BAHIR DAR UNIVERSITY
SCHOOL OF LAW: LLB- DEGREE
LAND LAW COURSE SYLLABUS

Course Information	Academic Year: 2019; Semester: II
Instructor Information	Name: Entekrstose Meseret ; Title: (LLB, LLM in Environment and Land Law) Email Address: entemeseret@gmail.com
Course information	Pre-requisite: None
	Course Status: Mandatory; CP: 3

Course Description

Land is treated as a specific object of regulation under Ethiopian law; the law consists of rules governing real property. The course on land law treats real properties which include land and buildings in both private or public law domains. The legal regime of land law which this course propounds is constituted in the Civil Code and other principal and subsidiary legislations of recent enactments. Art 40 of the FDRE Constitution provides for the right of property of every citizen - including ownership, while other proclamations regulate rural land administration, urban land lease holding systems and ownership of condominium housing units. The course explains the regulation and control of land usage - including the creation, changing, registration and transaction of property units and their leases, and the usage of land for different purposes such as roads and pipelines.

The course will in particular focus on land - a property which may not be privately owned, sold, transferred or disposed in any other manner but still held and used for various purposes. The course also elaborates on the rights regime entitling Ethiopians to own certain parts of immovable properties and the permanent improvements made on lands; such property rights include the right to alienate and encumber them with charges - rights which may not be infringed by the government unless required for public purposes and with commensurate compensation paid in advance.

Objectives, Competence to be Achieved

After a successful completion of the course, students are expected to achieve basic knowledge and competence regarding:

- the basic issues on the question of land ownership;
- the socio-economic benefits of land-related transactions;
- cadastral and land registration practices into the Ethiopian free market economic system;
- the various types of lease and user rights;
- the meaning and usefulness of land register, cadastre and surveying;
- the institutional requirements of authorities administering real property register;

• the advantages of real estate registration in the Ethiopian economic context; • Some of the major types of land legislations and their main contents.			
Sched.	**Chapters to be Covered**	**Activities**	**References**
Week 2-3	**Chapter I: Land Law in General** **1. Introduction to Major Concepts** • What is property, Land, Real Property, Real Estate and Immovables • Theories of Property Rights **2. Forms of Ownership to Land** • Private Ownership • Communal Ownership • State Ownership • Open access/public domain. **3.** The Scope of Real Property(land) Law **Basic Land Legislations** • Civil Code • Recent Land Legislation	Group Discussion Students Debate Chapter Reflections	Daniel W/Gebriel and Melkamu Belachew, Students' text on Ethiopian Land Law, 2008. Hager, Richard (2005) Joith- Ann Mackenzy& Mary Phillips (2008) MuraduAbdo (Ed), (2009) Ethiopian *Business Law Series* Vol. III, Addis Ababa Law Faculty. Daniel W/Gebriel, Land Law Text Book, 2013 Muradu Abdo, State Policy and Law in relation to Alination Power in Ethiopia, Doctoral thesis, 2014
Week 4-7	**Chapter II: Rural Land Laws** 2.1 Ethiopian Land Tenure History in Brief • The pre-1974 Revolution era • Rural Land Tenure during Derg Era 2.2 The Present land tenure System • Nature and Scope of land rights today • Modes of acquisition • Modes of Transfer ✓ Land Inheritance ✓ Donation ✓ Court order ✓ Prescription(Adverse Possession) • Modes of loss of landholding rights 2.3 Rural Land Lease	Group Discussion Chapter Reflections Term paper	PANKHURST, R. 1966. Daniel W/Gebriel and Melkamu Belachew, Students' text on Ethiopian Land Law, 2008. Daniel W/Gebriel, Land Law Text Book, 2013 Daniel Behailu, Transfer of Land Right in Ethhiopia, 2015 Muradu Abdo, State Policy and Law in relation to Alination Power in Ethiopia, Doctoral thesis, 2014
Week 8-	**Chapter III: Urban Land Laws** 3.1 Lease in General: Scope and	Group discussi	Daniel W/Gebriel and MelkamuBelachew, 2008.

9	Nature of lease • Overview of Previous Lease Proclamations • The Current Lease Proclamation 3.2. Modalities of Urban Land Acquisitions 3.3. Transfer of Lease Rights 3.4. Formation and Terminations of Lease Contract	on Term paper Student Presentations	Jodith- Ann Mackenzy& Mary Phillips (2008) Urban Lands Lease Holding Proclamation, Proclamation No.721/2011. *NegaritGazeta.* Year 18, No. 4 Muradu Abdo, State Policy and Law in relation to Alination Power in Ethiopia, Doctoral thesis, 2014
Week 10	**Chapter IV: Cadastre and land registration** • Meaning and Purpose of Cadastre • Cadastre and Land Register • Rural and Urban Cadastre. • Introduction: nature and Importance of Land Registration • Rural Land Register and Urban Land Register • Land Registration Authorities	Group discussion	Larsson, Gerhard (2000) *Land Registration and Cadastral Systems: Tools for Land Information and Management,* Stockholm. Simpson, S.R. (1976)Land Law and Registration Urban Landholding Registration Proclamation, Proc. No. 818/2014
Week 11	**Chaprter V: Land Consolidation** • Concept of Land Consolidation • General Objectives • Scope of Land Consolidation Schemes • Approaches to Land Consolidation • The Impact of Land Consolidation • The Rural Situation and Land Tenure	Group discussion Chapter Reflection Student Presentations	Jodith- Ann Mackenzy& Mary Phillips (2008) *Textbook on Land Law*, Oxford, London Daniel W/Gebriel and Melkamu Belachew, 2008.
Week 12-14	**Chapter VI: Land Use Restrictions** 1 Introduction 2 limitation on use 3Planning and Building Regulations 4 Expropriation • Nature&Justifications of Expropriation • Limits on the use of Expropriation 5.Servitude • Sources of Servitude	Group Discussion	Daniel W/Gebriel and Melkamu Belachew, Students' text on Ethiopian Land Law, 2008. Daniel W/Gebriel, Land Law Text Book, 2013 Daniel Behailu, Transfer of Land Right in Ethhiopia, 2015

	• Rights and Duties of the Serveint and Dominant Tenements • Extinction of Servitude		Muradu Abdo, State Policy and Law in relation to Alination Power in Ethiopia, Doctoral thesis, 2014
Week 15	**Chapter VII: Land Dispute Resolution Mechanisms** • ADR Systems • Judicial system	Group discussion on Chapter Reflection	Daniel and Melkamu, 2008 The Revised ANRS Rural Land Administration and Use Proclamation, Proc. 133 / 2006 TheANRSRuralLand Administration and Use, Regu 51 / 2006 .

Methods of Delivery

Lectures, seminars, student presentations, group discussions, individual and group tutorials, assignments and project supervisions.

Assessment

The performance of students shall be evaluated based on the University's assessment regulation. In Particular, it will at least constitute the following activities

Class Participation & presentation.....5%
Group work.....10%
Quiz 10%
Mid Exam.....25%
Final Exam.....50%

References

- Land Law Teaching Material
- Muradu Abdo (ed)Land Law and Policy in Ethiopia Since 1991
- Daniel W/Gebriel, Land Law Text Book
- Acham yeleh Goshu, Land Reform, Text book
- Muradu Abdo, Land Policy and Laws in relation to alienation Power in Ethiopia, Doctoral Thesis, 2015
- FAO, Land Tenure and rural Development, 2002
- Klaus Dininger, impacts of land certification on tenure security, investment, and land markets, 2009
- Daniel W. Ambaye, , *Land rights and expropriation in Ethiopia,* Doctoral Thesis in Land Law at Royal Institute of Technology, Stockholm, 2013, Sweden
- Hager, Richard, Introduction to Real Estate Law, 2005
- Larsson, Gerhard, Land Registration and Cadastral Systems: Tools for Land Information and Management, Stockholm, 2000

- Land Policies for Growth and Poverty Reduction: A World Bank Policy Research Report, 2003
- Real Estate Planning and Development: Papers on Property Rights, 2nd ed., KTH, Stockholm, 2007
- Dale, P.F and McLaughlin, J.D. , Land Information Management, 1988
- FIG UN, Land Tenure and Cadastral Infrastructures for Sustainable Development, 1999
- Martin Dixon, The Principles of Land Law, Fourth Edition, 2002.
- Simpson, S.R., Land Law and Registration, 1976
- Ostberg, T., Cadastral Systems in Developing Countries-Legal Options, 1997
- The FDRE Constitution 1995
- The Civil Code of Ethiopia, 1960
- FDRE Rural Land Administration and Land Use Proclamation, Proc. 456 /2005
- Urban Lands Lease Holding Proclamation, Proc. No. 721 / 2011
- Urban Landholding Registration Proclamation, Proc. No. 818/2014
- The Revised ANRS Rural Land Administration and Use Proclamation, Proc. 133 / 2006
- Proclamation No. 130/ 2007, Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration
- Proclamation No. 136/2008, The Revised Tigray Regional State Land Administration and Use Proclamation
- Proclamation No. 110 The Southern Nations, Nationalities and Peoples Region Rural Land Administration and Use Proclamation

Approved By:

Course Manager- Entekrstose Meseret
Signature_____

Course Chair- Mihret Alemayehu
signature…….

Department Head - Fikerabinet F
Signature_____