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Evolving urban cadastres in Ethiopia: The impacts on urban land governance

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ABSTRACT

Literature on urban land governance suggests cadastres play an important role in delivering equal land access, adequate tenure security, sustainable land use, accountability of actors, and transparency. Accordingly, land governance is increasingly examined through the domain of cadastres, or more broadly land administration. In Ethiopia, urban cadastres are yet to be studied through this lens. This paper examines the evolution of Ethiopia's urban cadastres in support of urban land governance across three governing regimes: the Imperial, the Military, and the Ethiopian People Republic Democratic Front (EPRDF) regimes. Three data collection techniques are applied: research synthesis is used to understand the nature and role of Ethiopia's urban cadastres during the Imperial and Military regimes, whilst secondary data and primary observational analysis are used to assess the early and contemporary parts of EPRDF regime respectively. The recognized cadastral 'toolbox' approach informs the analysis: the comparative role of cadastres in delivering urban land governance across the three study epochs is assessed. The study reveals that during the Imperial and Military regimes, policies and legal frameworks afforded less consideration to important aspects of urban land governance. Meanwhile, results from the early EPRDF regime suggest that whilst urban land governance discourse was popular, the operational role of the urban cadastre in improving urban land governance was limited: the basic requirements needed for the operation of urban cadastres, including political steadiness, policy and legal clarity, technical capacity, sound organizational design and societal support were missing. The contemporary situation shows improvement, however, each 'toolbox' element has improvement opportunities.

Introduction

Cadastres are argued to support good governance, and specifically good land governance (Enemark, 2010): records of land parcel geometry, land rights, restrictions, and responsibilities, and the parties involved can be used to enhance institutions and societal coordination. Cadastres can help to streamline land transactions, fast track land dispute resolution, enable credit access, enforce land use controls, and ensure fair land taxation (Henssen, 2010). Contemporary cadastres are considered instrumental for implementation of land policies that can achieve sustainable development (Williamson et al., 2010). As a result, governments and international donor organizations allocate large financial resources to the establishment, maintenance and renewal of cadastral systems in developing contexts (*c.f.* Deininger, 2003).

The link between cadastres and land governance results in the former being increasingly used to study or assess the latter. Enemark (2010) examines the evolving concept of land management and recognizes a shift in discourse from technical aspects of cadastres to a broader discussion on the role cadastres play in land governance. Numerous further studies are identifiable. Roberge et al. (2011) empirically examine local governance through the analysis of forest certification performances: the studied certification process fosters relationships between the state, civil society, and business actors. Zevenbergen et al. (2013) discuss that a land recordation system comprising of land registration and cadastral systems would contribute to pro-poor land administration and land governance. Koontza and Newig (2014) analyze participation in governance activities in the implementation of an EU Water Framework Directive: information transmission is limited across levels during planning and implementation. Haldrup and Stubkjaer (2013) discuss the potential of indicators on cadastre and land registration to monitor land administration and land governance. These studies demonstrate that urban land governance can be evaluated, albeit with challenges, from the performance of urban cadastres or vice versa.

Regarding Ethiopia's urban cadastres, such studies are yet to be undertaken. Indeed, scant literature on the nature, design, use, and

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maintenance of Ethiopian cadastres is available generally. Since the 1990s, the government of Ethiopia worked on various activities to modernize the existing land administration systems both in urban and rural contexts. Especially in urban contexts, the government's effort ranges from issuing various urban land leasehold laws to consecutive attempts of realizing a functional urban cadastral system. The prime aim of these efforts has been to improve service delivery and land governance in cities of the country. A challenge specific to Ethiopia is that independent policy, law and organizational frameworks govern urban and rural lands. This enables urban cadastres and urban land governance to be different from the rural cadastre and rural land governance.

This paper focuses on urban cadastres and urban land governance. In this context, the cadastre is defined broadly as "an official record of information about land parcels, including details of their bounds, tenure, use and value" (Williamson et al., 2010). Meanwhile, in this paper land registration is considered a subset of 'cadastre' and is defined "a process of recording land ownership, rights to land, and obligations of land owners and users" (van der Molen, 2011). Therefore, 'cadastre' is considered as a system that comprises the cadastral map and land registration process, and for that matter, it is also considered synonymous with the term land administration system. A similar approach is evident in Bogaerts and Zevenbergen (2001) and Silva (2005). With regards to the concepts of governance, this paper uses the definition provided by Treib et al. (2007): "the steering and coordination of interdependent (usually collective) actors based on institutionalized rule systems".

Meanwhile, numerous studies are conducted more generally on land policies and land tenure systems of Ethiopia across the three governing regimes: the Imperial regime, Military regime and current Ethiopian People Republic Democratic Front (EPRDF) (*c.f.* Crewett et al. (2008), Rahmato (2004), Nega et al. (2003)). Other research focuses specifically on rural lands, including the certification process, land reform, and cadastral developments. (*c.f.* Holden et al. (2011), Deininger et al. (2008), Abegaz (2004), Palm (2010), Abebe (2006), Adenew and Abdi (2005), and Belay et al. (2013)). However, perhaps due to the fact that only one fifth of the population is based in urban areas, research focusing specifically on Ethiopia's urban context and its urban cadastres is limited: the rural context and livelihoods remain the focus of many initiatives including the World Bank (USAID, 2011). At any rate, a range of gray literature describing works in progress for the urban context is available (*c.f.* Zein et al. (2013), Tadesse (2006) and Aneley (2006)). Urban cadastres in Ethiopia demand more research attention: the evolution and contemporary status of these systems, and the ways in which they support (or not) urban land governance requires articulation.

To this end, the paper examines the evolutionary role of Ethiopian urban cadastres in supporting urban land governance. First, background concepts and theories on contemporary cadastres and land governance are provided. This leads to an overview of the research methodology and analytical tools used in this study. Subsequently, results from the applied analytical framework on the three regimes are presented. The implications for urban land governance are discussed. Finally, the conclusions forecast future needs in terms of interventions and research for urban cadastres in Ethiopia.

A background to urban land, cadastres and land governance

Urban lands in most parts of the world face unprecedented stresses: ongoing urbanization along with the increase in population create huge demands on urban land (UN-HABITAT, 2012) for different uses including residential, greenery, infrastructure, business, infrastructure, and social services. Especially in the urban areas of developing countries (e.g., Ethiopia) there is a problem of identifying who holds what land, which lands are private, which are government, and the various land use types. These problems hamper the efficiency of service delivery and urban planning: an integrated approach to decision making that considers cadastre and governance is suggested.

Modern *cadastres* are argued to have evolved from those found in ancient Mesopotamia into fiscal, legal, and multipurpose cadastres (Williamson et al., 2010): fiscal cadastres support land valuation and taxation; legal cadastres support security of land rights; and multipurpose cadastres support land use planning and management functions in addition to fiscal or legal functions. Contemporary literature argues these cadastres are one prerequisite for economic, social, and environmental development under any form of land tenure regime (Deininger and Feder, 2009; Deininger, 2003). For example in Ethiopia, though land is owned by the state, private uses of urban land, along with the bundle of rights, is provided for a defined time through a lease system. Recording the boundaries of the plot, its value, and its uses are useful for both the leaseholder and the government. For the leaseholder it can support increased confidence that eviction will not occur. For the government it helps in the monitoring of land uses and the levying of appropriate land taxation.

Meanwhile, the cadastre's role in dealing with contemporary challenges such as urbanization and governance is significant (Bennett et al., 2010), and the role has changed over time (Grecea et al., 2012). Theory and works that have developed to support this argument include: the Multipurpose Cadastre (Mclaughlin, 1975), the Bathurst Declaration on land administration (UN-FIG, 1999), Cadastre 2014 (Kaufmann and Steudler, 1998), and the Land Management Paradigm (Enemark, 2005). Grecea et al. (2012) explain that the concepts in these theories add complications to system design and administration. This becomes a challenge especially for developing countries including Ethiopia where existing cadastres are often incomplete, or even decaying (Gelder, 2010; Kombe and Kreibich, 2000). They may have a historical lack of cadastral experience (Fekade, 2000), lack coherent institutional frameworks (Shabane et al., 2011; Vries et al., 2014), may be poorly administered (Roy, 2005; Larsson, 1991), and exhibit a shortage of financial resources (Konecny, 2009). These limitations impede the improvement of existing cadastres or the introduction of modern cadastral theories. In this case, cadastres may hinder meaningful decision-making and governance, although it is usually argued that any cadastre is better than no cadastre in supporting decision making and governance.

Governance as a contemporary academic concept emerged in late 1980s (Kemp et al., 2005). The impacts of urbanization, poverty, climate change, among others, forced governments and international organizations to change their approach (FAO and UN-HABITAT, 2009): the existing conventional practice of government dominated, highly centralized and top-down management approaches was not responsive enough (Kombe and Kreibich, 2000; Camarinha-Matos and Afsarmanesh, 2004). Focusing on a single actor alone (e.g., only government) was not realistic: the required actors, resources, and knowledge needed to solve the complex problems were diverse and needed to be incorporated into interventions (Lockwood et al., 2010; Ostrom, 2009). In other words, by involving a wide range of interdependent actors in decision making, including formulation and implementation of policies, greater interaction among actors could be achieved and would lead to a shared, transparent, equitable, accountable and sustainable problem solving approach (Bezlepkina and Brouwer, 2014). Such a system enables bottom-up decision making: pivotal for identifying the causes of many problems and ensuring decisions equally benefits more citizens and their livelihoods. In the complex case