

## **THE DEBATE OVER RURAL LAND TENURE POLICY OPTIONS IN ETHIOPIA: REVIEW OF THE POST-1991 CONTENDING VIEWS<sup>1</sup>**

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**ABSTRACT:** *This article examines competing views over rural land tenure policy options in Ethiopia in the post-1991 period. It is stimulated by the current claim that private tenure, in contrast to the existing public ownership of land will, inter alia, provide peasants with tenure security and render them strong incentives to invest on their land and thus improve agricultural performance. This study is also a response to the assertion that the Ethiopian peasants will not sell their land under private ownership; alternatively, land marketing could be restricted through various controlling mechanisms under private tenure. While assessing both arguments for the retention of the existing public tenure and the restoration (mainly in the case of southern regions) of private ownership, the article challenges the advocacy of privatisation of rural land. This is simply because there exist little or no empirical data, above all, that show farmers' opinions about the existing tenure system and their attitudes towards the suggested tenure policy options. In other words, the current argument for land tenure policy transformation in Ethiopia is more theoretical than experiential. It is thus concluded that the recent advocacy of a policy change in land ownership is essentially based on theoretical assumptions rather than on empirical data that is collected from the field to substantiate the claim that the existing system is inferior to the sought private tenure. The article recommends rigorous field researches, which represent all parts of the country, particularly southern regions that experienced severe adverse effects of private tenure and the associated land sales. Thorough studies are useful in narrowing down the existing research gap and in creating better understanding of the possible rural land tenure policy option(s) in the future.*

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## INTRODUCTION

The mode of land ownership has been one of the burning political issues in recent political history of Ethiopia. This was more so prior to the Ethiopian Revolution of 1974 and the subsequent Land Reform Act, i.e., Proclamation No. 31 of 1975, which nationalised all rural lands. It is to be recalled that this was the period when the contradiction that existed between the feudal landlords and the masses of the peasants, especially in southern parts of the country, reached its climax. Given the predominantly agrarian nature of the country and considering the remarkable role of rural land as a basic economic resource in this society, it is not surprising that land tenure has become a sensitive and contentious political (and economic) issue involving not only divergent views but also conflict of interests. There are a number of reasons for this; however, it suffices to mention the following: The first is the issue of property ownership, i.e., as to who owns land and who does not. The pattern of relationship between the owners and non-owners of land is the second factor to be considered. The third point that should be kept in mind in the discussion of tenure policy issue is the presence of gainers and losers, i.e., a zero-sum-game, in the process of resource distribution through government intervention. The possible impact of such a discriminatory policy in land allocation on agricultural development is the fourth point that requires attention. Finally, and perhaps most importantly, one should take seriously the role of government in substantially determining and legitimising the mode of land ownership and the associated interactions among the concerned actors in the field.

The debate over rural land tenure policy option appeared to have been settled in the aftermath of the land reform that made possible public ownership of rural land and thereby eliminating private tenure, along with its adverse effects such as tenancy, peasant eviction and the like. This has been considered as a fundamental reform measure that emancipated the majority of the peasants from the bondage of landlordism. This was true, above all, for peasants of southern regions.

Although it has made a wider range of changes of the policies of the previous government (commonly known as the *Derg*), including the patterns of property ownership, the present government that is led by the Ethiopian People's Revolutionary Democratic Front (EPRDF) has retained rural (and urban) land tenure policy of its predecessor. At present, public ownership

of land has received a constitutional recognition. As it was under the previous government, private tenure and land sales that it entails are prohibited. Nevertheless, some Ethiopian political parties and scholars do not seem comfortable with the existing tenure policy option. Consequently, they have been advocating a policy reform in favour of the revival of private tenure, which they believe is superior to the current land policy.

The main purpose of this study is thus to assess the current debate over the issue of rural landholding policy options in Ethiopia. The article specifically addresses the following research questions. What are the rationales for retaining the public tenure system? What are the main points of argument in favour of privatisation of rural land (no matter under whatever facade that it is presented)? Is the current advocacy of policy alteration valid? What do the experiences of other Sub-Sahara African countries suggest in this connection?

The main thesis of this article is that the bulk of the existing literature that advances rural land tenure policy reform in Ethiopia has provided, beyond assumptions, little or no empirical proof that the existing tenure system is actually inferior to the sought private ownership of land. The article, thus, questions the validity of the advocacy of the restoration of private tenure and attempts to show its inadequacy in view of lack of empirical data to substantiate this position.

The paper begins with an overview of the pre-and post- Land Reform tenure policies and their respective effects, as related to the current debate. It then looks into the main points of contention forwarded in defence of the existing tenure system. The article proceeds to analyse critically the major points of argument advanced by the protagonists of the reinstatement of private ownership of rural land.

The article is mainly based on secondary data. It has also incorporated viewpoints of some farmers and other key informants with whom the author held discussions, during the period between April 2000 and February 2001, while conducting field trips to some parts of the country. These areas include Bale Zone, in the Regional State of Oromia, Gedeo Zone, in the Regional State of Southern Nations, Nationalities, and Peoples and Liben Zone, in the Regional State of Somalia.

The scope of this study is limited. It focuses on the post-1991 contention over rural land policy options. Moreover, it does not intend to provide adequate empirical data that requires a profound field research. Yet, it is assumed that the study is pertinent. It deals with one of the topical and controversial issues in the country, i.e., rural land tenure policy. It attempts to challenge the mainstream view in the current debate over land tenure policy options, which underestimates the rationale for the continuation of public ownership whilst overstating the role of private landholding system. Moreover, the article intends to provoke a rethinking over the issue of land tenure policy options in Ethiopia and calls for an intensive empirical study.

## BACKGROUND

It is beyond the scope of this article to discuss in detail the Imperial and *Derg's* rural land tenure policies and their respective effects. Nevertheless, in order to appreciate the essence of the current controversy and its implications, it becomes necessary to have a look at the previous policies and their major effects as a general background to the current contention over a viable tenure policy option(s) in the country. This section briefly outlines the situations pertinent to both the pre-and-post Land Reform periods.

### The Pre- Land Reform Period

It is to be recalled that in the pre-revolution period, more specifically prior to the land reform of 1975, there were distinct forms of tenure systems in the north, Amhara-Tigray areas, including Begemeder and Semen, Gojjam, Tigray and some parts of Wello and Shewa provinces and the rest part of the country, which is conventionally considered as south. The following paragraphs briefly outline the patterns of land ownership and the resultant status of the peasants in northern and southern regions, respectively.

In the north communal form of land tenure, where the *rist*, in Amhara areas, or *risti*, in Tigray province, was prevalent<sup>2</sup>. *Rist* was a land use right and access to land involving all individual members of a particular community who could claim a common property of their ancestors (for example, *mizir abat* in Gojjam and *nay kidm abo* or *akni abat* in Tigray) to which these individuals belonged (Bruce, 1976: 32; Hoben, 1973: 131; Imperial

Ethiopian Government, 1969: 4; Markakis, 1975: 75). This was a hereditary right that could neither be abridged nor abrogated under different pretexts such as absence of an individual from the locality (Markakis, 1975: 75). However, no person was entitled to sell his/her possession (Bezuwork, 1992: 2; Bruce, 1976: 41; Imperial Ethiopian Government, 1970:6; Lulseged, 1975: 11), since the land was a common property of the village community and not a private property of an individual. Whoever had the right to the land was considered to be a *ristegna*, a person who exercised hereditary *rist* right. A *ristegna* had almost absolute use right over his/her holdings.

Hence, a northern peasant, in most cases, enjoyed an unchallenged right to his/her possessions. That is, as far as government intervention was considered, there was no tenure insecurity or fear of being evicted (Cohen and Weintraub, 1975: 50; Imperial Ethiopian Government, 1970: 6; Markakis, *ibid.*: 76-77; Weissleder, 1965: 108-109). The reason for this is that, "customary laws require that *rist* be honoured if proof of kinship can be established" (Cohen and Weintraub, 1975: 31). Although there had been periodic land redistribution in order to accommodate all claims, particularly by the generation of young peasants, this was done within the concerned community. It was not something that was imposed from above or from outside through government intervention. Some scholars (for example, Bruce, 1976: 250; Weissleder, 1965: 109) contend that even in this context, tenure insecurity should not be exaggerated. Because the very notion of *rist* in both Amhara and Tigray societies had had the perception of tenure security, contrary to the general assumptions.

In contrast to the dominant pattern of landholding in the north, i.e., communal ownership of land, there emerged private and government tenures, along with Church land (*samon*) in the south (For extensive discussion of a variety of tenure systems in southern areas, see for instance, Cohen and Weintraub, 1975: 34-43). It is maintained that such forms of ownership were alien to most of these territories until the advent of Menelik's forces towards the end of the nineteenth century and the beginning of the twentieth century (Cohen and Weintraub, 1975: 34; Shiferaw, 1995: 76). These imposed forms of tenure systems represented, by and large, dominant-subordinate relationships between the privileged northern settlers and political authorities, assisted by the co-opted local chieftains (*balabats*), and the disadvantaged majority of the indigenous

peoples. This interaction generated a situation whereby the newly arrived northern elite owned a vast tract of arable land ranging from two-thirds to three-fourths of the total land (Cohen and Weintraub, 1975: 35; Pankhurst, 1968: 154). Consequently, the majority of the local population were marginalised and prevented from having proportional access to land ownership. It is important to note that the alteration in property rights led to fundamental changes in the status and dignity of the masses of the southern peoples who were reduced to the status of *gabbar*. This was the term that stood for a "peasant with no rights, subject to growing exploitation and arbitrary power of the *nefetegna*. More and more, the term was used to characterise the tillers as tenants, subjects, even slaves" (Pausewang, 1990: 44). Studies (Bahru, 1991: 191; Cohen and Weintraub, 1975: 51; Markakis, 1975: 117) have shown that such a fundamental alteration in property right and the associated reduced status of the southern peasantry were the outcome of government intervention in this vital resource, i.e., rural land redistribution. Obviously, this discriminatory policy was directed against the best interests of the masses of the indigenous population. According to the same sources, this process of land alienation was facilitated through various mechanisms. These included land purchases, conversion of landholding rights from temporary to permanent forms, inaccurate land measurements that increased private ownership, government grants, deception, intimidation and even forcible seizure, which transferred ownership of tracts of arable lands from the local peoples to private hands of dominant government officials and their supporters.

Certainly, these situations eventually subjected the peasants to landlessness, tenancy, eviction and so on. Of these, the prevalence of tenancy was a good example of the adverse effects of landlordism on the peasantry in southern provinces. This is explained by the fact that tenancy covered between 39 percent (Sidamo) and 62 percent (Keffa) of the total rural land in those areas. In an extreme case, as the experience of Illubabor province has demonstrated, the rate of tenancy reached as high as 75 percent (Cohen and Weintraub, 1975: 51). This means that, "a majority of farming households worked as sharecropping tenants of the landlord class composed of northerners and local notables many of whom had acquired land rights as a result of conquests occurring around the turn of [the] century" (Bruce et al, 1993: 1). Closely associated with tenancy was, of course, sharecropping, which economically and politically exposed the tenants to the power of the class of landowners. The landlords received a lion's share of the produce of

the landless farmers. Cohen (1974: 668-69), for instance, found that the amount of the produce that the landlords obtained from their tenants ranged from one-fourth to two-third.<sup>3</sup> According to Dawit (1989: 266), however, the share that the landlords received was even as high as three-fourth of the produce. The point here is that substantial amount of sharing of the crop with the landowners, which did not directly participate in the production process, undoubtedly was a heavy burden for the tenants. In fact, as Ellis (1993: 14) contends, sharecropping is not just an economic institution that subjects the non-owner tillers to severe exploitation. It is also an important political instrument, which provides the landlords with the power to dominate the tenant farmers as well as the landless labourers.

Another adverse consequence of private ownership of land was eviction of the tenants. The landlord could discontinue his/ her relations with tenants at will. This, among other things, created fear and tenure insecurity to the landless farmers. One of the important causes of the displacement of the tenants was the introduction of mechanised farming that emerged in the second half of the 1960s. In Chilalo Awraja of Arsi province, for instance, the newly introduced farming system led to a massive dislocation of the tenants and other farmers as well (For details, see Bezuwork, 1992: 22-23; Bruce et al, 1993:1;Cohen and Weintraub, 1975:56; Shiferaw, 1995:116-17). It is not difficult to understand the insecurity and fear such state of affairs had created and the potential danger that would have followed if the revolution of 1974 and subsequently the Land Reform of 1975 had not taken place.<sup>4</sup>

The adverse effects of the pre-revolution tenure policy were not limited to the above issues. There was still another form of exploitation and subjugation of the peasant masses by the landlords, namely, labour service rendered to the landowners. Studies (Bezuwork, 1992:19; Dawit, 1989: 266; Shiferaw, 1995: 18) reveal that the landlords had full power over their tenants to force them to render all kinds of labour services without compensation.

All these factors were considered to have exacerbated the agrarian crisis in the country. The resolution of those contradictions required new forces and radical policy transformation in the pattern of land ownership, resulting in the outbreak of the Ethiopian Revolution of 1974, which eradicated the system of landlordism. This was done essentially through the reform legislation.

### **The Post-Revolution Period: The 1975 Land Reform and Its Effects**

The exploitative and discriminatory land tenure policy, above all, in southern provinces, of the pre-revolution period and the associated contradictions that existed between the ruling classes and the peasantry were considered to be among the important factors that contributed to the outbreak of the 1974 Revolution. The Provisional Military Administrative Council (PMAC - the *Derg*), which replaced the Imperial Government, introduced a new type of land tenure system, Proclamation No. 31 /75, that changed the pattern of relationships between the owners and the cultivators of the land by "making land to the tiller for the first time a reality in Ethiopia" (Ellis, 1992: 254). The land reform has eliminated many of the basic problems of the pre-revolution agrarian system. It eradicated private land tenure system and replaced it with public ownership (article 3, sub-articles 1 and 2), and has made transfer of land by sale, lease, or mortgage illegal (article 5). The legislation abolished tenancy (article 4, sub-article 5) and emancipated the poor peasants from all types of obligations to the landlords (article 6, sub-article 3). Obviously, this was a fundamental departure from the pre-land reform dominant-subordinate patterns of relationships between the landlords and the peasants, which was the characteristic feature of southern provinces. Nevertheless, the reform act provided the farmers only with use rights, and not with private ownership rights.

An important point to make here is that the significance of the land reform did not as such lie in the magnitude of the land redistributed to the poor peasants. Pausewang (1990: 45) observed that the reform did not reallocate a large amount of land to the farmers. It was of a vital importance to the peasant masses because of other factors such as tenure security, the obliteration of the obligation of the peasants to the landlords in its entire forms, etc. That was why the overwhelming majority of the peasants, especially in southern provinces, welcomed the reform measures with great enthusiasm and, by and large, the reform act was implemented successfully (see Clapham, 1988: 161, on the manner with which the reform act was implemented).<sup>5</sup> Such a freedom was important both materially and psychologically. In fact, the peasants felt that they were free to consume the fruits of their labour and no one would evict them arbitrarily from their possessions.



There were also some indications of the existence of positive effects of the land reform on the lives of the farmers. According to one source (Pausewang, 1990), the fact that they were freed from all sorts of feudal obligations made it possible for the peasants to consume more in the early years of the land reform. "In 1976, it was easy to see that the peasants in the villages had more to eat and also more to drink" (ibid., p. 46). This indicates that these achievements, along with other gains of the land reform, outlined above, built peasant confidence in the government and produced the badly needed support to the *Derg*. The reason for this was that the government's land reform act initially enabled the peasants to become the owners of the fruits of their labour and improved their lives in relative terms almost immediately. However, the extent of such material benefits and whether or not the majority of the peasants experienced these material benefits is a subject of further research.

Unfortunately, such healthy government-peasant relations did not last long. This was the result of what we term here as austerity policy measures that the *Derg* introduced gradually. Of these, the formation of Agricultural Producers' Co-operatives and the introduction of grain marketing and pricing policies are considered to be the major ones. The issue is that the establishment of co-operatives led to tenure insecurity to the non-members, i.e., the majority of the farmers who did not belong to the co-operative societies, while the quota-based grain marketing policies and lower prices paid for their produce created disincentives to the bulk of the peasants. Hence, those farmers who did not join the co-operatives were the victims of grain marketing policy, which in effect favoured the members of the co-operatives as well as the urban dwellers. The problem with these policies was, thus, twofold: (1) they benefited the insignificant portion of the Ethiopian population at the expense of the masses of the peasantry; (2) they were imposed through administrative decision on the vast majority of the farmers. These were the main sources of the agrarian crisis under the military regime (for detailed study of these policies and their adverse effects, see Alemneh, 1987: 84; Baker, 1995: 57; Dessalegn, 1993: 42; Eshetu, 1990: 94; Hussein, 1997: 169-72).

One can thus argue that there emerged two contradictory effects of the post-1975 agrarian policies. On the one hand, the reform measures obtained peasant support for the government and contributed to the consolidation of its power. On the other hand, the inappropriate agricultural policies, which

were imposed on most of the peasants and the consequent government-peasant unhealthy relationships, became some of the major factors that contributed to the collapse, in May 1991, of the previous regime.<sup>6</sup>

## ARGUMENTS FOR THE RETENTION OF PUBLIC OWNERSHIP OF RURAL LAND

The argument for the retention of the existing public tenure policy is essentially the position of the current government, which is shared by some Ethiopian academics in the field. The ruling party (EPRDF) is consistent with the issue of land tenure system in the sense that its present policy is a continuation of its economic policy of the transitional period (1991-1994). The EPRDF-led Transitional Government of Ethiopia (TGE) in its economic policy specified that during the transitional period the previous government's policy, i.e., public ownership of land, would be maintained without changes (TGE, 1991: 21). Nevertheless, this document proposed that land tenure policy would be determined by a referendum after the institution of a popularly elected government. This implies the intention of the government to make the question of land ownership a popularly supported legitimate issue. No referendum has been undertaken, however (See below for the "alternative" method that the EPRDF employed to treat the problem following the formation of the current government).

The issue of land holding system has been incorporated into the Constitution of the Federal Democratic Republic of Ethiopia (FDRE), which entered into force in 1995. The new Constitution confirms and legitimises public tenure policy of the transitional period and, in effect endorses the *Derg's* land reform policy of the mid-1970s. The inclusion of the idea of public ownership of rural land in the Constitution (article 40) is the outcome of an extensive debate that lasted a week, over the issue by the supporters of the status quo and advocates of a policy reform. The deliberations were conducted, particularly, in the Constituent Assembly on the basis of a recommendation that the Council of Representatives forwarded. After long discussions were carried out between supporters of public ownership and those who sought the reinstatement of private holdings, the problem was "settled" through vote, where adherents of the existing tenure policy won the battle. Accordingly, the controversial article 40, as amended, was endorsed by a qualified majority vote, i.e., 495 out of 499 total number of votes (For detailed discussion of the debate, see Constituent Assembly, 1995: 12-51).

Confirming this assertion, Girma and Zegeye (1996: 194-95) contend that constitutional recognition of the idea of public tenure was based on the consideration of the views of the majority vis-à-vis the intention of the minority who argued in favour of the restoration of private tenure system.

As a consequence, Article 40 sub-article 3 of the present constitution specifies that the state and the peoples of Ethiopia have an unchallenged ownership over both rural and urban lands, along with all natural resources. The Constitution further states that being a common property of nations, nationalities, and peoples of Ethiopia, and not a private property of individuals or group of individuals, land will not be sold or exchanged by any other means [FDRE, 1995:98].<sup>7</sup> The Constitution has thus endorsed the preservation of public ownership of land. As stipulated in the preamble of Proclamation 89/ of 1997, Federal Rural Land Administration Proclamation, this confirmation of the continuity of public ownership, along with prohibition of land sales, is based on the recognition of "the bitter struggle waged by the Nations, Nationalities, and Peoples of Ethiopia" (FDRE, 1997: 628). One can argue that this position is, in essence, an extension of the ruling party's policy as outlined in its current programme (EPRDF, 1991: 30). This document stipulates that land would remain state property and would neither be sold nor mortgaged. This suggests that the same explanation for the nationalisation of rural land in 1975 holds true for the post-1991 period in spite of the change of government. There is continuity in transformation, viewed in the context of EPRDF Government's overall attitude towards *Derg's* policies and practices. This political stance is an interesting issue to take into account.

It is worth noting, however, that the defence of public tenure should not imply that individual farmers are denied land use rights within their communities. This is not the case as long as constitutional provisions are concerned. Article 40 sub-articles 4 and 5 of the existing Constitution state that peasants and pastorals have land use rights free of charge for cultivation and grazing purposes. In addition, they are granted constitutional rights against displacement from their possessions (FDRE, 1995: 98), although the Constitution is silent about the right to inheritance of land. However, since constitutional provisions are too general, it is indicated in this document that relevant laws will specify the implementation of constitutional provisions.

One of such legislation that deals with land administration issue is Proclamation No. 89 of 1997. According to this legislation, any one who is

given rural land for agricultural purposes has the rights of possession, rent, and inheritance to family members. Besides, unless in the case of land redistribution, a person will have legal protection from displacement. Arguably, the presence of legal recognition of land rights is in itself important but equally, if not more, important is the implementation of such provisions. It is imperative to ascertain that constitutional provisions and other land-related legislation are carried out adequately and sincerely to guarantee peasants' security over their possessions. Nonetheless, whether these legal rights have been and will be executed sincerely and efficiently remains an issue to be scrutinised in its own right.

As it stands now, some recent research findings (Hoben, 2000, 2001; Molla, 1999; Yared, 2001; Yohannes, 2001; Yigremew, 2001b) reported the emergence of some implementation problems in the Amhara Regional State concerning land redistributions that took place in 1996/1997. According to these sources, the main problem, however, is not with land reallocation per se as with the "politicisation" of this process. This can be seen at two levels. The first is the categorisation of peasants along "class" lines, labelling some as bureaucrats and remnants of feudal farmers vis-à-vis the poor peasants, and thus "snatching" land from these groups of farmers and redistributing it to the latter category of peasants. This category concerns some farmers who were either associated with the imperial regime or those who served under the *Derg* as PA leadership or as members of the Agricultural Producers' Cooperatives. These are the categories of farmers who were considered to have possessed excess holdings as compared with the rest of the peasants.

According to the critics, this approach is unfair not only because it discriminates against some members of the farming community but also it failed to consider family size in the process of land reallocation. It is contended that, in theory, one of the arguments of the regional government for redistribution is to obtain equity and growth objectives. In reality, however, there was political motive behind this practice. "As the program was implemented, however, it became evident that it had punitive and political objectives as well. Household heads classified as 'remaining feudal' or 'former bureaucrat' were allowed to keep only one hectare of land, while others could keep up to three" (Hoben, 2000: 3). The second, and perhaps, more serious weakness of recent land redistribution in the Amhara Regional State is that it failed to adequately involve the masses of the peasantry in the concerned PAs in the redistribution programme. Some of

the critics (see for instance, Yared, 2001:17) consider this practice as a top-down or authoritarian approach, which is inappropriate in terms of both equity and security for farmers.

On the other hand, there are mixed effects of the 1996/97 rural land reallocation in the Amhara Region with regard to tenure security and farmers' incentive to invest on their holdings. Yigremew (2001b: 9)) reported that a good number of his informants were not sure whether or not there would be another round of redistribution (although some hoped that the farmers would retain their current possessions for the coming five years when the ruling party's and government's development programmes will remain operational). Hoben (2001: 18) shares this claim of tenure insecurity and adds the presence of the ensuing tendency of negative effects of land redistribution on land conservation. Yared (2001: 18), on the other hand, observed some different results of land reallocation in this region. While gossips about the imminent land redistribution created initially tenure insecurity, after the redistribution has taken place, tenure security improved, however. The reason for this was that the interviewed farmers believed that there would be no future land reallocation. According to the same researcher, perhaps, this was reinforced by the provision of certificates that *woreda* and *kebele* authorities issued showing holdings of the farmers. Such confidence of possessions encouraged peasants to invest on their land so as to raise productivity. Constraints for some households to invest were, rather, associated with other factors such as poor quality of land or inadequacy of land to cultivate, and so on. Clearly, these mixed reports hint at the need for further empirical research to find out whether or not there exist correlation between land redistribution and farmers' motivation to invest on their land under the existing tenure system.

It is also important to note that the post-1991 land reallocation and the perceived tenure insecurity should not be considered as a universal incident in Ethiopia. There is no report on the presence of impacts of land redistribution that the Tigrean People's Liberation Front (TPLF) carried out in Tigray Regional State. We do not have reports on the post-*Derg* land redistribution in southern regions. For example, Workneh (2001: 8) found that in Adamitulu-JidoKombolcha *Woreda* in East Shewa Zone of the Regional State of Oromia, the last redistribution took place in 1987 under the previous government. The reallocation of 1992 was a minor adjustment, which did not affect individual holdings. It was just an allotment of land to

the demobilised soldiers from a "communal holding." According to the same source, the problem in this area is not tenure insecurity that is associated with land redistribution as with a shortage of land that some households faced, while others possess a relatively higher amount of land (cf. Yared's findings above). The author of this article observed that in Gedeo Zone (see below for the details) there has never been a sense of tenure insecurity or fear of land redistribution after the first redistribution following the Land Reform act of 1975. Therefore, one should be cautious not to make general assertions that tenure insecurity associated with land redistribution is a common practice across the board.

On the other hand, where there is ample evidence that is based on intensive empirical research that there exists skewed pattern of land holdings, and where it is deemed imperative to redistribute land, the size of a family of the concerned household should be taken into account. Moreover, and perhaps more importantly, the decision for land reallocation and its implementation should be a democratic and participatory process that involves the farmers themselves. That is, it should not be done arbitrarily or imposed on the peasants from government authorities. Farmers have their own values and culture of accommodating one another and sharing resources with their fellow farmers. The government must thus focus on the provision of technical assistants and expert advice.

It should also be underlined that land redistribution can hardly be a lasting panacea to landlessness. One cannot keep reallocating land, the size of which will continue to diminish vis-à-vis an ever increasing number of the younger generation seeking land to farm. A possible alternative to continual land redistribution is to try to create off-farm employment opportunities, help the poor peasants develop their skills and engage in self-employment activities such as handicrafts and petty trades in their localities. Also, it is needed to develop the non-agricultural sectors in and around small towns, which could create some jobs for the landless or land-poor peasants. These measures, which need time and resources, may gradually release an increasing pressure on rural land, particularly in the high land areas.

Returning to tenure policy options issue, some may argue that the present government is contradicting itself by allowing and upholding the socialist-oriented public ownership policy of the *Derg* government, while pledging to pursue market-oriented economic policy. However, given the predominantly agrarian nature of the Ethiopian society and considering the

extent to which the mode of rural land tenure is a contentious political issue in contemporary history of the country, one should not be surprised with the government's decision to maintain the existing landholding system. Viewed from the perspectives of the proponents of public landholding system, there seems to be good reasons for retaining the present tenure policy although it was originally the antecedent government that designed it. The defence of such type of tenure system, regardless of its origin, emanates from the prediction of the potential adverse effects of private ownership of land on the poor peasants.

There is strong fear that all the concerned share in common. That is, land privatisation will lead to social stratification, the eviction of a wide spectrum of poor farmers and the resurgence of tenancy institution. Fekadu (1997: 21) asserts that privatisation means the reinstatement of feudal-type of system, which will lead to the return of peasant dislocation and tenancy under the guise of modernising the agricultural sector. Gebru (1998: 14) while appreciating the achievements of the Land Reform of 1975, has reacted against the advocacy of privatisation of rural land as follows:

*Now, the proposed agenda of privatisation of land will indeed open the floodgate for a massive eviction of peasants and the displacement of pastoralists. The poor peasants, who comprise the overwhelming majority of the rural population, will be the first victims of that policy. Moreover, the pre-reform period land lords, who battered on the meagre 'surplus' produced by the peasants, mostly tenants, will now be replaced by 'capitalist' farmers who will alienate small peasant[s] from their land. The 'choice' for those peasants will be what is called the 'Hobson's choice' or, a 'choice' to be eaten by a shark or by a lion.*

In a discussion held on April 28, 2000(see Reporter, 2000: 7) with some government officials and business people, Prime Minister Meles Zenawi outlined some anticipated negative effects of privatisation of rural land. The Prime Minister was sure that if land were transferred from public ownership to private hands, there would be a large-scale dissociation of the peasant farmers from agricultural activities. To him this practice, in turn, will lead to social problems such as the emergence of massive unemployment.

Moreover, it is difficult to create job opportunities outside of the agricultural sector.

It can be argued, in this regard, that where there is no much option for peasants to obtain jobs in the rural areas, the possible alternative will be to migrate to the urban centres in search of jobs and a better life. In reality, however, the Ethiopian cities and towns are not well developed to accommodate many of the possible new comers. They can hardly provide these "unwanted guests" with adequate job opportunities, housing, nutrition, water supply, electricity, health services and education for the children of the new arrivals. Obviously, urban life without these facilities is very difficult to lead. Certainly, this problem will add fuel to the fire, i.e., it will exacerbate existing social problems in the urban areas. It should be added that, as we all know, the majority of the Ethiopian peasants are not skilled enough to compete for pay-off jobs in the urban sector. It is hardly possible for many of them to engage in business activities, for they do not have enough resources and skill to undertake their own businesses in the urban centres. Clearly, the public sector can hardly be expected to be a major employer, as its role is dwindling in view of Structural Adjustment Programmes (SAPs). What is more, the private sector is not well developed or cannot be expected to expand sufficiently in the near future to absorb the possible large number of rural-urban migrants.

Interestingly, it is against all this background and despite all these odds that some Ethiopian scholars argue, without providing adequate empirical data to substantiate their positions, for a policy change in favour of privatisation of rural land. We will soon return to this issue in the section that follows.

Some may interpret, as informal conversations with some colleagues of mine indicate, arguments of this article as a manifestation of the author's intention to defend an official policy of the ruling party or of those scholars who share similar views over the issue from ideological point of view (and nothing is wrong to support any policy if there are good reasons to do so). The intention of this study is, indeed, more than such possible assumption. The author, rather, maintains that the eradication of the tenure system that was based on nepotism and exploitation of the majority of the peasants, notably in the southern provinces, forms the yoke of landlordism a fundamental issue for which peasants fought stubbornly against the Imperial regime. Peasant rebellions in areas such as Bale and Sidamo provinces are cases in point. The land question was a key political issue, which the Addis



Ababa University students struggled for under the motto, "land to the tiller" that was aimed at getting rid of problems associated with private ownership of land outlined above. Hence, it is a matter of necessity for the previous government to introduce the radical Land Reform of 1975 as an answer to one of the basic political questions of the revolution of 1974. And, as argued earlier, the current government's decision, although it has begun to embark on market economy policy, to retain public ownership of rural land should be understood in this context. In other words, tenure policy issue must not be boiled down solely to the interests of the party in power. Instead, it has to be appreciated in the framework of an array of complex social, economic and political situation of the country.

One can argue with a degree of confidence that no party that may come to power in this country can afford to ignore this intricate issue and decide arbitrarily to dismantle the existing public ownership of rural land. The point of departure in this article is, therefore, that, prior to concluding that public ownership of land is inferior to the proposed private tenure, the need for alteration of the current tenure policy should be established on the basis of profound nation wide empirical research. This is the crux of the contention of the author as suggested elsewhere in this paper. It is not, hence, a matter of supporting the official policy and rejecting the options forwarded by proponents of policy transformation, as a matter of principle. His contention here is that we should not put the cart before the horse. To be sure, this is a methodological concern rather than an ideological issue. The next section examines at some length, some limitations in the post-1991 argument for rural land tenure policy reform in Ethiopia.

## **MAJOR ARGUMENTS FOR POLICY ALTERATION ON RURAL LAND TENURE: SOME REMARKS**

*I am strongly convinced that the present [public ownership] land system must be reformed, though under the present circumstances reforming the system will entail reforming the constitution which will be a difficult task. Despite that the debate on the alternative options should continue (Dessalegn Rahmato, 1999).*

In the previous section, we have assessed opinions of adherents of the continuance of public tenure of rural land and looked at some limitations

involving the implementation of the current policy. In this section, we will examine arguments of the proponents of the revival (this concerns mainly the south) of private ownership of land as some Ethiopian academics and politicians presented it. As stated in their respective programmes, some of the major opposition political parties that are operating inside the country (see for instance, Ethiopian Democratic Union Party, 1994: 18-19; Southern Ethiopia People's Democratic Coalition, 1994: 15) advocate private ownership of land, along with land sales and mortgage. The Council of Alternative Forces for Peace and Democracy in Ethiopia likewise promotes this position. However, since these parties have not yet elaborated on the issue, apart from expressing their political stance, we will not intend here to further comment on the position of these entities. We will, rather, emphasise the assertions of those scholars who are the protagonists of resurgence of private tenure of land.

Nevertheless, it should be clear at the outset that the author of this article does not perceive land tenure policy as something that is static nor does he view the existing public ownership of land as an alpha and omega. He respects the opinions of scholars (and politicians) who have forwarded policy options opposing to the existing official policy on the issue. In other words, it is not taboo to demand changes in a public policy, including tenure policy. What is suggested here is, as mentioned in the previous section, that the current call for rural land privatisation no matter how it is presented, is premature. This means that advocacy of the alteration of property rights regime in land without conducting intensive empirical study and understanding the real interests of the overwhelming majority of the peasants is tantamount to assuming that we know about what is good for the farmers more than what they know about what is good for them. As Tekie (2000) underlined, "It is seldom, if ever, that farmers are actually asked how they feel about these issues, controversies and the policy options, all of which are entertained and created by outsiders [the elite] who are usually out of touch with the farmers' realities" (*ibid.*: 89). He cited the current call for land privatisation in Ethiopia as a case in point. This is the main problem with the post-1991 arguments for policy transformation in rural land holding pattern in this country. This section, hence, attempts to reveal some limitations in the current quest for tenure policy reform, which, in essence aims at dismantling the existing public ownership of rural land.

In their criticism of the present public tenure policy and in the proposition for transfer of land from public to private hands, the scholars advance some points of argument. However, for the purpose this article, we will discuss the frequently cited and more controversial issues, including tenure security, peasants' inducement for investment on their land, and land marketing.<sup>8</sup>

### **Ownership Pattern and Tenure Security**

Major critics of the current land tenure system (Dessalegn, 1994: 11-12, 1999a: 9-10, 1999b: 11; Mesfin, 1993: 13) contend that private ownership, in contrast to the existing mode of land holding, will provide peasants with supreme tenure security. In his discussion of the *Derg's* rural land tenure policy, Dessalegn claims that the interest of the peasantry was not to be protected from the capitalist or urban elite as from government interference. To him, government intervention and public ownership of land failed to provide tenure security to the peasants (Dessalegn, 1994: 11). "In contrast [to the existing public ownership], freehold is the best means of ensuring absolute (*italics added*) tenure security. Security of holding and pride of possession will restore peasant confidence which has been shattered by fifteen years of state ownership and socialist agrarian policies under the *Derg*" (Dessalegn, 1994: 12). Seen closely, however, this claim is inconsistent with the hard realities of the situations of both pre-and post-revolution periods.

As noted earlier, there was no tenure security during the pre-revolution period as witnessed in the southern provinces, where government policy allowed and encouraged private ownership and land sales. At that time, land grabbing, tenancy and peasant eviction, among others, were widespread phenomenon in the south. In a number of instances, both the indigenous smallholders and tenants were put in a state of insecurity and uncertainty about their holdings and their future. Hence, one can hardly talk, without distorting the reality, about restoration of confidence of possession for the majority of the peasants, which, by and large, was non-existent prior to the Land Reform Act of 1975. (This is in spite of the fact that there existed, essentially in the south, private ownership of land). To be sure, "The land tenure system that prevailed on the eve of the 1974 Revolution was not without problems. Lack of security was common with tenancy holdings as well as the communal tenurial systems" (Dejene, 1999: 34). However, as noted earlier, there were distinct sources of insecurity in

land for the tenants of southern provinces and the smallholders in the northern *rist* system areas.

Therefore, the issue is not as such with the form of the prevalent tenure system as with the nature and interests of the dominant groups in power and the policy makers. Yeraswork (2000: 281) argues that, "In the absence of the rule of law or a democratic order, access of the people to land under complete state ownership can become extremely precarious. Effectively, all individuals and groups can be evicted at short or long notice". The author of this article agrees with Yeraswork's contention, which suggests that tenure security is associated with the presence of the rule of law and a democratic political environment. Nonetheless, it is difficult to accept his claim that public ownership is solely responsible for tenure insecurity. As discussed elsewhere in this study, there had been tenure insecurity in Ethiopia both under private and public land holding systems. Consequently, eviction of poor peasants or uncertainty of holdings is not peculiar to public tenure. The issue is whether or not the policy makers are accountable to the people, whether or not they represent the interests of the majority of the population of a given country. That is why there is no tenure security elsewhere both under private and public ownership, where power holders lack these attributes of a sincere and democratic government. Therefore, one can hardly reduce the issue of tenure security or insecurity, as the case might be, to the mode of land holdings, i.e., public versus private ownership, per se, without considering the nature of the prevailing political system.

In the Ethiopian case, it can be argued that it was the *Derg's* land policy that initially created tenure security and pride of possession although some of these achievements have been gradually undermined through unfavourable agricultural policy measures. Hence, the central point to make about the previous government's agrarian policies and peasant reaction is as follows. The majority of the peasants resented the imposed agricultural policies that eroded some of the gains of the land reform, and definitely they were not against the radical reform itself, which liberated them from the sway of landlordism. Indeed, it is unfair and misleading to ignore or underestimate these obvious facts. One should be careful not to mix up public tenure policy, which the majority of the peasants welcomed with enthusiasm, with the ill-advised austerity measures that the government introduced later on.

Experiences from two *woredas* (districts) of Gedeo Zone, namely, Wonago and Kochorie, for instance, reveal a contrary situation to the argument that

the Ethiopian farmers are insecure as a result of public ownership of rural land. Farmers interviewed in six-peasant associations reported that they have never felt insecure of their holdings ever since the Land Reform Proclamation of the mid-1970s. No one has threatened or attempted to either redistribute land or displace them from their possessions. Redistribution is done only within a household to accommodate the young members that seek farmland. The interviewees thus underlined that their problem is not with the fear of land alienation as with the concern about diminution size of the plots in view of an increasing number of people working a share of available land. Two members of the Executive Committee of the Zonal Administration, including the first secretary, do share these assertions of the farmers. Yet evidence from Gedeo Zone is not adequate to make general assertions about the issue under discussion and further empirical evidence from other areas of the country is needed.

As it stands now, however, it is tenuous to claim that private ownership is superior to public tenure in furnishing the peasants with utmost security in land. Researches from other Sub-Sahara African countries have demonstrated that private land holding system would lead to land grabbing by the rich and powerful and to the displacement of the poor and weak farmers. The experience of neighbouring Kenya is a good illustration in this regard. Summarising a number of assessments of the negative impacts of privatisation in Kenya, Migot-Adholla and Bruce (1993: 9) underscored that:

*Several ex-post evaluations of the state-imposed tenure conversion program in Kenya have observed that individualisation has led to land concentration, increased marginalisation and landlessness as people in positions of economic and political power take advantage of the less powerful.*

There is further evidence to support the above finding concerning adverse effects of concentration of land in the hands of the elite in Kenya as a result of land marketing associated with private holdings. Yigremew (2001: 62) reported that in this country, only five percent of the landowners are in control of nearly 70 percent of the agricultural land. On top of this, absentee landlords own 90 percent of the country's total farms that are above three hectares. In consequence, it is not difficult to appreciate the extent to which the overwhelming majority of the country's population is devoid of

the right to own land as a result of privatisation and the ensuing land marketing. It can be said, therefore, that private ownership of land is not necessarily an omnipotent instrument that provides poor peasants with tenure security. In the Ethiopian case likewise, private tenure if introduced, may have adverse effects for the poor farmers, as it was the case with the pre-revolution situation in southern parts of the country.

On the other hand, the existing public tenure itself is not free from some problems, as discussed in the previous section. The current tenure may, thus, need some internal adjustment so as to provide the farmers with enhanced tenure security and also to facilitate efficient land use in the context of public ownership. This objective can be achieved, for instance, by exercising what Dejene and Teferi (1995: 332) term as state -leasehold, which if exercised dynamically and in a flexible fashion can more or less serve identical purpose with that of private holding. As Feder and Feeny (1991: 137) observed:

*In many societies, some or all land is constitutionally the property of the state [the government?], but exclusive use rights are given to individuals under contractual arrangement with the state. If these use rights are transferable with few limitations, and if the contract is sufficiently long -term (for example, ninety -nine years), then for most of the contracts duration there is very little difference between possession of use rights and full property rights.*

The above quotation suggests that it will be appropriate to allow farmers to exercise adequate and more reliable use rights on their land in the context of public tenure system so as to encourage further investment and rise in agricultural productivity. The Chinese experience is a case in point. As Dejene (2001: 32-37) pointed out, in China, there is a leasehold system, where individual farmers obtain land on contractual basis from the government for thirty years. While land sale is prohibited, the leaseholders are free to contract out their plots to other households for the lease period. Such an arrangement provided peasants with long -term tenure security, which in turn encouraged them to invest on their land and increase agricultural productivity. Accordingly, China registered an outstanding performance (annual growth of 7.4%) in its agriculture. Clearly, this remarkable achievement was witnessed under public ownership of land.

Consequently, "China constitutes a formidable challenge to the view that only the complete dismantling of the state [government?] Control of the economy and its replacement by unfettered market mechanisms can overcome limitations of the 'shortage economy' and provide sufficient incentives to assure sustained growth "(Dejene, 2001: 32). Hoben (2000) also suggests contractual arrangement so as to create better environment that would reinforce farmer's confidence of land possession in Ethiopia.

These arguments do suit the existing reality in the country. That is to say, some poor peasants have already begun to transfer their plots one way or another. This practice is being exercised at two levels. First, some households are currently compelled by pressing circumstances, to sell their holdings informally. Secondly, studies in some Amhara and Oromia *woredas* (Workneh, 2001; Yared, 2001) have shown that poor peasants are already engaged in contracting out their land to those who have a capability to work the land, i.e., those who possess better resources. The problem, however, is that this practice is carried out "underground" in fear of local officials who would consider land transaction as an illegitimate activity. The author of this article, too, observed similar state of affairs while he was conducting field research in Bale Zone. To address this problem, it seems necessary to accommodate interests of poor peasants who are not in a position to cultivate part or all of their land themselves due to lack of resources such as oxen and seeds, for instance, and those of the relatively better off households who have the capacity to farm the land. Such a realistic approach may be useful in contrast to "Unnecessary restrictions [that] may deny efficient farmers' access to farmland and would [thus] contribute to under-utilisation of available land "(Dejene, 1999: 45). To this effect, laws could be promulgated to allow land transactions such as contract and sharecropping activities within the public tenure if deemed necessary to continue with the existing policy option for the future.

However, such policy decisions and their implementation have to be based on intensive nation-wide survey of the real situation in the countryside. Here, it may be useful to address some research questions such as the following, for instance. How many farmers are engaged in land sales or contract and what are the trends in this regard? Why do peasants sell or contract out their holdings? Are there alternative ways of supporting these farmers, e.g., through the provision of rural credit so that they will be able to cultivate the land if they want to? What are the potential areas of off-farm

employment for the smallholders who would like to deal with their possession on the basis of either land contract or sharecropping? On the basis of such empirical research findings and analysis the government can introduce optimal policy implementation mechanisms, which strike an appropriate balance between equity and efficiency considerations in the peasantry sector.

If these conditions are met, it is possible to anticipate that the existing land tenure will render the peasants more incentive to invest on their land and raise productivity without plunging into tenure policy transformation, which carries with it a great deal of adverse effects. In other words, "land tenure policy is not a magic bullet that can jump-start a rural economy. Land reform cannot make more land. But appropriate land policy can facilitate and encourage agricultural intensification, investment and the growth of off-farm employment in small-scale enterprises" (Hoben, 2000: 11). Unfortunately, some proponents of privatisation of rural land in Ethiopia appear to fail to understand or reluctant to accept this reality. It is erroneous to consider private ownership of rural land, above all, in an agrarian country like Ethiopia, as an alpha and omega remedy to all economic ills of the society. It will, thus, be unfair to ignore a wider range of options that may make public ownership to be more efficient and accommodative that fills the gap between equity and efficiency in land use.

#### **4.2 The Mode of Land Ownership versus Investment and Land Improvement**

Another point of argument that the supporters of privatisation of rural land raised in the proposition for tenure policy changes in Ethiopia is based on the assumption that there is always a positive correlation between the mode of landholdings and peasants' motivation for investment. Dessalegn (1994:11, 1999a: 10, 1999 b: 11); Mesfin (1999: 13) claim that private ownership of land, in contrast to the existing public tenure, will render strong incentives to the farmers to invest on their land and improve agricultural production, accordingly. In reality, however, the correlation between private ownership and peasant stimulus to invest is disputable. Bruce (1993: 25), for instance, contends as follows. Firstly, it is unfair to conclude that private ownership and the perceived security in land will create motivation to peasant farmers to invest on their possessions without seriously examining other pertinent factors that could render disincentives to



the farmers even if land is owned privately. Secondly, in the Ethiopian context, investing in their land in itself is a means through which the peasants hope to secure that land and thus reduce the possibility of being displaced. Thirdly, in the present situation in the country, it is a hasty generalisation to argue that if land is privatised it will assure peasant investment promotion.

A number of studies from other Sub-Sahara African countries reveal mixed results regarding the patterns of relationship between tenure system and land and agricultural improvements. In their study of the Kenyan experience, Migot-Adholla et al (1993: 137) found that while in one study area (namely, Lumakanda) there were significant land improvements as a result of more individualised land rights, this was not the case with the rest of the study areas. In other study localities, the researchers did not find positive relations between land rights or land title and tree crops and terracing activities. In their analysis of other pertinent factors, these researchers reached the conclusion that their study failed to support the proposition that tenure security is a guarantee for improved agricultural production. "The hypothesis security of tenure leads to higher yields through its effects on credit, inputs, and land improvements was not supported by evidence provided by our data and analysis" (ibid.,: 138). This is what the Kenyan experience demonstrates.

Another study conducted on the Ugandan condition (Roth et al, 1993: 194) suggests that greater security of property in land alone is not a determining factor in encouraging peasant investment and agricultural growth. There are many other aspects that should be taken into consideration, while dealing with the issue of land tenure and peasant motivation for investment. These include access to or adequate use of agricultural inputs such as fertilisers and improved seeds and presence of roads to transport agricultural inputs and outputs. Other researchers (Carter et al, 1993: 166; Place et al, 1993: 17-18), while holding similar views, added other pertinent attributes such as access to market and financial resources, and the possible unpredictability of investments or the potential risk on investment returns, and so on. Having considered all these realities from different perspectives, Bruce et al (1993) concluded that, "From these varied findings, it is not possible to make any general assertions regarding the effect of land rights on land improvements" (ibid.,: 255). The researchers further pointed out that they did not find significant correlation between land rights and yields in any of their study

regions. However, they acknowledged that there were some positive correlation between land rights and productivity, along with land improvements, in the case of Rwanda (ibid.). Generally speaking, however, research findings from different African countries have not confirmed that private tenure is an indispensable means to provide farmers with strong inducement to invest on their land, and thus, improve agricultural productivity. Therefore, as Zeeuw (1997: 594) pointed out while analysing the situation of Burkina Faso, in view of inadequate generalisation about the correlation between tenure security and land use and considering complications associated with private tenure, care must be taken in an endeavour to alter tenure system in favour of private land ownership. Therefore, one can contend that hasty generalisations based essentially on theoretical assumptions than on empirical studies, will result in confusion and possible emergence of an ill-advised policy option(s).

In Ethiopia, the association between land tenure and peasant incentives for investment is even more obscure. This is because there is no adequate empirical and comprehensive research supporting the claim that private tenure system is more advantageous than the existing public ownership in motivating the peasants to improve their land through investment. That is to say, "The relationship between tenure, perceived risk and investment is important and unclear and urgently requires further, in-depth study" (Bruce et al, 1993: 26). It is true that Yeraswork (2000: 279) has attempted to establish the correlation between the patterns of land ownership and peasant motivation to invest. In this study, he found that the majority of the farmers interviewed suggested that they were in favour of privatisation, for this type of tenure will provide them with incentive to invest on their land. This finding is a good input to the debate over the issue of tenure policy options in the country. The problem, however, is that Yeraswork's study has some obvious limitations in scope. This can be seen at two levels. First, it deals with only few PAs in two northern zones, namely, North Shewa and Wollo of the Amhara Regional State, and thus does not encompass even the majority of northern regions of the country. Secondly, and perhaps more importantly, the researcher has not considered the views of the southern peasants, which in most instances have been the victims of private tenure with the entirety of its adverse consequences. In a nutshell, Yeraswork's finding does not represent the real situation in the country, although it is a good beginning in an endeavour to scrutinise peasants' attitude towards tenure policy options.

The realities in some southern regions reveal contrary situations to the above finding in the north. For example, the peasants and government employees interviewed in Gedeo Zone agree that public ownership has never discouraged the farmers from investing on their land and conserving their holdings. This is to say the peasants in these areas have never hesitated to grow any kind of plantation including coffee, which is a permanent cash crop. A college instructor, who is a lawyer by profession, even contended that in actuality, a peasant in Gedeo Zone is an owner and not just a possessor of land. To him, this is simply because, *de facto*, a farmer has all the rights of the owner, including land sales. This is regardless of the fact that the existing legislation outlaw land marketing.

In the context of the prevailing Ethiopian reality, therefore, it is too early to conclude that privatisation is to the best interests of the majority of the peasants. That is, at present it is not possible to assert that private ownership of rural land will provide the poor farmers with motivations to invest on and conserve their land, as opposed to public tenure. As Yared (2001) puts it, "There is therefore a need for further empirical research - regarding the nature of and the relationship between tenure security and land conservation in various context, also as a way of moving from unwarranted assumptions about them" (Ibid.,: 17). Indeed, comprehensive empirical research is of paramount importance not only to minimise the current misperceptions about the issue under review but also to draw an informed conclusion and forward viable recommendations on the future tenure policy option(s) in the country.

### **Land Marketing and the Suggested Restrictive Mechanisms**

The issue of land sales is another important point requiring close examination in the debate over alternative tenure policy, for it is currently confusing and inadequately discussed. This section attempts to outline the contradictory positions surrounding land sales issue and to show some limitations of the proposed controlling mechanisms.

### ***Inconsistent Propositions***

Some proponents of privatisation of rural land (Dessalegn, 1994: 11, 1999b: 13; Mesfin, 1997: 4, 1999: 131; Dejene and Teferi, 1995: 331-32) appear to be inconsistent in dealing with the subject of land sales. For convenience, let us first examine Mesfin's and Dessalegn's approaches. These academics contend, on the one hand, that it is absurd to retain public ownership land on the assumption that the peasants will sell their land and end up landless, if land is privatised. On the other hand, they propose some restrictive measures to discourage land marketing. Mesfin (1997: 4, 1999: 13) even goes to the extent of claiming that to defend public tenure on the ground that the peasants will sell their possessions is to show contempt for the farmers and consider them as children. To him, retention of public tenure on this assumption is confusing and nonsense, since the Ethiopian peasants had been reluctant to sell their holdings even at the time of severe problems. Meanwhile, this scholar (1999: 13) suggests that it is up to the peasants to sell their land, under private tenure, if they found it beneficial to do so. However, according to him, laws could be promulgated in order to protect the peasants from being hurt upon selling their land. One may ask, if Mesfin is confident that peasants will not sell their plots, why does he suggest legal measures to protect peasants from their own "recklessness". Indeed, to argue with confidence that the Ethiopian farmers will not sell their "beloved" land and to recommend the imposition of controlling mechanisms seem to be antithetical approaches.

The same is true with Dessalegn's (1994: 11, 1999 b: 13) position. He, too, criticises advocates of the existing tenure policy for showing their utmost concern that privatisation will lead to land marketing and landlessness of peasant farmers. To him, this is a meaningless and unfounded fear, as there is little or no proof that the peasants have alienated their holdings. He cited the experiences of the then Wollo and Tigray provinces where the farmers, he claims, were unwilling to sell their land even at the time of hunger and migration (in 1974?).- Leaving aside the issue of whether or not there existed market for the land under such a harsh situation, it suffices to state the obvious fact that those provinces belonged to the regions where communal land tenure was prevalent and where no one was, thus, entitled to sell his/her holdings. In those areas, social customs had prohibited land sales. On the other hand, Dessalegn does not seem to be in a position to explain whether the same experience of being "reluctant" to sell land was

true of the southern peasants. It was a public secret that during the pre-1975 Land Reform period in the southern provinces, where private tenure and land marketing were rampant, the poor peasants were compelled by the prevailing circumstances to sell their plots and ended up landless. Arguably, it was not to their best interests to do so. This practice is identical with what Maxwell and Wiebe (1999: 840) term as distress asset sales. And in this way, "land passes from distressed small farmers to landlords and money-lenders" (Dejene, 2001: 23). Hence, the advocacy of privatisation of land on the supposition that the farmers will not sell their land under private tenure appears to be unfounded.

This is not, however, to mean that land sale per se played a decisive role in land alienation and concentration in southern provinces areas during the pre-land reform period. What is suggested here is that land marketing was, it is to be recalled, one of the factors that contributed to the emergence of land concentration and landlessness in these areas. As argued earlier, there is adequate evidence that the main factor that led to land grabbing and inequalities of holdings was the politicisation of resource allocation, i.e., heavy government intervention and discriminatory land redistribution policy and practices. This is what we term here as "asymmetrical resources redistribution", which favoured a handful northern authorities and settlers, while marginalising the overwhelming majority of the indigenous population. While the effects of land sales in the pre-revolution Ethiopia requires further empirical research, studies from many other developing countries such as Kenya, Chile, Guatemala, Paraguay and India (Brara, 1983; Maxwell and Wiebe, 1999) present alarming effects of land concentration, including marginalisation of the majority of the rural population in the developing countries (LDCs). Summarising findings of Food and Agricultural Organisation (FAO) from 83 countries, Brara (Ibid.) stated that, "the census brings out startling fact that about 3 per cent of all landholders control nearly half the total arable crop land and over three-fourths of all farm land; conversely, 97 per cent of all landholders account for less than a quarter of farmland and slightly over half the area under crops" (Ibid.,: 110). Maxwell and Wiebe (Ibid.,: 843.) in their studies of the situations in Kenya and the aforementioned Latin American countries found that land concentration that has emanated from private tenure and the associated land sales led to decline in employment and thus in increasing rural-urban migration decrease in living standard and food security in the rural-areas. It is in this context that the researchers contended that rampant

resource sale, includes rural land marketing, and would aggravate existing inequalities in assets redistribution, particularly in persistently susceptible localities. Cognisant of this kind of adverse consequences of rural land marketing, which is, of course, one result of private ownership of land, Hoben (2001) concluded that, "a rapid transition to land market [in Ethiopia] would be disruptive, impractical and unacceptable to many peasants...." (p. 20), in addition to the fact that the current constitution outlaws land sales. It is, therefore, essential to conduct comprehensive empirical research before concluding that privatisation is to the best interest of the overwhelming majority of the Ethiopian farmers.

Back to Dessalegn's argument. This researcher, contrary to his earlier claim, seems to lack confidence in the peasants, as he has suggested a "mechanism" of supervising land sales. This is what Dessalegn terms as "associative ownership" (For details see Dessalegn, 1994: 13-16). The essence of this proposition, which needs cautious examination, is that while there is a freehold/private ownership by individuals, land administration will be carried out by the concerned community as represented by a *Kebele* (Village) Peasant Association (PA). It is suggested that the rights of the freeholder over his/her land will range from renting the land to its outright sales. In his own words, "Freehold here includes rights of transfer to co-residents or fellow peasants from neighbouring communities through rent, mortgage, sale or other means" (Dessalegn, 1994: 14). The researcher has the "vision" that the concerned community, through restrictive measures that the concerned PA will undertake, has a role to play in ascertaining that land will not be grabbed by the outsiders including the urban elite and their "spokespersons" in the countryside. Here, the designed regulation must stipulate that land transfer is permitted only to those individuals who will themselves cultivate the land or who are peasant farmers. We are told that through the combination of private ownership and community administration and by preventing transfer of land to the outsiders, land ownership will remain in the concerned community. "In this way, land belonging to smallholders will remain in the community, but at the same time will freely move from those who, for a variety of reasons, cannot use it efficiently to those in the community who have the ability to do so" (ibid.). In reality, however, as long as there is no restriction to land sale to peasants of the neighbouring communities, who are distinct from one another in terms of boundary, population, resources, etc. (see ibid.,: 14), one cannot

talk about retaining ownership of such a land within a concerned community/PA to whom it originally belonged.

It is worth mentioning that there seems to be inconsistency between the assertion that the peasants are reluctant to sell their holding, on the one hand, and the suggestion for community supervision of land transaction, on the other. It should be noted that in this case, the community would restrain individual peasants not from selling their plots, but prescribe to them where to sell and to whom to sell their land. As Dessalegn sees it, one of the significance of private tenure, as opposed to the existing public ownership of land, is that it will facilitate, and not inhibit, land marketing to be carried out with more efficiency (see Dessalegn, 1994: 12). Therefore, associative ownership, if it is accepted as a policy "option," will provide the PA with the "leverage" to protect a peasant's land from "external invasion" and definitely not from land alienation as far as an individual owner is concerned.

Furthermore, in his scheme of associative ownership, Dessalegn does not tell his readers about the capability of the rural community/*kebele* PA to withstand manipulation and the possible harm to be done to the peasants by land speculators or the urban elite. Nor does he specify about the power of the peasant community, especially in the southern regions, where the habits of land marketing developed, to control PA leadership so that the rich, more specifically, the urban rich and their rural associates will not bribe it. It must be stressed that *kebele* peasant association is represented by the general assembly, which is weak in the face of the relatively powerful executive committee and its chairperson. As Dessalegn (1985: 82) himself had once observed, "In many instances, it [the general assembly] is used either as a sounding board or rubber stamp, to endorse particular decisions, or to approve measures already taken." Other studies (Alemneh, 1987: 59; Clapham, 1988: 159) do confirm this contention.

This is not to deny possible improvements in the ability and/or consciousness of the general assembly and the peasant community at large. But PA leadership, too, has to be expected to develop its skill of manipulating or influencing the peasant masses in collaboration with the urban elite. That is why it becomes difficult to take for granted that the presence of PA will be a guarantee for an inalienability of poor farmers' land, if private ownership is allowed to operate. This is a reality unless we

expect radical changes in the political, economic, and cultural situations of the Ethiopian peasantry in the foreseeable future.

For all practical purposes, therefore, the suggested associative ownership cannot be considered as the third alternative policy. In actuality, if accepted and materialised, it will be private ownership under the guise of community land administration. There should be no illusion about this issue.

Furthermore, it is useful to note that there appears to exist some contradictions between Dessalegn's earlier argument for protecting the petite possessors of land from the urban capitalists and his recent stance on the issue. Currently, he is claiming that although land transaction should be allowed, "This does not necessarily mean that the urban capitalist will have a field day and that the structure of holdings will immediately be transformed in which large-scale capitalist farming will immediately dominate" (Dessalegn, 1999a: 10). This is interesting. Because previously we were told that through associative ownership, the community should prevent the outsiders from grabbing poor peasants' possessions. Now, Dessalegn is suggesting that land marketing will not automatically lead to capitalist domination in the rural areas. According to this recent approach, the issue is not whether or not land marketing would facilitate urban elite's penetration into the countryside, and thereby lead to land concentration and peasant displacement, but as to how soon this will take place. However, the point should not be when; it should be whether this practice ought to be allowed in view of the likely adverse consequences of land privatisation and the associated land sales. Alternatively, the adherents of policy reform in favour of private tenure should be able to prove through comprehensive empirical research that privatisation, along with land sale, is to the best interests of the majority of the Ethiopian peasants. There seems to be no third alternative.

### **The Quest for a Discriminatory Policy Option**

Now let us turn to Dejene and Teferi's views. Although their approach is somewhat different from those of Mesfin's and Dessalegn's, these academics, too, appear to have some difficulties in dealing with the issue of privatisation and land marketing. On the one hand, they criticise Dessalegn for proposing a means of restricting land transactions (Dejene and Teferi, 1995: 331). On the other hand, Dejene and Teferi are aware of the



possibility of speculation on land and peasant eviction as a result of mechanised agriculture under private tenure. Accordingly, they suggest that such possible adverse effects of individualisation of the rural land could be limited through employing different mechanisms. Land taxes may be useful to reduce land speculation, while it is possible to lessen peasant displacement through the use of "appropriate" technologies (*ibid.*). Nevertheless, these scholars have yet to explain how these mechanisms are effective in restraining the potential negative impacts of land sales under private tenure system. The issue is that their proposition, similar to those of the other adherents of land privatisation, is not free from inconsistency. The researchers recommend restrictive, but not preventive, measures to land sales, while criticising Dessalegn for discouraging free land selling. Dejene (1999) added another policy instrument, which is "the specification of farm-size ceilings without inhibiting land marketing" (p. 45). This approach, if considered as a policy instrument, may hurt peasants of some parts of the country. While their ultimate strategy is to see the revival of private ownership<sup>9</sup> of land in many areas, Dejene and Teferi, envisage, in the short run, three forms of tenure; namely, private ownership, state leasehold, and limited ownership. According to them, such tenure policies will be appropriate to "peri-urban" areas, large-scale commercial farms, and to densely populated localities, respectively. Putting aside the first two areas and the suggested commensurate landholding policies, let us look at the third form of policy option. Limited ownership is designated to the regions that are densely populated and where there exists strong communal solidarity. "There, the community can impose restrictions on land market. Customary tenure has its own advantages" (Dejene and Teferi, 1995: 332). Dejene (1999: 44) has renewed this earlier proposition that favours different types of tenure systems.

What is the implication of this policy option? To appreciate this state of affairs, it becomes necessary to recall our earlier assessment of distinct modes of land tenure system that prevailed in the northern and southern provinces, respectively, in the years preceding the Land Reform act of 1975. Then, communal ownership where no one was entitled to sell his/her holdings due to strong societal customs was dominant in northern provinces. In contrast, the habit of collective ownership had systematically been undermined with the introduction of private ownership and the resultant land marketing practices in southern areas. It is to be underlined that what was developed in the south was, by and large, a private ownership mentality

entailing the right to sell one's land whenever there was a pressing need to do so.

Consequently, it is not unwise to predict that if the existing public tenure of rural land is replaced by private ownership, the greater majority of the peasants will be exposed to the possible negative effects associated with privatisation and land sales that may ensue. The following paragraphs will briefly deal with weaknesses of the suggested means of controlling land marketing under private tenure system.

### **Inadequacy of the Proposed Restrictive Measures**

As outlined above, the proponents of tenure policy reform suggest different ways of "controlling" land marketing in the aftermath of privatisation. Dessalegn has come up with the idea of community/*kebele* PA land administration and control throughout the country, Dejene and Teferi sought community restrictions in "selected" areas, and Mesfin recommended legal measures. But the main question to ask here is: Can the proposed restrictive mechanisms (be they community supervision or legal provisions) prevent peasants, particularly in southern regions of the country, from selling their land if private ownership is reinstated? What do the experiences of some other countries suggest in this connection?

As we have already recorded, community control can hardly be an indispensable instrument for restraining land selling. Similarly, legal measures cannot be taken for granted to serve this purpose. Experiences have revealed mixed results in this regard. There are cases in some African, Asian, and European countries where governments are able to protect the interests of the peasant farmers "without necessarily having state [government?] ownership or even without a total ban on land sales" (Yigremew, 2001a: 63). This is one side of the coin, however. Findings (Bruce et al, 1993: 259-60) from some African countries such as Rwanda, Senegal, Somalia, and Uganda have illustrated that even with the presence of laws prohibiting land sales without the consent of the concerned governments, the peasants have managed to sell their plots. Obviously, these mixed results hint at the need for rigorous empirical research on the possible effects of privatisation on land marketing in Ethiopia. This is imperative before concluding that either the farmers will not sell their plots or legal measures will effectively restrict land marketing.

As it stands now, there are some empirical evidences showing that the poor peasants in different parts of the country are informally selling their possessions although such a practice is illegal. That is "In Ethiopia [like in many other African countries], informal land markets widely operate irrespective of the official policy" (Dejene, 2001: 38). The author of this article, in his fieldwork in two *woredas* (districts) - Dollo Ado and Dollo Bay - of Liben Zone, has observed that there are open practices of land sales, especially along the Genale River Banks. Indeed, this land marketing activity has been an important source of conflict between Digodia and Garemero clans of the Somali ethnic group. Similarly, all our key informants in Gedeo Zone agree that the poor farmers are virtually openly and increasingly selling their possessions in order to meet their daily needs. According to the same sources, a great deal of these farmers have already ended up landless and are forced to migrate to the urban centres in search of jobs. The interviewees maintain that the presence of legal provisions that prohibit land marketing is irrelevant as far as the realities in Gedeo are concerned. When asked as to why the government structures and peasant associations tolerated such widespread land sales, which are illegal, a member of the Executive Committee of the Administration of Gedeo Zone claimed that "everybody had a stake in land marketing". He was of the opinion that the officials at various levels themselves purchase land, and, thus, there is no point to expect them to discourage these practices.

Yigremew (2001a: 62) found that there are land markets in North Shewa and Gojjam Zones of the Amhara Regional State, where social customs by and large used to prevent land marketing. Moreover, Demissie (2000: 46) reported that some poor peasants have already sold their holdings and ended up landless in Jima-Geneti *Woreda* of Eastern Wollega Zone of the Oromia Regional State. Interestingly enough, some of these farmers have become agricultural labourers to those individuals who have purchased their plots. According to the same source, there are many other poor farmers who are left with only limited portion of their possessions as a result of such informal land marketing activities. Juneidy Saddo, who was a member of the Executive Committee of the Regional Government of Oromia, in charge of Economic Affairs (the current President of the Regional State) while, in a way, confirming this finding, cited other zones of Oromia such as Western Wellega, Illubabor, and Western and Eastern Shewa, which witnessed widespread underground land sales at cheap prices.<sup>10</sup>

Admittedly, seen at the national level, these are small findings. But they are undoubtedly good signals that there is a potential hazard that many of the poor peasants will be dispossessed of their plots and thus become landless farmers, if private ownership of rural land is put in motion. Evidently, all this land selling activities are carried out in spite of the fact that land sales are prohibited both by the Land Reform act of the previous government, that is still intact, and by the current constitution.

One may ask that if there are land sales even in the regions where communal ownership had once prevailed, is it not fair to predict the likelihood of widespread land marketing practices in other parts of the country, where there existed rampant land sales emanating from private tenure system? To be fair, one needs to conduct in-depth empirical study in order to answer this question adequately. However, our key informants, former local land owners and non-owners alike, in four PAs in *Doddola Woreda* of Bale Zone, hold the opinion that privatisation will sooner or later lead to land marketing. To them, this will create a situation where a large number of poor peasants will end up being landless. One of our key informants, who had himself once been a local landowner, contended that if private ownership is reinstated, it is highly likely that the majority of poor peasants will not retain lands to pass on to their offspring. As a consequence, the farmers suggested the continuation of the existing public tenure, which prohibits land marketing, along with greater tenure security, i.e., respect for constitutional rights of the peasants not to be displaced from their holdings. Again, whether many other peasants in this area and in other parts of the country do share similar views is subject to further investigation.

All in all, on the basis of past experiences and current tendencies, it is possible to envisage the likely resurrection of land alienation and tenancy and eviction of peasant farmers, among others things, if the currently advocated privatisation of rural land is accepted as a policy choice and implemented. Certainly, this is not just an academic dialogue. It is also a strong fear and firm belief of the governments of some regional states that if it is reinstated private tenure will lead to adverse consequences for the majority of the peasants. For example, a senior official of the Regional Government of Oromia is said to have expressed his views, on behalf of his government, contending that the proposition for privatisation that entails land marketing is directed against the best interests of the peasant masses. To him the suggested policy option is, hence, non-negotiable and an

unacceptable issue (For details see Girma and Zegeye, 1996: 96-97). This reaction indicates the extent to which government officials are bitter with the proposition for privatisation that carries with it the revival of land marketing and the resultant land alienation. However, this reaction should not be considered as something that is directed against a quest for privatisation and land sales per se. Instead, the resistance emanates from the fear of possible negative effects that may ensue. It is assumed that the leaders of other regional governments do also share this disappointment with the quest for privatisation and the likely land deal. As Molla (1999: 20) observed, some other regional governments including those of Gambella, Tigray, and Amhara incorporated in their respective constitutions (articles 41, 40 and 40, respectively) public ownership of land by replicating article 40 of the FDRE Constitution, which prohibits private tenure and land marketing.

In a nutshell, one can argue that strong reaction against the advocacy of privatisation and the associated land alienation stems from the bitter experience of the pre-revolution circumstances, and from the prediction of the potential harm to be done to the majority of the peasants. Seen fairly, this concern is not something to be discarded under the guise of "confusing", "unfounded" fear, as some of the Ethiopian promoters of the idea of the reinstatement of private land ownership like to label it.

Once again, as the Ethiopian experiences and realities of some other African countries have confirmed, it is highly likely that privatisation will lead to land concentration in the hands of the powerful and the rich. Undoubtedly, such a pattern of land tenure will lead to the return of a large -scale eviction of the masses of poor farmers, along with other forms of adverse consequences of private ownership of rural land, outlined earlier.

## **CONCLUDING REMARKS**

The analysis of the disputing viewpoints of the post-1991 period over rural land tenure policy options in Ethiopia reveals that the land question has once again become a contentious public policy issue. Apparently, there exists a wider gap between the perceptions of the adherents of the continuation of public ownership and those of the promoters of the idea of policy reform over the subject. Advocates of the preservation of the existing tenure system seem to have based their arguments, by and large, on

the situation of the pre-revolution period in Ethiopia and on experiences of some other African countries regarding the adverse effects of private ownership and the associated land sales. The proponents of a policy transformation in favour of privatisation, on the other hand, tend to ignore these obvious facts and portray the role of the private sector as an indispensable means of rectifying what they believe to be the defects of the existing tenure policy.

The issue, however, is that the advocates of the resurgence of private ownership of rural land need to provide evidence based on adequate empirical research to support their claim that the sought type of tenure is superior to the existing public landholding system. This means that adherents of tenure policy reform have yet to substantiate their claim that the private sector will assure greater tenure security and render better incentives to the farmers to invest on their land. Moreover, and perhaps most importantly, opponents of public ownership of rural land have to convince their readers and the public at large that the recommended alternative policy, if accepted, will not lead to adverse consequences, which private tenure entails. In other words, the burden of the proof rests essentially on the advocates of the restoration of private land tenure system that their policy option is more advantageous than the existing one. It is not enough to criticise the current policy and quest for its change. One needs to also attest that the sought landholding policy is better and more useful than the one it should replace. Indeed, this vital point is missing in the demand for policy alteration on the mode of land ownership in Ethiopia. Again, this means that a good deal of rethinking is needed in the proposition for tenure policy transformation.

As the land question is an intricate and sensitive political issue, it must be handled cautiously and approached from different perspectives. A complex array of political, economic, and social factors should be taken into account while dealing with tenure policy changes. One should treat the land tenure issue not only from efficiency point of view, but also in terms of social equity. The subject must be viewed not only in the sense of growth, but also in terms of the interests of the majority of the peasants. That is, one needs to strike an optimum balance between efficiency and equity.

In this process, whether privatisation or the retention of the existing public ownership of rural land is to the best interests of the poor peasants, in particular, should be explored and identified. To think or attempt to do

otherwise is tantamount to imposing the interests of the elite on the greatest majority of the country's population. The land issue should be dealt with in the context of development in its comprehensive manner, and not in the narrower sense of the term, which emphasises growth. Moreover, political and social consequences that might follow fundamental alteration in property rights in land ownership should be taken into consideration.

It must be underscored that contending views emanating from misunderstandings can be resolved through intensive research and in-depth deliberations over the subject involving all concerned parties, above all the poor peasants, who will be hurt most by the adverse consequences of privatisation of rural land. The trouble is if vested interests or hidden motives are attached to the quest for one or another form of tenure policy. After all, land question is essentially a political issue that involves not only contentious views but also conflict of interests. This last point is a complex matter requiring careful handling as well as sincerity.

All in all, current advocacy of privatisation of rural land in Ethiopia is invalid for the simple reason that it fails to produce sufficient empirical evidence, which would otherwise show that it is imperative to replace existing public ownership with private tenure. This calls for profound wide-ranging field research that represents all parts of the country. Such a thorough study must be all embracing and consider pertinent issues such as tenure security, resource management, productivity, food security and social equity.

In sum, the contention of the author of this article is that prior to questing for policy options to replace the existing tenure system, we need to establish, through intensive nation wide empirical research that (1) The existing mode of landholding has (a) created tenure insecurity for the majority of the peasants, (b) rendered peasants disincentives to invest on their possessions, (c) led to decline in agricultural production and thus contributed to the underdevelopment of the agricultural sector. (2) We need to compare such findings from Ethiopia with the experiences of other countries both those who experience public ownership and those who pursue private tenure so as to identify advantages and disadvantages of the two categories of tenure systems. Experiences of other countries may supplement the data to be obtained from the field in Ethiopia. (3) All such studies must first and foremost focus their attention on the feelings and interests of the majority of the peasants, who would be most affected by

tenure policy, so as to make our research findings participatory and more reliable. This would, inter alia, provide strong basis for academic debate among scholars in the field and may also contribute to policy reconsideration. (4) These research undertakings need also to involve and persuade the policymakers in order for the research findings to be considered in the policy-making and implementation processes.

In fact, it is only on the basis of empirical research findings that one can fairly demand alternative tenure policy, which, indeed, would be a fundamental change of status quo. Comprehensive empirical research findings are vital instruments in an endeavour to narrow data gap, draw informed conclusions and make viable recommendations on the issue in question.



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## Notes

<sup>1</sup> The line of argument in this article is, by and large, identical with that of a paper, Defence of Status Quo versus the Quest for a "Second Round Reform": Some Remarks on Current Debate over Rural Land Tenure Issues in Ethiopia, Paper Presented orally at DPSIR-NIHR Cooperation Programme Launching Workshop, 11-12 February, 2000, Addis Ababa. The paper, which was written latter on, is expected to appear in the Proceedings of the DPSIR-NIHR Cooperation Programme Launching Workshop. However, much has been done to develop the present article. Some observations from the field have been incorporated anew; wider ranges of secondary sources are consulted intensively; the length of the paper is about tripled; and the level of analysis has been elevated substantially.

<sup>2</sup> Along with the prevailing *rist* system, there existed a *gult* form of land tenure mainly as a grant by the Emperor. Such land was given in lieu of salary for high-ranking individuals who rendered services with strong loyalty to the Emperor. By virtue of his/her social status, *rist-gultegna* had full power over the peasants in the concerned locality (For the details, see for example, Markakis, 1975: 83-85; Shiferaw, 1995: 73).

<sup>3</sup> Such a distinction was based on the pattern and extent of the involvement of some pertinent factors like the quality of land and provision of seeds and oxen.

<sup>4</sup> Based on the rate of eviction in Chilalo that was 3.5 per cent of the landless farmers in the country per year, it was estimated that in the early 1980's, around 55,000 households would be dislocated if the same process in that particular Awraja spread to other parts of the country (See Shiferaw, 1995:117).

<sup>5</sup> One of the major factors contributing to the success of the land reform almost everywhere in the country was the emergence of peasant associations, which have played a vital role as a form of local government in carrying out the reform measures.

<sup>6</sup> It is true that having realised that its ill-designed and imposed agricultural policies led to the surfacing of severe contradictions between the government and the peasant masses, the Derg relinquished some of its policies in 1990 by adopting a mixed economy policy. However, this retreat came too late to help the government remain in power.

<sup>7</sup> This position seems to be in line with the conceptual approach advanced by the adherents of public tenure. It is asserted that as land is not a property created by mankind through his effort, it should be held publicly, i.e., it must not be subject to private ownership, which promotes individual interests. Moreover, as long as land is a common property to be used for the mutual benefit of the community, individuals must not be allowed to become beneficiaries by selling or exchanging land, which could lead to unfair differentiation in income and wealth. This is true, it is argued, especially for less developed countries (LDCs) where the livelihood of millions is based on agricultural activities. Thus if private ownership that entails and encourages land marketing is set in motion, it may lead to eviction of masses of the peasants from their possessions. This, however, is not to deny individuals' use rights. Rather, individuals who are interested in working the land through investment would be guaranteed to have access to the land that they need. Nevertheless, the amount of such holding is determined by the availability of the land itself (For details of these arguments and counter arguments, see Constitutional Commission, 1993: 14-15).

<sup>8</sup> Owing to space constraints, I have not dealt in this article with some other controversial issues such as government-peasant- landlord-tenant relationships, and land fragmentation associated with land redistribution, that require investigation in their own right.

<sup>9</sup> However, Dejene very recently (2002) has eventually realised that private ownership of land would lead to a wider range of adverse effects for the poor peasants, including displacement, tenure insecurity, social conflict and land litigation.

<sup>10</sup> The official stated this at a meeting held to assess performance of the agricultural sector in the region. The meeting took place from February 4 to 5, 2001, at Headquarters of the Regional Government, i.e., Addis Ababa.