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The Federal Democratic Republic of Ethiopia
Ministry of Urban and infrastructure Development



Urban landholding and land-related property registration Proclamation No...../2023

DRAFT

October /2023
ADDIS ABABA

Proclamation No. ____/2023

Urban landholding and land-related property registration Proclamation

WHEREAS, it is desired to realize, the rights of Ethiopians 10 immovable property they build on the land as provided under Article 40(7) of the Constitution of the Federal Democratic Republic of Ethiopia, and their right to use land in urban.

Whereas, it is fundamental to clearly state requirements and organizational responsibilities during pre-adjudication, first and subsequent registration period to put in place an efficient cadastral registration activities.

Whereas, it has become necessary to deploy integrated, expedient, and result driven workflow and cadastral registration system and minimize inconveniences of citizens during service provision of the sector.

Whereas, it has become necessary to reconcile and organize urban land information by put in place modern urban landholding adjudication and registration system using relevant cutting edge technologies and implement it in all urban cities of Ethiopia in a standardized manner.

Whereas, it has become necessary to register and organize urban land information interlinked with its cadastral information, wherefore, enabling such information to be used in the plethora of land administration subsystems.

NOW, THEREFORE, in accordance with sub-article (2) (a) of Article 55 of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE

GENERAL

1. Short Title

This Proclamation may be cited as the “urban landholding and land-related property Registration Proclamation No._____/2023”.

2. Definitions

Unless the context otherwise requires, in this Proclamation:

- 1/ "City" means a place that has been recognized and conformed by concerned government authority as having a city administration and a population size of 2,000 or more residents, out of which, more than 50% of its labor forces are engaged in nonagricultural activities;
- 2/ "urban land" means land located within administrative boundary of an urban center;
- 3/ "land holding" means a usufructs or a perpetual holdings of possession right by a person(s) upon urban land acquired and retrospectively limited in accordance with the urban land lease law;
- 4/ "land related property " means a land-related assets consisting of a building and associated buildings constructed for sale, rent or lease services above and below the land for commercial, habitation, industry , and for social and other purposes.
- 5/ "Right" means an interest arising from the use or transfer of land ownership arising from law or contract
- 6/ "Responsibility" mean a special obligation to protect and not have a right of personal use in any possession for the benefit of a third party;
- 7/ "Restriction " means a limitation on possession by an authorized party;
- 8/ "Right providing " means the entity that manages, develops, and has the authority to increase and decrease rights in matters of ownership
- 9/ "Registrar institution" means an institution that is responsible for the registration of land and land-related property, established or designated by the appropriate organization of the state and charter city.
- 10/ "legal cadaster" means a periodically updated landholding information system containing a record of the rights, restrictions and responsibilities on a defined legal boundary for each landholding demarcated as a parcel on the map,
- 11/ "Landholding Adjudication" means the process of ascertaining and reconciling the type, extent, and legality of claims concerned with the right, restriction, and responsibility of right holder(s) with respect to the acclaimed Landholding(s), whereby, to produce relevant and easily accessible data platform by means of carrying out rectification activities of legal documents and spatial surveying,

henceforth, to ultimately develop and deploy cadastral urban landholding registration and certification system throughout all cities of the country,

- 12/ “systematic landholding adjudication” means a process of ascertaining the existing rights, restrictions, and responsibilities upon landholdings having a defined surveyed areas, which is, systemically applied through the use of mass scale adjudication methods, with respect to, the sequential order of the neighborhood or cadastral block,
- 13/ “sporadic landholding adjudication” means a process of periodical ascertainment of existing landholding rights, restrictions, and responsibilities within a neighborhood solely based on the request submitted by the right holder,
- 14/ “block partition” means a plan block drawn up in line with roads and line features according to the standard prepared for block partition and containing one or more holdings within the lower administrative unit of an urban center;
- 15/ “Unique parcel identification code” means the unique code or number by which a parcel located in an urban center is uniquely identified;
- 16/ “cadastral Index map” means maps of block partitions prepared for landholding adjudication to be conducted in an urban center or maps of a landholding adjudication section with serial name and number according to the map naming standard;
- 17/ “parcel” means an area of land with a clearly defined boundary extent, demarcated on the ground, drawn upon a map, assigned with a unique identification code, and having a legal rights pertaining to it,
- 18/ “landholding adjudication section” means a landholding adjudication area at a lower level of an urban administration comprised of not more than five adjudication neighborhoods with not more than one thousand parcels, recognized by the urban administration and to which a unique section code is assigned;
- 19/ “landholding adjudication neighborhood” means a landholding adjudication area having a clearly identified boundary that are demarcated on the field and on the line map and containing a sequential number and identification name;
- 20/ "Certificate of Land Tenure Rights" means a document prepared by the Land Tenure Registration Institution and issued to the owners, which includes a combination of

land use and ownership of land-related property, confirming the existence of legal rights to land holdings,

- 21/ “cadastral survey” means a method of measuring a landholding boundary using surveying devices or through photogrammetric means or using such similar appliances that may be dictated as a necessarily trending gadgets as per the requirements of the tasks mentioned herein,
- 22/ “surveyor with special permit” means surveyor(s) entrusted with the responsibility to carry out cadastral surveying activities by the authorized body of urban administration;
- 23/ "Cadastral surveyor" means a person who is appointed by the by the appropriate government body to carry out a cadastral survey;
- 24/ “Registration” mean the process by which a landholding right and land-related property rights, restriction, and responsibility is registered in the legal cadastral record keeping system;
- 25/ "Aerial Photo" is a photo that represents an aspect of the Earth as a result of an aerial photo camera, which is used as one of the inputs for the production of photogrammetry,
- 26/ "Registrar officer" means a natural person appointed or assigned by a chartered city or city government to manage and coordinate the registration facility;
- 27/ "Tolerance limit" means the amount of land ownership that is verified by the registration institution without the need to return to the right-granting institution when there is a difference in width between the measurement and the document in the process of verifying land holding;
- 28/ "Adjudication Officer” means a natural person appointed or assigned to supervise and verify ownership verification by the registration institution
- 29/ "Cadastral base map" means a map prepared using land surveying or aerial photograph which shows administrative boundary, fence, road, boundary line of building or house, river, lake features, distribution of permanent survey point and similar objects,
- 30/ "Lease" means a version of land ownership in which the right to use urban space is available under a time-limited contract,

- 31 “sub-lease” means a method of contracting out either wholly or partly to third party for a certain period of time the use right of land on which industrial park development is conducted or other development activities are effected by getting legal recognition from appropriate body;
- 32/ “Ortho photo” means the aerial photo which has the same criteria from one end to the other because the geometry has been adjusted;
- 33/ "Financial Institutions" means entities that are authorized by law to lend money by holding the right to use land-related property and land ownership;
- 34/ “Charter City" "Chartered city" means a city established by a charter issued by the legislature of a federal or state government;
- 35/ “"City administration" means a body of government given the authority and function of city administration by law
- 36/ “Region” mean any of the regional state referred under Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia;
- 37/ “Ministry” mean the Ministry of Urban and infrastructure Development;
- 38/ “person” mean any natural person or juridical body;
- 39/ any expression in the masculine gender includes the feminine.

3. Scope of Application

1. This Proclamation shall be applicable to all cities in the country regarding the registration of urban landholding as well as the provision of services through registered ownership.
2. Regarding land related property registration only, will be applicable to all cities in the country and detailed implementation will be determined by the regions.

4. General principles

- 1/ The registering institution may hitherto adjudicate, register and provide subsequent registration services upon the landholding previously registered. In so doing, however, it shall not create, replace, reduce, increase, change or modify existing landholding rights, restrictions and responsibilities or confer new rights during such processes, except by the authorized government organs.

- 2/ The implementing processes of urban landholding and land-related property adjudication, registration and service delivery shall be conducted in a manner that involves the community and shall ensure their rights on the landholding.
- 3/ The activities of urban landholding and land-related property adjudication, registration and service delivery, it shall be carried out in accordance with this proclamation and regulations and directives enacted for the purpose of implementing this proclamation and other related laws enacted by the state.
- 4/ Land related property registration should be done side by side with urban landholding adjudication and registration.
- 5/ Registration of land-related property is done only on adjudicated and registered holdings.
- 6/ The system where land information is recorded and urban landholding and land-related property registration services rendering should be done in accordance with this proclamation and directives enacted for the purpose of implementing this proclamation.

5. Objectives the proclamation

This proclamation shall have the following objectives:

- 1/ accelerating the economic, social and environmental development of urban centers and to promote citizens to apply their wealth on development by ensuring land holders security of landholding right and recognition of title to land-related property through certifying the right through registration,
- 2/ Ensuring uniform protection of landholding rights of natural and legal persons, by enabling urban centers know the land available at their disposal through registration and create integrated national landholding system compatible with the rural land administration which supports the building of one economic community,
- 3/ To provide information's effectively and efficiently, ensuring land holders security of landholding right and recognition of title to land-related and land-related property through certifying the right through registration, which is essential to the real estate market and an important factor in economic development, and

- 4/ By organizing land-related property registration data, increase the income of cities through fair tax collection and to be a source of information for determining property compensation evaluations.

Part two

PRINCIPLES AND IMPLEMENTATION OF LAND –REKLATED PROPERTY

REGISTRATION

6. The basis of land-related property registration

- 1/ Land-related property registration, which indicates the reality above and below the ground, will be prepared in paper and digital form along with the fixed property information related to the property..
- 2/ Land related property registration information shall be prepared in paper or paper and digital form combined with ortho photo
- 3/ The unique identification code of the parcel is also used as the identification code for the land-related property
- 4/ The information organized according to this article will be structured and stored in the registration institution of land-related property and will be used as the main evidence for property value estimation.

7. Implementation of land-related property registration

- 1/ The detailed information of the land-related property that rests on or under the land holding, such as the type of property, the type of the property, the width and height of the property and the time and duration of the property's construction and other related information will be recorded.
- 2/ Changes and indicators of registered land-related property are recorded.
- 3/ Subject to sub- article (1) and (2) of this article, the land-related property and detailed activities to be registered on the land related-property will be specified in the regulations and directives issued by the states and charter cities.

PART THREE

LEGAL CADASTRE

8. Principles

- 1/ A cadastral base map, parcel map and cadastral index map which show features on the surface of the land shall be prepared on paper or paper and digital form on the basis of the national geodetic survey network.
- 2/ A document specifying the right, restriction and responsibility of person having a land use right shall be prepared on paper or paper and digital form for each parcel.
- 3/ each parcel of land shall be assigned with a unique identification code and this code shall interrelate with the components provided for under sub-articles (1) and (2) of this Article.
- 4/ Legal cadaster shall be established upon fulfillment of the requirements specified under sub-articles (1), (2), and (3) of this Article is verified and registration is undertaken in accordance with this Proclamation.
- 5/ The legal cadaster, which shall be organized and kept in the registering institution, constitutes the primary evidence for landholding certification purpose

9. Cadastral Map

- 1/ Regional governments and charter city shall cause the preparation of a base map to be used for drawing of a cadaster.
- 2/ The cadastral map prepared by the registration institute shall show administrative boundaries, parcels, roads, holding block based parcel addresses and parcel size referenced with unique parcel identification code.
- 3/ The cadastral map which shall be prepared on the basis of an urban administrative boundary shall contain respective administrative boundaries, cadaster index maps, parcel boundary and coordinates.
- 4/ A cadastral map showing adjudicated parcels within a cadastral block shall be prepared according to the national standard in such a manner that it covers the urban administrative boundary and contains leaves assigned with serial name and number by the registration institute.
- 5/ A cadastral map to be prepared in accordance with this Article shall be prepared on paper or on paper and in digital form only after the legal boundary of a parcel is surveyed and demarcated.

10. Unique Parcel Identification Code

- 1/ each parcel and land related-property on the land shall have a unique parcel identification code prepared in accordance with the national standard which may not be duplicated on another parcel and land related-property in any urban center.
- 2/ No unique parcel and land related-property on the land identification code other than the identification code applied in accordance with the national standard shall be used to identify a parcel.

11. Parcel Index Map

A parcel index map shall show the parcel's unique identification code, length, width, measurement, position and shape, parcel's address, neighboring parcels, bordering roads, corner marks, coordinates, northern direction and scale.

PART FOUR **PRINCIPLES OF LANDHOLDING ADJUDICATION SYSTEM AND** **IMPLEMENTATION**

12. Principles

- 1/ Landholding adjudication shall be done through systematic method of landholding adjudication for the first time.
- 2/ While a systematic adjudication of landholding is being conducted at landholding adjudication section and neighborhood, a sporadic landholding adjudication may be conducted at another landholding adjudication section and neighborhood.
- 3/ Documents regarding rural landholdings which may be incorporated within the administrative boundary of an urban center shall be submitted to the concerned urban administration by the rural land administration organ formerly administering the land.
- 4/ The administration of the city who receives the information in the landholding with sub-article (3) of this Article shall verify the validity of the information and transfer it to the registration institution.
- 5/ During the adjudication of any right, restriction and responsibility on any landholding, the presence of documentary evidence issued by an organ authorized to permit or transfer a right or to impose restrictions or responsibilities shall be verified.
- 6/ Landholding adjudication neighborhoods shall be specified sequentially through a public notice to be issued by a region or an urban administration.

7/ the result obtained during landholding adjudication shall be organized and sufficient to carry out registration.

8/ Notwithstanding the provision of sub- article 2 of this article, with respect to government holdings and common public utility holdings, whether Systematic adjudication of carried out or in other landholding adjudication section and neighborhoods sporadic adjudication can be applied.

13. Requirements for Landholding Adjudication

In order to carry out adjudication of urban landholding right restriction and responsibility:

1/ the administrative boundary of the city shall be prepared with a line map and must be approved in advance.

2/ the urban center plan with reference to administrative boundary shall be endorsed by the authorized body as having a legally binding effect.

3/ Confirmation must be submitted through the registration institution, rights grantor, officials of the planning institutions or their representatives and including other stakeholders as necessary to ensure that the adjudication requirements are complete and to enable the adjudication of landholding to be carried out.

14. Implementation of Urban Landholding Adjudication System

1/ Systematic landholding adjudication shall be implemented for the first time at the expense of government.

2/ No systematic landholding adjudication shall be performed out of the adjudication section and neighborhood specified by a public notice to be issued by a regional government and charter city or urban administration.

3/ The sporadic landholding adjudication shall be implemented when the person who wishes to adjudicate the title has made an application and paid the service fee issued by the regional government or Charter city administration.

4/ According to sub-paragraph (3) of this article, the fee will be determined by the guidelines issued by the regions and charter cities.

5/ Subject to sub- article (3) of this article, with respect to government and public common utility holdings the system of sporadic landholding adjudication method can be applied in advance without payment by maintaining special identification coding .

6/ Urban Landholding Adjudication shall be carried out;

- a) Where the urban plan is implemented;
- b) Where regularization of illegal holdings is carrying out or completed in an integrated manner;
- c) Where undocumented landholding are made certified or being obtained certificate;
- d) The urban land administration organ shall organize and submit to the registering institution, documents evidencing the right it has already granted and the restrictions and responsibilities it has already registered regarding each landholding;
- e) The decision to launch the adjudication work shall be made jointly at the selected section or neighborhood, in accordance with sub-article 3 of Article 13 of this Proclamation, based on the existence of potential conditions, whereby, such requirements are met favorably to make it a possible ground for the platform to be implemented.

7/ Landholding adjudication shall be conducted before to verify documents having rights, restrictions and responsibilities of landholding, and with data's gathered by using Ortho photo or cadastral surveys field surveying.

8/ Except for a state owned public enterprises, on matters concerning landholding with government offices and kebele houses, open spaces, roads, rivers, fences, water bodies, green spaces, sport fields, and similar events found under an adjudication neighborhood may adjudicate;

- a) The right must be created by the right provider by the name of the institution administering it
- b) After the governmental land holdings listed under sub- Article 8 of this article above have been granted rights as stipulated in letter (a), separate from other holdings, they shall be adjudicated sporadically prior to other landholdings without asking for a service fee in accordance with this proclamation.
- c) In spite of what is stated in sub- Article 7 letter a and b of this article, if it is confirmed that they are government holdings and they are holdings under the relevant government institution and they do not have any documents, the

registration institution must confirm the information about the extent and notify the information to the right provider.

9/ The public notice of landholding adjudication system issued pursuant to sub-Article 3 and 6 of this Article shall be public on air not more than fifteen (15) working days;

10/ Notwithstanding the provision of sub- article 6(d) of this article;

a) The head of the right provider shall hand over the copy from the original existing file to the head of the registration institution or his representative by identifying the necessary information for further work and signing the document.

b)The remaining existing archive, book and map information shall be documented from safe, secure, free of west and harm area by the responsibility of the right creator institution;

c) The use of documents stipulated under this sub-letters (a) and (b) shall be subject to criminal and civil liability, except with the written and signed evidence of authorization provided by the right providing institutions' head administrator having the authority to provide the access to such information or the order of the court.

15. Landholding Adjudication Neighborhood and Index Map

1/ In the implementation of systematic landholding adjudication, an index map of a landholding adjudication neighborhood designated by the urban landholding registration institution shall be prepared first.

2/ while the preparation of an index map sheet of an adjudication neighborhood is ordered, it shall be prepared sequentially according to the national map design and cadastral index map standard.

16. Matters to be Suspended During Landholding Adjudication

1/ Transfer of landholding title, amalgamation and sub-division of holdings, and any act to modify, extinguish, addition, reduction of rights, restrictions and responsibilities of landholding shall be suspended at any level in an adjudication neighborhood until completion of adjudication is announced.

- 2/ Apart from the services stated under sub-article (1) of this article, the right providing body shall provide the service and submit documents to the adjudication body before posting the results.
- 3/ Before or after the declaration of landholding adjudication work, the landholding will be adjudicated by prohibition unless an injunction order is issued not to adjudicated in the adjudication section and neighborhood in particular or because of a boundary dispute.
- 4/ for the purposes of sub-articles (1), (2), and (3) of this Article, the respective regional government or charter city or urban administration shall determine the period in which the adjudication officer shall complete the work and leave out of adjudication neighborhood, however, that the period shall not be more than five months.
- 5/ exceptional services shall be delivered according to the regulation to be issued for the implementation of this proclamation.

17. Adjudication of Urban Landholding Right, Restriction, and Responsibility

- 1/ Adjudication of right, restriction and responsibility of landholdings in a neighborhood shall be performed through verifying the legality and similarity between legal documents submitted by the right holder and right providing institute, or where the extent of the parcel area depicted in such documents are found to be inconsistent from the measured area, by adjudicating the area extent that exists within the tolerance limit provided thereafter and transferred to registration.
- 2/ where there is inconsistency between the evidences or above and below tolerance limit stipulated under sub-article (1) of this Article, the matter shall be referred to the right creator that permitted the right.
- 3/ where in landholding that have been mapped by partition and are within the tolerance limit and exist Overlap and shifting and change of position and similar issues by letting know to the right provider adjudication of landholding can be made based on the information found on the ground, if all the neighbors are in agreement and there is no conflict of plan
- 4/ Any landholding measurement made by notifying the neighbors in advance about the measurement according to the law and failed to show up and if it is taken according

to the measurements available to the observers and it is the same as the one sent by the right provider or if it rests within the tolerance limits, it will be adjudicated without the need to enter into a register of landholding dispute.

- 5/ Subject to what is stated in sub- article (1) of this article, the tolerance limit is determined by the directives issued by the regions and charter cities
- 6/ The right providing institute shall notify its decision in writing related to the matters stipulated under sub-article (2) of this Article to the registering institution within fifteen (15) working days.
- 7/ Landholding issues which have not been reviewed pursuant to sub-article (2) of this Article shall be registered and kept in the adjudication dispute registry.
- 8/ Landholdings that has not been reviewed and kept in the adjudication dispute registry pursuant to sub article (4) of this article shall be deemed, henceforth, spatially adjudicated during the initial commencement of systematic adjudication activities and where the issues pertaining to the disputed has been resolved document verification activity may be performed, in accordance with article 24 sub article 3 of this proclamation.
- 9 / Subject to the provisions of article 14 of sub- article (8) letter (c) of this proclamation, Unless proven to the contrary, any parcel upon which no right have been given to any person and has no owner shall be presumed to be owned by the Government. And, upon the application of relevant government body by supporting the plan format, shall be registered in the name of the institution in charge of administering or developing the land..
- 10/ In the case of unclaimed holdings, the registration institution must adjudicate the open holdings found in the field and notify the right-provider.
11. Where two or more persons are registered as co-holders of a right on a single landholding, the adjudicating officer shall, unless proved otherwise, presume that each of the joint holders have equal share on the landholding and adjudicate the landholding accordingly upon request submitted by these joint holders or through their legal representation.
- 12/ The adjudication of a landholding boundary shall be based on the boundary measurement or by using Orto photo as agreed upon by the adjacent land holders or,

in the absence such agreement, based on the decision of the Landholding Adjudication Grievance Handling Tribunal established under 20 and 21 of this Proclamation.

- 13/ In the case of comparable common land holdings held by individuals or individuals and the government, the rights, restriction and responsibilities given by the rights provider and other relevant documents shall be submitted to the certifying body jointly or separately. The detail shall be provided in the regulation and directive to be issued to implement this Proclamation.

18. Obligation During Adjudication

- 1/ Any person claiming to have landholding use right shall appear in person or through his legal representative during the implementation of adjudication where he is requested and has concern; provided, however, the adjudication process may not be stopped due to his failure to appear..
- 2/ An adjudication officer with team members having Identity Card may enter into and carry out the adjudication work pursuant to sub-article (1) of this Article at any time during office hours on any landholding in an adjudication neighborhood.

19. Adjudication through Public Participation

- 1/ Before carrying out adjudication in any adjudication neighborhood, the adjudication officer shall notify the landholders of land in the selected neighborhood and make them aware of the process.
- 2/ The registration institution shall cause the participation of public representatives as observers in the adjudication process.
- 3/ Any person concerned and interested in the adjudication process shall have the right to participate therein; when so ordered, he shall give testimony, present written or any other document or information relating to adjudication.

20. Issues Related to the Establishment of Grievance Handling Tribunal

- 1/ There shall be Adjudication Grievance Handling Tribunal to decide on complaints submitted against adjudication decisions in the neighborhood.
- 2/ any person aggrieved by a decision of the registration institution on adjudication matters may appeal to the grievance handling tribunal within ten working days from

the date of knowing the decision or if the process is known to be completed and the decision is given in writing.

- 3/ The grievance handling tribunal must make a decision within fifteen working days of the complaint being submitted
- 4/ The organization and procedure of the grievance handling tribunal shall be determined by a regulation issued to implement this proclamation.

21. Appeal Lodged Against Grievance Handling Tribunal

Any person dissatisfied with the decision of the grievance handling tribunal may appeal to the municipal first instance court or where there are no such court to zonal or regional courts respectively in order within ten working days from the date where the final decision of the grievance handling tribunal has been delivered and received by the appellant.

22. Announcement of Completion of Adjudication

- 1/ Adjudication in an adjudication neighborhood shall be deemed completed where no appeal has been lodged to grievance handling tribunal, the time limit for lodging grievance has been expired or where the tribunal has notified its decisions on all grievances lodged to it.
- 2/ The completion of adjudication in an adjudication neighborhood shall be announced through public notice.

23. Landholding Adjudication Register

A landholding adjudication register is a register of landholdings verified through documents and field adjudication and containing leaves prepared on paper or paper and digital information system for each landholding. The contents of the landholding leaves shall be determined by directives issued hereunder.

24. Transfer of Landholding Adjudication Document

- 1/ The adjudication officer must submit all the documents and related information used for land adjudication to the registry institution.
- 2/ All documents including landholding on which injunction order passed pursuant to sub-article (3) of Article 16 of this Proclamation, landholding evidences having inconsistency or size of landholdings above and below tolerance limit, landholdings did not be adjudicated because of different reasons are entered in the register of

landholding disputes shall be delivered by the adjudication officer to the registering institution upon completion of adjudication in an adjudication neighborhood.

- 3/ when the issue stated under Sub-Article (2) of this Article is resolved the registration institution shall organize experts to adjudicate these landholdings by paying expenses of document verification and delivered to the registration institution to undertake the registration.
- 4/ Notwithstanding of sub-article (3) of this Article, when the landholder or the agent did not agree the documents organized by Orto photo or ground surveying, the landholdings shall be adjudicate by paying all expenses incurred to collect and organize documents again.

25. Effect of Landholding Adjudication

- 1/ all documents by which rights, restrictions, and responsibilities on a parcel, the legal boundary of which is demarcated during landholding adjudication shall serve as conclusive proof for registration.
- 2/ Any person whose landholding is adjudicated in accordance with this Proclamation can register his landholding. However, he is not required to register in person.
- 3/ The holder of the land title will be given proof that the land title is eligible for registration

PART Five

CADASTRAL FIELD DATA

26. Ortho Photo, Surveying, and Surveying Equipment

- 1/ ground surveying activities of landholding and land related property ground data collection should be done together with or separately from ortho photo or other similar technology options
- 2/ A field survey of a landholding shall be carried out only with proven & calibrated surveying equipment and by a cadastral surveyor or a surveyor with a special permit.
- 3/ A field survey shall be made according to the national geodetic network and based on a determination of northern horizontal and eastern horizontal measurements obtained by positioning control point rods or photogrammetric method, or both.

27. Cadastral Survey Control Points, CORS Station, and Boundary Marks

Details regarding the alignment, use, and maintenance of cadastral survey control points, course stations, and boundary markers shall be determined by regulations issued pursuant to this proclamation.

28. Survey Plan and Record

- 1/ Every ground cadastral survey shall describe the plan of the parcel by indicating the boundary measurements.
- 2/ The plan described in sub article (1) of this article should be accompanied by a field note prepared at the same place and time where the cadastral survey measurement was carried out

29. Cadaster Surveyor

- 1/ A cadastral surveyor or a surveyor with special permit shall submit the survey data to the registering institution in accordance with the job order prescribed by the registering institution.
- 2/ The surveyor shall be responsible for any damage caused to a land holder or the institution that ordered the land to be surveyed because of field survey data collected by using surveying equipment not calibrated, tested or certified.

30. Landholding Block Bound Books

A bound book of parcel index map, which are prepared according to the landholding Adjudication neighborhood standard, falling within a block partition of an adjudication neighborhood shall be organized in a paper and digital form and updated with change.

PART SIX

REGISTRATION PROCEDURE AND ITS EFFECT

SECTION ONE

Implementation of Registration procedures

31. Mandatory conditions for registration

- 1/ Any rights, restriction and responsibilities on landholdings or negotiations affecting the same can be objected to only if it is registered.
- 2/ Registration of land holding rights is done only for the land holdings created by the body authorized by law.

- 3/ Any registration of land holdings serves as the final proof of the ownership of the immovable property built on the ownership of the right of usufruct unless evidence to the contrary is provided.
- 4/ Any person cannot take advantage of the rights, restrictions and responsibilities registered under registry of land holdings by saying that he does not know the registration.
- 5/ Any rights, prohibitions and responsibilities on land holdings are registered when the land holdings adjudication process is passed.

32. First Registration of Landholding

- 1/ The registration institution must carry out the first registration within 30 working days based on the documents received from the adjudication officer of the parcel of land in the adjudication area,
- 2/ Where there occurs error committed and not rectified while adjudication activities was under way and the existence of such fact is made known to registering institute upon the time when first registration activities were being implemented pursuant to sub article (1) of this article, the registration institution must review and rectify the document within 10 working days and subsequently undertake the registration work.
- 3/ Pursuant to sub article (1) of this article, landholders shall apply, within 30 working days after the conclusion of activities of adjudication has been declared, to obtain certificate of first registration, in person or through their preferred legal representative, by filling the paper form or by filling formats uploaded on the website designed by registering institution for the purpose of usage in an online application platform.
- 4/ The land holder can submit applications to request certificate of registration in person or using the Internet.
- 5/ An application for a registered land tenure certificate must be submitted along with supporting evidence.
- 6/ Application for certification not submitted to registering institution in due time, as it was depicted under sub article (3) of this article, the registration of such landholding and the delivery of new certificate may only be in effect, after having paid altogether

the fine and service fee in accordance with the stipulations of regional government, chartered cities, and city administrations.

- 7/ The detailed performance of application reception and screening shall be determined by a regulation issued following this proclamation.
- 8/ If the documents submitted for registration are confirmed to be valid and complete by the adjudication officer and it is decided to be registered accordingly, Unless evidence to the contrary is provided, registration by the registration institution can be a legal confirmation of the detailed information content of the documents.

33. Right, Restriction, and Responsibility Subject to Registration

- 1/ When granting the use rights, restrictions and responsibilities of the existing tenure ship type such as old possession, rural landholdings, leases landholdings and sub-lease landholding rights granted by the appropriate government body are recorded.
- 2/ all rights, restrictions, and responsibilities created through total or partial sale, donation, inheritance, assignment of share, contribution in kind or other act or event as permitted by this proclamation and regulations and directives to be issued hereunder shall be registered.
- 3/ all decisions, orders rendered contracts concluded by a legally authorized organ to extinguish. Reduce, expand, modify or amend rights, restrictions, and responsibilities stipulated under sub article (1) and (2) of this article shall be registered.
- 4/ A contract of sub-leasing for transferring landholding rights, restrictions, and responsibilities, in accordance with the decision of the government, shall be registered.
- 5/ Any mortgage contract relating to the possession of the landholding and a injunction order issued by a court or financial institution shall be registered with the registration Institution.
- 6/ The rights, restrictions, and responsibilities permitted under the Land Administration Service System shall be recorded in accordance with this Proclamation and the Regulations and Directives applicable to the implementation of this Proclamation.
- 7/ Notwithstanding the provisions of sub-article 6 of this article, the effect of the registration shall be on the certificate of registration of the size of the measure obtained if it is within the tolerance limit set by the Regional Government, Charter

City or city administrations, as compared to those obtained in the measured area of landholding.

34. Preparation and Keeping of Registers

- 1/ Books of registers for adjudication and registration and also for other essential activities shall be prepared and made available.
- 2/ The registers stipulated under sub article (1) of this article shall be prepared using paper or on paper and digital form.
- 3/ The registering institution shall take due care to safeguard the legal cadaster information kept on paper or in digital form information security risk.
- 4/ the registers depicted under sub article (1) of this article, shall be prepared in accordance with a national standard incorporated to implement this proclamation, by the ministry or regions and chartered cities and city administrations.

35. Paper and Digital Registration

- 1/ the paper and the digital register affected in accordance with article 34(2) of this proclamation shall have equal approbatory value.
- 2/ where there is difference or doubt between the two registrations pursuant to sub article (1) of the article, the paper register shall prevail over the digital register.
- 3/ the paper register shall prevail when the seal of the institution and signature of the authorized registration officer is affixed on every page.

SECTION TWO

LANDHOLDING RIGHTS REGISTRATION

CERTIFICATES AND RESPOSIBILITY OF THE REGISTERING INSTITUTION

36. Issuance of Certificate of landholding Right

- 1/ The registration Institution shall issue a certificate of landholding right in the name of the beneficiary as stipulated in Article 31 of this Proclamation, signed by the Registration officer by indicating the date and year of its registration with the seal of registration institution affixed thereon.
- 2/ a certificate of landholding right to be issued pursuant to sub article (1) of this article shall be prepared in accordance with the requirements to be prescribed by the Ministry in conformity with this proclamation.

- 3/ Any person who has lost or damaged a Certificate, replacement certificate shall be issued in less than one month. The detailed implementation shall be governed by the provisions of the regulation issue for the implementation this Proclamation.
 - 4/ Notwithstanding the provisions of sub article (3) of this Article, the possession of the replaced certificate is being challenged in court and has not been decided, if a replacement certificate is authorized, the court will decide the case.
- Notwithstanding the provisions of Sub-Clause 3 of this Article, if the possession represented by the certificate for which replacement is requested is being contested in court and has not received a decision ,A replacement certificate will be issued upon the decision of a court of competent jurisdiction.
- 5/ The certificate acquired pursuant to sub article 3 of this article are confirmed to be through false evidences, such matter shall be brought to the court by the registering institute for nullification, meanwhile, the person (s) who committed such a vile shall be prosecuted and made liable in accordance with provisions of this proclamation and together with liabilities envisaged under criminal and civil laws.
 - 6/ whereas until the conclusion of such court proceeding and nullification decision has been delivered, pursuant to sub article 5 of this article, injunction shall be imposed prohibiting the commission of any major juridical transactions that may have change the right, restriction, and responsibility upon such landholding.

37. Sub Lease

Where a landholder sub-leases, as may be decided by the appropriate law , to a third party, part or all of his holding right in respect of the part or the whole of the duration of the lease period, this right, restriction, and responsibility shall be registered and certificate shall be given to the person to whom the right is transferred by sub-lease.

38. Encumbrances and Attachments

- 1/ The registering institution, upon request concerned person (s), shall give evidence of proof of the registration of mortgage contract or attachment related to landholding registered pursuant to article 33 (5) of this proclamation.
- 2/ any person who has acquired a right in accordance with sub article (1) of this article shall submit the documents based on which the transferee acquired the right to be registered while applying for registration.

39. Publicity of the Legal Cadastral Date

The registration institution shall make legal the cadaster information public. Details shall be provided under regulations and directives issued to implement this proclamation.

40. Disclosure of Legal Cadastral Information

- 1/ the registering institution shall permit in office inspection of archives at its disposal or give a copy of registered documents when so requested by an organ empowered to examine or obtain a copy thereof.
- 2/ Copies of documents given by the registrar institution should not be considered legal evidence if they do not have the signature of the registrar or the person authorized to issue the document, if they are not stamped by the institution, and if they do not have the date, year and reference number of the copy of the record written on them.
- 3/ the register of legal cadaster shall not move from the administrative office of the registering institution by the request of any person.

41. Updating of Landholding Information

The registering institution shall record in the register of legal cadaster the services it provides and update the landholding information.

42. Notice of Registration to the Landholder

- 1/ If a person acquired landholding right and has registered his right, the registration institution shall notify to the holder on the public notice board or its office board, by a verified copy of the registration to confirm that the documents provide for registration are accepted.
- 2/ any person who is obliged to register right, restrictions and responsibilities in accordance with the regulations and directives applicable to this Proclamation shall be responsible for damages to the landholder or third parties for failure to comply with its obligations.

43. Liability of Registering Institution

- 1/ the registering institution shall be liable for damage caused to third parties who acted in good faith relying on the proof of registration of right, restriction or responsibility on a registered landholding.
- 2/ nothing shall affect the right of the registering institution to make a claim against any person who benefited illegally or against his own officers and employees at fault.

44. Establishment of Security Fund

- 1/ the regions and charter city may establish, according to their particular situation, security fund to fulfill responsibilities set out in sub-article (1) of Article 43 of this Proclamation.
- 2/ For the purpose of establishing the fund, the determination of how much fee may be collected by registering institution shall be made by regions and chartered cities depending on the percentage value of every transaction committed pursuant to services provided thereof.
- 3/ the commencement, manner of collection or termination of collection of the security fund shall be determined by regional government and charter city.

SECTION THREE

EFFECTS OF REGISTRATION OF LANDHOLDING RIGHT

45. Proof of Landholding Right and the Ownership of Immovable Property

Unless proved to the contrary, any person to whom a holding right certificate is issued pursuant to sub-article (1) of Article 34 of this Proclamation shall be deemed to be the possessor the land indicated in the certificate and owner of an immovable property situated on the land.

46. Prior Right

- 1/ Where two or more persons have acquired from the same person a right subject to registration, the one whose right is first registered in the register of landholding shall have priority.
- 2/ the right of the second person may not be registered in so far as it is in conflict to the right which has been first registered.
- 3/ notwithstanding the provision of sub article 2 of this article, Nothing shall affect the rights of such second person, to seek court relief against the person from whom he has acquired the landholding right, contractual and tort liabilities in accordance with the provisions of civil code.
- 4 / where the rights, restrictions, and responsibilities registered are equally old or the priority of one in relation to the other cannot be established, preference shall be given to that number of the registration which in the register comes before.

47. Legal Action

Court judgments, decisions or orders which acknowledge, transfer, modify, extinguish, or restrain a right, restriction and responsibility on a landholding may be set up against the registration institution pursuant to Article 43 of this Proclamation as of the date on which such judgment, decision or order has been registered in the register of urban landholding in the place where the registering institution is situated.

48. Correction and Cancellation Registration

- 1/ Unless proved to the contrary, any entry in a register pursuant to this Proclamation may be corrected based on the request of the person who caused its registration, by the judgment of a court or an appropriate organ or by the agreement of persons interested in the matter subject to correction.
- 2/ where the cancellation of registration is ordered by court or appropriate organ, the rights, restrictions and responsibilities entered in the register shall be cancelled there from.
- 4/ The reason under which and the manner in which the registering institution may correct or rectify a registration by its own motion shall be determined by regulations issued to implement this proclamation.
- 5/ any correction and cancellation of a registered right, restriction, and responsibilities shall be effective as of the date of the act.

49. Ignorance of a Registration

- 1/ It shall be inadmissible for any person to claim based on the fact that he does not know of the registration of rights, restriction, and responsibility entered in the registers referred to in sub-article (1) of Article 34 of this Proclamation and made open to the public.
- 2 / If this is said to be the result of the fault or misconduct by an employee of the institution or the registration officer or official of the institution, the registration Institution shall be liable for any damages or damages referred to in subsection (1) of this Article.

50. Effect of not Adjudicated, Registered and Received Certificate of a Landholding in due time

- 1/ any landholder who has not adjudicated, registered and received a certificate shall not be legible to receive any services by registration institution.
- 2/ Evidences of a landholding right, restriction and responsibility on urban landholding, unless registered in the register of landholding and has received a certificate for up to one year from the date of completion of adjudication at adjudication neighborhood, may not be set up against third-party.

51. Procedures for Delivering service to Non-Registry

- 1/ Upon the expiration of the penalty period specified in Article 50 sub article (1) of this Proclamation, the payment of the monthly penalty shall be determined on the basis of the penalties provided under the directive which shall be issued by the Regional government and the Charter cities. A landholder shall be served adjudication and registration of his landholdings in accordance with sub-article (3) of Article 24 of this Proclamation.
- 2/ Notwithstanding to sub-article 1 of this Article, the landholder shall receive the service once his holding adjudicated and registered in accordance with sub- article 4 of Article 24 of this Proclamation, if the Landholder disagree and request the information collected during systematic adjudication with Ortho photo or ground surveying to be collected again.

52. Provision of Service for Registered Landholdings

Once the landholding rights, restrictions and responsibilities are registered in accordance with Article 32 of this Proclamation, the services on landholding administration shall be provided by the Registering Institution in respect to the relevant laws and working procedures.

PART SEVEN

MISCELLANEOUS PROVISIONS

53. Penalties

- 1/ Any registration and right providing official, registering officer, landholding adjudication officer, cadastral surveyor, surveyor with special permit or employee who is in charge of implementing this Proclamation, and regulations and directives issued hereunder, with intent to procure undue advantage for himself or to another person:
 - a) verifies landholding in contravention of the provisions of Proclamation or regulations and directives issued hereunder is punishable with rigorous imprisonment from five years to fifteen years and with a fine from Birr 40,000 up to Birr 200,000;

- b) Registers a landholding and provide services in contravention of the provisions of this Proclamation or regulations and directives issued hereunder is punishable with rigorous imprisonment from five years to 10 years and with a fine from Birr 30,000 up to Birr 150,000.
 - C) Provides services in the process of landholding adjudication and fails to provide the basic information and responses to the adjudication body in time will be punished with five to 8 years of rigorous imprisonment and a fine of 100,000 to 150,000 Birr.
- 2/ whosoever, having been duly summoned, without good cause, fails to cooperate in the implementation of systematic landholding adjudication in an adjudication commune, defaults to submit the required document or refuses to allow entry to his possession shall be punishable with simple imprisonment or fine from Birr 1,000 up to Birr 3,000, or both.
- 3/ Whosoever, procures undue advantage for himself or to another person, or injures the possession rights, restrictions or responsibilities of another person by intentionally defrauding the registering organ using illegal or falsified document shall be punishable with rigorous imprisonment from five years to 15 years and fine from Birr 40,000 up to Birr 200,000.
- 4/ Any person who creates conditions that may risk the safety of records provided by this Proclamation and causes loss or damage to the legal cadaster shall be:
- a) Punishable with rigorous imprisonment from seven years to 20 years and fine from Birr 100,000 up to Birr 1,000,000; where the crime is committed intentionally;
 - b) Punishable with rigorous imprisonment from three years to 10 years and fine from Birr 20,000 up to Birr 150,000; where the crime is committed negligently.

54. Power and duties of the Ministry

The Ministry of urban and infrastructure development shall have the following duties and powers without prejudice to the powers and duties provided therein by other laws, as it was prescribed hereunder:

- 1/ It shall set up urban land and land related property registration system through the issuance of facilitating policies, strategies, and laws and follow up and ensure the proper implementation of this Proclamation and regulations, directives and standards issued pursuant to this Proclamation all over the regions and cities, prepare and

- implement detailed work manuals that are in compliance with the country wide directions of development programs, Conducts activities of review and supervisory field control on the practical implementation of the work, and where problems is found to exist, it shall forward its comments to concerned bodies, thereby, to cause an immediate corrective measures to be taken;
- 2/ Collaborate to develop a cadastral and land related property trading system together relevant stake holders to ensures a free market platforms, promotes transparency and accountability, stablishes nationally recognized land and property registration codes, and ensures that these codes are implemented at the national level,
 - 3/ Supports regional cities to organize land and land related property registration in accordance with the principles of the cadaster system, to perform activities of institutional capacity building to ensure standardization, registration, and ongoing services on landholdings;
 - 4/ In order to expand the training program for cadaster experts and to strengthen the way to ensure professional competence, Provides training support to regional and city technical and legal frameworks to train cadaster professionals and enhance their knowledge and skills.
 - 5/ Serve as a national information resource center on urban land registration and related information.

55. Power and duties of the Regions and Chartered Cities

Without prejudice to the powers and duties provided under other laws, each region and Charter Cities shall have the powers and duties to:

- 1/ Establish the urban landholding registration institutions, the setup of which is, enabled through putting in place effective procedures, sufficient infrastructure, and deploy all necessary equipment, thereafter, to implement this proclamation and the regulation, the directive, and the standard enacted for the proper implementation of this proclamation thereof.
- 2/ ensure the proper enforcement of regulations and directives issued in accordance with this Proclamation, whereby, direct and coordinate its entire activities in accordance with this proclamation, regulations, directives and standards issued hereunder;
- 3/ Determines the urban centers or sections and neighborhoods by region and chartered cities or city administration, in which, urban landholding adjudication is to be launched;
- 4/ fix the appropriate service fees chargeable for registration certificate and other services it provides after registration, nonetheless, the extent of such fee shall be derived from the service price formula directive enacted by the ministry;

- 5/ Where landholding adjudication is being carried out, the size of the landholding from the document and the size from measuring results inconsistent or above and below tolerance limit, regional governments and the two charter city administrations shall issue directive to decide the amount of rate or to resolve or to include such differences.

56. Power and duties of the Urban Administration

Without prejudice to the powers and duties provided under other laws, the urban administrations shall have the powers and duties to:

- 1/ To ensure, establish and organize the land registration and information institute at charter cities and urban centers to properly implement Proclamation and to enforce the regulations, directives and standards according to this Proclamation;
- 2/ serve as the sole information producing center for legal cadaster registration;
- 3 The parties mentioned in Article 13(3) of this proclamation will jointly decide the section and neighborhoods where the verification and registration of urban land ownership will be started, the works to be implemented during the preliminary preparation and the existence of existing conditions that can carry out the work
- 4/ transfer registered information to the Regional Governmental, Charter City, and to the Federal Government Appropriate and Authorized Body;
- 5/ own legal cadaster data; organize and manage the data.

57. Service Fee

- 1/ without prejudice to Article 14 (1) and Article 55 (4) of this Proclamation remain intact, once after landholding is registered, the amount of fees charged to the services of the registration institution shall be determined based on the cost sharing principle.
- 2/ according to Article 55 (4) of this proclamation, the amount of service fees chargeable for landholding registration shall confirm to the formula to be adopted by the federal government

58. Duty to Cooperate

- 1/ any person shall have the duty to cooperate for the implementation of this Proclamation, regulations and directives issued hereunder.
- 2/ Courts, financial institutions, notaries and revenue collecting bodies shall directly submit or allow access to the registering organ all documents they generate that have

to do with rights, restrictions, and responsibilities subject to registration in connection with landholding.

59. Power to Issue Regulation and Directive

- 1/ Subject to the provisions of sub- Article (6) of Article 4 of this Proclamation, the Council of Ministers may issue regulations necessary for the implementation of this Proclamation.
- 2/ Subject to the provisions of sub- Article (6) of Article 4 and sub- Article (5) Article 55 (5) of this Proclamation, the Ministry shall issue directives necessary for the implementation of regulations issued in accordance with sub-article (1) of this Article.

60. Transitory Provision

The adjudication, registration and service delivery activities started before the approval and entry into force of this proclamation will continue to apply by the existing law.

61. Repealed and Inapplicable Laws

- 1/ The Urban Landholding Registration Proclamation No. 818/2006 are hereby repealed.
- 2/ No proclamation, regulation, directives or customary practice shall, in so far as it is inconsistent with this proclamation, shall be applicable with respect to matters covered by this Proclamation.

62. Effective Date

This Proclamation shall enter into force on the date of its publication in the *Federal Negarit Gazeta*.

Done at Addis Ababa, this-----day of -----/2023

SAHELEWORK ZEWDE

PRESIDENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA

