

Land Administration Policy Implementation Challenges, the Case of Benishagul Gumuz Region, Western Ethiopia

Habtamu Seyoum* Debash Yidersal**

*(Land Administration and Management, Bahir Dar University, Lecturer and Researcher in Assosa University, Ethiopia

Email: habteyoyaaa@gmail.com)

** (Land Administration and Management, Bahir Dar University, National Land Tenure Advisor in REILA Project, Assosa, Ethiopia

Email: yidersal.d@gmail.com)

Abstract:

Policy is a legal document that governs the operation/management of a certain resource in a certain country. For instance, the way and how the state deal with land ownership, use and access related rights could be defined by their land administration policy and law. The general policy objective of the state to land may encompass environmental sustainability, social equity and political stability. Having or proposing land related policy and law is one aspect and the means of implementation is the other crucial points. Because, policy documents needs an organized instrument to enforce the proposed policy document in to action. The necessary instrument in case of land policy may encompass regulation and implementation manual concerning land tenure security, land market, land use planning, control, management system and smart institution with skilled man power. Thus, the main objective of the study is to assess the major practical challenges manifested during implementation of land administration policy in Benishangul Gumuz Regional state (BGRS). By using the power vested to the regions by federal government, the BGRS has enact land administration policy and legal frameworks to administer the land and land related resources of the region in a sustainable, equitable and secured manner. However, despite the commencement and progress of land policy implementation in BGRS, there are an identified policy implementation related challenges specifically in relation to the capacity of institutions, legal framework related gap, political influence and awareness and other facilities and infrastructures. This situation highly impedes land policy implementation, led to dispute, affect economy and social stability. Generally,

the realization of sustainable growth development depends on the manner in which land and land related resources are secured for the users, utilized and managed. This will be addressed through comprehensive people driven land policies which confer full political, economic and environmental benefit to the public at large. This needs commitment from individual citizens, non-governmental organizations and governments to cooperate at regional and lower level by understanding the value of land administration program.

Key Words: *Land, Policy, Administration, Management, Implementation, Challenge*

I. INTRODUCTION

Contemporarily studies regarding land tenure show that, land administration system and the manner of its implementation is a pressing a global agenda of today. Many countries, either in developed or developing, has been striving on how to efficiently administer and use the precious land resource to address the growing and evolving need of their societies. The way and how the state deal with land issues could be defined by their land administration policy and law. The general policy objective of the state to land may encompass environmental sustainability, social equity and political stability. Having or proposing smart land policy and law document in a certain countries is not a guarantee by its self. The other side of the coin which highly challenged government agency the extent and manner of effective implementation, should be given due attention equally.

Therefore, government needs organized instrument to enforce the proposed land policy. The necessary instrument may encompass regulation concerning

land tenure security, land market, land use planning, control and management of land and other natural resource. Even, having sound policy and regulation, there should be effective institutional arrangement and skilled human resource for solving technical and awareness creation activities during implementation of land administration policy.

According to Tigistu (2011), the Federal Government of Ethiopia initiate policy and institutional reforms since 1997 that have laid ground for establishing and implementing a good land administration system. The core and key element of reform in the drive to improve tenure security among farming households was registration and certification of rural land rights. Although, the commencement of registration and certification in the four regional states of Amhara, Oromia, SNNP and Tigray, has been somewhat satisfactory towards ensuring tenure security, however, there were a number of observed problems and challenges that happened during policy implementation.

However, other emerging regional states, like Benishangul Gumuz region, were initiated their land administration activities by formulating their own land laws in line with the federal land law later than the above-mentioned regions. In Benishangul Gumuz regional state, formal land distribution and reform had not been conducted so far except some settlement area during the Derg regime. As a result most farmers have held a vast tract of land here and there without any limit. In addition to this, the

A. OBJECTIVES OF STUDY

The main objective of the study is to assess the major practical challenges manifested during implementation of land administration policy in Benishangul Gumuz regional state (BGRS).

To this end the study has forwarded the following points as specific objectives.

- To explore the nature of the region's land policy.
- To assess the extent to which the formulated land legislations addresses the existing land related problem adequately.
- To view how the policy works in line with the socio-cultural conditions of the region.
- To assess the existing institutional arrangement and capacity to undertake implementation of land policy.
- To examine the status of land administration activities that has been undertaken currently.

dominant practice of shifting cultivation farming culture is the other reason instigates peasants' farmers to hold a number of parcels in different places of the region. In this study, the existing land administration situations, the current land administration policy and its status of implementation would be assessed deeply in respect to the region's land acquisition and land use legislations.

B. STATEMENT OF PROBLEM

The formulation of sound land administration policy and related legal framework, in one country, laid conducive ground for implementing the policy objectives in effective manner. However, studies show that a number of problems and challenges were manifested in implementing the designed objectives of the policy. Some of them are falling in the areas of policy and legislative gaps, technical deficiencies, inadequate institutional capacity and inadequate financial resources. Based on this reality, this paper is designed to investigate problem or circumstance that challenges land administration policy implementation in Benishangul Gumuz Regional State (hereafter, BGRS).

The condition that initiates the researchers to conduct this research work is the existence of broader gap between the land policy in principle

and its practical implementation due to different reasons. The major problems, which would be assessed in this study are, the nature of the region's , the capability of the land policy implementing institution and the manner how it implements the policy presently, and assessing the existence of conducive environment to implement land policy effectively in line with the region's socio-cultural perspectives.

C. RESEARCH QUESTIONS

After examining the international and national concepts and practice of good land administration policy implementation, the following research questions have been discussed and addressed briefly in this paper:

- What are the short-comings of region's land administration policy and legal framework?
- How the policy addresses the region's land related issues and questions?
- How the policy responds the existing socio-economic condition of the region, particularly with shifting cultivation?
- What are the major success and failures of the land policy during implementation?

D. SCOPE AND LIMITATION OF THE RESEARCH

The study is about the Benishangul Gumuz regional state land administration policy and the major

land policy and the extent to which it address the existing land related issues adequately challenges that has been impeded effective practical implementation in line with the region's land policy objectives. Due to time constraints to gather primary data by different methods, the study is limited to secondary sources of data and personal observation. But almost adequate information has been obtained methodically.

E. RESEARCH METHODOLOGY

This research is designed to investigate the major challenges of land administration policy implementation in Benishangul Gumuz region. This investigation was conducted based on relevant international, national and regional land legislation document. It tries to critically analyse the observed challenges in relation to the purposes of the study.

Generally, the major data employed in this research work is secondary source of data and personal observation is also conducted for further verification. Therefore, the research is qualitative in nature. The study has tried to make an appropriate review of relevant literature related to land administration policy and implementation trend including the observed success and failure experience of land administration policy implementation of the region.

II. REVIEW OF RELATED LITERATURES

Many countries have begun to introduce and reform the existing legal frameworks to address the issues of land and management of land related resources. However, the scale and comprehensiveness of change needed is huge and has not yet reached full-scale implementation. In this section, the study attempts to review what scholars say on land administration in general and the practical challenges that hamper the effective functionality of land policy in particular. Finally, the visible and hidden challenges of land policy implementation in the study area would be examined and promising recommendation would be forwarded.

A. CONCEPTS OF LAND AND LAND POLICY

Land is an asset of the greatest importance in many parts of the world, both developing and developed. It is a source of high proportion of income, employment and export earnings stems from agricultural production and other land-based activities. Land is not just a commodity. It is a factor of production, a capital asset and a source of identity. The interrelated social, cultural, economic, institutional and political factors involved in land make it an asset different from all others (EU, 2004).

The meaning of land and land policies is diverse and contested across and within local and (inter) national settings. The phrase ‘land policy’, used to

refer to all policies that have anything to do with land, may be convenient, but it masks the actual complexity of issues. Meanwhile, concern for ‘pro-poor’ land policy has coincided with the mainstream promotion of efficient administration of land policies, leading to the concept of ‘land governance’. Such concepts have enriched discussion on land issues, but they also complicate further an already complex terrain (Borras Jr and Franco, 2010).

Land policy calls for a multidisciplinary approach to ensure that the needs of different stakeholder groups, in particular the poor and vulnerable, are effectively addressed. All land policy lies at the heart of a people’s economic and social life, as the distribution of property rights has a tremendous impact on both their equity and productivity. It is essential to securing the broader objectives of social justice and economic development at all

Guarantying the rights and assets of every citizen, especially the weakest and the poorest, and improving poor families’ access to land and natural resources is key to broadening the economic opportunities available to them. Direct and secure access to land is an essential basis for survival and growth. Acknowledging that rural people need rights to control and manage their territory is a way to guarantee their access to resources which they have helped to maintain and preserve (ibid).

Land policies determine who has legal rights of access and/or ownership to certain resources and under what conditions, and therefore how these productive assets are distributed among diverse stakeholders. Land policies therefore express, implicitly or explicitly, the political choices made concerning the distribution of power between the state, its citizens, and local systems of authority. The multiple dimensions to land issues require a careful and well implemented approach which places current land issues within the broader historical, political economic and social context (EU, 2004).

B. DESIGNING SUCCESSFUL LAND POLICY

That land policy development has already become a major item in Africa's economic and political reconstruction agenda is no longer in doubt. Central to that exercise is the conviction that past policies, many of which have been ad hoc or sector specific have failed to resolve fundamental problem underlying the sustainable development of the land economy and those of related sectors (AUC-ECA-AfDB, 2010).

According to EU (2004), most countries have been engaged in various land-related measures, both to address perceived weaknesses of existing systems, and to establish new mechanisms for land management. Some of the designed successful land

administration policy takes in to account the following key principles.

- Follow long term strategic approach.
- Take into account the distance between statutory law and local practice.
- Identify key principles and allow for diverse solutions within them.
- Take implementation costs into account in the design of land tenure reform measures.
- Carefully craft the rules and tools.
- Recognize that the impact of reform depends on changes in practices and not on the legal texts alone.
- The rights of minorities and indigenous peoples are to be adequately recognized.
- Land policy has to include sound land use planning.

According to AUC-ECA-AfDB(2010),the appropriate land policies require the interests and roles of all stakeholders in the land sector and, in particular, indigenous institutions, the land using public and civil society organizations. Since land policy development is clearly a complex, interactive and often long drawn out exercise, it should following process:

- Stakeholder consultation and identification of salient problems in the land sector;
- Preparation of working drafts for further discussion with stakeholders.

- Appraisal of institutional and financial/budgetary options;
- Refinement, processing and approval of the national land policy
- Design of implementation programmes and rationalization of institutional responsibilities for implementation;
- Enactment of new and revision or repeal of existing land and land-related legislation

C. OVERVIEW OF CURRENT NATIONAL AND REGIONAL LAND POLICY

In Ethiopia, there is no a separate and full-fledged land policy like that of other sectorial development policy. Rather the overarching notion of land policy incorporated in the FDRE constitution. Article 40 (3) of the FDRE constitution envisaged that the ownership of both urban and rural land including other natural resources are vested in the state and people of Ethiopia. And land is not subjected to sale and other means of exchanges. On the other hand, as it is indicated in article 89 (5) of the same constitution, the power of administering land is given to the government on behalf of the people.

In addition, the FDRE government enacted the Federal Rural Land Administration and Use Proclamation (No. 456/2005), which reaffirms ownership of rural land by the State, but confers indefinite tenure rights, rights to “property produced on the land”, rights to inter-generational

tenure transfer, rights to rent out land, and lease rights to land users for commercial investments. The law makes provision for the registration and certification of tenure rights.

The proclamation also specifically addresses degradation of rural land, including defining the obligations of tenure holders to sustain the land, with specific requirements depending on slope, requirements for gully rehabilitation, restrictions on free grazing, and protection of wetland biodiversity. This Proclamation also has provisions indicating that there will be no further land redistribution, except under special circumstances. Regional States have also enacted legislations to strengthen tenure security, modelled after the federal law (Melkamu and Shewakena, 2010).

In this manner the four, Tigray, Amhara, Oromia and SNNP, regional states has enacted their own respective land laws and commence land registration and certification. These regions have been adopted cost effective and rapid methodology for registration and certification of rural lands to ensure tenure security. The land records contain only textual data and an estimate of the area as reported by the landholder using the traditional land measure of the locality was entered in the certificates in addition to the names of the landholders of the adjoining parcels. Recently, the two emerging regions, Gambela and Benishangul-

Gumuz, enacted their own land administration proclamation following the experience of above mentioned regions (Tigstu, 2011).

D. LAND ADMINISTRATION POLICY IMPLEMENTATION AND CHALLENGES

The full impact of the implementation of land policies is usually medium to long term. However, scholars and policy managers will need to appreciate that land policies are not just mere statements of intent. They are meant for application within the prevailing environment in order to promote social-economic and political development. This is important to bear during land policy formulation, preparation for implementation and during implementation. In doing so, one is able to put into practical context each of the pertinent policy proposals (Ibrahim, 2012).

Provisions to enhance security of tenure, institutional reform, efficient administration and management, planning and upgrading of informal settlements must be thoroughly interrogated for practical relevance within local contexts. This is even more necessary for provisions like interventions to stop the excessive subdivision of land parcels, equity in land distribution, conversion of tenure terms, elimination of gender discrimination, alternative dispute resolution, environmental conservation, taxation of idle land

and the resolution of historical injustices among others which require popular public support while in some cases running counter to traditional norms or private interests (ibid).

Although many African countries have utilized a variety of strategies, in developing new or revising existing national land policies in response to perceived problems in their land and related sectors, the rate of implementation of these policies has been slow and in some cases disappointing.

More often than not, countries have spent a considerable amount of resources in the development of action plans than on the actual execution of policy prescriptions. In general, failure to agree on implementation strategies, lack of capacity to manage change, lack of baseline data, defects in policy development and inadequacy of implementation infrastructure are some of the more common impediments to land policy implementation (ECA-AU-DfAB, 2010).

Tigistu (2011) argues that the problems and challenges faced in implementing rural land administration programs in Ethiopia fall in the areas of policy and legislative gaps, technical deficiencies, inadequate institutional capacity and inadequate financial resources. Ibrahim (2010) observes that lack of political goodwill, Lack of or poor public awareness and stakeholder involvement, failure to

agree on appropriate implementation strategies and plans, capacity Constraints, institutional attitude change, limitations in budgetary support, lack of appropriate monitoring and evaluation are a key limitations for land policy implementation.

E. FAILURE TO AGREE ON IMPLEMENTATION STRATEGIES

In most cases, land policy implementation strategies and modalities are often not considered as important elements which require as much debate and consensus building as the substantive problems targeted in policy development. Implementation modalities do not form part of drafts submitted for public debate or stakeholder consultations (AUC-ECA-AfDB, 2010). Thus, some of the main observed problems that highly affect land administration policy implementation in developing countries like Ethiopia are

- ✚ Lack of capacity to manage change
- ✚ Lack of baseline data
- ✚ Defects in policy development Process
- ✚ Inadequacy of implementation infrastructure

II. RESULT AND DISCUSSION

In this section the gathered raw sources of information both by secondary source or personal observation are discussed and analysed.

A. NATURE OF LAND POLICY AND LEGAL FRAMEWORK OF THE REGION

In line with the power delegated to regions by the FDRE RLAUP No. 456/2005 to enact their own land administration proclamation, the BGRS enacted rural land policy and RLAUP No. 85/2010 to administer and use land resources sustainably, to ensuring tenure security and equitable access of land for all peasants in the region. Some of the basic contents and detail provision of the proclamation are means of land acquisition, ownership and holding right of rural land, transfer of land holding right, extent and duration of land holding right, duties and responsibilities of rural land users.

In its nature the land policy and RLAUP No 85/2010 of BGRS is not complete and it doesn't address some of the prevailing socio cultural conditions of the region. It seems much more similar to the federal RLAUP 465/2005 and that of Amhara national regional state land administration proclamation. The nature of federal and Amhara land laws are more focused on situations of the highland part of Ethiopia in which land redistribution had been taken place, most the farmers has been practiced sedentary agriculture and societies are settled. So adopting these laws without giving due attention to local situation may leads to failure since in BGRS region, most of the farmers are shifting cultivators' and land

distribution has not been taken place except some settlement areas.

“Shifting cultivation is a periodic shifting of farm plots in favour of new and fertile ones which may include slash-and-burn trees and bushes for the new field, and field fallow” (Berihun, 2009).

In this regard the region’s RLAUP fails to address the shifting cultivators’ issue. There is no any clear provision in the proclamation that either creates favourable condition for the shifting cultivators’ or halt shifting cultivation practice in region. Due to this, government was unable to enforce, the provision that stated under the region’s RLAUP implementation regulation No. 44/2011, in areas which are dominantly practicing shifting cultivation during implementation. Regulation No. 44/2011 limits the maximum holding size that should not exceed 10 and 5 hectare in lowland and highland areas of the region respectively. Generally, there are multiple and complex challenges which reflected both in land policy gap and other land administration infrastructure which would be discussed in the following sub topic.

B. MAJOR CHALLENGES OF LAND POLICY IMPLEMENTATION IN BGRS

After the enactment of the proclamation the region directly rush to commence land registration in selected pilot woredas without giving due attention the facility and inputs that are mandatory necessary

for its achievement. During the piloting programme the newly established zonal and Woreda land administration offices were not fulfilled with sufficient human power and equipment, supportive legal documents like directive or implementation guide line were not prepared and public awareness creation and training for implementers were not conducted.

However, the registration and adjudication program was somewhat successful in some settlement areas and highly challenging in areas in which dominantly indigenous people lives, due to different interrelated problems. The land in settlement areas has been already distributed for each household in an equitable manner during the Derg regime and the transitional period, which is believed to be the reason behind the success for land registration in these areas. Even if, the land registration programme was somewhat trouble-free due to the existing land tenure system in settlement areas, generally the following challenges or gaps that has been hampered the land administration policy implementation in the region are policy and legal framework gap, absence of well-organized institution and skilled man power, political influence and lack of political commitment, and lack of adequate public awareness creation.

C. POLICY AND LEGAL FRAMEWORK GAPS

The land policy of the region (BGRS) aimed at ensuring equity of land distribution, security of tenure, and food security, while promoting environmentally sustainable land use practices throughout the region, by solving existing complicated land and land related problems. The adoption of land policy in the region is a new phenomenon since land is not as such governed by formal institution in most parts of the region rather people hold rural land either by their own capacity or by their respective clan chiefs. To date the only responsibilities of peasants are paying tax for the government. As it is mentioned earlier, integrating the customary tenure system of the region in to formal land administration system and thereby creating efficient and effective land administration system that can support sustainable development is the main objective of the region's land administration policy. However, the policy objectives have not succeeded due to gaps in policy and legal frameworks and other reasons.

In regards to policy and legal framework gaps, rushing into land registration programme without formulating implantation guideline and preparing other supportive legal documents were not the only problems that impede land policy implementation in the region, but also some provisions of the rural land administration and use proclamation (RLAUP

No. 85/2010) has its own defect when it was tested practically in the region.

For example, Art. 5(2) of the region's RLAUP No. 85/2010 states that:

“Any peasant resides in the region have the right to hold land irrespective of gender or any other discrimination”.

Whereas, sub article 3 of article 5 in the same proclamation clearly stipulated that:

“Any peasant who occupied prior to this proclamation and will occupy land illegally shall have not holding right”.

The above two provisions in RLAUP No. 85/2010 seems they have an intention to grant access to land for all peasants who resides in the region by denying access to land for those who occupied or who will occupy land illegally. However, the regional government and other observer perceived this provision in different viewpoint. The regional government argues that there is a continual migration of peasants from neighbouring regions and illegal encroachment of these migrants in the forest has been caused forest degradation. For this reason, the regional government seems to use Art.

5(3) of proclamation stop the illegal encroachments of peasants in forest land.

However, some independent observers argue that the regional government has incorporated the second provision (Art. 5/3 RLAUP No. 85/2010) intentionally to eliminate the land claims of non-indigenous residents of the region irrespective their legality, specifically those who migrates into the region by themselves for searching better livelihood in the past twenty years.

Since the proclamation has not set criteria to identify who is legal and illegal holder makes difficulty of the implementation. During the pilot land registration programme that had been undertaken in different Woredas lacks uniformity due to interpretations of this provision in various ways among implementers. Due to this difficulty in some Woredas there were a condition of assuming the indigenous resident are the only legal holder and a sort of exclusion and displacement of non-indigenous residents.

Like that of other regions residence is one criterion to access to rural land in the region as it is stipulated in Art 5(2) of RLAUP No. 85/2010. Due to agricultural potential of the region enormous number peasants from other regions moved to the region in search of work and hold rural land either by the grant of kebele administration or by dealing

with residences. In implementation there is a situation of expelling those peasants by considering as illegal holder in accordance with the above provision. However, the issue became a political agenda and source of conflict in some areas of the region and the expelled peasants were back to the region after the negotiation made with neighbouring region.

The proclamation No. 85/2010 Art 13/1(a) envisaged that:

“Anyone who engaged in non-farming activity and earns his livelihood thereto shall not have right to access rural land and may deprived their holding”

This provision wants to stress on those who engage in trade, civil servant and other non-farming professions to reduce rural land competition to peasants. But it does not clearly set standards to identify them either by minimum capital or salary they earns annually or monthly. In addition, it fails to say something on couples in the case of one of them engaged in profession other than agriculture and the other engaged in agriculture. It also not addresses the issues of compensation for developments on land in the case of depriving the holdings of those who denied holding right by the proclamation.

The real situation prevailing in the region is that, specifically rural areas, most of the merchants has been undertaken both agricultural and trade activities conditional seasonally. They hold a vast tract of rural land which they acquired by legal means from kebele administrator. Since the proclamation have not a clear and cut provisions which address their issue. This activity challenged policy implementers and even paved the way for corruption, tenure insecurity and conflict.

The other trend, which is a common in region, is that when husband is a civil servant and his wife may a farmer. Hence, she may have her own farm land which she may plough or rent it. This condition is not treated in the proclamation that leads to different practice in the region. Some Woredas denied her right of land holding. Then her formal holding is taken-away and redistributed to another landless peasant. While in the other areas there is trend of allowing half of the holding of the couples in the name of the one who engage in agriculture and the rest may redistributed to landless peasants.

Generally, even if the land policy and proclamation of the region paved new trend to administer land formally in organized manner, the proclamation fails to address and resolve many complicated issues which rose during implementation. Therefore, the proclamation in particular and the policy of the

region in general need to be reviewed in line with federal land law and the way it address the local condition of the region.

D. ABSENCE OF WELL-ORGANIZED INSTITUTION AND SKILLED MANPOWER

Another and most important thing that must be given due attention during policy implementation is that the existence of effective institutional arrangement. Organizational infrastructures may consist of sufficient and equipped human power, sufficient financial resource, and decentralized functions up to grassroots level which guided and supervised by one well-organized central authority.

In the case of BGRS, it was in 2011 that Bureau of environmental protection, land administration and use (BoEPLAU) established as responsible organ for land administration following the enactment of Proclamation No. 85/2010. It was after this year that, the institutional arrangement is devised and some attempt was made to employ professional in the Bureau as well as in Zonal and Woreda offices. When it is compares with its age of establishment, the activities undertaken within this short period implicates a very good progress and development.

However, both the regional and lower-level offices of land administration do not have full capacity to adequately implement the land administration programs. The major weakness to the

implementation of the evolving land administration registration programs as noted by ARD, inc. (2004) is lack of capacity of land administration agencies to carry out these programs. The regional Bureau have neither adequately trained staff for the programs being developed nor the resources (e.g., offices or equipment) to carry out these programs.

As result, due to the rush programme of land police implementation set out by the regional government without fulfilling the necessary infrastructure, it were become very difficult to cope up with the raised problems during implementation. The implementers both experts and political officials were not understood and aware of the policy simply they undertake different activity in different areas. This skill gap and lack of understanding on legislation divert the policy objectives to other dimension and creates adverse impact on rural land holders. Therefore, undertaking land policy implementation in the absence of organized institutional arrangement and infrastructure is dangerous unless seriously followed monitored.

E. POLITICAL INFLUENCE AND LACK OF POLITICAL COMMITMENT

Land administration policy implementation requires high political commitment. Politics may affect it either positively or negatively. When we traced back to the former Ethiopian land tenure system during Emperor Haile Selassie, the Emperor was

unable to conduct a meaningful land policy reform for not to affect the interests and benefits of him and other politicians, since the lords of two houses of parliament including the Emperor and his family was hold a vast tracts of land.

In BGRS, the scenario somewhat looks like what happens in the Emperor Haile Selassie's regime. Almost majority of the political official, from lower up to higher level, are the holder of rural land directly by their name or indirectly through their relatives (e.g. preserve a vast tracts of land through wives since polygamy is a common phenomenon in the region). However, the land law of the region restricts access to land by profession (i.e. only farmer have a right to access land) and even it limits the maximum holding size that one households can holds. So, anyone who engaged in non-farming profession shall be deprived from his/her holding and the land above the maximum holding size may confiscated from those who held above the maximum holding size accordingly the region's land law.

Since, the effective implementation of policy affects their short term interest they have not gave full commitment for its implementation rather they prefer to preserve their own personal interests by contradicting the law directly and indirectly.

The other big issue that distorts the policy objective is that the influence of corrupted and rent seeker politicians who sit for their own interest rather than

enforcing the policy accordingly. As it was discussed above the regional land administration and use proclamation left many land related issues open ended which finally effected by Politian's interest in contrary to responsible and professional manner. For example, the issue of residence, in some areas of the region, is very difficult to identify the residents from non-residents. Because of the agricultural potential of the region unprecedented number of peasant from different regions moves to the region time to time without interruption.

Due to this, there are many farmers who live without identity card in the region for a long time, while there are others who got the identity card within short period either formally or informally from kebele administrators. This issue has not been addressed in accordance with rule of law rather it subjected to the judgment of political official. Even there is condition of displacing peasants of other regions under the coverage of land administration proclamation.

Another challenges and political influence that affect policy implementation in some areas of the region is the issue of residence and means of treating those farmers who came from other regions. This is highly implicated in kamashi zone of the region. This district is bordered with Oromia region and enormous amount of peasants from the adjacent kebele of Oromia region have given rural land holding by kebele administrators and agreement

with indigenous people prior to the enactment of the regional land law.

In the event of implementation, those farmers land holding were taken away, based on residence criteria for access to land set by RLAUP 85/2010 of the region, and distributed to landless peasants of the area. This leads to the condition of security frustration and fear between the two regions. As result, through political negotiation of the two regions and federal government, the land returned to former holder by violating the region's land proclamation provision of residency.

So, to address and accommodate this complicated land related problems the region land policy should be reviewed come up with a clear cut implementation guideline. Otherwise it undertaken cautiously it may leads to conflict and instability rather than bringing security of tenure.

F. LACK OF ADEQUATE PUBLIC AWARENESS

In the change of government policies with regards to tenure rights, it is critical that continuing efforts be made to inform people of current and evolving government policies and the objectives and structures of a decentralized land administration. People must also be made aware of their rights and obligations and the mechanisms to enforce those rights. Developing an effective land administration system implies an informed public that not only knows their rights, but also understands the

administrative structure to manage those rights. At the same time, the landholder has certain obligations or duties to perform. Both are components of a public awareness campaign.

The implementation of land administration policy in the region had been undertaken in different circumstances. In the settlement area there was a practice of systematic land registration in selected kebele. In these areas there was no as such resistance from land holder since their holding is very small and it had been already distributed among the peasant by government. Relative to other areas, which dominantly settled by the native people, it was not challenging and have a good progress of land administration policy implementation.

The situation in those areas, where native people are dominant, is unique. The dominant mode of agriculture is shifting cultivation. This condition forced the peasants to hold many plot of land from different places. As a result, in average one farmer may hold above five parcels and 15 hectare of land. In these areas the practice of systematic registration is not commenced and most of the time there is sort of adjudication and distribution of land in accordance with the region's land law.

Before undertaking adjudication and distribution process, primarily programmed public awareness creation campaign concerning the aim, objective

and the long term importance of the policy has to be delivered. Otherwise, the local people may hardly accept the policy implementation since their holding is above the maximum holding size set by the region's land law and the effect of the policy may reduce their former land holding. The practice in some areas of the region implicates particularly in Belojiganfoy Woreda, the sort of land adjudication and distribution process commenced in 2011 by excretion of force without delivering deep awareness for general public and the lower administrative officials and professionals. In such circumstance the process of reducing holding above the maximum allowed size was takes place and transferred to landless peasants. But, later due lack of public backing and protection from judiciary, the situation was restored to its former condition when the former holders expelling those landless who got land from their holding. Therefore, otherwise the holder and the general public are cautiously aware, realizing land policy implementation is unthinkable.

IV. CONCLUSION AND RECOMMENDATION

A. CONCLUSION

Elsewhere land is a major socio-economic asset and a means of livelihood and of tremendous importance in the BGRS. By using the power vested to the regions by federal government, the BGRS has enact land administration policy and

legal frameworks to administer the land and land related resources of the region in a sustainable, equitable and secured manner.

Despite the exiting commencement and progress of land policy implementation in BGRS, there are a big challenges specifically in relation to the capacity of institutions, legal framework and other facilities and infrastructures that determine the effective achievement of and policy implementation.

The existence of robust institutions are the major vehicles of policy and legal framework enforcement, the appropriate land administration policy enforcing institution need to be organized up to the lower level adequate man power and necessary facilities. Land policy change and design will have little effect unless policy makers understand the dynamics peasant agriculture and are flexible enough to deal with local condition.

Generally, realization of sustainable growth development depends on the manner in which land and land related resources are secured for the users, utilized and managed. It will be addressed through comprehensive people driven land policies which confer full political, economic and environmental benefit to the public at large. This needs commitment from individual citizens, non-governmental organizations and governments to cooperate at regional and lower level.

B. RECOMMENDATIONS

To bring effective and sustenance land administration system and to ensure the continuity of best achievements from the previous implementation practice in BGRS the following are recommended.

- Land policy of the region should be reviewed in accordance with the real situation of the region and in way it benefits all peasants.
- Continuous and organized awareness creation for the public and other stakeholders should be undertaken starting from policy designing to implementation.
- The regional government has to allocate sufficient financial resource and equip land administration offices with skilled man power and material.
- The organization of land administration in the region has to deliver services for his stakeholders in transparent and accountable manner, and reorganize its arrangement in the way it can access the community.
- Land policy in the region should be implemented only in accordance with governing land law; it should not be subjected to either individual or political interest.

- Continuous follow up and supervision activities should be undertaken while implementing land policy.

16th International Conference of Ethiopian Studies. Trondheim, Norway.

REFERENCES

- ANGOC and ILC. Principles for Formulating Land Policies: A Policy Framework. angoc@angoc.ngo.*
- ARD, Inc. 2004. Ethiopia Land Policy and Administration Assessment. Association for rural development, Burlington, USA.*
- AUC-ECA-AfDB, 2010. FRAMEWORK AND GUIDELINES ON LAND POLICY IN AFRICA: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods. ECA Publications and Conference Management Section, Addis Ababa, Ethiopia.*
- Benishangul Gumuz regional state, 2010. Rural and administration and use proclamation No. 85/2010. Assosa, Ethiopia.*
- Benishangul Gumuz regional state, 2011. Rural and administration and use regulation No. 44/2011. Assosa, Ethiopia.*
- Berihun Mekonnen, 2009. The Gumuz: Are They Shifting Cultivators? : Proceedings of the*
- EU, 2004. EU LAND POLICY GUIDELINES: Guidelines for support to land policy design and land policy reform processes in developing countries, European Union.*
- Federal Democratic Republic of Ethiopia (FDRE), 1995. Constitution of The Federal Democratic Republic Of Ethiopia. Addis Ababa.*
- Federal Democratic Republic of Ethiopia (FDRE), 2005. Rural land administration and use proclamation No. 456/2005. Addis Ababa, Ethiopia.*
- Ibrahim Mwathane, 2012. Land Policies In East Africa: Is There Way And Goodwill For Implementation? Land Development and Governance Institute (LDGI), .Nairobi, Kenya.*
- Melkamu Belachew and Shewakena Aytenfisu, 2010. Facing the Challenges in Building Sustainable Land Administration Capacity in Ethiopia. FIG Congress, Sydney, Australia.*
- Saturnino M. Borrás Jr and Jennifer C. Franco, 2010. Contemporary Discourses and*

*Contestations around Pro-Poor Land
Policies and Land Governance.*

*Blackwell Publishing Ltd, Journal of
Agrarian Change, Vol. 10 No. 1.*