

# Disentangling Rural Land Certification Processes and Practices In Ethiopia: The Case of Bahir Dar Sub-Urban District, Amhara Regional State

Zemenu Demeke Gebeyehu

Department of Rural Development and Agricultural Extension, Haramaya University, Dire Dawa, Ethiopia

## Abstract

The study examines the rural land certification practice of Environmental Protection Land Administration and Use Authority and the land users' tenure security in Amhara region, Ethiopia. The land certification process has been involved in four main regions of the country since 1998 with aims to provide land tenure security. The aim of this study was to provide a full picture of the current perspective of certified land holders by comparing with intended certification objectives for tenure security. This paper composed of feed backs form institution and land user who are using land certification. Case study methods used to investigate the two Keble land certification practice in Bahir Dar sub-urban district. The 'critical perspective' of land tenure security is preferred rather than the 'conventional view' of land titling. This study concluded the assumption that land titling is seen and designed as a linear process which can be controlled and managed by the state and specific set of institutions is not realized in the villages. There is a critical need to look for land titling approaches beyond the linear models and which take on board the experiences of land holders with both the 'customary' land arrangements and those that related to the land titling process.

**Keywords:** Land titling, public Information, Enforcement, Tenure Insecurity

## INTRODUCTION

Many scholars and development agencies have been reiterating that absence and/or unfitting land tenure security policy in Africa. This is one of major obstacles that discourage African farmers to become productive from their plot of land (Hagos and Holden, 2013). Especially, since 1990s issue of land property rights has been top agenda in development policy of African nations (IFAD, 2001; Holden et al, 2011), which is due to multifaceted factors like expansion of urbanization and increasing demand for land by investors that evict rural farmers from their land often without compensation (Deininger et al, 2009). Cognizing the fact, the African governments have been attempting to resolve land right issue through enacting new rules of land use, land registration and certification that may tackle adverse socio-economic outcomes.

Theoretically, ensuring property right of land to poor rural farmers of Africa has a lot of benefits (Deininger et al, 2007). In practice, however, almost no country in Africa that has successfully implemented legal reform in land property rights and publicized appreciable progress at grassroots (Ibid). Thus, plethora of scholarship has suspected practicality of land legislation reforms in the continent due to "technical, institutional, and political [factors]" (see Deininger et al, 2007). Even famous scholar like (Easterly, 2008) is critical of titling and argues that traditional top-down intervention of land registration and certification may further disempower land users rather than empowering them as ideally intended.

It is in middle of this debate when in 2006 Ethiopia enacted the largest rural land certification program in Africa in the last decade. Many empirical studies have already been conducted to explore the successes and/or failures of the program more or less from economic aspect. As first impression, (Deininger et al, 2007) have surveyed implementation processes in Amhara Regional State in terms of cost and initial impacts and concluded that the program is "highly cost-effective first-time registration process [that] provides important lessons". Deininger et al (2009) also on Ahmara Region conclude that despite of some policy constraints, the program has increased land related investment. On the contrary, the study conducted in Tigray Region by (Hagos and Holden, 2013) shows that land certificate has no significant impact on productivity of individual farms unless the certified farms are linked with other financial and institutional services. Through the lens of actor oriented perspective, the purpose of this paper is to unpack overall policy process of certification from micro-level practices to meso-level responses by critically focusing on involved actors in certification process, their knowledge and space created by land certification legislation. In that, we strongly believe, we would go beyond single dimensional econometric measurement of success and/or failure of the program and show how and why the certification program has been practiced the way it is.

## Conceptual Framework and methodological approach

Methodologically, the study revolves around unpacking the assumptions made by the conventional view to design and implement land titling in the South. The critical literature points out that there is a discrepancy between theory and practice of titling. Keeley and Scoones (2003) and McGee (2004) focus on two related and

important mechanisms that explain the discrepancy between policy and practice. Policies are frequently ill-conceived and derived from assumptions about rural realities that are not founded in fact. They are often based uncritically on the 'received wisdom' of the development field and contain assumptions about empirical reality that have not been tested in the conditions in which the policies will be applied (see also Leach and Fairhead, 2000). Often the conventional view on land titling is in fact one of such received wisdoms: land titling provides security of tenure, secure investment and there increasing agricultural output. This leads to 'bad' or ill-informed policy choices (Keeley and Scoones, 2003). Moreover, the national statistics that inform policies are not always reliable, available and up-to-date (Jerven, 2010) and frequently fail to adequately reflect developmental trends at local and grassroots level. Scott (1998) describes this phenomenon as 'seeing like a state.' State policies are riddled by regulations that are not only designed and fine-tuned by the state and the experts it employs but monitored by them as well. Projects are the institutional vehicle for the implementation of a rationalist, technicist, modernising approach to development.

The set of ideas and assumptions that inform land titling policies (and thus the conventional approach to land relationships) can be listed as follows. What connects this assumption is the role of the expert and their body of knowledge and ideologies they tap from and are inspired by. First, land titling is seen and designed as a linear process which can be controlled and managed by the state and specific set of institutions. We will argue that the land titling programmes assumes that all land is owned and managed by the state. It is assumed that state ownership has replaced previously existing land tenure regimes. Locally embedded and historically experienced relationships between people concerning land are ignored and not seen. Second, land titling assumes that boundaries can be drawn between land parcels. The idea and technology of demarcation departs from the notion that the issues of overlapping rights can be solved. Land is conceptually treated as a one dimensional resource that is pre-dominantly meant for productive purposes. Any other usages and meanings are largely ignored and/or downplayed. Third, the institutions that implement land titling are perceived as being in place, properly working (that is equally) and neutral in its orientation. As the critical literature argues this is far from reality encountered in land titling and land tenure reform programmes in Africa. The unpacking of the assumptions offers guidance and direction for a scrutiny of land titling practices in Ethiopia and elsewhere.

Among the four regions in which land certification has been implemented, Amhara region was purposively selected. This was due to: farming is the main source of livelihood, the region experienced with high Level of land degradation (relatively to other region), and easy for me to understand the language of this region. I strategically selected Bahir Dar sub-urban district as a context. It was strategic in that I deliberately selected this district in which some farmers are have permanent certification and a number of farmers have temporary certification. I choose Anedasa and Wenedata Keble in district because it helps to understand the phenomena in depth and also to get the accurate individual related to the issue.

## **Literature Review**

### **Two Divergent Perspectives on Land Titling**

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

### **CONVENTIONAL PERSPECTIVE**

Many have argued for the necessity of issuing title deeds to African land holders, or as well as in the colonial past (see e.g. Simpson, 1954; World Bank, 1974; Feder, 1988) which legitimised a series of state interventions during the colonial and post-colonial period to reform land-people relationships. Land reform programmes were carried out in Africa with the objective to issue freehold titles (Benjaminsen, 2008). However, these programs not always succeeded or were only partially implemented. Commenting on the importance of land certification on tenure security Deininger et al. (2009) argued with support from empirical evidence that land titling greatly reduces the perception among land users that land will or can be expropriated. Stein et al, (2007) found that in Tigray, in the northern part of Ethiopia found that those households with certified land perceived a lower risk of eviction and greater likelihood of receiving compensation. The World Bank (2010) puts forward that land titling reduces conflicts about land, encourages farmers to invest in the land to generate economic growth, encourages sustainable forms of land use and improves women's economic and social status. Land titling also allows land users to rent out their land in return for cash. Holden et al (2009) have shown that female heads of household were more likely to rent out the land due to land certification.

Proponents on this 'Conventional View' argue that the titleholder can reasonably expect his or her property rights to be enforced provided that there are proper and well working institutions to safe guard the rights and on the basis of that the owner of the property will be induced to make long-term property investments. This condition, accompanied with better access to formal credit, is anticipated to lead to higher levels of investment in agriculture, more production, higher land prices and a better-functioning land market.

### CRITICAL PERSPECTIVE

Many authors argue that land certification may not bring land security for all land users. For example, evidence from India shows that land titling programs benefit the wealthy and powerful at the expense of the poor and marginalized citizens (Besley and Burgess, 2000; Cotula et al., 2004; Deininger et al., 2003).

Scott (1998), in his book "Seeing like a state" used the notion of "legibility" to show how the modern state imposed orders upon those aspects of the society that it needed to understand and control. According to him 'the order is imposed by simplifying complex phenomena such as land ownership'. The point that Scott makes is on the one hand that the state's view on land-peoples relationships and tenure are imposed on people. On the other hand these do not resonate necessarily with rural reality. The view of the state may contrast sharply with existing people's ways of dealing with land relationships and the issues that arise from them. The state view on land hinges considerably on the views of experts. Scott,(1998) but also Keely and Scoones, (2003) are extremely critical about the role of experts in the design of land related interventions (see also Boergaard, 2005). The views and experiences of experts requires scrutiny and questioned need to be asked about their knowledge base. Broegaard (2005) shows that a series of critical factors that come into play are: the institutional set-up that enforces the right of the land users, the process and the technology of demarcating the boundary between land parcels, access to public information to land user are also equally important.

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

### RESULT AND DISCUSSION

#### What is Rational of Land Registration and Certification by Government?

The government introduces a new measure of land registration and certification by take in to account the following rationality. In one hand to bring greater tenure security for land user and also partly to address the series of food crisis that the country faced .In another hand ,to response to the criticism of the rural development policy by opposition party in the country and by donor community from outside. The criticism based on the argument that State ownership of the land constrains land market, farmers' investment, thereby 'decline land productivity and increases unsustainable land use practices. The main concern in this study is the first rationality of the certification process to see how this land certification process is implemented in the situation of complex land tenure in the study area.

The government associated the certification program with a widespread range of objective. To mention some of them are: to trim down land dispute, to provide secure right of tenure to peasant farmers and protect the right of susceptible groups ,such as women ,to facilitate the land use planning and management of the community, and to provide better occasion for access to credit (Solomon et al.2006;Deininer et.al 2007). With this assumption the government stated to answer the tenure issue in direct way by organizing the responsible institution. The following section indicates the theoretical basis of the tenure security. I used titling and certification interchangeability in this study, as the government has been doing the certification process for titling the use right.

#### INSTITUTIONAL LIMITATIONS

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

agricultural office, three experts per Keble existed.

### **AN INSTITUTIONAL OBJECTIVE**

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

Land certificates are intended to serve as solid evidence for all land transactions. Hence, land users have to visit the EPLAUA office in order to secure rented, donated and inherited land tenure each time that a transaction takes place. Farmers were reluctant to go to the EPLAUA office to deal with every aspect of the transaction, because it costs time and money to follow the formal procedure. Often, farmers or land holders relied on the traditional or customary transaction arrangements their village even if these are not legally acceptable. The legal process of returning back the sold use right via trust has created more disputes among land users. This practice challenges the existing social relations (marriage, helping each other through sadness and happiness) of the villagers.

### **MAN POWER FOR LAND CERTIFICATION PROCESS**

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

### **DISTRICT LEVEL**

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

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

### **KEBLE LEVEL**

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

### **DEMARCATIION AND ENFORCEMENT OF RIGHTS IN PRACTICE.**

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

### **DEMARCATIION OF PARCEL OF LAND**

EPLAUA uses physical markers such as hedges, trees, stones etc for the identification of a piece of land on registration forms and personal certificates. I found it was very low cost, locally well-understood and locally available choices that land is quantified using traditional measures (time required to plough). They demarcated in some case with the names of the family head, four neighbours, and a neighbourhood within the village. However, in some case only the committee without involvement of villagers identified the boundary and give the certificate without putting boundaries on the ground. Moreover, in the certification book only four boundaries have been identified, but in reality land is bounded by more than four bounders. As result boundary, has been one source of dispute for farmers.

### **LEGAL ENFORCEMENT MECHANISM OF THE INSTITUTION**

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

### **VIEWS AND EXPERIENCES OF VILLAGERS AND FARMERS WITH LAND TITLING. LAND USERS PERCEPTION FOR LAND CERTIFICATION**

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

### **PRACTICE OF RENTING THE LAND**

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

## **LAND INHERITANCE**

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

## **LIMITED MOTIVATION FOR SOIL & WATER CONSERVATION**

The study by Tesfu (2011, p 10) shows that the land tenure security is not a precondition for farmers' "decisions on soil conservation practices", because, according to him availability of labour at household level and education levels also affects the decision about soil and water conservation. Other studies note farmers' awareness of water and soil degradation in Ethiopia (Belay, 1992, 1998; Tekie, 2001) and show evidence of farmers who apply indigenous conservation practices in degraded areas of Ethiopia (Kruger et al, 1996). In Anedasa and Wendata villages, there is a high demand for arable lands for farmers. As a result they have a tendency to get the right to land through rent and inheritance from family and relatives. However, the long lasting institutional (governed by EPLAUA) process response to these high demands for arable land has led to more land related conflicts. These conflicts constitute a threat to soil and water conservation and other perennial crop investments. Currently the land users are involved in collective Soil and water conservation practices and it appears that they do not do it individual. This shows that even if farmers have indigenous knowledge of conserving the land and are aware of soil degradation, they did not need to keep their land. Informant farmers are unsure what may happen in the near future concerning their land use. They expend their labour and time to secure their rights and look for solution for land dispute from the institution. Meanwhile some of them do not have the security to invest in growing perennial crops. As viewed by informants the function of the rural land certificate for soil and water conservation is declining. Moreover the process of certifying the land has created disputes due to the weak capacity of the institution to identify the right land holders.

## **WOMEN LAND USE RIGHT**

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

In the study village the institution that implementing the rural land certification was not strong enough to establish the right committee, to create awareness, to resolve the conflicts and to implement EPLAUA's stated objectives. This limitation of the organization affect women's agency to exercise their use rights and erodes their traditional means of making a living. The process of certification poses challenges to the livelihoods of some

rural villagers, because it is common to see many farmers in the EPLAUA office who are awaiting solutions for their land related problems. During the weekend (Sunday) and even in working days more people come to the local office to deal with their certification. Those who are able to afford the transport and other costs to access institution were travelling 20km to reach the various levels (Keble, District, Zone, and Region) at different times of the week. They used working days of the week for travel to district because these offices are open only on working days. Some of the land holder would not be returning to their usual activity because they had failed to secure their use right of land. For example, one of my female informants gets additional income from preparing local beer to secure her livelihood. However this activity is challenged by the process of securing land. She used existing social networks, knowledge, labour and markets to generate income for their livelihoods. However this social network is damaged by the weak implementation of the certification process. Hence, external bodies (EPLAUA officers) need to recognize the multiple means of livelihood rather than only considering formal livelihoods. Moreover, the certification process has not only challenged alternative means of livelihood, it has also challenged traditional land transactions (eg. renting, inheriting of family land) which has used by villagers for ages.

### **COMPENSATION PAYMENT FOR EXPROPRIATION RURAL LAND**

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

### **ROLE OF LAND EXPERTS IN THE PROCESSES OF LAND CERTIFICATION.**

#### **LIMITED PARTICIPATION OF LAND USER IN CERTIFICATION PROCESS**

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

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

### ***IMPERFECT REGISTRATION OF RURAL LAND***

The district branch of EPLUA showed progress in providing the first stage certification book. Currently, they are involved in the second rechecking by naming the land holder in front of people rather than checking the information on the ground. Hence another second rechecking process may be required. For instance, from the total land users in the district, excluding those who used temporary certification, the land use rights of 28,099 farmers land were wrongly registered in the land certification process. This result showed that the first stage of certification was not considering the reality on the ground. As a result of these imperfections in the certification process the rural land user is misunderstanding their use right of the land and the meaning of the certification book. Hence rural land certification will increase rates of land tenure insecurity in the context of a weak implementation process.

### ***LAND RELATED CONFLICT***

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

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

### ***CONFLICT RESOLUTION***

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

### ***CONCLUSION***

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

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