

# Decentralized Good Governance in Rural Land Administration: The Case of

## Hawzen Woreda

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### Abstract

*Governance is the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. Land governance in particular can be understood as "The process by which decisions are made regarding the access to, and use of, land, the manner in which those decisions are implemented, and the way that conflicting interests in land are reconciled." Whether it is at the heart of a conflict or gets dragged into it, land requires a careful approach by policy makers and enforcing agents to sustain good governance because it is a central element in the evolution of a given society particularly viewed in bottom up approach. Nevertheless, most of the discussions on good governance are customarily focused on the macro level and there is still a lack of focus on good governance at local level especially in conflict prone-rural land administration. Thus, Local good Governance in rural land administration is an important topic of research in agrarian society like Ethiopia because of the ever existing unresolved land and land related issues. Hence, this research was undertaken to assess and understand local good governance in rural land administration with an emphasis on Transparency and Accountability. So the purpose of this research is to describe the existing application of good governance condition in land administration system in case of in Hawzen Woreda, Tigray National Regional State. The paper used descriptive research method as well as both primary and secondary sources in order to touch its objectives. Questionnaires, interview and different documents were used as research tools to collect data. Due to less institutionalization and capacity limitations of public institutions at the local level as deduced from the key informants, violations of law in the study worda was found common phenomena. The study also revealed that land judges and administrators did not have the knowledge, and even interest to know about the policies, laws and regulations for being they are serving for free and they saw it as part time activity. With all the limitations in their supporting role of the local government structures, the degree of reaching to poor and marginalized groups was also not found satisfactory. In sum, it was found that local land governance structures and institutions were weak in terms of the coverage, and capability to reach and serve the community. Therefore, as land administration is a cross cutting issue and culturally, political and economically as well sensitive sector, significant attention need to be given in institutionalization and staffing of its offices in all the hierarchies.*

**Key Words:** Good Governance, Local Governance, Land administration, Transparency, Accountability

## **1. Introduction**

Governance is the exercise of political, economic and administrative authority in the management of a country's affairs at all levels (1), and is a neutral concept comprising the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights and obligations, and mediate their differences (2).

By deducing this broader concept of the term in to the local context, local governance can be explained as the formulation and execution of collective action at the local level. Thus, it encompasses the direct and indirect roles of formal institutions of local government and government hierarchies, as well as the roles of informal norms, networks and community organizations to deliver local public services. Local governance, therefore, includes the diverse objectives of vibrant, living, working, and environmentally preserved self-governing communities with contextual autonomy to determine their destiny.

As land is an asset that has different definitions as to its unique property of limited quantity, it is a central element in the varied and complex social relations of production and reproduction that requires proper and sustainable governance. Therefore, competition towards farm land use and control is expected to increase in the future as significant world population livelihood is land based. As a consequence to this, the appropriateness of land governance plays a vital role in reducing prevalent conflict among communities and peace building and economic development.

In the era of globalization and population pressure, land scarcity is the notorious element in Africa for the increasing number of land conflicts. However, the current land systems in Africa is not well-equipped to resolve such conflicts (3). Hence, whether it is at the heart of a conflict or gets dragged into it, land governance requires a careful approach by policy makers to mitigate scarcity-conflict of interest nexus.

Thus, Good Governance at local level has been an important topic of research because of the ever existing unresolved land conflicts, and good governance is seen as one entry point for conflict management in the land sector.

The government of Ethiopia has made a clear distribution of power between the Wereda and Regional administrations as part of its good governance reform (4) and implemented Agricultural Development Leads Industrialization in all regional states to enhance rural development through good governance at local level. To strengthen this, land registration and certification system was introduced in which Tigray is the first region from Ethiopia in implementing it with the main purpose of the risk of encroachment by neighbors and enhanced tenure security among land holders (5). However, it relatively lacks effectiveness and efficiency (6).

Thus, there are major knowledge gaps regarding the question of what makes rural governance structures and institutions work effectively for small-scale, resource-poor farmers in Ethiopia so that the costs incurred in conflict to be invested for other development activities of household farmers.

## ***2. Land governance and Corruption in Ethiopia; Local Government in Focus***

The land sector is particularly susceptible to corruption and rent seeking (7). In line this, the most authoritative survey of global corruption finds that, after the police and the courts, land services are the most corrupt sector, ahead of other registry and permit services (8). Even in terms of standard indicators such as corruption, land has long been known to be one of the sectors most affected by bad governances something that is not difficult to understand in light of the fact that not only is land a major asset, but also its value is likely to rise rapidly in many contexts of urbanization and economic development.

The basic pillar of the current state of Ethiopian along line its federal and regional constitutions is institutionalizing and consolidating democratic governance which is characterized by people centered and people driven government via the making of government close to people with the tenet that local democracy must be adequately funded and resourced. Moreover, the rationale behind democratic decentralization in current Ethiopia is that past development initiatives were top-down, statist and the poor did not benefit from the policies implemented much.

However, the reality goes otherwise which needs an attention. A general overview obtained from focus group respondents and unstructured interview on the on local good governance reveals that as there is a wide range perception of corruption, parochialism, discrimination, lack of transparency and accountability in the woreda. They argued the local leaders are being served

than serving the local people and petty corruption is a common manifestation as consequence in land administration.

Henceforth, most of the respondents that is more than 69.5% responded negatively to the effort of the woreda for good governance indicating the pervasive prevalence of Weak interaction between people and leaders, absence of checking and controlling mechanisms and discriminatory treatment in public service delivery in land Administration.

(9) identified the key areas of corruption in the land sector in Ethiopia are; Capture of assets by the elite and senior officials; Corruption in the implementation of land policy and laws which include Institutionalization of informal fees, Willingness of officials to defraud or respond to bribes or nepotism, Issuance of forged land documents are mentioned as common manifestation.

### ***3. Transparency in Local Land administration***

As a contemporary quote in local government goes the need for strengthening local government reads: "We cannot have successful globalization without successful localization." The estimation of how strong and capable the Ethiopian state bureaucracy must rely not only by assessing the central bureaucracy alone but also on how it performs out to the very periphery of its society in both in governance and economic achievement (10).

Apart from generally weak public sector management, land administration is often characterized by bureaucratic and political corruption. In many developing countries, land registration agencies often are considered to be one of the most corrupt and inefficient government agencies (11). The level of rural land good governance and conflict management also depend on the transparency and accountability of local institutions.

While appropriate technical solutions for securing property rights have become accessible and affordable, widespread corruption, incoherent and inconsistent legal framework, weak judiciary, and poor public sector management have been recognized as key obstacles hindering change in Africa good governance (12).

Inconformity to the statement here above, about 87 (58%) of the respondents in the field survey agreed on the availability of land information. But about 89 (59.3%) did not agree with the open access of information about land ownership, value, and use. It can be asserted in the

other way that, there is no system for open access that may be due to the lack of professionals that can handle all the land issues with efficiency or else a deliberate hiding of rules and regulations there by convenient for manipulation using the low awareness of the ordinary people. About 103(68.6%) respondents also affirmed that they totally disagree on the availability of standardized procedures for determination, recording, and dissemination of information about rural land that supported for the disagreement by majority of the respondents on the non-existence of open access to information. They are only 15 (10%) of the total respondents that confirmed as there is standardized procedures for, recording and dissemination of information. The remaining 32 (21.3%) respondents did not agree nor disagree on the factors used to evaluate the level of transparency. This might be affirmed to reality that because they were not in need of land information and/or they did not need to access the land information. Besides, they might not face a challenge that made them to seek access to land information and standardization of dissemination of information. It can also be deduced that they might not face any biases while settling their conflict of interest on land.

#### **4. Accountability in local Land administration**

Accountability in land administration signifies things such as; government mandate assigning unambiguous institutional responsibility for the land administration service; services provided with appropriate oversight by central authority and the community in a manner that builds community trust; land administration mechanisms operating in a transparent and predictable manner (13).

As revealed from the field survey however, there is serious lack of supervision from higher authorities up on the local land administration activities and proper response. There is an observable mistrust to the land administration institutions at the local level as per the service they render to the clients. Moreover, respondents also asserted that there is little chance to account local land administrators for what wrongs they commit implicitly or explicitly. This might be the result of unbalanced upward and downward accountability nexus.

Regarding the channel of upward and downward accountability, available literature in Ethiopia local governance widely acknowledges that there is serious capacity and commitment limitations under local leadership and most of the time experts and political appointees used local office as a

transition for other better positions and serve their superiors interest. Worse of all however, as persuasively presented by (14:p72) *“Local leaders give priority to fulfilling the wishes of their superiors. Only positive reports and successes that strengthen their positions are passed upwards. This is one reason why the central leaders of the ruling party EPRDF remain ignorant to respond to the voice of the local people.* Accordingly, local leaders are reluctant to serve and help the local people knowing that they cannot account them leave alone to dethrone from their positions.

This is therefore consistent with the findings from the field survey that confirmed as there is no clear and viable mechanisms of checking for local administrators to be responsible for their actions be it in the land administration.

### **5. Local Land Governance Structures and Institutional Capacity**

According to (15), one indicator of institutional capacity is the availability of adequate number of staffs and low level of employee turnover. According to (16), the average employee turnover of Ethiopia reached 1.2% percent which by sub-Saharan standard is considered as moderate as it ranges from 2.0% to 2.2%. However, when the turnover rate is disaggregated by level of government, the 4.1% percent rate at the federal level turnover rate is quite high and should be of a concern to policy makers. The WB further asserts that it is quite difficult to develop capacity and sustain performance gains in any organization with such a high staff turnover.

When the employee turnover of the case study woreda is calculated it reached as high as 4.2% in 2014/15 while vacant positions of the local government are found to be 185. Therefore, the local public institutional capacity is overtly under serious crisis due to failure to retain the available staffs and to attract new entrants. Under such very serious employee turnover rate, the possibility for institutional capacity and bureaucratic autonomy is less trusted. Informants were asked what reasons that they can indicate. Accordingly they mentioned the discomfort of the local bureaucracy to work, low salary and unsuitable work environment that is full of routines and unhealthy relationships among employees coupled with discriminations for nomination and appointment. In sum, the local governance environment is less attractive for new comers to join and the joined ones to stay long.



Even though it is commonly recognized that the current Ethiopian state structure recognizes woreda as the basic units of planning and political administration, the practice fail short of capacity problems. As revealed from the documents and respondents idea, the experts use the woreda as temporary ladder and transitional employment until they accumulate experience and other related backups.

Significant number of respondents did not agree on the supportive nature of the structure and its institutions, even though some of the respondents agreed on the support of the structure and its institutions based on the reason that there are structures and institutions in place for rural land governance, such as land administration and land judges at kebele level and Land Administration and Use Desk at wereda level.

Due to less institutionalization and capacity limitations of public institutions at the local level as deducted from the key informants, violations of law in the study worda is common by the local office holders themselves that needs serious attention if democracy and justice is to be delivered to the mass equitably and in fair manner in general and land administration and conflict management in particular.

Besides, it was found that local land governance structures and institutions were weak in terms of the coverage, and capability to reach and serve the community. Most of the respondents agreed that the institutions at kebele and wereda level are nonresponsive, weak, biased to the rich and non-participative in nature. This could be attributed to the incapability of the local land governance and lack of experience of the land governance staffs working in the structure and specifically in the institutions at both kebele and wereda levels.

Respondents from field survey almost anonymously identified that the structures and institutions of the local government in terms of managing rural land issues were weak, ineffective, non-responsive, corrupt, not encouraging for participation, not transparent and bias is a common manifestation.

## **6. Challenges of Local Land Good Governance**

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

land provision schemes, Capacity and experience of individuals in the land governance at local level, and Low coverage of government structures and institutions were found as major challenges of land governance raised by the focus group discussants.

The unclear land entitlement procedure was the challenge ranked first by the discussants. This was because land redistribution on 1990s was based on the emotional attachments and interests of the individuals who were redistributing the land at that time. It was also not assumed by the local residents as last land redistribution. These days, it is a headache for the land judges to call the then land redistributors as a witness for many of the land cases filed at kebele level. This clearly shows that, there were many unclear land entitlements with regard to the redistribution method of that time. This lack of clarity on the entitlement by the then time gave an opportunity to have hands of the then land redistributors at current land dispute to serve as witness and to put lasting decision. This witness depends on the morality and will of the redistributors of the then time which as many respondents asserted gave them an opportunity to make nepotism, bribe, and/or favoritism of many kinds either lonely or in cooperation with land judges and administrators of the day.

In brief, as summarized from literature and field survey, the following are the major challenges in decentralized good governance in rural land administration.

- Excessive politicization of local bureaucracy and the absence of actors interplay in the local land administration (absence of vibrant local independent civil society organizations, weak local councils, lack of checks and balance system between the organs of local governments are mentioned). The basic criteria to hold offices at the local level are party loyalty that seriously compromises professionalizing local bureaucracy.
- Imbalance of upward and down ward accountability: local administrators are excessively accountable to their superiors and reluctant to the local people's demand. This so because demotion and promotion, of local office holders is based on their loyalty to their superiors.
- Failure to attract and retain qualified personnel's: the local government offices are not a zone of attraction for professionals because of low level of compensation/ formal payment/ salary. As a result, local bureaucracy in the case study woreda is assumed as an office for the choice less employees. This end up with vicious circle of local capacity limitation.



- Unpaid local land judges and administrators: at the *Tabia* level local land judges and administrators are unpaid/ unsalaried. Therefore, those who take the positions at Tabia level are in many cases calculate informal payments or bribes from the local people and hence such people are among those who have less public trust, ethically degraded ones. For they are not paid, it affects the commitment of the employees in one side and it fails to attract better people to the office for free unless they are confident to get engaged in illegal returns for the services they are going to provide. It is to this end that many of people involving Tabia level land administration issues are among the most illegitimate, incapable, morally degraded, and in most cases with corrupt behavior. This is due to the absence of willingness from those who are professionally capable and socially legitimate to handle social and legal issues.



## 7. Conclusion

Land is a fundamental resource in all societies with far reaching social, cultural and economic implications. However, due to less institutionalization and capacity limitations of public institutions at the local level as deduced from the key informants, violations of law in the study worda is common manifestation that needs serious attention if democracy and justice is to be delivered to the mass equitably and in fair manner in land administration and conflict management.

Land governance needs the land judges and administrators to be familiar with some national and regional land policies, laws and regulations whereas most of them did not had the knowledge, and even interest to know about the policies, laws and regulations in case study worda. The land judges and administrators do not get knowledge gap filling trainings and they did not also get any formal payments for the service they render to the community. As a result, they were not motivated enough to work hard to serve the community. With all the limitations in their supporting role of the local government structures, the degree of reaching to poor and marginalized groups is limited.

Besides, it was found that local land governance structures and institutions were weak in terms of the coverage, and capability to reach and serve the community. Most of the respondents agreed that the institutions at kebele and wereda level are nonresponsive, weak, biased to the rich and non-participative in nature. This could be attributed to the incapability of the local land governance and lack of experience of the land governance staffs working in the structure and specifically in the institutions at both kebele and wereda levels.

There were many challenges regarding local land governance. As a result, it was found that unclear land entitlement procedures, gap in enforcement of the law, unclear government land provision schemes, Capacity and experience of individuals in the land governance at local level, and low coverage of government structures and institutions were major challenges of land governance raised by the focus group discussants. This lack of clarity on the entitlement gave an opportunity to land judges and administrators to make nepotism, bribe, and/or favoritism of many kinds at local level creating pervasive disappointment among local residents.

## 8. Recommendation

According to the opinion of the respondents difficulties had been observed in rural and land administration. The top cases that were recorded in the court had land related conflicts. Hence, the researchers recommended feasible solutions that can minimize the daunting challenges that have been going on in land administration in the study woreda.

To this end, Maintaining skilled and knowledgeable staff through leadership, training, development and commitment to continuous improvement in the delivery of services need to get top most attention to sustainably improve rural land governance . That is, empowering the capacity of the land administration staffs by providing short and long term trainings. Moreover, the land administrators should be able to read and write so that they will have clear records of case to serve as point of reference. That means, the members who are appointed to become part of the land tribunal must have relatively adequate qualifications and receive special training as required. The procedures and decisions of the land tribunal have to be transparent, and every staff member should bound to a strict code of conduct. The procedures and decisions of the land tribunal need to be monitored evaluated and made accessible to the public and appropriate corrective measures need to be imposed so as not repeat mistakes now and again.

Decision-making over access to and use of land as well as its enforcement and the reconciliation of conflicting interests is done in a fair and transparent way, allowing everyone to equitably participate and to receive an adequate share. Because good land governance requires the honest, participatory and serious application of certain principles to land policy, land related legislation, land administration, land management, land reforms, land conflict resolution etc. Active involvement of citizens in land use planning, especially at village level can reduce land use conflicts, as the land use plan can then be adapted to the needs of the local population who will feel more bound to it as a consequence.

To sum, the points here should be considered to improve local good governance in rural land administration. Capacitating the land sector institutions by incentivizing employees in the sector; Strengthening transparency and accountability; Giving special attention to land administration as land is cross cutting issue and basic economic and political asset of a given society especially the agrarian ones like Ethiopia; Serious of supervisions and updates should be made on the overall land governance issues in the grassroots level the voice of the mass must be responsibly addressed ; popular confidence on land administration institutions need to be enhanced thereby the public will be supportive to the efforts of land administration institutions and giving a space for Civil society organizations to take part.

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