

The Cadastral System in Eritrea: Practice, Constraints and Prospects

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For FIG Working Week, Surveyors Key Role in Accelerated Development, Eilat, Israel, 3- 8 May 2009

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1. HISTORICAL BACKGROUND

1.1 Italian colonial period (1890- 1941)

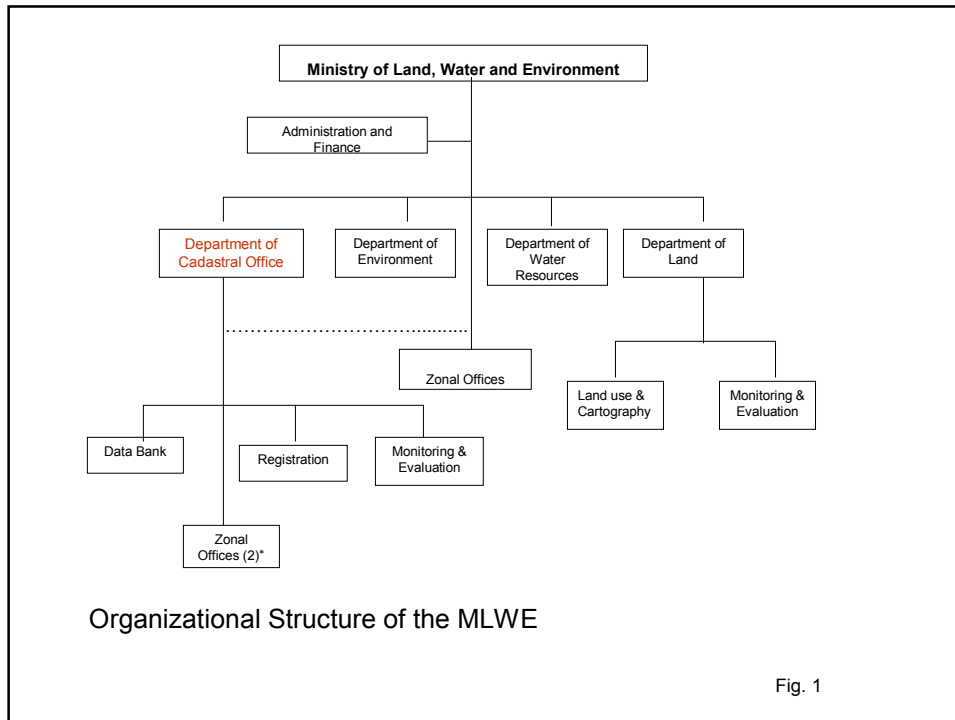
- Cadastre system established during Italian colonial period (1888)
- **Objective:** to secure ownership of property for Italian settlers
- Registration system: voluntary basis, confined mainly to urban areas
- The Cadastral Office & Notary Public worked in close collaboration in property transfer

1.2 Ethiopian colonial period (1962-91)

- During the military regime (1974-91) all extra houses were nationalized & legal owners lost security of property
- Registration of private houses discouraged as bourgeois practice
- Cadastre Office & Notary Public narrowly escaped elimination
- Construction industry came almost to stand still

1.3 Post independence period (1991-to-date)

- Previously nationalized houses returned to rightful original owners
- Cadastral Office functioned as a reliable source of evidence
- Land policy, land and registration laws in place
- 'Title registration' made compulsory



2. HOW LAND ADMINISTRATION AND CADASTRE SYSTEMS ARE ORGANIZED

2.1 General

- Cadastre/ land registry systems in Western Europe are closely linked
- French cadastral influence seen in its former African colonies
- No cadastre in England and its colonies until recently
- Torrens system influenced by English law and practices, impact of 'title register' seen in East Africa and W. Canada
- Land management requires accurate information

2.2 Current practice of Eritrean Cadastre

- Land policy: economic development, social justice and equity, security of tenure, political stability, etc.
- Main features of the land proclamation:
 - 1) All land owned by the state
 - 2) Eritrean citizens have equal right to *tiesha* land (residence)
 - 3) Agricultural plots of land are given on usufruct basis
 - 4) Usufruct rights given for life-time of the individual
 - 5) Leaseholds are provided for housing, commercial, other social services
 - 6) Women have equal rights to land as men

2.2.1 Mandate of the Cadastre Office

- 1) Register all land, rights over land, & immovable property
- 2) As necessary register all *tiesha* land, agricultural usufruct, leasehold, land utilized and unutilized by the state
- 3) Give information enquiring transfer of immovable property for any encumbrances
- 4) Register right holders together with immovable property erected
- 5) Designate Eritrea as one registration district, or as may be necessary

2.2.2 Cadastral purpose & data:

- **Purpose:** certainty of ownership/right through publicity and legal protection
- **Textual data:** property id, property address, land use, land /building area, building date/type, building purpose, boundaries, etc.
- **Proprietorship section:** owners/right holder's name, address, ID number, spouse name, purchase date, vendor's name, address, etc;
- **Encumbrances:** mortgage, pledge, release of mortgage/pledge, etc

2.2.3 Accomplishments & service charges (1 US \$=15 ERN)

- Scope limited to the capital, Asmara & couple of towns
- Illustrative of small scope of work done (1992-2008):
Registered: 17,965, mortgage/pledge **5,241**, release: **7,247**
- Urbanization growing fast: Asmara 98,000 people(1939), now 570,000
- Thousands unregistered: low institutional infrastructure
- Title registration: \$10.00 Mortgage: \$ 6.66
Release: \$ 3.33, Correcting document : \$ 1.33
Property status: \$ 1.00, True copy: \$ 0.33/copy
- Stamp duty by Notary Public \$ 0.33, property transfer fee 9% of assessed value

Cost of selling/buying a 800,000 SEK house(120,000 USD)

Figure 2: (Year: 1995)

Countries	SEK	USD
• Sweden	12,800	1,910
• United Kingdom	15,800	2,360
• Denmark	23,800	3,550
• Germany	56,500	8,430
• Italy	59,200	8,835
• Ireland	59,400	8,865
• Spain	82,800	12,358
• Portugal	84,850	12,664
• France	110,000	16,420

Adapted from Swedesurvey, 1998

• Eritrea	72,000	10,800
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2.2.4 Land allocation, valuation & surveying

- Land as state property not marketable, no direct monetary value
- Location as most important factor in determining indirect value
- Usufruct rights to land for life-time, lease up to 60 years
- Land allocation and cadastral surveying works

2.3 Practicalities and comprehensiveness

- Compulsory property registration
- Incomprehensive data and limited coverage
- Lack of standardization of surveying works
- Inadequate institutional infrastructure

2.3.1 Benefits of cadastre in Eritrea's reality

- 1) Guarantee security of ownership/right
- 2) Provide credit through mortgaging building
- 3) Reduce land disputes, less work for courts
- 4) Improve conveyance of property transactions
- 5) Produce statistical data for management; etc.

2.3.2 Medium and long-term objectives

- 1) Establish parcel- based multi-purpose cadastre
- 2) Establish a modern computerized cadastral system

2.3.3. Strategies to achieve objectives

- 1) Establish and consolidate zonal offices
- 2) Develop institutional infrastructure and capacities
- 3) Introduce and utilize up-to-date technology
- 4) Develop awareness about cadastral benefits
- 5) Encourage the public to modern cadastral system
- 6) Register transfers & mortgages in time
- 7) Appropriate fees to ensure self-sustainability

2.4 **Main constraints/problems**

- 1) Inadequate institutional infrastructure
- 2) Gaps in human resources capacities
- 3) Inadequacy of Notary Public

2.5 **Priorities in transitional period**

- 1) Land and other immovable in urban areas
- 2) Land and other immovable in semi-urban areas
- 3) Land allocated to *tiesha* (residence) around urban areas
- 4) Land allocated on lease to commercial agriculture, etc.

3. **LESSONS LEARNT & THE WAY FORWARD**

- Flexibility of approach
- Virtues of progressive cadastre
- Three levels of capacity building efforts
- Coordination, standardization
- Sustainability issue

4. CONCLUDING REMARKS

- 'A journey of one thousands kilometres begins with one step'
- Integrating spatial data with textual data
- National coverage and automation
- Education and training
- Protection of property rights, fast transfer of ownership/rights, etc.

Thank you!

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