Experience and Future Direction in Ethiopian Rural Land Administration

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ABSTRACT

Over the years, land tenure insecurity caused by frequent land redistribution had forced farmers in Ethiopia to favor short term exploitation of land resources over long-term conservation, contributing to land degradation and low farm productivity. Cognizant of the adverse effects of tenure insecurity on food production and the environment, the Federal Government of Ethiopia (GoE) embarked upon policy and institutional reforms since 1997 that have laid ground for establishing and implementing a good land administration system. The four regional states of Amhara, Oromia, SNNP and Tigray established land administration offices to implement the Federal and regional land laws. The core and key element of reform in the drive to improve tenure security among farming households was registration and certification of rural lands.

A highly decentralized, participatory, pro-poor, low-cost and rapid registration and certification process was adopted. Elected village land committees of 5-7 members at sub-district levels were established to affirm existing landholding rights before they were registered. Women were encouraged to become members of these committees. Public awareness campaigns were conducted informing rural communities about the objectives of the land registration process and the role of the village land committees. It was possible to rapidly register most of households in the four regions in a short period of time.

A number of studies show that this registration and certification of rural has attained its primary objective of enhancing tenure security. It was observed that investment on soil and water conservation, including terracing and bunding, planting of tree and perennial crops, participation in the land rental market and access of women to land have all increased while land related disputes have decreased.

A number of problems and challenges were manifested in implementing these programs mainly falling in the areas of policy and legislative gaps, technical deficiencies, inadequate institutional capacity and inadequate financial resources. GoE has now developed a five-year strategic plan to broaden and deepen rural land administration reform. The objective is to strengthen the country’s land administration and management systems at all levels of government for efficient and transparent land service delivery and to embark upon second level registration that will issue parcel index maps to land holders. This task is immensely resource demanding and requires strong commitment of the government and support of its development partners.
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1. Background

Ethiopia is an ancient country located in the Horn of Africa with a land area of 1.13 million km² and characterized by considerable diversity in terms of its bio-physical environment and its cultural and ethnic composition. The varied relief and climate has resulted in multiplicity of ecosystems, soil and vegetation types, water resource regimes, and land use. This in turn has influenced historical and current settlement patterns. About 85% of the country population of close to 79 million lives in rural areas primarily depending on using their labor and land resources to meet their welfare needs. Ethiopia’s economy is heavily dependent on agriculture which is the main driver of the economy. Smallholder farmers produce 90-95% of the country’s cereals, pulses and oilseeds and form the backbone of the agricultural sector.

Over the years, land tenure insecurity due to losses of land because of frequent land redistribution had forced farmers to favor short term exploitation of land resources over long-term conservation contributing to land degradation as farmers were afraid and reluctant to invest in their landholdings, for instance by planting trees and undertaking soil and water conservation measures. Cognizant of the adverse effects of tenure insecurity on farm productivity and the environment, the federal government of Ethiopia embarked upon policy and institutional reforms since 1997.

This paper gives an overview of these reforms and the current situation on rural land registration and certification, presents a synthesis of its achievements, problems and challenges encountered in its implementation and indicates the future direction and perspectives set by the government in establishing a sustainable, efficient and transparent land administration system in the country.

2. Rural Land Policies, Strategies and Legislation

That ownership of land is vested in the State and in the people of Ethiopia is enshrined in Article 40(3) of the 1995 Federal constitution of Ethiopia (FDRE, 1995) that also empowers

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regional governments to administer land and other natural resources in accordance with Federal laws. Landholders have only usufruct rights. They cannot sale nor mortgage their landholdings. Smallholder farmers have usufruct rights in perpetuity while large scale farmers have term limits on their leased land.

The first federal Rural Land Administration and Use Proclamation No. 89 was promulgated in 1997 to provide an umbrella framework for the regional states in enacting rural land administration laws to which the four regional states of Amhara, Oromia, SNNP and Tigray complied. This was followed in 2005 by the landmark revised Federal Rural Land Administration and Use Proclamation No. 456/2005/1997 that clarified rural land use rights and obligations and abolished forced redistribution of land which was the major source of tenure insecurity among the rural population. This Proclamation reaffirms ownership of rural land to the State, but it confers indefinite tenure rights to smallholders, i.e. rights to property produced on land, to land succession and to land renting. The four regional states followed suit and revised their land laws to reflect the changes made in the federal law and in cases of Amhara and Oromia regional states, to broaden the rights of landholders. Benishangul-Gumuz and Gambella regional states also enacted their land proclamations in 2010.

The land administration laws mentioned here were primarily aimed at the settled agricultural areas of the highlands of Ethiopia where lands are held individually or by households. They are not that much applicable to pastoral and agro-pastoral lowlands of the country that cover about 60% of the land mass and accounting for about 12% of the total population and where, customary tenure regimes predominate and access to land is communal based upon clan, sub-clan and lineage group membership. Both internal and external factors have worked steadily to shrinkage of natural resources in the wider pastoral areas (Yacob, 1998). The design and implementation of appropriate policies, legislation and development programs requires consideration of their specific environmental and socio-economic constraints and potentials. The Afar regional state started preparing its land policy in 2007 and has gone farthest in enacting its Land Administration and Use Proclamation in 2008 and is now on the verge of issuing the regulations for its implementation. It has used a process of consultations and discussion with key stakeholders including, pastoralists, agro-pastoralists, women groups and clan leaders. The Somali regional state is following a similar process in formulating its land policy and legislation.

The Federal government has also promulgated the Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No. 455 in 2005 (FDRE, 2005) and its implementing regulation No. 135 in 2007 (FDRE, 2007) to guide regions in administering land expropriation and compensation fairly and thus enhancing tenure security.

These legislative reforms have laid ground for establishing and implementing a good land
administration system. The Federal Government’s development policies, strategies and plans are also supportive of this effort. The importance of land and its proper administration is emphasized in the country’s development strategies. The country’s Rural Development Policies and Strategies (RDPS) (FDRE, MOFED 2003) describes the “proper utilization, allocation and use of existing land” as one of six pillars of agricultural development. Strengthening of the land administration system in both, urban and rural areas, including a rapid roll-out of the rural land certification program is underpinned within the Plan for Accelerated and Sustained Development to End Poverty (PASDEP) (FDRE, MOFED, 2003) implemented during 2006-2010, making enhancement of rural land tenure security and the proper administration and management of land one of its eight major underpinning initiatives. The Government has formulated the five years Growth and Transformation Plan (GTP) (2010/11-2014/15) to carry forward the important strategic directions pursued in the PASDEP. (FDRE, MOFED, 2010). Furthermore, the Government approved and endorsed the Ethiopian Strategic Investment Framework for Sustainable Land Management (ESIF/SLM) in which land administration and certification is one of the six independent but interrelated components. This basically provided the framework for a comprehensive support to the development of land administration and land use planning in the country.

3. Implementation of Rural Land Administration and Use Laws

**Land Administration Institutions.** At the Federal level, land administration was a small and under-resourced unit in the Natural Resources Development Directorate of the Ministry of Agriculture (MoA) until 2010, when a separate Land Administration and Use Directorate (LAUD) was established. It is now being strengthened in human material resources to enable it coordinate implementation of the Federal rural land administration and use proclamation by providing a national level strategic planning strategic framework, harmonizing and standardizing land administration procedures and processes, harmonizing and coordinating donor activities and providing technical and financial support to regions.

The Six regional states of Amhara, Oromia, SNNP and Tigray and recently Gambela and Benishangul-Gumuz established land administration offices to implement the Federal and regional land laws. These offices have undergone several changes. Some of them started as a section of the regional agricultural bureaus and later changed to independent authorities under these bureaus. Those in the Amhara and Oromia regions have been elevated into bureaus separate from agriculture. Oromia has gone farthest in reform by combining the administration of both urban and rural lands in the same bureau, the Oromia Bureau of Environment and Lands. The other regions have yet to establish land administration offices separate from those of agriculture.
**Rural Land Registration and Certification.** Registration and certification of rural lands is the core and key element embedded in both the federal and the four regional states rural land administration and use laws, in the drive to improve tenure security among farming households in order to improve long-term investment on land and enhancing land use right transactions. Although surveying of the parcels of land held by farmers and issuing landholding certificates with parcel maps attached was preferable, it was realized that this would take a long time to implement and that a rapid and cost-effective method that will immediately provide tenure security to landholders should be put in place. This necessitated postponing proper surveying and issuing parcel maps to a later date, which in fact was prescribed in Section II 6(2) of Proclamation No. 456/2005, stating that “Rural land holdings … shall be measured by the competent authority and shall be given cadastral maps showing their boundaries”

The method adopted by the four regional states, first developed by Tigray region in 1998 and modified by the Amhara region in 2003, was a decentralized and highly participatory process that established elected village land committees of 5-7 members at kebele levels. Women were encouraged to become members. Tigray and Amhara regions required that at least two members of the committee should be female. Public awareness campaigns were conducted informing rural communities about the objectives of land registration process, the role of village land committees in ascertaining and adjudicating the boundaries of parcels held by individuals, households, public and religious institutions and communal land held by the community and in resolving boundary or claimant disputes before registration of the parcels. Simple registration formats were developed to record the adjudication and registration data by clerks assigned by the woreda land office. In the Amhara region, a public hearing was held to inform the public what parcels and the size of the parcels that would be formally registered to give the community an opportunity to prevent some individuals from taking advantage of their neighbors or encroaching on communal lands by trying to register larger parcels than what they hold. The official registration data was entered and land holding certificates were issued only for those parcels which were not objected. Parcels for which the information was contested were registered only after the village land committees were able to resolve the problems. The certificates were issued in the names of both spouses for married couples in order to protect the land rights of women.

The quality of the certification process measured by the share of cases where conflict could not be resolved and certificates could not be issued was only 5% of cases in Ethiopia, compared to 20% in other titling projects (Deininger et. al. 2008). Fees of land certification varied from region to region. Certificates were given free of charge in the Amhara region while it was Birr 5 in Oromia and Birr 3.00 in SNNP and Tigray regions.
This process of land registration in which there was no cadastral surveying and no parcel index maps attached to the certificates is known as first level certification. The land records contain only textual data and an estimate of the area as reported by the landholder using the traditional land measure of the locality was entered in the certificates in addition to the names of the landholders of the adjoining parcels. It was possible to rapidly cover most households in the regions as shown in Table 1 below. Tigray and Amhara regional states have registered landholdings of almost 97 and 87 percent, respectively, of all the households in their regions. Oromia and SNNP have registered a little less at 85 and 84 percent, respectively. The numbers indicated in the table below excludes the pastoral and agro-pastoral households.

<table>
<thead>
<tr>
<th>Region</th>
<th>Total No. of Households (Million)</th>
<th>Total No. of Parcels (Million)</th>
<th>Total No. of Registered Households (Million)</th>
<th>Total No. of Certified Households (Million)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amhara</td>
<td>3.90</td>
<td>12.00</td>
<td>3.41</td>
<td>3.20</td>
<td>82.10</td>
</tr>
<tr>
<td>Oromia</td>
<td>4.00</td>
<td>16.00</td>
<td>3.10</td>
<td>2.11</td>
<td>61.10</td>
</tr>
<tr>
<td>SNNP</td>
<td>2.40</td>
<td>9.60</td>
<td>2.01</td>
<td>1.71</td>
<td>72.70</td>
</tr>
<tr>
<td>Tigray</td>
<td>0.65</td>
<td>2.60</td>
<td>0.63</td>
<td>0.63</td>
<td>96.60</td>
</tr>
<tr>
<td>Total</td>
<td>10.95</td>
<td>40.20</td>
<td>9.45</td>
<td>8.02</td>
<td>73.20</td>
</tr>
</tbody>
</table>

Source: Ministry of Agriculture (FDRE, MoA, 2010)

The cost of the first level certification was around US $ 1.00 per parcel (Deininger, et. al. 2008b), which is substantially lower than what is reported for the cost of traditional titling at between US $20 - 60 per parcel (Burns 2007). Even low-technology approaches that issue certificates without maps in West Africa are estimated to have cost US $7.00-10.00 per parcel (Lavigne-Delville, 2006).

Indeed, the decentralized, participatory, pro-poor, low-cost and rapid approach of Ethiopia’s first level registration and certification has been applauded by several authors and Deininger, et al, (2007) suggested that this process, with some modification could serve as a model for other African countries to quickly scale-up implementation of land registration.

4. Positive Impacts of First Level Rural Land Certification

Empirical studies have shown the multiple positive impacts of first level registration and certification programs in Amhara, Oromia, SNNP and Tigray regional states as follows (Deininger, et al. 2007; IIED, 2005):

- Increased tenure security;
- Increased investment on soil and water conservation, including terracing and bunding;
- Increased tree and perennial crops planting; Increased land rental market participation;
- Improved access of women to land;
- Reduced land related disputes.

A majority of households felt more secure on their perceived ability to receive compensation in case of land taking. More than 80 percent of landholders interviewed were willing to pay for replacement of lost certificates as well as addition of a map (Deininger, et. al. 2008) which shows that they appreciate and value these interventions.

5. Problems and Challenges of Rural Land Administration

The problems and challenges faced in implementing rural land administration programs in Ethiopia fall in the areas of policy and legislative gaps; technical deficiencies; inadequate institutional capacity and inadequate financial resources.

**Policy and Legislative Gaps.** The federal and regional land policies and laws enacted prior to 2008 attempted to address tenure insecurity only for landholders in the settled agricultural areas. Oromia and SNNP regional states have considerable pastoral lands for which the regional land laws are inapplicable. The Somali regional state has not yet issued its pastoral land policy and legislation, but has started the process. The Afar regional state has issued its land policy and legislation. However, while this legislation gives responsibility of managing pastoral land resources to customary institutions other legislation confer this responsibility on the woreda and kebele administrations. This needs to be reconciled by amending the administration laws.

There are no federal and regional laws that govern rural land registration and surveying. It is only in 2010 that MoA took the initiative to prepare this piece of legislation that is not yet completed. Regional states are expected to issue guidelines on valuation and compensation of expropriated lands and land use, but they have yet to prepare these.

**Technical Deficiencies.** There are a number of technical issues that need to be resolved for developing appropriate land registration and cadastral survey methodologies and approaches. These include lack of adequate surveying and mapping infrastructure at the national level and lack of standardized methodologies for surveying and registration procedures. The Ethiopian Mapping Agency (EMA) is responsible for establishing the country’s geodetic network infrastructure. A number of the ground control points that have been established cannot be located because either they are established in remote and inaccessible areas or the markers
have been removed by trespassers. The recently established Continuously Operating Reference Stations (CORS) that readily provide correction factors for GPS coordinate readings are not fully functional to be used as national reference points. Although various methodologies have been tried and tested, a standardized national system of land registration and parcel coding has not been adopted. A national digitized land information system to facilitate compilation and exchange of land information within a region, among regions, between regions and federal entities and conversion of rural lands to urban land needs to be established.

**Inadequate Institutional capacity.** Inadequate institutional capacity limits federal and regional land administration agencies’ (LAAs) ability to cope with the demands of an expanded land administration development program. Institutional capacity at the federal level to implement and continuously improve and amend the federal land administration and use laws and to provide technical support to and coordinate land administration programs in the regional state needs to be built. The capacity of the regional LAAs in implementing the regional land administration and use laws and preparing the regional level land use plans is likewise weak. The organizational structure and levels of expertise for land administration widely differ from region to region and are inadequate in most of the regions. Improving the organizational structure and status and building the manpower capacity of the federal and regional land administration agencies in the fields of land registration, cadastral surveying, land laws, communications, land valuation and compensation for efficient service delivery will be a critical factor to the success of efforts to scale-up land administration at both the regional states level, particularly in the emerging regional states of Afar, Benishangul-Gumuz, Gambella and Somali. Land administration offices separate from bureaus of agriculture need to be established in these states. Frequent restructuring and rapid turnover of staff in the regional states is a problem that needs to be addressed.

Updating of land registers has not been systematically followed-up in the four regional states, making the records in the file divorced from the reality on the ground and eroding the credibility of the land registers. Efforts need to be intensified in educating both landholders and land administration staff on the importance and usefulness of updating the land records as transactions occur to avoid obsolescence of the land registers.

The village land committees are working voluntarily without any remuneration, making their sustainable operation questionable. Okoth-Ogendo (2007) suggested the integration of these structures into the community system at the *Kebele* (sub-district) level. Members of these committees need training in the basics of the regional land administration and use laws to make them more effective, particularly in resolution of land disputes. The rural communities
need to be educated on their land use rights and obligations through public awareness campaigns so they can exercise their rights and honor their obligations properly.

**Inadequate Financial Resources.** Weak institutional capacity is highly correlated with inadequate financial resources. The human resource and logistical capacity of the federal and regional land administration institutions can be built only if they are provided with financial resources. Lack of financial resources prevented the Oromia and SNNP regional states to complete their first level land registration and certification program after it peaked in 2007. The Amhara regional state has started to place land administration officers at the *Kebele* level because of the strong political commitment of the regional administration that has allocated a line item budget for this purpose. This move is commendable and other regional states should follow suit.

**Lack of Centers of Excellence in Land Administration Education and Research.**
Most of the land administration experts in the regional states are trained in natural resources subjects rather than land administration. The expansion of land administration programs requires highly qualified personnel in the fields of land registration, cadastral surveying, land law, land use planning, communication, land valuation and compensation for efficient service delivery at all levels of government. Currently, Bahir Dar University is the only institution of higher learning that has established a four-year B.Sc. degree program in land administration. Attention should be given to strengthen the capacity of institutions of higher learning to train experts and engage in land administration research.

Although the Federal Proclamation No. 456/2005 mandates the establishment of a system of study that focuses on identification of problems on land administration and land use to recommend solutions, no institution is engaged in focused and systematic research program on land administration and land use issues. Research on these topics is taken up by interested institutions and individuals on an ad hoc basis. It seems that external institutions are more actively interested. It is important that major issues in land policy and its implementation are identified and given to one of the country’s foremost research institutions.

6. **The Future Direction of Rural Land Administration in Ethiopia**

The government of Ethiopia has shown its commitment to address the pressing land policy and administration issues in both rural and urban areas and has gained positive and valuable experience from its rural land reform program. The rural land registration implemented in Ethiopia from the start of the last decade is one of the world’s largest land programs. Based on this experience, a five-year strategic plan has been prepared to broaden and deepen rural
land administration reform. This is reflected in a concept note for a proposed National Land Administration and Land Use Development Project (ELALUDEP) that is being finalized in consultation with key federal and regional stakeholders and development partners.

The objective of the five years strategic action plan is to strengthen the country’s land administration and management systems at all levels of Government for efficient and transparent land service delivery to be achieved through:

- A clear, coherent and consistent set of land administration policies and laws.
- A land administration system operating throughout Ethiopia that provides efficient services that are well understood by the general public and with the resources and capacity that ensures sustainability; and
- A systematic program to update existing land records and to register and certify rights over land (Ministry of Agriculture, 2011).

It is planned to complete cadastral surveying of all parcels of rural lands in a five-year period which is ambitious and challenging in terms of building the capacity of land administration agencies at all levels of government and financing the program. A number of decisions need to be made and actions taken in the preparatory phase of the proposed ELALUDEP. A cost-effective and rapid methodology for cadastral surveying and registration needs to be decided upon and the manpower, equipment and transport requirements quantified. Sequencing of the program in each region needs to be determined and the existing manpower of the land administration agencies at all levels of government and the Ethiopian Mapping Agency needs to be assessed and a human resources development plan prepared in order to build the capacity of these agencies to implement the program. Distilled best practices from the pilot programs in Ethiopia supported by SIDA and USAID, experiences from relevant countries and consultation and discussion with stakeholders are vital inputs for drawing a realistic and achievable plan.

Implementation of the above program that will address the problems and challenges mentioned above is expected to accelerate the pace and rate of institutionalizing a sustainable, efficient and transparent land administration system in the whole country. However, the task is immensely resource demanding and requires the strong support of the government and its development partners.
REFERENCES


