
**ROLE OF RURAL LAND REGISTRATION AND CERTIFICATION IN REDUCING BORDER LAND DISPUTES:
A CASE STUDY OF MENZ GERA MIDIR DISTRICT IN AMHARA STATE OF ETHIOPIA****Ayele Behaylu^{1*}, and Tahir Hussain²****1. Department of Geography and Environmental Studies, Adigrat University, Ethiopia****2. Professor, Department of Geography and Environmental Studies, Adigrat University, Ethiopia****ABSTRACT**

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

Key words: Rural land registration and certification, border disputes,

1. INTRODUCTION

Dispute over land has been the root cause for civil wars because land had been the primary means of generating livelihood for majority of rural population of many countries (Holden and Yohannes, 2001). In most countries of the world disputes over land rights and property boundaries make up the largest percentage of court cases. Land disputes resulted in social unrest, expensive litigation and breakdown in law and order, and hence courts spend much of their time in resolving these matters (Marquardt, 2006). With reference to smallholder farmers, the commonest land-related dispute is related to inheritance and boundary (Gizachew, 2006). In addition to land redistribution and expropriation of land by government agencies with or without adequate compensation, disputes with neighbors over boundaries in Ethiopia under successive governments are major sources of insecurity (Bruce and Migot-Adhola, 1994).

Dispute over land can be manifested in many basic ways. They may be occurred when there is lack of adequate demarcation, registration and record keeping which led to overlapping land claims stemming from inheritance that is beginning to result in conflict. When the law is weak in protecting the rights of individual landholders, in which violence and intimidation are used against women who

attempt to use the law to establish and defend their right to landholdings, and the feeling of tenure insecurity (Brasselle *et al*, 2002). However, many of the land disputes could be resolved through access to accurate land ownership information of land holders. (Marquardt, 2006).

According to the Amhara state land law, dispute resolution between rural land holders is part of rural land administration. It is stated as follows:

“Rural land administration means a process whereby rural land holding security is provided, land use planning is implemented, dispute between rural land holders are resolved, and the right and obligation of any rural landholder are enforced...”

(CAS, 2006).

Holden *et al* (2007) in their study in Tigray state stated that in addition to improving tenure security and land-related investments land certification contributed in reducing border conflicts among the households. Land registration and certification in the state revealed that the number of border conflicts during and after registration and certification were more likely to have decreased than increased. They stated that clarification of boundaries and field-based adjudication that were undertaken in the context of the certification program had contributed towards a marked reduction in land related conflicts because formalization of land rights and better demarcation of land borders enable farmers to have security of tenures. Land registration and certification was more successful in solving land disputes that arose during the last land redistributions in Tigray state (Holden *et al*, 2007). In addition to being a proof of ownership, land registration certificates are compulsory by providing documentary evidence that is necessary for resolving property disputes as well as information for a wide variety of public information such as land valuation (Dale and Mclaughlin, 1999).

Sikor (2005) in his study in the northwest Vietnam stated that land registration and certification reduced border disputes in the state. In addition to this, Deininger *et al* (2007) in their study in Tigray state founded that 66% of land disputes decreased after certification. In Amhara state, in addition to increase the perception of tenure security among farmers, land titling and bestowing of certificates resulted in the decline of incidence of land disputes. This is because land registration and title certification enables the proper demarcation of land boundaries; hence, resulted in lesser land disputes (Palm, 2010).

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

2. METHODOLOGY

The study area

Menz Gera Midir District is located in North Shewa Zone of Amhara state. Astronomically, it lies between 10°00' N to 10°34'N and 39°17'E to 39°43'E. The District is characterized by a rugged terrain, degraded lands which is resulted in the decline of productivity of agricultural land. The natural forests have almost vanished due to: uncontrolled harvesting for fuel wood and charcoal, construction and farm implements, and uncontrolled grazing (MGDARDO, 2008).

Agro-ecologically, it is classified as *Wurch* (Alpine), *Dega* (Temperate), *Woina Dega* (Sub-tropical) and *Kolla* (Tropical). The District has an altitude range from 1500-3500 m.a.s.l. (ibid). The rainfall pattern of the District is bimodal; unpredictable in nature and its distribution most of the time extends from June to August. The average annual rainfall ranges from 700mm to 1100 mm per annum. The mean annual temperature of the area is 12.3°C. The District comprises 22 *Kebele* administrations (KAs), having 2 urban *Kebeles* and 20 rural KAs. The total population of the District is estimated to be 112,670 in the year 2010. The total area of the District is 1105.55 km². The average population density of that year was 101p/km² of land (ibid).

Data sources

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

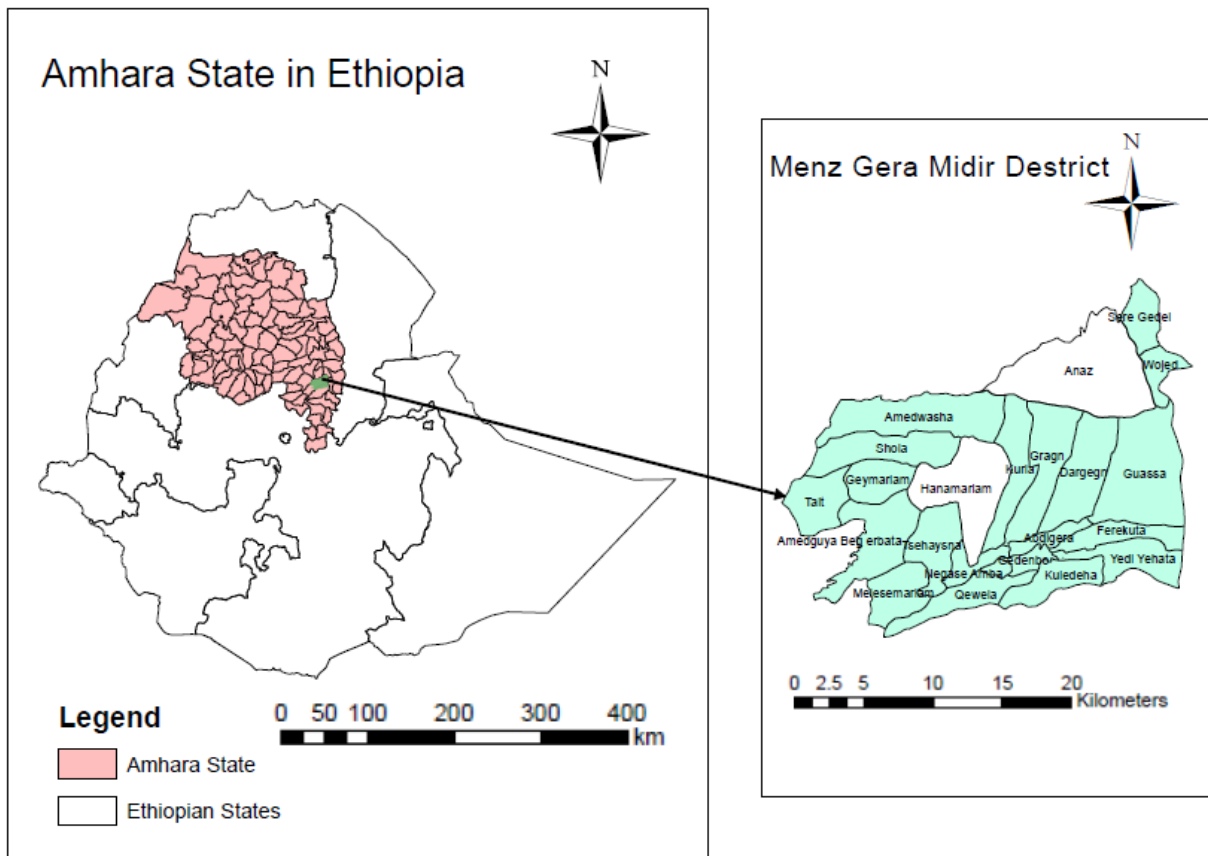


Fig. 2.1. Map of the study area

Sampling design

For the study two KAs were selected for the total of twenty *Kebeles* of the District. From the two *Kebeles* one is selected from the District in which the bestowing of green cards (certificates) was first implemented in 2007 (i.e. Hana-Mariam KA). The other one is the KA which started to implement the program later by the year 2009 (i.e. Anaz KA). About 250 households from each KA, and a total of 500 households were taken as sample population. For the study systematic sampling method was applied by taking the n^{th} element of the sample frame. But, first lottery method was used to select the first element; with a specified gap samples from the sample frame were picked. The sample frame from was taken from KA offices of the respective *Kebeles*.

Data analysis

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

3. RESULTS AND DISCUSSION

In many countries of the world boundary disputes are serious problems that are taken to courts (ECA, 2004 cited in Holden *et al*, 2009). Clarifying of land rights and reducing longstanding conflicts are the main advantages of land registration and titling of certificates (Charles, 2004). Land registration and certification enables the proper demarcation of boundaries; hence, resulted in lesser land disputes (Palm, 2010). Registration and certification of farmlands in Amhara state highly reduced the land related disputes (Orgut, 2010).

For this study border dispute cases were assessed by interviewing concerned bodies (experts in the court). Court experts of Menz Gera Midir District explained that before ten years the major land issues coming in to the court were land dispute cases. Farmers come to the court for the judgment of disputes which are directly caused by land border. Though disputes were aggravated by other factors and even resulted in loss of human life, their root cause for most of the conflicts were border disputes. Regarding the study KAs, from the explanations of judges and written documents it was possible to understand similar to other KAs the problem of border dispute was a key issue in both Hana-Mariam and Anaz KAs. Though the problem is there in both KAs, it was very serious problem in Anaz *kebele* and was impediment for administration of the *kebele*. Farmers in the FGD also explained similar viewpoint as explained above. According to their explanations there were individuals who lost their life in the *kebele*.

Table 3.1. Number of land dispute cases per year coming to Menz Gera Midir District court

Total annual no. of dispute cases come to District court	Years								
	2000	2003	2006	2007	2008	2009	2010	2011	2012
From Hana-Mariam KA	51	49	47	48	40	29	11	8	2
From Anaz KA	53	54	44	46	39	31	18	6	3

Source: MGMD Court, 2013

The above table shows that though the number of land dispute cases coming to court highly reduced, there are some cases still come to courts. As explained above before certification the way used in the court to identify land dispute cases was eye witness of land administration committees (LACs). This was very tedious and decisions may not be correct because eye witness individuals may tell false information, or may die or may forget the boundary. However, after certificates are bestowed to farmers, more accurate decisions are made because every farmer has his/her own certificate and the certificate has rules and regulations and the neighboring parcels in all directions, it is possible to easily identify who made the crime and who did not. The District court office is working together with the District agricultural and rural development office in land possession and related issues.

In the interviews and FGDs, farmers frequently explained that the certificate is important not only for reducing border disputes but also used as tool of mediating conflicting individuals with

boundaries. They said this because the local *shimaglles* are traditionally conflict mediators of those individuals who made conflicts before the case is send to the court. The constitution also allows the resolution of disputes between individuals through customary laws and practice regarding land related disputes (Crewett *et al*, 2008). Since resolution of land disputes through the formal courts is a extended and expensive process referring such conflicts to community elders for arbitration is by far faster and more effective (Solomon *et al*, 2006). If this type of mediation failed (if conflicting bodies disagree by mediation), they have the right to appeal to the local social court. Again they have the right to appeal to the District court office.

100% of households of the two *kebeles* replied that the bestowing of certificates is completely necessary in reducing border disputes. *This result show better* effect of certification in reducing border disputes in the study areas than other research results in other areas. For example, a study made by Holden *et al* (2009) in Tigray had shown that 55.8% of their respondents agreed that the number of land border disputes decreased after certification. Another study made by Assefa (2010) in Amhara region (Fagetalekoma District in Awi zone) show that 60% of the respondents confirmed that land disputes decreased as a result of certification. A study conducted by Sabita (2010) in Ethiopian rift valley region show that 68% of farmers perceive that land registration and title certification reduces border conflicts. Compared to these studies, the study show that there is increasing awareness of farmers about their rights and responsibilities this has resulted in reducing of border disputes through time.

Conclusion

Rural land registration and certification program is assumed to reduce land conflicts among farmers with their holdings. The study show that rural land registration and certification program in Menz Gera Midir District has enabled the minimization of border disputes among farmers. As a result it enables social stability. Though there is a significant reduction of border disputes as a result of registration of borders and neighbors, there are still conflicts in borders. To solve the problem for everlasting, the modern (High-tech) land registration which is based on the application of GIS techniques through GPS points should be implemented as much as possible.

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