A Briefing on Current Cadastral Activities in Eritrea

Habtemicael WELDEGIORGIS, Eritrea

1. INTRODUCTION

Despite its existence for more than 130 years since the Italian colonial period, Eritrean Cadastre system remains largely unchanged. The Mandatory Registration Law proclaimed 20 years ago has not been enforced and the practice is still voluntary, sporadic and incomprehensive.

The accomplishments so far are below expectation due to complex challenges. But still, the efforts underway to transform it to a modern system are immense. The Cadastral Office has just revised its five-year strategic plan. The plan recognizes the rough road ahead in the implementation.

This paper attempts to give a picture of the country's context of cadastre, benefits of cadastral registration, recent developments, encountering challenges and concluding remarks.

2. CONTEXT OF CADASTRE IN ERITREA

The main purpose of establishing the Cadastre Office during the Italian colonial period was to guarantee security of property ownership for Italian settlers. The Notary Public, with responsibilities of authentication of contract agreement and ensuring secure transfer of property, was also established at that period. The cadastral system was voluntary, sporadic and incomprehensive to support proper land management.

The cadastral system was based on the division of land into parcels, having maps and records. The Cadastral Office registered buildings that have physical plan and building license for the main urban centres and surveyed land parcels allotted for commercial agriculture in rural areas. The registered immovable property has had a simple survey plan, land records related to ownership, area and plot number.

In 1997 the Eritrean Registration Law (Proclamation Number 95/1997), concerning the Registration of Land and other Immovable Property was issued, declaring cadastral registration as mandatory. However, in practice it remains largely sporadic and incomprehensive; it doesn't cover the whole country. But, similar to many European and some other countries, the cadastre system and land registry are closely linked. What it lacks is close integration with the land administration system. It is unable to effectively support the 'basic land management paradigm' what Enemark (2003, p.6) refers the 'infrastructure for running the interrelated systems of land tenure, land value, land use and development'.

Cadastre is a parcel-based and up-to-date land information system containing records on land. FIG (1995) defines it (Weldegiorgis, 2016, p. 7, in Williamson et al, 2010, p. 54) as 'a parcel based and up-to-date land information system (LIS) containing a record of interest in land (e.g. rights, restrictions and responsibilities)'. It is a register of land information system

consisting of textual and spatial data that provides land administration a spatial integrity and unique parcel identification.

The cadastral registration system has a unique parcel identifier, includes geometric and textual data and title registration of land use right and ownership of immovable property. The cadastral concept is deeply rooted in the Cadastral Office's mission, 'to protect and guarantee security of immovable property ownership and use-rights over land'. The Cadastral Office strives to inculcate a culture of team-working, rationalism, transparency, integrity and professionalism as guiding work principles. The Cadastral Office also endeavors to develop modern cadastre with a vision of 'make registration of immovable property speedy and easier for all clients' where customer satisfaction is fully realized.

The cadastral Office registers all land, rights over land and duties that emanate from such rights, other immovable property erected over land, provides information of rights - ownership, usufruct and lease and related processes. Today, data contained in the cadastre include survey plan showing property identifier, property address, location, land use, land and building area, building date and type, building purpose and license, boundaries, etc.; proprietorship data such as owners/right holders name, address, id number, spouse name, date of purchase, vendor's name and address, etc; and encumbrances such as mortgage and pledge and their release, etc.

3. THE BENEFITS OF CADASTRAL REGISTRATION

The cardinal purpose of the Eritrean Cadastre system is guaranteeing security of immovable property ownership and use rights over land. It has a unique parcel identifier, referred as PID. It provides title registration of land use right, and ownership of other immovable property (other than land). This helps to reduce conflicts over land use rights and other immovable property ownership issues.

Land is a scarce resource that needs proper management. Thus accurate information is essential. Accurate information supports proper management of land and its resources contributing to sustainable environmental development. It is believed that a sound cadastral system is fundamental to the development of national stability and welfare of human beings. But, in Eritrea the benefits are currently limited.

Registered immovable property (other than land) enables one to get loan from banks through mortgaging of the registered immovable property. Immovable property that has conflict of interest is pledged not to be transferred by the relevant court, and is registered under pledge in the Cadastral Office. When the loan is paid and the pledged immovable property is given verdict by the relevant court, release of mortgage and pledge is registered.

Moreover, it provides information on status of immovable property, that is, if it is free from mortgage or pledge for those who want to purchase an immovable property built over land. Information referring to the current status of immovable property is provided to clients whenever demanded. A priory registered immovable property also supports fast transaction of immovable property.

Furthermore, the Cadastral Office registers land (with focus on commercial agriculture) and buildings with the purpose of establishing security of land use rights and ownership of other immovable property through publicity and legal protection. Secure ownership of immovable property and secure use-right of commercial agriculture encourages development investment. It also provides statistical data, but incomprehensive for policy-makers and senior management that could be used at national and regional levels.

4. CURRENT CADASTRAL DEVELOPMENTS

Recently the Cadastral Office embarked upon the transformation of the manual registration system into digital system (except the spatial part) and the traditional record keeping into modern record keeping system. The traditional arbitrary service charge fee is also being transformed into a value-based service charge system.

In addition, standardized registration forms, work guidelines and job descriptions have been introduced. Cadastral literatures have also been translated into Tigrigna (local language) to enhance staff development. Moreover, research papers on the country's cadastre and notary systems and in collaboration with the Department of Land, Cadastral Template 2.0 for Eritrea have been produced.

Furthermore, a study has been initiated on what and how to scan, digitize and integrate old cadastral records with the database. A survey study on the number of houses built since the country's independence has already been completed in five out of the six administrative regions. The developments presently underway are as follows:

4.1 Revision of strategic plan

The Cadastral Office's main aim is to develop a multi-purpose modern cadastre system. In order to realize this, the strategic plan which was developed eight years ago in a different context and regional peace context is in need of revision to reflect a new reality. Hence, revision of the strategic plan of the Cadastre Office, together with that of the Ministry of Land, Water and Environment for the period 2020-2024 was conducted from 30th September up to 4th October 2019 at the Eritrean Centre of Organizational Excellence (ERCOE), at Embatkala. This was finally endorsed by the end of December 2019 through a validation workshop.

The previously set goals and objectives of the Cadastral Office, that is, developing multi-purpose modern cadastral system, enhancing study of cadastral services and integrating cadastral information system, enhancing human and institutional capacity, awareness raising within the public about cadastral benefits, and putting in place efficient monitoring and evaluation system of immovable property registration still remain cardinal. However, the newly arising era of optimism for peace and cooperation with Ethiopia and regional integration has made it necessary to identify new opportunities and strategies. The strategic plan also needs to be aligned with the Sustainable Development Goals (SDGs) which were crafted after our previous plan.

The strategic plan of the Cadastral Office through its set of goals, objectives and activities, is committed to ensure the execution of its mission in order to realize its vision 'make registration

of immovable property speedy and easier for all clients' and full realization of customer satisfaction.

4.2 Study of manual records for digitization

The Cadastral Office has manual cadastral records dating back to the end of the 19th century. The registration system was repetitive and the records were bound into books firstly when the number of registered parcels with owners reached 100, and later 50. This traditional record-keeping system has been transformed into modern record keeping system based on the country's Zip codes. A study, for instance, shows that a house transferred 13 times each time having a different reference number. This repetitive process, which exaggerated the amount of immovable property registered has been transformed; with the designation of a permanent reference number for any immovable property.

These old cadastral records, which are relevant, have to be digitized and integrated with the database. For this purpose, a study is being undertaken to identify the relevant records to be scanned, how to scan, digitize and integrate them with the database. This study was intended to be finalized by the end of 2019, but discontinued due to inadequate expertise and other pressing work commitments. The study as well as the scanning and digitizing process is expected to continue in 2020 and beyond until completion.

4.3 Survey of houses built at post-independence

A survey study on the number of houses built in urban and semi-urban (cities and towns) at post-independence of Eritrea (1991) was initiated in 2019 in collaboration with the six regional administrations and other government institutions. The study has already been completed in the five regions and will continue and be completed in 2020 in the remaining region of Gash-Barka. As the number of houses built prior to Eritrea's independence is known through the report of houses verified by the Housing Commission, the study will indicate the total number of houses waiting registration for the Cadastral Office.

5. CHALLENGES

Human and institutional capacity development is fundamental to the development of modern cadastre system. This should be seen in what Enemark (2003, p. 4) refers in the 'wider context of developing institutional infrastructures addressing the societal, organizational and individual levels' to ensure sustainable development of cadastral systems. However, the challenges of developing and running our cadastral system are complex.

Modern cadastre needs manpower in terms of expertise, size and technology, but there are inadequate skilled personnel, technology and institutional capacity. As a result mandatory registration has not been enforced, modern cadastre not developed and tens of thousands of immovable property not registered. In addition, absence of notary public outside Maekel Region makes transfer of immovable property elsewhere insecure and government revenues not collected on time.

Moreover, there is inadequate budget for training and procurement of equipment and the employment system is not demand-based. The insufficiency of staff remuneration is also great. Furthermore, the development of cadastral institution has been constrained by the absence of local learning institutions that provide relevant education. It has to be noted that our proposal to include a relevant course in cadastral system has been recently accepted by the Hamelmalo College of Agriculture. Public awareness on cadastral benefits has also not been sufficiently raised due to resources constraints.

6. CONCLUDING REMARKS

The development of a modern cadastre is not a choice, but a must for countries whose desire is to ensure sustainable development of their land and built environment. Success of any cadastral system heavily depends on human and institutional capacity development, utilization of latest cadastral technology, protection of land and other immovable property rights, facilitation of fast and efficient transfer of rights and ownership.

The Cadastral Office's previous strategic plan has been revised and five years strategic plan (2020-2024) designed. The challenges are of complex nature, but need to be overcome. Human and institutional capacity development is at the core. Modern cadastre compensates in the long-term through its contribution to proper management of land and its resources and through this approach to environmentally sustainable development. Hence, to overcome its challenges the Office needs serious commitment at senior authority levels.

7. REFERENCES

Enemark, S. (2003) Capacity Building for Developing Sustainable Land Administration Infrastructures, Paper presented at WPLA/FIG Workshop Athens, 28 -31 May 2003

GoE (1994) Proclamation NO. 58/94: A Proclamation to reform the system of Land Tenure in Eritrea, Asmara, Eritrea

GoE (1997) Proclamation NO. 95/1997: A Proclamation to Provide for the Registration of Land and Other Immovable Property, Asmara, Eritrea

Weldegiorgis, H. (2016) Cadastre as a Tool for Sustainable Development, presented at International Conference on Eritrean Studies, 20-22 July 2016, Asmara, Eritrea

Weldegiorgis, H. (2018) FIG Update: Stepping into the World of Cadastre, GeoConnexion International Magazine, November and December 2018

Weldegiorgis, H. and Bereket, A. (2018) Revised Cadastral Template 2.0 of Eritrea cadastraltemplate.org/Eritrea.php

Weldegiorgis, H. (2009) The Cadastral System in Eritrea: Practice, Constraints and Prospects, Presented at the FIG Working Week, 'Surveying Key Role in Accelerated Development',

Eilat, Israel, 3- 8 May 2009, paper of the Month September 2009 http://www.fig.net/pub/fig_web_2012/papers/sys/sys

Weldegiorgis, H. (2012) The Challenges of Developing Cadastral System in Eritrea, Presented at FIG Working Week 2012, 'Knowing to Manage the Territory, Protect the Environment, Evaluate the Cultural Heritage', Rome, Italy, 6-10 May 2012

Williamson, I., Enemark, S., Wallace, J., Rajabifard, A. (2010) Land Administration for Sustainable Development, ESRI Press Academic, Redlands, California

BIOGRAPHICAL NOTES

Habtemicael Weldegiorgis is the Director General of Eritrea's Cadastral Office. After 19 years of participation in Eritrea's armed struggle for liberation, and detachment from academia for 25 years, he pursued higher learning and earned MSc in Development Management through distance learning from The Open University, UK. He is a regular contributor of papers to FIG Conferences. 'The Cadastre System in Eritrea: Practice, Constraints and Prospects' was selected as the article of the month in September 2009 in FIG Publications.

CONTACTS

Habtemicael Weldegiorgis
M Sc, Development Management
Director General, Cadastral Office
Ministry of Land, Water and Environment (MLWE)
P. O. BOX – 976, Asmara, Eritrea
Email: habtemicael_weldat@yahoo.com, habtatw@gmail.com
Tel. +291 1 124253 (Off)/ 202414 (Home), Mobile: + 291 1 7 238497