



# Research Report 3 Land Registration in Amhara Region, Ethiopia

**Berhanu Adenew and Fayera Abdi**

Securing Land Rights in Africa

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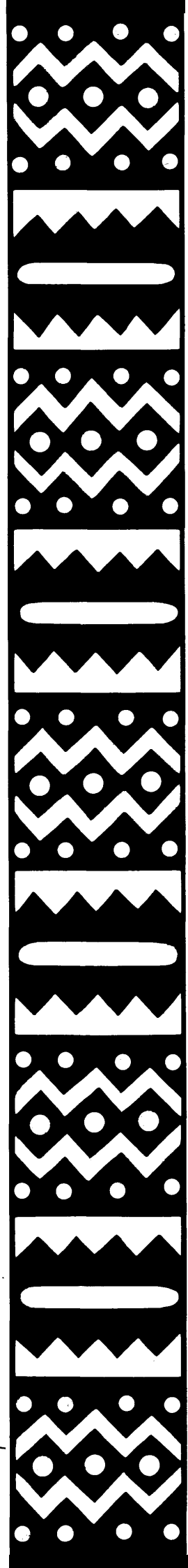




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## LIST OF ACRONYMS

CSA	Central Statistical Authority
EPLAUA	Environmental Protection Land Administration and Use Authority
MOARD	Ministry of Agriculture and Rural Development
Sida	Swedish Agency for International Development Cooperation

# PREFACE

This research examines the current processes of land rights registration in Ethiopia, Ghana, and Mozambique and assesses their outcomes for poor and vulnerable groups. Land is becoming increasingly scarce in many parts of Africa, and mounting competition for this valuable resource is driving conflict between and within groups. Many governments have initiated a review of land legislation and established new structures for land rights administration. At the same time, there is considerable informal documentation of ownership and transactions in land taking place in many areas, as people seek to strengthen their claims over land and natural resources. Informal processes include the increased use of written contracts, witnessing of agreements, the emergence of new forms of rental and sharecropping arrangements, and other kinds of local collective action, often around management of common property resources. However, such informal documents and processes are not usually legally binding.

While registration might, in theory, be expected to help poorer groups confirm their claims to land, in practice registration has often served to redistribute assets towards the wealthier and better informed. We are keen to ask the question – is this inevitable? Can provisions be made which explicitly address the need to level the playing field between poorer and better-off groups in relation to registering claims over land? In Ethiopia, land registration systems are being designed and pilot programmes carried out in several states. In Ghana, an ambitious Land Administration Programme has begun, which has chosen to do much of its work through Customary Land Secretariats. In Mozambique, the 1997 Land Law is being implemented, a law which has been recognised internationally as demonstrating a strong pro-poor approach. What lessons can be learnt, from these cases, to inform policy and practice for future interventions in the registration of land rights in Africa?

The study tests a set of interlinked hypotheses, which assert that:

- Land registration is not inherently anti-poor in its impacts;
- The distributional consequences of land registration will depend on the design of the process and governance of the institutions responsible for its management; and
- Land registration procedures can be elaborated to address systematically the risk of bias against poorer, more marginal groups by considering issues including location, registration fees, language used, and recognition of secondary rights.

While the hypotheses can be broadly accepted as valid, and the study did identify examples of “good practice”, there are also many lessons to be learnt about the design of registration systems if they are to protect effectively the rights of poorer groups. Work in all of the case study sites pointed to the critical role of institutional governance.

The results of this research project come at a particularly opportune time. In 2005, a “High Level Commission on Legal Empowerment of the Poor” is in the process of being set up with an independent secretariat jointly hosted by UNDP and the UN Economic Commission for Europe (UNECE). It seeks to make property rights accessible to all, especially the poor and marginalized, and by so doing, contribute to poverty reduction and achieving the Millennium Development Goals (MDGs). Evidence suggests that formalising property rights through individual title can have negative consequences for poor groups and in particular, for women and those relying on secondary rights to land. It is therefore important to base recommendations on empirical findings from diverse settings to avoid “one size fit all” solutions.

This research project was coordinated by the International Institute for Environment and Development (IIED) working with:

- Mekelle University, Mekelle, Tigray, Ethiopia
- SOS Sahel, Addis Ababa, Ethiopia
- Institute of African Studies, University of Ghana, Legon, Accra, Ghana
- Land Studies Unit, University of Eduardo Mondlane, Maputo, Mozambique
- Royal Tropical Institute (KIT), Amsterdam

The project adopted an iterative approach using reference groups at the national level to advise the researchers as work proceeded, and to disseminate findings. A proactive strategy was adopted to feed findings into relevant debates at local, national, and international levels. This included a major conference, which brought African policy

makers, opinion leaders, and researchers together with international agencies and experts to discuss “Land in Africa” in November 2004.

The research has addressed three sets of questions:

Firstly, questions on the design and process of registration:

- What land and what land rights are being registered?
- How is land registered and by what institutions based at what level?
- What is the basis of registration and whose rules and procedures are being followed?
- How are boundaries demarcated and recorded and with what forms of technology?
- Where are land registers stored? In what language are they recorded? How accessible are they to the public?
- Have precautions been taken to ensure equitable access to the registration process, such as cost, language used, and place of registration? Has this made a difference in practice, in terms of who can register their rights?
- What happens to secondary rights because of registration?

Secondly, questions on the governance of registration processes:

- Which state and non-state actors are involved in registration processes?
- What political and legislative framework governs the actions of the actors involved in land registration? How is accountability to a broad constituency assured?
- How do these institutions deal with disputes? How transparent are these conflict resolution processes?
- How well do the different institutions involved in land registration coordinate their activities?
- How do formal processes of rights registration interact with “informal” processes for securing rights?

Thirdly, questions related to equity of outcomes:

- Who is seeking to register land rights, and why? Who are the winners and losers in the process?
- What happens to the claims of weaker groups in society?
- What happens to unregistered rights in practice?
- How are land rights of smallholders affected by the policy thrust to attract large, sometimes foreign, investors?
- How are land rights of more disadvantaged groups changing in peri-urban contexts where competition for high value land is intense?

Seven research reports have been produced under the common title “Securing Land Rights in Africa”.

Research Report 1: Can Land Registration Serve Poor and Marginalised Groups? Summary Report

Research Report 2: Land Registration in Tigray, Northern Ethiopia

Research Report 3: Land Registration in Amhara Region, Ethiopia

Research Report 4: Land Registration and Women’s Land Rights in Amhara Region, Ethiopia

Research Report 5: Land Registration in Eastern and Western Regions, Ghana

Research Report 6: Land Registration in Nampula and Zambezia provinces, Mozambique

Research Report 7: Land Registration in Maputo and Matola cities, Mozambique

# 1. INTRODUCTION

## 1.1 Background

Access to land is crucial for the livelihoods of Ethiopian smallholders. Land policy has had a significant influence on the socio-economic and political history of the country. The major challenges that currently confront the Ethiopian policymaker are land and environmental degradation, land fragmentation combined with a rising number of landless people in rural areas, and the wish to create a more enabling environment for investment in agriculture. Since the end of the 1990s, the Ethiopian government is increasingly acknowledging that lack of tenure security is affecting investment in land, land transactions and mobility. Hence, the government is embarking on a large-scale and comprehensive land registration programme. This is a new experience in Ethiopia and it is timely to start studying the process and outcomes. This research paper is an analysis of two approaches to land registration that have been implemented since 2003 in the Amhara regional state of Ethiopia. The paper explores the aims, procedures, and approaches used during land measurement, registration and certification; it also investigates the perceptions of rural landholders about the land registration process and the possible implications for rights and equity, as well as likely effects on the behaviour and practices of land users.

The research showed that unlike its neighbouring state, Tigray, Amhara's land registration process is generating conflict. This is occurring at the local level and is due to illegal land grabbing, encroachments into common lands and land sales. There are also some clashes between the institutions involved in the land registration process and clearer mandates are needed. Those who are likely to be marginalised by the ensuing disputes include youth, for whom landlessness is becoming a real concern, and migrants. Women, especially divorcees, and the elderly are other groups which are vulnerable to marginalisation, as they often have to look to others to sharecrop their land. There are expectations that land registration will lead to improved tenure security and better environmental conservation. But by contrast, there is little understanding by farmers that registration and titling will lead to increases in land transactions or that it may be possible for land to be used as collateral for bank loans. There is also a fear that land registration will lead to 'privatising' common lands, so important for the landless. Much more emphasis is needed on awareness raising, capacity building and developing local conflict resolution mechanisms, and women's involvement in the process must be actively supported.

## 1.2 Research questions

This study is part of a larger research programme that explores initiatives towards securing land rights in Africa and assesses whether they serve the poor. Other research took place in Ghana and Mozambique. In Ethiopia itself, a second case study was undertaken in Tigray regional state. The overall research programme is set up to test the following set of interlinked hypotheses: land registration is not inherently anti-poor in its impacts; the consequences of land registration will depend on the design of the process and governance of the institutions responsible for its management; land registration procedures can be elaborated which systematically address the risk of bias against poorer, more marginal groups, by considering location, registration fees, language used, recognition of secondary rights, specific conflict resolutions, etc.

The research in Amhara region focuses on political and legislative frameworks that govern the land registration process, the demand for registration and by whom, how land is being registered, by which institutions and at what levels. Issues of boundary demarcation, conflict and its resolution, as well as who benefits and who loses in the conflicts, are important areas to be assessed. Moreover, the (possible) implications of registration for environmental conservation, agricultural development, and land markets are areas of interest for this study. The drawbacks of the on-going registration process and possibilities for improvement are highlighted in order to inform ongoing land registration and certification in Amhara region, and plans for other regional States in Ethiopia.

The specific study objectives are to:

- 1) Analyse the land registration process and document the perceptions and expectations of the land users and implementing agencies;
- 2) Study the nature of the land registration process – institutions built, level of participation of communities, instruments used, efficiency, capacity, problems encountered and solutions sought;



- 3) Provide a preliminary assessment of some of the effects of the registration process: conflicts, effects on women farmers, effects on the poor households, tenure security, land transfers, etc;
- 4) Draw lessons for land registration programmes elsewhere in the country.

### 1.3 Research methodology

The research started with an assessment of the process for registration of hillside land enclosures and the effects on rights and land management practices in the North-Wollo Zone of the Amhara region in 2002. During this period, land registration and certification became a major government policy objective, and the Amhara region was involved in two land registration initiatives: a relatively 'high-tech' land registration pilot project supported by Swedish Sida and the so-called 'traditional land registration programme' set up by Amhara State, which should cover the entire region within 3 years. Therefore, it was decided to broaden the scope of this research to include this new development.

The research team monitored the development of the land registration process through regular interviews with officials of the Environmental Protection and Land Use Authority (EPLAUA) in Amhara region. EPLAUA is mandated to lead and manage the implementation of the land registration process and to develop a Land Administration System in the region. Experts involved in the process at *woreda* level were also interviewed<sup>2</sup>. Visits were made to the pilot project sites as well as the first *kebeles* involved in the 'traditional land registration programme' in sample *woredas*. In the pilot project sites community members, land registration committee members, *kebele* administrators and Sida project staff were interviewed.

Finally, a survey was undertaken in four *kebeles* where the traditional land registration programme was implemented. These *kebeles* were selected in consultation with EPLAUA and are located in *Bahir Dar Zuria*, *Fogera*, *Meket*, and *Gozamen woredas*, in West Gojam, South Gondar, North Wollo, and East Gojam zones, respectively. The *kebele* studied in Bahir Dar Zuria *woreda* is a peri-urban *kebele* situated in the vicinity of the regional capital, Bahir Dar, and represents a complex land use system and high competition for land. Fogera *woreda* is known for livestock production and a recent development for rice cultivation. In Meket *woreda*, hillside enclosures were introduced as a means of land management and to register usufruct rights. Gozamen *woreda*, finally, is one of the two *woredas* where the pilot land registration project has been operating. In each *kebele*, the field survey supervisor contacted the local authorities, explained the purpose of the study and requested permission to conduct interviews, which was granted in all four cases. The study started with a wealth ranking of all households with the support of the local authorities to identify three groups (poor, average, wealthy). From each group, households were randomly selected for interview. Care was taken that female headed households were included in the interviews. The interviews were held in the local language, Amharic, by trained enumerators with support of the field survey supervisor. The survey was conducted in July 2004.

The following information was solicited:

- The demography of the farm household (gender, age, level of education of household head; composition of household; assets, production, income; involvement in migration and off-farm jobs).
- Type of landholding and area; land use; "ownership" of holdings; involvement in informal land transfers (sharecropping and/or renting); problems with land tenure and boundaries; landlessness and other land access problems, etc.
- Knowledge of the land registration process and expectations (information received; participation in discussions; understanding of the process; role of the land registration committee at the *kebele* level; understanding the content of certificates; reasons for participation; equity/differences in importance for various groups of farmers; gender relations; implications for the landless).

When analysing the data, it became clear that a special study about women and land rights in the Amhara region was needed. Hence, the methodology and instruments were developed for a study that was conducted by a female researcher in October 2004 (see Askale, 2005).

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<sup>2</sup> Amhara region is sub-divided into 106 districts (*woredas*). The *woreda* are further divided into 2,927 *kebele*. *Kebele* is a small administrative unit which is further sub-divided into sub-*kebeles*.

## 2. LAND AND SOCIO-ECONOMIC DEVELOPMENT IN ETHIOPIA

This chapter traces land policies and the changes in tenure systems over the last few decades in Ethiopia, developments that have led to introducing rural land registration, and the land question in current political debates.

### 2.1 Historical background and land policy changes in Ethiopia

In Ethiopia land is a major socio-economic asset. The way land rights are defined influences how land resources are used and, hence, economic growth. The struggle over who controls the land has played a significant role in the history of Ethiopia and continues to do so. Three periods can be distinguished in relation to land tenure policy and changes: the pre-1975 land tenure system, the rule of the Derg until 1991, and the period since 1991.

The pre-1975 land tenure system in Ethiopia was highly complex and diverse. The country's geographical, ethnic and cultural diversity and history of conquest and governance systems produced highly differential forms of land utilisation and ownership. Terms that were used to describe the land tenure system included *rist*/kinship, communal, *diessa*/village, private, state, and church lands. In areas dominated by pastoralists other systems existed.

The major form of ownership was the *rist* system in which all descendants, both male and female, of an individual founder were entitled to a share, and individuals had the right to use (a usufruct right) a plot of family land. *Rist* was hereditary, inalienable, and inviolable. No user of any piece of land could sell his or her share outside the family. Neither could he or she mortgage or bequeath the share as a gift, as the land belonged not to the individual but to the descent group. Most peasants in the northern highlands of Ethiopia held at least some *rist* land. The other major form of tenure was *gult* which is an ownership right acquired from the monarch or from provincial rulers who were empowered to make land grants. *Gult* owners collected tribute from the peasantry and, until 1974, exacted labor service as payment in kind from the peasants. Until the government instituted salaries in the twentieth century, *gult* rights were the typical form of compensation for an official. This was an important instrument for the regime to control the peasantry through the elites holding such rights (Yigremew, 2002). Other forms of tenure included ownerships granted to members of the nobilities, relations and church systems. For instance, *samon*, *mengist*, and *maderia* land. *Samon* was land the government had granted to the Ethiopian Orthodox Church in perpetuity. The social, economic and political crisis experienced by the country in the last period of the Emperor Haile Selassie's rule, led to the popular uprising and fall of the regime in 1974. Concentration of land in the hands of few (the nobility, the church and high-ranking military personnel), and tenure insecurity in the tenant-landlord relations were major criticisms of the Imperial government. These feudal elements of the land tenure system were significant weapons for the opposition, and "land for the tillers" became a popular slogan in the student and intellectual movement challenging the regime.

One of the first acts of the Marxist government (Derg) that took power in 1974 was to implement a major land reform. The Derg abolished private ownership of land and declared land to be the collective property of the Ethiopian people. Individual households had only user rights to land and the rights could not be transferred by sale, lease or mortgage. The Derg nationalised the lands of nobilities, feudal landlords, and the churches and then redistributed these to farmers through the newly established peasant associations (local level administrative organs). Peasant associations were mandated to handle land related matters (redistribution, tax collections, and arbitration of disputes). Land redistribution within the community became frequent to ensure that every adult had access to land. The Derg restricted land transactions by prohibiting renting of land, sales, mortgages, and sharecropping. Inheritance was allowed only to immediate family members and required permission from the peasant association. The eligibility to access land was contingent on the permanent physical presence in one's location. This condition effectively prevented the migration of rural land holders.

The 1975 proclamation provided for land to be given to the head of the household irrespective of gender where a family included a male spouse. The land was, therefore, given to the husband because he was by law the head of the household<sup>3</sup>. Such land reform had a mixed effect on women; it used heads of family concept (a male) as the basis of the land allocation, thus the traditional or customary systems that had protected women's access to

<sup>3</sup> 'Implementing the Ethiopian National Policy for Women. Institutional and Regulatory Issues. The Women Affairs Office of Federal Democratic Republic of Ethiopia, the World Bank, 1998". See Askale Teklu (2005).

land in the past was broken down. Hence women's rights to land in Amhara Region, for instance, became secondary rights, derived through their membership in households and attained primarily through marriage. It was the land redistribution of the 1991-1996 that changed the land rights of the women in Amhara region from being secondary users to having equal holding rights with men.

Land reform wiped out most land tenure systems, particularly in the North, but less so in pastoral areas<sup>4</sup>. It improved equitable access to land but Derg policies did not result in improving rural livelihoods and growth of agricultural production. This was due to a combination of factors such as growing population pressure and failure of the forced resettlement policy, mismanagement of the centrally planned socialist economic system, civil war and repression. Moreover, the Derg favoured large-scale mechanised state farms and collective farms at the expense of the smallholder peasant agriculture.

In addition to other problems that confronted the regime, the civil war led to the fall of the Derg in 1991<sup>5</sup>. The new government decided to adopt a free market economy but land remained public property. In the new constitution that was adopted in 1995, Article 40 states that: "The right to ownership of rural and urban land, as well as of all natural resources is exclusively vested in the state and the peoples of Ethiopia"; it further confirms that "Land is a common property of the Nations, Nationalities and peoples of Ethiopia and shall not be subject to sale or other means of exchange". If land is needed for public purposes, the holders should leave the land upon compensation of any investment made on properties, including trees planted. The government made changes in land policy such as reducing the frequency of land redistribution. Some regions declared that they would not make any more administrative land redistribution while others restricted the scope for redistribution to irrigated land. The Amhara regional state was an exception and here sudden land redistribution took place in 1997<sup>6</sup>. The formal restrictions on land transactions such as sharecropping and renting have also become less severe, in line with practice on the ground, but land sales and mortgaging remain prohibited. Recently, provision was made that allows farmers to temporarily transfer land (lease contract, renting) to others, mainly for investment in farming. Population pressure, land scarcity, and government interventions through land redistribution are changing local practices. Fafchamps (2000) also noted that land tenure institutions appear to have responded to some extent to changes in factor prices, technological change, and the gradual commercialisation of agriculture.

A new land law was developed in 1997 that allocates legislative power to the Federal government and delegates implementation to the Regional States. In 2002, government delegated greater legislative powers to the regional States in matters related to land<sup>7</sup>. The states of Tigray, Amhara, Oromia and Southern Nations and Nationalities have drafted regional land policies that include land registration. Tigray was the first State to start rural land registration in 1996. Amhara, Oromia, and the Southern regions started the registration and title certification around 2002. Regional governments make their own policy. In the Oromia region, for example, farmers are allowed to rent out only up to 50% of their holding and for a maximum of three years under traditional farming methods and 15 years for farming methods that use modern technologies and inputs. Amhara and Tigray do not restrict the amount of the holding that can be rented out and use other maximum periods for renting out land.

Some regional governments have established structures that will be responsible to manage land administration, such as the Environmental Protection Land Use and Administration Authority (EPLAUA) in the Amhara regional state (established in 2000). Tigray also established an EPLAUA in 2004. In Amhara, the new structures for land administration also extend to woreda levels where land administration desks are formed. In the regions where land registration and title certification programmes have begun, like Amhara, kebele and sub-kebele land administration committees have been established. At central level, there is no mandated government institution responsible for the management of the land matters. The Ministry of Agriculture and Rural Development (MOARD) is responsible

<sup>4</sup> However, in Amhara, some people still acknowledge church property by paying some rent to the church even though formally the land no longer belongs to the church.

<sup>5</sup> Before 1991, the liberation movement led by the Tigray Peoples Liberation Front (TPLF) had already conducted a land redistribution called "fair land redistribution" in the freed zones during struggle against the Derg.

<sup>6</sup> In his research report entitled "The Promised Land", Ege Svein (1997) provided a detailed and first hand account of the motive, nature and consequences of the Amhara land redistribution that suddenly took place in 1997.

<sup>7</sup> Art. 52 also states that Regional Governments have the duty to administer land and other natural resources according to Federal laws. Such law was enacted in July 1997 on "Rural Land Administration Proclamation, No. 89/1997." This law vested Regional Governments with the power of land administration (defined as "the assignment of holding rights and the execution of distribution of holdings" (Art. 2 Sub Art. 6).

for coordinating land issues, for which it established the 'Land Administration and Land Use Study Team'. Issues related to natural resources management and developments in the pastoral areas are within the mandates of the Ministry of Federal Affairs.

In 2005, a Rural Land Administration and Use proclamation was drafted by MOARD and presented to the Parliament for approval. The objective of this bill is to conserve and develop the nation's various ecosystems and set up a land administration system which will identify federal and state lands and current user rights being practised. The bill will also provide a legal framework to enhance tenure security for farmers in the highland areas who take measures to prevent soil erosion and forest depletion. The proclamation also states that land on very steep slopes should be either taken out of cultivation or should be used only for tree crops and fodder trees production. Farmers may lose their right to land if they fail to manage it properly<sup>8</sup>.

The new land administration and use proclamation provides the possibility that land holders can lease land, pass it on to their family members, and use it as collateral to borrow money. However, the proclamation also talks about the minimum size of land to be allowed specifically in relation to the right to pass it to others. The law allows that farmers who get title certificates can contract out their plots, without being displaced, to other farmers and investors based on the land administration rules to be decided by the federal states. It also indicates further possibilities that land holders can engage in joint development activities with potential investors. The latter should be done by a signed agreement that is registered by a recognised authority. The possibility of redistributing/changing communal lands in rural areas into private holdings is also mentioned. Nothing is mentioned about land redistribution in this proclamation.

## 2.2 Current land debate in Ethiopia

In Ethiopia, there is a great concern over the country's socio-economic backwardness, poverty and food insecurity and, for some, the prevailing land policy is one of the root causes. The Ethiopian land policy faces many challenges. It can no longer ensure that everybody can access land given the existing settlement pattern<sup>9</sup> and population pressure. Moreover, land fragmentation is undermining efforts to improve agricultural production systems and the living standards of the rural population. Environmental degradation, in particular erosion, is another concern and provoked partly by growing land pressure which pushes people into cultivating marginal land, and insufficient tenure security that does not provide much incentive to farmers to improve their land, fearing that they may lose the land when there is a new land redistribution or municipal expansion.

Ethiopia is one of the least urbanised countries in Sub-Saharan Africa. Government policy since 1975 attempted to tie people to the land through tenure systems, in order to discourage rural-urban migration (Yeraswerk, 2003). The country's agricultural development led industrialisation (ADLI) strategy puts agriculture and rural development at the centre: industrial development will follow the growth in agriculture.

The land question became a major theme in the political discourse during the campaign for the third National Election that was held in May 2005, involving the ruling party, opposition political parties, civil society organisations, academics, the private sector and even some donors. The argument revolves around issues of whether farmers perceive their tenure as insecure and therefore will not invest in land, and if land should be privatised and land markets stimulated, in order to attract investment and promote agricultural growth. Part of the land debate also involves the worry about the growing competition for land and the impact of large-scale investments and expanding urbanisation on the smallholder farming community, the pastoral communities, and on peri-urban communities. Commercial farms and ranches are encroaching into rangelands in pastoral areas. Discussions on the problems of forest and wildlife conservation in the country also raise the lack of appropriate land use systems, lack of conservation legislations and enforcement mechanisms.

The government claims that it has dealt with the land question in Ethiopia through the constitution of 1995, which states that all Ethiopian farmers have the right of free access to land. Equal land access for Ethiopian rural women

<sup>8</sup> However, the technical details of the guidelines, indicators and monitoring mechanism of "proper use of land" has not been provided. Implementation and enforcement of the rules and regulations in this respect can be difficult.

<sup>9</sup> The largest concentration of Ethiopian population is in the highlands where land is scarce. Relatively, land is abundant in the low lands where land development is constrained by lack of infrastructure and diseases such as malaria.

has been assured for the first time. The government remains in favor of state ownership of land, arguing that privatisation of land may induce massive land sales by the rural poor. Consequently, such a development would lead to land concentration, increased poverty and political instability. The government further argues that privatisation of land cannot achieve mobilisation of capital resources for agricultural development given that most landholdings are small and fragmented and therefore not very suitable as collateral for banks loans.

Some groups outside government agree with the government that land should not be privatised, for fear of smallholders losing their land and the emergence of new landlords. They believe, however, that more tenure security is a necessity for promoting agricultural development, referring to the old popular slogan of “land for the tillers”. They focus on the need for improved land tenure security rather than the ownership of land per se, to promote better utilisation of land. Some feel that farmers should be free to decide how they want to use their land and whether they want to enter into transactions, with the exception of selling, or whether transactions should be restricted to only members of the same community.

For others, the prevailing land tenure system is one of the root causes of Ethiopia’s poverty, food insecurity, and underdevelopment as it restricts citizens’ access to land for maximising economic use. This group argues that the existing land tenure policy has constrained investment in agriculture as land cannot be used as collateral, has aggravated land and resources degradation, hindered migration of surplus rural labor to alternative livelihood activities. They oppose the incorporation of land policy in the country’s constitution, as this limits the possibility for flexible policy making to favor freehold and land markets. This group considers the sale of land following privatisation by smallholders to larger farmers and investors as a positive development. They argue that emerging larger farmers can use the land to raise capital (through banks, joint investments with foreigners) which eventually will lead towards industrialisation, while smallholders will have obtained resources for starting alternative livelihoods.

Another group argues that given the historical diversity of land administration in the country and variation in farming systems and land use, a mixture of ownership system should be considered that takes into account issues such as the difference between the communal pastoral systems, and the highland crop-based agriculture.

Finally, among the major concerns in Ethiopian land policy and administration issues are women’s land rights. Rural landholdings are in the name of household heads, which are predominately husbands, unless a household is headed by a woman. The new family law states that the wife is only entitled to property accumulated during marriage. If the husband has land prior to marriage, the wife is not entitled to this, unless it is agreed in the marriage contract. The recent land policy in Amhara region provides for women’s rights through joint titling, which incorporates names and photographs of both husband and wife on the title certificate. However, it is unclear what impact joint titling will have on divorce (Askale, 2005). The rights of women to access productive resources including land is advocated as part of poverty reduction efforts in the country. Civil society organisations and activists have put this issue high on the list of support for women in particular and the socio-economic development agenda in general.

## **2.3 Land registration in Ethiopia**

### **2.3.1 Rural land**

In Ethiopia, there has never been a system of systematic rural land registration. During the Imperial regime before 1974, landowners registered the size of all their plots of land, using local units of measurement, to enable tax collection. Land transactions and agreements over land use were generally not registered using written documents, but were confirmed in the presence of witnesses. When land disputes arose, the only evidence presented by claimants was tax receipts. In towns, however, some sort of registration of urban land existed. Land was measured and owners held certificates that certified occupation and ownership e.g. uses for residential houses, business, etc. The town municipalities were responsible for land registration and administration.

After the land reform of 1974, the newly established lower administrative structures (peasant associations) were given the power of land registration within the boundary of the area for which they were responsible. The land registry listed the names of all peasant association members entitled to user rights over land, an estimation of the area and quality (in local units of measurement), the number of parcels and approximate location of landholdings. Only where land disputes arose, characteristics like boundaries and locations are mentioned in documents (e.g. at

local courts). The information collected in the registry was used for taxation and during land redistribution activities. The user of the land has no document themselves, except for the tax receipts. Since 1991, lands continue to remain state property and the local administrations in rural *kebeles* continue to manage land issues. The registry still lists the community members who hold land and some basic elements on approximate size and location which is used to collect land tax.

### 2.3.2 Urban land

Following the land reform of 1974, all urban land and houses became state property. Urban dwellers and enterprises had the right to rent the property from the government. The rental transactions were registered by the *kebele's* administration of land and houses, the lowest level administrative body in towns.

In the major towns of the country, a system of urban land registration is in place to facilitate land allocation for development purposes as well as residential areas. The land registration indicates the size, location, boundaries and owner of the piece of land. Registered transactions that are taking place between private individuals, and between private and the government administrative body refer to properties on the land (e.g. houses), but not to the land itself, as land cannot be sold. Leasing land is possible and this is managed by the so called 'land lease office' established by the municipality. The land lease period ranges up to a maximum of 99 years. However, the registry system is not complete or up to date and was only very recently digitalised. The computer database is now used more often to check if potential land buyers hold any other piece of land for residential purposes, as an individual is not allowed to hold more than one piece of land. This may make speculation more difficult.

Registering these types of 'property transactions' (which are, in effect, land transactions in disguise) can take place informally, through a written agreement prepared in the presence of buyer and seller and two or three witnesses representing both sides. The witnesses are knowledgeable on land transactions and advise or guide the writing up of the agreement. Legal codes may also be quoted in the agreement. It seems that the law acknowledges these kinds of informal/village level agreements in case of any dispute that may arise. An alternative way is to formalise the agreement by taking it to a government office for verification of the transaction in the presence of the witnesses involved.

Registration of rural land is relatively cheap, but this is not the case for urban land registration, which is costly both in terms time and money. It takes a long time before the registration is completed due to many institutions and government bodies that are involved. It is further influenced by whether the land was acquired legally or not<sup>10</sup>. The monetary cost of land registration in urban areas includes 'informal' transaction costs (like bribing) and official costs, such as costs of surveyors, their transport, material costs, photocopies, and other costs.

The recent fast growth of cities has fuelled land speculation and many people are engaged in land dealing. They first buy land from farmers in the peripheries of cities. Once this transaction has taken place, the process towards legalising and formalisation starts with paying land taxes. It usually takes many years before a formal application is made for registration. Such kinds of illegal transactions are more prone to high transaction costs and fraud (bribing<sup>11</sup>, misinformation about size of a plot of land, and more than one sale of a certain piece of land).

In the case of land transactions in peri-urban areas, farmers are usually losing, despite a tremendous rise in the value of land in recent years. The first reason is that the policy prohibits land sales, forcing all parties to enter into risky illegal transactions and fear of disclosure. Secondly, 'buyers' know that it takes many years to register land in ones own name. Thirdly, there is a fear that as a result of expansion of cities, the government could displace farmers (and new owners) and acquire the land for city expansion, for leasing to private investors or for use for public purposes. All these reasons make it difficult for farmers to benefit from the rise in land values through land transactions. Many land speculators/dealers, however, manage to make a profit out of such land purchases and sales, although it is forbidden by law.

<sup>10</sup> The law forbids purchase of land from farmers without the formal process and knowledge of relevant government authorities.

<sup>11</sup> Under the new civil service reform in Ethiopia, the government is currently engaged in anti-corruption initiatives to fight against the tradition of corruption in the country and the many forms it takes.

### 3. LAND REGISTRATION IN AMHARA REGIONAL STATE

There is evidence that tenure insecurity has hindered investment in land in Ethiopia, including the slow progress in land conservation. A study by the Ethiopian Economic Association and the World Bank (Deininger et al., 2003) showed that past history of land redistribution has created a feeling of tenure insecurity. According to Ege (1997), the land re-distribution that took place in Amhara region in 1997 reinforced a sense of insecurity among the farming communities. Tenure conditions that stipulate that those who are absent for more than two years will lose access to land, as well as insecurity over inheritance, further reinforces perceptions of insecurity over land rights and inhibits migration.

Registration of landholdings and granting land use certificates to holders has recently become government policy in Ethiopia. Land administration institutions have been established in the major regions: Tigray, Amhara, Oromia and the Southern Nations Nationalities and Peoples Region (SNNPR). Policy changed after 1997 when the Tigray region started a comprehensive rural land registration and certification process in 1998. Amhara region started formal land registration in 2003. Amhara's EPLAUA officials are of the opinion that their region is the first to introduce a more scientific and technically advanced method of land registration in Ethiopia. Oromia and the Southern Nations Nationalities and Peoples Region followed suit. In the process of land registration, communal lands, forest and grazing areas will also be delineated, registered and certified.

The objective of these land administration developments is to improve tenure security through land registration and title 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<sup>12</sup>. Certification of land title is also expected to help in reducing conflicts over land boundaries and user rights among farmers.

#### 3.1 Land and rural livelihoods in Amhara Regional State

The Amhara region is one of the larger states of Ethiopia and is located in the northern, north eastern and central areas of Ethiopia. It is the second largest state in the country, following Oromia region, and covers an area of 170,752km<sup>2</sup>, which is about 11 percent of Ethiopia's total area. The region is divided into ten administrative zones, 106 rural and nine urban woredas and 2,927 rural kebeles. Bahir Dar is the regional capital. Amhara region is divided into three major agricultural climatic zones: highland (above 2,300 meters), semi-highland (1,500 to 2,300 meters) and lowland (below 1,500 meters) accounting for 20%, 44% and 28% of the land area respectively. This varied ecology is also a source of diversified agriculture in the region. A large part of the population is living in highland areas with steep slope topography. The central and western zones of the region are among the country's highly productive agricultural areas. In its northeastern and central highland zones, the Amhara region suffers serious land degradation and recurrent drought hazards. The nature of soils and the landscape combined with factors such as a long history of settlement, prevailing agricultural practices, and increasing population pressure which forces people to cultivate even steeper slopes all exacerbate land degradation. Lack of tenure security is thought to have aggravated land degradation as it discourages farmers to invest in preventing soil erosion.

As at 2001/2002, about 90% (14.7 million) of the people live in rural areas in Amhara. The Central Statistical Authority (CSA) data report 3.26 million agricultural households<sup>13</sup>, with average 4.5 people<sup>14</sup>. The average landholding per household is 1.10 hectares and the average per capita holding is 0.24 hectares, which is much lower than

<sup>12</sup> Shortage of capital to finance agricultural production and marketing activities is one of the major problems the smallholder farmers and pastoralist communities in Ethiopia face. They have difficulty in accessing bank loans for many reasons including lack of collateral, credit risk, and lack of information. Data on agricultural credit and finance shows that there was an increasing tendency by the public bank (Development Bank of Ethiopia) to stop giving credit to small farmers. Recently, efforts are being made to expand micro-finance services in rural areas. In 2005, the Farmers' Cooperative Bank, first of its kind in the country, was established in Oromia region. Despite the scarcity of the loanable capital at such institutions, they are facilitating access to capital for the rural poor. Public reports show that women, in particular, are benefiting from the small credits obtained from micro-finance and saving and credit groups by investing in petty trading, production of poultry, small ruminants, dairy cows, fattening, etc.

<sup>13</sup> The CSA agricultural sample enumeration report (2003) defines an agricultural holder as a person who exercises management and control over the operation of agricultural holdings such as land and livestock and makes the major decisions regarding the utilisation of the resources.

<sup>14</sup> The average household size for female-headed households is 3.3 and 3.7 in rural and urban areas respectively.

the national average (CSA, 2003)<sup>15</sup>. Among the agricultural holders, 18% are female of whom 33% are living in urban areas (Overall, only 2.8% of households registered as agricultural live in urban areas). While only 7.7% of the male agricultural holders specialise in livestock production, this is 18% for female-headed agricultural holdings. Mixed farming is practised by 48% of the female holders and 80% of male holders.

The data also show that only 8.5% of the (registered) agricultural holders are younger than 24 years. This implies the seriousness of landlessness in the region. As a result of growing land scarcity, young people have difficulty of accessing land. The percentage of heads of agricultural households who are illiterate is 71% on average and 81% for female headed households. Only 18.5% of the agricultural population completed primary education. In Amhara region, poverty is widespread and livelihoods are vulnerable to droughts and famine. Although the food security situation in the region and the country in general varies from year to year depending largely on rainfall, a significant share of the region's population has been chronically food insecure for decades. According to the Food Security office, 52 *woredas* in Amhara region (49% of all) are known to be severely food insecure. The areas of South Gonder, North Wollo and North Shoa suffer from recurrent drought and famine. The central and western zones, eastern and western Gojam and northern Gonder are more productive agricultural areas.

Access to agricultural land plays an important role in reducing poverty and food insecurity, with landlessness being strongly correlated with destitution. A survey conducted in Amhara region found 12.8% of the rural households with no access to land. A total of 14% of the households were characterised as destitute<sup>16</sup>. Destitute households have on average 0.55 hectare of land while the non-destitute have access to 0.82 hectare (Devereux et al., 2002).

Land transactions are not very common in the densely populated rural areas where levels of agricultural productivity are relatively low. Most landholdings are very small and the land redistribution of 1997 has further equalled the size of landholdings. Evidence for 'ownership' of land is the receipt of the government tax payment.

The most important land related transaction is sharecropping. One type of contract is the share of 50% of output and in addition, the sharecropper pays some money upon the entering the contract. The amount of payment depends on the quality of land. Part of this money will be paid back by the landholder when the harvest from that year is not good enough. Although the agreement is for 1 or 2 years, it can be extended with additional pay. Sharecropping is practised by well-to-do farmers in the community. The contract can be in writing, or made in the presence of relatives and other witnesses.

Holding onto land is important for the elderly as it provides them with a kind of pension/safety net, even though they can no longer do farm work themselves. A practice is emerging of elderly people employing a 'caretaker' who will sharecrop their plot on the promise that they will inherit the land in future. As such agreements are usually not written down, these caretakers have not always been accepted as eligible heirs.

### 3.2 Land policy in Amhara region

A series of proclamations and guidelines adopted shows the regional government of Amhara has put the land issue at the top of the socio-economic development agenda. The following legal interventions can be mentioned.

- The Regional Land Administration and Land Use Policy.
- The Regional Land Administration Proclamation No. 46/2000.
- The Regional Environmental Protection, Land Administration and Use Authority Establishment Proclamation No. 47/2000
- Detailed regulations formulated for the implementation of Proclamation No. 46/2000.

The constitution of the Amhara National Regional State was adopted in 2003. This constitution respects private property rights, but also declares that the state and its people own all natural resources and land – urban and rural. It states that the right to utilise land and resources is leased to individuals and firms. The individual or firm has full property rights over any buildings etc. erected on the leased land.

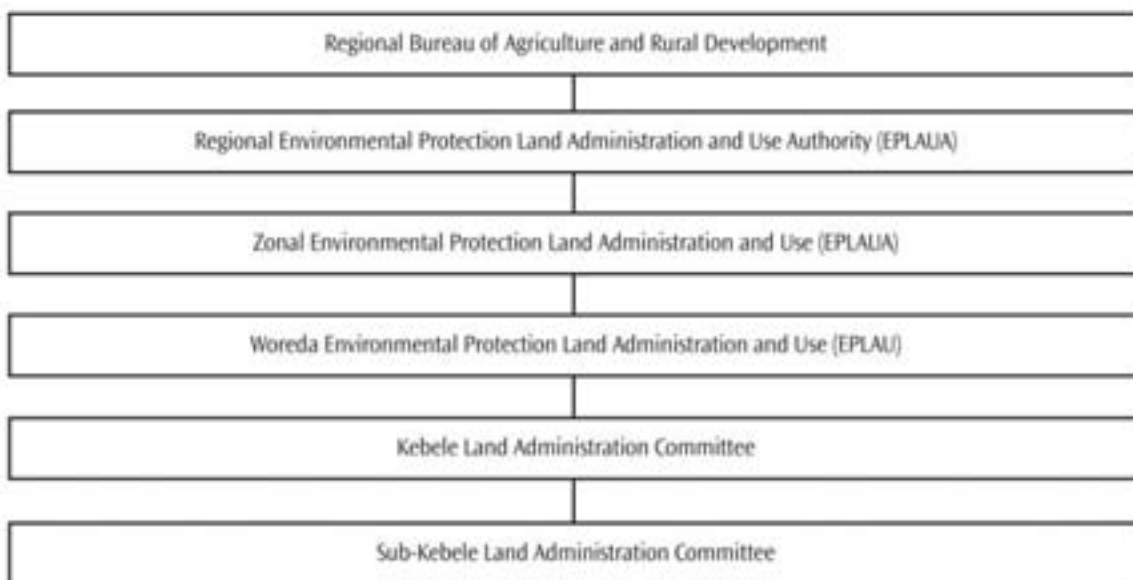
<sup>15</sup> This is similar to the findings of the Ethiopian Economic Association's survey (EEA/EEPRI, 2002).

<sup>16</sup> "Destitution is a state of extreme poverty that results from the pursuit of 'unsustainable livelihoods'. A series of livelihood shocks/or negative trends or processes erode the asset base of already poor and vulnerable households until they are no longer able to meet their minimum subsistence needs. They lack access to the key productive assets needed to escape from poverty, and they become dependent on public and/or private transfer". Devereux et al., (2000) as quoted in Devereux et al. (2002).



Established in 2000, the Environmental Protection Land Administration and Use Authority (EPLAUA) is coordinating land registration in Amhara. EPLAUA is accountable to the regional Bureau of Agriculture and Rural Development. EPLAUA is composed of three divisions – division of environmental protection study, policy, and control; division of land use study, information and GIS; and division of land administration and registration. There is a representative of EPLAUA at the zonal level, although the role of zonal government offices has been reduced since the new decentralisation policy of 2001 (Diagram 1). The *woreda* level EPLAUA desk, is situated in the *woreda* Rural Development Division, and is actively involved in the planning and execution of the land administration, registration and certification activities.

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



At the *woreda* level, responsibility for land administration is vested in both *woreda* political administration (the council) and the Department for Land Use and Conservation, which is accountable to the Rural Development Desk. The Department of Agriculture is only concerned with technical matters regarding land use.

Land registration in Amhara is meant to serve two purposes: improving tenure security and encouraging land and natural resources conservation and rehabilitation. The first objective is in line with overall policy of the Ethiopian government in recent years. Tenure insecurity has been the subject of much discussion, which seems to have convinced the government to develop measures to improve the situation. Regarding land degradation, Amhara region is one of the worst affected regions, with 71% of the land vulnerable to soil erosion. It has been estimated that the region loses about 1.1 billion tons of soil every year (Office of the Regional Council, 2000). The regional government has decided, therefore, to include goals towards environmental protection and improved land management in the land administration policy. Improved tenure security should provide incentives to land users to invest in land. Moreover, the policy guidelines also state that those who do not properly manage land can lose their rights to use the land. EPLAUA officials and experts argue that the major problem in the region is lack of proper land use policy and regulations, and this causes environmental degradation and poor agricultural production. Hence, the primary objective of land administration is to regulate land use and its protection through land registration and certification.

Some land registration experts criticise this mixing of land administration with environmental protection. They argue that the focus of policy and legislation should be “land registration and certification”, leaving aside land use planning criteria. Once the tenure security for farmers is assured, it is up to them to decide how to use the land, and the regional government should refrain from prescribing land use to farmers. Policy for physical planning (land for residential purposes, recreation, services, infrastructure, etc.) is needed and should be the object of separate guidelines.

Moreover, EPLAUA is committed to ensuring that farmers' rights are acknowledged and compensated. This is a reaction to municipalities who constantly expand their boundaries without taking into consideration the existing land use. All over Ethiopia, in the peri-urban areas of the major towns investors are displacing people from the lands they use to earn their livelihoods. Studies that assessed this aspect of the land problem show that urban land policy tends to marginalise the peri-urban farming communities<sup>17</sup>. Recently, the private press has been reporting on the displacement impacts in rural communities around Addis Ababa by the newly expanding flower farms. It is quite often mentioned that there is no clear policy of how the investment locations are selected, how to engage the local communities in the negotiations, or compensation procedures and enforcement mechanisms. Although the land law states that landholders can claim compensation upon losing land, in practice, however, such a process has been difficult and protracted for poor landholders.

### 3.3 Land registration and title certification in Amhara region

The Regional Land Administration Authority is responsible for both the Sida supported pilot and the 'traditional' approach of land measurement, registration and title certification, with both experiences operating side by side. The procedure adopted in the Sida pilot and also used in the traditional registration involves first the demarcation of kebele boundaries, followed by delineation of common lands and fields taking the latest land redistribution of the 1997 as a benchmark.

The land title certificate is issued in the name of the husband and wife, and contains a list of all plots measured and names of family members. EPLAUA distinguishes between the primary/provisional and secondary/permanent certificate. In the printed version of the formal certificate these two are located on different pages. There is no legal difference between the primary and secondary certificates. In the primary certification phase, individual landholdings are recorded using traditional measurement and boundary demarcation methods. The permanent certificate will be offered when a map of individual holdings is prepared, using the land information and data, and given to the holders. Such a full shift to the modern GPS-GIS techniques based outcome (as occurs in the Sida pilot project areas) is envisaged in future.

The permanent certificate contains many pages which can be used at different levels of the land registration. It has a part that can be used for the provisional phase (i.e. the first level certificate). Once a more accurate data based map is developed for individual holdings, the certificate will advance to the permanent level. A sample of the certificate is shown in Figure 1 below. The need to differentiate between the provisional/first type and the permanent certificate is debatable. Some EPLAUA experts believe that there is a benefit of having two stages in the certification process. It is thought that by giving the provisional/temporary certificate, it will be possible to see how the land measurement and registration process works in practice, and if conflicts arise in the process.

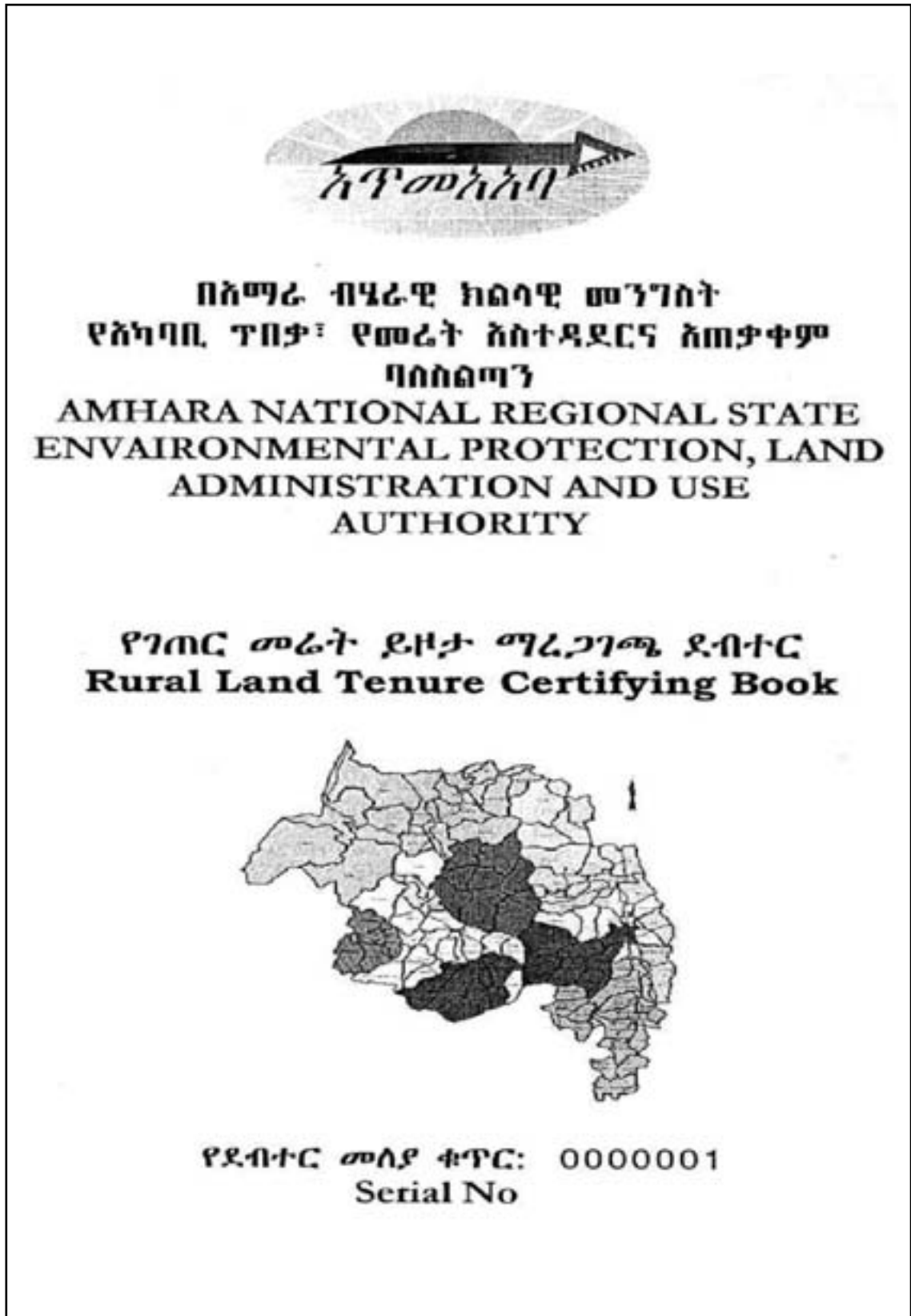
#### 3.3.1 The pilot land registration and certification project

A land registration and title certification pilot programme was started in January 2003 and supported by the Swedish Sida, as part of a rural development programme support for the Amhara region. This pilot was set up to generate lessons for a broader programme of land registration and certification in the region. The approach used is a cadastral survey, based on land measurement and identification of boundaries and locations, in two selected pilot woredas – Gozamen in East Gojam zone and Dessie Zuria in South Wollo zone (Table 1).

The pilot project was originally planned for a one year period, with technical assistance provided by a Swedish consultancy firm. It has two major objectives: i) to analyse farmers' perceptions of land registration and changes in attitude and land use as a result of the pilot, and ii) to evaluate technical and financial requirements for land registration and title certification. In the pilot kebeles, the field boundaries were demarcated using GPS and then marked with white stones. The pilot invested in continuous awareness-raising and discussion about the project, and participation of the community at these sessions was reported to be very high. The project also established a committee of farmers.

<sup>17</sup> For instance, Feleke (2003) from his study around Addis Ababa concluded that "The urban land lease policy is not friendly with rural households in general and the poor landholders in particular. The policy has not taken in to account the wellbeing of the peasants in the vicinity of Addis Ababa. As a result, the implementation of the policy has been marginalizing the rural settled peasant communities" (p. 26). Another study (Fayera, 2005) on the impacts of on-going investments and urban expansion has shown that displacements are causing severe consequences on livelihoods of poor people.

Figure 1. Front cover of the land certificate to be provided in Amhara Region



**Table 1: The land registration activities at the two pilot woredas of the Sida project**

Characteristics	Selected woreda	
	Dessie Zuria, South Wollo zone	Gozamen, East Gojam zone
Accessibility	Good	Good
Area of land	1500 ha	2000 ha
Number of households	808	755
Average number of plots per household	5	5
Number of kebeles	2	2
Number of sub- kebeles	3	3

Source: EPLAUA 2003.

However, it took about 30 months to complete data collection, data entry and produce maps in the four kebeles<sup>18</sup>. Provision of certificates to the farmers in the pilot kebeles was postponed several times and finally took place in March 2005. In the process of land measurement and registration, marking the boundaries with white stones was reported to be advantageous for weaker landholders (women, elderly, chronically ill) as other landholders constantly push the boundaries of their holdings during ploughing.

Some EPLAUA experts think that the techniques employed in the pilot programme are complex and too expensive for 'normal' rural land and they do not plan to scale it up to the entire region. Indeed, EPLAUA did not wait for the end of the pilot to start a large-scale land registration in Amhara, called 'traditional land registration', which is a region-wide programme (see next section). They believe that cadastral surveys should be used for registration of higher valued lands around urban areas (i.e. also for estimating the compensation needed), parks and conservation areas, etc. However, the pilot has attracted donor interest (e.g. the World Bank) and visits by high ranking officials from other regions. Despite the doubts within EPLAUA, policymakers responsible for land administration at regional and federal levels regard the pilot project as a success story. There were plans to expand the pilot activities to 30 more *kebeles* in the region.

### 3.3.2 The 'traditional' land registration and title certification process

The so-called 'traditional way of registration' was started towards the end of 2003 in all 106 *woredas* in Amhara region. In each *woreda* a few *kebeles* were selected and farmers were trained to do the land measurement and registration. There is no clear linkage between the cadastral survey pilot and this traditional approach. Boundaries of *kebeles* are witnessed. Also the boundaries between private holdings of ploughed land and common property, such as grazing land, is set again at the 1997 benchmark, the latest land redistribution. The *kebele* committees have been confronted with many cases of encroachment into the grazing and forest lands that had to be resolved. No GPS is used, even not for marking the boundaries between the communal lands and cultivated fields. In the traditional approach, the area of a plot is estimated (using traditional methods). Boundaries are visited by the committee in the presence of other witnesses and then described in words. This information, plus the approximate location (names of neighbours) is filled in with the name of the husband and wife on a form supplied by EPLAUA. Eventually, the information will be listed on a certificate which will be given to the farmers with an official stamp and photo of the household head and wife.

The plan is to cover all lands in the region within three years as the strategic plan designed. Hence, 20% of the land is expected to be registered in 2003/2004, 30% in 2004/2005, and 50% in 2005/2006. According to the plan and directives given by the Bureau of Agriculture and Rural Development, the registration should be completed by mid 2006. By the end of 2004, about 1,197 *kebeles* were covered and over 3,450 sub-*kebeles* were engaged in the process.

<sup>18</sup> One cause for the delay was reported to be the late arrival of the consultant and some GIS equipment.

There has been a concern that the available budget and staff is below what is required for implementing the huge and complex task of comprehensive land registration in the region. *woreda* EPLAUA desk officers estimated that they have less than half the human resources needed<sup>19</sup>. Financial resources is also crucial as the *woreda* land administration experts need to travel to *kebeles* to train farmers who participate in land registration, provide backstopping support and monitor the activities. Shortage of funds also limits the extent of activities such as awareness-raising and communication with farmers. Such meetings are usually held at central locations, so per diem and accommodation expenses are necessary. *Woreda* experts also complain that the level of training is not sufficient. In some *woredas* only a half-day orientation was given, although the task is new and demanding. They also report shortages of all kinds of professionals especially surveyors, mainly due to the shortage of funds allocated in the budget. For this reason, the registration has not proceeded as it was intended. To solve the problem, funds were moved from the food security project activities to the *woreda* land administration so that they would be able to hire some additional staff, particularly technical school or high school (with some training) graduates in surveying.

Moreover, at the beginning (in 2003) standard guidelines were not provided to all *woredas* in the region on, for instance, classification or characterisation of land qualities. The delay in the provision of the guidelines has also slowed down the progress of implementation. The guideline was later provided in 2004. In its absence, it has been difficult to resolve some problems that were encountered in the process of land registration, such as issues of inheritance and rural lands occupied by civil servants and urban dwellers.

The guidelines envisage that land registration, certification and land use planning will be participatory, with farmers involved directly in land measurement and registration, through committees elected from the community and then trained. It is known that farmers provide a free service of land measurement and registration in their community. *Woreda* and *kebele* level political administration are not directly involved in land registration. They are, however, engaged in resolving disputes and other regulatory and administrative issues. To carry out the registration process, 18,890 community members were elected to work in committees of about 5 people each (Table 2). Only 7% (1,318) of the members were female, showing a lower participation of women in the land registration leadership at the community level.

**Table 2: Community participation in the land measurement and registration**

Activity year	Selected <i>kebeles</i>	Committee formed to work in land registration				
		At <i>kebele</i> (No)	At sub- <i>kebele</i> (No)	Number of members (No)	Female members (No)	% female members
2002/03	169	184	466	2328	48	2.1
2003/04	896	862	2637	15735	1218	7.7
2004/05	132	146	354	827	52	6.3
Total	1197	1192	3457	18890	1318	7.0

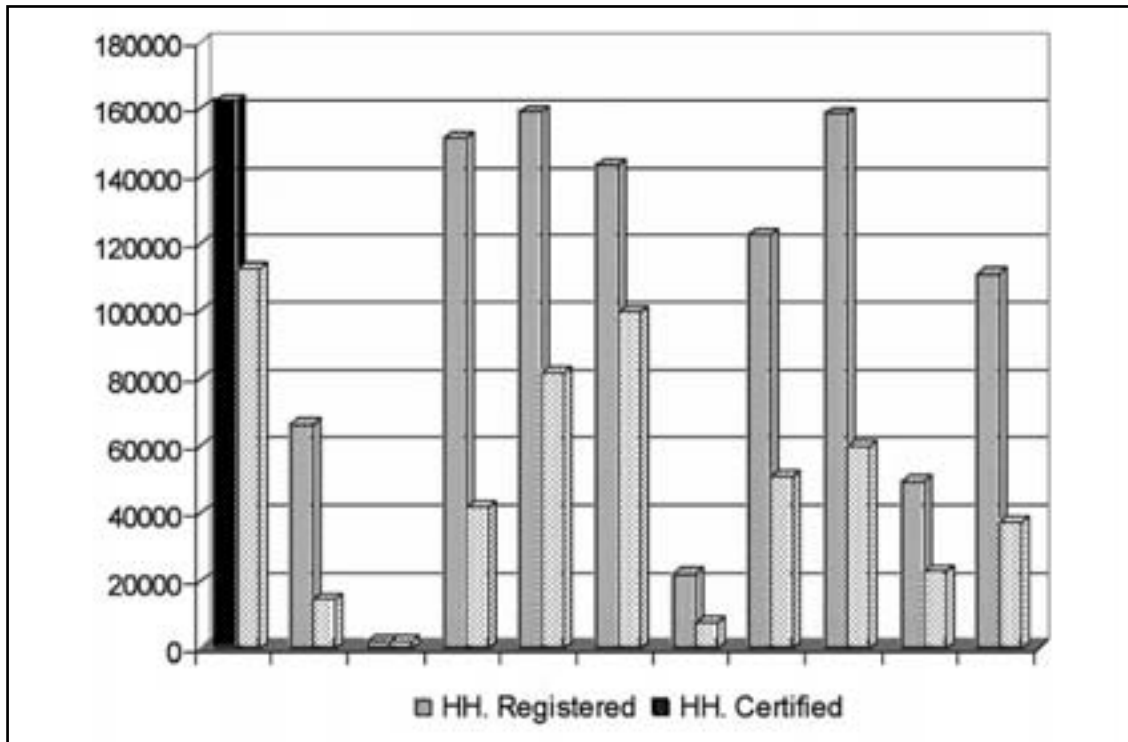
Source: Based on EPLAUA's raw data from end January 2005.

As of the end of January 2005, official data obtained from EPLAUA shows some progress made in terms of the number of households whose land has been measured, registered and who has received the provisional title certificates (Figure 2).

Figure 2 shows a distinct variation in the progress of land registration across the zones in the region although the programme started in all places at the same time. EPLAUA experts consider that differences in resources availability but also accessibility partly explain these differences. Some data inconsistency and reporting problems were observed. The process of registration is ongoing while communication is often difficult due to poor infrastructure. For

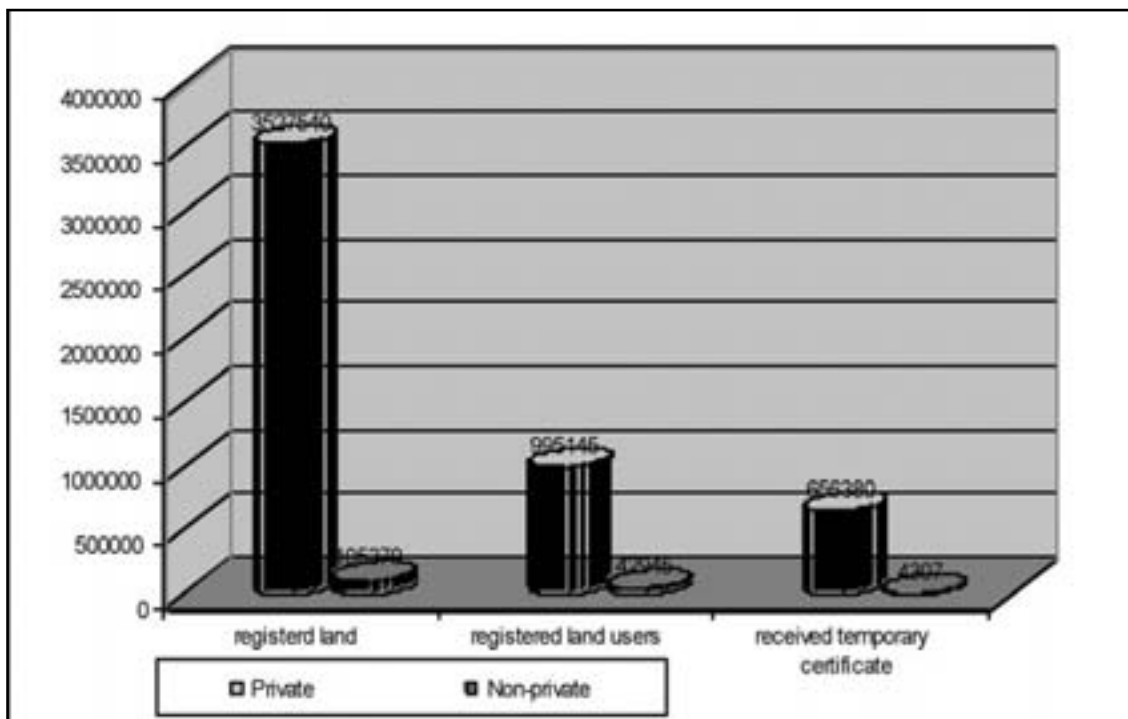
<sup>19</sup> Information provided early in 2005.

Figure 2: Land registration and provision of temporary title certificates (Sept. 2003 – Jan. 2005)



Source: Graphs based on EPLAUA data.

Figure 3: Land registration and certificates given (private and non-private holders category)



Source: Based on EPLAUA's raw data reported at the end of January 2005.

the regional office of land administration, improving communication for better and more consistent data flow, documentation and updating are major challenges.

Given these limitations, Figure 3 gives an indication of the amount of work that has been accomplished since registration started in late 2003. By the end of 2004, about 660,687 landholders received temporary certificates. Out of this, 99.3% are farmers' private holdings. Other landholders (groups, community administration, NGOs and government organisations) account for the remaining 0.7%. This accounts for 58% of the number of landholders whose holdings have been registered so far.

By the end of 2004, over 3.6 million plots were registered under different tenure types. Unfortunately, we have not been able to ascertain the amount of land area covered. The data also show that 24,760 holdings were registered as property of those who have died or left the localities (rural *kebeles*) (see Table 3). The proclamation provides that such holdings should be handed over to kebele administration and further distributed among the landless in the *kebeles* depending on the priorities set by the communities. The number of common holdings registered amounts to 75,690. This refers either to grazing land, forest areas, and hillside enclosures. Although there are cases where land is owned (or claimed) by churches<sup>20</sup>, or women and youth organisations established in *kebeles*, there are no reports of lands registered in their name. There are 3,023 plots registered by NGO and 1,627 plots by government bodies (GO).

Seven categories of land users have been listed in the registration. These are male holders, female holders, joint holders (both husband and wife), group land users, *kebele* administration, NGOs and government organisations. So far 1,036,025 land users have been registered of which 30.3% are male holders, 26.1% female holders, 39.5% registered jointly by husband and wife, 2.75% as communal while the others – *kebeles*, NGO and GOs together share 1.41 %.

**Table 3: Land registration and type of land rights holders**

Tenure type	Number	Type of holders	Number	%
Private hold	3,527,540	Female	270112	26.07
Communal land	75960	Male	313690	30.28
Deceased/migrated	24760	Joint (husband and wife)	409278	39.50
N.G.O	3023	Communal	28457	2.75
G.O	1627	kebele	10629	1.03
		N.G.O	2455	0.24
		G.O	1404	0.14
Total	3,626,522	Total	1,036,025	100.00

Source: Statistics based on EPLAUA's data provided at the end of January 2005.

Lack of sufficient capacity at the *woredas* and *kebele* levels is a major hindrance for programme implementation. In this respect, the plan to complete land registration by the end of 2005/2006 could be unrealistic. There seem to be competing interests, power and mandates between the political administration on the one hand and on the other, the land administration desks and *kebele* land administration committees at *woreda* and *kebele* levels. Dialogue and understanding is needed in order to clarify the mandates of the different stakeholders.

### 3.3.3 Group registration: enclosures and usufruct rights in Meket *woreda*

The NGO SOS Sahel was working in Meket on land rehabilitation and natural resource management and found that the lack of secure usufruct rights in areas of common property was inhibiting investment in better management practices by local people. The tenure regime on hillsides used for grazing, cutting grass and wood was open access. This situation inspired SOS Sahel to set up a pilot programme towards establishing group usufruct agreements for enclosures in North Wollo zone of the region (Shiterek et al., 2001). In the three year period between 1996 and 1998,

<sup>20</sup> Many hillside enclosures registered by groups of community members in Meket *Woreda* (in North Wollo) were at the same time claimed by the churches. Community members pay some income to the churches from the proceeds obtained from enclosure activities such as sales of grasses or firewood.

enclosures were established in 50 sites (groups), involving 5,214 farmers, on a total area of 523 hectares. 82% of the members of enclosure groups are men and 18% are women. Most of the enclosures are on highly degraded and mountain hills with shallow soils.

The following procedure was followed for establishing the enclosures and their registration:

- Discussions, enrolment of willing members
- Elect management committee and draft bylaw
- Land delineation (staff of Bureau of Agriculture and *kebele* authorities involved)
- Bylaw and document sent to higher authorities for registration
- Members organised (usually 250 farmers), into sub-groups (about 5),
- Develop management plan,
- Divide the land among group members,
- Individual members manage assigned plots,
- Members pay for protection (guards)
- Individuals pay for tree seedlings, labour input, etc;

The most successful groups are church-based groups called *gott* or community social groups called *kire/idir*<sup>21</sup>. The church-based groups exclude the poor landless community members, which is not the case for the *kire/idir* groups. Landless people share land with their parents, and also seek employment elsewhere. People are very much tied to the church. The church seems to claim the land in its surroundings, but with no legal basis. Members of the en-

### **Box: Enclosure at Taja-Mariam**

**Demarcation of enclosure, sharing plots and conflict:** Once the enclosure area was decided, a 12 man elders' committee divided the enclosure into 5 groups, and marked boundaries with poles. The 5 groups each have committee and chairman who have divided the share of each enclosure into individual plots for their 50 members. Once the area was divided into equal sized plots, a lottery was drawn to make the allocation fair. The groups have lists of members, but locations for individual plots are not mapped. Members would like to do this in the future. Individuals develop their respective plots by planting trees on the boundary, buy seedlings with their own money, and letting the grass grow. They can harvest the grass, but are not allowed to cut the trees.

**Conflicts:** Boundary conflicts occurred between two groups after 3 years when the marking poles got worn and disappeared. One group argued that poles and the living trees which replaced these are the right boundaries while the other side say that the physical demarcations (farm plots, gullies, etc) are boundaries. The former group says this is not acceptable as the physical demarcations were written down by 2 or more people and the development agents without sufficient presence at the enclosure site. This conflict is to be taken to the *kebele* social court. The boundaries between the groups is said to be in the registration document.

**Rules and regulations for protection:** The enclosure has a guard, who is paid for offering the protection service. If anybody lets his livestock into the protected area he/she will pay 30 birr fine. This money is paid to the church so that nobody can be blamed for taking somebody else's money. If the person reoffends, he/she will be taken to court and sentenced to prison. To reduce the risk of incidence, the enclosure members have allowed some space between the enclosed land and the free grazing fields for the nearby villages.

**Benefits and cost of enclosures:** Farmers mention benefits include regeneration of trees used for various purposes (construction, also for church construction, firewood), landscape beautification, reduced erosion and runoff for the downstream farms, and income from grass. On the other hand, punishment for allowing livestock into the enclosure is considered a cost for the nearby farmers.

**Transfer of rights:** Individual plot holders have full rights of sharing out the plots for grass production or renting it out, but not selling the land. In reality, however, there has never of been a case of such a transfer.

<sup>21</sup> *Idir* is a traditional and community level institution organised for cooperation and self-help of the members.



sure groups also perceive that the land belongs to the church and that is why they pay part of the income earned from the enclosure to the church. In one case, the community members reported that before the establishment of the enclosure, the church in the locality used to sell grass on the hills by auction, earning up to 650 to 1000 birr a year<sup>22</sup>. Nowadays, the enclosure members negotiate with the church and pay about 1250 birr from the sale of grass.

The registration of the enclosures by the *woreda* authorities makes the land users believe that they have stronger rights to the land they developed. Preliminary results of these enclosures show more tree planting, regeneration of vegetation and wildlife, and more investment in soil and water conservation. The members have had increases in income, from more diversified sources, and have improved management capability. In addition, the enclosures have also become a source of income for the churches in the localities.

In Meket *woreda*, enclosures seem not to have been included in the ongoing land registration process (information dating from September 2005).

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<sup>22</sup> 1 birr is equivalent to 0.12 US dollars.

## 4. LOCAL PERCEPTIONS OF THE LAND REGISTRATION PROCESS

As part of this study, a survey was conducted to examine lessons learned from the registration process after one year of experience in four *woredas* where land registration has already started. The survey, including socio-economic profile and interview results, is presented in full in the Annex (Tables 5-15); responses are summarised in sections 4.1 and 4.2 below. The survey is a snapshot and cannot provide a complete picture of what has happened all over Amhara. It is too soon to assess whether and how registration affects the attitude of land users and there have been changes since the time of the survey in July 2004. Hence, findings based on the survey data need to be interpreted with care, but it does give some early indications of people's participation in, and perceptions of the process as well as their expectations.

The four *woredas* are located in different zones and are: Gozamen (in East Gojam zone), Bahir Dar Zuria (in West Gojam Zone), Fogera (in South Gonder zone) and Meket (in North Wollo zone) (Annex Map 1). The data obtained from EPLAUA show that 123,700 holdings were measured and registered as of September 2005, with 54% of the holdings registered under joint title, 22.7% by men, 23.4% by women, and 0.12% registered as communal (Table 4). Of the registered holdings, 62% were given certificates.

**Table 4: Amhara region land registration data of four woredas as of September 2005**

<i>woreda</i>	Holders (no)					Certificate	
	Male	Female	Joint	Communal	Total	Number	%
Meket	5565	7488	12186	22	25261	14578	58
Gozamen	3613	5963	20103	11	29690	11560	39
Fogera	9671	12820	14334	95	36920	37151	101
Bahir Dar-Zuria	9210	2690	19913	16	31829	13136	41
Total	28059	28961	66536	144	123700	76425	62
%	22.7	23.4	53.8	0.12			62

Source: data obtained from EPLAUA, unpublished.

### 4.1 Community participation in the land registration process

#### *Source of information about land registration process*

One of the important components of the land registration process is communication of the motives, the procedures, and expected benefits through community awareness-raising (Table 5). About two-thirds of those interviewed reported that they were first informed of the land registration by their *kebele* administration. Some reported that they obtained information from the *woreda* administrations. A limited number of households heard the news from other farmers. The majority of the farmers reported that they had heard of some discussion and knew of awareness raising meetings when the registration process was first initiated. However, 43% of the cases studied from Bahir Dar Zuria believe that no meeting was held. In three of the *woredas*, about half of the respondents thought that many meetings were held, although in Gozamen the other half thought only one had been. In Bahir Dar Zuria, over half said that one meeting was held. The data show that at the initial stage of the process, the efficiency of awareness-raising varies, with some members of the community receiving information while others seem not to have been informed. The meetings did discuss how the land registration process would be undertaken, but this information was not well understood or shared.

#### *Who is carrying out the land registration procedures?*

Perceptions differ about who is responsible for carrying out the land registration procedures in their *kebeles*. Ranging from 29% in Gozamen to 48% in Bahir Dar Zuria respondents say that it is the *kebele* administration. Those who know that it is selected and trained farmers range between 22% in Gozamen and 56% in Fogera. Some people think that experts come from *woreda* level to work on the registration process.

### ***Criteria for selecting land administration committee members***

Community members have different views about the attributes required for election to the land administration committee (Table 6). This includes being educated (responses range from 15-47%), being a member of the kebele administration (5-28%), being rich (9-19%), having knowledge about land registration (9-17%). The rest of the perceived attributes include being trusted by the community, not being biased, being of good behavior, and belief that they will do a good job. Respondents said that they did not stand for election to the committee for the following reasons: lack of education (23% to 42%), being poor (3% to 15%), did not want to engage in such matters (8% to 28%) and being perceived as rich by others (1.5% to 8.3%). Other reasons given were: too busy with a large family, no knowledge of land matters, being disabled (Table 7).

### ***Willingness to register land***

Whether community members were willing to register their land appears from the data to be more strongly negative than positive (Table 8). The result shows that a significant number (from 31% in Bahir Dar Zuria to 59% Gozamen) did not want to register land, but rather they were told to do it or felt forced to. When those who explicitly said "I did not want to register" are added to these, between 55% and 73% of all respondents did not favour land registration. Those who did want to register their land were 35% in Fogera, 21% in Bahir Dar Zuria, 18% in Meket and 7% in Gozamen.

## **4.2 Perceived benefits and effects of land registration**

The communities' perceptions of the expected benefits of land registration vary considerably across locations.

### ***General land resource problems (prior to registration)***

The basic problems and constraints of land as perceived by the households vary (Table 9). Lack of security is, unexpectedly, mentioned by relatively few (6% in Fogera to 15% in Meket). More important is land scarcity (17% in Bahir Dar to 49% in Meket). In order of importance, other problems given were: remoteness and/or lack of a land market (6-26%), poverty and lack of inputs (7-18%) and low soil fertility (4-14%).

### ***Expected advantages of land registration***

Farmers expect a range of advantages from land registration and title certification. Better tenure security is expected by 26% to 41% (Table 10). Enabling them to lease the land for many years was reported by 12% to 20%. Other expected benefits include being able to plant permanent crops and trees (15%), renting-in more land (9%), better soil and water conservation (14%), renting-out land and the ability to search for other jobs (7%). The expectation that titling will facilitate borrowing money by using land as a collateral is rather low (2%). Similarly, farmers do not expect that titling will prevent further land redistribution (1%).

### ***Effect of land registration on conservation***

It is interesting to see that the majority of the respondents (59% to 94%) believe that land registration will have a positive effect on land conservation (Table 11). This may show that, on the one hand, lack of tenure security has impacted negatively on land management in the past, and that, on the other hand, farmers are well informed about improved natural resources management being an integral objective of the land registration in the region.

### ***Effect of land registration on common lands***

With regard to the assessment about the likely impacts of registration and titling on communal lands, farmers have diverse views. While a lower number (6% to 20%) believed that it will not have an effect, 25% to 43% of respondents thought that it will limit access to communal lands (Table 12). A large proportion (34% in Meket to 69% in Bahir Dar), however, either do not know what the effect will be or are unable to predict at present.

### ***Effect of land registration on land markets***

A significant share of respondents (22% in Gozamen to 45% in Fogera) perceive that land registration and titling will not have an effect on land markets (Table 13). Some (6% to 31%) believe that sharecropping will decrease as a result while 8% to 23% say that sharecropping will increase. For the total sample, slightly more farmers expect an increase in sharecropping and renting than a decrease.

### ***Who benefits most from land registration?***

To the question “who benefits most from the land registration and titling” the response, taking all cases together, varies widely, but most (37%) feel it will benefit the landless (Table 14). After this category, poor farmers and youth (both 14%) are expected to benefit, followed by women farmers (12%). 23% of all respondents feel that the rich will benefit, in Gozamen this was 75%, and in Fogera 46%. When one of these respondents was asked “why?” he replied that they had been able to maintain their big landholdings without redistribution taking place. Another one argued that he guessed the rich will bribe this time, too.

## 5. ISSUES AND CHALLENGES OF THE LAND REGISTRATION PROCESS

### 5.1 Conflicts emerging in the process of land registration

The process of land registration in Amhara is generating conflict. Preventing and resolving these has become an important and demanding challenge. From the short history of this first experience of land registration in the region, it seems that many conflicts have emerged during the process, and the victims are swinging between the lower and higher officials in the hierarchy without often having their problems resolved. The following sources of conflicts have emerged in the process of land measurement and registration:

1. The registration process takes the 1997 land redistribution as a benchmark. Land expansions into common lands but also *de facto* transfers of land that have been made are not recognised and not certified. During registration, many cases of illegal encroachment into common grazing fields, forest and marginal areas were disclosed. The law states that such illegally held plots will be taken away and given to landless people or returned to the commons. Those cultivating these encroachments oppose such decisions, and this may become a source of conflict. The strategy followed by the *woreda* is to leave it first to communities to find a solution. Communities may order the person to leave the land or accept the encroachment and even decide on further privatisation of the commons.
2. People were observed trying to hide cases of land grabbing/illegal occupation from the committee, hoping that committee members would turn a blind eye. But not all committee members accepted this. These individuals may come under heavy pressure. For example, in East Gojam zone a chairperson chosen by the village is now greatly disliked by some community members because he challenged illegal land occupations.
3. At present, the dominant cases of conflict and crimes observed by the police in the region are due to conflicts that have arisen as a result of illegal land sales, despite federal laws prohibiting these transactions. Many people are said to have sold some land. As 1997 was used as a benchmark during the registration process, many previous users reclaimed their sold lands, while not compensating the 'buyers'. Such cases are said to be leading to conflicts and even murder.
4. On another level, the regional constitution states that land administration is the mandate of the political administration structures at the regional, zonal, *woreda* and *kebele* levels. Presently, it is the land administration desk which is responsible for allocating and also withdrawing user rights. It is said that some political administrators at *woreda* and *kebele* levels are of the opinion that the land registration and certification process may reduce their control over smallholder farmers, who then may become less loyal, less willing to attend meetings or accept orders.
5. In effect, EPLAUA seems mandated to handle land administration in the region. This lack of clarity seems to have caused some clashes between *kebele* administrators and EPLAUA. To implement the land registration process, committees are formed at *kebeles* and sub-*kebele* levels, supported by the *woreda* land administration desk. However, the guideline orders that a copy of land registration data be submitted to the *kebele* administration, but not to the *kebele* EPLAUA committee. Some observers argue that this may allow the *kebele* administration to interfere in the land matters. Cases were mentioned of *kebele* administrators who gave 'lands without an owner' (due to migration or death of the previous holder) to open auctions for rent or lease. Later, EPLAUA is reported to have intervened and passed orders to stop this, arguing that this is not the mandate of *kebeles*.

### 5.2 Which groups are losing and winning in the registration process?

Losing and winning is not necessarily a direct result of the process of land registration. The government's land policy is egalitarian in the sense that farmers have equal amounts of land following the 1974 land reform and subsequent administrative redistribution activities. However, the last large land redistribution in Amhara took place in 1997, and now more and more young farmers are landless, relying on sharecropping and renting land. The national av-

erage of landlessness is 11% (EEA/EEPRI, 2002). For these landless farmers, land registration is a sign that acquiring land through a new land redistribution is increasingly unlikely.

In the Ethiopian context, inequality seems to be derived by the (informal) land market mechanisms. Poor land-holding farmers lease, contract or rent out their farm lands to the relatively better-off, when in need of money, grain, or when they lack resources (oxen, seed or labour) to utilise the land effectively. In the case of 'mortgaging', when they fail to pay back the money, they lose the land for a longer period of time or even permanently. In essence, this becomes a kind of informal land sale.

Those who have difficulty defending their rights (particularly divorced women sharecropping the land with their ex-husband, those in disputes over inheritance, elderly people) may be at risk that their land will be registered in somebody else's name if the committee is not vigilant (Askale, 2005). Askale (2005) showed the risk to women of land registration. Though gender equity is supported by constitutional and policy commitments, concerns remain over the persistent gap between policy and practice. Most local land administration committees contacted for the study were composed of men only. Local leaders and government officials had not promoted women's participation in local land administration committees because they perceived the work involved is too difficult for women. Also, few women participated in meetings held about the registration process. However, where women were on the committee they did intervene to protect the rights of women.

Women who are particularly vulnerable are divorcees. Experience has shown cases of joint titling where husbands refuse to allocate half of the land to the ex-wife, as stipulated by law; where husbands try to avoid listing their wife's name; boundary issues and land being sharecropped over a long period by ex-husbands or male family members. Women who are most vulnerable are economically poor and those who lack family support and other social links. Recently, the land administration desk officers have realised the implications of the lack of women's participation and have instructed the community to include at least two women in the *kebele* land administration committee (Askale, 2005).

The land administration guidelines provide a rule that says holdings that are less than 0.2 hectares (for rain-fed land) and less than 0.06 hectares (for irrigated land) will be given only a group rights certificate. The law does not allow splitting land when the new parcel will be less than 0.2 hectare. When during registration someone claims a share of land that is smaller, then the person will only get a group certificate. This also refers to the situation when land inheritance will lead to holdings less than 0.2 hectares, even when just for residential purposes. While a concern for preventing further land fragmentation is understandable, this might negatively affect the security of rights of the poorest of the poor.

As part of the government's programme of intra-region resettlement, people are moving voluntarily from the degraded and land-scarce highland *woredas* to the better land and more sparsely populated lowland *woredas* to improve their food security. In some instances, the original settlers of those places are denying newcomers the right to certify land. They are unable to register the land they work in their names, thus forcing them to return to their places of origin. These migrants were not supported by local administrators, even although their resettlement was part of a government priority agenda.

Although not a direct result of land registration as such, there is a tendency to change the existing land use pattern. In some of the *woredas* involved in land registration, 'privatisation' of the common lands is proposed, in particular grazing for livestock and enclosures<sup>23</sup>. The objective is to overcome land scarcity, promote the reconversion of pasture lands in valleys into irrigated cropping, and control of numbers of livestock that are said to be overgrazing the commons. There is a worry that privatising grazings and wetlands will affect livestock husbandry in particular in the case of (near) landless people with some livestock who rely on access to the commons. They will become even more marginalised.

<sup>23</sup> There is no adequate information yet as to how the land registration has affected the natural resources management system, communal holdings, the hillside enclosures under group management, etc.

## 6. CONCLUSIONS AND THE WAY FORWARD

### 6.1 Conclusions

Land policy and administration in Ethiopia has moved high up the policy agenda over the last few years and remained the object of much discussion. The engagement of a wide range of stakeholders, such as government officials, academics, civil society organisations, NGOs, opposition political parties and even donors is leading to some change. The government acknowledges that land tenure insecurity exists in Ethiopia and contributes to the sub-optimal management and use of land and natural resources. Steps taken to improve land tenure security are the introduction of land registration and title certifications programmes in four major regional states. Tigray was the first State to start a process of comprehensive land registration. Amhara is following suit but adopting a more sophisticated approach toward land administration. Moreover, certification of land use rights is combined with a strategy of combating land and environmental degradation as a major objective.

While the process in Tigray seems to have been relatively free of disputes, in Amhara conflicts of a diverse nature have been reported emerging from the process of land measurement and registration. These disputes are related to illegal annexing of lands after the 1997 land redistribution, informal land sales, boundary demarcation disputes, inheritance disputes, rights and access of resettled people, etc. Currently, due to lack of clear guidelines and mandates for conflict resolution, farmers are said to be wasting their time and resources by travelling from *kebeles* to the regional capital in search of justice for their causes.

Our survey in four *kebeles* where land registration took place shows that the level of understanding and awareness of the community members about the process is low, but varies across the *woredas*. It implies that more work needs to be done when introducing the programme and more care is needed to make sure that women are informed and participate. Women's participation in land registration committees is limited and some are also at risk of not getting their rights certified. Awareness-raising, information and communication with the beneficiary communities need to be strengthened in both the *kebeles* which have undertaken land registration and those which will do so in the future. Lack of sufficient and effective communication will hinder attaining the desired goals.

Importantly, assessment at the community levels show that a number of respondents did not want to register land, but were told to do so; although why this is the case was not clear. On the other hand, most respondents believe that land registration will have a beneficial effect on land conservation. Other reported perceived advantages of land registration and certification include better tenure security, and the opportunity to lease land over a longer period of time. Few have reported a benefit that land registration would end land redistribution. Some fear less access to communal lands. However, understanding the actual impact of land registration on land use requires further monitoring and evaluation.

EPLAUA assumes that by issuing certificates, these can be used as collateral for bank loans, thus promoting investments. However, at present, using certificates as collateral is not possible according to the federal rules for bank operation<sup>24</sup>. Moreover, banks and other investors may not even be willing to accept certificates because in case of default land cannot be sold, as this is forbidden by the national law. In addition, it is thought that managing small and fragmented land parcels of peasant holdings will be costly for formal financial institutions.

Although the region has been undertaking both the cadastral survey and the 'traditional approaches' of land registration simultaneously, there is no clear indication of the goals and the rationale of the cadastral survey approach and its links with the traditional approach. As it stands now, it is difficult to understand how the cadastral survey contributes to the wide-scale land registration in the region.

Last but not least, in addition to land administration, EPLAUA is also responsible for natural resource and environmental management. The land administration proclamation as well as the duties of land users listed on the certificates stress that confirmed failure to properly manage landholdings will lead to losing user rights. The question is whether technical indicators and standards on proper land management can be developed that are un-

<sup>24</sup> Policy regulations in Amhara region are said, however, to allow possessory mortgaging (not mortgaging the property, but the user right).

ambiguous, fair to poor farmers, and enforceable, while not becoming a new source of tenure insecurity. It remains unclear what legal mechanisms exist to guarantee that land registration and title certification will give more tenure security for land holders.

## 6.2 The way forward

By way of recommendations, the following issues need consideration to improve the efforts of establishing an efficient land administration system in the region which will improve land tenure security for all people, including the poorest and most vulnerable.

**Improving awareness raising.** Greater attention is required at the early stages of the process to ensure there is a broad understanding of land registration. More information and better communication at this stage will encourage participation by local people. Particular efforts should be made to ensure women's participation.

**Capacity building.** EPLAUA should be strengthened in its capacity and management, particularly at the grassroots levels where the actual work takes place. Staffing and sustainable budgeting of the necessary programme activities deserve attention. Realistic activity plans must be set so that, given the sensitivity of the land issue, suspicion will not be created in rural areas as a result of a delay in handing over the title certificates after land is measured and registered.

Committees of farmers are bearing a large part of the workload of measuring and registering landholdings. More capacity building and training on the land registration process is required, and support with materials. A small incentive for the time they spend on this work would be beneficial.

**Dealing with conflicts.** It is very important to give attention to potential conflicts that may emerge during the land registration process and develop ways of preventing these from emerging or resolve them. A clear guideline and support for conflict resolution is crucial for the programme to reach its desired goal. Particular emphasis is needed on mediation and conflict resolution at the community level. Capacity building for local level actors would improve dispute resolution mechanisms, such as local level courts. These institutions are most important for more vulnerable people (the elderly, women and youth) who may not be able to access the formal court system easily.

**Clarification of the role of technology.** A clear goal and rationale of the cadastral survey approach and its links with the traditional approach needs to be developed and communicated. Given that the pilot is an expensive venture, its benefits must be weighed against the costs so that the limited donor resources and support can be allocated for activities which will have a realistic and broader effect on the ground in terms of land administration.



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## 8 ANNEXES

### Community participation in the land registration process

**Table 5: Source of information about land registration process (percent of respondents by woreda)**

Sources of information	Bahir Dar Zuria	Fogera	Gozamen	Meket
Heard from <i>kebele</i> administration	61.0	61.2	57.1	85.3
Heard from <i>woreda</i> administration	22.0	18.4	14.3	10.7
Heard from other farmers	12.2	12.2	25.0	4.0
Heard on radio	4.9	6.1		
Heard from <i>woreda</i> bureau of Agriculture		2.0	3.6	
Know that discussion was held on registration	35.9	81.6	76.0	63.0
There was no meeting organised on land registration	43.6	14.3	24.0	9.6
I do not know	17.9	2.0		27.4
Other	2.6	2.0		
N	42	52	29	77

Source: survey data.

**Table 6: Criteria for selecting land administration committee (percent of respondents by woreda)**

Criteria for selecting committee members	Bahir Dar Zuria	Fogera	Gozamen	Meket
Being educated	15.2	35.2	33.3	47.0
Being a member of <i>kebele</i> administration committee	28.3	20.4	19.0	4.5
Being no different from other farmers	10.9		9.5	30.3
Being rich	13.0	9.3	19.0	
Having knowledge about land registration	17.4	14.8	14.3	9.1
Others	15.2	20.5	4.8	9.1
N	42	52	29	77

Source: survey data.

**Table 7: Reasons for not standing for election for the land registration committee (percent of respondents by woreda)**

Reasons for not standing	Bahir Dar Zuria	Fogera	Gozamen	Meket
I am not educated	23.1	34.0	41.7	25.4
I am a poor farmer	2.6	4.0		14.9
I do not want to engage in such an activity	15.4	14.0	8.3	28.4
I am regarded as a rich farmer	0	6.0	8.3	1.5
I do not know	12.8	28.0	20.8	28.4
Others	46.2	14.0	20.8	1.5
N	42	52	29	77

Source: survey data.

**Table 8: Willingness to register land (percent of respondents by woreda)**

Willingness to register land	Bahir Dar Zuria	Fogera	Gozamen	Meket	Total
Yes wanted to register land (%)	21	35	7	18	22
No, we were told to register land (%)	31	44	59	47	45
I did not want to register land (%)	24	12	14	9	14
N	42	52	29	77	200

Source: survey data.

## Perceived benefits and effects of land registration

**Table 9: Problems and constraints of land resources (percent of respondents by woreda)**

Constraints of land resources	Bahir Dar Zuria	Fogera	Gozamen	Meket	Total
Lack of tenure security	7.7	5.8	7.1	15.3	9.1
Land scarcity	16.9	27.9	19.0	48.6	29.4
Low fertility	10.8	12.8	14.3	4.2	10.2
Remoteness and/or lack of land market	20.0	14.0	26.2	5.6	15.1
Poverty and lack of inputs	15.4	14.0	7.1	18.1	14.3
Other problems	23.1	16.3	19.0	1.4	14.3
No problem	6.2	9.3	7.1	6.9	7.5
N	42	52	29	77	200

Source: survey data.

**Table 10: Advantages of land registration (percent of respondents by woreda)**

Advantages	Bahir Dar Zuria	Fogera	Gozamen	Meket	Total
Better tenure security for smallholders	41.9	28.3	38.1	26.2	31.5
Will enable the smallholders lease land for many years	20.3	11.8	14.3		9.9
Will enable smallholders to rent-in more land	16.2	8.7	14.3	2.5	8.8
Will enable smallholders to plant permanent crops and trees	6.8	18.9	7.1	18.9	15.1
Will enable better soil and water conservation	9.5	15.0	11.9	16.4	14.0
Will allow smallholders to rent-out land and search for other job	4.1	8.7	9.5	4.9	6.6
Will enable smallholders to use the land as collateral for loan		3.1	2.4	2.5	2.2
It will prevent any further land redistribution		3.1		.8	1.4
It will not have a different benefit				13.9	4.7
It is difficult to know the benefit in this short period	1.4	1.6	2.4	13.1	5.5
Others		.8		.8	.5
N	42	52	29	77	200

Source: survey data.

**Table 11: The effect of land registration on conservation (percent of respondents by woreda)**

Effect on conservation	Bahir Dar Zuria	Fogera	Gozamen	Meket
Will have an effect	83.3	93.9	83.3	59.1
It may have an effect	12.5		16.7	18.2
I do not know	4.2	6.1		13.6
I do not believe will have effect				9.1
N	42	52	29	77

Source: survey data.

**Table 12: Effects of land registration on common lands (percent of respondents by woreda)**

Effects on common lands	Bahir Dar Zuria	Fogera	Gozamen	Meket	Total
No effect	6.3	18.9	10.0	20.0	15.7
Will limit use of common lands	25.0	43.2	25.0	25.7	29.6
Yes, but are cannot be seen now	34.4	18.9	35.0	22.9	25.8
I do not know if there will be an effect	34.4	16.2	30.0	31.4	28.3
Others		2.7			.6
N	42	52	29	77	200

Source: survey data.

**Table 13: Effect on land markets (percent of respondents by woreda)**

Effect on land markets	Bahir Dar Zuria	Fogera	Gozamen	Meket	Total
No change	40.4	44.6	22.2	41.8	39.2
Land sharecropping will increase	22.8	18.5	19.4	7.6	16.0
Land sharecropping will decrease	8.8	10.8	30.6	6.3	11.8
Land renting will increase	7.0	10.8	8.3	5.1	7.6
Land renting will decrease	5.3	9.2	5.6	1.3	5.1
I do not know what will happen	15.8	6.2	13.9	38.0	20.3
N	42	52	29	77	200

Source: survey data.

**Table 14: Who will benefit most from land registration? (percent of respondents by woreda)**

Who will benefit ?	Bahir Dar Zuria	Fogera	Gozamen	Meket	Total
Poor peasants	10.0	18.2		16.7	14.0
Women farmers	30.0	18.2			11.6
The youth	40.0	18.2			14.0
The rich farmers		45.5	75.0	11.1	23.3
The landless	20.0		25.0	72.2	37.2
N	42	52	29	77	200

Source: survey data.

**Table 15: Socio-economic profile of the studied sample households in four woredas**

Items	Bahir Dar Zuria	Fogera	Gozamen	Meket	Total
Average family size (No)	5.3	5.6	5.6	3.4	4.7
Average age of household heads (No)	42	43	42	42	42
Level of education of sample population (%)					
Illiterate	28.7	23.1	25.7	12.8	
Read and write	5.9	9.4	11.2	3.4	
1-6 grade	53	64.3	54.6	74.4	
7-8 grade	5.9	2.7	5.3	5.6	
9 -12 grade	5.9	.4	2.6	2.3	
Above 12 grade	.5	23.1	.7	1.1	
Households engaged in land transfer the in last 3 years (%)	50	64.4	28.6	28.8	
Households didn't engage in land transfer in last 3 years (%)	50	35.6	71.4	71.2	
Average land holding (ha)	1.20	1.85	2.27	1.91	1.79
Average size of livestock owned by households (No)					
Cattle (No)	1.83	6.31	4.10	3.01	3.78
Sheep and goats (No)	1.76	1.69	4.72	1.18	1.95
Pack animals (No)	.36	.64	1.48	.56	.67
Poultry (No)	10.3	6.0	11.1	3.2	6.6
Oxen (No)	.6	2.3	1.9	1.4	1.6
Households without oxen (%)	73.8	23.1	34.5	42.9	
Households with at least one ox (%)	26.2	76.9	65.5	57.1	
Food grain produced (qt)	7.3	15	18	17.8	
Food grain consumed (qt)	2.9	8.2	8.6	10.9	
Per capita grain produced (kg)	165.5	293	348.3	603	
Per capita grain consumed own produced (kg)	54.6	149.3	173.5	364.3	
Percent grain consumed own produced (%)	42.4	57	48	62	
Food self sufficient from own produce (%)	28	72	61	30	
Not food self sufficient from own produce (%)	72	28	39	70	
Total household income (birr)	3969	2864	2989	2362	
Share non-farm income (%)	46	20	14	43	
Total household expenditure (birr)	2514	1313	1544	975	
Per capita household income (birr)	814	544	586	847	
Per capita household expense (birr)	540	263	288	360	
Share of food expenditure (%)	52	26	35	46	
Have a radio (%)	48	38	48	35	
Who consider themselves poor (%)	34.2	38.8	26.3	28.8	
Who consider themselves medium (%)	52.6	42.9	36.8	69.5	
Who consider themselves rich (%)	13.2	18.4	36.8	1.7	
Have corrugated iron-roofed house (%)	48.7	24.5	20.8	22.1	
Have only huts, grass- roofed (%)	12.8	51.0	25.0	58.8	
Own both types of houses (%)	38.5	24.5	54.2	19.1	
N	42	52	29	77	200

Source: survey data.

## Socio economic profile of the studied households in selected woredas

The four *woredas* present some differences and diversity. In this survey 200 households were interviewed of which 14.5% are female-headed households. The average family size is between 5.3 and 5.6 except in Meket where the average is lower (3.7). The average age of the interviewed household heads is found to be similar (42 years). The data seem to overestimate the level of literacy in the region, particularly in Meket area<sup>25</sup>. The average holding (cultivated, grazing land, forest and homestead included) is 1.78 ha, which is slightly above the regional average. Average holdings are smallest in Bahir Dar Zuria (1.2 ha) and largest in Gozamen (2.27 ha). Despite the existence of land scarcity in the region, only a few of the sample households reported migration of some members to local and other big towns, such as Bahir Dar or Debreworkos. The data could be under-reported as leaving one's area is not socially acceptable and is not well viewed by community leaders.

A significant number of the households engaged in land transactions (rentals and sharecropping) during the last three years. In Bahir Dar and Fogera, land markets seem to be most active – 50% and 64% of the households, respectively, reported transactions, compared with 29% in both Gozamen and Meket.

On average, households reported owning 3.8 heads of cattle and 2.0 small ruminants, but there is a variation between the areas. Fogera area has the largest herds (6.3 cattle and 1.9 small ruminants) and Bahir Dar Zuria the smallest (1.8 cattle and 1.8 sheep and goats). This result is understandable given the lack of grazings in Bahir Dar Zuria where garden plots with the bush *t'chat* and vegetables dominate. Over 70% of the households in Bahir Dar Zuria do not have oxen, 43 % in Meket, 35% in Gozamen and 23% in Fogera. Possession of oxen is essential for cultivating the farm land on time.

Household food self sufficiency is highest in Fogera (72%), followed by Gozamen (61%) and 30% in Meket. This figure is lowest in Bahir Dar (28%) but here farmers rely on cash crops (*t'chat*). Households near Bahir Dar report a total income close to 4000 Ethiopian Birr while those in Meket earn about 50% less. Off-farm income contributes largest share to the household income in both Bahir Dar and Meket areas. Off-farm activities reported include: day labour, firewood cutting/gathering, dungcake making and selling, church services, fishing, cutting wood, and *t'chat* trading. In Meket, food-for-work in land conservation is a common off-farm job opportunity.

In terms of own perception of social status (wealth relative to other community members), about equal percentage of the households (between 26% and 34%), but slightly higher in Fogera (38%), consider themselves as poor. While significantly lower numbers consider themselves as rich in Meket (2%), it is a significant share in Gozamen (37%). The type of house owned is regarded as a proxy for wealth in rural communities. In this respect, corrugated iron-roofed houses are owned by 49% of the households whereas in the other 3 zones this varies between 21 and 25%.

## 9. MAP. LOCATION OF AMHARA REGION IN ETHIOPIA



**Land Registration in Amhara Region, Ethiopia** assesses the process to establish a system of land registration and improve land tenure security, and its outcomes for poor and marginalised groups. The registration process is generating conflict at the local level, due to illegal land grabbing, encroachments into common lands and land sales. Those who are likely to be marginalised by the ensuing disputes include youth, for whom landlessness is a real concern, and migrants. Women, especially divorcees, and the elderly are other groups which are vulnerable to marginalisation, as they often have to look to others to sharecrop their land. There is also a fear that land registration will lead to 'privatising' common lands, so important for the landless. For land registration to yield the anticipate benefits of tenure security and environmental conservation, more emphasis is needed on awareness raising, capacity building at woreda (district) and community levels, support for conflict resolution mechanisms, and women's involvement in the process.

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