



# **Assessment of Constraints in the Land Rental Regulatory Framework: The Case of Tigray and SNNPR**

**DAB Development Research and Training PLC**

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## Executive Summary

This study was conducted to assess the constraints of the land rental regulatory framework and the reasons for low formalisation of land rental transactions so that appropriate amendment proposals are made to improve the regulatory framework for land rental transactions in the Tigray and the SNNPR regions. The analyses is based on the data obtained from Kebele surveys, key informant interviews, focus group discussions, and household surveys.

The data shows that land rental and crop sharing are common in both regions. The region wise comparison of these practices show that land renting is more prevalent in SNNPR whereas sharecropping is more prevalent in Tigray. The key findings from each stage of the analysis are as follows:

### Key findings from the Key Informant Interviews

- Kebele level officers have lower education levels and limited knowledge about the rural land laws in general including laws related to land renting compared to the higher-level informants such as the Woreda and regional land administration officers.
- Respondents in Tigray argued that disseminating the land laws is among the core mandates of the land administrators at different levels. The disseminating avenues include the Kebele/Woreda level workshops, media such as radios, television, and newspapers such as Weyin among others. Respondents in SNNPR, on the other hand, responded that their core mandate is disseminating better land use practices but awareness creation about land laws has not been among their priority mandate.
- Farmers have limited knowledge of rural land laws. But they commonly approach land administrators when they need detailed information about the laws which concerns them most.
- With regard to land rental registration, respondents from both regions argued that it is at a very low level relative the actual number of rental transactions. The main reasons for low rates of registration in Tigray include strong mutual trust between renters and rentees and trust on the traditional methods of entering into contracts; fear that registration entails confiscation of land; desire to keep the rental agreement secret; lack of awareness about the consequences of failure to register rental agreements; lack of or low enforceability of sanctions for failure to register rental agreements; lack of awareness about the requirement of registration of land rental agreements; fear of sanction in case of rent in excess of permissible limits; and disagreement between household members.
- None of the respondents in the two regions believe that the limits on the proportion of rented out land and rental period are associated with the lower rent registration, because, according to them, the regulations have not been strictly enforced. But if they are going to be implemented, the limit on the proportion of rented out land will discourage the disadvantaged groups from registering their land because most of these groups prefer to rent out all their land due to capacity constraints.
- With regard to the appropriateness of the limits on land which can be rented, respondents in SNNPR argued that many farmers in irrigation potential areas might earn more by renting than cultivating it by their own. Hence, according to the informant, the limit on the proportion of rented out land should be relaxed for farmers in irrigation areas. But no concerns raised about the limit on the rent duration because most of the renters rent on their land for shorter duration (which is shorter than the legally allowed period).
- Regarding whether registering land rent contract is necessary or not, the respondents from both regions strongly favoured the registration of land rent contracts.

### Key findings from Focus Group Discussions (FGDs)

- Farmers know some of the land laws, but their knowledge is very limited especially about the land rental laws. The main sources of information to those who know at least some of the laws are meetings organised by the Kebele administrations and land administrations and exchange of information between farmers
- Level of land rental registration is very low in relative to the actual number of land rental transactions. They concur with the key informant interviews regarding the reasons for low levels of registration.
- None of the FGD participants believe that the limits on the proportion of rented out land and rental duration period result in lower registration rates because the laws are not yet enforced strictly. But if the rental law is going to be enforced, it will be among the main factors for lower rent registration.
- Regarding the limits on the proportion of rented out land and rental period, the renter and disadvantaged FGD participants argued that:

- it is inappropriate to limit the proportion of rented out land because some of the landholders cannot cultivate their own land by themselves due to financial and/or capacity (illness, old age, and disability) constraints. Hence, they stressed that this limit should be changed especially for the disadvantaged groups.
- But they favoured the limits on rental duration at least for two reasons: to benefit from the rising land rental prices over the years; and for tenure security reasons or fright that the land may not be received back if it is rented out for longer periods.
- Regarding the need for registration of land rent and introducing laws about crop sharing, all of the FGDs in Tigray and most of the FGDs in SNNPR favoured land rent registration and amendments of laws about crop sharing (and other related practices such as crop contract). A different view was, however, observed from both the renter and rentee FGDs in Gidena Aborat who argued that they have more trust in Kebele elders and local institutions such as Mosques/churches over the public offices and officers. Thus, they think it is unnecessary to register land rents and crop sharing. They do not need any form of government regulation in relation to landholding. During the survey we have noticed that the Kebele is very wide with many residents and the Kebele is located at a far location from the residences of the farmers. The inaccessibility of the Kebele office to farmers might have resulted in a dissatisfaction of the farmers about the public services and hence they might not think that government regulation is unnecessary. For efficient public service delivery, classifying the Kebele into two or three smaller Kebeles could help the farmers to satisfy with the government service provisions.

### Key findings from Household Surveys

Land rental is common in both regions (especially in SNNPR)

- The main reasons for renting out include financial constraint, oxen constraint, and labour constraint
- The main reason for renting-in, on the other hand, is land constraint.
- Land rental registration is low especially in SNNPR. The main reasons, according to the respondents, include
  - Lack of awareness of the land rental registration as a legal requirement
  - Those who are aware also have not understand the benefits of registration over the traditional methods of contract.
  - Most of the respondents do not believe that the limits on the proportion of rented out land and land rent periods caused the lower registration rates.
- Most of the respondents do not think it is necessary to change the limits on the proportion of rented out land and rental periods. The parcel level information also shows that more than 96.5% and 94.5% of the parcels under rent in Tigray and SNNPR have a duration of 2 years or below which suggests that the limit on the rental period could not affect most of those engaging in land rental contracts.
- Crop sharing is common in both regions especially in Tigray. About 67.9% and 47.2% of the respondents in Tigray and SNNPR reported that they have ever engaged in sharecropping.
- Currently there are no laws which govern crop sharing in Ethiopia. With regard to law amendment about crop sharing, 68% and 55% of the respondents in Tigray and SNNPR favoured introduction of laws about crop sharing including registration of crop sharing contracts.

### Recommendations

The following recommendations are based the findings outline above.

- The regional, zonal, and Woreda, and Kebele level land use and administration officers of both regions should exert more efforts to disseminate the rural land laws especially the land rent registration laws through workshops, regional radio programs, and distribution of proclamations in the form of pamphlets.
- Limits on the proportion of land which can be rented should be lifted for disadvantaged groups (especially for the disabled and old aged landholders). The limit on the proportion of land should also be relaxed for farmers in the irrigation potential areas
- Capacity building training is required for Kebele level land administrators to address their limited knowledge on land rental laws and regulations

- There are still significant numbers of rental contracts that are made orally (35.3% in Tigray and 22.7% in the SNNPR). These oral land rental contracts don't produce any legal effects. They are treated as mere draft, not binding pacts. So, cognizant of this fact, the relevant regional bodies need to enlighten and encourage farmers to conclude written contracts.
- With regard to registration of land rental contracts, the trend is better in Tigray and very low in SNNPR. Farmers don't understand the consequences of failing to register their contracts. Moreover, the farmers do not seem to appreciate that failing to register land rental contracts constitutes a criminal act and hence punishable. So, the relevant administrative bodies in both regions must take actions to encourage and educate farmers on the benefits of registering rental transactions.
- Crop sharing is widely practiced in both regions. There are however no laws regulating this aspect of land related transaction. Most of the participants in this study in all capacities believe that it is necessary to introduce a law that regulates this practice. The advantages of having such law are discussed in the main body of the report. For instance, such laws will, among other things, address issues of responsibilities of the parties in sharecropping agreements and the methods of handling disputes arising out of such arrangement. It must be noted that regulating sharecropping does not need making a distinct law. Instead, the existing rural land administration and land use proclamations in both regions can (indeed, must) be amended to accommodate this practice.

## Introduction

The issue of land has occupied a central place in development economics because most of the poor in developing countries derive their livelihood from agriculture. Moreover, land is not only the source of livelihood, but also a source of identity and dignity. The distribution of this important resource has been, however, often inequitable in most developing countries because the colonial powers and class of rulers had affected the allocation of land to strengthen their political and economic powers (Binswager *et al.*, 1995). The unequal distribution of farmland coupled with the highly imperfect input markets due to high transaction costs in developing countries have been resulting in an inefficient use of farmland and the other scarce resources (Deininger *et al.*, 2004).

Attempts have been made by the governments in developing countries to address the issues related to the inequitable distribution of land and tenure insecurities through implementing land reforms. The reforms can be broadly classified into two: redistributive land reform and tenancy reforms (Gahtak and Roy, 2007; Otsuka, 1991). Redistributive land reform requires the reallocation of land from land rich to the land poor and landless farmers whereas tenancy reforms include the measures taken to improve the tenure security of tenant farmers over their landholdings. Moreover, landholding certification programs have been implemented in several developing countries recently to increase the tenure security of farmers.

Ethiopia is among the developing countries which carried out large scale land reforms. After coming to power in 1974, the military regime nationalized land and redistributed rural land in 1975. The main criterion for the land reallocation was family size. Another large-scale land redistribution was implemented in 1996/97 although the action was limited only to the Amhara Region. In 1995, Ethiopia promulgated a new federal constitution, the FDRE Constitution. Under the Constitution, the Federal Government is given the power to enact laws relating to the utilisation and conservation of land and other natural resources whereas regions are given the power to administer land and other natural resources in accordance with federal laws. So, apparently, regions don't have legislative power in relation to land and other natural resources. In order for regions to make their own land laws, they must be delegated to do so by the Federal Government. Expectedly, after providing for an overarching legal framework, the Federal Government has delegated regions to make land laws to meet their regional peculiarities. Accordingly, some regions such as Tigray and the SNNPR have enacted their own land proclamations within the general framework of the Federal Land Proclamation.

Another important development in relation to land in Ethiopia is the introduction of landholding certificates to farm households. The Tigray regional government was the first regional government which introduced land certificate in 1998 (Deninger *et al.*, 2008; Rahmato, 2004). In Amhara region, landholding certification started following Land Use and Administration Proclamation No 46/2002 (amended in 133/2006). In the case of Oromia and SNNP regions, land certifications started after 2002 (Deninger *et al.*, 2008).

While there are some empirical studies which investigated the effects of redistributive land reforms and land certification programs<sup>1</sup> on farm investments, technology adoptions, and agricultural productivity, empirical evidence which focuses on assessment of land rental frameworks is extremely scant. The aim of the current study is, therefore, to fill in this research gap by assessing the constraints of land rental frameworks using primary as well as secondary data.

The regional governments have introduced land rental proclamations to facilitate land transactions between farmers to increase the efficient use of farmland through voluntary reallocation of land from the less efficient to the more efficient farmers. But the land rental market in Ethiopia is still uncompetitive and most of the rental agreements are informal, which can leave disadvantaged groups (e.g. women, orphans and the elderly) open to exploitation and it is also a disincentive to productive investments in agriculture. Although the legal framework governing the land rental market varies from region to region, nearly every region has rules that limit the leasing of land. In order to address the problem of rural land rent inefficiency, many efforts were made by Ethiopian Government to improve land tenure, land administration and inclusive growth. So far, the government of Ethiopia has carried out first and second cycle land certification programmes in effort to improve land security of Smallholder farmers (SHFs) and increase investment. Beyond this, DFID has funded the Land

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<sup>1</sup> For instance, Holden and Yohannes (2002) investigated the effects of the 1975 land redistribution on tenure security and technology adoption in SNNP. Benin and Pender (2001), Benin (2006), and Endale (2015) investigated the effects of the 1996/97 land redistribution in Amhara region on soil conservation methods, technology adoption, and agricultural productivity. Hagos and Holden (2013) investigated the effects of land certification programs on technology adoptions and agricultural productivity in Tigray region.

Investment for Transformation (LIFT) Programme with the aim to improve rural land administration, increase incomes of rural households and enhance economic growth.

Market assessments conducted by the EEU team in SNNPR & Tigray regions revealed that land administration and use regulations, including a requirement to register land rental transactions, size of plots as well as duration of land rental transaction varies between the two regions. Moreover, the enforcement of existing land rental framework, including land registration and formalisation, particularly at Woreda levels in both regions, was found to be low. Hence, this study will have a significant role to get a better understanding of the reasons for the low level of formalisation of rental agreements and identify which changes could be introduced in the current rental regulatory frameworks of Tigray and SNNPR to make the renting process less cumbersome, leading to an increase in the number of formal cash rental agreements.

DAB Development Research and Training (DAB-DRT) was commissioned to undertake the study by LIFT. In the following sections, the approach and methodology that was used for data collection, nature of data, sample design and data collection tools used to generate the required data will be presented.

## **Objective of the Study**

As stated in ToR, the overall objective of this consultancy assignment is to assess the constraints of the land rental regulatory framework and reasons for low formalisation of rental agreements and finally propose amendments needed to improve the regulatory framework for rental transactions in the two regions.

The specific objectives include:

- To assess constraints on existing land rental framework in SNNPR & Tigray regions
- Identify potential changes in the regulatory framework that can improve the willingness of renters and rentees to undertake cash rental agreements and formally register them. Moreover, attempts are made to assess the constraints of crop-sharing agreements and the required changes to improve the system will be suggested.
- Propose revised rural land rental framework that facilitates and eases rental transactions.

The remaining sections of the study are organised as follows. In Section 3, the land rental proclamations of Tigray and SNNP regional governments were reviewed. Then in Section 4, the conceptual frameworks and methods of data analysis were discussed. Then, data presentation and analysis are presented in Section 5. Finally, Section 6 concludes the study with brief policy suggestions.



## Review of the Land Rental Proclamations in Tigray and SNNPR

Ethiopia is a federal state consisting of nine autonomous administrative national regional states and two special federal administrative cities (Addis Ababa and Dire Dawa). Four of the regions used the power vested on them in the proclamation No. 40/1995 of the constitution and the Rural Land Proclamation No. 89/1997 (which was later amended in proclamation No. 456/2005) to adopt their respective regional land policies in line with the federal land proclamations. The regional land proclamations spelled out the ownership, rights to acquire land, distribution and redistribution, length of use right, transfer/inheritance rights, and land certifications. The regions which adopted their own regional land proclamations include Tigray (1997, amended in 2002 and 2007), Amhara (2000, amended in 2006), Oromia (2002, amended in 2003 and 2007), and Southern Nations Nationalities and Peoples (here after called SNNPR) (in 2003, amended in 2004 and 2007). This section briefly reviews the land rental related proclamations in Tigray and SNNPR. The sources of the information in this section are the federal rural land proclamations and the regional land proclamations of the four regional states.<sup>2</sup>

The land proclamations in both Tigray and SNNPR allow the transfer of use right over portion of certified landholdings through land rent. But there are certain restrictions such as the proportion of rented out land, duration of the contract, and the registration of the contract. With regard to the size of rented out land, both regional land proclamations stated that rent out is allowed if it does not result in the displacement of the renter households. In this regard, the land proclamation of the Tigray regional government stipulates that the rented-out land should not be more than 50% of the renter's total landholding. Similar concern is also mentioned in the land proclamation of SNNPR but upper limits on the proportion of rented out land are not specified.

When we come to the duration of the rental contract, in the case of Tigray region the duration varies depending on the mode of agriculture to be employed by the rentees. For a traditional mode of agriculture, the contract duration is at most three years whereas for those who use modern mode of production the duration is up to 20 years. The duration of land rent contracts in the case of SNNPR, on the other hand, varies between the type of contracting parties and type of crops to be planted on the rented-in land by the rentees. The contract duration for farmer to farmer rental contract is at most five years whereas for a farmer to an investor the contract duration is up to 10 years (and up to 25 years if the investor engages in the production of perennial crops).

The other aspect of the land rental contract stated in the regional proclamations is about the accomplishment of the contract. In the case of SNNPR, the family of the renter household should agree for the contract to be accepted at the signing authorities. For a farmer to farmer rental agreements of up to 2 years length shall be registered at the Kebele Administration Office. Farmer to farmer land rental contracts which extend from 2 to 5 year and farmer to investor contracts, on the other hand, shall be registered at the Woreda land administration office. The farmers are required to bring authenticated copies of the necessary documentations such as land certificates and three witnesses for a formal land rental registration. In Tigray, farmer to farmer land rental contracts, which has a duration of at most 3 years shall be authenticated by the Kebele land administration committee and registered at the Woreda/ sub-Woreda court/justice documentation office whereas farmer to investor rental contracts shall be authenticated by the Woreda desk and shall be registered at the Woreda/sub-Woreda court/justice documentation office. The contracting bodies are further required to submit the copies of the formal contract and the authenticated copies to the Kebele and Woreda land administration offices.

## Approach and Methodology of the Study

### General Methodology for the Assessment

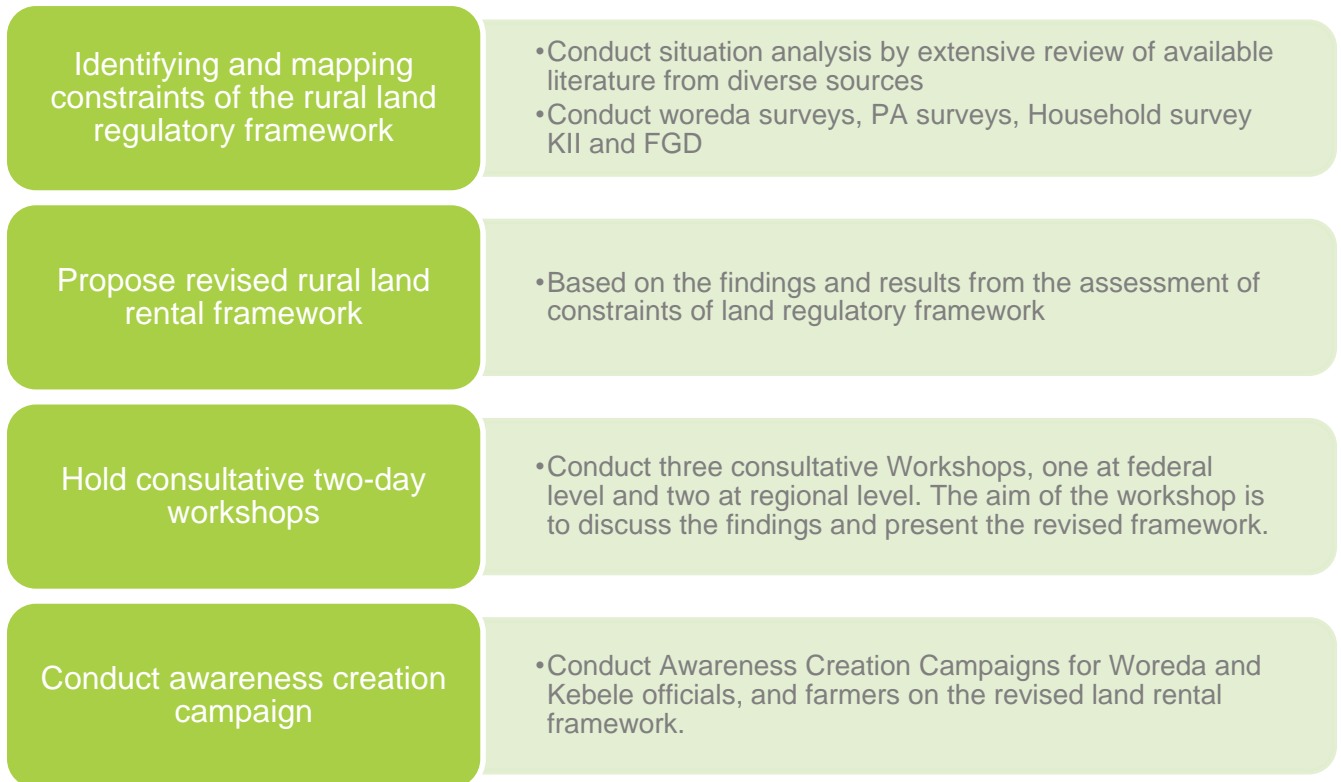
As stipulated in the TOR, the main objective of this study is to get a better understanding of the reasons for low level of formalisation of rental agreements and propose required changes which increase the formal land rental contracts in the two regions. Therefore, the first and fore-most activity is to better understand and conceptualize the existing land rental framework/s in the two regions. This was done through desk review of various documents including land proclamation of both regions and interview with key experts/officials at Federal, regional, Woreda and Kebele level. Assessment was also made to identify major constraints that inhabit the formalisation of rental agreements and the reasons why the farmers engage in informal transaction and the like by conducting a household survey, Key Informant Interviews with Woreda and Kebele officers, and Focus Group Discussion with different household categories such as women headed households, elderly, and model farmers. Therefore, based on the findings from the desk research, survey, KII, FGDs, interviews

<sup>2</sup> The proclamations are listed in the reference section.

and consultations with relevant stakeholders; the consulting team proposed changes needed on the existing land rental regulatory framework of both regions.

The following conceptual framework has been developed to analyse the relationships among the land rental proclamations, farmers' awareness about the regulatory frameworks and the methods of improving land rental transactions.

**Figure 1: The Conceptual Framework**



In general, the consulting team used a mix of qualitative and quantitative research design to meet the objectives of the research. Primary data was collected through Household Survey, Key Informant Interviews, Focus Group Discussions (here after called FGDs) and Field Visits. Extensive review of secondary data was also conducted to compliment the primary data in strengthening and validating the results of the findings. The following section presents details of instruments used for data collection, sources of data, sample design and sample size, survey implementation plan, data management, data analysis and data quality plan.

### Data Sources and Data Collection Instruments

#### Household Survey

**The Rationale for Conducting Household Survey:** The main source of data for the assessment of constraints of the land rental regulatory framework in the two regions is the household survey. This survey helped to gather first-hand information from the farmers that would be helpful to explore and identify major constraints of formalizing land rental contracts and why the farmers (both rentees and renters) choose to be engaged in informal land rental agreements. Moreover, information regarding existing customary laws and institutions exercised by communities to process both cash rental transactions and sharecropping was also revealed by the household data.

In this regard, key research questions related to the regulatory frameworks of land will answered by the household survey. Moreover, demographic characteristics, parcel characteristics such as size, distance from home, primary use of the parcel, and the type of tenure over the parcel; means of land ownership of agricultural land (their own land, renting, share cropping, or other); community preferences in engaging formal or informal/customary land rental transaction and their reasons; their knowledge, awareness and attitude towards formal land rental registration and practice; major reasons behind the limited involvement in the formal land rental contracts; causes of land disputes and way of conflict management, and households' opinion about the quality of PA and woreda services and etc.

- **Study sites and target group:** The household survey was conducted in two woredas of SNNPR Region (Sodo and Meskane) and two woredas of Tigray Region (Raya Alemata and Emba Alaje). The target households for the survey were landholders who are engaged in any form of land rental transaction (including formal, informal or both). The survey also targeted disadvantaged members of the community including women, aged, orphan children/guardian, youth, and disabled land holders.
- **Sampling procedure and Sample Size:** adopting a careful approach in determining sample size to select representative sample has a vital role to ensure external and internal validity of the study. Accordingly, the consulting team has applied a two-stage cluster sampling technique to select sample households. Hence, the first step was to select representative sample kebeles from which target households would be picked. In this case, the consulting team has proposed to select 3 representative kebeles/PAs from each target woredas. The selection of sample kebeles was made with close consultation with LIFT team and Woreda Land Use and Administration Officials. Basically, total representative sample from the entire target population was determined using the following standard statistical procedure.

$$n = \left[ deff \frac{A^2 [p(1-p)]}{(d)^2} \right]$$

$n$  = The required sample size

$p$  = The expected proportion/value of key parameter (since was no previous study on key variables, the value of  $p$  is taken to be 0.5 to allow maximum sample size).

$deff$  = anticipated design effect, the default value for a complex design is 2.

$A$  = Depends on desired significance level (in this case for 90% confidence interval  $Z= 1.645$ ).

$d$  = Margin of error (here we use 0.07 margin of error)

Thus, making the above adjustments and allowing for a 5% contingency for possible non-response, the final number for the sample size is 290 respondents. Finally, the calculated sample size will be distributed across the two Woredas' by taking into account of their respective size of population. The following table shows number and composition sample Woredas, Kebeles and Households.

**Table 0-1: Sample household size by woreda**

Region	Name of Woreda	No. of Kebeles	Sample	Number of sample HHs	Proportion of sample FHHs
Tigray	Raya Alamta	3		72	18%
	Emba Alaje	3		73	22%
SNNPR	Sodo	3		72	8%
	Meskan	3		73	22%
<b>Total</b>		<b>12</b>		<b>290</b>	<b>18%</b>

- **Mode of Data Collection:** The required data was collected with the use of structured questionnaires designed for this purpose. A household questionnaire was prepared to fully capture all household data required for the study. Enumerators were recruited and trained to administer the questionnaire.

### Key Informant Interviews

Qualitative data collection tools, most importantly Key informant interviews (KII) will have an important role to make an in-depth analysis of this particular issue. It helped us to explore detailed information regarding the existing rural land rental regulatory framework in the two regions, the regulatory requirements for formal land rental transactions (both cash and share cropping), gaps in the existing land regulatory framework including land rentals, legal and institutional impediments to formalize rental agreement, possible suggestions for the constraints, government and other partners initiatives so far to address the issues of land related issues, existing bureaucracy in processing land rental agreements, and so forth.

DAB-DRT recognizes that the value of the information gathered through key informant interviews depends on the quality of the checklists, interviewers' ability to communicate and appropriateness of the selected informant. To this end, ultimate care was taken to develop the checklists, selecting interviewers and identifying key

relevant informants. Therefore, the consulting team prepared a pragmatic interview checklist used for interviews. Key informants selected required to be the person who has been directly and indirectly engaged with land administration and use issues. Thus, our potential key informants were Land administration staff at federal, regional, Woreda and Kebele levels, Agriculture office at Woreda level, LIFT staff and other relevant stakeholders.

Generally, the study team at DAB-DRT has conducted 34 KIIs from the aforementioned offices and community structures. The number and composition of the key informants is presented in the table below.

**Table 0-2: Key informant types and number**

Key Informant types	Number of KIIs
Regional Land Administration Bureaus (2 directors from each respective region and 2 technical experts)	2
Woreda Land Administration (Land Administration coordinator)	4 individuals
Woreda Justice Office (one expert)	4 individuals
Kebele Land Administration committee	12 individuals
Kebele Level land resolution committee ( one individuals)	12 individuals
<b>Total</b>	<b>34</b>

### Focus Group Discussions (FGDs)

More qualitative data was solicited by forming focus groups discussions (FGD) with land renters and rentees. To avoid influence of elites, separate FGDs was organised for different groups of people including FGDs with rentees, renters and disadvantaged groups (women headed households, old aged groups and poor farmers). The study team used checklists with FGDs participants to get their opinions on topics including constraints on the current land rental arrangement and process, legal and cultural barriers to process rental transactions, their suggestion on possible amendments that ease the process and so forth. Each FGD team will be guided by experienced facilitators and a note taker who can speak the local language and is acquainted with the local accent and culture. Similarly, a checklist will be prepared to guide the discussion.

**Table 0-3: Number and composition of FGDs by type of participants**

FGD Types	Number of FGDs <sup>3</sup>
FGD rentees (1 at each target Kebele)	12
FGD renters (1at each target Kebeles)	12
<b>Total</b>	<b>24</b>

### Desk Review

The consulting team also understands the importance of secondary data for a better understanding of this particular issue. In view of this, the team conducted desk review of various documents related to rural land rent including land proclamation, records and reports from regional/Woreda/Kebele Land Administrative Offices, research findings on similar issues, and review of best practice at international arena. Specifically, the team reviewed the following documents:

- Federal, Tigray, and SNNPR Land Proclamations,
- GTP I and GTP II
- Kebele and Woreda land rental recordings
- LIFT program documents and baseline report,
- Annual agricultural sample surveys of CSA,
- Review of international best practices from countries with similar background,
- Various research publications/research findings on land rental market.

<sup>3</sup> Disadvantaged groups were included in the rentees

## **Dissemination of the Results**

The findings will be disseminated through workshops. Three consultative workshops, one at Federal level and two at regional level will be held with relevant stakeholders. The main aim of these workshops is to discuss the findings of the assessment and present officials the recommendations on how to revise the land rental framework. Those who participate in the workshop will need to have knowledge and experience on the land sector, particularly the rural land rental market. The number of participants at each workshop will be between 20-30 individuals.

We understand that conducting Workshops is not an easy task because it needs very an experienced facilitator and analyst. Hence, DAB DRT will assign experienced facilitators and note takers who are fluent in English and Amharic and Tigrigna language for the workshop held in the Tigray region. Prior to conducting the workshops, checklists will be prepared to guide the discussion.

## **Data Processing, Analysis and Report Writing**

### **Data Processing**

Data processing of multi stage activities encompasses data editing, verification, coding and entry.

**Data editing:** is conducted in two stages; one is field level editing which is done during the survey by the supervisors and enumerators immediately after the interview. This will help to identify unfilled questions, inconsistent answers and wrong figures. After checking the responses, the enumerators will have an opportunity to call back to correct/clarify responses. The second stage of editing is done after the data is entered. This will be done by generating descriptive statistics and check for inconsistencies and outliers.

**Data Verification and Entry:** After the questionnaires are filled and edited at field level they were sent to the office for verification and entry. Before the entry begins the data was checked again by verifiers for consistency, completeness and coding. Open ended questions (“other” options) will be coded for entry. Then duly trained data entry technicians entered the data into a well-designed data entry template (CSPPro 6.2). Our data manager developed the data entry template and follow up on the entry process. We make a double entry for 10% of questionnaires to check if there is a discrepancy of data.

**Data Cleaning:** After data entry the data manager cleaned and edited the data using CSPPro and SPSS to verify the validity of assigned values as well as logical consistency. The data manger generated cross tabs, frequencies, and mean and standard deviation to check if the data is consistent and logical. Such data cleaning process enabled us to determine inaccurate, incomplete, or unreasonable data and then improving the quality through correction of detected errors and omissions. After finishing this step, the data manager submits cleaned data for principal researchers (team leader and experts) for analysis and write up.

### **Data Analysis**

The study team used the latest STATA, version 14. Qualitative data generated through KIIs, FGDs and direct observation was analysed using thematic analysis to summarize the main findings using selected and pre-determined themes as per the objectives of the survey. Secondary data obtained from various sources was used to compliment the primary data to strengthen the assessment findings.

When compiling and analysing the collected data, the DAB-DRT research team gave due attention to make the data analysis and interpretation competent and clear and that findings or results will be presented fully, understandably and fairly.

## **Data Presentation and Interpretation of Findings**

### **Interpretation of the results from the Kebele survey**

The information for the analyses in this section is obtained by asking the Kebele administrators and Kebele land administrators in each of the sample Kebeles. The respondents provided the data from what they know. They also referred the documents in their office to provide accurate figures. Sometimes they provide their best guesses for the variable not available in their office. In situations when they are not confident about their guess, the figures are reported as data not available or “NA”.

### **Tigray Region**

Table 5.1 shows the Kebele level characteristics such as the total number of households, number of female headed households, access to infrastructure and cost of transportation to the Woreda town, average landholding in hectare per household, extents of land renting and crop sharing, and the degrees of land rent registrations as reported for the randomly selected Kebeles of Emba-Alaje and Raya Alamata Woredas in

Tigray region. With the exception of Egrei-Albe Kebele, the number of households in the Kebeles is over one thousand. In terms of women headed, Selam Bikalsi is the highest where close to 33 percent of the households are female headed. With regard to accessibility to the Kebele office, Timuga is the less accessible in terms of the average travel time on foot. A farmer in the average located village should travel an average 90 minute on foot to reach the Kebele office. When we look at the distance to the woreda town, Erge-Albe and Limat Kebele offices are the farthest each with 15km away from their respective Woreda towns. All of the Six Kebeles have access to road transport to the Woreda towns.

**Table 0-1: PA level information in the Tigray region**

Variables	Emba-Alaje			Raya Alamata		
	Abya	Egrei-AlbeE	Betmera	Selam Bikalsi	Limat	Timuga
Number of farmers in the PA	1,750	899	1,386	3,398	1,757	1
Number of female headed	453	225	554	1,120	550	541
<b>Accessibility</b>						
Time it takes on foot from the average village to the PA office (minutes)	60	60	60	60	60	90
Time it takes on foot from PA office to Woreda town (minutes)	80	90	150	30	90	150
There is access to transport to the Woreda town	Yes	Yes	Yes	Yes	Yes	Yes
Cost of transport to the Woreda by the transport service (Birr)	10	10	15	4	5	10
Time to reach by transport (min)	15	15	15	5	12	10
Land possession and rent						
Average land per household (ha)	0.5	0.5	0.25	0.25	0.25	0.75
Farmers under fixed rented-in	Yes	Yes	Yes	Yes	Yes	Yes
Number of farmers who engaged in fixed rent in the last meher season	NA	NA	NA	110	NA	NA
<b>Rental fee per hectare (in Birr) for</b>						
Best quality land	5000	NA	NA	8,000	6,000	6,000
Medium quality	2500	NA	NA	3,500	3,500	3,000
Poor quality	1000	NA	NA	2,000	2,000	2,000
Farmers engaged in sharecropping	Yes	Yes	Yes	Yes	Yes	Yes
Number of farmers who engaged in share cropping	NA	NA	NA	NA	NA	NA
Number of farmers with 50% output sharing rate to the tenant	NA	NA	NA	NA	NA	NA
Number of farmers with other output sharing rates to the farmer	NA	NA	NA	NA	NA	NA
<b>Land certificates and registration of land rents</b>						
Number of farmers who received land certificates	1000	899	1186	7,520 CRs	4,200 CRs	1,620
Does the PA provide land rent registration service?	Yes	Yes	Yes	Yes	Yes	Yes
Number of registered land rents	18	6	6	110	30	6
Time spent at PA for registration	1 day	1 day	1 day	2 Day	2 days	45 min
Number of witnesses	3	3	3	3	3	3
Registration fee	0	0	0	0	0	60 Birr

Data source: Computed based on own Kebele Survey. Notes: NA denotes that Data is not available

As we can see from the table above, the average landholding size is below one hectare in all of the six sample Kebeles and it is only 0.25 hectare in three of the Kebeles. These shows landholding per household is extremely small in the Kebeles. Land renting is common in all of the six Kebeles. The rental fee varies based on the quality of the land to be rented out and the distance of the Kebele from the Woreda town. For a farmer to farmer fixed rent contract, a fertile land could be rented up to 8,000 Birr in Selam-Bikalsi for one year. Land renting is very common in this Kebele mainly due to its proximity to the woreda town and the better access to irrigation. Share cropping is also common in all of the sample Kebeles although the rural land administration and land use law of the region does not regulate this aspect of land related transaction.

Land rental registration has already started in all of the six sample Kebeles. Registration is high especially in Selam-Bikalsi Kebele with about 110 registered land rent contracts followed by Timuga with 30 registered cases at the Kebele. These high figures in these Kebeles, compared to the others, could be partially due to LIFT's effort for the registration process in these Kebeles. Even though Emba-Alaje is not under LIFT's pilot study, land rent registration has already started in the Kebele. Ayba Kebele is the one with highest number of registered land rent contracts (with about 18 registered cases) from the sample Kebeles in Emba-Alaje Woreda. There are no registration fees except in Timuga Kebele. In Timuga the contracting parties are required to pay 60 Birr for registering their land rent contracts. Three witnesses and spouses' signatures are required for registering land rents in the Kebeles.

### SNNPR

In Table 5.2, the Kebele level characteristics such as the total number of households, number of female headed households, access to infrastructure and cost of transportation to the Woreda town, average landholding in hectare per household, extents of land renting and crop sharing, and the degrees of land rent registrations are reported for the randomly selected Kebeles of Meskan and Sodo Woredas in SNNP region. From the six Kebeles, Gidena Aborat has the largest number of total and female headed households. There are about 1,791 farm households of which 592 are female headed. Our key informants told us that this Kebele is among the largest Kebeles of Meskan Woreda both in terms geographic coverage and size of households and, as a result, it is very challenging to disseminate information to the farmers in this Kebele. When we look at the distances from the Kebele offices to the Woreda towns, Dobena Gola and Negessa are very near to their Woreda towns whereas Dacha Hamus Gebya and Yemer wacho sostegna are very far from their Woreda towns with about 20 and 18 Kilometres, respectively. All of the Six Kebeles have access to road transport which connects Kebeles to the Woreda town. The commonly used transport means in the sample Kebeles is Bajaj.

**Table 0-2: PA level information in the SNNP region**

Variables	Meskan Woreda			Sodo Woreda		
	Yemere Wacho sostegna	Gidena Aborata	Dobena Gola	Negesa	Gogete	Dacha hamu sgebya
Number of farmers in the PA	600	1791	673	400	409	562
Number of female headed	150	592	250	63	66	56
<b>Accessibility</b>						
Walking time in minutes from the average village to the PA office	20	30	15	15	20	60
Distance from PA office to the Woreda town (km)	18	9	7	7	7.5	20
Walking time in minute from PA office to Woreda town	180	90	90	50	60	180
There is access to transport to the Woreda town	Yes	Yes	Yes	Yes	Yes	Yes
Cost of transport to the Woreda by the transport service (Birr)	15	10	10	5	7	20
Time to reach by transport (min)	30	20	20	5	10	40
Land ownership and rent						
Average land per household (ha)	0.75	0.75	0.75	2.5	0.5	1
Farmers under fixed rented-in	Yes	Yes	Yes	Yes	Yes	Yes

Variables	Meskan Woreda			Sodo Woreda		
	Yemere Wacho sostegna	Gidena Aborat	Dobena Gola	Negesa	Gogete	Dacha hamu sgebya
Number of farmers who engaged in fixed rent in the last meher season	100	160	100	65	40	55
<b>Rental fee per hectare (in Birr) for</b>						
Best quality land	3000	8000	12000	6000	8900	4800
Medium quality	2000	4000	8000	4800	7200	4000
Poor quality	1800	2000	4000	2800	6000	2400
Farmers engaged in sharecropping	Yes	Yes	Yes	Rear	CC	Yes
Number of farmers who engaged in share cropping	15	180	20	39	15	180
Number of farmers with 50% output sharing rate to the tenant	15	180	20	25	0	100
Number of farmers with other output sharing rates to the farmer	0	0	0	14 (CC)	15 (CC)	80
<b>Land certificates and registration of land rents</b>						
Number of farmers who received land certificates	300	-	673	400	409	485
Does the PA provide land rent registration service?	Yes (recent)	No	No	Yes	Yes	Yes
Land rent registration takes places since	NA	NA	NA	2010	2011	2015
Does the PA provide crop sharing registration service?	No	No	No	No	No	No
Number of registered land rent contracts	1	0	0	5	40	3
Time spent at PA for registration	NA	NA	NA	20 minutes	30mi	15min
Number of witnesses				3	3	3
Registration fee				0	0	0

**Note: CC and NA respectively stand for crop contract.**

The average farmland per household is one hectare and below in five out of the six sample Kebeles. However, in Negesa Kebele, farmers on average hold 2.5 hectares. But land fertility in this Kebele, according to the informant, is very poor compared to the fertility in other Kebeles such as Gogete. Farmers are engaging in land renting-in and land renting-out in all of the six Kebeles. The rental fee varies based on land quality and the distances from the Woreda town. For a farmer to farmer fixed land rent, a fertile land could be rented up to 12,000 Birr per hectare in Dobena Gola and up to 8900 Birr per hectare in Gogete on yearly basis. Share cropping is also common in four (out of the six) Kebeles. Yet, it is important to note that the rural land administration and land use law of SNNPR does not regulate this aspect of land transaction. This leaves many issues unregulated. For example, in practice, the most common output sharing rate between the tenant and the landholders is 50:50 (which means the two will share the production equally after harvest). In Dobena Gola the landholders do not contribute any money for purchase of inputs such as fertilizer and pesticides but in other survey Kebeles both parties contribute money for the purchase of such inputs. From the discussions conducted, it was also discovered that there is an agreement called “crop contract” which is common in Gogete and Negessa Kebeles of Sodo Woreda. Under crop contract, the landholder transfers his/her land to another farmer to claim a fixed quantity of production after harvest. The farmer claims all the production that is left after the landholder takes out his/her share. The participants in the discussion argued that this type of contract avoids the concern of the landholders over the efforts exerted by tenants under sharecropping. Once again, this type of land related transaction is not regulated by the rural land administration and land use law of the region. Yet, it is important to regulate such practices to avoid some unwanted consequences such as



exploitation of farmers by landholders. Taking advantage of their landlessness, landholders may tend to demand more share from tenants' products thereby reducing them to the status of slavery.<sup>4</sup>

From the sample Kebeles of Meskan Woreda, land rent registration started only in Yemerwacho sostegna Kebele. In fact, even in this kebele, provision of registration service has begun recently when the kebele was selected for pilot study by LIFT. All of the three sample Kebeles of Sodo Woreda have started offering registration services. From the three sample Kebeles in Sodo Woreda, Negessa is the only one under LIFT's pilot Kebeles for the dissemination of land rent registration. The rent registrations in Negessa and Gogete started in 2010 and 2011, respectively whereas the registration in Dacha Hamus Gebya started in 2015/16. According to the Kebele administrators, there are about 5, 40, and 3 registered land rent contracts in Negessa, Gogete, and Dacha Hamus Gebya, respectively. On the other hand, the rural land administration and land use law of SNNPR, which requires registration of land rental transactions was enacted nearly a decade ago (in February 2007). Similarly, land rental transactions are taking place in the region in excess of the registered transactions. So, the low turnout/report for registration of land rental transactions shows how far the region is left behind the schedule to fully enforce this legal requirement.

When asked about the registration procedures, the Kebele administrators have provided the following elaboration. The renter should have a land certificate and the two farmers should state the agreed upon prices, rental duration, and location of the rented parcels (by mentioning the other farmers' land which border the rented land from the north, south, east and west). The spouse (if any) and three witnesses should also sign on the contract. Then, the renter and the rentee together submit the contract to the Kebele land administrator. There are no fees charged by the Kebeles for registering the land rents. Moreover, once the renter and the rentee bring the contract, the Kebele officers finalize it in less than half an hour. In the Kebeles we visited, there are no farmers to investor land rents. It is interesting to note from this elaboration that farmers need to possess landholding certificates to conclude and register land rental agreements at kebeles. Of courses, this is what the law also requires. Nevertheless, as we will see later on, the data gathered from farmers show that about 15 percent of the sample farmers don't have such certificates. Perhaps, this could be one of the factors which reduced the registration of land rent contracts at Kebeles/competent authorities. Kebeles do not entertain land rental agreements concluded by a landholder if he/she does not possess landholding certificate.

## Interpretation of the KII and FGD results

### *KII and FGD results from the sample Kebeles in Tigray*

Key informant interviews were held with Tigray region's deputy regional manager and core process owner of land use and administration, head of the rural land administration of Raya Alamata Woreda, head of the Selam-Bikalsi Kebele land administration, head of the land administration head of Ayba Kebele land administration offices and land court officers of Egre-Albe and Betemera Kebeles.

Six focus group discussions (FGDs) were conducted: three FGDS with renter farmers (in Selam Bikalsi, ErgiAlbe, and Ayba Kebeles), two FGDS with rentee farmers (in Timuga and Betemera Kebeles) and one FGD with group of disadvantaged farmers in Timuga Kebele.

We present the responses of the regions deputy regional manager followed by the responses of the Woreda and Kebele key informants and the FGD results, respectively.

### *Tigray regions deputy manager and core process owner of land use and administration*

For the question related to the knowledge about land laws, the informant disclosed that he has been quite familiar with most of the regional land laws and discharging his duties based on these laws. Among others, the informant managed that he knows about right to use land and land utilisation protocols, land rental proclamations and specific requirements, laws related to land use termination, laws related to land inheritance, transfer, ownership, distribution. The main source of knowledge includes attending law related short term courses provided by colleges/universities, workshops organised by higher level regional and federal offices, reading the proclamations after and before getting this land administration jobs, and through work experiences. For the question related to further training opportunities, the informant stated that short term trainings could help the staff and himself to scale-up their knowledge in administering the regional lands in a proper manner. For this reason, the informant showed his interest to receive short-term trainings, in particular, trainings that relate to land transaction, administration & management, demarcation and software focused courses. Since

<sup>4</sup> This could be seen as contrary to the dignity of the tenants. Everyone has a fundamental right to be protected against exploitative practices that are akin to slavery. In addition to various human rights instruments see for example article 18(1) of the FDRE Constitution.

the office is too busy handling intensive land related administrations, the short-term trainings would be welcome if they run for no longer 5 – 10 days.

We have asked the informant whether disseminating the rural land laws to the lower level land administration office and farmers is among their main priorities. The informant stated that one of the region's land administration agency core tasks has been dissemination of regional land laws information. For this reason, the agency utilized all types of media to disseminate regional land laws. The familiar methods to disseminate information about rural land laws include offering training to Woreda land administration offices, broadcasting the land laws through Dimtsi Weyane radio programme twice a week throughout the year, distributing the regional land proclamations to Woredas and Kebeles so that farmers will have an opportunity to know the regional land laws by buying and reading the proclamations, utilizing the print-media such as public newspapers, brochures, bulletins, and pamphlets. Despite such efforts, however, as we will see later on, the data gathered from the farmers indicate that only few of the farmers know most of the land related laws in the region.

We have asked whether the regional land use and administration office have organised workshops for the purpose of disseminating the rural land laws. The informant explained that the agency has been providing trainings to Woreda level land administration officers. These officers in turn are responsible to disseminate the regional land laws to farmers using the budget allotted to them by the agency. Based on this, the agency, as claimed by the informant, organizes trainings every five years when new proclamations or amendments on proclamations are made by the regional government. The last workshop was held in August 2016. Since the agency provides the trainings using cluster systems, the last workshop particularly involved participants from Southern and South-eastern Zones of Tigray. Whenever the agency organizes workshops, it usually collects feedbacks from participants. All the feedbacks revealed that the organised workshops in terms of timing, contents and the like were very interesting and educative. Furthermore, the agency organizes a refresher workshop for Woreda land administration officers once a year.

The informant believes that the regional land administration agency is very important in disseminating the regional land laws to farmers. It strives to inform farmers the benefits, meanings, contents, etc. of the new proclamations and the existing ones. The informant also stressed that there are challenges facing his office in the dissemination of land laws to the farmers. These challenges include difficulty to effectively communicate the regional land laws to segments of a society with physical impairment, farmers' reluctance to accept new proclamations, and continuous complaints on the organisational structure. The agency, as described by the informant, tried to address these problems by using different communication tools to reach farmers with disabilities; briefing about new proclamations at different people's gathering to reduce the farmers' doubts over the proclamations; and clarifying the possible ways to shorten the chain of the organisational structures.

According to the informant, land rent is less prevalent in most part of the region. Nonetheless, as we will see later on, the data gathered from the farmer's shows that land rental practice is not that low. In fact, it is only 29.7% of the respondents/farmers that have confirmed that the practice is limited. The rest of the respondents/farmers have indicated that the practice is either widely available or moderately available in their Kebeles. With regard to farmers' knowledge about the laws related to land rent, the informant stated that farmers in irrigable areas know some of the laws related to land rent than in the non-irrigable and remote areas. The main sources of knowledge about land rental laws to the farmers in the region include the workshops/meetings organised by the peasant associations, the exchanges of information between farmers, the print & electronic media owned and managed by the agency and Woreda land administration offices. However, based on the farmers' data that will be presented later on, the main sources of legal knowledge are the Kebele administrators.

As far as registration of land rental agreements is concerned, the informant argues that the percentage of registered land rental contracts is much smaller compared to the actual number of rental contracts. As we will see later, this opinion of the informant is consistent with the data gathered from the farmers. Moreover, the informant has stated that the probable reasons for low registration is the low level of awareness on the consequences of failure to register rental agreements, lack or low enforceability of sanctions for failure to register rental agreements, and lack of organisational structure and personnel that serve as a broker between farmers who sought to rent-out and rent-in lands. The data gathered from the farmers also shows that farmers' awareness on the requirement of registration of land rental agreements is low.

For the questions about the impacts of the limits on the proportions of rented out land and duration of the rental contract, the informant did not believe that these restrictions have discouraged farmers from registering their land rental transactions. He added that there are three benchmarks in the land rental proclamation. Firstly, the

proclamation limits the size of land to be rented-out for two reasons: to encourage farmers to invest the financial resources obtained from renting portion of their landholding on their remaining landholding and to reduce unemployment rates in the rural labour force. Secondly, the duration period was limited to give land rentees guarantee of one year for preparation, one year for secured investment and production, and one year as a guarantee for incidents of production failure. Thirdly, registration places are segmented between Woreda and Kebele for reasons of handling capacity. For these reasons, the proclamation and its specific laws, as concluded by the informant, shall not be changed. As we will see later, the data gathered from the farmers also shows that they don't have problems with the limits. Similarly, most farmers don't think that changing the existing laws on land rental limitations is necessary.

When we come to crop sharing, the informant argued that it is a very common practice throughout the region. Disadvantaged people such as women, elders and persons with disabilities are the ones mostly using crop sharing arrangements. There are also no laws to regulate crop sharing in the region. The informant believes that crop sharing should not be part of the regional land proclamation for at least two main reasons. Firstly, farmers sharecropped out their land only for a single farming season (meher season) which is too short. Secondly, it is widely practiced throughout the region and that could be difficult for the Kebele land administrations to manage the sharecropping transactions. Yet, the data gathered from the farmers shows that farmers are in favour of regulating sharecropping by law.

### ***KII with the rural land administrator of Raya Alamata Woreda***

The information obtained from the discussion with Raya Alamata's land administrator has many similarities with the information obtained from the manager and core process owner of land use and administration. Like the deputy manager, the Woreda informant knows most of the rural land laws which he acquired by attending workshops, discussions with friends, and colleagues, and through reading the proclamations. The informant argues that land rent is not common in most of the Kebeles of Raya Alamata Woreda. He believes that people prefer crop-sharing over renting their lands. The informant also believes that most of the farmers do not know the laws related to registration of land rents with the exception of the four LIFT's pilot Kebeles. The farmers in the Woreda acquire information about land rent laws mainly from the workshops organised by the Kebele land administrators, information exchange between farmers during social and religious gatherings, and from relatives and friends who have access to knowledge about the land laws.

For the question about the number of registered contracts in relative to the actual number of rental contracts in the Woreda, the informant believes that the registered cases are very small especially in the areas with no access to irrigation and roads. The informant argues that the lack of awareness about the consequences of failure to register, system related problems like absence of required registration officers, incompetence of registration officers, and lack of clarity on registration requirements, fear that registration entails confiscation of land are the reasons behind the lower rate of land rent registration. In terms of capacity, the informant stated that both the Woreda and Kebele offices have the necessary human resources and office logistics to manage the registration. About the impact of the limits on land rent (limits on proportion and time) on willingness to register, the informant does not believe they discourage registration of land rental transactions. Thus, informant does not think that it is necessary to relax the limits on the rented-out land and duration of rent. But from his response, we have learnt that there are farmers (even though their number is very few) who are renting out their entire landholdings. Thus, if the office enforces the law, then such farmers cannot register their contracts which relate to the land rented in excess of the legally permitted size.

Crop sharing is widespread throughout the Woreda according to the informant. Unlike the region's deputy manager of land, the Woreda land administrator favours the introduction of a law to regulate crop sharing arrangements. He argues that laws about crop sharing could boost productivity and enable us to amicably resolve disagreements between the tenant and the landholder. The new law, according to the informant, has to be explicit about the role and contributions of each party, duration of crop-sharing period, competent government organ to implement its provisions, the possible remedies to settle conflicts emanating from crop-sharing, etc.

### ***KII results from the Kebele land administrators in Tigray***

The results in this subsection are based on the key informant interviews with land administrators of Selam Bikalsi and Ayba Kebeles. Both informants are 8<sup>th</sup> grade complete. The informant in selam Bikalsi said that he worked for seven years as a land administrator, but he knew only a small proportion of land rural land laws. The informant in Ayba, on the other hand, responded that he knows some of the rural land laws. Both informants describe the following as their sources of information about the land laws: participation in workshops organised at Woreda level, reading proclamations, party members' news journal discussion, long experience

as land administrator, from friends and colleagues who have knowledge of land laws. Both informants expressed that they would like to receive training so as to serve the farmers better.

They argued that disseminating land laws to the farmers is among their core duties. Both informants stated that they conducted numerous gatherings with their respective Kebele residents to make awareness about land laws. The latest of such gatherings were held in Selam Bikalsi in May 2016 and in Ayba in July 2016. The focuses of the recent workshops were about illegal land grabbing, its legal remedies, and administration of communal lands among others. With regard to attendance rates of farmers when they are invited for workshops, the informant in Selam Bikalsi stated that over 90 percent of farmers often attend workshops and the Ayba respondent put the attendance rate at 75%. The most probable reasons why some farmers did not attend such important events include old age and disability. Sometimes, other offices of the PA intervene on the sessions and address different agenda such as requesting the public to pay for fertilizers and community contributions which could discourage those who did not settle their responsibilities from attending the sessions, limited expectations of farmers, other urgent commitments at the time of the workshops are some of the other factors which hinder some farmers from participating at the Kebele level workshops.

Both informants stated that there are challenges faced by their offices while they try to disseminate land laws and other important issues to the farmers. The main ones according to the Selam Bikalsi informant are disagreements among the officers due to the discrepancies over the understanding of the laws, often the contents of the one-day workshops are too much to capture for the farmers, farmers give attention only to the laws which benefits them more, inadequate training for members of the land administration office by concerned government bodies. The Selam Bikalsi Kebele land administration, as noted by the informant, tried to device different mechanisms to solve the aforementioned problems. Among others, helping members with low level of understanding on the law by organizing short consultative meetings, holding numerous community gatherings that focus on the laws, and improving the members' capacity through reading the land related proclamations at the office. The main challenges in Ayba Kebele, according to the informant, include low participation of some farmers in organised events by presenting unconvincing reasons, different interpretation of the land laws by the Kebele officers, incorrect and baseless doubts of the farmers on new land laws, unwillingness of some farmers to listen and be governed by the laws, especially, those related to illegal land grabbing. The Kebele land administration office, as noted by the informant, devised different corrective remedies for the aforementioned challenges encountered throughout the information dissemination process such as consultative meetings among members of the office, organizing events frequently to clarify the laws to the farmers, consulting other offices in the Kebele and Woreda.

With regard to farmers' knowledge about land laws, both informants responded that the farmers in their respective Kebeles know some of the land laws including land rent registration. But most farmers do not have deeper understanding of the laws according to the informants. They stated that farmers come at the Kebele office when they need details about each of the laws. The main sources of information about the land laws to the Kebele, according to the informants, are the workshops organised by the PA/Woreda officers, information exchange between farmers in the PA, relatives and friends who work at government offices and have access to the laws, government media such as radios, television and newspapers such as Weyin, farmers buy the land proclamation documents from PA and other government offices. Both Kebele informants stated that the registration rate for land rent is too low compared to the total number of rental land transactions. The reasons, according to the informants, include strong mutual trust between renters and rentees and trust on the traditional methods of entering into contracts, the fear that registration entails confiscation of land, desire to keep the rental agreement secret, lack of awareness about the consequences of failure to register rental agreements, lack of or low enforceability of sanctions for failure to register rental agreements, lack of awareness about the requirement of registration of land rental agreements, incapacity to approach concerned offices for registration (old age, health problem, disability, etc.), fear of sanction in case of rent in excess of permissible limits, and disagreement between household members.

In terms of the cooperativeness of the Kebele officers and the capacities of the offices to handle land rent registrations, both informants expressed that the Kebele officers are cooperative enough. However, some of the officers are working on voluntary basis or they are not earning wage for the services they offer. The informants expressed their concern because their offices' service could not be sustainable unless salaries are paid to each of the Kebele officers. The other problem indicated by the informants is related to human capital constraint. According to the informants, some of the Kebele officers cannot read and write despite the need for well-educated personnel who can understand and interpret the stated laws in the regional land proclamation. For this reason, the informants want the government to provide the members with capacity building trainings.

For the questions related to the limits on the proportion of rented out land and rental duration, both informants stated that the limits could not be the reasons for the lower rent registration rate. Both informants revealed that the Kebele land administration offices have not fully enforced the formal land renting registration laws. In other words, the Kebele offices have not refused to register rental agreements even when farmers are renting out their entire landholdings. On top of this, farmers are not interested to rent-out their land for longer than two years. Due to these reasons, the land size and duration restrictions, as believed by the informants, couldn't be possible reasons for failing to register land rental agreements. However, according to the informant from Selam Bikalsi Kebele, the distance of registration place may hinder elders and persons with disabilities from registering their rented lands to some extent. Therefore, both informants suggested that the existing limits on the proportion of rented out land and rental duration should remain the same.

Finally, both informants explained that crop-sharing have been widely practiced in their respective Kebeles. But there have not been any laws related to crop sharing according to the informants. Both informants strongly favour the introduction of laws on crop sharing. The informants added that laws about crop sharing helps to amicably resolve conflicts emanating from crop-sharing arrangement and can decrease social tensions emanating from the disagreements in the Kebeles. On top of that, it offers residents legal evidence and land sharing security. With regard to the type of laws, they suggested that crop sharing law that encompass obligations and rights of the contracting parties, the shares to each party, duration of crop sharing, specific government bodies mandated to execute the laws, proportions of sharecropped-out land, etc.

### ***Analyses of findings from the Kebele land court officers***

Two key informant interviews with the Kebele land court officers were held in Emba Alaje Woreda: one is in Egri Albe Kebele and the other is in Betemera Kebele. The officers are farmers with some level of education. They are elected from their communities to render pro bono services when land related disputes arise. When these officers were asked whether disseminating the rural land laws is part of their responsibility, the informant from Egri Albe Kebele stated that the Kebele land court officers have the mandates to disseminate land laws to the farmers. For this reason, the office together with Kebele land administration office organised different events to disseminate land laws to the residents in their respective Kebeles. The officer in Betemera Kebele, on the other hand, explained that awareness creation about the land laws to farmers is not the responsibility of the land court officer and hence have not been involved in disseminating land laws to farmers. With regard to farmers' awareness about land rental laws and rate of land rent registration, both informants stated that farmers have some know-how about the land laws but most of them do not have detailed knowledge about the laws. As we will see later on, this is consistent with the quantitative data gathered from the farmers in the region.

With regard to land rent and registration of land rent, both informants stated that land rents are not that much common in their respective Kebeles and they believe that farmers' knowledge about the land rent laws is very limited. The rate of rent registration is also at a lowest stage. Both informants stated that lack of awareness about the consequences of failure to register rental agreements, lack of awareness about the requirement of registration of land rental agreements, fear that registration entails confiscation of land, and desire to keep the rental agreement secret as the main factors behind the lower rate of rent registration in their respective Kebeles. It is important to note that the informants' view is the same with that of farmers with regard to registration. Both groups have indicated that registration of land rental agreements is low. Similarly, both groups have mentioned lack of awareness as among the causes for low rate of registration. However, on the issue of prevalence of land rent practice, unlike the informants, farmers don't think that the practice is low. In fact, the majority of the respondents/farmers think, as we will see later on, that the practice is either widely spread or moderately spread, but not limited/low.

Regarding the Kebele's capacity, the informant in Betemera has expressed a concern over the capacity of some of the personnel who are responsible for registering land rents. According to the opinion of the informants about the potential impacts of the limits on the proportions of rented out land and rental duration, the limitations do not affect farmers' desire to register land rents. As a result, the informants think that there is no need to relax these limits. This is also consistent with the data gathered from the farmers. The farmers have reported that they accept the limitations and they do not see any reason to initiate amendment of the law on this particular matter.

A difference was observed in the opinions of the two informants over the need to introduce laws about crop sharing. The informant from Egri Albe Kebele favours the introductions of laws about crop sharing. Introducing crop-sharing laws in the regional land proclamation, as reasoned out by the informant, has benefits for contracting parties in terms of having security. Even though not much, the Kebele land court office observed

some conflicts related to crop-sharing. This helps the court to give evidence-based decision. Therefore, laws providing for the roles of contracting parties and legal remedies of potential conflicts in the area should be enacted. The informant from Bete mera Kebele, on the other hand, stated that the practice of crop-sharing is very wide spread and hence it would be difficult to manage it at the current capacity of the Kebeles. On top of this, strong mutual trust among the people guarantees for smooth implementation of crop-sharing agreements without the need for registration of the contract. For this reason, introducing crop-sharing laws into the regional land proclamations does not serve any purpose. But as we will see later, the data gathered from the farmers shows that farmers are in support of regulating crop sharing arrangements by law. Similarly, most of the key informants we have seen so far support the introduction of a regulatory framework for this type of transaction.

Questions were put to the court officers regarding the most common land disputes, the methods of resolving these disputes, and whether or not land rent related conflicts are common. According to the informants the most common types of land related disputes in their Kebeles are reclaiming of already transferred land (people who went to other Kebele by marriage and transferred their landholdings but due to different reasons, mainly divorce they come back to the Kebele and claim their earlier holdings), passage or path closure, inheritance, land transfer related ones, trespassing boundary, illegal possession of land, interest of holding homestead beyond the allowed limit, disagreement over drainage route between farmers who share boundary, and so on. The informants explained that the Kebele land court office resolves these disputes by applying the provisions of the laws at their disposal. The laws are the bases to handle all conflicts in the Kebele. The procedures of resolving land conflicts, as described by the informant in Egri Albe Kebele, are the following. First, the Kebele land court asks the conflicting bodies to resolve their disputes through the traditional mechanisms such as through elders' council (shimagle). If their disputes are not resolved through the traditional methods, the officers carefully review the case and request conflicting parties to present their evidence and witnesses. Based on the presented evidence and witnesses as well as referring to the land laws, the court delivers its final decisions. To effectively implement the decision, the court contacts stakeholders such as the Kebele police office, finance and others using its established linkages. With regard land rent and share cropping conflicts, both informants stated that such conflicts are not common.

### *Summary Findings from Klls in Tigray*

- Kebele level officers have lower education levels and limited knowledge on the rural land laws compared to the higher-level informants such as the Woreda and regional land administration officers.
- Disseminating the land laws is among the core mandates of the land administrators at different levels.
- Farmers have limited knowledge on the rural land laws. Farmers attempt to consult the Kebele officers when they need detailed information about the laws which concerns them most.
- Land rental registration is low compared to the total number of rental land transactions in the region. Key reasons for this include strong mutual trust between renters and rentees and trust on the traditional methods of entering into contracts; fear that registration entails confiscation of land; desire to keep the rental agreement secret; lack of awareness of consequences of failure to register rental agreements; lack of or low enforceability of sanctions for failure to register rental agreements; lack of awareness of registration procedures; fear of sanction in case of rent in excess of permissible limits; and disagreement between household members.
- The informants favour the need for registering land rental transactions
- The informants favour the existing limits on the proportion of rented-out land (not more than 50% of the total landholding) and duration period.
- The informants stated that crop sharing is widely practiced in the region and regulation of the practice is requires

### *Analysis of findings from the FGDs in Tigray region*

The responses of the participants in the focus group discussions with the renters, rentees, and disadvantaged groups have similarities for most of the questions. Differences are, however, observed in the responses especially to the questions on the appropriateness of restriction on the proportions of rented out land, land rental duration, and the necessity of introducing laws to regulate crop sharing.

To begin with, most participants in the focus group discussion agreed that most farmers in their Kebele know about the land laws. But they do not think that farmers have enough knowledge. This means, the farmers know that land related laws exist, but they don't have enough knowledge on the contents of these laws. The main

sources of information about the laws, according to the participants, are government officers (Kebele administration) meetings for disseminating the rural land laws, information exchange between farmers, and agricultural extension workers in Kebeles, mass media like radios and newspapers, political party member journal discussions and development army gatherings, and reading copies of land proclamation.

On the question of the prevalence of land renting, most participants in the discussion indicated that the practice is recent but becoming common and increasing from time to time. Their opinion about the Kebele farmers' awareness is that farmers know the land rental laws, but they only know a very small portion of the laws and their knowledge is very limited. According to the participants, the farmers obtain such knowledge through the above listed mechanisms such as the workshops organised by the Kebele land administrators and mass media like radios and newspapers.

The participants indicted that the registration of land rental agreements is low. According to them, the reasons for the lower rate of land rent registration include strong mutual understanding and trust between renters and rentees (and hence they do not see registration as necessary), desire to keep the rental agreement secret, lack of awareness about the consequences of failure to register rental agreements, fear that registration entails confiscation of land, lack of or low enforceability of sanctions for failure to register land rental agreements, and long distance of the Kebele offices from their residence/home especially for the old aged and persons with disabilities.

When asked about the cooperativeness and capacity of Kebele officers with regard to handling matters relating to land rental transactions such as registration, the response from most of the participants is positive. But the renter FGD participants in Ayba Kebele expressed their concern over Kebeles capacity in terms of the education profiles of the officers.

In relation to the possible impacts of limitations on the size of land to be rented out and the rental duration on land rental registration, none of the participants in the discussion believe that the limits imposed on the rented-out land size and rental duration are discouraging registration of land rental agreements.

However, participants as renters and disadvantaged persons have indicated that the limit imposed on the size of land to be rented out as unnecessary. The renter groups stressed that most farmers do not rent out more than 50% of their landholding but a few of the farmers rent out larger proportion or even their entire land due to lack of capacity to use their land. Hence, such law/limitation is not appropriate. The disadvantaged groups in Timuga Kebele have also expressed concerns over the restrictions on the proportions of rented out land. They stated that people like them do not have any capacity to cultivate their land. Hence, it will jeopardize their interests if the land rent registration is enforced without relaxing the limits on the proportions of rented out land. So, the bottom-line is these two groups of people see the restriction on the proportion of land to be rented out as detrimental to their interests. There is some truth in this opinion because if someone does not have the capacity to use his/her land by him/herself, then, h/she has to let other use it while deriving appropriate benefits from rental transactions. Besides, in practice, since most people don't rent out more than 50% of their holdings, there shall be no fear that at the end most or even many farmers will become landless/workless.

On the other hand, the participants in the discussion as rentees favour the existing restriction on the proportion of rented out land because the renters will not remain idle if certain land is left at their hand and it will also enable them to invest the money received from renting on their remaining landholding. They also believe that allowing farmers to rent-out their entire holdings could increase rural-urban migration. The opinions of the rentee participants seem to be premised on one unverified assumption; that is, renters invest the money they receive by renting out their land. But the renters may use the money for consumption or their immediate need. Moreover, the rentee participants (as we will see later on) do not seem to be aware of the fact that many landholders engage in non-agricultural activities. So, renting out one's entire holding does not necessarily mean becoming workless or migrant to urban areas.

When it comes to the limits on rental duration, the renter and disadvantaged groups are convenient with the restrictions. They do not want to rent for over three years because the rental price increases from period to period and to some extent renting out for longer periods makes them tenure insecure. The rentee focus group participants, on the other hand, stated that the restriction on the duration is inappropriate. They stated that they would like to rent for longer duration periods because that enables them to harvest crops and have larger benefits over a longer time. So, the rentees favour changing the restriction on the duration land rent while the renters see this limitation as acceptable. On the contrary, the renters see the limit on the proportion of land to be rented out as inappropriate while the rentee see such limitation as acceptable. These two groups do not have a common ground on the issue of limitations.

On the question relating the necessity of registering land rent agreements, the participants in each of the focus group discussions unanimously agreed that it is necessary to register land rental contracts. They further suggested that efforts should be made to increase farmers' awareness on the benefits, procedures, and necessary requirements/documents for registration of rental contracts to encourage the registration by contracting parties.

With regard to crop-sharing, all the three groups explained that the practice is very common in their Kebeles. The participants indicated that there are no laws to regulate crop sharing transactions in their Kebeles. When asked if a law has to be introduced to regulate such transaction, all participants except those representing the disadvantaged groups favoured the introduction of such law because, according to them, it helps us resolve disputes between the contracting parties easily and also boost productivity by increasing tenure security over the sharecropped land for both parties. They suggested that the law should highlight the contributions and responsibilities of landholders and tenants and the duration of the sharecropping period. The disadvantaged groups, on the other hand, did not support the idea of introducing laws about crop sharing. They stressed that introducing laws about crop sharing is meaningless because the practice is not new like land renting and hence the traditional methods are very effective in addressing the concerns between the contracting parties. Thus, they concluded it is unnecessary to introduce laws about crop sharing in the region. Well, the views of the participants representing disadvantaged persons seem to be premised on a wrong assumption that a law or a regulatory framework is need only for new practices

### *Summary of Findings of FGDs in Tigray*

- Farmers know some of the land laws but their knowledge land rental laws is very limited. The main sources of information to those who know at least some of the laws are meetings organized by the Kebele admins and land admins; exchange of information between farmers; mass media; political party member journals; information acquired by reading land proclamation documents
- Rate of land rent registration is very low in relative to the actual number of land rental transactions.
- Limits on the proportion of rented out land and rental duration period do not lead to lower registration rates because the laws are not yet enforced strictly. But if the rental law is going to be enforced, it will be among the main factors for lower rent registration.
- Regarding the limits on the proportion of rented out land and rental period, the renter and disadvantaged FGD participants argued that:
  - it is inappropriate to limit the proportion of rented out land because some of the landholders could not cultivate their own land by themselves due to financial and/or capacity (illness, old age, and disability) constraints. Hence, they stressed that this limit should be changed especially for the disadvantaged groups.
  - But they favoured the limits on rental duration (< =3 years with traditional agriculture and <20 years with modern agriculture method) at least for two reasons; to benefit from the rising land rental prices over the years, and for tenure security reasons or fright that the land may not be received back if it is rented out for longer periods.

With regard to crop-sharing, all of the FGDs described that the practice is widespread and argued that laws about the practice is essential.

## **Analyses of the KII and FGDs in SNNPR**

### ***Meskan Woreda***

The report here starts with the key informant discussions with the Woreda land use and administration offices followed by the key informant discussions with the Kebele administration and Kebele land administration officers and focus group discussion results with the rentees and renters in the randomly selected Kebeles.

We have conducted a discussion with the Woreda land use and administration officers to obtain information about their knowledge and sources of knowledge about the rural land laws, their interactions with the Kebele level officers and farmers for disseminating rural land laws with focus on land rent and registration of land rent agreements, their perceptions about farmers knowledge about the rural land laws. The experts indicated that they know most of the rural land laws. To confirm this, we asked each of them questions from the rural land proclamation and most of them answered our questions correctly. They acquired the knowledge mainly after



their employment by reading the land proclamation and through discussions with the office mates. They also indicated that the regional government has provided training to some of the Woreda workers in the past and recently (June 2016) LIFT has trained three Meskan Woreda experts about land rent and registration of land rents.

We also asked whether they would be happy to receive training on rural land laws and proclamations. The experts responded that many farmers are coming with many land related cases to their offices and some of the issues are complex to resolve. Hence, they would be happy if land law related trainings are provided to them as that could help their office to improve their service to the farmers. We also asked whether it is their main responsibility or not to disseminate the rural land laws to the Kebele level officers and farmers. They responded that their office has two main duties. The first one is land administration which is tasked mainly with issuing the landholding certificates and ensuring landholding rights of farmers and the second one is land use which focuses on classifying the farmland in each locality into eight grades where grades 1-4 are suitable for cultivation and grades 5-8 need conservations to restore their fertility. Their office has given emphasis to training farmers and lower level Kebele experts about land use. They have indicated that creating awareness about the rural land laws and the rural land proclamations including the laws about land rent and registration of land rent are not their main duties. Hence, their office has not done much in this regard.

With regard to the extent of land rent, the experts stated that land rents are common in the Woreda. They also believe that most of the farmers do not know the laws related to land registration. From their experiences, they understand that farmers know about the land rent and other laws by asking lawyers after they encounter land related problems. Since most of land rent transactions did not follow the formal procedures, the farmers mostly resort to the traditional approaches such as using elders and religious leaders when disagreements over land rents emerge. The information relating to the prevalence of land rent transaction and low level of registering such transaction is consistent with the data collected from the region.

We also learnt that there are two types of land rents in Meskan Woreda. The first one is the normal one where farmers rent-out their land to another farmer for a fixed amount of money. The rentee uses the land and returns it the renter immediately at the end of the agreed upon contract period. The second one is *Woled Aged* (*Interest free but returnable money*) where a farmer borrows money from another farmer by giving his/her land. The loaner cultivates and claims the entire production from the borrower's land until the borrower pays back the face value of the borrowed money. From the three Kebeles surveyed by DAB team in Meskan Woreda, the Key informant and focus group participants in Gidena Aborat and Dobena Gola Kebeles stressed that *Woled Aged* is highly prevalent in their localities. One of the advantages of *Woled Aged* arrangement is that borrowers can get larger cash for their immediate needs compared to the cash they would normally receive by renting out their land for fixed rent. However, paying back the amount they borrow is challenging and hence it could deepen their financial stress. The Woreda experts stressed that *Woled Aged* is illegal and they are working to banish it from the Woreda.

It is true that the land administration and use law of SNNPR does not regulate *woled aged* transaction. In law, such arrangement is recognized, and it is referred to as antichresis. It is a contractual relationship whereby one party undertakes to deliver to the other an immovable property for the performance of an obligation.<sup>5</sup> A person who takes possession of an immovable property under the contract of antichresis does not have any right to claim interest on the loan he/she gives. If any agreement that compels the debtor to pay interest is included in the contract of antichresis, it will not have any legal effect.<sup>6</sup> So, unlike what the respondents have said, antichresis (*woled aged*) is legal in Ethiopia and it is regulated in a law that is different from land law. Yet, antichresis (*woled aged*) is not regulated as a land rental transaction because it is not. Instead, the practice is recognized as a scheme that enables a creditor to use the immovable property he/she receives from a debtor and its fruits and products as a substitute for the interest on his/her claim/loan. So, in the case at hand, antichresis creates a win-win situation in the sense that the tenants/debtors do not have to pay interests on loans, whereas the creditor gets the chance to use the land of his/her and its fruits and products for the time agreed upon. Of course, it could be very challenging for farmers to pay back the money they borrow to regain control of their land. It is also important to note that the applicable law to antichresis (*woled aged*) requires the registration of a contract creating such arrangement. In any case, antichresis is a legal transaction in Ethiopia and it is regulated by law. The problem, though, is that many people including some legal professionals do not know that such law exists.

<sup>5</sup> See article 3117 of the 1960 Civil Code of Ethiopia.

<sup>6</sup> See article 3124 of the 1960 Civil Code of Ethiopia.

With regard to their effects on disseminating the land rental laws, the Woreda experts replied that they started the process recently with the help of LIFT. Currently there are four pilot Kebeles in Meskan Woreda for the land rental registration: Yemer Wachosostegna, Witha, Bati Lejano and Merab Embor. Yemer Wachosostegna is one of the Kebeles randomly selected. We select three random Kebeles (out of 54 Kebeles) of Meskan Woreda. According to the experts, training manuals have already been sent to these Kebeles and awareness creation work was done for 59 farmers in Yemer Wachosostegna, 65 farmers in Witha, 35 farmers in Bati Lejano and 120 farmers in Merab Embor. About 65 registration forms were also sent to these Kebeles: 20 forms to Kebele and 15 forms to each of the other three Kebeles. But only three land rental contracts have been registered so far: two of the registered contracts were in Bati Lejano and the other one contract was registered in Yemer Wachosostegna Kebele. There are no registered rent contracts in Merab Embor and Witha Kebeles. There are no registered contracts at the Woreda office. This information is also consistent with the data gathered from the farmers who reported that registration of land rental agreements is very low.

The main reason for the lack of rental registration in the Kebeles of Meskan Woreda, according to the Woreda experts, in the pilot Kebeles, is that awareness was created recently (after June 2016) and the Kebeles are devoid of the necessary logistics. Moreover, farmers received land certificates recently and it is impossible to register without the certificate. Since most of the farmers in these pilot Kebeles have received the land certificates and awareness about land rent registration has been created and the necessary logistics are improved, the Woreda experts believe that many of the land rent contracting parties will formalize their transactions in the time to come. In the non-pilot Kebeles, awareness about land rent registration has not been created and the Kebeles do not have the necessary logistics such as registration forms for registering the contracts. Once again, the fact that the informants here have indicated lack of awareness and non-possession of landholding certificates as causes for low registration also coincides with the information we have gathered from the farmers. The farmers have reported that their awareness about the land laws is low and some of them don't possess land holding certificates.

For the questions we posed the discussants regarding the limits on rental land size and rental durations, the Woreda experts have reported that, in the rain fed areas, most of the farmers willfully rent out a small fraction of their land and they prefer shorter duration periods of 2 year or less. This suggests that the existing legally allowed rental duration periods and the proportions of rented out land could not be a barrier for the registration of land rents in the rain fed areas. But in irrigable and potentially irrigable areas, farmers currently rent one hectare of land up to 24,000 Birr. Since the fixed amount they earn by renting out their land could be much larger than the net amount they earn by cultivating it by themselves, it might be necessary to relax at least the restriction on the proportion of rented out land. In other words, the Woreda experts argued that it is good to allow farmers who possess irrigable and potentially irrigable land to rent out any portion of their land to another farmer or investor.

For the question related to crop-sharing, the Woreda experts have confirmed that crop sharing is as common as land renting in the Woreda. However, there are no laws regarding crop sharing. They said that disagreements between the tenant and the landholders are common. The main sources of the disagreement between the two parties include disagreements on the agreed output sharing rate, expenses on purchased inputs. They suggested that it is necessary to introduce laws to legalize crop sharing agreements like land rents. The laws should put restrictions on the duration of the sharecropping out period, the shares of output and crop residues, the contributions made by the landholder and tenant for the purchased inputs, the types of crops to be planted by the tenant (temporary or permanent) and state the duration of the sharecropping period. This information is also consistent with the desire of most farmers as the data gathered from them reveals. The farmers favour introduction of a regulatory framework for crop sharing arrangement to deal with problems such as the ones listed above.

In addition to the Woreda experts, key informant interviews were conducted with Kebele administrators and Kebele land administrators of the sample Kebeles of Meskan Woreda. The information obtained from them is by and large similar. All of the key informants indicated that they know some of the rural land laws. The main source of information about the renting of lands in the case of Yemer Wachosostegna is the training offered by LIFT. Since Yemer Wachosostegna is the pilot Kebele for disseminating land rental registration information, the Kebele has organised a one-day workshop for 65 farmers. The Kebele received training manuals and registration forms in August 2016 and so far, one rental contract has been registered after the awareness creation at the Kebele, according to the key informants.

In the case of Dobenagola and Gidena Aborot, the key informants said that they did not receive any training or participate in workshops on land laws and rental registrations. But they have some knowledge about the land laws and registration procedures which they have acquired through discussions with the Woreda level

experts and from friends and relatives in the Kebeles. There are also no copies of the rural land proclamations at the Kebele offices in these two Kebeles. Moreover, no attempt has been made by the experts in these two Kebeles to create awareness for the farmers about land laws and land rent registrations.

Land renting has been a common practice in all of the three Kebeles according to the Key informants. But with the exception of one registered contract in Yemer wacho sostegna, there are no other registered rental contracts in these three Kebeles. The main reason for the lack of registration, according to the Kebele Key informants, is that the Kebeles do not have the capacity to provide the services and most of the farmers in their Kebeles do have awareness about the rural land laws. They believe farmers will demand registering their rental contracts if the Kebeles have the capacity to register such contracts and awareness on the need to register such contracts is created.

For the questions relating to the restrictions on the proportions of rented out land and the rental duration, the key informants argued that the farmers in their Kebeles are renting only a small fraction of their landholding and for a short duration, mostly for one up to two years. Hence, they believe that the existing limits on the rented-out land and duration are not to blame for the absence of land rent registration in their respective Kebeles.

Farmers also engage in crop sharing transactions across the three Kebeles, according to the Kebele level key informants. The key informants in Gidena Aborat, the respondents said that crop sharing is more prevalent than fixed rent in their Kebele. There are no laws regarding crop sharing in these Kebeles. Farmers enter into such agreements through witness and when disagreements emerge, they resolve it through local institutions such as elders and religious leaders. The key informants in Yemer wacho sostegna and Gidena Aborat expressed that it is necessary to introduce laws about crop sharing. They argue that the law will protect the interest of both the landholder and the tenant. They argue that most of the agreements are oral and there might be misunderstandings about the agreed upon shares on the production and the contributions to purchase inputs. Sometimes, one of the parties is powerful and it would try to deny the fair share of the other party. So, formalizing share cropping agreements is essential. The key informants in the Dobena Gola, on the other hand, argued that there is no need to formalize the crop sharing type agreements because in their area the farmers have the culture of respecting local institutions such as *idir* and religious institutions and these institutions have been resolving the disagreements between the landholder and tenants over the sharecropped lands. However, this dissenting view is not in line with the view of the majority and the need of the farmers in the region. Moreover, using on these traditional and religious institutions could be good but as they lack executive power, among other things, to enforce their decisions preferring them to a law is not reliable.

In addition to the key informant surveys, the research team has conducted a focus group discussion in each of the three selected Kebeles. Initially the plan was to conduct three types of focus group discussions: with renter farmers, rentees and disadvantaged groups. When it comes to the implementation, conducting a separate focus group discussion for the rentees and disadvantage groups was a bit challenging. Hence, we conducted two focus group discussions in each of the Kebeles' one for the rentees and the other for the renters. However, attempts were made to include as many disadvantaged groups as possible in the renter group to capture the responses of women headed, disabled, and old aged households.

The renters and rentees answers are mostly similar across the three Kebeles with minor differences. We have learnt that most of the rentees and renters do not know the rural land laws. They indicated that they inquire information about the laws from the Kebele officers, literate relatives, and from the lawyers in their areas after they encounter land related disputes. That applies to land rent as well. With the exception of the rentees and renters in Yemer wacho sostegna, the focus group participants in the remaining two Kebeles said that they did not receive any invitation for a workshop on land laws including land rent registration. The focus group participants in Yemer wacho sostegna Kebele, on the other hand, said that they have attended a one-day workshop on land rent registration and that was very helpful to them to understand the laws. However, they have not started registering their contract as they become aware of such requirement quite recently and argued they will register their future contracts because it avoids concerns which may arise from misunderstandings in the contracts. Moreover, they can register their contracts at their Kebeles free of charges. In the case of Gidena Aborat and Dobena Gola, the focus group discussion participants indicated that they do not know the rural land laws including land rental registration laws because awareness has not been created in Kebeles.

For the question relating to the limits on the proportion of rented out land and the rental duration, both the renters and rentees argued that the restrictions could not be factors for the lower rent registration rates in their Kebeles. The restrictions on the proportion of rented out land and rental durations decreases some of the unintended consequences of land rent such as rural urban migration and the vicious cycle of poverty for those

who are renting out their land in cases they do not invest the cash from renting their land on productive activities. The focus group discussion participants, however, expressed that the limits on the proportion of rented out land should be relaxed for those who have no any capacity to cultivate their land such as old persons and persons with disabilities with no other able family member to do the farming activities. This is similar with the point raised in Tigray.

For the question about the necessity of registration, both the rentee and renter focus group participants in Dobena Gola and Yemer Wacho sostegna argued that registering land rents is very important for both the rentee and renter because it helps to resolve disagreements amicably. They also support formalizing crop sharing because it reduces concerns and uncertainties of the landholder and tenant farmers. Both the rentees and renters in the Gidena Aborat Kebeles, on the other hand, are against formalizing land rent as well as crop sharing agreements. They argued that despite the large number of land rental agreements, disagreements have been very rare due to the high trust between farmers. Even when disagreements between contracting parties arise, the elders in their Kebele are very effective in dealing with the problems to the satisfaction of both parties. They further stressed that the people in their Kebele have more trust in the Kebele elders than in the government officials. Yet, this point is not consistent with the opinion of the majority.

### **Sodo Woreda**

Like the presentation for Meskan Woreda, we will start with the results from the Woreda Key informants followed by the Kebele Key informant and focus group discussion groups. The experts from the land use and administration office of the Sodo Woreda indicated that the main source of knowledge about the land laws is reading the rural land proclamations after getting the current job. They think their knowledge about the land laws is not enough and would like to receive trainings on these laws. Regarding the farmers awareness, the Woreda experts believe that most of the farmers do not know the rural land laws including law on land rent registrations. They, however, have made attempts to create awareness for the farmers in the Woreda. The latest awareness creation job was conducted in June 2016.

Land renting is very common in the rural Kebeles of the Woreda. They also believe that at least some of the farmers in each Kebele know about the land rental laws including the requirements for land registration because awareness has been created in most of the Kebeles. When it comes to crop sharing, the Woreda experts explained that it is rare in their Woreda and has been replaced by crop contract.

Key informant interviews were conducted with Kebele administrators and Kebele land administrators of the sample Kebeles of Sodo Woreda. The information obtained from them is generally consistent with the ones reported in Meskan Woreda. All of the key informants indicated that they know some of the rural land laws mainly from participating in the workshops organised by the Woreda land use and administration office. But they believe the knowledge is not enough and are willing to participate if there are other opportunities relating to land renting. The Kebele key informants indicated that land renting is common. But registration is high only in Gogete Kebele where there are about 40 registered rental cases. The key informants of Negessa and Dacha Hamus Gebya argued that the number of registered land rental contracts is much lower than the total number of non-registered rental contracts. The key informants think that the lower rent registration rate in the two Kebeles could be due to farmers' limited understanding about the consequences of not registering their contracts. More efforts should be made to increase farmers understanding of the benefits of registering land rent contracts over the tradition methods of dealing with the rental agreements. Crop sharing is practiced in Dacha Hamus Gebya but in Gogete and Negessa Kebeles crop sharing is very rare. Instead crop contract is more common in these two Kebeles than crop sharing. The key informants in Negessa and Gogete Kebeles suggested for introduction of laws about crop contract.

When we come to the focus group discussion results in Sodo Woreda, both the rentee and renter groups believe that most of the farmers in their kebeles know about the rural land laws. The main source of information about the laws is by asking the Kebele experts. They indicated that land rents are common in their kebeles. With regard to registration, both the renter and the rentees in Gogtee said that almost all of the rental contracts are registered. They further stated that the Kebele officers in the Kebeles are cooperative and the office has the necessary logistics for the registration. The FGD participants in Negessa and Dacha hamus gebya, on the other hand, showed that the proportion of registered land rents are very small compared to the total number of land rental contracts concluded. In Dacha Hamus Gebya, the participants argued that the contracting bodies would like to keep their contracts secret. In the case of Negessa, the reason for the lower registration rate is that most of the renter and rentee farmers are not clear to what extent they benefit from registering their land rent contracts compared to the traditional means of dealing with the matter.

For the question about the limits on the proportion of rented out land and the rental duration periods, the responses are consistent the responses obtained from the FGDs in Meskan Woreda. Most of the renters willfully rent out smaller proportions of their land and for shorter durations. Therefore, according to them, the limits on the proportions of rented out land and durations of renting out, could not be factors for the lower rent registration rates in their Kebeles. But they have concerns over the restrictions on the proportion of rented out land in the case of disadvantaged groups such as aged and female headed households because these landholders would be unable to do the farming by themselves due to labour and oxen constraints. Hence, the restrictions on the proportion of rented out land for the disadvantaged groups should be relaxed according to the focus group discussion participants.

### Interpretation and discussion of the findings from the household survey

This subsection presents the discussion of findings from the household survey. The survey covered 290 farm households (145 households from Tigray and 145 households from SNNPR). About four of the respondents were not able to complete the household interview and hence the reserve samples were interviewed as substitutes.<sup>7</sup> But we have utilized the information obtained from the respondents who did not complete the questionnaires for the sections they have responded to.

Table 5.3 presents the demographic characteristics of the households. The sample households in SNNPR have larger household size and on average the household heads are 2.6 year older compared to the household heads in Tigray region. About 88.6% of the heads in SNNPR are married which is 8.6% higher compared to the figure in Tigray. There are also more widowed heads in SNNPR than in Tigray. The percentage of divorced heads, on the other hand, is larger in Tigray by 9.7% compared to the percentage of divorced samples in SNNPR. About 66.4% of the heads in SNNPR are literate (can read and write) but in Tigray only 43.4% can do so. When we see the educational profile of the literate heads, most of them have attended either non-formal education or completed primary school (between grades 1-8) in both regions. When we see the characteristic of spouses, most of them are females especially in Tigray (with 0.9% of male spouses). The average age of spouses in Tigray is 34 years old and in SNNPR it is 37 years old. Spouses have lower literacy status (relative to heads) in both regions. Only 31.9% and 39.4% of them can read and write in Tigray and SNNPR regions, respectively.

**Table 0-3: The demographic characteristics of household heads and spouses by region-2016**

Characteristics	Household heads			Spouses		
	Tigray	SNNP	p-value	Tigray	SNNP	p-value
Household size	4.86	6.48	0.000			
Sex (= 1 if male) %	80.00	84.60	0.308	0.90	8.30	0.004
Age in years	43.72	45.07	0.392	33.97	37.08	0.022
Never married (%)	1.40	0.00	0.158			
Married (%)	80.00	88.60	0.044			
Divorced (%)	11.00	1.30	0.001			
Separated (%)	0.00	0.70	0.319			
Widowed (%)	7.60	9.40	0.579			
Literacy rate (%)	43.40	66.40	0.000	31.90	39.40	0.22
Non-formal education (%)	5.50	12.80	0.031	0.00	6.80	0.002
Primary school (grade 1-8) (%)	28.30	45.60	0.002	24.80	30.30	0.335
Secondary school (grade 9-12) (%)	8.30	5.40	0.325	7.10	1.50	0.037
TVET/Diploma (%)	1.40	2.00	0.675	0.00	0.80	0.319
BA student and above (%)	0.00	0.00	.	0.00	0.00	.

Data source: computed based on the household survey data. Notes: The number of household heads and spouses in Tigray are 145 and 113, respectively. In the case of SNNPR there are about 149 heads and 132 spouses. P-values are reported for the mean difference for each characteristic between the two regions.

<sup>7</sup> For instance, one of the respondent was not able to continue the interview after he received a phone call about illness of his ox at the grazing field. Then a reserve sample was used after the several efforts to resume the primary sample failed.

In addition to the demographic characteristics, the accessibility of the sample households to the Kebele and Woreda offices are reported (Table 5.4). The results indicate that the samples in SNNPR are closer to Kebele offices than the Tigray counterparts. For instance, the average distance from the farmers' residences to the Kebele offices is 2.52 km in the SNNPR and it is 4.24 km in Tigray. On average the sample households spend about 14.51 minutes on foot from their home to the Kebele office in the SNNPR, whereas the samples in Tigray spend about half an hour to do so. But it is the sample households in Tigray who are closer to the Woreda offices in terms of physical distances. On average the sample households in Tigray are about 14.10km away from their Woreda town which is shorter by 2km compared to the figure for samples in the SNNPR region. Farmers on average spend 105 minutes in Tigray and 120 minutes in the SNNPR to reach Woreda offices on foot from their home. About 98.7% of the sample farmers in the SNNPR have reported that they have access to road transport to their Woreda town. We noted a good rural road in all sample Kebeles even in Dacha Hamus Gebeya which is over 15 km far from the main road. The main type of transport service for the farmers is *Bajaj*, most residents complain about the small capacity of this means of transportation. The other and more preferred services such as minibuses give transport services too, but they are rare, and they operate only on market days. Tigray region, only 70.30% of the respondents reported that they have access to transport. The average time to reach to the Woreda town by the transport services, for those who reported access to transport, is 15 minutes in Tigray and 27.5 minutes in the SNNPR.

**Table 0-4: Average distance (in kilometre) and travel minute to the Kebele office and Woreda towns**

	Tigray	SNNP	P-Values
Average distance to the Kebele office in Kilometre	4.24	2.52	0.00
Walking time to the Kebele in minutes	32.43	14.51	0.00
Average distance to the Woreda town in KM	14.10	17.13	0.01
Average time to reach to Woreda town (in minutes)	104.54	120.13	0.02
Access to transport service to the Woreda town (%)	70.30	98.70	0.00
Time in minutes to reach to the Woreda town by transport	15.54	27.52	0.00

**Data source: computed based on the household survey data.**

Table 5.5 shows the sample farmers access to own farmland and its size, the land certification rate, and methods of supporting the family in land constrained households. In Ethiopia, securing access to land is a legal right for peasants. In this regard, the FDRE Constitution declares that Ethiopian peasants have the right to obtain land free of charge and the protection against eviction from their possession.<sup>8</sup> This same right is reaffirmed in other subordinate laws such as the Federal Rural Land Administration and Land Use Proclamation No. 456/2005.<sup>9</sup> The rural land administration laws of both Tigray and the SNNPR, which were enacted based on the federal rural land administration and land use law, also recognize the rights of peasants in their respective regions to secure farmland without any payment.<sup>10</sup> In practice, too, as the data in the above table shows most farmers do in fact have access to farmland. In Tigray, 94.5% of the respondents reported that they possess farmland while in the SNNPR all the respondents, 100%, have reported that they have access to farmland.

**Table 0-5: Access to farmland, land certification, and methods of supporting family in land constrained households by region-2016**

Variables	Tigray		SNNP		P-Value
	No. Obs	Mean	No. Obs	Mean	
Owned land (%)	145	94.50	149	100.0	0.004
Number of owned parcels	137	3.04	145	3.30	0.189
Size of owned land (in hectare)	137	0.726	144	1.29	0.000
Possessed land certificate (%)	136	91.9	149	65.1	0.000
Land certificate in process (%)	136	2.9	149	15.4	0.000
Did not possess land certificate (%)	136	5.1	149	19.5	0.000
Own land is enough to support the household (%)	137	33.6	149	29.5	0.464
<b>Means of supporting the household</b>					
Renting-in land	90	20	101	57.4	0.000
Sharecropping-in land	90	61.1	101	43.6	0.015
Livestock rearing	90	4.4	101	12.9	0.037
Non-farming activities	90	32.2	101	25.7	0.328
Others	90	8.9	101	17.8	0.068

**Data source: computed based on the household survey data.**

With regard to the size of their holdings, on average, the amount of land possessed in Tigray is 0.726 hectare per household while it is 1.29 hectare in the SNNPR. This is also consistent with their regional rural land administration and land use laws.<sup>11</sup> In Tigray, the Tigray Rural Land Proclamation No. 239/2006 declares that

<sup>8</sup> Article 40(4) of the FDRE Constitution declares that Ethiopian peasants have the right to obtain land free of charge and the protection against eviction from their possession.

<sup>9</sup> See article 5(1)(a), Federal Rural Land Administration and Land Use Proclamation No. 456/2005.

<sup>10</sup> See article 5(1) of the Southern Nations, Nationalities and People's Regional State Rural Land Administration and Utilization Proclamation, Proclamation No. 110/2007 and article 5 (1) (a) of the Tigray Rural Land Proclamation No. 239/2006

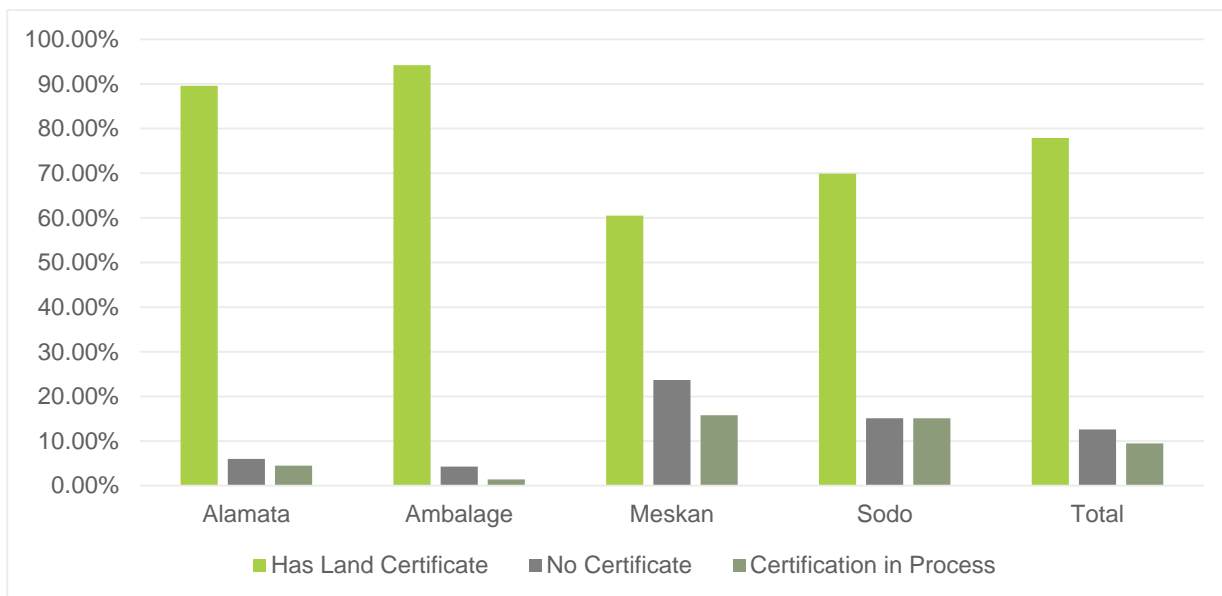
<sup>11</sup> It must be noted that the rural land administration and use laws in both regions recognize different holding sizes for farmland that can be used for rain fed agriculture and for irrigable land that is constructed by the government. For example,

the minimum holding size of non-irrigable farmland for a household is 0.25 hectare.<sup>12</sup> In the SNNPR, the Rural Land Administration and Utilization Proclamation, Proclamation No. 110/2007 orders the holding size of farm land for rain fed agriculture to be at least 0.5.<sup>13</sup> So, the data gathered shows that, in both regions, the land held by the respondents is in excess of the minimum holding sizes set in their respective rural land administration and use laws.

Currently, the applicable rural land administration and use laws require those who hold rural land to secure certificate of possession.<sup>14</sup> In line with, 91.9% of the respondents in Tigray have confirmed that they possess landholding certificate. This shows that the requirement of issuing and securing rural landholding certificate is by and large enforced in Tigray. Similarly, 2.9% of the respondents have reported that they are in the process of securing such certificates. It is only 5.1% of the respondents that have reported that they don't have such certificate. Basically, although certification is still important because, for example, farmers cannot conclude rental contracts and have them registered with competent authorities unless they possess such certificates, the number of people who have not secured the certificates can be regarded as negligible. Yet, these farmers have to secure the certificates because failure to do so entails penalty.

In the SNNPR, 65.1% of the respondents that have reported that they possess rural landholding certificates. This shows that, although the rural land law that is currently in force in the SNNPR was enacted nearly a decade ago,<sup>15</sup> there are still many people who have not secured their certificates of possession. This shows that the implementation of the rural land law of the SNNPR is not as effective as its counterpart in the Tigray region. Of courses, 15.4% of the respondents have reported that they are in the process of getting the certificates of possession. Even adding this to the people who have already secured their certificates of possession, the number of peasant farmers who don't have certificate is more than 19.5% and this double-digit figure is not to neglect. When compared to the data gathered from the Tigray region, the number of farmers who do not have certificates of possession is almost four times higher in the SNNPR (5.1% in Tigray and 19.5% in the SNNPR). The possession of landholding certificates at Woreda level is presented below in Figure 2.

**Figure 2: Land certificate possession at Woreda level in Tigray and SNNPR.**



**Source: Computed based on the household survey data**

Finally, with regard to means of subsistence, the data gathered shows that, although many of the respondents possess their own land, it is only 33.6% the respondents in Tigray and 29.5% of the respondents in the SNNPR

in the SNNPR, the maximum holding size of irrigable land constructed by the government is 0.5 hectare. In Tigray, the maximum holding size for the same type of land is 0.25 hectare.

<sup>12</sup> see article 15(1) of the Tigray Rural Land Proclamation No. 239/2006

<sup>13</sup> See article 11(1) of the Southern Nations, Nationalities and People s Regional State Rural Land Administration and Utilization Proclamation, Proclamation No. 110/2007.

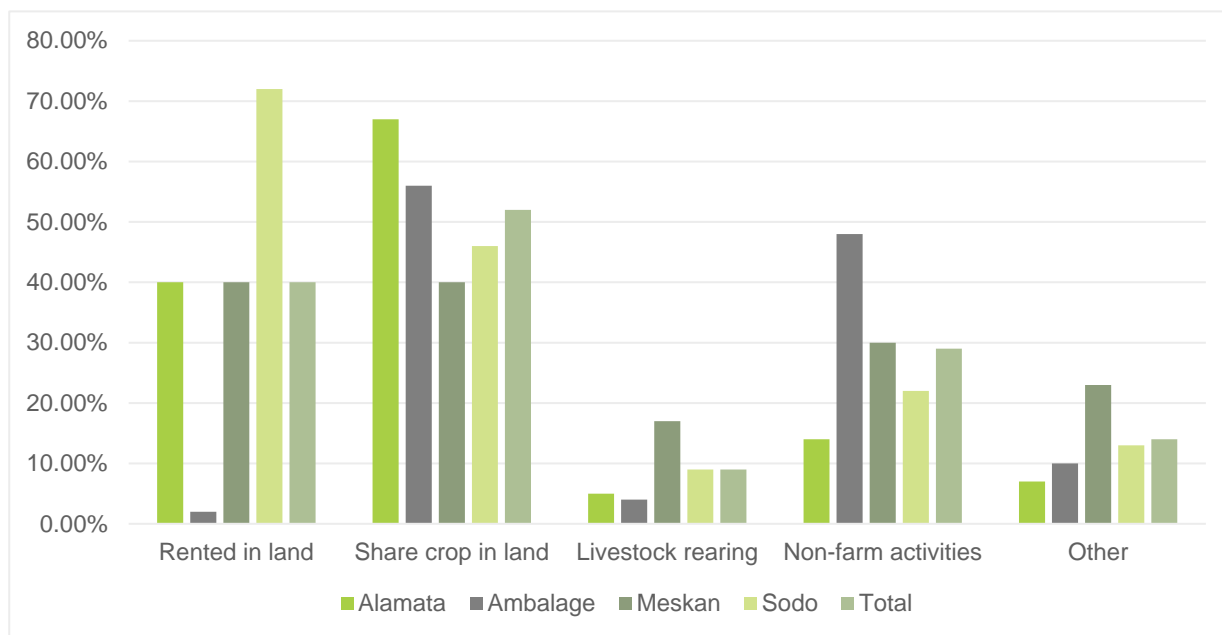
<sup>14</sup> See article 6(3) of the SNNPR Rural Land Administration and Utilization Proclamation, Proclamation No. 110/2007

<sup>15</sup> The Rural Land Administration and Utilization Proclamation, Proclamation No. 110/2007, of the SNNPR was enacted in February 2007.



that have reported that the land they own is sufficient to support the household. The rest have confirmed that their land is insufficient to support their household. Hence, farmers have to resort to some other means to support their households. In Tigray the main methods of supporting the household are sharecropping-in land (for 61.1% of farmers) and by engaging in non-farming activities (for 32.2% of farmer). The main method of supporting land constrained households in the SNNPR, on the other hand, is renting-in land (for 57.4% of farmers) followed by sharecropping-in land (for 43.65 of the farmers). The data shows that sharecropping is the main method of supporting family in land constrained households in Tigray, whereas in the SNNPR farmers mainly support their household by renting-in land. Yet, in both regions, we can observe that the practices of land rental and sharecropping are significant. The common methods of supporting household at Woreda level in the two regions is shown below in Figure 3.

**Figure 3: The Means of supporting household in land constrained households by Woreda**



**Source: Computed based on the household survey**

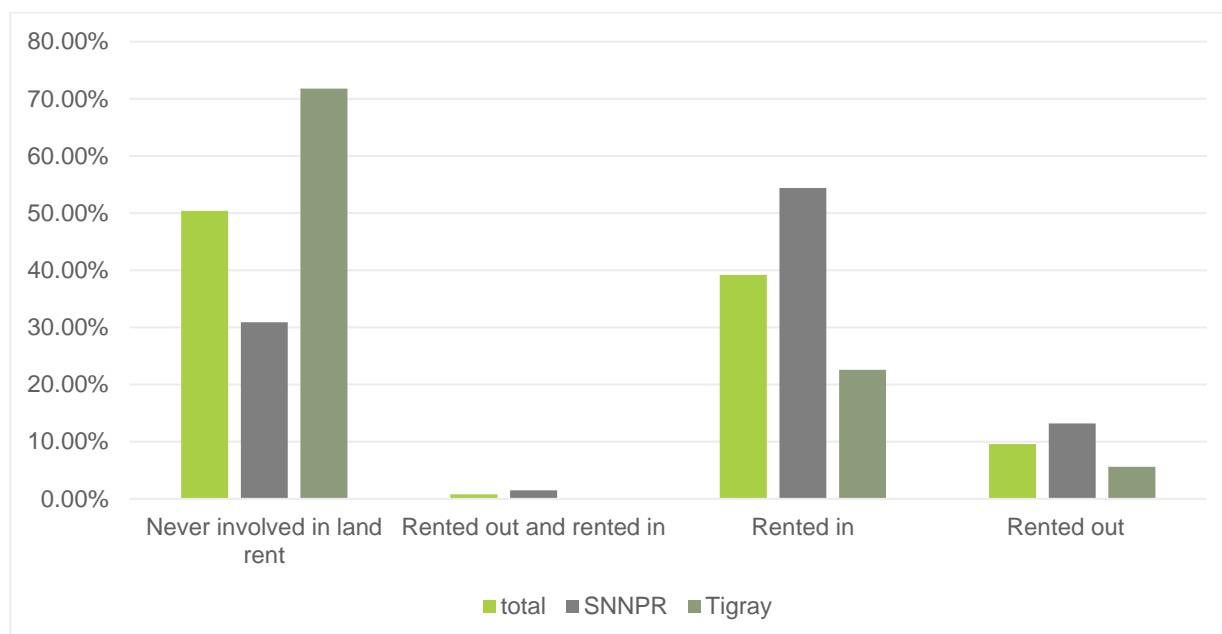
In Table 5.6, the perception of farmers about their prevalence of land renting in their kebeles, participation in land renting, and the sources of information about rental price and land availability are presented.

With regard to the prevalence of land rental practice, the respondents in both regions have reported that the practice exists. In the SNNPR 78.4% and in Tigray 56.6% of the respondents confirmed that land rental is either moderately available or widely available. So, the farmers in both regions engage in land rental transactions either as renters or as rentees.

When asked which type of land rental transaction they engage in, in the SNNPR, 54.4% of the respondents reported their participation in renting in (as rentees) while only 22.6% of the respondents in Tigray confirmed their participation in renting in land (Figure 3). Interestingly, in both regions, few respondents (5.6% in Tigray and 13.2% in the SNNPR) have confirmed that they participated in renting out their farmland (as renters).<sup>16</sup>

<sup>16</sup> Well, the fact that relatively more people engage in renting out in the SNNPR may be seen as an indication of the better holding size as compared to Tigray where their possession is small and the chance of renting out is small.

**Figure 4: The participation rate in land rent contracts by region**



**Table 0-6 Farmers participation in land rental transactions and their perceptions about several aspects of land rent by region**

Variables	Tigray		SNNP		P-values
	No. Obs	Mean	No. Obs	Mean	
<b>The prevalence of land rent in the Kebele</b>					
Wide spread (%)	145	26.9	148	19.6	0.140
Moderately available (%)	145	29.7	148	58.8	0.000
Very limited (%)	145	29.7	148	14.2	0.001
Don't know (%)	145	13.7	148	7.4	
<b>Participation in land rent</b>					
Ever rented-out (%)	124	5.6	136	13.2	0.035
Ever rented-in (%)	124	22.6	136	54.4	0.000
Rented out and also rented in (%)	124	0	136	1.5	0.158
Never participate land rent transactions (%)	124	71.8	136	30.9	0.000
Consulted spouse or other family members when renting out land (%)	34	79.4	91	98.9	0.010
<b>Main reasons for renting-out land</b>					
Labour constraint (%)	7	14.3	20	30	0.390
Oxen constraint (%)	7	42.9	20	30	0.584
Financial constraint (%)	7	28.6	20	60	0.171
Parcel is too far (%)	7	28.6	20	0	0.172
Other employment opportunities (%)	7	0	20	5	0.330
<b>Reasons for renting-in land</b>					
Shortage of land (%)	28	96.4	71	83.1	0.022
Good capacity (%)	28	21.4	71	40.8	0.053
Agribusiness mind (%)	28	0	71	15.5	0.001
Other reasons (%)	28	0	71	5.6	0.045
<b>Source of information about rental land availability and rental prices</b>					
Relatives (%)	35	31.4	93	14	0.051

Variables	Tigray		SNNP		P-values
	No. Obs	Mean	No. Obs	Mean	
Friends (%)	35	62.9	93	64.5	0.864
Social networks (%)	35	11.4	93	38.7	0.000
Kebele administrators (%)	35	17.1	93	0	0.012
Land rent brokers (%)	35	0	93	16.1	0.000
<b>The party who set contract durations</b>					
Rentee (%)	34	5.9	94	27.7	0.001
Renter (%)	34	50	94	19.1	0.002
Negation between renter and rentee (%)	34	41.2	94	53.2	0.235
Other factors (%)	34	2.9	94	0	0.325
Commonly agreed rental duration (in years)	33	2.1	93	1.5	0.000
<b>Main determinants of rental contract durations</b>					
Land quality (%)	33	60.6	93	39.8	0.042
Rental price (%)	33	21.2	93	7.5	0.084
Purpose of the transacted land (%)	33	0	93	2.2	0.158
The relationship between renter and rentee (%)	33	6.1	93	7.5	0.772
Wealth status of the rentee and renters (%)	33	12.1	93	43	0.000
<b>Types of contract (for those transacted)</b>					
Written contract with witness	34	14.7	93	59.1	0.000
Unwritten contract but in front of witnesses	34	20.6	93	6.5	0.066
Unwritten contract and with no witnesses	34	14.7	93	16.2	0.962
Contract registered at Kebele/Woreda	34	50	93	18.3	0.002
Number of witnesses	33	2.82	82	3.01	0.282
Expenditures for obtaining witnesses	33	59.4	80	71.0	0.333

**Data source: computed based on the household survey data.**

When we look at the reason why people rent-in land, 96.4% of the respondents in Tigray reported shortage of land as the main factor. Put differently, most respondents in Tigray have confirmed that the size of the land they hold is small and that is why they engage in renting-in additional land. In like manner, 83.1% of the respondents in the SNNPR have reported the same factor (that is, shortage of land) as a main cause deriving them to rent-in land. This may trigger two key issues: the land redistribution which is legally allowed, and/or, alternatively, lifting the limitations imposed on rental transactions so that land is consolidated and used by some people for better production and productivity than fragmenting it among the many.

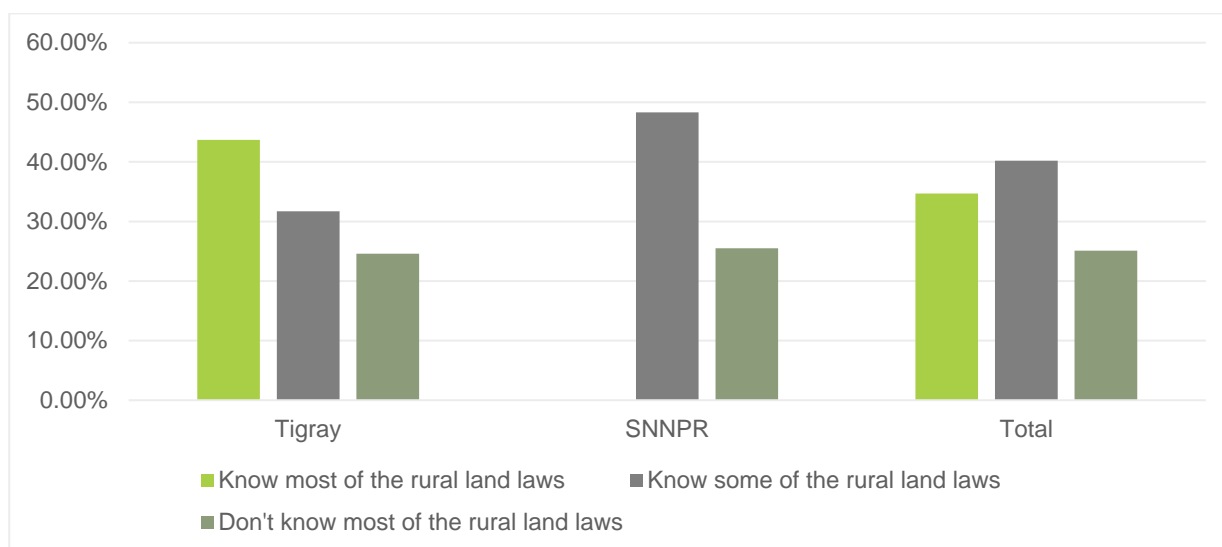
It has to be noted that land rental transaction is a contractual transaction that is regulated by the relevant laws in both regions. Hence, the parties to land rental contract should adhere to the form prescribed by the law when they conclude contracts. In this regard, the first requirement is making land rental contracts in writing. In practice, too, most respondents have confirmed that they use written land rental agreements. In Tigray, 14.7% of the respondents confirmed that they use written contracts with witnesses while 50% have confirmed that they use written contracts that are registered at Kebele. In the SNNPR, 59.1% of the respondents have reported that they use written contracts with witnesses while only 18.3% have said they use written contract registered at Kebele. So, in both regions, written contracts are used although there are differences on registration. While the majority of the written contracts are registered in Tigray, most of the written contracts are not registered in the SNNPR. This is the second requirement. According to the rural land administration and use laws of both regions, it is not enough to make land rental agreements in writing. The agreements have to be registered by the competent authorities, a requirement complied with by the majority in Tigray and not complied with by the majority in the SNNPR. Incidentally, the qualitative data gathered from key informants also shows registration of land rental contracts is very low in the SNNPR.

On the other hand, there are people who use unwritten contracts for land rental transactions. In Tigray, 35.3% of the respondents confirmed that they used unwritten contracts; that is, oral agreements, during land rent

transactions while the number is 22.7% in the SNNPR. These people don't represent the majority of those who participate in land rental transactions. Yet, their number is still significant, and they are not to be neglected. Their failure to comply with the legal requirement of written contracts for land rental transactions will have significant legal ramifications. In the eyes of the law, if a contract is required to be made in writing and parties fail to comply with such formality requirement, the agreement is seen as a mere draft, not as a legally binding pact.<sup>17</sup> Hence, no right or obligation can be enforced based on such agreement. For example, a plot of land that is rented out to someone based on oral agreement can be legally rented out to another person subsequently and it is this subsequent agreement that will be valid if it is made in writing and it meets other legal requirements.

Figures 5 and 6 show the farmers' knowledge and the main sources of knowledge about rural land laws with a focus on the land rent laws and their opinions towards the limits on the proportion of rented out land and the duration of the rent. There is a general principle that everyone is presumed to know the laws of his/her country. That is why we say *ignorance of law is no excuse*. However, in reality, people may not know the law. Bearing this in mind, when asked if the farmers know the land laws that apply in their regions and, in both regions, less than half of the respondents confirmed that they know most land related laws (43.7% in Tigray and 26.2% in SNNPR). The rest of the respondents confirmed that they know only some of the laws or they don't know most land related laws. This affects people's transactions because if they don't know the law, they will not be able to comply with the legal requirements for land related transactions. Besides, as ignorance of law is no excuse, the lack of awareness on all the laws related to land rental transaction is detrimental to their interests.

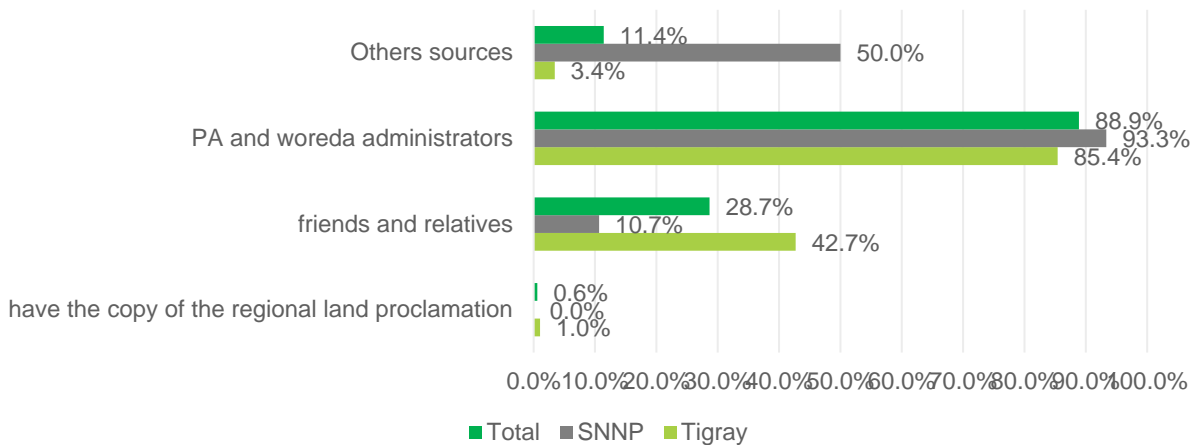
**Figure 5: The classification of farmers by their knowledge status about the regional land laws**



As far as the sources of information regarding land laws are concerned, and regardless of the extent of their knowledge of land related laws, in both regions, most respondents have confirmed that Kebele administrators are their primary sources. In Tigray 85.4% and in the SNNPR 93.3% of the respondents have reported that the sources of their land related legal knowledge are Kebele administrators. This shows that, through Kebele administrators, land law related information can be effectively communicated to the farmers.

<sup>17</sup> See article 1720(1) of the 1960 Civil Code of Ethiopia.

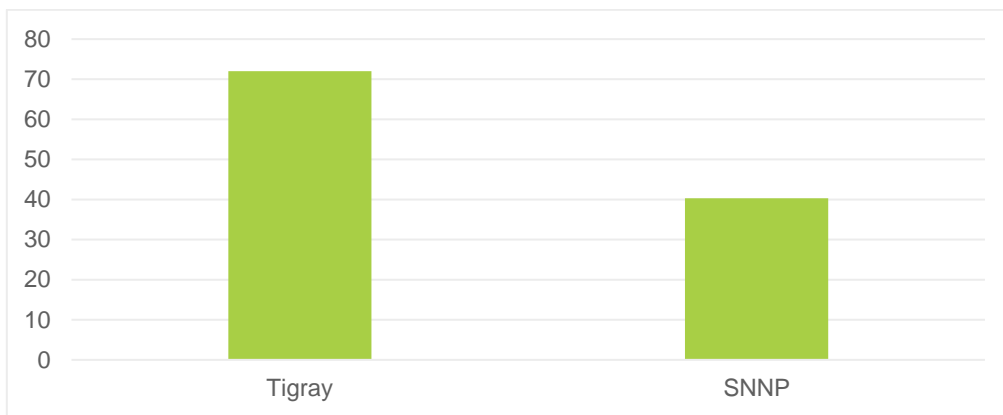
**Figure 6: The sources of information about the regional rural land laws (for those who have some awareness about the land laws).**



**Source: Computed based on the household survey data**

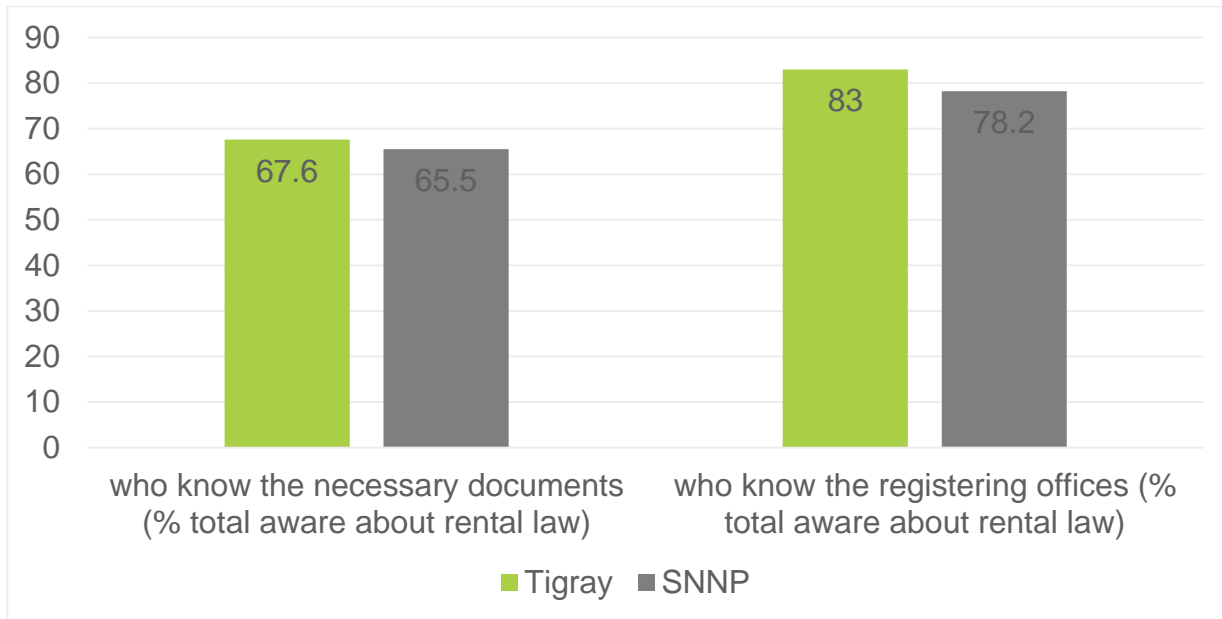
In Figure 7, the awareness about land rent registration is presented. The results show a huge difference in the awareness about land rent registration between the two regions. While 72% of the sample farmers in Tigray have heard about land rent registration before, it is only 40% of the sample farmers in SNNPR who ever heard about the land rent registration requirements. For those with some awareness about land rent registration laws, they were asked whether they know the registering offices, necessary documents for registration, and further asked to list the registering offices and necessary documents for registration for those who answered yes. The results are presented in Figure 8. The results reveal that larger percentage of those who know the registration offices and necessary documents than the farmers in SNNPR.

**Figure 7: Awareness rate of land rent registration law by region.**



Source: computed based on the household survey data.

**Figure 8: Respondents who know land registration offices and necessary documents**



Source: computed based on the household survey data.

The rural land laws of both regions impose two types of limitations on land rental transactions. The first limitation pertains to the proportion of land farmers can rent-out while the second one relates to the duration of land rental contract.<sup>18</sup> In both regions, farmers are not free to rent-out the whole of their possessions. In Tigray, anyone who has a land holding certificate can rent out his/her land provided that the rent does not exceed half of his/her total holding.<sup>19</sup> In the SNNPR, any peasant farmer can rent-out his/her land as long as the rent does not result in his/her displacement. The second limitation relates to the life span of rental agreements. In this regard, in Tigray, farmer to farmer rental agreement or rent for traditional agriculture can be made for a maximum of three years while the duration can last up to 20 years for farmer to investor agreement or for modernized agriculture.<sup>20</sup> For perennial crops, in the SNNPR, farmer to farmer rental agreements can be valid for a maximum of five years while such contract can be valid for 25 years when it is concluded with an investor.

The data shows that from those who are aware about land rent registration, 21.8% in Tigray and 23.3% in the SNNPR have reported that they don't know the two limits. The rest of the aware farmers have confirmed that they know some or most of the limitations. Moreover, the majority of those who know the limits, 85% in Tigray and 77.8% in SNNPR, have reported that they accept the limits imposed on the proportion of land they can rent out and the duration of rental contract they can conclude. Further, the majority among those who know the restrictions, 55.7% in Tigray and 76.3% in the SNNPR think that changing the limits on the proportion of land to be rented out is unnecessary. Similarly, 69.4% of the respondents in Tigray and 66.7% of the respondents in the SNNPR regard changing the limits imposed on the duration of rental contracts as not necessary. That is not only the case. Most people seem to respect the two types of limitations. For example, of the total respondents, 90.4% in Tigray and 88.5% in the SNNPR have reported that they respect the time limit imposed by their regional laws on land rental agreements. By and large, this is consistent with the information we have obtained from most key informants.<sup>21</sup>

<sup>18</sup> In both regions, the rural land administration and use laws don't impose any limits on the amount of land to be rented in and this is appropriate.

<sup>19</sup> See article 9(1), Tigray Rural Land Proclamation No. 239/2006.

<sup>20</sup> See article 9(4), Tigray Rural Land Proclamation No. 239/2006.

<sup>21</sup> Probably, this can be used as a basis to argue that while raising the awareness of even the few with regard to both limitations is necessary, there seems no good reason engage the law for amendment in relation to the limitations. People seem okay with them.)

**Table 0-7 Farmers awareness about the limits on the proportion of rented out land and rental period and participation rate in registered rental contract by region**

Variables	Tigray		SNNP		P-value
	No. of Obs	%	No. of Obs	%	
<b>Percentage of respondents who---on proportion of rented-out land and rental period</b>					
Know most of the limits	101	42.6	60	30	0.107
Know some of the limits	101	35.6	60	46.7	0.174
Do not know most of the limits	101	21.8	60	23.3	0.822
% who accept the limits	60	85	36	77.8	0.394
<b>Percentage of respondents who think changes on the limits on rented-out land are (as a % of farmers)</b>					
Necessary	61	39.3	38	10.5	0.001
Not necessary	61	55.7	38	76.3	0.033
Not sure	61	4.9	38	13.2	0.190
<b>Percentage of respondents who</b>					
Respect the limits on rental period	73	90.4	26	88.5	0.790
Don't respect the limits	73	8.2	26	11.5	0.646
No response	73	1.4	26	0	0.321
<b>Percentage of respondents who think changes on the limits of rental durations are...</b>					
Necessary	72	26.4	27	29.6	0.756
Not necessary	72	69.4	27	66.7	0.797
Not sure	72	4.2	27	3.7	0.917
Percentage who ever registered land rent	99	26.3	58	32.8	0.397
Cost of registration (fee and others)	26	0.88	19	1	0.083
Number of witnesses	23	3	19	3.1	0.426
Number of days spent for registering	24	1.87	19	2.05	0.820
Percentage who think failing to register land rent is illegal	103	53.4	51	62.7	0.270
Percentage of respondents who think registering land rent is necessary	105	88.6	56	91.1	0.615

Data source: computed based on the household survey data.

Although registration of land rental agreements with competent authorities is a compulsory legal requirement, as we have seen before, the above data reveals that the number of people who register their land rental agreements is low in both regions. In Tigray, only 26.3% of the respondents have confirmed that they have registered their land rent contracts while the figure is a bit higher, 32.8%, in the SNNPR.<sup>22</sup> This is, of course, contrary to the requirements of the existing laws in both regions. As the respondents reported, the main reason why only limited land rental contracts are registered relates to lack of awareness about such requirement. In this regard, 89.5% in Tigray and 66% in SNNPR of the respondents have indicated that their awareness on the requirement of registration for land rent agreements is low. This also consistent with the data collected from key informants.

Ironically, the majority of the respondents, 53.4% in Tigray and 62.7% in SNNPR, have confirmed they know failure to register such agreements is illegal. Moreover, most of the respondents, 88.6% in Tigray and 91.1% in SNNPR, think that registration of land rental agreements is necessary. So, it is difficult to decipher why people who think that registration is necessary and also know the illegality of failure to register land rental agreements fail to register their agreements. Probably efficient provision of the registration service and enforcement of the law could induce an increase in rent registration rate.

Table 5.8 shows the respondents awareness and registration of land rent by Kebele in the two regions. The results show that the rate of rent registration is very low in Kebeles such as Gedena Aborat where more than

<sup>22</sup> There is, however, a large disparity in the rent registration across the sample Kebeles (see Table 5.8). In the SNNPR, rent registration is exceptionally high (71%) in Gogete Kebele.

50% of the respondents do not know about the land laws. The registration rate, on the other hand, is high in Kebeles such as Selam Bikalsi, Tumuga, Limat, and Gogete where the awareness about land rent registration is high. The results in the table also show that the registration rate is high in Kebeles with large share of farmers who know the required documents and the offices in charge of land rent registration. In sum, the results in Table 5.8 uncovered the strong positive associations between farmers' awareness about land laws especially land rent laws and land rent registration.

**Table 0-8 Knowledge about land laws, awareness about land rent registration and actual land registration by kebeles**

Kebeles	Percentage of respondents who				
	Do not know about rural land laws	Ever heard about land rent regist.	Know land rent registering offices	Know the required documents For land rent regist.	Ever registered land rent
<b>Tigray Region</b>					
SelamBikalse	12.5	87.5	90.48	71.43	28.57
Tumuga	29.17	87.5	70	57.14	35
Limat	33.33	95.83	86.36	95.65	31.82
Egri Alba	26.09	75	82.35	50	18.75
Ayeba	33.33	58.33	85.71	60	20
Bete-mara	56.52	26.09	83.33	50	0
<b>SNNP Region</b>					
YimerWacho sostegna	62.5	37.5	100	37.5	11.11
GedenaAbera	66.67	8.33	0	0	0
Dobana Gola	57.14	21.43	40	80	0
Gogita	20.83	91.67	100	90.91	71.43
Dacha Ham.	41.67	37.5	77.78	44.44	0
Negessa	40	48	58.33	58.33	25

Source: computed based on the survey data

**Table 0-9 the main factors for the lower rate of land rent registration in the sample Kebeles from the perspective of the respondents**

Types of factors	Tigray		SNNP		P-values
	No. of Obs	%	No. of Obs	%	
<b>Opinions about causes of lower rent registration</b>					
Low awareness about rent registration	105	89.5	50	66	0.002
Inaccessibility of Kebele and Woreda offices	105	20	49	4.1	0.001
Expensive registration fee	73	4.1	26	0	0.083
Total costs of registration is high	73	13.7	26	0	0.001
Registration requires long time	105	19	49	0	0.000
System related problems like corruption	73	2.7	26	3.8	0.798
Fear that registration entail confiscation	105	9.5	49	16.3	0.265
Time limit allowed by the law is short	105	32.4	49	6.1	0.000
The limit imposed by the law on rented-out land	73	12.3	26	3.8	0.124
Lack of awareness about failure to register	105	24.8	60	23.3	0.837
Incapacity to approach offices such as old age	73	8.2	26	3.8	0.388
Women not encouraged to register	73	6.8	26	0	0.024
Lack or low enforceability of sanctions	105	1.9	50	32	0.000



Types of factors	Tigray		SNNP		P-values
	No. of Obs	%	No. of Obs	%	
Desire to keep rental agreements as secret	105	12.4	49	12.2	0.981
Not possessing land certificates	55	1.8	16	6.3	0.505
Holding beyond limits and fear of reduction of land	27	0	6	33.3	0.175
Fear of sanction in case of rent in excess of permissible limit	27	3.7	6	0	0.327
Disagreement between household members	73	1.4	26	11.5	0.131
Others	105	5.7	49	16.3	0.072

Data source: computed based on the household survey data.

**Table 0-10 Parcel level information about rented-in and rented-out land transactions**

Variables	Rented-in parcels				Rented-out parcels			
	Tigray		SNNP		Tigray		SNNP	
	No. Obs	%	No. Obs	%	No. Obs	%	No. Obs	%
<b>Contract duration</b>								
One meher (main farming) Season	31	6.5	73	16.4	5	0	25	32
One belg season (non-main farming)	31	19	73	0	5	0	25	4
One year	31	3.2	73	54.8	5	0	25	32
Two years	31	68	73	23.3	5	100	25	20
Three years	31	0	73	2.7	5	0	25	8
Four years	31	3.2	73	1.4	5	0	25	4
Five years and above	31	0	73	1.4	5	0	25	0
<b>Registration status of rental land</b>								
Registered at Kebele	31	71	73	24.7	5	60	25	4
Registered at Woreda	31	0	73	6.8	5	0	25	8
Not registered	31	29	73	68.5	5	40	25	88
Number of days spent for registering rented land	23	1.61	18	1.16	NA	NA	NA	NA
Registration fee paid at offices	20	1	13	0.16	NA	NA	NA	NA
Total cost for the registration process	20	47	11	9.09	NA	NA	NA	NA
<b>Reasons for not registering</b>								
No need to register	9	55.6	50	10	2	0	22	0.091
Too bureaucratic to register	9	0	50	4	2	0.5	22	0.32
High cost of registering land	9	0	50	4	2	0	22	0
Don't understand the reward of registering	9	44.4	50	64	2	50	22	72.7
Other reasons	9	0	50	18	2	0	22	18.2
Willingness to pay for registering	5	42	47	56.1	2	0	22	61.2
Percentage of rented-out parcel					2	55	19	49.7
Rental fee	30	3171	68	2327	5	1720	24	3947
<b>Relation with the tenant/landowner</b>								
Relative	31	32.3	73	42.5	5	0.6	25	0.48
Friend	31	22.6	73	13.7	5	0.2	25	0.04
Neighbour	31	25.8	73	15.1	5	0	25	12
PA member	31	19.4	73	26	5	20	25	20
Other relation	31	0	73	2.7	5	0	25	16

Variables	Rented-in parcels				Rented-out parcels			
	Tigray		SNNP		Tigray		SNNP	
	No. Obs	%	No. Obs	%	No. Obs	%	No. Obs	%
<b>Location of tenant/landowner</b>								
Same PA	28	71.4	73	91.8	5	60	25	84
Other PA	28	28.6	73	6.8	5	40	25	4
Other Woreda	28	0	73	1.4	5	0	25	12
Feeling insecurity over rented land	31	0	73	12.3	5	0	25	20
Encountered dispute over rented land	31	0	73	5.5	5	0	25	8

Data source: computed based on the household survey data. NA-data not available

When we see the duration of contracts for rental of land (rent-in or rent-out), in both regions, only negligible number of the respondents have confirmed that they engaged in rents exceeding three years. The number is 3.2% in Tigray and 2.8% in SNNPR for rent in and 0% in Tigray and 4% in SNNPR for rent-out. So, most of the respondents have confirmed that the duration of land rent remains within three years. In fact, in the SNNPR, most people don't even rent-out their land for 4 and five years although they are allowed to do so. This shows that conclusion of land rental contracts for long period is not usually preferred by the peasant farmers. This squarely fits the data we have obtained from key informants who have reported that people usually rent out only a small portion of their holdings.

As far as registration is concerned, those who register their contracts do it so in Tigray at Kebele level (because it is for short period) for both rented-in parcel (71%) and rented-out parcel (60%). In the SNNPR, too, those who register their contracts use Kebele although their size is not significant (for rented-in parcel (24.7%) and rented-out parcel (25%)). So, although registration of land rental agreements is not a common place in both regions, those who register such agreements tend to go to the right organs.

Finally, coming to the people who do not register their contracts, in Tigray 55.6% of the respondents reported that they don't see registration as needed for rented in parcels while 50% reported that they don't understand the reward of registering renter-out parcels. In the SNNPR, most respondents (64% for rented-in parcel and 72.7% for rented-out parcels) reported that they don't understand the advantages of registering their contracts. So, those people who don't understand the benefit of registering their land rental agreements see such requirement only as serving a mere formality purpose and nothing more. This is a clear indication of the farmers' lack of awareness on the benefits of registering rental agreements. To produce the intended legal effects, land rental agreements must be registered, and the registration has to take place at the designated place.

**Table 0-11 Farmers participation and perceptions towards crop-sharing**

Variables	Tigray		SNNP		P-value
	No. of Obs	%	No. of Obs	%	
<b>The prevalence of crop-sharing in the Kebele</b>					
Widespread (%)	145	59.3	146	3.4	0.000
Moderate (%)	145	35.2	146	35.6	0.937
Limited (%)	145	3.4	146	26.7	0.000
Non-existent	145	2.1	146	34.2	0.000
<b>Participation in crop-sharing</b>					
Sharecropped out land (%)	140	17.9	94	16	0.704
Sharecropped-in land (%)	140	49.3	94	56.4	0.288
Sharecropped-out and also sharecropped-in	140	0.7	94	0	0.319
Never participated in sharecropping (%)	140	32.1	94	27.7	0.463
Commonly agreed share of output to the tenant (%)	138	48.6	86	49.8	0.179
The landholder's contribution in Purch. Inputs (%)	138	4.41	90	10.5	0.010

Variables	Tigray		SNNP		P-value
	No. of Obs	%	No. of Obs	%	
<b>Respondents opinions about the constraints of crop sharing</b>					
Disagreement in sharecropper's family	132	0.8	83	13.3	0.002
Disagreement on the effort of the tenant	132	3.8	83	41	0.000
Disagreement on the share of purchased inputs	132	2.3	83	8.4	0.067
Lack of crop insurance	132	4.5	83	2.4	0.391
Disagreement over the crop sharing rate	132	1.5	83	2.4	0.656
No constraints	132	87.1	83	32.5	0.000
Commonly agreed crop sharing duration (in months)	25	28.5	14	13.5	0.010
<b>The party who decides the contract duration</b>					
Landholder	137	78.8	89	49.4	0.000
Tenant	137	0.7	89	1.1	0.769
Both the landholder and the tenant	137	20.4	89	49.4	0.000
<b>Factors which affect rental duration</b>					
Land quality	132	38.6	87	17.2	0.000
The agreed crop sharing rate	132	24.2	87	2.3	0.000
The tenant's effort on the sharecropped land	132	4.5	87	34.5	0.000
Relationships between the landholder & tenant	132	21.2	87	11.5	0.051
Wealth status (both rentee and renter)	132	11.4	87	34.5	0.000
<b>Registration of the land rent</b>					
The share cropped contract registered	140	7.1	88	3.4	0.203
The share cropped contract was not registered	140	89.3	88	60.2	0.000
No answer	140	3.6	88	36.4	0.000
<b>Respondents opining about introducing laws about crop sharing such as registration</b>					
It is necessary to introduce laws	135	68.1	89	55.1	0.051
It is not necessary to introduce laws	135	21.5	89	15.7	0.275
Do not know	135	10.4	89	29.2	0.001
The spouse and/or other family members were consulted when the land was sharecropped-out	26	80.8	16	93.8	0.204
<b>The main reasons for sharecropping-out land</b>					
Labour constraint	27	51.9	16	56.3	0.787
Oxen constraint	27	37	16	50	0.424
Financial constraint	27	7.4	16	18.8	0.326
The parcel is too far	27	25.9	16	0	0.006
Others	27	7.4	16	12.5	0.613
<b>If sharecropped-out land due to labour constraint, why labour constrain arise in the household</b>					
Female headed household	13	92.3	9	66.7	0.187
The age is too old	13	7.7	9	33.3	0.187
<b>The reasons for sharecropping-in land</b>					
Shortage of land	68	86.8	51	72.5	0.063
Good capacity	68	13.2	51	15.7	0.711
Agribusiness mind	68	0	51	5.9	0.083
Other reasons	68	0	51	5.9	0.083
<b>Source of information about land on crop-sharing</b>					
Relatives	68	54.4	50	20	0.000

Variables	Tigray		SNNP		P-value
	No. of Obs	%	No. of Obs	%	
Friends	68	45.6	50	52	0.496
Social networks	68	0	50	28	0.000
<b>Type of crop-sharing contract</b>					
Written contract with witness	93	3.2	67	40.3	0.000
Unwritten contract but in front of witnesses	93	8.6	67	11.9	0.501
Unwritten contract and with no witnesses	93	88.2	67	47.8	0.000
Number of witnesses	64	4.3	48	2.3	0.000
Expenses for obtaining witnesses	68	2.2	45	40.1	0.000

*Data source: computed based on the household survey data.*

Sharecropping arrangement is not a matter regulated by the rural land administration and use laws of both regions. However, the data gathered reveals that the practice exists in both regions. In Tigray 97.9% indicated that such practice exists. Indeed, 59.3% of the respondents have reported that the practice of sharecropping is widespread in Tigray. In the SNNPR, too, 65.7% of the respondents have reported that the practice of sharecropping exists. So, sharecropping is a fact of life in both regions.

On the other hand, the fact that the relevant land laws of these two regions don't regulate such practices leaves many issues unanswered. For example, it is not known for how long sharecropping agreements can be made; it is not clear if such arrangement has to be registered (in practice, most people don't register it). Similarly, issues relating to dispute settlement methods, types of contract (written or unwritten), share that each part may take to avoid exploitation of one by the other, etc. need to be specifically addressed by a sharecropping specific law. Hence, it is necessary to regulate crop sharing arrangements in like manner with land rental agreements. Interestingly, most of the respondents in both regions have reported that a law that deals with sharecropping is necessary. In Tigray, 68.1% and in SNNPR 56.3% consider the existence of such law as necessary. Similarly, most of the key informants from both regions agree that a law is necessary to regulate sharecropping.

## Conclusions and Policy Implications

This study has been conducted with a view to assessing the constraints of the land rental regulatory framework and the reasons for low formalisation of land rental transactions so that appropriate amendment proposals can be made to improve the regulatory framework for land rental transactions in the Tigray and the SNNPR regions. The analyses is based on the data obtained from Kebele surveys, key informant interviews, focus group discussions, and household surveys. The results show that land rent is common in both regions the two regions especially in SNNPR. The results from the household survey show that farmers rent out their land due to some constraints such labour, oxen, and finance. The rentees, on the other hand, rent in land mainly due to shortage of land to support their households.

As the data has revealed most land rental contracts are made in writing which is a legal requirement. However, most land rent contracts are not formalized by way of registration. This is one of the key requirements recognised the rural land laws of both regions. Rent registration is either not yet started or only a small portion of the land rental agreements are registered in the samples Kebeles of the two regions. The main culprit for the failure to register land rent contracts is lack of awareness. Most farmers do not know that registration is a legal requirement while some of them think that registration does not have any benefit. In fact, farmers' lack of awareness is not only limited to the requirement of registration. It relates to the other aspects regulated in the rural land laws such as the limitations imposed on the proportion of the land to be rented out and the duration of rental contracts. This implies that much has to be done to improve farmers' awareness about the land laws such as the rental land laws.

As far as the possible impacts of the limits on the proportions of rented out land and the duration on rent out land on land rental transaction is concerned, our findings show that farmers are renting only small portions of their land and for a short duration mostly for 2 years or below. So, the limitations are not posing any danger to land rental transactions. However, as the samples in the household survey were selected randomly, this finding may not necessarily represent some groups such as the disadvantaged sections of the population. In this regard the opinions gathered through the key informants and focus group discussions are helpful to understand the impacts of the limits on the disadvantaged sections. The information from the key informants in the SNNPR, and from the focus group discussions with renters and rentees in the regions reveals that the limit on the proportion of rented out land could jeopardize the disadvantaged households such as the persons with disabilities, old people, and the very poor because they cannot undertake the farming by themselves due to factors such labour, capital constraints, and health factors. Thus, we have learnt that the laws have not been fully enforced in both regions with regard to these people.

Moreover, based on the information obtained from the Woreda Land use and management manager of Meskan Woreda in SNNPR, the limit on the proportion of rented out land affects the freedom of farmers in irrigation potential areas. According to the informant a farmer can earn up to 24,000 Birr by renting one hectare of land for one year in irrigation potential areas. But if the farmer cultivates the land by himself, the net return could be much lower than the amount received from renting it for a year because the landowner might not be able to purchase the necessary farm inputs due to capital constraints. Therefore, according to the informant, considerations should be made to the irrigation potential areas with regard to the limit on rented out land. With regard to the limit on the duration period of renting out period, there is no sufficient evidence to suggest changes in the law. What we have discovered is that farmers are not renting out their land even for the maximum allowable duration, three years in Tigray and five years in the SNNPR. Besides, since the rural land laws of the two regions do not forbid renewal of land rental transactions, the time limits may not be that important. The contracting parties can renew their contracts indefinitely as long as the upper ceiling fixed the law is observed.

Finally, crop sharing is a prevalent practice in both regions. Indeed, in the Tigray region, it is even more prevalent than land rental transactions. Nonetheless, currently, there are no laws in both regions to regulate crop sharing. Our data shows that most participants in this study support the introduction of a law to regulate such practice because it addresses a number of key issues.

### Recommendations

The following policy suggestions are drawn based on the findings from the Kebele survey, key informant, focus group discussion and household surveys.

- The regional, zonal, and Woreda, and Kebele level land use and administration officers of both regions should exert more efforts to disseminate the rural land laws especially the land rent registration laws through workshops, regional radio programs, and distribution of proclamations in the form of pamphlets.

The awareness issue needs special attention especially in the SNNPR where most of the farmers who don't know the land laws are residing.

### **Capacity Building**

- Tigray region: there is a concern over the educational level of some of the Kebele officers. It is necessary to equip the Kebeles with personnel who are capable academically and able to interpret the land laws to farmers easily.
- SNNPR:
  - Logistic constraints are observed in the SNNPR. For instance, some of the Kebeles do not have copies of the land proclamation, land rent registration manual, and the form for land rent registration. These constraints should be addressed to induce demand for land rent registration in the region.
  - Disseminating land laws should be among the core mandates of the land use and administration office in the region. Currently, their emphasis is mainly on the land use aspect.

In both of the Tigray and SNNPR:

- The respective Kebele officers should design a different approach for the disadvantaged sections such as disabled and aged farmers. With regard to land rent, the Kebele officers themselves should visit the disadvantaged groups to brief them about the laws. If such groups are also going to engage in rental contracts, the Kebele officers should be willing to arrange the registration at the disadvantaged individual's home. That could reduce the negative effects of incapacity to approach the Kebele offices on land rent registration.
- Short-term trainings to the Woreda and Kebele land use and administration officers to improve the officers understanding of the laws. That could help them to interpret the rural land proclamations including land rent proclamations when they organise workshops and gatherings to disseminate the laws to farmers.

### **Limits on Rental Duration**

The results from the KII, focus, group discussion, and household surveys indicate that the renters of both regions do not like to rent out beyond the legally allowed durations. So, at first glance, this creates an impression that there is no need to change the existing time limits on land rental periods. However, this conclusion renders a big blow to one of the justifications for introducing time limits on land rental agreements. The justification is that if land rental is allowed for longer period, most people will rent out their land for longer period and become landless, migrants, workerless, etc. Yet, in practice, people are not renting out their land even up to the maximum permissible limit. So, the fear that is used to recognize and keep the limit is only imaginary, not real. If that is the case, there is no legitimate reason to maintain such limit. The best thing to do would be to lift it because if it is lifted, few people who would like to rent out their land for longer period to generate more fund can do so legally. By so doing, such people can get more money to make investment in what they think is useful instead of sticking to farming. So, however few they may be, such people should not be denied the opportunity to generate more money by maintaining a limit that serves no or little purpose.

### **Limits on the Proportion of Rented Land**

Based on the findings from the focus group discussion results with renters and disadvantaged groups, exceptions regarding the limits on the proportion of rented out land should be introduced in the proclamations for labour, oxen or financial constrained landholders. In other words, the disadvantaged groups such as persons with disabilities, old aged, and very poor households should be allowed to rent out any portion of their land for the legally allowed period. In the case of SNNPR, our findings from the key informants suggest a need to distinguish between irrigation potential and none-irrigable areas. Based on the information from the Meskan Woreda land administrator, farmers in the irrigation potential areas could earn more by renting out their land than cultivating it by themselves. Hence, farmers should be allowed to rent out any proportion of their irrigable agricultural landholdings in SNNPR.

Well, the fact that exceptions must be introduced to accommodate the interests of some persons who are, for whatever reasons, unable to use their land by themselves is supported by our findings. So, we can safely argue that appropriate policymakers must revise the existing rural land laws to allow the disadvantaged groups of the society to rent out any portion of their landholding.

However, when we look at the limitation on the proportion of land to be rented out, the purpose it is meant to serve, and the actual practice on the ground, from a different perspective, we still don't see why the liberalisation has to be limited only to the disadvantage sections of the society. Our findings show that most landholders rent out only a small portion of their land. So, there is no evidence to show that most farmers rent out most of their land. If this is the case, then, the limitation on proportion of the land to be rented out is not serving any purpose; that is, it is not deterring any practice. Farmers do know what they need, and they make decisions for the future as well. On the other hand, there are few people, as our data shows, who rent out more land than the limits recognized in their respective rural land laws. Based on the applicable laws, these people are undertaking illegal activities. However, our stand is that the laws have to be amended to allow these people to rent out as much portion of their land as they need, and this will have multiple benefits. First, the renters can generate more money to do what they want to do such as investing in non-farming activities. For example, our data from the household survey shows that more than 30% of the farmers in Tigray engage in non-farming activities to support their families. So, if they are allowed to rent out more land, they can generate more money for these non-farming activities (whatever it is). Second, it is good for rentees because they don't have to conclude contracts with so many farmers. They can conclude agreements with few farmers and focus on their works/investments. Third, our data shows that shortage of land in both regions is what is deriving people to engage in land rental transactions. This shows that land is quite fragmented in both regions. On the other hand, for better production and productivity, it seems more useful to allow consolidation of land by allowing renting out more land to those we have the capacity to use more land. Indeed, although it is not by allowing more portion of land to be rented out, the rural land laws in both regions allow and encourage consolidation of land.

In conclusion, policymakers in both regions must critically reconsider the justifications that lie behind the limit on the proportion of land to be rented out and take actions to revise their laws not only for some segments of the society but also for all.

### ***Certification, Forms of Land Rental Contracts, and Registration***

- In both regions, most people do have certificate of possession for their land. However, there are still some farmers who don't have such certificates. The number of farmers without certificate of possession in the SNNPR is 19.4% while it is only 5.1% in the Tigray region. Yet, since these farmers, regardless of their number vis-à-vis the others, cannot conclude valid rental agreements with renters until they obtain the certificates, the relevant regional bodies must ensure that everyone owns the certificates. Failing to do so would be detrimental to their interests because (1) they will not rent out their land or (2) they will conclude an illegal contract.
- With regard to the forms of the contract, our data shows that most rental contracts are made in writing. Yet, there are still significant rental contracts that are made orally (35.3% in Tigray and 22.7% in the SNNPR). These oral land rental contracts don't produce any legal effects. They are treated as mere draft, not bidding pacts. So, cognizant of this fact, the relevant regional bodies shall enlighten and encourage farmers to conclude written contracts.
- With regard to registration of land rental contracts, the trend is better in Tigray and very low in the SNNPR. As stated before, when registration of a contract is required, the contract needs to be registered. Otherwise, it will not produce its intended effects. The farmers don't understand this impact of failing to register their contracts. Moreover, the farmers do not seem to appreciate that failing to register land rental contracts constitutes a criminal act and hence punishable. So, the relevant administrative bodies in both regions must take actions to minimize, and finally avoid, failure to register land rental contracts. This will serve two purposes: enable land rental contracts to produce their intended results and rescue farmers from facing criminal sanctions.

### ***Crop Sharing***

- As we have been able to discover, crop sharing is widely practiced in both regions especially in Tigray. Yet, there is no law in both regions that regulate this aspect of land related transaction. Most of the participants in this study in all capacities believe that it is necessary to introduce a law that regulates this practice. The advantages of having such law were discussed before. For instance, such law will, among other things, address issues of responsibilities and benefits of the parties to sharecropping agreement and the methods of handling disputes arising out of such arrangement.
- It must be noted that regulating sharecropping does not need making a distinct law. Instead, the existing rural land administration and land use proclamations in both regions can (indeed, must) be amended to accommodate this practice.

### ***Other Types of Land Transaction***

- During the survey, we have discovered that there are other types of transactions involving land in the SNNPR. For example, crop contract is a common form of transaction involving land in Sodo Woreda of the SNNPR although the practice is not regulated by law. But, there is a high demand for such contract. As a result, we recommend that policymakers need to include provisions dealing crop contracts in the law they have to make to regulate sharecropping or when they amend the existing rural land laws.



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