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MINISTRY OF AGRICULTURE

# SECURING LAND RIGHTS OF PASTORALISTS IN ETHIOPIA: PROCESSES, CHALLENGES AND LESSONS

## FINAL REPORT

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MINISTRY OF AGRICULTURE

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## Introduction

The Federal Rural Land Administration and Use Proclamation No. 456/2005 treats pastoral lands exactly the same way as crop lands by not providing specific provisions for pastoral lands. Because the 1995 constitution confers powers on the regional states to enact their own laws and Proclamation No. 456/2005 affirms this right with specific provisions for the formulation of land administration and use laws and regulations, the Afar and Somali regional states have taken steps to formulate their own land administration and use laws with special attention to cater to the particular needs of pastoral areas. While the Somali regional state is at the beginning stage of drafting its land policy, the Afar Regional State has gone much further. It issued its land administration and use policy in 2008 and enacted its proclamation in 2009. It is now in the final stages of issuing its regulations.

According to the 1995 Federal constitution of Ethiopia, pastoralists have the same land use rights as their agricultural associates. Article 40 (4 & 5) states that "Ethiopian farmers and pastoralists have the right to free land for cultivation and grazing as well as the right not to be displaced from their own lands. The implementation shall be specified by law. "The rural land administration and use proclamation (456/2005) confirms constitutional rights of pastoralists. Further confirmations found in regional land laws. The Afar regional state rural land administration and use proclamation 49/2009 Article 5(8) clearly stipulates "no private holding allowed in the area assigned for pastorals grazing land." Moreover, it further declared "communal lands that are used communally by pastoralist for grazing, and social services shall not be leased to investors. Similar provisions stated in the Ethiopian Somali Regional State Rural Land Administration and Use proclamation No. 128/2013 Article 5 (9 & 10).

Pastoral lands are largely managed by customary authorities using rules and regulations that evolved over a long period of time. Clans operate in a socially recognized territory over which they have exclusive primary land use rights. Such territories have dry and wet season grazing areas where members of the clan practice rotational grazing. Neighboring clans who have similar primary land use rights over their territory also have secondary rights in their neighboring clan territories during droughts or failure of water resources.

In the pastoral areas, which occupy 60% of the land mass of the country, due to lack of experience and methodology in communal land surveying and registrations, pastoral areas are not covered in the registration programs of the country. Pastoralists are claiming that their communal lands should be surveyed registered and certificate of holdings should be issued to user communities to protect their communal land holdings.

Ethiopian Government with its development partner began work in 2015 first in Oromia Regional State and then in Afar Regional State in the form of high-level consultations with government officials and community representatives. These consultations helped create consensus on the need to certify communal pastoral landholdings, but the definition of community boundaries has been contentious in both regional states. The Oromia Rural Land Administration and Use Bureau (ORLAUB) wanted to certify land rights using kebele (lowest administrative unit) boundaries consistent with official land administration jurisdictions. Pastoralists felt that the kebele was too small to provide sufficient year-round grazing and water resources to function as a viable unit; their wet and dry season grazing areas span several kebeles including more than one woreda (district). After extensive consultations held

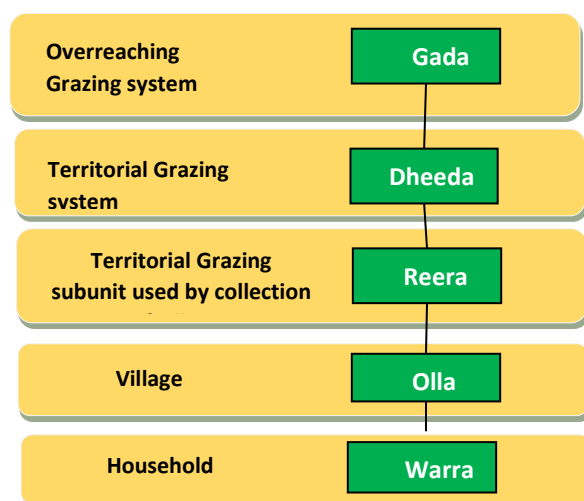
across Borana and Guji zones among communities and officials, the Oromia Regional Rural Land Administration Bureau agreed to certify pastoral communities on the basis of the customary Dheeda. Subsequently drafted the Oromia Pastoral Landholdings Governance Regulation that was issued as a directive to enable piloting adjudication, surveying, registration, and certification in pilot dheedas of Dirre, Golbo, and Malbe in Borana zone.

Nowadays, pastoralists are getting their landholding certificates on pilot basis, particularly in Borena Zone, Oromia region. Registration and certification of pastoral communities' landholdings done at the level of the *dheeda*, it is an age-old proven ecological system that Borana pastoralists have been using and managing their communal lands effectively to sustain their livestock production system and their livelihoods. Its major advantage is that it contains functionally interconnected landscapes with sufficient wet and dry season grazing and salt and mineral lick requirements of their livestock that allows groups of pastoralists' smooth mobility of livestock year round without resorting to negotiate access with other groups.

Certificates have been issued to three pastoral communities in the Borana zone of Oromia Regional State. This Zone has five pastoral landholdings. Although it was planned to include all the five dheedas in the pilot, the two dheedas of Gomole and Wayama were left out due to security risks and non-settlement of the boundaries of the Somali and Oromia regional states. Based on dheeda, the landholdings of three pastoral communities in Dirre Dheeda (750,980 ha), Golbo Dheeda (767,688 ha), and Malbe Dheeda (1,208,750ha) were adjudicated, registered, surveyed, mapped and certified. These land holdings comprise an area of 2.7 million hectares with primary residents of 23,015 households and a total human population of 146,144. For this purpose, high resolution imagery has been used to produce maps.

The Borana customary Territorial Organization is shown in Figure 1.

Gada is a traditional system that provides powers to community leaders to regulate the use of natural resources. The main grazing units, the *dheedas*, are divided into smaller territorial areas called *reeras* to facilitate implementation of decisions and directives issued by *dheeda* council. Use of the *reeras* is supervised by the *reera* council. *Reeras* are so small in area that very few of them have both dry and wet season grazing to support the seasonal mobility of livestock. There are also *ardas*, the sub-units of *reeras* that are a small collection of *ollas* comprising a few households. *Ardas* are usually equivalent to *kebeles*. However, *ardas* and *ollas* are more of social settlement units rather than grazing management units. Although the *jaarsa dheedas* know the boundaries of *dheedas*, there is no official demarcation on the ground.



**Figure 1- Borana Customary Territorial Organization**  
 Source: Hogg, 1990. Cited in McPeak, John et. al. (2015)

Registration and certification of pastoral landholdings has several benefits to pastoralists:- it protects them from encroachment and land taking by other parties without their consent and without payment of compensation; Pastoralists can safely rent part of their land or enter into partnership with investors to develop their land resources; They can properly manage their rangeland resources by practicing the

time-tested indigenous knowledge and enforcing their customary and new rules on prudent use of rangelands;

Since 2015, Ethiopia has been using the USAID -funded LAND project, which was implemented from 2013-2018 to support formal recognition and registration of the customary land rights of pastoral communities, first in Oromiya region and then to scale up in the Afar and Somali regions of Ethiopia while also strengthening the capacity of formal and customary pastoral land administration and land use institutions to engage in effective land and resource governance through participatory rangeland management approaches. LAND project provided the technical and financial support for piloting of the formalization of the pastoral communal land use rights.

The intervention in formalization of the communal land use rights in Borana zone was founded on the ecological knowledge of the pastoralists, customary land tenure and traditional institution of Gada system. The process of adjudication, demarcation, registration and certification of the pastoral landholding was begun with series of consultations with officials, experts, researchers, civil society, community leaders and elders and review of literatures.

While doing series of consultations with government officials and communities Oromia Regional State has established the adhoc Pastoral Advisory Committee at regional and zonal levels i.e Oromia Pastoral Advisory Committee (OPAC) and Zonal pastoral advisory committee (OZPAC). These platforms were used to facilitate the discussions made and supported the implementation process.

## **1. Process of Pastoral Communal Landholding Registration and Certification**

The pastoral communal landholding registration and certification interventions were implemented by LAND project in collaboration with the federal and regional government of Ethiopia during the project implementation period from (2013-2018).

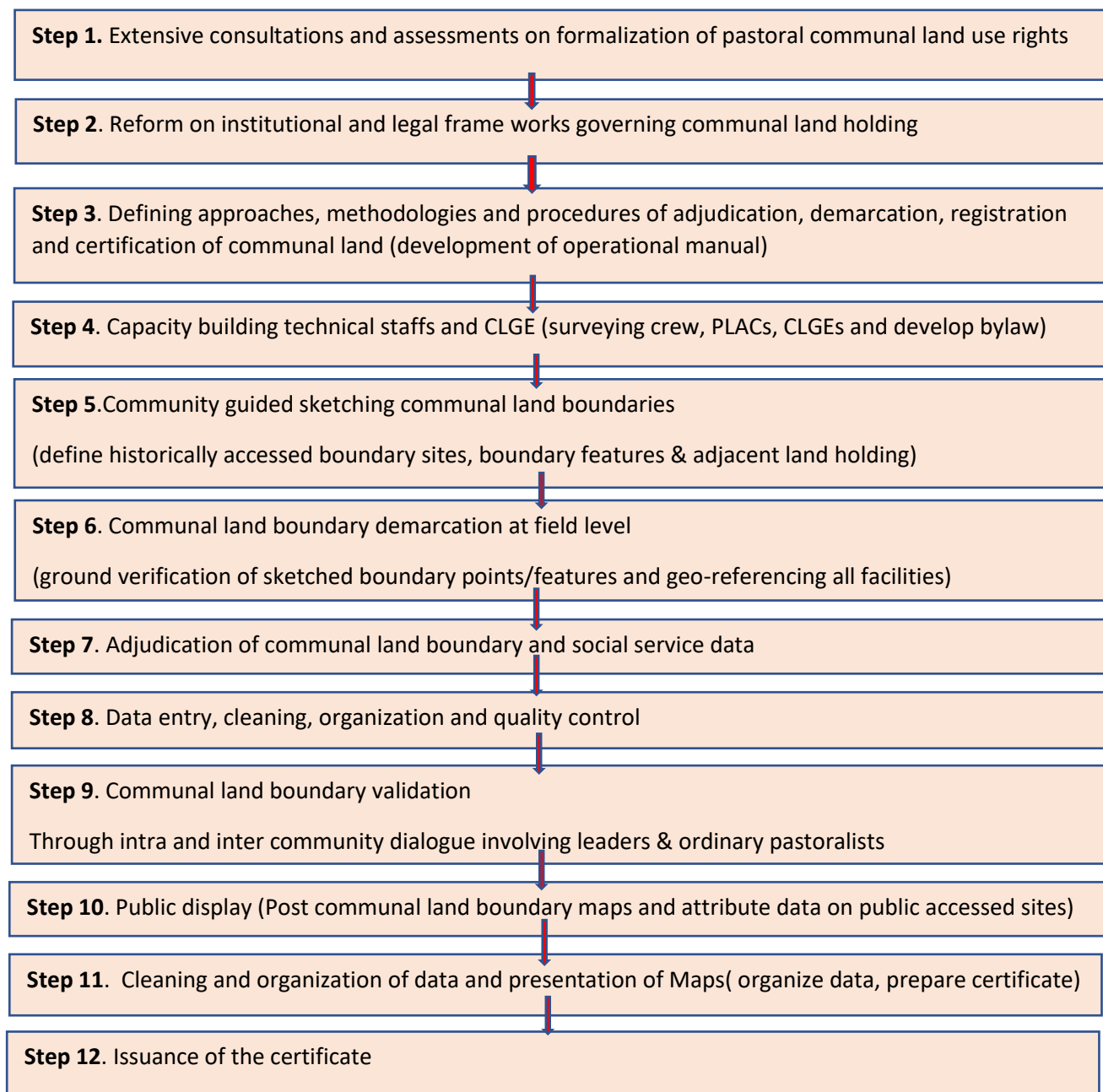
The pastoral communal land use rights certification is being a new intervention in the country it was implemented on pilot basis in Borana zone of Oromia and Amibara and Chifra woredas of Afar National Regional State. In connection to this the absence of tested approaches and methodologies in the country and outside the country was the challenge the project faced. The indigenous knowledge of the pastoralists on collective decision-making process on the use of land and landed resources played a vital role to outline a clear and participatory process of communal land adjudication, demarcation and registration. It also helped to define the appropriate unit of certification.

The assessment on international experiences and assessments on customary land management and governances of Afar and Oromia National Regional State and review of participatory resources mapping were also used as input in defining the communal land adjudication, demarcation and registration methodologies and procedures.

Learning from consultations, assessments, best community practices and from other project experiences developed operational manual with clear approach, methodology, guiding principles and steps. The steps are flexible to suit the varied circumstances found in various pastoral areas. Each step represents a specific activity, or set of activities, and their outputs provide information for sub-sequent steps. The steps are in turn summarized into five phase, as follows:

- ✓ Awareness raising;
- ✓ Preparatory;
- ✓ Field work and data entry management;
- ✓ Validation & quality assurance; and
- ✓ Registration and certification.

The pastoral communal land holding certification passed through the following mutually supporting steps.



**Fig 1 Steps of Pastoral Communal Landholding Certification**

### **2.1. Extensive Stakeholders' Consultations and Assessment Studies to Identify the Appropriate Spatial Scale of Pastoral Communal Landholding Certification**

The launching of communal land demarcation and certification began with higher level stakeholder consultations on the importance of protecting the pastoralists' land use rights on communal lands and on implementation modalities. And then series of consultations and field visits have been made with, community leaders, elders and ordinary pastoralists. Most of the consultative meeting were facilitated by pastoral advisory committees established at regional and zonal levels with defined roles and responsibilities.

The communities and government officials were not having difference on the need of securing pastoral communal land holding but the point of difference that ignited heated discussion between them and lasted throughout all meetings was what area should be the unit of communal land holding certification. The communities' firm position was the customarily renown grazing unit (Dheeda) is the appropriate unit of certification and their justification is it is self-contained in terms of having the dry and wet season grazing areas and constitutes major resources of pastoral production system such as pasture, water and minerals and further the diverse and functionally inter-connected landscape facets that provides an opportunity for livestock to have access to the mosaic resources. On the other hand, the government officials strongly argued that the Dheeda grazing unit is not congruent with administrative unit boundary and crosses the woreda and kebele administrative units making the government's administrative role difficult especially downplays the duties and responsibilities of woreda and kebele administrations. They also warned that larger size of the Dheeda grazing unit even would be unmanageable for the community itself.

Considering the two parties' argument the experts made GIS assisted analysis and presentations on the pros and cons of certifying the pastoral communal land holding at landscape level vs administrative unit helped the government to make evidence-based decision. The result of the analysis encouraged the government officials to continue discussion with community leaders and contributed to the final decision made by the government.

Absence of experience in certifying pastoral communal land use rights in the country led the commissioning of two studies to inform context specific appropriate unit of certification and a harmonized and aligned institutional arrangement satisfying the interests of both the government and communities in pastoral and agro-pastoral areas. The first study was based on a desk review of the international experiences in protecting pastoral land use rights to gain insights on how best practices can be adapted to the Ethiopian context. It was conducted by Bruce international consulting firm. This study covered experiences of projects that attempted to protect pastoral land rights, tenure approach and management and implemented in eleven countries, eight of which are in Africa (Kenya, Mozambique, Mali, Namibia, Nigeria, Tanzania, Morocco and Tunisia). The remaining three projects were implemented in Mexico, China and Mongolia. The review result showed most of the project management right protection attempts had disappointing results and a few can be called best practices. They had fundamental problem with respect to tenure approaches to pasture management and stressing the importance of continued mobility in the face of environmental uncertainty. From these failure experiences lessons are drawn for this project protection of pastoral communal land use rights.

The second study was conducted by institute of pastoral and agro-pastoral institute of Harmaya University (IPAS/HU). It covered the assessment of organization and management of rangelands in the five pastoral zones of Oromia National Regional State.

The IPAS/HU study ( Fekadu et. al., 2016) showed that all the five pastoral groups studied have defined territorial units for use and management of communal land and range resources, which are based on ecological considerations. According to this study each grazing area has dry and wet season grazing areas. All the pastoral groups have established land governance structure of customary institutions and leaders as well as rules and regulations that play crucial roles in ensuring the natural resources are well managed with equitable access to all pastoralists using the resources. This study identified Borana and Guji pastoral communities to have hierarchically defined territorial grazing system called Dheeda, Reera, Olla and Wara. The heads are called Abba Dheeda, Abba Reera and Abba Olla.

The hierarchical traditional institutions have long standing well-coordinated and participatory decision-making practices related to pasture and water resources use. The IPAS of HU study recommended the

Dheeda be the appropriate unit of certification for pastoral communal landholding and the need for revitalization of the weakened traditional institution to be able to manage the land tenure system in its fullest capacity.

## **2.2 Strengthen Institutional capacity by Establishing and Empowering Pastoral Advisory Committee and Community Land Governance Entity (PLACs & CLGEs)**

At the beginning of the intervention period Oromia Regional State has established the pastoral advisory committees at regional and zonal levels (OPAC&ZOPAC) to oversight and facilitate the implementation. Oromia Pastoral Advisory Committee (OPAC) was made to constitute Federal and regional stakeholders and the project implementers. The Zonal Pastoral Advisory Committee (OZPAC) was also established. Zone-level advisory committee includes respective zone's chief and deputy administrators, head of rural land and environmental protection offices, other relevant offices, projects representatives and Abba Gadas from the community. The OPAC and OZPAC played a lead role in all consultations conducted with community leaders, elders and communities and government staffs at all levels. However, absence of the pastoral communal landholding registration practices in the country and the government policy towards sedentarization of the pastoral communities were the challenges OPAC and OZPAC faced to fully execute their power on formalization of the pastoral communal land use right more quickly and in timely manner.

Traditional institutions in three of the Borana Dheeda communities are relatively intact except Golbo Dheeda. Thus, Borana communities got support to strengthen their customary institutions by establishing Community Land Governance Entity (CLGE) for each Dheeda. CLGE constitutes Abba Dheedas and Abba Reeras of each Dheeda communal land. Accordingly, Dirree Dheeda constitutes seven, Malbe eleven and Golbo ten CLGE members. Further the CLGEs developed bylaw to manage their land based knowledge and protect their rights. The executive members of CLGEs were also organized into Pastoral Land Holding Adjudication Committee (PLAC) and served together with their neighbors in guiding the technical team during adjudication, demarcation and registration of their respective communal lands. This exercise more exposed them to know how to assert their rights and discharge obligations.

## **2.3 Develop Legal Frameworks (Regulation, Guideline and by Laws) and Operational Manual**

The international experiences and assessments on pastoral land tenure and series of consultation with government officials, pastoral communities and their leaders and elders gave a wide spectrum of clues to define the legal scope and approaches and methodologies for registration of the pastoral communal land holding.

The legal frameworks and operation manual are the foundational documents for successful certification of pastoral communal land holdings. Following the assessments and consultations, Oromia National Regional State pastoral communal land management, administration and registration regulation was drafted and a couple of stakeholders' review platforms were arranged to amend and enrich the draft regulation. Unfortunately, the regulation gets stacked in the approval process because of the political unrest and consequent official turn over in the region. As remedial action the Regional LA bureau drafted and approved the guideline for pastoral communal land management and registration. This guideline served as instrument for defining the scope of pastoral communal land holding registration and a basis for operational manual for surveying, mapping and registration of pastoral communal land holding.

This operational manual used for registration of pastoral communal land holding clearly outlined the methodologies, approaches, guiding principles and process of adjudication, demarcation, registration



and certification. The manual also considerate enough to use a combination of surveying technologies such as satellite imageries, Google map and handheld GPS. To make the registration process cost-effective, affordable and sustainable open source software's were used. The local knowledge of the pastoral communities in defining their communal boundaries and dispute resolutions also considered.

In order to empower the CLGEs the communities were getting technical support in developing by law to expand and provide additional enforcement on issues related to the rights, defining legitimate owners, administration and management of communal land resources that are not adequately covered in the guideline.

#### **2.4 Forming and Training Surveying Crew and PLACs**

One of the mandatory tasks issued in the communal land registration guideline and operational manual is official assignment of the surveying crew and pastoral landholding adjudication committee (PLAC). The manual recommends the surveying crew establishment can be zonal or woreda based as necessary and PLACs at community level. Accordingly, the staffs pulled from zonal and woreda land administration and environmental protection offices formed zonal based surveying crew. The core surveying team made to constitute senior land administration expert (assigned to serve as team leader as well), surveyor/GIS expert, and database management expert and data encoder.

The surveying staffs in general had received practical oriented two weeks training on objectives of pastoral communal landholding registration, roles of stakeholders, guiding principles and procedures of communal land adjudication, demarcation and registration, GIS and RS and GPS applications, index and base map preparations, data acquisition using imageries and hand held GPS, geo-referencing of the field data and assessing data against trusted sources, screen digitizing of the field data and editing spatial and textual data, organizing database and presentation of data. The PLACs had received training on the guideline and bylaw and informed on an overview of the objectives, principles, approaches, methodologies and process of the communal landholding registration and also on the objectives of certifying pastoral communal land use rights and benefits of securing land tenure rights.

#### **2.5 Pastoral Communal Landholding Adjudication, Demarcation, Registration and Certification**

Absence of tested approach and methodology for adjudication, demarcation and registration of pastoral communal land holding in the country and elsewhere outside the country and the need to learn what works and what doesn't from trial and error of testing new intervention made mandatory piloting of formalizing the pastoral communal land holding registration in Borana zone of Oromia and Chifra and Amibara woredas of Afar national regional states. It also saves time and costs by reducing the risk of errors or problems.

What area of pastoral communal land holding is appropriate to register was a challenge and debated for long time among government officials and professionals working in the area until assessments made and consulting community leaders and series of meetings held with wider communities highlighted the viable unit of certification. Moreover, there was no a clue on cost effective and efficient technology to capture the communal boundary in relation to larger spatial scale and fuzzy nature of its boundary. This make necessary the use of technologies (satellite/Google map, existing resources maps and handheld GPS) combined with traditional skills.

The context of pastoral communal land holding varies from region to region and within region and at the same time have common features as they are governed by customary rule and rights. Thus, the operational manual for surveying, mapping and registration of pastoral communal land holding prepared considering the context differences and the nature of the communal land boundary. In this

regard it was instrumental in successfully certifying the three community lands in Borana zone. The manual was further tried to be refined on the feedback obtained on the ground in due course of adjudication, demarcation and registration and it is still open to be enriched.

### 2.5.1 Community Guided Sketching Communal Land Boundary Points/Features (Base Map Preparation)

Base map preparation is fundamental and initial step for pastoral communal land holding adjudication, demarcation and registration. Thus, base map can be produced from satellite imagery or Google map or Topo-map or existing map etc. The aim is to provide a background detail necessary to orient the location of the map.

The field level mapping was begun with community guided sketched base map preparation. The indigenous knowledge of the community elders combined with imageries & Google map played a vital role to map out historically known boundary sites and associated features and adjacent land holdings. Communities mostly used natural features to delimit boundaries between communal lands.

The preparation of base map and field level boundary demarcation was done based on Reera boundary and finally Reera boundary aggregates used to define Dheeda boundaries. The field level demarcation and registration are being the first stage of formalization of the pastoral communal land holding done with critical mapping exercise. The field level demarcation and registration include surveying of communal land boundaries and social services.

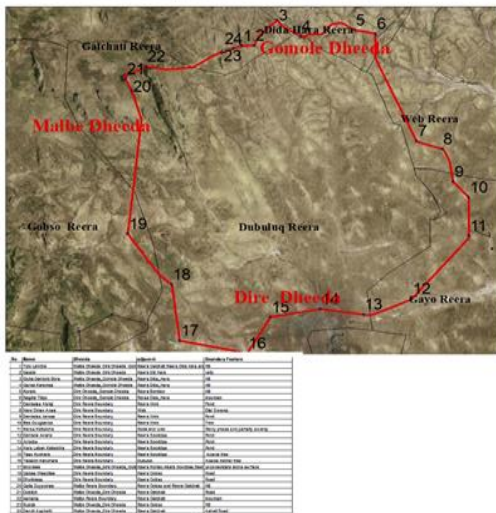
The field level demarcation and registration include surveying of communal land boundaries and social services. There is slight difference between Afar and Borana of Oromia regional states in terms of what to be registered as part of the pastoral communal land holding and what not. In Borana zone private farmlands, villages and kebele centers are considered as part of the pastoral communal land holding and their future expansion/use is at the disposal of CLGEs and communities. But nevertheless, the CLGEs and communities should respect the use rights of individuals on farmlands as long as the parcels are productive for agricultural use. Villages and kebele centers need to be guided by the physical plan prepared under the auspices of CLGEs.

Whereas in Afar private farmlands and kebele centers are not part of the pastoral communal land holding and hence removed from the communal land map. In both Borana and Afar pastoral areas, land owned for provision of social services (schools, health institutions, religious sites), or any Government and non-Government possessions are not part of pastoral communal land holding. Thus, these land holdings are surveyed using handheld GPS and cut out of the pastoral communal land holding. On top of communal land in Borana zone there are communal resources such as watering points, salt licks, forests etc. that remained part of the pastoral communal land holding as they have the same use rights domain.

**Table 1 Boundary points and features surveyed to demarcate the communal land boundaries**

Dheeda	Total No. of boundary points mapped	The extent of features used in delimiting the boundary (%)				
		Landform	water	vegetation/ tree	settlement	Others (road,soils/ rock surface &other infrastructures)
<b>Dirree</b>	91	40.66	28.57	14.29	3.30	13.18
<b>Malbe</b>	54	51.85	22.22	12.96	0	12.96
<b>Golbo</b>	58	39.66	24.14	17.24	10.34	8.62

The figure below shows community sketched base map of Dubuluq Reera.



Map of Web Reera of Dirre Dheeda being adjudicated with Abba Reeras of adjoining reeras

Fig 2. Community Sketched based map of Dubuluq Reera communal land boundary

### 2.5.2 Surveying, Demarcation and Registration of Communal Land at Field Level

Field level demarcation and registration is the first stage of formalization of the pastoral communal land holding. At this stage mental borders are verified on the ground and geo-referenced to map the boundary segments as precisely as possible. Depending on the visibility of the boundary features either imageries or Handheld GPS or a combination of both were used.

During field level demarcation and registration the technical team had faced a challenge in acquisition of communal land boundaries using satellite imageries/Google map when the boundary features identified are single tree in the center of the bush thicket, soil type, rock surface, plain field (whose boundary is arbitrarily determined by the PLACs). In such cases handheld GPS was dominantly used. On the other hand, in high gradient landscapes the 3D Google map was perfectly used to demarcate the boundary just observing the boundary at far distance.



Fig 3 Gelchat and Gobo Reera boundaries demarcated using Google map

Demarcation and registration of communal land in the field was carried out only in the presence of both parties (the PLACs and their neighbors). When the two parties agree, GPS records are taken. If there is a point of difference the disagreement is noted, and the boundary remain undemarcated and unregistered until the problem gets resolved and most of the time the issues were taken to attention of the adjudication meeting and made to resolve on side meetings. In areas where there are known boundary disputes the PLACs are informed to resolve ahead of the start of demarcation and registration. The technical team in most cases played a facilitation role the two parties to sit and resolve their boundary claims by arranging low-stake platforms.

The good thing in pastoral communal land holding is the boundary is fuzzy /general/ approximate as the mental borders of the communal lands do overlap and determined by uncertain line of a feature bounding the communal land. For instance, the edge of a forest or a center of a hill, unconsolidated rock surface etc. can be used as a boundary feature. Thus, the ownership of the land can be guaranteed up to the bounding feature. The ground survey was carried out using vehicle, motorcycle and walking on foot. Accessibility was the most challenging factor throughout the survey period.

### **2.5.3 Data Entry and Quality control**

The field data was collected using a standard field registration format designed for this purpose. The spatial and textual information were collected and evaluated on daily basis for its completeness and quality. Only checked data were made to enter, organize and analyze for presentation. The data were also checked after entry into computer for its topological and other technical errors introduced during data entry.

For field data organization and analysis used open sources software which include QGIS, Postgress and PostGIS. The use of free and open source software is to make sure the communal land registration cost effective and affordable.

### **2.5.4 Adjudication of Field Surveyed Communal Land Boundary and Social Services Data**

Adjudication is the process whereby existing rights in parcels of land are finally and authoritatively determined. It is an important stage in registration of title to land in areas like pastoral and agro-pastoral areas where customary ownership is not officially recognized by the government.

Following the survey made for Reera boundary the Dheeda council and their neighbors held adjudication meeting. The Dheeda council members constitute Community Land Governance Entity (CLGE), a legal authorized body established at Dheeda level for the management and administration of the registered communal land holding. Adjudication meeting is also called boundary negotiation meeting because the community leaders/council members negotiate to set community agreed boundary on overlapping or fuzzy boundaries of customarily defined communal lands. Thus, field level demarcated communal land holding boundary maps and social service data should be approved by Dheeda council. The neighbor Dheeda council members must attend each adjudication meeting. Moreover, the zonal office and the woreda office heads and land administration experts working for woreda that the Reera touches attend the meeting as an observer and they have no decision-making role.

The technical team present the maps and textual information for the council members to approve or amend it. During the adjudication meeting, the boundary issue critically debated and resolved amicably by the two parties.

### **2.5.5 Communal Land Boundary Validation**

In pastoral and agro-pastoral communities' traditional leaders are not the sole decision makers on the use of land and landed resources. Their decision-making process is fully participatory involving the wider communities at grass root level and the final decision is always given after the consent communities are well consulted and agreed. The objective of the communal land validation is to include the views and concerns of ordinary pastoralists and to increase the participation of the communities in decision making of communal land holding registration.

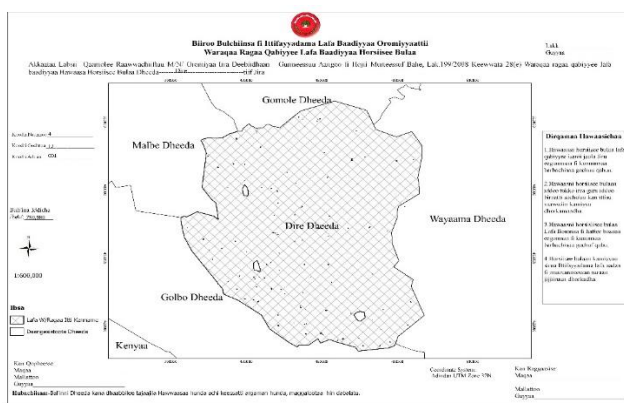
In validation of communal land boundaries ordinary pastoralists including men, women and youth were participated. In each Reera community ordinary pastoralists were made to participate. The pastoral adjudication committee (PLACs) and their neighbors played a lead role in communal land boundary validation. The surveying team prepared and presented communal land boundary maps of Dheeda and Reeras and their detail attribute data showing the boundary points and features associated with each boundary points, adjacent land holdings, the PLACs and survey teams involved in each boundary segment demarcation and date of boundary surveyed and demarcated. They also presented the maps of the social services and attribute data.

During the communal land boundary validation workshop two sessions were arranged. The first session is panel session in which all participants were briefed on surveyed communal land boundary map and attribute data and social services. The second session is group-based evaluation of maps and textual information. In this session participants were grouped into their respective Reera and were tasked to evaluate their Reera boundaries and at the same time the Dheeda boundaries.

### 2.5.6. Display Communal Land Holding Maps and Attribute Data for Public Opinion

Communal land holding maps and attribute data were posted on public accessed sites in their respective Dheeda territories for one month. It was open for every adult pastoral community member to leave his/her saying on the final boundary map.

To collect public opinions feedbacks collection sheet was prepared and staffs from woreda and kebele offices were assigned to collect comments and oriented on maps and feedback collection format. The woreda and kebele staffs were responsible to collect feedbacks on daily basis while the survey crew and PLAC members supervise the posted sites on regular basis and provide explanations on maps and attribute data for the people coming for comment.



**Fig. 4 Dirree Dheeda communal land map**

### 2.5.7 Issuance of the Certificate

The zonal land administration and use office is the authorized authority to issue the certificate. The Abba Geda of Borana zone and Abba Dheeda and Abba Reeras of the three communal lands received the certificate. Copies of the certificates are placed at zonal and woreda Land administration and use offices.

**Table 2 The area surveyed in three communities' land and number of primary resident households**

Dheeda	Dheeda area(ha)	No. of Boundary points validated	Area under social service surveyed (ha)	No. of House holds
<b>Dirree</b>	750,980	91	290	10,148
<b>Malbe</b>	1,208,750	54	180.3	17,199
<b>Golbo</b>	767,688	58	174.65	12,867
<b>Total</b>	<b>2,727,418</b>	<b>203</b>	<b>644.95</b>	<b>40,214</b>

In three communities (Dirree, Golbo and Malbe) of Borana zone a total of 2.7 million ha demarcated, registered and certified to secure the land use rights of 40,214 primary resident households. For this purpose, high resolution imagery has been used to produce maps. In certifying the pastoral communal land holding extensive consultations with officials, communities and their leaders and professionals working in the area were made.

Assessments on the international experiences on tenure approaches and management and similar study conducted on customary land management and governances system in pastoral and agro-pastoral areas of Oromia National Regional State assisted to narrow down the diverged views of government officials and communities on the unit of certification.

## 2. Challenges

The success of communal land holding registration and certification was not without challenges. Here are the major challenges:-

1. Inaccessibility/remoteness of the areas from cities/towns and
2. The season at which the survey was carried out, in this case it was the main rainy season for the area. Thus, flood and torrential rain were the major obstacles for the ground survey.
3. The spatial scales of communal land holdings are too big to survey and demarcate. The larger holding area makes ground survey difficult unless the area is accessible to motorized drive. The spatial scale of the communal land holding coupled with invisibility of boundary land marks (single tree, plain field, rock and soil type etc.) makes difficult the use of satellite imageries.
4. Absence of legal framework for communal land registration in pastoral and agro-pastoral areas affected the speedy implementation of the project interventions in the area.
5. The wide difference between the government officials and community leaders on the spatial scale of pastoral communal land holding certification unit consumed significant portion of the project implementation period.

To overcome the above problems during the demarcation process and also the assessments and consultations with all stakeholders has taken more time. Consequently, a delayed development of harmonized communal land registration guideline and surveying methodology and procedure.

## 4. Summary

Certificates have been issued to three pastoral communities in the Borana zone of Oromia Regional State. The landholdings of three pastoral communities in Dirre Dheeda (750,980 ha), Golbo Dheeda (767,688 ha), and Malbe Dheeda (1,208,750ha) were certified. These land holdings comprise an area of 2.7 million hectares with primary residents of 23,015 households and a total human population of 146,144. The operational manual that have been developed and used for registration of pastoral

communal land holding clearly outlined the methodologies, approaches, guiding principles and process of adjudication, demarcation, registration and certification. A combination of surveying technologies such as satellite imageries, Google map and handheld GPS have been deployed. To make the registration process cost-effective, affordable and sustainable open source software's such as QGIS, Postgress and PostGIS were used which helped to store, retrieve and update the land registration records that were created.

The high resolution imagery that has been used to produce maps for this purpose downloaded freely from Google maps. The cost information captured during pilot certification in the Oromiya Pastoral region indicated below in the table.

	<b>Description</b>	<b>Cost \$ (USD)</b>
	<b>Cost without salary of staff</b>	
1	Average cost for one dheeda USD	8,776.02
2	Cost of registration & certification/ha USD	0.01
3	Cost of registration & certification/sq km USD	0.96
	<b>Cost with salary of staff @40% of total</b>	
4	Cost of registration & certification/sq km USD	1.35

In the operational manual clearly indicated that any community consultations should be held with pastoral community members, including youths, women, community leaders and kebele council members to make them aware of the objectives of communal pastoral landholding registration and certification and the processes of land use rights adjudication, demarcation and mapping of landholdings. Otherwise, women participation rate still not yet assessed.

## **5. Experiences and lessons learnt from the Pilot Exercise**

The results of piloting exercise on formalization of pastoral communal land holding in Borana zone have relevance in many pastoral and agro-pastoral areas of the country managing land under customary rules and rights. Thus lessons related to assessments and consultations, flexible methodologies and approaches and combined use of technologies with indigenous knowledge can be taken as best experiences and lessons that can be implemented during the scaling up of pastoral communal land holdings.

1. Extensive consultations with government officials, professionals, communities and their leaders were essential in harmonizing different views of the government officials and communities in the decision of unit of certification.
2. Assessments done before the start of the implementation helped the government officials to understand the customary land management system and to make evidence-based decision.
3. Public information and awareness raising campaign was essential to help communities to be aware of their rights and obligations, increasing officials' sensitivity to the needs and interests of pastoralists, and advocating for policy.
4. Reform on legal and institution frameworks governing communal land is foundational for formalization of the pastoral communal land use rights.
5. Training CLGEs on legal procedures and other related matters is essential to strength their negotiation capacity and engage dialogue in decision-making process over land and land resources.

6. Decentralization of the traditional institution to the grass root level (village or Olla) creates the necessary space and condition for communities to assert their rights and provides an opportunity for the communities to have an integral part in the decision-making process over the land they use and occupy.
7. Recruiting and training paralegals from communities play a vital role at grass root level to provide affordable legal services and resolve conflicts more efficiently and quickly.
8. Participatory, interactive and transparent approach is essential to build trust between the communities and government officials in adjudicating, demarcating and registration of pastoral communal land holding.
9. Methodologies and procedures in demarcation and registration need to be flexible in meeting the specific contexts in pastoral areas. Setting clear methodologies, approaches, governing principles and procedures makes the certification process simple, understandable and transparent.
10. Certifying communal land holding rights in way it secures tenure protection to individual and group rights without overriding one over the other.
11. Integrate the pastoral land information system with national land cadaster database makes the service delivery efficient, cost effective and creates secured system for pastoral land information management.
12. A clear and legitimized accountability of the Community Land Governance Entity (CLGE) to the state apparatus (zonal, woreda and kebele levels) is mandatory.

## **6. Conclusions and Recommendations**

Although the land rights of pastoralists is guaranteed under the 1994 Ethiopian Constitution, pastoralists have not been issued landholding certificates as was done in high land agriculture areas since 2003. Appropriation of pastoral lands for other purposes has continued unregulated with or without their consent and with or without payment of compensation. Ethiopian pastoralists have been demanding for government action to protect their land use rights. The Oromia National Regional State has, at last, responded positively to the requests of the pastoralist. It has agreed to make the area of land, whose land rights will be vested to pastoral groups and registered in their names the same as the



land they have been using customarily in their migration between wet and dry seasons. Furthermore, it has agreed to recognize the customary pastoral land governance institutions as the custodian and managers of the registered pastoral landholdings. It will also issue a Pastoral Communal Landholding Administration, Registration, and Management Regulation, which vests landholding rights of pastoralists on the basis of the customary grazing units and that empowers the customary communal land governance entities (CLGEs).

The lessons learnt from the formalization of pastoral land rights in Oromia National Regional State, the first in Ethiopia, are that government officers and experts need to understand how the pastoral rangeland management and livestock production system work. Lack of such understanding has been the cause of their reluctance to register large areas required for pastoralists' migratory management of rangeland and livestock resources and their resistance to recognize the customary pastoral land governance institutions as the custodians and managers of pastoral landholdings through appropriate legislation and effective implementation and enforcement of the legislation.

Finally, an awareness training should be given to both federal and regional government staff involved in pastoralist affairs on how pastoralists manage their rangelands and rear livestock to correct the erroneous notion that 'pastoralists are wondering aimlessly from place to place following their cow tails and, therefore, they should be settled'.

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## Annexes

1. Operational Manual for Surveying and Registration of Pastoral Land Holdings Using Satellite Imagery, Handheld GPS as Complimentary Surveying Option. June, 2017.
2. Revised final Directive for Land Registration for Oromyia's Pastoral lands (Amharic)
3. Dheeda By-law (Amharic)

