Ethiopia Land Policy and Administration Assessment

Final Report with Appendices

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Country Map

Note: The colored area of this USAID map represents the four regions visited during the assessment.

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Acronyms and Abbreviations

AFREF	African Reference System
birr	Ethiopian currency
CSA	Central Statistics Authority
DPPC	Disaster Preparedness and Prevention Commission
EMA	Ethiopian Mapping Authority
EPLAUA	Environmental Protection, Land Administration, and Use Authority (Amhara region)
EPRDF	Ethiopian Peoples Revolutionary Democratic Front
FEWS	Famine Early Warning System
FIG	International Association of Surveyors
GIS	Geographic Information System
GPS	Global Positioning System
GTZ	*Gesellschaft für Technische Zusammenarbeit* (Germany)
IDR	Institute for Development Research
ISS	International Systems Services
kebele	a group of villages forming an administrative unit in Ethiopia
LUPO	Land Use Planning and Resource Management Project in Oromiya Region
MOA	Ministry of Agriculture
MOWR	Ministry of Water Resources
NGO	nongovernmental organization
NGS	National Geodetic Survey
NSDI	National Spatial Data Infrastructure
SIDA	Swedish International Development Agency
SNNPR	Southern Nation, Nationalities, and People's Region
TPLF	Tigray People's Liberation Front
UNICEF	United Nations Children's Fund
USAID	US Agency for International Development
woreda	a local administrative group of *kebeles* that form a "district"
WFP	United Nations World Food Program

Executive Summary

Research and studies in Ethiopia show that insecurity of land tenure restricts rights in land, reduces incentives to productively invest in land, and limits transferability of land. In turn, these pose significant constraints to agricultural growth and natural resource management.

The purpose of the assessment was to assist USAID/Ethiopia to clarify the technical elements and technical assistance needed to implement a program intervention aimed at increasing security of tenure and rights for land. The exercise analyzed land tenure security, land policy, land administration, land management, and related issues, including the transferability of land use rights and land certification programs as they impact food security and agricultural development in Ethiopia. While the main focus of the exercise was on the land policy, institutional development, and land administration components, there was an additional effort to analyze the current status of the geodetic infrastructure and spatial data capacity of the country as they relate to land tenure and land use management.

The assessment was conducted under the USAID Global Broadening Access and Strengthening Input Market Systems (BASIS) IQC. Specifically, services were provided through the Awareness Framework: Property Rights and Natural Resources Management Task Order. In addition to meetings with government officials and members of the academic community, field visits were made to four regions—Amhara; Tigray; Oromiya; and the Southern Nation, Nationalities, and People's Region (SNNPR)—to meet with regional officials and farming communities.

The following is a brief summary of the major findings. These are presented in more detail in the body of the report.

Land Policy

- The Ethiopian Constitution asserts state ownership of land; there are no private property rights in land.
- Even if there are national debates on the existence of different ownership and tenure regimes for land in Ethiopia, the Government of Ethiopia is not prepared at this time to legalize private property rights in land.
- While the Government of Ethiopia has decentralized administration of land to the regional governments, the formulation of broad land policy still rests with the federal government.
- Federal government proclamations provide some land rights guarantees and some requirements for regional councils, but there is no national land policy and institution that might serve as a coordinating body at the national level of government for policy discussion and coordination of land administration.
- The national law vests primary rights in the state with a decentralized administration of land, yet the broader discussion of property rights and policy options within the context of current constitutional provisions is sufficient.
- While the State still maintains primary rights in property, it could move toward a system of long-term leases that vest strong secondary rights in landholders, allowing them to sublease or make other land transactions (e.g., mortgages). These long-term leases would help to address some of the weaknesses in the existing land tenure system.
- The federal government needs to address the land question. The proposed ministry reorganization anticipates the establishment of a department of land administration. However, land issues in the broadest context will still extend beyond the scope of the new Ministry. There is a need to establish a task force within the Prime Minister's office to aid in the development of the national land policy and monitor its implementation.

Land Administration and Land Management

- There is no federal institution responsible for land administration to support and coordinate regional efforts.
- At the regional level, institutional structures vary with the four regional governments visited. Each has adopted a different approach to land administration institutional structures.
- In several regions those governments have launched land administration reform efforts (not to be confused with land policy reform). The objective of these efforts is to improve land administration and thereby improve land tenure security for land users, though it is unclear how effective that will be in isolation of other interventions.
- Some user rights are transferable in the form of sharecropping, subleasing, or rental arrangements, but there are some restrictions in terms of the lease periods and the amounts of land to be leased out.
- Current land use and land administration policies of the regions present restrictions on the transferability and use of land.
- Land redistribution is not ruled out in both the federal land proclamation and some regional proclamations and theoretically can still take place.
- There are also reports or statements by the *kebele* administrations (groups of villages that form administrative units in Ethiopia) regarding the possible redistribution of land even if they have certificates. This suggests that even with the certificates, farmers do not have strong tenure security.
- Regional proclamations have stated land use rights for landholders, farmers, and others can still be taken away by the regional government or the local *kebele* administrations. In these cases, land users who have land taken by the government (as opposed to those who abandon it) are supposed to be paid

compensation. However, the entire expropriation process is not articulated in these proclamations.

- *Kebele* administration authorities in some regions stated that if someone "left" their land for a period of more than two years, regardless if they held a certificate, they would take the land and distribute it to someone else.
- Use rights are inheritable within families. However, there are some restrictions in the Amhara law.
- The programs from region to region lack consistency, including in the way land is administered and the user rights that are granted. The most notable inconsistencies are in their organizational structures, inheritance, and in the provisions permitting subleases.
- Regional and lower-level governments do not have the capacity to adequately implement their land administration reform programs.
- It appears that regional governments have not adequately thought through monitoring and evaluation of the impacts of their reform efforts.
- There is little capacity for the dissemination of information to the public about the various land administration reform programs, their impacts, objectives, and ways that they will impact local resource use.

Land Certification

- The present effort to improve land administration and security of tenure includes a focus on land certification, where the regional government will issue land certificates to individual farmers.
- Current land administration reform programs appear to have a technological focus rather than a focus on clarification of property rights.
- Farmers interviewed in the regions where the certification process is beginning noted that they liked the certification program because they felt it would stop the

governments from pursuing land redistribution (which on several occasions has stripped farmers of rights or reduced landholdings).

- Even with the certificates, land users may lose rights to use land under certain circumstances.
- There is a "rush" to grant certificates in some regions without clearly mapping out certain strategies. One strategy should link land administration reform and improved security with economic investment, sound resource use, poverty reduction, and improved livelihoods. Another strategy should insure that farmers and other land users understand the process, their rights and obligations, and the opportunities and constraints.
- Regional governments have not adequately thought through the sustainability of their land certification and land record efforts.
- In the primary certification phase in Amhara region, the *kebele* boundaries and those of all non-individually held land (e.g., communal land, reserves, or service areas) are to be measured using modern survey equipment and techniques. Based on that survey, baseline individual landholdings are still recorded using traditional measurement methods. While a full shift to modern techniques may be required in the future, such a shift at this point would possibly be premature due to limited regional and local capacity and resources, as well as the need to ensure that land users first fully understand the reform process.

USAID Opportunities and Recommendations for Possible Actions

A number of specific activities can be identified from the above discussion. The following presentation prioritizes five general interventions and further prioritizes activities within each theme. Activities are noted in sequence in each of the priority themes.

1. Land Policy

There is a great need to help the Ethiopian leadership think about how it can modify land policy and administration in ways that will encourage efficient farmers to produce more and improve their land management without reducing their livelihood security. This can be addressed through a multi-step process involving a national land policy conference and the establishment of a land policy task force that will be able to continue the refinement of the land policy.

Activity 1 National conference to reexamine land policy issues in Ethiopia, to review the developments in land policy and land administration since the introduction of regional land administration proclamations, and to lay out a strategy for continuing dialogue and follow-up.

Potential scope of USAID support:
Provide financial and technical assistance to organize and host a national workshop, prepare background documents, and disseminate materials.

Activity 2 Establish a land policy task force or land tenure forum within the Prime Minister's office responsible for the continuing development of land policy in Ethiopia.

Potential scope of USAID support:
Provide administrative and logistical support to the task force, and technical assistance to help them host further workshops. Provide international short-term technical assistance (law development, land administration), and assist with the resources to conduct study tours to review regional African experience, (e.g., Kenya, Uganda, and Tanzania). Financial and technical assistance should also be provided so that important and timely contributions can be made to the policy dialog. These include:

- support a national research institutes (e.g. Institute for Development Research, civil society, and Ethiopian Development Research Institute) to continue policy-oriented research to inform the process;
- support the Ethiopian law faculty to develop curricula for property law;
- support training for legal drafting of land policy at the national and regional levels; and
- support the establishment of a national land administration and use institution.

2. *Strengthened Capacity to Administer Land*

While the government has decentralized land administration to the regional authorities, little effort has gone into providing systematic support to these institutions to develop their capacity to effectively manage and administer land. The following broad activities and sub-activities should be considered in support of land administration:

Activity — Develop the capacity for sound land administration and land management. This comprehensive undertaking will require a number of sub-activities.

a) Support the development of procedures to administer the land administration program.

b) Develop strategies and capacity to manage and update land use records at appropriate levels of government, including developing procedures manuals.

c) Enhance and apply appropriate land demarcation tools (such as surveys) and procedures.

d) Support appropriate geo-spatial applications, considering linkages between the Ethiopian Mapping Authority (EMA) and the National Geodetic Survey (NGS) to modernize the geodetic infrastructure.

e) Develop and implement appropriate monitoring and evaluation tools and programs.

f) Conduct trainings and staff development in land administration.

Potential scope of USAID support:

- Provide training to key national and regional administrations in basic land policy analysis.
- Develop procedures manuals for land office administration, record keeping, and updating.
- Provide staff training and development in land administration and office management.
- Support educational institutions to develop capacity to train a future cadre of land administrators (e.g., a proposed program at Bahir Dar University).
- Develop guidelines for determining land use rights for certification programs.
- Develop/refine use of appropriate cadastral survey methodologies.
- Develop monitoring and evaluation tools and customer surveys.

3. Assessment and Determination of Land Use Rights

Security of tenure is seen as a major concern to all Ethiopians. However, there is little evidence of systematic procedures for determining and securing these use rights. The following broad activity and sub-activities are considered core to this land tenure theme for Ethiopia:

Activity Develop the institutional structures and processes to determine and secure property rights. A number of sub-activities should be undertaken to address this issue.

a) Clarify national policy on land rights.

b) Establish procedures for the determination of land rights.

c) Assess land use rights in pastoral/communal areas for the further development of appropriate land and use administration policy.

d) Assess the implications and constraints for land rights in the resettlement areas and their participants.

e) Develop appropriate dispute resolution mechanisms.

f) Provide procedural and technical assistance to facilitate land transactions, access to credit, and economic development.

g) Monitor the changing impact of changing land use rights over time.

Potential scope of USAID support:

- Develop guidelines for the assessment of property rights.
- Examine pastoralist land rights. Using both case studies and literature review, examine implications for proposed community titling.
- Develop guidelines for property rights for resettled persons (at location of origin, at resettled location, and during the transition).
- Support disputes resolution processes. Assist with the development of alternative dispute resolution mechanisms, legislation, and/or regulations for dispute settlement.
- Support training of the judiciary for property rights dispute settlement.
- Support monitoring and evaluation of changing land use rights.

4. Public Awareness

Given the experience of the last three decades of changing government policies with regards to tenure rights, it is critical that continuing efforts be made to inform people of current and evolving government policies and the objectives and structures of a decentralized land administration. People must also be made aware of their rights and obligations and the mechanisms to enforce those rights. The following activity and sub-activities are considered essential to complement the major land tenure and administrative themes:

Activity — Developing an effective land administration system implies an informed public that not only knows their rights, but also understands the administrative structure to manage those rights. At the same time, the landholder has certain obligations or duties to perform. Both are components of a public awareness campaign.

a) Conduct national and regional "Know your Rights Campaigns."

b) Conduct regional and local government land committee training to transfer knowledge about rights and opportunities to end-users.

c) Develop training manuals and procedures for transferring information.

Potential scope of USAID support:

- Create a public information campaign and summary materials, and disseminate information specifically related to regional and national land policy and administration themes.
- Train regional and local government officials with local seminars, workshops, and regional exchanges.

- Develop public information dissemination capacity (e.g., create a public relations unit within each regional land administration structure).
- Train community (sub-*kebele*) members in information and education tools and messages that support land administration activities.

5. Strengthen and Support Land Certification Programs

Four regions have begun or will shortly begin land certification programs. While support for these programs may be requested, there are some components of the ongoing certification programs that should be addressed before any direct investment into these programs is considered.

Activity — Provide support to strengthen the ongoing development phase of land certification programs. A number of these activities provide supplementary capacity building to undertake a successful certification exercise.

a) Develop monitoring and evaluation tools to assess the impact of ongoing certification programs.

b) Provide legal assistance to defend rights conferred by certificates.

c) Evaluate and improve the land certification program.

d) Facilitate procedures for making land transactions for individual holdings and for investment in communally held areas.

e) Identify possible linkages to other USAID programs.

Potential scope of USAID support:

- Conduct socioeconomic surveys of pilot certification areas to determine perceptions of tenure security, changing levels of investment, and changing land use patterns.

- Evaluate record keeping systems, security of records, and updating of records.
- Develop procedures manuals for land certification programs.
- Train local and regional officials in elements of land certification.
- Develop monitoring and evaluation capabilities among local and regional officials.
- Develop legislation clarifying property rights associated with certification.

1.0 Introduction

At the request of USAID/Ethiopia, ARD, Inc. of Burlington, Vermont, USA, assembled a four-person expert team to conduct a land policy and administration assessment. The assessment was conducted in two phases:

- a desk study conducted prior to arrival in country, and
- a field assessment conducted between January 20 and February 7, 2004.

The assessment was conducted in Addis Ababa and in four regions specified by the USAID Mission. Representatives of each of USAID, the US Geological Survey, and the National Oceanic and Atmospheric Administration augmented the team for the fieldwork component.

Field visits were made to four regions:

- Amhara,
- Tigray,
- Oromiya, and
- Southern Nation, Nationalities, and People's Region (SNNPR).

The four-day overland trip to Amhara region included a site visit to one of the two pilot land certification programs being supported by the Swedish International Development Agency (SIDA) and a detailed presentation by the Environmental Protection, Land Administration and Use Authority (EPLAUA) at their offices in Bahir Dar. The assessment team flew to Makele to meet with Tigray regional officials and visit a rural community. Portions of the team visited the Oromiya Regional Office in Addis Ababa and the SNNPR Office in Awasa. The SNNPR visit also included meeting with a rural community. Other team members visited the Ethiopian Mapping Authority (EMA) and held numerous discussions with the staff of that agency.

Regional visits included both formal meetings with regional officials as well as informal meetings with rural communities, with the exception of Oromiya where only a meeting at the regional office was possible. The formal meetings with regional officials focused on land administration and land policy questions. Meetings with farmers focused on perceptions of tenure security, understanding of government policies (particularly land certificates in Amhara and Tigray regions), and land transactions (inheritance and leasing/sharecropping arrangements).

The purpose of this technical field support effort is to clarify the technical elements and technical assistance needs necessary to implement a program of interventions aimed at increasing security of tenure and rights in land leading to increased

investment in land and higher levels of food security. The exercise has analyzed land tenure security, land policy, land administration and management, and related issues, including the transferability of land use rights and certification programs as they impact food security and agricultural development in Ethiopia. The main focus of the exercise was on the land policy, institutional development, and land administration components. There was an additional effort to analyze the current status of the geodetic infrastructure and spatial data capacity of the country.

Combining both a desk review of the most recent literature/program reports and a 2.5-week field assessment, the assessment team analyzed the situation and has made recommendations as to the most effective package of interventions to be considered at this point in time and continuing over the next three to five years.

2.0 Assessment Findings

Improving land administration has the potential to significantly increase investments in agriculture by all producers, improve rural livelihoods, reduce (in the mid- to long-term) conflicts over land, reduce land degradation, and improve resource use. Along with other interventions, improved tenure security is vital to creating an environment in which the rural population is able to survive and prosper and at the same time to adapt to environmental and other shocks.

The analysis of the current situation in Ethiopia focused on four topics:

- land policy,
- land administration and land management,
- tenure security and land certification programs, and
- geographical information.

2.1 Land Policy

Recent land tenure regimes in Ethiopia fall into three broad time periods. Before 1975, land tenure was based on a feudal system where land was concentrated in the hands of absentee landlords and the church, tenure rights were highly insecure, and arbitrary evictions took place. Following the overthrow of the imperial regime in 1974, the Marxist-oriented government (the Derg) transferred ownership of all rural land to the state for the distribution of use rights to cultivators through local peasant associations. The further transfer of land rights was highly restricted, because transfer through sales, lease, exchange, or mortgage was prohibited, and inheritance was severely restricted. Tenure security was further weakened by the peasant associations' and other authorities' ability to redistribute land. The government that took power in 1991 following the fall of the Derg—while committed to a free market philosophy—has made little substantive change to farmers' land rights, which are still considered inadequate.[1]

The 1994 Ethiopian Constitution draws a broad framework for land policy in the country and enshrines the concept of public land ownership and the inalienability of landholdings. The Ethiopian Constitution asserts state ownership of land; there are no private property rights in land. Article 40(3) states:

[1] Hoben, Allan" "Ethiopian Land Tenure Revisited: Continuity, Change, and Contradictions," paper presented at Institute for Development Research (IDR) Conference on Land Issues, Addis Ababa, April 6-7, 2001.

> The right to own rural and urban land as well as natural resources belongs only to the state and the people. Land is an inalienable common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of transfer.[2]

The Government of Ethiopia is not prepared at this time to legalize private property rights in land. Discussion with government officials and a review of policy statements has made it clear that the issue of the privatization of land is not an option at this time for the government.

Ethiopia's national land policy has been further clarified by Proclamation No. 89/1997, "Rural Land Administration."[3] This law defines the scope of individual land use rights and states that such rights can be leased and bequeathed. The land rights themselves cannot be sold or exchanged, but private property improvements to the land can be sold or exchanged.

The Rural Land Administration Proclamation of 1997 delegates responsibility for land administration to regional governments—including the assignment of holding rights and the distribution of landholdings—but also provides important general guidelines that the regional governments must follow in crafting regional laws. At the same time, the government's "Poverty Reduction Strategy" paper has a guiding principle that every farmer who wants to make a livelihood from farming is entitled to a piece of land free of charge. The responsibility for implementing this strategy is left to regional governments. In order to protect their rights, farmers' landholdings should be registered and user certificates should be given to them.[4]

Regional governments, by implication, could enact laws or regulations relating to the nature of land rights and could limit the frequency of land redistribution programs. They have already permitted the rental of land, though there still remains some restrictions on land transfers. Yet the land tenure situation in Ethiopia remains ambiguous. While it is widely held that the provisions of the Constitution have settled the land tenure situation, the Constitution itself is ambiguous, with marked variations in interpretations by officials at different locations and levels of administration.

While the Government of Ethiopia has decentralized administration of land to the regional governments, the formulation of broad land policy still rests with the federal government. At present, the federal government has not enacted the necessary legislation for a broad policy for land administration. Legislation called for in the

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[2] Proclamation 1/1995, Constitution of the Federal Democratic Republic of Ethiopia.

[3] Proclamation No. 89/1997: "Rural Land Administration," sec. 2(3).

[4] Deininger, Klaus, *et. al*.: "Market and Nonmarket Transfers of Land in Ethiopia: Implications for Efficiency, Equity, and Nonfarm Development," World Bank Policy Research Working Paper No. 2992, March 2003. Hoben, Allan: "Ethiopian Land Tenure Revisited: Continuity, Change, and Contradictions," paper presented at IDR Conference on Land Issues, April 6-7, 2001. Federal Democratic Government of the Republic of Ethiopia, "Poverty Reduction Strategy."

Constitution has not been forthcoming, and local government officials are reluctant to develop laws and policies that have not been sanctioned by the federal government.

However, different regional governments have begun to implement their own policies and land policy is taking shape. Though not formalized, the salient features of these emerging regional polices are similar and appear to reflect a degree of consensus within the ruling party:

- A general re-division of land among the households of each peasant association is not anticipated in the foreseeable future because holdings are already so small that it would reduce them even further below subsistence levels. However, this general policy will not prevent individual peasant associations from re-dividing land if their councils deem it necessary.
- Land can be inherited according to the provisions of the civil code.
- Land can be rented, though the government may regulate the conditions of leases.
- The transfer of land use rights between households for compensation does not seem to be anticipated.
- Certificates of title may be introduced to reduce conflicts over land boundaries and use rights.
- Land irrigated through the construction of new dams will be reallocated according to regulations developed to take account of the needs of all households affected.
- Land to be leased to commercial farms or made available for voluntary settlement will be identified through a land use planning study.[5]

The underlying dilemma of the official land policy discourse is that it does not take account of household economic and demographic dynamics. There is an emphasized need for the government to make sure that all households have equal or fair access to land. Future households need to be assured access to land either through inheritance or through future land allocation programs. While future redistribution programs may be considered as a possible mechanism to reallocate land to future landless households, there seems to be a recognition that this cannot go on forever.

The extensive literature on farming households in Ethiopia makes it clear that a static view of land resource needs fails to capture certain aspects of household dynamics. First, as newly founded households grow, mature, age, and are disbanded, they are

[5] Hoben, Allan: "Land Tenure Policy in Ethiopia: Issues for Small Holder Sustainable Agricultural Growth," World Bank, 1996.

continually challenged to balance their labor, capital, and land endowments. Also, some farmers work harder, are better managers, and make more efficient use of their land than others. Finally, due to demographic variables, inheritance alone cannot redistribute land adequately or equitably to newly formed households. As a result of these socioeconomic dilemmas, land becomes very inefficiently and unequally distributed between households in a community after a few years of general redistribution. The resulting tensions are both inter-household and inter-generational. A minimal requirement of sound land policy for Ethiopia is that it must permit and facilitate the transfer of land use rights from one household to another through transactions in addition to inheritance.

Under the Derg system, land was to be redistributed periodically, at least until producer cooperatives and state farms replaced the household mode of production. In most areas, however, general redistribution was not carried out after the first years. When it was carried out, it was disruptive. When it was not, it led to the socioeconomic dilemmas already described.

The present land policy, insofar as it has been articulated and put into practice, does not address the dilemmas faced by peasant households. It does not take account of households' changing needs and flexible economic strategies. Over the past three decades, Ethiopian farming households have had to scramble to keep up with changes in land law and administration by postponing or speeding up marriage, by keeping married children in the parental household or pushing them out, by planting trees or cutting them down, and by a variety of other tactics intended to improve their chances of obtaining or retaining access to land. The present widespread trend toward extensive short-term leasing and sharecropping does not represent a satisfactory solution to the problem.

2.1.1 Regional and National Coordination of Land Policy

However, in its desire to decentralize land administration the federal government seems to have abrogated its responsibility for enacting the necessary legislation for a broad policy and land administration institutional structure. Current Ethiopian land administration programs are not harmoniously coordinated between national and regional levels.

Federal government proclamations provide some land rights guarantees and some requirements for regional councils, but there is no land policy and administration unit that might serve as a coordinating body at the national level of government for policy discussion and coordination of land administration. The current Ministry of Agriculture and Ministry of Rural Development are in the process of merging into one ministry. A specific department devoted to land administration is planned for this new Ministry of Agriculture and Rural Development, which would create a responsible authority within the federal government for land policy and the coordination of land

administration among the regions and between the federal and regional governments.

While there are discussions about the need to harmonize policies that are being developed at the regional level, it is not clear what this harmonization means. How much autonomy will be granted to regional administrations to develop their own rules and regulations and how much consistency should there be between regions? Should there be complete consistency or should some variation within broad guidelines be permitted? Will the federal government over rule regional governments or local administration when actions or policies are contrary to the national policy? It is also not clear who has the final say on decisions related to land. These issues could be resolved as part of the national policy dialogue process.

National law vests primary rights in the state with a decentralized administration of land, yet the broader discussion of property rights and policy options within the context of current constitutional provisions is not taking place. There is a pressing need to develop the capacity within central and regional governments to undertake the necessary discussions of land policy. The federal government should take the lead in this matter, but should coordinate its efforts with the regional authorities. The current concern seems to be oriented to three principles, all of which need extensive investigation to test their validity:

- land should be available to anyone who needs it and for whom there is no alternative source of livelihood,
- there are restrictions over transactions in land (i.e., land cannot be bought and sold), and
- tenure security will be enhanced through the land certification programs being introduced in the four regions of the country visited during this assessment.

2.1.2 Long-term Land Rights

While the Ethiopian Government still maintains primary rights in property, it could move toward a system of long-term leases that vests strong secondary rights in landholders, allowing them to sublease or make other land transactions (e.g., mortgages). It appears that there has been little effort to explore intermediate methods of providing long-term land rights. The lines have been drawn between state ownership of property and the full privatization of land rights. The possibility of long-term leasing arrangements where such leases are negotiable for transactions in land use rights as well as securing access to credit appears to be receiving little attention. Further discussions of these alternatives are long overdue and should be pursued.

Land policy itself may need to be comprehensively reviewed to clarify the government's aims of equity of land distribution, security of tenure, and food security,

while promoting environmentally sustainable land use practices. This must be developed within the context of the government's objective of decentralization of land administration authority. However, changes in land policy will have little effect unless they recognize the dynamics of peasant agriculture and are flexible enough to deal with local conditions. Thus land policy itself should state the government's general objectives, but should also be subject to periodic review as circumstances change and new opportunities or government strategies present themselves.

While the regional governments are in the process of articulating their land policies there is still an obligation of the federal government to clarify its position in general terms and ensure that the regional policies (and implementation of those policies) fit with the national objectives. Ongoing monitoring activities and policy-oriented research should continue to inform this process.

The federal government needs to address the land question. The proposed ministry reorganization anticipates the establishment of a department of land administration. However, land issues in the broadest context will still extend beyond the scope of the new ministry. There is a need to establish a task force within the Prime Minister's office to aid in the development of the national land policy and monitor its implementation.

A number of areas for investigation have been identified in earlier research papers that need to be monitored and addressed over time. These may be discrete research studies, but may also include the development of some type of monitoring or continuous data collection program that should be part of a sound land administration and management institutional structure. Areas for investigation include issues related to:

- pilot certification areas (land transactions, investments, disputes, access to credit)
- security of tenure (pilot certification areas, resettlement areas, irrigation schemes, communal property areas)
- land use and management
- investment in land (constraints to investment, types of investments)
- resource conservation (land reclamation, tree planting, soil erosion)
- public
- land administration (methodologies for land valuation and land taxation, fiscal management, state of existing land records)
- impacts of reform (gender issues)

Policy research should not be seen only in terms of monitoring the impact of policy implementation, but also in term of anticipating government information needs to inform the policy decision-making process.

2.2 Land Administration and Land Management

"Land administration" refers to the processes of recording and disseminating information about the ownership, value, and use of land and its associated resources. Such processes include the determination of rights and other attributes of the land; the survey, description, registration and recording of these rights; and the provision of relevant information in support of land markets.

"Land management," on the other hand, addresses all issues related to the sound and sustainable use of land. It is the process by which the resources of land are put to good use. It covers all activities concerned with the management of land as a resource both from an environmental and an economic perspective. These include, but are not limited to:

- improving the efficiency of land resource use to support a growing population;
- conducting land use planning;
- protecting the natural environment from degradation;
- providing equitable and efficient access to the economic benefits of land and real estate markets;
- supporting government services through taxation and fees related to land and improvements; and
- providing incentives for development, including the provision of residential housing and basic infrastructure such as sewer and water facilities.

In Ethiopia, the responsibility for land administration has been delegated to regional governments. At the regional level, institutional structures vary with the four regional governments visited, with each region adopting a different approach to their land administration structures. Of the four regions visited, three have created a land administration and use authority. In Amhara and SNNPR, this authority includes environmental issues, while in Oromiya the environment is dealt with separately. Tigray does not have a land administration department and has retained the same structure as the federal government ministry departments, although there were indications that they may restructure their regional administration in the near future as well. While there is some discussion of harmonization of land administration procedures throughout the country, it is not clear what level of autonomy the federal government wishes to give to the regional authorities and what level of guidance it wishes to offer to ensure some consistency between regions.

Regional government proclamations state broad principles of land use and obligations of landholders for appropriate land use practices. However, there is little evidence of the development of specific policies and guidelines for appropriate land use and land management by the regional governments. This is an area of land

policy and administration that remains critically undeveloped and must be addressed.

2.2.1 Land Administration Reform Efforts

Several regions have launched land administration reform efforts (not to be confused with land policy reform). The stated objectives of these efforts are to improve land administration and thereby improve land tenure security for land users. Other government objectives may be to:

- encourage private investment,
- identify land that is "available" for new allocations or concessions to private investors,
- satisfy external demands by international donors, and
- convince local farmers that the regional government is attending to their interests prior to upcoming elections.

The improvement of land administration has the potential to significantly increase investments in agriculture by all producers, improve rural livelihoods, reduce (in the mid- to long-term) conflicts over land, reduce land degradation, and improve resource use. Along with other interventions, improved tenure security is vital to creating an environment in which the rural population is able to survive and adapt to environmental and other shocks.

All four regions have issued proclamations for the administration and use of rural land.[6] In general, these proclamations follow the provisions of the 1997 national proclamation. Slight variations exist between regions in terms of leasing, future reallocation, compensation, and inheritance. (See Appendix A for a summary of the regional provisions.)

[6] Amhara National Regional State Proclamation No. 46/2000: "Proclamation Issued to Determine the Administration and Use of the Rural Land in the Amhara National Region." Amhara National Regional State Proclamation No. 47/2000: "Environmental Protection, Land Administration and Use Authority Establishment Proclamation." Oromiya Regional State Proclamation No. 56/2002: "Oromiya Rural Land Use and Administration Proclamation." Southern Nation Nationalities and Peoples Region Proclamation No. 52/2003: "Rural Land Administration Proclamation." Southern Nation Nationalities and Peoples Region Proclamation No. 53/2003: "Regulations and Procedures for the Implementation of Rural Land Administration and Land Utilization Proclamation," (draft). Tigray National Regional State Proclamation No. 23/1997: "Rural Land Utilization Proclamation of Tigray National Regional State." Tigray Regional State Regulation No. 15/2001/02: "Rural Land, Investment, Agricultural and Natural Resources Development Proclamation."

2.2.2 Transfer of Land Rights

Some use rights are transferable in the form of sharecropping, leasing, or subleasing arrangements, but there are some restrictions. Land certificate holders' rights are still clarified based on regional policies that have been recently enacted or are being formulated. A number of restrictions were identified in leasing and sharecropping arrangements. Most notably these were associated with the amount of land that could be leased and the time period involved. Periods for subleasing and sharecropping landholdings are still being tested.

Current land use and land administration policies of the regions present restrictions on the transferability and use of land. However, anecdotal evidence suggests that there is a functioning market in property rights. How this informal market merges with the formal legal system remains to be seen as regional administrations evolve. It will be essential to monitor the level and types of transactions over time to see if there is a need for further policy reform.

In terms of leasing, all regional laws allow leasing with some differences in duration, proportion of holdings to be rented out, and lease renewals. For instance, the lease period for a lessee using "traditional technology" is five years in SNNPR, while it is two years in Tigray and three years in Oromiya. The Amhara law does not explicitly state that the lease period differentiated by "technology" use. "Modern and improved technology," as specified in Oromiya rural land use and land administration, refers to inputs used such as fertilizer, improved seed, and herbicides. The Amhara, SNNPR, and Tigray rural land use proclamations do not define "modern agricultural technologies."

Differences arise in the general distribution of holdings. The Oromiya law explicitly rules out any future land redistribution. The SNNPR and Amhara regions present three conditions for future redistribution. The Tigray law provides no clear statement concerning the redistribution of land. All four regional land use and administration laws provide for the redistribution of irrigation lands. Discussions with regional officials indicated that reallocation could occur if an individual abandoned his land or had an alternative, nonfarm means of livelihood. The general sense was that new allocations to landless people would be made from unallocated land rather than redistribution exercises.

2.2.3 Government Redistribution of Land

Land redistribution is not ruled out in both the federal land proclamation and some regional proclamations and theoretically can still take place. The Rural Land Administration Proclamation No. 89/1997 does not rule out the possibility of further land redistribution. Redistribution is related to the government's concern to minimize the number of landless people in the country. Individuals who have access to non-agricultural income sources are subject to having their land reallocated. However, as

stated above, these "forced" redistributions should include an element of compensation.

There are also reports or statements by *kebele* administrations (local groups of villages) regarding possible redistribution of land even if they have land certificates. This suggests that even with certificates farmers do not have strong tenure security. Clear statements of regional land policies with regard to redistribution must be made. If there are possibilities for redistribution, the circumstances for these redistribution programs should be spelled out and publicized. Any further redistribution programs that occur once certificates have been issued must be carried out with extensive and transparent public information campaigns to clarify the circumstances and justification for the programs. Anything less will severely undermine any sense of security of land rights that the certification program had hoped to instill in the minds of the public.

Similarly, while regional proclamations have stated that land use rights for landholders, farmers, and others can still be taken away by the regional government or the *kebele* administrations. The policies also state that users who have land taken by government (as opposed to those who abandon it) are supposed to be compensated. There is not a clear understanding of how well these proclamations and their delineation of rights are understood by the general population. There are provisions that if a person leaves his land for a specified period of time or begins to derive most of his income from nonfarm sources, his land may be taken for redistribution to landless individuals in that community. The ability of the government to take land away from landholders of course is a matter of concern. While the regional proclamations make provisions for compensation for property, there has been neither enough time nor experience under the present legislation to demonstrate the ability of government to fulfill its obligations.

Compensation for property on land is more or less similar in all the regional land polices, but the provision of substitute land is not explicitly stated in all the regional land laws. What is not clear is how this compensation would be valued, how and when it would be paid, or who would be making the payments. The compensation for property on land being reallocated is supposed to be paid for by the new allocatee. Numerous commentaries have questioned the ability of these previously landless individuals to pay compensation for the reallocated plot they have received.

Kebele administration authorities in Tigray stated that if someone "left" their land for a period of more than two years, regardless if they held a certificate, they would take the land and distribute it to someone else. Regional land proclamations clearly indicate a willingness to reallocate land away from those who have alternative sources of income. The guiding philosophy appears to be one of assuring access to land for individuals who have no alternative means of livelihood. While this policy serves an equity objective, it provides little incentive for individuals who generate income from nonagricultural sources to invest in agriculture. It is also not clear how

compensation will be paid to those individuals who will be losing their land in such reallocation exercises.

2.2.4 Inheritance of Land Use Rights

Inheritance provisions are also more or less the same in all regions. Use rights are inheritable within the family. However, there are some restrictions. Inheritance is allowed for family members provided the family members have no other livelihood support. In some of the land laws, no clear definition of a family member is provided while in others (notably Amhara) a family member is "any person registered as a member of a family and at the same time who has no income of his/her own…."[7] As stated earlier, such a policy on the definition of "eligible" family members ignores the dynamic nature of the life cycle of the rural household. It would, for example, prohibit a child who has successfully moved into nonfarm employment from returning to the family agricultural holding, possibly with investment resources, on the death of the parents. It is not clear how these inheritance rules will be enforced, particularly if there are formal wills involved in the bequeathing of land.

2.2.5 Problems Identified in Current Land Administration and Management

Program Consistency

The programs lack consistency from region to region, including in the way land is administered and the use rights that are granted. The most notable inconsistencies are in the provisions permitting subleases. A thorough review of regional programs and experiences is necessary to determine how much consistency is needed between regions and how much autonomy they should have in developing their own land administration policies. Minor inconsistencies between regions may not be a problem as long as the differences are not so great as to discourage investment in one region relative to other regions.

Capacity

Regional and lower-level governments do not have the capacity to adequately implement their land administration reform programs. The major weakness to the implementation of the evolving land administration reform programs is the lack of capacity of the regional administrations to carry out these programs. Regional offices have neither adequately trained staff for the programs being developed nor the resources (e.g., offices or equipment) to carry out these programs. This problem is exacerbated by a desire to decentralize land administration to the *kebele* and sub-*kebele* levels. While such decentralization is a commendable objective, there is a great fear of overextending the ability of the administration to deliver the desired level of services to the public.

[7] Amhara National Regional State Proclamation No. 46/2000: "Proclamation Issued to Determine the Administration and Use of the Rural Land in the Amhara National Region."

Monitoring and Evaluation

Regional governments do not appear to have adequately thought through monitoring and evaluating the impacts of their reform efforts. Without this information it will be difficult to measure impacts, review and modify existing administrative procedures, and develop new policy reform measures. There was no evidence of any mechanism to monitor the impact of the certification program on changing land use, changing cropping patterns, investment in land, or the reduction in property disputes. There is no indication that there has been (nor is there planned) any effort to undertake socioeconomic surveys to determine if tenure security has been increased as a result of the certification programs[8].

Public Awareness

There is little capacity for the dissemination of information to the public about the various land administration reform programs, their objectives, and ways that they will impact local resource use. Insufficient effort has been undertaken by either regional or national authorities to inform the public about the land administration reform exercises currently underway. Programs should be developed to inform the public of the certification programs well in advance of the field exercise. Sensitization of the public to the issues of land rights and implications for the certification programs is critical to the acceptance and ultimate success of the programs. However, few resources are being made available to undertake this public information campaign.

2.2.6 Landholder Duties and Responsibilities

The land proclamations of the four regions all enumerate duties and responsibilities of the landholder granted a certificate. These are broadly defined under a general category of the landholder having a duty to protect and care for the land under his tenure. Additionally, sanctions are stipulated for failing to undertake sound management. However, it is not clear who makes the determination if a landholder has not fulfilled his duties nor how or what sanctions would be imposed. In any case this lack of clarity could be disincentives to investment.

Any public awareness campaign dealing with property rights should also be addressing the obligations that a landholder has as well. Land ownership implies both sides of the coin: rights and duties. At the same time the state has similar obligations to protect the property rights of the landholder who is following the rules. The rule of law becomes paramount if there is a desire to provide security of tenure rights.

[8] Amhara Region did do a pre-certification survey. However, there is no indication of plans to follow up this data collection exercise.

Research evidence indicates that rural households have maintained reasonable land use practices when the incentives and circumstances permit. Declining farm size and population growth have limited the amount of fallowing possible as well as forcing the utilization of marginal lands. Insecurity of tenure provides little incentive to improve the landholding and in fact probably leads to a certain amount of "mining" of the land.

It will be critical that land use policies, laws, and guidelines be developed and disseminated to ensure proper land use practices. This is all part of the package of good land administration and should be seen as part of the whole.

2.3 Tenure Security and Land Certification Programs

Ethiopian policymakers face the difficult task of balancing the demand for continued redistribution of land to young landless families and returning displaced persons against the need to ensure current landholders' rights are secure and durable enough to encourage long-term investments in the land. Currently, farmers operate and make decisions in an environment that lacks a stated assurance of land tenure security by the government.[9]

Several researchers have sought to pin down the connection between land redistribution and farmers' tenure insecurity.[10] Other studies have looked generally at tenure security in Ethiopia and cite economic and equity benefits to be obtained through greater tenure security and transferability.[11] Holden (2001) finds a less stark connection between tenure security and investment in land. His study in southern Ethiopia found that tenure insecurity did not significantly affect farm input intensity because of the short-term nature of this investment, but was not correlated to the decision of whether to plant perennials.[12]

Recognizing the generally accepted connection between tenure security and investments in land, a 2000 USAID food security research team working in Amhara noted that land tenure policies that give households greater tenure security in order to encourage long-term investments, increase productivity, and promote natural resource conservation were necessary to achieve food security.[13] Amare (2000) cites small

[9] Ethiopian Economic Association/Ethiopian Economic Policy Research Institute: "Land Tenure and Agricultural Development in Ethiopia," October 2002. *See also* Nega, Berhanu, Berhanu Adenew, and Semaul G/Sellasie: "Country Case Study: Ethiopia," (GTZ) which interprets the same study data.

[10] Amhara Proclamation No. 16 /1996, which the assessment team has not been able to obtain, governed the reallocation program.

[11] Klaus Deininger *et. al.*: "Tenure Security and Land-Related Investment: Evidence from Ethiopia," World Bank Policy Research Working Paper No. 2991, March 2003.

[12] Stein Holden and Hailu Yohannes: "Land Redistribution, Tenure Insecurity, and Intensity of Production: A Study of Farm Households in Southern Ethiopia," CAPRi Working Paper No. 21, October 2001.

[13] USAID: "Amhara National Regional State Food Security Research Assessment Report," 2000.

holdings, insufficient access to land, and redistributions as sources of food insecurity.[14] The Ethiopian Government, in its "Poverty Reduction Strategy," recognizes the importance of tenure security as a necessary component of a plan to increase land productivity.[15]

The present effort to improve land administration and security of tenure includes a focus on land certification, where regional governments issue land certificates to individual farmers. The "Poverty Reduction Strategy" formally states this as a government-sanctioned activity:

> "In order to protect the user rights of farmers, their landholdings should be registered and provided with certificate of user rights. In this regard, a guarantee may be given to the effect that land will not be re-divided for a period ranging from 20-30 years."[16]

The strategy paper goes further in stating a need to support these initiatives and encourage their expansion to other regions of the country.

Certification programs have been under way in Tigray and Amhara regions. Both Oromiya and SNNPR are in the planning stages, though both have indicated that they will begin pilot programs this year.

2.3.1 Tigray Region

The Tigray approach was to issue certificates for all landholdings in the region. The certificate records the name of the landholder, the size of the holding, and the names of the neighbors on each of the four sides of the field. No mapping of fields has been done; field location is determined only by recording neighbors' names. At present, 85% of landholdings have had certificates issued, although completion of the exercise was delayed due to shortage of certificates. No new certificates have been printed and no updates of existing certificates have been possible as new allocations are made.

In Tigray it was quite apparent that there was little effort being made to update records. We were told that there had been numerous instances where landholdings had changed hands (e.g., the land of Eritreans near the border who had been given land, but who had since returned to Eritrea, was reallocated). There are also instances of land inheritances where land had been subdivided on inheritance with new certificates issued. In neither case had earlier certificates been cancelled, nor references made to the new allocations. Such a situation of overlapping documented claims will inevitably lead to future disputes over land.

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[14] Amare, Yared, *et. al.*: "Food Security and Resource Access: A Final Report on the Community Assessments in South Wello and Oromiya Zones of Amhara Region," Ethiopia (BASIS), 2000.
[15] Federal Democratic Government of the Republic of Ethiopia: "Poverty Reduction Strategy," 2002 at 23.
[16] Federal Democratic Government of Ethiopia: "Poverty Reduction Strategy," 2002.

2.3.2 Amhara Region

Currently, land certification programs are underway in two rural *kebeles* in two *woredas* (districts) of the Amhara region East Gojam (Gozamin) and South Wello (Dessie-Zuria) zones funded under the SIDA project. The program has followed a systematic approach to undertaking the certification exercise and involving community members in the project. Initial meetings are held at *woreda* and *kebele* levels. A local project committee is elected to implement the project. Land demarcation is done initially at the *woreda* level, followed by the *kebele* boundaries and boundaries of communal land and service areas. Individual plots are surveyed using traditional methods and are marked with stones.

To date, 1,400 to1,600 primary certificates have been prepared but not yet issued. In Amhara, these certificates will also state the use rights of each farmer, while some field demarcation assists in identifying the location of the farmer's land. Plans are to have all primary certificates issued within three years. There is reason to expect that the pilot model can be expediently transported to other areas of the Amhara region and to other regions. SNNPR and Oromiya regions have visited the Amhara project to learn from that experience in developing their own certification programs.

It is too early to see how the pilot registration programs will be formally integrated into the regional administrative structures. Current staffing for the pilot programs are civil servants with heavy assistance from village committees in the identification of boundaries and landholders. The current Amhara pilot is supported by SIDA funding.

While the certification program is an attempt to improve property rights of land users, this is the first step in a presumably long-term future program that may include the development of regional land cadastres and/or land registries. Present certification programs in all regions are seen to be the first of a two-stage process. The first stage is to issue certificates to existing landholders with some limited field identification. This process is proposed to take two to three years. This is planned to be followed with a more accurate delineation and recording of property boundaries. This stage is envisioned to take 10 to 20 years to complete. Property rights should not change in this second stage of the process; there should merely be an upgrading of the physical identification of the property.

The implications for land administration are extensive. The ability to identify landholders and their plots offers an opportunity to government to develop land information systems which can assist with dispute resolution, land use planning, environmental management programs, and land revenue generation. It also implies the development of related institutions, proper incentives to use the system, and the administrative capacity to maintain the system. A completely decentralized system would require the establishment of a registration office in each *kebele* with record redundancy maintained in the *woredas* for security purposes.

These land use certificates offer an alternative to formal title registration programs by providing evidence and legitimization of occupancy without a costly land registration program. Land use certificates can offer some security of tenure to land users without necessarily addressing potential conflicts over land ownership. Land use certificates are sometimes seen as an intermediate step between informal land records and more formal titling programs. This appears to be the approach being taken by Amhara at present, and in the proposed programs of Oromiya and SNNPR regions.

2.3.3 Problems Identified in Current Land Certification Programs

Program Focus

The current land certification programs appear to be driven by policy objectives and have a technological focus rather than on a focus on the clarification of property rights. The present certification programs are focused on a delivery of certificates into the hands of the public. A land certification program (or land registration program) has two main objectives:

- to identify the piece of property to be registered and
- to identify the "owner" of that property.

The physical identification of the property is relatively simple and can be as precise as needed and demanded by circumstances. The identification of property rights, especially in situations where rights over land have changed frequently in recent history, is much more complicated, often requiring a great deal of adjudication of rights before final recognition of ownership. If property rights are not adequately resolved in the certification process, future disputes are likely to arise.

Identification of Landholdings

In the primary certification phase in Amhara region, the *kebele* boundaries and those of all non-individually held land (e.g., communal land, reserves, and service areas) are to be measured using modern survey equipment and techniques. Based on that surveyed baseline, individual landholdings are still recorded using traditional measurement methods. While a full shift to modern techniques may be required in the future, such a shift at this point would possibly be premature due to limited regional and local capacity and resources, as well as the need to ensure that land users first fully understand the reform process. All regions seem to be adopting a two-tiered approach to certification. The first stage involves a quick identification of landholdings to be followed at some time in the future by more precise measurements. Two major factors will determine when this second exercise takes place—the need for precision and the capacity (equipment, trained staff, and financial resources) to undertake the exercise and sustain the information. Amhara is beginning to develop the capacity for the second stage mapping through its program of mapping *kebele* boundaries and the boundaries of communal areas.

Rushed Program Implementation

There is a "rush" to grant certificates in some regions without clearly mapping out strategies for linking land administration reform and improved security of tenure which the certificates purport to provide with economic investment, sound resource use, poverty reduction, improved livelihoods. There is also a need for strategies to insure that farmers and other land users understand the process, their rights and obligations, and the opportunities and constraints. There seems to be little interest in slowing this component of land administration reform in connection with the certification programs. Therefore, it is critical to establish the appropriate monitoring and evaluation mechanisms to assess the impact of these exercises on the questions of security of tenure, investment, resource management, poverty reduction, and improved land utilization.

Program Sustainability

Regional governments have not adequately thought through the sustainability of their land certification and land record efforts. Sustainability entails not only the ability to physically maintain existing records, it also implies an ability to update records as information on landholdings change and to keep that information current. Resources must be allocated for this basic institutional infrastructure. Ideally these systems should be self-financing, drawing on revenue from fees and taxes assigned to institutional activities to be fed back into the institutions.

As land transfers take place (e.g., upon death, marriage, or division of family) it is unclear how regional and local governments will update records. It is also unclear if government has considered appropriate incentives to encourage land users to update their land records or disincentives for those who do not. Without better methodologies in place, as well as public participation, *de facto* rights (the situation on the ground) could easily drift from the *de jure* records. As indicated earlier, records have not been updated in Tigray and will necessitate substantial expenditure to do so.

Government Redistribution of Land

Farmers interviewed in the regions where the certification process is beginning noted that they liked the certification program because they felt it would stop the government from pursuing land redistribution (which on several occasions has stripped farmers of rights or reduced their landholdings). Some farmers also noted that they would increase investment efforts (e.g., manure) if they received certificates. Other farmers said that they wanted the certificates but would wait and see what action the government took (i.e., they still think that the government might take their land). These comments were suggestive and not necessarily representative.

Even with the certificates, however, land users may lose rights to use land. There are reports that the government has taken land from farmers to make it available for investors or for other purposes without consulting farmers or paying them compensation. Regional governments have said that if a private investor wants a specific piece of land they would consider moving people off that land with compensation. Municipalities also have taken valuable peri-urban land from farmers and given them remote fields in exchange. In short, there is a lot of evidence that the present system works against the interest of farmers and does not adequately protect them from expropriation.

Clear policies need to be developed and clarified to the public delineating circumstances under which land may be taken from individuals. Procedures for compensation of lost property rights must be spelled out and understood. These would include procedures for identifying land for investors, procedures for the valuation of land being acquired, and procedures for the timely payment of compensation. None of these exist at present, leading to a sense of insecurity over land rights despite the certification programs being implemented.

2.4 Geographic Information/Geodetic Grid

Geographical information is essential for any program dealing with land administration and land management. Direct investments in this sector are part of the base upon which sound land management is built. Appendix B presents the current status of this sector. The following discussion summarizes those findings.

Land information systems exist at a variety of levels. These can range from a ledger book system of recorded plots measured and geo-referenced with traditional methods using traditional units to computerized record keeping of lands demarcated and geo-referenced using modern surveying techniques (e.g., total station or Global Positioning System [GPS] approaches.) Examples of such configurations include:

a. Traditional surveying: plot perimeters and distances from permanent features are measured using traditional measuring devices (e.g., chains, rods, tape, or strings). Plots are described according to their positional relationship to those features and as to their position relative to neighboring plots (e.g., whose property is on the north, south, east, and west sides of the plot being registered). Areas are stated in local measurements (e.g., "timats" in parts of Ethiopia).

b. Modern surveying: a globally accepted survey techniques using modern surveying equipment. The equipment typically includes the "total station" or GPS receiver packages, with the latter depending on a minimum geodetic infrastructure in the country. Each are presently being used in Ethiopia, although the latter in only limited applications and subject to a certain amount of inherent error due to the need for modernization of the geodetic

infrastructure in Ethiopia. The advantage of the GPS-based system is that it is inherently more accurate and significantly faster (and therefore more efficient).

c. Hybrid system: a mixture of traditional and advanced surveying techniques. An example is the primary certification phase in Amhara region, where the *kebele* boundaries and those of all communal or non-individual (e.g., government buildings or reserves) are measured using modern surveying techniques (presently the "total station" approach). Based on that surveyed structure, individual landholdings are still registered using the traditional methods described above.

d. Index map: demarcates property boundaries on hard copy maps. These maps are typically aerial photographs or orthophotos printed at scales appropriate for showing boundary features. The plot owners, neighbors on bordering plots, and government officials agree to the boundaries drawn on the index map. Those plots are then indexed and the boundaries are either registered as they stand on the index map (photo), or are digitized and put into a computerized system, typically a geographic information system (GIS). This system is not presently being utilized in Ethiopia as far as the assessment team knows.

In addition to the required capacity in surveying techniques, particularly for methods (b.) and (c.), there is the need for building capacity for the acquisition, analysis, and management of various other spatial data. Spatial data in this context refers to satellite imagery, aerial photos, orthorectified photos (orthophotos), and vector coverages (e.g., up-to-date regional and *woreda* boundaries). Even surveyors using the most modern techniques are not likely to have expertise in the development of all of these different types of spatial data sets. Therefore, when building a comprehensive land information system, these capacities need to be developed. The following is an overview with some examples of where such capacity already exists in Ethiopia.

2.4.1 Existing Surveying Capacity in Ethiopia

Ethiopian Mapping Authority (EMA)

The EMA is the Ethiopian Government's institution responsible for spatial data at the national level. It is an organization of approximately 360 professionals and technicians with the responsibility for all national geodetic surveys, datum definitions, and cartographic programs. EMA has capacity in use of satellite data, planning and management of air photo acquisitions, production of orthophotos, and basic GIS development. It carries out training at the national and regional levels, though the way this is carried out could be vastly improved.

Enhancement of the EMA capacity could provide significant assistance to regional land administrations in terms of access to spatial data as well as training programs and staff development. Modalities would need to be worked out to determine to what extent mapping activities should be devolved to regional administration and what activities should remain centralized. The EMA could be taking a more active role in assisting the regional governments in this area. This would ensure that efforts undertaken by the regional governments are compatible with national standards.

Other Ethiopian Government Agencies

Significant interests on the part of a variety of Ethiopian Government institutions are working with spatial data, the most notable after EMA being the Ministry of Agriculture (MOA), Ministry of Water Resources (MOWR), Disaster Preparedness and Prevention Commission (DPPC), and Central Statistics Authority (CSA). In the MOA, the Woody Biomass project has become one of the national leaders in use of remotely sensed imagery. The MOWR is classifying land cover at 1:250,000 in the watersheds in the key the four main regions and developing orthophoto products for its irrigation schemes (photo acquisition by the Israeli firm OFEK as a result of international tender and orthophoto production through EMA).

In an effort to share and standardize information among these agencies, EMA has taken the lead on the development of a National Spatial Data Infrastructure (NSDI). Numerous Ethiopian Government agencies are participating.

Nongovernment Institutions and the Private Sector

Some capacity exists outside of the government structures. At present there is only limited capacity within the university community. There is some indication of private sector activities developing as companies are awarded contracts for digitizing maps.

International Community

The international community is also quite active in the collection and use of spatial data, though the primary use is in the development of GIS and thematic maps for specific project activites. Image processing of remotely sensed data (satellite data and air photos) is only being carried out by a few donors, including USAID/Famine Early Warning System (FEWS) and soon the World Food Program (WFP). Numerous projects (such as GTZ's Land Use Planning and Resource Management Project in the Oromiya region) have made extensive use of remotely sensed images and GIS.

The international community involved in mapping and use of other forms of spatial data, led by WFP, have organized a Mapping Task Force to address issues common to all of the participants. These include issues of sharing data, common and standardized coding, projection, and datum standardization. The technical leaders in this appear to be WFP VAM Unit, USAID/FEWS, and the United Nations Children's

Fund (UNICEF). To their credit, there is good national representation in the Task Force in the representation so far (two meetings) of EMA, MOA, and MOWR.

3.0 Opportunities and Possible Interventions

A number of specific activities can be identified for USAID from the above discussion. The following presentation prioritizes these five general interventions beginning with the highest priority activity and further prioritizes the activities within each theme. While these activities are not mutually exclusive (for example public awareness activities should be undertaken in relation to all of the activities) it is felt that the highest priority is to establish the forum for the discussion of land policy followed by strengthening the capacity for land administration. Only then should significant investments be made in the determination of land use rights and in support to the various land certification programs. There will (and should) be some overlap in the timing of these activities, with lower priority activities beginning before the higher priority activities are completed. However, it is important to use the development of the policy dialogue process to determine and prioritize the other activity areas in critical need of support.

3.1 Land Policy

There is a great need to help the Ethiopian leadership think about how it can modify land policy and administration in ways that will encourage efficient farmers to produce more and improve their land management without reducing their livelihood security. This can be addressed through a multi-step process involving a national land policy conference and the establishment of a land policy task force which will be able to continue the refinement of the land policy.

Activity 1 National conference to reexamine land policy issues in Ethiopia, to review the developments in land policy and land administration since the introduction of regional land administration proclamations, and to lay out a strategy for continuing dialogue and follow-up.

Potential scope of USAID support:

Provide financial and technical assistance to organize and host a national workshop, prepare background documents, and disseminate materials.

Activity 2 Establish a land policy task force or land tenure forum within the Prime Minister's office responsible for the continuing development of land policy in Ethiopia.

Potential scope of USAID support:

Provide administrative and logistical support to the task force, and the means to help them host further workshops. Provide international short-term technical assistance

(law development, land administration), and assist with the resources to conduct study tours to review regional African experience, (e.g., in Kenya, Uganda, and Tanzania). Financial and technical assistance should also be provided so that important and timely contributions can be made to the policy dialog. Policy research should not be seen only in terms of monitoring the impact of policy implementation, but also in terms of anticipating government information needs to inform the policy decision-making process. These include:

- supporting a national research institutes (e.g., Institute for Development Research, civil society, and Ethiopian Development Research Institute) to continue policy-oriented research to inform the process;
- supporting the Ethiopian law faculty to develop curricula for property law;
- supporting training for legal drafting of land policy at national and regional level; and
- supporting the establishment of a national land administration and use institution.

3.2 Strengthened Capacity to Administer Land

As noted earlier, "land administration" refers to the processes of recording and disseminating information about the ownership, value, and use of land and its associated resources. Such processes include the determination of rights and other attributes of the land, the survey and description of these rights, their detailed documentation, and the provision of relevant information in support of land markets.

"Land management" addresses all issues related to the sound and sustainable use of land. It is the process by which the resources of land are put to good use. It covers all activities concerned with the management of land as a resource both from environmental and economic perspectives.

While the government has decentralized land administration to the regional authorities, little effort has gone into providing systematic support to these institutions to develop their capacity to effectively manage and administer land.

Activity Develop the capacity for sound land administration and land management. This comprehensive undertaking will require a number of sub-activities.

a) Support the development of procedures to administer the land administration program.

b) Develop strategies and capacity to manage and update land use records at appropriate levels of government, including developing procedures manuals.

c) Enhance and apply appropriate land demarcation tools (such as surveys) and procedures.

d) Support appropriate geo-spatial applications, considering linkages between EMA and NGS to modernize the geodetic infrastructure.

e) Develop and implement appropriate monitoring and evaluation tools and programs.

f) Conduct trainings and staff development in land administration.

Potential scope of USAID support:

- Provide training to key national and regional administrations in basic land policy analysis.
- Develop procedures manuals for land office administration, record keeping, and updating.
- Provide staff training and development in land administration, office management, and customer service.
- Support educational institutions (e.g., a proposed program at Bahir Dar University) to develop capacity to train a future cadre of land administrators, land valuers, and land surveyors.
- Develop guidelines for determining land use rights for certification programs.
- Develop/refine use of appropriate cadastral survey methodologies.
- Develop monitoring and evaluation tools and customer surveys.

3.3 Assessment and Determination of Land Use Rights

Security of tenure is seen as a major concern to all Ethiopians. The Constitution contains provisions that guarantee the rights of peasants and pastoralists to free land and protection against eviction or displacement subject to certain conditions. One of the objectives of land certification programs is to identify and record land users and their landholdings. However, there is little evidence of systematic procedures for determining and securing these use rights. This is of particular concern when dealing with those segments of society or those situations where land use rights are collectively determined, in transition, or under dispute.

Activity Develop the institutional structures and processes to determine and secure property rights. A number of sub-activities should be undertaken to address this issue.

a) Clarify national policy on land rights.

b) Establish procedures for the determination of land rights.

c) Assess land use rights in pastoral/communal areas for the further development of appropriate land and use administration policy.

d) Assess the implications and constraints for land rights in the resettlement areas and their participants.

e) Develop appropriate dispute resolution mechanisms.

f) Provide procedural and technical assistance to facilitate land transactions, access to credit, and economic development.

g) Monitor the changing impact of changing land use rights over time.

Potential scope of USAID support:

- Develop guidelines for the assessment of property rights.
- Examine pastoralist land rights. Using both case studies and literature review, examine implications for proposed community titling.
- Develop guidelines for property rights for resettled persons (at location of origin, at resettled location, and during the transition).
- Support dispute resolution processes. Assist with the development of alternative dispute resolution mechanisms, legislation and/or regulations for dispute settlement.
- Support training of the judiciary for property rights dispute settlement.
- Support monitoring and evaluation of changing land use rights.

3.4 Public Awareness

Ethiopia is going through a transition of decentralization of land administration and certification of landholdings (ostensibly to provide greater security of tenure), while continuing to place restrictions on the transferability of land. Given the experience of the last three decades of changing government policies with regard to tenure rights, it is critical that continuing efforts be made to inform people of current and evolving government policies and the objectives and structures of a decentralized land administration. The people must also be made aware of their rights and obligations and the mechanisms to enforce those rights. Public awareness programs are not one-time affairs, but should be ongoing programs of information dissemination.

Activity Develop an effective land administration system implies an informed public that not only knows their rights, but also understands the administrative structure to manage those rights. At the same time, the landholder has certain obligations or duties to perform. Both are components of a public awareness campaign. Specific activities under this theme include:

a) Conduct national and regional "Know your Rights Campaigns."

b) Conduct regional and local government land committee training to transfer knowledge about rights and opportunities to end-users.

c) Develop training manuals and procedures for transferring information.

Potential scope of USAID support:

- Create a public information campaign and summary materials, and disseminate information specifically related to regional and national land policy and administration themes.
- Train regional and local government officials with local seminars, workshops, and regional exchanges.
- Develop public information dissemination capacity (e.g., create a public relations unit within each regional land administration structure).
- Train community (sub-*kebele*) members in information and education tools and messages that support land administration activities.

3.5 Strengthen and Support Land Certification Programs

Four regions have begun or will shortly begin land certification programs. Each region proposes that the initial phase of these programs will be completed in the next two to three years. While these are seen as high-priority activities for the regions, they are massive undertakings that will require substantial use of material and personnel resources over long periods of time. As noted earlier, little thought has gone into assessing perceptions of the benefits of the program by landholders; assessing the long-term sustainability of the program; and developing mechanisms to monitor changes in land use, investment, and security of tenure to be derived from the program.

Many of these larger concerns should be properly addressed in the earlier proposed activities related to land policy, land administration, assessment of use rights, and public awareness. These activities should be well underway before a significant investment in certification programs is supported. However, there are some components of the ongoing certification programs that should be addressed before any direct investment into these programs is considered.

Activity — Provide support to strengthen the ongoing development phase of land certification programs. A number of these activities provide supplementary capacity building to undertake a successful certification exercise.

a) Develop monitoring and evaluation tools to assess the impact of ongoing certification programs.

b) Provide legal assistance to defend rights conferred by certificates.

c) Evaluate and improve the land certification program.

d) Facilitate procedures for making land transactions for individual holdings and for investment in communally held areas.

e) Identify possible linkages to other USAID programs.

Potential scope of USAID support:

- Conduct socioeconomic surveys of pilot certification areas to determine perceptions of tenure security, changing levels of investment, and changing land use patterns.
- Evaluate record keeping systems, security of records, and updating of records.
- Develop procedures manuals for land certification programs.
- Train local and regional officials in elements of land certification.
- Develop monitoring and evaluation capabilities among local and regional officials.
- Develop legislation clarifying property rights associated with certification.

Appendices

Appendix A: Important Land Policy and Administration Issues for Further Investigation

Appendix B: Geographic Information and Geodetic Grid

Appendix C: Land Tenure Title Deed (sample)

Appendix D: Institutions and Organizations Visited

Appendix E: Terms of Reference

Appendix F: Selected Bibliography

Appendix A

Part 1: Questions Raised by Desk Study for Further Investigation

Part 2: Excerpts from a Memo pursuant to a Land Policy Symposium held in Addis Ababa in April 2000

Appendix A: Important Land Policy and Administration Issues for Further Investigation

Part 1: Questions Raised by Desk Study for Further Investigation

Land Policy and Land Administration

Federal Institutions

The 1997 Federal Land Administration law requires the enactment of a national land use policy. While the national land use policy is long overdue and there has been a long exercise to formulate that policy, no such policy has been enacted at the federal level. This delay is probably a result of unclear delineation of responsibility for land within the federal government structure. However, it may be associated with the decentralization of land administration to the regions and the beginning of the introduction of regional proclamations on land. Given that regional authorities are just beginning to develop and implement their own land administration programs, the federal government may also be waiting to see how these programs evolve, before setting federal policy. Such a federal policy could evolve following the proposal of Allan Hoben (see Appendix A, part 2).

At present there is no specific federal land administration organization dealing with land matters. Both the Ministry of Agriculture and Ministry of Rural Development have some major responsibilities for land administration and management. Environmental and water resources agencies have additional roles to play. However, the Ministry of Rural Development has recently begun some coordination activities. There is at present a proposal to combine the Ministry of Agriculture and the Ministry of Rural Development into one Ministry. It is further proposed that this new ministry will have a specific department devoted to land matters.

Given the level of discrepancies in the regional land administration policies and institutions, it seems that there is a need to have a coordinating organ at the federal land level. Indeed, as a nation a general policy frame work and guidelines could have be provided since the beginning by the federal government. This idea is also implied in the Federal Land Administration law. This lack of a responsible Federal Government institution seems to be the major reason for the existing discrepancies in regional land administrations' laws and institutions. There are varieties of institutional arrangement scenarios, such as an independent autonomous federal institution dealing exclusively on land matters or a department within a relevant technical ministry such as the Ministry of Agriculture. These arrangements of could have their own pros and cons; therefore the decision on specific institutional arrangement should be based upon a thorough assessment of the existing situations.

Regional Institutions

The federal land administration law provides general framework for regional policies and at present, out of the nine regions, four regions have enacted regional land use are and administration polices. Theoretically regional authorities have autonomy to enact their own land use and land administration policies as provided for in the Federal Constitution and the Federal Land Administration law.

The National Constitution and National Land Proclamation give the regional land administration institutions the authority for lard administration matters including access, transfer, dispute settlement, and others. However, given the political tradition of controlling land and peasantry by government, the long tradition of customary laws in land administration, and the lack of capacity of the present land administration, it seems difficult to assume that these regional land administrations will have complete control over the situation.

At the regional level institutional structures vary. Of the four visited regions, three (Amhara, Oromiya, and SNNPR) have created a separate land administration and use authority. Tigray has retained the same structure as the federal government with land administration split between agencies, although there were indications that they may restructure their regional administration in the near future as well. The structure and status differs from region to region. In Amhara and SNNPR this authority includes environmental issues, while in Oromiya environment is dealt with separately. However, even in the future, coordination in land matters seem to remain as a challenge given its multi-sectoral nature: urbanization, industrialization, environment, agriculture, wild life, energy, water, minerals, biodiversity, and heritage.

There are variations in their autonomy, accountability, and organizational structure. For example, the Amhara Environmental Protection, Land Administration and Use Authority is accountable to the regional Rural Development Bureau. While the SNNPR region Environmental Protection, Land Administration and Use Authority is accountable to the regional chief executive. In term of structure, while the Amhara and SNNPR regions have included environmental protection units, in the case of Oromiya there is no such unit but they have included wildlife and forestry unit.

In the hierarchical arrangement within the regions, the lowest representation of the land administration authority are elected committees. At *woreda* level there are officially established Desks. All the land administration units at different levels of government (*kebele* administration, *woreda,* and zone in some cases) are accountable to both the administration and to the land administration authority. This potentially will create some difficulties in implementing the policies due to double accountability and lack of clear responsibility.

The Amhara and Tigray regions have enacted land use and land administration regulations while the SNNPR and Oromiya regions are in the process of enacting

their legislation. These regulations do not provide much more detail than was presented in the original proclamations.

In theory, every region is autonomous in setting up and staffing its organizational structure. Therefore, regional variations exist in staff structures. Land administrative functions are not handled by the same agency in all regions with different practices and trends in terms of structure and functions of the emerging land administration institutions. For instance, environment has been included in the responsibilities of land administration institutions of some regions while not in others. Regional land institutions are largely under the formative stage. So, it was difficult to evaluate their staffing situation.

However, from the existing practice, for instance in the Amhara and SNNPR regions, it seems that staffing will be a challenge at all levels. Lack of adequate applicants in the market, low salary scales, budgetary constraints, lack of adequate political commitment, and scarcity of trained personnel in land administration areas are among the causes mentioned. At the lower (*woreda*) level, the problem seems more serious. For instance, in July 2003 the Amhara EPLAUA *woreda* desks were staffed at the level of about 21%. At present SNNPR only has four people in its entire establishment.

At present, the land administration process is financed by the regional government. However it seems that donor funding would be solicited as the practice in Amhara region shows. Given the high volume of the task, the associated huge cost and very limited financial and human capacity of regional governments, it is more likely that some donor involvement will be necessary at the beginning. In the long run these institutions will have to be self-financing and plans should be made at the outset to ensure that this evolves. The cost - sharing idea seems to surface in some region like the Amhara and Tigray. From the existing experiences in Amhara and Tigray regions, it seems that the bulk of the cost in the registration process is borne by the community, as the local people do incur time and energy in implementations the program.

Land administration is financed from regional government budgets (revenue from taxes and other internal sources as well as federal government allocations). Some external assistance may exist, like SIDA support in the Amhara region. However, there is no indication that federal government will do any significant financing.

Tenure Security

Given recent experiences with land distribution programs and changing land administration structures the willingness of farmers to accept government guarantees of use rights will need to be tested before significant long term investments in land are made. This is an issue very fresh for this country and looks a potential research theme.

Irrespective of farming systems typical long-term investments by smallholder farmers include tree planting, soil, and water conservation works; organic fertilizer; and small-scale irrigation schemes. How these long-term investments are influenced by tenure security/insecurity needs further investigation. Different households will make different investment decisions based on their perceptions of security. Though not conclusive and factor differentiated, some studies have suggested that farmers do invest more on plots with secure tenure such as homestead plots that are less prone to redistribution.

The regulations are not sufficiently detailed to protect farmers future land security. For instance, the modalities in implementing compensation programs are not clearly stated in the three regional land regulations. Issues like property valuation, the responsible parties for compensation, enforcement mechanisms, etc, are not clearly spelt out. Regarding farmers compensation payment and further reallocation requires further studies. However, from short field visits in the Amhara and SNNPR regions, there is apprehension by farmers that land will be taken away without due process and proper compensation payment. In Amhara this apprehension is based on past experience. In SNNPR, villagers interviewed expressed concerns based on what they had heard regarding a recent allocation of land to a large investor.

There is a wide variation in landholding size and landlessness between regions. Countrywide, average holding size has fallen to less than one hectare (ha). For some densely populated regions such as SNNPR, the average form size is only 0.5 ha (see table below).

Table 1. Land use and household holding by region, 1997-1998

Region	Households		Holders		Total land use		Average land use/ household (ha)
	No. ('000)	%	No. ('000)	%	Area ('000 ha)	%	
Tigray	588.78	6.34	603.71	6.35	579.89	6.40	0.98
Afar	31.21	0.34	31.83	0.33	20.76	0.23	0.67
Amhara	2802.62	30.16	2870.81	30.17	2789.07	30.78	1.00
Oromiya	3533.53	38.02	3630.73	38.16	4309.89	47.57	1.22
Somali	93.34	1.00	94.36	0.99	81.50	0.90	0.87
Benishangul-Gumuz	114.02	1.23	119.77	1.26	147.84	1.63	1.30
SNNP	2071.57	22.29	2103.71	22.11	1094.69	12.08	0.53
Gambela	27.21	0.29	27.97	0.29	15.98	0.18	0.59
Harari	11.64	0.13	11.66	0.12	6.29	0.07	0.54
Addis Ababa	5.06	0.05	5.39	0.06	8.56	0.09	1.69
Dire Dawa	13.9	0.15	13.96	0.15	6.17	0.07	0.44
Total	9292.87	100.00	9513.91	100.00	9060.64	100.00	0.98

Source: CSA 1998

Some studies show that women and female-headed households have been given more attention in terms of land access. This is reflected in both legal frameworks and in practice. However, there have been no studies specifically looking at the impact of the certification programs on women's land rights. Nor are there specific studies available in terms of ethnic and religions groups.

Some case studies pinpoint that in general female-headed households have smaller holdings than do male-headed households. The major causes include cultural values, administrative bias, and less resource endowment by female-headed households.

However, there should be no variations between households in terms of the security of tenure offered by the certification program. The household as a unit holds rights to all parcels belonging to that household and the households understand their landholding rights as far as those rights have been explained to them by administrative levels and associates.

Leasing and Sharecropping

In terms of leasing, all regional laws allow leasing with some differences in duration, proportion of holdings to be rented out, and lease renewals. For example, the lease period for a lessee using "traditional technology" is five years in SNNPR, while it is two years in Tigray and three years in Oromiya region. The Amhara law doesn't explicitly state the lease period differentiated by "technology" use. "Modern and improved technology " as specified in Oromiya rural land use and land administration refers to input uses such as fertilizer, improved seed herbicide and others. The Amhara, SNNPR and Tigray rural land use proclamations do not specify the technologies for "modern" agricultural technologies.

Rental Arrangements

Regions	Categories of Lessees	Rental duration	Conditions on rented-out holdings	Renewal conditions
Tigray	a) Traditional technology	Up to two years	All holdings	No mention
	b) Modern technology	Up to 10 years (e.g., stipulates up to 20 years)	All holdings	No mention
Amhara		Up to 25 years irrespective of technology	All holdings	Renewable
Oromiya	a) Traditional technology	up to three years	The lesson is conditioned to rent out only half of his holdings	
	b) Modern and improved technology	Up to 15 years	Same as above	
SNNPR	a) Traditional technology	up to five years	The lessor could rent out all his holdings provided he has substitute livelihood support.	No clear provision in regulation.
	b) Modern technology	up to 10 years	Some as above	No clear provision in regulation
	c) Investor	up to 25 years	Some as above	Renewal upon agreement of the two parties

The laws in general have provisions that seem to facilitate lease markets. However, there are some serious restrictions on the provisions of lease rights. For instance the period of the lease, the proportion of holdings to be leased out, the definition of "technology use" for the lease period all limit the ability of an individual to make optimal decisions over land use.

As mentioned above, the short-term lease period, proportion of holdings to be rented out, among others, seems to be restrictive to a lease market. However, the real impact will be known in due course of time through closer investigation since at present there is insufficient data to determine the types of lease arrangement being used. On issues related to administering lease agreements, it is important to develop detailed procedures, which do not exist at present. Since land has long been leased under customary arrangements, fussy, uniform, formal and expensive leasing

procedures may handicap rather than facilitate leasing. The main impediment since 1974 has been fear of government interference.

The most common duration for a sharecropping arrangement is for one crop season. "*Yeikul*" (half each crop yield share) is the most common term of sharecropping arrangement between the lessor and the lessee. Some literature shows (not necessarily the pilot areas) that a more formal lease market creates more equitable land distribution and factor market utilization. Typical lessors are those individuals who lack labor, oxen, and other factors of production. These are generally the elderly, women, and resource-poor households. The lessees are generally are the better off in terms of household resource endowments. The cases differ slightly from region to region. Baseline studies are required, particularly in the pilot project areas.

From limited observations and experiences, farmers are somehow aware of the legal restrictions of the regional proclamations. As a result most lease arrangements (particularly rentals) are made clandestinely which is expected to negatively affect the lease market. More rules and regulations will only continue to provide incentives to landholders to enter into these arrangements. However, more systematic study is lacking on this aspect.

Most lease arrangements are made verbally and in customary ways with no registration. Others are made by written contract. Though few in comparison, these are made known to authorities under certain conditions, but not registered.

Redistribution

Redistribution programs have been justified on the basis of providing land to landless households. Some literature suggests that the common mechanisms for landless households involve a gift of small land from their families, land rentals, and sharecropping arrangements where land allocations have not occurred. Other means of livelihood support involve a diversity of off-farm employment schemes such as seasonal labor employment and out-migration to urban areas. Access to land to displaced persons was effected through mainly reallocation of land and resettlement schemes. Land available for allocation has come through the transfer of communal or state lands, redistributions, or combinations of these possibilities.

Redistributions have had a negative impact on farmer's perceptions of their land tenure security. In the northern parts of the country, where land redistribution were frequent, some studies indicate that farmers have developed a sense of insecurity. However, studies are not exhaustive and complete which justifies further investigation on this issue. In other parts of the country, where land redistribution is not common, there seems to be relatively more stable and secure tenure. Due to the previous repeated experiences, some studies pinpoint that farmers anticipate future land

redistribution. This was also reflected during the field visit in Amhara region. Rather than anticipating redistributions, farmers are quite apprehensive about them and are thus not readily willing to put as much effort toward improving their holdings as they would otherwise do.

The regional proclamations present some differences in policies on distribution of holdings. The Oromiya law explicitly rules out any future land redistribution. The SNNPR and Amhara regions present three conditions for future redistribution. The Tigray law provides no clear statement concerning the redistribution of land. However, the four regional land use and administration laws provide for redistribution of irrigation lands.

Conditions for Future Land Redistributions/Reallocation

Regions	Conditions
Tigray	No clear statement
Amhara	Should meet the following conditions: ▪ Ensures productivity of the land ▪ The public supports and accepts the redistribution scheme ▪ If research and studies support the idea of future redistribution
Oromiya	Prohibits any future land redistribution with the exception of irrigation lands.
SNNPR	Should meet the following conditions: ▪ Ensures productivity of land ▪ The public supports and accepts the redistribution scheme ▪ If research and studies support the idea of future distribution

Compensation

Where land is taken for public needs, compensation is supposed to be made. Compensation on land is more or less similar in all the regional land polices, but the provision of substitute land is not explicitly stated in all the regional land laws.

Compensation Provisions

Regions	Compensation Provisions
Tigray	For properties on land and/or substitute for holdings
Amhara	For properties on land and/or substitute for holdings
Oromiya	For properties on land or substitute for holdings
SNNPR	Properties on land and substitute for holdings

Property valuation is one of the important considerations in assessing compensation. However, this subject is not given enough attention in the emerging regional land administration system. This fact is also stressed by the regional land administration institutions.

Inheritance

Inheritance provisions are also more or less the same in all regions. Inheritance is allowed for family members, provided the family members have no other livelihood support. In some of the land laws, no clear definition of "family member" is provided, while in others (Amhara and SNNPR) family members are those who depend on the land. Amhara specifically says only those who have no other income are eligible.

Inheritance Provisions

Regions	Inheritance Provisions
Tigray	To family members with no livelihood support
Amhara	To family members with no other livelihood support
Oromiya	To family members with no other livelihood support
SNNPR	To family members with no other livelihood support

Both redistribution and inheritance are the prime venue for land transfer across generations. Both the written and customary laws are observed for transferring land to woman through inheritance. Traditional institutions and *kebele* administrations oversee the process. Both customary and administrative institutions are involved in dispute settlements that arise due to inheritance cases. However, information on this area is limited, with few studies focusing on this issue.

If family members are minors, they have a right to inherit the land use rights. Land users are entitled to transfer their holding to any other person, but if they do not actively do so, the right is transferred to successors as determined under the law. Transfers are made by application to the *kebele* administration. Transfers are under the signature of husband and wife. Land users may transfer their holdings to other heirs by testament or gift. A best guess is that both customary and statute law applies when considering regional variations. Women, if married, are already named on certificates as rights holders along with their spouses.

Public Awareness

Based on short field visits and discussions with relevant authorities, there seems to be no adequate awareness of the land laws by the public. While there are some unsystematic efforts to inform the public on land policy, as in the case of Amhara region, the regions do not have in-built policy awareness programs for their land administration institutions nor their land certification programs.

The Amhara certificate lists the rights and responsibilities of the landholder. This is explained to the landholder at the time of the village meetings during the certification process. How well farmers understand these provisions requires further follow-up work. As the pilot schemes progress, there is presumably an increased level of

awareness of the contents of the certificates. Tigray farmers contacted by the team indicated an understanding of the contents of the certificate contents.

Land Disputes

Some empirical studies show that customary laws and practices are still functional in the area of land administration. Land issues such as dispute resolution are often handled by these informal institutions. Some of these mechanisms are acknowledged by the regional land laws.

In most cases, information from field visits suggested that disputes (boundary, inheritance, and ownership) are resolved by customary mechanisms like mediation by elders. Dispute resolution starts at the sub-*kebele* level and can move up through *kebele* and *woreda* committees and administrations. Each landholder has the right to address any dispute/grievance to any level of government. Most land disputes occur before certificates are issued. Records are transparent unless the national interest dictates otherwise. Records are open to anyone unless there are overriding factors.

In addition, hierarchical institutions such as land administration committees, kebele social courts, and *woreda* land administration desks play their role. Here, disputes are resolved through a formal application process requiring certain details such as "theme of the complaint" and names of witnesses. If not resolved, the dispute goes to sub-*kebele* and *kebele* levels and the *woreda*. If not satisfied, every holder has the right to forward inquiries to any administrative/judicial level further response.

Pilot Land Certification Programs

Currently, a land certification program is underway in Tigray region. The Tigray approach was to issue certificates for all landholdings in the region. At present 85% of landholdings have had certificates issued, although completion of the exercise was delayed due to the shortage of certificates. No new certificates have been printed nor have any updates of existing certificates been possible as new allocations have been made or transactions occur.

A further two certification programs funded under the SIDA project are under way in two rural *kebeles* in two different *woredas* of the Amhara region Gozamin in East Gojam Zone and Dessie Zuria in South Wollo Zone. Amhara has begun their certification program with a series of pilot exercises. To date 1,400-1,600 primary certificates have been prepared, but not yet issued. Plans are to have all primary certificates issued within three years. There is reason to expect that the pilot model can be expediently transported to other areas of the areas of Amhara region and to other regions. SNNPR and Oromiya regions have visited the Amhara project to learn from that experience in developing their own certification programs.

It is too early to see how the pilot registration programs will be formally integrated into the regional administrative structures. Current staff for the pilot programs are civil servants with a heavy assistance from village committee in the identification of boundaries and landholders. The current Amhara pilot is supported by SIDA funding. Such pilot projects with donor funding always seem to work because they attract staff and offer various benefits. However, it is difficult to see how this will be sustained without such funding.

Amhara Procedures for Certification

The following procedures are being followed in the Amhara pilot certification program:

1. Application by the landholder.
2. After application is approved by appropriate authorities, survey work commences in conjunction with *kebele* authorities and affected landholders.
3. *Kebele* and sub-*kebele* committees review the application and completed survey work. If 2/3 of the *kebele* community approves, a book of holding (certificate) can be further processed for appropriate signatures, sealing, and issuance.

   The certificate book also spells out the rights and responsibilities of the landholder. Certain terms are spelled out on the certificate. Location descriptions can certainly stand improvement but given available resources, the descriptions are adequate. The books of holding indicate the period (term) for which rights are granted. General restrictions are stated; special restrictions are contained in *kebele* master plans.

Certificate Information

In Tigray, the certificate records the name of the landholder, the size of the holding, and the names of the neighbors on each of the four sides of the field.

Much more detail is being collected in Amhara. Here the primary certificate (book of holding) lists the name and address of the land user, name of spouse, names of adjacent landholders with their locations, size of the holding measured by traditional methods, quality of the landholding(s), locality name, and signatures, with dates, of the holder, chairperson of the land administration committee, and the *woreda* authorizing office (then sealed).

The current certification program permits women's property rights to be recorded on the certificates jointly with their husbands. In some cases, family members' names are also recorded. How these rights are exercised will be evident over time as the certificates are used for transactions, inheritances, and to settle disputes. Adequate monitoring mechanisms should be put in place to ensure that women's property

rights at not adversely affected by the certification program and its subsequent implementation.

In the laws of the SNNPR, Oromiya, Amhara, and Tigray regions, both spouses are entitled to take their share of land during a divorce. In Oromiya and SNNPR regions' laws, where there are provisions on polygamy, all wives except one will have a certificate in their own names only.

Secondary certificates (books of holding) differ from the primary certificates in that they list family members of the landholder(s) and contain a site map and refined survey measurements, file number of the book, how the holding was acquired and from whom, the period for which holding is granted, the "use pattern," the type of holding, (i.e., individual, organization, joint, communal, or state), major properties attached to the holding, and the rights and duties of the holder.

Records are required by directive to be updated by contact with land administrative committees. It is the responsibility of the land rights holder to make the initial contact. There are no legally sanctioned purchases or sales. Lease recording requirements are vague and inconsistent but the information can be entered into books of holding. Inheritances are effected by testament (or gift). Penalties exist relative to records updating (can be loss of holding right if changes are not requested).

It is too early to tell how well records are being updated. In Tigray it was quite apparent that there was little effort being made to update records. We were told that there had been numerous instances where landholdings had changed hands (e.g., Eritreans near the border who had been given land, but who had since returned to Eritrea, and inheritances where land had been subdivided on inheritance with new certificates issued) but in neither case had earlier certificates been cancelled, nor references made to the new allocations. In Amhara, while certificates have not been formally issued, presumably there will be need to update the records of landholdings where certificates are being prepared. It is not clear how that process will proceed.

There should be a great concern about the ability to keep records up to date. If records do not reflect the situation on the ground, there will be an increased level of property disputes arising from incomplete or inconsistent records, bringing the system into disrepute, as well as providing further incentives to not use the system. The system assures tenure security when its information is accurate. When that is not the case, it is more likely to create increased insecurity.

Program Costs

The cost and revenue issues do not seem well thought out. Cost seems to refer only to expenses incurred by government. For example, costs of local people and committee members in terms of time and energy do not seem not considered.

Revenue generation is largely sought to come from fees charged on getting information by different users, charges of certification, and other services.

The only discerned costs associated with certificate issuance is two birr/certificate in Tigray region. No good information is available as to how registry fees are to be set (no experience). Informally there is word that transactions do occur without their being recorded. Those officials contacted were non-committal about revenues.

The existing situation is that of pilot programs just getting underway. Office space has been established to cater to the needs of these pilot programs. If the program is to expand, considerable investment in infrastructure, staff, and facilities will be needed.

A completely decentralized system would require the establishment of a registration office in each *kebele* with record redundancy maintained in the *woredas* for security purposes. Eventually, the *woreda* duplicate records should be digitized and available by computer. All original manual records should be stored in a secure vault. Registrars should be thoroughly trained in all phases of records processing and storage and be officially sworn to duties.

This would require sizable investments over a long period of time. No federal government support and limited resources at the local level means that the system is not sustainable at the present. Finding donors to support the initial project is only a partial solution, since they are often willing to fund the creation of an institution, but are unwilling to continue to cover recurrent costs until it is self-financing.

The cost of the existing SIDA project is over $2 million for a four-year project. While this project costs includes the non-certification cost of land administration institution building, the government must consider the costs of scaling up the pilot project for the rest of the district as well as the long-term cost of doing the second tier registration exercise. Formal land registration programs in Eastern Europe are often budgeted at $15-$40 per parcel. For the 16 million parcels in Amhara alone, the cost of the exercise would be extremely high.

Cadastral Information

Cadastres are proposed to be maintained at *kebele* levels and some in the *woredas*. While ideally land cadastres should be principally maintained at *kebele* levels where these would provide for convenient access to the records, considerable costs will be incurred in the establishment, staffing, and maintenance of offices at this level. Sub-*kebele*-level cadastre locations would involve too much replication and scattering for what is needed.

Cadastral information is presently stored in hard copy. Records are updated manually by entries into the books of holding. Users of cadastral information include

all land administration agencies and the affected land rights holders. There is no formula for fee setting at present.

Given that cadastral information related to the pilot programs is only recently being generated, there is little knowledge of its existence within government agencies. No systems have been developed to deal with data and metadata handling.

Government policy in this aspect is in its early stages, since the information is just being collected and managed. As the informational database grows there will be increased demand for access to the information. No projections have been made concerning this.

Amhara Experience

There is general sense of success in the implementation of the pilot program in Amhara. However, there are a number of lessons that have been learned and should be incorporated into the further scaling up of the certification program in Amhara or replication in other regions:

1. Considerable efforts need to be made in informing the public of the objectives and benefits of the program. This is a continuing process and should be budgeted for with financial and human resources.
2. While at the early stages the project could be administered separately from the government hierarchy, at some stage the project has to be integrated into the government hierarchy since it is creating a new institution. Care must be taken to design the mechanism for this integration if it is not done from the outset.
3. The project team should consist of multi-disciplinary specialists and should be budgeted for accordingly.
4. A university-level training program in land administration and surveying should be established in the region to support the new land administration structures.
5. Develop and provide adequate staffing in the *woredas*.
6. Assistance is necessary in developing the enabling legislation and regulations for land administration at the regional and federal level. These should also serve to clarify the land rights being granted to landholders, explaining what rights and obligations are being created through the certification process.
7. It is premature to assess the impact of the certification pilot program in Amhara in tenure security and investment. However, the brief field observations and discussions with farmers reflected a mixed result. In most cases, certification is expected to minimize land disputes. In terms of tenure security enhancement, however, some farmers expressed their uncertainty. Others reported an increased level of green and organic manuring. There is an immediate need for studies to focus on the impact of the pilot certification programs and review the assumptions made to justify the program.

Part 2: Excerpts from a Memo pursuant to a Land Policy Symposium held in Addis Ababa in April 2000

To: Abdul Mohammed and John Bruce (World Bank)
From: Dr. Allen Hoben (Professor Emeritus, Boston University)

Note: This is a proposal of policy-oriented activities resulting from the 2000 symposium.

Objective

To help the Ethiopian leadership think about how it can modify land policy and administration in ways that will encourage efficient farmers to produce more and improve their land management without reducing the livelihood security of less well-off households.

Approach

The process approach should be based on the following principles:

- Collaborative: with the Inter-Africa Group serving as facilitator and working closely with staff in the Prime Minister's office;
- Pragmatic: rather than theoretical or ideological;
- Non-partisan: rather than political;
- Multi-disciplinary: drawing upon information from many kinds of macro, survey, and in-depth micro studies;
- Consultative: reaching out to involve a wide variety of stakeholders in frank and open discussion;
- Iterative: an ongoing process;
- Error embracing: finding out what can be learned by examining problems rather than trying to hide them;
- Experimental: learning by studying variations in land law and administration between regional states and encouraging them to try new approaches to resolving local and regional problems as they are identified; and
- Non-exclusive: the Inter-Africa Group effort should encourage other groups and institutions to undertake research on land issues, not regulate or preempt it.

First Step: Meeting in Washington

Abdul Mohammed, John Bruce, and Allan Hoben meet in Washington or elsewhere to explore the following issues.

- How can the process best be organized to involve key decision makers at the national and regional state levels and to tap appropriate Ethiopian and expatriate expertise when needed?

- What are the most pressing land policy issues, and how should they be prioritized in initial discussions with the Prime Minister's office?
- What activities should the Inter-Africa Group propose to initiate the land policy process? In this connection, would it be useful to prepare case studies on ways that other countries, like China, have dealt with similar land policy problems? Are there good studies of land policy problems in Ethiopia that should be examined more closely?
- What individuals and organizations might best be involved in these activities?

A number of housekeeping issues related to the Inter-Africa Group role will also have to be discussed:

- Organization: how will the effort be structured by Inter-Africa Group, and how will it work with the Prime Minister's office (and later with the leadership of the regional states)?
- Leadership: what individuals can provide intellectual leadership for the process, and how will they be involved in an ongoing or recurrent basis?
- Staffing: who will have the day-to-day responsibility to see that planned activities are coordinated and carried out?
- Timetable: in light of the current challenges to the government, what is a realistic timetable for initiating the process?
- Funding: what budget would be required for the first stages in the process envisaged, and what would be the most appropriate sources of funding?

Second Step: Discussions in Addis Ababa

Abdul Mohammed, possibly with John Bruce and Allan Hoben, to meet with the Prime Minister and his staff to discuss the preliminary ideas on the process developed at the meeting in Washington. The purpose of the discussion is to agree on the broad outline of the process and concrete first steps to be undertaken by the Inter-Africa Group.

Possible Follow-on Stages in the Process

- Assemble, analyze, and discuss with the Prime Minister's staff research of all types that has already been done in Ethiopia on priority land policy issues.
- Hold workshops to examine non-Ethiopian case studies that may shed light on how land policy challenges similar to those faced by Ethiopia have been dealt with by other countries with similar concerns. This might focus on one country, such as China.
- Identify priority land issues needing further research in Ethiopia.
- Consider how this additional research can be facilitated, encouraged, and funded.
- Work with regional state authorities to help them identify region-specific and local land tenure issues and design creative ways of dealing with them.

Appendix B

Part 1: Ethiopian Mapping Authority

Part 2: Ethiopian National Spatial Data Infrastructure

Part 3: International Community Mapping Task Force

Appendix B: Geographic Information and Geodetic Grid

Part 1: Ethiopian Mapping Authority

Meetings were conducted with the Ethiopian Mapping Authority (EMA) on January 22, 29, and 30, 2004.

The EMA is an organization of approximately 360 professionals and technicians with responsibility of all national geodetic surveys, datum definitions, and cartographic programs. The General Director, Hedgu Menhin, is a quiet man with considerable experience who is very proud of his institute and their capabilities. He is a good listener, asks serious questions, is very well acquainted with the various developments in positioning technologies, and is very determined that his agency be a leader among the African countries in geospatial data.

The current status of the Ethiopian horizontal and vertical geodetic reference frame is that they are in very poor condition and completely unsuited to supporting modern positioning (e.g., GPS) and remote-sensing technologies and applications. For example:

1. The horizontal datum, referred to as the 30th Meridian or Adindan Datum is a non-geocentric system, based on a mathematical model of the Earth (ellipsoid) that is regionally best fitting. This datum is shared with the Sudan. Geographic positions (latitude and longitude) defined in this datum will differ from a modern geocentric datum based on the International Terrestrial Reference Frame in the range of 120-200 meters.

2. The realization or monumentation of the horizontal datum is still based primarily on the control points established during the 1950s-1970s by the United States Coast and Geodetic Survey (now the National Geodetic Survey) and later the United States Army Map Service. Due to the national political problems of the Derg regime, EMA has had only moderate success in densifying and maintaining the survey control monuments.

3. The national vertical datum is based on a leveling connection coming from the Sudan and related to Mean Sea Level at Alexandria, Egypt. This vertical network was established primarily by the Coast and Geodetic Survey during 1957-1961. Due significant road construction, most of the control points in this network have been either disturbed or destroyed.

EMA currently has eight working dual-frequency Ashtech GPS receivers that are of sufficient capability to support the observation of an improved network or monumented control points. These instruments are nearing the end of their useful life span and will probably require replacement in the next two to three years. In

addition, they suffer from not having the contemporary processing software, and are currently working with DOS-based programs that are at least three generations old. Their systems will not adequately support the application of real-time kinematic operations that could be used to enhance the rapid collection of positional data relative to land parcel boundaries.

While the EMA surveyors are probably well trained in basic data collection, there appears to be only a limited knowledge of contemporary three-dimensional geodetic network adjustment theory and practice.

EMA is committed to enhancing the National Spatial Data Infrastructure to be consistent with the recommendations of the International Association of Surveyors (FIG) Commission X, African Reference System (AFREF) working group as outlined in the "Windhoek Declaration" adopted at a meeting of African National Mapping Organizations in December 2002.

Recommendations for the Ethiopian Mapping Authority

A modern geospatial reference system should incorporate a framework of several continuously operating GPS reference stations (CORS). A network of four to five CORS would provide sufficient coverage for the majority of Ethiopia. Approximate cost: $40k per CORS. EMA's ability to access and distribute significant amounts of GPS on a near real time basis is hindered by a very week telephone modem link to the Internet. Installation of CORS will require an upgraded capacity at EMA offices in Addis Ababa.

Total Program Enhancements ~ $365

Further Recommendations for Geographical Information

In each region, there is the equivalent of primary certification (PC) and secondary certification (SC). PC in its minimal form includes traditional measurement of properties, collection of a limited number of characteristics, and the owners of the neighboring properties on at least four sides (if applicable). In Amhara region, PC includes the survey of the kebele boundaries and communal and other non-individual properties using modern surveying techniques (total station). In Tigray region there is no use of "scientific techniques" in the PC. Although the system is not yet implemented in SNNPR, they have said they are modeling theirs after that of Amhara region.

We are recommending that one additional piece of data be collected in the PC process, that of a GPS centerpoint for each plot. This would require that the data collector, using an inexpensive handheld GPS unit, take a measurement of the location of the estimated centerpoint of the plot and enter it into the data collection form. Only limited training is required for the use of handheld GPS units for this type

of activity, and it has been done in numerous African countries very successfully with not only government extension agents, but also farmers' groups.

The SC requires the use of modern surveying equipment or "scientific techniques," as stated in Tigray region. The goal here is to resurvey each individual plot using this methodology, replacing the measurements made during the PC phase. Only Amhara is presently operating such equipment with its total station units. For a limited amount more per unit, GPS receiver-based surveying equipment can be purchased with the result being more accuracy and significantly greater efficiency in terms of time required to collect data. Amhara region has one such unit, although it is not presently operation.

Amhara region could consider migrating to GPS-based technology, and the other regions, as they see fit to undertake modern surveying approaches, could begin with such technology rather than going through a total station phase. However, this recommendation is made with the caveats that funds for equipment are available, training is available, and that the geodetic infrastructure of Ethiopia has been sufficiently modernized.

It appears that each of the regions has set for itself unrealistic goals for completion of even their PC. For example in Amhara region alone, they are looking at issuing as many as 4.5 million plots for an estimated 16 million plots within three years. The reasoning behind this schedule is not clear, but for the sake of developing a solid foundation, these deadlines should be relaxed. SC has in most cases been given a more realistic deadline of 20 or more years.

Amhara region has identified a number of activities for which it needs further assistance to meet its goals. These include:

- Surveying and mapping
  - Development of methods and guidelines for demarcation and surveying of *woreda*, *kebele*, and sub-*kebele*, communal, and service-area boundaries
  - Development and testing of methods for determination of parcel boundaries using orthophotos or satellite images
  - Production of images for the whole of Amhara region for speeding up the implementation and production of register maps
  - Development of digital mapping system and use of GIS and related software, including training and training materials
- Digital registration system
  - Development of a Land Administration System
  - Streamlining of digital and analogue systems

- Human resources development
  - Short-term, in-house training
  - Academic training in land administration, surveying, and GIS at Bahir Dar University
  - Study visits
- Legal framework
- Property valuation
- Property planning
- Property registration
- Institutional strengthening
- Implementation of activities

Although it is not recommended that Amhara region pursue the use of modern surveying techniques for their entire PC effort, they are using them for the initial *kebele*, communal, and service area boundaries. Therefore, it is critical that from the beginning these surveys be done correctly using the best equipment and practices that are available and still within the constraints of existing or potential funding.

Each region has expressed an interest in using remotely sensed data to assist them in demarcating boundaries. This would be in the form of air photos, orthophotos, or high-resolution satellite imagery. These data would most likely be used in the method described earlier as the index map method, where boundaries would be agreed to and drawn on hardcopy photographic prints, to be stored as is or entered into a computer-based GIS. In areas where boundaries are highly visible, this is a very effective method, assuming the remotely sensed data are available. The latter is not available at present, but it could be acquired at a fairly great expense and with a variety of technical and bureaucratic obstacles.

A small pilot exercise should be conducted in an area where surveying using modern equipment has already been undertaken (e.g., one of the two Amhara region pilot project areas funded by SIDA). The exercise can be used not only for comparison of methodologies (including technical difficulty and cost), but also be used as the focus for some very informative workshops for the land administration spatial data community and beyond. Because of the high startup costs of a photo acquisition mission and the lack of existing recent air photos, it might be necessary to rely upon high-resolution satellite imagery (e.g., Ikonos, Quickbird, or Orbimage) in the pilot areas. The existence of orthophotos for the pilot areas would have to be more thoroughly investigated. As part of the study, however, an investigation would be undertaken of the effectiveness of using orthophotos for boundary delineation in small-scale agricultural areas for which recent appropriately scaled orthophotos do exist.

Many of the activities discussed above rely upon the existence of good geodetic control. This is particularly true as modern GPS-based survey and mapping activities are undertaken. Ethiopia's geodetic infrastructure is in need of modernization (see Section 2.4) for support of not only spatial data acquisition for land administration, but for all sectors for which accurate spatial data are important (e.g., natural resource management and environmental protection, food security systems, surveying of irrigation schemes, or urban surveying).

Part 2: Ethiopian National Spatial Data Infrastructure (NSDI)

Background

On October 29, 2002, the Ethiopian Mapping Authority organized a one-day NSDI workshop in collaboration with the UN Economic Commission for Africa. They invited approximately 50 ministries and government organizations that have a direct connection with geodata (producers or users). Five papers were presented stressing the advantages of NSDI on the national economy and other relevant information. There were discussions on each presentation and sharing of experiences on geo-information techniques, data sharing, policy issues, and more. Finally, the participants separated into four groups to discuss specific issues and develop recommendations. The theme of the four groups were as follows:

- Group One
  - Identification of the lead agency for NSDI development in Ethiopia
  - Role, responsibilities, and mandate of the lead agency with particular
- Group Two
  - Identification of major producers of spatial data
  - Types of data produced according to the interest of the community
- Group Three
  - Identification of major applications that require spatial data and the data needed by these applications in Ethiopia
- Group Four
  - Suggestion of strategy for geo-information known by policymakers
  - How should NSDI investment be justified to obtain funding.

After each group's results were presented and discussed, the following resolution was passed:

> The Ethiopian Mapping Authority, based on the existing capacity, experience and legal mandate to take responsibility of facilitating development of NSDI in the national level as a provisional project."
> Source: SDI Africa, Vol. 2, No. 1

Subset of Participating Agencies

- Ethiopian Mapping Authority *
- Ministry of Agriculture *
- Ministry of Water Resources *
- Ethiopian Science and Technology Commission *
- Housing and Population Commission *
- Environmental Protection Authority *
- National Meteorological Service Agency *
- Geological Survey *
- Ministry of Mines
- Disaster Prevention and Preparedness Commission (DPPC)
- Civil Aviation Authority
- Policy Study and Planning Commission
- Addis Ababa University
- Nazareth College of Technology
- Mekele University
- UN Economic Commission for Africa (ECA)
- UN World Food Program (WFP)

* Demarcates members of the NSDI Steering Committee.

Part 3: International Community Mapping Task Force

The international community involved in mapping and use of other forms of spatial data, led by WFP, have organized a Mapping Task Force to address issues common to all of the participants. These include issues of sharing data, common and standardized coding, and projection and datum standardization. The technical leaders in this appear to be WFP, Famine Early Warning System (FEWS), and the UN Children's Fund (UNICEF). To their credit, there is good national representation in the Task Force in the representation of EMA, DPPC, MOA, and MOWR.

Objectives

- Set up an exchange of information on needs and methodologies.
- Establish a network to build synergies.
- Work in close partnership with the EMA to improve the mapping data availability and accessibility.
- Identify areas where inter-group projects can be implemented.
- Identify common needs in terms of training and capacity building.
- Optimize available resources.
- Data sharing and coding.

Additional Activities

- Standardized coding of *woredas*.
- Resource inventory.
- Identify training needs/plans for training.
- Set up a communication system for sharing information and data among participants.

Participating Agencies

- UN WFP (VAM Unit)
- UN Food and Agriculture Organization
- UNICEF
- World Health Organization (WHO)
- UN Development Program (UNDP)
- UN Office for the Coordination of Humanitarian Affairs (OCHA)
- USAID FEWS
- European Union/UN System Network on Rural Development and Food Security (RDFS)
- *Institut de Recherche pour le Développement* (IRD)/French Embassy
- International Livestock Research Institute (ILRI)
- Catholic Relief Services (CRS)
- Ethiopian Mapping Authority
- DPPC/EWD
- Ethiopian Ministry of Agriculture
- Ethiopian Ministry of Water Resources

Appendix C

Appendix C: Land Tenure Title Deed (Sample)

Memorandum

1. In order to ensure that the rights of rural landholders to use their land permanently is legally guaranteed, the Environmental Protection, Land Administration and Land Utilization Authority has, by virtue of the legal mandate conferred upon it, decided to grant this title deed of tenure to the landholder.
2. The person who has been granted this title deed of tenure shall be considered the rightful holder of the land.
3. This booklet shall serve as a first phase certification of tenure given to the holder until such time as the area map of the holder's land has been prepared.
4. Once the area map of the holder's land has been prepared, the second phase title deed shall be given to the holder along with the area map of the land.
5. All the rights and duties stipulated in the booklet are equally applicable both to those who have been given a first-phase or a second-phase title deed.
6. The Office of the Authority shall, capacity allowing, give incentive awards to those land users who provide exceptional care to the land and who undertake development activities worthy of emulation by others.
7. When land users exchange land to make their holdings adjacent or proximate with one another, their title deeds of tenure shall be accordingly renewed [adjusted] without any additional payment thereof.
8. This title deed of tenure shall have no legal force unless it is signed by the competent authorities and the *Woreda* Desk Bureau has put its seal on it.

1. Rights of Landholders

- The person in whose name this certificate [title deed] of land tenure has been issued has been guaranteed the security of not being deprived of his/her right of use and possession of the land as indicated under items 6.1/7.1 of this title deed.
- The landholder's constitutional right to develop property on the land he holds is guaranteed. Accordingly, unless otherwise decided by the people's participation to use the land for communal purposes, the landholder's right to benefit from his property shall not be infringed upon by anyone.
- If the landholder's land is legally appropriated for communal purposes, he has the right to payment of compensation, prior to the appropriation, for the property he has developed commensurate in value with that of the property.
- The landholder's right to rent or bequeath his holding is guaranteed.

- The landholder can borrow money using his right to use the land as collateral.
- The landholder can, of his own free will, forfeit his right to use the land at any time. When giving up his right to use the land, however, his right to remove the property he has developed shall be legally guaranteed.
- The landholder has the right to receive professional support from the relevant body in order to care for and properly use his land.
- A landholder who has watery [marshy] land or a landholder who loses, in full or in part, his land due to a network of irrigation canals has the right of access to irrigation.
- A landholder who loses his land due to construction of irrigation canals has the right to be allocated land equal in value to the one he has lost, suitable for development by irrigation.
- A landholder who has planted trees on the borders of his holdings that are adjacent to highways/roads has the right to use those trees, however planting replacement trees in their stead.
- A landholder has the right to collectively develop communal lands located within the *kebele* of his residence.
- A landholder has the right to elect, or to be elected to, committees established for the purpose of land administration.
- If a landholder has no access to roads through his own holding, he has the right to use the border areas of the holdings of others to access the roads.

2. Duties and Responsibilities of Landholders

- The landholder has the duty to protect and care for the land under his tenure.
- The landholder has the responsibility of planning property development activities on his holding and of alleviating the pressures of damages to the natural environment, in cooperation with professionals.
- The landholder has the duty to make sure that the property he develops on his holding does not cause damage to adjacent lands.
- The landholder has the responsibility, during rains, of collecting water draining on his holding and draining water overflowing from other plots in an orderly fashion before the water causes damage to the land.
- The landholder has the duty to turn over his holding, after receiving the appropriate compensation, if and when it has been confirmed through studies and agreed upon by the community that his holding is needed for community development purposes.

- If, when irrigation canals and other infrastructure networks are being built, it has been found necessary for the infrastructure networks to pass through his holding, he has the duty to allow passage.
- If a landholder's holding happens to be watery [marshy] and that landholder has access to irrigation canals, the landholder has the duty to turn over a portion of his holding to another person who happens to have lost his watery [marshy] land due to the construction of irrigation canals.
- If a person's holdings happen to border river banks and slopes, the landholder has the responsibility of cultivating his land at a distance away from the banks or slopes, as shall be specified by the relevant body. Moreover, the landholder has the responsibility of circumscribing the land bordering riverbanks and slopes and taking care of them by planting trees and other plants.
- If the landholding of a person happens to border highways/roads and feeder roads, the landholder has the duty to plant trees and take care of the environment while at the same time benefiting from the trees so planted.
- The landholder has the duty of providing his share of contribution to protect and care for communal lands in accordance with local regulations to be issued at a later time.
- The landholder has the duty to cooperate in the process of surveying and demarcating borders on his holding and placing border markers and protecting them.
- The landholder has the responsibility of making efforts to protect wild animals on his holding from any damage as long as the animals do not cause any damage to his holding.
- Any landholder has the duty to provide land-related information and data for purposes of undertaking studies for land administration and other related purposes when asked by the competent authority.
- The landholder has the responsibility of the safekeeping of his title deed of tenure and the duty to present his booklet when asked by the relevant body.

3. Shirking of Responsibilities

- Any land user who causes damage to his land by failing to take good care of it could be punished with a penalty of up to 300 *birr*. If the holder repeatedly commits the offence, it could be decided against him to turn over the land by way of rent to another person who commits himself to taking good care of the land for a period of up to five years.
- Any land user who refuses to cooperate in the protection of and caring for communal land can be penalized with a sum of up to 200 *birr*. If the said land user repeatedly commits the offence, he could be penalized by restriction from using the communal land for one year.

- Any land user who causes damage to the holdings of others as a result of neglecting his duties, it could be decided against him, in accordance with the provisions of the Civil Code, to pay compensation for the damages over and above the penalty imposed on him for violating the regulations.
- If any land user impedes surveying work, fails to cooperate when border demarcation signs are put in place, inflicts damage on wildlife that poses no threat to his holding, or forbids other land users access to roads through the borders of his holding, he shall be punished in accordance with the laws pertaining to the violation of the regulations.
- Here the primary certificate (book of holding) lists the name and address of the land user, name of spouse, names of adjacent landholders with location, size of the holding measured by traditional method, quality of the landholding(s), locality name, and signatures, with dates, of the holder, chairperson of the land administration committee, and the *woreda* authorizing office (then sealed).
- Secondary certificates (books of holding) differ from the primary certificates in that they list family members of the landholder(s), contain a site map and refined survey measurements, file number of the book, how the holding was acquired and from whom, period for which holding is granted, the "use pattern," type of holding (i.e., individual, organization, joint, communal, or state), major properties attached to the holding, and the rights and duties of the holder.
- Records are required by directive to be updated by contact with land administrative committees—it is responsibility of the land rights holder to make the initial contact. There are no legally sanctioned purchases or sales. Lease recording requirements are vague and inconsistent but can be entered in books of holding. Inheritances are effected by testament (or gift). Penalties exist relative to records updating (can be loss of holding right if changes are not requested).

Appendix D

Appendix D: Institutions and Organizations Visited

Schedule of meetings

Date	Individuals	Institution
Wednesday 21 January	Mr. John McMahon	USAID
	Dr. Mike Roth	Land Tenure Center
	Ato Desalan Ramato	Forum for Social Studies
Thursday 22 January	Dr. Alula Pankhurst	Department of Sociology and Social Administration AAU
	Ato Gelashew Aberra	Dean of Law Faculty
	Ato Alemo Asfaw	USAID/FEWS
	Ato Hadgu G/Medhin	EMA
	Ato Messele Fisseha	Ministry of Water Resources, Head, Basin Development Studies
Friday 23 January	Prof. Mesfin Abebe	Advisor to Deputy PM
	Ato Fikre Markos	Head Agriculture Dept.
	Ato Mulugeta Debalkew	Food Security Dept.
	Ato Chukwudozie Ezigbalike	UNECA
	USAID donor meeting:	
	Ato Assaye Legesse	World Bank
	Ato Charles Agobia	Sr. Policy Advisor, CIDA
	Ato Berhanu G/Medhia	ILRI
	Ato Tamiru Habte	Ministry of Agriculture
	Ato Siraj Barkeli	Head of Oromiya Land Administration and Resource Authority Oromiya Regional Office
Sunday 25 January	Travel to Dessie	
Monday 26 January	Bureau of Agriculture	
	Pilot farmers and KA Chairman	
	Pilot land committee	
	Farmers in neighboring *Kebele*	
	Dessi Zone Wareda Administration Office:	
	Ato Beyene Bezabih	Head, EPLAUA *woreda* desk
	Ato Sileshi Fenta	Woreda Administrator, Dessie Zuria

Tuesday 27 January	Drive to Bahir Dar	
Wednesday 28 January	Ato. Menberu Allebachew	GM, EPLAUA
	Dr. Hailu Zerfu	Dep GM, EPLAUA
	Ato Belenche	Head, Land Admin Dept.
	Ato Gebeyehu Belay	Land Admin. team leader
	Lenart Backstrom	SIDA EPLAUA Advisor
	Ato Testaye Ashine	Land Surveying and Registration
	Ato Abtamu Tsegaye	
	Ato Assefa Tefera	Investment Authority
Thursday 29 Jeanery	Fly to Addis Ababa, Fly to Makele	
	Ato Teklewoini Assefa	Exec. Dir. REST
Friday 30 January	Dr. Mitiku Haile	Pres., Makele Univ.
	Kinfe Abraha Gebre Egziabher	Asst. Prof
	Getachew Reda	
	Ato Belete	Vice Head, Bureau of Agriculture
	Ato Abay Woldu	Head Rural Development Bureau
	Hintalo-Wajirat Woreda:	
	Ato Tadese	Head, Hintalo-Wajirat Woreda
	Ato Assefa	Woreda Capacity Building
	Ato Frezghi Asgedom	Head, Woreda Agricultural Office
	Ato Mehari	Woreda Agricultural Expert
	Farmers at Adi-Gudem Kebele	
	Fly to Addis Ababa	
Saturday 31 January	USAID Briefing	
Monday 01 February	Drive to Awasa	
	Ato Mamo Godebo	Head, Department of Land Use and Administration, SNNPR
	Ato Gabriel Senaj	USGS/FEWS
Tuesday 02 February	Ato Rashid Hassen	Expert EPLAUA SNNPR
	Ato Bekele G/Medihin	Department Head, Investment Office
	Ato Zemdie Asfaw	Cartographer, Cartography and GIS Department, Population and Statistics Office
	Farmer meeting Awassa Zuria Wareda, Tullo *kebele* administration	
	Ato Lukas Kenchi	Vice Administrator
	W/o Zinash	Development Agent

	Mapping Task Force Meeting at UNICEF	
	ICRAF Meeting at ILRI	
	Pierre Lucas	WFP/VAM Unit
	Drive to Addis Ababa	
Wednesday 03 February	John McMahon	USAID
	Molla Mengistu	Law Faculty
	Hedgu G/Medhin	EMA
	Degalu Sendabo	EMA
	Wobite Abeje	EMA
Thursday 04 February	Berhanu Fentaw	Natural Resources Management and Regulatory Department, MOA
	Wondwossen Assete	Natural Resources Management and Regulatory Department, MOA
Friday 05 February	Briefing USAID	

Appendix E

Appendix E: Terms of Reference

Ethiopia Land Policy and Administration Assessment/Action Plan Team

I. Objective

The purpose of this technical field support effort is to assist USAID/Ethiopia clarify the technical elements and technical assistance needs to implement a program intervention aimed at increasing security of tenure and rights in land. The program will work with the government of Ethiopia at the national level and in selected regions and districts (*woredas*). This assessment/action plan will address the principle constraints within land policy and administration necessary to improve land tenure security and transferability of land use rights.

II. Background

Research and studies in Ethiopia show that insecurity of land tenure restricts rights in land, reduces incentives to productively invest in land, and limits transferability of land. In turn, these pose significant constraints to agricultural growth and natural resource management.

In June 2001, USAID participated with other donors in a review of key policy issues to improve food security in Ethiopia.[17] One key issue discussed was the fact that while the Ethiopian Constitution grants households usufruct rights to land, it does not grant a specific plot of land to the households. This absence of secure rights to a specific plot of land results in the periodic reallocation of land to accommodate the ever-increasing newly emerging households from rapid population growth. At the household level, these insecure rights in land result in low investment in land, little diversification in production, bad land use practice, and low productivity. At a more general level, Ethiopian land policy was seen to lead to fragmented holdings that preclude scale economies in agricultural production, increased levels of environmental degradation and poor agricultural performance. Lastly, the workshop participants concluded that the absence of secure tenure in land deterred out-migration from rural areas as the only asset households have is the insecure access to land which is lost if they leave the area.

On the positive side, the participants noted that some Ethiopian states were initiating land reforms and specifically cited the Amhara National Regional State (ANRS) Land Use and Land Administration Proclamations in 2000. The ANRS land reforms in 2000 were consistent with the national Constitution but in addition provide rights to a specific plot of land. To implement the reforms, households are to be granted land

[17] Proceeding of USAID, EU,WFP, & UNOCHA/EUE Food Security Workshop; *Improving Food Security Policy Dialogue: A Review of Key Policy Issues & Establishing Policy Consensus Among Major Actors in Ethiopia*, USAID/Ethiopia, June 2001.

certificates that, while not title deeds, do provide increased security of tenure to stimulate investment and better management of land. Also on a positive side, the workshop noted that resettlement of populations characterized as chronically food insecure from the overpopulated highlands to the lowlands was emerging as an option particularly within the ANRS given the new land use and land administration reforms.

Based on the USAID supported workshop analysis, recommendations were made to:

- provide support to activities that encourage the GFDRE to guarantee more concrete resource and land use rights such as advanced by the ANRS, and
- consider migration on an integrative basis including urban resettlement as a means to draw people from overpopulated rural areas and encourage labor mobility.

Also in 2001, a land expert under the USAID BASIS Collaborative Research Support Program (CRSP), completed field research based on household surveys in the Amhara region that addressed the role of natural resource management institutions including local land tenure institutions to cope with drought/famine and to rebuild assets after drought.[18] While the findings were prefaced as preliminary, increasing poverty was found to be complicating household recovery after a drought and increasing poverty was a result of land scarcity, declining soil productivity and reduced grazing. Other key findings included: competition for common property resources was intensifying and leads to conflict and that management of conflict is a central aspect of formal and informal natural resource management institutions.

In 2002, the Ethiopian Economic Association and the Ethiopian Economic Policy Research Institute completed a comprehensive analysis of Land Tenure and Agricultural Development in Ethiopia.[19] The study was based on a survey of the literature, a survey of 8540 farm households and a survey of knowledgeable land tenure professionals from the entire range of stakeholders. Overall, the study concluded that "… the problems faced by Ethiopian agriculture are very much related to the existing landholding system although it is not the only cause to the problem." In particular, the study concludes that scarcity of cultivable land is a serious problem; 48 % of the national sample and reaching to 75 % in the Tigray region own landholdings below the minimum area required for minimum food production with obvious implications to the survival of the majority of the rural population and the viability of peasant livelihoods. Of the sample, 38 % believe the current land tenure system is not good but more importantly, the study found that "… for farmers the issue of tenure security seems to be a more important consideration

[18] A. Peter Castro; "Trip Report: Greater Horn of Africa," BASIS, May 23-June 12, 2001, http://www.wisc.edu/live/bashorntripac0105.pdf.

[19] Ethiopian Economic Association/Ethiopian Economic Policy Research Institute; "A Research Report on Land Tenure and Agricultural Development in Ethiopia," October 2002.

than the form of ownership as such." While in the sample 32% of the farmers preferred private ownership with full transfer rights and even greater number, 47% were satisfied with state ownership with secured use rights. The overall point is that nearly 80% of the farmers want more secure use rights.

The study also concluded that related to farmer participation and performance in extension programs, "… size of holding matters and matters a lot" with larger holdings of course being the preferred. Land size was also related to food aid dependency where the study found that "… dependence on aid decreased inversely to the size of average farm holdings." Land degradation was also cited as a serious and growing problem for Ethiopia over the last three decades but yet little has been achieved to halt the degradation. The study concluded that land tenure was a key issue for the unsatisfactory performance. Finally the study looked at informal and formal land transfer mechanisms and found that sharecropping, land sales and renting land were all practiced to varying degrees and that 73% percent of the professionals that responded to the survey, "… want the government to abandon its policy of outlawing land sales and/or remove constraints on the free operation of the land rental markets in rural Ethiopia." In the study, opinions of professionals and stakeholders tracked well with farmers. Of those that responded to the questionnaire, over 80 % believed that the existing land tenure system is one of the major constraints to increased agricultural productivity and improved natural resources management and use.

Although the Government of Ethiopia is opposed to private land ownership, to its credit it is embarked on accelerating land reform including land certification to ensure tenure security and respond to concerns related to land access, collateralization of land use rights, and transferability of use rights. Regional governments have the authority, operating within the federal land policy, to provide access to land, determine land lease cost and duration, and take other steps they deem necessary to address land issues. At least one region has offered up to 99-year leases to foreign investors interested in large-scale agroenterprises. Various regions are piloting different approaches to the land issue. The federal Government is encouraging harmonization of best practices and recently held a meeting with regional officials and others to discuss ways to move toward harmonization.

III. Statement of Work

The assessment/action plan team (hereafter, the "team") will weigh the relative costs and benefits of various land-related intervention options, establishing priorities for these intervention elements, and identifying realistic impact indicators that can be anticipated from these intervention elements. The team will analyze land tenure security, land policy, land administration and related issues (collateralization and transferability of land use rights) as they impact on food security and agricultural development in Ethiopia. Combining both a desk review of the most recent literature/program reports and a field assessment, the team will analyze the situation

and make recommendations as to the most effective package of intervention elements. The team recommendations will reflect Mission's objectives, timeframe and budgetary constraints, as well as possible synergies with other existing or planned donor programs.

Considerable research and assessment has been conducted in Ethiopia on land policy, land administration and the negative impact of insecure tenure and land fragmentation on agricultural productivity, environmental management and investment. Other land policy/land administration related issues have also been analyzed. The team will review relevant research and project documents in order to contextualize its analysis and recommendations.

The team will consider government policy and orientations, the various land reform initiatives and approaches being implemented in different regions, donor interventions, and the existing studies related to the above land issues. To inform its analysis, the team will meet with various stakeholders, including Ethiopian national and regional government officials, private sector and other civil society representatives, other donors, and landholders/agricultural producers, in addition to USAID/Washington and Mission staff.

The team will frame its analysis and recommendations by identifying the principle constraints to land tenure security, land access, effective and transparent land administration and the relative impact that these various issues have on poverty alleviation and food security in Ethiopia. The recommendations on program options should be designed to address these constraints, with guidance on the sequencing and prioritization of program elements relative to impact on poverty alleviation and food security.

The team will focus on five areas of analysis:

1. Land Policy
    a. Explore relationship between national and regional policies governing land use and land administration;
    b. What are the gaps in legislative framework that would facilitate greater tenure security and enhanced transferability of land use rights?
    c. Assess the delegation of authority among levels of government administrative bodies and degree to which there is consistency between national and regional legislative frameworks to allow effective and transparent land administration.
2. Land Administration—institutional development and capacity building
    a. Evaluate the status and capacity of current land administration systems;
    b. What are implications of the pilot certification program on Ethiopia's land administration systems? What mechanisms are in place for registering and maintaining information on certificate registration? What are cost implications for small holders?

c. Estimate the initial investment and recurrent costs of maintaining an up-to-date cadastre. What are the potential sources of revenue to support those costs? What strengthening would be required to enable collection and dedication of revenue to cadastre upkeep?

3. Tenure security, land use transferability and land access
   a. What impact will certificates of use rights or cadastre strengthening have on tenure security, land access, agricultural productivity or investments? Are there preliminary outcomes from the Swedish International Development Agency (SIDA) pilot certificate program or other land certification programs that indicate the impact of the interventions undertaken on food security, productivity, incomes and investment?
   b. Examine the mechanisms under the SIDA pilot certificate project and other land certification initiatives for issuing use-rights certificates, determining who has rights to which parcels, dispute resolution, information access, etc.
   c. What are the implications for small holders (tax, transferability of use-rights, land access, etc.) of the pilot certificate project being implemented?
   d. What provisions are included, if any, to ensure access to land by women and female-headed households?
4. Geographic Information/Geodetic Grid
   a. Review the current status of ……..(EMA) technical capabilities to observe, process, adjust and distribute large amounts of Global Positioning Systems (GPS) data;
   b. Assess the status of geodetic equipment hardware and software;
   c. Estimate the initial investment and recurrent costs of maintaining the proposed geocentric spatial reference system for Ethiopia;
   d. What are the projected/estimated primary and secondary benefits of the cadastre and how do they compare to the costs?
5. Coordination
   a. Develop recommendations as to geographic focus, the relative balance between regional and national levels of stakeholder engagement, and opportunities for collaboration across donor programs;
   b. What are the links between recommended interventions and objectives such as increased agricultural productivity, increased household incomes, and food security? Will these interventions help achieve famine prevention objectives within a five year period?
   c. What kinds of expertise would be necessary to manage and monitor any proposed intervention(s)? Is that expertise available within Ethiopia? If not, where would it be found, and what lead time would be required?

IV. Team Composition and Qualifications

The assessment/action plan team will be comprised of three to four consultants with combined expertise in land policy, land administration and post-conflict land issues.

There is considerable expertise in Ethiopia on land policy/land administration issues. The team should include one or more of these experts. A land specialist from USAID/Washington Bureau for Economic Growth, Agriculture and Trade (EGAT) will accompany the team and participate in the assessment and recommendations, though the output will be the responsibility of the contractor.

1) Senior land tenure security/land policy and legal frameworks specialist with experience in land and property issues of developing countries, with concentration in Africa. Experience in designing, implementing and evaluating USAID and other donor funded programs critical. (Team Leader)
2) Ethiopian land policy specialist with experience in institutional development and stake-holder dialogue, as well as in program work related to land policy in developing countries;
3) Land administration expert with experience in land administration systems, titling, registration and cadastral systems;
4) Geodetic specialist with experience in establishing and maintaining geocentric spatial reference systems (NOAA representative funded by invitational travel); Ethiopian agricultural economist with expertise in factor markets, land issues, food security and asset based livelihood strategies.
5) Geographic Information Systems Specialist, with experience in establishing and maintaining geo-referenced data systems at a local, national and international level to support mapping and improved land use planning and management (USGS representative funded by invitational travel).

V. Time frame and Funding Levels

The assessment will be conducted over three weeks tentatively scheduled for January 2004. The team leader and one other team member will have an additional week to do the desk study; the team leader will have several additional days to complete final revisions to the report after receiving comments from USAID.

A geodetic specialist, from NOAH and a geographic information systems specialist from USGS will join the team. The remaining staff will be recruited through specialists in Ethiopia and internationally.

VI. Deliverables

- Desk study

A desk study of existing literature, project documents on land and agricultural issues in Ethiopia and assessments including that of the recent famine prevention team. Relevant topics would include, but not be limited to land tenure security, land access, land policy and administration, small-holder issues related to factor markets. The

desk study should review existing materials in light of the questions listed above. The resulting report should seek to clarify or refine the questions that will be explored during the course of fieldwork.

This report is due two weeks prior to initiation of fieldwork.

- Final report

The final report will present a package of interventions to increase land tenure security as well as recommended sequencing and prioritization for these interventions. The final report will also include the findings, analytical answers to the questions outlined above, and any other insights and analysis that form the basis for the team's recommendations.

Prior to departure from the country, the team will de-brief the Mission as to their findings and recommendations. A draft report is due one week after completion of fieldwork. A final report will be expected one week after comments on the draft are received back from USAID.

VII. Logistics

The contractor should arrange ground transportation and translation/interpretation services. Although the team will have access to USAID facilities for printing of documents, working space at the Mission is limited and computers are not available. The budget should allow covering short-term working space for the team. The Mission will provide administrative support to help the team schedule meetings.

Appendix F

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