



American Journal of Agricultural Research (ISSN:2475-2002)



Comparison of Customary and Formal Tenure Systems in Benishangul Gumuz Regional State: A case of Assosa District

Cheneke Atomsa Merga

Bahirdar University Institute of land

ABSTRACT

Though the global trend is to manage land through formal systems, still there is debate among scholars on importance of customary tenure systems and its treatment in modern land formalization. The study done in the study area also indicates the contradicting debate on both tenure systems, whether customary land tenure activities should be recognized as it is or selectively in modern land formalization. However, their argument was not after studying and comparing both tenure systems simultaneously, making major problem needed to be identified in this study. Therefore, the study in this thesis aimed to assess and compare customary and formal tenure systems. Both descriptive and explanatory case study type of research was used in this study. Similarly, both qualitative and quantitative data were collected from primary and secondary data sources. The primary data were collected by using different data collection tools like interview question, In-depth-key informant interview, focal group discussion and field observation. The survey data obtained from 360 household heads were analyzed by using SPSS (IBM-21) in which descriptive cross-tabulation model was mainly used. To compare means of continuous variables, one-way ANOVA and descriptive system were also used. The study findings from household survey indicate significant variation between formal and customary tenure systems at ($P < 0.05$) and ($P < 0.01$) based on socio-economic factors (except variation in sex and marital status ($p > 0.05$)); land related explanatory variables like land accessibility, defining right, ensuring tenure security, legalization of land transfer and conflict reduction and resolution; and Local farmers' perception on importance of modern land formalization -that was positive in formalized tenure and negative in customary tenure. These findings were triangulated with data collected with other tools. Based on the findings, the researcher recommends recognition of non formal customary tenure selectively in modern land formalization policies, rules, regulations and laws. For place where formalization coverage takes longer time to achieve, customary systems should have legally accepted bylaws and effective institution.

Keywords: Land accessibility, land titling, Land transfer, Land related disputes, and Local farmers' perception

*Correspondence to Author:

Cheneke Atomsa Merga

Bahirdar University Institute of land

How to cite this article:

Cheneke Atomsa Merga. Comparison of Customary and Formal Tenure Systems in Benishangul Gumuz Regional State: A case of Assosa District. American Journal of Agricultural Research, 2020,5:92.

 **eSciPub**
eSciPub LLC, Houston, TX USA.
Website: <https://escipub.com/>

1. INTRODUCTION

1.1. Background

Land is the ultimate resource without it life cannot exist and sustained. Therefore, granting ownership right and secure land right for all is most important (UNECE, 2005, UN_HABITAT, 2004). FAO' defines tenure generally as 'the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land'. (FAO, 2002). The tenure systems determines manner in which land rights are held, used, transacted, and the process and institutions related to adjudication of doubts and disputes regarding land rights and parcel boundaries (Williamson, et.al. 2010, Lemmen, 2012, Bruce, 1994).

The global trend is to manage land through formal systems though informal or customary systems constantly emerge and change, (Watson, 2010). Customary systems are under strain due to six main factors: demographic pressure; land scarcity and competition; growing urbanization; inter-group and wider civil conflicts; breakdowns in customary authority; and the conflicts that can arise under pluralistic legal systems (UN-HABITAT, 2007). Still, most governments continue to grapple with conflicting sets of tenure rules (and relevant institutions), particularly in Africa and Asia (UN-HABITAT, 2008).

Land policy reforms are the agenda of many African governments and their supporting donors. The land policies promoted in Africa during "the land reform decades" from the late 1960s to the early 1980s were all based on the premise that customary systems that did not provide the necessary security to ensure agricultural investment and productive use of land (Bassett, 1993: 11). Since at least the 1980s, there has been growing competition and conflict around land across the continent. Other influences on this intensified competition have been the thrust towards environmental sustainability in development policies since the 1990s, as well as moves towards decentralization and community-based

organization in the name of democracy and improved governance. All these political economic struggles involve competing claims on the use of and authority over land and its resources (Peters, 2007). Similarly, many African governments have sought to replace customary land tenure systems with a "modern" system of property rights, based on state legislation, on European concepts of ownership and on land titling and registration. This is partly because, since colonial times, customary land tenure was held not to provide adequate tenure security, thereby discouraging investment and negatively affecting agricultural productivity (Swynnerton, 1954; Wilson, 1971). In order to address these issues, African states took on a key role in regulating land relations – either directly, through land nationalization, or through registration programmes aimed at creating private ownership rights (Cotula, 2007).

The land policies of Ethiopia had been reforming from customary to modern formal land tenure systems, though both still existed in majority regions of the country. The reforms can be categorized as pre 1974, During Derg-regimen (1975-1991) and Post 1991 or current land policy. Pre-1974 land tenure system was under customary and categorized as north and south. The hereditary Rist/Gult, tenure system was the most prevalent system in the northern part of the country whereas in south, there are emerged state and private ownership, alongside church land as in which majority of households worked as sharecropping tenants of landlords (Bruce, et.al. 1994) cited in Sayeh (2014). According to Yigremew (2002), the major problems of pre 1974 customary land tenure systems were tenancy; tenure insecurity; diminution and fragmentation of holdings; and land concentration and underutilization

Though the 1975 reform was considered radical, by abolishing the landlord-tenant the reform law was also restrictive in such a way that the pillars of property rights-transferability and security were constrained. The forces of political change calling for "land to the tiller" built over time and

consummated with change in political power in 1974. The major land reform legislation was enacted in 1975 (Proclamation 31/1975). It provided the monopoly of land ownership to the state and limited rights to use. Preceding the land reform of the 1975, which is the major turning point in shaping the evolving tenure systems like usufructuary tenures and private tenures (Cohen and Weintraub, 1975). However, the reform law had not adequately addressed the issue of insecurity. These interventionist policies have contributed to the surfacing of contradiction between the peasants and the Derg, the situation which the opposition groups exploited effectively to overthrow the government in May 1991 (Hussein, 2004). The same proclamation also provided for farmers to form peasant associations (kebles). Nevertheless, this transformation failed to recognize the role of communal management of rural land for various purposes by local communities (Zelalem and Williams, 2005).

According to the FDRE 1995 constitution Article 40(3) the right to ownership of rural and urban land as well as of all natural resources is exclusively vested in the state and the people. At present public ownership is fully acknowledged though the method of transfer looks the same avoiding full ownership right. Art 40/1: Every Ethiopian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise. Art 40/7: Every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it. Particulars shall be determined by law. The relationship among ideas in articles 40/1, 40/3 and 40/7 above still creating debates among

scholars in defining ownership right as some limitation. Cognizant of the adverse effects of tenure insecurity on farm productivity and the environment, the federal government of Ethiopia embarked upon policy and institutional reforms since 1997 (Deininger, et al, 2008).

From the legal perspective, 1960 Ethiopian civil code defines ownership right as follows: Art. 1204 (1) Ownership is the widest right that may be had on a corporeal thing. (2) Such right may neither be divided nor restricted except in accordance with the law. Art. 1205 determine scope of right. as (1) Without prejudice to such restrictions as are prescribed by law, the owner may use his property and exploit it as he thinks fit. (2) He may dispose of his property for consideration or gratuitously, inter vivos or mortis cause. Of all the property rights, ownership of land gives the widest rights as it provides the greatest number of powers- bundle of rights/sticks including the right to possess, the right to use, the right to manage, the right to the income, the right to capital, the right to security, the power of transmissibility, the absence of term, the prohibition of harmful use, liability to execution and residuary character

The recognition of customary laws in the regional land policy of Benishangul Gumuz Regional state was only for conflict resolution and management of communal lands. For example, the Benishangul Gumuz Regional State Rural Land Administration and Use Proclamation No. 85 /2010 article 29(4), allow that Local laws issued by the society, and customary practices, which are not contravening with the proclamation, shall be applicable on utilization of communal lands. The Article 34(2) identifies Conflict Resolution and Applicability of Customary arbitrators and the manner of arbitration shall base on the prevailing customary laws by the agreement of the parties. However the major debate on this article as limitation is why only customary conflict resolution is recognized out of land tenure processes.

1.2 Statement of problem

Of all the land administration tools or core processes (tenure, use, value and development), tenure processes (formally titling, transferring, forming new interests and resolving related conflicts) are the most complicated and determine success of the remaining processes, because they institutionalize the variety of ways people approach land, in informal and formal systems (Williamson et.al. 2010). Land tenure systems play major role in defining and managing land tenure categories based on ownership right as private, communal, state holding and open access (FAO, 2002). In open access the owner didn't defined and exposed to under utilization of resources. It is mainly existed in areas under customary tenure system. Customary and formal tenure systems often co-exist and will conflict where different people claim rights to the same land under each system (UN-HABITAT, 2007). However; still there is debate among scholars on importance of customary tenure systems and its treatment in modern land formalization.

Besides having some similarity, both customary and formal tenure systems have huge differences. Formal tenures are legally recognized by Land laws, policies, proclamations and regulations, while Informal tenures are those formed by social norms or traditional and customary norms that exist in most countries. Customary, traditional, indigenous, and native tenures generally covers, rights to use or to dispose use rights over land but lack legally written records (Williamson et.al. 2010). Since Land tenure has both an economic and a political implication, the specific rules of a tenure regime must be implemented within, a given society and the political entity that governs and legislate that society must also be a primary determinant of both the nature and efficacy of the tenure system (Devis, 2008).

Similarly, both tenure systems have their own advantages and limitations. In customary tenure system land to man relationship are so poor that ownership right didn't defined and the land and

related natural resources are considered to be open access resulting under utilization of resources (FAO, 2002). In other words, customary institutions fill the space left or never filled, by state bureaucracy. Similarly, customary leaders are taken as representing community interests and civil society, and at the same time having the ability to enforce decisions (Watson, et.al. 2010).

Despite having unquestionable advantages, modern formal tenure systems have also its own limitations because of requiring higher capital, machineries making not as much important in africa (Devis, 2008).

Though some of scholars agree on importance of current land tenure formalization through land registration and certification, majority of them recommend recognition of customary land tenure systems. Study done in Benishangul-Gumuz by Habtamu (2016) recommended that the land tenure formalization should be in the ways it respects the customarily owned land right without any reduction. Dereje et.al (2016), in his study done on, 'how sustainable is transnational farmland acquisition in Ethiopia? Lessons learned from Benishangul –gumuz regional state', also recommends that, the customary land holding rights of residents should be respected and institutionally recognized. In contradiction of the above arguments, study done by Negasa 2017 argues that, the current land legislation gives clear opportunities for responsible governance of communal holding and ensure their tenure security and women right than customary norms. Lemma (2015) also argues that it is possible and preferable for Ethiopia to adopt a hybrid state - private -customary land policy to selectively accommodate the non-formal customary land tenure systems in modern land formalization. However, whether recognizing as it is or selectively did not after studying and comparing both tenure systems simultaneously making major problem needed to be identified in this study.

1.3. Objectives of the Study

1.3.1 General objective

The major objective of this study was to assess and compare customary and formal land tenure systems based on analyzing related explanatory variables.

1.3.2. Specific objectives

- To compare customary and formal tenure systems based on socio-economic determinants
- To compare effectiveness of customary and formal tenure systems based on land accessibility, defining ownership right, ensuring tenure security, legalization of land transfer and reducing and resolving land related conflicts
- To compare customary and formal tenure systems based on local farmers' perceptions on importance of modern land formalization for ensuring land accessibility for all, defining ownership right, ensuring tenure security, legalization of land transfer and reducing land related conflicts

1.4. Study questions

This study expected to answer the following research questions

- What is/are similarities and difference of customary and formal tenure systems in different socio-economic factors?
- What is/are effectiveness of customary and formal tenure systems in determining land accessibility, defining ownership right, ensuring tenure security, legalization of land transfer and reducing land related conflicts?
- What is/are local farmers' perception on importance of modern land formalization by land registration and certification for ensuring land accessibility for all, defining ownership right, ensuring tenure security, legalization of land transfer and reducing land related conflicts?

1.5 Significance of the study

The Federal Proclamation No. 456/2005 mandates the establishment of a system of study that focuses on identification of problems on land administration and land use and recommending of respective solutions. Therefore, the study in this thesis expected to provide related information for policy makers, institutions and households toward customary and formal tenure systems that currently named holding right system in land administration enabling to consider the recommendations in future amendment of land related laws, policies, proclamations and regulations. It can be preliminary study and used as a base for future researchers. The researcher gets detail knowledge of identifying problems and predicting related solutions.

1.6. Delimitation and scope of the paper

The major aim of this paper is to compare customary and formal land tenure system in selected woreda of Assosa Zone of Benishangul Gumuz Regional State, Ethiopia. This paper includes all standards in research methodology including: introduction, literature review, methodology, result, discussions and summary, and conclusion and recommendation.

1.7. Limitation of the study

Though majority of limitations are solved minor of the still existed during house hold survey. Language barrier was critical limitations making the survey to take longer time. Though the questionnaire is prepared in both English and Amharic version, majority of native people still need translation to local language. The survey covers only one of the nine regions of Ethiopia and one of three zones of the region only one five indigene ethnic groups with settlers, therefore, not giving a full picture of land-related issues nationwide and region. The survey also focuses mostly on the land where the households live, not giving a full picture of all land tenure situations. Nevertheless, the data provides relevant evidence when combined with

other existing research in other zones of the region and other regions of the country.

1.8 Operational definition

- ✚ Land-According to Ethiopia Civil Code 1960, article 1130, Lands and buildings shall be deemed to be immovable and Ownership of land shall extends below (Art-1209) and above (Art-1211) surface of the land to the extent necessary for the use of the land.
- ✚ Land tenure:- The term tenure is derived from a Latin term for 'holding' or 'possessing'. Black's law dictionary also defines tenure as a right, term or mode of holding or occupancy (BLACK, 1991)
- ✚ Land tenure systems: Include customary and formal tenure systems those further includes other categories of tenures like private, communal, state and open space tenures those categorized based on property right regimen.
- ✚ Formal tenure system – place where land registration and certification taken place and land related activities undertaken respecting current rural land administration policy, proclamations, and regulations and undertaking activities according to legally accepted land laws.

✚ Customary tenure system- place where land registration and certification haven't been started and land related activities undertaken informally without using legally accepted land laws.

✚ Woreda-District or sub section of zone also named district in this study.

✚ Kebele- Peasant Association or sub-section of Woreda

2. LITRETURE REVIEW

2.1 Categories of land tenure systems

Land tenures are the most complicated, of all the land administration tools, because they institutionalize the variety of ways people approach land, in informal and formal systems (Williamson, et.al 2010). In developing countries, land tenure and property rights can be formal (freehold, leasehold, public and private rental), customary, or religious in origin; they can also include various types of unauthorized/informal tenure or settlement. Tenure entails varying degrees of legality, according to the legislative framework. These different forms of tenure also include different sets, or bundles, of rights to land, property and natural resources. According to Williamson, et.al 2010 different tenure categories appeared as described in table.1.

Table 1- Tenure categories and their descriptions

Type	Description
Formal/informal tenures	Formal tenures are legally recognized and supported by organized LAS through legal records. Informal tenures are recognized by social norms or traditional and customary norms but no legal recognition
Customary, traditional, indigenous, and native tenures	It looks like the informal tenures mentioned above. The rules governing right may be known though not normally recorded in writing. The social and spiritual relationships with land are just as important as the material ones. These tenures constantly evolve.
State ownership	All governments own land. This can be called state, crown, public, or national land. These parcels can include large areas in national parks, reserves, and a wide range of public facilities. Usually, roads are also owned by the state.
Private ownership	These rights have no time limit and last forever, in contrast to leaseholds. Private ownership can rely on <ul style="list-style-type: none"> • allodia rights-idea of absolute ownership • Freehold rights, which are held by the crown or state and derive from feudal tenure systems.
Trust ownership	Land is owned by a person or entity on behalf of another.
Common property or group tenure	Common lands or facilities are held by a group, sometimes under traditional use rights or a legal framework
Leasehold (including rental arrangements)	An owner (including the state) can allow a person or entity to have possession of land, an apartment, or even a room, for a specific time (fixed term) or a time that can be fixed (for life).

License	A license is similar to a lease. It can be proprietary in nature or merely contractual. It typically covers a specific activity, such as putting up a sign or grazing stock
Occupation right	Squatters and others who possess land can be given some formal recognition of occupation, such as by antieviction laws.
Illegal squatting	Possession or occupation of land, without any legal entitlement
Possessory tenures	Legal systems often recognize opportunities to acquire land through adverse possession, provided it is open and without violence. It is, by its nature, without permission of the owner.

Source- Williamson, et.al (2010) page-.333-334

2.1.2 Formal Land tenure system

A land administration system (LAS) provides a country with the infrastructure to implement land-related policies and land management strategies. "Land," in modern administration, includes resources and buildings as well as the marine environment — essentially, the land itself and all things on it, attached to it, or under the surface (Wallace, et al, 2010). The term land administration is used according to (UNECE, 2005) to refer to the process of recording and disseminating information about the ownership, value and use of the land in implementing land management policies. Such process includes the determination known as (adjudication) of

rights and other attributes of land, survey and their detail documentation (Lemmen, 2012).

Land administration system provides a country with infrastructure to implement land related policies and land management strategies. The theoretical frame work of land administration system often was open ended, because it is under construction rather than a well-established and precise guideline. Its central activities lie on designing, managing, building and monitoring system. The basic reason why people drive and invent different system of land management is that to satisfy human needs by using the existing land resources sustainably (Wallace, et al, 2010)

Table 2-Advantages and limitations of formal land tenure system

Advantages	Limitations
Engage the public and business and enable them o provide support for institutions or government.	Need well trained and experienced professionals for formulation of land policies and laws
Alleviation of Poverty	More cost for coverage in remote areas and difficult to resolve disputes immediately.
Security of Tenure	
Support for formal land markets	May not get trust in society where non state nature or remote
Security for credit	
Support for land and property taxation	It seems to restrict rights and reduce some degree of belongingness, familiarity, and legitimacy
Protection and management of state /public/ lands	
Management of land disputes	Less negotiability, flexibility, and dynamism as informal customary
Improvement of land planning	More expensive in terms of the infrastructure, financial, and personnel resources necessary to establish and run them.
Development of infrastructure	

Management of resources and environment	Attention of local communities control over land providing localized, context-based solutions may be reduced
Management of information and statistical data	

Source: - (summarized from Wallace, et al, 2010, lemman (2015))

2.1.3 Customary tenure system

In many societies, customary tenure still prevails, based on kinship, membership or relationship with traditional land holding groups. In some sub-Saharan Africa societies, land rights derived from custom predominate in rural and even urban areas. Often, these include complex sets of secondary or subsidiary rights to land, housing and natural resources; these rights can be held by family members and other individuals and groups, and are derived from negotiations and transactions with the primary land holding group. In some cases, there may even be more than one legally acceptable system operating, such as statutory, customary and religious systems (as in Islamic countries). It is vital that the full range of formal, religious, customary and non-formal tenure categories be identified; this should preferably be carried out in discussions with representatives of each group, together with the associated rights applicable in practice to both men and women. This will make it possible to devise policies that can anticipate impacts on each category and protect the poor and vulnerable (UN-HABITAT, 2007).

Some governments have, to varying degrees, recognized customary rights as legitimate, and some functional informal systems to document land rights and transactions have emerged. Still, most governments continue to grapple with conflicting sets of tenure rules (and relevant

institutions), particularly in Africa and Asia. These tensions can be exacerbated by multiple layers of legislation and fragmented institutional responsibilities for land allocation; this in turn leads to widespread uncertainty, insecurity and disputes, inhibiting investment and land development (UN-HABITAT, 2008)

While informal or customary systems constantly emerge and change, the global trend is to manage land through formal systems. The reasons for formalizing land administration are complex and have changed radically over the past century. Most countries still seek the traditional benefits of LAS, These traditional reasons for supporting LAS have wide support in the literature (GTZ 1998; DFID 2003; ILC 2004; UNECE 2005c) sited in Watson (2010).

The advantages that the non-formal customary land tenure systems are perceived to have over their formal state counterparts and its inherent disadvantages making them unable to serve as replacement for the formal ones, or by themselves provide adequate framework for the establishment of a land tenure system that would enable to promote the provision and implementation of productivity-raising smallholder land rights and thereby help raise smallholder productivity and tackle poverty as discussed by Lemma (2015) are summarized in the table-2.2

Table 3-Advantages and disadvantages of non-formal tenure system

	Advantage	Disadvantage
1	Rules are products of local values, norms and practices that may not need professionals, more accessible and affordable institutions	Non-formal rules and institutional provisions are often depends largely on the memory, knowledge, and experience of a few traditional leaders, elders, and experts of particular communities

2	Provide service in the absence of the formal state ones or in remote areas and being less cost, immediate dispute resolution .	Open way for manipulation of resources and provide backdrop for exploitation and exclusion
3	Allows participation and trust in society where non state nature or remote	Used in a way that is quite contrary to helping promote smallholders' tenure security, transfer of rights over land, and collateralization of land rights.
4	Enable to enjoy a degree of belongingness, familiarity, and legitimacy	Traditional law lacks regularized, systematized amendment procedures to shape land tenure toward more productive ones.
5	Negotiability, flexibility, and dynamism inherent in non-formal customary land tenure systems	Though the position of women under customary tenure varies considerably, many such systems contain norms and practices that are gender discriminatory".
6	Cheaper in terms of the infrastructural, financial, and personnel resources necessary to establish and run them.	Takes away the state administration and allocates this power to a particular group of rural producers, which tends to be sedentary farmers
7	provide more localized, context-based solutions and affirm the control of local communities over land	The rules reflect and reinforce the patriarchal, feudal, emphasized traditional structures, values, and beliefs, and focus on upholding past relationships and maintaining the relative status quo.

Source:- Lemma (2015)

2.2 Comparison of customary and formal tenure systems

As deliverability are criteria or variables of comparison activities in Pro-poor has similarity with that under customary while criteria under land market indicate those indicating formal tenure system

2.2.1. Land tenure systems and Socio-economy
Whether land tenure formalization by titling programmes are the most effective and appropriate means of realizing the social and economic objectives or not and used for adopting more gradual means of changing from existing informal tenure to formal system is major issue needed to be identified. Land formalization by titling has been promoted as a means of widely strategy of empowering the poor enabling to get land access equally. However, there is potentially conflict between the interests of farmers, private sector investors and developers working on sustainable development specially surrounding peri-urban areas (Lasserve, et.al. (2007)

2.2.2 Land tenure systems and access to land

Access to land is governed through land tenure systems. Rules of tenure define how property

rights in land are to be distributed within societies, along with associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long, and under what conditions. Failure to address the land tenure interests of all stakeholders in land development or land reform can cause problems and inequities. These problems can unintentionally fall on the most vulnerable and disadvantaged members of society. Women, the elderly, minorities and other sometimes marginalized groups can be at risk in land reform and land administration projects. Thus, any concept of sustainable development relies heavily on both access to property rights in land and the security of those rights (FAO, 2002).

2.2.3 Land tenure systems and range of ownership right

Having some measurement system for evaluating access to land is essential if the "success" or "failure" of a particular policy, programme or project is to be determined. Measurement of access to land needs to involve both qualitative and quantitative parameters. 16 most land administration activities are concerned with property rights to the surface of

the land, together with its fixed improvements and resources. The focus becomes the quantity of rights (e.g., ownership, lease, and easement), the size of the parcel of land, or its economic value. On the other hand, social anthropologists have tended to emphasize the uniqueness of land tenure systems within a given culture and focus on the nature or quality of the rights that may be involved. Both approaches are valid for certain purposes and both have their limitations. In designing a way of measuring gender-related access to land, it may be important to draw on both approaches.

Examining the quality of the rights to determine indicators is more complex and only a few examples can be given here. One measure of quality is the legal security of the rights, i.e., how well do formal laws (e.g., legislation) or informal law (e.g., traditional or local community rules) protect the ownership of the rights. Thus, for example, inheritance through patrilineal rules may limit women's right of control. Physical security is another indicator that may be affected, for example, by war or by custom where land is seized by the male relatives on death of a husband. A third example of quality of rights is transferability. Use rights may often be non-transferable because they are vested in family or particular family members. Furthermore, transferability may be affected by the quality of the evidence of the right, such as an official document or register. Because at times there can be great differences between rights as defined (in statutory law or customary norms) and those rights as actually practiced, an assessment should consider the extent to which people are able to enjoy their rights, and the quality of the protections afforded to them through formal courts, community arbitration processes, etc (FAO,2002).

2.2.4 Land tenure and security of right

According to Stickler, et.al.(2018) existing tenure is perceived to be quite secure by the vast majority of respondents, suggesting that, to be successful, land registration efforts will need to

be carefully tailored to address local threats to tenure security.

While the state has an important role to play to strengthen tenure security, the state may also be a source of tenure insecurity in cases where land is expropriated for public purposes such as for infrastructure development, urban development or for redistribution to other agents. Such insecurity may also be enhanced by unclear laws, poor and incomplete records, unreliable enforcement, and violations by corrupt government officials. The tenure insecurity created in such cases may affect the strength of use rights, mortgaging rights and transfer rights, which may affect investment incentives, access to credit and land transaction activity, again with productivity and welfare implications(Holden et al. 2013)..

Secure and enforceable property rights encourage sustainable use and management of forests. Absence of well-defined property rights are key causes of deforestation in Haiti (Jamarillo and Kelly, 1998). Other studies also indicate that ill-defined and insecure property rights discourage investment in natural resources management (Birhanu et al., 2003). Previous study done in the Benishangul Gumuz regional state Ethiopia hypothesized that lack of secure property rights is the main cause of communal bamboo forest deforestation (Semeneh, 2015).

Customary tenure is generally looks secure and titling is unnecessary. However, customary tenure also transforms under certain conditions and becomes less secure for customary residents –these conditions include, urbanization, ribbon development, cash crops. Also, the formal land registration system is not neutral and where titling is implemented often customary tenure people lose their rights (women and overlapping rights holders are very vulnerable) (Augustinus, 2003).

2.2.5 Land tenure systems and transfer of Land right

Many of the existing titles are cloudy and require legal processes rather than just administrative

processes to transfer. In defending their rights people will refer to both the paper and to customary evidence to protect their rights, sometimes this is legal, occurs frequently in the legal system, or forms part of land reform procedures (Augustinus, 2003). The nature of such disputes varies depending on the tenure system. For land held under customary tenure, disputes arise as a result of lack of consent over land transfer, arbitrary exercise of power by a traditional authority over land, intra-family disputes over rights to land and boundary disputes (Conteh and Yeshanew, 2016).

2.2.6 Land tenure systems and related conflict resolution

Different literatures written in our country elaborated the role of indigenous conflict resolution. Study done by Desalegn, et.al.(2015) suggests that, top-down imposition and enforcement of statutory laws that replace customary laws should be avoided. Instead, mechanisms should be sought to learn from the Lubas, elders who are knowledgeable in the Gadaa system, about the customary mechanisms of conflict resolution so as to integrate them in enacting or implementing statutory laws.

According to Bamlak Y. (2013), the main causes of land conflicts are poor demarcation of boarder, inheritance problem and shortage of land and others. To minimize these conflicts both community and governments need to play roles. The woreda land administration desk should immediately enter in to new demarcation process using modern and scientific land cadastre system like satellite imaging to demarcate land borders appropriately and reduce border conflicts. In addition to reducing

and solving conflicts mentioned above, the indigenous conflict resolution systems and practices done by elders are also need for economic development: saving their money and time; restoring their relationship and inviting their conflict party and support each other (Bamlak, 2013).

Study done by Ashenafi 2013) in Tigray on Local Governance in Rural Land Conflict Management indicate that, Customary way of conflict management should be considered in the legal conflict management systems to easily manage conflicts before cases are filed in the legal system. This reduces time, money and other resource to the community with a significant level. Hence, the livelihood of the rural community will be enhanced to a better level Study done by Stain,et.al.(2012) on Impact of land registration and certification on land border Conflicts in Tigray, Ethiopia indicate that number of border conflicts during and after the reform were more likely to have decreased than increased. However, the elders face challenges like; lack of support from government generally and office for local elders specifically (Bamlak, 2013).

2.3 Models of treatment of Non-formal customary tenure systems

The treatment accorded to legal pluralism under the land law reform programs enacted by successive governments of the modern Ethiopian state is informed mainly by the perception of those in state power as regards the nature and the possible implication of non-formal customary land legal policies, laws, and institutions to economic, social, and political development (Lemma,2015).

Table 4-Models of treatment of non-formal customary tenure system

	Models	Description
1	Total Abolition Model (TAM)	Involves repealing and replacing all non-formal customary land policies, laws, and institutions by formal state ones put into effect through land law reform.

2	Full Non-Interference Model (FNIM)	Allows the non-formal customary and formal state land tenure systems to coexist within the same country or territory. However, there was no interrelation between the two land tenure systems.
3	Complete Incorporation Model (CIM)	Allows complete or full incorporation or recognition model or customary legal arrangements legitimacy within the formal legal system,
4	Selective Incorporation Model (SIM)	Allows the non-formal customary land institutions to exist independently of the formal state ones, whilst embedding them in low-level surveillance and accountability mechanisms and allowing for cross-referrals.

Source: Lemma (2015)

2. 4 Trends of Land Tenure Systems in Ethiopia

2. 4.1 Trends of Customary Land Tenure System in Ethiopia

The land tenure system in Ethiopia can be briefly reviewed classifying into three categories: the pre-1974 land tenure system, the land tenure system during the Derg era (1974 – 1991), and post 1991 or the current land tenure system. The pre-1974 of the Ethiopian land tenure system was highly complex one with regional variations. This complexity is a major reflection of the country's geographical, ethnic and cultural diversity, and its historical background (Deininger et al., 2008; Bruce, et.al. 1994). (Bruce, et.al. 1994) cited in Sayeh (2014) indicated that the

The hereditary Rist/Gult, tenure system was the most prevalent system in the northern part of the country as there are emerged state and private ownership, alongside church land as in which majority of households worked as sharecropping tenants of landlords in south. Such complex nature of that tenure is also noted as playing a major part in hindering any series rist/kinship, communal, diessa/village, private, state, church, and other land tenure designations were used as progress towards a reform of the system (Yigremew, 2002).

The other researchers categorize pre 1974 land tenure system in Ethiopia, into communal (rist), grant land (gult), freehold, or sometimes referred to as private (gebbartenures), church (samon), and state (maderia, mengist) tenure regimes. Rist refers to a plot of land a person called aqegneabat(founding father) originally occupied

and developed into farmland and which he would pass onto descendants. This led to the assumption that rist land would remain in the family circle forever and transferred a sabsolute usufruct right over a piece of farmland. In the South, following conquest, the state parceled out farmlands held by the indigenous peoples to those who participated in its military campaigns, balabat(co-opted local chiefs) and the Ethiopian Orthodox Church in the form of gult and retained a sizeable part of the land for itself in the name of state domain and the land was measured by gasha(1 gashaequals 40 hectares) and a major occupied by few Landlords and emperor. Gult system in both northern and southern is abolished by Ethiopian revolution in 1975 (Muradu (2014).

2. 4.2 Trends of Formal Land Tenure System in Ethiopia

The major land tenure system reforms toward formal one was made during the Derg era (1974 – 1991), and post 1991 or the current land tenure system preparing better proclamations and implementing 1960 civil code. The 1975 proclamation number 31, 1995 art 40 of EFDRE constitution, Federal land proclamation 456/2006 and Regional proclamations like BGRS 85/2010 together with modern land formalization through registration indicate major reforms to ward land formalization in Ethiopia and the regional states. According to USAID (2014a) the 1995 Constitution vests all land in the State and the peoples of Ethiopia, giving more attention on certifying the long-term use rights of farming households in the highlands and has only recently sought to strengthen land

tenure and administration in the country's expansive pastoral and agro-pastoral lowlands. In these areas, customary institutions have traditionally administered rules and regulations to manage access to seasonal rangelands and water points for generations. However, local government officials have at times reversed the decisions of customary authorities.

3. RESEARCH METHODOLOGY

3.1 Description of the Study Area

3.1.1 Description of the regional state

Benishangul-Gumuz National Regional State (BGNRS) is one of the nine regional states established in 1995 by the new constitution of Ethiopia that created a federal system of governance. Previously the southern part of BGNRS belonged to Wollega while the area above the Abay River was under Gojjam province. The region has international boundary with the Sudan and south Sudan in the West and is bordered by the Amhara region in the North and Northeast, Oromiya in the Southeast and South (Fig.1).

The region is located in the western part of the country between 09.170 - 12.060 North latitude and 34.100-37.040 East longitude and has total area of 50,380 km² with altitude ranging from 580 to 2,731 meters above sea level (m.a.s.l.). BGR is divided into 3 administrative zones and 21 'woderas'. Based on projected data, the current total population of the region is about 975,988 people in 2013 (CSA, 2013). The average number of family members of a household in the region is 6.7. Of the total population, 92.2 percent lives in the rural areas and 7.8 percent is urban population (BGRFSS, 2004; CSA, 2007).

Though the region comes from two local ethnic groups – Berta (also called as Benishangul) and Gumuz) there are three additional ethnic groups in the region, which are considered as indigenous based on longer habitation and their languages shinasha, Mao, and Komo. Their order of population number are Berta (26.7 percent), Gumuz (23.4 percent), Shinasha (7.0 percent), Mao (0.6 percent) and Komo (0.2

percent). Significant numbers of additional ethnic groups inhabiting the region are Amhara (22.2 percent), Oromo (12.8 percent) and others (7.1 percent). The religious affiliation of the population of the region constitutes Muslims (44.1 percent), Orthodox Christian (34.8 percent), traditional religions (13.1 percent), Protestant Christian (5.8 percent), Catholic (0.5 percent) and others (1.5 percent). (Negasa, 2017).

The incidence of poverty in the region was 54 percent (MoFED, 2004) and 93.2 percent of the population depend on shifting-cultivation. However, the incidence of poverty has declined markedly from 54 percent to 28.9 percent in the year 2004/05 to 2010/11 (MoFED, 2012). The means of livelihood in the region include livestock rearing, gathering wild foods, fishing, honey production, traditional gold mining, hunting, handicrafts, and charcoal-making. The annual income per household from both agriculture and non-farm activities range from Birr 169 to Birr 1499. Currently, the region is attracting the attentions of the Federal government and other stakeholders' intervention because of the Renaissance Dam of Ethiopia, which is under construction in the region. Much land in BGRS are forest or savannah, cultivated land is often farmed by shifting cultivation methods using hoes, and the overall density of cultivated land is much lower than in the highlands where rural land is intensively farmed, either cultivated using oxen plough, or as managed grazing (Fig-1).

The federal government of Ethiopia is supporting the regional Governments' capacity in implementing a sound land certification system that provides holders of land-use rights with robust and enforceable tenure security in land and related natural resources. In line with this, BG region is mandated to facilitate an integrated and consolidated effort designed to implement land administration and land tenure activities that result in greater land tenure security and improved land rights. Land registration is being

implemented in the region with the support of the Responsible and Innovative Land Administration (REILA) project and Sustainable Land Management (SLM) projects since 2011 (Negasa, 2017).

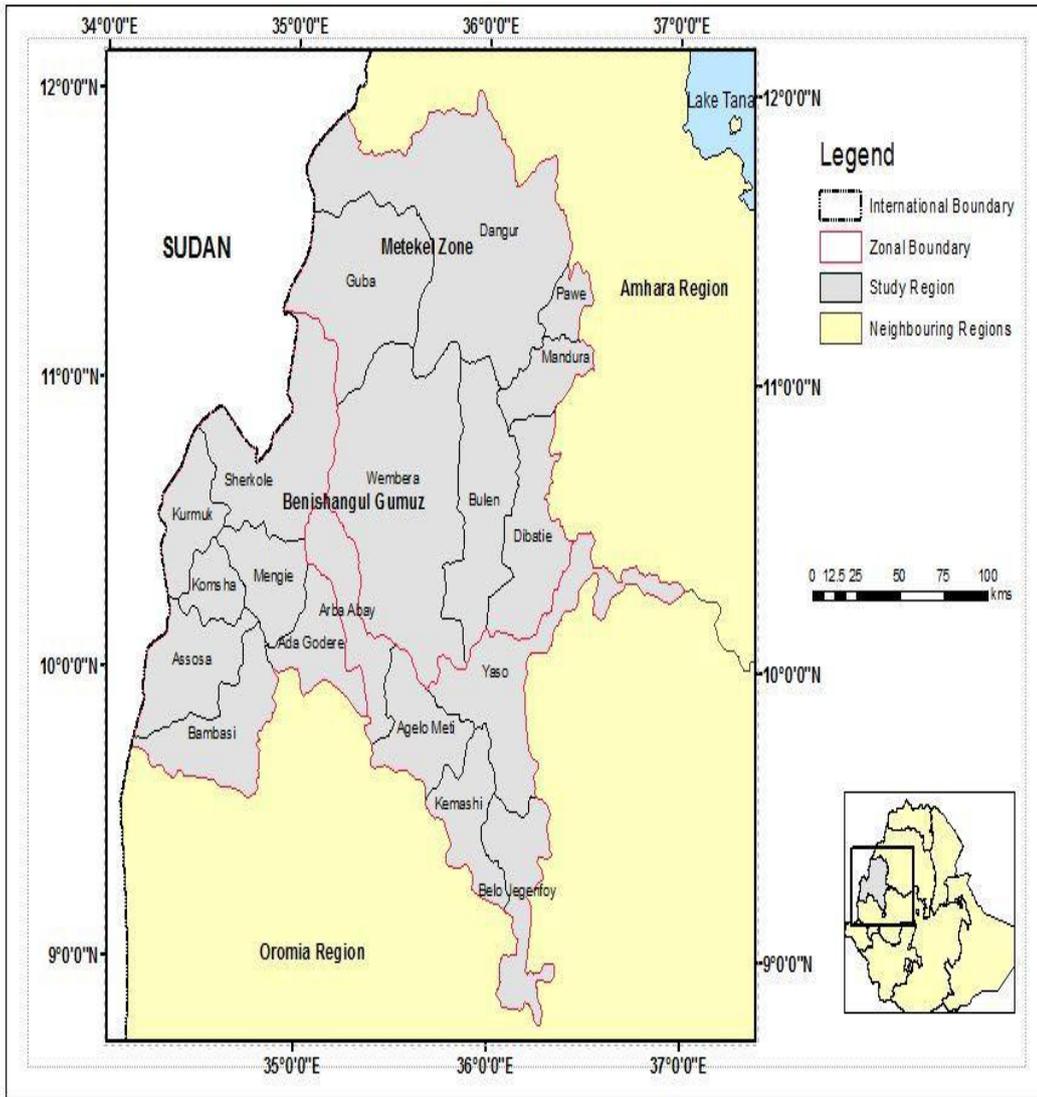


Figure 1-Administrative map of the Benishangul Gumuz Regional State (Source-Negasa-2015)

3.1.2 Description of the Assosa district or Woreda

Assosa Woreda, the study area is one of 7 woredas of Assosa zone, 20 Woredas of the Benishangul Gumuz Region, western Ethiopia located 670 kms away from Addis Ababa which is capital city of Ethiopia. The woreda has an altitude of 1,550 m.a.s.l; an average annual precipitation of 1,275 mm; and the average temperature of 20-25 0c. The woreda is inhabited mainly by Berta ethnic group those considered as indigene/native and Amhara

those settled during derg regimen. According to CSA, 2007 the total population of Assosa woreda is 87,366 of whom 23.25 percent was urban dwellers. However the recent data obtained from regional statistical agency indicate total population of the district to be 92, 687, of who 73.98% live in rural set-ups while the remaining 26.12% were urban dwellers. The estimated land area of the district is 2330 km2. Mixed farming (Crop and livestock production) is dominant source of livelihood for majority of the population in the area. About

33.3% of households engaged only on on-farm activity followed by 28.9% house hold heads were those on on-farm activity combined with non-farm activity as livelihood strategy (Seid and Adugna, 2016). Though the modern land tenure formalization started, through land registration

and certification, by SLM and REILA projects, and regional land policy proclaimed by government in last 8 years, majority of the villages in district are still implementing informal customary tenure systems (Fig-2).

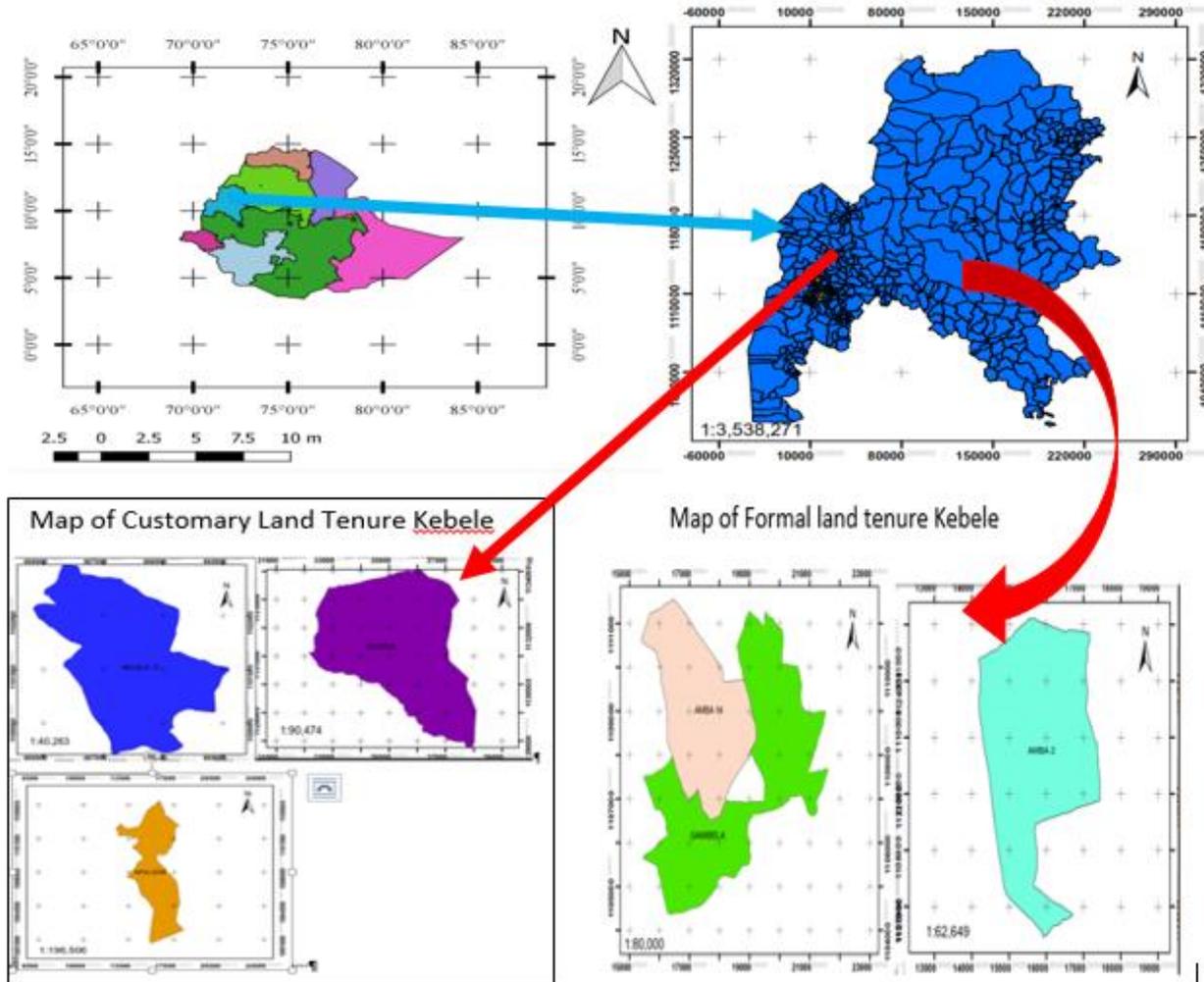


Figure- 2: Map of study area Source: Arc. GIS own elaboration

3.2 Research design and approach

Research design explains the frame work of the research. In this study, a place based multiple case studies and exploratory research design was preferred since no single research method can capture all dimensions of a complex research problem. Therefore, mixed research approaches that combine qualitative technique with quantitative in order to make them complement each other are employed in this research. Quantitative was used to quantify land related data obtained from house hold survey and qualitative for data obtained from key informant interview and focus group discussion.

3.3 Study Population and Sampling technique

Multistage stratified random probability sampling technique was used in this study. At first stage, the 74 Peasant Associations in the district were stratified into two as: natives (36PAs) and settlers (38 PAs). In second stage, a total of 6 PAs selected randomly as (3 from native and 3 from settlers)further categorizing into 3 those from Customary tenure named Gumba, Aphasizim and megele-37 and 3 from formal tenure system named as Amba-2, Amba-14 and Gambella. In third stage, a total of 360 desired sample size was selected randomly

representing 2100 total House hold heads (302 male and 58 female headed) according to their respective ratio of population size and sex per each kebele as described below.

Table 5 Description of study House holds head population (N) and sample (n)

Community status	Tenure system	Kebele	Male headed		Female headed		Total	
			N	n	N	n	N	n
Indigene	Customary	Gumba	362	62	58	10	420	72
		Aphasizim	245	42	35	6	280	48
	Formal	Gambella Bulgague	280	48	70	12	350	60
Settlers	Formal	Amba-2	350	60	58	10	408	70
		Amba-14	234	40	58	10	292	50
	Customary	Megele-37	280	48	70	12	350	60
Total			1,751	302	349	58	2,100	360

Finally systematic random probability sapling method was used to give chance for all house hold heads as sample population. The interval was obtained by deviding total sample population to determined sample sized as $2100 \div 360 = 5.8 \sim 6$. Then 4 number obtained by lottery randomly r from 1 to 6. The sample was collected following 4th jumping every six HH heads as (4,10. 16, 24..) following list recorded in Arc GIS or QGIS for formalized -after sorting their alphabetical order, since previous registration was parcel based- and from order of housing or sub categories in to sub-kebeles like ketena or got for those under customary.

3.6 Sample size determination

The sample size for the study was determined by using simplified formula for proportions developed by Yamane (1967).

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

Where n is the sampe size, N is the population size, and e is the level of precision. At 95% confidence level and 5% degree of precision, when this formula applied in this study, the calculated sample size is;

$$n = \frac{2100}{1 + 2100(0.05)^2} = 336$$

The calculated sample size was, n=336. However to reduce statistical error and considering non responding rate final sample size was= 360

3.4. Data sources, types and collection tools

In this study, both primary and secondary data sources were collected including both qualitative and quantitative data. The primary quantitative data were collected from House Hold heads by survey method using semi-structured questionnaire. The questionnaire was initially prepared in English, and then translated into Amharic in order to obtain the required information from the respondents besides using translators for local languages. After data collectors well trained and the questionnaire is pretested, the data were collected and translated back to English checking presence of inconsistencies in meaning. The qualitative data was collected by in-depth interview of elders and leaders together with focal group discussion and field observation following the related principles indicated by Leedy & Ormrod(2001). Kumar, (2005), Collis & Hussey(2009), .

Finally the data collected from different resources were triangulated: to get a better understanding of the thing that is being

investigated from different positions (Denscombe, 2007); to reduce bias in data sources, methods and investigators (Jlck, 1979); to maintain validity and reliability (Denzin, 1978) of study triangulating theories, investigations, and methodologies (Collis and Hussy, 2009).

3.6. Study variables

As land tenure types (both customary and formal tenure systems) are dependent variables; House hold head demographic and livelihood characteristics; Access to land, presence of or absence title on land; maintaining tenure security; legalization of land transfer and local farmers perceptions independent variables.

3.7. Data Analysis

The survey data obtained from HH heads were analyzed by using SPSS (IBM-21) software. Descriptive cross tabulation analysis models were used mainly in this study to analyze as descriptive and inferential analysis. For analysis of continues data Descriptive statics and One-way ANOVA has been used. The finding was validated by information obtained from elders, leaders and professionals and secondary data obtained from related offices. The results were summarized and presented in tables and text form.

Cross-tabulation (or crosstab) is a two-(or more) dimensional table that reports, frequency counts and percentage for the number of respondents in each cell. The statistical significance of the result is measured by the Chi-square statistic test indicate the similarity between two variable at lower probability like 0.05 or 0.01 or 5% or 1% level respectively (Qualtrics,2019).

4. RESULTS AND DISCUSSIONS

The study in this thesis was done to compare formal and customary tenure systems in Benishangul Gumuz Regional State in case of Assosa district. The secondary data obtained from the district Land Administration and Environmental protection office at end of 2018 indicate out of 74 PAs, only HH heads in 13(17.57%) PAs got certificate/book or legal title though still some plots may under dispute; 25 (33.78%) got temporary certificate and

registration and certification on progress; the remaining kebeles (PAs) about half 36 (48.65%) considered as those remained under customary since they didn't legally titled and land related activities like transfer are according to customary practice than land policy. The secondary data also indicate for those registration and certification done above was started with SLM and REILA project support since 7 years ago 2012 E.C. The responsibility for those on progress and future coverage is taken by government using facilities provided and capacity built for professionals by projects as a base. The information from key in formant interview and focus group discussion also indicate that though regional Land administration and use policies, proclamations and regulations has been formulated since 2010, it couldn't implemented in those kebeles' land formalization through registration and certification didn't started. There for land tenure activities in formalized and non formal customary kebeles' are different.

4.1 Comparison of customary and formal tenure systems based on socio-economic factors

1.4.1 Comparison of tenure systems based on Ethnicity

The data was taken from HH heads of six kebeles- three from indigenes and three from settlers those further categorized, three from formal and three from customary –including total 360 HH heads, 180 from each category giving equal chance (50%) for HH heads in both tenure systems. However since larger proportion 2/3(66.7%) of those formalized, in places registration and certification already done, was that of settlers and Only 1/3(33.3%) was that of indigene community status. In contradiction larger proportion 2/3(66.7%) of those under customary are was that of bertha ethnic group and indigene and Only 1/3(33.3%) was that of settlers in community status. When theses is approved by descriptive cross tabulation as its Fisher's Exact Test in Chi-Square Tests result indicate significant difference ($P < 0.01$).

The finding of indepth interview indicate, bertha ethnic group those considered as indigene or titular in community status, consider as land in Assosa woreda currently categorized in to 74 kebeles, as permanent inheritance from the past leaders like Shei Khojle- all land surrounding current Assosa Town to remote areas like Gingen and Almakyasin all land surrounding current Gumba including those bordered by current Homosha and Menge Woredas. Justification for majority of them is for their having many wives about 180 and their number of children unknown in number. Because of this, they believe that all land of the land in Assosa woreda should never given for other ethnic group and complain that:

“The government took our land to give for settlers come from Wallo Amhara and oromo during derg regiment 1975-1991 specially in 1980 and 1986. The Derg gave the areas surrounding the Assosa town and sent our community to the border of the woreda, place where occupied by forest and mountains. Large number of our ethnic group killed during resistance of this loss of land resources. But still it didn't get solution. Though Assosa town is expanding and growing our land is also provided for different nations and nationality and ethnicity of Ethiopia came from other region. We are not getting benefit from it because of economic inability to invest like them”

Bertha ethnic group in both one kebele in formalized and remaining two kebeles under tenure system complain this indicating variation in demography and tenure system based on socio-economy. The one considered as formalized mentioned as Gambella is still under dispute with nearby kebele named Amba-14 in this study creating ethnic based conflict. Because of this the many HH heads in both ethnic groups didn't get title for some plots because the dispute couldn't resolved at kebele and woreda land administration level and sent to

regional higher court and regional administrative bureau.

This idea agrees with Gofie (2015) describing their past economic dimensions of conflict between bertha ethnic group named as titular and settlers named non-titular. The settlers demand for political representation has economic dimensions. In this respect, they argue that political representation within the region would help them address their socio-economic problems. Since the 1991 regime change, they have particular grievances regarding access to land and land resources. When the settlers brought to Assosa, they received 1000 square metres of land for their individual residential quarters and private vegetable gardens. However, each of the settlers' cooperatives collectively own the main farming land about 500 hectares. After 1991, the new government distributed the communally held land among the settlers. In many of the villages, the average household landholding became small after redistribution. For example, in one of the settler villages, close to Assosa town, the average household land holding of the settlers came to a mere 0.5 hectare .26 Additionally, after the establishment of the region, the settlers' prospects to have access to the region's virgin and fertile land became increasingly limited. In contrast, the Bertha emboldened by the changes have become more assertive about their ownership of the region's resources. The changed atmosphere led to the development of a new land tenure system in Assosa – the leasing of land by the titular Bertha to the settlers. Accordingly, the latter provide up to a third of their produce to the former. However, the settlers consider this an exploitative relationship between a tenant (settler) and landlord (titular/Berta). Moreover, the settlers who reside near to the rapidly growing Assosa town have grievances regarding the confiscation of their farmland for urban development without compensation. In addition to

These comparisons indicate the presence of difference customary and formal tenure systems based on ethnic groups as socio-economic factor. To solve this problem all plots must certified for formalized villages and facilitate the coverage of formalization through registration and certification beside providing community based land legalization policy and laws related trainings for local farmers.

The formalization of tenure in settler is not challenging comparatively because they are located nearby the capital city of the region and the land occupied by them is limited in area since allocated by government formally though there may no modern registration and certification at that moment. The majority of lands for indigene

are under customary because they obtain their land from their clan and mainly located at border of the district.

1.4.1 Comparison of tenure systems based on age, sex, marital status, polygamy and number of children

Age: - The age of majority of HH heads 65% (234/360) fall in the range of 35-60 years old. The comparison of tenure systems based on age of HH heads indicate the majority, 76.7% (138/180) of those from formal are in the range of 35-60 years old and , the majority, 21.2% (76/180) of those from customary fall in the range of greater than 60. The variation in age between tenure systems indicate significant association ($p < 0.05$) (Table-6).

Table 6 Crosstab and Chi-Square Test results of comparison based on age of HH heads

Age of HH head * Type of land tenure system Crosstabulation

		Type of land tenure system		Total
		Formal	Customary	
Age of HH head	18-35	Count 22 12.2%	Count 28 15.6%	Count 50 13.9%
	35-60	Count 138 76.7%	Count 96 53.3%	Count 234 65.0%
	> 60	Count 20 11.1%	Count 56 31.1%	Count 76 21.1%
Total		Count 180 100.0%	Count 180 100.0%	Count 360 100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	25.311 ^a	2	.000
Likelihood Ratio	26.057	2	.000
Linear-by-Linear Association	7.231	1	.007
N of Valid Cases	360		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 25.00.

Based on additional information obtained from key informant interview and focus group discussion, since majority of formalized kebele was occupied by settlers came from wallo Amhara regional state, the elders came back to their original born place and those remained in the study area are those adolescent when settled and become 35-60 years old at this moment.

Sex:-The majority of sex of HH heads is male, 83.9% (302/360) the remained 16.1% (58/360) is female headed. In the formalized tenure type 83.3% (150/180) is male and 16.7% (30/180)

female headed. Similarly in customary tenure 84.4% (152/180) male and 15.6 % (28/180) female headed. Since there is similarity in ratio there is no statistically significant association between based on sex between customary and formal tenure systems ($P > 0.05$).

Marital status: The marital status of majority of HH heads in study area is married 266/360 (73.9%) from which 132/180 (73.3%) from formal and 134/180 (74.4%) from customary tenure type indicates no significant association ($p > 0.05$) (Fig-3).

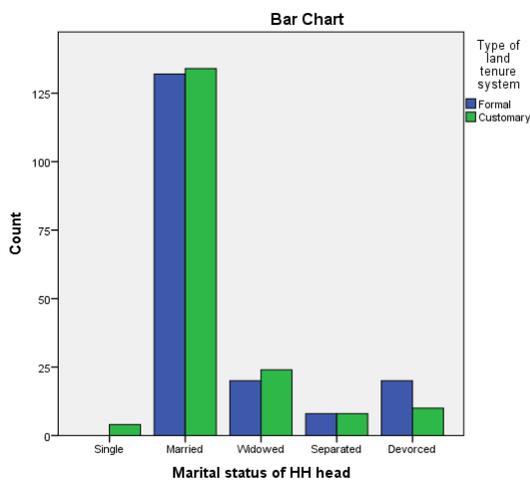


Figure 3- Comparison based on marital status of HH head (Source: Own analysis from house hold survey)

The difference between both tenure systems on marital status indicate Presence of singles having land in customary tenure system and higher number of divorce cases in formalized tenure system. If female HH head was widowed she can inherit or share the land of her husband in case of becoming wedowed or separated respectively as much as she is engaged on agriculture in case of formalized area whether she marry to other husband or not maintaining her right. But in customary she inherit and share the land as much as she stays on the area without marry to other husband making insecurity of her land ownership right. The reason of separation in bertha indigene group in much majority are under customary is that when she become older and become sexually inactive

she got share of land from husband and continue living with her children and he marry other wife. Customary norms continue to limit rural women's ownership and control of land. They may own property through a joint title with a husband or another group but did not share equally in customary. In case of formal tenure system land rights are as established within a government's formal land policy and the photo of both husbands and wife attached on book.

Polygamy: - The assessment result of poly gamy and identifying number of women by cross tabulation indicate from 116/360 (32.2%) having 1 wife. However, the comparison indicate 95/180 (52.8%) for formal tenure type having 1 wife and 56/180 (31.1%) of Male HH heads in customary tenure system having 2 wives followed by

50/180 (27.8%) having 3 wives. The variation of polygamy between tenure systems indicate significant association at 0.01 significant level ($p < 0.01$) Similarly the data analyzed by descriptive statistics indicate polygamy as minimum number of women 0 (single, widowed, separated) and maximum 4 wives with mean 1.69 and Std. deviation 1.166. The comparative analysis by One-Way ANOVA indicates significant association of type of land tenure system with polygamy at 0.01 significant levels. The information obtained during in-depth key informant interview and personal observation indicate that the reason of HH heads in customary are Muslims and their religion allow marrying up to 7 wives. They marry more and more to get large number of children to increase number of their ethnic group, beside their cultural and personal satisfaction.

As discussed in marital status and what makes the HH head female, separation or divorce, the right of the wives is treated in customary in opposite to that of formal land policy of the region In case of customary, the major attention is given for the recent wife providing what she want because she is in reproductive stage and sexually active than the older wife. The husband willingness determines to share land property for her and she afraid asking her right at court level according to culture and lack its knowledge. However, in case of formal land policy, the older wife appeared during land registration and

certification or titling has right to share half of land property from her husband in case of separation or divorce. According to the regional land administration policy one family, husband and family with less than 18 years children, have right to have up to 10 hectare of land. In case of polygamy, having two and above wives during registration, he has right to certify additional 5 hectare per wife. If he marry additional wife oater titling he share from his half for her and half protected for previous older wife.

Number of children: - The assessment result of identifying number of children per HH heads by cross tabulation indicate from, 53/360 (14.7%) having 3 children in general. However, the comparison indicate 34/180 (18.9%) of those from formal tenure type having 5 children and 26/180 (14.4%) of those from customary tenure system having 4 children followed by those having 3 and 12 number of children per HH heads. Similarly the data analyzed by descriptive statistics indicate number of children per HH head to be minimum 0 (not having child) and maximum 18 children with mean 6.31 and Std. deviation 3.943. The comparative analysis by One-Way ANOVA indicates significant association of type of land tenure system with number of children at 0.01 significant levels (Fig-4).

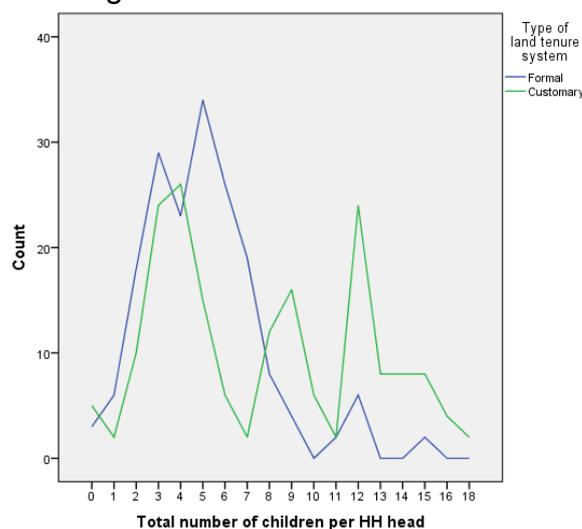


Figure 4 Number of children per HH head in customary and formal tenure systems

The higher number up to 18 children per house holds head in customary is associated with polygamy in and their need to have sufficient number of children to increase the number of community in their own indigene or ethnicity and most of them refuse use of family planning. But, they do not worry for fulfillment of requirements for their children. However, the reason for smaller number of children in case of formalized tenure and settler was lower in number due to fewer polygamy cases and using family planning even by single wife. They give higher attention for fulfillment of requirements like basic needs

(food, cloth, and shelter, health and educational for their children than those under customary.

Educational Status: - The finding of descriptive cross tabulation indicate 238/360 (66.1%) of HH heads in study area are illiterate generally. The comparison indicate higher number of HH heads, 134/180 (74.4%), of those in customary are illiterate and fewer number achieved elementary, high school and diploma than those in a formalized tenure indicate significant association at 0.01 significant level ($p < 0.01$) (Fig-6)..

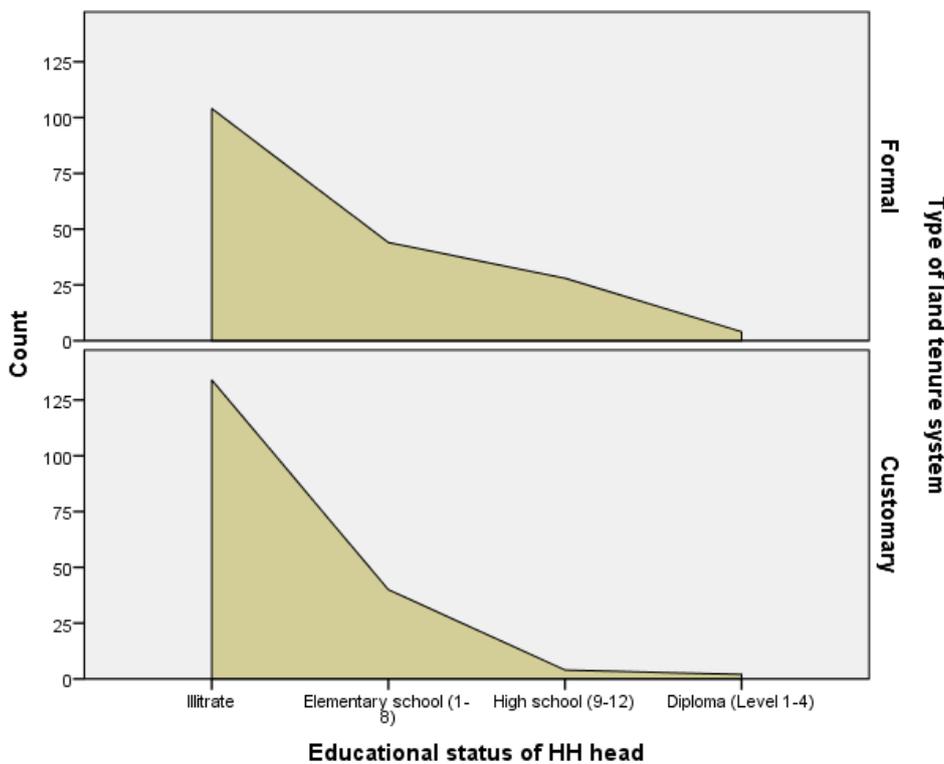


Figure 5 Comparison of Educational status of Tenure systems

Lower education and literacy levels often exist in rural areas, especially in those under customary tenure systems because of less demanding of formal education and documentation. This can be resulted have negative perception of HH heads in customary to modern land formalization through land registration and certification, that will be discussed in findings of next topic on local farmers' perception. From customary, as majority of HH age was in the greater than 60

years old, the majority of those older in age are illiterate while fewer younger ones attend elementary, high-school or diploma. There was no HH head having degree and above living and using agricultural area since they are employed at woreda level and town. Those having some education need to hear and implement current formal land tenure policy understanding its advantage than those not having education.

Source of income for livelihood: - The finding of descriptive cross tabulation indicate source

of income and livelihood strategy of 137/360 (38.1%) being agricultural and wage, salary or trade (non farm) mainly in formalized and settler followed by 133/360 (36.9%) being agricultural and mining (non farm) mainly in customary and indigene , while lowest ,23/360 (6.4%) as general and mainly in a formized tenure are engaged on salary, wage or trade only (Off-farm). The variation in source of income between tenure systems indicate significant association at 0.05 significant level (p <0.05) (Table-7)

The finding indicates dependence of the house hold of the area on agricultural and other activities (Non-farm) strategy than depending on agricultural only. The agricultural activity in majority of the region specifically in settlers is mixing both crop and livestock production while that in customary looks more on some species of livestock mainly Goat production. They have no cattle used for cultivating land making the still hand ploughing specially for those couldn't pay rental payment for animal power or tractor or enable to by the oxen, making them provide less attention for crop production. The major types of

crops produced by those under customary are large cereals like maize and sorghum and oil seeds while those in formal tenure and settlers include small cereals like Teff. As the strategy, the spent most of their season during dry (winter) season on mining and by the crops from the market. They use what they got from cultivation to eat during summer.

The HH heads in formal tenure and settlers also use agriculture and trade, wage/salary as non-farming livelihood strategy. The reason is insufficient land size and its lower productivity. Because of this most those older in age are engaged in daily labour to get wage, some them become employed as lower income like security. Most of their young personals are engaged in Off-farm like trade and driving motorcycles named Bajaj because of shortage of land accessibility. Generally, the profit obtained from the agricultural income is lowering despite absence of land scarcity especially in those under customary and the reverse is true for customary. The findings agree with findings of study done by seid and Adugna (2016).

Table 7 Cross tabulation analysis of source of income for livelihood

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Source of income(Livelihood) * Type of land tenure system	360	100.0%	0	0.0%	360	100.0%

Source of income(Livelihood) * Type of land tenure system Crosstabulation

		Type of land tenure system		Total
		Formal	Customary	
Source of Agriculture only income (Livelihood)	Count	27	40	67
	% within Type of land tenure system	15.0%	22.2%	18.6%
Agriculture and mining	Count	40	93	133
	%	22.2%	51.7%	36.9%

Agriculture and wage, salary or trade	Count	96	41	137
	%	53.3%	22.8%	38.1%
Wage, salary or trade only	Count	17	6	23
	%	9.4%	3.3%	6.4%
Total	Count	180	180	360
	%	100.0%	100.0%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	50.984 ^a	3	.000
Likelihood Ratio	52.454	3	.000
Linear-by-Linear Association	31.233	1	.000
N of Valid Cases	360		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 11.50.

Generally, the result of comparison of customary and formal tenure systems based socio-economic factors are summarized below (Fig- 5).

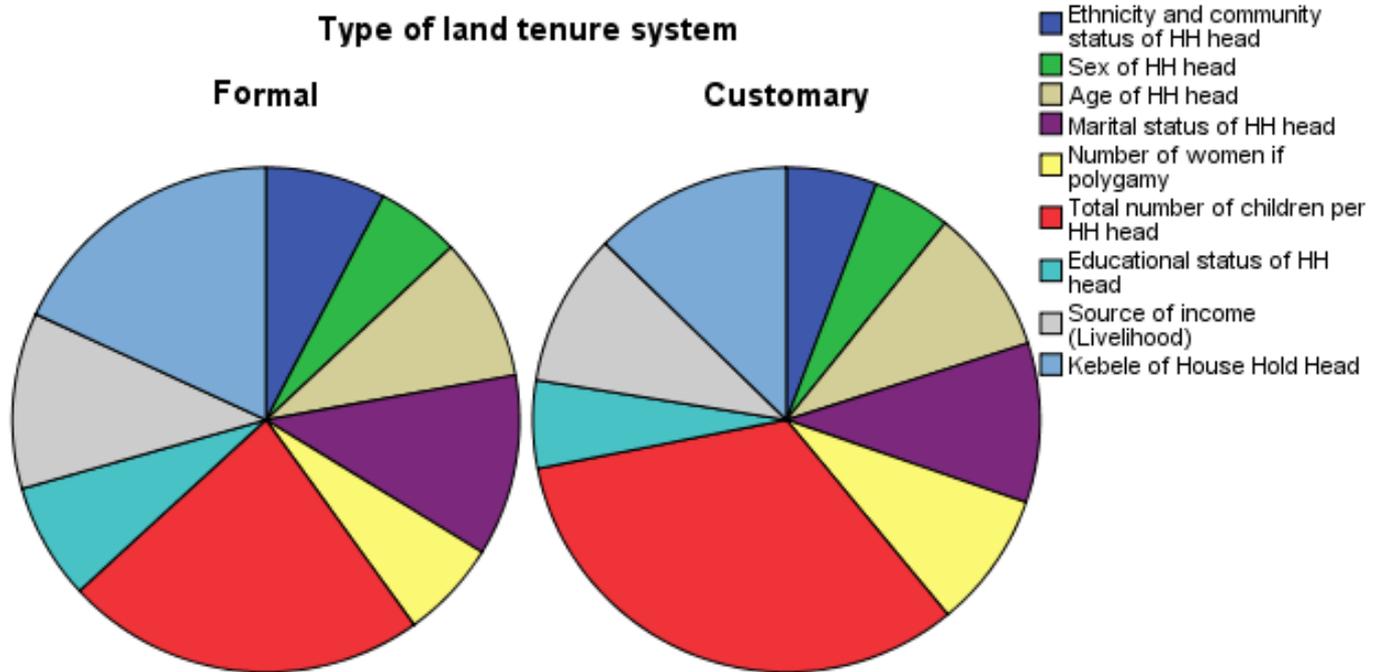


Figure 6 -Summary of comparison of tenure systems based on socio-economic status (Source:- Own analysis)

4.2 Comparison of customary and formal tenure systems based on land related determinants

4.2.1. Comparison of land accessibility in customary and formal tenure system

4.2.1.1 Access to individually or jointly hold land by HH heads

The findings indicate that almost all of HH heads in study area- 349/360(96.9%) - have access to individually or jointly hold land and only 11(3.1%) are landless, mainly those from settler in community status. Comparison between customary and formal tenure types indicate, 94.4% (170/180)of formal and 99.4% of customary tenure type have access to land and as 10/180(5.6%) are landless are those in formalized, only 1/180 (0.6%) are those in customary tenure, with significant association at 0.05 ($P < 0.05$). The accessibility for indigene bertha ethnic group is 100%. Similarly, the majority, 69.4% (250/360) respondents replay absence of above 18 years old landless. The Comparison indicate, lower number of landless, 1.7% (2/180) in customary or indigene community status while higher, 61.7% (74/180) in a formalized land tenure or settler indicating significant association at 0.01 level ($P < 0.01$)

The other difference is based method of accessibility/acquisition/ for majority of plots and year of acquisition. Generally, 154/360(42.8%) HH heads acquired the land from government. Comparison between customary and formal tenure types indicate, majority, 102/180 (56.7%) of in a formal tenure obtained from government and 78/180(43.3%) in a customary land tenure obtained from customary clan. The association is not statistically significant because of minimum variation ($P > 0.05$). Year of acquisition/allocation for majority of plots indicate, 144/360(40%) HH heads acquired the land before 1974, the other 40% during 1975-1991 (Derg regimen) and remaining 20% post 1991 or in current government. Comparison between customary and formal tenure types indicate, majority, 96/180 (53.3%) of formal tenure type obtained in 1975-1991 and

96/180(53.3%) of customary land was obtained before 1974 during emperor Haile-sillassie. The association with tenure system is statistically significant at 0.01 levels ($P < 0.01$)

There also variation between customary and formal tenure system in total number of plots and size or area of land occupied. Comparison by descriptive cross-tabulation indicate majority HH heads of in a formal tenure have 3 plots while those in customary have 2 plots with significant association ($P < 0.01$). Similarly, the data analyzed by Descriptive statistics indicate the number of plots per HH head to be minimum 2, maximum 11, mean 3.67 and Std. deviation 1.622. Similarly the data analyzed by One-Way ANOVA indicate Significant difference in number of plots at 0.01level ($P < 0.01$). Though the number of plots indicates higher in case of formal tenure the size of the land can be opposite. Comparison of land size owned by HH head in customary and formal tenure in cross-tabulation indicate majority of HH heads in formalized and settler, 16 (8.9%) have 1.5 hectare whereas majority HH heads in customary tenure and indigene, 58 (16.1%) have 3 hector with significant association at 0.01 significant level. Similarly, the data analyzed by Descriptive statistics indicate the size/ area of the land owned per HH head to be minimum 0.80 maximum 8.00, mean 2.4179 and Std. deviation 1.19535 and that done by One-Way ANOVA indicate Significant association at 0.01level ($P < 0.01$).

The major question is how land size determined. Generally, for majority, 240/360(67.7%), HH heads land size was determined by estimation and only 120/360 (33.3%) determined by measuring. Comparison between customary and formal tenure types indicate, majority, 120/180 (66.7%) of formal tenure type size was determined by measuring, remained 60 (33.3%) didn't measured and allocated for them due to different reason whereas all 180/180 (100%) for customary was by estimation with statistically significant variation at 0.01 level ($P < 0.01$)

4.2.1.1 Access to communally hold land by HH heads

The study finding indicate that, almost all of HH heads in study area 335/360(93.1%) have access to communal land. Comparison of customary and formal tenure types in having access to communal land indicate, low 158/180 (87.8%) for those from formal and high, 98.3% (177/180) for those from customary tenure type with significant association at 0.01 ($P < 0.01$). Majority of HH heads in study area, 178/360(49.4%), have access to both forest and grazing communal lands. In comparison, lower accessibility to grazing land only, 102/180 (56.7%) for those from formal, while higher accessibility to both forest and grazing

communal lands, 118/180 (65.6%) for those from customary tenure type. However, association with type of tenure system is not significant ($P > 0.01$). Majority of the HH heads in study area, 60.8% (219/360) did not have access to uncultivated land property. Comparison of customary and formal tenure types also indicate, lowest, 5%(9/180) for formal, but higher, 73.3 % (132/180) for HH heads in customary tenure in having access to uncultivated land property indicating significant association at 0.01 ($P < 0.01$). In addition to having large area of land occupied jointly, the HH heads under customary especially indigenes have extra additional land they kept for their ancestors.

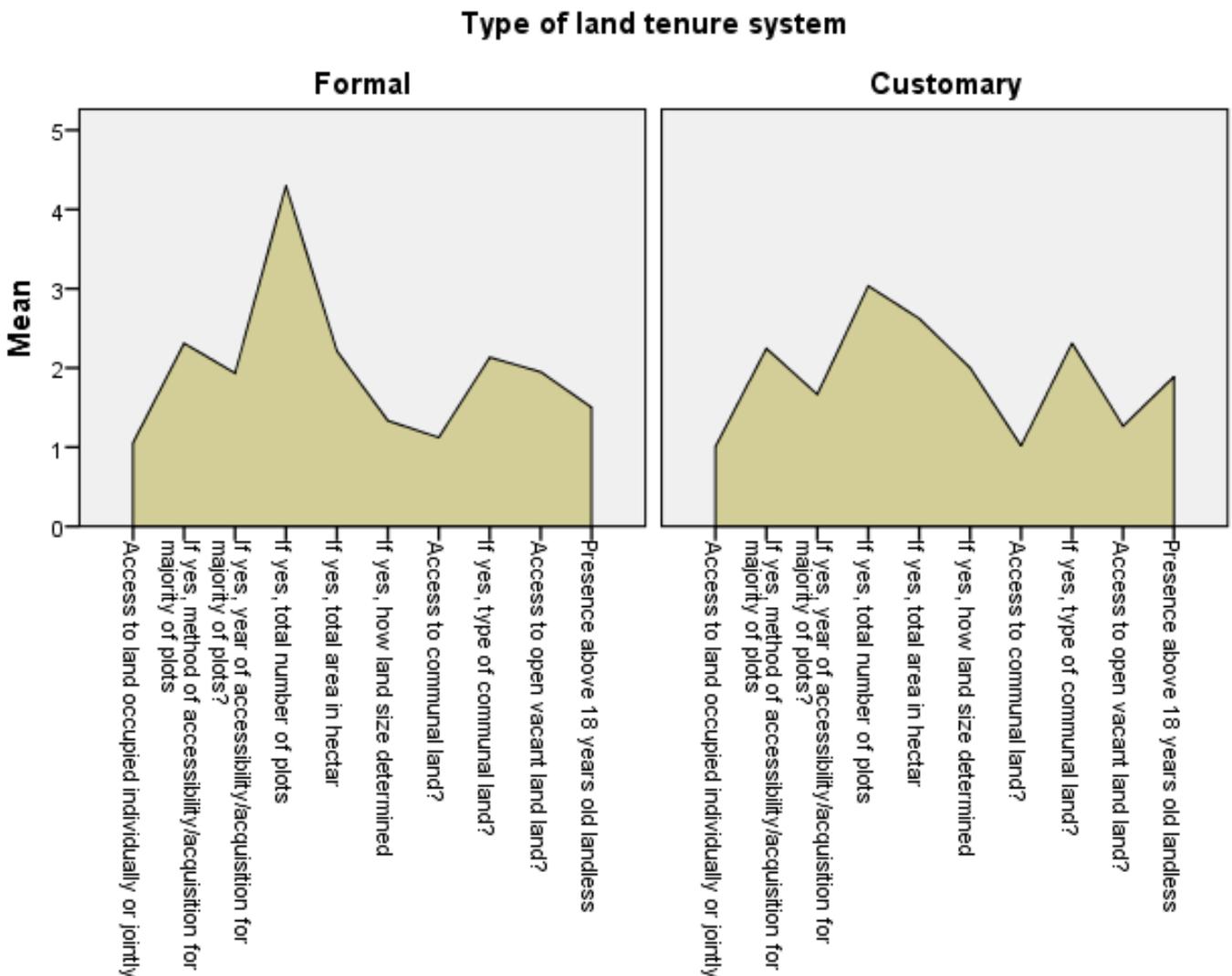


Figure 7 Summary of Comparison of customary and formal tenure system in land accessibility
Source: Own analysis

4.2.2. Comparison of customary and formal tenure system in defining of right and ensuring security of tenure

4.2.2.1 Comparison land tenure system in defining of right and ensuring security of tenure

The study findings indicate difference in evidence of ownership or holding right among customary and formal tenure system in the area. The finding indicate that 47.2% (170/360) of HH heads have land tax receipt only as evidence of ownership. In customary they have no title at all since registration and certification haven't started. Comparison of tenures system indicates 94.4% of those under customary have only tax receipt while remaining 5.6% have no any evidence. From the formalized tenure the 85.6% have legally acceptable land certificate or title for all plots while remaining 14.4% has no evidence on some plots of land due to some disputes. The association is significant at 0.01 significance level ($P < 0.01$)

4.2.2.1 Comparison land tenure system in defining of right and ensuring security of tenure

The findings indicate on indicate only 29.4%(106/360) of HH head lost their land before formalization or being in disputes in formalized type of tenure and 20% in customary is lost by land grabbing, The association is significant at 0.01 significance level ($P < 0.01$). The finding indicate that 16.7 % (60/360) as whole and 31.1 % (56/180) from formalized tenure type, before modern formalization, lost their land post 1991 in current FGRE government. However, from customary tenure type majority, 16.7% (30/180) lost their land during derg regimen, 1975-1991. The finding indicates that 16.1 % (58/360) as whole and 28.9 % (52/180) from formalized tenure type, lost their right before modern formalization by individuals within or nearby village. However from customary tenure type, majority, 16.7% (30/180) lost their land by government to provide for settlers during Derg regimen. The finding also indicate that only 7.8 % (28/360) got

compensation from government by land replacement and 13.3 % (24/180) from formalized and 2, 2 % (4/180) from customary tenure type. The association is significant at 0.01 significance level ($P < 0.01$)

4.2.3. Comparison of land transfer cases in customary and formal tenure system

4.2.3.1 cases and means of Land transfer

The finding indicates that 42.2% (152/360) of HH heads transferred part of their land. The comparison of tenures system indicates higher cases in formalized tenure 53.3% (96/360) while lower in customary tenure type, 31.1%(56/360). The finding indicates that 36.1% (130/360) of HH heads transferred part of their land by gift, inheritance or share as general and mainly ,47.8%(86/180) in formalized tenure type and lower 24.45(44/180) for customary tenure type. The lowest means of transfer as general is by rent 1.1% in formalized and selling with real property 1.1% in customary tenure type. The association is significant at 0.05 significance level ($P < 0.05$). For whom transferred by gift indicates that 25.6% (92/360) of HH heads transferred part of their land by gift for their male child (Son) and lowest 0.6% is for other relatives. The comparison indicate in formal tenure type major transfer was for male child (Son) 41.1% (74/180) while for spouse 18.3 % (33/180) in customary tenure type. However, the difference is not significant at 0.05 level ($P > 0.05$)

4.2.3.2 Legalization of Land transfer

The finding indicates that the majority of legalization of land transferred for HH heads from formalized tenure type, 47.8%(86/180), was by formally organized land administration committee or team at kebele levels and approved by woreda Land administration office according to regional land policy while the remaining 5.6% (10/180) was also transfer their land after formalization legally by court. The legalization of land transfer in customary tenure system indicate that the majority 14.4% (26/180) of land transfer by HH heads have no written legally accepted agreement while the remaining

10% (18/180) were by customary elders/clan leaders and 6.7% (12/180) transferred part of their land legally by court. However, the difference in this case is not significant at 0.05 level ($P>0.05$)

4.2.4. Comparison of land dispute/conflict cases in customary and formal tenure system

4.2.4.1 Cases and causes of land dispute/conflict

The finding indicates that presence was 38.9% (140/360) cases among HH heads in study area. The comparison of tenures system indicates higher cases in formalized tenure 46.7% (84/360), making challenge to provide certificate for all plots, while lower in customary tenure type 31.1%(56/360). The finding indicates major cause of land related conflict in study area to border conflict,17.8% (64/360) as general, 18.9% (34/180) for HH heads from formal and 16.7% (30/180) for customary tenure type. The remaining cause of conflict in formal tenure system is inheritance, 15.6% followed by improper identification of right 5.6%. Comparatively, the remaining cause of conflict in customary tenure type inheritance or share of land property,7.8% followed by illegal use of communal land,6.7%. The association is significant at 0.01 significance level ($P<0.01$)

4.2.4.1 Means of conflict resolution

The finding indicates majority, 30.6% (110/360) of land related conflict were solved while 9.4% (34/360) remained unsolved. Comparatively, only 1.1 % (2/180) remained unsolved in comparison to 17.8% (32/180) in case of formal tenure system. The finding indicates that means of conflict resolution is different in customary and formal tenure system. In case of formal tenure system, majority, 28.9% (52/180) of land related conflict is solved by formally organized Land administration committee or team that approved by woreda land administration office. The remaining 2.2% (4/180) solved by legal court, mainly more complex and inheritance cases. In case of customary tenure system, majority,

24.4% (44/180) cases are solved by customary elders/clan leaders while the remaining 5.6% (10/180) cases were solved legally by court. The association is significant at 0.01 significance level ($P<0.01$)

4.3 Perceptions of local farmers' living in formalized and customary tenure systems on importance of modern land formalization

4.3.1 Perception or attitude on importance of formalization in general

For the general question on perception of HH heads in study area indicates, majority,62.2% (224/360) of them have positive attitude to importance of modern land formalization while remaining 37.8 % (136/360) have negative perception as general. The comparison of tenures system indicates higher positive perception 95.6% (172/180) in formalized tenure type, while lower in those in customary being 28.9% (52/180). The association is significant at 0.01 significance level ($P<0.01$). Perception on ensuring land accessibility for all including vulnerable groups: - The finding indicates majority of those in formal tenure type, 78.9% (142/180) strongly agree while majority from customary tenure type, 28.9% (52/180) disagree on importance of modern land formalization on ensuring land accessibility for all community. The reason can be lack of awareness comparatively. The association is significant at 0.01 significance level ($P<0.01$)

4.3.2 Perception on importance of formalization for specific activities

Perception on defining right of users: - The finding indicates majority of those in formal tenure type, 72.2% (130/180) strongly agree, similarly majority from customary tenure type,32.2% (58/180) agree on importance of modern land formalization on defining right of users. The association is significant at 0.01 significance level ($P<0.01$) The considere having access to land is legally recognized ownership according to perception for those in customary but it is not.

Perception on ensuring security of tenure

(right): - The finding indicates majority of those in formal tenure type, 56.7% (102/180) strongly agree, similarly majority from customary tenure type, 30% (54/180) agree on importance of modern land formalization on ensuring security of right. The association is significant at 0.01 significance level ($P < 0.01$). Those under customary expect protecting the land of their kebele indicate security of tenure but if not legally titled they cannot right to ask compensation as that have been formalized by titling.

Perception on legalization of land transfer:

- The finding indicates majority of those in a formal tenure type, 72.2% (130/180) strongly agree, similarly majority from customary tenure type, 50% (90/180) agree on importance of modern land formalization on ensuring security of right. The association is significant at 0.01 significance level ($P < 0.01$). The HH heads under customary consider being easy for transfer but specially of no written agreement, it didn't legally recognized and the owner become complain during registration.

Perception on reduction of conflicts: - The finding indicates majority of those in a formal tenure type, 65.6% (118/180) strongly agree on

importance of modern land formalization for reduction of land related disputes. However, majority from customary tenure type, 42.2% (76/180) disagree on importance of modern land formalization on reducing and resolving conflicts that can be due to lack of awareness as those from formal tenure type. The association is significant at 0.01 significance level ($P < 0.01$). The customary conflict resolution is easy and less cost but couldn't reduce boundary conflict, as modern land registration and cadastral mapping.

Perception on management and utilization of communal lands properly:

- The finding indicates majority of those both from formal tenure type, 78.9% (142/180) and customary tenure type, 35.6.2% (64/180) strongly agree on importance of modern land formalization for management and utilization of communal lands properly. The association is significant at 0.01 significance level ($P < 0.01$). Since they are nearby and appeared surrounding such commons in all direction, they can better protect it. But those in this study area doesn't have legally accepted bylaws and some of them need to cultivate for his own rather than going agricultural area located far away from the village.

Table 8-Comparison of customary and formal tenure systems based on local farmers' perception

		Type of land tenure system		Total
		Formal	Customary	
Perception on importance of modern land formalization	Yes	172	52	224
	No	8	128	136
Ensuring land accessibility for all	Strongly Disagree	0	16	16
	Disagree	0	52	52
	Neither	2	48	50
	Agree	36	28	64
	Strongly agree	142	36	178
Defining right of users	Strongly disagree	0	14	14
	Disagree	0	42	42
	Neither	0	38	38

	Agree	50	58	108
	Strongly agree	130	28	158
Ensuring security of tenure	Strongly disagree	0	14	14
	Disagree	0	46	46
	Neither	2	40	42
	Agree	76	54	130
	Strongly agree	102	26	128
Legalization of land transfer	Strongly disagree	0	14	14
	Disagree	0	8	8
	Neither	0	38	38
	Agree	50	90	140
	Strongly agree	130	30	160
Reducing and resolving land related conflicts	Strongly disagree	0	16	16
	Disagree	18	76	94
	Neither	2	22	24
	Agree	42	46	88
	Strongly agree	118	20	138
Management and utilization of communal lands properly	Disagree	0	30	30
	Neither	0	26	26
	Agree	38	60	98
	Strongly agree	142	64	206
Total		180	180	360

5. SUMMARY

Comparison of customary and formal land tenure systems based on socio-economic factors indicates statistically significant difference systems ($p < 0.05$) except on sex and marital status ($p > 0.05$). The coverage of land formalization is lower in bertha ethnic group those considered as indigene or titular ethnicity and community status than settlers or non titular came mainly from Amhara region being Wallo Amhara and wallo oromo in ethnic group. Higher case marry two or more females named polygamy and having higher number of children up to 18 per HH head are common in those under customary and bertha ethnic group. Majority of HH heads in customary tenure are

illiterate in educational status. The major source of income for livelihood strategy for those under customary and bertha ethnic group are farming and mining while that of those under formal and settler are farming and non-farming activities like daily labor work and off farming like trade. The finding agrees with the information from in-depth key informant interview, focus group discussion and field observation.

Comparison of customary and formal land tenure systems based access to land hold individually indicates statistically significant difference systems ($p < 0.05$) except on sex type of communal land ($p > 0.05$). Land accessibility for HH heads and above 18 years old youth in customary and bertha ethnic group is 100% with

sufficient size up to 8 hectares, though it was by estimation than measuring, and looks fewer in number of plots. They have also access to excess communal lands and uncultivated land kept for their ancestors. They obtain the land from their ancestors or customary clan before 1974 and they consider it as permanent inheritance. Though fewer in number, there are landless HH heads and above 18 years landless youth in formalized and settler community status. The occupied land is smaller in size 1.5 hectare in average as it is determined by measuring, registration and certification, though it may be higher number of plots. They were allocated the land by Government during Derg regimen (1975-91). This finding also goes with the information from in-depth key informant interview, focus group discussion and field observation.

Comparison of customary and formal tenure system in defining of right and ensuring security of tenure indicates significant variation ($P < 0.05$). The majority 94.4% of HH heads in those under customary have only tax receipt while remaining 5.6% have no evidence of owning at all since land registration and certification or legal titling didn't started at all. This make the land under customary more insecure. 29.4% of HH head lost their land before formalization by government for public purpose post 1991 and compensation was only land located at distant area for settlers. Those from indigene and currently under customary complain they lost their land during 1975-1991 by government to give for settlers without paying any compensation. Those under formalized tenure have legal title for majority of plots but some of them have no evidence on some plots due to presence of disputes making 28.9 % of them lost their land by individuals within or nearby village being still under conflict. The association is confirmed by findings from elders, leaders and personal observation.

Comparison of customary and formal tenure systems based on land transfer cases indicates significant variation ($P < 0.05$) except on means

of transfer ($P > 0.05$). The finding indicates that 42.2% (152/360) of HH heads transferred part of their land being higher cases in formalized tenure 53.3% (96/360) while lower in customary tenure type, 31.1%(56/360). The means of transfer for majority 36.1% is by gift, inheritance or share in general. The lowest means of transfer as general is by rent 1.1% in formalized and selling with real property 1.1% in customary tenure type. The majority of HH heads transferred by gift for their land for Children and lowest 0.6% is for other relatives. The transfer after land formalization in a formal tenure type was by formally organized land administration committee or team at kebele levels and approved by woreda Land administration office according to regional land policy. The remaining 5.6% was also transferred their land after formalization legally by court. The legalization of land transfer in customary tenure system indicate that the majority 14.4% (26/180) of land transfer by HH heads have no written legally accepted agreement while the remaining 10% (18/180) were by customary elders/clan leaders and 6.7% (12/180) by court. The findings from elders, leaders and personal observation indicating there are higher transfer cases than that obtained from respondents in customary tenure informally creating more challenge during modern formalization by registration and certification.

Comparison of land dispute/conflict cases and its resolution mechanisms varies in customary and formal tenure system with significant variation ($P < 0.05$). The major cause of land related conflict in study area is border conflict, for lands under customary tenure type and plots didn't certified from formalized tenure improper identification of right. The remaining cause of conflict in formal tenure system is inheritance or share of property in both customary and formal conflict in customary tenure type illegal use of communal land by individuals without any permission from government or customary clan. Though the majority of land related conflicts were solved at court level in both, land

administration committee and professionals at kebele and woreda level for formalized land and customary clan in lands under customary, still there are unsolved disputes. The finding is in harmony with findings from elders, leaders focus group discussion and field observation.

Perceptions of local farmers' living in formalized and customary tenure systems on importance of modern land formalization by land registration and certification were different with significant association ($P < 0.05$). The majority of HH head farmers from formal tenure system have positive attitude to importance of modern land formalization while those from customary tenure type have negative perception. Though HH heads from formal tenure type respond strongly agree, on importance of modern land formalization on ensuring land accessibility for all community those from customary tenure type respond disagree. As majority of those in a formal tenure type, strongly agree (5/5) on importance of modern land formalization on defining right of users and ensuring security of right, majority from customary tenure type respond agree (4/5)

Similarly, perception of local farmers' on legalization of land transfer; land related conflict resolution and management of communal land also varies among those from customary and formal tenure system. The majorities of those in a formal tenure type respond strongly agrees and from customary tenure type, agree on importance of modern land formalization on ensuring security of right. The majority of those in a formal tenure type, strongly agree on importance of modern land formalization for reduction of land related disputes while the majority from customary tenure type, respond disagrees. Finally, the majority of those both from formal and customary tenure respond strongly agree on importance of modern land formalization for management and utilization of communal lands properly. The findings agree with information obtained from elders, leaders during in-depth interview, focus group discussion and personal observation.

6. CONCLUSION AND RECOMMENDATION

6.1 Conclusion

The study was done to assess compare customary and formal tenure systems simultaneously and recommend suggestions based on data obtained from house hold surveys and other collection tools. The study identifies both customary and formal tenure systems existed in Benishangul Gumuz Regional State, Ethiopia. The HH heads in customary tenure system perceive customary land holding and transfer in opposite to those under formalized tenure. In other way they perceive land formalization is important to maintain tenure security; legalization of transfer; reducing land disputes and better management of communal land resources as those under formalized tenure.

The majority of land under customary are occupied by indigene bertha ethnic group, while those of land under formalization, are occupied by settlers, and wallo- Amhara ethnic groups. Though majority of House hold heads in land under customary have sufficient land size, they are not generating land related income due to different economic reason indicating presence of poor man to land relationship under customary tenure system.

The ownership under customary is not legally recognized, showing only tax receipt for which size of land determined by estimation. There is illegal transfer of land by HH heads under customary which is one of source of conflict during registration of land. The major cause of conflict in study area is boundary with nearby house hold and kebele, woreda, zone and neighboring region, kebele, woreda. Due to such problem the certificate didn't provided for all plots in some HH heads in which land registration and certification has taken place. There are no legally accepted written bylaws to manage communal lands and resolve related conflicts in those under customary.

Generally, the communities under customary tenure has negative perception toward land formalization by modern land registration and

certification that can be lack of awareness and afraid of redistribution of their land by government since they need to keep and inherit the land for their ancestors only. The type of tenure systems have positive or negative significant association with socio-economic factors, land related determinants, and perception on importance of modern land tenure formalization based increase in frequency of response by HH heads.

6.2 Recommendation

Based on the findings in this study the researcher recommends and argues that:

- Customary activities like immediate and easy conflict resolution should selectively included in land administration policy and land administration team should include customary elders selected by community without restriction to be able to read and write to be member though it is must to be leader of the team as already started.
- Legally accepted bylaws and well organized customary institutions created by local communities to reduce disputes on land and related natural resource among individuals and nearby villages should be recognized by formal land policy amendments.
- The researcher do not agree with recognizing customary land holding and transfer as it is because of its being source of conflict and major challenges during land formalization rather recommend transfer legally according to land administration policy and that accepted by legal law, according to civil code in our country.
- There should be harmony between land policies, used by land professionals for providing related decisions and laws, used by lowers or court to solve more complex land related disputes. It must be updated in the some legislation that didn't accepted by communities, for example, land restriction of employees to inherit the rural land of parents; determining minimum size of land to provide certificate; creating in agreement between land professional and court decisions in solving related disputes
- All lands should be registered and titled to define ownership or holding right individually or jointly, communally, or protected as state hold to manage and utilize properly, ensure security of tenure and reduce border conflicts.
- The government needs to improve creating awareness of community by community based training on role of modern land formalization by registration and certification, and to make farmers understand their right, responsibilities and restrictions written in land policy, rules, regulations and legal laws. There should be land experts at kebele, woreda , zone, and regional levels to provide related extension education for community and to implement related activities and solve related disputes effectively and efficiently.
- The government should provide required budget and fulfill required office facilities for land administration committees organized under peasant associations to make them efficient and implement principles of good governance being free from corruptions. The support from governmental related stake holders and NGOs or projects to improve socio-economic status of the community like reducing illiteracy, improving their livelihood strategy; reducing poverty by making them to use better land cultivation mechanism and reducing related gender gaps

REFERENCES

1. Ashenafi G. N.,(2013): Local Governance in Rural Land Conflict Management: The case of Ganta Afeshum wereda, Eastern Zone of Tigray, A Thesis Submitted to the Department of Management, in Partial Fulfillment of the Requirements for the Degree of Master of Arts in

- Development Studies (Governance, Democracy and Development Specialization)
2. Augustinus, C.(2003): Comparative Analysis of Land Administration Systems: African Review With Special Reference To Mozambique, Uganda, Namibia, Ghana, South Africa, Work Undertaken For The World Bank, Funded By Dfid, Pp 9-10
 3. Bamlak Y.(2013): Assessment Of Indigenous Conflict Resolution Systems and Practices: Implications For Socio-Economic Development: (A Survey Of Simada Woreda, Amhara Region, Ethiopia) ;Thesis Submitted To The Department Of Management In Partial Fulfillment Of The Requirement For The Award Of Master Of Arts Degree In Development Studies (Governance, Democracy And Development), Mekelle
 4. Bassett, T. J. (1993). Introduction: The Land Question and Agricultural Transformation in Sub-Saharan Africa. In T.J. Bassett & D.E. Crummey (Eds.), *Land in African Agrarian Systems*. Madison: University of Wisconsin Press.
 5. Benishangul Gumz Region, 2010. Lisane Hig Gazeta Proclamation on Rural Land Administration and Use, Proclamation No. 85 /2010, Assosa
 6. Benishangul Gumz Region, 2011. Lisane Hig Gazeta Regulation on the implementation of Rural Land Administration and Use Proclamation, Proclamation No. 44 /2011, Assosa
 7. Benishangul Gumz Region, 2014. Lisane Hig Gazeta Directive on the implementation of Rural Land Administration and Use Proclamation and Regulation, Proclamation No.18 /2014, Assosa
 8. Berhanu, G. and Pender and Girmay, T. 2003. Community natural resource management: The case of woodlots in northern Ethiopia. International Food Policy Research Institute Washington, D.C. 2003 U.S.A. EPTD Discussion Paper, No. 60
 9. Black, H.C.(1991); *Black's law Dictionary with Pronunciations*, 6th Edition, Amazonn.com
 10. Bruce, J. W.; Hoben, A.; &Rahmato, D. (1994).After the Derg: An assessment of rural land tenure issues in Ethiopia. Madison, Wisconsin: Land Tenure Center, University of Wisconsin–Madison.
 11. Cohen, John and Weintraub, Dov, 1975, *Land and Peasants in Imperial Ethiopia: The Social Background of a Revolution*. Van Gorkum, Assen in Africa
 12. Collis, J &Hussey,R (2009): *Business Research a Practical Guide for Undergraduate and Post Graduate Students*, 3rd Edition, Pulgrave Macmillan, UK, Pp 143-155, 191-2002.
 13. Conteh, S. Yeshanew, S.A.(2016): Non-judicial Grievance mechanisms in land-related disputes in Sierra Leone, FAO, SBN 978-92-5-109328-3, ISSN 2413-807X,
 14. Cotula L. (2007): CHANGES IN “CUSTOMARY” LAND TENURE SYSTEMS IN AFRICA ISBN: 978-1-84369-657-5es in “customary
 15. Davies, S (2008): *The Political Economy of Land Tenure in Ethiopia*, A Thesis Submitted for the Degree of PhD at the University Of St. Andrews. Pp.35-47
 16. Deininger, K., Ali, D. A., Holden, S. &Zevenbergen, J. (2008). 'Rural Land Certification in Ethiopia: Process, Initial Impact, and Implications for Other African Countries'. *World Development*, Vol. 36No.10., pp. 1786-1812.
 17. Deinniger, K., Daniel A. Ali &Alemu ,T.,(2008).Impacts of Land Certification on Tenure Security, Investment,and Land Market. Evidence from Ethiopia. The World Bank, Washington D.C
 18. Denscombe, M. (2007)*The Good Research Guide For Small- Scale Social research Projects*, 3rdEd.McGraw Hill, Open Space University Press PP-270.
 19. Denzin, N.K (1978) *The research Act: A Theoretical Introduction to Sociological Methods*,2nd edition, New York: McGraw-Hill.
 20. Dereje T., Hossein A., Jan N., Mitiku H., and Frank W. (2016) *How Sustainable Is Transnational Farmland Acquisition In Ethiopia? Lessons Learned From Benishangul –Gumuz Regional State'*
 21. Desalegn Ch.Ed.,Mukand S.B.,Ashim D.G.and Seleshi B.A.(2015): Indigenous systems of conflict resolution in Oromia, Ethiopia, International workshop on 'African Water Laws: Plural Legislative Frameworks for Rural Water Management in Africa.', Johannesburg, South Africa
 22. Fao,(2002).Fao land Tenure Studies (4), *Gender and Access to Land*, ISBN 92-5-104847-9
 23. Federal Democratic Republic of Ethiopia, 1995. *Negarit Gazeta Proclamation of the Constitution of the Proclamation No. 1/1995*, Addis Ababa.2005. *Negarit Gazeta Proclamation of Federal Democratic Republic of Ethiopia Rural Land Administration and Land Use*, Proclamation No. 456/2005, Addis Ababa.
 24. Gofie S.M. (2015): *Central Control and Regional States' Autonomy in Ethiopia*. In: LeVan A.C., Fashagba J.O., McMahan E.R. (eds) *African State Governance*. Palgrave Macmillan, London Chaper 7; pp 158-76.
 25. Gyapong, P, (2009): *Applying Customary tenure Institution for Land Administration: Good governance perspective*, Msc thesis submitted to,

International Institute for Geo-information science and earth observation , The Nezerlands.

26. Habtamu S.,(2016).The Effect Of Formalization Of Land Tenure On Customary Land Transfer In Benishangul Gumuz Region: The Case Of Belojiganfoy Woreda , Bahirdar University, Institute of land administration.PP 12-23
27. Holden, S., Otsuka, K. and Deininger, K. (Eds.) (2013). Land Tenure Reforms in Asia and Africa: Impacts on Poverty and Natural Resource Management. Palgrave Macmillan.
28. Hussein J., 2004: THE POLITICS OF LAND TENURE IN ETHIOPIAN: Experience from the south. Paper for XI world Congress of Rural Sociology, Trondheim, Norway. PP, 9-12.
29. Jamarillo, C.F. Kelly, T. 1998. Property rights and deforestation in Latin America. In: Kari, K. (ed.). Forest resource policy in Latin America. Johns Hopkins university press.
30. Jick,T.D(1979) Mixing qualitative and quantitative methods: Triangulation in action ,Administrative science Quarterly, December,24, pp. 602-11. Oaks, New Delhi. Pp 126-142.
31. Kelemework T.R.(2014): Formal and informal land tenure systems in Afar region, Ethiopia Perceptions, attitudes and implications for land use disputes
32. Kumar,R.(2005): Research Methodology, Second Edition, Sage Publication, London, Thousand
33. Lasserre A.D,Fernandes, E.,Payne G., and Rakodi, C. (2007):Socia; and economic impacts of land titling programmes in urban and peri-urban areas:A review of the literature, Government of Nprmay Ministry of Foreign Affairs, PP 58-59
34. Leedy, P.D. &Ormrod, J.E (2001): Practical Research Planning and Design, Seventh Edition, Merril Prentice Hall,Upper Saddle River, New Jersey Columbus,Ohio,Pp 159-162, 197-2002.
35. Lemma, S. F.(2015). The Challenges of Land Law Reform, Smallholder Agricultural Productivity and Poverty in Ethiopia. Thesis Submitted in Partial Fulfilment of the Requirements for the Degree of Doctor of Philosophy (PhD) at the School of Law of the University of Warwick, <http://go.warwick.ac.uk/wrap/71012> PP 196-2111.
36. Lemmen,C 2012. A domain model for land administration.Delfl, Nederland.
37. Muradu A.S., (2014).State Policy And Law In Relation To Land Alienation In Ethiopia, A Thesis Submitted In Partial Fulfillment of The Requirements of The Degree of Doctor of
38. Negasa D. S.(2016). The Role of Land Certification in Securing Women’s Land Rights in Beneshangul Gumuz Region, Ethiopia: Does Legal Pluralism Serve their benefits: Paper Prepared for Presentation at The “2016 World Bank Conference On Land and Poverty” The World Bank - Washington Dc, March 14-18. Philosophy In Law University of Warwick, School of Law.Pp 58-60.
39. Negasa D. S.,(2017).The Role of Rural Land Registration in Enhancing Governance and Tenure Security of Communal Holding in Beneshangul Gumuz Regional State of Ethiopia: Paper Prepared For Presentation at The “2017 World Bank Conference On Land and Poverty” The World Bank - Washington Dc, Pp 13-16
40. Peters, P.E.,(2007): Challenges in Land Tenure and Land Reform in Africa: An Anthropological Perspective. CID(Center for International development) at Harvard University, Working Paper No. 141
41. Qualtrics,X.M,2019: Survey Analysis and Reporting; Cross-Tabulation analysis; research Guide
42. Sayeh A.(2014): Detecting Urban Expansion and Land Tenure Security assessment: The case of Bahir Dar and DebreMarkos Peri-Urban Areas of Ethiopia, Paper prepared for presentation at the 2014 world Bank Conference on Land and Poverty, World Bank Washington DC, Pp.1-3.
43. Seid S. and Adugna L. 2016. Rural house holds’ Livelihood Strategies; options and determinants in the case of Assosa District, Benishangul Gumuz Regional state, western Ethiopia, Assosa university proceeding of second annual research conference. Pp 302-305
44. Semeneh B.D.2015. Collective Action, Property Rights and Bamboo Deforestation in Benishangul-Gumuz Region, Ethiopia. PhD thesis, Haramaya University. PP 39-42.
45. Sharma, A.K.,2005: Dph Mathematics Serries Text Book of Correlation And Regression, DPH, Discovery And Publishing House New Delhi-110002
46. Stickler , M.D.Huntington,H.,And Ewing B, (2018): Measuring Community Perceptions Of Tenure Security: Evidence From Four African Countries Paper Prepared For Presentation At The “2018 World Bank Conference On Land And Poverty” The World Bank – Washington Dc.
47. Swynnerton, R.J.M., 1954, A Plan to Intensify the Development of African Agriculture in Kenya, Nairobi, Government Printer.
48. UNECE, 2005. Land administration in the UNECE region. Development trends and main principle united nation, newyork, Geneva.
49. United Nations Human Settlements Programme (UN-HABITAT), 2004:- How to Develop a Pro-Poor land Policy: Process, Guide and Lessons

- .Secure Land Rights for All, Global Land tool Network, HS/978/08E/ ISBN-978-92-1-131961-3
50. United Nations Human Settlements Programme (UN-HABITAT), 2007:- How to Develop a Pro Poor land Policy: Process, Guide and Lessons .Secure Land Rights for All, Global Land tool Network, Pp 2-3.
51. United Nations Human Settlements Programme (UN-HABITAT), 2008:- How to Develop a Pro-Poor land Policy: Process, Guide and Lessons .Secure Land Rights for All, Global Land tool Network,GPO Nairobi 00100,kenya, Pp 8-9.
52. USAID (2014a): Land Administration to Nurture Development (LAND) Impact Evaluation Design Report. Washington, DC.
53. Watson., (2010): Gender Issues and Pastoral Economic Growth and Development in Ethiopia. In Land Administration to Nurture Development, Gender issues in Ethiopian PastoralCommunities, USAID/ETHIOPIA.Pp.81-85.
54. Williamson, I, Enemark, S, Wallace, J, Rakabifard, A (2010), Land Administration for Sustainable Development, ESRI Press Academy, Redlands, CA, California.pp:5-15
55. Wilson, R.J.A., 1971, "Land Tenure and Economic Development – A Study of the Economic Consequences of Land Registration in Kenya's Smallholder Areas", Journal of the Statistical and Social Inquiry Society of Ireland, Vol. XXII, Part. III, pp. 124-151.
56. Yemane T., (1967): Introductory Analysis,2nd edition, new York university statistics, A harper international edition jointly published by Harper and Row, New York, Evanston and Londonand John weatherhill, Imk., Tokyo
57. YigremewAdal (2002).Review of Landholding Systems and Policies in Ethiopia under the Different Regimes.Pp 4-7
58. Zelelem T.A. and Williams N.L.2005: Indigenous Common Property Resource Management in the Central Highlands of Ethiopia, Human Ecology, Vol. 33; DOI: 10.1007/s10745-005-5159-9

ANNEXES

Annex-1. Data collection tool for house hold survey final in English

1	Kebele of House Hold Head	_____
2	Ethnicity and community status of HH head	_____
3	Sex of HH head	{1, Male, 2 Female}...
4	Age of HH head	{1, 18-35}...
5	Marital status of HH head	{1, Single}...
6	Number of women if polygamy	_____
7	Total number of children per HH head	_____
8	Educational status of HH head	{1, Illiterate}...
9	Source of income(Livelihood)	{1, Agriculture only}...
10	Type of land tenure system	{1, Formal, 2-Informal}...
11	Access to land occupied individually or jointly	{1, Having land, 2-Landless}
12	If yes, method of accessibility/acquisition for majority of plots	{1, From customary clan or elders}...
13	If yes, year of accessibility/acquisition for majority of plots?	{1, Pre 1974}...
14	If yes, total number of plots	_____
15	If yes, total area in hectare	_____
16	If yes, how land size determined	{1, By modern measurement}...
17	Access to communal land?	{1, Yes}...
18	If yes, type of communal land?	{0, No Access}...
19	Access to open vacant land?	{1, Yes}...
20	Presence above 18 years old landless	{1, Yes}...
21	Evidence of ownership or holding right	{0, No evidence}...
22	If legally registered, did you got book for all plots	{0, Not registered}...
23	Do part or all of your land lost?	{1, Yes}...
24	If yes, in which year?	{0, No case}...

25	If yes, by whom?	{0, No case}...
26	If by government, did you got compensation in cash?	{0, No case}...
27	Do part of your land was transferred?	{1, Yes}...
28	If yes, by which means?	{0, No transfer}...
29	If transfer by gift, for whom?	{0, No transfer}...
30	What was legalization of transfer:	{0, No transaction}...
31	Did you faced land related conflicts?	{1, Yes}...
32	If yes, what was the cause of conflict?	{0, No case}...
33	Do the conflict is solved?	{0, No case}...
34	If yes, who were the mediators to solve disputes?	{0, No case}...
35	Perception on importance of modern land formalization	{1, Yes}...
36	Ensuring land accessibility for all	{1, Strongly Disagree}...
37	Defining right of users	{1, Strongly Disagree}...
38	Ensuring security of tenure	{1, Strongly Disagree}...
39	Legalization of land transfer	{1, Strongly Disagree}...
40	Reducing and resolving land related conflicts	{1, Strongly Disagree}...
41	Management and utilization of communal lands properly	{1, Strongly Disagree}...