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THE ROLE OF CUSTOMARY AUTHORITIES IN LAND ADMINISTRATION: EXAMPLES FROM TANZANIA AND ETHIOPIA

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Abstract

Often when land policies and land legislation are reformed, the existence of customary authorities is challenged, however, typically in agrarian societies they remain as well although their rules may partly contradict each other. This kind co-existence of customary and statutory authorities can be called legal pluralism. This paper will explore the practices of customary and statutory institutions in land administration in Tanzania and Ethiopia and discuss how customary institutions can to be involved in the formal land administration. The involvement of the customary authorities can as its best make the land administration more transparent, aid in land disputes and conflict situations, bridge the gap between legality and legitimacy and contribute to a practical land administration system but it might challenge the rights of women and vulnerable groups.

Key Words: Customary authorities, statutory authorities, legal pluralism, dispute resolution