

Land Administration to Decrease the Poverty?

Gerhard Navratil, Reinfried Mansberger

(PD Dr. Gerhard Navratil, TU Vienna, Gusshausstr. 27-29, 1040 Vienna, Austria, gerhard.navratil@geo.tuwien.ac.at)
(Ass.Prof. Dr. Reinfried Mansberger, BOKU Wien, Peter Jordan-Straße 82, 1190 Vienna, Austria, mansberger@boku.ac.at)

1 ABSTRACT

Land administration is a proper tool to identify the resources of a country and to document physical and legal properties connected to it. Land administration constitutes a basic requirement for land governance processes, like land management or land use planning (Mattsson and Mansberger, 2017). Therefore, development work in numerous countries of the south often includes the setup of a land administration system. During the last 20 years, the World Bank, for example, financed a large number of projects related to the implementation of land administration systems in Africa, in Asia, and in South-Eastern Europe. However, experience showed that the beneficiaries of land administration systems did not always meet to combat poverty. Due to the security of land use, also agro-industrial companies rent land, which often common land or land used by nomads. This “land grabbing” is an upcoming phenomenon that is increasingly endangering the life of underprivileged groups. Raising awareness for the problem is a significant part of dealing with the situation. However, a change can only happen, if the people making the decisions and designing the processes are aware of the problem and if they try to find alternative approaches avoiding land grabbing. Thus, the challenges of land administration have to be included into the education of experts.

The paper discusses challenges connected to the implementation of land administration systems in developing countries with a focus to the situation in Africa. Afterwards the authors discuss practical experience gained from a capacity-building project in Ethiopia.

Keywords: Land Grabbing, Poverty, Land Administration, Ethiopia, Developing Countries

2 INTRODUCTION

Developing countries in Africa have a typical set of difficulties to overcome:

- High rate of population growth and problems with food security.
- Social disparity between political and economic leaders and the majority of the population.
- Gender inequality resulting from traditional role models.

Ethiopia is no exception in this regard. Like in many other developing countries, land is the major socio-economic asset for the rural population in Ethiopia. Land rights influence the use and development of land resources, and hence, the economic growth. The basic objective of land policy is to bring nationwide sustainable development. This effectively incorporates economic, social, and environmental factors within the framework of institutional, political, legal, and technological systems. An effective land administration system addressing the land tenure, land use, land value, and land development at all governmental levels is of paramount importance to enable an appropriate decision-making in order to achieve sustainable land development.

Land tenure describes the manner in which rights on land are held (FAO, 2002). This definition refers to both, legally and customarily defined rights, but also to rights among individuals, groups, or tribes. But land rights also includes rights on natural resources and water. Tenure security is “the certainty that a person’s rights to land will be recognized by others and protected in cases of specific challenges” (FAO, 2002:18).

In Ethiopia, even though land is important for the social, political, and economic life of the people, land tenure security has been challenged in the past. Major problems were raised by changing types of land tenure systems in the recent history: the pre-1975 land tenure system, the land tenure system during the Derg era (1974 – 1991), and the current land tenure system (since 1992).

The pre-1975 Ethiopian land tenure system was highly complex. Regional variations reflected the country’s geographical, ethnic, and cultural diversity (Deiniger et al., 2008; Bruce et al., 1994). This resulted in different types of tenure systems such as rist/kinship, communal, diessa/village, private, state, church, and others (Rahmato, 1984). In the rist system, rights were transferred by inheritance, gift, lease, rent, and sharecropping (Adal, 2002; Ambaye, 2013). The private land ownership, which was a type of land granting

by emperor to those who were trustworthy to the regime (e.g. royal family members, military, and civil officials) was a dominant system in the southern part of the country (Rahmato, 1984). Overall, the pre-1975 land tenure system had inadequate security of land rights, and people criticized the system for its hindrance of the country's economic development.

When the military Derg regime overthrew Emperor Haile Selassie in 1974, it followed the socialist doctrine and exercised centrally planned economy. As part of this decision, Derg enacted the 1975 land reform proclamation (Proclamation No 31/1975) thereby making all rural land public property. The rist/gult imperial land tenure system was abolished, all previous land rights were extinguished, and all land was declared public property (Bruce, et al. 1994).

In 1991, the Derg regime was overthrown and the Ethiopian People's Revolutionary Democratic Front (EPRDF) came into power. EPRDF espoused a free market economy system. Many Ethiopians expected private land ownership to be re-established, but the National Constitution (1995) stated that the government of Ethiopia own all land. However, landholders got the right to use their land in perpetuity and were protected from eviction.

The federal state and regional governments of Ethiopia formulated a number of strategic and policy issues addressing aspects of food security, environmental protection, natural resources management, and land tenure. The implementation of a land administration system provides many socio-economic benefits for the society, such as assurance of land tenure security, creating of stable society, providing of security for credits, labour mobility, increased productivity, improved urban planning and infrastructural development, fair taxation, support resources management, and social development. Cognizant of this fact, registering and certifying land rights for lifetime entitlement is under the federal government strategy of the country. This has an immediate impact of improving the livelihood situation of the farmers by motivating them to undertake land-related-investment and by improving the fertility status of the soil besides the other benefits listed above.

Such a solution addresses some of the difficulties mentioned above. Food security is the most obvious goal that land administration addresses. However, good land administration will also aim at fair land distribution and must address land rights for underprivileged groups, e.g., women. Thus, good land administration is a key issue for the development of a country. The quality of land administration can be achieved by the rules of good governance, where indicators like equity, reliability, or transparency are essential (compare Mansberger et al., 2012).

3 LAND ADMINISTRATION SYSTEMS IN DEVELOPING COUNTRIES

Many of today's developing countries were colonies and the first 'modern' land administration systems were introduced by the colonial powers (Shibeshi et al., 2015). They were mainly interesting for the colonial powers, not for the local population since they could not cope with the local land use customs. This is a problem nowadays for many African countries in their efforts to fight poverty. The lack of established land administration systems thwarts the newly established pro-poor laws and prevents progress in poverty reduction, productivity, and governance (Deininger et al., 2008).

3.1 Collision of Systems

Many developing countries traditionally had informal land rights systems. Williamson et al. (2010) distinguish between

- Formal and informal tenures: The separation between formal and informal tenures depends on the recognition of the tenures. Formal tenures are recognized by the land administration system, informal tenures by other normative systems.
- Customary, traditional, indigenous, and native tenures: These types of tenure generally cover land use rights and are based neither on the exercise of brute force nor on a guarantee by government statute (or at least evidence thereof). However, the (local) community recognizes these rights as legitimate. They are acquired and transferred by usually explicitly or generally known rules, which are normally not documented.

On top of these systems, many countries installed land administration systems based on European examples (title-based, deed-based or mixed systems as copies of the Austrian, Dutch, English, Finish, German,

Swedish, etc. system). This produces a gap between the two systems since the informal or customary rights are difficult to be addressed in the conventional land administration systems. How, for example, should the right of nomads to use a specific, temporally varying part of a larger area for setting up a camp and grazing their animals be documented in a system based on the idea of exclusive land ownership situations and geographically stable settlements?

3.2 Gender Issues

European laws typically do not distinguish between male and female citizens. Theoretically, the same situation exists in developing countries. A study from 2008 showed that even though gender equality is specified in the laws, the customs and traditions restrict the access of women to land by missing or inadequate implementation (Englert and Mansberger, 2008). An important aspect of this situation is connected to the inheritance rules. It may happen that the male descendent is registered as the landowner although there is also a female descendent. This situation happened for example in Kenya, when women were inadequately informed. In general, male descendants are traditionally privileged in the succession. This may even be based on missing (because never issued) legal documents. Divorce presents a similar situation. In Ethiopia, the wife is entitled by law to receive half of the common property. In reality, however, customary right contradicts this idea and prevents its implementation. The situation in Zimbabwe or Kenya is similarly complicated (Englert and Mansberger, 2008, p. 20-22).

The first step to solve this situation is raising awareness. Political leaders may assume that creating gender-neutral laws is sufficient to solve the problem. Unfortunately, without suitable controls, the laws will be ignored and the inequality continues. Land administration systems provide the data for some of these checks, e.g., if females own a share of the land that corresponds to their proportion of the total population. These simple tools could be used during expert training because experts can only solve issues they are aware of.

A second approach is increasing the number of female experts since they will have a personal interest to solve this kind of inequalities and they do not need to be explicitly pointed to the gender issues. Williamson et al. (2010) identified a list of gender land tools that should be developed and implemented. Five of them (land titling, shared tenure, cooperative purchase, inclusion of women's names on utility bills, and recognition of agricultural and domestic labour) are directly connected to land administration. The others are legal, economical, and general tools.

In cooperation between European and African universities and while setting up new curriculum and research and teaching organisations, gender issues can be addressed in different ways:

- Promoting the land property rights of rural women: Equal access and ownership of property rights is one of the major problems of women in developing countries. Until the near past, women in Ethiopia were not considered as a right holder towards land property rights. Currently, there is great endeavour to provide women with full access to these property rights. The students have to receive education on international standards in land administration and land rights. With this education they will be able to identify and address this problem. Therefore, installing a land administration curriculum plays a pivotal role in strengthening the property rights of women all over Ethiopia.
- Incorporating gender and property rights courses: Curriculum have to be designed and developed by giving attention for gender inclusiveness to enhance the awareness and knowledge of land administration professional on gender issues. Courses on gender and property rights have be incorporated in the curriculum.
- Hiring female instructors: During employment of instructors, female instructors have to be motivated for application. They have to be preferred during the selection process.
- Giving priority for female instructor capacity building: Female instructors have to be prioritized for obtaining a master or PhD degrees abroad.
- Motivating female students to enrol in the program: To increase the capacity of female students, at least 30% of the total numbers of students enrolled to the program each year have to be female. Even during the teaching-learning process, a special tutorial program have to be launched to support female students who require additional academic support

- Strengthening the gender, disables and HIV/AIDS directorate: Educational institutions have to implement a gender, disables and HIV/AIDS directorate in order to provide special support for these segments of the university community. Curricula have to support and strengthen this directorate in order to enable not only the gender issues, but also the other two key cross cutting issues. At least once per year, attitude-changing training programs have to be organized and delivered to students.

3.3 Pro-poor Solutions

Recently, the Social Tenure Domain Model was developed from the Core Cadastral Domain Model (FIG, 2010). The idea of the social tenure model is to include the local population in the data collection process and to enabling the documentation of informal rights. This concept requires tools, which have been implemented in the last decade in the context of Web 2.0 and of crowd sourcing. The focus shifts from a precise documentation of boundaries to a complete documentation of rights. Technically, this leads to a kind of cadastre, in which rights are not represented by the affected boundaries, but only represented as points. This approach can already provide insights into the distribution and variety of land rights (compare Navratil, 2011). The geographic information could be provided by an orthophoto, which enables the right owners to identify the location where they have land rights. Hackman-Antwi et al. (2013) show an example.

An introduction to participatory and pro-poor land administration systems has been published by Shibeshi et al. (2015). The key aspects are:

Policy and law: The property needs a solid definition and the rights connected to the property must be unambiguously defined. Land rights and procedures need to be seen in the context of society and meet the demand. The goal must be security for all stakeholders and a contribution to sustainable development.

Institution and management: Institutions structure human interaction based on formal and informal rules in connection with enforcement characteristics (North, 1993). The functionality is typically centralized in one or two organizations and both types may be efficient (compare Schallert and Navratil, 2014). The goal for the management is to achieve efficiency and clarity of the organization, develop and implement successful strategies to achieve the objectives, and to verify private sector involvement (Steudler et al., 2004).

Monitoring and evaluation: Monitoring and evaluation must include external factors and facilitate a review process (Steudler and Williamson, 2005). It provides feedback on capacity and efficiency.

4 LAND ADMINISTRATION EDUCATION IN ETHIOPIA

4.1 General Remarks

Ethiopia is located at the Horn of Africa. It is a federal state consisting of nine regional states: Amhara, Tigray, Afar, Oromia, Somali, Benishangul-gumuz, Southern Nations and Nationalities and Peoples, Gambela, and Harari. In addition, there are two city administrations: Addis Ababa and Dire Dawa. Ethiopia covers an area of 1.1 million square kilometres and has a great diversity of terrain with a wide variation in climate, soil, natural vegetation, and settlement patterns. The vertical extent ranges from 110 m below sea level to 4550 m above sea level (CSA 2009). The Ethiopian highlands cover most part of the country. Most of the major cities are located at elevations between 2000 and 2500 m above sea level. Like most African countries, Ethiopia is experiencing a growing urbanization and concomitantly a transformation of peri-urban land tenure from agricultural to urban land use.

Establishing an overarching and progressive land administration system in the country is of top priority for the federal and regional governments of Ethiopia. A proper administration of the crucial resource land is essential for the economic growth and sustainable development of any country. This requires trained and qualified workforce in this discipline. Currently, there is only one land administration institute opened in 2004 at Bahir Dar University with support of the Swedish International Development Cooperation Agency (SIDA) and Swedish Royal Institute of Technology (KTH). However, a single institute is not able to sufficiently provide the person-power required for the implementation of the governmental agendas.

As indicated in the 5 Years Strategic Plan for Land Administration in Ethiopia, other universities have to give attention to land administration issues and to establish academic programs on this topic. Even though there is the great desire of the government and universities to open the program, the main constraining factor

is the lack of trained personnel and the lack of resources for education. Technical and financial support is required for training and capacity building of professionals, who will

- teach at the universities,
- undertake different developmental activities in public and private land administration institutes, and
- conduct land-related research activities.

Recent studies of the Institute of Land Administration at Bahir Dar University (ILA) outline a demand of at least 50,000 new land administration professionals for the next ten years (Medendorp et al., 2014). In contrast, less than 600 professionals are currently available in the country. To fill the gap of the trained person-power, the national government is establishing land administration programs at different universities. This is an imperative necessity to guarantee the roll-out of second level certification (mapping of parcels) in the Ethiopian land administration. The budget for the roll-out phase is already prepared and the roll-out will be co-financed with 150 million dollars by an international consortium (consisting of World Bank, and public bodies from Finland, UK, EU, Norway, US, Germany, and Austria). The implementation of education and research on land administration is imperative for the project.

With financial support of the Austrian Development Agency (APPEAR-Partnership-Project ‘EduLAND2 - Implementation of Academic Land Administration Education in Ethiopia for Supporting Sustainable Development’), the Debre Markos University (DMU) established the Institute for Land Administration (ILA/DMU), developed and implemented a curriculum for the undergraduate program (BSc, 4 years) of ‘Surveying and Land Administration’ in 2016 to meet these demands. The authors of this article are the Austrian coordinators of the EduLAND2 - project.

DMU is located in Debre Markos City, 300 km northwest from Addis Ababa and 265 km southwest of Bahir Dar, the capital of Amhara National Regional State (ANRS). The university has the overarching vision of becoming one of the best universities in Africa by the year 2030 with the mission of producing competent and innovative professionals. This should be achieved by providing quality instructional, co-curriculum and cultural involvement, by carrying out problem solving research, and by delivering demand driven community services. DMU is organized in six colleges and one school. DMU provides currently 34 undergraduate programs and 9 programs in post graduate level. DMU has more than 17,000 students enrolled in regular, evening and summer programs. The latter two programs are dedicated for professional continuing education. In addition to teaching, DMU is engaged in research and consulting focused on regional challenges related to DMU expertise. DMU is running projects in an effective manner. Construction projects may be mentioned: Because of the newness and the rapid increase in student and staff numbers, DMU constructs required infrastructure by their own. DMU is also running businesses, like dairy farms and fattening farms. Currently, DMU is undertaking joint research projects with Addis Ababa University in the Choke Mountains funded by international NGOs. DMU is doing its best for the successful accomplishment of these activities and has exhibited good progress. Besides, the regular budget of 400 million Birr (national currency; equivalent to approximately 16 million Euro) is being accomplished successfully.

4.2 BSc Programme Land Administration and Surveying at Debre Markos University

A first step for the curriculum creation was an initial survey of the educational needs in spring 2016. DMA academic staff conducted a need assessment study. They consulted 103 respondents from land administration affiliated governmental institutions with a comprehensive questionnaire containing structured, semi-structured, and open-ended questions. The study confirmed the current shortage of trained land administration experts and the increasing future demand as documented by Medendorp et al. (2014). Based on the outcomes of the needs assessment the structured of the BSc programme “Land Administration and Surveying” was developed. Additionally, the results were used for the detailed elaboration of course contents (learning outcomes).

Starting point of the curriculum development was the harmonised curriculum on ‘Land Administration and Surveying’ of Institute of Land Administrations of Bahir Dar University (ILA/BDU), Woldia University (WU), and Haramaya University (HU). These study programs contain subjects of technical, natural, legal, and socio-economic sciences. Specific attention for the study course in Debre Markos was given to be fit-for-future and fit-for-purpose land administration by covering measures of land consolidation and the assessment of land-related information by remote sensing techniques. Gender aspects are addressed prominently in

relevant lectures. Specific courses covering the principles of gender mainstreaming and gender issues in land rights are part of the study programme. The whole curriculum development process was conducted within six months.

4.3 First results

The recruitment and employment of additional teaching staff and the upgrading of existing teaching staff is essential for the success of the curriculum. Currently, an insufficient number of staff members have a PhD or master degree. This issue needs to be addressed in the future. Staff members could be sent abroad to obtain PhD and Master degrees from European or Asian universities. For students coming to Austria, funding for the scholarships of these three students can be requested from the appear grants program. Other countries have similar programs for incoming students. A significant portion of the trained staff members should be female. The final group of teaching staff can consist of four different groups: permanent staff of DMU, external instructors from Bahir Dar University, experts from public institutions (Bureau of Environmental Protection and Land Administration and Use, BoEPLAU), and from international experts. Currently, one staff members is enrolled for further education in a master program and one staff member in a PhD program at the University of Natural Resources and Life Sciences Vienna (BOKU).

The enrolment of students in BSc program was conducted at DMU in autumn 2017. According to the plan, 50 students were accepted for first year. The limitation to 50 students was made for practical reasons, since all courses in the curriculum have to be developed. This will require specific efforts at the beginning by the ILA/DMU staff members. In the following years, the amount of students continually will be increased.

As indicated in the project document, at least 30% of all accepted students have to be female. Reality showed an immense interest of female students for this study program and finally 36 (72%) female and 14 (38%) male students were enrolled for the 'Land Administration and Surveying' bachelor program.

4.4 Gender Perspectives

Gender mainstreaming and the support of unprivileged groups is a focus of the presented EduLAND2 project. Females were preferred during staff recruitment, in staff training, and in student enrolment. Delivering of short-term training in gender-related issues is a key element of the project. All project partners insisted on the integration of gender perspectives into the curriculum. The following activities to support females and other underrepresented groups were outlined:

4.4.1 Advisory Board with Representatives of Unprivileged Groups

On advise of the APPEAR Selection Board representatives of unprivileged groups became members of the Advisory Board of the project. One is the head of Women's Association in Debre Markos, the other is a representative of the local Farmers Association. Both provided valuable inputs for the curriculum development and for the final set-up of the project.

4.4.2 Staff Recruitment for Institute of Land Administration at DMU

As one of the first activities of EduLAND2 project, DMU implemented – in cooperation with the other project partners - the Institute of Land Administration. Staff was recruited from other colleges of the university as well as from the market. During staff recruitment, affirmative action was given to attract female instructors to the institute. Unfortunately, the market of female land professionals (especially with academic degree) is very limited and only two of 12 recruited staff members are female. Two additional female experts were employed as non-academic staff members, one as technical assistant and one as computer attendant.

4.4.3 Curriculum Development

All project partners took special endeavours to integrate gender perspectives into the curriculum with the results, that a separated course 'Gender and Land Rights' is included in the curriculum of the Bachelor programme on 'Land Administration and Surveying'. Additionally, concerns of unprivileged groups and raising awareness for mitigating their disadvantages are mainstreamed in different courses of the curriculum.

4.4.4 Gender related lecture for DMU students

In the project a short training on gender related issues for 100 students is scheduled for the second year. Due to the importance of the matter, the training on gender and development was delivered also in the first project

year. The training was successfully conducted by a gender expert from DMU for 90 students in February 2017.

4.4.5 Students Enrolment

The announcement for the BSc study program ‘Land Administration and Surveying’ motivated female persons to apply. Finally, a huge number of female students applied for the program – as outlined above.

4.4.6 Scholarships

In the PhD scholarship application process, preferences were given to women. Despite the fact, that Land Administration (also worldwide) is a male dominant area, it was possible to recruit one female candidate for a PhD scholarship application. Unfortunately, due to application requirements at BOKU, the PhD scholarship had to be changed to a MSc scholarship with the option of a PhD scholarship after graduation.

Another female instructor of ILA/DMU, who is a bachelor holder in land administration, registered at ILA/BDU and is attending a MSc study program in land valuation.

5 CONCLUDING REMARKS

The development of a curriculum in land administration is in line with the Sustainable Development Goals (SDG). The project contributes to the efficient implementation of rural and urban development strategies and programs. A successful project implementation will contribute to poverty reduction, food security, quality education, gender equality and it will help to strengthen the Ethiopian land administration sector.

It is known that a proper land administration is the backbone of land tenure security and by that it

- plays a pivotal role in combating poverty;
- is desirable for planning and managing resources in an integrated approach;
- reduces gender disparity in access and control to land;
- helps to design appropriate land policies, which strengthen the role of indigenous people and communities; and it
- plays a pivotal role for sustainable development of a country, since it addresses the economic, social, and environmental pillars of sustainability.

The centrality of land for development and the need for proper land management has also been clearly stipulated in the land policy initiative of the African Union.

The development is also in line with the Growth and Transformation Plan (GTP) of Ethiopia. The Federal Republic of Ethiopia has recently adopted a five year strategic plan for sustainable land administration in the country. The plan addresses the SWOT analysis of the existing land administration system in practice and potential areas of intervention. The planned activities include

- the finalization of the certification process (first level of land registration process) and the roll-out
- of cadastral surveying (second level of land registration activities),
- the review and preparation of an operational legal framework and the digitalisation of land records,
- the development of a strategic master plan for the nation and of local development maps in an appropriate scale,
- the strengthening of existing land administration organs and implementation of new ones, where they do not exist, and the capacity building on human and material resources.

The Ethiopian Strategic Plan clearly outlines the different levels of education and training required for sustainable land management in the country. Thus, by 2025 it is planned to produce nearly 56,000 professionals in land management. Out of this 22,500 will be trained in short-term-programs (3 months), 27,500 in diploma, 4,640 in under graduate degree, and 60 in post graduate degree (these figures are in accordance with the results of the study Medendorp et al. (2014). However, the lack of academic programs is the constraining factor for all these levels of education and training.

The development and sustainability of a launched land administration system at all levels of government thus requires the availability of well trained and skilled person-power in land administration. However, shortage

of trained person-power in the field of land administration is one of the challenges to implement effectively the launched land administration system in the country. Currently, the government employs non-professionals or experts from other disciplines to solve the problem temporarily. The education and training of these persons is carried out in short-term trainings, which leads to inefficiency and strongly hinders the effectiveness in land administration processes. The country in general and Amhara National Regional State in particular will benefit from the implementation of a curriculum in land administration by getting access to competent and innovative professionals.

The academic education program will enable a sustainable management of Ethiopian land resources through ensuring security of tenure among land holders. Additionally, research activities will address problems of land use and land tenure and will contribute to find solutions for land-related problems of the local societies. Finally, community services developed in parallel would enable the knowledge transfer to the local community. All these activities will have a positive impact in terms of poverty reduction and food security.

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