

Ethiopian Land Tenure from Heterogeneity to Uniformity: A Historical Perspective with Emphasis to Southern Provinces

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ABSTRACT

The Ethiopian Land tenure system has shown drastic change from a tenant-landlord system to private ownership in the Imperial regime and public land ownership during the Derge and EPRDF periods. But the paper indicates the severity of the impacts of land tenure system on the peasants and pastoralists of the southern provinces particularly during the Imperial regime. In this paper it is argued that in the post liberation period the land tenure system led to lack of tenure security and inefficiency in land use in the south, south west and central Ethiopia. The Paper also points out during the Derge regime, though it changed the land tenure from heterogeneity to a uniform land tenure system in the whole of the country, there was unfairness in allocating fertile land to peasants. However, some plots of fertile land were given to some peasants favored by the local state agents such as by members of land allotting committee. As a result, the Derge regime's land reform failed to maintain tenure security in southern provinces or elsewhere in the country. The paper suggests that in the post 1991 period though the government proclaimed that land is owned both by the people and government, there are issues of land which instigated heated debates among scholars and politicians. Two of such kinds of issues are the land policy pursued by the government and the idea of privatizing land. But the government has been making effort to address basic land tenure issues that are related to equity and efficiency in the post 1991 period. This work recommends that any insightful discussion or debate over the issue of land in the country. It needs to take into account the historical development of land tenure system in southern provinces. For this discussion, the paper relied on some primary sources like governmental proclamations, other primary documents and collections of secondary sources. In the paper pieces of information gathered from these sources are integrated into the discussion of the nature of land tenure system in some provinces of Ethiopia through the conventional historical method.

Keywords: Land tenure, land reform, debate, eviction, southern provinces and tenure insecurity

INTRODUCTION

Land tenure encompasses social, administrative and economic concepts and it elaborates the relationships between individuals, groups of individuals and the state with respect to land. Historically, land have had great social, economic and political importance and even today land in Ethiopia, where the majority of its people engaged in agriculture, is essential means of production for addressing the development and basic livelihood needs of the rural society (Belay & Manig, 2004:124). As system, land tenure presupposes land ownership and elaborates who can use what type of land and for how long, and under what conditions. Land tenure system also refers to tenure arrangement on the basis of existing customary or national laws related to land tenure policy (Allan Hoben, 2002:25; Achamyleh Gashu, 2014:17)

In the pre-1974 Ethiopia, land and surplus extraction from its tillers were the economic backbone of ruling class and for the sake of extracting the largest possible revenue various tenure arrangements were introduced. However, the reform measures for tenure arrangements, which were taken by the government, without their involvement and knowledge had faced violent reactions from peasants (Gebru Tarke, 1991; J. Markakis & Nega Ayele, 1986:25). The debate between and among academicians and politicians on rural land tenure that has been up surged since 1990s, is another indication about the central importance of rural land. From the literature of land tenure studies, it is possible to see that in southern Ethiopia land tenure system had been more diverse with complex land ownership and utilization arrangements (Ambaye, 2015; Abebe D. Beyene etal, 2012).

OBJECTIVES OF THE STUDY

This study examines the dynamics of the land tenure system and seeks to depict how it evolved from complex and heterogeneity pre 1941 to uniformity system in the post 1974 period in the context of Ethiopia's history, 1941 to 1995. The year 1941 is taken as a land mark for it was after the restoration of the imperial government that land alienation intensified and the 1995 as the year that the Ethiopia's land related debate "resolved" constitutionally. Moreover, the study investigates how and why various the nature tenure arrangements were developed in under one system. When compared with that of the north, in the south there had been various land tenure arrangements that brought deep exploitation.¹

Specific Objectives

- How and why did diverse and complex land tenure arrangements were developed in the pre-1974 era?
- Do the 1975 land reform properly Address the issues of rural land system
- Why the debate on rural land tenure issues has continued as on and off inconclusively?

METHODOLOGY

The study is depended on policy documents such as Proclamations and decrees, archival materials and secondary sources. It is a historical research based mainly on critical analyses of pieces of information from the literature of land tenure studies, proclamations and archival materials. To that end, sources of pieces of information were obtained from Wolde Mesqel Memorial Research Center, National Archives and Library Agency of Ethiopia (NALE), Institute of Ethiopian Studies (IES) of Addis Ababa University, from internet and from Adama Science and Technology University Libraries.

Before writing up this paper, data were collected from bundles sources thematically organized, primary sources like archival materials, policy documents such as proclamations triangulated scholarly works that deal with land tenure issues

¹ For this study, the term southern Ethiopia encompassed the vast eastern, southern and western territory of country which Emperor Menelik II incorporated in the second half of the 19th century (See also Murado,2014 :61).

such as holders' rights under three different ruling regimes from 1941 to 1995. Then, data textually and critically analyzed before writing the research report.

Description and Rationale of the Study

Based on topographic and historical factors, different scholars classified the Ethiopian land tenure system that was evident before 1975 as northern and southern (Danieal, 2013: 41, Markakis and Nega Ayele, 1986, 23-24). As noted by Bahiru Zewde (2002), the name "southern" itself does not describe an exact geographical location. It rather refers to a commodious class composed of those state and peoples which were not participated directly in the politics of the state. On the basis of this classification, those areas which had been part of the Christian highland kingdom namely Tigre, Begemider /Gondar /Gojjam and parts of Wello and north Shewa are categorized as northern and the other areas which were incorporated by King Menilek II in the last quarter of the 19th century including the borderlands in the south and south western Ethiopia all together constitute the southern category. The researchers motivated to study on this area because pervious works on land tenure system concentrated on issues of tenure arrangements and its impacts by avoiding the linkage that could exist between historical developments of land tenure system in southern provinces, the perpetuity of tenure insecurity and the ongoing debates on issues of land in the country.

DISCUSSION AND RESULTS

Briefing Land Tenure System in the Pre - 1941 Southern Ethiopia

Until subjugation by Emperor Menilek II in the last three decades of the 19th century, the southern region had customary land tenure systems that were administered on the basis of customary law and traditional principles. The Pastoralists communities of the area, for example, had been enjoying full right for free access to pastoral land. Adaptive and flexible land management was practiced. Community and clan leaders were mostly responsible to allocate grazing and communal land (Buli Edjeta, 2006; Eyasu & Feyera, 2010)

Following the region's conquest by Emperor Menilek II, however, the land in the South was divided up into three equal parts on the basis of the traditional dictum, which says 1/3rd to the

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king/rulers, 1/3rd to the church and 1/3rd to the tiller. By doing so, the conquerors tried to transplant the northern land tenure system into the southern provinces. As former kings did so in the north, the emperor as the chief leader of the Ethiopian empire state used his pre-eminence right to divide the southern land.² On the basis of the same principle, most of the arable and pastoral land of the indigenous people was expropriated and granted to those who had been serving the emperor as retainers and soldiers.³ Sometime after the conquest, the conquered peoples were left only with 1/3rd of their land. As John Markakis and Nega Ayele elaborated (1986:23-24), though the southern land was confiscated the northern land tenure system did not perfectly work in the south, because though the land was theoretically divided into three equal parts, in the south 1/3rd share, which the indigenous peasants/pastoralists could claim was granted either to the traditional chiefs or incorporated by the state. The clergy too got its share 1/3rd as church land⁴ for its maintenance. As a result, all warrior aristocracy including soldiers and retainers, even without having the required class status, and church officials obtained *gult*⁵ land.

The state protected the *gult* holders' right for tribute (in kind) and tax collection as well as other benefits. Traditional leaders and the indigenous farmers on the contrary lost their land and associated socio-political values. According to Daniel (2013:50-52) and Ambaye (2015:45), a *gebbar*/tribute payer/ peasant had existed both in the north and in the south but peasants in the north had a right to use their *rist* land and that right was protected by customary law. The *gebbar* in the south, however, was a landless peasant who had been assigned as tenant or servant to the *balabat* or retainer who

²On the basis of pre-eminence right of kings/emperors all the land in the empire is believed to have been belonged to the emperor.

⁴Church lands were held as *semon* land and *gult* land. *Semon* lands were those lands whose use was placed at the disposal of the functionaries of the church by the church herself in lieu of giving them cash salaries, while *gult* lands of the church were those lands the use of which was given to the administrators of churches and the high clergy. (Yigremew Adal, 2002:4-7)

⁵*Gult* is a right and an office as institution to collect tribute from peasants' /tillers/ allocated on the *gult* land of a certain institution or landlord.

took their land. Indeed, the rights of local gentries remained unaffected due to Menelik's decree which was passed in 1905 (1897 E.C) and declared that in every land allocation third or in some cases half to be granted as *siso gult* right. However, the *rist* as institution was not introduced to the south and the indigenous peasants did not get legal protection (Ambaye2015:46).

Hussen Jemma, who contributed dozens of works on land tenure studies, noted that contrary to their northern class partners, who by virtue of protection by customary law got a right to control, use and inherit their land, the southern peasants became tenants to a *gult* holder and became insecure with constant fear of eviction from the private land on which they just began working on. As subjects with no social status, the southern peasants became excessively dependent on the land of land lords and they were dislocated in various pretexts even by absentee private land owner (Hessen, 2004:3-6)

Power and privilege served as a mechanism to acquire large tracts of land in the south. According to Hussen (2002: 4), following the conquest of the south, the minority of the northern in his own words "by virtue of their ethnic⁶ background and access to political power" acquired large tracts of southern land at the expense of the majority indigenous population. Accordingly, up on the collapse of the traditional land tenure system following land confiscation, the state took the peoples' land ownership right and the majority of the southern societies lost their customary landownership rights, resources, status and dignity altogether. In support of Hussen's view, Ketema Meskela (2001:92,98) also elucidated how the tenancy condition in Bale province was changed from bad to worse by forcing peasants to engage in renting land and also eventually lose their land

⁶Actually at this point, the authors of this paper partially rejects Hussen's argument because they believe that it was cooperation and loyalty to the conquer power not ethnic background that brought land grant as a reward. It is pertinent to note that from the newly incorporated areas, some regions whose traditional leaders submitted the emperor peacefully like Jimma, Leqa Qellam, Leqa Naqamte, Assosa, Bela shangul, Awsa of Afar and Gubba in Metekel spared and their leaders retained on power and ordered to pay annual fixed tribute to the emperor (Mahtema Silliasie Wolda Maskal, 1962E.C.:165; Bahru Zewdie, 2002:87, Etana Habte, 2012:87-100).

in the name of introducing and expanding commercial farms by the state.

In different parts of the south peasants encountered similar forms of exploitation. In one of the eastern provinces in Harar they had faced several responsibilities which included feeding the conqueror's soldiers, working for the *Malkagna* (chief of many hundreds men) and providing presents to the *Malkanna*. This had changed the role of Hararghe peasants from resistance to the role of unquestionably obeying the *Malkagna* (Mohammed Hassen, 1980:236-238). Similar to the peasants of Hararghe, under the name *gebbar*, another writer also mentions many responsibilities that were imposed on *gebbar* peasants elsewhere in Ethiopia (*Gebra Wold Engda Worq*, 1948: 17-19). This was the feudal tradition which contributed a lot to the impoverishment of peasants in the study areas. Likewise, the land of pastoralists, though initially did not attract sufficient attention from the conqueror's side, was considered as 'no man's land'. But soon it transferred to government as state land and *quter giber*/counting tax/ was levied on it to be collected on the basis of counting pastoral farmers using the grazing land of a specific area (Daniel Weldegebriel, 2013:40-42; Johan Helland, 2013:3-4).

Though they are few in numbers, various studies on pastoral land tenure system indicate that the root problem of the Ethiopian pastoralists was wrong perception on the behalf of couturiers. Primarily, at the time of conquest by the imperial force of Menilek II, "any permanently uncultivated and unsettled land was considered as 'no man's land' and, hence, claimed to be "state property." On the basis of this wrong perception, the lands were confiscated for non-pastoral purposes, i.e. for agriculturalists or for commercial farm. Consequently, starting from the very beginning of their inclusion to Ethiopian empire right up to this time the life of pastoralist is unsecured. Secondly, communal institutions of the pastoralists including those which had been used as a strategy and mechanism to administer grazing land and related resources were ignored and replaced by alien institutions (Eyasu Elias, 2008: 8; Buli Edjeta, 2006).

On the other hand, at the beginning, immediately after the conquest, pastoral lands received little attention from the imperial state. For that reason the legislations and land laws

that the Ethiopian state promulgated and enforced such as the civil codes of 1931, 1955 and 1960 did not give coverage to pastoral lands (Eyasu, 2008). In this regard, Johan Helland (1999:3-5) described the pre-1941 period Borana pastoralists 'as people endowed with a unique opportunity of benevolent neglect by the state'. At least in the pre-occupation period, the state did not interfere in their socio-cultural affairs. And as long as annual tribute was sent to the central government, the communal land tenure system left intact. As it is cited in Shiferaw Bekele (1995: 76-77), privatization of land had become the basis for the consolidation of the Imperial regime. Before the Italian occupation, the attempt to privatize land became a fertile ground for Emperor Haile Sillase I to later intensify land privatization practice that led to the replacement of *gult holder-gebar* system in south by land-lord tenant system.

Emergence of Complex Land Tenure Arrangements in the Pre-1974 Ethiopia

In the post occupation period two processes played significant role for emergence of private land. On the first place, in 1941 following his restoration to power, Emperor Haile Selasie I made extensive land grants to selected individuals like victims of the Italian occupation, civil servants and soldiers as freehold. Secondly, in accordance with the 1942 tax reform, all land that belonged to farmers who could pay tribute for the land they were using, were recognized by the state as its owners or private land owners. Payment was made to be in cash with a clearly defined tax rate.⁷

Tekalign Wolde Mariam (1995: 239) argues that in the post liberation period the emperor's land grant had a political motive than ensuring the economic advantage of land. Accordingly, this resulted in the continuity and expansion of the older culture of granting land by the Emperor to

⁷ For one *gasha* holding of fertile, semi fertile and unfertile/poor/ to be paid was respectively 15, 10, and 5 Ethiopia Birr. About how the country divided and land measured to systematically and effectively collect land tax in 1940s land was as fertile, semi fertile and unfertile and in some provinces like Shoa, Arusi, Harar and Wollo, the amount set for fertile land was \$35 in lieu of tithe and \$15 in lieu of tax, for semi fertile land \$30 in lieu of tithe and \$10 in lieu of tax, and for poor land \$10 in lieu of tithe and \$5 in lieu of tax (Märsé Haznä Wäldä Qerqos, File No.38.10)

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his fellows and made the Emperor even to announce the first decree on land grant called the Royal Order of July 24, 1942. This made patriots, exiles and Italo-Ethiopian war victim's families to get grants of plots of land (Katabo Abdiyo, 1999:38).A case from our archival materials from Harar Governorate General clearly illustrates how the process tiresome was the process of granting plots to victims of Fascist Italians how land was granted in accordance with the Royal Order of July 1942. To begin with one case from Harar, a certain patriot, Gosa Habte Michael claimed he was fighting against the fascists Italians for two years (1935 -1936) and he had been in Berbera and Kenya in exile after he got wounded. Based on Gosa's application, a letter was written from the office of Harar Governorate General to the Ministry of Internal Affairs of the imperial government. Moreover, the truthfulness of his case, as stated in the document, was supported by evidences and witness in front of a legal court in Harar. It was on behalf of the patriot that the office of the governorate general requested the land (*rist*) to be given to the victim (WMRC, Folder name: Harar Teqlay Gizat, File Number, 3883). Here, it was good to support those who defended the country from alien invaders. But this was not to be done at the expense the poor peasants by making them lose their land and by increasing their sufferings as well as insecurities related to land.

Following the intensification of land privatization and expansion of commercial agriculture in the 1950s, pastoral lands became targets of expropriation and their native owners became victims of eviction or dislocation (Johan Helland, 2006:4; Eyasu Elias, 2008:8). The state took those plots of lands called *geber telmaret* or land which had no tax payer. Thus, in addition to church land, which had been common both in the north and in the south, private and state land⁸ became dominant in the south. According to Hussen (2004:6), four mechanisms which includes among others deliberate seizure of the southern land by the conquering force, converting temporal *maderia* (lit. land for livelihood) land, which was given to the *gult* holder to permanent *rista-gult*, inaccurate land measurement of land combined with imposing arbitrary tribute on the

⁸State and Private land tenure system was introduced as a new system in the south after Menilek's conquest(Hussen Jemma, 2004 :4)

indigenous holder and incorporating the *geber tel* /'tax born'/ land to state to be added to state owned land. In this regard Buli Edjeta (2006:195) noted the fact that the Imperial government, while knowing the mobility of pastoralists such as the Karrayu, made permanent settlement and regular payment of tax based on its civil Code of 1960 as precondition for land right. Immediately, the lands of the pastoralists were appropriated and leased out for commercial farm and taken for park establishment by the state as *gibratall merat*. In this case the Karrayu not only lost the largest part of their grazing land in the Metehara Plain but also have become powerless and marginalized society in their own land (Buli Edjeta, 2006:195).

Expansion of commercial farm aggravated eviction in the south and central provinces. In this regard, Ayalew,(2009:284) expounded that following the establishment of large scale plantations such as the Dutch firm Handels Vereniging Amsterdam (H.V.A.) and the Wonji Shoa and Matehara Sugar estates in the Upper Awash Valley, the Karrayu pastoralists were dislocated by the state. As indicated by Desalegn Rahmato (2009: 83), in the south and south west provinces like Harar, Bale and Wallaga there were dislocations and related problems associated with the expansion of commercial farms. Guluma Gameda (2007:57-59)also found that in south west Ethiopia, interest to establish coffee plantations made the indigenous peasants subject to large scale dislocation by appointed governors and *gult* holders.

Land under private ownership could be sold or exchanged without any restrictions except those provided by law. In turn, land privatization brought to southern peasants extensive eviction and additional burdens. In this regard, Hussein (2004) generalizes the various systems of exploitation imposed on peasants into four as tenancy, sharecropping, eviction and giving labor service /corvee labor/ to the landlord. Dislocation or eviction from land was not a threat in north but it was a serious menace to the southern peasants (Abebe D. Beyene etal, 2012:4).

Another major event that affected the south and central provinces in the post occupation was resumption of intensive land measurement. Indeed, some provinces of the south like Wallaga had already seen the impact of land

measurement when the land measurement proclamation of 1909-1910 was issued. As Tesema Ta'a clearly indicates, this proclamation led many peasants in Wallaga to lose their land to the central government and increased peasants' grievances against the central government (Tesema Ta'a, 1986: 197-198, 207). Following its restoration to power in 1941, imperial government of Ethiopia decided to control and extract the largest possible revenue out of the arable and pastoral lands in the form of systematic tribute and tax collection. To that end, the imperial government encouraged the land system to be studied. Because of this, some of the early 20th century intellectuals and top officials of the emperor such as Mahatma Selasie Wolde Mesqal embarked on the task of reconstructing a history of the country's ancient land tenure system and taxation laws (Mahtema Selassie Wolda Masqal, 1957:283)

In the 1950s the *qalad* system or land measurement⁹ was resumed earnestly on the intention of effective utilization of the existing rural land. According to Temesgen Gebeyehu (2016:569-570), the major motives behind land measurement by the imperial government of Haile Selasie I were to determine the value/quality/ of land (as fertile, semi fertile and unfertile), to know its size and quality for imposing taxation and get extra land for sale. Along with land measurement, large scale land sale and eviction became common to increase government revenue. The government had also leased out large tracts of land. In this case Shawa and Arsi Governorate generals became some of the most affected regions. With the expansion of mechanized commercial farms in the late 1950s and 1960s and with marketability of land following the introduction of capitalist agriculture, peasants began to be dislocated and evicted from their land. A good case in point where large scale peasant eviction in the 1960s had taken place included among others the areas of the Matehara plain and Chilalo Awraja of Arsi (Hussen Jemma,2004:9). According to Ketebo Abdiyo, the eviction paved a way for the spread and accumulation of commercial farms in Arsi in provinces like Chilalo and in districts like Hetosa almost the land was in the hand of a few wealthier people and governors who succeeded *Ras* Berru. Besides, in areas like Arba Gugu the Italian company had begun

⁹ The term *qalad* , is related to the rope which was used to measure the land

coffee commercial farms in 1956. Ketebo concludes that mechanized farms created further problem for the Arsi peasants than alleviating it (Ketebo Abdiyo, 1999:50, 52, 63).

With growing desire to increase government revenue, land sale and privatization were intensified in south and central Ethiopia. Consequently, the majority of the indigenous farmers lost their land and with the subsequent loss of their land ownership right, the indigenous peasants in southern provinces exposed to double oppression. Firstly, like their class partners in the north, they were subjected to economic exploitation. They became tenants on the basis of verbal various sharecropping agreements with land holder including absentee lord¹⁰ (Bahru, 2002:192). Secondly, as conquered peoples, they had been victims of cultural and political domination¹¹ (Hussein Jemma, 2004:5; Wibke Crewett et.al, 2008:8).

As clearly stated in a letter written from the Awraja governor to Ministry of Land use and Administration of the Imperial government, in Mendi *Wereda* of Gimbi *Awraja*, Wallaga, more than ten thousand tenant house hold families were residing on government land and out of that number, 8000/eight thousand family heads got legal confirmation about the fact that they had no *rist* land or government job(WMRC, Numera Dheresa, File Number.34186). This document indicates how the insecurity related to possessing land could be severe in the whole province of Wallaga if eight thousand family heads lacked *rist* land or government job only in one district of Wollega Province.

Even though land Tax proclamation, Proclamation No 230/1966, repealed all the previous land tax, proclamations (including proclamation No 70/1944)¹², and most of the

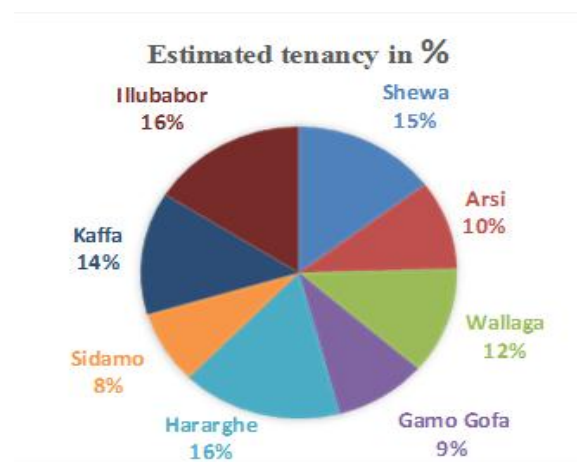
¹⁰ In the last days of the imperial government 25% of the rural land in the south was occupied by absentee land lords.(Bahiru,2002)

¹¹The second issue i.e. Cultural and political domination is not the subject of this paper.

¹² Proclamation (Proc. No. 70/1944), which was known as Land Tax proclamation (in its Sub Article 4) set different land tax rates on the basis of fertility. The same article (4) repealed any other taxes or services given to local land owners and set peasants free of *gult* holder obligations. However, the law was not implemented at the grassroots level and in reality; it doubled the oppressions of the peasants and tenants of the south, where their land had been measured. Where as in the north the land was not

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prerogatives traditionally *gult* provides had over the tenants by proclamation 230/1966, absentee land lords, some of who were government authorities, attorneys, *balabatoch*, and town dwellers, retained/ registered the state land in the name of their wives, servants, and even in the name of their minor children who could not be legitimate to inherit land use rights at the expense of local poor tenants. Some *balabat*/feudal lords/ also took state lands by forcefully dislocating peasants from state land. This case, is a clear indication about the fact even though the imperial government desperately tried to increase its revenue from rural land, it ended up only with doubling the exploitation of the peasants and increased tenancy¹³. In this regard, the following chart indicates the level of tenancy in the south in percent.



Source: Self-constructed based on data from Muradu (2014: 67) and Bahru (2002,192)

Land Tenure System in the Post-Revolutionary Ethiopia, 1975-1995.

The issue of land ownership, which had orchestrated in early 1970s into a motto as 'Land to the Tiller!!' by the Marxist oriented radical student movement, was undisputedly one of the central questions of the revolution and it was this same revolution that brought the Provisional Military Administration council (PMAC commonly known as the *Dergue*) to the center stage politics to manipulate the whole

measured and they remained unaffected(continue with old /traditional low rates)

¹³ A tenant was a peasant who worked on "land owners' land on the basis of various sharecropping agreement. When the value of land increased following wide spread of commercial farms, the 'land owner' totally evicted and made some of them destitute(Bahiru,2002,192)

affairs of the country. It had to take this sensitive issue as priority to be addressed soon. Therefore, within a year after its seizure of power in 1974 the *Dergue* or the PMAC issued a Land Nationalization Proclamation (Proclamation 31/1975). It was a redistributive land legislation that brought about land de-concentration which brought the rural land under state control with version of people's ownership of land (Muradu Abdo Srur, 2014:9)

By sweeping away the entrenched landlord based land tenure as well as private ownership of land, the Land Reform Proclamation nationalized all rural land and ownership right which was effectively entrusted to the state. Feudal land ownership and tenancy as a system was formally abolished. Accordingly, every family was allowed to have a plot of farm land not larger than ten hectares and it prohibited employing workers on a farms. The proclamation also prohibited transfer of land in any form (lease, sale and mortgage) except for qualified bequeathing. Thus, the 1975 land reform transferred only usufruct rights to the rural peasantry. In addition to this, the law allowed peasants to organize themselves into peasant associations with one *qabale*/neighborhood/ for every 800 hectares. Each peasant association headed by executive committees, was responsible for enforcement of the new proclamation including administration of land (Abebe D. Beyene etal, 2012:4-5)

The *Dergue* (1974-1991) justified and associated the reason for the land reform program to two principles. One was as a remedy to historical justice and to overcome the exploitative character of imperial agrarian relations and the second was to bring social justice by providing each farm family with equal access to cultivation land according to their needs. In principle the reform brought a uniform land tenure system in the whole of the country and initially it enabled to secure support from the rural society (Wibke Crewett etal, 2008:12). In the course of its implementation, however, unfair land distributions like for example better or large plots to *hager wedad*/ lit. Country lover/ and favoritism on the part of the *delday*/ (lit land distributor or allocators. Land distributor/committee made fertile land to be concentrated on the on the hands of the few farmers.¹⁴ Moreover, land related issues which

¹⁴From the literature rural land tenure studies and our own experience it is clear that farmers who

contradicts with its proclamation like investment in state farms at the expense of small holders, collectivization and quota deliveries at lower prices as well as frequent land redistribution, put *Derge's* radical land tenure reform put under strong criticism by its opponents including by Ethiopian Peoples' Revolutionary Democratic Front –EPRDF (Muradu, 2014:8-10).

On the issue of what measures were taken on rural land immediately after the fall of the *Derge*, there are different views. Crewett & Benedikt (2008:204) confirm that the Transitional Government of Ethiopia (TGE) that replaced the *Derge* continued enforcing the *Derge's* land policy. However, Muradu rejected this idea and argued that the TGE temporarily refrained from dealing with the thorny land tenure issue. Muradu (2014:9-10) attributed its avoidance to two reasons. Firstly, the Ethiopian People's Revolutionary Democratic Front (EPRDF) had been strongly criticizing some aspects of the *Derge's* land tenure reform and blamed it for failing to maintain tenure security for small farmers and pastoralists. On the other hand, replacing the command economic with the free market principle, the EPDRF was demanding that land should be reformed along with market principles. Later when it announced its land policy, however, EPRDF declared "Peoples' ownership of land". As enshrined in FDRE constitution of 1995, up on its ratification, the concept of public land ownership and the inalienability of landholdings enshrined in Article 40 sub article 3 of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE constitution). It is clearly stated that:

"The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange."

As clearly stipulated in the FDRE constitution (Article 52 sub article 2(d) the regional states are granted power to administer land in accordance with federal laws. On the basis of this provision, the Rural Land Administration

were favored by the *delday* committee were those who could either pay bribe to leading committee members or influential party members at *qabele* level.

Proclamation of 1997(Proclamation No. 89/1997) delegated regional states and provides clear guidelines about how to administer their land. Accordingly, regional states charged with responsibility for land administration including assignment of holding rights, distributing land and crafting and enacting regional laws. When designing and revising their land administration Proclamations¹⁵, though laws derived from the federal constitution, regional states contextualized land tenure issues to suit the experiences and interests of their respective society.

In this regard, some scholars argue regardless its promise to decide the land issues in a referendum, the TGE and the ruling party kept state ownership of land that there is no difference between the *Derge* and EPRDF in their land tenure policies (Muradu, 2014; 10; Tesfaye Teklu, 2014). According to Tesfaye Teklu(2014 :101) the TGE kept the basic elements of the 1975 proclamation like, for example, public /state ownership, universal free access to rural land and prohibition land transfer through sale retained unchanged. Belay and Manig (2004;124) on their part confirm that even if it kept state ownership, the ruling party lifted restrictions on some tenancy relations. Unlike the *Derge*, the EPDRF led government allowed sharecropping and renting land allowing gifts or borrowing, fixed rent tenancy and share tenancy. No matter whether land use and management are guided by state or federal laws, the Ethiopian government insisted on making land to be vested on the state and the "people's ownership of land" got legal protection (Muradu, 2014:10; Tesfaye Teklu, 2014:101)

A fierce political debate about the appropriate land tenure policy that was resurfaced¹⁶ during

¹⁵Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration/ The Southern Nations, Nationalities and People s Regional State Rural Land Administration and Utilization Proclamation, Proclamation 110/2007/; The Revised Amhara National Regional State Rural Land Administration and Use Proclamation/ Proclamation No. 133/2006.

¹⁶ We use the term resurfaced because the issue of land tenure and the question of land ownership right was one point of discussion among early twenty century Ethiopian scholars (See Bahiru Zewde (2002) , Pioneers of change : the Reformist Intellectuals of early 20th century.

this period (1991-1995), continued as a controversial issue between different parties and scholars that lined up into two groups; one in support of privatization basically with justification for efficiency and the other group arguing in support of state /public/ ownership basically for maintaining fairness and addressing historical injustice (Allan Hoben, 2002; Crewett & Benedikt, 2008). Advocates of privatization associate efficiency in land use to private ownership and argue that the state's effort to move towards market economy while controlling the basic means of production, land, is futile effort. For them, unless land is freely sold and freely transferred from one owner to another just like a commodity land cannot serve as a means of development. Critics of the state ownership such as Ethiopian Economists Association (EEA) argue that "One cannot move towards a market economy while keeping land-the most vital means of production on agricultural economy—outside the operations of the market" (EEA/EEPRI, 2002).

Dejene and Abdurahman (2006:139-142) also rejected state ownership and argue that state ownership cannot be a guarantee for efficiency and tenure security. In support of this idea Desalegn(2006:14-15)noted that one of the original objectives of the state ownership is to provide tenure security and to solve problems of landlessness. But he argues, in his own words "both during the *Derge* regime and the current government, landlessness refuse to disappear" and the overwhelming majority of peasant population has become insecure due to extreme poverty. However, the EPRDF led governments on its part aspired to keep its grip on land related issues. Some scholars who wrote in support of its position such as Fantu Cheru (1994) Marquardt (2006) recommend state ownership of land for equity reasons. Fantu strongly opposed land privatization and argue that reinstating a western style property right and making land saleable like a commodity would led the country to its pre-1974 situation during which large number of peasants were made to be landless and forced to join the urban destitute. Marquardt also supports state ownership and expounded that even in countries where land privatization prevailed the government has ultimate power overland issues. Amidst the ongoing debate, the EPRDF and top government officials repeatedly notified that

debating on constitutionally resolved land issue is a 'sterile' argument (Binayew T, 2015)

CONCLUSION

In the pre occupation period, the nature of land tenure system in Ethiopia in southern provinces in particular subjected the indigenous peasants to various forms of exploitation by the state and its agents. Following its restoration to power in 1941, the Imperial government attempted to abolish prerogatives of land lords and made all forms of land tributes to be payable directly to central government and the *gult* holders alienated peasants from their land to make them tenants in their own land. On the other hand, the government leased out large tracts of land to business owners and it also deprived peasants and the pastoralists from using their land for agriculture and pasture. With the increase in land value, following expansion of commercial farms, eviction and displacement of peasants from their plots of land exacerbated and resulted in socio- economic injustice, tenure insecurity and made large tenants destitute.

The *Dergue* regime embarked on the establishing the idea of uniform land tenure system but regardless of its initial success, its land reform failed to maintain tenure security and its quota system in particular prohibited peasants from benefiting from the fruits of the reform.

In post 1991 period, EPRDF in its constitution has made clear that ownership of land and natural resources vested in the state and in the peoples of Ethiopia. Though its critics including some opposition parties, which stood in favor of privatization of land, blamed the current government for continuing to enforce the public landownership, it has making effort to address two basic land tenure issues of faire/equity as a socialist and efficiency as adherent to free market economy in land use. On the other hand, the arguments on both sides that imply land will bring to the country better political, economic and social progress than state ownership of land or vice versa is more of ideologically motivated.

Among other reasons due to concentration of land in the hands of few members associated with the ruling class and its supporters, there was lack of tenure security and inefficiency in land use in the south, south west and central Ethiopia. Though this study does not refute the state's apprehension that private ownership will

endanger the livelihood of rural society, there is also still signal that indicates the rural people have engaged in using their land in the form of selling or using as collateral under various pretexts. The current arguments rose in the land tenure system to find a viable land tenure system for a country having diverse community with various historical experiences in land use and management cannot be addressed only by private–public land ownership options. But constructive scholarly debates on this issue has to consider historical developments of land tenure system in southern provinces or elsewhere in the country and the interest of all sides if lesson providing discussion is needed on land tenure system in the country in the future.

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