

# **Nature of Property Units in Ethiopia: Case Study of Two Pilot Projects**

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**Key words:** real property, property formation, and rural land administration

## **SUMMARY**

The performance of Ethiopian agriculture, which provides livelihood for 85% of the country's population, has been poor over the last few decades. It has been realized that one of the root causes of these problems is poor and unsustainable land management practices. This calls for the current rural land administration and use laws at federal and regional levels to tackle these problems by ensuring security of use right over real properties. This paper focuses on assessing the nature of property units and the importance of incorporating property formation as an instrument of rural development in Ethiopia. It is found that most property units are unsuitable to their purpose. It suggests that comprehensive property formation law and clearly stated cadastral procedures should be endorsed to facilitate transfer of real properties, consolidation of plots and their updating.

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## 1. INTRODUCTION

Agriculture is the mainstay of the Ethiopian Economy since more than 80% of the country's 80 million labor forces are farmers, 90% of the exports are agricultural commodities and about one-half of the GDP is generated from this sector. Even though the great majority of the Ethiopian population is producing food, the country is not food self-sufficient. Despite the fact that various environmental, socio-economic and political factors are attributable to food deficit in the country the major cause is supposed to be serious shortage of farmland and low productivity in rural areas. The national land holding average is only about one hectare. Cultivated land is not only small and fragmented but also diminishing from time to time due to increasing population and limited availability of off-farm employment opportunities.

Low productivity is a function of backward implements and methods of production, low use of modern inputs, environmental degradation and poor resource management, non-conducive policy environment, scarcity of infrastructure, among others. In order to address environmental degradation and poor resource management the governments of Ethiopia launched resource conservation programmes for several decades but it had limited returns. Furthermore in order to feed the rapidly growing population the current government is attempting to increase productivity by using more fertilizer and improved seeds. But those instruments are not enough without changing the underlying structures. Among these are questions of clear land use rights and sustainable land management systems.

To address the issue of non-conducive policy environment related to sustainable conservation and development of natural resources, as well as to put in place legal conditions which enhance and strength the land use rights of farmers, the Federal Democratic Republic of Ethiopia endorsed Proclamation Nos.89/1997 and 456/2005. These proclamations are supposed to establish conducive system of rural land administration and land information data base. The core of Ethiopia's rural land administration and use is to ensure sustainable conservation of natural resources and increasing productivity by enhancing security of user rights through land certification.

In order to implement the objectives of federal proclamation and on the basis of the power enshrined by regional government, the Amhara National Regional State (ANRS) enact Proclamation Nos.46/2000 and 133/2006 and set up EPLAUA, an authority responsible to implement the above proclamations. The land administration system in Amhara region started as a pilot project. The project has several principal components that include activities in the areas of training, legislation, property valuation, surveying and mapping, registration of users, and property planning among others. However, during and after the pilot project priority was given to registration of real properties and issuance of holding certificates. But modern land administration is more than one event registration of real properties and certification. The properties and their holders are continuously changing due to rights of transfer (through lease or

rent, inheritance and gift); as well as rights of property formation and reformation (through subdivision, partition, amalgamation and re-allotment). Following such changes in the properties and their holders the holding certificates should be updated. But in the study area it is doubtful whether holding certificates are updated on time and on regular basis.

Furthermore it is uncertain whether emphasis has given to property planning particularly to the formation of economically viable and suitable agricultural property units. Proposed land use plan failed to include property planning i.e. allocating access to road for each property unit, clearly identifying places for communal use as a joint property, or possibility of establishing use right over other's possession through easement or such like measures. On the other hand it is understood that addressing the issue of tenure security through land certification alone is not solving the anticipated development problem in Ethiopia.

### **1.1 Research problem**

Building on the above background the present study attempts to investigate the role and nature of property formation, which is part and parcel of the current land administration in addressing resource management and promoting rural productivity. More specifically this research attempt to answer the following questions:

- What is the magnitude of demand for property formation in the study area?
- Are the properties formed suitable to their purpose?
- Are property formation laws and cadastral procedures appropriate for implementation?
- To what extent are real property formations and transfers updated?

### **1.2 Goals of the study**

The goal of this paper is to review the nature of property units and the importance of incorporating property formation as an instrument of rural development in Ethiopia. More specifically the present paper

- a) evaluates the nature of property units in terms of their size, distribution, and fragmentation
- b) assesses the extent to which registered real properties are dynamic and the degree to which the records are kept up to date
- c) surveys the availability of appropriate laws and regulations on property formation and transfer
- d) recommends solutions for future actions

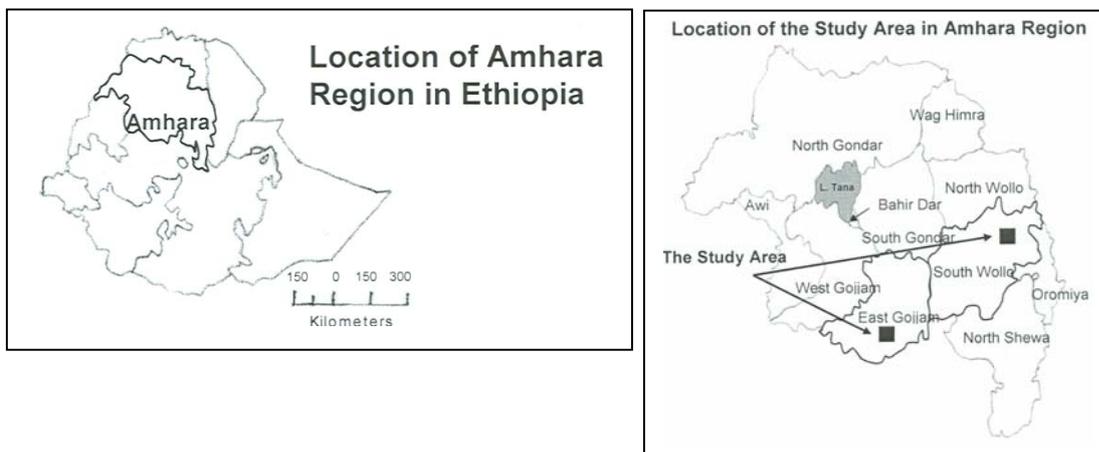
### **1.3 The study area**

Ethiopia is a federal country with 11 Autonomous national regional states (Fig 1). Among these ANRS is the second largest in the country after the Oromiya region. Located in an area of 160,000 sq.km, the region is divided into 10 administrative zones, more than 100 rural and urban Woredas, and about 3000 rural Kebeles. The total population of the Amhara region is about 20 million of which nearly 90 percent is residing in rural areas.

Erosion is a serious problem in the region accounting for the loss of approximately 2 to 4 billion tons of soil annually, which leaves between 20,000 to 30,000 hectares of land unproductive. Land degradation is an alarming challenge in the Amhara region. Natural factors coupled with the effects of a long history of settlement, prevailing farming methods and increasing population pressure which forces people to cultivate even steeper slopes have

exacerbated the devastating land and resource degradation in the region. To a large extent, these problems are thought to be aggravated by inadequate property rights. It is believed that in the absence of secure property rights, land and natural resource degradation will accelerate (Birhanu and Feyera 2005).

The two pilot areas selected for this study are located in ANRS (fig 1). Gerado Indod Ber is located in South Wollo Zone, Dessie Zuria Woreda, at a distance of 7 Km on the western side of Dessie town. Addisna Gulit is located in East Gojam zone, Gozamin Woreda at a distance of 15 km on the northern side of Debre Markos town. Both peasant associations are located on either side of all weather roads. There is a high population pressure in the study area as demonstrated with an average density of 140 persons/km<sup>2</sup> (as compared to 115 persons/km<sup>2</sup> in the Amhara region), with density of 180 persons/km<sup>2</sup> in Gerado Indod Ber and 110 persons/km<sup>2</sup> in Addisna Gulit.



**Figure 1. Location of the study area**

## **2. EVOLUTION OF ETHIOPIA'S LAND TENURE SYSTEM**

### **2.1 Land tenure system up to 1974**

The pre-1975 politico-legal environment had been known for its feudalistic characteristic dominated by the nobles, the clergy and those closer to the Crown. The manner of getting access to the major resources had been geared by standards of kinship and affiliation to the church. There was a major distinction being drawn between the northern and the southern land tenure systems in Ethiopia during the time mentioned. For instance in the northern part of the country land tenure is attached to family ties played a role in the espousal of the tenure system known as rist (Desta, T., 1973). Whereas the interests of the ruling class believed to have induced the creation of what is called 'gult'(fief) right (Crummey, D., 2000, page 10).

Rist land was in principle 'communally' owned by all members of a lineage. Each individual that can prove his/her membership to that lineage is entitled to part of the rist land; traditionally rist land cannot be sold. Individuals can claim land by using their lineage through their father or mother or the parents of their spouse proliferating the potential rist rights an

individual have. In spite of its ‘communal’ appearance, the system was characterized by competition. The amount of right that can be activated was determined by the political and social importance of the individual (Hoben 1970).

The gult constituted a system of taxation and tribute imposed on independently operating farmers. Collections from farmers may include contributions in the form of labor or other materials. The gult was the main mechanism through which the state was affecting the day-to-day lives of ordinary people in times of peace starting at least from as far back as the thirteenth century (Crummey, 2000: 5).

The northern and southern parts of the country had an enduring historical interdependence based on trading networks, conquests and population migration that goes back to many centuries. But the southern part of the country was incorporated into the ‘modern’ Ethiopian state at the end of the nineteenth century. Before the conquest, some regions had centralized kingdoms and others seem to be under traditional forms of administration (like councils of elders). With the incorporation of the southern regions, the gult system that existed for a long period in the north was extended to the south. Most land that was either common property or unused became state property to be given out for individuals loyal to the state/the emperor. This resulted in significant population movements from the north to the south as well as litigation on land between the newcomers and local settlers that cultivated land designated to be state properties (who were considered as squatters on state land).

Tenancy in the southern provinces ranged between 65 and 80 percent of the holdings, and tenant payments to landowners averaged as high as 50 percent of the produce. Under this system land was sold and exchanged. Serious land concentration, exploitative tenancy and insecurity have characterized the private tenure system.

Nega, B. et al (2003), and Yigremew A. (2000) concluded that in the northern and southern parts of Ethiopia, peasant farmers lacked the means to improve production because of the fragmentation of holdings, lack of credit, and the absence of modern facilities. Particularly in the south, the insecurity of tenure and high rents killed the peasants’ incentive to improve production.

## **2.2 Land tenure during the Derg period (1974 - 1991)**

The most radical change that the Derg had brought in to the lives of Ethiopians on the morrow after assuming power forcefully was related to the land reform measure. Ownership of land was vested in the State. Farmers were entitled to free land through their respective farmers’ associations at their places of residence to a maximum of 10 hectare per family. Farmers hold only use rights that cannot be transferred in any form. Farmers forfeit these land holding rights if they are unable to cultivate their land continuously and/or fail to comply with physical residency requirement. The power of administering land was vested in the Ministry of land reform and Administration through Peasant Associations at the grassroots level.

In the initial phase of the reform, especially in the South, a considerable proportion of the rural peasantry supported land redistribution. However a survey of the literature on land tenure during the Derg regime (Dessalegn 1984, Ministry of Agriculture 1975, pp.58-59, Mulat et al. 1998) generally shows that diminution and fragmentation of holdings (due to frequent land redistribution in response to population growth), tenure insecurity and all its consequences, land

degradation, and inefficient allocation of land by way of restrictions on land transfer and to some extent lack of appropriate land use and administration are the most commonly cited problems. Many case studies illustrate these situations.

### **2.3 Land Tenure since 1991**

The land policy of the current government, which seized political power in 1991, is a continuation of the past (1974-1990). It has been largely guided by the ideology of state control of land, entitlement of free land to all to ensure subsistence, and a great fear that opening land markets would provide inroads for involuntary dispossession of land from poor and vulnerable peasants. The new constitution of 1995 approved and confirmed the state ownership of land in Ethiopia (Federal Democratic Republic of Ethiopia 1995). Article 40 of the 1995 Ethiopian constitution states that “the right to ownership of rural land and urban land, as well as of all natural resources is exclusively vested in the state and the peoples of Ethiopia”. Land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or other means of exchange”. Sub Article 4 also states that “Ethiopian peasants have the right to obtain land without payment and the protection against eviction from their possession.” Another important provision regarding property rights (Sub Article 7) states that “Every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labor or capital. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it.”

The constitution states (Article 51) that the Federal Government shall enact laws for the utilization and conservation of land and other natural resources. Article 52 also states that Regional Governments have the duty to administer land and other natural resources according to federal laws (defined as “the assignment of holding rights and the execution of distribution of holdings). Such law was enacted in July 1997 (Proclamation No.89/1997) and in 2005 (Proclamation No.456/2005).

These proclamations are supposed to establish a conducive system of rural land administration and land information data base. Furthermore the new structure of land administration is to ensure sustainable natural resource management and increasing productivity by enhancing security of user rights through land certification.

The recent land administration proclamation also contains provisions on equality of women through land allocation and landholding right, consolidation of land holding, discourages redistribution of landholding, encourages transfer of rural land use right through lease/rent (short and long term), donation and inheritance. These measures are thus intended to solving problems associated to past land tenure systems in the country. In essence these land administrations are to introduce cadastral practices such as real property registration and formation in rural areas of Ethiopia.

### 3. METHODOLOGY AND STUDY RESULTS

#### 3.1 Methods of Data collection and Analysis

The materials intended for the analysis include questionnaire survey administered to 180 households in the study area. Separate questionnaires were prepared for group discussions and interview the kebele's land administration and use committee members and Woreda land administration and use desk representatives as well as concerned officials at regional EPLAUA. Various national and regional proclamations, regulations, reports, and research documents related to property formation were also reviewed in order to get reliable and sufficient information for the analysis. Among these sources are Proclamation No.456/2005, ANRS Regional Land Use Policy, Proclamation Nos.46/2000 and 133/2006, Proclamation No. 47/2000, detailed regulations formulated for the implementation of proclamation Nos. 46/2000 and 133/2006; as well as other documents and maps prepared for the pilot areas were closely evaluated for the analysis.

The questionnaire survey was conducted in two pilot project areas (Addisna Gulit of East Gojjam and Gerado Indod Ber of South Wollo) in Amhara National Regional State. The sites are selected as a research area since modern system of land administration in Ethiopia is tested here for the first time. For this purpose questionnaire for land holders and interview questions for officials and professionals were prepared in English and Amharic. In order to administer the questionnaire a random sample of 11% was identified from the list of landholders in the book of register. With the help of enumerators at each research site the questionnaire is distributed, filled up and summarized.

#### 3.2 Study results

##### 3.2.1 Nature of property units in the study area

There are three types of property units in Ethiopia, namely private holding (this are usually cultivated plots and homesteads), common holding (this constitutes grazing areas, schools, churches, offices, clinics and market places), and government holding (this usually comprises plantations and forest areas). The report of the survey made by staff of regional EPLAUA revealed that private holding covers bigger size of the study area followed by common holding and government holding. The same report exposed that in the two pilot project areas there are about 9400 plots with an average of 6 plots per household.

The private holdings are very small and fragmented (see Figure 2). Table 1 reveals that 84 out of 180 household heads or 47% of the farmers cultivate farm area of 1hectare or less. In Gerado Indod Ber the proportion of such holdings are 71% and in Addisna Gulit 27%. Farm holding of 2 or more hectares in both Kebeles are cultivated by only 18% of the households. This finding is consistent with Dessalegn (1984), Ministry of Agriculture (1975), Mulat et al. (1989). Such small farm holdings are not in one place; rather they are dispersed or fragmented. According to Table 2, 54% of the farmers cultivate on 4 to 6 plots or parcels, and 14% of the farmers have 7 to 14 parcels. Only 31% of the farmers work on 1 to 3 plots.

**Table 1. Size of Farm holding per household heads**

holding size (ha)	Number of household heads in each category
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categories	Addisna Gulit		Gerado Indod Ber		Total	
	No.	%	No.	%	No.	%
≤ 1.0	27	27	57	71	84	47
1.1 - 2.0	44	44	19	24	63	35
≥ 2.0	29	29	4	5	33	18
	100	100	80	100	180	100

Source: compiled from book of register.

**Table 2. Number of plots per household heads**

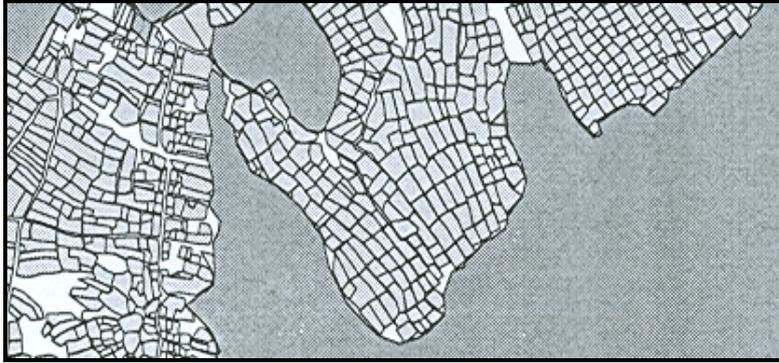
No. of plots	Number of household heads in each category		
	Addisna Gulit	Gerado Indod Ber	Total
1 to 3	31	25	56 (31%)
4 to 6	63	35	98 (54%)
7 to 14	6	20	26 (14%)
Total	100	80	180 (100%)

**Table 3. Size of plots and number of plots**

Size of Plots (ha)	Number of plots in					
	Gerado Indod Ber		Addisna Gulit		Total	
	No.	%	No.	%	No.	%
≤ 0.2	294	73	116	27	410	50
0.21 - 0.4	81	20	164	38	245	30
0.41 - 0.6	15	4	79	19	94	11
0.61 - 0.8	9	2	37	9	46	6
≥ 0.8	2	1	31	7	33	4
	401	100	427	100	828	100

Source: compiled from book of register.

It is also to be noted that most farmers are working on “mini plots” (Figure 2). Table 3 also shows that nearly 50% of the pots are less than 0.2 hectares. The proportions of these plots are about 73% in Gerado Indod Ber and 27% in Addisna Gulit. On the other hand plots of greater than 0.8 hectares are only 4% of the total. Such plots are only 1% of the total in Gerado Indod Ber and about 7% in Addisna Gulit.



**Figure 2. Distributions of plots in part of Addisna Gulit (Source: Amhara region EPLAUA document).**

The small size holdings and its fragmentation is partly due to high population pressure on land. This may be clear from the number of landless people in the kebeles. According to the information obtained from Addisna Gulit Land Administration and Use Committee there are 472 applicants for farm holding between 2003 and 2005. Out of these the committee could allocate farm land for only 103 young applicants on the basis of the criteria set. The remaining 369 applicants are still in the waiting list. The small and fragmented holdings as well as distant plot, along with other factors of production, have the effect of discouraging production per man and productivity per hectare.

Farmers were inquired to respond to the question of suitability of their farm holdings in terms of the size of their farm holding, distance of plots to homesteads and its accessibility to social services. The responses presented in Table 4 reveal that only 26% of the farmers replied that their farm holding is suitable. The majority of the farmers, thus, think that their farm holding is unsuitable to its purpose. Farmers confirm that farm holdings are unsuitable mainly due to their small size.

**Table 4. Suitability of landholding**

Condition of land holding	Addisna Gulit		Gerado Indod Ber		Total	
	No.	%	No.	%	No.	%
My landholding is suitable in terms of						
– size of holding						
– distance from homesteads						
– accessibility to social services	27	27	19	24	46	26

Source: questionnaire survey.

Furthermore all the evidences presented in this section on plot size, holding size and fragmentation of holding confirms that land holding is unsuitable to its purpose. Furthermore, high rate of land degradation, deforestation and overgrazing, low production per farmer and low

productivity per unit of land are the effects of unsuitability of farm holding in the study area. Do efforts made in the current land administration addressing these problems?

### 3.2.2 Formation of property units in the study area

As it is already mentioned modern land administration is a recent phenomenon in Ethiopia. This land administration took its real form and content so far in ANRS. The foundation for the current land administration is the new federal constitution adopted in 1995. Article 52 of this constitution empowers regional governments to administer land and other natural resources according to federal laws. Such law was enacted in July 1997 by proclamation Nos. 89/1997 and 456/2005. Following this the ANRS enact Regional Rural Land Administration and Use Policy, Proclamation No. 46/2000, and Proclamation No. 133/2006. With proclamation No. 47/2000 the Amhara region enacted the establishment of EPLUA. Furthermore EPLUA on its part regulated detailed directives to implement proclamation Nos. 46/2000 and 133/2006. What is endorsed in ANRS proclamation No. 133/2006 and the associated directive (No. 51/2007) as well as the federal proclamation No. 456/2005 regarding property units, property formation and transfer, property formation procedures and registration of property units?

The following articles are enacted concerning property formation and transfer and related issues.

1. Consolidation of land holding or re-allotment (article 10 of the directive and article 11 of federal proclamation No. 456/2005).
2. Conditions to carryout redistribution of land or re-allotment (Article 8 of the proclamation No. 133/2006 and article 9 of federal proclamation No. 456/2005).
3. Transferring communal land holdings in to individual holdings article 5(3) of federal proclamation No. 456/2005).
4. Transfer of rural land holding right (Article 15,16,17,18 of proclamation No. 133/2006 and article 8 of federal proclamation No. 456/2005)
5. Registration, issuance of holding certificate and updating records (Article 22, 23, and 24 of proclamation No. 133/2006 and article 6 of federal proclamation No. 456/2005).

It should, however, be noted that there is no separate law on property formation in Ethiopia in general and Amhara region in particular. Even the term property formation is not entirely described in both the regional and federal rural land administration and use proclamations.

It is observed that EPLAUA have been fully involved in adjudication, registration and issuance of holding certificates since January 2004 (EPLAUA 2005, P.1). Up to 30 June 2007, 97% of the household heads got their real properties adjudicated and registered by traditional methods. The certification programs have registered about 20 million plots in Ethiopia by some 5.5 million households in a very short time (Solomon Bekure, 2008). Furthermore 2086 households in the two pilot project areas got their secondary holding certificates<sup>1</sup>. Formally, very little is done on formation and reformation of property units. Furthermore, laws and regulations on property formation are fragmented in different sections and articles of the proclamation and

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<sup>1</sup> In primary holding certificate measurement of parcels is based on traditional methods and no maps but the metric system is employed and maps are attached to the secondary holding certificate.

directive. Even worse is the absence of clearly developed cadastral procedure to take various property formation measures.

### 3.2.3 Formation of suitable properties

Among articles and directives regulated we find the following concerning formation of suitable properties.

- a. Setting the minimum plot size (article 7(1) of the directive).
- b. Servitude (federal proclamation No. 456/2005 article 10(2))
- c. Consolidating land holdings (article 10 of the directive) and article 11 of federal proclamation No. 456/2005
- d. Land use (Article 13 of proclamation No. 133/2006 and article 13 of federal proclamation No. 456/2005)

In order to minimize diminution of farm holding and their fragmentation the law regulated minimum plot size for rain-fed and irrigation agriculture at 0.25ha and 0.11ha respectively (Directive 51/2007 article 23). Consolidation of land holding is based on voluntary arrangement between individual farmers where farmers are encouraged to exchange their holding. What one shall conclude from the above presentation is that even though there is a good beginning at both federal and regional levels, less emphasis has been given to laws and regulations on property formation.

On the other hand, it is understood that property formation and transfer plays significant roles for rural and national development. Property formation, particularly re-allotment, is able to result in improvements in agriculture (UNECE 1996). Allowing farmers to acquire farms with fewer parcels that are larger and better shaped and to expand the size of their holdings enables them to become more competitive. Improving the tenure structure can facilitate the adoption of new agricultural technologies leading to a more prosperous and efficient agricultural sector. It also improves the net income of farmers from land holdings through increasing the volume of production and decreasing its costs and working times. In addition to this, larger and better shaped parcels are tools for developing rural land markets and there by resulting in sustainable rural development.

It is evident that high population pressure on the highlands, lack of alternative employment opportunities, and the certification and registration program which discouraged land redistribution, resulted to serious scarcity of farm land in most rural areas. This phenomenon opens a window for various forms of land transfers (Table 5) among farmers. Such land transactions permit the transfer of land from less efficient to more efficient land users, usually from land-rich to land-poor households, from female-headed households to households with more non-land resources (labour, skill and farm implements such as oxen). These practices by redistributing farm land ensure more efficient utilization of land and non-land factors of production (see Stein Holden).

### 3.2.4 Request for property formation and transfer

Attempts have been made in the pilot areas to disclose whether there is a demand for property formation since the beginning of adjudication and the first registration activities. According to the outcome of the discussion made with Kebele land administration and use committee in both pilot areas there is high demand for property formation and transfer. Even before the completion of the issuance of book of holding to land holders, 92 requests have been made for property formation and transfer as it is presented in Table 5<sup>2</sup>. 52 of the requests have been made for inheritance of land, 29 for gift, 7 for partition and 4 for voluntary land consolidation. The staff of Woreda Office in both pilot areas expressed their fear for increasing rate of requests for inheritance and gift and its negative impact on the rest of their activities. Deininger, et al (2007) estimated the average number of annual transfers in the Amhara region to be registered would amount to 47 per kebele, 1,274 per woreda, 13,500 per zone, or 135,000 per region.

**Table 5. Requests for property Formation and Transfer**

Type of request	Addisna Gulit	Gerado Endod Ber	Total
request for inheritance of land	37	15	52
request for gift	29	0	29
request for farm consolidation	2	2	4
request for partition	6	1	7
Total	74	18	92

Source: Results of group discussion with LAUC.

### 3.2.5 Updating the land register records

However, it should be underlined that the requests made to transfer holdings do not result to registration and updating of the book of holding. The tendency is to keep postponing updating of the register until the first land titling exercise is completed. This may well take a lot of time, causing the cadastre to fall behind. From an administrative point of view the land registry must reflect the situation on the ground. Its value rests in its ability to assure the landholder and the wider public that the information on landholdings is correct and current. The expense incurred in undertaking a systematic land registration exercise will quickly become wasted if the system does not reflect changes in landholdings and landholders on an ongoing basis as they occur. This is in line with findings of Williamson (2000) and Deininger, et al (2007).

It is easy for land administration systems to be overwhelmed by creating the cadastre and forget the necessity of updating it by registering changes in land-use rights arising from succession, divorce and gifting on an ongoing basis as they occur. Failure to do so would cause the cadastre to deteriorate rapidly and lose its relevance and usefulness. This has happened in Kenya and Uganda (Bruce and Migot-Adholla 1994) and there is a danger of this happening in

<sup>2</sup> During the field survey 571 out of 826 households in Addisna Gulit and 87 out of 808 in Gerado Indod Ber received their secondary Book of holding.

Ethiopia unless corrective measures are taken immediately. If provisions are not made to keep the cadastral system up-to-date, there is no justification for its establishment in the first place (Williamson 2000). Deininger, et al (2007) also notified that Lack of updating could create problems particularly in commercial areas with higher transaction frequencies and jeopardize trust in the overall system.

## **4. CONCLUSIONS AND RECOMMENDATIONS**

### **4.1 Conclusions**

From the results of this study it is evident that most property units are unsuitable to their purpose (since they are small, fragmented, and relatively inaccessible to social services) and attempts to make them suitable are either delayed or not effective. This is partly due to lack of property and land use planning at local level, high population pressure, as well as voluntary and slow land consolidation. With existing unsuitable property units the various benefits of land administration, such as sustainable land management and high productivity, may not be harvested in the near future.

Following initial adjudication and registration the request for property formation and transfer has began in the pilot project areas. Currently the system is disseminated to about 97% of the area of the region. It is expected that the request for property formation and transfer will considerably increase in the near future. Up on completion of issuance of temporary holding certificates after one year, request for property formation will be more than 100, 000/year in the Amhara region<sup>3</sup>. To put into practice such huge demand, large supplies of trained man power and resources as well as better institutional set up are required. But these are to a great extent deficient.

Cadastral activities in the study areas are more than one event adjudication and registration; and thus it incorporates cadastral measures such as partition, subdivision, re-allotment (land consolidation) and property transfers. Laws and regulations support these activities. The problem here is that the results of such cadastral measures are not yet registered and thus the first registrations have not been updated. Thus there is a fear that the system may unable to provide up-to-date information on timely basis. If the system fails to keep information up-to-date it may not be maintained overtime and this may threaten the sustainability of the whole system. Unsustainability of the system may in turn endanger security of use right of the farmers, which thought to be the major goal of the current land administration system. Among the reasons for this problem is lack of comprehensive and consolidated laws and clearly stated cadastral procedures.

Existing laws on property formation and transfer are dispersed throughout land administration and use proclamations and directive. A separate property formation law and clearly stated cadastral procedures are lacking. Together with lack of trained surveyors this is one of the reasons for the absence of timely and regular updating of various cadastral measures. Inability to update textual and map information on timely and regular basis will jeopardize and/or even

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<sup>3</sup> Compare this with 20,000 cases per annum in Sweden and 135,000 by Deininger, et al (2007) for the Amhara region.

reverse all efforts associated with initial surveying, measurement, adjudication and registration of property units over the last few years.

These conclusions are also applied to the remaining three regions of the country. There is similarity of laws and directives, with limited local variations, among regions in Ethiopia.

## 4.2 Recommendations

### Good practice in property formation

On the bases of the findings of this study and in order to achieve the objectives of the current land administration and use in the Amhara region in particular and Ethiopia in general the following recommendations are forwarded.

- A. Develop comprehensive and consolidated property formation law. This property formation law should incorporate and take care of the following matters:
1. The law should define an independent juridical authority to be in charge of the procedure. In our case such an authority should be the Woreda<sup>4</sup> land administration office.
  2. Application by the property holder at the outset. In most cases the property holder initiates property formation procedures;
  3. The property holder should justify reasons for the measure to take place from general point of views;
  4. The property holder should justify reasons for the measure to take place from public interest perspectives (environmental, public infrastructure, rural and urban policies, cultural);
  5. The property holder should justify reasons for the measure to take place from private interest perspectives (economic, social, neighbourhood)
  6. The law should safeguard transparency and participation from all Stakeholders;
  7. The law should establish the size of parcels, both maximum and minimum, for instance to prevent excessive fragmentation;
  8. The law should consider the shape of parcels, to avoid uneconomical subdivision design or inefficient road and water systems etc.;
  9. The measure should aim to improve social and economic policies through subdivision, land consolidation, land re-allotment etc.;
  10. The implementation of the measures should apply the principles of valuation and compensation
  11. The law should integrate access and construction of joint facilities for the Community (land holders)
  12. The law should offer possibility to appeal to higher authority in case of dissatisfaction
  13. The law should regulate registration of the final result, which ensures the timely, and regular updating of cadastral measures.
- B. Timely and regular updating of records

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<sup>4</sup> Woreda is an administrative unit in rural Ethiopia, smallest unit above village or peasant association/ kebele.

This ensures sustainability of the whole system as well as security of holding and use right. Security of tenure in turn needed to attract domestic as well as foreign investment, which in turn promotes economic development.

C. Develop clearly stated cadastral procedure

These procedures guarantee the efficiency of the cadastral system. It also clearly identifies an authority making a decision, the task of this authority and how the authority is accomplishing his task.

D. Ways to make larger plots should be sought-after

- Better techniques of land consolidation. The current land consolidation is based on voluntary basis and this may take decades before it brings significant changes on the size of the plots.
- Alternative economic opportunities. Economic opportunities in tourism, urbanization and industrialization will definitely ease the current pressure of population in rural areas.

E. Capacity building to implement laws and regulations at all levels

- Explore for resources in and outside, e.g. the recent interest of USAID in addition to extended commitment of SIDA.
- Short and long term trainings of surveyors and land administrators
- Strong and persistent commitment of all stake holders

F. Regulate the rate of growth of population

This would be accomplished through education and communication, expand the scope of family planning programmes to rural areas and through enhancement of the living standards of the rural population.

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### **BIOGRAPHICAL NOTES**

**Teshome Taffa** has about 23 years of professional experience in teaching and research in Bahir Dar University (BDU), Ethiopia. He also acquired broad experience in curriculum development, research and consultancy. While serving in this capacity, he has gained good managerial skills from having held various management positions within the department, faculty and at the level of the BDU. He served as the head in the department of both Geography and Land Administration. He was also the head of the Continuing Education Office at the faculty of education and BDU. Mr. Teshome also served as a contact person in the Sida Project to establish the Institute of Land Administration at BDU between July 2005 and April 2008. He has MSc in Land management from Royal Institute of Technology, Sweden as well as Geography from Addis Ababa University, Ethiopia. Currently he is the coordinator of Continuing and Distance education as well as the Coordinator of Customers' Relation Office at the Institute of Land Administration, Ethiopia.

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