

Land rights of rural poor - in times of global resource squeeze

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Securing individual land rights for small scale farmers in Amhara, Ethiopia

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Geography



Amhara facts:

Area 170,000
sq.kms

Population of 20
million (89% rural)

Economy is 87%
agriculture-based

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History

- **Imperial Regime (pre-1974)**
 - Customary tenures
 - Landlordism and tenant farmers
- **Derg Regime (1974-1991)**
 - Abolished customary & private tenure making all land the property of the state.
 - Transfers only by inheritance; renting and sharecropping prohibited
 - Peasant Associations with power to redistribute land
- **EPRDF Government (1991–)**
 - Maintained land policy status quo



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Post-1991 Land Policy

- **Constitution FDR Ethiopia 1995**
 - Land is owned by the state and cannot be sold or exchanged; can be leased and bequeathed
 - Private property improvements can be sold & mortgaged
 - Any adult over the age of 18 is entitled to land free of charge for farming
- **FDRE Rural Land Administration 1997**
 - Limits re-distribution to irrigable lands and by community request
 - Compensation for loss of land
 - Land administration by regions



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Post 1991 Land Question

- **Landlessness**
 - 15% of rural households have no land
 - 10% of landholders are under 24 years of age
- **Land tenure security**
 - Insecurity causing environmental degradation
 - Household surveys do not reveal tenure insecurity as a problem
- **Land market activity**
 - All activity, even informal, uncommon
 - Sharecropping is commonplace



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Amhara Policy and Legal Instruments

- **Land Policy 1996**
- **Amhara land re-distribution 1997**
- **Rural Land Administration and Use Proclamation 2000**
- **Environmental Protection, Land Administration & Use Authority Proclamation 2000**
- **Revised Rural Land Administration and Use Proclamation 2006 (and Regulations 2007)**

Arable land person ratio 0.17 ha

Av. holding 0.97 ha

36.30% households have 0.5 ha or less

62.34 % households have 1.0 ha or less

Av. no. plots per household is 5

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Policy Actions - Land Certification

- **Purpose**

- Strengthen land use rights
- Encourage investments
 - Endowments and inputs for increased productivity
 - Measures to combat erosion
 - Commercial agriculture
- Discourage disputes
 - Inheritance



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Policy Actions - Land Registration

- **Purpose**

- Access to land through rentals and leases
- Facility for secure transactions
- Official copy of land use certificates
- Evidence to resolve disputes
- Information database



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Land Administration

- **Environmental Protection and Land Use Administration Authority**

- Land certification and registration
- Environmental protection
- Land use planning
- Organisation
 - Region
 - Zone
 - District (woreda)
 - Community (kebele)
 - Land Use Administration Committees



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Implementation I - pilot

- Two pilot kebeles (2002 - 2005)
- Support of Sida (added to SARDP)
- Approach based on mix of local, regional and international influences
- Develop methods ("way of working")
- Combined cadastral survey, certification and registration



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Implementation I - pilot



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Implementation II - regional roll out

- **Land certification and registration (2003 - 2007)**
- **Two-stage certification process**
 - **Stage one** = primary book of holding = no cadastral survey or plan = low cost & high speed
 - **Stage two** = pilot project methodology = secondary book of holding = cadastral survey & plan = high cost & high spatial accuracy
- **Land rights 'benchmark' is 1997 re-distribution**



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Output Achievements

• Physical outputs (2003-2008)

	Amhara
Households	3,278,906
Parcels demarcated (not surveyed)	16,394,500
Temporary certificates registered	3,447,267 (105%)
Primary books of holding issued (80% target)	1,974,881 (60%)
Secondary books of holding issued	1,612 (0.0%)

• Financial inputs*

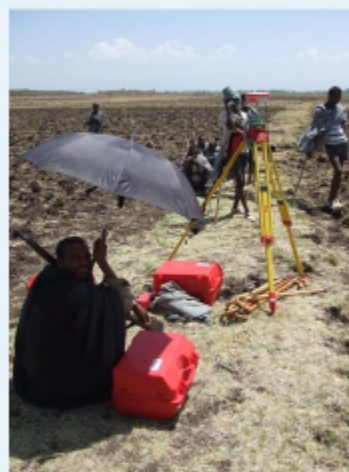
- Primary books of holding = US\$ 5 per holding
- Secondary books of holding = US\$ 18 per holding

*Source: World Bank

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Sida Support

- Technical assistance
- Vehicles, surveying equipment and computers
- Capacity building
 - 25 Masters students at KTH
 - Overseas and local short term training
- Bahir Dar Institute of Land Administration



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Evaluation Findings: activity to output

- **Impressive achievement in certification fieldwork outputs**
- **Highly participatory process**
- **Some resistance at first; still some resistance in lowland woredas**
- **55% of primary certificates issued (target = 80%)**
- **Secondary certification completed for 1,612 holdings**
- **Registers not being maintained**
- **Record keeping, generally, isn't a strong point**

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Evaluation Findings: output to purpose

- **A study in one of the two pilot areas finds that:**
 - increases in endowments of major farming assets after land certification
 - perceptions of land tenure security have increased
 - the incidence of tree planting has increased
 - the incidence of land disputes has declined
 - the incidence and duration of land rentals and sharing cropping has either decreased or stayed about the same
 - No change in holding size
 - Perceptions of leases is positive

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Evaluation Findings: output to purpose

- **Perceptions of tenure security have improved significantly**
- **Conflicting evidence of number of disputes**
- **In some instances, tenure security has not changed or has reduced due to land certification**
- **Tenure security has improved for persons registering land rentals and leases**
- **In some instances, tenure security could be less because of land registration**
- **In some instances, tenure security could be less because of land use planning**

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Evaluation Findings: output to purpose

- **Land made available to investors:**
 - 400,000 ha in 2008
 - Large-scale commercial agriculture
 - Empty lands
 - Land expropriated and compensation paid
 - Leases by small-scale farmers to investors



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Evaluation Conclusions: purpose to goal

• Some other conclusions:

1. Deininger, K. et al, 2003. *Tenure Security and Land-related Investment: Evidence from Ethiopia*. World Bank Policy Research Working Paper WPS 2991
2. Deininger, K. et al 2007. *Rural Land Certification in Ethiopia: Process, Initial Impact and Implications for Other African Countries*. World Bank Policy Research Working paper WPS 4218
3. Deininger, K. et al, 2008. *Impacts of Land Certification on Tenure Security, Investment, and Land Markets: Evidence from Ethiopia*. World Bank Policy Research Working paper 4764



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1. While registration of land rights without prior legal clarification of the nature of such rights may not increase tenure security, a clear policy statement as to the nature of land rights would not only do so but could also provide tenure security in a more-cost effective way, thereby freeing households to focus on truly productivity-enhancing activities. (W)hile most of the literature has not differentiated between tenure security and transferability but treated them largely as interchangeable, we find that, while both are important, transferability has a larger impact on households' investment incentives in the context studied here.
2. The rapid speed, participatory nature, and low cost of Ethiopia's land certification, together with the positive results from this process and the absence of bias in favor of the wealthy or lack of access to information by the poor demonstrate that...large-scale and rapid delivery of land certificates in a participatory way is possible. However, this does not imply that Ethiopia's process could not be improved...e.g. redesigning registry books and ensuring that no new certificates be given out without cancelling old ones; eliminate gaps and time lags which are a source of possible inconsistency; spelling out protocols to ensure broad and public access to information; well defined compensation in case of land taking; protection of contracts and security against arbitrary redistribution; transferability of land use rights for longer time periods.
3. "Despite policy constraints, the program increased tenure security, land-related investment, and rental market participation and yielded benefits significantly above the cost of implementation.

Evaluation Conclusions: purpose to goal

4. Holden, S. et al, 2009. *Tenure Insecurity, Gender, Low-cost Land Certification and Land Rental Market Participation*.
www.fig.net/pub/fig_wb_2009/papers/mkt/mkt_3_holden.pdf
5. Berhanu Adenew & Fayera Abdi 2005 Land Registration in Amhara Region, Ethiopia, Research Report 3, IIED.



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4. "The analyses demonstrate that transaction costs in the land rental market remain high and there should be scope for further reducing them by facilitating land rental transactions at the local level...A system for voluntary registration of land rental contracts may be better than the system with compulsory registration of all land rental contracts that is now attempted imposed by law in Ethiopia."
5. "Last but not least, in addition to land administration, EPLAUA is also responsible for natural resource and environmental management. The land administration proclamation as well as the duties of land users listed on the certificates stress that confirmed failure to properly manage landholdings will lead to losing user rights. The question is whether technical indicators and standards on proper land management can be developed that are unambiguous, fair to poor farmers, and enforceable, while not becoming a new source of tenure insecurity. It remains unclear what legal mechanisms exist to guarantee that land registration and title certification will give more tenure security for land holders."

In conclusion

- Strengthen land rights v strengthen land administration?
- Certification and or registration?
- Compulsory national system or voluntary local system?
- Is there a gap between policy and practice?
- Is rural land administration sustainable?
- How will young farmers get their own land?

