

How can the challenges of Ethiopia's rural land administration be addressed?

A Transparency Report provides context on land governance issues in Ethiopia before presenting a plan to improve transparency as part of current efforts to certify smallholdings and encourage investment in agricultural land.

Background

Over the course of the last century, imperial Ethiopia was transformed into a socialist state, then succeeded by a modern developmental state. This unique history has resulted in a Constitution that vests land exclusively in the state – and in its citizens. Although all land belongs to the state and it reserves the right to advance large-scale land investments (LSLIs) to boost economic growth, it is simultaneously committed to certification of land tenure for smallholders. Following on from historical programmes of land redistribution, second level land certification (SLLC) is currently taking place through the Land Investment for Transformation (LIFT) programme covering 16 million land parcels and over six million households across four states. The Government of Ethiopia also enjoys external cooperation support for land-related activities from the G7 Partners Land Group, which is driven by a core group of donors and includes key programmes such as Responsible and Innovative Land Administration (REILA), which assists with SLLC, and the work of the Ethiopian Agricultural Investment and Land Administration Agency (EAILA) on land governance and food and nutrition security.

Objectives and methodology

Drawing on a literature review, field visits to three states, and in-country meetings with the LIFT team and a broad range of government and civil society stakeholders, the Transparency Report describes the context of land administration in Ethiopia. Specifically, it reviews the land policy, laws and procedures of the Government of Ethiopia in relation to international best practice, and how they affect the tenure security of smallholders, communities and pastoralists, including women and other vulnerable groups. The report also reviews transparency with respect to LSLIs, and issues related to the harmonisation of rural



and urban land policies. Finally, it proposes a plan for improved transparency in land governance.

Smallholder agriculture: from certification to economic empowerment

Ethiopia's rising population means it is a priority for the Ethiopian government to create the conditions for investment and economic growth in rural areas. A business case produced for the LIFT programme argued that the possession of secure land tenure would incentivise smallholder farmers to invest in their own land, improving their incomes and contributing to national economic growth. However, SLLC through the rural land administration system (RLAS) – though it has taken place at extraordinary speed – is only the first step; farmers have to be supported to use their status productively through access to credit, technical support and markets, and women and other vulnerable groups deserve particular attention. This message aligns with the Ethiopian government's recognition that good governance (of tenure) and responsible investment should be prioritised through a consultative and participatory approach.

How this is achieved depends on the accessibility and appropriateness of such support, within the context of existing land-related policy in Ethiopia – in short, on transparency.

Commercial agriculture: from foreign exchange to food security

Transparency is especially relevant when it comes to the Ethiopian government's interest in bringing large areas of sparsely populated land (that it considers underused or free of tenure rights) into commercial agricultural production, through foreign and national LSLIs. While a strong developmental state such as Ethiopia may justifiably feel empowered by the Constitution to allocate land resources according to its perception of the national (economic) interest, there has been serious concern since the global food crisis of 2008 that such LSLIs have focused on earning foreign exchange rather than improving food security, and came at the expense of marginalised groups, such as pastoralists holding customary rights. Open and inclusive consultations have fallen short, despite the Ethiopian government's commitment to international standards such as the Food and Agriculture Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), and the G8's Principles for Responsible Agricultural Investment (PRAI).

Synergies between smallholders and investors

These twin prongs of land resource use are not necessarily incompatible. Quoting Ali and Deininger (2015), the report suggests an inclusive approach

that will “go beyond the dichotomy of large vs. small and look instead at new ways of combining the two” by developing synergies between large investors and smaller farmers working in the same area and/or sharing land and other resources. However, such a balance of smallholder and commercial production will only come about if projects are designed and implemented appropriately, which requires land policies and laws. The Government of Ethiopia appears to have recognised that it needs to take account of both smallholder and customary tenure rights in planning for investments. The state still strives to retain control over development, so civil society involvement and inclusion of vulnerable groups has been limited by legislation, even if a more participatory, rights-aware approach has been evolving in recent years.

Research findings

A lack of transparency

Ethiopia does not have an overarching land policy – though a new national land use policy is under development – so there is room for confusion in the process of land administration. The Federal Rural Land Administration and Land Use Proclamation 456/2005 strengthened land tenure rights for those holding and using land, and set the scene for large-scale registration under LIFT's SLLC, but Proclamation 455/2005 describes how the state can expropriate land for public purposes, along with the compensation due to those with rights over it. Furthermore, despite ongoing legislative evolution, federal land laws tend to reflect the needs of the highlands, characterised by intensive smallholder cultivation, not the communal and semi-arid pastoral lowlands.





Conflicting perceptions of how land should and can be utilised, the historical inaccessibility of quality data, socio-economic inequity, and weak and inefficient institutions create the conditions for low transparency. The Ethiopian government's commitment to SLLC and openness to better consultations with respect to LSLIs is encouraging. There has been progress in legislating on behalf of vulnerable groups, but serious systemic and capacity issues and social disparities need to be addressed before the fruits of certification can be realised. The post-certification context will have to be managed well – impressive numbers will not be enough.

A further consideration is the impact of urban growth on rural land use and expropriation. In many cases, interest groups and elites have managed to take advantage of the lack of transparency in legislation and policy to manipulate the interpretation of 'public purpose' with regards to the proclamation on expropriation.

The priorities of the development state

The Constitution of Ethiopia provides the 'skeleton' for land policy, and reflects a developmental model wherein land contributes to the socio-economic programme envisioned in Growth and Transformation Plans. GTP1 (2010/11–2014/15) aimed for a "modern and productive agricultural sector" feeding into Agricultural Development Led Industrialisation (ADLI), seeking to channel smallholders and particularly LSLIs towards producing food and high-value crops for the international market. The improvement of land tenure security nests within this strategy. However, GTP2 for 2016–2020 has a stronger focus on national industrial development, and recognises that food security for urban and rural markets must be provided by smallholders and small-scale commercial development.

Rapid strides in land governance

Milestones for 2016

- SLLC and land administration improvements complete in 24 woredas; 2.4 million certificates issued to land right holders.
- Started implementation of National Rural Land Administration Information System (NRLAIS).
- Land administration regulations for pastoral and agro-pastoral communities adopted by the Rural Land Administration and Use Directorate (RLAUD).
- Sector-wide monitoring and evaluation (M&E) developed and rolled out in RLAUD and the regions.
- Support provided for the development of the new land use policy and revised federal land legislation.

Targets for 2019

- Carry out SLLC and improved land administration in 140 woredas, and issue 14 million certificates.
- Operationalise improved land administration systems in 140 woredas, and roll out across Ethiopia.
- Improve capacity to oversee rural land administration in RLAUD and the regions.
- Boost income of up to 1.36 million smallholders by at least 20.5% through programme activities.
- Align legal framework and procedures with international good practice for pastoralist/ agro-pastoralist land certification.
- Prepare accurate and timely M&E information through RLAUD.
- Ensure that laws and procedures facilitate effective and equitable land administration and are aligned with international good practice.
- Align all large-scale agricultural investments with international good practice.

Recommendations

The Transparency Report provides an outline of a Transparency Plan meant to contribute to the Ethiopian government's ADLI strategy while improving land governance and creating a win-win scenario for smallholders, communities, domestic and foreign investors and the state.¹ The six interlinked components are as follows:

- Strengthen key public services, with a social focus and sustained improvements in the quality and availability of land use and related data.
- Address poor public information and gender mainstreaming issues.
- Promote dialogue between the Government of Ethiopia and all stakeholders involved in land administration, management, planning, etc.
- Foster legal empowerment and local government capacity building in inclusive and negotiated rights-based development.
- Integrate the VGGT and PRAI frameworks into the work of EAILA and LSLIs, including building methodologies to identify and register the holding rights of communal and pastoralist populations.
- Support rural land taxation and long-term sustainability of land governance and administration institutions.

¹ A fully detailed and costed plan (with updated components) has since been developed. It is available as the 'Costed Workplan to Improve Land Transparency in Land Governance in Ethiopia' (2017) and is summarised in the brief 'How can land administration in Ethiopia become transparent and economically productive for all?'.¹

Ethiopia has made significant progress in improving the transparency of its land governance and setting the stage to boost agricultural productivity. The Transparency Plan, which draws on the lessons of the Transparency Report, seeks to build on these achievements and promote a strategy for inclusive and democratic development that will enable the Government of Ethiopia to uplift its citizens and meet its ambitious target of transitioning the economy to middle-income status by 2023.



Email: LIFTinfo@liftethiopia.com | Web: LIFTethiopia.com

About the Research Summary series

This series summarises key research by the UK Department for International Development (DFID)-funded Land Investment for Transformation (LIFT) programme. LIFT aims to improve the incomes of the rural poor in Ethiopia by securing the land rights of households through second level land certification (SLC); improving rural land administration systems (RLAS); and increasing productivity by leveraging SLLC through a 'making markets work for the poor' (M4P) approach, in Oromia, Amhara, the Southern Nations, Nationalities, and Peoples' Region (SNNPR) and Tigray regions.

This summary is based on the following report: Tanner, C. 2016. *Transparency Related Land Governance Issues and a Plan for Improving Transparency in Land Governance*. Research was commissioned by LIFT but has been conducted by an independent consultant and does not necessarily reflect the views of LIFT or DFID.