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Beyond land rights registration: understanding the mundane elements of land conflict in Ethiopia

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ABSTRACT

While land registration may increase the sense of security amongst landholders and provide a mechanism for resolving boundary disputes, its interaction with social, political-economic and ecological dynamics can actually generate conflicts by creating new opportunities by which some actors can assert claims or expand their landholdings, often at the expense of others. Conflicts over land cannot be understood without understanding the local dynamics with which they are intertwined. Drawing from case studies in the Amhara region of Ethiopia, this paper shows that, despite land registration and certification, there are widespread conflicts within and between households and state authorities regarding the usufruct of individual and communal lands. The paper argues that conflicts over land are complex and political and are linked to and embedded in the processes of commercialization, as well as in local social processes and power relations. These, in turn, influence and are shaped by the political economy of local governance and land administration processes, particularly in relation to the implementation of land registration. The paper highlights that land conflicts are attributed to a range of issues, including not only the challenges of governance in land registration but also population growth, commercialization, urbanization, inheritance and gender inequality, all of which intersect with corrupt land administration systems .

1. Introduction

In recent decades, in the context of the expanding demand for food, fuel, energy, raw materials/commodities, increased urbanization, and environmental and climate change, land resources have come under renewed and increased pressure around the world (Borras and Franco 2012) – with 'new frontiers, various kinds of territories, and ethnic and racialized conflicts emerging at virtually all levels' (Peluso and Lund 2011, 667). This changing context has transformed access to, and governance of, land resources, shaping rural livelihoods, and reviving debates around land access and control (Hall, Scoones, and Tsikata 2015). Certainly, as is the case in most developing countries, land

has long been, and still is, the most fundamental resource of economic production and social reproduction in rural areas across Ethiopia. In the context of Ethiopia's rural setting, the current understanding of livelihoods places a critical emphasis on access to land as almost all rural households are primarily dependent on farming as the basis for their livelihood. Land rights, access to land and land distribution have long been fundamental issues in the country's political and agrarian history. This has gone through different trajectories over the last half century, resulting in profound changes in state and class structures, and in tenure relations (Rahmato 2009). Before the 1974 revolution that deposed the feudal monarchy, the land tenure system was characterized by landlordism – particularly in the southern part of the country – by which access to land by peasants was a difficult and complex issue. As a result, the subordination of the peasantry to the landed classes was absolute (Cohen and Weintraub 1975; Markakis 1974; Rahmato 1984; Tareke 1991). The 1974 revolution formed a landmark in bringing about radical agrarian reforms and abolishing the old feudal system and its exploitative systems of property relations in rural areas. Following the revolution, the socialist *Derg* regime (1974–1991) expropriated land belonging to landlords and declared all land state property (Mengisteab 1990; Rahmato 1984).

Under the *Derg*, land was thus distributed among peasants that were organized in Peasant Associations (Mengisteab 1990; Rahmato 1984). However, the peasants had only usufruct rights to the land they 'received.' In this way, landless peasants gained access to a certain amount of land. As the reform promised all rural households the right of access to land, this also entailed periodic land redistributions to address the demands of new claimants and promote equity of holdings. Land redistributions were suggested as the only avenue for improving access to land and alleviating landlessness. This practice was generally thought to have brought about size reduction and fragmentation of landholdings, as well as contributing to tenure insecurity (Almeu 1999; Rahmato 1984, 2009). After the overthrow of the *Derg* regime in 1991, the following (and current) government continued the land policy that made all land the property of the state, albeit with some changes (Rahmato 2009). However, the practice of periodic land redistribution seems to have been curtailed. The last major land redistribution in the Amhara region (the focus of this study) was undertaken in 1997 (Ege 1997); no further redistributions were implemented thereafter. Currently, the regional land policy formally prohibits further land redistributions even though it allows for the possible future redistribution of irrigable lands (ANRS 2007).

As an important political resource, land has always been critical in establishing/challenging power relations between and among society and the state (Borras and Franco 2010; Hoben 1973; Lund and Boone 2013; Rahmato 2009). Accordingly, issues regarding land have always remained highly contentious on the Ethiopian political agenda. This is because the country is 'a multi-ethnic and multi-nation state where nationality and culture are intimately tied to place' in which issues of land access and tenure security have been 'a Gordian knot of rivaling political and economic interests' (wa Githinji and Mersha 2007, 310). However, past debates were mainly hinged on state versus private land tenure policy options (although this focus appears to be changing),[1] often

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[1]The debate in Ethiopia to date appears largely to be about the degree and character of state control rather than between state and private models, although these models have regained centre stage in the policy agendas of main contending political parties, as observed during the 2021 national election, where state versus private land tenure policy options were fiercely debated.

focused on exploring their economic viability for agrarian transformation, and thus barely looking into the evolving complexity and local dynamics of access to and conflicts over land and local power configurations embedded in land tenure relations. These issues are of particular concern today when land dispossessions and the loss of livelihoods are triggering widespread ethnic violence and conflict and contestations over legitimate political authority over land, and vice versa. The recent wave of protests and political mobilizations that started in 2014 and the current upsurge in conflict in Ethiopia is informative of the continuing and contemporary relevance of land issues in shaping state-society relations. Understanding Ethiopia's current dramatic national political events require understanding the character and political significance of land tenure regimes, especially of contemporary land questions about who has a right to land where and under what conditions – something linked to questions of ethnicity and citizenship rights under the country's ethnic federalism.

This paper provides an analysis of land tenure security and the dynamics of land-related conflicts in the context of the current land rights registration and certification schemes in Ethiopia, focusing on the south Gondar zone of the Amhara regional state. Given the pervasive dependence among rural households on land resources for their livelihoods and competing demands for land, access to it has increasingly been a source of conflict (Lavers 2018; Abbink 2006). It has long been argued that providing rural people with the security of tenure through land tenure reform is central for rural poverty reduction and for promoting economic growth (De Soto 2000; Demsetz 1967; Feder 1988). In many countries, including Ethiopia, this has led to the implementation of policies of land registration as a way to improve tenure security in the absence of private property rights. The argument for land rights registration is that by improving tenure security, land titles generate a host of benefits, including increased investment and productivity, the creation of land rental markets, the reduction of land-related conflicts, improved access to credit, and the transfer of land to more efficient users (De Soto 2000; Feder 1988; World Bank 2003). Earlier studies across Africa have, however, cast doubts on the effectiveness of land rights registration in reducing tenure insecurity and conflicts. Empirical evidence often shows that land registration tends to intensify land-related conflicts by ignoring multiple, competing and overlapping rights and land-uses, by creating opportunities for the elite capture of land resources, and by reinforcing existing inequalities in access to land mediated by class, gender, conjugality, age, and ethnicity (Atwood 1990; Benjaminsen, Maganga, and Abdallah 2009; Bruce and Migot-Adholla 1994; Musembi 2007; Peters 2004; Shipton 1994). Such observations have highlighted that land registration 'offers little assurance that beneficial outcomes are inevitable' (Bromley 2009, 20). In fact, leading proponents of land titling policies have later acknowledged that such policies may not always be appropriate (Deininger and Binswanger 1999) and conclude that 'traditional interventions such as titling, which were very effective in other parts of the world, have proven inadequate in many African contexts where, instead of fostering growth, they may even have led to higher levels of conflict' (Deininger and Castagnini 2006, 322). As a result, they have suggested that land registration 'interventions should be decided only after a careful diagnosis of the policy, social, and governance environment' (Deininger and Feder 2009, 233). Despite this, Ethiopia's recent land registration programme has been hailed for its massive scale, cost-effectiveness and preliminary positive impacts, including the enhancement of women's land rights (Deininger et al. 2008;

Holden et al. 2011; Lavers 2017). By improving tenure security, Ethiopia's land registration and certification programme is expected to contribute to resolving conflicts over land.

However, while land registration can increase the sense of security amongst land-holders and, in the longer term, provide a mechanism for resolving boundary disputes, its intersection with local social, political-economic and ecological dynamics can generate conflicts as registration creates new opportunities by which some individuals could acquire or expand their landholdings, often at the expense of others. In the context of this study, despite land registration and certification schemes, there have been wide-spread conflicts within and between households and state authorities regarding the usu-fruct (as land remains the property of the state) of individual and communal lands. This paper argues that conflict over land must be viewed in relation to the politico-economic, social and ecological contexts which create it. Partly because of the challenges of govern-ance, land registration interventions can, rather than reducing land conflicts, actually gen-erate new conflicts as they may allow some to assert claims over land belonging to others and over communal lands. This implies that we cannot understand conflicts without understanding the dynamics and challenges of governance in the land registration process and the intersecting dynamics of commercialization, population growth, urban-ization, inheritance, gender inequality and power relations. This paper shows specifically how commercialization/land use change (associated with the expansion of rice cultivation as the most important crop across much of the Fogera Plain) and weak and corrupt land administration systems have been causing and intensifying land conflicts. The paper argues that these widespread land contestations and conflicts are generated by the inter-section of the increased value of land as new commercial opportunities arise and the pol-itical economy of local governance and land administration processes, especially in the implementation of the land rights registration and certification process.

A political ecology perspective to land-related conflicts often focuses on political, social and ecological factors, and views access to land as contested – shaped not only by social, historical, ecological and political factors but also by the meanings attached to land (Ben-jaminsen, Maganga, and Abdallah 2009; Moore 1993; Turner 2004). Political ecology stres-ses local politics over access to land, land tenure, shifts in the political economy, and social relations around land (Le Billon and Duffy 2018; Peet and Watts 2004). This study draws from such political ecology literature to explore land-related conflicts within and between households and state actors and views the household as 'a deeply contested terrain' – 'a site of multiple and competing interests' and claims among its members (Watts 1989, 12). In this study, land-related conflicts are understood as social conflicts over relations concerning access, control, use and transfer of land resources. Analytically, conflict is conceived here not just as an expression of competing and contested claims within and between different social classes and groups, but also as a process of revealing and challenging inequitable power relationships between them. As Berry (2002, 656) puts it, conflicts over land, 'draw on and reshape relations of power' as they involve contesta-tions over authority and land resources. In most agrarian settings, state authority is embedded in land tenure regimes that structure relationships between and within com-munities, and between communities and political authorities at different levels of the state (Boone 2014). Changes in land tenure regimes, in turn, result in the restructuring of these relationships and in the redefinition of the nature and extent of state authority (Boone 2014).

This paper draws from Migdal's 'State-in-Society' approach to study the dynamics of state and society interaction for understanding land policies and practices. Land policy and practice towards governing access, control, use and conflict over land are the result of interactive relations between state and society. The state-in-society approach rejects viewing the state as a monolithic, coherent and uncontested entity. Instead, it emphasizes the state as an internally differentiated, spatially fragmented and contradictory entity and recognizes that it faces a multitude of other societal forces. The approach focuses on a mutually constitutive and interdependent relationship between the state and society. It avoids 'a static picture of multiple groups and their fixed sets of goals and rules producing definitive results.' Instead, the approach focuses on 'process rather than on outcomes' (Migdal 2001, 23): the state must be 'grounded in the heterogeneous social structures and class forces' and that 'state interventions must be seen not as simply weak or 'soft' but they reflect, and are shaped by, the structure of rural relations, by modes of labour control, and by intra-household processes' (Watts 1989, 4).

The character and extent to which state-society interactions unfold and the structure of power relations at various levels of society (from gender and intra-household/community relations to the political authorities of the state) matter in land policy implementation and outcomes (Borras and Franco 2010; Franco 2008b; Lavers 2017). Variations in the character and extent of state-society interactions as well as differences in institutions – which are important contexts for such interactions – are among the major causes of uneven land policy processes and outcomes, spatially and temporally (Borras and Franco 2010, 25). Furthermore, the autonomy and capacity of the state are also central in explaining variations in land policy processes and outcomes (Migdal 1988). In this regard, the effective implementation of a land registration and certification programme requires a capable state. A capable state is a state with capabilities to 'achieve the kinds of changes in society that the leaders have sought through state planning, policies, and actions,' including capacities 'to *penetrate* society, *regulate* social relationships, *extract* resources, and *appropriate* or use resources in determined ways' (Migdal 1988, 4). These capabilities and the outcomes may vary depending on the character and extent of the state's interaction with other societal actors. Using the same approach, a recent article by Lavers (2017, 188) has empirically demonstrated how Ethiopia's land registration programme has been contingent upon state-society relations and how changes in institutions and power relations within society constitute an important complement to the government's land registration programme. This paper complements such observations by examining how rural land conflicts have been linked to and embedded in localized processes of commercialization and local governance and land administration processes, especially in the implementation of the land rights registration and certification process.

The rest of this paper is organized as follows. The second section presents a brief description of the research areas and methods employed. The third section provides a discussion of the pattern of land-related conflicts. The fourth section presents perceptions of land tenure security, followed by a detailed analysis of the nature of land disputes in the fifth section. In the sixth section, the paper focuses on the intricacies of issues of local governance and systems of land conflict resolution. The final section draws a short conclusion.

2. The research area and methods

2.1. The research area

The fieldwork was carried out in the south Gondar administrative zone of the Amhara region between April 2012 and February 2013. During this period, a household survey, interviews, group discussions (FGDs), archival research of court land dispute cases and observation were carried out to collect data (see Moreda 2016 for details). Two case study *woredas* (districts)[2] – Tach Gayint and Fogera – were selected to illustrate differences in land availability, agro-ecological potential and access to markets, and incidences of land-related conflicts.

Farmers in both of the study areas – Tach Gayint and Fogera – commonly practice a mixed-farming system of crop farming and livestock rearing. In Tach Gayint, the main cereal crops cultivated include sorghum, teff, wheat, barley, maize and millet. Rice, maize, millet and teff represent the dominant cereals cultivated in Fogera. However, Tach Gayint is a food insecure *woreda* where many of the households are food-deficit in terms of own production and rely on support through the cash- and food-for-work Productive Safety Net Programme, whereas Fogera is food secure. Until recently, the Fogera Plain was largely used as grazing ground for livestock. Because of the recurring severe seasonal floods, crop production was limited and the cereals grown in the *woreda* were mainly cultivated in the mid and highland areas bordering the plains. During the rainy season, the Gumara and Reb rivers and Lake Tana overflowed their banks, affecting a significant proportion of the Fogera Plain. Farmers had to move with their livestock to nearby mid- and highland *kebeles* until the water receded, and could only try to cultivate crops after the rainy season. The Plain was also used as a dry season grazing area for livestock from neighbouring Dera and Libo Kemkem *woredas* (Map 1).

Starting in the 1990s, however, rice emerged as the most important crop cultivated on the Fogera Plain, accompanied by the expansion of small-scale irrigation for the cultivation of horticultural crops during the dry season. Double cropping soon became widespread. This trend has raised incomes; Fogera farmers are now among the better off rural dwellers in the Amhara region and the *woreda* is one of the major rice-growing areas in the country. As farmers adapted their land use system to local ecological conditions, and as they responded to market opportunities through the cultivation of rice on the seasonally flooded plains, more labour was needed. This in turn led to reduced out-migration from the area. Out-migration, both temporary and permanent, had been the main feature of people in the Fogera plain until two decades ago.

Rice was first introduced into the Fogera Plain in the early 1980s, but farmers only started cultivating it in the 1990s. In 1993, there were only 30 households in two *kebeles* who planted rice over an area of 6 hectares (Gebey et al. 2012). However, this was subsequently expanded over many *kebeles,* large areas of grazing land having been brought into rice cultivation: with the total area under rice production growing from 6 hectares, producing 160 quintals in 1993, to 16,070 hectares producing 1,166,473 quintals in 2011. In the first few

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[2]There are five tiers of government administration in Ethiopia, which include (from the highest to lowest administrative unit): federal, region, zone, *woreda* and *kebele*. *Woreda* is roughly equivalent to a district, while *kebele*, especially in rural areas, corresponds to a group of villages.
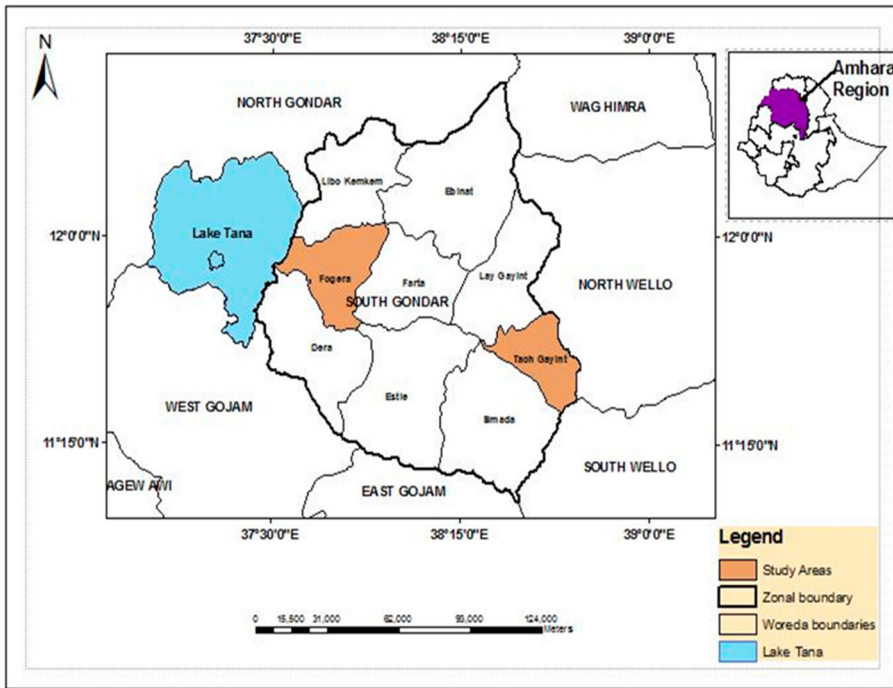
Map 1. Map of the south Gondar administrative zone (showing the location of study districts).

years of rice being introduced to the area, its production was met with considerable resistance due to the widespread negative perceptions about the crop amongst farmers – such as the belief that rice causes sexual impotence and infertility. These perceptions subsequently changed through extensive agricultural extension efforts. Gradually, farmers showed an increasing interest in rice cultivation, in response to the suitability of the soil for it and the growing markets for the crop. While initially the entire production was meant for the market, farmers later began to consume rice by preparing *injera*, bread and local drinks. It is worth noting that rice is a non-traditional food crop in Ethiopia.

2.2. Research methods

This study combined a household survey and various qualitative methods. Based on a stratified multi-stage random sampling approach, a survey of 300 households in Tach Gayint district (in three *kebeles*) and 200 households in Fogera district (in two *kebeles*) was carried out. The qualitative fieldwork was carried out purposively within each of the five-household survey *kebeles*. The main types of qualitative methods employed included: semi-structured interviews with more than 69 key informants (selected from study sites' inhabitants, land administration officers and committee members, and government officials), 12 focus group discussions (FGDs), and observations. Participants of the semi-structured interviews and FGDs were selected based on their social class, gender, age, ethnicity, livelihood type and diversity, and agroecology. In addition, secondary data was gathered from several sources.

   Data showing the nature and magnitude of land disputes over the five years preceding the fieldwork period was also collected at the *woreda* court of both study areas, and follow-up discussions were held with local judges. Information regarding criminal cases caused by land disputes recorded at district police stations was similarly accessed, complemented by interviews with chief police inspectors. By using the case study methodology, the analysis focused on land conflicts by examining the structures and processes of power relations (from gender, intra-household and intra-community relations to the institutions of the state) on land access and use, conflict resolution, land-use change and how it has been contested, and the relations, processes and practices of land registration. Besides offering the opportunity for detailed analysis, the two case studies also provided useful contrasts.

3. The pattern of land conflict

Insecurity of land tenure in Ethiopia is generally considered to be higher than in other sub-Sahara African countries (Deininger and Jin 2006, 1246) and this issue has long been at the core of policy debates. The debates often turn on the relationship between land tenure security, agricultural investment, productivity, and land-related conflicts. Consequently, land certification programmes have been implemented since late 1990s in some regions of the country. It is often argued that land registration is essential for the improvement of tenure security, a reduction in land-related disputes, and to improve access to credit (De Soto 2000; Deininger, Ayalew, and Alemu 2011; World Bank 2003). As will be shown in this paper, land registration and certification, in combination with decentralizing power over land issues to local authorities, did not necessarily reduce conflicts over land in Ethiopia. In fact, conflicts within and between households and local authorities were widespread.

   In the study areas, particularly in Fogera *woreda*, land disputes have become pervasive in recent years. As shown in Table 1, a significant share of sampled households experienced land-related conflicts. In Tach Gayint, 25% of the households had experienced land disputes in the five years before 2012, when the survey was carried out. The land

Table 1. Incidence of land conflicts.

	Study area	
Incidence of land disputes	Tach Gayint	Fogera
Household had land dispute over the last 5 years (%)	(25.3)	(60.1)
Dispute over (% of total)[a]		
Land rights and boundaries with other households	(89.2)	(89.9)
Inheritance	(6.8)	(11.8)
Land access, land use and appropriation of benefits (intra-household)	(24.3)	(14.3)
Land use and appropriation of benefits with local authorities	(4.1)	(19.3)
Dispute involved (% of total)[a]		
Other farmers	(90.5)	(89.9)
Local government (woreda and kebele authorities)	(4.1)	(19.3)
Zonal and regional authorities	–	–
Household/family members	(29.7)	(21.8)
Household had conflict over grazing rights on communal land	17 (5.7)	73 (36.5)

[a]Column totals exceed 100 because certain land disputes have multiple causes and involve multiple agents.
Note: Figures given in parentheses are percentages.
Source: Author's own survey, 2012.

disputes were particularly intense in Fogera, in which 60% of the sampled households indicated experiencing conflict over land.

As the survey results reveal, land conflicts are increasingly common in Fogera *woreda* resulting in growing tensions in social relationships at the household and community level. A farmer in his forties describes the situation:

> Disputes over land have become daily phenomena. Today, even a piece of land as small as a line of land that the plough just fits through once (*aand digir meriet*) has become the source of conflict in the community, sometimes going as far as killings. (Interview, Shina *kebele*, 9 December 2012)

Informants contend that land-related conflicts are not new but have become more widespread in terms of their incidence and severity, as access to land became limited. One informant explains:

> Even historically, land has always been a cause of conflict. Not only today, when there is not enough land, even in the old days, when there was abundant land, the issue of land ownership has always been the cause of many blood-shedding conflicts. (Interview, Enjit *kebele*, 13 October 2012)

Indeed, as Shipton (1994, 347) noted, 'nothing excites deeper passions or gives rise to more bloodshed than do disagreements about territory, boundaries, or access to land resources' in Africa. Although most of the households in both of the study *woredas* are aware of the general shortage of land and the intensifying competition over it, the underlying causes of the pervasive disputes over land appear to be more than just land shortages. As the survey findings demonstrated, there is a significant difference between the two study areas in terms of average landholding size. In Fogera, households have, on average, 1.0 hectare of land as compared to 0.74 hectares in Tach Gayint (Table 2).

In addition, there seems to be greater land size inequality in Fogera compared to Tach Gayint. For instance, in Fogera, there are many households (34.3%) who have more than 4 *timad* of land, while 48.5% own between 0.50 and 3.0 *timad*. Given these variations, the finding that households in Fogera experienced significantly higher incidences of land disputes than those in Tach Gayint suggests that the disputes are not primarily over an absolute shortage of land required for subsistence and social reproduction but about its value

Table 2. Distribution of landholdings among households in the study areas.

Landholding size (in *timad*)[a]	Tach Gayint *woreda*		Fogera *woreda*	
	Number of households	Percent of households (%)	Number of households	Percent of households (%)
0.5–2.0*	99	33.8	59	29.8
2.1–3.0	105	35.8	37	18.7
3.1–4.0	68	23.2	34	17.2
>4.0	21	7.2	68	34.3
All households	293	100.0	198	100.0

[a]The local measurement unit for landholding is *timad*, which corresponds to the size of land that can be ploughed by a pair of oxen in one day, and is said to be equivalent to 0.25 hectares. In reality, it is a flexible unit dependent on land and soil type, and other factors.

*Note: Smaller plots less than 0.5 were also classified in this category. 7 households in Tach Gayint and 2 households in Fogera had no land.

Source: Author's own survey, 2012.

and unequal access to it. In this paper, it is argued that the expansion in the cultivation of rice in Fogera generated intense competition for land. This change in land use created increased demand, with many people trying to acquire a plot of land, leading to intensified land conflicts between different land claimants. Strikingly, the high incidence of land disputes (particularly in Fogera) has been occurring in a context in which the overwhelming majority of the sampled households perceive tenure security.

4. Perceptions of land tenure security

Households were asked multiple interrelated questions to investigate their perceptions of tenure security. Surprisingly, most of the sampled households in each of the study *woredas* (Tach Gayint 91%, and Fogera 93%) feel secure about their use rights over the land they cultivate (Table 3). The responses to subsequent questions seem to illustrate this sense of tenure security.

These findings on the perceptions of land tenure security beg for closer scrutiny given the fact that land-related disputes are widespread in the survey areas, and that the qualitative evidence collected in the field indicates that the issue is much more complex than the survey results seem to suggest. The latter actually helped to understand the complexity of the issue, going beyond the quantitative data and 'trying to decipher what they might mean' (Isaacman 1990, 18).

It is often argued that the problem of tenure insecurity is the source of most land-related problems in Ethiopia, and one which donors and researchers pushed the government to address (Deininger and Jin 2006; Solomon 2004). Accordingly, the government has been undertaking a programme of rural land registration since the late 1990s through which every rightful holder of agricultural land was registered and issued a certificate of use rights. The Amhara region is one of the major regions that embarked on land registration to address the problem of tenure insecurity and to establish a framework for land administration at the local level. This regional land registration and certification programme took place in two phases (Adenew and Abdi 2005; Solomon 2004). During the first phase, landholders were given a primary certificate of holding. The location of a person's land was determined through the use of informal methods in which adjacent plots of land belonging to other landholders were used as reference points. In the second phase, which uses cadastral maps, each landholder will be issued a second-stage certificate of holding. According to data obtained during the fieldwork from respective *woreda* land administration offices, all of the 24,911 registered landholders

Table 3. Household perceptions of land tenure security.

Perceptions of land tenure security	Tach Gayint		Fogera	
Household feels secure about its land rights	266	(90.8)	185	(92.5)
Fears future redistribution of own land to others	46	(15.7)	15	(7.5)
Has been evicted from own land in the last 10 years	42	(14.3)	13	(6.5)
Feels secure in renting out land	233	(79.5)	189	(94.5)
Feels benefits from investments in land will accrue to own household	286	(97.6)	170	(85.0)
Considers current land tenure system as good	258	(86.0)	196	(98.0)

[a]Column totals exceed 100 because certain land disputes have multiple causes and involve multiple agents.
Note: Figures given in parentheses are percentages.
Source: Author's own survey, 2012

in Tach Gayint have already received their first-stage certificate of holding, while in Fogera, by mid-2012, 36,119 landholders out of a total of 41,636 registered landholders had received their first-stage certificates.

Asked about their understanding of land certificates in their community, one informant states:

> This land registration certificate mainly helps to resolve conflicts that may arise due to mis-understandings related to boundaries. If individuals go to the court with boundary disputes, the boundary will be easily identified with the help of this certificate. It also enables us to claim land replacement for land confiscated as it serves as evidence. (Interview, Enjit *kebele*, 15 Oct. 2012)

Despite this appreciation of the benefit of land certificates, some farmers also expressed their apprehension that the certificate cannot ease and defend other tenure insecurity factors, especially if the state needs the land for other uses. One of the major sources of apprehension is related to the land laws that contain provisions describing under which conditions land use rights depend. A farmer, aged 34, explains:

> The big challenge that is alarming our community is the land proclamation. According to this proclamation, if a farmer does not take care of his farm, if he does not build terracing and plant tree seedlings around his farm, his land will be confiscated and be given to somebody else. … We are being told that if we are unable to take proper care and make proper use of our farmland, we will be forced to give it up. (Interview, Enjit *kebele*, 22 Sept. 2012)

These forceful interventions and the possible sanction if farmers do not follow them have undoubtedly contributed to the perceived tenure insecurity, or at least caused some doubts about the degree of security. Indeed, usufruct rights on land across Ethiopia are in fact partial and conditional, bound with several obligations, all of which could create a perception of insecurity among landholders (see Rahmato 2009). As the farmer above explained, one of the conditions and obligations is that a landholder should undertake 'proper' management of his/her holding. Failure to do so may result in their rights to the land being forfeited. The power of local authorities to determine whether or not the obligations have been met allows for possible abuses and mischief. For example, determining whether or not the land has been mismanaged may be open to bias deliberately used to alienate or expropriate land for a variety of purposes. Land rights are therefore precarious when regulations leave grey areas about what determines the 'proper management of land' or 'productive use of land.'

Another issue raised by farmers, particularly in the *kebeles* situated close to *woreda* towns, was the growing risk of town expansion, as this may include land expropriation. For example, informants and FGD participants in Enjit *kebele* (Tach Gayint *woreda*) expressed the insecurity among farmers caused by the expansion of Arb Gebeya town, as it would sooner or later swallow up the surrounding farmland. FGD participants explained their apprehensions as follows:

> It has been said that the *woreda* town will expand more and more. When we hear that this expansion will take over the remaining farmland, we worry, … This certificate cannot protect us from such issues. If an order comes from the government that our land is needed, we doubt that this land certificate will enable us to keep our land because we are talking about the government here which has all the power. (Enjit *kebele*, 22 Oct. 2012)

Similarly, some of the farmers on the Fogera Plain along the highway to Gondar interviewed for this study shared that they had been told that a private investor needed their land and they would soon be made to leave, though they would be paid compensation by the government.

Although the Federal and regional land laws guarantee the right to fair compensation for the expropriation of land for purposes of public use or private investment, concerns remain particularly with regards to the appropriation of land by local authorities since such an exercise may likely be subject to easy manipulation by anyone with local power or vested interests. Here, several important questions need to be raised including 'who determines what is in the public interest? By what process? According to what rules? Have all alternatives been exhausted, and according to whose judgment? Who benefits and how from an eviction? Who receives compensation; how is this compensation calculated; is it fair and just; according to whom? Who monitors the process? What scope is there for appeals and grievances?' (Palmer, Fricska, and Wehrmann 2009, 37). Some of these concerns have already been addressed in the compensation laws of both Federal (FDRE 2005, 2007) and regional governments (ANRS 2007), that state the conditions under which rural landholdings may be expropriated and compensation may be paid. Even so, as Rahmato (2009, 224) argues that the protection of land rights, in fact, 'go beyond the legal construct and extend into the political sphere and the sphere of governance.' The effective enforcement of such land laws is challenging as their implementation is dependent on their compatibility with the structure and exercise of power at various levels of society from gender and intrahousehold relations to the state apparatus. Indeed, in the context of Ethiopia's rural settings, changes to the underlying power relations within society constitute a crucial element for effective enforcement of land laws, as Lavers (2017) has also argued.

Another important issue that continues to threaten tenure security, and which the land certificate could not cover, is the challenge of increasing land shortage. An older man explained:

> Thinking about land, especially in our *kebele*, I always feel insecure. If you take my four boys, none of them have been given any farmland. Even families who have more children are not given any new land. Hence, these youngsters spend their time hanging around the village. How long are they going to hang around? I worry about the government coming up with a new proclamation that forces us to redistribute our existing small landholdings, thinking about these crying youth and other landless people of this *kebele*? … ., I always fear … . (Interview, Enjit *kebele*, 12 Oct. 2012)

The above account demonstrates that uncertainties and insecurity remain, suggesting that the issue of improving tenure security requires more than land certification as these do not address most of the fears landholders have (Rahmato 2009, 181–228). Furthermore, irrigation projects being introduced in Fogera *woreda* have resulted in increased uncertainty about whether landholders within the projects' catchment areas will keep their holdings (Interviews and FGDs, Shina *kebele*, 7 Dec. 2012), as the regional land law allows for the redistribution of lands for irrigation (ANRS 2007).

Most of the informants and discussion participants were of the opinion that their land may be taken away if the government wants to acquire it for whatever reason, even if landholders had registered land certificates. As the above accounts by farmers illustrate,

most of them are aware of the circumstances under which their tenure may come under threat. More than land registration, tenure security is on landholders' minds. This indicates the importance of farmers' perceptions about whether their rights to a particular plot of land will be respected under any circumstances. The argument here is not that land certificates do not mean much in the context of state ownership of land, but rather that putting in place a reliable land certification programme that aims to enhance tenure security amongst landholders requires addressing unequal power relations within society through a mutually constitutive state-society interaction and a democratically organized local governance system.

5. The nature of land disputes

Conflicts over land have been more numerous in Fogera *woreda* than in Tach Gayint (Table 1). It can be argued that the emergence of rice as the most important crop and the adoption of double cropping, as well as the relative availability of (and unequal access to) land in Forega *woreda* have partly contributed to growing competition and conflicts over land access. Looking at the number of land dispute cases brought before the *woreda* court during the 2008/09–2011/12 period strengthens the argument that conflicts over land are pervasive in Fogera. On average about 464 land cases per year came before *woreda* court, a figure described by its chief judge as very high just for one *woreda* (Table 4).

5.1. Conflict within the household

Given the centrality of land to rural livelihoods, it is not surprising to see widespread disputes over land affecting social relationships, including between family members (see Peters 2002, 2004, 2013 for sub-Saharan Africa). According to the data collected, a major category of land conflict is that between family members. It is common for parents to distribute a portion of their land to their children, the amount of land often relative to the child's age. For example, the eldest son might be given more land when he starts married life. When the younger siblings grow up, they challenge their brother to share with them part of the land he received from their parents, thus competing with each other over land belonging to their parents. In other instances, the youngest

Table 4. Major categories of land-related court cases at the Fogera woreda court.

Categories (nature) of land-related court cases	Number of court cases			
	2008/ 09	2009/ 10	2010/ 11	2011/ 12
Disputes arising over claims of previous land sales	66	68	67	57
Boundary disputes	39	42	23	15
Land disputes related to divorce	16	20	14	13
Disputes related to land rental (e.g. disputes about the denial of rented land)	27	29	26	20
Land inheritance	79	84	112	93
Dispute over land rights (e.g. snatches, overlapping certificates)	213	219	191	163
Disputes over land exchange	33	30	30	15
Dispute over grazing lands	13	10	10	18
Total	486	502	473	394

Source: Fogera *woreda* court, 2013, collated by the author.

child might get a larger portion of land, taking all the remaining land after the parents have already carved out the rest for older children. Again, a dispute may ensue as the older siblings ask to share the land that this last child received. Children may thus feel that they were unfairly treated, arguing that their parents favoured a particular member of the family. One informant, who was the head of a 6-member household, stated:

> In our area, it has now become normal to see grown-up children fighting with their parents over land. Brothers and sisters are suing each other. … I have already carved out a piece of land to my eldest son who got married last year … the rest are attending school, and I am hoping that they will not be farmers. (Interview, Enjit *kebele*, 15 Oct. 2012)

In the study areas, sharecropping and land rental arrangements take place between parents and sons as a way for parents to avoid giving their sons land for their independent use. This arrangement is seen, for example, if parents realize that their remaining land may not meet the needs of the rest of the family, or if giving land to one family member is likely to cause conflict if there is not enough land to enable individual children to establish themselves as independent landholders. However, even this practice has become a source of conflict. The fieldwork highlighted several cases of land conflicts between family members, especially between parents and their sons. After cultivating the land for a year or so through sharecropping arrangements, sons felt they had rights and insisted on taking over the land. Such a strategy has been used by adult children, particularly male children, to put parents under pressure to give them a parcel of land for themselves. They argue that they have a right to a share of the family land as the amount allocated to the family originally was based on the number of household members.

Another type of conflict within the family is related to the succession of parents' land. Traditionally, land inheritance is patrilineal, but current land laws and practices allow both sons and daughters to inherit their parents' landholding. When parents pass away, with or without making a will, conflicts often occur among children as each of them claim to inherit the land belonging to their parents. In cases in which older children who had already been granted land while the parents were still alive but who claim additional land, younger siblings will fiercely contest this claim on the grounds that the eldest have already received their share. It is usually younger members of the family who shoulder the responsibility of taking care of parents during their old age, and parents usually promise the person taking care of them that they will inherit their land upon death. Furthermore, rural land law (ANRS 2007), states that minor children are the primary legal heirs of their deceased parents' land. Despite this, under conditions of growing land shortage, this does not go uncontested by older children, thus resulting in regular conflicts.

Another type of conflict over land within a family occurs between husbands and wives. Traditionally, upon marriage, adult sons receive a plot of land from their parents to enable them to establish their own household. Marrying daughters, however, do not get land from their parents. A woman is therefore not expected to bring land with her when she moves into her husband's house and hence is dependent on land belonging to her husband. An elderly informant explains this in short: 'In our culture it used to be the case that the bride simply moved to the groom's house with empty hands, and she then becomes a landholder' (Fogera, Shina *kebele*, 9 Dec. 2012).

Coupled with the practice of patrilineal inheritance, this traditional marriage pattern appears to shape the conflicts that arise, particularly in cases of divorce. Couples might decide to get separated for various reasons, and the separation often involves the sharing of assets. As the woman did not bring any land into the marriage, the husband often refuses to share the land that they have been using in common. Especially if the landholding certificate was prepared only in the husband's name, the woman would appear to be in a vulnerable condition.[3] Despite this, the wife may claim a fair share of the land. Under the current land law of the regional state, if the marriage took place after the landholding certificate was issued in the name of the husband, it is the couple's responsibility to apply for an amendment of the certificate to be made in the names of both of them upon their marriage (ANRS 2007).

In light of the current official policy and laws that provide equal rights to land to men and women, as well as the general context of limited land availability, changes have occurred in the local marriage patterns so now both spouses are expected to bring some land into the marriage. In the areas under study, it has become increasingly common that a man will not marry a woman if she does not have some land. This implies that without land it will be difficult for a woman to find a husband. If she finds someone to marry, it is less likely that she will get her name registered on the husband's landholding certificate as this depends on his willingness to make it an equally shared holding. This means that, in the event of divorce or the husband's death, the wife will probably not have an equal share in the holding that is registered in her husband's name, particularly if they do not have children together. This trend seems to have been used as an excuse for some men to come into conflict with their wives who come into marriage without any land and demand them to bring their share of land from their parents (Interview, Shina *kebele*, 9 Dec. 2012). Women are expected to bring some land belonging to their parents to be considered rightful holders of the land when they marry. Numerous disputes of this kind between a husband and a wife were found in the study areas during the fieldwork.

5.2. Conflict between households over boundaries and land exchanges

Conflicts over land boundaries and land exchanges are one of the main land-related conflicts between households. Nearly 90% of the households which had been involved in land disputes over the last five years preceding the survey, reported that the disputes were over land rights and boundaries with other households (Table 1). To a certain extent, such disputes over land boundaries are related to the decreasing availability of land in the study areas (Interview, Shina *kebele*, 7 Dec. 2012). For example, if people push their plot boundary and start ploughing the unassigned strip of land separating their plot from that of their neighbours, in addition to the effect on the boundary line, this also blocks transit corridors, which will eventually generate disputes. This is because, in the study areas plot boundaries can be contested as they are traditionally demarcated based on approximate and movable markers.

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[3]See Lavers (2017) for cases in which land registration threatened the land rights of women in male-headed households in Ethiopia.

Hardly any of the sampled households in the study *woredas* use maps to identify plot boundaries (see Moreda 2016). This is because boundary demarcation during the land registration and certification programme did not rely on cadastral maps, but rather on traditional methods, including the use of relative locations to describe the identity of each plot. Reflecting on Ethiopia's land registration scheme, Toulmin (2008, 16) noted: 'the simple technology used does not enable documentation of the size, boundaries and location of the plots, which limits usefulness of the land registration in solving border disputes.'[4]

One of the other main issues that has caused land conflicts between farmers is land exchange. There are various reasons why farmers voluntarily exchange their plots each other (e.g. proximity to homesteads). The land law, of course, allows the exchange of landholdings as long as it does not lead to land fragmentation, and is registered by the local land administration office. Nonetheless, this practice has been manipulated by some relatively wealthy farmers and those with wider social connections to claim land belonging to poor people. They do this by faking a document stating that the poor person has sold rather than exchanged the land, and organize pseudo-witnesses to testify in his favour. If the poor person takes such a case to the *woreda* court, the person who claimed that he bought the land presents another document, this time from the *kebele*, which states that the disputed land was exchanged. This strategy is used since land cannot be sold and bought, making the poor person's claim invalid. Even if the poor person wins the case, the efforts that the *kebele* land administration committee must undertake to put the decision into effect is complicated.

There have been many cases of land disputes resulting from the sale of land which the sellers later reclaim. Despite the fact that land cannot be legally bought or sold in Ethiopia, my evidence in the study areas indicates that such transactions have taken place, with land being sold mainly due to economic distress. As one informant in Fogera *woreda* explained:

> We [the farmers] have been told and are aware of the proclamation related to the prohibition of land sales. But some farmers still sell their land in secret hoping that they will get some money to solve the challenges they face. (Interview, Shina *kebele*, 11 Dec. 2012)

Because land sales are illegal, they are done secretively and often disguised as land rental. It is common for poor farmers to sharecrop or rent out their land to the relatively better-off when they need cash, grain, or when they lack other necessary resources (such as oxen, seed or labour) (Adenew and Abdi 2005; Teklu 2004). In certain cases, land rental contracts are informal and for a long period, resulting in a kind of informal land sale. In such cases, land transfers that appear to be rentals are sometimes redefined as sales *de facto* if not *de jure*. This is evident in the following account from a farmer in his early forties:

> Currently, there is a land rental, and this has been used to sell land internally. The law allows an individual to rent out land for 15 years or longer. … . One person may say that he has rented out his land. In reality, however, he has sold it. It is gone … . The land is said to be rented only because land sale is against the law. (Interview, Shina *kebele*, 6 Dec. 2012)

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[4]It is worth noting that the second phase of land certification, using cadastral maps, is now well underway and may help address some of the weaknesses of primary certificates.

In 2003, when the land registration and certification programme was carried out in the region, the government announced that all land sold should be returned to its original owner. People who had sold their landholdings in the past used this as an opportunity to cancel the sale. This led to many conflicts as the buyers insisted on keeping the land. Much of the land sold after the last land redistribution of 1997 has now been returned to its original owners. However, land sold before 1997 was not returned as it was already registered in the names of the people who bought it. Taking the government's stance as an opportunity, some people claimed that they had sold the land to people who presently use the lands. Informants told me that this also provided a loophole for some people to falsely claim land which was not originally theirs. They did this primarily by organizing false or pseudo witnesses who would testify that they were present at a sale. One informant in Fogera *woreda* stated that the government's ruling that all land sales were void has no time limit, so people brought up old cases of land that was sold before the last land redistribution.

Many informal land sales also occurred even after land registration, increasing the number of land disputes. In some cases, a farmer agreed to 'sell' his land, promising that he would never retract the deal even though the land formally remains his. Later, and after spending the money earned, however, the seller tries to claim the land back, threatening to take the case to court. The records of land cases in the *woreda* court provide clear evidence of this (see Table 4).

Local elders often try to resolve land conflicts by telling the buyer to leave the land to the original user. One local elder interviewed in Fogera (Shina *kebele*) argued that 'The buyer has to leave the land. What can you do as long as the law has it?' In some cases, local elders also try to settle such conflicts by suggesting that the buyer pay the same amount of money again. Even when such arbitration is successful, it may not be the end of the conflict, and it does not guarantee a long-term solution to the dispute as the owner of the land (the seller) may well make another claim, either for more payment or to reclaim the land. One informant, who had once sold one of his plots, explains:

> It's true that I had sold my land a few years ago to cover my immediate needs. This was witnessed by local elders. And indeed, I had already spent the money. Now, if the law gives it back to me … , I have broken my deal/oath. … my agreement about the land sale. What am I supposed to do if the land proclamation says so? I can't be above the law. I changed my mind and claimed back my land, of course through a long battle. (Interview, Shina *kebele*, 6 Dec. 2012)

One of the issues that complicates the conflicts from such disputed land sales is the difficulty in recovering the money already paid to the seller when a land sale is cancelled. As mentioned above, people generally resort to selling their land due to economic distress, thus making it difficult to reclaim the money which may already have been spent.

5.3. Commercialization of communal lands: highly contested terrain?

In rural Ethiopia, as in most sub-Saharan African countries, communal lands (grazing lands, wetlands and forests) provide a range of vital functions to rural people in supplementing their livelihoods. In the study areas, there are growing pressures on communal lands, leading to their degradation and to conflicts over their access and use. While

disputes over communal lands have occurred in both of the study areas, the extent of such disputes varies considerably. With respect to conflicts over grazing rights on communal lands, only 6% of the sampled households in Tach Gayint *woreda* indicated experiencing such a conflict, while this figure was much higher in Fogera where about 37% of the households said they were affected by conflicts over grazing rights (Table 1).

Compared to Tach Gayint *woreda*, there is a greater availability of communal land within Fogera. The figures from the survey seem to support this phenomenon, with 87.5% of the sampled households in Fogera reporting having access to communal land, compared to 44% in Tach Gayint. Until about 15–20 years ago, a large part of the Fogera Plain surrounding Lake Tana was used predominately for grazing of livestock. Historically, this seasonal flood plain was not valued for crop cultivation. In recent years, however, this have changed, particularly with the recent introduction of rice cultivation into the area (see Moreda 2016). Looking at the trends in rice production on the Fogera Plain over the last two decades clearly shows this change. Between 1993 and 2011, the total amount of land brought under rice cultivation on the Plain increased from 6 hectares to 16,070 hectares (Fogera *woreda* Office of Agriculture, 2012). Before the introduction of rice and double cropping, food security was a challenge, as most of the households on the Plain rarely cultivated enough crops to cover the subsistence needs of their families. Because of this, migration to other areas was a particular characteristic of the area. Increased rice cultivation thus resulted not only in driving up the value of land, but also in the intensification of competition over access to and use of communal lands which hitherto had been used as seasonal cattle grazing grounds.

As the land became more valuable, but its availability more limited, there was an increase in competition and conflicts, centred on the conversion of communal lands to farmland, which seems to have disrupted social relations. Some farmers managed to acquire additional land from the communal lands in what was formerly a grazing area. More recently, villages with vast wetlands, such as Shesher, Ayika and Jirat, have come under cultivation. This has been a cause of conflict between farmers in the surrounding villages, and between farmers and local authorities. An informant, who is a land administration officer, illustrates:

> What has been happening in these villages is that many people have illegally taken pieces of land from the communal land and have been cultivating it for their private benefit. Ignoring the border of their landholdings, they push their border day and night to cultivate part of the communal wetland. The government, together with the rest of the community, has been trying hard to stop this illegal invasion of the communal land but has failed as the situation is found to be more serious than expected. (Interview, Shina *kebele*, 13 Dec. 2012)

Once the rainy season is over, and the water starts to recede, the farmers sow *teff* on the wetlands without ploughing it since using the wetlands usually does not require much work. In fact, farmers do not want to put too much work into lands that are accessed illegally because of the possibility that they could be forced to leave at any time. Due to the pervasive nature of these invasions into communal lands, the *woreda* administration in villages such as Shesher, established an ad hoc task force comprised of representatives from sector offices, including the justice office and the police force, to evict people who illegally cultivating communal lands. One of the decisions made by the task force was to let cattle graze on the crops already planted in such fields. During an interview

with the chief inspector of Fogera *woreda* police, it was revealed that when the ad hoc committee arrived at the Shesher wetland area to claim back the lands that had been illegally cultivated, villagers surrounding the wetland opened fire, vowing they would not leave the land, and forcing the task force to retreat (Interview, Woreta town, 31 Jan. 2013). In Nabega *kebele*, bordering my case study *kebeles*, most, if not all, of the farmers were accused of illegally cultivating such lands (Interview, Woreta town, 31 Jan. 2013). It was said that the villagers in that area conspired together so that no one would dare to expose those individuals who were illegally using the communal lands.

In Fogera *woreda*, local government authorities also allegedly illegally ploughed the communal land themselves or conspired with their relatives to cultivate it (Interview, Shina *kebele*, 2 Dec. 2012). One of the key issues that informants and discussion participants stressed was how and by whom cases related to communal lands are handled. Generally, it is the *kebele* administrator who is in charge of looking after issues related to the communal lands and who can take cases to court. This procedure is problematic when the administrators themselves are the ones appropriating the communal lands. Some local administrators have used their government position, political power, and a better understanding of the land administration system to appropriate part of the communal lands for their own private use – either by simply cultivating such lands on their own or by conspiring with people with whom they have close ties (FGDs and interviews, Fogera *woreda* Dec. 2012).

As the pressure on communal lands mounted and thus also the attendant disputes, communities in the study areas built institutions to deal with the issue and regulate access in order to prevent degradation and unsustainable levels of use and to prevent conflicts between users. For example, traditionally, livestock was allowed to graze freely on communal lands and crop residues on individual fields after harvest. Although grazing lands are relatively abundant in Fogera, they have become the ground for tension, necessitating the need for local arrangements to regulate access as the expansion of arable land and encroachments to such lands are causing challenges. One important arrangement emerging in the study areas was the prohibition of open (loose) grazing to reduce the pressure on the available communal land. Villagers agreed to keep their livestock at home and feed them by cutting grass from the communal lands. This works by allowing the grass to grow and later cutting and sharing it between villagers (Interview, Shina *kebele*, 13 Dec. 2012).

However, during FGD discussions it became clear that the implementation of this practice is problematic and can become a source of conflict when other people from neighbouring villages continue to let their livestock graze on these protected communal lands. The villagers had agreed that only households that are 'registered' in a particular village can use the communal grazing land so if other villages also use the land it can cause conflict (for examples of such cases, see Moreda 2016).

As described above, communal lands thus constitute one of the main sites of land contestations in terms of governance and the distribution of land resources between villages. Here, 'the power to determine access and ownership of resources represents a more fundamental and deep-rooted motive for conflict than the simple distribution of the resources themselves' (Derman, Odgaard, and Sjaastad 2007, 25). The widespread conflicts over communal lands reveal disagreements about how rights of use and access to these resources are defined, negotiated, and contested within and between

individual households, villages and local authorities in the context of their increased commercialization. As Peters (2013, 553) noted 'social conflict over land produces stricter definitions of those with legitimate claims to resources, that is, group boundaries become more exclusively defined,' which in turn leads to or exacerbates social exclusions, divisions and tensions (see also Peters 2002, Peters and Kambewa 2007 for Malawi).

6. Land governance and conflict

The notion of land governance goes beyond technical and administrative matters around land to include key issues about 'democratizing access to and control over political power' (Borras and Franco 2010). As outlined by Borras and Franco (2010, 23), 'land governance' is:

> a political process that is contested by multiple state and societal actors to control the nature, pace, extent and direction of access to, control over, and use of land … , and is inherently part of the broader and strategic challenge of democratizing the state and society. It includes administrative and technical processes such as efficient land records and titles, but goes beyond these, to include the fundamental question of land-based wealth and power (re) distribution.

The provisions included in Ethiopia's 1995 constitution, which were further delineated by successive federal land laws, allocated the authority to administer land and other natural resources directly to the regional states. Although no federal government institution was mandated to deal with land policy, the Ministry of Agriculture and Rural Development (MoARD) was responsible for coordinating rural land issues. At the level of the regional state, the Bureau of Environmental Protection, Land Administration and Use (BoEPLAU) was given the responsibility of administering rural land. The bureau has its representative offices at zonal, *woreda* and *kebele* levels for a decentralized land administration. At local levels, the issue of land administration was mandated to *woreda* and *kebele* administrations, with rural land administration committees established in each *kebeles* and sub-kebeles. Land administration committees were given the responsibility of administering the land in their respective *kebele*. These local (*woreda* and *kebele*) authorities had decision-making powers, including land-use decisions, were responsible for land redistribution, land registration and certification, and had the authority to alienate and expropriate land for a variety of purposes (ANRS 2007). This decentralized land administration structure can be seen as part of the broader democratization process. Nevertheless, the issue is more complex, and there is cause for concern related to political and bureaucratic maladministration and corrupt practices, both in general terms and within the land administration systems.

In light of the widespread land-related disputes in the study areas, the role of local government is important, both because this is the level at which rural people commonly interact with the state, and because apparently rural people's capacity to pursue land claims and make effective use of their land are more likely to be subject to local level practices. Respondents to interviews and in group discussions emphasized that it is the land administration committees that are mainly involved in the land conflicts. In fact, one of the main areas of conflict exists within the land committees themselves. As one informant in Fogera *woreda* explains:

> When land was registered, it was said that, once and for all, there would be no more accusa-
> tions because of land issues. … that conflicts over land would be resolved for good. Now,
> however, the number of conflicts has grown and expanded more than ever before. And
> this has a lot to do with how things are being done in terms of land administration. (Interview,
> Shina *kebele*, 4 Dec. 2012)

When asked about the reasons or the possible causes that have made the disputes grow
and expand, the informants and discussion participants underscored the role of local gov-
ernment officials who were able to exploit and manipulate the decentralized land admin-
istration system. In particular, landholders challenged the decision-making power given
to land administration committees. As one informant describes it:

> Our community is very close-knit, with relationships based on kinship/affiliation. Likewise, the
> land committees carry out their tasks mostly in a similar way. Some concerned people tell us
> that these people in the rural land administration committee were elected from and by the
> community itself. Yes, that is true. We elected these people. However, we are also saying that
> a situation has arisen in which things are carried out based on affiliation and kinship. Personal
> benefits now take precedent over the interests of the community which elected the officials
> to serve its interests. (Interview, Shina *kebele*, 10 Dec. 2012)

This became particularly problematic once local government authorities got decision-
making powers over local level land matters. Although this was essential for empowering
local communities, it has sometimes provided a fertile ground for various forms of abuse
of power. The abuse of power is partially related to the implementation of the land rights
registration and certification process.

As indicated above, the last land redistribution in the Amhara region took place in 1997
(Ege 1997), and this has been used as a benchmark for the land registration and certifi-
cation process taking place throughout the region since 2003. As interviews with key
informants in Fogera *woreda* revealed, the 1997 land redistribution document (protocol),
referred to as 'volume A,' is now full of cancelations and cross-outs. Various *woreda*
officials have, over time, changed land ownership by simply changing the names in the
document. This practice has, seemingly, been the cause of conflicts over ownership.
One official from Fogera *woreda* explains:

> There was this document called 'volume A'. It is this document that contained the actual list
> of the beneficiaries of the last land redistribution in our area. However, as a result of the mal-
> practices and corrupt actions of the then administrators, this document has been almost
> destroyed, with the names of numerous landholders replaced by others. The document is
> full of cancellations … . This situation had caused very serious problems and made the
> land certification process very difficult in our *woreda*. Because of this, a lot of people who
> were *woreda* land administrators were removed from their posts. There are various reasons
> why they intentionally damaged the document: for example for money, or due to kinship
> and friendship. (Interview, Woreta town, 30 Jan. 2013)

As the above account illustrates, a reliable record (reference) for the land certification
process is lacking in Fogera *woreda*. This, in turn, has resulted in conflicting evidence
on landholding rights. Such maladministration and corrupt practice is an indication of
the scale of abuse of power and the extent of official involvement in causing land
conflicts. In Fogera, for example, there were numerous cases where overlapping land cer-
tificates were issued to two people for the same plot of land. As a result, although the land
registration process was conducted through locally elected land committees, their

activities were supported by testimony from people who had participated in the last land redistribution as the primary document that would have served as a benchmark had been deliberately damaged.

Once land certificates have been issued, land committees are given the responsibility of investigating and cross-checking the registered land titles, particularly in situations when there are overlapping claims over a parcel of land. However, this practice of cross-checking registrations appears to have weakened the credibility of the land certificates (and diminished perceived tenure security) among poor people who feel vulnerable to corrupt practices: clearly the scope for manipulation is substantial if legally issued certificates cannot be presented as evidence. Although opinions varied, many informants and discussion participants in Fogera *woreda* argued that the fact that the land certificate cannot be considered as dependable and adequate evidence before the court is one of the main reasons that the number of land-related conflicts has increased more than ever in the area. Exploiting their local kinship ties as well as their social and political relationships, some people were able to illegally obtain land registration certificates for land belonging to someone else. In Fogera *woreda*, for example, there is evidence that some people who had previously worked in land committees and village social courts kept copies of blank official papers with a letterhead and legal stamps on them which they could use after they left office. One informant, a member of a local militia in Shina *kebele*, explained that these blank official papers were used in situations when it was known that the actual holder of the land had died (Interview, 1 Dec. 2012). By simply putting the name of another person in the blank spaces on the paper, they could claim the land belonging to the deceased, thus causing conflict with the deceased family. Poor people, especially those with limited local kinship links and other resources to defend their land rights, were also the victims of such fraudulent practices. Toulmin (2008, 15) argues that adverse impacts from land registration processes should be expected as elite groups seek to assert claims over land which belong to the poor and vulnerable groups such as women (see also Shipton 1994, 364).

Before the land certificates were prepared, at the initial phase of the land registration process, pieces of white papers were used to register the landholdings of individuals in accordance with the last land redistribution and later based on the information described on these white papers, the hard-covered certificates (a small green book) on which photographs of the holders are attached, known as primary book of holding is then issued. Cognizant of their values, these white papers, which were intentionally kept under poor conditions so that they appear old and real, have been used by ex-committee members to benefit their relatives or others to which they are affiliated in one way or the other. Such cases have resulted in overlapping land claims and conflicts. The following account from the FGD explains the situation:

> What happened is that by referring to people from long past, some of whom passed away, in their names signatures are placed on a white paper with an official stamp indicating that the person whose name is filled in the blank paper owned the land as if since long ago. This paper is then used to claim the land currently owned by another person. Eventually, people get into serious conflicts. Once, the *woreda* administration intervened to find the source of these papers and many of them were discovered and confiscated. It was found, for example, that just one person had kept 103 copies of such papers … . Some people were caught in this fraudulent practice, including ex-members of the social court. These people say that

they made such decisions while they were in their posts although everybody knows this is untrue … . We believe that this is the most complex challenge related to land conflicts. (Shina *kebele*, 9 Dec. 2012)

This account illustrates some of the mechanisms through which fake evidence is produced, as the following case also suggests. Adena is a woman who held half a hectare of land in Shina *kebele* and had been using it since the time of the last land redistribution. Adena's right to the land was contested by another person who claimed that he had legitimate holding rights. This despite the fact that Adena had the land registration certificate at hand. When the case reached the *woreda* court, Adena presented the land certificate as evidence that the land was legally hers. The *kebele* land committee investigated the case and decided that the land was not hers, despite the evidence. Adena firmly believes that she was cheated and denied justice and insists that the outcome of the case was the result of corruption. At the time of the interview, she was seeking assistance from the Fogera *woreda* office of women's affairs to help her to get back her land. She argued that had the court considered the certificate as adequate evidence, the other person could not have taken her land unfairly by using his links with land committee members. This was the concern most frequently mentioned by FGD participants in Fogera. The following quote, for example, captures the sentiment of FGD participants in Shina *kebele*:

> … . So, what we are trying to say is that, why weren't the land certificates considered as evidence? What is the point of having the certificate? That is why we say this certificate is actually worthless. It is nothing, just a piece of paper. If this certificate were recognised as evidence in line with the original land redistribution document, what would be the need for any other witness? Then we would become the real owners of our land. … . This certificate is a failure, as anyone who is rich, smart and has the connections with people in the land administration office, can easily claim land belonging to the poor or that is communal. (Interview, Shina *kebele*, 9 Dec. 2012)

One main challenge that has become a subject of much concern in terms of land disputes in Fogera, is the issue of organizing kin or close friends as witnesses to testify when somebody else's land, or communal land, is claimed. Many of the informants asserted that the way land issues are handled, including land registration and certification processes, the preservation of evidence related to the last land redistribution, and dealing with land conflicts, has been open to various kinds of malpractices affecting particularly women's land rights and those of the poor.

6.1. Land conflict resolution

The lowest judicial layer established to hear a wide range of rural matters, including land disputes, were the *kebele* social courts which were limited to dealing with minor land cases (Rahmato 2009). The judges in social courts are locally elected people, similarly as the local elders and community leaders who serve in traditional dispute resolution forums. As their objective is to expand rural people's access to justice, social courts operate with a clear set of rules and procedures with a simplified version of the same law applied in higher courts (Witten 2007). However, following Amhara land proclamation No. 133/2006, the responsibility of land dispute settlement was shifted from the social courts to land administration committees through which the assembly of local arbitrators is established. It is the responsibility of the *kebele* land administration committee to

establish the local arbitrator's assembly which comprises representatives from each of the sub-kebeles. Parties to a land dispute can take their case first to the land administration committee, and then, if the dispute cannot be resolved at that level, forward it to the *woreda* court. As Rahmato (2009) asserts, however, the practice of selecting local conflict mediators through the land administration committees could affect their impartiality as the election of the land committee members may be politicized.

Despite the role of local arbitrators in settling land disputes, the number of land cases that were taken to *woreda* courts, particularly in Fogera *woreda*, is very high. Interviewees and FGDs stated that land-related disputes are primarily taken to the land administration committees to be mediated by the assembly of local arbitrators. However, because of the complex nature of the disputes many go to the *woreda* court. When the cases reach the *woreda* courts, they may be sent back to the *kebele* land administration committee for further investigation and follow-up. The informants contend that it is not the *woreda* court that is currently making decisions on the land cases but rather the people in the land administration committee (see Moreda 2016 for a detailed discussion).

Although the *woreda* court is generally perceived to be reliable because it is assumed to be less subject to kin or affiliation manipulations, it has still its problems in which the procedures adopted have had an impact on the outcomes – in particular on who gains and who loses. Furthermore, these courts are themselves sometimes subject to political pressure, abuse of power and corruption. So while the role of *woreda* courts has been important in overcoming some of the limitations associated with local dispute resolution mechanisms, the provision of fair justice system remains difficult, as the courts (and the officials within them) are not free from the influence of local politics and the social and political relations in which they are embedded. This affects the effectiveness of the formal judicial service at reducing or managing the growing number of land-related conflicts, and at protecting the land rights, particularly of those who lack power or are less advantaged.

Similar experiences of malpractice resulted in an argument that 'land rights for the poor are better secured through investing in systems for dispute resolution and access to justice, rather than by technical procedures to register land rights' (Quan and Toulmin 2004, 10). In turn, addressing the justice needs of the rural poor requires addressing 'the inequitable power relations [in terms of class, ethnicity, age and gender] that impede access to justice' (Franco 2008a, 1858; see also Franco 2008b). The chief judge of Fogera *woreda* court, who was interviewed for this study, explained that the land administration office was usually consulted on cases of land-related disputes brought before the court. The judge, however, acknowledged that the way information is gathered gives more say to local land administration committees, which has big implications in shaping the outcome of the court's decisions and thus, it is a great concern (Interview, Woreta town, 7 Feb. 2013). As Andre and Platteau (1998, 34) noted 'it is worth emphasizing that official judges base their judgments on the evidence of written documents, whenever these are available. This is likely to favour educated persons and also dubious persons who do not hesitate to produce false documents or documents written under duress.'

7. Conclusion

As demonstrated in this paper, land contestations and conflicts must be seen in the context of the increased value of land and unequal access to it, and of the political

economy of local governance, both in general terms and within the land administration. By intersecting with the implementation of land rights registration, land conflicts emerged as a result of competition for new/additional land resources when land such as communal lands is converted into cropland as a reaction to new commercial opportunities. In particular, the conflicts reflect and are shaped by the structure of local social and political relations which dictate how access to and control of land is defined, claimed, negotiated, manoeuvred and contested within and between individuals, households (with gender and generational dimensions), and local authorities. The paper highlighted the complexity of land conflicts as attributed to a range of issues, including not only the challenges of governance in the land registration process but also population growth, commercialization, urbanization, inheritance and gender inequality, which all intersect with corrupt land administration systems.

Land governance is the key issue; land-related conflicts should not be viewed as merely technical, legal and administrative matters which can be settled through 'efficient land records and titles' handled through 'faster and cheaper' land registration schemes. The question here boils down not so much to whether land registration addresses land tenure insecurity issues, including land conflicts, but rather for whom it works and under what conditions. It is likely that 'the dominant groups and classes in society can easily influence [such] technicist administrative processes due to the extensive reach of their influence on state bureaucracy' (Borras and Franco 2010, 23). Importantly, land governance is also about the broader political challenges of addressing unequal power relations, not only over access to and control of land but also over 'relations that impede access to justice' (Franco 2008a, 1858). While it is essential that local authorities have decision-making powers over land matters at local levels, this may also provide fertile ground for various forms of abuse of power, particularly related to the implementation of the land registration and certification process. This is likely to be more so in the context of increased commercialization.

As this paper has demonstrated, land problems surrounding local governance appear to have contributed to conflicts over land. In the absence of a more democratically organized local land governance system, local political elites and other privileged social groups are likely to exploit the opportunities created through decentralized land administration systems. This is likely to facilitate practices of corruption, fraudulent land certificates, and land expropriations, which lead to land conflicts. This links to what Toulmin (2008, 15) noted: land certification may adversely affect tenure security of the poor as 'elite groups may seek to assert claims over land which was not theirs … , leaving [poor] people to find that the land they thought was theirs has been registered to someone else.' As the cases in this paper suggest, with land registration, the nature and character of land disputes seem to be changing, with land disputes seemingly less about boundaries than about rights to the entire plot of land, whether because of overlapping claims over a parcel of land, disputed land sales or exchanges, or claims over communal lands. It is important to understand that the most fundamental issue here is the structural embeddedness of tenure insecurity in state-society relations. The problem of tenure insecurity can primarily be addressed once the structural cause of that insecurity – the subordination of poor rural land users to the state and unequal power relations within society – is addressed. In the current context of increased and competing demands for land, lack of democratized local land governance means that land registration and the institutional changes that accompany

it can serve as instruments for reinforcing and enhancing the power of the state and other privileged social actors over vulnerable rural people, and subsequently exacerbate tenure insecurity (see also Chinigò 2015).

This implies that addressing tenure insecurity and land conflicts require many more measures than simply issuing land certificates, as these do not address most of the concerns of poor rural land users. Ensuring democratic land governance that improves tenure security and resolves many of the conflicts that arise over land are as much political challenges as they are administrative, legal and technical and necessitates changes in power relationships between and within state and society over access, control, use and transfer of land resources. Recognizing and addressing the underlying power structures is a necessary condition for making any progress in any rural development endeavours, including the effective implementation of land registration programme.

Overall, land policies are introduced and implemented within a particular set of local contexts and processes. Their outcomes are the results of how state-society interaction plays out and the ensuing balance of power within and between various state and societal actors in a particular setting. Putting in place any cadastral and reliable land certification system that will contribute to resolving land conflicts requires a capable and democratic state and effective governance that cannot be taken for granted. However, as Migdal, Kohli, and Shue (1994, 3) pointed out, 'a state's relative effectiveness is a function of the varied forms in which state-society relations are interwoven.' A continuous, dynamic and mutually constitutive state-society interaction in land governance is crucial. The implication for research and political action on land governance in the context of increased competing demands for land is that emphasis must be put on exploring the conditions for and mechanisms through which a mutually constitutive state-society interaction can be strengthened and enhanced.

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