

# Ethiopia Land Policy and Administration Assessment



*Final Report*

May 2004

USAID Contract No. LAG-00-98-00031-00, Task Order No. 4  
Broadening Access and Strengthening Input Market Systems (BASIS) IQC

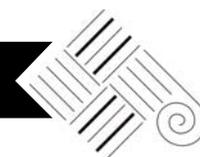


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# Country Map



*Note: The colored area of this USAID map represents the four regions visited during the assessment.*



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# Acronyms and Abbreviations



AFREF	African Reference System
birr	Ethiopian currency
CSA	Central Statistics Authority
DPPC	Disaster Preparedness and Prevention Commission
EMA	Ethiopian Mapping Authority
EPLAUA	Environmental Protection, Land Administration, and Use Authority (Amhara region)
EPRDF	Ethiopian Peoples Revolutionary Democratic Front
FEWS	Famine Early Warning System
FIG	International Association of Surveyors
GIS	Geographic Information System
GPS	Global Positioning System
GTZ	<i>Gesellschaft für Technische Zusammenarbeit</i> (Germany)
IDR	Institute for Development Research
ISS	International Systems Services
<i>kebele</i>	a group of villages forming an administrative unit in Ethiopia
LUPO	Land Use Planning and Resource Management Project in Oromiya Region
MOA	Ministry of Agriculture
MOWR	Ministry of Water Resources
NGO	nongovernmental organization
NGS	National Geodetic Survey
NSDI	National Spatial Data Infrastructure
SIDA	Swedish International Development Agency
SNNPR	Southern Nation, Nationalities, and People's Region
TPLF	Tigray People's Liberation Front
UNICEF	United Nations Children's Fund

USAID US Agency for International Development  
*woreda* a local administrative group of *kebeles* that form a “district”  
WFP United Nations World Food Program

# Executive Summary



Research and studies in Ethiopia show that insecurity of land tenure restricts rights in land, reduces incentives to productively invest in land, and limits transferability of land. In turn, these pose significant constraints to agricultural growth and natural resource management.

The purpose of the assessment was to assist USAID/Ethiopia to clarify the technical elements and technical assistance needed to implement a program intervention aimed at increasing security of tenure and rights for land. The exercise analyzed land tenure security, land policy, land administration, land management, and related issues, including the transferability of land use rights and land certification programs as they impact food security and agricultural development in Ethiopia. While the main focus of the exercise was on the land policy, institutional development, and land administration components, there was an additional effort to analyze the current status of the geodetic infrastructure and spatial data capacity of the country as they relate to land tenure and land use management.

The assessment was conducted under the USAID Global Broadening Access and Strengthening Input Market Systems (BASIS) IQC. Specifically, services were provided through the Awareness Framework: Property

Rights and Natural Resources Management Task Order. In addition to meetings with government officials and members of the academic community, field visits were made to four regions—Amhara; Tigray; Oromiya; and the Southern Nation, Nationalities, and People’s Region (SNNPR)—to meet with regional officials and farming communities.

The following is a brief summary of the major findings. These are presented in more detail in the body of the report.

### *Land Policy*

- The Ethiopian Constitution asserts state ownership of land; there are no private property rights in land.
- Even if there are national debates on the existence of different ownership and tenure regimes for land in Ethiopia, the Government of Ethiopia is not prepared at this time to legalize private property rights in land.
- While the Government of Ethiopia has decentralized administration of land to the regional governments, the formulation of broad land policy still rests with the federal government.
- Federal government proclamations provide some land rights guarantees and some requirements for regional councils, but there is no national land policy and institution that might serve as a

coordinating body at the national level of government for policy discussion and coordination of land administration.

- The national law vests primary rights in the state with a decentralized administration of land, yet the broader discussion of property rights and policy options within the context of current constitutional provisions is sufficient.
- While the State still maintains primary rights in property, it could move toward a system of long-term leases that vest strong secondary rights in landholders, allowing them to sublease or make other land transactions (e.g., mortgages). These long-term leases would help to address some of the weaknesses in the existing land tenure system.
- The federal government needs to address the land question. The proposed ministry reorganization anticipates the establishment of a department of land administration. However, land issues in the broadest context will still extend beyond the scope of the new Ministry. There is a need to establish a task force within the Prime Minister's office to aid in the development of the national land policy and monitor its implementation.

#### *Land Administration and Land Management*

- There is no federal institution responsible for land administration to support and coordinate regional efforts.

- At the regional level, institutional structures vary with the four regional governments visited. Each has adopted a different approach to land administration institutional structures.
- In several regions those governments have launched land administration reform efforts (not to be confused with land policy reform). The objective of these efforts is to improve land administration and thereby improve land tenure security for land users, though it is unclear how effective that will be in isolation of other interventions.
- Some user rights are transferable in the form of sharecropping, subleasing, or rental arrangements, but there are some restrictions in terms of the lease periods and the amounts of land to be leased out.
- Current land use and land administration policies of the regions present restrictions on the transferability and use of land.
- Land redistribution is not ruled out in both the federal land proclamation and some regional proclamations and theoretically can still take place.
- There are also reports or statements by the *kebele* administrations (groups of villages that form administrative units in Ethiopia) regarding the possible redistribution of land even if they have certificates. This suggests that even with the certificates, farmers do not have strong tenure security.

- Regional proclamations have stated land use rights for landholders, farmers, and others can still be taken away by the regional government or the local *kebele* administrations. In these cases, land users who have land taken by the government (as opposed to those who abandon it) are supposed to be paid compensation. However, the entire expropriation process is not articulated in these proclamations.
- *Kebele* administration authorities in some regions stated that if someone “left” their land for a period of more than two years, regardless if they held a certificate, they would take the land and distribute it to someone else.
- Use rights are inheritable within families. However, there are some restrictions in the Amhara law.
- The programs from region to region lack consistency, including in the way land is administered and the user rights that are granted. The most notable inconsistencies are in their organizational structures, inheritance, and in the provisions permitting subleases.
- Regional and lower-level governments do not have the capacity to adequately implement their land administration reform programs.
- It appears that regional governments have not adequately thought through monitoring and evaluation of the impacts of their reform efforts.

- There is little capacity for the dissemination of information to the public about the various land administration reform programs, their impacts, objectives, and ways that they will impact local resource use.

### *Land Certification*

- The present effort to improve land administration and security of tenure includes a focus on land certification, where the regional government will issue land certificates to individual farmers.
- Current land administration reform programs appear to have a technological focus rather than a focus on clarification of property rights.
- Farmers interviewed in the regions where the certification process is beginning noted that they liked the certification program because they felt it would stop the governments from pursuing land redistribution (which on several occasions has stripped farmers of rights or reduced landholdings).
- Even with the certificates, land users may lose rights to use land under certain circumstances.
- There is a “rush” to grant certificates in some regions without clearly mapping out certain strategies. One strategy should link land administration reform and improved security with economic

investment, sound resource use, poverty reduction, and improved livelihoods. Another strategy should insure that farmers and other land users understand the process, their rights and obligations, and the opportunities and constraints.

- Regional governments have not adequately thought through the sustainability of their land certification and land record efforts.
- In the primary certification phase in Amhara region, the *kebele* boundaries and those of all non-individually held land (e.g., communal land, reserves, or service areas) are to be measured using modern survey equipment and techniques. Based on that survey, baseline individual landholdings are still recorded using traditional measurement methods. While a full shift to modern techniques may be required in the future, such a shift at this point would possibly be premature due to limited regional and local capacity and resources, as well as the need to ensure that land users first fully understand the reform process.

### ***USAID Opportunities and Recommendations for Possible Actions***

A number of specific activities can be identified from the above discussion. The following presentation prioritizes five general interventions and further prioritizes activities within each theme. Activities are noted in sequence in each of the priority themes.

## *1. Land Policy*

There is a great need to help the Ethiopian leadership think about how it can modify land policy and administration in ways that will encourage efficient farmers to produce more and improve their land management without reducing their livelihood security. This can be addressed through a multi-step process involving a national land policy conference and the establishment of a land policy task force that will be able to continue the refinement of the land policy.

Activity 1 National conference to reexamine land policy issues in Ethiopia, to review the developments in land policy and land administration since the introduction of regional land administration proclamations, and to lay out a strategy for continuing dialogue and follow-up.

### *Potential scope of USAID support:*

Provide financial and technical assistance to organize and host a national workshop, prepare background documents, and disseminate materials.

Activity 2 Establish a land policy task force or land tenure forum within the Prime Minister's office responsible for the continuing development of land policy in Ethiopia.

*Potential scope of USAID support:*

Provide administrative and logistical support to the task force, and technical assistance to help them host further workshops. Provide international short-term technical assistance (law development, land administration), and assist with the resources to conduct study tours to review regional African experience, (e.g., Kenya, Uganda, and Tanzania). Financial and technical assistance should also be provided so that important and timely contributions can be made to the policy dialog.

These include:

- support a national research institutes (e.g. Institute for Development Research, civil society, and Ethiopian Development Research Institute) to continue policy-oriented research to inform the process;
- support the Ethiopian law faculty to develop curricula for property law;
- support training for legal drafting of land policy at the national and regional levels; and
- support the establishment of a national land administration and use institution.

## *2. Strengthened Capacity to Administer Land*

While the government has decentralized land administration to the regional authorities, little effort has gone into providing systematic support to these institutions to develop their capacity to effectively manage and administer land. The following broad activities and sub-activities should be considered in support of land administration:

Activity      Develop the capacity for sound land administration and land management. This comprehensive undertaking will require a number of sub-activities.

- a) Support the development of procedures to administer the land administration program.
- b) Develop strategies and capacity to manage and update land use records at appropriate levels of government, including developing procedures manuals.
- c) Enhance and apply appropriate land demarcation tools (such as surveys) and procedures.
- d) Support appropriate geo-spatial applications, considering linkages between the Ethiopian Mapping Authority (EMA) and the National Geodetic Survey (NGS) to modernize the geodetic infrastructure.

- e) Develop and implement appropriate monitoring and evaluation tools and programs.
- f) Conduct trainings and staff development in land administration.

*Potential scope of USAID support:*

- Provide training to key national and regional administrations in basic land policy analysis.
- Develop procedures manuals for land office administration, record keeping, and updating.
- Provide staff training and development in land administration and office management.
- Support educational institutions to develop capacity to train a future cadre of land administrators (e.g., a proposed program at Bahir Dar University).
- Develop guidelines for determining land use rights for certification programs.
- Develop/refine use of appropriate cadastral survey methodologies.
- Develop monitoring and evaluation tools and customer surveys.

### *3. Assessment and Determination of Land Use Rights*

Security of tenure is seen as a major concern to all Ethiopians. However, there is little evidence of systematic procedures for determining and securing these use rights. The following broad activity and sub-activities are considered core to this land tenure theme for Ethiopia:

- Activity      Develop the institutional structures and processes to determine and secure property rights. A number of sub-activities should be undertaken to address this issue.
- a) Clarify national policy on land rights.
  - b) Establish procedures for the determination of land rights.
  - c) Assess land use rights in pastoral/communal areas for the further development of appropriate land and use administration policy.
  - d) Assess the implications and constraints for land rights in the resettlement areas and their participants.
  - e) Develop appropriate dispute resolution mechanisms.
  - f) Provide procedural and technical assistance to facilitate land transactions, access to credit, and economic development.

- g) Monitor the changing impact of changing land use rights over time.

*Potential scope of USAID support:*

- Develop guidelines for the assessment of property rights.
- Examine pastoralist land rights. Using both case studies and literature review, examine implications for proposed community titling.
- Develop guidelines for property rights for resettled persons (at location of origin, at resettled location, and during the transition).
- Support disputes resolution processes. Assist with the development of alternative dispute resolution mechanisms, legislation, and/or regulations for dispute settlement.
- Support training of the judiciary for property rights dispute settlement.
- Support monitoring and evaluation of changing land use rights.

*4. Public Awareness*

Given the experience of the last three decades of changing government policies with regards to tenure rights, it is critical that continuing efforts be made to inform people of current and evolving government policies and the objectives and structures of a decentralized land administration.

People must also be made aware of their rights and obligations and the mechanisms to enforce those rights. The following activity and sub-activities are considered essential to complement the major land tenure and administrative themes:

Activity      Developing an effective land administration system implies an informed public that not only knows their rights, but also understands the administrative structure to manage those rights. At the same time, the landholder has certain obligations or duties to perform. Both are components of a public awareness campaign.

- a) Conduct national and regional “Know your Rights Campaigns.”
- b) Conduct regional and local government land committee training to transfer knowledge about rights and opportunities to end-users.
- c) Develop training manuals and procedures for transferring information.

*Potential scope of USAID support:*

- Create a public information campaign and summary materials, and disseminate information specifically related to regional and national land policy and administration themes.

- Train regional and local government officials with local seminars, workshops, and regional exchanges.
- Develop public information dissemination capacity (e.g., create a public relations unit within each regional land administration structure).
- Train community (sub-*kebele*) members in information and education tools and messages that support land administration activities.

#### *5. Strengthen and Support Land Certification Programs*

Four regions have begun or will shortly begin land certification programs. While support for these programs may be requested, there are some components of the ongoing certification programs that should be addressed before any direct investment into these programs is considered.

Activity      Provide support to strengthen the ongoing development phase of land certification programs. A number of these activities provide supplementary capacity building to undertake a successful certification exercise.

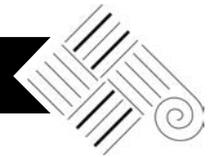
- a) Develop monitoring and evaluation tools to assess the impact of ongoing certification programs.

- b) Provide legal assistance to defend rights conferred by certificates.
- c) Evaluate and improve the land certification program.
- d) Facilitate procedures for making land transactions for individual holdings and for investment in communally held areas.
- e) Identify possible linkages to other USAID programs.

*Potential scope of USAID support:*

- Conduct socioeconomic surveys of pilot certification areas to determine perceptions of tenure security, changing levels of investment, and changing land use patterns.
- Evaluate record keeping systems, security of records, and updating of records.
- Develop procedures manuals for land certification programs.
- Train local and regional officials in elements of land certification.
- Develop monitoring and evaluation capabilities among local and regional officials.
- Develop legislation clarifying property rights associated with certification.

# 1.0 Introduction



At the request of USAID/Ethiopia, ARD, Inc. of Burlington, Vermont, USA, assembled a four-person expert team to conduct a land policy and administration assessment. The assessment was conducted in two phases:

- a desk study conducted prior to arrival in country, and
- a field assessment conducted between January 20 and February 7, 2004.

The assessment was conducted in Addis Ababa and in four regions specified by the USAID Mission. Representatives of each of USAID, the US Geological Survey, and the National Oceanic and Atmospheric Administration augmented the team for the fieldwork component.

Field visits were made to four regions:

- Amhara,
- Tigray,
- Oromiya, and
- Southern Nation, Nationalities, and People's Region (SNNPR).

The four-day overland trip to Amhara region included a site visit to one of the two pilot land certification programs being supported by the Swedish International Development Agency (SIDA) and a detailed presentation by the Environmental Protection, Land Administration and Use Authority (EPLAUA) at their offices in Bahir Dar. The assessment team flew to Makele to meet with Tigray regional officials and visit a rural community. Portions of the team visited the Oromiya Regional Office in Addis Ababa and the SNNPR Office in Awasa. The SNNPR visit also included meeting with a rural community. Other team members

visited the Ethiopian Mapping Authority (EMA) and held numerous discussions with the staff of that agency.

Regional visits included both formal meetings with regional officials as well as informal meetings with rural communities, with the exception of Oromiya where only a meeting at the regional office was possible. The formal meetings with regional officials focused on land administration and land policy questions. Meetings with farmers focused on perceptions of tenure security, understanding of government policies (particularly land certificates in Amhara and Tigray regions), and land transactions (inheritance and leasing/sharecropping arrangements).

The purpose of this technical field support effort is to clarify the technical elements and technical assistance needs necessary to implement a program of interventions aimed at increasing security of tenure and rights in land leading to increased investment in land and higher levels of food security. The exercise has analyzed land tenure security, land policy, land administration and management, and related issues, including the transferability of land use rights and certification programs as they impact food security and agricultural development in Ethiopia. The main focus of the exercise was on the land policy, institutional development, and land administration components. There was an additional effort to analyze the current status of the geodetic infrastructure and spatial data capacity of the country.

Combining both a desk review of the most recent literature/program reports and a 2.5-week field assessment, the assessment team analyzed the situation and has made recommendations as to the most effective package of interventions to be considered at this point in time and continuing over the next three to five years.

## 2.0 Assessment Findings



Improving land administration has the potential to significantly increase investments in agriculture by all producers, improve rural livelihoods, reduce (in the mid- to long-term) conflicts over land, reduce land degradation, and improve resource use. Along with other interventions, improved tenure security is vital to creating an environment in which the rural population is able to survive and prosper and at the same time to adapt to environmental and other shocks.

The analysis of the current situation in Ethiopia focused on four topics:

- land policy,
- land administration and land management,
- tenure security and land certification programs, and
- geographical information.

### *2.1 Land Policy*

Recent land tenure regimes in Ethiopia fall into three broad time periods. Before 1975, land tenure was based on a feudal system where land was concentrated in the hands of absentee landlords and the church, tenure rights were highly insecure, and arbitrary evictions took place. Following the overthrow of the imperial regime in 1974, the Marxist-oriented government (the Derg) transferred ownership of all rural land to the state for the distribution of use rights to cultivators through local peasant associations. The further transfer of land rights was highly restricted, because transfer through sales, lease, exchange, or mortgage was prohibited, and inheritance was severely restricted. Tenure security was further weakened by the peasant associations' and other authorities' ability to redistribute land. The government that took power in 1991 following the fall of the Derg—while committed to a free

market philosophy—has made little substantive change to farmers’ land rights, which are still considered inadequate.<sup>1</sup>

The 1994 Ethiopian Constitution draws a broad framework for land policy in the country and enshrines the concept of public land ownership and the inalienability of landholdings. The Ethiopian Constitution asserts state ownership of land; there are no private property rights in land. Article 40(3) states:

The right to own rural and urban land as well as natural resources belongs only to the state and the people. Land is an inalienable common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of transfer.<sup>2</sup>

The Government of Ethiopia is not prepared at this time to legalize private property rights in land. Discussion with government officials and a review of policy statements has made it clear that the issue of the privatization of land is not an option at this time for the government.

Ethiopia’s national land policy has been further clarified by Proclamation No. 89/1997, “Rural Land Administration.”<sup>3</sup> This law defines the scope of individual land use rights and states that such rights can be leased and bequeathed. The land rights themselves cannot be sold or exchanged, but private property improvements to the land can be sold or exchanged.

The Rural Land Administration Proclamation of 1997 delegates responsibility for land administration to regional governments—

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<sup>1</sup> Hoben, Allan” “Ethiopian Land Tenure Revisited: Continuity, Change, and Contradictions,” paper presented at Institute for Development Research (IDR) Conference on Land Issues, Addis Ababa, April 6–7, 2001.

<sup>2</sup> Proclamation 1/1995, Constitution of the Federal Democratic Republic of Ethiopia.

<sup>3</sup> Proclamation No. 89/1997: “Rural Land Administration,” sec. 2(3).

including the assignment of holding rights and the distribution of landholdings—but also provides important general guidelines that the regional governments must follow in crafting regional laws. At the same time, the government’s “Poverty Reduction Strategy” paper has a guiding principle that every farmer who wants to make a livelihood from farming is entitled to a piece of land free of charge. The responsibility for implementing this strategy is left to regional governments. In order to protect their rights, farmers’ landholdings should be registered and user certificates should be given to them.<sup>4</sup>

Regional governments, by implication, could enact laws or regulations relating to the nature of land rights and could limit the frequency of land redistribution programs. They have already permitted the rental of land, though there still remains some restrictions on land transfers. Yet the land tenure situation in Ethiopia remains ambiguous. While it is widely held that the provisions of the Constitution have settled the land tenure situation, the Constitution itself is ambiguous, with marked variations in interpretations by officials at different locations and levels of administration.

While the Government of Ethiopia has decentralized administration of land to the regional governments, the formulation of broad land policy still rests with the federal government. At present, the federal government has not enacted the necessary legislation for a broad policy for land administration. Legislation called for in the Constitution has not been forthcoming, and local government officials are reluctant to develop laws and policies that have not been sanctioned by the federal government.

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<sup>4</sup> Deininger, Klaus, *et. al.*: “Market and Nonmarket Transfers of Land in Ethiopia: Implications for Efficiency, Equity, and Nonfarm Development,” World Bank Policy Research Working Paper No. 2992, March 2003. Hoben, Allan: “Ethiopian Land Tenure Revisited: Continuity, Change, and Contradictions,” paper presented at IDR Conference on Land Issues, April 6–7, 2001. Federal Democratic Government of the Republic of Ethiopia, “Poverty Reduction Strategy.”

However, different regional governments have begun to implement their own policies and land policy is taking shape. Though not formalized, the salient features of these emerging regional policies are similar and appear to reflect a degree of consensus within the ruling party:

- A general re-division of land among the households of each peasant association is not anticipated in the foreseeable future because holdings are already so small that it would reduce them even further below subsistence levels. However, this general policy will not prevent individual peasant associations from re-dividing land if their councils deem it necessary.
- Land can be inherited according to the provisions of the civil code.
- Land can be rented, though the government may regulate the conditions of leases.
- The transfer of land use rights between households for compensation does not seem to be anticipated.
- Certificates of title may be introduced to reduce conflicts over land boundaries and use rights.
- Land irrigated through the construction of new dams will be reallocated according to regulations developed to take account of the needs of all households affected.
- Land to be leased to commercial farms or made available for voluntary settlement will be identified through a land use planning study.<sup>5</sup>

The underlying dilemma of the official land policy discourse is that it does not take account of household economic and demographic dynamics. There is an emphasized need for the government to make sure that all households have equal or fair access to land. Future households need to be assured access to land either through

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<sup>5</sup> Hoben, Allan: "Land Tenure Policy in Ethiopia: Issues for Small Holder Sustainable Agricultural Growth," World Bank, 1996.

inheritance or through future land allocation programs. While future redistribution programs may be considered as a possible mechanism to reallocate land to future landless households, there seems to be a recognition that this cannot go on forever.

The extensive literature on farming households in Ethiopia makes it clear that a static view of land resource needs fails to capture certain aspects of household dynamics. First, as newly founded households grow, mature, age, and are disbanded, they are continually challenged to balance their labor, capital, and land endowments. Also, some farmers work harder, are better managers, and make more efficient use of their land than others. Finally, due to demographic variables, inheritance alone cannot redistribute land adequately or equitably to newly formed households. As a result of these socioeconomic dilemmas, land becomes very inefficiently and unequally distributed between households in a community after a few years of general redistribution. The resulting tensions are both inter-household and inter-generational. A minimal requirement of sound land policy for Ethiopia is that it must permit and facilitate the transfer of land use rights from one household to another through transactions in addition to inheritance.

Under the Derg system, land was to be redistributed periodically, at least until producer cooperatives and state farms replaced the household mode of production. In most areas, however, general redistribution was not carried out after the first years. When it was carried out, it was disruptive. When it was not, it led to the socioeconomic dilemmas already described.

The present land policy, insofar as it has been articulated and put into practice, does not address the dilemmas faced by peasant households. It does not take account of households' changing needs and flexible economic strategies. Over the past three decades, Ethiopian farming households have had to scramble to keep up with changes in land law and administration by postponing or speeding up marriage, by keeping married children in the parental household or pushing them out, by

planting trees or cutting them down, and by a variety of other tactics intended to improve their chances of obtaining or retaining access to land. The present widespread trend toward extensive short-term leasing and sharecropping does not represent a satisfactory solution to the problem.

### *2.1.1 Regional and National Coordination of Land Policy*

However, in its desire to decentralize land administration the federal government seems to have abrogated its responsibility for enacting the necessary legislation for a broad policy and land administration institutional structure. Current Ethiopian land administration programs are not harmoniously coordinated between national and regional levels.

Federal government proclamations provide some land rights guarantees and some requirements for regional councils, but there is no land policy and administration unit that might serve as a coordinating body at the national level of government for policy discussion and coordination of land administration. The current Ministry of Agriculture and Ministry of Rural Development are in the process of merging into one ministry. A specific department devoted to land administration is planned for this new Ministry of Agriculture and Rural Development, which would create a responsible authority within the federal government for land policy and the coordination of land administration among the regions and between the federal and regional governments.

While there are discussions about the need to harmonize policies that are being developed at the regional level, it is not clear what this harmonization means. How much autonomy will be granted to regional administrations to develop their own rules and regulations and how much consistency should there be between regions? Should there be complete consistency or should some variation within broad guidelines be permitted? Will the federal government over rule regional governments or local administration when actions or policies are contrary to the national policy? It is also not clear who has the final say

on decisions related to land. These issues could be resolved as part of the national policy dialogue process.

National law vests primary rights in the state with a decentralized administration of land, yet the broader discussion of property rights and policy options within the context of current constitutional provisions is not taking place. There is a pressing need to develop the capacity within central and regional governments to undertake the necessary discussions of land policy. The federal government should take the lead in this matter, but should coordinate its efforts with the regional authorities. The current concern seems to be oriented to three principles, all of which need extensive investigation to test their validity:

- land should be available to anyone who needs it and for whom there is no alternative source of livelihood,
- there are restrictions over transactions in land (i.e., land cannot be bought and sold), and
- tenure security will be enhanced through the land certification programs being introduced in the four regions of the country visited during this assessment.

### *2.1.2 Long-term Land Rights*

While the Ethiopian Government still maintains primary rights in property, it could move toward a system of long-term leases that vests strong secondary rights in landholders, allowing them to sublease or make other land transactions (e.g., mortgages). It appears that there has been little effort to explore intermediate methods of providing long-term land rights. The lines have been drawn between state ownership of property and the full privatization of land rights. The possibility of long-term leasing arrangements where such leases are negotiable for transactions in land use rights as well as securing access to credit appears to be receiving little attention. Further discussions of these alternatives are long overdue and should be pursued.

Land policy itself may need to be comprehensively reviewed to clarify the government's aims of equity of land distribution, security of tenure, and food security, while promoting environmentally sustainable land use practices. This must be developed within the context of the government's objective of decentralization of land administration authority. However, changes in land policy will have little effect unless they recognize the dynamics of peasant agriculture and are flexible enough to deal with local conditions. Thus land policy itself should state the government's general objectives, but should also be subject to periodic review as circumstances change and new opportunities or government strategies present themselves.

While the regional governments are in the process of articulating their land policies there is still an obligation of the federal government to clarify its position in general terms and ensure that the regional policies (and implementation of those policies) fit with the national objectives. Ongoing monitoring activities and policy-oriented research should continue to inform this process.

The federal government needs to address the land question. The proposed ministry reorganization anticipates the establishment of a department of land administration. However, land issues in the broadest context will still extend beyond the scope of the new ministry. There is a need to establish a task force within the Prime Minister's office to aid in the development of the national land policy and monitor its implementation.

A number of areas for investigation have been identified in earlier research papers that need to be monitored and addressed over time. These may be discrete research studies, but may also include the development of some type of monitoring or continuous data collection program that should be part of a sound land administration and management institutional structure. Areas for investigation include issues related to:

- pilot certification areas (land transactions, investments, disputes, access to credit)
- security of tenure (pilot certification areas, resettlement areas, irrigation schemes, communal property areas)
- land use and management
- investment in land (constraints to investment, types of investments)
- resource conservation (land reclamation, tree planting, soil erosion)
- public
- land administration (methodologies for land valuation and land taxation, fiscal management, state of existing land records)
- impacts of reform (gender issues)

Policy research should not be seen only in terms of monitoring the impact of policy implementation, but also in term of anticipating government information needs to inform the policy decision-making process.

## ***2.2 Land Administration and Land Management***

“Land administration” refers to the processes of recording and disseminating information about the ownership, value, and use of land and its associated resources. Such processes include the determination of rights and other attributes of the land; the survey, description, registration and recording of these rights; and the provision of relevant information in support of land markets.

“Land management,” on the other hand, addresses all issues related to the sound and sustainable use of land. It is the process by which the resources of land are put to good use. It covers all activities concerned with the management of land as a resource both from an environmental and an economic perspective. These include, but are not limited to:

- improving the efficiency of land resource use to support a growing population;

- conducting land use planning;
- protecting the natural environment from degradation;
- providing equitable and efficient access to the economic benefits of land and real estate markets;
- supporting government services through taxation and fees related to land and improvements; and
- providing incentives for development, including the provision of residential housing and basic infrastructure such as sewer and water facilities.

In Ethiopia, the responsibility for land administration has been delegated to regional governments. At the regional level, institutional structures vary with the four regional governments visited, with each region adopting a different approach to their land administration structures. Of the four regions visited, three have created a land administration and use authority. In Amhara and SNNPR, this authority includes environmental issues, while in Oromiya the environment is dealt with separately. Tigray does not have a land administration department and has retained the same structure as the federal government ministry departments, although there were indications that they may restructure their regional administration in the near future as well. While there is some discussion of harmonization of land administration procedures throughout the country, it is not clear what level of autonomy the federal government wishes to give to the regional authorities and what level of guidance it wishes to offer to ensure some consistency between regions.

Regional government proclamations state broad principles of land use and obligations of landholders for appropriate land use practices. However, there is little evidence of the development of specific policies and guidelines for appropriate land use and land management by the regional governments. This is an area of land policy and administration that remains critically undeveloped and must be addressed.

### *2.2.1 Land Administration Reform Efforts*

Several regions have launched land administration reform efforts (not to be confused with land policy reform). The stated objectives of these efforts are to improve land administration and thereby improve land tenure security for land users. Other government objectives may be to:

- encourage private investment,
- identify land that is “available” for new allocations or concessions to private investors,
- satisfy external demands by international donors, and
- convince local farmers that the regional government is attending to their interests prior to upcoming elections.

The improvement of land administration has the potential to significantly increase investments in agriculture by all producers, improve rural livelihoods, reduce (in the mid- to long-term) conflicts over land, reduce land degradation, and improve resource use. Along with other interventions, improved tenure security is vital to creating an environment in which the rural population is able to survive and adapt to environmental and other shocks.

All four regions have issued proclamations for the administration and use of rural land.<sup>6</sup> In general, these proclamations follow the provisions

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<sup>6</sup> Amhara National Regional State Proclamation No. 46/2000: “Proclamation Issued to Determine the Administration and Use of the Rural Land in the Amhara National Region.” Amhara National Regional State Proclamation No. 47/2000: “Environmental Protection, Land Administration and Use Authority Establishment Proclamation.” Oromiya Regional State Proclamation No. 56/2002: “Oromiya Rural Land Use and Administration Proclamation.” Southern Nation Nationalities and Peoples Region Proclamation No. 52/2003: “Rural Land Administration Proclamation.” Southern Nation Nationalities and Peoples Region Proclamation No. 53/2003: “Regulations and Procedures for the Implementation of Rural Land Administration and Land Utilization Proclamation,” (draft). Tigray National Regional State Proclamation No. 23/1997:

of the 1997 national proclamation. Slight variations exist between regions in terms of leasing, future reallocation, compensation, and inheritance. (See Appendix A for a summary of the regional provisions.)

### *2.2.2 Transfer of Land Rights*

Some use rights are transferable in the form of sharecropping, leasing, or subleasing arrangements, but there are some restrictions. Land certificate holders' rights are still clarified based on regional policies that have been recently enacted or are being formulated. A number of restrictions were identified in leasing and sharecropping arrangements. Most notably these were associated with the amount of land that could be leased and the time period involved. Periods for subleasing and sharecropping landholdings are still being tested.

Current land use and land administration policies of the regions present restrictions on the transferability and use of land. However, anecdotal evidence suggests that there is a functioning market in property rights. How this informal market merges with the formal legal system remains to be seen as regional administrations evolve. It will be essential to monitor the level and types of transactions over time to see if there is a need for further policy reform.

In terms of leasing, all regional laws allow leasing with some differences in duration, proportion of holdings to be rented out, and lease renewals. For instance, the lease period for a lessee using "traditional technology" is five years in SNNPR, while it is two years in Tigray and three years in Oromiya. The Amhara law does not explicitly state that the lease period differentiated by "technology" use. "Modern and improved technology," as specified in Oromiya rural land use and land administration, refers to inputs used such as fertilizer, improved seed, and herbicides. The

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"Rural Land Utilization Proclamation of Tigray National Regional State." Tigray Regional State Regulation No. 15/2001/02: "Rural Land, Investment, Agricultural and Natural Resources Development Proclamation."

Amhara, SNNPR, and Tigray rural land use proclamations do not define “modern agricultural technologies.”

Differences arise in the general distribution of holdings. The Oromiya law explicitly rules out any future land redistribution. The SNNPR and Amhara regions present three conditions for future redistribution. The Tigray law provides no clear statement concerning the redistribution of land. All four regional land use and administration laws provide for the redistribution of irrigation lands. Discussions with regional officials indicated that reallocation could occur if an individual abandoned his land or had an alternative, nonfarm means of livelihood. The general sense was that new allocations to landless people would be made from unallocated land rather than redistribution exercises.

### *2.2.3 Government Redistribution of Land*

Land redistribution is not ruled out in both the federal land proclamation and some regional proclamations and theoretically can still take place. The Rural Land Administration Proclamation No. 89/1997 does not rule out the possibility of further land redistribution. Redistribution is related to the government’s concern to minimize the number of landless people in the country. Individuals who have access to non-agricultural income sources are subject to having their land reallocated. However, as stated above, these “forced” redistributions should include an element of compensation.

There are also reports or statements by *kebele* administrations (local groups of villages) regarding possible redistribution of land even if they have land certificates. This suggests that even with certificates farmers do not have strong tenure security. Clear statements of regional land policies with regard to redistribution must be made. If there are possibilities for redistribution, the circumstances for these redistribution programs should be spelled out and publicized. Any further redistribution programs that occur once certificates have been issued must be carried out with extensive and transparent public

information campaigns to clarify the circumstances and justification for the programs. Anything less will severely undermine any sense of security of land rights that the certification program had hoped to instill in the minds of the public.

Similarly, while regional proclamations have stated that land use rights for landholders, farmers, and others can still be taken away by the regional government or the *kebele* administrations. The policies also state that users who have land taken by government (as opposed to those who abandon it) are supposed to be compensated. There is not a clear understanding of how well these proclamations and their delineation of rights are understood by the general population. There are provisions that if a person leaves his land for a specified period of time or begins to derive most of his income from nonfarm sources, his land may be taken for redistribution to landless individuals in that community. The ability of the government to take land away from landholders of course is a matter of concern. While the regional proclamations make provisions for compensation for property, there has been neither enough time nor experience under the present legislation to demonstrate the ability of government to fulfill its obligations.

Compensation for property on land is more or less similar in all the regional land polices, but the provision of substitute land is not explicitly stated in all the regional land laws. What is not clear is how this compensation would be valued, how and when it would be paid, or who would be making the payments. The compensation for property on land being reallocated is supposed to be paid for by the new allocatee. Numerous commentaries have questioned the ability of these previously landless individuals to pay compensation for the reallocated plot they have received.

*Kebele* administration authorities in Tigray stated that if someone “left” their land for a period of more than two years, regardless if they held a certificate, they would take the land and distribute it to someone else. Regional land proclamations clearly indicate a willingness to reallocate

land away from those who have alternative sources of income. The guiding philosophy appears to be one of assuring access to land for individuals who have no alternative means of livelihood. While this policy serves an equity objective, it provides little incentive for individuals who generate income from nonagricultural sources to invest in agriculture. It is also not clear how compensation will be paid to those individuals who will be losing their land in such reallocation exercises.

#### *2.2.4 Inheritance of Land Use Rights*

Inheritance provisions are also more or less the same in all regions. Use rights are inheritable within the family. However, there are some restrictions. Inheritance is allowed for family members provided the family members have no other livelihood support. In some of the land laws, no clear definition of a family member is provided while in others (notably Amhara) a family member is “any person registered as a member of a family and at the same time who has no income of his/her own....”<sup>7</sup> As stated earlier, such a policy on the definition of “eligible” family members ignores the dynamic nature of the life cycle of the rural household. It would, for example, prohibit a child who has successfully moved into nonfarm employment from returning to the family agricultural holding, possibly with investment resources, on the death of the parents. It is not clear how these inheritance rules will be enforced, particularly if there are formal wills involved in the bequeathing of land.

#### *2.2.5 Problems Identified in Current Land Administration and Management*

##### **Program Consistency**

The programs lack consistency from region to region, including in the way land is administered and the use rights that are granted. The most notable inconsistencies are in the provisions permitting subleases. A thorough review of regional programs and experiences is necessary to

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<sup>7</sup> Amhara National Regional State Proclamation No. 46/2000: “Proclamation Issued to Determine the Administration and Use of the Rural Land in the Amhara National Region.”

determine how much consistency is needed between regions and how much autonomy they should have in developing their own land administration policies. Minor inconsistencies between regions may not be a problem as long as the differences are not so great as to discourage investment in one region relative to other regions.

### **Capacity**

Regional and lower-level governments do not have the capacity to adequately implement their land administration reform programs. The major weakness to the implementation of the evolving land administration reform programs is the lack of capacity of the regional administrations to carry out these programs. Regional offices have neither adequately trained staff for the programs being developed nor the resources (e.g., offices or equipment) to carry out these programs. This problem is exacerbated by a desire to decentralize land administration to the *kebele* and sub-*kebele* levels. While such decentralization is a commendable objective, there is a great fear of overextending the ability of the administration to deliver the desired level of services to the public.

### **Monitoring and Evaluation**

Regional governments do not appear to have adequately thought through monitoring and evaluating the impacts of their reform efforts. Without this information it will be difficult to measure impacts, review and modify existing administrative procedures, and develop new policy reform measures. There was no evidence of any mechanism to monitor the impact of the certification program on changing land use, changing cropping patterns, investment in land, or the reduction in property disputes. There is no indication that there has been (nor is there planned) any effort to undertake socioeconomic surveys to determine if

tenure security has been increased as a result of the certification programs<sup>8</sup>.

### **Public Awareness**

There is little capacity for the dissemination of information to the public about the various land administration reform programs, their objectives, and ways that they will impact local resource use. Insufficient effort has been undertaken by either regional or national authorities to inform the public about the land administration reform exercises currently underway. Programs should be developed to inform the public of the certification programs well in advance of the field exercise. Sensitization of the public to the issues of land rights and implications for the certification programs is critical to the acceptance and ultimate success of the programs. However, few resources are being made available to undertake this public information campaign.

#### *2.2.6 Landholder Duties and Responsibilities*

The land proclamations of the four regions all enumerate duties and responsibilities of the landholder granted a certificate. These are broadly defined under a general category of the landholder having a duty to protect and care for the land under his tenure. Additionally, sanctions are stipulated for failing to undertake sound management. However, it is not clear who makes the determination if a landholder has not fulfilled his duties nor how or what sanctions would be imposed. In any case this lack of clarity could be disincentives to investment.

Any public awareness campaign dealing with property rights should also be addressing the obligations that a landholder has as well. Land ownership implies both sides of the coin: rights and duties. At the same time the state has similar obligations to protect the property rights of

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<sup>8</sup> Amhara Region did do a pre-certification survey. However, there is no indication of plans to follow up this data collection exercise.

the landholder who is following the rules. The rule of law becomes paramount if there is a desire to provide security of tenure rights.

Research evidence indicates that rural households have maintained reasonable land use practices when the incentives and circumstances permit. Declining farm size and population growth have limited the amount of fallowing possible as well as forcing the utilization of marginal lands. Insecurity of tenure provides little incentive to improve the landholding and in fact probably leads to a certain amount of “mining” of the land.

It will be critical that land use policies, laws, and guidelines be developed and disseminated to ensure proper land use practices. This is all part of the package of good land administration and should be seen as part of the whole.

### ***2.3 Tenure Security and Land Certification Programs***

Ethiopian policymakers face the difficult task of balancing the demand for continued redistribution of land to young landless families and returning displaced persons against the need to ensure current landholders’ rights are secure and durable enough to encourage long-term investments in the land. Currently, farmers operate and make decisions in an environment that lacks a stated assurance of land tenure security by the government.<sup>9</sup>

Several researchers have sought to pin down the connection between land redistribution and farmers’ tenure insecurity.<sup>10</sup> Other studies have looked generally at tenure security in Ethiopia and cite economic and

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<sup>9</sup> Ethiopian Economic Association/Ethiopian Economic Policy Research Institute: “Land Tenure and Agricultural Development in Ethiopia,” October 2002. *See also* Nega, Berhanu, Berhanu Adenew, and Semaul G/Sellasié: “Country Case Study: Ethiopia,” (GTZ) which interprets the same study data.

<sup>10</sup> Amhara Proclamation No. 16 /1996, which the assessment team has not been able to obtain, governed the reallocation program.

equity benefits to be obtained through greater tenure security and transferability.<sup>11</sup> Holden (2001) finds a less stark connection between tenure security and investment in land. His study in southern Ethiopia found that tenure insecurity did not significantly affect farm input intensity because of the short-term nature of this investment, but was not correlated to the decision of whether to plant perennials.<sup>12</sup>

Recognizing the generally accepted connection between tenure security and investments in land, a 2000 USAID food security research team working in Amhara noted that land tenure policies that give households greater tenure security in order to encourage long-term investments, increase productivity, and promote natural resource conservation were necessary to achieve food security.<sup>13</sup> Amare (2000) cites small holdings, insufficient access to land, and redistributions as sources of food insecurity.<sup>14</sup> The Ethiopian Government, in its “Poverty Reduction Strategy,” recognizes the importance of tenure security as a necessary component of a plan to increase land productivity.<sup>15</sup>

The present effort to improve land administration and security of tenure includes a focus on land certification, where regional governments issue land certificates to individual farmers. The “Poverty Reduction Strategy” formally states this as a government-sanctioned activity:

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<sup>11</sup> Klaus Deininger *et. al.*: “Tenure Security and Land-Related Investment: Evidence from Ethiopia,” World Bank Policy Research Working Paper No. 2991, March 2003.

<sup>12</sup> Stein Holden and Hailu Yohannes: “Land Redistribution, Tenure Insecurity, and Intensity of Production: A Study of Farm Households in Southern Ethiopia,” CAPRI Working Paper No. 21, October 2001.

<sup>13</sup> USAID: “Amhara National Regional State Food Security Research Assessment Report,” 2000.

<sup>14</sup> Amare, Yared, *et. al.*: “Food Security and Resource Access: A Final Report on the Community Assessments in South Wello and Oromiya Zones of Amhara Region,” Ethiopia (BASIS), 2000.

<sup>15</sup> Federal Democratic Government of the Republic of Ethiopia: “Poverty Reduction Strategy,” 2002 at 23.

“In order to protect the user rights of farmers, their landholdings should be registered and provided with certificate of user rights. In this regard, a guarantee may be given to the effect that land will not be re-divided for a period ranging from 20–30 years.”<sup>16</sup>

The strategy paper goes further in stating a need to support these initiatives and encourage their expansion to other regions of the country.

Certification programs have been under way in Tigray and Amhara regions. Both Oromiya and SNNPR are in the planning stages, though both have indicated that they will begin pilot programs this year.

### *2.3.1 Tigray Region*

The Tigray approach was to issue certificates for all landholdings in the region. The certificate records the name of the landholder, the size of the holding, and the names of the neighbors on each of the four sides of the field. No mapping of fields has been done; field location is determined only by recording neighbors’ names. At present, 85% of landholdings have had certificates issued, although completion of the exercise was delayed due to shortage of certificates. No new certificates have been printed and no updates of existing certificates have been possible as new allocations are made.

In Tigray it was quite apparent that there was little effort being made to update records. We were told that there had been numerous instances where landholdings had changed hands (e.g., the land of Eritreans near the border who had been given land, but who had since returned to Eritrea, was reallocated). There are also instances of land inheritances where land had been subdivided on inheritance with new certificates issued. In neither case had earlier certificates been cancelled, nor references made to the new allocations. Such a situation of overlapping documented claims will inevitably lead to future disputes over land.

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<sup>16</sup> Federal Democratic Government of Ethiopia: “Poverty Reduction Strategy,” 2002.

### *2.3.2 Amhara Region*

Currently, land certification programs are underway in two rural *kebeles* in two *woredas* (districts) of the Amhara region East Gojam (Gozamin) and South Wello (Dessie–Zuria) zones funded under the SIDA project. The program has followed a systematic approach to undertaking the certification exercise and involving community members in the project. Initial meetings are held at *woreda* and *kebele* levels. A local project committee is elected to implement the project. Land demarcation is done initially at the *woreda* level, followed by the *kebele* boundaries and boundaries of communal land and service areas. Individual plots are surveyed using traditional methods and are marked with stones.

To date, 1,400 to 1,600 primary certificates have been prepared but not yet issued. In Amhara, these certificates will also state the use rights of each farmer, while some field demarcation assists in identifying the location of the farmer's land. Plans are to have all primary certificates issued within three years. There is reason to expect that the pilot model can be expediently transported to other areas of the Amhara region and to other regions. SNNPR and Oromiya regions have visited the Amhara project to learn from that experience in developing their own certification programs.

It is too early to see how the pilot registration programs will be formally integrated into the regional administrative structures. Current staffing for the pilot programs are civil servants with heavy assistance from village committees in the identification of boundaries and landholders. The current Amhara pilot is supported by SIDA funding.

While the certification program is an attempt to improve property rights of land users, this is the first step in a presumably long-term future program that may include the development of regional land cadastres and/or land registries. Present certification programs in all regions are seen to be the first of a two-stage process. The first stage is to issue

certificates to existing landholders with some limited field identification. This process is proposed to take two to three years. This is planned to be followed with a more accurate delineation and recording of property boundaries. This stage is envisioned to take 10 to 20 years to complete. Property rights should not change in this second stage of the process; there should merely be an upgrading of the physical identification of the property.

The implications for land administration are extensive. The ability to identify landholders and their plots offers an opportunity to government to develop land information systems which can assist with dispute resolution, land use planning, environmental management programs, and land revenue generation. It also implies the development of related institutions, proper incentives to use the system, and the administrative capacity to maintain the system. A completely decentralized system would require the establishment of a registration office in each *kebele* with record redundancy maintained in the *woredas* for security purposes.

These land use certificates offer an alternative to formal title registration programs by providing evidence and legitimization of occupancy without a costly land registration program. Land use certificates can offer some security of tenure to land users without necessarily addressing potential conflicts over land ownership. Land use certificates are sometimes seen as an intermediate step between informal land records and more formal titling programs. This appears to be the approach being taken by Amhara at present, and in the proposed programs of Oromiya and SNNPR regions.

### *2.3.3 Problems Identified in Current Land Certification Programs*

#### **Program Focus**

The current land certification programs appear to be driven by policy objectives and have a technological focus rather than on a focus on the clarification of property rights. The present certification programs are focused on a delivery of certificates into the hands of the public. A land

certification program (or land registration program) has two main objectives:

- to identify the piece of property to be registered and
- to identify the “owner” of that property.

The physical identification of the property is relatively simple and can be as precise as needed and demanded by circumstances. The identification of property rights, especially in situations where rights over land have changed frequently in recent history, is much more complicated, often requiring a great deal of adjudication of rights before final recognition of ownership. If property rights are not adequately resolved in the certification process, future disputes are likely to arise.

### **Identification of Landholdings**

In the primary certification phase in Amhara region, the *kebele* boundaries and those of all non-individually held land (e.g., communal land, reserves, and service areas) are to be measured using modern survey equipment and techniques. Based on that surveyed baseline, individual landholdings are still recorded using traditional measurement methods. While a full shift to modern techniques may be required in the future, such a shift at this point would possibly be premature due to limited regional and local capacity and resources, as well as the need to ensure that land users first fully understand the reform process. All regions seem to be adopting a two-tiered approach to certification. The first stage involves a quick identification of landholdings to be followed at some time in the future by more precise measurements. Two major factors will determine when this second exercise takes place—the need for precision and the capacity (equipment, trained staff, and financial resources) to undertake the exercise and sustain the information. Amhara is beginning to develop the capacity for the second stage mapping through its program of mapping *kebele* boundaries and the boundaries of communal areas.

## **Rushed Program Implementation**

There is a “rush” to grant certificates in some regions without clearly mapping out strategies for linking land administration reform and improved security of tenure which the certificates purport to provide with economic investment, sound resource use, poverty reduction, improved livelihoods. There is also a need for strategies to insure that farmers and other land users understand the process, their rights and obligations, and the opportunities and constraints. There seems to be little interest in slowing this component of land administration reform in connection with the certification programs. Therefore, it is critical to establish the appropriate monitoring and evaluation mechanisms to assess the impact of these exercises on the questions of security of tenure, investment, resource management, poverty reduction, and improved land utilization.

## **Program Sustainability**

Regional governments have not adequately thought through the sustainability of their land certification and land record efforts. Sustainability entails not only the ability to physically maintain existing records, it also implies an ability to update records as information on landholdings change and to keep that information current. Resources must be allocated for this basic institutional infrastructure. Ideally these systems should be self-financing, drawing on revenue from fees and taxes assigned to institutional activities to be fed back into the institutions.

As land transfers take place (e.g., upon death, marriage, or division of family) it is unclear how regional and local governments will update records. It is also unclear if government has considered appropriate incentives to encourage land users to update their land records or disincentives for those who do not. Without better methodologies in place, as well as public participation, *de facto* rights (the situation on the ground) could easily drift from the *de jure* records. As indicated

earlier, records have not been updated in Tigray and will necessitate substantial expenditure to do so.

### **Government Redistribution of Land**

Farmers interviewed in the regions where the certification process is beginning noted that they liked the certification program because they felt it would stop the government from pursuing land redistribution (which on several occasions has stripped farmers of rights or reduced their landholdings). Some farmers also noted that they would increase investment efforts (e.g., manure) if they received certificates. Other farmers said that they wanted the certificates but would wait and see what action the government took (i.e., they still think that the government might take their land). These comments were suggestive and not necessarily representative.

Even with the certificates, however, land users may lose rights to use land. There are reports that the government has taken land from farmers to make it available for investors or for other purposes without consulting farmers or paying them compensation. Regional governments have said that if a private investor wants a specific piece of land they would consider moving people off that land with compensation. Municipalities also have taken valuable peri-urban land from farmers and given them remote fields in exchange. In short, there is a lot of evidence that the present system works against the interest of farmers and does not adequately protect them from expropriation.

Clear policies need to be developed and clarified to the public delineating circumstances under which land may be taken from individuals. Procedures for compensation of lost property rights must be spelled out and understood. These would include procedures for identifying land for investors, procedures for the valuation of land being acquired, and procedures for the timely payment of compensation. None of these exist at present, leading to a sense of insecurity over land rights despite the certification programs being implemented.

## ***2.4 Geographic Information/Geodetic Grid***

Geographical information is essential for any program dealing with land administration and land management. Direct investments in this sector are part of the base upon which sound land management is built. Appendix B presents the current status of this sector. The following discussion summarizes those findings.

Land information systems exist at a variety of levels. These can range from a ledger book system of recorded plots measured and geo-referenced with traditional methods using traditional units to computerized record keeping of lands demarcated and geo-referenced using modern surveying techniques (e.g., total station or Global Positioning System [GPS] approaches.) Examples of such configurations include:

- a. Traditional surveying: plot perimeters and distances from permanent features are measured using traditional measuring devices (e.g., chains, rods, tape, or strings). Plots are described according to their positional relationship to those features and as to their position relative to neighboring plots (e.g., whose property is on the north, south, east, and west sides of the plot being registered). Areas are stated in local measurements (e.g., “timats” in parts of Ethiopia).
- b. Modern surveying: a globally accepted survey techniques using modern surveying equipment. The equipment typically includes the “total station” or GPS receiver packages, with the latter depending on a minimum geodetic infrastructure in the country. Each are presently being used in Ethiopia, although the latter in only limited applications and subject to a certain amount of inherent error due to the need for modernization of the geodetic infrastructure in Ethiopia. The advantage of the GPS-based

system is that it is inherently more accurate and significantly faster (and therefore more efficient).

- c. Hybrid system: a mixture of traditional and advanced surveying techniques. An example is the primary certification phase in Amhara region, where the *kebele* boundaries and those of all communal or non-individual (e.g., government buildings or reserves) are measured using modern surveying techniques (presently the “total station” approach). Based on that surveyed structure, individual landholdings are still registered using the traditional methods described above.
- d. Index map: demarcates property boundaries on hard copy maps. These maps are typically aerial photographs or orthophotos printed at scales appropriate for showing boundary features. The plot owners, neighbors on bordering plots, and government officials agree to the boundaries drawn on the index map. Those plots are then indexed and the boundaries are either registered as they stand on the index map (photo), or are digitized and put into a computerized system, typically a geographic information system (GIS). This system is not presently being utilized in Ethiopia as far as the assessment team knows.

In addition to the required capacity in surveying techniques, particularly for methods (b.) and (c.), there is the need for building capacity for the acquisition, analysis, and management of various other spatial data. Spatial data in this context refers to satellite imagery, aerial photos, orthorectified photos (orthophotos), and vector coverages (e.g., up-to-date regional and *woreda* boundaries). Even surveyors using the most modern techniques are not likely to have expertise in the development of all of these different types of spatial data sets. Therefore, when building a comprehensive land information system, these capacities need to be developed. The following is an overview with some examples of where such capacity already exists in Ethiopia.

### *2.4.1 Existing Surveying Capacity in Ethiopia*

#### **Ethiopian Mapping Authority (EMA)**

The EMA is the Ethiopian Government's institution responsible for spatial data at the national level. It is an organization of approximately 360 professionals and technicians with the responsibility for all national geodetic surveys, datum definitions, and cartographic programs. EMA has capacity in use of satellite data, planning and management of air photo acquisitions, production of orthophotos, and basic GIS development. It carries out training at the national and regional levels, though the way this is carried out could be vastly improved.

Enhancement of the EMA capacity could provide significant assistance to regional land administrations in terms of access to spatial data as well as training programs and staff development. Modalities would need to be worked out to determine to what extent mapping activities should be devolved to regional administration and what activities should remain centralized. The EMA could be taking a more active role in assisting the regional governments in this area. This would ensure that efforts undertaken by the regional governments are compatible with national standards.

#### **Other Ethiopian Government Agencies**

Significant interests on the part of a variety of Ethiopian Government institutions are working with spatial data, the most notable after EMA being the Ministry of Agriculture (MOA), Ministry of Water Resources (MOWR), Disaster Preparedness and Prevention Commission (DPPC), and Central Statistics Authority (CSA). In the MOA, the Woody Biomass project has become one of the national leaders in use of remotely sensed imagery. The MOWR is classifying land cover at 1:250,000 in the watersheds in the key the four main regions and developing orthophoto products for its irrigation schemes (photo acquisition by the Israeli firm OFEK as a result of international tender and orthophoto production through EMA).

In an effort to share and standardize information among these agencies, EMA has taken the lead on the development of a National Spatial Data Infrastructure (NSDI). Numerous Ethiopian Government agencies are participating.

### **Nongovernment Institutions and the Private Sector**

Some capacity exists outside of the government structures. At present there is only limited capacity within the university community. There is some indication of private sector activities developing as companies are awarded contracts for digitizing maps.

### **International Community**

The international community is also quite active in the collection and use of spatial data, though the primary use is in the development of GIS and thematic maps for specific project activities. Image processing of remotely sensed data (satellite data and air photos) is only being carried out by a few donors, including USAID/Famine Early Warning System (FEWS) and soon the World Food Program (WFP). Numerous projects (such as GTZ's Land Use Planning and Resource Management Project in the Oromiya region) have made extensive use of remotely sensed images and GIS.

The international community involved in mapping and use of other forms of spatial data, led by WFP, have organized a Mapping Task Force to address issues common to all of the participants. These include issues of sharing data, common and standardized coding, projection, and datum standardization. The technical leaders in this appear to be WFP VAM Unit, USAID/FEWS, and the United Nations Children's Fund (UNICEF). To their credit, there is good national representation in the Task Force in the representation so far (two meetings) of EMA, MOA, and MOWR.



## 3.0 Opportunities and Possible Interventions



A number of specific activities can be identified for USAID from the above discussion. The following presentation prioritizes these five general interventions beginning with the highest priority activity and further prioritizes the activities within each theme. While these activities are not mutually exclusive (for example public awareness activities should be undertaken in relation to all of the activities) it is felt that the highest priority is to establish the forum for the discussion of land policy followed by strengthening the capacity for land administration. Only then should significant investments be made in the determination of land use rights and in support to the various land certification programs. There will (and should) be some overlap in the timing of these activities, with lower priority activities beginning before the higher priority activities are completed. However, it is important to use the development of the policy dialogue process to determine and prioritize the other activity areas in critical need of support.

### *3.1 Land Policy*

There is a great need to help the Ethiopian leadership think about how it can modify land policy and administration in ways that will encourage efficient farmers to produce more and improve their land management without reducing their livelihood security. This can be addressed through a multi-step process involving a national land policy conference and the establishment of a land policy task force which will be able to continue the refinement of the land policy.

Activity 1 National conference to reexamine land policy issues in Ethiopia, to review the developments in land policy and land administration since the introduction of regional land administration proclamations, and to lay out a strategy for continuing dialogue and follow-up.

*Potential scope of USAID support:*

Provide financial and technical assistance to organize and host a national workshop, prepare background documents, and disseminate materials.

Activity 2 Establish a land policy task force or land tenure forum within the Prime Minister's office responsible for the continuing development of land policy in Ethiopia.

*Potential scope of USAID support:*

Provide administrative and logistical support to the task force, and the means to help them host further workshops. Provide international short-term technical assistance (law development, land administration), and assist with the resources to conduct study tours to review regional African experience, (e.g., in Kenya, Uganda, and Tanzania). Financial and technical assistance should also be provided so that important and timely contributions can be made to the policy dialog. Policy research should not be seen only in terms of monitoring the impact of policy implementation, but also in terms of anticipating government information needs to inform the policy decision-making process. These include:

- supporting a national research institutes (e.g., Institute for Development Research, civil society, and Ethiopian Development Research Institute) to continue policy-oriented research to inform the process;
- supporting the Ethiopian law faculty to develop curricula for property law;
- supporting training for legal drafting of land policy at national and regional level; and
- supporting the establishment of a national land administration and use institution.

### ***3.2 Strengthened Capacity to Administer Land***

As noted earlier, “land administration” refers to the processes of recording and disseminating information about the ownership, value, and use of land and its associated resources. Such processes include the determination of rights and other attributes of the land, the survey and description of these rights, their detailed documentation, and the provision of relevant information in support of land markets.

“Land management” addresses all issues related to the sound and sustainable use of land. It is the process by which the resources of land are put to good use. It covers all activities concerned with the management of land as a resource both from environmental and economic perspectives.

While the government has decentralized land administration to the regional authorities, little effort has gone into providing systematic support to these institutions to develop their capacity to effectively manage and administer land.

Activity      Develop the capacity for sound land administration and land management. This comprehensive undertaking will require a number of sub-activities.

- a) Support the development of procedures to administer the land administration program.
- b) Develop strategies and capacity to manage and update land use records at appropriate levels of government, including developing procedures manuals.
- c) Enhance and apply appropriate land demarcation tools (such as surveys) and procedures.

- d) Support appropriate geo-spatial applications, considering linkages between EMA and NGS to modernize the geodetic infrastructure.
- e) Develop and implement appropriate monitoring and evaluation tools and programs.
- f) Conduct trainings and staff development in land administration.

*Potential scope of USAID support:*

- Provide training to key national and regional administrations in basic land policy analysis.
- Develop procedures manuals for land office administration, record keeping, and updating.
- Provide staff training and development in land administration, office management, and customer service.
- Support educational institutions (e.g., a proposed program at Bahir Dar University) to develop capacity to train a future cadre of land administrators, land valuers, and land surveyors.
- Develop guidelines for determining land use rights for certification programs.
- Develop/refine use of appropriate cadastral survey methodologies.
- Develop monitoring and evaluation tools and customer surveys.

### ***3.3 Assessment and Determination of Land Use Rights***

Security of tenure is seen as a major concern to all Ethiopians. The Constitution contains provisions that guarantee the rights of peasants and pastoralists to free land and protection against eviction or displacement subject to certain conditions. One of the objectives of land certification programs is to identify and record land users and their landholdings. However, there is little evidence of systematic procedures for determining and securing these use rights. This is of particular

concern when dealing with those segments of society or those situations where land use rights are collectively determined, in transition, or under dispute.

- Activity      Develop the institutional structures and processes to determine and secure property rights. A number of sub-activities should be undertaken to address this issue.
- a) Clarify national policy on land rights.
  - b) Establish procedures for the determination of land rights.
  - c) Assess land use rights in pastoral/communal areas for the further development of appropriate land and use administration policy.
  - d) Assess the implications and constraints for land rights in the resettlement areas and their participants.
  - e) Develop appropriate dispute resolution mechanisms.
  - f) Provide procedural and technical assistance to facilitate land transactions, access to credit, and economic development.
  - g) Monitor the changing impact of changing land use rights over time.

*Potential scope of USAID support:*

- Develop guidelines for the assessment of property rights.
- Examine pastoralist land rights. Using both case studies and literature review, examine implications for proposed community titling.
- Develop guidelines for property rights for resettled persons (at location of origin, at resettled location, and during the transition).

- Support dispute resolution processes. Assist with the development of alternative dispute resolution mechanisms, legislation and/or regulations for dispute settlement.
- Support training of the judiciary for property rights dispute settlement.
- Support monitoring and evaluation of changing land use rights.

### ***3.4 Public Awareness***

Ethiopia is going through a transition of decentralization of land administration and certification of landholdings (ostensibly to provide greater security of tenure), while continuing to place restrictions on the transferability of land. Given the experience of the last three decades of changing government policies with regard to tenure rights, it is critical that continuing efforts be made to inform people of current and evolving government policies and the objectives and structures of a decentralized land administration. The people must also be made aware of their rights and obligations and the mechanisms to enforce those rights. Public awareness programs are not one-time affairs, but should be ongoing programs of information dissemination.

Activity      Develop an effective land administration system implies an informed public that not only knows their rights, but also understands the administrative structure to manage those rights. At the same time, the landholder has certain obligations or duties to perform. Both are components of a public awareness campaign. Specific activities under this theme include:

- a) Conduct national and regional “Know your Rights Campaigns.”
- b) Conduct regional and local government land committee training to transfer knowledge about rights and opportunities to end-users.

- c) Develop training manuals and procedures for transferring information.

*Potential scope of USAID support:*

- Create a public information campaign and summary materials, and disseminate information specifically related to regional and national land policy and administration themes.
- Train regional and local government officials with local seminars, workshops, and regional exchanges.
- Develop public information dissemination capacity (e.g., create a public relations unit within each regional land administration structure).
- Train community (sub-*kebele*) members in information and education tools and messages that support land administration activities.

### ***3.5 Strengthen and Support Land Certification Programs***

Four regions have begun or will shortly begin land certification programs. Each region proposes that the initial phase of these programs will be completed in the next two to three years. While these are seen as high-priority activities for the regions, they are massive undertakings that will require substantial use of material and personnel resources over long periods of time. As noted earlier, little thought has gone into assessing perceptions of the benefits of the program by landholders; assessing the long-term sustainability of the program; and developing mechanisms to monitor changes in land use, investment, and security of tenure to be derived from the program.

Many of these larger concerns should be properly addressed in the earlier proposed activities related to land policy, land administration, assessment of use rights, and public awareness. These activities should be well underway before a significant investment in certification

programs is supported. However, there are some components of the ongoing certification programs that should be addressed before any direct investment into these programs is considered.

- Activity      Provide support to strengthen the ongoing development phase of land certification programs. A number of these activities provide supplementary capacity building to undertake a successful certification exercise.
- a) Develop monitoring and evaluation tools to assess the impact of ongoing certification programs.
  - b) Provide legal assistance to defend rights conferred by certificates.
  - c) Evaluate and improve the land certification program.
  - d) Facilitate procedures for making land transactions for individual holdings and for investment in communally held areas.
  - e) Identify possible linkages to other USAID programs.

*Potential scope of USAID support:*

- Conduct socioeconomic surveys of pilot certification areas to determine perceptions of tenure security, changing levels of investment, and changing land use patterns.
- Evaluate record keeping systems, security of records, and updating of records.
- Develop procedures manuals for land certification programs.
- Train local and regional officials in elements of land certification.
- Develop monitoring and evaluation capabilities among local and regional officials.
- Develop legislation clarifying property rights associated with certification.