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ARTICLE

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Review

Contending views on land tenure system in Ethiopia: Historiographical essay

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Land issue in Ethiopia is associated with the socio-economic and political aspects of both the people and the state. Land was said to be owned by the peasants, the church and the nobility in the form of gult and rest while later the ownership type officially changed to private and state property. Thus it is comprehend that governments in Ethiopia have made inconsistent and controversial land tenure policies. Scholars have raised this complex nature of land holding system and argued on some in support and others against the governments' policy. Therefore this paper considers the policy issues, decrees issued especially during the Derge and the EPRDF periods and debating literatures of scholars worked in relation to value of land and the tenure systems. It also observes historical developments to illustrate the change and continuities of land holding system put into practice in particular regions and the country as a whole.

Key words: Proclamation, policy, land tenure, gult, rest, expert.

INTRODUCTION

Economists classified productive imputes into land (any parts of natural capital), labor (undifferentiated input) and capital (produced capital). As meticulously stated by Goodwin (2003), the Industrial Revolution had affirmative influence for the development of economics as a discipline. Generation of the 1950s got new exposures of produced capital which tends to be more effective in production more than the previous human generation for the reason that improvements in technology made land and labor more productive. Nature is not adequate for production by itself rather supported by new technological innovations which make more food and efficient use of natural resources. Though technological development has prolific influence on labor to be more productive, workers who

score high production could be able to pay high salaries. As justified by historical evidences, economic development increases the living standard of increasing population. Labor, however, became expensive and forced the producers to economize this factor of production by substituting both capital and natural imputes from which all material things are ultimately made.ⁱ

Increase in expense of labor also brought pressure to economize on land including natural capital and the product flows produced by the natural product. The new factory/machine and consumer goods are produced in the ways which put pressures on the environment. This act of force put pressure to economize produce capital. In the place of applying technology to promote

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productivity, emphasis should be given to technology embodied in produced capital. On the other side, technology can be disembodied in enhancing effectiveness of imputes used in production. Such technologies may tend to include both common understandings and producers.ⁱⁱ

Sustainability of human existence is directly or indirectly related to man's discourse with humanistic and natural events. Apparently, environmental situations have sturdy roles in guiding and reshuffling the day-to-day socio-economic and political activities. To work out customary actions for continuity within the environment, the natural world has enforced humans to well manage the fundamental needs such as the land. Among the vital requirements, land is by far crucial for stability of life. This is why governmental and non-governmental organizations as well as people of the industrialized and agrarian nations of the world are straightforwardly connected with land. In agrarian countries, most people are engaged in agriculture and their subsistence rely on land. Samuel, (2006).

On the other hand, land is considered as a vital instrument for political and economic concerns of the state. In the Ethiopian context, land is therefore, correlated with the socio-economic and political issues of both the people and the state. However, the Ethiopian state governors have had inconsistent land tenure policies and utilized the policies for economic and political grounds. When we assess the nature of land tenure policy in the Ethiopian scene at different periods, it had been carried out differently in different regions. The statute with its enactment in the north was completely different from the south and southeast. Most peasants were granted the right to use the land in the northern and northwestern parts of Ethiopia in an officially adopted land policy of the *rist* system. Unlike this, majority of the people went through serious impositions over land use in southern and southeastern Ethiopia. The gentry and feudal lords evicted them and they had no right to own land as their property. This shows absence of a standardized land tenure system especially up to the 1975 decree of land reform which was announced immediately after the overthrow of the monarchical regime. Though, it had some wrong implications, certainly, the 1975 land restructuring statement was a landmark to alleviate the mass from the prevailing problems. Binayaw, (2015) and Nega, et al. (2003).

After the *Derg*, the government of Ethiopia formulated the policy which had transformed the land mainly to state ownership. This action of the government created a center of attention for scholars to debate over the issue. Patently, the land could serve as a vehicle for politics and the government is hardly optimistic to hand over the right of land possession other than itself. Still some scholars and the state are reluctant to private ownership of land

and related this system to the nostalgia of the cycle of tenancy in the south preceding the *Derg* regime.ⁱⁱⁱ

Consequently, observing policy issues, proclamation statements, scholarly written articles and making analyses on the debating views of land tenure policy mainly of the controversial hot issues on the land policy like property rights and land redistribution in the post 1991 Ethiopia are the foremost concerns of this paper. The essay also discusses the historical development of land tenure policy in Ethiopia.

CONTEMPORARY DEBATES ON THE LAND TENURE POLICY

In Ethiopian aspect, the thoughts over land tenure policy are an incessant issue of contest and hitherto it has been a contentious subject.^{iv} Following the overthrow of the military regime, it was an authentic assurance of the transitional government of EPRDF to refigure the drawbacks of land tenure policy.^v Designing a referendum to implement the promise over an issue was the primary stride of the government. Zenebework (2000). However, it was unnoticed and the *Derg* policy on land administration continued with its problems until the drafting of the federal constitution.^{vi}

In fact, the principles and strategies for implementation of the land holding system had been included in the newly drafted constitution of EPRDF. Article 40(3) of the constitutional statement heralds the doctrine that land could not be sold or promulgated. As directly quoted from the constitution, "Land is common property of Nations, Nationalities and peoples of Ethiopia and shall not be subjected to sale or other means of exchange" provided that this account gives public and governmental rights over the land ownership. Federal Democratic Republic of Ethiopia (1995).

On the other hand, the existing land tenure policy of Ethiopia has been criticized by scholars and contending political parties. Researchers like Rhamato (1994) and Olika (2006) argued that the land policy of EPRDF is non-functional to the agrarian society of Ethiopia. It is not an incentive oriented to encourage investment and productivity more than ever to the agriculturalists. Tafese (2006).

Contestant parties as well give priority to acknowledge private ownership of land as the right way. For instance, from the opposition parties, Coalition for Unity and Democracy (CUD), (1997) underlined private ownership as a guarantee for ownership security and basis of free market economy.^{vii}

The investigation of some scholars, on the other hand, is sympathetic to the policy premeditated and implemented by the EPRDF government. They promulgate state ownership of land as a warrant for every

individual not to be driven out from his tenure. It is a constitutionally awarded right of the people to secure their possession. The assertion of this group avows that, if free holding is allowed, the land could be clustered in the hands of certain elites and tenancy will revitalize. As a result, the people might migrate to the urban centers in search of better life.^{viii} From the pro-social/state ownership groups, Hussein (2001) can be a classical example. Hussein also proposed the consequential effect of an adverse situation in towns due to immigration of peasants. According to him, towns and cities are not in the state of endurable reception for many migrants as the socio-economic institutions are not all right to accommodate new gusts. For that reason, the towns and cities will suffer from social and economic catastrophes. Therefore, transforming the public form to private form of land holding system is incredible, because it will recommence the pre-revolutionary fate of southern peasants.^{ix}

The pro-free hold tenure system paradigm elaborates the insecurity of peasants which emanates from consolidation of land under the state control. According to Tafese (2006), land should be free from politics and state influence, otherwise, spectacular promises for sustainability and productivity of the people will remain as flight of fancy. The reason is not out of sight why the government's grand policy- "Agricultural Development Led Industrialization" program could not minimize the neediness of agricultural society. Therefore, "security of tenure, clarity of the title and freedom to land use as guarantee" should be the vital principles to appraise tenure course of actions.^x

By far, Dejene and Teferi (1994) challenge the present tenure system by contemplating the existence of high degree of land insecurity. Especially, insecurity on land is an obstacle to farmers' interest to conserve the soil and other natural resources. As well, the policy fails to include statements that assure access of land to the pastoralists and women. Herein, they recommended the following compulsory points of consideration, which assist the land use and tenure arrangement activities:

1. How to increase land productivity: ... points related to this issue are, farmers' insecurity on land, land fragmentation, types of technology to be applied, rural land taxation, economic importance of different types of land access (share cropping, cash tenancy, free hold etc.), ...
2. How to attain and maintain social justice (equity) with respect to access to land: This includes related issues like degree of landlessness from perspective of political influence, age, ... ; transfer of land from generation to generation; mobility of the people; eviction; taxation; ...
3. How to make land tenure environmentally sound and conducive to sustainable growth: related issues [they

cited from Gizachew, 1994:32; Bruce et al, 1994} are case of rural land administration, long-term investment, management of resource ...^{xi}

Based on these issues, Dejene and Teferi (1994) suggested the requirement of reforming the present land tenure system. In addition, they commented on Dessalegn, (2003). proposal of land policy- "associate ownership holding system" which asserts, "the land belongs to the community and the individual land user in it." To Dejene and Teferi (1994), Dessalegn's option fails to include alternative strategy instruments like "land taxes and technology policies" instead of managerial means. Here, Dejene and Teferi forwarded an option of "using policy instruments together with appropriate land tenure arrangements."^{xii}

Dejene and Teferi (1994) also had an approach of sharing the arbitrary idea of Deininger (2003) and Fantu (1994) on this debating issue. Deininger (2003) and Fantu (1994) believe in the existence of alternative options to amend the land policy of Ethiopia. As an option of readjusting the existing policy, they articulated experiences of other countries- Israel, China and Vietnam that guaranteed the land tenure security and encouraged investment. According to Deininger (2003) and Fantu (1994), in these Asian countries privatization is permitted while the state has an ultimate power over the land. To narrow the difference between state and private ownership, on the other hand, there is an effort of arranging long-term lease of land as an option.^{xiii}

Hussein (2001) still argues against the pro-policy change model. He criticized the beliefs of private ownership proponents as an idea of theoretical framework without an empirical assessment of peasants' outlook on the policy. Their position of privatization consequently could lead to social stratification and displacement of poor farmers. Hussein believes in the existence of options to improve social equity and efficient land use within public ownership system.^{xiv}

In the authors' view, Hussein's view and position on the contemporary debate of land tenure policy of Ethiopia is an amenable thought for the position of the government policy strategies. The government in his deliberately designed statement of "Rural Development Strategy" claims that, "implementation of technological packages, improving water resource use, diversification and specialized strategies with sustainable agricultural approaches" as an appropriate land use policy, obviously increase productivity of agriculturalists. This is also what Hussein agrees upon. As cited in Hussein "Fekadu (1997:21) and Gebru (1998:14)" have common belief with Hussein, (2003) on the thought of privatization of land will transit to social stratification and reinstatement of feudal system after that eviction of peasants and revival of tenancy will arrive on the scene.^{xv}

Most of all, the anti-state ownership elements intensively propagate to facilitate the principle which is announced as the only remedy for the problem of tenure insecurity is guaranteeing peasants to inalienable rights inclusive of sale and promulgation of the land. Many academicians, experts and donor organizations also acknowledge this scheme. Dejene and Abdurhaman (2006). Above all private ownership of land as a basic tool to peasant security likely seems a title for successive land issue literatures of Dessalegn (1994a, b) Based on empirical data observation, he refuted hesitations of state ownership proponents on the argument that peasants will sell their land. Most of his manuscripts are operational with suggestions proclaiming that peasants do not sell their land if they are acknowledged with unrestricted rights except in rare cases and incidents. As an option, according to him, it is possible to make land transaction complex by new legislation.^{xvi} Drawing Ethiopia's grand policy of market economy, economists and economic advisors proposed for the significance of land privatization and argued that, "...one cannot move towards market economy while keeping land as the most vital means of production on agricultural economy outside the operations of the market."^{xvii}

Reproaching the two groups, the Ethiopian Economic Association (EEA) made the debate as void of basic points. The EEA expresses a research based justification to popular support of the current land tenure system and observed the people's view of preserving their land rather than advertising to sell whatever the condition. Therefore, according to the research done by EEA, the two debating paradigms require investigation of an issue based on popular interest.^{xviii}

The author also support engagement of the people to decide his destiny due to the fact that coming to a decision on the land policy based on popular participation makes it rational. Otherwise, it might create a tendency striving for personal and political interests. It is also a direct voice of Allan, (2002). comment to the two debating groups as it will be better if they listen to what the people say and take into account the social, cultural and historical contexts of the society while designing the land policies.^{xix}

LITIGIOUS DISCUSSIONS ON THE POST 1991 LAND RE-DISTRIBUTION

One more statement of contemporary debate that needs to be settled is whether the society needs land redistribution or not? To start this point of contention, reviewing the land redistribution experience of Amhara regional government will clearly show the beginning of different thoughts. As one of the nationally designed land administration procedures of the regional government,

"the land re-allotment proclamation No. 16/96" was approved by the legislature of Amhara regional state in November 1996.^{xx} Subsequently, the regional government broadcasted the "Rural Land Distribution Proclamation" in March 1997. Theoretically, the land would be re-distributed equally regardless of sex as stated by article 9 of the proclamation. In reality; however, the redistribution involved only the females who participated in the government's policy of income generating activities for their livelihood. It was a practical application by disregarding other categories of women.^{xxi}

The Federal Constitution Article 52 gives power to the regional governments to administer the land and the natural resources under the auspices of Federal laws. Similarly, the Rural Land Administration Proclamation No. 89/1997 also permitted the regional governments with authority of land administration. However, no region implemented this proclamation, except the Amhara regional state. Tekie (2000).

Different academicians, experts and economic advisors had researched the 1997 land redistribution of Amhara regional state and argued on the policy and its implementation. After analytical investigation, Svein Ege criticized the land redistribution process. The literature of Ege, (2002) reflects some sections of the society, especially the so-called "*Birokrasi*" that were stigmatized and allowed to keep up only 4 *t'emad* /1 hectare of land. The word "*Birokrasi*" refers to the people who were officials of the Derg regime at local level and the pre-revolution feudal landowners of the government of Hailessilasie. Both groups were officially alienated without further criteria.^{xxii} After his investigational research, Gizachew also witnessed the formation of land fragmentation by the 1997 Amhara regional government land reallocation.^{xxiii} Another critic of the synonymous issue on Amhara regional government was from Yigremew, (1999). He uncovered the shift of redistribution measurements from social equity consideration of "head count criteria to political criteria." As he witnessed, the government classified peasants into five categories: "Bureaucrats, Remnant Feudals, rich peasants, middle peasants and poor peasants" based on the land redistribution policy. Nevertheless, this social grouping was contradictory action with the Federal government law of land administration.^{xxiv}

Ege and Rahmato, (1994) argued the reallocation process as an action without conscious consideration of family size of the people. Those who were stratified as bureaucrats and remnant feudals were allowed to own land not more than one hectare though they had a large number of family numbers. Generally, they concluded that the policies of reallocation and process of implementation were overshadowed by politicized trickeries. It was a process of substantiation to create an atmosphere of "class struggle between the bureaucrats

and remnant feudals on the one hand and the poor peasants on the other." Yared (2002).

A pro-government advocate, Hussein (2001) argued in the unfair practice of the 1997 Amhara region land redistribution. He added details on the political overtones of the policy and implementations without consent of the majority peasant participation in the reallocation program. However, in his belief, Hussein gave recommendation on the Amhara regional government land re-allocation practice in such a way that failures of the program does not have idea of national conclusion. Because, there is no sufficient information on effects of the Tigray, southern and other regional state land redistributions of the pre-1997 periods other than the Amhara regional state.^{xxv} The Amhara regional state also propagated existence of social grouping during the process of the 1997 rural land redistribution to bring "equity and balance of growth."^{xxvi}

CONCLUSION

The debate on the current land tenure policy of Ethiopia is still regarded as basic concern. To persuade the government to change the land policy, researchers are dynamically arguing on this controversial subject. All the same, neither side of the debating paradigms (the pro-state and pro-private ownership) seems to have involved the opinions and interests of the peasants, the pastoralists and the women.

Though various writers discussed on this issue, they are spinning on similar ideas. Most sources are not comprehensively analyzed and are void of showing the underlying principles of the two land ownership systems. Some are trajectories of political interests of contending groups only focusing on the defects of their challengers. In brief, the land issue is directly serving as a political battleground.

Unlike these, few writers have made efforts to analyze the issue based on historical context of the country. They described that designing a single ownership system either private or state holding is not productive for such a multi-ethnic country with diversified experience of land holding systems. Therefore, due to the nature and flexible experiences of the subjects, these elites recommended adjustable land tenure arrangement as an alternative.

The land policy will be constructive issue in bringing agricultural development and sustainable life of the people, if it is amended again by corresponding the policy with reasonable guarantee for security of tenure and efficient use of land and its resources. The government and non-government organizations as well individuals as actors of scheming the land tenure policy should take into account these principles as central point.

Analyses of the two debating sides - private ownership and public ownership, revealed the problem of land

tenure security which emanated from the government interference and land fragmentation, respectively. To escape from such problems, involving the community and rethinking for best options of tenure policy are an ultimate alternative. Therefore, this study supports the view that favors community's participation in designing participatory law of land management. This allows the people to have the right of land ownership and justify the peasants' right to work on their land and no one can take or sell their land.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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- ^{xxvi} *Ibid.*, 46.

Notes

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ⁱⁱ *Ibid.*, 8-9.

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