RURAL AND URBAN LAND GOVERNANCE

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KEY MESSSAGES

Rural and urban land governance in Ethiopia requires regular upgrading. However Instead of advancing the causes of responsible land management, the land administration system in place resulted in problems such as land fragmentation and poor land management practices.

The average family holding of land in Ethiopia is less than one hectare, which hardly feeds the family for a year, especially in areas where rain-fed agriculture is practiced. This indicates the need for cross sectorial integration to alleviate the problem.

The major land policy issues due to these challenges include significant inequality and economic disparities among the different regions, land fragmentation; urban-rural land use conflicts; less protection of communal land rights; negative impacts of land leasing and large-scale land investments; and climate change and land degradation. The key policy measures to be considered to improve the rural and urban land governance in Ethiopia are:

Upgrading land laws and policies to properly address the sustainable development need of the country by balancing efficiency and equity objectives.

Institutional restructuring: Abolishing rural /urban dichotomy and establishing one strong institution that can properly govern all land in Ethiopia by balancing the centralization and decentralization needs to bring about standardized but also participatory land administration system in Ethiopia.

To introduce robust fit for purpose land administration system that is technically suitable and upgraded to fulfill the needs of the nation.

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Recognize customary practices of land use and transaction on the one hand, and, establish a mechanism for a smooth and efficient continuum and transitioning of informal practices to the formal market system.

BACKGROUND AND CONTEXT

Ethiopia has always attempted to strengthen land governance throughout the 20th century and until the present. Especially, the country introduced a new foundation for land administration since the late 1990s. The FDRE constitution upholds the fundamental land policy tenets. Despite the efforts for formal land administration, problems with land tenure security and institutional fragmentation persisted today.

Ethiopia managed to put in place a fit for purpose land administration system in relatively short period of time. The system was acknowledged for its participatory nature. The registration and cadastral system in Ethiopia is one of the cost effective systems in the world. However the system has drawbacks that need policy measures.

The interplay between ethnic federalism and ethnic-based political parties has contributed to the politicization of ethnicity. This has undermined the ability to address national-level challenges, such as economic development, social cohesion, and democratic governance. Lack of enforcement of even the existing land policy instruments is another concern as putting land management laws and institutions in place is not an end. The identification and addressing of major drawbacks in the land administration system of Ethiopia helps to enhance awareness of policy makers and the government to make timely and decisive self-initiated interventions.

Methodology

Literature review was the main method of this study. The review was made systematically. The key words that can represent the study subject were identified. The databases that are globally recognized were searched. All studies made on Ethiopian land administration were downloaded and summary tables for all relevant study reports were organized. Assessment report was prepared and was used as the base for developing draft policy briefs. The draft policy briefs were further refined and finalized considering feedback and comments gathered from stakeholders and the client.

Findings

The findings indicate diverse sources of challenge for the implementation of land governance in Ethiopia. The critical gaps in land governance are the lack of coherence and effectiveness in land policies; a complex and contradictory legislative framework; disconnection between land policies and laws and their implementation on the ground; weak land administration and governance.

Governance is impacted by insufficient capacity and resources; overlapping jurisdictions and institutional fragmentation; ethnic competition and conflict; weak public access to up-to-date land and environmental information; centralized policy-making process (even under the guise of decentralization) or low levels of community participation; poor productivity; and weak, complex land dispute resolution; and limited public awareness of legal rights. Good features of responsible land governance such as transparency, citizen participation, efficiency, and accountability are not fully utilized.

Access to land is both an incentive to get political allegiance and deterrence for those who want to hold a different position than the control power groups or even worse for those who want to oppose them.

The local authorities assume the right to give and reclaim land at their own discretion and threaten peasants and urban proprietors with loss of their land as punishment for disloyal behavior.

These problems are further reflected in the justice system which suffers from structural and institutional continuity issues, where historical practices and entrenched bureaucracies obstruct reforms aimed at enhancing legal accountability and accessibility. Similarly, these challenges have been a fertile ground for corruption.

The successes of decentralized land administration as a natural follow up of federalism are often overshadowed by issues of local capacity, follow up and support issues, absence of code of conduct, inter-ethnic conflicts, and residual central authority and centralized intervention.

Decentralization has also led to challenges such as regional imbalances, ethnic tensions, and complexities in resource allocation. Above all standardization, which is the key requirement for formal land administration system is challenged by un managed decenteralization.

The land administration related challenges in Ethiopia can be broadly categorized as legal, institutional and technical.

Challenges in the legislative framework

Appropriate legal framework is a key to sustainable land governance system. Ethiopia's land legislation is recently updated but still require further improvements to effectively address sustainable development challenges. The balance between centralization and decentralization is a key issue to be addresses.

The land use right in Ethiopia depends on many conditions for citizens to access and use rural land for free. Among the conditions are 'residency' on the land and 'sole choice of farming' as a means of permanent livelihood. If one opts out to diversify income and move out of the location of the land, then the land will be expropriated. Challenges to address the equity and efficiency needs are the key issues for effective land use right system.

Challenges and issues of the legislative aspect of urban and rural land governance include unclear or overlapping land tenure and property rights, informal and illegal land and housing markets, lack of transparency and accountability in land administration, displacement and inadequate resettlement of communities, unequal power dynamics between stakeholders, unauthorized land occupations, and capacity gaps within institutions.

The legal protection through certification of communal holdings and joint properties is minimal in Ethiopia. Though the registration and mapping of communal holdings are undertaken in some regions boundary encroachment and weak enforcement of rights are common in Ethiopia.

Challenges of institutional fragmentation

The separation of land administration institutions for urban and rural land is a central immediate cause for various land related problems in Ethiopia. These are manifested through unclear roles and mandates, ineffectively streamlined work processes and quality of services, increased cost of land administration services delivery, incomplete land access and use laws, difficulty in enforcing decisions, poor feedback loop systems, informal land acquisition, corruption, land speculation, land related conflicts, insufficient capacity.

Institutional fragmentation goes beyond rural-urban dichotomy. Thus, there is a lack of coordination between land administration and water management authorities; cadastral information

registration and landholding right organizations (sometimes called right creators); environmental resource, forest and grazing lands management institutions; and so on.

Technical challenges

Fit for purpose land administration system is widely acknowledged for its suitability in the developing world, Ethiopia included. The approached used to be tested and implemented in Ethiopia. However further development and refinement is required at all levels.

The land to society relationship is always unique to a given society. Effectively understanding, managing and devising a working land administration system is always a big challenge for every country. The land administration system of Ethiopia is still under construction. The system needs further development and refinement to address the societal need of sustainable development.

The coverage of first and second level certification is variable in different regions. Technical solutions that are relevant to each location for fast and cost effective certification are required.

Pastoral areas are with different land to man relation compared to sedentary agriculture areas. The clan based tenure need to be investigated and developing and implementing techniques to properly define group members and their spatial boundary is a challenge.

Recommendations

Institutional fragmentation in the context of urban-rural is a key problem. The idea of rural-urban dichotomy must be stopped by clear official declaration. A unified approach conducive for comprehensive planning and use as well as appropriate urban land-farm land use balancing must be put in place. A unique administrative boundary system must be adopted for this purpose. This necessitates an inclusive and integrative institutionalization of all key land administration ministries and bureaus. Institutional integration in all other respects and stability and continuity should be ensured.

Policy and legislative reforms that clarify land tenure rights and strengthen protection against unlawful dispossession, ensuring recognition of customary land rights, simplifying and clarifying the legislative framework governing land disputes to enhance its effectiveness and accessibility.

Legal reform is needed to better balance state interests and local community rights to promote equity, security, and productive and sustainable land use and governance in various contexts including hydro-development, watershed development, wildlife protection, soil conservation, etc.

Various land and property ownership options should be made available in accordance with best practices in the world.

The law must encourage freedom of movement and provide diverse sources of livelihood without losing land.

Allocation of land must also be free from political allegiance or proximity to the ruling party circle.

One central problem identified is the inconsistency and often contradictory nature of land use and agricultural policies, which have led to adverse land use changes and uneven agricultural development outcomes. Thus, a comprehensive and integrated approach to policy-making, focusing on inclusivity and sustainability, is essential to balance agricultural development with the preservation of environmental integrity and support for vulnerable rural communities.

The legacy of past land policies, including feudal systems and state control, continues to impact current land tenure security and agricultural productivity. Objectively addressing the historical and contemporary complexities of land governance is essential for promoting secure land tenure and supporting the livelihoods of local communities.

Measures that would potentially improve the outcomes of participatory land administration in Ethiopia are the need for use of existing knowledge and capacity, improve community participation in decision-making, increasing site productivity and economic gains of participants, building capacity to manage conflicts, clear and negotiated net benefit-sharing arrangement, building capacity of relevant government institutions, and improve tenure security.

Understanding the characteristics of stakeholders, the complex web of stakeholder relationships, alliances, and power structures is vital for effective land management and governance, suggesting the far-reaching use of fostering collaborative and a more participatory and effective land management system that recognizes complexities to enhance sustainable resource use and provide valuable insights into the challenges and potential pathways for resolving conflicts.

Understanding the complex socio-ecological systems and power dynamics, local contexts and relationships, perceived historical grievances, and community practices that shape the management and utilization of shared natural resources, particularly in the context of pastoral and agro-pastoral livelihoods is crucial.

Pastoral communities are increasingly vulnerable to land dispossession as the existing land laws and formalization efforts inadequately protect communal land rights and do not recognize the unique needs of pastoralist communities. Ignoring customary rights in favor of formalization without inclusive policies can exacerbate inequalities and lead to unsustainable land management practices. Careful policy approaches that recognize and harness the strengths of traditional mechanisms while addressing their limitations calls for the proper integration of customary or informal tenures into the latter via the process of formalization which necessitate a reevaluation of the process of land tenure and right system development in Ethiopia.

Individual rights particularly pertinent for (members of) minorities include the right to equality, freedom of association, freedom of movement, and the right to vote and to be elected, which have been almost entirely included in the regional constitutions as well. But comprehensive measures need to be taken by the Government to address the poor implementation of these rights.

While ethnic federalism has the potential to empower diverse groups, it can leads to increased division and national instability and neglect of minority interests when not managed properly. It is further recommended to:

➜ Strengthening national-level political dialogue and promoting a more inclusive political system, a shared national identity and a sense of common purpose among the diverse ethnic groups; and focus on equitable policies for national cohesion.

➜ Reforming the federal structure to strike a better balance between ethnic autonomy on the one hand, and national unity and citizen land rights on the other hand.

➜ Improving the capacity and accountability of federal and regional institutions to address regional disparities and manage ethnic conflicts.

➜ Implement conflict resolution initiatives, enhance political representation, develop equitable resource management policies, and engage communities in dialogue.

➜ Policy reforms to strengthen legal protections for the land rights of ethnic minorities, ensuring equitable access and ownership; community engagement in conflict resolution.

➜ More approaches to address corruption include strengthening legal and institutional frameworks, improving transparency and citizen engagement, enhancing public sector integrity, ensuring effective law enforcement and judicial oversight, and building a culture of integrity.

The findings underscore that modern technology tools, software, and modeling play crucial role for sound land governance. These include geo-spatial technologies (conventional surveying technologies, remote sensing technologies, GNSS technologies, and Geo-information/Software Technologies).

Coherent national rural and urban land administration information system must be strengthened to support the initiative of the establishment of digital Economy.

CONCLUSIONS AND WAY FORWARD

Good land governance is critical for Ethiopia's prosperity and sustainable development. It has the potential to drive urbanization and rural development when challenges in terms of local capacity, policy coherence, and community engagement are treated. Public perception of governance significantly influences trust in land institutions and citizen satisfaction levels are high indicators of responsible land administration. The evolutionary credibility of institutions governing land, housing, and natural resources hinges on their ability to function effectively in practice, not just their formal structures. The Federal Government, State Governments, and other regional and municipal governments, other stakeholders, and the citizens should take concerted action to curb the challenges which are handicapping Ethiopia's advancement in economy, social and environmental development. Addressing the root causes may be daunting but if it is done, the subsidiary challenges will be more easily addressed.