

# Land Registration vis-a-vis Inheritance Disputes: The Case of Menz Gera Midir District, Amhara State, Ethiopia

Ayele Behaylu<sup>1\*</sup> Tahir Hussain<sup>2</sup>

1. Department of Geography and Environmental Studies, Adigrat University, Ethiopia

2. Professor, Department of Geography and Environmental Studies, Adigrat University, Ethiopia

\*Corresponding Author: [ayeleyby@gmail.com](mailto:ayeleyby@gmail.com)

## Abstract

In addition to securing property rights and agricultural development, land registration and certification has been perceived as an important means for reducing inheritance disputes. The objective of this study was to investigate the role of rural land registration and certification program in reducing inheritance disputes in Menz Gera Midir District in Amhara State. Data for this study were collected through questionnaire, case studies, interview of farmers and experts of the court and focus group discussions. About three hundred households were taken as sample population for the questionnaire. A total of three hundred eight households were participated in the focus group discussions. About thirty five individuals were interviewed. The data collected through questionnaire were analyzed quantitatively; whereas data collected through focus group discussions, case studies and interviews were compiled, summarized and interpreted qualitatively by cross checking with responses of questionnaires. The findings of this study confirm that in Menz Gera Midir District rural land registration and certification reduced inheritance disputes.

**Keywords:** Rural land registration and certification, bequeath, inheritance, inheritance disputes

## INTRODUCTION

In many Sub-Saharan African countries inheritance is one of the major ways of acquiring land (Migot-Adholla *et al.*, 1991). In Ethiopia it is the constitutional right of any landholder to bestow his/her land to others that he/she wants to give. In addition to this, a Federal land administration law was enacted in July 1997 – (Rural Land Administration Proclamation, No. 89/1997). This law vested regional governments with the power of land administration. The law provides farmers with holding rights defined as:

*“The right any peasant shall have to use rural land for agricultural purposes as well as to lease and, while the right remains in effect, bequeath it to his family member; and includes the right to acquire property there on, by his labor or capital, and to sell, exchange and bequeath same”* (FDRE, 1997).

The above proclamation clearly confirms that it is the right of an individual landholder to bequeath his holding for whom he/she wants to bequest. In many communities inheritance disputes are very sensitive issues related to land. Dispute over land is the basic cause for civil wars because land is the primary means of generating livelihood for majority of rural population of many developing countries of the world (Holden and Yohannes, 2001). In most countries of the world disputes over land rights make up the largest percentage of court cases. Land disputes resulted in social unrest, expensive litigation and breakdown in law and order, and hence courts spend much of their time in resolving these matters (Marquardt, 2006). With reference to smallholder farmers, the commonest land-related dispute is related to inheritance (Gizachew, 2006). Disputes with relatives over inheritance claims in Ethiopia under successive governments are major sources of insecurity (Bruce and Migot-Adholla, 1994). Dispute over land can be manifested in many basic ways. They may be occurred when there is lack of registration and record keeping which led to overlapping land claims stemming from inheritance that is beginning to result in conflict (Brasselle *et al.*, 2002). However, many of the land disputes could be resolved through access to accurate land ownership information of landholders. (Marquardt, 2006). One the land ownership information is land certificates which serve as an evidence for landholders. Land holding certificates are important in avoiding inheritance disputes which arise among relatives. Holden *et al.* (2009) in their studies in Tigray state stated that rural land registration and certification has resulted in the reduction of inheritance disputes.

In light with the above standpoint this study was designed to investigate the role of rural land registration and certification program in reducing of inheritance disputes in Menz Gera Midir District in Amhara state.

## 1. METHODOLOGY

### The study area

Menz Gera Midir District is located in North Shewa Zone of Amhara state. Astronomically, it lies between 10°00' N to 10°34' N and 39°17' E to 39°43' E. The District is characterized by a rugged terrain, degraded lands which is resulted in the decline of productivity of agricultural land. The natural forests have almost vanished due

to: uncontrolled harvesting for fuel wood and charcoal, construction and farm implements, and uncontrolled grazing (MGDARDO, 2010).

Agro-ecologically, it is classified as *Wurch* (Alpine), *Dega* (Temperate), *Woina Dega* (Sub-tropical) and *Kolla* (Tropical). The District has an altitude range from 1500-3500 m.a.s.l. (ibid). The rainfall pattern of the District is bimodal; unpredictable in nature and its distribution most of the time extends from June to August. The average annual rainfall ranges from 700mm to 1100 mm per annum. The mean annual temperature of the area is 12.3°C. The District comprises 22 *Kebele* administrations (KAs), having 2 urban *Kebeles* and 20 rural KAs. The total population of the District is estimated to be 112,670 in the year 2010. The total area of the District is 1105.55 km<sup>2</sup>. The average population density of that year was 101p/km<sup>2</sup> of land (ibid).

### Data sources

To acquire the necessary data from the primary sources, questionnaire survey, in-depth interviews, case studies and focus group discussion (FGDs) were employed. Structured questionnaire with close-ended and open-ended questions were used to collect primary data from sample households. From both *kebeles* about three hundred households were taken as sample population for the questionnaire. A FGD with open-ended questions was done in both *Kebeles*. FGD facilitators were selected. Individuals for the discussion were selected by facilitators. The FGD was conducted while farmers were participated in integrated watershed management activities in both *Kebeles*. The total number of group members in each *Kebele* was seven. The total number of groups was eleven in each *Kebele*. A total of three hundred eight households were participated in the FGDs. Semi-structured interviews were conducted with individuals. The participants were informants such as land administration committees (LACs) of both KAs; Development Agents (DAs) of both KAs; experts from the agriculture and rural development office of Menz Gera Midir District; chairmen of KAs; District court officers; and farmers. The total number of interviewed farmers in both KAs was thirty five. Interview questions for District court officers were about legal issues related to land including land dispute cases.

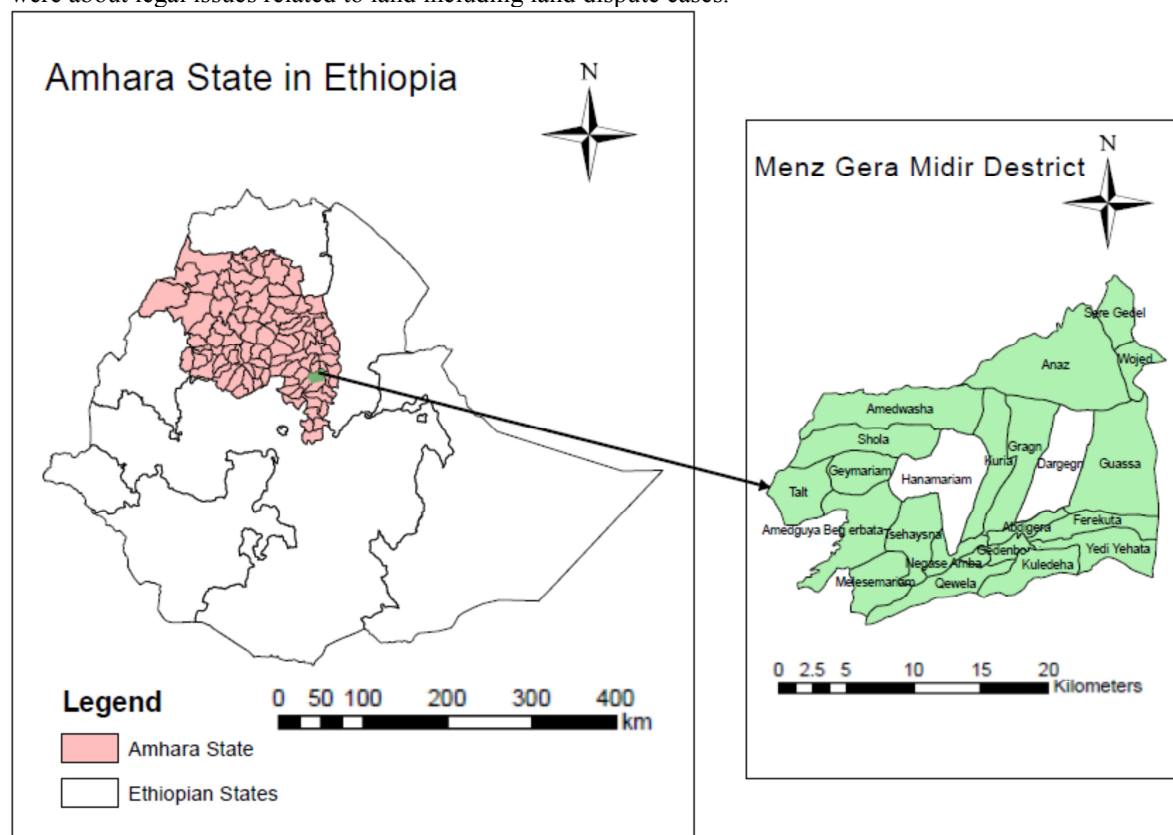


Fig. 2.1. Map of the study area

### Sampling design

For the study two KAs were selected for the total of twenty *Kebeles* of the District. From the two *Kebeles* one is selected from the District in which the bestowing of certificates was first implemented in 2007 (i.e. Hanamariam KA). The other one is the KA which started to implement the program later by the year 2009 (i.e. Dargegn KA). About 150 households from each KA, and a total of 300 households were taken as sample population. For the study systematic sampling method was applied by taking the n<sup>th</sup> element of the sample frame. But, first lottery

method was used to select the first element; with a specified gap samples from the sample frame were picked. The sample frame from was taken from KA offices of the respective *Kebeles*.

### Data analysis

The data analysis process was done after the desired data were collected from different sources through various tools of information gathering. Data collected through questionnaire about issues related to certification and inheritance disputes were analyzed quantitatively using percentages. The responses from FGDs, case studies and interviews were compiled, summarized and interpreted qualitatively by cross checking with responses of questionnaires.

## 2. RESULTS AND DISCUSSION

Land holding certificates play a vital role being an evidence for generations to whom should the land is belonging at the old age of the landholder. In the study conducted by Holden *et al* (2009) in Tigray show that 64% of conflict mediators and 78% of households responded that certificates help to bequeath their land to their children being as a proof of their land ownership. In this study, almost 100% of Hanamariam and Dargegn KAs households replied that the bestowing of land holding certificates is very essential to bequeath their land to their children without any oppositions/conflicts. When we compare these two findings, farmers in the study areas are more confident that they have the right to bequeath their land to their children. The interview and FGD results from farmers clearly show that for many years they misplaced their age with debating among themselves in the court with inheritance cases. Farmers in the FGDs explained that their fathers and grandfathers faced this problem. However, the bestowing of certificates avoided the problem of inheritance cases. This is because the certificate contains the name of the family or other individuals who can inherit while the landholder died. Whomever who are out of the list of the family on the certificates cannot inherit the land.

Interview responses of experts of the court of Menz Gera Midir District also had similar viewpoints to the above explanation. According to them, major issues in addition to border dispute cases are inheritance cases. Before certification, it was complex to make decisions regarding the inheriting bodies. False decisions will be made due to the biasedness of eyewitness individuals, because false information may be given for the sake of benefiting those individuals who have blood relations or other close relations. Therefore, it was a tedious endeavor for both decision makers and debating parties because they lost their resources with several thousands of birr to get one or two hectare of land. However, the bestowing of the land holding certificates avoided such a historical problem. The role of certificates in inheritance cases is clearly shown than any other effects of certification. Some individuals still make conflicts by saying '*this land belongs to me*'. However, it is easy to make decisions by observing the names of individuals on the list of family who can inherit the property on the certificates. Family members who are listed on the certificate have equal share of the resource/land when the owner of the certificate died. The following case clearly shows the above case in point.

### Case study

*Ato Teshager Shenkutie* and *weizero Etagegnehu Asfaw* are living in Hanamariam kebele. They told the following explanation by rehearsing what they faced before 20 years (in 1995). *Weizero Mamit* is the grandmother of the husband of *Weizero Etagegnehu* and *Ato Teshager*. They replied that *Weizero Mamit* had a farm land of one hectare. *Ato Teshager* had more than 300 sheep and more than 30 cattle, *Weizero Etagegnehu* had more than 400 sheep and other properties. They said that while *Weizero Mamit* near to die she had given the land to *Ato Teshager's* child, *Zebider*. However, *Weizero Etagegnehu* appealed to the court by saying that "*the land belongs to me*" because *Weizero Mamit* is their common grandmother. Then they have started to debate, and their debate was lasting for seven years. They sold their sheep and other properties for the cost of the debate. Finally, it was solved with local *Shimaglles (bête dagnas)*. *Ato Teshager* and *Weizero Etagegnehu* explained that if they had had the certificate at that time, they would have not lost their resources with debate, because those who can inherit the land are listed on the certificate.

### Conclusion

Rural land registration and certification program is assumed to reduce land conflicts among farmers with their holdings. The study show that rural land registration and certification program in Menz Gera Midir District has enabled the minimization of inheritance disputes among farmers. As a result it enables social stability. Since

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