

## ETHIOPIAN FEDERAL RURAL LAND ADMINISTRATION INSTITUTION PRACTICES, CHALLENGES, GAPS AND RECOMMENDATIONS

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### EXECUTIVE SUMMARY

*Land is major economic factor and it is crucial for the development in our Country. Land Administration is the process of implementing land related policies and land management strategies to ensure economic, social equity, and environmental protection issues. The FDRE constitution article 40 state that, “the right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia”. According to these general direction the Federal government legislate the Rural Land Administration and Use laws. To implement these land administration and use laws the federal government has established land administration and use directorate under ministry of agriculture. This directorate is not responsible for urban and investment lands. This paper is tried to review and assess the policy and legal frame work, structural and the major duties and challenges of the federal land administration system. The methodologies used for the term paper are reviewing different written materials and the knowledge’s of the writer. Finally recommendations on the structural set up of the institution and the activities conducted by the directorate will be presented.*

## **Introduction**

Ministry of agriculture is one of the different ministries which was established by the FDRE government. Under the ministry of agriculture there is natural resource sector and until 2010 the rural land administration and use institution was under this sector as a core process. But after 2010 it was established as a directorate and still now it is under the ministry. This term paper assesses the works of this directorate, the institutional arrangement of the same, the strengths and weaknessess of the institution and then recommends on the same.

## **Significance of the paper**

The term paper is important by identifying the institutional arrangement of federal rural land administration and use directorate, the strengths and weaknesses of the directorate, and then recomends the problems identified. It is important for reaserchers, students and the government who needs to know about the rural land administration and use directorate. The recommendation will have pivotal role for the government to understand the meanses to alleviate the problems attached with the rural land administration and use.

## **Objectives of the paper**

- The objectives of the term paper are as follows:-
- To assesse the institutional arrangements of the federal rural land administration and use and indicates the strengths and weaknesse of the directorate;
- To show the strengths and weaknessess of the institution and the reasons for these;
- To scrutinize the federal rural land administration and use proclamation and the regional laws to some extent and shows the strengths and problems in relation to this;
- Finally the main objective is to assess the institutional strengths and weaknesses.

## **Methodology of the paper**

The methods used for the purpose of this term paper are generally relied on primary and secondary data. Specifically it uses laws, reflection of previous work experience and experience sharing of the writer, analyzing the plan and performance of the federal rural land administration and use directorate; and it analyzes different written documents

## **Scope of the paper**

The scope of the term paper is limited on the practices, challenges, gaps and strengths of rural land administration institution (RLAUD), which is found under Ministry of Agriculture, Natural Sector.

## Review of literature

Land administration has no any unique definition. The definition varies through time and it also varies based on the defining body. Any scholar defines it differently.

The most commonly accepted definition of land administration is set out in the United Nations Economic Commission for Europe (UNECE) Land Administration Guidelines (1996) "Land administration is the processes of recording and disseminating information about ownership, value, and use of land when implementing land management policies."<sup>1</sup> Ownership relates to the possession of rights in land; value normally relates to market value; use relates to the rights to use and profit from the land.<sup>2</sup> Under land tenure or ownership, there are so many activities to be conducted and there should also be a sub institution which can conduct these activities. These activities are formally titling land, transferring land by agreements (buying, selling, leasing), transferring land by social events (death, birth, marriage, divorce, and exclusion and inclusion among the managing group, forming new interests or properties, determining boundaries etc. Even for titling there are detail activities that need to be conducted. Sub-processes include legal identification, adjudication, demarcation, surveying, and registration. It may also require the establishment of geodetic control and the provision of base maps, including rectified aerial photomaps or orthophoto maps, and in all activities the engagement of the community is essential and involves awareness programs this is because the involvement of the community is crucial to get the real information and the participation insures transparency and accountability. This shows that land administration have so many sophisticated and detail activities which needs to have an implementing institution.

Therefore, land administration is all about the rights, restrictions and responsibilities of the land user, the use of the land and the value of it. In the modern sense it also encompasses the development of the land. In line with all this four functions of land administration there is information management system to which information is analyzed and distributed to land users, policy makers and other interested groups.

## Institutional arrangement of the federal rural land administration and use

At the Federal level, land administration was a small and under-resourced unit in the Natural Resources Development Directorate of the Ministry of Agriculture (MOA) until 2010, when a separate Land Administration and Use Directorate (LAUD) were established. It is now being strengthened in human material resources to enable it coordinate implementation of the Federal rural land administration and use proclamation by providing a national level strategic planning strategic framework, harmonizing and standardizing land administration procedures and processes, harmonizing and coordinating donor activities and providing technical and financial support to regions.

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<sup>1</sup> Land Administration for Sustainable Development, *Ian Williamson, Stig Enemark, Jude Wallace, Abbas Rajabifard, ESRI PRESS ACADEMIC REDLANDS, CALIFORNIA*

<sup>2</sup> LAND ADMINISTRATION IN THE UNECE REGION, Development trends and main principles, UNITED NATIONS, New York and Geneva, 2005

As per proclamation number 691/2010 article 19(19(n)), the ministry of agriculture is empowered to follow up and provide support in the establishment of a system involving rural land administration and use, and organize a national database.<sup>3</sup> It is to accomplish this task that the rural land administration and use directorate is established under ministry of agriculture.

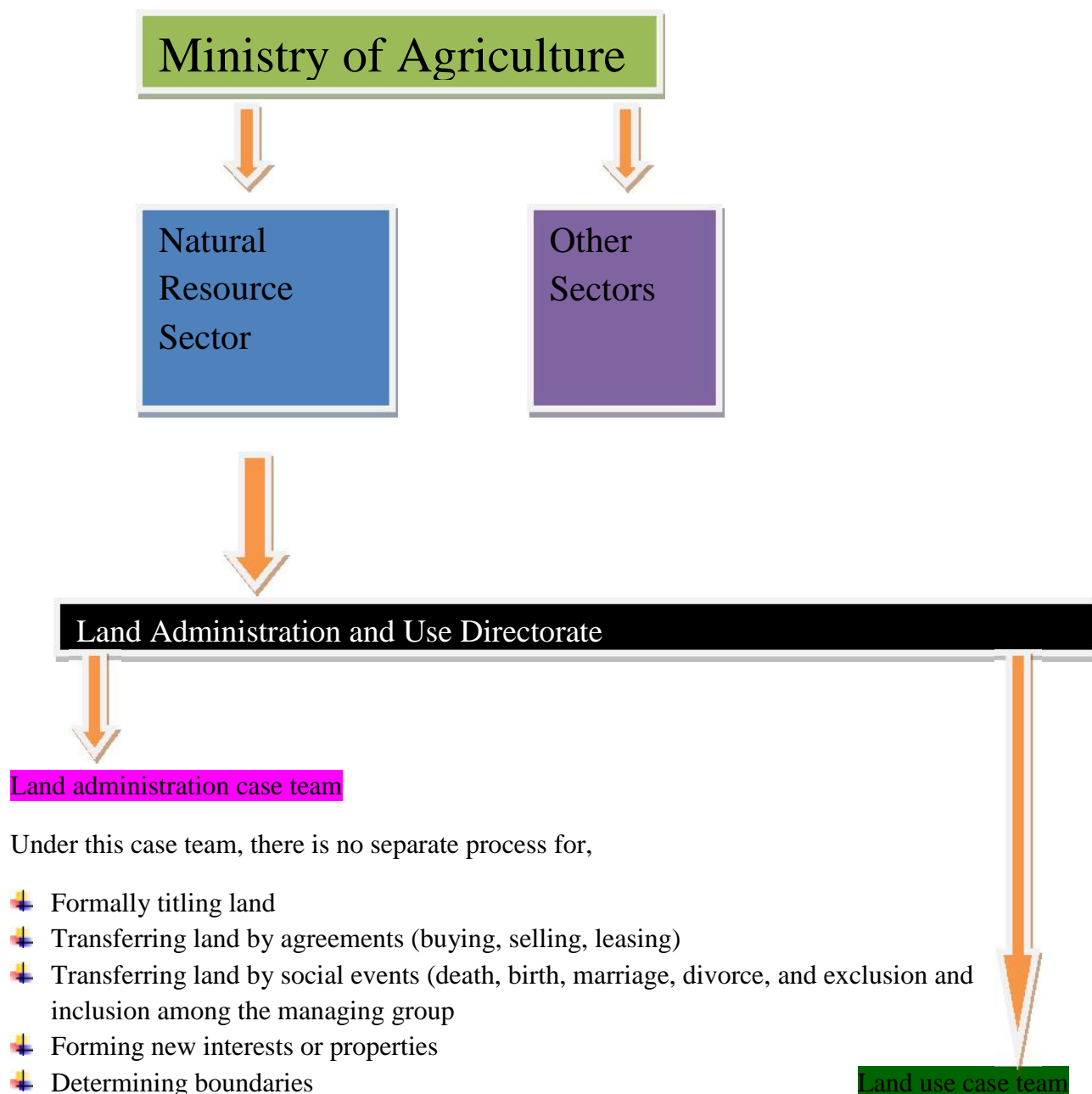
The Six regional states of Amhara, Oromia, SNNP and Tigray and recently Gambela and Benishangul-Gumuz established land administration offices to implement the Federal and regional land laws. These offices have undergone several changes. Some of them started as a section of the regional agricultural bureaus and later changed to independent authorities under these bureaus. Those in the Amhara and Oromia regions have been elevated into bureaus separate from agriculture. Oromia has gone farthest in reform by combining the administration of both urban and rural lands in the same bureau, the Oromia Bureau of Environment and Lands. The other regions have yet to establish land administration offices separate from those of agriculture.<sup>4</sup> Still the federal rural land administration institution is not well organized. It is under natural resource sector. In other countries land is administered by an institution called ministry of land or land commission. Regional states have their own separate rural land administering body. They are organized compared with the federal directorate. So, how can the federal directorate supervise the regions because the regional states are better organized in human resource aspect? For example, in the federal there is only one land lawyer. But regional states have more than this. Take the case of Tigray, it has 5 lawyers. They are experienced compared with the federal. So, how can the fresh federal one land lawyer support the Tigray 5 and experienced lawyers? This is nearly impossible. In other professions too the federal is not well organized. This is because of the reason that the federal directorate is not an independent institution. Besides this, the federal directorate has no separate processes for land value and land development. Even the land tenure and land use case teams of the directorate are not that much well organized. Because of the low salary that the institution has, clever professionals are not eager to be hired there in the directorate. They sought jobs from other institutions that have better salary. The salary of one lawyer found in the urban land administration is double the salary of the lawyer of the directorate, other things remain constant.

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<sup>3</sup> PROCLAMATION NO 691/2010 A PROCLAMATION TO PROVIDE FOR THE DEFINITION OF POWERS AND DUTIES OF THE EXECUTIVE ORGANS OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

<sup>4</sup> Experience and Future Direction in Ethiopian Rural Land Administration By Tigistu Gebremeskel Abza, Paper Presented at the Annual World Bank Conference on Land and Poverty, April, 2011, Washington D.C

*Existing institutional arrangement of rural land administration*

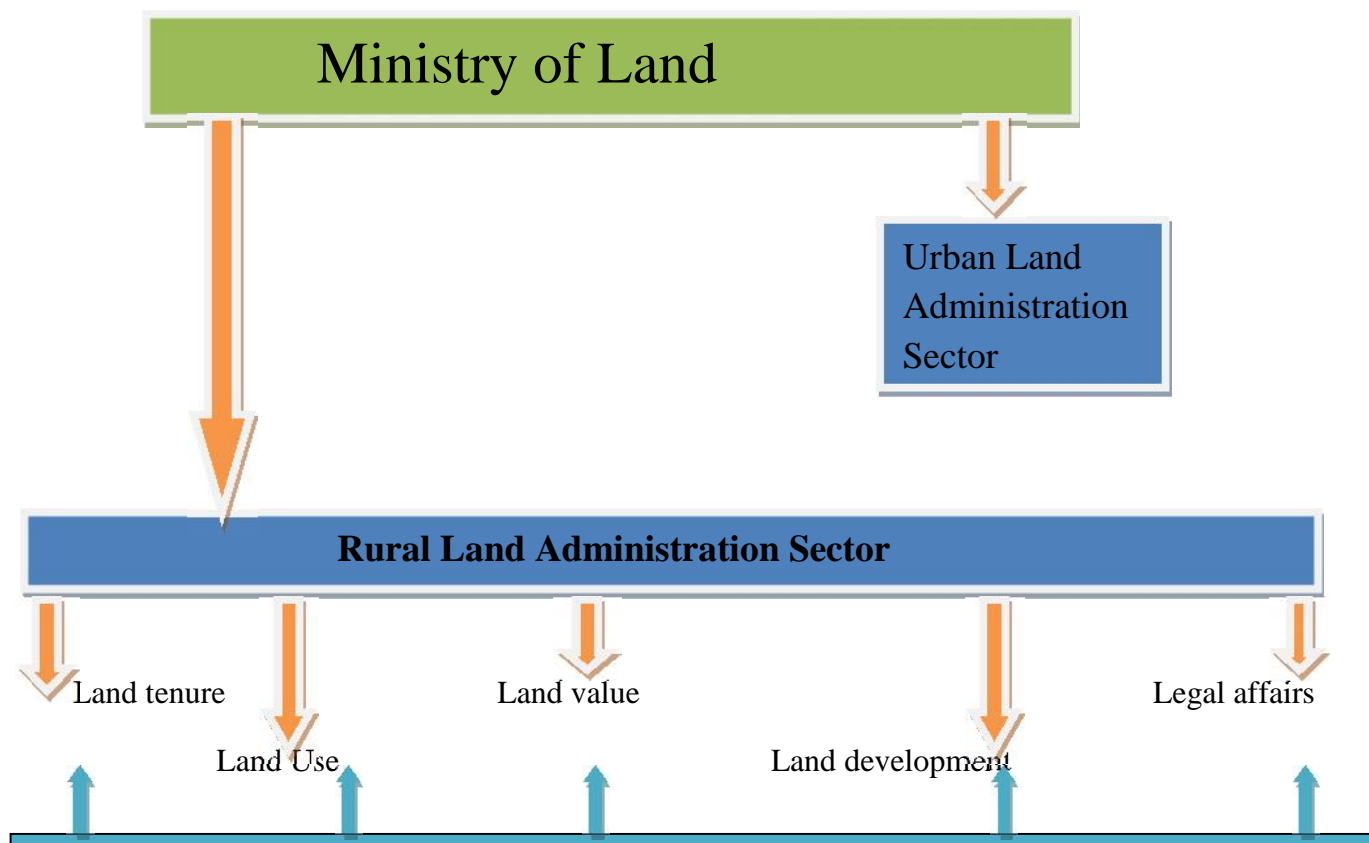


- ✓ There is no land value process, it is under this case team.
- ✓ There is no land development process at all. No land development concept in the directorate.

***Fig.1 The existing land administration institutional arrangement of Ethiopia***

### *Proposed land administration institutional arrangement*

But the institution should be organized in the way to include all the functions of land administration. In addition, urban and rural lands should be administered by the same ministry. The following figure shows the proposed institutional set of land administration.



### *Core processes of Land Administration Sector*

Sub-processes will be arranged under the core processes.

This structure coordinates the urban-rural land linkage, for instance in case of expropriating rural land for urban expansion.

### **Legislations related with the rural land administration and use directorate**

Ownership of land is vested in the State and in the people of Ethiopia as enshrined in Article 40(3) of the 1995 Federal constitution of Ethiopia (FDRE, 1995) that also empowers regional governments to administer land and other natural resources in accordance with Federal laws. Landholders have only usufruct rights. They cannot sale nor mortgage their landholdings. Smallholder farmers have usufruct rights in perpetuity while large scale farmers have term limits on their leased land. By the way regional states are enacting land administration and use laws against or in contradiction with the federal democratic republic of Ethiopian constitution. Regional states are only given the power to administer rural land by the federal law. This is the question that needs clear cut answer.

The first federal Rural Land Administration and Use Proclamation No. 89 was promulgated in 1997 to provide an umbrella framework for the regional states in enacting rural land administration laws to which the four regional states of Amhara, Oromia, SNNP and Tigray complied. This was followed in 2005 by the landmark revised Federal Rural Land Administration and Use Proclamation No. 456/2005 that clarified rural land use rights and obligations and abolished forced redistribution of land which was the major source of tenure insecurity among the rural population. This Proclamation reaffirms ownership of rural land to the State, but it confers indefinite tenure rights to smallholders, i.e. rights to property produced on land, to land succession and to land renting. The four regional states followed suit and revised their land laws to reflect the changes made in the federal law and in cases of Amhara and Oromia regional states, to broaden the rights of landholders. Benishangul- Gumuz and Gambella regional states also enacted their land proclamations in 2010.<sup>5</sup> Not only this state's but also Afar and Somali regional states have their own land administration and use proclamations, while Hareri regional state and Diredawa city administration have regulations which is enacted based on the patent act of the federal proclamation. The problem associated with these laws is that more or less some of them are the copy of the other. Based on this I can categorize the laws. The oromia, Hareri and Diredawa land administration laws have similarities. On the other hand, Amhara and Benshangul Gumuz proclamations are more or less similar. Besides, The Somali regional state proclamation is the copy of Afar. This shows that the laws are not enacted based on the localities real condition.

The land administration laws mentioned here were primarily aimed at the settled agricultural areas of the highlands of Ethiopia where lands are held individually or by households. They are not that much applicable to pastoral and agro-pastoral lowlands of the country that cover about 60% of the land mass and accounting for about 12% of the total population and where, customary tenure regimes predominate and access to land is communal based upon clan, sub clan and lineage group membership.

Generally, the problems associated with the federal rural land administration and use proclamation is as follows; Failure of the federal mother law to recognize regional values and not exhaustive enough to serve as an effective guide for land dispute settlement.

Conceptual problems of regional laws that relate land dispute resolution and language discrepancies (e.g. Amharic and English): no discrepancy should exist between the Amharic and

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<sup>5</sup> ibid



English version in one hand and between the federal and the regional laws on the other e.g., Art. 16 of the Oromia proclamation. Ways and means must be sought to reconcile the contradictions between federal laws of inheritance and succession and regional laws on rural land administration and use.

Contradiction between the federal and regional laws in relation to land inheritance  
Lacks of publication the newly enacted land laws. The newly enacted laws should be distributed to courts and other concerned bodies as soon as possible.

The informal dispute resolution mechanisms got the acceptance of the society, so we should give training to the mediators so that they can include gender and other issues in their Work: recording proceedings and evidences should also be built to mediators.

Land related transactions are not carried out lawfully. Regions have not been able to put in Place detailed laws regulating such transactions. Laws on land administration and use have to regulate the documentation of transactions relating to rural lands.

In the sample werredas of oromia and SNNP regions strongly favor the return of the jurisdiction, as far as land is concerned, to kebele social courts with fundamental structural amendment. E.g. equipping the benches of kebele social courts with fully paid and adequately trained judges. Wereda courts should only be given the power to review the decisions of arbitrating elders or kebele social courts.

The law and the practice are always not problematic; rather it has also best practices in relation to it. These are:-

In connection with land dispute resolution, the introduction of the “special bench” which is found in some parts of the Amhara region and “mobile benches or circuit courts “in all other four regions should be encouraged and expanded. For special benches some professionals should go to the Amhara region and study the procedure how they have established these benches then after this best practice should be expanded.

Putting land related contractual forms in the place where those contracts are to be registered like that of Guagusa shikudad wereda found in the Amhara region.

Art 14 of proclamation number 456/2005 states that strategy of settlement , villagization and development of social services that helps to bring about a better system of rural land utilization shall be formulated. Based on this the AMHARA REGIONAL STATE has proclaimed directive number 8/2013. This is the fruit of the mother law.

The law is to some extent pro poor and pro women. There are provisions which are proclaimed for the best advantage of disadvantaged groups.

The law is restrictive. It restricts transactions conducted on land.

The Federal government has also promulgated the Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No. 455 in 2005 and its implementing regulation No. 135 in 2007) to guide regions in administering land expropriation and



compensation fairly and thus enhancing tenure security. This law gave the regional states the power to enact directives to better implement the proclamation and the regulation. Based on this the Amhara and Tigray regional states have enacted a directive to this effect. The federal government has supported the regions in the enactment process technically and financially. The Tigray regional state directive has no any number even though signed by the regional states president. The Oromia, and SNNP regional states are preparing their directive and the federal directorate is supporting them both financially and technically even though the technical support is not that much satisfactory because of lack of professionals in the directorate.

The expropriation and payment of compensation laws and the practice there to in general have the following defficiencies;

Even though the federal law orders regional states to have their own directive, still some regional states have no the aforementioned directive. So this makes a gap for the full implementation of the federal proclamation and regulation. So issuing directives and prepare guidelines by following a model land valuation and compensation guideline is mandatory for the regional states.

Valuation methods should be reviewed. The valuation methods there in the law are not fair now because of inflation.

Ensure the joint working of urban and wereda administration as far as compensation and expropriation is concerned. The law should also declare the same as part of it.

Review the composition and expertise of valuation committees. There should not be institutional representation. Affected persons should be represented in the committee.

The sources of compensation budget should be both the public and the private sector as appropriate as other countries have compensation fund and this should be governed by the law itself. Awareness creation and training programs on land related legislations should be initiated. Design and implement a sound record keeping and information exchange system.

The law has provisions for rehabilitation. But the practice is far from this. So, formulate urgently rehabilitation programs for expropriation affected rural land holders is vital. Assist to the displaced so that they can improve their livelihoods and standard of living.

Public purpose in the law should be clearly defined and towns should consider vertical expansion other than horizontal. At present there is hardly any formal and conscious exercise carried by regions for determining the existence of public interest for projects requiring expropriation.

At the time of expropriation consultations are crucial, but practically not. Sometimes convincing meetings may be held, when objections are raised threats or force may be used. Written expropriation order notifications are not given priorlly in line with the law. Providing sufficient investment to the displaced persons and meaningful consultations should be made. The compensation paid is claimed to be in sufficient.

Because Vagueness of the law and openness to subjectivity creates a loophole for corruption, land laws should be formulated in a manner that is clear, unambiguous and easy for citation.

- Rise of speculative tendencies.
- Little attempt to budget for compensation.
- Local administrators feel as if they are “between the fire and the frying pan” are the most problems in practice.

The directorate is on the way to revise the rural land administration and use proclamation and to initiate land use policy. It has conducted study on the existence and importance of land use policy and found that the land use policies are founded here and there and are contradictory sometimes. So there is a need of comprehensive land use policy. The ministry higher officials have approved this finding and are on the way to initiate land use policy. Likewise, the rural land administration and use proclamation is on the way of amendment. The ministry has organized a committee composed of five members, who are from different institutions, and the committee has prepared the first draft proclamation and it has conducted a consultation. And then based on the suggestions given by the participants, It has organized again other committee, which is from the regional states and universities (Bahir dar University was committee member) and revised the draft proclamation. And now the draft is ready for second consultation. This is the initiation made by the directorate to make the law up to date.

## **Works being done by the directorate**

Even though, there are institutional arrangement and capacity problems, the directorate has done and is doing so many activities related to rural land administration and use. These activities are summarized as follows:-

### **Initiation of proclamations**

One activity that the federal rural land administration and use directorate did and doing is that it has initiated rural land administration and use proclamation number 87/1997, 456/2005. And now it is amending the said law by organizing committees. The law has been in force for 10 years without revision. Now it is more than the right time to revise. In addition, the directorate is thinking to revise the expropriation and payment of compensation proclamation. To do so it has made consultations with stakeholders. Moreover, the directorate supports regional states so that each of them has their own rural land laws. Based on this all regional states and the Diredawa city administration has their own laws. This is because of the financial and technical support of the directorate. As I have said earlier, the technical support is not that much enough. But the financial support is good enough. Still the directorate is supporting the Somali regional state to have its own regulation.

The directorate is not only supporting regional states to promulgate rural land administration and use laws but also to have separate and independent institutions which can administer rural land.

### **Rural land holding Certification**

The federal government has no any rural land to administer. It enacts laws and regional states administer their own lands. Administering the rural land is the power of regional states. The federal government administers no land. But it supports regional states in the administration process. From the administration activities rural land holding certification is the major. Now the directorate by formulating projects is supporting the regional governments in the certification. The second level certificate is being conducted in regional states. Here also the directorate's financial support overweighs the technical support. For example, REILA project is conducting certification in Amhara and Benshangul Gumuz regional states. SLMP project too is accomplishing this task in the six regional states. Other projects are also facilitating the certification process. These projects are the results of the federal directorate. The directorate with the help of ELAP project has conducted a research on the impact of certification. The research envisages the following impacts of certification.

- Increase land tenure security feelings.
- Land related disputes have declined.
- Land transactions (share cropping and renting) have increased.
- Soil fertility, soil and water conservation measures have increased.
- Food security has increased vis-à-vis productivity.
- Increases off-farm wage employments.
- Higher land investment-tree growing and manure application.
- Increase food transfer and remittance.
- Increase in trade and small non-farm businesses.

### **Payment of compensation**

The directorate is responsible to assure that expropriated land holders are getting fair and commensurate compensation. This is the land value element of land administration. Here there is no separate process in the directorate for the valuation of land and other attached properties and for the fair payment of compensation for the land holders and users. The directorate has one expert for this purpose. The directorate has financed for the study on the expropriation and payment of compensation and the regional states have studied their experience. They have presented the study on the workshop which the directorate was arranged. The findings of all regional states were that, the law on this effect is not fair and needs revision. In addition the government is not paying compensation based on the law. Based on this, it was recommended that, the law should be revised (long term solution) and trainings should be given to property valuers so that they can value properties according to the law (short term solution). The problem is that who can do this, since the directorate has no any separate process for this purpose. Even though, the problems are there, the directorate is thinking on the revision of the law but has started works for the training.

### **Land use planning**

The directorate has a land use planning case team. The case team has made and is making something in relation to land use planning. The case team was planned in the first GTP to have national master land use plan but still the country has no any master rural land use plan. This was attributed to the financial and capacity problems for such preparation. In addition, the government's attention now is on the certification and not on land use planning. Land use planning is not given great concern as for land certification. Even though such problems are there, the case team is trying its best for the master land use plan preparation. With the financial and technical support of FAO, the case team has prepared project document for the plan preparation. In addition, the experts are giving successive trainings for the regional state experts on the land use planning.

Besides this, the case team tries its best for the preparation of rural land use policy. The directorate in collaboration with USAID/LAND has made a research on whether Ethiopia has land use planning or not. And the finding is that "There is an argument whether Ethiopia has a national land use policy. It is true that there are a number of policies and laws relating to land use but these policies and laws do not constitute or cannot be a substitute to a national land use policy."<sup>6</sup> Based on this study the ministry higher officials have said go ahead for the preparation of national land use planning. This no doubt is the effort of the directorate.

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<sup>6</sup> REVIEW LAND USE RELATED POLICIES AND LAWS OF THE FEDERAL GOVERNMENT OF ETHIOPIA, LAND ADMINISTRATION TO NURTURE DEVELOPMENT (LAND), DECEMBER 2014

## **The challenges and gaps of Land administration and use directorate**

There are many problems, gaps and challenges associated with rural land administration and use directorate and its practices.

### **Policy and Legislative Gaps**

The federal and regional land policies and laws enacted prior to 2008 attempted to address tenure insecurity only for landholders in the settled agricultural areas. Oromia and SNNP regional states have considerable pastoral lands for which the regional land laws are inapplicable. However, while this legislation gives responsibility of managing pastoral land resources to customary institutions other legislation confer this responsibility on the woreda and kebele administrations. This needs to be reconciled by amending the administration laws.<sup>7</sup> Besides, the federal proclamation gives the power to enact their own laws for the regional states. It is against the constitution because the constitution gives the legislation power to the federal government but the administration power to the regional states. Based on the proclamation, regional states have enacted their own laws, which sometimes are contradictory with the federal law.

There are no federal and regional laws that govern rural land registration and surveying. It is only in 2010 that MOA took the initiative to prepare this piece of legislation that is not yet completed. Regional states are expected to issue guidelines on valuation and compensation of expropriated lands and land use, but they have yet to prepare these.<sup>8</sup> Only Amhara, Tigray and Afar regional states have this guideline. The Afar regional state directive is the copy of the Amhara and is not cope upping the regional common land holding system. Still the country have no comprehensive land registration and surveying laws and this have a negative impact on the second level certification. Because of the absence of these laws, regional states are certifying land holders as they think better. This creates difference is dangerous for the information management and decision making. Some regional states are using outdated surveying materials like GPS but others use ortho photo. Some have adjudication mechanisms while others have not. In general, this difference is the result of the absence of laws.

Besides, the country has no any comprehensive rural land use policy. Even though, the directorate is trying its best to have this policy, still it is not fruitful. Because of this, the rural land use is not directed by the policy. High tracts of fertile lands are used for industrial zones and other purposes. You can take the Eastern industrial zone which is built on the Ada'a area which is fertile and the main source of white teff.

It is clear from the above that the current trend of using land in an unplanned and exploitative manner will lead to a gloomy future if the status quo is maintained. Destruction of watersheds will continue, soils will be eroded leading to cessation of flow of major rivers and limiting water and power supplies; pollution will increase; land use conflicts will escalate; productive resources will be degraded or lost due to expanding agricultural activity, overgrazing and the search for fuel wood; and a loss of biodiversity will accelerate the collapse of the life-supporting ecosystems and leave the country more vulnerable to climate change. A national land use policy is an opportunity to reverse the negative trends and set in place a framework for optimizing land use and investments in land and resources now and in the future; as well as resolving competing

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<sup>7</sup> Supra note 4

<sup>8</sup> ibid

and conflicting land uses; protecting biodiversity and endangered ecosystems; improving decentralization and the participation of local land users; supporting integrated planning at appropriate scales; and improving the provision of land use-related knowledge and information.<sup>9</sup> Generally, it can be said that the absence of land use policy in the country makes the administration of the rural lands problematic. As I have said earlier, the directorate has conducted certain studies on the land use policy of Ethiopia and it is concluded that there is no comprehensive land use policy. The ministry higher officials also accepting the study and now it is on the way to have the said policy.

### **Inadequate Institutional capacity**

Inadequate institutional capacity limits the federal land administration directorate ability to cope with the demands of an expanded land administration development program. Institutional capacity at the federal level to implement and continuously improve and amend the federal land administration and use laws and to provide technical support to and coordinate land administration programs in the regional state needs to be built. As stated earlier the institutional arrangement of the federal directorate is under the ministry natural resource sector and it is not an independent institution. Since this is the case the directorate is unable to supervise and support regional states. Regional states are better in human resource than the federal in the case of both number and variety of experts. In other countries land institutions are independent and organized as ministry or commission level. In our country the agricultural investment lands administration is an agency which administers not more than 400 investors. Why not an independent institution for 85 million rural farmers? This is the question that I didn't yet have an answer.

Besides the institutional arrangement, the payment of experts is very low when compared with the urban land administration institutions. Both of them are administering lands. So it is not logical to differentiate the payment. Because of the difference qualified experts are opting other institutions other than the directorate. This is another main factor for the capacity problem.

### **No established research conducting institution on land administration and use**

Although the Federal Proclamation No. 456/2005 mandates the establishment of a system of study that focuses on identification of problems on land administration and land use to recommend solutions, no institution is engaged in focused and systematic research program on land administration and land use issues. Research on these topics is taken up by interested institutions and individuals on an ad hoc basis. For example universities like Bahir dar, Haromaya and Hawassa have conducted research on the practical implementation of their respective regional states land laws. Mekelle University is on the way to conduct the same. It seems that external institutions are more actively interested. It is important that major issues in land policy and its implementation are identified and given to one of the country's foremost research institutions. This will help to identify the problems on the area and could be used for policy making and revision.

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<sup>9</sup> LAND ADMINISTRATION TO NURTURE DEVELOPMENT (LAND), IMPORTANCE OF LAND USE POLICY IN ETHIOPIA, DECEMBER 2014

**No land information system to link the federal and regional states**

As it is repeatedly said, land administration has four broad components. These are: - land tenure or ownership, land value, land use and land development. Along with these elements there is another element which is land information system. This land information system is not the immediate function of land administration but it is an integral part of it. In the federal land administration and use directorate there is no developed land information system which can link the federal with the regional governments in one hand and the federal to the stake holders and users on the other hand. This makes the information flow problematic. Information about the works of the directorate is not reachable easily. To avoid this problem, the directorate with the financial help of REILA project has published an international tender for the development of software for this purpose. Now the winning organization has been identified and it is on the way to develop the said software. After the software is developed, I hope information about land administration could be easily accessed.

**Lack of concern for land administration works**

Higher decision makers are not giving due concern for land administration works as it ought to be. Their intention is on the extension services. With no doubt, land administration is the root for any development. They saw land administration as a second task. This is the cause for the absence of any independent institution which administers rural land.



### **Strengths of land administration and use directorate**

The directorate, as stated in the above sections has its weaknesses starting from institutional arrangement problems to capacity problems. But it does not mean that it has no any strength. It has its own strengths.

### **Formulation of different projects**

The directorate has been trying its best to support the works of the regional states and its own by the finance of projects. Now the regional states have started second level certification. This second level certification requires huge capital. To alleviate such problem the directorate supports the regional states second level certification by the finance of projects. More than 40 projects are found in the Ministry of Agriculture. From this LAND (USAID), REILA (Finland), ATA, SLMP, FAO, IFAD, are working with the directorate and the regional states. Some of the projects are supporting the second level certification while others are giving capacity building for experts (LAND and REILA as an example).

### **Buying software for land information**

As stated above the directorate took the initiation for the buying of software which could help for the exchange of land related information up and down. After the development of this software, hopefully, any interested person can download information about land without incurring his time, money and energy. So the start by itself is encouraging and the directorate should reach this work to its ultimate goal.

### **Beginnings for the initiation of land use policy**

With no doubt, the country has no any comprehensive rural land use policy. By taking in to account this problem, the directorate with the help of LAND project, have conducted certain studies and conclude that the country should have separate and comprehensive rural land use policy. The ministry higher officials also confirm this finding and it is on the verge of preparing the rural land use plan.

### **Second level certification for tenure security**

The directorate, starting from conducting studies for the selection of appropriate technologies for registration and surveying to conducting trials has took leading role. Especially the trials conducted at Amhara (Dembecha area), Tigray (qola tenben wereda), SNNP (mesqan wereda) and one wereda from the Oromia regional states were conducted by the federal finance and by the technical support of the directorate experts. Now the trial is scaled up and so wide areas are under the second level certification plan. This activity is so encourage able and is so important for tenure security and development.

### **Educational benefits for the experts**

The salary of experts in the ministry is very low compared to other institutions. But in order to attract experts, the ministry has devised mechanism i.e. educational chances. These educational chances are either domestically given or abroad. No doubt most experts found in the ministry are there why because they want to get this chance. So this educational chance makes the ministry attractive. Experts are still there in the ministry even they have the chance to get more attractive salary in other institution. I know experts of this type and I am the one.

**Revision of laws**

The federal land administration and use proclamation so many gaps since it was enacted some 10 years before and in these years so many economic, social, and political changes have been seen. So the law needs to cope up with these changes. By considering this fact the directorate has organized the committee for this revision and now the draft is prepared and sometimes after it will be presented to the council of minister so that it can pass it to the House of Peoples Representatives for enactment.

**Financial accessibility**

Compared to other institutions financial problem is not the problem of the directorate. The works of the directorate are supported by projects and experts are working, more or less, in a good condition.

**Land law enactment trend**

The FDRE constitution states that legislative power on the land and natural resource is given to the federal government and regional states are authorized to administer their lands by the laws enacted by the federal government. But when we come to the reality, it is against the constitutional order. Regional states have their own land administration and use proclamations. These proclamations have, sometimes, contradictory provisions with the federal government. Avoiding the contradictory clauses is so crucial but the trend is more beneficiary than what the constitution says. This is because of the reason that, the nature and the value attached to land in different places is not similar. The federal government cannot legislate detail laws for all regional states. The customary land right there in Afar is completely different from the land right here in Amhara. Even in pastoralist areas, the rights and the duties that the law ought to consider are different. Trying to consider these differences and legislating one detail law for all is tiresome and is nearly impossible. So as it now exists, it is better to have one national proclamation, which shows the major pillar policy directions and the regional states, without contradicting those provisions, should be mandated to enact detailed laws based on the real conditions of their locality. This is what the directorate is working.

**Experts commitment**

Even though, the problems as stated above are with the directorate, experts are committed and diligent enough to accomplish their tasks. Based on the commitment and the better accomplishment, the ministry in this year has awarded the directorate as the best performer of the year. Besides, one of the directorate's expert is awarded 5 000 birr by the ministry and 15 000 birr at national level for being best performer civil servant. These are not the results of only the awarded individual rather the collective commitment that the directorate's experts have.

## Conclusion

Land is major economic factor and it is crucial for the development in our Country. Land Administration is the process of implementing land related policies and land management strategies to ensure economic, social equity, and environmental protection issues.

Ministry of agriculture is one of the different ministries which was established by the FDRE government. Under the ministry of agriculture there is natural resource sector and until 2010 the rural land administration and use institution was under this sector as a core process. But after 2010 it was established as a directorate and still now it is under the ministry. Even though the institutional arrangement is as such, The directorate (LAUD) has been conducting land administration activities. Preparation of legal standards for the administration of rural land, Supporting Technically or financially regional states in the certification and registration of rural land, conducting researches or allowing the same to be conducted on the payment of compensation, works on the land use planning and taking the initiative for the preparation of land use policy are some of the activities that the directorate is conducting. On the other side, it has been facing so many challenges. Policy and legislative gaps, inadequate institutional capacity, absence of established research conducting institution on land administration and use, absence of land information system to link the federal and regional states, lack of concern by the higher decision makers for land administration are some of the challenges that the directorate is facing.

## Recommendation

The following recommendations are the way forwards for which the government should take in to account. The land administration institutional arrangement should be taken so that it can also include all the functions of land administration. The urban and rural lands should be administered by one independent institution like ministry of land and under this ministry rural land should have its own sector. Below this all elements of land administration should be arranged by a core process.

The establishment of research conducting institution should be the immediate responsibility of the government. This institution should be established independent of the land administration office and should conduct researches on the problems of rural land administration. The findings then should be used for policy or legal revision. The country should have a comprehensive land use policy. The government should accomplish initiating the land use policy.

There should be land surveying and registration laws. Land information system should be given due concern. The salaries of rural land administration experts should be assessed and in line with the urban land administration experts so that the institution has qualified professionals.

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