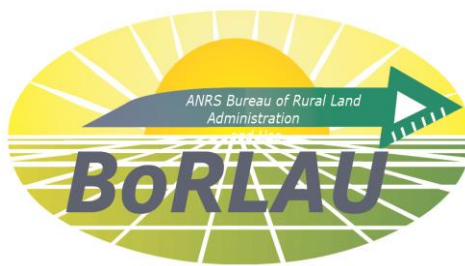


Amahara National Regional State's Rural Land Administration System (RLAS)



Transaction and Updating of Land Records Manual

I. LIST OF ACRONYMS

AfDB	African Development Bank
AILAA	Agricultural Investment Land Administration Agency
AU	African Union
ECA	Economic Commission for Africa
DFID	Department For International Development
FAO	Food and Agriculture Organisation of the United Nations
ELAP	Ethiopia-Strengthening Land Administration Programme
ELTAP	Ethiopia-Strengthening Land Tenure and Administration Program
FIG	Fédération Internationale des Géomètres
GIS	Geographic Information System
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GLTN	Global Land Tool Network
GoE	Government of Ethiopia
ISO	International System Organisation
KLAC	Kebele Land Administration Committee
LADM	Land Administration Domain Model
LAND	Land Administration to Nurture Development
LAUD	Land Administration and Use Department
LIFT	Land Investment For Transformation
LIS	Land Information System
MoA	Ministry of Agriculture
M4P	Markets for the Poor
NGO	Non-Governmental Organisation
NRLAIS	National Rural Land Administration Information System
REILA	Responsible & Innovative Land Administration
RLAS	Rural Land Administration System
SARDP	SIDA Amhara Rural Development Programme
SIDA	Swedish International Development Cooperation Agency
SLLC	Second Level Land Certification
SLMP	Sustainable Land Management Project
SNNP	Southern Nations Nationalities and Peoples
SRM	Strategic Road Map
UN-Habitat	United Nations Human Settlements Programme
UPIN	Unique Parcel Identifier Number
USAID	US Agency for International Development
WB	World Bank

II. Background

Land remains a highly complex and contentious issue, involving economic, social, political and cultural systems. Article 75 of the Habitat Agenda, states that "legal access to land is a strategic prerequisite for the provision of adequate shelter for all and the development of sustainable human settlements affecting both urban and rural areas. The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty" [UN-Habitat, 2003]. Access to land is a fundamental basis for human shelter, food production and other economic activities.

Secure rights to land are essential to reducing poverty because they underpin economic development and social inclusion; they encourage people to invest in improved dwellings and the land itself; they can also enable people to access public services and sources of credit and finally, promote good environmental management.

Forms of land tenure vary from one society to another, since they reflect other areas of social and civic life. In all cases, the management of land rights require land policies to govern access, tenure, use and development. The implementation of the land policy requires land laws, rules and procedures as well as an effective land administration system.

Land Administration is defined as the process of recording and disseminating information about the right on, value and use of land and its associated resources when implementing land management policies. Such process includes the determination (adjudication) of rights and other attributes of the land, the survey and description of these, their detailed documentation and the provision of relevant information in support of land markets.

Any investment in land certification must be supported by a functioning Land Administration System. Land records can quickly become out of date without systems for **maintenance** of the land register. Once land certification is completed (and even during the certification process) it is vital to ensure that the land administration is properly equipped at all levels to process land transactions efficiently.

In the context of the LIFT programme in Amhara region, the Land Administration System is only concerned with rural land, hence Rural Land Administration System (RLAS) :

- Focuses on the process of maintenance of the Land Register (populated through systematic 2nd level land registration/certification, SLLC) for continuous updating of the land records from land use right's transactions.
- Also provides land information (services) for country development purposes

The regional transaction and updating of records (RLAS) will be supported by a computerized system called National Rural Land Administration Information System (NRLAIS) that is developed separately but in coordination with the regional RLAS. The regional RLAIS will be a comprehensive software system handling both systematic (mass registration/SLLC) and sporadic (maintenance of the Land Register/RLAS) registration throughout region. The system will have a textual component integrated with the spatial components and will be flexibly designed to allow region to customise it for local needs. Each

zones will, however, adhere to a common data model and a set of standards that will allow sharing of data between zones and region.

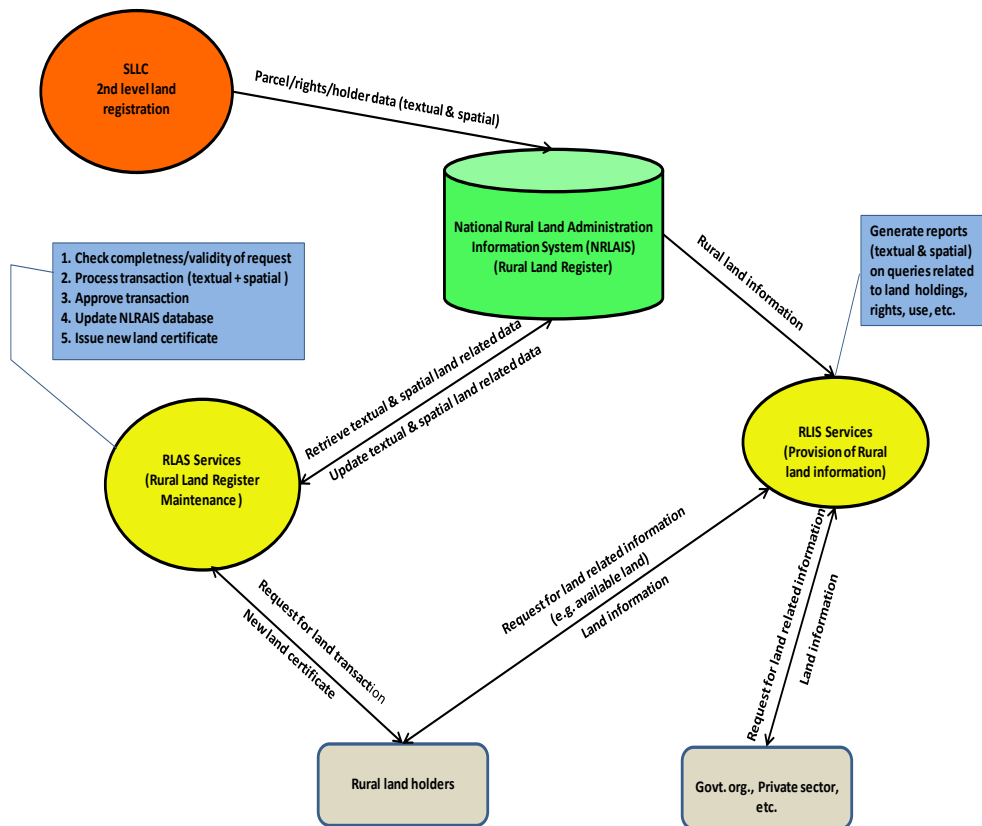


Fig. 1: Aggregated model of the Rural Land Administration System (RLAS)

The RLAS Manual is a unique and always up-to-date document describing in a structured and transparent way the processes (procedures, data, actors) for various land transactions. The RLAS Manual also provides (standard) forms for the land holder to request for a land transaction; the contents of the forms differ per transaction but have the same general format.

This RLAS Manual is based upon:

- The institutional framework for land administration in Ethiopia (i.e. Federal and Regional legislations and regulations)
- The previous work of the Federal Land Administration and Use Directorate (LAUD) of the Ministry of Agriculture (MoA) and of the Regional Rural Land Administration Agencies (RRLAA) and of other pilot land projects like ELTAP/ELAP and REILA.
- The understanding of the procedures for land transaction as recorded in the ELAP Manual for Parcel-Based Registration, Office Records Management (2010) and holding based registration in the region's proclamation and regulation.

In other words, the RLAS Manual does not develop new concepts but mainly structures what already exists and is applied by land professionals at all levels of the region.

The RLAS Manual contains the regional RLAS, not the National Rural Land Administration Information System (NRLAIS) which is still to be developed and will be documented separately in a NRLAIS User Manual, focusing on the operation of the computerized system. The RLAS Manual also not documents the process of Second Level Land Certification (SLLC/Mass Registration) that is handled in a separate SLLC Manual. However, relationships between the SLLC, RLAS and NRLAIS systems will be clearly outlined in each of the Manuals to ensure optimal coordination between the different systems.

The RLAS Manual is to be used at all levels of Government to ensure that the RLAS is efficiently and effectively operated and managed; it is also to be used as a key reference for training land officers to operate and manage the RLAS. The RLAS Manual is also designed to help land holders to better understand the steps in the land transaction procedures and the documents needed to perform a specific land transaction. Therefore, a simplified version of the RLAS Manual will also be derived and translated in to the regional language (Amharic) to enable land holders and non-English conversant land officers to better understand the land transaction procedures.

As presented hereafter, the RLAS Manual mainly focuses on the (institutional and organizational) framework of the system and on the procedures for land transactions (the use of the system). There is also a need to develop aspects related to the management of the system (monitoring and evaluation, quality management, management of changes) and other aspects like modalities for implementation of the system and continuous awareness raising. These additional components will be developed after the framework for the system and procedures for land transactions have been finalized.

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1. Introduction

1.1. Rural Land Administration in Ethiopia

1.1.1. Historical developments

In the past, the problem of landlessness in Ethiopia was addressed through periodic land redistributions, the latest redistribution occurring in 1997 in Amhara regional state, and remained for long a key source of tenure insecurity. The threat of redistribution eroded heavily the sense of tenure security with diverse repercussions on the environment and livelihood security of the rural population. Improper compensation practices that occurred when rural lands was expropriated for the purpose of urban expansion or “multiple public development schemes” resulted in seeding a feeling of tenure insecurity. The result of tenure insecurity, slim non-farm employment opportunities and lack of incentives compounded with population dynamics has contributed to a widespread land degradation, erosion, deforestation as well as overgrazing. The land management problems were not solved for ages, but rather worsened in spite of many different kinds of interventions. Lack of tenure security has thereafter been identified as one of the crucial component why farmers did not invest in land improvements.

In order to address the alarming land degradation and tenure insecurity, a new approach was taken towards land tenure policy in the late 90's. Rural lands registration and certification has been undertaken in Amhara, Oromia, SNNP and Tigray regional states since 1997. The Federal government has endorsed the rural lands registration and certification practice that started in these regions by issuing the Rural Lands Administration and Use Proclamation in 1997 and revised it in 2005. The four regional states of Amhara, Oromiya, SNNP and Tigray have launched the implementation of region-specific rural land administration and use legislation as of 1997/98 (revised after the 2005 Federal Proclamation).

The implementation of the Federal/Regional legislation includes two sequential phases to ascertain tenure security via land registration: the “1st Level Certification” and “2nd Level Certification”. The first round of registration, “1st Level Certification”, was not supported by maps of the registered holdings and now federal/regional states have found it necessary to undertake “2nd Level Certification” that is supported by maps. The land register database of the former contains only textual data while the latter is planned to include both textual and spatial data sets.

As of 1997 to present, a total of 86.30% settled agricultural households have been registered and 73.20 % issued with the 1st Level Certificates for the total of the Amhara, Oromia, SNNP and Tigray regional states. In Gambella, Benishangul-Gumuz and Harari regional states, where there are significant proportions of settled agriculturalist, the implementation of the 1st level certification did not begin but has now commenced in a small scale as preliminary efforts have been started in a couple of Woredas as a learning engagement. In Afar and Somali regional states and parts of Oromia and SNNP regional states, where there are significant proportion of pastoral/agro-pastoral population, the implementation of the certification process has not yet begin mainly due to the fact that their respective regional rural land laws have insufficient provision to handle the pastoral context, weak institutional arrangements and capacity as well as lack of clarity and pragmatic state of the art on the context. Although Afar and Benishangul-Gumuz regional states enacted their regional rural land administration and use policies and laws, the implementation process stalled due to deficiencies in institutional set-up, lack of resources and experiences in undertaking registration and certification in communal land tenure regimes.

The Government of Ethiopia (GoE) has started (2004 to date) the 2nd Level Certification(SLLC) in Amhara, Oromia, SNNP and Tigray regional states with the help of foreign donors (SIDA, USAID [ELTAP/ELAP], Finland [REILA], WB and GIZ [SLM]. Most regions operate the system manually, with hand written certificates and paper records. The most embedded ICT solution is the ISLA software developed in Amhara regional state.

The GoE, supported by DFID has launched in 2014 the Land Investment For Transformation (LIFT) programme that is aiming at improving the incomes of the rural poor and at enhancing economic growth, through scaling-up of SLLC (14 million parcels in approximately 140 Woredas for approximately 6.1 million households in the four states of Oromia, Amhara, Tigray and SNNPR), improving the rural land administration system (RLAS), developing land market systems and cross-cutting policy reviews in line with international good practice and human rights obligations

1.2. Legal framework

1.2.1. Ethiopian Constitution and land

In 1995 the Federal Democratic Republic of Ethiopia Constitution was promulgated and land became a constitutional issue. The Constitution clearly states that the right to ownership of urban and rural land is vested in the state and in the peoples of Ethiopia; citizens occupy land through possession (holding) rights held as perpetual use rights in the rural sector and as fixed term leases in urban areas. The Constitution also created a federal system of central

government and nine federated regional states were formed. These regional states were given legislative, executive and judicial power on matters that are not specifically given to the federal government including the power of administering lands in their areas.

1.2.2. Land related policies

Even though land policy is not summarized in one specific document in Ethiopia, Amhara regional state has prepared land policy document i.e. designed in the year 2000. However the Government of Ethiopia (GoE) has issued diverse poverty reduction policies, strategies and plans that have direct impact on land administration and use, namely:

- Strengthening of tenure security of land users leading to better (more sustainable) use of the land is stressed in the Environment Policy and Strategy (1997), the Plan for Accelerated and Sustained Development to End Poverty (2005-2010), the Ethiopia Strategic Investment Framework for Sustainable Land Management (2009-2024) and the Growth and Transformation Programme (2010-2015).
- Ethiopia has agreed to implement the FAO Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forest but policies and laws have not yet been amended to harmonize them with the guidelines.

1.2.3. Land legislation and regulations

Federal/Regional Promulgations

- In 1997 the federal government enacted the Federal Rural Lands Administration and Use Proclamation No.89/1997 that gave land holders some transfer rights such as renting, gifting to a family member, and bequeathing to a family member. It also gave power to regional states to enact their own rural land administration laws within the framework of the Federal Rural Lands Administration Proclamation and to conduct specific or comprehensive rural land redistribution. Amhara, Oromia, SNNP and Tigray regional states enacted their land administration laws on the basis of the federal Rural Lands Administration Proclamation.
- In 2005, the Federal Government enacted the Federal Rural Lands Administration and Use Proclamation No.456/2005. It reaffirms ownership of rural land to the State and peoples of Ethiopia; however it confers indefinite tenure rights of land use (equivalent to long term leases held in perpetuity) i.e. rights to property produced on land, to land succession, donation, exchange and lease. It makes provisions for the registration and certification of land use rights. It also bans further land redistribution, except under special circumstances based upon the will and interest of farmers, pastoralists and semi-pastoralists. Furthermore, Proclamation 456/2005 requires regional states to enact their land administration and use laws consistent with the provisions of the Proclamation. Accordingly, the four regional governments amended their regional rural land administration and use laws to maintain conformity with the Federal Rural Lands and Administration and Use Proclamation No.456/2005. Accordingly, the Amhara regional state approved the Amhara National Regional State Rural Lands Administration and Use Proclamation No. 133/2006, and the implementing Regulation No.51/2007; Tigray has approved the Tigray National Regional State Rural Lands Administration and Use Proclamation No.97/2006, and the implementing Regulation No. 48/2008; Oromia enacted the Oromia National

Regional State Rural Lands Administration and Use Proclamation No.130/2007, and the implementing Regulation No.151/2012; and SNNP enacted the SNNP National Regional State Rural Lands Administration and Use Proclamation No.110/2007, and the implementing Regulation No.66/2007.

- The rural land laws provide peasants with lifetime rights (holding right) to the land. This land right includes use, lease/rent, donation and inheritance rights; sale and mortgage are not allowed. The rights of lease/rent, donation and inheritance are however restricted for different reasons. The rural land laws also create (at least in principle) the free access to rural land although, because of land shortage and restriction on land distribution, this right is not always realized
- To regulate expropriation, the federal government issued the Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No.455/2005.

Agricultural Investment Land Administration Agency Establishment, Council of Ministers Regulation nr. 283/2013

- The Federal Rural Land proclamation (456/2005) allows investors to get rural land for agricultural investment. This same principle has been reproduced in all the regional rural land laws promulgated so far. The purpose behind this provision is to attract investors who have the capital and technology to participate in agricultural production of (millions of hectares) arable land that is “idle”, primarily in the low land areas of the country.
- The Federal Government has enacted a directive which enables it to take control of all uncultivated land in all regional states above 5000 hectares. This directive adopted by the Council of Ministers in February 2010 empowers the Federal Ministry of Agriculture (MoA) to identify and transfer agricultural lands, which are above 5000 hectares upon the consent of the regions.
- The Agricultural Investment Land Administration Agency has been established to administer agricultural investment lands, to enhance, facilitate and support expansion of agricultural investment and create favorable conditions for production of agricultural investment products.

1.2.4. Strategic Road Map for National Rural Land Administration and Use System (SRM)

The SRM aims at establishing a proper and sustainable rural land administration system at the national level in order to successfully implement the key components contained in the federal/regional rural land administration and use laws. The specific objectives include the following:

- To improve the land tenure/user rights security through efficient , transparent and equitable system of rural land administration nationwide
- To enhance good governance by implementing land administration and use system, which is efficient, legitimate and accountable
- To ensure proper land use practices and sustainable natural resource and environment management
- To minimize land related disputes by institutionalizing a proper and sustainable conflict management system

Five broad strategies will be in place to achieving the above four objectives:

- Establishment of cost effective and sustainable rural land administration system
- Enactment of the necessary legislations that are critical for implementation of key components contained in the federal/regional rural land administration and use laws
- Preparation and implementation of land use plans at various levels (Federal to Kebele level) based upon a simple and less costly approach and methodology
- Strengthening the institutional capacities of the RLAUAs from Federal to Kebele levels

Implementation interventions include:

- Systematic land registration (2nd level registration) of almost 50 million parcels in the Amhara, Oromia, SNNP and Tigray regional states (500 Woredas or 12,290 Kebeles), using a general boundaries approach and photogrammetric demarcation techniques whenever possible.
- Establishment of a National Rural Land Administration System (NRLAIS) to facilitate land registration in order to administer holding right and to update land records during transfer of rights.
- Preparation and implementation of Land Use plans and legislation Federal, Regional and Kebele levels).
- Institutional Capacity Building: strengthening the institutional capacity of the Federal, Regional, Woreda and Kebele offices is at the core to properly compile, store, retrieve and maintain the land records. In parallel, the manpower and resources requirements to undertake land use planning and Rural Land Administration Information Systems (RLAISs) should be strengthened and capacitated.

1.3. Rural Land Governance Institutions/ Institutional framework

Rural land matters are expedited through executing agencies established at the Federal, Regional, Zonal, Woreda and Kebele levels.

The regional Land Administration and Use office has the role to build capacity and supervise at all level of the institution; the zonal offices use as a liaison between the regional and woreda offices. But the woreda rural land administration and use offices have the responsibility and authority to register land transactions and issue Land Holding Certificates; they are doing this on behalf of the State and are accountable to the State for that. This in compliance with the *land title registration guarantee principle*, which means that the state guarantees that what is registered is true for third parties in good faith.

1.3.1. Institutional frame work at federal level:

- The Ministry of Agriculture (MOA) has established the Land Administration and Use Directorate (LAUD) that coordinates the regional land administration activities. The Agricultural Investment Land Administration Agency [AILAA] established in 2013 is concerned with the administration of investment land.
- These Federal Organizations are involved with framework policies, legislation and regulations development (Federal Proclamations and Regulations).

1.3.2. Institutional frame work of Amhara region:

At regional Level:

- Amhara regional state has established Environmental Protection, Land Administration and Use office (currently land administration and use bureau) with its competence and accountability.
- This institution is involved with policies and regulations development (Regional Proclamations and Regulations), training and support and monitoring the implementation process.

At zonal level:

- Although the roles of Land Administration and Use offices vary from region to region, in Amhara region the zonal offices are use as a liaison between the regional and woreda offices.

At woreda level:

- The Woreda administration includes a Woreda Land Administration office, staffed with land administration and use experts
- The Woreda Land Administration office is responsible for:
 - Processing land registration and certification, including scanning, geo-referencing, digitizing, editing the parcels, filing in the system; management of field forms and Registry Book; issuing of Certificates [Green book before; Blue book + index map now].
 - Processing land transactions and continuous updating of the Land Register
 - Handling land related disputes
- The Woreda Court is involved in the process of land registration in advising and deciding on legal aspects of land transactions (e.g. inheritance without Will; restrictions on land transactions for unpaid tax) and/or land disputes.

At kebele and sub-kebele level:

- Kebele and sub-kebele Land Administration Committees (KLAC) members are elected by the people of the Kebele and sub-kebele.
- The Kebele Land Administration and Use experts are assigned to carryout land administration activities based on the law and regulation of the region. Even though kebele experts are not the member of committee, they perform their daily activities together with the land administration committee and separately.
- KLACs are given the power to assist the adjudication process (one of the member is member of the Adjudication Committee) and to administrate rural lands in their respective Kebeles.

In the process of rural land transaction, the Woreda and Kebele Land Administration authorities have a complementary role, namely

- The Kebele Land Administration expert and LAC will be the contact point (front office) for the land holder who applies for a land transaction; they will:
 - ✓ receive all applications for land transaction (application form, documents required for the land transaction),
 - ✓ check completeness and correctness of the information provided by the applicant(s),

- ✓ display notice and collect claims,
 - ✓ The claimant forward the claims and other legal issues (e.g. inheritance without Will) to the competent authority (Elders Committee, Land administration and use office, Woreda Court),
 - ✓ accept or refuse the application and inform the applicant (s),
 - ✓ transfer the accepted application (application form, documents required for the land transaction, Elders Committee/Woreda Court advises/decisions) for processing to the Woreda Land Administration
 - ✓ at the end of the process, the kebele Land Administration and Use experts independently or jointly with the KLAC will deliver the new certificates of land holding rights to the applicant(s)
- The Woreda Land Administration will be the processing and decision centre (back office) for the land transaction; it will:
- ✓ process the application
 - ✓ decide on the transaction
 - ✓ update the Land Register (update the digital database and generate two updated copies of the books [for Kebele and Woreda levels])
 - ✓ issue new certificates of land right holding
 - ✓ transfer the new certificates of land right holding to the kebele expert and/or KLAC for delivery to the applicant(s)

1.4. Land Management, Administration and Tenure

Land management is the process by which the resources of land are put to good effect. It is a system of planning and management methods and techniques that aims to integrate ecological with social, economic and legal principles in the management of land for urban and rural development purposes to meet changing human needs, while simultaneously ensuring the long-term productive potential of natural resources and the maintenance of their environmental and cultural functions.

Land Administration is the process of determining, recording and dissemination of information about rights on and value and use of land, when implementing land management policies.

Internationally recognized benefits of a good land administration are security of tenure, reduced land disputes, improved access to credit, support to land taxation, contribution to developing and monitoring land markets, protection of state land, facilitating land reform, support to urban planning and infrastructure development and to sustainable management of land resources and environmental management

In Ethiopia, within the context of the existing legal framework where rural land sale and collateralization of rural land use right are prohibited, the main expected benefits from an efficient land administration system is to enhance tenure security for all, to reduce disputes over land and to support the development and conservation of natural resources.

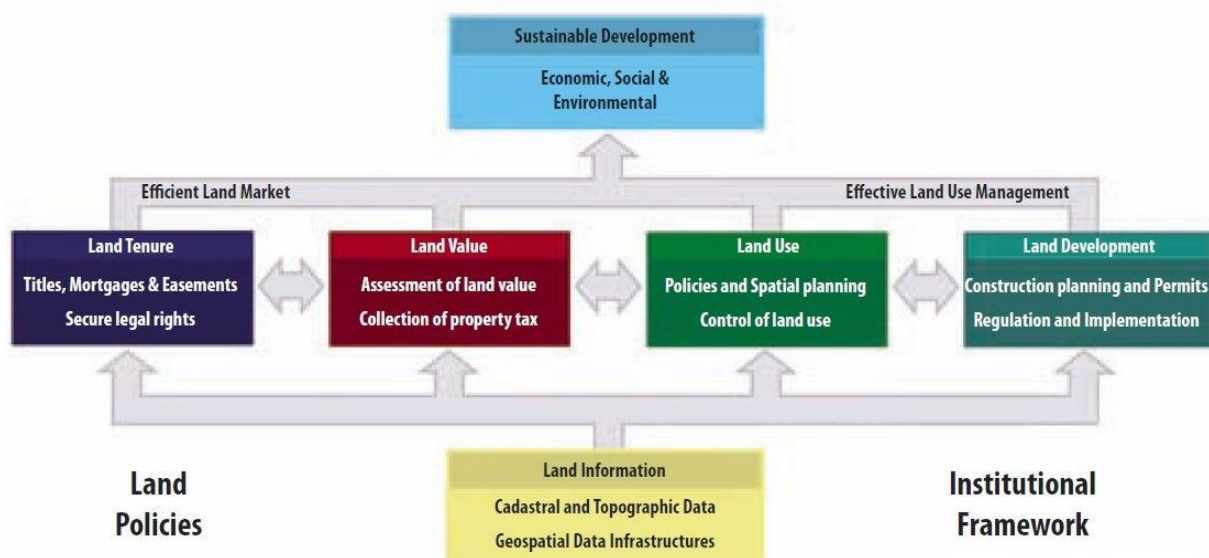


Fig. 2: Global land management perspective; FIG Publication No.45

1.4.1. Access to rural land

The Federal and all the four Regional land Proclamations guarantee free access to rural lands for those who intend to engage in agricultural activity. Women are also given equal free access to rural lands when intending to engage in agricultural activities. But the landless population in every Kebele in each region is so large that it is very difficult to allocate farm lands to all those who apply for access to lands.

1.4.2. Types of rural land holding in Amhara region

The types of tenure recognized under the Federal and Regional Rural Land Proclamations are private holding, communal holding and state holding. However, the Amhara regional land proclamation recognized for types of holding. I.e. private holding, communal holding, state holding and common holding. Rural land is defined as any land outside of a municipality holding or a town designated as such by the relevant law.

1.4.2.1. Private holding

It can be generally said that “private holding” is land hold by an individual farmer or farmers and other persons like NGO’s, religious organizations and investors. Rural lands can be held by individuals privately or jointly by two or more persons (provided they are farmers). Joint holding is categorized as private holding in federal law (but not in Amhara regional state proclamation) because the holders can partition it or divide it among themselves where the partition would not result in a situation where a share of the holding will be below the minimum size allowed under the regional law. Under the Federal Land Administration and Use Proclamation (and corresponding Regional ones), a private land holding right

guarantees the holder indefinite use right of rural land and the right to transfer (a portion of) the land through:

- Renting for a certain period of time (the size of the portion of the holding and the duration would be determined by regional land administration law), that does not include transfer of land holding right,
- Bequeath (inheritance) or Gifting to a family member or Exchange with another farmer, that does include transfer of land holding right.

Share cropping is also widely practiced in all the four Regional States, even though the arrangement is not specifically allowed under Federal and Regional State land Proclamations.

1.4.2.2. Communal holding

Communal land holding is defined in the Federal land Proclamation as “rural land which is given by the government to local residents for grazing, forestry, and other social services.” Similarly communal holding is defined in Amhara region land proclamation as “rural land which is out of the government or private holding and used by the local people in common for grazing, forestry and other social services (proc. No.133/2006, art.2(5)).”

The Federal and Regional land Proclamations do not provide for legal rules to regulate the use and protection of communal lands but state that “the government as sole owner of rural lands may change communal land holdings to private land holdings as may be necessary.”

1.4.2.3.State holding

State land holding is defined in the Federal land Proclamation as “rural land demarcated or to be demarcated in the future as Federal or Regional States holding and includes forestlands, wildlife protected areas, state farms, mining lands, lakes, rivers and other rural lands”. In the same manner state holding is defined by Amhara region land law as “rural land demarked and held by federal or regional government for country and area development and growth, and it includes forest lands, wild life sanctuaries, mining lands and parks as well as lands around lakes and rivers (proc. No.133/2006, art.2(7)).”

1.4.2.4.Common holding

Common holding is a means of holding of land by two or more persons in common having the holding right and use without division by sharing the output from the land (ANRS proc.no 133/2006, art.2 (10)).

1.5. Land Registration and Cadastre

Key components of Land Administration are Land Registration and Cadastre. They usually complement each other and operate as interactive/integrated systems. Land Registration puts the accent on the relation subject-right, whereas Cadastre puts the accent on the relation right-object. In other words: the Land Registration answers the questions as to who and how, the Cadastre answers the questions as to where and how much.

The *Ethiopian Rural Land Administration System (RLAS)* is based on a Parcel based Land Registration and Cadastre and on Systematic land adjudication. But ANRS land administration system is a holding based land registration system.

1.5.1. Land Registration

Depending on the nature and extend of involvement of the state in the conveyancing process¹, there exist two recognized systems of land registration, the deed and the title registration system. Deed registration is concerned with the registration of the legal fact itself (the transfer of ownership) and title registration with the legal consequence of that fact (the right).

- A *deed registration system* means that the deed itself, being a document which describes an isolated transaction, is registered. This deed is evidence that a particular transaction took place, but it is in principle not in itself proof of the legal rights of the involved parties and consequently, it is not evidence of its legality. Thus before any dealing can be safely effectuated, the owner must trace his ownership back to a good root of title. Deed registration, whether the "basic" or the "improved" one (based on a survey and on documents of competent notaries as well as on an active role of the register) is usually applied in countries which are mainly based on the Roman law (in Europe: France, Spain, Italy, Belgium, The Netherlands) and also in countries that were influenced by the former ones in earlier times (South-America, parts of North-America, some African and Asian countries).
- A *title registration system* means that not the deed, describing the transfer of rights is registered but the legal consequence of that transaction, the right itself. So the right itself together with the name of the rightful claimant and the object of that right with its restrictions and charges are registered. With this registration the title or right is created. Around the world, there are different categories of title registration systems, which do have the same principles but differ mainly in procedures:
 - The English Group: e.g. England, Ireland, some Canadian provinces, Nigeria.
 - The German/Swiss Group: e.g. Germany, Austria, French Alsace-Lorraine, Switzerland, Egypt, Turkey, Sweden, Denmark.
 - The Torrens Group: e.g. Australia, New Zealand, some provinces of Canada, some parts of the USA, Morocco, Tunisia, Syria.

Concerning the effect of a title land registration system, three principles are generally upheld namely:

- *Mirror principle*, which means that the register is supposed to reflect the correct legal situation;
- *Curtain principle*, which means that no further (historical) investigation beyond the register is necessary except overriding interests;
- *Insurance or guarantee principle*, which means that the state guarantees that what is registered is true for third parties in good faith and that a bona fide rightful claimant

Conveyancing is a general term used for the process of transferring land rights from one to another person or granting encumbrances.

who is contradicted by the register is reimbursed from an insurance fund of the state.

The *Ethiopian Land Registration System* is based on the principle of holding of property rights (private, communal or state holdings) that guarantees the holder indefinite use right of rural land. This land tenure system can be considered as a variation of the Title Registration System as the right itself is registered with the name of the rightful claimant and the object of that right with its restrictions and charges. The Mirror, Curtain and Guarantee principles are therefore upheld as effect of the Land Registration System in Ethiopia

Adjudication is the process of final and authoritative determination of the existing rights and claims of people to land. Adjudication can be Systematic or Sporadic

- *Systematic adjudication* is a government-initiated process of adjudicating land rights on a whole of a country, region/state or municipality. It seeks to title all untitled land in a systematic adjudication area. It is preceded by an extensive community mobilization process to ensure transparency and to identify disputes and counter-claims
- *Sporadic adjudication* is a land holder-initiated application for adjudication of one parcel of land. It proceeds parcel by parcel according to the location and demands of applicants.

Like *Ethiopian the ANRS second Level Land Certification (SLLC)* is a Systematic Adjudication process.

1.5.2. Cadastre

The main task of the cadastre is to represent parcels on a large scale map/in spatial database with a parcel identifier. This (unique) parcel identifier is used in the land register to indicate the legal object in a special, short and unambiguous manner (specialty principle). The parcel identifier connects the legal part with the spatial one. Besides spatial part there exists also a descriptive part of the cadastre, a register which contains physical attributes of the parcel i.e. identifier, local location, area, kind of use and abstract attributes like data for land tax such as value, proprietor and/or taxpayer. There exists also a reference to the land register.

At the heart of cadastre is the parcel.

- A *land parcel* can be defined as a continuous area of land within which unique and homogeneous interests are recognized. On behalf of legal cadastral purposes such a parcel reflects homogeneity in legal interest and on behalf of land use purposes such a parcel reflects homogeneity in use. These parcels are surveyed and mapped by a closed polygon and indicated by a number (parcel identifier) on the map/in the database.
- In relation to the parcel boundaries the question on what data can be relied on plays a role.
 - The system can rely on physical boundary features, man-made or natural. The precise position of the boundary within these physical features depends on the "general" land law of the country concerned. This boundary system is known as a "*general boundary system*".
 - The system can also rely on the precise surveyed boundaries to be "fixed". After entering the precise survey data in the land register the boundary is "legally" fixed

for everybody and guaranteed. This boundary system is known as a "*fixed boundary system*".

In the case of the *Ethiopian Rural Land Administration System (RLAS)*, the "general boundaries" principle has been selected, considering the necessary pace of creating the system, the existence of physical features, the amount of necessary security and the costs involved.

1.5.3. Basic legal principles for Land Registration and Cadastre

In spite of the differences between the systems of the numerous countries operating a Land Administration System (either deeds or titles), there are four basic legal principles that can generally be recognized:

- The booking principle implies that a change in real rights on an immovable property, especially by transfer, is not legally effectuated until the change or the expected right is booked or registered in the land register.
- The consent principle implies that the real entitled person who is booked as such in the register must give his consent for a change of the inscription in the land register .
- The principle of publicity implies that the legal registers are open for public inspection, and also that the published facts can be upheld as being more or less correct by third parties in good faith, so that they can be protected by law.
- The principle of specialty implies that in land registration, and consequently in the documents submitted for registration, the concerned subject (person) and object (real property) must be unambiguously identified.

1.5.4. Cadastral Surveying and Mapping

Cadastral surveying and mapping are technical processes that officially record the spatial location or extent of land rights that have typically been adjudicated and demarcated in the field. There is great variety in the cadastral surveying options, in terms of both accuracy and cost.

Major first-registration (or land titling) projects have tended to adopt a mapping base for the spatial framework due to economies of scale.

- Where occupation is clearly visible from the sky, large-scale orthophoto maps produced using either aerial photography or high-resolution satellite imagery can be very useful for charting both fixed and general boundaries. In Rwanda, a major land tenure regularization project has charted all of the nearly 10.5 million land parcels in the country using large-scale orthophoto maps as a spatial framework.
- Where it is problematic to identify visually the boundaries on the imagery, supplementary ground survey techniques are required. These can be GNSS or total station techniques; in rural areas, they can even be inexpensive handheld GPS measurements or even tapes in some circumstances.

In the case of the *Second Level Land Certification (SLLC) in Ethiopia*, the approach of using large-scale orthophoto maps produced from aerial photography has been selected for charting the general boundaries of rural land.

1.5.5. The Rural Land Administration System (RLAS) in Ethiopia

The Ethiopian Rural Land Registration System (RLAS) is based on the principle of holding of property rights (private, communal or state holdings) that guarantees the holder indefinite use right of rural land. This land tenure system can be considered as a variation of the Title Registration System as the right itself is registered with the name of the rightful claimant and the object of that right with its restrictions and charges. The Mirror, Curtain and Guarantee principles are therefore upheld as effect of the Land Registration System in Ethiopia.

Transactions on rural land can be sub-divided in transactions with transfer of land holding rights (e.g. Bequeath/Inheritance, Divorce, Gift, Exchange, Expropriation and Reallocation) or without transfer of land holding rights (1. Limitation /restriction of rights e.g. Encumbrances as Rent/lease or Servitudes/easements and 2. Without modification of rights e.g. Sub-division, Consolidation or Corrections)

The RLAS is based on a Parcel based Land Registration and Cadastre system and on Systematic land adjudication (Second Level Land Certification/SLLC). The “general boundaries” principle is used, considering the necessary pace of creating the system, the existence of physical features, the amount of necessary security and the costs involved and the approach of using large-scale orthophoto maps produced from aerial photography has been selected for charting the general boundaries of rural land.

The RLAS is supported by a *National Rural Land Administration Information System (NRLAIS)*. The system has a textual component integrated with the spatial components and is flexibly designed to allow regions to customize it for local needs. Each region, however, has to adhere to a common data model and a set of standards.

1.6. Land Information and Land Information Systems

1.6.1. Land Information

The provision of relevant, understandable and reliable information is particularly important in land administration because land is a highly valued resource and often the source of conflict and corruption. Access to land information has therefore gained recognition as a prerequisite to informed stakeholder participation and as a tool to enhance accountability.

Land Information, if correct and up-to-date, available and accessible, can strongly contribute to:

- Poverty reduction and sustainable development (e.g. access to and security of land rights, especially for the disadvantaged groups; preservation of fragile areas)
- Economic Growth and sustainability (e.g. link between land ownership and investments incentives; secure land rights as basis for development; emergence of sound collateral financial systems)
- Good Governance and social stability (e.g. transparency and reduced corruption opportunities; land rights as a social construct; just resolution of conflicts critical to social stability; accountable institutions critical to decentralization /participation;

increased public engagement and confidence in land administration systems;
generation of revenue to finance local governments;)

1.6.2. Land Information system

A Land Information System (LIS) consists of human and technical resources which together with appropriate institutional procedure are applied to collect, store, retrieve, disseminate and use land related information. It serves as a tool for decision making regarding legal, administrative and economic purposes and it is very important in the context of planning and development of the land. The effectiveness of such system depends upon the level up to which it has been designed to serve the user. So, in order to provide for easy understanding of the information, it should consist of highly interactive visualization.

LIS normally contains local databases (or registers) in digital form that relates to spatial and non-spatial (or descriptive) components.

The spatial component may contain the following information:

- Spatial units of outer boundaries – tenure units, customary areas, family parcels, individual parcel which can be represented by geometry
- These spatial units must have unique identifiers in a standard form of numbering system
- Locations of spatial units are always referred to the national geodetic reference system.

Similarly non-spatial (Descriptive) component may contain the following information:

- Links to spatial unit through unique identifier
- Register of tenure rights and right holders
- Agreement/evidences on how tenure rights are brought to right holders.

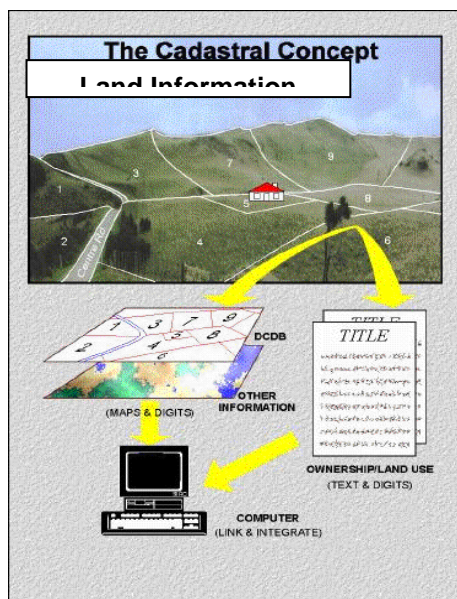


Fig.3: Components of land Information system (LIS)

To enhance access to land information, modern technologies like internet web-based access play a vital role as it allows rapid access to information from anywhere in the world. Well maintained systems based on these modern technologies improve the flow of land information from one stakeholder to another, supporting the communities in open discussion on important decision making. For this to happen it is needed to have a land information system in which all land information is stored and managed in a database environment. When LIS is interlinked with other system servers, relevant information, at any time needed, can be made available to relevant stakeholders through internet or intranet.

1.6.3. The National Rural Land Administration Information System (NRLAIS) in Ethiopia

One of the central requirements of the sustainability and effectiveness of the Rural Land Administration System (RLAS) in Ethiopia is the existence of comprehensive, transparent and up to date land registry which records the land rights in respect of each parcel within the Woreda. It should record all transfers of those land rights (inheritance, gift, exchange) as well as any encumbrances (rental agreements, right of way, etc.) which may limit those rights. It should include both spatial (digitized maps) and textual (names, identities, addresses, land use) databases integrated into one system. Such a land administration system forms the basis of a wider capacity for the accumulation of statistical data regionally and nationally. Given the data to be held on the system (100,000 parcels per Woreda), a computerized system, the *National Rural Land Administration Information System (NRLAIS)*, is needed to provide the necessary functionalities.

The NRLAIS is a comprehensive software system operating throughout Ethiopia. Its scope is limited to dealing with land transactions in rural areas. The system has five modules:

- Mass Registration (MassReg) Module: This is used for the mass data capture under SLLC and feeds data into the Woreda module. It has specific functionality for efficiently and quickly recording the large volume of data collected under SLLC.
- Woreda Module (WORLAIS): This is the core of the system that is used to handle ongoing, post SLLC, maintenance transactions, including transfers of rights (e.g. inheritance) as well as encumbrances (e.g. rental agreements). It includes the high levels of security required to ensure land rights records are not tampered with and the appropriate approvals are made before a change is allowed. It is initially populated from the MassReg as SLLC is completed in a Kebele.
- A zonal module (ZONLAIS) for viewing of records and administration by the zonal offices of the regional government.
- A regional module (REGLAIS) with extensive cadastral maintenance, back-up systems and analysis capabilities, to allow regulation of Woreda land administration activities, by the regional land bureaus or agencies.
- A Federal Module (FEDLAIS) which acquires information from the REGLAIS for statistical purposes, regulation of regional activities and to inform policy making in the Ministry of Agriculture.

The system has a textual component integrated with the spatial components and is flexibly designed to allow regions to customize it for local needs. Each region, however, has to adhere to a common data model and a set of standards.

2. Procedures for rural land transactions in Amhara region

2.1. Introduction

As already stated, any investment in land certification must be supported by a functioning Land Administration System. Land records quickly become out of date without a system for **maintaining** /updating of the land register. Once land certification is completed (and even during the certification process) it is vital to ensure that the land administration is properly equipped at all levels to process land transactions efficiently.

The RLAS Manual will firstly introduce the different kinds of land transactions that can be effected in Amhara. It will then generalize all these land transactions in a generic land transaction process to demonstrate that, even if each land transaction has its own specificities, they are all following a similar process throughout different functional environments. Finally, the Manual will address each single land transaction in terms of 1) references to the corresponding legal framework, 2) objectives of, conditions for, input to/output from the land transaction, 3) a structured representation of the specific procedure for land transaction and a stepwise description (what, who, when) of it, 4) an application form, specific for the land transaction

2.2. Updating the Land Register

2.2.1. The Land Register

Land holding rights are registered in a land register. The land register is a parcel-based digital database organized by region, woreda and kebele. Each land parcel is registered as an electronic record showing the UPIN², the particulars of the related land right holder(s), the rights of the holder(s) on the parcel and limitations thereof (encumbrances) and several attributes related to the parcel (e.g. area, land use). A hard-copy of the land register is available (compilation of print-outs of the electronic records in the form of a book) at the woreda and kebele land administration offices.

2.2.2. Updating the Land Register for land transactions

The land register electronic records shall be updated (Sporadic Land Registration³) whenever there is a transfer of holding rights, a new limitation on these rights or changes in textual or spatial information⁴. The hard-copies of the land register should be updated correspondingly and as soon as

The UPIN shall contain: region code in two letters; zone code in two digit numbers; woreda code in two digit numbers; kebele code in three digit numbers; and parcel code in five digit numbers. The UPIN system shall be consistent with the national coding system; there shall be no duplication of numbers within the kebele; the number shall be permanent which cannot be affected with change of holding right over the parcel except that it shall be capable of change in the event of sub-division or merge of the parcel(s).

Sporadic Land Registration is the process of registering land on a case-by-case basis usually as the result of a specific trigger such as the transfer (or limitation) of rights on land

When a new parcel is created from an existing parcel (sub-division), the parcel held by the existing holder shall retain the old UPIN; the newly created parcel shall take the UPIN after the last UPIN within the kebele; when adjacent parcels, which are held by different holders, are merged (consolidation), the parcel shall take the UPIN of the parcel that has been held by the new holder. The UPINs which are cancelled shall be retained in the system archives for historic reference.

possible after the land transaction has been approved (replacing the print-outs of the electronic records by the updated ones; with mention of the date of printing on the print-out)

The land register shall be updated under the responsibility and authority (approving the transaction) of the land officer of the corresponding woreda.

Application for updating the land registry records shall be submitted to the Woreda Land Administration office, through the Kebele Land Administration Expert and/or KLAC. The following steps shall be followed during the updating process:

- Submission of the application for land transaction to the KLAC in collaboration with kebele LA expert, which the latter is applicable in Amhara region (application form and required documents)
- Investigation of application for a land transaction (cross-checking the completeness and correctness of the application and required documents) by the KLAC and kebele LA expert and information that there is an application for a land transaction to the woreda land administration office.
- Notification (public hearing [including public display] and claims) at the KLAC office if needed.
- If there are no claims or after they have been solved (by kebele leaders committee or by the woreda court/supreme court), the application is processed at the woreda land administration office
- After payment of fees, the woreda land administration office updates the land register and issues (including electronic signature and seal/stamp of the land registrar and printing) a new landholding certificate if needed. The hard-copies of the land register (at woreda and kebele levels) are updated correspondingly.
- The new land holding certificate is delivered to the land holder through the KLAC and kebele LA expert.

Durations for each part of the process of updating the land registry records should be derived in terms of “elapsed time” (including waiting, input/output and processing time; number of working days/hours needed to complete an activity). This information has to be recorded when the RLAS system is operational and for a trial period of one year; the information has then to be analyzed and evaluated and finally standard durations derived and implemented for each part of the process of updating the land registry records. This will provide better services to the land holders, being able to inform them precisely of the duration of the land transaction and when they can collect their land holding certificate.

2.2.3. Registering land transactions during SLLC

Events creating a need for land transaction (e.g. inheritance, divorce) are not waiting completion of a particular project. They will occur during the time of the SLLC in a particular kebele. However, they cannot yet be registered as the land register has not yet been completed for that particular kebele. Therefore, land transactions in a kebele will not be registered (will be put on hold) until the kebele’s SLLC operation is completed, which means that the landholding certificates for the complete kebele have been issued (signed, sealed and printed and collected).

2.3. Types of rural land transactions

The Federal and the Amhara regional state land proclamations guarantee free access to rural lands for those who intend to engage in agricultural activity. The right to ownership of rural land is vested “in the state and in the peoples Ethiopia”; citizens occupy land through holding rights held as perpetual use rights in the rural sector. Some rural land transactions will include transfer of these rights to another (group of) persons but some other land transactions will only limit these rights through encumbrances; another group of rural land transactions will only affect the parcel or persons data without modifying the rights. The three groups of rural land transactions are outlined below:

2.2.1. Rural land transactions with transfer of rights

In this group of land transactions, the perpetual land holding right received by a person (or group of persons) from State is transferred to another person (or group of persons) by means of the land transaction.

This transfer of rights should be register in the Land Register; the land record showing the original relationship person-right-parcel has to be deleted and/or updated and replaced by a new one in Amhara region RLAS practice. In the case of transfer of rights without parcel sub-division and/or partition (e.g. inheritance with only one heir), one new land record will be created; in the case of transfer of rights with parcel sub-division and/or partition (e.g. inheritance with two or more heirs), several new land records will have to be created.

To ensure transparency and equity of the land transaction, it will be publically advertised so that third persons who state having an interest on the parcel can oppose to the transaction. In this case, the land transaction will be hold during the time needed for land/judicial authorities to decide upon the opposition.

The rural land transactions with transfer of rights are:

- **Bequeath/Inheritance**: in case of death of the land right holder (or of one of the land right holders), the land right holding is transferred to another person (or group of persons). Different cases can occur depending if the dead land right holder had prepared a will or not and if there is one or more heirs (in the latter case, the parcel might have to be sub-divided or partitioned by considering minimum parcel size based on regional law, proc.133/2006, art.16(8) and regulation no 51/2007, art.7. Moreover the land holder has being prepared his will before woreda land administration office based on the regional government circular letter. Whereas succession without will has being carried out by regular court.
- **Divorce**: in case the land right holder(s) divorce(s); depending on if both spouses where holding land right on the parcel or only one, the parcel might have to be sub-divided or partitioned by considering minimum parcel size that is provided by the regional law and regulation.
- **Gift**: in case a land right holder (or group of) gifts its land (or part of) to another person (or group of persons); in this case too, the parcel might have to be sub-divided by considering minimum parcel size that is provided by the regional law and regulation, .

mutual agreement of holders (if holders are two and more) and other preconditions (son and daughters or grandson and granddaughter of the holder, family membership of the holder, sons and daughters who have small land size or land less, and those who provided free service for more than three years for the land holder based ANRS proc.133/2006, art.17 (1) and other related articles).

- Exchange: in case two different land right holders both are willing to exchange their land; rationales for exchange can be reducing the distance from home to the land or regrouping small parcels (land consolidation) to make them more convenient for development based on ANRS regulation no.51/2007, art.(10) .
- Expropriation: in case of public interest (e.g. irrigation or other infrastructure project), the State can expropriate a land right holder from (part of) the land he/she was allocated; this expropriation should go along with proper compensation, generally in the form of allocation of new land of equal value somewhere else in the same Woreda or in terms of money based on regional regulation no.51/2007, art.2 (e) . Expropriation of part of a land holding will require parcel sub-division.
- Reallocation: in case when a land right holder is not using and protecting his land for more than three consecutive years, gross damage occurs over his land due to his miss management and disappearance of land holders (and after warning) or absence of land holder for five years without delegation someone to cultivate and manage the land and notifying his/her presence somewhere, the state can take the land right holding back from the one it was allocated and reallocate that land to a landless based on regional proc.133/2006, art.12 and other related articles.
- Special Case: in principle, the Land Register should be populated by the complete coverage of land parcels that have been demarcated, adjudicated and registered at the SLLC phase. However, there can be (special) cases where a parcel has not been registered at SLLC level (e.g. in case of a parcel that has been demarcated during SLLC but could not be adjudicated and thus not registered because the land holder was not present during SLLC operations; now, the land holder wants to register his rights on the parcel and get a Certificate). Therefore, a land transaction procedure has been developed to enable (sporadic) land
- Registration for special cases. This special cases' procedure will disappear in the future when all parcels will have been registered.

Remark 1

Sub-division or partition of a parcel is needed in case of transfer of land holding rights from one person to more persons (inheritance, gift, divorce) or on case of partial expropriation and partial reallocation. In this case, first the parcel should be sub-divided (spatial operation) and then the holding right on each sub-divided parcel is transferred to new holders.

Remark 2

Special conditions on:

- To whom a land right holding can be transferred by inheritance or gift, and
- Concerning the sub-division or partition of a parcel in terms of minimum parcel area are stated in the regional land proclamations or regulations.

2.2.2. Rural land transactions with limitation/restriction of rights

In this group of land transactions, the perpetual land holding right received by a person (or group of persons) from State is not transferred to another person (or group of persons) but the right is limited/restricted by means of an encumbrance.

An encumbrance is any right or interest that exists in someone other than the right holder of a land and that restricts the transfer of the land. Examples of encumbrances are: servitudes, (sub-) leases and other restrictive orders and/or agreements.

An encumbrance should be registered in the Land Register as an annotation in the land record showing the relationship person-right-parcel. When the encumbrance is terminated (e.g. no need any more for a right of way) the annotation should be removed from the land record.

The rural land transactions without transfer but with limitation of rights are

- Rental (sub-lease): a land right holder can transfer **use right (not holding right)** by rent, to other farmers or investors, land from his/her holding of a size sufficient for the intended development, in a manner that shall not displace him/her and for a period of time to be determined by the rural land administration legislation of the **region based on proc.133/2006,art.18 and other related provisions. However transfer of use right of a state to investors has being carried based on art.6 (3) of the regional law.**
- Servitude/Easement: is the right to enter/pass through the land hold by another. The most common are rights of way (for holders of adjacent land-locked parcels) and rights concerning flow in waters/irrigation.
- Other restrictive interests: any agreement (authorized by law) made by the land right holder concerning his/her land or any Court decision that restricts the transfer of the land (e.g. unpaid land tax, pending judgement).

2.2.3. Changes in spatial configuration of the parcel, corrections or certificate replacement

In this group of land transactions, only the spatial configuration and size of the parcel is modified or the particulars of the land right holder are changed. However, parcel sub-division and/or consolidation (merge) of parcels will almost always been combined with a transfer of rights transaction (transfer of rights anterior to consolidation of parcels and transfer of rights posterior to parcel sub-division) whilst boundaries correction may include transfer of rights as a consequence of the transaction.

A change of spatial configuration or size of the parcel of land and/or of the particulars of the land right holder should be register in the Land Register. In case of:

- Change in parcel configuration or size: the land record showing the original relationship person-right-parcel has to be deleted/updated and replaced by one or more a new one(s) but for in case it is only a minor correction (e.g. size).
- Change in particulars of the land right holder(e.g. wrongly spelled name): the land record showing the original relationship person-right-parcel has to be corrected

Due to rural land transactions without modification of rights, the following cadastral activities may be carried out

- Consolidation (merge) of parcels: consolidation/merge of parcels may be done if it will make the land holding more convenient for development; of course, the parcels to merge should be held by the same land right holder. This is mostly the case after exchange of parcels.
- Boundaries correction: this can happen if the parcel has been wrongly demarcated during SLLC or if the boundaries have been changed due to natural phenomena (e.g. derived river); rectification of boundaries will have an influence on the area of the parcel and probably on the boundaries of neighboring parcels.
- Corrections (textual; spatial): simple correction of the land record may be needed if e.g. the area of the parcel or if some particulars of a person (e.g. name) have been incorrectly recorded.
- Replacement of Certificate: just re-printing in case of lost or damaged Certificate

Although concerned with changes in the spatial configuration of a parcel, sub-division is not included in this category of land transactions. Indeed, parcel sub-division is only authorised if needed in case of transfer of land holding rights from one person to more persons (inheritance, gift, divorce) or in case of partial expropriation and partial reallocation. In this case, first the particular transfer rights associated with a parcel are legally validated, sub-divided (spatial operation) and then the holding right on each sub-divided parcel is transferred to new holders. It is therefore only considered as a spatial operation under rural land transactions with transfer of rights.

2.4. Common basic principles for the rural land transaction procedures

Even if each land transaction has its own specificities, they are all following a similar process throughout different functional environments. Therefore, common basic principles, activities and documents for land transactions are presented below.

2.4.1. Land Holding Certificate

Every rural land holder shall be issued with a Land Holding Certificate prepared for his/her holding. The Land Holding Certificate shall be:

- A document showing the attributes of the land holder and of the parcel, including an Parcel Index Map showing the parcel and neighboring parcels.
- Prepared in the name of the joint holders where the holders of the parcel are more than one.
- Officially be issued by Woreda Land Administration Office (but delivered to the rural land holder through the Kebele Land Administration expert and Committee).

For illustration, a picture of the Land Holding Certificate will be added here, when available (following the SLLC design of the Land Holding Certificate).

2.4.2. Availability of Land Information

The availability of current, relevant and reliable land information is particularly important in land governance because land is a highly valued resource and often the source of conflict. Land information is equally important for country sustainable development as a support to public/private programmes including land use planning, infrastructure development and maintenance, environmental protection and resource management, emergency services, social service programs, land tax levying, and land markets development. Therefore, land information must be made available in an easily accessible and timely manner.

The land holding information (spatial and non-spatial) registered in the Land Register database at Woreda level and aggregated to the zonal, regional and federal level, combined with other sources of land related information is a relevant and reliable source of information to support good land governance and country sustainable development. It could be also a source of revenue to make the RLAS system economically sustainable on long term.

However, further investigation is needed to define which land information is needed by which public/private programmes, in which format, for which purpose at what price it can be made available. Also limitations on the availability of land information should be considered due to privacy or other restrictive rationales. This investigation has to take place after the RLAS system has been made operational so that the potential value of the generated land information can be evaluated.

2.5. Overview of the rural land transaction process

As already mentioned, even if each land transaction has its own specificities, they are all following a similar process throughout different functional environments as illustrated in Fig. 4 and in Table 1 below.

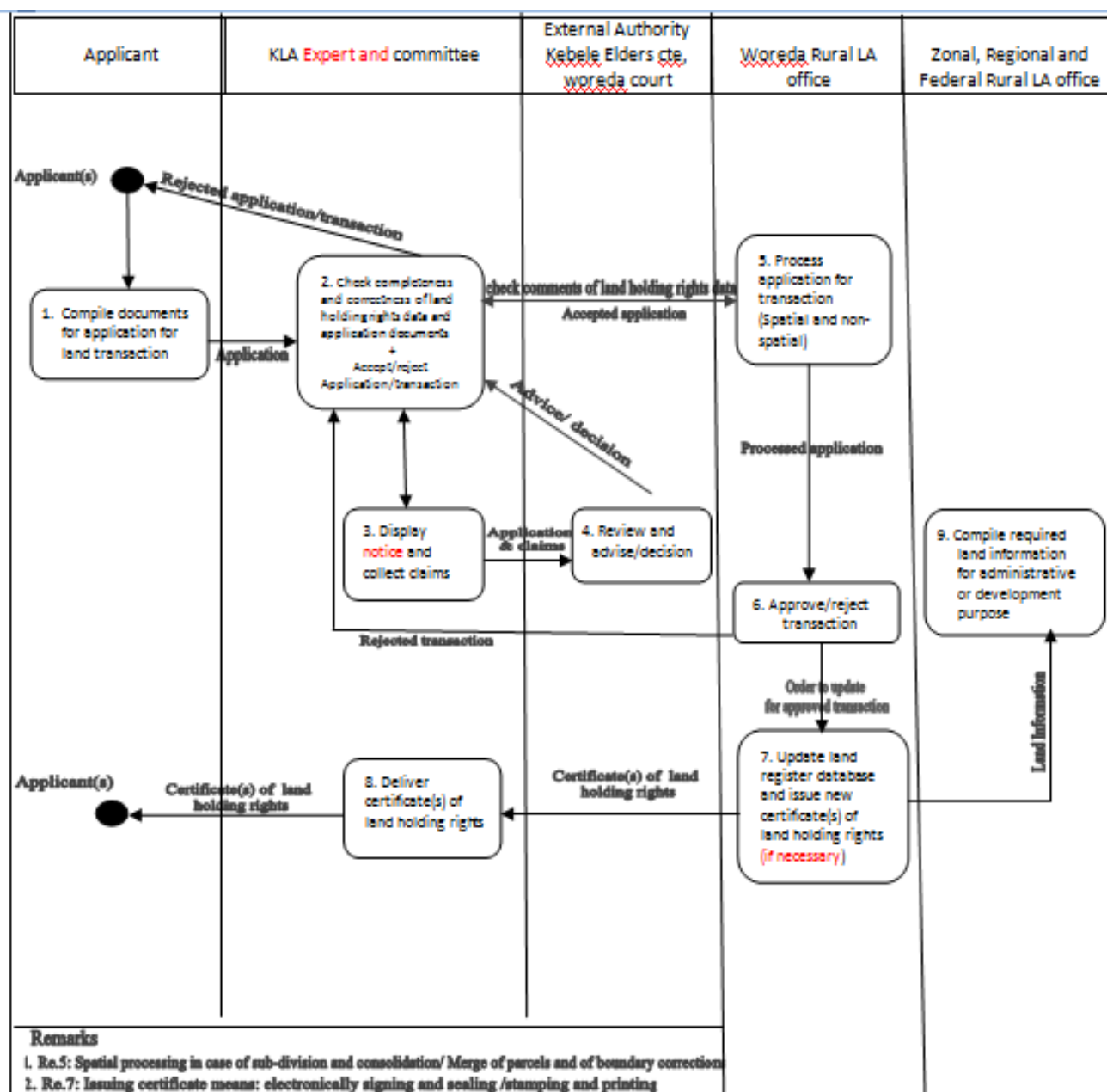


Fig. 4: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLA Expert and Committee	Applicant(s)	Specific application form and documents required for the particular land transaction
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents sent to the Woreda LA Office for info. Rejected documents are sent to the applicants; possible iteration of Activities 1 and 2
3. Display the notice and collect claims	KLAC and KLA expert	Notice is put on display at Kebele level during 30 calendar days. Claims against the notice are recorded by the KLAC and KLA expert
4. Review and advise	Kebele Elders Committee and/or Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the Kebele Elders Committee then to the Woreda Court • In case of other legal issues (e.g. inheritance), directly to the Woreda Court • Decision/advise is forwarded to the KLA Expert and Committee which in turn will forward the decision to the Applicant
5. Process the application for land transaction	WoredaLA Office staff	<ul style="list-style-type: none"> • Based upon specific land transaction application documents and Court decision/advise received from the KLA Expert and Committee. • May involve spatial processing (in case of sub-division, consolidation and boundaries correction)
6. Approve the land transaction and order to update the Land Register	Woreda Land administration office	If the land transaction is refused, the Applicant is then informed through the KLAC and KLA expert. Possible iteration of Activities 5 and 6
7. Update land record in the Land Register and issue the new land holding certificate(s) if necessary	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and issue new certificate(s) if necessary.
8. Deliver new land holding certificate(s) to the Applicant	KLAC and KLA expert	Output document is a new land holding certificate(s) but for in case of only correction of the land record (in that case, no new certificate).
9. Compile required land information for administrative or development purposes	Regional, zonal and worda Rural LA Offices	Regional, zonal and worda Rural LA Offices access the Land Register and retrieve, process and provide needed land information

Table 1: Stepwise description of the generic land transaction process

3. Procedures for specific rural land transactions

As already mentioned under 2.2 above, the Federal and Regional Land Proclamation guarantee free access to rural lands for those who intend to engage in agricultural activity. The right to ownership of rural land is vested “in the state and in the peoples of Ethiopia”; citizens occupy land through holding rights held as perpetual use rights in the rural sector. Some rural land transactions will include transfer of these rights to other (group of) persons but some other land transactions will only limit these rights through encumbrances; another group of rural land transactions will only affect the parcel or persons data without modifying the rights. The three groups of rural land transactions are outlined below:

3.1.Procedures for rural land transactions with transfer of rights

In this group of land transactions, the perpetual land holding right received by a person (or group of persons) from State is transferred to another person (or group of persons) by means of the land transaction.

This transfer of rights should be registered in the Land Register; the land record showing the original relationship person-right-parcel has to be updated /maintained. In the case of transfer of rights without parcel sub-division (e.g. inheritance with only one heir), one new land record will be created; in the case of transfer of rights with parcel sub-division (e.g. inheritance with two or more heirs), several new land records will have to be created.

The rural land transactions with transfer of rights are through:

- Bequeath/Inheritance (with and without Will)
- Divorce
- Gift
- Exchange
- Expropriation
- Reallocation

3.1.1. Procedure for rural land transaction through Bequeath/Inheritance

In case of death of the land right holder (or of one of the land right holders), the land holding is transferred to another person (or group of persons). Different cases can occur depending if the dead land right holder had prepared a will or not and if there is one or more heirs (in the latter case, the parcel might have to be sub-divided by considering crop harvesting period for the ease of field cadastral process). Moreover the original land recorded data will be updated.

3.1.1.1. Rural land transaction through Bequeath/Inheritance with Will

Transaction: Transfer of rural land holding rights through inheritance (succession) to relatives and member(s) of the family (heirs) of the land right holder. In this case, the land right holder has prepared a Will defining who are the heirs and what part of the parcel of land gets each heir (in case there is more than one heir, the parcel has to be sub-divided by considering minimum parcel size that is provided by the regional proclamation no.133/2006, under art.16 (8) and regulation no.51/2007, under art.11(9) (generally in equal parts or according to the will). In addition to this the original land recorded data will be updated.

Conditions for transaction:

- Family members or a person who permanently lives with the land right holder and sharing the livelihood of the land right holder.
- The size of the parcel(s) for which the land holding rights have to be transferred should not be less than the minimum size of an holding
- The notice for transfer of land holding rights by inheritance with Will has to be displayed at the Kebele Land Administration office for a duration of 30 calendar days and claims can be made on the land holding; claims will have to be solved by the Elders Committee and if still needed, by the Woreda Court.
- All this in accordance with the relevant Land Administration and Use Proclamation or Regulation.

Required documents:

- Application form completed and signed by the heir(s)
- Physical presence or representation with certified Power of Attorney
- Proof of identity of the heir(s)
- Extract of marriage certificate or certificate of celibacy of the heir(s)
- Certificate of death of the land holder
- Elders Committee or Woreda Court statement on claim resolution, if applicable
- Statement of will in written form which is determining who are the heirs and their respective rights
- Land holding Certificate if possible (if the certificate is easily available to the successor by will)

It is better to see Amhara regional state land proclamation no.133/2006, art.16 (8) and regulation no.51/2007, art.11 (9) and other related articles

Output documents:

New land holding right Certificate if necessary (including Parcel Map), for each of the new land right holders (the heirs)

Diagrammatic description of the procedure of Rural land transaction through Bequeath/Inheritance with Will

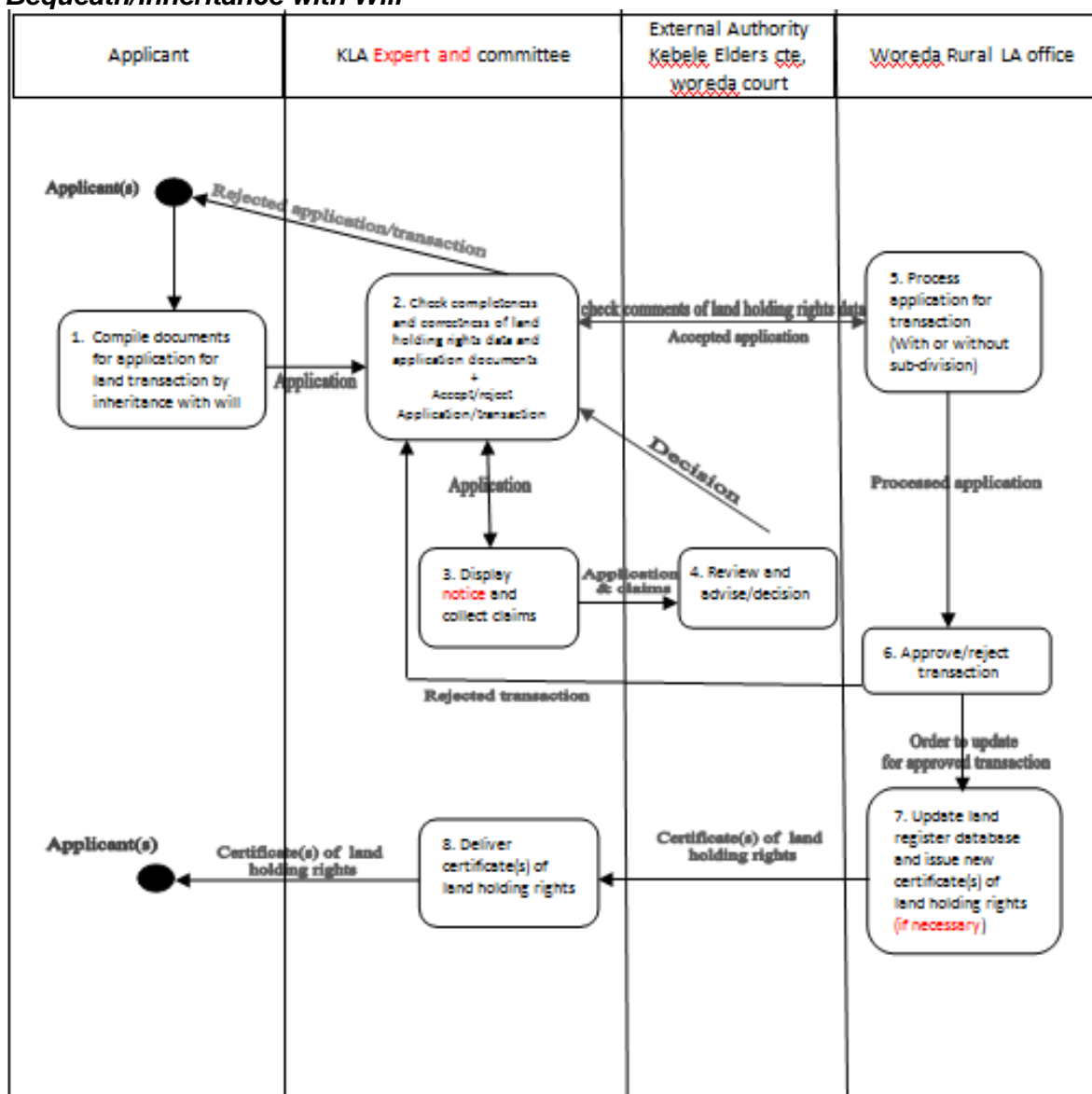


Fig. 5: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Bequeath/ Inheritance with Will

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLA expert and committee	Heir(s)	Specific application form and documents required for the land transaction Inheritance with Will
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for info. Rejected documents are sent to the heir(s); possible iteration of Activities 1 and 2
3. Display the application and collect claims	KLAC and KLA expert	Application is put on display at Kebele and Woreda level during 30 calendar days. Claims against the application are recorded by the KLAC and KLA expert
4. Review, advise and decide on claims	Kebele Elders Committee and Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the Kebele Elders Committee then to the Woreda Court Decision/advise is forwarded to the KLAC and KLA expert which in turn will forward the decision to the heir(s)
5. Process the application for land transaction	Woreda LA Office staff	<ul style="list-style-type: none"> Based upon the land transaction application documents and decision received from the KLAC and KLA expert This involves spatial processing in case of sub-division of the parcel if there are more than one heir (re.1)
6. Approve the land transaction and order to update the Land Register	Woreda LA office staff	If the land transaction is refused, the heir(s) are then informed through the KLAC and KLA expert. Possible iteration of Activities 5 and 6
7. Update land record in the Land Register and issue the land holding certificate(s)	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and issue certificate(s)
8. Deliver land holding certificate(s) to the heir(s)	KLAC and KLA expert	Output document is land holding certificate(s).

Table 2: Stepwise description of the generic land transaction process

FORM 1**Application Form for land transaction through Bequeath/Inheritance with Will**

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Persons information

Name of deceased land holder:

Name of the heir(s)	holding number	Marital Status of the deceased	Parcel share (%) of the heirs	Signature of the heir(s)

Required documents for the transaction

Physical presence of heir(s) or representation with certified Power of Attorney	
Proof of identity of the heir(s)	
Extract of marriage certificate or certificate of celibacy of the heir(s)	
Certificate of death of the land holder	
Elders Committee or Woreda Court statement on claim resolution	
Statement of Will in written that determine who are the heirs and their respective rights	
• Land holding Certificate if possible (if the certificate is easily available to the applicant)	

Comment given by Kebele land administration expert	
Received and verified by	
Date:	Stamp
Signature:	

3.1.1.2. Rural land transaction through Bequeath/Inheritance without Will

Transaction: Transfer of rural land holding rights through inheritance (succession) to sons and daughters of the deceased, member(s) of the family (heirs), spouse and parents of the land right holder based on the law and regulation. In this case, the land right holder has not prepared a Will defining who the heirs are and what part of the parcel of land gets each heir. This means that the heir(s) have to obtain a decision from the Woreda Court, stating that they are the right heir(s) and have right for inheritance from the land holder.

Conditions for transaction:

- Being sons and daughters of the deceased (heirs)
- Family members or a person who permanently lives with the land right holder and sharing the livelihood of the land right holder.
- spouse and parents of the land right holder
- The size of the parcel(s) for which the land holding rights have to be transferred should not be less than the minimum size of an holding
- The notice for transfer of land holding rights by inheritance without Will has to be displayed at the Kebele Administration office for a duration of 30 calendar days and claims can be made on the succession; claims will have to be solved by the Elders Committee and if still needed, by the Woreda Court.
- All this in accordance with the relevant Land Administration and Use Proclamation or Regulation.

Required documents:

- Application form completed and signed by the heir(s)
- Physical presence of the heirs or representation with certified Power of Attorney
- Proof of identity of the heir(s)
- Extract of marriage certificate or certificate of celibacy of the heir(s)
- Certificate of death of the land holder
- Elders Committee or Woreda Court statement on claim resolution, if applicable
- Woreda Court decision determining who are the heirs and their respective rights
- Land holding Certificate if possible

Output documents:

New land holding right Certificate if necessary (including Parcel Map), for each of the land right holders (the heirs)

Diagrammatic description of the procedure of Rural land transaction through Bequeath/ Inheritance without Will

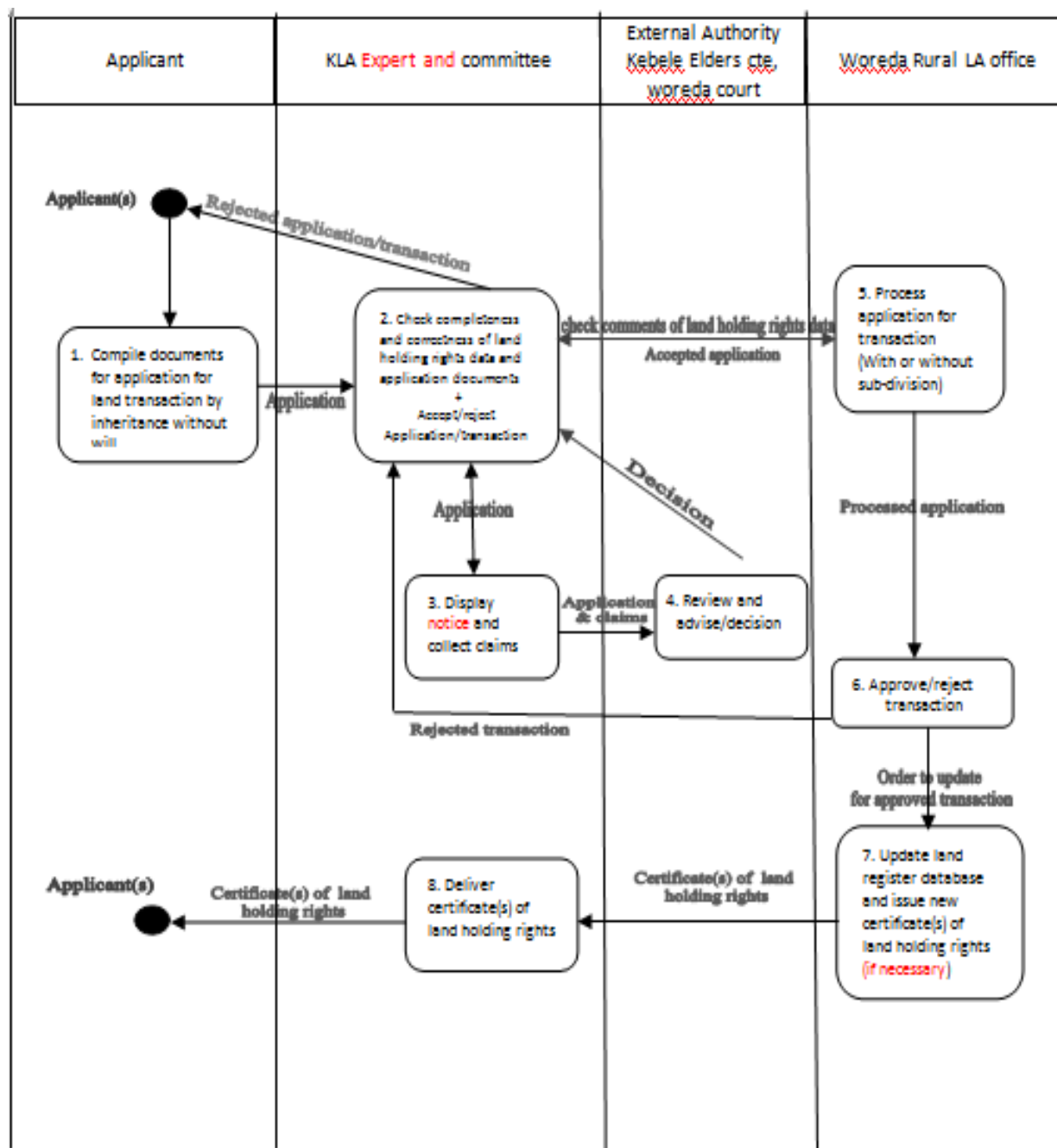


Fig. 6: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Bequeath/ Inheritance without Will

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Heir(s)	Specific application form and documents required for the land transaction Inheritance without Will
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office. Rejected documents are sent to the heir(s); possible iteration of Activities 1 and 2
3. Display the notice and collect claims	KLAC and KLA expert	Notice is put on display at Kebele and Woreda level during 30 calendar days. Claims against the application are recorded by the KLAC KLA expert
4. Review, advise and decision on claims and determining who are the heirs and their respective rights	Kebele Elders Committee and Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the Kebele Elders Committee then to the Woreda Court In any case, the application is forwarded by the KLAC and KLA expert to the Woreda Court to decide on inheritance Decision/advise is forwarded to the KLAC which in turn will forward the decision to the heirs
5. Process the application for land transaction	Woreda LA Office staff	<ul style="list-style-type: none"> Based upon the land transaction application documents and (Court) decision received from the KLAC and KLA expert. This involves spatial processing in case of sub-division of the parcel if there are more than one heir (re.1)
6. Approve the land transaction and order to update the Land Register	Woreda Land Administration office Staff	If the land transaction is refused, the heir(s) is then informed through the KLAC and KLA expert. Possible iteration of Activities 5 and 6
7. Update land record in the Land Register and issue the land holding certificate(s)	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and issue certificate(s)
8. Deliver land holding certificate(s) to the heir(s)	KLAC and KLA expert	Output document is land holding certificate(s)

Table 3: Stepwise description of the generic land transaction process

FORM 2**Application Form for land transaction through Bequeath/Inheritance without Will**

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Persons information

Name of deceased land holder:

Name of the heir(s)	Holding number	Marital Status of deceased	Parcel share (%) of the hairs	Signature of the heir(s)

Required documents for the transaction

Physical presence of the hairs or representation with certified Power of Attorney	
Proof of identity of the heir(s)	
Extract of marriage certificate or certificate of celibacy of the heir(s)	
Certificate of death of the land holder	
Woreda Court decision determining who are the heirs and their respective rights	
Elders Committee or Woreda Court statement on claim resolution	
Land holding Certificate if possible	

Comment given by Kebele land administration expert.....
.....**Received and verified by :**

.....

Date:

Stamp

3.1.2. Procedure for rural land transaction through Divorce

Transaction: Transfer of rural land holding rights through divorce; depending on if both spouses were holding land right on the parcel or only one, the parcel might have to be sub-divided

Conditions for transaction:

- Depending if both divorced spouses were holding land right on the parcel or only one, the parcel might have to be sub-divided. In case the divorced spouses were registered as jointly holding the land but that this right was acquired by only one of the two divorced spouses (e.g. inheritance, gift), sole land holding right will be returned to that person and in that case only a change of name will be required in the Land Register.
- The size of the parcel(s) for which the land holding rights have to be transferred should not be less than the minimum size of an holding
- The notice for transfer of land holding rights by divorce has to be displayed at the Kebele Administration office for a duration of 30 calendar days and claims can be made on the land holding; claims will have to be solved by the Elders Committee and if still needed, by the Woreda Court.
- All this in accordance with the relevant Land Administration and Use Proclamation or Regulation.

Required documents:

- Application form completed and signed by the divorced spouses
- Physical presence divorced spouses or representation with certified Power of Attorney
- Proof of identity of the divorced spouses
- Certificate of divorce
- Elders Committee or Woreda Court statement on claim resolution, if applicable
- Land holding Certificate

Output documents:

New land holding right Certificate (including Parcel Map), for each of the new land right holder(s) (both the divorced spouses or only one of them)

Diagrammatic description of the procedure of Rural land transaction through Divorce

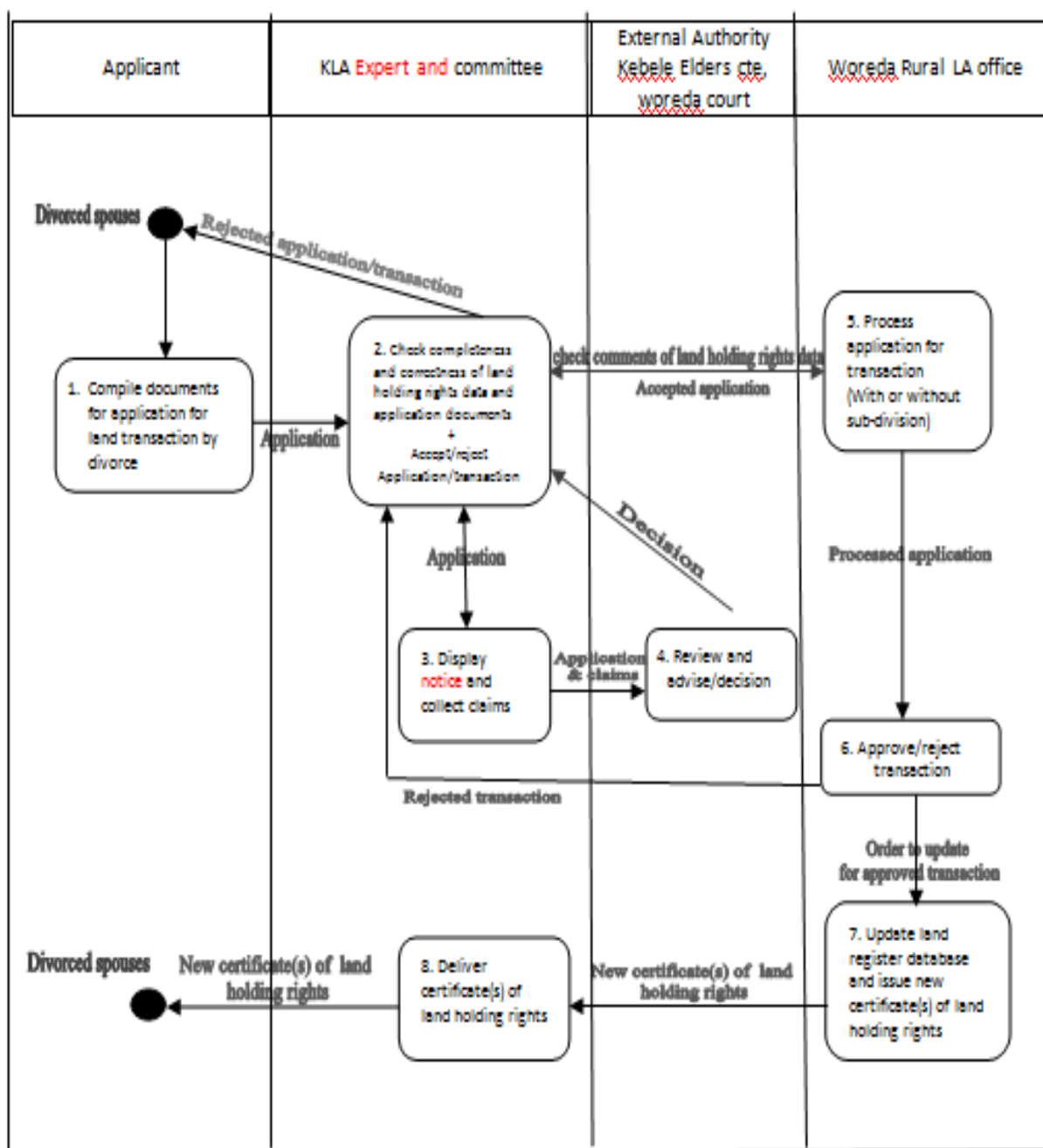


Fig. 7: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Divorce

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Divorced spouses	Specific application form and documents required for the land transaction Divorce
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for. Rejected documents are sent to the divorced spouses; possible iteration of Activities 1 and 2
3. Display the application and collect claims	KLAC and KLA expert	Application is put on display at Kebele and Woreda level during 30 calendar days. Claims against the application are recorded by the KLAC and KLA expert
4. Review, advise and decide on claims	Kebele Elders Committee and Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the Kebele Elders Committee then to the Woreda Court • Decision/advise is forwarded to the KLAC and KLA expert which in turn will forward the decision to the divorced spouses
5. Process the application for land transaction	Woreda LA Office staff	<ul style="list-style-type: none"> • Based upon the land transaction application documents and decision received from the KLAC and KLA expert. • This may involve sub-division of the parcel in case of joint holding of the parcel by both divorced spouses (re.1) • In case of sole holding right by one of the divorced spouses, no sub-division will take place, only change of name of the land holder
6. Approve the land transaction and order to update the Land Register	Woreda LA office staff	If the land transaction is refused, the divorced spouses are then informed through the KLAC and KLA expert. Possible iteration of Activities 5 and 6
7. Update land record in the Land Register and issue the new land holding certificate(s)	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and issue new certificate(s)
8. Deliver new land holding certificate(s) to the divorced spouses (or only to one of them in case of sole holding right)	KLAC and KLA expert	Output document is new land holding certificate(s)

Table 4: Stepwise description of the generic land transaction process

FORM 3**Application Form for land transaction through Divorce**

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Persons information

Name of the divorced spouses	Holding number	Parcel share (%)	Signature of the divorced spouses

Required documents for the transaction

Physical presence of divorced spouses or representation with certified Power of Attorney	
Proof of identity of the divorced spouses	
Certificate of divorce	
Elders Committee or Woreda Court statement on claim resolution	
Land holding Certificate	

Comment given by Kebele land administration expert

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Received and verified by :

.....

Date:

Stamp

3.1.3. Procedure for rural land transaction through Gift

Transaction: Transfer of rural land holding rights through gift of (part of) the parcel to one or more relatives and family members; in the case of gift to more than one relatives or family members, the parcel has to be sub-divided based on the law and regulation.

Conditions for transaction:

- Being land less and/or small sized land sons and daughters /grandsons and daughters/
- Person who gives free service not less than three years to the land right holder
- The size of the parcel(s) for which the land holding rights have to be transferred and the size of the remaining part of the original parcel should not be less than the minimum size of an holding
- The notice for transfer of land holding rights by gift has to be displayed at the Kebele Administration office for a duration of 30 calendar days and claims can be made on the land holding; claims will have to be solved by the Elders Committee and if still needed, by the Woreda Court.
- These all in accordance with the relevant Land Administration and Use Proclamation or Regulation.

Required documents:

- Application form completed and signed by the gift giver Both spouses and other joint holders if the land is held in jointly) and recipient(s) with certified Power of Attorney
-
- Physical presence or representation of the giver (Both spouses and other joint holders if the land is held in jointly)) with certified Power of Attorney
- The recipients should service the gift giver without payment for 3 years
- Proof of identity of the gift giver and recipient(s)
- Extract of marriage certificate or certificate of celibacy of the gift giver and recipient(s)
- Elders Committee or Woreda Court statement on claim resolution, if applicable
- Land holding Certificate

Output documents:

New land holding right Certificate (including Parcel Map), for each of the new land right holders (gift giver and recipient(s) or only the latter)

Diagrammatic description of the procedure of Rural land transaction through Gift

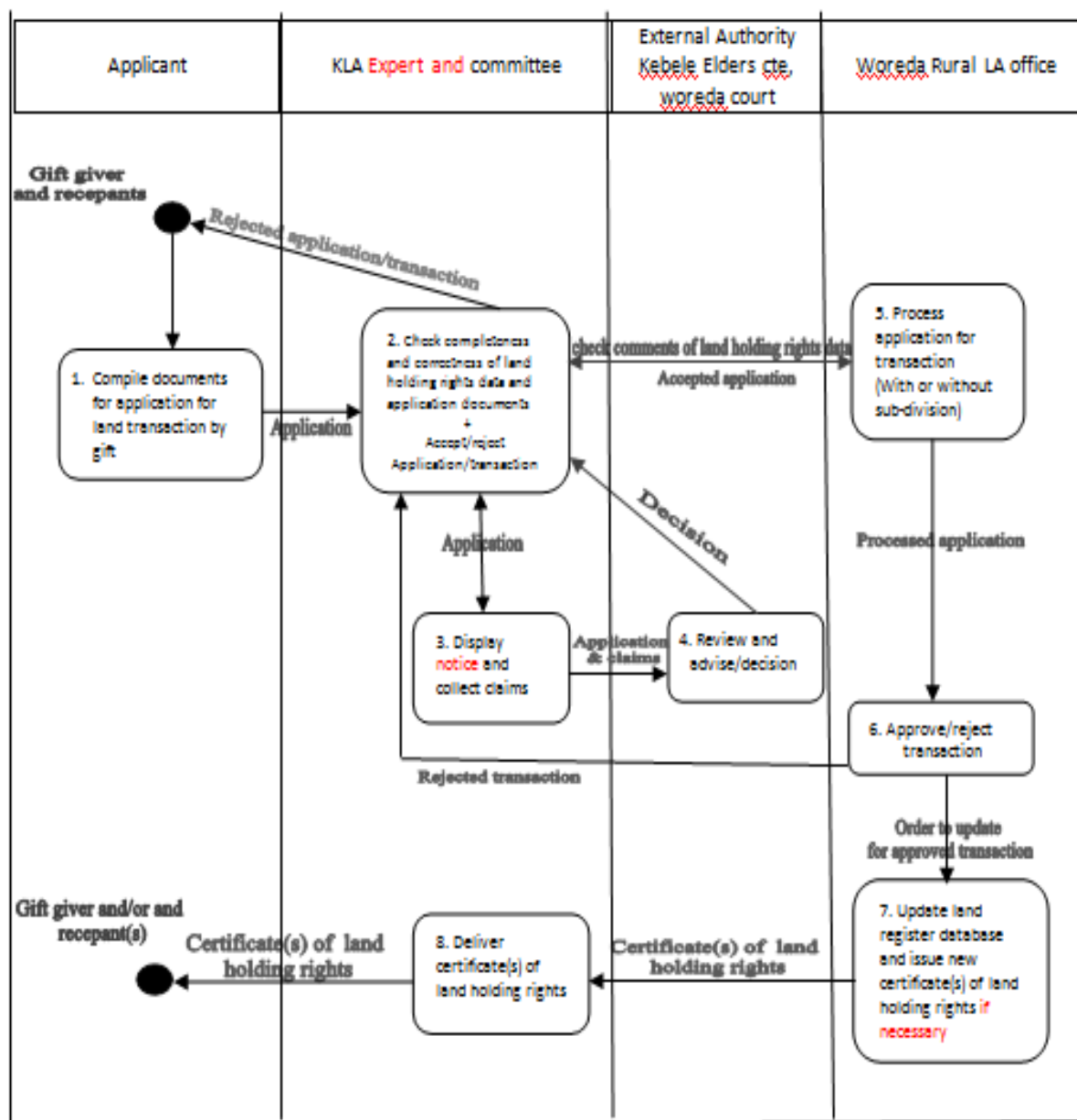


Fig. 8: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Gift

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Gift giver and recipient(s)	Specific application form and documents required for the land transaction Gift
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and land officer	Accepted application and documents are sent to the Woreda LA Office for. Rejected documents are sent to the gift giver and recipient(s); possible iteration of Activities 1 and 2
3. Display the notice and collect claims	KLAC and KLA expert	Notice is put on display at Kebele level during 30 calendar days. Claims against the application are recorded by the KLAC and KLA expert
4. Review, advise and decide on claims	Kebele Elders Committee and Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the Kebele Elders Committee then to the Woreda Court • Decision/advise is forwarded to the KLAC and KLA expert which in turn will forward the decision to the gift giver and recipient(s)
5. Process the application for land transaction	Woreda LA Office staff	<ul style="list-style-type: none"> • Based upon the land transaction application documents and decision received from the KLAC. • This may involve sub-division of the parcel in case of more than one recipient or in case the gift giver gifts only part of the parcel (re.1)
6. Approve the land transaction and order to update the Land Register	Woreda LA office staff	If the land transaction is refused, the gift giver and recipient(s) are then informed through the KLAC and KLA expert. Possible iteration of Activities 5 and 6
7. Update land record in the Land Register and issue the land holding certificate(s)	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and issue new certificate(s)
8. Deliver new land holding certificate(s) to the gift (giver and) recipient(s)	KLAC and KLA expert	Output document is land holding certificate(s)

Table 5: Stepwise description of the generic land transaction process

Application Form for land transaction through Gift

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Persons information

Name of the land holder (gift giver(s))	Holding Number	Marital Status	Parcel share (%)	Signature of the land holder

Name of the gift recipient(s)	Holding number	Marital Status	Parcel share (%)	Signature of the gift recipient(s)

Required documents for the transaction

Physical presence of gift giver(s) or representation with certified Power of Attorney	
Proof of identity of the land holder(s) (gift giver(s))	
Extract of marriage certificate or certificate of celibacy of the land holder (gift giver)	
Proof of identity of the gift recipient(s)	
Extract of marriage certificate or certificate of celibacy of the gift recipient(s)	
Elders Committee or Woreda Court statement on claim resolution	
Land holding Certificate	

Comment given by Kebele **land administration expert**

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Received and verified by:

.....

Date:

Stamp

3.1.4. Procedure for rural land transaction through Exchange

Transaction: Transfer of rural land holding rights through exchange, between two or more land holders. Rationales for exchange can be reducing the distance from home to the land or regrouping small parcels (land consolidation) to make them more convenient for development.

Conditions for transaction:

- The two or more parcels to be exchanged should be more or less equivalent in terms of size or fertility.
- The exchanged land that have not equal size shouldadditional money or parcel
- The rationales for exchange should contribute to improving the use of the land
- The notice for transfer of land holding rights by exchange has to be displayed at the Kebele Land Administration office for a duration of 30 calendar days.
- These all in accordance with the relevant Land Administration and Use Proclamation or Regulation.

Required documents:

- Application form completed and signed by both land holders willing to exchange their parcels
- Physical presence of land holders or representation with certified Power of Attorney
- Proof of identity of both land holders willing to exchange their parcels
- Extract of marriage certificate or certificate of celibacy of both land holders willing to exchange their parcels
- Elders Committee or Woreda Court statement on claim resolution, if applicable
- Land holding Certificate

Output documents:

Land holding right Certificate (including Parcel Map), for each of the new land right holders (both land holders exchanging their parcels)

Diagrammatic description of the procedure of Rural land transaction through Exchange

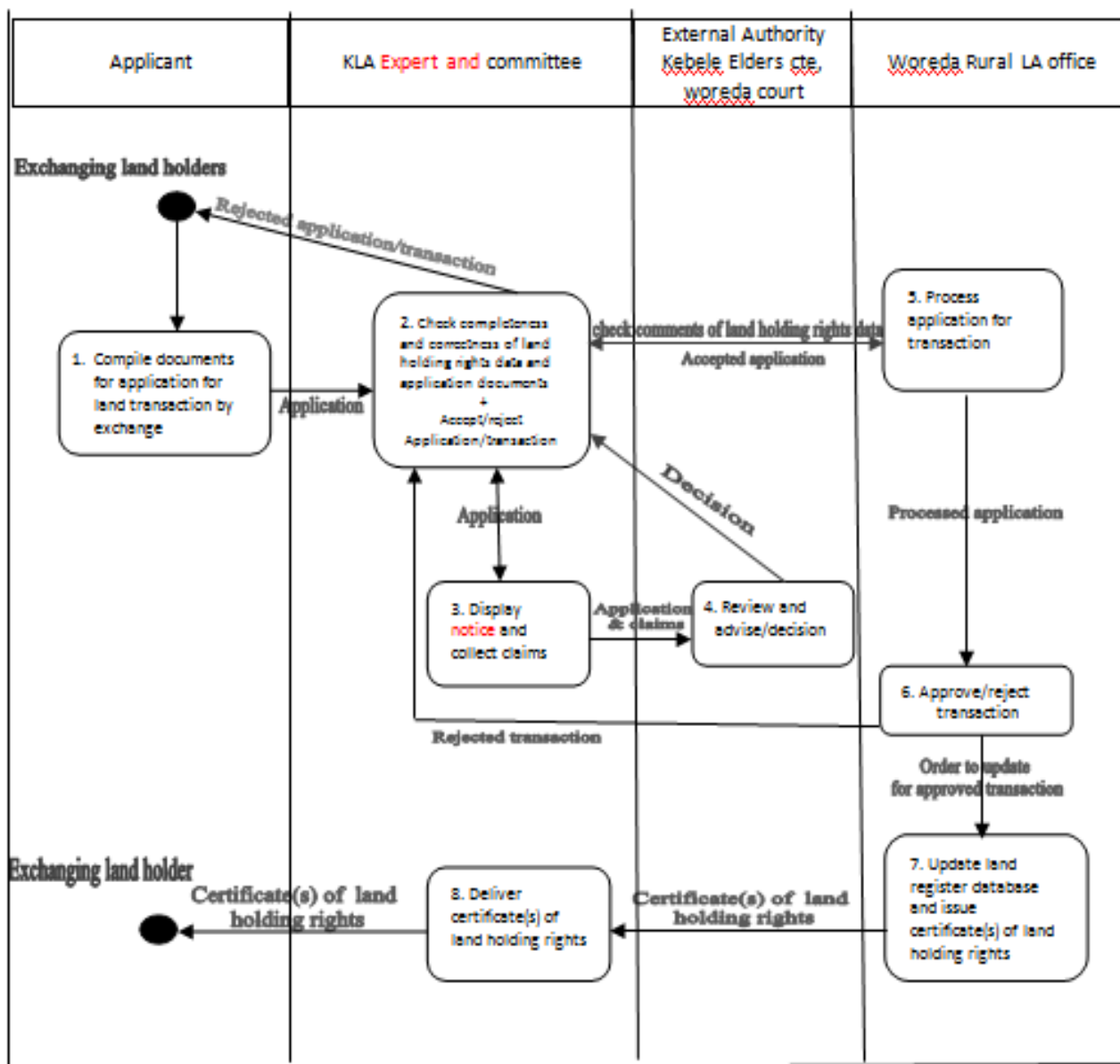


Fig. 9: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Exchange

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Land holders willing to exchange their parcels	Specific application form and documents required for the land transaction Exchange
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for info. Rejected documents are sent to the land holders willing to exchange their parcels; possible iteration of Activities 1 and 2
3. Display the notice and collect claims	KLAC and KLA expert	Application is put on display at Kebele and Woreda level during 30 calendar days. Claims against the application are recorded by the KLAC and KLA expert
4. Review, advise and decide on claims	Kebele Elders Committee and Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the Kebele Elders Committee then to the Woreda Court • Decision/advise is forwarded to the KLAC and KLA expert which in turn will forward the decision to the land holders willing to exchange their parcels
5. Process the application for land transaction	Woreda LA Office staff	Based upon the land transaction application documents and decision received from the KLAC and KLA expert.
6. Approve the land transaction and order to update the Land Register	Woreda LA office staff	If the land transaction is refused, the land holders willing to exchange their parcels are then informed through the KLAC and KLA expert. Possible iteration of Activities 5 and 6
7. Update land record in the Land Register and issue the land holding certificate(s)	Woreda LA Office staff	Update (spatial and non-spatial) electronic records in the Land Register and issue certificate(s)
8. Deliver land holding certificate(s) to the land holders willing to exchange their parcels	KLAC and KLA expert	Output document is land holding certificate(s)

Table 6: Stepwise description of the generic land transaction process

FORM 5**Application Form for land transaction through Exchange**

Date of application

Parcel 1 information

UPI	
Region	
Zone	
Woreda	
Kebele	

Person 1 information

Name of the land holder	Holding(s) number	Marital Status	Parcel share (%)	Signature of the land holder(s)

Parcel 2 information

UPI	
Region	
Zone	
Woreda	
Kebele	

Person 2 information

Name of the land holder	Holding(s) number	Marital Status	Parcel share (%)	Signature of the land holder(s)

Required documents for the transaction

Physical presence of land holder(s) or representation with certified Power of Attorney	
Proof of identity of the land holders willing to exchange their parcels	
Extract of marriage certificate or certificate of celibacy of the land holders willing to exchange their parcels	
Elders Committee or Woreda Court statement on claim resolution	
Land holding Certificates for each parcel (holding)	

Comment given by **land administration expert**.....
.....

Received and verified by :

.....

Date:

Stamp

Signature:

3.1.5. Procedure for rural land transaction through Expropriation

Transaction: Transfer of rural land holding rights through expropriation by the Woreda Administration. The Woreda administration, in accordance with Proclamation 455/2005, has the power to expropriate rural landholdings for public interest (e.g. irrigation, utility lines or other infrastructure project), where it believes that it should be used for a better development project or where such expropriation has been decided by the appropriate higher regional or federal government organ for the same purpose. This expropriation should go along with advanced payment of proper compensation and re-allocation of new land of equal value somewhere else in the same Woreda⁵. Expropriation of part of a land holding will require parcel sub-division.

Conditions for transaction:

- Decision by Woreda Administration (or by Regional or Federal Government and implemented by the Woreda Administration) for expropriation of the rural land holding for public interest.
- Advanced payment of proper compensation
- The notice for transfer of land holding rights by expropriation has to be displayed at the Kebele Administration office for a duration of 30 calendar days.
- This in accordance with the “Expropriation of land holdings for public purposes and payment of compensation” Federal Proclamation 455/2005.

Required documents:

- Application form completed and signed by the Representative of the Woreda Administration
- Decision by Woreda Administration (or by Regional or Federal Government and implemented by the Woreda Administration) for expropriation of the rural land holding for public interest
- Prove of payment of compensation

Output documents:

New land holding right Certificate (including Parcel Map), to the office (organ) which is responsible for the implementation of the project or to the project owner.

Diagrammatic description of the procedure of Rural land transaction through Expropriation

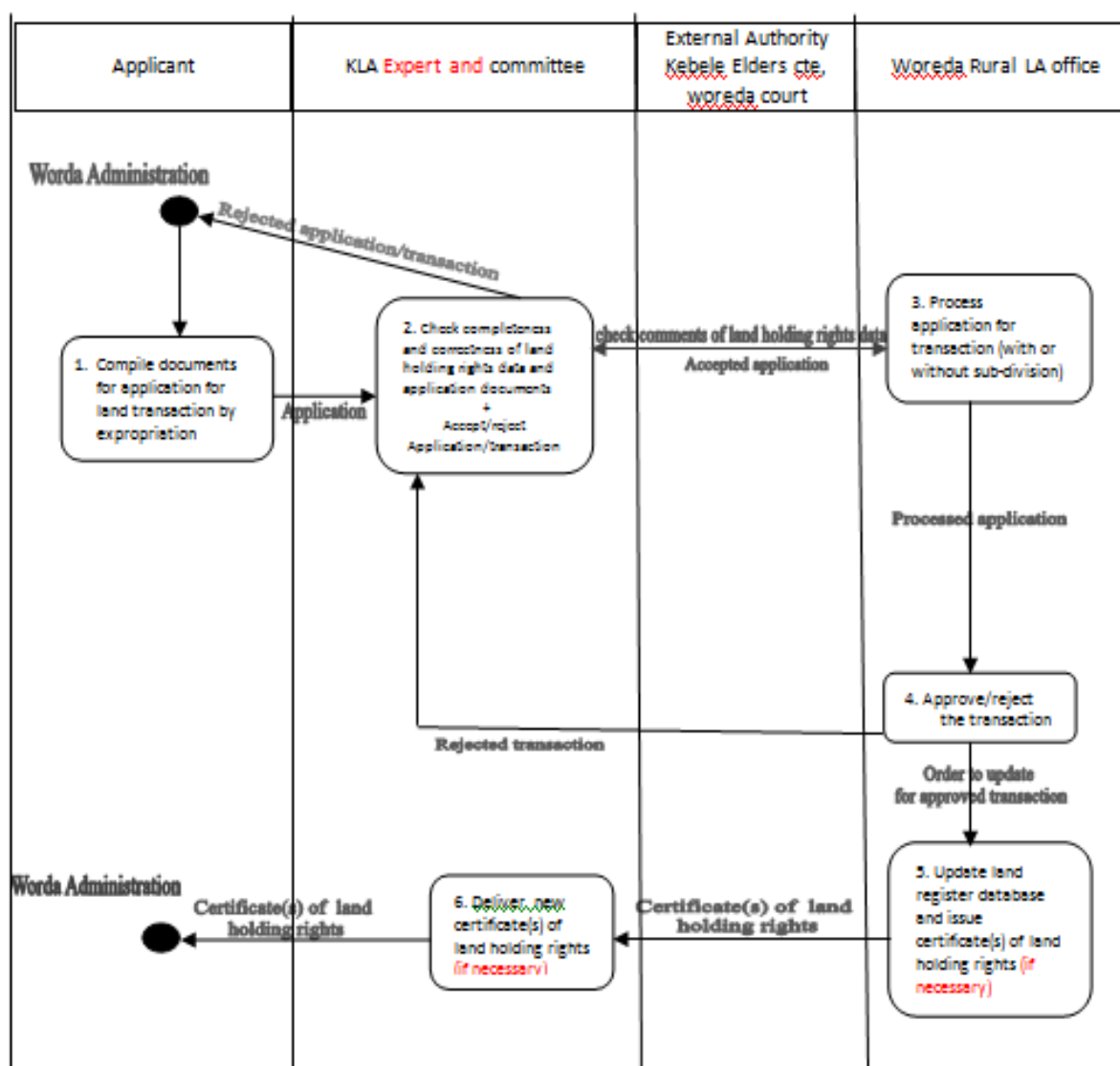


Fig. 10: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Expropriation

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Representative of the Woreda Administration	Specific application form and documents required for the land transaction Expropriation
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for info. Rejected documents are sent to the Representative of the Woreda Administration (and to the land holder for the remaining part of the parcel if it is a partial expropriation); possible iteration of Activities 1 and 2
3. Display the notice and collect claims	KLAC and KLA expert	Application is put on display at Kebele and Woreda level during 30 calendar days. Claims against the application are recorded by the KLAC and KLA expert
4. Process the application for land transaction	Woreda LA Office staff	<ul style="list-style-type: none"> Based upon the land transaction application documents received from the KLAC and KLA expert. This may involve sub-division of the parcel in case there is expropriation of only part of the parcel (re.1)
5. Approve the land transaction and order to update the Land Register	Woreda LA office staff	If the land transaction is refused, the Representative of the Woreda Administration (and the land holder for the remaining part of the parcel if it is a partial expropriation) is then informed through the KLAC and KLA expert. Possible iteration of Activities 4 and 5
6. Update land record in the Land Register and issue the new land holding certificate(s) if necessary	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and issue new certificate(s) if necessary
7. Deliver land holding certificate(s) to the project owner (implimenter) (and to the land holder for the remaining part of the parcel if it is a partial expropriation)	KLAC KLA expert	Output document is new land holding certificate(s)

Table 7: Stepwise description of the generic land transaction process

FORM 6**Application Form for land transaction through Expropriation**

Date of application

Submitted by the Woreda Administration

Name of Woreda and Region:

Signature of Woreda Representative:

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Persons information

Name of the original land holder	Holding number	Marital Status	Parcel share (%)	Signature of the land holder

Name of the new land holders	Holding number	Marital Status	Parcel share (%)	Signature of the land holder(s)

Required documents for the transaction

Decision by Woreda Administration (or by Regional or Federal Government and implemented by the Woreda Administration) for expropriation of the rural land holding for public interest	
Prove of payment of compensation	

Comment given by Kebele land administration expert

.....

.....

Received and verified by:

Date:

Signature:

Stamp

3.1.6. Procedure for rural land transaction through Reallocation

Transaction: Transfer of rural land holding rights through reallocation by the authority concerned (Kebele Land Administration expert and KLAC, after verification by Woreda Land Administration office). In accordance with the Federal and Regional Rural Land Administration and Use Proclamations, the authority concerned has the power to confiscate land in case a land holder dies without heirs or disappears or is gone to a resettlement or is not using and protecting his/her land for a number of years (and after warning). The land is then (re-)allocated to a landless farmer/pastoralist; this can be a land holder who has been expropriated for public interest. .

Conditions for transaction:

- If a parcel of land is not utilised because of death of the land holder without heirs or if the land holder has disappeared or is gone to a resettlement, or if a land holder is not using and protecting his/her land for a number of years (and after warning), the concerned authority can decide to confiscate and reallocate the rural land holding.
- The reallocation study is executed by the KLAC and submitted to the Woreda Administration for decision on reallocation. The decision of reallocation of a land holding has to be displayed at the Kebele Land Administration office for a duration of 30 calendar days
- This all in accordance with the Federal and Regional Rural Land Administration and Use Proclamations.

Required documents:

- Application form completed and signed by the land less applicant(s) or representative.
- Decision to reallocate the rural land holding by the Kebele LA expert and committee.
- Extract of marriage certificate or certificate of celibacy of the new land holder (to whom the land is reallocated)

Output documents:

New land holding right Certificate (including Parcel Map), for the new land holder (who has been reallocated the land)

Diagrammatic description of the procedure of Rural land transaction through Reallocation

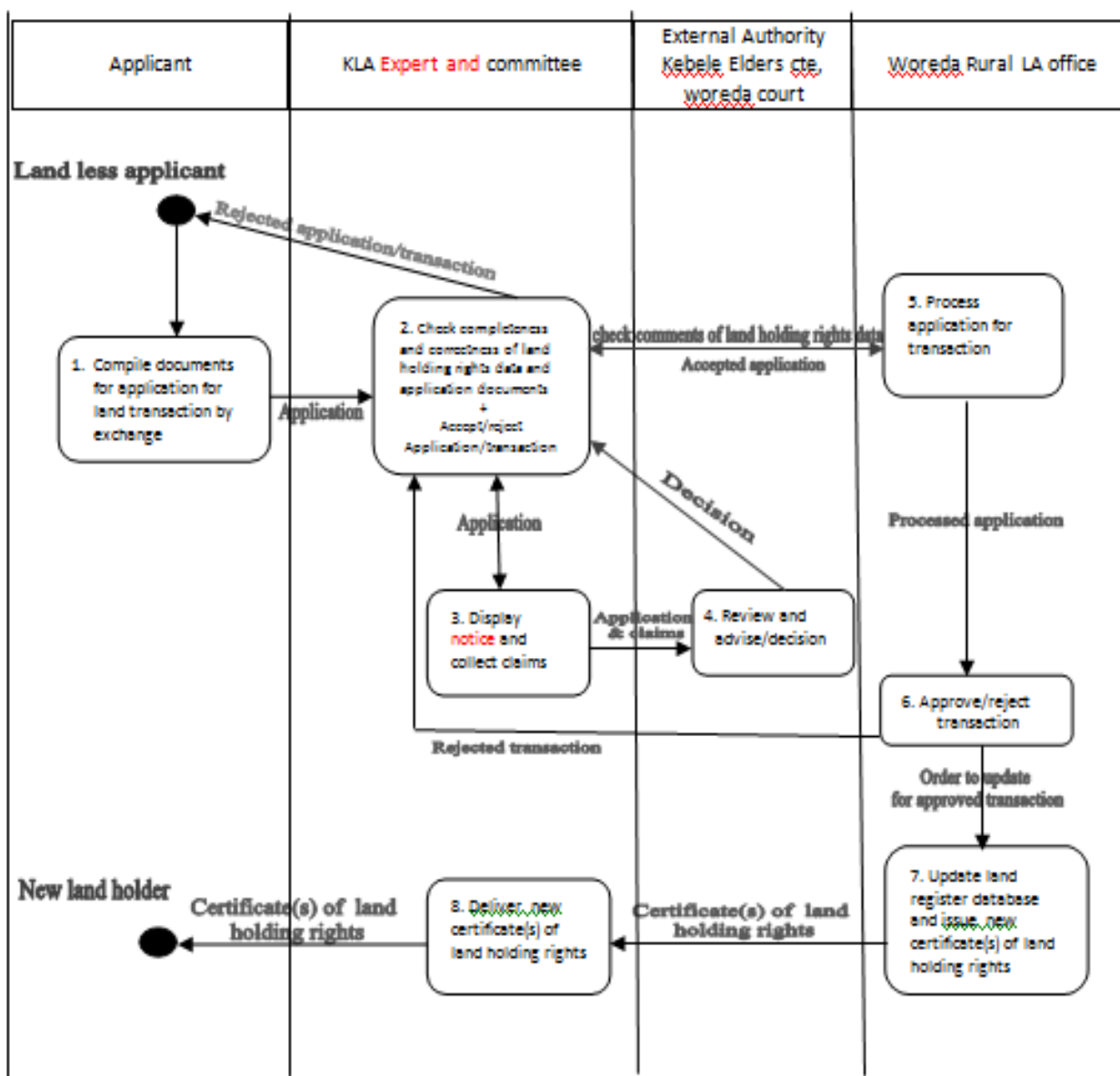


Fig. 11: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Reallocation

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Representative of the Kebele Administration	Specific application form and documents required for the land transaction Reallocation
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for info. Rejected documents are sent to the Representative of the Kebele Administration; possible iteration of Activities 1 and 2
3. Display the application and collect claims	KLAC and KLA expert	Application is put on display at Kebele and Woreda level during 30 calendar days. Claims against the application are recorded by the KLAC and KLA expert
4. Review, advise and decide on claims	Kebele Elders Committee and Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the Kebele Elders Committee then to the Woreda Court Decision/advise is forwarded to the KLAC and KLA expert which in turn will forward the decision to the Representative of the Kebele Administration
5. Process the application for land transaction	Woreda LA Office staff	Based upon the land transaction application documents and decision received from the KLAC and KLA expert
6. Approve the land transaction and order to update the Land Register	Woreda LA office staff	If the land transaction is refused, the Representative of the Kebele Administration is then informed through the KLAC and KLA expert. Possible iteration of Activities 5 and 6
7. Update land record in the Land Register and issue the new land holding certificate(s)	Woreda LA Office staff	Update the electronic records in the Land Register and issue new certificate
8. Deliver new land holding certificate to the new land holder	KLAC and KLA expert	Output document is new land holding certificate

Table 8: Stepwise description of the generic land transaction process

FORM 7**Application Form for land transaction through Reallocation**

Date of application

Submitted by applicants

Name of Kebele, Woreda and Region:

Signature of applicant:

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Persons information

Name of the original land holder	Holding number	Marital Status	Parcel share (%)	Signature of the representative of the competent authority

Name of the new land holder	Holding number	Marital Status	Parcel share (%)	Signature of the land holder

Required documents for the transaction

Decision to reallocate the rural land holding by the Kebele LA expert and committee	
Extract of marriage certificate or certificate of celibacy of the new land holder (to whom the land is reallocated)	

Comment given by Kebele **land administration expert**

.....

.....

Received and verified by the Land Administration Officer from Kebele:

.....

Date:

Stamp

3.2. Procedures for rural land transactions with limitation/restriction of rights

In this group of land transactions, the perpetual land holding right received by a person (or group of persons) from State is not transferred to another person (or group of persons) but the right is limited/restricted by means of an encumbrance.

An encumbrance should be registered in the Land Register as an annotation in the land record showing the relationship person-right-parcel. However, as it is not a transfer of holding right, the encumbrance does not need to be publically advertised; there is also no need to issue a new land holding Certificate in this case. When the encumbrance is terminated (e.g. no need any more for a right of way) the annotation should be removed from the land record.

The rural land transactions without transfer but with limitation/restriction of rights are through:

- Rental (Lease)
- Servitude/Easement
- Other restrictive interests /

3.2.1 Procedure for rural land transaction through Rental/lease

Transaction: A land right holder can rent to other farmers or investors, land from his/her holding of a size sufficient for the intended use, in a manner that shall not displace him/her and for a period of time to be determined by the rural land administration legislation of the particular region. However the transfer of land rights can be transferred from the state to investors /i.e not more than 25 years but with possible renewal/.

Conditions for transaction:

- A land rental/lease agreement has to be concluded at the KLA office level and registered as an encumbrance in the Land Register at Woreda and Kebele LA office. (for lease agreement at zonal and regional level)
- Size of the (part of) parcel to rent/lease and duration of the rent/lease should be in accordance with the Federal and Regional Rural Land Administration and Use Proclamations
- Renting can only be done to other farmers or investors. But lease can be done from state to investor
- In case of rent/lease of part of a parcel there is no need for physical sub-division of the parcel; only an annotation is entered in the Land Register
- Although rent/lease is not a transfer of holding rights but only a restriction on this right, the transaction needs to be displayed for claims to avoid illegal actions.
- When the rental/lease is terminated the encumbrance annotation should be removed from the Land Register
- This all in accordance with the Federal and Regional Rural Land Administration and Use Proclamations.

Required documents:

- Application form completed and signed by the Land renter/lessor and rentee/lessee.
- Physical presence or representation with certified Power of Attorney
- Proof of identity of the renter/lessor and rentee/lessee.
- Extract of marriage certificate or certificate of celibacy of renter and rentee.
- Land holding Certificate of the renter

Output documents:

- Annotation in the Land Register (only non-spatial components as there is no change on the parcel) of the restriction of land holding rights by rental/lease (including data of rentee/lessee, starting date and duration of the rental)
- Rental/lease agreement specifying the (part of) parcel to be rented and its size, the duration of rental and signature of the contracting parties.

Diagrammatic description of the procedure of Rural land transaction through Rent/Lease

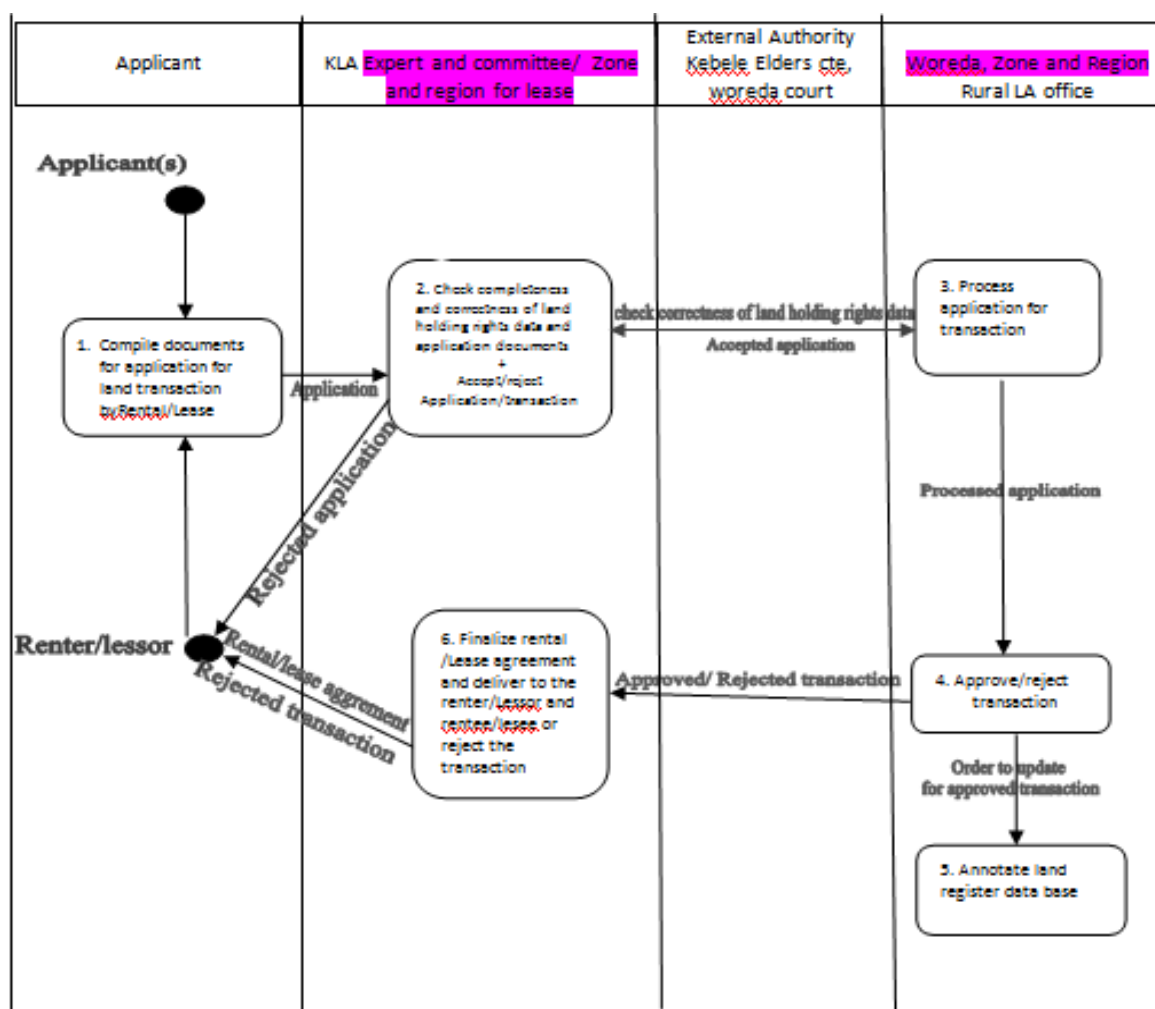


Fig. 12: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Rent/Lease

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to Region and Zone for lease , KLAC and KLA expert for rent	Lessor/renter	Specific application form and documents required for the land transaction Rental/Lease
2. Check completeness and correctness of land holding data and application documents with Region and Zone for lease and Woreda LA Office for rent and accept/reject the application for transaction	Region, Zon, Woreda , KLAC and KLA expert	Accepted application and documents are sent to Region, Zone and Woreda LA Office for. Rejected documents are sent to the applicants; possible iteration of Activities 1 and 2
3. Display the notice and collect claims	Region, Zone, Woreda KLAC and KLA expert	Notice is put on display at Region, Zone, Woreda, Kebele and Woreda level during 30 calendar days. Claims against the notice are recorded by the at Region, Zone, Woreda, Kebele and land administration office
4. Process the application for land transaction	Region and Zone (for lease), Woreda LA Office staff	Based upon the land transaction application documents received from the Region, Zone, Woreda, Kebele.
5. Approve the land transaction and order to annotate the Land Register	Region, Zone, Woreda LA office	If the land transaction is refused, the applicants are informed through the Regional, Zonal, Woreda and Kebele Land officers. Possible iteration of Activities 4 and 5
6. Annotate land record in the Land Register	Woreda LA Office staff	Annotate the electronic record in the Land Register (Lessee/rentee data, starting date and duration of rent/lease)
7. Finalise the rent/lease agreement and deliver to the Lessor/Lessor	Region, Zone, Woreda, Kebele and KLA expert	Output document: Rent/lease Agreement

Table 9: Stepwise description of the generic land transaction process

Application Form for land transaction through Rental/Lease

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Rent/Lease information

- Part of the parcel to be rented/leased and size:
- Starting date and duration of rent/lease, right and obligations of the contracting parties and other relevant contractual informations including manner and amount of rent or lease price:

Persons information

Name of the Lessor/Renter	Holding/Parcel number	Marital Status of renter	Signature of the Lessor/Renter

Name of the Lessee/rentee	Holding/Parcel number	Marital Status of rentee	Signature of the Lessee/rentee

Required documents for the transaction

Proof of identity of the Lessor/renter and of the Lessee/rentee	
Extract of marriage certificate or certificate of celibacy of renter	
Land holding Certificate of renter	

Comment given by **land administration expert**

Received and verified by :

Date:

Signature:

Stamp

3.2.2 Procedure for rural land transaction due to Servitudes/Easements

Transaction: A Servitude/Easement is a restriction on the right of a land holder on a parcel of land (called servient parcel). It is generally the right for third parties to enter/pass through the land hold by another. The most common are rights of way (for holders of adjacent land-locked parcels) and rights concerning flowing waters/irrigation.

Conditions for transaction:

- A Servitude/Easement has to be requested at the KLAC and office level and registered as an encumbrance annotation in the Land Register
- As a Servitude/Easement is not a transfer of holding rights but only a restriction on this right, the transaction does not need to be displayed for claims.
- A demarcation of the Servitude/Easement may be needed.
- When the Servitude/Easement is terminated the encumbrance annotation should be removed from the Land Register
- If there is an agreement between the parties contractual document should be presented/submitted.
- This all in accordance with the Federal and Regional Rural Land Administration and Use Proclamations

Required documents:

- Application form completed and signed by the parties (natural or legal persons, public or private) requesting the Servitude/Easement and of the land holder of the servient parcel.
- Physical presence of the parties or representation with certified Power of Attorney
- Proof of identity of the requesting parties and of the land holder of the servient parcel
- Land holding Certificate of the right holder

Output documents:

- Annotation in the Land Register (only non-spatial components as there is no change on the parcel) of the restriction of land holding rights by Servitude/Easement (including type of Servitude/Easement, data of the parties, starting date and duration of the Servitude/Easement).

Diagrammatic description of the procedure of Rural land transaction through Servitude/Easement

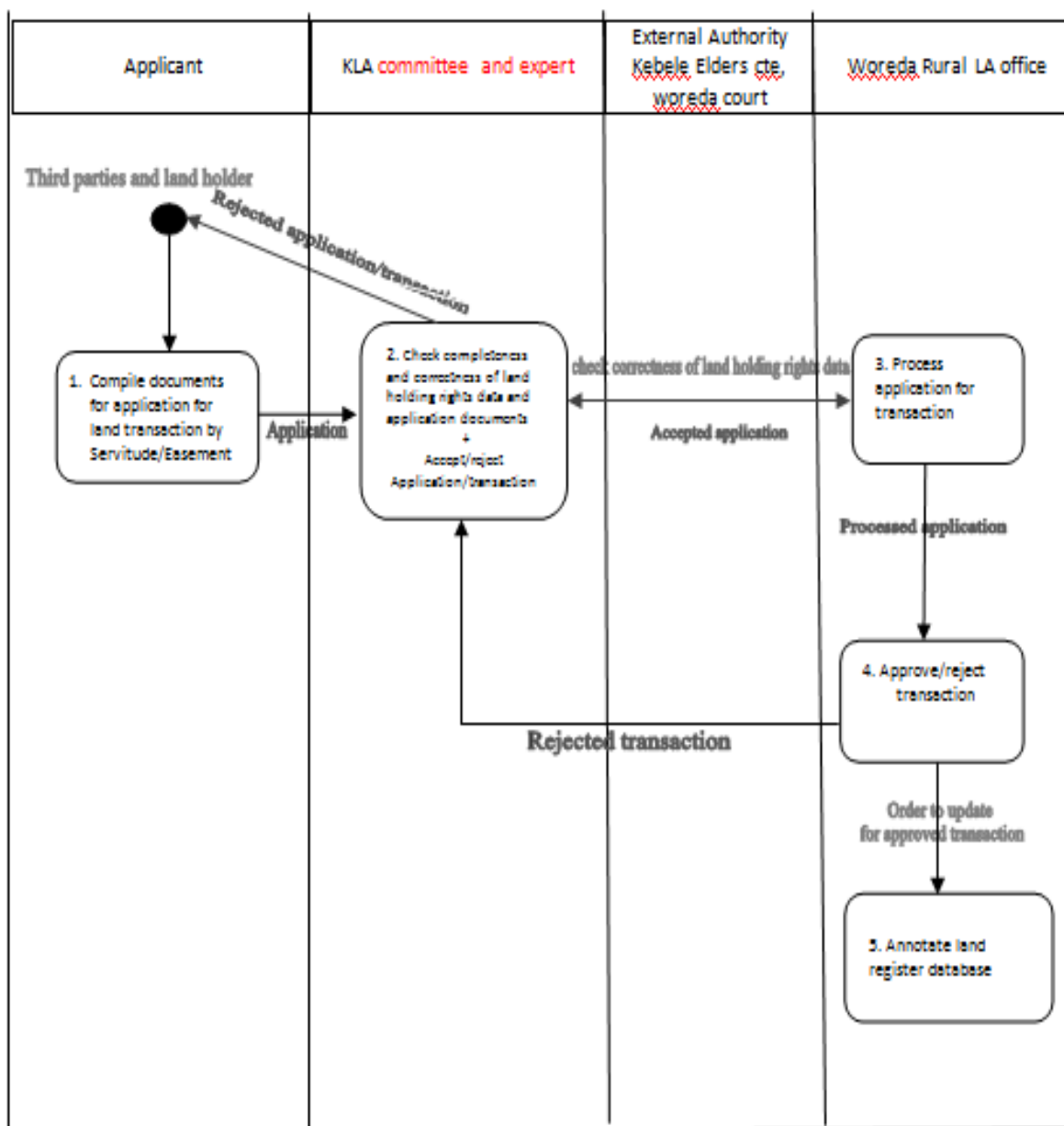


Fig. 13: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

**Step by step description of the procedure of Rural land transaction through Servitude/
Easement**

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Third parties and land holder	Specific application form and documents required for the land transaction Servitude/Easement
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for. Rejected documents are sent to the Third party and land holder; possible iteration of Activities 1 and 2
3. Process the application for land transaction	Woreda LA Office staff	<ul style="list-style-type: none"> Based upon the land transaction application documents received from the KLAC and KLA expert. This may involve demarcation of the servitude/easement
4. Approve the land transaction and order to annotate the Land Register	Woreda LA office	If the land transaction is refused, the Third party and the Land holder are then informed through the KLAC and expert KLA expert. Possible iteration of Activities 3 and 4
5. Annotate land record in the Land Register	Woreda LA Office staff	Annotate the electronic record in the Land Register (type of servitude/ easement, third party data, starting date and duration of servitude/ easement)

Table 10: Stepwise description of the generic land transaction process

FORM 9**Application Form for land transaction through Servitude/Easement**

Date of application

Parcel information (servient parcel)

UPI	
Region	
Zone	
Woreda	
Kebele	

Servitude/Easement information

- **Type of servitude/easement:**
- **Starting date and duration of servitude/easement and/or agreements of the parties, manner of compensation and related informations:**

Persons information

Name of the Land Holder	Holding/parcel number	Marital Status	Signature of the Land Holder

Name of the Third party	Holding/parcel number	Marital Status	Signature of the Third party

Required documents for the transaction

Proof of identity of the requesting third party and of the land holder of the servient parcel	
Land holding Certificate of right holder	
Agreement of the parties or court order (in written form)	

Comment given by **land administration expert**

Received and verified by:

Date:

Signature:

Stamp

3.2.3 Procedure for rural land transaction due to other Restrictive Interests

Transaction: Restrictive interests are any agreement (authorized by law) made by the land right holder concerning his/her land parcel or any Court decision that restricts the transfer of the land parcel (e.g. unpaid land tax, pending judgment).

Conditions for transaction:

- Restrictive interests have to be requested at the KLAC and Kebele land administration office level and registered as an encumbrance annotation in the Land Register
- As Restrictive interests are not a transfer of holding rights but only a restriction on this right, the transaction does not need to be displayed for claims.
- When the Restrictive interests are terminated the encumbrance annotation should be removed from the Land Register
- This all in accordance with the Federal and Regional Rural Land Administration and Use Proclamations

Required documents:

- Application form completed and signed by the third party (natural or legal persons, public or private) requesting the Restrictive Interests and of the land holder of the parcel.
- Physical presence of parties or representation with certified Power of Attorney
- Proof of identity of the requesting party and of the land holder of the parcel
- Restrictive interest's Agreement between the parties or Court Decision
- Land holding Certificate of the right holder.

Output documents:

- Annotation in the Land Register (only non-spatial components as there is no change on the parcel) of the restriction of land holding rights by Restrictive interests (including type of Restrictive interest, data of party, starting date and duration of the Restrictive interest)

Diagrammatic description of the procedure of Rural land transaction through Restrictive Interests

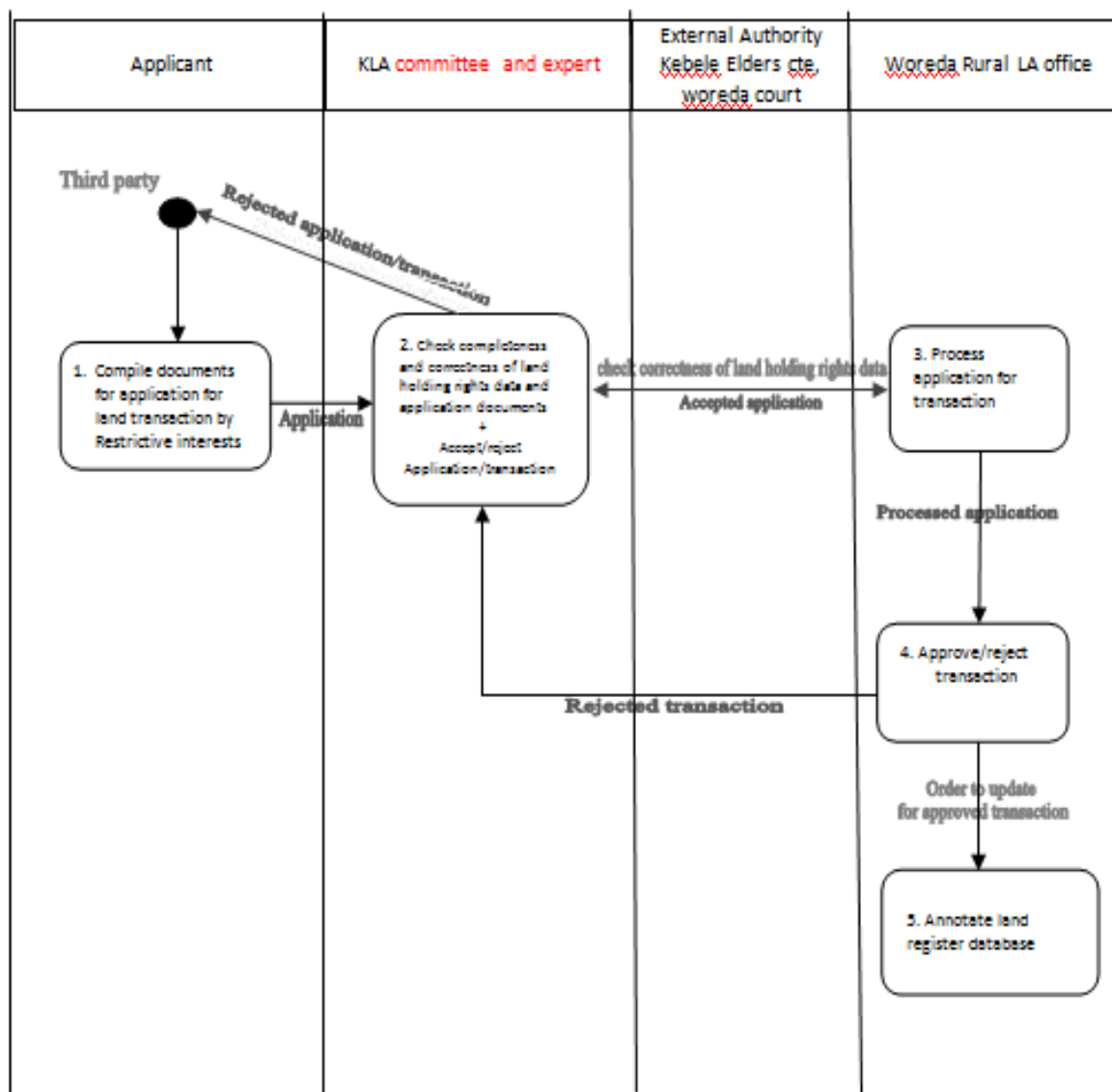


Fig. 14: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land transaction through Restrictive Interests

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Third party	Specific application form and documents required for the land transaction Restrictive interests
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for transaction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for. Rejected documents are sent to the Third party; possible iteration of Activities 1 and 2
3. Process the application for land transaction	Woreda LA Office staff	Based upon the land transaction application documents received from the KLAC and KLA expert .
4. Approve the land transaction and order to annotate the Land Register	Woreda LA office	If the land transaction is refused, the Third party is then informed through the KLAC and land officer. Possible iteration of Activities 3 and 4
5. Annotate land record in the Land Register	Woreda LA Office staff and Kebele Land office	Annotate the electronic record in the Land Register (type of restrictive interest, third party data, starting date and duration of restrictive interest)

Table 11: Stepwise description of the generic land transaction process

FORM 10**Application Form for land transaction through Restrictive Interest**

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Restrictive interest information

- **Type of Restrictive interest:**
- **Starting date and duration of Restrictive interest:**

Persons information

Name of the Land Holder	Holding number	Marital Status	Signature of the Land Holder

Name of the Third party	Holding number if necessary	Marital Status	Signature of the Third party

Required documents for the transaction

Proof of identity of the requesting third party and of the land holder	
Restrictive interest's Agreement between the parties	
Court decision	
Land holding Certificate	

Comment given by land administration expert

Received and verified by:

Date:

Stamp

Signature:

3.3. Cadastral procedures for rural land record updating **in spatial configuration and non spatial information of the parcel**

In this group of land transactions, only the spatial configuration and size of the parcel is modified or the particulars of the land right holder are changed. However, parcel sub-division and/or consolidation (merge) of parcels will almost always been combined with a transfer of rights transaction (transfer of rights anterior to consolidation of parcels and transfer of rights posterior to parcel sub-division) whilst boundaries correction may include transfer of rights as a consequence of the transaction.

A change of spatial configuration or size of the parcel of land and/or of the particulars of the land right holder should be register in the Land Register. In case of:

- Change in parcel configuration or size: the land record showing the original relationship person-right-parcel has to be updated and replaced by one or more a new one(s).
- Change in particulars of the land right holder: the land record showing the original relationship person-right-parcel has to be corrected (e.g. wrongly spelled name)

The rural land cadastral activities without modification of rights are:

- Sub-Division **and partition** of a parcel
- Consolidation (merge) of parcels
- Boundaries Correction
- Corrections (textual; spatial)
- Replacement of Certificate

3.3.1 Procedure for rural land Sub-Division **and partition** of a parcel during transaction

Transaction: Sub-division **and partition** of a parcel are needed in case of transfer of land holding rights from one person to more persons (e.g. inheritance, gift, divorce) or in case of partial expropriation. In this case, first the parcel should be sub-divided **and/ partitioned** and then the holding right on each sub-divided or **partitioned** parcel is transferred to new holders but sub-division **or partition** by itself does not modify the land holding rights.

Conditions for sub-division **and partition:**

- Parcel sub-division and **partition** should be done in accordance with the Regional Rural Land Administration and Use Proclamations, in particular in terms of minimum sizes for parcel which is provided by **regulation no 51/2007, under art.7.**
- Parcel sub-division **and partition** require field demarcation of the sub-parcels, modification of the spatial component in the Land Register and generation of a new UPI for the child parcels but for one that keeps the UPI of the parent parcel.

Required documents:

- Application form completed and signed by the Land holder of the parcel to be sub-divided or **partitioned** or his/her representative.
- Physical presence of right holder or representation with certified Power of Attorney

- Proof of identity of the land holder of the parcel or of his/her representative
- Extract of marriage certificate or certificate of celibacy of the Land Holder of the parcel to be sub-divided or **partitioned**.
- Land holding Certificate of the holder

Output documents:

- New land holding right Certificate if necessary (including Parcel Map), for each of the new parcels generated through sub-division or partition.

Diagrammatic description of the procedure of Rural land Parcel Sub-Division and partition

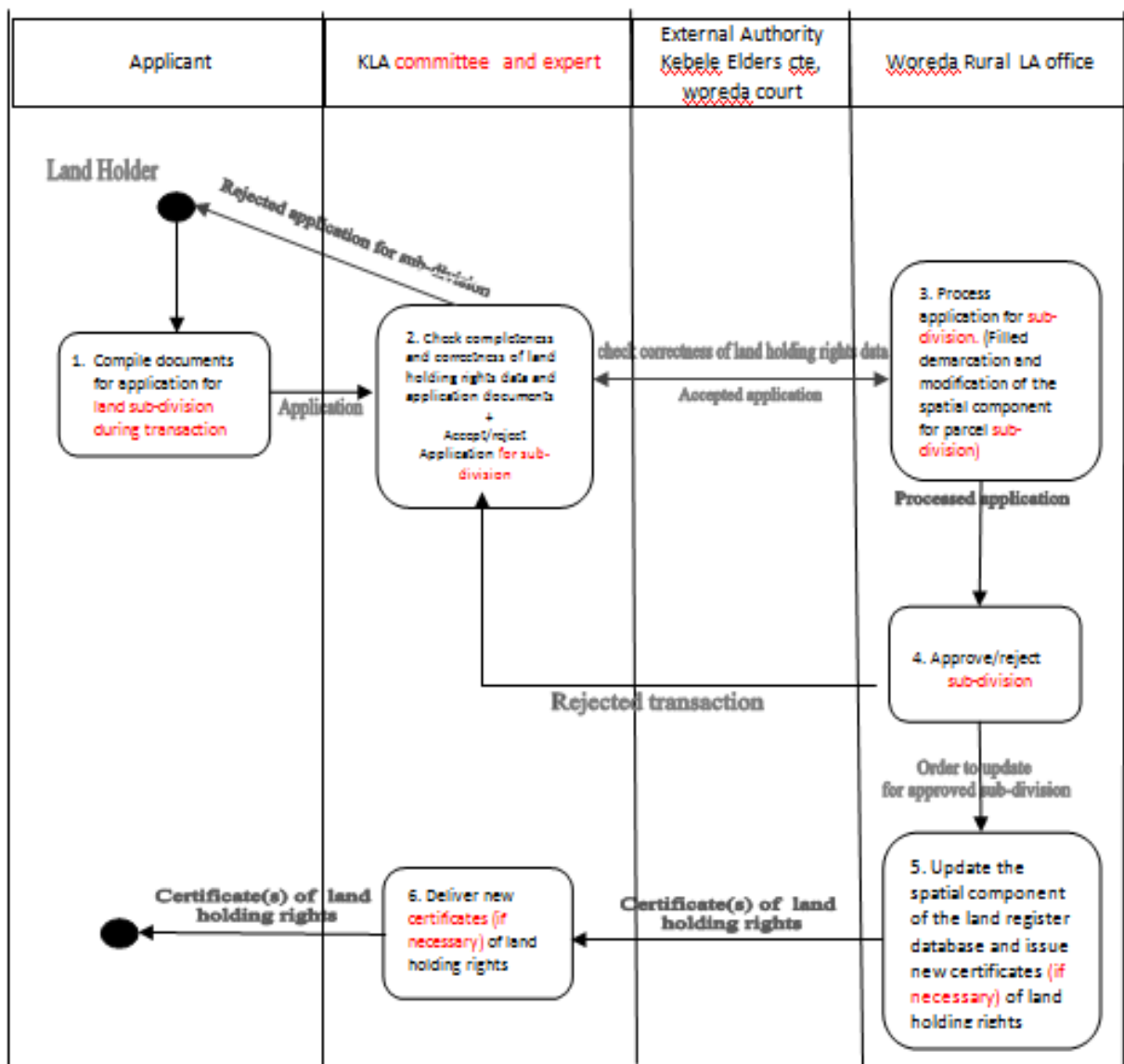


Fig. 15: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert
- ⊕ The work flow of the chart shows not only sub-division but it also shows partition of the parcel

Step by step description of the procedure of Rural land Parcel Sub-Division and partition during transaction.

Activity description	Responsible actor	Remarks
1. Compile documents of application for land sub-division and partition that must be submitted to KLAC and KLA expert	Land holder/applicants	Specific application form and documents required for the land Parcel Sub-Division and partition
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for sub-division	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for. Rejected documents are sent to the Land holder; possible iteration of Activities 1 and 2
3. Process the application for land sub-division and partition	Woreda LA Office staff	<ul style="list-style-type: none"> Based upon the land sub-division and partition application documents received from the KLAC KLA expert. This includes demarcation of the sub-divided and partition parcels (child parcels) in the field by the Woreda LA Land Surveying Expert. This also includes modification of the spatial representation of the parcels involved (parent and child parcels), in the Land Register database This finally includes generating new UPI for the child parcels but for one of these that keeps the UPI of the parent parcel
4. Approve the land sub-division or partition and order to update the Land Register	Woreda LA office	If the land sub-division and partition is refused, the Land holder is then informed through the KLAC and KLA expert. Possible iteration of Activities 3 and 4
5. Update land record in the Land Register and issue the new land holding certificates if necessary	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and issue new certificates
6. Deliver new land holding certificates to the Land holder if necessary	KLAC and KLA expert	Output document is new land holding certificates if necessary

Table 12: Stepwise description of the generic land transaction process

FORM 11**Application Form for land Parcel Sub-Division**

Date of application

Parcel information (parent parcel)

UPI	
Region	
Zone	
Woreda	
Kebele	

Requested sub-division

Child parcel	% of the parent parcel	Description of the position of the child parcel in the parent parcel
1		
2		
3		

Motivation /Reason for sub-division	
Inheritance	
Gift	
Divorce	
Expropriation	

Persons information

Name of the Land Holder	Holding number	Marital Status	Signature of the Land Holder

Required documents for the sub-division

Proof of identity of the Land holder or of his/her representative	
Extract of marriage certificate or certificate of celibacy of the Land Holder	
Land holding Certificate of the right holder	

Comment given by **land administration expert**

Received and verified by:

Date:

Stamp

Signature:

3.3.2. Procedures for rural land Consolidation/Merge of parcels during transaction

Transaction: Consolidation/Merge of parcels may be done if it will make the land holding more convenient for use and development; of course, the parcels to merge should be hold by the same land right holder and need to be adjacent to each other. This is mostly the case after exchange of parcels but can also happen after transfer of rights by inheritance, gift or divorce, where the received parcel is adjacent to a parcel already hold by the recipient.

Conditions for consolidation:

- Parcels' Consolidation/Merge should be done in accordance with the Federal and Regional Rural Land Administration and Use Proclamations
- Parcel's Consolidation/Merge does not require field demarcation but modification of the spatial component in the Land Register and provision of a new UPI for the newly created parcel (the UPI of merged parcel parcels is different from two of the parcels that have been merged)
- As Parcel's Consolidation/Merge is not a transfer of holding rights (not even a modification of holding rights), the transaction does not need to be displayed for claims.

Required documents:

- Application form completed and signed by the land holder of the parcels to be merged or his/her representative.
- Physical presence of right holders or representation with certified Power of Attorney
- Proof of identity of the land holder of the parcels to be merged or of his/her representative
- Extract of marriage certificate or certificate of celibacy of the Land Holder of the parcels to be merged
- Land holding Certificate

Output documents:

- Updated existing land holding right Certificate (including Parcel Map), for the new parcel generated through Consolidation/Merge. The updated land holding right Certificate is for/in the name of the original Land holder (of the merged parcels) as there is no transfer of right by Consolidation/Merge.

Diagrammatic description of the procedure of Rural land Parcel's Consolidation/Merge during transaction

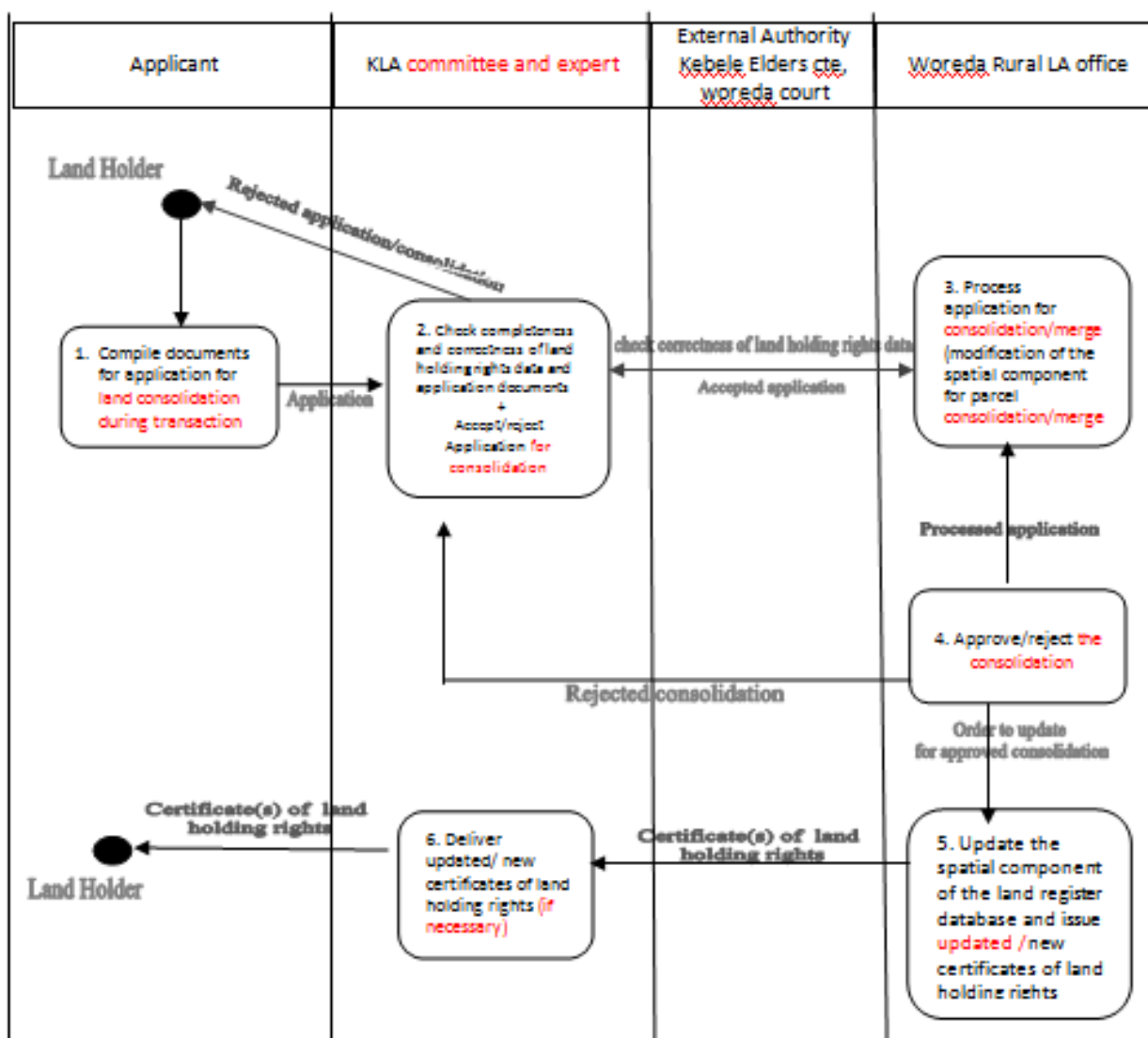


Fig. 16: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land Parcel's Consolidation/Merge during transaction

Activity description	Responsible actor	Remarks
1. Compile documents for application for land consolidation and submit to KLAC and KLA expert	Land holder (of adjacent parcels to be merged)	Specific application form and documents required for the land Parcel's Consolidation/ Merge
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for consolidation	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for . Rejected documents are sent to the Land holder; possible iteration of Activities 1 and 2
3. Process the application for land consolidation	Woreda LA Office staff	<ul style="list-style-type: none"> Based upon the land consolidation documents application documents received from the KLAC and KLA expert. This includes modification of the spatial representation of the parcels involved (newly formed parcel), in the Land Register database This finally includes providing a new UPI for the newly formed parcel
4. Approve the land consolidation and order to update the Land Register	Woreda LA office	If the land is refused, the Land holder is then informed through the KLAC and land officer. Possible iteration of Activities 3 and 4
5. Update land record in the Land Register and issue the updated/new land holding certificate	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and update the existing one/issue a new certificate
6. Deliver the updated/new land holding certificate to the Land holder	KLAC and KLA expert	Output document is a updated/new land holding certificate

Table 13: Stepwise description of the generic land transaction process

FORM 12

Application Form for land Parcel's Consolidation/Merge

Date of application

Parcel1 information

UPI	
Region	
Zone	
Woreda	
Kebele	

Parcel 3 Information

UPI	
Region	
Zone	
Woreda	
Kebele	

Parcel 2 Information

UPI	
Region	
Zone	
Woreda	
Kebele	

Parcel 4 Information

UPI	
Region	
Zone	
Woreda	
Kebele	

Motivation/reason for Parcel's Consolidation/Merge :

.....

Persons information

Name of the Land Holder	Holding number	Marital Status	Signature of the Land Holder

Required documents for the transaction

Proof of identity of the Land holder or of his/her representative	
Extract of marriage certificate or certificate of celibacy of the Land Holder	
Land holding Certificates (of the parcels to be merged)	

Comment given by **land administration expert**

Received and verified by :

Date:

Signature:

Stamp

3.3.3. Procedure for land Parcel boundaries Correction

Boundaries correction may happen if the parcel has been wrongly demarcated during SLLC or if the boundaries have been changed due to natural phenomena (e.g. derived river); rectification of boundaries will have an influence on the area of the parcel and probably on the boundaries of neighbouring parcels and in that case a transfer of rights on part of (a) parcel (s) might be needed.

Conditions for boundary correction:

- Boundaries correction should be done in accordance with the Federal and Regional Rural Land Administration and Use Proclamations and use the same process/technology as for the SLLC.
- Boundaries correction requires a new (sporadic) adjudication and corresponding demarcation of boundaries of the parcel and modification of the spatial component in the Land Register but no new UPI for the parcel.
- Application for boundaries correction will need to be displayed for claims at the Kebele Land Administration Office and for a period of 30 calendar days as it will most probably have impact on the boundaries of a number of adjacent parcels.

Required documents:

- Application form completed and signed by the land holder of the parcel for which the boundaries need to be corrected.
- Physical presence of the holders or representation with certified Power of Attorney
- Proof of identity of the land holder of the parcel for which the boundaries need to be corrected or of his/her representative
- Extract of marriage certificate or certificate of celibacy of the Land Holder of the parcel for which the boundaries need to be corrected
- Land holding Certificate

Output documents:

- Updated/New land holding right Certificate (including a new/corrected Parcel Map), for the parcel for which the boundaries have been corrected. The corrected/new land holding right Certificate is for/in the name of the same Land holder as there is no transfer of right by Boundaries correction.
- Probably, also new land holding right Certificates (including a new/corrected Parcel Map), for the adjacent parcels

Diagrammatic description of the procedure of Rural land Boundaries Correction

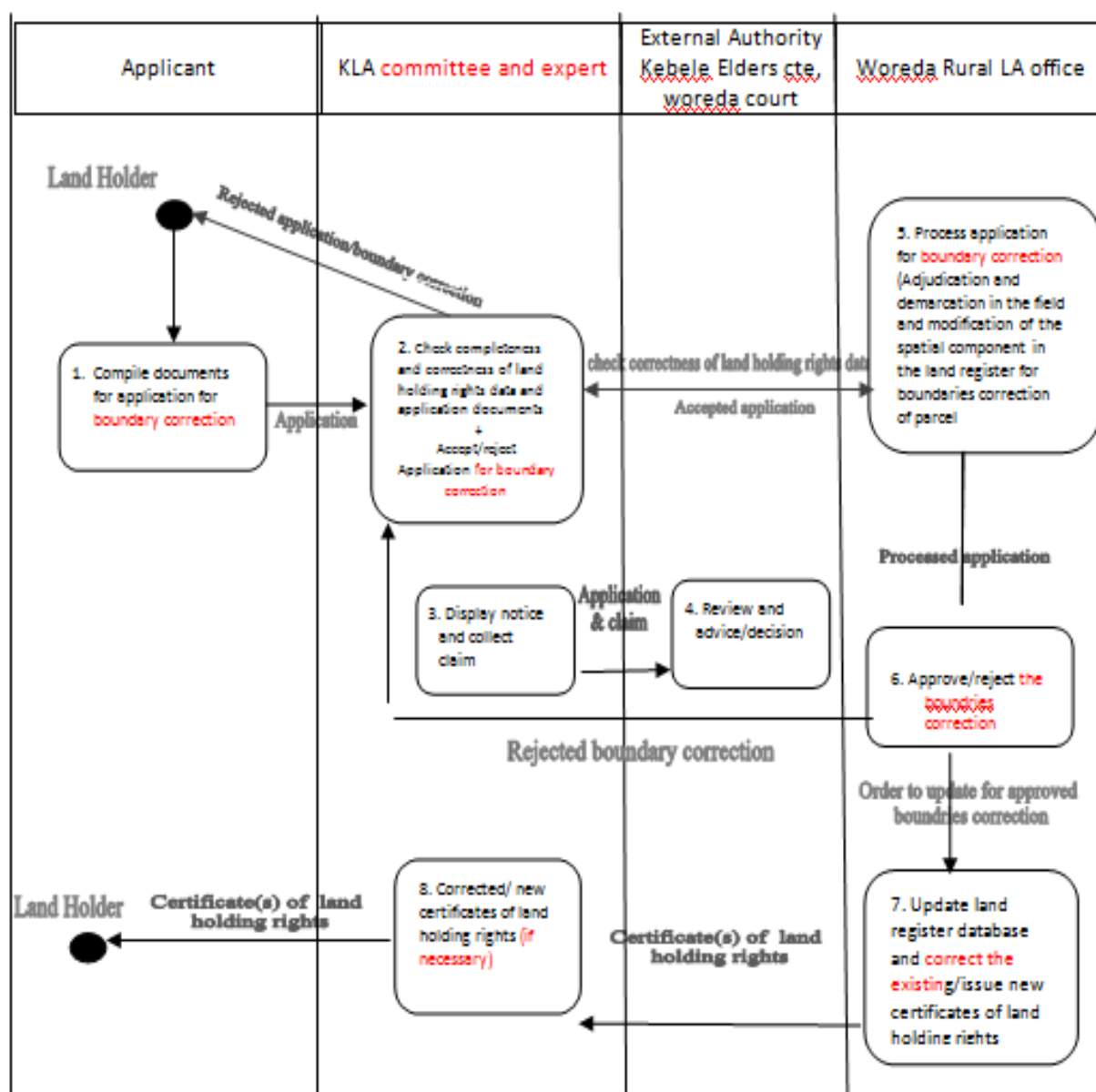


Fig. 17: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land Boundaries Correction

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC and KLA expert	Land holder	Specific application form and documents required for the land Boundaries Correction
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for boundaries correction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office for . Rejected documents are sent to the Land holder; possible iteration of Activities 1 and 2
3. Display the notice and collect claims	KLAC and KLA expert	Notice is put on display at Kebele and Woreda level during 30 calendar days. Claims against the application are recorded by the KLAC and KLA expert
4. Review, advise and decide on claims	Kebele Elders Committee and Woreda Court (eventually Supreme Court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the Kebele Elders Committee then to the Woreda Court Decision/advise is forwarded to the KLAC and KLA expert which in turn will forward the decision to the Land holder
5. Process the application for land boundaries correction	Woreda LA Office staff	<ul style="list-style-type: none"> Based upon the land boundaries correction application documents received from the KLAC and KLA expert. This includes re-adjudication and demarcation in the field by the Woreda LA Land Surveying Expert of the parcel for which the boundaries need to be corrected and for the adjacent parcels. This also includes modification of the spatial representation of the parcels involved (parcel for which the boundaries need to be corrected and adjacent ones), in the Land Register database
6. Approve the land boundaries corrections and order to update the Land Register	Woreda LA office staff	If the boundaries correction is refused, the Land holder is then informed through the KLAC and KLA expert. Possible iteration of Activities 3 and 4
7. Update land record in the Land Register and corrected/issue the new land holding certificate(s)	Woreda LA Office staff	Update (spatial & non-spatial) electronic records in the Land Register and correct/issue new certificate(s)
8. Deliver corrected/new land holding certificate(s) to the Land holder(s)	KLAC and KLA expert	Output document is/are corrected/new land holding certificate(s)

Table 14: Stepwise description of the generic land transaction process

Application Form for land Boundaries Correction

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Adjacent parcels

UPI of adjacent parcels

Motivation/reason for Parcel's Boundaries Correction:

.....

Persons information

Name of the Land Holder	Holding number	Marital Status	Signature of the Land Holder

Required documents for the transaction

Proof of identity of the Land holder or of his/her representative	
Extract of marriage certificate or certificate of celibacy of the Land Holder	
Land holding Certificate	

Comment given by **land administration expert**

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Received and verified by:

.....

Date:

Stamp

Signature:

5.5.4.1 Procedure for rural land record simple correction

This is only a simple correction of the land record if e.g. the area of the parcel or if some particulars of a person (e.g. name) have been incorrectly recorded.

Conditions for simple correction:

- A Correction of the parcel or person information in the Land Register should be requested at the KLAC and LA office level
- As Correction of data in the Land Register is not a transfer of holding rights (not even a modification of holding rights), the simple correction does not need to be displayed for claims.
- This all in accordance with the Federal and Regional Rural Land Administration and Use Proclamations

Required documents:

- Application form completed and signed by the Land holder
- Physical presence or representation with certified Power of Attorney
- Proof of identity of the land holder
- Extract of marriage certificate or certificate of celibacy of the Land Holder
- Land holding Certificate

Output documents:

- Corrected information in the Land Register database (no need for issuing a new land holding Certificate)

Diagrammatic description of the procedure of Rural land record Correction

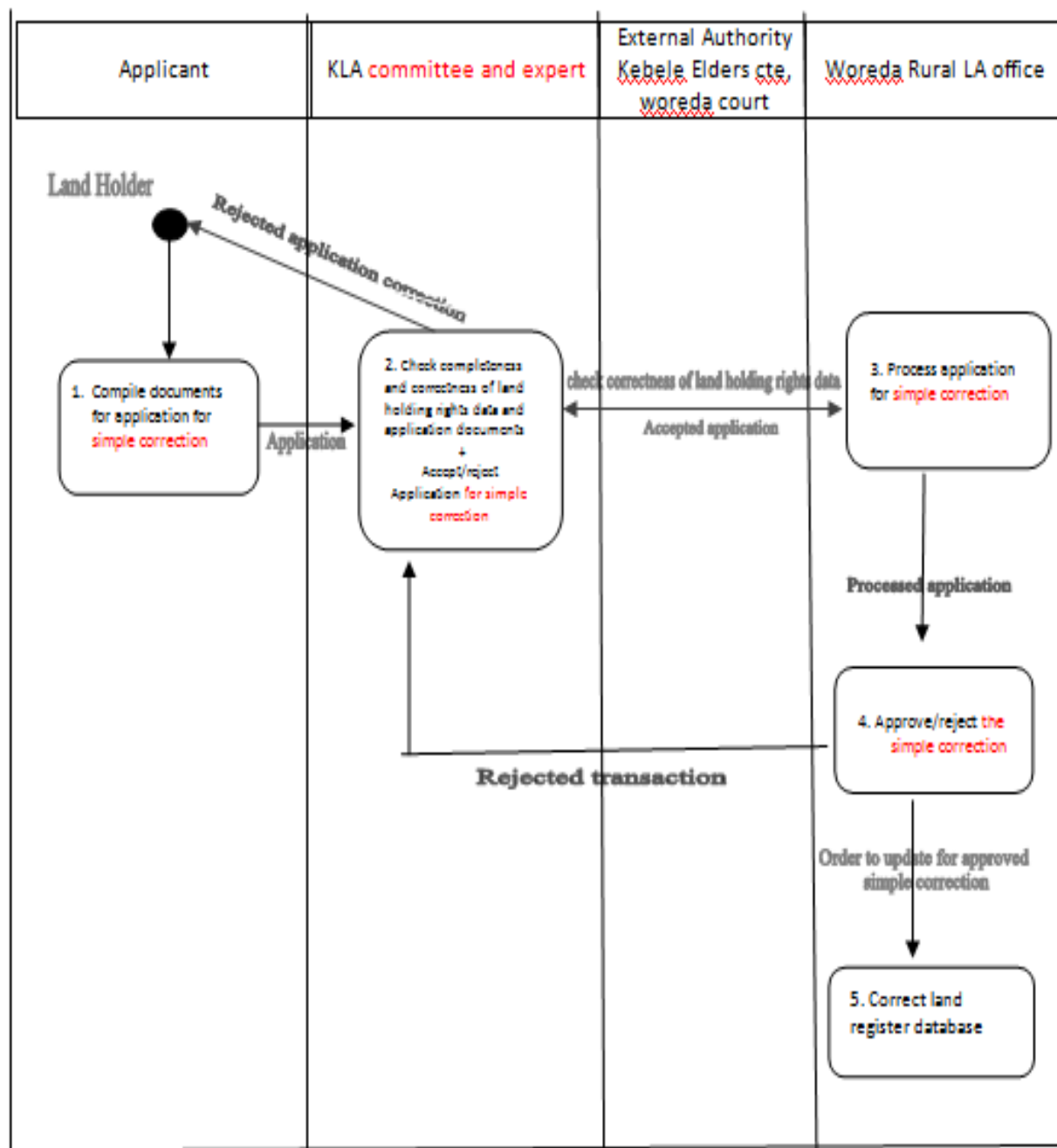


Fig. 18: Diagrammatic representation of the generic land transaction process

- ⊕ Reference is used ANRS manual to register rural land holding and updating recorded data
- ⊕ Kebele land officer means KLA expert

Step by step description of the procedure of Rural land record simple Correction

Activity description	Responsible actor	Remarks
1. Compile documents for application for land simple correction and submit to KLAC and KLA expert	Land Holder	Specific application form and documents required for the land record simple Correction
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept/reject the application for simple correction	KLAC and KLA expert	Accepted application and documents are sent to the Woreda LA Office. Rejected documents are sent to the Land Holder; possible iteration of Activities 1 and 2
3. Process the application for land record simple correction	Woreda LA Office staff	Based upon the land record simple correction application documents received from the KLAC and KLA expert.
4. Approve the land record simple correction and order to correct the Land Register	Woreda LA office staff	If the land record simple correction is refused, the Land Holder is then informed through the KLAC and KLA expert. Possible iteration of Activities 3 and 4
5. Correct the land record in the Land Register	Woreda LA Office staff	Correct the electronic record in the Land Register (e.g. correction of name of land holder or area of parcel)

Table 15: Stepwise description of the generic land transaction process

Application Form for land record simple Correction

Date of application

Parcel information

UPI	
Region	
Zone	
Woreda	
Kebele	

Type of Correction requested

Type of Correction requested	Correct entry
Name correction	
Area correction	
Other	

Persons information

Name of the land holder	Holding number	Marital Status	Parcel share (%)	Signature of the land holder

Required documents for the land record simple correction

Proof of identity of the Land holder or of his/her representative	
Extract of marriage certificate or certificate of celibacy of the Land Holder	
Land holding Certificate	

Comment given by **land administration expert**

Received and verified by:

Date:

Signature:

Stamp

3.3.5. Procedure for replacement of certificate

Service provision: This is only issuing a new land holding certificate in case a land holder has lost or seriously damaged his/her land holding certificate.

Conditions for Service provision: *(in accordance with the regulation no. 51/2007, art.20 (8):*

- A replacement of land holding certificate should be requested at the KLAC level

Required documents:

- Application form completed and signed by the land holder
- Physical presence or representation with certified power of attorney
- Proof of identity of the land holder
- Proof of marriage or of celibacy of the landholder

Output documents:

- New land holding certificate

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Diagrammatic description of the procedure for replacement of certificate

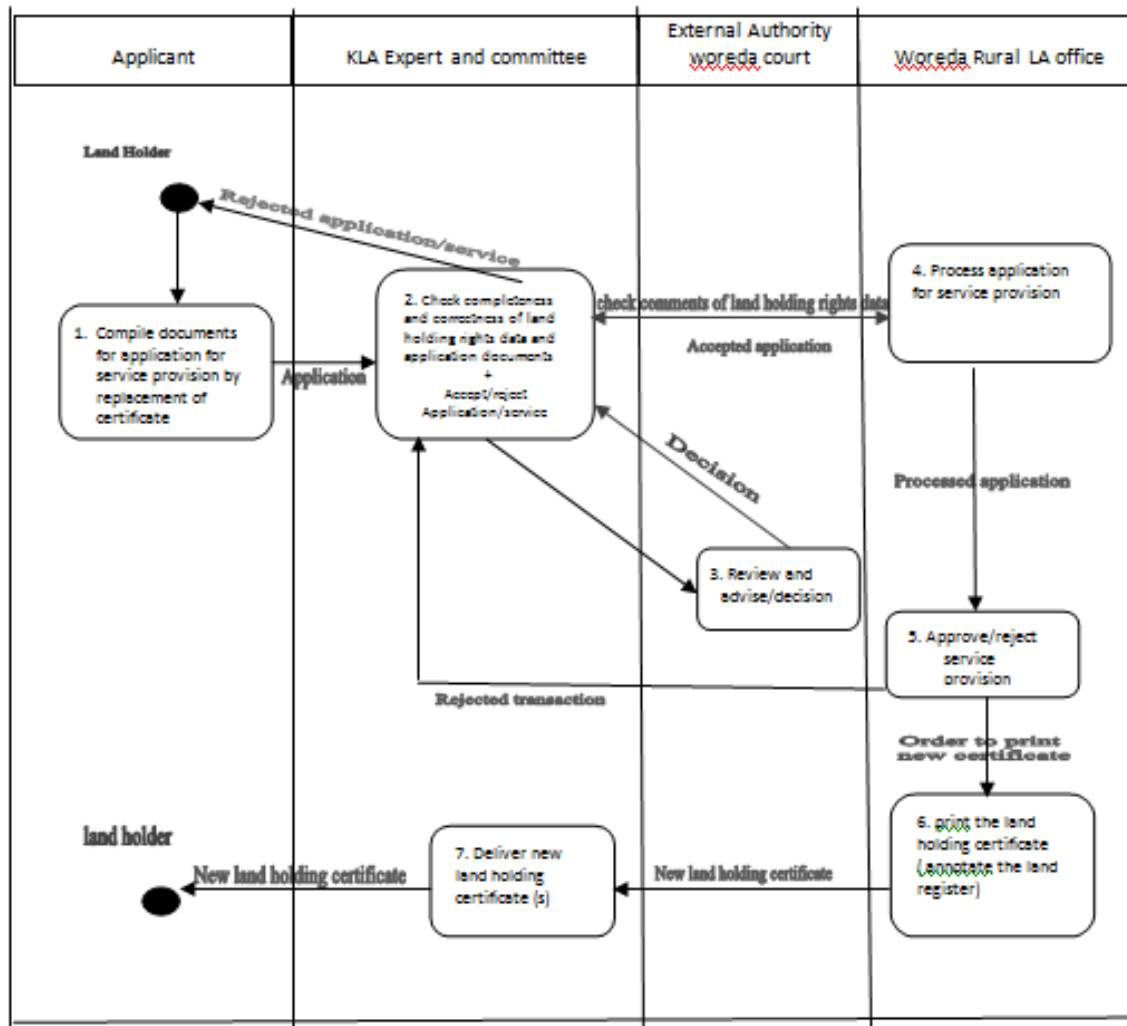


Fig. 17: Diagrammatic representation of the procedure for replacement of certificate

⊕ Reference is used ANRS manual to register rural land holding and updating recorded data

Step by step description of the procedure for Replacement of certificate

Activity description	Responsible actor	Remarks
1. Compile documents for application for replacement of certificate and submit to KLAC and KLA experts	Land holder	Specific application form and documents required for the replacement of certificate
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for service provision for replacement of certificate	kebeleKLAC and LA expert	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the applicant(s) ; possible iteration of Activities 1 and 2
3. Review, advise and decide on issue	KLA experts, woreda staff and court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele LA expert then to the woreda office then to court Decision/advise is forwarded to the KLAC and KLA expert which in turn will forward the decision to the land holder
4. Process the application for service provision of replacement of certificate	Woreda LA expert	In both cases of approval or rejection of the replacement of certificate, the land holder is informed through KLAC and/or K LA expert.
5. Approve the replacement of certificate and order to print a copy of the land holding certificate and to annotate the land register	Woreda land office staff	If the replacement of certificate is refused, the land holder is then informed through the kebele LA expert. Possible iteration of Activities 4 and 5
6. Annotate the land record in the land register and print the land holding certificate	Woreda LA expert	Annotate the electronic records in the land register database and print the land holding certificate
7. Deliver the land holding certificate(s) to the land holder	Woreda and/or kebele LA expert	Output document is the land holding certificate(s)

Table 16: Stepwise description of the procedure for replacement of certificate

Application Form for replacement of certificate

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

Name of the land holder	Holding number	Marital Status	Parcel share (%)	Signature of the land holder

Required documents for the replacement of certificate

Physical presence or representation with certified Power of Attorney	
Proof of identity of the land holder	
Proof of marriage or of celibacy of the land holder	
woreda court statement on claim resolution	
Land holding certificate (in case of damaged certificate)	

Comment given by land administration expert

Received and verified by:

Date:

Stamp

Signature:

4. GLOSERY

Adjudication (Systematic or Sporadic)- Process of final and authoritative determination of the existing rights and claims of people on a parcel of land. Systematic Adjudication is a government-initiated process of adjudicating land rights on a whole of a country, region/state or municipality. Sporadic Adjudication is a land holder-initiated application for adjudication of one parcel of land

Cadastre- Representation of land parcels on a large scale map/in a spatial database with a parcel identifier.

Conveyancing system- Conveyancing is a general term used for the process of transferring land rights from one to another person or granting encumbrances

Deed Registration system- In this system of land registration, the deed itself, being a document which describes an isolated transaction, is registered. This deed is an evidence that the transaction took place, but it is in principle not in itself proof of the legal rights of the involved parties. Thus before any dealing can be safely effectuated, the right holder must trace his right back to a good root of title.

Demarcation- Marking of the boundaries of a parcel in the field.

Encumbrances- Right or interest that exists in someone other than the land holder and restricts the transfer of the rights on land.

Fixed Boundaries - Surveyed boundaries

General Boundaries- Physical boundary features, man-made or natural

Geographic Information System- Software system for digitising, editing, analysing and presenting geographical information.

Land Administration- The process of recording and disseminating information about the right on, value and use of land and its associated resources when implementing land management policies.

Land Governance- The process by which decisions are made regarding the access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled.

Land Information System- A (computer) system that supports the collection, storage, retrieval, dissemination and use land related information.

Land Management- The process of planning and managing land, aiming to integrate ecological with social, economic and legal principles in the management of land for urban and rural development purposes

Land Register- Parcel-based digital database. Each land parcel is registered as an electronic record. A hard-copy of the land register is available (compilation of print-outs of the electronic records in the form of a book) at the woreda and Kebele land administration offices.

Land Registrar- Officer that has the responsibility and authority to register land transactions and issue land certificates; he/she is doing this on behalf of the State and is accountable to the State for that.

Land Registration- The process of registration of rights on land and of keeping and maintaining land records through registration of transactions on land.

Land Tenure- The way land is held by individuals and groups. It reflects relationships between people and land directly and between individuals and groups of people in their dealings in land.

Land Transaction- Transaction on land initiated by the land holder(s) of a parcel. It can either be transfer of land rights or restrictions on these (encumbrances) or changes in parcel or person data without impact on the right on land

M4P- An approach in [aid](#) and [development](#) known as 'making Markets work for the Poor'.

National Rural Land Administration Information System- A comprehensive software system operating throughout Ethiopia and dealing with land transactions in rural areas.

Object- Spatial entity (piece of land, e.g. a parcel) in the land administration/ registration context

Orthophoto (or ortho-rectified image)- Ortho-rectified aerial photograph or satellite imagery with the geometry of a map

Parcel- A continuous area of land belonging to a defined holder or holders (e.g. individual, jointly hold, communal or governmental).

Parcel Map- A map showing the location and shape of a parcel together with its immediate surroundings.

Sporadic Land Registration- Registration of rights on one parcel of land, separately from the other in the area; generally land holder-initiated, voluntary and through land transaction.

Subject- Person or group of persons or (public/private) organisation in the land administration/registration context

Systematic Land Registration- Registration of rights on all parcels of land in the whole of a country, region/state or municipality; generally compulsory and government-initiated.

Title Registration system- In this system of land registration, not the deed, describing the transfer of rights, is registered but the legal consequence of that transaction, the right itself. So the right itself together with the name of the rightful claimant and the object of that right with its restrictions and charges are registered. With this registration the title or right is created.

Unique Parcel Identifier Number- Each land parcel is registered with an unique parcel identifier number that contain: region code in two letters; zone code in two digit numbers; woreda code in two digit numbers; kebele code in three digit numbers; and parcel code in five digit numbers.

Will (or Will and Testament)- A document executed by the land holder before his/her death, specifying the heirs and what part of the land each is to receive.

Woreda Land Administration office- (Woreda) Environmental Protection, Land Administration and Use Office

Common holding- means holding of land by 2 or more persons in common having the holding right, and use without division, by sharing the output from the land.

Lease – is a system by which any investor takes a rural land from government for a limited period of time, and as it is interpreted in the regional law, the right to use the land includes the holding of same for debts as suretyship.

Rent – means a system by which a farmer causes the use of his land, which get it pursuant to the regional land proclamation, for the service of another person securing benefits in kind or cash for a limited period of time in contract.

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