

## Options for Updating Land Records: The Cases of Oromia and SNNP Regional States\*

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### 1. Introduction

A key component of land administration is the management of land and property-related data. Data are collections of facts that, from a land administration perspective, may be gathered and written down as numbers and text for instance in a surveyor's field book, or collected and stored digitally through use of data loggers and computers. They may also be held graphically as on maps or aerial photographs. Data becomes information when processed into a form meaningful to a decision maker. The usefulness of this information will depend upon the quality of the data and especially on the extent to which they are up to date, accurate, complete, comprehensive, understandable and accessible. Poor quality data will almost certainly result in bad decision-making.

Land information systems may be designed to serve one primary function or they may be multifunctional. Some have been developed to support strategic planning, where the focus is on determining an organization's objective and on the resources employed to achieve them. Some provide support for management control and are concerned with the effective use of resources so as to accomplish the organization's goals. Others have been designed for operational control so that specific tasks can be carried out effectively and efficiently. Each requirement dictates a special set of criteria that determine what information is needed and hence what form the information system should take. There are at least four different types of land information system, namely:

- a) Environmental systems, especially those related to soils, geology, water resources, vegetation and wildlife; these are particularly relevant to rural land management.
- b) Infrastructure systems, focusing primarily on engineering and utility structures such as underground services and pipelines; these are particularly important in urban environments.
- c) Cadastral systems, recording land right, planning restrictions and land values; these apply to all land areas, especially where land markets operate.
- d) Socio-economic systems incorporating statistical and census type data.

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The current land registration systems used in the Oromia and SNNP regions are manual and have no “built-in” procedure to update land records due to transactions and succession. The issue involves strategic and technical matters and should be considered in view of a possible computerized registration system at wereda level.

From the strategic perspective, updating after the compulsory/systematic registration process is necessary if the registers are not to deteriorate. A procedure for updating records needs to be defined and new landholders must be made aware of the necessity to apply for certificates. Unless the land register is updated as changes in landholdings occur, it stands the risk of becoming obsolete very soon. A strong incentive for the landholders to apply for new certificates must be created. Perhaps, the current practice to include all family members and possible heirs in the certificate is counter-productive from this perspective and should be revised.

## **2. Objectives**

The objective of this paper is to assess and investigate the shortcomings of the current land record system of the Oromia and SNNP regions and propose methods to improve the recording system.

## **3. The Present Situation**

### ***3.1 Oromia Region***

According to the Oromia Proclamation No. 56/2002, any peasant or pastoralist, with a landholding right shall be provided with a certificate on that holding right by the responsible organ. To this end, land registration and data collection and recording are carried out at wereda and kebele levels by the kebele land administration and use committee and the wereda agriculture and rural development experts. In this process, there are issues that need attention when land transactions occur due to inheritance, lease, subdivision of land, divorce and gift for other purposes, and how the updating of the register is performed to keep the system up-to-date. The updating procedure is a matter of the sustainability of the system. Due to this there is a need to test the existing procedures of collecting, storing and managing land records carried out at kebele and wereda levels.

#### Situation analyses

In September 2005, a team of experts conducted an assessment in the EELTAP focus weredas of Tiyo, Dugda Bora, Bule Hora, Mana, Wolmera and Chiro, to identify problems related to the existing procedures of land registration, record keeping and data management.

In this process, the methodologies employed by the team were:

- Discussion with land administration and land use committee members,
- Discussion with relevant experts,
- Reviewing collected data at kebele and wereda levels, and

- Literature review.

#### Data recording at kebele level

The assessment was conducted in 15 sample kebeles of each wereda. In each kebele an average of 377 households were registered. Each household of the kebele in turn owns 3 parcels of land on average. Therefore in each of the 15 kebeles 1131 parcels of land were recorded, which means for the 377 households there were 377 files to be managed

It was understood from the discussions that took place with village land committees and experts that there is no systematic file-keeping procedure. The files are kept unsafe at individuals' homes. In case the files are needed for correction or for any related purpose it is difficult to easily access them. Because the data were not kept in an orderly manner, the data were intermingled in such a way that the data was not manageable and traceable for further usage.

#### Data recording and management at wereda level

In each wereda there are about 20,000 households. There is an individual file for each household which contains parcel details and landholding data. The landholding information which has been recorded in each file is also registered in a Registry Book. One Registry Book contains data on about 10,000 households. All data referring to a holding are recorded in a Registry Book on one single row (Annex 1). In case the land right is inherited, exchanged or sub-divided, there is only one single line available to record the name of the possessor, area and the date of acquisition (see Annex 1), change and transfer column. There is no room for recording the change that occurred on the land holding. In addition, there is no guideline to perform such activities.

### **3.2 SNNPR**

The regional state has established an Environmental Protection, Land Administration and Use Authority (EPLAUA) to handle rural land administration and tenure issues. The regional government has issued Proclamation No. 53/2004 that gives EPLAUA<sup>1</sup> the mandate to deal with rural land administration and tenure issues. Based on the proclamation and regulations EPLAUA prepared guidelines (1/2004) to implement the proclamation and then launched the implementation of the land registration and certification process.

#### Community participation in land administration

The regulations give a mandate to the community to participate at kebele and sub-kebele levels through direct and indirect means. The process has mainly been handled by the sub-kebele and kebele land administration and use committees, with technical assistance from Development Agents (DA).

The sub-kebele land administration committee members are elected directly by the community for a period of two years. The number of *sub-kebele* committee members

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<sup>1</sup> The EPLAUA has been reduced to a Land Administration and Use Department (LAUD) since 2006 and is subordinate to the regional Bureau of Agriculture and Rural Development

should be five: chairman, secretary and three members. The sub-kebele members are expected to form the *kebele* land administration committee by delegating two members (chairman and secretary) from each sub-kebele.

The rural land registration process started on a large scale after evaluation of the result from tests in pilot weredas. Prior to implementation a massive awareness creating campaign and workshops were conducted at various levels. In the process, the regional government and other stakeholders participated. The land registration process has been started in sedentary areas, excluding pastoral and semi-pastoral areas, common lands, state forest areas, game reserves and organizational holdings.

#### Tools used for data collection

A form for data collection was developed to enter different data attributes (household and parcel).

The wereda register book was specially designed for land registration and printed.

The kebele land register books were purchased directly from local stores to support the kebeles in the land registration process. Data that is collected from sub-kebeles is passed via the kebele land administration committee to the wereda land administration desk and entered in the wereda register book. Each kebele collects data by filling in the field land registration data sheet that is then passed on to the wereda office.

#### The focus weredas

Six ELTAP focus weredas have been selected for the implementation of Ethiopia – Land Tenure and Administration Program (EELTAP). These six focus Weredas are selected out of 96 sedentary weredas of the region. Eight weredas are pastoral and semi-pastoral and not included in the selection. The total number of weredas in SNNPR is 104.

The six focus Weredas have a land area of 4,076.9 km<sup>2</sup> and a total population of 1,639,693, of which 1,334,216 live in rural areas and 305,477 in urban areas (CSA). They are characterized by subsistence agriculture and high population pressure.

Table 1. Total number of rural households in the pilot weredas

No	Pilot wereda	Total rural H/H	Remarks
1	Awassa Zuria	68551	Selected from Sidama
2	Alaba	34961	Special wereda
3	Lemo	37913	Selected from Hadiya
4	Sodo Zuria	38835	Selected from Wolaita
5	Silte	28745	Selected from Silte
6	Sodo	19523	Selected from Gurage
Total		228528	

Source: Zone and wereda report 2006.

Updating the land register book

It should be noted that it is through the updating process that future revenue can be generated and the system be made financially self-supporting and sustainable.

From the technical viewpoint the registers should reflect the current situation on the ground. Some suggestions are forwarded in connection with updating of the current record system. One of the suggestions is to leave a space at the end of each holder's record. Another option might be to incorporate an additional "remarks" column in the register book so that new transactions could be recorded on another page in the register book, making it possible to refer back and forth when tracing changes.

Connected to the issue of updating is the issue of archiving. This includes three major aspects:

- a) Securing the physical condition of registers and documents;
- b) Facilitating information retrieval;
- c) Serving as back-up in case of total or partial destruction of registers and/or documents for whatever reason.

The SNNPR wereda land register book has not been designed to accommodate changes. Furthermore, it is very big, 78 x 50 cm when closed, and contains 500 pages.

Changes in the holding pattern will never stop since society is not static. Inheritance is the dominant cause of land transactions.

From Alaba Special Wereda, 269 inheritance cases have been reported within a short period of time (Wereda report 2006). This was confirmed by a research conducted in Kambata Tembaro on 50 households surveyed; 96% of the holders had gotten land through inheritance (Siraj 2002).

The socio economic dynamism has not been considered at the designing stage of the field data-collecting sheet as well as register book. The field sheet or data collection sheet channels the data to the register book. The field data is entered into the register. The current practice is setting aside some pages of the register book to accommodate changes due to natural and social phenomena such as death, divorce, inheritance, birth and gift in some cases. In all the six focus weredas, experts confirmed that the current practices are not problem solving; if divorce occurs, it is difficult to update the land registry book.

The current registry book contains huge amounts of data without considering its degree of importance, hence collecting and recording the data is too cumbersome.

## **4. Issues and Constraints**

### **4.1 Oromia**

The assessment carried out at kebele and wereda levels shows that due to absence of skilled personnel, guidelines on how to manage documents, incentives, offices and office furniture, etc., files are found to be in disorder and exposed to damage. Similarly at the kebele level, there is only one copy of the land record kept at one place, with no extra copy that may be used in case of damage or when there is a need for reference or for other purposes. However, at wereda level even though records are not yet completed and properly arranged a person has been permanently assigned to maintain the registry book and the files. During the assessment it was understood that a huge number of documents were stored in one office together with the staff.

The dynamic nature of land information requires proper recording of land-use rights transfers as a component in land administration and the management of land and property related data. During the discussions and the review of the existing records, it was made clear that there are no mechanisms established to manage changes that occur due to inheritance, divorce, etc. There is only one space for recording changes that affect the use rights. It does not show the continuing process and allow for sustainable data management of land transactions at different levels.

### **4.2 SNNPR**

#### Issues and constraints in current record keeping

The outstanding issues that have been envisaged are lack of capacity in land record keeping and lack of financial resources to supply equipment and materials, especially for the kebele and wereda levels. Record keeping needs systematic arrangement of all the relevant records in a logical order for easy access. Hence, systematic archiving with good filing system should be established through training in the pilot weredas to extend the results to the rest of weredas in the region.

To overcome these constraints, a manpower development strategy in land administration and data management should be adopted along with a strong monitoring and evaluation system.

During the design stage, updating issues had not come into the picture and were not catered for in the register book. In all the six pilot weredas, land administration experts set aside some pages of the land register book to accommodate land transactions.

The setting aside of some pages is not enough to overcome the problem since the number of changes in connection with inheritance could be higher than expected.

The other pressing issue is that there are no back-up facilities that can minimize the risk of physical damage. Hence, the contents of the current register book should be redesigned for future use, especially in pilot weredas.

#### Establishing a system to update the current land register book

The SNNPR EPLAUA has designed a land register book and field data sheet to enter different data types. The data entered in the register book seem subjective, e.g., current land use and fertility status. Household data is also in need of re-consideration. For example, there is no need to record the family members. If one holder is registered in the book it is enough. Data collection, maintenance, analysis, dissemination and users should be defined before hand in an organized way.

The kebele land record register book is a replication of the wereda register book but contains only one kebele. It is simply purchased from a shop and records are written in Amharic. Examples have been distributed to zones and special weredas to arrange manually in the same style.

There is a strong linkage between the wereda and kebele land register books. The information recorded should be the same. Kebeles can be the data source and have the responsibility to link the community and wereda land administration desk.

#### Opportunities to update land records

The SNNPR government has committed itself to secure land use rights in the region. The farmers are building trust; there is no fear of land redistribution. There is an institutional capacity that could operate land administration activities, from region to the community level.

## **5. Record Updating**

### **5.1 Oromia**

#### Record updating

To update rights in landholding the reasons should be known. In order to prepare the recording system, the main types of acquisition are inheritance, gift and divorce although there could be other reasons. Due to the policy directions land sales and mortgage are omitted. By stating the reason, record updating could take place.

### **5.2 SNNPR**

The size of the huge register book is not as such attractive. There could be a card for each landholder instead. A space should be maintained on the card to record subsequent transactions. When the certificate is offered to the landholder, both the card reference and serial number of the certificate can be used as references.

#### Acquisition of land

Inheritance, gift and divorce are the main reasons for changes of landholding rights. During the certification process, all the data should be recoded on the register card. The copy of a card that enters the holder data should remain in the kebele office and the replication should be transferred to the wereda land administration office.

Justification for the card system.

The card reference number of an individual holding can be posted on the outgoing certificate, whenever there is a case this reference will be cited. If there is a change in land holding, the given reference can be used as the root reference. Name of the holder and address can be registered on the card and certificate, the total area can also be recorded on the certificate but the holding code can be recorded on the register card and the total area is also included.

With regard to boundary, the GPS references can be recorded for all holdings. This would be recorded on the register cards. The GPS references would not be recorded on the certificate.

**6. Lessons Learned****6.1 Oromia**

- a) Understanding of the problems will help us establish a sustainable data recording and managing system.
- b) The present register books, which have only a single space for new transactions, makes it necessary to open additional register books and files to be used for recording continuous transactions and succession processes.
- c) The dynamic nature of land transaction necessitates the establishment of guidelines for sustainable data recording and management.
- d) The land certification and registration programs are generating a large body of land records that need to be systematically recorded, filed and safely stored for later access.
- e) For proper data management there should be trained, legally accountable persons with incentives and offices, including filing cabinets, in order to supply adequate data to users.

Table 2. Problems of updating the Cadastre

<i>No.</i>	<i>Issues and constraints for updating rural land records due to transactions</i>	<i>Solution</i>
1.	Poor management of files and documents <ul style="list-style-type: none"> <li>- files in disorder</li> <li>- absence or poor storage or exposure of the files to moisture, fire, rats, etc.</li> <li>- no legally accountable person</li> </ul>	<ul style="list-style-type: none"> <li>- Data management training for land administration and use committee and wereda experts</li> <li>- Availability of office and furniture</li> <li>- Assigning permanent staff for data management and handling</li> <li>- Develop guidelines</li> </ul>

No.	Issues and constraints for updating rural land records due to transactions	Solution
2.	Lack of guidelines	Technical: <ul style="list-style-type: none"> <li>- Where to record physical changes</li> <li>- How to arrange files and financial accounts.</li> <li>- What to pay, etc.</li> </ul>
3.	Lack of awareness <ul style="list-style-type: none"> <li>- data is regarded as ordinary data kept for temporary public service and lack of understanding about the legal status of the data</li> </ul>	<ul style="list-style-type: none"> <li>- Conduct PIA campaign</li> <li>- Increased awareness</li> </ul>
4.	Lack of incentives <ul style="list-style-type: none"> <li>- no cash or in kind remuneration for the persons keeping the records</li> </ul>	<ul style="list-style-type: none"> <li>- Design an incentive strategy</li> </ul>
5.	Lack of available copies of the records <ul style="list-style-type: none"> <li>- no means or options to have additional copies of recorded data</li> </ul>	Keeping copies of both the register book and individual files at different administrative levels, and separately.

## 7. Summary

The current record keeping and register book updating systems have been assessed and outstanding issues have been realized encountering updating during land transactions. At the design stage transaction issues had not entered the picture. This might be due to lack of experience in land administration and tenure issues. The bottlenecks are low level of capacity in record keeping and equipment and materials supply. The back up system to the current land record in all weredas is poor or non-existent.

Constraints in connection with record updating have been revealed during format development whereby the cases of inheritance, divorce and gift have not been considered. The regions have designed and developed land registers without considering land transactions. The experts consulted on how they would manage updating of records said, “we set aside some pages”.

This setting aside does not curb the problem. One of the six focus weredas, Alaba special wereda, reported 269 inheritance cases in a short period of time.

## 8. Recommendations

Needless to say, land is a precious resource whose use-right data is an asset for the present and the future generations. From the discussion held with kebele committee and wereda staffs, the assessment's findings indicate that to update rural land records and to make the land information sustainable, there should be:

- Trained and accountable persons both at kebele and wereda levels;
- A guideline which shows procedures of recording, storing and managing data;
- Offices and office furniture;
- Incentives for permanently responsible persons, and
- Covering of costs by users.

### SNNPR

Updating is proposed to be done through a card system. The certification will be based on relevant information concerning the holding and the holder. The land acquisition and reason for updating should be linked, in this regard in heritance, divorce and gift. This may be the most determining socio-economic dynamics that forces land transactions currently.

The current land register book has been investigated and its shortcomings are also revealed. The standardization of forms and register book are helpful to expedite the routine processing of documents.

Therefore, more realistic and more flexible standards are important to consider. In this regard, the option proposed for updating land register is that there should be two cards that are similar in form and content.

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**Annex 3**

**Form 2. Land Information Collecting Sheet (SNNPR)**

Holding location----- zone----- wereda----- kebele----- sub-kebele -----

No.	Holders	No. of holdings	Holding in ha	Neighboring Landholders				Current land use	Fertility status		
				N	S	E	W		Fertile	Medium	Poor
1.	Name----- sex----- age----	1									
		2									
2.	Name----- sex----- age----	3									
		4									
3.	Regent/proxies/ name----- sex----- age----	5									

Particulars of household members

1. sex----age----
2. sex-----age----
3. sex-----age----

Holder /Guardians name and signature

1. Name----- Signature----- Date-----

**Stamp**

Kebele Land Administration and Use Committee Chairman: Name----- Signature-----Data-----

**Appendix 4**  
**Card System**

Name of the holder \_\_\_\_\_

Wereda Code \_\_\_\_\_

Kebele Code \_\_\_\_\_

Code no. of holdings	Area in ha	Coordinates	
		Northing	Easting

Landholder's name -----

Signature-----

Approved by: Name-----

Signature -----

**Updating of Land Rights Information**

Reasons for transfer	Year	Parcel code	Area transferred (in ha)	New area code	Approved by	
					Name	Signature
Inheritance						
Divorce						
Gift						
Other						