

Assessment of legal and policy framework governing forest tenure in Oromia National Regional State



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Assessment of legal and policy framework governing forest tenure rights in Oromia National Regional State

1. Introduction

1.1. Background

Globally forests contribute to the livelihoods of more than 1.6 billion people, with 60 million wholly dependent and 350 million dependent to a high degree (CIFOR, 2016; Olavand El-Mikawy, 2009). According to a recent study by UN-REDD program, more than 11.6 million rural households in Ethiopia are relying on some aspect of timber and NTFPs for their livelihoods (UNDP, 2017). The same study estimated that about 57 million economically active rural populations are engaged part time or full time in the collection of one or more of the forest products. The various goods and services provided by forest resources in Ethiopia include food, medicine, energy, shelter, clean water, land stabilization, erosion control, maintaining invaluable biodiversity by providing critical habitat for flora and fauna, and regulation of climate change.

In terms of contribution to national economy, Ethiopian forests generated economic benefits in the form of cash and in-kind income equivalent to 111.2 billion Ethiopian Birr (ETB) (USD16.7 billion) or 12.86% of Gross Domestic Product (GDP) in 2012/2013 (UNEP, 2016). This study indicated that the major benefits obtained from Ethiopian forests were associated with flows of wood fuel (firewood and charcoal), forest based livestock fodder, round wood, forest coffee, control of cropland erosion, pollination of crops by forest insects, forest honey/ beeswax, and collection of wild medicinal plants.

Despite its significant role, the forest resources in Ethiopia have experienced multiple challenges for quite a long time. These challenges are associated with poor legal and institutional framework, which resulted in considerable loss of the country's forest cover, topsoil, bio-diversity resources, and emission of GHG (Green House Gas). Currently, Ethiopia has about 17.35 million hectares of forests (15.7% of the country area), which include bamboo, dense woodland, natural forests, and planted forests. This estimation is the result of new forest definition - land spanning more than 0.5 ha covered by trees attaining a height of more than 2m and a canopy cover of more than 20%, or trees with the potential to reach these thresholds in situ in due course (MEFCC, 2015). Forest resources in Ethiopia are under threat with net annual loss of 72,000 ha or deforestation rate of 0.54% from 2000 to 2013 (Ethiopia's FRL-revised submission to UNFCCC, 2016).

Several studies show that this alarming rate of deforestation will not only damage valuable ecological services but also impair the rural development efforts and livelihoods of forest dependent communities. Factors that contributed for deforestation and forest degradation include absence of comprehensive land use planning; institutional instability and low capacity of forestry institutions; poor inter-sectorial coordination and lack of synergy between sectors, inadequacy of the forestry legal framework and weak law enforcement, and unclear tenure and forest user rights. Particularly the latter factor is identified by a number of studies as a major cause of deforestation given that insecurity of land and forest tenure provides little incentive for sustainable management and conservation of forested land (Tamire and Bekele, 2014; Anonymous, 2015; Bekele *et al.*, 2015). Insecure forest tenure creates uncertainty, mistrust, and conflict that reduce the interest of key actors such as local communities in proper forest management.

The Government of Ethiopia (GoE) has been involved in the REDD⁺ (Reducing Emissions from Deforestation and Forest Degradation) process since 2008 and is a participant country of the World Bank Forest Carbon Partnership Facility (FCPF). REDD⁺ is a novel strategy introduced by UNFCCC as a measure to reduce greenhouse gas emissions and support developing countries in their efforts to reduce deforestation and forest degradation. It is a set of policy model that include an incentive mechanism where rewards are provided to parties which take progressive action to reduce emissions from forest lands. The REDD⁺ strategy has become very relevant for a low income countries like Ethiopia because of their particular vulnerability to climate change effects and low adaptive capacity. Ethiopia recognized the potential roles of the REDD⁺ initiative to harness the growing challenges of deforestation and strengthen the contribution of the forest sector to achieve economic growth. Thus, REDD⁺ is promoted as an integral part of Ethiopia's long-term Climate Resilient Green Economy (CRGE) strategy and considered as a key vehicle to achieve the goals of Growth and Transformation Plan (GTP II) (FDRE, 2015). The CRGE baseline scenario showed that agriculture and forestry together contribute 85% of the country's total GHG emissions, out of which emissions from the forestry sector account for approximately 37% (FDRE, 2011). Thus, one of the four pillars of the CRGE strategy emphasizes protecting and re-establishing forests for their economic, social and ecosystem services. The CRGE sets the target to afforest/reforest 3 million hectares and improve management of 4 million hectares of forests and woodlands.

The Oromia Forested Landscape Program (OFLP) is a sub-national REDD⁺ program implemented as pilot within the nation REDD⁺ readiness activities with the aim to reduce deforestation and net greenhouse gas emissions from land use in all forested areas in the Oromia National Regional State. OFLP seeks to contribute to sustainable management of forested landscapes in Oromia in order to deliver multiple benefits such as poverty reduction and building resilient livelihoods, mitigate climate change, and enhance ecosystem services. It aims to foster equitable and sustainable low carbon development through: (i) on-the-

ground activities that address deforestation, reduce land-use based emissions, and enhance forest carbon stocks; and (ii) state-wide and local enhancements to institutions, incentives, information, and safeguards management to upscale investment, including coordinating multiple REDD-relevant interventions across the regional state of Oromia. In fulfilling these objectives, OFLP has a potential to promote integrated low carbon landscape management interventions and contribute to the GTP-II and the CRGE goals in forestry, agriculture and energy sectors.

1.2. Why forest tenure rights important to implement OFLP initiative

Successful implementation of OFLP initiatives hinges on clarifying and strengthening land and forest tenure and property rights issues, which is believed to be a fundamental requirement for sustainable forest management. Forest tenure determines who can use what resources, for how long and under what conditions (FAO, 2014). Thus, addressing tenure issues will not only assist to realize the OFLP initiatives but also contribute to sustainable forest management in general. Clarifying and addressing forest tenure issues are particularly important in the context where most of the forest resources are managed as a *communal tenure*. Communal tenure refers to situations where groups or communities have well defined, exclusive rights to jointly own and/or manage particular areas of natural resources such as land, forest, and water. For instance, in Oromia over one million hectares of forests are currently managed under Participatory Forest Management (PFM) arrangement, which is one form of communal tenure (FDRE, 2017). In communal tenure, both the boundaries of the resource owned in common and group membership are clearly defined. These are necessary conditions to exclude outsiders and to secure the rights of group members so that these rights cannot be taken away or changed unilaterally. Besides communal tenure, private and state are common typologies of property regimes in Ethiopia. Clear and secure forest tenure is critically important with the emergence new wave of incentive-based policy instruments such as PES (payment for ecosystem services) and REDD+. Within this policy context, clear property rights over forests directly determine who is eligible to receive protection incentives and who is responsible for meeting programs' contractual obligations (Robinson *et al.*, 2017).

In practice, tenure arrangements are quite complex and in most cases constitute overlapping hierarchy of rights. For instance, there is a situation when a government formally owns forest as a state tenure, but at the village level the customary tenure clearly defines which part of the state forest belongs to a specific group or individuals. Another example is when one village has rights only to minor forest products for subsistence use in a particular forest, while another village may have rights in timber and other higher value non timber forest products (NTFP) in the very same area of forest. Given the potential complexity of these overlapping

rights, it is highly important that externally implemented forestry projects and programs understand the configuration of rights.

Natural resource tenure scholars distinguish between the *form* and the *security* of tenure (see Robinson *et al.*, 2017). *Form* of tenure determines who can use what resources, for how long, and under what conditions. The common categories of tenure forms are private, communal, public or state, and customary. *Tenure security*, on the other hand, concerns the assurance a property holder feels that those rights will be upheld by society (Robinson *et al.*, 2017). It reflects a property holder's confidence or belief (real or perceived) that agreed-upon rights, i.e., the form of tenure, will be enforced and upheld by society more broadly. Each single category of tenure forms significantly varies in the depth, breadth, and quality of the bundle of rights. Common bundle of rights in the case of natural resources like forest tenure are *right to access, the right to use or withdrawal, the right to manage, exclusion, alienation, due process and compensation, the right to security, and the absence of term* (Schlager and Ostrom, 1992; Johnson, 2007)^a.

Table 1: Bundle of rights and their characteristics

Bundles of rights	Common characteristics
<i>The right to access</i>	The right to enter a defined physical area and enjoy non-subtractive benefits (e.g. to camp or rest in the area)
<i>The right to use or Withdrawal</i>	The right to benefit from resource units, for subsistence or commercial purposes (for example, cut trees and collect NTFPs)
<i>The right to manage</i>	The right to regulate internal use patterns and transform the resource by making improvements. Individuals who hold rights of management have the authority to determine how, when, and by whom the resource shall be used.
<i>Exclusion</i>	The right to determine who has access and withdrawal rights, and how those rights may be transferred. It is the right to refuse others access to and use of a resource.
<i>Alienation</i>	Concerns the right to subdivide, lease or sell one's property
<i>Due process and compensation</i>	The right that allow for adjudication of grievances and fair (usually monetary) compensation in cases of eminent domain
<i>The right to security</i>	Immunity from expropriation, that is, the resource cannot be taken from the right-holder
<i>The absence of term</i>	The indeterminate length of one's ownership rights, that is, that ownership is not for a term of years, but forever.

Source: Schlager and Ostrom (1992) and Johnson (2007)

Local conditions determine which of these bundles of rights are relevant for forest management. Even in the most complete private land markets, the state always retains some "takings" rights and restricts prohibited uses. The state or governing body is almost always implicated as a *duty holder* as the entity that has the power to arrest and adjudicate. It is often assumed that the right to possession is one of the most important bundles of rights. However, the right to possession is not necessarily more important than the

^a"Bundle of rights" implies rules specifying, proscribing, or authorizing actions on the part of the owner

right to alienation, which is the right to subdivide, lease or sell one's property (Johnson, 2007). Because of these complexities and overlapping bundle of rights, it is crucial for forestry interventions like REDD+/OFLP to carefully understand and clarify more efficient tenure arrangement and property right regimes.

The importance of clarifying and addressing tenure issues for successfully implementation of the new incentive-based approaches such as payments for ecosystem services (PES) or REDD⁺ program has also been internationally recognized (See: FAO, 2011; Atela *et al.* 2015; Robinson *et al.*, 2017). Addressing tenure issues is pivotal for the success PES or REDD⁺ programs, since landholders must have the authority to make land use decisions and defend their forest land against outside claimants or other agents of land use change.

Cognizant of this fact, ORCU and other institutions participating in the implementation of OFLP have decided to assess legal and policy framework governing rights to forest tenure, access and use, and its application in the National Regional State of Oromia. This report presents the assessment results of legal and policy framework on how forest tenure rights are recognized, supported, and protected by the existing legal system and implemented in practice in Oromia.

2.Objectives of the study

2.1 General objective

The general objective of this assignment is to assess existing policies and legal frameworks on forest tenure rights in order to better understand how a broader spectrum of these rights are allocated, recognized, supported, and protected by the existing legal system and implemented in practice. The assignment also aims to facilitate policy dialogue to further transform the current PFM/JPFM practices to the next level of forest management and use regime through regulatory incentive such as communal forest land certification.

2.2 Specific objective

The specific objectives of the assignment:

- Review the existing policy and legal framework pertinent to communal land and forest tenure, access and use rights in the Oromia national regional state;
- Assess to what extent does the legal framework define a fair and effective process for the adjudication, demarcation, registration and certifications of forest tenure right;
- Assess the management of forest tenure information in terms the extent to which the government maintains and provides access to high-quality information about forest tenure, access and use rights;

- Assess the level of empowerment of forest rights-holders: to what extents is forest tenure, access and use rights-holders (such as local communities) empowered and supported to exercise their forest rights;
- Review the legal basis for designating state forests and assess how the existing legal framework provides adequate checks and balances on government powers to designate lands as state forests, including the extent to which decisions to designate and re-designate state forests are transparent and accountable;
- Review the legal basis for allocating concessions in state forests and assess to what extent concessions are allocated in an accountable and transparent manner;
- Review the extent to which forest concessions contracts comprehensively describe all rights and obligations of the concession holder, and provide suggestions for improvement;
- Assess the legal basis for forest tenure dispute resolution bodies (judicial, administrative and traditional, such as village/kebele level elder's committees) and their capacities in terms of accessibility to all rights-holders, effectiveness, legitimacy, and fairness of resolutions;
- Review to what extent concession contracts include requirements to ensure social and environmental sustainability and assess to what extent concession-holders comply with social and environmental sustainability requirements in their contracts;
- Identify gaps in the ongoing landholding certification programs and provide options for improvement pertinent to forest tenure right;
- Facilitate high level inter-agency dialogue on how to improve forest tenure, access and use rights for better management of forest and land resources; and
- Prepare a policy brief to inform government policy-makers and development partners.

3. Methodology and assessment framework

3.1 Methods of data collection

This study employed four data collection approaches: (i) systematic and in-depth document review; (ii) interviews with key stakeholders/knowledgeable individuals; (iii) participatory consultations with selected CBOs and representatives of communities at grassroots level; and (iv) policy dialogue with key decision makers.

3.1.1 Systematic and in-depth document review

In-depth desk study/literature review was conducted on systematically selected documents relevant to forest landscape management and climate change and carbon emission reduction efforts such as REDD⁺/OFLP initiatives. The document review was specifically focus on synthesizing and collating lessons relevant to the achievement of OFLP objectives from the recent international, regional, and national assessments of forest tenure forms and level of security. The review also focused on exploring and understanding various policies and legal frameworks on forest tenure rights to assist the implementation of REDD⁺ and OFLP objectives. Thus, different regional, national, and international legal and policy instruments, which are relevant for forest landscape management, climate change and carbon emission reduction efforts were thoroughly examined. The review was conducted on relevant legal and policy documents as well as recent analytical work on Ethiopian forestry sector, see detail in the annex 1.

The review identified the synergy, integration, and inconstancies that exist between different strategies, programs and other legal instruments focusing on forest tenure issues. It also systematically captured and benchmarked other countries' experience on REDD⁺ and other emission reduction efforts to inform the OFLP initiatives.

3.1.2 Interviews with key stakeholders

In addition to the systematic document review, in-depth interviews were conducted with key stakeholders and knowledgeable individuals to critically examine the *de jure* and *de facto* practices of forest tenure arrangements and institutional settings of forest governance in Oromia. The interviewees were selected on the basis of their roles and experiences in the forest and related environmental governance issues in Ethiopia, including REDD⁺, PFM, OFLP, OFWE, and related programs at national, regional and project levels. These interviewees included politicians/policymakers and bureaucrats working at different administrative levels (from national to woreda level), NGO and donor officials, consultants, academicians, research scientists, and representatives of CBOs.

3.1.3 Participatory consultations with CBOs and other community representatives

Participatory consultations were conducted with selected CBOs and other community representatives engaged in various forms of participatory forest management in Oromia. In selecting study sites for community consultation, emphasis were given to the zones that represent dominant forest biomes in Oromia (Moist and Dry Afromontane, Combretum-Terminalia, and Acacia-Commiphora woodlands), deforestation hotspots identified in the PIM document, and areas where PFM has been implemented for relatively long

and short period of time for comparison and to draw institutional lessons for the achievement of OFLP objectives. The compositions of community consultation participants in each woreda include:

- 15 PFM cooperative members, which include 5 committee members, 5 non-committee members (men) and 5 non-committee members (women);
- 10 non-PFM members in the kebele involved in various forms of forest management such as private forest owners (individual farmers who own greater than 1 ha of forest), other communal land/forest owners, e.g. community watershed or rehabilitation site or group managing patch of forest outside state forest, and about 5 landless youth in the community. Table 2 presents CBOs and PFO, number of participants, zones and woredas where community consultation conducted.

Table 2: List of study sites, CBOs and PFO consulted

Zone	Woreda	CBOs/PFO	Number of participants
Jimma	Gera	Sadi Cawura (CBO), Sadi Loya (PFO)	24
Illu Ababor	Alle	Abdi Bori (CBO) and Sagi Baqi (PFO)	38
Kelleme Wollega	Anfilo	Hawi Jirenga (CBO), Shebel (PFO)	18
West Wollega	Nolle Kaba	Siba Daalo and Harbu (CBOs), Siba Silase (PFO)	21
West Showa	Dandi	Chilimo and Mesalema (CBOs)	24
Guji	Adola Rede	Sakaro, Maleka and Dooba (CBOs), Anferara (PFO)	45
	Wadara	Magarisa (CBO) Sokora Jide (PFO)	39
West Arsi	Dodola	Danaba, Barisa, Bura Chale and Addelle (CBOs)	38
Total			247

CBO – Community Based Organization (PFM); PFO – Private forest owners and other forest management group

3.1.4 Policy dialogue and validation workshop

Round table Policy Dialogue will be conducted with key decision makers to discuss how to improve forest tenure, access and use rights for better management of forest and land resources. A Policy Dialogue involves people from different interest groups sitting around one table to focus on an issue in which they have a mutual but not necessarily common interest. The dialogue forum assumes that people in different positions will have different perspectives on the same problem like forest tenure rights. Policy Dialogue enables different actors' group to see problems from each others' perspectives, which can improve a policy or program implementation.

Moreover, a validation workshop will be conducted with key stakeholders to present the findings of the study based on desk review and field assessment. It includes presenting and validating feasible options to strengthen the forest tenure, access and use rights regime for the achievement of OFLP objectives. This workshop, besides presenting the results will help to gather valuable inputs from multiple stakeholders. Final report will be submitted by incorporating inputs from the stakeholder workshop. Thus, in this study

both the policy dialogue and validation workshop forums will assist as analytical data collection method to triangulate and enrich information collected through interview and consultation meetings.

3.2 Governance of Forests Initiative (GFI) framework

3.2.1 The scope of the analytical framework

Governance of Forests Initiative (GFI) framework, which is developed by World Resources Institute (see Davis *et al.*, 2013), is adopted to assess the legal and policy framework governing forest tenure in Oromia with particular emphasis to understand how broader spectrum of forest tenure rights are allocated, recognized, supported, and protected by the existing legal system and implemented in practice. The GFI framework is one of the comprehensive tools used to diagnose and assess strengths and weaknesses of legal and policy arrangement governing forest tenure. The GFI framework is practically applied in several countries like Cameroon, Brazil, and Indonesia and yielded useful results and practical lessons on how to design and collect forest governance data. The GFI framework was primarily designed to support civil society-led, evidence-based advocacy for forest governance reforms at national and sub-national levels. However, the GFI indicators are proved to be useful for many different types of applications at various scales. According to Davis *et al.* (2013) the scope of GFI application may include:

- Government agencies wishing to assess the effectiveness of policy implementation;
- Legislators seeking to identify priorities for legal reforms;
- Multi-stakeholder bodies aiming to build consensus about governance challenges;
- NGO watchdogs or oversight bodies seeking to monitor government performance;
- International organizations or donor agencies seeking to verify compliance with safeguards;

The GFI framework has been designed to be flexible and adaptable to support a customized assessment for multiple applications. Accordingly, by customizing the framework to the objectives of the study, the main theme of forest tenure governance was assessed under three key dimensions:

- i. **Forest tenure rights,**
- ii. **Tenure dispute resolution, and**
- iii. **Concession allocation.**

Each key dimension was assessed at multiple sub-dimensions and using several indicators; and in total 20 sub-dimensions and 102 indicators (50 for forest tenure rights, 19 for tenure dispute resolution, and 33 for concession allocation) were evaluated.

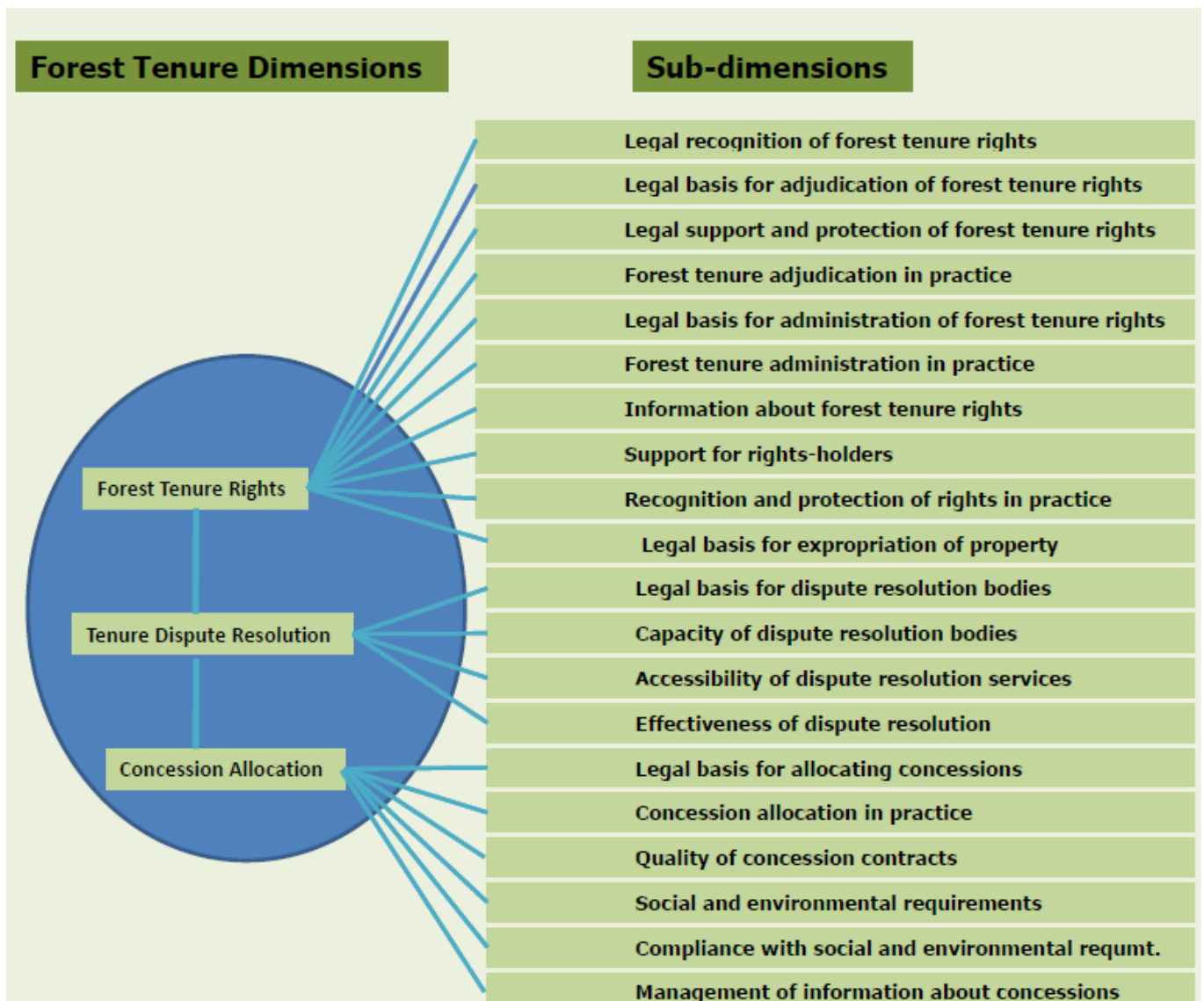


Figure 1: Forest Tenure Governance Assessment Framework

Under each sub-dimension, a short description were included to summarizes the scope of the assessment, diagnostic question or objective, elements of quality or indicators that are the focus of data collection and help the user answer the diagnostic question in a structured manner. Indicator is used to describe a quantitative, qualitative, or descriptive attribute that, if assessed periodically, could indicate direction of change (e.g., positive or negative) in that attribute (Davis *et al.*, 2013).

3.2.2 Scoring method and data analysis

Scoring is the process of assigning quantitative values to indicators based on the data collected in order to concisely summarize assessment results or quickly identify strengths and weaknesses. At the design stage of this study, the indicators that describe the quantitative and qualitative, attributes of each sub-dimension were included in the semi-structured questionnaire prepared for community consultations and checklist designed for key informant interviews. Various stakeholders participated to answer the diagnostic questions

designed to address each element of quality or indicator. These stakeholders include PFM members and other community members involved in various forms of forest management, private forest owners, experts and decision-makers working on forest and land administrations, law enforcement agencies from woreda to federal levels, and NGO officials and researchers working on land and forest related projects. Accordingly, a detailed and comprehensive data about forest tenure rights, tenure dispute resolution, and forest concession allocation were generated through community consultation, key informant interviews, and document review. Based on the evidence extracted from field notes, interview transcripts, document review and other relevant sources, researcher critically assigned score for each elements of quality or indicator. In assigning the score, researcher specifically focused on critically evaluating how well a specific element of quality has been met compared to the description or diagnostic question stipulated under each indicator. In doing so, the researcher double-check the assessment data before drawing conclusions about the quality of a specific indicator. Moreover, the researcher carefully employed the detailed guidance provided on WRI manual (see Davis et al. 2013), in translating assessment data into scores and drawing conclusions about elements of quality and indicators. Several strategies were also applied to minimize subjectivity and researcher's bias. First, study employed four data collection tools to triangulate and enrich information collected through different data collection techniques. Second, multiple stakeholders were involved ranging from different group of local communities, bureaucrats and decision-makers working at different levels and capacities, and independent experts from NGO and research organization. Third, instead of using the binary response (yes or no), which is commonly used in most WRI assessment, we adopted the four-tiered scoring system (1= never, 2= sometimes, 3= often, 4=always) developed in Brazil to capture the three key forest tenure dimensions and adequately assign an accurate value to each indicator. Fourth, the three key forest tenure dimensions were assessed at 20 sub-dimensions and 102 indicators to minimize bias and enhance the precision of the score values. A short qualitative description is presented to justify the assigned score for each indicator and briefly describe the assumption behind the score. Finally, multi-stakeholder forum will be carefully organized to review and validate the assessment results, which enhance the credibility and legitimacy of the report.

Therefore, following the experience of GFI assessment in Brazil, this study consistently assigned quantitative values ranging from 1 to 4 denoting: 1= never, 2= sometimes, 3= often, 4=always. After calculating average score or cumulative performance, the quality of each sub-dimension is determined as: 1 - 1.5= very weak, 1.6 - 2.5= weak, 2.6 - 3.5= moderate, 3.6 - 4 = strong. The consistency in assigning values is very important for ensuring the comparability of results across different indicators and through time. Through this structured and comprehensive evaluation, we identified which forest tenure issues scored weak and very weak that requires serious corrective measures to improve forest tenure governance in Oromia national regional state.

4. Results

4.1 Basic information on studied CBOs

About two hundred forty seven (247) community members selected from seven zones and eight Woredas in Oromia were participated in this study. These participants represent forest cooperative members, individuals in the kebele involved in various forms of forest management such as private forest owners, and community group managing patch of forest outside state forest. Table 2 presents community groups involved in this study and their forest size and year of establishment.

Table 3: Studied CBOs

Studied CBOs	Year established	Forest size (ha)			CBO members		
		Natural Forest	Plantation	Total	Male	Female	Total
Sadi Cawura	2008	961.54		961.54	491	38	529
Abdi Bori	2012	2681		2681	103	59	162
Abdi Gudina	2012	962		962	111	18	129
Awi Jeregna	2014	3202		3202	263	16	279
Siba Daalo	2015	1134.06	468.41	1602.47	159	6	165
Siba Silase/Harbu	2015	1130.76	473.02	1603.78	86	5	91
Harbu Aba Gada	2016	76		76			25
Chilimo	1997	596.21	99	695.21			128
Masalema	1997	664	246	910			119
Sakaro	2015	4230.87		4230.87	138	9	147
Maleka	2015	4375.93		4375.93	73	33	106
Anferara/Dooba	2015	2992.82		2992.82	687	63	750
Sokora Jide	2013	2174.63		2174.63	591	203	794
Danaba	2001	4141		4141	238	65	303
Barisa	2000	2645		2645	137	21	158
Bura Chale	2002	3419		3419	223	81	304
Addelle	2002	9578		9578	424	132	556
Total				46251.25			4745

4.2 Assessment results of forest tenure governance

Forest tenure shapes the relationship between people with respect to forests by defining who can use what resources, for how long, and under what conditions. Clear and secure forest tenure is widely believed to be a key enabling condition for sustainable forest management. The following section presents the results of the analysis using the three forest tenure governance dimensions identified in the framework section.

- **forest tenure rights,**
- **tenure dispute resolution, and**
- **Concession allocation.**

Each of this key dimension is analyzed at multiple sub-dimensions and using a number of indicators.

4.2.1 Forest tenure rights

Forest tenure rights refers to the entire bundle of forest-related property rights that may be held individually, communally, or by state, including right to access, right to use or withdrawal, right to manage, exclusion, alienation, right to compensation, and the right to security (Johnson, 2007). Stable tenure rights and the assurance that those rights will be protected, or disputed through due process, are essential for sustainable forest management. Local communities who depend on forests for daily subsistence and livelihood, and have a connection to forests over long periods of time, will take responsibility for better long-term care of the land and forest if they have control over most of the bundles of rights. Tenure rights govern the ability of forest owners and other landowners to acquire, manage, use, and dispose of their land and its products and services. These rights are exclusive, but not absolute because landowners' tenure rights are generally bounded by limits on externalities, such as preventing soil and water pollution, or other relevant requirements to leave land in good condition for future generations, such as seed tree or tree planting requirements. Clear property rights are arguably the fundamental requirement for sustainable forest management, and a process to assign those rights, determine who controls and determines those rights, and a means to resolve disputes must be clear and accessible to all owners. The following section presents ten sub-dimensions of forest tenure rights, which are assessed using several indicators under each sub-dimension.

1. Legal recognition of forest tenure rights

This sub-dimension examines the extent to which the legal framework for forest tenure recognizes a broad spectrum of existing forest tenure rights and rights-holders. As indicated above, forest tenure involves a bundle of rights that includes *right to access, right to use or withdrawal, right to manage, exclusion, alienation, right to compensation, right to security, and absence of term*. Ideally, full right holder over a particular resource typically bestowed those entire bundles of rights. Those rights can be individually or communally held, or may derive from customary systems of resource management. Under this sub-dimension, this study evaluated the spectrum of tenure rights granted by the law by reviewing all relevant national policies and legislations on land rights and forest tenure. These documents include federal and regional constitutions, land tenure laws, forest laws, and implementing regulations related to land

registration and titling. The cumulative performance of this sub-dimension is scored moderate mainly because of the following attributes in the existing legal framework:

- The forest tenure rights held by individuals are recognized in the legal framework, e.g. Proc. No. 456/2005, Art 2/11; Proc. No. 1065/2018, Art 2/6.
- Communal forest tenure rights are recognized in the legal framework, e.g. Proc. No. 456/2005, Art 2/12; Proc. No. 1065/2018, Art 2/7.
- The customary tenure system is not recognized in the new forest Proc. No. 1065/2018. Customary held rights to forest lands and resources are not clearly recognized in the other legal document.
- The legal framework does not directly discriminate against the forest tenure rights of women. Although the rights of women are not explicitly defined in the new forest Proc. No. 1065/2018, article 35 this proclamation states that expressions in the masculine will apply to the feminine.

Detail assessment results on the extent to which the existing legal framework recognizes individual, communal, customary rights, and a right of women to forest resources is presented in the appendix section.

2. Legal support and protection of forest tenure rights

This sub-dimension seeks to evaluate the clarity and comprehensiveness of the legal framework for forest tenure, particularly in terms of protecting and supporting rights. The assessment was conducted on multiple types of rights (e.g., individual, communal, and state) to evaluate whether a given type of right or rights-holder is adequately supported and protected under the law. The assessment was conducted by reviewing federal and regional state legislation regarding land rights and forest tenure including constitution, land tenure laws, forest law, and implementing regulations for land registration and titling. The cumulative performance of this sub-dimension is moderate mainly because of the following attributes:

- The existing legal framework defines private, community, association and state forest rights clearly and consistently.
- The legal framework defines forest rights that are of adequate duration and scope.
- The legal framework provides the right to transfer possession rights (Proc No. 1065/2018, Art 5/1e); however, the land holding cannot be sold and can be transferred only through inheritance to family members and can be leased, subject to restrictions on the extent and duration of leases (Rural Land Use and Administration Proc. No. 456/2005, Art 5/4 & Art 8).
- The FDRE constitution, proclamation on Land Expropriation for Public Purposes and Payment of Compensation (proc. No. 455/2005), regulation 137/2007, and Oromia Region proc 130/2007

assure the protection of land holders against forced evictions and denial of access to essential natural resources.

- The legal framework provides the right to get compensation in case of expropriation of possession for public interest (Proc No. 1065/2018, Art 5/1g and Art 7/1h).

3. Legal basis for adjudication of forest tenure rights

This sub-dimension evaluates the extent to which the legal framework defines a fair and effective process for the adjudication of forest tenure rights. Adjudication concerns the process of final and authoritative determination of existing rights and claims of people to land and/or resources. Adjudication may occur during the first time registration of rights, or during the process of resolving doubt or dispute after registration. All relevant legislation pertinent to the process of adjudicating tenure claims such as land tenure laws, forest law, implementing regulations related to land administration, and procedural manuals or guidelines for registering land rights were reviewed. The cumulative performance of this sub-dimension is moderate mainly because of the following attributes:

- The legal framework defines a clear process for adjudication of forest tenure rights. For example, the Oromia rural land administration and use proc. No. 130/2007, Art 16/1a-j provides clear process for adjudication of land tenure rights, where forestland tenure adjudication process can also be considered within the land administration and this process is also broadly specified in new forest proclamation.
- Clear process required for tenure claims is broadly prescribed in Oromia rural land administration and use proc. No. 130/2007 and specifically in regulation No. 151/2013, Art 3.
- The Oromia rural land administration and use proc. No. 130/2007, Art 16 and regulation No. 151/2013, Art 18 prescribe the criteria to resolve overlapping claims. Locally elected land administration committees are mandated to resolve overlapping claims according to the specified law.

4. Forest tenure adjudication in practice

This sub-dimension evaluates the process of adjudication on the ground or in practice to ensure that it involves fair and transparent consultation of all claimants including vulnerable and marginalized peoples. Adjudication may occur in the context of first time registration of rights, or it may occur to resolve a doubt or dispute after registration. The study evaluated this indicator by collecting primary data from eight woredas in Oromia through participatory community consultations and key informant interviews with those responsible for administering the adjudication process. It assessed the transparency, inclusiveness, and

fairness of the process, including whether relevant legislation on adjudication was respected in practice. The cumulative performance of this sub-dimension is weak mainly because of the following attributes:

- Claimants are not provided with adequate information about how to conduct fair and effective adjudication of forest tenure rights, particularly in communal forest cases.
- Full and effective consultation of claimants was observed only in few cases.
- Weak support for vulnerable claimants such as widow, orphanage and poor community members were observed. For example, in terms of understanding their rights, understanding the adjudication process, or documenting claims.
- The adjudication process is fair
- The studied community believes that the final decisions of the adjudication process are not fair and mostly resulted in displacements and reductions of their rights without fair compensation.
- Weak access to effective redress mechanisms such as help desk, phone and local office. Claimants have limited access to file complaints and appeals. Complaints and appeals are not timely addressed, particularly with written response, and detailing resolutions.

5. Legal basis for administration of forest tenure rights

This sub-dimension evaluates to what extent the legal framework ensures fair and effective administration of forest tenure rights. Administration of forest tenure rights focuses on activities such as titling, registering, surveying, demarcating, transferring rights, allocating permits, licenses, or other types of forest use contracts. For this assessment the study focused on registration of land titles and the process of sharing forest management and use rights between local community and government institution in the case of PFM and other joint forest management arrangement. The study reviewed and evaluated all relevant legislations including federal and regional land tenure laws, forest laws, and implementing regulations related to land and forest administration. The cumulative performance of this sub-dimension is moderate because of the following attributes:

- There are comprehensive legal rules both in the proclamation and regulation that provide clear guidance for how the administrative procedures including those that define how rights can be transferred, how lands are surveyed and boundaries demarcated.
- The existing legal framework provides clear guidance to minimize complexity and discretion in administrative procedures. However, there were cases where administrative discretion such as professional judgment rather than strict adherence to regulations led to abuse of authority and inconsistency in administrative actions.

- The costs of the administrative procedures are reasonable and affordable for the majority of applicants. These were assessed against the cost of living and average wage rate in the area. However, some requirements create a burden for the applicants like demanding frequent travel to administrative offices.
- The legal framework outlines specific procedures for petitioning land and forest agencies to reconsider administrative decisions, for example, by specifying how long after a decision customers have to make requests. However, there is lack of clarity on the type of information that must accompany the request.

6. Forest tenure administration in practice

This sub-dimension assesses to what extent forest tenure rights are fairly and effectively implemented in practice. Tenure administration services include processes such as titling, registering, surveying, demarcating, and transferring rights, as well as allocating permits, licenses, or other types of forest use contracts. The study assessed how registration of land certification and transfer of forest management and use rights were implemented in practice by gathering documentation related to tenure administration such as service records and conducting interview with staff of land administration, forestry agency, and NGOs implementing or supporting forest tenure issues. The cumulative performance of this sub-dimension scored weak because of the following attributes:

- Tenure administration services are rarely provided within the timeframe set out in the legal framework. This was verified from the documentation and signatures present in the tenure administration documents.
- No discrimination is recorded during service provision to different social groups.
- The accessibility of tenure administration services is weak in terms of convenience of its locations and hours to customers. For example, remote community members have limited time and resources to travel to woreda office to access tenure related services and sometimes involve opportunity costs for leaving their farm activities during the travel.
- Relatively longer times are spent to process tenure administration related services compared to what is stipulated in the legal framework.
- The procedures for complaints or appeals of administrative decisions are poorly accessible in terms of providing the service at a reasonable cost, location, and without overly burdensome procedures.

7. Information about forest tenure rights

This sub-dimension assesses whether a comprehensive system exists to store information about the nature and spatial extent of tenure rights in forests. An information system may refer to a database or website that can be stored digitally or in hard copy in government offices. Legal records of forest tenure rights may include holding titles, certificates, licenses, permits, or other contractual agreements defining the ownership or use rights possessed an individual, community, or the state. Informal records may also include community maps or other documents produced by individuals or communities to document their tenure claims. Such records are often stored or managed by different organizations responsible for land or forest administration, or sometimes maintained by NGOs through partnerships with mandated government institutions. Staff responsible for managing information on forest and land tenure rights selected from Ministry of Agriculture and Natural Resources/Rural Land Administration and Use Directorate, Oromia Rural Land Administration and Use, OEFCCA, OFWE, and NGOs such as Farm Africa, GIZ, and Water and Land Resource Center of Addis Ababa University were interviewed. The cumulative performance of this sub-dimension scored as very weak because of the following reasons:

- There is no centralized system in place that integrate all relevant information on forest tenure rights such as a mapping system or database that lists records for all relevant tenure types.
- No comprehensive records or database of legally recognized rights, particularly on forest tenure that is documented in the information system. For example, there is no comprehensive information system on forest land title, boundaries of protected areas and reserves.
- Although there are some informal records such as community maps to document their tenure claims, there is no strong information system on the documentation of informal rights.
- No centralized information system on forest tenure that include digital records and dedicated staff to manage and update the system regularly. There is no clear mechanism to control quality and ensure that information is current and accurate.
- No mechanism to access or share information on forest tenure. Responsible institutions such as EFCCC or OFECA are not practicing the duty to keep the record and ensure that other agencies can obtain hard and soft copies in a timely manner.

8. Support for rights-holders

This sub-dimension evaluates to what extent forest tenure rights-holders are empowered and what mechanisms exist to provide support to exercise their forest tenure rights. It assesses awareness of their rights, access to information, and assistance for social vulnerable rights-holders. Social vulnerability refers to the social, economic, and demographic characteristics that influence a community's ability to respond

to, cope with, recover from, and adapt to environmental hazards. Besides conducting interviews with rights-holders in seven zones and eight Woredas of Oromia to understand their knowledge on forest tenure rights, we also collected and analyzed relevant documentation such as brochures, posters, minutes of workshops provided by government agencies or NGOs to support rights awareness. The cumulative performance of this sub-dimension scored as weak because of the following reasons:

- Inadequate effort to raise the awareness of rights-holders about their forest tenure rights and duties under the law by the government, NGOs, and CBOs.
- Limitations in facilitating awareness creation, for example, by disseminating informative materials such as brochures and posters, and capacity building workshops that inform stakeholders of their rights under the law.
- There is weak capacity building services and technical support such as legal representation, assistance during documentation of community lands, development of resource management plans, and delineation of boundaries.
- Inadequate legal, technical and financial assistance for vulnerable social groups such as women, ethnic minority and poor community group in exercising their tenure rights.

9. Recognition and protection of forest tenure rights in practice

This sub-dimension assesses how well forest tenure rights are recognized and protected in practice. This, for example, includes the *de facto* recognition of gender equity and demarcation and enforcement of forest boundaries. Demarcation is a process of setting boundaries to an area, often to clarify land ownership and other tenure arrangements. This indicator is evaluated by interviewing government staff responsible for tenure administration and individual rights holders as well as by reviewing relevant documentation on forest tenure rights. The cumulative performance of this sub-dimension scored weak because of the following reasons:

- Although approved Forest Management Agreement (FMA) agreement exist in most forested areas, most interviewed community members require more formal legal recognition such as title document to proof their forest rights.
- There are no clearly defined forest boundaries. Particularly most communal and state forest boundaries are not digitized and are highly contested.
- The law enforcement agencies inadequately monitor and take enforcement action against illegal encroachment and infringement of rights including trespassing and illegal extraction of resources. As a result, infringements of rights are not quickly and fairly addressed.

- Although federal and regional land laws boldly recognize women's land rights equally with that of men. However, in areas where polygamy is allowed, the right written in the legal document is not respected because only one of the partners is allowed for registration.
- The customary land tenure system has been recognized under the 1995 Constitution and proclamation 456/2005, particularly applicable in the pastoralist areas. However, in practice there is no harmonization of statutory and customary forest tenure systems.

10. Legal basis for expropriation of property

This sub-dimension assesses whether the legal framework describes clear rules, procedures, and provide adequate checks and balances on government powers to expropriate private or communal property for public purposes. Expropriation occurs when the state compulsorily acquires private or communal property for a purpose deemed to be in the public interest. Analysis was made on relevant legislations that set out terms and procedures for expropriation such as the constitution, proclamation No. 455/2005 on expropriation of landholdings for public purposes and payment of compensation, and council of ministers regulation No 135/2007 on payment of compensation for property situated on landholding expropriated for public purposes. The cumulative performance of this sub-dimension is weak because of the following reasons:

- Conditions and procedures of expropriation are stated in proclamation No. 455/2005, Art 3/1 and Art 2/5 that expropriation should only occur when rights to land or forests are required for a public purpose. However, the concept of public purpose is not clearly defined.
- The legal framework defines clear procedures for expropriation, for example, in proclamation No. 455/2005. However, conditions such as requirements to consider alternatives before decision of expropriation are inadequately defined.
- The legal framework requires public disclosure of information about the expropriation process, for example, in proclamation No. 455/2005, Art 4, sub-article 1-5. However, public disclosure of information about final decision on expropriation is limited.
- The 1995 constitution, Art 43/2 and other relevant legislations including the new forest proclamation describes the right to participate and consultation of affected people or community in any development initiatives. However, the need for public consultation in the development initiatives is not translated into implementation tools such as directives. Particularly there is not guideline on the procedure and requirements of public consultation.
- The council of ministers regulation No 135/2007 elaborates on payment of compensation for property situated on landholding expropriated for public purposes, including assistance to displaced persons to restore their livelihoods. However, the emphasis is on compensation for property situated

on landholding expropriated for public purposes not for land as such and fairness and promptness of compensation is unsatisfactory.

4.2.2 Tenure dispute resolution

Tenure dispute resolution refers to the efforts made by judicial, administrative, and/or community-based entities to resolve conflicts arising between individuals or groups with respect to forest tenure rights.

1. Legal basis for dispute resolution bodies

This sub-dimension evaluates whether the legal framework establishes clear rules and institutions such as judicial, administrative, or community-based entities for resolution of tenure disputes. Reviewed relevant legislations including the constitution, land tenure laws, implementing regulations for tenure administration, and forest laws. We also assessed different mechanisms for resolving disputes defined in the legal framework were reviewed. The cumulative performance of this sub-dimension is strong mainly because of the following attributes:

- Clear institutional mandates for tenure dispute resolution bodies at different administrative levels are provided in Oromia rural land administration and use proc. No. 130/2007, Art 16/ 1.
- Proc. No. 456/2005 and Oromia rural land administration and use proc. No. 130/2007 provide clear legal authority to hear cases, deliver rulings, and enforce final tenure dispute resolution.
- The legal framework defines requirements and procedures to ensure the independence and impartiality of dispute resolution bodies. For example, proc. No. 130/2007, Art 16/ 1 (a-j) provide clear measures to promote impartial dispute resolution mechanism that include multi-stakeholder dispute resolution bodies and clear rules and procedures to guide the selection or appointment of decision-makers.
- The legitimacy of community-based dispute resolution systems is recognized in the proc. No. 130/2007, for example, by demanding dispute case to pass through arbitration elders. However, there is no harmonization between customary and statutory forms of dispute resolution in the legal framework.

2. Capacity of dispute resolution bodies

This sub-dimension assesses the capacity of dispute resolution bodies in order to determine whether they have adequate resources and expertise to carry out their mandate effectively. This include the capacity to apply alternative dispute resolution (ADR), which refers to processes and techniques for resolving disputes that do not include litigation. They are often overseen by a neutral third-party, and may include negotiation,

mediation, and arbitration. For this assessment judicial mechanism of resolving dispute were selected and interviews were conducted with staff of the dispute resolution body to assess questions related to expertise and resources. The cumulative performance of this sub-dimension is weak mainly because of the following attributes:

- This study identified weak capacity of expertise that execute formal forest tenure procedures such as registering rights, demarcating boundaries. These capacities were assessed in terms of staff education, experience, and completion of trainings with respect to effectively executing forest tenure procedures.
- There were limited applications of alternative dispute resolution techniques partly because of shortage of formally trained expertise in alternative means of resolving disputes.
- The dispute resolution bodies have limited access to official data sources and other relevant legal evidence to inform rulings.
- There is critical shortage of financial resources for dispute resolution bodies to pay operational and facility costs and maintain regular hours for hearing disputes compared to the volume of cases to be handled on land and forest tenure issues.
- The number of staff required to operate dispute resolution were one of the critical constraints in those cases studied.

3. Accessibility of dispute resolution services

This sub-dimension assesses whether tenure dispute resolution procedures are easily accessible to citizens. It evaluates dispute resolution services in terms of legal standing, accessibility, language, affordability, and legal aid. Legal standing refers to the right to bring a lawsuit, and often requires the plaintiff to demonstrate a specific or other interest. Focusing on judicial mechanism of resolving dispute, interviews were conducted with staff of the dispute resolution body and community members who have used or tried to access dispute resolution services, and other persons with knowledge of dispute resolution services. The cumulative performance of this sub-dimension is weak mainly because of the following attributes:

- All citizens including local communities have legal standing to bring tenure-related cases before a dispute resolution body. However, the legal standing requires formal recognition of tenure rights, and this criteria makes difficult for informal claimants to bring tenure disputes before the formal law.
- Dispute resolution services are hardly provided in locations that are accessible for the majority of citizens. In most cases they need to travel to woreda court the services, which is far from their village.

- Dispute resolution services are provided in relevant local languages both during hearing causes and providing documentation. Accommodations are made to have translators for those who do not speak local languages.
- Most respondents claim that dispute resolution services are costly or not within their financial means. However, it was difficult to verify this claim.
- The practice of legal support for vulnerable or marginalized group such as poor community group, orphan and widow is very weak.

4. Effectiveness of dispute resolution

This sub-dimension evaluates to what extent the dispute resolution bodies provide timely, effective, and transparent rulings. We analyzed the interviews conducted during the community consultation and conducted key informant interview to evaluate the dispute resolution process with regards to forest tenure governance. The cumulative performance of this sub-dimension is weak because of the following reasons:

- Respondents in study areas claim serious limitations on the process of presenting their arguments and evidence before getting final rulings. They have also reservation on formal court settings, particularly on how the evidence was considered and what conclusions were drawn.
- Respondents also believe that rulings on land and forest related disputes generally take longer time compared to other similar litigations.
- Most respondents are hesitant on the fairness and effectiveness of dispute resolution decisions. They generally perceive that the final decision may not be based on the evidence presented and justified in the final ruling.
- Respondents perceive that the final decisions are not properly upheld or enforced in a timely manner.
- Huge limitation reported in terms of documenting and publically disclosing the final rulings of tenure disputes.

4.2.3 Concession allocation

Concession allocation refers to the process whereby the government confers significant use rights in state forests to a private entity or to enterprise through a contractual agreement (Davis *et al.*, 2013). The agreement may be referred to as a concession, license, permit, or other contract type and often relates to commercial utilization of forest products and include conservation activities like carbon sequestration. The new forest proclamation of Ethiopia defines concession as a contract given to a person with the legal standing to develop, conserve, or utilize a given state forest for a defined period of time (FDRE, 2018).

1. Legal basis for allocating concessions in state forests

This sub-dimension assesses the laws governing how concessions are allocated in state forests, including concessions allocated for extraction of timber and non-timber forest products or other activities such as conservation projects like carbon sequestration (e.g., CDM or REDD+ projects). It evaluates whether the legal framework define a transparent and accountable process for allocating those concessions. We analyzed the case of Oromia Forest and Wildlife Enterprise (OFWE) as concession holder of most the forest resources in the region. OFWE is a public enterprise established with regulation number 122/2009 issued in July 2009 to achieve three interrelated objectives: i) ensure conservation, sustainable development and the use of forest and wildlife resources in its concessions through community participation; ii) ensure supply of forest products to domestic and international markets by enhancing the forest industry; iii) and subsequently contribute to regional and national socio-economic development goals. The size of OFWE concession in Oromia is about 1.75 million hectares of forestland, which includes 1.2 million hectares of natural forests, 74,000 hectares of forest plantations, and 470,000 hectares of other land types (OFWE, 2016). The cumulative performance of this sub-dimension is weak because of the following reasons:

- The OFWE concession was directly assigned by Oromia State Council through regulation number 122/2009. There was no open and competitive process for allocating concessions such as auctions and competitive negotiation.
- No direct article concerning anticorruption measures in forest concession allocation other than the fact that all public enterprise are subject to screening for corruption.
- The technical requirements for applying for concession such as feasibility studies, impact assessments, and management plans are not explicitly defined in the legal framework.
- The legal framework is not explicit on the requirements of the existing tenure claims and claimants such as forest dependent communities to be identified before concession allocation.
- No legal requirements for transparency and information disclosure during the application process of concession allocation.
- Although public consultation is a requirement in most legal documents including constitution prior to implementing any development project that have significant social or environmental impacts, there is no specific legal clause that requires public notice or consultation during the concession allocation process.

2. Concession allocation in practice

This sub-dimension evaluates the transparency and accountability of concession allocations in practice. The concession allocation process was examined by conducting interviews with OFWE staff as a concession

holder of Oromia forest and comparing this information with the allocation procedures stipulated within the legal framework. This information is triangulated or verified through additional interviews with OEFCCA staff who is supposed to administer concession allocation processes regarding the respect of existing rights, public disclosure of the process, and consultation. The cumulative performance of this sub-dimension is very weak because of the following reasons:

- Forest concession was allocated to OFWE by Regulation No. 122/2009. However, there is no clarity whether the concession allocation was consistent with Oromia forest proclamation No. 72/2003 and other relevant laws and regulations with regard to compliance with the rules and other procedural requirements.
- Local communities who have existing rights over forest areas in Oromia were not adequately consulted before allocating and during operation of forest concession. Consequently, local community has negative attitude about OFWE.
- There is no clear rules in the forest legal framework that restrict administrative discretion and effectively curtail corruption during concession operation.
- No practice of reporting information and publicly disclosing about the allocation process, applicants, and final decision on forest concession.

3. Quality of concession contracts

This sub-dimension evaluates to what extent the concession contracts comprehensively describes all rights and obligations of the concession holder. Review was made on the contents of concession contracts to assess how they deal with legal, technical, administrative, financial, environmental, and social aspects. Key informants who have knowledge of concession terms or contracts were interviewed. The cumulative performance of this sub-dimension is weak because of the following reasons:

- There is no contract that directly concern forest concession. Regulation No 122/2009 serves as a quasi-contract, however, this regulation is not very clear on the duration of the contract, the specific property rights granted, any restrictions on rights within the concession boundary, and conditions related to termination, transfer of the contract.
- Regulation No 122/2009, which serves as quasi concession contract is not very clear on technical requirements that describe methods and procedures to carry out the activities of the contract. Although some articles in this regulation specify the need for conducting surveys activities and feasibility studies, there is no detail about technical requirements such as annual allowable cuts.

- Regulation No 122/2009 has articles that address administrative procedures and obligations. However, there is limitation on contract terms that clearly spell out types of reporting required and how often they should be carried out.
- This regulation is not clear on financial terms and obligation about pricing arrangements, fees, warranties, liabilities, required deposits, and taxes.
- Regulation No. 122/2009 emphasizes three interrelated objectives one of which is environmental conservation besides social and economic objectives. Moreover, OFWE mentioned that they are practicing selective cutting, restoration and reforestation, and preservation of existing vegetation. However, it is not clear on how they fulfill mitigation obligations, abatement measures, and compensation.
- Social obligations are also underlined in the Regulation No. 122/2009. These obligations include the provision of benefits to groups living within or near forest boundaries such as employment, provision of public goods such as the construction of schools or clinics. However, the actual performance is not up to the expectation of the beneficiaries.

4. Social and environmental requirements of concessions

This sub-dimension assesses to what extent concession contracts include requirements to ensure social and environmental sustainability. To evaluate this indicator key informant interview were conducted to understand how OFWE deals with and maintain quality of concession contracts in terms of impact assessment requirements, community engagement, mitigation and monitoring of social and environmental impacts, and whether the contracts require corrective measures if negative social or environmental impacts are detected. The cumulative performance of this sub-dimension is weak because of the following reasons:

- Although OFWE claims that social and environmental impacts are considered before starting operation, the researcher couldn't find supporting documents or social and environmental impact study report that show whether the impact assessments are conducted prior to beginning new operation.
- Regulation number 122/2009, article 7/10 require engagement and benefit sharing with local communities. New directive was also issued in 01/2017, which details forest utilization and benefit sharing by local community. However, local communities are not convinced with the proportion of the benefit sharing, e.g. 5% to be shared to local community in non-PFM areas.
- Although measures such as reforestation and rehabilitation of degraded areas are commonly implemented in the OFWE concession areas, strict mitigation measures are not specified in the

contract or regulation. The practice of compensating local communities living in the concession area for the lost livelihoods is weak.

- There is no provision in the contract or regulation that require monitoring of social and environmental impacts whether by the contract-holder or a third party.
- No provision in contract or regulation that clearly state any obligations of the contract-holder to address negative social or environmental impacts. Nor does specific clause for the consequences of noncompliance, such as penalties.

5. Compliance with social and environmental requirements in concession contracts

This sub-dimension assesses how contract-holders comply with environmental and social sustainability regulations in practice to identify the gap between contract requirements and actual implementation on the ground. We evaluated the case of OFWE by interviewing key informants and local stakeholders impacted by the operations of concession contracts. The cumulative performance of this sub-dimension is very weak because of the following reasons:

- No document that reveals the implementation of environmental and social impact assessment (ESIA) in relation to OFWE operation. Nor does such assessment report publically disclosed.
- There were practices of providing services for local communities like schools, healthcare, and employment opportunities, particularly towards the beginning of OFWE operation. However, there are no mandatory social agreements in the contract or in the regulation that oblige the agreements should be implemented.
- No provision in the contract or regulation that specifies impact and its mitigation actions.
- Key informant interviews and consultation with local stakeholders confirmed that no corrective measures, for example, to stop or modify project activities that are causing negative social or environmental impacts.

6. Management of information about concessions

This sub-dimension assesses to what extent responsible government agencies effectively and transparently manage information about concessions and their operations. We interviewed responsible staff or managing information about concessions or have knowledge about how concession contracts operate. The cumulative performance of this sub-dimension is very weak because of the following reasons:

- There is no centralized public registry of concessions that effectively and transparently manages information about concessions. The new forest proclamation (Proc No. 1065/2018, article 19/7)

states that “government may identify forests under its possession and given through concession agreement”.

- No digital record by OFWE that store comprehensive information on the current concession records. Although at very early stage, the new digital land registry system is attempting to bring together all land use information including forest tenure from different geographic scales.
- There is no comprehensive record system that details information on contract terms, rights, and related conditions.
- OFWE has some spatial information, which includes concession boundaries and forest cover. However, the accuracy of the boundary data is highly contested, particularly from the perspective of local community living in and around the forest, i.e. some areas that OFWE claim as its concession areas are currently utilized by community as farmland.
- Records of forest concession are not freely accessible by the public either online or by request in the office.

5. Summary analysis and discussions

5.1 Forest tenure rights

The forest tenure rights dimension is analyzed from the perspectives of ten (10) sub-dimensions and fifty (50) indicators with the score ranging from strong to very weak. The cumulative performances of this dimension scored moderate. However, sub-dimensions like forest tenure adjudication in practice, support for rights-holders, and recognition and protection of forest tenure rights in practice showed weak performance. Particularly, information about forest tenure rights was evaluated as very weak and requires greater attention to improve the overall forest tenure system. This indicator evaluated whether the existing system comprehensively store information about the nature and spatial extent of tenure rights in forests in the form of database or website digitally or in hard copy. Such forest tenure records include holding titles, certificates, licenses, permits, or other contractual agreements defining the ownership or use rights of private individual, community, or the state. It also includes informal records such as community maps or other documents produced by individuals or communities to document their tenure claims.

Table 4: Summary scores of forest tenure rights sub-dimensions

Sub-dimensions	Average score	Score quality
Legal recognition of forest tenure rights	2.75	Moderate
Legal support and protection of forest tenure rights	2.66	Moderate
Legal basis for adjudication of forest tenure rights	2.75	Moderate
Forest tenure implementation in practice	2.33	Weak
Legal basis for administration of forest tenure rights	2.75	Moderate
Forest tenure administration in practice	2.16	Weak
Information about forest tenure rights	1.4	Very weak
Support for rights-holders	1.8	Weak
Recognition and protection of forest tenure rights in practice	2.4	Weak
Legal basis for expropriation of property	2.16	Weak
<i>Cumulative performance</i>	<i>2.32</i>	<i>Weak</i>

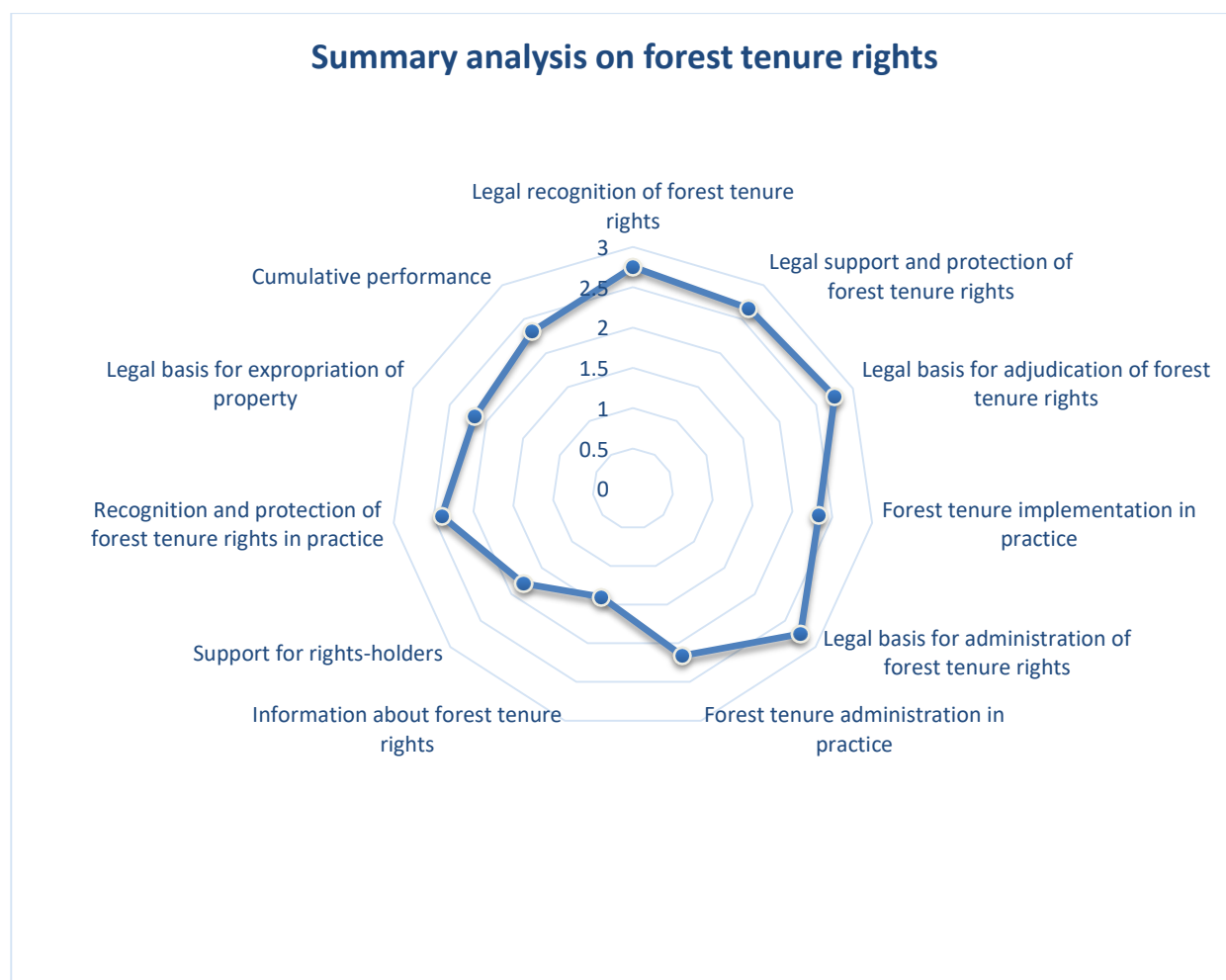


Figure 2: Analysis of forest tenure rights sub-dimensions

The current forest development, conservation and utilization proclamation No.1065/2018 recognizes four forest tenure categories, namely, private, community forest, association, and state forests (Article 4). Recognition of four types of tenure categories is a significant step forward compared to the recently repealed forest proclamation (proc. No. 542/2007), which categorized forest ownership into state and private. Besides expanding forest tenure categories, the new forest proclamation further elaborated legally recognized bundle of rights for each tenure type. For example, the legally recognized bundle of rights for private forest (forest other than community or state forest, and developed on private or institutions' holding) according to the new forest development, conservation and utilization proclamation No. 1065/2018, Art 5 are:

- obtain certificate of title deed
- utilize or sell the forest products and ecosystem services including carbon to local or foreign markets
- transfer possession rights, however, the land holding cannot be sold and can be transferred only through inheritance to family members and can be leased, subject to restrictions on the extent and duration of leases (Rural Land Use and Administration Proc. No. 456/2005, Art 5/4 & Art 8)

- get compensation in case of expropriation of possession for public interest
- conduct business by providing services as well as adding value to forest products
- free from land lease and any kind of tax for the first production period
- Access to loan upon fulfilling appropriate requirements, however, no clear indication about the right to use the holding as a collateral.

The legally recognized bundle of rights for community forest (forest developed, conserved, utilized, and administrated by the community on its private or communal possession based on by laws and plans developed by the community, according to proc No. 1065/2018, Art 7 are:

- voluntarily engage in participatory forest management;
- obtain certificate of title deed;
- share benefits obtained from the forest;
- get priority to benefit from forest concession;
- get professional, technical, inputs, and legal services;
- utilize, sell, and add value to forest products;
- get compensation in case of expropriation of possession for public interest;
- exemption from any forest development income tax for two consecutive production period;
- access to loan upon fulfilling appropriate requirements; however, no clear indication about the right to use the holding as a collateral;
- no clear article on the right to transfer possession rights

Communal land holding including forest land is also recognized by the 1995 constitution, rural land use and administration proc. No. 456/2005. Proclamation 456/2005, Article 2/12 defines the communal holding as rural land which is given by the government to local residents for common grazing, forestry and other social services. The constitutional articles that support communal land forest holding include: 1) freedom of association which could allow people to organize into forest use groups; 2) direct participation of the local people in all matters (which include forest management and sustainable utilization issues); and (3) joint ownership of land and other natural resources (which shall apply to forest resources).

The legally recognized bundle of rights for association forest (forest developed, conserved, utilized, and administrated by the associations established to develop forest), according to proc No. 1065/2018, Art 9, are:

- all rights and incentives bestowed for private forest developers are also granted for associations of forest developers upon registration with the appropriate government body;
- free from any kind of tax for the first production year;

- access to a loan upon fulfilling the appropriate requirements; however, phrase ‘appropriate requirements’ is specified in the current proclamation;

The key steps to establish community or association forest involve: a) screening forest users who want to voluntarily engage in participatory forest management, b) delineating the forest boundary to be managed and developing a forest management plan (FMP), and c) preparing a forest management agreement (FMA) that details roles and responsibilities of parties involved in forest management. The roles and responsibilities to be detailed in the FMA include: forest development, forest protection, forest harvesting, and forest monitoring. FMA also includes internal rules (bylaws) that define the day-to-day decision making process of the participating parties. The FMA is considered as a legally binding contract when it is signed between a community organization and a relevant government agency.

Although the approved FMA is considered as a legally binding contract, majority of local communities consulted in the course of this study claim additional paper documentation such as certificate holding to proof their ownership and reduce the likelihood of losing the forest. Currently, the government of Ethiopia is implementing certification of common land in the name of groups using the common resources. The land certification process is advancing in the highland areas while in the pastoral areas, where vast communal range wooded lands exists, the registration and certification process is at piloting stage due to technical difficulties to identify and demarcate boundaries according to the customary use rights in the area. However, there are several initiatives by government and NGOs to implement communal land certification in pastoral areas like Borana lowlands using the customary range land management approach (interview with director of Rural Land Administration and Use Directorate in the MoANR, July 2018). The Ethiopian constitution recognizes the right of pastoralists (article 40/5) and states: ‘Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands’. The rural land administration and use proclamation (456/2005) confirms constitutional rights of pastoralists. The Oromia rural land administration and use proc. No. 130/2007, Art 6 stipulates that “any peasant or pastoralist, or semi pastoralists who has the right to use rural land shall have the right to use and lease on his holdings, transfer it to his family member and dispose property produced there on, and to sell, exchange and transfer the same without any time bound”. Likewise the Oromia forest proclamation No. 72/2003, Article 6/1, states: “the state owned forest, patches of forests outside the boundary of the state forest may be handed over to organized local community based on the recommendation of study that suggest better forest management under community ownership”. According to regulation No 122/2009, article 16, sub-article 3&4, besides the registered concession areas, OFWE shall administer “demarcated and undemarcated woodlands, highlands and lowland bamboo, incense and gum resources in the region”; as well

as “ open lands designated by the government for forest development purpose in accordance with the land use studies”.

In spite of the various laws that support communal resource management and access of local people to forest resources, there are huge gaps in the implementation of these rules in practice, particularly in accommodating the customary rights of local people to access the very resources they have been managing for ages. These created a feeling of hostility by the local people toward the forests. To overcome this long standing sense of insecurity, it is important to issue certificate of forest title deed to organized beneficiaries, which is believed to develop sense of ownership and ensure tenure security. It is also imperative to strengthen the legal and administrative protection for organized community or associations by limiting the powers of government organs not to interfere with the day to day activities of community and clearly define the legal base for expropriation of possession for public interest. The scope of the phrase of ‘public interest’ shall be clearly defined to avoid ambiguities while interpreting and implement land expropriation.

As it exists now the valid legal contract in the case of organized forest management group is Forest Management Agreement (FMA), which is classified in the Civil Code as administrative contracts. According to legal analysts, the government party has a special prerogative or an overriding power to modify or revoke the administrative contracts such as the forest management agreement even without consulting the other contacting party, in this case, organized local community (Melese, 2016). Different scholars explain that in a number of settings, the security of local forest management arrangements may be weakened by apparently wider powers on the part of the government to terminate the arrangement, or when the grounds for termination are poorly defined or vaguely spelled out (Lindsay, 2004; Ayana *et al.*, 2015). Local communities are either reluctant to invest in such development activities or harvest rapidly from the common when they are not sure whether they can reap benefits from the final harvest. Gregersen (1988) indicates that local community responses to forestry related intervention is determined by strength of the institution to assure to all parties involved that they will reap the benefit, for instance, through provisions of reliable legal documents like certificate of title deed. Thus, for any forestry related interventions like OFLP effort to be successful it must not only provide a realistic hope of significant benefits, it must install confidence that the rights to those benefits are secure and cannot be taken away arbitrarily. Because such confidence and positive sense of security will enhance community’s compliance to the common rule, their commitment to the common goal and long-term plan and investment in the common recourses. Building confidence and sense of security particularly important for local community in the context of Ethiopia where the same government which denied their accesses to resources in the past, vested only usufruct rights but still maintained the ownership rights. Therefore, although building trust is not a one-time effort, all decisions taken with regards to joint forest management have to be legitimate,

transparent and accountable, so that community members should develop confidence overtime that relevant laws are being upheld and their interest is being protected.

Another challenge in the context of communal tenure like PFM arrangement is the issue of boundary between users and non-users. The usual procedure during the establishment process of PFM is to assess the forest utilization pattern in order to identify primary and secondary users who would be allowed to become members of the new arrangement. However, membership selection criterion and delineating clear boundary between members and non-members is found to be problematic and prone to conflicts. Although in most cases households residing close to the forest resources are recruited as a PFM member, such approach creates disadvantage to the distant communities who also depend on the forest for several products. We observed strong objection and concern from non-members for being excluded from their customary use rights like getting forest-based fodder for their livestock, especially during dry periods in most PFM areas. Observation during community consultation in the study areas like Adaba Dodola and Chilimo show a critical shortage of animal feed, which confirms the same problem. Conflicts between members and non-members that led to violence and destruction of property were reported in most study areas, which will threaten the sustainability of the communal regime. The PFM members are also well aware of the fact that large groups of the community, particularly the youth are excluded from membership. Such conflicts can aggravate and endure over long periods if those who are excluded cannot find alternative livelihoods or other job opportunities. Moreover, in some areas the official principles that all members have equal rights and responsibilities is facing practical challenge on the ground where the already existing traditional arrangement allows some individual holdings in which a few family members own adjacent forest plots that constitute the entire forest block under the PFM arrangement. This is particularly evidenced in the coffee growing areas like Jimma, Illubabor, Kelem Wollega, and Guji zones. In those areas, members who have no traditional use rights are not allowed to harvest economically important forest products, such honey, coffee, and spices, and in general they are not perceived as legitimate ‘owners’ of forest plots. They are only allowed to use some forest products, such as firewood and farming materials, and other products for subsistence use. Moreover, in certain areas like Anferara and Wodara forests in Guji zone we observed unmanageably large members (more than sex hundred) in a user group. The PFM members complained that there are some members who are not residing in or around forest, including urban dwellers, unfairly included in absentia. This issue should be further clarified and resolved to sustain the communal tenure system in the area.



Fig 3: Coffee expansion inside the PFM forest area

It is important to clearly and fairly defined membership criteria and bundles of right for all members to minimize grievances build sense of ownership. In this regard the traditional forest tenure rights held by local community and other groups as customary tenure systems need to be officially recognized and clearly aligned with the statutory framework. It is necessary to develop a comprehensive guideline that supports multiple rights to co-exist on the same plot of forest land. As a communal tenure arrangement, PFM shall limit the access or may even exclude non-members from accessing the forests under PFM regime. The regional and local government should devise mechanisms for non PFM members such as unemployed youth and those who have lost their customary access due to the establishment of the new system. The mechanisms to consider include encouraging value addition and value chain development where members and non-members are effectively linked in the commodity chains of legally harvested forest products. This will not only ensure equity but also enhance the productivity and benefits derived from forests the PFM regime.

5.2 Tenure dispute resolution

The forest tenure dispute resolution dimension is assessed under four sub-dimensions and 19 indictors with the score ranging from strong to weak. The cumulative performances of this dimension scored weak. The sub-dimensions of the legal basis for dispute resolution bodies is evaluated strong mainly because a number of legislations exist both at federal and regional state level that provide legal ground for dispute resolution process.

Table 5: Summary of scores on tenure dispute resolution sub-dimensions

Sub-dimensions	Average score	Score quality
Legal basis for dispute resolution	3.75	Strong
Capacity of dispute resolution bodies	1.8	Weak
Accessibility of dispute resolution services	2.4	Weak
Effectiveness of dispute resolution	1.8	Weak
Cumulative performance	2.44	Weak

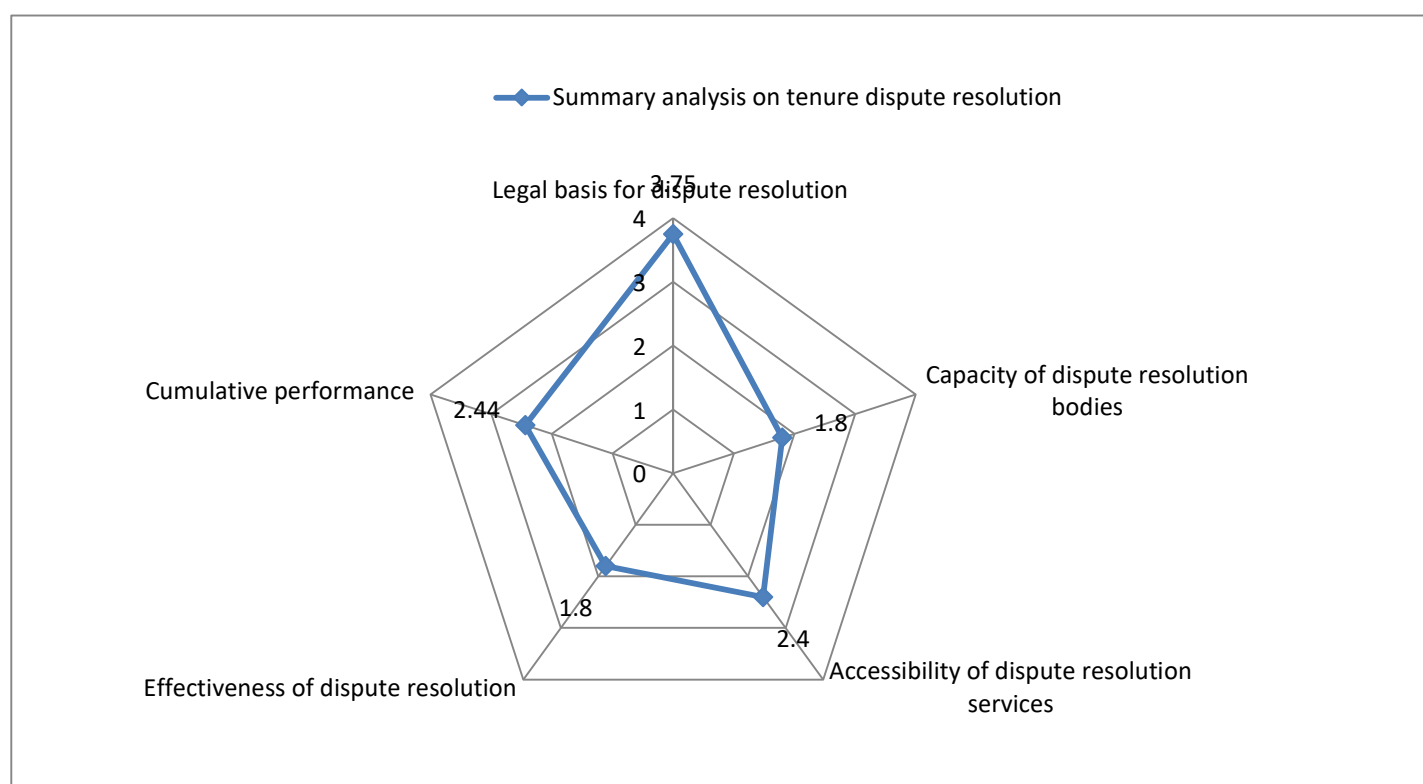


Figure 4: Analysis of forest tenure resolution sub-dimensions

For example, the federal rural land use and administration proc. No. 456/2005 provides a guiding principle on dispute settlement mechanism. Article 12 of this proclamation stipulates that “where dispute arises over rural landholding right, effort shall be made to resolve the dispute through discussion and agreement of the concerned parties. Where the dispute could not be resolved by agreement, it shall be decided by an arbitral body to be elected by the parties or decided in accordance with the rural land administration laws of the region”. The Oromia rural land administration and use proc. No. 130/2007 and regulation No. 151/2013 also detail clear procedure and institutional mandates for tenure dispute resolution bodies at different administrative levels and for different types of disputes. The latter proclamation also grants dispute resolution bodies adequate powers to deliver and enforce rulings and defines requirements and procedures to ensure the independence and impartiality of dispute resolution bodies (proc. No. 130/2007, Art 16/ 1 (a-j)). This proclamation also recognizes the legitimacy of community-based and customary dispute resolution

systems by demanding dispute case to pass through arbitration elders. On the country, the new forest proclamation No. 1065/2018 paid inadequate attention to dispute resolution in forest tenure rights. However, the provisions of rural land administration and use proclamation also encompass forest tenure.

As indicated in table 5, indicators like capacity of dispute resolution bodies, accessibility of dispute resolution services, and effectiveness of dispute resolution are evaluated as weak and requires careful attention to improve the overall performances of forest tenure dispute resolution. For example, the capacity of dispute resolution bodies were assessed whether they have expertise in relevant tenure laws and practice alternative means of resolving disputes, such as mediation; and have access to sufficient financial and human resources to handle their case volume. The staff of law enforcement agencies that we interviewed in the various study woredas evaluated the judicial mechanism of resolving dispute as weak in terms of the availability of expertise and resources. The dispute resolution services through judicial mechanism are also evaluated as weak in terms of its accessibility, affordability and legal aid for citizens who cannot afford the litigation. The experts also pointed out that a lot of emphasis was given to resolve disputes through the courts of law in the current legal system of Ethiopia. However, in most cases court litigations spoor enmity between the contending parties and have severe adverse effects. Thus, legal experts recommend to prioritize resolving disputes through arbitration before resorting to the courts and to include such legal provisions in the administrative contracts and bylaws.

In most cases violation of forest tenure rights may lead to conflict and violence, in particular when the rights in question are limited in breadth and scope, too short in duration, sustain unresolved conflicts between formal state law versus informal/customary claims, and lead to overlapping and inadequate rights, etc. People with insecure rights are often removed from their land by force. And whenever forced evictions take place, violence is generally used both for enforcement and defense of the eviction. More than 80% of respondents participated in the community consultation in the study areas replied negatively on the questions that inquire about the effectiveness of the legal system, particularly the court litigation. The respondents highly criticized the judicial procedures as inaccessible, long procedural, and often costly. Both participants of community consultation and key informants bitterly criticized, especially when presenting forest related offenses to district or woreda level court. They pointed out some reasons: first, the district woreda court is very far from average villagers and they have to pay their traveling and other associated costs for deliberating their legal cases at district level. Second, it takes a very long time until one case is decided. As a result, villagers often prefer to reconcile the matter at local level, regardless of the level of the offense. 'Rule breakers', villagers said, are cognizant of this costly and length judicial procedure and as a result they ignore the rules and undermine the mandate of forest management committee. The major offenses presented to district level court were storing and transporting forest product without holding

evidence from the authority, performing illegal activities in the forest like making charcoal, permanently settling in the forest, clearing forest for agriculture, keeping domestic animal in the forest.



Fig 5: New expansion of coffee plantation by gradually thinning tree covers in Adola Rede

Key informants from forestry department added that even those cases which received decisions were not fair and compatible with the magnitudes of offense. They added that most of the penalties are trivial to offenders and it is much more profitable for them to keep on committing the same offenses even after covering the penalties. They pointed to situations in which several offenders were repeatedly presented to the district court for similar offenses. They further explained that this encourages free-riders and rent-seekers while discouraging rule followers. This is partly attributed to the absence of specialized jurisdictions dedicated for communal resource management and weak local level arbitration mechanism outside the formal lawsuit. According to the design principle (DP), which informed much of the process and structure of PFM in Ethiopia, rapid access to low-cost, local level legal arenas to resolve conflict among users and eternal claimants are a basic prerequisite for successful communal resource management system (see Ostrom *et al.*, 1999, Ayana *et al.*, 2015). The practical experience in the study areas, however, cannot fulfill this basic requirement. The empirical study by Kohler and Schmithüsen (2004) from comparative analysis

of forest laws in 12 sub-Saharan African countries including Ethiopia also confirmed similar problem in the region. It is recommended that for successful communal resources management institutions to emerge in the region, the judicial systems should be easily accessed and effective enough to change the image of the wider public. This can be attained by encouraging community level dispute resolutions through arbitration that reduce costs and enable community members to use their time for other productive purpose. This requires revision of legal framework that recognizes and enforces decisions and agreements made through community level arbitration. The revised legal framework should also establishes clear procedures to build the capacity of community-based tenure dispute resolution bodies by providing training, legal materials working space. For example, the capacity building efforts for the community-based dispute resolution bodies can be strengthened by linking with the legal aid centers established by various universities in the country to provide legal support for poor and vulnerable groups.

5.3 Concession allocation

The forest concession allocation dimension is assessed under six sub-dimensions and 33 indictors. As indicated in table 6, the scores of these indictors range from weak to very weak with cumulative performances scored as weak.

Table 6: Summary scores of concession allocation sub-dimensions

Indictors	Average score	Score quality
Legal basis for allocating concessions in state forests	1.8	Weak
Concession allocation in practice	1.2	Very weak
Quality of concession contracts	2.3	Weak
Social and environmental requirements of concessions	1.8	Weak
Compliance with social and environmental requirements in concession contracts	1.2	Very weak
Management of information about concessions	1.5	Very weak
<i>Cumulative performance</i>	<i>1.6</i>	<i>Weak</i>

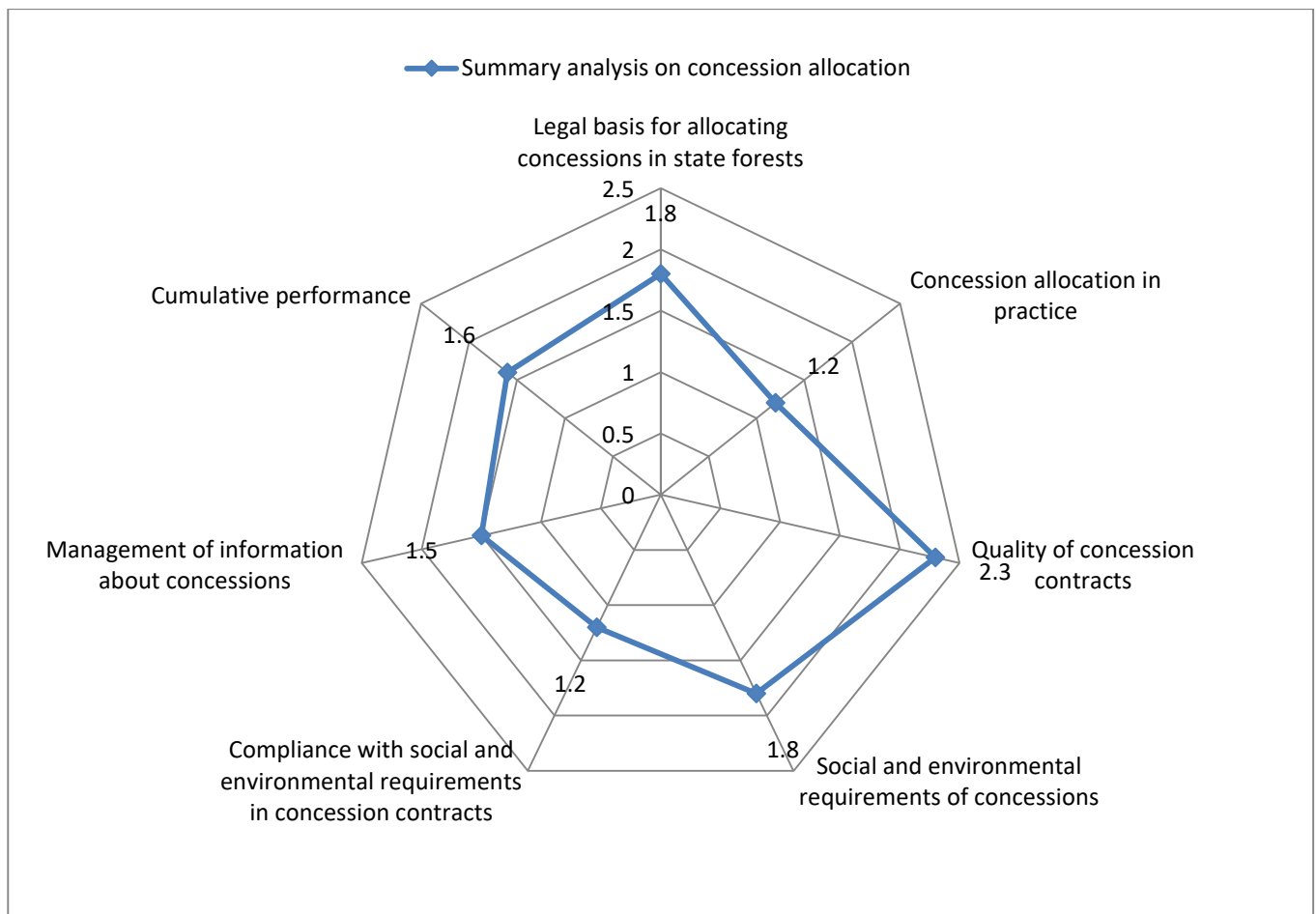


Figure 6: Analysis on concession sub-dimensions

The new forest proclamation No. 1065/2018, article 2/10 defines forest concession as “a contract given to a person with legal standing to develop, conserve or to utilize a given state forest for a defined period of time”. According to this definition, concessions are usually intended for business enterprise and it is not clear if this applicable for community based forest management groups like PFM. The same proclamation article 7/1/d guarantee community forest developers the right to get priority to benefit from the forests concession given by the government. Therefore, detail regulation and directives are required to clarify whether community forest management is considered as concession contract and make clear the duration of the contract considering the long gestation period of harvesting forest products. Although concession allocation for agricultural investment is very common, private investment in forest sector is limited Ethiopia. This analysis focused on the case of Oromia Forest and Wildlife Enterprise (OFWE) that administer and manage most Oromia’s forest resources through concession. The legal basis for allocating forest concessions in is evaluated as weak. A number of reasons were identified during the analysis: 1) there is no comprehensive legal framework that defines transparent and competitive process for allocating forest concessions including public disclosure of information relating to the allocation process; 2) technical requirements and minimum qualifications for application is not clearly defined; 3) existing tenure claims

and claimants were not properly identified and addressed prior to allocating concession, for example, organized local community were managing several forest areas in Oromia under PFM arrangement prior to its allocation to OFWE and the rights and duties of these two claimants were not properly addressed. The evaluation concerning the transparency and accountability of forest concession allocations in practice is even very weak mainly because indicators such as legal compliance, respect of existing rights, anticorruption measures, public disclosure of information about the allocation process, and public consultation are very weak in practice. For example, although the legal framework including the constitution (article 43/2) requires public consultation prior to implementing any development initiatives, in practice local community have minimum opportunities to participate and influence the concession allocation process even when the interventions have significant social or environmental impacts. The mechanisms and practice to conduct proactive impact assessment, mitigation and monitoring of social and environmental impacts due to concession contracts is very weak. Particularly, there is huge gap concerning monitoring of concession-holder's compliance with contractual provisions and taking corrective measures when negative social or environmental impacts are detected. The information management system concerning concession allocation and their operations is also very weak. Accurate and up-to-date information and records that contain comprehensive legal and spatial information about forest concession are expected to be maintained centrally both at regional state and federal level and freely accessible by the public. However, in practice, availability and accessing well-organized information on forest concession is challenging.

6. Conclusions and recommendations

6.1 Conclusions

This study assessed the legal and policy framework governing forest tenure in Oromia in order to understand how broader spectrum of forest tenure rights are allocated, recognized, supported, and protected by the existing legal system and implemented in practice. We adopted the GFI (Governance of Forests Initiative) framework developed by World Resources Institute that works to promote policies and practices that strengthen forest governance to support sustainable forest management and improve local livelihoods (Davis *et al.*, 2013). The GFI framework provides a comprehensive menu of indicators that can be used to diagnose and assess strengths and weaknesses of legal and policy framework governing forest tenure. Forest tenure issues were analyzed under three key dimensions: forest tenure rights, tenure dispute resolution, and concession allocation. Each forest tenure dimension was assessed at multiple sub-dimensions and indicators level; and in total 20 sub-dimensions and 102 indicators (50 for forest tenure rights, 19 for tenure dispute resolution, and 33 for concession allocation) were evaluated. Through this detail and comprehensive

evaluation the study identified which forest tenure issues scored weak and very weak that requires serious corrective measures to improve forest tenure governance in Oromia national regional state. Table 7 presents forest tenure sub-dimensions that scored (very) weak and issues that require policy measures to improve forest tenure governance in Oromia.

Table7: Forest tenure sub-dimensions and issues for policy actions

Sub-(dimensions)	Score	Issues for policy actions
Forest tenure rights		
Forest tenure implementation in practice	Weak	Consultation of claimants, support for vulnerable claimants, fairness of outcomes, and access to effective redress mechanisms if rights are not respected
Information about forest tenure rights	Very weak	How information about forest tenure rights is maintained, comprehensiveness, accuracy, accessibility of information and inclusion of informal rights
Support for rights-holders	Weak	Rights holders' access to capacity building services and technical support and additional legal, technical, and financial assistance for vulnerable rights-holders
Recognition and protection of forest tenure rights in practice	Weak	Demarcation of forest of boundaries, law enforcement to quickly and fairly address infringements of rights, the inconsistency and conflict between customary and statutory forest tenure systems on the ground
Legal basis for expropriation of property		The concept of public purpose is not clearly defined. Conditions such as requirements to consider alternatives before decision of expropriation are inadequately defined. Public disclosure of information about final decision on expropriation is limited. The need for public consultation in the development initiatives is not translated into implementation tools such as directives.
Tenure dispute resolution		
Capacity of dispute resolution bodies	Weak	Availability of tenure expertise in relevant tenure laws and practices, expertise in alternative dispute resolution such as mediation, access to range of evidence, financial and human resources to handle tenure dispute cases
Accessibility of dispute resolution services	Weak	Accessibility and affordability of dispute resolution services, availability of legal aid or free legal services for peoples who cannot afford court litigation
Effectiveness of dispute resolution	Weak	Evidence base for rulings, timeliness, fairness, enforcement, and disclosure of rulings
Concession allocation		
Legal basis for allocating concessions in state forests	Weak	Defining open and competitive process for allocating concessions, anticorruption measures, clearly defining the minimum qualifications and technical requirements for application
Concession allocation in practice	Very weak	Compliance with relevant laws and regulations, identifying and addressing issues related of existing tenure claims, public consultation and disclosure of

Quality of concession contracts	Weak	information, minimizing administrative discretion and opportunities for corruption during concession allocation Comprehensive legal contracts and agreement including all technical requirements, administrative procedures and obligations of contract-holder in terms of financial, environmental protection and social aspects
Social and environmental requirements of concessions	Weak	Comprehensive concession contracts that require environmental and social impact assessment, community engagement, mitigation, monitoring and corrective measures if negative social and/or environmental impacts are detected
Compliance with social and environmental requirements in concession contracts	Very weak	Conducting and publically disclosing social and environmental impact assessments, establishing equitable social agreements with local communities, putting in place appropriate avoidance and mitigation measures, regular monitoring, reporting, and taking corrective measures when negative social or environmental impacts are detected
Management of information about concessions	Very weak	Establishing central database to store and managing accurate and up-to-date information that contain comprehensive legal and spatial information about forest concession

6.2 Recommendations

- ❖ This study identified critical limitations in forest tenure adjudication such as inadequate consultation of claimants, weak support for vulnerable claimants, and forced evictions or uncompensated loss of forest tenure rights. These limitations and associated appeals have to be properly and timely addressed to enhance the transparency, inclusiveness, and fairness of forest tenure adjudication process.
- ❖ Information about forest tenure rights such as records of holding titles or certificates, and other contractual agreements, which define use rights are very weak in Ethiopia; and these require greater attention to improve the overall forest tenure governance system.
- ❖ It is important to issue certificate of forest title deed to organized forest beneficiaries to overcome the long standing sense of insecurity by communal resource management group. Certificate of forest title deed and forest management plan is, particularly required for patches of forest outside forest priority areas.
- ❖ Improve support for all rights-holders by enhancing their access to understandable information about the administrative channels available to formalize and defend their rights.

- ❖ Strengthen the legal and administrative protection for organized community by limiting the powers of government organs not to interfere with the day to day activities of community and clearly define the legal base for expropriation of possession for public interest. The scope of the phrase of ‘public interest’ shall be clearly defined to avoid ambiguities while interpreting and implement forest land expropriation.
- ❖ For forestry related interventions like REDD+ or other A/R efforts to be successful it must not only provide a realistic hope of significant benefits, it must install confidence that the rights to those benefits are secure and cannot be taken away arbitrarily. This can be achieved by taking legitimate, transparent and accountable decisions so that community members develop trust overtime that relevant laws are being upheld and their interest is being protected.
- ❖ Translate policy and legal provisions regarding forest designation and demarcation into implementation instruments such as regulations, directives, and guidelines.
- ❖ Strengthen the capacity of expertise that execute forest tenure procedures such as registering rights and demarcating boundaries. Encourage community participatory mapping, database management and updating.
- ❖ It is vital to clearly and fairly defined membership criteria and bundles of right for all communal forest management arrangement to minimize grievances and build sense of ownership. This include setting clear criteria for recruiting members, getting community consent on the criteria and implementing participatory member selection.
- ❖ The law enforcement agencies should regularly monitor and take enforcement action against infringement of rights and other non-compliance to ensure that forest tenure rights are widely recognized and protected in practice. Harmonize the penalties and other articles in the Oromia and federal forest laws according to the constitutional provisions. Increase awareness and provide continuous capacity building for the judiciary and law enforcement bodies.
- ❖ Forest penalties should include compensation for the lost property, for example in case of forest destruction, and should be effectively enforced.
- ❖ The traditional forest tenure rights held by local community and other groups as customary tenure systems need to be officially recognized and clearly aligned with the statutory framework. This include amending the existing legal framework to recognize customary use rights and traditional institutions like Gedda system as entity to be involved in natural resource management.
- ❖ It is necessary to develop a comprehensive guideline that supports multiple rights to co-exist on the same plot of forest land.
- ❖ Government should devise alternative mechanisms for non PFM members such as unemployed youth and those who have lost their customary access due to the establishment of the new system.

Alternative mechanisms to consider include encouraging value addition and value chain development where members and non-members are effectively linked in the commodity chains of legally harvested forest products. Further comprehensive study is also recommended to identify feasible alternative livelihood strategies for landless and unemployed youth living in and around forested areas in Oromia.

- ❖ Encourage and strengthen community level alternative dispute resolutions through arbitration that reduce costs and enable community members to use their time for other productive purpose. It also requires revision of legal framework that recognizes and enforces decisions and agreements made through community level arbitration.
- ❖ When revising the legal framework it should establishes clear procedures to build the capacity of community-based tenure dispute resolution bodies by training expertise in alternative dispute resolution, providing legal materials and working space. For example, the capacity building efforts for the community-based dispute resolution bodies can be strengthened by linking with the legal aid centers established by various universities in the country to provide legal support for poor and vulnerable groups.
- ❖ During forest concession allocation and operation, it is crucial to conduct and publically disclose social and environmental impact assessments, establish equitable social agreements with local communities, put in place appropriate avoidance and mitigation measures, regular monitoring, reporting, and take corrective measures when negative social or environmental impacts are detected.
- ❖ Initiate new legal framework that addresses social and environmental safeguard issues when designing and implementing forestry related projects, particularly for those with potential social and environmental impacts.
- ❖ Accurate and up-to-date information and records that contain comprehensive legal and spatial information about forest concession and their operations should be maintained centrally both at regional state and federal level and should be freely accessible by the public.

7. References

- Atela, J *et al.* 2015. Implementing REDD⁺ at the local level: Assessing the key enablers for credible mitigation and sustainable livelihood outcomes. *Journal of Environmental Management* 157 (2015) 238249
- CIFOR. 2016. **Introduction: Opportunities and Challenges in the Forest Sector**. CIFOR Occasional Paper, Bogor, Indonesia.
- Davis, C. Williams, L., Lupberger, S., and Daviet, F. 2013. **Assessing Forest Governance: The Governance of Forests Initiative Indicator Framework**. World Resources Institute (WRI), Washington, Dc 20002, USA. ISBN 978-1-56973-815-3
- EPA. 2011. **Forest Carbon Partnership Facility (FCPF), Readiness Preparation Proposal (R-PP)**. Country Submitting the Proposal: Federal Democratic Republic of Ethiopia Date re-submitted (formal): 07 March 2011.
- FAO. 2011. **Reforming forest tenure Issues: principles and process**. Food and Agriculture Organization of the United Nations, Forestry Paper 165.
- FAO. 2014. **Strengthening Forest Tenure Systems and Governance**. Rome, Italy.
- FDRE. 2011. **Ethiopia's climate-resilient green economy: green economy strategy**. Addis Ababa: Federal Democratic Republic of Ethiopia.
- FDRE. 2015. **Growth and Transformation Plan II**. National Planning Commission (NPC), Addis Ababa, Ethiopia.
- FDRE. 2016. **Ethiopia's Forest Reference Level Submission to the UNFCCC**. The Federal Democratic Republic of Ethiopia, Addis Ababa.
- FDRE. 2017. **Ethiopia Forest Sector Review: Focus on Commercial Forestry and Industrialization**. Technical Report by Ministry of Environment, Forest and Climate Change, 2017.
- Johnson, D. R. 2007. **Reflections on the Bundle of Rights**. *Vermont Law Review* Vol. 32:247
- Knut Olav and Noha El-Mikawy. 2009. **Reflections on Land Tenure Security Indicators**. Discussion Paper 11, United Nations Development Programme, Oslo Governance Centre.
- MEFCC. 2015a. **Legal and institutional framework for the Ethiopian REDD+ program** (Unpublished Report). National REDD+ Secretariat, Ministry of Environment, Forest and Climate Change. Addis Ababa, Ethiopia.
- Melaku Bekele, Tesfaye Y, Mohammed Z, Zewdie S, Tebikew Y, Brockhaus M and Kassa H. 2015. **The context of REDD+ in Ethiopia: Drivers, agents and institutions**. Occasional Paper 127. Bogor, Indonesia: CIFOR.
- OEFCCA. 2017. **Project Implementation Manual** (unpolished report). Oromia National Regional State Forested Landscape Program, Oromia Environment, Forest and Climate Change Authority.
- Regulation No 122/2009. **A regulation to provide for the establishment of Oromia Regional State Forest and Wildlife Enterprise**. Megeleta Oromiya. 16th year – No 122/2009.

- Robinson, B.E., Holland, M.B. and Naughton-Treves, L. 2014. **Does secure land tenure save forests? A meta-analysis of the relationship between land tenure and tropical deforestation.** *Glob. Environ. Chang.*, **29**, 281-293.
- Robinson, B.E., et al. 2017. **Incorporating Land Tenure Security into Conservation.** *Conservation Letters*, June 2017, 00(0), 1–12.
- Schlager, E and Ostrom, E. 1992. **Property-rights regimes and natural resources: A conceptual analysis.** *Land Economy* 68(3) p.249-262.
- Tamire M., Bekele M. 2014. **Proceedings of the 4th National Conference on “Environment and Development”.** Dilla, Ethiopia. Pp. 86-104.
- UNEP. 2017. **The contribution of forests to national income in Ethiopia and linkages with REDD⁺.** United Nations Environment Programme: Nairobi.
- Megeleta Oromia. 2016. Proclamation No. 199/2016 to Provide for the Reorganization and Redefinition of the Powers and Duties of Executive Organs of Oromia National Regional State. Article 41 (1-33)

8. Appendix

8.1 Appendix 1: List of legal and policy/strategy documents reviewed

- The CRGE Strategy (2011), which identified forestry as one of the four key pillars;
- The National REDD⁺ strategy (Draft), outlines the inter-sectorial actions that should be undertaken to reduce deforestation and forest degradation;
- The legal and institutional framework for the Ethiopian REDD⁺ Program (2015);
- Legal and institutional framework for the Oromia Forested Landscape Program (2015);
- Environment Policy of Ethiopia;
- Forest development, conservation and utilization proclamation No. 1065/2018
- Rural Land Use and Administration Proc. No. 456/2005
- Proclamation on Land Expropriation for Public Purposes and Payment of Compensation (455/2005)
- Rural Development Policy and Strategies;
- Ethiopian Biodiversity Strategy and Action Plan;
- Forest Conservation and Utilization Policy and Strategy;
- The Ethiopian Strategic Investment Framework for Sustainable Land Management(ESIF–SLM);
- Forest Sector Review (FSR) (2017), a comprehensive sector diagnostics studies;
- MEFCC Growth and Transformation Plan (GTP) II (2015), which lays out the broadly accepted and ambitious goals for forest sector to achieve its growth objectives;
- National Forest Sector Development Program (NFSDP) (2017), which provides the master plan and roadmap for future forestry actions at the federal and regional levels;
- The contribution of forests to national income in Ethiopia and linkages with REDD⁺ (2016);
- Monitoring, Reporting, Verification (MRV) of emissions and reductions from REDD⁺ and Forest Reference Level (FRL).
- The 1995 constitution,
- Oromia rural land administration and use proc. No. 130/2007 and regulation No. 151/2013
- Oromia forest proclamation No. 72/2003

8.2 Appendix 2: Detail assessment results on forest tenure governance dimensions

I. Forest tenure rights

1. Legal recognition of forest tenure rights

Objective	Indicator	Description	Value(1=Never, 2=Sometimes, 3=Often, 4=Always)	Description of Score
To evaluate the spectrum of tenure rights granted by the law	Individual rights	The forest tenure rights held by individuals are recognized in the legal framework	4	<ul style="list-style-type: none"> - Proc. No. 456/2005, Art 2/11 defines private holding as rural land in the holding of peasants, semi-pastoralists and pastoralists and other bodies entitled by law to use rural land. - Proc. No. 1065/2018, Art 2/6, recognized private forest as forest other than community or state forest, and developed on private or institutions' holding
	Communal rights	The forest tenure rights collectively held by local communities and other relevant groups are recognized in the legal framework	3	<ul style="list-style-type: none"> - Proc. No. 456/2005, Art 2/12 defines communal holding as rural land which is given by the government to local residents for common grazing, forestry and other social services. - Proc. No. 1065/2018, Art 2/7 recognized community forest as forest developed, conserved, utilized, and administrated by the community on its private or communal possession based on by laws and plans developed by the community; communal land holding is also recognized by constitution (1995). However, compared to private holdings, there are limitations in the bundles of rights legally recognized for communally owned property, e.g. the right to transfer possession.
	Customary rights	The customary forest tenure systems held by local community are recognized in the legal framework	1	- The customary tenure system is not recognized in the new forest Proc. No. 1065/2018. Customary held rights to forest lands and resources are not clearly recognized by other legal document.
	Rights of women	The legal framework does not discriminate against the forest tenure rights of women	3	- Article 35 of the Ethiopian Constitution (1995) reaffirms principles of equality of access to economic opportunities, including the right to land rights. All federal and regional land laws boldly recognize women's land rights equally with that of men. E.g. Oromia land administration proc. No. 130/2007, art 5/2 stipulates women have equal rights

				with men to possess, use and administer the rural land. Although rights of women are not directly defined in the new forest Proc. No. 1065/2018, article 35 this proclamation states that expressions in the masculine will apply to the feminine.
Average Score/ Cumulative performance			2.75	1–1.5=Very weak, 1.6–2.5=Weak, 2.6 – 3.5=Moderate , 3.6–4=Strong

2. Legal support and protection of forest tenure rights

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
To evaluate to what extent the legal framework promote and protect the exercise of forest tenure rights	Clarity	The legal framework defines rights clearly and consistently.	3	- Private and community group have clearly defined use rights and to conduct business by providing services as well as adding value to forest products (Proc No. 1065/2018, Art 5/1h). However, customary land and forest tenure rights are not clearly and consistently defined in the relevant proclamation.
	Duration	The legal framework defines rights that are of adequate duration	3	- Private and community right holders have the right to obtain a life time certificate of holding (Proc. No. 130/2007, Art 15/6).However, the duration of forest tenure holder is not clearly defined in the Proc. No. 1065/2018. For example, Art 5/1b states: ‘obtain a certificate of title deed for developing forests in the identified forest land.
	Scope	The legal framework defines rights that are of adequate scope	2	- The forest proclamation bestows the right to utilize or sell the forest products and ecosystem services including carbon to local or foreign markets (Proc. No. 1065/2018, Art 5/1c&f). However there are bundles of rights not adequately defined such as the right to transfer possession by communal property-holders.
	Restrictions	The legal framework does not place unreasonable restrictions on how rights can be exercised	2	- The legal framework provides the right to transfer possession rights (Proc No. 1065/2018, Art 5/1e); however, the land holding cannot be sold and can be transferred only through inheritance to family members and can be leased, subject

				to restrictions on the extent and duration of leases (Rural Land Use and Administration Proc. No. 456/2005, Art 5/4 & Art 8)
	Protections	The legal framework assures that rights cannot be taken away or changed unilaterally and unfairly, and it protects all citizens against forced evictions and denial of access to essential natural resources	3	- The 1995 constitution, proclamation on Land Expropriation for Public Purposes and Payment of Compensation (proc. No. 455/2005), regulation 137/2007, and Oromia Region proc 130/2007 assure the protection of land holders against forced evictions and denial of access to essential natural resources.
	Enforcement mechanisms	The legal framework establishes mechanisms to enforce rights and seek redress when rights are not respected	3	- The law provides the right to get compensation in case of expropriation of possession for public interest (Proc No. 1065/2018, Art 5/1g and Art 7/1h).
Average Score/Cumulative performance			2.66	1–1.5=Very weak, 1.6–2.5=Weak, 2.6–3.5=Moderate , 3.6–4=Strong

3. Legal basis for adjudication of forest tenure rights

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
To evaluate the extent to which the legal framework define a fair and effective process for the adjudication of forest tenure rights	Clarity of process	The legal framework defines a clear and streamlined process for adjudication.	3	- The Oromia rural land administration and use proc. No. 130/2007, Art 16/1a-j provides clear and streamlined process for adjudication of land tenure rights. - Forestland tenure adjudication process can also be considered within the land administration and this process is also crudely specified in new forest proclamation.
	Requirements to identify claimants	The legally prescribed process requires that all existing tenure claims and claimants be identified and documented at the outset	3	- Clear process required for tenure claims is broadly prescribed in Oromia rural land administration and use proc. No. 130/2007 and specifically in regulation No. 151/2013, Art 3
	Requirements to consult claimants	The legally prescribed process requires that all identified claimants be fully informed and consulted	2	- Partly prescribed in Oromia rural land administration and use regulation No. 151/2013, Art 13&15 -
	Criteria to resolve overlapping claims	The legally prescribed process includes fair procedures and criteria for resolving overlapping claims	3	- Prescribed in Oromia rural land administration and use proc. No. 130/2007, Art 16 and in the regulation No. 151/2013, Art 18

				The locally elected land administration committees are mandated to resolve overlapping claims according to the specified law.
Average Score/ Cumulative performance			2.75	1–1.5=Very weak, 1.6–2.5=Weak, 2.6–3.5=Moderate , 3.6–4=Strong

4. Forest tenure adjudication in practice

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
To assess to what extent forest tenure rights fairly and effectively adjudicated in practice	Identification of claimants	Existing tenure claims and claimants are identified and documented at the outset	3	- Identification and documentation of claimants are transparently implemented in most areas except pastoral areas
	Provision of information	Claimants are provided with understandable information about the adjudication process	3	- Clear information for individual holdings but ambiguous for communal lands and forest
	Consultation of claimants	Claimants are fully and effectively consulted	2	- Full and effective consultation were observed in few cases
	Support for vulnerable claimants	Vulnerable claimants have access to legal and other relevant support as needed	2	- Weak support for vulnerable claimants such widow, orphanage and forest dependent community, for example, understanding their rights, understanding the adjudication process, or documenting claims.
	Fairness of outcomes	The adjudication process does not result in any forced evictions or uncompensated loss of legitimate rights	2	- Less than 25% of the participants believe the adjudication process is fair - Interview participants believe that the final decisions of the adjudication process resulted in displacements and reductions of their rights without fair compensation
	Access to redress	Claimants have access to effective redress mechanisms if their rights are not respected	2	- Very weak access to effective redress mechanisms such as help desk, phone and local office. - Claimants have limited access to file complaints and appeals. - Complaints and appeals are not timely addressed, particularly with written response, and detailing resolutions.
Average Score/Cumulative performance			2.33	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

5. Legal basis for administration of forest tenure rights

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
To assess to what extent the legal framework provide for fair and effective administration of forest tenure rights	Comprehensiveness	The legal framework comprehensively regulates all types of administrative services necessary to recognize and support existing forest tenure rights	3	- There are comprehensive legal rules both in the proclamation and regulation that provide clear guidance for how the administrative procedures including those that define how rights can be transferred, how lands are surveyed and boundaries demarcated.
	Simplicity	Legally prescribed administrative procedures avoid unnecessary complexity and minimize opportunities for administrative discretion	3	- Most of the respondents believe that the existing legal framework provide clear guidance to minimize complexity and discretion in administrative procedures. - However, there were cases where administrative discretion such professional judgment rather than strict adherence to regulations led to abuse of authority and inconsistency in administrative actions.
	Fairness	Fees and other legally prescribed requirements are reasonable and affordable for the majority of customers	3	- The costs of the administrative procedures are reasonable and affordable for the majority of customers. - These were assessed against the cost of living and average wage rate in the area. - However, some requirements create a burden for the applicants like demanding frequent travel to administrative offices.
	Accountability	Customers have the legal right to challenge administrative decisions	2	- The legal framework outlines specific procedures for petitioning land and forest agencies to reconsider administrative decisions, for

				example, by specifying how long after a decision customers have to make requests. - However, there is lack of clarity on the type of information that must accompany the request.
Average Score/ Cumulative performance			2.75	1–1.5=Very weak, 1.6–2.5=Weak, 2.6–3.5=Moderate , 3.6–4=Strong

6. Forest tenure administration in practice

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate the extent to which forest tenure rights fairly and effectively administered in practice	Legal compliance	Service providers adhere to relevant laws and regulations	2	- The services are rarely provided within the timeframe set out in the legal framework. This was verified from the documentation and signatures present in the tenure administration documents
	Service standards	Service providers advertise and adhere to clear service standards	2	- Service standards such as the types and levels of fees for different services, hours of operation are advertised through brochures and guidance documents.
	Nondiscrimination	Service providers serve all customers without discrimination	3	- The results obtained by reviewing service records and conducting interviews with customers who accessed the services of land registration show no discrimination in providing the services to different social groups.
	Accessibility	Service providers offer services at times and locations that are convenient to customers	2	- The accessibility of tenure administration services is weak in terms of convenience of its locations and hours to customers. For example, farmers have limited time and resources to travel to woreda office to access and related services and sometimes involve opportunity costs for leaving their farm activities during the travel.
	Timeliness	Service providers provide services in a reasonable amount of time	2	- Relatively longer times are spent to process land related services compared to what is

				identified in the legal framework.
	Accountability	Customers can easily file complaints and challenge administrative decisions	2	- The procedures for complaints or appeals of administrative decisions are poorly accessible in terms of providing the service at a reasonable cost, location, and without overly burdensome procedures.
Average Score/ Cumulative performance			2.16	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

7. Information about forest tenure rights

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent the information about forest tenure rights effectively and transparently managed	Centralized system	Information about forest tenure rights is maintained in a centralized system	2	- Weak digital data on land certification and boundary demarcation of forest areas. - There is no centralized system in place that integrate all relevant information on forest tenure rights such as a mapping system or database that lists records for all relevant tenure types.
	Comprehensiveness	The information system contain comprehensive records of legally recognized rights (private and public)	1	- No comprehensive records or database of legally recognized rights, particularly on forest tenure that is documented in the information system. - For example, there is no comprehensive information system on forest land title lands, boundaries of protected areas and reserves.
	Inclusion of informal rights	The information system contains or links to available information about informal rights	2	- There is no strong information system on the documentation of informal rights. - However, there are some informal records such as community maps to document their tenure claims.
	Accuracy	The information system is up-to-date and accurate	1	- No centralized information system on forest tenure that include digital records and dedicated staff to manage and update the system regularly.

				- There is no clear mechanism to control quality and ensure that information is current and accurate.
	Government accessibility	Information within the system can be easily accessed by relevant government users	1	- No mechanism to access or share information on forest tenure - Responsible institution is not in charge to keep the record and ensure that other agencies can obtain hard and soft copies in a timely manner.
Average Score/ Cumulative performance			1.4	1–1.5=Very weak , 1.6–2.5=Weak, 2.6–3.5=Moderate, 3.6–4=Strong

8. Support for rights-holders

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent forest tenure rights-holders empowered and supported to exercise their forest tenure rights	Awareness of rights	Efforts are made to raise the awareness of rights-holders about their forest tenure rights and duties under the law	3	- There are mechanisms to facilitate awareness of forest tenure rights by the government, NGOs, and CBOs. - The existing mechanisms include disseminating informative materials such as brochures and posters, and capacity building workshops that inform stakeholders of their rights under the law.
	Access to information	Rights-holders have access to understandable information about the administrative channels available to formalize and defend their rights	2	- Information is provided to rights-holders in a way that is understandable to them, e.g., provided with local languages.
	Access to support	Rights holders have access to capacity building services and technical support if needed to fully exercise their rights	2	- There is weak capacity building services and technical support such as legal representation, assistance during documentation of community lands, development of resource management plans, and delineation of boundaries.
	Assistance for vulnerable rights-holders	Vulnerable rights-holders have access to additional legal, technical, and financial assistance as needed	2	- There is weak legal, technical and financial assistance for vulnerable groups such as women or minority ethnic group in exercising their tenure rights.
Average Score/ Cumulative performance			1.8	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

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9. Recognition and protection of forest tenure rights in practice

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent forest tenure rights widely recognized and protected in practice	Recognition	Most rights holders have had their rights formally recognized and recorded	3	- Although approved PFM agreement exist in most forested areas, majority of community interviewed require more formal document to proof that they own the forest
	Demarcation	Most individual and communal forest lands have boundaries demarcated and surveyed	2	- Most forest boundaries are not digitized and are highly contested. There are no clearly defined boundaries.
	Enforcement	Infringements of rights are quickly and fairly addressed	2	- The law enforcement agencies inadequately monitor and take enforcement action against illegal encroachment and infringement of rights including trespassing and illegal extraction resources.
	Gender equity	Rights registered to individuals or households are often registered in the names of women, either jointly or individually	3	- All federal and regional land laws boldly recognize women's land rights equally with that of men. However, in areas where polygamy is allowed, the right written in the legal document is not respected because only one of the partners is allowed for registration.
	Customary tenure	Minimal conflict exists between customary forest tenure systems and statutory systems on the ground	2	- The customary land tenure system has been recognized under the 1995 Constitution and proclamation 456/2005, particularly applicable in the pastoralist areas. However, in practice there is no harmonization of statutory and customary forest tenure systems
Average Score/ Cumulative performance			2.4	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

10. Legal basis for expropriation of property

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
To evaluate whether the legal framework provide adequate checks and balances on government powers to expropriate private property for public purposes	Public purpose requirement	The legal framework states that expropriation should only occur when rights to land or forests are required for a public purpose	3	- Conditions and procedures of expropriation are stated in proclamation No. 455/2005, Art 3/1
	Public purpose definition	The legal framework clearly defines the concept of public purpose	2	- The concept of public purpose is not clearly defined in the proclamation No. 455/2005, Art 2/5
	Clarity of procedures	The legal framework defines clear procedures for expropriation, including requirements to consider alternatives	2	- Proclamation No. 455/2005 clearly defines procedures for expropriation. However, conditions such as requirements to consider alternatives are inadequately defined.
	Transparency requirements	The legal framework requires public disclosure of information about the expropriation process and final decision	2	- The legal framework requires public disclosure of information about the expropriation process, for example, in proclamation No. 455/2005, Art 4, sub-article 1-5. However, public disclosure of information about final decision on expropriation is limited.
	Consultation requirements	The legal framework requires that potentially affected people be fully informed and consulted prior to making a decision	3	- The 1995 constitution, Art 43/2 and other relevant legislations including the new forest proclamation describes the right to participate and consultation of affected people or community in any development initiatives. However, the need for public consultation in the development initiatives is not translated into implementation tools such as directives. Particularly there is not guideline on the procedure and requirements of public consultation.

	Compensation requirements	The legal framework requires fair and prompt compensation for expropriated rights	1	- The council of ministers regulation No 135/2007 elaborates on payment of compensation for property situated on landholding expropriated for public purposes, including assistance to displaced persons to restore their livelihoods. However, the emphasis is on compensation for property situated on landholding expropriated for public purposes not for land as such and fairness and promptness of compensation is unsatisfactory.
Average Score/Cumulative performance			2.16	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

II. Tenure dispute resolution

1. Legal basis for dispute resolution bodies

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent the legal framework define a clear institutional framework for resolving disputes over forest tenure	Jurisdiction	The legal framework assigns clear institutional mandates for tenure dispute resolution bodies at different administrative levels and for different types of disputes.	4	- Oromia rural land administration and use proc. No. 130/2007, Art 16/1 provided clear institutional mandates for tenure dispute resolution bodies at different administrative levels and for different types of disputes.
	Authority	The legal framework grants dispute resolution bodies adequate powers to deliver and enforce rulings	4	- Proc. No. 456/2005 and Oromia rural land administration and use proc. No. 130/2007 provide clear legal authority to hear cases, deliver rulings, and enforce final tenure dispute resolution
	Impartiality	The legal framework defines requirements and procedures to ensure the independence and impartiality of dispute resolution bodies	4	- Oromia rural land administration and use proc. No. 130/2007, Art 16/1 (a-j) provide clear measures to promote impartial dispute resolution mechanism that include multi-stakeholder dispute resolution bodies and clear rules and procedures to guide the selection or appointment of decision-makers based on clear criteria.
	Recognition of community based systems.	The legal framework recognizes the legitimacy of community-based and customary dispute resolution systems	3	- Oromia rural land administration and use proc. No. 130/2007 recognizes the legitimacy of community-based and customary dispute resolution systems by demanding dispute case to pass through arbitration elders - However, the relationship between customary and other statutory forms of dispute resolution is not clear in the legal framework.
Average Score/Cumulative performance			3.75	1–1.5=Very weak, 1.6–2.5=Weak, 2.6–3.5=Moderate, 3.6–4=Strong

2. Capacity of dispute resolution bodies

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent dispute resolution bodies have adequate capacity to resolve tenure disputes in a timely and fair manner	Tenure expertise	Dispute resolution bodies have expertise in relevant tenure laws, systems, and practices, including customary systems	2	- In the study cases there were weak capacity of expertise that execute formal forest tenure procedures such as registering rights, demarcating boundaries; and that deal with customary or have knowledge of traditional or customary systems. - These capacities were assessed in terms of staff education, experience, and completion of trainings.
	Expertise in alternative dispute resolution	Dispute resolution bodies have expertise in alternative means of resolving disputes, such as mediation	2	- There were limited applications of alternative dispute resolution techniques
	Access to evidence	Dispute resolution bodies have access to a range of evidence to inform rulings	2	- The dispute resolution bodies have limited access to official data sources such land titles and other relevant legal documentation; and to unofficial evidences
	Financial resources	Dispute resolution bodies have sufficient financial resources to handle their case volume	1	- There is critical shortage of financial resources for dispute resolution bodies to pay personnel, operational and facility costs, and maintain regular hours for hearing disputes.
	Human resources	Dispute resolution bodies have sufficient human resources to handle their case volume	2	- The number of staff required to operate dispute resolution were one of the critical constraints in those cases studied.
Average Score/Cumulative performance			1.8	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

3. Accessibility of dispute resolution services

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
To assess whether tenure dispute resolution services are broadly accessible to citizens	Legal standing	All citizens and communities have legal standing to bring tenure related complaints before a dispute resolution body	3	-All citizens including local communities have legal standing to bring tenure-related cases before a dispute resolution body. - However, the legal standing requires formal recognition of tenure rights. Thus, difficult for informal claimants to bring tenure disputes before the formal law.
	Accessibility	Dispute resolution services are provided in locations that are accessible for the majority of citizens	2	- Respondents generally criticized the accessibility of dispute resolution services. In most cases they need to travel to district court the services, which is far from their village.
	Language	Dispute resolution services are provided in relevant local languages	3	- Respondents generally agreed that dispute resolution services are provided in relevant local languages both during hearing causes and providing documentation. - For those who do not speak local languages accommodations are made to have translators.
	Affordability	Dispute resolution services are affordable for the majority of citizens	2	- Most respondents claim that dispute resolution services are not within their financial means. However, it was difficult to verify this claim.
	Legal aid	Free legal services are available for citizens who cannot afford them	2	- The practice of legal support for vulnerable or marginalized group such as ethnic minorities and women is very weak.
Average Score/Cumulative performance			2.4	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

4. Effectiveness of dispute resolution

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
To assess whether the dispute resolution bodies provide timely, effective, and transparent rulings	Evidence base	Rulings are made after all parties have presented their arguments and evidence	2	- In most study areas respondents claim serious limitations in presenting their arguments and evidence before getting final rulings. They have also reservation on formal court settings, particularly on how the evidence was considered and what conclusions were drawn.
	Timeliness	Rulings are made in a timely manner	2	- Most respondents believe that rulings on land and forest related disputes generally take longer time compared to other similar legal cases.
	Fairness	Rulings provide a fair and effective remedy to the dispute	2	- Most respondents are hesitant on the fairness and effectiveness of dispute resolution decisions. They generally perceive that the final decision may not be based on the evidence presented and justified in the final ruling.
	Enforcement	Rulings are enforced in a timely manner	2	- Most respondents perceive that the final decisions are not properly upheld or implemented.
	Disclosure	Rulings are documented and publicly disclosed	1	- Huge limitation reported in terms of documenting and publically disclosing the final rulings of tenure disputes.
Average Score/Cumulative performance			1.8	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

III. Concession allocation

1. Legal basis for allocating concessions in state forests

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score

Evaluate whether the legal framework define a transparent and accountable process for allocating concessions in state forests	Quality of process	The legal framework defines an open and competitive process for allocating concessions	2	- The concession was directly assigned by Oromia State Council through regulation number 122/2009. - There was no open and competitive process for allocating concessions such as auctions and competitive negotiation.
	Anticorruption measures	The legal framework prohibits applications from people or companies who have been convicted of corruption or who have failed to pay taxes	2	- No direct article concerning anticorruption measures in forest concession allocation but all public enterprise are subject to screening for corruption.
	Application requirements	The legal framework clearly defines the minimum qualifications and technical requirements for applying	2	- The technical requirements for applying for concession such as feasibility studies, impact assessments, and management plans are not explicitly defined in the legal framework.
	Requirements to identify rights-holders	The legal framework requires that existing tenure claims and claimants be identified and documented prior to allocating a concession	2	- The legal framework is not explicit on the requirements of the existing tenure claims and claimants to be identified before concession allocation.
	Transparency requirements	The legal framework requires public disclosure of information relating to the allocation process, applicants, and final decision	1	- No legal requirements for transparency and information disclosure during the application process of concession allocation.
	Consultation requirements	The legal framework requires public consultation prior to allocating a concession that may have significant social or environmental impacts	2	- Public consultation is requirement in most legal documents including constitution prior to implementing any development project that have significant social or environmental impacts, but huge challenge in the implementation - However, there is no specific legal framework that requires public notice or consultation during the concession allocation process.
Average Score/Cumulative performance			1.8	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

2. Concession allocation in practice

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent concessions	Legal compliance	Concessions are allocated through a process consistent with relevant laws and regulations	2	- Forest concession was allocated to OFWE

allocated in an accountable and transparent manner in practice				following Regulation No. 122/2009. - However, it is not clear how the concession allocation was consistent with Oromia forest proclamation No. 72/2003 and other relevant laws and regulations with regard to compliance with the rules and other procedural requirements.
	Respect of existing rights	Concessions are not allocated in ways that create conflicts with existing rights and rights holders	1	- The existing rights of local communities over forest areas in Oromia were not respected when forest concession was allocated to OFWE. Nor did local communities adequately consulted before allocating forest concession
	Anticorruption measures	Measures are in place to minimize administrative discretion and opportunities for corruption during concession allocation	1	- No rules that restrict administrative discretion and effectively curtail corruption. Lack of good governance reported during community consultation in a relation to concession operation in most areas.
	Public disclosure	Information about the allocation process, applicants, and final decision is publicly disclosed	1	- No practice of reporting information and publicly disclosing about the allocation process, applicants, and final decision on forest concession
	Public consultation	There are opportunities for public comment regarding the allocation of concessions that may have significant social or environmental impacts	1	- Very weak community consultation regarding concession allocation, local community has negative attitude about OFWE.
Average Score/Cumulative performance			1.2	1–1.5=Very weak , 1.6–2.5=Weak, 2.6–3.5=Moderate, 3.6–4=Strong

3. Quality of concession contracts

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent concession contracts comprehensively describe all rights and obligations of the concession holder	Legal	Contracts include clear legal provisions setting out the terms, rights, and conditions of the agreement	2	- There is no contract that directly concern forest concession. These conditions are indirectly addressed on Regulation No 122/2009. However, this regulation is not very clear on the duration of the contract, the specific property rights granted, any restrictions on rights within the concession boundary, and conditions related to termination, transfer of the contract.
	Technical	Contracts include all technical requirements related to forest management, exploitation, or conversion	2	- Regulation No 122/2009 is not very clear on technical requirements that describe methods and procedures to carry out the activities of the contract. However, some articles in this regulation specify the need for conducting surveys activities and feasibility studies. The regulation is not clear on technical requirements such as annual allowable cuts.
	Administrative	Contracts include all administrative procedures and obligations with which the contract-holder must comply	3	- Regulation No 122/2009 has articles that address administrative procedures and obligations. However, there is limitation on contract terms that clearly spell out types of reporting required and how often they should be carried out.
	Financial	Contracts include all financial obligations of the agreement	1	- The regulation is not clear on financial terms and obligation about pricing arrangements, fees, warranties, liabilities, required deposits, and all taxes.
	Environmental	Contracts include all environmental protection, impact assessment, or mitigation obligations of the agreement.	3	- Regulation No. 122/2009 emphasizes three interrelated objectives one of which is environmental conservation besides social and economic objectives. Moreover, OFWE mentioned that they are practicing selective cutting, restoration and reforestation,

				and preservation of existing vegetation. However, it is not clear on how they fulfill mitigation obligations, abatement measures, and compensation.
	Social	Contracts include all social obligations of the agreement	3	- Social obligations are also underlined in the Regulation No. 122/2009. These obligations include the provision of benefits to groups living within or near forest boundaries such as employment, provision of public goods such as the construction of schools or clinics. However, the actual performance is not up to the expectation.
Average Score/Cumulative performance			2.3	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

4. Social and environmental requirements of concessions

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluate to what extent concession contracts include requirements to ensure social and environmental sustainability	Impact assessment requirements	Contracts require social and environmental impact assessment prior to beginning exploitation or conversion activities	2	- According to key informants from OFWE social and environmental impacts are commonly considered before starting operation. However, the researcher couldn't find supporting documents that show whether social and environmental impact assessments are conducted prior to beginning implementation.
	Community engagement	Contracts require engagement and benefit sharing with local communities	3	- Regulation number 122/2009, article 7/10 require engagement and benefit sharing with local communities - New directive was also issued in 01/2017, which details forest utilization and benefit sharing by local community. However, local communities are not convinced with the proportion

				of benefit (e.g. 5% for non-PFM areas)
	Mitigation	Contracts require the development and implementation of measures to avoid or mitigate identified social and environmental risks	2	- Although measures such as reforestation and rehabilitation of degraded areas are commonly implemented in the OFWE concession areas, strict mitigation measures are not specified in the contract or regulation. The practice of compensating local communities living in the concession area for the lost livelihoods is weak.
	Monitoring	Contracts require monitoring of social and environmental impacts	1	- There is no provision in the contract or regulation that require monitoring of social and environmental impacts whether by the contract-holder or a third party.
	Response	Contracts require corrective measures if negative social or environmental impacts are detected	1	-No provision in contract or regulation that clearly state any obligations of the contract-holder to address negative social or environmental impacts. Nor does specific clause for the consequences noncompliance, such as penalties.
Average Score/Cumulative performance			1.8	1–1.5=Very weak, 1.6–2.5=Weak , 2.6–3.5=Moderate, 3.6–4=Strong

5. Compliance with social and environmental requirements in concession contracts

Objective	Indicator	Description	Value (1=Never, 2=Sometimes, 3=Often, 4=Always)	Description of Score
To what extent do concession-holders comply with social and environmental sustainability	Impact assessment	Social and environmental impact assessments are completed and publicly disclosed	1	- No document that reveals the implementation of environmental and social impact assessment (ESIA) in relation to OFWE operation. Nor does such assessment report publically disclosed.
	Community engagement	Equitable social agreements are established with local communities	2	- There were practices of providing services for local communities like schools, healthcare, and employment opportunities,

requirements in their contracts				particularly towards the beginning of OFWE operation. However, there are no strict social agreements in the contract or in the regulation that oblige the agreements should be implemented.
	Mitigation	Appropriate avoidance and mitigation measures are implemented	1	- No provision in the contract or regulation that specifies mitigation actions.
	Monitoring	Social and environmental impacts are regularly monitored and reported on	1	- No provision in the contract or regulation that specifies impact.
	Response	Corrective measures are taken when negative social or environmental impacts are detected	1	- Interviews with OFWE staff and local stakeholders reveal no corrective measures, for example, to stop or modify project activities that are causing negative social or environmental impacts.
Average Score/Cumulative performance			1.2	1–1.5=Very weak , 1.6–2.5=Weak, 2.6–3.5=Moderate, 3.6–4=Strong

6. Management of information about concessions

Objective	Indicator	Description	Value (1= Never, 2= Sometimes, 3= Often, 4=Always)	Description of Score
Evaluates to what extent information about concessions managed in an effective and transparent manner	Legal basis	The legal framework requires a public registry of concessions	2	- Hitherto there was no system that effectively and transparently manages information about concessions. However, the new forest proclamation (Proc No. 1065/2018, article 19/7) states that “government may identify forests under its possession and given through concession agreement for forest”.
	Centralized system	Records of concessions are maintained in a central public registry	2	- There is no centralized public registry system that brings together all forest concession information across geographic scales. Although at very early stage, the new digital land registry system is attempting to bring together information

				from sub-national levels into a central system.
	Digitized system	Records are available in digital formats	1	- No digital record is observed in the case of OFWE that store comprehensive information on the current concession records.
	Completeness	Records contain comprehensive legal and spatial information about the concession	1	- Comprehensive record system that details information on contract terms, rights, and related conditions is missing.
	Accuracy	Records are accurate and up-to-date	2	- OFWE has some relevant spatial information, which includes concession boundaries and forest cover. However, the accuracy of the boundary data is highly contested, particularly from the perspective of local stakeholder, i.e. some areas that OFWE claim as its concession are community's farmland.
	Accessibility	Records are freely accessible by the public	1	- Records of forest concession are not freely accessible by the public either online or by request in the office.
Average Score/Cumulative performance			1.5	1–1.5=Very weak , 1.6–2.5=Weak, 2.6–3.5=Moderate, 3.6–4=Strong

8.3 Participants of community level consultations

Legal and Policy Framework Governing Forest Property Rights and Land Tenure Security in the National Regional State of Oromia

Attendance sheet for Participatory Consultations and Key Informant Interview

11/09/2010

No	Name of participants	Gender	Responsibility	CBO	Kebele	Woreda	Zone	Mobile	Signature
1.	Awal Alfiyaa	M	kebele Babaa		stabilizing Gera	Jimma			
2.	Nazif AlDagaa	"			"	"	"		
3.	Dirribaa Abebe	"			"	"	"		
4.	Daribee Asaffaa	"			"	"	"		
5.	Tijjaanis Almarcaa	"			"	"	"		
6.	Mahammadamin Almarshaa	"			"	"	"		
7.	Ka'im Albiyyaa	"			"	"	"		
8.	Tashumee Gammachuu	"			"	"	"		
9.	Tasfaa yaalew	"			"	"	"		
10.	Fadiilaa Mahammad	F			"	"	"		
11.	Riyanaa Ahimad	"			"	"	"		
12.	Lailaa Hagii	"			"	"	"		
13.	Faaxumaa Alsimat	"			"	"	"		
14.	Jamila A/Raayyan	"			"	"	"		
15.	Fayyisaa Banani	M			"	"	"		
16.	Yasruut Maksoo	M	DA		"	"	"		
17.	Abdu AlBakir	"	Isaa		"	"	"		
18.	Ahmed Aldura	M	-		"	"	"		
19.	Astargie Belay	"	-		"	"	"		

Legal and Policy Framework Governing Forest Property Rights and Land Tenure Security in the National Regional State of Oromia

Jinu A/BOR

Attendance sheet for Participatory Consultations and Key Informant Interview

No	Name of participants	Gender	Responsibility	CBO	Kebele	Woreda	Zone	Mobile	Signature
1	Mulugeta Tolase	M	Chairman	Abdi Bor	S/Baggis	Alle	J/A/BOR	0921213647	<i>[Signature]</i>
2	Abdoo Mulugeta	"	Committee member	"				0920851251	<i>[Signature]</i>
3	Girmaa Legesse	"	"	"				0917613163	<i>[Signature]</i>
4	Assafu Mulugeta	"	"	"				0917531091	<i>[Signature]</i>
5	Takkele Mulugeta	"	"	"				0917101463	<i>[Signature]</i>
6	Mangiste Alemu	"	Co-member	"					<i>[Signature]</i>
7	Lenceo Tolase	"	"	"					<i>[Signature]</i>
8	Tasamma Tadesse	"	"	"				0917467653	<i>[Signature]</i>
9	Yohannis Mangiste	"	"	"				Yohannis	<i>[Signature]</i>
10	Mulugeta Ayyanaa	"	"	"				0917994448	<i>[Signature]</i>
11	Dingaa Jiruu	"	"	"				011153	<i>[Signature]</i>
12	Zallafaa Mangiste	"	"	"				0917531098	<i>[Signature]</i>
13	Takka Hassabu	"	"	"				0917868454	<i>[Signature]</i>
14	Eshetu Hassabu	"	"	"				0917468202	<i>[Signature]</i>
15	Girmaa Wagga	"	"	"					<i>[Signature]</i>
16	Torika Hagelaa	"	"	"					<i>[Signature]</i>
17	Gorramu Kabbada	"	"	"				0932483443	<i>[Signature]</i>

Legal and Policy Framework Governing Forest Property Rights and Land Tenure Security in the National Regional State of Oromia

Attendance sheet for Participatory Consultations and Key Informant Interview

No	Name of participants	Gender	Responsibility	CBO	Kebele	Woreda	Zone	Mobile	Signature
18	Birhanu Takka	M	Co-member	Abdi Bor	S/Baggis	Alle	J/A/BOR		<i>[Signature]</i>
19	Birtukan Legesse	"	"	Abdi Bor				0917601677	<i>[Signature]</i>
20	Balacho Jootee	"	"	"					<i>[Signature]</i>
21	Tamiru Nagoo	"	"	"					<i>[Signature]</i>
22	Faqadag Dingaa	"	"	"					<i>[Signature]</i>
23	Endate Abdisa	"	"	"				0917601522	<i>[Signature]</i>
24	Alamu Lenceo	"	"	"				0917531332	<i>[Signature]</i>
25	Birhanu Ayyanaa	"	"	"					<i>[Signature]</i>
26	Baaca Moroda	"	"	"				0917467611	<i>[Signature]</i>
27	Ratna Lenceo	"	"	"				0917995492	<i>[Signature]</i>
28	Mahammed Ali	"	"	"					<i>[Signature]</i>
29	Torika Sayyoo	M	"	"					<i>[Signature]</i>
30	Guddata Batgadu	F	"	"					<i>[Signature]</i>
31	Zetuna Sayid	F	"	"					<i>[Signature]</i>
32	Gannat Batgadu	F	"	"				0917531101	<i>[Signature]</i>
33	Wandimu Guddata	M	"	"				0917492962	<i>[Signature]</i>
34	Gorramu Torika	M	"	"					<i>[Signature]</i>

Anfilo Woreda Kelem Wollega

Legal and Policy Framework Governing Forest Property Rights and Land Tenure Security in the National Regional State of Oromia

Attendance sheet for Participatory Consultations and Key Informant Interview

No	Name of participants	Gender	Responsibility	CBO	Kebele	Woreda	Zone	Mobile	Signature
				Hawijiray	Anfeto	Anfilo	KIW		
1	Raiyu Dingbasha	dh	D/T		Yarar			0945313649	[Signature]
2	ASabaz Aga	"	I/D					0965713804	[Signature]
3	Getachew Tashaye	"	bareda					0917659830	[Signature]
4	Mulugeta Xinti	"	R/7aka					0927456446	[Signature]
5	Mahamed Tichee	"	K/7o						[Signature]
6	Dingaa Godeedo	"	misenda						[Signature]
7	Shikiruu Abdi Ja	"	"					0907894779	[Signature]
8	Masarat Sebeza	"	misenda					092744457	[Signature]
9	Misgaanu Takiluu	"	"					0945783848	[Signature]
10	Muluu Tashayee	"	"					0967802602	[Signature]
11	Geexee Ayaanaa	dh	"						[Signature]
12	Burtukan	"	"						[Signature]
13	Suutamee Caalaa	"	"						[Signature]
14	Dafinash Alamayco	"	"						[Signature]
15	Shukaare Boobee	"	"						[Signature]

Legal and Policy Framework Governing Forest Property Rights and Land Tenure Security in the National Regional State of Oromia

Attendance sheet for Participatory Consultations and Key Informant Interview

No	Name of participants	Gender	Responsibility	CBO	Kebele	Woreda	Zone	Mobile	Signature
1	Abera Tadesu	M	union Chair	Chirima	Gare Arera	Dendi	W. Shewa	09 20 58 52 86	A.T.
2	Bejene Mulugeta	M	Chairman	"	"	"	"	09 27 46 50 19	B.T.
3	Aiema Gemechu	M	members	"	"	"	"	09 13 25 52 23	A.G.
4	Chaluma Ararsa	M	komite M.	"	"	"	"	09 21 34 04 68	C.A.
5	Tafu Tesfaye	M	members	"	"	"	"	-	M.T.
6	Olani Soru	M	"	"	"	"	"	-	M.S.
7	Demetse Mulugeta	M	komite M.	"	"	"	"	09 20 84 04 30	D.M.
8	Muleta Gudisa	M	"	"	"	"	"	09 24 89 22 02	M.G.
9	Tura Muleta	M	members	"	"	"	"	09 10 25 34 06	T.M.
10	Merga W/Hanna	M	"	"	"	"	"	-	M.W.
11	Kebede Alemayehu	M	"	"	"	"	"	09 33 28 29 33	K.A.
12	Mekonen Gemechu	M	komite M.	"	"	"	"	09 21 59 58 68	M.G.
13	Bekele Soru	M	member	"	"	"	"	09 37 28 89 75	B.S.
14	Radhu Gonta	M	komite M.	"	"	"	"	-	R.G.
15	Shumitu Serbessa	F	members	"	"	"	"	09 23 08 79 24	S.S.
16	Bontu Gonta	F	"	"	"	"	"	-	B.G.
17	Ste Yadesa	F	"	"	"	"	"	09 26 60 55 92	S.Y.
18	Eshetu Urgessa	M	Chairman Mesalema	"	"	"	"	09 12 28 08 75	E.U.
19	Dejene Tereze	M	komite M.	"	"	"	"	09 33 91 09 84	D.T.

<u>Name</u>	<u>Gender</u>	<u>Responsibility</u>	<u>CBO</u>	<u>Kebele</u>	<u>Woreda</u>	<u>Mobile</u>
1 Getu Lemessa		NO members	Mesalema	Gare Arera	Dendi	09 19 20 18 05
2 Tetera Gurmuu		"	"	"	"	09 32 07 05 09
3 Daniel Dirbasa		"	"	"	"	09 62 20 20 28
4 Geru Milkessa		"	"	"	"	09 42 54 13 19
5 Tadesse Serbessa		"	Chirima	"	"	09 23 62 95 36

Legal and Policy Framework Governing Forest Property Rights and Land Tenure Security in the National Regional State of Oromia

Attendance sheet for Participatory Consultations and Key Informant Interview

Form 1 - Gattice Moji, Kiremta Woldo

No	Name of participants	Gender	Responsibility	CBO	Kebele	Woreda	Zone	Mobile	Signature
18	Ganbulhee Adulaa	dh	garrisa Bittu	Woldo ke Kiremta	Sakara	Adola/Ra	Xeedha		
19	Gammadaa Nuunuu	??	MiSeensa	??	??	??	??		
20	Nageen Adulaa	dh	??	??	??	??	??		
21	Tsagaye Adula	??	MiliShan	??	??	??	??		
22	Gadaa Roobaa	??	MiliShan	??	??	??	pl/dibbitu		
23	Uddeessaa Dukkallee	??	garrisa Bittu	??	??	??	Xeedha		
24	Waaqoo Lolaa	??	M/Bosona	??	??	??	Xeedha		
25	Boneyyee Waaqoo	??	Al Zoonii	??	??	??	Xeedha		
26	Gammadaa Baaneta	??	Mis/Bosona	??	??	??	??		
27	Addisuu Alarnuu	??	MiSeensa	??	??	??	??		
28	Nageen Guppee	??	MiSeensa	??	??	??	??		
29	Caluqqee Duubee	??	MiSeensa	??	??	??	??		
30	Uturaa Waaqii	??	MiSeensa	??	??	??	??		
31	Neenfoo Adulaa	??	MiSeensa	??	??	??	??		
32	Kayilee Roobee	??	MiSeensa	??	??	??	??		
33	Adulaa Arcerii	??	AlGaree	??	??	??	??		
34	Girmaa Gammadaa	??	MiSeensa	??	??	??	??		

Gedina Guji Aana Wadara Ganda Sokorajid

Lat	Mapa	Sada	Geregeja	bilbala	Malikto
1	Abdalla Kamaal	ohi	Maragaya	0924721380	Malikto
2	Gi'Zayuu Boffalen	Oh,	D/B/N/B	098612628	Malikto
3	Fiqaadun, Horoo	ohi	H/misoom	0961636508	Malikto
4	Gali'Chuu Kilaaree	ohi	Caasa Nageez	-	Malikto
5	Abdumagedi Usman	ohi	Albula	-	Malikto
6	Cheruu Gubbob	ohi	Hu'fataa mo'fataa	0926067118	Malikto
7	Saafi' Qadim	ohi	Albula	0716768774	Malikto
8	Tashame Sind	ohi	Albula	-	Malikto
9	Qadim Umet	ohi	Koree Faani	-	Malikto
10	Qidoo Jorasi	ohi	Albula	0961545238	Malikto
11	Jameel Barisoo	ohi	Albula	0924724821	Malikto
12	Shoffee Fabe	ohi	Caasa Nageez	-	Malikto
13	Adam Faana	ohi	Koree Faani	-	Malikto
14	Kadir Tyka	ohi	Caasa Nageez	-	Malikto
15	Aliyee Dhaaroo	ohi	Albula	0926067611	Malikto
16	Yaaya Siloo	ohi	Albula	-	Malikto
17	Uleen Odaa	ohi	Albula	-	Malikto
18	Sayidoo Jamaal	ohi	Hunde Ganda	0967272424	Malikto
19	Euleyma Boruu	ohi	Koree Faani	0770741178	Malikto
20	Caasa Nageez Gubbob	ohi	Hunde Ganda	-	Malikto
21	Geteloo Gubbob	ohi	Albula	0961636231	Malikto
22	Birannu Gaada	ohi	Wardiyaa Bosoon	0986126255	Malikto
23	Muhammed Jamaal	ohi	Albula	-	Malikto
24	Siraaji Neangoo	ohi	Albula	-	Malikto
25	Gubbob Didaa	ohi	Koree Nageez	0961636231	Malikto
26	Tashame Kurae	ohi	Albula	0961636231	Malikto
27	Darbii Hizoomo	ohi	Albula	0961636231	Malikto
28	Kadir Doyyoo	ohi	Albula	0974052406	Malikto
29	Haasen Bille	ohi	Albula	098726553	Malikto
30	Odaa Sind	ohi	Albula	-	Malikto
31	Shettroo Muhammed	ohi	Albula	0967252334	Malikto
32	Muhammed Boruu	ohi	Caasa Nageez	0943868796	Malikto
33	Fateehuseen	ohi	B/Gaada	091641396	Malikto
34	Farihuun Xilehuun	ohi	H/misoom	09726747	Malikto
35	Madina Neangoo	ohi	Koree Faani	47	Malikto
36	Abduqadiir Hadkeess	ohi	Li'iti Dilaaroot	0961544637	Malikto

Legal and Policy Framework Governing Forest Property Rights and Land Tenure Security in the National Regional State of Oromia

Attendance sheet for Participatory Consultations and Key Informant Interview

No	Name of participants	Gender	Responsibility	CBO	Kebele	Woreda	Zone	Mobile	Signature
1	Makurirya Baanata	Dhi	B/Ganda	Wolpihima	Sekarzo	Addeen/Rud	Xeedha	098417332	[Signature]
2	Umeagoo Jiloo	??	B/Bosona	??	??	??	D/Dibbit		[Signature]
3	Buzuraa Dambalaa	??	Bu/Mogenyaa	??	??	??	??		[Signature]
4	Taamiru Garmadea	??	Kumandara	??	??	??	Xeedha		[Signature]
5	Haroo Lorce	??	BAL/Geree	??	??	??	??		[Signature]
6	Dhugoo Dambii	??	Miseensa	??	??	??	??		[Signature]
7	Tarikhuu Fii'ga	??	Milisha	??	??	??	D/Dibbit		[Signature]
8	Waa'oo Berisoo Abdo	??	Miseensa	??	??	??	??		[Signature]
9	Baalli Adulee	??	??	??	??	??	Xeedha		[Signature]
10	Adoolaa Uddoo	??	AL/Geree	??	??	??	??		[Signature]
11	Seefuu Baanata	??	Mis/Bosona	??	??	??	??		[Signature]
12	Uddessaa Mishaddu	??	AL/Geree	??	??	??	??		[Signature]
13	Ameenuu Jiloo	??	M/Bosona	??	??	??	??		[Signature]
14	Letoo Garmadee	dub	Milisha	??	??	??	??		[Signature]
15	Geexee Wilhemu	dub	Dhi/Dul/Dim	??	??	??	D/Dibbit		[Signature]
16	Dullacha Feetee	dhi	Jaarsa Biyya	??	??	??	??		[Signature]
17	Calu'ee Waa'oo	dhi	Al/malla Wg	??	??	??	Xeedha		[Signature]

Lak	Magaa	Sala	Ganda	Magaa Waldaa Bosona	Ga'ee hoji	bilbila	Markate
1	Duulaa jamaa	Dhi	Addeellee	Ad/K/B/Addeellee	Barreessaa	0910386578	[Signature]
2	Altiyyi Gammadaa	Dhi	??	??	Dura ta'aa Walda	0921358218	[Signature]
3	Altiyyi Korree	Dhi	Buuraa Addeellee	W/K/B/Callee	Miseensa	0922509657	[Signature]
4	Xaayiroo Dindee	Dhi	??	Addeellee	Miseensa	0912824148	[Signature]
5	Qaasim Qaabatoo	Dhi	??	Addeellee	Miseensa	0934901623	[Signature]
6	Abdo Galatuu	Dhi	??	W/K/Buuraa Callee	Koree Gurgurtaa	0912755345	[Signature]
7	Shibbiruu Jaarsoo	Dhi	??	W/Addeellee	Maallaga Gabaa	0920355423	[Signature]
8	Mahaammad Adam	Dhi	Dannabaa	W/K/B/Dannabaa	Bulchaa Darce	??	[Signature]
9	Huseen Godaanaa	Dhi	??	??	to'ataa Darce	0923031874	[Signature]
10	Musxaataa Baamuduu	Dhi	Buuraa Addeellee	W/K/B/Buuraa Callee	Barreessaa Darce	0924698987	[Signature]
12	Ukkaashaa korree	Dhi	??	??	Koree bittaa	0973309975	[Signature]
13	Kadiir Abdulbaaxiif	Dhi	??	??	Barreessaa Waldaa	0920940392	[Signature]
14	Altiyyi Jaarsoo	Dhi	Barisaa	W/K/B/Barisaa	Dura ta'aa	0983259794	[Signature]
15	Garisuu Huseen	Dhi	??	??	??	??	[Signature]
16	Kadiroo Waa'oo	Dhi	Dannabaa	W/K/B/Dannabaa	Miseensa	0921496147	[Signature]
17	Huseen Qaalluu	Dhi	Buuraa Addeellee	W/K/B/B/Callee	Dura ta'aa Walda	0910607380	[Signature]
18	Mahammad Duubee	Dhi	Dannaba	W/K/B/Dannaba	Koree bittaa	0927292605	[Signature]
19	Waarigoo Qaabatoo	Dhi	??	??	I/A/Dura ta'aa	0924550769	[Signature]
20	Gamaam Adam	Dhi	??	??	Qarsii Qabaa	0932133304	[Signature]
21	Tammaa Gammadaa	Dha	Buuraa Addeellee	W/K/B/Addeellee	Miseensa	??	[Signature]
22	Moomina Elemoo	Dha	Dannaba	W/K/B/Fotaa Dannaba	Miseensa	??	[Signature]
23	Amaakee Qaalluu	Dha	Addeellee	W/K/B/Addeellee	Miseensa	??	[Signature]
24	Orsee Nuuree	Dha	Buuraa Addeellee	W/K/B/Buuraa Callee	Miseensa	??	[Signature]
25	Xanyibaa korree	Dha	Dannabaa	W/K/B/Dannabaa	Koree to'annoo	0923645778	[Signature]
26	Kadiir Roobaa	Dhi	Barisaa	W/K/B/Barisaa	Miseensa	0921090916	[Signature]
27	Dorree Qaabatoo	Dhi	Barisaa	W/K/B/Barisaa	Koree Gurgurtaa	0912863234	[Signature]
28	Abdu Saadiir Kussii	Dhi	Barisaa	W/K/B/Barisaa	Koree to'annoo	0920744445	[Signature]
29	Huseen Ganamoo	Dhi	Barisaa	W/K/B/Barisaa	Maallaga Gabaa	0922377611	[Signature]
30	Saadiir Ganamoo	Dhi	Dannabaa	W/K/B/Dannabaa	??	0932131654	[Signature]
31	Tolaa Badhaagoo	Dhi	Dannabaa	W/K/B/Dannabaa	Dura ta'aa	0922769026	[Signature]
32	Huseen Kadiir	Dhi	Buuraa Addeellee	W/K/B/Buuraa Callee	Maallaga Gabaa	0913908583	[Signature]

Magaa	Qoraa	Ganne Hosi	Kebele	Woreda	Zona	Mallat
35 Shifarraa Adulaa dhi		Koree Bosona	Sa'Caro	M Redde	xeedha	
36 Wofaan Bullaana dhi		noiseensa	??	??	??	
37 Ayyalaa Adulaa		??	??	??	??	
38 Phaawuloos Jiloo		??	??	??	??	
39 Goobana Edeyoo		I/A/Bulcha	??	??	??	

Laf	Magaa	Saala	Ganda	Magaa Walda Bosona	Ga'eeboji Walda Kesseti	Bilbila	Mallat
33	Waaqayyuu Amdamikaal	Dhi	Dannaba	Dhuminfaan Kari bosona misseensa	—	0920359792	✓
34	Huseen Nageessoo	Dhi	Dannaba	W/K/B/Dannabaa misseensa	0920174247	✓	
35	Gariiba Qaabatoo	Dhi	Buuraa Addeetta	W/K/B/Buuraa Callu koree to'annaa	0926663053	✓	
36	Jam'Alaa mul'ataa	Dha	>>	>>	I/A/Waldaa	—	
37	Gannoo Waaqayyuu	Dha	>>	W/K/B/Addeetta misseensa	—		
38	Amaaroyyaa Funii	Dha	Dannabaa	W/K/B/Dannabaa misseensa	0925391716	✓	

