THE ROLE OF RURAL LAND REGISTRATION IN ENHANCING GOVERNANCE AND TENURE SECURITY OF COMMUNAL HOLDING IN BENESHANGUL GUMUZ REGIONAL STATE OF ETHIOPIA:

CAN COMMUNAL GRAZING LAND BE SAVED FROM THREATS OF ENCROACHMENT BY THE NON-HOLDERS?

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ABSTRACT

Benishangul-Gumuz is a region of Ethiopia. The methods of implementing pro-poor, and innovative land administration including aiming at securing land tenure rights for equity, sustainability and resilience and how it may impact the governance of CPRs like grazing and forest lands, has been at its early stage in Ethiopia in general and in BG in particular. Under customary law communal lands are subject to multiple bundles of tenure rights and have fluid boundaries which makes them liable to be encroached.

In BG competition between cropping and grazing is increasing due to the fact that all sources of livestock feed are increasingly dependent on natural grazing during both dry and wet seasons. Communal holdings are not only threatened by individual farmland encroachers but also by infrastructural developments, and commercial agricultural investment expansions.

The paper argues that though land certification is clearly beneficial to tenure security, it does not necessarily lead to more gains for communal holders, where especially communal grazing lands are under the threat of encroachment form individuals and commercial agricultural investors in some cases.

Key words list

Benishangul Gumuz, Common Pool Resources, Grazing Land, Land Registration, Tenure Security
## TERMS, ACRONYMS & ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbr.</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>BG</td>
<td>Benishangul-Gumuz</td>
</tr>
<tr>
<td>BoEPLAU</td>
<td>Bureau of Environmental Protection, Land Administration and Use</td>
</tr>
<tr>
<td>CSA</td>
<td>Central Statistical Authority</td>
</tr>
<tr>
<td>FGD</td>
<td>Focus Group Discussion</td>
</tr>
<tr>
<td>Kebele</td>
<td>The lowest level administrative unit in Ethiopia</td>
</tr>
<tr>
<td>KII</td>
<td>Key Informant Interview</td>
</tr>
<tr>
<td>KLAUC</td>
<td>Kebele Land Administration and Use Committee</td>
</tr>
<tr>
<td>REILA</td>
<td>Responsible and Innovative Land Administration</td>
</tr>
<tr>
<td>SLMP</td>
<td>Sustainable Land Management Project</td>
</tr>
<tr>
<td>SNNP</td>
<td>Southern Nations, Nationalities and Peoples</td>
</tr>
<tr>
<td>Woreda</td>
<td>Administrative District, contains on average 25 Kebeles</td>
</tr>
</tbody>
</table>
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AUTHOR BIOGRAPHY

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1. BACKGROUND INFORMATION

Benishangul-Gumuz (BG) is one of the nine regional states of the Federal Democratic Republic of Ethiopia. BG regional state is subdivided in three zones and twenty *woreda* (District) administrative units i.e. Kamashi zone (with 5 woredas), Assosa zone (with 8 woredas) and Metekel zone (with 7 woredas). Each ethnic group in the highland regions tends to dominate in its Region (especially Oromos in Oromiya region, Amharas in Amhara region and Tigres in Tigray region). In BG, there is a mix of indigenous ethnic groups include Berta (25.41%), Gumuz (20.88%), Shinasha (7.73%), Mao (2%) and Komo (1%); while the non-indigenous ethnic groups include Amhara (21.69%), Oromo (13.55%), and Agaw-Awi (4.22%) (Table 1). Currently the total population of the region is estimated at 784,345, consisting of 398,655 (51%) men and 385,690 (49%) women. Islam is the religion widely practiced among the residents of the region, with 45% of the population Muslim, while 33.3%, 13.6% and 7.1% are Orthodox Christians, Protestant, and practicing traditional beliefs, respectively. Out of the married households, about 70% are in a polygamous marriage relationship, which is commonly practiced under both religious and customary practices.

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th>Indigenous</th>
<th>Population¹</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berta</td>
<td>YES</td>
<td>199,224</td>
<td>25.4</td>
</tr>
<tr>
<td>Gumuz</td>
<td>YES</td>
<td>163,928</td>
<td>20.9</td>
</tr>
<tr>
<td>Shinasha</td>
<td>YES</td>
<td>60,395</td>
<td>7.7</td>
</tr>
<tr>
<td>Mao</td>
<td>YES</td>
<td>14,748</td>
<td>1.9</td>
</tr>
<tr>
<td>Komo</td>
<td>YES</td>
<td>7,481</td>
<td>1.0</td>
</tr>
<tr>
<td>Amhara</td>
<td></td>
<td>170,203</td>
<td>21.7</td>
</tr>
<tr>
<td>Oromo</td>
<td></td>
<td>106,671</td>
<td>13.6</td>
</tr>
<tr>
<td>Agaw-Awi</td>
<td></td>
<td>32,942</td>
<td>4.2</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>28,753</td>
<td>3.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>784,345</strong></td>
<td><strong>100 %</strong></td>
</tr>
</tbody>
</table>

In Ethiopia in general and in BG region in particular where the economy is based on agriculture, land holding and use rights are the major determinants of household’s livelihoods and social status. The total land area of the regional state is about 50,000 km², putting population density at about 13.6 per

¹ *Source CSA census 2007*
km² but with wide variations since some areas are sparsely populated. Rural land in BG Region has many differences from the highlands of Ethiopia, in terms of its physical characteristics, the ways in which it is farmed and used. Much land is forest or savannah, cultivated land is often farmed by shifting cultivation methods using hoes, and the overall density of cultivated land is much lower than those in the highlands where rural land is intensively farmed, either cultivated using oxen plough, or managed as privately/collectively held grazing land. Land registration and issuing holding certificate to the smallholders is being implemented in the BG region with the support of the Responsible and Innovative Land Administration (REILA) and Sustainable Land Management (SLM) projects which are funded by the Government of Finland and the World Bank, respectively.

**Figure 1 Map showing Benishangul-Gumuz Region within Ethiopia**

The methods of implementing pro-poor, and innovative land administration including aiming at securing land tenure rights for equity, sustainability and resilience and how it may impact the governance of CPRs like grazing and forest lands, has been at its early stage in Ethiopia in general and in BG in particular. Under customary law communal lands are subject to multiple bundles of tenure rights and have fluid boundaries which makes them liable to be encroached. The group of people uses and manages communally by holding clan based and in some cases territorial based collective ownership rights to these resources, but loosely recognized and protected by national and regional laws. There has been even less attention given to how that impact can be measured systematically to get concrete evidence on the governance of CPRs dimensions in land interventions and its role for
improving rural livelihood. It is in response to such demand that REILA project has been launched since July 2011 with the objective of supporting the formalization of land tenure rights and their administration through piloting a systematic satellite image-based land registration system within the framework of the BG Regional State Land Law. The REILA project has been intensively engaging in adjudicating the existing holding rights of private, communal and government holdings, processing both spatially and textually generated data in order to produce tenure documents (parcel map and holding certificates) which is issued to the rightful holders after signed and rubber stamped by competent government authority and serve in ensuring their tenure security. The five to seven members of the Kebele land administration and use committee (KLAUC) who are elected by the kebele community are responsible for facilitating adjudication and demarcation of parcel boundaries together with the field staff and Woreda land administration experts.

2. METHODOLOGY

2.1. Description of study area

Out of six Woredas, where REILA is undertaking the adjudication, demarcation and certification process, four Woredas were purposely selected for this study, considering that the ethnic groups in the region are fairly covered (figure 2). Out of the four selected Woredas, i.e. Bambasi and Assosa Woredas from Assosa zone (representing Berta and the settlers, respectively), Bullen from Metekel zone (representing Shinasha), and Belo Jiganfoy from Kemashi zone (representing Gumuz). Assosa Woreda was included in the study at later stage with the intention of capturing the status of communal grazing land management among the settler community.
Figure 2  Map of the administrative Zones & Woredas of Benishangul-Gumuz Region

2.1.1.Bambasi woreda

Bambasi Woreda is situated in Assosa zone having 38 Kebeles out of which 2 are urban Kebeles. The Woreda is inhabited mainly by the Berta ethnic group, though Mao, Oromo, Amhara and Tigre are also settled there. Land registration has been implemented by REILA project in six kebeles of Bambasi woreda. These kebeles are Dabus, Mender 46, Mender 47, Mender 48, Afafir Binare and Amba 16. Dabus is one of the rural Kebeles where REILA first started land registration activities using Satellite imagery. The total number of parcels demarcated in Dabus Kebele is 518 out of which 12 are communal holding (all are communal grazing land). The parcel demarcation and registration continued in Mender 46, Mender 47, Mender 48, Afafir Binare and Amba 16 kebeles with the total number of parcels demarcated as shown in table 2 below.
2.1.2. Bullen woreda

Bullen Woreda is situated in Metekel zone having 19 rural Kebeles. The Woreda is inhabited mainly by the Shinasha ethnic group, Gumuz, Amhara, Oromo and Agew have also settled there. Land registration has been implemented by REILA project in three kebeles of Bullen woreda. These kebeles are Azemna Benosh, Metina Gisa and Imanjina Goj. Azemna Benosh is the first Kebele in the woreda where REILA did land registration activities using Satellite imagery. The total number of parcels demarcated in in Azemna Benosh Kebele is 1469 including 44 communal holdings where 43 of them are communal grazing land while 1 is forest land. The parcel demarcation and registration continued in Metina Gisa and Imanjina Goj kebeles with the total number of parcels demarcated as shown in table 2 below.

2.1.3. Assosa woreda

Assosa Woreda is situated in Assosa zone having 74 Kebeles out of which 2 are urban Kebeles. The Woreda is inhabited mainly by the Berta ethnic group, though Amhara and Oromo have also settled there. Land registration has been implemented by REILA project in four kebeles of Assosa woreda. These kebeles are Komoshiga 28, Amba 14, Gambella Agoltsa and Komoshiga 26. Komoshiga 28 is one of the first settlers’ Kebeles where REILA did land registration activities using Satellite imagery. The total number of parcels demarcated in the Komoshiga 28 Kebele is 1836 out of which 30 are communal holding (all are communal grazing land). The parcel demarcation and registration continued in Amba 14, Gambella Agoltsa and Komoshiga 26 kebeles with the total number of parcels demarcated as shown in table 2 below.

3.1.4. Belo Jiganfoy woreda

Belo Jiganfoy Woreda is situated in Kamashi zone having 10 Kebeles. The Woreda is inhabited mainly by the Gumuz ethnic group, though Amhara and Oromo have also settled there. Belo Didessa is the only kebele in BeloJiganfoy woreda where REILA is carrying out land registration activities using Satellite imagery. The total number of parcels demarcated in Belo Didessa Kebele is 2244 as shown in the table 2 below.
Table 2. Summary of land registration data in the study areas

<table>
<thead>
<tr>
<th>Name of Woreda</th>
<th>Name of kebele</th>
<th>Total number of demarcated and certified parcels</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Joint holding</td>
<td>Individual holding</td>
<td>Communal holding</td>
<td>Institutions</td>
</tr>
<tr>
<td>Bambasi</td>
<td>Dabus</td>
<td>414</td>
<td>89</td>
<td>12 (12)</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Mender 46</td>
<td>2964</td>
<td>698</td>
<td>26 (26)</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Mender 47</td>
<td>2996</td>
<td>532</td>
<td>16 (16)</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Mender 48</td>
<td>2867</td>
<td>283</td>
<td>12 (12)</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Afafir Binare</td>
<td>192</td>
<td>21</td>
<td>5 (5)</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Amba 16</td>
<td>2358</td>
<td>112</td>
<td>7 (7)</td>
<td>2</td>
</tr>
<tr>
<td>Bullen</td>
<td>Azemna Benosh</td>
<td>1189</td>
<td>220</td>
<td>44 (43)</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Metina Gissa</td>
<td>962</td>
<td>175</td>
<td>29 (29)</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Imanji na Goja</td>
<td>661</td>
<td>306</td>
<td>54 (52)</td>
<td>33</td>
</tr>
<tr>
<td>Assosa</td>
<td>Komoshiga 28</td>
<td>1522</td>
<td>270</td>
<td>30 (30)</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Amba 14</td>
<td>1788</td>
<td>333</td>
<td>39 (39)</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Gambella Agoltsa</td>
<td>969</td>
<td>117</td>
<td>36 (36)</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Komoshiga 26</td>
<td>1227</td>
<td>1030</td>
<td>41 (41)</td>
<td>7</td>
</tr>
<tr>
<td>Belo Jiganfoy</td>
<td>Belo Didessa</td>
<td>1874</td>
<td>256</td>
<td>74 (63)</td>
<td>40</td>
</tr>
</tbody>
</table>

3.2. Methods of data collection

The study used participatory methodology, which included Focus Group Discussions (FGDs), Key Informant Interviews (KIIs) and review of secondary data sources. Accordingly two FGDs were conducted in each Kebele. Key informants interviewed include kebele land administration and use committee chairperson, elders and kebele chief administrators from each Kebele.

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2 The numbers in parenthesis indicate communal grazing land while the difference between those outside and within the parenthesis represent forest land.
3. LAND TENURE SYSTEMS IN ETHIOPIA WITH EMPHASIS ON BENESHANGUL GUMUZ VIS-A-VIS MANAGEMENT OF COMMUNAL GRAZING LAND

Land access in rural areas is commonly derived from multiple tenure arrangements in order to accommodate the needs and shared use of the land by different users. These arrangements call for flexibility whereby security of access to land can be granted in ways that allow overlapping and plural tenure systems to operate. Though formal rural land tenure systems have been established through legislation in the highland regional states of the country, (i.e. Oromia, Amhara, Southern Nations, Nationalities and Peoples (SNNP) and Tigray), rural land proclamation was approved only recently in 2010 in BG regional state and customary land tenure systems has been followed and is still in practice in parts of the Region where land registration and certification as per the proclamation is not taking place. Land tenure in Ethiopia, i.e. the scope of rights related to land and real property, is regulated in Federal (no. 456/2005) and Regional (no. 85/2010) proclamations.

Among the Gumuz ethnic group, patrilineal kin groups or clans according to the tradition own all the resources inside the clan territory and land is communally held. Elders select the appropriate village location for a hamlet on the basis of both vegetation and soil types. Inter-clan relations require recognition of each other’s territories and rights. Natural landmarks such as rivers, hills, big trees or stones, roads, footpaths etc. mark the territory of a clan. Since the clan is considered the owner of land and other natural resources, individual members are accorded only usufruct rights. Resources are not considered to belong only to one generation but also to future generations. Therefore they cannot be possessed or controlled by single members of the community. Those living can only use the produce thereof.

3.1. The formal land tenure system

The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and the peoples of Ethiopia. Land must not be sold or exchanged privately. Individuals have land use rights, with limited rights to transaction of such rights. Private investors have the right to the use of land on the basis of payment arrangements established by law.

Land use rights can be inherited, donated, leased and rented, but not mortgaged. Land use rights can be expropriated for public use with the advance payment of compensation. Peasants have the right to obtain

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3 Refers to land held by a traditional ethnic group or clan.
land without payment. Land can be allocated to the landless by Kebele land administration committees. Ethiopian pastoralists have the right to free land for grazing and watering their livestock. Land lease, which is the form of land right given to investors, can legally be used as collateral for a bank loan.

Generally, the right to land as defined under the Federal Constitution may be considered to be akin to what is known as “usufruct” rights where the right holder has rights to the use of the land and take the fruits of his labour or capital which is recognized as private property where land is not subject to “sale or other means of exchange” and can’t be alienated in any way. On the other hand it provides the State, as the “custodian” of land on behalf of the people of Ethiopia, can expropriate land for public purposes subject to payment of compensation commensurate to the value of the property on the land.

3.2. Customary land tenure systems and settlement in Benishangul Gumuz region

Traditional systems of land tenure are still being practiced in BG region since land registration and certification is at its early stage. The agro-pastoralist communities or ethnic groups in the region usually have large areas of communal land which is used as grazing fields, for the collection of firewood, honey and wild fruits, or for slash and burn agriculture (although the small farm areas are usually attended to by certain smaller family groups within the clan which is not used as common farmland). Resources are not considered to belong only to one generation but also to future generations. Since the clan is considered the owner of the natural resources, individual members are accorded only usufruct rights. Therefore they cannot be possessed or controlled by single members of the community. Especially in the Gumuz community, elders select the appropriate village location for a hamlet on the basis of both vegetation and soil types. Inter-clan relations require recognition of each other’s territories and rights. Natural landmarks such as rivers, hills, big trees or stones, roads, footpaths etc. mark the territory of a clan. Relatively speaking, there is an abundance of land to which the indigenous ethnic groups (Gumuz, Berta and Shinasha) traditionally have access. The communal land areas, which are only used periodically, appear as vacant and thus are considered as potential land that continue to be allocated for investments without any compensation to the community. The extensive allocations of land to investors has already created some serious conflict with smallholder farmers in Kamashi zone, Belo Jiganfoy Woreda (in a different Kebele from the REILA registration site) due to the fear that the indigenous groups will not be able to sustain themselves from the remaining land in the future, as they practice shifting cultivation. There is also a lack of enthusiasm among the indigenous ethnic groups for land registration in suspicion of losing land beyond
the allowed ceiling for holding size\(^4\), since significant proportion of them have more than 10 hectares of land, and many of them rent out some or all of their land to settler farmers. The reason from the policy makers for putting the ceiling for holding size in the land law is to get indigenous people who rent out all of their land back to work. Currently adjudication and demarcation is being carried out in 36 Kebeles (14 indigenous and 22 settlers’ Kebeles) by REILA and SLMP projects out of 450 Kebeles in the region. The slow progress in land registration can be attributed to the limited capacity and resource in the region as well as some of the above mentioned impeding factors.

On the other hand, settlers live on the small amounts of land supplied to them when they were forcibly resettled during the Socialist regime. Some settlers, especially new families have succeeded in getting access to more land from the indigenous community around them through rental arrangements or by “buying”, or sometimes by just occupying seemingly vacant land. This land is then held by uncertain rights that can easily be lost. In some areas, e.g. on the outskirts of Assosa Woreda, there is tension between the kebeles where indigenous people inhabit and the settlers in Komoshiga 28 Kebele due to an unclear Kebele boundary, making the settlers reluctant to invest in the land they use. Generally speaking settlers are confined to the land they were initially given, even though some of this land is still being contested by the indigenous community. The settlers feel insecure about their rights to the land they use and hence they are eager for the land registration and certification to take place in their Kebeles as it is unlikely that they are adversely affected by the implementation of the ceiling for holding size since they hold far below the 10 ha ceiling.

\(^4\) Ceiling for holding size is 10 ha for a household (husband with one wife) in BG land law
3.3. Chronological Evolvement of Land Administration Tenure system and Laws

Table 3 Chronological evolvement of rural land tenure system and laws in Ethiopia with focus on Beneshangul Gumuz Region

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before</td>
<td>The land tenure system is heterogeneous and complicated. The vast majority of the population are tenants to land lords, who take a major part of the produce. Land is a key issue that caused the fall of the feudal regime. Land tenure systems discriminate against women.</td>
</tr>
<tr>
<td>1974</td>
<td>The Derg regime introduces a land reform proclamation known as “Land to the Tiller”. The government nationalizes rural land without compensation, abolishes tenancy, forbids the hiring of wage labour on private farms, orders all commercial farms to remain under state control, and grants each household possessing rights of a plot not exceeding ten hectares. The land reform created problems related to land fragmentation and insecurity of tenure. Peasant associations are often compelled to redistribute land to accommodate young families or new households moving into their area. There is increasing pressure to redistribute land and to collectivize farms. Many peasants are reluctant to improve their land because they are afraid that they will not receive adequate compensation for upgrades.</td>
</tr>
<tr>
<td>1995</td>
<td>A new constitution is adopted, giving the Federal Government the responsibility to enact land laws and the Regional States to administer the land according to those laws. All land is owned by the government, by which the land administration responsibility is given to regional states.</td>
</tr>
<tr>
<td>1997</td>
<td>Federal Proclamation on Rural Land Administration is enacted. It defines the land use rights of individuals and provides the basis for land registration and certification. It also provides for redistribution of land to accommodate the landless.</td>
</tr>
<tr>
<td>1998</td>
<td>Beneshangul Gumuz regional state constitution enacted</td>
</tr>
<tr>
<td>1999</td>
<td>Proclamation on the establishment of Federal Sharia Courts.</td>
</tr>
<tr>
<td>2000</td>
<td>BOEPLAU is established in highland regions (Amhara, Oromia and Tigray), first under BoARD (and later graduated to a Bureau, BoEPLAU)</td>
</tr>
<tr>
<td>2003</td>
<td>Proclamation on the establishment of Beneshangul Gumuz Regional state Sharia Courts</td>
</tr>
<tr>
<td>2004</td>
<td>EPLAUA is established in Benishangul-Gumuz Regional State, under BoARD</td>
</tr>
<tr>
<td>2005</td>
<td>A new federal proclamation, the Rural Land Administration and Land Use Proclamation, repealing the 1997 proclamation, strengthening some of the rights of rural land users.</td>
</tr>
<tr>
<td>2005</td>
<td>A federal proclamation on land expropriation and compensation is enacted.</td>
</tr>
<tr>
<td>2008</td>
<td>Ethiopian Strategic Investment Framework for Sustainable Land Management (ESIF) established</td>
</tr>
</tbody>
</table>
Benishangul-Gumuz adopted the Rural Land Administration and Use Proclamation, and commences preparation of related regulations. Upgrades EPLAUA to BoEPLAU

Benishangul-Gumuz prepared and endorsed the Rural Land Administration and Use Regulation based on the Proclamation

Benishangul-Gumuz developed detailed directives on the Rural Land Administration and Use based on the regulation.

4. WHY SECURING TENURE RIGHTS TO THE COMMUNAL GRAZING LAND

Common pool resources (CPRs) like communal grazing lands are resources held and used collectively by an identified set of people, who have the right to exclude non HOLDERS and the duty to manage the resource. Grazing lands, water bodies, forests, and so on are some of the examples of CPRs, which must become relevant to sustainable development if we are to ensure that future generations are as well-off as we are. Since it is expensive to exclude others from using them, and use by one actor diminishes the resources that can be used by another, it is likely that heavily used common-pool resources are vulnerable to over-exploitation and degradation. Their continued existence depends as much on customary law as on recorded and written law.

Secure access to natural resources pasture and forest products through systems of common property forms the basis for the livelihoods of many of the rural community. Nonetheless, concerns are repeatedly voiced by different civil society organizations and human rights advocates that state and private interests are increasingly infringing on poor people’s rights and access to the commons. The recent surge in transnational investor interest in land in developing countries (“land grabbing”) and associated commercial pressures on land resources have only enhanced this threat. Such investments often focus on land previously marginal to intensive agricultural production, including forests and pastures, and which is often regarded as “idle” or “undeveloped” land. It is now widely recognised that such land is, in fact, very likely to already be in use by local people, very often under a common property tenure regime.

Common-pool resources also provide the foundation for the livelihoods of many of the poor population of the world. The communal grazing lands are becoming one of the resources subject to increasingly stricter management controls, in order to curb the challenges that use rights over communal grazing lands are being individualized in some areas through ‘illegal’ encroachment and conversion of such land into individually hold farmland and grazing land for livestock is getting shrunk further.
In BG competition between cropping and grazing is increasing due to the fact that all sources of livestock feed are increasingly dependent on natural grazing during both dry and wet seasons. Gradual evolvement from subsistence economy based on clan oriented collective livelihood towards an individualized and commercialized economy is putting pressure on the sustainable and equitable use of the communal lands. Communal holdings are not only threatened by individual farmland encroachers but also by infrastructural developments, and commercial agricultural investment expansions. Whenever land is needed for an investment in commercial agriculture and if the need arises to expropriate communal holdings there is no compensation to be considered and such communal holding type is automatically changed to the government holding type and the users can probably be given another replacement land if any in the locality or simply left without replacement.

The school of thought popularised by the ecologist Garrett Hardin in 1968, assumed that any shared management system would inevitably result in a "tragedy of the commons". The tragedy would likely derive from the fact that everyone having free access to resources tend to exploit them until they are completely depleted, according to a logic of unbridled free riding. However, management and use of CPRs, like communal grazing land requires the coordination and cooperation of a whole host of actors involved in the common: the commoners (those who have holding rights over the CPRs); other freehold users and non-users deriving benefit from the CPRs. Collective action problems occur when one of these actors has an incentive to use the CPRs in a manner which is detrimental to the other actors involved (subtractability). On the other hand, success for collective action depends on how groups of individuals are able to cooperate to overcome social dilemmas, assuming that cooperation can be withdrawn if there is no reciprocity. As a matter of fact, cooperation in CPRs management like that of communal grazing land is essential, especially within the local village context where livelihoods are almost exclusively assured from the daily use of this natural resource for improving production and productivity of their animals. The failure to do so can lead to resource overexploitation and frequent social conflict.

Although more focus seem to be given to private tenure security for livelihood improvement, common property tenure security also positively impact people’s long term investment in modern management practices like improved livestock feeding practices and is also linked to the success of community-based natural resource management. In general common pool resources like pasture and forest are crucial for many people as a basis of ensuring household food security and livelihood improvement especially for vulnerable households.
According to FAO (2016) tenure rights to commons are inextricably linked to the realization of human rights and must therefore be upheld. Commons are also viable if they are governed collectively and effectively. In most cases individual land titling efforts have failed to protect the resources that were formerly managed as commons, due to the fact that some resources can be managed in more productive and viable manner if they are not subdivided into individually owned parcels but managed collectively in large units. This especially helps as risk pooling techniques for grazing land fodders that is highly variable in terms of productivity pastoral and agro pastoral areas like BG where the ecosystem is fragile. Sharing and managing the common pool resource collectively can avoid overexploitation if rules of governing the resource are properly put in place and every member user can be accountable for his/her actions. Securing tenure rights to commons can also enhance environmental protection through sustainable use of natural resources. The common pool resources tenure security can be enhanced through devolving authority and responsibility to the community in managing the resources as well as bearing obligations to use the resource in sustainable, equitable and productive manner and protecting it from degradation.

5. EFFECTS OF RURAL LAND CERTIFICATION IN ENHANCING TENURE SECURITY OF COMMUNAL HOLDING

According to the results from FGDs and KIIs made in all kebeles where land registration and certification has been carried out, the legally produced tenure evidences (i.e. parcel map and holding certificate) have enhanced the capacity of the commoners to exercise the full bundles of property rights (i.e. access, withdrawal, management, exclusion and alienation rights) over the non-users.

The assessment of the impact of rural land registration in securing communal holding security took place in three sample kebeles (lowest administrative unit) where adjudication and demarcation of parcels, prepared holding certificate and parcel map have been carried out and issued to the holders. Both secondary sources and primary data (collected through focus group discussions and key informant interview) were utilized. The primary data were collected from communal grazing land users, customary leaders, local land administration committees and agricultural extension agents.

The findings show that certification has positive impacts on securing communal grazing land holding by improving communal land governance and benefiting the users like it does with other holding types, i.e. private and government. The role of government is also found to be as a conscientious trustee as possible of these resources through ensuring CPRs tenure security.
Different sources revealed that effective management of the communal grazing land and its protection against encroachment from individual farmers or commercial agriculture investment projects can be attained when the tenure security is ensured through holding certificates and when the defined user group members can be legally protected to exclude the non-members. Since the user community can meet frequently and discuss challenges through face to face communication it is easy to build social capital among themselves, enforce their collective rules and monitor the free riders and exclude outsiders at relatively low cost from using the resource unlawfully. In order to put in place effective governance of the common natural resource like communal grazing land it requires that the rules are crafted in a participatory way and the rules are followed by the members of the resource users with reasonable tolerance for modest violations for which needs to impose modest sanctions on the first offenders and gradually increase the severity of sanctions for those who do not learnt from their previous misdeeds.

6. **CHALLENGES**

Devising institutional arrangement that help to establish responsible common resource governance is one of the challenged faced in sustainably managing common pool natural resources like communal grazing land.

The prevailing weak collective action by different user groups who hold tenure rights to the same communal grazing land promoting sustainable use and preventing over exploitations and degradation becomes ineffective leading to propensity to act according to individual self-interest.

The expansion of commercial agriculture which need for more land put much more threat to the sustainability of the common pool natural resources like grazing and forest land.

7. **OPPORTUNITIES**

Despite the fact that customary norms are still very strong in rural areas, the current land legislation gives clear opportunities for responsible governance of communal holding and ensure their tenure security.

The foundation laid by REILA project in terms of building the capacity of Land Administration and Use Offices from region, to zone, woreda and kebele level through long and short term training, systems and contents developed for disseminating need based public information and awareness, necessary material equipments supplied for effective and efficient execution and rural cadastral surveying are the opportunities to be tapped by BG Land Administration and use sector.
8. CONCLUSION AND RECOMMENDATIONS

8.1. Conclusion

While holding registration and certification is clearly beneficial to securing tenure security, it does not necessarily lead to more gains for communal holders, where especially communal grazing lands are under the threat of encroachment from individuals and commercial agricultural investors in some cases.

Whether enforcement mechanisms are formal or informal, those who impose them must be seen as effective and legitimate by resource users, which otherwise lead to resistance and evasion.

8.2. Recommendations

If legal recognition and protection of tenure rights over communal grazing land against any kind of encroachment is provided by the government it could serve as incentives for responsibly exploiting the resources for economic benefit in a sustainable, efficient and fairly equitable way.

The state need to devolve the rights and responsibilities of governing communal grazing land to the user community groups. The law implementation has to recognize and account for the complexity and flexibility of the bundles of tenure rights over common pool resources like communal grazing land, where indigenous community as well as the settler members of the community may hold multiple and overlapping bundles of tenure rights to the communal resources.

The practice of mutual understanding and negotiation taking place between two communities, i.e. indigenous and settler groups in some parts of the region, especially Assosa woreda have to be encouraged for further trust building and agreeing on sharing certain bundles of rights to the settler community for collective use.
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