

INDIGENOUS COMMON PROPERTY RESOURCE MANAGEMENT: CASES FROM WELLO AND NORTH SHEWA

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1. INTRODUCTION

This paper, which is in the main taken from my Ph.D. dissertation (see Yeraswork 1995), describes and analyzes the traditional management and recent adversities of common property resources in four localities of central Ethiopia: each in North Wollo, South Wollo, Manz and Tagulat.

The original work deals at length with the theoretical issue of property rights and attempts to offer an alternative conceptualization of property rights regimes with the ultimate aim of applying the property rights perspective to such issues as the ways in which different property rights regimes structure individual and group motivations and strategies in resource management, and also reinforce or undermine the emergence and maintenance of institutional arrangements which facilitate collective action, including the common management of resources. What is presented in the following section is only the summary of those parts of that discussion dealing with the implication of property rights and the institution of land tenure for the management of commons. This is then followed by a presentation of the findings and analysis concerning the cases themselves.

2. THE THEORETICAL AND CONCEPTUAL FRAMEWORK

2.1. The Commons' Problem in Land Management

Interest in the problem of the relationship between form of property and common resource management was ignited by Garrett Hardin's provocatively titled paper, *The Tragedy of the Commons* (Hardin 1968). Ever since the publication of this paper, economists, sociologists, social anthropologists, and environmentalists have debated its major thesis. Some have attempted to integrate it within their own analytical frameworks, and others have argued strongly against it.

Depending on the essential nature of the solution they put forward to the problem of common property resources, these writers fall into two general categories. On the one hand, Hardin and the Property Rights School writers see the failure to utilize common resources appropriately to be due to the inherent impossibility of groups to act in ways beneficial to group interest when this is contradicted by members' private interests (Hardin 1968; Coase 1937, 1960; Demsetz 1967; Johnson 1972). They, therefore, see the problem as one of lack of exclusive private property rights: rights that would transfer responsibility of managing resources to the individual user. The individual is seen as the only actor who, in the course of pursuing his self-interest, is potentially capable of marrying the demands of the present to those of the future and thereby making optimal use of the resources over which he has private property rights.

The second group of writers sees the failure in effectively managing common resources as due not to anything inherent in human groups—in that they are unable or unsuited to deal with competitiveness and lack of cooperation of their members—but to factors that have changed the eco-social context (Repetto and Holmes 1983; Gilles and Jamtgaard 1981; Acheson 1989:359; Stevenson 1991; Gradin 1987; Bromley 1991). They see collective action for the management of common resources, not only as something possible but, in some instances, even desirable. They reject the idea that the only route to salvation from the exploitative utilization of common resources by self-interested individuals lies in the progressive transfer of the costs and benefits of utilization to the individual through the creation of exclusive private property rights.

A third position is offered by writers such as Carlile Runge and Actor-System Dynamics theory. Runge's game-theoretic re-formulation of the commons' paradox rests on the idea that the competitive over-exploitation of the commons is due to actors' uncertainty regarding each others intentions and actions (Runge 1981). He believes this problem can be effectively handled by internally generating the assurance that all will abide by the rules through the group's own institutional mechanisms. Runge's view, which asserts that collective action is possible when the problems of free-riding and lack of trust are resolved through the advent of enforceable rules or institutions, is not far from that of Actor-System Dynamics theory (Burns 1974, 1979; Burns *et al.*, 1985). For ASD, problems of collective action are capable of being handled by social control processes, since social action is embedded in the social institution forming its context. Thus, Runge and ASD, notwithstanding certain dissimilarities in their approaches, both start out from a critique of the 'atomization' of the individual as a decision-making unit and come more or less to the same conclusion which makes institutions pivotal to the resolution of collective action problems.

The criticisms directed against the assumptions and central arguments of the PRS writers—such as their denial of the possibility of collective action, their single-track solution of externally enforced regulations, and their advocacy of the creation of

exclusive private resource ownership to overcome the problems of resource management—appear to be appropriate. However, this is not to say that their entire argument is without merit.

The PRS writers and their associates have also drawn attention to a number of important issues that are hard to overlook. Firstly, they have noted the important point about the links between property institutions and resource management—variabilities in cost benefit distribution, incentive structures, wealth maximization, optimal utilization, and so on. They do over-extend the argument and also lead it into narrow conclusions; yet their efforts have succeeded in pointing out the basic, if general, links.¹

Secondly, thanks to their zealous argumentation in favour of clearly defined exclusive private ownership of resources, they have brought to light a major weakness of common property resource that is critical in the modern world: namely, the vagueness of the rule systems surrounding what is regarded as common property resources. In more explicit terms, this refers to (1) the dubious legal status of the group's collective claim on the resource. More often than not, common property rights are based on traditionally established praxis, customary law, etc., which are not always sanctioned by the legal apparatus of the modern state, and (2) because the internal regulatory rule system is highly dependent on the social context, it is, therefore, vulnerable to negative external impact and internal crisis situations.

So long as common property resources survive under conditions that undermine customary tenure rights and delegitimize local level authority they will continue to be plagued by problems arising from unpredictability and uncertainty regarding the future. Such a situation reduces the likelihood of effective individual and collective action for sustainable resource management.

PRS writers have exclusively focused on how the above situation impedes wealth maximization at the societal level, or how it sets users of common property resource against each other in a vicious competitive over-exploitation of the resource. By doing so, they have comfortably overlooked the important fact that these same weaknesses in the rules system of common property have been exploited and reinforced by the actions and omissions of vested private interests as well as those of the state. Holders of common property rights are plagued by uncertainties due to of the intentions and actions of these two forces. It is precisely because of this overall doubtful 'condition of existence' that users of common property resources have become disabled as collectively acting groups.

2.2. Land Tenure and its Significance for Natural Resource Management

Land tenure is a general concept referring to the body of rules governing the terms and conditions under which land—including its resources—is held, used, and disposed of.² Land tenure can be viewed as a rule regime structuring and regulating access to—and exclusion from—land. In this work, the term 'land tenure' is used as a generic term subsuming customary/indigenous land tenure, ownership rights or property rights to land, and state ownership of land.

The actual constructs that we come across in the real world are known as 'tenurial systems' and are usually composed of more than one type of ownership regime and its derivatives (Bruce 1986:8). The various tenure types operating in different agrarian societies and localities that have been shaped by their specific eco-social environment, and the various uses to which they have been put, constitute separate tenurial systems.

Land tenure is a socially sanctioned rule system, or a *rule-regime*. The rules are enforced by the community/society or its proxy. "A right" as Bromley maintains, "is the capacity to call upon the collective to stand behind one's claim to a benefit stream" (Bromley 1991:15). In the majority of cases, though not always, the state is called on to defend claims that have been trespassed.

As an institution, land tenure not only governs access to and control over land and land-based resources and the flow of the benefits thereof, but it is a source of expectations, a basis for actors to simulate and predict one another's behavior in the sphere of activity to which the regime applies (Burns *et al.*, 1985:274). Thus the fundamental nature of the role it plays in society can hardly be overstated.

The package of rights that a land tenure system vests on different individuals and categories of persons governs their relationships with each other in relation to the object in question. Property is a social relation that defines the property holder—and indirectly, those that are excluded as well—with respect to something of value, and not a physical object or a thing (Bromley 1991:2).

In specifying access and utilization, tenure rights define the boundaries of the decision-making rights of the different land-users/managers. This is particularly important in situations where the management of the same piece of land is shared by two or more categories of persons, such as households, communities and a government regulatory agency. Here, tenure as a rule-regime specifies who has the right to decide on what. It "guides and regulates social action and interaction of the actors governed by the regime in the sphere to which it applies. Among other things, it specifies who does what, when, how and where" (Burns *et al.*, 1985:274).

When a tenurial system fails to indicate who does what, when, how, and where, ambiguous situations arise paving the way for conflict. In some cases such ambiguity exists within bounds and can be a basis of the system's flexibility and not a matter of system failure. Tenurial ambiguity can be exploited by actors endowed with other resources, such as political power; they can use the situation to their advantage and increase the level of their control over the land or the amount of land they control.³

Moreover, when a government or its surrogate is involved as one of the competing parties for the control of land, tenurial ambiguity can serve as the basis for the kind of marginalization of the peasantry that Blaikie describes:

This means in the peasant context, the loss of independently controlled land, livestock, implements and direction of its own labor by the peasant household itself, and the enforcement of some sort of wage labor for others who own or control the means of production (Blaikie 1985:125).

In most societies, the transfer of tenure rights to land and land-based natural resources from members of one generation to the next is effected in such a smooth and orderly manner as to be almost imperceptible. Thanks to the tenurial regime, each successive generation is endowed with land and natural resources on which to establish its livelihood, without any need for tumultuous rearrangements to take place at the community or societal level.

Furthermore, some tenurial systems provide for the transfer of rights to land from one user to another, even among individuals that are not related by ties of kinship. They fulfil the crucial function of 'assigning land to people and people to land' through conventions such as gift, lease, share-cropping, mortgage, or outright sale.

One basic function of institutions is that they "reduce uncertainty by providing a structure to everyday life" (North 1990:3). But in order to fulfil this task, they themselves have to be stable over time. In the case of a tenurial system too, the temporal factor is crucial to its ability to reduce the unpredictability of future developments and peoples' uncertainty thereof. Some writers have pointed out that even indigenous tenurial systems are "commonly in the process of adjusting to changing demands of their society and environment" (Bruce 1986:12). However, as flexible and dynamic as it may be, as in the case of all other social institutions, a tenurial system must exhibit a certain level of stability and durability, if it is at all to serve as a basis of shared cognition and make the future state of things sufficiently predictable and dependable for the members of the society. It must be able to at least minimize tenure disturbances that may send dangerous signals regarding the security of tenure rights. Farmers must have a rough idea of what the future will bring if they are to be entrusted with the kind of confidence necessary to take into account the future well-being of the land in their current management.

The stability of a tenurial system contributes to the emergence of secure and predictable rights of holding, which is a necessary, but definitely not a sufficient, condition for land-users to be motivated to invest in the improvement of the land in the expectation that they themselves will stand to reap the long-term benefits (Bruce 1986:28). Other things being equal, a stable tenure permits land-users to couple efficiently the claims of the present to those of the future. Those that best manage their current crop production without endangering the land's capacity in terms of future production are doubly rewarded. But those who are unwilling or fail to do so are effectively punished as returns from their land will keep on diminishing. What goes on around the land sooner or later comes down to the user of the particular piece of land. Yet, this is so only if the tenurial system is stable enough to allow users, or others to whom they willfully transfer land, to expect to be using the same land for a number of decades or more.

The contribution of a suitable type of land tenure for the long-term improvement of the land is considered to be so vital by Blaikie and Brookfield, that it, itself, is considered as a kind of 'capital'. They write that, "the institutional costs of the reorganization of land tenure to make the installation of the three-field system possible in ancient Europe constituted 'capital' which endured for centuries" (Blaikie and Brookfield 1987:9).

Another function of land tenure lies in preempting potential discord and conflict between different tiers of land-users/managers by specifying the rights and duties of those in each of the levels. The occurrence of conflicting claims to the same land by private, communal and governmental interests and agents are minimized or provided with a working formula for co-utilization and/or co-management.

Ambiguous and insecure land tenure conditions constrain the adoption of conservation practices by farmers. This holds equally true for their private action on their individually held allotments as well as collectively on the commonage. Such appears to be the case, even when the technical system of the conservation innovation is basically sound, and even when farmers have been offered material incentives for the labor they expend on such activities. Whether or not a particular conservation measure can be fitted into the existing agricultural/pastoral system of land-users and become part of their normal productive activity on a sustainable basis greatly hinges on the capacity of the tenurial system to impart to land-users the ability to plan and act with the intention of improving or conserving the quality of the land.

Land tenure is also critical for the emergence of viable local-level collective land management structures. According to Olson (1965:15), collective action is not possible unless a group is provided with a *private good* and all its members are guaranteed such benefits from the collective action. When the case is one of externally-induced schemes in which, for instance, government is involved, land tenure is also critical for the participation of land-users in the decision-making processes of natural resource management. A land tenure system, which clearly defines enforceable rights, empowers

land-users. By spelling out what is legally and rightfully theirs to use, to benefit from, and to dispose of without hindrance by others, it positively influences the weight of their participation in crucial land management decisions. Unambiguous and secure tenure is the only sure way by which farmers and their local level institutions can achieve legal standing and protection *vis-à-vis* land and natural resources. Hence, in that sense it is a prerequisite for the emergence of an authentic and sustainable participatory setup. In the absence of such a legal shelter—to protect farmers from an all-powerful government, in particular—local people will not be guaranteed either with continued involvement in the making of decisions that matter or with access to future benefits.

Under normal circumstances, land is managed principally by none other than the land-users themselves—a household that cultivates its field, a community exploiting its commonage, a company running a large-scale undertaking, a state forest project—although regulatory government agencies are also involved in some cases. In order for land-users to go about their task of managing the land effectively, and in order for them to invest in sustainable agriculture and resource management practices and measures, land-users, whoever they may be, must enjoy unambiguous, secure, and enforceable rights to their individually held farmlands and trees, as well as to collectively managed land, natural resources and assets. They own the land to the extent they can do whatever they choose with it—in some cases within the limits of regulatory laws such as those governing land-use—and their ownership holds so far as it is accorded protection by a legal environment capable of enforcement.

A clear and stable tenure (and the system of underlying rules) is a necessary condition for actors to predict one another's actions and to be able to trust one another. Under some conditions it provides the framework under which land-users can cooperate in the use of common property, as it defines the constituency of the users together with their rights. Yet in order for such users to voluntarily abide by the rules governing the utilization of the common property resource, they must, first and foremost, have the confidence that each of them shall not be excluded from sharing in the benefits that are likely to mature sometime in the future, thanks to their current sacrifices. Equally, they must be assured that nobody else but members shall benefit from their sacrifices.

2.3. Land Management and State Ownership of Land through Nationalization

Even those writers who pay attention to insecurity of tenure, have the status of tenants or customary land rights in mind. Hence, the general literature is more or less silent concerning insecurity of tenure resulting from distributive land reform carried out within the framework of nationalization.⁴ The apparent bias in theorizing is understandable considering the prominence of the problem of access to land rather than insecurity of holding in most less-developed countries. The point that I want to make is that a theoretical lacuna which is as yet to be addressed exists in this area.

The limited theoretical advance in this area cannot be explained away by an assumed rare occurrence of nationalization of land, as such is not the case. In fact, nationalization of land has been the order of the day in post-colonial Africa. A total of some 21 countries have declared land state property upon gaining their independence. Seven of these have nationalized land with the aim of collectivizing agricultural production. In two countries, Lesotho and Swaziland, nationalization of land was only an act of endorsement of indigenous tenure, replacing traditional tribal prerogatives with that of the state. But in another 12 countries land nationalization has had a mixed outcome: in some cases freehold has been tolerated, in some the state granted leasehold rights to users, but in most of these countries state ownership has been activated only selectively as when the implementation of state projects required it. Yet, as Bruce admits:

...indigenous tenure systems governing use rights on a State land ownership base, is probably the most common tenure situation in Africa. It extends to pasture even more than farmland, and can create serious range management problems. The interplay between State ownership and use rights has, however, rarely been seriously studied (Bruce 1986:70-72).

2.4. Towards a Conceptualization of Major Types of Property Rights Regimes

One extreme case of what I have referred to as pure public ownership of land (See Yeraswork 1995:25-35) is provided by *state ownership of all land through nationalization*.⁵ Here, the state secures for itself ultimate control rights, at the same time as none of the members of society are legally excluded from using the land. In the same way that members of a social group obtain rights to land through their group membership under customary form of ownership, here also, all individual members of society are endowed, at least in theory, with similar rights to land thanks to their membership of that society. By not excluding anyone, this form of ownership vests a theoretical right of access to land on every single member of the society. Hence, it contradicts and nullifies both private ownership and customary tenure. It is not supplementary to these forms, but an anathema to them—assuming it is enforced and is not a simple declaration of intent.

Pure public ownership of all land through nationalization means that ownership and control over the use of the land is legally vested in the state and the state alone. Therefore, this variant of pure public ownership negates and de-legitimizes all other forms of ownership of land. It does not recognize and cannot accommodate other types of ownership regimes—even within certain given bounds—the inviolability of either fully specified, exclusive, transferable and enforceable rights of a private owner, or the inalienable, usufructuary rights of group members based on custom and tradition. It is only through the consent of the state that users who may well be

individuals, groups, institutions or state agencies are able to obtain access to the use of parcels of land on a usufructuary basis, whose duration is itself subject to the whims of state authorities or their surrogates. The ambiguity, uncertainty and insecurity generated by this type of ownership regime when made the basis of small-scale subsistence farming is one theme that is pursued at a great length in the original work from which this piece is taken (see Yeraswork 1995).

3. INDIGENOUS MANAGEMENT SYSTEMS OF COMMON PROPERTY RESOURCES: CASES FROM WOLLO AND NORTH SHOA

Five of the eleven PAs covered by the study informing the paper were found to have experience with indigenous management of common property natural resources. Wuraf, in Yaju, had preserved a natural forest. Qalam, in Dessie-Zuria, shared in the utilization of the Qalam common pasture.⁶ Yadi in Manz, and Laimush and Andit-Tid in Tagulat bordered on two alpine-like *guassa* areas.

3.1. Attributes of the Common Goods

Obviously, it is primarily due to their peculiar physical attributes that Qalam Meda, and the *guassa* areas in Tagulat and Manz, had not been brought under crop cultivation despite the general craving for land. Qalam Meda, just like its bigger and more famous twin Boru Meda,⁷ was a long and wide valley bottom into which rain water from the surrounding area drained before going into the stream that meandered through it. This obviously made it highly susceptible to water-logging, keeping it out of crop production.

The *guassa* lands in Tagulat and Manz were uplands with an altitude well above 3500 meters and the tree-line. Their flora and fauna was reminiscent of those of the highest mountain tops in the country: the red-fox was native to them, and the bush-like *asta*, *tossign* and *guassa* grass were the main components of their afro-alpine vegetation. Neither trees nor crops could grow inside the actual *guassa* area, and there were no human settlements there either.

The Wuraf forest was situated on a steep hillside that was not well suited for crop production, and at earlier times when there was no pronounced land shortage it could not have been attractive for cultivation by anyone. Besides, its usefulness to the community guaranteed its protection. Informants said that their forefathers and their fathers had to protect the forest as they had nowhere to go to obtain wood suitable for the manufacturing of farm implements such as yokes, plows, and the like.

Likewise, both Qalam Meda and the two *guassa* areas in Manz and Tagulat played important roles in the economic strategies of the members of the communities living nearby. They served as pasture or sources of cut-and-carry fodder, thatching material, shrub for fuel, and cash income. It is not surprising therefore that the communities had a vested interest in safeguarding these sources of valued goods, a fact made crystal clear by the following testimony of a 65-year-old informant:

The *guassa* used to provide us with *guassa* grass for thatching our houses, and as we do not have corrugated iron sheets for roofing, our *guassa* was corrugated iron, to us. Can one do without shelter? We also used to sell the *guassa* grass either as it was or braided it into ropes. With the earnings, we bought clothing.

3.2. Rules of Protection and Utilization in the Management of Common Property Resources

The central body of rules governing the traditional management of these resources was about exclusion. Non-members of the group defined territorially as in Wuraf, Qalam, Laimush and Andit-tid, or through lineage as in Manz, were excluded to one extent or another from using common resources.

In Wuraf, access to dead-wood and minor forest products such as twigs and leaves, as well as cutting down a live tree with the consent of the church were limited to the inhabitants of a geographically defined area that coincided with the territory falling within the jurisdiction of 3 parishes.

According to the community leaders of Wuraf and a 75-year-old informant, even those residents of the area with full and equal rights to common property resources were permitted to take out only dead wood, branches and twigs. If and when anyone amongst them wanted to cut one or two live trees for a specific and important purpose such as the construction of farm implements, he could do so only after obtaining the consent of the church by augmenting his request with a gift such as a measure of wheat to be used in the preparation of the Holy Communion, or the like.

In Qalam, the rules of exclusion were operative only during a certain season of the year. Firstly, outsiders were excluded from grazing their animals during the rainy seasons—i.e., the months of July to October^a—whereas everybody, including passing caravan traders, was allowed to graze animals during the dry season.

Secondly, when at the end of the rainy season the grass was harvested for hay, only those on *zamatch* and *gabbar* lands were allowed to participate. Farmers on the so-called *galla* land—i.e. cultivators having only non-hereditary usufructuary right to land—were excluded. They could bring in their animals only after the other two groups of

farmers had cleared away the hay. On the other hand, there was no restriction on the number of animals that a household was permitted to bring into the common grazing area once it was opened at the end of the rainy season.

According to a 78-year-old farmer from Qalam, the exclusion rule had a dual purpose. Firstly, it prevented outsiders from establishing residual rights. Secondly, it gave the pasture a gestation time to ensure that it produced a sufficient amount of grass to see the community through the long dry spells.

The rules of exclusion governing access to the use of *guassa* land in Manz were an aspect of the *rist* system that conferred usufructuary rights on all the living members of a group tracing their lineage to a certain pioneer-father. Thus, the *guassa* touching on Yadi was used by the descendants of Asbo and Gera, the two pioneer-fathers of the two major *ristegna* groups,—which included practically all of the inhabitants of Gera-Midir *warada*. Only those persons who by virtue of having established their lineage to these two pioneer-fathers were recognized as full members of either of the two *ristegna* groups and were therefore permitted to partake in the use of the common *guassa* on an equal footing with other group members. Obviously, all persons who did not belong to the two *ristegna* groups of Asbo and Gera were excluded from using this particular common property resource.

Informants from Manz report that in addition to the exclusion of outsiders, the *guassa* was periodically closed to animals and humans for two to four years at a stretch. The tradition was to close it, i.e., declare it off-limits to users, from a fixed date of the year onwards. The date that was almost always used to mark the closure of the *guassa* was the 5th day of the month of *Hamle*, which figures prominently in the religious calendar as it is the day of the double feast of St *Abbo*, and Saints Peter and Paul. This clear and simple marking of the closure date was important as it allowed people to be cognizant of it and thus refrain from breaking the rules unintentionally.

During the period of respite the vegetation, mainly *guassa* grass and the bush like *asta* would grow to between one meter and "the height of a man," according to informants. Then when the land was opened (*yelaqqaqal*), people would first harvest the *guassa* grass and afterwards bring in their animals. This situation lasted until the agrarian reform in 1975.

As in Manz, the management of the *guassa* in Tagulat was an aspect of the tenurial system operating there. To the degree that the tenure systems in the two neighboring *awrajas* differed from each other, so also did the legal status and the management of their respective *guassa*.

The traditional land tenure in Tagulat was not one of *rist*, in the strict sense of the term. Hereditary usufructuary right to land here was not exercised by a large lineage

group claiming common descent from a certain pioneer father, but rather by a small group of people who were members of what can be referred to as an extended family. Whereas the tenurial system in Manz was anchored in the institution of the headman in Manz, in Shoa, it was the division of the land into units of *gasha* and the payment of dues or land tax on the basis of that unit (*ya-maret geber*) which was crucial in determining access to land as well as in adjudicating conflicting claims.⁹

Likewise, the traditional management of the Tagulat *guassa* displayed special aspects that were due to differences in the tenurial system. Tagulat was a crown estate under the title of *wara-ganu*, which means the surplus from the area was used to cater for the court's provision of meat and animal products. Hence, all *guassa* in Tagulat was set aside from the land that had been parcelled out among farmers in units of *gasha*, being retained as a crown demesne or *hudad*, with the *proviso* that the communities of farmers living around the *guassa* were permitted to share in its utilization. In this way, informants maintain, the *guassa* would be first harvested for the benefit of the royal stables situated at a nearby site—with the corvee labor of the farmers living in the area—and then the same farmers were allowed to harvest the remainder *guassa* grass for their own benefit.

The practice described above remained in force until the Italian occupation. But right after that, during the immediate post-war years, it underwent modifications when the *gasha* lands were transferred from hereditary usufructuary hold to exclusive private ownership or freehold. When the rest of the land was 'assessed' for the purpose of introducing monetary land tax (*maret magamat* had also come to serve as a euphemism for the process by which land was effectively privatized), the *guassa* land was retained as state land, with a novel system of lease which came to be known as a "contract". This system allowed the farmers to continue to exercise their ancient collective exploitation of the 'common' resource. An individual either chosen by the people or acting on his own, petitioned the *warada* administration for a leasehold on the *guassa*, subject to a yearly renewal, in exchange for a payment of a certain amount of money. The person who obtained the lease agreement then proceeded to collect payment from each of the traditional users of the *guassa*, who thus went on collectively to exploit the resource as they did before. The individual would make the enterprise worth his while by pocketing a small difference.

The description of the management of *guassa* in Tagulat presented above makes very clear the close ties that existed between the management of land-based common resources, on the one hand, and land tenure systems and the state apparatus, on the other. Even in its dynamic state, when it was undergoing a metamorphosis, the tenurial system tugged along the management of the common resource in the same direction of change. Even if the management and ownership of the common resource *guassa* did not undergo a change identical to the one that took place in the ownership of arable land under individual hold, it had to still make certain adjustments that were

necessitated by the overall shift in the ownership regime governing the surrounding lands, the gradual dominance of monetary relations, and the introduction of new legal devices such as the leasing of government land through 'contract'

3.3. Enforcement of Rules in the Management of Common Property Resources

It has been shown that the common property resources of the study areas were managed with the help of simple rules by which outsiders were excluded and members' use was regulated. These rules were then enforced by the members of the community, acting individually and in groups. It was also learned that, in varying degrees, all of the common property resources were re-enforced with the prestige, power and authority of other local level institutions.

The local population in Wuraf watched over the forest and reported anyone who did not abide by the rules of protection/utilization. In the face of an external threat, the population rallied in defense of the common forest in solidarity with their parish church—a symbol of their community. The following is how a 75-year-old informant from the area described one such incident that took place in his lifetime:

Long ago, during the time of Berhane Maskal someone called Melashu Makonen, who had been appointed [to the governorship] claimed to have been given the area [as *gult* or *madaria*] including Wuraf. When he tried to take over the forest, the people came out in protest and saved it by arguing that the forest belonged to our *tabot*, that it had been delineated with the cross [being taken around the boundary], and that the *tabal* has sprung out below it ...

When and if anyone was caught having cut a live tree without permission from the church then the *chiqa* (i.e., the local esquire or local justice/administrator) would confiscate his axe and ropes and hand them over to the church.

All of the individual informants and those participating in the focus-group interview with Wuraf community leaders pointed out the special relationship between the forest and the church as having been the crucial factor in sanctioning the rules of protection. The boundaries of the natural forest had been delineated by a procession of priests carrying the cross and it was thus given the status of consecrated land and put under the protective patronage of the church. This was facilitated by the fact that there are three churches and holy springs on, around and inside the forest. According to a 75-year-old informant, "had it not been for the *tabot*¹⁰ and the *tabal*,¹¹ farmers would have put it under the plow by now, as people are short of land and the soil is poor."

Hence, here, the rules of protection and utilization and their enforcement operated and survived by leaning on another more hallowed institution, the church. In a way, the forest had become a kind of semi-sacred entity, through what Durkheim has called "the extraordinary contagiousness of sacred character."¹²

Qalam, maintained the 78-year-old informant, the rules of exclusion and protection/utilization were enforced by the people of the surrounding area who had full right of access to the common grazing land. The people, as organized in their respective *gott*,¹³ would order transgressors to take away their animals elsewhere until the appropriate months.

Another informant from the same PA, a 72-year-old sheik, added that anyone violating the rules of exclusion would be taken to the local esquire by those who kept to the rules. The same informant described how those farmers cultivating *zamatch* and *gabbar* land obtained their share of hay. At the end of the rainy season, the farmers themselves divided up the meadow into lots that were assigned on a temporary basis to each of the households from which to harvest their respective share of hay. The households then proceeded to clear and collect the grass from their respective "hay-plots".

As for the *guassa* in Manz, if anyone from Mama-medir was found harvesting it, the people of Gera who found him would confiscate everything he had with him—donkey, ropes and all. The 65-year-old informant from Yadi described in detail how the people of Gera also appointed an officer called *abba-qera* whose job was to enforce the protection of the *guassa* during its closure. In case someone refused to mend his ways and continued to bring his herd into the *guassa*, the *abba-qera* would rally the people and take the extreme measure of slaughtering one of the impounded oxen belonging to the obstinate transgressor. Because this was a rule that the people proclaimed and enforced, they approved of the harsh punishment that was meted out.

The second informant from Yadi, a 71-year-old priest, remembered the important role played by the local esquire (*chiqa*, or *chiqa-shum*) in enforcing the rules of exclusion and utilization. If and when he was found wanting, people took their appeal to higher authorities—if need be, up to the king.

Concerning the enforcement of rules of protection of the *guassa* in Tagulat, in the old days prior to the Italian occupation, the *guassa* land was overseen by a keeper appointed by the state. This appointed keeper was at once the officer of the law, the justice of the courts and the administrator. He saw to it that the people of the area worked on harvesting the *guassa* when ordered to do so as part of their service payment or corvee labor, and that following this they harvested *guassa* for their own benefits as was the custom, and that they refrained from transgressions during those periods that it was declared off-limits. Animals caught straying into the *guassa* during

that period were treated in the same way as animals straying into neighboring farms. They were subject to the institution of *afelama* by which such animals were kept impounded by the justice until their owner could compensate the owner of the farm with an amount decided by the justice of the law.

To sum up, rules of protection and utilization as well as their enforcement were essential aspects of the traditional management of common natural resources in existence in four of the eleven PAs covered by the study. These rules were in every case tied up with the traditional tenurial system—of which they are in fact aspects—and also to the "feudal" administrative apparatus.¹⁴ These commons were not outside of the overall socio-economic and political system, but rather, an integral part of it. The management of these common property resources was part and parcel of the wider tenurial and administrative system.

4. THE TRAGEDY

What happens when the rules by which common property resource was traditionally managed suddenly collapse under pressure from modernizing forces is exemplified by the case of the *guassa* in Manz. Since it is an extreme case, the reasons behind its demise and the subsequent sufferings brought on the population are easy to discern. The 65-year-old informant from Yadi had this to say on the subject:

Now let me tell you about the current situation. After taking over, the *Derg* said that there is no difference between people and opened the *guassa* to everybody. People of *Gidim* started coming and using it, and here it is now—its foundation (*sire-nagaru*) has been destroyed. Now we have nothing to sell and no earnings. The *guassa* is no longer protected. It is left open at all times. The *guassa* grass is uprooted, destroyed. The *guassa* grass that has survived throughout the times is now destroyed. We have lost. Ethiopia has lost. This is what has happened, if you care to listen.

On the basis of information obtained from the second informant from Yadi, it is apparent that the root cause of the matter goes even deeper than this. The proclamation providing for the agrarian reform in 1975 and its implementation in subsequent years (replacing the old lineage-group hereditary usufructuary right of *rist* with the territorially-based temporary usufructuary right of the PA and its members) could not have destroyed the management of the common *guassa* on its own. This assertion is supported by a piece of evidence supplied by the informants: namely, the *guassa* had been closed twice after the agrarian reform of 1975, and the practice of closing it was terminated only after 1982, the year it was opened for good. It becomes necessary, therefore, to search for additional explanations, and one is supplied by the second informant from Yadi. He spoke of the destruction of the common *guassa* in the following terms:

Now there is no one to protect it, and it remained open to grazing. So the *guassa* grass is uprooted and gone. People have lost their income... they find themselves in a dire situation. Everybody drove their animals [i.e., sheep to graze on the *tossign*] into the *guassa* because they are short of grazing land. With the recent re-division of land people don't know where to take their animals. Then, when some of us brought up the need to get the *guassa* protected so that the *guassa* grass may not be uprooted, that it may grow and provide us with thatching material, some other members of the PA labeled us saboteurs.

Each of the three paragraphs quoted above suggests a separate cause for the destruction of the common *guassa*: Firstly, the institutional failure to protect and manage it; secondly, the reduction in the size of individual holdings which led to overgrazing of the common resource; and thirdly, the impossibility to do anything about it in the face of stiff resistance by other members of the community with a vested interest in keeping the *guassa* open.

Nothing much could be done to salvage the common property resource given the rate of population growth. This, in conjunction with a lack of expansion of non-agricultural employment, led to the progressive reduction of the size of individual holdings, which in its turn, proportionately increased the pressure on the common grazing areas.

The destruction of this common resource probably could not have been avoided. The implementation of the seemingly available alternative scenarios—such as the one in which farmers would start de-stocking their herds, replacing their larger herds with, say, fewer cross-breeds—were highly unlikely, to say the least. This was because farmers had too few animals already; they had no resources with which to secure better breeds; and, they could not afford the fodder requirement of the cross-breeds. They could not de-stock to a level below their existing one because their animal holding included oxen which were essential for traction, and a few sheep whose sale was the only source of their meagre cash supply for contingency purposes. So retaining these animals was imperative—despite its negative implication for the common resource.

In another case, the Wuraf natural forest was effectively managed by the community under the protective wing of the church, until MoAEPD took over. The group of Wuraf community leaders explained what took place as follows. In the wake of the 1975 Agrarian Reform, the MoAEPD took over the natural forest and assumed responsibility for its protection by posting its FFW-paid guards there. But, once it gained a foothold in the natural forest, the MoAEPD set out to augment the forest area by expanding outward into croplands, which it then put under new plantation. Thus, the MoAEPD expanded the 80-hectare natural forest by an additional 160 hectares, i.e., an increase of 200 per cent. That was at the expense of farmlands and the grazing

area. The community was allowed to continue its traditional practice of using dead wood and twigs from the natural forest section of the now enlarged forest, but only cut-and-carry grass from the other section that was newly planted. Yet, in the eyes of the community, the plantation that caused the loss of their farmlands and grazing area had also engulfed their forest so that a single homogenous forest under the control of MoAEPD could be formed. This was followed, as noted in section 4, by the deforestation of around a quarter of the natural forest, when hillside plantations almost everywhere were subjected to the axe in conjunction with the change in government.

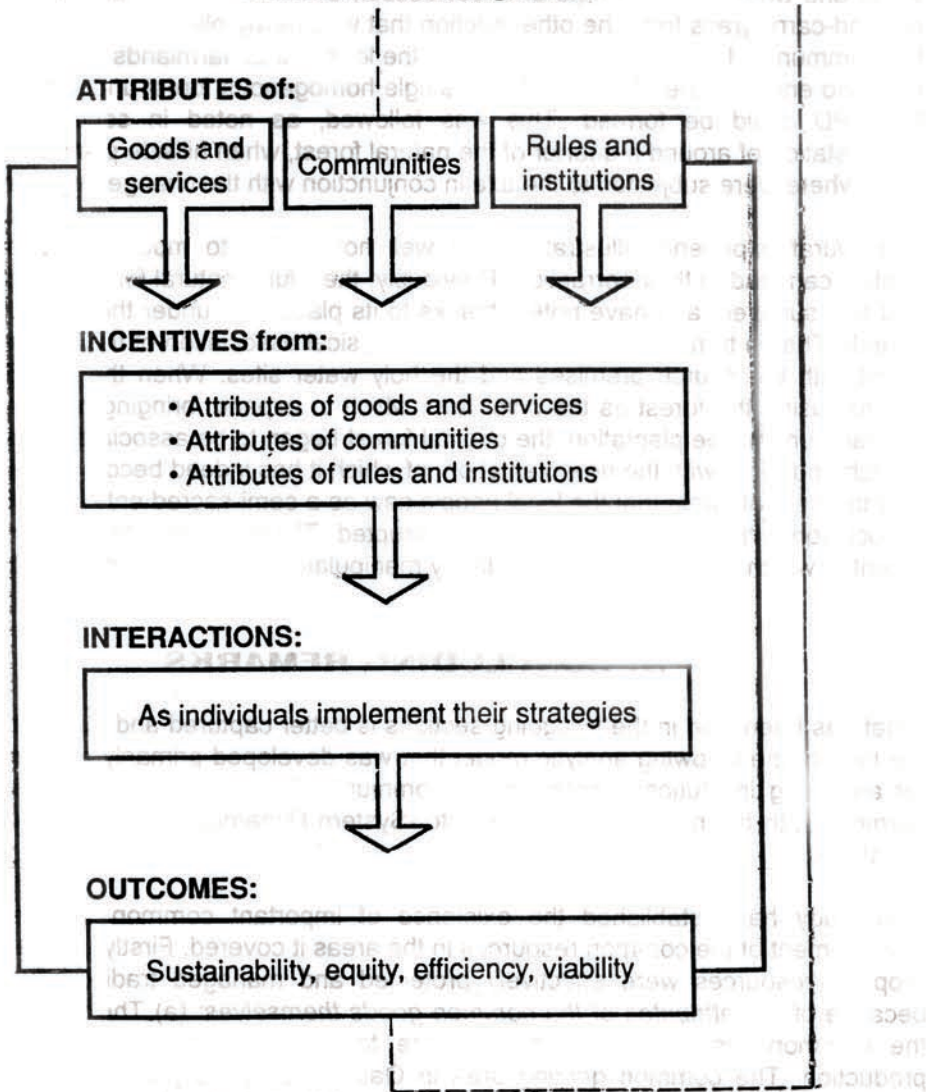
The Wuraf experience illustrates very well how trying to modernize semi-sacred entities can lead to their corruption. Previously, the Wuraf natural forest was protected and had survived, as I have noted, thanks to its placement under the auspices of the church. That in turn had stemmed from the physical association of the original natural forest with the church premises and the holy water sites. When the MoAEPD took control, using the forest as the point from which to expand, bringing more and more cropland under tree plantation, the original forest began to be associated less with the church and more with the new plantation, of which it has indeed become a part. In this way the natural forest that the local people saw as a semi-sacred entity by virtue of its association with the churches became corrupted. There appears to be a limit to the extent to which such entities can be freely manipulated by modernizing agents.

5. CONCLUDING REMARKS

What has been said in the foregoing sections is better captured and summarized with the help of the following analytic model that was developed primarily as a framework for analyzing institutional incentives in community forestry; and which is in perfect harmony with the main thrust of the Actor-System Dynamics theory that has guided the study.

This study has established the existence of important common features in the management of the common resources in the areas it covered. Firstly, all the common property resources were effectively protected and managed traditionally primarily because of *the attributes of the common goods themselves*: (a) The lands on which the common resources in question were to be found were unsuited for crop production. The common grazing area in Qalam was on a plain that was flooded during most of the rainy season. The *guassa* of Yadi, Laimush and Andit-Tid were high altitude uplands where no crops grew. The natural forest of Wuraf was situated on a hillside that was encircled by religious shrines. (b) The residents of these areas actually obtained significant benefits from the following collectively utilized resources: minor forest products and raw material for constructing farm implements in Wuraf, hay which was indispensable in the dry season in Qalam, and *guassa* grass used as thatching material as well as a cash crop in Yadi, Laimush and Andit-Tid.

ANALYTIC MODEL: A Framework for Analyzing Institutional Incentives in Common Resource Management*



*Adapted from: A Framework for Analyzing Institutional Incentives in Community Forestry, FAO, 1992

Secondly, *the attributes of the rules constituting the traditional management* of these common property resources had made their own contribution towards the same end, in that: (a) They were simple being made up of rules governing protection and utilization that were so interwoven as to appear as two sides of the same coin. The

management could remain simple as it only included the regulation of access and not the contribution of in-put, such as labor. Community-based collective labor for the purpose of natural resource conservation and development was traditionally unknown. (b) Most importantly, the rules of protection and utilization as well as their enforcement, which were essential aspects of the traditional management of the common property resources, were in every case involved with the traditional tenurial system—of which they in fact were part and parcel. (c) The same rules constituting the management of the common goods in general, and the rules of enforcement in particular, could prop themselves up on the local state judicial-administrative apparatus. The commons were thus not outside of the overall socio-economic and political system, but rather, an integral part of it.

Thirdly, other *community attributes* were found playing a decisive role in the enforcement of the rules constituting the management of the common resources: (a) The rules governing exclusion, protection, utilization and enforcement were not perceived as impositions but accepted as legitimate regulations to be complied with in the same way as other community norms. The reason for this appears to be the fact that they evolved at the local level or were associated with other local-level regulations. (b) In the case of the only natural forest under communal use, the natural forest of Wuraf in Yaju, the rules by which it used to be protected and utilized were effectively enforced because they were attached to a more venerated institution and community symbol, the church.

Finally, regarding the cases at hand, the collapse of the traditional management of the common property resources was not due to the penetration of the area by commercial interests or encroachment by private ownership. On the contrary, it was the nationalization of land which opened the way for various actors to treat the resource bases as virtual open-access. Firstly, they were treated as though they were the property of the state whose use could be decided upon by state functionaries. Hence, in the case of the common natural forest of *Wuraf*, for instance, together with its takeover by the MoAEPD, which used it as a springboard for its outward expansion, the original natural forest itself became corrupted as a semi-sacred entity. Secondly, in the absence of appropriate rules/institutions, they began to be treated as if they were free-access resources by the local population both within and around the original communities, open to use by all and sundry of group membership.

Attempts by development agents to takeover the management of these common resources were unsuccessful, precisely because what they tried to take over were the resource bases and not the predating management systems. Adapting preexisting indigenous management systems to present day circumstances was not tried at all, which partially accounts for the failure of the interventions. The takeover simply led to the disruption of the beneficent attributes of the communities, and those of the rules and institutions that jointly served as the pillar of the traditional management of the

common resources. Then, in the absence of these important societal assets, the interaction arena in which self-motivated individuals formulate and implement their respective strategies became an unknown and unpredictable action-decision setting. And this finally rendered the age-old management systems unsustainable.

NOTES

¹ North and Thomas (1977) have taken a non-partisan stance and argued that the emergence of common-property rights in history had a far reaching outcome in that it brought about progressive incentive structures that were impossible under open-access resource utilization, and that this was the major shift behind the Neolithic revolution – to which they refer as the 'First Economic Revolution' – as it provided the motivational context which made possible the selective adoption of technological developments.

² This definition is partially based on that of Bruce (1986:xxvii).

³ Such, for instance, was a feature of the customary tenurial system, the *rist* system, that operated in northern Ethiopia prior to the agrarian reform of the late seventies. Here, the system's in-built ambiguity opened the way for a high level of conflict over land and a differential distribution of land relative to one's current attributes in other areas such as political office (Hoben, 1973:11-14).

⁴ The reference here is not to the literature on the tenure situation in Ethiopia, but to comparative and theoretical works. Birgegård (1993) in his review of tenure "issue and experiences with emphasis on Sub-Saharan Africa" lists five countries that have followed the socialist road, but chooses to discuss only indigenous tenure systems and tenure reform of the privatization/titling type. Bruce (1986:59-64, 70-72) in a paper on land tenure issues in Sub-Saharan Africa, devotes five pages to the collectivization of production in Ethiopia and Tanzania without as much getting into a discussion of the nationalization of land in these countries, and deals with the nationalization of land in some 21 countries within a space of only two pages. Russell King (1977), in his world survey of land reforms, does not get to state-ownership of land, users' insecurity, and the implications of this for the optimal management of the land; and the same goes for Mair (1984) who otherwise assigns a whole chapter for a discussion of the issue of land reform in the Least Developed Countries. Material (for example, Reboul, 1986) on the relationship between land reform and land management in the former Soviet Block, also, avoided the implication of nationalization of land for tenure security by focusing exclusively on the adverse effects of farm structures such as the large size of the collectives and cooperatives. To my knowledge, Lawry (1989) is the only writer that has so far dealt, at some length, with tenure insecurity and ambiguity generated by state ownership of land, even if he restricts his study to Sahelian West Africa.

⁵ In Africa, state ownership of land was instituted in the wake of with the emerging state. It was either the making of colonial administrations, as in the case of the French colonial administration's takeover of common property resources in the Sahel in the 1930s; or the newly independent states that came to replace these. Yet, in practice customary tenure has been allowed to continue to operate in most of these nations, and the government has activated its claim only on certain occasions (Bruce, 1986:xvi). But in those nations where the nationalization of all rural lands was made the basis of a revolutionary agrarian reform, as in the case of Ethiopia or Mozambique, it has cast aside all previously operating forms of ownership, establishing a special, extreme form of pure public ownership.

⁶ The Amharic term for such common grazing lands, used by informants at Qalam is *boni*. However, in other areas this is used to refer to the dry spell late in the dry season when animal fodder is in short supply. The common term widely used in referring to common pasture is *kilkil* (*khilkhil* in Tigrigna and *kalo* in Afan Oromo) which, for obvious reasons, literally mean 'forbidden' or 'prohibited'.

⁷ Boru Meda was the site of the famous Council of Boru Meda held in 1878 called at the behest of Emperor Yohannes IV and attended by Menilek, then King of Shoa and Taklahaimanot King of Gojjam. The purpose of the Council was to bring to an end the sectarian dissention within the Ethiopian Orthodox Me'ophesite Church

arising from differences in the interpretation of the nature of Christ that had been plaguing the church for centuries. Boru Meda must have provided the perfect choice considering the fodder requirements of the multitude that had followed the three crowned heads to the Council.

⁸ According to informants, Qalam Meda used to be closed from *Hamle* 5 (i.e., around June 12) onwards. Interestingly enough, the same date used to mark the closing of the *guassa* in Manz, hundreds of kilometers to the South.

⁹ A well known rhyming motto that used to be often cited to stress the aspect considered important in adjudicating land claims in Manz is: "*medir ba-alaqa, nagar ba-tchiqa*" ("Land [is adjudicated] through the headman, and cases by the esquire"); while the counter-motto employed in Tagulat runs: "*maref ba-aqtatcha, malk ba-afintcha*" ("Land [is adjudicated] on the basis of direction (measurement), and one's looks by the nose.")

¹⁰ *Tabot* is an icon-like replica of the Arc of Covenant central to Ethiopian Orthodox Monophysite worship. It is kept in the holy of hollies of each of the thousands of churches throughout Ethiopia. In every day parlance, particularly among rural people and the elderly, it is used to refer to an individual church. (See Graham Hancock's *the Sign and the Seal* for a detailed description)

¹¹ *Tabat* is a cure-water spring that is regarded as holy, being identified with a *tabot*. It is customary and common in Ethiopia for a *tabot*/church to have its own curative-water that is requested by the devout who drink from or bath in it in search of relief from physical and mental maladies.

¹² Durkheim describes this phenomenon: "Far from being attached to the things which are marked with it, it is endowed with a sort of elusiveness. Even the most superficial or roundabout contact is sufficient to enable it to spread from one object to another" (Durkheim, 1965:358).

There are various examples of resources that are better protected and optimally used thanks to the status of the sacred that is conferred on them. It seems to me that, the more scarce and endangered a useful object becomes, the higher the value that society places on it, making it more likely for the resource to become sanctified or for a taboo to be created around it. The famous case of the 'sacred cow' in hinduism exemplifies this point (see, Harris', 1987).

¹³ *Gott* refers to the hamlet, the actual traditional "neighborhood" or primary rural community, geographically much smaller than the PA which is the size of several *gotts*. The appellation, *gott*, is of traditional origin in some of these areas, while in others, such as in Yaju, I was told it was a term recently introduced to refer to the sub-sectors of the PA.

¹⁴ Examples that speak against a totally independent common property management by communities abound. Unlike what has been generally implied by writers who stand in defence of common property resources, the latter exhibits a degree of reliance on the politico-administrative structures of the wider society – where these exist. This was neither a phenomenon that was limited to Medieval Europe where the estate holder helped in the protection of commons. For instance, in India, "the *jagirdari* style of managing the village commons was an extension of the patron-client relations that characterized agricultural land tenure. They charged grazing taxes and imposed penalties on herd owners who violated the grazing rules ..." (Shanmugaratnam, 1995:8).

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