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The Immediate Effect of Second Level Rural Land Registration and Certification for Dispute Settlement: Government Revenue and Accurate Rural Land Related Data Collection: The Case of Hadiya Zone Lemo Woreda, Snnpr/Ethiopia

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INSTITUTE OF LAND ADMINISTRATION

Post Graduate Program

*THE IMMEDIATE EFFECT OF SECOND LEVEL RURAL
LAND REGISTRATION AND CERTIFICATION FOR
DISPUTE SETTLEMENT: GOVERNMENT REVENUE
AND ACCURATE RURAL LAND RELATED DATA
COLLECTION: THE CASE OF HADIYA ZONE LEMO
WOREDA, SNNPR/ETHIOPIA*

*A Thesis Submitted to the Institute of Land Administration for
the Partial Fulfillment of Master of Science in Land
Administration and Management, Specialization with Land
and Real Property Law.*

By: BERHANU BALCHA

Advisor: Daniel W/Gebriel Ambaye (PhD)

October, 2017

Bahir Dar, Ethiopia

INSTITUTE OF LAND ADMINISTRATION
DEPARTMENT OF LAND ADMINISTRATION

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ADMINISTRATION, BAHIR DAR UNIVERSITY, IN PARTIAL
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ADMINISTRATION AND MANAGEMENT, SPECIALIZATION
WITH LAND AND REAL ESTATE PROPERTY LAW.***

October, 2017

BAHIR DAR

Bahir Dar University

Institute of Land Administration

This is to certify that the thesis prepared by Berhanu Balcha, entitled: “*THE immediate EFFECT OF SECOND LEVEL RURAL LAND REGISTRATION AND CERTIFICATION FOR DISPUTE SETTLEMENT: government revenue and accurate related data collection THE CASE OF HADIYA ZONE LEMO WOREDA, SNNPR/ETHIOPIA*” submitted in partial fulfillment of the requirements for the Degree of Master of science in Land Administration and Management, specialization: Land and real estate law complies with the regulations of the university and meets the accepted standards with respect to originality and quality.

Signed by the examining committee.

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Abstract

Land is an important socioeconomic asset where the lives of many people rely upon. Now, Ethiopia is conducting second level rural land registration and certification program. Despite the fact that issues of land rights and tenure security are high on the global policy agenda, the immediate effect of the second level rural land certification and registration for dispute settlement and income generation is not scrutinized in detail yet. The main objective of this study is to assess the immediate effects of the second level rural land certification and registration. The research is conducted in SNNPR, Hadya zone, Lemo Wereda, Belessa and Hayssie Kebelles. The research used non-probability accidental sampling technique to select sample size for the questionnaire. In the study both primary and secondary sources are utilized. The research revealed that the effect of the second level rural land certification increases disputes in the short run but decreases gradually, increases the revenue of the government, increase the tenure security of land holders, and in connection to the above it saves time and money of the government as well as land users. The most important effect of the SLLC is it allows land holders to take loans by making their certificate as a collateral. This will help land holders in developing their lands. The Wereda court judges are not using the certificate as an evidence. Rather they are still using the first level certificate. This shows that they are using an evidence which is null and void.

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List of Acronyms

FAO	Food and Agricultural Organization
FGD	Focus Group Discussion
FLLC	First Level Land Certification
MOA	Ministry of Agriculture
SLLC	Second Level Land Certification
SNNPR	Southern Nations Nationalities and Peoples Region
UNECE	United Nations Economic Commission for Europe
USAID/LAND	United States Agency for International Development, Land Administration to Nurture Development

CHAPTER ONE

1. INTRODUCTION

1.1. Back ground of the study

Land is an important socioeconomic asset where the lives of many people rely upon. It is a surface that people live on, an economic asset, a point of access for other resources like minerals, territory for states and peoples, and a central element informing certain communities' identities and spiritual worldviews (**Stephen Baranyi& Viviane Weitzner (May 2006)**). Land is beyond necessity for human as well as non-human existence. Without it human existence is impossible.

Protection of land rights takes place within a complex interconnected environment of constantly changing domestic institutions and organizations at the federal, state and local levels of society (**Montgomery Wray Witten, (2007)**). For many people, land rights and their protection are central to life.

Ethiopia has been trying to secure land tenure rights by carrying out First level land registration and certification program since 2002. During the past 15 years, Ethiopia has made considerable progress in registering rural land rights, mostly without surveying and mapping the boundaries of the country's 50,000,000 plus rural land parcels (**Montgomery Wray Witten, (2007)**).

Despite the fact that issues of land rights and tenure security are high on the global policy agenda, comprehensive studies of how such new land reforms affect agricultural productivity are scarce (**Hosaena Ghebru, Stein T. Holden (2015)**). Besides, the immediate effect of the second level rural land certification and registration for dispute settlement and income generation is not scrutinized in detail yet. Bet the general assumption is that rural land certification and registration have a positive effect towards agricultural development, dispute settlement and income generation.

Based on this assumption, the regional government of the SNNP has established the institutions responsible for implementing the land registration and certification program at regional, zonal,

and district level and has started second level rural land registration and certification program since 2010 in selected 22 pilot words. However the impacts of the program on tenure security, land dispute resolution, income generation and accurate data generation is not evaluated yet. The aim of this research is to assess the effect of second level rural land registration and certification on land related dispute settlement, income generation through rural land use fee or tax, and accurate data generation regarding details of the rural land in Hadiya zone, Lemo woreda in case of two kebeles which have already received second level rural land certification.

1.2. Statement of the problem

For the sake of promoting rural land tenure security and reducing land related disputes, the federal government in general and the SNNPRS region in particular, introduced first level land registration and certification program in the late 1990s and early 2000. The reason that foster for the introduction of this certification is the uncertainties that exist over the nature of land interests and unclear boundaries which are becoming source of disputes. Providing certificates with spatial descriptions of parcels, by the use of technical equipment helps to reduce land related disputes and give more predictable future for rural land holders. As mention that, there was a positive demand for land certificates among households in general.

Similarly to fill the gaps of first level land registration and certification program in general and to reduce land related disputes in particular, the regional government introduce second level rural land registration and certification program since 2010 in 22 selected woreda's. As the program is new, its impact on tenure security and land related disputes was not evaluated by other scholars. Besides the short term effects of the certification process is not well articulated by other researches. So that the main objective of this study is to assess the immediate effect of second level rural land certification and registration. The effects of it towards dispute resolution, rural land use tax or fee, clearly knowing the number of parcels available and the accurate size of the same for the future policy formulation is the main areas of this research which are not touched by other researches.

1.3. Objectives of the study

1.3.1. General objective

The General objective of the research is to assess the effect of second level rural land registration, and certification on land dispute, collection of taxes, and accurate rural land related data archive for further planning.

1.3.2. Specific objectives

The specific objectives of the research are the following.

- To know the main causes of rural land related dispute and the type of disputes which occur frequently;
- To clearly know the immediate effects of second level certification towards dispute resolution;
- To know the effect of rural land certification for the collection rural land use tax or fee; and
- To clearly know the number of parcels available and the accurate size of the same for the future policy formulation.

1.4. Research Question

In order to meet the above objective, this research posed the following research questions:

- What are the main causes of rural land related dispute?
- Which types of land related disputes were occurred frequently? Why?
- Does second level rural land registration and certification program reduce or increase land related dispute? How?
- Does the second level rural land registration and certification increase the amount of rural land use fee or tax? In what extent?
- Does the number of parcels as well as the gross size of the lands found in the study area increase after the second level rural land registration and certification?

1.5. Significance of the study

Since the objective of this study is to assess the main cause of rural land related dispute and the immediate effect of second level rural land registration and certification on land related dispute, it will be crucial by showing the effects of second level rural land registration and certification towards the amount of rural land use tax or fee being collected. Moreover, it has a pivotal role towards clearly knowing the number of parcels available and the accurate size of the same in the study area for the future policy formulation.

Thus, the research will be very important for the government, researchers, academic institutions and other concerned bodies to evaluate the effectiveness of second level rural land registration and certification program on rural land disputes and related issues in the study area.

1.6. Scope of the study

Technically, the research is limited in assessing the effects of second level rural land registration and certification towards dispute resolution, rural land use tax or fee, on clearly knowing the number of parcels available and the accurate size of the same for the future policy formulation. But spatially, the study is limited in Hadiya zone lamo worda 2 kebeles (Ana Belessa and Hayssie) in which second level rural land registration is already completed and certification given to rural land holders.

1.7. Organization of the Study

The study is presented in five chapters. The introduction of the research is presented under chapter one. Chapter two of the paper shows the relevant literature review. The methodology used to achieve the objective of the study is outlined in chapter three. Chapter four presents results and accompanying discussions. This chapter is divided into different sub sections. The conclusion and recommendation are distilled in chapter five of the paper.

CHAPTER TWO

2. REVIEW OF RELATED LITERATURE

In Ethiopian context, the policy intervention of the Government on the land is securing holders right through the process of lands registration and certification activities and this can be realized in most parts of the country including the Southern Nation, nationalities and people Regional State. Different related literatures have been reviewed as far as registration and certification of rural land is concerned.

2.1. Land Administration

Land administration has no any unique definition. The definition varies through time and it also varies based on the defining body. Any scholar defines it differently. The most commonly accepted definition of land administration is set out in the United Nations Economic Commission for Europe (UNECE) Land Administration Guidelines (1996). “Land administration is the processes of recording and disseminating information about ownership, value, and use of land when implementing land management policies.” (Ian Williamson, Stig Enemark, Jude Wallace, Abbas Rajabifard)

Ownership relates to the possession of rights in land; value normally relates to market value; use relates to the rights to use and profit from the land (**LAND ADMINISTRATION IN THE UNECE REGION, 2005**). Under land tenure or ownership, there are so many activities to be conducted and there should also be a sub institution which can conduct these activities. These activities are formally titling land, transferring land by agreements (buying, selling, leasing), transferring land by social events (death, birth, marriage, divorce, and exclusion and inclusion among the managing group, forming new interests or properties, determining boundaries etc. Even for titling there are detail activities that need to be conducted. Sub-processes include legal identification, adjudication, demarcation, surveying, and registration. It may also require the establishment of geodetic control and the provision of base maps, including rectified aerial photomaps or orthophoto maps, and in all activities the engagement of the community is essential and involves awareness programs this is because the involvement of the community is crucial to get the real information and the participation insures transparency and accountability.

This shows that land administration have so many sophisticated and detail activities which needs to have an implementing institution.

Therefore, land administration is all about the rights, restrictions and responsibilities of the land user, the use of the land and the value of it. In the modern sense it also encompasses the development of the land. In line with all this four functions of land administration there is information management system to which information is analyzed and distributed to land users, policy makers and other interested groups.

2.2. Meaning of Land Dispute

Conflicts, or disputes, are inherent to relations within and between societies. Yet there is increasing concern about the escalation of normal social conflicts into violent disputes, especially armed violence that may lead to open warfare. The following are some concepts related with conflict and dispute (**Stephen Baranyi& Viviane Weitzner (May 2006)**).

Management: Helping stakeholders peacefully manage ongoing differences

Resolution: Defusing a conflict permanently by addressing its roots causes

Prevention: Staving off the escalation of conflict into violence before the fact

Transformation: Defusing violence or preventing conflict escalation by transforming stakeholders' approaches, implementing reforms that address underlying causes and providing viable channels for the peaceful management of disputes.

Land conflicts often have extensive negative effects on economic, social, spatial and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, opportunities for economic gain by illegal action are widespread and many poor people lack access to land. Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources (**Babette Wehrmann, 2008**)

Land conflicts are indeed a widespread phenomenon, and can occur at any time or place. Both need and greed can equally lead to them, and scarcity and increases in land value can make things worse (**Babette Wehrmann, 2008**)

Land dispute as defined by Harsono, 1996 and Wermann, 2008 as “a difference of opinion with regard to the authentication of land rights, grant of land rights, and registration of land rights including conveyance and publication of rights to title” also defined land dispute as “a social phenomenon involving two or more parties contesting over rights in land or landed property.” Dana, 2000 also defined land disputes as a contest of claims to the ownership or use of the same piece of land irrespective of formal or customary rights likely to be vested in such lands. As many writers indicate that, the origin of land disputes especially in developing countries are disagreement over boundaries, rights and obligations towards land, compensation for land acquisition, and subdivision and reallocation of land rights. This is true in Ethiopian context.

Land conflicts occur in many forms. There are conflicts between single parties (as for instance boundary conflicts between neighbors), inheritance conflicts between siblings and disputes over the use of a given piece of land. These conflicts are comparably easy to solve. Those that include several parties though - such as group invasions or evictions of entire settlements - are more difficult to deal with (**Babette Wehrmann, 2008**)

2.3. Land Registration and certification in Ethiopian

In Ethiopia to enhance tenure security and reduce land disputes in rural areas a low-cost land certification and registration was launched in four big regions since 1998/9 and is being carried out. This is the largest land certification program in the last decade in Africa and possibly in the world (**Stein Holden and et'al, September 2012**). In 2003, the Ethiopian government undertook a programme of rural land registration, and by 2006 more than half the country's farm households had received what are commonly referred to as land certificates. Land registration is expected to reduce land disputes and litigation, to bring about the empowerment of women, and to lead to increased investments in the land (**Janine M. Ubink, André J. Hoekema, Willem J. Assies, (2009)**).

Registration is a process by which two kinds of information are gathered and analyzed. First, information on the expression of rural land use rights has to be collected. Second, information has to also be gathered about the holding (**Daniel Behailu, (2015)**).

Ethiopia has vowed to register all rural land available in its different forms since the beginning of the new millennium. The registration effort in fact started in 2003 with a plan of completion by 2010. In addition, it is planned to be cost-effective and has to deploy local personnel, traditional tools, and customarily available know-hows. Hence, the registration process is supposed to be done in two levels, i.e., first- and second-level registration and certification. The first-level registration and certification of rural land has been done using traditional instruments and local human labor, in other words, using rods, eye-guess measurement, etc. The second level of registration and certification is to take place after the first-level is completed using modern equipment like GPS. Hence, the second level of registration and certification is to involve modern cadastral survey registration processes (**Daniel Behailu, (2015)**)

It is mentioned that, first level land certification is the process of land registration conducted using traditional measurement with no cadastral surveying and no providing parcel index maps attached to the certificates (**Tigistu (2011)**). In the process of first level land registration, plot perimeters and distances from permanent features measured using traditional measuring devices (e.g., chains, rods, tape, or strings) were used. First level land registration and certification is a means of providing “simple” temporary landholding certificates (**Tigistu (2011)**). In the process of first level land registration and certification, farmers receive temporary certificates with no geo-referencing or mapping of land parcels (**Tigistu (2011)**).

Accordingly, in Ethiopia first level rural landholding certification was started in the Tigray region in 1998 followed by the Amhara region in 2000 and later by the Oromia and SNNP regional states in 2002 and 2003 respectively for the sake of assuring rural land holders of their use rights and promoting tenure security. As it is mentioned, since the introduction of land certification in 1998, over 20 million certificates have been issued (**Deininger K., 2004**). This is the time when the first level rural land certification was almost completed. Moreover, studies show that first level land registration and certification is weak on the description of the land plots

which neither include map nor any kind of spatial reference (save a list of neighboring landholders). It only gives a roughly measured or estimated indication of the acreage. Implementation of first level land registration and certification in SNNPRS was started in 2003 with the aim of minimizing conflicts, increasing tenure security, and to upgrading the certificates.

For peasants, the process begins with an announcement in the kebele calling on all landholders to attend a meeting on a specific date to discuss land and tenure issues **(Stein Holden and et'al, September 2012)**. But the problem with the first level certification is stated that the measurement of individual plots was the most unsatisfactory part of the certification process, and many peasants interviewed were critical of the manner in which their plots were measured. Plot measurement is fraught with difficulties in many parts of the country, because even the simplest measuring tape is not available in most places, and different traditional methods are used by different officials in different places, thus giving rise to inaccuracies and inconsistencies **(Stein Holden and et'al, September 2012)**. The first level land certification is considered as success in part by researchers because local authorities employed low cost techniques and familiar methods to complete the preparatory tasks **(Deininger et al. 2007)**. But others said that this is a misunderstanding of the whole point of the programme: title registration is meant to provide security and to minimize disputes, and this can only be possible if the programme is credible in the eyes of the beneficiaries concerned **(Stein Holden and et'al, September 2012)**. It further added that the use of low cost traditional tools and techniques is not a problem in itself, but such techniques do not deliver accurate, consistent, and reliable results and are therefore liable to give rise in the end to disputes and even bitter conflicts **(Stein Holden and et'al, September 2012)**.

Second level land registration and certification is the process of land registration which includes cadastral activity and certification with spatial content (map) of the parcel. In other words, second level land registration is an information system consisting of two parts: a series of maps or plans showing the size and location of all land parcels and text records that describe the attributes of the land. As officials of the then Ministry of Agriculture said the second level land registration and certification is distinguished from first level land registration system. As they said the objective of second level land registration and certification program is to enhance tenure security for smallholder farmers because this will “stimulate greater investment by farmers in

sustainable land management practices”. They added, second level land registration and certification program seeks to rectify the weaknesses of the first level land certification, particularly the need to geo-reference and map individual parcels to avoid or minimize boundary disputes. The other study describes the intention of the second level land certification. The intention of the land certification program in Ethiopia is to reduce the inherent insecurity of land holdings associated with state ownership of land. Female landowners are systematically more tenure insecure and more reliant on the land-lease market than male-headed households (**Stein Holden, Mintewab Bezabih (2012)**). Similarly land registration and certification lead to better plot border demarcation and a significant reduction in plot border disputes which is clear indication of improved tenure security for owners of land because the risk of encroachment by neighbors has been reduced (**Stein T. Holden and Hosaena Ghebru, 2011**) This ‘Second Stage land registration’ is expected to replace the registration from the first round that used field markings in combination with memory of the neighbors to identify plot borders (**Sosina Bezu and Stain Holden, (2013)**). But a contrary to this other researches revealed that the certification process is not that much beneficial for women since the most of the certification is given by the name of the husbands only. Findings on entitlement to land registration and certification reflect that 51.6% of the respondents responded that land is registered and certified in husbands’ name and 16.7% responded that land is registered and certified in the name of both spouses. This means most rural lands are being registered by the name of husbands and the registration and certification program is not that much beneficial to women. Most women confirm that they get access to land. However, few actually have control over it (**ALMAZ WOLDETENSAYE, (2007)**). To attain the positive effects of rural land registration and certification and to lead the certification program, researchers suggest the establishment of an independent land administration institution. Rhamato suggests an agency for this purpose (**Dessalegn Rahmato, (2010)**).

2.4. Impacts of Land Certification on Land Disputes Resolution, Income Generation, and Accurate rural land related data collection

There is a general understanding that land registration and certification increases tenure security, reduce land related disputes, increase income which is generated from the land use fee or tax and increase the accuracy of information regarding land related issues which are crucial for further planning and policy formulation.

It is often argued that the three most important benefits of title registration are guarantee of ownership and security of tenure, reduction of land disputes, and improved access to credit from financial institutions. The immediate benefit of land certification in the country was the reduction of land cases (**Stein Holden and et'al, September 2012**). Likewise documentation will promote tenure security. Holders will be able to develop a sense of ownership and will be reassured that they will not lose their plots in the future. Documentation will decrease land disputes, especially when plot boundaries are finally established by means of proper mapping (**Dessalegn Rahmato, (2004)**). Documentation here refers to registration and certification of land holding rights.

Other studies has also revealed that the low-cost land registration and certification has been successful in reducing the number of border disputes in many communities. It has also revealed certain weaknesses of the reform that require geographically targeted follow up reforms in locations where the implementation process was poor and in peri-urban areas where land pressure and demands for land for public and other nonagricultural purposes are high (**Stein T. Holden, Klaus Deininger and Hosaena Ghebru**).

The other study is on the effect of second level rural land certification on the tenure security and dispute settlement. It is stated that Ethiopia is estimated to have 50 million parcels. Of these, only a fraction are registered in any kind of cadastral register. The rest of the parcels can only be distinguished by informal agreements between the land holders in the country. The effects of this are numerous land conflicts and a high tenure insecurity (**Thomas Dubois, 2016**). The certification process has fetched, the government claims, tenure security especially for women and minors and abated conflicts over land matters; it has also fostered renting out land and thereby increased productivity (**Janine M. Ubink, André J. Hoekema, Willem J. Assies, (2009)**). Likewise, the positive effects of certification towards dispute is enshrined in most

studies. In general there is typically a close link between tenure and conflict over land (**FAO, LAND TENURE STUDIES 3 (2002)**). The positive correlation between certification and existence of dispute as well as tenure security is also envisaged in other FAO studies (**FAO, LAND TENURE STUDIES 8 (2005)**). Besides the role that the same has to gender equality during dispute settlement is articulated in another FAO study (**FAO, LAND TENURE STUDIES 4 (2002)**). The other unique finding is the increment of land related disputes during the process of land registration and certification. It is stated that the process of land registration has generating conflict. Preventing and resolving these has become an important and demanding challenge. From the short history of this first experience of land registration in the region, it seems that many conflicts have emerged during the process (**Berhanu Adenew and Fayera Abdi, (November 2005)**). The other unique advantage of registration and certification is the importance it has for expropriation, valuation and payment of compensation. This eases the process of valuation and payment of compensation (**Belachew yirsaw, (2012)**). The writer saw its relevance during property inventory, counting and even to identify the rightful land holder.

In general many researchers have agreed on the positive impact of rural land registration and certification for tenure security, dispute settlement, and investment and land markets in one hand and tenure security and productivity on the other hand (**Klaus Deininger, Daniel Ayalew Ali, Tekie Alemu, (2010), Hosaena Ghebru Hagos and Stein Holden, (2013), Klaus Deininger and et'al, (2003), Klaus Deininger and et'al, (2007), Klaus Deininger and et'al, (2007), Hosaena Ghebru, Stein T. Holden, (2015), Hosaena Ghebru and Stein Holden, (2013)**).

By understanding the positive effect of land registration and certification, the federal as well as the regional governments' rural land administration and use laws has enshrined provisions for the registration and certification of rural land holdings (**Proclamations, federal 456/2005, Amhara 133/2006, Tigray 239/2014, Oromia 130/2007, SNNPR 110/2007, Benshangul Gumuz 85/2008, Afar 49/2009**)

CHAPTER THREE

3. REASERCH METHODOLOGY

3.1. Description of the study area (Aynie Habtamu, (2010))

Hadiya was a powerful vassal kingdom located in southwestern Ethiopia. It acquired its name from its inhabitants, the Hadiya. The homeland of the then kingdom covered part of the recent Hadiya Zone in south central Ethiopia.

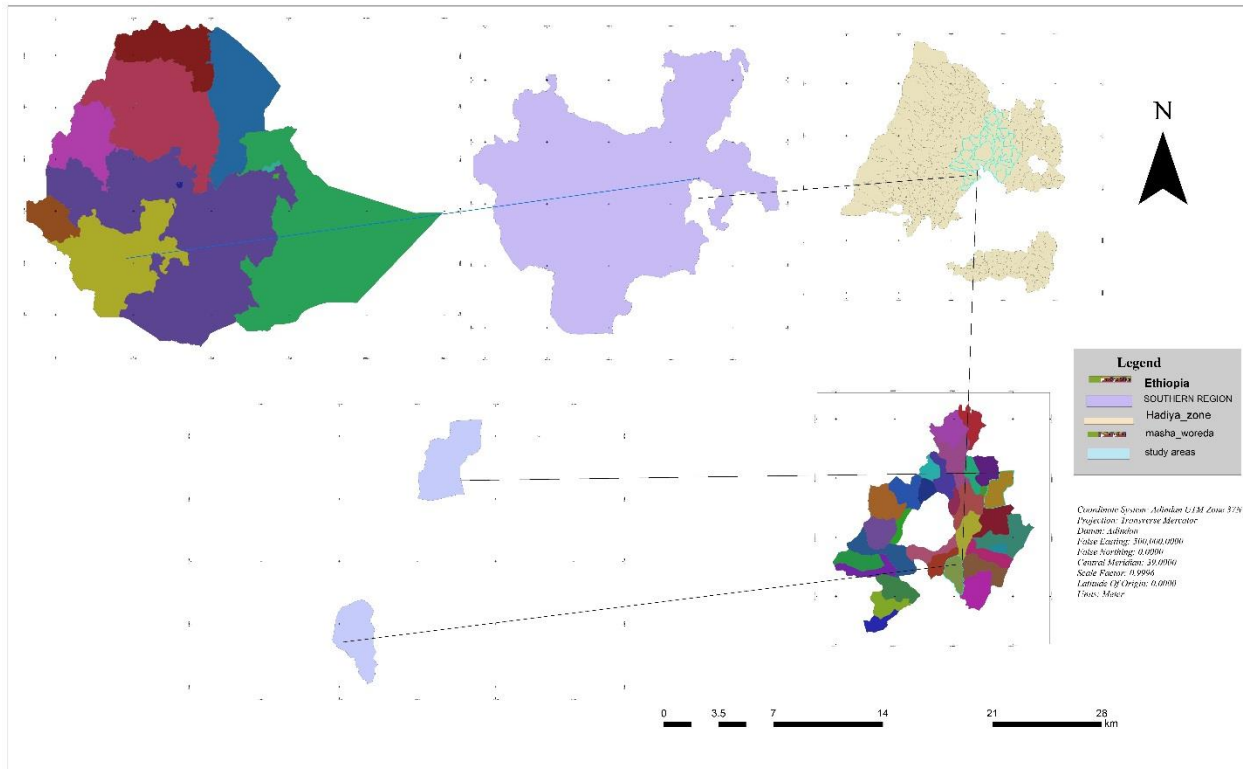
The Hadiya Zone is found in the Southern Nations, Nationalities and Peoples Regional (SNNPR) State of Ethiopia. Hadiya Zone consists of eleven Woredas known as Hossana Zuria, Lemo, Misha, Gibe, Gombora, Soro, Duna, Shashogo, Anlemo, East Badewacho, and West Badewacho. Hossana is the capital city of the zone and is about 230 kilometers south west of Addis Ababa. The zone has a population of about 1.5 million (CSA, 2009). The community inhabits lowland to mountainous areas in the south central part of Ethiopia. The zone is bordered on the south by Kembata Alaba and Tembaro (KAT), on the west by the Omo (Gibe) River which separates it from Oromia Region and the Yem Special Wereda on the north by Gurage, and on the east by the Oromia Region. The Woreda as of east and west Badawacho are exclusively separated from the rest of the zone by the KAT. The principal town in Hadiya is Wachamo (Hosaena) (Refer to Fig. 1.1 below).

From those Weredas found in Hadya, my research was conducted in one of them, Lemo. Likewise, from the Kebelles found in Lemo Wereda, Ana Belessa and Hayssie are the targeted Kebelles. In Ana Belessa, there is a population of male 21622, female 2204, a total of 4366. Likewise, in Hayssie Kebelle, there is a total population of 3519 from which 1772 are male and 1747 are female. Ana Belessa and Hayssie have a size of 10332.699 and 1090 Hectare respectively.

There are a total of 378 male households and 88 female households, a total of 466 households in Ana Belessa, and 324 male households as well as 122 female households, a total of 446 households in Hayssie who have got land holding certificate for their land holdings. Parcel wise,

there are 1438 parcels in Ana Belessa, from which 787 belongs to male households, 609 goes to female households, 12 parcels are communal holdings, NGOs hold 13, and the rest 17 belongs to the government. Likewise, in Hayssise kebele, there exist a total of 1304 parcels. Male households hold 920, 359 goes to female households, 9 parcels belong to community, 6 for government and the rest 10 parcels belong to NGOs (**Aynie Habtamu, (2010)**).

Figure 3.1 Location Map of Hadiya Zone /-the study Area/



The overall approach of the study will be based on the aim of identifying the major causes, the nature of land disputes, and the effect of second level rural land registration and certification on land related dispute. Besides, the effect of the second level certification towards income generation via land use fee or tax and its effect for data compilation as far as the accurate number and size of the parcels available in the study area is also one other approach of the research. The study will be carried out by selecting 2 kebeles as sample size which have received second level rural land certification since 2012. Form each kebeles, 10% of households will be selected as a

sample size through a combination of convenience and purposive sampling techniques. Key informants interview will be held with elders who have received second level rural land certification to know the effect it has towards the mind setup of the land holders as well as with officials of the sector and people with special knowledge in the area.

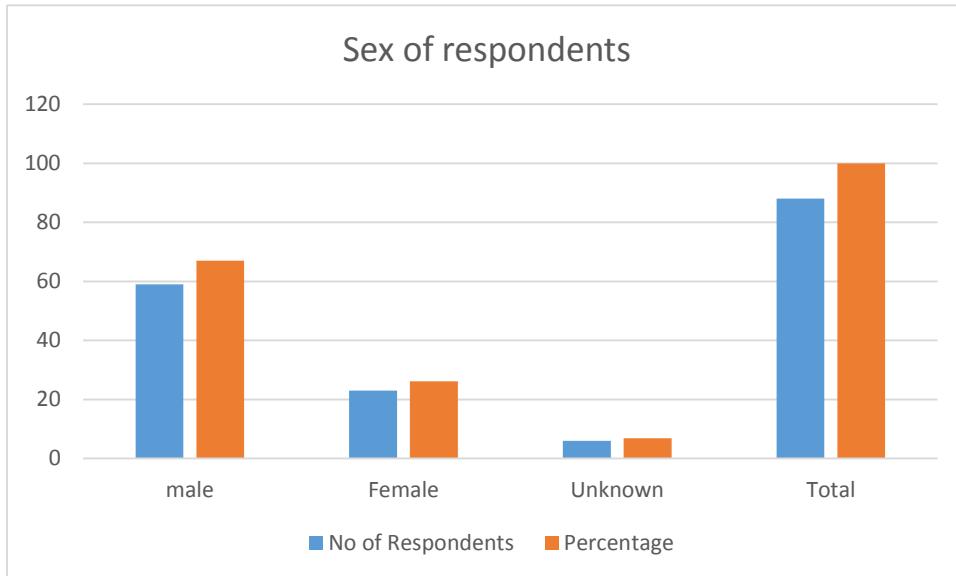
3.2. Population

In this research, the population refers to the total number of households who have received second level land certification in Ana Belesa and Hayisse kebeles. It is difficult in time, labor and cost to carry out study in the whole population. Similarly, in this study, addressing all households in the two kebeles to identify the effect of second level land certification on land related disputes will be very difficult. Thus, determining the sample size will be very important. According to Lemo woreda Land administration, and use department, the total number of households who received second level land certification in both kebeles is 912 (466 in Belesa and 446 in Hayisse). Therefore, sample size is selected from this total population, who have received second level rural land certification. Accordingly, 46 households in Belessa Kebele and 44 households in Hayisse kebele with a total of 90 households is selected for structured questionnaire. My sample size is 10 % of the total sample frame. The reason why I choose 10 % as a sample is based on the principle of representation. Since the attitude of the population towards the effect of land registration and certification is somewhat similar to each other, the 10 % sample can show the whole populations attitude. This sampling size takes in to account the gender balance. Female households and even female spouses will be part of the sample size.

Based on the proposal 90 structured questionnaires were distributed for land holders to be filled. From the total 90 questionnaires 88 of them are collected after filled. 2 of them are not collected because of different reasons. Data collectors were hired to assist respondents at the time of filling questionnaires.

3.2.1. Sex of respondents

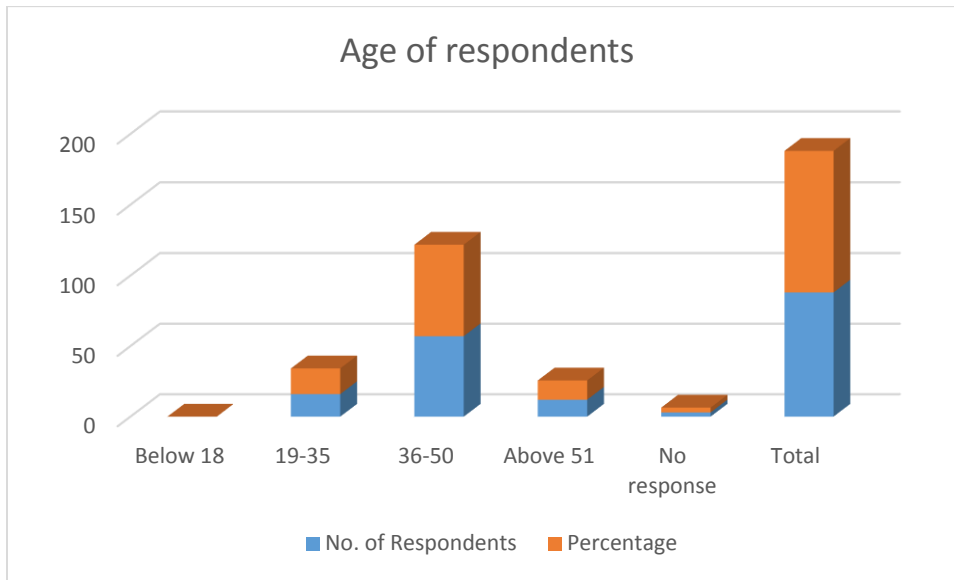
Figure 3.2. Sex of Respondents



As we see clearly above, the total number of respondents is 88. From these respondents 59 (67 %) of them are male respondents, 23 (26.1%) are female and 6 (6.8 %) didn't responded their sex, which makes the total of 88 respondents (100 %). The number of female respondents are much lower than male counterparts. This is because of the fact that it was very difficult to get female respondents. The culture of the study area played its own role for this problem.

3.2.2. Age of Respondents

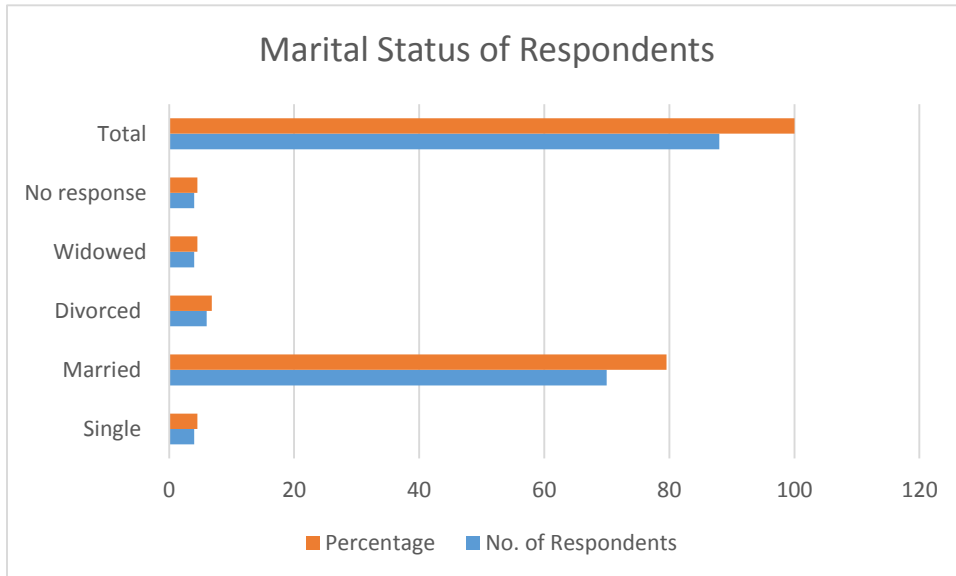
Figure 3.3. Age of Respondents



As clearly shown above, from the total 88 respondents there is no respondent who is below 18 years. Ages between 36 and 50 constituted the highest proportion, which is 57 respondents (64.8 % of the total), followed by ages from 19-35, which are 16 respondents (18.2 %). Respondents above 51 are 12 which constitutes 13.6 % and finally respondents who do not responded of their age are 3, which is 3.4 % from the total. From this we can conclude that most of the population of the study areas is in between the youth and the aged one.

3.2.3. Marital Status of the Respondents

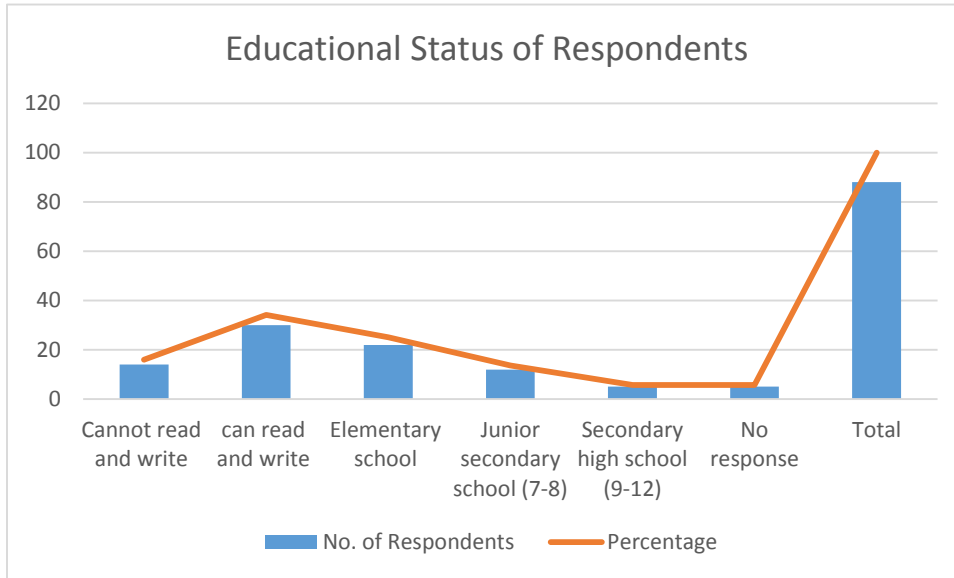
Figure 3.4. Marital status of the Respondents



As shown above, most of respondents are married. They are 70 in number from the total 88 respondents, which is almost 80 % of the total followed by the divorced respondents which are 6 in number which is about 7 % of the total. The single, widowed and those with no response are equal in number, 4 respondents for each category, which is 4.5 % of the total for each. Therefore it can be concluded that most of the land holders in the study area are married. This finding is in line with the age group which I stated above. Since most of the land holders in the study area are from 36.50, it is expected that those are most of the time married.

3.2.4. Educational Status of Respondents

Figure 3.5. Educational Status of Respondents



AS shown in the above figure, most of (30 respondents out of 88) can write and read, which constitutes 34 % of the total, followed by elementary school 22 of the respondents (25 %). 14 of the respondents (15.9 %) cannot write and read. But 12 of the respondents’ educational status is junior secondary school, from grades 7-8, which is about 13.6 % of the total respondents. Moreover, the educational status of secondary high school (grades from 9 to 12) and those who gave no response are 5 in number each, which constitutes 5.7 % each. In general, most respondents of the study area can write and read, which have a great relation to know their rights and responsibilities as far as their land use right is concerned.

3.3. Sampling technique

The research used non-probability convenience sampling technique to select sample size for the questionnaire. To get the feelings of the land holders which they have towards second level certification convenience non probability sampling will be used because the feelings of land holders is not different from one another. So probability sampling is costly and time taking. Therefore, convenience sampling will be ideal and important. To address key respondents of woreda land administration experts, woreda court judges and prosecutors, kebele land

administration and use committees and households who participated in land disputes non-probability sampling techniques, especially purposive sampling method will be applicable.

3.4. Data source

In the study both primary and secondary sources are utilized.

3.4.1. Primary data sources

Primary data are collected through questionnaire that addresses household members who have received second level land certification in both kebeles, and through interviews of woreda land administration experts, woreda court judges and prosecutors, and kebele land administration and use committee members. Besides, primary data are collected from wereda revenue and finance office to identify the increment of land use fee or taxes. Documents found in the wereda land administration office are scrutinized to know the accurate data collected as far as the number and size of the parcels found in the study kebeles.

3.4.2. Secondary data sources

Secondary data are collected from various written documents like researches conducted by other scholars related to the topic of study at hand. It will in particular use journals, books, proclamations and court judgments.

3.5. Data gathering tools

To collect the relevant data from both primary and secondary sources, the researcher used different types of data gathering tools /instruments/.

3.5.1. Primary Data gathering tools

In-depth interviews are carried out with randomly selected informants representing the most appropriate of the target groups listed out, namely farmers involved in land disputes, women and minority group members, and Kebele Land Administration Committee members.

To collect primary data from respondents, the following data gathering tools are administered; essentially, qualitative method will be used to obtain the information needed to achieve

anticipated results of the study. Accordingly, the following qualitative data gathering instruments are practiced.

- **Interview:** structured interview are administered to collect data from key informants (woreda court judges, woreda land administration experts, kebele land administration and use committee members, and farmers who involved in land disputes);
- **Questionnaire:** To collect data from households respondents who have received second level land certification, Structured (close ended and open ended questionnaire are administered.
- **Focus Group Discussion:** is conducted with woreda court judges, woreda land administration experts, kebele land administration and Wereda revenue office.

From primary sources, qualitative data like attitude, perception, and knowledge regarding to the immediate effect of second level certification on land related dispute, income generation from rural land use fee and accurate data generation as far as the number and size of parcels available in the study area are collected.

3.5.2. Secondary data gathering tools/ instruments

From Secondary data source related to land dispute, it is collected through document or statistical data review techniques. Other studies in this regard are reviewed. Documents found in the wereda revenue and finance Bureau as well as land administration office as far as the effects of second level rural land registration and certification is concerned are reviewed and used for the study.

3.6. Data analysis and interpretation

The raw data collected using primary as well as secondary data collection methods are analyzed and triangulated each other. MS Excel and SPSS are used to analyze and interpret the collected data.

3.7. Presentation

After the collection, analysis and interpretation of the collected data, the data is presented to show the findings and results of study. Different ways are used for presentation of the processed data. Tables, charts, bar graphs, figures and others are among them which are used for presentation of the findings of the study.

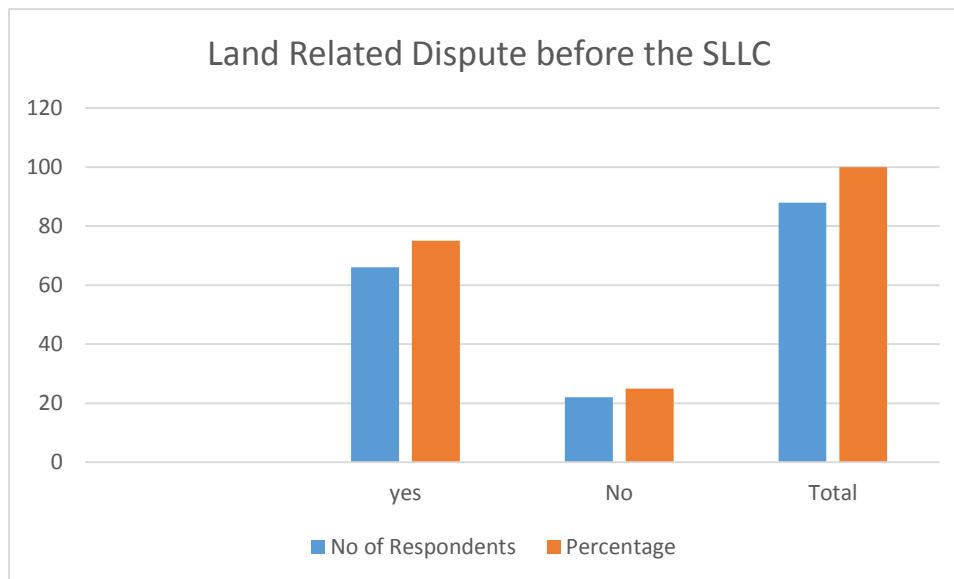
CHAPTER FOUR

4. DISCUSSIONS AND RESULTS

4.1. Causes of rural land related dispute

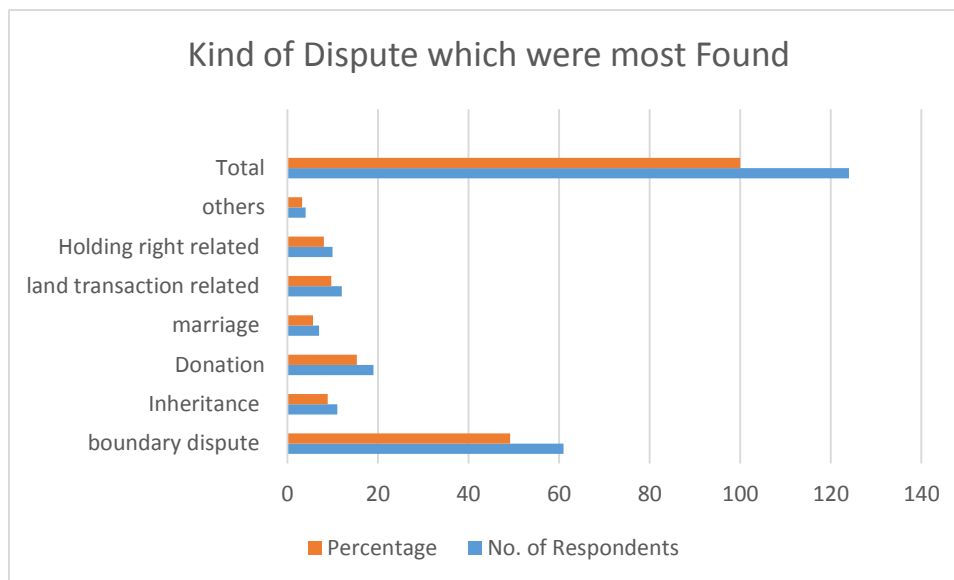
The first question that I posed to respondents of my questionnaire was about whether they encountered land related dispute or not before the second rural land registration and certification took place. The responses are summarized below.

Figure 4.1 Land Related Dispute before SLLC



As shown above, most of the respondents were encountered land related disputes. From the total 88 respondents, 66 of them have encountered land related disputes, which are 75 % of the total respondents. The rest 22 respondents (25 %) didn't encountered land related disputes before the registration and certification program.

Figure 4.2. Kinds of Dispute which were most Found

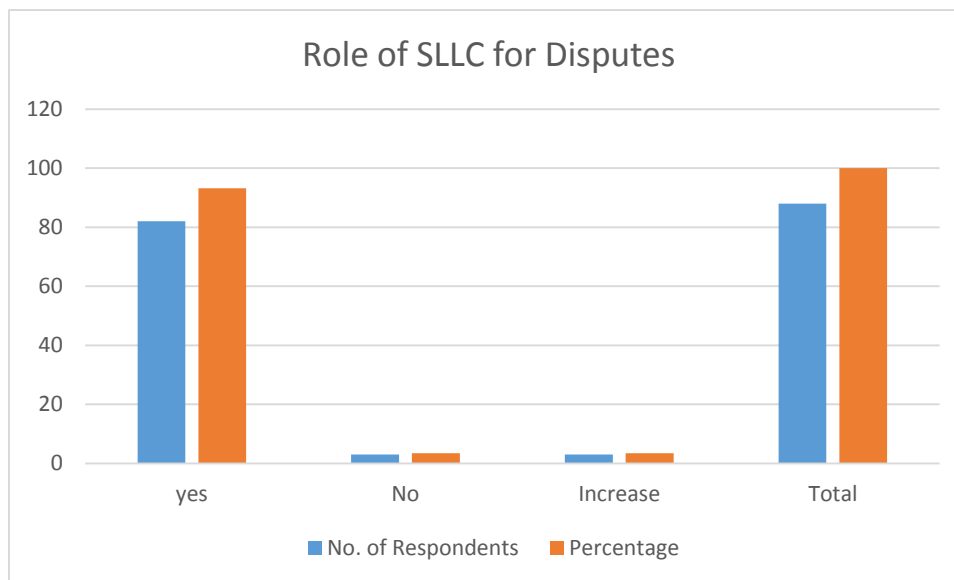


The above chart shows the kind of disputes which were found most. Respondents were allowed to choose more than one disputes, that is why the number is much more than the total respondents. Boundary dispute was the most common dispute type before the registration and certification program, which constitutes 49.2 of all the disputes, followed by donation (15.3 %), land transaction related disputes (9.7 %), Inheritance (8.9 %), holding right related (8 %) and other disputes (3.2 %).

The finding from my respondents is supportive for the responses of my interviewees. As my interviewees from different sectors pointed out, there are different causes for rural land related disputes. Succession, donation, dissolution of marriage, boundary encroachment, encroaching of communal lands and registering them privately, rent and illegal land sale are the main causes of rural land related disputes in the study area. Besides, low level of awareness on land related laws and regulations is another cause for the disputed, as wereda judges and prosecutors pin pointed.

Another question that I posed to my respondents was” Do your land related disputes reduced after the second level rural land registration and certification?”

Figure 4.3. Role of SLLC for dispute



As it is shown in the chart, most of the respondents (93.2 %) of the respondents believed that the second level rural land registration and certification program reduced land related disputes. This is a huge percentage which shows that in the short run even the certificate decreases the number of disputes in relation to land. 3.4 % of the respondents said that the second level certificate does not reduce rural land disputes while other 3.4 % respondents said that the certification program increases the disputes in the short run. This fact is supported by the responses collected from focus group discussion. The above stated disputes were increased at the time of the registration and certification program, according to the focus group discussion I did. This is because, during the first rural land registration and certification program, the boundaries of parcels were done through guess and using traditional instruments. Even during that time the rural land administration committees by receiving illegal benefits, gave lands which belong to women, government, community and other vulnerable groups to wealthy individuals and kebele officials. These cause dispute among the de facto land holders and the de jure one during the second level registration, which increases the number of land related disputes in the study area. Wereda rural land administration expert FGD groups come up with another cause of rural land related dispute, which the issuance of more than one land holding certificate for a single parcel. This is because especially when vulnerable groups give their land through rent and then those rentees through illegal means and without the knowledge of the legal land holders register the land on their own

name. The rightful land holders may not even know this fact until the second level rural land registration. When they know the reality during second level registration, dispute comes in to place. In, general, I can conclude that, at the starting of the second level rural land registration and certification program, the number of disputes increased but latter the number declines.

Regarding the types of land related disputes which occurred frequently, there is a disparity among my different focus groups. Wereda courts and prosecutors said that succession, boundary dispute, land holding cases and cases related to communal lands are most occurring cases. But Kebele rural land administration committee members said that boundary dispute, succession, and donation are the three mostly occurring dispute types. The Wereda Rural land administration expert FGD groups come up with 6 cases which occur frequently in their descending order. The following are them:-

- ✓ Boundary dispute is the first one in number. This is because of the errors made during the first rural land registration process. During the first rural land registration, the boundaries of neighboring parcels were not clearly and accurately demarcated and identified. The demarcation was made using traditional materials and through guessing. This registration was not able to identify boundary encroachments made. This increased land encroachments. When the second level rural land registration started, those who encroached the land wanted to sustain the status quo but the legal land holders claimed their former and legal boundary to be demarcated again. This causes dispute among them and increases the number of boundary disputes coming to the office.
- ✓ Succession and donation comes second.
- ✓ Encroachment of communal lands for private use with the illegal coordination of officials and experts. During the second rural land registration, the public disclosed the fact but those land holders wanted to get rural land certificate for their illegal holding. This causes dispute.
- ✓ Rent is the next cause for rural land dispute. Especially, in the study area rent contract was made informally and even without written document, which is against the law. This causes dispute when one party claims something and the other claims different.
- ✓ Issuance of more than one certificate for a single parcel. Especially this is true when vulnerable groups give their lands through rent for those investors of the region who returned from South Africa. After a while the kebele officials issued other second certificate in the

name of the rentee by receiving illegal benefits from those investors. This is increasing the number of disputes especially at the time of the second level rural land registration and certification process.

- ✓ Dissolution of marriage is another cause for the land related disputes.

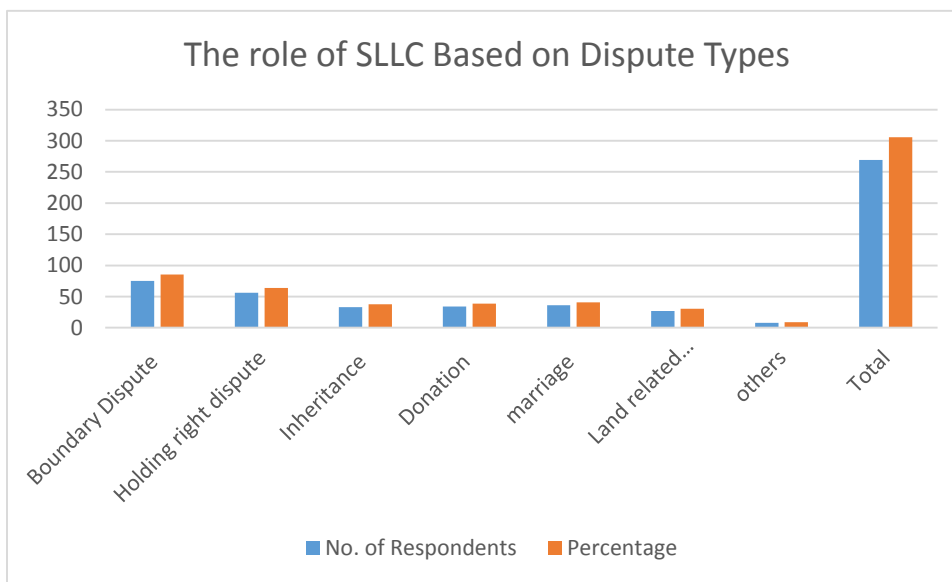
The difference among these FGD results shows that cases brought to the court, to the wereda land administration office and to the kebele rural land administration committee are different. It is logical to think that people opt either to go to the kebele rural land administration for negotiation, to the wereda rural land administration or to the court of law based on the case they have. These three institutions know mostly cases which come to their office and rarely knows cases taken to other offices. So the difference I got from these FGDs is sounding. The reason why such disputes occurred frequently is because of the above stated reasons, which is because of the problems of the first level rural land registration and certification program.

4.2. Immediate Impacts of Second Level Rural Land Certification on Land Related Disputes

In the short at the time of the process of the registration and certification program, it increases the number of rural land related disputes. Land holders started to protect their interest and rights during registration. As stated above, unknown facts become public since the second level rural land registration and certification is solely based on principle of public participation.

I posed the question “For what kind of disputes is the second level rural land registration and certification pivotal?” to my respondents. The result is shown below.

Figure 4.4. The Role of SLLC Based on Dispute Types



As shown above respondents were allowed to choose more than one dispute type, that is why the number is much more than the number of respondents. 85.2 % of respondents said that the second level rural land registration and certification is important for boundary disputes. This result is in line with the finding that before the SLLC much of the disputes were boundary disputes (see above). Likewise, this second level rural land registration and certification is important for Holding right dispute (63.6 %), for marriage disputes in relation to land (40.9 %), for land donation (38.6), for land inheritance (37.5 %), for land related transaction disputes (30.7 %) and for other types of land related disputes (9.1 %). Therefore, the immediate effect of the second level rural land registration and certification program is that it has created a positive

image on the minds of land holders that it can decrease land related disputes, especially for those disputes which were occurred frequently before the registration and certification program.

4.3. Impact of Second Level Rural Land Certification on the Amount of Rural Land Use Fee or Tax

As per FGDs conducted with the Wereda revenue office in one hand and the Wereda rural land administration office on the other, it is clearly pin pointed that the second level rural land registration and certification will increase the gross income which government is generating from rural land use. This income or revenue is not increased by increasing the land use fee or tax per parcel. Rather there were lands which didn't registered and which did not pay land use fee/tax. Now since this lands are registered they are obliged to pay rural land fee/tax. This is the reason for the increment of revenue that government is collecting from rural land use. It is clear that the number of parcels found in the study areas are increased because of the registration of such the before unregistered lands. Even the size of lands being cultivated is not the same as the before one. Even though, there are other factors the registration of such concealed lands is one and major factor.

Based on the data I collected through FGD, about 30 parcels are identified which the holders didn't paid tax before SLLC per Kebele. Still there are cases pending before the court of law to this regard. When those cases get final decision the number of parcels might be much more. The average size of one parcel in these areas is about a hectare. That means 30 hectare of land has been obtained which was unregistered but now registered and illigible to pay rural land fee/tax. One person (tax payer A, B and C) in the area pays an amount of 60 birr. So the total amount of additional money being obtained after SLLC in one Kebele is as follows:

Total amount of additional money = total number of parcels obtained*amount of money to be paid for a parcel

$$= 30*60$$

$$=1800 \text{ birr/ Kebele}$$

For two Kebelles the amount is doubled.

But the result from the respondents is much more than what is stated above. From the 88 respondents, 32 of them had parcel/s which were not registered at that time. Even some of the land holders had more than one parcel that didn't registered.

But the problem is the Wereda revenue office doesn't started yet to collect the land use fee based on the second level registration data. They are still using the first level data to collect the land use fee. For instance, the 2008 E.C. revenue collected by the wereda was 357489 but in 2009 E.C. it increased to 406495. This increment is not because the wereda uses the new registration data but lands are divided in to parcels as a result of donation, succession, dissolution of marriage and others, those new land holders are required to pay land use fee for the pieces created, which increases the revenue collected. When the wereda starts collecting land use fee based on the new registration data, the revenue will much higher than this because of two reasons. One, the sizes of those lands during the first level registration were not the correct size. Two, those lands which were not registered before but registered now will start paying land use fee.

The registration of those concealed lands have also an impact on CSA annual crop yield report. CAS used to report the annual production of the country by using the land use fee reception form as an evidence. This means, those concealed lands impacted the report negatively. They reduced the real annual report that ought to be made by the concerned body.

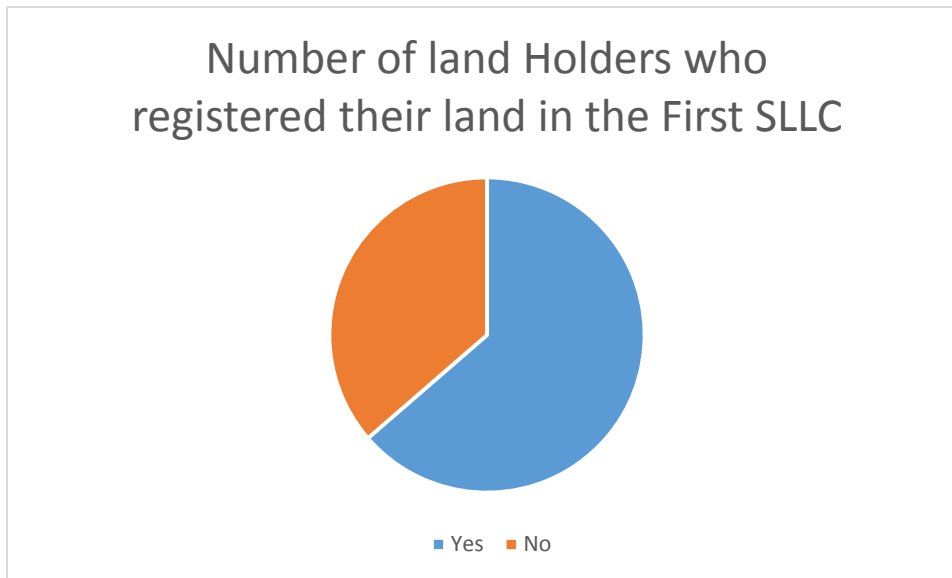
The other impact of SLLC is it makes the rural land use fee collection system, modern, accessible and efficient as well as effective. Before the SLLC the collection was made solely on the data which was presented by the Kebele and those data were full of errors. But now the information regarding the land is known even by the Kebele clearly since it is organized in a modern information system. So, the system clearly know land holders who pay their rural land use fee and who don't. Besides, at this time there is no house to house fee collection. Land holders themselves are paying their fee in the Kebele.

The most important effect of the SLLC is it allows land holders to take loans by making their certificate as a collateral. This will help land holders in developing their lands.

4.4. Impact of Second Level Rural Land Certification on Land Related Disputes on the Total Land Size and Number of Parcels

I posed the question” Did your all parcels registered in the first rural land registration?” to my respondents. The result is shown below.

Figure 4.5. Number of Land Holders Who Registered their Land in the First SLIC

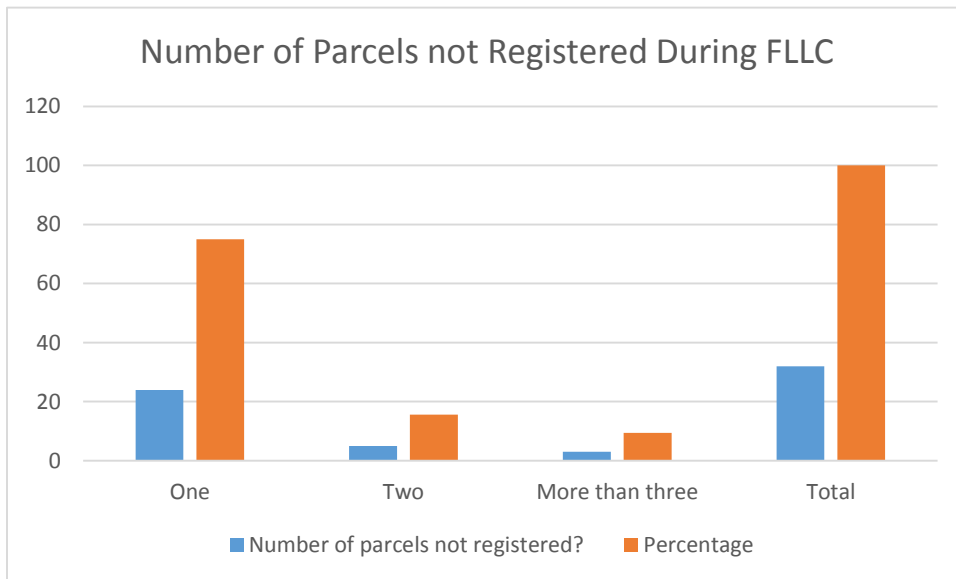


As shown above 56 respondents (63.6 %) have registered all their parcels during the first rural land registration and certification program while 32 respondents (36.4 %) had parcel or parcels which they did not register during that time. The parcels which were registered are substantial in number. In number, almost 1/3 of land holders had one, two or three parcels that did not register at that time. This had an impact on land use fee collection and even on the land information system. The land administration office of the study area were making reports about the total size of lands and the total number of the Kebele parcels solely based on the registered lands. Those lands which didn't register were not included in the report. So this second level rural land registration helps the government to have the accurate size and number of parcels which are found in the Kebeles. During the first level registration, parcel sizes were registered based on guessing. But now modern cadastral instruments are being utilized which makes the information regarding the lands more or less accurate.

It is clear that the number of parcels found in the study areas are increased because of the registration of such the before unregistered lands. Even the size of lands being cultivated is not the same as the before one. Even though, there are other factors the registration of such concealed lands is one and major factor.

The other question that I posed to my respondents is about the number of parcels which they did not registered at the time of first level registration but registered during the second lever rural land registration. The results are summarized below.

Figure 4.6. Number of Parcels not registered During FLLC

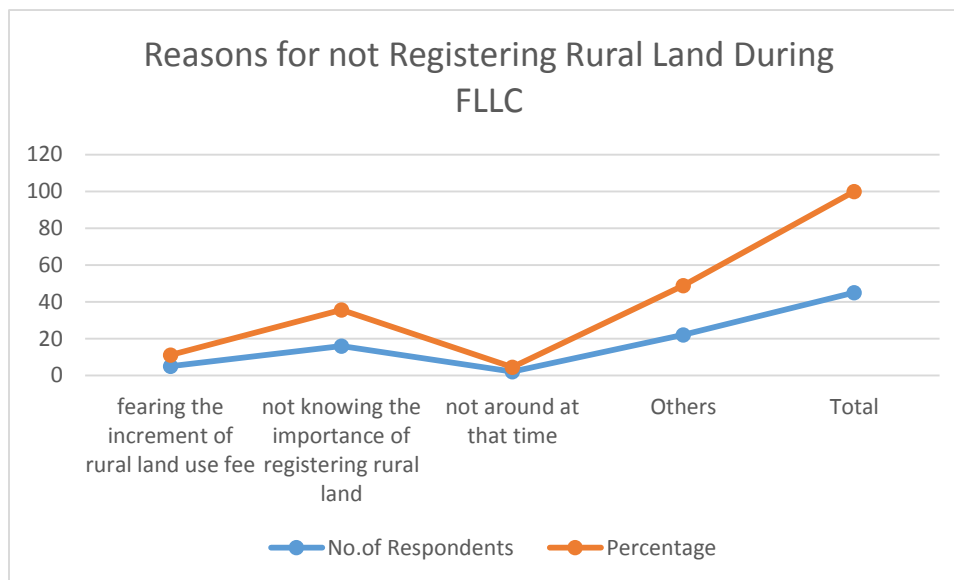


As shown above, 32 land holders from the total of 88 respondents, had parcel/s, which was not registered during the FLLC. As stated before this is a substantial number. From these land holders 24 of them (75 %) had only one parcel which didn't registered. Likewise, Land holders two and three parcels not registered are 5 (15.6 %) and 3 (9.4 %) respectively.

But the findings from my respondents and findings from FGDs are not similar to this regard. Based on the data I collected through FGD, about 30 parcels in a kebele, were not registered during the FLLC.

The respondents stated different reasons for not registering their land during the first Level Land Registration. The following graph shows their percentage.

Figure 4.7. Reasons for not Registering Rural Land during FLLC



As shown above, 32 land holders from 88 respondents had lands which didn't registered. These 32 land holders are asked to state their reason/s for not registering their land. They were allowed to state more than one reason. That is why the number here is 45, which is more than the respondents (32) for the case at hand. The reasons of land holders for not registering their parcels during FLLC are because land holders were not around their residence during registration (4.4 %), land holders fear that registration will increase rural land use fee (11.1 %), land holders didn't knew the importance of registering rural land (35.6 %) and finally because of other reasons. 48.9 % of the respondents have different reasons which are not included in the structured questionnaire. The following are other reasons stated by respondents for not registering their land during FLLC.

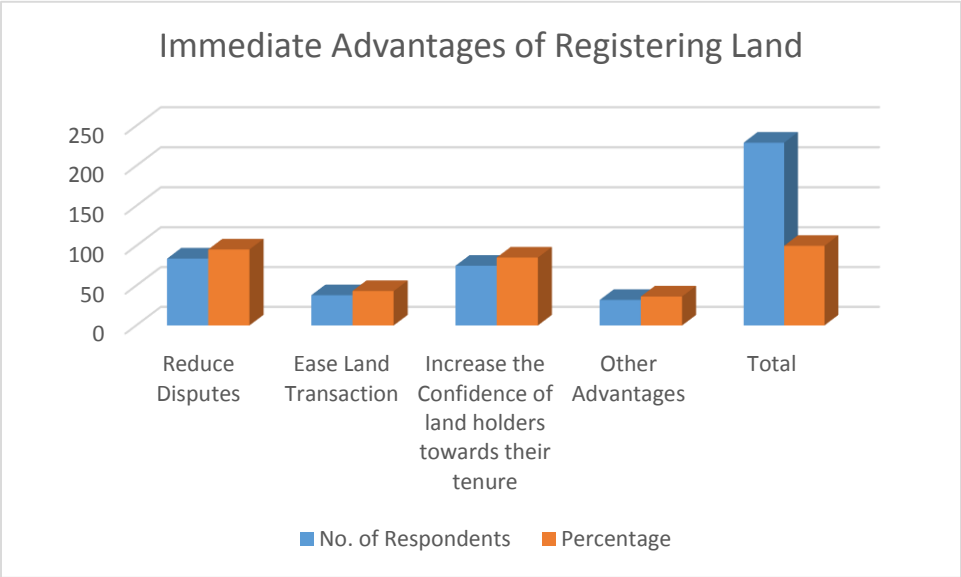
- They were not considering lands covered by Eucalyptus trees as lands;
- Private grazing lands were not considered as lands;
- Some of them have unfertile land and they believed that no one is going to dispossess them from this land;
- Some of them have land holding of many hectares and they feared that government will take or confiscate some of it. So they concealed some of it;
- Some parcels were not registered because it was in a boundary dispute at that time with neighboring lands;

- Some of them were not registered because, the size of them were below 0.5 hectare which was the minimum parcel size determined by the region; and
- Some others stated that since the land was far from the residential areas, land registration personnel were not eager to go and register those lands.

4.5. Other Immediate Advantages of Second Level Rural Land Registration and Certification

I posed the question “what are the other immediate advantages of registering lands in the SLLC?” to my respondents. Their response is summarized and shown in the graph below.

Figure 4.8. Immediate Advantages of Registering Land



As shown in the above figure, respondents gave their feelings about the immediate effects of SLLC. They are allowed to choose more than one advantages of it. That is why the number of responses is much more than the number of respondents. 95.5 % of respondents believed that the SLLC has reduced the number of disputes which are being occurred in land and land related issues. 85.2 % of them also believed that SLLC increases the confidence of land holders towards their land tenure even in this short period of time. Likewise, 43.2 % said that SLLC has eased land transactions. Now as to the respondents, donation, inheritance, rent and other land related transactions become very easy because of the SLLC. After the transaction it could be easily

updated. Finally, 36.4 % of the respondents stated other immediate advantages of the SLLC. The following are the advantages in a summarized form.

- It avoids fears that land holders had before registration. Land holders had fear of eviction before the SLLC. Now it create sense of confidence and ownership;
- It eases the transfer of land to other third party in the form of donation, inheritance and succession;
- Especially lessors now are giving their land through lease (rent) without any fear of eviction since they have the certificate together with the map in their hand;
- The computerized nature of the SLLC makes the services which are being given to land holders efficient and effective; land holders are getting any service in a short period of time without delay; and
- Finally, the major advantage of the certificate is that it allows land holders to access loans by using the certificate as a collateral. The study area is the place where most residents are travelling to South Africa for work and for visit. These individuals used their land as a collateral to get money to cover their transportation and other costs. Some families are also using their land as a collateral to get money and to visit a place of their choice. So, even though, there is no formal law that allows rural land to be used as a collateral, the practice is there in the study area. The federal government is drafting a new land administration and use proclamation and in this proclamation the right to use rural land use as a collateral. The regional government should also incorporate the provision in the regional land laws so that the practice of collateral which is being practiced informally to become formal and legal.

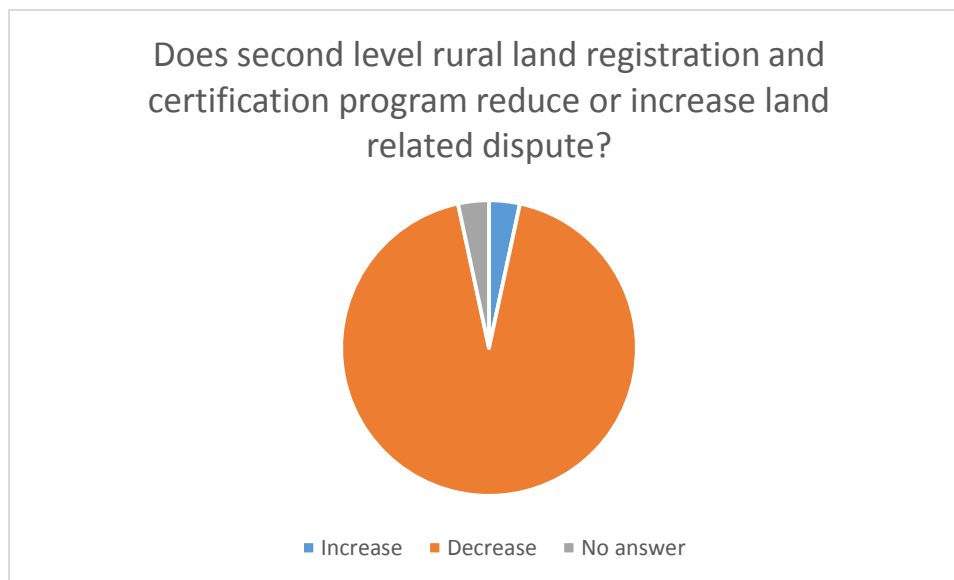
As I said, SLLC process increased the number of disputes in the short run. Mostly the disputes were harsh, when they are caused between legal land holders and illegal landholders. Besides, it was the same, where the disputes were between the former legal land holders and the existing one who got land certificates based on falsified evidences or even via corruption. These and similar types of disputes caused chaos in the society and even bodily harm. But they are now cooling down since most of the cases are being resolved based on legal procedures.

As the Kebele rural land administration committee said, SLLC has gained other short term advantages besides those stipulated above. The following are some of them:-

- Most land holders were in fear of eviction either because they didn't have land holding certificate or they don't trust the 1st traditional certificate. The SLLC reduced this fear and now everyone is confident about his/her holding.
- The real land holder with the exact boundary is known now. Here after there will not be boundary dispute because it is clear.
- Even those who had 1st land certificate didn't have confidence on their land. They feared Kebele Officials, investors, rentees. These persons were potential illegal certificate holders. But now the information is kept starting from the region as well as in the wereda and Kebele. So there is no room for the production of illegal certificates. This fact gives full confidence for land holders which strengths tenure security and have greater impact on the productivity of the land.
- Besides the wereda court Judges and Prosecutors revealed that even though, immediately during the process of the SLLC the number of disputes was increased now they reducing very alarmingly. They said, everything is established clearly now and disputes related to land are being reduced even when compared to the time which the SLLC was not started.

In general, the respondents said that even though, the SLLC increased land related disputes during its process, after its issuance it decreases the number of disputes. It is summarized as follows.

Figure 4.9. Role of SLLC for the Reduction of Disputes



Almost 94.3 % of the respondents believe that SLLC has playing its role to decrease the number of disputes which has been occurred on land and land related issues. 3.4 % of respondents said that SLLC increased the number of disputes in the short run while the other 3.4 % said it has no any effect on the number of disputes. Generally it is clear that, at the time of the process of the SLLC, disputes increased but after the issuance of the certificate it decreased number of disputes. Both FGD and Respondent responses are concurring.

The Wereda court is expected to use the new and modern SLLC as evidence in land related disputes. The distribution of the certificate implies that the first level certificate is null and void. Because for one parcel there will not be two separate certificates. This has to be clear.

The situation is different from what I have said above in the study area Wereda court. They are not using the certificate as an evidence. Rather they are still using the first level certificate. This shows that they are using an evidence which is null and void. The Wereda Judges claimed that they have not been given any awareness about the second level rural land registration and certification. Even the certificate contains to technical things which judges are not familiar with. So they have to be given some awareness as to the second level certificate so that they can apply it as evidence in their day to day land related cases. The Wereda Judges also believed that the second level certificate will be much better in evidence than the first one since it is issued based

on modern technology and the participation of the community. The judges added that the second level certificate will ease the burden of judges. Now when there is no evidence a judge himself or another representative is required to go to the place where the land is situated to get evidence regarding the dispute. But judges believed that this will not happen when the second level certificate is applied since everything is documented in a computerized system.

The other major impact of the second level rural land certification is that it used to identify those lands which were susceptible to two certificates. The certification process makes those illegal individuals public. Even, there were officials who used to sell government land for their own Private benefit. It is the second level rural land registration and certification that publicizes their evil activities.

In general the immediate effect of the second level rural land certification increases disputes in the short run but decreases gradually them, increases the revenue of the government, increase the tenure security of land holders, and in connection to the above it saves time and money of the government as well as land users.

But this doesn't mean that the process of SLLC and the certificate itself is free from errors and problems. The following are the negative effects and problems attached to the process of the SLLC:-

- ✓ The name of successors and family members is not included in the certificate unlike the FLCC. Land holders are not happy with it. Legally speaking including the name of successors and family members does not have any benefit. Because, a successor or a family member will be determined of such status not at the time of registration rather at the time of succession. A person registered as family member during registration may not necessarily be a family member after a year since he may not fulfil the requirements to be a family member. Even though, this is the fact land holders are requesting the name of family members and successors to be included in the certificate. So the land administration office and other concerned bodies should give awareness about this fact to land holders.

- ✓ The SLLC does not have photo of land holders on the certificate, unlike other regions. Land holders are not happy with the absence of the photograph. They said that like any ID the certificate should have photograph of the land users.
- ✓ At the start of the registration and certification program, the government as well as land holders were not ready. Land dispute increased at that time and conflict became rampant. Harsh body injury were occurred. This things should be corrected for other Kebelles.
- ✓ Land holders raised that awareness raising was not made before the start of the process. Even after the issuance and delivery of the certificate, awareness is not given to land holders about the certificate and its importance. As they added, now the boundaries demarcated and mapped on the certificate are not clear for them. Even there are errors made regarding boundaries. Some lands are being bordered with rivers while there is no river next to the said land in reality. Such kinds of errors are common in the study areas.
- ✓ Courts are not using the SLLC as an evidence for cases brought in front of the court. Because of this the value which land holders gave to the SLLC are reducing.
- ✓ Still there are some lands which are registered not in the name of the rightful land holders. There are lands registered in the name of lessees. This was done with the informal negotiation made with experts in the area. Lands belonging to land holders who are not living in the area are susceptible to such kind of fraud.
- ✓ There is increase in land use tax fee. Even though, land holders raised this as a negative consequence of the SLLC, it is not a problem rather a good move. This is caused because the size of lands were not exactly known during FLLC. Now mostly, the size of lands increased when they are measured by using modern instruments. As size increases, the land use fee also increases.

Generally, from the research it can be understood that the SLLC has advantages for the following issues:-

- It is important to protect the land use right of women. They are getting certificates if the land belongs to them or getting jointly to someone if the land is their joint holding.
- It increased sense of ownership, confidence on the land and strengths tenure security of land holders.

- It is important for all types of disputes. It decreases land related disputes. Especially, the map attached to the certificate is important to solve boundary disputes.
- The certificate eases the work of mediators to mediate land disputes.
- It uncovers fake land holding certificates. Especially lands transferred through rent were susceptible to such kind of problems. But the SLLC helped to know the fake former certificates and tried to give the land to the rightful land holders.
- It allows government to collect land use fee based on the correct size of lands.

CHAPTER FIVE

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusions

Land is an important socioeconomic asset where the lives of many people rely upon. The research revealed that most land holders were encountered land related disputes before the SLLC. Even during the Process of SLLC the number of disputes were rising and then started decreasing. So the SLLC has decreased the number of rural land related disputes. Boundary dispute, donation, land transaction related disputes, Inheritance, holding right related and other disputes are disputes in descending order that most occurred before the registration and certification took place. Besides, the SLLC is very crucial for boundary disputes, holding right disputes, marriage disputes, land donation related disputes, land inheritance, and land related transaction disputes and other types of land related disputes in order. In relation to this the immediate effect of the second level rural land registration and certification program is that it has created a positive image on the minds of land holders that it can decrease land related disputes, especially for those disputes which were occurred frequently before the registration and certification program.

The second level rural land registration and certification will increase the gross income which government is generating from rural land use. This is because of the fact that some land holders had lands which were not registered but now registered and become illegible to pay rural land use fee. The registration of those concealed lands have also an impact on CSA annual crop yield report. CAS used to report the annual production of the country by using the land use fee reception form as an evidence. This means, those concealed lands impacted the report negatively. They reduced the real annual report that ought to be made by the concerned body. The other impact of SLLC is it makes the rural land use fee collection system, modern, accessible and efficient as well as effective.

The second level rural land registration and certification increases the number of parcels as well as gross size of the land found in the study area. This increment is caused as a result of accurate data generated by this certification program.

The most important effect of the SLLC is it allows land holders to take loans by making their certificate as a collateral. This will help land holders in developing their lands.

The Wereda court judges are not using the certificate as an evidence. Rather they are still using the first level certificate. This shows that they are using an evidence which is null and void.

In general the immediate effect of the second level rural land certification increases disputes in the short run but decreases gradually them, increases the revenue of the government, increase the tenure security of land holders, and in connection to the above it saves time and money of the government as well as land users.

But still the SLLC has negative effects, according to respondents and FGD results. The name of successors and family members is not included in the certificate unlike the FLCC. The SLLC does not have photo of land holders on the certificate. Awareness raising was not made before the start of the process. Courts are not using the SLLC as an evidence for cases brought in front of the court.

5.2. Recommendations

Based on the findings of the research, the following are recommendations that the concerned body should take in to account and correct as soon as possible.

- Awareness should be given to judges about the SLLC so that they can use it as an evidence in the court of law for land related disputes. Still now, judges are using FLLC as an evidence which is not correct in the eyes of the law. The FLLC is already made void. So the concerned body should give awareness to judges about the SLLC. And judges should use SLLC, which is the conclusive evidence as far as land related disputes is concerned.
- Still now the government is not started collecting land use fee from those lands which were not registered during FLLC but registered now. The government should start collecting taxes/land use fee based on the data of the new registration. Those who didn't registered their land at the time of the first registration haven't been paying land use fee for the last around about 15 years, which is against the law and equity, because there are land holders who are been paying their obligation properly. So they have to start paying based on the new data as soon as possible.
- Even though, there is no any express law that allows land to be used for collateral for the purpose of accessing loads, the practice of collateral is there in the study area. So the government should assess other parts of the region to this regard and if the finding is the same should legislate a law that makes using rural land as a collateral legal so that the informal market to become formal.
- Land holders are not happy about the absence of photo of landholders on the certificate. So the government should make possible measures to inculcate the photo of land holders on the certificate. The process of SLLC is being practiced in other weredas of the region. So the government should take in to account the issue of photo at the time of issuance and handing over of certificates.
- Preparation of the concerned body is very important before the starting of the process of SLLC. It will reduce quality problems being seen on the process and even can reduce disputes that can occur immediately at the time of the start of the process. So, the process should be started after full preparation has been made.

- During the process of the registration and certification program, the disputes were increased. The government were not ready to solve such disputes. So before starting to conduct second level registration and certification program, the government should made assessments and make itself ready to tackle the problems.

6. Appendixes

6.1. Research Time Schedule

Table 6.1: Time break down

No.	Tasks	Months									
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1	Preparation of research Proposal										
2	Approval of research Proposal										
3	Instrument adjustment and checkup										
4	Data collection										
5	Data verification										
6	Data entry and analysis										
7	Submission of the first Draft Thesis										
8	Editing, finalizing and submission of final draft										
9	Editing, printing, binding										
10	Submission of final Thesis										
11	Preparing power points and Presenting										

6.2. Budget Schedule

Table 6.2: Budget break down

No	Items and activities	Unit	Qty	Unit cost(Birr)	Total cost
1	Stationary Material Costs				
1.1	A4 Paper	Desta	5	110	550
1.2	Pen	packet	1	500	500
1.3	Drafts printing	No	3	360	1080
1.7	Final thesis printing (color)	No	4	500	2000
1.8	Binding final documents	No	4	100	400
	Sub total				4530
2	Transportation and Per diem Costs				
2.1	For data collection from the respondent	days	10	300 birr* 3assistance	9000
2.2	For key informants Per diem	days	1	200 birr* 20 respondents	4000
2.3	For house hold respondents per diem	days	1	100 birr* 100 respondents	10000
2.4	For internet and telephone service				1000
2.5	Transportation cost				3000
	Sub-Total				27000
	Total				31530
	Contingency (10%)				3153
	Total Sum				34,683

6.3. List of kebele land administration and use committee members participated for Focus Group Discussions

Table 6.3: List of kebele land administration and use committee members participated for

Focus Group Discussions

NO.	Name	Responsibility
1	Chakebo Adamo	Chair Person
2	Belay Yesuf	General Secretary
3	Mateos Dembelo	Member
4	Erchafo Danato	Member
5	Belachew Yohhanes	Member

6.4. List of Wereda Revenue and Finance Office Experts participated for Focus Group Discussions

Table 6.4: List of Wereda Revenue and Finance Office Experts participated for Focus Group Discussions

NO.	Name	Responsibility
1	Shiferaw Aleqa	Office Head
2	Siyoum Degu	Planning
3	Yohannes Shobibo	Revenue Collector
4	Wudnesh Abedama	Tax Law Implementer
5	Girma Tefera	Revenue Collection Coordinator
6	Nigat Mulatu	Revenue Collector

6.5. List of woreda court judges and prosecutors participated for Focus Group Discussions

Table 6.5: List of woreda court judges and prosecutors participated for Focus Group Discussions

No.	Name of the Prosecutor/Judge	Responsibility
1	Dinqneh Daniel	Prosecutor office head
2	Dereje Ayele	Prosecutor
3	Tareqegn Ersawo	Prosecutor
4	Elsabet Samuel	Prosecutor
5	Tesfaye Gadore	Prosecutor Coordinator
6	Tesfaye Setore	Judge
7	Getahun Deboch	Judge
8	Haile Lambebo	Judge
9	Tefera Abiye	Coordinator

6.6. List of woreda land administration experts participated for Focus Group Discussions

Table 6.6: List of woreda land administration experts participated for Focus Group Discussions

No.	Name of Experts	Responsibility
1	Asifaw Wemich	Land Administration Coordinator
2	Aster Abera	GIS expert
3	Melsse Demssie	Land administration Expert
4	Zekarias Kiflu	Land Information Expert
5	Getahun	Sector Head

6.7. Structured survey Questionnaire for land holders

Annex 1. Structured survey Questionnaire for land holders

March 2017

Bahirdar University

Graduate Studies

Institute of Land Administration

Department of Land Administration and Management

A Questionnaire to be completed by Land holders

Dear Land holders,

This research is aimed at identifying the immediate effects of the second level rural land certification and registration towards dispute settlement, income generation and accurate land related data generation which will be relevant for future policy making. The research will have positive significance for you land holders by showing the realities on the ground.

Please note your individual responses will be kept confidential, and only aggregated results from the whole survey will be used for the purpose of the study.

I would like to thank you for your time and unreserved effort you made to fill and complete this questionnaire.

Yours faithfully

Berhanu Balcha

Questionnaire for land holders of Hadya zone, Lemo Wereda, Ana Belessa and Hayssie Kebelles to identify the immediate effects of the second level rural land registration and certification.

Enumerator: -----

Date of the questionnaire filled: -----

Kebelle

Village -----

7. General information

1.1. Gender of the respondent: 1) Male 2 Female

1.2. Age of the respondent _____

1.3. Marital status of the household head

1) Single 2) Married 3) Divorced 4) Widowed

1.4. Educational status of the household head

1) Cannot read and write 2) can read and write 3) Elementary school 4) Junior secondary

(7-8) 5) Secondary high school (9-12) 6) Diploma (or equivalent)

8. The immediate effect of rural land certification and registration

2.1. Did you encounter land related disputes before the land registration took place?

A. Yes B. No

2.2. If your answer is yes above, what kind of disputes were you most encounter? Put them based on ascending order.

A. boundary dispute B. Inheritance C. Donation. D. marriage E. land transaction related
F. Holding right related G. specify others if any

2.3. Do your land related disputes reduced after the second level rural land registration and certification?

A. Yes B. No

2.4. For what kind of disputes is the second level rural land registration and certification pivotal?

A. Boundary Dispute B. Holding right dispute. C. Inheritance D. Donation E. marriage

F. Land related transactions G. Specify others

2.5. Did your all parcels registered in the first rural land registration?

A. Yes B. No

2.6. If your answer is no in the above question, How many parcels do you have that were not registered in the first registration but registered in the second level rural land registration and certification?

A. One B. Two. C. More than two

2.7. What was your reason of not registering your parcel in the first rural land registration and certification program?

A. By fearing the increment of rural land use fee

B. By not knowing the importance of registering rural land

C. Because I were not around at that time

D. Specify other reasons if any

2.8. What are the other major immediate advantages of registering your land? You can chose more than one.

A. Reduce disputes

B. It ease land transaction

C. It increase the confidence of land holders towards their tenure

E. Specify other advantages you are getting

2.9. Does second level rural land registration and certification program reduce or increase land related dispute?

A. Increases B. Decreases

2.10. Please specify the negative effects of the second level rural land registration and certification if any;

2.11. What is your general feeling about the second level rural land registration and certification.

6.8. Checklists for Focus Group Discussions with kebele land administration and use committee members

Annex 2. Checklists for Focus Group Discussions with kebele land administration and use committee members

Dear Kebele Land Administration and Use Committee Members,

This research is aimed at identifying the immediate effects of the second level rural land certification and registration towards dispute settlement, income generation and accurate land related data generation which will be relevant for future policy making. The research will have positive significance for land holders and the government by showing the realities on the ground.

Please note your individual responses will be kept confidential, and only aggregated results will be used for the purpose of the study. I would like to thank you for your time and unreserved effort.

Yours faithfully, Berhanu Balcha

1. What are the main causes of rural land related dispute?
2. Which types of land related disputes were occurred frequently? Why?
3. Does second level rural land registration and certification program reduce or increase land related dispute? How?
4. Does the second level rural land registration and certification increase the amount of rural land use fee or tax?
5. Does the number of parcels as well as the gross size of the lands found in the study area increase after the second level rural land registration and certification?
6. What are the other immediate effects of second level rural land registration and certification?
7. As a committee member, what immediate advantages of the second level rural land certification are you looking?

6.9. Checklists for Focus Group Discussions with Wereda Revenue and Finance Office

Annex 3. Checklists for Focus Group Discussions with Wereda Revenue and Finance Office

Dear Wereda Revenue and Finance Office,

This research is aimed at identifying the immediate effects of the second level rural land certification and registration towards dispute settlement, income generation and accurate land related data generation which will be relevant for future policy making. The research will have positive significance for land holders and the government by showing the realities on the ground.

Please note your individual responses will be kept confidential, and only aggregated results will be used for the purpose of the study. I would like to thank you for your time and unreserved effort.

Yours faithfully

Berhanu Balcha

1. Does the second level rural land registration and certification increase the amount of rural land use fee or tax?
2. Does the number of parcels as well as the gross size of the lands found in the study area increase after the second level rural land registration and certification?
3. Is there any new land use fee levied on parcels which were not registered during first level rural land registration but registered now at the second level rural land registration?
4. If yes how many are those parcels and how much money is being collected from those additional parcels?
5. Does the second level rural land registration and certification ease your work of land use fee collection? How?
6. What are the other immediate effects of second level rural land registration and certification for income generation? Are there disadvantages to this regard?

6.8. Checklists for Focus Group Discussions With woreda court judges and prosecutors

Annex 4. Checklists for Focus Group Discussions With woreda court judges and prosecutors

Dear Wereda Judges and Prosecutors,

This research is aimed at identifying the immediate effects of the second level rural land certification and registration towards dispute settlement, income generation and accurate land related data generation which will be relevant for future policy making. The research will have positive significance for land holders and the government by showing the realities on the ground.

Please note your individual responses will be kept confidential, and only aggregated results will be used for the purpose of the study.

I would like to thank you for your time and unreserved effort you made.

Yours faithfully

Berhanu Balcha

1. What are the main causes of rural land related dispute?
2. Which types of land related disputes were occurred frequently? Why? What about after the second rural land registration and certification?
3. Does second level rural land registration and certification program reduce or increase land related dispute? How? What Kind of disputes are reducing?
4. What is the status of the second level rural land certificate in front of the court as an evidence?
5. Does the second level rural land certificate reduce the problem of lack of evidence that courts and judicial organs encounter?
6. What are the other immediate effects of second level rural land registration and certification as far as litigation of land related disputes is concerned?

6.9. Checklists for Focus Group Discussions With woreda land administration experts

Annex 5. Checklists for Focus Group Discussions With woreda land administration experts

Dear Land Administration experts,

This research is aimed at identifying the immediate effects of the second level rural land certification and registration towards dispute settlement, income generation and accurate land related data generation which will be relevant for future policy making. The research will have positive significance for land holders and the government by showing the realities on the ground.

Please note your individual responses will be kept confidential, and only aggregated results will be used for the purpose of the study.

I would like to thank you for your time and unreserved effort you made.

Yours faithfully

Berhanu Balcha

1. What are the main causes of rural land related dispute?
2. Which types of land related disputes were occurred frequently? Why?
3. Does second level rural land registration and certification program reduce or increase land related dispute? How?
4. Does the second level rural land registration and certification increase the amount of rural land use fee or tax? How?
5. Does the number of parcels as well as the gross size of the lands found in the study area increase after the second level rural land registration and certification?
6. What are the other immediate effects and advantages of second level rural land registration and certification?

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