# Lessons from Systematic Evaluation of Land Administration Systems. The Case of Amhara National Regional State of Ethiopia

GEBEYEHU BELAY SHIBESHI [a,b], HELMUT FUCHS [a] and REINFRIED MANSBERGER [a,*]

[a] *University of Natural Resources and Life Sciences, Vienna, Austria*
[b] *Bureau of Environmental Protection, Land Administration and Use (BoEPLAU), Bahir Dar, Ethiopia*

**Summary.** — Lessons from the evaluation of land administration systems are important to facilitate sustainable development. The Amhara National Regional State of Ethiopia has designed and is implementing a land administration system since 2003. In the study a systematic evaluation was conducted. During the evaluation process external factors, monitoring, and evaluation functions were considered. Individual landholders, land administration staff, land use committee members, professionals, and representatives of main stakeholder offices were involved in the evaluation process. The study revealed the major strengths and weaknesses of the Amhara region land administration system.
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## 1. INTRODUCTION

Land is a critical resource and source of wealth all over the world. Land as a resource is even more imperative for agrarian subsistence economies (Burns, 2007; De Soto, 2000). The rules to govern the management of this resource are determinants for societal development. The development of a society is a dynamic and continuous process that has a resilient impact on the nature of the relationship between the human race and its land. The relationship between people and land can be spiritual or metaphysical and material (Sheehan, 2001), partially documented by a land tenure or a land administration system. A Land administration system is a public sector facility required to support the alienation, development, use, valuation, and transfer of land.

The debate about land to humankind relationship in Africa is characterized by two "schools of thought". The first group argues that land policies should be rooted in a theory of social capital (most African traditional land tenures belong here) and the other group is convinced that individualized land tenure systems are more effective and desirable (Franklin, 2012).

Land tenure is how people organize themselves with respect to their rights and obligations to land (Dale & McLaughlin, 1999; Williamson, Enemark, Wallace, & Rajabifard, 2010). The knowledge and information generated by the local society to satisfy the growing needs is the reason for the emergence and the development of property systems. The change in the way of life is triggered by the scarcity of the natural resources. The precision of the definition of property rights and the rigor, with which they are enforced, is closely related to the value of the resources and population density (Mattsson, 2003; Williamson et al., 2010).

The early individualized 'modern' land administration systems were introduced in Africa by colonial powers, but most of them were not sustained because local population considered them as threats. Several large-scale individualized land administration projects introduced by international aid and funding institutions failed in Africa. Although many African countries have recently adopted highly innovative and pro poor land laws, lack of implementation thwarts their potentially far-reaching impact on productivity, poverty reduction,

and governance (Deininger, Daniel, Holden, & Zevenbergen, 2008). Severe land access constraint is reported in Northern Ethiopia (Bezu & Holden, 2014). In Ethiopia nonfarm economy offers higher income path for participant households. However, participation to nonfarm activities is in favor of wealthier households (Bezu, Barrett, & Holden, 2012).

The reasons for success and failure of individualized tenure projects in Africa are manifold. The development of a "land administration theory" on this matter should be at the top of the research agenda (Van der Molen, 2002). Proper evaluation and case studies have a potential to convert challenges into an opportunity for change and experiential learning.

Many frameworks and methodologies that attempt to evaluate, to characterize, and to assess land administration systems in the world were developed (Chambers, 1983; Cusworth & Franks, 1993; Diallo & Thuillier, 2005), but often they could not properly address local problems and situations of progressive land administration systems in developing countries (Burns, 2007). On the other hand, learning from progressive land administration systems is an urgently needed task to craft a working and individualized humankind to land relationship in Africa (Lemmen, Augustinus, Haile, & Osterom, 2009).

Standardized methods or a quality framework for improving, evaluating, or comparing land administration around the world is still lacking (Ali, Tuladhar, & Zevenbergen, 2010). This is maybe largely due to the fact that the land administration systems are dependant of the cultural and social values of the societies of the prevailing country in which

they operate (Steudler, Rajabifard, & Williamson, 2004; Williamson & Fourie, 1998).

Methods of evaluation were developed by research, training, adoptive implementation, and proper feedback. The evaluation framework includes the political and legal aspects, the efficiency of institutions, the status of implementation of core land administration functions, the impact of external factors, and existing monitoring mechanisms.

The objective of this study is to contribute for a proper development of individualized progressive land administration systems in the developing world, mainly based on the lessons gained from the evaluation of Amhara National Regional State (ANRS) land administration system. The lessons are structured according to policy, institutional and operational levels of the ANRS land administration system. Lessons from the implementation of review processes and from the impact of external factors are also considered.

## 2. EVALUATION FOR PARTICIPATORY AND PRO-POOR LAND ADMINISTRATION SYSTEMS

The evaluation framework applied in the current study includes the status of political and legal context; the effectiveness of involved institutions, the implementation status of core land administration functions, the influence of external factors, and the status of inbuilt monitoring as well as evaluation mechanisms (see Figure 1). A land administration system is said to be pro-poor when sufficient legal provisions are incorporated in the law to protect the rights of the poor and when sufficient modalities are available to implement the stated provisions. The representations of the poor in land administration committees as well as free and frequent public hearings are among the modalities that help the poor to defend their rights on land.

### (a) Policy and law

Land policy is among the key policy issues in almost every country. The policy-level evaluation testifies if the system is well defined by objectives, if it responds to the needs of the society, if it is equitable for all, and if the system is economically viable (Steudler et al., 2004).

When an appropriate legal framework and transparent public administration structures are lacking, land administration can only make the best of a bad job (Van der Molen, 2002).
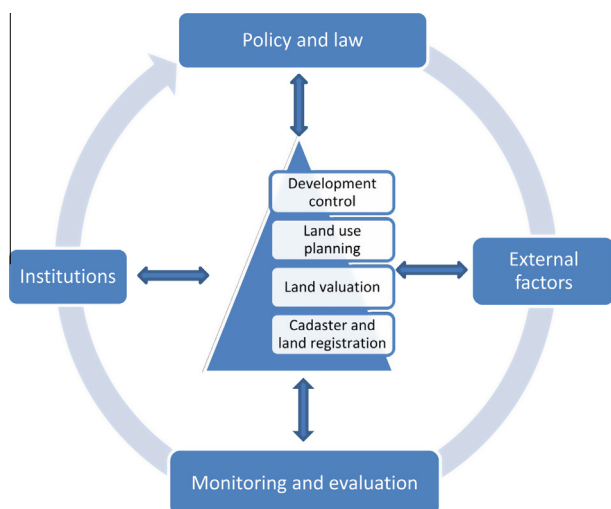


Figure 1. *Elements of the evaluation framework.*

The conventional way of property right definition procedure is a top down legal process (Dale & McLaughlin, 1999; De Soto, 2000). Contrary to this conventional way, rights and obligations on land in the ANRS are defined by a participatory adjudication process.

Defining a property is a key step in land policy formulation. "Property" is the description of the legal relationship with a thing. The property rights can be described as a bundle of rights flexible to meet the specific needs of each country. The rights included in the bundle are different in different jurisdictions.

Absolute land ownership is hard to imagine in a society, because one can affect other members of the society while he is trying to enjoy his ownership right (Mattsson, 2003). Ownership or property rights have to be clearly defined. The explanation has to include the type of activities and income streams, the authority to define them, and whether they are private or common (Van den Brink, 2003).

The difference in the type of rights included in the bundle cannot be cited per se as a cause for insecurity. Rights are classified into access, withdrawal, management, exclusion, and alienation. The major rights that have protection from the formal legal setting are mostly subjects for registration. The aim of an efficient and up to date registration system is to describe the right holder on the land (Hodgson, 2004).

Land administration cannot be treated in isolation from other activities. The case for good land administration rests on good commercial grounds as well as up on matters of social justice (Dale & McLaughlin, 1999). Formalization will do little good, if it is not backed up by a coherent legal system and authority structure that promises effective enforcement of the rights inherent in, and implied by, the granting of titles (Bromley, 2008).

The rule of the game either is agreed by the society or the state shall enact it in formal law. The state or the community has to be capable of implementing and enforcing their rules to bring about tenure security (Van den Brink, 2003). Land tenure is a rule invented to regulate social behavior. The rules define how the land rights are exercised and access to land is granted. In short, land tenure defines who can use what resources for how long, and under what conditions (FAO, 2002).

The Constitution of the Federal Democratic Republic of Ethiopia has enshrined the basic principles about the property right of citizens under (FDRE, 1995) (Article 40. Sub-article 1). This article generally provides that "every Ethiopian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise." From the reading of this article one can assume an individualized property right system in Ethiopia. But property in the context of the constitution is not including land. Therefore transfer rights given by this article are excluding land, though in practice the transfer of fixed assets is including the parcel they are built on it.

Land without any fixed property on it is not subject to sale. The issue is proclaimed as: "The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia. Land is the common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or other means of exchange" (FDRE, 1995). (Article 40. Sub-article 3).

Proclamation no. 89, later amended by proclamation 456/2005 was the result of the constitutional provision. In