Facing the Challenges in Building Sustainable Land Administration Capacity in Ethiopia

Melkamu Belachew Moges,
ILA, Bahir Dar University
&
Shewakena Aytenfisu, EPLAUB, Amhara,
Ethiopia

FIG Congress 2010
Facing the Challenges – Building the Capacity
Sydney, Australia, 11-16 April 2010

---

1. INTRODUCTION-Overview of Land Tenure Policy in Ethiopia

- Three periods can be distinguished in
relation to land tenure policy and changes in Ethiopia:
-the pre-1975 land tenure system,
-the land tenure system from 1975-1991,
-the land tenure system since 1991.

Cont'd

❖The pre-1975 land tenure system was diverse in nature. E.g. private, state, church land, kinship.

▪ Land privatization resulted in: eviction, tenancy, absentee landlordism, and the displacement of pastoralists.

❖After1975 with the change of government:

- the diverse tenure arrangement was abolished.

-Land was taken away from land lords and distributed to individual households based on household size- "land to the tiller".

Cont'd

-all land turned to state ownership and land transfer (land sales, mortgage, and exchange) was prohibited.

-Land redistribution took place to provide land to new landless households.

-Frequent land redistribution:

-constrained access to land,

-caused tenure insecurity,

-fragmentation of land holdings,

-inefficiency, etc.

Cont'd

❖After 1991 some policy and laws have been introduced especially for rural land, but also for urban land:
- the frequency of land redistribution restricted so much.
- land transfer through rent, donation, commercial mortgage and other ways except sale were recognized.
- rural land registration and certification policy and legal initiatives have been made.

Cont'd

▪ Yet, land related problems prevail: tenure insecurity, restrictions on transfer, absence of good governance, proliferation of informal settlements, poor urban land management, outdated and/or rigid development plans, urban decay, capacity problems, landlessness (the young, women and re-settlers).

Question: How to Build SLA Capacity??...

2. BUILDING INSTITUTIONAL AND ORGANIZATIONAL CAPACITY

- Robust institutions are major vehicles of policy and legal enforcement: defining responsibilities, setting intergovernmental coordination, and promoting decentralization.
- In Ethiopia, at national level the Ministry of Agriculture and Rural Development (MOARD)-Natural Resources Conservation and Management Directorate- Watershed Management Team is responsible.
- In the regions, there are various institutional arrangements for land administration:

Cont'd

- Thus, in Amhara Regional State the Bureau of Environmental Protection Land Administration and Use (BEPLAU) which is accountable to the president of the region is responsible.
- The Bureau is organized into two technical core work processes, namely, the Environmental Protection and Sustainability, and the Rural Land Administration System.
- The Bureau has branches/ extensions to the Zonal, Woreda and Kebele level.
- The land administration and use core work process has three teams: land registration and surveying, GIS and ICT team, and Research and Legal Drafting team.
- This structure extends to the Woreda and Kebele levels.

Cont'd

- In the Oromia Regional State, the Oromia Bureau of Land and Environmental Protection (OBLEP) is responsible, accountable to the President of the region.
- The Bureau has been given power to establish branch offices at the Woredas and towns of the region.
- Interestingly enough, the Bureau has the power to administer both rural and urban land, unlike the case in the other regions.
- Including the newly planned Urban Land Administration Core Work Process, there are four basic core work processes within the Bureau: Rural Land administration, Land Use, and Environmental Protection.

Cont'd

- Especially, the Rural Land administration comprises of four major tasks, namely, land registration, surveying, valuation and land dispute resolution and land use control.
- Similar arrangement extends to the Woreda level.

Cont'd

- In the Southern Nations, Nationalities and Peoples Regional State, the Natural Resources Administration and Environmental Protection is organized under the region's Bureau of Agriculture and Rural Development as the Bureau's main core work process.
- The Rural Land Resource Development and Administration Team is established in this core work process.
- This arrangement is followed in the Zones and Woredas.

Cont'd

- In the other regions of the country, policy and legal development activities are underway in varying degrees.
- However, a critical shortage of resources is proved to be a bottleneck to these endeavors.
- While Ethiopia has made considerable achievements in laying down sound land administration system and has established institutions at different levels, there is lack of uniformity in terms of capacity, mandate, and level of progress.

Cont'd

- For instance, the Amhara and Tigray regional states have established a better land registration and certification system.
- In most of the other regions where there is a different institutional arrangement, there is a very limited progress.
- The absence of strong national institution that gives clear policy, legal, technical, and financial guidance for both rural and urban lands in an integrated approach has resulted in uncertainty and duplication of efforts.

Cont'd

- The question: what should be the wisest institutional and organizational arrangement to build up a sustainable land administration capacity in Ethiopia? which addresses the problems of uncertainty, intolerable diversity, and fragmentations of efforts and so on.
- Further, land being the vital asset of the whole Ethiopian people, it is wise to think about balanced progress in the land administration practices in order to facilitate equitable distribution of land related infrastructures all over the country thereby maintaining sustainable peace and order in the country.

Cont'd

- Presently, there are three alternatives for the establishment of institutions for land administration systems in Ethiopia under discussion:

Option 1: Establishing strong core work process directorate within the Ministry of Agriculture and Rural Development.

Option 2: Establishing an entirely new federal ministry known as Ministry of Rural Lands and establishing three sections, namely, the Rural Land Administration and Use Section, Surveying, Mapping, and Land Information Management Section, and Research, Training and Legal Development Section there under.

Cont'd

Option 3: Establishing a new federal body called the Ministry of Lands which administers both rural and urban lands in a unified manner under which will be four sections, namely, the Rural Land Administration and Use Section, Urban Land Administration, Lease and Use Section, Surveying, Mapping, and Land Information Management Section, and Research, Training and Legal Development Section.

- In the opinion of the authors, the third option is the best one with little modification as it implies the regulation of all types of lands by a similar body.
- The justifications given for administering both rural and urban land in a unified fashion are:

Cont'd

- Firstly, the nature, principles, objectives and significances, and technologies are almost the same.
- Secondly, this approach saves human, financial and technological resources in a much better way.
- Thirdly, the responses given to various problems in urban and rural land administration are relatively uniform.
- Fourthly, the payment of compensation during expropriation needs to be done based on similar justifications and rules.
- The last reason pertains to the urban expansion that is happening in Ethiopia at an alarming rate.
- Good national model: Oromyia region.

3. BUILDING LEGISLATIVE CAPACITY

- Cadastre and land register require proper legislation.
- The 1960 ECC 93 provisions suspended.
- Recently rural land registration laws have been issued at federal and regional level:
- Federal law in 1997/2005, Amhara 2000/2006, Tigray 1997, Oromyia 2002, and South 2003.
- These laws are inadequate in their content and cover a few parts of the country (Amhara, Tigray, Oromia, and SNNPs) and in varying degrees.

Cont'd

- Lease legislations- the Lease Holding of Urban Lands Proclamation No. 272/2002
- Planning and building legislations: the Urban Planning Proclamation No. 574/2008, Ethiopian Building Proclamation No. 624/2009, and Condominium Proclamation No. 370/2003.
- **Code on Immovable Property: Uniform Land Law in Prospect**

Cont'd

- Presently Ethiopian general immovable property legislation is found in different titles and parts of the Civil code and in different legislations on piece -meal basis.
- Due to this and other reasons, land and legal practitioners such as judges, land administrators, etc actually find it difficult to apply.
- Therefore, the collection of all existing and new rules relating to immovable property and restructuring them in a comprehensive, simple, and logical order is a decisive measure which the present condition of the country seeks a lot.
- **What does that require? Capacity?**

Cont'd

- Some of the advantages of having a systematically arranged legislation on immovable are:
- Immovable properties will get the degree of attention needed taking into account their importance to the economy,
- Practitioners and others involved in the subject will find it easy to apply in any dealing with real properties,
- Immovable legislation will start to contribute, as it must, vibrantly to our growth while it will stop to be an "untouchable zone",
- Immovable will be efficiently managed or administered thereby bringing the highly sought sustainable development,
- It will create a favorable condition to create other legislations while capitalizing on history and culture.

4 LAND ADMINISTRATION IN PRACTICE

- Formal land registration and conventional cadastral system is a recent development in Ethiopia particularly in rural settings.
- In the past six years, Ethiopia managed to register and distribute close to 8 million land holding certificates in an innovative and pro-poor approach within a short time.
- The system implementation is characterized as a home grown adjudication process, massive in scale, pace and cost effective, and participatory.
- Following the introduction of the land registration program to any given Kebele, a Land Administration and Use Committee (KLAC), directly elected by popular vote, assumes responsibility for implementation in a labor-intensive and field based process.

Cont'd

- The traditional measurement is the way of parcel boundary demarcation and definition merely in non-geometric methods.
- The boundaries are marked by leaving a small strip of land unused and letting weeds grow there.
- Measuring area and registering parcel details in the field-sheets has been done systematically.
- In this way, determining the extent of rights would just be a task left for rightful holders and the assumed committee members of the KLAC locally with some assistance from the Woreda land administration experts and surveyors.

Cont'd

- Parcels are registered by naming the neighboring parcel holder name.
- The measurement instruments highly vary from Woreda to Woreda based on the resource and personnel availability (tape meters, ropes, compass, other local area measurements).
- The type of data collected include property attribute data (identification of parcels, area, bordering names, fertility status, means of acquisitions, and location of the parcel), land holder information and legal rights and encumbrances.
- By law, the benchmark for the registration is the last redistribution that varies from region to region (e.g., in Amhara, land redistribution took place in 1997).

Cont'd

- During adjudication, each land holder should be on his/her parcel when KLAC and the Woreda expert(s) arrive.
- If one is not there, adjudication will proceed based on local information (LAC-members, neighbors who are around).
- If one is not there, one might run risk of others claiming his or her land.
- When there is doubt, the land holder might be required to present a written document or people who executed the then redistribution in person as evidence.
- There is also another chance to present claim and complaints on the public hearing meetings.

Cont'd

- It is possible that changes are made compared to the captured data before the certificates are finalized.
- There is no mapping nor even sketch maps.
- Upon completion of the above steps, land holders receive a provisional certificate identifying their holdings that serve for one year.
- Upon entry and completion of all the information for a Kebele registry book a permanent first level land holding certificate is issued, the holders' pictures attached thereto.
- For security reasons copies of the registry book are kept at Kebele and Woreda offices.

Cont'd

- The second type of land registration is carried out conventionally with support of modern surveying instruments like total station, precision GPS, Hand - Held GPS, and preparation of Kebele registration index map (by using HRSI).
- The Use of precision RTK GPS has been tested at pilot level.
- The piloting is objectively designed to develop "a way of working" with innovative approach to the new envisaged land administration system throughout the region and nation.
- The cadastral surveying, mapping and registration in this way is carried out in the two pilot kebeles of the region.

Cont'd

- Data collected in the field were converted into a map showing the boundaries for the properties in the pilot project areas.
- The maps were then used as a basis for registration of properties, each with its respective designation number.
- With some modification in methodology the RTK GPS is currently used in irregation potential areas.
- The present land certification system, despite its being innovative in a number of aspects, limits itself totally to administrative records which lack basic spatial framework and registry maps.
- This makes updating practically difficult and relatively time taking, which calls for an operational and affordable solution.

Cont'd

- **ITC and cadastre**
- Ethiopia is making considerable efforts to automate the land administration system.
- Especially, in the Amhara Region, the Information System for Land Administration (ISLA) software was developed in 2004.
- The software is redesigned in 2006 and further developed in 2007.
- Significant achievement is obtained in introducing the system at Woreda level.
- Up to now, the regional Bureau managed to help 38 Woredas to computerize their land records using ISLA of which 20 Woredas are supported financially by the Swedish-SIDA land administration project in the region.

Cont'd

- The system basically manages the attribute information of holdings which is linked to the spatial dataset.
- In this regard the bad condition of the telecommunication infrastructure challenges the introduction of the automation.
- Consequently, the computerization is working in a stand alone environment as opposed to a client/server and networked environment.
- Besides, shortage of trained man power in database administration and the need to employ much labor for digitization of the land record requires huge resources, which remains a challenge to be faced.

5 OPPORTUNITIES FOR INTERVENTION

- It may be important to figure out the possible positive opportunities for any development partner at different levels who are willing to support sustainable land management in Ethiopia.
- Though there are quite different measures being taken at the regional levels, we shall consider two major measures being taken especially by the federal government.

Cont'd

1. The Five Year Strategic Plan for Land Administration in Ethiopia
- The Federal Republic of Ethiopia has recently adopted a five year strategic plan for sustainable land administration in the country.
- The plan addresses the SWOT analysis of the existing land administration system in practice and potential areas of intervention.
- The planned activities include:
- Finalize the first level registration and certification in one year,
- Complete coverage of the nation in cadastre in the coming five years,

Cont'd

- Computerize the land record in three years,
- Develop a strategic master plan for the nation in 3 years, and develop local level development plans in appropriate scale,
- Review and prepare operational legal framework,
- Strengthen the existing land administration organs and establish new ones where it does not exist, and
- Build the necessary human and material capacity.

Cont'd

- These activities indicate the different areas of intervention or cooperation by the government and any other organization that can support them.
- For instance, one area of such intervention is the human resource capacity building.
- The strategic plan clearly outlines the different levels of education and training required to strengthen sustainable land management capacity in the country.
- Thus by 2015 it is planned to produce nearly 56,000 professionals in land management.
- Out of this 22,500 will be trained in certificate (3 months), 27,500 in diploma, 4,640 in under graduate degree, and 60 in post graduate degree.

Cont'd

- For these levels of education and training, the important resource institutions are the Institute of Land Administration of Bahir Dar University, Adama University, the experienced staff in the Bureaus of environmental protection, land administration and use, and the Technical and Vocational Training Colleges.
- In addition, it is planned to open land administration departments into two other domestic universities taking the model of the Bahir Dar University.
- Therefore, any governmental and non governmental institutions local or foreign have a very good opportunity of contributing to facing the challenges through the support of the human resource capacity building at any levels.

Cont'd

2. The Ethiopian Sustainable Land Management Investment Framework (ESIF)

- The government of Ethiopia has also embarked upon the establishment of what is called the Ethiopian Sustainable Land Management Investment Framework (ESIF).
- The Framework provides a holistic and integrated strategic planning framework under which government and civil society stakeholders can work together to remove the barriers, and overcome the bottlenecks, to promoting and scaling up sustainable land management (SLM)in Ethiopia.

Cont'd

- The goal of the Ethiopian Sustainable Land Management Investment Framework (ESIF) is to:

"Serve as a national level strategic planning framework for guiding the prioritization, planning and implementation, by both the public and private sector, of current and future investments targeted at addressing the interrelated problems of land degradation and rural poverty."

- The ESIF envisages five major activities or components which fall in one, or more, of the following areas:
- Component 1 – Building the ESIF SLM Knowledge Base
- Component 2 – Improving the enabling policy, legal, institutional and financial environment for SLM

Cont'd

- Component 3 – Building the capacity of public and private sector SLM advisory and other support service providers
- Component 4 – Investment in field based projects and programs for promoting and scaling up SLM
- Component 5 – Management and implementation of the ESIF.
- From this, it is evident that sustainable land management is the focus of the framework.
- Among the activities under component 2, sub-component 2.1 deals with rural land certification and administration.

Cont'd

- In relation to the rural land certification and administration sub-component, there have been several projects undergoing.
- These include mainly the SIDA Land Administration Project, the USAID Ethiopia Land Administration Project, the Austria International Development

  Cooperation, and the World Bank Sustainable Land Management Project.
- Regarding building of the financial capacity for sustainable land management, the ESIF considers both national and extra-national sources.
- Generally, a variety of existing and pipeline projects would be brought together under the auspices of the ESIF and would provide the initial base line funds required.

Cont'd

- Additional incremental funding would be sought from a variety of different sources including: (i) federal, regional governments; (ii) development partners (both donor agencies and NGOs); (iii) the Global Environmental Facility (GEF) grants; and (iv) the private sector and civil society (including cash and in kind contributions from the beneficiary rural communities).
- Therefore, this could be another area of cooperation by way of helping build the financial capacity thereby supporting the government's commitment.

Cont'd

- Otherwise, the planned activities are, pragmatically speaking, too ambitious to be fully implemented within the prescribed period, i.e. in five years.
- This sub-component would support efforts to expand the coverage and enhance the land certification process aimed at providing rural households with the security land users require as a prerequisite for investing in SLM.
- In due process, the alternative approaches for land registration and certification in the most cost-effective ways from the perspective of promoting SLM would be reviewed.

Thank you!!