

Enforcement of Mandatory Cadastral Registration in Eritrea

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1 Purpose of Presentation

The purpose of this paper is to elucidate the crucial role mandatory cadastral registration plays in the mgn't of land and other immovable property, explore the challenges which have forestalled the enforcement of the proclaimed mandatory cadastral registration in Eritrea, with the intention of identifying and coming-up with recommendation of viable solutions and alternative courses of action.

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2. Conclusion

- The enforcement of mandatory and systematic approach to registration is difficult, if not impossible, without building the necessary competent institutions and building the awareness and ripe socio-economic conditions; thus the research expounds why a flexible and upgradeable rather than the mandatory registration approach is appropriate in the present context of Eritrea
- The study was essential as attempts made at implementing mandatory cadastral registration in Eritrea remained largely ineffective

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3. Introduction

- In Eritrea, voluntary/sporadic registration continued for over a century
- Mandatory cadastral registration is believed to be essential for proper mgn't of land and its resources
- However, attempts made at enforcing mandatory cadastral registration in Eritrea remains largely ineffective
- Different experts have extensively written on the advantages and limitations associated with mandatory cadastral registration
- Exploring for viable solution and alternative course of action becomes crucial

4. Question to Audience for Interaction

- What would you propose if a proclaimed mandatory cadastral registration does not become effective?
- If your response is to look for other options, What are the appropriate options for consideration? Why do you choose this option?
- Is there any other constructive idea?

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5. Theory/Problem Statement

- Mandatory cadastral registration is widely believed to be necessary for proper management of land and other immovable property
 - Based on this theory, the Gov't of Eritrea proclaimed the mandatory cadastral registration
 - Despite this legal announcement, implementation largely remains ineffective
 - The study has attempted to explore the factors why mandatory registration didn't progress as expected
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6. Method Used

- Setbacks for the enforcement of mandatory cadastral registration were studied:
 - No comprehensive mapping and LUP
 - Unplanned houses outside formal registration
 - Voluntary/sporadic cadastral registration continues
 - Land Law not fully enforced
 - Weak link b/n cadastre and LAS
 - Unripe socio-economic development
 - Inadequate institutional & human capacity
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7. Results

The numerous challenges facing mandatory cadastral registration indicate that the country is not prepared to undertake mandatory cadastral registration at this stage, thus it is appropriate to look for other flexible approaches, such as the ‘fit-for-purpose cadastre’, which ensures ‘continuum of land rights’ and uses the STDM as a tool.

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8. Conclusion & Recommendation

Conclusion:

- The enforcement of mandatory and systematic approach to registration, however desirable, is difficult, if not impossible, without building the necessary competent institutions and building the ripe socio-economic conditions
 - Thus, the study exposed a combination of an alternative approach, which is flexible and upgradeable to that of mandatory registration looks appropriate for Eritrea
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Recommendations:

- Recognizing the difficulties of mandatory registration in the present context, applying the ‘fit-for-purpose cadastre’ which is flexible and upgradeable and ensures ‘continuum of land rights’ looks relevant for Eritrea;
 - Mapping and surveying as tools for planning and managing of land and its resources require institutional capacity enhancement to carryout comprehensive mapping and land use planning of the country;
 - As cadastral systems are dependent on expertise for dev’t, maintenance, communication and operation, sustainable cadastral systems require the dev’t of necessary skills and capacities through the medium of education on cadastral system.
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- To ensure secure and timely transfer of immovable property and collect Gov't revenues in the form of tax and fees, reinstating the Public Notary Offices in all regional administrative seats is timely;
 - As cadastre is a parcel-based and up-to-date land information system that consists of the textual and spatial data, the integration of the two is essential and thus, structural integration or very close cooperation b/n cadastral and mapping works is a necessity.
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