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COMMUNAL LAND OWNERSHIP IN NORTHERN ETHIOPIA
AND ITS IMPLICATIONS FOR GOVERNMENT DEVELOPMENT POLICIES

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 agencies.

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I. Introduction

Ownership of land in Ethiopia may be divided into two broad categories, with each category occupying a major region of the country. The northern regions, namely the provinces of Eritrea, Tigrē, Bagēmdēr, Gojām, and parts of Wallo and Shawā, are characterized by what is generally known as the "communal" form of land ownership. In the rest of the country, on the other hand, land is mostly individually owned by private persons.

The communal land tenure areas, which roughly correspond to the northern Ethiopian highlands, were the seats of the various Ethiopian empires and kingdoms that came to power in different parts of the region at different times. Most powerful and most ancient of them all was the Axumite Empire, whose domain is supposed to have extended far beyond its seat at Aksum in the present province of Tigrē into other parts of modern Africa.¹ Similarly, powerful emperors and kings have reigned from their seats in Gondar, Gojām, Shawā, and Wallo. The present phenomenon of one emperor heading a central government and ruling an integrated nation is only about one hundred years old in Ethiopia. Prior to that time, kings and emperors usually contested for control, with the balance of power shifting from one region to another and never really settling on one strong, dominant authority.²

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¹ The Axumite Empire is supposed to have corresponded to the present provinces of Tigrē and Eritrea.

² For a history of Ethiopia, see A. H. M. Jones and E. Monroe, A History of Ethiopia (2nd ed., London, 1965).

A controlling king would usually demand homage from the kings and dukes he had subjugated in the other areas and when it was his turn to be subjugated by a stronger neighboring leader, then he would be required to do the same. But the people of the respective regions, provinces, and districts of northern Ethiopia were, one could say, only indirectly affected by the constant shifts in power. If the power base shifted from the king of Tigrē to the king of Gondar, for example, the loyalty of the people of Tigrē to their own king did not really change, only now it would be extended through him to the king of Gondar.³

This absence of complete and direct control of the people of one region by those of another left the people of northern Ethiopia free to continue practicing the different ways of life that had evolved in their areas. Nowhere is this more manifest than in the type of land tenure system that is prevalent in the provinces mentioned above. It is commonly believed that the inhabitants of the "communal" land ownership areas are the descendants of intermarriage between Arabic migrants who settled in the region in the second millennium before Christ and the original Hamitic settlers [7, p. 10]. These colonists viewed land as belonging to the community and the descendants of the original settlers of a given district or locality were considered as its owners [7; 2, p. 8]. Thus, for example, one whole district in Eritrea is still known as Akele-Guzay, named after the brothers Akele and Guzay who were said to have originally settled in the area [2, p. 8]. At the sub-district and village levels, we have the words "ad" and "addi" preceding the names of villages and literally meaning "the country

³ See M. Perham, The Government of Ethiopia (2nd ed., London, 1969), pp. 267-68.

of" [2, p. 8] and the word "enda" meaning "the house of" or simply "of" (but with a connotation of ownership) to describe extended families individually or as a group. Usually, the land surrounding an "addi" belongs to the inhabitants of the "addi," with portions of it sometimes belonging to individual "enda's" within the "addi" and, as we shall see later, also to members of an "enda" who may not live in the "addi."

This was the way land was originally owned and distributed in northern Ethiopia; it assured the security of ownership of land to anyone who could trace ancestry to a founding father. It has been contended that this form of communal ownership of land seems to have "continued as the sole form of tenure until the early settlers organized themselves into an empire, today known as Ethiopia [9, p. 10]." With the advent of political organizations leading to the birth of the Axumite Empire and the subsequent empires and kingdoms, the essentially "communal" nature of land tenure in northern Ethiopia began to change somewhat. Emperors, for example, started to collect crown land by taking over the land of families which were dying out, confiscating land of rebellious subjects, or acquiring it through conquest [9, p. 10]. After the introduction and the establishment of Christianity as a major religion in Ethiopia in the fourth century, emperors granted large areas of land to the Church for reciprocal loyalty, appointment, and support [9, p. 10]. Moreover, in some cases crown land was even given in full private ownership to local chiefs and warriors. Such a gradual creeping in of individual ownership of land into northern Ethiopia did not spread widely enough to change the dominant nature of "communal" ownership. (We shall see later exactly how the term "communal" ownership of land is being used, but it is useful at this stage to make the mental reservation that land held by the crown, church, and in some cases by warriors and

chiefs is owned individually and hence is subject to a different set of rules than those which govern land owned communally [8, pp. 12ff.]

Why is the system of land tenure different in the southern regions of Ethiopia? It has been mentioned that until the end of last century, northern Ethiopia was ruled only nominally, if at all, by a centralized government. This is even more true of the southern, southwestern, and southeastern parts of the country, which were mostly occupied by an ethnic group called the Galla, who were divided into several autonomous kingdoms and whose language, custom, religion, and ethnic background was in many cases and still is completely different from those of the Abyssinian highlanders.⁴ By the end of last century, the balance of power in northern Ethiopia had shifted from Tigrē in the north to Shawā in the center. Tigrē's northern neighbor, Eritrea, was secured as an Italian colony in the early 1890s [3, p. 56]. The present Emperor's uncle, Menelik II, therefore decided to extend his empire further south into the Galla territory. He did this by completely destroying the power of some of the Galla monarchies or by conquering them and having them pay homage to him [3, pp. 294-97]. In some cases, he confiscated land from the conquered and awarded it to his followers, relatives, generals, etc., as private land to be held in perpetuity. In some other cases, he won the loyalty of defeated chiefs and kings by awarding them land confiscated from commoners [3, p. 296]. The crown and the church also shared in the spoils. The result is found in the southern regions of Ethiopia today: few individuals own immense areas of land and the majority live off it as tenants and share-croppers.

⁴For a general discussion of these differences see Perham, The Government of Ethiopia, and H. Lewis, A Galla Monarchy (Madison, Wis., 1965).

This paper is mainly concerned with the northern "communal" tenure areas. Recently, a keen interest has cropped up in what to do with the land tenure system in the country as a whole and how best to organize it so that it enhances, or at least does not impede, agricultural and rural development. The widely different natures of land tenure in the northern and southern regions of the country, coupled with their different historical backgrounds, definitely require different solutions. A careful and detailed analysis is needed of what role land has played in the lives of the peoples of the two regions and, more importantly, how the system of land tenure that has evolved in the two areas has affected the life, beliefs, and general disposition of the people who live off the land. In the absence of such an in-depth understanding of the values people cherish, their historical origin, and economic significance, any attempts at land reform or economic development may meet with stiff resistance or may create a situation much worse than the one they set out to cure.

In the sudden rush for quick development, the Ethiopian government seems to be in such a hurry that it appears willing to try development projects and proposals without pausing to fully consider whether and how they fit into the land tenure systems. The most famous of these has been the Chilalo Agricultural Development Unit, a minimum-package program that is attempting to mechanize agriculture in an area characterized by a high incidence of landlord-tenant relationships. Whereas mechanization has paid off as far as increasing output is concerned, the displacement of former tenants at the rate of 20-25 percent every year has become one of its alarming consequences. Yet, the government is trying similar projects in other tenancy areas.

Both because the individual ownership areas of southern Ethiopia are more fertile and because of the pressing nature of the problem of tenancy, attention is being concentrated on this area, with the northern areas receiving little more than cursory treatment. It is to a discussion of the type of communal land ownership in the northern area and to a consideration of the implications of some government proposals relating specifically to these communal areas that we now turn. The choice for the government is embodied in these alternatives: simply leave the system of land tenure as it is today; individualize land ownership; form cooperatives at the extended family and village levels.

II. The "Communal" Ownership of Land

So far, we have not really defined or described the type of land ownership that is characterized as communal in northern Ethiopia. Judging from the small amount of literature written on the subject so far, there is likely to emerge a controversy as to what exactly "communal ownership of land" means. As we shall see, any disagreements on its meaning will probably have serious implications on the type of policy that will be adopted. But first, let us examine what "commuanl" land tenure involves.

The Extended Family Ownership of Land

Under this system, the ownership of land is supposed to derive from membership in an extended family group that traces its rights to the founding father who first settled in the area [8, n. 9, p. 13]. A rightful claimant would be entitled to the ownership of the plot cultivated by his parents, his grandparents, etc., in that order. Once a person is allotted his share of land, he is entitled to its cultivation for his lifetime and he also has the right to lease it [8, n. 9, p. 13]. With some exceptions in

Eritrea and Tigrē, an owner can neither sell nor mortgage his land, nor can he give any directives on its future disposal or on any matters that would curb his childrens' rights to inherit [8, n. 9, p. 13; p. 14].

As a general rule, any person has the right to inherit land on both the paternal and maternal sides. But, in some parts of Eritrea, females become entitled to an inheritance of their father's land only if he so provides in his will. An exception to this would be the case of an unmarried woman who has not received a dowry from her father; she would be entitled to a full share of her father's land even if the latter has not provided her with such a right in his will [8, p. 14].

One of the results of this system of land tenure has been the continuous division and sub-division of land and the fragmentation of holdings [8 pp. 19ff.]. It is very common to find a farmer owning pieces of land that are physically separated by several miles. Sometimes, membership in an extended family group through the maternal line can entitle a person to a share of land in a district or even a province different from his own and the only way he could use it is by renting it to others.

The Village Ownership of Land

Less prevalent than the system of extended family ownership of land is the village ownership of land. In parts of Tigrē and Eritrea, land surrounding a village or a group of villages would be considered as the common property of the community. Every five or seven years, as the case may be, adult male residents of a village assemble to redistribute their land equally by casting lots. Every qualified member of the community is entitled to a "piece of land of equal size and fertility [8, p. 15]."

It may not be necessary that a claimant be descended from a common founding father; it is considered sufficient if he owns a home in the village.

Widows of former members of the community who had a valid title retain their husbands' rights provided they intend to reside in the village permanently [8, p. 16]. Once a piece of land is allotted to a member of the community, he has the right to cultivate it individually until the next "periodic redistribution," when he may be allotted another piece of land (or the same one) [8, p. 16]. As in the case of the extended family system of ownership, here too land is inalienable, i.e., a holder cannot sell his allotted piece of land. However, he can lease and mortgage it for the short period that he occupies it [8, p. 16].

I have already mentioned that this form of ownership of land is less widespread than ownership by extended family groups. It is not very clear exactly how and why the communal form of ownership was chosen over the family form, but it is agreed that village ownership of land was a later development. One explanation, for example, is that some extended family groups started to find that the division and sub-division of land from one generation to the next was not only fragmenting the land, but also proving inequitable. Land was being equally divided among families of different sizes, so that smaller families were ending up with an abundance of land and larger families were starting to suffer from a shortage. To avoid this, family members decided to distribute the land they shared equally according to the system already described [8, p. 16]. Though this decision might have been a viable solution at the time it was made, we shall see later that it did not really have a far-reaching and permanent effect on the problem it set out to solve.

That is not the only explanation for village ownership coming into being. In some parts of Eritrea, for example, the system is said to have been introduced by the Italians, who, as rulers of the territory, felt that

this was one effective way of reducing the large amounts of cases plaguing their courts which resulted from the extended family system of ownership [8, p. 16].

Those who believe that the village ownership system was the conscious product of the farmers themselves find deep-rooted traces of communality, brotherhood, and cooperation among those farmers who have adopted it. This naturally has led to the optimistic view that perhaps the farmers would be more than willing to join some kind of a farming cooperative where they could own the land communally as they do now, but where, instead of redistributing it into small pieces every so often and cultivating it individually, they could cultivate it collectively and share in the profits in accordance with their contributions, etc. Indeed, if some farmers have already changed from the extended family ownership system to what appears to be the more progressive and egalitarian village ownership system, may they not be persuaded to go further and form a production cooperative?

The answer cannot, of course, be conclusive and it is dependent on a variety of factors. One of the main factors is the willingness and capability of the government to provide adequate credit facilities, to carry out careful research, and to present the idea to--as we shall see--a suspicious population in a manner that people will understand and appreciate.

The Concept and Significance of Land Ownership

This deep attachment of northern Ethiopians to their land is not just a mystical one. It is a value that has developed over centuries and centuries of uninterrupted dependence upon the land they have come to recognize as their sole means of livelihood. The few commercial and industrial enterprises that have been set up in some parts of northern Ethiopia are new ventures and the alternative level of employment they are supposed to

be providing to the population is far from being of a magnitude that will change the large majority of the peoples' dependence on land. More than anything else, this enduring phenomenon of the continuous essentiality of land and agricultural activities to the maintenance of life has, in the eyes of the people, given to land a status and an aura approaching the spiritual.

The concept of ownership of land that has evolved in these "communal ownership" areas is, as I have pointed out, likely to trigger off an argument as to what exactly it implies for future policy. Is it communal? In that case, what is communality? Can it be in any way characterized as leaning more towards individual than communal ownership? Or, finally, is it a special kind of ownership? It seems that its characterization in accordance with any one of the above definitions will determine whether land tenure in northern Ethiopia will be left intact, individualized, or organized into some form of cooperatives, at least at the policy level.

In the introduction I stated that land in northern Ethiopia is owned by four categories of holders--the extended family group and village owners, the crown, the Church, and, in some areas (especially parts of Shawā and Wallo), by individual land-owners. The type of right that attaches to the land owned is generally known as rist (in Amharic) and risti (in Tigrigna). This term usually applies to the right of ownership associated with the extended family system. In Eritrea, the village ownership system that has already been described is known as desa.

The fact that a rist right in the extended family ownership system cannot be sold might make it seem to be a peculiar kind of a right of ownership. It cannot be sold because, as one writer puts it,

land ownership is vested in a kinship community of members which includes the dead and the unborn as well as those living the present, who fear dispossession of their rights of land use, not only for themselves, but also for their descendants [9, p. 16].

Such a clear and a strong prescription has, in many cases, ruled out one of the essential elements that are usually associated with the rights of ownership, i.e., the right of the owner to alienate or dispose of his land. It has been held that the absence of such a fundamental element in the right of ownership renders such right of ownership "sui generis."⁵

Such a characterization of rist rights has some definite implications. If rist is ownership "sui generis," i.e., unique, then it can also be claimed that it is not ownership at all, but rather that it is some kind of a right that attaches to land which gives all the usufructuary rights but falls short of being ownership because it does not contain the essential element of alienation. Alemante G. Selassie has come up with a very strong criticism, indeed, a bitter denunciation, of this definition of rist rights. He sees it as a misconception that is giving birth to the notion of changing this "unique" form of land rights into "the individualization of property in land in the Western fashion [1, p. 18]."

Alemante thinks that it is wrong to consider rist as "sui generis" just because it does not allow the alienation of land by its holder [1, p. 18]. It is clear from our description so far that the holders of rist rights in the extended family system have an exclusive right of use of the land that they and their descendants hold in perpetuity. Ownership, as a

⁵This view has been expressed by various policy makers and is regarded as being the parent of the suggestion that ownership of land be individualized in northern Ethiopia.

concept, is usually characterized by three elements: absoluteness, exclusiveness, and perpetuity [1, p. 21]. The element of absoluteness in turn has three attributes, namely, "the right of use and enjoyment, the right of abandonment and the right of alienation inter vivos or mortis causa [1, p. 18]." Of all these major sub-divisions of ownership, the only one that is missing in rist rights is that of alienation, and Alemante argues that such absence does not warrant its characterization as "sui generis" or unique or as no ownership at all.

To Alemante, the restraint imposed by customary law on the alienation of land is only an attribute of the level of maturity of the economy. He says that,

In subsistence economies such as in Ethiopia, as is well known, production is largely for use--not the market--both by the direct producers and, in the Ethiopian case, by a feudal class. Hence, one of the possibilities for disposal, i.e., alienation inter vivos or mortis causa is largely absent in the Rist system because of the nature of the economy which does not afford a ready market...for land...[and] the products thereof, and because of the social need for the continuity of the family organized around and predicated upon land and land rights [1, p. 21].

Given the absence of a market for land, therefore, Alemante concludes, it would be absurd to talk about the less-than-sovereign rights the rist holder is supposed to exercise over his land. For, if he has the right to "use and enjoy the land, and the right to decide what to do with the land including the important decisions of leaving the land idle...and making all management and investment decisions [1, p. 21]," then he does exercise sovereign powers over the land and, to that extent, he owns it individually.

Alemante's contentions are bound to trigger off heated arguments if debate on the subject continues. He is in effect saying that there is nothing really communal about land ownership in northern Ethiopia and that

the only reason for its existence is the economic factor of the absence of a land market. Yet, he does not classify it as individual ownership of land similar to what exists in the south.

Two consequences flow from Alemante's interpretation, to both of which he himself has made reference. The first is that any attempts at abolishing rist ownership in favor of creating individual titles to land is tantamount to "individualizing an already individualized form of property relations [1, p. 61]." The second consequence is that the real difference between land tenure in northern and southern Ethiopia is not that one is communal and the other individual, but rather that in the north land is owned in small holdings by individuals and in the south it is held in large holdings and cultivated by tenants and sharecroppers. At the base of Ethiopia's meager agricultural productivity is the peasant, in both the north and the south, who used similar implements, behaves with the same level of rationality or irrationality, and whose productive capacity is limited to his needs for subsistence. "It is necessary," Alemante concludes, to look "for more or less identical solutions, on the basis of productive functions, for both North and South rather than emphasizing superficial differences and characteristics [1, p. 60]."

At first blush, this suggestion is very attractive, if for no other reason than because it calls for an integrated, rational program of action. But because it is the result of an examination of the legal concepts of ownership of land in Ethiopia, it tends to overlook the underlying historical and economic realities that are at the core of the difference between the two Ethiopian regions, a difference Alemante refers to as "superficial." In the next section I will contend that, in spite of the similarity in the

mode of production prevalent in both areas, and whether or not the absence of a land market has forced the prevailing land tenure system on northern Ethiopians, a uniform change in tenure arrangements is likely to affect both sections differently. No measure of success in land reform can be achieved without an appreciation of these differences.

A Brief Comparative Study

It has already been stated that the two regions have historical differences. I have already explained that the northern Ethiopian provinces were usually competitors for power and if one king or leader dominated the whole region, then the different peoples paid homage to him. But it was different in the south. Here, the Emperor Menelik II conquered the area and distributed the land among his own followers, relatives, etc. So that, as far as the immediate ownership and use of land is concerned, it is predominantly in the hands of the original settlers in the north, whereas in most of the south, it is under the control of outside conquerors and settlers, some of whom own holdings large enough to cover whole districts.

The payment of homage to a dominant king or emperor in northern Ethiopia took many forms. Most of the recorded history of Ethiopia is found in Royal Chronicles which narrate the exploits of emperors and hence much information on the relationship of the State to land tenure exists. Early inscriptions relate the extraction by Axumite emperors of half the land possessed by the people they conquered and the further extraction of "the best of their young men and their women, with their sons and daughters and all they possessed [6, p. 40]." Similar documents and stories attribute to the emperors immense powers over both property and life.

There is strong evidence, however, that the extent of the emperors' powers has been exaggerated. A leading expert on Ethiopia's economic history, Dr. Richard Parkhurst, says:

It is essential to note that the imperial power waxed and waned over the long span of Ethiopian history, and was in any case generally weaker on the periphery of the empire than in the vicinity of the court. Administratively, and indeed politically, it was moreover not possible for the sovereign to allocate and reallocate the land [6, p. 40].

Thus, it appears that the large stretches of land that today are held as rist lands in northern Ethiopia were inherited by their owners without any royal intervention.

To say that the peoples' rist rights were not tampered with by the royalty does not mean that the royalty had no right to do so, or that it never did so. In fact, there is ample evidence that it did, but its intervention was usually for the purpose of creating feudalistic obligations over the rist holders rather than denying their rights of ownership. The most common of such rights was the right of gult. This involved the granting by the emperor of "revenue from the land by waiving his own rights of taxation in favor of local rulers, members of the royal family, the nobility, or priesthood as well as to religious establishments [6, p. 41]." The gult holder could receive taxes paid in cash, kind, or labor and the emperor could expect his complete loyalty and entrust him with the task of raising an army or maintaining order. It must be noted, though, that the right of gult entitled its holder only to the collection of taxes and not rent. The distinction, according to Dr. Parkhurst, is important when:

it is borne in mind that the Emperor could create gult in any part of the country merely by transferring his taxation rights to a third party; no confiscation was involved, nor was there necessarily any change in the property relations of the area [6, p. 42].

Gult was usually granted as a permanent right to churches and monasteries, but in the case of its secular holders, the emperor reserved the right to revoke it [6, p. 42]. The emperor could also give away land, as opposed to the right of gult over land, but such grants were limited "by the amount actually in the possession of the sovereign, though it included also lands captured in war, confiscated from rebels or inherited or received as gifts from subjects [6, p. 42]." That there were such limitations to the seemingly absolute powers of the emperor over life and property was well known and deeply engraved on the minds and in the philosophy of the people. Addressing himself to this very issue and to the question of whether "everything belongs to the king," the Italian scholar Conti Rossini quotes some Eritrean elders as having said that:

The statement that everything belongs to the Government is made in order to affirm that the earth belongs to the king in the same way as the heavens belong to God. We allude to this statement when we wish to enhance the power of the Government, but we do not thereby intend to refer to the ownership of the fields. The above phrase...refers only to that kind of command or governmental supremacy which relates to the imposition of taxation on the soil and prevents abuse of power and the exercise of violence. But no one can take away our lands, the Government awards rank, office and gulti, and can take them away, but no one can deprive us of our lands except in case of confiscation resulting from such crimes as we may commit [6, p. 42].

The inclusion of this rather extensive quotation is partly meant to stress the extent to which the elder peasants understand and value their rights on their land. But it is mainly meant to indicate the absolutely contrasting situation in which the tenant in southern Ethiopia finds himself. With the abolition of all forms of gult rights in 1966, the peasants of northern Ethiopia can claim to be free of the feudal rule that had been

binding them for centuries.⁶ However, its existence over a long period of time has brought with it a host of social institutions that continue to exist, albeit informally. In some areas, the former gult holder and his designated smaller gult holders have been formally recognized as paid government officials and the dues they used to receive legally now come to them in the form of gifts, etc. Thus any claim by northern Ethiopian peasants that the last vestiges of feudal obligations have been lifted from their backs must be limited to the cessation of the legality of gult rights.

But whether gult rights have been discontinued or not may not be important if one is comparing the position of northern and southern Ethiopian peasants. They may in the past have commonly been subject to the imposition of gult rights over the land they cultivate, but the fact is that whereas the southerner cultivated and still cultivates the land as a dispossessed tenant, the northerner cultivates it as an owner. Both have been subject to entirely different historical, economic, and social conditions and it is hard, at least for me, to imagine that their separate lives have created no more than superficial differences.

Consequently, I find it even harder to conceive of a common land reform or any such program that could apply to the land tenure systems that have developed along opposing angles. In the south today, the most pressing problem is what to do about tenancy. The law allows the landlord to collect up to 75 percent of the tenant's produce in the form of rent, and there is talk of enacting a tenancy reform legislation.⁷ If such a law will be at all relevant to the north, it is only to the extent that there are some

⁶ Gult was abolished by the Income Tax (Amendment) Proclamation in 1966.

⁷ A recent "confidential" Government policy statement advocates such reform.

farmers who cultivate land belonging to an extended family or perhaps even a village member who for some reason may not cultivate the land himself. It may also apply to the few tenants who may be found on the land of some big landowners. But for the majority of northern Ethiopians, who till their share of extended family or village land, such a law will surely have little, if any, bearing.

I would submit that the very pressing nature of the problem of tenancy in southern Ethiopia is either more or less relegating the problems of the north to the sidelines or is producing attempts to find the slightest similarities between the two systems, so that a common solution may be declared to apply to both areas. As I mentioned earlier, the temptation to find homogeneity in Ethiopia's problems and to integrate its future developmental policies must be great. But the facts are different. In this paper, I have only referred to the different systems of land ownership that exist in the north and the south. There exist other more complicated and more involved political, religious, and social problems. Their addition will make the problem even more acute and highly sensitive. Not to recognize this and to fail to discuss it openly will only amount to sticking one's neck in the sand, à la ostrich. It is with this realization that I now turn to the policy implications of land ownership in northern Ethiopia.

III. Policy Implications of Land Ownership in Northern Ethiopia

Two things need to be clarified here. First, it is my contention that the interests of unity in Ethiopia and of a long-term, integrated development policy are best served if the differences between the two systems of land tenure are recognized. Pretending that they are not there or trying to find parallels that do not exist will only perpetuate the

problem. By now, it is quite commonly admitted that the system in southern Ethiopia was the result of the conquest of its inhabitants by those of the central (Shawā) areas. It was a feudal system only about half a century ago, i.e., Emperor Menelik II was controlling the area through his viceroys and dukes to whom he had transferred the ownership of the land that once belonged to the original settlers. These invaders had their own armies and were replicas of the European feudal lords and vassals of several centuries ago. Today, the descendants of the same "lords and vassals" have inherited the land and wealth of their ancestors to carry on with this system of naked exploitation under a semi-feudal system--semi-feudal because they no longer have armies of their own. So the issue in the south is how best to return the land to the people who once owned it.

The second point to clarify is that I basically agree with those who contend that, in spite of the differences in tenure arrangements, there is little difference in the level of living of the northern and southern peasant. Both in the north and the south, and whether a farmer owns the land he tills or he is just a sharecropper, he applies implements and methods that do not assure high returns in agricultural productivity.

The position of the tenant in the south is shaky since no law exists today that regulates tenant-landlord relationships and hence, he has no security of tenure. But security is not a problem only of the tenant. We have seen that the extended family system of ownership allows any person to claim land even after the lapse of generations, if he can prove he is descended from a founding father. The advantages that this rule offers surely belong to the days when there was an abundance of land. Today, it is proving to be one of the greatest economic defects inherent in the

system and one of the causes of low productivity. The fear of the appearance of a long forgotten or an unsuspected claimant to a plot of land inhibits farmers from making (if they can) the investments they need for higher productivity. Displacement can sometimes affect not just one or two farmers, who may be forced to make way for a new relative, but also a whole community. For example, at the end of last century whole communities had to leave many parts of Serae in Eritrea because they were struck by famine. Upon their return, they found that parts of their land had been settled by people from other areas and a different religion. At the time, there was enough land to accommodate the new settlers, but today population has grown and the pressure is such that in my mother's village there is sometimes talk of reclaiming the land.

Besides discouraging investments, the fact that land is divided into equal parts amongst the descendants of the generations of owners that cultivate it, has caused its fragmentation into small plots scattered in different areas [8, p. 20]. This is true both of the extended family and the village systems of ownership. Since land may be inherited on both the paternal and the maternal lines, it is possible for one person to own plots of land that are physically separated by miles of territory, depending upon how far apart his paternal and maternal families live. So that, besides tilling small pieces of land that may not be productive, he has to spend much of his time traveling from one plot to the other trying to utilize them all. Perhaps more significant, however, is the fact that, as Teame Beyene points out, it would be very difficult for the government to provide fertilizers, credit facilities, pesticides, etc., to people who have no security of tenure and whose farms are too small and too scattered for major agricultural improvements [8, p. 20].

I have said that, broadly stated, the issue for southern Ethiopia is how best to return the land to its rightful owners, or at least to abolish tenancy relations. The corresponding issue in the so-called communal ownership area is how best to reorganize it so that the problems I have stated above are taken care of. The general issue for the whole country is how best to achieve agricultural and, hence for Ethiopia, economic development. The answer for the north lies in the nature of the system of land ownership and particularly in the dynamics which have given to the system the shape it has today.

It has been pointed out that, in the extended family system, land can be held and operated individually for as long as another rightful claimant does not come and share in its use or completely take it over. Thus the perpetual and exclusive usufructuary rights over a plot of land by an individual and his descendants are always subject to interruption by other rightful claimants. The right that cannot be interrupted or in any way assailed is the one that belongs to the extended family in general. That is to say that, at least theoretically, the absolute and perpetual owner of land in this system is the collective extended family. This is even more clear in the village ownership system where the only way individual member families can gain access to the exclusive cultivation of land is if they have a home in the village and if they are entitled to participate in the periodic rotation and redistribution of land by lot. The land clearly belongs to the village which cultivates it and the village has the first say, for example, on whether lots should be cast and when.

I have already quoted Alemante as having implied that it is more the lack of a market for land that prohibits the alienation of land than any

inherent sense of communality in the beliefs of the people concerned.

I would not want to dwell on the question of what historical and economic condition led to what. Indeed, with the little amount of information I have, I would not know. But two things seem to be clear: 1) that there is not today and apparently never was in the past a market for land; and 2) that available evidence on the laws, customs, and social organizations in these areas indicates that, with a few exceptions, the absolute, exclusive and perpetual ownership of land lies in the hands of the extended family or the village. One can agree with Alemante and say that the absolute aspect of ownership is imputed to the absence of a market for land and to its subsequent inalienability. Nevertheless, and perhaps as a result, an institution has evolved that places the final power of disposal of land in the hands of the community that most directly controls the land.

It must be noted also that even if a market for land were to develop, the people would be adamantly opposed to the sale of land they own in common, for a variety of reasons. In a survey conducted in 1969 in Gojjām, a rist land province, Alan Hoben found that people were generally enthusiastic over the prospect of having

...their rist land...registered in their own name in the government tax book, since they feel that this would help them to defend it against the claim of others, but they are appalled by the suggestion that they should lose their rist rights in estates where they do not currently hold land... [quoted in 3, p. 16].

This may be related to their need for security. Registration of land would mean individualization of property, or so the farmers see it, and once land is individualized then the knowledge of the availability of community land one can always claim, especially if his own land is fragmented, exhausted, etc., disappears and with it the security of communal land holding.

Besides, individualization of land usually brings with it the right of the holder to sell it and the farmers, especially in Gojjām, connect the registration of land to individualization and subsequent sale. This they have concluded from the experience of southern Ethiopia. In the latter, land was not only conquered and distributed amongst generals and the royalty, but it was also measured into holdings of various sizes and held in individual ownership by the crown, the church, landlords, small landowners, etc., who generally have the right to sell it. In fact, according to an Ethiopian government official, the farmers in some northern areas link registration directly to the deprivation of land, i.e., its direct take-over by the old political rivals of the central (Shawān) highlands.⁸ Small wonder, therefore, that communities have subjected land to their complete and perpetual control and assured its inalienability by regarding it as belonging to the "dead, the living and the unborn."

It appears that this is a case where an economy which does not provide adequate alternative employment opportunities has resulted in the creation by the people of a system which assures them the continued availability of their only means of survival. The system, though containing many traits of individualism as far as its exploitation and use is concerned, is characterized by the undeniable existence of a deep sense of the survival and continuation of the community. In his study in Gojjām Alan Hoben found that:

The possibility of land sale...is almost universally opposed. Rist, unlike moveable property, it is argued, is the inalienable birthright of every child. It would be a moral as well as a social evil if parents could

⁸I would rather withhold his identity.

sell this birthright for the love of money and personal advantage, and it is assumed that at least some of them would do so [quoted in 9, p. 16].

Thus inalienability of land was also developed by the community as a protection against itself.

Individualization of land in northern Ethiopia has been proposed and is seriously being considered [4, p. 2]. Presumably this will involve the issuance of title deeds to those who cultivate the land in keeping with the "natural change" from a communal to an individual form of ownership that supposedly accompanies the increasing population pressure on land in an emerging cash economy [4, p. 2]. I do not need to go into a detailed criticism of this proposal. I hope that what I have said so far points out its obvious weak points. Addressing himself to this very issue Teame Beyene says:

with the increase of population and pressure on land, the communities decided to convert the extended family system into village ownership system rather than into individual ownership. This simple historical fact proves false the notion that individual ownership of land will naturally develop in the northern highlands of Ethiopia [8, p. 25].

He goes on to point out that tenure systems depend more on the economic, political, and social "patterns of a given community" rather than on any "natural" aspects [8, p. 25].

Critics of this proposal seem to find in it an implicit intention on the part of its advocates to extend the system of land ownership in the south into the north. Teame reflects this sentiment when he maintains that since the main idea behind the introduction of private ownership into the north is to "encourage some enterprising farmers to increase agricultural production at the expense of others," it is not inconceivable that

some "unsuccessful" farmers would be forced to sell their land to the more enterprising ones, leading to a concentration of holdings by a few and the introduction into the north of a significant number of landless peasants [8, p. 28]. If one can draw from the experience of southern farmers in the face of the introduction of mechanized agriculture (especially in Chilalo), then Teame's suggestions are not far-fetched. In the event of the implementation of the policy, therefore, one cannot help but be very apprehensive as to what repercussions it might produce.

For these reasons, the younger policy makers, among them Teame and, to some extent Alemante too, suggest that in the "communal" tenure areas farmers should be encouraged to organize themselves into producers' cooperatives where they would "agree to collectively own and cultivate a piece of land, and where the produce is equally shared among the members of the cooperative according to the work contributed [8, p. 22]." Details on exactly how cooperatives should be formed vary, and with them the purposes for which they are to be formed.

Teame would, for example, prefer not to rush into believing that cooperative farming would simply fit into the land ownership framework of the north. He expects that farmers in the north would tend to resist any program affecting their land for various reasons, among which is their suspicious attitude towards government-proposed projects [8, p. 94]. He is also not very hopeful that the government will be committed enough to make an all-out effort to launch a successful program of cooperativization. So, as an initial stage, Teame suggests that the extended family systems should be encouraged to form into organizations where "land is individually cultivated but where farmers jointly farm and thresh their fields and where

they may jointly use their farming implements [8, p. 22]." In the village ownership systems, however, Teame suggests the possible introduction of "cooperative farming where land is jointly owned and cultivated, since this can be introduced without resorting to consolidation and villagization program [8, p. 94]." Again, of course, the full participation and commitment of the government in providing credit facilities, health services, etc., is presumed.

To Alemante, rights in land must be justified by their productive function and:

if land reform is to be relevant in the North, it ought not to justify the principles under which it reorders property by market forces which not only do not exist but even if they do, sooner or later become run-away forces over which the majority of the peasants will have no control. Given the underdeveloped nature of the [Ethiopian] economy and the international constraints to development such as foreign enterprise, price monopoly, trade limitations, the State must be the one organization in society on which must rest the responsibility for directing the rhythm and tempo of the economy on the basis of planning and discipline [1, p. 64].

He would, therefore, support the introduction of cooperatives as Teame suggests only to the extent that they pave the way for the far-reaching structural changes his suggestion implies.

IV. Conclusion

The issues that can be and should have been raised are too many for the scope of this paper. My intention has only been to focus on some of the implications to policy, especially government policy, of the land tenure system in northern Ethiopia.

I have a lot of sympathy for Alemante's attempts at finding a common basis upon which the peasants of the north and the south can meet and

attempt to solve their most common and fundamental problem: poverty. I am also in agreement with his final solution of the state's taking the initiative and the responsibility for planning and economic development. But Alemante's suggestions are final and very general solutions and do not deal with the process that is to lead to their realization.

My discussion of the extended family and village systems of ownership hopefully shows the futility of the individualization of property. It simply goes against all the philosophy that the highlanders of northern Ethiopia have cherished through their long history and, in view of what has happened in the south, it cannot be justified on economic, moral, or equitable grounds.

This is not to say that the "communal" system of ownership is more economically viable. Indeed, it is not. But there seems to be no reason to destroy the ideals that brought it into existence in the first place. Economic progress that overlooks the right of people to share in its benefits as equally as possible seems to be no more rational than the underdevelopment it sets out to abolish. So that if land reform is to be introduced in northern Ethiopia, it ought to be one that reflects and promotes the egalitarian tendencies that are apparent in the area. It is my conviction that although land is worked individually in the area, there is nevertheless a sense of community expressed in and organized around the most vital of the vital commodities: land. To downplay this fact and to attempt to reverse it will, I submit, be dealing with an explosive situation.

Ethiopia is a heterogenous country, where power is concentrated on the Emperor and his ruling, predominantly Amahara (i.e., Shawān Amahara) class of landowners. To the landlords in the south, the situation is the

most equitable and nothing could be more welcome than its spread into the north. It must be kept in mind that landownership in the south was the result of a conquest, a fact that both the government and the landlords would like to see forgotten. Well, nothing could be more desirable for a landlord than to see the system go up north peacefully and balance the two regions. This view is voiced informally by those who oppose individualization.

An alternative obviously is the encouragement of group farming, generally along the lines Teame suggests. But this will require more than active participation by the government, especially in carrying out research and providing adequate credit facilities. The need for research is obviously very important. With increasing population pressure on the land, there is a possibility that cooperativization and villagization might produce shortages in land. One way of alleviating this problem would lie in the identification of the most effective way of increasing productivity given the ecological conditions, the available quality of labor force, etc.

The presumption here is that the government would be willing and capable of carrying out the difficult task involved. But more important, it must also be presumed that its present philosophy of encouraging individualization of ownership in the communal areas would be abandoned. In such an eventuality, we would have cooperative farming in the north and the exploitation of land by private owners in the south. Northern farmers would mostly be owner-participants in cooperatives, whereas the majority of southern farmers would be dispossessed tenants working for a master. Whether the government would want to preside over such widely differing regions is very doubtful and I would submit that as long as it retains the system of tenancy

in the south, it will be unwilling to introduce or encourage cooperatives in the north.

It is a dilemma of major proportions. Small wonder, therefore, that the communal tenure areas have largely been left intact. What is required is a major overhaul of the existing land tenure systems both in the north and the south and this requires a complete and major change in the philosophy of a government whose major source of power and stability has come traditionally from the very landowners who have opposed any major land reform programs.

References

1. Alemante G. Selassie. "Property Relationships in Ethiopia and their Implications for Development." Unpublished. University of Wisconsin, 1972.
2. Huntington, G. W. B. The Land Charters of Northern Ethiopia. Institute of Ethiopian Studies and the Faculty of Law in Association with Oxford University Press. Addis Ababa, 1965.
3. Jones, A. H. M., and E. Monroe. History of Ethiopia. 2nd ed. London, 1965.
4. Lawrence and Mann. "Land Policy Project." Ministry of Land Reform, Addis Ababa, 1964.
5. Lewis, H. A Galla Monarchy. University of Wisconsin, Madison, 1965.
6. Parkhurst, R. "Some Historical Aspects of Land Tenure in Ethiopia." Proceedings in Agrarian Reform. Ministry of Land Reform, Addis Ababa, 1970.
7. Perham, M. The Government of Ethiopia. 2nd ed. London, 1969.
8. Teame Beyene. "The Communal Land Tenure Problem and the Requirements for its Solution." Unpublished. University of Wisconsin, 1971.
9. Warriner, D. "A Report on Land Reform in Ethiopia." Unpublished. March-April 1970.