



**MEKELLEUNIVERSITY**

**COLLEGE OF LAW ANDGOVERNANCE**

**DEPARTMENT OF CIVICS AN ETHICAL  
STUDIE**

**ASSESSMENT OF Rural Land Conflict Management In The  
case of Naeder wereda, Ceteral Zone of Tigray**

**A Thesis Submitted to the Department to Fulfillment of the  
Requirements for for the Degree of Master of Arts in Civics  
And Ethical Studies**

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**MEKELLE,Ethiopia**

**AGUST,2025**

**ASSESSMENT OF RURAL LAND AND CONFLICT  
MANAGEMENT: IN THE CASE OF WEREDA NAEDER .  
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**Agust ,2025  
Mekelle ,Ethiopia**

## **Declaration**

The thesis entitled “Assessment of Rural Land Conflict Management” is my original work and has not been presented for a degree, diploma or fellowship to any other university and that all the sources of materials used for the thesis have been dully acknowledged.

Hagos Atsebha Baraki

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## **Certification**

This is to certify that this thesis entitled “Assessment of Rural Land Conflict Management” Submitted in partial fulfillment of the requirement for the award of the degree of MA, in Civic and Ethical studies of the college of Law and Governance Mekelle University, through the Department of Civic and Ethical studies

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Internal examiner \_\_\_\_\_signature \_\_\_\_\_date \_\_\_\_\_

external examiner \_\_\_\_\_signature-----date \_\_\_\_\_

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## **Acronyms and Abbreviations**

CSA Central Statistics Agency

CSO Civil Society Organizations

DFID Department for International Development

ECA Economic Commission for Africa

EPA Environmental protection Authority

EPRDF Ethiopian People's Revolutionary and Democratic Front

FAO Organization for Food and Agriculture

FDRE Federal Democratic Republic of Ethiopia

GDP Gross Domestic Product

GTP Growth and Transformation Plan

ICG International crisis group

IIED International institute for environment and Development

IFAD International Fund for Agricultural Development

LAC Land Administration Committee

MDG Millennium Development Goals

MOARD Ministry of Agriculture and Rural Development

NGO Non-Governmental Organization

OECD Organization for Economic Co-operation and Development

UN United Nations

UNDP United Nations Development Program

UN-ESCAP Economic and Social Commission for Asia and the Pacific

UNEP United Nations Environmental Program

UNCHS United Nations Center for Human Development

USAID United States Agency for International Development

WB World Bank

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## **Abstract**

*The study has attempted to assess rural land Conflict Management. The general objective of this study was to assess rural land conflict management. Both qualitative and quantitative approaches were used. By using 136 households. Five Kebeles with high prevalence of rural land conflicts were purposively selected from the total of 13 Kebeles of Naeder wereda. Moreover, focus group discussion and interview were also employed to collect the qualitative data. It was found that most of the rural land conflicts cases were managed formally even though the preference of the litigants was the informal. The study also showed that unclear land provision scheme was the main sources of conflicts. Boundary conflict was found as the main type which was occurred frequently. Transparency and accountability were used to measure the rural land conflicts management as indicators, and it was found that both indicators were at their minimal level. Rural land conflicts management structures and institutions at local level are not supportive enough to the rural community in terms of reaching the poor and the marginalized group. Gap in enforcement of land laws, unclear land provision schemes by the government, unclear land entitlement procedures, and low coverage of the land governance structures and institutions were the major challenges of the rural land conflict management that possibly could result in rural land conflicts. Hence, to minimize problems related to rural land conflict management the government's structures and institutions should increase their coverage besides to equipping it with educated, capable, experienced and motivated manpower through providing trainings and other motivating factors like allowances, salary increments, recognition etc. Customary way of conflict management should be considered in the legal conflict management systems to easily manage conflicts before cases are filed in the legal systems. Hence, the livelihood of the rural community will be enhanced to a better level.*

## **Chapter one**

# INTRODUCTION

## 1.1 Background of the study

Global land use is dominated by agriculture, forests, and other land types like barren and urban areas, each occupying roughly one-third of the global land area. Agricultural land, encompassing cropland and permanent pastures, covers about 4.8 billion hectares, while forest land and other land areas each cover around 4.1 billion hectares, according to the Food and Agriculture Organization. Cropland, in turn, is largely used for temporary crops like wheat, rice, and maize. Agricultural land. In 2021, agricultural land totaled 4.8 billion hectares. Within this, cropland accounted for 1.6 billion hectares and permanent meadows and pastures for 3.2 billion hectares. Cropland includes areas used for temporary crops (like grains and vegetables) and permanent crops (like orchards and vineyards). Temporary crops, like wheat, rice, and maize, cover a significant portion of the cropland area. Forest land cover a substantial portion of the globe, with a large area of 4.1 billion hectares in 2021.

Other land this category includes barren land, deserts, urban areas, and infrastructure, also occupying around 4.1 billion hectares.

Cropland area has increased slightly over the past two decades, while permanent meadows and pastures have decreased. This shift reflects a trend of intensification in crop production systems. It's important to distinguish between land use (how humans utilize the land) and land cover (the physical characteristics of the land surface). The area equipped for irrigation has also increased over the past two decades, according to the Food and Agriculture Organization. Additionally, the area under organic agriculture has also increased significantly. Land statistics describe the human use of the land surface for different purposes and economic activities (land use), as well as the biophysical characteristics associated with both human and natural systems (land cover). FAO collects annual land use data from countries via its land use, irrigation and agricultural practices questionnaire. This information is complemented with land cover data, compiled independently of the questionnaire data from global remote sensing maps. In 2022, world total agricultural land was 4 781 million hectares (ha), more than one-third of the global land area. Within agricultural land, cropland covered 1 573 million ha while permanent meadows and pastures were 3 208 million ha.

The rest of the global land area was almost equally split between forest land, covering 4 050 million ha, and other land, with 4 150 million ha of deserts, glaciers, barren lands, built areas, etc. In the two decades since 2001, world total cropland area grew by 80 million ha – about 5 percent – while permanent meadows and pastures lost 170 million ha, a decrease of 6 percent. Growth in cropland area from 2001 to 2022 was the result of area expansion in Africa (+73 million ha), South America (+28 million ha) and South-eastern Asia (+22 million ha), which was partially offset by contractions in Northern America (–26 million ha), Eastern Europe (–8 million ha) and Southern Europe (–6 million ha).

The area used for growing crops grew significantly from 2001 to 2022. Temporary crops (such as wheat, rice and maize) increased by 110 million ha, about 10 percent, reaching 1 085 million ha. Permanent crops (such as cocoa, oil palm and coffee) grew by 55 million ha, reaching 190 million ha in 2022, an increase of 40 percent.

From 2001 to 2022, while world total cropland area per person decreased by 20 percent, from 0.24 to 0.20 hectares per capita, land productivity, measured in terms of total agricultural gross value of production, grew more strongly – by nearly 60 percent, from USD 546 per hectare to USD 872 per hectare.

Land disputes refer to conflicts that arise between individuals, groups, or entities over the ownership, use, or rights related to land. These disputes can occur in various contexts, such as between individuals, between individuals and the state, between different communities, or between different legal entities. Land disputes are common in many countries and can have significant social, economic, and political implications. Local governance, therefore, includes the diverse objectives of vibrant, living, working, and environmentally preserved self-governing communities (World Bank, 2008).

The very concept of ‘good governance’ at local levels denotes quality, effectiveness and efficiency of local administration and public service delivery; the quality of local public policy and decision-making procedures, their inclusiveness, their transparency, and their accountability in land governance; and the manner in which power and authority are exercised at the local level as Anwar shah, (2006) noted in his literature that explains the exercise of local governance in developing countries.

Land is an asset that has different definitions as to its unique property. According to USAID, land is “a unique, valuable, and immovable resource of limited quantity and is a central element in the varied and complex social relations of production and reproduction that requires proper and sustainable governance.....” (USAID, 2009:34). Land is at the center of social, economic and political life in most of African countries (USAID, 2009) and, it is also seen as an important economic asset and source of livelihoods that is closely linked to community identity, history and culture as noted in Zwan, (2010). Holding of land in most societies is an indication for the wealth status of a society and governments of a specific country (Zwan, 2010). From the power it gives to owners in terms of economic wealth (Zwan, 2010) and its ability to grant access to land, Rural Communities can readily mobilize around land issues, making land as their central agenda (UNDP, 2008). Moreover, Land issues readily lead themselves to conflict.

Anwar Shah’s seminal work, *Local Governance in Developing Countries* (World Bank, 2006), provides a robust analytical framework on local governance. It emphasizes qualities such as quality, effectiveness, inclusiveness, accountability, and decision-making procedures—hallmarks of “good governance” at the local level.

Citation: Shah, A. (ed.). *Local Governance in Developing Countries*. Washington, D.C.: World Bank, 2006.

#### Land Scarcity and Intensification (Echoing FAO’s Views)

A recent empirical study finds that increasing population pressure in African contexts induces land scarcity, which in turn triggers agricultural intensification—consistent with the Boserupian hypothesis and reflecting your point about land scarcity potentially spurring innovation:

Abay et al. (2021) — Land scarcity impedes sustainable input intensification in smallholder irrigated agriculture: Evidence from Egypt. The study shows land scarcity leads to increased, often excessive,

use of agricultural inputs—sometimes reducing yields, which underscores complex outcomes of scarcity-driven intensification .

Additionally, earlier FAO analyses indicated growing competition for land and water resources amid demographic pressures, warning of the risks to food production and environmental integrity:

FAO (2011) — The State of the World’s Land and Water Resources report highlights pervasive competition for land and water, degradation of key production systems, and the need for sustainable practices .

FAO (circa 2000) — In World Agriculture: Towards 2015/2030, it was noted that arable land per person declined significantly over the late 20th century, while intensification risks land degradation—aligning with concerns about Malthusian scarcity perspectives .

Political Exclusion, Marginalization, and Land ConflictYour point about political exclusion and marginalization exacerbating land conflicts aligns with broader narratives, though locating the specific UNEP (2007) quote proved elusive. However, the conceptual linkage is well-supported in general environmental governance literature (notably UNEP’s role in environmental security and conflict contexts). While I didn’t locate a precise current source for the exact phrase, this framing remains widely acknowledged in academic and development discourse.

Governance Failure and Conflict Resolution in Land

Your discussion on the inadequacy of conventional conflict-resolution methods (negotiation, mediation, etc.) and governance gaps aligns with observed challenges in land policy implementation:

Although I didn't find a matching UN-Habitat (2007) citation, broader institutional critiques highlight how many well-designed land laws and reforms falter in implementation, due to weak governance structures—echoing Palmer et al. (2009) observations about stalled reforms.

Further, the fundamental role of institutions in converting legal frameworks into action, and how failure in governance damages trust and escalates conflict, is consistent with development governance literature (e.g., Deininger, Selod & Burns, 2010).

#### Inequality in Land Access—Large-Scale Acquisitions vs. Smallholders

Your point about smallholders losing access to quality land amid large-scale acquisition is reinforced by current research:

Ecology & Society (recent) — Analysis shows that large-scale land acquisitions in Ethiopia disproportionately allocate higher-quality land to investors, leaving smallholders with less suitable, more degradation-prone land—a modern affirmation of inequities and conflict potentials tied to land tenure change

--USAID – Land as a Unique, Valuable, and Immovable Resource While a verbatim 2009 quote from USAID (“a unique, valuable, and immovable resource... central element...”) could not be located online, USAID's land governance literature consistently frames land as a critical and irreplaceable development asset. For example:

USAID states that strengthening secure land tenure and property rights is essential for economic growth, food security, conflict prevention, and building resilient societies.

Their programmatic emphasis underscores land's central role in social, economic, and political life, particularly in African contexts—aligning with your description, though not quoting the 2009 text verbatim.

Moreover, holding of land is not such an easy task in a populous society. It requires power to own it. This power to own the land may lead to conflicts between the societies (USAID, 2009).

Some empirical literatures also reveal that land scarcity or abundance affects territorial disputes at the micro level (World Bank, 2004). There are two thoughts justifying land scarcity has two way of implication. One line of thought goes back to Thomas Malthus and neo-Malthusians that see population growth leads to land scarcity and hence land degradation as potential sources of violent conflicts (ibid). Another view states that land scarcity leads to intensification, technical and institutional innovation, including ways to resolve conflicts in a better way (FAO, 2007).

According to the United Nations Environmental program, wider processes of political exclusion, social discrimination, and economic marginalization across a society could also be factors that exacerbate land conflicts (UNEP, 2007).

Thus, conflict is an attendant feature of human interaction and cannot be eliminated; however, its proper management and transformation are essential for peace and progress in human society (Posen, 1993). That is why conflict resolution is one of the serious challenges of governance and as a result, legitimacy of conflict management and resolution mechanisms is critical.

Adequate approaches of land conflict management are required for peaceful political, social, and economic use of land. However, of the commonly used conventional technical approaches- Negotiation, Arbitration, Conciliation and Mediation- are not adequate to address these issues (UN-habitat, 2007). Part of the reason is that existing land administration tools are not able to cope with even current challenges (ibid). Many excellent land policies, laws and technical reforms have been developed, yet, in many cases, implementation has slipped, stalled, or has even been reversed (Palmer, D. et.al, 2009).

Therefore, sound land governance is fundamental in achieving sustainable development and poverty reduction by managing rural land conflicts by establishing sound land governance (UNDP, 2007).

Sound land Governance requires operational processes to implement land policies in comprehensive and sustainable ways. Many countries, however, tend to separate land tenure rights from land use opportunities, undermining their capacity to link planning and land use controls with land value .

Land related conflicts need critical scrutiny of the problem and implementing measures related to good land governance which is a technical, procedural and political nature (Kironde, 2009). This is because rights over land can not be separated from civil, political and human rights, and are dependent on political, administrative and professional readiness to ensure fair treatment and equal opportunities (World Bank, 2008).

Weak land governance to the reverse is a cause of many land-related problems, argued (UN habitat, 2007). es and the operation of the land market. These problems are often compounded by poor administrative and management procedures that fail to deliver required services (FAO, 2007).

When governance systems fail to address the needs and rights of all citizens, particularly marginalized groups, it can lead to social unrest and conflict.

Lack of transparency, corruption, and weak rule of law in land administration can undermine public trust and create opportunities for conflict. Moreover, land management institutions established at any levels are the leading players to transform the legal and policy framework into action(Deininger,Selod,&Burns,2010).

Most world communities, especially the developing world, becontingenton the economy on subsistent agricultural productivity. Residents to increase their agricultural productivity (FAO,2013).The importance of existing adequate farm land to satisfy the food staff hoard for the world community is in disputable. Therefore, short of land availability, it is impossible to produce agricultural productivities. Since the interest in land possession and control is increasing from time among farmers, it be came,the main factors of conflict(Dixon J et al.,2001).The socio -economic development for most of the African population relies on access to land since the majority of the population depends on land and land-based resources for their livelihoods(Fobih,2004;Sekeris,2010;Zwan,2011).

About 630 million hectares of land in Africa is preferable for cultivation, supporting the majority of the people through subsistence and commercial agriculture (Rukuni and Kanmbanje, 2011). The existing farmland in Sub-Saharan Africa provided to households and communities is perilous to the food security and income stability of the people (Bob, 2010). The majority of African farmers need subsistence farming for their livelihood (Fobhi, 2004).

However, now a day land in sub-Saharan Africa is susceptible to different conflicts, contest, disagreements, conquest and exploitation that have an adversarial negative impact on the socio-economic and political conditions of many groups of people (Bob, 2010). Many African countries are experienced in fierce conflict because of rivalry for access, control, and the use of land possessions (Zwan, 2011).

Land conflict becomes the overriding conflict in the Sub-Saharan Africa countries over the last 50 years and has been distressed by it (Sekeris, 2010). Since 2000, 48 percent of land-dwelling conflicts have held in Africa (Wiley 2009).

The author noted that 55 of the 70 conflicts proceeding in 2009 are located in developing rural economies. From the intra-state conflict that have fallen in Africa since 1990, natural resources underwrote at least 40 percent, and from the 30 and above intra-state conflicts occurred, land contributed a vital role in all except three i.e., more than 90 percent of natural resource conflicts are contributed by land (Wiley, 2009).

In rural Ethiopia, the land is not only material and productive resources that empower the livelihood of the rural community, but it is also an essential emblematic resource that heavily influences status and identity (Teshome 2015).

With an appraised population of above eighty million, Ethiopia stands as the second populous country in Africa (Teshome 2015). The mainstay of the economy is subsistent peasant agriculture, which accounts for about 42.9 percent of the GDP. Agriculture provides the most significant percentage of foreign paychecks and employs more than 85 percent of the population (African Development Outlook, 2011). The rank of Ethiopia's Human Development Index value for 2023 is 0.497 placing it

in the low HDI category (UNDP ).This places Ethiopia at 175 out of 191countries (UNDP,2023&Capital News Paper ).

A growing population of more than 80 million puts incredible compression on the farmland, pasture, and natural resources that are the ground work of the country's economic advance. Ethiopia also remains one of the poorest countries in the world, with one in four Ethiopians living on less than\$1a day(USAID,2011).

Historically Ethiopia experienced many conflicts related to land and will continue in the future to do so since the land has significant socio-economic advantages on the majority of the people(Berhanu and Fayera,2005).

Farmers are the primary agricultural patrons in Woreda Naeder,Tigray region ,as Whole in Ethiopia. Specially Tigray region was affected rural land conflict as the result of the genocidal war during the last two years. The farmers are currently pebbledash several challenges of land fragmentation and land degradation, which is resulting in a decline in their agricultural productivity and are threatening their livelihoods. It also affect at the selected kebeles of the study area. The increase in the pressure from land degradation is aggravating the situation and conflict among farmers on the land.

## **2 Statement of the problem**

The researcher motivated to investigate on the assessment of rural land conflict management was because of various sources of conflicts faced by the farmers and farmers lose their time on the kebele's land administration ,the wereda's land administration office, the wereda court's office to solve land related problems and to achieve benefits and ownership. This results in affecting the societies productivity, social interaction and security negatively.

The Research Gap

General to Specific Progression

General Insight: Land disputes undermine agricultural productivity, social harmony, and governance efficacy (globally and across Ethiopia).

Broad Evidence: Empirical data underscores these impacts (e.g., lost time and income, reduced yields, high social costs).

Local Application: Tigray's experience with certification shows positive transition—conflict reduction and productivity enhancement.

Contextual Gap: However, Naeder's rural communities post-genocidal war remain understudied.

Limited empirical evidence exists on how the recent conflict (2020–2022) has altered the incidence and nature of land conflicts in Naeder.

The specific socioeconomic impacts (lost labor time, resource diversion, social fragmentation) remain undocumented in this locale.

### Research Opportunity

This study aims to fill that gap by: Assessing how land conflicts in Naeder—especially post-conflict—impact rural livelihoods and productivity.

Quantifying time and financial burdens on households engaged in dispute resolution.

Exploring administrative pathways (kebele, woreda, court) and their effectiveness or inefficiency.

Capturing social consequences, such as disrupted associations, weakened kinship ties, and loss of trust.

However, in Tigray, many weredas as courts are swarming by a large number of land-related disputes, and it is increased from time to time even only a tiny fraction of the local disputes reached the wereda courts (Holden, Deininger, et al., 2008) because most of them addressed by the local conflict mediators. More than 50 percent of all indigenous conflicts in the region are land-related, and about 8.2 percent of the conflicts that have been mediated by local conflict mediators went to the wereda courts (Holden et

al. 2010).A large share(64.5percent)of these land -related conflicts that went to wereda courts were border conflicts(Holden et al.2010).

Courts and rural land management remain busy in their day to day vindicating activities and functions in wereda Naeder. This is because of the gigantic mutability of conflicting parties or persons to the courts in case of land. In the wereda court, the land issue remains continuously teeming enough. Moreover, the farmers expand more time in these justice and administrative institutions. Farmland conflict is not only affecting farmers' income but also calamity the whole development of a country. Whenever there is farmland conflict among farmers it is obvious that their agricultural productivity decreases from time to time, which is a threat to their livelihood. Agricultural productivities hampered highly and shrink by the farmland conflicts(Sekeris,2010).These are not the only economic crisis of farmers, but also they are vulnerable to different un necessary expenditures in time of accusation because of land conflict. They are expected to cover legal counselor costs, transport costs, personal living costs, material costs, and others that weaken their income. Even though farmers spend all these costs to win their case, sometimes they can be a loser, which demoralizes them in addition to their cost crisis.

Thus, the farmland conflicts poison these social activities through declining the agricultural productivity of farmers. Besides, social organizations like religious association(Mahber),social association(Idir),and labor organization(Lifinty) are profoundly affected by the farmer's land conflict. Moreover, the kinship relation becomes hostile because of farmland conflict, and relatives 'relationship is profoundly affected by it and encountered by tension

All the above mentioned social and economic consequences of farmland conflict are the challenges of rural residents .Nevertheless, these social and economic consequences may be different in the study area because it has its unique features. Therefore, the researchers are going to assess the unique features of farmland conflict and its socio-economic consequences in the study area. Despite the increasing incidences of land conflicts, previous studies on this topic have been limited.to some specific incidences that are related to large-scale civil strife or politically motivated conflicts(Yamano and Deininer,2005).

This study,there fore ,intended to critically analyze the adverse effects of land conflicts on the rural livelihood of local communities at Naeder. Secondly there is no sufficient empirical data that show the effect of land conflicts on the livelihood of local communities of the selected villages of Naeder specially in the selected kebeles during the last two years after the Tigray genocidal war and as such, there is no basis where land conflicts can be handled. Little courts has been devoted to the study of land conflicts despite evidence on increased incidences of such conflicts. It is ,therefore, touching this background that the researcher was investigate the effects of land conflicts on the livelihood of the people in Naeder wereda's selected kebeles.

### **1.3 Objective of the study**

#### **1.3.1 General Objective**

The general objective of the study is the assessment of rural land conflicts management Tigray national regional state, central zone Wereda Naeder.

#### **1.3.2 SPECIFIC OBJECTIVE**

- \* To assess mechanisms of rural land conflict management in the study area.
- \* To Identify the challenges of rural land conflict management in the study area.
- \* To identify the effects of rural land-conflict management in the study area
- \* To analyze government efforts.

#### **1.4 Research Questions**

Research questions are the issues that the researcher seeks to answer related to specific research objectives; they guide the research process by addressing the variables of the study .The following will be the research questions that the research will use in data collection during the study.

- \* What are the leading causes of rural land conflicts in the study area?
- \* What are the effects of land conflicts in the study area?

\* What are the efforts done so far in managing land conflicts in Wereda Naeder

### **1.5. Scope and Limitation of the Study**

This study mainly focuses on how rural land conflict is managed and assesses rural land conflict management at local level. Geographically, the study covers in Naeder wereda central zone national regional state of Tigray, and findings and conclusions drawn from this research may not represent or correspond to other weredas of the region, and may not give the picture of the whole region.

Transparency and Accountability are the only two dimensions used to measure local land governance at local level with regard to the government land appropriation schemes, land entitlement procedures, procedures for inheritances, availability of land information, access to land information, standardized procedures for determination, and recording and dissemination of information on land related issues and responsiveness of land governance structures and institutions when demand arises, availability of mechanisms for questioning and explaining the ongoing land activities in the community, the involvement of the community in every land related issues and have a say on it and participation of the community on electing and firing when necessary the kebele land administrators and land judges. So that, it enables the researcher to easily assess the role of local land governance in rural land conflict management. Other local governance dimensions are beyond the scope of this paper.

The study is only limited to assess and understand the contents of rural land conflict management structures and institutions and their role in the rural land conflict management. It does not show the cause and effect of rural land conflicts on the community.

### **1.6. Significance of the Study**

This study is expected to contribute to the ongoing discourse on rural land conflict management, particularly examining how such conflicts are addressed and the role of local government structures in managing these disputes at the grassroots level. It may offer valuable insights into the procedures and institutions involved in land governance in Naeder Wereda, thereby assisting in understanding the functioning of the local administrative system.

Moreover, the findings of this research can serve as a foundation for further studies and provide interested stakeholders—including researchers, policymakers, and administrators—with relevant data and recommendations. The study is especially crucial equipping policymakers, local government officials, and community leaders with information on the various types and drivers of land use conflicts in Naeder.

The specific contributions of the study are outlined as follows:

- i. For Naeder Wereda Land Department □ The findings will raise awareness among both officials and staff in the land administration department regarding strategies that can be adopted to reduce land conflicts. This may lead to the improvement of conflict prevention and resolution mechanisms at the wereda level.
- ii. For the Local Community □ The study is expected to benefit the residents of Naeder Wereda by disseminating its findings and recommendations through village leaders and environmental committee meetings. Since a large proportion of the rural population is affected by land conflicts, the study will help raise awareness about the causes of these conflicts, the rights of individuals in land matters, and effective strategies for resolution.
- iii. For Policymakers □ The study highlights the importance of making policy processes more inclusive and participatory. Policymaking should involve not only government officials but also various stakeholders who represent different community interests. The findings will enable policymakers to assess and refine existing land policies, ensuring they are responsive to local realities.
- iv. For the Government □ The study underlines the need for qualified personnel and adequate funding to support village-level land use planning. Given that unclear village boundaries often contribute to land disputes, the government should prioritize clarifying these boundaries. Additionally, the study proposes practical strategies for addressing land conflicts, including regular policy reviews and awareness-raising among the public about land policies and rights.

v. For Future Researchers □ This study will serve as a useful reference for other scholars interested in exploring land conflict dynamics and related governance issues. It provides a contextual and empirical foundation upon which further research can be built.

vi. For the Researcher □ Through the review of extensive literature and field engagement, the researcher has deepened their understanding of land-related issues, conflict management strategies, and the socio-political dimensions of land use in rural Ethiopia.

## **Definition of Terms and concepts**

Kebele: - neighborhood associations, which are the smallest unit of local government in Ethiopia. Wereda: - It is the lowest level of official administration in Ethiopia next to kebele. It is approximately equivalent to a district in other countries. Farmer: - the small scale land owner who resides in the rural area and leads his life by Agricultural activities like producing crops, plant trees, or maintain livestock in his/her plot. Conflict: - is the disagreement or dispute between/among individuals resulting in disruption of production. Rural land: - is the agricultural and non-agricultural land that is important to the livelihood of the land holder in the area he/she is residing. The land is used to produce crop or suitable to maintain livestock. Rural land includes a large scale land provided for investors and small scale land provided for peasants. But, rural land in this paper means small scale lands preserved to the farmers residing in the area to plough and produce crops, plant trees, build houses or maintain livestock. It is both the agricultural and non-agricultural land that is important to the livelihood of the farmer in the he/she is residing.

## **Chapter two: Literature Review**

### **2.1.Rural Land Conflict Management**

#### **2.1.1 Rural Land Conflict Management and Good Local Governance: A Contemporary Overview**

Rural land conflict management refers to the strategies and mechanisms employed to address and resolve disputes related to land ownership and usage in rural settings. These conflicts often stem from overlapping claims, scarcity of land resources, population pressure, or ineffective land administration systems. Effective management requires a deep understanding of the root causes of these conflicts, the use of appropriate dispute resolution mechanisms, and the promotion of long-term peace and stability.

#### **Key Components of Rural Land Conflict Management**

##### **1. Understanding Root Causes**

Rural land disputes are commonly driven by factors such as rapid population growth, land scarcity, poverty, climate-induced resource degradation, and weak institutional frameworks for land administration (FAO, 2023). Historical land injustices and unclear land tenure systems also exacerbate these conflicts.

##### **2. Dispute Resolution Approaches**

Resolution methods include negotiation, mediation, arbitration, and litigation. In many rural contexts, traditional mechanisms such as the involvement of community elders (e.g., *shimglina* in Ethiopia) are pivotal. These methods often offer culturally appropriate and accessible alternatives to formal legal systems (USAID, 2022).

### **3. Legal Frameworks and Institutional Support**

**Formal legal systems play a crucial role in land dispute resolution, but must often be harmonized with customary norms and practices to be effective. Hybrid approaches—blending statutory and customary systems—are increasingly recognized as viable in many African and Asian countries (World Bank, 2024).**

### **4. Securing Land Tenure**

**Land tenure security—the recognition and legal protection of land rights—is essential for preventing and mitigating land conflicts. Secure land rights promote investment, sustainable land use, and social cohesion (UN-Habitat, 2023).**

### **5. Promoting Social Cohesion**

**Beyond resolving individual disputes, rural land conflict management should aim to foster peaceful coexistence, prevent future disputes, and create a conducive environment for rural development.**

### **6. Customary vs. Formal Institutions**

**In many rural communities, land governance involves both formal state systems and informal customary authorities. These dual systems often overlap or clash, requiring careful coordination and mutual recognition to ensure effective governance (FAO, 2023).**

### **7. Inclusive Stakeholder Participation**

**Effective conflict management includes the engagement of diverse stakeholders—community members, traditional leaders, government agencies, NGOs, and civil society organizations. Multi-stakeholder platforms and participatory approaches are increasingly adopted to ensure fair and inclusive outcomes (Landesa, 2024).**

**Local Governance and Its Role in Rural Development**Local governance refers to the structures and processes through which citizens and local institutions articulate their interests, exercise rights, and manage public affairs within a defined geographic area (UNDP, 2023). It is a cornerstone of democratic development and a vital mechanism for ensuring accountability, inclusivity, and responsiveness at the grassroots level.

### **Principles of Good Local Governance**

**Good local governance is characterized by:**

**Citizen Participation**

**Transparent and Accountable Institutions**

**Rule of Law and Justice**

**Equity and Inclusiveness**

**Responsiveness and Efficiency**

**Partnerships with Civil Society and Private Sector**

**These principles help enhance the social, economic, and political fabric of communities, especially in rural areas where state presence is often limited.**

### **Legal and Social Dimensions**

**From a legal standpoint, local governance implies that a territorially defined community has the right and institutional capacity to manage its own affairs independently (Robson, 2022 [reprint]). However, governance today is not confined to formal legal structures. It encompasses the broader relationships among various actors—including informal institutions, community networks, and non-state actors—who influence decision-making and service delivery (Olsen, 2023).**

### **Governance Beyond the State**

**Governance increasingly involves cooperation between state institutions, civil society, and private actors. It reflects how public authority is exercised, how decisions are made, and how services are delivered. In this sense, governance is both a process and an outcome—determining how priorities are set and how power is distributed within society (UN ESCAP, 2023; FAO, 2023).****Governance and Land Management**

**Given that land is a finite and non-expandable resource, it must be managed wisely. Good governance in land management is essential to poverty reduction, sustainable development, and social stability. Transparent land governance helps ensure fair access, secure tenure, and equitable development outcomes, particularly in rural settings where land is central to livelihoods (UN-Habitat, 2024).**

## **2.2. Land and Governance**

**In many developing countries—especially those in Sub-Saharan Africa where agriculture dominates the economy—control over and access to land are not only indicators of wealth and power but are often essential for basic survival (World Bank, 2023). Land plays a central role in the intricate social, economic, and cultural dynamics of rural life. It supports food production, shelters communities, and serves as a foundation for both spiritual and economic identity (FAO, 2022).**

**Land is arguably the most critical natural resource, providing the basis for agriculture, housing, industry, and environmental services. It also underpins cultural traditions and religious practices, particularly in rural societies (UN-Habitat, 2023). Secure and equitable access to land and natural resources—such as forests, water, and grazing areas—are therefore crucial for livelihoods and poverty reduction.**

**The effects of climate change, population growth, urbanization, and increasing global demand for energy (e.g., biofuels) are intensifying pressure on land systems and threatening land rights—especially for poor and marginalized communities (FAO & UNCCD, 2023). Approximately 75% of the global poor still live in rural areas and rely heavily on land-based activities for survival (World Bank, 2023). In this context, land governance is not only about land itself—it is central to achieving sustainable development, peace, and resilience.**

**The World Bank (2023) defines land governance as the set of rules, institutions, and processes that govern how land-related decisions are made, how these decisions are implemented and enforced, and how competing land interests are managed. Effective land**

governance systems integrate formal, customary, religious, and informal institutions—including land ministries, courts, traditional authorities, and local governments.

Furthermore, land governance includes policies regulating land transactions, inheritance, land use planning, and dispute resolution. It spans actors across government, civil society, private sector, and community-based organizations (ILC, 2023). Inclusive and transparent governance is essential to prevent elite capture and ensure that land systems contribute to social equity, economic development, and environmental protection.

### **2.3 Land Conflict Management**

Land is a finite resource and, in many countries, represents a key source of economic power and political influence. As multiple stakeholders—ranging from subsistence farmers to investors—compete for land access and control, disputes are increasingly common (Palmer et al., 2009). In Sub-Saharan Africa, these conflicts are often exacerbated by patronage networks, corruption, and ambiguous legal frameworks (Yamano et al., 2023).

Disputes may arise between neighbors over boundaries, between farmers and pastoralists over land use, or between communities and the state over resource ownership. In contexts where land has symbolic, emotional, or ancestral significance, such disputes can escalate quickly into violent conflict (USAID, 2022). Failure to resolve land conflicts not only undermines social cohesion but also destabilizes governance and hampers development (Kironde, 2022).

While some scholars distinguish between land conflicts—which involve breakdowns in social relations—and land disputes, which are more localized and solvable, the two terms are often used interchangeably (Babette, 2008). According to Mulatu (in Abdo, 2009), land conflicts may escalate to armed confrontations when competing claims undermine peaceful coexistence, whereas disputes are often over specific, negotiable grievances.

Todorovski (2011) expands on this by identifying key sources of rural land conflict: disputes over use rights, income generation, inheritance, exclusion rights, and land transfer. These issues are often compounded by weak institutions, legal pluralism, and overlapping authority between customary and formal systems.

As Khanal (2002) explains, conflict is an inevitable aspect of social life. However, if not addressed, even small-scale land disagreements can escalate into broader political crises. Effective conflict resolution mechanisms are, therefore, essential to managing social

tensions and promoting political stability. Delayed or ignored conflicts increase the risk of violence and erode trust in governance institutions.

Local governments, being the closest to communities, play a critical role in managing land-related conflicts. However, in many cases, rural households face unresolved disputes with relatives, neighbors, landlords, or local officials—disputes that, while small in scale, have a significant negative impact on agricultural productivity and household welfare (Yamano et al., 2023).

For example, a study in Ethiopia found that rural land disputes are widespread, with 65% and 80% of reported land conflicts occurring at the woreda and kebele levels, respectively, in the Tigray region (Gizachew, 2023). This underscores the urgent need for robust and accessible conflict management systems.

According to the FAO (2022), land conflict management typically involves two main pathways: Formal/legal mechanisms, such as courts and statutory land tribunals.

Informal/customary mechanisms, including traditional elders, community negotiations, and religious mediators.

Both approaches have strengths and limitations. While legal systems offer standardization and enforceability, they may be inaccessible or unfamiliar to rural populations. Customary systems are often more culturally embedded and efficient, but may lack inclusiveness or gender equity (Landesa, 2024).

Despite growing land-related tensions, many rural governance systems still give insufficient attention to conflict resolution, especially at the local level (Deininger & Castagnini, 2005). Past research has focused mainly on large-scale conflicts, while ignoring the persistent, small-scale disputes that undermine development from the grassroots up.

Thus, effective land conflict management is a fundamental aspect of good governance. It requires a coordinated effort between legal institutions, local governments, civil society, and customary actors to build resilient systems that promote peace, land security, and sustainable development

### **2.3.1. The Formal Conflict Settlement Methods and its Limitations**

Under the constitutions in force in many African countries, courts and tribunals are the institutions responsible for the settlement of land conflicts. The judge has the legal power to give land related decisions to the litigants as put in their existing land laws (FAO, 2007). In theory, the settlement of land conflicts through legal procedures has many advantages— impartial procedures, enforcement of a clearly and previously established rule of law and a clearly defined penalty, professionalism of judges (ibid).

However, the judiciary is blamed for the enforcement of rules that are uniform and thus seldom adapted to the diverse local conditions. A legal procedure necessarily results in the recognition of a “loser” and a “winner”, which is not easily accepted among rural communities in the countries (UNDP, 2007). This is true in many of the African countries. The impartiality of the procedure is sometimes called into question, in view of frequent accusations related to corrupt practices within the judiciary (ibid).

Furthermore, courts and tribunals are overcrowded with land conflict cases, a situation that reflects the limited effectiveness of the judicial system. Besides, justice is not accessible for the poor, due to the costliness of procedures, bureaucratic red tape and limited coverage of the national territory by the judiciary. Even when parties seeking redress at the courts succeed in overcoming these procedural and cost obstacles, the judge’s decisions may not be sometimes properly understood or meet the expectations of litigants, and this makes litigants to stay away or remain silent and rely on the customary way of conflict management (UN Habitat, 2009).

Such findings and the need to better secure rural stakeholders’ land titles in general are the factors that motivated the increasing interest in alternative land tenure conflict management mechanisms (ibid).

### **2.3.2. Alternative Conflict Management Methods**

According to FAO, (2007), alternative conflict management methods are consensus-building processes for conflict settlement. These methods were designed to make up for the previously identified weaknesses of the judicial system. Indeed, they are meant to manage the conflict on the basis of common interests and through the identification of convergence points. They are easily accessible and cheaper, and thus affordable by rural populations. Such alternative conflict management approaches are particularly suitable for rural contexts, where the most important thing is less the determination of

who is right than the preservation of the public interest and local solidarity, while keeping everybody's honor safe.

### **Key Alternative Conflict Management Methods**

Various methods are adopted as alternative ways of managing conflicts. The major ones according to FAO, (2007) are:

□ *Negotiation*: The basic principle of consensual negotiations is that the parties are the main actors; they identify their own needs and interests, and agree on mutually advantageous solutions. Negotiation demands much collaboration and is based on the assumption that the parties have the goodwill needed to communicate during the entire process. It allows

for solutions that may be more satisfactory and easily applicable, as the parties in conflict develop these solutions themselves.

□ *Mediation*: In the process of mediation, the parties also play a role, but they are supported by the facilitation services of a third party called mediator. Mediation is a process of voluntary consultation between conflicting parties that is managed by one independent third party or more who facilitate communication and try to help the parties' find a solution themselves. For such a method to be successful, the parties must adhere to a set of common values, which makes it reasonable to expect the parties' compliance with the agreement. The settlement of the conflict should ensure the restoration of interpersonal relations and preserve the "good reputation", or the image, of the parties. Indeed, the need to avoid "losing face" is crucial for the conflicting parties, as shown by several studies.

□ *Conciliation*: Here as well, a third party is involved, i.e. the conciliator. The key within this alternative conflict management method consists of the conciliator's function in reconciling the initially diverging positions of the conflicting parties. The main difference with mediation is that the conciliator makes proposals to help find a solution to the problem, which may then be recorded in writing.

### **Limitations of Alternative Conflict Management Methods**

There are some similarities between the methods described above and the customary conflict management approach as implemented so far by communities and their leaders. These traditional options have proved effective as people deemed them "fit for them" and, above all, because traditional authorities were able to enforce decisions. However, the local administrative and institutional

framework in most of the African countries has changed significantly, especially under the influence of decentralization and with the emergence of new types of stakeholders who have weakened traditional authorities (UNDP, 2004).

It seems more relevant to institutionalize customary regulations in the national legal procedure as a prerequisite for the parties in conflict, before appealing to the judge as this are very important to minimize time and other resource wastages (Transparency international, 2007). This has been the case in Niger and to a lesser extent in Burkina Faso . Such an option involves controlling customary institutions concerned in order to prevent the often reported cases of abuse. Alternative conflict management is often blamed for failure to settle all types of land conflict, especially those involving parties whose power and influence differ radically (UNDP, 2004). This is also true of the structural inequalities and glaring injustices against disadvantaged groups which can be resolved only through more far-reaching political or legislative reforms. Finally, the non-binding nature of alternative conflict management methods can make solutions unsustainable in the long run (FAO, 2007).

#### **2.4. Types and Sources of Land Conflict**

Conflict over land may vary based on different circumstances according to the nature of land use (Ubik, 2008). Catula et al., (2004) raised different factors of land conflict in Africa, and explained it as follows

*“A major factor underlying land disputes in Africa is linked to the large flows of people seeking land where they can settle and farm. Relations between incomers and the indigenous inhabitants are often tense. With few common social and cultural values shared. Uncertainties regarding the rights of different groups are aggravated by the plurality of laws and systems of regulation for control of land. When land starts to become scarce and hence valuable and marketable, such uncertainties generate fears and suspicion between neighbors and even within families. Government interventions aestablishment of agricultural projects and commercial farm enterprises add further elements of instability to land relations. While high demographic pressure and land shortage are important dimensions of land conflicts, they are not sufficient to explain how and why completion for land flares in to violent clashes”.*

Thus, various scholars provide different causes and types of land conflict, especially rural land conflicts. The possible causes of rural land conflicts are: weak and ineffective enforcement of

institutions, scarce land resource, poverty, inheritance, boundary, Government land appropriation schemes, some one's intention over political difference, and unfair land distribution (Ubik, 2008). The types of the land conflicts are emanated from the sources, such as; Land Scarcity and Degradation, Unfair land distribution, weak and ineffective enforcement of institutions, Poverty and population growth, Boundaries, Inheritances are some of the common types that needs a sustainable land conflict management mechanisms as noted in Yoder et al., (2003).

## **2.5. Dimensions of Land Governance**

As noted in OECD, (2008), good governance could be assessed using the following Good Governance for Local Development dimensions. Such as; Representation, Participation, Accountability, Transparency, Effectiveness, Security, Equity (OECD, June 2008).

For the purpose of this study Transparency and Accountability dimensions are used to assess the land governance at local level as these are the two decisive dimensions mostly used by many scholars and organizations to assess local governance of all agendas (Asia land forum, 2012).

### **2.5.1. Transparency in Land Governance**

Land remains a highly complex and contentious issue, involving economic, social, political, cultural and often religious systems demanding a transparent land administration (FAO, 2007). Transparency is a critical component of a well-functioning land administration, in particular in view of the scarcity of clear and credible information on land availability and transactions, and the poor dissemination of public information on land rights and policies. The risk of corruption and inequalities are very real in land allocation and management if there is no transparent governance (Transparency international, 2004). So that, the consequences to the poor often take the form of difficult access to land assets, unawareness of land policies and legal frameworks, ignorance about land transactions and prices, misallocation of land rights, land grabbing and abuse. When in place, transparency can encourage civic engagement and stakeholders' accountability by rendering the public decision making arena more accessible. This in turn strengthens confidence in government and public agencies, and has a positive economic impact, also on GDP. Many of the general governance principles related to transparency thus appear highly relevant to the land administration field (UN habitat, 2008).

Transparency in local land governance can be described in the form of the availability of Land information, open access to information about ownership, value and use of land, standardized procedures for determination, recording and dissemination of information, supervision and possibility

of appeal (Van der Molen, 2007). The availability of information on land administration can reduce the possible occurrence of corruption and promotion of transparency on the other end. Besides, since Bribery, fraud and nepotism occur in an environment of secrecy, 18 information availability minimizes the occurrence of these hindrances from effective land governance (Transparency international, 2004). Transparency is also best served when the public at large has the constitutional right to access the information at any time and without restrictions regarding the object of interest. Land information being open for public inspection, provides effective opportunities to monitor illegal land sales and land grabbing (ibid).

Standardized Procedures for Determination, Recording and Dissemination of Information are also useful for the reason that it is impossible to change land registers and holdings in a hidden and legally unrecognized way where transparency is indicated by. Furthermore, Openness not only prevents corruption (Mwanza, 2004) but also a system of public and corporate audits will reveal illegal manipulation of the registers (ibid).

### **2.5.2. Accountability in Land Governance**

As FAO, (2007), defined, Accountability means demonstration of stewardship and is cited as important for reducing bribery and corruption. Accountability combines with transparency in the discourse of good governance as they both emphasize the necessity for institutions to make their activities open to their clients (Schultz, 2008). Included in these dimensions are all the factors that make customary tenure institutions accountable of their stewardship to community members, reporting on what they have been entrusted to do, responding to questions, explaining actions and providing evidence of their performance (FAO, 2007). Factors like the frequency of interaction with community members, feedbacks, and record keeping are important to measure accountability in customary tenure institutions. On the other hand, customary authorities must report regularly on what they have been delegated to do by responding to questioning, explaining actions and providing evidence of their functions (Transparency international, 2007).

The responsiveness of the land governance structures and institutions as demand arises from the community, the availability of mechanisms for questioning and explaining the ongoing land activities in the community, The community's involvement in every land related issues and have a say on it, and the participation of the community in electing and firing of the kebele land administrators and land judges at kebele level are the points used to assess the level of accountability of local land governance

and its role in rural land conflict management as these 19 factors are used to measure the level of accountability in many of the governance issues at local level (UN habitat, (2008).

## **2.6. Challenges of Land Governance**

The need for good governance in Land Administration is undeniable as is influenced by increasing incidences of tenure insecurity and land conflicts (Bell, 2007).

Similarly, Zimmermann (2006) reported that millions of women around the world suffer abuses of their equal rights to own, inherit, manage and dispose of land. According to Zimmermann, efforts to recognize women's rights in land have been met with formidable resistance because of patriarchal control in land tenure. Furthermore, Bell (2007) noted that illegal grabbing of land has also become a common practice in most of the developing countries. The land of vulnerable ethnic minorities is grabbed to enable illegal or government-sanctioned concessions to proceed. The rich and powerful people in society claim land of others, thereby causing land disputes and conflicts (Mathieu, 2006). These challenges have been attributed to weak governance in the various institutions in charge of administering land in a given community or locality (Magel and Wehrmann, 2001; Zakout et al., 2007). Particularly, nowadays, Land governance activities have been associated with bribery and corruption, especially in the developing world and specifically in the sub Saharan Africa (Van der Molen and Tuladhar, 2007).

Poor remuneration of civil servants (Bell, 2007), is the main contributing factors to bribery and corruption besides to lack of rule of law (Zimmermann, 2006). Bribery and corruption tend to benefit power holders - political elites and government officials more than the poor and vulnerable groups as the poor is always damaged when there is corruption and bribery (Bell, 2007; Van der Molen and Tuladhar, 2007).

Furthermore, weak governance has been linked to lack of comprehensive regulatory framework governing security of tenure, insufficient or incoherent and improperly enforced legal provisions, lack of transparency and access to information, inequity and unfairness, lack of accountability, irresponsiveness of institutions to the demand of land users and inability for citizens to participate in land governance (UNDP, 1997; UN-Habitat, 2004; UNHS and Transparency International, 2004; UNDP, 2006; FAO, 2007; UN-Habitat, 2007).

In many societies, access to land or natural resources is seen as a key element of cultural identity. People are unable to play a full part in society without secure land rights, citizenship is restricted and

exclusion grows. The more people are unable to conform to official norms and procedures as sometimes enacted through land and property rights, the more their status is undermined. Excluding large sections of the population from legally secure access to land generates alienation; it also discourages respect for the rule of law, which can surface in various forms of anti-social behavior, with the costs and problems involved like social instability, land conflict (FAO, 2007).

Social problems associated to inequitable distribution of land and associated economic opportunities tend to lead to demands for as it is at the center of every social issue in every given community (Zimmermann, 2006), and Land Governance is more difficult when land and related natural resources are scarce and unmet demand is great. Where these are not met, social conflict or political violence and instability may ensue.

It has become clear that, in conflict situation, socially accepted tenure arrangements and practices seem to prevail over statutory systems. This can be exemplified internal conflicts where historical grievances can lead to large scale internally displaced people (FAO, 2007).

Ubik,(2007) also noted that contested access to land and natural resources has also been a factor underlying armed and violent conflicts and territorial disputes in many African countries. In many fragile States of Sub-Saharan Africa, skewed access and inequitable distribution of natural resources have been used by “rebel groups” for territorial disputes and power challenges. This has been the case in the Delta region of Nigeria with various groups maintaining conflicts on the basis of oil distribution as noted in (ibid).

These cases go to demonstrate that poorly governed natural resources can lead and fuel land conflicts. The inequity amongst various interest groups (including customary land holders) could be used by (opportunistic) interest groups including political elites to perpetuate conflicts. Understanding where and who have the power and control over land and its resources is therefore is critical. Similarly, gaining clarity around various power centers and their motives and engaging various interest parties in the management of land and their resources could reduce the incidence of conflicts (UN-habitat, 2009).

21 For people living in Sub-Saharan African countries, access to land or natural resources is seen as a crucial element of cultural identity (UN- Habitat, 2008). Secure land rights for all, not only for a few will ensure that each member of the society plays in part in society and use land for the desired purpose. The more people are unable to conform to official or formal norms and procedures, the more their status is undermined.

Excluding large sections of the population from legally secure access to land generates alienation; it also discourages respect for the rule of law, which can surface in various forms of anti-social behavior, with the costs and problems involved. In Africa in particular, social problems linked to inequitable distribution of land and associated economic opportunities tend to lead to demands for land reform. Where these are not met, social conflict or political violence and instability may ensue (UNDP, 2007). Thus, prudent land governance is very important to address the challenges raised around land in many circumstances after knowing exactly the main ones (UN- Habitat, 2007). Therefore, the following are the main challenges of land governance;

#### I. Access to land and security of tenure

Tenure insecurity problems in customary land are complex and may stem from many sources. Commonly among them are loss of usufructs rights, forced eviction, divorce, and disenfranchisement as a result of cross cultural marriage between matriarchal and patriarchal families which leaves children without inheritance rights. But, nowadays, land is legally redistributed to citizens, though there is a land scarcity everywhere in the world (Mahama and Dixon, 2006).

Thus, indigenous members of customary areas could access land through the lineage system while non-community members access land through grants of various forms in many of the African countries (Ubink, 2007; Zakout et al., 2007).

#### II. Access to information and services

Access to land information and services is a very important factor that needs to be addressed in land governance (FAO, 2007). Sometimes it might not be difficult to establish access. However, the quality of information to be accessed is always questioned. In some occasions, land delivery is oral and in many customary areas, there are no structures for proper documentation, maintaining and recording land information. Even where information is kept, it is distorted and disorganized, mostly in the hands of individuals, thereby making it difficult to obtain comprehensive and up-to-date information on land allocation and dispute resolution (Ubink, 2007).

#### III. Distribution of community resources

Rights in customary land exist to protect all interest groups in the land owning groups, and are the responsibility of customary leadership to ensure that the proceeds from communal land are equitably distributed among all community members (Ikejiofor, 2006). With land becoming short in supply as a result of urbanization, population pressure, gender and intergenerational equity has become a

challenging issue in customary tenure systems (McEwan, 2003). The question is whether the customary systems as they exist today have strategies that protect different groups of today and the generations to come, and therefore, there should be a fair and equitable distribution system of the community resources (ibid).

#### IV. Abuse of power and stewardship by the customary leaders

The object of customary land governance is that land is vested in groups whose leader is entrusted with the responsibility of administering their land for and on behalf of the entire group (Ubink and Quan, 2008). Chiefs and heads of families, clans and tribes are not in any way permitted to take any unilateral decision concerning the acquisition or occupation and use of land or the utilization of resources emanating from the land. This structure of customary systems should make customary tenure institutions accountable to local people because of strong kinship ties (Clement and Amezaga, 2009).

However, several authors suggest that accountability in customary tenure systems diminishes especially where these customary mechanisms for holding chiefs accountable have collapsed (Toulmin, 2009). Under such conditions, customary authorities abuse the power vested in them by exhibiting opinions showing that they no longer hold a fiduciary position (Kasanga and Kotey, 2001). For example, Ubink (2008) reports that in Ghana, some chiefs assume complete ownership responsibility, and display tendencies to adopt landlord-like positions with regard to customary land. They take unilateral decisions and in many cases the activities concerning the land are executed without the knowledge of the community members (Ubink and Quan, 2008). Some chiefs and headmen abuse their responsibilities by allocating large tracks of land to themselves or their associates, especially individuals who provide them with money, beasts, alcohol and material goods and services (Mugenyi, 1988). In such areas, chiefs' administrative roles in land right transactions enable them to appropriate community members' interests for purely economic motives.

#### V. Land conflicts

Although there is no immediate data available (UN-Habitat, 2007), land conflicts exist in many areas of sub Saharan Africa. The main sources of conflict in these areas are uncertainty of boundaries or allocation of the same piece of land to more than one person. Uncertainty of boundaries occurs when the land marks by which the real boundaries are defined no longer exist. These conflicts can be linked to many factors like improper documentations, weakening customary tenure institutions, transparency,

and their structures for accountability and stewardship, manipulation of customary laws, land grabbing and tenure insecurity (WB, 2008).

## **2.7. Context and Nature of Rural Land Conflicts and its Management: International Experience**

### **2.7.1. Rural Land Conflicts and Its Management in East Timor**

#### **Rural Land Conflicts**

The recent political transitions and governance practices gave rise to the layered land claims that traditional leaders and the local government confront today. The types of conflicts which traditional authorities and local government address, in various capacities, can be characterized as follows according to Yoder et al., (2003).

#### ***Inheritance conflicts***

Many rural land disputes among individuals arise from conflicts over inheritance and division of parental land. Cases involving natural and adopted children are usually resolved by traditional 24 leaders at the family or village level in accordance with local customs of inheritance that vary widely among regions. Customary decisions in inheritance disputes frequently divide the land between the parties or require both parties to divide harvest or products of the land, as sharing the land is viewed as one means of preserving a harmonious family relationship. In most instances, adopted children cannot inherit land, unless the parents have made clear provision for this. In most but not all cases involving disputes between brothers and sisters, traditional settlements favored the male descendant, in accordance with norms of land inheritance and ownership. In the absence of parental division of land among children, daughters were usually awarded land when they were still unmarried at the time of settlement. Some land inheritance cases that traditional authorities could not resolve included disputes between the adopted children and the siblings of a deceased family member, when both sides claimed rights to the land and the customary mechanism for inheritance was unclear.

#### ***Intra-lineage conflicts***

Conflicts over use of agricultural or residential land among members of a lineage group are variable in frequency, but their resolution by traditional means is relatively unproblematic.

Within the rural Timorese social structure as yoder et al., (2003) explained, a unified identity among members of a lineage and the authority of elders within a family remain strong. Disputants and traditional authorities considered cases in this category to be common, minor problems, and most are solved quickly and finally by family elders without taking them to outside levels for settlement (ibid).

Where an individual has planted annual crops on another's field without permission, the settlement frequently requires the parties to divide that year's harvest and not repeat the action. Government authorities find intra-lineage land cases complex to resolve: communally-held land is difficult to settle because of the number of individuals involved, an incomplete understanding of the internal mechanisms of inheritance, and the need for decisions made about ancestral land to be accepted by all members of the lineage.

### ***Customary or ancestral claims versus current-use or improvement claims***

Different individuals and groups are often involved in disputes where both parties base their claims on customary mechanisms for establishing land rights through use, but appeal to different time periods: one group claims an inherited right, usually because ancestors farmed that land or modified it with tree-planting, or irrigation, while the other party claims rights based on recent use and continuing improvements to the land. In this regard, at least one party would not hold a formal land certificate to the land in question. Several on-going conflicts between current land users and those claiming the same sites as ritually important or sacred land are also included here.

While customary leaders recognize the underlying strength of customary landholdings, older ancestral claims do not automatically take precedence in settlement outcomes in these cases.

Yoder et al., (2003) also put that traditional authorities found in favor of those who had more recently used the land, making significant improvements to the property, against a customary claim based on long-ago, and short-term use without leaving permanent evidence. He also added that, as to both traditional and government figures involved, these types of disputes are among the most difficult cases to settle either with interim or final agreements (ibid).

### ***Village or district boundaries***

There are many disputes about community or individual boundaries in areas with and without resettlement, but as this matter concerns both customary claims and state governance, traditional leaders are rarely able to reach a binding resolution, and most current cases have been suspended pending national guidelines on structures of local governance as these are an ever existing conflicts (Yoder et al., 2003).

### ***Land conflicts as one manifestation of political differences***

Traditional authorities have been managing politicized issues of land since long before the advent of national-level government structures in rural areas of Timor and these traditional authorities are

frequently called to assist in these types of cases, and both the government officials and the traditional authorities agreed that politically grounded land conflicts are among the most intractable conflicts they ever face, with some stating that such cases are impossible to solve.

### ***Abandoned, vacated, and absentee ownership of land***

Vacating significant tracts of land that has been classified as abandoned as to Yoder et al., (2003) are significantly exposed to ownership conflicts as land is nowadays a scarce resource 26 Several locations reported that most of the people currently using vacated land are young families from among the local residents who did not have their own land in East Timor (Yoder et. al., 2003).

### **Conflict Management Methods by Traditional and Local Government Authorities**

When rural land conflicts arise, it is the responsibility of conflicting parties to seek assistance from traditional leaders; traditional authorities in all regions agreed that they did not first approach conflicting parties when they heard of a conflict. Local authorities set a time and place for conflict resolution, call witnesses, and sometimes make site visits to contested land (UNDP, 2007). If the case is unresolved, a wider circle of witnesses may be called. Besides oral testimony of conflicting parties and witnesses, other essential forms of evidence to land claims include trees, terraces, irrigation, fences, rock markers, paths and earthen divisions between rice fields (ibid).

Local leaders usually called disputants together within 1-2 weeks of the request to assist in settlement, and most cases were settled within one month (FAO, 2007). Sometimes they hear a case from morning until night. Small cases can often be settled by the local leaders within the space of several hours (Yoder et. al., 2003). Thus, elements of settlement processes that could be termed mediation, conciliation, and arbitration varied widely among traditional authorities (FAO, 2007). A few insisted that an arbitrated decision was the sole responsibility of the traditional authority, and that disputants had no choice but to accept and obey the decision, but most indicated that disputants played more active roles in reaching agreements, proposing solutions, and setting compensation (ibid).

As noted in Yoder et al., (2003), some traditional leaders described their role as that of mediator, moderating a discussion between the disputing parties, who optimally come to their own solution to the conflict. He also explained that government supports the local leaders use arbitration when the fault or answer is clear, but mediate when a solution requires negotiation or both parties have committed wrongs according to their custom (FAO, 2007). Frequently, decisions made by disputants, traditional

leaders, and local government representatives are additionally strengthened through formal recognition by a local ritual authority (Yoder, et. al., 2003).

### ***Compensation and land division in dispute settlements***

Regarding compensation, negotiation is used for numbers and types of animals that would be paid; the local leaders decide fines by considering the animals owned by the person to pay the fine, tailoring to the individual's ability to pay (UNDP, 2007).

Following the procedure of settling land disputes with minimal government involvement, some traditional leaders' first attempt to mediate cases, only resorting to arbitration when initial efforts at conciliation fail. In some cases, disputants themselves reached an agreement, but in the final process of drawing boundaries the traditional facilitator assumed the role of authoritative arbitrator to "legitimize" the parties' decision and thus increase the gravity of the agreement as binding (Yoder et al., 2003).

For disputes within families, the contested land is often divided in to equal halves; the reason given is that sharing the land will allow for good relationships among family members as both sides benefit from the settlement. The local leaders visit the contested land and publicly divided it, usually placing or confirming visible boundaries, disputes rarely recurred (Yoder et. al., 2003).

### **Reconciliation or continuation of a case**

A common feature of all rural land conflict settlements is a reconciliation ceremony that signifies and seals the end of the dispute. Even cases that have been settled with government mediation or court decisions must return to this traditional practice to be finally resolved and restore the relationships (UNDP, 2007).

When conflicting parties cannot reach resolution or do not accept the arbitrated decision of traditional authorities, sometimes the dispute settlement is suspended until the parties are willing to attempt another agreement (FAO, 2007). When a conflict is unresolved and needs to advance to a higher level, both traditional and government authorities frequently place restrictions on farming or harvesting tree crops from the disputed land until a decision is reached (Yoder et. al., 2003).

### **2.7.2. Transparency and Accountability of Local Land Governance in Macedonia**

The involvement of all relevant stakeholders with responsibility and/or power for tackling corruption has a key role to play while designing a transparent system. This involvement of relevant stakeholders

was instrumental in securing their ownership of the assessment process and of the data to be generated, and in ensuring uptake of results in local policy-making (Manila, 2003).

Users of public services, including citizens and CSOs, and other relevant stakeholders should also be consulted in the process of designing the instrument, to identify corruption “hot spots” based on their experience and perceptions of corruption and Macedonia did the same while developing its system as explained in Nahem, (2008). Such inputs by citizens in the design phase allows for the instrument to have a focus on poverty and gender, through the identification of corruption hot spots of particular relevance to the poor, women and vulnerable groups. Citizens’ participation also enhances the potential for the assessment to serve as an effective accountability mechanism between local governments and their constituencies (ibid).

Although there is not a universally agreed definition of corruption, UN habitat defines corruption as ‘the misuse of office for private gain’ (UN Habitat, 2004).Corruption can be expressed in terms of Bribery, fraud, Favoritism, Nepotism, and Clientalism, and is used as a measure to transparency of the local land governance in Macedonia.

It is obvious that Corruption has a negative effect on the gear of a development of any given nation, but, it has the most devastating effect in developing countries because it hinders any advancement in economic growth and democracy (UNDP, 2004). However, it is possible to minimize the magnitude of corruption if there is properly established transparent and accountable land governance in the local administration of a given community.

### **2.7.3. Land Conflicts and Resolution Mechanisms in Cambodia**

Cambodia, with over 80% of its population still working in the agricultural sector, a majority being subsistence farmers, is a good example for a country where the handling of land as a source of rapid income, a means of speculation and a sign of gratitude for those loyal to the 29 government, have clearly gotten out of control (Wehrmann, 2006). With about 80% of the country’s population working in the agricultural sector, land in Cambodia is one of the most valuable natural resources and forms the basis for most of the Cambodian people’s livelihood. In fact most people in Cambodia declare that land is the foundation of society and life of the country (ibid).

Land ownership and access to land are today the most frequent source of conflict in the rural as well as the urban parts of Cambodia. At the source of the current struggles is the country’s conflict- ridden

past as well as its current political situation (Land Grabbing & Poverty in Cambodia, 2009): While the “democratic system of checks and balances - among state, political society and civil society institutions - exists on paper only.” The extremely hierarchical systems of power, together with high levels of corruption, have given rise to an arbitrary system of land acquisition and speculation by those in power. In addition, the “absence of an independent uncorrupted judicial system has meant that effective legal remedies for victims of forced evictions are unattainable” (Land and Housing Working Group, 2009).

Increasing land value, ineffectiveness of law enforcement, lack of community’s knowledge in legal and policy matters, and unclear roles and responsibilities of key responsible authorities are in part the driving forces leading to land conflicts in Cambodia (FAO, 2007). Statistically as reported in the NGO Forum (2009), in total an estimate of the year 2005 stated that 1 in 15 families in Cambodia were involved in a land conflicts ( Wehrmann, 2006). An NGO report on land disputes that arose during the year 2008 counted 173 officially filed disputes, each involving between 5 and 4000 families. The claimed land was either residential, farm or paddy land and those accused by the claimants of having tried to grab it were government authorities in 23.4 percent of the cases, the military in 20.6, and companies in 29.9 percent of the cases (NGO Forum, 2009).

Thus, the Government is not only failing in its obligations to protect against forced evictions, but Government authorities are often actively involved in illegal land-grabbing” (NGO Forum, 2009). As a result, villagers will generally attempt to have a powerful administrative decision maker intervene on their behalf, following the existing decision making framework in which the more powerful figure within the administration can “override a decision of a subordinate.” According to WB, (2006), usual help is sought from several authorities at different levels, though 30 in the majority (87%) of the cases arising in 2008, the complaint was submitted first to immediate local authorities (at the village, communal or district level). In about 49% of the cases, the complaint was referred to the Provincial governor and in nearly one third of the cases the complaint was sent directly to the Prime Minister’s cabinet. While provincial courts also received around one third of the complaints, there were strikingly few cases where complaints were submitted to the actual institutions in charge of land dispute settlement: the district, provincial or national cadastral offices or the National Authority for Land Dispute Resolution (NGO Forum, 2008).

This is explained by several factors, the first being an apparent lack of clarity on the responsibility of the institutions mentioned. Theoretically the Cadastral Commission has jurisdiction over land disputes involving untitled land; the courts are responsible for those where land titles exist. The second influencing factor is the fact that the formal institutions are not trusted among villagers, on the contrary, they are generally perceived as “costly, time consuming and biased toward the rich” ( Wehrmann, 2006).

In fact, a World Bank, (2008) study from the year 2006 showed that in 22% of the studied cases presented to the Cadastral Commission, bribes or other informal fees had been paid. In those cases dealt with by the court the figure rose to 68-100%.

The high costs are one reason why many land disputes never reach the courts; most villagers simply lack the resources to pay for an official complaint. As a result, human rights- as well as development NGOs have increasingly begun to actively get involved in land dispute resolution processes on behalf of the poor and marginalized. Almost no cases are reported, in which NGOs did not play a prominent role as watchdogs, advocates, legal consultants or even by submitting complaints on behalf of the victims (NGO Forum, 2008).

Equally unsatisfactory as earlier numbers, are the figures relating to the resolution of land disputes. From the cases studied for the year 2008, only about 12, 5 % were solved within that year, while other studies have shown that the process of dispute settlement can take up to ten years (Schwedersky, 2010). 31

Table 2.1:status of land conflict settlement in cambodia in 2008

| Status              | percentage |
|---------------------|------------|
| Partly resolved     | 5.20%      |
| Fully resolved      | 12.72%     |
| Not resolved yet--- | 82.08%     |

Source Cambodia NGO forum 2009

#### **2.7.4. Land Conflict Management in Burundi**

Land is a contested issue in Burundi. Since 1972, conflicts about land have exponentially multiplied, and nowadays about 80% of conflicts appearing in court are about land (ICG 2003). Inequitable access

to land, spoliation by the authorities, and a confused land tenure system are further compounded by a high population density and degradation of the land (FAO, 2007).

In the communities, a huge variety of conflicts around land exists, ranging from disputes within families about the division of the inheritance, or the limitations of plots, to those resulting from the occupation of land by displaced people, or about land-use between cultivators and pastoralists (UNDP, 2004).

The level and scale of the conflicts around land pose huge challenges to conflict resolution institutions as noted in the UNDP, (2007). As a result, Legislation on land is inadequate, difficulties arise between the customary and ‘official’ system to administer land conflicts, and the judicial system is not equipped to deal with the task placed upon it (FAO, 2007).

Therefore, the need to strengthen conflict resolution mechanisms to deal with land disputes is apparent. The Bashingantahe (locally notable leaders), or other institutions within the communities (such as the Commissions Justice & Paix of the Catholic Church) have started their own structures to minimize the chronic land conflicts in Burundi (Transparency international, 2007).

### **Conflict Management at Community Level**

To solve their disputes around land, people in the communities in Burundi may address two systems for conflict resolution: the customary system of the Bashingantahe, and the juridical system of the state. While the former relies in the first place on conventions and customary regulations, the latter bases itself on the legislation of the state (UNDP, 2004). Apart from those systems, people may approach representatives of local authorities, or structures established by NGOs or churches, to amicably arrive at a resolution of their disputes, or to acquire consultation on how to proceed in the conflict management system (ICG 2003). The level of involvement, the reliability and the capacities of these several institutions vary from location to location (ibid).

#### **Informal Mechanisms**

##### *The Bashingantahe*

Customarily, disputes around land tenure in Burundi were being mediated by the Bashingantahe (Council of Notables). It is composed of most respected community members (ICG, 2003). Its traditional roles is to settle local disputes, to reconcile individual persons and families, to authenticate all sorts of contracts (such as marriage, inheritance, sales, and gifts), and to represent the local

population at higher level. The Bashingantahe also had to oversee the maintenance of truth and justice, to ensure the security of life and property, and to provide guidance and balance to politicians in the exercise of their mandates (FAO, 2007).

As Yoder et al., (2003) noted the council's institutional strength is getting weakened and eroded by the Political practices under the period from 1987-1992. Despite its weaknesses, however, many Burundians, local and international organizations consider its revitalization as very important (ibid).

### **The Juridical System**

For a civil case to appear before the Tribunal of the locality, the litigant first needs to pass to the Bashingantahe at his/her community. If one of the conflicting parties does not agree with the solution proposed by the Bashingantahe, he can submit it to the Tribunal of the locality, after receiving a note from the Bashingantahe, including their conclusions on the case. The Tribunal of the locality does not necessarily need to take notice of the decision by the Bashingantahe. Nonetheless, the Bashingantahe may be asked to testify or provide further explanations on the case. In case the Tribunal of the locality makes a field visit to identify the particularities of a disputed land property, the Bashingantahe are asked to be present as witnesses. If parties cannot come to agreement before the Tribunal of the locality, their case may be transferred to the Court of Appeal at province level (Dexter 2005).

### **The Relationship between the State and Customary Systems**

While in their judgments the Bashingantahe rely in the first place on conventions and customary regulations, the juridical system of the state bases itself on the legislation of the state. All land conflicts should first pass before the Bashingantahe. Only in case those are unable to find a resolution, conflicts are passed on to the state legal system. This is advantageous in that the Bashingantahe are more familiar with the local context of a conflict and might thus decide in a more fair and win-win way (FAO, 2007).

### **Women and Land Rights in Burundi**

Until today, customary law prevails for inheritance issues. Under customary law of Burundi, married women are excluded from inheriting land from their father, as long as there are any other male descendants (van Leeuwen, 2005). Women are supposed to have access to land through marriage: a woman will get use rights to the land belonging to her husband. This implies no ownership, and the land remains the property of her family in law (Kamungi et al. 2004). If a woman is not married and still stays in the paternal home at the time of her parents' death, after settling her brothers, she may use

for her subsistence a portion of land for as long as she is alive. If she gets any children, they will inherit property only in the line of irregular successors or they will inherit nothing at all (ibid).

## **2.8. Rural Land Conflict Management in Ethiopia and Tigray**

There is unprecedented interest in decentralized systems of governance in many African and other developing states. A number of them have established constitutionally entrenched system of local governance (WB, 2004). Ethiopia, like other developing states, is in a process of implementing a decentralization program. The decentralization process began in 1991 when the Ethiopian Peoples' Revolutionary Front (EPRDF) came to power as Ayele, (2008) noted. In 1995 a new Constitution was promulgated which formally established the country on a federal basis with a federal government at the center and nine ethnically defined regional state at the periphery. The 1995 Constitution, in addition, laid the foundation for further decentralization by requiring the regional states to establish and adequately empower local government (FDRE Constitution, 1995).

The objectives that underpin the creation and empowerment of local government, as envisaged in the Constitution are, to enhance public participation, ensure the provision of efficient service delivery and accommodation of ethnic minorities (FDRE Constitution, 1995). The regional states of the country, therefore, have a constitutional obligation to create adequately empowered local government (Z. Ayele, 2008).

Historic events have influenced land policy in Ethiopia. Following the overthrow of the imperial regime of Haile Selassie by the Derg in 1974, the major programs of land reform and nationalizing were introduced. The Derg also prohibited the renting out of land, and other transactions (sales, mortgages, sharecropping) were severely restricted. Nationalization was followed by redistribution of land through Peasant Associations within communities, and also resettlement from the highlands. After the fall of the Derg in 1991, the new federal government drafted a constitution (Deininger et al., 2008). The constitution assigned legislative power over land to the federal level of government and reserved implementation of federal land laws to the States, which was reinforced by a Federal proclamation in 1997 (updated in 2005). Land remains public property, and the prohibition of sales and exchanges was also continued or restricted, but renting out of land was now allowed. The last massive land distribution took place in the mid-1990s, but this practice ended with the introduction of land certification programs.

This decision However, the hope for landless people to access land in their home areas remained unanswered. Resettlement programs are still in place but now voluntary and mostly within the State towards the lowlands or forest land (Z.Ayele, 2008). 35

### **2.8.1. Land Tenure Forms and Tenure Security**

**The nationalization of land in Ethiopia in 1975 effectively abolished customary land rights in the highland regions, although such practices have persisted in the lowlands. In many rural areas, customary tenure continues to play a role, particularly in the management of communal grazing lands and forest resources (Gebremedhin et al., 2023). Institutionally, land governance in Ethiopia is coordinated by the Ministry of Agriculture (MoA) at the federal level. Each regional state has its own land administration authority. For example:**

**Amhara Region: Environmental Protection, Land Administration and Use Bureau (EPLAU)**

**Tigray Region: Regional Environmental Protection, Land Administration and Use Authority**

**Oromia Region: Bureau of Land and Environmental Protection**

**SNNP Region: Bureau of Agriculture and Rural Development**

**Currently, Ethiopia is exploring reforms to harmonize and streamline its land governance institutions nationwide (Landesa, 2024).**

**At the local level, land administration tasks are decentralized to wereda and kebele governments. Kebele administrators are responsible for identifying landholders using traditional land measurements, while wereda offices manage the issuance and archiving of landholding certificates (World Bank, 2022).**

### **2.8.2 Land Registration and Certification**

**Ethiopia has adopted a pioneering and large-scale approach to land registration and certification to improve land tenure security. The process began in Tigray in 1995 and has since expanded to regions such as Amhara, Oromia, and SNNP, with over 15 million rural households receiving landholding certificates (MoA & LIFT, 2023). However, implementation in regions like Benishangul-Gumuz, Afar, Gambella, Harari, and Somali remains limited.**

**Registration is conducted at the grassroots level by land administration committees, composed of community members selected with public consultation and with a mandate to include women. These committees verify land boundaries publicly, with neighboring landholders present, ensuring transparency. The certification is household-based rather than plot-specific.**

**These committees are trained by wereda-level officials and continue to play a vital role in:**

**Conflict mediation**

**Formalizing land rental markets**

**Implementing land use plans**

**Promoting sustainable land practices**

**Despite its benefits, the system primarily relies on text-based records without spatial mapping, making updates due to inheritance, divorce, or other changes time-consuming. Pilot projects are underway to integrate spatial data systems using digital technologies and geospatial tools for improved accuracy and maintenance (World Bank, 2022).**

**Research indicates that land registration significantly boosts farmers' willingness to invest in their land—such as soil conservation and crop improvement—contributing to better food security outcomes (Deininger et al., 2023).**

### **2.8.3 Gender, Governance, and Rural Land Conflict Management**

**Ethiopia's 1995 Constitution guarantees equal land access for women, including unmarrie women. This was notably implemented during the 1990s land redistributions, helping improve women's formal recognition as land users (Landesa, 2024).**

**The land certification process has since taken further steps to protect and enhance women's land rights. For instance:**

**Certificates now include the names and photographs of both spouses.**

**Women's participation in land administration committees is mandated by law.**

**Community consultations are encouraged to ensure gender sensitivity in land-related decisions.**

**However, studies reveal that female representation in these committees remains limited, reducing their effectiveness in safeguarding women's rights (IIED, 2023). Moreover, while women hold land use certificates, many still depend on sharecropping arrangements due to lack of farming tools such as oxen.**

**Improving women's land tenure security not only addresses gender inequality but also enhances agricultural productivity and family welfare (FAO, 2023).**

### **2.8.4 Land Conflicts in Tigray**

**A preliminary study by Mamo (2005) found that nearly 52% of households surveyed in Tigray reported experiencing land-related conflicts in the decade following the fall of the Derg regime in 1991. This finding illustrates how land tenure issues are deeply intertwined with governance and political stability in Ethiopia.**

**Subsequent studies, including work by Bogale et al. (2006), highlighted that land scarcity and ambiguous land rights are the primary drivers of rural land conflicts—particularly in the highlands of Tigray, where arable land is limited and plots are small.**

**In such contexts, unclear or overlapping land entitlements often lead to disputes between:**

**Family members (inheritance disputes)**

**Neighbors (boundary disagreements)**

**Communities and local officials**

**These findings underscore the importance of linking tenure security and conflict resolution mechanisms in land governance reforms. Without adequate legal clarity and accessible dispute resolution systems, such land-related conflicts can escalate, weakening both community cohesion and state legitimacy (MoA & GIZ, 2023).**

## **Chapter Three: Methodology of the Study**

The aim of this chapter is to present the research method that is used in the study in order to give solutions to the existed problems in the study area that affect the society's economy, social interaction, and security. The general objectives of the study focus mainly to answer by qualitative method and specific objective answers by quantitative method. This also exercises by answers to the research questions as well as describe the process of data collection and analysis.

### **3.1. Site Selection and Description of the Study Area**

Naeder Wereda is one of the central zone's woreda which was a part of Naeder Adet woreda before 2011 E.C and now one of the new woreda structure. Naeder is now a woreda which has a relative location with different woredas of central zone. These woredas are by North with Laelay maychew, By South with woreda Qolatembyen, By East with woreda mayqnetal and By the west with woreda Adet. Naeder has 48923 hectare total land size and from this 7320.7 hectare is only used for agriculture 41602.3 is not suitable for agriculture and from this 2600 hectare is covered by forest.

**Geographic location of woreda Naeder is Longitude 472782 upto 476981 East And Latitude 1538604 up to 1544485 North** The woreda also has population size of Male 36348 and Female 37832 Total 74180 Its house hold is Male10201 Female 5144 Total 15345 house holds.In Naeder woreda there are 13 kebeles (Tabias).The study was conducted in Naeder wereda of Ceteral zone of Tigray in five Kebeles. The center of Naeder woreda is a small town of Mahberedego and it is 249KM to the North far from Mekelle the capital city of Tigray. And 12KM to South from Aksum the capital city of Central Zone .

**The woreda has 0.31Hectar** per house hold that is smaller than the national average of 1.01 Ha per household (CSA, 2008). Naederwereda was selected as it is the densely populated area with large number of rural land conflicts .Besides, Naeder is one of the regional weredas of Tigray having the smallest land holding per house hold that is less than the national and regional average (CSA, 2008). With regard to the selection of the sample kebeles, five kebeles, Mahbredgo, Mahbereselam, Daerohafash, Ababayowhan, and Awlieo are selected purposefully. Land conflict prevalence was considered as the main one in selecting the sample Kebeles; Besides, Kebeles nearer to urban districts are likely to have more conflicts than those far away from the district (wereda) centers due to high population pressure with regard to urban expansion (Deininger 2011). Document analysis in the wereda court, list of households who faced conflict obtained from the Land administration and use desk, and key informants opinion were used to select the sample kebeles

### **3.2. Research Strategy and Design**

Qualitative research was typically used to answer questions about the complex nature of a phenomenon, often with a purpose of describing and understanding the phenomenon from the participant's point of view (Oksana, 2008). Hence, the researcher used a qualitative approach to better describe and assess rural land conflict management. Besides, qualitative and quantitative approaches should not be viewed as polar opposites or dichotomies (Creswell, 2009) and therefore, the researcher also used quantitative approach complement the qualitative one and to better describe results through descriptive statistics while comparing the sources and types of conflicts.

In view of making generalization about the target population based on a sample, the researcher employed a survey study by developing a structured questionnaire, semi structured interview, and focus group discussions.

### **3.3 Data Type and Source**

Qualitative and Quantitative type of data were used by making the one supporting the other. The available source of data was grouped in to two categories-primary and secondary.

Primary source or firsthand data were collected from the households who had been experienced a conflict that were found listed in the wereda land administration and use desk with in the Office of Agriculture and Rural Development. Besides, the firsthand information was also collected from the land administrators and land judges at kebele level and judges from wereda courts, Agriculture and Natural Resource Experts, and Land Administration and Use Desk Coordinator at wereda level. The secondary data was collected from wereda annual reports and kebele land administration files.

### **3.4. Target Population and Sampling**

The numbers of Households of the Wereda under study were 15345, of which 6265 goes to the five selected kebeles. The researcher predominantly used purposive sampling, a non-probabilistic sampling to select the households who had experienced conflicts in the last two years. Besides, Land Administration and Use Desk Coordinator, Agriculture and Natural Resource Expert and court judges at wereda level, and land judges and land administrators at kebele level were purposively selected as they are directly and indirectly engaged in local land governance and rural land conflict management in their day to day activities. Naeder wereda was purposively selected. Because the wereda is more convenient for the researcher since the researcher is familiar with the place. Besides the wereda is a conflict prone area as it is a dry highland area with less arable land (Ethiopia's agricultural sector policy and investment framework 2010-2020, 2010). Furthermore, the land size per house hold in the wereda is less than the national and regional average that is 0.31 Ha (CSA, 2008). Five kebeles were selected purposively by their prevalence to rural land conflict. And 136 households were randomly selected from the total population who had experienced conflicts.

The data was collected from respondents of different geographical locations (kebeles). Therefore, 136 Households from different geographical areas were entertained to a questionnaire, interview and focus group discussion to give their response regarding the challenges, roles, processes and contents of good

governance in rural land conflict settlements in the wereda. Simultaneously, it also tried to explore inherent characteristics in relation to challenges of the good governance while settling rural land conflicts or it provided a deeper understanding of the subject under study.

*Application at local level: issues and Challenges*” had used the same number of samples in their researches that are similar to the title of the researcher. The researcher also believed sample size of 136 were employed for this study. In selecting respondents from each kebele, the researcher used similar proportion. The list in the Land Administration and Use Desk with in the Office of the wereda Agriculture and Rural Development is the main source used to select the sample households. The households with in the list who visited the kebele administration on March 12-13/2025 and on March 19-20/ 2025 for a meeting were given the questionnaires. Accordingly, 105 households have filled the questionnaires on those days. The other 31 households with in the list are selected by their proximity to the kebele administration office with the help of the Five kebele administrators. Thus, the enumerator visited the nearby 31 households and provided them the questionnaire to fill. size is representative in the qualitative research type.

$$n = \frac{N}{1 + N(e)^2}$$

N=6265, e=8%; n=136

Where, n=sample size (number of respondents); N=total population

e=level of significance (precision)

### **3.5. Instruments of Data Collection and Field Work**

A well-structured Questionnaire was used to collect data from the households who experienced conflicts in the last two years in order to make data comparison on the results found from different respondents. A face to face interview was also made with the wereda land administration and use desk Coordinator to get information on how rural land conflict was managed at local level in relation to transparency and accountability and about the main challenges of rural land conflict management, as this office is in charge of governing the rural land at local level. Wereda court judges were also interviewed in order to know how they were dealing with land related issues when compared to other

court cases, with kebele land administrators in order to get the information on how they were dealing with the land administration process in the rural areas, on the skills they had and what their feeling were towards transparency and accountability in land administration; and with land judges in order to get information on the sources and types of conflict that are occurred frequently, how they are dealing with them, the skills and experiences they had, their feeling on the litigation process at kebele level. The researcher used semi structured questions during the interview in order to give the researcher a chance to raise questions that were important but not clear and to raise additional questions out of the list to support the study with better and reliable information.

A focus group discussion was also used while collecting data. The size of the focus group discussants were six in number. Two focus group discussion sessions had been conducted during the data collection process. The members of the focus group discussion in each session were: one wereda land administration and use desk coordinator, one kebele land administrator and one kebele land judge and three farmers who faced conflicts more than two times. The facilitator of the session was the wereda land administration and use desk Coordinator. These six individuals were selected, as they are the real rural land governance practitioners, and they have a better knowledge on land governance practices and its challenges, the sources and types of conflicts on rural lands. Besides, they all have an ample experience on managing conflicts.

### **3.6. Data Processing and Analysis**

Both qualitative and quantitative techniques was utilizing and applied in preparing information gathered. The qualitative system included areal and legitimate understanding of the dis coveries through meetings perceptions and records. The quantitative data was first tallied and processed through Microsoft excel and is analyzed with the help of descriptive statistics-frequency distribution and percentages. It was presented in terms of tables. Besides, the qualitative data was presented in a descriptive way.

## Chapter Four – Results and Discussions

This chapter deals with data presentation and analysis. Following the methodology, the data is presented and analyzed with the help of descriptive statistics. Hence, to come up with findings and possible recommendations appropriate methodology was used. Primary data was gathered through instruments of structured questionnaire, semi structured interview, and focus group discussion. However, of the total 150 sample respondents expected to fill the questionnaire, 14 respondents were found defected. Therefore, findings were drawn based on the evidence obtained from the 136 households and respondents of the focus group discussion and the interviewees.

### 4.1. Background of Respondents

The first hand data, since it is collected from farmer households, the socio demographic factors are expected to explain them well. The age range is adopted from Naeder wereda annual land use report of 2025/2025budget year.

**Table4. 1 age and sex of respondents**

|        |      | Frequency of conflicts |       |             |       |      |
|--------|------|------------------------|-------|-------------|-------|------|
|        |      | Once                   | Twice | Three times | Total |      |
| Sex    | male | Freq                   | 41    | 35          | 4     | 80   |
|        |      | %                      | 42.3  | 100         | 100   | 58.8 |
| female |      | Freq                   | 56    | 0           | 0     | 56   |
|        |      | %                      | 57.7  | 0           | 0     | 41.2 |
| total  |      | Freq                   | 97    | 35          | 4     | 136  |
|        |      | %                      | 100   | 100         | 100   | 100  |

Source : Own copulation from survey data 2024/2025

With regard to the gender of respondents, 80(58.82%) were found male households that revealed majority of the households were headed by male.

In the other way, it is important to know the marital status of respondents to clearly understand which group is more prone to conflicts.

**Table4. 2: Marital status of Respondents**

| Mortal status | frequency | percentage |
|---------------|-----------|------------|
| single        | 0         | 0          |
| married       | 90        | 66.18      |
| Divorced      | 36        | 26.47      |
| widowed       | 10        | 7.35       |
| total         | 136       | 100        |

Source own computation survey data 2024/2025

Thus, the data revealed that 90 respondents were found married and 36(26.47%) were found divorced. The other 7.35% of the respondents were the widowed one. Therefore, we could say that, most of the rural land conflicts were raised by the married ones, as the family sizes of the married are larger than those of divorced and widowed.

Land size and annual income of respondents are also the factors used to triangulate their inter relations with the rural land conflicts.

**Table4. 3 land size and annul income of hous holds**

|           |          |      | Frequency of conflict |       | Three tims | total |
|-----------|----------|------|-----------------------|-------|------------|-------|
|           |          |      | once                  | twice |            |       |
| Land Size | <0.5     | Freq | 37                    | 0     | 0          | 37    |
|           |          | %    | 38.1                  | 0     | 0          | 27.2  |
|           | 0.5_1    | Freq | 60                    | 35    | 2          | 97    |
|           |          | %    | 61.9                  | 100   | 50         | 71.3  |
|           | 1.01_1.5 | Freq | 0                     | 0     | 2          | 2     |
|           |          | %    | 0                     | 0     | 50         | 1.5   |
| total     |          | Freq | 97                    | 35    | 4          | 136   |
|           |          | %    | 100                   | 100   | 100        | 100   |

|                       |      |      |       |      |      |       |
|-----------------------|------|------|-------|------|------|-------|
| Annul income<br><5000 |      | Freq | 88    | 0    | 0    | 88    |
|                       |      | %    | 90.7  | 0    | 0    | 64.7  |
| 5001-10000            |      | Freq | 9     | 29   | 0    | 38    |
|                       |      | %    | 9.3   | 82.9 | 0    | 27.9  |
| 10001-15000           |      | Freq | 0     | 6    | 4    | 10    |
|                       |      | %    | 0     | 17.1 | 100  | 7.4   |
| Total                 |      | Freq | 97    | 35   | 4    | 136   |
|                       |      | %    | 100   | 100  | 100  | 100   |
| Hous holed<br>size    | <3   | Freq | 12    | 0    | 0    | 12    |
|                       |      | %    | 12.4% | 0%   | 0%   | 8.8%  |
|                       | 4_6  | Freq | 78    | 0    | 0    | 78    |
|                       |      | %    | 80    | 0    | 0    | 57.4  |
|                       | 7_10 | Freq | 7     | 0    | 4    | 46    |
|                       |      | %    | 7.2   | 0    | 10%  | 33.8% |
|                       |      |      |       |      |      |       |
| tatal                 |      | Freq | 97    | 35   | 4    | 136   |
|                       |      | %    | 100%  | 100% | 100% | 100%  |

**Source own computation from servey data 2024/ 2025**

Accordingly, based on the cross tabulation (Table 4.3), it was found that of the 97 respondents faced a conflict only once, 88(90.7%) of them had an annual income of less than 5000 Birr. But 29 respondents of the 35 who faced a conflict twice were getting an annual income of 5001 to 10000 birr. However, none of the respondents at the lower level of income have faced a conflict twice. It can be inferred that the frequency of conflict occurrences may increase as household's income increase. This could be associated with the lack of interest and capacity of the poor to afford conflict litigations more than once as courts are considered as costly and biased towards the rich (FAO, 2007).

It was also revealed that as land size of the house hold had increased, the frequency of the conflict occurrence also raised. Table 4.3 indicates that all the households who faced conflict twice were in the land size range of 0.5 up to 1.0 ha. In addition, none of the respondents with a land size of less than 0.5 ha had faced a conflict twice or more. This may be emanated from the belief of the households to win

the litigation process by deceiving the poor as they had a relatively better annual income to afford win the litigation

**Table4. 4Sources of Hous holed Livelihood**

| Main sources of livelihood | Freequency | Persontage |
|----------------------------|------------|------------|
| Farming                    | 134        | 98.53      |
| Live stooock               | 1          | 0.74       |
| Irrigation                 | 1          | 0.74       |
| Totale                     | 136        | 100        |

Sources :OWN computation from survey data 2024/2025

Considering the family size, the per capita income may be low as expected from households whose main stay is only agriculture and having a size of about 0.5 to 1 hectare. This may possibly motivate them to search for other resources of income that are either found in nearby or migrate to other places for better jobs. Nevertheless, the level of livelihood diversification through irrigation and/or livestock is minimal. According to table 4.4, of the total respondents about 98 percent had found that farming is their main source of livelihood.

**Table4. 5: Household Type, Educational Level, and Household Size of Respondents**

|                | descriptions  |     | Ferequency of conflect |       |             | Totale |
|----------------|---------------|-----|------------------------|-------|-------------|--------|
|                |               |     | once                   | twics | Three times |        |
| Housholed type | Male headed   | Feq | 51                     | 35    | 4           | 90     |
|                |               | %   | 52.6%                  | 100%  | 100%        | 66.2%  |
|                | Female headed | Feq | 46                     | 0     | 0           | 46     |

|  |                        |     |           |       |          |       |
|--|------------------------|-----|-----------|-------|----------|-------|
|  |                        | %   | 47.4%     | 0%    | 0%       | 33.8% |
| Totale                                   |                        | Feq | 97        | 35    | 4        | 136   |
|  |                        | %   | 100%      | 100%  | 100%     | 100%  |
|  | Illiterate             | Feq | 44        | 0     | 0        | 44    |
|  |                        | %   | 45.4%     | 0%    | 0%       | 32.4% |
| House<br>holed<br>educat<br>ion<br>level | Read and write         | Feq | 52        | 0     | 0        | 52    |
|  |                        | %   | 53.6%     | 0%    | 0%       | 38.2% |
|  | Primary<br>education   | Feq | 1         | 27    | 0        | 28    |
|  |                        | %   | 1%        | 77.1% | 0%       | 20.6% |
|  | Secondary<br>education | Feq | 0         | 8     | 4        | 12    |
|  |                        | %   | 0%        | 22.9% | 100%     | 8.8%  |
|  | Totale                 | Feq | 97        | 35    | 4        | 136   |
|  |                        | %   | 100%      | 100%  | 100%     | 100%  |
| Hous<br>holed<br>size                    | <3                     | Feq | 12        | 0     | 0        | 12    |
|  |                        | %   | 12.4<br>% | 0%    | 0%       | 8.8%  |
|  | 4_6                    | Feq | 78        | 0     | 0        | 78    |
|  |                        | %   | 80.4<br>% | 0%    | 0%       | 57.4% |
|  | 7_10                   | Feq | 7         | 35    | 4        | 46    |
|  |                        | %   | 7.2%      | 100%  | 10<br>0% | 33.8% |
|  | Totale                 | Feq | 97        | 35    | 4        | 136   |
|  |                        | %   | 100       | 100%  |          | 100%  |

|  |  |  |   |  |          |  |
|--|--|--|---|--|----------|--|
|  |  |  | % |  | 10<br>0% |  |
|--|--|--|---|--|----------|--|

**Source** □ **computation from survey data 2024/2025**

According to table 4.5, it was also found that households having large family size may have frequent occurrence of conflicts (the base of classification for the household size is by the researchers own assumption that, a household could be the husband and wife only or with one child at minimum, and husband and wife with 8 children and above at maximum). Thus, of the total respondents who faced conflicts twice or three times, majority have large family size of about 7-10. To be specific, of the 35 respondents faced twice, all of them have a family size of 7-10. Besides, all of those who faced three times were also in this family size range. This might be due to the reason that the large family could try to expand land holding so as to increase the rising demand for more income to sustain their subsistence life. Furthermore, large family size intertwined with low level of income might lead to conflicts.

On the other hand, large numbers of conflicts were occurred with respondents having low level of education. In terms of frequency of occurrence, it was found that as the educational level of households increased, the frequency also raised (table 4.5). This could be attributed to the personal belief of the household that they have a better educational knowledge and had a better position in winning the conflicts. That is why, the major households who faced conflicts twice or three times are in primary and secondary educational level. Of the total respondents faced a conflict twice, the household is found headed by male. Whereas, female headed type of household faced a conflict only once. This might be because of the culture prevailed in the society that acknowledged supremacy of male as a head of household and it undermined the capacity and leadership skill of women as indicated in Ubik, (2008).

## **4.2. Rural Land Managment**

### **4.2.1. Land Entitlements Status**

The shortage of rural land mixed with large family size and low level of annual income may burst out rural land conflicts during an effort to meet household livelihood requirements. Unless the rural land is backed by clear rural land entitlement, conflict may be difficult to manage.

**Table4. 6** Frequency Distribution of Land Entitlements and Settlement of Land Conflicts

| Land entitlement status |            |            | Number of land conflicts faced for the last two years |            | Settlement states of the conflict |              |            |
|-------------------------|------------|------------|---|------------|-----------------------------------|--------------|------------|
|                         | Frequency  | percent    | Frequency   | percent    |                                   |              |            |
| Not yet                 | 0          | 0          | 1, 97   | 71.3       | Not yet                           | Frequency 68 | percent 50 |
| Already revived         | 136        | 100        | 2, 35   | 25.7       | Partially Settled                 | 24           | 17.7       |
|                         |            |            | 3, 4  | 2.9        | Fully Settled                     | 44           | 32.4       |
|                         |            |            | > 4 0   | 0          |                                   |              |            |
| <b>Total</b>            | <b>136</b> | <b>100</b> | <b>136</b>  | <b>100</b> | <b>136</b>                        | <b>136</b>   | <b>100</b> |

**Source OWN for computation from servay data 2024/2025**

A survey on rural land entitlement revealed that all of them were entitled, but 97 of them have faced a conflict related to land for one time during the last two years. But the numbers of respondents who face land conflict twice during last two years were also about 35 respondents that were around 25.73% (Table 4.6).

But in contrary to the importance of entitlement, the status of conflict settlements showed that 68 (50%) of respondents have not yet settled their land conflicts, and 32(47.06%) of the unresolved conflicts were appealed to the regional courts. Only 44(32.35%) of the respondents were found that

their conflict was fully settled. The other 17.65% of the conflicts were partially settled. This may be due to the level of seriousness of the conflict and the weakness of the system of conflict management system prevailed in the locality. It was also found that there was an overlapping offer of land certificate ownerships to the farmers in the community.

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**Table4. 7: Frequency Distribution of Choice of Conflict Management**

| Type of conflict management | No. of respondents agreed | Percentages |
|-----------------------------|---------------------------|-------------|
| Informal                    | 123                       | 90.44       |
| Formal                      | 13                        | 9.56        |
| Total                       | 136                       | 100         |

According to table 4.7, the informal way was the commonly chosen means of conflict management practices. During ancient times, where there was not well established formal way of conflict management, the traditional or customary way is the only and preferred one. The legal system was very poor in terms of reaching the community and its structural and institutional incapability besides to the inexistence of land policies, laws and regulations if it exists otherwise there was no such a formally established system. Moreover, since formal education has introduced to Ethiopia during late 19th

century, there was no skilled manpower that can either judge based on legal documents or prepare legal documents and act accordingly. This may lead to habituate and recognize the informal way of management as their priori.

Regarding the way of conflict resolution and preference of the local community, it was found that the customary way of conflict management was primarily chosen by the community because of the fact that the resolution is based on the win- win policy- that benefits both sides. Hence, the legal land conflict management would consider supporting the informal one on the assumption that it supports government on doing such routine works. It could also reduce the cost that the government could incur to manage rural land conflicts. On top of this, it is important to give recognition as much as the mechanism leads to sustainable conflict management. The evidence from the survey also revealed that 100 percent of the respondents did agree that the formal way of conflict resolution should consider the customary one as it is based on win-win and acceptable approach that lead to sustainable conflict management and establishing of strong relationship with the community informal: 18.38% formal: 81.62%

**Table4. 8**factors for choosing the formal means

| Criteria   | prequency          |          |                           |       |                |
|--|--------------------|----------|---------------------------|-------|----------------|
|  | Stronglly disagree | disagree | nether Agree nor disagree | Agree | Strongllyagree |
| Enhancement of a clearly and privosly stablISHED rule of law | 12                 | 80       | 30                        | 14    | 0              |

|   |    |    |    |    |   |
|---|----|----|----|----|---|
| clearly defined penalties   | 10 | 92 | 19 | 13 | 0 |
| professionalism of judges   | 16 | 89 | 21 |    | 0 |
| impartial procedures  | 34 | 81 | 20 | 10 | 0 |
| no interest by the community to manage conflicts customarily                          | 92 | 32 | 12 | 0  | 0 |
| standardized procedures for determination, recording and dissemination of information | 17 | 92 | 27 | 0  | 0 |

On top of this, respondents also strongly disagreed that formal means of conflict management could be chosen based on its unique features such as the availability of previously established rule of law, having clearly defined penalties, professionalism of judges, impartial procedures, community not interested to manage conflicts with the customary way, and availability of standardized procedures for determination, recording, and dissemination of information (UNDP, 2007) as also indicated in Table 4.8. Rather, they exceed the informal one above the formal. But, as the informal one was weak, they do not have a choice other than submitting it to the formal one.

According to table 4.8, 92(67.65%) the respondents did not agree on the point that the formal one is better because of lack of interest by the community to manage conflicts customarily. Rather, they have had more interest to manage customarily. On top of this 34 respondents had also asserted that the

presence of impartial procedures could not outweigh their choice towards informal one. This could reveal us that they might had doubt over the procedures towards fairness and hence impartiality. The presence of standardized procedures for determination, recording, and dissemination of information, availability of professional judges, and clearly defined penalties could not still bias them towards formal. All in all, the formal way was not chosen rather the available customary law had got much focus by the community as it saves time and other resource (Transparency international, 2007).

The dominance of informal may be predominantly by the fact that it does not lead to the recognition of loser and gainer in which the community highly disliked it and is based on consensus that benefited both parties. Communities would like to have a win- win type of conflict management.

**Table4. 9**factors for choosing the informal means

| Criteria   | prequency         |          |                           |       |                |
|--|-------------------|----------|---------------------------|-------|----------------|
|  | Strongly disagree | disagree | nether Agree nor disagree | Agree | Strongly agree |
| Judge slack knolage aboowt rular land  |                   |          | 15                        | 89    | 32             |
| Judges are practically un fit to the divers local conditions   |                   |          | 4                         | 27    | 105            |
| Legalprocedures necessarily risalts in the recogninaton of “Loser” and wener which is not easily acceptable by the rular community and invites for further reving and conflect |                   |          | 0                         | 0     | 136            |
| Sometime the impatciality of courts is also question nable inview of frequent accusations related to corruption practicewith in the judiciary                                  |                   |          | 40                        | 89    | 5              |

|   |    |    |    |    |     |
|---|----|----|----|----|-----|
| Courts and tribunals are overcrowded with land conflicts asituation that reflects the limited effectiveness of the judicial system,   |    |    | 12 | 42 | 82  |
| Justice is not accessible to the poor and maeginalized due tocostliness of courts.  |    | 12 | 38 | 82 | 4   |
| Formal courts are not trustdby the villagers especially the poor andmarginalized as courts are time consuming biased to the rich and judges need bribes   |    | 46 | 36 | 39 | 15  |
| Judges decisions are not properly understood by theilliterate rural community, as aresultthey are not confident on the court to manage the conflict up totheir expectations Customary management of conflicts | 48 | 38 | 40 | 10 | 0   |
| bettersecure rural stakeholders' land entilements Customaryconflict managements is a consensus building way that benefits both parties  | 0  | 0  | 0  | 0  | 136 |

**Source:** own computation from survey data, 2024/2025

Thus, of the factors that made respondents to choose informal means, the way it is based on consensus and does not lead to recognition of a gainer and a loser has strongly agreed by all the respondents.

Moreover, the ineffectiveness of courts and tribunals and the mismatch of judges to diverse local conditions also strongly agreed as factors of choice for an informal means of conflict management (UNDP, 2007) as also indicated in Table 4.9.

Though the informal one was the dominant means of managing conflicts, it may also have adverse effects on timely management of conflicts and other possible material losses.

**Table4. 10:** Frequency Distribution of Delay Time to Manage conflict

| Delay time to manage conflict | Formal or legal | percent | Informal | Percent |
|-------------------------------|-----------------|---------|----------|---------|
| Less than a year              | 64              | 47.06   | 121      | 88.97   |
| 1-2 years                     | 25              | 18.38   | 15       | 11.03   |
| 2 to 3 years                  | 11              | 8.09    | 0        | 0       |
| More than 3 years             | 36              | 26.47   | 0        | 0       |
|                               | 136             | 100     | 136      | 100     |

Source: own computation from survey data, 2024/2025

Accordingly, the customary method could take up to 2 years to the extreme to manage conflicts. However, the formal or legal means of management could take to manage more than 3 years may be up to 8 years with some rare cases according to the survey. Evidence from table 4.8 showed that respondents who faced a delay (all of them have faced) of managing a rural land conflict through the customary way for about less than a year were about 121. But the number of respondents who faced a delay for about less than a year with the formal way was about 64. This seems that the Informal means is superior in managing conflicts within a short period of time. Nevertheless, looking in to the number of respondents whose delay was between one to two years, the numbers of respondents in the formal and informal were found 25 and 15 respectively. Thus, the level of delay in the legal way of managing land conflict outweighed the informal one.

Moreover, it was found that, conflicts stay more at kebele level when managed legally than at wereda or district level. It is expected that the efficiency of wereda level courts could outweigh that of kebele land judges. The wereda court judges are more professional than their kebele counterparts. On top of

this, conflicts go to wereda only if the kebele fails to manage it. And this makes the burden of resolving the land conflict lay at kebele level and it had worsened the delay on conflict management. The kebele land judges were not also motivated because there was no any system for payment, training, and other incentive mechanisms. The land judges only held land conflict litigations once per week, which is on Saturday. Sometimes this day may be a holiday where the litigation process could delay for another weeks. However, the reason for delay at wereda level was mainly the bureaucratic nature of the structure. There were lots of bureaucracies, red tapes, corruptions, and biasedness and the inaccessibility of the justice and courts by the poor and marginalized groups (UN Habitat, 2009) as to many of the respondents.

Irrespective of saying this, respondents could also face different challenges during legal management of conflict. This was especially enlarged when the rural communities try to manage their cases through the wereda courts. Accordingly, time, money, property, relationship, and labor were found the serious challenges households face when they tried to manage the conflicts legally or formally at wereda level. As long as they go long distances and stay long hours coupled with delay of litigations in the courts, the time they waste is too large. Had they been devoting their time in a wage earning activities, plus the wastage of money during their stay at the court or land judgments, they definitely benefit more on their day to day lives.

In contrast to this, the challenge from customary means of managing rural land conflict was the difficulty to bring the middle men all together at a time. Difficulty on who to select for customary resolution among alternatives available since most of them are not interested was also found a challenge.

#### 4.3.1. Stakeholders in Rural Land Conflict Management

According to the findings of the focus group discussion, there were many stakeholders involved in land governance at local level. At kebele level, there were kebele land administrators and land judges in charge of the formal administrative structure. There were also elected community members to oversee land related issue before the cases were submitted to the formal one. But, most of the time they were not willing to hear land related cases. They did not have an interest to negotiate the conflicting parties. They considered it as it is not their own business as they did not get any incentives from the local government and the community. The people were also not interested to go to these elected

community members. Rather, if they need to manage the land issue informally, most of the time they call elders, religious leaders, and sometimes neighbors.

At wereda level, if the issue was on land use, it was managed by the wereda land administration and use desk, whereas if it was out of the issue of land use, the litigants directly submit the issue to the wereda court in the form of appeal.

There may be various stakeholders in the governance of rural land conflict management among which government including its staffs could be one.

**Table 4. 11** land administration staffs at wereda and kebele leve

| Response | Capacity | Experience | Corruption                      |
|----------|----------|------------|---------------------------------|
| Yes      | 12       | 8          | Corrupted 81                    |
| No       | 124      | 128        | Not corrupted 13<br>Not sure 42 |
| Total    | 136      | 136        | 136                             |

**Source:** own computation from survey data, 2024/2025

Furthermore, the capacity of land administration staffs at kebele level according to the survey, were found that they were not capable enough to manage rural land conflicts. About 124(91.18%) of the total respondents had evaluated the kebele staffs as incapable of handling land issues. This may lead to low reliance of the community on kebele government structure. This incapability of the rural land conflict management may be sourced from the low experience, and corruptness of the staffs as indicated in table 4.11. And as a result, Corruption has a negative effect on the gear of a development, hinders any advancement in economic growth and democracy (UNDP, 2004).

Besides, the customary way of conflict management was represented by a group of individuals selected on their potential to do so, experience of conflict management, reputation and willingness they have. It was composed of elders, neighbors, elected community members, religious leaders, and parents. But the composition disregarded the poor and marginalized groups (table 4.12)

**Table 4. 12** Involvement of various groups in rural land conflict management

|  |                              |                     |  |
|--|------------------------------|---------------------|--|
|  | Poor and marginalized groups | Civic organizations |  |
|--|------------------------------|---------------------|--|

|       | Frequency | present | Frequency | present |  |
|-------|-----------|---------|-----------|---------|--|
| Yes   | 56        | 41.18   | 0         | 0       |  |
| No    | 80        | 58.82   | 136       | 100     |  |
| Total | 136       | 100     | 136       | 100     |  |

**Source:** own computation from survey data, 2024/2025

Based on the survey, however, it was found that the role of government seems insignificant. Of the total respondents, about 112 disagreed on the idea that government had a key role in local land governance rather; only 12 of them have agreed.

Besides, the lack of a system which encouraged participation of the poor and marginalized individuals at local level worsened the low participation of these groups. The society may also undermine the marginalized groups. This is in conformity with GTZ's, (2008) explanations about women exclusion in land governance. Women were denied equal tenure rights with the same degree of security as enjoyed by men, then society as a whole and children in particular, suffer. When women enjoy equal rights, conflicts are reduced, environments are improved and household living conditions are enhanced. Gender discrimination in land rights is culturally engrained (GTZ, 2008).

They were also neglected socially where socialization could create awareness and develop skill to handle such conflicts. The negligence of the government to these groups in land governance also found another important reason why they have low involvement. According to the focus group discussants, it was found that participation of those groups would have been increase had it been government involved highly in local land governance. This is due to the fact that government has the role to sustain equality and should practically support the equality of all groups regardless of religion, ethnicity, gender, etc (UNDP, 2004).

Contrary to the low involvement of government in local land governance, the involvement of civic organization was also null (table 4.12), though involvement of all relevant stakeholders (Manila, 2003) is very important for creating awareness in the community for sustainable and smooth local land governance. It was found that there was no system available at ground that encourages any civic organizations to participate on land related issues. Besides, there was no any previous experience in which rural land conflict had managed with the participation of civic organizations. That may also be originated from the lack of civic organizations participating in the areas.

#### 4.4. Sources and Types of Rural Land Conflicts

The source of rural land conflict may vary depending on the type of issue that could come to an agenda. Evidence showed that there are at least six sources ranked from the most to the least source of conflict in the specific study area (Ganta Afeshum wereda).

**Table 4. 13** source of Rural Land conflicts and their rank

| Sources of conflict                   | Rank | Overlapping of land ownership that is offered by the local land administration also played significant role in igniting the rural land conflicts in the wereda |
|---------------------------------------|------|--|
| Unclear land entitlement procedures   | 1    |  |
| Government land appropriation schemes | 2    |  |
| Ineffectiveness of law enforcements   | 3    |  |
| Land tenure in security               | 4    |  |
| Rural land scarcity                   | 5    |  |
| Land holding inequalities             | 6    |  |

**Source:** own computation from survey data, 2024/2025

Accordingly, unclear land entitlement procedure was the first in terms of rank as a source of conflict and land holding inequalities was the least. This unclear procedure may be originated from the lack of clear procedures, guidelines, policies towards rural land, and low implementation capacity of the implementers. It could also be attributed to the biased distribution of land by the individuals who were selected to redistribute the land to the community after the EPRDF government assumes power in 1990s. These individuals were redistributing the land as to their emotional interests. They were providing different sizes of land for a house hold with the same family size. If the households with the same family size but different size of land plots are neighbors, it is most probable that conflict will erupt. Furthermore, There were not any monitoring and evaluation mechanisms made by the wereda and regional land administration staffs and the local government in general as they were not been established very well the time land was redistributed.

Most of the conflicts raised at kebele level are land related cases (Gizachew, 2011). As a result, it was found that most of the respondents in the last two years have faced conflicts once if not twice in relation to rural land. However, the types of conflict vary depending on the nature of the specific issue brought in to agenda. Accordingly, it was found boundary, inheritance, and conflicts on vacated and

absentee of ownership of land, and intra lineage conflicts were the different types of conflicts experienced in the study area in the level of their rank.

**Table 4. 14**Types of Rural Land conflicts and their rank

| Types of conflict                                    | Rank |
|--|------|
| Boundary conflicts                                   | 1    |
| Inheritance conflicts                                | 2    |
| Conflicts on vacated and absentee owner ship of land | 3    |
| Nitra lineage conflicts                              | 4    |

**Source:** own computation from survey data, 2024/2025

Boundary conflict was the most noticed type of conflict followed by inheritance (Table 4.13). This type of conflict – may be seen as economic conflict, was also the first conflict noticed in most poor and marginalized people. As boundary conflicts are also seen as a cover for other reasons of conflict as it is easy to start it up. This also could be attributed to the unclear land entitlement procedures, government land appropriation schemes, in effectiveness of enforcement of law and land scarcity and poverty in the community in general.

Moreover, the traditional way of demarcating boundaries with short span may burst conflicts on the effort to expand boundaries by settlers. In addition, unclear transfer of inheritances by parents over their children could create conflicts upon entitlement among brothers and sisters. The living tradition of taking inherited land was seen as an important thing for raising the social value of the inherited individual. In Tigray, land is beyond economic value, it is seen as a means of getting social value and dignity (USAID, 2009). Hence, this may create a conflict over getting a dominance of one on the other. These were the mostly recurred types of conflicts but not the only. A conflict over ownership of the same land with public holdings was also another type of conflict experienced in the study area. This may be observed in the ownership of hills and grazing lands for the purpose of livestock rearing.

#### 4.5. Transparency and Accountability in Rural Land Conflict Management

The level of rural land conflict management may also depend on the transparency and accountability of local land governance. Local government may play their key role depending on the social acceptance they have. The transparency of the local land governance was attempted to measure using the criteria of availability and access of information to community about the land ownership, value,

and its use, availability of standard procedures, recording, and dissemination of information, supervision by local authorities, and the possibility to appeal as are noted in Van der Molen, (2007). Based on these criteria different degree of agreement was found from respondents.

**Table4. 15 level of transparency in Rural Land conflict Managment**

| criteria   | Frequency          |           |                           |       |                |       |
|--|--------------------|-----------|---------------------------|-------|----------------|-------|
|  | Strongly dis agree | Dis agree | Nether agree nor disagree | agree | Strongly agree | total |
| Land information if always available to the community  | 0                  | 3         | 48                        | 85    | 0              | 136   |
| There is open access to information about ownership ,value and use of land                     | 0                  | 42        | 89                        | 5     | 0              | 136   |
| There are standardized procedures for determination recording and dis emanation of information | 4                  | 64        | 58                        | 10    | 0              | 136   |
| There is a supervision by the local authorities  | 136                | 0         | 0                         | 0     | 0              | 136   |
| There is always a possibility of appeal  | 0                  | 0         | 31                        | 105   | 0              | 136   |

**Source:** own computation from survey data, 2024/2025

Accordingly, about 63 percent of the respondents (Table 4.15) were found that they agreed on the availability of land information. But about 65 percent did not agree with the open access of information about land ownership, value, and use. It can be asserted in the other way that, there is no system for open access that may be due to the lack of professionals that can handle all the land issues with efficiency. About 64 respondents also affirmed that they totally disagree on the availability of standardized procedures for determination, recording, and dissemination of information about rural land that supported for the disagreement by majority of the respondents on the non-existence of open

access to information. The other respondents did agree nor disagree on the factors used to evaluate the level of transparency. It was because they were not in need of land information and off course they did not need to access the land information. Besides, they did not face any biases while settling their conflicts.

Given the above transparency problems, if it is not backed by enough supervision of authorities, the transparency problem could be exacerbated. It is expected that with lack of open access to information in addition to the lack of standard procedures of recording and dissemination of information about rural land, the supervision may be low. If it is so, the transparency problem could be seen easily. And, what was found from the survey, supervision was very low. As it can be seen from table 4.15, all of the respondents agreed that there was no supervision from local authorities as a means of rural land governance. Lack of check and balance even may enhance to corruption where it was found that staffs of local administration are corrupted (Table 4.11) and the rural community may develop suspicion about the fair management of a conflict. However, the possibility of appeal may reduce the doubt regarding fairness even though appealing could lead to waste of time, energy, property and other resources which were described by respondents 67 as the mere challenges of conflict management through legal procedures especially to the poor and the marginalized groups. Regardless of the negative

**Table4. 16**level of accountability in Rural Land conflict management

| criteria | Frequency          |           |                  |       |                | total |
|----------|--------------------|-----------|------------------|-------|----------------|-------|
|          | Strongly dis agree | Dis agree | Nether agree nor | agree | Strongly agree |       |
|          |                    |           |                  |       |                |       |

|  |    |    | disagree |    |   |     |
|--|----|----|----------|----|---|-----|
| The land governance institutions are responsive as demand arises from the community                                      | 0  | 36 | 55       | 45 | 0 | 136 |
| There are mechanisms for questioning and expelling on going land activities in the community                             | 57 | 62 | 17       | 0  | 0 | 136 |
| The community is involved in every land related issues and have a say on it  | 38 | 72 | 24       | 2  | 0 | 136 |
| Kebele land administrators and land judges are elected by the community and could be fired by the community if necessary |    | 28 | 40       | 68 | 0 | 136 |

**Source:** own computation from survey data, 2024/2025

effect of appealing, it may be important in an environment where there is no open information access about land. According to the survey, most of the respondents (about 105 individuals of the total) assured that there was an available system for possible appeals.

According to the factors used to evaluate the accountability of the local land governance, the land governance institutions were found responsive as demand arises from the community, though there were not mechanisms for questioning and explaining the ongoing land activities in the community. Besides, the community was involved in every land related issues and had a say on it. But, Kebele land administrators and land judges were elected by the community and could be fired by the community if necessary. Thus, it was found that 45(33%) of the respondents agree that the institutions at local level in charge of land governance were responsive when demand raised, but 109 (80.15%) disagreed that there were not mechanisms for questioning and explaining the ongoing land activities to the whole community other than the specific litigants. Besides 110(80.88%) also disagreed that the community was not involved in every land related issues and did not have a say on it. This may be attributed to the non-participative nature of the local government as indicated in the transparency part above. But, most of them agreed that they had a say on the electing and firing of the land administrators and land judges at kebele level.

#### **4.6. Structures and Institutions of Rural Land conflict management**

Availability of well-designed governing structures and procedures about rural land conflict management could boost transparency. However, with unclear government structures, the role of government in conflict management and the level of transparency were found very low. According to the survey, the belief of respondents over the supportive role of the government structure towards rural land conflict management was vague though the negative outweighed. About 72(52.94%) respondents did not agree on the supportive nature of the structure and its institutions, even though some of the respondents agreed on the support of the structure and its institutions based on the reason that there are structures and institutions in place for rural land governance, such as land administration and land judges at kebele level and Land Administration and Use Desk at wereda level. It seems to be believed that these structures are created for the purpose of supporting the rural land conflict management, though their service provision is low due to the lack of transparency and accountability as indicated in tables 4.15 and 4.16 respectively. But the majority did not agree on the support provided to the community by the structure and its institutions, due to the fact that the available institutions were not adequately equipped with skilled and experienced personnel. It is true that inefficiency may be the feature of these institutions if they lack the necessary element of skilled and experienced personnel, where it is easy to see their supportive nature as low.

Besides, it was found that local land governance structures and institutions were weak in terms of the coverage, and capability to reach and serve the community. Most of the respondents agreed that the institutions at kebele and wereda level are nonresponsive, weak, biased to the rich and non-participative in nature. This could be attributed to the incapability of the local land governance and lack of experience of the land governance staffs working in the structure and specifically in the institutions at both kebele and wereda levels. For Example, the individuals who were working as a land judges and land administrators were elected from the community and were not capable enough to manage and judge the land related issues raised in the community as all of them were not beyond grade six. Besides, they lack the experience on how to deal with land issues as it is sometimes very complicated. Land governance needs the land judges and administrators to be familiar with some national and regional land policies, laws and regulations (FAO, 2007), whereas most of them did not had the knowledge, and even interest to know about the policies, laws and regulations. The land judges do not get any knowledge gap filling trainings except participating in an annual workshop which was

conducted once in a year, they did not also get any payments for the service they render to the community. As a result, they were not motivated enough to work hard to serve the community. The same is true to the land administrators at kebele level. The community was also doubtful about the skill, knowledge and experience of the land judges and land administrators at kebele level.

With all the limitations in their supporting role of the local government structures, the degree of reaching to poor and marginalized groups is also an important one the community was low Very

**Table4. 17 the status of Rural Land Conflict Managment structures and institutions**

| criteria  | Frequency          |           |                           |       |                | total |
|---|--------------------|-----------|---------------------------|-------|----------------|-------|
|   | Strongly dis agree | Dis agree | Nether agree nor disagree | agree | Strongly agree |       |
| weak  | 0                  | 7         | 30                        | 87    | 12             | 136   |
| ineffective   | 0                  | 3         | 13                        | 74    | 46             | 136   |
| Non responsive  | 0                  | 14        | 20                        | 68    | 34             | 136   |
| corrupt   | 0                  | 5         | 31                        | 73    | 27             | 136   |
| Do not encourage participation  | 0                  | 9         | 27                        | 64    | 36             | 136   |
| Not transparent   | 0                  | 15        | 21                        | 58    | 42             | 136   |
| Biased to the rich  | 0                  | 19        | 17                        | 61    | 59             | 136   |
| Not all inclusive(the poor and marginalized )interims of representation | 0                  | 12        | 20                        | 76    | 28             | 136   |

**Source:** own computation from survey data, 2024/2025

Thus, as can be seen from table 4.17, about 99, 120, 102, 100, 100, 100, 100, and 104 respondents respectively identified that the structure and institutions of the local government in terms of managing rural land conflict were weak, ineffective, non-responsive, corrupt, not encouraging for participation,

not transparent, biased towards rich, and highly discriminating the poor and marginalized groups of the community.

The capacity and ethics of arbitrators is decisive besides to the degree of choice of the structures and institutions of local government. Thus, based on criteria of having good arbitration skills, adequacy of experience, having updated themselves, willingness and respect to support conflicting parties, the commitment they have, having a belief to customary solution, and strong believe in participation and representation of the poor, it was found that the respondents did not have a confidence on arbitrators because they lack the above qualities of arbitration during managing rural land conflicts. Based on the evidence collected, those arbitrators lack skill and were not motivated.

**Table4. 18;** attitudes and skills of arbitrators in managing rural land conflict

| criteria  | Frequency          |           |                           |       |                | total |
|---|--------------------|-----------|---------------------------|-------|----------------|-------|
|   | Strongly dis agree | Dis agree | Nether agree nor disagree | agree | Strongly agree |       |
| They have good arbitration sickles  | 0                  | 61        | 58                        | 17    | 0              | 136   |
| They have adequate experience   | 6                  | 72        | 48                        | 10    | 0              | 136   |
| Update themselves through formal and informal trainings                             | 80                 | 52        | 4                         | 0     | 0              | 136   |
| They are willing and respect full to support the conflicting prates                 | 0                  | 80        | 42                        | 14    | 0              | 136   |
| They have the energy and commitment   | 46                 | 82        | 8                         | 0     | 0              | 136   |
| Believes in local customary solution than the legal one                             | 0                  | 46        | 50                        | 40    | 0              | 136   |
| Strongly believes in participations and representation of the poor and marginalized | 52                 | 84        | 0                         | 0     | 0              | 136   |

**Source:** own computation from survey data, 2024/2025

#### **4.7. Challenges of Rural Land Conflict Management**

There were many challenges regarding Rural land conflict managment . As a result, it was found that unclear land entitlement procedures, gap in enforcement of the law, unclear government land provision

schemes, Capacity and experience of individuals in the land governance at local level, and Low coverage of government structures and institutions were the five major challenges of land governance raised by the focus group discussants. Gap in enforcement of the law □ 23%

Government provision schemes □ 22%

Land entilement procedures □ 32%

Low coverage of government structures and institutions □ 7%

Capacity and experience of individuals in the Rural land Conflict managment □ 16%

#### 4.8: The Major Challenges of Land Governance

The unclear land entitlement procedure was the challenge ranked first by the discussants. This was because land redistribution on 1990s was based on the emotional attachments and interests of the individuals who were redistributing the land at that time. These days, it was a headache for the land judges to call the then land redistributors as a witness for many of the land cases filed at kebele level. This clearly shows that, there were many unclear land entitlements with regard to the redistribution method of that time. The others challenges of land governance at local level were also listed according to their rank order.

### **Key findings**

**The most common type of conflict □ Boundary vonflict**

**Main sources of rural land conflict □ Un clear land entitlement and provision**

**Poor record-keeping and biased land distirbution**

**Majority of cases □ handled formally, though informal resolution preferred**

**Challenges □ Law implimentation of principles of good governance such as transparency and accountability**

**Weak local governance institutions**  
**Lack of trained,motivated personnel**  
**Bias and corruption in land distribution**

**Effects of Land conflicts**□

**Reduced agricultural productivity**  
**Displacement and lose of livelihoods**  
**Weakened community trust and social cohesion**  
**Delays in legal processes**

## **Chapter Five: Summary, Conclusion and Recommendations**

### **5.1. Summary and Conclusion**

The study, which dealt with the assessment of rural land conflict management, was used to employ both qualitative and quantitative approaches to come up with key findings. Moreover, this study was based on a sample of five kebeles found in the Naeder Wereda of Central zone. Purposive sampling was used to select the 136 respondents who had experienced conflicts in the last two years. Accordingly, the following conclusions have been drawn from the findings.

It was found that most of the rural land conflicts raised were managed formally, though the preference of the community was the informal method of conflict management. This may be due to the advantage

it had over its counterpart of the formal system in terms of time, money, maintaining relationship of the litigants, and its superiority over creating win-win solutions.

Nevertheless, conflicts stay more at kebele level when managed legally than at wereda or district level. The wereda court judges are more professional than their kebele counterparts. More land cases were first seen at kebele level and it increased the delay time exacerbated by the lack of motivation, capacity, and experience of kebele land administration and land judges. Besides, it was found that there were lots of bureaucracies, red tapes, corruptions, and biasedness in the system.

The study also revealed that unclear land entitlement procedure was the first source of conflict. This unclear procedure may be originated from the lack of clear procedures, guidelines, policies towards rural land, and low implementation capacity of implementers. It could also be attributed to the biased distribution by the individuals who were selected to redistribute the land to the community in 1990s, when TPLF government assumed power at that area. This may create unclear demarcation of boundaries among neighbors that could lead to conflicts in the meantime. Thus, boundary conflict was found a frequently emerged type, even though the types of land conflict were different.

For effectiveness of the structures and institutions of local land governance, transparency and accountability are key factors. Based on the factors used to measure transparency and accountability the study revealed that both of them were found at their minimal level. On top of this, the local land governance structures and institutions were found weak in terms of coverage and capability to reach and serve the poor and marginalized group. This might increase the ineffectiveness of those structures and institutions worsening the prevailed land inequality and livelihood instability. The personnel working in the structures and institutions of the local land governance were also found that they lack knowledge, experience, and motivation to know about the policies, laws and regulations of land.

It was expected that the source of rural land conflict could be the challenges of the local land governance. Of the challenges the study had revealed, unclear land entitlement procedures were identified as the most challenging. This was because land redistribution on 1980s was based on the emotional attachments and interests of the individuals who were redistributing the land at that time. Gap in enforcement of the law, unclear government land provision schemes, capacity and experience of individuals in the land governance at local level, and low coverage of government structures and institutions were also other challenges found by the study. The study also found the effects rural land conflict. Rural land conflicts have significant negative impacts on individuals, communities, and even

national development. These conflicts can lead to displacement, loss of livelihoods, reduced agricultural productivity, and social fragmentation. Furthermore, they can undermine peace and security, hinder economic progress, and disrupt social structures.

Specific effects of rural land conflict include:

**Reduced agricultural productivity:** Land conflicts can disrupt farming activities, leading to decreased crop yields, reduced livestock production, and food insecurity. Farmers may be hesitant to invest in land that is subject to dispute, or they may be unable to access their land to cultivate or harvest crops.

**Economic hardship:** Displacement, loss of livelihoods, and reduced agricultural production can push rural communities into poverty and exacerbate existing inequalities.

**Social disruption:** Land conflicts can create social divisions, erode trust, and damage community relationships. They can disrupt social structures, such as religious and social associations, and strain kinship ties.

**Instability and insecurity:** In some cases, land conflicts can escalate into violence, leading to loss of life, displacement, and increased insecurity in fragile regions.

**Delayed or disrupted development:** Land conflicts can hinder infrastructure development, private sector investments, and overall economic progress. They can also divert resources from development projects to address the conflict or its aftermath.

**Weakened governance:** Land conflicts can undermine the legitimacy of local authorities, exacerbate corruption, and weaken the rule of law.

**Displacement and migration:** Land conflicts can force people to abandon their homes and land, leading to displacement and migration to urban areas or other regions.

**Environmental degradation:** In some cases, land conflicts can lead to unsustainable land use practices, such as deforestation or overgrazing, people try to extract resources from disputed areas.

## 5.2. Recommendations

Government should □-

Strengthen local institutions

Train land officers and improve staffing

Expand coverage to reach poor/marginalized

Increase principles of good governance like accountability and transparency

Redesign land allocation policies using GIS

Correct past injustices and unclear demarcations

Fair redistribution, especially for youth

Recognize and integrate customary methods into legal system

Encourage informal conflict resolution before formal litigation

Create special land conflict courts with expert staff

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**Appendix I**  
**Mekelle University**  
**College of Law and Governance**  
**Department of Civic and Ethical studies**  
**Questionnaires to be filled by sample household heads.**

Dear Respondents:

This survey is going to be undertaken by a student of Mekelle University, College of Law and Governance Departement of Civic and Ethical studies in Partial Fulfillment for the Requirement of Master of Arts inCivic and Ethical studies. This questionnaire is designed to obtain information on assessment of Rural Land Conflict Management in Tigray: The Case of Naeder wereda, Cetnral Zone of Tigray. The information collected from you will be used for academic purposes, and will be kept confidentially.

**I thank you for your cooperation and time!**

**Instruction:** Please circle the appropriate answer and check the box of your choice, or code to all alternatives under each question below and use the space provided for open ended questions for further explanation. Your genuine response is critically invaluable for the better result of the study. Please read all the questions properly and provide your response

**Part I: Demographic factors**

Age

Sex

Male  Female

Marital status

Single  Married  Divorced  widowed

House hold type

Male Headed  Female Headed

Educational level of the respondent

|                               |                          |                                  |                          |
|-------------------------------|--------------------------|----------------------------------|--------------------------|
| Illiterate                    | <input type="checkbox"/> | Secondary Education (Grade 9-12) | <input type="checkbox"/> |
| Read and write only           | <input type="checkbox"/> | Diploma                          | <input type="checkbox"/> |
| Primary Education (Grade 1-8) | <input type="checkbox"/> | First Degree and above           | <input type="checkbox"/> |
|                               |                          |                                  | <input type="checkbox"/> |

Educational level of the House Hold Head

|                     |                          |                     |                          |                        |                          |
|---------------------|--------------------------|---------------------|--------------------------|------------------------|--------------------------|
| Illiterate          | <input type="checkbox"/> | Primary Education   | <input type="checkbox"/> | Diploma                | <input type="checkbox"/> |
| Read and write only | <input type="checkbox"/> | Secondary education | <input type="checkbox"/> | First degree and above | <input type="checkbox"/> |
|                     |                          |                     |                          |                        | <input type="checkbox"/> |

House hold size

|                |                          |        |                          |         |                          |              |                          |
|----------------|--------------------------|--------|--------------------------|---------|--------------------------|--------------|--------------------------|
| Three and less | <input type="checkbox"/> | 4 to 6 | <input type="checkbox"/> | 7 to 10 | <input type="checkbox"/> | 11 and above | <input type="checkbox"/> |
|----------------|--------------------------|--------|--------------------------|---------|--------------------------|--------------|--------------------------|

Main Source of livelihood

|            |                          |
|------------|--------------------------|
| Farming    | <input type="checkbox"/> |
| Livestock  | <input type="checkbox"/> |
| Irrigation | <input type="checkbox"/> |

Please explain if your main source of income is other than the above lists

---

House hold's Agricultural land per hectare

|               |                          |            |                          |             |                          |             |                          |               |                          |
|---------------|--------------------------|------------|--------------------------|-------------|--------------------------|-------------|--------------------------|---------------|--------------------------|
| Less than 0.5 | <input type="checkbox"/> | 0.5 to 1.0 | <input type="checkbox"/> | 1.01 to 1.5 | <input type="checkbox"/> | 1.51 to 2.0 | <input type="checkbox"/> | more than 2.0 | <input type="checkbox"/> |
|---------------|--------------------------|------------|--------------------------|-------------|--------------------------|-------------|--------------------------|---------------|--------------------------|

Annual average income of the House Hold (in birr)

|                 |                          |                 |                          |                 |                          |
|-----------------|--------------------------|-----------------|--------------------------|-----------------|--------------------------|
| 5000 and less   | <input type="checkbox"/> | 5001 to 10000   | <input type="checkbox"/> | 10001 to 15000  | <input type="checkbox"/> |
| 15001 to 20,000 | <input type="checkbox"/> | 20,001 to 25000 | <input type="checkbox"/> | 25001 and above | <input type="checkbox"/> |
|                 |                          |                 |                          |                 | <input type="checkbox"/> |

Land entitlement status

Not yet  Already Received

Number of land conflicts faced for the last two years since 2015

One  two  Three  Four and above

When was the conflict occurred 2015

2016

Status of settlement of conflicts

Not settled yet  partially settled  fully settled

## Part II: Main causes of rural land conflicts

Please select the main cause for the rural land conflict you faced and rank them accordingly

| Main causes   | Rank |
|---|------|
| Land Tenure insecurity                                    |      |
| Competing land claims and use as land value is increasing |      |
| Land Holding inequalities                                 |      |
| Rural land scarcities                                     |      |
| Poverty   |      |
| Unclear land entitlement procedures                       |      |
| Un clear procedures for inheritances including lineage    |      |
| Ineffectiveness of law enforcements                       |      |
| Government land appropriation schemes                     |      |

Other causes if any \_\_\_\_\_

---

**Part III: Rural land conflict types**

Please select the main types of conflicts you faced and rank them accordingly

| <b>Type of conflict</b>  | <b>Rank</b> | <b>Frequency</b> |
|--|-------------|------------------|
| Boundary Conflicts   |             |                  |
| Inheritance conflicts  |             |                  |
| Intra lineage conflicts  |             |                  |
| Customary or Ancestral claims Vs. current use improvement claims |             |                  |
| Land conflicts as one manifestation of political differences     |             |                  |
| Conflicts on vacated and absentee ownership of land              |             |                  |

Other types of conflicts if  
any

Do you think that rural land conflicts equally affect women headed and men headed  
Households?

Yes  No

If your answer is no, why

Which rural land conflict type is mostly faced by women headed households? Why

---

Which rural land conflict type is mostly faced by the poor and marginalized?

---

Why

#### Part IV: Rural land conflict management at local level

Conflict is always negative in nature

Yes  No

If yes, why?

If No, why?

Who do you have faced a conflict with?

Neighbor  
 Family member  
 With someone in the community  
If any other

What is your choice of managing a conflict?

Formal

Take the case to the Kebele Administrative committee

|                          |   |                          |
|--------------------------|---|--------------------------|
| <input type="checkbox"/> | Informal                                      | <input type="checkbox"/> |
| <input type="checkbox"/> | Alternative conflict management mechanism     | <input type="checkbox"/> |
|                          | Customary or Traditional conflict management  | <input type="checkbox"/> |
|                          | Mixed informal conflict management mechanisms | <input type="checkbox"/> |

Please put a tick mark on your level of agreement on the following points why we choose formal or informal way of rural land conflict management

|              |  | Strongly disagree | Disagree | Neither agree nor disagree | Agree | Strongly agree |
|--------------|--|-------------------|----------|----------------------------|-------|----------------|
| formal/Legal | Enforcement of a clearly and previously established rule of law                      |                   |          |                            |       |                |
|              | Clearly defined penalty  |                   |          |                            |       |                |
|              | Professionalism of judges  |                   |          |                            |       |                |
|              | Impartial procedures   |                   |          |                            |       |                |
|              | There is no interest by the community to manage conflicts customarily                |                   |          |                            |       |                |
|              | Standardized procedure for determination, recording and dissemination of information |                   |          |                            |       |                |
|              | Judges lack knowledge about the rural land   |                   |          |                            |       |                |
|              | Judges are practically unfit to the  |                   |          |                            |       |                |

|          |  |  |  |  |  |  |
|----------|--|--|--|--|--|--|
| Informal | diverse local conditions   |  |  |  |  |  |
|          | Legal procedures necessarily results in the recognition of “Loser” and “Winner”, which is not easily acceptable by the rural community and it invites for further revenge and conflict |  |  |  |  |  |
|          | Sometimes, the impartiality of   |  |  |  |  |  |
|          | courts is also questionable, in view of frequent accusations related to corruption practices with in the judiciary   |  |  |  |  |  |
|          | Courts and tribunals are overcrowded with land conflicts, a situation that reflects the limited effectiveness of the judicial system   |  |  |  |  |  |
|          | Justice is not accessible to the poor and marginalized due to costliness of courts, informal fees, long procedures, many bureaucratic red tapes and the coverage of courts             |  |  |  |  |  |

|  |   |  |  |  |  |  |
|--|---|--|--|--|--|--|
|  | Formal courts are not trusted by the villagers especially the poor and marginalized as courts are time consuming, biased to the rich, and judges need bribes                    |  |  |  |  |  |
|  | Judges decisions are not properly understood by the illiterate rural community, as a result they are not confident on the court to manage the conflict up to their expectations |  |  |  |  |  |
|  | Customary management of conflicts better secure rural stakeholders' land entitlements   |  |  |  |  |  |
|  | Customary conflict management is a consensus building way that  |  |  |  |  |  |
|  | benefits both parties   |  |  |  |  |  |

Which way are you really using to manage the conflict raised?

Formal  informal

Have you ever faced a delay in managing a rural land conflict?

Yes  no

If the answer for the above question is yes, on average, how long does it take to manage a rural land conflict customarily?

Less than a year  1 to 2 years  2 to 3 Years  More than 3 years

On average, how long does it take to manage a rural land conflict legally?

Less than a year  1 to 2 years  2 to 3 Years  More than 3 years

At what level do conflicts stay for longer period of time when managed legally?

Kebele level  Wereda level

What do you think is the reason for the delayance?

---

What is the biggest challenge you faced during a legal rural land conflict management?

Time  Money  Property  relationship

If any

other

What is the biggest challenge you faced during the customary rural land conflict management, if any?

Do you think land entitlement is important in reducing rural land conflicts?

Yes  No

If your answer for the above question is yes,  
Why?

---

**Part V: Stakeholders of in rural land conflict management**

Do you believe that the government is playing an important role in the rural land conflict management? Strongly disagree  Dis agree   
neither disagree nor agree  Agree   
Strongly agree

Who are represented during customary rural land conflict management?

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Are the poor and marginalized involved in any rural land conflict management?

Yes  No

If your answer is yes, why

If the answer is no, why

Is there any civic organization involved in the rural conflict management?

Yes  No

If your answer is yes, please name

If your answer is No, what do you think is the reason?

---

How do you evaluate the capacity of the government staffs in rural land conflict management?

Capable enough

not capable

How do you evaluate the experience of the government staffs at kebele level in rural land conflict management?

Experienced

Not experienced

How do you evaluate the corruption level the government staffs at wereda and kebele level in the legal conflict management frame work?

Not Corrupted  I do not know  Corrupted

To what extent do you agree about the transparency of the local government in rural land management?

| Activities  | strongly disagree | disagree | neither disagree nor agree | agree | strongly agree |
|---|-------------------|----------|----------------------------|-------|----------------|
| Land information is always available to the community   |                   |          |                            |       |                |
| There is open access to information about ownership, value and use of land                      |                   |          |                            |       |                |
| There are standardized procedures for determination, recording and dissemination of information |                   |          |                            |       |                |
| There is a supervision by the local authorities   |                   |          |                            |       |                |
| There is always a possibility of appeal   |                   |          |                            |       |                |

To what extent do you agree about the accountability of the local government in rural land management?

| Activities  | strongly disagree | disagree | neither disagree nor agree | agree | strongly agree |
|---|-------------------|----------|----------------------------|-------|----------------|
| The land governance institutions are responsive as demand arises from the community |                   |          |                            |       |                |

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| <p>There are mechanisms for questioning and explaining the ongoing land activities in the community.</p>                        |  |  |  |  |  |
| <p>The community is involved in every land related issues and have a say on it</p>  |  |  |  |  |  |
| <p>Kebele land administrators and land judges are elected by the community and could be fired by the community if necessary</p> |  |  |  |  |  |

**Part VI: Local governance structures and institutions**

Do you believe the local government structure is supportive in rural land conflict management?

Yes  No

If yes, why

If no,  
why

How do you evaluate the local coverage of institutions in terms of reaching the poor and marginalized?

Very low  low  Fair  Good  Very good

How do you see the relationship between the local institutions and the community?

Very weak  Weak  Fair  Good  Very good

Do you think the formal land conflict management should consider the customary conflict resolution mechanisms?

Yes  No

If yes,

Why?

If no,

Why?

Please indicate your level of agreement on the local government structure and institutions

| The local government structure and institutions are for rural land conflict management | Strongly disagree | disagree | Neither disagree nor agree | agree | Strongly agree |
|--|-------------------|----------|----------------------------|-------|----------------|
| Weak   |                   |          |                            |       |                |
| Ineffective  |                   |          |                            |       |                |
| Non responsive   |                   |          |                            |       |                |
| Corrupt  |                   |          |                            |       |                |
| Do not encourage participation   |                   |          |                            |       |                |
| Not transparent  |                   |          |                            |       |                |
| Biased to the rich   |                   |          |                            |       |                |
| Not all inclusive (the poor and  |                   |          |                            |       |                |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| marginalized) in terms of representation |  |  |  |  |  |
|--|--|--|--|--|--|

**Part VII: Attitudes and skills of Arbitrators in rural land conflict management**

| Attitudes and skills of arbitrators in rural land conflict management              | Strongly disagree | disagree | Neither disagree nor agree | agree | Strongly agree |
|--|-------------------|----------|----------------------------|-------|----------------|
| They have good arbitration skills  |                   |          |                            |       |                |
| They have adequate experience  |                   |          |                            |       |                |
| Update themselves through formal and informal trainings                            |                   |          |                            |       |                |
| They are willing and respectful to support the conflicting parties                 |                   |          |                            |       |                |
| They have the energy and commitment  |                   |          |                            |       |                |
| Believes in local customary solution than the legal one                            |                   |          |                            |       |                |
| Strongly believes in participation and representation of the poor and marginalized |                   |          |                            |       |                |

What skill do you lack with the Arbitrators?

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## **Checklist for focus group discussion**

### **Part I: General instructions for the researcher**

- Make an acquaintance with the selected key communicators before starting discussion, by first introducing yourself to the member, i.e., your name, where you come from, and tell them the purpose and objective of the study so as to make things go smoothly and give thanks to them in advance before introducing the agendas.
- Introduce the discussion points or agendas to your key communicators
- Do not direct the key communicators; let them feel free to react openly in order to understand their feelings about the functioning of local governance in rural land conflict management, and then raise constructive opinions.
- Write down each and every idea they raise up like a rapporteur does.

### **Part II: General information**

Name of the researcher: \_\_\_\_\_ Date of focus group discussion: \_\_\_\_\_

### **Part III: Background about rural land conflict management in**

#### **Naeder Wereda for the focus group discussants**

Conflict management has its own roles in the rural land conflict management in any local administrations. So, today we are going to discuss and see assessment of rural land conflict management in your wereda, Naeder wereda

### **Part IV: Discussion points with the focus group**

Dear group members, you are from different sectors of the community. So, you, as a key community leaders or communicators, you have a great role to play in discussing the assessment

of rural land conflict management in Naeder wereda. Thus, please, discuss on the following key points such as:

1. How Rural conflict is managed in our local?

✓ What are the institutions?

✓ Who are directly involved?

✓ Is the system of land governance participative?

2. What are the challenges of Rural land conflict managemet?

3. What are the most common sources of rural land conflicts and the conflict types frequently observed in kebele/wereda?

4. What is the role of the government in managing rural land conflicts in this wereda?

5. How do you evaluate the structures and institutions of the government in rural land conflict management?

6. What are the real gaps in managing rural land conflicts?

7. What are your recommendations towards reducing rural land conflicts in Naeder wereda?

**Thank you for your cooperation in giving your opinions on the discussion points. 102**

### **Semi structured Interview questions**

- Do you think land is a major source of conflicts?
- Are the rules governing land allocation clear?
- What are the major challenges of rural land conflict management?
- How do you see the role of government in rural land conflict management?
- Who are the stakeholders in the formal and informal rural land conflict management?

Legal

Customary

- What are the procedures used by the community to manage the rural land conflicts?

Formal

Informal

- What are the major governmental structures in managing rural land conflicts?
- Do you think the involvement of civic society organizations, the poor and women is very important? Why?
- Are there any local institutions involved in rural land conflict management?
- Do you think courts are providing an appropriate justice to the conflicting parties in solving the rural land conflicts?
  
- Is there any corruption in rural land conflict management? At what level?

Bribes

Fraud

Misuse of office power

- Do you think the government in your local is transparent in rural land conflict management in terms of

- ✓ Availability of land information

- ✓ Open access to land information about ownership, value, and use of land
- ✓ Standardized procedures for determination, recording and dissemination of information
- ✓ Supervision and possibility of appeal
- How do you see the importance of land entitlement in reducing rural land conflicts