

Ethiopia

Land Investment for Transformation (LIFT)

RLAS MANUAL Version 2

JANUARY, 2017

In association with



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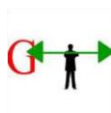
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PREAMBLE

Land continues to be 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 pre-requisite 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 rights, 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.

Any investment in land certification must be supported by a well-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 Land records can quickly become out of date without systems for maintenance of the land register.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 this manual, the land administration system is only concerned with rural land; hence the rural land administration system (RLAS).

- It provides an overview of procedures to complete a second level land certification (SLLC) coverage in a given woreda through sporadic or systematic land registration, depending on conditions prevailing in the given woreda;
- It further highlights the process of maintenance of the land register (populated through sporadic or systematic second level land certification, SLLC) for continuous updating of the land records from land use rights' transactions ;
- Finally, it provides land information (services) for country development purposes

The RLAS will be supported by a computerised system called the National Rural Land Administration Information System (NRLAIS) that is developed separately from, but in co-ordination with, the RLAS. The NRLAIS will be a comprehensive software system handling both systematic (mass registration/SLLC) and sporadic (maintenance of the land register/RLAS) registration and provision of land information throughout Ethiopia. The system will have a textual component integrated with the spatial component and will be flexibly designed to allow regions to customise it for local needs. Each

region will, however, adhere to a common data model and a set of standards that will allow sharing of data between regions and with the federal government.

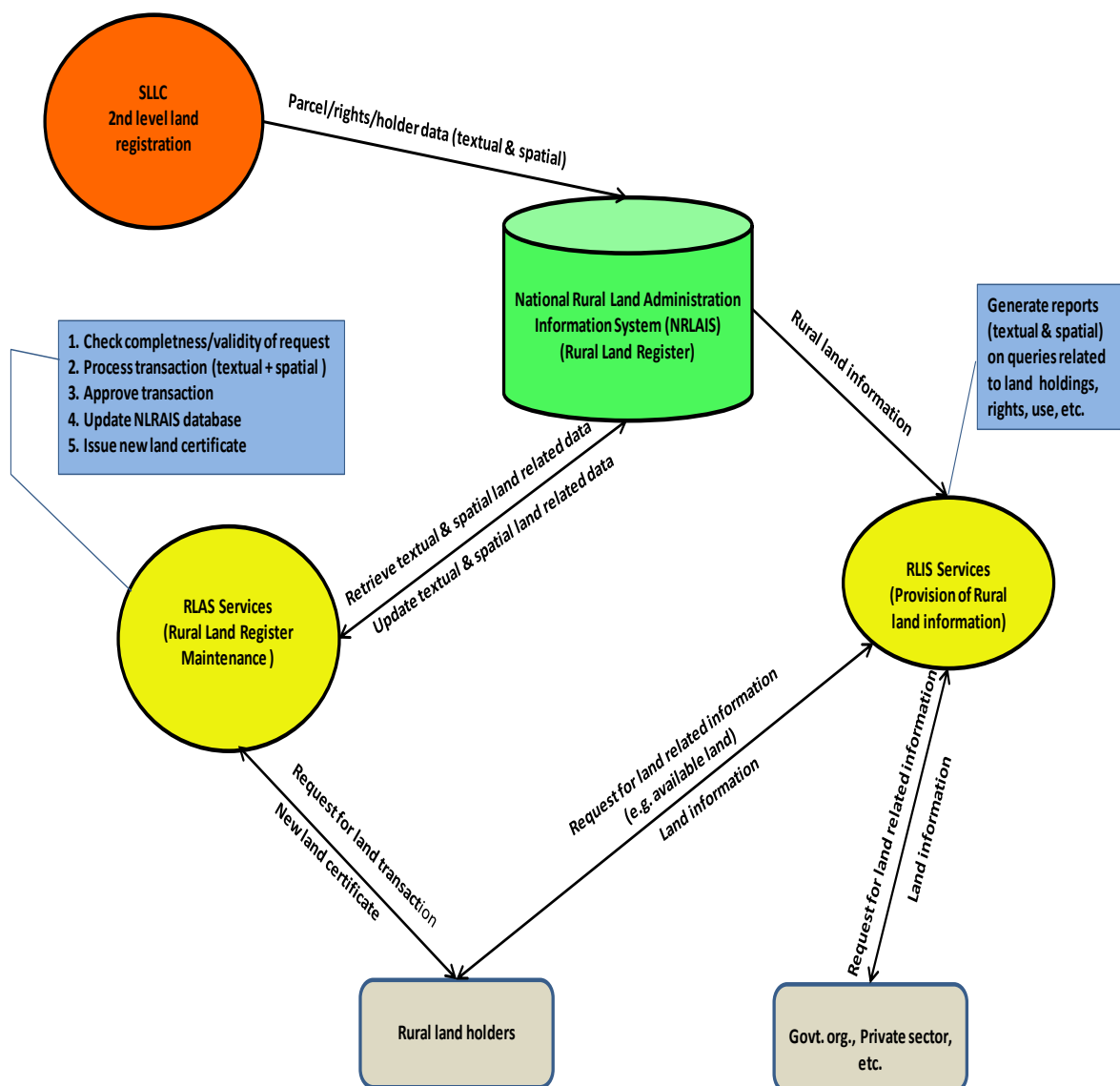


Fig. 1: Aggregated model of the rural land administration system (RLAS)

The RLAS manual is a unique and always up-to-date reference document describing in a structured and transparent way the processes (procedures, data, and actors) for various land transactions. The structure and contents of the RLAS manual is the same for all Regions in Ethiopia, yet providing space for regional specificities as expressed in regional land proclamations and land regulations. 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.

The first validated version of the 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 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 and Office Records Management (2010) or the Manual for the Implementation of Registration and Updating Data on Rural Land Holding in Amhara National and Regional State (2011) and as used by land administration professionals at woreda level.

In other words, the RLAS manual structures in a systematic and user friendly manner what already exists and is applied by land professionals at all levels of land administration in Ethiopia, as observed during field visits.

The RLAS manual documents the 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, focussing on the operation of the computerised system. The RLAS manual also does not document the processes of Second Level Land Certification (SLLC/Mass registration) which are covered 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.

This second revised version of the RLAS manual updates the first version based on feedback information and experiences gained from the following fronts:

- Feedback from the participants in the series of training workshops organized on RLAS/iWORLAIS; and
- Feedback from a series of implementation monitoring field visits by LIFT and RLAUD staff members to the initial set of woredas where RLAS/iWORLAIS is implemented and operational.

Remarks:

1. The RLAS manual is to be used at all levels of Government (federal, regional and woreda) 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. However, 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, simple materials will be developed in the different regional languages (Amharic, Tigrinya, Oromiffa) to enable land holders and non-English conversant land officers to better understand the land transaction procedures.
2. The RLAS is a dynamic system that will change with time due to changing influencing factors (institutional, organisational, operational and economical). The RLAS changes will have to be captured in the RLAS manual in a continuous manner. The RLAS manual will always be a live document.

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

GLOSSARY OF TERMS

Adjudication (Systematic or Sporadic)	<p>Process of final and authoritative determination of the existing rights and claims of people on a parcel of land.</p> <p>Systematic Adjudication is a government-initiated process of adjudicating land rights on a whole of a country, region/state or municipality.</p> <p>Sporadic Adjudication is a land holder-initiated application for adjudication of one parcel of land</p>
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	<p>A generic name for the woreda's agencies responsible for land administration in the different regional states:</p> <ul style="list-style-type: none"> • Amhara: (Woreda) Environmental Protection, Land Administration and Use Office • Oromia: (Woreda) Rural Land and Environmental Protection Office • SNNP: (Woreda) Land Administration, Use and Environmental Protection Core Process • Tigray: (Woreda) Environmental Protection and Use Office

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1. INTRODUCTION TO RURAL LAND ADMINISTRATION IN ETHIOPIA

1.1. Historical developments

The problem of landlessness in Ethiopia was addressed through periodic land redistributions during the period 1975-1990, with the latest redistribution occurring in 1997 in Amhara regional state. The threat of redistribution heavily eroded the sense of tenure security with diverse repercussions on the environment and the livelihood security of the rural population. Improper compensation practices that occurred when rural lands were expropriated for the purpose of urban expansion or “multiple public development schemes” further seeded a feeling of tenure insecurity. The result of tenure insecurity, slim non-farm employment opportunities, a lack of incentives, compounded with population dynamics, contributed to widespread land degradation, erosion, deforestation as well as overgrazing.

In order to address the alarming land degradation and tenure insecurity, a new approach was taken towards improving the situation in the late 90's. Rural land 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 which was revised in 2005. The four regional states of Amhara, Oromia, 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 legislation includes two sequential phases to provide tenure security via land registration which includes first level certification and second level certification. First level certification was not supported by maps of the registered holdings and as a result, federal/regional states have now found it necessary to undertake second level certification that is supported by maps.

Presently some 97% of settled agricultural households in the Amhara, Oromia, SNNP and Tigray have been issued with first level certificates. In Gambella, Benishangul-Gumuz and Harari, where there are significant proportions of settled agriculturalists, the implementation of first level certification has only recently commenced (on 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, where there are significant numbers of pastoralists and agro-pastoralists, the implementation of the certification process has not yet begun.

The Government of Ethiopia (GoE) has started (2004 to date) to implement SLLC in Amhara, Oromia, SNNP and Tigray with the help of development partners, most recently DFID, through the Land Investment for Transformation (LIFT) programme which will support implementation of SLLC in Oromia, Amhara, Tigray and SNNP and an improved rural land administration system (RLAS). Most regions currently operate the system manually, with hand written certificates and paper records. The exception to this is the ISLA land administration software developed in Amhara.

1.2. Institutional framework

1.2.1. Ethiopia 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 with the state. Citizens occupy land through possession 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

The land policy in Ethiopia is expressed in diverse poverty reduction policies, strategies and plans that have been issued by the Government of Ethiopia (GoE) and have direct impact on land administration, namely:

- Strengthening of tenure security of land users leading to better (more sustainable) use of 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 harmonise them with these guidelines.

1.2.3. Land legislation and regulations

Federal/regional Promulgations and Regulations

- 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 and bequeathing to a family member¹. 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 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 by the State; however, it confers indefinite tenure rights of land use²(equivalent to long term leases held in perpetuity) i.e. rights to property produced on land, to land succession, donation, exchange and lease/rent³. It makes provisions for the registration and certification of land use rights⁴. It also bans further land redistribution, except under special

¹ Family member is to be read in the context of the federal and regional rural land administration and Use proclamations.

²Federal Rural Land proclamation (456/2005), Articles 5 and 7

³Federal Rural Land proclamation (456/2005), Article 8

⁴Federal Rural Land proclamation (456/2005), Article 6

circumstances⁵. Furthermore, Proclamation 456/2005 requires regional states to enact their respective land administration and use proclamations consistent with the provisions of the federal proclamation. Accordingly, Amhara 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. Regional rural land administration and use regulations exist in Oromia, Amhara, Tigray and SNNP.

- The rural land legislation provides peasants with lifetime rights (holding right) to the land. This land right includes use, lease/rent, donation and inheritance rights, however sale and mortgage is not allowed. The rights of lease/rent, donation and inheritance are however restricted for different reasons. The rural land legislation also creates free access to rural land, however due to land shortage and restriction on land distribution, it is not always possible to implement this right.
- To regulate expropriation, the federal government issued the Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No.455/2005.

Revision of the Federal Rural Lands Administration and Use Proclamation

- The Federal Rural Lands Administration and Use Proclamation No.456/2005, enacted in 2005 is presently under revision by the Federal Government of Ethiopia.
- The draft Federal Rural Lands Administration and Use Proclamation, which is currently under review, proposes important national standards including the following:
 - ✓ The adoption of systematic and sporadic land adjudication system;
 - ✓ The adoption of parcel-based registration system with designation of the Unique Parcel Identification Number (UPIN);
 - ✓ Requirement to update land record during the transfer of land use rights; and
 - ✓ Designation of “Registrars” along with defined duties and responsibilities at the regional and woreda offices.

Agricultural Investment and Land Administration Agency Establishment, Council of Ministers Regulation No. 283/2013

- The Federal Rural Land Proclamation (456/2005) allows investors to use 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 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, over 5000 hectares, in all regional states. This directive adopted by

⁵Federal Rural Land proclamation (456/2005), Article 9

the Council of Ministers in February 2010 empowers the federal Ministry of Agriculture (MoA) to identify and transfer agricultural lands, which are over 5000 hectares upon the consent of the regional states.

- The Agricultural Investment and Land Administration Agency has been established to administer agricultural investment lands and to enhance, facilitate and support expansion of agricultural investment and to create favourable conditions for production of agricultural investment products.

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

The SRM (2012-2016) was developed to establish an appropriate and sustainable rural land administration system at the national level in order to successfully implement the key components contained in the rural land administration and use proclamations. The specific objectives include the following:

- To improve the land tenure/user rights security through an efficient, transparent and equitable system of rural land administration nationwide
- To enhance good governance by implementing a 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 minimise land related disputes by institutionalising a proper and sustainable conflict management system

Five broad strategies have been put in place to achieve the above four objectives:

- Establishment of a cost effective and sustainable rural land administration system
- Enactment of the necessary legislations that are critical for implementing key components contained in the federal/regional rural land administration and use proclamations
- Preparation and implementation of land use plans from the federal to kebele level based upon a simple and low cost approach and methodology
- Strengthening the institutional capacities of the rural land administration and use agencies from the federal to kebele level

Implementation interventions include:

- SLLC of almost 50 million parcels in Amhara, Oromia, SNNP and Tigray, using a general boundaries approach and photogrammetric demarcation techniques whenever possible.
- Establishment of a National Rural Land Administration Information System (NRLAIS) to facilitate land registration, administer holding rights and update land records during land transactions.
- Preparation and implementation of land use plans and legislation at federal, regional and kebele levels.
- Institutional capacity building: strengthening the institutional capacity of the federal, regional, woreda and kebele offices is critical to properly compile, store, retrieve and maintain land records. In parallel, the manpower and resources requirements to undertake land use planning and the NRLAIS should be strengthened and capacitated.

1.3. Rural Land Governance Institutions

Rural land matters are expedited through executing agencies established at the federal, regional, woreda and kebele levels.

- Federal level:
 - The Ministry of Agriculture (MOA) in 2010 established the Rural Land Administration and Use Directorate (LAUD) that coordinates regional land administration activities. The Agricultural Investment and Land Administration Agency [AILAA] established in 2013 is concerned with the administration of land investment.
 - These federal organisations are involved with framework policies, legislation and regulations development (federal proclamations and regulations).
- Regional level:
 - The regional states have established environmental protection, land administration and use organisations with varying competences and accountability. The Amhara Bureau of Environmental Protection, Land Administration and Use (BEPLUA) and the Oromia Bureau of Rural Lands and Environmental Protection (BRLEP) are members of their respective regional cabinet and are accountable to their respective regional council. The SNNP Natural Resources Development and Environmental Protection Agency (NRDEPA) and the Tigray Environmental Protection, Land Administration, and Use Agency (EPLAUA) are under the regional Bureau of Agriculture.
 - These organisations are involved with policies and regulations development (regional proclamations and regulations), training and support and monitoring the implementation process.
- Woreda level:
 - The woreda administration includes a woreda land administration office, mainly staffed with land administration and land use experts
 - The woreda land administration office is generally⁶ responsible for:
 - Processing land registration and certification, including scanning, geo-referencing, digitising, editing the parcels, filing in the system; management of field forms and the registry book; issuing of land certificates.
 - Processing land transactions and continuous updating of the land register
 - Handling land related disputes
 - The woreda court is involved in the process of registering land in advising and deciding on legal aspects of land transactions (e.g. inheritance without will; restrictions on land transactions for unpaid tax) and land disputes.
- Kebele level:
 - Kebele land administration committee (KLAC) members are elected by the people of the kebele and execute their duties on a voluntary basis.
 - The KLACs have the power to assist the adjudication process ⁷(one of the members

⁶ The tasks and responsibilities may slightly vary in the different regional states, following the provisions of the regional land administration and use proclamations and regulations

⁷ Land adjudication is needed for systematic as well as sporadic land registration.

is a member of the adjudication committee⁸⁹) and to administer¹⁰ rural lands in their respective kebeles.

- The kebele administration includes a kebele land administration office, staffed with a land administration and use expert, however, the placement of experts at the kebele level limited to Amhara region and some kebeles in Oromia regional state.
- Land registrar/deputy land registrar:
 - In compliance with the land tenure guarantee principle, which means that the state guarantees that what is registered is true for third parties in good faith, the regional and woreda land administration offices shall be staffed by a land registrar (at regional office) and by a deputy land registrar (at woreda office) respectively. The land registrar (and deputy land registrar by delegation) has the responsibility and authority to register land transactions as well as to sign and issue land certificates on behalf of the state and are accountable to the state for these activities.
 - It is up to the regional states to decide which civil servant/officer position will include the land registrar (regional state officer)/deputy land registrar (woreda officer) responsibility (and commensurate authority and accountability). The land registrar/deputy land registrar's responsibility, authority and accountability should be reflected in the description of the functions of the officer in charge.
 - For the time being, before (deputy) land registrars are officially appointed, their tasks and responsibilities will be executed by the head of the woreda land administration office.
- In the process of rural land transactions, the woreda and kebele land administration authorities have a complementary role, namely:
 - The KLAC and in the case of Amhara region the Land Administration Expert will be the contact point (front office)¹¹ for the land holder who applies for a land transaction; it 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 the application and collect claims (public hearing including public display),
 - ✓ forward the claims and other legal issues (e.g. inheritance without will) to the competent authority (elders' committee, woreda court),
 - ✓ accept or refuse the application and inform the applicant(s),

⁸ As stated in the draft Federal Rural Lands Registration Regulation, the adjudication committee consists of "all or some of the members of the KLAC of the kebele under consideration, one or more land surveying officers and one or more land registration officers assigned by the regional land administration and use agency in charge.

⁹ In the case of Tigray, not a KLAC member but informant farmers assist the adjudication process.

¹⁰ This will depend on the capacity of the particular KLAC.

¹¹ The RLAS is aiming at the front/back office system between kebele and woreda land administration offices; however, if the kebele LAC has not the capacity needed to play the role of the front office, then the woreda land administration office will take over this task till the KLAC has been sufficiently capacitated to fulfil the task.

- ✓ 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 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 (by the deputy land registrar)
 - ✓ 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 KLAC for delivery to the applicant(s)
 - ✓ store the new certificates of land right holding
- Rationales for having a front office and a back office include:
 - ✓ It is crucial to formally capture all land transactions to keep the land register up-to-date and reliable. Therefore, the threshold for the land right holder to apply for land transaction should be as low as possible. The KLAC is the best point of contact for the land holder as he/she knows the KLAC members and the distance from home to the KLAC office is generally much shorter than to the woreda LA office.
 - ✓ On the other hand, the investment needed (office facilities, equipment and manpower) to process the land transaction (spatial and non-spatial components) is very high and cannot be made for every kebele; also there will not be enough land transactions per kebele to justify such investments. It is therefore logical that the land processing operations are done at woreda level in those circumstances, thus minimising investment while also maximising the use of this investment.
 - ✓ The complementary role of the kebele and woreda land administration authorities will also enhance transparency of the rural land transaction process, avoiding doubling or overlapping functions and alternatives routes for dealing with these transactions. Fig. 4 (paragraph 2.4 below) shows the complementary role of the organisations involved in rural land administration.

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, management methods and techniques that aims to integrate ecological, social, economic and legal principles in the management of land for urban and rural development purposes in order to meet changing human needs, while simultaneously ensuring the long-term productive potential of natural resources and maintaining their environmental and cultural functions.

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

Internationally recognised benefits of a good land administration system 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 the Ethiopian legal context where rural land sale and collateralisation of rural land use right are prohibited, the main expected benefits from an efficient land administration system is to enhance tenure security for all (with particular attention to Vulnerable Groups), to reduce disputes over land, to develop markets for the poor (M4P approach) and to support the development and conservation of natural resources.

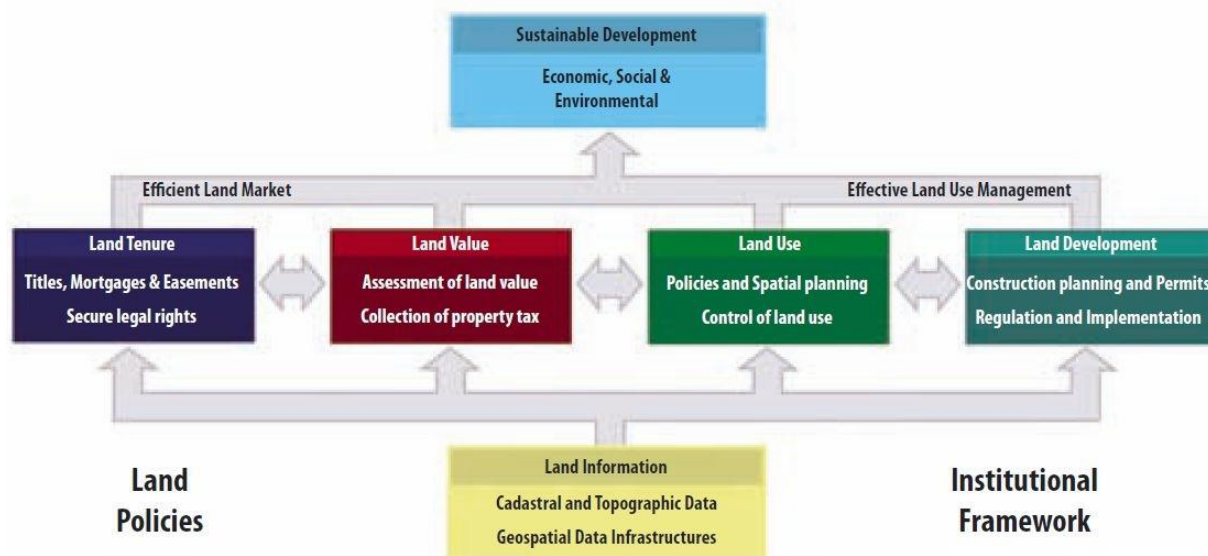


Fig. 2: Global land management perspective; FIG Publication No.45

1.4.1. Access to rural land

The federal and regional land administration and use proclamations guarantee access to rural lands for those who intend to engage in agricultural activity. Women are also given equal access to rural lands when intending to engage in agricultural activities. The landless population in many kebeles is, however too large to allocate farm lands to all those who apply for access to land.

The types of tenure recognised under the federal and regional rural land proclamations are private landholding, communal landholding and state landholding¹². 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. Private Land Holding

It can be generally said that “private landholding” is land held by an individual farmer or farmers and other person’s alike¹³, religious organisations¹⁴ and investors. Rural land can be held by individuals privately or jointly by two or more persons (provided they are farmers). Joint holding

¹² The SNNP recognises private, communal, government and non-government land holdings

¹³ See 12

¹⁴ In the Tigray context, religious organisations’ land holding falls under communal land holding

is categorised as private landholding because the holders can partition the land or divide it among themselves, provided that the partition would not result in a situation where an individual's share of the holding is below the minimum size allowed under the regional land administration and use proclamation/regulation. 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 the specific regional land administration and use proclamation/regulation), that does not include transfer of landholding right,
- Bequeath (inheritance) or gift to a family member or exchange with another farmer that does include transfer of landholding 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 land administration and use proclamations/regulations.

1.4.3. Communal Land Holding

Communal landholding is defined in the Federal Land Administration and Use Proclamation as “rural land which is given by the government to local residents for grazing, forestry, and other social services.”

The federal and regional land administration and use proclamations do not provide 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 landholdings to private landholdings as may be necessary.”

1.4.4. State Land Holding

State landholding is defined in the Federal Land Administration and Use Proclamation as “rural land demarcated or to be demarcated in the future as federal or regional states landholding and includes forestlands, wildlife protected areas, state farms, mining lands, lakes, rivers and other rural lands”.

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 only who and how (land is held), the cadastre answers the questions as to where and how much (is the land).

1.5.1. Land Registration

Depending on the nature and extent of involvement of the state in the conveyancing process, there exist two recognised systems of land registration which includes deed and title registration systems. Deed registration is concerned with the registration of the legal fact itself (the transfer of rights) and title registration with the legal consequence of that fact (the right itself).

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

1.5.2. Cadastre

The main task of the cadastre is to represent parcels on a large scale map/in a spatial database with a parcel identifier. This (Unique) Parcel Identifier Number (UPIN) is used in the land register to indicate the legal object in a special, short and unambiguous manner. The parcel identifier connects the legal part with the spatial one. Besides the spatial part there also exists a descriptive part of the cadastre, a register which contains physical attributes of the parcel i.e. identifier, local location, area and land use

At the heart of cadastre is the parcel.

- A land parcel can be defined as a continuous area of land within which unique (right) and homogeneous (land use) interests are recognised.
- A parcels surveyed and mapped by a closed polygon and indicated by a number (unique parcel identifier number) on the map or in the (spatial) database.
- Parcel boundaries can be physical boundary features, man-made or natural (the system is then known as a "*general boundary system*") or precisely surveyed boundaries (the system is then known as a "*fixed boundary system*".)

1.5.3. 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 a great variety in cadastral surveying options, in terms of both accuracy and cost.

- 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.
- Where it is problematic to identify visually the boundaries on the imagery, supplementary ground survey techniques are required.

1.5.4. The Rural Land Administration System in Ethiopia

The Ethiopian rural land administration system (RLAS) is based on the principle of holding of land rights that guarantees the holder indefinite use right of rural land. This land tenure system

can be considered as a (limited/restricted¹⁵) 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 through the RLAS.

The RLAS is based on a parcel based land registration and cadastre system and on Systematic¹⁶ (SLLC) and Sporadic¹⁷ (post-SLLC Land Transactions) land adjudication. The general boundaries principle is used in rural areas, considering the necessary pace of creating the system, the existence of physical features, the amount of necessary security and the costs involved. The approach of using large-scale orthophoto maps produced from aerial photography has been selected for charting the general boundaries of rural land.

Land holding rights are registered in a land register. The land register is a parcel-based digital database organised by region, woreda and kebele. Each land parcel is registered as an electronic record showing the UPIN¹⁸, 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.

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 (limitation/restriction of rights e.g. encumbrances as rent/lease or servitudes/easements). A third category of rural land transactions is concerned with changes in spatial configuration of the parcel (land consolidation and boundaries correction) or with corrections (of parcel and/or land right holder data). Following the booking¹⁹ principle, rural land transactions should be registered in the land register to be legally effectuated.

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

¹⁵ "Limited/restricted variation of the title registration system" as the type and number of land transactions are limited by legislation

¹⁶. Systematic Adjudication is a government-initiated process of adjudicating land rights on a whole of a country, region/state or municipality.

¹⁷. Sporadic Adjudication is a land holder-initiated application for adjudication of one parcel of land.

¹⁸ 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).

¹⁹Booking principle means that a change in rights on land, especially by transfer, is not legally effectuated until the change or the expected right is booked or registered in the land register.

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. This is because land is a highly valued resource and often the source of conflict. Access to land information has therefore gained recognition as a pre-requisite to informed stakeholder participation and as a tool to enhance accountability.

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

- Poverty reduction and sustainable development (e.g. access to and security of land rights, especially for the vulnerable groups; preservation of fragile areas)
- Economic growth and sustainability (e.g. secure land rights as a basis for development; emergence of sound collateral financial systems)
- Good governance and social stability (e.g. transparency; just resolution of conflicts critical to social stability; accountable institutions which is critical to decentralisation/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 land. The effectiveness of such a system depends upon the level up to which it has been designed to serve the user.

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

The spatial component may contain the following information:

- Spatial units (administrative boundaries, group tenure units, customary areas, individual parcel) 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 the non-spatial (descriptive) component may contain the following information:

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

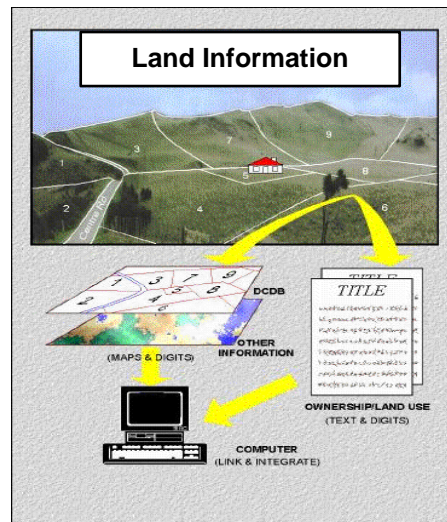


Fig.3: Components of a Land Information System (LIS)

To enhance access to land information, modern technologies (web-based network systems) 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 communities in open discussion on important decision making. For this to happen, a land Information system is required in which all land information is stored and managed in a database environment.

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 RLAS is the existence of a comprehensive, transparent and up to date land registry which records the land rights in respect of each parcel within a woreda. It should record all transfers of land rights (inheritance, gift, exchange) as well as any encumbrances (rental agreements, right of way, etc.) which may limit these rights. It should include both spatial (digitised 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 computerised system, the 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, post SLLC land 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 implemented. 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 bureaux 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 customise it for local needs. Each region, however, has to adhere to a common data model and a set of standards.

2. SYSTEMATIC AND SPORADIC REGISTRATION SYSTEMS: CIRCUMSTANCES FOR APPLICATION AND USE

2.1. Background

After completion of SLLC in a given woreda, a number of practical issues and matters emerged which necessitated the introduction and use of both systematic and sporadic registration system depending on the conditions prevailing in a given woreda. Circumstances that occurred ranged from the incomplete coverage of SLLC in some parts of a given woreda, incomplete or incorrect data sets for individual parcel (i.e. either textual or spatial data sets), missing of both textual and spatial data sets often caused by the absence of the landholders during the SLLC process and not recording the transfer of land rights. It has therefore been decided to outline the processes of systematic and sporadic land registration in a separate Chapter 2, before outlining the processes of land transactions that are elaborated in following Chapters 3 and 4.

Chapter 2, that also includes a brief introduction on the basic definitions of the two registration methods, describes the circumstances and situations where the systematic or sporadic registration systems have to be used in a particular woredas and then outlines the key steps to be followed to implement systematic and sporadic land registration. However, full details of the systematic land registration steps are described in a separate SLLC manual prepared by LIFT programme

2.2. Definitions

Broadly there are two land registration approaches which are used to generate and compile land registration data sets: Systematic Registration; and b) Sporadic Registration.

- “Sporadic Registration”²⁰ : A method of bringing a parcel of land into a land registration system, generally land holder-initiated, voluntary and through land transaction.
- “Systematic Registration”²⁰: A method of bringing all parcels of land in a defined region into a land registration system through a single process of public education, adjudication of title, surveying or other means of identifying a parcel, creating a unique parcel numbers, and usually land titles.

The key and main features of the two systems are summarized and shown in the Table 1 below.

Key features/attributes	Systematic Registration	Sporadic Registration
1-Area to be registred	Relatively large area which are geographically contiguous	Ad-hoc basis and often a single parcel of land/individual parcel

²⁰ Williamson, I., Stig,E. Jude,W. and Abbas, R. 2010. Land Administration for Sustainable Development. ESRI Press, 380, New York Street, Redlands, California, 9273-8100.

2-Participation	Compulsory basis where government agencies specify and declare areas to be registered	Voluntary basis, where an individual landholder applies for registration or re-registration purpose
3-Cost and economies of scale	Efficient economies of scale and often the government bears the cost of registration	High cost due to low economies of scale. Often the right landholder is bearing the cost of land transaction- recovery fees

Table 1: Key attributes/features of systematic and sporadic registration approaches

In programme woredas where the SLLC coverage is incomplete, systematic registration is efficient, which enables to complete the SLLC operation within the shortest time frame. On the other hand, sporadic registration will be used for recording transfer of land use rights, generating and compiling incomplete information or for generating and compiling registration data for absentee landholder.

2.3. Systematic Registration

2.3.1. *Circumstances for Application*

In a few LIFT programme woredas, there are considerable areas with incomplete SLLC coverage. The magnitude and extent of these areas varies from one to another woreda, often the extent ranging from one kebele to multiple kebele. As an example, the extent of areas which are NOT covered by SLLC due to lack of orthophoto coverage in Tigray and SNNP regional states is shown in the Table 2 below. In these woredas, the lack of orthophoto coverage is the cause for not completing the SLLC for parts of the particular woreda; therefore, SLLC completion will have to be done after withdrawal of LIFT staff.

Region/woreda name	Extent of areas not covered at SLLC stage	
	Kebele name	Approximate area (in ha)
Tigray Region		
1.1-Alamata woreda	-Part of Merwa kebele	
1.2-Hintal wajirat woreda	-Part of Arina Alemseged Kebele -Part of Hagere Selam kebele	
1.3-Layilay Maychew woreda	-The whole Miha kebele -The whole Wellela kebele -Part of Mahibere Selam kebele	
1.4-Tahitay Maychew woreda	-The whole Wuhidet kebele -Part of Debre Shewit kebele	

SNNP Regional state		
1-Silte Woreda	-6 kebeles	

Table 2: Extent of areas NOT covered by SLLC due to lack of orthophoto coverage – Illustration based on Tigray and SNNP regional states.

There are other reasons for incomplete SLLC coverage in a given woreda. The commonest causes include the followings:

- i) Lack of orthophoto coverage for some parts of a particular woreda;
- ii) Administrative boundary disputes between adjacent woredas;
- iii) Land “owned” and “managed” either by a community or the government in a given kebele that is latter (after completion of the SLLC) reallocated by the government to e.g. the landless youth This is typical in Tigray regional state, where communally owned lands are in dynamics of reallocation to the landless youth; and
- iv) Outstanding and unsettled legal cases, e.g. due to legally binding agreement entered between Farmer’s Cooperatives and Private companies for different purpose and schemes. This is illustrated by the case of Dodota woreda, where households from three kebeles entered a contractual agreement with Wonji sugar cane Factory based on land registration data compiled during the First Level Land Certification. However, after SLLC was completed, differences between the SLLC and first level certification data sets and emerging encroachment of the communal grazing land created legal issues to complete the systematic land registration in these three kebeles of the woreda.

Whatever are the underlying causes, characteristically areas uncovered by SLLC are geographically contiguous but with differing land area sizes. In these parts of the woreda, the Woreda Land Administration office (WLAO) in collaboration with the concerned KA should initiate, lead and implement systematic registration to cover SLLC for the whole woreda.

2.3.2. General procedures/Steps

The series of steps to be carried out to implement systematic registration are elaborated in the SLLC manual. As described in this manual, the procedure involve the following 11 key steps:

- i) Preparation of all the required resources (i.e..manpower, materials and equipment);
- ii) Public awareness to the targeted areas of the woreda;;
- iii) Adjudication;
- iv) Demarcation;
- v) Data entry and checking using iMassReg system;
- vi) Parcel digitization;
- vii) Public display and verification (Objections and Corrections);
- viii) Post Objection and Correction- Data correction;
- ix) Extract Generation;
- ix) Certificate preparation;
- x) Certificate distribution; and
- xi) Migration of data from iMassReg to iWORLAIS

A mass registration module is embedded in the iWORLAIS computer support system which, from a users' perspective, works exactly like the standalone iMASSREG system. The iWORLAIS Operational Guide gives instructions on how to use the mass registration module for systematic registration.

2.4. Sporadic Registration

2.4.1. Conditions for Sporadic Registration

Sporadic registration process is a continuous process used to update the electronic land records by recording land rights transfers after completion of SLLC in a given woreda. Registration being undertaken on ad hoc basis, the approach is applicable under the following sets of conditions;

- i) During transfer of land use rights: This refers to all permanent land use transfer rights which may or may not involve parcel subdivision;
- ii) Incomplete land registration data set: This includes cases with incomplete data, which may be either textual or spatial data sets;
- iii) Right holder absent during SLLC adjudication/demarcation stage: There are cases of absence of the right holder during the SLLC process and therefore the collection of registration data sets could not be done; and
- iv) Correction of incorrectly collected and recorded registration data sets.

2.4.2. Key Procedures/Steps

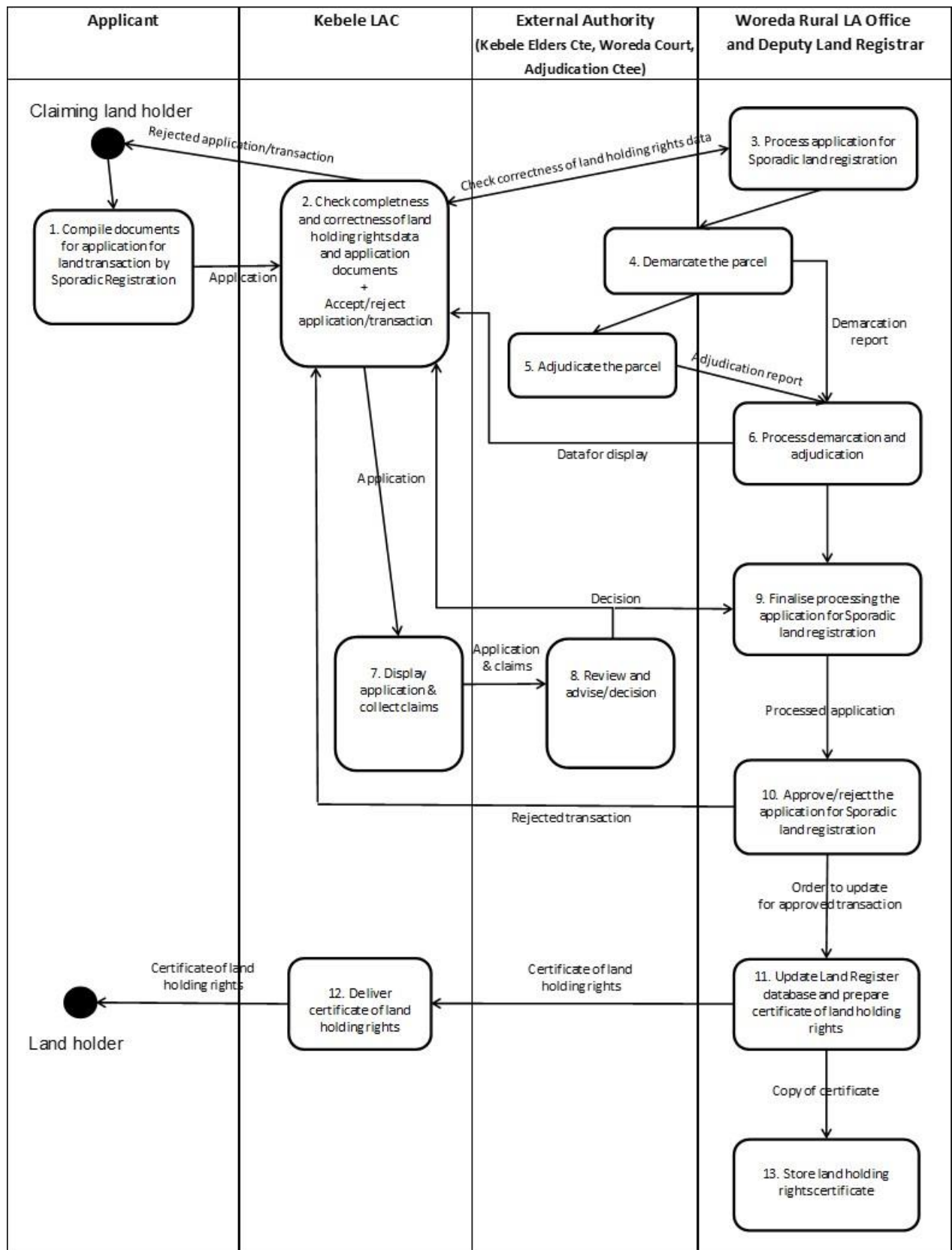
For implementation of sporadic registration, it is NOT necessary to apply the detailed procedures used to implement systematic registration. Most of the key steps of the procedures are modified to suit the specific situations since it is applied for an individual parcel with an application submitted by the right holder of a particular parcel of land. The modified steps involved to undertake sporadic registration include;

- i) Public awareness raising: This task is in principle not required; however, for recording land transfer application where subdivision is required, the particular land holder who wants to transfer his/her parcels of land and the adjoining parcels landholders need to be informed about the purpose and time period when the adjudication and demarcation will take place.
- ii) Demarcation: For cases related to transfer of land use rights which involve parcel sub-division or for capturing registration data for the absentee right holder where the parcel(s) is not demarcated and adjudicated, the orthophoto printed during SLLC stage should be used to demarcate the parcel(s) in the field. If sub-division is involved, the field demarcation/adjudication team should use a measuring tape to subdivide the parcel based on the decision taken by the court. In case the orthophoto is deteriorated with poor visibility to detect objects, a new orthophoto covering the parcel in concern should be printed and used for demarcation (preferably georeferenced before usage).

- iii) Adjudication: For cases when sub-division occurs new Field Registration Forms (FRFs) should be accurately filled in, where the temporary UPIN given to the sub-divided parcels at field level is to be replaced with permanent UPIN when data is entered into iWORLAIS system. When the field collected data are entered into iWORALIS system, a new UPIN is automatically given to the new sub-divided parcels, where each parcel is designated with a UPIN which is a follow-on number after the last UPIN attributed in a given kebele. This same permanent UPIN should also be recorded by hand in the filled FRF.
- iv) Data entry and Checking; There is NO need for double entry as there are only few data to be entered and therefore with limited keying errors possibility.
- v) Digitization: There is NO need for scanning of field demarcated FMS and only screen digitization techniques should be used.
- vi) Public Display: Public display is still needed, not specifically to check the correctness of the registered information (like it is the case in SLLC) but more to provide an opportunity for third parties to raise their claims on the (land holding right on the) parcel.

The general workflow to undertake sporadic registration is shown in the diagram below. However, details of the specific work flow for the specific rural land transaction type, are given in Chapter 4 of this manual. From a software perspective the iWORLAIS system will include sporadic registration as part of the transaction management, described in detail in the iWORLAIS Operational Guide.

Diagrammatic description of the procedure for sporadic rural land registration; cases initiated by an individual household with submission of an Application Form.



3. PROCEDURES FOR RURAL LAND TRANSACTIONS IN ETHIOPIA

3.1. Introduction

As previously 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 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.

The RLAS manual will firstly introduce the principles of updating the land register and then the different kinds of land transactions that can be effected in Ethiopia. It will then generalise 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 particular land transaction

3.2. Updating the Land Register

3.2.1. *The Land Register*

Land holding rights are registered in a land register. The land register is a parcel-based digital database organised by region, woreda and kebele. Each land parcel is registered as an electronic record showing the UPIN²¹, 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.

3.2.2. *Updating the Land Register for land transactions*

The land register electronic records shall be updated (Sporadic Land Registration²²) whenever there is a transfer of holding rights, a new limitation on these rights or changes in textual or spatial information²³. The hard-copies of the land register should be updated correspondingly

²¹ 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).

²² 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

²³ When a new parcel is created from an existing parcel (sub-division), the two newly created parcels shall take a new UPIN, the UPIN's being the number right after the last UPIN within the kebele. However, the original UPIN given to the parent parcel shall be archived for historical purpose. When adjacent parcels, which are held by different holders, are merged (consolidation), the parcel shall take the UPIN

and as soon as 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 deputy land registrar of the corresponding woreda.

Application for the updating of the land registry records shall be submitted to the woreda land administration office, through the kebele land administration committee (KLAC) and the kebele LA expert²⁴. 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 by the KLAC (and kebele LA expert in the case of Amahara region) of the application for a land transaction (cross-checking the completeness and correctness of the application and required documents) 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 (under the responsibility and authority of the land registrar) 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.
- A copy of the new landholding certificate is delivered to the land holder through the KLAC (and kebele LA expert in the case of Amhara region); another copy is kept in archives at the woreda land administration office.

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 analysed 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.

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.

²⁴ In case the KLAC has not enough capacity to execute these tasks, they can be (temporarily) taken over by the woreda land administration office

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 be 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; not necessarily collected).

3.3. Types of rural land transactions

The federal and regional land administration and use proclamations guarantee access to rural lands for those who intend to engage in agricultural activity. The right to ownership of rural land is vested with the state, citizens occupy land through possession 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 restrictions/encumbrances; another group include special cases where changes in spatial configuration of the parcel (land consolidation and boundaries correction) or with corrections (of parcel and/or land right holder data) are recorded. The three groups of rural land transactions are outlined below:

3.3.1. 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 held in the land register; the land record showing the original relationship person (land holder) -right (holding) -parcel has to be deleted and replaced by a new one. 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.

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 and put a claim on the land parcel. In this case, the land transaction will be on 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)
- Marriage: in case someone (man or woman) having holding right on one or more parcels is marrying another person (who may or may not also have holding rights on one or more parcels); they will then have joined holding right on each of their parcels.

- Divorce: in case the land right holders divorce; depending on if both spouses were holding land rights on the parcel or only one, the parcel might have to be sub-divided.
- 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
- Exchange: in case two different land right holders are holding land²⁵ and are both 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.
- 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. Expropriation of part of a land holding will require parcel sub-division.
- Reallocation: where a land right holder is not using and protecting her/his land for a number of years (and after warning), the state can take the land right holding back from the one it was allocated to and allocate that land to a landless person. Also, if the community agrees, degraded communal land can be reallocated to landless persons.
- 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 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 of a parcel in terms of minimum parcel area are stated in the respective regional land proclamations or regulations.

3.3.2. 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 the state is not transferred to another person (or group of persons) but the right is limited/restricted by means of an encumbrance.

²⁵ Depending on the regional state it can vary from holding land "in the same kebele" to "in the same woreda" and even to "in different woredas"

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, rent/ lease 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 (land holder) - right (holding) - parcel*. When the encumbrance is terminated (e.g. no further need 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

- Rent (lease): a land right holder can lease, 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 and use proclamation/regulation of the particular regional state.
- 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 flowing waters/irrigation.
- Other restrictive interests: any agreement (authorised 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).

3.3.3. 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, consolidation (merge) of parcels will always be combined with a transfer of rights transaction (transfer of rights before parcels' merge/consolidation) 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 (land holder) - right (holding) - parcel* has to be deleted 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

The rural land transactions concerned with changes in spatial configuration of the parcel or with corrections are:

- 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 hold 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 neighbouring 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

Remark

- 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.

3.4. Common basic principles for the rural land transaction procedures

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

3.4.1. Land Holding Certificate

Every rural landholder shall be issued with a landholding certificate prepared for each parcel he/she is holding. The landholding certificate shall:

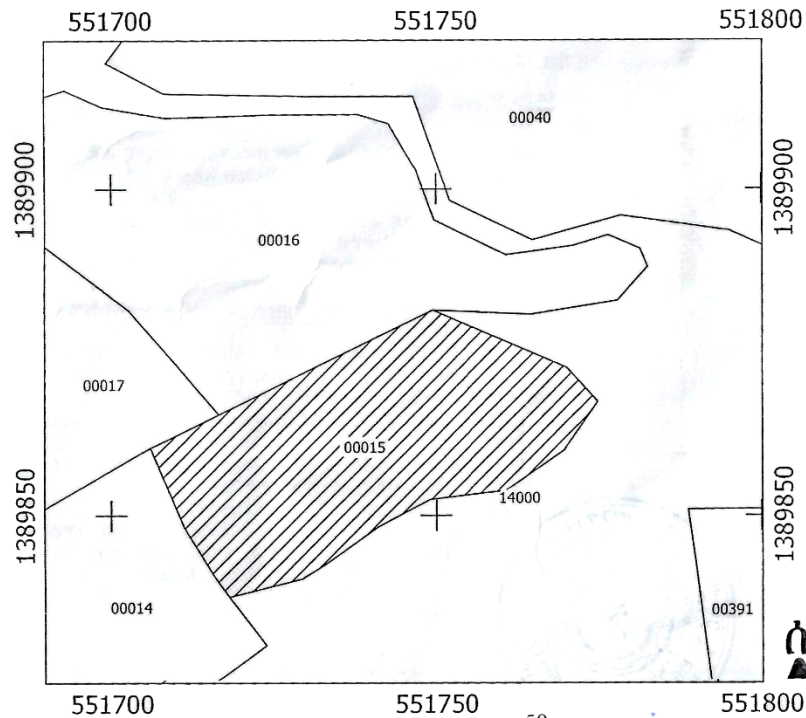
- Be a document showing the attributes of the land holder and of the parcel, including a parcel index map showing the parcel itself and the neighbouring parcels.
- Be prepared in the name of the joint holders where the holders of the parcel are more than one.
- Officially be issued by woreda land administration office (but delivered to the rural land holder through the kebele land administration committee, if feasible).

The Land Holding Certificates for the Tigray and Oromia Regions and Parcel Map of Amhara region are shown below.

ኢትዮጵያ ስነስርዓተ ሕግ አጠቃቅሚ ምምሕዳርን ገፅ መሬት ክልል ትግራይ



ናይ ገፀር ትሕዝቶ መሬት ጠቋሚ ካርታ



System: Adindan/UTM Zone 37N

1. መግለጫ ትሕዝቶ መሬት
ኣብ ናይ ገፀር ትሕዝቶ መሬት ጠቋሚ ካርታ ተጠቒሱ ዘሎ ትሕዝቶ መሬት ዝስፅቡ መለለይታት ይህልዉዎ።

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ወረዳ፣ ጣብያ፣

ቁጽት፣

ቼቆ መለለይ ትሕዝቶ መሬት

ዓይነት ትሕዝቶ

እዋናዊ ኣጠቓቕማ መሬት፡-

ስፍሓት መሬት ሂስታር፣

ሽም በዓል/ሰብ/ትሕዝቶ

መፍትሕ

ግራት በዓል/ሰብ/ ትሕዝቶ

መዳበውቲ ግራት

ዝተውግበሉ ፅላት

ዝተመሓየሱ ፅላት

ዘረጋገፀ ሽም፡

ኣላፍነት፡

ፈርማ፡ ፅላት፡ / /

ዘፅደቐ ሽም፡

ፈርማ፡ ፅላት፡ / /



Land Holding Certificate of Tigray Region

2. መግለጫ በዓል /ሰብ/ ትሕዝቶ

ሽም (በዓል ሰብ ትሕዝቶ)

ፊርማ

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- 2.....
- 3.....
- 4.....
- 5.....
- 6.....
- 7.....

እዚ ኣብ ላዕሊ ተገሊፁ ዘሉ ትሕዝቶ መሬት ናይ ቶም ተጠቒሶም ዘለዉ በዓል/ሰብ/ትሕዝቶ ምዃን ሙሉእ ናይ ምጥቃም መሰልን ግቡኡን ተረጋጊፁ ኣሉ።
 ዘፅደቐ
 ሽም
 ስራሕ ኣላፍነት
 ፊርማ

ሓጋዊ ማሕተም

መተሓሳስቢ

መሰልን ግቡኡን በዓል/ሰብ/ትሕዝቶ መሬት

ሀ. ውልቅ ገባር/ራት

- ኣብ ኣዋጅ ገጠር መሬት ቐፅሪከምኡውን ኣብ ደንቢ ቁፅሪዝተቐመጠ ግቡኡን ውሳኔን ከምዘለው ኾይኖም
1. በዓል ትሕዝቶ ገጠር መሬት ብዘይገዛ ገደብ ናይ ምጥቃም፣ መሬት ንዘይብሎም ብሕጊ ንዝተፈቐደሎም ናይ ምውራስ ንቤተሰብ ኣባላት ብውህብቶ ናይ ምትሕልላፍ፣ ናይ ምክራይ፣ ናይ ምልዋጥን ኣብ መሬት ንዘፍረይዎም ፍርያት ናይ ምጥቃም መሰል ኣለዎ።

2. ብመሰረት ደንቢግንቀፅኣብ መሬት ንዘብዕሉ ጉድኣት ማለት ካብ ዝተፈቐደሉ ዕላማ ወፃኢ እቲ መሬት እንተተጠቐመ ንኣብነት ሓሳ ያውግእኻምኒ ምፍንቃል፣ ልዕሊ 2ተ ጊዜ እንተዘይኣፍርዩ፣ መሬት ጉድኣት እናበዕሉ ብኸለልተኝነት መስተኻኸሊ ስጉምቲ ከይወሰደ እንተተራራን ዘይግበኡ ኣጠቓቕማ እንትህሊ ብመሬት ናይ ምጥቃም መሰል ክስእን ይኸእል እዩ።
3. ብመሰረት ደንቢ ግንቀፅ ቐፅሪ በዓል ትሕዝቶ ኣብ መሬቱ ንፍርያት ዘራእቲ ዘይፃብኡ ተኸልታት ናይ ምትካል፣ ብኣባር ይኹን ብውልቁ ናይ ዕቅባ ኣመድን ማይን ስራሕቲ ናይ ምስራሕ ግቡእ ኣለዎ።
4. ብመሬት ናይ ምጥቃም መሰል ብድልዩቱ ዘቋረፀ ሰብ ቅድሚኡ ኣደ ወርሒ ንቐቕት ከማቲ ምም/ር መሬት ኣፍሊጡ ክረክብ ኣለዎ።
5. ብመሰረት ደንቢ ቐፅሪ ግንቀፅ ቐፅሪ ካብ ሕጊ ወፃኢ ዝተወሰደ ወይ ፀገም ዘለዎ ትሕዝቶ መረጋገፃ ደፍተር ተመሊሱ ተስተኻኸሉ ክወሃብ ንምግባርን ናይ ትሕዝቶ ለውጢ እንትግበር እቲ ኣቐዲሙ ዝተወሃቦ ሰርተፍኬት ናይ ምምላስ ግቡእ ኣለዎ።

ለ. ናይ ኣባር መሬት ብዝምልከት ዝህልው መሰልን ግቡእን

1. ብመሰረት ኣዋጅ ገጠር መሬት ቐፅሪግንቀፅ ን/ቐፅሪኣመሓድራ ናይ ሕዝእቲ /ጋህፂ/ ቅድም ክብል እቲ ኸባቢ ይመሓደረሉ ዝነበረ ልማድ መሰረት ይኸውን ኣድላይ ኮይኑ እንትርክብ ናይቲ ከባቢ ሕ/ሰብ በቲ ጣብያ ቤ/ምኽሪ ኣቢሉ መተሓዳደሪ ስራት ከውዕእን ከተግብርን ይኸእል እዩ።
 2. ናይ ኣባር መሬት ተባሂሉ ብሕጊ ተኸሊሉ ካብ ዝተወሃበ መሬት ወፃኢ ደራብካ ኣስፈሕካ ምሓገን ምጥቃምን ኣይከእልን።
- ብመሰረት ደንቢ ቐፅሪግንቀፅዝኾነ ናይ ኣባር መሬት ተጠቓሚ ሰብ መሬት ይኸውን ከካብ ወሃቲ ከባቢ ቤት ምኽሪ ወረዳ ወይ ጣብያ መሰረት ብፅሒቱ ክፍፅም ኣለዎ።



መሬት ምክንያትን ብዘላቑነት ምልማዕን ግቡእን ስራሕ ትሕዝቶ መሬት መሰልን ግቡእን እዩ!

መግለጫ

— ወንዝ

— መንገድ

⊞ የቀበሌ ድንበር

▨ አዋሳኝ ማሳ


▩ የባለይዘታ ማሳ

የማሳ ካርታ

N

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ሰሜን



በአብዛኛው የገጠር
መሬት አስተዳደርና አጠቃቀም ቢሮ

የባለይዘታው/ዋ/ዎች ስም:

ክልል: አማራ

ወረዳ:

የማሳው አድራሻ

ዞን:

ቀበሌ:

የማሳ መለያ ቁጥር:

የማሳ ስፋት (ሃ/ሮ):

ማዕከላዊ የምስራቅ ኮንሮዲኔት:

ማዕከላዊ የሰሜን ኮንሮዲኔት:

የመሬት አጠቃቀም:

የለምነት ደረጃ:

የተሰጠበት ቀን: _____

ያረጋገጠው የላላውያ ስም: _____

ፊርማ _____ ቀን _____







የበይቀው ጾላ ስም: _____

ፊርማ _____ ቀን _____

Parcel Map of Amhara Region

WARAQAA RAGAA QABIYYEE LAFA BAADIYYAA			Lakk. _____ Guyyaa _____
KAARTAA QABIYYEE LAFAA LAKKOOFSA ADDAA 04/ / / /			
Naannoo Oromiyaa Godina _____ Aanaa _____ Ganda _____	 BLBENO	Maqaa Abbaa Qabiyyee/oootaa 1. _____ 2. _____ Bali'ina/hek/ _____	
<div style="text-align: center;"> N </div>			
Ibsa <div style="display: flex; align-items: center; margin-top: 5px;"> <div style="width: 20px; height: 10px; background-color: black; border: 1px solid black; margin-right: 5px;"></div> Lafa W/Ragaa itti kenname </div> <div style="display: flex; align-items: center; margin-top: 5px;"> <div style="width: 20px; height: 10px; background-color: white; border: 1px solid black; margin-right: 5px;"></div> Daangesitoota </div>			
Iskeelii 1: _____			Foyessuu/edition/ _____
<div style="border: 1px solid black; padding: 10px;"> <p style="text-align: center; margin: 0;">Hubachiisa</p> <ol style="list-style-type: none"> 1. Labsii Bulchiinsa fi itti Fayyadama Lafa baadiyyaa Naannoo Oromiyaa lakk. 130/1999 raawwachuuf aangoo BLBENO tiif kennamcen waraqaa ragaa qabiyyee lafaa qopha'ee kennameera. 2. Abbaan qabiyyee lafaa kamiyyuu akkaataa labsii fi danbii bulchiinsa fi itti fayyadama lafa baadiyyaa naannoo Oromiyaa baheen dirqama irraa eegamuu bahuu yoo dhabee/de mirga itti fayyadama qabiyyee lafaa dhabuu ni danda'a/dandeesi. 3. Qabiyyee lafaa haalaan itti fayyadamuu dhabuun lafa ofi fi olloota irratti badii geessisuun seeraan gaafachisa. 4. Abbaan qabiyyee lafaa mirga itti fayyadama lafaa akka jalaa hafu kan itti murtaa'e kamiyyuu waraqaa ragaa qabiyyee lafaa WLBEN aanaaf deebisuuf ni dirqama. 5. Abbaa warraa fi haadha warraa waliin waraqaa ragaa argatan mirga itti fayyadama lafaa qixxa qabu. 6. Namnii mirga itti fayyadamaa qabu akkaataa seeraatiin mirga itti fayyadamaa dabarsuu ni danda'a/dandeesi. 7. Qabiyyee lafaa yoo dabarfamu waraqaan ragaa kan foyya'u ta'a. </div>			
Kan Qopheesse: Maqaa _____ Mallattoo _____ Guyyaa _____	Kan Mirkaneesse: Maqaa _____ Mallattoo _____ Guyyaa _____	Kan Raggaasise: Maqaa _____ Mallattoo _____ Guyyaa _____	

Land Holding Certificate of Oromia Region

	<p>የማሣ ካርታ</p>	<p>↑ ሰ</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>ክልል: ደ/ብ/ብ/ሀ/ክ ዞን:</p> <p>ወረዳ: ቀበሌ:</p> <p>አስ/ልዩ የማሣ መለያ ቁጥር:</p> <p>የማሣ ስፋት (በኔክታር):</p> <p>ወቅታዊ የመሬት አጠቃቀም:</p> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>የባለይዘታው/ዎች ስም:</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p>መግለጫ</p> <p> የባለይዘታው ማሣ</p> <p> አዋሳኝ ማሣ</p> <p> የቀበሌ ድንበር</p> <p> መንገድ</p> <p> ወንዝ</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p>የተሰጠበት ቀን:</p> <p>ያረጋገጠው ባለሙያ ስም:</p> <p>ፊርማ:</p> <p>ቀን:</p> <p>ያፀደቀው ኃላፊ ስም:</p> <p>ፊርማ:</p> <p>ቀን:</p> </div>
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Land Holding Certificate of SNNP Region

3.4.2. 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 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 programmes, land tax levying, and land markets development. Therefore, land information must be made available in an easily accessible and timely manner.

The land holding (spatial and non-spatial) information registered in the land register database at woreda level and aggregated to the 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 economically sustainable in the 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 has been made operational so that the potential value of the generated land information can be evaluated.

3.5. Overview of the rural land transaction process

As already mentioned, even if each land transaction has its own specificities, they all follow a similar process throughout different functional environments as illustrated in Fig. 4 and in Table 3 below.

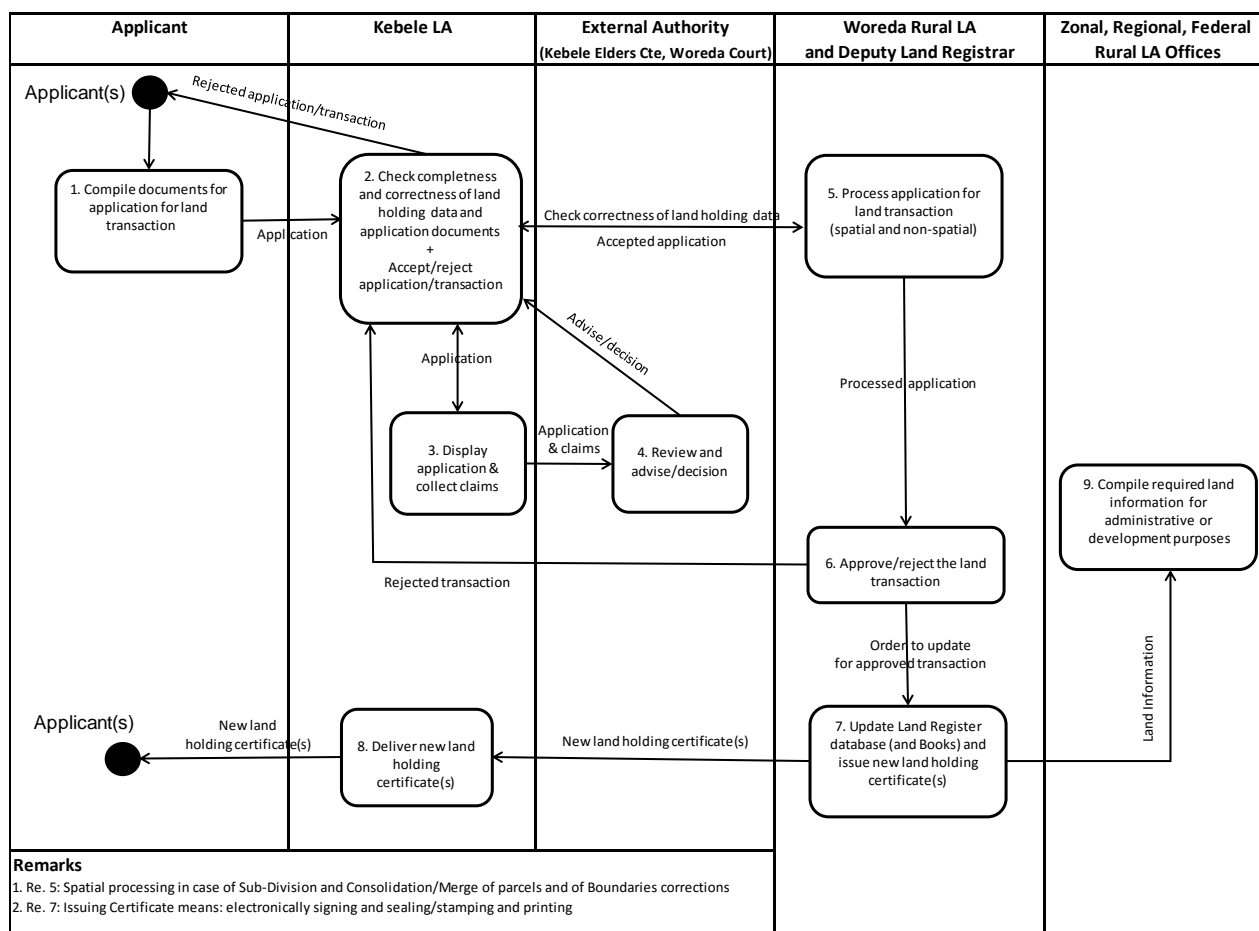


Fig. 4: Diagrammatic representation of the generic land transaction process

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC	Applicant(s) ²⁶	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 or reject the application for transaction	KLAC and kebele LA expert in regions where LA Expert is assigned at the kebele	Accepted application and documents sent to the woreda LA office. Rejected documents are sent to the applicants; possible iteration of Activities 1 and 2
3. Display the application and organise public hearing, and collect claims	KLAC and kebele LA expert in regions where LA Expert is assigned	Application is put on display ²⁷ at kebele(and woreda) level. Claims against the application are recorded by the KLAC/kebele LA expert in regions where LA Expert is assigned
4. Review, advise and decision on claim	Kebele elders committee ²⁸ 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 leaders 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 KLAC which in turn will forward the decision to the Applicant
5. Process the application for land transaction	Woreda LA expert	<ul style="list-style-type: none"> • Based upon specific land transaction application documents and court decision/advise received from the KLAC/kebele LA expert in regions where LA Expert is assigned • May involve spatial processing (in case of sub-division, consolidation and boundaries correction²⁹)
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the Applicant is then informed through the KLAC/kebele LA expert in regions where LA Expert is assigned. 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 expert in regions where LA Expert is assigned	Update (spatial & non-spatial) electronic records in the land register database ³⁰ and issue new certificate(s); this means apply electronic signature and seal/stamp of the (deputy) land registrar and print
8. Deliver new landholding certificate(s) to the Applicant	KLAC and kebele LA expert in regions	Output document is a new land holding certificate(s) but for in case of only

²⁶ In all cases but in particular for vulnerable groups, the Applicant can be assisted by a third party

²⁷The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

²⁸ In the case of the Tigray regional state, it can also be the Rural kebele Judiciary Committee

²⁹The detailed procedures for these spatial operations are highlighted in the iWORLAIS User Manual.

³⁰ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices.

Activity description	Responsible actor	Remarks
	where LA Expert is assigned	annotation of the land record (in that case, no new certificate).
9. Compile required land information for administrative or development purposes	Regional/federal rural LA offices	Regional/federal rural LA offices access the land register and retrieve, process and provide needed land information

Table 3: Stepwise description of the generic land transaction process

4. OUTLINE OF PROCEDURES FOR SPECIFIC RURAL LAND TRANSACTIONS

As already mentioned under 2.3 above, the federal and regional land administration and use proclamations guarantee access to rural lands for those who intend to engage in agricultural activity. The right to ownership of rural land is vested with the state, citizens occupy land through possession rights held as perpetual use rights. Some rural land transactions will include transfer of these rights to another (group of) person(s) but some other land transactions will only limit/restrict 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:

4.1. 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 the 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 (land holder) - right (holding) - parcel* has to be deleted and replaced by a new one. 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 and with or without parcel sub-division)
- Divorce (with or without parcel sub-division)
- Gift (with or without parcel sub-division)
- Exchange
- Expropriation (with or without parcel sub-division)
- Reallocation
- Special Case: Land holding not registered at SLLC (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)

4.1.1. 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)

4.1.1.1. Rural land transaction through Bequeath/Inheritance with Will³¹

Transaction: Transfer of landholding rights through inheritance (succession) to 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 (depending on the number of heir(s) and on the size of the parcel, the parcel may have to be sub-divided).

Conditions for transaction (*in accordance with the relevant land administration and Use proclamation or regulation of the regional state concerned*)

- A family member means any 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 application for transfer of land holding rights by inheritance with will has to be displayed³² at the Kebele (and Woreda) land administration office. 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.
- If sub-division³³ is needed (and if the size of the parcels after sub-division are not less than the minimum size of an holding; otherwise the parcel cannot be sub-divided and the heirs will have to share the parcel), it will have to take place first; after sub-division of the parcel, the transfer of landholding rights through Bequeath/Inheritance will take place.

Required documents:

- Application form completed and signed by the heir(s)
- Physical presence of the heir(s) or representation with certified power of attorney
- Proof³⁴ of identity of the heir(s)
- Proof of marriage or of celibacy of the heir(s)
- Proof of death of the land holder
- Elders committee or woreda court statement on claim resolution, if applicable
- Authentic will determining who are the heirs and their respective rights
- Land holding certificate

Output documents:

New landholding certificate (including parcel index map), for each of the new land right holders (each of the heirs)

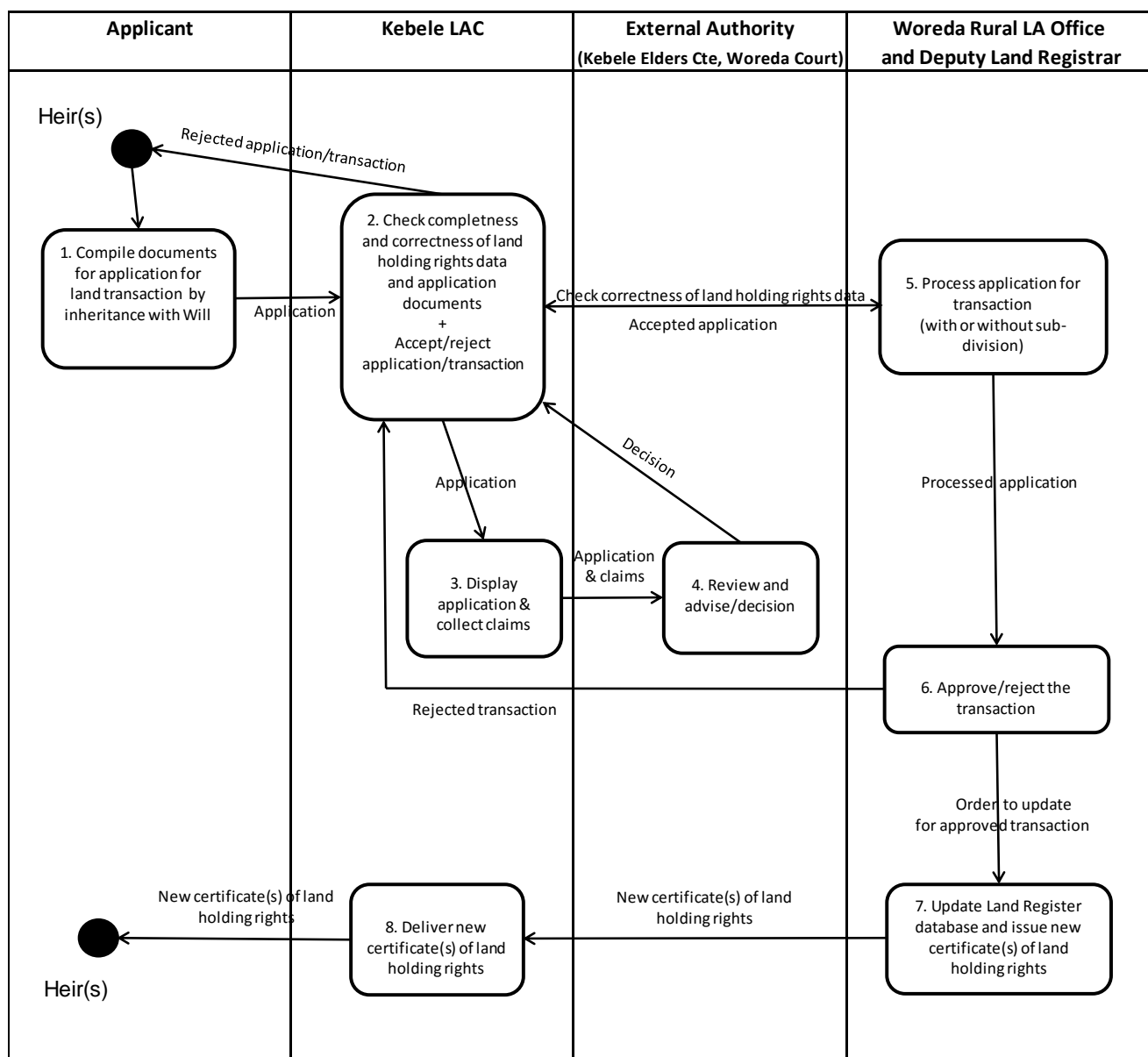
³¹ This land transaction is not possible in Tigray

³² The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

³³ The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

³⁴ Proof of identity, marriage, celibacy and death can vary with the different regional states (e.g. Elders witness; Community witness)

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



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 KLAC	Heir(s) ³⁵	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 or reject the application for transaction	KLAC and kebele LA expert in a region where LA expert is assigned	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 application and organise public hearing, and collect claims	KLAC and kebele LA expert in a region where LA expert is assigned	Application is put on display at kebele(and woreda) level ³⁶ . Claims against the application are recorded by the KLAC/kebeleLAexpert in a region where LA expert is assigned
4. Review, advise and decision 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 leader committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the heir(s)
5. Process the application for land transaction	Woreda LA expert in a region where LA expert is assigned	<ul style="list-style-type: none"> Based upon the land transaction application documents and decision received from the KLAC/kebeleLA expert in a region where LA expert is assigned This may involve spatial processing in case of sub-division of the parcel³⁷if there are more than one heir
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the heir(s)is/are then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA in a region where LA expert is assigned	Update (spatial & non-spatial) electronic records in the land register database ³⁸ and issue new certificate(s); this means apply electronic signature and seal/stamp of the (deputy) land registrar and print
8. Deliver new landholding certificate(s) to the heir(s)	KLAC band kebele LA expert in a region where LA expert is assigned	Output document is new landholding certificate(s).

³⁵ In all cases but in particular for vulnerable groups, the heir(s) can be assisted by a third party

³⁶The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

³⁷The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

³⁸ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

Application Form for land transaction through Bequeath/Inheritance with Will

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

Name of deceased land holder:

Name of the heir(s)	ID number	Marital Status	Parcel share (%)	Signature of the heir(s)

Required documents for the transaction

Physical presence or representation with certified Power of Attorney	
Proof of identity of the heir(s)	
Proof of marriage or of celibacy of the heir(s)	
Prove of death of the land holder	
Elders committee or woreda court statement on claim resolution	
Authentic will determining who are the heirs and their respective rights	
Land holding certificate	

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

4.1.1.2. Rural land transaction through Bequeath/Inheritance without Will

Transaction: Transfer of landholding rights through inheritance (succession) to member(s) of the family (heirs) of the land right holder. In this case, the land right holder has not prepared a will defining who are the heirs and what part of the parcel of land gets each heir (depending on the number of heir(s) and on the size of the parcel, the parcel may have to be sub-divided). 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 : (*in accordance with the relevant land administration and Use proclamation or regulation of the regional state concerned*)

- Family members mean any 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 a holding.
- The application for transfer of land holding rights by inheritance without will has to be displayed³⁹ at the kebele (and woreda) land administration office. Claims can be made on the succession; claims will have to be solved by the elders committee⁴⁰ and if still needed, by the woreda court.
- If sub-division⁴¹ is needed (and if the size of the parcels after sub-division are not less than the minimum size of an holding; otherwise the parcel cannot be sub-divided and the heirs will have to share the parcel), it will have to take place first; after sub-division of the parcel, the transfer of landholding rights through Bequeath/Inheritance will take place

Required documents:

- Application form completed and signed by the heir(s)
- Physical presence of the heir(s) or representation with certified power of attorney
- Proof⁴² of identity of the heir(s)
- Proof of marriage or of celibacy of the heir(s)
- Proof 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

Output documents:

New landholding certificate (including parcel index map), for each of the new land right holders (the heirs)

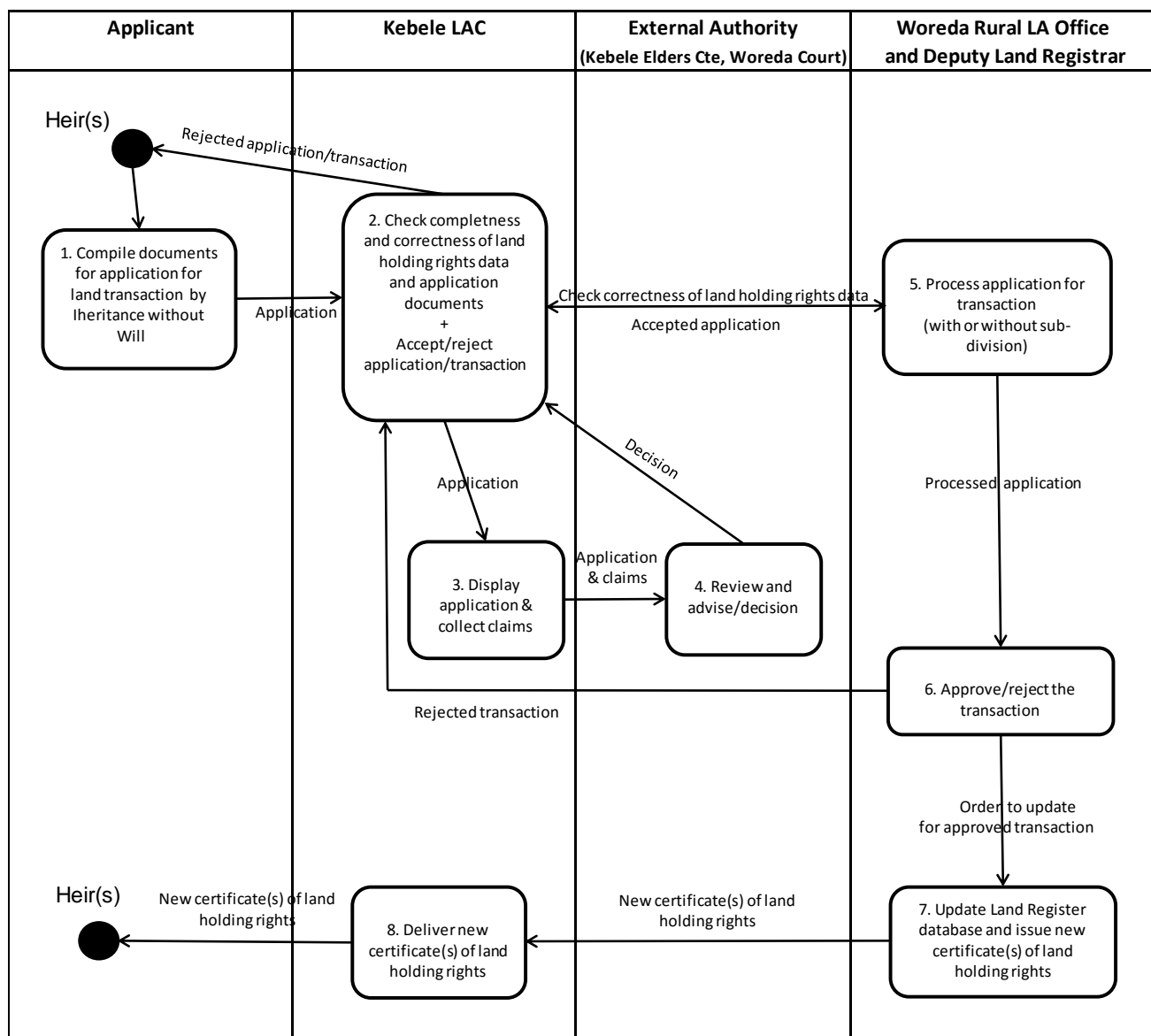
³⁹The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁴⁰ In the case of the Tigray regional state, it can also be the Rural kebele Judiciary Committee

⁴¹The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁴² Proof of identity, marriage, celibacy and death can vary with the different regional states (e.g. Elders witness; Community witness)

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



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	Heir(s) ⁴³	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 or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	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 organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele and woreda level ⁴⁴ . Claims against the application are recorded by the KLAC/kebeleLA expert in regions where kebele LA expert is assigned
4. Review, advise and decision on claims and on determining who are the heirs and their respective rights	Kebele elders committee ⁴⁵ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the kebele leaders committee then to the woreda court • In any case, the application is forwarded by the KLAC 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 expert in regions where kebele LA expert is assigned	<ul style="list-style-type: none"> • Based upon the land transaction application documents and (court) decision received from the KLAC/kebele LA expert in regions where kebele LA expert is assigned • This may involve spatial processing in case of sub-division⁴⁶ of the parcel if there are more than one heir
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the heir(s) is/are then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA expert in regions where kebele LA expert is assigned	Update (spatial & non-spatial) electronic records in the land register database ⁴⁷ and issue new certificate(s); this means apply electronic signature and seal/stamp of the (deputy) land registrar and print
8. Deliver new landholding certificate(s) to the heir(s)	KLAC and kebele LA officer in regions where kebele LA expert is assigned	Output document is new landholding certificate(s)

⁴³ In all cases but in particular for vulnerable groups, the Heir(s) can be assisted by a third party

⁴⁴ The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁴⁵ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁴⁶ The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁴⁷ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

FORM 2

Application Form for land transaction through Bequeath/Inheritance without Will

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

Name of deceased land holder:

Name of the heir(s)	ID number	Marital Status	Parcel share (%)	Signature of the heir(s)

Required documents for the transaction

Physical presence or representation with certified Power of Attorney	
Proof of identity of the heir(s)	
Proof of marriage or of celibacy of the heir(s)	
Prove of death of the land holder	
Woreda court decision determining who are the heirs and their respective rights	
Elders committee or woredacourt statement on claim resolution	
Land holding certificate	

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

4.1.2. Procedure for rural land transaction through Marriage

Transaction: Joining land holding rights through marriage.

- Someone (man or woman) having holding right on one or more parcels is marrying another person (who may or may not also have holding rights on one or more parcels); they will then have joined holding right on each of their parcels.
- This is thus the process of updating of the Land Register for the parcels hold by the spouses. Per parcel, the Land Register will have to be updated for the person's details of the other spouse (and his/her children if any); also, the date of the update should be registered.
- Remark 2: marriage is not the only case of joining land holding rights; the other case is the one of inheritance (bequeath; see 3.1.1 above) when the holding right has to be transferred to the heirs in the form of a joined holding right (*indivis* holding right), when the parcel(s) are too small to be sub-divided.

Conditions for transaction : *(in accordance with the relevant land administration and Use proclamation or regulation of the regional state concerned)*

- Referring to the Revised Family Code Proclamation 213/2000, it has to be noted that:
 - Art. 57: The property which the spouses possess on the day of their marriage or which they acquire after their marriage by succession or donation, shall remain their personal property.but also that:
 - Art. 63: All property shall be deemed to be common property even if registered in the name of one of the spouses unless such spouse proves that he is the sole owner thereof.
- The application for transfer of land holding rights by marriage has to be displayed⁴⁸ at the kebele (and woreda) land administration office. Claims can be made on the transaction; claims will have to be solved by the elders committee⁴⁹ and if still needed, by the woreda court.

Required documents:

- Application form completed and signed by the spouses
- Physical presence or representation with certified power of attorney
- Proof⁵⁰ of identity of the spouses
- Proof of marriage (certificate of marriage)
- Elders committee or woreda court statement on claim resolution, if applicable
- Land holding certificate of the parcel

Output documents:

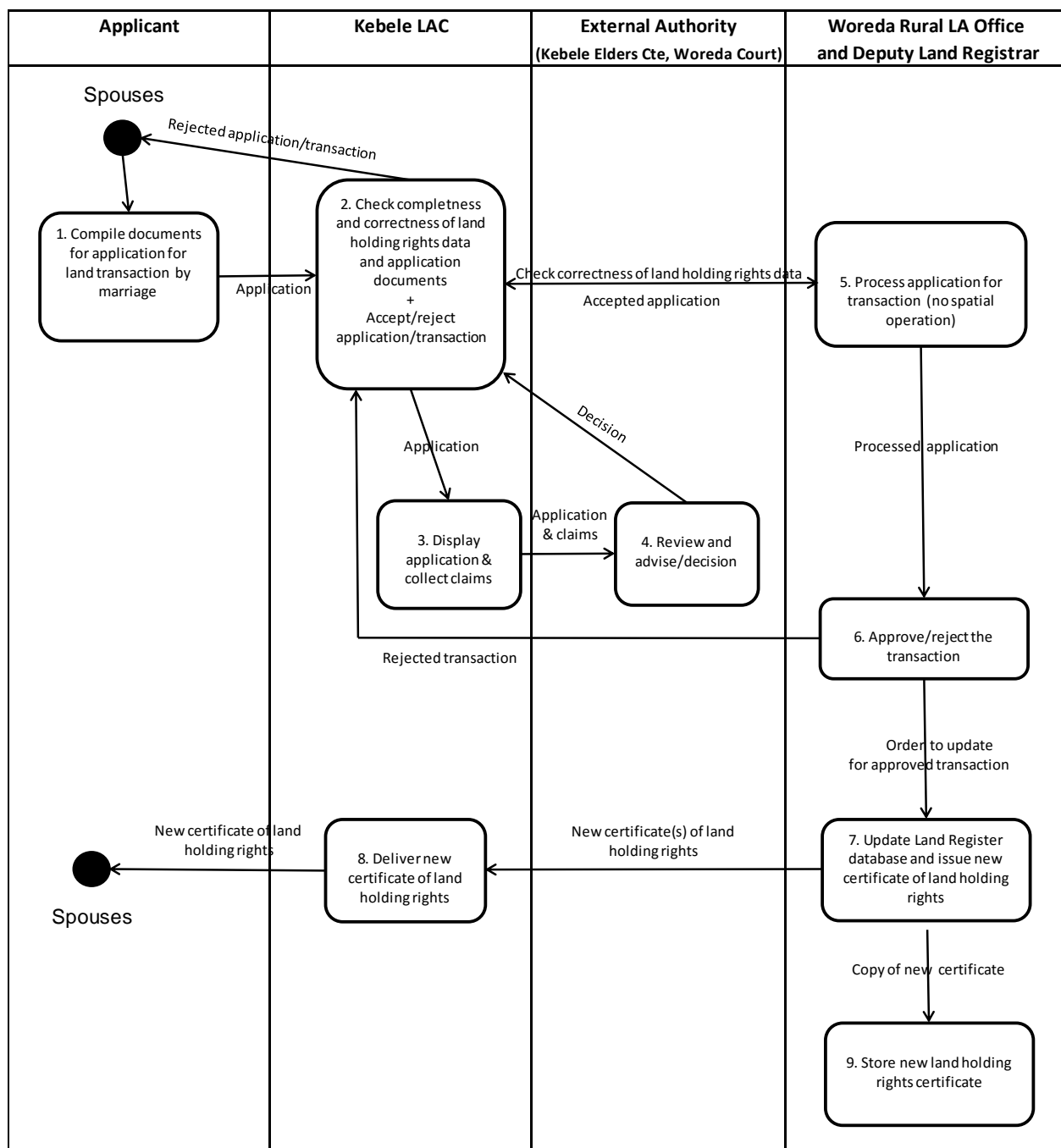
New landholding certificate for each parcel (including parcel index map).

⁴⁸The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁴⁹ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁵⁰ Proof of identity can vary with the different regional states (e.g. Elders witness; Community witness)

Diagrammatic description of the procedure of rural land transaction through Marriage



Step by step description of the procedure of rural land transaction through Marriage

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC	Spouses	Specific application form and documents required for the land transaction through marriage
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office. Rejected documents are sent to the spouses; possible iteration of Activities 1 and 2
3. Display the application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned .	Application is put on display at kebele (and woreda) level ⁵¹ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ⁵² and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the kebele leaders committee then to the woreda court • Decision/advise is forwarded to the KLAC which in turn will forward the decision to the spouses
5. Process the application for land transaction	Woreda LA expert	Based upon the land transaction application documents and decision received from the KLAC/kebele LA expert. In this case, no spatial operation is needed as it is only an update of the land register for the person's data of the joining spouse (and children if any)
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the spouses are then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Update land record in the land register and issue the new landholding certificate	Woreda LA expert	Update the electronic records in the land register database ⁵³ and issue a new certificate for the parcel concerned; this means apply electronic signature and seal/stamp of the (deputy) land registrar and print
8. Deliver new landholding certificate to the spouses	KLAC and kebele LA officer	Output document is new landholding certificate

⁵¹The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁵² In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁵³ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

FORM 3.1**Application Form for land transaction through Marriage**

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

Name of the spouses and children if any	ID number	Parcel share (%)	Signature of the spouses
1. Presently having holding right on the parcel			
2. Joining the holding right on the parcel			

Required documents for the transaction

Physical presence or representation with certified Power of Attorney	
Proof of identity of the spouses	
Proof of marriage (marriage certificate)	
Elders committee or Woreda court statement on claim resolution	
Land holding certificate	

Received and verified by the KLAC from Kebele:

.....

Date:

Stamp

Signature:

4.1.3. 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 (and on the size of the parcel), the parcel might have to be sub-divided.

Conditions for transaction : *(in accordance with the relevant land administration and Use proclamation or regulation of the regional state concerned)*

- Depending if both divorced spouses are holding the 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 application for transfer of land holding rights by inheritance without will has to be displayed⁵⁴ at the kebele (and woreda) land administration office. Claims can be made on the succession; claims will have to be solved by the elders committee⁵⁵ and if still needed, by the woreda court.
- If sub-division⁵⁶ is needed (and if the size of the parcels after sub-division are not less than the minimum size of an holding; otherwise the parcel cannot be sub-divided and the divorced spouses will have to share the parcel), it will have to take place first; after sub-division of the parcel, the transfer of landholding rights through divorce will take place

Required documents:

- Application form completed and signed by the divorced spouses
- Physical presence or representation with certified power of attorney
- Proof⁵⁷ of identity of the divorced spouses
- Proof of divorce
- Elders committee or woreda court statement on claim resolution, if applicable
- Land holding certificate

Output documents:

New landholding certificate (including parcel index map), for each of the new land right holder(s) (both the divorced spouses or only one of them)

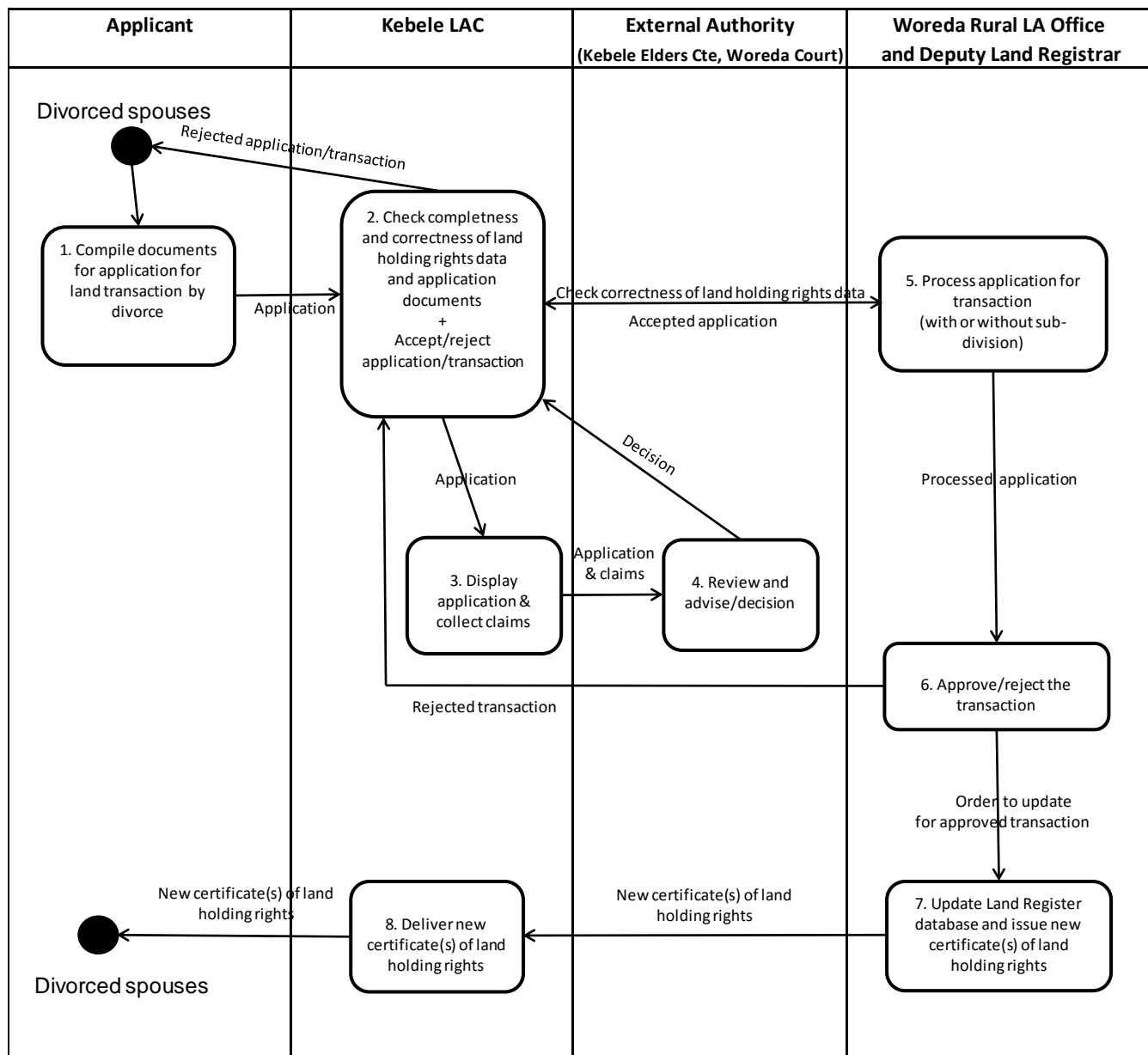
⁵⁴The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁵⁵ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁵⁶The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁵⁷ Proof of identity and divorce can vary with the different regional states (e.g. Elders witness; Community witness)

Diagrammatic description of the procedure of rural land transaction through Divorce



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

Activity description	Responsible actor	Remarks
9. Compile documents for application for land transaction and submit to KLAC	Divorced spouses ⁵⁸	Specific application form and documents required for the land transaction through divorce
10. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLACand kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office. Rejected documents are sent to the divorced spouses; possible iteration of Activities 1 and 2
11. Display the application and organise public hearings, and collect claims	KLACand kebele LA expert in regions where kebele LA expert is assigned .	Application is put on display at kebele(and woreda) level ⁵⁹ . Claims against the application are recorded by the KLAC/kebeleLA expert
12. Review, advise and decide on claims	Kebele elders committee ⁶⁰ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the kebele leaders committee then to the woreda court • Decision/advise is forwarded to the KLAC which in turn will forward the decision to the divorced spouses
13. Process the application for land transaction	Woreda LA expert	<ul style="list-style-type: none"> • Based upon the land transaction application documents and decision received from the KLAC/kebeleLA expert. • This may involve sub-division⁶¹ of the parcel in case of joint holding of the parcel by both divorced spouses • 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
14. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the divorced spouses are then informed through the KLAC/kebeleLA expert. Possible iteration of Activities 5 and 6
15. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA expert	Update (spatial & non-spatial) electronic records in the land register database ⁶² and issue new certificate(s); this means apply electronic signature and seal/stamp of the (deputy) land registrar and print
16. Deliver new landholding certificate(s) to the divorced spouses (or only to one of them in case of sole holding right)	KLACand kebele LA officer	Output document is new landholding certificate(s)

⁵⁸ In all cases but in particular vulnerable groups, the divorcing spouses can be assisted by a third party

⁵⁹The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁶⁰ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁶¹The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁶² A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

FORM 3.2**Application Form for land transaction through Divorce****Date of application****Parcel information**

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

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

Required documents for the transaction

Physical presence or representation with certified Power of Attorney	
Proof of identity of the divorced spouses	
Proof of divorce	
Elders committee or Woreda court statement on claim resolution	
Land holding certificate	

Received and verified by the KLAC from Kebele:

.....

Date:

Stamp

Signature:

4.1.4. 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 family members; in the case of gift to more than one family members (and depending on the size of the parcel), the parcel might have to be sub-divided.

Conditions for transaction: *(in accordance with the relevant land administration and Use proclamation or regulation of the regional state concerned)*

- Family members mean any 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 and the size of the remaining part of the original parcel should not be less than the minimum size of an holding
- The application for transfer of land holding rights by gift has to be displayed⁶³ at the kebele (and woreda) land administration office. Claims can be made on the land holding; claims will have to be solved by the elders committee⁶⁴ and if still needed, by the woreda court.
- If sub-division⁶⁵ is needed (and if the size of the parcels after sub-division are not less than the minimum size of an holding), it will have to take place first; after sub-division of the parcel, the transfer of landholding rights through gift will take place

Required documents:

- Application form completed and signed by the gift giver and recipient(s)
- Physical presence or representation with certified power of attorney
- Proof⁶⁶ of identity of the gift giver and recipient(s)
- Proof of marriage certificate or 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 landholding certificate (including parcel index map), for each of the new land right holders (gift giver and recipient(s) or only the latter)

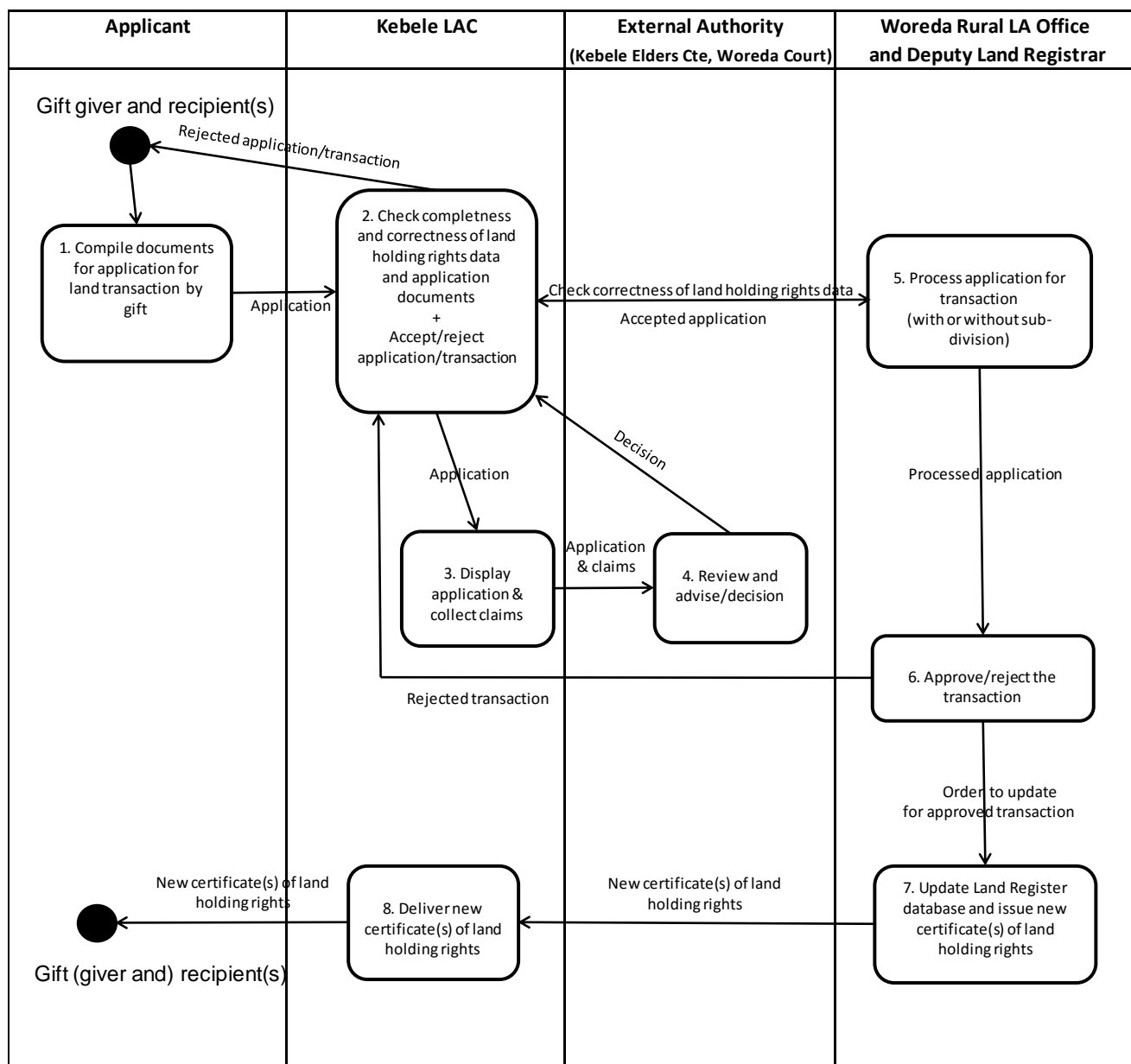
⁶³The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁶⁴ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁶⁵The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual)

⁶⁶ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

Diagrammatic description of the procedure of rural land transaction through Gift



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	Gift giver and recipient(s) ⁶⁷	Specific application form and documents required for the land transaction through gift
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the gift giver and recipient(s); possible iteration of Activities 1 and 2
3. Display the application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele (and Woreda) level ⁶⁸ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele leader's committee ⁶⁹ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele leader's committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the gift giver and recipient(s)
5. Process the application for land transaction	Woreda LA expert	<ul style="list-style-type: none"> Based upon the land transaction application documents and decision received from the KLAC/kebele LA expert. This may involve sub-division⁷⁰ of the parcel in case of more than one recipient or in case the gift giver gifts only part of the parcel
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the gift giver and recipient(s) are then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA expert	Update (spatial & non-spatial) electronic records in the land register database ⁷¹ and issue new certificate(s); this means apply electronic signature and seal/stamp of the (deputy) land registrar and print
8. Deliver new landholding certificate(s) to the gift (giver and) recipient(s)	KLAC and kebele LA expert	Output document is new landholding certificate(s)

⁶⁷ In all cases but in particular for vulnerable groups, both parties can be assisted by a third party

⁶⁸ The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁶⁹ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁷⁰ The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁷¹ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

Application Form for land transaction through Gift

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

Name of the land holder (gift giver)	ID number	Marital Status	Parcel share (%)	Signature of the land holder

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

Required documents for the transaction

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

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

4.1.5. Procedure for rural land transaction through Exchange

Transaction: Transfer of rural land holding rights through exchange, between two land holders, of parcels located in the same woreda⁷². Rationales for exchange can be reducing the distance from home to the land or regrouping small parcels (land consolidation) to make them more convenient to improve the use of the land.

Conditions for transaction : *(in accordance with the relevant land administration and Use proclamation or regulation of the regional state concerned)*

- The two parcels to be exchanged should be located in the same woreda
- The rationales for exchange should contribute to improving the use of the land.
- The application for transfer of land holding rights by exchange has to be displayed⁷³ at the kebele (and woreda) land administration office.

Required documents:

- Application form completed and signed by both land holders willing to exchange their parcels
- Physical presence or representation with certified power of attorney
- Proof⁷⁴ of identity of both land holders willing to exchange their parcels
- Proof of marriage or of celibacy of both land holders willing to exchange their parcels
- Elders committee or woreda court statement on claim resolution, if applicable
- Land holding certificates

Output documents:

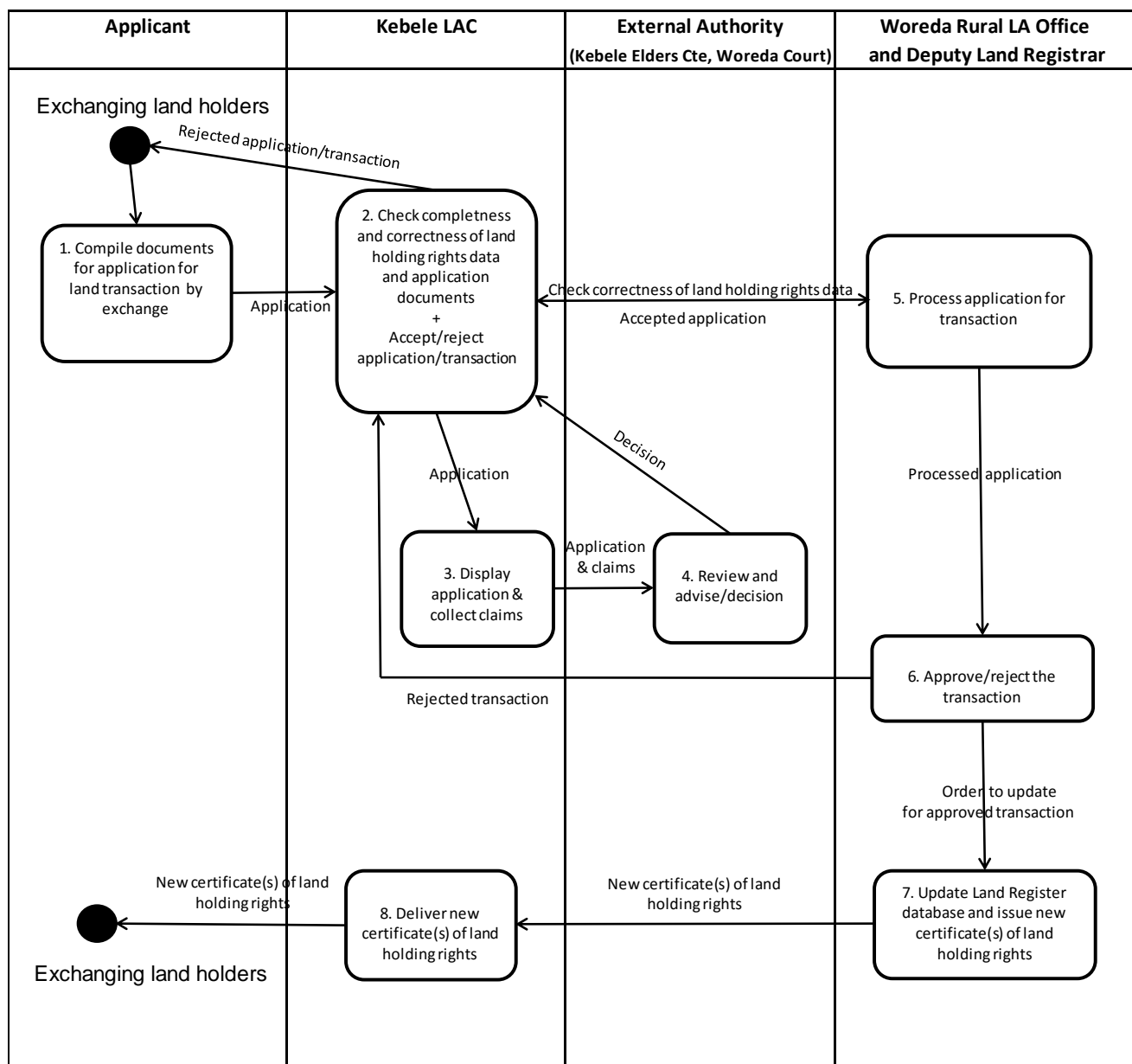
New landholding certificate (including parcel index map), for each of the new land right holders (both land holders exchanging their parcels)

⁷² Depending on the regional state it can vary from holding land “in the same kebele” to “in the same woreda” and even to “in different woredas”

⁷³ The duration of the application’s display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁷⁴ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

Diagrammatic description of the procedure of rural land transaction through Exchange



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	Land holders ⁷⁵ willing to exchange their parcels	Specific application form and documents required for the land transaction through exchange
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	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 application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele(and Woreda) level ⁷⁶ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	kebele elders committee ⁷⁷ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the kebele leaders committee then to the woreda court • Decision/advise is forwarded to the KLAC 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 expert	Based upon the land transaction application documents and decision received from the KLAC/kebele LA expert.
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the land holders willing to exchange their parcels are then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA expert	Update (only non-spatial) electronic records in the land register ⁷⁸ and issue new certificate(s); this means apply electronic signature and seal/stamp of the (deputy) land registrar and print
8. Deliver new landholding certificate(s) to the land holders willing to exchange their parcels	KLACand kebele LA expert	Output document is new landholding certificate(s)

⁷⁵ In all cases but in particular for vulnerable groups, the exchanging land holders can be assisted by a third party

⁷⁶The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁷⁷ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁷⁸ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

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

Date of application

Parcel 1 information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person 1 information

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

Parcel 2 information

UPI	
Region	
Zone	
Woreda	
Kebele	

Person 2 information

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

Required documents for the transaction

Physical presence or representation with certified Power of Attorney	
Proof of identity of the land holders willing to exchange their parcels	
Proof of marriage or of celibacy of the land holders willing to exchange their parcels	
Elders committee or woreda court statement on claim resolution	
Land holding certificate for each parcel	

Received and verified by KLAC from Kebele:

Date:

Stamp

4.1.6. 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 objective. This expropriation should go along with advanced payment of proper compensation and/or re-allocation of new land of equal value somewhere else in the same woreda⁷⁹. Expropriation of part of a land holding will require parcel sub-division.

Conditions for transaction : (*in accordance with the relevant land administration and Use proclamation or regulation of the regional state concerned and with the “Expropriation of land holdings for public purposes and payment of compensation” federal Proclamation 455/2005*)

- 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
- If sub-division⁸⁰ is needed (and if the size of the parcels after sub-division are not less than the minimum size of an holding), it will have to take place first; after sub-division of the parcel, the transfer of land holding rights through expropriation will take place
- The application for transfer of land holding rights by expropriation has to be displayed⁸¹ at the kebele (and woreda) land administration office.

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
- Land holding certificate

Output documents:

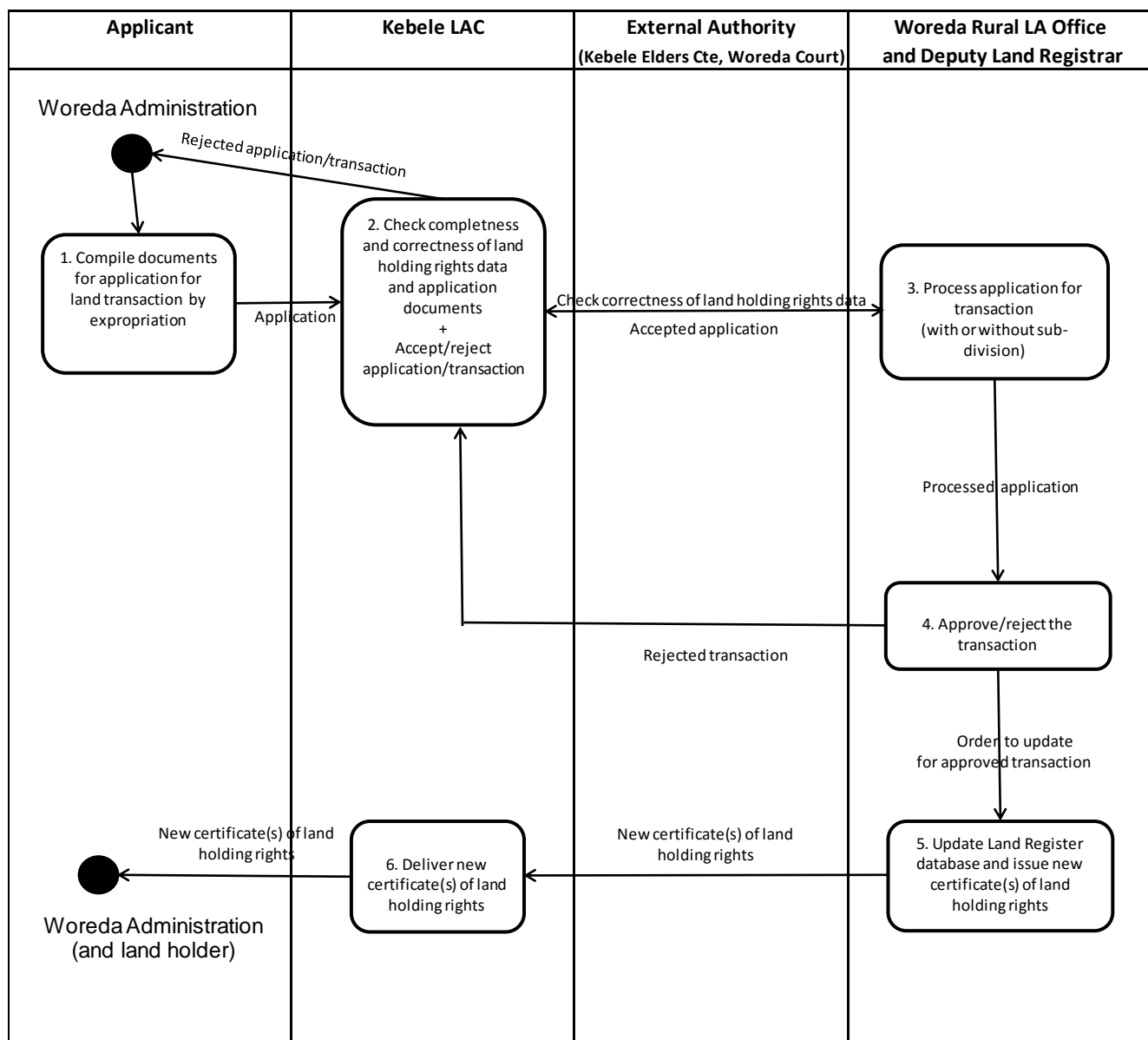
New land holding certificate (including parcel index map), for the woreda administration and for the land holder in case of partial expropriation (part of the parcel being not expropriated)

⁷⁹ Depending on the regional state, this can vary from “in the same woreda” to “in the same zone or even in the same region”

⁸⁰The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁸¹ Although it is a decision of public interest and consequently claims are not receivable on the expropriation, it is important to display the information in case claims could be raised in terms of boundaries correction or encumbrances. The duration of the application’s display period is stated in the respective Regional Rural Lands Proclamations/Regulations

Diagrammatic description of the procedure of rural land transaction through Expropriation



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	Representative of the woreda administration	Specific application form and documents required for the land transaction through expropriation
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	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 application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele (and Woreda) level ⁸² . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ⁸³ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele leader's committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the woreda administration
5. Process the application for land transaction	Woreda LA expert	<ul style="list-style-type: none"> Based upon the land transaction application documents received from the KLAC/kebele LA expert. This may involve sub-division⁸⁴ of the parcel in case there is expropriation of only part of the parcel
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	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/kebele LA expert. Possible iteration of Activities 5 and 6
7. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA expert	Update (spatial & non-spatial) electronic records in the land register ⁸⁵ and issue new certificate(s)
8. Deliver new landholding certificate(s) to the woreda administration (and to the land holder for the remaining part of the parcel if it is a partial expropriation)	KLAC and kebele LA expert	Output document is new landholding certificate(s)

⁸²The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁸³ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁸⁴The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁸⁵ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

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 number	
Region	
Zone	
Woreda	
Kebele	

Person's information

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

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

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	
Land holding certificate	

Received and verified by the KLAC from Kebele:

.....

Date:

Stamp

Signature:

4.1.7. Procedure for rural land transaction through Reallocation

Transaction: Transfer of rural land holding rights through reallocation by the authority concerned (kebele administration, after verification by woreda administration). 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 settlement or is not using and protecting his/her land for a number of years (and after warning). Alternatively and following consultation with the community, the authority concerned can also decide to reallocate (degraded) communal land. The land is then (re-)allocated a landless farmer/pastoralist.

Conditions for transaction : *(in accordance with the relevant land administration and use proclamation or regulation of the regional state concerned)*

- 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 settlement, or if a land holder is not using and protecting his/her land for a number of years (and after warning), the authority concerned can decide to confiscate and reallocate⁸⁶ the rural land holding. Also and after consultation with the community, the authority concerned can decide to reallocate (degraded) communal land.
- The reallocation study is executed by the KLAC and submitted to the kebele administration for decision on reallocation (after verification with the woreda administration). The decision of reallocation of a land holding has to be displayed at the kebele (and woreda) land administration office⁸⁷.
- If sub-division⁸⁸ is needed (e.g. reallocation of part of the communal land, and if the size of the parcels after sub-division are not less than the minimum size of an holding), it will have to take place first; after sub-division of the parcel, the transfer of land holding rights through reallocation will take place

Required documents:

- Application form completed and signed by the representative of the kebele administration
- Decision to reallocate the rural land holding by the kebele administration.
- Elders committee or woreda court statement on claim resolution, if applicable
- Proof⁸⁹ of identity, marriage or of celibacy of the new land holder (to whom the land is reallocated)
- Land holding certificate

Output documents:

⁸⁶In the case of the Federal RLAS Manual, confiscation and reallocation are treated under the same land transaction (reallocation) but can be differently treated in the respective Regional RLAS Manuals.

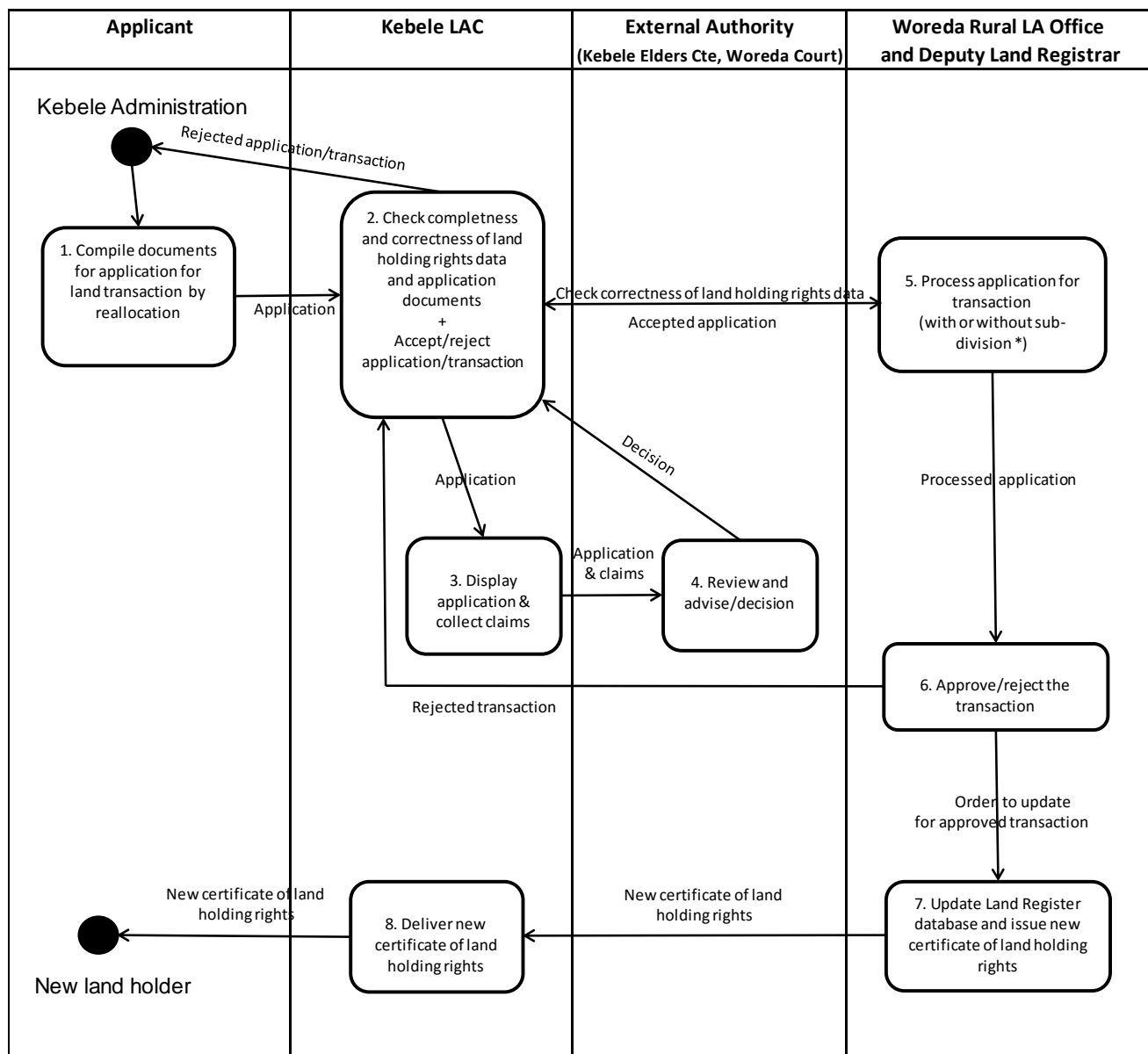
⁸⁷The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁸⁸The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWORLAIS User Manual

⁸⁹Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

New landholding certificate (including parcel index map), for the new land holder (who has been reallocated the land)

Diagrammatic description of the procedure of rural land transaction through Reallocation



* In case of reallocation of part of communal land

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	Representative of the kebele administration	Specific application form and documents required for the land transaction through reallocation
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	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 organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele (and Woreda) level ⁹⁰ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ⁹¹ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele leaders committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the Representative of the kebele administration
5. Process the application for land transaction	Woreda LA expert	<ul style="list-style-type: none"> Based upon the land transaction application documents and decision received from the KLAC/kebele LA expert. This may involve sub-division⁹² of the parcel in case it concerns reallocation of part of the communal land
6. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the representative of the kebele administration is then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA expert	Update (spatial & non-spatial) electronic records in the land register ⁹³ and issue new certificate(s)
8. Deliver new landholding certificate to the new land holder	KLAC and kebele LA expert	Output document is new landholding certificate ⁹⁴

⁹⁰The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁹¹ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

⁹²The detailed procedure for the spatial operation sub-division of parcel is highlighted in the iWOLAIS User Manual

⁹³ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

⁹⁴ In case of reallocation of part of communal land, the corresponding electronic record in the land register will have to be updated too and a new land holding certificate (with a new index map of the communal land) delivered to the kebele administration

Application Form for land transaction through Reallocation

Date of application

Submitted by the Kebele Administration

Name of Kebele, Woreda and Region:

Signature of Kebele Representative:

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

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

Name of the new land holder	ID 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 administration	
Elders committee or Woreda court statement on claim resolution	
Proof of identity, marriage or celibacy of the new land holder (to whom the land is reallocated)	
Land holding certificate	

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

4.1.8. Special case's procedure for rural land transaction

Remark: 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. Therefore, this rural 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.

Transaction: During the SLLC process, a parcel could not be registered because the right holder was not present during the adjudication process. The parcel has been demarcated (and an UPI allocated to it) but not adjudicated and thus not registered.

Conditions for transaction: *(in accordance with the relevant Land Administration and Use Proclamation or Regulation of the Regional State concerned)*

- Two cases can occur:
 1. After some time the right holder realises his/her mistake and claims the land holding right on the parcel and wants to receive the corresponding Land Holding Certificate; in that case the parcel has still to be adjudicated and then registered. This process is similar to the one applied for the SLLC (but without demarcation as it has already been done)
 2. If nobody claims the parcel, the tenure right on the parcel comes back to the State and the parcel can be reallocated.

The special cases' procedure for rural land transaction will be only concerned with case 1 above. For case 2 above, the procedure for rural land transaction through Reallocation will be applied.

- The application for transfer of land holding rights by Special cases 'procedure has to be displayed⁹⁵ at the kebele (and woreda) land administration office.

Required documents:

- Application form completed and signed by the (claiming) land holder
- Physical presence or representation with certified Power of Attorney
- Elders Committee or Woreda Court statement on claim resolution, if applicable
- Proof⁹⁶ of identity, marriage or of celibacy of the (claiming) land holder
- Proof of land holding right on the parcel from 1st level land registration (i.e. Green Book)

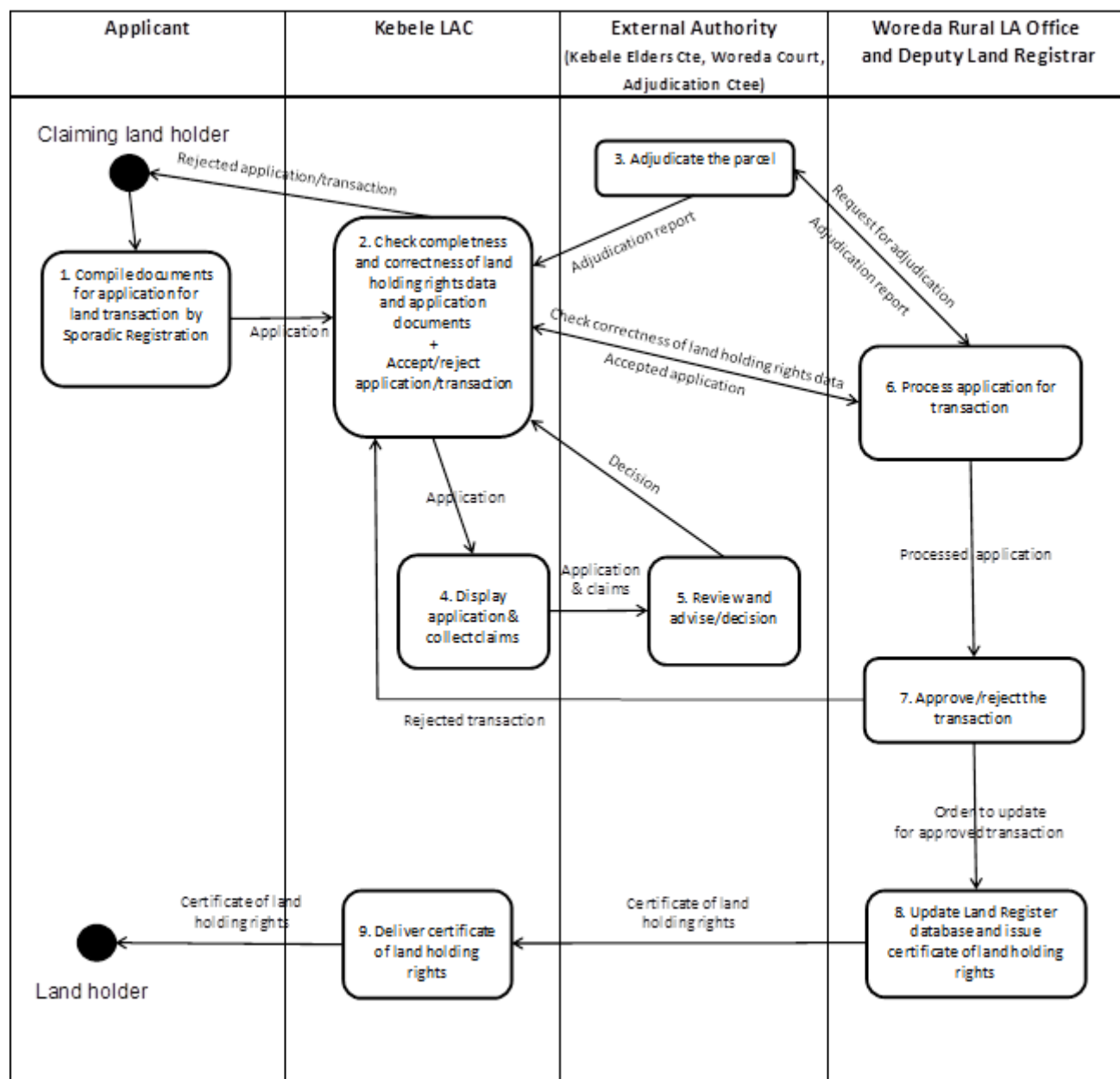
Output documents:

Land Holding Certificate (including Parcel Index Map), for the claiming land holder

⁹⁵The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁹⁶ Proofs of identity, marriage and celibacy can vary with the different Regional States (e.g. Elders witness; Community witness)

Diagrammatic description of the Special cases' procedure for rural land transaction



Step by step description of the Special cases' procedure for rural land transaction

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC	Claiming land holder	Specific application form and documents required for the land transaction Sporadic Registration
2. Check completeness and correctness of land holding data and application documents with Woreda LA Office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the Woreda LA Office for info. Rejected documents are sent to the Claiming land holder; possible iteration of activities 1 and 2
3. Adjudicate the claimed parcel	Adjudication Committee	This involves the presence of the Claiming land holder and of the land holders of the adjacent parcels. An adjudication report is compiled.
4. Display the application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at Kebele (and Woreda) level ⁹⁷ . Claims against the application are recorded by the KLAC/kebele LA expert
5. Review, advise and decide on claims	Kebele Elders Committee ⁹⁸ 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 which in turn will forward the decision to the Claiming land holder
6. Process the application for land transaction	Woreda LA expert	Based upon the land transaction application documents, the adjudication report and the decision received from the KLAC/kebele LA expert.
7. Approve the land transaction and order to update the Land Register	Woreda Deputy Land Registrar	If the land transaction is refused, the Claiming land holder is then informed through the KLAC/kebele LA expert. Possible iteration of Activities 6 and 7
8. Update land record in the Land Register and issue the Land Holding Certificate	Woreda LA expert	Update (spatial & non-spatial) electronic records in the Land Register ⁹⁹ and issue the Certificate
9. Deliver Land Holding Certificate to the Land holder	KLAC and kebele LA expert	Output document is the Land Holding Certificate

⁹⁷The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

⁹⁸ In the case of the Tigray Regional State, it can also be the Rural Kebele Judiciary Committee

⁹⁹ A print-out (copy) of the updated electronic records in the Land Register database is regularly made to update the Books at woreda and kebele land administration offices.

FORM 8**Application Form for Special cases' rural land transaction**

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Person's information

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

Required documents for the transaction

Physical presence or representation with certified Power of Attorney	
Elders Committee or Woreda Court statement on claim resolution	
Proof of identity, marriage or celibacy of the new land holder (to whom the land is reallocated)	
Proof of land holding right on the parcel from 1 st level land registration (i.e. Green Book)	

Received and verified by the KLAC from Kebele:

.....

Date:

Signature:

Stamp

4.2. 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 the state is not transferred to another person (or group of persons) but the right is limited/restricted by means of an encumbrance¹⁰⁰.

An encumbrance should be registered in the land register as an annotation in the electronic land record showing the relationship *person (land holder) - right (holding) - parcel*. Although it is not a transfer of holding right, the encumbrance need to be publically advertised to avoid illegal actions and to ensure that everyone is aware of the encumbrance on the parcel; there is however 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 (sub-lease)
- Servitude/easement
- Other restrictive interests

4.2.1. Procedure for rural land transaction through Rent/Lease

Remark: In this Federal Manual for Maintenance of Rural Land Records, rent (from farmer to farmer) and lease (from farmer to investor or from State to investor) are treated under the same land transaction (rent) with limitation/restriction of rights but rent and lease can be differently treated in the respective Regional Manuals for Maintenance of Rural Land Records.

Transaction: A land right holder can rent/lease, 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.

Conditions for transaction : *(in accordance with the relevant land administration and use proclamation or regulation of the regional state concerned)*

- A land rental/lease agreement has to be concluded at the kebele/woreda level¹⁰¹ and registered as an encumbrance on the parcel in the land register. Land rental agreements (see examples in appendices 1 [Cash rental agreement] and 2 [Crop sharing rental agreement]) are available at the kebele and woreda land administration offices.
- 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/leasing can only be done to other farmers or investors
- In case of rent/lease of part of a parcel there is no need for physical sub-division of the parcel; only a corresponding annotation is entered in the land register

¹⁰⁰Right or interest that exists in someone other than the land holder and restricts the transfer of the rights on land

¹⁰¹Depending on the regional state the rental agreement needs to be registered at kebele or at woreda level, also depending on the length of the rental period

- Although rent/lease is not a transfer of holding rights but only a restriction on this right, the transaction needs to be displayed¹⁰² for claims to avoid illegal actions and to ensure that everyone is aware of the encumbrance on the parcel (e.g. in case of inheritance during the rental period).
- When the rental/lease is terminated the encumbrance annotation should be removed from the land register

Required documents:

- Application form completed and signed by the Lessor and by the Lessee
- Land rental agreement completed and signed by the Lessor and by the Lessee
- Physical presence or representation with certified Power of Attorney
- Proof¹⁰³ of identity of the Lessor and of the Lessee
- Proof of marriage or of celibacy of Lessor and Lessee
- Land holding certificate

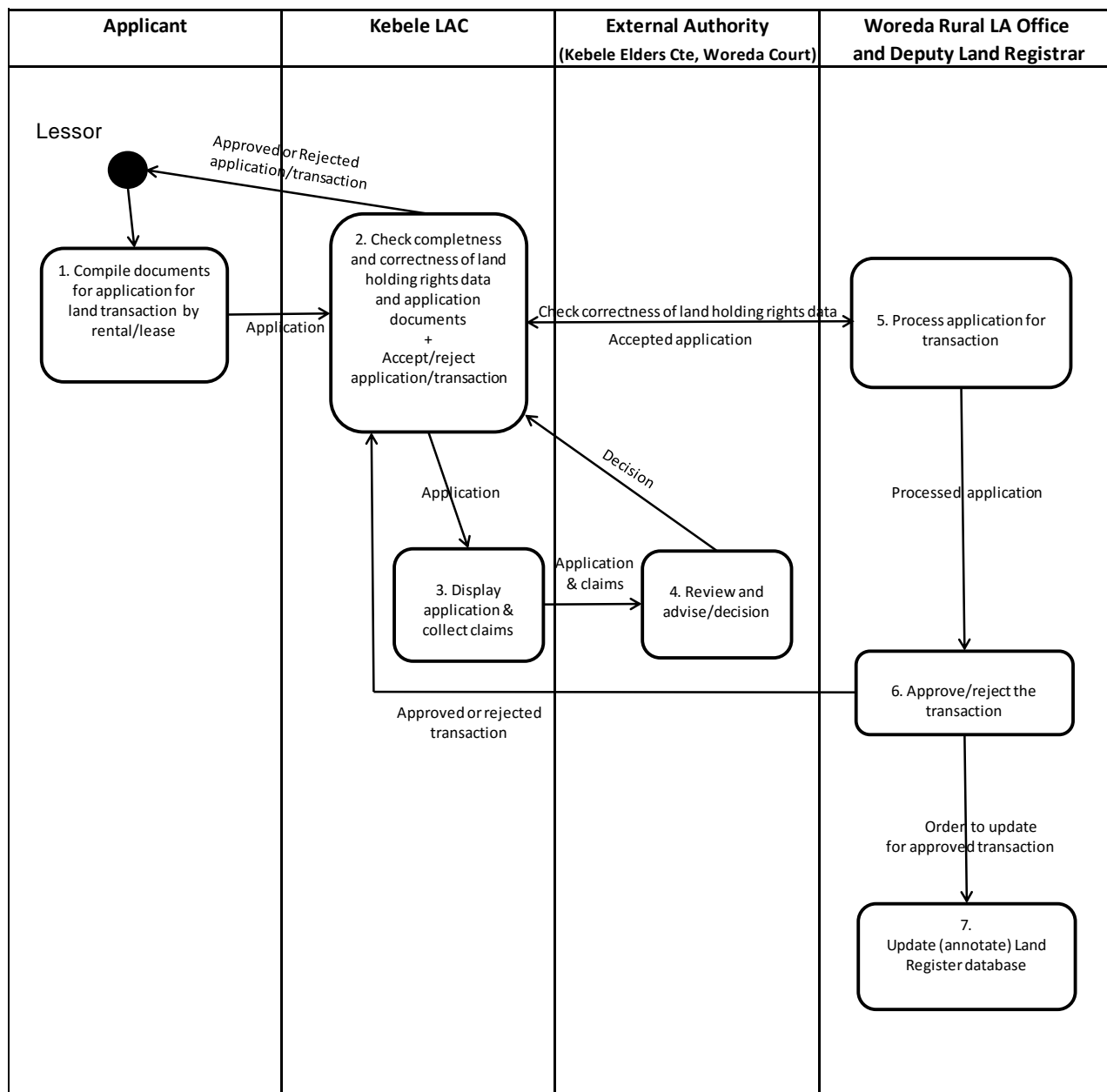
Output documents:

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 Lessee, starting and end date of the rental/lease).

¹⁰²The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹⁰³ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

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



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 KLAC	Lessor ¹⁰⁴	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 woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the Lessor; possible iteration of Activities 1 and 2
3. Display the application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele (and Woreda) level ¹⁰⁵ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ¹⁰⁶ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> • In case of claim, first to the kebele leader's committee then to the woreda court • Decision/advise is forwarded to the KLAC which in turn will forward the decision to the Representative of the kebele administration
5. Process the application for land transaction	Woreda LA expert	Based upon the land transaction application documents received from the KLAC/kebele LA expert.
6. Approve the land transaction and order to annotate the land register	Woreda deputy land registrar	In both cases of approval or rejection of the land transaction, the Lessor and the Lessee are then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Annotate land record in the land register	Woreda LA expert	Update (annotate) the electronic record in the land register ¹⁰⁷ (Lessee data, starting date and duration of rent/lease)

¹⁰⁴In all cases but in particular for vulnerable groups, both parties (lessor and lessee) can be assisted by a third party

¹⁰⁵The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹⁰⁶ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

¹⁰⁷ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

FORM 9**Application Form for land transaction through Rent/Lease**

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Rent/Lease information

- Part of the parcel to be rented/leased and size:
- Starting and end date of rent/lease:

Person's information

Name of the Lessor	ID number	Marital Status	Signature of the Lessor

Name of the Lessee	ID number	Marital Status	Signature of the Lessee

Required documents for the transaction

Land rental agreement	
Proof of identity of the Lessor and of the Lessee	
Proof of marriage or of celibacy of Lessor and Lessee	
Land holding certificate	

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

4.2.2. 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 : *(in accordance with the relevant land administration and use proclamation or regulation of the regional state concerned).*

- A servitude/easement has to be requested at KLAC level and registered as an encumbrance annotation in the land register.
- Although servitude/easement is not a transfer of holding rights but only a restriction on this right, the transaction needs to be displayed¹⁰⁸ for claims or to ensure that everyone is aware of the encumbrance on the parcel.
- 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.

Required documents:

- Application form completed and signed by the third party (natural or legal persons, public or private) requesting the servitude/easement and of the landholder of the servient parcel.
- Physical presence or representation with certified power of attorney
- Proof¹⁰⁹ of identity of the requesting third party and of the land holder of the servient parcel
- Proof of marriage or of celibacy for both parties
- Land holding certificate

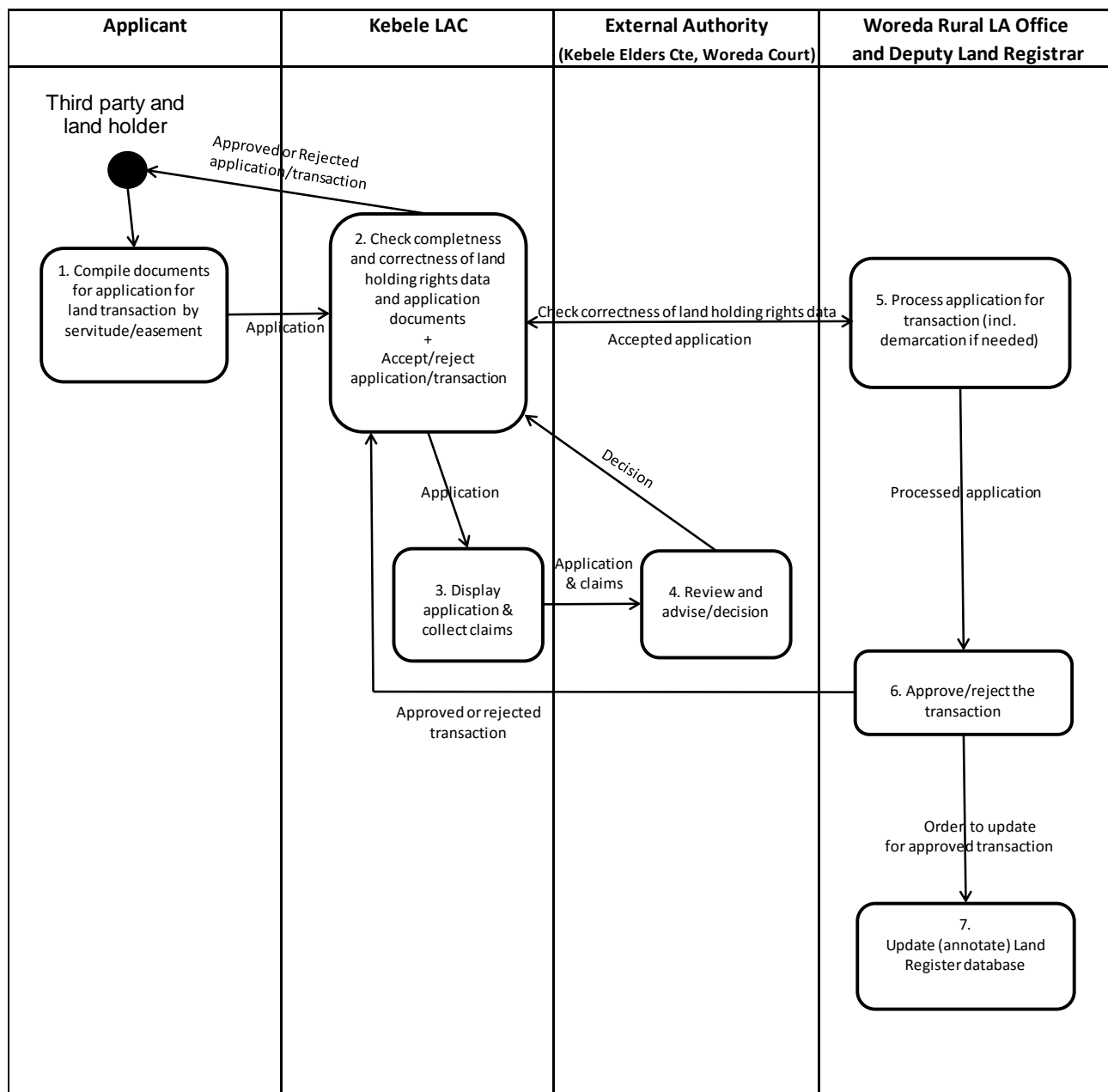
Output documents:

- 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 third party, starting and end date of the servitude/easement).

¹⁰⁸The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹⁰⁹ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

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



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	Third party and land holder ¹¹⁰	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 or /reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the Third party and land holder; possible iteration of Activities 1 and 2
3. Display the application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele(and Woreda) level ¹¹¹ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ¹¹² and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele leader's committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the Representative of the kebele administration
5. Process the application for land transaction	Woreda LA expert	<ul style="list-style-type: none"> Based upon the land transaction application documents received from the KLAC/kebele LA expert This may involve demarcation of the servitude/easement
6. Approve the land transaction and order to annotate the land register	Woreda deputy land registrar	In both cases of approval or rejection of the land transaction, the Third party and the landholder are then informed through the KLAC/ Possible iteration of Activities 5 and 6
7. Annotate land record in the land register	Woreda LA expert	Update (annotate) the electronic record in the land register ¹¹³ (third party data, starting date and duration of servitude/easement)

¹¹⁰In all cases but in particular for vulnerable groups, the land holder can be assisted by a third party

¹¹¹The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹¹² In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

¹¹³ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

FORM 10**Application Form for land transaction through Servitude/Easement**

Date of application

Parcel information (servient parcel)

UPI number	
Region	
Zone	
Woreda	
Kebele	

Servitude/Easement information

- Type of servitude/easement:
- Starting and end date of servitude/easement:

Person's information

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

Name of the Third party	ID 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	
Proof of marriage or of celibacy of Lessor and Lessee	
Land holding certificate	

Received and verified by the KLAC from Kebele:

Date:

Signature:

Stamp

4.2.3. Procedure for rural land transaction due to other Restrictive Interests

Transaction: Restrictive interests are any agreement (authorised 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 judgement).

Conditions for transaction : (*in accordance with the relevant land administration and use proclamation or regulation of the regional state*).

- Restrictive interests have to be requested at the KLAC level and registered as an encumbrance annotation in the land register.
- Although restrictive interests are not a transfer of holding rights but only a restriction on this right, the transaction still needs to be displayed¹¹⁴ for claims or to ensure that everyone is aware of the encumbrance on the parcel.
- When the restrictive interests are terminated the encumbrance annotation should be removed from the land register.

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 or representation with certified power of attorney.
- Proof¹¹⁵ of identity of the requesting third party and of the land holder of the parcel.
- Proof of marriage or of celibacy for both parties (unless it is a court decision or a request from a legal person).
- Restrictive interest's agreement between the parties or court decision
- Land holding certificate.

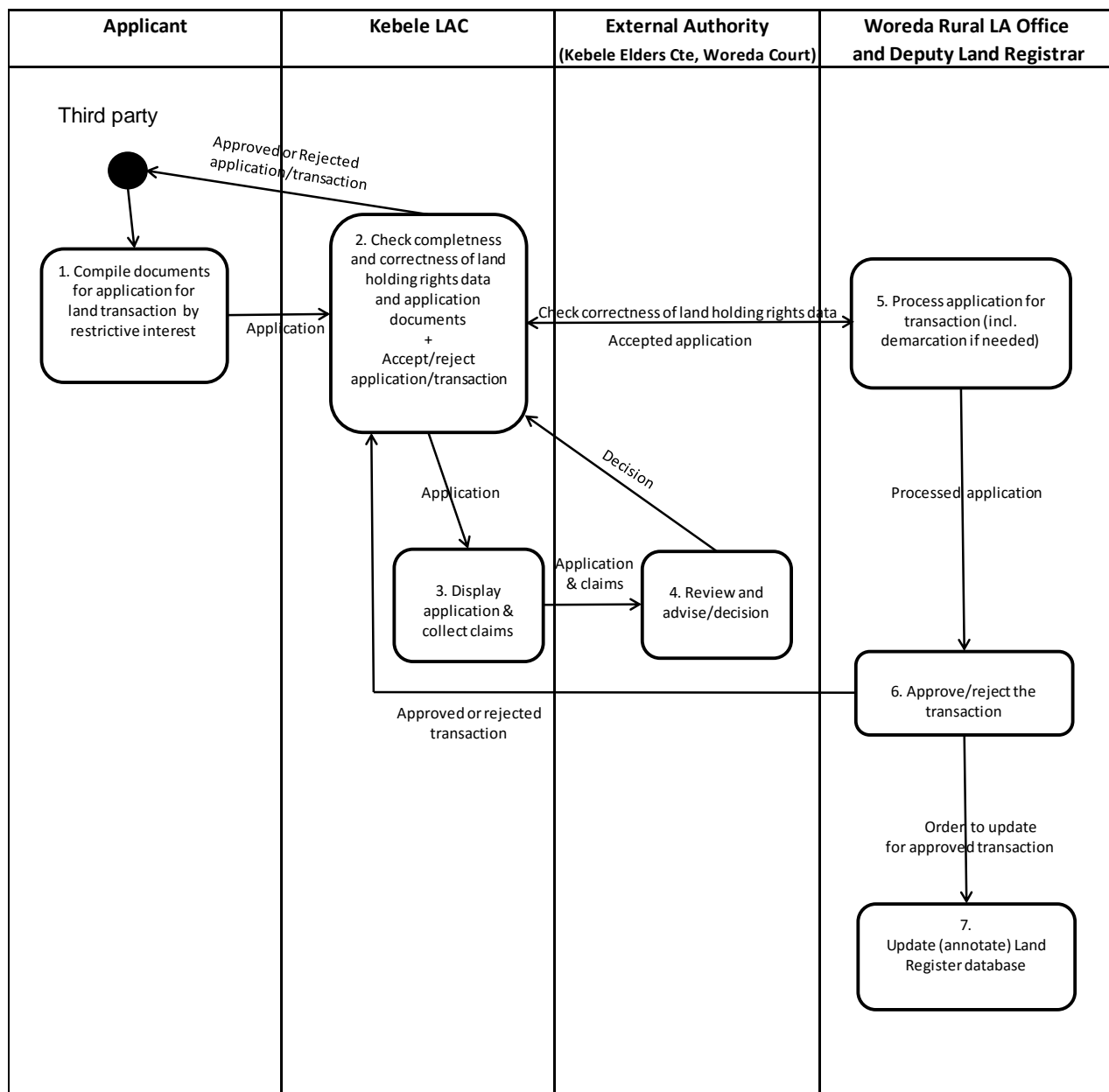
Output documents:

- 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 third party, starting and end date of the restrictive interest).

¹¹⁴The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹¹⁵ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

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



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	Third party ¹¹⁶	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 or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the third party; possible iteration of Activities 1 and 2
3. Display the application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele (and Woreda) level ¹¹⁷ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ¹¹⁸ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele leader's committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the representative of the kebele administration
5. Process the application for land transaction	Woreda LA expert	Based upon the land transaction application documents received from the KLAC/kebele LA expert.
6. Approve the land transaction and order to annotate the land register	Woreda deputy land registrar	In both cases of approval or rejection of the land transaction, the third party and the landholder are then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Annotate land record in the land register	Woreda LA expert	Update (annotate) the electronic record in the land register ¹¹⁹ (third party data, starting date and duration of servitude/easement)

¹¹⁶In all cases but in particular for vulnerable groups, the land holder can be assisted by a third party

¹¹⁷The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹¹⁸In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

¹¹⁹A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

Application Form for land transaction through restrictive interest

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Restrictive interest information

- Type of Restrictive interest:
- Starting and end date of Restrictive interest:

Person's information

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

Name of the Third party	ID 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	
Proof of marriage or of celibacy for both parties (unless it is a court decision or a request from a legal person)	
Restrictive interest's Agreement between the parties	
Court decision	
Land holding certificate	

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

4.3. Procedures for recording corrections or changes in parcel spatial configuration

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, consolidation (merge) of parcels will almost always been combined with a transfer of rights transaction (anterior to the consolidation process) 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 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: the land record showing the original relationship person-right-parcel has to be corrected (e.g. wrongly spelled name).

The rural land transactions concerned with changes in spatial configuration¹²⁰of the parcel or with corrections are:

- Consolidation (merge) of parcels
- Boundaries correction
- Corrections (textual; spatial)
- Replacement of certificate

4.3.1. Procedure for rural land transaction through Consolidation/Merge of parcels

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, need to be adjacent to each other and need to have the same land use. 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 transaction :*(in accordance with the relevant land administration and use proclamation or regulation of the regional state concerned)*

- Parcel consolidation/merge does not require field demarcation but modification of the spatial component in the land register and provision of a new UPIN for the newly created parcel (the UPIN of one of the parcels that have been merged)
- As parcel consolidation/merge is not a transfer 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 or representation with certified power of attorney

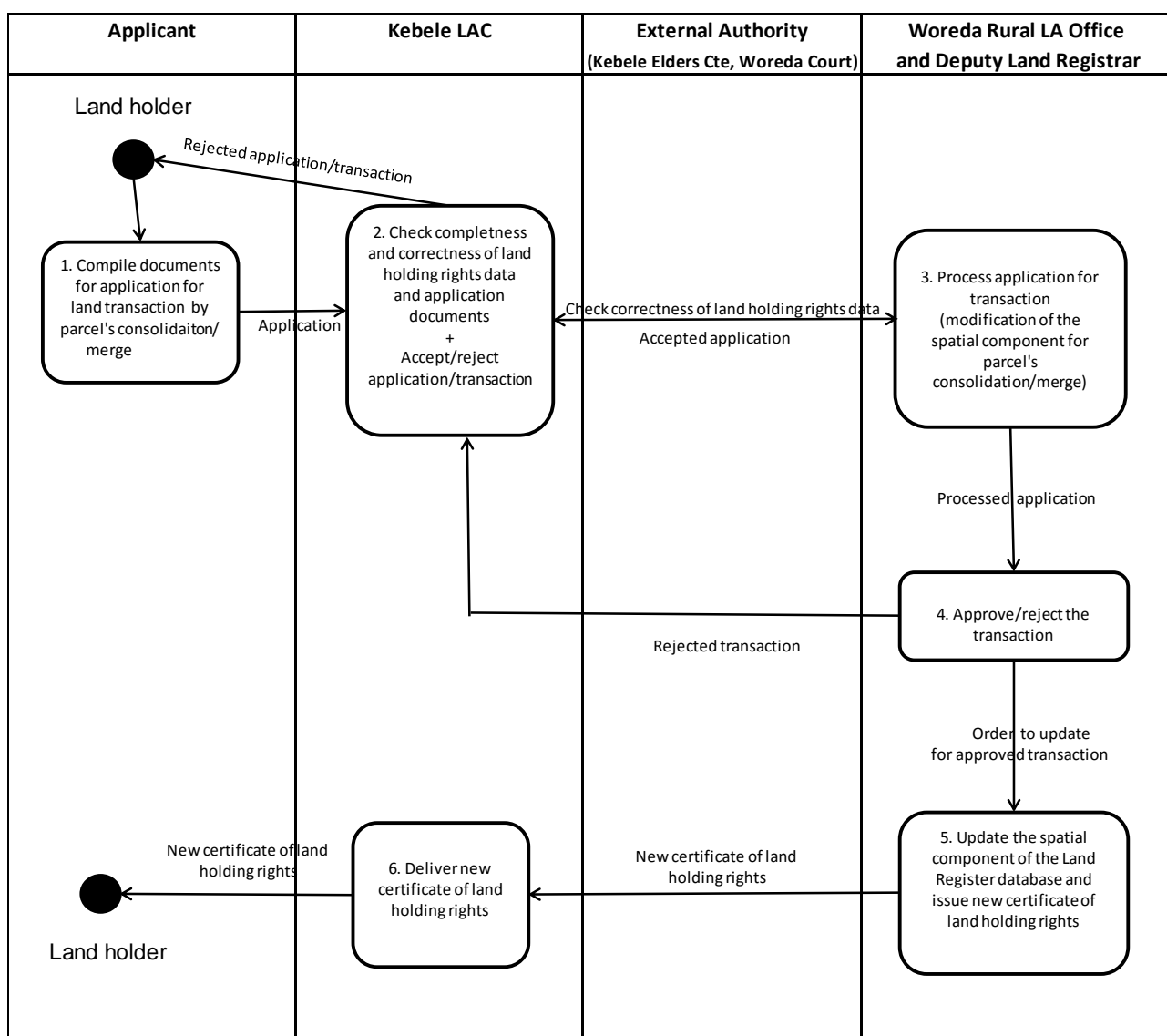
¹²⁰The detailed technical procedures for spatial operations (consolidation/merge; boundaries corrections) are highlighted in the iWORLAIS User Manual

- Proof¹²¹ of identity of the land holder of the parcels to be merged or of his/her representative
- Proof of marriage or of celibacy of the landholder of the parcels to be merged
- Land holding certificate

Output documents:

- New landholding certificate (including parcelindex map), for the new parcel generated through consolidation/merge.

Diagrammatic description of the procedure of rural land transaction through parcel Consolidation/Merge



¹²¹ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

Step by step description of the procedure of rural land transaction through parcel's Consolidation/Merge

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC	Land holder (of adjacent parcels to be merged)	Specific application form and documents required for the land transaction parcel's consolidation/merge
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the land holder; possible iteration of Activities 1 and 2
3. Process the application for land transaction	Woreda LA expert in regions where kebele LA expert is assigned	<ul style="list-style-type: none"> Based upon the land transaction application documents received from the KLAC/kebele LA expert. This includes modification of the spatial representation¹²² of the parcels involved (newly formed parcel), in the land register database This finally includes providing a new UPIN for the newly formed parcel (UPIN of one of the merged parcels)
4. Approve the land transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the land holder is then informed through the KLAC/kebele LA expert. Possible iteration of Activities 3 and 4
5. Update land record in the land register and issue the new landholding certificate	Woreda LA expert	Update (spatial & non-spatial) electronic records in the land register ¹²³ and issue a new certificate
6. Deliver the new landholding certificate to the land holder	KLAC and kebele LA expert	Output document is a new land holding certificate

¹²²The detailed procedure for the spatial operation consolidation/merge of parcels is highlighted in the iWORLAIS User Manual

¹²³ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

Application Form for land transaction through parcel's Consolidation/Merge

Date of application

Parcel 1 information

UPIN	
Region	
Zone	
Woreda	
Kebele	

Parcel 3 Information

UPIN	
Region	
Zone	
Woreda	
Kebele	

Parcel 2 Information

UPIN	
Region	
Zone	
Woreda	
Kebele	

Parcel 4 Information

UPIN	
Region	
Zone	
Woreda	
Kebele	

Motivation for Parcel's Consolidation/Merge:.....

Person information

Name of the Land Holder	ID 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	
Proof of marriage or of celibacy of the landholder	
Land holding certificates (of the parcels to be merged)	

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

4.3.2. Procedure for recording Boundaries Correction

Transaction: 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 transaction : *(in accordance with the relevant land administration and use proclamation or regulation of the regional state concerned)*

- Boundaries correction should 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 UPIN for the parcel.
- Application for boundaries correction will need to be displayed for claimant the Kebele administration office¹²⁴ 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 or representation with certified Power of Attorney
- Proof¹²⁵ of identity of the land holder of the parcel for which the boundaries need to be corrected or of his/her representative
- Proof of marriage or of celibacy of the landholder of the parcel for which the boundaries need to be corrected
- Land holding certificate
- Remark: for adjudication in the field, the land holders of the adjacent parcels will have to be present (or officially represented) and will need to bring their land holding certificates with them

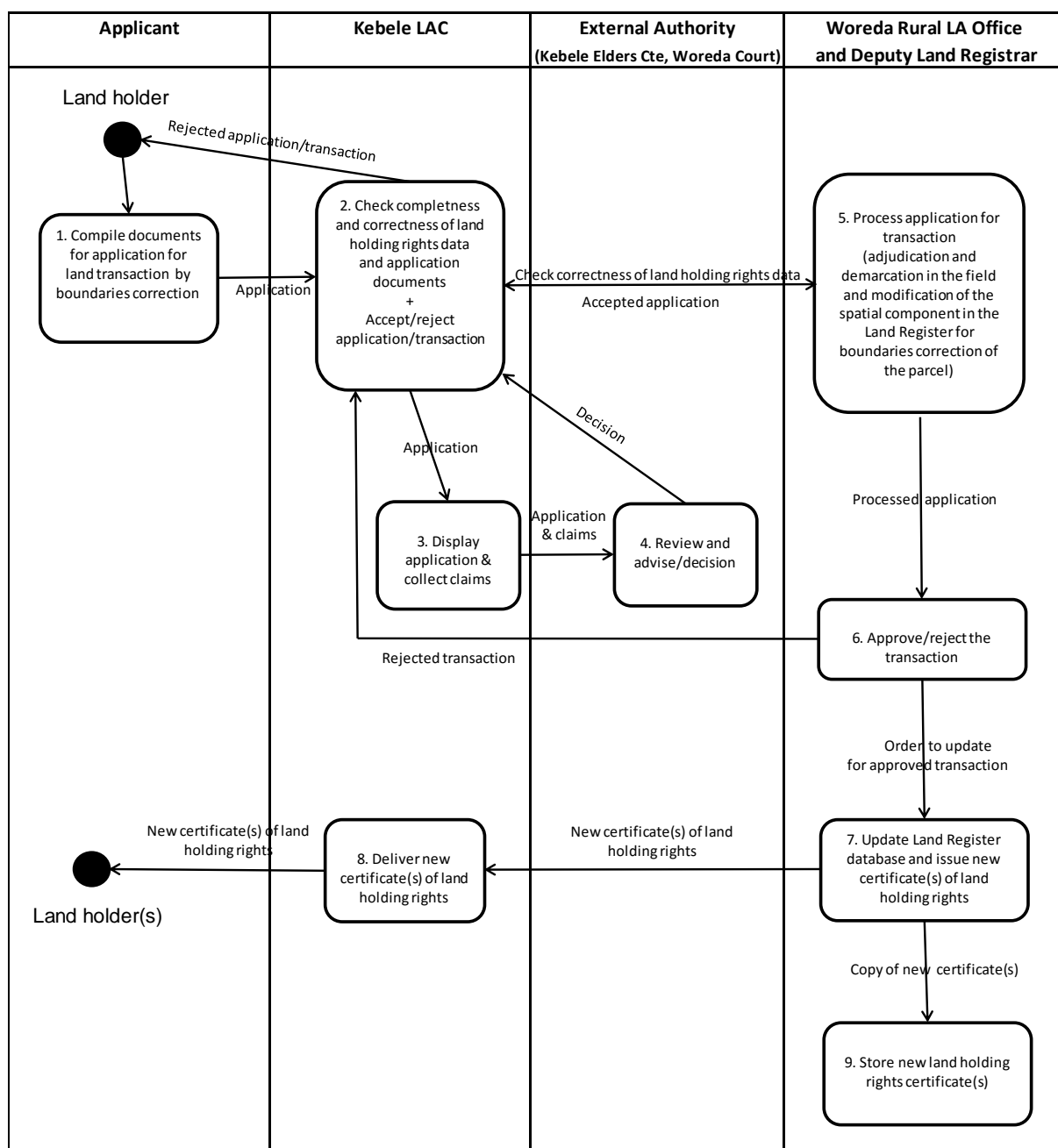
Output documents:

- New landholding certificate (including a new/corrected parcel index map), for the parcel for which the boundaries have been corrected. The 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 index map), for the adjacent parcels.

¹²⁴The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹²⁵ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

Diagrammatic description of the procedure for recording Boundaries Correction



Step by step description of the procedure for recording Boundaries Correction

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC	Land holder	Specific application form and documents required for the land transaction boundaries correction
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the land holder; possible iteration of Activities 1 and 2
3. Display the application and organise public hearings, and collect claims	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at Kebele (and Woreda) level ¹²⁶ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ¹²⁷ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele leader's committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the representative of the kebele administration
5. Process the application for land transaction	Woreda LA expert	<ul style="list-style-type: none"> Based upon the land transaction application documents received from the KLAC/kebele LA 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 representation¹²⁸ 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 transaction and order to update the land register	Woreda deputy land registrar	If the land transaction is refused, the land holder is then informed through the KLAC/kebele LA expert. Possible iteration of Activities 3 and 4
7. Update land record in the land register and issue the new landholding certificate(s)	Woreda LA expert	Update (spatial & non-spatial) electronic records in the land register ¹²⁹ and issue new certificate(s)
8. Deliver new landholding certificate(s) to the landholder(s)	KLAC and kebele LA expert	Output document is/are new landholding certificate(s)

¹²⁶The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹²⁷ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

¹²⁸The detailed procedure for the spatial operation boundaries correction is highlighted in the iWORLAIS User Manual

¹²⁹ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

Application Form for recording Boundaries Correction

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Adjacent parcels

UPI number of adjacent parcels

Motivation for Parcel's Boundaries Correction:

.....

.....

.....

Person's information

Name of the Land Holder	ID 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	
Proof of marriage or of celibacy of the landholder	
Land holding certificate	

Received and verified by the KLAC from Kebele:

.....

Date:

Signature:

Stamp

4.3.3. Procedure involving simple Correction

Transaction: 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 transaction :*(in accordance with the relevant land administration and use proclamation or regulation of the regional state concerned)*

- A Correction of the parcel or person information in the land register should be requested at the KLAC level
- As Correction of data in the land register is not a transfer of holding rights, the transaction does not need to be displayed for claims.

Required documents:

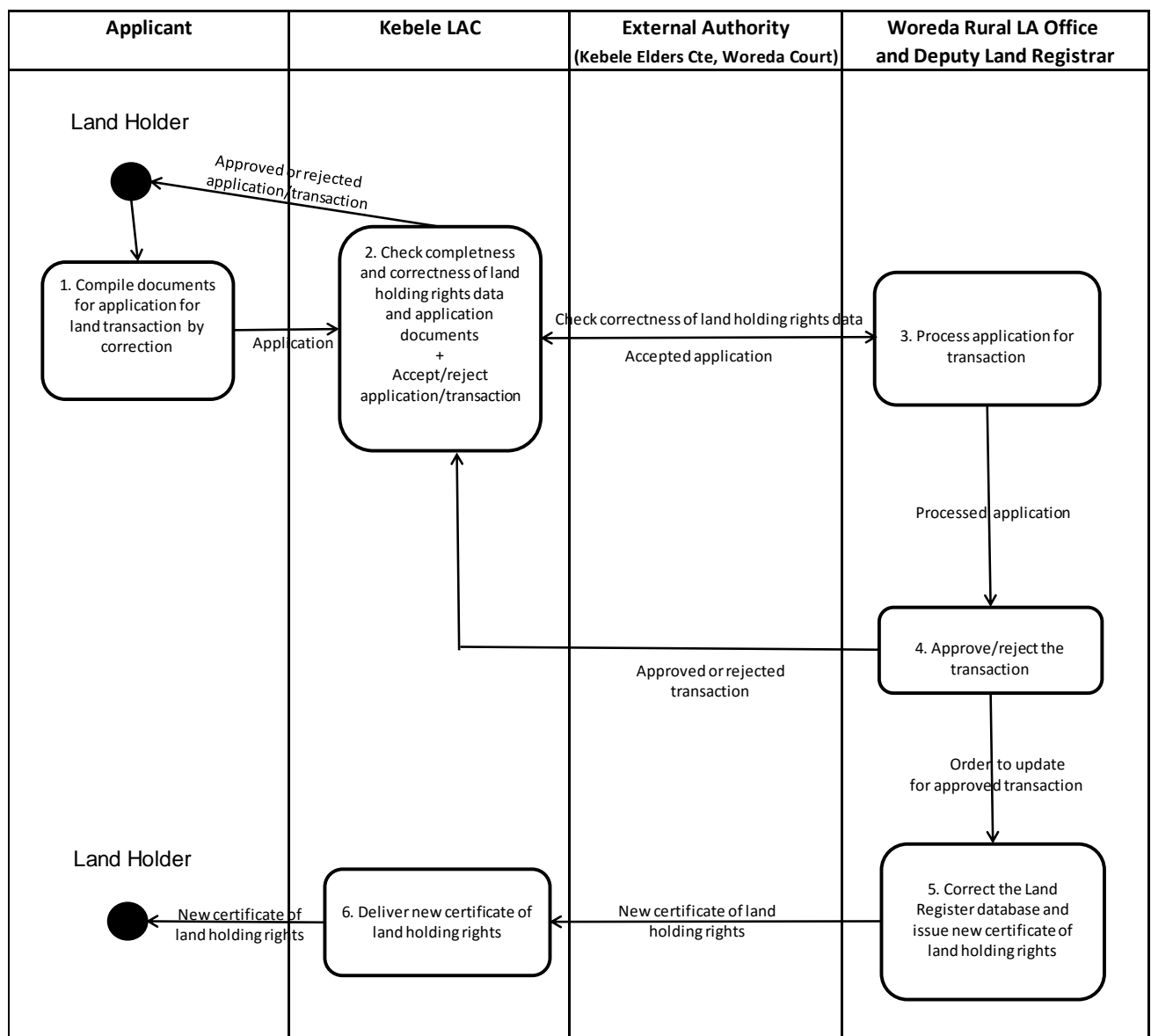
- Application form completed and signed by the land holder
- Physical presence or representation with certified power of attorney
- Proof¹³⁰ of identity of the land holder
- Proof of marriage or of celibacy of the landholder
- Land holding certificate

Output documents:

- New certificate of landholding rights

¹³⁰ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

Diagrammatic description of the procedure involving Simple Correction



Step by step description of the procedure for recording simple correction

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC	Land holder	Specific application form and documents required for the land transaction correction
2. Check completeness and correctness of land holding data and application documents with woreda LA office and accept or reject the application for transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the landholder; possible iteration of Activities 1 and 2
3. Process the application for land transaction	Woreda LA expert in regions where kebele LA expert is assigned	Based upon the land transaction application documents received from the KLAC/kebele LA expert.
4. Approve the land transaction and order to correct the land register	Woreda deputy land registrar	In both cases of approval or rejection of the land transaction, the landholder is then informed through the KLAC/kebele LA expert. Possible iteration of Activities 3 and 4
5. Correct the land record in the land register and issue a new land holding certificate	Woreda LA expert	Update (correct) the electronic record in the land register ¹³¹ (e.g. correction of name of land holder or area of parcel) and issue a new certificate
6. Deliver new land holding certificate to the land holder	KLAC and kebele LA expert	Output document is the new land holding certificate

¹³¹ A print-out (copy) of the updated electronic records in the land register database is regularly made to update the books at woreda and kebele land administration offices

Application Form for recording simple correction

Date of application

Parcel information

UPI number	
Region	
Zone	
Woreda	
Kebele	

Type of Correction requested

Type of Correction requested	Correct entry
Name correction	
Area correction	
Other	

Person's information

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

Required documents for the correction

Proof of identity of the land holder or of his/her representative	
Proof of marriage or of celibacy of the landholder	
Land holding certificate	

Received and verified by the KLAC from Kebele:

Date:

Signature:

Stamp

4.3.4. Procedure for replacement of certificate

Transaction: This is only issuing a new copy of the landholding certificate in case a land holder has lost or seriously damaged his/her landholding certificate.

Conditions for transaction: *(in accordance with the relevant land administration and use proclamation or regulation of the regional state concerned)*

- A replacement of landholding certificate should be requested at the KLAC level
- Although replacement of landholding certificate is not a transfer of holding rights, the transaction need to be displayed¹³² for claims and to avoid illegal practices.

Required documents:

- Application form completed and signed by the land holder
- Physical presence or representation with certified power of attorney
- Proof¹³³ of identity of the land holder
- Proof of marriage or of celibacy of the landholder

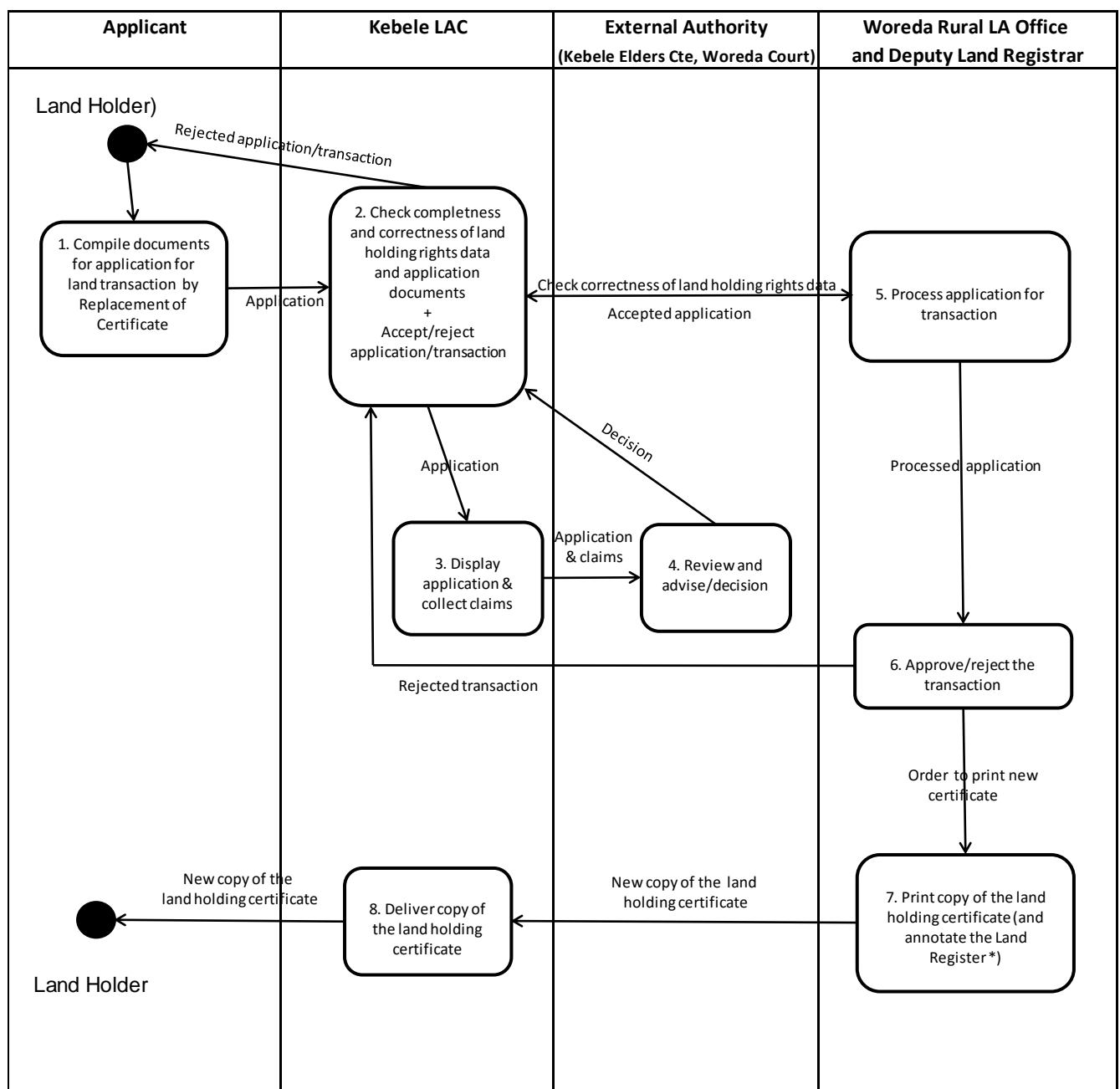
Output documents:

- Copy of the certificate of land holding rights

¹³²The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹³³ Proofs of identity, marriage and celibacy can vary with the different regional states (e.g. Elders witness; Community witness)

Diagrammatic description of the procedure for replacement of certificate



* In case of a damaged Land Holding Certificate, it is then destroyed at the moment a new copy is printed. In case of a lost Land Holding Certificate, annotation should be made in the Land Register that this Land Holding Certificate has been printed twice (in view of possible illegal practices with the original Land Holding Certificate)

Step by step description of the procedure for Replacement of certificate

Activity description	Responsible actor	Remarks
1. Compile documents for application for land transaction and submit to KLAC	Land holder ¹³⁴	Specific application form and documents required for the land transaction 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 transaction	KLAC and kebele LA expert in regions where kebele LA expert is assigned	Accepted application and documents are sent to the woreda LA office for info. Rejected documents are sent to the gift giver and recipient(s); possible iteration of Activities 1 and 2
3. Display the application and organise public hearings, and collect claims	KLAC kebele LA expert in regions where kebele LA expert is assigned	Application is put on display at kebele(and Woreda) level ¹³⁵ . Claims against the application are recorded by the KLAC/kebele LA expert
4. Review, advise and decide on claims	Kebele elders committee ¹³⁶ and woreda court (eventually supreme court in case of appeal)	<ul style="list-style-type: none"> In case of claim, first to the kebele leader's committee then to the woreda court Decision/advise is forwarded to the KLAC which in turn will forward the decision to the landholder
5. Process the application for land transaction	Woreda LA expert	Based upon the land transaction application documents and decision received from the KLAC/kebele LA expert.
6. Approve the land transaction and order to print a copy of the landholding certificate and to annotate the land register	Woreda deputy and registrar	If the land transaction is refused, the landholder is then informed through the KLAC/kebele LA expert. Possible iteration of Activities 5 and 6
7. Annotate the land record in the land register and print a copy of the landholding certificate	Woreda LA expert	Annotate ¹³⁷ the electronic records in the land register database and print a copy of the landholding certificate
8. Deliver copy of the landholding certificate(s) to the landholder	KLAC kebele LA expert	Output document is copy of the landholding certificate(s)

¹³⁴ In all cases but in particular for vulnerable groups, the land holder can be assisted by a third party

¹³⁵ The duration of the application's display is stated in the respective Regional Rural Lands Administration Proclamations or Regulations

¹³⁶ In the case of the Tigray regional state, it can also be the rural kebele judiciary committee

¹³⁷ In case of a damaged landholding certificate, it is then destructed at the moment a new copy is printed. In case of a lost land holding certificate, annotation should be made in the land register that this land holding certificate has been printed twice (in view of possible illegal practices with the original land holding 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	ID number	Marital Status	Parcel share (%)	Signature of the land holder

Required documents for the replacement

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	
Elders committee or woreda court statement on claim resolution	
Land holding certificate (in case of damaged certificate)	

Received and verified by the KLAC from Kebele:

Date:

Stamp

Signature:

APPENDICES 1 & 2: RENTAL AND SHARE CROPPING AGREEMENTS

Appendix 1: Example of a Cash rental agreement

RURAL LAND RENTAL AGREEMENT

(Cash Rental Arrangement)

ARTICLE 1: NAMES OF THE CONTRACTING PARTIES

This rural land rental agreement is entered in to force between Ato/W/ro -----W/ro----- hereafter called the renter living in ----- Woreda -----Kebele and Ato/W/ro -----W/ro ----- hereafter called the rentee living in ----- woreda ----- Kebele. (If number of contracting parties is more than two the details shall be attached to this agreement).

ARTICLE 2: DESCRIPTION OF RENTAL LAND

The rental land is located in -----woreda ----- kebele ----- specific place -----parcel number ----- and----- plot number with a land size of ----- hectare/*qada/timad/qert*. The rental land is bordered by ----- in the North ----- in the East ----- in the South and ----- in the West.

ARTICLE 3: DURATION OF THE CONTRACT, RENTAL RATE AND PAYMENT ARRANGEMENT

1. The duration of this agreement shall be ----- year(s) from ----- (DD/MM/YY) to ----- (DD/MM/YY).
2. Pursuant to Article 2, the renter shall rent the land for a total sum of ----- birr ----- (in words) per year.
3. Upon on signing of the contract the rentee shall pay to the renter Birr ----- in words -----

ARTICLE 4: DUTIES AND RESPONSIBILITIES OF THE RENTER

1. Shall handover the rented land to the rentee as per article 3(1).
2. The renter(s) shall pay government taxes in his/her/their name(s).
3. The renter is responsible for any claims raised by third party related to the rented land.
4. The renter shall not rent the land out of the intended land use.
5. The renter is responsible to monitor and control the proper management of soil and water conservation activities.
6. If the renter transfers the user right to third party, the rental agreement shall continue until the end of the contract period.
7. In the circumstance that the agreement affects interest of the renter(s) who at the time are orphans under protection of guardians, the government body/prosecutor may interfere on behalf of the orphans.

ARTICLE 5: DUTIES AND RESPONSIBILITIES OF THE RENTEE

1. The rentee shall be responsible for providing good care and conservation for the rented land; undertake soil and water conservation activities; and take care of the registered properties.
2. The rentee has no right to sub-contract the rented land to a third party or hold for other credit.
3. The rentee is responsible to immediately inform the renter any claims raised by third party related to the rented land.
4. The rentee shall be responsible to hand over the rented land back to the renter upon the completion of the contract period.
5. The rentee shall not use the rented land out of the intended land use.
6. The rentee has the right to use and administer the rented land by oneself or through representative during the contract period.

ARTICLE 6: CONTRACT AMENDMENT AND RENEWAL

1. This contract agreement shall be amended in writing by mutual agreement of the contracting parties.
2. If the rentee wishes to renew the agreement, the rentee shall inform the renter in writing at least three months before the expiration of the contract period. However, without contradiction to article 3(1) the contract shall be renewed every five years.

ARTICLE 7: SETTLEMENT OF DISPUTES

1. Any dispute arising between the parties shall be settled through direct negotiations between the two parties.
2. If the parties cannot agree through negotiation, the case shall be settled through arbitration.
3. If either of the parties is not satisfied with the decision of the arbitrators, the case shall be appealed to the court of law.

ARTICLE 8: TERMINATION OF CONTRACT AGREEMENT

1. Upon the expiry of the contract period.
2. If the rentee shall not pay the rent on the agreed time.
3. When the rentee uses the rented land out of the agreed land use practice.
4. When the renter loses land holding rights, the renter shall be responsible to payback the remaining balance to the rentee as per the agreement.
5. If one of the contracting parties wishes to terminate the contract without compensation, the party shall give at least six months notice to the other and notifying the court of law, the contract shall be terminated.

ARTICLE 9: CONTRACT REGISTRATION

1. Taking the Regional Land Administration and Use Proclamation and Regulation into consideration:
 - a) Under the contract time limit mandated to the woreda, all contracts shall be registered at Woreda land administration and use office in the presence of witnesses.
 - b) If the contract time limit is less than the mandate given to the woreda, all contracts shall be registered at kebele land administration and use offices in the presence of the witnesses.

ARTICLE 10: MINIMUM NEGOTIABLE RENTAL RATE ESTIMATION

1. Pursuant to Article 3(2), the minimum negotiable rental rate can be estimated considering the current price of the total produced yield from the rented land, the crop residue and inputs cost into account. We, the renter and rentee, hereby give our full consent having agreed up on our wish and confirm signing the contract.

SIGNATURE OF CONTRACTING PARTIES

Renter: Ato/W/ro _____ Signature _____ Date _____

W/ro _____ Signature _____ Date _____

Orphans/Elderly/Prisoners/Guardian/Representative _____ Signature _____ Date _____

Rentee: Ato/W/ro _____ Signature _____ Date _____

W/ro _____ Signature _____ Date _____

We, the witnesses, hereby confirm that we have witnessed and signed when the two parties entered in to agreement.

WITNESSES

1. Name	_____	Signature	_____	Date	_____
2. Name	_____	Signature	_____	Date	_____
3. Name	_____	Signature	_____	Date	_____

NB

The contract agreement shall be prepared in 5 copies and distributed to:

1. Renter
2. Rentee
3. Kebele land administration and use office
4. Woreda land administration and use office
5. Woreda Documents Authentication and Registration Office (as appropriate)

Appendix 2: Example of a Crop sharing rental agreement

RURAL LAND RENTAL AGREEMENT **(Crop Sharing Rental Arrangement)**

ARTICLE 1: NAMES OF THE CONTRACTING PARTIES

This rural land rental agreement is entered in to force between Ato/W/ro -----W/ro----- hereafter called the renter living in ----- Woreda -----Kebele and Ato/W/ro -----W/ro ----- hereafter called the rentee living in ----- woreda ----- Kebele. (If number of contracting parties is more than two the details shall be attached to this agreement).

ARTICLE 2: DESCRIPTION OF RENTAL LAND

The rental land is located in -----woreda ----- kebele ----- specific place -----parcel number ----- and ----- plot number with a land size of ----- hectare/*qada/timad/qert*. The rental land is bordered by ----- in the North ----- in the East ----- in the South and ----- in the West.

ARTICLE 3: DURATION OF THE CONTRACT, RENTAL RATE AND PAYMENT ARRANGEMENT

1. The duration of this agreement shall be valid from ----- 20.... To -----20.... for a total of ----- year(s) and _____ months.
2. Pursuant to Article 2, the rentee shall share the crop yield with the renter in a proportion of -----% immediately after threshing is completed.
3. The parties in agreement have agreed to cover the input costs by _____ or/and -----.

ARTICLE 4: DUTIES AND RESPONSIBILITIES OF THE RENTER

1. Shall handover the rented land to the rentee as per article 3(1).
2. The renter(s) shall pay government taxes in his/her/their name(s).
3. The renter is responsible for any claims raised by third party related to the rented land.
4. The renter shall not rent the land out of the intended land use.
5. The renter is responsible to monitor and control the proper management of soil and water conservation activities.
6. If the renter transfers the user right to third party, the rental agreement shall continue until the end of the contract period.
7. In the circumstance that the agreement affects interest of the renter(s) who at the time are orphans under protection of guardians, the government body/prosecutor may interfere on behalf of the orphans.

ARTICLE 5: DUTIES AND RESPONSIBILITIES OF THE RENTEE

1. The rentee shall be responsible for providing good care and conservation for the rented land; undertake soil and water conservation activities; and take care of the registered properties.
2. The rentee has no right to sub-contract the rented land to a third party or hold for other credit.
3. The rentee is responsible to immediately inform the renter any claims raised by third party related to the rented land.
4. The rentee shall be responsible to hand over the rented land back to the renter upon completion of the contract period.
5. The rentee shall not use the rented land out of the intended land use.
6. The rentee has the right to use and administer the rented land by oneself or through representative during the contract period.

ARTICLE 6: CONTRACT AMENDMENT AND RENEWAL

1. This contract agreement shall be amended every cropping season in writing by mutual agreement of the contracting parties.
2. The contract agreement shall be renewed when a cropping season ends. However, without contradiction to article 3(1) the contract shall be renewed every five years.

ARTICLE 7: SETTLEMENT OF DISPUTES

1. Any dispute arising between the parties shall be settled through direct negotiations between the two parties.
2. If the parties cannot agree through negotiation, the case shall be settled through arbitration.
3. If either of the parties is not satisfied with the decision of the arbitrators, the case shall be appealed to the court of law.

ARTICLE 8: TERMINATION OF CONTRACT AGREEMENT

1. Upon the expiry of the contract period.
2. When the rentee uses the rented land out of the agreed land use practice, which harms the rights and benefits of the renter.
3. When the renter loses land holding rights, the renter shall be responsible to payback the remaining balance to the rentee as per the agreement.

ARTICLE 9: CONTRACT REGISTRATION

1. Taking the Regional Land Administration and Use Proclamation and Regulation into consideration:
 - a) Under the contract time limit mandated to the woreda, all contracts shall be registered at Woreda land administration and use office in the presence of witnesses.
 - b) If the contract time limit is less than the mandate given to the woreda, all contracts shall be registered at kebele land administration and use offices in the presence of the witnesses.

ARTICLE 10: MINIMUM NEGOTIABLE RENTAL RATE ESTIMATION

1. Pursuant to Article 3(2), the minimum negotiable rental rate can be estimated considering the total produced yield from the rented land, the crop residue and inputs cost into account.

SIGNATURE OF CONTRACTING PARTIES

Renter: Ato/W/ro _____ Signature _____ Date _____
W/ro _____ Signature _____ Date _____
Orphans/Elderly/Prisoners/Guardian/Representative _____ Signature _____ Date _____

Rentee: Ato/W/ro _____ Signature _____ Date _____
W/ro _____ Signature _____ Date _____

We, the witnesses, hereby confirm that we have witnessed and signed when the two parties entered in to agreement.

WITNESSES

1. Name	_____	Signature	_____	Date	_____
2. Name	_____	Signature	_____	Date	_____
3. Name	_____	Signature	_____	Date	_____

NB

The contract agreement shall be prepared in 5 copies and distributed to:

1. Renter
2. Rentee
3. Kebele land administration and use office
4. Woreda land administration and use office
5. Woreda Documents Authentication and Registration Office (as appropriate)

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