



# FIG Working Week 2012

Rome, Italy 6–10 May

Knowing to:

Manage the territory  
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## The Challenges of Developing Cadastral System in Eritrea

Presented by

Habtemicael Weldegiorgis

at

FIG Working Week 2012

'Knowing to Manage the

Territory – Protect the Environment – Evaluate the Cultural Heritage'

Rome, Italy, 8 May 2012

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## 1. Introductory Background

### 1.1 Brief History

- Under Ottoman Turkish (1557-1857) & Egyptian rule (1857-1880s)
- Italian colonialism 1890- 1941
- British protectorate 1941-1952
- Federation with Ethiopia 1952 -1962
- Ethiopian occupation 1962 -1991
- 30 years war for liberation came to end in May 1991, formal independence May 1993 after a referendum

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## 1.2 Brief Geography

- Location: North East-Africa –Horn of Africa
- Area: 124,320 sq km
- Population: About 4 million
- Administrative regions: six (6)

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## 1.3 :Colonial Period: Cadastre system

- Cadastre system first established- end of 19<sup>th</sup>c during Italian occupation
- Objective: guaranteeing security of property ownership for Italian settlers
- Registration system: voluntary & mainly confined in urban centres
- Registered property had simple survey plan, plot No, area, owner details

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## 1.4 Cadastre & Notary Offices

- Cadastral Office & Notary Public worked in close collaboration
- During the Ethiopian military rule (1970s) all extra houses were confiscated
- Legal private owners lost security of property ownership
- Registration of private houses discouraged as a bourgeoisie practice
- Both Offices, the Cadastre & Notary narrowly escaped elimination

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## 1.4 Cadastre: Post independence (1991...)

- Nationalized houses returned to rightful original owners
- Cadastre Office served as reliable source of evidence
- New land policy, land & registration laws proclaimed
- Land policy goals: economic development, social justice and equity, security of tenure, political stability, etc.
  
- Registration of property declared mandatory

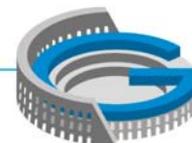
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## 1.6 Main features of the land Law

- State ownership of land
- Eritrean citizens have equal right to '*tiesha*' land (village residence)
- Agricultural plots of land accessed on usufruct basis
- Usufruct rights given for life-time of the individual

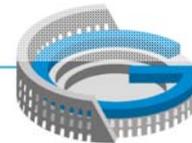
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## Cont'd

- But, usufruct land rights not fully enforced
- Leaseholds are provided for housing, commercial, other social services
- Women have equal rights to land as men

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## 2. Global Overview-Cadastre systems

### 2.1 General

- Purposes of cadastre systems vary
- Modern cadastre systems-multi-purpose

### 2.2 Western Europe

- Cadastre & land registry systems in W. Europe closely linked
- French cadastre as pioneer not progressed in the link

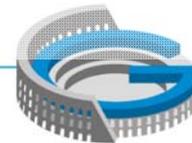
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- French cadastre influence also seen in former African colonies
- Spanish & Italian cadastre systems also partially developed

### 2.3 British & former colonies

- Compulsory registration in Anglo-Saxon of recent phenomenon
- Torrens system influenced by English law & practices
- Impact OF Torrens System seen in E. Africa & W. Canada

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## 2.4 Northern Europe

- Cadastre system of Denmark integrated like Western Europe
- Swedish & Finish cadastre systems also closely linked; 'title registration'
- Both systems developed through 'progressive cadastre'
- Swedish system: automated, online, integrated system of cadastral, land register, land taxation and population census

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## 2.5 Africa

- French & Anglo-Saxon influences
- African countries introducing land register systems
  - Land is primary asset for survival & development
  - But, still poor land governance
- Eritrean Cadastre still mainly traditional & incomprehensive

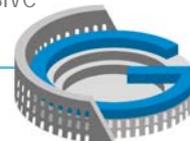
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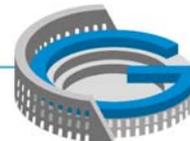
## Cont'd

- Informal settlements present major cadastral challenge to developing countries, e.g. 360 separate settlements around Johannesburg
- Upgrading squatter settlements, a challenge in terms of resources for construction & titling

### 2.6 Lessons

- Lessons: Cadastral systems not uniform in applications & objectives depending on tradition, policies, etc.

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## 3. The Eritrean Cadastre System

- Mission: ' To protect & guarantee security of property ownership & rights over land'

### 3.1 Main mandate of the Office

- Register all land, rights over land, & immovable property & issue license
- As necessary register all *tiesha* land (village residential land), agricultural usufruct, leasehold, land utilized and unutilized by the state

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## Cont'd

- Give information on transfer of immovable property for any encumbrances
- Register right holders together with immovable property erected
- Vision: Making registration of immovable property speedy, & easier for all clients'
- Core values & Guiding principles: Objectivity, integrity, team work, innovation, etc.

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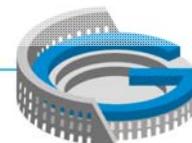
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## 3.2 Data in the ECO

- Property description: zip code, property address, land use, land plot & building size, building purpose, license No, boundaries, etc
- Proprietorship section: Owners/right holders name, address, personal Id No, spouse name, date of purchase/construction, vendor's name, address, etc
- Encumbrances: mortgage, pledge, & their release

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## 3.3 Objectives & Strategies

### Goals/objectives

- Strengthen capacity to develop & manage modern cadastre system
- Apply mandatory registration of immovable property

### Strategies

- Establish and consolidate regional offices
- Develop institutional infrastructure and capacities

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- Introduce and utilize up-to-date technology
- Develop awareness within the public about cadastral benefits
- Register land rights, transfers & mortgages in time
- Make the process simple, transparent & less costly
- Charge appropriate fees to ensure self-sustainability

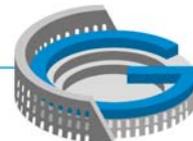
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## 4. Challenges

- Long Liberation wars & ruined economy
- Currently, 'no peace, no war' situation diverting resources to national security
- Incomprehensive cadastre: textual & spatial data not integrated
- Inadequate human capacities & limited resources
- Inadequate capacities of regional technical offices
- Absence of Notary at regional levels: No credible & fast transfer of property

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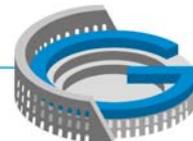
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## 5. Lessons Learned & Prospects

- Progressive cadastre - from simple cadastre & land registers to highly developed operating systems; future oriented
- German adaptation of flexible approach- developing system of titles, instead of deeds
- Poor land governance in many African countries, but recognition of rights for women & stakeholder involvement in land policies
- Learning others' experiences demand insight & skilful application
- Need for comprehensive capacity building efforts

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## 6. Concluding Remarks

- Modern cadastre prerequisite for sustainable development
- Hence not a choice, but a must to develop
- Developing modern cadastre needs serious consideration at the highest level
- Progressive cadastre looks more appropriate

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