

Land Registration and Certification vis-à-vis Women, Elders and Orphans: Evidence from Meskan District, Ethiopia

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ABSTRACT

The rapidly growing rural population along with scarcity of arable land has increased pressure on land in Ethiopia. So as to increase tenure security and achieve social equity, the Ethiopian government has been conducting massive rural land registration and certification. Although researches disclosed that the process has positive impact on tenure security; its effect on women, elders and orphans was not clearly studied. Therefore, this article examined the role of second level rural land registration and certification process in assuring the rights of women, elders and orphans on land in Meskan woreda*, Gurage zone of the SNNPRS**. Data were collected using key informants interview, case study and document review. Unlike the case in monogamous marriages which provide the right for women to have equal share of their possession with their husbands, the findings of this study showed that the certification process in polygamous marriages is in favor of the men. Since men in polygamous marriages were registered with both/all of their wives, and the women were registered on their respective holdings only, it provided the men to have a share on all of their possessions while it has restricted the woman's share to limited possessions. In addition, compared to the men, women are less aware on the importance of land registration and certification. As a result, lack of awareness and less bargaining power have restricted some of the women, elders and orphans from participation in the process and even those who got the certificates were abused either by their husbands, guardians or those who involved in land rent or share cropping.

Key words: Tenure security, Social equity, Land registration, Land Certification, Women, Elders, Orphans, Meskan.

1. INTRODUCTION

Land is the basic resource which supports majority of the rural lives in developing countries. About 70% of African population secures their livelihoods from land and utilization of the natural resources (ECA

2004:4). It is a means to achieve food security and promote sustainable development (ibid). In addition, land has significant contribution to the economy of the region and comprises the major share of the GDP and employment opportunity (UNDP 2015:3).

Ethiopia is the second populous country in Africa with an estimated human population of 94 million and about 82.5% of the population lives in rural areas (UNIDO 2014:6). According to UNDP (2015:5), agriculture remains the largest contributor of the country's economy having a share of about 40% of the GDP. In addition, agriculture covers about 90% of the exports, uses 80% of the labor force, and provides 70% of the raw materials to local industries (UNIDO 2014:7). Although most of the economic activities in the country directly or indirectly depend on the ultimate resource, land; UN-habitat (2012:41), has stated as "not everyone's rights to land are secure". In this case, especially women, elders and orphans are more insecure due to their less bargaining powers and lack of information on the requirements of formal land administration systems.

Concerning social equity and land productivity, tenure security comes at the frontline of the global agenda. There is a persistent debate pertaining to the ownership of land among politicians, academicians and policy makers in Ethiopia. Those who call for private ownership of land rights argue that privatization of land promotes sustainable land use through stimulating long term investment on land, improves soil fertility and land productivity than customary and state ownerships of land (Ermias 2014:2). On the other hand, proponents of state ownership of land argue that private property rights have adverse effects on small scale rural farmers in driving them to sell their land and become landless. They argue that prior to privatization reforms, capacity buildings on issues like how to sustainably re invest the cash owned from the sale of land for the small holder farmers should be maintained (Gerstter et al. 2011:10).

In Ethiopia, tenure system in the Imperial Regime (1930-1974) was characterized by the provision of land rights to the land lords through the *Rist-Gult* system and restricted the rights of the tenants either

to sharecropping or to the decisions of the land lords (Hussein 2004; Crewett, et al. 2008). After the fall of the imperial regime in 1974, the "Provisional Military Administrative Council", the "*derg*" declared all rural lands to be the property of the state and officially ended tenancy relationships in the country in March 1975. As a result, majority of the rural families have been given usufruct right on land through frequent distributions (Hussein 2004; Crewett et al. 2008).

The present government, Ethiopian People's Revolutionary Democratic Front (EPRDF), has taken the same stand and made tenure system constitutional. According to the constitution (1995 article 40), "The right to ownership of land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia". According to this constitution, the people have the right to use land, build immovable property on the land and have the right to claim for compensations for their assets in case of use right termination. The constitution does not provide the peoples of Ethiopia with the right to sell or mortgage the land. In this regard, the government takes land registration and the provision of use-right certificates to landholders as a key instrument to increase tenure security without making an amendment on its land policy.

Consequently, Ethiopia has commenced a Land Administration Program which is meant to increase tenure security through land registration and certification among other measures as a means to boosting production and investments on land. To cover the higher demand for an automated and map based certification in Ethiopia, many international organizations have been technically and financially intervening in the four main regions (Tigray, Oromia, SNNPRS and Amhara), that accounts for majority of the rural population. Accordingly, in the last decade, the intensification of the process provided certificates for about one fifth of the households in Ethiopia (Zerfu and Harris 2014:7).

2. Background of the Problem

Regardless of being appreciated for successfully achieving five of the Millennium Development Goals (MDG's), Ethiopia has been claimed for lagging behind the two (UNDP 2015:3). Surprisingly, both of the MDG's that the country failed to meet are directly related to women; Goal 3 (promote gender equality and empower women) and Goal 5 (improve maternal health) (ibid). In addition, Ethiopia ranks 120th out of 149 countries in gender inequality index value of 0.547 (ibid).

Despite the fact that efforts have been made by the government to address issues of women through its development plans (including the Growth and Transformation Plans), to secure women's right through assuring their access to and control over land; literatures have indicated that the issue needs tangible solutions to achieve tenure security and social equity among the rural women.

Although, the federal rural land administration proclamation No.89/1997 has provided the right to women, orphans and disabled persons to use hired labor on their land or use other options without compromising their rights (Section 2), and provided orphans inherited land-use rights through their legal guardians, it's obvious that the level of the benefits they might enjoy from the certificates and their bargaining power largely depend on their awareness levels on such rights and the attitude of the society towards the formal laws stated in the proclamation (Teklu 2005 cited in Hirut and Giovarelli 2013:5). Pursuant to this argument, Kumar and Quisumbing (2010), have noted that there appears a disparity between men and women concerning their access to information and participation in the land certification process. Accordingly, women's awareness and participation at the initial stages of the process was found less than that of the men (Holden and Tefera 2008 in Hirut and Giovarelli 2013:5). As a result, due to lack of information, holdings of some women were expropriated and their parcels were registered by the name of men who usually access their land through rent or sharecropping in Ethiopia (Birhanu 2009:78).

3. Objectives of the Article

The general objective of this article is to examine the role of the second level rural land registration and certification in assuring the rights of women, elders and orphans on land in Meskan *woreda*. Specifically, it aims to:

- ✓ assess the awareness levels of women, elders and orphans on the benefits of land registration and certification
- ✓ evaluate the equitability of the land registration and certification process among all social groups
- ✓ identify gaps in the land policy of Ethiopia in addressing issues of women, elders and orphans

4. The Study Area

Meskan is constituted as one of the 15 *woredas* in Gurage Zone, SNNPRS in the Federal Democratic Republic of Ethiopia in accordance with the post 1991 administrative and political setting. It

specifically lies between 7.993515⁰-8.278101⁰ latitude and 38.263131⁰-38.5786⁰ longitude. It shares boarder with Sodo *woreda* in the North-East, Kokir_Gedebano in the North-West, Muhurna_Akilil in the West, Mareka & Silte in the South and Aliche in the South-West. Butajira town, the administrative capital of the *woreda*, is located at 130 kilometers south of the capital city, Addis Ababa. According to Meskan *Woreda* Finance and Economic Development Department [MWFEDD] (2016), until 2002, the study area was known as Meskan and Mareko *woreda*. Since then, both became independent *woredas* for various political and economic reasons (MWFEDD, 2016). And the same is true for Gurage and Silte zones before the independence of Silte as a zone in 2001.

Meskan is among the *woredas* in SNNPRS which are known for frequent disputes on land, land degradation, minimal holding sizes and landlessness. The *woreda* comprises of forty rural sub districts [*kebeles*] in its jurisdiction. Land certification in the *woreda* has a very recent history. The report of the *woreda* Farm and Natural Resource Development office has indicated that the second level certification [SLLC] *** in the *woreda* was started in 2012. Since then, a total of 112,385 parcels were registered and about 50,951 (48.3%) of the registered parcels were provided with certificates.

Figure 1: Map of Meskan *Woreda*

The projected 2007 Population and Housing Census report of Ethiopia indicated that the *woreda* has about 202,236 total population with 0.9:1 ratio of men to women. The same report has indicated that the *woreda* population has 2.9% annual growth rate with an average 4.9 persons per household—which was reported as one of the *woredas* with the highest fertility rate recorded in Gurage zone (MWFEDD 2016:12). About 185,135 (92%) of the *woreda* population lives in rural areas whose lives directly tend to depend on land (ibid). According to the *woreda* Social Protection Department [MWSPD] (2016), Meskan is a home for 703 disabled persons (374 males and 309 females), 5278 elders (3936 males and 2442 females) and 38 street children (30 males and 8 females). And 258 orphans who have lost both parents (130 males and 128 females) (CSA n. d.).

Table1: Statistical Report of Marginalized Groups in Meskan *woreda*

As far as property ownership in the *woreda* is concerned, there appears a disparity between men and women in their access to immovable property

(land, house and other permanent assets). According to table 3, about 67.8% of the women in Wolensho1 and Wolensho2 *kebeles* access land through marriage (their husbands). According to the head of the *Woreda* Good Governance, Grievance and Complaint office, though women have less access and control over land; compared to the past, the legal recognition of women's right to inherit and transfer right on land has slightly increased some women (who have the awareness and bargaining power) to enjoy their rights on their land. Concerning informal property transfer in the *woreda*, Mesay (2008:44), has indicated that compared to male headed households, female headed households largely involve in informal asset transfer mechanisms at times of critical food shortage. These include; share cropping, land rent, exchange of oxen, asking loan or gift among others (ibid).

5. Research Approach: Data collection methods, sampling techniques and Data analysis

The research was conducted using qualitative approach. Qualitative techniques enable researchers to share the understandings and perceptions of others and explore the way people structure and give meaning to their daily lives (Creswell, 2009; Berg 2001:7). Since it is an ideal method to get detail information and understand the views of participants, data were collected from multiple sources by the direct involvement of the researcher through key informants interview, case study and document review within a period of three months (16/06/2016-19/ 09/2016).

Since three projects (REILA, Government and LIFT) have been conducting land registration and certification in the *woreda*, three sample *kebeles* (1 from each project) were selected for this study. Since reliability of a given research largely depends on the selected site and samples taken, the selection of a particular research site is closely tied to obtaining access to an appropriate population of a specific subject (Berg 2001:29). Therefore, Wolensho2 (the single *kebele* registered and certified by REILA project), Wolensho1 from the government, and Mikaelo from the LIFT intervened *kebeles* are sample *kebeles* for this study for their geographic and socioeconomic diversities.

Accordingly, 24 purposively selected key informants were interviewed. These include: Representatives of the *Woreda* Farm and Natural Resource Development office (FNRD), the projects being involved in the process, landholders (men, women, elders and orphans), *Kebele* administrators, and *Kebele* land Administration Committees (LAC's), mapping

(technical) experts, the *Woreda* Good Governance, Grievance and Complaint office and *Woreda* Women office. Various published and unpublished data were used as secondary sources. Finally stories of five participants—women (in monogamous and polygamous marriages) and “vulnerable groups” (elders and orphans) were collected through case study. The data collected using the various data collection instruments were organized into three themes and were analyzed in accordance with the study objectives.

6. Theoretical Framework: The Political Economy of Land in Ethiopia

A soaring population growth along with land fragmentation and a reduction in land productivity has resulted in an increasing pressure on agricultural land in Ethiopia (Davies 2008:12). And, it has made a discussion on land tenure highly relevant and a pressing issue for those who wish to deal with the broader problem of the country's underdevelopment (ibid). In history, the issue of land tenure has played a key role in the economy and politics of Ethiopia.

Concerning resource governance, literatures have pointed out neopatrimonialism as the core feature of politics in Africa (Bratton and Van de Walle 1994). Referring to Max Weber (1978), they have defined "patrimonialism" as, "a situation where administrative positions and structures are setup by patrons who then assign authority to deputies over certain parts of the overall patronage domain" (ibid: 39), whereas "Neopatrimonialism" refers to "a system of governance where the formal rational-legal state apparatus co-exists and is supplanted by an informal patrimonial system of governance" (Nawaz 2008:2).

Unlike the case for other African countries in which state ownership of natural resources is believed to be a premise of the colonial legacy (GIGA 2006:20), Ethiopia is an uncolonized country (with the exception of Italian occupation in the 1930's and 1940's) which has exercised a state ownership of resources including land (ibid; Crewett et al. 2008). State ownership of land has a long history in Ethiopia. Since the imperial regime, land has been a source of power and the center of policy debate.

In this regard, the present government takes land registration and the provision of use-right certificates to landholders as a key instrument to increase tenure security without making an amendment on its land policy. As a result, the proclamations and regulations of federal and regional governments have laid legal basis for rural land registration and certification in Ethiopia. Based on the power bestowed by the

Federal Rural Land Administration Proclamation No. 89/1997, SNNPRS enacted Land Administration and Use Proclamation No. 110/2007 with an objective to govern land and associated natural resources. The subsequently issued regulation No.66/2207 of the SNNPRS has dealt with rural land possession, use, measurement, registration and certification of individual/group, women, orphans and other types of holdings. Section 2 of the same regulation has clearly stated the right of rural land holders to receive certificates for their measured and registered parcels and has set criteria on the contents of the certificates including holders name, family size, neighbors, area, and other basic data. Based on this background, this Article has examined the land registration and certification process in relation to women, elders and orphans in Meskan *woreda*.

7. Are Women, Elders and Orphans Aware on the Benefits of Land Registration and Certification?

The basic procedures in land registration and certification are; public information and awareness, parcel demarcation and registration, map preparation, public display and correction, and preparation and issuance of certificates. This topic focuses on the public awareness and information level of women, elders and orphans in Meskan *woreda* in the registration and certification process.

Public awareness has been held by the *kebele* Land Administration Committees [LAC's], the *woreda* FNRD office and the projects involved in the process. According to the interview participants, the public awareness campaign was conducted through meetings with the landholders, distributing written documents and displaying Posters showing the process of the SLLC on publicly available places such as in *kebele* Administration Compounds, Health Centers, Farmers Training Centers (FTC's), Schools...etc. The benefits of landholders from the registration and certification process largely depend on the level of their awareness on the possible outcomes and their active involvements in the process. The level of information perceived by landholders basically determines their involvement in the process, their willingness to provide reliable information about their holdings and enjoy their benefits from the outcomes of the process. In this regard, Shewakena and Haris (2015:23) have stated that, "... communicating information about why the registration program is important is essential, as is helping landholders resolve disputes and uncertainties about their land right".

According to the report of EEA/EEPRI (2004) in Deininger et al. (2006:11), about 73% of the landholders in SNNPRS are not aware of the benefits of the registration and certification process. Concerning public awareness and information in the study area, no written information is available on the number of public awareness raising campaign participants in the *woreda* except in the LIFT program intervened *kebeles*. Yet, according to the interview participants, the landholders in Wolensho2 are better aware than their counterparts in Wolensho1.

Table 2: *Kebele* level Public Awareness Participants

From table 2, it could be understood that out of the total *kebele* population, only 84 persons have attended the public awareness meeting in Mikaelo *kebele*. An interview with the administrator of Mikaelo *kebele* and a landholder of the same *kebele* revealed that "most of the *kebele* residents have got information through informal communications (i, e *Yelimat Budin*⁺, at coffee ceremony and communal activities like *Idir*⁺⁺, *Ikub*⁺⁺⁺, *Debo*⁺⁺⁺⁺...etc)". A landholder whose land was registered and who have received use-right certificate, has responded to the question "how do you hear about the registration process?" as, "I heard about the registration process while participating in *Yelimat Budin*".

Referring to Holden and Tefera; Hirut and Giovarelli (2013:5), indicated very less participation and awareness of women in the initial stages of the process than that of the men. Table 2 clearly presents the disparity between male and female landholders in their access to information. Out of the 84 participants, only seven females attended the public awareness campaign. A woman in a monogamous marriage in Mikaelo *kebele* replied for the question, "how do you hear about the registration process?" as, "I didn't hear about the registration, but I involved in the process when the field registrars came to my home and asked me to show the boarder of my holding". This implies that many women in the *woreda* are not aware on the benefits of the land registration and certification process. Hence lack of awareness has largely compromised the participation of women in the process and even those who participated have less bargaining powers on their property rights as compared to their male counterparts.

8. Does the Land Registration and Certification Process Promote Equity Among all Social Groups?

Aiming to assure the right of all citizens to benefit from their land, SNNPRS in its Land Administration and Use Proclamation Number 110/2007 has stated as, "Any resident of the region, eighteen years old or more, who wants to engage in agriculture, has the right of rural land holding and use" (section 2). But contrary to what has been stated in this proclamation, UN-habitat (2012:41), has stated that "not everyone's rights to land are secure". Thus, it is not uncommon to see abused land rights of women and vulnerable groups including elders and orphans in SNNPRS in particular and in Ethiopia in general. Corresponding to this argument, the reviewed documents in the *Woreda* Good Governance, Grievance and Complaint office indicated that compared to other social groups, possessions of women, elders and orphans are subject to abuse by different parties (including their husbands, supporters and guardians). According to the documents, about one third (36 out of the 96) of the grievances in the *Woreda* Good Governance, Grievance and Compliant office were raised by women, elders and orphans.

Having an objective to assure women's land right through land registration and certification, the Rural Land Administration and Use Regulation of SNNPRS (2007), has stated that husband and wife shall jointly get a land use certificate and commonly use their possessions even which were accessed through inheritance or gift before marriage (section 5). In support of this regulation, the reviewed certificates in the *Woreda* FNRD office have indicated that names of husband and wife were incorporated both in the first and second level certificates in the *woreda*. All the interviewed administrators and reviewed documents have demonstrated that in monogamous marriages, men were registered as first holders and women as second holders, whereas in polygamous marriages men were registered as first holders and their first wives as second holders in possessions that they commonly use with their first wives. In the remaining holdings, the subsequent wives were registered as first holders and their husbands as second holders in their respective holdings.

The registration and certification in polygamous marriages held in the *woreda* didn't follow the statement of the SNNPRS Rural Land Administration and Use Regulation No. 66/2007 which declared the land rights of couples as, "if the husband and wife have land holding before their marriage, they shall jointly get a land use right certificate after their marriage" (section 2). Because the practice provided a man in a polygamous marriage with the right to shareholdings with all of his wives while the right of the women was restricted to their respective holdings.

As a result, rural land registration in polygamous marriages was in favor of men than assuring women's property rights. In addition, there is no equitable distribution of land among the subsequent wives of the men in polygamous marriages. For example; if a man in a polygamous marriage holds two hectares of land and has four wives, he can register three hectares of land in his name and his first wife and the remaining one hectare in the name of his subsequent wives and his; rather than the equitable registration of one hectare in his name and each of his wives.

Table 3: Holdings of Women and Orphans in the two sample *kebeles*

As far as the number of holdings registered in the name of women either as first or second holders is concerned, the information from the two sample *kebeles* (for which recorded data was obtained) indicates that about 954 (23%) of the holdings in Wolensho1 and Wolensho2 is held by women as first holders. Out of which, male second holders are available for 131 parcels, while the remaining 823 parcels are totally held by women. Which indicates that these women are either widows, divorced or unmarried. In addition, women were registered as second holders for about 67.8% of the total holdings. From table 3, it can be understood that about 91.3% of the women in the 2 sample *kebeles* have access to land either as first holders or jointly with their husbands.

Based on table 3, the registration of about 67.8% of the women in the two sample *kebeles* was as a second holder indicates that most of the women in the *woreda* access land through marriage (their husbands). This indicates that men are powerful and control over resources in family (patriarchy) in Meskan *woreda* in Particular and in Ethiopia in general. Concerning the registration process, a woman in a monogamous marriage has reflected her opinion as, "my husband was registered first and I am second. Since this is a practice held throughout the *kebele*, I got it fair". On the other hand, the experience in polygamous marriages was shared by the field team leader of LIFT program as:

Some of the husbands in polygamous marriage were not happy on the registration of their subsequent wives as first holders. They argue that the women were not married during the first level registration and their names didn't appear in the green book.

As stated in the interview, the intention of men in polygamous marriages implies that for women, registration in the first level certificates was considered as the basic criterion to have a right on a specific plot of land. To assess the registration and certification process in polygamous marriages, a story of Mrs. Rauda Beshir, a woman in polygamous marriage was presented as follows:

Case1

Rauda Beshir, 45 years old

I am a second wife in a polygamous marriage. I have been living with my husband and our five children in Wolensho1 kebele. We depend on 0.75 hectare of land for subsistent agriculture. Concerning my awareness on land registration and certification process, since I didn't have any information on public awareness campaign in our kebele, I didn't attend formal public awareness campaigns from land registration to certificate dissemination. Therefore, hearing from my neighbors, I have participated in the registration process. In both first and second level registrations, I was registered as first holder while my husband as a second holder and I have received the second level certificate from the Woreda Agriculture office [Woreda Farm and Natural Resource Development office] and then my husband has put the certificate with him. Till now, I didn't face any boundary or ownership dispute with anyone.

(Interview with Mrs. Rawuda Beshir on 05/09/2016)

From case1, one can easily understand that the case of Mrs. Rauda was consistent with the opinion of the *kebele* administrators and documents of the *Woreda* FNRD office which entail the registration of women other than the first wives in polygamous marriages as first holders and their husbands as second holders. Yet, the case indicates that still there is lack of awareness among women in polygamous marriages on the benefits of the certificates. For instance, although the main objective of providing women in polygamous marriages with certificates as first holders is to increase their bargaining power and assure their property rights, case1 indicates that even if the certificate vows Mrs. Rauda as a first holder, she has put the certificate with her husband. Her response to the question, "why not you put the certificate with you?", "could it be with a female when there is a husband living with her?" indicates that some women in polygamous marriages are not fully aware on the very objective of producing certificates in the name of women as first holders.

Pertaining to the registration practices on the possession of elders; healthy and physically fit elders participate in the registration in showing boundaries of their holdings while those who can't do so send their closer relatives, neighbors or LAC's. According to the head of the *Woreda* Good Governance, Grievance and Compliant office, holdings of some elders who can't use either of these options is sometimes subject to abuse by farmers who use their land through rent or share cropping and others. Detail story of an elder in Wolensho1 *kebele* was discussed as follows:

Case2

Mrs. Zergi Weldegebriel, 80 years old

I have been living in this place since the first date of my marriage 60 years ago. My four children (1son and 3 daughters) were born and raised here. I have shared half of my holding (about 0.25 hectare) to my son—Ato Abegaz Darunga. I didn't have information on the land registration held in the kebele. Even if the land is around my home and I am at home all the time, no one has asked me to provide information on my holding. One day, while drinking coffee next door, I heard that land registration was held in the kebele and my neighbors had been waiting certificates of registration. Consequently, I sent one of my sons in law to inform the case to the Woreda [Woreda FNRD office] and he was told to wait a public display to comment on the registration. During the public display, I was told that my land was registered in the name of one of my daughters in law— wife of Ato Abegaz. Consequently, I provided an appeal that since the land is mine and the first level certificate is in my name; the second level registration should follow the same procedure. During my waiting time for the response, she told me that she has given the second level certificate. Then, I have provided a grievance to the woreda [Woreda FNRD office]. After hearing the report of its Ethics and Anti-Corruption officer, the Woreda FNRD office admitted its mistake and has written her a formal letter to return the certificate and have decided to prepare a new certificate in my name. Yet she has taken the case to formal court [Butajira town and Surrounding Area High Court]. The Court sent a letter to the kebele administration to terminate the right of both of us on the land until its final decision. It is more than five months I am neither benefiting from the land nor get decision.

(Interview with Mrs. Zergi Weldegebriel
on 02/09/2016)

As can be seen in case 2, the story not only show the challenges abstaining elders to enjoy their benefits from their property, but also the bureaucratic procedures of formal dispute resolution institutions to decide on the rights of the elders and lack of proper controlling mechanisms on the applicability of written rights of elders. This in part has discouraged elders from participation in land registration and certification process and has increased their vulnerability in the absence of holding certificates on their land.

Finally, SNNPRS in its Land Administration Proclamation No.110/2007 has provided an opportunity to the possession of orphans below the age of 18 to be registered and receive certificate in care of their guardians. Pursuant to this proclamation, the interviews held with the *kebele* administrators indicated that holdings of orphans below the age of 18 were registered and certificates were delivered to the orphans in care of their guardians. As presented in table 3, about 134 holdings of orphans were registered through their guardians in the two sample *kebeles*. On the other hand, absence of guardians has inversely affected the participation of orphans in the registration process and their ability to receive certificates. Corresponding to this argument, the story of orphans in Wolensho1 *kebele* was presented as follows.

Case 3

Family of Mrs. Wache Alemar

Mrs. Wache and Ato Mengistu (her husband) passed away in 2012 and 2013 respectively. At the time of losing their father: Ermias, Sara, Yonas and Selamawit were 16, 15, 12 and 8 years old respectively. Concerning the registration and certification of their possession, since the family was in polygamous marriage, the first level certificate was produced in the name of Mrs.Wache. At the time of second level registration, as the orphans were under the age of 18, they didn't involve in the registration of their holding and they didn't have a guardian who attended the registration of their possession. Yet, by the help of village elders, the land was registered and certificate was prepared in the name of Mrs.Wache. During certificate distribution, for lack of legal document that confirm on their inheritance (formal letter of the Woreda First Instant Court), they didn't receive the certificate and still it is in the Woreda FNRD office.

(Interview with Yonas Mengistu on 05/09/2016)

From the story presented in case 3, it could be inferred that lack of guardians to attend the registration on the possessions of orphans under the age of 18 could adversely affect the orphan's ability to have use-right certificates. This in turn could affect their bargaining power on their property, and, above all, could increase their vulnerability to abuse on their property. In fact, the village community and elders have significantly contributed to the well-being of the orphans; land registration process often require legal guardians who attend the registration of the orphan's possessions.

Although lack of holding certificates could increase the orphan's vulnerability, it doesn't mean that all orphans who have holding certificates could get fair benefit from investments on their land. Evidences reveal that some orphans including those who have use-right certificates are not fairly benefiting from investments on their land. The experience in Meskan *woreda* was presented by head of the *Woreda* Good Governance, Grievance and Compliant office as follows:

Although possessions of orphans under the age of 18 were registered in care of their guardians and have received certificates, some of them are not able to benefit from the investments on their land. Even some of them work on their land as tenants without getting payment. Lack of awareness has inhibited them from taking their grievances to legal authorities. But, the few ones who came to our office have been getting fair decisions. For example, there are about 400 grievances which were solved simply through telephone calls to kebele administrators. For the unsolved cases at kebele, our office takes the case to the Woreda First Instant Court and follow up until its final decision.

This experience, implies that providing certificates to orphans is not a guarantee to their intact benefits from the investments on their holdings unless they are fully aware of their rights and a continuous follow up is held by an independent authority (i.e. *Woreda* Social Protection office) on the applicability of written rights provided by the certificates.

9. Does the Land Policy of Ethiopia Address Issues of Women, Elders and Orphans?

Regardless of setting background for land registration and certification, as can be seen in section 8, the land policy of Ethiopia has limitations in:

- ✓ addressing clear procedures on the registration and certification of women in polygamous marriages.
- ✓ registration on holdings of orphans below the age of 18 who have no legal guardians
- ✓ registration on holdings of elders who have no closer relatives or supporters
- ✓ setting follow up mechanisms on the benefits of orphans below the age of 18 who have got landholding certificates for their possessions
- ✓ setting follow up mechanisms on the benefits of elders who have got landholding certificates for their possessions

10. Conclusion

Since the current land policy of Ethiopia prohibits land sale or mortgaging land, Ethiopia has considered rural land registration and certification as a means of achieving tenure security among other measures. Accordingly, the land registration and certification being carried out in Meskan *woreda* is rooted in this national objective. Based on the power bestowed by the Federal Rural Land Administration Proclamation No. 89/1997; the regulation No.66/2207 of SNNPRS has been dealing with rural land possession, use, measurement, registration and certification of individual/group, women, orphans and other types of holdings.

This article has examined the land registration and certification process being conducted in Meskan *woreda* of the SNNPRS in relation to the holdings of women, elders and orphans. Accordingly, lack of awareness and less bargaining power among some of the women, elders and orphans has restricted their involvement in the process and this intern has affected the tenure security expected from the land registration and certification process. In addition, the process lacks equitable land holdings among women in a polygamous marriage and generally the process is in favor of the men. Finally, elders who do not have supporters or relatives and orphans under the age of 18 who do not have legal guardians were unable to participate in the process and they didn't receive landholding certificates. As a result, their holdings are subject to expropriation and abuse than the other social groups.

Therefore, the rural land administration proclamation and regulation of the SNNPRS in use are expected to uphold equitable rural land registration and certification procedures considering elders who do

not have relatives or supporters, women in polygamous marriages and orphans under the age of 18 who do not have legal guardians. In addition, frequent follow up's should be maintained by concerned government authorities such as Woreda Social Protection offices so as to assure the benefits of elders and orphans who lacks legal supporters or guardians.

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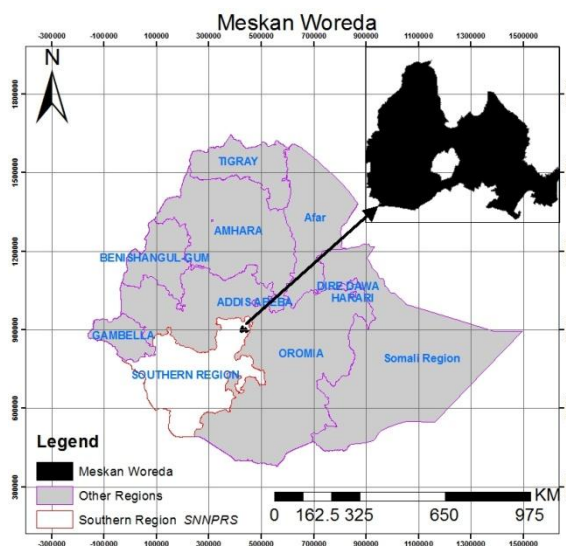
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⁺⁺A social institution established to facilitate burial ceremonies of members and their families, and to support members at times of accidents.

⁺⁺⁺A traditional rotating saving and credit Association usually established by neighbors or other aggregate groups.

⁺⁺⁺⁺A social institution composed of farmers in the same village to complete massive cultivation or harvest with shorter time which would often take longer time with a single household.

Figure 1: Location map of Meskan Woreda



* District.

**Southern Nations Nationalities and Peoples Regional State. According to the post 1991 Administrative and political setting, Ethiopia was constituted of nine regions and two city administrations. Hence, SNNPRS is among the nine regions.

***Rural land registration and certification in Ethiopia has been carried out in two forms. The first level certification, the less complex form which do not require index maps. The second level certification, the more complex form which uses index maps and coordinate (absolute location) of each parcel. Now days, most of the first level certificates are being replaced by the second level certificates.

⁺A group composed of 5-20 persons usually for the sake of information exchange among residents of the same village or members of the Ethiopian People's Revolutionary Democratic Front (the ruling party).

	Male First Holders	Female First Holders	Male Second holders	Female Second holders H	Guardians	Total No. Of holdings	Percentage (%) of women land holders		Total
							Individual	Joint	
Wolensho1	1340	334	44	1245	27	1701	19.6	73	92.6
Wolensho2	1637	620	87	1513	107	2364	26.2	64	90.2
Total	2977	954	131	2758	134	4065	23.5	67.8	91.3

Social Group	Total Population		
	Male	Female	Total
Elders	3936	2442	5278
Orphans	130	128	258
Disabled persons	374	309	703

Table 1: Statistical Report of Marginalized Groups in Meskan woreda

(Source: Meskan Woreda Social Protection Department, 2016 and CSA, n. d.)

Table 2: Kebele level Public Awareness Participants
Source: LIFT Woreda Coordination office

* = Not known, **Leaflet A**= Leaflet on land use rights and obligations, **Leaflet B**= Leaflet on highlights on the process of SLLC, **Poster** = A diagram showing the process of SLLC.
Wol1. Wolensho1, Wol2. Wolensho2

S. No.	Kebele	No. of participants		Materials Disseminated		Date of involvement
		Male	Female	Type of Material	Quantity	
1	Wol.1 & Wol. 2	*	*	*	*	25/02/2015
2	Mikaelo	77	7	Flipchart Leaflet A Leaflet B Poster	1 25 25 2	
Total		84		53		

Table 3: Holdings of Women and Orphans in the two sample kebeles

(Source: Adopted from Meskan woreda FNRD Office documents)