The Cadastral System in Eritrea: Practice, Constraints and Prospects

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1. **HISTORICAL BACKGROUND**

1.1 **Italian colonial period (1890-1941)**

- Cadastre system established during Italian colonial period (1888)
- **Objective**: to secure ownership of property for Italian settlers
- Registration system: voluntary basis, confined mainly to urban areas
- The Cadastral Office & Notary Public worked in close collaboration in property transfer

1.2 **Ethiopian colonial period (1962-91)**

- During the military regime (1974-91) all extra houses were nationalized & legal owners lost security of property
- Registration of private houses discouraged as bourgeois practice
- Cadastre Office & Notary Public narrowly escaped elimination
- Construction industry came almost to stand still

1.3 **Post independence period (1991-to-date)**

- Previously nationalized houses returned to rightful original owners
- Cadastral Office functioned as a reliable source of evidence
- Land policy, land and registration laws in place
- ‘Title registration’ made compulsory
2. HOW LAND ADMINISTRATION AND CADASTRE SYSTEMS ARE ORGANIZED

2.1 General

- Cadastre/ land registry systems in Western Europe are closely linked
- French cadastral influence seen in its former African colonies
- No cadastre in England and its colonies until recently
- Torrens system influenced by English law and practices, impact of ‘title register’ seen in East Africa and W. Canada
- Land management requires accurate information
2.2 Current practice of Eritrean Cadastre

- Land policy: economic development, social justice and equity, security of tenure, political stability, etc.

- Main features of the land proclamation:
  1) All land owned by the state
  2) Eritrean citizens have equal right to tiesha land (residence)
  3) Agricultural plots of land are given on usufruct basis
  4) Usufruct rights given for life-time of the individual
  5) Leaseholds are provided for housing, commercial, other social services
  6) Women have equal rights to land as men

2.2.1 Mandate of the Cadastre Office

1) Register all land, rights over land, & immovable property

2) As necessary register all tiesha land, agricultural usufruct, leasehold, land utilized and unutilized by the state

3) Give information enquiring transfer of immovable property for any encumbrances

4) Register right holders together with immovable property erected

5) Designate Eritrea as one registration district, or as may be necessary
2.2.2 **Cadastral purpose & data:**

- **Purpose:** certainty of ownership/right through publicity and legal protection
- **Textual data:** property id, property address, land use, land/building area, building date/type, building purpose, boundaries, etc.
- **Proprietorship section:** owners/right holder’s name, address, ID number, spouse name, purchase date, vendor’s name, address, etc;
- **Encumbrances:** mortgage, pledge, release of mortgage/pledge, etc

2.2.3 **Accomplishments & service charges (1 US $=15 ERN)**

- Scope limited to the capital, Asmara & couple of towns
- Illustrative of small scope of work done (1992-2008):
  - Registered: 17,965, mortgage/pledge $5,241, release: $7,247
- Urbanization growing fast: Asmara 98,000 people(1939), now 570,000
- Thousands unregistered: low institutional infrastructure
- **Title registration:** $10.00  **Mortgage:** $6.66
  - Release: $3.33, Correcting document : $1.33
  - Property status: $1.00, True copy: $0.33/copy
- **Stamp duty by Notary Public** $0.33, property transfer fee 9% of assessed value
## Cost of selling/buying a 800,000 SEK house(120,000 USD)

Figure 2: (Year: 1995)

<table>
<thead>
<tr>
<th>Countries</th>
<th>SEK</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sweden</td>
<td>12,800</td>
<td>1,910</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>15,800</td>
<td>2,360</td>
</tr>
<tr>
<td>Denmark</td>
<td>23,800</td>
<td>3,550</td>
</tr>
<tr>
<td>Germany</td>
<td>56,500</td>
<td>8,430</td>
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<tr>
<td>Italy</td>
<td>59,200</td>
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<td>Ireland</td>
<td>59,400</td>
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<tr>
<td>Spain</td>
<td>82,800</td>
<td>12,358</td>
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<tr>
<td>Portugal</td>
<td>84,850</td>
<td>12,664</td>
</tr>
<tr>
<td>France</td>
<td>110,000</td>
<td>16,420</td>
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<tr>
<td>Eritrea</td>
<td>72,000</td>
<td>10,800</td>
</tr>
</tbody>
</table>

Adapted from Swedesurvey, 1998

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### 2.2.4 Land allocation, valuation & surveying

- Land as state property not marketable, no direct monetary value

- Location as most important factor in determining indirect value

- Usufruct rights to land for life-time, lease up to 60 years

- Land allocation and cadastral surveying works
2.3 Practicalities and comprehensiveness

• Compulsory property registration
• Incomprehensive data and limited coverage
• Lack of standardization of surveying works
• Inadequate institutional infrastructure

2.3.1 Benefits of cadastre in Eritrea’s reality

1) Guarantee security of ownership/right
2) Provide credit through mortgaging building
3) Reduce land disputes, less work for courts
4) Improve conveyance of property transactions
5) Produce statistical data for management; etc.

2.3.2 Medium and long-term objectives

1) Establish parcel- based multi-purpose cadastre
2) Establish a modern computerized cadastral system

2.3.3. Strategies to achieve objectives

1) Establish and consolidate zonal offices
2) Develop institutional infrastructure and capacities
3) Introduce and utilize up-to-date technology
4) Develop awareness about cadastral benefits
5) Encourage the public to modern cadastral system
6) Register transfers & mortgages in time
7) Appropriate fees to ensure self-sustainability
2.4 **Main constraints/problems**

1) Inadequate institutional infrastructure  
2) Gaps in human resources capacities  
3) Inadequacy of Notary Public

2.5 **Priorities in transitional period**

1) Land and other immovable in urban areas  
2) Land and other immovable in semi-urban areas  
3) Land allocated to *tiesha* (residence) around urban areas  
4) Land allocated on lease to commercial agriculture, etc.

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3. **LESSONS LEARNT & THE WAY FORWARD**

- Flexibility of approach  
- Virtues of progressive cadastre  
- Three levels of capacity building efforts  
- Coordination, standardization  
- Sustainability issue
4. CONCLUDING REMARKS

• ‘A journey of one thousands kilometres begins with one step’
• Integrating spatial data with textual data
• National coverage and automation
• Education and training
• Protection of property rights, fast transfer of ownership/rights, etc.

Thank you!

Habtemicael Weldegiorgis (M Sc. Dev. Mgn’t)
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