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ASSESSING COMMUNAL LAND USE MANAGEMENT RELATED  
POLICY/LEGISLATIVE SETTING AND APPLICATIONS  
IN BIR - TEMCHA WATERSHED, UPPER BLUE NILE BASIN, ETHIOPIA

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By:

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## **Abstract**

*Communal land tenure and holding rights has been the most controversial and politicized issue in Ethiopian. This study was aiming to assess the communal land administration and use policy/legislative setting and applications.*

*The study deploys HH survey, community and expert KII, FGD as well as document analysis method. Content analysis technique, load factor ratio and descriptive statistics were used to analyse the findings.*

*As strength, legislative instruments to govern communal land administration were adequately set and placement of stable state structure that goes down to the lowest administration level to implement communal land administration was found encouraging. However, Absence of national land use policy, weaker attempt in policy and legislative application, weak spatial data information system & updating of communal land adjudication process, low level community participation during communal land adjudication process and community involvement in decision making was found as a gap.*

*This needs a special attention for further research on the socioeconomic and political dimensions. On top of this, policy and legislation evaluation and revision has to be considered and correction measure should be in place to bring a sustainable and climate resilient communal land use management in the country.*

Key words: Land Administration, Land Use, communal land, Land tenure security, sustainability design principle.

## LIST OF ACRONYMS AND ABBREVIATIONS

|         |  |
|---------|--|
| ACZ     | Agro Climatic Zone   |
| ANNOVA  | Analysis of Variance   |
| ANRS    | Amhara National Regional State                                     |
| BoA     | Bureau of Agriculture  |
| BoEPLAU | Bureau of Environmental Protection and Land Administration and Use |
| CAT     | Content Analysis Technique   |
| CBNRM   | Community-Based Natural Resource Management                        |
| CC      | Carrying Capacity  |
| CFL     | Communal Forest Land   |
| CGL     | Communal Grazing Land  |
| CHH     | Community HouseHold  |
| CL      | Communal Land  |
| CLA     | Communal Land Administration                                       |
| CLAC    | Community Land Administration Committee                            |
| CLM     | Communal Land Management   |
| CLM     | Communal Land Management   |
| CLR     | Communal Land Resource   |
| CLRU    | Communal Land Resource Use   |
| CLRUM   | Communal Land Resource Use Management                              |
| CV      | Coefficient of variation   |
| DA      | Development Agents   |
| DP      | Design Principle   |
| EPRDF   | Ethiopian Peoples' Revolutionary Democratic Forces                 |
| FGD     | Focus Group Discussion/Discussant                                  |
| FHH     | Female House Hold  |
| HH      | House Hold   |
| KA      | Kebele Administration  |
| KII     | Key informant Interview  |
| LAU     | Land Administration and Use  |
| MHH     | Male House Hold  |
| MoANR   | Ministry of Agriculture and Natural Resource                       |
| MoEF    | Ministry of Environment and Forestry                               |
| NRM     | Natural Resource Management  |
| PCA     | Principal Component Analysis                                       |
| PCI     | Precipitation Concentration Index                                  |
| SD      | Standard Deviation   |
| SRAI    | Standardized Rainfall Anomalies Index                              |
| TLU     | Tropical Livestock Unit  |
| UBNB    | Upper Blue Nile Basin  |
| WS      | Watershed  |

## 1. Introduction

In most countries land accounts for between half and three-quarters of national wealth and land is a fundamental input into agriculture production and is directly linked to food security and livelihood (FAO, 2010). This study also added that recent estimates revealed that 80% of the global forests and much of the global pastures are publicly owned. Communal forests contribute 27% of the total household income in Northern Ethiopia (Bedru *et al.*, 2009). There are many demands on communal land resources: pasture, forestry, infrastructure, as well as other claims by indigenous groups for different purposes including for ecological and environmental protection. These different demands could create conflict of interest and be the source of conflict between and among user communities on the ground.

Besides, most communities could not manage these conflicting demands. Communal land has, therefore, frequently been the cause of social and economic disturbance, and much effort has been devoted in developing systems to administer land use rights and systems. Encroachment due to expansion of crop cultivation resulted in diminishing communally managed grazing and forest lands (Mengistu, 2005). This diminishing in size and aggravated degradation of communal grazing and forest lands has led to ethnic conflicts and a decline in total livestock numbers in Borana, Ethiopia (Bokel, 2008). As Betru *et al.* (2009) added, the situation on deforestation, overgrazing, and expansion of agricultural lands over CLR aggravated CLR degradation in Ethiopia and particularly in the UBNB. According to this author, to reverse this situation, looking over communal land use and the land administration policy system is important.

This policy system and application may change and improve the overall processes in managing communal lands and supporting the process of policy development. If managed properly with a fully-fledged policy framework and its application, these communal lands could be a key factor for the betterment of livelihood and climate change mitigation for the rural community (Steins and Edwards, 2008).

The Ethiopian government has exerted an effort in issuing various policies, legislation, strategies and programmes to end poverty and put sustainable land use management in place. These include: Land Administration and Use Proclamation 456 (2005), Plan for Accelerated and Sustained Development to End Poverty (PASDEP), (2005/6-2010/11), Ethiopian Sustainable Investment Framework ESIF (2008) and Climate Resilient Green Economy (2011). These are the prominent ones. These all contributed towards utilising CLR in a sustainable manner in order to improve the livelihoods of rural communities.

However, up to this point, there has not been a comprehensive national land use and grazing land management policy in Ethiopia to guide land use planning at national and partly at regional level. Inadequate land related policies and their applications are a serious constraint on economic and social development particularly in managing communal land use sustainably (Rehmato, 2011).

Nevertheless, to avoid the above stated problems, rural communities made concerted efforts in constructing different soil and water conservation and water harvesting structures, established area enclosures and tree planting programmes since the last two decades on communal lands (Mitiku and Kindeya, 2008; Fitsum *et al.*, 2009). However, remedial measures in the past have focused on physical structures of land rehabilitation. Policy, institutional and participation issues were usually not highlighted in the remedial measures (Berry, 2013). The lack of CLRUM

related policy and institutional arrangements also hindered the prevention of over exploitation and depletion of CLR such as communal grazing and forests lands (Bekele *et al.*, 2009).

Researches and experiences have shown that communal land resource and management (CLRUM) by the state alone cannot be successful in the absence of acceptance and involvement of the local community. In spite of the fact that there are significant resources invested by the Ethiopian governments in reforming land use and administration, there is little systematic discussion on the what constitutes effectiveness in communal land use and communal land administration within the varying spatio-temporal socio-economic and cultural contexts (Berry, 2013).

Mengistab (2009) stated that there are insufficient studies documented particularly in the area of communal land resource use and management (CLRUM) policy setting, application and institutional matters. Yet, there is also limited scientific evidence that enables feasible local level development and policy interventions that strengthen sustainable CLRUM. This becomes more critical in the study area as it has more complex physiographic and socio-cultural conditions that influence CLRUM.

To fill this gap, an in-depth investigation in the area of communal land use related policy setting and application aspects has paramount importance to achieve sustainable CLRUM. Hence, this study intended to assess the communal land use and administration related policy/legislation setting and application status. This ultimately contributes and helps in setting out and establishing effective and efficient communal land use and administration systems in the country.

## **2. Objective & Research Question**

The objective of this study was to assess communal land use and management-related policy/legislation settings and their applications in managing communal land uses in the study area. Under this, the following research question was answered:

What is the status of land administration and use-related legislative settings and applications on:

- Communal land tenure and administration?
- Communal land use plans and resource management?
- Communal land valuation and expropriation?
- Communal land resource control?

## **3. Research Design and methodology**

### **3.1 Study area description**

The country has five major basins. Among these, Upper Nile River Basin is the one. The Upper Blue Nile/"Abbay" basin is situated in the north-central and western parts of the country. It forms generally a rectangular shape that extends for about 400 kms from north to south and about 550 kms from east to west (Figure 1). It is one of the most important river basins in Ethiopia (MoW, Master Plan: Abbay, 1999; World Bank, 2006). It covers an area of about 199 812 square kilometers (km<sup>2</sup>), which is 20% of the country's land mass that accommodates 25% of the

population, 40% of the nation’s agricultural products, most of the hydropower, including the Ethiopian renaissance dam and other significant portions of irrigation potential of the country (World Bank, 2010).

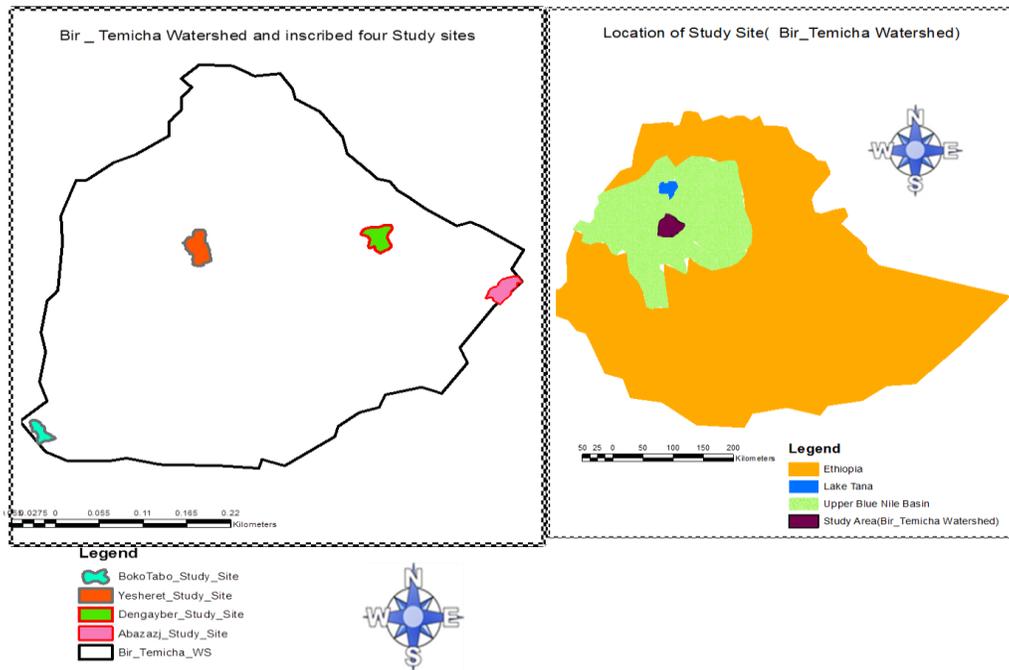


Figure 1 : Indicative Map for the Study Area

The specific study site, Bir-Temicha watershed, is located within the Upper Blue Nile Basin (UBNB). It lies between 37P 264745.75 to 383813.5 metres east and 1132986.5 to 1235341.5 metres north comprising two major rivers: Bir and Temicha. With all their tributaries, it drains the watershed area and feeds the Upper Blue Nile (“Abay”). The watershed in general includes seven districts (hereafter called ‘woredas’) and two administrative zones. Machakel and Sinan woredaa were from East Gojjam and Denbecha, Degadamot, Quarit, Sekella and Bure woredas were from West Gojjam administrative zones. The road from Addis Ababa to Bahirdar cross the study area at the middle of the watershed and covers an overall width around 90KM from east to west. Vertically, the watershed is 70 kms in length from north to south.

### 3.2. Population and sampling procedures

To determine the study sites, a systematic sampling approach was used. First the basin was categorised into 15 bigger watersheds. Each watershed was given a number from 1 to 15. Then, one watershed was selected through the random sampling technique using the lottery method. This selected watershed was found within the eastern and western Gojjam Administrative Zone called Bir-Temicha watershed. After selection of the watershed, the total area was categorised in to four Agro Climatic Zones (ACZ) setting.

Then, from Google Earth, the availability of communal grazing land (CGL) and communal forest lands (CFL) was assessed and mapped. Sorting out of communal lands was also supported with a field reconnaissance visit. After that, systematic sampling was used to choose a sample study micro watershed (MW) site that consisted of one CFL and one CGL site in each ACZ

setting. The systematic choice in selecting specific study sites depends upon factors like: its conveniences in terms of geographical location, its accessibility, availability and closeness of CGL & CFL sites. Based on these, (1 CGL + 1 CFL) in each micro watershed per ACZ per were selected per Woreda as a sample study site.

These selected Woredas were: Bure, Jabitehnan and Dega damot Woreda from West Gojjam Administrative Zone and Sinan Woreda from East Gojjam Administrative zone. In these four Woredas, those four micro watersheds were correspondingly nominated representing different ACZ setting. One was Bokotabo area (Bure Woreda) located on 1550 ± 200 meter above sea level(masl) representing warm semi-arid ACZ traditionally called “Kola”. The second was Yesheret area (Jabitehnan Woreda) situated between 2050 ± 250 masl representing cool sub-humid and locally termed as “Weyna Dega”ACZ . The third one was Dengay ber silasse area (Degadamot Woreda) found between 2750 ± 450 masl representing a cool and humid which, traditionally called “Dega” ACZ and the forth one was Abazazj area ( Sinan district) located at 3500 ± 200 masl representing very cool/ alpine vicinity which, is known traditionally as “Wourch” ACZ ( MoA, 2000). After identifying these four micro watersheds (MWS), the selected communal forest and grazing land use (CLU) types were delineated. This made the total number of sample study sites to be four CGL and four CFL.

Then, “Kebele” administrations (KA) that are fully using the selected CG & FL resources in those four study sites were considered as sample Kebele administration units.

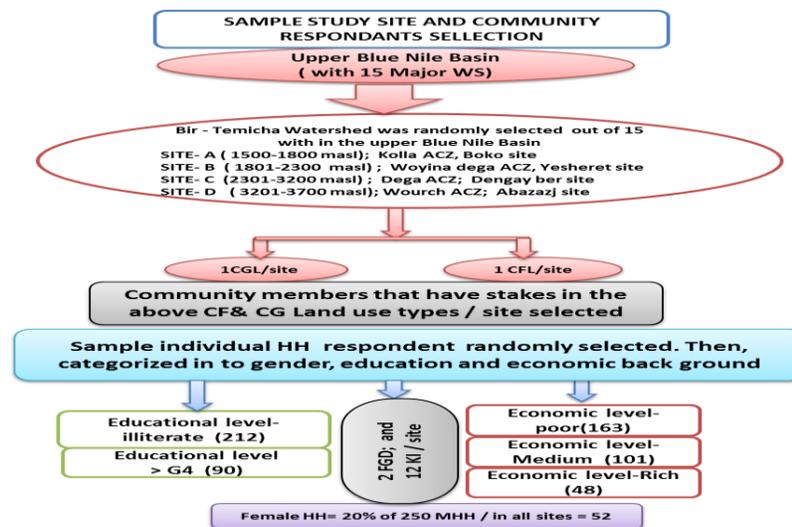


Figure 2: Layout of Study Site Selection and Sampling of Household Survey

### 3.3. Classification and selection of respondents

#### 3.3.1 Community household

Community members who have a stake in the selected CLU types were considered as the sample population. Based on this, 290, 445, 440 and 335 HH from Kolla, Woyina Dega, Dega and Wourch ACZ were found as total population size respectively of each ACZ. Using Sample Size Calculator/G Power software following Nayak (2010), sample size was proportionally determined as 58, 89, 88 and 67 with the same order of ACZ. In total, the overall sample of

respondents who were taken for the HH survey were then became 302. Sample respondents were randomly selected and taken as individual community household (CHH) respondents (Figure 3).

In each ACZ, these CHH samples were recorded per their educational status, economical level and sex. Their education level was stratified into two: Illiterate (who cannot read and write), and those who are grade 4 and above. Their economic status was categorised by themselves as poor referring to those HH with no ox, medium, if they had two oxen and rich with three and above oxen.

Based on this classification, 90 sample CHHs were found  $\geq$  grade 4 while the remaining 212 were illiterate. In terms of economic category, 82 were identified as poor, 184 as medium and the remaining 36 were identified as rich. Of all HH respondents, 52 or 20% of total respondents were found to be female householders (FHH). The number of respondents in each stratum is presented in Table 1 below.

### **3.3.2. Community focus group (FG) and key informant (KI)**

Two community FGs were formed in each ACZ. In total, there were eight FGs conducted for a closer discussion. Group members were selected systematically; each group had at least 7-8 members. Members of the group were comprised of elders, youths, females, and Kebele Administration (KA) executive members. KI were also selected systematically from known knowledgeable elders (male + females), KA executive committee and communal land administration committee members. 12 key informants were selected in each site/ACZ. Of these two were female KI. This made the number of KI to be 48, of which eight were female.

### **3.3.3. Key informant technical experts and practitioners**

The study pertaining to communal land use and management practices and policy-oriented matters was conducted at government administrative level. Relevant staff from institutions like the Ministry of Agriculture (MoA), Environmental Protection Land Administration and Use Bureaus (EPLAUB), Bureau of Justice, Ministry of Environment and Forestry (MoEF) and those NGOs that are working with tasks pertinent to the study were considered for the survey at various levels of the government structure. This includes: KA, district, zonal, regional and federal level structures. From each level those who were in expert and managerial positions were considered. However, in order to get a structured analysis, the KI experts in each government strata were classified based on type of responsibility and professional background. Generally, three fields of expertise were involved. Categorisation was made for experts who were working in the area of land use, land administration, livestock, and forestry/natural resource management (NRM).

These experts were involved at different government administrative strata (district, zones, region and federal level) from their respective Bureau of Agriculture (BoA) and Environmental Protection and Land Administration and Use Bureaue (EPLAUB). Depending on the availability of staff members, at least one concerned technical staff from each of the three fields of expertise in each administrative office level was systematically selected in the survey. This made 12 respondents from each of the federal, regional, zonal and district level government administrative strata. This made the total expert KI to be 48. Out of 12 KI at federal and regional administrative level, 50% and 33% of them were from non-

governmental/civil society organizations (NGO/CSO) who were working in land and environmental management affiliated organizations respectively. On top of this, out of four KA in the study area, natural resource management (NRM), livestock technicians and land administration technicians were selected in each KA as KI development practitioners. These made three technicians per KA. This made a total of 12 KI from development workers. In total the whole number of experts and field technicians from all administrative levels was found to be 60 (See Figure 3).

### 3.3.4. Expert FG discussants

With regard to experts and practitioners, one focus group discussant (FGD) per each administrative level was consulted. FG members were from professional back ground like: livestock expert, NRM experts, Land Administration experts who were working from bureaus of agriculture as well as EPLAU. In addition, experts from law professional back ground under Bureau of justice were also considered. Depending on the availability of experts, each FGD had from five to seven members. This was one FGD/district level. This made four FGDs at district level. In addition, at the Zonal administrative level one FGD per zone was selected. This made two FGDs at Zonal administration level. With this, a total of six FGDs were participating in the discussion (Figure 4).

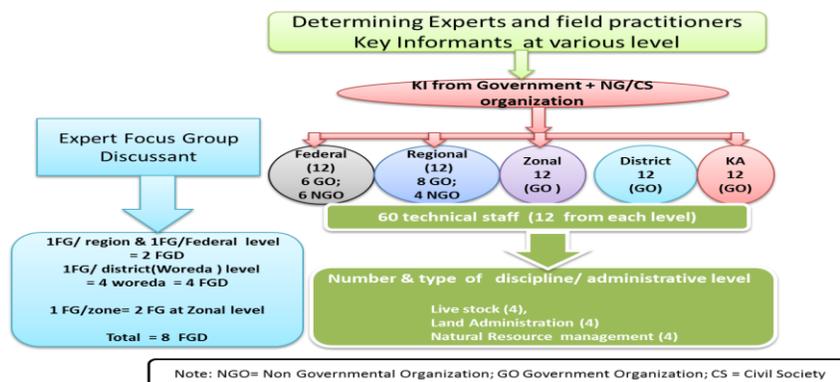


Figure 3: Sampling Approach for Expert/Field Practitioners KI and FGD in various Government Administration Strata

### 3.4. Method

To identify and examine CLUM related policies, legislative settings and application gaps/opportunities towards enhancing sustainability and climate change resilience; this study deployed a HH survey of 302 HHs using a structured questionnaire. The study also focused more on qualitative data collection methods for assessing land related policy/law frameworks to enhance rural LAUM related policy systems. One of the methods used was document analysis. Within this desk work, data from the Central Statistics Agency (CSA), regional and national land administration agencies and user related policy and legislation (proclamations, regulations and directives), strategic guidelines and official reports of the government were consulted, reviewed and synthesised. In this case, all pertinent outstanding issues were also noted and used as cross checking elements to be discussed with key informants (KI), focus groups (FG) discussants of rural community members in the study areas and relevant experts.

Community KI and FGD from key and known individual farmers, elders, youths, women; KA, land administration committee members at Kebele (lowest administration level) on the one hand, and, on the other, experts who were very familiar with the study area and experience were selected and consulted.

Experts KII were from various levels of government structure (Kebele, district (here after Woreda), zonal, regional and federal levels) working under MoA, MoE&F, BoEPLAU and BoA. The three areas of KI expertise were: They were from Natural Resource Management (NRM), Livestock and Land Administration and Use (LAU). The total number of KI experts/field technicians was 60. That is, 12 from four kebeles of the agricultural office and land use and administration office at Kebele level, 12 experts from four Woreda, 12 from two Zonal experts (six from each zone) and 12 KI experts each from the regional and federal levels. For community KI, a total of 48 communities KI from the four KA study sites in all ACZ settings were interviewed. This was 12 KI in each study site (ACZ).

Another expert FGD that comprises discussant members from the Bureau of Justice, BoA and BoEPLAU at Woreda and zonal level were carried out to verify the findings from KII. The number of discussant members from each FG was five. These was one from the office of justice, two from the agricultural office, and another two from the EPLAU office in each of four Woredas and in two zonal offices. These made the total number of experts FGD to be six (four at woreda level and two at zonal level). The aim of KI interviews and FGD for both expert and community members was to understand and assess the status of rural land administration in terms of policy and management both at regional and at operational level.

The legislative application assessment study was based on Land Administration and Use (LAU) law of the Amhara region (133/2006), Regulation No. 51/2007 of the ANRS. The emphasis of this study was to look at the directives set to implement the regulations. More specifically, special attention was given to those directive elements stating and referring to communal land use and management practice. In addition, the Forest Development, Conservation, and Utilization Proclamation (No. 542/2007) particularly on articles referring to the provision pertinent to the communal forest management and utilisation part was also assessed.

Open-ended and semi-structured interviews were used to evaluate the status of the system based on KI and FG discussants opinion and level of satisfaction. Besides, qualitative data from in-depth KI interviews, FGD, and field notes were transcribed, translated into English and analysed using the content analysis method to understand views and scrutinise the differences in views between community and expert informants (Berg, 2009). Findings from synthesised documents, KII and FGD were presented as a rap up meeting for the zonal level expert discussant group and debriefing was also conducted with the then Head of Amhara Regional State BoEPLAU and his team. Necessary comments given from two sessions were incorporated for better reliability of the findings.

Finally, as Williamson *et al.* (2010) depicted, land administration systems in general for policy setting cannot be understood, built, or reformed unless the core processes are investigated. In line with this, for this study, the core processes were dealt with in the overall LAU related policy setting and their application of operational functions at ground level. Therefore, to analyse the status, the study investigated the key attributes of the land administration system in general and focused on the four core processes following Dale & McLaughlin (2009) and Simon (2006). These core areas were: land tenure and administration, land valuation and expropriation, land use and management plans and development control.

### **3.5. Data analysis techniques**

To analyse policy and legislative settings and application, the content analysis technique (CAT) was used. Following Norušis (2012), CAT was employed to identify, categorise and analyse the opinions of communities, practitioners and experts in the area of policy/legislation setting and application. Besides, following Norušis (2012), CAT was also used to make inferences about the antecedents of finding from the subject interviewees and secondary documents to describe and sort out the characteristics of the findings. Moreover, load factor ratio, descriptive statistics like percent, mean and median were also used to depict the findings.

## **4. Results and Discussion**

### **4.1. Communal land tenure and administration related legislative setting and application status**

According to Norušis' (2012) work, the major functions of practicing land administration are four. These are: adjudication (conventional registration versus computerised registration and participation), the second one is updating the adjudication status, and the third and fourth ones are implementing adequate boundary demarcations/monuments and ground control points and mapping/parcel index map, with unique parcel identification.

In terms of legislative setting in the ANRS where the study area was located, the study found that all the above major functions are properly addressed with appropriate regulations and directives. However, with different levels of success or failure, the application of those legislative elements varies from place to place.

To see the overall legislative application pertinent to communal land administration, five points were raised during the HH survey. These were:

- Cadastral surveying and mapping,
- Communal land adjudication process,
- Establishment of CLAC and community arbiter committee,
- Policy/legislative enforcement to refrain community from abusing any activity that aggravates deforestation and land degradation, and
- Whether administration body involvement in reallocating communal lands for landless youths/user groups or for investment were following a proper legal procedure or not.

The Federal Rural Land Administration and Use Proclamation 456/2005 in article 6 provides the need for measuring lands found under communal use and preparation of cadastral maps for these lands. The Amhara Regional Rural Land Administration and Use Proclamations have also a provision on land registration and certification including cadastral surveying and mapping of communal holdings. Besides, the Federal Forest Development, Conservation and Utilization Proclamation (542/2007) emphasised also that communal forest areas have to be demarcated, delineated and develop a communal forest management plan. However, from this finding it was found that the application on the ground still did not implement the above legal statements properly. In line with this, the HH respondents were asked about the application of cadastral surveying, mapping of communal grazing and forest lands and fixing monuments or permanent

physical marks on the ground on one hand and, on the other, community participation during the communal land adjudication process. Those HHs responded that they highly disagreed to disagree for the above respective questions. The mean value were -3.7 and -2.9 and the median was -4 and -3 for cadastral surveying and mapping respectively. These showed that community participation during communal land adjudication and cadastral surveying and mapping activity was weakly practiced.

It was also noted from expert KI that these elements did not work out on communal land in the study area. From expert KII it was remarked that cadastral surveying for second level registration was executed in different parts of the UBLB but outside this specific study area. They reported that even outside the study site the effort was very limited. In line with this finding, from the study conducted in the Amhara region, it was reported that only less than 10% of the area under communal land has boundaries demarcated and surveyed (World Bank, 2014).

On top of this, community discussant groups reported in all study sites except Kolla ACZ (Bokotabo KA), that adjudication of both communal grazing and forest land were ongoing and first level certification was issued and titled under the name of respective Kebele Administrations (KA). Besides, about 77% of community KIs from all study sites agreed on the certificate issuance based on this article. However, they reported their fear that this first level certification book has been placed in the hands of some selected individual who is a member of CLAC. These KI believed that this procedure gave them fear and insecurity. They suggested placing the book of certification in the Kebele Administration Office which would be more comfortable and more secured to them.

When it comes to the application of the adjudication process, particularly during delineation of communal lands, the expert FG discussant did not find that it was properly applied as per Proclamation No.133/2005 and Regulation No. 51/2007 art.19, and Communal Land Administration and Use (CLAU) No. 24.1.3. During communal land boundary demarcation and delineation, Kebele LA technicians, Kebele administrators, neighbouring landholders and communal land administration committee members shall be present during such adjudication processes. However, from the expert FG discussant, they witnessed that neighbouring landholders were not practically attending during delineation. They described that in most cases only the Kebele administrator, CLAC and LA technicians did the delineation. Similarly, the community FG discussant also raised similar concerns in support of the above opinion mentioned by expert FG discussant.

On the other side, HH respondents were asked about the status of satisfaction or dissatisfaction with regard to the status of establishing and strengthening CLAC and elder arbiters. In line with this, it was found with a mean value of 3.8 and 2.4 respectively. This means that communities strongly agree with the establishment of CLAC and agree for elder community arbiters. Hence, this showed that the above directive elements were applied and practiced well.

In the LAU proclamation of the Amhara region (133/2006), it stated that any land related conflict on the ground level shall be arbitrated by the elder committee. As 78% of expert KI pointed out, there was an outstanding strong practice on elder arbitration for conflict on communal land boundary disputes and control (Table 57). On the other hand, from community FGD in the Woyina dega ACZ areas, it was reported that the most common limitation of elder arbitration was that elder arbiters were reluctant. According to them, this was because of detesting grievance which they didn't want to react against, i.e any resource use or boundary conflicts over communal land.

Communal Land Administration and Use (CLAU) directive No. 24.1.10 stated when boundary conflict arises on CL. This statement was when dispute arise at the border of two or more KA and/or Woreda Administration, then selected elders, Kebele and Woreda administrators, LAU office representatives and Kebele LAUC members from respective concerned Kebeles and Woredas administration shall solve the conflict. During this study, such cases were identified only in the Dega ACZ (Dengay ber KA). In this site, there was a case where CGL were found between two Kebeles and Woredas. However, in this site, although two Kebele LAU technicians in both Kebeles reported that there was conflict, no attempt was made by the KA and Woreda administration and EPLAU office to solve the conflict as per the CLAU directive stated under article 24/regulation 51/2006. However, about 83% of key informants confirmed the existence of such conflict and stressed that the case has to be resolved (Table 59).

Moreover, even though CLAU directive No. 35.4 stated that from Kebele Communal Land Administration Committees (CLAC), at least two shall be women. In the three study sites, only one female member was selected per committee and 2 females per committee were selected only in Wourch ACZ (Abzazj KA). As boldly mentioned by a focus group discussant, it was no matter whether to nominate two or one female as a member of CLAC. This is due to the fact that female members in most cases would not be available to work as a member of CLAC. This is simply because of the traditional/cultural feeling they have. Due to this, women members were not able to fully participate in CLAC routine work as men did. On the other hand, a FG discussant also added that the nature of CLAC work by itself required and consumed a relatively good amount of time and energy. Most females in the local situation were unable to meet this requirement. Hence, as those discussant groups pointed out, even though the proclamation 133/2006 stated that among CLAC members two must be female, KA replaced at least one female with another men member in those three study sites. Therefore, they emphasised that care has to be given during female committee member selection as the CLAC work demands and consumes more energy and time than other committee work.

**Table 1: Perception from Household Survey on the Application of Communal Land Administration and use of related Legislation**

| Type of CLM legislative application practices: N= 302   | Mean | Median |
|---|------|--------|
| Communal forest/grazing land surveyed, mapped, demarcated with parcel<br>1 identity number.   | -3.7 | -4     |
| 2 During communal land adjudication process the participation of community users including adjacent individual HH   | -2.9 | -3     |
| 3 Communal lands administration committees established in each Kebele/sub Kebele  | 3.8  | 4      |
| 4 Elder committee established to arbiter and solve dispute arising on communal lands at Kebele/sub Kebele level   | 2.4  | 2      |
| 5 Land users “shall be obliged to refrain from activities that aggravate soil erosion, like forest clearing.” This is applied well on the ground in managing communal lands | -3.2 | -3     |
| 6 Kebele and Woreda administrations involved in allocating communal lands to landless organised youths, following the legal mandate and procedure                           | -3.5 | -4     |

Note: Very strongly agree = 4; strongly agree = 3; Agree = 2; slightly agree = 1; Not applied/no idea = 0; slightly disagree = -1; Disagree = -2; strongly disagree = -3; Very strongly disagree = -4

With regard to the effort of CLAC to resolve disputes, CLAU directive No. 27.1.10 stated that a discussion forum shall be conducted at least once in a month to resolve cases related to resource use conflict. Members of this discussion forum were from Kebele LA technicians, administrators, and communal land administration committee members. In applying this, 85% of KI reported that it was practised and exercised in all study areas. However, a community FG discussant reported that, although this discussion forum meeting was exercised, no solution was made out of it. They suggested that no matter how frequent they conduct a discussion forum but nothing was acted on per the recommendations that came out from such a discussion. They explained that nothing came out as an action to solve issues raised even though they had frequent discussion. For example, in the Woyina dega ACZ (Yesheret KA), community FGD reported that about 45 cases related to encroachment were presented in the discussion forum. Yet, no solution was found nor action was taken to reverse/minimise the problem. However, in Wourch ACZ (Abzazdj KA site) it was a better attempt. From Kebele LAU technician, it was reported that CLAC even meet twice in a month trying to solve and reduce problems. It was further reported that out of 51 cases appealed from year 2013/14, 20 cases were resolved and 31 cases were left until 2014/15.

In terms of decision exercises, under Proclamation No. 133/98 Art. 29, it was stated that whenever boundary conflict arises, Kebele Land Administration Committee (KLAC) members have a decision role to resolve issues together with the Kebele administrator and land administration technicians. However, as 81% of community KI reported, the role of CLAC was rolled out by the Watershed User Association (WSUA) committee members in deciding on communal land administration and resource use management related matters.

From the Amhara regional state, regulation 51/2006, Art.3/13-3, stated that in any type of rural land where soil and water conservation works have been undertaken, a system of free grazing shall be prohibited and a system of cut arid carry feeding shall be introduced. In line with this, during the HH survey, the application status on whether land users were obliged to refrain from activities that aggravate communal land degradation and prohibit free grazing and forest clearing exercises was investigated. It was reported that HH respondents strongly disagreed that such practices were not applied in the study area. From the Likert scale it was depicted that the mean value = - 3.2 and median = - 3. The above finding showed that there was not such an attempt that was applied on the ground to refrain land users, even if there were activities like forest clearing and overgrazing that leads to further communal land degradation.

According the FG discussant, it was mentioned that even if there is a legal provision stated under regulation 51/2006, Art.3/13-3, there were not any practices on control grazing or the cut and carry system developed on communal land areas. During FGD, it was also emphasised that community members were not yet conscious of the repercussions behind over grazing and communal forest resource abuse. They indicated that communities wanted only to satisfy their immediate needs. It was mentioned that this was particularly more serious for communal lands than individual farm lands. Besides, from the FGD, it was described that it was good that the law stated that it was most important to keep the bio physical measurement to rehabilitate communal forest and grazing lands. However, there was very limited action in implementing the law. Due to this, most of planted and/or constructed structures over communal lands were mostly destroyed. This issue was also found to be more serious by most of the Kebele development workers, who were found with the highest load factor (0.54) (Table 58).

On whether or not Kebele administrative bodies transfer a portion of CL to landless youths following their legal procedures was also examined. It was found from the HHs survey that they highly disagreed that there was a formal procedure followed as provided by the law. The finding

showed a high level of disagreement with mean = - 3.5 and median = - 4 (Table 56). Besides, the CLUA directive No.25.1 stated that it was allowed only if 2/3<sup>rd</sup> of the community members agreed that the authorised body could transfer a portion of CL to another holding type. However, FG a discussant reported that there were cases that the Woreda administration office and sometimes the KA office determined for the expropriation of a portion of communal lands either for investment or for a user group without community members' participation. The researcher also witnessed that in the Dega ACZ, Dengaybersillasse KA site. In this site, there were about 3 ha of CGL that were given for an individual investor without paying proper compensation and community participation.

**Table 2: Community Key Informants' Perception on the Application of Communal Land Related Land Administration Legislation**

| Legislation elements<br>(N=48)  | legislation set<br>and applied |       | Legislation set<br>but NOT<br>applied |      | Load factor ratio in each study site |                     |                     |                |
|---|--------------------------------|-------|---------------------------------------|------|--------------------------------------|---------------------|---------------------|----------------|
|   | No                             | %     | No.                                   | %    | Wourch/Aba<br>zazj                   | Dega/Denga<br>y ber | W/dega/Ye<br>sheret | Kolla/B<br>oko |
| Boundary conflict resolution when CL found between two or more kebele/woreda administration                               | 10                             | 16.6  | 40                                    | 83.3 | <b>0.4</b>                           | <b>0.35</b>         | <b>0.15</b>         | 0.1            |
| Gender setting in CLAC members  | 17                             | 35.5  | 31                                    | 64.5 | <b>0.38</b>                          | <b>0.32</b>         | <b>0.16</b>         | 0.14           |
| Resource use and boundary conflict resolution mechanism   | 7                              | 14.6  | 41                                    | 85.4 | <b>0.62</b>                          | <b>0.26</b>         | <b>0.11</b>         | 0.09           |
| Effectiveness of CLAC on their decision role and in taking measures during LAU proclamation/regulation/ by-law violations | 9                              | 18.75 | 39                                    | 81.3 | <b>0.3</b>                           | <b>0.33</b>         | <b>0.24</b>         | 0.13           |

Note: Load factor ratio is between 0 and 1. (0 = not worked out problem/no case at all, 1 = highest application)

A community FG discussant pointed out that though communal land tenure security was getting better compared with ten years back, the fear still existed. The reason they reported for the fear was the experience they had on sporadic communal land expropriation for youth groups and other individual investors. As to the FG, this fear also erodes the interest of the majority of the user community to further develop, protect and manage communal lands.

Tenure insecurity in the region was related to land reallocation that happened before 1997; and is mainly the result of governments' interference (Rahmato, 2011). On the other hand, EEA (2012) reported that the proportion of individual land holders reported to have tenure security on their private possessed land before the introduction of land administration system in ANRS was only 24%. Similarly, Deininger *et al.* (2008) also stated that with regard to private possessed land holding the estimation of tenure security was 27%. However, compared to these findings, under this study, tenure security was more serious under communal land than the private possessed land holding system. This was indicated by a community group discussant that community members, due to the above fear, prefer to invest in natural resource management, developing wood lot and grass land improvement interventions on their own parcels of land rather than doing it on communal lands.

As identified by an expert focus group discussant, the major weaknesses of the land tenure and administration system in general were grouped as below:

- Very low attempt in conducting and organising spatial data and information systems for the adjudication process and updating communal land adjudication status.
- Inadequate knowledge and experience for Woreda technical staff in both technical and policy matters.
- Low level participation during communal land adjudication and CLAC involvement in the decision making process.

Based on the above overall finding, it can be concluded that the tenure security level over communal land increased compared to other previous years. However, insecurity still prevails. This was evidenced by community KI that 71% of them reported that they were dissatisfied with the existing CL tenure security. This requires a better effort to be exerted by the government and community leaders to enhance tenure security and the sustainability of CLUM.

#### 4.2. Legislative Application on Communal Land Use Plan and Resource Management

In both of the federal and Amhara regional state Land Administration and User Proclamation No. 456/2005; 133/2006 respectively, as the name implies, it is a proclamation referring to rural land administration and land use. According to the proclamation, effort shall be exerted in executing land use planning in all land use types in general and in communal land use in particular. Nevertheless, about 91% of the expert KIs agreed that these laws inadequately mentioned the land use planning aspect. On top of this, according to the expert FGD, definition and categories of land use plan, procedures of land use planning process, participation of the local community and who could be involved in the planning process, procedures of regulatory works, punishment against non-compliance, etc all need to be sufficiently treated in the proclamation.

**Table 3: Key Informant Experts' Opinions on the Application of Legislation on Communal Land Use and Resource Management**

| Ff | Legislative practices<br>(N = 60)  | No. | %    | Load factor ratio |       |      |
|----|--|-----|------|-------------------|-------|------|
|    |  |     |      | K                 | W+Z   | F+R  |
| 1  | According to the law Land users do not refrain from activities that aggravate soil erosion, like forest clearing (Proclamation 456/2005 and Proclamation No. 89/1997)    | 42  | 77.6 | 0.44              | 0.36  | 0.2  |
| 2  | No attempt in applying to protect communal forest from fire and hazard (Proclamation No. 542/2007)   | 53  | 88.3 | 0.52              | 0.34  | 0.14 |
| 3  | No community forest utilization planned, demarcated, administrated (Proclamation No. 542/2007)   | 49  | 81.6 | 0.51              | 0.37  | 0.12 |
| 4  | Little attempt to stop free grazing and the exercise of using cut and carry practices in areas where bio physical measures practiced Proclamation (456.2005 and 89/1997) | 49  | 81.6 | 0.54              | -0.29 | 0.17 |
| 5  | Little effort in executing land use planning in all land use types in general and in communal land use in particular.  | 55  | 91.6 | 0.28              | 0.31  | 0.41 |

Note: K = Kebele (Lowest administrative level); W = Woreda (District) level; Z = zonal administration level; R = regional administration level and F = federal administration level

On the other side, **the** Forest Development, Conservation and Utilization Policy and Strategy was issued at the same time. Under the Federal Forest Development, Conservation, and Utilization Proclamation No. 542/2007, there were only two types of forest tenures: government and private. An expert FGD reported that the concept of developing and conserving forests by communities hardly transpires in the Proclamation. The Proclamation also fails to clearly define the circumstances where private individuals could apply to develop and protect forests. It rather stipulates the obligations of private forest developers without providing their rights. Furthermore, in conformity with the above findings, Eyasu (2010) pointed out that more than three-fourths of the provisions of the Proclamation were not legal provisions but mere legislative statements with little obligatory enforcement. It was pointed out that the provision in the law indicated only what may be done in the future without allocating rights and/or duties or responsibilities and/or functions.

On the other hand, under Proclamation No. 542/2007 it was stated that there shall be forest demarcation and a utilisation plan for both private/communal forest. About 81% of KI reported that all communal forest land in the study site did not have any demarcation and utilisation plan. The highest load factor was reported from Kebele development workers (Table 60). However, a few expert KI respondents from the zonal and federal zones reported that there was little attempt to exercise a plan outside the study site within the UBLB. Besides, as it was stated in the above findings, it was also evident that communal forest lands were also certified with a first level certification in the three ACZ sites except Boko tabo site (Kolla ACZ). There was a discussion with community FG respondents on whether there was an improvement on communal land management since communal land was certified or not. It was described only from Dega ACZ (Dengay ber KA), where some efforts were made to close communal land for the production of hay after certification. However, in other study sites, it was pointed out that there were no changes even after first level certification.

In terms of communal land resource management and utilisation, development, conservation, and utilisation of the Forests Proclamation No. 542/2007, it stated the obligation of forest developers to protect forests from fire and other hazards. In this aspect, expert KI respondents were asked about the application and practices of this law on forest fires and other forest protection practices. However, regardless of professional variation at different levels, about 89% of all respondents stated that forest protection in general and for communal forest lands in particular were very poorly managed in terms of forest protection practice. These expert KI respondents further reported that there were no attempts made to protect communal forests from fire. From the researcher's field observations it was also found that there were no fire break constructions observed at any of the communal forest areas in the study area.

On top of this, from an expert FG discussant, it was found that communal land management with biophysical measures was practiced not following the land use requirements but mainly through a large scale mass mobilization campaign. Mostly it was described that protecting the biophysical work done over communal lands was not as successful as it was required. From this discussion, it was reported that in most cases communal land was like a testing area where different land management practices were tested. It was no matter whether the applied practices were according to the land use requirement or not. For example, they mentioned that they did plantation on flat CGL, construct soil bund and / or faniya juu rather than doing grass land improvement technologies. It was stressed that whether it suits with the appropriate land

use or not it was no one's concern. What community leader/KA development worker was most concerned with was more to fulfill the quota given by the upper government offices.

In conformity with the above finding, Williamson *et al.* (2010) similarly pined that land use planning practices were weak in the Amhara region in general. According to the regional land law the implementation of approved land use plans in all land holding types is mandatory. However, as discussed with expert FG, it was reported that, although there was a land use guide line prepared for land use planning exercises at federal level, no land use plan regulatory guide line implementation detail was prepared at federal level. However, at the regional level the Amhara regional state land use plan regulatory guide line was under preparation and it was on the way to be approved by the Bureau of EPLAU.

Besides, Proclamation No.133/2006 and regulation No.51/2007, and communal land administration directive No. 31.1(f) declared that without permission of community members, and without a proper user plan for CL, anyone among users shall not use any resource. On the other hand, the law further stated that those who acted positively and achieved good land management results on CL, shall get an award on a competition basis. Nevertheless, in all study sites, all CFL were found with no management and user plan prepared. About 91% community KI confirmed communities utilised resources from CL without having a management and user plan. In addition, in all study sites, this proclamation was enacted since 2006/7, but 100% of all KI respondents reported that no action of rewarding systems was applied at least in the study sites for those communities that had a remarkable achievement on CLUM (Table 59).

As to the communal land administration directive No. 34.6 stated, there is a provision where communal land use could be changed for a better development option. However, there shall be a study conducted that ensures the benefit of change and a changed CLU must exceed the previous CLU. In this case, among all study sites, CLU change was found only in Dengayber site (Dega ACZ setting). In this site all KI respondents remarked that only community leaders' agreements and decisions were exercised. No such kind of study was conducted in any one of the study sites.

Article 27.1.3 also pointed out that in order to build thrust with community users on what they spent their money, time and energy, community members shall be the ones who decide on their user rights. However, in all study sites about 79% of community KI respondents reported that such a kind of procedure mentioned under communal land administration directives No. 34.6, 25.1 and 27.1.3 were not exercised at all. A community FG discussant further explained if certain youth groups or if communal land was wanted by a certain investor, then Articles 25.1 and 27.1.3 were not respected and only a Kebele administrator discussing with EPLAU officers decided on any kind of land use change and expropriation procedure in re-allocating and transferring their user right to others. Mostly, CLAC was bypassed. However, only 21% of KI responded that this process was implemented according to articles 25.1 and 27.1.3 (Table 59).

**Table 4: Community Key Informant Perception on the Application of Legislation on Land Use and Management Area**

| Policy/Legislative elements ( N=48)                                      | legislatives set and applied |      | Legislation set but NOT applied |      | Load factor ratio |             |             |       |
|--|------------------------------|------|---------------------------------|------|-------------------|-------------|-------------|-------|
|  | No.                          | %    | No.                             | %    | Wourch            | Dega        | Woyina      | Kolla |
|  | dega                         |      |                                 |      |                   |             |             |       |
| Resource access & land use based management plan                         | 4                            | 8.4  | 44                              | 91.6 | <b>0.29</b>       | <b>0.42</b> | <b>0.19</b> | 0.1   |
| Maintaining public benefit and expropriation system                      | 2                            | 4.2  | 46                              | 95.8 | <b>0.37</b>       | <b>0.63</b> | <b>0</b>    | 0     |
| Study based communal land use change for better development option       | 6                            | 12.5 | 42                              | 87.5 | <b>0.36</b>       | <b>0.52</b> | <b>0.12</b> | 0     |
| Communal holding land transfer to others(Individual/youth group/invester | 10                           | 21.9 | 38                              | 79.1 | <b>0</b>          | <b>0.58</b> | <b>0.42</b> | 0     |

Load factor ratio (0 = not worked out problem/no case at all, 1 = highest application)

### 4.3. Legislative application on valuation and expropriation of communal land

Land valuation in the Amhara region in general is restricted to payments of compensation for land if CL was expropriated for public purposes. Land valuation activities in the study area were based on procedures determined in law (Federal proclamation 455/2005). This refers to expropriation of communal lands, where communal lands were taken away from the community user by government bodies, private investors and/or users to commence development.

According to Proclamation 455/2005, the payable amount for compensation was calculated simply by multiplying the average income of the recent past five years with the factor ten. Besides, rural communal land holders whose land holding has been provisionally expropriated shall, in addition, be paid until repossession of the land compensation for lost income based on the average annual income secured during the five years preceding the expropriation of the land provided. Such payment shall exceed the amount of compensation payable as above.

In addition, under this proclamation compensation has to be paid in advance of taking possession of the land. However, in practice, according to a community focus group discussant, it was mentioned that there were cases where communal lands are expropriated either before compensation was paid (instance from Boko/Kolla ACZ) or even remain unpaid like the cases in Dega ACZm(Dengay ber site) and the Kolla ACZ (Boko sites). In conformity with this, about 83% of expert KIs from Kebele and Woreda described that they had rarely seen compensation paid to the community for the expropriated communal land. Moreover, experts focus group discussants also reported that particularly when communal lands are expropriated, beyond the doubtfulness of timing in delay for paying compensation, even the paid compensation amount was unfair and very minimal.

In line with this, Van Den Brink (2012) pointed out that uncertainty about the timing and amount of compensation are more damaging signs that contribute to tenure insecurity in land administration and the user system. Moreover, as again pointed out by expert FGDs, although there is no logical valuation procedure for taxation or the taxation system (which is simply based

on the potential productivity of soils), government does not even have any system to get such taxation for communal land holdings. In addition, as Ambaye (2012) and Chole (2010) indicated, taxation methodologies to get figures on the productivity of communal and also private holdings are missed.

Besides those findings, expert focus group discussants further added further strengths and weaknesses of land valuation other than those mentioned above. According to them, one of the major strengths pointed out was that the ANRS set a regional directive following the federal compensation law for the proper implementation of the law. On the other side, as major weaknesses the following points were reported:

- The law was not strictly followed in practice with regard to public consultation and general agreement before any form of expropriation.
- Unjustified state power exercised during expropriation on communal land use causes tenure insecurity.
- The effect of expropriation on communal land holdings without any form of compensation in the name of public benefits is the most eroding force of tenure security.

#### **4.4. Communal land resource development control related legislative application**

Due to lack of detail land use plans as regulatory tools/mechanisms, development control was not practiced on the rural communal lands of Ethiopia in general and in the Amhara region in particular (Rahemeto, 2010). According to this author, this is the main reason for the low achievement of this defined major function for development control. Due to this fact, the following was reported by an expert focus group discussant: illegal encroachment, eucalyptus tree plantation in a place suitable for crops or other land use, extensive stretch of illegal settlements particularly around Kebele centres and along road sides over communal lands were mentioned as common phenomena that came out due to lack of detailed land use planning.

Furthermore, in communal land administration directive No. 26.1.1, it was stated that in order to make CL productive, with users' participation, woreda LU experts shall prepare communal land use plans. However, about 96% of expert KI reported preparation of land use planning at KA level was at the initial stage. In addition to this, it was reported also that each woreda in the study area were preparing LUP only for one KA (Table 60).

As communal land management directive No. 27.1.5(b) states, for taking measures on graduated sanctions for those who violate the law and community by-laws, a strategic monitoring system shall be in place. In fact, from the observation made at field level, the researcher was not able to find any monitoring system developed in all study sites. In line with this observation, about 85% of community KI confirmed that committees rarely took action for the violence against the by-laws set (Table 60).

In addition, the same directive No. 26.1.5 is one of the most important articles that enforces communal land users to respect community by-laws and participate in any communal land protection and development intervention. For those who did not obeyed the agreed by-laws and who did not volunteer to participate in CL protection and development activities, the directive declared that action should be taken to the extent of evicting individual user rights.

Besides this, No. 27.1.10 clearly declares that based on users' agreements, customary law/by-laws shall be set with a graduated sanction which should be affected upon violating users. However, it was observed that actions stated in the by-laws of all study areas was stretched only up to money sanctions. However, 85% of KI responded that no action took place, particularly for those user members who violate by-laws or for members who didn't participate in any protection and development activities. The major reasons provided by community FG discussants were two: one was community leaders didn't want to be a risk taker as far as all decision takers were not committed and less government support. The second reason was competition between the Watershed Users' Association (WSUA) and the Communal Land Administration Committee (CLAC) which made them repeal for each other and wait for each other to take decisions. According those KI respondents, this overlapping function may let them be negligent in taking measures when by-laws were violated.

**Table 5: Community Key Informants' Perceptions on the Application of Directives on Communal Land use and Development Control Legislation**

| Legislation elements<br>(N=48)  | Legislation set<br>and applied                           |       | Legislation set<br>but NOT applied |      | Load factor ratio |             |             |       |
|---|--|-------|------------------------------------|------|-------------------|-------------|-------------|-------|
|   | No.  | %     | Number                             | %    | Wourch            | Dega        | Woyinadega  | Kolla |
|   | Strategic monitoring system for resource use and control | 7     | 14.6                               | 41   | 85.4              | 0.42        | 0.34        | 0.24  |
| Communal land use and management plan   | 2  | 4.2   | 46                                 | 95.8 | <b>0.38</b>       | <b>0.28</b> | <b>0.19</b> | 0.15  |
| Legislative/regulation and community by-law effectiveness on measures taking on sanctions | 7  | 14.59 | 41                                 | 85.4 | <b>0.36</b>       | <b>0.3</b>  | <b>0.2</b>  | 0.14  |

Note: Load factor ratio (0 = not worked out problem/no case at all, 1 = highest application)

Expert FG discussant, with regard to the major opportunities and strengths of land administration policy and the legislative system in the region, summarised as follows:

Land is identified by the government of Ethiopia as one of the country's key resources for development. Laws to govern land administration are in place and the political leadership is committed to implement the policy. This is depicted by a significant attention given in the five years' development and transformation plan for land administration. The other important opportunity which is different to other regions was the placement of a stable state structure that goes down to the Kebele, the lowest administration level, to implement land administration in the region.

Some of the points raised as a challenging gap, however, were:

- Experts at all levels have little background and knowledge about the mission, vision and strategy of their own office,
- No land use planning and planned development control,
- No systematic and regular customer satisfaction surveys were conducted,
- Low level of attention to land administration activities by Woreda and Kebele level administrators,
- Weak control over the grass root level leaders, and
- Uncontrolled human and livestock population growth

## **5. Conclusion and Recommendations**

### **5.1. Conclusion**

The overall aim of investigating the CLAU related legislation/policy setting and application status was to scrutinise whether communal land use and administration and user policy/legislative instruments were adequately set and properly implemented at ground level or not.

In line with this, communal land administration committee establishment and the formation of elder arbitration committees to resolve communal land related dispute were already in place. However, applying the overall adjudication process per the legislative setting, updating communal land adjudication status, low level community participation during communal land adjudication, CLAC involvement in decision making processes and reallocating a portion of communal land to landless youth or investors were found to be prominent legislative elements properly set out in the law but not properly applied on the ground.

The regional and federal land administration and user proclamation/regulation and directives set an obligatory statement on the preparation of land use planning, refraining communities from activities that aggravate land degradation, introducing cut and carry and controlled grazing systems, thereby benefiting communal resources. However, when it comes to the application of these provisions, very little attempt has been made in all elements to address communal land and resource use management. Hence, undue state power exercised during the expropriation of communal land could be considered as one of policy application weakness that leads to further communal land tenure insecurity.

On the other hand, the strong part with regards to communal land resource development is that control legislative instruments were well set out and described. Besides, the availability of state structure down to the lowest KA level was an essential opportunity that contributes towards the sustainability of communal land management control. Nonetheless, very weak application of the strategic monitoring system for communal land resource use on the one hand and, on the other, legislative or community by-law functionality and effectiveness on taking measure on sanctions were found as major gaps.

Therefore it is concluded that the overall status of the communal land legislative setting was found adequately established while its application on the ground still remained as a gap. These unattempt legislative application challenges could hamper the sustainability and tenure security of communal land.

### **5.2. Recommendations**

1. It is recommended that the ultimate LAU planning system has to be in place to enhance tenure security and sustainability of communal land and resources.
2. Harmonisation between formal institutes like BoEPLAU with BoA and the livestock sector is very important to reduce the overlapping nested functions and see the positive applications for the enacted legislation.
3. Organising spatial data and information systems for the communal land adjudication process, and updating the communal land adjudication status are of paramount important to be worked out side by side.

4. It is recommended that community users and adjacent land holders shall participate during the communal land adjudication and land use and management planning process to enhance the sense of ownership and thereby guarantee the sustainability.
5. Woreda leaders should encourage and facilitate the involvement of Kebele and CLAC in the decision making process and minimise state power exercised during any communal land expropriation.
6. A standardised and regular LAU monitoring and follow up system has to be in place to facilitate CLU resource and development control.
7. Evaluating and reviewing the implementation of communal land use and administration related legislation through grassroots feedback from users and experts is highly recommended.
8. Further, in-depth research on a different spatiotemporal scale is recommended to further identify and scrutinise the policy application constraints dimension in order to enhance sustainable climate resilient communal land administration and use management practices in the country.
9. Community agreed upon by-laws and relevant legislation application on land administration and land use (LALU) and forest utilisation proclamations and regulations have to be properly and effectively exercised and implemented with the appropriate directives in order to utilise communal forest resources with a proper and efficient use system.

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