

Recent Developments of Cadastral Activities in Eritrea

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ABSTRACT

The Eritrean Cadastre system has existed for more than 130 years. It was established during the Italian colonial period, at the end of the 19th century. The introduced immovable property registration system was voluntary. In 1997, a Registration Law was proclaimed introducing mandatory registration. But, so far it has not been fully enforced, and thus the practice still remains voluntary.

A study of immovable property registration, by going house to house was conducted in the capital city of Asmara, from mid-July until mid-August 2022. The main purpose is to study the registered and non-registered immovable property in the Cadastral Office, and thus to plan for registering the unregistered ones. The major part of the study has been completed with 35,506 units of houses reported in both categories. The survey was extended until the end of December 2022 so that the owners who were not found and the status of their property yet unknown could be invited to come to the Central Cadastral Office and declare the status of their property by presenting relevant documents. By the end of December 2022, it was found that 3,644 units of houses were still unreported.

This paper attempts to give a clue of the country's context of cadastre, benefits of cadastral system, outcomes and lessons learnt from the study, main challenges and concluding remarks.

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1. 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 immovable property was also established during that period.

The cadastral system was based on the division of land into plots and parcels, having maps and records of relativity rather than coordinates of geographic position. 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 Registration Law number 95/1997, was issued, declaring thenceforth a mandatory registration. However, in practice it remains largely sporadic and incomprehensive. But, similar to many European and some other countries, the cadastre system and land registry are closely linked; although it lacks 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 (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, it 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, equity, transparency, integrity, sovereignty of law, and professionalism as guiding work principles. The Cadastral Office also aspires 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, 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, address, etc; and encumbrances such as mortgage and pledge and their release, etc.

2. THE BENEFITS OF CADASTRAL REGISTRATION

The main 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 registration of ownership of immovable property erected over land. Registration signals legality of ownership and right and this helps to minimize conflicts over land use rights and other immovable property ownership issues.

Land is a scarce resource that needs proper management; but accurate and timely 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, in relation to many developed cadastral systems.

Registration of immovable property over land enables one to get loan from banks through mortgaging 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 or 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 upon payment of relevant service charge fee. A priory registered immovable property over land also supports fast transactions.

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 initiatives. It also provides statistical data, although incomprehensive for policy-makers and senior management that could be used at national and regional levels.

3. CURRENT CADASTRAL DEVELOPMENTS

In the recent past, the Cadastral Office embarked upon the transformation of the manual registration system into digital system (except for 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 and work guidelines have been introduced. Cadastral literatures have also been translated into Tigigna (one of the working local languages) 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. The latter will need updating.

A study has been initiated on what and how to scan, digitize and integrate old cadastral manual records into the database. However, it has not progressed as planned due to delay of procurement of equipment. The developments currently underway are as follows:

3.1 Study of manual records for digitization

The Cadastral Office has 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 repetitive and traditional record-keeping system has been transformed into modern record keeping system based on the country's Zip codes. A recent study, for instance, shows that a house transferred 15 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.

Those old cadastral records, with utmost relevance, 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. Implementation has been delayed waiting for procurement of scanning equipment. The study for identifying and screening the basic documents will continue and the digitizing process is expected begins in the first quarter of 2023.

3.2 Survey of houses built at post-independence

A survey study on the number of buildings built in urban and semi-urban (cities and towns) since the independence of Eritrea (1991) was initiated in 2019 in collaboration with the six regional administrations and other government institutions. The study was completed in 2020, although with some short comings. As the number of houses built prior to Eritrea's independence is known through the report of houses verified for their legal ownerships by the Housing Commission, the ongoing study will indicate the total number of houses waiting registration. The number of houses built in cities and towns in post-independence period with proper plan is estimated to be 79,892, and about a third of this has been registered.

3.3 Study of buildings

A study of immovable property registration was conducted in the capital city of Asmara, from mid-July until mid-August 2022. The main purpose of the study is to know the registered and unregistered immovable property and thus to plan for registering the unregistered ones. In the study, buildings with proper plan and legal basis as well as those without plan and legal ground will be identified. The study is expected to serve as a pilot for other cities and towns in other regions.

The study was conducted with the deployment of 230 college graduates. Proper orientation was provided to them, including cadastral and sub-regions' administrative staffs. The college graduates were assigned to the 13 sub-regions of the city. In each sub-region, a staff from the Cadastral Office was assigned to closely monitor the study. In addition, a division director was assigned to every four sub-regions to coordinate the study. The director general was also closely supervising and actively engaged in leading the overall study. There were six working days in a week, each sub-region was reviewing its work on a daily basis, and evaluating the overall study on a weekly basis in the presence of the directors and Director General. In the study, the collaborations of the regional and sub-regional administrations were commendable.

In the study, there were some short-comings, but were not unexpected. The short-comings include; closed houses in which owners travelled abroad, those living abroad taking their documents with them, study teams not leaving call messages, etc. Because of these short-comings, the time for reporting to the Central Cadastral Office was extended, firstly to 30th September and finally to the end of December 2022. By the end of December, 35,506 units of houses were reported and 3,644 un-reported. The details of the un-reported units of houses will be submitted to the Regional Administration so that the property owners will be invited to their respective sub-regional offices to report the status of their property by presenting relevant documents.

In the first quarter of 2023, the gathered data will be processed and plans will be drawn to register the identified houses and to take other management measures.

4. CHALLENGES

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

Modern cadastre needs manpower in terms of expertise, size and technology, but there is a dire shortage of awareness on the value of the system, scantiness of skilled personnel, technology and institutional capacity. As a result, mandatory registration has not been enforced, modern cadastre system is not developed and tens of thousands of immovable property remain un-registered. In addition, absence of notary public other than the one in Maekel Region makes transfer of immovable property elsewhere insecure and government due revenues lost.

Moreover, there is scarcity of funds for training and procurement of equipment. The staff recruitment system also needs to be demand-driven based on qualification. Furthermore, the development of cadastral institution has been constrained by the absence of local learning institutions that provide relevant knowledge and skill. It has to be noted that our recommendation to include a relevant course in cadastral system has been in principle recently accepted by the

College of Agriculture, but actual implementation has yet to be seen. Raising public awareness on cadastral benefits also remains of paramount importance.

5. 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 build the environment. Success of any cadastral system heavily depends on human and institutional capacity development, utilization of cadastral technology, protection of land and other immovable property rights, facilitation of fast and efficient transfer of rights and ownership.

Like any other institutions, human and institutional capacity development is vital for cadastral system's development. Modern cadastre rewards 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 present challenges the Office needs serious policy directives and commitment from higher government entities.

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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 M Sc 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.

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