

Basic Definitions of Land Registration Terms

A Review

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1. Introduction

With the aim of enhancing tenure security for smallholder settled farmers, the Federal and the Regional land administration and use laws have been enacted and put into effect for sometime. The drafting and implementation of the legislation was pioneered by Tigray regional state, followed in sequence by Amhara, Oromia, and the SNNP regional states and later by the Federal Government. The four regional states have been implementing their respective regional land administration and use laws for a period ranging from about three to eight years. In the process of implementation, however, a number of problems have surfaced. Among these, lack of definition on key terms contained in some of the provisions of the Federal and Regional land administration and use laws caused a number of problems. Impediments during the implementation process include incompatibility in area-based data analysis and exchange between different institutions and land-related disputes. The complexity and dearth of empirical data on these issues preclude an in-depth discussion of the subject. Instead, a review of relevant literature and personal observations were used as the bases for discussing the subject.

Definitional problems related to key terms such as “Property units”, “boundary demarcation” and “cadastral surveying and mapping”, among others, caused operational problems during the implementation process. With reference to “cadastral surveying and mapping”, issues such as methodologies for cadastral surveying and mapping, contents of a cadastral map, and functional relationships with institutions mandated for spatial database generation were unaddressed, thereby contributing to operational difficulties in strategies and procedures to produce a “cadastral map” for the massive registration and titling programs. Key property-related terms such as “holder”, “holding”, “parcel”, “field”, “plot” and others were tacitly defined or rather undefined in both the federal and regional land administration and use laws. This created obstacles not only for computerization of the land administration system but also for proper and systemic compilation of the massive land registration data. Furthermore, these terms were defined differently by different institutions, thus creating a difficulty in data exchange between these institutions and analysis, thereby resulting in a heavy cost for data capture and maintenance. Consistent and clear definitions of boundary were absent, possibly triggering land-related disputes.

Factors such as lack of institutional coordination, lack of transparency in the policy development process, weak institutional capacity and the dearth of empirical data on land registration and titling might have contributed to the emergence of these problems. However, it remains important to establish clear definitions of basic terms contained in the legal provisions in order to tackle problems that emerge during the implementation process and avert other far-reaching adverse consequences.

2. Objectives

The general objectives of this paper are two:

- a) To review the problems that arise as a result of unclear definition of key terms contained in the provisions of the Federal and regional land administration and use laws;
- b) To suggest tentative definitions for some key terms contained in the Federal and regional land administration and use laws.

3. Situation Analysis

3.1 Clarity of the Federal and Regional Land Administration and Use Laws

Important provisions contained in the Federal and Amhara, Oromia, SNNP and Tigray regional states' land administration and use laws either miss some key definitions or lack a guiding policy statement which can help prevent serious adverse consequences and hurdles in the implementation process.

3.1.1 Provisions on Cadastral Survey and Mapping

There are arrays of survey techniques and boundary marking approaches that can be used for cadastral surveying and mapping. However, the specific methodology to be deployed is determined by the purpose and need, taking into account local cultures and values. In existing Federal and regional land administration and use laws, there is a lack of specificity regarding the cadastral map. In the Federal land administration and use law, the term "cadastral map" is defined in very broad terms.

The recent Federal rural land administration and use proclamation (FDRE 2005) contains a provision on data types related to cadastral system. Articles 6(1) to 6(6) elaborate rural land measurement, registration and holding certificate. The term cadastral map is referred to in the proclamation as follows: "... Rural land holdings described under sub-Article of this Article shall be measured by the competent authority and shall be given cadastral maps showing their boundaries." On the other hand, Article 6(3) describes data to be collected on rights and cadastral as follows: "Any holder of rural land shall be given holding certificate to be prepared by competent authorities and that indicates the size of the land, land use type and cover, level of fertility and borders as well as the obligation and rights of holders". This holds true for land administration and use laws of the Amhara, Oromia, SNNP and Tigray regional states.

Key elements associated with the cadastral survey and maps are absent from the regional land administration and use laws. The specifics on surveying and mapping methods, the institutions responsible for surveying and mapping, and regulations on surveying control mechanisms are not clearly stated. This leaves a wider room for misinterpretation, which may lead to costly ventures.

3.1.2 Provisions on Basic Property Units

Property units defined for cadastral purposes may not fully satisfy the interests of other subject-areas. As a result debates on the subject are still unresolved. A parcel is the optimal choice of unit to serve as a building block in land title and land-use information system (Moyer and Kenneth 1973). The same authors, discussing the multiplicity of parcel-based data, advise the separation of data relating to physical aspects of land (e.g., soils and geology) from data relating to the use of the land (human activity) for analytical purposes. Whereas the ownership parcel is the optimal area unit for property rights and activity information systems, it may be more efficient to define other units for data relating to various kinds of physical characteristics. The efficiency of a comprehensive land-data system is directly related to the ease with which different series (e.g. ownership, activity, soils, geology, etc.) can be correlated (Moyer and Kenneth 1973). Issues of definitions of the basic property units, however, are argumentative, various institutions using different definitions to suit their sectoral needs. Larson (2000) suggests the individual and public advantages to be accrued from uniquely defined land units, which cannot be changed except through legal process. The same situations prevail in Ethiopia, where different institutions employ different definitions for the same terms.

The Central Statistical Agency (CSA), for the purpose of generation and compilation of agricultural statistical data, deploys “standard terminologies”. With slight modification, CSA adopted FAO standard definitions and concepts (CACC 2003). Based on CACC definitions, “holding”, “holder”, “parcel”, “field”, and “plot” are described as follows.

Holding: “A holding is all the land and/or livestock kept which is wholly or partly for agricultural production and is operated as one legal entity by one person alone, or others without regard to management, organization, size or location.”

Holder: “A person who exercises management to control over the operation of the agricultural holding and makes the major decision regarding the utilization of available resources. S/he has primary technical and economic responsibility for the holding. S/he may operate the holding directly as an owner or a manager.”

Parcel: “... Any piece of land entirely surrounded by land and/or water and/or road and/or forest, etc... which is not part of the holding. It may consist of one or more cadastral units, plots or fields adjacent to each other.”

Field: “... Any plot of land which is a parcel or part of a parcel under the same or mixed crops or any other forms of private holdings.”

Further, three types of “holdings” are identified by CSA for agricultural statistics purpose: private, rented/contracted and others (CACC 2003). By implication, “holding” includes all land operated by the holders without regard to the type of title. Land with perpetual land-use right by a holder but rented-out to others is not included in the “holdings” of a person with long-term use right. The situation reflects a multi-tenure status. Similarly, a parcel includes rented-in and sharecropped land provided it is

operated and managed by a single entity. The defined entity may not have long-term land-use right to rented-in and shared-in “parcels”. By and large these definitions are more similar to what is given by FAO (1995 & 2005). According to FAO (2005), a distinction is made between a field and a plot. A “field” is defined as a piece of land in a parcel separated from the rest of the “parcel” by easily recognizable demarcation lines, such as paths, cadastral boundaries and/or hedges. A “field” may consist of one or more plots, whereas a “plot” refers to a part or the whole of a field on which specific crop or crop mixture is cultivated (FAO 2005). Thus, the definition of the term “field” provided by CSA (CACC 2003) is similar to the FAO definition “plot” (1995 & 2005).

For rural land taxation purpose, the regional Revenue Bureaus and/or Regional Tax Administration Authorities deploy the term “land holding” (*Yemmeret Yizzota*) for rural taxation purpose. In the SNNP regional state, the rural land use fee and agricultural income tax law (SNNPRG, 2002/3) defines “landholding” (*Yemmeret Yizzota*) as “an area which is either found in one or different geographic areas, registered under a given farmer’s name and used for agricultural purpose”. The terms “registration” and “agricultural use” are loosely defined. In the revised regional land-use fee and agricultural income tax of the SNNP regional state, the land-use fee and agricultural income tax range from birr 5 for a “landholding” up to 0.5ha to birr 50 for “landholding” exceeding 8 ha of land. The area of “landholding” is a factor for fixing rural land-use fee and agricultural income tax.

Relevant literatures on the subject (Bruce 1989 & 1998; UNECE 1996 & 2004; Fourie 1994) suggest definitions more or less similar to that of CSA for the above terms. Bruce (1989 & 1998) gives the following definitions:

Holding: “...is all land held by a household or person, whether owned, leased, or held on some other basis”;

Parcel: “...A unit of land legally defined by its acquisition as a single contiguous unit, so that it is under a single title. This title can be ownership, lease or some lesser right”;

Field: “A contiguous area of land under a uniform cropping pattern with no legal implication”;

Plot: “...Sometimes used as a synonym for parcel, but can also be used for an area within a parcel farmed by one farmer when two or more farmers control different parts of a parcel.”

Clear-cut definitions of a basic property unit, which is central for defining property rights and for establishment of other land-related information systems, are missing in Federal and regional land administration and use laws. The exception is the Amhara draft land administration and use policy (EPLAUA 2005), which specifies the demarcation, measurement and production of maps and introduction of “code” number to each “plot” of land. However, issues on “plot” were also noted and pinpointed by ORGUT (2004). Overwhelmed by definitional problems associated with basic property units for

computerization of land administration, the EPLAUA of the Amhara regional state, evolved working definitions on key terms such as property, holdings, parcel, field and others (ORGUT 2004). Still the definition seems loose, since the specifics on the legal aspect (rights and responsibilities) and physical description are only partially stated. However, it notes that land-related data such as value, area and land use are to be recorded on parcel basis and the central coordinate of parcel is to be used as an identification code to link parcel data to Geographical Information System (GIS). While a “plot” is defined as “a small piece of ground marked unit for a special purpose, such as farming or grazing”, a parcel can be divided into one or more plots. Unlike the Amhara regional state, the term “parcel” is used interchangeably with a “plot” in the Oromia regional state.

Oromia and SNNP regional states use different terms for designating the lowest “property unit” for land registration and titling purposes. In the SNNPR land registration formats, “*yizzotta*” is used to designate both a holding(s) and a “parcel” irrespective of level of property unit. Thus “total holdings” and “a parcel” are referred to by the same Amharic word: “*yizzota*”. In Oromia regional state, “*massa*” is used in all registration formats with more or less the same connotation as used in the SNNPR, “*massa*” being a synonym to a “holding” and a “parcel”.

In general, a normative operational definition has been in use by Amhara, Oromia, the SNNP and the Tigray regional states for terms such as “holding” and “parcel” to operationalize their respective regional land administration and use laws. As a working definition, a “holding” refers to all lands, irrespective of their geographic location, with long-term land-use right by a single legally defined entity, the defined entity referring to a household or an individual. A “parcel” refers to an area which is found in one contiguous geographic location with long-term land-use right by a household or an individual. By definition, rented-in or shared-in lands are registered under the name of a holder with long-term land-use rights. In the context of the current land registration and titling programs underway in the four regional states, a “parcel” refers to a single contiguous unit, under homogeneous property right. The property right referring to land-use rights in perpetuity as defined in the Federal land-use and administration law. The exception is in Oromia regional state, where the term “parcel” is synonymous to the term “plot” and used interchangeably.

3.1.3 Provisions on Holding’s Boundary Demarcation

From a legal perspective, a boundary is an invisible surface that differentiates one set of real property right from another (UNECE 2004). The two common ways of boundary demarcation include fixed and general boundaries (UNCHS 1990; UNECE 2004; Fourie 1994). Based on UNECE (2004) definition, fixed boundary refers to the legal boundary of real property where the precise lines have been agreed and recorded while general boundary refers to a boundary for which the precise line on the ground has not been determined. As Fourie (1994) states, a general boundary is one where boundaries are agreed between neighbours. The monument of a parcel boundary is generally achieved in one of two ways: the emplacement of corner beacons and pegs in the ground or the construction of linear features such as walls and fences or hedges (UNCHS 1990).

Different countries follow different approaches to define the legal basis of parcel boundaries. Cost, time and local traditions, among others, are important criteria to be considered in order to choose the appropriate approach in defining property boundary demarcation.

In South Africa where general boundary system is also in operation, the physical representation on the ground is used as legal evidence in the case of disputes, with an aerial photo or orthophoto of the area being used as additional evidence in some cases (Fourie 1994). Pinpointing the limitations associated with general boundary, the same author states that general boundaries do not work within and between hostile communities, where boundary disputes require clear objective evidence rather than a semi-flexible boundary. Fourie (1994) claims that general boundary is cheaper and simpler and could be upgraded to an accurate beacons/fixed boundary. In South Africa, where fixed boundary systems apply, boundaries are straight lines between physical marks, the beacons used as an evidence to indicate the positions of the boundary (Fourie 1994). In Malawi, because of the farmers' reluctance to grow hedges, boundary turning points are monuments with concrete pegs, while in Kenya hedging as a boundary marker is practiced, which expedites the registration of millions of hectares of land in a relatively short period of time (UNCHS 1990).

In both the Federal and regional land administration and use laws, provisions on how holding boundaries are demarcated and their legal context are missing. The exception is the new draft of the Amhara regional state land administration and use proclamation (EPLAUA 2005). Article 22 (1) of this new draft proclamation states "... monument at each corner of a plot". What is the legal implication of the monument at the corner of a parcel? Will the monument have a legal precedence over customary practices in times of boundary disputes? It is silent on the customary practices such as hedgerows, uncultivated strips or soil bunds as a means of boundary demarcation. In some of the highlands of Ethiopia, farmers leave either uncultivated strips often with grass vegetation or soil bunds to define the boundary limits of one's own holdings (See photos from Oromia and Amhara regions). Through time and in some places, the uncultivated strips transform the local landscape and serve also as anti-erosion structures. The pros and cons of the customary boundary demarcation in connection with boundary disputes, cost and other social and economic functions need to be explored through further studies.

4. Issues and Constraints

Unclear definitions of key terms contained in some of the provisions of the Federal and regional land administration and use laws may cause not only misinterpretation of the laws and impediments in policy implementation but also problems in area-based data exchange and land-related disputes. This is not the only cause for the above consequences but rather a contributory factor. Other factors such as weak institutional links between the law implementing institutions, the low capacity of policy implementing institutions, lack of transparency in policy development processes, lack of awareness of the law would also contribute much to the above-stated problems.



Photo 1. Uncultivated grass strip as a parcel border in Bole Kebele, Alem Gena Wereda, Oromia regional state.

4.1 Difficulties in Database Formulation and Exchange

For cadastral purposes, the basic spatial unit is the land parcel sometimes referred to as a lot or a plot (UNCHS/H 1990). Moyer and Kenneth (1973) describe ownership parcel as the optimal area unit for property rights and activity information systems (human activities); however, they noted the importance of correlating parcel-based ownership data to land-use data, right-of-way and other data, land use control and tax assessment. Nevertheless, the current practices related to area-based data generation and exchange systems are uncoordinated with different institutions developing different definitions for the same terms to suit their sectoral needs.

Data capture related to Area/point-based land title, land-use, and agricultural statistics often lack compatibility between institutions due to many factors. Use of different parcel referencing systems and definitions for similar terms are some of the key bottlenecks for proper and cost-effective area-based data exchanges. A typical case involves the use of different parcel identifiers and definitions of area units by key institutions such as Central Statistical Agency (CSA), EPLAUAs of Amhara and Tigray regional states and

LAUDs of Oromia and SNNP regional states. These institutions collect more or less similar demography and area-based data, which primarily include size, land-use and cover and soil fertility status. However, the definitions of terms such as “holding”, “parcel”, “field” and “plot” are variable, thus resulting in difficulties in data exchanges between these institutions. Further, the parcel identifier system deployed by CSA is different from EPLAUA of the Amhara regional state and LAUD of the Oromia regional state, which further complicates the data exchanges and uses. Indeed, the data capture and maintenance of the databases is highly costly, which necessitates institutional coordination for adoption of standard definitions for key terms in a way that meets the objectives of each institution.



Photo 2. Uncultivated strip as a parcel border in Endod Ber Kebele, Dessie Zuria Wereda of Amhara regional state.

4.2 Land-related Disputes

With reference to smallholder farmers, the commonest land-related dispute is related to inheritance and boundary. However, empirical studies related to rural land disputes are very scanty. In some parts of the Ethiopian highland, as a custom, uncultivated grass strips or soil bunds are used to define boundaries to separate property rights. Often the

width of the strip or the soil bund stretches from less than a meter to up to two meters. Trespassing of these customary barriers by any of the adjoining owners or holders sparks boundary disputes, which cases are often brought to customary institutions or Social Justice Tribune of the Kebele Administration, depending on the local custom and the magnitude of the dispute. The provisions on boundary demarcation and its legal basis in both Federal and regional land administration and use laws are very generalized. Monumentation of parcel corners with pegs as boundary demarcation can be easily obliterated and buried in the ground given the widespread animal-based crop cultivation and free livestock grazing practices in most parts of the Ethiopian highlands.

With the vagueness of the law on the issue, cases related to boundary-related disputes may not be settled with clear-cut procedures and approaches. On the contrary, they may aggravate the disputes.

4.3 Impediments to Policy Implementation Process

After the promulgation of regional land administration and use laws, the implementation process has been taking place for the past eight years, pioneered by the Tigray regional state in 1997. However, very little has been documented on the successes and challenges encountered. This is true in countries where experiences in rural land administration and use laws are at a very early stage. Though it is not the intent of this paper to elaborate on problems and challenges encountered during the course of implementation, it is necessary to provide a glimpse into the issues that may arise due to absence of clear definitions and contradictory ideas embedded in some of the provisions of the Federal and regional land administration and use laws.

One key issue missing in the provisions of the Federal and regional land administration and use laws is the methodology to be applied in undertaking a cadastral survey and mapping. Due to the vague definitions, a variety of cadastral survey methodologies have been used by Amhara, Oromia, SNNP and Tigray regional states. In Tigray regional state, 80 percent of the total households have been registered and issued with user-right certificates. However, no parcel area measurements were undertaken and the only record to define the location of the boundary is the name of the neighbouring holders. In Amhara region, both total station survey and traditional rope area measurements are underway, the former restricted to two pilot weredas assisted by the Swedish International Development Agency (SIDA). The SNNP and Oromia regional states use only rope measurements. The issue is further complicated by “strategic directions” put in place by regional governments in undertaking the land registration and titling programs in their respective regional states. The official strategic directions by all the four regional states involve two sequential levels of certification: first level and second level certifications. The first level certification involves survey using only the rope method while the second level certification involves identifying the spatial location of holding based on advanced field survey techniques, singled out using total station survey. The hot debate at the table is whether or not total station survey is justifiable, given the low value of rural land, existing legal framework (where long-term sub-leasing is prohibited) and the massive nature of the current land and titling program. Indeed the cost of high technology surveying will be exorbitant, which cannot be borne and sustained by

government budget. As the cost is exorbitant, the resources (manpower, equipment, etc.) required to undertake cadastral surveying remains a challenge, with strains on the progress and pace of the land registration and titling program. A study in progress by EELTAP (2006) highlighted that using a total station survey, the average cost per parcel and per hectare is Birr 63.01 and Birr 117.4, respectively.

Definitional problems related to property unit caused operational problems when recording property units in a consistent fashion. In some places it is observed that a “holding” located in one contiguous unit with a long-term use right by a given “holder” but crossed by public property such as a road is defined as two “parcels”. In another case, however, it is defined as one “parcel”. This can introduce error in the land register database with a potential for a wider misinterpretation when various user institutions utilize the database. This will also impact on the pace of the registration process. Issues of whether to record and register a “village” with a homestead is also an undecided topic. Often a village in a compound contains homesteads, where a compound is often fenced with live vegetation. In many cases, a cluster of “tukuls”, in a given compound may consist of parents, married and unmarried sons, married daughter, etc., with their own “tukuls” in the same compound. The multiple households in one compound may imply multi-tenure in respect to the homestead compound. In situations of this sort, it may be difficult to define entitlement to a specific household in a given compound. However, in cases where only one household lives in a compound, the property right can be defined to one single entity.

A number of systematic problems related to registration and titling processes were observed in Alem Gena Wereda (Western Shoa Zone). Firstly, as understood by wereda experts, a unit for cadastral recording is land-use and cover types rather than parcel as an ownership unit. Experts, however, disclosed that this problem emerged due to the lack of adequate awareness in the land registration techniques instead of flaws associated with the definition. Secondly, the hasty nature of the current land registration program “forced” the wereda staff to evolve a working procedure in order to expedite the registration process. In the process, however, this created more backlogs than speeding up the process of registration. In some weredas, in order to speed up the land registration and titling process, each kebele administration (KA) was sub-divided into “*Gots*” (two to four *Gots* within one KA). The land registration started in all the “*Gots*” within the KA at the same time in order to expedite and complete the work as fast as possible. In so doing, “parcel” identifier numbers were set to begin with the same “tentative parcel identifier number”. As a result, more than one “parcel” was designated with the same “tentative parcel identifier number”. As disclosed by wereda experts, the assumption was that after completion of the registration in a KA, the “tentative parcel identifier number” was to be re-adjusted later so that each parcel will have a unique parcel identifier number. In reality, however, as the wereda staff were constrained by shortage of manpower and time, the tasks of re-adjusting the “tentative parcel identifier number” to a permanent identifier number became more cumbersome and unachievable.

5. Conclusions and Recommendations

It is not the intention of this paper to provide exhaustive and clear-cut answers or solutions on issues related to lack of clear definitions of key terms contained in some of the provisions of the Federal and regional land administration and use laws. For most of the definition-associated problems, the need for institutional coordination among key institutions, institutional capacity building, undertaking of problem-solving research and placement of an in-built institutional mechanism to monitor and update the existing land administration and use laws stand at the core of the matter. However, a tentative definition is suggested for key terms relevant to land registration and titling. The prime intent is to adopt common definitions for similar terms in order to avoid ambiguity and confusion. Additionally, it will provide an opportunity in minimizing any emerging problems that will potentially result from ill-defined key terms contained in the provisions.

5.1 Institutional related factors

5.1.1 Institutional coordination

With reference to land registration and titling program, the two major data requirements include textual description and graphical database. The textual data refers to the holders' attributes and the rights and obligations to the property. The graphic representation often contains dimensional information. This information is cross-referenced to the textual data and contains a detailed description of the parcel data either in the form of maps or survey measurements that identify each parcel. To generate both data types, the Ministry of Agriculture and Rural Development (MoARD), the EPLAUAs of the Amhara and Tigray regional states and LAUDs of Oromia and the SNNP regional states and the Central Statistical Agency (CSA) are the key actor institutions, although with a limited scope and role in generating a geo-referenced database. Of these institutions, the CSA definitions of terms such as "holding", "parcel" and "field" are at variance with the EPLAUAs of Amhara and Tigray regional states and the LAUDs of the Oromia and the SNNP regional states. The definition of a "parcel" for land registration purpose may also suit land-use data collection by dividing the "parcel" into units with a homogeneous land-use types, and cross-referencing the unit with a given parcel identifier system. Thus the definition might be suitable for both land registration and agricultural statistics. However, reaching a consensus requires a strong institutional linkage between these institutions. This in effect will mean reduced cost, which otherwise adds a heavy cost to the state's budget.

On the other hand, the major institution for generating geo-referenced database is the Ethiopian Mapping Agency (EMA.). The EPLAUAs of Amhara and Tigray regional states and the LAUDs of the Oromia and the SNNP regional states are at various stages of development to generate geo-referenced database for cadastral purpose. In this respect, the issues on the table will be the conformity of the cadastral map preparation with the national grid system, determining the roles and mandates of EMA in the process, the involvement of private surveying companies in cadastral map preparation

and the regulatory aspect of the cadastral surveying and mapping works. This calls for the urgent creation of a platform and the modalities and strategies to be adopted.

5.1.2 The Need for Studies

Lack of knowledge and research-based data on land registration and titling is one of the key factors for definitional deficiencies noted in some of the provisions of the Federal and regional land administration and use laws. Some of the issues advanced in the laws lack research-based database. Examples include contents of cadastral maps and the rationale and basis for boundary demarcation of parcels. Thus conducting research and feeding research-generated ideas into the legislation formulation process is critical for addressing these conceptual problems.

5.1.3 Mechanism for Monitoring and Updating Legislation

Legislation drafters, including policy-implementing institutions, have no built-in mechanism to monitor and update the laws. This is true at both the Federal and regional levels. Some issues, which are very common in the four regional states, relate to property units and boundary related disputes. Perhaps more difficulties might have been encountered at the local levels, thus implying the need to institutionalize in-built monitoring and evaluation mechanisms to continually enrich and update the policy.

5.2 Suggested Tentative Definitions

An attempt is made to provide tentative definitions to key land registration and titling terms. However, this requires further fine-tuning through consultation with relevant institutions such as CSA and perhaps the Ministry of Revenue. The definitions suggested reflect the prime purpose of the land registration as enshrined in the Federal land administration and use law, which underlines the enhancement of land use rights of a holder. To this end, land record units based on property rights (long-term land-use rights) will be the ideal unit of land record. Additionally, a multiplicity of individual and public benefits could be accrued from using property unit as a land record unit. They are relatively stable and will not alter within a short time unless long-term transaction occurs through inheritance and gift. Though implicit in the Federal and regional land administration and use laws, the working definitions used by EPLAUAs of Amhara and Tigray regional states and LAUDs of the Oromia and the SNNP regional states were considered. Whenever relevant, foreign literature was reviewed and incorporated. The suggested definitions deviate from that of CSA. Finally, it is suggested to incorporate the definition of these key terms into existing Federal and regional land administration and use laws to curb problems that will potentially arise due to definitional deficiency.

Property: A set of rights and responsibilities concerning a thing; property also is the term for things. In specific terms, the word property right refers to a set of rights and responsibilities.

Property rights: Refers to a set of rights and responsibilities concerning a thing/object. It is synonym for tenure. For example, instead of a “land tenure system” one can

talk about “a system of real property right” (Bruce 1993). Based on the Federal rural land administration and use law, a user’s rights connote land-use right in perpetuity and various types of transfer rights (renting, sharecropping and inheritance). In the rural setup, the followings are typical land use right holders: individual smallholder farmers; communities; government.

Tenure: Refers to rights in landholder’s resource. Freehold/and leasehold are the two major types of tenure.

Possession: Refers to control of land or another resource without any implication of whether the possessor has the legal right to hold or possess the resources. The ownership of land does not necessarily imply being in possession in the sense of occupation. The owner may possess the absolute rights but may grant occupancy to others, for example through a leasehold agreement.

Holder: A single legal entity (a household, an individual, community or state/public)) with perpetual use-right to a land.

Holdings: All land, whether found in one contiguous area or dispersed in different geographic areas, with a legally defined holder.

Parcel: A unit of land legally defined by its acquisition as a single contiguous unit and under a holder with perpetual land-use right. If a parcel is crossed by right-of-way, it is still defined as one parcel.

A Field: An area within a parcel defined by a uniform land-use type with no legal implication.

Boundary Marking: Is an operation that consists of fixing the boundaries of a parcel of land.

Cadastral Survey: A survey that determines the ownership and location of land.

Cadastral Map: A map/plan which shows the relative spatial location (boundary corner and central positions) of more than one parcel, including other major land-use types (social and physical infrastructures) which are found geographically interspaced between parcels. It is a planimetric map which shows the general boundary and relative location of parcels. Major components of cadastral map include the following:

- The geo-referenced locations of more than one parcel;
- Parcel description including parcel corners and parcel boundary lines;
- Major social and physical infrastructures interspaced between parcels.

Details of the nature and content of the cadastral map are to be determined based on local and foreign relevant experiences. Additionally, surveys have to be undertaken to assess appropriate boundary demarcation, taking into account the various socio-economic

settings that prevail in the country. In this process, however, it is worthwhile and necessary to take into account the cost and local customs as well.

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