

**Ethiopian Economics Association  
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***The Evolving Question of Land in Ethiopia:  
Tenure Preferences, Property Rights and Land  
Governance***

**A Contribution to the Homegrown Economic Policy Reform to  
Accelerate Food System Transformation in Ethiopia**

**Getachew Diriba**

***Policy Working Paper 03/2022***

*August 2022*

# *The Evolving Question of Land in Ethiopia: Tenure Preferences, Property Rights and Land Governance*

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Dr. Diriba has produced two seminal books on Ethiopia: *Overcoming Agricultural and Food Crises in Ethiopia: Institutional Evolution and the Path to Agricultural Transformation* (2018); and *Economy at the Crossroads: Famine and Food Security in Rural Ethiopia* (1995). He has also published a number of journal articles.

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**ISBN: 978 99944 54 87-7**

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## *Abstract*

Ethiopia faces major political and economic difficulties, expressed in massive shortfalls in domestic food supply, food imports that swell continuously to meet national demand, and resulting trade deficits and pressure on the national accounts. Population pressure is associated with high unemployment, particularly among the youth, farm decapitalization, and a vicious cycle of poverty and food insecurity. These are not insurmountable challenges if Ethiopia could only stimulate its currently dead land assets into an active source of capital for national development.

Land as a political-economy agent is a source of economic and political power, and essential to the survival and viability of the agricultural population (smallholder farming households) and of the Ethiopian people as a whole. However, land in Ethiopia carries historical baggage which provokes fresh memories of the 1974 revolution. This resulted in the 1975 land reform, codified in the 1995 federal constitution, which placed land as the public property of the Ethiopian people. It is all too obvious to perceive land tenure discussions as a political tinderbox, and it is not impossible to appreciate the reticence of some political authorities and policy-makers in resisting reform. As a result, land problems have accumulated over the decades and now surpass the limits of tolerance in terms of food insecurity, environmental degradation, and land scarcity; land issues are also now shaping national political contestation and conflict.

Land tenure, which is the question of '*who owns the land*' or '*who uses the land*', is in part philosophical (that land is a gift of nature), in part a question of property rights (the right of every citizen to own property protected by law), and in part a question of development (land being one of the factors of production that constitutes the very foundation of social and economic development). Regardless of the perception of its ownership or use, or how long it is owned (indefinite for private or definite for public ownership), all land tenure regimes are governed by the same property rights and land administration principles.

The argument of this paper is that Ethiopia's national development in the 21<sup>st</sup> century and the transformation of its food system rest on three priority pillars of land reform: a) close the sterile land tenure preference debate, i.e., private vs

public ownership; b) activate and enshrine property rights provisions for all Ethiopians; and, c) put in place an integrated land administration and governance system. These three pillars are inseparable and interdependent. Managed well, these land reform priorities could be sources of capital formation and food system transformation that will free millions from poverty and food insecurity and put Ethiopia on the path of inclusive national development. Managed poorly or inadequately, the land question will be a source of massive poverty and interminable conflict on the national political landscape.

**Key words:** land, land tenure, food system, transformation, property right, land administration, land governance

# 1. Introduction: Unravelling the Evolving Dilemmas of Land Reform

## The context

Ethiopia faces major interlinked political and economic difficulties. These include massive shortfalls in domestic food supply, food imports that swell continuously to meet national demand, and resulting trade deficits and pressure on the national accounts. Population pressure is associated with high unemployment, particularly among the youth, farm decapitalization, and a vicious cycle of poverty and food insecurity. However, Ethiopia has the potential and capacity to produce sufficient food to meet and even exceed national demand and thus avoid the imports that drain scarce foreign currency earnings. It could facilitate farm capitalization through a number of economic and policy measures, starting with the conversion of presently dead land assets into effective capital. Instead of food imports and dependence on foreign food aid, Ethiopia could invest in agricultural development and end the need for both.

Ethiopia could have better managed inflationary pressure. Inflation stood at 34.2 percent in October 2021, of which 40.6 percent was food inflation<sup>2</sup>; and 17.9 percent urban unemployment of which 25.4% for female and 11.2% for male (CSA 2021: 8). In addition, the country has now marked the first anniversary of the civil war that started in November 2020 in Tigray region and has since expanded to Amhara and Afar regional states. Although the physical, economic, and social destruction is yet to be assessed, the cost is likely to be staggering by its end. The war comes at the worst time, when Ethiopia is introducing a number of reform measures to transform its food system.

This discussion paper provides an in-depth analysis of land reform<sup>3</sup> as one of the principal factors underpinning national development and food security for all Ethiopians. In doing so it complements ongoing national efforts towards

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<sup>2</sup> CSA consumer price index, October, 2021: <https://www.statsethiopia.gov.et/>

<sup>3</sup> The author would like to acknowledge and thank Mr. Tigistu G Abza, Director at Land Administration and Use Directorate, of the Ministry of Agriculture. His insights into land issues in Ethiopia, his access to unpublished data, and his generous time discussing with the author have been very helpful in preparing this discussion paper.

homegrown policy reform. One of these is spearheaded by the Ministry of Agriculture (MoA) and has intensified since 2019 with a series of policy and organizational reform processes. Chief among them is reforming “*rural land administration and use*”; the draft policy direction indicates that the proposed reform would allow land use rights to be used as security for credit; permit the transfer of land use rights to any person through gift or inheritance; permit the sale of fixed assets on the land; take account of customary land tenure in pastoralist areas; put in place a functional procedure that facilitates rural land lease, rental, and sharecropping; and enact a legal framework that protects rural land use rights for landholders when agricultural land is mapped in urban areas. This discussion paper reinforces the agenda of the draft policy by providing a detailed account of the state of landholders’ rights.

A second complementary effort is the commitment to holistically transform Ethiopia’s food systems (EFS), spearheaded by the Ministry of Agriculture and the Ministry of Health in collaboration with the UN, donors, civil society organizations, and others. The proposed food system transformation integrates production and consumption with enhanced food safety, nutrition, and diet, improved livelihoods, an increase in land preservation and restoration, and greater resilience to shocks and stresses. The government has committed to implement 22 ‘game changing solutions’ to transform Ethiopia’s food system.<sup>4</sup> Land reform is designated as one of the six critical enablers of the transformation process. The six game changing solutions (GC) or critical enablers of the food systems transformation are:

- GC 4 - Rural electrification to promote environmentally friendly and climate smart technologies;
- GC 11 - Implement land reform and land administration that will ensure the right to lease, and use it for collateral;
- GC 12 - Introduce land use planning; resource planning, integrated landscape & watershed management;

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<sup>4</sup> The Ethiopian Food System was prepared as part of the UN Secretary General’s initiatives at the United Nations Food System Summit (UNFSS) that called on nations to accelerate the lagging Sustainable Development Goals. See Vision 2030: Transforming Ethiopian Food Systems. Part I: A Synthesis Report.



- GC 14 - Establish a finance system for farmers to access credit, get insurance service and offer farmers financial literacy to help enhance rural and agricultural investment;
- GC 15 - Selection and timely supply of inputs and technologies to boost production and productivity; and
- GC 20 - Index based crop and livestock insurance as disaster risk mitigation measures.

Transforming EFS is a national priority for peace and security. It will protect people from the degradation of hunger and address chronic deprivation in access to basic services (water, electricity, education, and health), consistent with the vision encapsulated in the Sustainable Development Goals. Transforming EFS is intrinsically about people, the planet, prosperity, peace, and partnerships.

Ethiopia's land tenure system was declared as public ownership in 1975 and this was further codified in the national constitution in 1995. Over the past 46 years, land tenure has seen little policy adjustment whereas Ethiopia's population has grown manifold, resulting in a dramatic decline in per capita agricultural landholdings. The scarcity of land is visible throughout the country: in the expansion of farming into less suitable areas, the clearing of forest land for agricultural production, and rising tension among crop and livestock producers. Land-based conflicts are spreading throughout the country. Since the 2016 popular uprising which forced the EPRDF government to politically reform from within, millions of Ethiopians have been displaced from their villages, largely due to land claims by a single farm unit, or an area of land claimed by a particular ethnic group, or a territorial area claimed by regional states. Land scarcity is entering the local and national political arena and wreaking havoc: examples include the more than one million people displaced from Somali region in the Gedeo – Guji conflicts in 2016/2018, and the Welkayit-Tsegede contested border between Amhara and Tigray regional states; other examples are discussed in section 4. Land remains central to the ongoing political crisis and the quest for political authority and economic control.

Undoubtedly, land issues are complex. However, too often there is a stereotypical focus on *land tenure preferences* of freehold versus public ownership (state-owned). Contemporary discussion of land tenure provokes fresh

memories of the 1974 revolution and of the land tenure arrangements enshrined in the 1995 federal constitution, as well as the constitutional sanction on revisiting it. It is all too obvious to perceive land tenure as a political tinderbox, and it is not impossible to appreciate the reticence of some political authorities and policymakers in resisting land reform. Even if freehold preference were to be considered, one wonders if the constitutional constraints could be disentangled. In terms of practical policy-making, Article 104 of the constitution stipulates that: *“Any proposal for constitutional amendment, if supported by a two-thirds majority vote in the House of Peoples’ Representatives, or by a two-thirds majority vote in the House of the Federation or when one-third of the State Councils of the member States of the Federation, by a majority vote in each Council have supported it, shall be submitted for discussion and decision to the general public and to those whom the amendment of the Constitution concern.”* Consequently, any constitutional means to bring about land reform is likely to be arduous and long, even if political authorities were willing to navigate the political landmines. The basic question is this: should the debate about land reform concern the type of tenure (i.e., freehold vs public ownership) or property rights? It is this question that is at the center of this discussion paper.

Public land ownership is not at odds with other forms of reform that might produce, within the permit of the law, conducive property rights to facilitate agricultural and national development. The fundamental question for Ethiopia is why the vast numbers of smallholder farmers are not accorded property rights that are secure, transactable, and welfare-enhancing. Delaying land reform due to fears of its political sensitivities will be to the detriment of agricultural and rural development. What is needed is to agree on the aspects of land reform that Ethiopians collectively are willing to consider.

Hence, this discussion paper addresses three sets of interconnected land issues: (1) clarification and settling of the residual land tenure debate, (2) property rights, and (3) land governance/administration in the Ethiopian setting. Land embodies political and economic power, peace and security, and broader national aspirations for development. However, Ethiopia’s public ownership system lacks land use data, cadaster, and land use plans (designation of urban areas and their expansion, agricultural lands, protected lands and others). There is no policy on viable agricultural plot size and market-based property transfers are restricted,

especially for rural lands. A transparent and uniform valuation system for land title and property, including compensation standards, is absent or incomplete. Formal land institutions (concerning smallholder land, urban land, and commercial land administration) are disconnected, with very little capacity to coordinate and manage competing rural interest groups, their representatives, and their policy preferences.

## Methods and objectives of the study

This policy analysis research applies non-parametric methodology. It relies on secondary data, literature reviews, observations and interviews of key personnel, trend analysis of land per capita and related economic variables, and other relevant issues pertaining to land. Both positive (grounded in data), and normative (values and assumptions) economic analysis are applied throughout the paper.

Additionally, the discussion paper analyzes the economic, technological, and environmental consequences of the present property rights arrangements. It examines what kind of land reform could be achieved so that the rural and agricultural population have comparable rights to urban-dwellers.<sup>5</sup> It will explore how to remove the dichotomies between rural and urban property rights arrangements, since many of the provisions enjoyed by urban dwellers do not extend to the agricultural and rural population.

The paper examines provisions that could help realize financial benefits and access to services associated with land titles and property rights. From the Ethiopian food system<sup>6</sup> (EFS) perspective, the paper supports the implementation of ‘game-changing solutions’ by undertaking a detailed technical analysis and providing a decision support tool for EFS Game changer #11: *“implementing land reform and land administration that will ensure the right to lease, and use it for*

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<sup>5</sup> See Proclamation 272 of 2002: “Re-Enactment of Urban Lands Lease Holding”.

<sup>6</sup> The Ethiopian Food Systems is designed to accelerate the implementation of the Sustainable Development Goals and it consists of 22 Game Changing Solutions to transform the Ethiopian Food Systems. The design phase of the EFS was an inter-sectoral and multi-agency efforts, and spearheaded by Minister Oumer Hussein, Minister of Agriculture, and Minister Dr. Lia Tadese, Minister of Health. EFS rollout is currently underway.

*collateral to facilitate land consolidation, adoption of innovation, and reduce environmental degradation”.*

Specifically, the discussion paper i) undertakes a diagnostic of prevailing land tenure in view of property rights provisions or their absence; ii) explores policy and legal provisions to occupy and use the land, restrict claims from others, and dispose or transfer it by way of lease, sublet, mortgage, or inheritance; iii) formalizes mechanisms to commercialize property rights; and iv) offers options for land property rights applicable to both the rural and urban land system.

## 2. Land Tenure Systems and Policies

### Imperial land tenure systems

As a prelude to the prevailing land challenges, it is important to briefly reference the pre-1975 land tenure system noting that this is not a retrospective study. Various types of land tenure systems existed throughout the Ethiopian empire before the 1975 land reform; and many scholars have extensively documented about it (Abate and Teklu 1979, Stahl 1974, Gilkes 1975 and others). The most prominent tenure systems were those that existed in the Northern and Southern regions of Ethiopia. In the Northern region where the rights for ownership of land were vested in ambilineal descent denoted as *rist system*; that is, peasants who could establish their kinship to the customary laws constituted the land-owning groups or *communal kinship and village units*. On the other hand, the *gult system of land tenure where rights for land were established on the basis of residence in the village*. In both cases, the ultimate ownership of land rested in the crown. The crown granted tribute rights to members of the ruling provincial elite to win their political support and loyalty and to civil servants in lieu of salaries and other forms of financial remuneration. As a result, the northern peasants, through the institutionalization of the *Gult* and *Rist* system, were converted into tribute payers to the secular nobility, ecclesiastical aristocracy and the crown. They were often forced to pay their tribute in form of produce and corvée labor services. In addition, there were other forms of tenure arrangements: *samon* (land the government had granted to the Ethiopian Orthodox Church in perpetuity); *mengist* (state owned large tracts of agricultural land); and *maderia* (land granted mainly to government officials, war veterans, and other patriots in lieu of a pension or salary).

In the Southern region, traditionally land was communal, the social structure of most ethnic groups was less stratified. Since the expansion of feudal administration to the South at the turn of the 19<sup>th</sup> century, however, a process of gradual internal differentiation has taken place, tending to change structure of the traditional societies in the image of the feudal system. Expansionary forces from the north, in collaboration with the indigenous proprietor classes in the south, dispossessed the indigenous peasantry of their lands and the peasant became

incorporated into the feudal Empire. This process of removing the basic means of production from the peasantry resulted in uneven distribution of lands. The State, a major beneficiary of the expansion, owned a significant share of the nation's agricultural land, and peasants were turned into tenants. The crown's land grant policy was used mainly as an instrument for winning the loyalty of the provincial nobility, local ruling classes (*Balabat, Chikashum*) and the emerging urban elite.

An ostensibly 'private tenure' was recognized as the most dominant system during the final days of the Imperial regime, largely created by means of land granting by the crown to those members of the army who came from the north and those who were loyal to the regime in the incorporated territories. However, as FAO<sup>7</sup> description points out and given that all the land was originally state property and that private holders had no absolute rights, this was different from the general concept of a freehold system that we discuss in the following section. Serious land concentration, exploitative tenancy and insecurity have characterized the 'private tenure' system.

One gets an overall picture about the Imperial land tenure system that as the central administration machinery and military establishments expanded the tempo and intensity of the expropriation of land at a rapid pace. As a result, distinct social classes emerged, consisting mainly of landlords and landless peasants. Connecting the onerous land tenure system to the 1974 revolution, Alula Abate and Tesfaye Teklu (1979: 1) characterized the conditions of rural life under the feudal land tenure system as follows:

“The revolutionary upsurge of 1974 derived its driving force from processes deeply rooted in Ethiopian history, above all from the relationship of the landed elite, the land and the peasantry. The political edifice built by the country's kings and emperors rested upon the direct or indirect subjugation of the vast majority of the inhabitants, who were peasants in one category or another of servitude and bondage. Humbled by a long tradition of adjustments to the demands of authority and by centuries of generally ruthless repression, most villagers dedicated themselves to passive survival. However, to claim that only tranquility characterized life in the Ethiopian countryside would be to create an illusion of harmony in a country whose history has been punctuated by frequent and often violent disturbances.”

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<sup>7</sup> [land reform - land settlement and cooperatives - Special Edition \(fao.org\)](#)

The problem of land in Ethiopia continues to hinder Ethiopia's economic development since the late 19<sup>th</sup> century to the present. In its present form, as will be discussed in the following sections, land fragmentations, a continual decline of land per capita with resulting food crisis and environmental degradation presents a massive challenge for Ethiopia.

## **Post-Imperial land reforms and policies**

There have been two defining land tenure declarations in Ethiopia's recent history. First, the feudal land system was brought to an end in April 1975 (Proclamation #31 of 1975). This fundamentally altered the then existing agrarian relations, stating that *"the Ethiopian peasant masses which have paid so much in sweat as in blood to maintain an extravagant feudal class may be liberated from age-old feudal oppression, injustice, poverty, and disease, and in order to lay the basis upon which all Ethiopians may henceforth enjoy equality, freedom, and fraternity"*. The basic tenets of the 1975 land tenure arrangement remain to the present day. The second important foundation is in the 1995 Constitution of the Federal Democratic Republic of Ethiopia, that *"land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange"*.

The 1975 land reform guaranteed that *"all rural lands shall be the collective property of the Ethiopian people"* (Article 3.1), and makes clear that *"no person or business organization or any other organization shall hold rural land in private ownership"* (Article 3.2). Other important features of the proclamation include:

- any person who is willing to personally cultivate land shall be allotted rural land sufficient for his maintenance and that of his family (Article 4.1);
- any person who has been a landowner and is willing to personally cultivate land shall likewise be allotted land (Article 4.2);
- the size of land to be allotted to any farming family shall at no time exceed 10 hectares (Article 4.3); and,
- the size of land to be allotted to farming families shall as far as possible be equal; provided that it may vary depending on the local conditions and the productive potential of the land (Article 4.4).

The proclamation prohibits the transfer of land by all means as described in Article 5, i.e., that *“No person may by sale, exchange, succession, mortgage, antichresis, lease or otherwise transfer his holding to another; provided that upon the death of the holder the wife or husband or minor children of the deceased or where these are not present, any child of the deceased who has attained majority, shall have the right to use the land.”*

Second, the 1995 Federal Constitution of Ethiopia, Article 40.3, states that *“the right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.”* Furthermore, Articles 40.4 and 40.5 specify that Ethiopian peasants and pastoralists have the right to obtain land without payment / free land for grazing and cultivation and to be protected against eviction or displacement, and that the implementation of this provision shall be specified by law.

Article 40.6 of the constitution provides that *“without prejudice to the right of Ethiopian Nations, Nationalities, and Peoples to the ownership of land, government shall ensure the right of private investors to the use of land on the basis of payment arrangements established by law.”* This article offers an important legal provision that, although land remains the property of the State, the ‘government’ (see below for a discussion of the term) can act as a market agent by establishing payment arrangements and necessary legal provisions for the exchange.

Article 55 of the constitution contains other important provisions. Sub-article 1 states that *“The House of Peoples’ Representatives shall have the power of legislation in all matters assigned by this Constitution to Federal jurisdiction,”* while sub-article 2a mandates *“the House of Peoples’ Representatives shall enact specific laws on (a) utilization of land and other natural resources, of rivers and lakes crossing the boundaries of the national territorial jurisdiction or linking two or more States.”* It is within these constitutional provisions that property rights reform, not land tenure, are discussed in this paper.

In sum, land was designated as public ownership in 1975 and in the 1995 federal constitution, and therefore the form of *land tenure* has already been selected. In the present context, i.e., given political stance and public sentiment,



changing the land tenure system would be complex but not impossible. Amending Article 40.3 of the constitution is likely to be unrealistic in the short run as it requires a constitutional amendment as per Articles 104 and 105. This is likely a non-starter at the present given the competing political interests across Ethiopian political communities. Hence, a realistic approach to resolving the country's multifaceted land problems would be to look into *property rights* – i.e., the social conventions that reflect agreement among people about how these assets are held and used.

## Land administration

It is surprising that there has not been a formal system of land administration in Ethiopia for a long time, especially to administer rural lands. Much land administration continues to be carried out by peasant associations or the kebele administration. Some semblance of land administration came into effect from the second half of the 1990s, but this embryonic arrangement is far from offering a comprehensive and uniform land administration system throughout the country. At the federal government level, the Ministry of Agriculture is mandated to oversee rural land administration.

There are three set of organizations dealing with land issues in Ethiopia: the smallholder Land Administration and Use Directorate (LAUD) of the MoA, established in 2009; the Agricultural Investment Land Administration Agency, also under the MoA, which administers land of more than 5,000 hectares through lease arrangements (Wabelo, 2020); and urban land administration which is the responsibility of each city state and municipality. At regional level, land administration mimics that of the federal government.

A paper by Tigistu G. Abza presented at the Annual World Bank Conference on Land and Poverty identified four basic challenges of land administration programs in Ethiopia, namely, policy and legislative gaps; technical deficiencies; inadequate institutional capacity; and inadequate financial resources (Abza, 2011).<sup>8</sup> The *policy deficit*, as Abza (ibid) notes, includes the fact that “*the federal and regional land policies and laws enacted prior to 2008*

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<sup>8</sup> Mr. Tigistu G Abza is Director, Land Administration and Use Directorate of the Ministry of Agriculture, and has intimate insights into land administration issues in Ethiopia.

attempted to address tenure insecurity only for landholders in the settled agricultural areas”. Oromia and SNNP regional states have considerable pastoral lands for which the regional land laws are inapplicable. The Afar regional state has issued its land policy and legislation while the Somali regional state has started the process. However, while this legislation gives the responsibility of managing pastoral land resources to customary institutions, other legislation confers it on the woreda and kebele administrations.

Not only are land security policies absent, but the whole range of property rights is missing at the federal and regional levels for all rural lands. Based on Article 40.6 of the constitution, one should raise some important issues, such as:

- Who is designated as ‘government’? The federal government, regional state, local administration, city administrations, or municipalities?
- Who is included in the category of ‘private investor’? Are smallholder farmers and pastoralists considered ‘private investors’? Can a smallholder farmer from district or region A obtain land in district or region B? What is the scope of ‘private investor’?
- What does ‘on the basis of payment’ entail? Does it include leasing or renting the land?
- Will ‘land title certification’ contain value, can it be transferable, and for how long?
- How will such a payment be determined, i.e., land valuation?
- How will the income from land transactions and the resulting development be shared?

The *technical deficits* of land administration in Ethiopia include a lack of adequate surveying and mapping infrastructure at the national level and standardized methodologies for surveying and registration procedures. As Abza (2011) notes, the Ethiopian Mapping Agency (EMA) is responsible for establishing the country’s geodetic network infrastructure; however, a standardized national system of land registration and parcel coding has not been adopted. A national digitized land information system needs to be established to facilitate the compilation and exchange of land information within and between regions and federal entities and the conversion of rural land to urban land. This is further supported by Wubie et al. (2021: 1) who note that “*in Ethiopia, the quality*

*of the current land information (completeness, appropriateness, time, cost, development, governance, sharing, and so on) needed for making decision are scanty, whilst the particular aspects of how the current urban and rural land information systems are functioning in view of the needs of peri-urban land governance are rarely studied”.*

De Soto’s (2000) six property effects are very relevant in the case of Ethiopia to ‘fix the economic potential of assets’; that is, capital is born by representing in writing—in a title, a security, a contract, or in other such records—the most economically and socially useful qualities about the asset as opposed to its visually more striking aspects (Property Effect No. 1). De Soto (2000: 50) reminds us that:

“The proof that property is pure concept comes when a house changes hands; nothing physically changes. Looking at a house will not tell you who owns it. A house that is yours today looks exactly as it did yesterday when it was mine. It looks the same whether I own it, rent it, or sell it to you. *Property is not the house itself but an economic concept about the house, embodied in a legal representation.* This means that a formal property representation is something separate from the asset it represents.”

Another aspect is integrating dispersed information into one system, that is, all rural households cannot get into the legal property system and so end up holding them extra-legally (Property Effect No. 2). Other property effects including making people accountable (Property Effect No. 3), making assets fungible (Property Effect No. 4), networking people (Property Effect No. 5), and, protecting transactions (Property Effect No. 6).

*Inadequate institutional capacity* limits the performance of federal and regional land administration agencies (LAAs). As a result, they are unable to cope with the demands of an expanded and evolving land administration, such as dispute resolution or land use planning. Capacity is needed at all levels (federal, regional, local) for effective land administration, including land registration, cadastral surveying, land laws, communications, land valuation, and compensation for efficient service delivery. In practice, institutional capacity at the federal level is marginal and unmatched to the tasks required to modernize

and administer land and the resulting property rights, such as designing relevant policy provisions, coordinating land administration programs, and providing technical support to the regional states. Likewise, the capacity of the regional LAAs is weak. Organizational structures and levels of expertise in land administration differ widely among regions. Capacity deficits are acute in the emerging regional states of Afar, Benishangul-Gumuz, Gambela, and Somali. Abza (2011) further observes that land administration offices are currently hosted within Bureaux of Agriculture, indicating the need to separate them. Frequent restructuring and rapid turnover of staff in the regional states is a problem that needs to be addressed.

The updating of *land registers* has not been systematically followed up in the four emerging regional states, such that the records in the files are divorced from the reality on the ground, thereby eroding the credibility of the registers. Village land committees are working with no remuneration, and without basic training in land administration or awareness of applicable land laws, particularly in the resolution of land disputes. There has been steady progress to remedy these problems in recent years although the records are not yet fully digitized.

Finally, *inadequate financial resources* undermine the ability of the federal and regional land administration institutions to secure sufficient human resources and logistical capacity. Lack of financial resources prevented the Oromia and SNNP regional states from completing their first level land registration and certification program on time. However, the Amhara regional state has started to place land administration officers at the kebele level because of the strong political commitment of the regional administration which has allocated a line-budget for this purpose.

As Wabelo (2020) points out, Ethiopia's land administration is embryonic and lacks appropriate institutional arrangements. Ghana, Kenya, and Uganda, just to mention a few Ethiopia's neighbors, administer land at the ministry level with decentralized structures at the lowest administrative hierarchy. In contrast, land in Ethiopia – a vital economic resource that is the source of livelihood for millions of households – is administered at the directorate level under the Ministry of Agriculture. Furthermore, Wabelo (2020: 71) notes that in enacting their own land legislation the regional states have not added new things; rather, the regional proclamations are an exact replica of those of the federal government. None of

them has attempted to contextualize the federal proclamations to the socio-economic and agro-ecological conditions of their respective regional states. Thus, the formulation of regional land-related proclamations adds little value to the agro-pastoral development agenda. The proclamations do not give a complete picture of the land use and management issues of pastoralists and agro-pastoralists in each region (see Gebeyehu, et al., 2017).

In sum, an integrated and comprehensive land reform and property system is crucially needed to facilitate the division of labor, to alleviate poverty, and to improve living standards. With the ability to increase productivity through the beneficial effects of integrated property systems, ordinary people would be able to specialize in ever-widening markets and increase capital formation (de Soto, 2000).

### **3. Land Economics: A Conceptual Approach**

Land is one of the factors of production in economics: land, labor, capital, and entrepreneurship are the inputs needed to produce goods and services. In economics, land implies ‘free gift of nature’ to human beings. Even though it is a passive factor and possesses no ability to produce on its own, it is an important agent of production. Modern economists consider land a specific factor of production which can be put, not only to a specific purpose, but to several other uses. Land has value once it is put to use.

Land as a political economy agent is a source of economic and political power. It is essential to the survival and viability of the agricultural population (smallholder farming households) and of the Ethiopian people as a whole. Land has been the foundation of real power in imperial and contemporary Ethiopia – the source of political authority – and remains at the center of controversial policy debates (Crewett et al., 2008, Jemma, 2004). Land is an asset and a path to capital accumulation. When tenure arrangements and property rights are ill-defined, land can constrain national and individual development and become a source of grievance, conflict, and war. Alternatively, inclusive and secure access to land and property rights can motivate citizens to partake in national development, achieve food security, and enhance overall wellbeing. The way in which land is accessed and utilized, i.e., through land tenure, land administration, and property rights systems, is a key determinant of food security, with the potential to expand livelihood opportunities, accelerate agricultural, rural, and urban development, and above all serve as a source of capital formation. However, millions of Ethiopians are currently unable to convert land title into capital. As de Soto (2000: 14) aptly puts it:

“IMAGINE a country where nobody can identify who owns what, addresses cannot be easily verified, people cannot be made to pay their debts, resources cannot conveniently be turned into money, ownership cannot be divided into shares, descriptions of assets are not standardized and cannot be easily compared, and the rules that govern property vary from neighborhood to neighborhood or even from street to street.”

That is an accurate depiction of the land value in rural Ethiopia. The sad reality is that, despite the massive capital they sit on, millions of agricultural households are poor and food insecure and their farms decapitalized.

An important Chinese land reform study by Rithmire (2015), whose apt description of political and economic change in China during the past century can be understood as a series of land reforms, is equally relevant to present-day Ethiopia. Rithmire (2015: 1) writes that:

“... power to make rules about who controls land is at the heart of political contestation in China. Mao Zedong and the Chinese Communist Party (CCP) assumed their positions at the helm in 1949 after decades of rural insurgence, occupying parts of the countryside and then carrying out land reforms that redistributed land to peasants in an effort to win political support and to foment class struggle as the primary axis of conflict in Chinese society. Largely for the same reasons, national implementation of land reform was the paramount task of the new regime once in power. Thirty years later, approval of another land reform – decollectivization – once again signaled a sea change in Chinese politics. The land reform that generated the resumption of family farming in the 1970s and early 1980s introduced markets in goods and labor in rural China, setting the stage for reforms that would transform the country from a planned economy to an economy characterized by “socialism with market characteristics.”

In Ethiopia, the land question brought about the 1974 revolution that terminated the ancient feudal system. Since then, successive Ethiopian polities have been fearful of considering land reform. As a result, land problems have accumulated over the decades and now surpass the limits of tolerance, for reasons that are discussed in section four. Land tenure is multidimensional; it brings into perspective the social, technical, economic, technological, institutional, legal, and political structures that are often looked at in isolation, or ignored altogether.

There are two contrasting visions of land tenure for Ethiopia. One side of the debate upholds state ownership of land that bestows usufruct rights upon landholders. Those on this side of the argument build their case on the premise of social and historical justice stipulated in Proclamation 31 of 1975 and the 1995

Constitution, i.e. (1) justice as *egalitarianism* – guaranteeing every farmer in need of agricultural land equal rights of access to such land, and (2) *historical justice* – granting tenure security to the Ethiopian farmers who experienced land deprivation and expropriation through different mechanisms during the imperial era. Within this school of thought, this author advances the growing recognition that the prevailing usufruct rights are devoid of property rights, that is, they exclude the right to lease, exchange for value, or mortgage/sublet, or determine how land assets are held, used, developed, or improved; to cultivate or assign the land to immobile property; and to realize its financial benefits. However, no proposals to resolve these deficits within the public ownership tenure system have yet been advanced which is the subject of this paper.

On the other side of the debate stands the neoliberal interpretation of land tenure as primarily based on privatization and freeholding, that is, it advocates land as freehold with the full force of the market to exchange, transfer, and use for an indefinite period of time. This side of the debate builds on the argument that state ownership of land prevents the development of a land market, discourages farmers from investing on their land, thereby holding down productivity, and encourages unsustainable land use practices.

This debate has been described as politicized and ideological (Crewett et al., 2008; Rahmato, 1992; Jemma, 2001; Hoben, 2000; Adal, 2001). Crewett and colleagues (2008) point out the problems with the two polar views, stating that “*there are doubts about the validity of the underlying – often implicit assumptions about the expected benefits of either private or state ownership.*” They question the validity of this dichotomy as a sufficient framework to approach the land reform debate in Ethiopia. To this we must add that the debates do not offer a range of reform opportunities that could facilitate capital formation to spur economic development, whatever the form of land ownership – public, private or customary. Most fundamentally, all land tenure types are governed by the same principles of property rights (the right to use the land, earn income from it, transfer property to others, and such rights are enforced by law) and land administration and governance. The fact that the Ethiopian constitution prohibits the sale of land does not necessarily restrict property rights.

The debate about the preferred land tenure system will continue, and it is not the purpose of this study to resolve it. Rather, this discussion paper takes a



practical policy-making approach. It accepts the land tenure system as given and examines land reform measures through the prism of *property rights and land administration/governance*. *Property rights* are social constructs in economics for determining how resources or economic goods are used and owned; they afford landholders the right to exchange through lease, mortgage, or sublet, with the promise of return on long-term investment on the land. The principal departure in the public land tenure system is a ceiling on the duration of use, often limited to the period of an agreement or lease which can be renewed; this contrasts with an indefinite period of private ownership. Property rights facilitate the consolidation of fragmented land holdings, guarantee long-term investment, including employing technologies, and, where necessary or appropriate, offer incentives for the rural population to give up farming and migrate to urban areas.

The rest of this discussion paper builds the case for property rights that will expand opportunities to transform the Ethiopian food system across all value chains. Before doing so, it is important to define the terms used in this paper in order to build a shared vision across differing ideological, political, and other interest groups. This common vision must recognize that: a) land reform is an absolutely essential action for Ethiopia to facilitate food system transformation and free millions of smallholder farmers from debilitating food crisis,<sup>9</sup> and to restore dignity and meaningful life for all Ethiopians; and, b) land reform rules are currently poorly defined for the vast majority of agricultural and rural households whose livelihoods, and the transformation of their food systems, depend on them.

*Land* is an economic asset and the cornerstone of economic activity. It refers to all land-based resources, most fixed natural resources associated with land (e.g., trees, minerals, pasture, water), and investment on farm land, such as irrigation equipment, irrigation canals, on-farm roads, farm houses, farm leveling, silos, cattle, cattle barns, soil fertility management facilities, farm machineries such as tractors and attachments, harvesters, dusters, milking machines,

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<sup>9</sup> *Households in crisis* are characterized by perpetually low crop and/or livestock production, with unstable and dangerously low food consumption below which human security, status, family and social cohesion deteriorate. A household in crisis does not refer to an individual's misfortune; rather it is a phenomenon of the broader Ethiopian agricultural crisis in full view of the 21<sup>st</sup> century's industrial and digital revolution (Diriba, 2021).

incubators, perennial and/or permanent crops, and others. *There is often confusion in differentiating land which is nature's gift from the investment or property the land carries.* Land is also a multi-faceted asset, being the foundation for a wide range of cultural and social identities and the basis for institutional development in that it serves as the underpinning for markets (e.g., in credit, real estate, labor, rental contracts, and agricultural production). Furthermore, for people throughout the world, it is almost impossible to divorce land from natural resource management (Feder and Feeny, 1991, FAO, 2002, Crewett et al., 2008, Myers & Freudenberg, 2013).

On the other hand, *land tenure* is the relationship, whether privately, publicly, or customarily defined, among people, as individuals or groups, with respect to land. Land tenure is an institution, i.e., rules invented by societies to regulate behavior. The rules of tenure define how property rights to land are to be allocated within societies. Such rules define how access is granted to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions (FAO, 2002, Myers & Freudenberg, 2013). Land tenure relationships are often defined through statutory or customary law. They may be well defined in these systems, or they may be ambiguous and open to misinterpretation and exploitation. Land tenure is central to sustainable natural resource management. It may also have both spatial and temporal dimensions and can be differentially impacted by gender, ethnicity, class, and political affiliation.

*Property rights* (FAO, 2002, Myers & Freudenberg, 2013) are social conventions that reflect agreement among people about how these assets are held, used, and exchanged. They include the rights to occupy, enjoy, and use; to restrict others from entry or use; to dispose, buy, or inherit; to develop or improve; to cultivate; to lease or sublet; to realize financial benefits; and to access services in association with land (Boone 2014, USAID, 2011, Feder & Feeny, 1991). Property rights can also include ideas and designs (copyrights, patents, and intellectual materials), as well as rights over 'moveable property' such as cars, cows, mobile homes, and wildlife. A USAID study notes that "*when we speak about property rights in the context of land, we are largely referring to property rights associated with the 'immoveable' property on land*" (Myers & Freudenberg, 2013). Property rights involve control over land (title deed, in the

case of public ownership of land) and use rights, that is, the rights to use the land for grazing, growing crops, and gathering minor forestry products. They confer the right to make certain decisions, which may include how the land is used and what kind of crops to plant, as well as transfer rights, i.e., to sell or mortgage the land title and property on the land, convey the land to others, transmit the land to heirs, or reallocate use and control rights. Importantly, Boone (2014: 6) introduces ‘land regimes’ which are institutional orders that encode four critical aspects of local sociopolitical structures: (1) property relations or rights, (2) authority rules, (3) citizenship rules, and (4) territorial jurisdiction. Together, these elements define the political-institutional character of different land tenure regimes and make it possible to compare and contrast them across space and time. That is to say that property rights alone cannot fulfil all the key elements of land tenure regimes; they also require institutional arrangements such as legal provisions, social norms, economic arrangements, and administrative procedures.

Furthermore, Crewett et al. (2008: 2) note that property rights theory does not emphasize ‘who owns’ land, but rather analyzes the formal and informal provisions that determine ‘who has a right to enjoy *benefit streams*’ that emerge from the use of assets, and who has no such rights. These rights need to be sanctioned collectively in order to constitute effective claims. Thus, property rights consist of two components – the rule and its enforcement mechanism – and involve a relationship between the right holder and others and a governance structure to back up the claim. The rules may be derived from state law, customary law, user group rules, or other frameworks. Enforcement of statutory law is usually the responsibility of the state, which means that the rights are grounded on formal laws. As Rithmire (2015: 8) explains, social scientists have long considered clear and enforceable property rights to be a necessary condition for sound economic growth and development. The protection of property rights through established laws and contracts is said to be a major function of the modern state; states that are unwilling or unable to protect property rights are viewed as predatory, weak, or ineffective.

Feder and Feeny (1991), based on an extensive literature review, aptly summarize that most economic analyses describe property rights as exclusive, transferable, alienable, and enforceable, that is, relying the traditional three pillars of economic theory, namely, resource endowments, technology, and preferences.

We should also add the fourth pillar, institutions, the complex nature of institutional arrangements in general and property rights in particular.

*Tenure security* is a key part of land and property rights arrangements. Land tenure and property rights must provide security of tenure, which is a person's rights to land recognized by the law and protected in cases of disputes or claims. Tenure security may relate to the length of time needed to recover the cost of investment: for example, a single or multiple growing seasons may be considered insecure for a long-term investment such as drilling irrigation or landscaping. Land tenure and property rights are considered secure if they are granted for an extended lease period, often 99 years, with possible renewal of the lease. Those with insecure tenure face the risk that their rights may be threatened by competing claims, or even lost as a result of eviction. Without security of tenure, the ability of households to invest on their land and capitalize their farms is significantly impaired, undermining their capacity to secure sufficient food and enjoy a sustainable livelihood.

De Soto (2000: 44) explains that capital, like energy, is also a dormant value. Bringing it to life requires looking beyond assets as they are to thinking about them as they could be. It requires a process for fixing an asset's economic potential in a form that can be used to initiate additional production. In the final analysis, tenure security can be ascertained in as long as it can be transferred legally by means of lease or mortgage. Furthermore, as de Soto (2000: 47) reminds us, in the West, this formal property system begins to process assets into capital by describing and organizing their most economically and socially useful aspects, preserving this information in a recording system – as insertions in a written ledger or a blip on a computer disk – and then embodying them in a title. A set of detailed and precise legal rules governs this entire process. Formal property records and titles thus represent our shared concept of what is economically meaningful about any asset. They capture and organize all the relevant information required to conceptualize the potential value of an asset and so allow us to control it. Property is the realm where we identify and explore assets, combine them, and link them to other assets. The formal property system is capital's hydroelectric plant. This is the place where capital is born.

In a neoliberal school of thought, long-term security can arise only when there is full private ownership (e.g., freehold) and when the time for which the

rights can be held is not limited to a fixed period. This may well be true for countries where freeholding rights are enacted, but publicly-owned land tenure may also offer long-term investment security. As Boone (2014: 22) describes, in the real world, all national economic systems and property regimes are hybrids of these two. Some economies are dominated by markets and private control over the means of production, with state action largely in the background of economic life. Others are strongly shaped by heavy-handed governmental and other authoritative controls over the economy.

Since the 1990s or so, most governments have embraced the principle that markets can produce efficient and legitimate resource allocations in most sectors, and most political economists have walked away from ideological debates over the market system per se. The political economy of land reform in China offers an important policy consideration of land reform for Ethiopia. As Rithmire (2015: 4 - 7) notes:

“In China land control did not determine the pursuit of wealth or vice versa. Rather, urban governments, as well as the national government in Beijing, experimented with land markets and systems of property rights at the same time that they were fashioning plans to dismantle socialism and to build markets. A turning point was that land-lease revenues, for lease terms that varied depending on the type of land use, were paid in lump sums at the beginning of the term of the lease. Since the mid-1990s, local governments have become increasingly dependent on land lease revenues to meet budgetary obligations, leading the Ministry of Land Resources (MLR), which oversees land policy, to impose limits on the conversion of farmland and to attempt to slow real-estate development within cities. In 2007, galvanized by fears of food insecurity and diminishing land for cultivation, the MLR adopted what it called its “toughest” policy to preserve farmland: a strict quota program by which each subnational jurisdiction is assigned an amount of arable land that cannot be decreased and an annual amount of rural land that may be converted for urban construction.”

Property rights standards cut across and applies to all land tenure systems and integrate them under one formal property law. This shifts the legitimacy of

owners' rights from the politicized context of local communities to the impersonal context of law; it releases owners from restrictive local arrangements and brings them into a more integrated legal system that facilitates accountability (de Soto 2000). Property rights offer Ethiopians the potential to obtain credit, mortgage their title, and transform assets into capital so that they can invest in business deals. Uncoupling the economic features of an asset from its rigid, physical state makes the asset 'fungible', i.e., able to be fashioned to suit practically any transaction (de Soto 2000: 58).

## 4. Why Land Reform is Crucial in Ethiopia

Following the discussion in the previous sections, we now concentrate on six thematic challenges, rather opportunities to enact land reform, relating to land in Ethiopia. These are: (1) the inability to adapt to changing demography; (2) land degradation; (3) land scarcity and the perpetual fragmentation of farm plots; (4) constraints on the adoption of technologies and innovation; (5) farm undercapitalization; and (6) land-based conflict. These themes are very familiar so we present only a few salient features under the following subheadings.

### Changing demography and rising demand

Ethiopia's population has risen from 32.6 million in 1975, when the current land tenure system was enacted, to 116.4 million in 2021 – a 3.57-fold increase. As the EFS design document indicates, changing demography and rising incomes will increase the demand for nutritious foods, placing increasing strain on finite arable land. A recent study by the Ethiopian Economics Association (EEA, 2021: 307) indicates that:

“.. early pattern of population transition appears to be emerging in Ethiopia, although inconclusive, that total fertility rate (being the number of babies born to females during their productive age) has declined from 7.1 in the 1990s to 5.2 in 2020 in rural areas; whereas it has declined from 6.6 to 4.6 in urban areas. Historically, Ethiopia's population growth rate was 1.87% in 1950s, 2.73% in 1970s, 3.66% in 1990s and 2.57% in 2020. While the long-term population growth rate shows a slight decline compared to past decades, it remains very high. At this point, it is not sufficiently clear whether or not ‘demographic transition’ is taking place in Ethiopia. On the other side, agricultural production and productivity have continued to grow close to and/or below population growth rate and expanded demands for food supplies. Ethiopia is lagging entry into the full-scale modernization of agricultural and allied sector technologies. As such, the Malthusian bomb cannot be ruled out unless Ethiopia earnestly works in multiple fronts of technological change.”

The EEA study shows that Ethiopia will continue to experience significant population growth over the coming period, leading to a spike in the demand for food and mounting pressure on the land. Importantly, Ethiopia has not started the arduous task of transforming its food system – a process that could be facilitated by land consolidation and the adoption of productivity-enhancing technologies, and by a land tenure system that incorporates land-based property rights.

Data compiled by the LAUD of the MoA reveals the advance of urban expansion and its effect on agricultural lands (see Table 1). For example, the population of Adama town in Oromia region is expected to increase to 954,000 by 2040, a 3.77-fold increase on its 2010 population, squeezing agricultural lands by 398 percent. Hawassa sees the largest land squeeze (789 percent), followed by Bah Dar (562 percent).

**Table 1: Urban population increase and squeeze on agricultural lands**

Cities	2010 Data		Pop 2040		Pop growth	Growth rate area	Agri land squeeze	Demand for food
	Population	Built up area	Population	Built up area				
Mekelle	254,000	3,932	1,235,000	20,000	4.9	5.1	409	386
Adama	253,000	2,429	954,000	12,100	3.8	5.6	398	277
Hawassa	190,000	1,125	1,222,000	10,000	6.4	8.9	789	543
Bahr Dar	178,000	3,021	656,000	20,000	3.7	6.6	562	269

Source: Tigistu Gebremeskel Abza, Power Point Presentation, LAUD, MOA, December 2021

## Land degradation

There is now massive demand for land for crop and livestock production. Farming is expanding into forest and protected lands, degraded areas, and areas that are fragile and unsuitable for farming. Farm area expansion cannot continue indefinitely without major cost to the environment and livelihoods. A number of studies and project appraisal reports indicate that the combination of population growth and traditional production systems continually induce massive soil erosion



and land degradation which represent a major challenge to crop and livestock production and to land productivity (See FAO 1986, Yesuf et al 2005)). Furthermore, the effects of climate change and environmental degradation are very visibly expressed in recurrent extreme climatic events such as droughts and floods. To counter these challenges while meeting the need to increase agricultural output, production systems must employ productivity-enhancing technologies and regenerative farming practices to counter land, soil, water, and forest degradation. Food systems transformation needs to take holistic account of climate change, soil and land degradation, and disaster risk management. Land reform, and the ‘right’ property rights regime, is a key part of this.

## **Land scarcity and fragmentation**

The demand for farmland and urban residential areas will continue to grow. Ethiopia must resolve the challenge of land availability through property rights policies that facilitate land consolidation, technological adoption, farm capitalization, and long-term investment that boosts production and productivity. Low productivity and resulting low agricultural yields have driven the rapid expansion in agricultural land to meet the demands of a fast-growing population. Between 2001 and 2013, total land under cultivation grew at a rate of nearly two percent per year (IFPRI, 2020).

The availability of arable land in Ethiopia is already a critical problem and will become more acute as the population continues to grow. An estimated 66 percent of all potential crop land is already under cultivation (IFPRI, 2020). Of particular note is that the number of households owning less than 0.1 hectare of land (1000 square meters) is growing at a rate of 11.35 percent per year, suggesting food insecurity on a large scale. Land holdings of this size are insufficient to sustain food security (Diriba, 2018) leaving these farmers in perpetual crisis (see Figure 1 and Table 2).

The number of households in other categories of land size has also grown during the same period. For example, those in the category of 0.5 -1.0 hectare grew at a rate of 4.83 percent per annum. Deepening land scarcity combined with a rising population has led to a decrease in average farm size, with the average small farm among crop growers covering just 0.65 hectares. This leaves farmers

reliant on agricultural extensification, which represents a major challenge to land conservation and to sustainable, nature-positive, agricultural production.

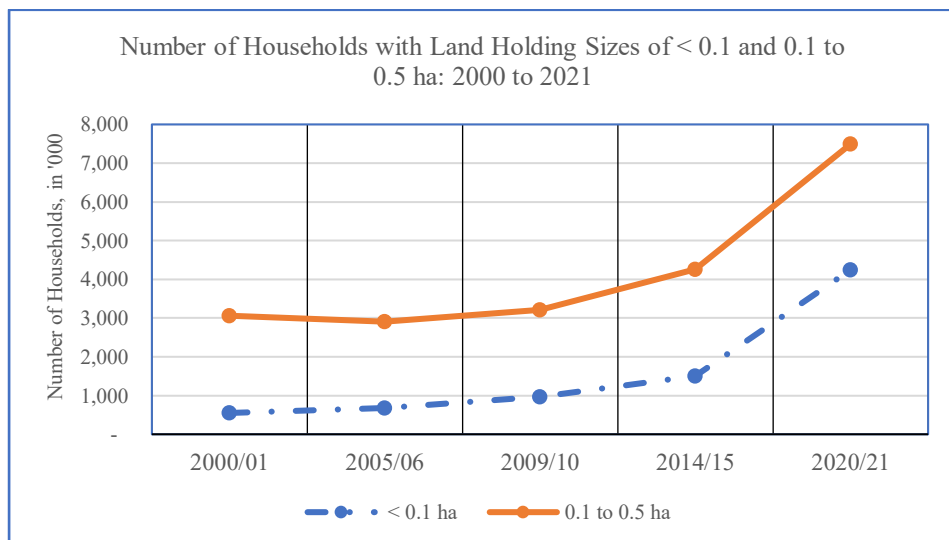
**Table 2: Distribution of smallholder farming households by land size, in hectares, 2000 - 2021**

Year	< 0.1 ha	0.1 to 0.5	0.51-1.0	1.01-2.0	2.01-5.0	5.01-10	>10.01	Total
2000/01	550,533	3,057,313	2,707,023	2,571,034	1,258,907	94,534	9,379	10,248,724
2005/06	685,395	2,907,556	2,935,849	3,231,692	1,925,972	142,227	14,247	11,842,937
2009/10	970,466	3,207,094	3,209,759	3,540,914	2,129,048	180,820	14,537	13,252,639
2014/15	1,500,608	4,263,558	3,732,660	3,995,417	2,231,312	198,183	20,045	16,081,361
2020/21	4,244,970	7,490,563	4,902,790	4,321,771	2,040,046	167,046	25,545	23,192,730
Growth rate	11.35	4.83	3.18	2.77	2.57	3.04	5.42	4.39
% of holders (2021)	18.30	32.30	21.14	18.63	8.80	0.72	0.11	

Source: Diriba, 2018, and Diriba 2022 (forthcoming) based on CSA data

The prevailing property rights system, which restricts the rural population from transferring property on land, leasing land, using property on land for collateral or mortgage, and generally transacting property in a commercially viable way, has contributed to land fragmentation. Land continues to be divided among family members resulting in a persistent fall in per capita land holdings. Millions of households are effectively landless. Without immediate and bold action to introduce land reform, land fragmentation will continue at a high level, land consolidation and mechanization will be impeded, and farm capitalization will be unachievable, consigning a significant proportion of the population to food insecurity and perpetual crisis (Diriba, 2018).

**Figure 1: Trends in the number of landholding sizes of <0.1 and 0.1 to 0.5 hectares**



Source: the author, based on CSA data

As Table 2 illustrates, the number of agricultural households increased from 10.25 million in 2000/01 to 23.19 million in 2020/21, an increase of 126 percent in just two decades. The number of households with less than 0.1 hectare accounts for 18.3 percent of total households whereas the number of households in the category of 0.1 to 0.5 hectare accounts for 32.3 percent; in other words, the total number of households holding less than 0.5 hectare of land accounted for 50.6 percent of all agricultural households in 2021. It is important to note that any production of cereal and pulse crops on one, or less than one, hectare, except perhaps coffee, chat, or fruit, will not be sufficient to meet consumption requirements and other essentials, or to capitalize the farm. The time-series data presents an underlying trend of persistent land decline and fragmentation to the detriment of the environment and food security (see Diriba 2018). The present system is surely catastrophic without urgent action to reform it.

## **Technology, land, and labor productivity constraints**

The continuing land fragmentation and decline in per capita land holdings cannot facilitate agricultural mechanization or farm capitalization, nor break the perpetual cycle of agricultural crisis. The desire to transform Ethiopia's food system and increase land and labor productivity requires legally binding property rights arrangements that facilitate land leasing in a commercially viable farming system, as well as tenure security (over an appropriate timescale) that promotes investment on the land. It is only then that farmers will consider leasing their plots at a commercial rate. This will progressively induce the release of surplus labor from the dominant 'traditional' and crisis-laden farm units and encourage a move towards more viable farm sizes, and eventually to commercialized farming.

To ensure that food systems provide equitable livelihoods, Ethiopia will also need to foster and support a coherent linkage between food system transformation and the simultaneous growth of small and medium-size manufacturing and agro-food processing enterprises that provide employment and absorb surplus labor released from agricultural and livestock production.

## **Farm under-capitalization**

Farm capitalization is understood as the ability of households to invest in seeds, fertilizer, and pesticides, renew worn or outdated farm tools, and save some cash or in-kind to create wealth and mitigate future agricultural risks such as crop failure or animal death (Diriba, 2018). However, the prevailing land sizes in all categories in Table 1 lead to persistently crisis-laden households, or 'survival households' at best. Farmers in perpetual crisis or survival mode will not be able to capitalize their farms. Under such conditions, poverty and food insecurity will remain rife, rendering food system transformation unattainable.

## **Land as a source of conflict**

When analyzing recent and past uprisings and 'political conflict' in Ethiopia, one finds that land is one of the proximate causes. Recorded information on land-based conflict in Ethiopia is limited to disputes between family members

or ethnic groups, and boundary issues between regional states or within states. Table 3 summarizes an important data set provided by the LAUD of the MoA. As the table shows, domestic (local) land disputes vary across regions, but holding rights and inheritance issues stand out across the four regions in the table. Boundary disputes are highest in Tigray region whereas marital disputes stand out in Amhara regional state.

**Table 3: Composition of land disputes in woreda courts, 2019 (2012 E.C.)**

Type of disputes	% of woreda disputes across regional states			
	Amhara	Tigray	Oromia	SNNP
Inheritance	25	12.3	21	18
Holding right	31	49.1	43	34.8
Marital dispute	30	1.3	12	6.4
Sharecropping	2	4	2	0.9
Rental	2	0.7	5	8
Boundary	4	22.6	5	9
Land exchange	1	3.6	1	0.2
Unpaid compensation	0	1.3	0	0.3
Land redistribution	3	4.7	0	4.8
<b>Total</b>	<b>98</b>	<b>99.6</b>	<b>89</b>	<b>82.4</b>

Source: Tigistu Gebremeskel Abza, Power Point Presentation, LAUD, MOA. December 2021

In their study of Shinele and Afder zones of Somali regional state, Richards and Bekele (2011: 24) note that “*while resource access issues are still important proximate factors and triggers, an underlying cause of conflict has now become the ownership of these resources, rather than simply their use and access to them.*” In turn, ownership is partly determined by formal institutional arrangements, such as government policies and legislation. The authors note that in the most serious recent conflicts, the drivers of conflict were land ownership and related governance issues. They also find that the politicization of ethnicity has induced serious conflict. Governance systems, and especially the issue of regional state boundaries, were dominant themes in conflict-causality and potential solutions. The authors conclude that policy and legislative issues are the

primary sources of conflicts, including: a) contradictory legal/policy arrangements governing land and water ownership, access, and use; b) land control tending to be vested in those who farm rather than those who graze livestock; c) weak mechanisms for resolving regional state border disputes; d) inadequate police and judiciary system; and e) lack of clarity over the governance of clan-based politics, traditional institutions, and formal land administration.

Overall, Richards and Bekele note that the main proximate causes of the different conflicts encountered in the two zones are:

- 1) Political and governance concerns.
- 2) Political opportunism and the exploitation of ethnic and cultural differences.
- 3) Competition between and breakdowns in the relationships between regional administrations.
- 4) Unresolved border or land ownership disputes between neighboring groups.
- 5) Unclear political will to administer justice or mediate disputes.
- 6) Limited capacity to manage disputes peacefully.
- 7) Perception of biased access to and allocation of government resources and projects from regional sectoral bureaux on a clan basis.
- 8) Competing land use systems – pastoralist versus cultivation; competition over scarce grazing lands or water points;
- 9) Socio-cultural concerns (erosion of customary laws and the authority of elders; deliberate marginalization of minority ethnic groups);
- 10) Incompatibility in the systems found between different sets of customary laws, exacerbated by limited communication channels between the ethnic groups.

An OCHA report based on estimates from the National Disaster Risk Management Commission (NDRMC) found that some 857,000 people had been displaced by the Somali-Oromia conflict; this included displacements recorded prior to August-September 2017 (OCHA, 2018). Meanwhile, preliminary data from the latest round of the IOM Displacement Tracking Matrix conducted in November 2017 indicates that around one million people have been displaced due

to conflict along the Oromia-Somali regional border (nearly 700,000 in 2017 alone, with a significant spike after September 2017).

Siyum et al. (2015: 45), based on a sample survey of Tahtay Qoraro of Tigray, conclude that many woreda courts are crowded by a large number of land-related disputes which are increasing over time. More than 50 percent of all local conflicts in the region are land-related. About 8.2 percent of conflicts mediated locally went to the woreda courts. Some 46.5 percent of land-related conflicts that went to the woreda courts were border conflicts. The researchers conclude that scarce farmland, high demand for land, inheritance problems, land grabbing, and land certificate problems are the causes of farmland conflicts which negatively affect the economy and community relations.

Alula Pankhurst (n.d.) describes the causes of land conflict as redistributions, attempts to enclose or cultivate commons, and the growth of urban and religious interests in the commons which result in reduced farm sizes. On a broader scale, these processes produce increased agricultural pressure on communal grazing lands. Pankhurst's study indicates that during the early EPRDF period the main internal conflict occurred between the old and new leadership. The demands of the landless younger generation and returnees from resettlement schemes were partly accommodated by additional land redistribution. Externally generated conflicts emerged between communities and market forces in the form of investors and urban interests, and heightened religious competition over resources.

In other parts of Africa, Catherine Boone's work (2014) provides excellent insights into property and political order in Africa which sheds light on the case of Ethiopia. Boone (2014: 230) documents how the civil strife that raged in Rwanda during 1990–1994 reached a climax in mid-1994 in the state-directed murder of approximately 800,000 citizens (about 15 percent of the total population) as the RPF swept toward and eventually overtook Kigali. Scholars interested in explaining the domestic context and stakes of this terrible implosion have pointed to land competition and land scarcity as critical background factors.

A substantial literature identifies the Rwandan genocide as a resource-related conflict, at least in part, and points to land scarcity, land inequality, and hunger in rural Rwanda as contextual factors that are critical in understanding the horrific violence that was unleashed in 1993 and 1994. What is particularly

insightful is what Boone describes as ‘land tenure institutions’ that gave central state authorities such power over much of the rural population and that were so effectively manipulated by the Rwandan political elite for partisan advantage. Boone further notes that similar land tenure institutions found elsewhere in Africa have also created potent opportunities for partisan manipulation.

The parallel of the Rwandan genocide brings the matter very close to home here in Ethiopia. Weak or even absent land institutions, contradictory and amateur administration of land disputes, and the discovery of lucrative land and real estate property markets for fast capital formation, primarily in urban areas but also expanding informally into rural Ethiopia, are indicators of danger-in-waiting for Ethiopia. One must refresh memories of what the Derg regime did in 1975, when customary and private land tenure systems were changed overnight with the stroke of a pen that made all land public property. The mix of private and traditional systems that existed in the imperial era was full of contradictions and problems, but contradictions also exist under public ownership. This returns us to a core argument of this discussion paper, which is to say that changing one type of land tenure to another is no guarantee of fairness or justice; nor does it provide the springboard for inclusive and sustained national development. What is at work in Ethiopia is that demographic and environmental stresses have heightened the tensions and stakes in conflicts over land allocation, while the closing of land frontiers for smallholder families means that there are few options to create viable agricultural livelihoods.

Boone (2014: 22-23) reminds us that in sub-Saharan Africa most farmland and pastureland are not held as private property by titled individual owners; they are not fully commodified or traded on open and competitive markets. Although there are some exceptions, in the vast majority of cases, land rights are politically contingent and not exclusive to one person. In most places, permanent or outright transfers of ownership via sale are not recognized by law, even though informal commercial transactions in land rights are common and becoming more and more prevalent. The vast majority of African smallholders do not have formal private property rights to the land they depend on for their livelihoods, well-being, and residence. Legal markers of individual ownership rights – i.e., surveyed, registered, and titled land parcels – are rare. For example, in Ghana today, and throughout the rest of sub-Saharan Africa, comprehensive



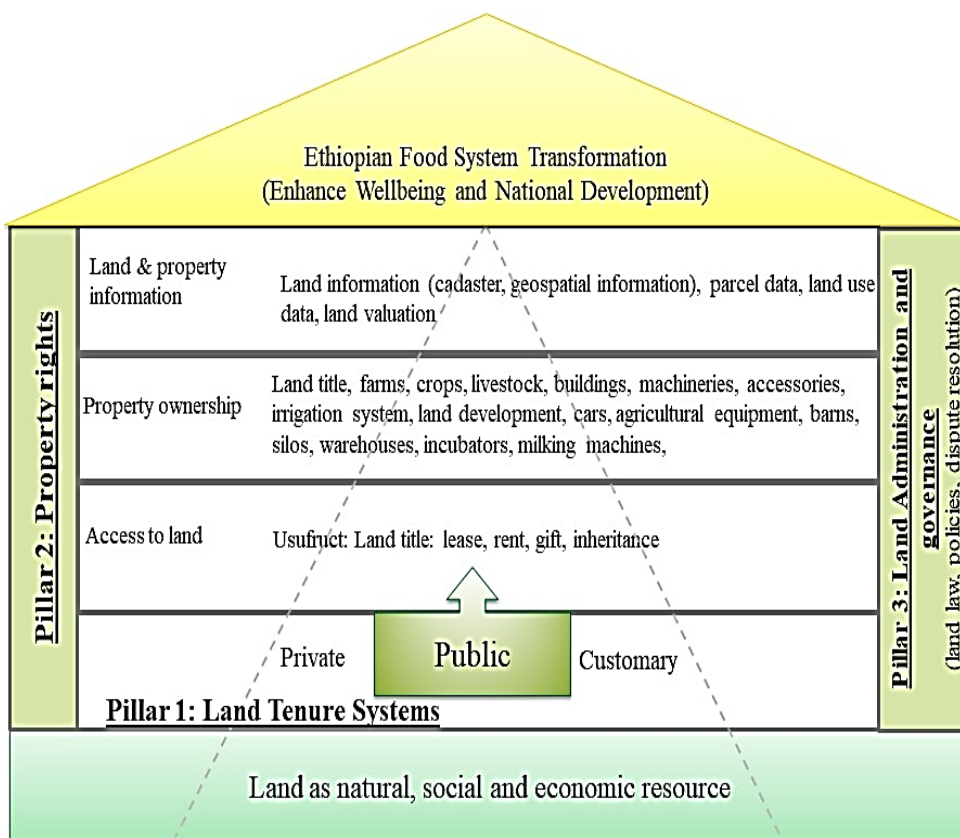
national landholding registries and cadastres do not exist, and the institutional preconditions for imposing land taxes on family or peasant-scale farms are not in place.

Boone (2014) concludes that: a) Africa's land regimes are far more varied and politicized than existing analysis has recognized; b) there is no conceptual or empirical mapping of the character and contours of land-related conflict, and scholars have lacked the analytic tools needed to extract its broader implications for our understanding of African politics; c) local political arenas are defined largely by property institutions (or rules) governing landholding and land access; d) these property institutions are visible in the political expression of land-related conflict and go far in structuring local patterns of social stratification and hierarchy, ethnic conflict, electoral mobilization, and representation in the national political arena; and e) demographic increase is sometimes a factor that contributes to violent and highly politicized conflict over land rights.

## 5. Urgency to Enact Property Rights and Land Governance

This discussion paper concludes by proposing an organizing framework for policy action (see Figure 2) that consists of *three priority pillars of land reform* as the center piece of Ethiopia’s food system transformation and national development for the 21<sup>st</sup> century. The three pillars are: (1) closing the sterile land tenure preference debate – i.e., private vs public ownership; (2) activating and enshrining property rights provisions for all Ethiopians; and, (3) putting in place an integrated land administration and governance system.

**Figure 2: An Organizing Framework: Pillars of Land Reform in Ethiopia**



Source: author

These three pillars are inseparable from Ethiopia's food system transformation. They are also interdependent, in that one pillar alone without the others will not help to fully realize the national aspiration of inclusive development and food system transformation. Managed well, these land reform priorities could be sources of capital formation and food system transformation that free millions of Ethiopians from poverty and food insecurity and put Ethiopia on the path of inclusive and sustainable national development. Managed poorly or inadequately, the land question will be a source of massive poverty and interminable conflict on the national political landscape.

The historical baggage of the 1974 revolution and resulting land reform, as well as contemporary political contestation, mean that successive polities have been fearful of considering land reform in coherent and commercially viable ways. As a result, land problems have accumulated over the decades and now surpass the limits of tolerance in terms of food insecurity, environmental degradation, and land scarcity. Land issues are also now shaping national political contestation and land-based conflict.

The question of '*who owns the land*' or '*who uses the land*' is in part philosophical (that land is a gift of nature), in part a question of property rights (the right of every citizen to own property is legally protected), and in part a question of development (land being one of the factors of production that constitutes the very foundation of social and economic development). Regardless of the perception of its ownership and use, or how long it is owned (indefinite for private or definite for public ownership), all land tenure regimes are governed by the same property rights and land administration principles.

So, what should Ethiopia do to enact these proposed land reform priorities? We will now expand on the three pillars (depicted in Figure 2) with distinct policy considerations grounded in the Ethiopian context.

### **Pillar I: Closing the land tenure debate**

The debate about the type of land tenure – private, public, or customary – is not particularly helpful in the Ethiopian setting. The 1995 constitution (Articles 40.3 and 40.4) settles land and natural resources as "*exclusively vested in the State and in the peoples of Ethiopia*". As discussed earlier, changing the constitution will be the work of this and future generations to introduce options

for freehold or public or combination of them. However, one thing is very clear: the land constraints faced by millions of Ethiopia's smallholder farmers must be resolved now with heightened degree of urgency. They cannot be postponed or delayed on the expectation of changing or amending the constitution, and reform must happen within existing constitutional provisions.

One must recognize that scholars, policymakers, and ordinary citizens have differing and competing preferences<sup>10</sup> about which type of land tenure system should be upheld. However, there is a conceptual misunderstanding that public land ownership is at odds with market operations; it is not. That is, one must separate 'who owns the land' from 'who uses the land', the latter being property rights. In the real world of operational policymaking, and with the full appreciation of Ethiopia's political context, any attempt to bring about tenure change is an unlikely candidate for consideration, at least for now. As we presented earlier, any proposed change in land tenure entails a constitutional amendment which would likely be contested, and unlikely settled in time to overcome the urgent food system transformation. The likelihood of it being put forward for referendum is remote, at least in the short and medium term. Given the urgency of fixing land problems, working with public ownership of land tenure is preferred to delaying reform altogether.

In the final analysis, Ethiopia's land tenure is constitutive of a political order. It: a) represents a major departure from the feudal tenure system; b) expresses justice and fairness (an equal opportunity of accessing land, at least in its initial conception); c) defines the relation between the landholder and the state; d) expresses relations among members of regional states of ethnic communities; and e) expresses relations between federal and regional states. In principle, and once property rights are clarified (see the discussion below), public ownership of

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<sup>10</sup> **Preference** is a set of assumptions that characterize rational preferences. The standard axioms are completeness (given any two options  $x$  and  $y$  then either  $x$  is at least as good as  $y$  or  $y$  is at least as good as  $x$ ), transitivity (if  $x$  is at least as good as  $y$  and  $y$  is at least as good as  $z$ , then  $x$  is at least as good as  $z$ ), and reflexivity ( $x$  is at least as good as  $x$ ). Preferences that satisfy these axioms can be represented by a set of indifference curves that do not cross. The belief of preference plays a key role in many disciplines, including moral philosophy and decision theory. The logical properties that preferences possess also have major effects on rational choice theory which has a carryover effect to all modern economic topics (see [Oxford Reference](#)).

land tenure is as equally viable a system as freehold tenure. Hence, the preference of land tenure must be separated from legally enforced private property rights. In pursuit of constitutional rights, all Ethiopians, including agricultural communities, must have legally enforceable land title, and the right to use this to protect the land and natural resources against political or elite claims.

## **Pillar II: Property rights provisions**

The 1995 constitution (Article 40.1) provides the foundation for property rights, in that: *“Every Ethiopian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise.”* It is for this very reason that the property rights approach is adopted to reform the present land constraints, especially those facing rural lands.

Property rights are key components of land reform. As Figure 2 illustrates, they consist of and define: a) the nature of land ownership (which in the Ethiopian case is public and to some extent communal land ownership); b) how land is accessed – usufruct rights expressed in lease agreement, rental, gift, mortgage, and inheritance; c) property ownership which characterizes land title, farms, crops, livestock, buildings, machineries, accessories, irrigation system, land development, silos, warehouses, cars, farm equipment (incubators, milking machine, milk processors), barns, etc.; and d) property information – land information (cadaster, GIS), parcel data, land use data, and land valuation. All these collectively constitute the property rights agenda, especially for the agricultural and rural population. A property rights approach redresses the imbalance in such rights between the rural and urban population.

For the urban land system, Ethiopia has already introduced lease-holding provisions through Proclamations 80/1993 and 272/2002. Proclamation 272/2002, *Re-Enactment of Urban Lands Lease Holding*, Article 4.1 provides that an urban land shall be permitted to be held by lease (a) in conformity with plan guidelines where such a plan exists, or, where it does not exist, in conformity with the law which the region or city government makes, as the case may be; (b) on auction or through negotiation; or (c) according to the decision of the region or

city government. Article 4.2 stipulates that a minimum price shall be determined for urban land to be permitted at auction, or through negotiation, while Article 5 states that a leasehold title deed shall be conferred on a person to whom an urban land is permitted. Thus, the Proclamation recognizes property rights provisions. These experiences must now be correspondingly administered in agricultural, pastoral, and rural lands.

To reiterate, the property rights pillar determines the constituent elements of private property rights, that is, ‘who has a right to enjoy benefit streams’ that emerge from the use of land and property on the land. The core of such property rights is the recognition of social agreements among people about how assets are held and used within the existing land tenure system. Such social conventions can then enter into a legally enforceable arrangement. Ethiopia must enshrine secure, credible, and market-based private property rights for all smallholder farmers and urban and peri-urban dwellers. A period of lease or other means of transfer should allow the option for renewal, and in the event of no interest by the lessee, the land should go into a land bank.

So, what would property rights provisions encompass? There are a number of components that the proposed reform must recognize:

- i) Land-title /lease-title as property right itself, that is, the ability to lease, transfer, rent, or inherit; lease title shall guarantee tenure security, the length of occupancy in terms of the time needed to recover the cost of investment.
- ii) Usufruct rights to use the bundle of resources, and to develop or improve them; to cultivate; to sublet; to realize financial benefits; and to access services in association with land. It may include ideas and designs (copyrights, patents, and intellectual materials), as well as rights over moveable property such as cars, cows, mobile homes, and wildlife.
- iii) Recognition of the boundaries of land parcels for which the rights are allocated.
- iv) Transfer of property from one party to another through sale, lease, loan, gift, or inheritance.
- v) Rights to use the land for grazing, growing crops, and gathering minor forestry products; the rights to make decisions, which may include how the land is used and what kind of crops to plant, including transfer rights which

- give the rights to sell or mortgage the land, convey the land to others, transmit the land to heirs, or reallocate use and control rights.
- vi) Property transfer must be voluntary and market-based. The law must ensure and protect smallholder farmers from forced eviction.
  - vii) Legal protection and the adjudication of doubts and disputes regarding rights and parcel boundaries.
  - viii) Special provisions for common property rights such as communal grazing, rangelands in pastoral and agro-pastoral areas, protected natural ecosystems, fragile environments, parks, and zones of special attention.
  - ix) Compensation packages for land leased in cases of public demand.
  - x) Integrated property / land use data and information including title deeds, location, and valuation system.

### **Pillar III: Land governance and administration**

Land administration and governance is another vital pillar of the proposed land reform without which property rights or the tenure system cannot be meaningfully upheld. Land governance and administration should uphold property rights and dispense such rights impersonally. It is common knowledge that when property rights are allocated via political hierarchies rather than through impersonal legal and market relationships, voters, citizens, and businesspeople lack economic and political autonomy; that is, those who control access to land and accompanying resources have a source of political leverage over citizens that can be deployed to pressure or threaten voters in subtle ways. It is for this reason that market relations within the property rights provisions must assign control over land, labor, and capital. Land governance and administration are crucial components of fairness and justice in the land reform administration.

At present, land in Ethiopia is administered through three sets of administrative arrangements: i) urban lands are administered by city administrations (Addis Ababa and Dire Dawa) and municipalities; ii) rural smallholder lands are administered by a directorate within the Ministry of Agriculture with limited human and technical resources at its disposal to manage the vast national resources; and iii) large investment land (more than 5,000 hectares) is administered by the Large Scale Agricultural Investment Sector led by a State Minister within the Ministry of Agriculture. Federal land administration

arrangements cascade down to regional and local levels with discrepancies in its reporting line as well as variable implementation capacity. The prevailing land administration system is thus fragmented and uncoordinated on multiple levels and scales, for example in terms of land use planning and urban expansion. It would be inconceivable not to design an organizational structure that delivers consistent governance of such a vast national asset. The current lack of coordination presents a formidable challenge to land use planning. Industrial parks are being built on prime agricultural lands, and urban areas are expanding into fertile agricultural land – just two examples of where coherent land administration is called for. Furthermore, rural and urban lands are governed by completely different sets of governance and property rights regimes. Establishing a unified and coordinated land administration and governance structure is the most immediate reform priority for Ethiopia.

As importantly, Ethiopia must commit to administer its major resource, the land, commensurate with the demands of our time, and determine autonomy of land governance and land administration organizations. Many countries have established dedicated land governance at cabinet level while others have created a land commission or authority. Taking two of Ethiopia's neighbors: Rwanda has a Land Management and Use Authority and Kenya has a Ministry of Lands and Physical Planning.<sup>11</sup> For example, the Kenyan Ministry of Lands and Physical Planning prioritizes the issuance of titles to landowners, decentralization of land management, digitization of records, and legal and administrative reforms in all its registries. The ministry was established with the mandate of *national lands policy and management, physical planning for land use, land transactions, survey and mapping, land adjudication, settlement matters, rural settlement planning, land registration, national spatial data infrastructure, land and property valuation services & land administration*. These functions are directly applicable to the Ethiopian context and could inform policy towards establishing cabinet-level land governance.

In conclusion, Ethiopia must take urgent action across the three pillars of land reform proposed above – coming terms with public land ownership, rolling property rights as stipulated in the constitution and managing land resources

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<sup>11</sup> See [About us - Ministry of Lands and Physical Planning](#)



coherently. Ethiopia must come to terms with recognizing land as the major national asset and spur to national development. It is as equally critical to recognize that land is no longer as abundant a resource as it once used to be. As we have shown, land is very scarce and it becoming a source of disputes and conflicts which require an independent and autonomous land administration organization. Given the importance of managing land resources, and the complexity thereof, a cabinet-level organization is recommended.

Functions of such a ministry may include coordination and managing federal and regional land policies and land use, establish standards and policies regarding property transactions, land mapping, land certification, registration, adjudication, spatial infrastructure, land and property valuation services, land information system, land use planning, and serve as land bank. In terms of land use planning shall be the central function of such an organization should facilitate and promote the efficient utilization, acquisition and preservation of land as a limited resources; harmonize decisions and activities of the public and the private sectors affecting the use, management and disposition of lands; reconcile land use conflicts between and among individuals and government agencies relating to present needs and anticipated demands for land; promote desirable and efficient patterns of land uses and prevent premature and wasteful development and minimize the cost of public facilities, services and infrastructure; and protect and preserve valuable agricultural areas consistent with the need to promote industrialization.

Another task of such a land governance organization will be to clarify how land revenue accrues across federal, regional, city administration, and local municipalities. Addressing and reconciling the land-related implications of vertical and horizontal population movement, whether rural to urban, urban to rural, or within rural areas.

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