

*Nordic Journal of Surveying and Real Estate Research 6:2 (2009) 7–24*

*submitted on January 24, 2009*

*revised on March 10, 2009*

*accepted on March 10, 2009*

## **Characteristics of Property Units in Ethiopia, the Case of Two Pilot Projects in Amhara National Regional State**

**Teshome Taffa**

Bahir Dar University

Department of Land Administration, Ethiopia.

teshometafa@yahoo.com

**Abstract.** *The performance of 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 characteristics 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.*

**Keywords:** *real property, property formation, and rural land administration*

### **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 a 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. The proclamations offered regional governments the authority to administer land, register holdings and issue holding certificates to farmers.

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 pilot project carried out between October 2002 and December 2003. 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 characteristics 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 characteristics 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 characteristics 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.

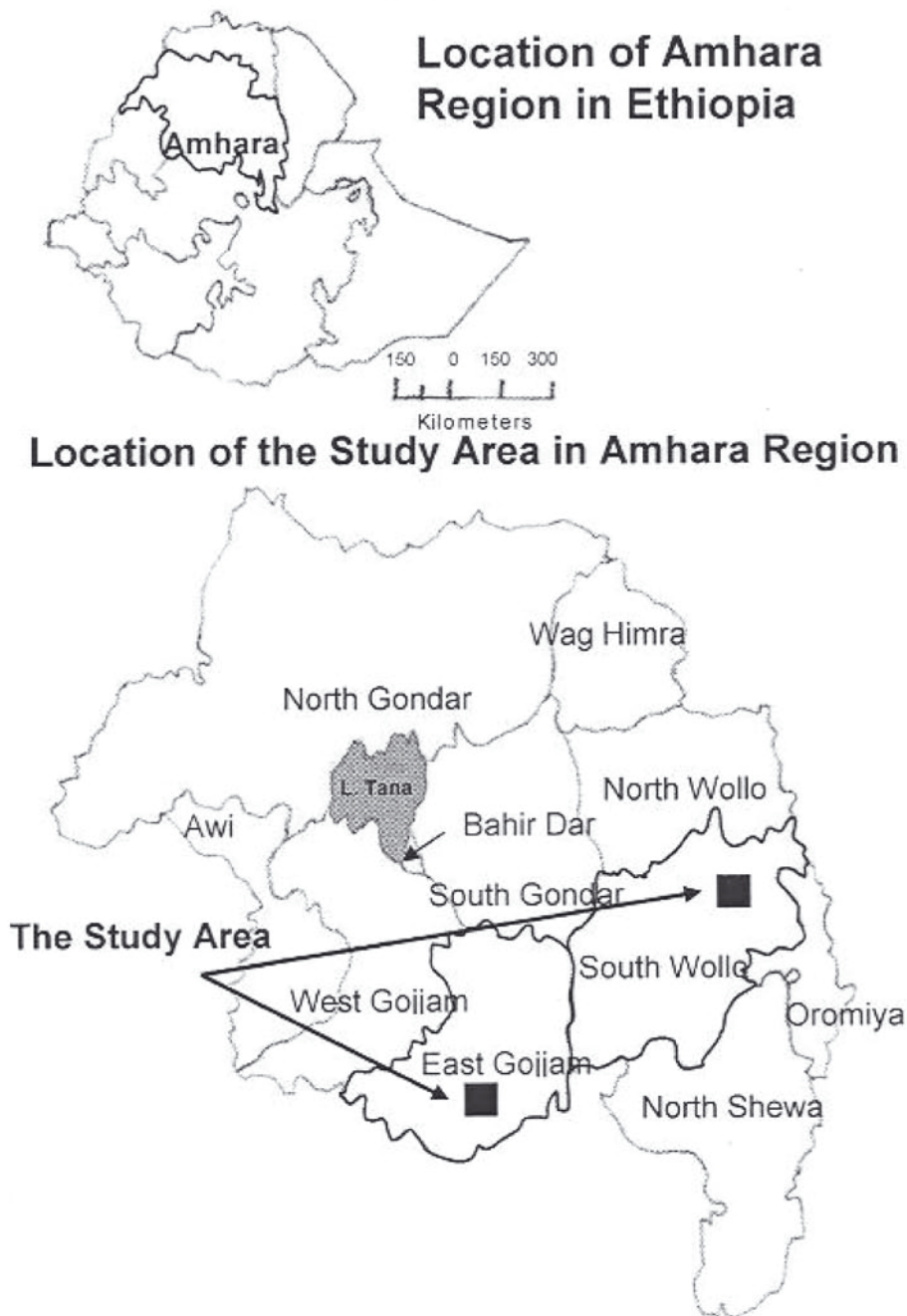
### **1.3 The study area**

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 3,000 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, Tesfu, 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 *rist* right that can be activated was determined by the political and social importance of the individual (Hoben 1973).

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). Even though *gult* positions were not necessarily hereditary, there were instances where they were held by the same lineage from generation to generation. In addition, the amounts of tribute passed over to the central government probably varied over time depending on the relative strengths of the *gult*-holders and the state. Hence, the *gult* may probably be best understood as a borderline case between an administrative position and a form of property (Crummey, 2000: 8–9).

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 property (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 (US library of congress, 1996). 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. (2002) 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 (1974–1990)***

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. Proclamation No. 31/1975 had made a remarkable departure from the pre-revolutionary tenure systems prevalent all over the country. The proclamation abolished the pre-existing tenure systems. 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. Some of these provisions, particularly the state ownership of land, were enshrined in the constitution in 1987.

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 Derge 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). Several regional governments have made use of the powers vested in them in the 1995 constitution and Proclamation No.89/1997 and No.456/2005 to formulate their land policies, among them Tigray Region (1997, amended 2002), Amhara Region (2000, amended 2006), Oromia Region (2002), and Southern Regional State (2003).

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 Characteristics 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 9,400 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 and 1979), Mulat et al. (1998). 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) categories	Number of household heads in each category					
	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%)

Source: compiled from book of register.

**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.

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 diminishing production per man and productivity per hectare.



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

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. Responses of the farmers to group discussion 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						
o size of holding						
o distance from homesteads						
o 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 attests that farm 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 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 mentioned in both the regional and federal rural land administration and use proclamations.

It is observed that EPLAUA have been fully involved in adjudication, first registration and issuance of holding certificates to the existing farm holdings 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 directive. This makes implementation complicated alongside scarcity of trained manpower

---

<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.

in most rural areas. 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 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

<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.

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 Amhara region and large part of the rest of the country. 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 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. Un-sustainability 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 reverse all efforts associated with initial surveying, measurement, adjudication and registration of property units over the last few years.

---

<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.

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.

---

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

- B. Timely and regular updating of records.  
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. Thus the concerned bodies should look for quicker techniques. For instance regulate to reduce the number of plots by one every year until the number of plots are consolidated to two to three.
  - 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 educating the rural people, expand the scope of family planning programmes to rural areas and improve of the living standards of the rural population.

Most of my recommendations should be realized by EPLAUA (Environmental Protection, land Administration and Use Authority) and other concerned stakeholders.

### ***References***

- Berhanu, A. and Fayera, A. (2005). Land Registration in Amhara Region. Ethiopia. *Securing Land Rights in Africa* Research Report 3. London: International Institute for Environment and Development.
- Bruce J.W., and S.E. Migot-Adholla (1994). Are indigenous African tenure systems insecure? *In searching for land tenure security in Africa*, edited by J.W. Bruce and S.E. Migot-Adholla, 251–264. Washington D.C. World bank.
- Crummey D. (2000). Land and Society in the Christian kingdom of Ethiopia: From the 13<sup>th</sup>–20<sup>th</sup> Century. University of Illinois press, Chicago.
- Deininger K., Daniel Ayalew Ali, Stein Holden, and Jaap Zevenbergen, (2007). Rural land certification in Ethiopia: Process, initial impact, and implications for other African countries Retrieved from Deininger.PDF



- Dessaiegn, R. (1984). *Agrarian reform in Ethiopia*. Uppsala. Sweden. SIAS.
- Dessaiegn, R. (1997). *Manufacturing poverty: rural policy and micro-agriculture*. Paper presented at the Workshop of the Land Tenure Project of the Institute of Development Research. Addis Ababa.
- Destu, Tesfu. (1973). *The Land Tenure System in Ethiopia and its Implications for Land Reform*, Law Library, Haile Selassie I University, Unpublished.
- Ege, S. (1997). *The promised land: the Amhara land redistribution of 1997*. Working Papers on Ethiopian Development No. 12. Norway. Reprocentren AVH. ANTU.
- EPLAUA, (2005). *Annual report on Rural Land Administration and Use* (unpublished). Environmental Protection, Land Administration and Use Authority, Bahir Dar Ethiopia.
- Hoben, A. (1973). *Land Tenure among the Amhara of Ethiopia. The Dynamics of Cognatic Descent*. Chicago, London: The University of Chicago Press.
- Holden, Stein, Growing importance of land tenancy and its implications for efficiency and equity in Africa, Norwegian university of life sciences. Retrieved from <http://www.fasid.or.jp/kaisai/070312/lecturedate4.pdf>
- Ministry of Agriculture. (1975). *Agricultural sample survey 1974/75*. Vol. I. Addis Ababa.
- Mulat, D., Kelly, V., Jayne, T.S., Said, A., Le Vallee, J.C. & Chen, H. (1998). *Agricultural market performance and determinants of fertilizer use in Ethiopia*. Working Paper 10. Grain Market Research Project. Addis Ababa, MEDaC.
- Ministry of Agriculture. (1979). *Agricultural sample survey 1974/75*. Vol. I. A.A, Ethiopia.
- Nega, B., Adenew, B., and Gebre Sellasie, S. (2003). *Current land policy issues in Ethiopia*. Ethiopian Economic Policy Research Institute, Addis Ababa, Ethiopia.
- Solomon Bekure (2008). *ELTAP, Ethiopia: Low cost land administration system in Ethiopia*, Land Administration Regional workshop Ghana, Malawi, South-Africa and Tanzania. May 12–15.
- UNECE 1996. *Land Administration Guidelines: with special reference to countries in transitions*, ECE/HBP/96, United Nations New York and Geneva.
- United States Library of Congress (1996). *Towards Democracy*. Retrieved from <<http://countrystudies.us/south-africa/36.htm>> [2004, June 12].
- Williamson, I.P. (2000). *Best practices of land administration systems in developing countries*. Paper presented at the international conference on land policy reform. Jakarta 25–27 July. unpublished.
- Yigremew, A. (1999). *The rural land tenure system in Ethiopia since 1975: some observations about its impact on agricultural production and sustainable land use*. In Tegegne Gebre Egziabher et al., eds. pp. 205–225.
- Yigremew, A. (2000). *Preliminary assessment of the impacts of the post-Derg land policy on agricultural production: a case study of land redistribution in two communities in north-west Ethiopia*. In Workneh Negatu et al. eds. pp. 173–190.

***Constitutions, Proclamations, Acts and Directives***

ANRS. (2000). *Regional Land Administration and Use Policy*. Amhara National Regional State.

Directive No.51/2007. *The Directives Issued for the Implementation of proclamation No. 133/2006*. Environmental Protection, Land Administration and Use Authority.

EPLAUA. (2003). *The Directives Issued for the Implementation of proclamation No. 46/2000*. Environmental Protection, Land Administration and Use Authority.

FDRE. (1995). *The Constitution of the Federal Democratic Republic of Ethiopia. 1<sup>st</sup> Year No. 1* Addis Ababa, 21st August, 1995.

*Proclamation No. 31/75: A Proclamation to Provide for Public Ownership of Rural Lands, Negarit Gazeta 34<sup>th</sup> Year No. 26*. Provisional Military Administrative Council.

Proclamation No. 46/2000. *Regional Rural Land Administration and Use Proclamation*.

Proclamation No. 47/2000. *Regional Environmental Protection, Land Administration and Use Authority establishment proclamation*.

Proclamation No.133/2006. *Revised Regional Rural Land Administration and Use Proclamation*.

Proclamation No. 89/1997. *Federal Rural Land Administration proclamation*.

Proclamation No. 456/2005. *Federal Rural Land Administration and Use proclamation*.