

The Developmental State Vs Neo-Liberal Market “Priests” Divide In Ethiopia: Unending Policy Debates and Alternatives on Land Tenure System

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Abstract

In pre-1975 Ethiopia, the slogan “Land to the Tiller” was one rallying cry National Question that fueled the Revolution. The question of land use and ownership defines not only the justice, development and democracy but is also critical in regime stability and survival. Until the last decade of the 20th C, both the feudal and socialist state were hard-hit by politics of land. This land question is also carried over to the post-1991 state in a rather varied context: the land policy contention encamped between developmental states vs. neoliberal market. The post-1991 state intercepted the collapse of the Eastern Camp and the globalization of market forces which marked the inadequacy of the state into the status of “night-watchman”. In such neoliberal international system, however, the Ethiopian state took a radical path alien to its predecessors and the neoliberal state policy prescriptions as well known as developmental state. This state held the primacy of the state over neoliberal market for the reality that profit driven market is irrelevant in poor countries with market failure excesses. The post-1991 Ethiopian developmental state claims “no democracy and development without land in the public and equally no survival without democracy and development”. Ethiopia is now among the fastest growing economies, peaceful federation with stable and democratic regime. Despite of this, legacy of the politics of, and quest for, democracy, development and economics of livelihood of the nation geared by the neoliberal state and by the reliance of the country’s economy in the agricultural sector which has been experiencing “tragedy of transformation” at least until the end of 1990s has put the land debate among multiple national agenda . Both contending sides on the debate provided land policy issues revolving around land tenure options to use land as dynamic force for alleviating poverty and bringing about development. On the centre of shared interest, but incompatible means, lies the firm necessity to cultivate peasant confidence, security, and equitable and efficient allocation of economic resources in a holistic approach. The debate is featured by convergence of, end, interests of both parties to alleviate poverty, secure rights of farmers, and bring about sustainable development via sound agrarian transformation. The key conflict lies on the means, how, to realize the shared, end, interest. The causes that inflame both contending sides are also commonly articulated issues of poverty, equity, efficiency, justice, security, growth, employment, development, etc.

Keywords: Developmental State, Neoliberal Market, Land Question, Development, Democracy, Land Tenure System, Agrarian Economy, Peasant and Rural Transformation

1. Introduction

Since long land tenure has been associated with the property and ownership issues. When the development in agrarian countries is considered, the path took two extreme tenures: private vs. Public. A third option, some researchers have chosen to place emphasis on use rights as a more persuasive means to tackle African development. However, all these approaches have fallen short of unending the social relations that govern land tenure.¹

Ethiopian *land policy makers* have been confronted by the continued demand for land redistribution by young landless and returnees, insecurity of land.²

However, the causal relationship between tenure³ and goals inspired is by far complex as stated under:

The justification for rural land titling is the expectation that it will enhance tenure security stimulate increased investment and resource productivity, encourage environmental

¹ W. Bikaako 1994. Land to Tillers or Tillers to Land: The existing forms of land tenure systems in Mpigi District. working paper No. 44 CBR publications Kampala, Uganda pp.1

² M.A. Marquardt. 2006. pp.11-12

³The *cause-effect chain* articulated is: People who work on land who don’t own the land are in principle dependent and thus insecure. Insecurity and indecisiveness make farmers to shy away from commitment to productivity and thus agricultural transformation which traps them in poverty. Dependency locks a farmer politically and economically non autonomous; blocks agriculture-based off farm activities and employment; distort equitable distribution assets; weaken interdependence among active operators and land remains unmarketable means of production. For detail see F. Hertz.1998. ‘ The discourse that silences :Beneficiaries’ ambivalence towards redistributive land reform in the Philippines’ in Development and Change vol.29 No.2 pp.248-50

*protection, facilitate access to credit, promote the emergence of efficient land use right markets and provide data base that is valuable for land use planning and taxation purposes. However, the international experience shows that land titling is neither a necessary nor a sufficient condition for the achievement of these desirable goals; nor can't bring lasting benefit unless a host of other conditions that make it work prevail. . .*¹

Land has determinant place in the wider Ethiopian society. As important as the land, land policy has been debatable and politically contentious issue ever since. The land tenure and policy demonstrated rallying movements against the imperial regime which flamed in its complex part, the Feb. revolution expressed with deep grievances on matters of *equity* and *efficiency* which ultimately obstacle development. The Derg government addressed the problem of equity and land distribution via sweepy land reform proclamation (1975) which ushered in elimination of problem of inefficiency adding tenure insecurity and diminution of farm size as new challenges that exacerbated poverty and underdevelopment. The same, retained, public land tenure system along its insecurity and continued land redistribution was carried over to the *EPRDF* led government which characterized the current intense polarized land tenure debate in dichotomized blocs in which different actors (government, opposition political parties, civil society, business men, peasants, academia, external bodies etc) with differing mutually incompatible, vested interests are involved in the search for alternative tenure system that proofs viable drive towards ending the *tragedy of agrarian sector*, and the economy for that matter.²

It is agreed upon that the pattern of tenure, in poor agrarian societies, is a major correlate of the power structure, hierarchy and economic relations that distributes privilege and prestige upon those who possess it. It is drawn that a tenure system needs to be viewed from (a) security of occupancy (b) guarantee of land, at least for subsistence, and (c) the possibility of exploitation (by land lord or the state.)³ Indeed the *unending* land debate springs from these dynamics in such contexts.

Land tenure in this deal refers to set of rules, customs and laws that determine land property rights and holding systems under administrative institutions commonly with two extreme types *private vis-à-vis- public* having various justifications to each form of tenure.⁴ In Ethiopia “land is public property . . . peasants became own operators with use rights, but with no rights to sell, mortgage or exchange of land”.⁵ The exploration of unending debate on Ethiopian land tenure system broadly grips to look into the nature and patterns of the land debate in the wider bearings and ramifications on the agrarian and development route. Then its *emphasis* is (1) state land policy implications on tenure security, social differentiation, productivity and the sum effects upon each (2) the status of citizen on land ownership rights and the resulting attribute causal-reflection pattern in security that conditions distribution and development dynamics (3) land use, resource and environmental management, and investment trends as well as the subsequent intertwining changes on socio- political relations among actors; (4) changes, continuities, influences upon prevailing tenure characteristics its retrospect, challenges, prospects and implications (5) brief glance at comparative levels.

In the context of the current debate the unending status of the options and alternatives are characterized by sets of claims to justify and counterclaims to refute each side's *position*. The position of the pro-*status quo* is founded on the firm conviction that land is publicly owned for the compelling reason of public development and infrastructural purposes, to correct market failures via interventions. Further it is argued that to foster confidence and security land use rights are guaranteed by issuing *user right certificates*. Whereas its *antithesis* finds its position opening up the issue to be determined by market forces under private land ownership right which in turn certifies the right to secured property, land in this case, rights thereby cultivating tenure security. There are also, middle settlers, others who share, partially from, both positions. The debate surprisingly is featured by convergence of, *end*, interests of both parties to alleviate poverty, secure rights of farmers, and bring about sustainable development via sound agrarian transformation. The key conflict lies on the *means*, how, to realize the shared, end, interest. The *causes* that inflame both contending sides are also commonly articulated *issues* of poverty, equity, efficiency, justice, security, growth, employment, development, etc. which by their respective sides are vocally expressed and ardently adhered via *diverging means to converging ends* -inherently ‘circular in nature’.

Generally, what complicates the debate is in each side's position, claims and arguments concerning the

¹ Solomon Bekure.2006. ‘Benefits and costs o rural land titling :The international experience’ in Standardization of rural land registration and cadastral surveying methodologies: experience in Ethiopia, proceedings of national conference, 20-24 March 2006 .pp. 39

² Dejene Aredo and Teferi. 2004. Land tenure and land policy issues in Ethiopia, a paper prepared or the 4th annual conference on the Ethiopian economy. Organized by the department of economics and EEA, 26-29 Nov. 2004

³ J.ssenkumba.1993. The land question and the agrarian crisis: The case of Kalangala District, Uganda, working paper No. 34CBR publications.pp.1

⁴ J.B. Kaggwa.1994. pp. 2

⁵ Samuel Gebreslase. 2006. Land, land policy and smallholder agriculture in Ethiopia: options and scenarios. Paper prepared for the future agricultures, consortium meeting at the institute of development studies, 20-22 March 2006. pp.3

issue are mediated by various contextual variables which necessitates contingent approach for both, or either, or that lie in between, alternatives come to realize, and at the same time to disprove the *means* to, the stated *end* upon experience through out the world.

Dwelling on *reviewing ample literatures* to describe the scene, this work attempts to enquire the underlying assumptions and pillars that condition the cause-effect claims that shaped the “developmental state” vs. “neoliberal market” divide debates on the *politically* contested land policy alternatives. It also further enquires the vested and multilayered interests articulated by multiple actors aligned almost to two extreme blocs of the continuum, the government side dominating the current policy position against the academia and opposition parties, to large extent, dominated end of the debate advanced argument toward *privatization* of land ownership.

Moreover, the inquiry proceeds to test these *hypothetical claims* and argument adhered by each contending ends through analysis synthesis of the available empirical evidences from experiences systematically in a comparative treatment. The *bigger research question and problem* in this case is whether the substance of the unending debates has contextual empirical foundation that validates the theoretical claims.

Thus, the research intends its *significance* in exploring, by itself or stimulates others to start or expand the discourse on land dynamics in Ethiopia to rectify ultimately, by either course or else, the lingered *problem*. It is short of full-flagged empirical evidence to shed full light on it from countries across the world, under *various domestic contexts*, through comparative perspective.

2. Theoretical Context and the Land Debate

At the beginning of the 21st C the role of state in land tenure and management sounds both enhanced and constrained. There are mushrooming set of laws and principles from the Breton-woods institutions and human rights treaties under the UN umbrella embedded to the existing international environment in which states rewrite and implement land laws.¹

Land constitutes a key political, social and cultural asset conferring power and wealth up on who control it. All government has recognized that land lies at the centre heart of many intractable political and social issues. The land issue is, always whenever, open to political manipulation. Land is basic to GDP, income and employment, export and tax revenue contributions. Gaining secure access to land is thus of particular importance and priority to poor people who rely for their subsistence on a range of activities including negotiating access to a plot of land and being able to use the local resources. The changing pressures, regulations and mechanisms for gaining access to land are generating increased conflict between user groups as option values: “The key problem that faces any land reform programme is the institutionalized and skewed nature of the social relations that are born out of control, access, and use of land and its accruing benefit”.²

Land reform, a hotly politicized with unequal power relations place property right to and their constitutional basis at the centre. Concentration of land, in an institutionalized manner operated via state, give rise to power monopoly over people. Agrarian reform is basically a socio- political process that needs, in attempting or understanding its failure, success and obstacles, class relation and patterns of class alliances and class conflicts analysis that determine the nature of the state. Beyond the socialist’ and capitalist form of land reforms, peasant capitalist type of reform seek the elimination of feudal or semi- feudal land ownership and the promotion of small peasant ownership into large capitalist farming following by impoverishment or expropriation of subsistence oriented peasantry.³

The pressing problem in the development of the third world in general and African in particular is the creation of accumulation of surplus and its allocation to productive investment. At the top of the acute agrarian crisis, theorizing most agrarian dynamics through *modernization paradigm* has been underlying conceptual problem. This paradigm conferred tags of traditionalist and progressive aspects upon public and private land tenure systems respectively where the merits and demerits upon respective tenure are ignored. “Whatever social

¹ B. Derman, et al. 2007. ‘Introduction,’ in “Conflicts over land and water in Africa”, Land conflicts occur at all levels from between individuals and families to international ones. Land issue, in Ethiopia like many African states, are rising rapidly up the development policy agenda of governments and donor agencies. In many areas land is becoming so scarce owing to a host of pressing pressures. Such scarcities and pressures bring higher market values and complexities to those seeking land accesses. pp.19

² Samuel M. Korioki. 2004. Can negotiated land reforms deliver? A case of Kenya’s, South Africa’s, and Zimbabwe’s land reform policy debates, ASC working papers 59/2004.

³ S. Jones, et al. 1982. ‘Introduction’ in Rural Poverty and Agrarian Crisis, Land reform can also vary as *all-at-once* revolutionary from within and that carried out under outside pressure, or also take a form of revolutionary and evolutionary, a top-down imposed or participatory forms of reforms. With regard to intervention in agrarian transformation and reform for that matter, international development agencies, *MNCs* and states with variegated policies and implications through investment and technological diffusion has been relevant in shaping poverty, employment, export, and relational patterns.

transformation is envisaged is a unilinear traditional change to modern development and not a multi-dimensional phenomenon.”¹

While public tenure is viewed from a *utilitarian angle*, precedence to labor of an individual right and clear title to property that tenure security is guaranteed as long as he use it. “Otherwise as a result of commercialization of land, man and innocent unborn children are rendered homeless”.² The complicated picture of land question, land tenure debate in our case, is relatively reduced to and subsumed in what J. ssenkomba (1993) states:

*To understand the land question and to appreciate why land problems raise social and political issues of a fundamental nature we need to investigate the multiple aspects that characterize it. Growing landlessness, arbitrary dispossession of the peasantry, urban land grabbers and speculators and violent land disputes are but indices of the land crisis. These are juxtaposed with acute land fragmentation, land exhaustion, massive evictions. . . gross irregularities in land transactions. All these are evidence that there is land crisis...*³

In well functioning market economy with internal stability, secured private land ownership matters the value and use of land. It enhances wealth, alternative employment, access to credit and greater mobility. In other cases, ownership is vested in state with a clear recognition of private use rights to land either through formal lease *land use certification* programmes. Yet even in privatization of tenure is well established, it is commonly observed for *popular needs*, ‘the state will retain the ultimate right for compulsory acquisition...’⁴

2.1. Land Tenure Reform in Historical Perspective

The pre-1975 Ethiopia land tenure system was so complex mainly due to its geographical, ethno-cultural and historical *diversity* that hindered drive to possible land reform. It varied from *rist* /kinship, private, church, to state holding systems.⁵ During the last days of the Hailelassie regime, private tenure affected 60% of peasants and 65% of the population. This was created by the pervasive land granting to the Northerners’ members of the armies and loyal to the regime in the conquered areas by the crown.

Under the private tenure system ‘. . . land was sold and exchanged but (no absolute right) . . . serious land concentration, exploitative tenancy, and insecurity have characterized the private tenure system’. Close to 47% of the country’s land was under this title⁶.

The grievances under this land tenure system featured by institutional inadequacy (arbitrary control of land, lack of legal framework, nontransparent and weak land laws), land concentration under absentee landlords, tenancy, tenure insecurity, eviction, diminution of farm lands hold back agricultural and economic development toppled the regime in 1974. The 1975 radical land reform by the *Derg* abolished feudalism in Ethiopia and proclamation No. 31/1975 introduced “public ownership of land, distribution of private land to the tiller, prohibition of transfer of use rights by sale, exchange, succession, mortgage or lease, except upon death and only to the wife, husband, or minor children of the deceased.” No able person was allowed to cultivate ones farm using hired wage worker⁷. This radical reform was, however, one of the commended *achievement* but inefficient. After the downfall of the *Derg* the land tenure system under public mode of ownership was declared to be retained and adopted the FDRE constitution (1995) securely deposited in the Article of the constitution with full agreement of the regional parliaments and two thirds majority vote in a national *referendum*. This indeed eliminated the chances for alternative land policy chances to address changing circumstances⁸.

¹ J. Ssehkomba 1993 pp.3

² W. Bikaako 1994. cf1 pp.4-5

³ J. ssenkomba 1993. pp.5

⁴ M.A . Marquardt. 2006. pp.13

⁵EEA, 2002. ‘The rist/ kinship tenure system was most prevalent in the northern parts of the country while private tenure was found in the rest of the country. At the same time government tenure was most prevalent in the low land and pastoral areas of the country. Church tenure was associated with the Ethiopian Orthodox church. The amount of land under each of these tenure systems was never known with a reasonable degree of precision. A good example is that church lands were estimated to constitute from 50 to a mere 5% of all lands. *Rist* system was characterized by the principle of acknowledging access to land (use rights and transfer rights without land alienation by all descendants of people from a common ancestor and in an ambilineal way. On the other hand, *Gult* is a tenure type that can be considered a variant to rist or Rist –gult, which is often easily confused with Rist. The main distinctions are that gult is not a right on the land, rather a right to tax the benefits from land. Gult is not transferable while rist gult is transferable. Reduced landlessness and tenancy were among the positive attribute of this system compared to the private tenure while diminution of holding, land fragmentation and persistent litigation over land access were among its serious problem . . .’ pp. 21-2.

⁶ Ibid.pp.22-3

⁷ Ibid.pp.23 see also Ygremew A.(2002),Desalegn R.(1984,1994,2006)

⁸ Ibid. Art 40 (FDRE constitution) states the right to ownership of rural urban lands, all natural resources is

2.2. Underlying Factors Contextualizing the Unending Polarized Debate

Horizontal *experiences*, framed in the mindsets of people, have rooted effects up on shaping the existing land policy debate. Land, in incorporating it into the legal and economic frameworks, is highly *politicized* for it is considered as the result of *bitter struggle of Ethiopian peoples* waged since the “*Land to the Tiller*”²⁰ rallying cry of the *ESM* as part of the national question of the 1960s and 70s to uproot the exploitative *feudal land patterns*. Thus, the experience in history of the people gave way to politicization of land nowadays. FDRE constitution in consolidating this claim proclaimed that ‘land is a common property of the nation, nationalities and peoples of Ethiopia that shall not be subject to sale or to other means of transfer’. In this case the insertion of the land policy and tenure in to the national constitution proof the state of its polarity and intensity in political affair. *Ethnic federalism* adds another complexion to the issue.¹ Accordingly, this precisely shows that *historical contexts* mediating and by far shaping political system and institutions on land issue with sharp tendency to undermine the quest for second round reform.

It is also plain that the *degree and trends of poverty*² invading the overwhelming reliance on *agrarian economic structure* that featured the land debate intensely vibrated across the national development agenda. *Attitudinal perceptions* (fear, distrust, insecurity) negated, mainly, by virtually *illegitimate institutions of implementation* that tend to consider the peasants as tenants of the state, according to Desalegn and Mesfin, that found to be relevant, from opponents view point, in explaining the necked debate creeping latent, at its dormancy stage, conflict.³

Population explosion and continued land fragmentation, law off-farm *employment* and migration also are factors that *contextualize the unending debates* by forcing opponents of the public tenure system to experiment other alternatives and land performances. I will turn to their claims and reasoning in the next sections in broader terms.

Neo-liberal policy prescriptions have also measurable impacts and shares on the ongoing policy debate. Along the line of the *SAPs* the drive towards (a) owner operated farms (b) freely operating land markets (c) and equitable distribution of assets were taken marking universal policy standards and these principles are still largely valid.⁴

In sum, the debate at hand need to be understood, as mediated, by function of interwoven variables ranging from historical, political, socio-economic, structural, attitudinal, demographic, poverty, legal and institutional to global values stirred up by multiple actors with contradictory and or, complimentary vested interests situated in, and matured from, the function of these variables.

3. Debates Embedded in the Current Land Tenure System

3.1. Pro- The *Status Quo* State Mode of Land Ownership

a) Actors and Issues Surfacing the Debate

I- security (safety net), democracy, development, and social justice (as strategic positive imperatives)

For dynamic rural economy and sound management of land, secured tenure system and right to secured *land use access* is central and indispensable.⁵ Here the debate lies on how to secure access to land use. The government side actors who retained the *Derg*'s land holding system with few modifications argue certified land access to free use to every Ethiopian farmer without the right to land marketing (transfer) is the best option as public property. Being unchallengeable state property, both rural and urban lands, the citizens and their free use right and access are constitutionally guaranteed against any form of displacement, from and dispossession of, land⁶.

Is mode of land holding system by itself sufficient for tenure security or insecurity? This is complex question hanged on air, according to Hussein, that requires a wide range of systematic look into variables including the prevailing political system. The pre-revolution land tenure system did not outlaw land marketing (private land ownership) but tenure insecurity manifested in massive land grabbing; tenancy and eviction was common

exclusively vested in the state and the people. The constitution goes to state that land is common property of the nation, nationalities and peoples of Ethiopia and shall not be subject to sale or exchange. The Article continues that peasants have the right to *obtain land and protection against eviction*. Art.51 of the FDRE constitution further stipulates the Federal government enacts law for land utilization and conservation; and (Art 52) land will be administered by regional government according to Federal laws; peasants have *use and lease rights* and to acquire property thereon (by his labor or capital). Land redistribution has continued vested in regional authorities. pp.26-7

¹ Samuel Gebresslase. 2006. pp.3-4

² EEA/EEPRI. 2002. Land tenure and Agricultural development in Ethiopia. Policy Brief Series, No.1 <http://www.eeaecom.org>

³ For further detail see Desalegn R(2006); Mesfin W(2001), EEA/EEPRI (2002) and Dejene A(1994)

⁴ Samuel Gebresslase 2006.pp.6

⁵ Ibid, Cf22

⁶ Hussein Jemma, n.d.a. pp.91-93

phenomena in the south¹. And conversely the *Derg* land reform created tenure security and *pride of possession* (confidence) to majority peasantry despite policy defects to bring about agrarian transformation.

The preamble of the Federal Rural land Administration proclamation (proc. No 89/97) confirms the state ownership of land and prohibition of land sales, lying on the bitter struggle waged by the nation, nationalities and peoples of Ethiopia recognition². Indeed, the land question in the pre-revolution and pre-land reform was one of the rallying issues among the Ethiopians, and in the ESM discourse as a common mobilizing factor that eventually toppled the old regime³. But the question is that is qualified right to land use or unlimited with all forms of land market right demonstrates democracy in the unfolding debate.

II- land concentration (grabbing), social stratification, poverty, revival of tenancy/ evictions, ‘urbanization of mass poverty’ (as shocking potential negative implications)

Beyond prohibition of land sales, policy makers have restricted land rental markets attributing to (a) unproductive accumulation of land (b) creation of large landless class, and senior politicians including prime minister said land markets could lead to the (c) urbanization of urban mass poverty that (d) could lead to sudden *destabilization* of the social system. Proponents of the *status quo* from the same side, see the free land hold as *means of exploitation* upon peasants of few absentee, or, landlords- a route to restore the feudal past⁴. But given the structural problems of agriculture, could land play a social security role indefinitely being physical supply fixed, ever diminishing and misused? This is typically subject that we will turn to later in the debates by the *opponents* of the government side policy adherents.

Urbanization of mass poverty in this case portrays that those who migrate to cities from the rural areas are unskilled, i.e., “*unwanted guests*“ that would huddle up in the squatter, even the cities, do nothing to provide them, Hussein (2003) reflected the strong fear shared by all proponents of the public tenure system as against its *antithesis* in that (1) privatization will lead to social stratification, eviction of mass peasants, resurgence of tenancy (2) migration to urban center in search for unlikely, jobs (3) neither have resources to undertake their own business nor the private or state sectors employ them.⁵

3.2. Against the *Status Quo* and the Quest for Second Round Land Reform

a) Actors and Issues Surfacing Debates Opting Private Mode of Land Ownership

I-modernization of land system, development, environmental safety, security and market promotion, equity and efficiency, differentiation and class enterprising, democracy and justice (as strategic positive imperatives)

Ample literatures and opponents of the state mode of land ownership underscore the basic similarity and deficiencies manifested the land policy system since the radical land reform of 1975, including the existing tenure which retained it, as inherently that (a) promotes tenure insecurity with periodic, threat, redistribution, (b) inhibited emergence of land market, (c) promotion of land fragmentation and overexploitation by holding people, immobile (d) inhibit peasant differentiation thereby inhibiting emergence of enterprising rural class and (e) *state landlordism* over the population. Thus, *critics* have agreed upon that the *current* land ownership system as a policy discourages *modernization* of the land system⁶. The course towards modernization and agrarian development in case need clarification. By the same argument, social homogeneity in rural Ethiopia, as a consequence to large extent of the existing land tenure system, is inhibiting factor for agrarian transformation and modernization. ‘It is my contention that the existing land system (*statist*) has closed all avenues for the emergence of dynamic social forces in the countryside capable of modernizing the productive process and a productive market surplus on a sustainable basis.’⁷ The main focus here is how the tenure system creates underdevelopment and inhibits modernization. More than 90% of agricultural out put is under *small holders* who cultivate 95% of the land cultivation. It is necessary to correlate picture between tenure system and peasants’ propensity towards *technological utilizations*. Security affects peasants’ technology choice and utilization. Institutional and transactional procedures, if any, adversely affect farmers’ decisions and choices of new production and sustainable land management technology. Technological improvement in this context implies transformation of technological structure of these small farmers from less production return, and traditional subsistence system to productive and sustainable research based market oriented economy.⁸

The central position of the debate lies on the *positive correlation* between secured land tenure and transaction and sustainable agricultural, production, intensification, incentive to invest in long term basis

¹ibid pp.95

² Ibid pp.92

³ Cf23 pp.4

⁴ Ibid pp.15

⁵ Hussein Jemma.n.d.a. pp.93

⁶ Cf 26,22,30

⁷Desalegn Rahmato.2006. pp.3-4

⁸ Workneh Negatu.2006.’ land tenure and technological improvement in small holder agriculture in Ethiopia’ in Land and Challenges of sustainable development in Ethiopia, conference proceedings. pp.148-9

improved technologies and land management practices and *inverse correlation* where land security and market forces are absent or uncertain. Put differently, if land transaction is outlawed, plot *consolidation* as opposed to *fragmentation* and *diminution of farm land* is impossible putting farmers with small farm land and meager income insensitive to technological environment.¹ To improve their land hold the claim of pioneers of the unending debates disputable hypothesis that does not hold water. Accordingly, their argument missed the links between the tenure system and factors that may or may not render motivation to invest in land or otherwise. According to empirical evidences from some countries the position in the debate found to be hasty generalization². A research finding of the Ethiopian economic policy research institute revealed that upon the results of the survey analysis, though 80% or more opinions collected from professionals and stakeholders believe that the existing land tenure system is a major constraint to agricultural productivity and sustainable land resource management, on the contrary 62% farmers who support it and 50% of farmers who feel more secure built terraces and planted trees³. It is worth noting here that there are three actors crudely embedded in the polarized land policy debate where the peasantry as a passive actor, lays at the middle point of the two extremes of the continuum between proponents and opponents of the *status quo*. The key point in this line is the *attitude and perception* of the peasantry deserving, victim as well as actors of it ample explanation. The *table* below highlights that neither of the antagonistic claims correlate to the attitude, demand and understanding of the peasantry. For instance while 83% of the professionals, discredit the existing land policy system and opt radical change to the extreme as a way for possible development via response to peasant motivation, but the peasantry do not show clear correlation with regard to *tenure and insecurity* except overwhelming peasant households know land is of government and believe public is good even they are not discouraged to improve their plots. Rather they are dissatisfied mainly due to *absence of additional land* and worse still further fragmentation of their *mini-plots*.

Region	Private (%)	Public (%)	public land tenure is		land belongs to		potential fear/ insecurity	
Tigray	-	66.3						
Oromya	-	56						
Somali	-	86						
Afar	-	68						
Benish/z	62	-						
Amara	-	51.9						
South	-	78						
average/national	32	46	Good	not good	users	government	inevitable redistribution /uncertainty	claim to land access will not last >5 years
			61	38	-	84	73	76
		If land is privatized, they will (%)	Opposition to the existing land policy is due to (%)					
		sell	rent	not sell-during stress	injustice	absence of additional land	absence of land marketing	fear of lose
		4.5	47	>90	11	44	13	12

*Source: EEA/EEPRI (2002) (*table mine*)

It is fair to raise a key issue here that how one dare to speak of bringing about development and modernization of agrarian economy given according to EEA/EEPRI (2002) land labor ratio (average land holding per active land farm force) is only 0.38 ha and about 11% of households are landless⁴.

Leading opponents of the existing tenure staunchly advocate and propagate ways out of the existing circular poverty trap engulfing the peasantry. Samuel is devoted to land *privatization and marketing* as a viable route to *equity, efficiency* thereby development. Accordingly, competitive market that allows *land consolidation* is preferable option. This in turn creates heterogeneous social classes leading towards efficient allocation of rural resources, off-farm employment opportunities under emergent rural entrepreneur class.⁵ Samuel Summarizes the causes that triggering the unending debate on the land issue as dominant political and development agenda mainly due to as universal phenomenal (a) ever worsening levels of poverty and food insecurity, (b) exposition

¹ Ibid pp.152-3

² Hussein Jemma.n.d.a. pp.96-7 see also as cited in W. Bikaako: ‘... from the land usage angle, there is nothing necessarily associated as more beneficial either with a communal or an individual approach. Neither individual tenure nor co-operatives...necessarily makes crops grow better...Agriculturally they are not ends in themselves.’ Accordingly, the 3rd school of thought “*it depends*” theory comes.

³EEA/EEPR. 2002. Pp.1-5

⁴ Ibid , see also as cited in Dejene Aredo and Teferi(1994)

⁵Samuel Gebresslase.2006. ‘Recent experiences in land rental markets in Ethiopia: impact on equity, efficiency, and poverty’ in Land and Challenges of sustainable development in Ethiopia, conference proceedings.pp.43-7

to very polarized policy debate considering land issue as a political issue, rather than an economic issue, (c) limited knowledge in existing informal land rental market and its role in local economy.

In the line of this argument *land rental marketing* as a tenure policy option positively enhances equity, efficiency and development. It (a) allows land transfer from the land rich to the land poor farmers, (b) from labor poor to labor rich households or (c) trigger land transfer from sick to healthy persons, (d) generates employment and income to both parties, (e) its efficiency via transfer of land from less productive to more productive farmers, better factor allocation, better use of technological inputs, high labor mobility and improved participation in market economy¹.

Another option towards rural economic transformation via *class differentiation, creating rural entrepreneur* class, is (1) income or asset differentiation, consisting of inequality based on differences in income, assets and savings (*wealth ranking*) and (2) class differentiation that arise from differences in *production techniques* (technology, labor and market oriented production)². Desalegn argues ‘social *uniformity and suppression of rural class differentiation* continue to rub (since 1975) the rural economy. . .’ and further tenure insecurity and host of damaging agrarian policies created (a) majority poor peasant, (b) micro-agricultural rural economy, (c) peasantry characterized by diminishing farm land, less productions, deteriorating soil fertility, vulnerable and fewer farm assets, (d) ‘*saturation of rural space*’-high rate of population growth and sever demographic pressure over land³. Private land tenure is said to create *distinctiveness*⁴.

Similarly, Samuel (2006) contends that land tenure system indirectly perpetuated poverty by reinforcing *land fragmentation* sustaining more or less *equally poor* that created *egalitarian social structure* a result of rural urban *migration discouragement*. This along with *ethnic federalism* which complicated farmer’s land access in other regions further exacerbated *peasants’ vulnerability, unviable farm size* and technological utilization and tenure insecurity. The UNECA (2002) reported that Ethiopian land tenure policy needs quick institutional reform in a way that allows participation for concerned parties (farmers and business) and development of key sectors⁵.

So far, I raised the attributes to underdevelopment that posited agrarian transformation in Ethiopia due to *wrong policy adoption* as claimed by the leading critics of the current land holding system. The causes of the perpetuated poverty as symptom of the wrong and fatal land policy, according to the opponents, to large extent, with far-reaching structural traps are treated to do with amalgam of intertwined factors justifying the end prevailed that manifested in the unending debate.

In this vein, in dealing with empirical and theoretical issues in the land debate in Uganda Nyangabyaki Bazaara (1992) made water tight dichotomy on tenure policy and held customary “tenure responsible for persistence of socio-economic undertransformation as such in the tenure (a) collectively owned land is insecure, (b) impossible to acquire bank loans, (c) tendency to misuse the land resources an inefficient and uneconomic land use, (d) fragmentation and rise of uneconomic pieces of land³⁸. So do these trends surface in Ethiopia today? If so, can privies in the debate have been immersed in mere ideological fight as each of them viewed their policy options from an angle what is not and what it is. These in effect tend to paint wrong pictures towards *hypothetical debates*- on mere *universal principles of market vs. State forces*. I don’t take side here rather let’s turn to market backfires. Though land market is functionally important in enhancing productivity and option use of resources with the emergence of off- farm sector, it is hostile in *market failure and imperfection* where market, left to itself, upon the poor (1) concentration of land ownership, (2) land overprice, (3) high transaction costs and law participation and (4) difficult to find land for poor farmers⁶. Thus, though formalized of land rights is deemed to *facilitate* land transactions, formal titling can worse the security of access to land and constrain transaction tending to increase cost of transaction, causing conflict and adding nothing to efficient land use⁷. Obviously, what are stated futile in market failures above are the underlying and the inevitably perceived fear, a shared sense for that mater the government side debate as mentioned earlier.

The same author from the same contending side take the debate up that in intra-family land transfers (such as inheritance, inter-vivo transfers, and allocation of plots to specific family members) categories that tend to be excluded from land access are the weaker one such as “girl, divorced women who were married without bride price and are prevented by brothers when they come to their parents home”⁸. The same source shows that, no matter what causes it, *women in rural Ethiopia* contributes and constitute, 49.6% of the productive agricultural force and 49.5% the population respectively but are socio-economically disadvantaged with an ever

¹ Ibid pp.44-5

² Desalegn Rahmato. 2006.pp.15-6

³ Ibid. pp.14-5

⁴ ibid

⁵ Samuel Gebresslase (2006)

⁶ Yigremew Adal ;cf37

⁷ Yigremew Adal.pp.24

⁸ Ibid.pp.23

increasing trend of female headed households, 26%, with 8.9% higher probability of being poor than their male headed counterparts. In this debate the public tenure system is therefore contested policy that *reinforces and perpetuate gender dynamics* despite of the government adherence claiming to *guarantee access to land and empowering* including the weaker and marginalized sections of the society. 'Women . . . do not have much to gain from the land market, since they do not have adequate money to purchase land on their own.' (Bkaaka, n.d.a, p.6).

In the mind of the *adherents of the second round land reform* a clearly and in complex placed danger or effect of the current tenure system is the prevalence, since 1975, of land reform redistribution frequent and unending. No one has understood, and no adequate effort has been made towards, the meaning, causes, scopes, frequency and impacts of redistribution of land. The acute nature of this challenge in the course of advancing the debate against the *status quo* tenure system, Yigremew complicates the picture by taking up (1) higher regularizing and expectation of redistribution of land but (2) in the absence of it and (3) worse still where land market is prohibited with no (4) alternative mechanism to replace response to the expectations and (5) in the absence of adequate off-farm activities.¹ Accordingly, *gender difference*, patrilocal residence affecting *women's rights* or resulting in *total landlessness, small holding and inequality* are attributed to the existing public tenure system and the policy debate.

Daniel enriches the policy debate by opting to individualization of tenure that enhance *investment and environmental rehabilitation* thereby for agrarian and rural development refuting the government side alleged negative consequences of private mode of land ownership due to concentration of land ownership and increased peasant marginalization.² Worth noting is the mixed sense relationship between tenure security and land improving investments that empirical evidences show both positive and at the same time low but not negative. Therefore, to deny this relationship is to neglect better land tenure policy option. In the same token, Tekie tries to create linkage among tenure security, environmental improvement, investment and development which stood along the major critics of the current tenure system³.

The EEA/EEPRI, after thorough research undertaking and relevant findings, demonstrated towards future policy implication as common concern for the government along with the rest stakeholders to the land debate. It underscored that in dealing with the land tenure policy (a) socio-economic rationale, (b) farmers, rationality and way of thinking (c) inquiry for more flexible land holding system considering local sensitivity via admixture of land tenure systems (d) encouraging mobility via rural urban linkage strategy and (e) opening the land policy door further free, informed and all inclusive dialogue rather than camping in the private public distinction are remedial.⁴

In similar treatment, Solomon Bekure⁵ (2006) come up with set of options that must be re-examined, in his terms, for enhancing rural land tenure security: (1) abandon forced redistribution of land than simply land certificate, (2) qualifying right to land access based on existential realities, possibly in sparsely populated areas, (3) create fair valuation and compensation law for land taking for private investors can create tenure insecurity and anxiety among the peasantry, (4) abolishing restrictions on renting of land to facilitate land markets thereby assign economic value and convert land into value assets (5) clarify on obligations of land holders in land use regulations than applying vague phrases like "improper use of land" (6) and rather create public awareness on land laws and issues.

4. Testing the Hypothetical, Theoretical Debates from Empirical Evidences

In the foregoing sections so long debates have elapsed to show explanatory expressions and argumentations wide held by respective position through the debated continuum. This section turns to brief reviews that attempt to test the widely narrated and explained theoretical debates touching upon selective, and indeed brief, few countries' empirical evidences the world over tenurial history. It is undeniable that each country and the time markedly vary to determine the outcome being examined yet possible caution is done not to sidetrack the essence and tenet of the issue comparatively being dealt with.

Does public tenure necessarily lead to lower production?

Several countries are cited to invalidate the inverse correlation between *public tenure system and productivity*. Farmers on China, Philippines, Algeria and Kenya, as research findings show, had *cultivation rights not ownership rights* but impressive agricultural growth and development were observed. For instance, specifically in China (1978-84) as a result of, largely, the land reform under *household responsibility system* agricultural out

¹ Yigremew Adal. 2006

² Daniel. 2006. pp.107-8

³ Tekie. 2006.pp.137-42

⁴EEA/EEPRI. 2002. pp.6

⁵Solomon Bekure. 2006

put increased by 61%.¹

Another question is the correlation between *over population and agrarian crisis* especially where land comodification is outlawed like in China, and Ethiopian in our case empirical evidences upon research findings show and indeed advises to developing countries to drive lessons from China's agricultural development experience "... China has been able to feed, at a reasonably high level, more than 1/5 of the world's population with only 1/15 of the world's arable land, and to quickly develop a major industrial capacity"².

The debate, linkage between *land security and productivity* became disputable in majority countries of sub-Saharan African but in Thailand. In Thailand tenure defined in terms of registered deed (title) created farmer's incentive to (1) increase land improvement and in investment (2) confidence for long term benefits from it (3) source for credit supply as tradable collateral (4) investment in productive and land conserving technology. This, however, is not the case in the Sub-Saharan countries. Empirical evidence in Kenya, Ghana and Rwanda show the *tenure security-agricultural productivity* positive correlation remained mixed and inconclusive. *Access to credit* too is disputed that 'in much of Africa, land titling is not sufficient to increase access to sources of credit and though they may hold title farmers are reluctant to mortgage their land'³.

More importantly, in Honduras (a) the *PTT* title did not substantially score access to credit (b) nor for 91.4% of titling beneficiaries served as collateral for credit (c) 75-80% of them did not received credit at all (d) no basic improvement in investment and soil management rather the people of EL Zapote found the *PTT* an extra complication in their daily social life. Consequently, the *PTT* programe⁴ failed to realize the establishing objective: (1) exacerbated, existing and created new, land conflicts (2) productivity via *capitalizing family farm* and creation of land market failed (3) new costs and social complexity raised and (4) modernized land insecurity.

A fourth point to be touched is the disputed linkage between *farm size and production*. In many countries productivity found to be higher on small farms than otherwise. Reasons accountable to better efficiency and productivity of them are because (1) family members receive a share of profit and have more incentive than hired wage workers (2) no costs for hiring and search, and (3) family risk share. Lange farm owners frequently rent their land to tenants to take advantage of this efficiency and productivity than via hired workers. USA, Japan, Iran, China, Taiwan and India practiced it over history. And 61% rise in China (1978-84) was following the introduction of the household responsibility system. In USSR too, large amount of the agricultural out put was not produced by collectives rather up on plots distributed to individuals⁵.

Empirical evidences show the inverse relationship between *farm size and productivity* is well established, 'redistributive land reform may improve both equity and efficiency,' cases from Latin America and South East Asia proof this inverse relationship: 'small farmers may thus generate higher yields per acre.' In Kenya, however, medium size farms found to be less productive than both small and large size farms resulting *U-shaped* relationship between farm size and productivity⁶. If this is the fact, can land *consolidation* be viable option to agricultural transformation? Let's leave this question open.

The debate regarding land security right stimulates *owner mobility and migration* might have less empirical evidence and rather '...property holder with a land title will be less willing to migrate, thus reducing migration flows to cities.'⁷

Concerning *resource conservation and management* despite theoretical thinking, empirical evidences show that though the 'tragedy of commons' on open access resource are argued so due to missing institutional arrangements that govern the management of them, '... resulting resource degradation may be optimal under a wide range of property regimes, including private property.'⁸

It is fair thus the positive correlation between *land titling and productivity, investment and management* need to be viewed when title acquisition is itself endogenous process. In Kenya pre-titling differences in access to input output market opportunities was responsible for the positive correlation. In other words, the benefits of land titling 'on productivity are available only to farmers already well positioned in relation to market opportunities'⁹ Similarly though free hold as opposed to indigenous land holding system was considered with the

¹ Hans P.B. and M. Elgin.1998. pp.316-327

² J. Yiu Lin. 1998. 'Agricultural development and reform in China' in International Agricultural Development. 3rd ed. Pp.536

³ D. Maxwell and K. Wiebe.1999. Development and Change vol.30 No.4 pp.831

⁴ K. Jansen and E. Roguas.1998. 'Modernizing land insecurity: the land titling project in Honduras' in Development and Change vol.29 No.1 pp.81-104 the objective of *PTT in Honduras as was aspired by the three stakeholders(USAID ,the state, and INA)*, was to create *land security and productivity via adopting neo-liberal development policy which then experimented in El Zepote District and the project's programme revealed the paradox of neo-liberal development paradigm mainly due to copied blind universalistic thinking that ignored many factors play a role in establishing security or insecurity, development and peace in El Zepote.*

⁵ Cf 51 'Reflections on land reform and farm size' in International Agricultural Development. 3rd ed.

⁶ Cf53 pp.831-2; see also Dejne Aredo and Teferi(1994)

⁷ Cf54 pp.83

⁸ Ibid pp.833

⁹ Cf58 pp.841

well expressed benefits up on farmers and their land," in Burkina Faso, however this policy of encouraged individualization did not have any dramatic effects on existing land tenure patterns"¹. This author concludes:

If land tenure issues are considered in isolation of the wider socio- political context and if the specific nature of security of tenure is neglected, even those legal interventions which obviously aim to increase security of tenure and to create favorable conditions for sustainable land use may have the opposite effect².

The incumbent EPRDF led government has thus kept *running forward* while the "neoliberal priests" are preaching and prescribing the Ethiopian state to *walk backward*. Meles Zenawi³ has become the theoretical, policy and implementation architect of developmental state in Ethiopia that put the end into reality. Kassahun Berhanu⁴ has also observed the political economy of agricultural extension in view of economic growth and political control which is a mixed picture.

5. Conclusion and the Way Forward

In Ethiopia land has been part of the history of state sponsored exploitation and oppression, a cause for revolution and war, an outcry and conduit for justice, democracy and development, a factor for regime stability and survival. The diverging land policy options existing throughout the post-1991 state is thus a clear reflection of the Ethiopian "developmental state" vs. western sponsored "neoliberal market" ideological camp and policy divide where both the western educated scholars and western affiliated opposition forces are priests of the "neoliberal church" in Ethiopia. Today, Ethiopia under small-land holder agriculture, public land tenure and out of neoliberal market policy has been growing with a double digit for over a decade period which proves to be a viable path for agricultural transformation with clear prospect of the agricultural development led-industrialization strategy (ADLI) in spite of the enduring pressure from "neoliberal priests". Equally, the claim of the opponents' against the public land tenure has also failed to hold water from comparative countries' case studies point of view.

Thus, theoretical claims that ignore the Ethiopian socio-economic existential realities or the blind attempts to adopt blanket neoliberal policy thoughts on land and its ownership are mere spurious. Policy practitioners, especially exponent opponents of the current land tenure policy, should come-down to the ground and demonstrate pragmatic approach in a manner that stimulates the government side policy advocates stand flexible. The government side policy framers need to wear a specter that enable them economically utilize the land and labor function that ensure departure from inefficiency. The young landless, and thus with no opportunity in off-farm sectors, the continued fragmentation of farm lands into 'mini-plots' and poor quality control and input need urgent considerations. Being agriculture the backbone of the economy, the nation need enabling strategy in non-agricultural economic sectors and equally in education to stimulate technological orientation and human development. As a pragmatic policy framework, both the parties in the debate should revisit their positions to entertain contextual dynamics including relevant stakeholders to land and economics of land within the iron framework of developmental state thinking and practice.

¹ F. De Zeeuw. 1997. 'Borrowing of land, security of tenure and sustainable land use in Burkina Faso' in Development and Change vol.28 No.3 pp.582

² Ibid pp.594; see also Dejne Aredo and Teferi(1994)

³ Meles Zenawi. 2006. "African Development: Dead ends and New Beginnings". Incomplete monograph, africanidea.org

⁴ Kassahun Berhanu. 2012. The political economy of agricultural extension in Ethiopia: Economic growth and political control, working paper 042, www.future-agricultures.org

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