

# **Look at Ethiopia! A Simplified and Result Oriented Development and Implementation of a Low Cost Land Administration System**

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## **SUMMARY**

Amhara National Regional State in Ethiopia started a project for development and implementation of tenure security for rural areas. Many people in the region, experts within the authority and internationals said that it was impossible and many in the region were even against the development. With a handful of motivated persons within the authority the project managed to change the opinion and already within one year the Amhara Region put the land issue top on its agenda and the Federal level showed an interested in the activities.

When the project started the responsible authority had no experience of Land Administration System, no trained staffs and only a small group of people believed it was possible to establish tenure security. Within the project more then 1000 staffs was trained for the work and within three years, more then 2.4 million rights to land were registered and more then 1.3 million households got their certificates.

What was very special with the Land Administration System developed and implemented in Amhara Region was that it is built on a strong participation of regional and district officers and also of farmers in the whole process. The WB found that the example of Amhara illustrates that use of a very participatory process has allowed to produce first stage certificates at very low-cost and also that it has a good potential for future sustainability

Many countries invest in high technology and other countries have serious problems to establish tenure security to land for the people. The system developed in Amhara Region was taken as a model for other regions in Ethiopia and could be a model for other countries that are still struggling to develop low-cost mechanisms for land registration.

Focus is mostly on high technology and improving on already existing system and my wish is that more attention ought to be given to establishment of low cost system for countries with limited financial recourses.

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### **1. LAND ISSUE ON THE TOP AGENDA**

Amhara Region has during a three years pilot project, developed a Land Administration System (LAS) that consolidates rights to rural land and the system is under implementation in the whole region. The Environmental Protection, Land Administration and Use Authority (EPLAUA) were responsible for the project.

The ability of local leaders and authorities to control land has traditionally been a major source of political and economic power in Amhara Region. Land was taken from one farmer and given to another and the main reason for establishing LAS was to enhance security of user rights primarily for the farmers. To be exact, to close the open ended tenure arrangement that has caused uncertainty (or lack of predictability) with respect to length of land possession and ability of farmers to capture benefits that accrue from long term investment in land. This was the core of the Land Administration System developed and implemented by EPLAUA. The system tried to spell out the rights of users as well as related obligations, in a nutshell.

Other important factors were the natural factors; land degradation, overgrazing, deforestation coupled with socio cultural factors like long history of settlement, backward methods of agricultural practices, ever increasing population pressure exacerbated the devastating land resource degradation in Amhara Region. To a large extent, these problems are exacerbated by inadequate property rights. In other words, security of tenure was a prerequisite for farmers' willingness and commitment to undertake long term improvements to their land. Besides the natural challenges, it was also an open secret that most rural crimes were directly or indirectly related to land and land related causes.

These are a daunting challenge to the Ethiopia and especially Amhara Region and the international need with aid will accelerate if nothing was done to reverse the situation. Considering the problems and the importance of tenure security, the Amhara Region, has as the first region in Ethiopia put the land issue top on its agenda.

Amhara Region was the first region in Ethiopia that was setting up LAS in rural areas with a holistic approach and it was believed to be a completely new activity in the country. Considering the newness of the activity, the exercise mainly focussed on building capacity at different levels and magnitude, awareness creation and institutional development and building the LAS itself.

EPLAUA was responsible for the work and the project was financed jointly by the Amhara Region and the Swedish International Cooperation Development Agency, Sida. ORGUT Consulting AB from Sweden was the main responsible for the technical support to the EPLAUA. LAS was one of the components within a rural development programme that included many other different activities e.g. irrigation, road construction, urban and rural sector development. For the project it was important to be within a program depending on that many opportunities were given for information and cooperation. It is clear that this new programme approach used by Sida was important for the success of the project.

## **2. WAY OF WORKING**

The WB mission that visited Ethiopia during 2005 "was impressed by the large number of certificates issued in a very short time period, the transparent and apparently equitable process followed in doing so, and the high degree of community participation and low cost of certification".

When the project started there were only a small group of people within the authority that believed it was possible to establish tenure security. EPLAUA on the other hand had no experience of LAS, no trained staffs, some PCs and some surveying equipment existed but they had never been used. Some of the local offices had PCs but most of the local offices had almost nothing and no electricity.

What was very special with the development and implementation of the LAS project was the participation of farmers in the whole process. Information was given to the farmers and Land Administration Committees (LAC) was formed at village level. The committees participate in defining the boundaries of each village, community areas and service areas and each farmer participates in demarcation of their plots. The committees also participated in the registration activities.

The pilot projects areas were established primarily to test methodologies," The way of working", which later could be applied to the whole of the Amhara Region. There were a number of reasons that pushed EPLAUA to pilot than embarking on a total start up, the following are few among others;

- The activity was new both to the country as well as to the region. The lack of experience in the field called for a step-wise approach to learn from every occurrence with an acceptable error margin before cascading it to the whole region,
- To select more economical, less sophisticated and relatively fast procedures and methodologies since the activity, by virtue of its nature requires high level technological, man power and financial input,
- The need for a common language (at least different concerned bodies have to understand the context at hand and take part for the successful implementation of the program).

The planning activity included internal learning through participation of EPLAUA staff. At the start the main methods applied were: participation in planning, on the job training and workshops. Together with the Technical Adviser (TA) the team members defined the detailed work to be done. For the detailed planning and follow up of activities the Work Breakdown System (WBS) was used. The WBS enabled the staff to clearly know the activities, follow the implementation in depth and also plan the future. When planning the project also “Success factors” were defined for the different activities.

Motivated staffs at EPLAUA, commitment of the elected members of the LAC, active participation of farmers, regional and district support that was developed contributed a lot for the successful completion of the project.

## **2.1 Project Management and Project set up**

The project was organised as an ongoing learning process, where the experiences from previous activities were analysed and used not only for re-planning of operational activities, but also for igniting thorough discussion about the project work and objectives from time to time. The General Manager and the Deputy General Manager divided the work in that way that the General Manager worked for political support and the Deputy General Manager with the project management activities. The Technical Adviser worked closely with support to the management and to the staffs appointed to take part in the work and the team members were given very specific responsibilities in handling the different activities that was planned. Beside the Technical Adviser only some few short term experts, training courses and some equipment was financed by the donor, Sida.

The project included different kind of activities e.g.: Information, Training, Legal system, Surveying & Mapping, Registration, Property Valuation and Institutional strengthening. The Project mainly focused on defining the ways of working and testing the same in two selected pilot areas with different conditions.

The working model for the surveying and mapping in the pilot project areas included: Information made by EPLAUA to the District and Villages; Establishment of LAC; Identification and demarcation of the boundaries around the Village and Subvillages together with the Land Administration Committee; Demarcation and surveying of boundaries for common used land, roads, church areas etc and then the individual plots for the farmers; Collecting of information about the users; and Testing of registration procedures.

The experiences from the Pilot project areas served as a base for the development of other main activities and for demonstration. The pilot areas made the activities visible for farmers and decision makers which was most important for support.

## 2.2 Information

The activities started with information to the staff appointed from all departments within EPLAUA and especially for the staffs that was going to work in the pilot projects. Supply of information about the activities for stakeholders was also seen a basic activity when introducing the LAS-concept.

It was not a secret that the LAS-activities were not popular within all departments within EPLAUA and the same within some regional authorities. There was a fear that the new activities would change their work and also reduce the budget for their activities. It was also very difficult to claim that there was an extreme smooth cooperation among Regional Authorities when a newcomer like the Land Administration Department within EPLAUA entered the stage. Therefore much attention was given to internal information within EPLAUA and to Regional Authorities.

During the piloting it was found out that information and repeated information to farmers was the key for success and much information was given to them and then repeated. Information was also given to decision-makers at District, Regional and Federal level. At request of the Prime Minister of Ethiopia, information about activities and the project was given to representatives from other regions. TV and Radio played an important role and they were giving information on the project with result that the ongoing activities were in the spot-light not only in Amhara Region but also in other parts of Ethiopia

For the district offices and local level administrator's special attention was given to information on the legal framework, directives, meanings of land administration, benefits, etc. during meetings. Information to them included also documents and posters so that they could inform the general public about rights and obligations. Since starting up the two pilot project areas there were more than 1000 farmers that participated in information meetings and around 7000 persons got information when the pilot projects were celebrated.

Information for all the farmers and LAC, Districts and Regional Administrations and the internal information and communication within EPLAUA was much important for understanding and motivation to work with the new activities. Information was also important for stopping miss-information from people that had illegally taken land and would like to stop the process. Information to political leaders at Regional and Federal focused on getting them interested, understand the benefits of LAS and for getting political support.

One of the most important lessons learned were that information must be given in advance and repeated for creating understanding and establishing participation of farmers in all steps and for the establishment of LAC.

## **2.3 Capacity building**

It was clear from the start of the project that the authority needed more experts and that the capacity in terms of experts and knowledge had to be strengthened so that it could fulfil its roles in both short and long term basis. To fill the most urgent gap training activities started with “practical hands on training” in the use of surveying equipment. EPLAUA had surveying equipment that was given by other donors some years earlier but the equipment had never been used depending on that no training had been given.

This training was then followed up by with training that concentrate on the Land Administration Concept, Legal System, Registration and “Way of working”. Short in-house training courses were found effective if they are repeated and this was a necessity for a successful implementation.

Short term courses were given to more then 1000 persons from District offices. They then informed and trained the farmers and the LACs. Already within three years over 1700 LCAs out of the 2800 villages were established and around 50 000 farmers were involved in the registration. In addition, around 50 persons at regional level got special training on legal system, modern surveying and mapping and 200-300 lawyers from the courts were also trained in the new legal system on rights to land.

The training institutions in Ethiopia did not deliver courses in Land Administration. For that reason the local university needed teachers to be capacitated to deliver land administration courses to radically solve the problem in the long term. EPLAUA has therefore together with the Bahir Dar University in Amhara established cooperation with the Royal Institute of Technology (KTH) in Sweden for training of 24 experts and teachers. The curriculum for university courses was also developed within the project. The training component was given high priority and from the donor financed part of the budget most money was given for the university training. University training was the biggest investment among all the activities.

## **2.4 Legal development**

The regional Land Administration Proclamation from 2000 states; "So long as the land users utilise the land according to the established rules, this proclamation assures and secures their holding and use right". The task for the project was to put this to reality.

The project started with legal development almost from scratch and was based on the traditions in Amhara combined with international experience. The most important part to development was to define security in user rights, but not mix it with ownership, and defined the relationship among the Real Property Register, User Register and Land Transfer modality. The directive formulated by EPLAUA pertaining to the implementation of the land administration proclamation was then accepted at regional levels, which further strengthen the legal foundation as well as pave the path to convert the proclamation and the policy into practice.

The legal system developed was based on the Federal Law but the regions had the right to develop their own legal system as long as it was within the Federal Law. The land in Amhara is still owned by the state but the farmers in Amhara can now register the land and get a tenure right, which is for ever. When the land is registered they have the right to transfer it to children and relatives and they have the right to lease out the land to other persons for 25 years, with possibilities for extensions. They can also transfer the land to relatives but so far they don't have the right to sell the land on the open market. Long term security for the farmers together with the rights to lease land for 25 years will open up for investments and investors and that will support agricultural production for food security. In the long term, the ongoing activities will also support environmental protection. The law and regulations proposed by the project was accepted as a base for implementation and is today in practical use in Amhara Region. The development of the directives was carried out faster than expected and the decision-makers at regional level acted really fast. The legal system developed in Amhara Region is taken also as a model for the new Federal Proclamation.

Farmers were earlier not compensated at all when land was taken for e.g. WB-projects for road constructions. The legal system developed included therefore also rules about compensation when land was expropriated. A valuation model for compensation and training material in valuation was also developed. For the trust of the legal system and tenure security it was seen important that this was corrected and farmers compensated.

Man and women are treated equal in the legal system and it is an obligation when electing members for the LACs at local level that at least two women shall be members of the committee.

It is important to stress that the legal development was based on the existing Federal Law and combined with the local situation and traditions in Amhara region. This was important for acceptance by farmers and decision makers. The establishment of the tenure security should be seen as one important step in improving the social and economic development of the Amhara Region and for Ethiopia this was a breakthrough for development of the country.

## **2.5 Surveying**

After very short training courses, the EPLAUA surveying staffs learned how to use the equipment and make measurements. Surveying and mapping during the project was mainly related to surveying of the two Pilot Project Areas. The activity in the field included demarcation, surveying and mapping of village and sub-village boundaries, individual holdings, common lands and public and religious establishments etc. The way of working in the field was conceived with an approach to devolve competencies to the local authorities and participation of the farmers. Farmers in the pilot project areas and the District officers worked together with the EPLAUA surveying staffs with demarcation and surveying of the boundaries. It was found during the two pilot projects that the boundaries around the villages were the first ones to be clarified and mapped and after that the plots within the village. It is important to underline that the LAC by themselves solved most of the conflicts with

neighboring villages and within their own village on the spot during the work with demarcation.

The number of people living in the pilot areas was more than 6000. The numbers of households with land were 1632 and the actual measured areas of the two pilot project areas were 4334 hectares and included 8557 plots. The experience of the way of working with demarcation, surveying and mapping in the pilot areas was disseminated all 106 rural districts for better understanding of the way ahead.

The Amhara Region has an area of 170152 km<sup>2</sup> and a population of more than 17 million and the estimation of properties are around four million. The region is so vast that it will not be possible to survey all properties with total stations and GPS in a short period. On the contrary the pressing need to get the rural lands certified so that the farmers be secured was the at most demand for rural development. To harmonize the conflict between the need of urgency and the capacity the authority designed to have two levels of licensing in the region.

Based on the experience from the pilot projects it was clear that the surveying of plots must be simplified and EPLAUA decided that the first certification of villages will be based on demarcation and (simple) surveying of village boundaries (undertaken in the presence of leaders from neighbouring villages to resolve disputes on the spot) and then all the properties.

The main task of professional survey teams from zonal or regional levels that were equipped with vehicles and some surveying equipment (in most cases compass and tape) was to survey the village boundaries. In addition, these teams also demarcated and surveyed communal land boundaries. The surveying and registration of individual plots was then surveyed by District officers. Issuing of temporary “Book of Land Holdings” was based on registration of users of land and on this traditional plot measurement.

The second phase will focus on geodetic measurement of all plot boundaries with modern technology. At the regional level some total stations and GPS are available and in use but this are not enough. Surveying and mapping is a costly activity and for this additional international support and additional working tools are needed, especially at district level. 30 surveyors are trained on modern surveying and mapping but around 500 surveyors need training and equipment at district level. For collecting data for over 20 million plots also other methods like orthophoto or satellite images can be used but the money is not there.

An important aspect on the use of field survey is that the farmers can follow the work, understand what’s going on and they have good opportunities to discuss with the surveyors in the field. Field work and communication are important for understanding and it was the base for support and participation of farmers.

## 2.6 Registration

The register system in Amhara includes all land e.g. state land, communal land, privately used land and also churches, schools and buildings for administration. In Amhara data collection was done by the local LAC with professional support of survey and LA teams. This LA team (consisting of a district land administration expert and specially trained surveyor) assisted the LAC with field work and processed the data to produce Registry books and Book of Land Holdings.

All registration was made manually and took place at village level and documented in the register book. That's because most of the villages and many of the district land administration offices do not have electricity. The LACs were responsible for the registration and it was made with support of the District officers. District officers were then responsible for giving the property registration number. The information collected in the Register book at Village level will later on be computerized at District level. The District officers were responsible for issue the Book of Land Holdings. By collecting the information from Village level at District level there are back-up/copies of register books if information is destroyed. A back up of the register will also be sent to EPLAUA. The work with development of a computerized register system has started and the system has been tested and is under implementation.

The land administration policy states that land holders who have been granted the right to use land should be provided with Book of Land Holdings, which has legal recognition and acceptance. The books are designed like a bankbook and that gives the feeling that it is a very valuable paper, which it also is. A "piece of paper" can easily be destroyed and is not enough for showing the rights. The Book of Land Holdings is also suitable (strong enough) for the situation under which the farmers live. In the book the rights to land are given in the name of both men and women, if married. The book includes not only rights but also obligations for the landholder and the land holder shall not be deprived of his right to use land except in accordance with the law and following due process.

The strategy by EPLAUA is to make registration in the Book of Land Holdings in two steps. The basic distinction between the primary and the secondary registration is that the former uses the traditional area measurement units as the means to describe plots and the later is issued together with surveyed maps of plots. Except for the level difference in spatial descriptions, the content and legal value of the books is the same. Distribution of Books of Holding is expected to contribute a great deal for tenure security and more importantly will dictate the land users to protect their lands and the natural resource.

Representatives of social courts have marked a very noticeable reduction in land-related disputes due to clarification of boundaries and field-based adjudication that were undertaken in the context of the certification program

### **3. FINAL WORDS**

To harmonize the conflict between the need of urgency and the capacity the authority designed to use a simplified system in the first registration and that have been proven effective. The fact that the implementation is based on a participatory way of working is the strong base for user demanded system and sustainability. Even if the road map for further development is accepted, there is much more that is needed. Amhara Region needs more trained staff, technical advisers, practical experience and equipment for field activities.

The approaches with strengthening of EPLAUA, together with the dissemination of information and training on the activities of the District offices have create an efficient organization in the delivery of public services that is essential to rebuild trust in the local institutions and gain the farmers support for these activities.

The participation of farmers together with elected members in the LACs, motivated staff and management at thee District officers in Dessie Zuria and Debre Markos and EPLAUA created the success for this project. System for rewarding staffs for good results in their work needs to be developed and introduced so that those who are responsible and exercise new activities like this one will be motivated.

I am grateful for that I got the opportunity to work together with Land Administration Department within EPLAUA in the development and implementation of the Land Administration System for tenure security. I would like in particular to thanks Mr. Gebeyehu, Mr. Habtamu, Mr. Munberu, Mr. Tesfaye Mr. Yigremew and Mr. Zerfu.

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### **BIOGRAPHICAL NOTES**

Technical Adviser for the General Manager of the Environmental Protection, Land Administration and Use Authority in Amhara Region, Ethiopia 2002-2005.

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