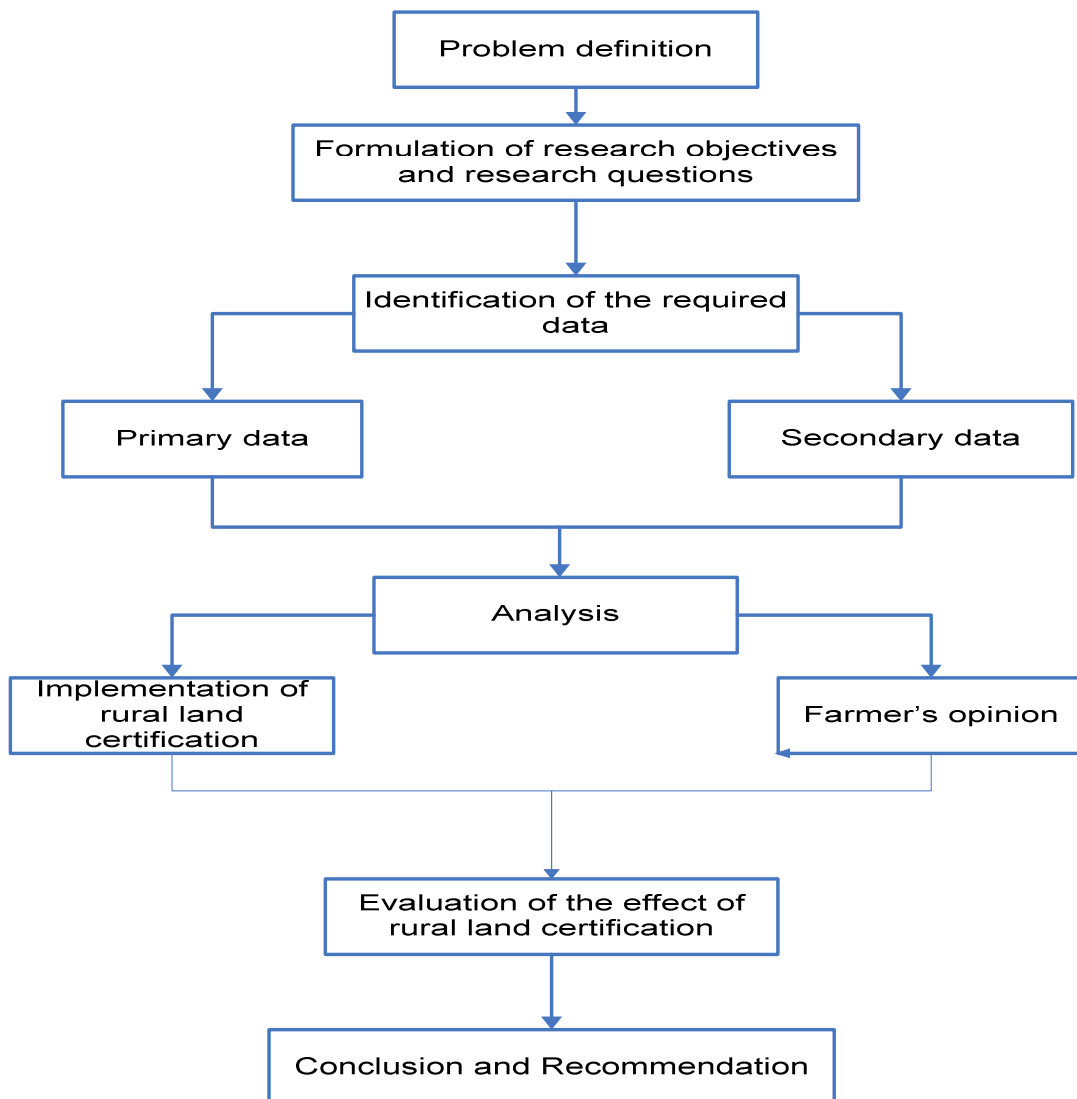


Figure 2 Research Design

## **1.8. Limitations of the study**

Like many research works this study was not without limitation. The limitations of the study include lack of relevant government data and these limits the findings of the study.

## **1.9. Thesis structure**

The thesis has been structured in six chapters and the outline of each chapter is mentioned below.

The introductory chapter consists of background of the study and justification of the problem. Then it includes the research problem, research objectives, research questions, conceptual framework, research design and limitation of the study.

The second chapter deals with the concepts and theories based on literature relevant to the study. It includes the concept of land policy issues, the concept of land administration, concepts of land tenure and tenure security, rural land certification, and role of institutions for security of land rights.

The third chapter presents a detailed account to the methods carried out to accomplish the research task, including the research techniques, the study area and selection of respondents, sources of data and acquisition methods, and method of data analysis.

Chapter four presents a brief introduction of the study area of Amhara National Regional State including profile of Fagetalekoma wereda.

Chapter five presents the result of household survey on the effect of rural land certification on land tenure security, investment in land and dispute over land.

Finally, chapter six presents the conclusion and recommendations of the study.

## 2. Literature Review

This chapter deals with the concept of land policy issues, land administration and the concept of tenure security and its role for land rights security. Besides, components of land policy and their advantages for bringing about security of land holding rights are explained in support of literature.

### 2.1. The Concept of Land Policy issues

Land is defined as the “surface of the earth, the material beneath the air above, and all things fixed to the soil, so it is more than just ‘land’ alone: it includes buildings, etc” (van der Molen 2002). Land can be also described in a wider sense from legal point of view which refers to any portion of the earth surface where land rights are exercised and such rights are not just ownership to the surface, and it includes every object attached to it above or below the surface (Tuladhar 2004). Since land has a multi dimensional impact on every societies, effective and efficient management is a vital prerequisite for economic development and environmental sustainability. Therefore, land policy of a country whether developed or developing; have a crucial role to make sure sustainable development and the way governments deal with land is an important issue of government development policy.

Land policy is a guideline to use land for economic development, equity and social justice, environmental protection and sustainable land use (UN-ECE 1996). Usually, land policy of a country is expected to be implemented based on the legal framework. Thus, there are four major tools which have been used by governments in the implementation of land policies. These are improving land tenure security, regulating land markets, land use planning and land taxation (van der Molen 2002).

Over the last ten years, land policy formulation in Africa has escalated in response to the persistence of complex land problems, struggles for access to land for agriculture and livelihoods, and to meet varied political, economic, social and environmental objectives (ECA 2004). According to UN-ECE (1996) land policy is consists of multifaceted socio-economic and legal prescriptions that state how land and benefits from the land to be allocated and land management involves the implementation of fundamental policy decisions about the nature and extent of investment in land (UN-ECE 1996).

Torhonen (2004) advocates land policy as “land policy is taken as a governmental instrument that states the strategy and objectives for the social, economic and environmental use of the land and natural resources of a country”. Hence, land policy is a guideline, a tool and the recommended starting point for land administration (Törhönen 2004). Similarly land policy is thought as: a process of drafting all aspects of land management, including setting the benchmark for acquisition/disposal of land; the social and legal tenure regimes; the distribution structure and mechanisms; the regulation and forms of land-use, management; the administration systems; and the adjudication of land disputes. Land policy reviews have recently been conducted in numerous African countries, leading to new land laws and/or the redefinition of the necessary institutional framework under which land policy is administered (ECA 2004).

Pertaining to the basic requirements to implement the land policy, it is noted that for the successful implementation of rural land policy, the land administration organization should be able to utilize

appropriate staff to get sufficient financial and human resource, to fulfil needs of basic infrastructure for communication and establish offices and records. In contrast, lack of resources will delay the progress in establishing the processes of land administration system (FAO 2005). Hence, land policy needs to secure the rights of all land users and serve the multiple goals of equity, poverty reduction, income growth, economic efficiency and sustainable use of natural resources (Land Policy in Africa 2006).

According to Bell (2006), land policy is directly related to the broader concepts of land tenure and property rights. Land is perhaps, the vital resource and it is considered as a physical commodity as well as an abstract concept related to the rights to own or to use it. Land policy includes land management and land administration which refers to the process through which land resources are utilized, while land administration is more concerned with regulation which addresses issues related to land information and how they can be utilized for effective and efficient land management. These institutional structures are comprised of a mixture of political, economic, legal, and social factors and relationships, each of which has an impact on land rights and use.

Moreover, land policy reform serves a number of purposes, which may include: (1) enhancement of security of tenure and providing the basis for determining mechanisms for the distribution of land rights among citizens, (2) promotion of social stability by providing a clear statement of government goals and objectives towards land, (3) basis for economic development because decision making is based on expectations and certainty, (4) ensuring sustainable land use and sound land management, and (5) guidance for the development of legislation, regulations, and institutions to implement the policy and monitor its impacts (Bell 2006).

As stated above, the purpose of land policy is to ensure tenure security, sustainable use of land resource and the focus on the formulation of legislations which can allow institutions to inspect the effects of the policy.

Four policy challenges are identified by Ogendo (2000) in the area of the present land policy formulation and land administration in Africa. The first challenge is to design truly innovative tenure arrangements to suit the variety of complex land use systems that characterise the African background. The second challenge focuses on the lack of providing a framework with in which customary land tenure and law that can evolve in an orderly way. The concern of the third point is how to organize the land administration systems and structures to give efficient and transparent decision making power during the implementation of the land policy. This is because, at present land administration systems are characterised by a heavy administrative overload which is by and large inefficient or unproductive. The fourth issue which needs addressing is the design of a framework to codify customary land tenure rules and integrate them into statutory law. In most cases, during land policy development it is necessary to establish a policy framework that can be easily accessible and suitable for participation of all stakeholders regardless of the existing tenure arrangement (Ogendo 2000).

Thus, land policy is a guideline that states government's strategies and objectives for social, economic and environmental use of the land and natural resources. Moreover, it is considered as a tool to draft all features of land acquisition methods and the social and legal tenure regimes.

The Ethiopian land policy is determined by the constitution. There is a great concern over the country's socio- economic backwardness, poverty and food insecurity and, for some scholars; the

current land policy is one of the root causes. The history of land policy sequencing since 1975 has been guided by an unbalanced framework with heavy emphasis on equity through administrative-based land allocation. Though the 1975 proclamation abolished the pre-existing tenure system, major land redistributions were carried out to provide 'land to the tillers' in accordance with the need in allocation of land based on family size. In effect, a household with a larger family size would receive more land than a household with smaller family size. Currently, such a policy proclamation has been criticized due to its motivation effect for households to have large family size (Nzioki 2006).

In addition, it has been said that, because of the land policy and secondary problems generated from the policy, majority farmers have led to operate farms too small to make sustainable and profitable use of technologies difficult. Moreover, some argue, given the current level of farm productivity and investment, the average farm size becomes 'unviable' as a farm unit and so unable to support the livelihood of people dependent on it. Therefore, they argue that tenure insecurity is the result of the land policy (Gebreselassie 2006).

Furthermore, it was identified that future challenges with problems of landlessness, reduction of farm size, insecurity of tenure and weak land rights, reduction of the productive capacity of the land, rigidity in land policy to be adjusted according to growing land pressure factors; and legal and institutional failures are considered as formidable challenges of land policy issues (Nzioki 2006). However, nowadays measures have been taken towards slowing down or avoiding land redistribution, certification of long-term use rights to land, individualization of the commons with conditional land contracts, instituting a land use policy, and establishing land administration at local level.

Another current policy shift is about the registration of holding rights and granting certificate of holding to all rural landholders. It is clear that the ultimate objective of certification is to ensure landholders that they have perpetual holding rights. Besides, it has been stated that the need to institutionalizing a land use policy and the establishment of technically capable rural land administration institutions at a local level is important to implement the stated objectives of the policy (Amhara Regional Council 2000)

## **2.2. Concept of Land Administration**

This section deals with description of the concept of land administration based on literature and how is land administration understood in the Ethiopian context in relation to the implementation of land policy.

Universally, land administration is understood as the process of determining, recording and disseminating information about ownership, value and use of land, when implementing land management policies. It is also considered to include land registration, cadastral surveying and mapping, fiscal, legal and multi-purpose cadastres and land information systems (Stuedler, Rajabifard et al. 2004). Moreover, in wider scope there are definitions given by different scholars.

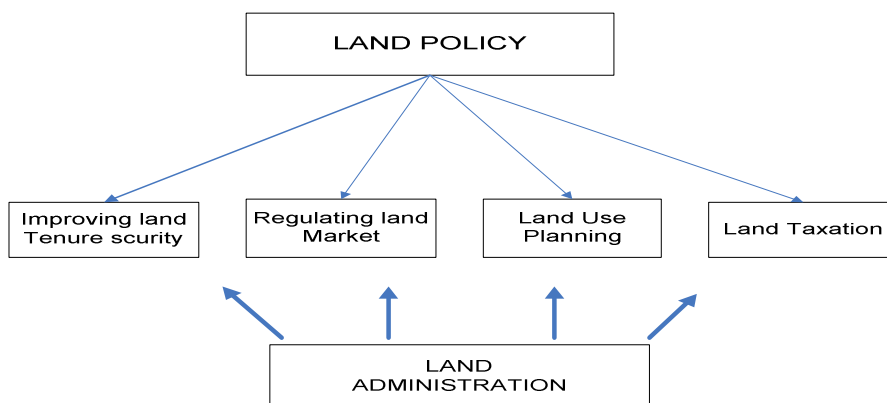
As stated by Lyons and Chandra (2001), land administration refers to "the regulatory framework, institutional arrangements, systems and processes that encompass the determination, allocation, administration, and information concerning land". It includes the determination and conditions of approved uses of land, the adjudication of rights and their registration through certification/titling, the recording of land transaction, and the estimation of value and taxes based on land and property. The term, land includes the structures and improvements thereon (Lyons and Chandra 2001).

From the above definition, three major components of land administration are identified as land rights registration and management, land use allocation and management, land valuation and taxation which are the basic elements in the land administration process.

Dale and McLaughlin (1999) define land administration as “the process of regulating land and property development and the use and conservation of the land, the gathering of revenues from the land through sales, leasing, and taxation, and the resolving of conflicts concerning the ownership and use of the land” cited in (Steudler, Rajabifard et al. 2004).

In addition, the purpose of land administration is to ensure the integration of the record of rights and interests in land and possessions. Where integration ensures that, transactions in land market can occur efficiently and effectively; information concerning the rights, restrictions and responsibilities of land are readily available to all; the systems support the formation of capital, based on land and its possession; land disputes are minimised; and there is a contribution to social stability, economic development, and environmental management (Lyons and Chandra 2001).

Concerning the content of the concept of land administration van der Molen (2002) describes as “Land administration is not a purpose in itself; moreover, it aims at serving the society with land policy being implemented through land management activities”. Such a land policy makes unambiguous the governments’ decisions on the whole complex of socio-economic and legal prescriptions as to how the land and the benefits from the land are to be allocated. Therefore, land administration is to be seen as a tool for facilitating these land management instruments (van der Molen 2002). To give more insight how conceptually land administration is used as a tool for land policy implementation, Figure 3 below shows the conceptual framework and the relationship between land policy and the purpose of land administration.



**Figure 3:** Land Administration as a tool for Land Policy, adopted from van der Molen 2002

As illustrated in the above figure, the implementation of a land policy is the government’s task to set a binding framework; and a government usually has few instruments for implementing land policy

which include: providing security of tenure, regulating for the land market, land use and land taxation. Hence, land administration is a tool to implement land policies.

In another definition it is described as “Land administration refers to the processes of capturing, maintaining and disseminating information about the ownership, value and use of land and its associated resources ”(Auzins 2004). Moreover, the ECE guideline (1996) stated land administration as “the process where by land and the information about land may be effectively managed. Such process include the adjudication of rights and other attributes of the land, the survey and description of these, their detailed documentation and the provision of relevant information in support of land markets” (UN-ECE 1996). We shall examine another definition on land administration given by (FAO 2002) which describes in simple terms and easy to understand. It is stated as “land administration is the way in which the rules of land tenure are applied and made operational”. In this context three main features are distinguished. Land administration, whether formal or in formal, comprises an extensive rang of systems and processes to administer: (1) Land rights: which refers to the allocation of rights in land; the delimitation of boundaries of parcels for which the rights are allocated; the transfer from one party to another through sale, lease, gift or inheritance; the adjudication of doubts and dispute regarding rights and parcel boundaries, (2) Land-use regulation: land use planning and enforcement and the adjudication of land use conflicts. (3) Land valuation and taxation: the gathering of revenues through forms of land valuation and taxation, and the adjudication of land valuation and disputes (FAO 2002).

Furthermore, Land administration is considered to include a core parcel based cadastral and land registration component, multi-purposed cadastres and/or land information systems. Many land administration systems also facilitate or include information on land use planning and valuation/land taxation systems although land administration does not usually include the actual land use planning and land valuation processes (Enemark and van der Molen 2008).

In the land administration sector, land certification in securing land rights is a measure of effectiveness and efficiency. Nevertheless, the benefits expected from the policy may not be achieved alone; to a certain extent it should be integrated with other successful government actions. Moreover, it is argued that in order to get fruitful results in land administration, other government functions especially those for providing infrastructure such as water, electric power, telecommunication, and road access and financial institutions to support the poor household by credit, input supply, marketing, and extension should assist the process. Furthermore, it is stressed that unless the land administration is accompanied by other development activities, it is obvious that the land reform in general may unlikely to make much difference to the rural poor (Adams 2001).

In a more comprehensive approach, land administration can be defined as a system implemented by the state to record and manage rights in land. A land administration system may include the following major aspects:

- Management of public land
- Recording and registration of private rights in land
- Recording, registration and publicizing of the grants or transfers of those rights in land through, sale, gift, subdivision and consolidation



- Management of the fiscal aspects related to rights in land including land tax, valuation for a range of purposes, including the assessment of fees and taxes, and compensation for state acquisition of private rights in land
- Control of the use of land, including land use zoning and support for the development application/ approval process

Thus, land administration system comprised of textual records that define rights and/or information, and spatial records that define the application of rights (Burns, Grant et al. 2006).

According to the recent version of the Amhara region land law, rural land administration is defined as: “rural land administration means a process whereby rural land holding security is provided, land use planning is implemented, dispute between rural land holders are resolved, and the rights and obligations of any rural landholder are enforced, as well as information on farm plots and grazing land of holders are gathered, analyzed and supplied to users” (Council of the Amhara National Regional State 2006).

The application of the above definition is on rural land only and basic components like security of holding rights, land use planning and dispute resolution mechanisms are included. In addition, as part of the land administration process, the task of collecting, organizing and disseminating land information to users is incorporated.

### **2.3. The concept of Land Tenure**

Obviously, there could be different conceptual definitions used for the term land tenure given by different scholars. However, it seems imperative to have a working definition of the concept land tenure. FAO (2002) defines land tenure as “the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land”. Moreover, Land tenure is an institution, i.e., rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restrictions. In simple terms, “land tenure systems determine who can use what resources for how long, and under what conditions”(FAO 2002). Similarly, land tenure may be seen as an institutional structure that determines how individuals and groups secure access to the productive capabilities of the land or other uses over the land (Bell 2006).

Another definition of ECA (2004) states that, “land tenure is a social construct that defines the relationships between individuals and groups of individuals by which rights and obligations are defined with respect to control and use of land”. Moreover, the centrality of land in all dimensions of rural life in the context of Africa means that the analysis of land tenure issues should be broadened from its traditional links with issues such as land-use, agricultural production efficiency, and access to credit, conflict management mechanisms, fragmentation of landholdings and the like, to include all aspects of political and social situations (ECA 2004).

Land tenure to some people is a means of land holding rights, to others it could be further defined as the terms and conditions under which land is held, used and transacted and is one of the principal factors determining the way in which resources are managed and used and the manner in which benefits are distributed (ECA 2003).

The above definition shows the means of land holding and the way the benefits are distributed between individual citizens. In connection to the definition given above, the current land law in the Amhara region indicates that the rural land is categorized into four major holding types. These include private, communal, state and common holdings (133 /2006.Art.10).

Further, land tenure is described as 'the allocation and security of rights in land; the legal surveys to determine the parcel boundaries; the transfer of land to another through sale or lease; and the management and adjudication of doubts and disputes regarding rights and parcel boundaries'' (Enemark and van der Molen 2008).

On attainment of independence most countries in Africa inherited dualistic land tenure and management systems consisting of customary land tenure administered by traditional leaders and statutory or modern land tenure systems controlled by organs of central governments (Kalabamu 2000). Originally, there are two major types of land tenure systems in Africa. More specifically, customary and statutory land tenure systems. To give an overview, the following section deals with the definition of customary and statutory tenure.

### **2.3.1. Customary Land Tenure**

Before colonisation and the creation of modern nation states, land in most parts of Africa was governed by traditional procedures and rules on land utilisation, access and transfers commonly known as customary land tenure. Being traditional, the procedures and rules were social constructs whose essential elements were passed verbally, by way of example or practice from generation to generation belonging to a particular community or tribe. In other words customary land tenure systems, like any other social constructs, were dynamic rather than static. The major outstanding feature of the customary land tenure systems was the "Right of Avail" (Kalabamu 2000). This means the benefits were automatically shared by all people belonging to a particular community, tribe or clan and all pieces of land acquired through allocation by the chief or headman or by inheritance, remained, in perpetuity, the exclusive property of the concerned households as long as the allotted continued to belong to the community and actively utilized the land.

Another essential feature in customary land tenure was the issue of land administration. Land was administered by chiefs, headmen, clan or tribal elders; ownership was vested in the respective community such as a tribe or clan which was not recognized by the states. However, for instance, nowadays legal recognition of customary land rights is increasing in Ghana, south Africa, Namibia, Uganda and Mozambique (Burns, Grant et al. 2006). Customary tenure rights and restrictions obeyed by a society are not written, but literally based on custom (Törhönen 2004). Hence, customary tenure is still existing and common in most parts of Africa.

### **2.3.2. Statutory Land Tenure**

Statutory or modern land tenure systems and their respective management structures were exported into Africa from Europe as part of the colonisation packages. Through a series of proclamations and decrees, land was expropriated from Africans by European settlers and colonial administrators. Though customary land tenure provisions remained operational in areas reserved for natives, statutory land tenure systems were imposed on expropriated land. And as a result the remainder of the expropriated land was vested in government of colonizing power. Unlike customary land tenure system, in statutory land tenure systems land rights are defined by law and supported by documentary

evidence (Kalabamu 2000). Statutory tenure refers to written and codified rules that define the relationship between land and people (Törhönen 2004).

Bogale, Benedict et al. (2008) stated that Ethiopia has a long history in its state intervention in land tenure relations and considerable influence on local land tenure system throughout different political regimes. As the country has not been colonized, there is no colonial heritage or legacy pertinent in other African countries and as a result there was no land grabbing by European settlers which contributed to the formalization of private property rights to land. Hence, statutory land tenure system is the main land tenure system in Ethiopia in general and in Amhara region in particular (Bogale, Benedikt et al. 2008).

## **2.4. Land Rights**

In a wider context, land rights are illustrated as rights to occupy a homestead, to use land for crops, to make permanent improvements, to bury the dead, and to graze animals, have access for gathering fuel, fruits, grass and minerals. Moreover, land rights can be defined as rights to transact (manage), give, mortgage, lease, rent and bequeath areas of exclusive use and rights to exclude others from the above-listed rights, at community and/or individual levels. In addition, it can be referred as, rights to enforcement of legal and administrative provisions in order to protect the rights holder (Adams and Cousins 1999).

According to Deininger (2004), land rights are illustrated as “social conventions that regulate the distribution of the benefits that accrue from specific uses of a certain piece of land” A number of arguments support public provision of such rights. In the first place, the high fixed cost of the institutional infrastructure needed to establish and permanently maintain land rights favours public provision, or at least regulation. Second, the benefits of being able to exchange land rights will be realized only in cases where such rights are standardized regulated and can be easily and independently verified. Finally, without central provision, households and entrepreneurs will be forced to spend resources to defend their claims to property, for example through guards, fences, etc. which is not only socially inefficient but also extremely disadvantages the poor, who will be the least able to afford such expenditures (Deininger 2004). Therefore, land rights are the rights of an individual or group of individuals which includes to use the land for crop production, transfer the land through bequeath, lease and excluding others from those rights.

### **2.4.1. Land Holding and Use Rights**

Regarding the issue of holding rights and use rights to land, they are treated in two different ways. For instance, Enemark and Molen (2008) explain that, landholding rights as “the rules and prescriptions define the mode in which rights to land can be hold, who will have access to holding rights to land through which mechanisms people can acquire rights to land and how security of tenure can be guaranteed, how land disputes are to be resolved whether in customary traditions, civil or administrative law” (Enemark and van der Molen 2008).

Land holding rights and use rights, based on the regional land law have different meanings and the later is given to temporary users. Hence, according to the revised Amhara National Regional State Rural Land Administration and Use Proclamation No.133/2006, “Land Holding Rights are the rights of any person who is vested with rights on land to create asset, transfer, and rent and bequeath land under possession. “Holding Rights” are the rights given to any person whose livelihood is based on

the earnings from agricultural activities and semi-pastoral undertakings. The details of these bundle of rights include: the rights to use the land under holding for agriculture and natural resource development, the right to the formation of assets, the right to transfer the asset he/she develops and transfer the holding through gift and inheritance, the right not to be evicted and the right to renting out. In contrast, pursuant to the revised land law of the region; use rights are given to secondary users entitled to use the land on provisional basis and its production. For instance, any legal person who acquires land through lease or rent has a use right over the land he rented for a period specified in the contractual agreement.

It is believed that the relationship between land and man by means of rights is the foundation of every land administration system. In addition to rights, there are also restrictions/ obligations or responsibilities between land and man most probably called RRR, which refers to Rights, Restrictions and Responsibilities (van Oosterom, Lemmen et al. 2006). Similar to the above explanation, land rights in the region are subject to restrictions and obligations. Therefore, in the aspects of obligation, the point of argument varies due to environmental and sustainability concerns. Because of that reason, the current land legislation in the region has imposed an obligation to rural landholders. This is to aware holders they have duty of care on their holdings such as protecting the land against soil erosion, planting trees, taking care streams not to get dry due to improper farming, not to violet delineations of lands and close roads, ploughing far from gullies and rivers and the like, are the major obligations imposed on rural land holders (Council of the Amhara National Regional State 2006).

## **2.5. Land Tenure Security and Land Rights**

In the development literature land tenure is defined as the way in which the rights, restrictions and responsibilities that people have with respect to land are held. With the same analogy “security of tenure can be interpreted as referring to the recognition and protection of such rights” (Burns, Grant et al. 2006). According to FAO (2002), “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”. In this context, people with insecure tenure usually face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction. When there is no tenure security, landholders may significantly impaired in their ability to secure sufficient food and to enjoy sustainable rural livelihoods (FAO 2002).

Security of land rights and the ability to draw on local or national authorities to ensure these rights, as reported by Bell (2006) are crucial to increasing investment incentives and productivity of land use. A wide range of options to increase tenure security, from full formal title to legally backed mechanisms at the community level, can result in higher levels of tenure security and studies have shown large differences of land values for plots with more secure tenure. Measures to improve tenure security can also improve the welfare of the poor by realizing security of land rights. However, in many cases, the land holders might oblige to pay comparatively large amounts of money to government officials in order to secure their rights. Another important feature of land rights security is its ability in limiting land disputes, and promoting social stability. Moreover, rights over land and property also carry an obligation to respect the rights of others. Thus, there are social sanctions over land rights as there are legal sanctions to protect land rights (Bell 2006).

Toulmin (2009) suggests two combined forms of validation in securing land rights: use of local knowledge and set of values, and acknowledgement and respect to the first form by the state. However, in practice, the lack of state recognition may not have a significant role if pressure on land is less and when local institutions work effectively. In contrast, where the value of land is increasing and interests from outside are significantly more, clarity is needed on the status of local land rights and their respect by the government (Toulmin 2009).

According to Roth and Haase (1998), when thinking about tenure security, “the property right definition and the legal dimension definition” should be considered as a necessary precondition to understand more what tenure security mean; (1) security of land rights associated with tenure possession and property rights to whom these land rights are distributed. Moreover, land tenure security is the individual’s perception of his/her rights to a piece of land on a continual basis, free from imposition or interference from outside sources, as well as the ability to reap the benefits of labour or capital invested in land, either in use or upon alienation. This definition can be further explained based on three fundamental components, breadth, duration and assurance; which refers to the quantity or bundle of rights held, or possession of key rights if certain ones are more important than others and duration is the length of time that a given right is legally valid. Assurance implies that right(s) and duration are known and held with certainty; (2) the legal dimension defines the composition breadth and duration of rights in the bundle, and implies that one holds with complete assurance all rights embodied in his or her tenure, even if that tenure is of short duration and confers meagre rights. As it emphasizes complete possession, it also emphasizes with assurance the right to forbid others from exercising the land right in question (Roth and Haase 1998).

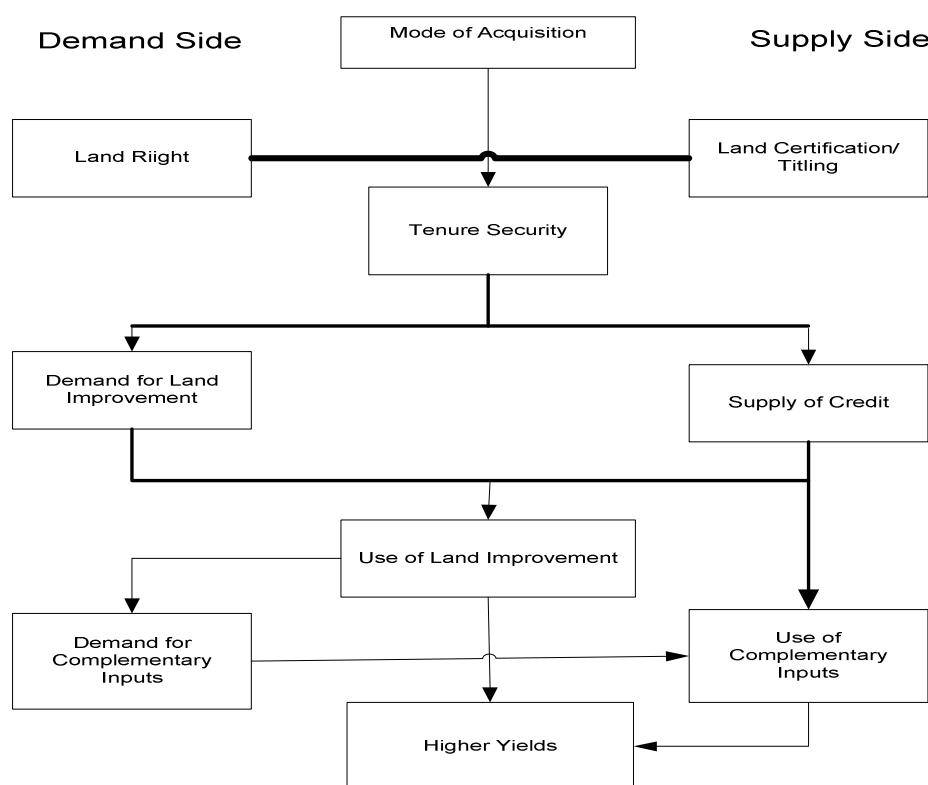
Bell (2006) argues that security of tenure and access to land has been universally accepted as the basis for economic and social development. However, in many developing countries, recent privatization of land, liberalization of land markets, and increasing demand and competition for land have led to insecurity, betterment of the rich, and deprivation of the poor (Bell 2006). This means that tenure security has been generally thought as the foundation of economic and social development but it is not always beneficial that land privatization can increase tenure security rather it can benefit the rich at the expenses of the poor.

Furthermore, there is a widespread conviction among the development specialists that tenure security is an important condition for economic development. As Place (2008) ,based on economic theory secured rights are thought to fulfil four essential conditions: (1) expected to increase credit use through greater incentives for investment and enhance collateral value of land; (2) increase land transactions, facilitate transfer of land from less efficient to more efficient uses by increasing the certainty of contracts and lowering enforcement costs; (3) expected to reduce the incidence of land disputes through clearer definition and enforcement of rights and; (4) raise productivity through increased agricultural investment in land (Place 2008). Moreover, land tenure security can be defined using indicators such as whether an individual land holder has the ability to invest, transfer and reap the benefits from the land he/ she owned (Adams and Cousins 1999).

Tenure security in general and securing land rights in particularly is relevant to vulnerable groups such as the poor, women and indigenous groups. In most societies, there are many competing demands on land including development, agriculture, pasture, forestry, industry, infrastructure, urbanization, biodiversity, customary rights, ecological and environmental protection. Many countries have great difficulty in balancing the needs of these competing demands. Land has been and is still a cause of

social, ethnic, cultural and religious conflict and many wars and revolutions have been fought over rights to land. In history, virtually all civilizations have devoted considerable efforts to defining rights to land and in establishing institutions to administer these rights (Bell 2006).

According to Place, Roth et al. (1994), tenure security potentially has two important effects. The demand side (incentives to farmers) and supply side (incentives to lenders) effects. On the demand side, an enhancement in tenure security increases demand for medium to long term land improvements. The increase in demand is derived from two sources. Firstly, greater tenure security increases the likelihood that the operator will capture the investment returns. Secondly, increased tenure security is expected to reduce the incidence of disputes, freeing resources that otherwise would have been used for litigation. On the supply side higher yields are possible even if households lack sufficient financial resources. Increased tenure security may enhance the lands collateral value and improve the creditworthiness of the landholder (Place, Roth et al. 1994). The concept of the demand and supply side effects are illustrated best in Figure 4 below.



**Figure 4: conceptual Model linking certification/titling and tenure security with Agricultural performance, adopted from Place, Roth et al. 1994**

The message that can be communicated from figure 4 above is that the effect of tenure security on agricultural output, investment and credit use. It emphasises two possible ways of tenure security effects regardless of the types of land acquisition mode. Furthermore, it is noted that the impact of certification/titling and tenure security on credit availability and agricultural productivity can be divided into supply and demand effects. Demand effects occur when the acquisition of a land certification/title increases the farmer's security and certainty that he or she will be able to maintain possession of the land and benefits from investments that improve its productive capacity. In addition,

increased land rights security is expected to enhance investment incentives and increase the demand for capital and variable inputs complementary to capital and, thereby, raise agricultural productivity. Supply effects result when the provision of a secure and legal land certification/title improves a farmer's access to cheaper and longer-term institutional credit because the land can be pledged as collateral for loans. Thus, the combined demand and supply effects cause higher farm productivity on certified/titled land and also raise the value of land that certified/titled land can command in the land market (Melmed-Sanjak and Lastarria-Cornhiel 1998).

## **2.6. Essential features of Land Rights Security**

Lund and Odgaard (2006) asserted that, before land becomes a scarce resource many African countries were blessed with relative land abundance. However, this situation has changed drastically in most of the countries. Therefore, people in Africa are now increasingly competing to get access to cultivable land and pastures, and open land conflicts are becoming more and more common across the continent and as a result landholders confidence on their land rights security is deteriorated through time (Lund and Odgaard 2006). Here land rights security is weaker when the demand over land is increasing and land become scarce.

In another perspective the concept of land rights security is understood as the level of confidence of the landholder by having certificate of holding. Given this, one important feature of land rights security is the certainty that a person's rights to land is recognized by others, through time land right is accepted by the community when landholders are threatened by competing claims. In contrast, right holders may face insecurity when their right to land is threatened by others. Hence, land rights security is something that the perception of people. Therefore, one special feature of land rights is that it can not be directly measured and, to a large extent, it is what people perceive it to be and its attribute may change from one context to another (FAO 2005).

Similarly, an important feature of land rights security is "the confidence with which one can manage his own rights" (Adams and Cousins 1999). Land has been, is and will remain hugely central to people's lives around the world. It provides a source of identity, income and employment, and constitutes an asset of cultural and spiritual significance as well as of increasing monetary value (Benjaminsen and Lund 2003). Hence, land being a source of identity, income and development, land rights need to be recognized not only by the government but also should be accepted by the society to safeguard the rights when competing claims arose (van Oosterom, Lemmen et al. 2006). Moreover, the main essential features of land rights security are that some thing needs recognition from the government as well as from the society.

## **2.7. Women Land Rights**

In many societies women's land rights are of secondary nature, acquired through their husbands or male relatives. This in effect limits women's ability to have independent land ownership in case of the death of their husband or divorce. Therefore, unless measures to effectively protect women's access to land assets are taken, general efforts to increase the security of land rights may in this context result in a higher concentration of land rights in the hands of men, with negative implications for gender equality and economic benefits (Deininger 2003). Many studies conducted in the area of women land rights generally realize that gender differences in access and control over land across Africa is universally taken as a common problem in both research and policy literature. It has been shown

clearly that women's right over land and other farm resources are inferior to those of men. For instance, in Zambia, Uganda, and Burundi it is reported that the majority of males can give land rights to family members, where fewer than five percent of women could do so (Place 2008).

Another important point concerning women land rights is stated by Hilhorst (2000). He argued that "Women land rights in Africa has been treated differently in customary tenure systems and statutory systems". In customary tenure system plots of land are allocated to women as long as they are not required by the household. For instance, if a man or his family find themselves in need of extra land, a woman's field may be taken from her for allocation. This is to mean, women's access to land is sensitive when land becomes increasingly scarce, and men's land holdings become under pressure. On the other hand, though it is not always easy to enforce, statutory law may offer more protection to women than customary law (Hilhorst 2000). However, nowadays this shortcoming has been recognized by many countries and recent efforts at land certification and registration have increasingly accepted women's rights to land.

In the Ethiopian context, as stated in the Federal constitution, women have equal access to land rights and to full consultation in the formulation of national development policies. It is approved that "women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They shall also enjoy equal treatment in the inheritance of land" (FDRE 1995). In addition, on the basis of the constitutional provision which states that, "the land administration law of the regions shall confirm the equal rights of women in respect of the use, administration and control of land as well as in respect of transferring and bequeathing holding rights" (FDRE 1997).

However, in Ethiopia, Nzioki argued that despite affirmative actions have been taken to maintain women land rights based on constitutional provisions and the land administration proclamation, which have opened new opportunities for altering gender relations in general and access to land in particular, women still face constraints in achieving equal rights on land with men. Generally, there is lack of knowledge on the part of women on their constitutional rights over land due to high levels of illiteracy (Nzioki 2006).

## **2.8. Rural Land Certification in Amhara Region**

Ethiopia has embarked on the process of rural land reform which is aiming at increasing land tenure security, sustainable agricultural development and poverty reduction. However, it is believed that the reform process will take time and need exertion of the maximum effort on the part of the institution assigned with the task of its implementation (USAID 2004).

In the last three decades, the land administration specialists started to redirect their attention towards land certification. Its ultimate objective was and still is to protect land rights security to the rural community. Amhara Region has developed a Land Administration System (LAS) that consolidates rights to rural land and the system is under implementation in the whole region. The ability of local leaders and authorities to control land has traditionally been a major source of political and economic power in the Region. Land was taken from one farmer without the consent of the farmer and given to another. Hence, the main reason for establishing LAS was to enhance security of holding rights primarily for the farmers. Furthermore, it is aimed at closing the open ended tenure arrangement that has caused uncertainty with respect to length of land possession and ability of farmers to capture



benefits that accrue from long term investment in land. The system has tried to bring out the rights of landholders as well as related obligations.

On the other hand, other important factors were taken in to consideration such as; land degradation, overgrazing, deforestation coupled with socio cultural factors like long history of settlement, backward methods of agricultural practices, ever increasing population pressure exacerbated the devastating land resource degradation in Amhara Region. To a large extent, these problems are exacerbated by inadequate land rights. In other words, security of tenure was a prerequisite for farmers' willingness and commitment to undertake long term improvements to their land. Besides the natural challenges, it was also an open secret that most rural crimes were directly or indirectly related to land and land related causes. These are a daunting challenge to the Ethiopia and especially Amhara Region and the international need with aid will accelerate if nothing was done to reverse the situation. Considering the problems and the importance of tenure security, "the Amhara Region has put the land issue top on its agenda" (Backstrom 2006).

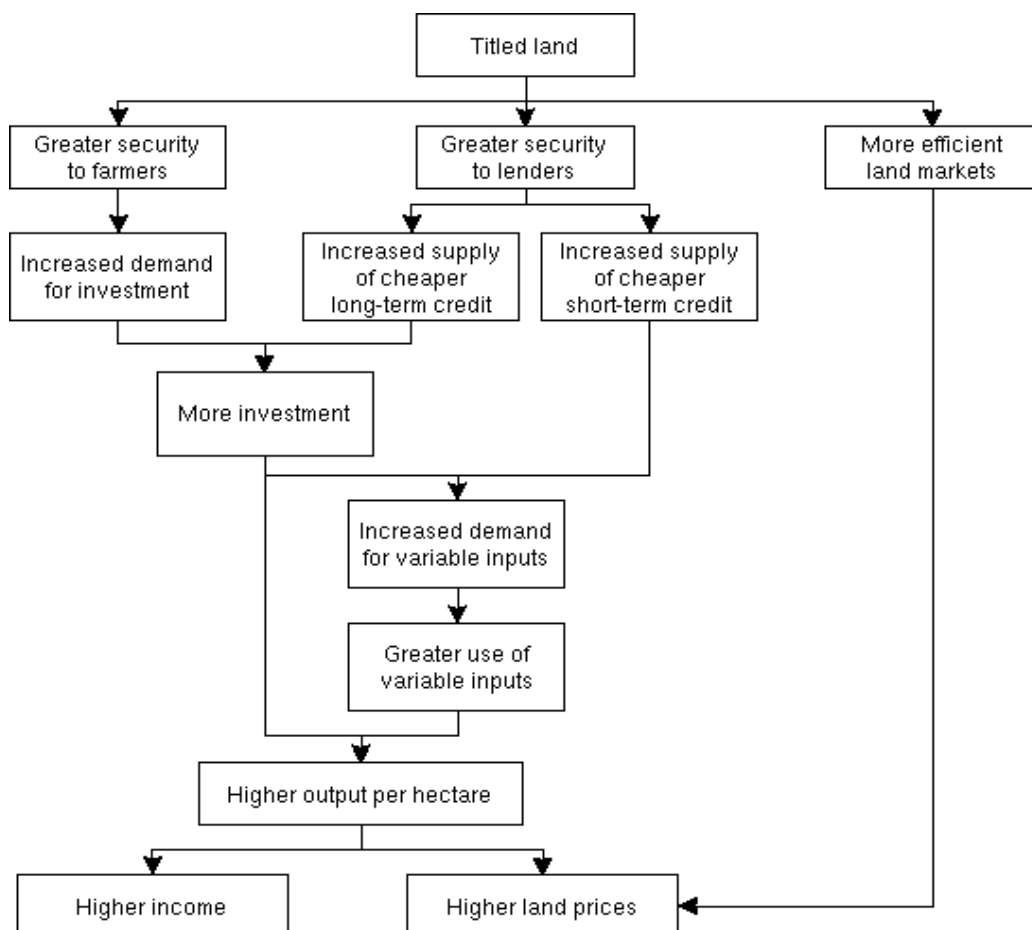
Concerning to the level of land certification it is suggested that land registration and certification is the highest level of formalization of ownership rights in private property tenure systems (Melmed-Sanjak and Lastarria-Cornhiel 1998). It has been indicated that in a situation where there is a well functioning tenure systems that can protect land rights certification may not have a significant role to secure land rights. According to Nzioki (2006), in the Ethiopian context "land certification is an attempt by the government to provide security of tenure and protect the use rights of land holders by registering their holdings and issuing certificates that are further guarantee to holders from facing another loss through land redistribution at least for a period of 20-30 years" (Nzioki 2006). Moreover, it is illustrated that the land certification is being applied carefully with a great concern in Amhara region at the pilot level; nevertheless, there is a considerable doubt of knowledge about the legal status of certification and have not enough knowledge as to what extent landholders are convinced. Hence, the ultimate goal of certification is to protect land holding and land use rights of landholders by undertaking registration and providing holding certificate to individual land holders and to confirm that land holding and land use rights are legally secured.

It is also suggested that the certification process was rather decentralized, participatory and transparent. The program was focused on the issuance of certificates rather than titles, and emphasise on gender equality assists the program to avoid some of the problems raised in literature on land titling process in Africa. In addition, access to information about the process was equally clear for both females and the poor. As it was participatory, field process was long enough to identify and to solve conflicts locally (Deininger, Ayalew et al. 2008).

Before precede the next section it is necessary to explain the meaning of terms like land titling and land certification based on literature. The term land titling is commonly used in the literature. Lyons and Chandra (2001) define the terms as "land titling" is "land registration"; this is to mean that land registration is the process of registering holding rights in land whether the form is in deed or title, whereas "land title" refers to "the evidence of a person's rights to land". In connection to this certification is a process of registering land under holding and next issuing the certificate of holding as an evidence to ensure that rights are legally secured (Lyons and Chandra 2001). In the same analogy, the revised land law is clearly stated it that "the holding certificate is a legal certificate of the holder (No.133/2006).

Therefore, as indicated above these terminologies “land titling” and “land certification” mainly refers to the processes of registering holding or use rights in land, whereas “land title” and “holding certificate” are terms used to indicate the evidence of a person’s holding or use right’s to land. In this case, it should be clear that the terms are used to address the same issue and can be used interchangeably.

The primary objective of the land certification program carried out in the Amhara region is a means to achieve the end result rather than an end by itself. Moreover, land certification has social, gender, financial and economic implications. However, it is argued that complete benefit of certification is likely to be achieved only when all land administration components are operational and efficient (Lyons and Chandra 2001). Parallel to the above idea, the potential benefits of land titling are categorised as “ the investment demand or security effect, the collateral effect and the efficiency or transactions effect” (Pagiola 1999). The potential benefits of land titling are presented in Figure 5 below to give more insight about the multiple paths of titling to bring benefits.



**Figure 5 Potential benefits of land titling, adopted from Pagiola 1999**

The idea emphasized in Figure 5 above is that there are many possible paths through which certification/titling can bring benefits. Each of these paths consists of chain of links, each of which

may or may not exist in any given situation, and the strength of which will likewise vary from case to case. For certification/titling to be beneficial, at least one of these paths must hold (Pagiola 1999).

## **2.9. The Role of Land Administration in Securing Land Rights**

In most literatures it is emphasized that the objective of the land administration development is to improve tenure security through land registration and certification in order to promote better land management and more investment. It is also hoped that farmers may start using the certified land as collateral for bank loans. As part of the land administration process, land certification is also expected to help in reducing conflicts over land boundaries and user rights when competing claims arose among landholders (Adenew and Abdi 2005).

In the Amhara region, the government is piloting two registration processes, the traditional and the modern methods of registration and providing certificate of holding. Hence, in the traditional approach, farmers are trained to do the land measurement and complete registration documents. The land is measured and the boundaries of plots are identified. The information is then entered into an official form with a stamp, and a photo of the farmer and his wife are attached. The second approach uses a modern, donor-funded cadastral survey as the basis for registration and certification. Although too expensive to scale up to the regional level, this approach may be a useful model for the design of registration and certification in the future (Toulmin 2009).

The major goal of the regional government is to guarantee tenure security in the region as a result to encourage long term investment and natural resource conservation on farm land. In this regard the land administration practice in the region shows a successful achievement with relatively low cost through public participation. However, the land administration activity is never an end in itself, but operates within a certain context of land policy, land management and good governance. The justification for paying attention to land administration is to be found in its application in the field of providing security of tenure, regulating the land markets, levying land tax, planning and control of land use, land reform etc (Enemark and van der Molen 2008). It is suggested also that the evaluation of land administration systems is not based on a standardized method that is internationally accepted; the evaluation methods rather depend on the background and experience of countries and the objective they set (Stuedler, Rajabifard et al. 2004).

The strength of institutions in the land administration practice can play a vital role in securing land rights by ascertain social justice and protect the security of the landholders. Hence, institutional arrangement should create conducive atmosphere for the management, administration and use of rural land and the required relationship between the land holder as a customer and the land administration institution as a service giving (Mamimine 2003). Therefore, in the land administration process effective and efficient land administration system is a prerequisite in securing land rights.

## **2.10. The Effects of land certification on long term investment**

There are different arguments about the effect of tenure security on long term investment in countries where the confidence of landholders are low because of tenure insecurity. Though several forces have positive impact on land investment, land owners are expected to be more willing to invest when farmers feel more secure in their right or ability to maintain long-term use over their land, the return on long-term land improvements and conservation measures is higher, and they have therefore a

greater incentive to undertake investments (Brasselle, Graspard et al. 2001). According to USAID (2004) in Ethiopia insecurity of land tenure restricts rights in land, reduces incentives to productively invest in land, and limits transferability of land. In turn these pose significant constraints to agricultural growth and natural resources management (USAID 2004). On the other hand, studies held in many African countries show different results. For instance, as stated by Place (2009), land certification has no significant effect in Somalia, Kenya and Uganda on investment or productivity. However, a positive relationship between certification/titling and investment in land was found by Smith (2004) cited in Place (2009), in Zambia where land certification/title led to increased fixed investments and more profitable enterprise choices.

### **2.11. The effects of land certification on Land related Disputes**

In many countries disputes over land and its boundaries give rise to expensive litigation and all too often lead to a breakdown in law and order. Much time is taken up by the courts in resolving these matters, leading to delays in other parts of the judicial system. Land often cannot be put onto the market or put to better use without resolution of the disputes, since no potential investor is likely to wish to be committed to developing land where court cases may be pending. Thus, the process of registering rights and certification should prevent such disputes arising in the future, since at the time of first registration formal procedures should be followed that will resolve uncertainties. In other words, the main aim of land legislation is to protect the land rights of individuals through laws, to define the rights and responsibilities of institutions, ensure that the 'rule of law' is applied when land rights are extinguished or land is sequestered by the state, and to adjudicate in cases of conflict (ECA 2004).

Besides, tenure insecurity may be arose from a sense of lack of different types of rights such as single rights, combinations of rights, duration of rights, certainty of retaining rights, from actual or risk of dispute over rights, risk of expropriation of all land rights (Place 2009). On the other hand, increasing scarcity of land in the presence of high rates of population growth, possibly along with a legacy of discrimination and highly inequitable land access, implies that many historical and contemporary conflicts have their roots in struggles over land (Bell 2006). As indicated above, disputes over land can be manifested in many basic ways. Land disputes may be occurred when the land law is weak to protect the rights of individual land holders, the feeling of insecurity on single and combined rights and also scarcity of land because of the high rate of population growth.

Basically, land related disputes can be of two types. These are dispute between individuals and disputes between an individual citizen and the administration. The first deals with the term adjudication as a dispute resolution mechanism that is usually referred as "the ascertainment of existing rights in land for purpose of first registration". Furthermore, dispute between individuals refers to for example, boundary conflict between two neighbouring parcels owners. Where as dispute between individual citizens and the administration refers to dispute arise in the time of interventions that can result the expropriation of the land holder when land is needed by the government for urban expansion or for other public purposes. In such situation compensation is seen as a dispute resolution mechanism (Haldrup 2004).

## **2.12. The effects of Land certification in Transfer of Land Rights**

It has been stated that land certification/ titling is a means to simplify land transfers, motivate the land market and enhance the supply of land on the market; and as a consequence, it can be a means for redistributing land and making land more accessible to landless and land poor- farmers (Melmed-Sanjak and Lastarria-Cornhiel 1998). It can be understood that this type of land transfer occurs into practice fully when land is privately owned, sold and bought in the open market.

On the contrary, based on the breadth of land rights that are predetermined in the land law, land certification certainly increases land transfer through rental market by ensuring confidence to the landholders who are reluctant or incapable to cultivate the land by themselves. It has been found that “the most commonly recognized benefit from the registration and certification of land, besides the tenure security bestowed on the land owner, is the use of those secure ownership rights as collateral to get credit” (Melmed-Sanjak and Lastarria-Cornhiel 1998). By analogy, when the legislation does not allow the use of land as collateral; for instance, as in Amhara region, land certification and registration of holding rights may significantly facilitate transfer of land either in gift or through inheritance and rental agreement with out or with very small transaction cost. In addition, the inheritance rights have also been specified and in some case been extended beyond the core family members in the Amhara region and it is allowed for land to be bequeathed to people outside of the family if those assisted the rights holders in times of need (Bogale, Benedikt et al. 2008).

## **2.13. The Role of Land Administration Institutions for Security of Land Rights**

In general, adequate institutional arrangements are required to determine rights and access to resources such as rural land. However, land Administration for social justice and economic empowerment is a real problem in developing countries. When governments consider land-holders as outsiders to the land administration system services delivered may be unsuccessful of satisfying the needs and aspirations of landholders. Thus, the strength of institutions in the land administration practice can play a vital role in securing land rights by ascertain social justice and protect the security of the landholders. Moreover, institutional arrangement should create conducive environment for the management, administration and use of rural land and the required relationship between the land holder as a customer and the land administration institution as a service giving. Besides, the landholders should not be considered as out of the land administration system because the services that the institution attempts to provide will fall short of satisfying the desire of landholders. What is more, in order to establish functional and sustainable land administration systems, landholders should be entirely aware of their range of rights over the land they hold (Mamimine 2003). The above explanation ascertained that knowledge about tenure arrangements may not be a sufficient condition for land holders, more importantly landholders need to know the scope of their holding rights. In this regard the role of land administration institutions is vital to create awareness about holding rights. In practice, however, as explained in the next section land administration institutions have lots of constraints to serve the land holders as it ought to be.

### **2.13.1. Operational constraints in Land Administration**

It has been said that, generally all institutions involved in land administration claim to be rendering essential service to land holders as evidenced by the high demand for their service. However, institutions involved in land administration faced a variety of constraints in fulfilling their mandates.

The major problems faced in executing an institution's mandate in land administration ranged from lack of material and financial resources to inconsistent policies. Lack of expertise also impacted negatively on service delivery for most institutions (Mamimine 2003). Besides, over the last decade, most countries in sub-Saharan Africa have adopted new land policies, laws which are pro-poor and gender sensitive. Nevertheless, the main challenge has been to implement these policies in a general environment of constrained resources and limited funding. Hence, many of the shortcomings of land administration systems through out the world in general and in Africa in particular are inability of civil service and inefficient local government authorities to implement the policy (Burns, Grant et al. 2006). This means institutions mandated to administer land rights should be efficient and effective so as to maintain land rights in a continuous basis.

### **3. Research Methodology**

This chapter gives the details of how the research was conducted; the methods used in data collection, selection of the study area and collected data. Moreover, it explains techniques used for data presentation and data analysis.

#### **3.1. The research techniques**

There is an increasing attention using qualitative and quantitative methods as a research strategy. Using the two methods allows benefiting from the insight that the two methods provide clarity in research when used in combination. Moreover, it is suggested that the most effective evaluation type of research is one that combines qualitative and quantitative components (Babbie 2003). Hence, in this research, qualitative and quantitative research methods are employed in combination as a research strategy. Qualitative method is used to collect data relevant to the perception and opinions on the effectiveness of government rural land certification implementation and the outcomes of the program using semi-structured questionnaire. Quantitative data on total land size, total household size, amount of land registered, feeling of security of land rights, the level of land improvement activities, farm productivity, the extent and composition of land related disputes and other basic information were collected from sample households using structured questionnaire. The household survey is conducted by trained enumerators who interviewed one household head after another using structured questionnaire designed for them.

#### **3.2. Description of sampling techniques and total sample size**

The study site constitutes one wereda (district) in Awi Zone Amhara Region. In regard to the selection of study kebeles (villages, the lower administrative unit), examiner used some criteria that the study sites should qualify. All of the kebeles should have road access and registration and certification carried out in all of the kebeles. These five kebeles were selected from a total of 25 kebeles in the wereda to get more information about the effects of certification. Thus, Azmach, Endewuha, Ashewa, Amesha, and Gafera kebeles were found to satisfy the requirement so as to conduct the household survey. Concerning the selection of sample households, twenty sample households from each kebele, totaling 100 from the wereda were selected in cooperation with the respective wereda land administration office experts. In order to randomly select the 100 sample households, list of household heads from the book of register at wereda level was used. In order to maintain the proportion between male and female headed respondents, stratified random sampling technique was employed. In the sampling technique the first stratum is made to contain 5679 lists of male households' possession number and the second stratum is made to contain 1354 lists of female households' possession number taken from the book of register. Then after a group is prepared based upon possession numbers for each stratum and later a group is drawn from each stratum and names are recorded in a separate sheet in reference to their possession number in the register book. Finally, 75 male and 25 female headed households are randomly selected from each stratum. This is because in reality male and female households are not in one to one ratio; data from the wereda book of register showed that male to female ratio is 4:1. These lists were each used to select 20 households from each kebeles (fifteen male and five female headed households) by employing simple random

sampling technique. This method of sample selection has given every household heads in each kebele a chance of being included in the sample. Therefore, the sample selection is free from bias. In general, random sampling approach is employed to select sample respondents in which the households selected are supposed to meet the study requirements. At this point it is imperative to declare the arrangement and content of the questionnaire. Therefore, the content of the questionnaire is made to include questions that need dichotomy type answers (Yes or No) objective and open ended types that require the respondents' awareness and attitude in reference to their actual life condition.

### **3.3. Data Source and Acquisition Methods**

The study is based on both primary and secondary sources of information. Primary data was collected through survey, focus group discussions, and field observations. Secondary data was collected from governmental organizations at regional, zone and wereda level. The sources and methods used to obtain data for the research are presented below.

#### **3.3.1. Primary data**

Most of the data required to answer and validate the research questions were collected from primary sources. To get the required data from the primary sources, in-depth interviews, focused group discussions, and field observations were employed. These techniques were used to collect data such as, land size, total household size, land registration, feeling of security of land rights, investment on land undertaken by the households after certification, extent of dispute over land; and level of awareness on rights and obligations of households under their holdings.

#### **Training of enumerators**

For the data collection process four enumerators were recruited from the wereda land administration office and trained on how to administer the questionnaire. In the actual data collection all are participated in the data collection process with close supervision of the examiner. One kebele from the five kebeles, questionnaire was administrated and data was collected by the examiner. Kebele land administration committee members play an important role in the data collection process in compassing the area where respondents live.

#### **Interview**

Interviews with the selected 100 sample household heads (20 household from each kebeles) were conducted and the necessary information was obtained. It includes information about household security of land rights as a result of land certification, knowledge of households about importance of registration, and how far government land certification programme intervention has changed the feeling of tenure insecurity of landholders.



**Figure 6 Photo showing an interview session**



### Focus Group Discussion

Discussion was held with 10 kebele administrative bodies (2 from one kebele) to get information about utilization and administration of communal land. In addition, discussion with regional, Zone and wereda level concerned officials, such as Environmental Protection Land Administration and Use Authority at the regional level with 11 experts, zone level with 4 experts, wereda level with 8 experts and with 2 wereda court judges was held to enrich the first hand information collected through interview.

#### 3.3.2. Secondary Data

Secondary data was collected to analyse the effects of rural land certification on security of land rights based on government's program on certification. The secondary sources of information included government annual reports and official statistical abstracts. A visit was made to Amhara region Bureau of Agriculture and Rural Development including wereda office, Finance and Economic Development Bureau, Environmental Protection Land Administration and Use Authority including wereda office, wereda court, and Amhara Credit Scheme Institution at wereda level. The reference materials include land policies, land proclamations in respect to constitutional provisions, journals, periodicals, reports, books and internet web sites are recognized as the main sources of information. Moreover, previous research papers conducted in similar topics in home country and Africa-wide have been conferred and these are presumed to be the major sources in substantiating the concepts of the topic under study. The secondary data collected during field work is presented in **Table 1**

**Table 1 Secondary data collected**

No	Type of data	Year	Data source
1	Area of cultivated land , crop production	2002-2009	Agriculture Bureau
2	Crop production	2003-2009	Wereda agriculture
3	Fertilizer distributed	2004-2009	Wereda agriculture
4	Registered private holding	2002-2009	EPLAUA
5	Land cases go to Court	2006-2009	Wereda court
6	Regional land holding size	2002-2005	BOFED
7	Credit provided to farmers	2000-2009	ACSI

Source: respective offices

#### 3.4. Data Preparation

The primary data collected as the result of household survey was entered after field survey in the SPSS data sheet. Moreover, the secondary data obtained from different sources in a hard copy format were changed to an appropriate data format for analysis.

### **3.5. Methods of Data presentation and Analysis**

The primary data collected from household survey is organized in appropriate tables that which shows percentages and frequencies to make easy the descriptive statistical method of data analysis which is widely used through out the task of survey result analysis.

#### **3.5.1. Method of data presentation**

As to the method of data presentation data summary tables are extensively used and survey results with interrelated topics are presented in a single table that can help viewers to look proportions (in%) at a glance. In addition, graphs are also used when the type of summarized data is suitable to be presented in graphs by using excel sheet. Supportive data obtained as a result of interviews and at office level is presented in tables to show proportions in percentage which is necessary to draw conclusions and recommendations.

#### **3.5.2. Qualitative analysis**

The research strategies employed in this study combine both qualitative and quantitative data analysis methods. Qualitative data collected from the review of documents will be compiled, organized summarized and interpreted. Furthermore, in regard to discussion results with key informants the data is qualitatively expressed.

#### **3.5.3. Quantitative analysis**

The primary data collected from household survey is analysed by employing statistical tools. Based on the proportion (in %) of the summarised data descriptive statistical method of interpretation for only major survey results is discussed. When ever necessary a comparison between previous survey results (conducted on the same or interrelated topics) with the current finding is included in the discussion.

## 4. The Study Area

Amhara region is selected for this study purposely. It is the region where rural land registration and certification is carried out and appropriate to study the effects of land certification in securing land rights based on farmers perception about their security of holding rights by selecting one wereda. This chapter gives brief introduction about location, administrative division, physical and demographic characteristics of the region and the profile of Fagetalekoma wereda.

### 4.1. Location

Amhara region is one of the regional states in Ethiopia which is located in the North Western and north central part of the country between 8<sup>0</sup>45'N latitude and 35<sup>0</sup>46'E and 40<sup>0</sup>25'E longitude and covers an area of 170,752 square kilometres (Engida 2003). The region is bounded by the Sudan to the West, and the Ethiopian regions of Tigray to the North, Afar to the East, Benshangul Gumuz to the West and Oromiya region to the South.

### 4.2. Administrative Division

The Amhara region is structured into 10 administrative zones and 128 rural weredas. The weredas are also further divided into 3100 rural kebeles which are the lowest administrative units in the regional government structure. Bahir Dar is the capital and the seat of the national regional government which is located on the south east shores of Lake Tana.

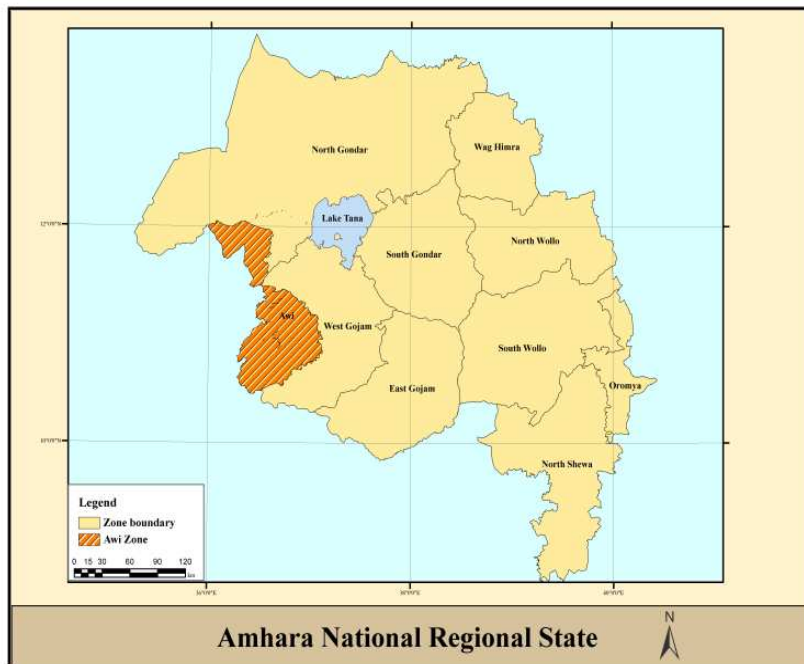


Figure 7 Location Map of the study area, EPLAUA 2009

### **4.3. Physical Characteristics**

The Amhara region covers about 15 % of the total current Ethiopian land mass and has topographic setup of very diverse nature. Lowland, midland and highland plains, mountains, rugged lands, undulating landforms, chains of plateaus are common land features in the region. The low lands (500-1500 meters above sea level) cover mainly the north western part of the region bordering the Sudan and the eastern parts bordering the Afar region. These areas are largely plain and constitute big part of the northern and eastern part of the region. The highland areas are rugged and mountainous with peaks rising up to 4620 m and the low lands below 500 masl. The average temperature of the region ranges on from 12°C to 27° C. The mean annual rainfall recorded in the region is in the range of 598.3 mm and 1692 mm.

Agriculture is the predominant economic activity in Amhara, where about 87.4 percent of the household depend on agriculture only for their subsistence. The extent of economic diversification is very limited, reinforcing the pre-eminent importance of land as a source of livelihood and key asset. Evidences show that, over the last thirty years farming practices in Amhara have largely been determined by the shortage of land and prevalence of very small holdings that have declined over the last decades. Despite low agricultural production, poor diversification and other income support options are also very low (BoARD 2008).

### **4.4. Demographic Characteristics**

The Amhara region is a very big and the second most populated region, while the population accounts for 25.5% of the country. As the data of Central Statistics Agency (CSA 2007) of Ethiopia, Amhara has a population of 17.2 million of which 87.4 percent of the population lives in the rural areas with its livelihood mainly depending on agriculture and related activities. Male constitutes 50.1% of the population while female made the remaining 49.9% (Central Statistics Agency 2008).

### **4.5. Wereda Profile**

#### **4.5.1. Fagetalekoma Wereda**

##### **Location, population and area**

Fagetalekoma wereda is one of the 7 weredas in Awi Administrative Zone of Amhara region located 105 km away from the regional capital Bahir Dar city to the south. The capital of the wereda is called Addis Kidam. The wereda is structured into 25 rural kebeles. According to CSA (2007), Fagetalekoma has a total population of 126357 of which male constitutes 49.6% and female 50.4%. From the total population 117452 (93%) reside in the rural areas of the wereda and engaged in agriculture. The data obtained from the wereda Environmental Protection Land Administration and Use Office (EPLAUO) and the evidence from Book of register indicates that, 35844 households are registered and from the total 27242 (76%) households has got primary book of holding in the wereda and the remaining 8602 (24%) yet received the certificate and are under process to get the holding certificate.

The wereda has a total area of 32711 hectare, out of these 28870 hectare (88%) are used for annual crops. The remaining 1200 hectare, 2465 hectare, and 176 hectare are used for pasture land, forest and

other purposes respectively. Subsistence agriculture and mixed farming is carried out and crop production is the main income source followed by live stock production.

Endewuha, Azmach Gula, Ashewa, Amesha-shinkuri and Gafera are kebeles where data was collected. In these kebeles 7033 households are residing and out of which 5679 (80.7%) are male headed and 1354 (19.3%) are female headed and all are registered and got certificate of holding. Here, it is important to mention the level of certificate given to land holders. There are three steps in the certification process in the region. The first one is the preliminary paper given to the landholder after registration. The second is primary book of holding granted to the holder with rights and obligation and holders photo attached to the certificate. The third one is secondary book of holding with map of the parcel and necessary information attached to the certificate. In fact secondary book of holding is not started in the wereda. Therefore, 4777 (68%) male headed and 818 (11.6%) female headed households got primary book of holding and a total of 1348 (19.2%) have got registration certificate since the commencement of certification. This is because of uncertainty to identify the rightful landholder. However, the process is underway to provide the permanent certificate for the rest of landholders. The location map of the wereda and the study kebeles is presented in the following Figure 8.

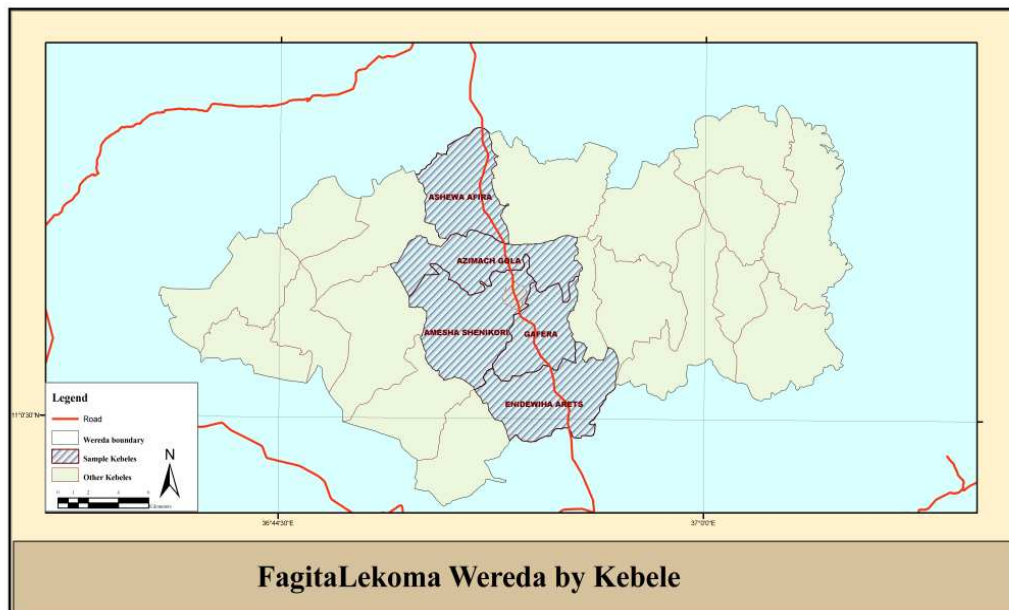


Figure 8 Location map of the wereda and the study kebeles, EPLAUA 2009

#### 4.6. Conclusion

The above short description gives an overview of location, population and economic situation of the Amhara region in general and the study wereda in particular. The region has different agro-ecological zones with topographic setup of very diverse nature. Lowland, midland and highland plains, mountains, rugged lands, undulating landforms, chains of plateaus are common land features in the region. These different topographic setups are suitable for agricultural activities for growing a variety

of crops and livestock. Despite the potential for growing different crops in the region, because of the population increase over the last thirty years farming practices in Amhara have largely been determined by the shortage of land and prevalence of very small holdings that have declined over the last decades. Land is the main economic asset for Fagetalekoma wereda. Large majority of the population is engaged in agriculture and subsistence agriculture and mixed farming is carried out. Crop production is the main income source of the rural households followed by live stock production. Out of the total registered households 76% received permanent book of holding.

## 5. Results and Discussion

One of the main objectives of the study is to assess the impact of government land certification program on tenure security, land improvement and land related dispute resolution. In order to attain this specific objective, household data were generated and analyzed through the assessment of farmer's perceptions and opinions on land certification.

To meet this objective primary data from sample household was collected from one wereda (district). The survey gathered qualitative and quantitative data pertaining to household information, opinions on tenure security, and land investment made by farm households. The analysis is based on data from a sample of 100 farmer households randomly selected. The sample units were chosen from the five Kebele's using a random sampling method. Results and discussions of the studied households are discussed below.

### 5.1. Household Information

Before discussing the results, relevant data such as family size, number of parcels and total holding size in respective of interviewee is taken from the book of register and presented in the following Table 2. As it is indicated in table 2 below a total of 100 respondents were taken from the book of register of which 75% are male headed and the remaining 25% are female headed households. The average number of parcels and holding size in hectare per household is 3.35 and 1.15 hectare respectively. The average landholding size in the study wereda is nearly the same as the regional average 1.04 hectare (BoFED 2008).

**Table 2** Household information

SE.NO.	HOUSEHOLDS	MEASURES	FAMILY SIZE IN NUMBER	NUMBER OF PARCELS	TOTAL LAND HOLDING SIZE IN HECTARE
1	Male = 75	Average	7.16	4.32	1.19
		Max	14	12	2.5
		Min	4	1	.25
2	Female= 25	Average	4.68	2.84	1.11
		Max	8	9	2.25
		Min	2	1	.25
		Total average	5.92	3.35	1.15

**Source:** FagetaLekoma wereda, EPLAUO, Register Book.

## 5.2. Land registration and certification, farmers opinion and attitude

One of the key issues in the regional land administration system is the registration and certification of landholdings in order to secure land rights. To this end, land registration and certification program has been implemented since 2002 with the objective to register all land holdings in the region and granting certificate of holding in order to increase farmer's security of land rights. Hence, one of the objectives of this research was to find out farmers perception and attitude about their land tenure security under the existing landholding system in the region. Therefore, it is important to investigate whether land is registered and the change in perception of farmers over time about the importance of registration, the level of certificate received and the importance of the certificate provided based on the above interrelated questions. For this reason, the first part of the questionnaire was designed to test the perception of respondents about the importance of registering their landholding and importance of certificate they received. From this perspective the survey result revealed that in the five sample kebeles 100% of the households have registered their parcel under possession and 98% got registration certificate or primary book of holding as it is depicted in Table 3 below.

**Table 3** Farmers opinion and attitudinal survey

SE.NO.	ASSESSMENT TOOLS	RESPONSES	FREQUENCY	%
1	Whether parcels are register or not	Yes	100	100%
		No	0	0.0
		Total	100	100%
2	Importance of registration	Able to justify	81	81%
		Unable to justify	19	19%
		Total	100	100%
3	Certificate received or not	Yes	98	98%
		No	2	2%
		Total	100	100%
4	Importance of certificate	Able to justify	83	83%
		Unable to justify	17	17%
		Total	100	100%
5	Level of certificate received	Registration certificate	11	11%
		Primary book of holding	89	89%
		Total	100	100%

Source: survey data, 2009

As can be seen from table 3, all the land holdings are registered. According to EPLAUA (2009), since the commencement of registration and certification, 3.4 million household have registered their landholdings and more than 2 million (59%) received primary book of holding and the remaining (41%) received registration paper in the study region. On the other hand, 1612 households received secondary book of holding in two pilot kebeles (EPLAUA 2009). Concerning the importance of registration majority of respondents (81%) were justified the importance of registration that registration helps to recognise their holding rights. And large majority (98%) received certificate of



holding. In addition, 83 percent of the respondents express the significance of certificate of holding as the certificate is a legal document to keep their land holding rights secured. Furthermore, they explained that certificate is legal evidence that can protect their rights from different types of land related disputes and expressed their confidence that the certificate of holding shows their perpetual right to use the land, and their ability to gift and inherit to their children after death. In regard to the level of certificate received (89%) have got permanent primary book of holding and 11% got a preliminary registration paper. This is due to the long process to identify the right holder.

The study further revealed that the number of households who received holding certificate is almost the same with the findings of Deininger, Ayalew et al. (2008) in that 84% of the sample households in the region received certificate of holding. Furthermore, the level of understanding about the importance of registration and holding certificate is found the same in this particular survey. However, the task of granting permanent certificate of holding to all land holders in the region is found in a lower stage. Over the period of seven years only 59% of the landholders receive permanent book of holding in the region. In contrast, 89% of the sample households in the study wereda receive primary book of holding. This is high compared to the regional average. Therefore, granting the legal document needs emphasis to increase security of land rights through out the region.

### **5.3. Farmers perception on Security of Land Rights**

It was unquestionable that frequent land redistribution and eviction from holding in the past regimes were the main threat for insecurity of land rights in the region. However, the current government took measure to increase landholder's tenure security by granting holding certificate. Hence, a questionnaire was designed in order to study the change of household's perception overtime after certification, whether they fear future land redistribution and whether they fear their land can be taken by the government at any time in the future. In addition questionnaire was administered whether women land rights are secured as a result of certification or not. Furthermore, another question which has similar in effect to measure the level of subject's confidence as to what extent each individual is certain that he/she is the legal holder of his/her parcels after the issuance of holding certificate respectively. The summary survey results are presented in the following Table 4 .

**Table 4** Farmers Perception on Security of Land Rights

SE.NO.	ASSESSMENT TOOLS	RESPONSES	FREQUENCY	%
1	Whether fear future land redistribution or not	Yes, I fear	15	15%
		No I don't	85	85%
		Total	100	100%
2	Whether fear land taken by government at any time	Yes, I fear	11	11%
		No, I don't	88	88%
		Total	99	99%
3	Whether certificate of holding secured land rights or not	Yes	93	93%
		No	7	7%
		No response	0	0.0
		Total	100	100%
5	Whether women land rights are secured or not	Yes	93	93%
		No	5	5%
		No response	2	2%
		Total	100	100%
6	Preference of tenure arrangement	State	82	82%
		Private	12	12%
		No response	6	6%
		Total	100	100%

Source: survey data, 2009

As it can be seen from table 4 above the survey result shows that 85% of the respondents are confident that future land redistribution will not take place and despite the fact that the regional land proclamation No.133/2006 clearly stated that future redistribution will not be carried out, (15%) of the studied households still have a fear of future land redistribution. However, the above result indicates that majority of the studied households perceive that land redistribution will not take place in the future. This shows the fear of future land redistribution is thought as a past history. Nevertheless, the fear is not completely avoided in the minds of landholders. Still minority feel that there will be future redistribution. To avoid such type of fear government should be committed in keeping the rights and teaching households about their rights. In contrast to the current survey, Nega, Adnew et al. (2003) found that 3.5% of households responded that they are certain to keep their land for more than 20 years, 76% did not feel secured that redistribution will take place after five years, 27% were sure that redistribution will not take place in the future, and 73% were also confused in relation to the possibility of future land redistribution that will take place in their area (Nega, Adenew et al. 2003). This result may be accountable or explained due to the early stage of the certification program in the region and it can be revealed in this finding that land holders confidence is increasing through time.

Concerning one of the main research question, whether land rights are secured as a result of certification or not, the overwhelming majority of respondents (93%) feel that their land holding rights are secured after certification. In previous studies, it was said that because of state ownership of

land, 83% of land holders were uncertain on their holding and this shows the level of insecurity in the region (Nega, Adenew et al. 2003). This may be because; it was too early to assess the effect of rural land certification in the region and related land laws that prohibited land redistribution. Another important point investigated was about women land rights. As indicated in many literatures women are the most vulnerable groups of the society regarding land holding rights. Hence respondents were interviewed whether women land rights are secured after certification to examine whether there is any discrimination between men and women. In this regard, 93% reported that women land rights are secured as that of men. In addition, in order to distinguish women perception about protection of their land rights, their response was analysed separately. The survey result indicated that 88% of women respondents perceived their land right is protected as a result of certificate of holding. This is a positive indication that the rights of land holders are protected with no gender difference in the region. Moreover, in this particular survey land rights are secured as a result of certificate of holding and this shows the confidence of land holders is increasing significantly through time with out any discrimination between men and women.

The study has also attempted to investigate respondent's opinion on their preference of tenure arrangement. This helps us to understand whether landholders are certain about their rights despite the fact that land ownership right is vested in the public and under the control of the state. In this regard the result shows that 82% reported that they prefer state ownership rather than private ownership. They also justify their reasons why they prefer state ownership. For instance, one of the participants said "land is not like any asset to be sold when you face any financial problem and obviously if they have the right to sell the land, they might be forced to sell it and migrate to another place and as a result this creates social chaos". The coping mechanism they used when they face financial problem is to borrow money from rural credit institutions such as the Amhara Credit and Saving Institute (ACSI), individually from local lenders and selling of other assets mostly livestock. This result coincides with the findings of Bewket and Sterk (2002) in the region which shows 84% of the land holders prefer state ownership. However, it is significantly varied with Deininger; Jin et al. (2003) found that 84% of sample households prefer an alternative to the current tenure arrangement. Here the most important reason for preference of state ownership may be related to the result of holding rights which include, the right to inherit, gift, rent and form property granted to landholders. Therefore, based on the current survey result, it can be concluded that, despite the fact that land is owned by the government, land certification has a positive effect on land rights security and land holders preference of ownership type has been changing through time.

#### **5.4. Farmers knowledge on Land Rights and Obligations**

The level of information dissemination to create knowledge about land rights and obligations attached to the law can significantly have paramount importance for landholders to exercise their rights and obligations properly. In addition, it has a key advantage in one way or another for the social, political, legal, technical, economic and institutional features of the region's land administration system. Hence, to measure the level of understanding of households two approaches were used. First, an open ended question was asked to get the opinion of respondents in such away that how many rights and obligations actively known by the studied households. And next directly asking those rights and obligation from the list whether they know them or not. In this regard respondents were asked about the basic land rights which are stated in the land law and at the same time how many obligations they

know in reference to the region's land law when using the land. Based on these two sets of questions data was collected and the survey result is summarized in Table 5 and Table 6 respectively.

**Table 5** Knowledge on Basic Land Rights

SE.NO.	BASIC LAND RIGHTS	FREQUENCY	%
1	Rights to use land for agriculture & natural resource development	99	99%
2	Right to rent out the land	97	97%
3	Right to transfer the land	95	95%
4	Not evicted from holding	89	89%
5	Right to form property on land	88	88%
6	Perpetual holding right	87	87%
7	Getting land free of charge	78	78%

Source: survey data, 2009

The survey result summarized in table 5 shows that most of basic land rights are known by subjects of the study. More importantly, knowledge about; use land for agricultural and natural resources development (99%), rights to rent out the land (97%), rights to transfer (by inheritance, gift etc.) (95%) are actively more known relatively than other land rights. Whereas rights not evicted from holding (89%), rights to form property on land (88%), perpetual landholding right (87%) and getting land free of charge (78%) were not responded immediately. However, when reminding them, majority of respondents forwarded their opinion that they knew also the stated land rights. Though all land rights are important for landholders, the knowledge about these rights is not equal. Some of them are remembered easily and some of them are not. This may be because of the nature of rights. Some of the rights have long term effects and the others short term effects. For instance, the right to use the land for agricultural activities and the right to rent out the land they hold are daily activities that large majority of the respondents involved in. Generally the result indicates that the level of knowledge about basic land rights is found high in this particular survey. This is important for the government and the society at large because the government can be benefited from holder's knowledge to enforce laws and regulations easily. And on the landholders side it can be useful in the context that knowing rights means motivated to invest more in the land and protecting rights side by side.

On the other hand, more is expected from the land administration institutions in the awareness creation process. In this regard one of the duties and responsibilities of EPLAUA at regional level and the wereda land administration office is to create awareness on land rights and obligations. To this end, discussion was held with regional and wereda land offices concerning how they evaluate awareness of landholders about their rights and obligations. The discussion result showed that there is different understanding in that most of the regional experts agreed the task of awareness creation regarding basic land rights and obligations is not enough at all. In contrast, the wereda experts expressed their feeling differently as the work done so far and the level of understanding of landholders found good. This may need further investigation why the level of understanding is different within the same organization. It can be because of the fact that the regional office is far from the landholders and unable to measure the landholders understanding. However, the survey result and the opinion of wereda experts are more valid than the opinion of experts at regional level.

In a similarly approach respondents were asked to list out what major land use obligations they know in reference to the region's land law. The summary of the survey result is shown in Table 6 below.

**Table 6** Knowledge on Basic Land Use Obligations

SE.NO.	MAIN OBLIGATIONS	FREQUENCY	%
1	Protect boundaries	98	98%
2	Undertake trench terracing	96	96%
3	Drain excess flood	96	96%
4	Protect springs not to get dry	94	94%
5	Till far from rivers and gullies	92	92%
6	Hold certificate of holding	90	90%
7	Planting trees around the farm	89	89%
8	Protect wildlife in the locality	81	81%
9	Return back book of holding upon termination	81	81%
10	Use land based on land use plan	76	76%

Source: survey data, 2009

As shown in table 6 similar to land rights, land use obligations are known by large majority of respondents. In these land use obligations, protect boundaries, undertake terracing, hold certificate of holding and planting trees around the farm, 98%,96%, 90% and 89% respectively, are land use obligations easily known by large majority of respondents. Although other land use obligations are known by majority of respondents, they didn't answered immediately as the above rights. Here like land holding rights, reminder questions were used to remind respondents and as can be seen in the table after leading questions were asked, majority of them responded that they knew those obligations. The reason for all land obligations are not equally remembered is the fact that they are too many to rehearse all. However, the knowledge of land holders is increasing through time and the reason may be the knowledge is more related to the importance of land as a scarce resource and holder's awareness to protect their rights keeping their obligations. This is to mean that as land is the most useful asset for the rural people, holders are interested to know their rights and obligations to maintain their holding rights. Moreover, obligations which have more power to affect landholders' rights take the highest familiarity. Like any land administration systems, land holding rights are subject to restriction and obligations in the region. Hence, if the level of knowledge of landholders is as ought to be, it means that landholders can use the land they possess in a more productive way and they can defend their rights accordingly. Moreover, proclamations plus their regulations need to be known in the context of the policies and principles that govern the operative provisions not only by landholders but also by institutions envisaged to be involved in the implementation process.

In general, as demonstrated above respondent's knowledge about basic land rights and obligations are found in the highest level. This denotes that the higher the level of knowledge on land rights and obligations, the higher the protection of rights and optimal use of the land resources would be.

## 5.5. Land Improvement activities.

It has been said that land rights security can not be directly measured and to a large extent it is what people perceive it to be and its attribute may change from one context to another (FAO 2005). For this reason, as the survey questions on land rights measure farmers perceptions rather than objective facts, the responses are vulnerable to exaggerated claims of rights possession and misunderstanding of rights not commonly exercised in their area (Place, Roth et al. 1993). Therefore, it is wise to use another cross checking mechanism in order to be more certain what is reported by respondents about the feeling of security of land rights. In this regard, to conclude whether there is land rights security or not, some indicators like land improvements, investment in land could be used as additional measurements to check the level of land rights security.

Hence, one of the objectives of this study is to find out whether land certification or security of land rights enhance the motivation of individual landholders to invest in land or not. Thus, in order to assess effects of certification on land improvement activities, households were asked two interconnected questions whether they participate or not in land improvement activities as a result of rural land certification and in what specific type of land improvement activities they participate. Concerning the first question the survey result shows that 89% of the households responded that they were involved in one or more of land improvement activities after certification. The second question allows assessing what specific land development endeavours they made by their own arrangement as a result of land rights are legally recognized or protected. In order to understand more about the percentage of respondents the survey result is summarised in Table 7.

**Table 7** Land Improvement Activities

SE. NO.	LAND IMPROVEMENT ACTIVITIES	FREQUENCY	%
1	Fencing the farm land	92	92%
2	Compost Preparation	90	90%
3	Tree planting	89	89%
4	Terracing on farm land	82	82%
5	Irrigation practices	70	70%
6	Terracing on pasture land	64	64%
7	Fodder tree on pasture land	49	49%

Source: survey data, 2009

Based on the survey results indicated in table 7, it appeared that households are involved in one or more land improvement activities. It is to indicate, out of the seven land improvement activities asked 92% participated in fencing the farm, 90% in preparation and use of compost to increase the fertility of the soil, 89% in tree planting and 82% in terracing on farm land are the highest activities respondents were involved. In addition, observation was made on the field to make sure that some of the land improvement activities such as fencing the farm land, planting trees and terracing

accomplished by the respondents and were observed that the above mentioned activities are in a good condition.

This shows the willingness of households to invest and improve the condition of their land and as a result to increase the productivity of farm land. This can be taken as a new motivation effect of land certification in that households trust is growing over time. The findings of the survey are similar with findings of Deininger, Ayalew et al. (2008) which found that certification encourages landholders to invest in soil and water conservation works (95.16%), planting trees (92.29%), and (92.83) have the desire to undertake land related investment after certification. In addition, Deininger and Jin stated that the current government's land certification program has a positive effect in increasing tenure security,



Figure 9 Photo showing the land improvement activities made by farmers transferability of land rights and significantly enhance rural investment and productivity (Deininger and Jin 2006). In a nutshell it can be concluded that rural land certification has a positive effect on land improvement and land related investment in the study region.

## 5.6. Investment and Productivity of Farm Land

The aim of this section is to investigate the benefits gained from individual farm investment and the change observed in terms of farm productivity. As mentioned in the previous section most of the studied households' are motivated to improve their land to increase the fertility status of farm land and as a result to increase farm productivity after certification. In order to get more insight about the effect of certification on farm productivity respondents were asked how they evaluate the level of their farm productivity before and after certification. This helps us to analyse the effects of certification in increasing production. It is not surprising that diversified responses are observed in relation to the productivity level of each farm land because the effort made by landholders to improve the fertility of the soil alone may not be effective if other factors that can limit the production process didn't get equal consideration. The result of the household survey is summarized in Table 8 below.

**Table 8** Land productivity

SE. NO.	RESPONSES	FREQUENCY	%
1	Shows increasing	45	45%
2	The same as before	38	38%
3	Shows decreasing	17	17%
4	Total	100	100%

**Source: survey data, 2009**

As indicated in the above table 8 the survey result denotes that 45% of the respondents confirmed that the productivity of their farm land shows an increasing trend after certification than before. On the other hand, significant number of respondents (38%) reported that there is no change in productivity of their farm land after certification and 17% responded the productivity of their farm land shows a decreasing trend. Hence, the current survey result indicates majority (55%) of the respondents reported their farm productivity shows no significant change after certification. To investigate the level of farm productivity and to cross check the opinion of respondents, secondary data was collected from the wereda agriculture office and regional bureau of agriculture. As can be seen from figure 10, the data from the wereda agricultural office indicates a decreasing trend from the commencement of certification up to 2006, increasing in 2007 and 2008, and then declining in 2009. This cyclical trend of production may be the result of other factors that can influence the productivity level of the farm. During the survey respondents were also asked why their farm productivity is the same as before or decreasing after certification regardless of the effort they made to increase farm productivity. They reported that although they feel their land rights are secured as a result of certification and willing to invest more, the high price of agricultural inputs such as fertilizers, improved seeds and shortage of rainfall are main constraints to increase farm productivity in their area. The data is presented in Figure 10 below.

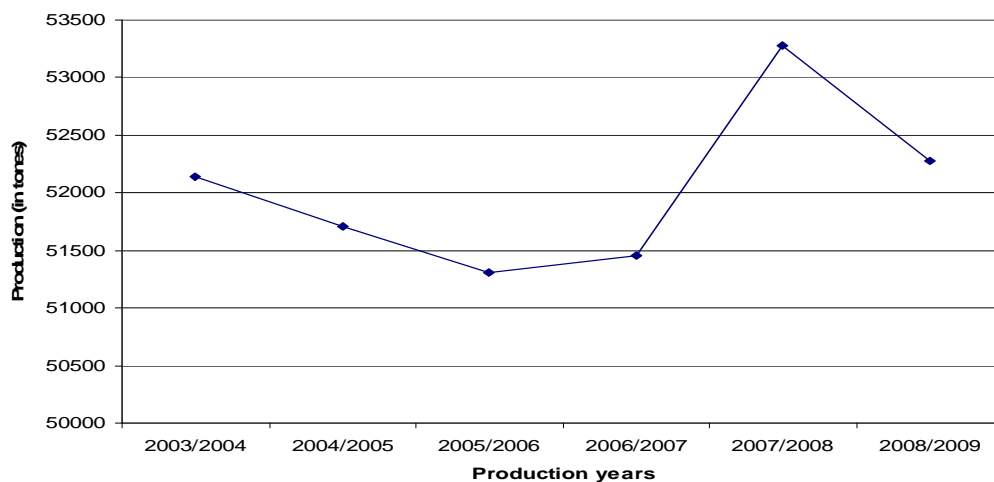


Figure 10 Total production of the wereda, Fagetalekoma wereda Agricultural office, 2009

Many studies showed that productivity of land is directly related with the degree of land improvement activities made by landholders. However, the findings of this research have shown there was no link with the land improvement made by the landholders and increase in productivity. This may be accountable to land improvement measures and its consequences to change the fertility of the soil to the better are a long term exercise. Another justification is in reference to the theory noted in the literature that land right security is a necessary but not a sufficient condition for land improvement and farm productivity (Roth and Haase 1998; Brasselle, Graspard et al. 2001). This means other factors are more influential to increase farm productivity such as supply of input, water, credit provision and other infrastructures should be given equal consideration so as to increase productivity of farm land. The price of fertilizer over the period of 2005/2006-2008/2009 is presented in Figure 11 below.



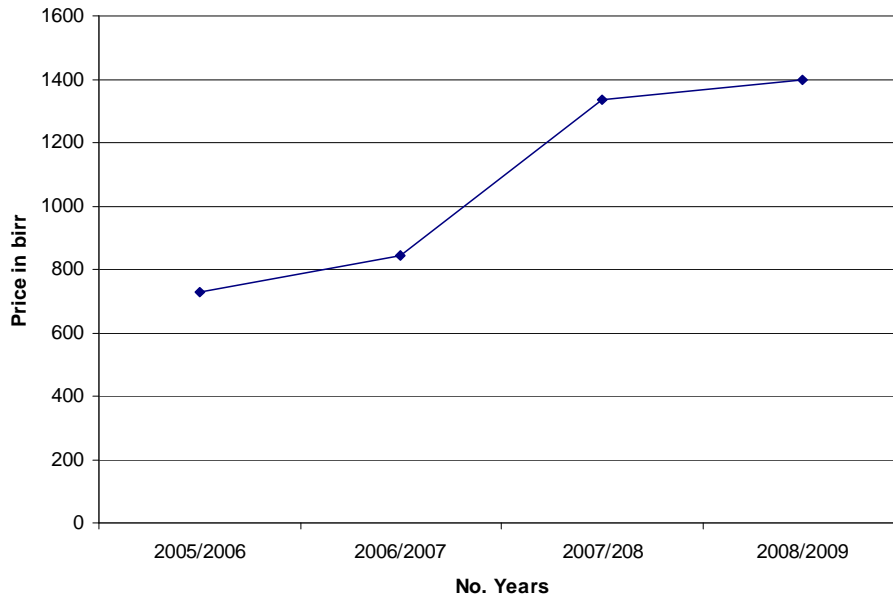


Figure 11 Price of fertilizer, Fagetalekoma wereda Agricultural office, 2009

As it is shown in figure 11 the price of fertilizer has been increasing and can influence the use of inputs to increase farm productivity. Hence, in support of the current finding there are findings for example, conducted in Kenya which revealed no significant relationship between land titling on investment and increased agricultural productivity (Smucker 2002). On the contrary, studies conducted by the World Bank (2006) from Honduras, Paraguay, China and Thailand have confirmed that rural land certification/titling has a positive effect and a slight relationship on investment and agricultural productivity was also found in Africa (World Bank 2006). In order to investigate the credit provision for agricultural inputs data was collected from the wereda credit and saving institution (ACSI). The credit distributed over the period of 1999/2000-2009 is presented in Figure 12 below.

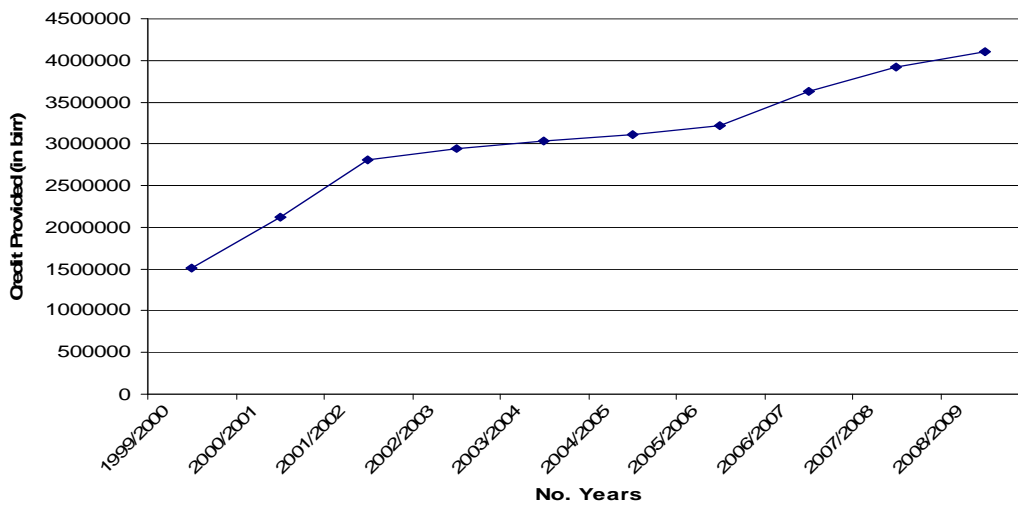
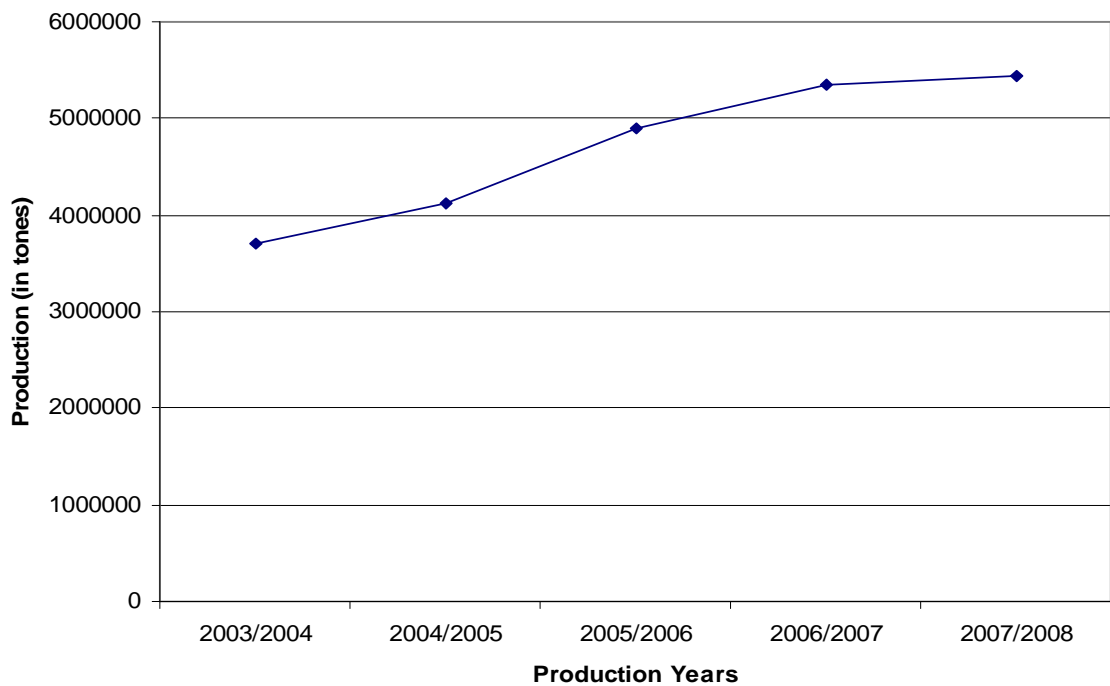


Figure 12 Credit provided for agricultural activities, wereda ACSI, 2009

As it is illustrated in figure 12 credit provision to farmers shows an increasing trend. Hence, it is an indication that farmers are willing to borrow money to enhance investment on land and on average more than three million birr has been distributed per year in the wereda to buy agricultural inputs and to increase the wealth creation capacity of farmers. Land is not used as collateral for the loan instead; the credit provision mechanism was group lending to create group pressure and to secure the due date of the loan. As the data obtained from the wereda office 41% of the rural households are beneficiaries since the commencement of the credit provision. However, the effect of credit on farm productivity is not observed in the previous discussion and needs further investigation. This may be due to the high price of inputs and the level of inflation that can influence the purchasing power of money or the credit may be used to buy other assets necessary for households. Literatures indicated that an important issue in the context of agricultural credit is the magnitude of the expected productivity gain. If the marginal productivity effect of credit is small, then the resources may be more beneficially deployed elsewhere (Feder, J. Lau et al. 1990).

On the other hand, the data obtained from the regional agricultural bureau shows that the total production level in the region has been increasing from the commencement of certification. This may be due to the increment of area of land cultivated through out the region. As Bureau of Agriculture and Rural Development (2008), area of land cultivated in the region increases from 3.2 million hectare in 2003/ 2004 to 3.9 million hectares in 2007/2008, and total production increases from 3.4 million tones to 5.4 million tones. Therefore, the household survey and the secondary data collected from study Wereda does not prove the relation between certification and farm productivity and land rights security. Thus it needs further investigation based on other models that includes the different variables or factors that are supposed to have influence on farm productivity in the agrarian systems. Figure 13 shows the total production of the region.



**Figure 13 Total Production of the region, BOARD 2008**

## 5.7. Status of Land Related Disputes

The aim of this section of the household survey is to answer one of the research questions whether land certification contribute to decrease land related dispute or not. To this end respondents were interviewed questions in order to investigate the level of land disputes in the study area and to explore whether there is a significance difference before and after land certification.

While discussed in the previous sections, it has been noted that in many countries disputes over land and its boundaries give rise to expensive court cases and all too often lead to a breakdown in law and order. Much time is taken up by the courts in resolving these matters, most importantly delays are common to resolve land related cases in the judicial system (ECA 2004). Especially when the land administration system is not well functioning to safeguard land rights, land related disputes are more common. To observe the over time change the survey data is organized in Table 9 below.

**Table 9** Status of Land related Disputes

SE. NO.	TESTING TOOLS	RESPONSES	BEFORE		AFTER	
			Frequency	%	Frequency	%
1	Whether the household respondents face land dispute or not before and after certification	Yes	64	64%	33	33%
		No	27	27%	66	66%
		No response	9	9%	1	1%
		Total	100	100%	100	100%

Source: survey data

In the table above the survey result confirmed that 64% of the respondents reported they face land related dispute and 27% responded they never faced dispute over land before certification. On the other hand, majority of respondents (66%) confirmed that they did not faced land related dispute after certification and 33% reported they are affected by land related disputes after certification. The figures confirmed that the level of land related disputes are decreasing through time as land is registered and certified. The finding of this study revealed that land related disputes are declining after certification. Moreover, this finding coincides with previous studies conducted in Tigray and Amhara regions of Ethiopia which show that land related disputes was reduced during and after the land registration and certification. For instance, in Tigray regional state 66% reported that land related disputes decreased after certification. (Holden, Deininger et al. 2007). Similarly, case study evidenced in Amhara region points that in areas where land registration and certification takes place, the number of court cases have reduced significantly from 20 to 2 per week (Deininger, Ayalew et al. 2008). This may be a good evidence of the positive effects of land registration and certification in terms of a reduction in the number of disputes. Even though dispute over land is not a closed threat, it revealed land certification helps to reduce land related disputes at present.

Another issue identified was differences between kebeles in terms of the extent and composition of land related disputes. The survey result shows that there is a significant variation between kebeles. For example, in Azmach, Endewuha, Ashewa, Amesha, and Gafera, 10%, 30%, 36%, 43%, and 55% respondents, respectively, reported they faced land disputes. In some kebeles the level of land dispute is less than others. May be this is because of the increase in the number of landlessness and shortage

of land in the respective kebeles that contribute dispute to get more land and social and cultural set up differences in settling land related disputes at kebele level. Whereas the type of dispute in kebeles frequently occurred is boundary dispute. This can be also occurred due to the interest of farmers to get additional cultivable land.

Above and beyond the household survey, the examiner discussed with wereda court judges as a key informant concerning the incidence of land disputes. The information obtained from the discussion with wereda court and the secondary data collected from their office is relevant to supplement our argument. The output of the discussion is presented in the next section.

### **5.8. Discussion with Fagetalekoma Woreda Court**

Four main discussion points were used with the wereda court about land related cases. First, how many land cases come to court, second, time taken till final decision is passed, third, how they evaluate land related cases before and after certification? And lastly how they accept the certificate of holding as a legal document? Based on these interrelated points the output of the discussion is presented as follows:

According to the wereda court judges land related cases are one of the cases come to court in the wereda and the standard time put by the court to settle a particular land case is six month. However, depending on how fast the required evidences are submitted to the court it would take in the court procedure from three to six months till final decision is passed. In connection to this evidences show that if the time taken to resolve land disputes is long it may affect the feeling of tenure security of land holders and can decrease the level of land rights security. For instance in Trinidad and Tobago disputes take years to resolve causing long delays and high cost. In African countries land dispute may take years. For example, in Uganda, it takes five years to resolve on particular land case (Burns, Grant et al. 2006). However, in the case of Amhara region, though the time taken to pass decision is quite long in the point of interest of land holders, the standard time put to resolve a particular land case is relatively short compared to the above mentioned countries. This is not to mean that the situation of these countries is similar but to show facts how land related disputes take long time until final decision is made. In regard to the question how they do accept the certificate of holding in the court proceeding, they replied that the certificate holding the basic legal document to make decision. However, some times when the certificate of holding does not show the rightful holder the court may obliged to refer back the 1997 land redistribution documents and different witnesses to identify who owned the land at that time.

Furthermore, for the question how they evaluate land related court cases before and after certification? As reported by the wereda court, before land certification land cases were the main source of conflict between farmers and the condition has been gone to death. Boundaries of farm lands were not protected by individual farmers and as a result boundary conflict was the main source of conflict in the wereda. He said land cases are treated in the wereda court starting from 2006 and the trend shows increasing after certification and this is because they believe that the value of the land is increasing and at the same time the awareness of land holders is increasing and as a result they tend to protect their land rights using the certificate as a legal evidence in the courts of law. Data on land cases that go to court in their order of prevalence and wereda wide is organized in Table 10 below.

**Table 10** Rank of land cases goes to court

SE. NO	LAND CASES	RANK
1	Boundary dispute	1 <sup>st</sup>
2	Rent contract	2 <sup>nd</sup>
3	Divorce	3 <sup>rd</sup>
4	Inheritance dispute	4 <sup>th</sup>
5	Encroachment	5 <sup>th</sup>
6	Compensation claim	6 <sup>th</sup>
7	Land grabbing	7 <sup>th</sup>

Source: Fagitalekoma wereda court

As indicated in the above table 10 the most frequent land case goes to court is boundary dispute between individuals and/ or communal lands followed by disputes on rent contracts and divorce. Many reasons can be justified for this in such away that, disputes over boundary can arise between individuals or administrators because of the interest of those who need more land to cultivate. Therefore, in order to solve these disputes, attention is needed in their order of prevalence. Because especially boundary and rent disputes between individuals may lead to social unrest and can waste time and money through dealing with these cases.

**Table 11** Number of land cases goes to court.

NO.	CASES	YEAR				TOTAL
		2006	2007	2008	2009	
	Number of Land cases go to court	8	60	169	172	409
	Total Annual No. of cases divided by No. of kebeles in the wereda gives cases/kebele/year K=25	0.32	2.4	6.72	6.88	

Source: Fagitalekoma wereda court

At the wereda court 601 cases have been raised in the year 2009, out of these 172 or 28% were disputes related to land. As portrayed in the above table data obtained from Fagitalekoma wereda court looks contrary to the survey result. Here it is not possible to compare the difference before and after certification. Data was not available on land cases go to court before land certification. Because social courts at kebele level were mandated before 2006 and have no data that can show the number of cases go to the social courts before certification. This limits the finding to see the over time change of land cases go to court. However, as explained in section 5.7 majority of respondents reported that there is a significant reduction of disputes after certification. Therefore, based on the survey result the examiner envisages to illustrate a conclusion that land certification has a positive effect in reducing land disputes in the study area. This is because the data obtained from the court does not show land

cases before certification and the data is worda-wide which indicates on average about four cases go to court per year from each kebele.

### 5.9. Administraton and utilization of communal Lands

The main objective of this section is to assess the administration and utilization of communal lands. In this regard, respondents were interviewed questions in order to investigate whether communal lands are administered and utilized in a sustainable way in their respective kebeles or not. . In that case, in order to simplify the surveyed data interpretation responses are summarised and presented in the following Table 12.

**Table 12** Communal land administration and management

SE. NO.	MEASURING TOOLS	RESPONSE	FREQUENCY	%
1	Whether have access to communal lands or not	Yes	89	89%
		No	11	11%
		Total	100	100%
2	Who is responsible to administer communal land	Kebele administration	58	58%
		Community	34	34%
		LAUC	3	3%
		No response	5	5%
		Total	100	100%
3	Whether current utilization good or not	Good	49	49%
		Not good	46	46%
		no response	5	5%
		Total	100	100%
4	Who hold certificate of communal land	Kebele administration	72	72%
		Community	1	1%
		No response	26	26%

**Source: survey data**

It can be revealed from table 12 above that 89% have access to communal land located near to their surrounding area. Concerning the responsible body to administer and hold certificate of holding for communal lands 58% have the knowledge kebele administrators have the responsibility to look for communal lands and the rest 34% reported that the community benefited from the communal lands have the responsibility to administer the land. In regard to the question who hold the certificate on behalf of the community? Majority of the respondents (72%) confirmed that the kebele administration hold certificate of holding for communal lands.

Concerning the current management and utilization of communal lands less than fifty percent (49%) responded that the current utilization is good whereas 46% responded the current management and utilization is not good. In addition 5 % are reluctant to give their opinion. Furthermore, the household's knowledge about the responsible body to administer communal lands is found divided into several bodies. Obviously, communal lands are important for the community for grazing and other common activities. Thus, the management and utilization should be improved to get the required benefit. The next sub-section deals with the discussion with kebele administrators as a key informant concerning the management and utilization of communal lands.

### **5.9.1. Discussion with Kebele administrators**

A discussion with kebele administrators was held during the field work. Semi- structured questions was used for the discussion. The discussion result is organized as follows.

In five kebeles there are a total of 97 grazing sites (19 sites in each kebeles on average) and 10 forest reserve communal lands at different sites. The first measure taken at the time of registration in the region was demarcating communal lands before registering and demarcating the individual holdings to avoid encroachment in communal holdings by individuals. Despite registration has completed before years only seven sites had received certificate of holding as 28 September 2009 when the discussion is held and it is far from what is ought to be. From the discussion it is understood that the administration of communal lands, especially encroachment on grazing lands is a serious problem. For the reason why so many encroachment problems arise on communal lands, they justify that land shortage is one reason and farmers who have parcel bordering communal lands expand their holding time to time and difficult to control. The reason for this as they confirmed is that communal lands were registered and demarcated before the individual holdings and then the certification process focused on private holding than the common holdings.

During the discussion a question was posed by the examiner to understand the difference between certified and uncertified communal land in terms of security. They realize that the problem of encroachment is more in the uncertified communal lands. Hence, it can be concluded that certification has more effect than registration on communal lands. Experiences show that most communal land disputes are settled at kebele level by Mediation and arbitration. The role of elders in this case is high in rural areas of the region. It can be understood from the above discussion certifying communal lands is at a lower stage that may be encouraged illegal land taking and as a consequence which can contribute to serious land disputes and natural resource depletion. Based on the survey results and the field observation, the examiner is intended to conclude that the current management and utilization of communal lands is not fairly administered in this particular survey.

### **5.9.2. The role of village by- laws in communal land administration**

This section deals with the role of by-laws at kebele level in supporting the administration and utilization of communal lands. In many societies by-laws are part of social institutions and play an important role in communal land administration and the management of natural resources. By-laws are village rules that have been prepared in accordance with the need of the community in a particular village especially to assist the management and conservation of natural resource which must apply to all villagers. Moreover, the main advantage of by-laws over the regular laws concerning land

conservation and management is that by-laws are monitored more effectively than those of regular laws (Fa'asili and Kelekolo 1999). A study conducted in Zimbabwe shows that village by-laws play a major role in enforcing natural resource conservation laws (71.9%).

Furthermore, data analyzed subjects of the study recognized that by laws are functioning in the areas of environmental protection (68.2%), wild life protection (2.4%) and no selling of land (7.4%) (Mamimine 2003). Therefore, another discussion point was whether they have by-laws or not to take measures on encroachers. They confirmed that they all have by-laws. In monetary terms some set about 300 birr (in local currency) to penalize the trespassers. However, the participants concluded that in general the situation after registration and certification is better than the situation before certification. As they indicated in the discussion, though there are still problems encountered on communal lands it is possible to improve the management and utilization of communal lands as a result of certification.

#### **5.10. Discussion with EPLAUA staff**

As explained in the previous section (2.13) the strength of institutions in the land administration practice can play a vital role in securing land rights by ascertain social justice and protect the security of the landholders. Hence, institutional arrangement should create conducive atmosphere for the management, administration and use of rural land and the required relationship between the land holder as a customer and the land administration institution as a service giving (Mamimine 2003). To investigate the capacity of EPLAUA at all level, discussion was held with EPLAUA staff at regional, zone and wereda level. The first discussion point was how they evaluate EPLAUA's strength to protect land rights in the land administration process. Most of the experts agreed that at present the institute have the capacity to protect land rights of farmers when competing claims arose. However, in another instance the strength of the institution is ranked not enough in terms of awareness creation about land rights and obligations by teaching farmers. Another discussion point was the availability of resources at all levels such as skilled manpower, finance and transportation. During the discussion it was observed that the availability of resources is at its lower stage and unable to satisfy the need. Especially the problem is very serious at wereda level. This implies that lack of resources at wereda level can weaken the performance of the wereda when serving the landholders.

Man power at regional level is quite higher than the next level zone in terms of position and educational background. The number of experts assigned at the zone level at present is less than the required man power. This might be because the zone is a new organizational structure created recently to support the weredas. In this particular wereda the position is fulfilled. However, there are claims about the number professionals that the position is not enough to accomplish land administration system at wereda level. The justifiable reason for this is many land transactions are made at wereda level than zone and regional level. Although qualified professionals are required at all levels, emphasis should be given to strengthen the wereda in terms of man power and material in order to give efficient service to landholders. Although qualified professionals are required at all levels, emphasis should be given to strengthen the wereda in terms of man power and material in order to give efficient service to landholders. Concerning the means of transportation and annual budget allocated to zone and wereda is less than the required.



## 6. Conclusion and Recommendations

### 6.1. Conclusion

One of the key issues in the regional land administration system is the registration and certification of landholdings in order to increase security of land rights. To this end, land registration and certification program has been implemented since 2002 with the objective to register all land holdings in the region and granting certificate of holding in order to increase farmer's security of land rights. To fulfil the objective 3.4 million households have been registered their holding and more than two million received primary book of holding in the region. Fear of future land redistribution was the main source of insecurity before certification. However, the finding of this research revealed that this feeling is almost avoided after certification. The reason behind the change of perception of land holders can be justified as the certificate of holding is a legal document that ensures the perpetual holding right including the right to gift, inherit and rent out.

However, the findings of this research deviate with previous findings in that the level of perception of land holders was so low in the previous studies and it is found very high in this finding. The reason is the confidence of landholders is increasing through time as a result of certification. Therefore, it can be concluded as certification has a positive effect in securing land rights and this shows one of the objectives of certification has been met.

The study has also attempted to investigate subject's opinion about their preference of tenure arrangement. In this regard the finding demonstrates that large majority of landholders prefer state ownership than private ownership. This result also varied with the previous findings in that majority prefers private ownership.

The level of information dissemination to create knowledge about land rights and obligations attached to the law can significantly have paramount importance for landholders to exercise their rights and obligations properly. In addition, it has a key advantage in one way or another for the social, political, legal, technical, economic and institutional features of the region's land administration system. In this regard knowledge about basic land rights and obligations is found in the highest level which shows the importance of knowing rights and obligation is increasing.

Obviously, one of the objectives of this study is to find out whether land certification or security of land rights enhance the motivation of individual landholders to invest in land or not. It was indicated that before certification land improvement measures were not carrying out by many land holders fearing that they would not be compensated for the development they made in their land. However, the findings of this research show that majority of the households were involved in one or more of land improvement activities such as tree planting, terracing and preparation and use of compost to increase the fertility of the soil after certification. Hence, a positive relationship is observed between certification and land improvement activities. On the contrary, the findings of the study revealed that there is no significant relationship between certification and farm productivity thereby leading to a further investigation including other factors that have significant influence on agrarian farm productivity.

Certification is expected to decrease land related disputes. It is suggested that when land administration system is not well functioning to safeguard land rights, land related disputes are more common. In this regard the survey result depicts that land related disputes were high before certification and decreased after certification. This shows certification has a positive effect in decreasing land related disputes. This finding also agreed with studies conducted in the region. However, the result of the household survey and the court data seems confusing. But the survey result is more acceptable than the court data in that the court data does not show land cases before certification and the data is also wereda wide.

Administration and proper utilization of communal land has a paramount importance for the rural community in general and environmental conservation in particular. The findings of this research however, shows the administration and utilization of communal lands are not found in a good condition. The reason is clear. Most of the communal lands are not certified and this needs fast response by the concerned bodies.

The strength of institutions in the land administration process can play a vital role in securing land rights by ascertain social justice and protect the security of the landholders. Hence, institutional arrangement should create conducive atmosphere for the management, administration and use of rural land and the required relationship between the land holder as a customer and the land administration institution as a service giving. Therefore, emphasis is needed to strengthen the zone and wereda level offices in terms of man power and material in order to give efficient service to landholders.

## **6.2. Recommendations**

Certification has a positive effect on land rights security and long term investment but not on farm productivity. So attention should be given to other infrastructures since land rights security alone may not bring change on farm productivity. Furthermore, it is recommended that future study should be made to assess the effects of rural land certification on farm productivity.

Dispute over land is not a closed threat in the region. Hence, the regional state and the institute EPLAUA should be more committed to organize social institutions at kebele level to settle disputes by mediation that may arise in connection to land holding rights.

Land cases can go to court due to different reasons. However, the time taken to make decision to a particular land case is crucial for land holders. Currently the time duration to pass decision is three to six months depending on the availability of evidences. Obviously this is quite long time from landholder's point of interest that can force them to waste time and money to defend their land rights. Therefore, the regional government should be committed to establish separate land courts to make the decision short.

The administration and utilization of communal lands and granting certificate is found in a lower stage and some times source of dispute. Dispute is more in the uncertified communal land than certified communal land. Therefore, emphasis should be given to improve the administration and utilization of communal lands by facilitating the issuance of certificate and creating awareness within the community.

More commitment is needed to strengthen the zone and wereda offices in terms of skilled manpower, budget and means of transport in order to create conducive environment to support the lower land administrators and land holders.

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## Appendix A – questionnaires

### Household Questionnaire

Code of Enumerator.....Date data collected.....

Kebele.....Sub Kebele.....

Signature.....

### Household information

Head of Household Name.....Male.....Female..... family members

M..... F..... Total household size.....

Total Land holding size in ha.....in local unit/ Timad.....

How many parcels/MASSA do you have in your possession at different places.....

How many years did you live in the kebele.....

### Attitude survey

1. Did you get your parcels registered? 1. Yes.....2. No.....

If you say yes, what is the importance of registering the land?

1. Able to justify..... 2.

Unable to justify.....

2. Did you get certificate of holding? 1. Yes ..... 2. No.....

If you say yes, what do you feel by getting certificate of holding?

1. Able to justify..... 2.

Unable to justify.....

3. Which level of certificate of holding you got?

1. Temporary certificate (paper).....

2. Primary book of holding.....

3. Secondary book of holding.....

4. Do you fear that land redistribution will come in the future and lose your farm?

1. Yes, I fear..... 2. No, I don't fear.....

5. Do you fear your land is taken by the government at any time? 1. Yes, I fear..... 2. No I don't fear..... 3. No response.....

6. Do you believe that your holding rights are secured as result of certificate of holding?

1. Yes .....2. No .....3. No response.....

6.1 If you say yes, do you believe your holding size is enough for you? 1. Yes.... 2. No....

7. Do you believe women land rights are secured after certification?

1. Yes..... 2. No..... 3.No response.....

8. What type of tenure arrangement do you prefer?  
 1. Private ownership..... 2. State ownership..... 3. No response.....
9. Do you need new certificate of holding? 1. Yes..... 2. No.....
- 9.1 If you say yes, are you willing to pay the cost? 1. Yes..... 2. No
10. Is your landholding record and registration computerized? 1. Yes.....2. No.....  
 10.1 if say yes, what is the importance of computerization?  
 1. Able to justify.....  
 2. Unable to justify.....
11. How do you evaluate the efforts made by wereda office to make you aware of the land law, land right and obligations? 1. Good enough..... 2. Not enough at all.....  
 3. Difficult to explain..... 4. No response.....
12. Can you mention some of the major holding rights of farmers prescribed in the land law?  
 12.1 Rights not evicted from holding 1. Knows.....2. Does not know.....  
 12.2 Rights to use the land for agricultural and natural resource development  
 1. Knows..... 2. Does not know.....  
 12.3 Rights of transfer the land 1. Knows..... 2. Does not know.....  
 12.4 Rights of renting the land 1. Knows..... 2. Does not know.....  
 12.5 Rights of perpetual use of the land 1. Knows.....2. Does not know.....  
 12.6 Rights of getting land free of charge 1. Knows.....2. Does not know.....  
 12.7 Right to form property 1. Knows..... 2. Does not know.....
13. Can you list down land use obligations described in the land law/certificate?  
 (Open questions)

NO	OBLIGATIONS	KNOWS	DO NOT KNOW
13.1	planting trees around the farm		
13.2	Till far from rivers & gullies		
13.3	Protect springs not to dry		
13.4	Protect boundaries		
13.5	Drain Excess flood		
13.6	Protect wildlife in the locality		
13.7	Under take trench terracing		
13.8	Use and based on land use plan		
13.9	Hold certificate of holding		
13.10	Return back the certificate when deprived		

14. Did you make improvements on your farm land as a result of your holding right is legally secured? 1. Yes..... 2. No.....
- If you say yes, what kind of improvements you made based on your initiative so far?
- 14.1 Tree planting around farm land 1.Yes..... 2. No.....
- 14.2 Terracing on farm 1.Yes..... 2. No.....
- 14.3 Tracing on pasture land 1. Yes..... 2. No.....
- 14.4 Fodder Trees planted on pasture land 1.Yes..... 2. No.....



- 14.5 Irrigation practiced      1.Yes..... 2. No.....
- 14.6 Compost preparation      1.Yes..... 2. No.....
- 14.7 Fencing the farm      1. Yes..... 2. No.....
15. How do you evaluate the productivity of your farm lands after certification?  
1. Decreased..... 2.The same as before..... 3. Shows increasing trend .....  
4/ difficult to explain.....
- 15.1 If you say decreased, what is the main problem? .....
16. What other factors influence the productivity of your farm? .....
17. Have you ever faced land dispute before land registration and certification? 1. Yes..... 2. No
18. Have you faced land dispute after certification?      1. Yes..... 2. No..... 3. No  
response.....
- 18.1 If you say yes, which type of dispute do you face? 1. Inheritance dispute..... 2. Boundary  
disputes.....3. Divorce dispute.....4. Compensation disputes..... 5. Others.....
19. Do you have access to use communal land? 1. Yes..... 2. No.....
- 19.1 If you say yes, for what purpose do you use the communal land? .....
20. Who is responsible to administer communal land? .....
21. Who hold the certificate of communal land? .....
22. How do you evaluate the current management and utilization of communal lands?  
1. Good.....2. Not good..... 3. No response.....
23. In your opinion what is the major problem in your kebele related to land administration?  
.....  
.....

### Questionnaire to EPLAUA staff at all level

Code of interviewer.....Date Data  
Collected.....organization.....  
Name of the interviewee.....Male....Female.....  
Position .....

1. Can you explain your responsibility in your organization?  
.....
2. How many certificates are given to farmers? .....
3. How do you evaluate the role of EPLAUA in protecting land rights of farmers?  
1. Very high..... 2. High..... 3. Medium..... 4. Low.....
4. How do you rank the regional state political commitment to support the certification program in particular & the land administration system in general?  
1. Very high.....2. High..... 3. Medium.....4. Low.....
5. How do you rank the effort made by EPLAUA to disseminate information for farmers using the available means of communication to create awareness of land rights?  
  
1. Good enough..... 2. Not enough ..... 3. Difficult to explain.....
6. What type of communication means do you use to disseminate information?  
1. Radio..... 2. Television..... 3. Nnews paper..... 4. Conferences.....
7. How do you rank the availability of resources like transport, skilled man power and budget at Zone offices?  
1. Good enough..... 2. Hardly enough.....3.Very poor.....
8. How do you rank the availability of resources like transport, skilled man power and budget at Wereda offices?  
1. Good enough..... 2. Hardly enough..... 3. Very poor.....
9. How do you evaluate the decentralization of power to the zone land administration offices to decide on land issues? 1. More power..... 2. Medium power..... 3. Less power.....
10. How do you evaluate the decentralization of power to the wereda land administration offices to decide on land issues? 1. More power..... 2. Medium power..... 3. Less power.....
11. How do you evaluate the decentralization of power to the wereda land administration offices to decide on land issues? 1. More power..... 2. Medium power..... 3. Less power.....
12. How frequent land cases come to the regional office? 1. Very often... 2. Often.....  
3. Less often..... 4. None.....
13. In your opinion what is the major problem in the land administration process?  
.....

## Appendix B – Discussion points

### Discussion points with communal land administrators

1. How many communal lands are there in the kebele? Number of sites
  - A/ grazing lands
  - B/ forest/ mountainous lands
2. Did you get certificate of holdings for all communal lands in the Kebele on behalf of beneficiaries?
3. Do you think that the boundaries of communal lands are protected after registration and demarcation of communal lands?  
If say No, what are the reasons?
4. Do you believe that misuse of communal lands is avoided as a result of certificate of holding?
5. How do you manage communal land grabbing cases facing after certification?
6. Did you draft by-laws concerning the management of communal lands? what measures did you exercise so far?
7. Is there any difference in managing communal lands before and after certification?
8. What general comments you suggest about the management of communal lands before and after certification?

### Discussion points with Wereda Court

Do you have many land cases come to the court? 1/ Yes..... 2/ No.....

How long a particular land case could takes in the court procedure till final decision is passed?

.....

1. How do you find the certificate of holding in the aspects of securing the rightful landholders?  
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2. How do you accept the certificate of holding as a legal document in the process of decision making? .....
3. Which types of land related cases are coming to Wereda court? Can you put them according to their frequency?
  - 5.1 Inheritance cases
  - 5.2 Boundary disputes between individuals
  - 5.3 Encroachment problems of communal lands
  - 5.4 Dispute related to divorce
  - 5.5 Default of rental contract
  - 5.6 Land grabbing cases
  - 5.7 Disputes related to compensation

Do you have the data that show type of land related cases came to court in the following years?

NO.	ETHIOPIAN CALENDAR	1995	1996	1997	1998	1999	2000	2001
	G.Calendar	02/03	03/04	04/05	05/06	06/07	07/08	08/09
	Cases							
1	Inheritance							
2	Boundary dispute							
3	Encroachment							
4	Divorce							
5	Rent contract							
6	Land grabbing							
7	Compensation claim							

4. How do you evaluate the level of land dispute before certification?  
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5. How do you evaluate the level of land dispute after certification? .....  
.....
8. In your opinion what type of measures should be taken to mitigate land dispute? .....  
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