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**Rural Land Governance Practices in Bench-sheko Zone: The Case of Guraferda District,
South West Ethiopia People's Region**

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APPROVAL SHEET

As member of examining board for this thesis, we certify that we have read and evaluated the thesis prepared by Agonafir Bogale Mushute entitled: Rural Land Governance Practices in Bench-sheko Zone: The Case of Guraferda District, South West Ethiopia People’s Region and it is accepted as fulfilling the thesis requirements for the degree of Masters of Science in Land Administration and Management. The final approval and acceptance of the thesis is contingent upon the candidate’s successful defending of the thesis and submission of the final copy of the thesis to the research and community service coordinator of the Institute of Land Administration (ILA).

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DECLARATION

I, the undersigned, declare that the thesis comprises my own work in compliance with internationally accepted practice, I have duly acknowledged and referenced all material used in this work. I understand that non-adherence to the principle of academic honesty and integrity, misrepresentation/fabrication of any idea/data/facts/ source will constitute sufficient ground for disciplinary action by the university and can also evoke penal action from the source which have not been properly cited or acknowledged.

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List of Acronyms

ANRS	Amhara National Regional State
GDAO	Guraferda District Agricultural Office
GDRLAUD	Guraferda District Rural Land Administration and Use Directorate
KLAC	Kebele Land Administration Committee
LGAF	Land Governance Assessment Framework
MDGs	Millennium Development Goals
MoA	Ministry of Agriculture
RD	Rural Development
RKAO	Rural Kebele Administration Office
SDGs	Sustainable Development Goals
SNNPRS	South, Nation, Nationalities and Peoples Regional State
SWEPR	South-West Ethiopia People's Region

Abstract

The way land is governed differ throughout the world and reflect local cultural and judicial settings. This study aimed to assess rural land governance practices in Guraferda district, South Western Regional State, Ethiopia. Questionnaire survey, key informant interview and FGDs data collection tools were used to capture relevant data. Primary data collected from 348 farm households was analyzed and interpreted using descriptive statistics and binary logistic regression model and complemented with narration. The study has indicated that the capacity of land administration institutions is not well organized in terms the necessary human resources and provision of physical resources. Consequently, government authorities are involved in unregulated transfer of communal and state holdings to agricultural investment. Likewise human encroachment on communal and state lands was a common incident. Lack of transparency supplemented by non-accountable land governance institutions also put land governance even worse. The study has showed that while transferring suitable land for agricultural investment, the local communities were not participated and there were evidences showing that the agricultural investment land is not properly used as per the agreed terms with the respective authorities. Public discussion was made only when land identified for investment touches private holdings. Communal and state lands transferred to investors were considered as "vacant", even though, they are a basis for the livelihoods of many households; especially native communities. Although land holding certificates are evidences of land holding, rights district courts were reluctant to use them as a fundamental document to resolve land disputes. The study also indicated that women's land right was not realized by the native community. Binary logistic regression model showed that factors such as; age, sex, education level, land size and land title affected tenure security positively while expropriation for public purpose, absence of clear justice system to resolve land disputes, lack of experience and knowledge of land experts, political instability and family size affected tenure security negatively. The overall scenario in the study areas shows the prevalence of weak governance of rural land. Hence, regular capacity building for Kebele Rural Land Administration and Use Committees, reviewing the rural land legal framework, institutional rearrangements and adopting good governance principles in the land sector could remedy the problem.

Key words: Community participation, transparency, tenure security

CHAPTER ONE: INTRODUCTION

1.1. Background of the Study

The world today faces many complex challenges including the climate change; increased demand for natural resources; growing food and water insecurity and resolution of violent conflict. Many of these challenges have a clear land dimension: unequal access to land; insecurity of tenure; unsustainable land use; and weak institutions for land administration (Palmer *et al.*, 2009). Responding to these challenges is particularly difficult when the governance of land is weak (*ibid*). Bearing this in mind, Behailu & Kasa (2018) argued that the way land is governed has a significant impact on a certain country's future. Thus, the issues of land governance have gained prominence for three reasons. First, land governance underpins the core components of the global agendas; Millennium Development Goals (MDGs); and now Sustainable Development Goals (SDS) (Enemark, 2017). Second, the aftermath of the global commodity price spike of 2007/8 has been characterized by high demand for large tracts of agricultural land in developing countries (Khadjavi *et al.*, 2021). Third, a Transparency International survey in 2009 suggests that the government bodies which oversee the land sector are one of the public entities most plagued by service-level bribery. Only the police and judiciary have higher levels of bribery (Transparency International, 2009). Consequently, there is an emerging recognition that land is a critical governance issue (Palmer *et al.*, 2009).

The land governance systems differ widely between countries and regions throughout the world and reflect local cultural and judicial settings. For instance; to uphold private land rights and prevent government from abusing its power, Peru's constitutional rules tightly circumscribe cases in which expropriation can be used (World Bank, 2012). Article 70 of Peru's Constitution stipulates that expropriations can be carried out only for reasons of national security or "public need" (for example, to build a road or bridge with no clear beneficiary). The expropriations law clearly states that expropriations are void unless the state is the direct beneficiary. To ensure an impartial and realistic valuation, property values are determined in a court proceeding (Constitution of Peru, 1993). In Mozambique, during the process of acquiring land for investment, local communities' inputs are elicited twice, first during land identification and second during community consultations. Additional meetings may be optionally conducted whenever there is new or more information to be presented to the local community (Salcedo-La, 2015).

In many African countries, such as Ghana, Kenya and Uganda the mandate to administer land is arranged at the ministry level at the apex and there are also other independent sector-based institutions up to the lowest administrative hierarchy (Wabelo, 2020). One of the distinguishing features of land governance in Ghana is the existence of dual (i.e. customary and statutory) recognition of land tenure arrangements. Currently, over 80% of land is considered customarily owned (Wily & Hammond, 2001). The 1992 constitution of Ghana confirms that, all stool lands shall vest in the appropriate stool on behalf of and in trust for the subjects of the stool in accordance with customary law and usage (Article 267/1 of Constitution of the Republic of Ghana, 1992). It further confirms that, there shall be no disposition or development of any stool land unless the regional lands commission of the region in which the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority for the area concerned (Article 267/3 of Constitution of the Republic of Ghana, 1992). The main sector-based institutions involved in the land administration system are the Lands commission, the office of administrator of stool lands, the land title registry, the lands valuation board and the survey department. These all institutions are structured under the ministry of land and forestry. On the other hand, conflicts over land and natural resources are a common problem in Africa. For instance, at the center of the prolonged civil war between the northern and southern parts of united Sudan was the struggle for ownership, control and use of land resources (Byamugisha, 2014). However, scholars (Palmer *et al.*, 2009); Wabelo, 2020); Grover & Grover, 2011) argue that the critical governance issue regarding disputes is not whether there are disputes, but rather what rules, processes and mechanisms are in place to address grievances, manage disputes and to enforce agreements.

In 2013, the World Bank designed the Land Governance Assessment Framework (LGAF) to help countries to assess and rank respective land governance status (World Bank, 2013). For instance, in Brazil, recognition of property rights, transparency in the allocation of public land and the public accessibility of recorded land information are strengths. Whereas, the existence of extensive areas of unregistered land, absence of an authoritative, integrated register of land and lax governance of large-scale land acquisition are some of the weaknesses (World Bank, 2014).

It was in 2016 that the World Bank carried out a land governance assessment in Ethiopia. The assessment is positive about the progress of land governance. However, a very weak practices was observed in the transfer of large tract of land to private investors (Hailu, 2016). The courts in

the Amhara National Regional State decide on land disputes based on land information obtained from the land administration offices. These offices are expected to supply the information available at the land registration system. However, the land administration and use offices often get the information directly from the public on an individual case basis following order from a court. This is mainly attributable to the low level of using the land registration system in the region by the land administration offices and legal professionals (Moges, 2020). With respect to women's land right, Tura (2014) found that, the SNNPRS regional land laws do not specify how women in polygamous marriage can get their share from the matrimonial property. Harmful customary practices and stereotypes against women are still preventing.

In South West Ethiopia People's Region (the 11th newly formed regional state), Guraferda district is one of the nature-endowed, evergreen and suitable area for agriculture. For instance, the Bebeke Coffee Plantation Development is found in this district (Abraham, 2020). According to MoA & RD (2009), it is one of the most investment potential area for cereal crops (rice), rubber plantation and coffee investment. High immigration is increasing pressure on forest resources (Foquet *et al.*, 2019). For instance, satellite based study shows a significant expansion of agricultural land/settlement and plantation coffee while decreasing trends are observed on the of shrub/bush land, grass land, and natural forest (Gessese, 2018). In the process of identifying suitable land for investors, community participation was non-existent and has adversely affected the local community (Guta, 2016) and the social crisis in the district has been aggravated since 2017. It was reported that over 25,000 citizens were displaced from their localities and holdings in different times (GDAO, 2021).

Therefore, this study aims to assess rural land governance practices in Guraferda district, South West Ethiopia People's Region, Ethiopia. The assessment encompasses institutional capability taking note of the works explained (Wabelo, 2020); the extent to which principles of good governance (transparency, accountability and public participation) are explicit in every decision-making process on land deals following the arguments indicated in Ashton (2005) and the effectiveness of land governance as outlined in the study by Kaufmann & Kraay (2008).

1.2. Statement of the Problem

Land is a major resource in all societies and land and natural resources are the single greatest source of wealth in many countries. The governance of land is likely, therefore, to be an important influence on the welfare of a society and the living standards of citizens (Glover & Glover, 2011). Currently, the issues of land governance have gained prominence as it underpins the core components of the global agendas; like MDGs and SDGs (Enemark, 2017). Consequently, there is an emerging recognition that land is a critical governance concern. In Ethiopia, however, land governance has been troubled with growing population, pressure on natural resources and policy to attract investment in land (Heegde *et al.*, 2016); weak institutions, lack of transparency and public participation (Behailu & Kasa, 2018). Several piecemeal researches have been done on the issues of land governance. Gebrelibanos (2017) assessed the institutional perspective; Wabelo (2020) studied legal and institutional frameworks jointly; Nerea (2013) conducted the rural land conflict management; Kebede *et al.*, (2021) also assessed the impact of land acquisition for agricultural investments. However, the LGAF of World Bank (2013) criticized such piecemeal study as a traditional one; and recommended a more comprehensive assessment; which is taken as the novel contribution of this study.

With this research gap in mind, the issue of rural land governance is more acute in Guraferda district; as it is one of the most investment potential areas (MoA and RD, 2009) and high immigration is increasing pressure on land and its resources (Foquet *et al.*, 2019). For instance, a satellite-based study by Gessese (2018) showed a significant expansion of agricultural land and plantation coffee while decreasing trends of shrub/bush land, grass land, and natural forest. Moreover, he argued that the reasons behind is poor land governance; but didn't investigate "which dimensions of land governance and how". Above all, the current social insatiability in the district is deep-rooted into lax governance experienced over communal and state holdings; which to the end has brought land tenure insecurity. All these incidents therefore warrant carrying out an extensive research and establishing a true picture of the land governance in the district.

Therefore, unlike the above researchers, this paper is aimed to provide a comprehensive assessment on rural land governance practices in Guraferda district. It emphasizes on the institutional capacity of different stakeholders involved in rural land governance; the extent to which transparency, accountability and public participation are explicit in every decision-making process of land deals and the effectiveness of current land governance in the study area.

1.3. Objective of the Study

1.3.1. General objective

The overall objective of the study is to assess rural land governance practices in Guraferda district of Bench-sheko zone, Ethiopia.

1.3.2. Specific objectives

The specific objectives of the study are;

- To assess the institutional capacity of various stakeholders involved in land administration.
- To evaluate the private, communal and state holdings governance in terms of transparency.
- To assess the community participation in the process of agricultural investment land transfer.
- To inspect how the rural households perceive the effectiveness of land governance.
- To identify factors affecting land tenure security of rural households in the study area.

1.4. Research Questions

Based on the specific objectives set, this study tried to address the following research questions.

- What is the institutional capacity of different stakeholders involved in rural land governance?
- Were the private, state and communal holdings governed in a transparent manner?
- Did local communities participate in the process of transferring land for investment?
- What is the perception of rural households on the effectiveness of rural land governance?
- What are the major factors that affect tenure security of rural households in the study area?

1.5. Significance of the Study

Assessing the practical situations of land governance on one hand, and on the other hand, identifying environmentally sound, socially accepted and economically feasible ways to improve their performance should thus be a key concern. Based on this rationale, the finding of the research is expected to have paramount significance and contributes valuable information on the rural land governance practices. It also motivates other researchers for further studies in the area of rural land governance and also serves as a stepping-stone for policy makers, practitioners, decision makers and academicians in making informed decision based on realities on the ground. For land experts and government authorities working at different administrative levels, it will be used as a mirror to reflect the actual situations of land governance in the area.

1.6. Delimitation/scope of the Study

The scope of the study is limited both in terms of location and themes. In terms of location, this study is only confined to those rural areas of Guraferda district, particularly to those three rural

kebeles; Bergi, Alenga and Segu. Accordingly, any of the analysis and the findings of the study are specific to the case study area. In terms of theme, the study specifically focuses on the rural land governance practices in the study area. Among the five core thematic areas of land governance given by the LGAF of World Bank (2013), this study encompasses the institutional capacity; transparency in rural lands governance, community participation during the acquisition of land for large-scale agricultural investment, landholders' tenure security and land governance practices in the study area. Land governance indicators like corruption were not discussed in this study. Moreover, even though legal framework is an important rule-based indicator of land governance as indicated in Kaufmann & Kraay (2008), it was implicitly discussed.

1.7. Limitations of the Study

The first limitation emanates from rural landholders. Due to social disturbance in the district, farm households feel insecure about their land, especially settlers. Thus, they were not voluntary to provide baseline information during preliminary survey. However, since the researcher was familiar with kebele DAs and some prominent community members, original data collection was not that much problematic as they were given awareness that the data they give is used only for academic purpose. The Second limitation emanate from the research design employed; that it was based on cross-sectional data sets, where data were collected at point in a time. With this it is difficult to control individual household and time effects of idiosyncratic disturbances. Such problems were addressed by using rich data set which is panel discussion.

1.8. Definition of Terms and Concepts

The following operational or working definitions are in the context of this study. Accordingly:

- **Land:** - Land is both a physical commodity and an abstract concept (UNECE, 1996).
- **Land governance:** - The working definition for land governance proposed is: “land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed (Palmer *et al.*, 2009).” In this study, Governance is the conceptual backbone as land relations are based on “the rules of the game”, on formal and informal institutions.
- **Land administration:** - The term “land administration” is used in this study to refer to the processes of recording and disseminating information about the ownership, value and use of land and its associated resources (UNECE, 1996).

- **Rural land:** - Means any land outside of a municipality holding or a town designated as such by the relevant law (FDRE Proc No. 456/2005 Art. 2.1, 2005).
- **Private holding:** - Means a rural land which is occupied by peasants, semi pastoralists, pastoralists or by others that have legal right to possess rural land (SNNPR state Proclamaton No 110/2007). Implicitly described in (FDRE Proc. No. 456/2005 art.2/4).
- **Communal holding:** - Means a land out of government or individual possession and is being under the common use of the local community as a common holding for grazing, forest and other social services. (SNNPR state RLAU Proc. No. 110/2007 Art 2/14).
- **State holding:** - Means rural land demarcated and those lands to be demarcated in the future as federal or regional state holdings; and include forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers and other rural lands (Proc. No. 110/2007 Art 2/15).
- **Agricultural investment land:** - Means a stretched and adjacent agricultural investment land above 5,000 hectare or less but deemed feasible and administered by the federal government on the basis of power of delegation obtained from regional states(FDRE Regulaion No 283/2013 Art. No 2/2).
- **Kebele Land Administration Committee (KLAC):**- Is a body responsible for all the practical matters of land administration and use at kebele level (Adam & Birhanu, 2017).
- **Kebele:**- The lowest administrative structure (Adam & Birhanu, 2017).
- **Effectiveness:** - is a measure of how well the outputs of a program or service achieve the stated objectives (desired outcomes) of that program or service (Productivity Commission, 2013).

CHAPTER TWO: LITERATURE REVIEW

2.1. The Concept of Land Governance

While the term “land” has a long-established history, the concept of governance emerged in its current form only in the 1980s; and their combination as “land governance” is more recent (Palmer *et al.*, 2009). Scholars have defined the term governance from different approaches. These definitions are based on normative assumptions about how decision should be made within organization and the functioning of formal and informal structure for implementing such decision (Ali, 2016). In this study, governance is defined as the process of decision-making and the process by which decisions are implemented (UNESCAP, 2010). By extension, land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed. It encompasses statutory, customary and religious institutions. It includes state structures such as land agencies, courts and ministries responsible for land, as well as non-statutory actors such as traditional bodies and informal agents (Palmer *et al.*, 2009). This definition clearly acknowledges the existence of different systems that clarify the rights and interests over various categories of land and natural resources.

Some of the key elements embedded in the above definitions concerning land governance are: In the first place, land governance emphasis on rules and process: land governance refers to the rules and the structures that govern and mediate relationships, decision-making and enforcement of the decisions made on land. The rules and structures of land tenure can be formal (i.e. Laws, regulations, and byelaws administered by parliaments, courts and municipal councils) as well as informal or customary (e.g. elder’s councils, social networks, etc.) or a combination of them. Process here defines how issues on land are put on the agenda, how decisions are made and by whom, how those decisions are implemented, and how differences and grievances on land are managed. In the Second place, land governance encompasses institutions: land governance recognizes statutory as well as informal/extra-legal institutions and organizations. Land governance is conceptually broader and includes state actors, customary/non-state actors, religious sectors and private and professional sectors as well. What all the above assertions exemplify is that, land governance is broad and encompasses many stipulations within it. It is not easy to demarcate the term in one and single terminology (Wabelo, 2020).

2.2. Rural Land Governance: Best Practices from Ghana and Kenya

Every country has some form of rules, institutions and decision-making process in rural land sector. This section of the paper presents best practices and concepts from Ghana and Kenya.

Ghana

One of the distinguishing features of land governance in Ghana is the existence of dual (i.e. customary and statutory) recognition of land tenure arrangements. The 1992 constitution of Ghana confirms that, all stool lands shall vest in the appropriate stool on behalf of and in trust for the subjects of the stool in accordance with customary law and usage (Art. 267(1) of the republic of Ghana). There shall be no disposition or development of any stool land unless the regional lands commission of the region in which the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority for the area concerned (Article 267 (3)).

Another and the most notable incorporation of rights protection in the constitution of Ghana is at the time of expropriation of land for more public purpose. The 1992 Constitution has incorporated clear provisions concerning public purpose which requires clear justification for acquisition, and provides a pre-emption right for former owners in the event land is not used for its intended public purpose. Here the state has a duty to indicate the specific use or uses to which the land is to be put before the acquisition becomes valid. Should there arise a diversion of use, the original owners have a legal basis to mount a challenge in the courts to seek the return of the land to them under a right of pre-emption (Article 20 (6)). Where the property is not used in the public interest or for the purpose for which it was acquired, the owner of the property immediately before the compulsory acquisition shall be given the first option for acquiring the property. Where the compulsory acquisition of land involves the displacement of any inhabitants, the state is required to resettle them on suitable alternative land with regard to their economic wellbeing and social and cultural values (Article 20 (3)). When we see the statutory land administration institutions, the state has established a formal administrative framework consisting of a number of land sector agencies to facilitate land administration system. The main sector-based institutions involved in the land administration system are the Lands commission, the office of administrator of stool lands, the land title registry, the lands valuation board and the survey department. These all institutions are structured under the ministry of land and forestry.

Kenya

In 2010, Kenya enacted a new Constitution that led to a policy shift in the administration of land. In order to strengthen the constitutional framework on land, the national constitution implementation commission in consultation with the Ministry of Lands began a process of drafting different legislations to be enacted by parliament in order to guide the implementation and management of each of the proposed categories of land stipulated in the constitution (Future Agricultures, 2014). Seven bills are identified for the proposed amendment and these are: the Land Bill, the Registration Bill, the Environment and Land Court Bill, the Kenya National Land Commission Bill, the Matrimonial Property Bill, the Private Land Bill and the Community Land Bill. The notable land reform measures that these pieces of legislations have adopted are giving recognition for customary land rights. The reform has given place for the communal land to be retained within the hands of the respective communities. The Community Land Act of 2016 strongly focuses upon how community lands are regulated and governed by communities.

Another prominent reform in rural land sector in Kenya is the issue of compensation of rural land at the time of expropriation. The constitution compensates not only holders that have valid land holding certificates but also occupants that hold land in good faith including customary land rights holders that may not have landholding title (Article 40(4) of 2010 Constitution of Kenya, 2010). By inserting this provision, the constitution has restricted the power of the government from wondering freely on communal lands in the name of investment.

The reform in the institutional arrangement governing rural land in Kenya is also another pivotal aspect. There is a ministry of land at the federal level mandated to overrule land issues and other lower-level structures are also decentralized even to the lowest administrative level hierarchy. Article 67 of the Constitution of Kenya also established the National Land Commission (NLC), which, inter alia, is endowed with the tasks to manage public land, monitor land-use planning and investigate into present and historical land injustice. The NLC holds the mandate to among others: alienate public land on behalf of national and county governments; assess all rights and interests in such land; manage and administer all unregistered trust and community land and register such land (Art. 5(2) (3) of National Land Commission Act of Kenya, 2012)

Therefore, Ethiopia can take a good lesson from Ghana and Kenya with regard to communal land governance, institutional arrangement and protection of rights at the time of land expropriation.

2.3. The Land Governance Assessment Frameworks (LGAF)

There is no convention on LGAF at global level yet, there are important guidelines that can be used for nations to improve their land governance system. Among these are the UN Voluntary guidelines for good governance in land and natural resource tenure (Suárez *et al.*, 2009); the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (Seufert, 2013); Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012). Behailu & Kasa (2018) argue that all these instruments do not have a binding legal force yet they have more of political persuasive power capable of guiding the actions of governments. At the core of all these instruments are the idea of good land governance, or responsible land governance.

Meanwhile, in 2012, the World Bank designed the Land Governance Assessment Framework (LGAF) to help countries to assess and rank respective land governance status against global good practice using a common framework (World Bank, 2013). The World Bank's LGAF is one of the most well-known frameworks to pilot the good governance in the land sector. This framework provides a relatively exhaustive assessment of land governance issues relevant for most developing countries, but traditionally often have been dealt with separately from each other. The core version of the LGAF comprises a set of detailed indicators to be rated on a scale of precoded statements (from lack of good governance to good practice) based, where possible, on existing information. These indicators are grouped within five broad thematic areas that have been identified as major areas for policy intervention in the land sector: Recognition and respect for existing rights; Land Use Planning; Management and Taxation; Management of Public Land; Public Provision of Land Information; and Dispute Resolution and Conflict Management.

All of the above agendas and indicators evaluate governance in different perspectives. However, amongst, an exciting feature of the World Bank's LGAF is that the four key land administration functions (Juridical, Regulatory, Fiscal, and Information management) set by Dale & McLaughlin (2000) has been more or less integrated into the five dimensions. Using the World Bank's land governance assessment framework, in 2016, Zerfu Hailu assessed the status of land governance of Ethiopia (Hailu, 2016). However, the drawback of the study was that it assessed land governance using expert panels to provide a consensus rating. Means, it did not incorporate the perceptions of farming households, which were expected to be complementary to each other.

2.4. The Rural Land Governance in Ethiopia

Since 1995, Ethiopia has decided to follow a federal political arrangement and has eleven regional states and two chartered city administrations. Hierarchically, administrative structures of the regional states include Region, Zones, Districts and Kebeles. The Federal constitution has paved the way for developments of land administration legal frameworks at federal and regional levels. At federal level, for rural land administration, proclamation 89/1997 was the first proclamation that is replaced by proclamation 456/2005. For expropriation and compensation objectives, proclamation 455/2005 has been enacted at federal level, that replaced by 1161/2019. Regional states developed regulations for expropriation and compensation based on proclamation 455/2005. Several regional governments have formulated their land policies and land laws, among them Amhara Region 280/14 (first enacted 2000, amended in 2006, 2010 and 2014), and SNNP Region 110/2007 (first enacted 2003, amended in 2007). The newly formed eleventh region (South West Regional State) has not drafted its own proclamation. Instead of they are using the former proclamation (110/2007). There are lower-level laws, which includes regulations and directives, developed by regions. The land administration and land use proclamations provide unlimited period of holding right to farmers, pastoralists and semi-pastoralists.

Under the overall public ownership as stipulated in the constitution, subsequent proclamation recognize different tenure types in the rural land administration. Proclamation No. 456/2005, defines three tenure types. In article 2 sub article 11, it defines private holding as rural land in the holding of peasants, semi-pastoralists and pastoralists and other bodies entitled by law to use rural land. Article 2 sub article 12 gives definition of communal holding as rural land which is given by the government to local residents for common grazing, forestry and other social services. State holding is defined in article 2 sub article 13 as a rural land demarcated and those lands to be demarcated in the future at federal or regional states holdings; and includes forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers, and other rural lands. The same proclamation, article 5:4: a, recognizes private investors to acquire and use agricultural land, which is stated as - Private investors that engage in agricultural development activities shall have the right to use rural land in accordance with the investment policies and laws at federal and regional levels.

2.4.1. Institutional arrangements in rural land governance

Institutional setup is one of the most important factors contributing to the success of land administration systems through transforming legal tools and policies into practice (Hailu, 2016). It differs widely between countries and regions throughout the world, and reflect local cultural and judicial settings; and it may change over time to better support the implementation of land policies and good governance (Enemark, 2005). In many countries, and especially developing countries and countries in transition, the national capacity to manage land rights, restrictions and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills (*ibid*). When land lacks adequate legal and institutional protection it becomes a commodity easily subject to manipulation and abuse (Bruce, 2003).

In Ethiopia, it is the Federal Ministry of Agriculture (MoA) that is mandated to oversee the rural land sector, with the Rural Land Administration & Use Directorate as implementing body. The day-to-day responsibility of overseeing rural land administration, in the Ministry of Agriculture, lies under the responsibility of Land Administration & Use Directorate (LAUD), which is one of the directorates found under the state minister for natural resources development, conservation and utilization. The LAUD is responsible for overseeing land use and land tenure of rural lands outside large scale agricultural investment lands. Specifically, the LAUD is responsible to follow-up implementation of the Rural Land Administration and Use Proclamation 456/2005, enacted by the Federal Government, by providing professional support to the regional rural land administration institutions and coordinating competent authorities working on land related issues. In addition, the LAUD has to create and facilitate information exchange between regions and contribute on capacity development of the regional institutions. The directorate links the work at the federal level with that at the regional level and provides inputs for policy making to advance the harmonization of rural land administration in Ethiopia. The MoA has the responsibility to develop standards for rural land administration purposes. Under the Ministry of Agriculture, there is a newly established semi-autonomous agency to administer large scale agricultural investment lands, which is called Agricultural Investment Land Administration Agency (AILAA). The AILAA is responsible for federal level management and lease of state holdings. The regional states manage agricultural investment lands up to 5,000 ha. The agency is delegated by the regional states to handle all large-scale agricultural investment lands above the limit indicated above (Hailu, 2016).

The responsibility to administer and to manage land however is given to the regional states, which have enacted regional land laws and established land administration and management institutions for rural lands following the federal pattern. The regional implementing institutions for rural land administration are varying between regional states. In some regions, such as Amhara and Oromia, land administration offices are extended to the Kebele level, others for instance SNNPR remain organized at Zonal or District levels. In some regions, customary law is integrated into the formal mechanisms of settling land disputes.

There are locally established institutions to implement land administration systems are called Land Administration & Use Committees. Land administration and use committee members are volunteers elected by land holders in each kebele to implement the land administration system. According to Adam and Birhanu (2017) the Kebele Rural Land Administration Committee (KLAC) is a body responsible for all the practical matters of land administration and use at kebele level. Its responsibilities include activities such as defining boundaries of kebele and sub-kebeles, common lands, land held by institutions (e.g., religious centres, schools, health services, etc.), registration of individual holdings and approval of land transfers. It also keeps records of land holders. The participation of landholders in implementing land administration system is guaranteed through public hearings and meetings as well as through the elected land administration committee members. The committee members are volunteers who are elected by local community in each kebele to implement the land administration system and work without any payment. These organs are not experts rather laymen that administer land in the kebele and sub-kebele levels. There are no established guidelines for these organs on how to deal on land issues. There is also no incentive mechanism for these organs for their official duties. It is only Tigray national regional state that established an incentive mechanism (i.e. per diem arrangement) for the committees by a proclamation No. 240/2014 (Article 33 of Tigray Regional State Rural Land Adjudication Committees Proclamation No. 240/2014). Land laws have not also arranged mechanisms for these organs to be supported by experts while conducting their duties. It is only Amhara national regional state which is extended its office even to the kebele level and assigned experts in order to provide technical assistance for the committees. What we can deduct from all these stipulations is that, since the committees are lay-men and are not supported by other experts, it is not easy for them to administer rural lands of their community. Lack of guidelines concerning land governance and none-incentive arrangement in most of the

regional states also discourages their vigor and motivation of the committees on the land governance. In Amhara National Regional State (ANRS), Shemaglewoch Shengo (Elders' council) is established in each Kebele to handle land related conflicts using traditional rules. It plays a key role in integrating customary (traditional) law into the formal setting. The active involvement of land holders both directly through public hearings and indirectly through their representatives in land administration committees and shemaglewoch shengo is a good lesson in which the Ethiopian system can contribute for other countries in similar situation.

Generally, in Ethiopia, many scholars agree that the current institutional arrangement governing rural land is very weak. For instance, Wabelo (2020) argue that, unlike other African countries such as Ghanaian, Kenyan and Ugandan, the Ethiopia rural land governance is very feeble. In these countries, the mandate to administer land is arranged at the ministry level at the apex and there are also other independent sector-based institutions up to the lowest administrative hierarchy. Ethiopia, that governs land at the directorate level under the Ministry of Agriculture at the top and bureau of land and environmental protection at the middle and land and environmental protection offices/departments at the lower administrative level can capture this good practice from Ghana, Kenya and Uganda in order to give sufficient room for this vital economic resource that is livelihood for mass populations of the country. The other study was done by Gebrelibanos (2017) in Tigray National Regional State. The study concluded that, the grass-root level institutional land governance was very weak. It did not give weight to other aspects of rural land governance such as land tenure, agricultural investment, rural land conflict and etc. A very positive aspect of the current land administration system is its high level of decentralization. However, although authority for most decisions is at the local level, guidance to inform officials at district and village levels is lacking.

2.4.2. Legal frame works governing rural lands

Without an appropriate legal framework and without transparent public administration structures, land administration can only make the best of a bad job. When the rules of the game are not clear, how can one play the game? How can a land administration system perform if the allocation of tasks and responsibilities regarding land policy issues is left unclear within the public administration, whether centralized or decentralized? That is exactly what goes wrong in many countries. Poor definition of land tenure forms makes registration difficult. Complex legal procedures for land transfer result in slow and bureaucratic land delivery. Unclear division of

responsibilities between government organizations, and between central and local government, causes confusion and passivity (Molen, 2002). In Ethiopia land has been considered as an important economic and social asset where the status and prestige of people is determined. Because of such a high importance given to land, as compared to other properties, the legal protection accorded to land is always strict in nature. The governing body in Ethiopia used land as political weapon by giving and taking it away as the case may be (Dibaba, 2020).

The 1995 FDRE constitution states that ownership of all land is “vested in the State and in the peoples of Ethiopia”. Citizens receive permanent or long-term rights to access and use land. Specific laws clarify land tenure rights, regulate transactions, and establish procedures to take land under eminent domain and compensate for such takings. However, the remaining gaps in regulations and in the guidelines for their implementation (and, in some cases, their failure to harmonize with the regulations) cause variations across the country, some lack of clarity, and, hence reduced tenure security and governance (World Bank, 2012). Even though land is a livelihood for more than 80% of the Ethiopians population; there is no comprehensive national land policy that guides the development of the sector rather the land administration proclamations are serving as a policy framework. There is no a single documented land policy that clearly sets out the country’s land governance. Many African countries (e.g., Kenya, Ghana, Uganda, Tanzania and others) have adopted the comprehensive national land policy which guides the land legislations enacted by the countries. Land policy can serve as a bench mark for other legislations to go through it. Lack of comprehensive land policy in Ethiopia can be taken as one challenge for the effective governance of rural land (Wabelo, 2020).

In addition to this, there are no separate legislations that undoubtedly govern rural land issues of every land holding as defined in the land laws. For example, there are no clear and separate laws governing communal and pastoral lands because these holdings by their very nature are different from private and state holdings. There is no separate law that points out how rights on communal lands are registered and certified. Even it is not easy to resolve land related disputes on the pastoral and communal lands because the dispute resolution system hierarchies in the rural land proclamations are seemingly crafted in a manner suitable to resolve disputes that arises in the agricultural lands only (Wabelo, 2020).

In view of how individual and group land rights are protected against public purpose, Tura, (2017) did a wonderful study. It finds that, instead of protecting individual and collective land rights of smallholders and indigenous peoples, Ethiopia's laws and practices facilitate dispossessions without adequate compensation and relocation options.

2.4.3. Large-scale agricultural investment land transfer

Today, large-scale agricultural investments cover about 10 million hectares of African farmland (Nolte *et al.*, 2016). In theory, such investments can benefit host countries by improving their overall agricultural production and local populations by alleviating poverty (Smaller *et al.*, 2015). In reality, however, few of them have held these promises (Breu *et al.*, 2016; White *et al.*, 2012). In recent years, a fairly large body of literature has been dedicated to understanding what triggered the rise in large-scale agricultural investments (Zoomers, 2010; Arezki *et al.*, 2015), whether they are beneficial for the countries that host them (Cotula *et al.*, 2009; Braun & Meinzen-Dick, 2009) and the possible impacts of the investment (Speller *et al.*, 2016; Fitawek & Hendriks, 2021). However, there is limited study on how these emerging investments can be governed (Margulis *et al.*, 2013; Nolte, 2014).

Ethiopia is one of the main host countries for international agricultural investments in Africa. For instance, between 2004 and 2008, Ethiopia was the fourth host countries from Africa. The amount of land transferred to investors was very high: 4, 2.7, 1.6 and 1.2 million ha in Sudan, Mozambique, Liberia and Ethiopia respectively (Deininger & Byerlee, 2011). In 2009, the federal government decided to more actively encourage large-scale land investment and to improve various aspects of technical management of land investment. In an upward delegation of a regional mandate, the Council of Ministers issued a proclamation (Proclamation 29/2001 EC) that plots over 5000 hectares would be administered by federal authorities and included in a land bank (Keeley *et al.*, 2013). Five key regions for land investment were chosen and asked to identify parcels of land of 5000 hectares and above that are suitable for large-scale commercial agriculture. A total of 3.31 million hectares was identified in 2009 (MoA and RD, 2009) in Afar, SNNPR, Gambella, Benishangul-Gumuz and Oromia.

The land investment process entails first submitting an application to the Ethiopian Investment Agency detailing the proposed project, the capital to be invested, employment creation, marketing plans, and utility and raw material requirements. The investor then receives a foreign investment license. Following this, a land use agreement is then developed with AISD. The

process when working with the AISD is that the investor puts together a business plan, AISD investigates the capacity of the investor, including technical competency and financial capacity, then land is identified from the land bank, a feasibility study is carried out, and then a land lease agreement contract is signed. The land use agreement specifies terms and conditions, such as the need to carry out an environmental impact assessment within 3 months of signing the land use agreement, the land rent, and any requirements to develop land within a certain period, as well as arrangements for termination of the agreement.

In Ethiopia, several studies have been conducted on large-scale agricultural investment. Many of them focus on social, economic and environmental impact. (Wolde & Tolossa, 2019) conducted a study on effects of large-scale agricultural investments on infrastructure; access to market by smallholder local farmers; productive assets; and vegetation cover on the Gimbo, Decha and Tello Districts of Kaffa zone. The findings of this study evidenced large-scale agricultural investments have had mostly positive socio-economic effects, infrastructure developments, access to market and productive assets. The effect of the large-scale agricultural investment activities on vegetation cover is both and negative. Kebede *et al.*, (2021) conducted a study on impact of land acquisition for large-scale agricultural investments on income and asset possession through conducting a comparative analysis between displaced households and non-displaced households. The findings indicated a significant reduction of income and assets among the displaced households. The mean annual income of the displaced households has declined by 72% (97,000 Ethiopian Birr (ETB)) compared to that of the income of the non-displaced households. Moreover, the livestock and productive assets holding of the displaced smallholders declined by 2.4 tropical livestock units (TLU) and 5219.6 ETB (69%) respectively compared to the non-displaced households. Studies confirm that, large-scale agricultural investment is implemented in a manner of excluding local populations and harming the environment (Tura, 2017). However, there is a gap on the processes under which the land is transferred to investors, especially in terms of local communities' participation in suitable land identification and valuation and compensation during expropriation of rural lands.

2.5. Features of Good and Weak Governance in Rural Land Sector

Debating on formulating criteria and indicators to measure the quality of governance brought up the normative concept of “good governance” (Espinoza *et al.*, 2016). Governance becomes good when the decisions and actions of the government are based on peoples’ consent, legitimacy and accountability (Ali, 2016). Moreover, he argues that good governance is not about making ‘correct’ decisions, but about the best possible process for making those decisions. Similarly, Ashton (2005) states that the extent to which a governance system can be regarded as “good” or “weak” depends on whether or not the principles of good governance are explicit in every decision-making process that affects the livelihoods of stakeholders”. Strong land governance is a precondition for sustainable development (Enemark, 2012) therefore a key component in supporting the global agenda, set by adoption of the MDGs and SDGs (Behailu and Kasa. 2018). On the other hand, weak governance has adverse consequences for society. The poor are particularly vulnerable to the effects of weak governance as they lack the ability to protect their rights to land and other natural resources (Palmer *et al.*, 2009). According to Rasheed (2020) the effective and efficient implementation of the good governance principles within the scope of land governance have it`s positive impact that may result in:

- Increase of confidence of the land registration system and reducing the number of informal land transactions;
- Reinforcement and support the formal land market and larger usage of formal land administration systems.
- Growth of land tenure security enabling improved access to credit and income generation;
- Ensuring the regulated transaction costs and more fair taxation;
- Ensuring the equal inclusion to the access to the rule of law and rights protection for all, preventing unlawful eviction from the land and protection of the right to inheritance, especially for women, poor, orphans, widows and other vulnerable groups.
- Increase of the government's accountability and responsibility for its management and administration regarding environment and natural resources issues.
- Protection of state assets from the unlawful exploitation and allowance of the legal use of state land for socio-economic concession;
- Decrease of number of conflicts as well as increase of quick response and efficient, just and transparent dispute resolution to the emerging ones.

On the other hand, weak governance promotes gender inequality as poor women tend to be less able to secure their rights. It fosters social inequality with potentially destabilizing consequences as the rich are able to benefit from opportunities to acquire land and the poor lose their rights to land and common property resources such as grazing lands and forests. In addition, weak governance leads to environmental degradation as corrupt public officials and private interests collude to ignore controls on land use, the extraction of water and minerals, and the clearing of forests. The degradation of state land, including in national parks, and its illegal appropriation are direct results of weak governance. The evasion of property taxes reduces municipal revenues that could be used to extend infrastructure and provide basic services. The arbitrary application of the rule of law discourages investment and constrains economic development. Weak governance in land tenure tends to flourish where the law is complex, inconsistent or obsolete, where people who work in land agencies lack motivation and are poorly trained and paid, or where decision-making processes are opaque and civil society is weak. Left unaddressed, land-related grievances can degenerate into violence and conflict (Palmer *et al.*, 2009). Weak land governance tends to be characterized by low levels of transparency, accountability and the rule of law. Under such a system, land distribution is unequal, tenure is insecure, and natural resources are poorly managed. As a consequence, social stability, investment, economic growth and sustainable development are undermined (Transparency International/FAO, 2011). In sum, according to Zakout *et al.*, (2006) weak governance leads to insecurity of tenure; high transaction costs; informal land transactions/informal property market; land grabbing/illegal transfers of state land; limited local revenues; land conflict; landlessness and inequitable land distribution; social instability, social exclusion and political instability; erosion of ethics and standards of behavior; unsustainable natural resources management.

There are numerous governance indicators that can be categorized into rule based (*de jure*) and outcome-based (*de facto*) ones (Kaufmann and Kraay 2008). Rule-based indicators assess whether institutions generally presumed to be associated with good governance such as anticorruption commissions are in place. As long as it is possible to identify relevant measures that are clearly linked to positive outcomes and easily observed by outsiders, the reference to discrete measures makes the assessment of governance status and progress easy. However, a frequently mentioned drawback is that a large number of indicators may be needed to approximate the complexity of real-world situations. Moreover, having rules on paper often says

little about the extent and quality of their implementation although it is clearly the latter that counts and is desired. Outcome-based indicators, by contrast, focus on either broad citizen perceptions, the extent to which (potential) users find public services to be easily accessed and responsive to their needs, or expert opinion about the de facto implementation of rules. While they provide a more differentiated picture, they are normally more costly to collect and less actionable from a policy perspective. In practice, output and rule-based indicators can complement each other (Deininger *et al.*, 2010). In the land sector, indicators based on opinion by experts who are presumed to be intimately familiar with the sector, have been most frequent. The way in which opinion is assessed often includes a large number of individual dimensions for which scores are assigned and then aggregated for aggregate decisions, e.g., to decide on allocation of resources across competing efforts (*ibid*).

2.6. Principles of Good Governance Within the Decisions-Making Process

Up to now, various organizations and academics including Ali (2016) and UNESCAP (2010) have developed their own principles. Moreover, Zakout *et al.*, (2007) and Suarez *et al.*, (2009) gave special emphasis to land. However, comparing the mentioned principles from different organizations, scholars and academics, it is obvious that the content is similar to some extent. Due to the overlapped content and time limit, it is impossible to select all the principles in order to assesses the thematic areas. Moreover, in terms of the particular emphasis on decision-making process in rural land sector, the selection of principle of good governance has different priority (Qian, 2014). For example, as one of the thematic areas of rural land governance, agricultural investment land transfers require public participation in the process of agricultural investment land transfer. Thus, under the purpose of reversing the bad governance in rural land sector faced by the rural farming households, three most representative principles have been selected based on summarizing existing principles of good governance from different index and guideline. These principles are transparency, accountability, public participation, and effectiveness. The principles which are not closely related to the rural land issue have been removed such as safety, human resource development, and absence of violence. And some overlapped or similar principles have been combined. For example, responsiveness has been combined into the principle of accountability. And voice and consensus oriented is part of the principle of public participation. After doing the modification and refinement of existing principles, the selected three principles

are representative and adequate enough to derive the good governance within decision making process. The relevance of each principle is illuminated below.

Transparency: - Transparency is the provision, which makes it possible for the people to know about the decision-making process of the government. The government must have complete transparency with all its decision makings; as well as with its implementations of laws and policies that should be aligned to the rules and regulations of good governance. Additionally, all information must be easily accessible and understandable by the media as well as by the ordinary citizens. By doing this, disseminating important information about the activities and real status of the government would be easily monitored and understood by the entire citizenry (Ali, 2016). It means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media (UNESCAP, 2010). According to Zakout *et al.*, (2006) transparent recruitment of staff and transparent service standards and costs of services will contribute to higher efficiency, accountability, fairness and confidence in agency integrity. Therefore, the process of decision making and implementation has to be done in an open manner, and the information of decision making and implementation should be freely and reliably accessible and available to those people who will be directly influenced by those decisions. Decision making-process complying with the principle of transparency can deter the corruption effectively and improve the standardization of service procedure. If the rural households are able to receive the information about related policy or planning, they get the opportunity to negotiate with government and even involve in the process of decision making and implementation to defend their right. Furthermore, the acceptance of transparency can also show the promotion of anti-corruption. Once the process of land related service is transparent, the chance of asking for informal payment will be reduced.

Accountability: - Accountability is the process via which a person or group can be held to account for their conduct (Ali, 2016). It implies that an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law (UNESCAP 2010). According to Zakout *et al.*, (2006) accountability in land administration can be improved through the implementation of uniform service standards that are monitored, codes of conduct for staff (as well as mechanisms of sanction) and incentives such as awards for outstanding employees. Thus, it is mainly concerned with that governmental institutions have to be accountable to the people who are influenced by their

decision and activity. The responsibility of government has to be clearly defined and government has to be answerable to its decision and activity. With regard to the significance of accountability to rural landholders, if there is not any clearly mandate of who should take the responsibility of managing rural land, the governmental institutions will not have enough consciousness to take the initiative. Meanwhile, once the landholders are treated unequally or evicted without enough compensation, government has to be accountable for its misbehaved decisions rather than the negative act.

Public participation: - Participation by both men and women is a key cornerstone of good governance (UNESCAP, 2010). Public, especially the vulnerable groups, should be involved into the process of decision-making. It is necessary for the local communities to take part in the important decision-making of planning or policy which is directly related to their community. Currently land administration system in most of the developing country is a centralized system. Government is the only institution to manage land related issue. However, with the increasing awareness of political involvement, government is shifting to governance which depends more on negotiation and cooperation with civil society and private sector (Louw, van der Krabben, & Priemus, 2003). In order to reverse the difficult condition faced by rural landholders, it is necessary for the government to initiate the participation among civil society, private sector, and land holders/users themselves. Only the coordination of public and private section is not enough. Public participation has to be extended to the broader multilevel cooperation. There should be more interflow between local, national, regional and international institutions (Kearns & Paddison, 2000). For solving the bad governance issues, the “bottom-up” strategy shows more effectiveness than the traditional “top-down” strategy to stimulate the initiative of grass root level. -the public participation in the process of agricultural investment land transfer.

Effectiveness and efficiency: - Effectiveness is a measure of how well the outputs of a program achieve the stated objectives of that program or service (Productivity Commission, 2013). Indicators of the effectiveness of programs generally focus on measuring the changes in outcomes that reflect the objectives of the program (ibid). So, if you are measuring something’s effectiveness, you are looking at how well it does whatever it is supposed to do. In line with this definition, Kaufmann and Kraay (2008) argued that having rules on paper often says little about the extent and quality of its implementation. Thus, assessing the perceptions of household provide the extent to which users find public services to be easily accessed and

responsive to their needs and expert opinion about the de facto implementation of rules can be taken as an important outcome-based indicators of governance (Kaufmann and Kraay, 2008).

According to Zakout *et al.*, (2006) efficiency means the available procedures or steps to get services in land sector. E.g., procedures to register property transactions should be short and simple. The fewer steps there are, the less opportunity for informal payments. It is reflected by the rapid reaction time of system, simple and short procedure, affordable service cost and so on. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment (UNESCAP, 2010). Effectiveness implies that the services and results of land administration system have to meet the requirement of society while making the optimal use of social resources. Once land administration system remains effective and efficient, government is able to improve the service delivery to informal settlers and reduce their service cost. Therefore, the effectiveness of rural land governance was assessed through interviewing rural farming communities and experts. Effectiveness is also defined as a measure of how well the outputs of a program or service achieve the stated objectives (desired outcomes) of that program or service (Productivity Commission, 2013).

2.7. Land Governance and Land Tenure Security

Governance indicators can be categorized into rule based and outcome-based ones (Kaufmann and Kraay 2008). Of these, Glover & Glover (2011) grouped tenure security as one of the most important outcomes of land governance. In its LGAF, World Bank (2012) also indicated individuals' rural land tenure rights protection as an important dimension of land governance. As stated by many scholars, weak land governance tends to be characterized by tenure insecurity (Transparency International, 2011) and Zakout (2006). As a consequence, social stability, investment, broad-based economic growth and sustainable development are undermined (Transparency International, 2011) and Zakout (2006). Security of land tenure is the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction (CSA, 2021). Security of tenure cannot be measured directly and, to a large extent, it is what people perceive it to (FAO, 2002). According to FAO (2002) the sources of security may be community and its specific groups, Governments, administrative state and the formal legal system and coercive structures such as "warlords" that emerge in the absence of an effective state during periods of civil unrest.

CHAPTER THREE: THE STUDY AREA AND RESEARCH METHODOLOGY

The aim of this chapter is to describe the study area, to present the research approach, research design and research methods that are used in the study in order to give answers to the research questions. Descriptions are also given on the process of data collection and analysis.

3.1. Description of the Study Area

The study was conducted in Guraferda district, Bench-Sheko Zone, SWEPR. This section highlights the district's background information which are relevant for this study.

3.1.1. Location, population and ethnic composition

Guraferda district is located in the southwest part of Bench-sheko Administrative Zone, South West Peoples Regional State (SWPRS), Ethiopia. Geographically, it is located between 28° 56' 59" to 29° 30' 13" E (Latitude) and 6° 29' 5" to 7° 13' 20" N (Longitude) (Figure 3.1). It is bordered by Sheko district in the north, Me'enit Shasha district in the South, South Bench district in the west, Surma district in the southwest and the Gambella region in the northwest. According to the May 2007 census of the country the population number of Guraferda district was 35, 264 of which 30, 274 live in rural setting (CSA, 2008). The population was projected to be 46,650 in 2017, of which 36,048 lives in rural area (CSA, 2013) and in 2021 about 51, 533 (CSA, 2021).

Since 2001, people from around North Shoa, Gondar and Wollo came in to the area seeking for farmland. As a result, it became home for a multitude and diverse population. In addition to the spontaneous resettlers who replaced the 1980s state-organized scheme, the government identified the district as one of the places to resettle 1758 household in five years' time since 2003 (GDRDFSO, 2010 cited by Guta, 2016). Before the 1980s resettlement of the Derg, the District comprises only three ethnic groups namely Majangir, Shako and Me'enit. Each ethnic group settled in the direction through which they could get connected into their people who live numerously in the neighboring districts. Accordingly, the Me'enits resides around the northeastern part of the district ranging from Biftu (the capital) to Kuja (Megenteya). On the northwestern portion alongside the Shako District, Shakos inhabit. At the side of the south on the boundaries of Gambella the Majangir inhabitants occupy the area. This pattern, can be assumed, has enabled them to peacefully coexist in accessing the natural resources in their own territory. However, now, the resettlement and large-scale agricultural investments has already altered the pattern of the local population settlement design and their livelihood strategies. Now, the district

became the place of multiple ethnic and linguistic groups. Therefore, the district is home for Amhara, Sidama, Wolayta, Kambata, Guragie, Hadiya, Bench, Gedeo, and few Oromo.

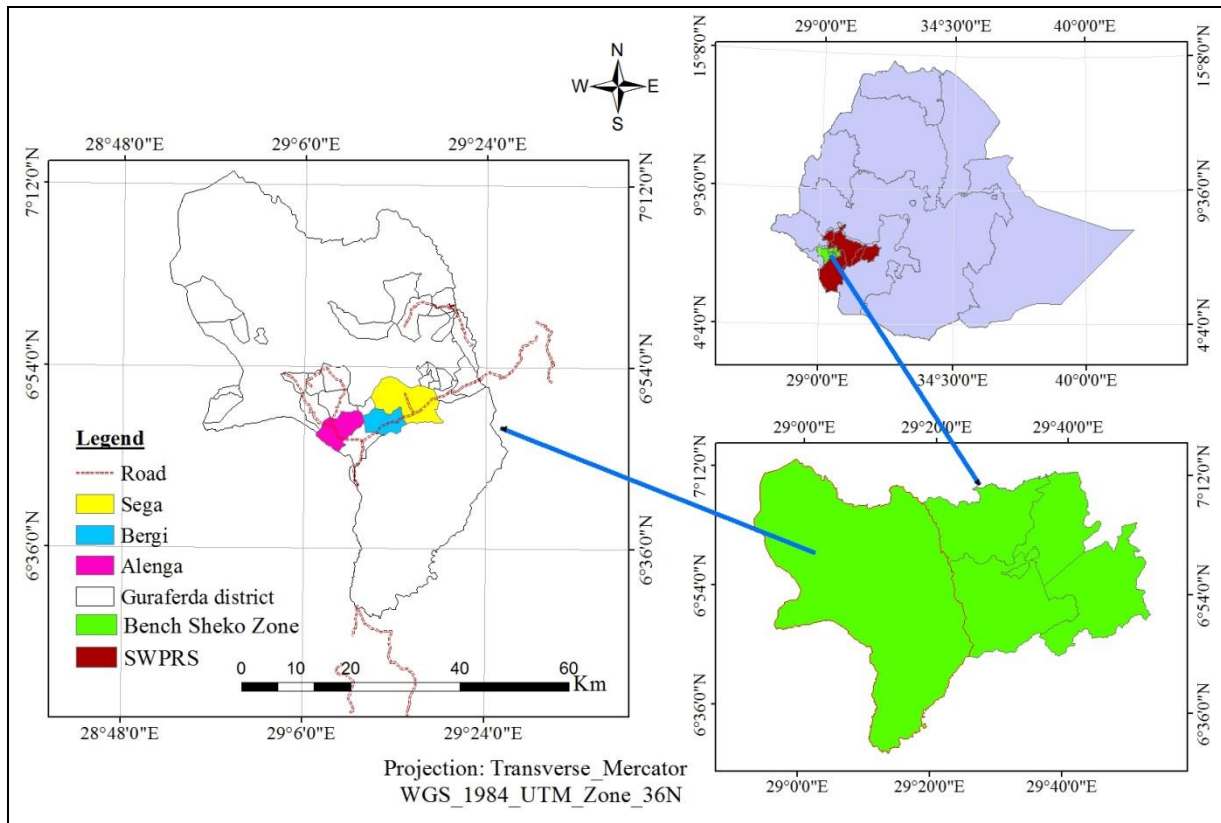


Fig.3.1. Location map of Guraferda district

3.1.2. Agro-ecology and economy of the district

Guraderda district is characterized by variable topography. A number of hills and mountains characterize the landform. The major reference soil group in Guraferda is fertile nitosols (Debonne, 2015 cited by Haile, 2018). Agro-climatic zones of Guraferda are low land (Moist Qolla) and medium (Woyna-daga), which constitute 78.25% and 21.75% respectively. The altitude ranges from 700 to 1995 meter above from mean sea level. The annual rainfall varies from 1601-2000mm. The mean is about 1332mm. The mean annual minimum and maximum temperature of the area ranges between 20°C and 29°C, respectively (Menberu, 2011).

The main rainy season, Mahar, is considered as important for rain-fed cropping. Although the precipitation of the Balg (short rainy season) is smaller than that of Mahar, it is adequate to grow crops. Like the economy of the Zone, Guraferda is predominantly plough-based agriculture dominantly of cash crops, like coffee, sesame and rice. The first three major products of the district are coffee, rice and sorghum. The type of sorghum named as Gobi which is being used

for baking Injera (the traditional Ethiopian bread) is widely produced next to rice. Among the annual crops rice covers the bulk of production. Perennial cash crops; such as coffee and fruits were being intensified in the district. Guraferda becomes one of the surplus crop producers in the region. Besides crop production, the farmers of the district raise livestock for their farm and for their milk consumption.

Since the resettlement, as a coping strategy to the new culture and subsistence system, some Me'enits are used to harness oxen to plough their plot. Formerly they were slash and burn shifting cultivators using stick locally called "Shonqla" as a plowing tool. In Me'emit culture, harnessing animal labour for farming was considered to be an abomination against animal. Usually, peasants of the district use the household labour to cultivate their plots. Sometimes the resettlers and the local Me'emit people use dabo (festive work group) and wanfal (reciprocal work group) for sowing, weeding and harvesting. There are two weekly markets on Sunday and Saturday in Biftu and Kuja, respectively. Kuja (Megenteya), is recently established town following the 2001/2 spontaneous resettlement. Being center for the farmers from different directions, it becomes the biggest market place in the district. For this reason, the town is piled with services like banks, hotels, cafés, shops and bars. It became service center to the resettlers and people in the large-scale agricultural investment sites. Currently, Asphalt-road has been constructed connecting Mizan-Teferi (zone capital) and Dima (about 90 Km from Mizan-Teferi) which crosses the Biftu city (Guraferda district capital). In addition to this main road, there are dry-weather roads to the large-scale agricultural investment sites. Of these the one which runs from Biftu to Bibita from Bergi junction to Bibita (the former capital of the district) passing through Quttir and, QuttirSost, Qu'ttir Amist and reaches. The second track runs from Alenga to the west through Komata, Kuki and Samartha lead to Bibita again. These two roads hardly serve for tracks like ISUZU only during the dry season with the assistance of people. Regardless of the devastated infrastructure, the district become known for its booming economy not only because of the smallholders' farm but also being site for many large-scale agricultural investors planting different perennial and annual crops. It is also a path way to gold mining places in neighboring districts and South Sudan.

3.2. Study Area Selection

Guraferda district is one of those areas of the country which had received large number of resettlers from both small-and large-scale resettlement schemes during the period of Derg regimes and current government respectively. Small scale resettlement in 1984 and the large scale one since 2003 (Abere, 2011). It is also one of the most potential areas for agricultural investment such as rice production, coffee investment and rubber plantation (MoA, 2009). For instance, Bebek Coffee Plantation Development is one of the oldest and largest state farms in the country, is located in the Guraferda district (Abraham, 2020). Currently, most of the remaining lowland evergreen forest has already been converted to coffee forest, mainly due to investors from outside the communities. There are also claims by the local community that a lot of land is grabbed. For instance Foquet *et al.*, (2019) stated that human encroachment into the primary forest is occurring from villagers around the forest, in search of timber and non-timber forest products. In support of this reality, Gessese (2018) did a wonderful satellite-based study in the area. The study showed that there is high rate of land use land cover change in the area as result of resettlement, agricultural investment and government policies which are aggravated by poor governances within the district. As a result, the challenges are more pressing than ever.

The government authorities in the district were worked a lot on illegal allocation of land for resettlers through taking bribes. They confiscate land from a resettler as they want by saying “it is not yours” and gave for the other who gave bribe for them (Gessese, 2018). In the district there is extensive land grabbing on communal land/state land, high demand for agricultural investment, communal land encroachment, and extensive deforestation (GDAO, 2021). There are also claims by the local people that social unrest is occurring due to displacement of their land holdings. All these incidents therefore warrant carrying out extensive research and establishing a true picture of the land governance in the district. Moreover, the researcher’s personal experience shows similar situations in the area. These all together has resulted in social unrest in the district now a time. For instance, since 2017, more than 25,000 rural farm households were displaced from their locality and holdings. Therefore, the above historical evidences, empirical studies, annual reports and personal experiences provide the prevalence of lax land governance against private, state and communal holdings in the study area. This convincingly provides a pleasing justification for the selection of the area.

3.3. Research Approach

The purpose of this study was to assess rural land governance practices in Guraferda district. To address this objective, quantitative data including the levels of institutional capacity; levels of transparency, accountability and farm households' participation in land deals; time taken to resolve land dispute and factors affecting tenure security were generated using questionnaire survey. In addition, the perceptions/opinion of farm households about the situations of land rights, mechanisms and techniques used to encroach against forest and communal lands and the decision-making processes in land governance was obtained through focus group discussions (FGDs), key informant interviews (KIIs) and field observation; and narrated using the qualitative approach. In this regard, Kothari (1990) stated that quantitative approach involves the generation of data in quantitative form which can be subjected to rigorous quantitative analysis in a formal and rigid fashion. On the other hand, qualitative approach to research is concerned with subjective assessment of attitudes, opinions and behavior. However, instead of using either of the two approaches, the researcher used both qualitative and quantitative type of research approach, which is commonly named as mixed methods research. The reason for using mixed methods research is that it provides a more complete understanding of a research problem than either approach alone as stated by Creswell (2014). That is, in order to address the research question(s) defined for a particular research study, researchers collect and analyze both numerical and narrative data for quantitative and qualitative approach respectively (Williams, 2007). In this research, quantitative data were gathered using a structured questionnaire and by interviewing the farm households. Qualitative data were collected through focus group discussion and key informant interviews. For this research, the sequential explanatory strategy was employed during data collection. A sequential explanatory strategy is a popular strategy for a mixed-methods design that often appeals to researchers with strong quantitative leanings (Creswell, 2009). The researcher collected quantitative data followed by qualitative data. The same sequence was applied for the data analysis.

3.4. Research Design

A research design is the conceptual structure within which research is conducted; it constitutes the blueprint for the collection, measurement and analysis of data. Decisions regarding what, where, when, how much, by what means concerning an inquiry or a research study constitute a research design (Ran, 2020). It is concerned with transforming research questions into a

framework of strategies and methods that will enable the investigator to systematically answer these questions (Andrew & Halcomb, 2009). A research design appropriate for a particular research problem, usually involves the consideration factors like the means of obtaining information; the availability and skills of the researcher; the objective of the problem to be studied; the nature of the problem to be studied; and the availability of time and money for the research work (Kothari, 1990). The framework through which the specific objectives of the study were achieved is defined by means of a research design. To the end, the type of design adopted is a cross-sectional survey study design. A cross-sectional survey study design is used when the purpose of the study is descriptive, often in the form of a survey (Levin, 2006), and this type of design analyze data from a population at a single point in time. This design is best suited to studies aimed at finding out the prevalence of a phenomenon, situation, problem, attitude; and involve only one contact with the study population (Kumar, 2011). It is comparatively cheap to undertake and easy to analyze (Kumar, 2011).

3.5. Sources and Methods of Data Collection

To achieve the objectives of this research both primary and secondary data sources were used. Primary data were collected through questionnaire, Focus Group Discussions (FGDs), Key Informant Interview (KIIs) and direct observation techniques. The sources of data were also complemented by secondary data sources i.e., from administrative reports, reviewing existing legal frameworks and institutional setups, statistical statement of the selected rural administration as well as rural land development district office, proclamations, regulations and directives. Other written materials such as books, articles, journals, seminar papers, reports, websites, published and unpublished thesis, which are related to the study were also reviewed.

3.6. Sampling Design: Study Site Selection, Sample Size and Sampling Techniques

3.6.1. Study area selection

Guraferda district is one of those areas of the country which had received large number of resettlers from both small-and large-scale resettlement schemes during the period of Derg regimes and current government respectively. Small scale resettlement in 1984 and the large scale one since 2003 (Abere, 2011). It is also one of the most potential areas for agricultural investment such as rice production, coffee investment and rubber plantation (MoA, 2009). Currently, most of the remaining lowland evergreen forest has already been converted to coffee forest, mainly due to investors from outside the communities. According to Guraferda district

Rural Land Administration and Use, in the district there is extensive land grabbing on communal land/state land, high demand for agricultural investment, communal land encroachment, and extensive deforestation (GDAO, 2021). There are also claims by the local people that social unrest is occurring due to displacement of their land holdings. All these incidents therefore warrant carrying out an extensive research and establishing a true picture of the land governance in the district. Guraferda district has twenty-seven (27) rural kebeles which share many of the problems described in the district. Among these rural kebeles, Bergi, Sega and Alenga kebeles were selected purposely since they are characterized by invasions on forest/grazing land, emerging large-scale agricultural investment and high incident of land conflict respectively; and the data required to address the research objectives was secured in the three kebeles. According to Padilla-Díaz (2015) purposive sampling is characterized by incorporating specific criteria met by the participants at the moment of selection. The primary consideration in purposive sampling is your judgement as to who can provide the best information to achieve the objectives of your study (Kumar, 2011).

3.6.2 Sample Size and Sampling Techniques

In the vast majority of research endeavors, the participation of an entire population of interest is not possible, so a smaller group is relied upon for data collection. Sampling from the population is often more practical and allows data to be collected faster and at a lower cost than attempting to reach every member of the population (Turner, 2019). Because the sample will be used to make inferences about the population, understanding the means by which the data arrived in the database is an important aspect of analyzing and drawing conclusions from that data (*ibid*).

A. Sample size determination and sampling techniques

Perhaps the most frequently asked question concerning sampling is “What size sample do I need?” The answer to this question is influenced by a number of factors, including the purpose of the study, population size, the risk of selecting a “bad” sample, and the allowable sampling error (Israel, 1992). Obtaining a representative sample size remains critical to survey researchers because of its implication for cost, time and precision of the sample estimate (Adam, 2020). Among different approaches to determine the sample size (Singh and Masuku, 2014; Israel, 1992); applying formulas has become essential for this study as there is a need to calculate the necessary sample size for a different combination of levels of precision, confidence, and variability. In this study, the target groups are the rural farm households. Since the target

population (N) is known or finite, Yamane (1967) provides a simplified formula to calculate sample sizes. Adam (2020) argued that Yamane’s formula is best suited for categorical variables and only applicable when the confidence coefficient is 95% with a population proportion of 0.5. As noted by Israel (1992), the difficulty of obtaining a good estimate of population variance has increased the popularity of sample size based on proportion. The total farm households in the three study kebeles is 2, 672; and breakdown is presented in table 3.1.

Table 3.1 Total farm households in the sample kebeles

Number of Farm Households in the Selected Kebeles					
Alenga Kebele		Bergi Kebele		Sega Kebele	
980		772		920	
Male headed	Female headed	Male headed	Female headed	Male headed	Female headed
842	138	689	83	767	153
Total = 2,672					
Male headed households			Female headed households		
2,500			172		

Source: Alenga, Bergi and Sega kebele Agricultural Office (KAO), 2021

Therefore, as illustrated and exemplified by Israel (1992) and Adam (2020); Yamane (1967) sample size determination formula was used to determine the sample size as shown below.

$$n = \frac{N}{1 + N(e)^2}$$

Where **n** is the sample size, **N** is the study population size, and **e** is the level of precision

$$\begin{aligned}
 n &= \frac{2,672}{1 + 2,672(0.05)^2} \\
 &= 347.9, = \sim 348
 \end{aligned}$$

The number of farm households selected for interview from each kebele was is determined proportional to the total number of farm households in the kebele (rounded to integer) to guarantee an equal representation of households in each kebele as formulated below (Kumar, 2011).

$$ni = \frac{Ni}{N} * n$$

Where: ni = the required sample size from each selected kebele, Ni = total number of farm households in each selected kebele, N = total number of households in all selected kebeles, n = total sample size from the target population.

Table 3.2. Sample size proportion for sample Kebeles based on number of farm households

Kebele	Total FHH	Sampled FHH	Proportion in %	Male headed	Female headed
Bergi	772	100	29	89	11
Alenga	980	128	37	110	18
Sega	920	120	34	100	20
Total	2,672	348	100	299	49

The number of male-headed and female-headed respondents was determined proportional to the total number of sample farm households in the respective kebele (rounded to integer) to guarantee proportionate representation in each kebele, as indicated in table 3.2.

B. Sampling techniques for respondent farm households

Since, researchers neither have time nor the resources to analysis the entire population they apply sampling technique (probability and non-probability) to reduce the number of cases (Taherdoost, 2016). In non-probability sampling method, the researcher used purposive/judgmental sampling to select the study area, whereas under probability sampling, the researcher used systematic random sampling method in order to select sample households. Systematic sampling is where every n^{th} case after a random start is selected. The advantage of this sampling technique is its simplicity (Taherdoost, 2020). It is therefore essential to prepare the sampling frame which normally consists of a list of items from which the sample is to be drawn (Kabir, 2016). Accordingly, the list of farm households in the three selected kebeles was used as a sampling frame for this study (Table 3.4). Since land administration office not established at kebele level, the sampling frames were obtained from respective rural Kebele Agriculture Office (KAO) by

taking the list of all farm households. Under probability sampling, the researcher used systematic random sampling method in order to select samples from the list of farm households in each kebele. Systematic sampling is where every n^{th} case after a random start is selected. The advantage of this sampling technique is its simplicity (Taherdoost, 2016). Systematic random sampling was applied because sample units are uniformly distributed over the population (Feige & Marr, 2012). It is also noted that using probability sampling methods leads to establish a representative of the total sampling population, and the inferences drawn from such samples can be generalized to the total sampling population (Kumar, 2011). Systematic sampling is where every n^{th} case after a random start is selected.

Thus, the sample farm households were drawn from each administrative unit (Kebele) from the list of names after a certain sampling interval (K) that was determined by dividing the total number of farm households by the predetermined sample size of each kebele. Next, a number was selected between one and the sampling interval (K) using the lottery method (called the random start) and was used as the first number included in the sample. Then, every K^{th} farm household head after that first random start was taken until reaching the desired sample size for each kebele administration.

$$\text{Sampling Interval } (n) = \frac{\text{Total Populatin}}{\text{Sample Size}(n)}$$

Table 3.3. The procedure for selecting a systematic sample

Kebele	Study Population(N)	Sample Size (n)	Sampling Interval (K)	Random Start
Alenga	980	128	~ 8	2
Bergi	772	100	~ 8	7
Sega	920	120	~ 8	5

3.7. Data Collection Instruments or Tools

A) **Questionnaires:** a standard questionnaire consisting of closed and open-ended questions were prepared to collect primary data (Appendix 1). To communicate effectively with the respondents, the researcher translated questionnaire from English to Amharic. Face-to-face interviews were needed, as many of the respondents were illiterate. Five experts (three developmental agents) from each kebele and two land administration experts from district), with a minimum college diploma were assigned to collect the data. Before data collection, they shared ideas with the

principal researcher and they were trained to guarantee a standardized and harmonized data collection procedure and disciplines. A pre-testing of the questionnaires was conducted in advance in one of the studies kebeles for one day. Based on these experiences, the questionnaires were adapted and improved.

B) Focus group discussions (FGDs): To clarify the information that are collected through questioners from the sample households, FGDs data were collected from elderly, women, landless people and prominent landholders (Appendix 3). Hence, twelve FGDs (four in each kebele) with eight participants in each FGDs were carried out. Focus group discussion participants were selected purposively based on their knowledge and experience in rural land governance practices. The discussion focused on the perceptions on transparency in rural land governance, causes of land grabbing in the, challenges of current land governance, security of tenure issues and etc. In all the FGD data collection, assistant note takers were assigned to record each and every idea expressed by the discussants while the researcher acted as a moderator to lead the discussion. The data collected in each FGD was summarized in the day it was carried out and important points were also consolidated. Points which required further in one FGD were set for further discussion in the next FGDs.

C) Key Informant Interview (KIIs): Key informant interview were also conducted as a qualitative instrument. This method was quite important whereby the well-informed informants provide the researcher with rich and detailed information on the subject of inquiry. Key-informants are persons who have unique knowledge about the issue under study, and have access to other information of interest to the researcher (Kaufman, 2005). A checklist of questions was used for the KI interview (Appendix 2). The selected key informants were interviewed face to face and the response were recorded manually. In the context of this study, key-informants from district and representative Kebeles are as shown in Table 3.4.

Table 3.4. Number of key informants from rural land sector institutions

Key-Informants	No. of Institution (District/Kebele)	No. of Key Informants	Sub-total	Total
District land admin. expert	1	3	3	
Land development official	1	1	1	
District Judge	1	1	1	
Kebele natural resource expert	3	1	3	32
Kebele land admin. committee	3	5	15	
Kebele manager	3	1	3	
Agricultural investors	3	2	6	

D) Actual/direct observation technique: Personal/direct observation were also made in the district rural land administration offices, Kebele Agricultural Office (KAO) and the communal and forest lands situation. A checklist and camera were used to record and capture the observed data (Appendix 5). This method is employed in order to gain the deep insight about realities on the ground.

3.8. Definition and Measurement of Variables

In this study, the attitude of farm households towards the institutional capacity, transparency in land governance, their participation on agricultural investment land deals, effectiveness of current land governance system and their perception on tenure security was measured to investigate the practices of rural land governance in the study area. Kumar (2011) stated that in quantitative research you can ascertain the types of attitudes people have in a community, how many people have a particular attitude and what the intensity is of those attitudes. Moreover, binary logistic regression model was employed to identify factors affecting tenure security of farm households in the study area. In this case, the dependent variable, land tenure security would be treated as dichotomous. For the analysis of this type of dependent variables (Hosmer & Lemeshow, 1989) pointed out, binary logistic regression is more important than the others. Because, it is an extremely flexible and easily usable model (Greene, 2003). Binary logistic regression is often chosen if the predictor variables are a mix of continuous and categorical variables. The model helps to explore the degree and direction of the relationship between dependent and independent variables in the tenure security. For the operation of these task, SPSS Version 25 (Statistical Package for the Social Sciences) software were used. In tenure security

studies, the response to a question such as whether farmers have secure tenure could be yes or no, is a typical case of dichotomous variable. The slope tells how the Log-odds in favor of feeling of tenure security change as independent variables change by a unit. Since the conditional distribution of the outcome variable follows a binomial distribution with a probability given by the conditional mean P_i , interpretation of the coefficient will be understandable if the logistic model can be rewritten in terms of the odds and log of the odds (Hosmer and Lemeshow, 1989). Following Hosmer and Lemeshow, (1989) the logistic distribution function for the tenure security can be specified as:

$$p_i = \frac{1}{1+e^{-z_i}} \dots\dots\dots 1$$

$$1 - p_i = \frac{1}{1+e^{z_i}} \dots\dots\dots 2$$

Therefore, we can write;

$$\frac{p_i}{1-p_i} = \frac{1+e^{z_i}}{1+e^{-z_i}} = e^{z_i} \dots\dots\dots 3$$

$$\frac{p_i}{1-p_i} = \frac{1+e^{z_i}}{1+e^{-z_i}} = e^{\beta_0 + \beta_i x_i} \dots\dots\dots 4$$

The binary logistic regression function estimated the likelihood of the effects of the independent variables on the dependent variable is described as:

$$\ln\left(\frac{p_i}{1-p_i}\right) = \ln\left[e^{\beta_0} + \sum \beta_i x_i\right] \dots\dots\dots 5$$

$$z_i = \beta_0 + \sum \beta_i x_i + \varepsilon_i \dots\dots\dots 6$$

Where, the quantity $\frac{p_i}{1-p_i}$ is called the odds (likelihoods) ratio,

P_i is a probability of being secured tenure

$\beta_1, \beta_2 \dots \beta_n$ coefficients of explanatory variables

X_i is predictor variables (can be categorical or continuous)

ε_i is error term

β_0 is an intercept

$1 - P_i$ is tenure insecurity of farm households.

e represents the base of natural logarithms (2.718)

Z_i is a function of n explanatory variables of (x)

If the value of the odds ratio is greater than 1, the likelihood of the effect of the independent variable on the dependent variable is increased; odds ratio value of one indicates no relationship and a value less than one indicates negative relationship (Tesfahunegn *et al.*, 2016).

The form of binary logistic regression model with multiple covariates is indicated in (Gujarati, 2004) as:

$$Z_i = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \dots + \beta_k X_k$$

Where Z_i Is the dependent variable; which is determined by the independent variables $x_1, x_2, x_3, \dots, x_k$ and β_0 the constant term and the remaining β 's were the extents to which each independent variables affects the dependent variable. Therefore, the general model of the binary logistic regression for this study was illustrated as:

$$Its_i = \beta_0 + \beta_1 hnage_i + \beta_2 hsex_i + \beta_3 famsize_i + \beta_4 edustatus_i + \beta_5 landhsze_i + \beta_6 Epp_i + \beta_7 acjs_i + \beta_8 dgbii_i + \beta_9 leklai_i + \beta_{10} lc_i + \beta_{11} pi_i$$

Where, Its_i = land tenure security, $hhnage$ = age of the household head, $hsex$ = sex of the, $famsize$ = family size of the household, $edustatus_i$ = educational status of the household head, $landhsze_i$ = land holding size of an individual i , Epp = expropriation for public purpose; $acjs_i$ = absence of clear justice system to settle land related disputes, $dgbii$ = different government body interventions, $leklai_i$ = lack of experience and knowledge in the kebele land administration experts, Lc = land certificate and Pi =political instability. Hence, the logit model for tenure security was a function of eleven independent variables. The dependent variable is land tenure security (Its) and eleven independent variables were used to estimate whether land tenure security is related to these explanatory variables or not. These were age of the household heads (HHHs), sex of the HHHs, educational status of the HHHs, family size and land holding size (Holden & Yohannes, 2001); expropriation for public purpose Gebremichael (2016); (Deininger & Jin, 2006); absence of clear justice system to settle land related disputes, different government body interventions, lack of experience and knowledge in the local land administration experts (Bruce et al., 1994; Rahmato, 2004); land certificate (Deininger & Jin, 2006); and political instability (Rahmato, 2004).

Table 3.5. Overview and definition of variables in the binary logistic regression model.

Variables code	Variable type	Description	Expected sign
Lts	Dummy	Land tenure security; 1 = yes (secure), 0= no (insecure)	
agehh	Continuous	Age of the head of the household	-
sexhh	Dummy	Sex of the head of the household; male=1, female=0	+
famsize	Continuous	Family size of the household	+
landsize	Continuous	Total farm landholding size in hectare	+
edustatushh	Catergorical	Educational status of the hhhs; 0 =illiterate, 1 = read and write, 2 = 1 ^{ry} school, 3 = 2 ^{ry} school and above	+
Epp	Dummy	Expropriation for public purpose; 0 = yes, 1 = no	+
Acjs	Dummy	Absence of clear justice system to settle land related disputes; 0 = yes, 1 = no	-
Dgbi	Dummy	Different government body interventions; 0 = Yes, 1 = no	-
Leklae	Dummy	Lack of experience and knowledge of the land administration experts; 0 = no, 1 = yes	-
Lc	Dummy	Land certificate; 0 = no, 1 = yes	+
Pi	Dummy	Political instability; 0 = no, 1 = yes	-

3.9. Method of Data Analysis and Presentations

3.9.1. Quantitative data analysis

As described in the previous section, quantitative and qualitative data were collected through questionnaire, focus group discussions and key informant interviews. In total, data of 348 farm households were encoded and analyzed using Statistical Package for Social Science (SPSS, version 25). Descriptive statistical analysis was employed to analyze socio-economic characteristics; institutional capacity; transparency in private, communal and state land governance; public participation in the process agricultural investment land deals; and perception of farming households on the effectiveness of rural land governance. Mean values, standard deviations and percentages of the collected data were calculated for analysis. Moreover, to identify whether land governance was effectiveness in terms of tenure security, binary logistic regression model was employed.

3.9.2. Qualitative data analysis

The analysis was complemented by a qualitative analysis of data gained in focus group discussions and key informant interviews. Qualitative data was analyzed through narrative analysis. The qualitative analysis aims to describe data gathered from Focus Group Discussions (FGDs) and Key Informants (KIs). The responses coming from different data sources were triangulated to check convergent and divergent views coming from the different sources. Observation was carried out to get insight about land registration documents, service provision mechanisms and etc. Thus, all important information were captured by using photo camera (Appendix 5).

3.9.3. Data presentations

Data reporting were presented using tables for ease of looking and texts to explain the table values for further comprehension.

CHAPTER FOUR: RESULT AND DISCUSSION

This chapter presents the analysis and discussion of data collected from different sources. The presentations are done according to the arrangements of specific objectives. Results were presented using tables for ease of looking and texts to explain the table values for further comprehension. The first section deals with socio-economic aspects as it provides an important background information about respondent households. The socio-economic characteristics discussed were age, sex, marital status, educational level, sources of income, land size, family size and year of live in the area. Then, it is followed by assessment of the perception and views of respondents on rural land governance practices in the study area. The analysis further presents how a combination of information generated from the different sources are complementing each other to provide an insight on how rural land governance should be arranged so that they could provide effective services and decisions to the farming community.

4.1. Socio-Economic Characteristics of Sample Households

Sex of household heads: As it is shown in the Table 4.1 most of the respondent are male headed (86%) whereas the remaining (14%) are female headed. This deviation was due to the fact that the primary respondents in this study was household heads (HHHs) which are often males. Female farm households are considered as respondents only when they are divorced or unmarried. This is because of the fact that males know more about their land rights than females. Ultimately, this enabled them to provide tangible information on the states of land governance.

Marital status of household heads: When we see the marital status, most of the respondents were married accounting for 88%, followed by unmarried and divorced which accounts 8% and 4% respectively. The figures on the marital status indicated the existence of a stable social structure and this can be an asset for development programmes at operational and local level.

Educational level of household heads: The educational level in the study kebeles showed 36% illiterate, 31% read and write only, 24% primary school and 9% secondary school. The figures on the educational status indicated the existence of uneducated respondents.

Source of income of the farm households: As indicated in table 4.1, source of income for majority (85%) of the respondents were on-farm incomes such as crop production, livestock production, and collection of forest products. This shows that the area is highly suitable for farming activities so that a destination for those who wants to get involved in. Off-farm incomes occupies the next position (13%). Income from off-farm work supplements on-farm income and

helps to expand economic activity and employment opportunities in rural areas of Guraferda district. Non-farm income (2%) such as petty trading, craftsmanship and mining were also practiced as a source of livelihood.

Number of years respondents have lived in the study area: The majority (82%) of the sample households have lived in the study area for the last 23 years; whereas 16% of the sample households have lived almost all their lifetime. There are few households that have lived for a relatively short period (up to 6 years). It can therefore be argued that the respondents can provide valuable information for the study.

Age of household heads: The age structure of the respondents indicated that their age ranges from 22 to above 69 years, and the mean age is 36.3 indicating that the respondents are found in the productive age groups. The combination of wide-ranging age groups has given an opportunity to gather views of individuals in the different age groups. The overall age distribution of sample households indicates the presence of a high proportion of households in the reproductive age and this implies that there will be large number of youths in the study area and it is likely that the demand for land in rural areas will increase in the foreseeable future. This shows that if favorable conditions are created, they can play better productive roles for solving their land problems and consequently, contribute to the development of the country as a whole. On the other hand, if favorable conditions are not facilitated for such age groups, they can make illegal pressure on state and communal holdings. Provision of sustainable development depends on the capabilities of the people which are grouped as human capital and therefore, enhancing such capabilities is believed to contribute for the realization of sustainable developments and this in turn contributes to the achievement of sustainable development of the country.

Land holding size: Table 4.1. shows that the average land holding of the farm households is about 2.335 ha, the minimum being 0.5 ha and the maximum 9.0 ha. Even though the land holding size is sufficient to ensure food security of the household, more than 650 landless peoples have applied for rural lands in Bergi, Sega and Alenga Kebele administration.

Family size: The average family size of respondents is 5.39 and the maximum and minimum family size were 1 and 14 respectively. Unless family planning programmes are introduced and a shift in thinking about family size is developed, the substantially increasing family size will cause pressure on state and communal lands.

Table 4.1: Socio-economic Characteristics of Sample Respondents

Variables (Categorical)	Categories	Frequency	Percentage
Sex of HHH	Female	49	14
	Male	299	86
Marital status of HHH	Unmarried	28	8
	Married	306	88
	Divorced	14	4
Educational level of HHH	Illiterate	125	36
	Read and write only	109	31
	Primary school	84	24
	Secondary school and above	30	9
Source of income	Non-farm income	6	2
	On-farm income	298	85
	Off-farm income	44	13
Year of live in the area	1-6 years	7	2
	7-15 years	120	35
	16-30 years	164	47
	Above 31 years	57	16

Variables (Continuous)	N	Minimum	Maximum	Mean	Std. Deviation
Age of household heads	348	22	69	36.30	8.068
Land size	348	.5	9.0	2.335	1.6829
Family size	348	1	14	5.39	3.076

Source: A house holds survey, March 2021

4.2. Institutional Capacity of Various Stakeholders Involved in Rural Land Administration

Capacity can be defined as the ability of individuals and organizations or organizational units to perform functions effectively, efficiently and sustainable (UNDP, 1998). Capacity needs in land administration are highly influenced by the way governments want to administer the land, and also by the way regulations and organizations are implemented and managed within the country (Enemark *et al.*, 2008). Thus, for effective land governance, institutional capacity plays vital role to transform the legal and policy framework in to action (Adam and Birhanu, 2017). Within this context, various criteria were developed to assess the institutional capacity of various stakeholders who are involved in rural land governance.

Table 4.2. Institutional capacity of rural land governance institutions

Variables	Good		Satisfactory		Low	
	N	%	N	%	N	%
Knowledge of KLAC in land dispute resolution	15	4	38	11	295	85
Capacity building training for KLAC	10	3	26	7	312	90
Incentive mechanisms for KLAC	7	2	22	6	319	92
Facilities (time and place) to get KLAC	335	96	11	3	2	1
Women's representation & participation in KLAC	3	1	7	2	338	97
Community elders to manage land dispute	50	14	79	23	219	63
Kebele natural resource expert (DAs)	7	2	49	14	292	84
DRLAU (institutional and technical)	35	10	150	43	163	47
District court (institutional and technical)	300	86	32	9	16	5
Awareness creation for farm households	7	2	27	11	314	90

Source: A house holds survey, March 2021

As per article 12 of SNNPR rural land administration and land use proclamation (110/2007), there are local/kebele level institutions established to implement land administration issues, which are called Kebele Land Administration Committees (KLAC). The KLAC is a body responsible for all the practical matters of land administration and use at kebele level; and the type of service rendered by the KLAC was stated as arbitration, awareness creation on land administration issues, awareness creation on land use and assistance on delineation of boundaries of forest, grazing and farm land (Adam and Birhanu, 2017).

In this regard, table 4.2 shows that about 85% of the respondents perceive the knowledge and skill of kebele land administration committee in land dispute resolution were low or weak. This is in compliance with findings of Wobelo (2020) which state that the committee members are not experts rather laymen that administer land in the kebele and sub-kebele levels. About 11% responded that the members have satisfactory skills and knowledge. This figure implies that the possibility of passing wrong decisions is high. Interviews with the committee members indicated that only two of the fifteen members from the three kebele have attended secondary school. Lack of knowledge and skill of KLAC is closely linked with whether capacity building training were given for committees. In this regard, about 90% of respondents believe the capacity building training given was low; and about 7% respondents said that training given was satisfactory. Thus, lack of knowledge and skill to resolve land dispute coupled with lack of training again makes the quality of decision and services the worst. In this case, experts from district said that:

“We were supposed to give training for kebele rural land administration and use committee members at least when new members are elected. But due to budget constraint the training was given infrequently. If we had expert at kebele level, it would have been easy to deliver training.”

Regarding the incentive mechanisms given for KLACs, about 92% of respondents said that there were no clearly defined payments from the government and litigants. The interviews from the committee members reveals that government don't give any incentive for the activities they do. However, depending on their satisfaction, disputants are supposed to give 100-150 birr from both parties which is supplemented with local drinks like coffee, teji and tela, borde and etc. This is similar with the findings of Wobelo (2020) which states that there is no incentive mechanism for these organs for their official duties. He also stated that, in Tigray National Regional State (TNRS) however there is an established incentive mechanism (i.e., per diem arrangement) for the committees (Article 33 of Tigray Regional State Rural Land Adjudication Committees Proclamation No. 240/2014). This implies, if the committee members have no defined payment, the possibility to get involved in corrupt activities will be high.

The only favorable condition is that the time and place to get committee members. About 96% responded that the time and place to get KLAC was good. Key informants noted that the committee members make available themselves in Kebele Agricultural Office (KAO) twice a week, on Tuesday and Friday. In these days, farmers are supposed to apply their complaints in

writings. An exciting point again here is that farmers can present their grievance wherever they get any of the committee members. Then, the committee members are supposed to see and solve the cases within fifteen (15) days. Though the time and place to get KLAC is facilitated, the committees haven't their own office. Instead of they use Kebele Agricultural Office (KAO). This is similar with the study by Adam and Birhanu (2017) in Amhara region, noted that the committees lack offices rather they use the office of the land administration expert.

Concerning the binding nature and number of women's representation in KLAC, the regional proclamation and regulation says nothing. But, in their study, in Amhara region, Adam and Birhanu (2017) stated that the committee members comprise seven members, of which at least two of them are women. In this regard, the district rural land administration team leader said that:

"We have given training for women to be represented in the Kebele Land Administration Committee, at least two women in each committee. But still it was not realized because of the community's belief that women are ignorant, powerless on decision making about land cases and don't come to kebele meetings as they have workload at home".

What we can infer from the above stipulations is that, both federal and regional rural land administration and use proclamation has given great powers and functions for KLAC. The powers given to them is convincing and justifiable as they are close to land and community than anyone. Such high degree of decentralization is a good lesson in which the Ethiopian system can contribute for other countries in similar situation. However, since the committees are lay-men and are not supported by other experts, it is not easy for them to administer rural lands of their community. None-incentive arrangement discourages their vigor and motivation of the committees on the land administration. Therefore, great power but poor facilities (training, incentives) discourage the members and expose them to give biased decisions. Although authority for most decisions is at the local level, guidance to inform officials at district and village levels is lacking. These all together makes land governance at grass-roots level weak.

Alternatively, farmers can apply their grievances to community elders or locally named as *shemaglewoch*. Hailu (2016) state that, in some regions, *Shemaglewoch Shengo (elders' council)* (traditional arbitration committee) is established in each Kebele to handle land related conflicts using traditional rules. It plays a key role in integrating customary (traditional) law into the formal setting. For instance, there are well organized *Shemaglewoch Shengo (elders' council)* in

Amhara region (Adam and Birhanu, 2017). Unlikely, in Guraferda district, community elders are not well-organized. As indicated in table 4.2, about 63% and 23% of the respondents believe that the community elders' capability to resolve land disputes is low and moderate respectively. Unlike LAUC, the negotiation process by community elders is based on customary rules; and no need of payments from litigants, only invitation of local drinks. This way of conflict management was primarily chosen by the community because of the fact that the resolution is based on the win-win approach that benefits both sides.

The implementing institutions for rural land administration are varying between regional states (Hailu, 2016). For instance, some regions, such as Amhara and Oromia have extended its land administration office to the kebele level and assigned experts in order to provide technical assistance for the committees (Adam and Birhanu, 2017; Hailu, 2016). But this is not true in Guraferda district. Instead of, there are crop production or natural resource experts, commonly named as Developmental Agents (DAs). What irritating issue here is that in Bergi and Alenga kebele, crop production (diploma) professionals are working on the position of natural resource expert. Thus, when technical assistance is required for KLAC, the district is requested to send its expert. This implies that land administration at kebele level has been died or depleted.

Although the regional implementing institutions for rural land administration are varying between regional states, in naming and organizational setting, there are offices at district administrative levels in all the regional states (Hailu, 2016). Table 4.2 shows that about 47% of the respondents said that district rural land administration has low institutional and technical capacity followed by 43% satisfactory. In support this figure, district expert said that:

"I perceive that the functionality of our office is weak. This is due to incompleteness of human power and lack of operational budget. Land administration is structured at case-team level and allows eight employees to work (seven expert and one team leader). But due to inadequacy of budget only three employees (two expert and one team leader) are working presently".

From the above statement we can deduce that, the incapability of land administration and use is due to the fact that land administration is structured at team level. Key informants noted that at the top there is Agricultural Office (GDAO). Under agricultural office there are six (6) work process, including natural resource and small-scale irrigation. Again, under natural resource and small-scale irrigation work process there are four case-teams, including rural land administration

and use case team. Finally, under land administration and use case-team, there are three employees (one land use expert, one land surveyor and one land administration team-leader). This shows the institutional capacity at district level is very weak from the point of global approach to modern land administration systems; land tenure; land value; land use; and land development (Enemark, 2005). Therefore, when we see the land administration and use case-team from the perspective of Enemark (2005), the capacity to manage land rights, restrictions and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills.

Another powerful body that works on land is district court. Article 12/2 of the regional proclamation no 110/2007; if any one who is not satisfied by the decisions made by the kebele land administration committee, he shall appeal the case to district court". In this regard, as indicated in table 4.2 majority (86%) of respondents said that the district court have good institutional capacity to give decisions on land cases. Only 9% is satisfactory. These figures imply that the possibility of taking land conflict cases to the court will be high as rural households have trust on the court's ability of decisions. It is also noted that while the poor and vulnerable group tends to try first their case by arbitration, the rich and the powerful usually skip arbitration and rather prefer courts.

Since majority of the households in rural setting are uneducated (table 4.1), Kebele DAs and KLAC are expected to give awareness creation on the rights, restriction and responsibilities for farm households. According to Adam and Birhanu (2017), the type of service rendered by the KLAC was stated as arbitration, awareness creation on land administration issues, awareness creation on land use and assistance on delineation of boundaries of forest, grazing and farm land. However, as shown in table 4.2 the majority (90%) perceive that awareness creation training were not given for farm households. Consequently, they do not have sufficient understanding about rural land laws and policies governing their lands. Therefore, if the rules of the game are not clear for farm households, how can they play the game? How can land administration system perform if the allocation of tasks and responsibilities regarding land policy issues is left unclear for farming community? Consequently, the government authorities at different level easily convince or confuse farm households. The overall scenario in general signals that awareness creation campaign about laws governing rural lands has to be given for farm households.

4.3. Transparency and Accountability in Private, Communal and State Land Governance

In terms of the particular emphasis of certain land governance system, the selection of good governance has different priority. For example, a land administration system which is aimed to promote economy development certainly has different priority of good governance than the system designed to improve the aspect of pro-poor (Qian, 2014). Taking this in mind, to assess the situations of private, communal and state lands (Hailu, 2016), the principle of transparency and accountability have been selected. Transparency in land governance was attempted to be measured through the criteria of availability and access of information to community, availability of standard procedures, recording, and dissemination of information, supervision by local authorities, and the possibility to appeal as noted in Molen, (2007). Moreover, FAO (2007) state that governance is concerned with the processes by which how government is accountable to its citizens and how society obliges its members to observe its rules and laws. Based on these criteria, different degree of agreement was found from respondents.

Table 4.3. Transparency and accountability in private, communal and state land governance

Variables	Agree		Satisfactory		Disagree	
	Freq.	%	Freq.	%	Freq.	%
There is open access to land information	27	8	71	20	250	72
Standardized procedures for determining, recording and dissemination of information	14	4	41	13	293	81
Land tax is paid evidently by all landholders	218	63	98	28	32	9
Land is granted to landless in a transparent and participatory manner	23	7	52	15	273	78
There is possibility of appeal to district court	312	90	29	8	7	2
KLAC are accountable to those who will be affected by its decisions or actions	35	10	61	18	252	72
There are mechanisms of sanction of any misconduct by land experts	50	15	99	28	199	57
Mechanisms of sanction for those who involved in corrupt activities and informal settlement	27	8	76	22	245	70
Mechanisms of questioning and explaining the ongoing land activities in the community	54	16	171	49	123	35

However, as shown in table 4.3 about 72% of the respondents disagreed on the availability of land information to the community. Only 8% were agreed. This implies absence of land information for public inspection provides ineffective opportunities to monitor illegal land sales, encroachment on communal and state lands and land grabbing. In support of this, FGDs indicated that there is no sharply defined information about which land belongs to the community, state, investor and to some extent to private farm households. As a result, government officials, land experts, influential individuals and investors are largely involved in land grabbing. This signals, there is the need to determine and record the owner of each parcel through a systematic registration, giving emphasis for questions like who, how and when.

Concerning transparency in the land registration process, about 81% affirmed that they disagree on the availability of standardized procedures for determination, recording, and dissemination of information about rural land. According to district land experts, systematic land registration (1st level) was held only for three years (2011-2014). Then, in 2015-2016, the mechanisms of registration were changed. That is, KLAC at kebele level assures the authenticity of holding right. Then, they report the district land administration to issue book of holding for legitimized land holder. It can be argued that such uneven registration could open space for corruption.

UNECE (1996) indicated that good land records will improve efficiency and effectiveness in collecting land and property taxes. Regarding paying land tax, the majority (63%) agreed that land tax was paid by landholders, followed by 28% satisfactory. Involvement of majority in tax payment imply that better development in the future. However, during FGDs it was noted that land tax was not paid by all landholders. Settlers are voluntary to pay tax for their land as they know that the land tax receipt is used as primary evidence of holding right in case of specific challenges. On the other hand, natives don't pay for their land even though large tract of land is held by them. The overall scenario in general signals the need of awareness creation campaign for native communities. The FDRE rural land administration and use proclamation (456/2005) follows the constitutional principle that creates free access to rural land. It declares that "peasant farmers and pastoralists engaged in agriculture for a living shall be given rural land free of charge." (Art. 5.1). This principle of free access to rural land has also been reproduced in the regional land laws (proc. 110/2007). The cumulative reading shows that, residency and interest to get involved in agriculture are the two important conditions to get rural land. This provision has been working in practice in Guraferda district. Regarding the transparent recruitment to grant

land for landless, of the total respondents, 78% were disagreed. Only 7% were agreed on the process. As noted by key informants, the process is that first, landless people submit their application to Kebele administration. Then, Kebele administration examines and approves the application that they were resident for the last five years. Secondly, the approved application will be directed to district administration, saying that “*the applicants to be served according to the law*”. Third, district rural land administration examines whether they are truly landless or not. Finally, district rural land administration and land use case-team with kebele administration makes land appropriation, which is often 2.1 hectare per person. During the FGDs it was however noted that, the overall process is affected by grand corruption. From the given indicators to measure the degree of transparency, the possibility of appealing to district court holds positive perception. About 90% assured that there was an available system for possible appeal from KLAC to district courts. However, FGDs with the farm households shows that appealing could lead to waste of time, energy, money and other resources.

Frequently, transparency is tied and followed by accountability; and come together as accountability cannot be enforced without transparency and the rule of law (UNESCAP, 2010). Transparency is supposed to generate accountability. According to Zakout *et al.*, (2006) and Ali (2016), accountability is mainly concerned with those governmental institutions have to be accountable to the people who are influenced by their decision and activity. As it could be realized from table 4.3, majority of the respondents was found disagree on the accountability of KLAC to those who will be affected by its decisions; mechanisms of sanction of any misconduct by land experts; and the mechanisms of sanction for those who involved in corrupt activities and informal settlement by 72%, 57% and 70% respectively. Discussions with FGDs showed that as KLAC work free of charge, they also seem also free of accountability. If they were found in a mistake, the only action taken against them is replacement. Mechanisms of questioning and explaining the ongoing land activities in the community has scored 49% of satisfactory. Results from FGDs showed that while providing land for investors, land experts and KLAC were communicated together. Generally, for the majority criteria given, lack of transparency has been supplemented by non-accountable land governance institutions at kebele and district level. From such bad governance, government officials and influential are benefited and the poor, females and marginalized groups were largely harmed. The overall scenario in general signals the need of installing well-defined transparency and accountability system for rural land governance.

4.4. Community Participation in the Process of Agricultural Investment Land Transfer

In terms of the particular emphasis of certain land governance system, the selection of good governance has different priority (Qian, 2014). Bearing this in mind, this section assesses modes of community participation in the process of agricultural investment land transfer. Moreda (2017) and Guta (2016) showed that while transferring suitable land to investors, the participation of local community especially indigenous communities has to be point of focus. That is why in Mozambique, while acquiring land for investment, local communities' inputs are elicited twice, first during land identification and second during community consultations. Additional meetings may be optionally conducted whenever there is new or more information to be presented to the local community (Salcedo-La, 2015). The newly established expropriation proclamation No.1161/2019 art. 4/4 state that; where land is expropriated for public purpose, the procedure shall be transparent, participatory, fair and accountable. Therefore, to evaluate the participation of local communities in the decision-making process, the researcher has developed a series of eight steps (processes) from the reading of the different provisions and literatures.

Table 4.4. Community participation in the process of agricultural investment land transfer

S/N	Steps of Expropriation as a Decision-Making Process	Community Participation as Direct, Indirect or None					
		Direct		Indirect		Not at all	
		Freq.	%	Freq.	%	Freq.	%
1	Land survey and identification	7	2	98	28	243	70
2	Planning or making inquiries	3	1	10	3	335	96
3	Public discussion or public meeting	81	23	239	67	28	8
4	Property inventory and valuation	10	3	307	88	31	9
5	Notification	79	23	10	3	259	74
6	Appeal	162	47	21	6	180	52
7	Land appropriation	4	1	290	83	54	16
8	Monitoring & evaluation of investment	7	3	41	12	300	86

Source: A house holds survey, March 2021

As presented in table 4.4 majority (70%) of the respondents did not participate directly in land survey and identification; followed by 28% who responded that their participation was through their representatives or kebele cabinets comprised of seven members. However, if we look the

local communities' participation of Mozambique, this is the first and most important phase (Salcedo-La, 2015). During FGDs it was noted that the land identified to investors have been considered as vacant in the eyes of government officials. Since state and communal land is already available, private holdings was rarely considered for investment. This is because of the principle of *“land identified for investment has to be free from third party”* followed by land experts and KLAUC. Even though abstaining from private holding has multifarious advantage, it is not somehow justifiable because of the fact that the livelihoods of the local community especially native communities are highly tied with what we call state or communal lands. The next step in expropriation process is planning or making inquiries. Once the application for land and the accompanying detail plan are made to the relevant authority, the authority must at least make the inquiries like ensuring eligibility, approving public purpose and weighing pros and cons (proc. No 1161/2019 art. 5/). In this regard, table 4.4 presents that about 96% of the respondents were not participated at all. This is pertinent from the point of expropriation proclamation No 1161/2019 art. 5/5 which states that: district administration has been delegated to decide on land expropriation for public purpose. This provision and figure cumulatively imply there is a wide door to enter investor and evict farm households. Therefore, it can be argued that communities have to participate at least through their representatives in planning phase like approving public purpose and weighing pros and cons.

The third stage is discussion or meeting to be conducted with the landholders or community in the area. Whenever the district administration decides on expropriation (Proc. No 1161/2019 Art. 5(1), the district calls a public meeting to explain the purpose (Proc. No 1161/2019 Art. 4(4), Consequently, people will be informed about the nature, importance of the project, the land it requires, and the modality of compensation. It also enables the government to hear concerns of the public and to give answers and to avoid tensions. In Mozambique, this phase (community consultations) is the second most important phase where local communities' inputs are elicited (Salcedo-La, 2015). In this regard, majority (67%) were found to be participated indirectly or through their representatives. Interview with KLAC shows that since the land identified for investment was other than private holding, they did not make public discussion. Public discussion was made only when private holdings are identified for such development activities. The overall scenario in general signals that even though communal and state holdings are free from third party, the livelihoods of local community/native community is highly dependent on it and therefore, have to be consulted.

As shown in the table 4.4 the fourth step is property inventory and valuation for expropriation. In this regard, 88% were participated though their representatives followed by 9% which they were not participated at all, which is pertinent from the point of expropriation proclamation No 1161/2019 art. 8/1/c and 17/3. According to key informants, five valuation committee are established by the district administrations comprising proper professionals. But as it is noted above, inventory and valuation were rarely worked on because the land prepared for investment is frequently land which is free from third part. Sometimes private properties might be destined in state or communal land for example traditional beehive. In such exceptional circumstance valuation committee are established. The committee is supposed to count/survey/measure and give value to all property and report to district. Then, the district give notice for the result of the compensation to farmers going to be displaced. Notice has to be made in writing, indicating the amount of land to be taken (all or part), time when the land has to be vacated and the amount of compensation to be paid (proclamation No 1161/2019/1/e). In this regard, however, table 4.4 shows majority (74%) were not given notice. In support of this FGDs show that first, land taken is communal or state, not private; second, in practice, written notice is not given to each and every household and the result of the compensation were informed for farmers in offices.

Now, the landholder going to be displaced knows all about the amount of land to be taken, the time when the land has to be vacated and the amount of compensation to be paid. If he/she is aggrieved with the decision given, shall file an appeal to the appeal hearing council within 30 (thirty) days of the receipt of the written notice of the decision thereof (proc. No 1161/2019 art. 20/1). In this regard, 52% were not asked appeal because the land taken is communal or state. However, 47% were asked appeal directly with themselves. This signals that when land frequently identified for investment is communal or state land, the possibility of appealing to higher body is less. Once all appeals and complaints are resolved, appropriation of land were taking place. Majority (84%) were indirectly (Kebele cabinet and KLAC) participated in the time of appropriation and about 16% respond that they were not represented all. This implies that community didn't 'welcomed' the investors. Finally, table 4.4 presents that 86% were not totally participated in the monitoring & evaluation of investment activity. This figure implies lack of evaluation of whether or not the investment was implemented as per the agreed terms. This scenario in general signals there is the need of direct and indirect community participation and the overall process should be in the eyes of the community because the developments may have side effects on the community.

4.5. The Effectiveness of Current Rural Land Governance

To measure the effectiveness of land governance in the study area, six variables were taken as the outcome-based indicators of land governance (Kaufmann and Kraay 2008) which includes the extent to which land holdings rights are protected from expropriation; status of land registration and certification; the execution of agricultural investment in relation to the benefits for the community; time taken to resolve land dispute; application of land certificate as evidence for dispute resolution and women's access to land rights.

4.5.1. Private, state and communal holding protection from expropriation

The most important types of landholdings recognized by the Rural Land Administration and Land Use Proclamation No. 456/2005 and 110/2007 include: individual landholding, communal landholding and state landholding. Their levels of actual protection from expropriation are as indicated in table 4.5.

Table 4.5. Private, state and communal holding protection from expropriation

S/N	Type of Holdings (Tenure Typology)	Good		Satisfactory		Low	
		Freq.	%	Freq.	%	Freq.	%
1	Private holding	225	65	96	28	27	7
2	State holding	20	6	259	74	69	20
3	Communal holding	6	2	24	7	318	91

Source: A house holds survey, March 2021

In this regard, as shown in table 4.5 the majority of respondents' perception about the protection of private, state and communal holdings was good (65%), satisfactory (74%) and low (91%) respectively. These figure signals that private holding was well-protected whereas state holdings are moderately affected and communal holding was at sever. This finding is similar with the argument that communal land tenure is less protected in Ethiopian land laws and therefore, less secure form of tenure relative to private and public land tenure (Bekele, 2021). During FGDs it was noted that the lack of protection is closely related to two points. First, the actions and principles followed by land experts while identifying land for agricultural investment. The principle is that "*free land from any third party*" was identified for investment. In this case free land implies for state or communal lands. Despite communal lands were considered as "vacant" or free from third party, it was made clear that they are basis for the livelihoods of many households, especially native communities whose livelihood is directly dependent on livestock

production, beekeeping, hunting and the like. Second, native communities have misguided norms that they have the right to encroach in forest and communal lands and illegally sale the land to migrants who came from different directions of the country.

The overall scenario signals to give strong legal recognition and protection for communal and state land tenure system. For instance, the land laws of Mozambique and Tanzania recognizes customary land rights, and provides mechanisms for community consultation and participation in decisions relating to land use and development (Salcedo-La, 2015). FGDs participants were of the opinion that it is useful to form association made up of local communities to conserve and utilize the forest and communal lands. This intervention helps to claim compensation when the land is needed for investment. Concerning the situations of communal and state land governance, key informants noted that:

“Since 1980s there was high immigrants to the district which has caused devastation of forest resources in the area. One of the well-known forests in the district was Tulu-luja which was previously conserved by native communities. But now it has been converted to small-scale and large-scale agricultural land. On the remaining forests, nearby farmers are encroaching to it.

This signals the need for mechanisms of legally recognizing indigenous groups or communities’ rights over land. Because failure to recognize existing rights will create tenure insecurity, curb investments in land, increase the potential for conflict, and divert resources that can be more productively deployed elsewhere to the defense of property claims, the legal recognition of existing land rights is a key element of good land governance (Deininger *et al.*, 2012).

4.5.2. Status of land registration and certification

One of the mechanisms for formal recognition of rural landholding rights is through landholding registration and certification program (Zaremba & Bailey, 2021). In light of this, the Ethiopian land policy addresses the issue of tenure insecurity through land registration and certification program (Behaylu *et al.*, 2015); and it was started in 1998 (Amdissa, 2006). This program was able to handle the massive numbers of registered holdings at low cost and within a short timeframe (World Bank, 2012). In SNNPR, it started in 2004 (Adenew & Abdi, 2005). After seven years, in 2011, it also started in Guraferda district. In Guraferda, systematic land registration/certification program was held from 2011-2014. In 2015 and 2016, based on the approved report of the KLAC that is submitted to district land administration case team, the land

certificate is issued to land holders. But, since 2017, the registration process was ceased due to social unrest experienced in the district.

Table 4.6. Status of private, communal and state land registration and certification

Question	Type of holding (Tenure typology)	Yes		No	
		Freq.	%	Freq.	%
Do private, state and communal holdings are registered and certified?	Private holdings	348	100	0.0	0
	State holdings	144	41	204	59
	Communal holdings	66	19	281	81

Source: A house holds survey, March 2021

As it could be realized from table 4.6, 100% of households were issued book of holdings for their private holdings. This figure signals a good achievement. However, during FGDs and KIIs it was noted that farm households don't have book of holding for all lands they have. This is because of first, land illegally acquired after completion of the program has not been registered. Second, majority of native communities don't care about land registration with the perception that "who can take my land without my consent?". The second tenure recognized in the proclamation is state holding which are rural land demarcated and those lands to be demarcated in the future as federal or regional state holdings; and include forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers and other rural lands (Proc. No. 110/2007 Art 2/15). Table 4.6 shows that majority (59%) of state lands are not registered. Interviews with land experts showed that school holding, health center and research centers are registered. But the problem lies on those forest areas. The third tenure recognized in the proclamation is communal holdings which is a land out of government or individual possession and is being under the common use of the local community as a common holding for grazing, forest and other social services (SNNPR state RLAU Proc. No. 110/2007 Art 2/14). Table 4.7 presents that majority (81%) of communal land is not registered. This makes communal land the worst next to state holdings. Concerning the absence of second level land registration, the district land experts noted first there is no sufficient budget to run the program and secondly, since the district have high forest cover it is not easy to capture the aerial photograph. The overall scenario signals the need of awareness creation for native communities to register their lands and finalizing the land registration in the area.

4.5.3. The execution of agricultural investment in relation to the benefit of the community

Frequently, agricultural investment proposals incorporate different promises in their development proposal including infrastructure like drink water, irrigation canal and road; work opportunity; discounted sale of products and others for the local community.

Table 4.7. The execution of agricultural investment in relation to the benefit of the community

What did you benefit from the agricultural investment?	Yes		No	
	Freq.	%	Freq.	%
Mini-infrastructure (drink water, irrigation canal, road)	51	15	297	85
Work opportunity (employment)	93	27	255	73
Discounted sale of products from investment	20	6	328	94

Source: A house holds survey, March 2021

However, as it could be realized from table 4.6, majority 85%, 73% and 94% respondents indicate the mini-infrastructure; work opportunity and discounted sale of products were not provided respectively. Means, it was not implemented according to the promises given during public discussion and agreement made earlier. Results from the FGDs showed that such promises given during public meeting were not implemented. Instead of benefiting the community or at least becoming neutral, the investment activity has negatively affected the community. This contradicts with the finding of Wolde & Tolossa (2019). Wolde & Tolossa (2019) evidenced that in Kaffa Zone, large-scale agricultural investment activities have had mostly positive socio-economic effects, infrastructure developments, access to market and productive assets. And, both and negative effect on vegetation cover. Therefore, here the question is that within the same institutional arrangement and legal framework, why could the implementation become successful in Kaffa and failed in Guraferda. The reason might be the lack of commitment of experts and government authorities working on land governance. The overall scenario in general signals introducing the monitoring and evaluation on the implementation of agricultural investment programs in the study area is crucial.

4.5.4. Time taken to resolve land dispute

Dispute over rural land is a serious problem in Guraferda district. For instance, secondary data sources indicate that conflicts over private holding are related to boundary-conflict and conflicts over state and communal holdings are related to encroachments. Consequently, 8-12 land cases are submitted in one week to KLAC. As KLAC observes land case twice a week, many cases are left unsolved. This provides overlapping of land cases. The same situations were noted by district courts (first instant) and district rural land administration. Therefore, time taken to resolve land dispute was taken as another measure of effectiveness of land governance (Hailu, 2016). Bearing this in mind, the time taken (in month) to resolve dispute by local community elders, kebele land administration committee, district rural land administration and district court were assessed.

Table 4.8. Time taken to resolve land dispute

S/N	Land Dispute Resolution Institutions	Time Taken in Month			
		Mini.	Maxi.	Mean	Std. Deviation
1	Local community elders	1	6	1.37	.762
2	Kebele land administration committee	1	7	1.68	1.170
3	District rural land administration	1	9	2.01	1.171
4	District court	3	35	8.76	7.767

Source: A house holds survey, March 2021

Table 4.1 shows that the minimum time taken to resolve land conflict by community elders, Kebele land administration committee and rural land administration (often give service) is one month. In the district court, which is formally the first instance court, it takes three months, almost similar to the findings of (Hailu, 2016). However, interviews with district judges showed that if all evidence are readily available, cases may be decided in less than three months. During FGDs, however, it is noted that in reality there are many ups and downs until all evidence is completed. District courts usually demand evidences from district/kebele land administration offices, and because of the poor recording and preservation of data, the office in turn demands the evidence from the local land administration committee. The committee again calls public meeting and collects evidence from the public discussion and sends such finding to the LA office and thereby to the court. Likewise, the maximum time taken increases slightly as 3, 5 and 6 months in local community elders, KLAC and district rural land administration respectively. However, high disparity was observed at district court, which is 24 months. The average was

also in a similar manner with 8.76 months which is somehow greater than the findings of Hailu, 2016. He stated that mostly on average conflicts in the district court, are mostly on average resolved within 6 months for more. He stated that the share of long-standing land conflicts (> 5 years) is less than 5% of the total pending land dispute court cases. However, this is not true in this study which is as a result of the court reform introduced in Ethiopia that requires judges to dispose cases in their hands within fixed period of time unless the cases are found to be complicated (KIIs). The general scenario shows that time taken to give decision is nearly similar in community elders, Kebele land administration committee and rural land administration (often give service) and largely deviates in district court. This is similar with the finding that the level of delay in the legal way of managing land conflict outweighed the informal one (Nerea, 2013). But it contrasts with the finding that speed of service delivery increases with the level of the decision making/dispute resolution organs (Gebrelibanos, 2017).

4.5.5. Application of land certificate as evidence for dispute resolution

According to Moges (2020) one of the objectives of the current rural land registration system is to create conducive environment to resolve land dispute amicably and efficiently. An appropriate land registration system helps reduce land disputes (preventive measure), and facilitates land dispute resolution (curative measure). Conversely, a sheer lack of land registration system can cause land disputes.

Table 4.9. Application of land certificate as evidence for dispute resolution

Question	Highly		Moderately		Lowly	
	Freq.	%	Freq.	%	Freq.	%
To what extent do courts employ land certificate as evidence for land dispute resolution?	93	27	168	48	87	25

Source: A house holds survey, March 2021

In this regard, as shown in table 4.9 about 48% of the respondents perceive that district court did used the land certificate moderately, followed by 27% highly. This figure implies that the land certificate (book of holdings) is not used to its maximum potential to alleviate the problem of land dispute. Instead, it is used as one of the pieces of evidences while passing decision.

During the FGDs it was noted that courts in the study area solve land dispute based on the cadastral information they receive from the land administration and use offices that are submitted to them upon court order. However, since first level land registration is incomplete, the district

land administration is forced to go to fields to get the required information while they are expected to provide the information by looking at the data kept in their offices. By going to fields as per court orders relating disputes, they take long time to provide information which contributes to the delay of justice. This is because the registration systems do not entail the recording of plot boundaries in the register. These signal that, the land certificate in the study area were used as evidence, but not to its maximum potential. The overall scenario in general signals the land registration system should be completed and up-to-date in the study area and used in such a manner that it enhances tenure security and proper dispute settlement. Courts should thus rectify their inadequate attention to the information in the landholding certificate as prima facie evidence and refrain from requiring field reports of the district rural land administration and use offices.

4.5.6. Women’s access to land rights

Tura (2014) argued that the existing Ethiopian land laws adequately recognize a woman’s right to equality with respect to access to and control of land. However, different customs and traditions hinders an effective implementation of the legal rights of women to possess and control land. Therefore, women’s equal access to land in practice, was taken as important dimension to evaluate the effectiveness of rural land governance in the study area (Hailu, 2016).

Table 4.10. Women’s access to land rights

S/N	Modes of access to land	Yes		No	
		Freq.	%	Freq.	%
1	Inheritance	297	85	51	15
2	Land grant	255	73	93	27
3	Land rent	234	67	114	33
4	Sharecropping	152	44	196	56

Source: A house holds survey, March 2021

With this regard, table 4.10 above reveals that, majority of 85%, 73% and 67% perceive that the legally recognized women’s land right has been well-implemented through inheritance, land grant and rent respectively. It was through sharecropping that scored 44%. This implies that women’s land right is somehow in a better situation, which could largely contribute for wholistic development. However, during FGDs two contradicting perceptions were noted. That is settlers from Amhara, Sidama, Wolayta, Kambata, Guragie, Hadiya, Bench, Gedeo, few Oromo and

others who have guaranteed women's land right. On the contrary, harmful customary practices and stereotypes against women are still prevalent in the native (Majangir, Shako and Me'enit) communities, which hinders an effective implementation of the legal rights of women to possess and control land. During marriage women exchanged for 10-15 oxen.

4.6. Factors Affecting Land Tenure Security of Rural Households

The issue of tenure security urgent case in Guraferda district as there is expropriation without sufficient compensation, provision of land for agricultural investments without genuine participation of community; intensive boundary conflicts between farmers; and native communities displace settlers from their holdings specially in peripheral areas. It was reported that over 25,000 citizens were displaced from their localities and holdings in different rounds (GDAO, 2021). Therefore, we can say that the states of tenure security mirrors the actual situations of land governance in the study area. Based on this rational, therefore, binary logistic regression model was used to identify what factors are affecting the land tenure security of rural households in the study area. The explanatory variables were age of the HHHs, sex of the HHHs, educational status of the HHHs, family size and land holding size (Holden & Yohannes, 2001); expropriation for public purpose (Deininger & Jin, 2006); Gebremichael (2017); absence of clear justice system to settle land related disputes, different government body interventions, lack of experience and knowledge in the local land administration experts (Bruce et al., 1994; Rahmato, 2004); land certificate (Deininger & Jin, 2006); and political instability (Rahmato, 2004).

4.6.1. Multicollinearity test

Before running the binary logistic regression analysis, multicollinearity issue between explanatory variables were checked using the values of Variance Inflation Factor (VIF) or tolerance (Appendix 4). The value of Variance Inflation Factor (VIF) for all explanatory variables was less than ten (10) or the value of tolerance was greater than ten (10%); indicating absence of multicollinearity problem between the explanatory variables. Therefore, all the explanatory variables were included in the model.

4.6.2. Interpreting the results

Omnibus Tests of Model Coefficients and Hosmer and Lemeshow Test were used whether the model adequately fits the data, explain dependent variable or the predicting ability of the model.

The *Omnibus Tests of Model Coefficients* showed that the full model has a significant prediction performance where Chi-square(X^2) = 179.142; degree of freedom (df) = 13 and

significant value (P-value) < 0.05. Therefore, adding the eleven explanatory variables to the model has significantly increased the predicting ability of the model. There is a significant improvement in fit as compared to the null model, hence, the model shows a good fit.

Hosmer and Lemeshow Test were also another test used to show whether the model fit. The test showed that it has also good fit since Chi-square value is 6.253 and P = .619. Since the P-value is insignificant (greater than 0.05), the model adequately fit the data. Hence, there is no difference between the observed and predicted model. Moreover, the Contingency Table for Hosmer and Leme show Test showed that the model adequately fit the data since there is no difference between the observed and predicted model. Both the values are approximately equal.

In the model summary table, the **Nagelkerke R Square (Psuedo R-square)** were used to see the approximate variation in the dependent variable. Nagelkerke's R Square is an adjusted version of the Cox & Snell R Square that adjusts the scale of the statistic to cover the full range from 0 to 1. Therefore, given the set of independent variables, the full model explains about 54.4% variation on the dependent variable. Therefore, the pseudo R² which is 0.544 indicates the predictor variables in the model explained about 54.4% of the variation in the tenure security of farm households in the study area.

Classification table of Block 0 (a model without independent variables) tells us how much zero model correctly predicted the classification, which is 60.3%. On the other hand, **Classification table of Block 1** (the model with predictor values) tells us how much the model correctly predicted the classification, which is 80.5 %. Since 80.5% is greater than 60.3%, the model with predictor values is efficient than the model without predictor values. About 85% of the observed respondents who are secure were correctly predicted by the model.

The results of the binary logistic regression model analysis revealed that tenure security of farm households in the study area is influenced by several factors. Among the factors considered in the model, ten variables were found to have a significant influence on the tenure security of households. From these, five variables were found to have a significant and positive influence on household's tenure security were land title, age, sex, educational level and land size. On the other hand, the risk of expropriation, absence of clear justice system while settling land disputes, lack of experience and knowledge, political instability and family size were found to have a significant and negative influence on household's tenure security practice (Table 4.11).

Sex of household head: The result of the regression analysis revealed that sex is found to be statistically significant at less than 5% of significant level (Table 4.11). The odds ratio of logistic regression showed, it is 2.760 times that male headed households are more likely secure than female headed households (the subject in the reference category). The coefficient sign was positive, which means male headed households were positively related to the land tenure security and females (the subject in the reference category) were negatively related. This result was in conformity with the findings of Holden & Yohannes (2001) that male headed households have a higher chance to have secure tenure. During FGDs it was noted that native communities in the study perceive females as males' property.

Age of household head: As indicated in table 4.11, age of the household head was significant at 10% and the coefficient was a positive sign that means when the age of the household head increases the feeling of land tenure security is also increased by the Exp (B) value of 1.041. This could be due to as the age of farmers increase, they believe that they have strong membership and participation with social communities such as local farmers' organizations which is considered as the sources of tenure security in the study area. By contrast, Tsegaye (2017) stated that old aged households are more insecure about their land holding.

Educational status of the household heads: In table 4.11, the first p-value which is 0.06 indicates there is significant relationship between educational status of the household heads and the tenure security. The other rows compare the individual categories with the reference category which is illiterate. Therefore, educational status of the household head is significant at 1% and the coefficient sign was positive, which means it is positively related with land tenure security. This implies that the better the level of education of the farmers, the more likely the farmers feel secure about their land. The odds of tenure security for those in read and write only is 2.146, primary school is 2.491 and secondary school 6.922 times than the odds for illiterate households. The generalization is that, educated households had security on their land holding rights than the uneducated farmers (Dessalegn, 2009).

Land size of the household: Land size of the households was a significant factor at 10% and the coefficient was a positive sign that means when the land size of the household increases, the feeling of land tenure security is also increased by the Exp (B) value of 1.169. This is mostly contradicting with the assumption that land size of the household does not have significant

relationship with tenure security (Tsegaye, 2017). During the KIIs it was noted that farm households having greater than 10 hectares of land were issued a certificate of mini-investment.

Family size of the household: The result of the regression analysis revealed that family size is found to be statistically significant at less than 5% of significant level and the coefficient sign was negative, which means it is related with land tenure security negatively. This is mostly alike with the assumption that, when the number of family increases, farmer's perception of land tenure security was decreased (Holden, 2010; USAID, 2007). Because, farmers whose family are large in number, they think for their future family life and fear of losing land than those that have small number of families. However, it is contradicting with inference that the effect of family size on tenure security was positive (Tsegaye, 2017).

Expropriation for public purpose: As it can be seen from table 4.11, expropriation for public purpose was significant at 5% and the coefficient was a negative sign which means expropriation for public purpose is negatively related with land tenure security by the Exp (B) value which was 0.514. This is mostly alike with the findings of (Deininger & Jin, 2006). Land administration experts criticized the provision as a wide door to enter investor and evict farm households. During FGDs it was noted that during expropriation, farm households were given inadequate compensation for private holdings and no compensation for communal holdings.

Absence of clear justice system to resolve land related disputes: The regression result indicated that absence of clear justice system to resolve land related disputes was a significant determinant factor at 1% and the coefficient was a negative sign that means there is absence of clear justice system which is negatively related with the feeling of land tenure security by Exp (B) value of 0.065. This finding was alike with the qualitative responses obtained from the land experts.

“Our district is endowed with natural resources such as dense forests, different wildlife, minerals/gold, extensive grass lands etc. Tulu-lija and Dina are among the known dense forests which were well-preserved in the past by native communities. However, since it is not registered in the name of association or kebele, no one has exclusive right to manage and use it. Private individuals (for farming) and government officials (in the name of investment) are highly devastating the natural base of these resources. No clear justice system was in place to resolve the competing interest between native communities(previous-owner) and government officials”.

Different government body interventions: Different government body intervention is not a significant factor to affect the land tenure security of farmer households in the study area. Farmers who participate in the interview process also stated that, different government bodies who intervene in different agricultural activities do not affect their tenure security rather it plays its own role in the productivity of their agriculture. A farmer from Alenga kebele stated that:

“Different formal and informal institutions are working on land issue in our kebele. For instance, natural resources expert, crop production expert, livestock production expert, land administration committee, kebele manager, local elders and different administrative bodies. But, their interventions on land and related issues have no effect on the land tenure security”.

Therefore, the above interpretation indicated that the intervention of different government bodies on the agricultural activities do not affect farmers land tenure security rather it helps to increase their agricultural productivity.

Lack of experience and knowledge of kebele land administration expert: The regression result also indicates that lack of experience and knowledge of the kebele land administration experts is a significant variable at 5% that affect the land tenure security of farmers. Negative sign of the coefficients indicates it is negatively related with land tenure security of the landholders. Therefore, lack of knowledge and experience in the kebele land administration experts is still one of the factors that influence the security rights of smallholder farmers in the district. This is mostly alike with the findings of Tsegaye (2017). Remarkably, the problem is very severe in the study area for different reasons. According to the district rural land administration and use case-team leader, lack of knowledge and experience in both the district and kebele land administration experts affect the security right of farmers directly or indirectly. Especially, land administration institution is not decentralized to kebele level, as a result there is no work position for land administration. In principle, natural resource experts are expected to work on land administration issues at kebele level. However, different problems were observed in the study area. First, out of the three kebeles, only one kebele has natural resources expert, in the remaining two kebeles, crop production experts are covering the works of crop production and natural resource management. All experts in the three kebeles have diploma (Level IV). Consequently, they lack knowledge and technical aspects of land administration. Second, they are not willing to stay on their work site and when they got some options, they withdraw from

their job. This to the end has created high degree of staff turnover and termination of land administration activities like land registration.

Land certificate: Land title of the households was also a significant factor that affects the land tenure security of the landholders in the study area. As indicated by the model, it is positively related with tenure security because the coefficient sign was positive. It is 2.121 times more likely that landholders who have land title are secure than who haven't land certificate. This is in conformity with the finding of (Deininger & Jin, 2006); Holden (2009) and Deininger *et al.*, (2006). Even though the achievements in the land registration is weak, different institutions consider land title as evidence of holding right. For instance, during expropriation and resolution of land conflict rural land administration and courts respectively take in to account land certificate. But not to its maximum potential. A Farmer from Sega kebele said that:

“Totally, I have five (5) hectares of land located in two different places. Of these, I have received the book holding for three (3) hectares of land. I believe that if something is happening arbitrarily in relation to my user right, the book will be used as a guarantee”. On the other hand, I have repeatedly requested the district land experts to register the two remaining supplementary hectares of land. However, the response of land administration expert was not promising. They say that administrative decision has been passed for all lands not to be registered as a result of active land grabbing in the district.”

Political instability: as indicated in the model, the political instability was significant at 1% and the coefficient was a negative sign that means political instability is negatively related with the farmers land tenure security with Exp (B) value of 0.262. This finding was also confirmed by Rahmato (2004). He stated that recurrent political instability creates or exacerbate tenure insecurity. During group discussions, however, it was noted that political instability benefited natives and harmed settlers. That is settlers are losing their land, especially peripheral areas.

Table 4.11. Binary logistic regression result for factors affecting tenure security

Explanatory variables	B	S.E.	Sig.	Exp(B)
The risk of expropriation	-.666	.310	.032**	.514
Absence of clear justice system to resolve land disputes	-2.726	.965	.005***	.065
Different government body interventions	.317	1.075	.768	1.372
Lack of experience & knowledge of kebele DAs	-1.091	.358	.002***	.336
Land certificate	.752	.355	.034**	2.121
Political instability	-1.341	.361	.000***	.262
Age of HHH	.040	.021	.058*	1.041
Sex of HHH	1.015	.516	.049**	2.760
Educational level of HHH			.006***	
Read and write only (1)	.763	.456	.094	2.146
Primary school (2)	.913	.482	.058	2.491
Secondary school and above (3)	1.935	.552	.000	6.922
Land size of HH	.156	.086	.069*	1.169
Family size of HH	-.139	.058	.017**	.870
Constant	.509	1.317	.699	1.663

Pearson chi-square = 179.142 prob> chi2 = .00

-2 log likelihood = 288.284^a Sample size = 348

***, **, and * indicates significance at 1%, 5%, and 10% level respectively.

Source: Own computation result, 2021

5. CONCLUSION AND RECOMMENDATION

5.1. Conclusion

The way land is governed has a significant impact on a certain country's future; hence, assessing land governance practices is a key concern. Rural land governance practices in Guraferda district seem lax. The findings of the study ascertain that the institutional capacity at kebele and district level is not well organized in terms of organized and decentralized institution; and the necessary human resources and skills; except district courts. Moreover, sufficient awareness creation was not given for farm households. This leads to assert that where the land laws are left unclear for the community it becomes difficult to have a well-functioning land governance system. This has opened an unnecessary space for the government authorities to practice unlawful actions on the community land resources. At grass-roots level, the responsibility given for KLAUC is great, but their low capacity to administer land hindered them from rendering better services and decisions.

In the study area, lack of transparency supplemented by non-accountable land governance institutions also put land governance worse. Findings show that, absence of sharply defined information about which land belongs to the community, state, investor and to some extent to private farm households. As a result, government officials, land experts, influential individuals and investors are largely involved in land grabbing. Absence of land information for public inspection provides ineffective opportunities to monitor illegal land sales and encroachment on communal and state lands. At grass root level, since kebele land administration committee serves for free of charge, they also seem also free of accountability. If they were found in a mistake, the only action taken against them was replacement.

Findings show that, while transferring suitable land for large-scale agricultural investment, community participations and genuine consultations were not made. The communal and state lands transferred to investors were considered as "vacant" even though they are basis for the livelihoods of many households, especially native communities (Majangir, Shako and Me'elit). If immediate action is not taken, the rush for land will continue to increase in the area. The land governance system in general shows that private holding was somehow better protected whereas state holdings are moderately affected and communal holding was severely exploited. The land governance system was also ineffective in that the investments activity was not implemented in compliance with the public discussions made earlier. Likewise, reluctance of courts to use land title to its maximum potential to resolve land cases, lack of recognition of women's land rights

by natives, taking long time to resolve land dispute by the district court, lack of proactive interventions to handle land cases by district land administration and KLAUC and community elders could be considered as manifestations of weak land governance.

The Binary logistic regression model findings showed that land title, age, education level and land size are positively related tenure security; and expropriation for public purpose, absence of clear justice system to resolve land disputes, lack of experience and knowledge, political instability and family size are negatively related tenure security in the study area. All these variables warrant the need giving due attention to them so that efforts to enhance good land governance in land administration could bring better results that ensure the land rights of farmers and also natural resources conservation.

5.2. Recommendation

The present rural land governance in Guraferda district is confronted by a number of problems that require due consideration by different stakeholders ranging from region down to grassroot level. Based on the findings of the study, the following measures are deemed vital to bring effective land governance system in the study region. These include;

- Local arbitral bodies should be strengthened through provision of capacity building training and legal materials to enhance their capacity to settle disputes efficiently and effectively. If the local communities are confident about their ability and ethical behavior, more people would prefer to take their land cases to them instead of spending their time in to regular courts. The support can be given from courts and the district land administration case team.
- The land administration and use case-team at district level should be rearranged according to the operational component of modern land administration system in order to make the system effective and to cope with the increasing demand for land. Also, land administration offices should be decentralized to kebele level so that land experts closely observe land issues.
- Forest areas and grazing lands are being converted to agriculture. This conversion has taken place either in the form of encroachments by the smallholder farmers or in the form of allocation for large scale agricultural investments. Hence, first, there is an urgent need to officially demarcate, map and register these lands to sustain specific use. Second, as these lands are the basis of livelihood for local communities, genuine public discussion has to be conducted before it is identified and allocated to agricultural investments.
- Government shall clearly define the scope of "public purpose" to avoid ambiguities while interpreting and implement any transfer of land to investors.
- A team of experts and community members should together carry out monitoring and supervision to ensure that investors are honoring their obligations.
- The district land administration and use should complete land registration for all types of land holdings so that courts can use land certificate to its maximum potential.
- Land administration institutions should introduce good governance principles like transparency, accountability and community participation in their decision-making processes.
- Associations made up of local communities has to formed to conserve and utilize the forest and communal lands. This intervention helps to claim compensation when the land is needed for investment.

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Appendix 1: Questionnaire for Farm Households

My Name is Agonafir Bogale. I am doing my M.Sc. degree in Land Administration and Management in Bahir dar University. I am conducting research on the title of “Rural Land Governance in Bench-sheko Zone: The Case of Guraferda District, South-West Ethiopia People’s Regional State, Ethiopia”. The information that you give is very important for the study. So, I kindly request you to provide me with your invaluable answer. The information you provide will be used only for academic purpose.”

1.1. General Information: Fill in the Blank Space or Check in the circle provided)

A. Name of Kebele: _____

B. Age: _____

C. Sex of household head

1) Male

2) Female

D. Marital status

1) Married

3) Single

2) Divorced

4) Widowed

E. Educational status

1) Illiterate

4) Secondary school

2) Read and write

5) Diploma and above

3) Primary school

F. Land Size _____

G. Source of income

1) Farm income

2) Off-farm income

3) None-farm income

H. Family size of household _____

I. For how long have you lived here? (Years).

1) 1-5

3) 21-40

5) Lifetime

2) 6-20

4) 41-65

1.2. Check in the Box or Choose the Possible Answer

1. How do you rank the institutional capacity of local land administration institutions?

S/N	Indicators	Scale (Institutional capacity)		
		Good	Satisfactory	Low
1	Knowledge of KLAC in land dispute resolution			
2	Capacity building training for KLAC			
3	Incentive mechanisms for KLAC			
4	Facilities (time and place) to get KLAC			
5	Women's representation & participation in KLAC			
6	Community elders to manage land dispute			
7	Kebele natural resource expert (DAs)			
8	DRLAU (institutional and technical)			
9	District court (institutional and technical)			
10	Awareness creation for farm households			

2. What is the type of service given by the kebele land administration committee? (Rank it)

S/N	Type of Service	Rank			
		1	2	3	4
1	Arbitration				
2	Awareness creation on land administration issues				
3	Awareness creation on land use				
4	Assistance on delineation of boundaries of forest, grazing and farm land				

3. What is the type of service given by the woreda rural land administration case team? (Rank it).

S/N	Type of Service	Rank				
		1	2	3	4	5
1	Adjudication, registration and issuance of books of holdings					
2	Land use planning and development control					
3	Land valuation and expropriation					
4	Dispute resolution					
5	Awareness creation on land administration issues					
6	Providing relevant land information					

4. Do you agree that rural land laws and policies are clear for you?

5. How do you rate the recognition & protection of the current rural land laws for land rights?

S/N	Type of holding (Tenure typology)	Scale (recognition and protection)		
		Good	Satisfactory	Low
1	Private holding			
2	State holdings			
3	Communal holdings			

6. Do you agree that you have equal access to land?

7. If yes, what are the major means for access to land by landless people? (Rank it).

S/N	Means of access to land	Rank					
		1	2	3	4	5	6
1	Inheritance						
2	Illegal sale						
3	Illegal settlement						
4	Land grant						
5	Sharecropping						
6	Rent						

8. Are you issued land certificate for all of lands you have?

1) Yes

2) No

9. If yes, what is the level of registration and certification?

1) First level

2) Second level

10. If no, what is the reason? Please, specify it.

11. How long does it take to implement the process of registration?

1) < 3 months

3) 7 – 9 months

5) >12 months

2) 4 – 6 months

4) 10 - 12

12. Level of transparency and accountability on private, state and communal land governance?

Agree (1) Satisfactory (2) and Disagree (3)

S/N	Indicators	Scale		
		1	2	3
1	There is open access to information about ownership, value and use of all			

24. Were the investment activities implemented in compliance with the public discussions made earlier?

1) Yes

2) No

25. What did you benefit from the agricultural investment?

S/N	Benefit from the agricultural investment	Yes	No
1	Infrastructures (drink water, ditch, road)		
2	Work opportunity (employment)		
3	Discounted sale of investment products		
4	Other benefit, if any		

26. How long does it take to resolve a particular land dispute?

S/N	Institutions	Time taken to resolve land conflict (in months)
1	Local/community elders	
2	KLAC	
3	Woreda rural land administration	
4	Woreda court	

27. What is the quality of service and decision?

S/N	Institution	Quality of service and decision		
		Good	Satisfactory	Low
1	Local/community elders			
2	Kebele land administration committee (KLAC)			
3	Woreda rural land administration			
4	Woreda courts			

28. How many times did you make a contact to get decision & service about a particular land case?

S/N	Institution	Scale (frequency of contact)
1	Community elders	
2	KLAC	
3	Woreda rural land administration	
4	Woreda court	

29. How do you rank the service standards in Woreda rural land administration office/case team?

S/N	Indicators	Scale		
		Good	Satisfactory	Low
1	The principle of “First come first served”			
2	Complaint mechanisms such as complaint box			
3	One-stop-shop service is available			

30. Factors affecting land tenure security of rural households

S/N	Factors affecting land tenure security of rural households	Response	
		Yes	No
1	Do you fear of the risk of expropriation?		
2	Is there absence of clear justice system to settle land related disputes?		
3	Are there different government body interventions in rural land administration?		
4	Is there lack of experience and knowledge of the land administration experts?		
5	Do you have land title?		
6	Do you fear the political instability experienced in the area?		
7	Do you feel land tenure security?		

Appendix 2: Questionnaire for Key Informants

2.1. General Information About Key Informants

S/N	Stakeholders in land sector	Position	Layman	Diploma	BSc	MSc
1	Land administration and use experts					
2	Agricultural Investment expert					
3	Property(land) appraisals committee					
4	Kebele Land Administration Committee					

2.2. Oral Interview

1. What is the capacity of formal and institution in terms of human and financial resources?
2. To what extent do decisions made by informal systems get recognition in the formal one?
3. What institutional rearrangement do you recommend for a better land governance?
4. Are the land administration systems (LAS) exhaustive? Which one exists?
5. Are land-related responsibilities clearly assigned between different levels of administration (administrative)? e.g., District and Kebele administration?
6. If no, what are the areas of overlap and challenges encountered in practice?
7. Are land-related responsibilities clearly assigned between various land administration authorities (institutional) e.g., between land administration office and investment office?
8. If no, what are the areas of overlap and challenges encountered in practice?
9. What are the causes of extensive land grabbing and how it is executed?
10. How do you ensure local communities' participation in agricultural investment land transfer?
11. What are the procedures to deal with large-scale agricultural investment?
12. How do local communities' bargain in agricultural investment land transfer?
13. Do right holders and investors negotiate freely and directly with full access to relevant information and what outlook do they have against each other?
14. Did compensation provided when communal and state land is decided to be transferred for development? If yes, who will earn the compensation paid?
15. What are the major standards to identify the land to large-scale agricultural investment?
16. What mechanisms were set to rehabilitate the affected property owners when their property is taken for agricultural investment?
17. Is the scope for resettlement clearly circumscribed?
18. Is the current institutional setup effective in managing rural land?

19. If no, which aspect needs to be rearranged in light of providing effective governance?
20. How do you express the effectiveness of the current legal framework in managing rural land?
21. What are the causes of extensive land grabbing?
22. What are the major mechanisms and techniques used in land grabbing?
23. Have you ever been asked by the farming households to give you corruption? If yes, what was your response?

Appendix 3: Questionnaire for Focus Group Discussions (FGDs)

3.1. Oral questions

1. How do you express the transparent management of private, state and communal land?
2. What are the causes of extensive land grabbing and how it is executed?
3. How do different social groups are treated equally in land conflict resolution process?
4. How do local communities are participated during Agricultural land transfer?
5. Do public institutions involved in transfer of large tracts of land to private investors are clearly identified; without institutional and administrative overlap?
6. How do you state the effectiveness of the current rural land governance system in managing rural land?
7. What are the informal land administration institutions and how they intervene and contribute in land administration issues?
8. What are the major challenges in current rural land governance system in terms of legal frame work and institutional arrangement?
9. To what extent does the registered rights protected under the law?
10. The share of long-standing land conflicts from the total pending land dispute court cases
11. What was the possible government interventions in order to fight against land grabbing
12. What are the sources of insecurity for landholders right?
13. Are those existing land policies well implemented? If no, what are the main obstacles?

Appendix 4: Binary Logistic Regression Model Analysis Result

Multicollinearity Test Result

Coefficients ^a			
Model		Collinearity Statistics	
		Tolerance	VIF
1	The risk of expropriation	.878	1.140
	Absence of clear justice system while settling land related disputes	.412	2.426
	Different government body interventions	.493	2.028
	Lack of experience and knowledge	.783	1.278
	Land certificate	.630	1.588
	Political instability	.610	1.640
	Age of HHH	.836	1.197
	Sex of HHH	.908	1.102
	Educational level of HHH	.753	1.327
	Land size of HH	.920	1.087
	Family size of HH	.771	1.296
a. Dependent Variable: Tenure security			

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	6.253	8	.619

Block 0: Beginning Block

Classification Table^{a, b}					
	Observed		Predicted		
			Tenure security		Percentage Correct
			Insecure	Secure	
Step 0	Tenure security	Insecure	210	0	100.0
		Secure	138	0	.0
	Overall Percentage				60.3
a. Constant is included in the model.					
b. The cut value is .500					

Block 1: Method = Enter

Classification Table^a

	Observed		Predicted		
			Tenure security		Percentage Correct
			Insecure	Secure	
Step 1	Tenure security	Insecure	190	20	90.5
		Secure	48	90	65.2
	Overall Percentage				80.5

a. The cut value is .500

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	179.142	13	.000
	Block	179.142	13	.000
	Model	179.142	13	.000

Model summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
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1	288.284 ^a	.402	.544
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Appendix 5: Relevant Photographs Captured During Data Collection



Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs)



Highly deforested Tulu-luja forest



Kebele Agricultural Office (Bergi Kebele)