



# Dispute Management Procedures and Processes for Land Administration & Conflict Assessment

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## Introduction

This note summarises outputs and outcomes from the inputs of Dispute and Conflict specialist Mr Alemtsehay Abera and Mr Clive English (completed 7<sup>th</sup> – 23<sup>rd</sup> June 2017). The input was based on ToRs drafted in late 2016.

One of the key objectives of this input was to complete an initial training and feedback workshop with the Woreda and Regional Coordinators (RCs and WCs), to ensure the LIFT SLLC programme is being implemented in a **'conflict sensitive'** way.

The input was based on the recommendations of the Rapid Assessment Report on Land Conflict Drivers and Land Disputes (November 2016) hereinafter referred to as the RAR.

At commencement of the input it was noted that the emphasis of the recommendations in the RAR is on **'disputes'**, whilst the 2016 ToRs emphasise the importance of 'conflicts'. Despite this, the RAR identifies several 'drivers of conflict' in the Ethiopian setting but also, extensively reviewed and discussed the incidence and causes of land **'disputes'** as they affect the implementation of the SLLC, and how the SLLC responds to these. Seven of the eight recommendations in the RAR Report relate to ***disputes and the need to strengthen LIFT's procedures and strategy for capacity building for dispute resolution at different levels, including the Woredas and Kebeles.*** Only recommendation No. 8 raises the issue of wider **'conflicts'** based on the single driver relating to 'access to credit for those receiving SLLCs and those who do not'.

The terms **'conflicts'** and **'disputes'** are often used interchangeably resulting in some confusion as to what is being considered and what actions are required to amend procedures and systems under the SLLC programme.

Because of these anomalies, the 2016 ToRs were reviewed to reconcile the 2016 ToRs emphasising drivers of conflicts, conflict monitoring systems, assessments of risks/mitigations and provision of related conflict indicators, with the recommendations of RAR which provide stronger emphasis on the management of disputes. The purpose of the review was to allow for the development of functional systems and procedures for monitoring *both* disputes and conflicts.

The review was undertaken with the two specialists, the LIFT TL and DTL. The specialists drafted initial comments on the ToRs and received written responses from the TL and DTL. Based on these responses revised ToRs were drafted and agreed by the LIFT Team Leader and Deputy Team Leader on 12<sup>th</sup> June. Revised deliverables and dates were provided based on a clearer definition and separation of disputes and conflicts as they relate to the SLLC. Both disputes and conflicts would thus be the subject of the proposed training to obtain feed-back from the participants/stakeholders on any proposed changes or improvements that might be required in conflict and dispute recording, and resolution.

Comments of the TL and DTL were incorporated and a training workshop was scheduled for 22<sup>nd</sup> – 23<sup>rd</sup> June 2017. The resulting revised ToRs are presented in **Appendix 1**, with the original 2016 ToRs 2016 and the recommendations of the RAR.

This end of mission statement summarises outputs and outcomes of this input based on the results of the workshop and interpretation of baseline statistics. A distinction is made between disputes and conflicts – each of which requires a different set of responses and related procedures. Two points of emphasis were addressed:

- The incidence, typology and recording of disputes, and how these are being referred for resolution under the SLLC procedures
- The incidence of conflicts, SLLC recording and the response of the SLLC systems and procedures for working in areas where there is existing and potential conflict.

The outcome of this will require modifications to the SLLC manual relating to conflicts and dispute management and recording. These modifications have been addressed, initially, through the SLLC Information Guidance Notes (SIGNs – for disputes and conflicts) for LIFT team review and comment, before ultimately being incorporated into the SLLC procedures manual and field methods. The latter will require a schedule for training, training material and systems development for the field teams, the Kebeles and Woredas.

This work does not repeat material and recommendations presented in the RAR but provides for implementation. The heading structures of the RAR recommendations are retained referring to measures that relate to i) LIFT/SLLC **procedures** for Conflicts and Disputes, ii) **recording** of dispute and conflict data and iii) issues related to **capacity building**.

## Approach to the Work

'**Disputes**' in land represent one end of a continuum that are limited in geographical extent and numbers (e.g. parcel boundary disputes and individual counter claims over land involving inter and intra family disputes). Dispute registration and resolution is an essential component in any first registration initiative and accompanying land administration system development. This is part of LIFT's capacity building mandate under LTR and RLAS work. **Dispute** data and procedures/channels for resolution are clearly mapped out in the Land laws and regulations and LIFT is currently responding to these. However, the RAR notes several areas where there is room for improvement<sup>1</sup>.

At the other end of the continuum are '**conflicts**' that are broader in scale/scope and cover wider areas, potentially, impacting larger groups of people/claimants that can escalate to confrontation and even violence. Concerns have been raised regarding the incidence of larger **conflicts** and how these are recorded and managed. These may include long term residual conflicts, triggered by FLLC and/or SLLC or other factors such as common land or investment and expropriation driven disputes. Where such conditions prevail the SLLC must 'do no harm'. Conflict recording, and resolution must be evidence based, properly recorded and referred to the appropriate legal and administrative level for resolution. How SLLC responds to conflicts relates to evidence gathering, sensitivity, awareness, referral, procedures for resolution and all related issues. The procedures for each of these should be made clear.

The approach taken to respond to both these realities is as follows:

- Clarifying current recording and analysis procedures for conflicts and disputes with a view to improving these – this would include an analysis of sample data from the field
- Review of conflict drivers, the scale and incidence of these in the LIFT areas, the methods used for recording these and responses made.
- Designing a training workshop that would aim to clarify issues relating to disputes and conflicts, seek feedback and responses from Woreda and Regional Coordinators.
- The output from the training workshop session would provide opinion and consent for whatever measures/actions would need to be taken to improve existing SLLC systems and procedures. This would provide a basis to design a TNA.

The outputs from the workshop would support the following deliverables as given in the revised ToRs.

- Training and materials on conflict sensitivity and disputes for the regional and woreda coordinators and field team leaders for LIFT's active Woredas that are undergoing SLLC
- Monitoring systems and procedures for conflict sensitivity and risk indicators for land certification completed as a SIGN Guidance Note.
- SIGN Guidance Notes for the management of disputes and conflicts
- Work programme for implementation of future training programmes to institutionalise dispute management and conflict sensitivity. The timing, and who will be involved, will also be recommended.

These outputs were dependent on the outcome/outputs and recommendation from the training/workshop held on 22<sup>nd</sup> -23<sup>rd</sup> June.

## Summary of Tasks Completed

The following tasks were completed by the two specialists 7<sup>th</sup> – 23<sup>rd</sup> June 2017.

- Review of ToRs and drafting of revised ToRs (Appendix 1 to this document).
- Agreement on the scope of work and output deliverables feasible under this assignment.
- Acquiring and analysing baseline statistics on disputes. Data was obtained for 23 woreda and analysed by dispute types and gender. The results were used in the training/workshop sessions on 22<sup>nd</sup> - 23<sup>rd</sup> June.
- Reviewing existing reports and operations manuals as they pertain to disputes and conflicts
- Preparation of an agenda and material for the Workshop Training session with presentations, interactive exercises and feed-back sessions on dispute management and conflict sensitivity.

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<sup>1</sup> Rapid Assessment of Land Conflict Drivers, Land Disputes and Grievance Redress Mechanisms in three Regions of Ethiopia, Nov 2016 pp 30-33

- Implementation of the training/workshop agenda and distillation of the results, feed-back and conclusions
- Drafting of summary table of requirements for going forward based on consensus from the workshop/training participants.
- Drafting of SIGN documents for disputes and conflicts for ultimate inclusion in the operations manual.

## Findings

The following is a summary of the headline items completed 7<sup>th</sup> – 23<sup>rd</sup> June.

### Disputes

#### *Review of Current LIFT Experience and Reports*

The mission focussed on a reviewing the Rapid Assessment Report and accompanying recommendations, the SIGN content and formats and the Operations Manual. Data from the LIFT database was obtained and analysed.

#### *Dispute Statistics*

Statistical analysis was completed for 23 woredas in all four regions (6 in Tigray, 3 Amhara, 7 Oromia and 7 SNNP). The results were presented in the training workshop. A more detailed assessment was completed for each of the Kebeles in the 23 Woreda – this included the number and type of disputes under the current LIFT classification, and the gender ratios.

The current data, project-wide, show a ratio of < 0.5 of one percent of parcels demarcated are disputed (<0.2 percent). As at 1st May LIFT demarcated 4,594,840 parcels with recorded disputes: 8,368 or 0.18%. Analysis of data, from each of the 23 woredas, show ratios which seldom achieve more than 1 percent of total demarcated parcels disputed. A high proportion of the Kebeles in these woreda have no disputes recorded at all (see tables below). Tigray reported over 51 percent of Kebeles with no recorded disputes. The next highest was the SNNPR with 39 percent.

#### *Proportion of Kebeles with Recorded Disputes (based on a sample of 23 woreda)*

Region	No. of Woreda	No. of Kebele	Kebele with Disputes	%	Kebele with no Disputes	%
Tigray	6	104	51	49	53	51
Oromia	7	169	140	83	29	17
SNNPR	7	196	120	61	76	39
Amhara	3	101	79	78	22	22

The highest number of disputes are in the 'ownership' category with 59 percent. Boundary disputes comprised 15 percent of the total disputes measured and 14 percent 'others' (see tables below).

#### *Land Disputes Typology – Sample data from 23 Woredas*

Region	No of Woreda	Boundary	Inheritance	Ownership	Not Available	Others	Total
Tigray	6	145	37	255	145	242	824
Oromia	7	414	490	2,596	59	682	4,241
SNNP	7	319	44	925	21	95	1,404
Amhara	3	205	68	605	69	36	983
<b>Total</b>	<b>23</b>	<b>1,083</b>	<b>639</b>	<b>4,381</b>	<b>294</b>	<b>1,055</b>	<b>7,452</b>
<b>%</b>		<b>15</b>	<b>9</b>	<b>59</b>	<b>4</b>	<b>14</b>	<b>100</b>

### Land Disputes Typology by Gender – Sample data from 23 Woredas

Woreda	BOUNDARY			INHERITANCE			OWNERSHIP			NOT AVAILABLE			OTHER			Total
	F	M	ND	F	M	ND	F	M	ND	F	M	ND	F	M	ND	
Tigray	58	87	0	7	30	0	95	160	0	57	88	0	115	127	0	824
Oromia	186	228	0	199	291	0	1,168	1,428	0	20	39	0	252	430	0	4,241
SNNP	108	211	0	12	32	0	289	636	0	7	14	0	17	78	0	1,404
Amhara	91	114	0	24	44	0	289	316	0	41	28	0	11	25	0	983
Total	443	640	0	242	397	0	1,841	2,540	0	125	169	0	395	660	0	7,452
%	6	9	0	3	5	0	25	34	0	2	2	0	5	9	0	100

Albeit with a limited sample of records three general features emerge from this analysis.

- The overall number of disputes remain very low – this fact is supported by the individual woreda assessments where the highest percentage of disputes is 1.63 percent and the lowest at 0.08 percent.
- There is a preponderance of disputes in the ‘ownership’ category (59 percent) with 15 percent in boundaries and 14 percent in ‘other’ – subset data for the type of ‘ownership’ disputes and others is not available.
- In all dispute categories males dominate over females.

There is currently no evidence that the low incidence of disputes emerging from the SLLC is anything other than the actual situation. In other countries similar figures have been recorded during regularisation of tenure – in Tanzania around 1 percent and Rwanda 2 percent. In all cases there is a request during PAC for all disputants to try to resolve disputes/issues before the commencement of the SLLC process. Field staff report this request is generally observed before demarcation and adjudication commences, and that the SLLC process itself generally clarifies and resolves simple disputes without reverting to kebele arbitration or woreda litigation. However, the draft findings of the Conflict Mediator Survey indicate a decline in the number of land disputes generally.

Nevertheless, confidence in these numbers amongst the RC and WC is low, believing the figures were under reporting disputes. Despite the consistency of low numbers across the regions and woreda, staff were unable to give reasons why there is a perception that the data is understating the true picture. This perception may be due to the received wisdom that land disputes are commonplace. Disputes can involve multiple households and resolving them can be a lengthy process, magnifying the significance of the dispute. Disputes are always emerging, and SLLC only presents a snapshot in time. It is likely that over a five-year period a relatively larger number of households will experience disputes - this would also have a magnifying effect. There is clearly a need for more field and data analysis on reporting and messaging in PAC to confirm the figures.

#### Dispute Procedures - PAC

The workshop participants reported inconsistencies in the advice that is being given to claimants and members of the public at the PAC stage. Advice on the content of the proclamations is provided but not structured advice to disputants to help them understand the opportunities available for finding solutions to disputes at each stage of the SLLC. It seems most are reverting to the legal processes at Kebele and Woreda levels before or after demarcation and adjudication.

Current PAC documentation/posters only provide advice on boundary disputes – and then only briefly within the text of a poster. It is unclear what verbal messages are delivered and how well potential disputants understand the options open to them. There is a requirement to improve in raising awareness. Summary proposals are set out below.

#### Procedures - Tracking

The review of procedures for recording disputes under the SLLC also required a review of current referrals procedures and how disputes are managed and/or resolved when received by the Kebele administration and the Woreda courts.

The workshop confirmed that disputes encountered during demarcation and adjudication are often (but not always) referred *directly* to the Woreda Courts by the field staff (referred to the Kebele Court - in Tigray only). This often means resolved disputes are not brought to objections and corrections even though parcels will already have been recorded as 'disputed' during demarcation and adjudication. New disputes may also still arise before and during objections and corrections that presents further opportunities for resolution.

The actual number of disputes recorded, therefore, only reflects those disputed parcels identified and recorded during demarcation and adjudication, though additional disputes may arise during objections and corrections. The initial number recorded during demarcation is therefore subject to change (reductions or increases) as parcel disputes are resolved on an ad hoc basis. Beyond those disputes recorded at demarcation and adjudication there does not seem to be any further tracking of the numbers through the system (see following diagrams).

There is a need to track those disputes referred to Kebele Arbitration and Woreda Courts and those that are resolved. There is also a need to be clear how disputes are resolved at Kebele level and implement basic standards for arbitration.

### ***Procedures - Recording***

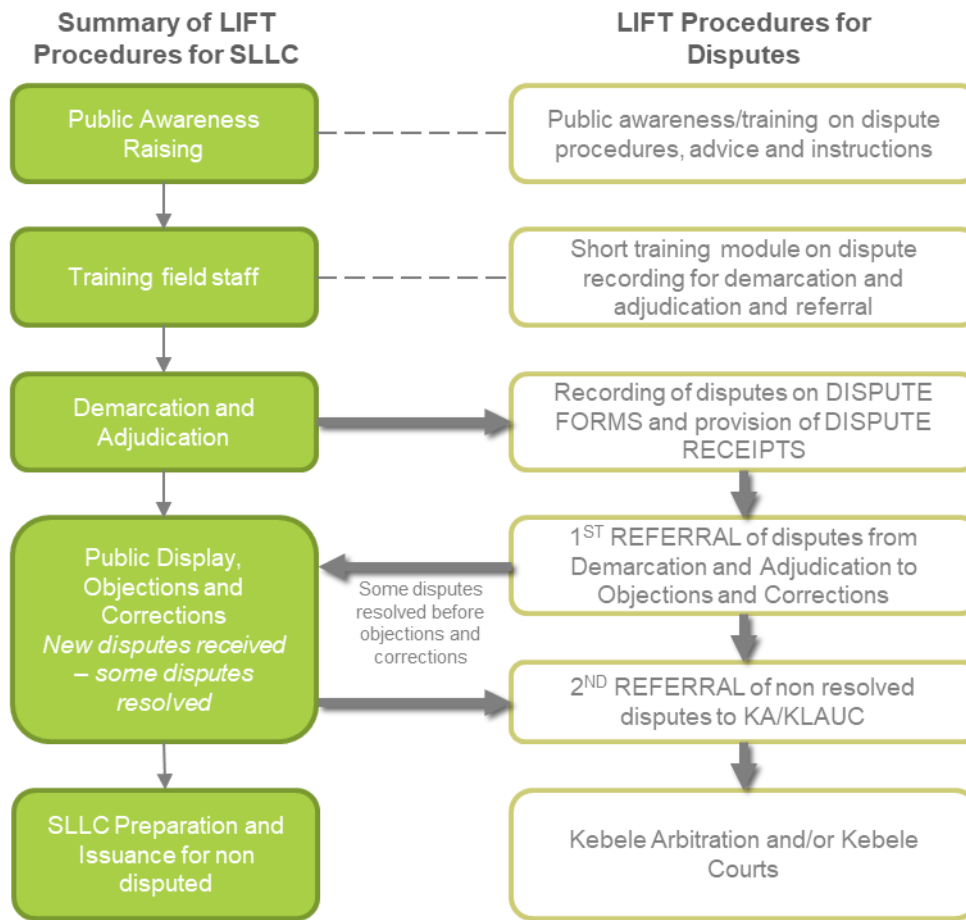
There is need for some consideration of how numbers of disputes are tracked through the system. This was the subject of much discussion and a morning long exercise with the workshop participants to assess dispute recording procedures and what the group thought should be done to improve these.

In summary everyone accepted that disputes are recorded using the existing typology, and that no records are maintained until notification is received of a parcel dispute resolution. The trigger for this is a change to parcel status in the database.

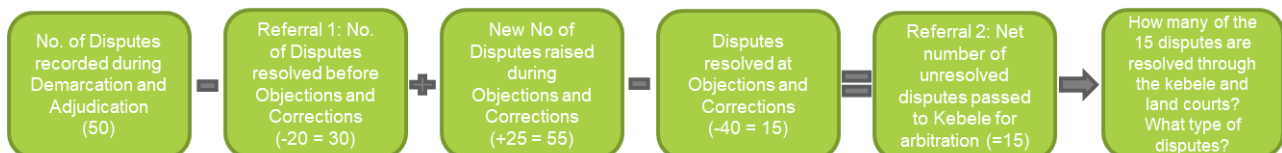
Recording numbers at the key referral points and tracking the process is the most effective way of monitoring disputes (see following diagrams). A dispute register (in duplicate) is an effective method of recording in the field, but only individual forms are currently used, and receipts issued to the disputants. This disperses important information making it more difficult to monitor. A duplicate dispute book which would enable a register to be compiled as each dispute occurs. The book can then be passed on at each referral point to enable better tracking and reporting. An alternative to a hardcopy register would be to examine how iMassreg could generate consolidated reports.



### Recording Procedures for Dispute Monitoring



### Example of Recording/Tracking Incidence of Disputes.



### Procedures – Dispute Typologies

Recorded disputes should be disaggregated into types so that those resolved and not resolved through the various legal channels can be monitored and quantified by type.

Questions were raised at the Workshop as to whether the four categories of dispute typology currently in use in the SLLC adequately reflect actual disputes that are being encountered. For example, ‘inheritance’ related disputes are a data subset of ‘ownership’ (or counter-claim) disputes since these are often siblings or married persons contesting an ownership claim. The heading ‘other’ comprises a miscellaneous, unspecified group of disputes which represent 14 percent of total disputes recorded. It is unclear what type of disputes are being recorded here.

The diagram below sets out proposals for re-categorising dispute types in contrast to the current system. The rationale for this is to accurately record issues as they arise and to classify dispute types to enable more effective arbitration and litigation procedures.

LIFT DISPUTE

PROPOSED DISPUTE TYPES

LIFT has 4 categories (not sub-divided) which capture all disputes – ‘inheritance’ is a function of ‘ownership’

Not sub-divided	Not sub-divided	Not sub-divided	Not sub-divided
BOUNDARY	OWNERSHIP	INHERITANCE	OTHER

BOUNDARY		BORDER	COUNTER-CLAIM (OWNERSHIP)	
Private	Land use	Administrative / Political	Inter-household	Intra-household
<ul style="list-style-type: none"> <li>• Adjacent parcels</li> <li>• Local land grabs</li> <li>• Residual FLLC</li> </ul>	Encroachment Land and/or resource use	Between states, Woredas and Kebele	<b>Transactions</b> <ul style="list-style-type: none"> <li>• Gifts</li> <li>• Rental agreements</li> <li>• Illegal occupations</li> <li>• Residual FLLC</li> <li>• Other</li> </ul>	<ul style="list-style-type: none"> <li>• Sibling rivalry</li> <li>• Inheritance</li> <li>• Gifting</li> <li>• Residual FLLC</li> </ul>

More information is required on ‘ownership’ disputes and the ‘others’ if LIFT is to accurately record claims profiles, inter and intra-family issues. The workshop participants’ view was that such a change in the classification is justified whilst recognising this would require additional procedural work. Document templates and dispute recordation would need to change and, ultimately, the data fields in the database. The following tables summarise the rationale and details for each classification.

Dispute Type	Sub-type	Arising from	Comments
Boundary	<b>Private individuals on adjacent parcels challenging the position of a boundary</b>	Residual from FLLC, unmarked or badly marked boundaries possibly caused by natural circumstances, land grab from more powerful neighbour	
	<b>Land Use Encroachment - into communal/private land by one or more claimants</b>	A land use boundary related issue, possibly resulting from ambiguous or informal boundary arrangements between communal land and private land - this may or may not be deliberate encroachment	<i>If in sufficient numbers and encroachment is significant potential for escalation into conflict.</i>
Border	<b>Administrative Border - between two Woredas or between two Kebeles</b>	Boundaries may or may not have been surveyed to a given standard so accurate border locations might not be known.	<i>Potential for wider conflict</i>
Counter Claim (Ownership)	<b>Inter - household (inc. extended family and non-family) - counter claim from another household or individual not related to the original claimant(s)</b>	<b>Transactions</b> including; <ul style="list-style-type: none"> <li>• Undocumented <b>gift</b></li> <li>• Undocumented <b>land sales</b></li> <li>• <b>Rental agreements</b> (cash and share crop)</li> <li>• <b>Illegal occupation</b>/'squatting'</li> <li>• <b>Other</b> reasons to challenge a claim on a particular parcel</li> </ul>	
	<b>Intra- household</b>	<b>Inheritance</b> , among siblings, (between brothers and between brothers and sisters and widows), sibling rivalry gifting to adult children.	

### Procedures – Kebele Arbitration and Woreda Courts

There is a limit to what interventions can or should be made by LIFT in Kebele and Woreda dispute proceedings for those disputes emerging from SLLC processes. Disputes are a matter for the local authorities and the potential for increased numbers of disputes for resolution will test the capacity of existing institutional and legal structures. Evidence provision is a key contribution of the SLLC work, however, the need to avoid costly litigation at Woreda level requires that disputes are resolved before this stage – notably at Kebele level or at the point of SLLC delivery. Improving and standardising advice both to claimants and Kebele staff, KLAUC and the elders would be one way of achieving this.

The Workshop agreed there is a need for such guidance and information packages, along with simple training on recording and documentation. This should be integrated in to RLAS and linked to advice given at PAC. Comments are provided in the matrix below.

This initiative would enable the Kebeles to address the additional dispute burdens arising from SLLC by offering clear advice and guidance on what to do with those referrals emerging from D&A and O&C. This will also serve to curtail the flow of disputes to Woreda Courts.

### **Conflicts and Conflict Sensitivity**

As noted in the comments on the ToRs (above) the requirements for addressing 'conflicts' under LIFT required definition and clarification at the commencement of this input and at the start of the workshop. This resulted in amendments to the ToRs that separated dispute management from broader issues of conflict and conflict sensitivity.

After reviewing the Rapid Assessment Report comments the following comments/recommendation on conflicts and conflict sensitivity have been made.

#### **Recording of Conflicts**

An initiative was taken early in the LIFT project to record and detail existing and potential conflicts in land to a standard format. This seems to have fallen out of use. LIFT should review this procedure in the context of the procedures outlined in the SIGN Conflict statement. This will provide details of conflict in any one area and a 'context' for each of the Woredas in which the SLLC is being undertaken. This is important if the principle of do no harm is to be addressed.

Based on the drivers presented in the RAR a system for recording and monitoring conflicts more effectively is proposed in the draft SIGN document.

#### **Conflict Sensitivity**

There are several generic definitions of what 'conflict sensitivity' refers to, but none relate specifically to land related conflicts directly.

SLLC responses to conflicts or drivers of conflict must however be clarified. The workshop participants were given scenarios related to grazing/common land issues, urban and peri-urban expansion, expropriation and investment to resolve in open discussion in the context of SLLC work. There were clear and sensible approaches to these issues, however, it was agreed a SIGN document would help to challenge assumptions on conflicts and clarify what should be done when specific types of conflict are encountered.

Comments and methods are provided in the SIGN Conflict document for consultation and comment.

Conflict risk matrices and mitigations are presented in the following table. These are also reproduced in the SIGN document.

#### **Conflict Procedures and Referrals**

There is no current consensus on procedures for recording and monitoring new or existing conflicts on LIFT, but the following is recommended for LIFT/SLLC:

- Systematic assessment and recording of the incidence and type of conflicts emerging at the outset of SLLC work in a given area (sometimes called conflict analysis in the literature) – check list of what must be recorded is provided in the Draft Conflict SIGN Document.
- Clarification/adjustment to SLLC procedures for existing and emerging conflicts – i.e. ensuring SLLC is implemented in a 'conflict sensitive' way.
- Training of trainers to improve awareness and responses to conflicts as they emerge

Recording of conflicts and ensuring a record is maintained of ambient conflict issues is essential for ensuring SLLC work in each of the Woredas is given a proper context. A procedure and format is set out in the SIGN documents.

Drivers of Conflict	Risk	Mitigations
1. Population growth, density	<ul style="list-style-type: none"> <li>• Demand for land increase</li> <li>• Population densities increasing</li> <li>• Rural to urban land conversion – increased fragmentation</li> <li>• Risk of escalating conflicts over access to land for residential/commercial and agricultural purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Implement security of tenure policies and plans</li> <li>• Clarify rights in land and register rights - resolve individual disputes and conflicts over land and resources through effective land administration</li> </ul>
2. Land and Resource use conflict particularly decreasing availability of grazing land	<ul style="list-style-type: none"> <li>• Unlawfully claim/encroach on communal grazing lands from sedentary farmers</li> <li>• Restricted access to grazing and obstruction to traditional transhumant paths/routes</li> <li>• Restricted access to water</li> </ul>	<ul style="list-style-type: none"> <li>• Peace committees to hear, and try to resolve conflicts – based on simple local systems of bi-laws</li> <li>• Clarify and resolve rights issues/claims and seek compromises on access to common lands or other lands where access is disputed</li> <li>• Practice zero grazing (best practices from Tigray and Haraghe)</li> </ul>
3. Expropriation	<ul style="list-style-type: none"> <li>• Corrupt expropriation and compensation and inadequate management of resettlement</li> <li>• Displacement of re-settler communities and movement to new 'receiving areas'</li> <li>• Density of settlement in resettlement 'receiving areas' may cause conflict</li> <li>• Multiple claims (construction of 'moon houses')</li> </ul>	<ul style="list-style-type: none"> <li>• Develop land use policies, strategies and master-plans for regions and the country (this is currently on-going)</li> <li>• Effective and efficient application of <b>Proc. No. 455/2005 (a proclamation to provide for the expropriation of land holding for public purposes and payment of compensation)</b></li> </ul>
4. Large and medium scale Investments	<ul style="list-style-type: none"> <li>• Insufficient and proper consultation during and after the implementation phase</li> <li>• Displacement of local communities, with social and land related consequences</li> <li>• Negative impact environmental context e.g. deforestation, pollution (encroachment of investors on grazing and farm land)</li> <li>• Instigate conflict from opponents of the project</li> <li>• Illegal evictions of population</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure all rights to land are clarified and underwrite effective transfer of that land – with compensation rates that are clarified and confirmed at the outset</li> <li>• Incorporate grievance/dispute/conflict resolution mechanisms during and after investment project development stages (this is frequently not applied)</li> <li>• Ensure national/international laws and best practice are employed when planning and implementing – and that processes are transparent</li> <li>• Allow communities to fully participate in the project cycle management process</li> </ul>
5. Urban and Peri-Urban Expansion	<ul style="list-style-type: none"> <li>• In-migration for urban housing and land creates significant pressure for land</li> <li>• Municipal rights override the FLLC or SLLC in expanding towns</li> <li>• Rural peri-urban still based on SLLC -but are expanding into small towns.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure rights are clear – preferably with legal titling - and that only legal settlement prevails</li> <li>• Policy reviews should consider rural land rights under SLLC having equal status to those of urban rights particularly where urban expansion is encroaching into rural land</li> </ul>
6. Weak land governance	<ul style="list-style-type: none"> <li>• Lack of capacity at all levels to address the complex issues arising</li> <li>• Lack of awareness of laws and regulation and how to implement them</li> <li>• Lack of transparency on land use management</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity building to bring laws and regulations into effect</li> </ul>

## Building Capacity

Capacity building and training is required for all the above (subject to donor/team approval/discussion). For capacity building at Woreda and Kebele, the requirements are summarised as follows.

- Provision of draft SIGN documents for Conflicts and Disputes
- LIFT/SLLC to review the current training and extension materials for disputes and conflicts and those proposed below and agree materials to be developed. This can be based on the power point training presented in June 2017 and the draft SIGN documents for disputes and conflicts.
- Once extension and training materials have been agreed, training schedules and training of trainers must be prepared. The consensus is that the ‘trainers’ will comprise all of the participants who were present 22<sup>nd</sup>-23<sup>rd</sup> June. Already sensitised to the issues and provided with the power point presentations they will be the main agents of dissemination of procedures and materials to the lower levels.
- These initiatives must also form part of the RLAS.

## Outputs, Recommendations and Timing

### ToR Deliverables

The main focus of the June input was on the preparation and delivery the Training Workshop and raising awareness of the RCs and WCs. The outcome of what has been agreed in the workshop must now be put into a comprehensive implementation programme pending consideration of these recommendations by LIFT and GoE. Implementation will require inputs from the RCs and WCs. This will enable development of a structured approach in the field.

The table below (from the ToRs) summarises the status of deliverable. Refer to the following table in the following page for more details on implementation and the draft SIGN documents.

Deliverables	Due Date	In-country	Comments
<b>Conflict Sensitivity</b> , monitoring system for conflict and risk indicators for land certification ( <b>SIGN Guidance Notes</b> ) including how to implement SLLC in a conflict sensitive way	June 2017	Ethiopia – SIGN Draft produced in UK following completion of the workshop on 23 <sup>rd</sup> .	Conflict SIGN documents have been drafted and provided to the LIFT team. The SIGN documents are to be integrated into the Operations Manual.  This summary Mission Statement provides an outline of the key principles and achievements to date.
<b>Training and all related materials on conflict sensitivity and disputes</b> for the regional and Woreda Coordinators and field team leaders for LIFT’s active Woredas that are undergoing SLLC	June 2017	Ethiopia	The current power points provide the key basis for development of training materials. Training must cover all of items listed. These materials can be adapted and modified to enable extension to the land institutions.  See listings in the table below. Required materials will support the SIGN documents and will require inputs from PAC and others, plus translations and art-work.
<b>SIGN Guidance Note</b> on Dispute Management	June 2017	Ethiopia – dispute SIGN drafted in the UK and submitted to LIFT	The SIGN guidance notes details all the procedures and initiatives required to refine current dispute management to be included in the operations manual. Required training other than that provided in the power points must draw from this document.
<b>Summary end of Mission Statement and work programme</b>	June 2017	Ethiopia	This draft – implementation programme to be agreed and drafted.

## Materials and Training Requirements for Dispute and Conflict Management

The following table summarises overall requirements for training and development of materials for conflicts and disputes. This is divided in to three sections; procedures, recording and capacity building. Details were

discussed in the Training/Workshop 22<sup>nd</sup> – 23<sup>rd</sup> June and largely agreed between the participants and the Specialists. Designs should reflect current statements given in the Draft SIGN documents.

Item	Type of Materials	Purpose	Responsible
<b>LIFT Procedures</b>			
<b>SLLC Public Outreach and awareness materials on disputes and dispute management</b>	Explanatory pamphlets or leaflets devoted to those claimants in dispute or potentially in dispute over land parcels (boundaries, counter claims etc.)	To explain/advise on all dispute/objections procedures to land users what claimants in dispute must do if disputes cannot be resolved during SLLC procedures. This material must also provide advice and guidance on when, and which, of the legal institutions to attend when all SLLC efforts are exhausted.  Packages will be designed to ensure standard procedures are followed by claimants and the SLLC procedures are consistently applied. These must reflect slight differences between regions	Design of messages through the PAC – WC and LIFT team to discuss message content and how this should be structured. Some design and artwork inputs are anticipated.  <i>(current materials only briefly cover boundary disputes and do not go far enough – see SIGN draft)</i>
<b>Special extension material/guidance notes on gender and other vulnerable groups potentially involved in disputes</b>	Explanatory pamphlets or leaflets devoted – covering gender and VG in dispute – where needed	Design to cover similar, more nuanced advice/messages on disputes as above.	Design of messages through the PAC – guidance from WC on both the design and target groups. Some design and artwork inputs are anticipated.
<b>Operational SLLC Information Guidance Notes (SIGNS) - Disputes</b>	Dedicated SIGN document for Disputes only using existing SIGN formats	To be included in standard operating manual and implemented in all field procedures.  - that addresses field procedures and recording of disputes in the field – including document templates	WC and RC already provided guidance on what SIGN documents will contain. A draft has been concluded and submitted to the LIFT team.
<b>Conflict Recording and Sensitivity</b>			
<b>Assessment/Analysis forms for existing and potential conflicts</b>	Document template(s)	To routinely record the incidence of conflicts in SLLC areas to a standard template based on CSC practices	The Rapid Assessment Tool used when opening new woredas should be reviewed and updated to incorporate the recommendations of this report and the Conflict SIGN. LIFT Management should then follow-up the deployment of this revised tool in the field.
<b>SLLC Information Guidance Notes (SIGNS) - Conflicts</b>	Dedicated SIGN document for conflict analysis and sensitivity only using existing formats	Ensure conflicts are properly recorded in SLLC and that all routine procedures are conflict sensitive. This enables the determination of what response the SLLC will have when regularising in any given conflict situation.	Draft completed for consideration by LIFT Team.
<b>Capacity Building</b>			

Item	Type of Materials	Purpose	Responsible
<b>Training needs assessment (TNA) in all of the above</b>	All materials required listed above – also see below	To strengthen current SLLC procedures for recording and resolution of disputes and implementation of conflict sensitive approaches.  System for integrating new materials into existing SLLC procedures to be agreed	TBD - more consultation with RC and WC pending approval of draft training materials
<b>Kebele Arbitration Guidance Notes</b>	Simple standalone guidance sheets/folder to disputants and arbitrators	To be provided to Kebele and disputants to ensure best practice in village arbitration	Design of messages and materials through the PAC – supported by (TBD)
<b>Simple Kebele Training Package on Arbitration</b>	Simple standardised extension package for arbitration management at Kebele level	To enable Kebele to implement best practice in arbitration and to promote just hearings and solutions	Design of messages and materials through the PAC – supported by (TBD)
<b>Training of Trainers for cascading training on dispute recording, and management and arbitration</b>	Training package for Trainers to extend all procedures and packages	Final model to roll-out arbitration and dispute resolution as part of and inclusion in the RLAS	TBD

## Annex 1- Terms of Reference

### Revised ToRs Conflicts and Dispute Resolution 2017, original ToRs 2016 and Summary Recommendations from the Rapid Assessment Report -12th June 2017

#### International Conflict/Dispute Experts

#### Project

Land Investment for Transformation Programme (LIFT)

#### 1.1. Overall Project Objective:

The overall project objective of the Land Investment for Transformation Programme is to improve the incomes of the rural poor in Ethiopia.

#### 1.2. Project Purpose:

The project purpose of the Land Investment for Transformation Programme is to increase land tenure security through second level land certification (SLLC) and improved rural land administration systems, maximising benefits to small holder farmers through making markets work for the poor (M4P) component, in the four states of Oromia, Amhara, Tigray and the Southern Nations, Nationalities and Peoples Region (SNNPR). At the national level the project will work with the Government of Ethiopia to ensure the transparency of land allocation, commercial land investment procedures and other policies and procedures are consistent with international good practice and human rights commitments.

#### 1.3 Background: Conflict and Dispute Analysis

A key part of the work of LIFT is the need to build capacity to enable identification of the key drivers of land related conflicts and disputes; sensitising local authorities, the public and the LIFT field teams to implement appropriate GRM in the LIFT field programme procedures (including, conflict awareness, sensitivity recording and referral and procedures for resolution).

Given the progress on the LIFT SLLC fieldwork, there is now a requirement to build capacity in conflict analysis, dispute management and resolution in the form of training and capacity building learning by doing. So far two areas of work have now been completed.

- Conflict analysis desk review involving an assessment of the drivers of conflict and interaction between factors escalating land disputes and lift programme activities (report 2015)
- A rapid assessment of land conflict drivers, land disputes and grievance redress mechanisms (report 2016) – this report provides 8 recommendations on the way forward for conflict and dispute management

Whilst there are clear regulations and procedures for dispute recording and resolution, all of which have been established on LIFT, more work needs to be done to ensure disputes are being effectively recorded and managed at Woreda and Kebele levels and that current systems and procedures are working.

Work is also needed on wider conflict analysis and sensitivity involving a monitoring system, assessment of risks, provision of key risk indicators with mitigations, sensitivity of the LIFT SLLC programme activities to conflict.

Both disputes and conflict sensitivity are to be included in the LIFT procedural/operational manual through the SLLC Information Guidance Notes (SIGNS).

The proposed input of the Conflict/Dispute specialists will seek to build on the recommendations provided in the rapid assessment report, providing background, context, training procedures and manuals for the LIFT teams, Regional Woreda and Kebele. This will cover wider land related conflicts and land disputes emerging from the SLLC programme under the following broad headings.

- Conflict Sensitivity Training and Procedures
- LIFT Procedures – Disputes
- Capacity Building

The work will also set out an outline strategy and programme for taking the work forward.

#### 2.1 General Job Description



The Conflict/Dispute specialists will be responsible for undertaking the following activities based on the findings of the Conflict and Land Dispute Rapid Assessment report findings into the following:

### 2.1.1 Conflict Sensitivity Training

- Develop training materials for conflict risk assessment, sensitivity and analysis and how to implement SLLC in a conflict sensitive way
- Draft a working document on conflict analysis, risks and mitigations for the SLLC Manual using the existing manual structure/templates (SIGN Guidance Notes)
- Ensure that *relevant* conflict sensitivity training is incorporated into LIFT field training programmes and becomes a definable task in the SLLC field procedures
- Guide the process of implementation, on an intensive basis initially but increasingly handing over responsibility to the full-time programme team and the national conflict advisors.
- Ensuring that the approach to conducting the above activities incorporates recommendations made by the DFID funded Conflict Sensitivity Consortium as well as being tailored to the needs of LIFT.

### 2.1.2 LIFT Procedures on-reporting Disputes

- Review current procedures and practice for recording the incidence of disputes through current procedures and resolving and reporting disputes. Draft any proposals for change/improvement/inclusion in the SLLC Manual with regard to dispute recording and resolution and methods for incorporating/operationalising these into current field procedures
- Develop a SIGN Guidance Note for dispute management. Ensure consistency with the SLLC manual overview and the Gender and Social Inclusion document.
- Monitoring and reporting on the incidence of disputes through the current procedures.

### 2.1.3 Capacity Building

- Providing training of trainers on conflict sensitivity and conflict analysis to regional and woreda coordinators and field team leaders.
- Provide a summary action/task-oriented work plan for cascading the training to all of the institutional levels

## 2.2 Deliverables

- Training and materials on conflict sensitivity and disputes for the regional and woreda coordinators and field team leaders for LIFT’s active Woredas that are undergoing SLLC
- Monitoring system and procedures for conflict sensitivity and risk indicators for land certification completed as a SIGN Guidance Note.
- SIGN Guidance Note for the management of disputes
- Work programme for implementation of future training programmes to institutionalise dispute management and conflict sensitivity – to be included in the summary end of Mission Statement

## 2.3. Location of Work

Two Conflict/Dispute Specialists will be based in the Ethiopia and will be required to spend some time in the field. Some drafting may be done as a desk exercise in Ethiopia and/or UK

## 2.4. Lines of Reporting

The Conflict Expert will report to the Deputy Programme Manager.

## 2.5. Schedule of Deliverables

Deliverables	Due Date	In-country
Conflict Sensitivity, monitoring system for conflict and risk indicators for land certification (SIGN Guidance Note) including how to implement SLLC in a conflict sensitive way	June 2017	Ethiopia

Deliverables	Due Date	In-country
Training and all related materials on conflict sensitivity and disputes for the regional and Woreda Coordinators and field team leaders for LIFT's active Woredas that are undergoing SLLC	June 2017	Ethiopia
SIGN Guidance Note on Dispute Management	June 2016	Ethiopia
Summary end of Mission Statement and work programme	June 2016	Ethiopia

### **Original ToR Objectives and Deliverables**

What is proposed above meets these requirements but also adds in the details over disputes as recommended by the Rapid Assessment Report.

#### **Objectives**

- Providing training on conflict sensitivity and conflict analysis to regional and woreda coordinators. Field team leaders for the active intervention woredas will also be trained
- Guide the process, on an intensive basis initially but increasingly handing over responsibility to the full-time programme team and the national conflict advisors.
- Ensuring that the approach to conducting the above activities incorporates recommendations made by the DFID funded Conflict Sensitivity Consortium as well as being tailored to the needs of LIFT.

#### **Deliverables**

- Monitoring system for conflict and risk indicators for land certification
- Training on conflict sensitivity for the regional and woreda coordinators and field team leaders for LIFT's active Woredas that are undergoing SLLC
- Section on how to implement SLLC in a conflict sensitive way added to the SLLC manual
- Refined conflict analysis and recommendations on how to conflict sensitise LIFT programme activities.

### **Distilled Rapid Assessment Report Recommendations**

Re-ordered and para-phrased from the original Rapid Assessment Report.

#### **Building Capacity**

##### **Institutional**

**R1:** GRM further procedural development/improvement/streamlining

**R2:** Resolving specific capacity building issues to be addressed – some by LIFT - at each of the levels, (Woreda, Kebele) with regard to dispute management (capacity will involve basic legal training, administrative (recording) and procedural training, arbitration and mediation skills) recommendations on legal reforms.

**R4:** Consultations with Regional GRMs and Ombudsman to promote inputs and participation in dispute resolutions

##### **Public Awareness/participation**

**R3:** Targeted legal literacy, public awareness of procedures and specialist training and information campaigns on dispute resolution through the Kebeles. Information and public awareness campaigns specifically related to disputes (has this been done before?)

**R4:** Needs assessment for training needs for Woreda staff post SLLC.

#### **LIFT Procedures**

**R6:** Review current procedures and practice for recording, resolving and reporting disputes, suggest any proposals for change and inclusion in the manual - methods for incorporating these into current field procedures

**R7:** Develop a SIGN guidance note for dispute management. Ensure consistency with the SLLC manual overview and the Gender and Social Inclusion document.

**R8:** Monitoring and reporting on the incidence of disputes through the current procedures.

R8: Build in to current systems procedures for assessing/analysing wider conflict risk, current conflict issues and methods and templates for reporting and referral (a SIGN guidance notes).

## Annex 2

**List of Participants**  
**Training Workshop,**  
**Bashale Hotel, Addis Ababa**

22<sup>nd</sup> – 23<sup>rd</sup> July 2017

No.	Region	Position
1	Tigray	LIFT RC
2	Tigray	LIFT WC
3	Tigray	W/LA Rep.
4	Amhara	LIFT RC
5	Amhara	LIFT WC
6	Amhara	LIFT WC
7	Amhara	LIFT WC
8	Amhara	W/LA Head
9	Amhara	W/LA Head
10	Amhara	W/LA Rep.
11	SNNPR	LIFT RC
12	SNNPR	LIFT WC
13	SNNPR	W/Ag Rep.
14	SNNPR	W/ Ag Head
15	SNNPR	W/Ag Head
16	SNNPR	LIFT WC
17	Oromia	LIFT WC
18	Oromia	W/LA Rep.
19	Oromia	LIFT WC
20	Oromia	W/LA Head
21	Oromia	LIFT WC
22	Oromia	W/LA Head
23	Oromia	LIFT WC
24	Oromia	W/LA Head
25	Oromia	LIFT WC
26	Oromia	LIFT RC
27	LIFT HQ	GESI Expert
28	LIFT HQ	Communication Expert

## Annex 3

### Participants Comments Received and Evaluations

Training Workshop,

Bashale Hotel, Addis Ababa

22<sup>nd</sup> – 23<sup>rd</sup> July 2017

**Table: Workshop Participants Opinion /feedback on the Appropriateness of the Training**

Rate	Relevance of the topics to your work	Quality of the presenters/facilitators	Quality of the presentation and exercises	Clarity of the information	Your understanding of the topics presented
Very good	23	21	19	20	17
Good		2	3	2	6
Fair			1	1	
Poor					
<b>Total</b>	<b>23</b>	<b>23</b>	<b>23</b>	<b>23</b>	<b>23</b>

Item	Do you understand what action will be taken on disputes to improve our work	Do you understand what actions will be taken on conflicts to improve our work
Yes	22	21
No		1
Don't know	1	1
<b>Total</b>	<b>23</b>	<b>23</b>

### Additional Comments Received

- i) The one and half days is not enough to cover the topics on dispute and conflict management.
- ii) This training is important for all persons who are working on land administration and use. It will be very nice if others working for LAU and stakeholders from SLLC active Woredas get this training.
- iii) For the next time, try to include regional land experts/staff participate this training so that they can share the knowledge and skill to the SLLC completed woredas to let them have a better exposure to the subject.
- iv) We thoroughly discussed about disputes and conflicts. The presenters/facilitators allowed us to actively participate and let us share our view on the subject. The good thing we know from this training is that it will be an opportunity to share or advise and guide the government bodies to follow the right procedures during arbitration rather make decision.
- v) Most of the practice on ground are very far from the legal procedures on paper. Otherwise is seems all things are there on paper. What is need now is implementing the written laws with commitment and dedication especially from government side.
- vi) It is better to prepare and develop uniform legal procedure to receive dispute or conflicts, how to record and solve them in detail instead of applying different methods in their regions
- vii) Please prepare similar workshop to be develop capacity for other land administration experts.
- viii) This workshop is really good from our side and please conduct same workshop next time should be given even for experts where the SLLC completed.
- ix) Please give trainings to other woreda coordinators and woreda land administration and other stakeholders to those not participated in this training
- x) The workshop in general is very good but the days allotted to cover the topics were insufficient
- xi) I got more information and learn good knowledge. Please consider me in other workshop relevant to my position.
- xii) Such kind of workshop must be organized for at least at quarterly basis. We government experts/stakeholders are encouraged by the fact that we are considered for this training
- xiii) I would like to say thank you for this interesting workshop and we need similar workshop on different topics relevant to our work.
- xiv) The topics we have discussed are very interesting. Addressing dispute and conflict related issues can potentially help to know negative impacts of them to hamper the SLLC process. Thus, though belated, I felt it is fruitful subject (theme) and well facilitated by the co-facilitators (presenters)

- xv) It would have been more important had this training delivered before SLIC given to the community. Most of the experts from new LIFT woredas cannot understand how to resolve conflict/disputes related to land issues; therefore, it is important for them to receive this training.

## Annex 4

### Dispute Statistics by Woreda

Region	Woreda	Parcels Demarcated	Total Disputes	%
<b>Tigray</b>				
1	Alamata	75,726	58	0.08
2	Ambalage	123,542	93	0.08
	Degua Temben	85,206	22	0.03
3	Hawzen	93,013	154	0.17
4	Hintalo Wajirat	112,037	181	0.16
	Klite Awlaloa	88,313	150	0.17
6	Laila Maycho	No data	188	
	Seharti Samre	88,283	46	0.05
	<b>Subtotal</b>	<b>666,120</b>	<b>892</b>	
	<b>Mean</b>	<b>166,530</b>		
<b>Amhara</b>				
7	Huletej Enese	76,304	788	1.03
8	Enebsie	137,467	121	0.09
	<b>Subtotal</b>	<b>213,771</b>	<b>909</b>	<b>1</b>
	<b>Mean</b>	<b>106,886</b>	<b>455</b>	<b>1</b>
<b>Oromia</b>				
9	Bora	21,491	118	0.55
	Deksis	63,304	155	0.24
10	Guna	42,210	153	0.36
11	Jabitena	No data	2,303	
	Kersana Malima	5,368	185	3.45
12	Lodehetosa	87,150	338	0.39
13	Sodo Dacha	34,265	44	0.13
14	Sude	No data	880	
15	Tole	76,857	405	0.53
	<b>Subtotal</b>	<b>330,645</b>	<b>4,581</b>	<b>6</b>
	<b>Mean</b>	<b>47,235</b>	<b>509</b>	<b>0.81</b>
<b>SNNP</b>				
	Doyo Gena	23,852	104	0.44
	Duna	41,220	34	0.08
	Hadaro Tunito	15,313	10	0.07
16	Kacha Bira	38,275	89	0.23
17	Kedida	No data	65	
18	Meskan	75,817	312	0.41
19	Mihrab Azernet	27,749	119	0.43
20	Mihrab Badawocho	13,758	224	1.63
21	Misrak Badawocho	27,819	399	1.43
22	Silti	21,068	196	0.93
	Sodo	3,995		0.00
	<b>Subtotal</b>	<b>288,866</b>	<b>1,552</b>	<b>6</b>
	<b>Mean</b>	<b>28,887</b>	<b>155</b>	<b>0.56</b>