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1. General

1.1 Background

The cadastral survey and records of rights should provide a true and exact description of the legal situation of such rights in land and properties at any moment. The surveying task should also give due attention to registering plots occupied or used illegally before the survey.

The tasks in this regard would be to facilitate control over acquisition of new rights. The sizes, functions and boundaries of individual land parcels and properties of any sort should be identified, traced, quantified and used for volatile analytical purposes.

Land registration takes place when a land certificate is issued for a given area. It is a process of recording information on a person who holds land, and if it is in lease, period of time, total amount, first payment, land use, parcel number, file folder code, issue date, etc.

The *Debter*, which serves like a land certificate, is given to the rightful owner of a unit of property. *Debter* was introduced during the Derg regime and since then it has been applied as a legal document. *Debter* focuses more on a unit of building than land. Before it was revised, *Debter* didn't contain a site plan to show the exact measurement of land, but it mentions the size of land in figures and its neighbors' names from various directions. Following its revision, the building given is shown by shading it in a site plan; the land size is also indicated, without showing the clear boundary on that defined land.

1.2 Objectives

The main objective of the study is to explore the archiving and recording systems and work processes taking place in Land Development and Management offices of Sub-Cities.

Attempts have been made to identify good practices, major problems, their root causes and effects, and finally suggest recommendations.

In order to do that first it is necessary to look at the services that are provided by the office. What are the main activities for file or data retrieval and updating? What are the tools and methods that are put in place to provide archiving and recording services? What are the controlling and tracing mechanisms for file movement?

2. Archival System and Land Registration

2.1 Tools, equipments and methods used

The main tools and equipments often used in the archive and record unit are: forms, file index card, file Registry Books, file folder, file, file cabinet, code and file folder searching notes.

Forms: there are around 11 forms designed to provide various services to customers. The importance of a form is:

- It standardizes the workflow procedures, so it helps to save time and resources. There is no need to write an application letter by the customer. They fill the necessary information in the prepared form, mostly their name, address, and the services they require;
- It reduces the movement of files;
- It helps to maintain the volume of files. Checking and verification are done on the forms through stamps and signatures. Once the service is provided to the customer the form is not attached with the file, as was done previously in the case of application letters.

Most of the forms have three main parts. The first part is information on a customer, the second is service required by a customer and the last part is the result of the work. (See sample forms in Appendix II).

File index card: this is attached with each file. When the file is requested by other units/sections it will be kept in a container, until it is returned. When a file is taken by other units, the name, date and unit's name are filled in the card. When it returns, the date of return is filled and it is attached to the right file and the file put to its original place.

The main purposes of the card are:

- To trace where the file is currently moved to. (By whom it is taken and when), and
- To know how many files have not been returned at a given time and for how long they stayed out.

File Registry Books: when a file goes out and comes in from the archive section, it will be registered in two Registry Books. The first book is used to register the files which go out to other departments and the second book is used to register files which are returned.

The main purposes of the file Registry Books are:

- To know how many files are out and returned in a specific period of time;
- To trace where the file currently is moved to as well as past file movements; and
- To make statistical reports such as frequently asked files and which sections and offices are regular users.

File folder: It is a file holder. One folder can contain one or more files. A code is written on the back of each file folder. The code helps to identify in which file folder a particular file is put. File folders are put on the shelves of a file cabinet.

- It helps to contain a file or a group of files together; and
- It protects files from damage.

File: a file is a document holder, which holds various information of a particular plot of land possessed or property owned. It has two parts. The main part contains legal documents (land certificates, *Debter*, etc.), owners' or possessor's information, types of user rights, mortgage, injunction, or any restriction due to development plans, cases of transfer of ownership rights, etc. The second part deals with building permits, plans, etc., documents related to electricity and water services and so on.

A new file will be created or opened because of many reasons, such as when a transfer of ownership title, subdivision and amalgamation of a portion of land or lease of a new plot of land. This file will be put in a file folder when there is no space to hold. A new file folder will be opened with a new file folder code for the newly created file.

Code: a file folder code is used in the archive and recording section to find where a particular file is placed, i.e., in which cabinet and file folder a particular file is located. Let's take one example. It is written on a file folder like this: CRK02/1. The first three letters indicate a particular kifle ketema's name, then the next two numbers represent a particular kebele administration, in other words, in which Sub-City and kebele the file is found. The last number of the code or the number after the forward slash is a sequential number starting from 01 which increases as new files are added to a particular kebele. The combination of these letters and numbers makes the file folder number unique. When the file folder is full, a new file folder will be opened with a new code that follows the last sequential number of that particular kebele.

The code is also written in each file cabinet by referring to the kebele number to find where a file folder is placed. The code is written as 05/ 01-60 – the first number before the forward slash shows a particular kebele. In this case, it shows Kebele 05. The other numbers after the forward slash show a range of numbers starting from 01 going up to 60, a file folder code written in a sequential order. It indicates within that range the file folder codes/file folders that are placed in that particular cabinet.

File folder searching note: helps to search for the location of a particular file. One note is prepared for each kebele administration. A note holds information about owner/possessor's name and corresponding to it there is a file folder code. Each page contains names in alphabetical order, e.g., the first page contains names starting with አ (A) in Amharic. Once the customer fills the form to get a service one can easily know the customer's name and kebele residential address. The recorder first looks for a note of that kebele and looks for a similar name and a corresponding file folder code. Once he gets the file folder code, he goes directly to the file cabinet that specifies the kebele and the range of numbers where the file folder code falls. Then he takes out the file folder from the cabinet and searches again for a similar name. Here, the file is found and finally it is directed to the appropriate person/unit.

2.2 Land Record Updating under Deeds Registration

Register books: there are three register books in the contract administration unit. The first book is used to register land possession or ownership of property, i.e., land certificate and Debter, respectively. These include data on owners, rights, land size, etc.

The second register book is used to register mortgage with banks. It contains information about a Debter, property descriptions and its address, loan amount and date, name of bank, etc.

The third register book is used to register court injunctions. It contains claimant's name, property descriptions and address, cause of restrictions, etc. As we all know there are two main systems of registration of legal rights to land in many countries. These are:

- Registration of deeds, and
- Registration of title.

The city practices the registration of deeds. The unit of registration is the deed itself. A deed is a written document of evidence of a particular transaction that takes place when the two parties (buyer and seller) agree upon the transaction by putting their signature on the written document. Besides, two other persons from each side put their signatures as a testimony. At this stage the deed is not yet a legal document. To get legal right the two parties should go to Act and Legal Documents Registration Office for the registration of the deed in the presence of two parties. The office checks if the necessary conditions are fulfilled and then the deed itself is written properly. As well as checking whether there is any restriction on the property or not, i.e., court and bank. Then the office puts stamps on the deed and it is registered as an official document. The office keeps a copy of the document. Since then the deed is considered as a legal document. That means any other bodies know that the two parties agreed officially and legally.

Then both parties go again to the Land Development and Management Department of the Sub-City to transfer ownership rights.

3. Data Retrieval Method

There are two types of data storage mechanisms in doing the normal business in the office. The greater portion of the activities and processes take place through manual system while some are done through digital form, for example, software for CIS (Cadastral Information System) and file folder retrieval, search for mortgage and court orders.

Information frequently requested by some organizations and the public at large

No.	Information seekers	Type of frequently requested information	Reasons
1	Court	Legality of ownership of a particular property (land or building)	To put injunction
2	Financial institutions (banks and insurance companies)	Legality of ownership of a particular property (land or building) and other restrictions from court and financial institutions	To provide loan and guaranty
3	Trade and Industry Bureau	Function of building and land	Income tax
4	Revenue Agency	Valuation of house and land	Land rent, building and transaction taxes
5	Road authority, other utility companies and developers/investors	Valuation of house and land, land use	Compensation, physical and infrastructure development
6	Customers	Various queries	For various reasons
7	Researchers and students	Especially land use and existing situation, etc.	Research and study purposes

3.1 Manual work process*Processes and updating information*

As mentioned earlier, the largest part of the job is done manually. At the Information Desk, the customer fills in a form based on the type of service he requires after he presents the relevant documents. The Archive clerk, based on the customer's name and address, conducts searching in the File Searching Note or in the computer to look for a similar name and corresponding File Folder Code, which locates where the file is found in the Archiving Unit.

The next task, once the file is found, is checking and verifying whether a particular land and property has a legal document or not, as well as if there is restriction on it or not and whether other payments have been done in due time. Approval is also done manually by putting the signature and stamp on the form, to indicate that all the necessary conditions have been met before sending the file to the appropriate section that provides the services required by the customers.

Other sections take the file after filling in the Day-to-Day Activity Form and File Index Card, recording the file taker's name and section, the number of pages in the file and the date.

If the service type is ownership transfer or splitting a portion of land/property or amalgamation of two or more plots of land, then a new land certificate will be issued and updating task is carried out by registering all the current necessary information that includes the buyer's name and address, land size, type of possession/ownership, property values, and so on in the register book in the Contract Administration Unit.

If any type of service provision, including ownership transfer, is recorded in other sections of the office the file will be returned to the Archive Unit. Any additional documents attached with the file are also registered in the Day-to-Day Forms and the File Index Card will be attached with the file. The additional documents that are attached with the file can be legal documents (Land Certificate or Debter) or any other documents. If the case is ownership transfer, new documents that refer to the buyer's information, will be put in a new file. Based on the type of service, one of the original documents will be provided to the customer, who will put his signature on the other remaining document to indicate that he has taken one copy of the original document.

The new file will be put in the last file folder if the latter is not full, otherwise a new file folder will be created and a new code will be given. Finally, it is put in a proper place (file cabinet).

3.2 Computerized system

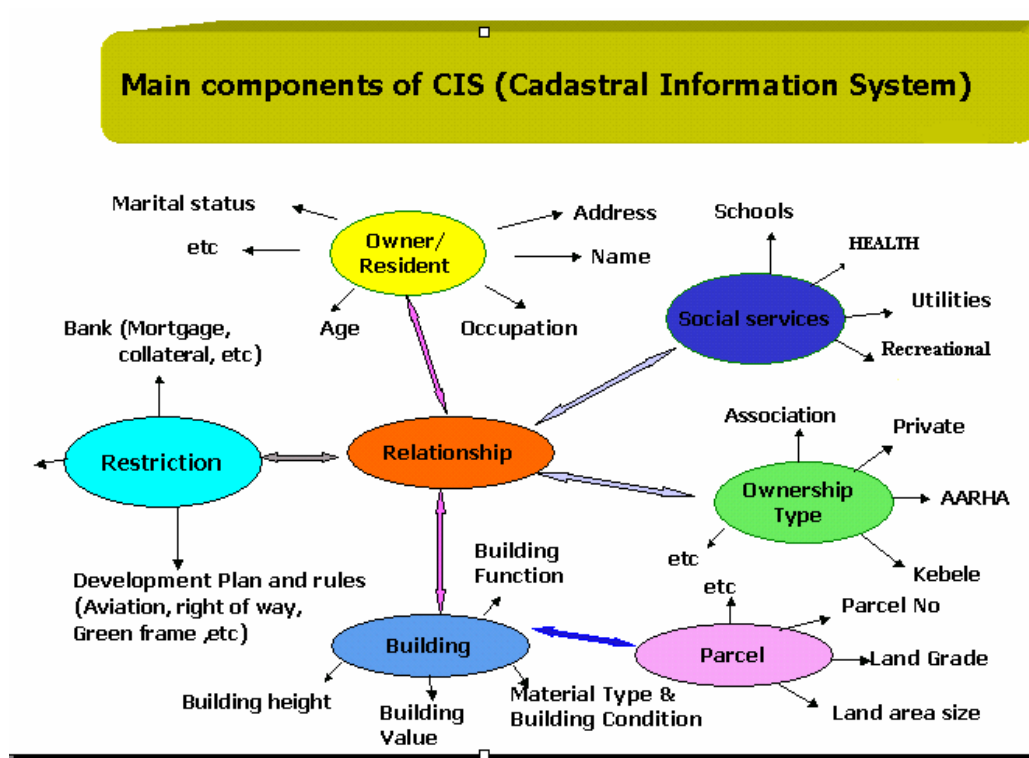
There are three types of application softwares designed to support the activities of the department. These are CIS, Archive and court decision, and mortgage liability registration/cancellation software.

CIS is mainly used for searching and data retrieval, valuation of property (building and land), for property compensation and issuing tax bills. Taxes are collected mainly from land rent and building tax, which are paid on an annual basis. Buyers or property transferees by inheritance or gift also pay transaction tax. CIS provides detailed information on building materials and their conditions. It contains information about owner or resident or tenure of property or possessors of land, such as name, address, family size, etc. It also contains land and housing functions.

Archive software is mainly used for data retrieval and to locate where a particular file is placed.

Loan and court decision registration and cancellation software is mainly used for registration or cancellation of mortgage and court order. It is also used to verify if there is restriction on a unit of property or land.

Fig. 1. Conceptual framework of CIS (including main objects and their attributes).



4. Problems, Issues and Opportunities

4.1 Manual system

- The storage and use of paper files and register books are not very well organized and files do get misplaced. Locating them is time consuming and there are also incidents of lost files;
- Even though, each section of the department has a specific register book for the monitoring of file movement, they are not concerned as much as workers in the Archive Unit to follow up the normal procedure of work on file movement. Often they pass the file to another section or workers without registering whom they give it to. These are the main causes for loss and misplacement of files.
- There are cases when files are taken out from the office to other organizations. As a result there are incidents when some of the documents in a file, and the file

itself is lost, easily damaged, misplaced, and the service hampered for a certain period;

- Some times it is tiresome to count pages or papers in a file to hand over to other offices; the same is true when a file is returned. Besides, these processes require up to four activities such as attaching a file index card with the right file, registering the returned file in a Registry Book, putting the file in the right folder, filling the forms in the daily activity monitoring form.
- One file folder has one or more files, most of them are heavy to put down or put on the shelf of a cabinet Most of the workers are tired of this, especially women;
- A lot of extra space is required to cope with the rapid increase in the number of files and paper plan and maps - one of the reasons why unnecessary documents are placed in the files.
- Data retrieval is a tiresome and time-consuming process; the grandfather's name of a land possessor or owner of a building is not included most often in many of the documents. In one kebele there might be two or more similar names.
- There is no information displayed on the board/brochures for the users as to what kind of information and documents s/he has to present to get a particular service and how the system works. Time is wasted to get information from the Information Desk and people are forced to queue.
- There is duplication of works in registration and also some of the activities are done both manually and on computers. An example of such a case is registration of mortgage or injunction.
- There is no systematic way of tracing the history of information about a particular plot of land or property after it is transferred to others. Sometimes transfer is done for the whole of a land or property, or a portion of it or for amalgamation of two or more properties into one.
- It is observed in three Sub-cities or kifle ketema administrations that were taken as samples that there are different ways of doing the same type of work. An example is creation of new codes for individual with land certificates after the housing association was dissolved. A housing association on average has up to 20-25 members.
- One of the sub-cities is given a new file folder code for a group of files. The other sub-city uses the former file folder code plus an additional identifying code. In the second case if the former code was written as LDT/08/34, the new file folder code is written on a folder as LDT/08/34/A, LDT/08/34/B and so on by putting the Amharic letter in alphabetic order, depending on the number of housing Associations. Here an addition file searing note is used to locate it.

4.2 Digital system

- Loss of integrity in the system. The updating of spatial and non-spatial data is done in different systems. The department has been using Cadastral Information System (CIS) software for data retrieval, generating reports, etc. Graphic work is done separately with AutoCAD; ArcInfo and ArcView are used for digital map preparation and production.
- The graphic part of the work is run on a stand-alone desktop computer with no network connection. This causes loss of integrity; and
- The software is not integrated with each other; verification, checking, and updating of data mostly takes place in each application software. It is time-consuming, causes repetition of data and it is costly.

5. Recommendation

5.1 Land registration system

- Develop a set of working procedures to easily monitor file movements and recoding of data;
- Guidelines on how the system works and its procedures should be prepared and made available to workers;
- Prepare and give a card to the rightful claimants. The card may contain the necessary information, such as full name of the owner or possessor (first, middle and last name), address, file number/code, and other relevant data. If someone comes with his file code, it is not necessary to look in the File Search Note. The worker from archive unit goes directly to the cabinet to pick up the file from the shelves.

5.2 Update mechanisms

- Whenever a transfer or subdivision and amalgamation of a portion of land takes place, a link should be created to indicate the past information. In the Registry Book and File Index Card an additional one column is needed to fill the older file number. Or the file can contain the former number and an additional number after separating them with forward slash or any method can be used without putting an additional column in the existing format. It helps to trace past history of the possession or ownership rights. For example, if the former file code for a parcel was LDT05/ 850, before the land was split, after subdivision of the land, the file code for the new plot can be 850/1. That means the file code number, i.e., 850 indicates from where the new plot comes. This coding system can be applied when a Housing Association is dissolved and comes with up individual holders.

- When a whole plot of land or property is transferred, the older file can be attached with the new file together to easily get information about the past. It is also necessary to indicate or to write the new file code in the register book. That helps to create a link between the past and the new file.

5.3 Archive and data retrieval mechanisms

- Registration of last name of an owner or possessor should be compulsory in all documents because data retrieval mostly takes place using the names of owners or possessors.
- Instead of using a file folder code, it is better to use a file code. It weighs less to move a file than a file folder and is easier to find; in the file search note with the corresponding possessor name, we can easily find the file code. The code tells us in which file cabinet and shelf a particular file is placed.
- A range file code should be written on a cabinet and shelves to locate where a particular file is placed.
- A coding system should incorporate administration boundaries to easily conceive a particular location or place.
- It is recommended to classify files into two parts. On average, a file contains from 50-150 pages. The main part of a file can contain all the necessary legal documents. It includes land possession and property ownership documents, transaction agreements, court decision on the rightful claimant of the property through inheritance, gift, mortgage and injunction orders, and other restrictions etc. The other part of the file can be put together at the end of the file. Examples are building permits and design, documents relating to utility services such as contract of water and electricity supply, court charges (disputes), etc.
- There should be rules on what type of documents have to be attached with the file and which not. Unnecessary documents should be returned to the owners of properties or possessors of land and also there should be a rule or regulation on disposal of irrelevant documents.