



# **Costed Workplan to Improve Land Transparency in Land Governance in Ethiopia**

**Christopher Tanner PhD**

**January 2017**



## Contents

Acknowledgements .....	2
Acronyms .....	3
Introduction .....	5
Context and Policy.....	7
The National Policy Environment .....	9
Smallholders and Land Holding Rights .....	9
Land for Investment .....	10
The Large Scale Commercial Agriculture Strategy (LSCA).....	10
The Transparency Plan: Strategy and Principles .....	14
Components of the Transparency Plan.....	17
Component One Land Administration for Development .....	17
Component Two - Urban / Rural Interface: Institutions, Policy and Planning .....	21
Component Three - Inclusive Development – Farmers and Local Government .....	22
Component Four - Inclusive Development – Private Investment Models .....	28
Component Five - Dialogue for Policy and Development Strategy .....	30
Component Six - Sustainability – Revenues, Budget, Human Resources .....	34
Summary and Priorities .....	37
Annex One – Integrated Budget for 2017-2020 (USD) .....	38

## Acknowledgements

This research was commissioned by LIFT but has been conducted by an independent consultant and does not necessarily represent the views of LIFT.

This material has been funded by UKaid from the UK government; however, the views expressed do not necessarily reflect the UK government's official policies.

## Acronyms

ADLI	Agricultural Development Led Industrialisation
AfDB	African Development Bank
AU	African Union
CFS	Committee for World Food Security (at the FAO)
CSO	Civil Society Organisation
Derg	Coordinating Committee of the Armed Forces, Police, and Territorial Army
DFID	Department for International Development (UK Government)
DUAT	State-allocated land use and benefit right in Mozambique
EAILA	Ethiopian Agricultural Investment Land Agency
EEU	Economic Empowerment Unit (of LIFT)
EPRDF	Ethiopian People's Revolutionary Democratic Front
ESIA	Economic and Social Impact Assessment
EWLA	Ethiopian Women's Law Association
FAO	Food and Agriculture Organization of the United Nations
FDI	Foreign direct investment
FDRE	Federal Democratic Republic of Ethiopia
FPIC	free prior and informed consent
GIZ	German international cooperation agency
GoE	Government of Ethiopia
GPS	Global positioning system
GTP	Growth and Transformation Plan
HDI	Human Development Index
LA	Land Administration
LAC	Land Administration Committee
LAND	Land Administration for Nurturing Development (USAID project)
LIFT	Land Investment for Transformation (DFID project)
LSA	Labour and Social Affairs
LSLA	Large Scale Land Acquisition
LSLI	Large Scale Land Investment
LTR	Land Tenure Regularisation
M&E	Monitoring and Evaluation
M4P	Making Markets Work for the Poor
MANR	Ministry of Agriculture and Natural Resources
MDG	Millennium Development Goal
MoA	Ministry of Agriculture
MOFED	Ministry of Finance and Economic Development
NGO	Non-governmental organisation
PRAI	Principles for Responsible Agricultural Investment
PRIAFS	Principles for Responsible Investment in Agriculture and Food Systems
REILA	Responsible and Innovative Land Administration
RLA	Rural Land Administration
RLAUD	Land Administration and Use Directorate of the MoA
SLLC	Second Level Land Certification
SDG	Sustainable Development Goals
Sida	Swedish International Development Cooperation Agency

SLMP	Sustainable Land Management Programme (World Bank)
TA	Technical Assistance
ToR	Terms of Reference
UNCTAD	United Nations Conference on Trade and Development
USAID	United States Agency for International Development
USD	US dollar
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security
WCA	Women and Children Affairs

## Introduction

The Plan for Improving Transparency in Land Governance ('the Transparency Plan') is based on a proposal that was first presented as part of the Report 'Transparency and Related Land Governance Issues in Ethiopia and a Plan for Improving Transparency in Land Governance'<sup>1</sup> (the 'Transparency Report'). After consideration by the Government of Ethiopia (GoE) and discussions with donor partners, it was decided to develop a detailed and costed version of this Plan. This is presented below, with an estimated budget in Annex 1.

The Transparency Plan provides a framework for assessing how current land-related projects and programmes impact on transparency and land governance. Where transparency-related issues are not adequately addressed, it provides new activities to fill the gap. It is not a Plan for LIFT or DFID but is instead designed as a coordinating and management tool for the GoE and its partners, with a specific focus on land transparency and governance issues.

The political economy of land governance in Ethiopia is defined by five key elements:

- land belongs to the State (this gives those close the State and able to leverage its services, a considerable advantage in terms of how land is accessed and used);
- the country has a dynamic and growing market economy (this is driving demand for land as a productive asset, especially near the cities and good transport routes);
- over 60 percent of the population still depends on land for their basic livelihoods (this means that keeping people on the land is a social as well as economic priority, while most new investment projects will inevitably have to deal with existing local rights);
- the GoE follows a strong 'development state' approach, emulating countries like South Korea and China (driving development in a particular direction without a great deal of discussion with other stakeholders, especially local land rights holders);
- very weak institutional capacity at all levels (Federal, Regional, sub-regional) (this reinforces informal land management systems and sustains tenure insecurity for those whose rights are vulnerable in the informal context)

These elements together foster a climate of poor land governance (where 'good land governance' is understood to be a system that allows different kinds of land user and other social and economic actors – including the State - to interact and achieve their various purposes without conflict and in a relatively equitable and consensual way). Poor land governance is problematic for investors and local people alike: both pay the price for having undocumented or vulnerable land rights when demand for land increases and informal systems can no longer offer secure guarantees. Poor land governance will also constrain or even deny access to formal services like credit; and fail to provide adequate legal guarantee and protection when land users enter into contract with third parties.

While changing the underlying political economy is beyond the scope of this Plan, it is possible to begin the process of improving transparency in land governance through technical and capacity building interventions on the one hand, and carefully constructed measures to promote discussion and inclusive, participatory development on the other.

For example, the certification of smallholder rights in Ethiopia - the focus of the LIFT project - has already gone a long way to addressing the weak tenure security of millions of households, including those headed by women. This is only a first step however. Having land rights formalised in this way does more than secure tenure; it formalises the right of the holder as a stakeholder in the development process, with the right to participate and be heard when development and investment plans are drawn up and implemented. Land administration alone cannot facilitate the use of this right to participate, to be a stakeholder in development. The SLLC programme now needs to build on its success and ensure a process of rights-based development that can link smallholders, investors and the State together in a mutually beneficial, inclusive development scenario.

The SLLC and a new Rural Land Administration System (RLAS) targets one aspect of the land governance challenge in Ethiopia. Long-standing acquired land rights exist in other areas, but do not enjoy the same level of recognition and legal/official protection. An approach similar to the SLLC and adapted to the specific context of customary and communal tenure is now required. As with the SLLC programme, bringing these other rights onto the cadastre and giving them appropriate legal and formal recognition also enhances the right of their holders to participate in development decisions that involve their land and resources.

---

<sup>1</sup> DFID Ethiopia, July 2016, Land Investment for Transformation (LIFT) Project

While the LIFT programme is linking titling and Certificates to new services and benefits for farmers with Certificates (through its Economic Empowerment activity), other measures are needed to promote raise awareness of the value of secure and certified land rights. The Transparency Report has identified a mix of practical, land administration activities, and others with more of a socio- economic development focus, which together can create the conditions for land governance and transparency to improve over the medium-to-long term:

1. Build upon the land rights certification process to create an accessible and appropriate rural land administration system (RLAS), moving beyond land rights adjudication and certification to the task of *administering change* in land (and natural resource) use
  - a) Focus resources on three administrative sub-components of land administration that impact on *governance* (qualitative issues such as equity, justice, and how land data is used):
    - Give greater attention to securing the rights of women and vulnerable groups and ensuring their participation in subsequent development opportunities;
    - Develop capacity to administer urban and peri-urban land rights, with a focus on planning urban expansion and dealing with rural rights near expanding cities and towns;
    - Create a stronger capacity to analyse RLAS and other data and turn it into useful information for i) policy and planning purposes, and ii) informing the decisions of other development actors (including land investors)
2. Develop a TA and capacity building programme alongside new initiatives to address urban planning and housing needs, that looks at key issues in the context of how rural land is acquired and integrated into new urban expansion plans
3. Promote a stronger awareness amongst rights holders and local governments, about the content of the holding right and what can be done with it, to support a more inclusive and participatory rural development strategy (better investor-local land user relationships and negotiated agreements, and alleviating conflict)
4. Extend the approach in (3) to areas of communal and/or customary rights, and where large areas are being allocated to private investors through Federal and Regional Land Banks
5. Create a formal, neutral mechanism for *regular* and open discussion of land governance issues (new *ad hoc* mechanisms are appearing, but a more formal structure would build trust, especially with civil society as a partner in policy and in implementation)
6. Develop a strategic approach to ensuring the sustainability of the RLAS and other land governance institutions/mechanisms, through progressive cost recovery and land tax systems, and ensuring that professional and technical human resources are available over the longer term to fill current and new posts

The Transparency Plan provides a framework for assessing current activities; where there are gaps, it proposes measures and an estimate of the resources needed. The Plan also has a strategic objective in the context of evolving GoE policy. A review of its impact and lessons learned towards the end of the present Growth and Transformation Plan 2 (GTP2) will feed into land and rural development policy for GTP3 for 2020-2024.

## Context and Policy

This section reviews the current context of land conflict and unrest that forms the backdrop to the development of the Transparency Plan. It also identifies trends and opportunities that justify a Plan like this at the present time. A discussion of the policy environment (essentially the Growth and Transformation Plan for 2015-2019 (GTP2)) is complemented by references to other work and the Transparency Report. The objective is to show how the Transparency Plan aligns with official GoE policy, while also addressing weak points and challenges.

### Context

The Transparency Plan comes at a complex moment for land issues in Ethiopia. Violent protests in rural areas are being driven by land enclosures for investment projects that are also triggering more deeply rooted discontent within the country. Plans to extend major cities including Addis Ababa have also triggered protests over the way that rural land rights are appropriated without due consultation and adequate compensation.

While it is impossible for a plan of this type to address the deeper political and structural issues, it can address the more immediate causes, which include an economic model that has been implemented without sufficient consultation. There is in fact a good base to build on. Firstly, GoE policy has provided for much stronger private tenure of land for smallholders (including women), through the land rights certification programme and legal changes that allow rights holders use their land more like private property (for example, through rentals and contracts with third parties). The recent Land Government Assessment Framework (LGAF) process also finds that the legal framework provides all the elements needed for a more participatory and sustainable approach – what is needed is effective implementation and more dialogue between stakeholders.

Secondly, the GoE appears to accept that its large-scale land investment (LSLI) strategy has not performed as well as anticipated. A recent analysis of official land data also reveals that land allocations to foreigners have been exaggerated, with most investment land going to Ethiopians in parcels of 50-100 hectares<sup>2</sup>. These factors are leading the GoE to consider a more participatory LSLI strategy, including looking again at the FAO Voluntary Guidelines (VGGT)<sup>3</sup> and Principles for Responsible Agricultural Investment (PRAI).

Thirdly, the core Federal level framework legislation for land – Proclamation 456/2005 – is under review, and the GoE is preparing to develop a new national Land Use Policy and Land Use Plan (LUP) (responding already to a key LGAF proposal). The legal changes will clarify anomalies that have appeared in Regional Land Proclamations (land rental and inheritance, for example), and fill in gaps (regulations for Second Level Land Certification (SLLC)). Greater attention may also be given to pastoralist and communal land rights issues.

Fourthly, there are clear signs of a greater willingness on the part of the GoE to engage in stakeholder consultation and allow wider discussion of land and development issues. The LUP in particular has begun with the development of a Road Map charting a three-year process in which extensive consultation is underlined. National research capacity and engagement with land issues has also grown steadily in recent years, exemplified by the establishment of the EthioLandNet framework based at Bahir Dar University Department of Land Administration, and the commissioning of research studies addressing issues that have previously been difficult to address (for example, the question of pastoralist land use systems and rights).

Another positive element is the GoE's willingness to look again at the VGGT and the PRAI framework. Ethiopia is a partner in global initiatives that build-in the VGGT and PRAI, like the New Alliance for Food Security and Nutrition, and regional and AU programmes such as the Land Policy Initiative (LPI). The € 3.8 million GIZ/EU *Support to Responsible Agricultural Investments in Ethiopia* project at the Ethiopian Agricultural Investment Land Agency (EAILA) is also now starting its first round of training and capacity building. All this suggests that the GoE is open to new approaches to land governance.

These developments provide opportunities to improve transparency and governance by building on achievements and adjusting course towards a more inclusive rural development strategy. The land data analysts put it well, suggesting that it is time to go 'beyond the dichotomy of large vs. small [to] look instead at new ways of combining the two'<sup>4</sup>. In other words, the GoE should consider moving to a more integrated agrarian policy where smallholders and other rights holders (such as pastoralists) can interact with private

<sup>2</sup> Ali, D. and Deininger, K. 2015. Using National Statistics to increase transparency of large land acquisition: Evidence from Ethiopia. Washington DC, The World Bank. Development Research Group, Agriculture and Rural Development Team, Policy Research Working Paper 7342

<sup>3</sup> The Voluntary Guidelines for Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. FAO/Committee on World Food Security, 2012.

<sup>4</sup> Ali and Deininger, op.cit



entrepreneurs, making mutually beneficial agreements over land access, and sharing marketing and technology transfer opportunities between the two groups.

Achieving this more integrated and inclusive approach is still a significant challenge however, underlined by the current level of tension and conflict. Demographic growth resulting in millions of under-employed young people living in already crowded agrarian landscapes presents the GoE with a complex problem which current models of land governance and resource management are evidently struggling to address. While there are positive signs that pastoral and rangeland rights might be recognised<sup>5</sup>, with some pilot participatory LUPs being carried out<sup>6</sup>, there are still clear differences over this and other key policy issues<sup>7</sup>.

Both the Transparency and LGAF reports also underline the negative impact of extremely weak administrative capacity at all levels on governance. This is particularly so at the 'frontline' where local governments must manage changes in land access and use, as well as the complex interaction between local people and investors. Weak capacity in an increasingly complex agrarian landscape creates space for corruption and manipulation by elites and economic interests to take place, especially where the landscape intersects with rapidly growing cities and towns. Conflicts then erupt as urban boundaries are extended and integrate nearby farmland through expropriation rather than the conversion of existing rights from one use to another.

Other socio-structural issues also require greater attention, notably the question of the rights of women and vulnerable groups (VGs) over land and resources, and their ability to engage with the wider development processes going on around them. While their land rights are formally protected in law, and the SLLC programme makes commendable efforts to ensure that women and VGs can register their land rights, research for the Transparency Report found that women and vulnerable groups are still at a disadvantage when it comes to securing their rights and in their dealings with administrative structures in general. Evenly-applied formal procedures are undermined by unequal gender relations and entrenched patriarchal practices, with these problems extending to the post- titling situation when women farmers want to rent their land, make agreements with investors, and look for credit.

On balance however, there are positive things to build on and the GoE is open to practical alternative approaches that are still aligned with its overall social and economic plan. Political control is still strong, but discussion is being allowed. The LGAF report is cautiously positive, noting that 'there are ample opportunities to implement monitoring activities of land governance progress and improvement'; and that 'the government promised to the public to use any available means to remove all bad governance related issues in the land sector'<sup>8</sup>.

Careful capacity building and other new activities can do much to reduce conflict now and enhance governance into the future. It is essential to create new professional cultures in existing institutions and support new but fragile consultative mechanisms that will allow consensus to develop around the land governance challenge. The pervasive 'plan mentality', where 'master plans' and LUPs are 'silver bullets' for resolving land use and rights issues, needs to be replaced by an understanding of land governance and land use planning as tools for managing relationships between different land users and their needs.

It is also important to understand how formalising rights through programmes like the SLLC also turns farmers into stakeholders with a much stronger voice. Smallholders, like any other land user, need knowledge and support to better interact with public sector structures and programmes, and with investors and others who want to use their land. New capacity to respond to this challenge is essential, but skilled resources are already available and should be better used, both inside and outside government<sup>9</sup>. Universities are developing research expertise in land issues in each region and setting up new land administration and management departments<sup>10</sup>. Debate is being driven by initiatives like the EthioLandNet. Together, these developments provide a solid basis for a new Plan for Improving Transparency.

The Transparency Plan builds on existing achievements and skills to address immediate problems in rural

<sup>5</sup> See Flintan 2014. Securing rights to rangelands in Ethiopia: a review of initiatives that are taking steps in the right direction. A report for TetraTech ARD (implementing the USAID LAND project)

<sup>6</sup> Chifra Woreda Participatory Land Use and Development Plan, Afar National Regional State. Semera, State Environmental Protection, Rural Land Use and Administration Authority (EPLUAA). August 2016

<sup>7</sup> A proposal for a collective right covering 'rangeland units' in the revised land proclamation was rejected. Land Administration and Use Directorate (LAUD), Ministry of Agriculture and Natural Resources

<sup>8</sup> LGAF 2016a:133. Final Country Report. Land Governance Assessment Framework Implementation in Ethiopia. Coordinated by Zerfu Hailu with support from the World Bank. January

<sup>9</sup> LGAF Final Report:134

<sup>10</sup> Supported by the USAID LAND project, and by other programmes like LIFT that commission research papers.

areas, while identifying and can improve transparency and governance in the longer term. The underlying premise – for the GoE, small farmers, pastoralists, and other stakeholders - is that private, investment-led development should take place and is ultimately good for local people who can make use of the new economic opportunities it creates. The fundamental question is not *if this process should take place*, but *how it takes place*<sup>11</sup>. The Transparency Plan assumes that a ‘win-win’ outcome is possible – the GoE, investors, and local people and communities can all gain from new investment. The starting point is to recognise, guarantee and manage existing rights and develop mechanisms for constructing a consensus over difficult land use choices. It will then be possible to embark upon a more inclusive, equitable and transparent approach to land governance and agrarian development.

## The National Policy Environment

The GoE development programme is laid out in the five-year Growth and Transformation Plan, now in its second phase (GTP2) covering 2015-2019. The overall goal of the GTP2 is ‘sustain the accelerated growth and establish a spring board for economic structural transformation and thereby realizing the national vision of becoming a lower middle-income country by 2025’<sup>11</sup>. The GoE has a strong role driving this process, but the GTP2 also underlines ‘democratic and developmental good governance’ established ‘through enhancing implementation capacity of the public sector and mobilization of public participation’ as one its key pillars<sup>12</sup>. Indeed, there are frequent references to good governance and participation throughout the document.

The GTP2 of course covers all areas and sectors, with a table of targets to be achieved by 2019. Land and rural development come under Section V, Economic Development Sector Plan. To underline its importance in the GTP2, a separated section (VII) is devoted to Developmental Good Governance and Building Democratic System. The main points of each are now discussed, to show how they align with the Transparency Plan.

## Rural Development and Agriculture

In the case of Agricultural Development, the GTP2 document provides important parameters for the Transparency Plan. The focus list for ‘Agriculture and Rural Transformation’ is as follows:

- Development of smallholder crop and pastoral agriculture will be further enhanced and hence will remain the main source of growth and rural transformation during the GTP II period;
- Provide all rounded support to educated youth to enable them to organize and engage in agriculture investment;
- Enhance provision of the necessary support for domestic and selected foreign investors taking their capacity into consideration to enable them to participate in transformative agriculture sub sectors such as crop, flower, vegetables and fruits and livestock development;
- Further pursue implementation of the scaling up strategy as suitable to the various agro- ecological development zones; and
- Pursue holistic measures aimed at addressing constraints and challenges related to supply of agricultural inputs and utilization of agricultural technologies<sup>13</sup>.

This list reflects the commitment to carry on with the earlier Agricultural Development Led Industrialisation (ADLI) strategy, where a transformation of smallholder farming will address food security needs, while large scale production supplies new national industries with inputs at a sufficient scale and quality consistency. The ADLI is also explicit about absorbing unemployed young people into new industries, as part of this transformational process. Land governance is at the heart of this process, as the following sections show.

## Smallholders and Land Holding Rights

Re-affirmation of the goals of the Certification programme underlines the importance of this activity as an essential condition for stimulating investment in on-farm production by the newly certified holders of holding rights. The GTP2 aims to formalise and certify the land holding rights of ‘7.2 million male and female headed households by carrying out the Second Level Certification of 28.6 million farmlands (parcels) in 359 woredas’. The programme is well underway, with LIFT alone expected to demarcate 14 million parcels and register the holding rights of 4.6 million male and female headed households by 2020. In addition, the rural land administration will be tasked with preparing a national rural Land Use master plan and preparing a Land Administration and Utilization master plan for each regional state<sup>14</sup>.

<sup>11</sup> GTP:80

<sup>12</sup> GTP2:82

<sup>13</sup> GTP2:120

<sup>14</sup> GTP2:124

However, the section on Rural Land Administration in the GTP2 document is very short indeed. There is no real detail about how the land use master plan will be achieved. Critically, there is nothing about developing the land administration beyond the Certification process and equipping it to assume the day-to-task of administering and managing land use, including changes in land access and use. These will occur as inheritances take place, property on land is sold (requiring the holding right to be transferred to the buyer of the property), and rental and other contracts are made between rights holders and third parties. Moving from a focus on SLLC to making the land administration a key instrument in the GTP2 rural and agricultural development vision is a key challenge for the coming years.

## Land for Investment

The GTP2 reaffirms the need to find more land for commercial investors, at varying scale. This will continue to be done by identifying land for the Federal and Regional land banks, by assessing its current level of occupation and agro-ecological suitability for investment. However, the GTP2 also says that not finding enough good land prevented the realisation of production targets in the GTP1 period. The GTP2 therefore underlines that *the development of commercial farming has to be effectively unleashed for development through strengthening land administration system, recruiting high quality and high impact private investment, amplifying transparency and accountability...*<sup>15</sup>

On the other hand, the Transparency Report quotes preparatory documents for the GTP2 which talk of the poor performance of large land allocations. This conclusion is reinforced by the analysis of official land data<sup>16</sup>: firstly, smaller scale private investment has been far more productive than the much bigger units; and secondly, large scale investments have struggled to compete even with the smallholder sector. The GoE recognises that better due diligence is needed when dealing with *all* investors; in the GTP2, support will focus 'domestic small and medium investors with land holding between 100 and 5000 hectares out of the 3 million hectares of land suitable for investment'<sup>17</sup>.

Recent meetings at the EAILA also indicate a significant change in Land Bank policy. A moratorium on allocations over 5,000 hectares in March has been extended, and the land allocation function of the EAILA is apparently being passed entirely to the Regional governments. In this context it is not yet clear what the new mandate for the agency will be, but the presence of the GIZ/EU project referred to above would suggest that it might evolve into a high-end technical assistance and advisory body for supporting Regional governments as they manage investor requests for suitable areas of land.

## The Large Scale Commercial Agriculture Strategy (LSCA)

The GoE still sees large scale agricultural investment as a key element in its development strategy. The GTP2 requires that the total area of land transferred to investors will increase from 2.4 million hectares in 2014/15 to 3.1 million hectares by the end of 2019/20<sup>18</sup>. This clearly has implications for the complex question of how to deal with the populations who live on land targeted for investment.

A new Large Scale Commercial Agriculture (LSCA) strategy is also being developed. While access to land is important, this strategy does signal a shift in approach which the Transparency Plan can respond to and support. The LSCA reflects the GTP2 focus on socio-economic transformation and growth achieved through agricultural-development led industrialization (ADLI) and is likely to become a key element of the next GTP3 for the period 2020-25.

The strategy is driven by an assessment that 'one of the main hurdles presently undermining industrial competitiveness in Ethiopia is constrained raw material supply. In this context LSCA is seen as 'the most viable sub-sector to ensure sustainable supply inputs supply to manufacturers'<sup>19</sup>. It also 'attempts to address socio-economic challenges endemic to the sub-sector, including...livelihood protection and local community development'; and most importantly, it is seen as 'one of the key instruments to smallholder transformation as the dominant raw material supply source'<sup>20</sup>.

The LSCA strategy has huge implications for land governance. It represents a major shift from the past focus

<sup>15</sup> *ibid*:26, emphasis added

<sup>16</sup> Ali and Deininger, *op.cit*

<sup>17</sup> GTP2:127, emphasis added

<sup>18</sup> *ibid*

<sup>19</sup> FDRE 2016. Large Scale Commercial Agriculture Strategy for Ethiopia: Strategy Framework Validation Plan. Addis Abab, EDRI/EPAU. Technical Proposal, September 2016. Pp1-2

<sup>20</sup> *Ibid*:2, emphasis added

on large-scale production units – a ‘plantation approach’ – to an agri-business and value chain approach where agreements and contract with smallholder producers is a recognised part of the overall picture. The large investors are not assumed to be simply seeking large land allocations but will be investing elsewhere in the value chain – for example in processing plant – and sourcing their supplies through national producers of various types and scale.

Investors will be offered incentive packages to work with local farmers and land rights holders through a range of inclusive business models and agreements. This shift reflects both earlier assessments of the poor performance of land-acquisition based models, and GoE reactions to the unrest of 2016 that underline the need for an approach that recognises local rights and works with instead of against smallholders (and pastoralists).

It is clear from discussions about the LSCA strategy however, its land governance implications have not been fully thought through. The approach still appears to be driven by the assumption that the State, as ‘owner’ of the land, should be the recipient of lease incomes paid by investors for the land they use. It is also driven more by concerns to attract investors and lower their transaction costs, than by a policy that sees local rights holders as active stakeholders with a related right to participate in land-based income created by the investment (rents and leases).

It should be noted in this context that the GTP2 talks of finding land for investment that is ‘not used by other people and not planned for government use’. The reality on the ground in most areas of the country (and even in pastoralist areas – see discussion below), that land is occupied, and that local resistance is also a factor. This is certainly borne out by the present situation of conflict and unrest in the countryside.

The LSCA strategy presents a major challenge and opportunity for the G7 to influence GoE thinking and performance on land governance and transparency issues. The Transparency Plan focus on creating the conditions for a more participatory, negotiated rural development process provides a vehicle for testing new ideas in the LSCA as well as smallholder context, and developing an implementation strategy for the GTP3 that will alleviate the land-based tensions that exist today.

### ***Land for Urban Areas and Industry – the Urban-Rural Interface***

The other sense in which rural land is targeted for investment is when the process of urban expansion requires more surrounding rural areas to be incorporated into cities and towns. Land in this context is needed either for residential and commercial development; or for locating new industries within with the wider context of the ADLI strategy. The rapid urban expansion of recent years has indeed created a strong and growing demand for nearby rural land, most of which will have some kind of existing right over it. Tensions caused by the poor management and planning of this process, linked to the opportunities it presents for speculation and high profits for developers, has been the root cause of conflict.

Current legislation is very limited in terms of how this process is managed and carried out. The focus is very much on the payment of compensation, predicated on the application of the principle that ‘Land belongs to the State’ which then allows existing rights holders to be expropriated ‘for public purpose’ (Proclamation 455/2005). There are several key issues here:

- Firstly, the fact that radical title lies with the State does not give the State automatic right to take away rights over land that are established by law
- Secondly, the concept of ‘public purpose’ is loosely defined and applied in such a way as to lose any real meaning, and often even to facilitate subsequent acquisition of land for private development which is argued to be part of larger public planning processes (urban Master Plans etc.)
- Thirdly, there is no real link between the real value of the land in question, and the way in which compensation is calculated
- Fourthly, the *a priori* assumption of the need to expropriate pays no attention at all to the possibility that an existing holding right holder (with or without a Certificate under the SLLC) can retain their right, which is then converted into an urban holding right with all that this implies for them being able to gain from the added value

The other contextual element to this sensitive issue is the extreme weakness of existing urban land administration systems, and the complex institutional set-up which divides land between urban and rural sectors, with little or no interaction and collaboration between them to foresee and plan for potential conflict and grievances that might arise.

The GoE is keenly aware of the challenges in this sector and is clear about the need for serious measures under the GTP2. Recent events underline how the capacity to plan and manage this process is still greatly



challenged.

### ***Pastoralists and communal rights***

The treatment of pastoralist rights remains a polemical issue in Ethiopia. The Transparency Report underlined the need to identify and formalise these rights as a key challenge. It is apparent however that there are considerable differences over how to deal with this question.

There have been signs of an opening by the GoE to the possibility of creating some form of collective land right for pastoralist and other communal land holdings. This process has been supported by the USAID-funded LAND project, which has produced a book on the issue and commissioned reports that have indicated 'steps in the right direction'<sup>21</sup>; and indeed it appears that proposals for some form of collective right for pastoralists was proposed in the draft revision of Proclamation 456/2005. As indicated above this proposal has been sent back by senior decision makers.

Meanwhile, there have been some pilot activities to define and demarcate pastoralist land use systems, involving the pastoralists themselves and using guidelines developed for the purpose<sup>22</sup>. Yet as if to underline the continuing divide on this issue, the resulting participatory LUP was quickly followed by another one commissioned by the Afar Regional Government. This 'official' plan is completely different and presents a LUP based on agro-ecological and 'best use' criteria.

An indication of the official position at this point is found in the GTP2, which talks of modernising livestock production across the country including in pastoralist areas, and giving emphasis to 'expand modern ranches carried out by private investors [through] provision of all rounded support including supply of land'<sup>23</sup>. At other points in the GTP2 document, there are indications of a strategy to settle and change the mode of production of pastoralist systems.

Being aware of the sensitivity around this issue, the Transparency Plan will identify where the pastoralist issue is being addressed by ongoing activities and underline the need for continuing debate around this important topic, underlining here the importance of creating a space for open and constructive dialogue. The Plan will also integrate the pastoralist issue into other components which promote a more inclusive approach to investment and development. This does not align precisely with the official position that appears in the GTP2, but is in line with the principles of participation, governance and 'building democracy' that appear in the document. It is anticipated that by demonstrating the potential of a more inclusive and rights-based approach (see the following section for example), it will be possible to develop a more consensual strategy that does not undermine existing livelihoods.

### ***Using Certified Rights for Transformation and Development***

While the SLLC process has achieved admirable results, the GTP2 focus is on modernising the sector rather than a concern for rights per se. It rests on assumptions about tenure security creating an incentive to invest in and take better care of the land. Also, the transformational agenda driving these measures has important implications for how rights are used and in particular how they can be shared with or transferred to other actors with the resources to get land producing more effectively. While the SLLC is about tenure security, it is part of the wider transformation programme which seeks to transform today's peasant farmers into commercial producers. Programmes like LIFT and REILA are only a part of this wider process and do have their own objectives. Nevertheless, they must also contribute to the overall goal of social and economic transformation.

Thus, the GTP2 includes measures ranging from improved access to markets to better extension to help smallholders make the transition from essentially subsistence-based production, to a high- yielding commercial smallholder sector. Activities like the Economic Empowerment Unit of the LIFT project, linking the SLLC to enhanced micro-finance availability, also respond to this concern.

The Transparency Plan goes further however and looks beyond what a farmer might do on her or his land to consider how they might engage with other development actors. This is also a key 'transformational moment' that can take smallholders, investors and GoE agents 'beyond the dichotomy of large vs. small' and 'look instead at new ways of combining the two'. In other words, the two-pronged agrarian development strategy of the GTP2 should include measures to facilitate and promote an active engagement between different land users and the State.

<sup>21</sup> Flintan, op.cit.

<sup>22</sup> Flintan and Cullis, 2014, op.cit.; and Chifra Woreda (op. cit.)

<sup>23</sup> GTP2:123, emphasis added

'Combining the two' then becomes a question of helping newly certified smallholders to make the most of their newly secured rights, including in their interactions with investors and State-backed projects. This approach may also be relevant and useful for addressing the still-polemical of how to deal with pastoralist rights in a more inclusive and equitable manner. How to do this is directly addressed in specific components of the Plan presented below.

### ***Women and Vulnerable Groups***

The GTP makes frequent reference to the participation of women in all areas of the development programme. This includes the brief discussion of land administration, and in a specific section on Women and Youth in Section VIII, Cross-cutting Issues.

Three 'strategic directions' are outlined:

1. Strengthening women and youth organizations;
2. Ensuring the active participation of these women and youth organizations in the development and governance programs of the country, and ascertain equity in benefiting women and youth from the resultant development and governance outcomes; and
3. Establish coordination of these organizations with other concerned bodies working in women and youth affairs at all levels<sup>24</sup>.

Gender equality including rights over land and other resources is enshrined in the Constitution of Ethiopia. The GTP2 also makes constant reference to the participation of women, and a specific reference to SLLC being for all farmers, men and women. However, the Transparency Report identifies problems with the way these principles are practiced on the ground. There is evidence from field interviews and academic research papers, that the way women's rights are dealt with is still conditioned by unequal gender relations and entrenched patriarchal systems in all regions.

In this context, male elders are responsible for the application and upholding of customary norms regarding women's rights; and these norms tend to predominate over formal normative frameworks imposed from above. While programmes like LIFT and REILA pay specific attention to ensuring that women are able to come forward and register their holding rights, achieving sustainable improvements in the gender context of land rights requires normative change and hence measures aimed at the male leaders who regulate and administer customary and patriarchal systems.

Both LIFT and REILA, as the main SLLC-focused projects, have methodologies to ensure that women and VGs take part in and benefit from the certification process. LIFT also works hard to include women with new Certificates in its economic empowerment activities (such as facilitating access to credit and brokering new land rental agreements). This focus on the women themselves should of course continue, and be strengthened if possible. It should also be complemented by activities that seek to raise awareness amongst male leaders, about the need for normative changes that can ensure real gender and VG equality in terms of land rights and land governance. Women will then face fewer socio-cultural hurdles when attempting to take advantage of SLLC and other post- certification opportunities.

### ***Taxation, Revenues and Sustainability***

The GTP2 stresses the need to raise public revenues from an improved and extended tax system. However, there is little mention of land fees and land taxes, and the need to increase revenues from land-related services to ensure the sustainability of the current, largely donor-supported investment.

Long-term sustainability also requires a reliable supply of professional staff. Once again, the GTP2 is aware of the need to produce the required human resources over the period 2015-2019 and beyond but makes no specific reference to the needs of the land sector and how to meet them. The Transparency Plan will therefore include these issues in its assessment of ongoing activities and propose some immediate measures to begin to address the longer-term sustainability question.

### ***Governance and Participation***

The section on 'Developmental Good Governance and Building Democratic System' calls for a 'paradigm shift' in the 'developmental political economy' of the country, requiring 'comprehensive capacity building ... [to ensure] the supremacy of the developmental political economy, and realization of the development, democratization and good governance goals of the country'. It continues: 'The key [to achieving this] is to

---

<sup>24</sup> GTP2:208

render [ensure?] the wider public play a pivotal role in the development and political affairs. Thus, at centre of GTP II is the promotion of organized and all rounded participation of communities in the development and political processes of the country<sup>25</sup>.

Furthermore, the GoE affirms through this document that ‘the political leadership will demonstrate unwavering resolve in implementing the reforms focusing on those sectors that are vulnerable to rent seeking and corruptions such as tax administration, urban land use and management’<sup>26</sup>.

With the regard to urban areas – and how these expand into neighbouring rural areas - the GTP2 recognizes that ‘rent-seeking political economy still maintains its hegemony’ and underlines the governance implications of improving the urban land administration. A key ‘strategic direction’ is therefore to ‘create modern urban land administration system that promotes the utilization of urban land in an economically efficient manner for long-term developmental purposes rather than for short-term rents’. This includes establishing a cadastral system in major cities in the country’<sup>27</sup>.

The references to participation and good governance are balanced by the focus on ‘developmental political economy’ and its ‘supremacy’. In other words, while participation and democracy figure in the text, the process may still be heavily directed by the GoE and its transformative agenda. The significance of words like ‘organized and all rounded participation’ serve to emphasise this point.

Nevertheless, there are signs of an opening towards a genuinely more consultative way of doing things (e.g. the Federal land law revision and national LUP processes). Other developments like the EthioLandNet at Bahir Dar University, with a plan for regular annual conferences, are carefully creating a more open and participatory approach to policy and programming. The idea of creating a formal and (relatively) neutral space or mechanism for dialogue over land policy and programme issues – a core element of the Transparency Plan - is therefore a feasible objective to aim for.

## The Transparency Plan: Strategy and Principles

The Plan for Improving Transparency in Land Governance consists of six components. The first component groups together the first two sets of issues identified in the Introduction; the remaining four components align with issues 3-6:

1. Land Administration for Change and Development, with three sub-components:
  - a) Gender, women and vulnerable groups
  - b) Analysis and knowledge management
2. Rural – urban land management and planning
3. Inclusive Development, with a focus on smallholders and local government
4. Inclusive Development, with a focus on private investment models
5. Dialogue around land policy and development
6. Sustainability, with a focus on two areas:
  - a) Generating revenues from land access and use to support the system into the future
  - b) Ensuring a supply of professional human resources as public-sector capacity improves and expands

## Strategy

The underling strategy is to begin a process that will improve transparency and land governance over the medium term (the duration of LIFT and up to the end of the present GTP2). To understand how this works, it is important to see another dimension to the structuring of the five components above.

**Firstly, activities under Component One and some under Component Two** address what are essentially ‘system’ issues. Activities under Component One include administrative and capacity inputs to prepare the rural land administration for managing change in land access and land use once the SLLC is complete; measures to improve how women’s and vulnerable group rights are dealt with; measures to create capacity within the official sphere, to analyse land data and disseminate it to policy makers and land users. Component Two also addresses systemic and basic capacity issues, with a view to developing new administrative, implementation and planning capacity for urban/rural change. An essential first step however is to provide immediate support for the GoE to put in place an effective planning and compensation system that addresses present grievances. In both the rural and urban contexts, the focus on developing new systems and a more

<sup>25</sup> GTP2:195

<sup>26</sup> *ibid*:195

<sup>27</sup> *Ibid*:196, 199

professional workforce will significantly reduce the space and opportunity for petty or bureaucratic corruption as well.

**Secondly, Components Two, Three and Four** all shift the focus away from land administration towards 'land and development', with a more inclusive strategic approach. The objective is again to reduce the incidence of corruption and poor transparency, but this time by making it less attractive or even unnecessary for those who might want to pursue an 'unofficial' course to secure the land they want. The goal is to encourage a more participatory and inclusive development process, with feedback into the way the administration sees its role and deals with women's rights. This strategic shift addresses the motivation for land-grabbing and provide a constructive and more equitable alternative to expropriation when investment projects are planned; it can also feed into the key challenge of regulating and managing urban expansion into rural areas.

The other spin-off from this process is that it will begin to make small farmers and others realise that it is useful to use the newly installed Rural Land Administration System (RLAS) and rights registration processes. Having an up-to-date land certificate can be a condition for engaging in a new partnership or rental agreement with an investor for example. Agreements are also given greater security by the legal requirement to register these in the RLAS; and this only makes sense if any changes in the holding right are registered beforehand. Giving people a reason to use the land administration – to develop and secure new livelihoods strategies for example – is an essential part of ensuring its sustainability, whatever technical measures are put in place.

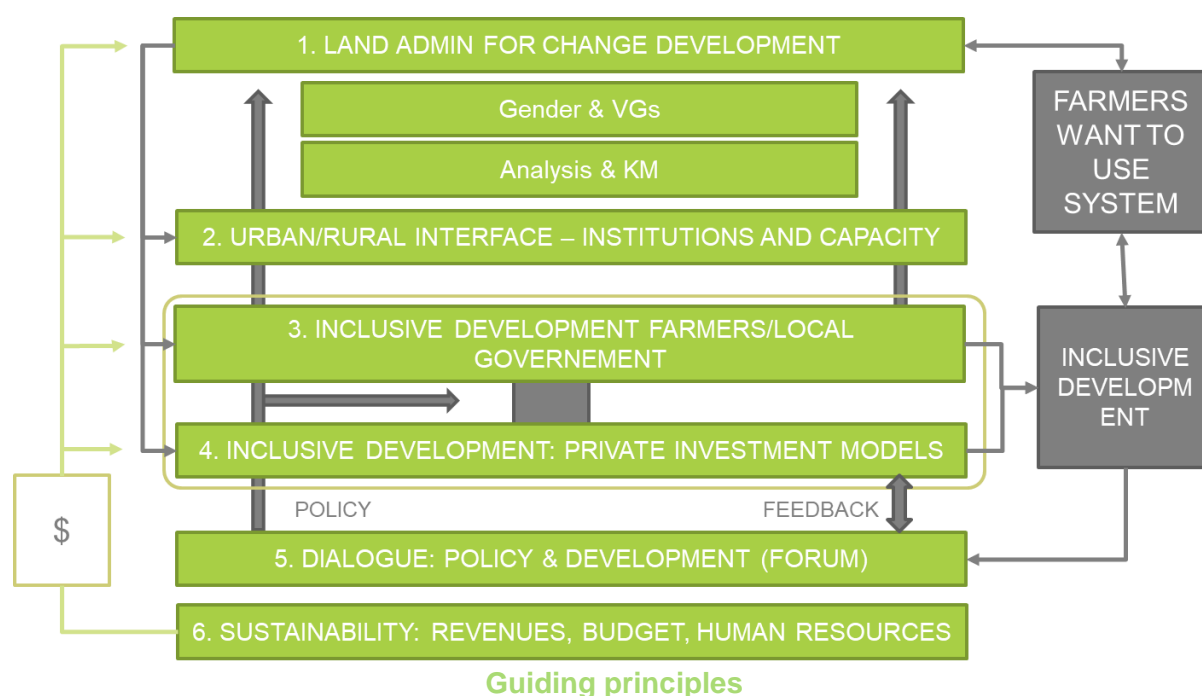
**Thirdly, Component Five** is the critical element of the Plan for driving the Transparency Plan forward into the longer-term framework of the GTP3. It creates a new space for dialogue and debate, where an important objective is to further encourage civil society to contribute in the land sector alongside the present opening up towards academics and other national specialists. It also provides a mechanism for assessing the feedback and lessons learned from the other activities, which then leads on to possible changes in policy direction and/or the GoE committing to new budgetary and programme targets to support further activities. Note that the goal of promoting greater participation matches the declared principles of the GTP2. However, this component moves beyond the GTP2 vision of a more controlled and functional form of stakeholder involvement. It will need skilled and experienced technical support if it is to be developed into a well moderated mechanism where deeply held positions can be discussed and a new consensus constructed.

**Finally, Component Six** cements the process, by creating a 'virtuous circle' whereby new resources – material and HR – are created and fed back into the overall 'land governance system'. How this all works is shown below in Figure One.



**Figure 1- The Transparency Plan: Structure and Strategy**

**PLAN COMPONENTS**



**Better systems and access to information reduce the scope for corruption**

Build capacity for a land administration that moves from SLLC to managing change - ensuring that land users keep using the system as changes occur in land access and use over time. This is already happening in LIFT woredas with the introduction of the RLAS, together with the necessary training and capacity building.

Analyse data and disseminate results to support balanced policy revisions, and provide land users with useful information for managing their activities and planning investment

**Build on achievements and use existing or newly created mechanisms and capacity.**

Many activities in existing and proposed donor-supported programmes contribute to improved transparency and governance. There are clear synergies with the LUP and LGAF processes as they develop Road Maps for implementation. The new EthioLandNet at Bahir Dar University could evolve into a vehicle for implementing Component Four. The GoE is opening up to greater participation.

**Women and gender are not side issues but are central to achieving broader development goals**

Mainstream gender and women's land rights into land management and governance; women are half of society and bringing them fully into all land activities – titling, land use planning, access to credit, rental and negotiation with investors, etc. - will impact on development and governance for everyone.

**Dialogue and debate will overcome mistrust and create space for more consensual, equitable and sustainable land policy and programmes.**

Transparency and good governance are rooted in trust between the State and land users, and in the social legitimacy of policy and programmes. Civil society is a positive force and the GoE needs to build new bridges with it. Facilitating dialogue between the GoE and all stakeholders can resolve acute problems; allow stakeholders to work together to develop legislation and policy; and give everyone a say in how development plans and investment projects are designed and implemented.

**Legal empowerment is not a threat and can contribute to GoE goals.**

People who know their rights and how to use them are not a problem, quite the opposite. They may be able to better defend their rights and resist unjust expropriation, but they are also able to make constructive and productive agreements with incoming investors and the State. This includes reaching consensus on resettlement and compensation where necessary.

### **Inclusive models and ‘win-win’ are achievable.**

Rural people welcome new investment because it brings jobs and other benefits. The question is how it is done, especially when local land and natural resources are involved. Mutually beneficial negotiated agreements reduce the potential for conflict and corruption and go ‘beyond the dichotomy of large vs. small [to] look instead at new ways of combining the two’. Inclusive business models and collaboration between small and large farmers are working in many countries. There is real potential to promote this in Ethiopia now. The new GIZ project at the EAILA is an excellent starting point. Other Plan components can contribute to and enhance the EAILA/GIZ project, in pursuit of the ultimate, ‘win-win’ scenario produced by improved transparency and governance.

## **Components of the Transparency Plan**

This section provides a review of the context and details of each of the five components. This is followed in each case by proposed actions to be taken by the GoE/G7 partnership. Where existing projects are already addressing the issue, weak points and/or gaps are identified which can be filled in as part of this Plan. Where existing activities are NOT covering the issues, new activities are proposed. An outline of the resources needed is also included, with a summary of all resources required and outline budgets included in Annex One.

### **Component One Land Administration for Development**

This component consists of four separate but inter-linked activity groups:

- General land administration, including the Rural Land Administration System
- Gender and vulnerable group rights
- Urban/rural development and its impact on local rights
- Data analysis and knowledge management

#### **Land Administration**

Giving farmers a greater sense of tenure security through the SLLC programme is a major step forwards in the context of the GTP2 goal of promoting on-farm investment and shifting production from a household economy to commercial focus. To achieve longer term improvements in land governance however, certifying existing holding rights is not enough: registering changes in these rights has to be guaranteed over the longer term. Creating the RLAS is one side of this challenge; the other involves persuading and encouraging farmers to keep using the system.

Reliable and accessible data on land access and use will do much to improve transparency and good land governance. Success in this key area will reduce the space and opportunity for petty or administrative corruption. It will also interact with Components Two and Three of this Plan to produce a more open and inclusive rural development strategy. As data and information facilitate a more inclusive strategy, this will in turn will promote a commitment to improved transparency and land governance over the longer term.

Supporting RLAS development and ensuring its long-term sustainability and relevance are therefore key elements of this Plan. The greater challenge is the sustainability of the new registration and RLAS systems, as the SLLC programme shifts many more *woredas* and *kebeles* into the ‘fully certified’ category. Both projects are aware of this. On the *supply or service delivery side*, LIFT is training and equipping government teams to carry out land rights registration at an acceptable level of efficiency and prepare them to handle transactions and changes due to inheritance, rental agreements, gifting land within families, and changes in title when private property on land is sold. It is expected that REILA 2 will also focus on these issues.

On the *demand side*, farmers must want to use the RLAS once the SLLC process is completed. This issue has a technical-systemic dimension, and a socio-economic one. In the first instance, the RLAS must be *accessible, affordable, and appropriate*. The information stored in the system must also be *useful*, both for land users and for land managers and policy makers.

Accessibility and affordability are systemic issues. If it still requires a day of trekking to the *woreda* town, waiting a long time, and then paying even a small fee, farmers will be put off by the time and financial cost of having to make the paper chain work themselves. The RLAS must reach down to and integrate *kebele* structures to address the *accessibility (entry point)* issue; it must then ensure that it can get data up *through its own structure*, freeing farmers from the need to spend time and money going between levels.

Appropriateness and utility are to do with how the information is processed and analysed, and then made available to land users and GoE departments. The impact of the Farm Survey data analysis referred to in the Transparency Report underlines the need for data to be well analysed and then used to inform all relevant

stakeholders.

The second, socio-economic dimension, is about persuading farmers and other land users to keep using the RLAS. Given the time and money costs, farmers will need to see a real benefit in keeping a Certificate up to date and continuing to work the RLAS, instead of going back to informal or customary land management solutions. All stakeholders must see the RLAS as something that is useful – in other words, will it help them develop their plans and build stronger livelihoods strategies? This is not a technical land administration issue; it is about how the RLAS supports a rural development process that creates new opportunities for both smallholders and investors.

Component One of the Transparency Plan focuses more on the supply side of this analysis, leaving the demand or socio-economic dimension to be addressed in the Components Two and Three of the Transparency Plan. A significant amount is already being done. LIFT has the primary responsibility for land rights titling through the SLLC programme, with its goal of 14 million parcels certified; REILA focuses more on RLAS and Land Information Management System (LIMS) development, and implementation issues. Both projects are coordinated by the LAUD at the Ministry of Agriculture and Natural Resources; LAUD also coordinates the Sustainable Land Management Project supported by the World Bank and bilateral agencies, which includes some SLLC activities as part of developing land and natural resources management capacity.

LIFT runs until early 2020; the first phase of REILA is coming to an end and the Finnish Government is now working with the GoE to develop a follow-on second phase until 2020. The form and content of REILA 2 is not yet clear, but the indications are that future strategy will see:

- LIFT focusing on completing the target of up to 14 million households certified;
- REILA continuing to work in 'certified *woredas* and *kebeles*' to support local government teams as they shift focus from SLLC to administering change and land management

The new RLAS will also have to be consolidated and rolled out across the country and put on a sustainable footing. These concerns underline the need for sustainable public funding and a human resources strategy capable of responding to the challenge of an expanding and more professional RLAS. These concerns are addressed in the final Component Five of the Plan.

### **Transparency Plan Activities**

To the extent that system consolidation, operational status and sustainability are being addressed by both LIFT and REILA (1 and 2), the Transparency Plan does not need to do much more at this time. It is important however that the GoE and G7 partners maintain a focus on the longer-term sustainability of the RLAS and related services as key inputs to the wider development goals of both the GoE and the farmers.

This will require technical inputs, but most importantly it requires funding and people to keep it running over time. This means a shift to GoE budgetary support at some point (consistent public funding for running costs, maintenance and investment; systems and resources for training new and replacement human resources; ongoing training and capacity building). This question is addressed by Component Five of the Transparency Plan.

### **Gender, Women and Vulnerable Groups**

There are significant problems with how the land rights of women and vulnerable groups (VGs) are dealt with by land administration and governance structures. Married women have a legal right to be joint right-holders with their husbands. Up to 20 percent or more of farming households in some areas are headed by women on their own. Children who inherit land may not be able to use it and hand it over instead to a male relation or guardian. And the elderly and disabled with land also face serious challenges when it comes to using and defending their rights. All these groups are vulnerable to losing their rights, or not being to exercise them by responding to new opportunities such as the micro-finance and rental support schemes being promoted by the LIFT Economic Empowerment Unit (EEU).

The SLLC teams are aware of these problems. For example, they try to ensure that in the case of couples, both husband and wife take part in parcel identification and verification through to Certification (when both names and photos must be on the Certificate). They also urge women to accompany their husbands to verification and other activities and insist that they have their names and photos recorded on the final Certificate.

It is clear however that more effective social communications work is needed before the SLLC process starts in each *woreda* and *kebele* and the LIFT programme is implementing additional support to address this. Much also needs to be done to change the social rules and normative behaviour of both men and women at village

level when it comes to formally registering women as holders of the land holding right. Social norms intersect with practical issues like labour constraints that expose women to the risk of losing their land rights when they contract with men to plough or work on their land. Other vulnerable people – the elderly and infirm – may make informal rental or sharecropping agreements which can increase their risk of losing their land rights. Confronting the challenge of ensuring that vulnerable groups are fully made part of the process requires specific attention, together with the gender and women's rights issue.

Grievance mechanisms do exist, but the same gender and VG issues are again a factor. Field staff guided by the gender-aware objectives of a project like LIFT or REILA can and do ensure that a problem is passed to the grievance mechanism. Once a case is in the system however, prevailing norms and gender biases can then predominate. With its focus on the Certification process, it can then be hard for project staff to follow up on cases and ensure that they are adequately addressed.

These are not really transparency problems, but they do reveal how 'good governance' is conditioned by patriarchal norms that exist across all regions. Many aspects of customary land allocation and land are 'gendered', albeit in different ways in different parts of Ethiopia. In all cultures, women acquire land rights through marriage or membership of a clan or extended household, not as individuals in their own right.

Normative issues through effective social communications is becoming increasingly clear as assessments of the SLLC process take place. A strategy to bring women and vulnerable groups fully into the development process and secure their rights to land and to participate in decision making will have a profound impact on the overall development project of the GoE and the target of meeting the new SDGs.

On the gender side, the roots of most problems are found in predominantly male and patriarchal normative frameworks that regulate gender relations and women's rights. It follows that an effective programme must *include* measures that are aimed at both women *and men*. Changes in approaches towards vulnerable groups will also likely involve male leaders who are responsible for applying the normative frameworks of each society. Improved social communications methodologies and training/information materials for women and VGs, and work with community leaders, will prepare the way for change and ensure that everyone is included in the SLLC process, and in programmes to help make the most of their rights afterwards.

A third focus area is at the institutional level, where again deeper patriarchal norms tend to dominate and govern how gender issues are perceived and dealt with. Gender biases rooted in the surrounding culture also influence the way local government systems work as well. While discrimination on grounds of gender, age or disability is not allowed in formal law and official policy, the staff and financial resources to address these issues are very limited. Improved gender training for staff at all levels of GoE land and related services is essential in this context.

This combination of approaches together will provide the impetus for change, as women and VGs themselves become better informed, male leaders adopt more open and supportive positions, and institutional biases are reduced or prevented. The overall objective is not just to ensure that the land rights of women and VGs are recognised and secured, but to ensure that they are brought fully into the development process as full and equal actors.

### **Transparency Plan Activities**

The activities proposed here are aimed initially at the ongoing LIFT and REILA projects and providing a better gender and VG response by land administrations. Other elements of the normative challenge outlined above are addressed in Component Two of the Transparency Plan and intersect directly with what is proposed below:

Carry out a review of how gender and VG issues are being addressed by GoE/donor projects like LIFT, and in particular consider the adoption of some additional strategies to strengthen how these issues are handled by the field teams:

- Ensure that there are female field officers in all activities (not only to deal with women, but to ensure that gender issues are taken into account at all times by male colleagues and are mainstreamed into all project activities)
- Still carry out public meetings with men and women present, but also hold separate meetings just with women (and by female team members)
- In meetings where both men and women are present, use this opportunity to clearly talk about gender and the issues raised above; and address these messages not only to the women present, but more importantly, to the men



- Revise all training and other materials against modern best practice for this kind of work and develop new materials addressing gender and VG issues
- Develop more effective visual and other training materials, with more use of simple graphics and far less text on posters etc. (it is the job of the trainer to explain the message, not repeat all the words on a poster that few are able to read)
- Upgrade the training skills and methodologies of the field teams to improve the level of participation and sense of 'ownership' of the messages by the target audience
- while the project already tries to have both spouses verify land parcels and go through the Certification process together, there should be women-only verification times when women can check their parcels, lodge complaints, and complete the administrative process; this is particularly important for female headed households (for example, having three mornings a week for women only, or one specific day);
- follow-up on suggestions by the LIFT gender and social communications team to make better use of the '1 to 5' mobilisation and information system to address the issues raised above need to be discussed and integrated as appropriate into the field programme. This is also discussed more in Component Two.

On the government side:

- fully discuss the issues raised above with all local government counterparts and colleagues to ensure that they are fully aware of them and their implications
- involved counterparts with the development of new material and the restructuring of the public meetings and the verification process as above
- carry out gender and VG training with counterparts and with the LAC members
- consider how the G7 partners can support the recruitment and training of more Gender Specialists at regional and woreda level, to provide oversight and assume responsibility for ensuring that the changes recommended here are carried forwards

### **Specific Actions and Resources**

**Review materials used and methodologies for gender issues and training.** Review existing materials for women and VG rights issues, develop new training content and training materials where necessary, and accompany the use of these new materials in practice.

Plan and implement a training for all 'frontline' field staff in participatory training and related adult education methodologies. Observation of public meetings where LIFT teams transmit information to local people reveals training and informational approaches that are too formal and 'lecture-like'; the materials used are also not ideal (too wordy, too small for large meetings, unclear messages hidden in a reliance on photographs, etc.). A participatory training course will improve overall implementation of the SLLC and follow-on activities, and focus on how women are informed about their rights and how to engage in the SLLC and other activities. The LIFT team will identify a national entity or firm specialised in this type of training; if such a firm cannot be found in-country, they can look in long-established training and rural development/land rights organisations in neighbouring countries (Kenya, Uganda). This activity can link with the TA technical assistance.

**Working with male leaders to address normative change:** All cultural and customary norms relating to land are managed and regulated by men; it follows that changing normative frameworks that constrain the rights of women and VGs requires a change in the way male elders view these norms in the modern context. This activity will develop a methodology and materials for focus group work with male leaders in all kebeles where the SLLC and other land related activities are to be carried out. The objective is not to invalidate or question cultural practices, but rather to adjust them to the wider constitutional context and principles of gender equality and women engaging as full actors in development. A key starting point is the constitutional recognition of legal pluralism – the validity of all legal and normative systems in Ethiopia - provided that these do not undermine fundamental constitutional principles like gender equality. This activity can also be integrated with TA above.

Resources for both of these activities are indicated in the integrated budget provided in Annex One. It is proposed that the **training programme** be jointly funded by the LIFT and REILA projects.

### **Data Analysis and Knowledge Management**

The justification for this sub-component lies in the analysis of official farm data carried out in 2015<sup>28</sup>. This work

---

<sup>28</sup> Ali and Deininger, op.cit.

was carried out by a World Bank team which was given access to official data that would otherwise have remained un-analysed and therefore of little real use. In the event, the analysis has provided a strong counter-argument and new perspective on the debate surrounding large land-based investments, and the nature of land investment across the country. This contribution underlines the importance of having an established capacity to undertake at least the most essential data analyses; and present the results in formats that are useful to GoE and other stakeholders.

It is very clear that there is minimal or even zero capacity to undertake and sustain this kind of activity at the present time, at central and regional level. Ad hoc recourse is being made to the ample stock of Ethiopian professionals in academia and elsewhere, but this activity area requires a more systematic and regular institutional set up to ensure that data from a range of sources (such as the new RLAS) is collected, well organised, analysed, synthesised, and disseminated.

A lot of information is coming into official databases that this must be used to inform both future policy and those who need to make investment decisions. For example, the SLLC programme alone will provide land data generated by the certification of up to 14 million registered titles by the middle of 2020. As each year passes these data will evolve and provide the basis of longitudinal studies that are the real tools of intelligent policy making. Setting up the capacity to do this now will ensure that these studies take place and are professionally carried out.

### **Transparency Plan Activities**

Within the context of the Transparency Plan, it is proposed that one of the G7 partners already working in or close to this area consider funding a short-term consultancy to carry out an assessment of present capacity and to make recommendations for how this might be improved.

### **Specific actions and resources**

Consultancy contract over three months with an appropriate national academic institution:

- A full survey of the capacity to systematically track and analyse land and related data produced by the land administrations and related agencies (such as the EAILA), Federal and Regional level.
- Visit GoE institutions at Federal and Regional level
- Assess exiting capacity and needs
- Present recommendations to the GoE and G7 partners with a draft project proposal:
  - Staffing and training
  - Knowledge management proposals
  - Publications framework and respective budgets

Budget resources are indicated in the integrated budget in Annex One.

## **Component Two - Urban / Rural Interface: Institutions, Policy and Planning**

The expansion of urban areas into surrounding rural countryside is a major cause of land conflict and political tension. The Transparency Report identifies several key issues:

- The legislation on compensation and expropriation makes little reference to the procedures and process for initiating and implementing expropriation processes; consequently, many are poorly handled, and it is impossible to assess their legality or otherwise
- There is an acute lack of professionally trained valuation experts at the Federal, municipal and regional levels; this creates an expropriation process that appears *ad hoc* and results in compensation awards that bear no relationship to the real value of the land in question
- The concept of expropriation 'for public purpose' is poorly defined and loosely applied, even to cases where the expropriated land is then passed to private sector developers
- The policy and legal framework determining what happens to a *holding right* when the urban boundary is moved outwards, does not seem to allow for the right to be retained by the existing holder (who could then gain from the conversion in land use); instead, the presumption of 'State ownership' backed by national interest or 'for public purpose' arguments automatically results in expropriation. This might be acceptable if it was not clear that other parties on the urban side of the process *do* gain substantially (through corruption and insider dealings as land becomes 'available').
- Finally, there are few established mechanisms or procedures for the main institutions on either side of the urban-rural boundary (the Ministry of Urban Planning and Housing, and the Ministry of Agriculture and Natural Resources), which can promote dialogue and joint- decision making over how the urban plans are conceived and implemented (this lack of coordination and cooperation extends down to Regional

governments and below).

### **Transparency Plan Activities**

- Support institutional reform measures that can bring urban and rural sectors together to co-plan and co-manage the complex challenge of securing new land for urban and industrial development; this can build on present moves to create a 'joint platform' or other institutional structure that can promote greater coordination and collaboration between the Ministry of Urban Development and Housing, the Ministry of Agriculture, municipal governments, and other stakeholders.

Develop additional legislation and guidelines for the process of expropriation and compensation (not just the rules for calculating values etc.)

- Development of Urban Land Administration Systems in all the main cities and towns; and ensure that these are accessible and open to promote transparency (replicating the RLAS arguments above)
- Capacity building and professionalization of the services handling all expansion and land issues, including zoning, expropriation, valuation, and compensation

As the Transparency Plan was being finalised, information about a World Bank supported initiative in urban planning and housing was received. The focus of this initiative is very much inside the urban frontier, and while acquiring new land is a key issue, it does not appear to explicitly address how rural land is acquired and converted into urban land, and how rural communities are treated along the way. The Transparency Plan proposed to align with this new initiative and reinforce it by providing a TA and capacity building package that looks specifically at issues that include:

- Valuing rural land
- Retaining the holding right as land is converted into urban use (so that holders can benefit from the value added which results)
- Regulatory change to detail the *process of land expropriation* and make it more consultative and livelihoods friendly
- Capacity-building in key professional skills (valuation, social communications, planning)

A full time senior professional advisor should be recruited to oversee this support and develop its various components of specialised TA and capacity building. This person can also work with the GoE at the highest level to find immediate solutions to outstanding land-based conflicts after the unrest of 2016. He or she would be based at the relevant coordinating and inter-institutional mechanism (this could be the so-called 'joint platform', or other inter-sectoral committees already set up by the GoE).

Alternatively, the TA could be assigned to the National Land Use Planning process, which enjoys Prime-Ministerial level support. This could integrate the LUP process with a wider shift in rural development, urban expansion and investment strategy.

Terms of Reference for this senior TA post would include:

- Providing immediate support to developing a framework for mediated and negotiated access to land for urban requirements
- Carrying out a thorough review of the institutional and technical capacity issues linked to the four activity areas above
- Developing proposals for specific technical assistance and capacity building inputs to address the four activity areas
- Overseeing the delivery of the respective TA assignments and assisting GoE with assessing and using these recommendations (possibly in the form of a focus area in the GTP4)

In addition to this, professional (postgraduate level) training in physical planning, land valuation, and compensation processes and procedures should be supported for executive level staff who will then assume leadership roles in the GTP3 context above (proposal: one in each area of work from each region and major municipalities).

Budget requirements for these activities are indicated in the integrated budget provided in Annex One. It is proposed that these activities are jointly funded by the main land and urban development donors.

### **Component Three - Inclusive Development – Farmers and Local Government**

This is a two-year pilot project designed to test a training model for land users (rights holders) and the corresponding local government staff, in local areas where there is or is likely to be increasing demand for land from outside interests; and where local farmers have access to a range of new opportunities and markets that

can enhance and diversify their livelihoods strategies<sup>29</sup>.

The pilot activity is conceptually closely aligned with Component Four. Both share a common vision of participatory and negotiated development in which local rights holders use their land rights to pursue new economic opportunity either on their own, or in partnership with other actors.

Smallholders with Certificates need to be shown how to access new services (such as credit and support from Land Rental Service Providers to arrange rental contracts, with both requiring a valid Certificate as a primary condition). They can also negotiate with investors – local or from outside their area – who want land for new projects; the outcome should be an agreement based around the concept of sustainable benefit-sharing, which can include the payment of rents or some other form of active partnership in the investment being proposed.

A key factor in this process is the role of local government agencies and their relationship with land users, within the wider context of promoting a more inclusive and less conflict-prone rural development process.

### ***Development Outcome of the Pilot Project***

The pilot project will promote a process of participatory rural development that builds upon the achievements of the SLLC programme and enhances and widens the scope and impact of the follow-on activities already being implemented by the LIFT EEU. These activities already go some way to meeting the objectives of this component: facilitating access to credit and new land rental services, conditioned by having a valid Certificate. The project will enhance the existing training and social communications work being done by the EEU and introduce a new element of how to promote an inclusive and benefit-sharing engagement with actors from outside the immediate area (investors from urban areas and even from abroad, who want land for new investment projects).

The other additional focus will be on developing the awareness of local government staff – in land and in wider public administration responsible for development planning and implementation – about how to use the Certification process as the basis for a more sustainable and equitable rural development process. Training on how land rights and Certificates intersect with other processes – an important example is the new Large Scale Commercial Agriculture (LSCA) strategy of the Government – will help these officers understand their role as facilitators and mediators in the wider rural development context. The objective is not to respond to pressures from powerful interests seeking land, but to facilitate a consensual negotiated process of incoming investment that brings real benefits to local land rights holders.

### ***Objectives of the Pilot Project***

To achieve this Outcome, the pilot project will address the following objectives:

- Increase awareness of the regulatory framework for land and natural resources amongst farmers who use the land, and what they can do with their Certified land rights in the wider context of investment and rural development trends;
- Improve the knowledge and understanding of the regulatory framework as a development instrument, amongst local government officials who administer and manage land and development initiatives in the *kebele*
- Provide basic legal assistance to farmers as they interact with new services and opportunities available to them once they have their holding Certificates
- Create a demand amongst land users for the land administration system created by LIFT and REILA and to ensure that they continue to register changes in land access and use
- Improve awareness amongst key stakeholder groups, of gender and women's rights issues and how they relate to land and development
- Prepare local farmers and local government officers to take part in a more proactive engagement with investors and other external actors in the context of inclusive business models and agreements

### ***Target Area***

The activities will be carried in selected kebeles in woredas where the LIFT project has already completed the SLLC process (through to Certificates being issued); and in an area where the project is due to start in the future (to see if the approach improves take-up and response in any way). The EEU will be active in each of

<sup>29</sup> The model is adapted from a 'two-track' legal empowerment and local government capacity-building programme developed in Mozambique and implemented by FAO in partnership with a Government judicial training institution. See Tanner, C. and Bicchieri, M. (2012). When the law is not enough: Paralegals and natural resources governance in Mozambique. Rome, FAO Legislative Study No 110



these areas as well. Care will be taken to avoid areas of present or potential conflict in the current situation of increased unrest.

The pilot areas will demonstrate two distinct situations with respect to the SLLC programme; and take into account other factors including the presence of investors, economic potential and the presence of institutions (MFIs) and other activities supported by the LIFT EEU. Thus:

- where the SLLC process has taken place and where Certificates have been issued
  - 1 – 2 in Oromia
  - 1 in South
- in an area *before the SLLC takes place* (likely to be southeast Oromia, and in the second year) Target areas should also be selected taking into account the following:
  - Where there is already investor demand for land
  - Where investor demand is anticipated (market links, productive potential of land, etc.)

Final selection of target areas will be made during the Inception Phase of the Project (see below, Implementation), with the LIFT and project team working closely with Regional and woreda counterparts.

### Transparency Plan Activities

The component is built around a package of training activities that target different groups within the land administration and governance hierarchy.

**The principal focus is at kebele level**, where the training is applied at two different but complementary, interacting levels:

- Kebele government
- Community (including Land Administration Committees, members of the 1:5 systems, farmers)
- Important other focus groups are at central and regional level

Work at central level will create the political and policy support for the approach being advocated (and in this context links directly to Component Four). A national level Workshop for senior level national directors from all relevant sectors using and managing land natural resources will explore the concepts behind a more inclusive and participatory development model, in which smallholders, pastoralists, higher and local government, and investors are all encouraged and supported to work together in pursuit of mutually beneficial development objectives.

The second focus group (specifically for Component Three) will be Regional Governments of the regions (including Land Bureau, Women and Youth Affairs, and other bureau involved in rural development; and woreda administration chiefs where the kebele level training is taking place). The objective here again is to discuss how the inclusive and participatory approach is implemented, and what the role of State agencies is in this process. The objective is to secure the support of regional governments for the local level training programme.

### Kebele Level Training

The project will work in 4 pilot areas, with two trainings per year (1 for each area) over two years (late 2017 – late 2019). Refresher courses and participatory assessment will also be supported in each area 6 months after each training.

The project will then provide follow-up support to the course participants as they use their new skills and knowledge to work with farmer and other stakeholders at local level. A final assessment workshop will be held in early 2020.

Each training exercise will target the ‘twin-tracks’ of community (farmers); and local government. It is important that both sides receive essentially the same set of messages. In both cases, the training will include modules on the following subjects:

- Basic principles of the Constitution, including the basis of their land rights
- The essentials of the land legislation, including the right to rent land and make contract with investors and others
- Other related natural resources and planning frameworks
- Expropriation legislation
- Gender and women’s land rights issues
- How to use the holding right to invest on-farm (access to MFIs etc.) (in collaboration with the EEU)
- Opportunities for using the holding right to make contract with parties (rentals, agreements with external actors), and how to do this

Additional modules are included specifically for each group:

**Farmers:** the importance of having a Certificate, and keeping it updated as a condition for accessing new services and making beneficial agreement with third parties

**Local government:** their role as a mediating and facilitating agent to encourage farmers with Certificates to engage with the range of new opportunities available to them. *Critically however, this module will focus on how farmers can negotiate over access to their land with other actors – other local farmers who want to rent in land; investors looking for land for projects – and make agreements.*

NOTE: The implementing partner will structure and present the content of each training exercise in line with respective educational levels and capacity of each audience.

### Training Structure, Rationale and Timetable

Each ‘Kebele Training’ exercise is designed to promote greater participation between the two sides involved in the training activities. The ‘two tracks’ of the training will ensure that:

- farmers are better informed and prepared to interact with other actors to a) secure their rights; and b) use them in productive and innovative ways
- Local government is better prepared to assist and facilitate this process, moving beyond the administrative task of the SLLC process into a new 'land and development' scenario

To promote this approach still further, the trainings will be organised to encourage discussion and interaction between both sides once the 'classroom sessions' are finished. The structure proposed is the following:

KEBELE TRAINING – ONE WEEK CLASSROOM



JOINT WORKSHOP (ONE WEEK)

LOCAL GOVERNMENT – ONE WEEK CLASSROOM

In the Workshop session, the two groups will work together to identify specific real problems facing them. The combined groups will form 5 working groups of 10, with each group comprising 5 from each level of training. Each working group will identify a specific conflict or issue to address. Using the knowledge and ideas acquired in the training, they will be encouraged to find alternative and inclusive ways of resolving these questions. Field visits will be arranged where necessary. At the end of the period (5th day), a plenary session will review what they have achieved and draw conclusions that will be developed into a draft 'Working Agreement' for future activities.

### **Higher level Information and Justification Meetings**

Given the prevailing political and administration set up and hierarchy, it will be important to explain the underlying model, strategy, and anticipated Development Outcome to higher level political and administrative leaders. The Project will therefore include resources for:

Land Bureau, Women and Youth Affairs, and other relevant sectors working directly in rural development and planning; and woreda administrations covering the target kebeles.

A similar explanatory and informational seminar for senior officials at Federal and Regional Government level (this activity to be coordinated with the GIZ/EAILA project).

### **Developing and Providing Basic Legal Assistance**

Farmers who engage with the MFIs already receive orientation and support through the EEU of the LIFT project. However, in the wider context of negotiations with the State and with investors over access to local land for investment and other projects, it is likely that they will need some form of guidance and legal support as well.

It is underlined that the role of this support is to *promote and facilitate an inclusive and mutually beneficial development and/or business model between the farmers and the other actors. While issues of how holding rights are treated are likely to emerge, it is stressed that the focus is on:*

- Negotiation and consensus-based agreements between different actors
- Finding just and equitable solutions structured around:
  - Agreements over rents, benefit shares or other forms of participation in the investment project
  - Well conducted resettlement and compensations packages where necessary

The legal support to be created by the project is at two levels:

- Paralegals (semi-professional, vocational level), probably working in LIFT (short term) and in CSOs or similar in the longer term. One possibility is that the present para-surveyors could also take on this role. They will participate in the **local government level training**, and also receive additional training from the Implementing Partner.
- Community level legal assistants: selected from the participants in the **kebele training**

### **Points to Consider in Selecting Participants for Each Level – Kebele Training**

At kebele level there are two parallel structures that inform local people about GoE plans and initiatives, and also provide feed-back up the political and administrative chains. Both are important in the present context of Ethiopian political-economy and need to be considered in the land governance framework and measures to improve it. These two structures are:

- GoE formal administrative structure of Region-Woreda-kebele
- The Governing Party structure which culminates at community level in the 1:5 system where one 'lead' farmer works with five others, transmitting messages about GoE programmes

The 1:5 system is in turn sub-divided into separate structures for men and women, so in effect there are three dimensions to local government and mobilisation around training to take into account. On the male side, the '1s' in the 1:5 structure are relatively powerful figures locally and tend to be 'big farmers'; they are key figures in the context of 'getting things done' and overseeing what happens locally. Female leaders are similarly significant figures in the community and offer an important entry point for getting information to, and mobilizing, local women.

The kebele administration meanwhile also has a clear role to implement and carry out formal administrative and governance functions. Each is essential to the overall functioning of the kebele.

The Project will take all of these into account to ensure that the participatory model has the maximum chance of success. This will be done in the following way:

**Firstly**, identify all 'the 1s' in all the 1:5 groups (both male and female), and have a specific informational session with them to explain the programme and what it is trying to do<sup>30</sup>.

**Secondly**, select 3-4 of 'the 1s' from each gender structure to take part in the training exercise; the selection will be done by the Chairman of the *kebele*, who later takes part in the Local Government tier of training.

**Thirdly**, arrange the participants in each training level as follows:

**'Local government' training participants:**

- Kebele administration and land officers
- Women's Affairs officer
- SLLC team
- LIFT local staff and para-surveyors
- Civil society and CSO staff and field workers if present in the area

**Farmer level training:**

- 3-4 of 'the 1s' from each side of the gender divide
- All Land Administration Committee (LAC) members
- Male and female farmers selected by the wider community
- One suggestion is to have several husbands and wives together

This arrangement will facilitate the transmission of the same messages to all sections of the community and to farmers, using both of the structures that exist at community level.

**Timing**

- Inception Phase: three months, May to July 2017
- Implementation Phase: September 2017 to September 2019
- Project internal review and reporting: October – November 2019
- Evaluation: January – February 2020
- Reporting to LIFT final reviews etc.: April 2020 The Project will be:
- *Managed and supported* by an **international technical advisor** with experience in paralegal and community legal empowerment, and who will be responsible for the detailed design of training materials; overseeing the training-of-trainers activities; and accompanying the training teams at community level
- *Implemented* by a **national partner institution** working in land legislation/administration; this institution must have proven experience in delivering training activities, including at community and local government level, and in *participatory training approaches*

In the INCEPTION PHASE, the LIFT TA and team will work with the Implementing Partner to:

- Develop the training-of-trainers (ToT) programme and materials
- Final selection of the target *kebeles*

The Implementing Partner will:

- Select the members of the ToT team (from the implementing institution)
- Carry out the Regional level informational-training
- Train the *kebele* level training teams (two set of local training teams for *kebele level* – these could be chosen from the LIFT teams and any CSOs that may be present)

<sup>30</sup> In an average kebele of say 1000 people, this translates into about 250 farms(farmers); this in turn translates into about 25 1:5 groups, or 25 '1s' who lead each group.

- Implement and oversee trainings for community and local government tiers (twin track model)
- Provide additional basic legal training to the:
  - Paralegal/parasurveyors chosen as legal support in each *kebele*
  - Community level legal assistants who live in the community and can act as a basic legal aid resource and bridge to higher level support

The most likely partner institution is a respected national university with a Law Faculty and proven experience in land legislation and administration<sup>31</sup>. It is important that the selected partner:

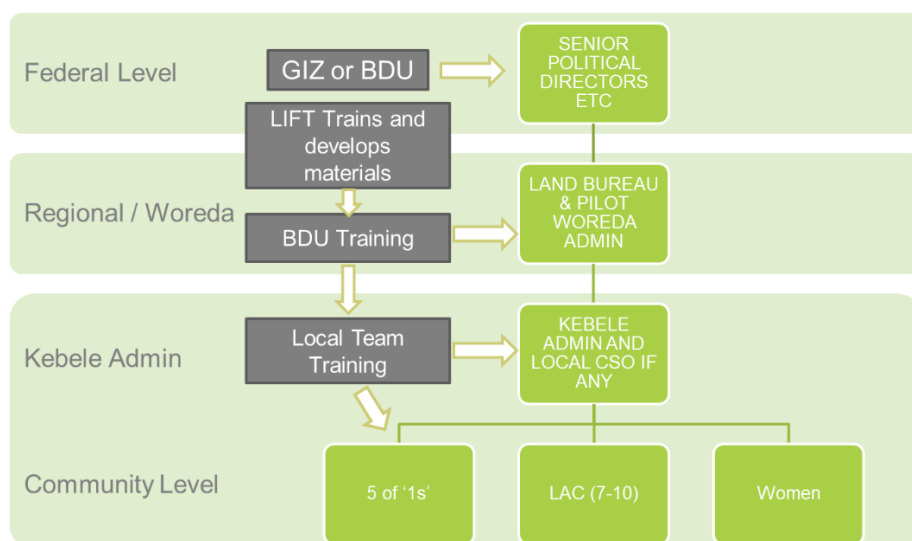
- Has some track record with LIFT
- Can ensure and demonstrate a 'neutral' approach to the issues addressed (thus an out of region partner may be preferred)
- Demonstrates a clear engagement with and understanding of the issues addressed by the Transparency Report and this Component in particular.

### Monitoring and Evaluation

The project will be monitored through a series of return visits by the senior technical advisor overseeing its development and implementation. These visits will have a management function, assessing performance and proposing changes where appropriate.

A full logical framework process will be developed before implementation to provide indicators and targets for both the monitoring process and for final assessment. Final assessment of project performance will be carried out by an independent contractor at the end of the project cycle; with a draft report to be discussed at the Final Assessment Workshop before submitting to LIFT.

### Summary of training programme and linkages between levels<sup>32</sup>



### Component Four - Inclusive Development – Private Investment Models

The focus of this component is the complex issue of Large Scale Land Investments (LSLIs). Like Component Two, this component promotes a development strategy that will reduce the motivation for keeping dealings over land hidden behind closed doors. It will also improve other aspects of land governance, bringing all stakeholders into the development process as active partners with a say over how new investments are planned and implemented.

Arguments in favour of large land investments revolve around efficiency and capacity issues. A recent analysis of large-scale agriculture at global level argues that commercial-scale agriculture will be essential to feed the 'non-producers' as well as the millions who still live on the land. This analysis does not favour LSLIs over smallholder farming, but instead argues for an interactive mix of the two<sup>33</sup>. This approach is manifest in the

<sup>31</sup> A strong candidate is Bahir Dar University (BDU), with the Law Faculty and the Department of Land Administration both being involved.

<sup>32</sup> Attention is also needed at zonal level, as part of the regional arrangement; in some regions, the Zone is a semi-independent entity.

<sup>33</sup> Riddell, P. 2013. 'Land grabs' and alternative modalities for agricultural investments in emerging markets. In: Allan, T., Keuletz, M., Sojamo, S., and Warner, J. (2013) (eds). Handbook of Land and Water Grabs in Africa.

GTP2, insofar as it argues that both large-scale and smallholder approaches need to change if the optimum level of output and equitable social outcomes are to be achieved. It is also in line with the new LSCA strategy now being developed by the GoE, in which a range of inclusive business models and an agri-business, value chain approach replaces an earlier focus on providing large areas of land for investors<sup>34</sup>.

The essence of the Component Four approach is to create the conditions for the LSCA strategy to be planned and implemented without resulting in major conflict with local land users, and in a way that contributes to the social and economic development of these land users and their communities. This is an approach that would address many of the conflict situations that exist in Ethiopia today, and is central to the new initiative at EAILA (also supported by FAO).

An essential starting point is the need to anticipate development and investment in specific areas (an output of a good Land Use Plan and development planning process); and to then identify and legally recognise and register all existing land rights in areas that are seen to have investment potential.

In the highland areas this is already happening – the SLLC programme. Component Three activities will then explore how to promote a more inclusive strategy when investors look for (smaller) parcels of land in these areas. In areas designated for commercial investment, the land rights situation is more complex. As discussed above in the Context section, the question of pastoralist and communal land rights is far from being resolved.

This component will align with the present GIZ/EU project at the (under reform) EAILA, to promote the more inclusive and rights-based vision of a development model that can deliver both the LSCA strategy and promote the well-being and development of local communities and their livelihoods systems. There are positive signs that this approach can be developed even in pastoralist areas. A considerable amount of work has already been done on the question of pastoralist and communal systems in Ethiopia, with support from the USAID LAND project and through other multilateral programmes such as the ILC Global Rangelands Initiative and the International Livestock Research Institute (ILRI) in Addis Ababa. A Manual for woreda-level participatory land use planning is being developed<sup>35</sup>, and the concept of a ‘rangeland unit’ based on existing cultural and landscape-based production system is being tested in some regions as a type of extensive holding right that gives landscape-based management powers to local communities.

These approaches can work for large or small investors, and with small holders as well as pastoralist and other communally-based land holding groups. The Transparency Plan is designed to build on existing activities and enhance the evolving shift towards a more inclusive and equitable rural development and investment process, prioritising respect for rights, negotiation, and sustainable benefit-sharing.

### **Transparency Plan Activities**

This component of the Transparency Plan therefore includes the following activities:

- Support to full implementation of the GIZ/EU project at EAILA (this already has a full work plan of capacity building and training in place; FAO is also providing training inputs in the VGGT context)
- Continue and extend research into land use systems (national universities/USAID)
- Promote open discussion of the issues around the pastoralist and communal land situation (this would tie directly into the proposal in Component Four of the Transparency Plan)
- Develop and test pilot activities where:
  - A participatory LUP of existing land use and livelihoods systems is carried out
  - Collective rights are recognised and registered (defined by the extent of these systems)
  - A community-based future LUP is developed, including indicating areas that **they**
  - consider suitable and available for investment
  - The EAILA then promotes a process to develop an inclusive business model for investment in the LUP area which:
  - Includes the local land users as stakeholders and beneficiaries and allows them to have a voice in how the project is designed and implemented.

### **Workshops and Lesson Learning**

The Component will support a Workshop or seminar to discuss the whole context of ‘landscape’ approaches to development planning, or what FAO calls ‘negotiated territorial development’. As part of this, a full discussion of inclusive business models and how they work in areas where local land rights exist should also be included.

<sup>34</sup> FDRE 2016. Large Scale Commercial Agriculture Strategy for Ethiopia: Strategy Framework Validation Plan. Addis Abab, EDRI/EPAU. Technical Proposal, September 2016)

<sup>35</sup> Rural Land Administration and Use Directorate, Ministry of Agriculture



It is proposed that the GoE and G7 Partners consider funding such an event as soon as possible. Note too that this corresponds with the call for a high-level meeting about this approach in the proposals above for Component Two – the one event would fit for both Components Two and Three.

The Component also notes the plan of the EAILA/GIZ/EU project to hold annual workshops to discuss results and progress. It is proposed that those working around Component Two be included in these events to build a comprehensive set of data and information that can inform the GoE as it prepares to develop the GTP3 (which could possibly incorporate the approach being developed if it is shown to be feasible and will complement and support wider GoE development goals.

The Transparency Plan also underlines the need for constant feed-back between the activities above and the development of both the revised Federal land legislation, and the methodology and delivery of the new National Land Use Plan.

## **Component Five - Dialogue for Policy and Development Strategy**

This component of the Transparency Plan is perhaps its most important single element, and if it were necessary to prioritise activities for budgetary or other reasons, this would be the one to choose. The component addresses a very clear gap in the land governance framework in Ethiopia, namely the willingness to engage in genuine, open dialogue with the full range of stakeholders with an interest in land and how it is used; and the lack of an effective mechanism for promoting such a dialogue.

The consequences of this failure to engage with and talk to stakeholders and in particular the farmers and communities directly affected by the GoE-driven development agenda, are evident in the current wave of civil unrest and violence. This failure is all the more significant given the clear positive elements of the GoE land programme, notably its commitment to recognising and certifying smallholder through the SLLC programme. It is also at odds with the GoE commitment to a participatory process that appears throughout the GTP1 and 2 documents.

As discussed above however, it is important to understand how ‘good governance’ is seen in the context of the GoE state-driven development strategy. Indeed, the GTP2 document talks of ‘development governance’, rather than ‘good governance’ per se. In this context, participation becomes more of a tool for delivering the GoE programme, rather than a strategy for developing a more inclusive and consensus-based rural development programme in which the recognition of local land rights not only facilitates the transformation and productivity agenda of the GoE, but also gives rights holders a real voice as stakeholders in the development process.

### ***The Content and Function of Component Five in the Wider Transparency Plan and LGAF Context***

The core activity is the creation of a mechanism – not a new institution - which can provide a neutral, open space for all stakeholders to come together and discuss land issues and problems. For present purposes this can be called a Land and Development Forum (LDF).

Ideally this mechanism would be led by the Government; at the current time however, with evident mistrust on all sides, it may be appropriate for it to be implemented by a neutral agency on behalf of government, employing skilled mediators and facilitators to run and manage each session. A UN agency with its multilateral/GoE membership aspects would be the preferred option; within its remit would be the responsibility for identifying and supporting a small team (1-2 people) of experience professionals who will organise and lead the first LDF sessions (say over two years). This team does not need to be in-country full time; but it does need to be consistently engaged over the full initial period (in other words, no changes in personnel, especially given the need to build trust with both GoE and stakeholders). It might however be necessary to consider having a small full time national technical secretariat to assist with event organisation, collecting information and documentation, and synthesising material for discussion at LDF meetings.

Assuming the full Transparency Plan is implemented, the LDF also takes on several roles: programme assessment and management role; and policy revision and development. Lessons learned from the range of activities in the Transparency Plan, and from other projects and programmes, can be fed back to the LDF, discussed, and implications for further activities (including budget) can be agreed. This feedback loop is shown clearly in Figure One above.

The LDF proposal also responds to recommendations and strategic thinking within the LGAF context, which requires the ongoing discussion of LGAF findings and their development into a comprehensive new body of policy and programming for land and related issues. The Transparency Plan and the LGAF process share a common vision of developing new policy and implementing instruments for inclusion in the next, GTP3. At this

point the Transparency Plan and LGAF processes come together in pursuit of common objectives, ensuring wider, multi-stakeholder discussion of key issues, and creating a regular, open and accessible mechanism for discussion that builds trust and maximises the potential capacity of all the resources available to the GoE – public, academic, specialist, private.

### ***The LDF as a Monitoring Tool***

The proposed Forum will also provide an excellent monitoring tool for assessing progress towards greater transparency and improved land governance. Each of the other five components will have specific objectives and activities which can be monitored and assessed as they are implemented. It is proposed that a set of indicators is developed for assessing improvements in transparency and good governance, as part of the process of establishing the LDF.

Discussion around this question could be included in the agenda of the upcoming Annual Meeting of the EthioLandNet, which merits broad donor support as a potential springboard for discussions about creating a formal LDF mechanism during 2017 onwards.

### ***The Structure of the Land and Development Forum***

In principle, given the federal structure of Ethiopia, the LDF mechanism should incorporate both a regional and a national level dimension. The logical process would be to schedule regional level meetings first; these would then develop materials and agenda proposals to be discussed at a national level meeting. In addition, the overall package would provide for a series of seminars and workshops to be arranged and led by the Technical Secretariat between the main LDF meetings. After drawing up an initial set of issues for a first agenda, each subsequent LDF meeting can establish priority issues to be investigated and discussed in detail by stakeholders and others; the TS can assist with synthesising results and feeding them back to the next LDF meeting.

This ideal scenario is expensive however. Holding LDF meetings in each region, and then again at the national level (even just one cycle per year), it is likely to require budget resources of at least USD 1 million per annum; and that is excluding the costs of technical assistance and the running of the TS36. An alternative 'light' version would be to hold just a single annual LDF meeting and have a stronger TS that inter-acts with Regional Governments to arrange and facilitate workshops and seminars that can discuss and resolve regional and lower level issues and prepare documents for national level discussion if appropriate.

Participants should include:

- All GoE and regional sectors that manage or work with land resources
- Local government structures (regional, *woreda* and *kebele*)
- Agencies like the EAILA and others that may be intervening in specific areas (highways, major infrastructure, etc.)
- Civil society organisations
- Academic and specialist institutions
- Private sector interests and representatives
- Donor partners (*when appropriate and by invitation*)

### ***Building on Current Achievements and Processes***

Several elements are already in place in fact, which could be taken advantage of to create a LDF process now. These include:

The creation of the EthioLandNet led by and based at Bahir Dar University, Department of Land Administration (with its first Annual Meeting providing a good springboard for developing a formal LDF proposal with the GoE)

The recently completed first phase of the Land Governance Assessment Framework, with its calls for continuing discussion of its findings

A clear awareness on the part of the GoE that more participation is essential to ensure that new land governance and policy instruments are to have broad support and do not worsen an already fragile relationship between the State and its citizens.

The first of these is being supported already by several donor partners (the USAID Land Administration for Nurturing Development (LAND) Project, and GIZ, with its support to regional centres of excellence of which Bahir Dar will be one). The LIFT project has also established a working relationship with Bahir Dar University through commissioning research studies and working papers in support of project activities. Universities also offer a useful vehicle to bring civil society back into the process. While they are state institutions, they are not



in fact Government entities; and academics occupy a space between ‘official’ and ‘civil society’ and their professional codes underline the need for objectivity and impartiality in research and technical advice roles.

The LGAF documentation, accepted by the GoE and now in the process of being collated into a summary document and road map for implementation, clearly recommends that the GoE and its partners should ‘provide for a wider public participation in land use planning’<sup>36</sup>. And in the third instance and of importance for this Component Four proposal is the current process of agreeing a Road Map for developing a new National Land Policy and Land Use Plan within the next three years. The following quote from the Summary of the draft Road Map document is particularly relevant in the context of the Component Four proposal:

*For effective participation and ownership, organizing all stakeholders of land use by common commodity group and building their capacity in participatory planning and livelihood project identification has a paramount importance. At the same time, having an authoritative institution that can facilitate, guide, regulate and arbitrate land use planning and implementation at all administrative levels is seriously essential. Raising the awareness of the general public and capacitating the land use planning and implementation Facilitation offices very important too. The basic principle will have to be having a land use plan which is the result of **beneficiary driven, government-facilitated, and expert-guided exercise**<sup>37</sup> [emphasis added].*

The quote points towards the key features of the LDP mechanism and what it can achieve: it can bring in the beneficiaries and ensure that they have a say in how the LUP (and other land activities such as ongoing policy development) is designed, developed and implemented; it establishes the role of the GoE as facilitation rather than imposing a pre-defined agenda; and it recognises the need for serious technical assistance and support as and when required.

A key strategic objective of the LDF proposal is to increase civil society participation in the land and rural development debate, both as protagonists of alternative approaches to local rights and equitable development, and as partners in implementation. The GoE has a difficult relationship with some civil society organisations when it comes to land rights issues, and since the 2009 law on civil society organisations came into effect, many grassroots organisations in particular have effectively ceased to play any significant role. This is a loss to the country: civil society organisations are not only there to defend their constituencies and confront but can also bring real alternative perspectives on practical elements of land use and development and can be important partners when it comes to implementing activities at local level. This is particularly the case for the kind of development model which the Transparency Plan seeks to promote through all of its components. The LDP mechanism should provide the opening for a more constructive engagement between civil society and the GoE in the future<sup>38</sup>.

### **Transparency Plan Activities**

**Step One:** Convene a meeting between the GoE and its cooperation partners, once the Transparency Plan is approved, to discuss how to set up a LDF structure, and whether to go for the ‘heavy’ or ‘light’ version. This will depend of course on the availability of resources and the extent to which the GoE is prepared to commit national resources to support the process. One possible way forwards would be to combine the LDP process with the establishment of the participatory framework called for by the LUP Road Map Document.

**Step Two:** Mobilise joint-donor funding for the main LDP events (these must be multi-donor funded to underline the status of the LDP as a nationally-driven process which does not reflect an agenda from any specific donor or supporting institution)

**Step Three:** Identify and recruit a senior international advisor to establish the LDP mechanism, create the necessary national level support mechanisms (Technical Secretariat etc.), and to act as neutral facilitator at

<sup>36</sup> Zerfu Hailu 2016:72. Background Report on the Land Governance Assessment Framework Analysis for Rights to Forest and Common Land and Rural Land Use Regulations in Ethiopia. A report supported by the World Bank and coordinated by Dr Hailu. Final version January 2016

<sup>37</sup> Azene Bekele-Tesemma (2016:vi). National Integrated Land Use Plan and Policy (NILUPP) Making: Roadmap Document. Addis Ababa, Office of the Prime Minister/Ministry of Land and Natural Resources/USAID Land Administration for Nurturing Development (LAND) Project

<sup>38</sup> A good working example is the Consultative Forum on Land created in 2010 by the Government of Mozambique, with multi-donor support and involving several key sectors that either manage, administer or use land in some way; local governments; national and invited international experts; civil society; and land users (community and private sector). Government – civil society relations have also been strained in Mozambique and the CFL has done much to repair the situation and develop constructive partnerships

national level LDP meetings over two years [a 2 – year contract term specifying a continuous engagement with the process through regular visits in-country; day-to-day work would be carried on by the TS and national counterparts]

#### **Step Four (Implementation):**

- Disseminating of information about the LDP process and calling for the active participation of all stakeholders
- Setting up similar processes in all regions (if the ‘heavy’ option is selected)
- Providing support for regional level seminars and workshops to be run by stakeholders who are able to submit acceptable proposals for issues to be studied/discussed/researched
- Organise and implement the main regional and national LDP meetings

**Step Five (lesson learning and forward planning):** It is proposed that the third round of LDP meetings (assuming a first round in 2017 is possible) focus on assessing the performance of the Transparency Plan and drawing lessons that can be incorporated in the GTP3 framework and detailed programme. Other lesson-learning activities are also being suggested that can feed into this: the final evaluation of the LIFT and REILA Projects; ongoing annual workshops of the EAILA/GIZ project; activities at EthioLandNet; similar activities linked to the LAND and the Integrated Land Management Project.

#### ***Budget and Implementation***

This component must be jointly-funded by a number of donor partners with if possible, a significant contribution from the GoE (perhaps within the LUP budget). This is essential to convey the message that the LDP is a national mechanism and does not reflect the agenda or interests of any specific donor or stakeholder.

It is also proposed that the implementation of this component be assumed by a UN multilateral agency, of which the GoE is a full member. This will ensure that the political neutrality of the implementing partner is clear and demonstrate that the process has the full and official backing of the GoE. Resources for these activities are indicated in the integrated budget provided in Annex One.

## Component Six - Sustainability – Revenues, Budget, Human Resources

This component addresses the issue of how to generate the longer-term public (GoE) funding for a sustainable post-SLLC land administration system, and other activities proposed in Component One. Human resource needs are also critical and require a long-term plan to ensure not only the replacement of current staff but also to meet the needs of a growing, more professional land administration and management system.

Both sets of activities combine together to provide a secure and progressive career structure for public sector staff working in the national and regional institutions that handle land administration and related issues; this in turn will do much to address issues of petty corruption that occur in administrations where low pay and poor career development are common features.

### *Revenues from Land Administration and Use*

Revenues coming from land administration services and land charges are very low and are certainly nowhere near enough to support the new RLAS and other land governance activities over the longer term. Cost recovery mechanisms in the RLAS related to the administration of the SLLC and subsequent transactions through the system are also very weak and produce virtually no income.

In most countries taxes and charges on land administration services form the basis for supporting land administration budgets and other land governance services in the long term. The LIFT RLAS team assess that some Birr 460 million is needed annually to keep the present RLAS functioning and is proposing measures to generate revenues in the future. In the medium term however, financial support for the system is essential, either from GoE public budgets or donors, or a mixture of the two.

Focus on RLAS needs however detracts from the larger picture where other land users also have to pay tax in line with their legal and social obligations. A comprehensive tax policy is required that includes measures that effectively cross-subsidise different parts of the overall land administration system. In this case, tax and fees paid by commercial and large land holders can offset the costs of the fees that would have to be paid by small land holders (area occupied here being a proxy for relative wealth and ability to pay). Building a sustainable land taxation system is a long term endeavour that will require significant support beyond LIFT and into the GTP3 period, and the GoE and donor partners need to be aware of this and planning for it. This is more than just a technical land administration and revenue-raising issue however. It has important socio-economic policy dimensions as well. For example:

- Who will be exempted and on what basis (this is essentially a pro-poor question with implications about how to classify exempt categories of land user);
- how will revenues be distributed (in some countries, regulations dictate that a portion of taxes generated from private investment in local areas should be returned to the communities with land rights there);
- how will land charges and taxes be used to promote a sustainable and equitable land use system which contributes in turn to the kind of inclusive and participatory development model being advocated through Components 2-4 of the Transparency Plan;
- should an objective of the system be to reduce the incentives to accumulate land, and if so, how is this achieved?

It is essential that this activity does not trigger a concern amongst the smallholder and agricultural community in general that their engagement with LIFT is simply a pretext for the GoE then being able to levy taxes on farmers. This message would have a negative impact on the willingness of farmers to engage in the SLLC programme and to go back to the RLAS services later on to update their land information and certification when changes in land use and title holder take place.

A clear starting point and condition for this work should therefore be the principle that all farmers engaged in what is essentially 'livelihood farming' (subsistence farming which includes commercial activities as part of the farm household income) should be exempt from any land tax that is being considered. The focus of any new system is to ensure that private sector larger and commercial farmers and land users pay taxes to support a system which benefits all land users in the long term.

### *Transparency Plan Activities*

As a first step, LIFT can extend the Terms of Reference of its present international technical advisor in this area. If necessary, additional TA can be considered to look in more detail at the social policy and governance elements of any proposed new land charges and land tax system. It is important that the present round of work not only focuses on the present RLAS programme but includes proposals for a longer-term investment project to create an effective land taxation system as part of the GTP3 framework.

Budget for this activity is included in the Integrated Budget in Annex One.

### **Human Resource Development**

The other side of the sustainability issue is the supply of quality human resources to keep the system working. The 2015 LAND study<sup>39</sup> of professional and technical needs for the whole land administration and management system over the coming 20 years assessed needs in the short (<5 years), medium (5-10 years) and long term (10-20 years). It finds that each period will require approximately 39,000, 50,000 and 57,000 additional staff in each period respectively.

Of these the largest single need is for Land Administration technicians. This large number of predicted staff needs reflects the fact that the country will have to manage around 50 million parcels of land, carry out cadastral surveys in a first round of 23 cities and second round of 68 (of a total of 972-1600 cities and towns); and conduct and maintain both national and more decentralised land use plans<sup>40</sup>.

The focus of the LAND study is therefore clearly on land administration at the lower end of the system. Staff for these posts are presently trained in the TVETs, vocational training centres producing technicians rather than higher level policy and managerial skills. It is estimated that the TVETs will account for some 100,000 of the total of 146,000 additional personnel who will be needed over the coming 20 years<sup>41</sup>.

Land management, land and resource use planning, and related professional level skills are included in the assessment, which highlights the huge capacity gap in skills in land valuation and taxation.

While these 'higher level skills will take longer to develop [and are] an important part of the national administrative structure'<sup>42</sup>, the number of people recommended to be trained in these areas that impact directly on *land governance and land management* is hugely less than in land administration (a total of just 30 Masters graduates and five doctoral students annually). *This imbalance needs to be re-examined if some of the longer-term changes in managerial and policy development practices are to be achieved as outcomes of this Transparency Plan.*

The Land study echoes the recommendations above, saying that 'a percentage of land tax revenues [be allocated] to the development of Land Administration programmes'<sup>43</sup>. The training programme can also contribute to the development of new revenue raising capacity that in turn feeds back into the sustainability of the land governance system. The LAND report identifies a significant need for personnel in data management, but this needs to be extended to include skills in data *analysis* and the subsequent packaging of derived data and statistics into reports and other information that can inform both policy makers and land users.

Fortunately, national capacity at higher education level is in fact evolving quite well, with 13 master's programmes in different rural and urban land specialisations, and two PhD level programmes in areas relating to but not directly part of the wider land administration and management system (Soil Sciences and Climate Change, and Rural Development). These courses can and should be expanded however.

The TVET vocational training system is also in good shape. A key G7 partner, Germany, has been supporting the TVET system dating back to the Imperial and Derg regimes. This support has built the TVET network up from basic needs and regulatory development, through to the current focus on developing and maintaining quality. The approach underlines the importance of linking TVETs directly with the end-users of TVET graduates: firms and sectors that need the technical staff they produce.

Current German support to the TVETs comes through KFW with a budget of €35 million (within an educational cooperation budget of €100 million over three years). A recent innovation is the establishment of 'A-TVETs', for agricultural training. This is identified by German Cooperation as a focus area linked to a need to support the transformation agenda of the GoE. There is also an expressed political interest in ensuring that this agenda is well implemented and does not create problems in the human rights and social equity contexts.

REILA and the LAND project have also been supporting curriculum development at TVET level in land administration, and this is set to continue through REILA 2. The combination of an effective training system

<sup>39</sup> USAID 2016. Ethiopian Land Administration Professional Education and Demand Assessment, and Basic Curricula and Institutional Capacity Review. Addis Ababa, USAID LAND project. A report by Michigan State University and Tetra Tech ARD.

<sup>40</sup> USAID 2016:14

<sup>41</sup> Ibid:9

<sup>42</sup> Ibid:9

<sup>43</sup> Ibid:9

established with long term support from Germany, and more recent curriculum support to develop a land administration curriculum, has resulted in Ethiopia having 'one of the most logically ordered and best defined LA sub-sector TVET designs of anything that is available internationally', with 'well-organized and well-structured training programmes for both rural and urban LA training'<sup>44</sup>. The REILA project has supported the development of an updated land administration programme that has already been implemented at the Assosa TVET programme in Benishangul- Gumuz region; this can serve as a model for other TVETs across Ethiopia.

### ***Transparency Plan Activities***

It is essential that the GoE and G7 partners use the Transparency Plan to build on the activities discussed above and develop a coherent longer-term plan to guarantee the HRs needed to sustain both the RLAS, and provide the professional skills needed to ensure good governance in land in the future. Better administration systems that are valued by both users and government staff will reduce the space for mismanagement and make land services of all kinds work for all land users.

Professionals at higher levels in land management will ensure that the measures now being developed and tested (Components Three and Four) are properly debated and integrated into new policy to ensure improvement in transparency and good governance (Component Five).

Resources are available already from several G7 partners. A common basket fund approach might be advisable. But it is fundamentally up to the GoE to develop a long-term HR plan for the sector and then ensure that available funding is efficiently allocated to specific activities. Providing support to develop such a HR programme for land administration and governance could be a possible short- to-medium term input to support under the umbrella of this Transparency Plan.

---

<sup>44</sup> Ibid:63-64



## Summary and Priorities

### Summary and Final Comments

The Transparency Plan does not claim to be a response to the challenge of addressing deeper political and socio-structural issues that are at the heart of land and development conflicts in Ethiopia at the present time. Rather, it offers a series of inter-linked proposals that, if implemented with political will and collective engagement by all relevant stakeholders, can create the conditions for a new national dialogue around land rights, how land is used, and the relationship between land governance and a relatively equitable socio-economic development model.

The Plan underlines the need to continue focusing on practical land administration capacity in both rural and urban contexts. The objective here is to reduce the space for corruption, provide land services that are accessible and appropriate, and which are also seen to be useful to all land users.

Alongside this practical focus, are measures with a more policy-oriented focus. A core objective here is to create the conditions for a more constructive engagement between 'ordinary land rights holders'; the GoE at all levels; and private sector investors be they national or foreign. 'Ordinary' in this context means all those who have secured rights through the various land reforms of the last decades, or through customary and other informal means over generations - i.e. 'the people' of Ethiopia in whose name the GoE manages land and natural resources.

While the SLLC process continues to enhance the tenure security of millions of smallholders, this strategy has implications for the way in which rights holders can engage with local government, which asserts the principle of 'State as owner of land' to impose and direct initiatives that affect the rights and livelihoods of 'ordinary' land users. Components Two, Three and Four all focus on improving and to some extent inverting this relationship.

If successful, Components Three and Four can also begin to provide an effective alternative to the 'single solution' mentality of expropriation of rights before promoting a more nuanced and negotiated form of land access and land sharing between existing rights holders and new, external interests.

Inclusive business models can in effect transfer the burden of compensatory schemes from the GoE to the investor, if ways are found to develop agreements structured around the recognition of existing land rights, and which give existing rights holders some form of stake or real return from investments made using their land. The new LSCA strategy is both a challenge and an opportunity in this context.

Component Five is the heart of the Transparency Plan in terms of its longer-term impact. Dialogue on land issues is certainly improving, and there is a great incentive now to find a new way of governing and regulating land access and use.

New initiatives like the EthioLandNet offer the prospect of opening up debate and should be used to develop a constructive discussion around the idea of setting up a Land and Development Forum (LDF) as a monitoring tool, as a feedback and analytical mechanism, and as a forum for developing new and consensual policy and programmes in the run-up to the GTP3.

It is also clear in the discussion of the GTP2 that the word 'transformation' is key. This is particularly important also when setting land policy and governance within the wider context of a GoE development strategy that links large improvements in production based in agrarian transformation, with the key social objective of providing employment for millions of young Ethiopians.

It is clear that many of these young people can and should be employed in the agrarian economy, but not necessarily as smallholder or subsistence farmers, with service sector and sustainable agricultural employment on larger enterprises also being options. However, some degree of rural- urban migration and genuine agrarian transformation in structural terms is an inevitable and necessary aspect of this process. The strategies and approaches contained in Components 2-5 of the Transparency Plan all take this fully into account and provide for a measured, well-regulated, managed and just approach to achieving this overall goal.

## Annex One – Integrated Budget for 2017-2020 (USD)

Component and Activities	Unit	Cost per Activity	N	Cost (USD)	Comments
<b>COMPONENT ONE</b>					
Sub component RLAS				Activities within current LIFT & REILA programme budgets	
Sub component gender and VGs					
Gender/participatory training specialist	month	20,000.00	4.5	90,000.00	
International travel	ticket	2,000.00	4	8,000.00	
Audit of best practices (internal travel)	unit	2,000.00	1	2,000.00	
Participatory training course(s)	event	15,000.00	3	45,000.00	3 course x 20 people; cost is estimated, LIFT to research region
Printing material and training equipment	unit	10,000.00	1	10,000.00	
Sub-component data and knowledge management				Report to include medium term budget in GTP3	
Survey of existing capacity (national instn)	contract	45,000.00	1	45,000.00	three months; cost to be confirmed by Daniel
<b>Sub-total</b>				<b>200,000.00</b>	
<b>COMPONENT TWO</b>					
Sub-component urban-rural management					
Senior planning expert, resident	year	245,000.00	2.5	612,500.00	Attached to PM Committee/intersector 'platform'
Short term TA	month	25,000.00	12	300,000.00	
Training and workshops	event	2,500.00	10	25,000.00	1 central,9 regional
<b>Sub-total</b>				<b>937,500.00</b>	
<b>COMPONENT THREE</b>					
Legal empowerment/training specialist	week	3,180.00	34	108,120.00	USD3000 per week and £30/day per diems
International travel	ticket	2,000.00	9	18,000.00	
Regional level workshop	event	2,500.00	1	2,500.00	
kebele training	event	4,000.00	4	16,000.00	based on LIFT 2-week workshop budget
Independent evaluation	contract	30,000.00	1	30,000.00	Value to be discussed with LIFT team in November
Final assessment workshop	event	10,000.00	1	10,000.00	Using LIFT RLAS budget (with other region participants)
Contingency	unit	20,000.00	1	20,000.00	
<b>Sub-total</b>				<b>204,620.00</b>	

Component and Activities	Unit	Cost per Activity	N	Cost (USD)	Comments
<b>COMPONENT FOUR</b>					
International TA	days	600.00	50	30,000.00	Fees only @ USD600 per day
TA travels and per diems	unit	6,800.00	1	6,800.00	At October 2016 LIFT rate of £30 per day
Workshop	event	2,500.00	1	2,500.00	Based on RLAS workshop budget, Sept 2016
Internal travels and LIFT team costs	unit	10,000.00	1	10,000.00	
<b>Sub-total</b>				<b>49,300.00</b>	
<b>COMPONENT FIVE</b>					
International facilitator	month	30,000.00	8	240,000.00	Assumes USD800 per day and UN per diems
International travel (6)	ticket	3,000.00	6	18,000.00	
Secretariat costs	month	5,000.00	36	180,000.00	Assumes staff of 3, salaries and running costs
National Land and Development Forum	event	50,000.00	3	150,000.00	3 days, 160 people, using budget for Sept RLAS Addis meeting
Regional Land and Development Forum	event	8,100.00	27	218,700.00	Based on data for a 25 person 1-day regional LIFT workshop
Budget for regional workshops and research	year	100,000.00	3	300,000.00	Estimate - needs to be discussed and refined
Contingency	unit	75,000.00	1	75,000.00	
<b>Sub-total 'heavy version'</b>				<b>1,181,700.00</b>	Includes 27 Regional LDFs
<b>Sub-total 'light version'</b>				<b>963,000.00</b>	Excludes 27 Regional LDFs
<b>COMPONENT SIX</b>					
Short term consultancy, senior level	month	20,000.00	2	40,000.00	Extending existing contracts, perhaps with second on policy
Internal travels and logistics	unit	5,000.00	1	5,000.00	
<b>Sub-total</b>				<b>45,000.00</b>	
<b>Grand total, whole Plan</b>				<b>2,618,120.00</b>	Assumes 'heavy' Component Three