

**ASSESSMENT OF TENURE SECURITY AND INSTITUTIONAL
EFFECTIVENESS IN RURAL LAND GOVERNANCE IN KERSA
DISTRICT, OROMIA, WESTERN ETHIOPIA.**

MSc. THESIS

**BY
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**MAY, 2024
JIMMA, ETHIOPI**

**ASSESSMENT OF TENURE SECURITY AND INSTITUTIONAL
EFFECTIVENESS IN RURAL LAND GOVERNANCE IN KERSA
DISTRICT, OROMIA, WESTERN ETHIOPIA.**

A Thesis

**Submitted to the Department of Natural Resource Management, School of
Graduate Studies, College of Agriculture and Veterinary Medicine, Jimma
University, in Partial Fulfillment of the Requirements for the Degree of
Masters (M.Sc.) In Land Use Planning and Management (LUPM).**

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Dedication

I dedicate this piece of paper work to all my family and all who supported me for their valuable contribution in my thesis work.

Statement of the Author

I, Ahmed Raya, hereby declare that, this thesis is my work and that all references used in the preparation of the thesis have duly acknowledged. This thesis is submitted in partial fulfillment of the requirement for the award of the degree of Master of Science in Land Use Planning and Management at Jimma University and is reserved at the University library to be made available to users. I declare that this thesis has not been submitted to any other institution anywhere for the award of any academic degree, diploma or certificate. Brief quotations from this thesis are allowable without special permission provided that accurate acknowledgement of source is made. Requests for permission for extended quotation from or reproduction of this document in whole or in part may be granted by the Department of Natural Resource Management or the Dean of the School of Graduate Studies, Jimma University, when in his/her judgment the proposed use of the material is for a scholarly interest. In all other instances, however, permission must be obtained from the author.

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Biographical Sketch

The author was born on September 11, 1990 in Kersa District, Jimma Zone and Oromia National Regional State. He attended his primary education at Kitinbile and Serbo elementary school in (1997-2000), (2001-2004) year respectively and his secondary and preparatory education at Serbo secondary school (2005-2006) in Serbo town and Jimma preparatory school (2007-2008) in Jimma. After passing Ethiopian Higher Education Entrance Qualification Examination, he joined the-then Haromaya University in 2009 academic year and completed his first year studies at Haromaya University and then transferred to Jimma University in 2010. After completing his second and third year undergraduate studies, he was graduated with BSc. Degree in Natural Resource Managements on 12 June, 2011.

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Acknowledgments

First and most, I thank Allah, who made all things feasible. Then, my deepest gratitude goes to my major advisor: Dereje Bekele (Assist. Professor, PhD Scholar) for his critical and constructive comments, invaluable support and encouragement throughout the development of my work to come up with this thesis work. My special thanks also extend to my Co-Advisor: Alemayehu Regassa (PhD, Associate Professor) for his scientific guidance, advice and ceaseless support throughout the course of the research work.

Additionally, I would like to thank all the organizations who contributed in some way to my thesis work, namely Jimma University College of Agriculture and Veterinary Medicine, Department of Natural Resource Management, Kersa District Administration office, Rural land Administration office, Environmental Protection Authority office, Kersa District Culture and Tourism office, Kersa District customary Court, Kersa District Court, Trade and Market Development office and other organizations which I don't mentioned here but their support was not negligible, and also I thank all the interviewed farmers, every individual who contributed for the completion of this paper.

Finally, I must express my very profound gratitude to my family and friends for providing me with unfailing support and continuous encouragement throughout my study.

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List of Abbreviations

FAO	Food and Agriculture Organization of the United Nations
FDRE	Federal Democratic Republic of Ethiopia
FGDs	Focus Group Discussions
GDP	Gross Domestic Product
KIIs	Key Informant Interviews
KLAC	Kebele Land Administration Committee
KLAE	Kebele Land Administration Expert
LGAF	Land Governance Assessment Framework
MDGs	Millennium Development Goals
MoA	Ministry of Agriculture
NGOs	Non-Governmental Organizations
RD	Rural Development
RKAO	Rural Kebele Administration Office
SDGs	Sustainable Development Goals
UNDP	United Nations Development Program
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environmental Program
UN-Habitat	United Nations Human Settlements Program
WB	World Bank

Abstract

Different land governance systems exist around the world, reflecting local cultural and legal contexts. The aim of this research was to evaluate the practices of land governance in rural areas, specifically focusing on tenure security and institutional effectiveness in Kersa district of Jimma zone, Oromia Regional state, Ethiopia. Socio-Economic Characteristics of respondents, the perception and views of respondents on the institutional capacity of stakeholders involved in rural land administration, effectiveness of current rural land governance and factors affecting land tenure security of rural landholders in the study area were collected from 352 sample households and analyzed and interpreted using descriptive statistics and binary logistic regression model and complemented with narration. The study's findings show that institutions involved in governing rural lands at both kebele and district level were weak in terms of skilled man power and provisions of the necessary logistics with the exception of district courts. Moreover, the training given to the kebele land administration experts was inadequate. In terms of protection from expropriation finding reveal that most of the respondents perceive that private, state and communal holdings were (74.1%) good, (55.4%) satisfactory and (85.5%) low respectively. Except in private holdings, that has (100%) good achievement, the majority (55.1%) of state and (83.0%) of communal lands were not registered. Likewise, the negative effects of development project on the relocated community, the longtime taken (in month) to resolve land dispute by district court and reluctance of district court to use land certificate to its maximum potential to resolve land dispute could be indicators of poor land governance. The result of Binary logistic regression analysis indicated that factors such as: fear of the risk of expropriation, absence of clear justice system to settle land disputes, lack of experience and knowledge of the land administration experts and absence of land certificate affected tenure security negatively while sex of house hold, educational status, land size and family size of household affected land tenure security of house hold positively. The overall scenario shows the land governance practice was ineffective in the study area. Therefore, providing capacity building training to local land administration experts and improving farmer's awareness on the role of effective land governance are suggested recommendations to improve the situations.

Key words: *expropriation, tenure security, development induced, institutional capacity.*

1. INTRODUCTION

1.1 Background and justifications of the Study.

Land is the most valuable resource in the majority of countries and is becoming more and more acknowledged as a major governance challenge (FAO, 2009). According to Burns and Dalrymple (2008), land is a basic resource that sustains the majority of rural lives in developing countries; for example, approximately 70% of Africans rely on land and the exploitation of natural resources for their livelihoods. Land serves as a foundation for social, cultural, and religious norms and practices as well as a location for cities and homes. It is also a fundamental component of economic activity. Development is significantly impacted by the availability of land and other natural resources, as well as the security of tenure that goes along with it (FAO, 2009).

However, according to Palmer *et al.*, (2009) today world faces many complex challenges, including the resolution of violent conflicts, increased food and water insecurity, increased demand for natural resources, and climate change. Many of these issues are directly related to land, including unequal access to land, insecure tenures, unsustainable land use, and insufficient institutions for land administration. While land governance systems vary greatly between nations and regions worldwide and are a reflection of local cultural and legal contexts, conflicts over land and natural resources are a common issue in many African countries (Wabelo, 2020). The inability of African institutions in charge of land and land-related matters stems from the fact that those hired to oversee land administration lack the necessary knowledge and skills. Therefore, the way land is governed and administered has a significant impact on a certain country's future (Behailu & Kasa 2018).

On the other hand, Institutional Capacity which is the ability of individuals and organizations or organizational units to perform functions effectively and efficiently in land administration are highly influenced by the way governments want to administer the land, and also by the way regulations and organizations are implemented and managed within the country (Enemark *et al.*, 2008). Thus, for effective land governance, institutional capacity plays vital role to transform the legal and policy framework in to action (Adam & Birhanu, 2017).

The other concept in this study was land tenure security which is the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges (Agonafir, 2022). Security of land tenure is essential for encouraging investment on the property, minimizing and resolving land-related conflicts, and boosting productivity (World Bank, 2007). Secure property rights also protect people from being taken over by the state and neighbors or other agents (Dessalegn, 2004). People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction (Agonafir, 2022).

In Ethiopia, as elsewhere in the world, the socio-economic significance of land stems from the fact that land is a source of wealth, economic growth, employment and a source of basic survival of the majority of the population (Melese, 216). It provides jobs for about 80% of the people and accounts for 40–45% of the GDP of the country (Ethiopian Economic Association & Ethiopian Economic Policy Research Institute, 2002). Additionally, it supports food security, foreign exchange, and agro-industries as a raw material (Berhanu, 2006). On the other hand, according to Belachew & Aytenfisu, (2010) the Ethiopia's decreasing land availability, which is particularly noticeable in rural areas, affects women, resettlers, and younger peasants. Furthermore, as noted by Gebrihet, (2018), the current government has encountered challenges related to capacity with land administrator authority, ineffective land policies and legislation, and low levels of public participation. Therefore, the livelihood of the majority of the country's population is greatly impacted by the way land is governed and administered. Additionally, academicians believe strongly that, efficient land laws and implementing organizations have a critical role in determining how well land tenure-related issues are resolved as well as the general standard of land governance.

According to the data obtained from Kersa District Environmental Protection, Forest and Climate Change Authority and Rural Land Administration Office (2023), state and communal land encroachment and degradation, especially state forest land and communal grazing lands were declining at an alarming rate in the district. Most areas which were covered by the remaining forest during the previous government were converted to farm land and settlement area few years ago and now some of these areas were made prone to extreme degradation. The expansion of farming on to the steep slopes has been observed while it is on the way of reaching

an upper limit where it could no longer be expanded further. Besides removing the natural land resources, human land use practices were also recognized as a driving force in initiating geo-environmental hazards. Smallholder farmers in the research area have been cultivating *Eucalyptus globulus* through illegal encroachments on communal grazing land, regardless of the restrictions placed on them. In addition to this, the inadequate and improper compensation for expropriated smallholder farmers during the second phase (1999-2000) Gilgel Gibe Dam project induced displacement and relocation, many households were left without farmland and exposed to serious household food insecurity. A study conducted by Kassahun (2001) stated that, relocatees were mourned the loss of communal property resources such as forest, grazing lands, sand extraction site were the most notable resources forgone. Among those, grazing land were the most significant in society where live-stock rearing play significant parts. Moreover, he argued that some households were forced to encroach in to communal grazing lands resulting in frequent clashes with native community.

Even though, the study conducted by Kassahun (2001), before 22 years ago, clearly shows that, the hardship living situation of expropriated smallholder farmers in the study area, but, still now no action was taken to solve the problem and the challenges are prevailing and need a real solution. In addition to this, the current illegally occupied protected forest area and communal grazing land in the district is a manifestation of weak land governance experienced over communal and state land holdings; which in turn to the end has brought in land tenure insecurity. All these incidents are the major reasons that initiate the researcher to carry out an extensive research and establishing true picture of the land governance system that can inform key stakeholders/decision makers to works towards creating better solutions to the existing problems in the district. Therefore, this study aims to assess tenure security and institutional effectiveness in rural land governance in Kersa District, Jimma Zone of Oromia National Regional State and Ethiopia. The assessment encompasses the institutional capability of various stakeholders engaged in rural land governance; the effectiveness of current rural land governance, across the extent to which land holdings rights are safeguarded against expropriation, the status of land registration and certification, the manner in which development projects are implemented in relation to the community's benefits, the duration of land dispute resolution processes; and the factors influencing the land tenure security of rural households in the study area.

1.2. Statement of problem

Peoples require land and its associated resources, such as forests and water, for the production of food to sustain their basic livelihoods at large. Land provides a place for housing and cities, as well as a basic factor of economic production and a basis for social, cultural, and religious values and practices. Land is the single greatest resource and is increasingly recognized as a significant governance concern in most countries (FAO, 2009). Good land governance has drawn the interest of several academics and professionals in recent years. Increased demand for land investment, pressure to boost government revenue, the need for careful protection of vulnerable groups like women and the poor, and increased governmental accountability are all considered to be contributing factors to the growing call for good land governance (Deininger *et al.* 2010).

Poor land administration is especially detrimental to developing nations, because rural land is essential to their identity, a major source of income, and a method of investing, building wealth, and passing it down through the generations. Because of the country's expanding population, the strain on its natural resources, policies to encourage land investment, weak institutions, and other factors, land is becoming an increasingly important governance problem in Ethiopia (Behailu & Kasa, 2018). In addition, issues with food shortages, land conflicts, tenure insecurity, unequal land distribution, social instability, decreased private sector investment, and other land administration issues in rural areas are a result of the predominance of poor land governance.

Regarding land governance issues, various studies have been carried out thus far by various researchers in various parts of Ethiopia. For example, the performance of good governance in the local public sector service delivery was evaluated by Woldeab *et al.* (2012), Kasahun (2010), and Gebreslassie, (2012); Wabelo (2020) examined legal and institutional frameworks jointly; Gebrelibanos (2017) evaluated the institutional perspective only; Nerea (2013) assessed the roles and structures (institutions and procedures) of local governance in rural land conflict Management in relation to transparency and accountability; he didn't looked other aspects of rural land governance. However, such piecemeal studies were criticized by the LGAF of World Bank (2013) as a traditional one and recommended a more comprehensive assessment. On the other hand, Agonafir, (2022) evaluated rural land governance practices in Guraferda District, South Western Regional State, Ethiopia considering institutional capacity, the extent to which principles of good governance are explicit in every decision-making process of land deals and

the effectiveness of land governance. Even though he did a comprehensive assessment on rural land governance, these papers have not seen the institutional capacity of Kabele land administration expert and customary courts to manage land dispute since they are not exist the institutional set up South Western Regional State. Though the above-mentioned researchers have unquestionably worked hard to evaluate the urban /rural land governance practices across the country, they have not examined the institutional capacity of Kabele land administration expert and customary courts to manage land dispute since they are not exist in the studied area. Therefore, this paper tries to assess tenure security and institutional effectiveness in rural land governance in the study area.

With this research gap in mind, the problem of rural land governance is particularly critical in Kersa District, where development project have a known negative impact on communities, the second phase (1999–2000) Gilgel Gibe Dam project, for example. This has led to a number of land disputes between native communities and resettlers, communal land encroachment and degradation, landlessness, food insecurity, and social instability (Kassahun, 2001). Moreover, to the best of the investigator's knowledge, no study had been conducted to assess tenure security and institutional effectiveness in the rural land governance in the study area. All of these occurrences therefore call for conducting a comprehensive investigation and creating a complete picture of the district's land governance.

1.3. Objective of the study

1.3.1. General objective

- The overall objective of the study was to assess tenure security and institutional effectiveness in rural land governance in Kersa District of Jimma Zone, Oromia National Regional State, Ethiopia.

1.3.2. Specific objectives

- ❖ The specific objectives of the study are:
 - To explore the institutional capacity of various stakeholders involved in rural land administration.
 - To investigate effectiveness of current rural land governance in terms of the level of land holding protection from expropriation for development project and the implementation of the project in relation to benefit for the community.

- To evaluate effectiveness of current rural land governance in terms of the status of land registration and certification and extent to which the certificate is used as evidence for dispute resolution by courts.
- To assess effectiveness of current rural land governance in terms of time taken to resolve particular land dispute
- To identify factors affecting land tenure security of rural households in the study area.

1.4. Research Questions

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

- What is the institutional capacity of different stakeholders involved in rural land administration?
- What is the level of private, state and communal land holding protection from expropriation?
- What is the status of private, state and communal land registration and certification?
- Was the development project implemented in compliance with promises made earlier in their development proposal?
- How long does it take to resolve a particular land dispute?
- To what extent do courts employ land certificate as evidence for land dispute resolution?
- What are the major factors that affect tenure security of rural households in the study area?

1.5. Significance of the study

The research's findings are anticipated to be of the utmost importance and to provide important insights contributing to the improvement of the practices of rural land governance. Furthermore, the study may help academics, practitioners, policy makers, and decision makers in making well-informed decisions based on actual circumstances. It will serve as a mirror to reflect the real living conditions of local and relocated landless farmers in the study area, as well as rural land governance practices generally, for land specialists and government officials operating at various administrative levels.

1.6. Scope and Limitation of the Study

The purpose of this study was to assess rural land governance practices in the Oromia Regional States' Kersa District of Jimma Zone. The study's scope is constrained in terms of themes and geography due to time and resource constraints. This study is limited in its geographic scope to the rural parts of the Kersa District, specifically to the three rural kebeles; i.e., Kitinbile, Gello and Bulbul. As a result, the study finding and conclusions are limited to the case study area. Besides, some farm households in the study area particularly resettlers, did not voluntarily offer correct information since they feel insecure about their land, because of inadequate and improper compensation affected the livelihood of expropriated farm households in the chosen kebele. Therefore, calculation based on such information would maybe have some errors. In terms of theme, the study specifically focuses on the institutional capability; the level of land holding protection from expropriation, execution of development project in relation to benefit for the community, the status of land registration and certification, extent to which the certificate is used as evidence for dispute resolution by courts, the time taken to resolve particular land dispute and factors influencing land tenure security of rural land holders' in the studied area. Land governance indicators like public provision of land information and corruption were not discussed in this study.

2. LITERATURE REVIEW

2.1 Concepts Related to Land Governance

Although the term "land" has been around for a while, the idea of governance did not come into being in its current form until the 1980s; their combination as "land governance" is relatively new (Palmer *et al.*, 2009). Different ways have been used by academics to define the term governance. These definitions rest on normative presumptions about the appropriate ways for decisions to be taken inside organizations and how formal and informal structures should work to carry them out (Ali, 2016). The definition of governance in this study is the procedure used to make decisions and carry them out (UNESCAP, 2010). "The manner in which public officials and institutions acquire and exercise the authority to shape public policy and provides public goods and services" is the definition of governance given by the World Bank in 2007. In terms of land governance, this definition covers the following: the nature and caliber of land ownership data that is accessible to the public; the management, acquisition, and disposal of land; the definition, exchange, and transformation of property rights to land; and the methods of conflict resolution and dispute management.

Among the essential components of land governance that are included in the aforementioned definitions are: First and foremost, land governance places a strong focus on processes and rules: The structures and rules that control and mediate interactions, decision-making, and the execution of decisions made on land are referred to as land governance. Rules, regulations, and byelaws enacted by legislatures, courts, and local councils are examples of formal land tenure systems. Informal or customary land tenure structures include elder's councils, social networks, and the like. Here, "process" refers to how land-related matters are brought up for discussion, who makes decisions, how they're carried out, and how conflicts and complaints are handled. Second, institutions are included in land governance. Official and informal, extralegal and informal organizations are recognized by land governance. Conceptually, land governance is more inclusive, involving not only state players but also corporate and professional sectors, religious organizations, customary/non-state actors, and state actors. All of the aforementioned claims demonstrate how broad and inclusive land governance is, with numerous requirements. It is difficult to define the concept using just one terminology (Agonafir, 2022 & Wabelo, 2020).

2.2 The Land Governance Assessment Frameworks (LGAF)

While there isn't currently a worldwide convention on land, there are some important suggestions that countries might utilize to enhance their land governance frameworks. These include the African land declaration, the UN Voluntary Land Guidelines, and the most recent Africa Women Land Declaration. All of these devices have more political persuasive power than binding legal force, which allows them to influence government actions. The concept of responsible or good land governance lies at the center of all these instruments. The Land Governance Assessment Framework (LGAF) is designed to assist nations in addressing land governance concerns by serving as a foundational tool (Klaus, 2012). The basic LGAF consists of a series of detailed indicators that are to be rated on a priori stated scale using, if possible, available data. The five broad thematic areas that these indicators fall under have been determined to be important areas for policy intervention in the land sector:

Legal and institutional framework: Indicators related to the legal and institutional framework are designed to help policy makers assess (a) the extent to which the range of existing land rights is legally recognized, (b) the level of documentation and enforcement, the cost of enforcing or gradually upgrading these rights, and (c) whether regulation and management of land involve institutions with clear mandates as well as policy processes that are transparent and equitable.

Land use planning, management, and taxation: The intention of this category is to assess whether (a) land use restrictions are justified on the basis of the public interest, (b) necessary exemptions are granted promptly and transparently, (c) the process for land use planning is efficient, and (d) taxes on land are transparently determined and efficiently collected.

Management of public land: A focus on public land management aims to help assess the extent to which (a) public landholdings are justified and transparently inventoried and managed; (b) expropriation procedures are applied in the public interest through clear, transparent, and fair processes involving the compensation of all those who lose rights; and (c) the transferor devolution of state land is transparent and monitored.

Dispute resolution and conflict management: This fifth set of indicators can be used to assess (a) whether a country has affordable, clearly defined, transparent, and unbiased mechanisms for the resolution of land disputes and (b) whether these mechanisms function effectively in practice.

2.3 Overview of Rural Land governance in Ethiopia.

Due to the limited availability of information, the history of land tenure and land use policy can be classified into three periods only: the pre-1975, (Land tenure system up to 1974), the Land tenure during the Dergue period (1974 -1991) and the current 1991, land tenure and land use policies (Azadi *et al.*, 2019).

2.3.1 Land Tenure System up to 1974

It is generally acknowledged that the pre-1975 land tenure system in Ethiopia was one of the most complexes in the world and had not been thoroughly studied. The country's geographical, ethnic and cultural diversity and its historical background were mentioned among those factors that had produced highly varied forms of land utilization and ownership, ('Ethiopia Land Policy and Administration Assessment', 2004). Before 1975, land tenure was based on a feudal system where land was concentrated in the hands of absentee landlords and the church, tenure rights were highly insecure, and arbitrary evictions took place. Among others, rist/kinship, communal, diessa/village, private, state and church land tenure designations were used. However, the most commonly recognized tenure types are rist/kinship, private, church and state holding systems.

The rist/kinship tenure system was most prevalent in the northern part of the country whereas private tenure predominated in much of the rest of the country. Government tenure was most prevalent in the low land and pastoral areas of the country. Gult is a tenure system that can be considered a variant to rist or rist - gult which is often easily confused with rist. The main distinctions are that gult is not a right on the land, rather a right to tax the benefits from land. Gult is not transferable whereas rist - gult is transferable. Reduced landlessness and tenancy were among the positive attributes of this system over private tenure whereas diminution of holdings, land fragmentation and persistent litigation over land access were among its serious problems cited in the literature. With its gult rights over landholders, the rist system had also been an important element mediating the control of the peasantry by the regime through those elites holding such rights (Yigremew, 2002). Private tenure was recognized as the most dominant system during the final days of the Imperial regime, affecting some 60 percent of peasants and 65 percent of the country's population. It was largely created by means of land granting by the crown to those members of the army who came from the north and those who were loyal to the regime in captured territories. Under this system land was sold and exchanged; however, given that all the land was originally state property and that private holders had no absolute rights, this

was different from the general concept of a freehold system. Serious land concentration, exploitative tenancy and insecurity have characterized the private tenure system (Teklemariam, 2021).

2.3.2 Land Tenure during the Derge Period (1974 -1991)

Following the overthrow of the imperial regime in 1974, the Marxist-oriented government (the Dergue) transferred ownership of all rural land to the state for the distribution of use rights to cultivators through local peasant associations. The further transfer of land rights was highly restricted, because transfer through sales, lease, exchange, or mortgage was prohibited, and inheritance was severely restricted. Tenure security was further weakened by the peasant associations' and other authorities' ability to redistribute land. The 1975 land reform by the Dergue has been considered by many as a radical measure that has abolished tenant - landlord relationships in Ethiopia. The reform was designed to alter fundamentally the then agrarian relations and make those working the land the owners; increase agricultural production; create employment; distribute land and increase rural income; and provide a basis for agricultural expansion, (Adenew, 2022).

The provisions of the proclamation (No. 31/ 1975) include: public ownership of all rural lands; distribution of private land to the tiller; prohibitions on transfer-of-use rights by sale, exchange, succession, mortgage or lease, except upon death and only then to a wife, husband or children of the deceased; and in the case of communal lands, possession rights over the land for those working the land at the time of the reform. The power of administering land was vested in the Ministry of Land Reform and Administration (MLRA) through Peasant Associations at the grass roots level. The law provided 10 ha of land as the maximum a family can possess. No able adult person was allowed to use hired labour to cultivate their holdings (Yigremew, 2002). Farmers have open ended usufruct rights (the right to use another's property) to land in peasant associations where they reside, but subject to proof of permanent physical residence, and ability to farm continuously and meet administrative dues and obligations. These use rights are inheritable. The common practice was to allocate land according to the number of household members. Other factors such as quality of land, size of family workforce and ownership of farm assets, which have substantial influence on ability to use land, are not given as much prominence as family size (Tesfaye & Bedassa, 2002).

2.3.3 Legal and Institutional Frameworks Regulating Current Rural Land Governance at the Federal State

Currently, Ethiopia is a federal state made up of twelve national regional states that are independent in the administrative matters pertaining to their citizens and two administrative cities-Finfine and Dire Dawa-located in the Oromia region and subject to federal states. Regions, Zones, Districts and Kebeles are the hierarchical administrative structures of the regional states (Dibaba, 2020). The Ethiopia's legal framework on rural land administration comprises the constitution and other subsequent land laws enacted by the federal and regional states. The FDRE Constitution by establishing a federal system has outlined which level of government has the right to exercise what power over land matters. Accordingly, the federal government enacts laws for the utilization and conservation of land and other natural resources (Article 51 (5) of FDRE Constitution, 1995), whereas the regional government bears the duty to administer land and natural resources as per the law of the federal government (Article 52 (2) (d) of FDRE Constitution, 1995). To this effect, the federal government enacted land administration and use proclamation (RLAUP) (Proc. 87/1997) that replaced the 1975 (Proc. 31/1975) and then, Proclamation 87/1997 again itself repealed and replaced by the current RLAUP (Proc. 456/2005). Details of these frame work are presented here under.

The Federal Democratic Republic of Ethiopia (FDRE) Constitution of 1995

As to the constitution, the state and the Ethiopian people alone own the right to both rural and urban land along with all natural resources. The FDRE Constitution of 1995 states in Article 40(3) that land is common property of the Nation, Nationalities, and Peoples of Ethiopia and cannot be sold or transferred in any other way. Sub-Article 4 of the Ethiopian Constitution stipulates that Ethiopian peasants are entitled to land without payment and are protected from being evicted from their possession. Similarly, sub-Article 5 states that Ethiopian pastoralists in lowland areas have the right to free land for cultivation and grazing, as well as the right to remain in their current locations. Article 40(7) of the FDRE Constitution, 1995 guarantees the peasant a full right to the immovable property he builds and to the permanent improvements he makes on the land with his labor and capital, even though he does not have private ownership rights to the land itself. This right includes the ability to alienate, bequeath, and, when the right of use expires, the ability to remove his property, transfer his title, or claim compensation for it.

Peasants can therefore sell their produce at market value and have complete ownership over it, unlike the Derg. In addition, the constitution protects peasants from the state's arbitrary evictions. Article 40(8) of the FDRE Constitution, (1995) states clearly that, the government may expropriate private property for public use, provided that compensation equal to the property's value is paid in advance. Article 40(3) of the FDRE Constitution, which recognizes joint ownership of land by people and the state, and Article 40(8) of the same constitution, which only provides compensation for private property and fixtures on the land but not the land itself, are the fundamental sources of disagreement and the reason for controversy surrounding the evaluation and compensation of assets. According to Dibaba (2020), the constitution appears to grant the right to property ownership on the one hand while denying benefits on the other.

Proclamation No. 456/2005, Federal Rural Land Administration and Use

As stipulated in Article 51(5) of the FDRE Constitution, 1995, the federal government is responsible for enacting laws related to the conservation and use of land and other natural resources. This provision led to the first federal framework legislation, the federal rural land administration proclamation No. 89/1997, being passed to implement the constitution. However, this proclamation was subsequently repealed and replaced by the rural land administration and use proclamation No. 456/2005. The current legislation governing the administration of rural land is Proclamation No. 456/2005, which, although prohibiting land sales and collateralization, allows the exercise of inheritance rights and limited land leasing (rental arrangements). It also restricts the use of forced land distribution to irrigation development (Article 8 (1) (5) & Article 9 (2) of Proc. No. 456/2005, 2005).

The Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation, Proc. No. 455/2005, is a proclamation that was enacted by the federal government to regulate the administration of rural land. It requires woreda or urban administrations to provide compensation in advance and grants them the authority to expropriate landholdings for public purposes when they believe they should be used for better development projects undertaken by public entities, private investors, cooperative societies, or other organs, or where the relevant higher regional or federal government organ has approved such an expropriation (Article 1 of Proclamation No. 455/2005, 2005).

A new proclamation, named "Expropriation of Land Holdings for Public Purposes, Payments of Compensation and Resettlement of Displaced People Proclamation No. 1161/2019," has recently replaced Proclamation No. 455/2005. According to article 3 of this proclamation, it will be applicable nationwide in both rural and urban centers regarding matters pertaining to land expropriation, payment of compensation, and resettlement of displaced people. Article 26 (2) of the proclamation states that the regional states or the administrations of Addis Ababa or Dire Dawa are required to issue directives that are necessary for the proper implementation of this proclamation and regulation issued by the council of ministers (Wabelo, 2020).

Typically, land is the primary source of income for over 80% of Ethiopians, but the country lacks a single documented land policy that lays out the country's land governance. Instead, land administration proclamations serve as a framework for policy decisions rather than a comprehensive national land policy that directs the development of the sector. Numerous African nations, including Kenya, Ghana, Uganda, Tanzania, and others, have adopted a comprehensive national land policy that directs the enactment of land legislation in their respective countries. Land policy can act as a model for other laws that pass it. One obstacle to the effective governance of rural land in Ethiopia is the absence of a comprehensive land policy (Wabelo, 2020). Furthermore, as specified by the land laws, no specific regulations exist that regulate matters pertaining to rural land for every given property holding. For instance, as communal and pastoral lands are distinct from private and governmental holdings by definition, there are no explicit regulations governing them (Agonafir, 2022). The process of registering and certifying rights on communal lands is not outlined in any separate legislation. The hierarchies of the dispute resolution system in the rural land proclamations appear to have been designed primarily with the purpose of resolving issues pertaining to agricultural lands, making it difficult to settle land-related disputes even on pastoral and community lands (Wabelo, 2020). Tura (2017) conducted a great investigation in light of the ways in which private and communal land rights are safeguarded against public interest. His research reveals that Ethiopian laws and customs enable confiscation of land without just compensation or suitable relocation alternatives, rather than safeguarding the individual and communal property rights of smallholders and indigenous peoples.

The development of institutions is one of the most important steps in bringing laws and policies for the land management system to life. It reflects the local legal and cultural circumstances and varies widely between countries and areas (Enemark, 2005). It might also change in the future to better support effective governance and the implementation of land policy. Many developing and transitioning countries lack the necessary institutional frameworks, human resources, and skills to effectively manage land rights, obligations, and limits (Wabelo, 2020). When land is not properly protected by institutions and the law, it turns into a commodity that is readily exploited and abused (Bruce, 2003). Institutional mandates are believed to originate from legal provisions.

The Federal Ministry of Agriculture (MoA) of Ethiopia is responsible for managing the rural land sector, and the Rural Land Administration & Use Directorate is the organization that carries out this responsibility. The Land Administration & Use Directorate (LAUD), one of the directorates under the state minister for natural resources development, conservation, and utilization, is in charge of managing rural land administration on a day-to-day basis within the Ministry of Agriculture. Other than large-scale agricultural investment lands, the LAUD is in charge of monitoring the land tenure and use of rural lands. The LAUD is specifically in charge of overseeing the execution of the Federal Government's Rural Land Administration and Use Proclamation 456/2005 by coordinating the efforts of relevant authorities on land-related matters and offering expert assistance to the regional rural land administration institutions. The LAUD must also establish and promote information sharing throughout regions and aid in the institutional capacity-building process. In order to promote the harmonization of rural land administration in Ethiopia, the directorate links the work being done at the federal and regional levels and contributes to policy formulation. Developing standards for the management of rural land is under the responsibility of the MoA. The Agricultural Investment Land Administration Agency (AILAA), a recently formed semi-autonomous organization within the Ministry of Agriculture, is responsible for managing large-scale agricultural investment lands. State holdings are leased and managed at the federal level by the AILAA. Up to 5,000 hectares of agricultural investment land are managed by the regional states. The regional states provide to the agency responsibility of managing all large-scale agricultural investment lands over the aforementioned limit (Agonafir, 2022).

When compared to other African nations like Ghana, Kenya, and Uganda, the institutional framework currently in place in Ethiopia to control rural land is considered by scholars to be extremely inadequate (Agonafir, 2022 & Wabelo, 2020). Up to the lowest level of the administrative hierarchy, there are further autonomous sector-based organizations under the ministry level, which is where the authority to manage land is organized in these nations. Whereas, in Ethiopia, land is governed at the directorate level under the Ministry of Agriculture at the top and bureau of land and environmental protection at the middle and land and environmental protection offices at the lower administrative level. The other study was done by Gebrelibanos (2017) in Tigray National Regional State. The study concluded that, the grass-root level institutional land governance was very weak. It did not give weight to other aspects of rural land governance such as land tenure, agricultural investment, rural land conflict and etc. A very positive aspect of the current land administration system is its high level of decentralization.

2.3.4 Legal and Institutional Frameworks Regulating Rural Land Governance in Oromia National Regional State

Oromia National Regional State is the largest regional state in the Federal Democratic Republic of Ethiopia, both in terms of land area and population (Dibaba, 2020). Finfine, sometimes referred to as Addis Ababa, is the capital city of both the national and regional administrations. According to Article 52(2) (d) of the FDRE Constitution 1995, regional states are mandated by law to manage land and other natural resources in compliance with federal laws.

Accordingly, regional states are empowered by the Federal Rural Land Administration and Use Proclamation (Article 17 (1) (2) of Proclamation No. 456/2005) to create institutions and pass laws pertaining to rural land administration and use in order to carry out the provisions of the proclamation within their own regions. In light of this provision, the Oromia national Regional State has enacted numerous laws pertaining to the administration and use of rural land in accordance with federal rural land legislation since 2002. These laws have been modified to account for evolving circumstances (Dibaba, 2020).

Proclamation 56/2002, is the first rural land use and administration law passed in the region. It established the institutional framework and regulatory legal framework for handling holding rights and managing rural farm and pastoral lands. According to the Preamble of Oromia Rural Land Use and Administration Proclamation 56/2002, the main goals of this law were to establish

the extent of land users' rights, security, and obligations in compliance with the country's land policy, and to promote the efficient and sustainable management of land and land resources without jeopardizing the development hopes of future generations.

The progressive measures of the previous Oromia rural land legislation on the security of holding rights for pastoralists and peasants have been reverted by Proclamation No. 70/2003, which was created to revise some of the articles of Proclamation No. 56/2002. First, the amendment by **proclamation 70/2003** only permits holding rights to be transferred through succession to one's children by narrowly defining the terms family member to constitute natural or adopted children of the holder (Article 2 (1) of Proclamation 70/2003). This limited the ability of holders to transfer use rights through inheritance. Second, according to Article 2(2) of Proclamation 70/2003, the new proclamation gives the government the authority to seize the holdings of pastoralists or peasants and offer leaseholds to investors if the land in issue is determined to be significant for long-term investment.

Proclamation 103/2005 was created to protect farming households' tenure security in western Oromia, a region known for the widespread cultivation of perennial crops. The wealthiest from the cities pushed out the farmers in western Wellega, Ilubabor, and Jimma by selling their coffee trees. The government created a sort of policy measure, Proclamation 103/2005, restricting peasant holders from selling property acquired on their landholding, such as coffee trees, papaya, orange, mango, avocado, in order to stop farmers in Western Oromia from being forced to leave their plots of land. It specifically forbids holders from selling perennial crops if the product to be sold makes up more than 50% of the farmer's whole holdings and the sale agreement lasts longer than three years (Dibaba, 2020).

Proclamation No. 103/2005's changes have not improved tenure security or the holding rights of farmers or pastoralists. The state of Oromia passed a new rural land use and administration law in 2007 in response to issues encountered during the implementation of the previous proclamations and the need to resolve potential disputes pertaining to land tenure (Preamble of Proclamation No. 130/2007). The majority of the rules and guidelines that the previous laws followed are reiterated in this statute. The ability for investors to mortgage land they have obtained through the investment process is one of the new provisions of the law. Another is the possibility of issuing a certificate of holding in the name of the legitimate holder, whether

through joint ownership or another method. Three main tenure patterns are recognized by the new land use Proclamation No. 130/2007: individual holding, communal holding, and state holding (Articles 5 and 15 (1) of Proclamation No. 130/2007).

A new proclamation, Proclamation No 248/2023, has recently replaced Proclamation No 130/2007. The main goal of this law was to completely address the shortcomings in the previous legislation concerning rights and obligations, guarantees for land use, dispute resolution, stopping illegal acquisitions and transfers, the effects of illegally acquired land, the statute of limitations, land administration, and other relevant matters (Preamble of Proclamation No. 248/2023). Together with this, this region has also produced lower-level laws, such as directives and regulations.

Even though this region has enacted numerous laws pertaining to the administration and use of rural land; there is no comprehensive national land use policy at national level that clearly sets out the country's land governance which can be taken as one challenge for the effective governance of rural land (Wabelo, 2020)

As an illustration, since communal and pastoral lands are inherently distinct from private and state holdings, there are no separate law governing them. How rights in communal lands are certified and registered is not specified in any separate law. Due to the hierarchical nature of the dispute resolution system in rural land proclamations, which appears to be designed specifically to handle issues arising in agricultural lands, it is difficult to settle land-related problems on pastoral and communal land (Wabelo, 2020). Tura (2017) conducted an excellent analysis and concluded that Ethiopian land laws and practices facilitate land dispossessions without just compensation, rather than safeguarding the private and communal land rights of smallholders and indigenous peoples.

The institutional framework for managing rural land in regional states varies, as do their names (Nega *et al.*, 2021). Certain regions, like Oromia and Amhara, have land administration offices at the kebele level, while other regions, like the former SNNPR, are still arranged at the zonal or district level. Certain regional states have only created land administration committees at the kebele level, but Amhara and Tigray national regional states, for example, have established them even at the sub-kebele levels (Agonafir, 2022).

The Oromia national regional state's land administration institution was initially organized as the "Oromia Bureau of rural Land and Environmental Protection" (Proclamation No. 147/2009) at bureau level, together with an environmental unit. But in the meantime, the land administration and use department and the environmental protection authority run separately, and the former is now known as the Oromia Region Rural Land Administration and Use Bureau (Behailu & Kasa, 2018). As per Article 5 (1–5) of Proc. No. 147/2009, the bureau is tasked with formulating policies and strategies related to land and environmental protection, managing the region's land resources, conducting research, creating land use master plans, executing cadastral surveying, and carrying out studies on development corridors and growth centers. Moreover, the bureau is mandated to determine the issue of compensation during expropriation of land for development works. It is also supposed to resolve or cause to be resolved by concerned organ land disputes and take legal action on individuals or entities that use land to the detriment of natural resources; collect, store, analyze and administer land resource; and prepare environmental standards (Article 5 (9) (13) (15) (16) of Proc. No. 147/2009).

Proclamation No. 242/2021, which re-established and determined the powers and duties of the Oromia regional state executive organs, also transformed the office's organizational structure to become the Oromia bureau of land by combining both rural and urban lands. Unlike other parts of the nation, the bureau is able to oversee land in both urban and rural areas in this region (Nega *et al.*, 2021). The division between land administration in urban and rural areas has been removed by the Oromia bureau of the land by merging into a single bureau. Among others, the authority's responsibilities and powers are outlined in its provisions Article 26 (1–38) of Proc. No. 242/2021.

Under the regional bureau, there are zonal offices which coordinate efforts at the local woreda (district) level offices. The main tasks of the zonal offices are to coordinate districts under their jurisdiction, provide training for the district staffs, consolidate data from districts, and report to the regional bureau (Dibaba, 2020).

The district level land administration, land use, and environment offices are set up similarly to the zonal administration. At the woreda level, offices for land administration and environmental protection were also established. Actually, it is at this local government level where all work related to land administration, land use, and environmental protection is done. Every piece of

land in the woreda is measured by the land administration office, which is crucial for the country's development. To facilitate land use planning and environmental preservation, all mountains, hills, rivers, lakes, and forests are measured, registered, and documented on land. The information will therefore be forwarded to the zonal administration, which will aggregate all of the data from its subordinate districts and forward it to the regional government bureau (Dibaba, 2020 & Wabelo, 2020).

The Oromia national regional state proclamation and regulation (Proclamation No 248/2023 and Regulation No-151/2005) say that in addition to locally constituted organizations, there are Kebele Land Administration & Use Committees (Committees) that are tasked with implementing land administration systems. According to Article 50(4) of Proclamation No-248/2023, the members of this committee are volunteers chosen by the people living in each kebele to carry out the land administration system. The proclamation entrusts the Committee to create awareness to the public regarding the purpose of rural land registration, cadaster and issuance of maps together with kebele rural land administration and use officer; carry out land surveying and registration together with the staff assigned by the bureau; ensures the implementations of rural land use plan, follow up and control for the necessary protection and conservation of the land to be carried out, submit the existing problem to the kebele administration for corrective measures to be taken on; provide support on how to resolves conflict and disputes over boundaries and land holdings, properly maintain the record of the surveyed and registered land, send the evidences or certificate of surveyed and registered lands which is confirmed or certified by the kebele administration for the office(Article 51 (1-5) of Proc. No-248/2023).

Adam & Birhanu (2017) argue that all day-to-day land administration and uses matters at the kebele level are under the responsibility of the Kebele Rural Land Administration and use Committee (KLAC). Its duties include delineating the borders of kebeles and sub-kebeles, communal lands, land owned by organizations (such as schools, hospitals, and religious centers), registering individual holdings, and approving land transfers. Records of landowners are also maintained by it. Public meetings and hearings, as well as the elected members of the land administration committee, ensure that landholders are involved in the implementation of the land administration system.

The committee members are volunteers who are elected by local community in each kebele to implement the land administration system and work without any payment (Wabelo, 2020). The individuals in charge of land administration at the kebele and sub-kebele levels are ordinary individuals, not experts. These bodies don't have any set rules on how to handle land-related matters. Moreover, these organs have no system of payments for doing their official tasks. Only the Tigray national regional state, as stated in Article 33 of the Tigray Regional State Rural Land Adjudication Committees Proclamation No. 240/2014, developed an incentive mechanism (i.e., a per diem arrangement) for the committees. Land laws have not set up mechanisms that would enable these organs to ask for professional assistance in order to carry out their responsibilities. Lack of guidelines concerning land governance and none-incentive arrangement in most of the regional states also discourages the vigor and motivation of the committees on the land governance (Agonafir, 2022). One can deduce from all these stipulations is that, since the committees are lay-men and are not supported by other experts, it is not easy for them to administer rural lands of their community.

Agonafir (2022) notes that in certain regions, the formal mechanisms for resolving land disputes incorporate customary law. In the Amhara National Regional State (ANRS), for instance, the Shemaglewoch Shengo (Elders' council) is established in each Kebele, and its establishment serves as a key mechanism for resolving land-related conflicts through the application of customary law. According to Article.16 (1) (a-j) of Proc. No. 130/2007, the Oromia rural land dispute settlement structure is designed in such a way that in the event of a disagreement over rural land, the local kebele Administration must receive an application first. Then, each of the disputing parties must choose two elders. The kebele administrator, the elders, or parties will appoint the chairperson. When the elders and both sides are unable to agree on an appointment, the kebele administrator, of course, names the chairperson. The elders have 15 days from the time they formed in this manner to report the outcome of their work to the kebele administrators. Enforcing the elders to follow this timetable is the kebele administration's responsibilities. The kebele administration is then required to register the elders' reported results. The copy of the elders' findings must also be sealed by the kebele administration before being given to the parties. If, once the results are registered in the kebele administration, a party is not satisfied with the elders' findings; they can submit an application in a woreda court within 30 days.

But, the recently enacted Proclamation No 248/2023 that repealed and replaced proclamation No 130/2007 were eliminated some of the shortcomings in the previous laws related to land dispute resolutions. This law reaffirms most of the principles and procedures followed by the preceding laws. Some of the new inclusions in the new law are: As per the new land Administration Proclamation No 248/2023, there are basically two types of rural land holder's and use right related disputes settlement mechanisms. Mechanism of settling disputes related to measurements, approval, registration and providing land holding right certificates (Article 32 of proclamation No. 248/2023, 2023). The second one is the mode of settling land holding and use rights disputes (Article 33 of proclamation No 248/2023). The preceding proclamation says nothing as to the form and content of the application whereas, (Article 33. (1) (A-c). Of proclamation No. 248/2023) state that, rural land holding and use right disputes that arise in connection with the following matters shall commence from the kebele administration: Disputes related to boundaries of land; disputes related to land holder's rights like farm land, housing land, pasture, water and irrigation land or disputes between heirs having right to inherit and person not entitled to such right.

According to article 49 (3) (a) of the Revised Oromia Regional State Constitution, Proclamation Number 46/2001, the **Customary Courts** of Oromia region that adjudicate based on customary laws are established by Proclamation **No. 240/2021**; that are accessible, effective in fact finding and dispensation of justice, follow simple and flexible procedures and capable of strengthening social relationship. As (Article 7 (1) (a & b), of (proc. No. 240/2021), there are local/(both kebele and District) level institutions established to enable the society of the region resolve disputes based on customary laws and societal values which have the following structure:

(a) First Instance Customary Court: This may be constituted in all Kebeles

(b) The Appellate Customary Court: which shall be constituted at all district levels and towns as may be necessary.

These two organs are responsible for all the practical matters of disputes resolution both at kebele and woreda level; and the type of Judgment given by the Customary Court was stated as (Advising and giving admonition to the person at fault; Compensation, returning property, deciding the value or amount of the property, upholding any request concerning damage to

economic rights; Awarding ‘Gumaa’; Making the person sued do or refrain from doing a specific act; Costs; (f) Compulsory labor; Fine; Any other order acceptable under customary laws of the place at which the Customary Court carries out its function (Article 32 (1) (a-h) of Oromia Region Customary Courts proclamation No. 240/2021).

According to Gebrelibanos' (2017) study, institutional land governance at the grassroots level was extremely weak in Tigray National Regional State. Agricultural investment, land tenure, conflicts over rural land, and other issues related to rural land governance were not given enough consideration. The present land management system is very decentralized, which is a really good thing. Though most choices are made at the local level, district and village authorities do not have enough assistance to make informed decisions. In general, different research papers demonstrate that, a serious shortage of qualified staff, inadequate capital budget, and limited access to technology are impeding the actual work, in addition to inefficient administrative processes. It is also observed that as one goes down the office hierarchy, there is a decrease in the availability of resources, technology, and trained labor force (Dibaba, 2020).

2.4 Land Expropriation for Development Projects.

Large-scale development initiatives could optimize the well-being of the nation's citizens while also serving the nation's broad economic interests. Its development might result in cheaper energy costs and more readily available energy, which would accelerate the country's overall economic growth. Thousands of new employment and tourism revenue are just two more potential economic benefits that these initiatives might bring about. However, the advantages of significant development initiatives primarily serve the objectives of authoritarian governments and have no bearing whatsoever on the wellbeing of the population (Terminski, 2013). Forced displacement for the purpose of development projects such as building infrastructure, establishing new industries, irrigation schemes, constructing transportation highways, power generation dams, urban renewal, or for urban developments such as hospitals, schools, and airports brings about impoverishment to the displaced peoples. With no doubt such programs are definitely needed. They improve the lives of the local people; it can provide employment opportunity, and supply better services. But the involuntary displacement caused by development programs creates major burden on some segments of the population (Cernea, 2000). As Downing (2002), clearly state that development projects has had depressing consequences in countries

where there is land-based economy and low employment flexibility, together with strongly rooted social stratification. He put out that there are varieties of effects on the displaced household. The major effects include reduction of income, loss of assets and means of livelihoods and reduction of production. He added that it brought about stress to the most vulnerable people such as women, children and elderly, disruption of social networks, loss of economic status, psychological and social stress and effects on human rights.

Ethiopia has dramatically expanded its hydropower producing capabilities over the past 20 years in order to meet domestic demand, spur industrialization, and establish itself as a leading regional electricity exporter (World Bank, 2007). The southwest region of Ethiopia, which is distinguished by high rainfall during the rainy season, mountainous terrain, fertile soils, and customary family farming, is where the majority of Ethiopia's significant hydropower dams are situated. The researcher focuses on one of the biggest dam projects completed in Ethiopia in recent years-the Gilgel Gibe-I (GG-I) hydroelectricity dam-in this section. The dam is situated in the Jimma Zone, Oromia region, southwest Ethiopia. Families that are farmers are typically displaced as a result of hydroelectric power projects (Bahiru, 2010)

The displaced peoples become impoverished when they are forcibly relocated for development projects like building infrastructure, launching new industries, irrigation plans, building transportation routes, building dams to generate electricity, urban renewal, or building urban development's like schools, hospitals, and airports. These kinds of programs are unquestionably necessary. However, many population segments bear a significant burden due to the forcible displacement brought about by development projects (Cernea, 2000).

According to EELPA (Ethiopia Electric Light and Power Authority), 1997; Kassa, 2001, the construction of the dam and reservoir required the partial or whole eviction of family farmers living in 18 kebeles in four nearby woredas (Kersa, Omo Nada, Sokoru, and Nedi Gibe) in the Jimma Zone. The World Bank (2007) reports that, only 706 households were forced to relocate due to the Ethiopian government's GG-I hydroelectric dam project; all of these households received compensation. The truth is a little more nuanced, though, as family farmers are still negatively impacted by the dam as of right now.

The research areas are subject to multiple interrelated and intersecting risks that impact not just the local community's livelihoods and food security but also the hydropower dam's service life. The project affected 2,476 households, of which 706 were living and farming in the reservoir region and the buffer zone, according to the resettlement implementation plan created by the Ethiopian Electric Light and Power Authority (EELPA). Of the 706 households, 562 chose to relocate to the resettlement sites upon acceptance of the offer, while 144 opted to relocate to close relatives inside the project area, without being compensated for their land. Approximately 1,770 families remain in the buffer zone, while the remaining residents that were impacted by the project have not been compensated or given replacement land for immovable properties like trees and perennial crops that were lost. Households in the area were promised electricity after the dam was built, however over the years. In addition, in the research area, family farmers identify the greatest risk factors for food insecurity as being forced to relocate and be evicted from their farms. Roughly 80% of the local households reported having insufficient land to grow enough food to support their families.

According to Moges (2010), when a development project fails to yield the expected development advantages, people would frequently kill one another in order to protect the few land resources. According to Grain (2008, referenced in Gobena, 2010), the agricultural problem is getting worse due to the current worldwide land purchase for development projects. This is a result of large-scale monocultures replacing the farmland that was formerly utilized for agricultural production, driving farmers off the land in favor of machinery. Similar consequences have been experienced by farmers in the study region, who have been forced to give up their land for farming, cattle grazing, water supplies, and other reasons in order to facilitate the construction of a dam. Relocated households may experience food insecurity for a period of time or permanently, contingent on the circumstances surrounding the resettlement. Households that are displaced are uprooted from the land they cultivate or depend on for their livelihoods, which lowers food production and household income. A decrease in household income makes it impossible for families to provide for the essential daily food needs.

2.5 The Importance of Good Governance in Rural Land Administration

A governance system's perceived strength or weakness is determined by how clearly the principles of good governance are incorporated into each decision-making process that has an

impact on stakeholders' quality of life (Ashton, 2005). When the government bases its decisions and actions on the approval, legitimacy, and responsibility of the people, then governance is excellent (Ali, 2016). Sustaining the global agenda established by the adoption of the MDGs and SDGs requires strong land governance, which is why it is essential (Behailu and Kasa2018.) According to Deininger et al. (2010), responsible land administration promotes long-term investment, safeguards the means of subsistence for vulnerable populations, makes low-cost transfers easier, attracts private sector investment, and strengthens local government accountability. Ineffective land governance is linked to rising property rights insecurity as well as a high degree of bribery and corruption in land-use activities, particularly in emerging nations (Bell, 2007). As Keith Clifford Bell (2007) noted, there are numerous advantages to improved land use governance, but six are perhaps particularly important:

As Keith Clifford Bell (2007) presented among many benefits that may accrue from better governance in land administration, arguably six areas are considered to be especially significant:

A. Pro-poor Support: Good governance in land administration provides more equitable access to the rule of law and protects the rights of citizens, especially those vulnerable societal groups such as women and widows, orphans, ethnic minorities and the general poor.

B. Public Confidence: Good governance in land administration enables greater public confidence, both from individuals and business, which are more likely to invest in property.

C. Economic Growth: Good governance in land administration increases the overall security of land tenure which enables better access to credit and wealth generation. Transparent, accountable public administration ensures that transaction costs are regulated and taxation is more equitable.

D. Protection of State Assets: Transparent state land management helps to protect state assets from illegal exploitation. It also enables legitimate use of state land for social concessions.

E. Conflict Prevention and Resolution: Overall equity, justice and social stability is enhanced through good governance in land administration. Access to affordable, transparent, efficient, equitable, timely and just dispute resolution reduces conflict.

However, as poor women are typically less able to assert their rights, inadequate governance actually serves to perpetuate gender inequality. By giving the rich access to chances for land acquisition and depriving the poor of their rights to land and common property resources like forests and grazing lands, it perpetuates social inequality with potentially unstable results. Furthermore, when dishonest public servants and capitalists band together to disregard

regulations governing land use, water, mineral extraction and forest clearance, environment suffers from poor land governance.

Weak governance is a direct cause of the deterioration of state land, especially that found in national parks, and its unauthorized use. By avoiding paying property taxes, municipalities lose out on cash that could be utilized for basic services and infrastructure expansion. Investment is discouraged and economic progress is impeded by the arbitrary application of the law. When there is a lack of motivation, inadequate training, or compensation for land agency employees, when there are opaque decision-making procedures, or when civil society is weak, bad governance in land tenure tends to thrive. Grievances pertaining to land can turn violent and cause conflict if they are not resolved (Palmer *et al.*, 2009). Weak land governance tends to be characterized by low levels of transparency, accountability and the rule of law. Under such a system, land distribution is unequal, tenure is insecure, and natural resources are poorly managed. As a consequence, social stability, investment, economic growth and sustainable development are undermined (Transparency International/FAO, 2011). In summary, poor governance results in a number of issues, including insecure tenure, high transaction costs, unofficial land sales and the black market for real estate, land grabbing and illegal transfers of state land, restricted local revenue, land conflict, social instability, political instability, and social exclusion, as well as the degradation of morality and ethical standards and unsustainable management of natural resources.

According to Kaufmann and Kraay (2008), there are several governance indicators that fall into two categories: those that are outcome-based and rule-based. Although it is evident that the latter is what matters and is wanted, rule-based indicators give little weight to the degree and caliber of their execution. In contrast, indicators based on outcomes concentrate on two main areas: general public perceptions, the degree to which (prospective) consumers perceive public services to be freely accessible and accommodating to their demands, or professional judgment regarding the actual application of regulations. They offer a more nuanced picture, but they are typically harder to obtain and less useful for policymaking. Rule-based and output indicators can work well together in practice (Deininger *et al.*, 2010). The most common indicators in the land sector have been those that are based on the opinions of specialists who are thought to be well-versed in the field. When evaluating opinions, a multitude of distinct aspects are frequently considered. These

dimensions are given scores, which are subsequently combined to make overall decisions, such as allocating resources among competing initiatives.

Whether there are established organizations like anticorruption commissions that are typically thought to be linked to good governance. Referencing discrete measurements facilitates the assessment of governance status and progress, provided that pertinent measures are identified, easily seen by external parties, and clearly related to positive results. Nonetheless, a commonly acknowledged disadvantage is that a substantial quantity of indicators would be required to approximate the intricacy of actual scenarios.

2.6 Principles of Good Governance for Rural Land Administration

According to different authors and institutions like UNDP, UNESCAP, WB, DFID and ADB, good governance has a plenty of features that is growing from time to time. Nevertheless, the following elements are selected for detail discussion in this study based on necessity of the principles for this study. Thus, under the purpose of reversing the bad governance in rural land sector faced by the rural farming households, one most representative principle has been selected based on summarizing existing principles of good governance from different index and guideline. This principle is efficiency & effectiveness. On the other hand, principles which are not closely related to the rural land issue have been removed such as human resource development, safety, and absence of violence. After modifying and refinement of existing principles, the selected principle is representative and adequate enough to derive the good governance within rural land governance. The relevance of this principle is discussed below.

A. Participation- is the act of engagement of stakeholders at various levels in decision making processes regarding land issues that affect their interest. The indicators of participation include: the extent of involvement of community members in land delivery processes, plan preparation, policy decision, and implementation of laws and regulations.

B. Transparency- means that information is freely available and accessible land management decisions and their enforcement are made honestly and fairly. The indicators of transparency include: clarity of land delivery processes, clarity and accessibility of laws and rules regulating land, as well as free flow and accessible land information to all.

C. Accountability- is the answerability of institutions or/and servants for their actions and resulting consequences in implementing land policies. The indicators of accountability include:

the mechanism of reporting, mechanisms of declaration of financial statements, mechanisms for questioning and appeal mechanisms for conflict resolution.

D. Efficiency and Effectiveness: Some indicators of efficiency and effectiveness, include customer satisfaction; risk of bribery, land conflict resolution mechanisms, land registration systems; and time, cost and clarity of procedures to access land, availability of a single agency and “one stop shop offices”, plus separation of front and back office.

2.7. Land Tenure Security and Land Governance

Governance indicators can be categorized into rule based and outcome-based ones (Kaufmann and Kraay 2008). Of these, Glover & Glover (2011) grouped tenure security as one of the most important outcomes based of land governance. Moreover, World Bank (2012) also indicated individuals' rural land tenure rights protection as an important dimension of land governance. As stated by many scholars, weak land governance tends to be characterized by tenure insecurity (Transparency International, 2011 and Zakout, 2006). As a result, social stability, investment, broad-based economic growth and sustainable development are undermined (Transparency International, 2011 and Zakout, 2006). Security of land tenure is the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction (CSA, 2021). Security of tenure cannot be measured directly and, to a large extent, it is what people perceive it to (FAO, 2002). According to FAO (2002) the sources of security may be community and its specific groups, Governments, administrative state and the formal legal system and coercive structures such as “warlords” that emerge in the absence of an effective state during periods of civil unrest. Land tenure security is a critical issue to provide motivation to invest on the land, reduce and resolve land related disputes and to increase productivity (World Bank, 2007). Additionally, secure property rights protect individuals against expropriation by neighbors and other agents, as well as against the state (Dessalegn, 2004).

3. MATERIALS AND METHODS

3.1. Description of the study area

3.1.1. Location

The study was conducted in Kersa district, which is one of the districts of Jimma Zone of Oromia National Regional state of Ethiopia (Figure 3.1). It is bordered on the south by Dedo district, on the southwest by Seka Chekorsa district, on the west by Mana district, on the north by Limmu Kosa district, on the northeast by Nedi Gibe district, and on the southeast by Omo Nada district. It is located at about 324 km away from the capital city, Addis Ababa in the southwest and 22 km away from the capital city of the zone, Jimma in the east direction. The coordinate values that extend from 7°40'25"N to 7°56'35" N and 36 °54'10"E to 37°10'20"E.

3.1.2. Population

The district has about 32 Keble's, of these 30 of them are rural based administrative which is the largest share of the administrative of the district and 2 of them are under the town administration (KDAO 2023). The 2007 national census reported a total population for this District of 165,391, of whom 83,579 are men and 81,812 are women; 5,426 or 3.28% of its population are urban dwellers.

3.1.3. Land Use and Economic Activities

A survey of the land in this District shows that from the total area of 103001.34 km², 58.6% is arable or cultivable (37.5% is under annual crops), 17.3% pasture, 6.0% forest, and the remaining 18.9% is considered swampy, degraded or otherwise unusable (KDADO, 2023). Agriculture is the most important source of household income in the study area. The area is mostly known for its vegetation coverage, suitability for coffee, crop, livestock and bee production. The major cash crops which grown are: -Maize, Sorghum, Barley, Wheat, soya bean, field pea, Coffee, Chat (*Cath edulus*), fruits and vegetables. The soil type of the study area is characterized with black to red soils. The farming calendar of the districts is from June to August and like most part of the country rain fed agriculture is practiced. According to the same source, the living styles of the people in the area are characterized by mixed-farming and petty trades. The farmer's rear different livestock such as cattle, sheep, goats and horse basically to generate additional income to supplement the income generated from agricultural produce.

3.1.4. Agro-ecology of the district

Kersa district has a tropical rainforest climate (AF) under the Koppen climate classification. This is a comfortable range, with the daily mean staying between 20°C and 25°C year-round. The district receives 2935 mm annual rainfall. The altitude of this district ranges from 1740 to 2660 meters above sea level and covers slope range from flat (0°) to very steep (71°). It is characterized as hot humid tropical with bimodal heavy rainfall which is uniform in amount and distribution, ranging from 1200 to 2800 mm per year, with where; short and main seasons occurring from mid-February to May and June to September, respectively. The mean annual temperature of the area is less than 19.5°C. The district has two basic agro-climatic conditions; namely, high land (Dega) and Middle land (Woyina-Dega) agro-ecological zone. Mountains include Sume, Gora, Kero, Folla and Jiren. Perennial rivers include the Gilgil gibe, Kersa, Kusaye, Melekata and Birbirsa (KDADO, 2023).

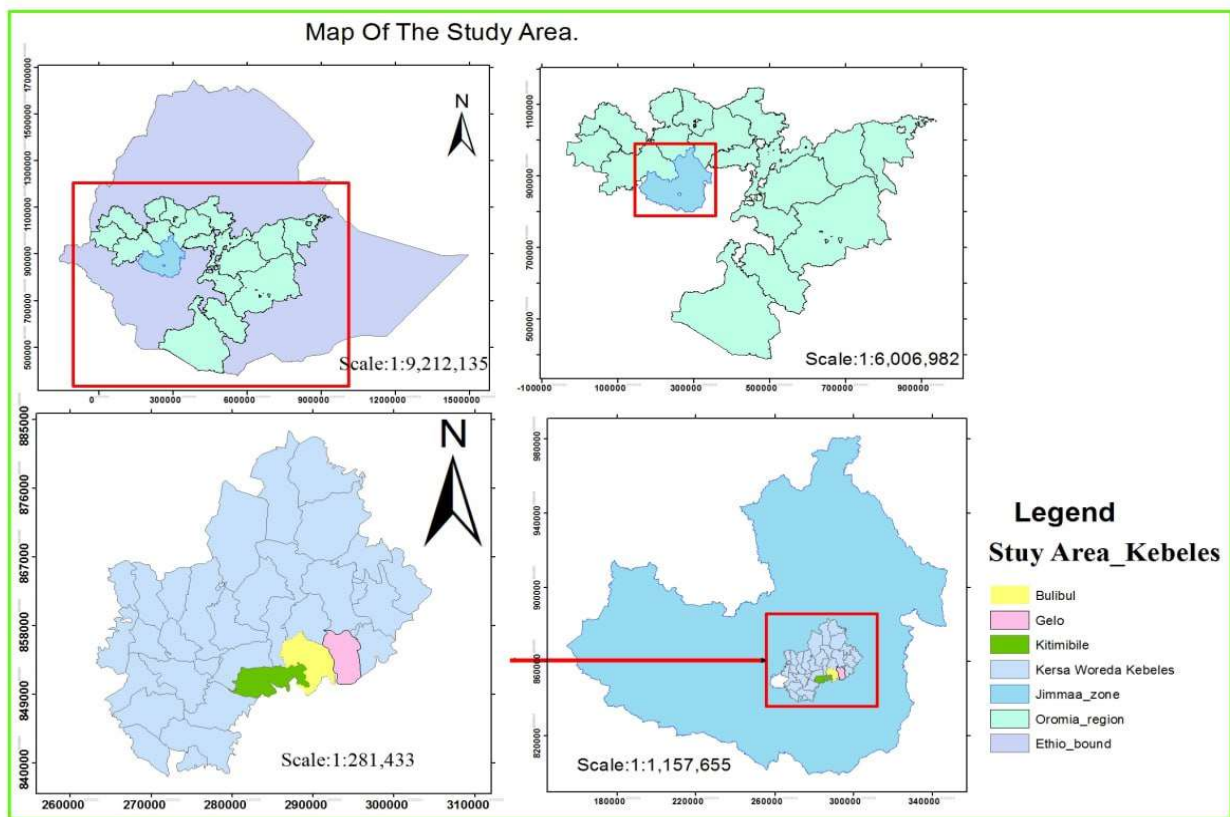


Figure 3.1 Location map of the study area (Kersa District)

3.2. Research Approach and Design

To address the objective of this study, quantitative data including the levels of institutional capacity; the level of land holding protection from expropriation, execution of development project in relation to benefit for the community, the status of land registration and certification, extent to which the certificate is used as evidence for dispute resolution by courts, the time taken to resolve particular land dispute and factors affecting land tenure security were generated using questionnaire survey. In addition, the perceptions/opinion of farm households about the situations of land rights, mechanisms and techniques used to encroach against forest and communal lands and the decision-making processes in land governance was obtained through focus group discussions (FGDs), key informant interviews (KIIs) and field observation; and narrated using the qualitative approach. Though, instead of using either of the two approaches, in this study both qualitative and quantitative type of research approach, which is commonly named as mixed methods research approach was used. The reason for using mixed methods research is that it provides a more complete understanding of a research problem than either approach alone as stated by Creswell (2014). For this research, the sequential explanatory strategy was employed during data collection and analysis. In this research quantitative data were collected followed by qualitative data. The same sequence was applied for the data analysis.

3.3 Sampling Techniques and Sample Size Determination.

Multistage sampling techniques were employed to select study area and respondent households. **In the first stage** Kersa district was selected purposely since it is known for Development Projects affected Communities (second phase Gilgel Gibe Dam (1999-2000)) which resulted in frequent land disputes between resellers and native community, many farmers were left without farmland and exposed to serious household food insecurity, forest and communal land encroachment, land degradation, landlessness, social instability (Kassahun, 2001).

In second stage, among the district thirty (30) rural kebeles three of the, namely, Gello, Bulbul, and Kitinbille kebeles were selected purposely again since they share many of the problems described above and the data required to address the research objectives was secured in these three kebeles.

In the third stage 352 sample respondents of farm household were selected using systematic random sampling from a list all 2954 farm household living in the three selected kebele based on simplified formula suggested by Yamane (1967) as:

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

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

$$n = \frac{2954}{1 + 2954(0.05)^2} = 352$$

According to data obtained from Kitinbile, Gello and Bulbul Kebele Administration Office, (2023), the total numbers of target population of these 3 rural kebeles were 2,954 households and the breakdown is presented in table 3.1.

Table 3.1 Total farm households in the sampled kebeles

Number of Farm Households in the Selected Kebeles					
Kitinbille Kebele		Gello Kebele		Bulbul Kebele	
Male headed	794	Male headed	881	Male headed	972
Female headed	122	Female headed	107	Female headed	78
Sub Total	916	Sub Total	988	Sub Total	1050
Total Male headed			2647		
Total Female headed			307		
Grand Total			2954		

Source: Kitinbile, Gello and Bubul kebele Administration Office, 2023

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

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

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

Table 3. 2 Sample size proportion for sampled kebeles based on number of farm households

Kebele	Total FHH	Sampled FHH	Proportion in%	Male headed	Female headed
Kitinbille	916	109	31	94	15
Gello	988	118	34	105	13
Bulbul	1050	125	35	116	9
Total	2954	352	100	315	37

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

3.4 Sources and Methods of Data Collection

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

Data Collection Techniques: As it is argued by Creswell (2003) the use of multiple sources of information, methods and techniques was assumed to validate information using a triangulation process for their reliability. Collecting data through different tools leads to accurate research findings. Having this in mind, in this research both primary and secondary data collection instruments were used as stated below.

A) Questionnaires: a standard questionnaire consisting of closed and open-ended questions were prepared to collect primary data (Appendix 1). To communicate effectively with the

respondents, the questionnaire were translated from English to Afan Oromo, Face-to-face interviews was applied, as many of the respondents were illiterate. Six experts (two developmental agents or DA) from selected kebele, two land administration experts from district and two land administration experts from selected kebele with a minimum college diploma were assigned to collect the data. Before data collection, they shared ideas with the principal researcher and they were trained to guarantee a standardized and harmonized data collection procedure and disciplines. A pre-testing of the questionnaires was conducted in advance in one of the study kebeles for one day. Based on these experiences, the questionnaires were adapted and improved.

B) Focus group discussions (FGDs): To clarify the information that were collected through questionnaires from the sample households, FGDs data were collected from elderly, women, expropriated farm households, landless people and prominent landholders (Appendix 2). Hence, twelve FGDs (four in each kebele) with eight participants in each FGD were carried out. Focus group discussion participants were selected purposively based on their knowledge and experience in rural land governance practices. The discussion focus on the perceptions on effectiveness of current rural land governance, challenges of current land governance, security of tenure issues and etc. In all the FGD data collection, assistant note takers was assigned to record each and every idea expressed by the discussants while the researcher lead the discussion. The data collected in each FGD were summarized in the day it was carried out and important points were also consolidated. Points which were required further in one FGD were set for further discussion in the next FGDs.

C) Key Informant Interview (KIIs): Key informant interview also conducted as a qualitative instrument. This method was quite important where by the well-informed informants provide rich and detailed information on the subject of inquiry. Key informants are persons who have unique knowledge about the issue under study, and have access to other information of interest to this research (Kaufman, 2005). Checklists of questions were used for the KI interview (Appendix 3). The selected key informants were interviewed face to face and their responses were recorded manually. In the context of this study, key-informants from district and representative Kebeles were selected as shown in Table 3.3.

Table 3. 3 Numbers of key informants from rural land sector institutions.

Key-Informants	No. of Institution (District/Kebele)	No. of Key Informants	Sub-total	Total
District land admin expert	1	2	2	36
Kebele Land admin. expert	3	1	3	
District Judge	1	1	1	
Kebele land Adm. Committee	3	3	9	
First Instance Customary Court	3	3	9	
Appellate Customary Court:	1	3	3	
Kebele administrators	3	1	3	
Community elder	3	2	6	

D) Direct observation technique: Direct observation was made in the district rural land administration and use offices, Kebele land Administrational Office (KAO) and the private, communal and forest lands areas. A checklist and camera were used to record and capture the observed data (Appendix 4). This method was employed in order to gate the deep insight about realities on the ground.

3.5 Method of Data Analysis and Presentations

As described in the previous section, quantitative and qualitative data were collected through questionnaire, focus group discussions and key informant interviews. In total, data of 352 farm households were collected, encoded and analyzed using Statistical Package for Social Science (SPSS, version 25). The quantitative data analyses were undertaken using descriptive statistical analysis and binary logistic regression model. To address (1-4) objectives i.e. the levels of institutional capacity, the level of land holding protection from expropriation, execution of development project in relation to benefit for the community, the status of land registration and certification, extent to which the certificate is used as evidence for dispute resolution by courts, the time taken to resolve particular land dispute, descriptive statistical analysis was employed. Moreover, in this research binary logistic regression model was also applied to examine the statistically significance of factors affecting land tenure security (the last objective) of farm households. The qualitative data that were collected through FGD, observation, document review

and key informant interview were analyzed using non-statics or in a descriptive way though narration explanations. Data reporting were presented using tables for ease of looking and texts to explain the table values for further comprehension.

3.5.1 Descriptive Analysis Method

Descriptive statistical analysis was employed to analyze socio-economic characteristics; institutional capacity, level of land holding protection from expropriation, execution of development project in relation to benefit for the community, the status of land registration and certification, extent to which the certificate is used as evidence for dispute resolution by courts and time taken to resolve particular land dispute. Mean values, frequency, standard deviations and percentages of the collected data were calculated for analysis.

3.5.2 Binary Logistic Regression Model

To identify whether the current rural land governance practice was effective in terms of tenure security, binary logistic regression model was employed. One statistical method for determining the likelihood of two events is binary logistic regression (White *et al.*, 2001). When dealing with a dichotomous dependent variable, binary logistic regression was employed. In order to analyze the factors impacting the land tenure security of farm households in the study area, a binary logistic regression model was used. In the study of this kind of dependent variables, binary logistic regression model is desirable than other methods (Hosmer & Lemeshow, 1989), as the approach is very flexible and easy to implement (Greene, 2003) and when the predictor variables are a combination of continuous and categorical variables.

This model's formula appears to be as follows:

$$\ln \left[\frac{P_i}{1-P_i} \right] = \beta_0 + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3 + \beta_4 x_4 + \beta_5 x_5 + \epsilon_i$$
 Whereas: For every independent variable $X_1, X_2, X_3, X_4, X_5, X_6, \dots, X_n$ to the predictors of the dependent variable, P_i is the probability of an outcome and B_i is the rate change in the dependent variable for unit change in independent variables. ϵ_i = term of error. The two possible outcomes of this study are whether or not the land tenure in the study area is secured or insecure. Given that there are two likely outcomes, the dependent variable in this case should be represented by a dummy variable with the values 0 and 1; $Y_i = 1$ indicates that land tenure is secure, whereas 0 indicates insecure.

3.5.3 Definition of Variables

Dependent (Treatment) and Independent (explanatory) Variable

The dependent variable is **land tenure security** (Its) and nine independent variables were used to estimate whether land tenure security is related to these explanatory variables or not. These were, age of the household heads (HHHs), sex of the HHHs, educational status of the HHHs, family size and land holding size (Holden & Yohannes, 2001); fear of the risk of expropriation for public purpose Gebremichael (2016); (Deininger & Jin, 2006); absence of clear justice system to settle land related disputes, lack of experience and knowledge in the local land administration experts (Bruce et al., 1994; Rahmato, 2004); Absence of land certificate (Deininger & Jin, 2006).

Table 3. 4 Overview and definition of variables in the binary logistic regression model.

Variables code	Variable type	Description	Expected sign
Its	Dummy	Land tenure security; 1 = yes (secure), 0= no (insecure)	
agehh	Continuous	Age of the head of the household	-
sexhh	Dummy	Sex of the head of the household; male=1, female=0	+
famsize	Continuous	Family size of the household	+
landsizehh	Continuous	Total farm landholding size in hectare	+
edustatushh	Dummy	Educational status of the hhhs; 0 =illiterate, 1 = read and write, 2 = 1ry school, 3 = 2ry school and above	+
frep	Dummy	Fear of the risk of Expropriation; 0 = yes, 1 = no	-
acjs	Dummy	Absence of clear justice system to settle land related disputes; 0 = yes, 1 = no	-
leklae	Dummy	Lack of experience and knowledge of the land administration experts; 0 = no, 1 = yes	-
alc	Dummy	Absence of Land certificate; 0 = no, 1 = yes	-

3.6. Validity and Reliability of the Research Instrument

3.6.1 Validity

Validity was used to assess if a study measured what it was supposed to measure and to estimate how true the findings were. The question of whether the results truly reflect what they seem to be is what validity is all about (Saunders, 2009). The study made sure that only legitimate questions were posed. Prior to being provided to informants, the questionnaires were continuously revised before being made available to respondents.

3.6.2 Reliability

The degree to which an instrument measures the same way every time it is used with the same conditions and subjects is known as reliability. Amin (2005) states that, an instrument's reliability is determined by how regularly it assesses the subject it is intended to measure. 352 persons were given the questionnaire to test its reliability; a month later, they were given an identical copy. The variance assessment revealed that the questionnaire appeared reliable, since the deviation from the initial response was little.

4. RESULT AND DISCUSSION

The result of the study concerning socio economic characteristics, the levels of institutional capacity, status of land holding protection from expropriation, execution of development project in relation to benefit for the community, the status of land registration and certification, extent to which the certificate is used as evidence for dispute resolution by courts, the time taken to resolve particular land dispute and the binary logistic regression analysis for factors affecting land tenure security of rural households in the study area were presented in the form of tables with textual explanations of the table values.

4.1. Socio-Economic and Demographic Characteristics of Sample Households

As indicated in Table 4.1, out of the total 352 sample respondents 315 (89.5 %) were male and the remaining 37 (9.5 %) were female. In terms of marital status of household heads 88.4% of respondents were married, 3.1% were single (unmarried), 3.7% were divorced and the remaining 4.8% of the study participants were widowed. Regarding the educational level of the respondents in the study kebeles out of 352 total sampled households, 230 (65.3%) illiterate, 48 (13.6%) read and write only, 41 (11.6%) primary school and 33 (9.4%) secondary and above. On the other, source of income for majority (88.1%) of the respondents were on-farm incomes such as rain-fed agricultural crop production, livestock rearing. An off-farm income occupies the next position (11.9%). Income from off-farm work supplements on-farm income and helps to expand economic activity and employment opportunities in the study area.

Table 4. 1 Socio-Economic Characteristics (Categorical Variables) of Sample Households

S/N	Categorical Variables	Categorical Variables	Frequency	%
1	Sex of household head	Male	315	89.5
		Female	37	10.5
		Total	352	100
2	Marital status of HHH	Married	311	88.4
		Single	11	3.1
		Divorced	13	3.7
		Widowed	17	4.8
		Total	352	100

3	Educational status of HHH	Illiterate	230	65.3
		Read and write	48	13.6
		Primary school	41	11.6
		Secondary school	33	9.4
		Total	352	100
4	Source of income of HHH	Farm	310	88.1
		Off-farm	42	11.9
		Total	352	100

As shown in table 4.2, the age structure of the respondents indicated that their age ranges from 25 to 70 years, and the mean age is 45.17 indicating that the respondents are found in the productive age groups. The combination of wide-ranging age groups has given an opportunity to collect detailed information on the issue under study in the different age groups. The average family size of respondents was 5.1 and the maximum and minimum family sizes were 1 and 11 respectively. Unless family planning programs are introduced and a shift in thinking about family size is developed, the substantially increasing family size will cause pressure on state and communal lands. The result also shows, the minimum and the maximum land holding of the farm households were **0.5 hek** and **5 hek** respectively. While the average being **1.8892 hek**.

Table 4. 2 Socio-Economic Characteristics (Continuous Variables) of Sample Households

S/N	Continuous Variables	N	Minimum	Maximum	Mean	Std. Deviation
	Age of household head	352	25.00	70.00	45.1761	8.36883
	Land Size in hectares.	352	.50	5.00	1.8892	.82699
	Family size of HH	352	1.00	11.00	5.1222	1.81772

4.2. Institutional Effectiveness of Stakeholders Involved in Rural Land Governance

Table 4.3 Present the result of institutional capacity of stakeholders involved in rural land governance in the study area. Effective land governance depends on institutional capacity to translate the legal and policy framework into action or institutional setup is one of the most significant factors that contribute to the success of land administration systems through the translation of legal tools and policies into practice (Wabelo, 2020).

Table 4. 3 Institutional capacities of rural land governance institutions

S/ N	Local Land Administration Institutions	Good		Satisfactory		Low	
		Freq.	%	Freq.	%	Freq.	%
1	Knowledge of KLAE in land dispute resolution	32	9.1	55	15.6	265	75.3
2	Capacity building training for KLA experts	21	6.0	56	15.9	275	78.1
3	Incentive mechanisms for KLA experts	26	7.4	42	11.9	284	80.7
4	Facilities (time and place) to get KLA experts	127	36.1	81	23.0	144	40.9
5	Community elders to manage land dispute	103	29.3	112	31.8	137	38.9
6	Customary Courts to manage land dispute	97	27.6	124	35.2	131	37.2
7	DRLA (institutional and technical)	84	23.9	132	37.5	136	38.6
8	District court (institutional and technical)	255	72.4	64	18.2	33	9.4

Knowledge of KLA experts in land dispute resolution

Some regions, such as Oromia and Amhara have extended their land administration office to the kebele level and assigned experts in order to perform the administrative function entrusted in the rural land proclamation of the region (Adam and Birhanu, 2017). The Oromia national regional state, had assigned rural land administration and use experts at the kebele level that shall implement rural land administration and use systems. The **KLA experts** is a body responsible for all the practical matters of land administration and use at kebele level together with other stakeholders; and the type of service rendered by these organ was stated as arbitration, registers and keeps the land holders of the kebele, awareness creation on land administration issues, awareness creation on land use and assistance on delineation of boundaries (Adam & Birhanu, 2017).

As shown in Table 4.3, **75.3 %** of sample respondents replied that the knowledge and skill of kebele land administration experts in land dispute resolution were low. Whereas, about **15.6 %** responded that the experts have satisfactory skills and knowledge and the remaining **9.1%** have responded that the experts have good skills and knowledge. This figure implies that the capacity of land administration staffs at kebele level, were found that they were not capable enough to manage rural land conflicts. This is in compliance with findings of Nerea, (2013) which state that, local land governance structures and institutions were weak in terms of the coverage, and capability to reach and serve the community. Land governance needs the land judges and administrators to be familiar with some national and regional land policies, laws and regulations

(FAO, 2007), whereas, in this case most of them did not had the knowledge, and even interest to know about the policies, laws and regulations.

Capacity building training for KLA experts: Lack of knowledge and skill of KLA experts were another indicator of whether Capacity building training were given for KLA experts or not. In this regard, Table 4.3 shows that, about **78.1** % of respondents believe the capacity building training given was low; followed by **15.9** % respondents said that training given was satisfactory and the remaining **6.0%** replies' good. Thus, lack of knowledge and skill to resolve land dispute coupled with lack of training again makes the quality of decision and services the worst. In this case, experts from district (RLAO) said that: “We were supposed to give training for kebele rural land administration and use experts at least 4 (four) time within a year. But, due to the deficiency of budget the training was given only one time in a year.

Incentive mechanisms for KLA experts: Regarding the incentive mechanisms given for KLA experts, about 80.7% of respondents said that there were no any incentives except the salary paid from the government. The interviews from the experts reveals that, government don't give any incentive for the activities they do except the monthly salary.

Facilities (time and place) to get KLA experts: As indicated in the above table, **144 (40.9%)** of the respondents replied that the time and place to get KLA expert was low and **127 (36.1%)** of sample respondents were said good. In this regard, manager of rural land administration office said that due to budget constraint we have assigned only **15 (fifteen)** expert out of **30 (thirty)** kebeles. “We were also asked District Administration to assign KLA experts to the rest **17(seventeen)** kebele. But still it was not realized because of the budget constraint i have stated earlier”. Key informants also noted that “the **KLA experts** haven't their own office and instead of they make available themselves in Kebele administration Office (KAO.” This is similar with the findings of Wobelo, (2020).

Knowledge of KLA committee in land dispute resolution: There are also lower level institutions, which are established at kebele and sub-kebele level that are mandated to perform rural land administration tasks (Wobelo, 2020). Some of the regional states have established land administration committee in the kebele level only while others. For example, Amhara and Tigray national regional states have established the committees even in the sub-kebele levels. While, the SNNPR state has established rural land administration and use committee at the kebele level. As

per (article 50 of Oromia regional state rural land administration and use proclamation No.248/2023) there are local/kebele level institutions to be established to implement land administration issues, which are called kebele land administration and use committees (**KLAC**). The KLAC is a body responsible for all the practical matters of land administration and use at kebele level. Unlikely, in Kersa district, kebele land administration and use committees were not well organized practically on the grounds except during the first level land registration and certification program.

Community Elders to Manage Land Dispute: At kebele level, there were kebele land administration and use expert in charge of the formal administrative structure. There were also elected community members who are called **community elders** or locally named as ‘**Jarsoli Biyya**’ who oversee land related issue before the cases were submitted to the formal one. Alternatively, farmers can apply their land cases to these community elders. Hailu (2016) state that, in some regions, (elders’ council) (traditional arbitration committee) is established in each Kebele to handle land related conflicts using traditional rules. For instance, there are well organized Shemaglewoch Shengo (elders’ council) in Amhara region (Adam and Birhanu, 2017). As indicated in table 4.3, about **38.9%**, **31.8%** and **29.3%** of the respondents believe that the community elders capability to resolve land disputes is low, Satisfactory and good respectively. Unlike the formal administrative structure, the negotiation process by community elders is based on customary rules; and they did not get any incentives from the local government and the community, only invitation of chat. To somehow people were interested to go to these elected community members because of the fact that the resolution is based on the win-win approach that benefits both sides.

Customary Courts to manage land dispute: According to Article 7 (1) (a & b), Oromia Region Customary Courts proclamation No. 240/2021 there are local/(both kebele and District) level institutions established to enable the society of the region resolve disputes based on customary laws and societal values which have the following structure:

- (a) **First Instance Customary Court:** this may be constituted in all Kebeles
- (b) **The Appellate Customary Court:** which shall be constituted at all district levels and towns as may be necessary.

These two organs are responsible for all the practical matters of disputes resolution both at kebele and wareda level; and the type of Judgment given by the Customary Court was stated as : Advising and giving admonition to the person at fault; Compensation, returning property, deciding the value or amount of the property, upholding any request concerning damage to economic rights; Awarding ‘Gumaa’; Making the person sued do or refrain from doing a specific act; Costs; Compulsory labor; Fine; Any other order acceptable under customary laws of the place at which the Customary Court carries out its function(Article 32 (1) (a-h) of Oromia Region Customary Courts proclamation No. 240/2021).

In this regard, table 4.3 shows that, about **37.2%** of the respondents perceive the knowledge and skill of customary courts committee in land dispute resolution were weak. About **35.2%** responded that the members have satisfactory skills and knowledge and the remaining **27.6%** replies’ good. This figure implies that such way of conflict management was primarily chosen by the community because of the fact that the resolution is based on the win-win approach that benefits both sides, since the negotiation process by customary courts is based on customary rules. Even if the primary choice of the community was this organ slightly greater number of respondents perceive that, the individuals who are working as a customary courts committee were elected from the community and were not capable enough to judge the land related disputes raised in the community as all of them were not beyond grade 8 (eight). Besides, interviews from the committee members reveals that they lack the experience on how to deal with land issues as it is sometimes very complicated. This is in contrast with findings of FAO (2007), which states that land governance needs the land judges and administrators to be familiar with some national and regional land policies, laws and regulations.

DRLAU (district rural land administration and use institutional and technical capacity):

Existence of strong land administration institutions arrangement is an important factor so as to contribute to the success of land administration systems through transforming legal tools and policies into practice (Wabelo, 2020). Table 4.2 shows that about **38.6%** of the respondents said that district rural land administration has low institutional and technical capacity followed by 37.5% satisfactory and the remaining **23.9%** replies’ good. In support of this figure, interviews with manager of district rural land administration and use office said that: “the functionality of our office is resulted in medium level due to lack of skilled and professional human resources,

the inconvenience of policies and procedures and insufficient technological support of the work process are among the reasons of the poor institutional and technical capacity. The other reasons are work load on employees, the influence of salary and benefits on employee motivation and work place inconvenience. This is due to incompleteness of human power and lack of operational budget. Land administration is structured at office level and allows **53** employees to work (fifty-one experts and two leaders). But due to constraints of budget only **17** employees (fifteen experts and two leaders) are working presently”.

As far as the educational qualifications of the staff is concerned, all the staff have no directly related educational qualifications for their positions and/or are under educated for the requirements of their current positions. It is evident that there is no BSC or MSC degree holder in Land Administration in the administrative positions and a Geographic Information System (GIS) and Remote Sensing or surveyor expert in the technical positions.

Therefore, when we see the institutional capacity of rural land administration and use office at district level from the perspective of Enemark (2005), the capacity to manage land rights, restrictions and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills.

District court (institutional and technical capacity): Another powerful body that works on land is district court. Article 16 (1) (f) of proclamation 130/2007; if any one who is not satisfied by the decisions made by the kebele land administration committee, he shall appeal the case to district court”. In this regard, as shown in table 4.3 majority (72.4%) of respondents said that the district court have good institutional and technical capacity to give decisions on land cases. About 18.2% was responded satisfactory and only 9.4% said low. These figures imply that the possibility of taking land conflict cases to the court will be high as rural households have trust on the court’s ability and quality of decisions.

In general this finding reveals that the institutions that are governing rural lands at both kebele and district level were weak in terms of structural arrangement and provisions of the necessary logistics.

4.3. The Effectiveness of Current Rural Land Governance In terms of Level of private, state and communal holding protection from expropriation:

According to the FDRE Rural Land Administration and Use Proclamation No. 456/2005 and Oromia Rural Land Administration and Use Proclamation No 130/2007, the most important types of landholdings recognized include:- private landholding, state landholding and communal landholding. Regarding their levels of actual protection from expropriation, the majority of respondent's replied that the protection of private holdings was, (74.1 %) good, (18.2 %) satisfactory and (7.7 %) low. These figures indicate that, private holding was well-protected. On the subject of the levels of protection of state holdings, the majority of respondent's replied that (55.4 %) satisfactory, (25.6 %) low and (19. %) good. This finding reveal that state holdings was moderately affected and communal holding was at sever, as indicated in Table 4.4, the respondents said that, (85.5 %) low, (12.2 %) satisfactory and (2.3. %) good. In general these findings shows that, private holding was (74.1 %), well-protected, state holdings, was moderately (55.4 %) affected and communal holding was at sever (85.5 %). This finding is similar with the argument that communal land tenure is less protected in Ethiopian land laws and therefore, less secure form of tenure relative to private and state land tenure (Agonafir, 2022).

During FGDs it was noted that, the lack of protections of state and communal land holding from expropriation was due to the consideration of communal land holdings as vacant or free from any third party. This situation was happened during the communal grazing land was identified for people affected by Gilgel Gibe Dam project and relocated in the study area. From the native community point of view, despite communal lands were considered as "vacant" or free from third party, it is the bases for the livelihoods of many households, especially native communities whose livelihood is directly dependent on livestock production. Second, from Gilgel Gibe Dam, (1999-2000) project affected and relocated households point of view, many farmers were left without farmland and exposed to serious household food insecurity. The project awarded every household 2.5 hectares of lands. Farm land was confused with land for other purposes, i.e. the 2.5 hectares of land was to include the homestead, farmlands and grazing lands. Thus, relocatees mourned the loss of communal property resources during 2nd phase of relocation (1999-2000).Forest, grazing lands, sand extraction site were the most notable resources forgone. Among those, grazing land were the most significant in society where live-stock rearing play significant parts. This reduced the total land for farming made fallow unthinkable, clearly

resulting in soil impoverishments. Beside, some households were forced to encroach in to communal grazing lands resulting in frequent clashes with native community.

Even though, the 1999-2000 re-relocations involves rehabilitation, due to the un-participatory compensation and selection of arrival site, this led to under compensation and deterioration of assets and eventually resulted in economic marginalization (Kassa, 2001). The inadequate and improper compensation resulted in family disorder, stress and inter-generational inequality. According to the findings of these studies, many farmers were left without farmland and exposed to serious household food insecurity.



Figure: 4. 1 Relocated farmer household food shortage and dependency on food aid.

The overall scenario in general signals that, even though communal and state holdings are free from third party, the livelihoods of local community/native community are highly dependent on it and therefore, the need for mechanisms of legally recognizing indigenous groups or community’s rights over land is vital. Because failure to recognize existing rights will create tenure insecurity, curb investments in land and increase the potential for conflict, hence, the legal recognition of existing land rights is a key element of good land governance (Deininger *et al.*, 2012).

Table 4. 4 Level of private, state and communal holding protection from expropriation

S/N	Type of holding (Tenure typology)	Good		Satisfactory		Low	
		Freq.	%	Freq.	%	Freq.	%
1	Private holdings	261	74.1	64	18.2	27	7.7

2	State holdings	67	19.0	195	55.4	90	25.6
3	Communal holdings	8	2.3	43	12.2	301	85.5

4.4. The Effectiveness of Current Rural Land Governance In terms of Status of land registration and certification

One of the mechanisms for formal recognition of rural landholding rights is through landholding registration and certification program (Zarembo & Bailey, 2021). Based on these fact, in the study area, the first level land registration/certification program was held from 2004-2013 (KDRLAUO, 2013). While, the second phase started from 2017. And the registration process is still ongoing. Up to date out of thirty rural kebele (Total district rural kebele) it was held in **seventeen kebele** and the certificate was issued to land holders (KDRLAUO, 2023).

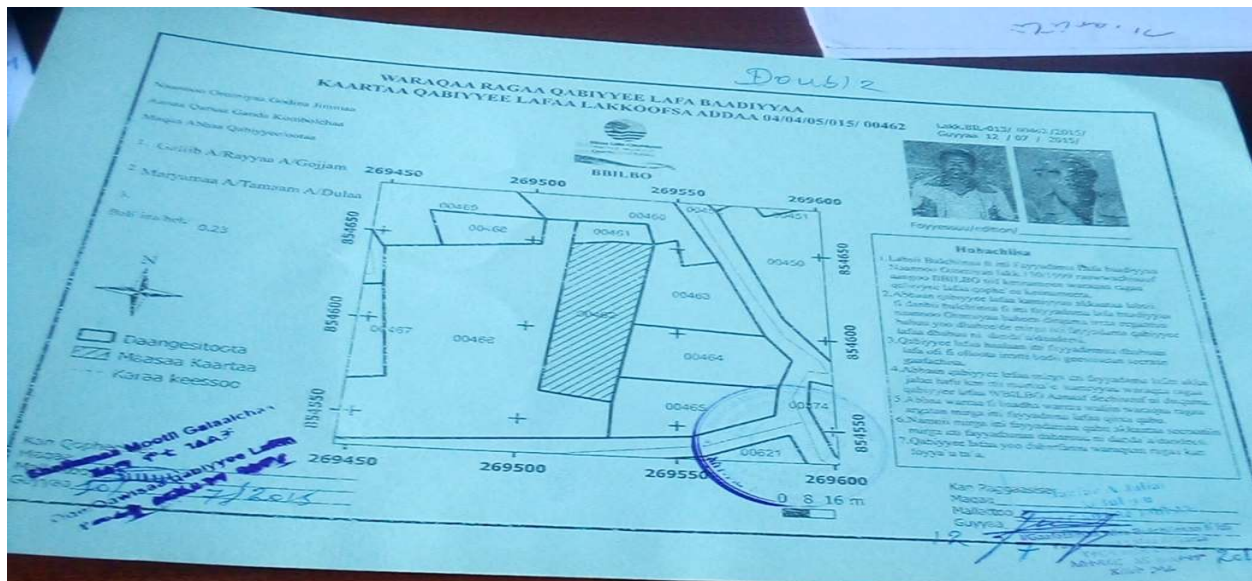


Figure: 4. 2 Second phase rural land registration and certification

Table 4. 5 Status of land registration and certification

S/N	Type of holding (Tenure typology)	Yes		No	
		Freq.	%	Freq.	%
1	Private holdings	352	100.0	0.00	0.00
2	State holdings	158	44.9	194	55.1
3	Communal holdings	60	17.0	292	83.0

As indicated in **table 4.5**, 100% of households issued first level book of holdings for their private holdings. This figure shows that, it was a good achievement. However, during FGDs it was noted that some farm households have not a book of holding for all lands they have. This is because of illegal land transaction is taking place in the study area. This is similar with the findings of Agonafir (2022), which state that, “farm households don’t have book of holding for all lands they have because of the fact that, land illegally acquired after completion of the program has not been registered.

The second tenure recognized in the proclamation is state holding which are rural land demarcated and those lands to be demarcated in the future as federal or regional state holdings; and include forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers and other rural lands (Oromia region RLAU Proc. No. 130/2007 Art2/4). Table 4.5 shows that majority (55.1%) of state lands are not registered. Interviews with land experts showed that government institutions such as, school holding, health center and FTC are registered. But the problem lies on those forest areas. Due to the low level of registration and certification of this type of land holding more than **five hundred** farmers encroached into the forest area in the study district, specifically in Kersa sume, Fola Gubata and Kara Gora kebele.

The third tenure recognized in the proclamation is communal holdings which is a land out of government or individual possession and is being under the common use of the local community as a common holding for grazing, forest and other social services (Oromia Region RLAU Proc. No. 130/2007 Art2/5). Again majority (83.0%) of communal lands were not registered. This makes communal lands were the severely affected holding type. The overall scenario signals the need of paying due attention especially for those state and communal land holdings, to finalize the rest of second level registration/ certification in the area.

4.5. The Effectiveness of Current Rural Land Governance In terms of Execution of Development Project in Relation to the Benefit of the Community

Frequently, developmental projects proposals incorporate different promises in their development proposal including infrastructure like drinking water, irrigation canal and road; work opportunity; Electricity provision to local households and others for the local community. However, as it could be realized from **table 4.6**, majority 81.5 %, and 100%, respondents indicate the mini-infrastructure and work opportunity were not provided respectively. Some of the project affected communities has had access to electricity, since **2 years ago** after **20** year of Electricity provision to local households was promised. Results from the FGDs showed that, instead of benefiting the community or at least becoming neutral, the dam project has negatively affected the community. However, according to the resettlement implementation plan developed by the Ethiopian Electric Light and Power Authority (EELPA), the project affected 562 households, who moved to the resettlement sites, and they were offered the opportunity to receive 2.5 ha of land, a house with a roof of corrugated iron sheet, agricultural inputs for one year, and the cultivation of the crop land by the project (Kassa, 2001; World Bank, 2007a). These households were also compensated for their trees and perennial crops, before moving. But, during direct observation the reality on the ground was found to be the risks of landlessness/physical displacement; loss of natural resources such as forest, mines and grazing land on expropriated family farming still prevailing in the study area.

Table 4. 6The execution of development project in relation to the benefit of the community

S/N	Benefit from the development project	Yes		No	
		Freq.	%	Freq.	%
1	Mini-Infrastructures (Electric power, drink water, health care, road)	65	18.5	287	81.5
2	Work opportunity (employment)	0.0	0.0	352	100.0
3	Others if any	57	15.6	297	84.4

4.6 The Effectiveness of Current Rural Land Governance In terms of Time taken to resolve land dispute

Dispute over rural land is a serious problem in Kersa district. For instance, secondary data sources indicate that conflicts over private holding are related to boundary-conflict and conflicts over state and communal holdings are related to encroachments. Consequently, 5-10 land cases

are submitted in one week to KLA expert. As customary court observes land case once a week, many cases are left unsolved. This provides overlapping of land cases. The same situations were noted by district rural land administration and district courts. Therefore, time taken to resolve land dispute was taken as another measure of effectiveness of land governance (Hailu, 2016). Bearing this in mind, the time taken (in month) to resolve dispute by local community elders, customary courts (First Instance Customary Court), district rural land administration and district court were assessed (Table 4.7).

Table 4. 7 Time taken to resolve land related dispute

S/N	Local Land Dispute Resolution Institutions	Time Taken in Month				
		N	Minimum	Maximum	Mean	Std. Deviation
1	Local/community elders	352	1.00	3.00	1.2756	.46615
2	District rural land administration	352	1.00	5.00	2.3381	.72160
3	Customary Courts	352	1.00	3.00	1.3636	.54812
4	District court	352	2.00	12.00	4.0909	1.42933

Table 4.7 shows that the minimum time taken to resolve land conflict by community elders, customary court (First Instance Customary Court) and district rural land administration was one month. In the district court, which is formally the first instance court, it takes two months. On the other hand, the maximum time taken in local community elders, customary court (First Instance Customary Court), district rural land administration and district court were 3, 3, 5 and 12 months respectively. This figure shows that, high disparity was observed at district court, which is 12 months. However, interviews with district judges showed that if all evidence is readily available, cases may be decided within three months. District courts usually demand evidences from district rural land administration offices, because of the low level registration/certifications of the first level, since it was held by kebele land administration committee, which are uneducated person, the office in turn demands the evidence from the local level administration, i. e, through sending experts from DRLAU office to the kebele and thereby collect the necessary evidence together with local level administration and sends such finding to the DRLAU office and thereby to the district court. The average was also in a similar manner with 1.2756, 1.3636, and 2.3381 and 4.0909 months respectively, which is almost similar to the findings of (Agonafir, 2022). The general scenario shows that time taken to give decision is nearly similar in local

community elders, customary court (First Instance Customary Court), and small deviation in DRLAU office while in district court high deviation was observed. This is similar with the finding that the level of delay in the legal way of managing land conflict outweighed the informal one (Nerea, 2013).

4.7 The Effectiveness of Current Rural Land Governance In terms of Application of land certificate as evidence for dispute resolution

One of the objectives of the current rural land registration system is to create conducive environment to resolve land dispute effectively and efficiently. An appropriate land registration system helps reduce land disputes (preventive measure), and facilitates land dispute resolution (curative measure) (Agonafir, 2022). Conversely, absolute lack of land registration system can cause land disputes. In this regard, as shown in table 4.8, about 50.9% of the respondents perceive that district court did use the land certificate moderately, followed by 28.1% lowly. This figure implies that the land certificate (book of holdings) is not used to its maximum potential to alleviate the problem of land dispute. Instead, it is used as one of the pieces of evidences while passing decision.

During the FGDs it was noted that courts in the study area solve land dispute based on the evidence they received from the land administration and use offices evidences that are collected and submitted to them upon court order. However, since first level land registration is incomplete, the district land administration is forced to go to fields to get the required information while they are expected to provide the information by looking at the data kept in their offices. By going to fields as per court orders relating disputes, they take long time to provide information which contributes to the delay of justice. These indicate that, the land certificates in the study area were used as evidence, but not to its maximum potential.

The overall scenario in general signals the land registration system should be completed and up-to-date in the study area and used in such a manner that it enhances tenure security and proper dispute settlement. Courts should thus resolve their inadequate attention to the information in the landholding certificate as prima facie evidence and refrain from requiring field reports of the district rural land administration and use offices.

Table 4. 8Application of land certificate as evidence for dispute resolution

Extent to which land certificate serve as	Highly	Moderately	lowly
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evidence for land dispute resolution	Freq.	%	Freq.	%	Freq.	%
	74	21.0	179	50.9	99	28.1

4.8. Factors Affecting Land Tenure Security of Rural Households

Land tenure security is very challenging in Kersa district as there is expropriation without sufficient compensation, provision of land for development project without genuine participation of local community; intensive boundary conflicts between re-locatees and native communities especially in kebeles resettlers are residing in and encroachment of farmers in to protected state forest area and communal grazing lands (KDRLAO, 2023). According to the qualitative responses obtained from the district rural land administration and use office manager: *“There is an Illegal transfer of land, encroachment on communal and state lands, specifically, communal grazing and forest lands. The main actors in this encroachment were the adjoining farmers to communal lands and state lands. In our District for example, Kersa Sume, Kara Gora and Fola Gubeta are among the adjoining kebele to the Babiya fola protected forest area. However, from this three kebele, about more than 500 households were encroached to these protected natural forests. In line with this, key informant interview also confirmed that, communal lands are not managed properly and leads to the problem of tragedy of commons.*



Figure: 4. 3 highly deforested state forest lands due to illegal encroachment by adjoining farmers in Kersa Sume kebele



Figure: 4. 4Illegal encroachments on communal lands, specifically, communal grazing lands in Ankesso Kebele

During FGDs, participants reported that, conflicts related inheritance litigations, boundary conflicts, and communal lands boundary are very high due to the presence of tenure insecurity. They also stated that, the amount of paid compensation was very low and cannot be considered as fair compensation and without rehabilitation programs. Therefore, we can say that the state of tenure security mirrors the actual situations of land governance in the study area. Based on this rational, therefore, binary logistic regression model was used to identify what factors are affecting the land tenure security of rural households in the study area. For this binary logistic regression model, nine explanatory variables (six dummy and three continuous) were included in the model. The explanatory variables were age of the HHHs, sex of the HHHs, educational status of the HHHs, family size and land holding size (Holden & Yohannes, 2001); expropriation for public purpose (Deininger & Jin, 2006); Gebremichael (2017); absence of clear justice system to

settle land related disputes, lack of experience and knowledge in the local land administration experts (Bruce et al., 1994; Rahmato, 2004); and absence of land certificate (Deininger & Jin, 2006).

The results of binary logistic regression model analysis revealed that land tenure security of farm households in the study area is influenced by several factors. Among the nine explanatory variables included in the model, eight variables had a significant level in affecting the land tenure security of farmer households in the study area. These variables includes, sex of the households head, educational level of household head, family size of the households head, land holding size of household head, fear of the risk of expropriation, absence of clear justice system to settle land related disputes, lack of experience and knowledge of the land administration experts and absence of land certificate. From these, four variables, namely sex of the households head, educational level of household head, family size and land holding size of household head were found to have a significant and positives influence on household's tenure security. On the other hand, fear of the risk of expropriation, absence of clear justice system to settle land related disputes, lack of experience and knowledge of the land administration experts and absences of land certificate were found to have a significant and negatives influence on household's tenure security. Except family size of household head which was significant at 10%, the other variables were significant at less than 5%. The other variable (Age of household head) was insignificant on its effect on land tenure security presently in the study area (Table 4.9).

Age of household head: As indicated in table 4.9, the regression result indicated that age of the household head was not a significant determinant of land tenure presently in the study area.

Sex of Household Head: The result of the regression analysis revealed that, sex of household head was a significant factor at 1% of significant level, which affects the land tenure security of farm household in the study area. The coefficient sign was positive, which means, it affects the land tenure security of farmers positively. This result was in conformity with the findings of Agonafir, (2022) that, male headed households have a higher chance to have secure tenure. During FGDs it was noted that female headed house hold were considered only if she is unmarried/divorced/widowed.

Educational Status of the Household Heads: As indicated in table 4.9, the first p-value which is **0.009** indicates there is significant relationship between educational status of the household heads and tenure security. The other rows compare the individual categories with the reference category which is illiterate. Therefore, educational status of the household head was significant at less than 1% and the coefficient sign was positive, which means it is positively related with land tenure security. This implies that the better the level of education of the farmers, the more likely the farmers feel secure about their land. The generalization is that, educated households had security on their land holding rights than the uneducated farmers (Dessalegn, 2009). As a result, literate households reduce the probability of becoming land tenure insecurity in the sample households. This is due to educated household head plays a significant role in shaping household members to participate in to different land governance activities. Previous study reveals that level of education of household head is positive relationship and statically significant to land tenure security.

Family Size of the Household: Family size of the households was also a significant factor that affects the land tenure security of the landholders in the study area at 10% of significant level and the coefficient sign was positive, which means, it is related with land tenure security positively. This is mostly similar with the findings of Tsegaye (2017) which indicate that, the effect of family size on tenure security was positive. But, it is contradicting with the assumption that, when the number of family increases, farmer's perception of land tenure security was decreased (Holden, 2010; USAID, 2007). Because, farmers whose family are large in number, they think for their future family life and fear of losing land than those that have small number of families.

Land Size of the Household: Land size of the households was a significant factor in the model by affecting the land tenure security of farmer households in the study area at less than 1% of significant level and the coefficient was a positive sign that means, when the land size of the household increases, the feeling of land tenure security is also increased by the Exp (B) value of 3.101. This is mostly alike with the finding that land sizes of the household have a positive significant with tenure security (Agonafir, 2022). Due to the fact that, farm households having greater than 10 hectares of land were issued a certificate of mini-investment. However, it is

contradicting with the assumption that land size of the household does not have significant relationship with tenure security (Tsegaye, 2017).

Fear of the risk of expropriation: The result of regression analysis revealed that, expropriation for public purpose was found to be statistically significant at less than 1% of significant level and the coefficient sign was negative, which means, it is related with land tenure security negatively by the Exp (B) value which was, **0.340**. Even if the proclamation stated that, if the government took farmers land for development project, appropriate compensation will be provided to the users in type (land equivalent to the land they lose) or in cash. But, during my observation in the sampled kebeles, there were a lot of challenges in the implementation processes of compensation. Throwing farmers off their land for the sake of the project; they have lost their farm land, they have lost grazing land for cattle rearing, and they have lost forest resources, sand extraction site and the like. The district land administration experts explained that, there is a very complex situation in the compensation process. In that, the project awarded every household 2.5 hectares of lands and farm land was confused with land for other purposes, i.e., the 2.5 hectares of land was to include the homestead, farmlands and grazing lands. During FGDs it was noted that, during expropriation, farm households were given inadequate compensation for private holdings and no compensation for communal holdings. And only considered married person and doesn't take in to account the youngster.

According to Moges, (2010) the other common negative effect because of development projects was conflict and instability between relocated house hold and the host community. Human beings are often killing each other for the sake of limited land resources. According to key informant interviews, the compensation fails to consider the young and under estimated the monetary values of items of properties compensated. Some farmers got compensation even if they claimed that it is not proper in relation to the land they lost and there are also farmers that did not get any compensation. The above case indicated that getting proper compensation to the land they lost affect the land tenure security of the farmers. Farmers who lose their land by the development project are normally insecure in relation to compensation and the other farmers around these groups also fear of getting proper compensation, if the government took their land for development project.

Absence of Clear Justice System to Resolve Land Related Disputes: The regression result indicated that absence of clear justice system to settle land related disputes was a significant

determinant factor at 5% and the coefficient was a negative sign that means there is absence of clear justice system which is negatively related with the feeling of land tenure security by Exp (B) value of **.418**. This finding was alike with the qualitative responses obtained from the district rural land administration and use manager:

“There is an Illegal transfer, encroachment on communal and state lands, specifically, communal grazing land and forest lands. The main actors in this encroachment were the adjoining farmers to communal and state lands. In our District, Kersa Sume, Kara Gora and Fola Gubeta are among the adjoining kebele to the Babiya fola protected forest area. However, from this three kebele, about more than 500 households were encroached to these protected natural forests. An integrated committee having representatives of the District administration office and security forces including our office were assigned to identify and register the illegally occupied forest lands. But, when we arrive at place the reality on the ground is somehow difficult, they have built their own home and living in the house with their family. And simply we registered their name and for how money year they lived there and return back and report the issue to districts. Lack of commitment of government officials to put in to practice the rule of law coupled with lack of clear justice system in place to resolve the competing interest between the government and farming communities are highly devastating the natural base of these resources.

Lack of Experience and Knowledge of Kebele Land Administration Expert: The regression result also indicates that lack of experience and knowledge of the kebele land administration experts is a significant variable at less than 5% that affect the land tenure security of farmers. Negative sign of the coefficients indicates it is negatively related with land tenure security of the landholders. Therefore, lack of knowledge and experience in the kebele land administration experts is still one of the factors that influence the security rights of smallholder farmers in the district. According to the qualitative responses of district rural land administration and use leader,” lack of knowledge and experience in both the district and kebele level land administration experts affect the security right of farmers directly or indirectly. Especially, kebele level land administration experts are not willing to stay on their work as it is remote rural areas and poor salary of civil servants, when they got some options, they withdraw from their job. This creates always to lead by new land administration experts. As result, different problems were observed in the study area. First, out of the three selected kebeles, only two kebele has rural land administration expert, in the remaining one kebeles, there is no experts. From the total

district, **thirty rural kebele** only assigned on **fifteen kebele**. Regarding their educational backgrounds some of them has diploma, (Level I, II, III, IV) while the others are **ten (10)** complete and all of them are not qualified for their current positions or they have no land administration related educational qualifications. The researcher also identified that, the educational qualifications of the district rural land administration and use staff have no directly related educational qualifications for their positions and/or are under educated for the requirements of their current positions except for only one position i.e. cadastral team. It is evident that there is no BSC or MSC degree holder in Land Administration in the administrative positions, a Geographic Information System (GIS) and Remote Sensing and surveyor experts in the technical positions. Therefore, they lack knowledge and technical aspects of land management. This to the end has made high degree of termination of land administration activities.

Absence of Land Certificate: Lack of land title of the households was also a significant factor at 1% of significant level that affects the land tenure security of the landholders in the study area. As indicated by the model, it is negatively related with tenure security because the coefficient sign was negative. It is **0.255** times more likely those landholders who have land title are securing than who haven't land certificate. This is in conformity with the finding of (Deininger & Jin, 2006); Holden (2009) and Deininger et al., (2006). Even though the achievements in the land registration are weak, different institutions consider land title as evidence of holding right. For instance, during resolution of land conflict rural land administration and courts respectively take in to account land certificate, But, not to its maximum potential. During focus group discussion from Gelo kebele one participant said that: "Due to the low level communal grazing land registration and certification in the study area we were always suffering from encroachment on communal grazing land from the adjoining farmers and also identified for mini-investment since it is assumed to be vacant or free lands. I believe that if we were received the green card or book holding, it will be used as a guarantee for claiming appropriate compensation."

Table 4. 9, Binary logistic regression analysis result

Variables in the Equation							
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1 ^a	Age of household head	-.012	.027	.185	1	.667	.988
	Sex of household head	1.714	.563	9.254	1	.002***	5.549
	Educational status of household head			11.682	3	.009***	
	Read and write only (1)	2.521	1.156	4.753	1	.029	12.440
	Primary school is (2)	1.124	1.172	.920	1	.337	3.078
	Secondary school and above(3)	1.261	1.173	1.155	1	.282	3.528
	Family size of household	.208	.116	3.216	1	.073*	1.232
	Land Size of household head	1.132	.299	14.341	1	.000***	3.101
	Fear of the risk of expropriation	-1.078	.372	8.413	1	.004***	.340
	Absence of clear justice system to settle land related disputes	-.873	.406	4.622	1	.032**	.418
	Lack of experience and knowledge of the land administration experts	-.937	.393	5.676	1	.017**	.392
	Effect of lack of Land certificate	-1.365	.422	10.488	1	.001***	.255
	Constant	-.750	1.940	.149	1	.699	.473
	a. Variable(s) entered on step 1: Age of household head, Sex of household head, Educational status of household head, Family size of household, Land Size of household head, Fear of the risk of expropriation, Absence of clear justice system to settle land related disputes, Lack of experience and knowledge of the land administration experts, Effect of lack of Land certificate.						

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

5. CONCLUSION AND RECOMENDATION

5.1 CONCLUSION

The aim of this study was, to examines tenure security and institutional effectiveness in rural land governance practice through assessing the institutional performance of different stakeholder involved in land governance, the extent to which land holdings rights are protected from expropriation; status of land registration and certification; the execution of development projects in relation to the benefits for the community; time taken to resolve land dispute, application of land certificate as evidence for dispute resolution and factors that affect land tenure security of farmers. The findings reveal that, the institutional capacity at the district and kebele levels is not efficiently organized and equipped with the necessary human resources and skills, with the exception of district courts. Moreover, the training given to the kebele land administration experts was inadequate and short.

Despite having a lot of responsibility at local level, KLA experts was unable to provide better services or make better decisions due to their limited ability to manage land. At the local level, the Customary Courts and Community Elders appear to be unaccountable because they provide their services without fee. This has given these organs an unnecessary area to operate on community land resources and engage in illegal activity. Therefore, ineffective institutional capacity, inadequate knowledge and skill of the land administration organ at the district and kebele levels, along with a lack of training, results in the lowest possible quality of decisions and services. Finding of the land governance practice in terms of actual protection from expropriation reveal that, private holding was well-protected and state holdings was moderately affected; whereas communal holding was at sever. Regarding the levels of registration and certification, except in private holdings, that has a good achievement, the majority of state and communal lands were not registered especially communal land was at severe. On the other hand the development project has negatively affected the community instead of benefiting or at least becoming neutral in that, farm households were given inadequate compensation for private holdings and no compensation for communal land holdings and only considered married person and doesn't take in to account the youngster, As a result farmers were left without farm lands and exposed to a serious house hold food insecurity. The time taken (in month) to resolve land dispute by local community elders, customary courts (First Instance Customary Court), is nearly

similar, and small deviation in DRLAU office. While, in district court high deviation was observed. Even if an appropriate land registration and certification system helps reduce land disputes and facilitates land dispute resolution, there were not used to its maximum potential by district court. Therefore, all the above statements could be considered as manifestations of weak land governance.

In terms of factors affecting land tenure security, eight variables had a significant level in affecting land tenure security of farmer households in the study area. These variables includes, sex of the households head, educational status of household head, family size, land holding size, fear of the risk of expropriation, absence of clear justice system to settle land related disputes, lack of experience and knowledge of the land administration experts and absence of land certificate. From these, four variables, namely sex of the households head, educational status of household head, family size and land holding size of household head were found to have a significant and positives influence on household's tenure security. On the other hand, fear of the risk of expropriation, absence of clear justice system to settle land related disputes, lack of experience and knowledge of the land administration experts and absences of land certificate were found to have a significant and negatives influence on household's tenure security. Therefore, the concerned bodies should give emphasis to reduce the influence of these factors by improving farmer's awareness about the role of effective land governance and by providing intensive training to the land administration experts, so that, sustainable land use practice should be attained.

5.2 RECOMENDATION

- The current rural land governance practices in Kersa district is confronted by a number of problems that need due consideration by different stakeholders ranging from region down to kebele level. Based on the findings of the study, the following actions are deemed essential to bring effective land governance system in the study area. These include;
- The institutional capacities of different stakeholder involved in rural land governance were found to be ineffective. Therefore, the government should strengthen these institutions and structures by providing of capacity building training and necessary materials to enhance their ability to settle land disputes. More people would choose to bring their land cases to these bodies if they have trust in their competence and moral conduct, instead of spending their time in to regular courts.
- To make the current land administration system more efficient and capable of handling the growing demand for land, the district-level land administration and use office should be updated and develop well with skilled and professional human resources and necessary logistics.
- Grazing lands and forest areas are being transformed into agricultural land. This conversion has occurred through encroachment by smallholder farmers adjoining these lands. Hence, there is an urgent need to officially demarcate, map and register these lands to sustain specific use.
- For all kinds of land holdings, the district land administration and use office should finish land registration so that courts can make the most use of land certificates.

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Appendix one: Questionnaire for Farm Households Respondents

Jimma University
College of Agriculture and Veterinary Medicine
Post Graduate Program in Land Use Planning and Management

Questionnaire for Farm Households

Dear respondent: - First and for most I would like to thank you for giving me your valuable time to collect data from you. My name is **Ahmed Raya**. I am a student in Jimma University College of Agriculture and Veterinary Medicine, Department of Natural Resource Management. This time I am preparing to conduct research to fulfill the requirements for the Degree of Masters of Science (MSc) in Land Use Planning and Management on the title of “**Assessment of Rural Land Governance practice with special emphasis on tenure security and institutional capacity: The case of Kersa District, Jimma Zone, Oromia National Regional State, Ethiopia**”. The main aim of this questionnaire is to collect data as an input for the study. The information you provide will be used only for academic purpose. The effectiveness of the study is highly dependent on the information you put on the questionnaire, i.e. Your genuine response for the following questions is extremely important for the completion of this work. Therefore, I kindly request you to spare some of your precious time for filling this questionnaire. I would like to thank you in advance for your cooperation and for scarifying your precious time.

The Researcher,

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

1. Name of Kebele: _____
2. Age of household head: _____
3. Sex of household head? a) Male b) Female
4. Marital status? a) Married b) Single c) Divorced d) Widowed
5. Educational status? a) Illiterate b) Read and write c) Primary school
d) Secondary and above
6. Land Size _____
7. Source of income: - a) Farm income b) Off-farm income c) None-farm income
8. Family size of household _____

Check in the Box or Choose the Possible Answer

II. Question Related To Institutional Capacity

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

S/N	Indicators	Scale (Institutional capacity)		
		Good	Satisfactory	Low
1	Knowledge of KLA experts in land dispute resolution			
2	Capacity building training for KLA experts			
3	Incentive mechanisms for KLA experts			
4	Facilities (time and place) to get KLA experts			
5	Community elders to manage land dispute			
6	Customary Courts to manage land dispute			
7	DRLA (institutional and technical)			
8	District court (institutional and technical)			
9	Awareness creation for farm households			
10	Knowledge of KLAC in land dispute resolution			

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

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

3. What is the type of service given by the District rural land administration office? (Rank it).

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

II. Question Related To Land Expropriation & Relocation

3. Do you know that the government has the power to expropriate private holdings for public Purpose? 1) Yes 2) No

4. Do you agree if government wants to expropriate your land for public purpose? 1) Yes 2) No

5. If no, please specify the reason.

A) Inadequate compensation B) Delayed payment C) No rehabilitation mechanisms

6. Which tenure typology is the frequently identified for Expropriation? Rank it.

S/N	Types of holding (tenure typology)	Rank		
		1	2	3
1	Private holding			
2	State holding			
3	Communal holding			

7. Were local communities participated in the decision-making processes while expropriating Land for public purpose?

1. Yes 2. No

III. Question Related To Effectiveness of Rural Land Governance

8. What is the level of protection of private, state and communal tenure from expropriation?

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

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

a) Yes b) No

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

a) First level b) Second level

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

12. What is the level of registration and certification of all holding types?

S/ N	Type of holding(Tenure typology)	Scale (inventory of private, public and communal land)		
		Good	Satisfactory	Low
1	Private holding			
2	State holdings			
3	Communal holdings			

13. What is the legal recognition and protection of the registered land rights?

- a) Good b) Satisfactory c) Low

14. Were the development project implemented in compliance with the public discussions made earlier?

15. What did you benefit from development project?

S/N	Benefit from the developmental projects	Yes	No
1	Infrastructures (Electric power, drink water, health care, road)		
2	Work opportunity (employment)		
3	Other benefit, if any		

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

S/N	Institutions	Time taken to resolve land conflict (in months)
1	Kebele land administration committee (KLAC)	
2	Local/community elders	
3	KLA expert	
4	District rural land administration	
5	Customary Courts	
6	District court	

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

S/N	Institutions	Scale (frequency of contact)
1	Kebele land administration committee (KLAC)	
2	Local/community elders	
3	KLA expert	
4	District rural land administration	
5	Customary Courts	
6	District court	

18. What is the quality of service and decision?

19. To what extent do courts employ land certificate as evidence for land dispute resolution?

- A, Highly B, Moderately C, Lowly

IV. Question Related To Land Tenure Security

20. Factors affecting land Tenure Security of rural households

S/N	Factors affecting land tenure security of rural households	Response	
		Yes	No
1	Do you fear of the risk of expropriation?		
2	Is there absence of clear justice system to settle land related disputes?		
3	Is there lack of experience and knowledge of the land administration experts?		
4	Is there effect of lack of land title on your tenure security?		
5	Do you feel land tenure security?		

Appendix two: Questionnaire for Focus Group Discussions (FGDs)

Oral questions

1. What are the major challenges in current rural land governance system in terms of legal frame work and institutional arrangement?
2. What are the informal land administration institutions and how they intervene and contribute in land administration issues?
3. How do you state the effectiveness of the current rural land governance system in managing rural land?
4. How do local communities is participated during expropriating land for development project?
5. How was the process of land expropriation (land valuation process, asset inventory)?
6. What are the sources of insecurity for landholder's right?
7. to what extent does the registered right protected under the law?
8. Are those existing land policies well implemented? If no, what are the main obstacles?

Appendix Three: Questionnaire for Key Informants (KII)

3.1. General Information About Key Informants

S/N	Stakeholders in land sector	Position	Layman	Diploma	BSc	MSc
1	District Land administration and use experts					
2	Kebele manager					
3	Kebele Land Administration experts					
4	Customary court Judge					
5	District court Judge					

Oral Interview

1. What is the capacity of formal and institution in terms of human and financial resources?
2. To what extent do decisions made by informal systems get recognition in the formal one?
3. What institutional rearrangement do you recommend for a better land governance?
4. Are the land administration systems (LAS) exhaustive? Which one exists?
5. Are land-related responsibilities clearly assigned between different levels of administration? (Administrative)? e.g., District and Kebele administration?
6. If no, what are the areas of overlap and challenges encountered in practice?
7. Are land-related responsibilities clearly assigned between various land administration authorities (institutional) e.g., between land administration office and investment office?
8. If no, what are the areas of overlap and challenges encountered in practice?
9. How do you ensure local communities participation in expropriating land for development project?
10. What are the procedures to deal with land expropriation for development project?
11. How do local communities' bargain in land expropriation for development project?
12. Do right holders (farm holders) and land expropriators negotiate freely and directly with full access to relevant information and what outlook do they have against each other?
13. Did compensation provided when private, communal and state land is decided to be transferred for development? If yes, who will earn the compensation paid?
14. Is the current institutional setup effective in managing rural land?
15. If no, which aspect needs to be rearranged in light of providing effective governance?

Appendix Four: Binary Logistic Regression Analysis Results.

Multi-Collinearity Test

Coefficients ^a			
Model		Collinearity Statistics	
		Tolerance	VIF
1	Age of household head	.466	2.145
	Sex of household head	.903	1.108
	Educational status of household head	.426	2.347
	Family size of household	.587	1.703
	Land Size of household head	.573	1.746
	Fear of the risk of expropriation	.661	1.513
	Absence of clear justice system to settle land related disputes	.896	1.116
	Lack of experience and knowledge of the land administration experts	.923	1.083
	Effect of lack of Land certificate	.767	1.304
	a. Dependent Variable: Land tenure security		

Case Processing Summary			
Unweighted Cases ^a		N	Percent
Selected Cases	Included in Analysis	352	100.0
	Missing Cases	0	.0
	Total	352	100.0
Unselected Cases		0	.0
Total		352	100.0
a. If weight is in effect, see classification table for the total number of cases.			

Dependent Variable Encoding	
Original Value	Internal Value
Secure	0
Insecure	1

Block 0: Beginning Block

Classification Table ^{a,b}					
	Observed		Predicted		
			Land tenure security		Percentage Correct
			Secure	Insecure	
Step 0	Land tenure security	Secure	0	147	.0
		Insecure	0	205	100.0
	Overall Percentage				58.2
a. Constant is included in the model.					
b. The cut value is .500					

Block 1: Method = Enter

Omnibus Tests of Model Coefficients				
		Chi-square	df	Sig.
Step 1	Step	229.881	11	.000
	Block	229.881	11	.000
	Model	229.881	11	.000

Model Summary			
Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	248.494 ^a	.480	.645
a. Estimation terminated at iteration number 6 because parameter estimates changed by less than .001.			

Hosmer and Lemeshow Test			
Step	Chi-square	df	Sig.
1	4.463	8	.813

Contingency Table for Hosmer and Lemeshow Test						
		Land tenure security = Secure		Land tenure security = Insecure		Total
		Observed	Expected	Observed	Expected	
Step 1	1	34	34.624	1	.376	35
	2	34	33.051	1	1.949	35
	3	28	29.055	7	5.945	35
	4	22	20.800	13	14.200	35
	5	11	11.456	24	23.544	35
	6	5	6.857	30	28.143	35
	7	6	4.735	29	30.265	35
	8	4	3.291	31	31.709	35
	9	3	2.174	32	32.826	35
	10	0	.958	37	36.042	37

Classification Table ^a						
		Observed		Predicted		Percentage Correct
				Land tenure security		
		Secure	Insecure			
Step 1	Land tenure security	Secure	114	33	77.6	
		Insecure	19	186	90.7	
	Overall Percentage				85.2	

a. The cut value is .500

Appendix Five: Relevant Photographs Captured During Data Collection



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



Highly deforested state forest lands due to Illegal encroachment by adjoining farmers in Kersa Sume kebele.



Illegal encroachment on communal lands, specifically, communal grazing lands in Ankesso Kebele.