



**Rural Land Policies of Amhara Regional State for the Past 30 years: An Assessment of Shortcomings and negative outcomes in the case of West Gojam Zone, Amhara, Ethiopia.**

**Tsegaye Eskezia**

***Abstract***

*The issue of land becomes curtail from time to time in Ethiopia in general and in Amhara region in particular. This study explored the shortcomings and negative outcomes of rural land use policies and rules of the Amhara National Regional State, Ethiopia especially in the past 30 years. It also identified current economic activities used by rural farmers that highly contribute for land use change in West Gojjam Zone specifically in Dembecha Zuria Woreda. Primary data has been collected through interview, focus group discussion and structural observation. Besides, secondary data has also been used through document analysis to support the primary data. After analyzing the data, the study found that the rural land use policies and rules of Ethiopia in general and Amhara region in particular have many drawbacks. Unfair distribution of rural land holding right, non-participatory lawmaking, lack of accountability on illegal land use activities and less implementation of legal rules and regulations are among the shortcomings of rural land policies and rules. Thus, this exacerbated rapid expansion of improper economic activities such as: environmentally unfriendly tree plantation especially eucalyptus plant, illegal land rent, illegal house construction and unstipulated investment activities. In the study area, the new principle of the regional government to establish Kebele residential centers in all kebeles combining with the population pressure and expansion of urban areas initiated rural people to shift their farm lands in to tree plantation and house construction to get much compensation price when they leave their land for the project. This also aggravates illegal rent of rural lands either for house construction or Eucalyptus tree plantation. Finally, this study recommends that the government should have land policies that inclusively involve rural people to make decisions and to make them equal beneficiaries, investment activities should be implemented in*

*considering economic, social and environmental sustainability and rural farmers should be aware on the impacts of improper land use activities.*

**Key Terms:** Rural land, land policy, shortcomings, negative outcome, rural farmers.

## **Introduction**

The use of land resources as a major source of subsistence production is a common life activity for developing countries like Ethiopia. The land policy of Ethiopia has a dynamic nature in different times as a result of the superseding of political leaders.

Prior to 1974 there was '*rist*' system in Ethiopia which is a group right that ownership of land resided in the extended family or clan. This type of land tenure system was common in Northern Ethiopia. It is a kind birth right or hereditary right to land use (Molla 1984, cited in Temesgen 2013). The other land tenure system was *gult* system, flourished in Southern Ethiopia. It is not a right to hold land rather it is the right to collect tribute from land owners. Unlike *rist* it is not hereditary (Dessalegn, 1984, cited in Temesgen, 2013). But, according to him there was to some extent a *rist-gult* system that was owned by hereditary officials, churches and monasteries.

In post Liberation period, there was a land reform according to Article 4 of the 1955 revised constitution of Ethiopia. But, it did not bring any change regarding land ownership. As a result all land reforms attempts of the imperial period were opposed. Like other peasant rebellions, the Gojjam revolt contributes to the weakening and downfall of the imperial regime (Temesgen, 2013). For him, the major problems of pre 1974 land tenure in Ethiopia were exploitative tenancy, land concentration and underutilization, tenure insecurity, and diminution and fragmentation of holdings.

The Emperor encountered strong opposition from farmers, students, the military and other sectors of society, due to the slow pace of change (Bahru 2002). Starvation and maladministration in the country triggered a new brand of opposition from farmers in Bale and Gojjam provinces, and university students at large. Slogans such as 'land to tailor' (i.e., giving land to farmers) became popular among Ethiopian university students. The emperor having failed to control the then opposition, the military overthrew Selassie in 1974, secretly killing him while he was in their custody.

During the downfall of Haile Selassie's imperial government in 1974, the Derg promulgated a revolutionary land reform program. It abolished all private ownership by making all land

common property of the Ethiopian people. The Military Junta came up with land legislation proclamation 31/1973 that transferred all rural land to the hand of the state (Daniel, 2011). Again in 1980's the Derg regime introduced villagization and collectivization program in most parts of the country and that were unpopular and hence contributed for the fall of the regime (USAID, 2004).

The land reform of the Derg regime in 1975 has resulted two consequences. The first consequence was that the land owning classes were displaced from the sources of their wealth and political power. The second and long term consequence of the land reform was many of the members of the land owning families began an organized resistance against the government (Temesgen, 2013).

In 1986 to 1997 the current government made the second land reform. Like the Derg land property rights have remained vested by the state. The current government also introduced the new land redistribution policy without the participation of peasants so that it is still the major source of conflict and insecurity (ibid).

Most national and regional policies in Ethiopia are broad and lack specific components for regulation, hence difficult to enforce (Wondwosen & Failler 2016). This creates a challenge for effective and efficient implementations of measures. Similarly, the land policy of Ethiopia faces many challenges. Different regimes of the country introduced land policies without the participation of peasants which is the major source of conflict and insecurity (Temesgen, 2013). It can no longer ensure that everybody can access land given the existing settlement pattern and population pressure. Moreover, land fragmentation is undermining efforts to improve production systems and the living standards of the rural population (Berhanu & Fayera 2005).

## **Materials and Methods**

### **Study Area**

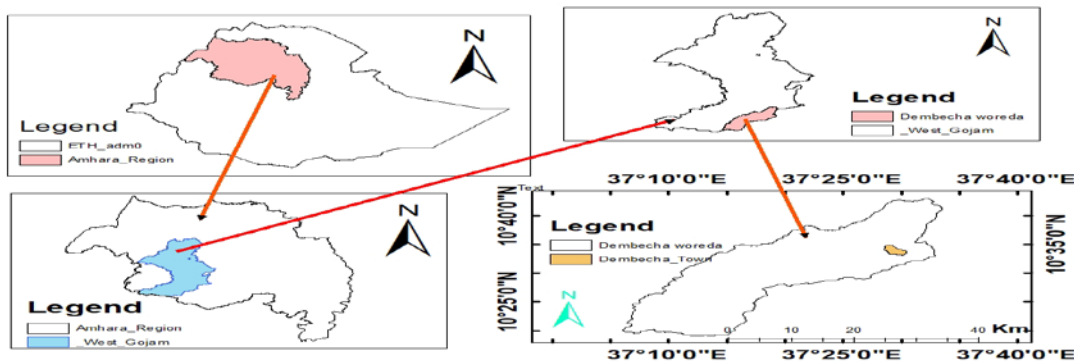
Demebecha Zuria Woreda is one of thirteen Woredas found in West Gojjam Zone which is bordered by Bure Woreda in the West, by Jabi Tehinan Woreda in the North West, by Dega Damaot Woreda in the North and by East Gojjam Zone in East and South. This Woreda has structured by 35 Kebeles; 33 rural kebeles and 2 small sub towns.

Based on the census of 2007 conducted by CSA, the total population of Dembecha Zuria Woreda was 129, 260 of whom 64, 683 were male and 64, 577 were female; 17,913 or 13.86% were urban inhabitants. With an area of 971.29 square kilometer, Dembecha Zuria Woreda has a

population density of 133.08 and a total of 30,731 households were counted in this Woreda resulting in an average of 4.21 persons to a household. The majority of the inhabitants practiced Ethiopian Orthodox Christianity with 99.13% the rest 0.87% were Muslims. The largest ethnic group reported in this Woreda was Amhara (98.82%) and the rest 0.18% covers other many ethnic groups who came to this Woreda for different jobs. As a result, Amharic was spoken as the first language in Dembecha Zuria Woreda (Dembecha Zuria Woreda Administrative Office, 2021).

This Woreda covers 83% Woyna Dega climatic condition while Dega and Kola weathers cover 11% and 6% of the Woreda. Agriculture is the most common economic activity in Dembecha Zuria Woreda. Cereal crops are the dominant productions used for consumption whereas pulse and cash crops are produced for income generating. Now a day farmer's agriculture is supported by eucalyptus plantation and small trade activities in the nearby towns. In addition to the above economic activities, investment activities like stone quarrying, stone grinding mill and wood pole production are common in this Woreda (Dembecha Zuria Woreda Agricultural Office, 2021).

### Map of the study area done by the researcher (2021)



### Data Collection

Data collection was carried out from two selected Kebeles in the study area from June 5 to July 26, 2021. Qualitative research methods such as in-depth interview, FGD and structural observation were used to explore shortcomings and negative outcomes of rural land policies in the study area.

### Interview

For the purpose of this research, based on their knowledge and familiarity with the issue, ten key informants; 2 experts (1 male and 1 female experts) were selected purposively based on their awareness about the issues as being stake and 8 rural farmers (4 men and 4 women) were used for the interview from both Kebeles. The first 2 key informants from 8 rural farmers 2 are men Kebele Land Use Committee leaders and 6 key informants (2 men and 4 Women) are knowledgeable rural farmers selected purposively based on their knowledge, experience and their willingness to give information. The number of key informants was determined by the saturation of the data that no new ideas were emerged.

### **Focus Group Discussion**

In this study, 4 FGDs were held with 23 discussants selected purposively from two Kebeles. The first two groups consisted of 6 and 5 Men farmer discussants of each who were well experienced in their day to day role in the kebele's participation and decision making activities. The other two groups were held with Women discussants and in each group 6 discussants, selected purposively, were participated. They were considered as knowledgeable and well informed about the driving factors of land use change and socio-economic challenges in the society.

### **Structural Observation**

Structural observation was also used to capture different photographs to shows the current land uses. During structural observation, the image of farm lands shifted in to eucalyptus trees, illegally constructed houses near small roads and around Kebele centers, rural investment activities and degraded grazing and forest lands have been captured to support the data by descriptive images.

### **Document Analysis**

Document analysis was the most significant data source that used to investigate data from land use proclamations and regulations such as rural land acquisition system, land use plans, investment guidelines and Kebele center establishing regulations. Thus, land policies, previous researches, Guide lines, manuals, proclamations, regulations, written books, documents, articles, journals, magazines and web sites etc were important sources of the data.

### **Data Analysis**

The data gathered through interview and FGD was analyzed qualitatively through narrative and descriptive way correlating with document analysis based on themes and sub-themes of data.

## **Result**

### **Rules on Land Acquisition**

During the empirical period rural land was distributed for and owned by royal families. The ordinary people didn't have any holding right so that the rural land was on the hand of squires. Latter, the coming of the Military government drastically changed the private ownership of land system by making all land common property of the Ethiopian people.

Starting from the coming of the current government (EPRDF) in to power during 1991, In Ethiopia different land administration and use polices has been practiced. The constitution of FPDRE article 40/4 stated that "Ethiopian peasants have right to obtain land without payment and the protectionsion".

In Amhara regional state three rural land administration and use proclamations, regulations and directives had been formulated and revised with in the last 30 years. These are the 46/2000 rural land proclamation, revised 133/2006 rural land administration and use proclamation and revised 252/2017 rural land administration and use determination proclamation respectively.

The first rural land proclamation 46/2000 was formulated following the new distribution of land for rural farmers with in the region during 1997/98. This law defines the scope of individual land use rights and states that such rights can be leased and bequeathed. The land rights themselves cannot be sold or exchanged, but private property improvements to the land can be sold or exchanged. During this time, as key informants demonstrated, the regional government unlike other regions of Ethiopia made unfair and unequal rural land distribution for farmers based on their political background. The system made great difference between farmers who were in position during the Derg regime (the so called *Bureaucrats* by EPRDF) and those who were administrative organs of the time at Kebele level. According to the informants, those *Bureaucrats* get only 1 hector (4 timad by local measurement) of their previous land whereas the new appointees get more than 4 hector (more than 12 timad).

### **Rules and Regulations on Land Use System**

According to the Amhara regional state rural land administration and use proclamation No. 252/2017 article 2(3) land use is the process of using rural land in a mindful and sustainable way for better usage. The previous rural land proclamation No. 133/2006 article 5(5) also stated that "the land use may applicable based on plan and considering environmental protection". The rural

land use plan shall also be prepared considering land usage, soil type, air condition, vegetation coverage, and socio economic situations based on water catchment (Article 13/2).

Albeit rural land administration and use proclamations, regulations and directives ordered concerned bodies to prepare land use plan for rural farmers based on the above scientific parameters, no satisfactory work has done in the community. As a result the rural farmers are being used their holding land for any type of usage in accordance with their personal interest than the guiding rules. The proclamation gave them a right to use their land for any function what they want by saying “where there is no land use plan prepared in writing by pertinent body, any land user may use his/her land for house construction, farming, animal husbandry, forestry development, or for other related same activities” (Proc. No. 133/2006 article 13(5)).

The data from an interview with Woreda experts shows that even though the preparation of land use plan for rural farmers is started in recent times, it becomes difficult to prevail them about the new studied and planed land use and to convert their previous use. The socio economic expert told the researcher that the mandate of the land use office is to stop the next unplanned land uses and to give new plan based on land use parameters such as slope, soil type, stoniness, water catchment, socio economy, and current land use. The reason, according to her explanation, is that the new proclamation of rural land 252/2017 defined as the previous land use cannot be re-change in to other land usage without the interest and agreement of the land holder.

## **Shortcomings of the recent land administration and use proclamations and regulations**

### **Unfair Distribution**

The recent rural land administration and use proclamations, regulations and directives of the region have many limitations. The most common drawback, as key informants and FGD discussants reviled is that the rural land rules and proclamations of the region highly encourage unfair distribution of land. Related to this an old man, who leveled as ‘*Bureaucrat*’ by the government political system said the following during the interview about the land distribution system practiced in the study area;

*I know three governments starting from Emperor Haile Selassie then Derg and then the EPDRF. During the Imperial period, even though I was young, I heard that the land was owned by the family. The landlords were the families of the ruling classes and other serfs also had their own land to pay tribute. But latter the Emperor confronted a revolution from the people with a slogan called land to the tenure (‘meret larashu’) as a result the*

*government failed down and Derg took the power. During the Derg regime I was an administrator at Kebele level and I had large size of farm land through thinning out the forest. While there was a principle of socialism I had more than 5 hector land recorded by my name. But later due to the dawn fall of Derg and EPRDF's ascend to power in 1991, the land system changed, the new government leveled us (the former administrators) as 'bureaucrats' and took most of my farm land giving only 1 hector. The time was very challenging that all people stigmatized us and it is also difficult to support my family who are more than 10 members with that small size of land. Still now there is no any change in land distribution in our region but I have a hope on the new over reformed government came before three years.*

Similarly, based on the document analysis of the researcher, the land administration and use regulation No.51/2007 formulated from the revised land proclamation No. 133/2006 article 4(1) said that “any person who had attained civil majority (above the age of 18 years old) in accordance with the laws of the country shall, where it is known that he/she is a rural resident engaging or wishing to engage in an agricultural activity have a right to freely acquire a land holding in the regional state”. Again, the recent revised rural land administration and use determination proclamation No. 252/2017 article 5(2) stated that “any farmer residing in the region shall, despite gender or any other reasons of difference, have equal right to get land in holding”.

But, as it discussed above about the leveling of ‘Bureaucrat’ and still today the land had not evenly distributed for all rural farmers within the region. As far as my knowledge is concerned, such type of leveling the Derg regime leaders and making favor on land distribution is found only in Amhara Region. Moreover, discussants in the FGD claimed that the land distribution that has been done once before 24 years in 1997 did not satisfied the interest of most rural farmers. Some land owners who gained large size of the land are only beneficiaries than those who were public administrators (*Bureaucrat's*) of the former government and those youngsters who established new household in recent times. Indeed, article 13(1) that restrict new land distribution in the region and article 17(5) mention the legal inheritances of deceased who are children whether any of them have holding land or not.

### **Less Participatory**

Another drawback of rural land rules of the region, as key informants and FGD discussants reviled, is the ratification of land rules and regulations without participating rural community



members. Since rural farmers live confronting with rural land related challenges in their day to day life, they are familiar with issues raised in and between the societies. But, when we see the reality land administration and use rules had not revised by considering the reality and basic problems on the ground through bottom up approach. Rural farmers and lower level experts simply forced to implement regulations made by higher bodies.

One of the Kebele experts, in her interview with the researcher claimed that even though all rules and regulations of rural land uses are being practiced at the grass root or at bottom level, policy makers who made the land administration and use proclamations did not ask us and they didn't take any data as an input about the problems of previous rules. According to her explanation the upper bodies not only made discussions with rural farmers and low level experts but, they didn't even give any training and awareness about the newly formulated or revised rules. As a result they are fussing to implement the rules in accordance with land rules and regulations.

### **Unclear Implementation Process**

On the other hand discussants said that the short coming of recent land use rules and regulations in the region is its weakness to clearly show responsibilities of each and every body to put it on ground. It didn't clearly show the implementation process of legal issues. The informants agreed that the above listed proclamations and regulations are not clear on who and how different land related rules have to be implemented. Similarly, the discussion from the FGD supported this idea in a way that most parts of the proclamation only indicate rights and obligations of land holders than clearly showing how, to what extent and by whom legal measurements have to be implemented. In both rural land proclamations of the region, 133/2006 article 21 and 252/2017 articles 28, there are some corrective measures on land holders who did not perform the above listed obligations. Both articles put that "anyone who failed to respect any of obligations shall be given oral and written notice respectively and if the land holder could not correct his/her mistakes in accordance with the notice, administrative measures may be taken starting from passed to transfer his/her right to use land in rent for others up to a measure suspending from using right for limited time and up to expropriating from his/ her land paying him/her compensation. But these articles did not assign the responsible body that will take the measure and it did not also clearly express for what extent and how long the penalty will be implemented accordingly the mistakes of land holders.

According to them there is no any consistent and similar corrective measure on illegal rural farmers who disrupt the rural land use rules and regulations. Deficiency of taking corrective action by concerned bodies plays a great role for the improper implementation of land use

regulation. Unless the institutions that govern rural land take corrective action on farmers who made mistakes, other farmers will not take care for their activities in accordance with the regulations.

### **Lack of Responsiveness**

The newly revised rural land administration and land use proclamation 252/2007 put responsibilities of implementers on articles 46 up to 51. Accordingly, the following are the most responsible bodies for the land administrative and use system.

### **Governmental Institutions**

Governmental institutions like Amhara regional state land administration and use Bureau, Zone land administration and use directive, Woreda land administration and use office and Kebele land administration and use offices have great responsibility to formulate and follow up the implementation of rules and regulations, to give tangible data for judicial bodies who take measure on illegal land holders that didn't obey the rules and to take discussions with farmers and amend inessential articles with legal institutions.

Here, experts who involved in the in-depth interview demonstrated that the land administration and use proclamation has limitations on clearly showing the responsibility of institutions and the extent of punishments that will take by these bodies. According to them, the land administration and use office and judicial bodies like the prosecutor office are not willing to do in a collaborative way. So that problems related to rural land use become increased from time to time.

### **Land Use Experts**

According to data gained from informants and discussants, land use experts at all levels are responsible for the rapid change of rural land use system. Most of them assured that experts at Regional, Zonal, Woreda and Kebele level have responsibility to give awareness for rural farmers about effective land use, to prepare land use plan collaborating with farmer representatives and to follow the day to day land use activities of farmers. They have also a responsibility to appreciate and give incentives for those farmers who implement a good land use system accordingly with the plan and to take measures on those who did not use the plan and who damage their land.

### ***Rural Farmers***

Rural farmers are also responsible for the land use change as it is shown on the revised proclamation 252/1017 article 27(1). They have to use the scientifically planned land use manual gave from experts and technical committees. Informants agree that rural farmers are also responsible for the current land use change. From the in-depth interview, the researcher knows that most farmers are not willing to follow the orders of experts and to select land uses that have no side effects on their land. Hence, they simply need to perform land use activities that require less labor force and that has temporal benefits rather than considering the sustainability of the land for the next generation. In the FGD, discussants also revealed that most rural farmers are not clearly aware on their rights and obligations related to land use. They didn't know how to use their holding land based on land use plans and how to transfer as well as exchange their land for and with others.

Rural farmers do not implement land use rules and regulations by different reasons. Among this discussants argued that lack of awareness is the major reason. Most farmers lack awareness about the importance of land use plan and they do not consider the effect of their day to day activity on the wellbeing of the land. In addition to this the absence of supportive bodies is the reason for not to implement land use rules and regulations. As it is clearly discussed above the rural farmers need the support and continuous follow of experts in order to implement land use plans.

Lastly, they assured that rural farmers do not implement land use rules and regulations because of the fact that they need other economic alternatives out of the preplanned land use. This may occur when land holders face temporal livelihood problems so that they will change their land for any other use in order to fill the gap they faced without considering the correct and sustainable land use plan.

### **Kebele Land Administration and Use Committee**

In the Amhara Regional State Rural Land Administration and Use Proclamation No 133/2006 article 27/1 and the Revised Proclamation 252/2017 article 50(1) the duties and responsibilities of Kebele land administration and use committee are listed. Among these; administer the land causes the decision of land use through participation of public and Woreda brunch office, facilitate conditions for land distribution, register and keep the land holders and ensures any decisions are the most important.

But, some of the respondents who are members of the committee said that most of their members did not know especially about rural land rules and proclamations. The pertinent body did not give any awareness especially about the newly revised land administration and use proclamation and regulation and they are not well oriented about their duties and responsibilities. They are being simply doing some activities with Kebele land experts like giving evidences for the court when rural land holders fight and accused each other.

### **Current Economic Activities and Related Negative Outcomes**

Hither from recent time, the economic activities of rural societies have been changed in anomalous way. The most common and previously known economic activities i.e. production of food crops and animal husbandry became decreased due to several reasons. It can be linked with the shortage of arable lands due to reasons such as: population pressure, reduction of soil fertility, climate change and the socio economic changes of rural farmer's following the expansion of urban centers and expansion of small roads from town to rural Kebeles due to the influence of modernization and globalization. So that most rural farmers changed their farm land in to permanent tree plantation especially eucalyptus tree plantation and others had rented out their holding land for private investors and individuals who construct houses. Only few farmers use their farm land to produce food crops and some others who lack oxen and man power gave their land for others in rent to get balanced benefit in cash or in kind (FGD, 2021). Current economic activities practiced in the study area using rural land and related outcomes are discussed below.

#### ***Shifting Farm Lands in to Eucalyptus Plantation***

Most of the FGD discussants and key informants demonstrate that the practice of shifting farm lands in to Eucalyptus tree plantation becomes common in the day to day economic activities of rural people. According to them, this practice becomes common due to different reasons. The first and the major reason, according to discussants, is that since small towns are being expanded into rural areas and since the government declared new policy of building new Kebele center and collecting residents in to one area, land holders near and around these areas are being forced to leave their land through compensations. The rural land administration and use proclamation also approved that the compensation payment amount of lands covered by permanent plants is much more than farm lands (article 26). Hence, rural farmers share such information each other and they competently change their land in to Eucalyptus plants and they wait the considerable compensation payment.

The second reason, according to the discussants is that even though Eucalyptus tree stays more than 4 and 5 years to be sold, rural farmers now a day want to omit farming and producing annual crops. They are attracted by the amount of price that a certain plot of eucalyptus tree will gained for them even waiting several years. Indeed, the price of Eucalyptus tree becomes expensive so as to use it for house construction, fire wood and other wood works. But, its side effect on the environment, water bodies, soil fertility, and crops of neighbor farmers is not considered.

The researcher also assured the expansion of this activity on the field during the simple observation. As we can see on the figure bellow, most of the farm lands in the study area are being covered by eucalyptus trees. In fact the new proclamation 252/2017 article 27(15) stated that “every user of rural land could not practice his/her land for activities which are not legally permitted” (p. 26) and article 27(1) (c) put that land holders should plant environmental friendly (indigenous) plant trees around his/her land and properly protect them to grow than planting trees that have effect in the environment and the soil (p. 23).

In the contrary, Proc. No. 133/2006 article 13(5) says “if there is no land use plan prepared in writing by pertinent body, any land user may use his/her land for house construction, farming, animal husbandry, forestry development, or for other related same activities” (p. 14). There is a paradox even on the above listed proclamations on the system of land use in the region. Experts didn't take resolute measures on them with the absence of clear land use plan that's why farmers do anything what they want.

**Figure 1: Expansion of Eucalyptus tree Plantation**



Source: Survey, 2021

Most studies available on Eucalyptus plantation in Ethiopia, such as Amare (2002), Mulugeta (2010) and Haileab (2010) had stand with the advantages of planting it as an alternative

economy. Unlike the above researchers, Eucalyptus plantation has many negative effects on the environment and the life of the rural people beyond its importance as source of income, construction and fire wood. It can take up much amount of water from the soil and water bodies so that it dries water sources and reduce soil fertility and vegetation (Zegeye, 2010, Chanei et al., 2013, and Mekonnen, 2016). Similarly, an interview held with a farmer who has been engaging in Eucalyptus plantation revealed that:

*Money gained from the compensation or from sales of Eucalyptus will only cover our temporal expenditures of building house, school payment for our children, buying household consumptions and clothes. But most of it will be finished in contingent social activities including drinking with our friends and giving for others. After few years we will be challenged even to cover our daily consumption due to the absence of crop production and that's why we are obligated to take debt from others or from creditor institutions by mortgagee our plant (An interview held at Lejet Kebele on March 12, 2021).*

As Zegeye (2010), Zhang (2012) and Mekonnen (2016) stated, eucalyptus grows faster than many other tree species, it needs a large amount of water for growing. As a result it would dry water sources and rivers and would lead to drought and environmental deterioration.

### ***Illegal Land Rent***

The Amhara National Regional State RLAU Revised Proclamation No. 252/2017 article 2(19) defined rent as “a system by which a farmer causes the use of his/her land which he/she gets it pursuant to the proclamation, for the service of another person securing benefits in kind or cash for a limited period of time in contract” (p. 5). From this article two things are very important and crucial on land rent activity. The first one is the time of rent is limited, not more than 10 years for annual crops and 30 years for permanent plant trees (selected and non-damageable plants) (article 15(9)). The other important thing is that the second person who takes the rent should only use the land similar with the previous land use type (article 15(2)).

According to the witness of key informants and discussants, most of the rent activities in the study area are being performed informally out of rules and regulations. In fact, the proclamation gives a right for land holders to transfer their using right in rent to any person in a way not expropriate them from their holding right (article 15(1)). However, many land holders, according to FGD discussants, are being expropriated from their holding right and some are being in

conflict to return their right by supreme courts because of illegal rent agreements between two parties without the recognition of pertinent bodies.

Similar to the expansion of tree plantation, discussants raised two major reasons for the spread of illegal rural land rent activities. The first one is that the newly revised proclamation paved the way of aggravating this illegal activity through recommending any rural land holder who have second level holding certificate and map may present his/her use right over the rural land as collateral to a financial institution legally authorized to provide loan service (article 19(1)). From document analysis in Woreda office, the researcher found that all land holders in the study area have second level holding certificate and map which is done by LIFT (Land Investment for Transformation) project during 2016/17. This enabled the rural farmers to rent out their land for others within unlimited period of time accordingly their bilateral agreement than the guideline. Therefore, rent takers most of the time use the land out of its previous use such as changing farm lands into tree plantation and house construction.

The second reason, suggested by discussants, is that the expansion of towns in to rural areas and the increment of urban dwellers, the new principle of the region to establish Kebele centers as '*villagisation*' and the expansion of small road constructions to link the town with Kebeles increased the interest of both urban and rural dwellers to construct houses near and around roads. As a result, rural farmers who have holding land around Kebele centers and near to roads initiated to give their land in rent for others. Most of the time land holders agree to rent out it without hesitation since they want to get money than considering the amount of crop products that will be gained from land plough.

According to data gained from discussants in the FGD, the land is being highly exchanged and sold as a property either in terms of money or in kind such as exchanging with house, cattle or plant trees. This is controversial with the proclamation No. 252/2017 article 5(1) that suggested "the right to ownership of land is vested in the state and the public. It says it is impossible to transfer the land holding for others in sale or in exchange by another property" (p. 9). Here, we can look at the assumption of liberalism theory. For liberalists, in capitalism system every economy should be run by private owners based on their interest. Even though the current government of Ethiopia follows free market economy, land is still considered as owned by the state and the people. However, in practice rural farmers in the study area have sold their plots of land as property so that the holding of the land is illegal since it disrespects the written laws. For most discussants, lack of awareness, shortage of follow up and taking corrective measures and

the dynamic nature of land rules are the main pushing factors that lead land holders to involve in this illegal rent activities in the study area. Surprisingly, the people, as the researcher assured at his stay in the study area didn't want to say 'rent' but they said 'sale' considering land as a commodity.

From this, the researcher understands that the rapid change of land use is highly supported by illegal land rent. Most rent takers use the land inadequately for non-recommended usages. In addition to this scarcity of food and cash crops, degradation of soil and disputes on holding right between the two parties are also results of illegal land rent in the study area.

Having concepts on the impact of illegal land rent undertake in rural farmers, it is also important to see who are being actively involved in land rent activity. Data from respondents and key informants demonstrate that most of the time the so called 'poor' and old aged community members who have a certain plot of holding land initiated to rent out their land for others illegally to get money and to fulfill their temporal basic needs. In one hand these persons lack oxen and man power to plough their land and to get yield of crop production. On the other hand they didn't have any reserved money on their hand to send their children to school, college or university and they didn't have capacity to repair their house and to feed their household throughout the year and even they will not get medical service if any of their family member get ill. Thus, they obligated to rent out their land and to get money for the above listed needs.

A widowed woman tells about her experience of land rent during the interview as follows;

*I am 48 years old and I have 5 children that I bring forth them from my dead husband that 8 years. I have only 4 timad/gezim (1 hectare) out of which I gave half of my land or 2 timad (0.5 hector) in rent for a person who lives in town by 70,000 birr for 25 years duration. The agreement was done informally because I feared the legal office will not allow rent out my land for a long period of time. The person, who took my land in rent, covered the land by eucalyptus tree and even I heard that he had sold the first round with more than 100 thousand birr. By now my family is in atrocious life due to the shortage of food. We simply support our life by the crop not more than 5 sack plough the remaining land. Sometimes some people inform me to denial the previous agreement and to return back the*



*rented land. But, I feared the man and the social values to accuse him in a legal office so that I am living with poverty (Interview held on June, 2021).*

### ***Wide Spread of Illegal House Construction***

Now a day the construction of houses around towns, frontages, and rural villages become expanded due to the rapid growth of population. At the same time, since urban areas become expanded in to rural areas and since rural Kebele centers are being changed in to small towns, the interest of rural farmers has also been increased to construct houses near these areas that reduce farm land size (Daniel, 2011& Efa, 2017). According to interview data from the Kebele expert, in the study area there is a computation between farmers who have certain amount of money to rent lands from ‘poor’, elders or those who have large size of land near favorite areas. For her, the interaction of rent givers and rent takers made the cost of land plots very high so that rich persons need to accumulate many plot lands in different areas by paying better cost than others. This makes the rent activities illegal and the house construction lunar.

Like illegal land rent activity, the proclamation which says any rural land holder who have second level holding certificate and map may present his/her use right over the rural land as collateral to a financial institution legally authorized to provide loan service (article 19(1)) played a great role for the expansion of illegal house constructions. One interviewee illustrated that the two parties take informal agreement by using elders as a witness to consider one party as credited huge amount of money from the other party and in response to it the debtor tends to give a plot of land for house construction so that it will be acceptable by courts.

The other issue raised in related to the wide spread of illegal lunar house construction is the new principle of the region to establish Kebele centers in all kebele administration centers for the seek of collecting rural residents in to one center to easily distribute social services. In the researcher’s point of view this idea is somewhat similar with the principle of ‘villagization’ which was applied during the Derg regime. Hence, the new proclamation No. 252/2017 article 32(1) ordered that “out of places assigned for rural Kebele centers it is strictly forbidden to make any type of new construction on farm, grazing, forest and communal lands” (p. 29). While the proclamation permits rural farmers to build any house for them or for adulthoods in their family in areas where there is no any land use plan prepared by pertinent bodies (article 32(3)).

Regulation of the revised land administration and use proclamation 159/2018 article 23(5), (6) and (7) stated the way of distributing land in Kebele centers and the right of land holders and their compensation as follows;

*Any person shall have only one plot of land permitted in a Rural Kebele Center; provided, however, that, in respect of those holders previously having more than one houses, they shall have them approved as long as each and every holding is not found to be in excess of 500 sqm in size.*

*Where there exist farmers whose land holding has been expropriated for the purpose of establishing Rural Kebele Centers, the right of each and every head of household shall be respected to obtain up to 500 square meters out of the total land that he might have lost due to the expropriation, having been given priority thereof.*

*In relation to those children living in a household together and whose age is 18 years and above as well as those parties covered within the meaning of the term "family" under the proclamation, where it is established that they have engaged themselves in agricultural activity and are permanently addressed in the area, one plot with the size of minimum land permit on the basis of the land distribution of the center may be granted to each and every one of them, so long as it is found that the holder's land becomes sufficient thereof (p.32-33).*

Based on the above regulation it is clear that an individual household can only get single plot of land at the planned Kebele center place. At the same time land holders whose land would be took for establishing the center should get single plot of land to build house and balanced compensation for his/ her expropriation from his/her holding right. Lastly, if the land holders in the ongoing kebele center area have previously constructed house it will remain as it is and if they have children more than 18 years old, they can get equal plot of land. Therefore, the major challenge that faced in the study area, according to the explanation of informants, is that the written land regulation didn't apply on the ground so that those farmers who have land around the center want to construct houses to get high amount of money as compensation and others want to get rent to construct illegal houses in desiring to make in their name during the establishment of the Kebele center.

### **Figure 2: Wide spread of illegal house construction**



**Source:** Survey, 2021 and AMC, 2021 from left to right

### ***Improper Investment Activities***

Investment means expenditure of capital in cash or in kind or in both by an investor to establish a new enterprise, or to acquire, in whole or in part, or to expand or upgrade an existing enterprise (Investment Proclamation No. 1180/2020). It is clear that the objective of investment is to improve the living standard of the people by realizing a rapid, inclusive and sustainable economic and social development. Enhance the competitiveness of the national economy, create more and better employment opportunity, increase foreign exchange earnings, save foreign exchange by import substitution and create an integrated economy are major objectives of investment in Ethiopia accordingly the above proclamation.

In the study area, as the researcher tried to verify from document analysis, simple observation and interview with experts, various investment activities (both private and governmental) are being practiced in Dembecha Zuria Woreda. Among these; stone quarrying, stone Grinding Mill and pebble sales are the most common investment activities in this area following the Basin of Temicha River. Data shows that in this area there are more than 25 private and 2 governmental investors who have invested on stone Grinding Mills (Dembecha Zuria Woreda Trade and Transport Office, 2021). In addition; farm, fat stock, rural fueling centers, and wood works are also investment activities practiced in the area. The investment land will be gained through lease from the government or through legal rent with rural farmers accordingly with the new revised proclamation.

**Figure 3: Stone quarrying and stone grinding mill activities**



Source: Survey, 2021

Beyond the significance of investment activities in the study area different issues are raised as side effects which are probably being made by the government itself and the investors. Indeed, the former rural land proclamation No. 133/2006 states on article 13(4) that “where any land is made for a given service three things should be considered; its better economic benefit provision, none or least existence of side effects on the environment and the acceptability of the service by beneficiaries shall be ascertained” (p.13-14). Most of the investment policies in Ethiopia marginalizes and excludes the interest of indigenous people (Mesay, 2015). Thus, the newly revised proclamation and its regulation guideline didn't say more about the economic, social and environmental considerations of investment activities. It simply shows how private investors can get land through lease and formal rent with rural farmers and put restrictions not to expand land size, change land use and transfer for others without the permission of the pertinent body (article 25(1)).

Data from Woreda Environmental Protection and Sustainability Assurance Office shows that most of the investors interred in to work without fulfilling pre requirements by the pretext of administrative decisions than guidelines. The EIA proclamation, (Proclamation No 299 of 2002) stipulates that no person shall commence implementation of a proposed project identified by directive as requiring EIA without first passing through environmental impact assessment process and obtaining authorization from the competent environmental agency (Art. 3(1)). Despite, investment activities highly affect the sustainability of the environment and the socio economy of the rural community in different ways.

Based on the above data, the researcher can conclude that most of the investment activities in the study area are improper. They occupied the pasture lands of the rural community, exploited the

existed natural resources over capacity, expropriate Women and elders from their holding land without paying balance compensation and their activity affects the environment through degrading the soil.

## **Discussion**

The current constitution of Ethiopia (Con. 1991, Art.40/3) stated that all people have the right to obtain land and the land is owned by the state. In accordance with the mandate given by the federal government, Regional states established various land proclamations and regulations. Likewise, in Amhara regional state three land administration and use proclamations and related directives has been used and revised in the last 30 years. The data from document analysis shows that the land is owned by the state, it cannot be changed and sold and rural residents of the region who are above the age of 18 have the right to get land in holding. However, the result of this research shows that the distribution of land is not equal and fair. The leveling of some farmers as *'bureaucrat'* is the most known display of unfair land distribution.

Moreover, the previous and revised land proclamations put guidelines to make the land use system and plan sustainable. But, the finding shows that most of the land plots hold by rural farmers are being used by any other land use system because the proclamation itself gives this right unless there is no any scientific land use plan prepared by pertinent bodies. The revised land proclamation restricts the chance of re-changing previously unplanned land use types.

This research found that the land use administration and land use proclamations and directives have many shortcomings. Among these; unfair land distribution, less participatory policy formulation, unclear implementation processes and lack of responsiveness are mentioned as the most common drawbacks. After the downfall of the Derg regime, the new government implemented unequal distribution of rural land for users based on their political position. This political system had discriminated some group of people who were previous political leaders through minimizing the size of their holding land and distributing degraded plot of lands.

According to the result of this research the formulation and amendment of rural land proclamations and related rules didn't made by the participation and involvement of lower level experts, rural farmers and any other concerned bodies. In addition to this, those rules and regulations formulated in a less participatory way are not being implemented in clear and responsive way. The implementers as well as the extent of implementation are not clearly defined. The weakness of taking corrective actions leads to unplanned and improper use of rural land which in turn affects the wellbeing of the land system.

Furthermore, this research found that concerned bodies such as; land use experts, rural farmers, kebele land administration and use committee and governmental institutions that are directly responsible for the changed land use system are not willing and well informed about land rules.

The result shows that shifting farm lands in to Eucalyptus plantation, illegal land rent, wide spread of illegal house construction and improper investment activities are the most common economic activities being used in the study area. The researcher understood that the expansion of small towns and the kebele centers are considered as the pushing factors for the rapid change of rural farm lands in to Eucalyptus plantation and illegal house construction. This in turn increased illegal land rent activities in the study area by which the so called poor and older people tends to give their plot of land for others to get money for their temporal consumption. Similarly, the researcher assured that improper rural investment activities that are being implemented by the government and private investors had played a great role for the change of land use system in the study area. Theses investment activities are being practiced without any compromise of environmental sustainability and the life of the next generation.

## **Conclusion**

This study mainly focused on the shortcomings and negative outcomes of rural land use policies and rules of the Amhara National Regional State by using qualitative research methods such as and interview, focus group discussion, structural observation and document analysis. The research tried to identify the most common land use activities in the study area to analyze their direct relation with rural land policies, proclamations and regulations that has been used in the region and it clearly identified the negative outcomes resulted from the land use change.

The result of this research tried to show major rural land rules in the Amhara region mainly rules of land acquisition, distribution and land use. Hence, the 46/2000 rural land proclamation, revised 133/2006 rural land administration and use proclamation and revised 252/2017 rural land administration and use determination proclamation were major focuses of analysis to triangulate the data gained through qualitative techniques in this research. Even though the above rural land proclamations had their own contribution in the land use system, there are various shortcomings that leads to negative outcomes.

Unfair distribution of rural land for all rural farmers, less participatory policy formulation and revision, unclear implementation process and lack of responsible bodies are listed as the most common shortcomings and drawbacks of the available rural land rules and regulations.

Therefore, these short comings in turn lead to other many negative outcomes on the land use system of rural farmers in the study area in particular and the region in general. Among negative outcomes; shifting of rural land in to Eucalyptus tree plantation, illegal land renting, expansion of illegal and informal house construction and improper investment activities had shown as the major one.

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