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THE ROLE OF STATE DOMAIN LANDS IN ETHIOPIA'S AGRICULTURAL DEVELOPMENT\*

by

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All views, interpretations, recommendations, and conclusions expressed in this paper are those of the author and not necessarily those of the supporting or cooperating organizations.

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# THE ROLE OF STATE DOMAIN LANDS IN ETHIOPIA'S AGRICULTURAL DEVELOPMENT

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## INTRODUCTION

The main objective of this paper is to examine the role of state domain land in agricultural development with particular reference to the past and present systems of land distribution and the problems associated with the systems of the distribution and use of land.

The Ministry of Land Reform and Administration has been seriously considering the revision of the present land grant systems in view of the need to create a legal framework which would permit the future allocation of government land.

To this end, the Ministry has drafted a state domain land distribution order which repeals the existing land grant systems in order to provide opportunities and means of livelihood for the growing number of rural families through allocation of the government land to the landless and needy persons.

An attempt will be made to examine the historical evolution of the existing land tenure systems in order to highlight the problems peasants face as a result of the tenure systems and the need for the revision of the present land grant systems. Attempts will also be made to examine the origin and the resources of government land available for future use. In this connection some of the problems of establishing and maintaining settlement projects within and outside Ethiopia will be examined.

Finally, suggestions will be made concerning the possibilities of future utilization of government land for settlement schemes in a manner

designed to meet the present government requirements to solve issues related to compensation of alienated groups, evicted tenants, population pressure, and to improve the present employment situation.

## I. STATE DOMAIN LAND IN ETHIOPIA

### A. Origin of State Domain Land

According to Article 130(d) of the revised constitution of Ethiopia, "all properties not held or possessed in the name of any person, natural or juridical, including all lands in escheat and all abandoned properties, whether real or personal, as well as all products of the subsoil, all forests and grazing lands, water courses, lakes and territorial water are state domain."<sup>1</sup>

There are at least five methods by means of which land has come into the hands of the government.

1. Much of the land was acquired after Menelik's re-occupation of the southern provinces between 1890-1900 E.C. (Ethiopian Calendar-- 1898-1908 in the Gregorian calendar) which was followed by the apportionment of the land between the balabats (local chiefs) and the state. Through this method anywhere from two-thirds to three-fourths of the lands in each balabat's locality has come into government possession.

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1. Revised Constitution of the Empire of Ethiopia, 1955.

2. The state also acquired land by introducing a process of measuring holdings in order to levy land taxes on owners in lieu of the traditional head tax.

The rate of taxation for measured land differs from that of unmeasured land. In unmeasured areas an individual pays a fixed cash sum for a certain area of land irrespective of its size and quality. In measured areas the land tax is levied on the basis of the size of the holding (usually determined in gashas--1 gasha = 40 hectares) and its fertility, which is classified into three categories--fertile, semi-fertile, and poor.

After measurement, the owner can retain the land if he is able to pay tax of the calculated number of gashas according to their classification. If he is unable to do so, then he will retain only that part of the land on which he is able to pay taxes; his right to the remaining land reverts to the state. For instance, the government has obtained extensive land in Bale province from the introduction of such measures.

3. The third method by which land has come into the hands of the government is through the regulation concerning land measurement and distribution of excess land.

Measurement "was first carried out by 'ayne gemed' or by eye. A man walked in a straight line until told to stop by the official in charge, this process being repeated until all the four boundaries were determined."<sup>2</sup> This was later replaced by the chain method of surveying.

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2. Richard Pankhurst, State and Land in Ethiopian History (Addis Ababa, 1966), p. 145.

Under the regulation concerning land measurement of Meskerem 6, 1923, E.C. (1931 in the Gregorian calendar):

"1) If when measured by the chain method of land measurement a person's holding is in excess of the amount registered, and if the excess is developed farm land under crop, or forest, or has located upon it a well for cattle, the owner shall retain the excess land and pay land tax upon it.

"2) If the excess holding is underdeveloped, one quarter of it shall be retained by the former holder, while the rest shall be divided among the following persons in the following manners: one quarter shall be granted to the tenant of the former holder residing on the excess land, and in the absence of a tenant who resides on the excess land, the one-quarter shall be granted to any tenant of the former holder; one quarter shall be granted to a balabat who has for some reason been dispossessed of his land; and one quarter shall be reserved by the government to be granted to future applicants."<sup>3</sup>

For instance, the measurements of land conducted "in the period 1943-53 E.C. (1951-1961 Gregorian calendar) revealed a difference of 70,610 gashas over what was registered as 60,610 gashas, raising the actual total to 131,220 gashas."<sup>4</sup>

4. The fourth method for the government to acquire land is through the repossession of land which was at one time owned individually or by a group of persons who failed to pay the land taxes due.

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3. I.E.G. Compilation of Land Grant Orders.

4. Mesfin Kinfu, "Land Measurement and Land Classification in Ethiopia," Mimeo. (Addis Ababa, 1971).

(Such land taken by the government due to non-payment of taxes is called gebre tel land.)

An extensive area of land where individual ownership prevails has been acquired through this process. The potentially arable areas in the lowlands of the communal tenure areas of "Metekel" and "Settit Humera" in Gojam and Begemider provinces, respectively, on which the communities had failed to pay land taxes for a long time, are also considered to be gebre tel land.

5. The fifth and the last method of acquiring land is through annexing all properties not held or possessed by individuals or groups of persons. All of the grazing lands are included in this category.

#### B. Resources of Government Land

The available arable or potentially arable government land, excluding the pastoral land, is estimated to be approximately 12.1 million hectares, of which 10.6 million hectares are arable without irrigation and 1.5 million are arable only with irrigation.<sup>5</sup> According to Ministry of Land Reform records, the area of these government lands by regions is as follows.

Central region: includes the high lands in central and southern Ethiopia comprising Shewa, Arussi, Welo, Bale, Sidamo, Gemugofa provinces and parts of Kefa, Illubabor, and Wellega provinces. The available government land in this region is estimated to be 3.7 million hectares, all of which is considered to be arable without irrigation. Most of the government land

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5. H. Weterhall, "Government Land in Ethiopia," Draft Report for Ministry of Land Reform (Addis Ababa, December 1972).

in this region is located at an altitude of between 1,500 and 2,000 meters. The greater part of the region receives from 800 to 1,400 mm. of rainfall annually.

Western region: consists of parts of Kefa (Maji, Kefa, and Gimira awrajas--sub-provinces), Illubabor (Gambella awraja), Wellega (Assosa and part of Kelem awraja), and part of Gojam province (Metekel awraja). The total government land in this region is estimated to be 5.5 million hectares, all arable without irrigation. Most of the government land in this area is located below 1,500 meters altitude; rainfall varies from 1,000 to 1,400 mm. These areas are considered to be infested with malaria and trypanosomiasis.

Southeastern region: includes the southeastern lowlands of Hararge, Bale, and Welo. The region receives between 300 and 600 mm. of rainfall per annum. The total arable government land in this region is approximately 0.8 million hectares, all of which is arable only with irrigation.

Northern region: consists of Begemider, Tigre, and Eritrea provinces. A total of 2.1 million hectares of government land are reported in this region. Out of the 2.1 million hectares of potentially arable land, 1.4 million hectares are arable without irrigation, 0.7 million hectares arable only with irrigation. Most parts of the region are semi-arid, ranging between 500 and 1,500 meters in altitude. The rainfall varies between 500 and 1,500 mm. per annum.

State domain lands cannot, however, be viewed in isolation. It is necessary to relate them first to a discussion of the regional land tenure systems of Ethiopia and second to the problems those systems create. The next two sections of this paper attempt to do this.

## II. LAND TENURE SYSTEMS IN ETHIOPIA

### A. Land Tenure Systems in Southern Ethiopia

The land distribution system prevailing in the late nineteenth and early twentieth centuries has left Southern Ethiopia with a variety of land tenure systems. These are the result of the administrative structure built up when the authority of the central government was extended to the southern provinces of Ethiopia.

Menelik's reoccupation and reconstitution of his administration in the southern provinces was followed by a major reorganization in the system of land distribution which has resulted in many changes in the land tenure system. One of the changes was the introduction in the southern provinces of a system of private ownership of land which is known as rist.

The distribution of land under private tenure was made in such a way that the land was apportioned between the balabats and the State. In areas where such distribution of land was made, each balabat was allotted a large portion (as much as one-fourth or one-third) of the land in his locality in freehold, which is known as siso. The size of the allotment depended on the remoteness of the area, the fertility of the land, and the loyalty of the balabat to the State. There are cases where "some balabats who opposed the authority of the central government forfeited their rights."<sup>6</sup> The owners of siso were entitled to collect taxes from land holders in their locality and retain that part of the tax prescribed by law. In addition, they also owned certain lands on which they pay taxes to the government.

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6. Imperial Ethiopian Government Ministry of Land Reform and Administration, Policy Paper, Draft, 1972, p. 6.

The remaining two-thirds to three-fourths of the land, which was kept by the State, was allocated to government employees, soldiers, nobility, and ecclesiastics as a reward for services.<sup>7</sup>

On some of these lands the government ceded its right of taxation; they are called gult and riste gult land (the latter is a grant in perpetuity while the former is temporary).

A person having gult or riste gult lands was to exercise judicial power over the area and to collect and retain part of the taxes due to the government. Riste gult rights were inheritable and their holders also have right of ownership on certain lands within their jurisdiction on which they pay taxes to the government.

Large portions of agricultural land were also distributed among influential groups of civil and military officers on either a freehold or a temporary basis. Parcels of land, linked to the performances of particular duties, were also allotted to soldiers to support them while in service or as a reward for services rendered to the government.

In the past, the regular soldiers were quartered directly upon the people or given lands of their own. But later the quartering of soldiers upon the people was abolished and individuals were given land of their own. "The number of gasha[s] varied according to the merit of the soldier, his feats of arms and the number of years of services."<sup>8</sup> The number of gashas given varied from 1 for privates to 30 gashas for majors. These lands, which were given on temporary bases for a period of office or as a pension

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7. Richard Pankhurst, Economic History of Ethiopia (Addis Ababa, 1968), p. 149.

8. Ibid., p. 150.

for life, are known as maderia land. Maderia land could be transferred to another person if its holder was transferred to another job. Maderia land could not be disposed of by sale and was not inheritable unless the holder's son or daughter continued to render services to the State.

The holders of maderia land "in the past pa[id] only tithe, but were liable to mobilization and could be called upon in time of peace to relieve the guard."<sup>9</sup>

Landed property, which is called church gult, had been also granted to the church. These lands are distributed by the Aleca (church leader) to those members who render services to the church. The holder of such land is given full right to use and occupy it until he terminates his period of service. He can lease the land and demand rent from tenants, but he cannot sell, mortgage, or pass on the land by inheritance. Similar lands, known as wokf, are held by people who render services to the mosques.

A large portion of agricultural land was also distributed under two other important forms of tenure, both private--gebar and semon land.

In the past, "holders of gebar lands were considered as the tenants of the state. As tenants they were subject to various dues in addition to a sizeable proportion of their produce as rent and were required to render personal services."<sup>10</sup> The introduction of taxes payable in cash instead of in kind has, however, abolished all the dues and services which the gebar landowners used to render. The holder of gebar land has an exclusive right to sell, lease, mortgage, or pass on the land through inheritance.

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9. Ibid., p. 150.

10. Imperial Ethiopian Government Ministry of Land Reform and Administration, "The Major Features of the Prevailing Land Tenure in Ethiopia," Draft, 1971, p. 23.

The second important form of private tenure is semon land. Under this form of tenure the primary interest has been vested in the Ethiopian Orthodox Church, which has been given the right to collect certain taxes and retain part of the tax which was due to the government. The major difference between gebar and semon owners is that the semon landowner does not pay fre gibar (land tax); instead he gives his services in lieu of the land tax to the Ethiopian Orthodox Church. Thus, if the owner of semon land is not educationally qualified to conduct services, he must hire someone who is qualified as priest or deacon, as the case may be. Usually, the payment to the priest or deacon for the services rendered is higher than the land tax which gebar landowners pay. Semon landowners can sell, lease, mortgage, or pass on their land by inheritance. However, recently the church has started to exercise control over the selling of semon land to prevent the transfer of ownership to Moslems who are not in a position to perform services in the Ethiopian Orthodox Church.

As is indicated earlier, the land distribution system has led to the existence of a variety of tenure forms which are linked to the performance of particular duties. Although some of these historical arrangements lasted for a long time, most of them have been abolished. For instance, siso, riste gult, and gult forms of tenure were abolished by a proclamation in 1958 E.C. (1966). Maderia tenure was abolished by a proclamation in 1945 E.C. (1953), 1958 E.C. (1966), and by an Order in 1959 E.C. (1967). Although the proclamation is not fully implemented, the last Order entitles a maderia holder to convert up to 5 gashas of his land to full ownership rights. However, at present the major forms of tenure under which land is privately owned are gebar, semon, church gult, and wokf. Gebar is the prevalent tenure system in all ten southern, non-communal provinces of Ethiopia.

B. Land Tenure Systems in Northern Ethiopia

The Northern provinces of Ethiopia were not affected by the organization and distribution of land which led to private ownership in the southern provinces. Thus the four Northern provinces of Eritrea, Tigre, Gojam, and Begemider and two awrajas in Welo province--Wag and Lasta--preserved the old system of communal ownership.

In the communal areas, an individual may hold rights to land in one of two ways: by virtue of membership in an extended family; by virtue of residence in a particular village.

In the case of membership in an extended family, an individual may have a right to use land if he can establish his blood ties with the ancestors. Family lands once allocated can be held for life and inherited by heirs. An individual can inherit from both the father's and the mother's side and he can also claim the right to cultivate on his wife's behalf land which she claimed from her ancestors if he has had children by her. Under this system, which is also called rist, the real owners are the ancestors; the living have only the right to use the land but not the right to alienate it by sale.

In the case of residence in a village, the ownership of land is vested in the village community. Every resident of the village, regardless of his blood ties, can have a share of a plot of land which he receives following periodic redistribution of land by ballot. Once an individual receives a plot he can cultivate it until the next redistribution. If the holder leaves the village the land reverts to the community. An individual cannot mortgage, sell, or bequeath his portion of land.

C. Range Lands Occupied by Nomads

About half of Ethiopia's area consists of arid and semi-arid lowlands which are partly used for grazing of livestock by nomadic groups. The range lands in southern and eastern Ethiopia are occupied by different groups of nomadic tribes which number about 2 million people. These range lands, which have potential only for grazing, are essential for the livelihood of the nomads who had previously occupied and established grazing as well as watering rights over this government land.

Each of these tenure systems has created a set of special regional problems which are adversely affecting Ethiopia's agricultural development. The next section of this paper treats these problems.

III. PROBLEMS PEASANTS FACE IN SOUTH AND NORTH ETHIOPIA

A. Problems in the South

In Southern Ethiopia, as indicated earlier, the land distribution system was intended to control the political, social, and economic levers of power. As a result, large holdings were given to few individuals and "only parcels of land were allocated at the sovereign's pleasure to peasants, specific pieces of land being linked to the performances of particular duties."<sup>11</sup> This unequal distribution of land has left a few individuals as owners of large tracts of land while the majority of the people are landless or hold small parcels.

Although complete data as to the size of owned holdings are not available, a few studies were conducted in different parts of the country which

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11. Pankhurst, Economic History of Ethiopia, p. 149.

lead to the assumption that a comparatively small proportion of the population at present owns the major part of the region's agricultural land. For instance, a study conducted in Hararge Province revealed that "0.2 percent of the landowners own 74.6 percent of the land in the province."<sup>12</sup> Another study, conducted by the Ministry of Land Reform and Administration in selected districts in ten provinces, indicated that the maximum size of holdings owned by an individual within a given district as recorded in the land tax register ranged from 1,535 gashas (61,400 has.) in Hararge to 50 gashas (2,000 has.) in Gemu Gofa Province. The minimum size registered in the name of an individual was found to vary from 0.13 gasha (5.2 has.) in Gemu Gofa to 0.1 gasha (0.4 ha.) in Arussi. But the most common size of the individually owned holding registered in all the provinces was reported to be one gasha (40 has.).<sup>13</sup>

The latest information about distribution of private holdings larger than three gashas registered in the name of an individual in seven provinces revealed that 60.7 percent of all the holdings registered are in the size class of 3-10 gashas (120-400 has.), and 8.9 percent of the holdings are in the size class of 100 gashas (4,000 has.).<sup>14</sup> All three studies have a limitation in that the land tax register is not up to date, and hence it might have recorded the name of a person who is long dead and whose land has been divided among heirs. The second study's information is

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12. Seleshi W. Tsadic, Land Ownership in Hararge Province (Addis Ababa, 1966).

13. Imperial Ethiopian Government Ministry of Land Reform and Administration (MLRA), "The Major Features of Prevailing Land Tenure in Ethiopia," p. 23.

14. Imperial Ethiopian Government Ministry of Land Reform and Administration, "Policy Paper," Draft, 1972, p. 34.

limited to the area owned within a particular district and not to the total size of an individual's holding within the province. The third and latest study's information is also limited to the area owned within the province and not to the total size of an individual's holding in the whole country. However, it is believed that the total area over the whole country owned by individuals as the sum of the areas owned in each of the provinces also would be much greater than is indicated by the provincial surveys.

This high concentration of ownership in a few hands has resulted in considerable absentee landlordism. The extent of absenteeism varies from province to province. According to a study made by the Ministry of Land Reform and Administration, the percentage of absenteeism varies from 42 percent in Illubabor Province to 10 percent in Gemu Gofa Province. The 10 percent absentee owners in Gemu Gofa Province are reported to own 42 percent of the area in the province, while the 42 percent absentee owners in Illubabor own 42 percent of the area in that province. The percentage of area with absentee owners to the total owned area within the province is also high elsewhere, e.g., 48 percent in Hararge, 45 percent in Shewa, and 42 percent in Sidamo.<sup>15</sup>

The concentration of ownership due to the unequal distribution system coupled with such a high percentage of absenteeism has resulted in a high incidence of tenancy. The study made by the Ministry of Land Reform and Administration revealed that 53 percent of the farmers are tenants (of whom

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15. I.E.G. MLRA, "Features of the Prevailing Land Tenure in Ethiopia," p. 33.

44 percent are pure tenants and 9 percent part owners). These tenants farm 62 percent of the cultivated land.<sup>16</sup>

Under the present customary practices the relationship between landlords and tenants does not provide incentives for the tenants to develop their farms. In order to increase farm output it is necessary for the farmer to invest labor and capital. If a tenant is to do this, he must have security of tenure and a fixed rent. However, the survey conducted by the Ministry of Land Reform and Administration revealed that in the vast majority of cases (90 percent) tenancy agreements are verbal.<sup>17</sup> Whether or not the contract is committed to writing, only in a very few cases are tenant contracts made expressly for a given term of years.

The most common mode of payment of rent by tenants is handing over a share of the crop. The proportion of share tenancy to other modes of rent payment is as high as 92 percent in Arussi and as low as 12 percent in Sidamo. The second important mode of payment of rent is cash. However, a combination of both cash and crop payments is also reported. In the provinces of Shewa, Arussi, Wello, Wellega, and Hararge, "where the demand for land is high, the landlords are in a position to extract as much as they can and [to] insist on payment of rent as a share of the gross produce."<sup>18</sup>

The payment of share rent also varies according to whether oxen are provided by the landlord or by the tenant. In cases where oxen are provided by the tenant, payment of siso (one-third) is general in most places;

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16. Ibid., p. 53.

17. I.E.G. MLRA, "Features of the Prevailing Land Tenure in Ethiopia."

18. Ibid., p. 42.

payment of erbo (one-fourth) is also common. The variation depends on the fertility of the land and the agreements made between the landlord and the tenant. Where oxen are provided by the landlord, the share of the produce is generally one-half of the gross produce. However, it is reported that in "91 percent of the cases, the landlord did not provide the services of the bullocks."<sup>19</sup>

Landlords may evict their tenants at any time. Likewise, the tenants may terminate the contracts at any time they wish. In case of termination of tenancy, generally there is no compensation for improvements which tenants have effected during their tenancy, nor are they helped with the cost of disturbances which they suffer on eviction.

Thus it can be seen that the tenure system in the south does not provide incentives for increased agricultural production. The government hopes that enactment of a proposed agricultural proclamation will help with the problems of insecurity of tenure, high rents, etc.

Although the proposed legislation protects tenants from arbitrary evictions, the landlord is allowed by the proclamation "to terminate the tenancy if he or a member of his household intends to farm the holding by personal cultivation or if he intends to shift to large scale or commercial farming."<sup>20</sup>

Professor David King has pointed out that "technical advances in agriculture that increase the attractiveness of agricultural enterprise may increase an owner's interest in farming his own land sufficiently for him

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19. I.E.G. MLRA, "Policy Paper," p. 8.

20. I.E.G. Ministry of Land Reform and Administration, Draft of Agricultural Tenancy Relationship Proclamation.

to dispossess the tenants."<sup>21</sup> This is what has happened in some parts of southern Ethiopia. For instance, the comprehensive agricultural development projects known as the CADU and ADA projects have encouraged many land owners to adopt modern mechanized techniques in agriculture which have resulted in eviction of tenants. For example, since CADU started operation in Arussi, "20-25 percent of all those farming in the mid 60s had been evicted by the end of 1970."<sup>22</sup>

It is widely acknowledged that in any agricultural development program the active participation of the peasant in institutions which can provide the necessary services--credit, new techniques, marketing facilities, etc.--is a precondition. One such institution is cooperatives, which are intended to be the major institutional vehicle for the government to reach the peasant sector.<sup>23</sup> Considering this the government has taken efforts to promote the development of cooperative societies in parts of the country. However, according to Gene Ellis, the promotion of such cooperative societies in some areas has also led landowners to consider the possibility of cultivating their lands by themselves. Thus Ellis indicates that in Ada Woreda and Gebricha Miktel Woreda, where such cooperative societies have developed and a large proportion of the co-op society were tenants, "62 tenant families have been evicted in 1970."<sup>24</sup>

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21. David King, "Land Reform and Participation of the Rural Poor in the Development Process of African Countries," Paper Prepared for the World Bank, Mimeo., April 1973.

22. I.E.G. MLRA, "Policy Paper," p. 19.

23. Gene Ellis, "Agricultural Development Strategy in Ethiopia: On Reaching the Peasant Sector," Paper Presented at the first United States Conference on Ethiopian Studies, Michigan State University, May 2-5, 1973.

24. Ibid.

B. Problems in the North

As ownership of land in the communal areas is vested in the extended families, there is always the possibility that a member of the family could appear at any time and claim part of the land. In the case of village ownership, where periodic distribution by ballot is practiced, an individual may not get the same piece of land he has been cultivating, which results in a lack of continuity in farming. Thus both systems inhibit investments to build up the quality of the soil, to improve the drainage, and to make other permanent improvements on the land that increase production for fear of losing part or all of their land to other claimants.

Under the communal tenure systems an individual has only a usufructuary right to the land. He can lease it, but he cannot sell the land or mortgage it. Such restrictions on alienation could also "inhibit individuals from participation in the development process, because inalienability constrains individual investment, innovation and entrepreneurial activity in agriculture and the rationalization of land use to maximize such activity."<sup>25</sup>

Like those in the South, peasants in the North also face problems arising from the size of holdings. In both the communal and non-communal areas "two-thirds of all peasant holdings, including both tenancies and owner operated units, comprise no more than one hectare or less under crops. Forty-two percent of all peasant holdings comprise half a hectare or less under crop. Only 5.6% of peasant holdings comprise more than three hectares under crops and only 1.4% more than 5 hectares."<sup>26</sup>

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25. King, "Land Reform and Participation of the Rural Poor in the Development Process of African Countries," p. 30.

26. Ibid., p. 9.

In the communal tenure areas of the northern provinces the population pressure on the land is severe and increases every year. This pressure, coupled with the system of inheritance in these areas, has resulted in further subdivision and fragmentation of holdings, leaving large proportions of the peasants confined to undersized plots or forced out of their homes in search of employment to raise their standard of living.

At present a relatively high number of farm laborers from the congested areas are migrating to Settit Humera and Tendaho in the lower Awash Valley, areas where commercial farming is going on. Other have managed to migrate in search of land and establish spontaneous settlements. Even though the extent of such spontaneous settlement is difficult to estimate, it is highly significant in Wellega, Gemu Gofa, Illubabor, and Metekel Awraja in Gojam Province. In spite of considerable migration to cities and other rural areas, the population is constantly increasing at the rate of 2.2-2.5 percent, adding 240,000 new entrants to the work force annually.

#### C. Problems Nomads Face

Particular nomadic groups have lost their grazing lands due to the establishment of development programs within the range lands. For instance, the irrigation projects established by the Awash Valley Authority have displaced many of the nomadic groups within the project area. The establishment of Awash National Park has displaced the Kereyu nomads. The Jile tribes have lost their lands to the Wonji sugar estate. Many herdsmen were displaced due to the establishment of a ranching project in Adametulu and Abernosa area in Shewa Province. All these difficulties must be solved before any development programs can take place within the range lands.

In recent years some balabats from the nomadic areas have approached the Ministry and asked to be allocated their share of land within the group land so that they may settle and farm. This issue must be tackled and the possibility of converting nomads to sedentary agriculture must be studied.

Now we must turn to a discussion of past and present systems of distribution of state domain land in an effort to determine whether they have offered any solutions to the problems faced by peasants in the various parts of Ethiopia, or whether they have served instead to compound these problems.

#### IV. PAST AND PRESENT DISTRIBUTION OF STATE DOMAIN LANDS

##### A. Grants to Individuals

State domain land has played a significant role at different times in Ethiopian history with varying results.

In the early fourth century, during the Axumite period, the conversion to Christianity led to land grants to the churches and monasteries. The first of such grants by the Axumite rulers were said to have been made "in order that the royal donors should be conducted to heaven and that their children who will sit on the throne of David should be blessed."<sup>27</sup>

In the middle ages, "Secular land grants were also made to a wide variety of persons, including members of the royal family, nobles and soldiers."<sup>28</sup>

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27. Richard Pankhurst, State and Land in Ethiopia (Addis Ababa, 1966), p. 23.

28. *Ibid.*, p. 32.

A major land distribution was made at the turn of the nineteenth century, when the authority of the central government was extended to the southern provinces. This distribution was made as a means of strengthening power as well as for the purpose of quartering soldiers.

Since the 1936-42 Ethio-Italian War, state domain land has played different roles. Different orders for distributing such land were promulgated on different occasions. The first of these is the Order of Hamle 16, 1934 E.C., which entitles patriots who fought for five years and those who were wounded in the war to receive one gasha of land in freehold tenure. The second is the Order of Hamle 16, 1936 E.C., which entitles those who served but did not receive land under the first order to receive one gasha of land in freehold. An order which was promulgated on Tikemt 23, 1934 E.C., entitles those who suffered physical injuries on the battle fields and exiles who did not receive land under the order of Hamle 16, 1934, to receive one gasha. An order promulgated on Tikemt 27, 1951 E.C., entitles members of the armed forces and police to get one gasha, and an order of Tikemt 21, 1957 E.C., also entitles civil servants to a grant on one gasha in freehold. Under the Order of 1945, unemployed and landless persons are also entitled to receive one-half gasha (20 has.) of land in freehold. In addition, the Emperor makes grants of land to individuals and groups of people; these are known as His Majesty's special grants.

According to a recent compilation by the Ministry of Land Reform and Administration, a total of 48,280 gashas was granted to individuals or groups of people between 1934 and 1963 E.C. (see Table 1).

It is further reported that for over 18,000 gashas of land the process of issuing title has not been finalized. The main reason for such high numbers of pending applications is the slow and cumbersome bureaucratic

Table 1. Total Land Granted from 1934 to 1963 E.C.

Land Grant Order	No. of Gashas Granted	Percentage
1934	13,338	28
1936, 51, 57	16,907	35
1945	2,702	5
Special grant	<u>15,333</u>	<u>32</u>
TOTAL	48,280	100

procedure for granting the land. Due to the lack of information about available government land, the identification of the parcel of land to be granted is left entirely to the applicant who thus incurs a large expense for transport, hotel, and sometimes a bribe to the balabats for identification of the available government land.

For instance, if the would-be beneficiary is a civil servant or a member of the armed forces, he is required to present a certificate of eligibility from his superior stating that he is currently in service and has served for over five years. Then, he submits the certificate of eligibility together with an application for a grant of a parcel of land to the Ministry of Land Reform and Administration. After the applicant has located the available government land by inquiring of the balabat, who has adequate knowledge of the location and the extent of government land in his locality, the applicant takes a letter of inquiry to the provincial administration.

The inquiry letter includes information regarding the availability of the indicated parcel of government land, whether the land is forested, whether it is occupied by tenants and squatters, and whether there have been any claims or requests. This is intended to protect forest lands, to give priority to tenants and squatters on the land, and to avoid disputes arising from priority of request. The same information will be

transmitted to the awraja, woreda (district), and the balabat. After being verified by the balabat the letter is returned to the Ministry by the same route. The Ministry, after receiving the verification letter, issues a certificate that the bearer is entitled to the grant of the particular parcel of land. However, this is not the end. The grantee still has to take the certificate down to the lowest administrative level following the same route as in the inquiry.

If the information given by the balabat is correct, the grantee receives the land; if not, he has to follow the same process for another parcel of land. There are cases where balabats have intentionally given wrong information about the absence of tenants on the land or other claimants. This has led to uncountable litigation arising from priority in request, from granting of the same parcel of land to two or more persons, or from giving lands occupied by tenants.

Landless peasants, who are too illiterate to deal with all this bureaucratic process, nevertheless have to follow the same procedures as do civil servants or members of the armed forces. As a result of this, during the last 20 years only a few landless peasants have actually reached the final stage of the grant, though they had opportunity to use the state domain land.

Moreover, the system of granting the land has also led some of the would-be beneficiaries--especially the landless and soldiers--to fall into the hands of land-grabbers and speculators who benefit by purchasing the grantee's right.

As the statistics about the grants indicate, the majority of beneficiaries are civil servants and members of the armed forces who are on active service. When lands are granted without any development conditions,

it is difficult to assume that the lands granted are properly developed. What development has occurred on some of the lands has come about through tenancy arrangements. Thus, the present system of distributing the state domain land has led to an increase in absenteeism and the emergence of more landlord and tenant relationships.

B. Settlement Schemes

Settlement schemes are designed to meet different goals which vary from country to country, and within countries by regions, according to the needs and problems involved. They may be designed to relieve population pressures and to bring underused areas under more intensive cultivation, as in various Latin American countries. They may be designed to create employment opportunities for school leavers, as in Nigeria; to settle refugees, as in the Sudan; to settle nomads, as in Libya; to settle ex-soldiers, as in the Punjab; or to settle farmers displaced by construction projects, as in the Volta River Resettlement Scheme in Ghana. Such schemes also vary according to the degree of government participation, which may range from construction of penetration roads only, through provision of some infrastructure, up to large investments in land clearing, road construction, housing, etc.

Arthur Lewis argues that success of any settlement scheme depends on the following factors: "a) Choosing the right place, b) choosing the right settlers, c) physical preparation of the site before settlers arrive, d) adequate capital whether supplied by the settler or the state, e) organization of central services and project administration, f) the acreage

per settler, and g) the condition of tenure."<sup>29</sup> Michael Nelson, after surveying 24 development projects in Latin American countries, points out that for all recorded failures "the inadequate technical and administrative capacity of government agencies has been evident in all phases of the process, e.g., faulty resource survey on Chimore (Bolivia), inadequate market analysis for La Chontalpa (Mexico), insufficient hydrological study for Yapakni (Bolivia), an inoperable development plan for Battan (Costa Rica), and ineffective project execution on Alto Beni (Bolivia)."<sup>30</sup> Total public investment per settler family in these projects varied from US\$6,000 for Alto Beni to US\$18,000 for La Chontalpa.<sup>31</sup> Sabry has also pointed out that "most government sponsored settlements [in Africa] have often faced difficulties and that a large number of these have not only failed in achieving their objectives but have also cost these governments large sums of money without achieving any practical purpose."<sup>32</sup>

Ethiopia has had considerable experience with settlement schemes, both direct and spontaneous, most of them on state domain lands. Their results and costs have varied over a wide range. It is important to point out that in Ethiopia no data on the productive potential of the land resources are available. Hence, most of the settlement schemes were started without this vital information.

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29. W. Arthur Lewis, "Thoughts on Land Settlement," Journal of Agricultural Economics (1954), p. 3.

30. Michael Nelson, The Development of Tropical Lands: Policy Issues in Latin America (Baltimore, 1973), p. 247.

31. Ibid.

32. O. A. Sabry, "Starting Settlements in Africa" FAO, Rome, Land Reform: Land Settlement and Cooperative, no. 1, 1970 .

Settlement schemes for ex-soldiers were started at Abomsa in the province of Arussi, and Awasa in the province of Sidamo. The Awasa scheme was organized in such a way that each settler received a cleared parcel of land, some housing, a monthly pension of \$Eth. 15, and an opportunity to work as a day laborer on a state farm. The total failure of the scheme is attributable to poor selection of settlers: they were too old, in rather poor health, and not willing to work at farming.

The Abomsa scheme still operates, but is in desperately poor shape. Its difficulties have many causes. First, its settlers, too, were not the best material; they were old and lacked farming experience. In fact, they would probably not have joined the scheme at all if it had not been the only possibility for earning a living open to them. Second, the scheme suffered from a combination of lack of planning in preparation of the site, poor administrative organization (it was left entirely to the settlers in the first stages), poor choice of a site in terms of its accessibility and climate. Finally, the tenure form chosen was a handicap. In spite of all the legal problems inherent in restricting permanent alienation of freehold tenure, an attempt was made in Abomsa to control the sale of land by the settlers in order to give them some security. Unfortunately some settlers managed to circumvent the rules and sell their land to other settlers and to outsiders. As the settlement scheme was their only means of earning a living, they were then left without any choice except to become tenants on the land they had formerly owned.

A pilot settlement program designed to relieve some of the population pressures in the settled areas of Menz and Merhabete awarjas (in Shewa) was started in Gemu Gofa Province. Designed to accommodate about 6,000 families, the scheme is now down to about 140. Some of the reasons given

for this failure are poor selection of a site (too remote and inaccessible), lack of planning, and the threat of malaria.

There have been some successes, or at least partial ones. A project designed to compensate nomads for the loss of grazing lands was started in Amibara and Dubti in the Awash Valley. Although only 86 nomads are reported to be participating, the demonstration effects of the project are said to be encouraging. A program to relieve population pressure and to settle landless peasants was started in Wolamo awaraja (Sidamo) on the initiative of its governor. The project is now run by a development agency known as the Wolamo Agricultural Development Unit (WADU), and although it has not been without problems it is considered a success. Both its site and settlers were well chosen, and it has enjoyed proper planning, close supervision, and high levels of government investment.

In fact, a distinguishing feature of both of these relatively successful projects is their relatively high cost in money and in scarce manpower. It cost over \$2 million to settle the 86 nomads on about 700 hectares of irrigated farm land in Amibara and Dubti. The cost for each settler in the WADU scheme is reported to be \$Eth. 3,300.<sup>33</sup> Both schemes are so costly as to be virtually impossible to replicate widely in other areas of the country.

Obviously, a country like Ethiopia, with limited financial and administrative resources, should not try to encourage schemes with high costs per settler in order to open up a small area which benefits only a few people. "The more an agency does for the settler, the greater is the

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33. I.E.G. Awash Valley Authority, "Awash Valley Development Report," 1966-71.

financial cost of settlement and the smaller is the number of new areas which it can afford to open up."<sup>34</sup> The available funds should be used for the benefit of the greatest number of people. The new type of settlement scheme proposed by the Ministry of Land Reform and Administration is an attempt to do just that. It is described in detail in the next section of this paper.

#### V. FUTURE USE OF STATE DOMAIN LAND

State domain land has played its role as a means of strengthening power when it was needed, as a means of rewarding services when there was a shortage of money, and as a substitute for pensions when there was no proper pension arrangement. As a welfare consideration and to aid agricultural development, landless and unemployed were also granted state domain land, but only very few.

The different forms of tenure which have resulted from the existing and the past land grant systems and which were suited to the needs of former times now have been found to lack the necessary incentives for increased production by the small peasant farmers who represent the bulk of the population and who have neither title nor a secure leasehold to the land they farm.

As explained earlier, the problems arising from population pressure, from eviction of tenants due to the lack of tenancy legislation and introduction of modern technology, and from displacement of farmers and nomads by establishment of different projects are mounting every day. Moreover,

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34. Lewis, "Thoughts on Land Settlement."

as outlined in the Ministry's policy paper, "over two million new peasant households will require accommodations by the year 2000 outside the existing small holder area."<sup>35</sup> All of these problems will inevitably lead to a continuous clamor for land. Even now, due to the current rapid increase in population and the lack of sufficient employment opportunities in the other sectors of the economy, the demand for land is becoming more pressing every day.

In order to attain the projected accelerated growth of production, to improve income distribution, and to create employment opportunities, state domain land should be used for the benefit of the entire population and not only for the benefit of a few individuals.

State domain land alone cannot solve all the problems cited above. It is a relatively scarce production factor. There will be a need in the near future for redistribution of land from large private holdings. However, it is now necessary to make the state domain land assume its proper socio-economic function--to provide land for the landless and needy persons, preventing it from becoming an instrument of speculation and economic domination.

Considering the presence of an important but steadily decreasing government land resource, and recognizing the need to give land its socio-economic role in the solution of some of the country's problems in increasing agricultural production, the Ministry of Land Reform and Administration was forced by the situation to draft an order which repeals the existing land grant systems. In regard to the future use of government land, the preamble of the draft order clearly states that:

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35. I.E.G. MLRA, "Policy Paper," p. 28.

1. State domain land must be distributed to landless and needy persons to provide productive opportunities and the means of livelihood for the growing number of rural families who lack their own land to farm, and such distribution must be planned as an element in a national settlement program;
2. Existing order concerning the grant of land from the state domain requires a revision to take into account the improved salary and pension arrangements for government employees, to ensure that adequate land from the state domain is available in future years to accommodate landless and needy persons and to guarantee that lands granted are properly developed through personal cultivation avoiding the extension of agricultural tenancy to lands granted.<sup>36</sup>

Based on these socio-economic considerations a number of specific proposals can be advanced for the future distribution of state domain lands.

1. The Ministry has prepared a low cost settlement scheme which will accommodate 60,000 needy and unemployed persons within the five-year-plan-period of 1974-1979. With the ultimate objectives of maximizing production through opening up of new areas for agricultural development, ensuring the promotion of even distribution of income through new and better production opportunities, and raising the living standards of the rural sector, the low cost settlement scheme has been designed to have the following characteristics.

- a) Settlement of a very considerable number of rural households within a relatively short period of time, so as to have a significant impact on the national employment situation,
- b) Settlement on holdings of the minimum size (5-10 hectares) necessary to provide a reasonable income to settlers, so as to maximize the population absorptive capacity of government land,

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36. I.E.G. Ministry of Land Reform and Administration, State Domain Land Distribution Order, Draft (1972).

- c) Settlement with an absolute minimum of government assistance to settlers, so as to keep costs of settlement low enough to make the settlement of large numbers of rural households financially feasible for the government,
- d) Careful selection of settlers to ensure that only those who have the will, need and capacity to become successful settlers are afforded this opportunity, and
- e) Imposition of conditions on settlers to ensure that they develop their holdings to the best of their ability in a manner consistent with the government policies for the agricultural sector.<sup>37</sup>

The type of settlement scheme which the Ministry of Land Reform and Administration has designed is a project which involves much administrative work to develop fully, but does not require large-scale government assistance. It is proposed that costs per settler family should not exceed \$Eth. 1,750. Government assistance will be limited to planning the layout of the settlement scheme, providing food until the first harvest, issuing seeds and implements on credit, and providing a minimum level of technical assistance which could also be coordinated with other Ministry programs.

The project involves increasing production through careful selection of settlers and of the area, providing a viable size of holding which is not more than a settler can cultivate and enough to make a living, and a 60-year renewable leasehold which is both subject to personal cultivation and restriction with regard to sale and subdivision and requires certain plans of operation with regard to improved agricultural practices (e.g., soil conservation, crop rotation, and participation in cooperative efforts).

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37. I.E.G. Ministry of Land Reform and Administration, Settlement as a Government Land Use, Draft (1972).

The following proposals are designed to facilitate the administration of state domain land so as to make it available for future utilization to solve some of the problems.

2. Although it is stated that there are 12.1 million hectares of government land, most of these lands have not been properly identified or demarcated, and no studies in regard to their potential have been made. Most of the government land believed to be available is concentrated in the peripheral areas of the country which cannot be used immediately without high investment costs for construction of penetration roads, control of malaria and trypanosomiasis, irrigation facilities, and heavy clearing costs.

When information regarding the location and potential of the land is lacking it is difficult to make land available for such government projects as establishment of settlement schemes. Above all, in the absence of useful information and when large areas of unoccupied lands are involved, their administration creates problems. For instance, it has been very difficult in many places to control situations where new areas are being taken up at an increasing pace by unofficial migrants, which has resulted in misuse of government lands. There is also a danger that valuable timber on these lands will be destroyed by these spontaneous settlers who clear the land by indiscriminate cutting or by fire. On several occasions the government has lost some of its claim on good lands to individuals and groups of people because records were lacking. Unless government lands are immediately identified and demarcated there is a danger that the government will be denuded of most of the best lands in the near future.

Further, the identification and demarcation of this government land is necessary to facilitate its administration.

3. In the past, lack of an adequate inventory has affected the disposition of state domain land, but it has also helped to reserve adequate land for future uses due to the hardships involved in identification of the parcels to be granted. Even so, regardless of all the difficulties involved, it was reported that during the three years (1969-71) over 175,000 hectares of land have been applied for annually.

The Ministry proposes to identify, demarcate, and survey eight million hectares of government land in the next five years. Unless the present land grant systems are replaced immediately by the proposed draft order, there is a danger that most of the government lands which were difficult to locate will be taken over by persons now outside the farm sector and will be exhausted within a very short time without achieving the government's objectives. Thus, there is a need to expedite the new state domain land distribution order. In the meantime, until the order becomes effective--which has already taken over a year--it will be necessary to make more effective the suspension of grants of government land above a certain size, especially in easily accessible areas and where the land could be used without high investment costs. This could be done by officially declaring such lands as development areas. Special precautions should also be taken in areas where penetration highways or feeder roads are planned or are being constructed.

4. At present, information about the potential of the 12.1 million hectares of government land is not available. First, there is a need to classify those areas which are suitable for small-holder agriculture and those suitable for large-scale commercial farming. In the second place, adequate surveys should be carried out to determine, for example, the suitability of the land for cultivation (soil, topography), the amount of

rainfall, the availability of water for domestic use, and the presence of human and animal diseases. It should be noted that one of the reasons for a failure of settlement schemes in many parts of the world is the absence of information about the potential of the resources.

5. There is an urgent need to define, delimit, and demarcate all the state forest lands and transfer them to the Ministry of Agriculture in order to prevent the forest from being destroyed by spontaneous settlers and to release for agricultural use those lands that do not fall within the definition of forest.

6. Special attention should be given to the grazing land which is occupied and used by the nomads and which is very essential to their survival. Such attention should include:

a. Measures to be taken to help nomads who have already been displaced by the development of commercial farming and the establishment of projects. A solution must be found to the issue of future use of such suitable lands occupied by the nomads before many more of them are displaced.

b. In recent years the clamor to divide the common land used for grazing purposes by all the nomadic groups has grown continuously. Some balabats have already approached the government and requested their share of land (as the balabats used to get land in the past) so that they may be able to register it in their own names and practice settled agriculture, with the rest of the land to be allocated to their people according to the land grant order of 1945 (E.C.). These balabats may have been attracted by the development of the commercial farming taking place in their areas or they may have been pushed by some persons who are planning to benefit first by taking the land on contract and eventually buying it for a very small amount of money. Whatever the situation, allocation of land to the

nomads without preparing an organized settlement scheme--which will require extensive training of the nomads, capital for the necessary services, and above all a suitable form of tenure which protects the nomads--will lead to landlessness.

As for the balabats, it should be made clear to them that the system of allocating to them between one-fourth and one-third of the land (siso) was abolished for every balabat, whether in the pastoral or settled agriculture areas. However, those balabats who were affected by the abolition of siso tenure were provided a limited grant of land to compensate for the loss of income which they used to collect as taxes from the lesser land holders in their balabat area. A similar system might be considered for the current balabats.

7. It is reported that there are about 46,500 tenants occupying 0.3 million hectares of government land. Although it is the policy of the government to convert them from tenant to owner-operators, not much success has been attained in the past due to some administrative problems. Now there is an urgent need to expedite the process of the transferal of ownership so as to create security in the minds of these tenants.

This also helps to facilitate smooth operation in the settling of people from the other parts of the country without creating tension among the local people. Otherwise, conflict will be created among the settlers and the local residents, as has been the case with settling the migrants from Welo, based on a feeling created among the people that the local landless tenants on government land have been ignored when they should have priority to if not equal opportunity for the government land in that particular province.

8. Although there is an urgent need to settle those people who were evicted tenants and/or displaced by the establishment of government projects, both to relieve the population pressure and to create employment opportunity for the increasing population, it is difficult to solve all these problems at the same time due to the limited financial and manpower resources. However, immediate attention should be given to those who are already displaced in accordance with the gravity of their problem.

9. At present, spontaneous settlement is taking place in many parts of the country at an increasing pace. It was reported that the extent of the spontaneous settlement is highly significant in Metekl awraja in Gojam Province. Urgent reorganization of the farm, limitation of the size of holding and creation of tenure patterns for enforcement of development, and land use conditions must be framed. Finally, assistance should be given to such spontaneous settlement through the construction of access roads, water supplies, and agricultural service facilities.