

## Options for Updating Land Record: The Case of Amhara Region

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### 1. Introduction

#### 1.1 Back ground

The Amhara region is the second largest state in the country. It covers an area of 170,752 km (11% of Ethiopia's total area) in the northern, northeastern and central parts of Ethiopia. The region is divided into ten administrative zones, 106 rural and nine urban Weredas and 2,902 rural kebeles. The Amhara region has a varied ecological zonation. This makes the region a source of diversified agriculture in the region. A large part of the population lives in highland areas. The central and western zones of the region are among the country's highly productive agricultural areas. In its northeastern and central highland areas, the Amhara region suffers serious land degradation and recurrent drought. The nature of the soil and the landscape, combined with factors such as a long history of settlement, prevailing agricultural practices, and increasing population pressure force people to cultivate even steeper slopes, and exacerbate the land degradation. Lack of tenure security is thought to have aggravated land degradation as it discourages farmers to invest in prevention of soil erosion (Naznen 2005).

Making land rights more secure is a precondition for land-related investment; however, unless rights are transferable, both the magnitude and incidence of such benefits may be limited. Land transaction can play an important role by: a) providing land access to those who are productive, but who have little land; b) Allowing the exchange of land as the off-farm economy develops; and c) facilitating the use of land as collateral to access credit market where the condition for doing so exists. The ability to transfer land also increases the incentive to undertake land-related investment. The opportunity for right transfer will be important in many settings.

Land transaction is common in the Amhara region; so attention is given to facilitating smooth and efficient land transaction. Updating should take place as soon as possible. It is observed that land transactions are more frequent in high value lands such as irrigation and peri-urban areas.

## **1.2 Problem of Storing and Updating Land Register Records in Amhara Region**

Land-related information is increasingly important for the orderly, fair and intelligent use and development of the land. Land related information used to be gathered, stored, updated and distributed manually in registers, books and maps. The value of a register is heavily dependant upon its further maintenance. It should be kept up-to-date; it is not easy to keep a land register up-to-date. This is going to be one of the problems for the region because there are no safe stores to keep the records. There are about 2,902 kebeles where land registration takes place. There are no offices and stores for land administration and use committee to keep the records and there is no staff assigned at the kebele level that is responsible for keeping and updating the records. The 90 kebeles found in the six EELTAP focus Weredas have got the same problem. All six Weredas have no sufficient office, especially stores where copy records are kept. In the 90 EELTAP focus kebeles there are land administration and use committees where registration takes place, but all have no office for the committee and storage to keep the records. They work in the same office together with the kebele council. For the time being, land records are stored in this office. There are so many people working in the office that the records are not secure. There are no wooden or metal boxes to keep the records and files. The same is true at the Wereda level. If records are lost at the kebele level there is no guarantee to get the records at the Wereda level. In a rare case where some kebeles have no office, land records are kept in the committee member's house. If these records are lost, damaged or exposed to fire, the landholders will lose confidence in the land registration system. Data that are collected by investing labor, time, and money will deteriorate and it will affect the confidence of landholders. Since land records should be kept in a good condition, the region is now planning about land record keeping, updating, archiving and information flow system. However, this system is not well defined and organized, as the region has not started introducing practical updating mechanisms.

Land transaction is common in the Amhara region; most of this occurs due to rental, inheritance, divorce, gift, exchange, consolidation and distribution of land to those who have little land and to new landholders. Land transaction is an unavoidable activity in the land administration system; it is a continuous activity.

Updating is as important as registration.. The cadastre deteriorates and becomes obsolete. Hence, attention should been given to timely updating. Updating should be done where the land records are kept. The most important places for updating records are kebele and Wereda offices. EPLAUA has no staff member to do the updating activity. On the other hand, even the Wereda staff are not in a position to manage the frequent appeals on land transaction simply because of shortage of staff member in each Wereda.

On the other hand, some farmers are not still aware of the need to come to the Wereda or kebele land record office to update the data when a land transaction takes place. When there is sub-division of parcels, it may be necessary to measure the plots. This again demands time, labor and money.

**2. Current Situation**

**2.1 Land Register Storage**

More than 2,500 land registers and 1.8 million landholding certificate have already been distributed to different Weredas in the region. According to the regional plan, land registration will be completed in all Weredas (including sample Weredas) by the year 2006/7 and 60% of landholders may be issued landholding certificates. The six EELTAP focus Weredas have also received the land register according to the regional plan and they will complete the land registration and measurement at the end of 2006 using local units. By this time 60 % of the landholders will receive the first level certificate.

To accomplish this activity 300 land records have been distributed to the EELTAP focus kebeles. However, these kebeles have no storage facilities for the records. The records are kept in the kebele administration office. The kebele council and kebele land administration and use committee (KLAC) are using the same office. This has a risk of loss or damage of the register. In some cases, a few offices serving as a store are not strong enough to resist damages. Besides most of the offices have no guard to protect the Registry Books and files from any damage. Data in the register are prepared in two copies; one is kept at the Wereda office while the other is kept at the kebele office. At the Wereda level, the Registry Books are stored in the archive or in the office where different experts work together.

The EELTAP focus where Wereda land registrations have been implemented has been so far successful, but the record needs to update the land transactions that take place and records should be kept in a safe place. The EELTAP program Weredas can serve as a pilot for updating and data storage.

Table 1. Land registration and certification status of the EELTAP program Weredas

Sample Weredas	No. of HH completing land registration	Temporary certificates issued	No. of plots registered and measured	No. of common lands registered	Certificates issued for common lands
Jabitehenane	27493	24831	120062	452	423
Achefer	14246	15349	61336	212	465
Fageta lekoma	21598	26534	104428	1068	450
Basoworena	21671	---	51716	49	--
Dawachefa	13602	7996	18032	--	--
Kewot	17936	4220			

## **2.2 Data Type for Updating Land Record due to Transaction**

Land administration by its very nature will generate a huge data which can be used for different purposes. These data must be open to all interested users but should be governed by clearly defined regulations.

The documentation procedure safeguards individual confidential information. The personal data of any user should never be disclosed without the knowledge and permission of the officials. The exceptional situations that can allow the official to disclose the private data are when the land is going to be rented or transferred to other users. The private data can also be disclosed when it is needed for planning, research and similar cases if it benefits the development of the society.

Documents of land administration system are prepared in three copies and placed at the kebele, Wereda and regional offices. The purpose of this regulation is for data security and to regenerate data when data is damaged or destroyed. The data generated at the Wereda and kebele level should be changed into digital form, and the summaries should be stored at the regional level. The regional database is going to be a reference data when there is confusion between the data at different levels. Data must be collected, stored, maintained and updated economically and efficiently. Data should be registered only once, kept up-to-date in one place and offered for public use. However, this requires several technical, organizational, and financial resources and facilities.

On each back page of the land register, there is a place for updating land transaction. As mentioned earlier the region has no experience of updating land records so far. Nevertheless, it is possible to describe and discuss some of the elements and issues pertinent to updating.

Updating is important for the new landholder so that he can have the right to use the land. In other words, the one who loses his right to use the land should be known and registered. However, this section has nine lines for listing only nine parcels that could be obtained through different transactions.

Section one contains the new parcel ID, acquisition date, pervious holder, pervious ID of the book of holding, current land use of the parcel, boundaries, estimated area, address, means of acquisition and restrictions on the parcel, such as rent, collateral, file number of the real property.

One can lose his right to use the land for different reasons such as divorce, gift, redistribution and the like while the other gets the right to use the land. Therefore, these changes must be updated in this section. Hence, section two deals with all transactions related to the right to use and to transfer the specific land. Here the right of transfer/gain, parcel ID, date of the right transfer/gain, estimated area of the parcel, reasons for the

transfer/gain of the right, current owner of the parcel, restrictions on the parcel, file number of the transfer of the land are the data elements to be recorded.

Land can have different properties as fixed asset. It is important to know which properties are found on which parcel. These properties can be a tree, house or other construction and may be other infrastructure. All these properties are subject to change and need updating. Therefore, the third section deals with a list of the properties found on the parcel, unit, and amount of the property, and ID number of the parcel where the property is found.

Consolidation can bring fragmented lands into one area. This helps the farmer to save his labor, time and money. Section four is, therefore, about updating of consolidated parcels. Important elements to be recorded here are consolidated parcel number and ID number of the consolidated parcels.

Parcels can be subdivided for different reasons. The common cases for subdivision are inheritance, divorce, gift, etc. Therefore, space is left to register transfer transactions coming through subdivisions. In the fifth section, transactions coming through subdivision like the parcel, ID number of the subdivided plots, reasons for the subdivision, ID number of the new parcel, estimated area of the plots, file number of the decision made when subdivision of the parcel are registered

### **3. Constraints and Opportunities**

Although the Amhara Region has not yet experienced updating at the ground level, it is possible to sort out the most important issues and constraints related to updating land records.

These are:

- a) Guidelines for updating procedures are not detailed enough to implement the updating. For example, evidence attached for updating, time gap between date of transaction and updating are not clearly stated in the guidelines.
- b) The other issue to be raised here is the case of archiving mechanism. What sort of elements of evidence must be attached is still unclear.
- c) The third point is the reporting system. In this case, who is responsible to report when updating cases arise. Updating is a continuous and a day-to-day process. However, when and how to report has not yet been determined.
- d) In record keeping one of the major problems existing in every kebele, including program Weredas, is lack of storage for keeping records.

- e) There is no assigned personnel who can take responsibility for updating from the kebele to regional levels. The existing EPLAUA organizational structure up to Wereda or kebele level land registrar should be assigned for continuous updating of land information in every kebele.
- f) Land information management requires well-experienced personnel. In this respect, there is insufficient knowledge and skill at the Wereda level.
- g) There is no staff stability at the Wereda level. Most Wereda staff who are assigned in the Land Administration may work for a relatively short period of time. Usually, after he acquires the skill he/she will shift either his/her title or even place of work. Therefore, staff turn over is high.
- h) Space provided for updating may not be enough in some cases.
- i) Some additional forms are needed, specially for land use, fertility status and property updating.
- j) There is no option for page references to easily locate where the registration took place.

#### **4. Opportunity and Data Utilization**

##### **4.1 Opportunities**

- a) EPLAUA now has enough experience and skill learnt from the land administration pilot project, particularly in registration procedures and cadastral survey.
- b) The number of trained staff that joined EPLAUA has increased from time to time.
- c) The structure of the authority has improved from time to time.
- d) Basic land provisions have already been prepared and others are in draft form.
- e) With SIDA support, EPLAUA has purchased surveying equipment and the surveyors have been trained. This has enhanced the organization's capacity to implement future land registration and updating processes.
- f) The activities carried out in the region have convinced the politicians and policy makers such that there is strong support for the program.

- g) The authority has prepared different guidelines, directives, way of workings and procedures that can maintain the uniformity and quality of registration.
- h) Keeping records is supported by the provision of draft proclamations. It is stated that there will be a government employee in every kebele for registration and updating records.
- i) Land administration is a process that can improve from time to time. So the authority has planned to make improvements whenever the program demands.

#### **4.2 Utilization of the Data**

In updating the format, there are different elements and each has its own purpose. Different transactions such as subdivision of parcels, consolidation or amalgamation of parcels and the like need different formats to update the data. More formats will be needed to update changes that can occur from time to time, such as land use, soil fertility, and property registration. Data can be utilized by trained technical personnel who will be assigned at the kebele level and report to the Wereda and regional offices.

All forms are suitable so that any one who has information about land administration can utilize the data. All formats are printed in the Amharic language and terminologies used in the format are well known and understandable.

#### **4.3 Data Beneficiaries**

- If rights are secured and guaranteed, stakeholders such as investors can use the data and contribute to the sustainable development of the economy.
- Tax collectors can get reliable information about the number of properties owned by certain persons.
- Financial institutions can utilize the data for determining the value of the collateral to give loans.
- Courts may also utilize the data generated in land administration. There are different cases that can go to the court, and the data collected can be used as evidence to make correct decisions.
- Researchers can also utilize the data as evidence for study and research purposes.

## 5. Conclusion and Recommendations

The management of an up-to-date land administration system inevitably involves the use of modern technology. Conventional solutions alone may no longer apply and the new system may involve the fundamental restructuring and standardization of the existing cadastral services and the security and analysis of every part of the system. The result of this process will be the first step towards a better land administration and registration system (UNECE 1996).

By way of recommendations, the following issues need due consideration to put in place a better and efficient land registration and updating system in the Amhara region.

Attention should be given to all the processes to ensure a clear understanding of land registration and updating of land records. Public information and education will encourage participation and clear communication between and among the local community and the government and political organs at various levels for better efficiency and success. Particular efforts should be made to ensure women's participation.

EPLAUA should be strengthened in its competence and administration, especially at the kebele and Wereda levels, where routine measurements and registration for the updated land is taking place. Land administration committees of farmers bear a large part of the workload of measuring and registering responsibility. More material and labor support or provision of training as an incentive for land registration is necessary. Moreover:

- Mechanisms should be set for the exchange of land information between different organizations;
- Standards should be set for data collection, data transfer formats, data classification and accuracy;
- There should be provision regarding acquisition of data for use by public and private sectors;
- Clear procedures should be set for maintaining and updating records;
- There should be provision to guarantee the quality of data and the right of access to the data;
- There should be coordination and cooperation regarding data collection, updating and storage of data;
- There should be assignment of responsible personnel at the kebele level to undertake updating activities.

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**Registration of Property on the Land  
Amalgamation/consolidation**

Sr. no.	Items	Unit	Quantity	ID no. of the parcel carrying the property		Sr. no.	ID no. of the amalgamated parcel	ID no. of the parcels subjected to amalgamation
1.						1.		
2.						2.		
3.						3.		
4.						4.		
5.						5.		

**Partition**

Sr. no.	ID no. of the parcel subjected to partition	Reason for partition	ID no. of the partitioned parcels	Area of the new parcels	<i>Ref. no. of the document referring to approval of partition</i>
1.					
2.					
3.					
4.					
5.					