

## RURAL AND URBAN LAND REFORM IN ETHIOPIA

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### I. INTRODUCTION

On September 12, 1974, military leaders of Ethiopia's creeping coup d'etat placed Emperor Haile Selassie I under arrest and quickly formed a provisional military government. Later, during the evening of November 23rd, the military ordered the execution of 60 influential aristocrats, high government officials and military officers--including 18 generals, two prime ministers, a number of former cabinet ministers, and provincial governors closely associated with Haile Selassie's regime. In March 1975, the Provisional Military Administrative Council (PMAC) officially terminated the ruling monarchy and began to promulgate a series of radical socialist measures (Koehn, 1975; Harbeson, 1975b; Legum, 1975; Thompson, 1975). The PMAC's actions had drastically altered the social, political and economic structure of Ethiopia's cities, towns and countryside by 1976.

Today, as when the coup d'etat took place, 85 percent of Ethiopia's population derive their livelihood from agriculture-related activities. Agrarian production as a percentage of Gross Domestic Product ranks among the highest in the world, ranging between 55 and 60 percent.<sup>1</sup> Yet most of the rural people live a tenuous subsistence existence. Expansion of agricultural production barely averaged two percent per year in the pre-coup period. Thus, food production probably lagged behind net population increase. Stagnation in the agricultural sector is particularly disturbing because Ethiopia is a country with fertile soils, good climate, and a hardworking peasantry.<sup>2</sup>

By the early 1970s, students of rural Ethiopia identified major structural barriers to agrarian development.<sup>3</sup> Land tenure patterns were found to be among the most serious constraints on agricultural production. A number of studies concluded that land reforms constituted a precondition to rural progress and found that rural progress was essential for national development (Pausewang, 1973; Bondestam, 1974; Cohen, 1975; Cohen and Weintraub, 1975; Stahl, 1974; Ellis, 1971, 1975). From within Ethiopia and abroad, students openly criticized a regime that blocked fundamental changes in the rural sector (Haile Menkerios, 1970; Dessalegn Rahmato, 1970; Koehn and Hayes, n.d.).

Rural land patterns also exerted negative influence on urban development. Land taxes were low and frequently evaded by powerful elites, causing the state to lose revenue which might have been used to promote urban programs or industrial development. In southern Ethiopia, absentee landlords living in towns showed little interest in urban improvements (Markakis, 1974: 168-169). Moreover, many insecure tenants migrated to urban areas, swelling the ranks of the unemployed and compounding urban problems (Koehn, 1973a:19-20; Cohen and Weintraub, 1975:18).

Urban land patterns further constrained municipal development. Low tax rates and tax evasion reduced the amount of revenue available for improving urban services and living conditions. Many large-scale rural and urban landowners bought buildings, apartments and villas. This investment pattern denied capital to the manufacturing sector and labor-intensive urban enterprises. Finally, a small elite owned most urban land. Like their counterparts in rural areas, urban property holders endeavored to protect the land holdings undergirding their wealth, power and status.

The radical rural and urban measures introduced by the PMAC as part of an overall strategy of Ethiopian Socialism<sup>4</sup> must be considered in light of powerful land-based constraints impeding progress in Ethiopia. The PMAC's strategy involved an attack on the authority of propertied and traditional elites, promulgation of a series of income-leveling measures, state acquisition of the country's productive facilities and resources, and the exercise of public control over agricultural and urban land, rented urban houses, large commercial and industrial enterprises, and apartment buildings. To aid in consolidating their control and in implementing these radical policy objectives, the new military rulers suspended parliament and municipal councils, removed the old nobility from positions of political power, replaced nearly all ranking central and local government personnel with committed and educated persons, created local peasant associations and cooperative societies of urban dwellers, and assigned students to provincial projects.<sup>5</sup>

World-wide interest and attention is focused on Ethiopia because of the radical approach to social change embodied in these measures. Allan Hoben (1975b:69) maintains that the PMAC's rural reforms represent, for Africa, "an unprecedented attempt to deal with the pressing problems of achieving better income distribution and more participation for the rural poor." The contemporary Ethiopian situation also is unique in terms of the extent of change required to create a socialist society out of semi-feudal and pre-industrial patterns.<sup>6</sup> Although individual PMAC reforms are not unfamiliar to students of comparative politics, the military council decided to pursue the radical transformation of rural and urban societal conditions simultaneously, at what might appear to be a reckless pace.

In this article, we examine those laws that serve as the legal foundation for the PMAC's effort to transform rural and

urban societal conditions. The two major proclamations analyzed, numbers 31 and 47, were issued within a year of the date on which the military formally assumed power. They aim to bring about similar changes in rural and urban Ethiopia. In the pages that follow, we analyze the major provisions contained in each proclamation and evaluate their initial impact.

## II. Rural Land Reform

### A. Proclamation No. 31 of 1975<sup>7</sup>

The 1975 "Proclamation to Provide for the Public Ownership of Rural Lands" abolishes without compensation all private land ownership, from the largest to the smallest holdings. Specifically, Article 3 makes all land used for agricultural or grazing purposes the collective property of the Ethiopian people.<sup>8</sup> In addition, the law states that no compensation will be paid for rural land or for any forests or tree crops on such land.<sup>9</sup> Compensation is promised for movable properties or permanent works on the land, although few observers actually expect full payment to be forthcoming.

The provisions of the proclamation have some effect on northern kinship and village tenures, but a full reading of the law clearly indicates that it is primarily intended to terminate the onerous tenancy patterns, absentee landowner practices, and large estates of the southern provinces. The thirty-three article proclamation spells out this thrust in its preamble:

"WHEREAS, it is essential to fundamentally alter the existing agrarian relations so that the Ethiopian peasant masses which have paid so much in sweat and blood to maintain an extravagant feudal class may be liberated from age-old feudal oppression, injustice, poverty, disease... and in order to increase agricultural production and to make the tiller the owner of the fruits of his labour, it is necessary to release the productive forces of the rural economy by liquidating the feudal system under which the nobility, aristocracy and a small number of other persons with adequate means of livelihood have prospered by the toil and sweat of the masses ... and to distribute land, increase rural income, and thereby lay the basis for the expansion of industry and the growth of the economy by providing for the participation of the peasantry in the natural market ..."

While the law makes clear its intention to alter the structure of private land ownership, it avoids directly confronting three critical issues. All land within a municipality or town is excluded from its terms. No specific mention is made of the extensive holdings and tenures of the Ethiopian Orthodox Church. And it treats separately the more volatile

kinship and village tenures of the northern provinces.

The exemption of urban land gave landowners who had invested in urban real estate as temporary refuge, since the law did not take all their property. Absentee landowners who held urban property and diversified assets may have been less aggrieved over loss of their rural holdings. In any case, the PMAC nationalized urban holdings a few months later.

Proclamation 31 contains no direct statement about the holdings of the Ethiopian Coptic Church. The church is estimated to own 20 percent of all arable land and 5 percent of all Ethiopian land, from which it derives most of its income and by which it supports an extensive clergy. The failure to deal specifically with church ownership and the complex tenures under which it divides its holdings (see Cohen and Weintraub, 1975:40-43, 87-88) is bound to create confusion. Still, church lands are undoubtedly affected<sup>10</sup> for Article 3(2) abolishes land ownership by persons or "by any other organization" and the church is a legal person under the civil code.<sup>11</sup> Part of the church's loss might be offset under the provisions of Article 10(f) which authorizes peasant association to distribute land to "organizations needing land for upkeep." But organizations are given the lowest priority among types of claimants to land within the association's jurisdiction. The church is most likely to lose land in the southern provinces where its holdings are large and are less likely to be farmed by priests. The application of the reform to church holdings will be different from its application to private land holdings, and will be shaped by such variables as the stature of the local church, past practices of priests, and the need of administrators to avoid alienating powerful leaders of local opinion. Moreover, many tenants may simply refuse to pay rents or return land to the church.

The government's intention that kinship and village tenures be treated differently from freehold tenure is affirmed by a separate section of the proclamation.<sup>12</sup> The most important example of differential treatment is found in Article 23 which charges peasant associations in these tenure areas with performing all functions established in Article 10 except the first, the distribution of land as equally as possible. Whether blockage of land redistribution is a short or long-term policy decision is unclear. In part, such differential treatment is justified by the fact that tenancy and absentee ownership are not nearly as onerous in the north as in the freehold areas of the south and west. More importantly, northern peasants traditionally resisted attempts to alter the existing land tenure system (Hoben, 1973:211-26).

Like all other land in the country, northern land is nationalized. But under Article 19, the peasantry in kinship and village tenure areas are guaranteed possessory rights over the land they presently till. Tenancy is also treated differently in the north. Here only tenants without possessory

rights in other land are granted rights over land they are now farming as tenants. This variation, established by Article 22, recognizes that adherence to the freehold pattern in the north would cause inequities for, as Bruce notes, "tenants in the north are almost invariably landowners themselves and often the more prosperous of the parties.... [T]hey own plow, oxen and farm as tenants the land of poorer households which lack this capital asset" (1975:9; Bauer, 1975:235-48).

The present land distribution pattern is made permanent by Article 20, which precludes the extension of new claims, a customary practice in many northern areas. These areas have long been criticized for allowing litigation to hamper productivity. In kinship areas, for example, land is divided into a multiplicity of geographical units originally held by a founding father. Anyone who can establish kinship with the founding father through either parent may claim a share of land in the unit from elders controlling the allocation of land held by the descent corporation. In theory, this land cannot be owned or alienated and the peculiar semi-feudal patterns of the area preclude an offspring from automatically inheriting the holdings of a parent or relative. A person's claims to such land always exceed what he actually holds and individuals frequently have potential claims to land in other descent groups units. In practice, most persons can obtain some land. However, the holdings of a kinsman generally rise and fall on the basis of one's political skill, social status, and ability to influence elders and local judges who allocate land according to the validity of the claim and the importance of the claimant (see Hoben, 1973). By freezing a transitory pattern of land holdings, Article 20 threatens both the complex set of traditional institutions which have formed around this system of land holding, and the process of upward mobility through the successful prosecution of land claims. These issues hold back progress of the land reform movement in the north and allow traditional elites to mobilize peasant support behind their resistance to the PMAC and its policies.

Traditional elite resistance is hardened by Article 21. This article abolishes all obligations and dues owed local-level informal officials such as chika shum and gulteгна.<sup>13</sup> In many cases, traditional elites constitute the grass roots level of provincial administration. Since this provision alienates informal local officials, it may promote or reinforce overt resistance to the new regime's land measures.<sup>14</sup> However, Article 21 dramatically improves the economic position of peasants previously subjected to such dues payments.

Finally, nomadic lands are treated separately under the proclamation. Haile Selassie's government and Article 130 (d) of his revised constitution held that grazing lands belonged to the state,<sup>15</sup> a position nomadic people never accepted. Basing reform implementation upon traditional patterns, Article 24 simply confirms the possessory rights of nomads over land they customarily use for grazing or other purposes related to agri-

culture. But Article 25 terminates all payments which nomadic peoples made to local balabats and powerful local officials, such as the Sultan of Asiata, the traditional leader of the nomadic Afar tribesmen (see Harbeson, 1975a:74-76). The government is given responsibility under Article 27 for improving grazing areas, digging wells, and settling nomadic peoples for farming purposes. And Article 26, requiring nomads to form associations, is aimed at inducing nomadic people to cooperate in using grazing land or water rights, and in assuming the functions outlined for peasant associations in Article 10. However, this policy does not seem realistic given the mobility and independence of nomads. In addition, issues which remain unresolved are whether the government will improve the nomads' economic potential as ranchers, require them to resettle as farmers, or seize their land in the end for agrarian purposes (Bondestam, 1974:423-39; Harbeson, 1975a:71-86).

Articles 3 through 7 of the Proclamation dramatically alter the pattern of land ownership in the southern provinces. In essence, Article 3 turns into fact, the historical fiction that the crown owns all the empire's land, only the state is the residual titleholder rather than the monarch. As noted, compensation is extended only to movable properties and permanent works constructed on the land. The "possessory rights" of those who till the land (a vague term in the Proclamation) are covered in Articles 4 through 6. Under Article 4, any person who personally cultivates the land will be allotted up to 10 hectares of land to maintain himself and his family.<sup>16</sup> Tenancy is in effect abolished by section 5 of this article, which prohibits the use of hired labor except in situations where a woman without other adequate means of livelihood holds the land or where the holder dies or is too sick to farm and his children are minors. Article 5 prohibits the sale, exchange, mortgage or lease of land holding, except that on the death of the holder family members are allowed to inherit provided they continue to use the land personally. Interestingly, the government has not issued any policy directives or administrative regulations on the use or protection of agricultural land. Such a direction is possible for "...as the holder of the ultimate title to all land, the government can specify that the observance of certain patterns of use, cultivation (whether individual or collective), conservation, harvesting, and marketing are preconditions to continued possession of the land" (Brietzke, 1975a:20). This view is supported by Article 29, which authorizes the Ministry of Lands and Settlement (hereafter MLS; formerly the Ministry of Land Reform and Administration) to issue regulations, and by Article 10(2), which requires peasant associations to follow land use regulations.

The difficult issues of continuity of cultivation are addressed by certain provisions of Article 6. Until land is distributed, tenants and hired labourers are given possessory rights over what they presently till. If a local landlord has rented out all his land, however, he is entitled to a share equal to that of his tenants. Again, this provision does not

apply to female landlords with no other means of livelihood, or those too ill or old to cultivate a holding personally. Other provisions of Article 6 are of considerable importance for former tenants and landlords. Section 3 frees tenants from rent payments to landowners. Existing debts or obligations to landowners are abolished, and tenants are given the right to keep agricultural tools and oxen which the landlord may have provided under the lease arrangement. The tenant must compensate the landlord for these goods within three years. A landlord lacking such farm inputs may take them back, so long as he or she personally uses them.

Proclamation 31 is cast in general terms. Although the ideological thrust is clear, the rules of implementation are not. Disputes are likely to arise over the meaning of many provisions.<sup>17</sup> However, legal niceties are not likely to prevail as the law is implemented.<sup>18</sup> Disputes will be resolved on the spot by government officials or peasant associations. The vague provisions likely to generate such problems probably are intended primarily to insure that land would be planted. The fact that the PMAC decided to issue the proclamation just prior to the planting season dictated this strategy.

Article 7 also adversely affected the commercial sector of Ethiopian agriculture, at least temporarily. This part of the proclamation nationalized the country's foreign-managed agribusiness, together with other large-scale farms. These are defined by Article 2(2) as being mechanized or farmed by modern animal husbandry. Figures are unreliable but there may have been as many as 5000 such farms covering perhaps 700,000 hectares. Prior to 1974, large-scale enterprises accounted for a considerable portion of Ethiopia's agricultural exports, as well as a significant share of locally marketed food stuffs.<sup>19</sup> Article 7(1) requires the government to supervise these farms and their former owners to run them until such time as a policy decision is reached to maintain the farm as it is or to break up its holdings for distribution to peasant associations, collectivized units made up of the farm's former laborers, resettled landless peasants, or unemployed urban dwellers. However, there appear to be no clear guidelines for deciding how to deal with these important components of pre-revolutionary Ethiopia's agricultural production. The proclamation, through Article 7(2), does deny compensation for real property, while urging present managers to continue to operate farms until the government works out policies for each one. To induce managers to stay on, the legislation promised fair compensation for movable property and permanent works on such farms. Large enterprises generally abandoned their farms prior to the decree in anticipation that they would never profit from any plantings undertaken. In any event, the principal goal of Proclamation 31 is the permanent dissolution of large private estates. Care is taken to insure that farmers gain only a right of usufruct and do not reconsolidate larger holdings once the impetus behind the movement dissipates and tenure is normalized.

The PMAC needed institutional support to implement its radical land measures, for the MLS lacked sufficient field staff. The government therefore used Proclamation 31 to establish peasant associations. The apparent thrust of the proclamation is to place control over implementation of new land policies at the grass roots level.<sup>20</sup> If the PMAC attempted to implement change solely from the center, it would need to rely on the limited MLS staff<sup>21</sup> to break up larger estates on the basis of rules regarding the maximum size of holdings. This approach would take a long time to implement, generate uncertainty of tenure, perhaps lower production, require a cadastral survey, and allow provincial landowners to consolidate countervailing force against the reform. Lack of cadastral surveys and problems in land registration (Cohen and Weintraub, 1975: 76-79) made it nearly impossible to reallocate land through the central administration. Since the peasantry themselves are in the best position to know property boundaries, fertility, value and distribution equities, the use of peasant associations to implement land policies would enable the PMAC to overcome this obstacle. Peasant associations also are uniquely suited to identify and articulate local problems and propose feasible solutions. And they provide a useful local vehicle for explaining and enforcing rapid rural change throughout the Ethiopian countryside. Hence, the government risked loss of central control in favor of immediate, locally-administered change. With the assistance of MLS field staff and students, the PMAC moved to establish peasant associations in the countryside.

Article 8 of the proclamation requires peasant associations to be formed for each area of 800 or more hectares. The article refers to chika shum as the basic geographic unit for organizing associations, but the size of the jurisdiction of this informal local government official varies widely throughout the country. The method of establishment is governed by Article 12, which charges the MLS with assigning one staff officer to each woreda<sup>22</sup> and cooperating with the Ministry of Interior to promote the success of the program. The task of the land reform officer is to call assemblies of peasants, explain the proclamation to them, and proceed to assist them to form their associations.<sup>23</sup> Since there are over 500 woredas in the country, averaging perhaps 80,000 hectares each, MLS staff maintain only minimal contact with each association. Students are available to aid the mobilization process.

After expropriation and redistribution of the land in an area is complete, any farmer can be a member of the peasant association. Article 9 limits initial membership to landless tenants, agricultural laborers, and landowners with less than 10 hectares of land.<sup>24</sup> The inclusion of small-scale landowners constitutes a risk. In many places, they, rather than poor peasants, dominate associations. On the other hand, their membership broadens the support base of the association and serves to prevent the cleavage of "land-no land" from dividing the countryside.



Proclamation 31 does not contain provisions on the selection of leaders, the functions of leaders, terms of office, rights of members, or how associations are to be governed, though it does establish a judicial tribunal to resolve internal disputes. In practice, the general assembly is the basic unit of the association. It appoints the executive committee, which generally includes four persons: chairman, secretary, treasurer and liaison officer. In theory, the committee executes the binding directives of the general meeting. The members of this committee represent the association at the woreda level. The general meeting also elects judges and establishes the association's judicial tribunal. The association's court is chaired by the MLS land reform officer, but it is unclear if he is to control or merely assist the elected judges. The size of these committees and tribunals, as well as their internal rules, varies from association to association. The proclamation's vagueness allows flexibility and avoids the rigidity which tends to cripple associations or cooperatives governed by detailed legal regulations.<sup>25</sup>

Under Article 11, a hierarchy of peasant associations is to be established. Each association will send delegates to a woreda peasant association, which will send delegates to an awraja level association. The woreda associations can alter the geographic boundaries of associations to assure equal holdings within the woreda, request an association to distribute land (probably government or state domain land) to particular landless persons, and establish a woreda judicial tribunal to hear and decide appeals of land cases.

The executive committee of the local peasant association represents it at the woreda level in a general meeting, which then body appoints delegates to the awraja level. The PMAC currently intends the awraja level to follow the same structural and functional patterns found at lower levels. The principal functions of the awraja peasant association are to coordinate the activities of woreda associations, and to provide liaison with the government's development agencies. Representation at this level is to be based on the number of associations in each woreda and not on a set number for each woreda. Finally, the executive committee of the awraja general meeting is to prepare an annual report covering the activities and projects undertaken at all three levels, in conjunction with government agencies.

All legal disputes which arise in the process of expropriation and redistribution of land are excluded by Article 28 from the court system of the Ministry of Justice. This provision and Articles 10(4) and 11(2)(d) place decisions in the hands of judicial tribunals established by the peasant associations, rather than in local courts.<sup>26</sup> No procedural rules are established for these courts by the Proclamation and the existing Civil Procedure Code is too complex, assuming these courts even know about it. The woreda judicial tribunal hears appeals from associations and is a court of first instance in

land disputes between two associations. Appellate decisions are final, but decisions on association disputes can be appealed to an awraja judicial tribunal. This higher court is established by the awraja peasant association. The MLS land reform officer is to act as chairman of the judicial tribunal at the woreda and awraja levels. This position could be one of considerable power. Rather than merely advise, the officer could use the position to help insure local compliance with ministry policy directives. Finally, the article establishing this function (Article 14) precludes persons who heard a case at the woreda level from hearing it again at the awraja level. The officer is to establish an office to serve the judicial function and keep records relating to all litigation.

Aside from the initial and primary function of expropriating and distributing land, Article 10 assigns the following tasks to peasant associations: (1) to follow land use directives to be issued by the government; (2) to administer and conserve any public property within the area, especially soil, water and forests; (3) to establish judicial tribunals to hear land disputes arising within the area; (4) to establish marketing and credit cooperatives and other associations that would help farmers cooperate on public works; (5) to build schools, clinics and similar institutions necessary for the area; with government cooperation; (6) to cultivate the holdings of persons who, by reason of old age, youth, illness, or widowhood cannot cultivate their holdings; (7) to undertake villagization programs; and (8) to exclude from distribution mining and forest lands and places of historical and anti-quarian significance.

Article 10, Section 1, sets general distribution rules. It charges each association with distributing land as equally as possible. In the distribution process, the following priority list is to be followed: (1) to former tenants and landowners residing within the area; (2) to evicted tenants; (3) to persons who reside within the area but do not have work or sufficient means of livelihood; (4) to farmers coming from outside the area; (5) to pensioned persons who are willing to undertake personal cultivation; and (6) to organizations needing land for their upkeep. The encompassing nature of the latter priorities may cause distribution disputes. The priorities cover churches, monasteries, and priests, as well as members of the armed forces who frequently retire at an early age and return to rural areas. Yet the prospect of inclusion could reduce opposition to the proclamation by influential persons.

Several interesting questions are generated by this article. First, the proclamation does not clarify the right of peasants to their holdings when such rights are in conflict with allocation decisions of the peasant associations, though the outcome is probably implicit in the tribunal system described earlier. Secondly, potential inequities in allocation are important, particularly given the socialist philosophy underlying the law. For instance, landlords are given priority

over tenants they might have evicted. Landless workers, of whom there are many, come after tenants, landlords and evicted tenants. In this regard Harbeson agrees that "one of the paradoxical dimensions of the rural land reform measure is that it abolishes agricultural labor but gives unemployed and underemployed rural dwellers lower priority in the allocation of land use than that given the landlords who may have employed them or who evicted tenants to mechanize their agricultural operations" (1976:7). Perhaps the new Settlement Authority will be able to help solve these and other problems of the landless mentioned in this article.<sup>27</sup>

The rights and duties of the government under the proclamation are further delineated in Articles 15 through 18. Under Article 15, the Minister of Land Reform must establish registers reflecting the new distribution patterns and assign surveyors to associations as they undertake demarcation efforts. Article 16 gives the minister power to determine which large-scale farms will be maintained in the name of the state as cooperative farms and which may be divided up and distributed to tillers. The Minister is also given the power to determine what compensation will be paid for permanent works and movable property on such farms at the time of expropriation. Eminent domain rights are granted the government by Article 17, which provides for compensated expropriation of land held by peasant associations for public purposes such as schools, hospitals, roads, military bases and agricultural projects. It is necessary to note that the proclamation does not define the legal right which the association has over land within its jurisdiction. While nationalization keeps an association from owning such land, provisions such as Article 17 indicate that associations retain administrative rights over land under Article 18. The government also assumes the obligation to resettle peasants who end up with insufficient land following the distribution process. Should this not prove possible, the government is to establish cottage industries to employ such persons. Problems in implementing this provision are likely to be encountered in areas experiencing serious population pressures.

Finally, Article 31 sets serious criminal punishments for any person who obstructs the operation of the proclamation or destroys movable property or fixed works on expropriated land, such as trees, farm houses, mechanical equipment, crops, irrigation works, dams, or livestock. In addition, any public servant who misuses authority in implementing the proclamation also is subject to criminal prosecution. The law closes with a grant of power authorizing any person performing functions related to the proclamation to enter any land holding and gives the proclamation supremacy over prior laws, rules or judicial decisions with which it may be inconsistent.

#### B. Land Reform and Government Revenue

On gaining power, the PMAC not only abolished rent but ceased collecting agrarian-based taxes.<sup>28</sup> The government real-

ized that if the process of instituting taxes was not carefully explained to peasants, numerous problems would emerge. Farmers certainly would resist becoming "tenants of the military."

In January 1976, the government issued Proclamation 77, establishing land use fees and agricultural income taxes.<sup>29</sup> The law begins with a preamble declaring it the national duty of every peasant given land use rights and the opportunity to earn income to contribute part of his earnings to finance development programs adopted by the government for the benefit of the rural populace. The preamble specifically notes the need for programs in agricultural research and extension, road construction, communications facilities, and market improvement. Despite this rationale, however, there are no provisions in Proclamation 77 requiring the central government to return a given percentage of tax receipts to the local level, with the exception of Article 44 which authorizes tax collectors (generally envisioned as peasant associations) to be paid two percent of collected revenues by the Ministry of Finance.

Land use fees and agricultural income taxes are to be collected either by the peasant association, by a person appointed by the Inland Revenue Agency of the Ministry of Finance, or by the local woreda tax office of that ministry. The first two are known as the "tax collector" and the third as the "tax office." Under Article 5, the tax collector is to submit annually a list of farmers<sup>30</sup> residing within its jurisdiction<sup>31</sup>. Farmers on this list are registered separately at the tax office under Article 7(1). Fees for the use of land outside the boundaries of municipalities and towns are to be collected annually according to this list. Under Articles 8 and 10, farmers who are members of an agricultural commune pay \$E 3, and non-members pay \$E 4, to the tax collector. (\$US 1 = \$E 2.05). If the total fee is above \$E 1,200 then it is to be collected by the tax office. Article 10(1)(b) provides that the fees of collectives are to be paid to the tax collector even though the aggregate fee may exceed \$E 1,200, thus allowing it to retain the two percent mentioned above. Article 11 requires the tax collector to submit a list of taxpayers, receipts and money collected to the tax office at the termination of the fee collection period. Government agricultural organizations are the other category of taxpayer specifically covered in the law.<sup>32</sup> Article 6 requires them annually to declare the size of their holding to the tax office. Under Article 8(3), they are to pay at that office an annual fee of \$E 2 per hectare on the total size of their holdings.

Article 12 requires all farmers and government agricultural organizations to pay an income tax on agricultural activities.<sup>33</sup> This process begins with the submission of a declaration of estimated gross agricultural income, together with the tax, to the designated tax collector or tax office.<sup>34</sup> These declarations are then registered and categorized into four brackets: under \$E 600, \$E 600 to \$E 900, \$E 900 to \$E 1,200, and above \$E 1,200 (Art. 17). The income taxes on the first three cate-

gories are \$E 3, \$E 4.50 and \$E 6, respectively. As with land use fees, these are paid to the tax collector, who must deliver receipts to the tax office within 30 days of payment.<sup>35</sup> The tax assessed<sup>36</sup> the first year is to be paid for three consecutive years, after which time a new assessment will be made of the farmer's gross income (Art. 19(1)). The only deduction allowed to these income groups is for loss of harvest (Art. 19(2)).

Farmers earning over \$E 1,200 are treated differently. They pay the \$E 6 tax on the first \$E 1,200 to the tax collector and tax on the remainder to the tax office. Article 24 allows deductions from gross income for documented expenses, depreciation, and fees,<sup>37</sup> and Article 25 sets taxes on the remaining income. For government agricultural organizations the tax is 50 percent, while for individual farmers it runs progressively from 15 percent at the \$E 1,200 to 3,000 bracket to 70 percent at the \$E 27,000 to 33,000 level. Taxes above \$E 33,000 run 70 percent. (The English version states 10 percent above \$E 33,000, while the Amharic is 5 percent lower for each of the 10 brackets.) Articles 27 through 35 provide an appeal procedure for such taxpayers to a woreda tax appeal committee.<sup>38</sup> In order to discourage appeals, Article 32(2) requires the taxpayer to pay a penalty ranging from 10 to 25 percent of the final tax payable as compensation to the tax office for the expense it occurred because of the appeal. Apparently, this is paid whether or not the taxpayer wins the appeal.

Article 39 establishes penalties for failure to declare annual income, late payment of land use fee or income tax, and failure to keep books and records when required. These are fairly stiff and should help stem the tax evasion that characterized Ethiopia prior to 1974.<sup>39</sup> Pressure to pay taxes and penalties is increased by Article 44, which provides that every tax collector shall be paid two percent of the receipts. This includes penalties, which under Article 39 are to be collected as an integral part of the fee and tax. Since the tax collector in most instances will be the peasant association, this payment will be relied upon for income, thereby stimulating pressure to collect delinquent fees, taxes and penalties.

The PMAC is under heavy financial pressure due to its military campaign in Eritrea and unrest in other areas. Moreover, the massive expenditures necessary to capitalize on rural land measures and promote economic development require substantial amounts of revenue. What is impressive is how little the tax squeezes Ethiopia's major economic sector. Abolition of large holdings and the 10 hectare land ceiling will keep most taxpayers below \$E 1,200 in earnings. Use of peasant associations as tax collectors will reduce evasion, but the low rates set by the tax law clearly continue the traditional Ethiopian tax policy of favoring the farmer to the detriment of the national treasury.<sup>40</sup> Perhaps the PMAC intends to argue that rural areas are given light burdens so they can finance their own development efforts through self reliance.<sup>41</sup>

### C. Increased Tasks for Peasant Associations

The land nationalization and tax proclamations require peasant associations to perform a wide range of duties. These new institutions could become overextended. In spite of this possibility, the PMAC gave them additional duties in December 1975 in a proclamation expanding the functions of peasant associations to include major tasks typically performed by local government units. Entitled "Peasant Associations Organization and Consolidation," this proclamation<sup>42</sup> directs itself to the powers and duties of peasant associations, cooperative societies formed by such associations, women's associations, people's militia, peasant association courts, and the structural organization of "revolutionary administrative and development committees" for woreda, awraja, and kifle hager (former provincial) levels.

Proclamation No. 71 continues to reflect the basic trends of the rural reform legislation: empowering the peasantry, particularly poorer elements, to participate in policy decisions that affect their interests and lives; the trend toward decentralized local self-government; and the effort to raise peasant consciousness while promoting economic equity. Unfortunately, the proclamation also reflects another pattern typical of this body of legislation--poor draftsmanship, unclear language, and conflicting provisions. The proclamation begins with the statement that its aim is to promote peasant self-administration, improve peasant ability to guide central and local agencies involved in rural development, minimize the complexity of bureaucracies at the local level, stimulate the organization of cooperatives, build the foundation for a socialist agriculture, and give peasant associations a legal personality. Hence, like the other legislation, the proclamation is a blend of legal necessity (establish legal personality for contractual purposes) and revolutionary rhetoric ("enable peasantry to participate in the struggle against feudalism and imperialism").

In addition to powers and duties established under Proclamation 31, Article 5 gives associations the power to establish cooperative societies, women's associations, peasant "defense squads," and any other groups needed for the collective performance of work tasks or administrative duties. Toward this end, the associations are given legal personality the right to (sue and be sued) and authority to set up internal regulations. Article 14 requires each association to register with the Ministry of Lands and Settlement.

Article 6 provides for not less than three, nor more than ten, associations to come together to form a "service cooperative." Under Article 6 cooperatives are given legal personality, but membership does not affect the corporate integrity of member associations. Cooperatives within a given woreda may establish a larger cooperative society at that level. The possibility that even higher level cooperative societies will be

constituted is left open.

A wide range of functions is assigned by Article 7 to co-operatives, including distributing fertilizer, seeds, and farm implements; providing and managing credit; marketing and storing grain produced by members; improving farm implements; running flour mills; and stimulating cottage industry. Beyond these tasks, cooperatives are to provide extension services, supply consumer goods to members according to their needs, teach members the principles of socialism, promote better health services and welfare for peasants, fight against corruption, and educate the rural population politically. The need for a subsequent proclamation is recognized by Article 9, which notes that "the organization and administration of cooperative societies shall be governed by another proclamation." Whether this refers to forthcoming legislation or the Co-operatives Proclamation of 1966 is unclear.

In addition, Article 8 encourages cooperative societies gradually to transfer the "instruments of production" from members to the society, divide members into collective work groups, give priority to the interests of the poor, insure that peasants rise to leadership positions, promote democracy, abolish exploitation, and provide for the general welfare. These are very broad, somewhat overwhelming, assignments. In establishing them, central policy makers and draftsmen clearly have socialist and collectivist agriculture in mind.

Very few marketing cooperatives had been formed by late 1976. Plans call for about 400 service cooperatives and 300 cooperative farms by 1979 (Gilkes 1976:662). However, for this to occur more organizational resources will have to be made available by national ministries and substantial programs of political education implemented. And until the peasants see the advantages of such programs and understand how they work little progress is likely.

The people's militia is established by Articles 11-14 and charged with helping the Ministry of Interior's police force protect the property and crops of peasants. This task is initially intended to keep former landlords from attempting to claim crop shares, expropriated land or oxen, or farm implements. In addition, the militia is to help the police locate criminals, safeguard national resources and properties, respond to the defense needs of the government, and enforce the decisions of peasant association executive committees and courts. The leader is to be elected by the association's general assembly and other members of this force are to be elected by the association's executive committee for two-year terms. They must be from the peasantry, responsible, and over 21 years of age. The leader must be a member of the association's executive committee.

Women's associations, established under Article 10, are primarily charged with securing the rights of members. Toward

this end, they are given the right to sue and be sued, as well as to draw up internal regulations. In addition, women's associations are given vague duties of establishing professional associations such as craft guilds, and establishing mobile teams which are to follow the political, economic, and social problems of members.

The proclamation provides for an independent peasant association court of three to five judges elected by the association's general assembly for one-year terms. The court is a type of administrative tribunal where members of a given peasant association can resolve disputes quickly rather than enter the local court system of the Ministry of Justice.

Under Article 20, the civil jurisdiction of peasant association courts covers disputes over private property (the English translation is in conflict with the usufruct principle established by Article 3 of Proclamation No. 31), division of community property, division of common marital property, fees for use of the community's collective assets, and loans granted by peasant associations to members. Problems created by conflicting language are evident from section 1 of Proclamation No. 71. While this section gives peasant courts jurisdiction over civil "disputes involving up to \$E 100," section 4, speaks of "disputes involving not more than \$E 500 arising between the local peasant association and the inhabitants of the locality." Article 21 gives peasant association courts criminal jurisdiction over violations relating to rural areas that are specified in the Code of Petty Offenses of the Penal Code, intimidation (probably by former landlords and other provincial elites), offenses against the privacy of domicile, contempt of the association court's decisions and, most importantly, violation of the internal regulations issued by the peasant association concerning the property, security and welfare of the locality. Jurisdiction under these two articles is only extended to association members, or in the case of higher association courts, to associations within their locality. The penalties set forth in Article 23 range from warning the offender or demanding a public apology to fines up to \$E 300, three months' imprisonment, or forced work for up to 15 days. Finally, Articles 24 to 40 establish procedural rules, the most important of which are those contained in Article 33, which establishes a woreda tribunal to hear appeals and to have original jurisdiction over cases involving associations or cooperatives, and in Article 37, which establishes an awraja tribunal to hear appeals from the original jurisdiction of the woreda court, and to have original jurisdiction over cases arising between woreda level peasant associations or cooperatives. No case in this system can be appealed more than once and decisions of cases in the awraja court are final. Judges are to be elected by the respective levels of peasant association.

The general functions of the "revolutionary administrative and development committees" for woredas, awrajas and kiflegers are to help integrate the activities of different minis-



tries and their field agents so they better serve the people of the area where they are operating, and to insure that peasants are participating in the policy decisions of such ministries when those decisions affect local interests.<sup>43</sup>

Progress toward coordination is complicated by Article 45, which states that the committees "shall not interfere with technical matters of government offices," thereby continuing the major problem of divided administrative and technical control that has plagued Ethiopian local government (see Koehn and Cohen, 1975). Under Article 44, committees are to operate under principles of majority rule, and chairman are charged with implementing decisions. Revolutionary administrative and development committees are seen as transitional, for Article 31 states that the provisions establishing them (Articles 42 to 54) will be in effect only until a new local self-administration law is issued.

Woreda committees<sup>44</sup> are specifically charged with coordinating the use of natural resources, reporting to the awraja committee on the progress of development activities, coordinating and supervising the activities of peasant associations, coordinating and supervising ministerial field agents operating in its area, and taking action against persons who oppose or fail to perform orders.

Proclamation No. 71 attempts to minimize conflict between local, regional and central interests by building a hierarchical set of committees which are to facilitate two-way channels of communication on development and governance issues. Members<sup>45</sup> of the awraja committee are required to supervise and coordinate activities of woreda committees within their jurisdiction, to circulate rural development programs issued by the regional or kifle hager (formerly provincial) committee, to integrate development progress reports of woreda committees, and to report generally on development activities in the awraja to the kifle hager committee. The kifle hager committee<sup>46</sup> stands between the awraja committees and the permanent committee of the central government. Its central tasks are to integrate activities of awraja committees, distribute to the awrajas programs sent by various government offices, and execute them and provide an administrative linkage between awrajas and the central government.

The central government's permanent committee<sup>47</sup> is charged with developing policies that will allow revolutionary development committees to operate effectively by coordinating the rural development plans of the central government, suggesting to government ministries policies for promoting rural development, and resolving conflicts brought to its attention by kifle hager committees.

#### D. Initial Effects of Proclamation 31

Although the effects of Proclamation 31 are not fully vis-

ible by 1976, available information<sup>48</sup> allows the conclusion that there has been substantial progress in implementing its provisions in those central, southern and western provinces that had large-scale holdings, extensive tenancy, a high number of absentee landlords, and prior market penetration.<sup>49</sup> Absentee ownership, land concentration, and agricultural mechanization characterized those areas where the reform policies proved easiest to implement. Implementation encountered more obstacles in areas marked by patron-client relationships, sharecropping, and rich peasants. The law has not been effectively introduced in the north, where kinship and village tenures prevail, in part because of negative peasant response to its provisions and some armed resistance to the PMAC by royalists.<sup>50</sup>

Reports indicate that plantations, crown lands, commercial farms, and other large private holdings have been effectively seized in other parts of the country. Some large farms not cultivated by tenants have been taken for the purpose of resettling landless peasants. Resettlements generally are organized according to collective farming principles. Elsewhere, tenants stopped paying rents to landlords and began to control their former leaseholds. Relatively little violence accompanied these developments. Some rich peasants holding more than 10 hectares have yet to lose their surplus land, however, this delay in full implementation may partly account for the apparently low level of rural conflict. Nevertheless, change appears to be so extensive in most areas outside the north that it seems clear that rural Ethiopia will not return to its pre-revolutionary state. And initial success in implementation is creating an environment conducive to sustained rural progress.

What can be learned from the process by which the PMAC introduced these initial reform steps? In 1974, landowners and peasants became aware that extensive land reforms ultimately would be implemented by the new government.<sup>51</sup> Sporadic peasant rebellions in that year reinforced this message. In some cases, rent was withheld, land seized, landlords beaten or, more rarely, tractors set on fire. Incidents usually took place on large estates or in areas of extensive tenancy where peasants were threatened by the expansion of mechanized agriculture. Many foreign observers, on the basis of these incidents, thought that the proclamation would spark further acts of violence among landowners, peasants and local elites. In most areas, however, the level of violence remained low, partly because many absentee landowners never returned to protect their land and in part because many already had been imprisoned or executed by the PMAC. Still, in isolated areas of the south, and more widely in the north, landowners, usually balabats, organized armed resistance against officials, students, and peasants seeking to implement the provisions of the land reform proclamation. Other violence involved rich peasants, students, local merchants and local police. But more striking than the disorders is the swift decline in the power of the landed provincial elite and their inability to resist this loss of power.

The PMAC understood that eradication of large land ownership patterns would drastically curtail the elite's power base. They correctly perceived the immediate need to introduce new land measures as an essential first step (Cohen and Seleshi Sisaye, 1976:15) for the radical transformation of the existing structure of rural society, economy, and politics.<sup>52</sup>

The PMAC attempted to support former tenants by sending new government officials, land reform officers, and zemecha students<sup>53</sup> to rural areas. Moreover, the military rulers removed the conservative, traditional provincial governors and local level officials who had previously dominated rural government.<sup>54</sup> However, new officials inherited generally reactionary, poorly trained staffs, as well as police forces long associated with the corruption and repression of the earlier regime.

Under these conditions, and given the shortage of land reform officers, the 30,000 odd zemecha students were able initially to define their own strategies and tactics.<sup>55</sup> The official charge to those participating in the zemecha campaign is to implement political, agricultural, adult literacy, cooperative education, public health, public works, famine relief, and cultural preservation projects; to teach the values of self-reliance, national unity, cooperation, and labor; to "explain to the public the land reform proclamation; to assist in its implementation; and to gather data on land tenure and land use" (Ethiopia, Zemecha Headquarters, 1975:9-10). In fulfilling the land reform function, many students pushed for change beyond the terms of Proclamation 31. As Hoben (1975b: 63) notes, the proclamation is less radical than the program students actually brought to the countryside. Zemecha activities included promoting collective farming, redistributing plow oxen, forcing the election of landless peasants and disadvantaged minorities to leadership positions in peasant associations, branding merchants, local police, rich peasants, and former landlords as enemies of the peasants, and seeking to arm peasants to protect gains made as a result of the radical land policies.<sup>56</sup>

Coordination by student leaders is suggested by the uniformity of zemecha activities. The general strategy was to select an area on the basis of local government, church, or market boundaries and divide the jurisdiction into 800 hectare units. Local people elected to assist in this effort helped students prepare lists of each area's inhabitants. Organizers took care to exclude "exploiters" and landowners of more than 10 hectares from influence in their activities, once areas and inhabitants were delineated. Students usually pressed to have dissenters jailed, but in some areas propertied elites gathered forces that drove the students out.

Local gentry and landlords became the student's first and most successful targets. In mobilizing the peasantry against them, students catalyzed a certain amount of violence in the

initial reform period (March to May 1975), some of which expressed ethnic antagonism toward landed Amhara. Additional fighting occurred between students and relatively wealthy peasants. Such peasants worked between 10 and 30 hectares, yet were not large-scale landowners or provincial elites, though some rented land and supplied oxen to tenants. The proclamation expropriates holdings above 10 hectares, eliminates rent payments and, in certain circumstances, allows tenants to keep oxen provided under lease arrangements. These provisions affected relatively wealthy peasants. Many armed and demonstrated an unwillingness to relinquish land or oxen. Moreover, they owned no residences in towns, or non-farm assets. Hence, unlike the large scale landowner who retreated to an urban center and resorted to political intrigue, some rich peasants turned to armed resistance.

In places, local police did not help to enforce the proclamation; instead, they sided with landowners on expropriation issues, for some owned land and many had long been allied with landed elites. Their lack of cooperation angered students. In some cases, students attacked the uncooperative police or their headquarters. Such conflicts involved townspeople and merchants where the headquarters are located. Jimma, capital of the southwestern province of Keffa, was the scene of one of the most widely noted conflicts during the expropriation phase of the land reform program.<sup>57</sup> In April 1975, clashes between zemecha students, peasants, provincial elites, townspeople, and local police caused a number of deaths. The effects of this conflict and others in Sidamo and Hararghe provinces led the PMAC to alter its grassroots policy of implementing land reform through unregulated popular, student-led mobilization.<sup>58</sup> Subsequently, the PMAC asserted closer control over implementation of rural land reforms. The military rulers did not want overzealous students to undermine local order and compound lawlessness, especially given the problems facing the government elsewhere. Military forces could not be spared, nor could the PMAC leaders commit much time or energy to controlling student-generated conflict.

The seeds of rural power have already been sown by the student mobilization of peasants, however. As Marina Ottaway (1975:54) points out, "...the formation of peasant associations ...introduced the idea of participation and self government in the rural areas." Rural people are now more directly involved in the process of change and development. Exactly how many peasants are involved is unclear, although the number certainly is substantial. The Ministry of Lands and Settlement announced in September 1975, on the basis of questionable data, the existence of more than 18,000 peasant associations. Four and one half million peasants are said to be members.<sup>59</sup>

The characteristics of peasant association members are not easy to assess. A number of people joined to secure the rumored 10 hectares of land said to go to each member. Membership was increased and made more heterogeneous by student re-

cruitment of tenants, migrant laborers, landless workers, artisans and other disadvantaged people. In Muslim areas, some persons normally not land holders, such as younger brothers in a primogeniture system and Muslim wives, are believed to have joined in order to gain land. These categories are consistent with Proclamation 31, which limits membership to former tenants, small-scale landowners and other landless people, but does not exclude members of a family other than the head.

Likewise, little is known about the leadership of peasant associations. Reports indicate that leaders tend to be literate small-scale landowners who had been good to their tenants, well known, or hardworking. Owners of 5-10 hectares of land are thought to exert considerable influence within associations. On the other hand, students tried to promote the selection of tenants for leadership roles. In most regions, this proved difficult to achieve. In fact, some landless laborers, squatters, and poor tenants have been forced to leave certain areas because of community fear that they will dilute shares of land (Hoben 1975b:67). Moreover, the influence of students over peasant associations declined steadily after mid-1975. While poor and sometimes radical peasant leaders assumed control in some areas, the tendency toward selecting relatively well-off landowners was enhanced by the need for leaders who possessed functional literacy, numerical skills, and had demonstrated ability to work with government officials and to fulfill association duties.<sup>60</sup>

The PMAC envisions peasant associations playing a major role in rural development activities, land reform implementation, tax collection, and local government functions. These tasks are imposed by proclamation with little apparent consideration as to whether the new, untested organization can respond to so many demands. The strength and staying power of large numbers of peasant associations rest on the provision of training for local leaders, the continued presence of zemecha advisors, and the injection of material and financial incentives<sup>61</sup> and technical assistance by central government agencies.

Peasant associations served an important initial purpose by mobilizing direct peasant participation in the sweeping land reform conducted in those areas most in need of it. The rural social system has been profoundly transformed. Except in the north, traditional elites are unlikely to produce a counter-revolution or reorder the social structure.

For the short term, surplus-producing, small-scale peasants will dominate an agrarian system characterized more by individual proprietorship than by a collectivism.<sup>62</sup> Most Ethiopian peasants appear to desire to hold their own land, a tendency probably strengthened by the new security of tenure and the apparent "ownership" which recent measures granted to the peasant. This is particularly true in areas which, before 1974, were characterized by small holdings and few absentee landlords. Gurage ensete areas, and parts of Wollega where the Oromo gener-

ally retained control of historical holdings, are two prominent examples.

Still, collectivized farming must be considered an alternative model, particularly since it received mention in the two recent proclamations on land-based taxes and peasant association organization, and because it is the preferred long range goal of many students and some military leaders. "Ethiopian Socialism," the PMAC's proclaimed goal, involves elimination of class difference and unequal land distribution. More radical future leadership may interpret this goal to require collectivization. Southern Oromo regions previously dominated by Amhara landowners, where high tenancy levels predominate are the areas in which voluntary collectivization is most likely to succeed. And, if the collectivization introduced since 1975 is successful, it may prove more attractive to peasants, leading in turn to promotion by the PMAC of collectivized landownership on a wider scale.<sup>63</sup>

At present, the PMAC's program is hampered more by organizational, administrative, and infrastructural problems than by conflict aroused by the radical measures.<sup>64</sup> Implementation is retarded by the shortage of trained administrators, inadequate communication, credit, transport, farm equipment and materials, pricing and marketing problems (see Holmberg, 1976), and the government's inability to provide administrative and farm management training programs on a wide scale.

Still, as of late 1976, the major problems faced by the government are economic (Gilkes, 1976; Shaw, 1976). Agricultural production of food grains appears to have increased 10 percent in the first post-reform harvest (though state farm production is thought to have declined 50 percent) because of a number of factors: unusually good weather, a decision to plant food grains in some pulse exporting areas, and the success of the PMAC in implementing the reform quickly. However, transport problems, a disrupted marketing system, and increased peasant consumption has led to food shortages in urban areas. Worldwide inflation and monetary policies of the government (currency conversion and increased money supply), as well as food shortages and other factors are leading to an annual rate of increase in the Addis Ababa retail price index of 50 percent. Most exports other than coffee have declined, leading to a trade deficit for 1976. Given the policy decision to accelerate agricultural production, the cost of imported fertilizers and other agrarian inputs is hampering the government's efforts to cut back imports. Finally, the rising costs of consumer goods, such as salt, sugar, and clothes, in the marketplaces of Ethiopia's towns has led to some frustration among the peasantry and urban classes.

### III. Nationalization of Urban Land and Extra Houses<sup>65</sup>

#### A. Radical Urban Policies

In late 1974, the PMAC began to attack the economic bases of elite privilege in urban Ethiopia. The new rulers nationalized most large manufacturing firms and commercial establishments along with the extensive urban land and property holdings of the royal family. In 1975, the government revised credit policies previously exploited by wealthy persons seeking loans to purchase luxury goods and imposed and lowered salary ceilings in public and private employment. And the state assumed ownership of all urban land and rented dwelling units and shops.<sup>66</sup> The latter action, formally announced in July 1975 in Proclamation No. 47, "A Proclamation to Provide for Government Ownership of Urban Land and Extra Urban Houses," constitutes the principal subject of analysis in this section.

#### B. Patterns of Urban Land and House Ownership Prior to the Coup d'Etat

During Haile Selassie's reign, the absence of attractive investment alternatives led persons in possession of surplus wealth to speculate in urban real estate. This pattern of investment drove up the cost of land in urban areas dramatically and led to a situation in which a small number of wealthy individuals possessed almost all urban land. An estimate made in 1966 indicated that five percent of the population of Addis Ababa owned 95 percent of the privately-owned land (Mesfin Wolde Mariam, 1970:28).

To build public support for nationalization, the new military rulers disclosed figures revealing the extent to which private urban land ownership had become concentrated in a few hands in Ethiopia. For instance, on July 25, 1975, the Ethiopian Herald published statistics culled from incomplete municipal records revealing that seven members of Haile Selassie's family owned 8 million square meters of land in Addis Ababa, while the heirs of a powerful aristocrat claimed 12 million square meters in the Entoto and Yeka zones of the city. Ten former government officials jointly owned 3.8 million square meters.<sup>67</sup>

While few Ethiopian urbanites owned land, a larger number owned the houses or shops erected on urban land.<sup>68</sup> Still, an estimated 60 percent of the occupied housing units in Addis Ababa and 70 percent of Asmara's inhabited dwellings were rented rather than owned by their occupants in the late 1960s.<sup>69</sup> The same pattern prevailed throughout Ethiopia, generating large incomes for a few urban landlords and landowners. In Asmara, for instance, the press revealed that eight government officials annually received \$E 650,138 in income from rents.<sup>70</sup>

Following the nationalization of rural land, unequal patterns of urban land and property distribution came under official scrutiny and increasing criticism. As early as March 11, 1975, an editorial in the Ethiopian Herald called for "land reform in urban areas" in order to "put an end to...disparity in wealth."<sup>71</sup> The government-controlled press stepped up the

attack on private land ownership in the weeks preceding issuance of the proclamation nationalizing urban land and extra houses. On July 17 and 24, editorials in the Ethiopian Herald labelled Addis Ababa "the last stronghold of feudalism" and implied that nationalization of urban land was imminent. Then, on July 25, the PMAC issued a policy statement confirming that urban and rural land would be treated in the same manner (i.e., would be nationalized). The central position articulated by the PMAC in this announcement is that private land ownership is incompatible with the basic tenets of Ethiopian Socialism and the government cannot apply "contradictory guidelines and policies" in different sectors of the country. The statement concluded that "urban land will have to be returned to the people in the same way that rural land was" (Ethiopian Herald, July 25, 1975, p. 1).

The imminence of change in urban land and property patterns created uncertainty and anxiety among urban dwellers. Some tenants withheld monthly house payments in response to nationalization rumors and the PMAC's earlier freeze on rents. Many landlords assumed that the forthcoming urban proclamation would grant possession of a dwelling to its occupants. Therefore, some landlords turned to extreme measures directed at driving tenants out of their living quarters--such as roof removal (Ethiopian Herald, July 25, 1975, Addis Zemen, Hamle 15, 1967 E.C. (1975)).

#### C. Proclamation No. 47 of 1975

On July 26, 1975 the PMAC issued Proclamation No. 47 of 1975, the "Government Ownership of Urban Lands and Extra Houses Proclamation."<sup>72</sup> It is a far-reaching and complex law with the potential to bring about radical changes in urban society. At the heart of the proclamation is nationalization of all urban land without compensation. In addition, while private ownership of urban houses is not completely terminated, an individual or family can no longer own more than a single dwelling house. All "extra" houses become government property.

The twelve-point preamble to Proclamation No. 47 sets forth a number of reasons and goals for the measures announced in the law. A handful of urban landlords are held to have obstructed urban planning, development, and improvement in urban living conditions through land speculation and abuses of economic and political power. The owners of urban dwellings and businesses are charged with exploiting tenants and evading taxation. Finally, the preamble maintains that nationalization of urban land and houses is essential for careful planning and resource utilization, the extension of secure housing facilities to poor urban dwellers, and improved urban conditions. The basic principles supporting the policy objectives pursued under Proclamation No. 47 are clearly expressed in the preamble's final clause:

...in order to bridge the wide gap in the stand-



ard of living of urban dwellers by appropriate allocation of disproportionately-held wealth and income as well as the inequitable provision of services among urban dwellers and to eliminate the exploitation of the many by the few, it is necessary to bring under Government ownership and control urban lands and extra urban houses.

The text of the proclamation contains a carefully designed scheme for radical transformation of prevailing patterns of social and economic control in urban Ethiopia. The central components in the PMAC's strategy are land, houses, cooperatives, and a revitalized Ministry of Public Works and Housing (MPWH).

More than 200 communities possessed township and municipal status in 1975. Municipalities and towns range from "remote and barely existing places" (Norris, 1974:53-54) to Addis Ababa with a population in excess of one million residents (Koehn, 1973). Article 3 nationalized, without compensation, all land within the boundaries of these townships and municipalities. Moreover, Article 6(1) abolished tenancy and freed former tenants from rent payments, debts, and other obligations owed to landlords.

In place of private ownership, persons and families may be granted possessory rights<sup>73</sup> over a maximum of 500 square meters of urban land under Article 5(1).<sup>74</sup> This article allows the spouse or children of the holder to inherit possession of urban land; however, Article 4(1) prohibits the holder from transferring the usufruct by sale, antichresis, or mortgage.<sup>75</sup>

All urban tenants, including persons who previously did not own their dwelling units, are authorized by Article 6(2) and 7(1) to claim possessory rights over up to 500 square meters of the land they occupied on the date of the proclamation. In the allocation of possessory rights, persons or families who had purchased urban land prior to the effective date of the proclamation, but did not own a dwelling house, are afforded priority status by the MPWH under Article 7(2). Proclamation 47 makes no explicit reference to the small segment of the urban populace owning both the houses they live in and the land they dwell on. Presumably, persons in this position retain their house and possessory rights to a maximum of 500 square meters of the land on which they dwell.

All urban land becomes government property and Proclamation 47 places control over it in the MPWH. Article 8 authorizes the Ministry to retract possessory rights over any parcel not utilized within a specified period. The Ministry also is empowered to expropriate urban land that is needed for public purposes, provided it "gives compensation in kind" to the individual, family, or organization possessing it. Finally, Article 9 provides that any holder of urban land use-rights must

pay "rent" at rates to be set by the government.

Proclamation No. 47 clearly introduces radical changes in urban land patterns. The proclamation strengthens state control over the physical development of urban areas. Moreover, it prevents individuals and families from preserving or acquiring large urban holdings and, thereby, effectively eliminates gross inequities in land distribution. The law encourages immediate utilization of all urban territory and eliminates much of the confusion and need for litigation that enveloped previous urban land ownership patterns (Koehn, 1973:263-64; Addis Ababa Municipality News, Hamle 30, 1967 E.C. (1975)).

The proclamation also allows certain urban land use practices that somewhat mitigate its leveling impact. The basic principle of individual or family holding rather than collective possession of urban land is upheld. And, in adopting the possessory (or presumptive) rights approach, the government chose to avoid confronting difficult redistributive decisions that involve consideration of the relative value of urban land found in different locations. Moreover, the proclamation grants former urban landowners who did not own a house priority in assuming possessory rights to land, while it contains no specific guarantees that confer land or property on the poorest segments of urban society (Harbeson, 1976:7).

In addition to the radical urban land provisions contained in Proclamation 47, the PMAC instituted a unique public/private approach to urban house ownership. Individuals or families are permitted by Article 11(1) to own one house, in only one township or municipality, as living quarters.<sup>76</sup> Article 13(1) transferred any additional or "extra" urban houses belonging to an individual or family on July 26, 1975, as well as all multiple-family dwellings, to government ownership. Persons, families and organizations<sup>77</sup> owning such units were required by Article 13(2) to surrender them to the government within 30 days of the proclamation's effective date. Article 18(1) provides for the government to pay "fair compensation" for nationalized houses. Exceptions to these rules are provided in Article 11, which allows an organization to own multiple units for the purpose of housing its employees, and provides that persons, families, or organizations may own more than one business unit upon approval by the government. In both cases, the government controls unit numbers and size.

Plural house owners are allowed under Article 16(1) to retain or repossess the urban house of their choice.<sup>78</sup> Article 12 upholds the rights of any person, family or organization owning a house or business unit to transfer it by succession, sale, or barter--provided the property is free of tax obligation (Ethiopian Herald, July 31, 1975). However, the government holds pre-emptive rights in all sales transactions.<sup>79</sup> Finally, persons possessing houses or business units are required by Article 11(4) to pay property taxes at rates to be determined by the government.

In addition to nationalizing extra urban houses, Proclamation 47 grants the government broad authority under Article 19 to "expropriate for public purpose" the remaining urban dwelling unit or any business structures owned by a person, family, or organization. Compensation is assured by the law, but most owners of urban property are in a poor political and/or normative position to complain about treatment received under nationalization or expropriation proceedings. Article 14 deals with urban houses categorized as "enemy property" belonging to the government, or built with public funds and sold or transferred at depressed prices. Proclamation 47 places all urban houses falling into these categories under government ownership without offering compensation.<sup>80</sup>

While Proclamation 47 does not prohibit private house ownership, Article 20(1) specifically denies private persons or organizations the right to receive income from land or house rent. Perhaps the most dramatic result of the proclamation is the diversion of rent incomes from wealthy individuals and families into public accounts.<sup>81</sup> Nationalization breaks the hold of wealthy elites over an important and secure means of obtaining a high rate of return on invested urban capital,<sup>82</sup> but it does not terminate the landlord-tenant relationship. Under Article 20(2), public responsibility for the administration of nationalized dwelling and business houses is shared by the MPWH and newly-formed urban cooperatives. Under Article 20(5), the MPWH is charged with maintaining and collecting payments for urban housing units that rent for more than \$E 100 per month. Urban cooperatives are responsible for administering all other nationalized rental units found within their territorial jurisdiction and are authorized to collect rent payments from their occupants. Sections 6 and 7 of this article require that rents collected by the Ministry be devoted to "improvement of the lives of all urban dwellers and of urban areas," while rents paid to cooperatives are to be used for purposes beneficial to the lives of local members.

Most urban dwellings in Ethiopia rent for less than \$E 100 per month. The most reliable data on urban rents was collected as part of the 1967 housing census of Addis Ababa (Addis Ababa Municipality, 1972:192,209). This comprehensive survey revealed that fully 93 percent of the occupied rented housing units in the capital city rented for less than \$E 100 per month.<sup>83</sup> An important consequence of the \$E 100 threshold adopted in Article 20, therefore, is to place the heaviest burden of housing administration and rent collection on urban cooperatives.<sup>84</sup>

Proclamation 47 also incorporates the new government's response to widespread complaints over high, increasing, and inequitable urban rents. Some lessees even withheld several months of rent payments in anticipation of urban housing reforms. Article 20(4) imposed temporary rent reductions that range from 50 percent in urban housing units renting for less than \$E 25 per month to 15 percent for dwellings renting at

\$E 200-300 per month. Section 4 includes a promise that comprehensive rent control regulations will be issued by the government in the future. Inclusion of sweeping rent reductions served the practical political purpose of mobilizing popular urban support for the measure as a whole.

Proclamation 47 is likely to affect housing starts in urban Ethiopia to some extent. Under Haile Selassie's regime, construction of urban dwelling units lagged far behind demand (Addis Ababa Municipality, 1972:226-250; "Need for Housing Noted," Ethiopian Herald, November 14, 1970). Public authorities helped build or finance housing at an incredibly slow pace (Koehn, 1973:153-155). In contrast, construction of inexpensive low income urban houses presently is a priority concern of the MPWH. And Proclamation 47 provides new negative and positive inducements that may stimulate a higher rate of urban house construction.<sup>85</sup> Under Article 8(1), individuals and families risk losing possessory rights over granted urban land if they do not utilize it for the purpose of building a dwelling house. Article 24(7) encourages urban cooperatives to construct inexpensive housing with funds collected from house rents and received in the form of a subsidy from the government. Cooperatives can extend their revenue base by renting or selling houses they help build or finance.

Recent changes in official credit policies should provide additional impetus to the construction of low-cost urban housing. During Haile Selassie's reign, the Ethiopian Savings and Mortgage Corporation (ESMC) issued more than \$E one million per year in loans for the acquisition of personal goods desired by wealthy Ethiopians. Recipients commonly used these loans to purchase automobiles or household furniture. In May 1975, the PMAC directed the ESMC to cease granting credit for the purchase of luxury goods and to make its capital available for the construction of low-cost dwelling units. The ESMC also announced that it would not issue loans to applicants already in possession of a house ("Mortgage Corporation Suspends Loans for Luxury Commodities," Ethiopian Herald, May 11, 1975).

These measures remove formidable barriers to the construction of urban housing on a massive scale. However, the government still must demonstrate willingness to allocate large sums of capital for this purpose before significant expansion in low-cost urban housing will occur (Stren, 1975:279-294). And the promising provisions of Proclamation 47 are likely to raise people's expectations and spark dissatisfaction and unrest given the magnitude of the housing shortage brought about by decades of official neglect of urban dwelling needs.

Article 22 of Proclamation 47 creates a new local institution, the cooperative society of urban dwellers, to assist the implementation of the PMAC's urban policies. The principal initial functions of the urban cooperative revolve around urban land and housing matters. Cooperatives are responsible for registering houses, maintaining nationalized units, collec-

ting land and house rents up to \$E 100, notifying the MPWH regarding the existence of vacant houses, and executing land use and building directives issued by the MPWH. Article 24 also authorizes the cooperative society to expend rents and government subsidies, in accordance with directives issued by the MPWH, on the construction of inexpensive housing units and on projects designed to improve the quality of life of urban dwellers in the area. In addition, the proclamation grants each urban cooperative authority to set up (in cooperation with government agencies) schools, clinics, markets, roads, houses, and similar facilities, to protect lives and property within their localities, and to establish a judicial tribunal that adjudicates disputes over land and houses.<sup>86</sup>

Article 23 allows all urban inhabitants to become members of a cooperative. Former lessors are prohibited from voting for or serving as cooperative officials during the first year of the association's existence. Article 24(8) provides that each urban cooperative should draw up its own detailed procedures and regulations for organizing and conducting internal affairs. The proclamation only specifically mentions three bodies that are to be formed within the urban cooperative: the executive committee, the public welfare committee, and the judicial tribunal.<sup>87</sup>

Cooperatives are formed on the basis of neighborhoods (kebele) of 300 to 500 contiguous households. The jurisdictional boundaries of cooperatives are delineated by the MPWH. In larger urban areas, at least two higher-level jurisdictional bodies will be established.<sup>88</sup> Article 25 provides for "higher cooperative societies" to coordinate the activities of urban cooperatives and assist the MPWH in altering kebele boundaries so that the cooperatives within the higher body's jurisdiction possess relatively equal holdings. Representatives at this level will work with MPWH officials in the processing of applications submitted by persons, families, or organizations that have no land and seek to obtain plots for dwelling or business purposes. Finally, the higher cooperative society establishes a higher judicial tribunal composed of three members.

Article 26 provides for the creation of a "central cooperative society" in each city composed of delegates from higher cooperative societies. The central urban cooperative is responsible for coordinating the functions of higher-level bodies and for establishing a three member central judicial tribunal.

Articles 27 through 30 provide detailed regulations governing judicial tribunals at all three levels. The judicial tribunal of the neighborhood cooperative is granted first instance jurisdiction over disputes between urban dwellers involving urban land and housing.<sup>89</sup> The tribunals of higher cooperative societies are empowered by Article 27(2) to hear appeals from the neighborhood cooperative level. Their decision is final and binding on the parties. Moreover, higher tribunals are granted first instance jurisdiction over land and

housing disputes between cooperatives and between a cooperative and urban dwellers. Under Article 27(3), central judicial tribunals are charged with hearing and reaching a final decision<sup>90</sup> on appeals from cases arising in the first instance in higher cooperative society tribunals. Central judicial tribunals possess trial jurisdiction in disputes between higher cooperative societies over urban land and houses. In these cases, final appeal is to the Minister of Public Works and Housing. The functions of judicial tribunals can be carried out by appointees of the minister who serve in an adjudicative capacity until higher and central urban cooperatives are established and tribunals are completely operative at all levels.<sup>91</sup> Article 34 precludes appointees from hearing on appeal cases over which they presided at a lower level.

Responsibility for executing the decisions or orders issued by Judicial tribunals at each level is located with the corresponding executive committee of the cooperative society. When the executive committee is unable to carry out this function, the judicial tribunal is authorized by Article 28(4) to direct the local police to execute its decision or order.<sup>92</sup>

In effect, Article 27 creates a second and separate adjudicative system in urban Ethiopia. While tribunals established at all levels of cooperative societies are expressly denied jurisdiction over criminal cases, Article 40 annuls all urban land cases pending in ordinary courts of law<sup>93</sup> and places future disputes over urban land and houses, and conflicts involving a cooperative,<sup>94</sup> under the exclusive jurisdiction of cooperative society tribunals. Indeed, Article 30 specifies that "no person who has exhausted his right of appeal at the judicial tribunals may lodge an appeal to the ordinary courts of law." And Article 40(3) denies individuals or organizations standing to initiate civil suits that challenge the legality "of any action taken pursuant to the provisions of this Proclamation." The PMAC clearly desired to avoid the prospect that implementation of the radical urban policies announced in Proclamation 47 would depend upon the outcome of legal battles contested in the established court system.

Proclamation 47 delegates significant new authority to the Ministry of Public Works and Housing (formerly the Ministry of Public Works) to oversee execution of the PMAC's urban reforms. Article 31 gives the Ministry broad power "to implement the provisions of this Proclamation," and Article 45 authorizes the Minister to "issue regulations to give effect to the purposes and provisions of this Proclamation." To enable the Ministry to carry out the specific responsibilities discussed below, it is authorized by Article 33 to explain the provisions and objectives of the proclamation through the mass media. Moreover, Article 37 grants the Ministry the right to inquire into and obtain contracts and "other information" in the possession of government offices, private associations and enterprises, cooperative societies, or individuals. Persons who obstruct these efforts are subject to criminal punishment under the terms

of Article 41.

The proclamation assigns an unusually large number of major responsibilities to a single ministry. Article 36(4) makes the Ministry responsible for the "overall administration of urban lands and urban houses belonging to the government." This function alone includes such basic tasks as registering urban dwellers and houses (number, occupants, condition), determining the size of urban plots held by persons, families and organizations, collecting payments for urban business and residential houses renting for more than \$E 100 monthly and repairing them, fixing rents for nationalized houses not rented prior to the effective date of the proclamation, renegotiating expired leases for houses renting at more than \$E 100 per month, setting and enforcing standards for urban housing, and caring for the residences of persons and families required to leave town for business purposes.<sup>95</sup> The Minister is even required, by Article 36(1), to help poor urban inhabitants secure loans for the purpose of building or buying residential units.<sup>96</sup> In addition, Articles 36(6) and 4(1-2) charge the MPWH with redistributing nationalized land to landless urban dwellers for residential purposes and to organizations seeking space for the construction of urban dwellings or businesses.

With regard to urban cooperative societies, the Ministry defines kebele boundaries and initiates establishment of the new structures at each level.<sup>97</sup> The Minister of Public Works and Housing appoints persons to aid in establishing urban cooperatives by convening assemblies of urban dwellers and explaining the objectives of Proclamation 47. The MPWH continues to advise and assist cooperatives once they are formed. The Ministry retains substantial direct and indirect authority over the affairs of urban cooperatives.<sup>98</sup> Most significantly, Articles 24(7) and 36(3) require the Ministry to oversee the expenditure of rents collected by urban cooperatives to insure that the funds are utilized in accordance with its directives and that the services called for by comprehensive urban development plans are provided.

Finally, the MPWH assumes crucial functions bearing on urban development under Proclamation 47. The Minister is given power by Article 35(2) "to widen, narrow and demarcate urban boundaries" in cooperation with the Minister of Interior and other public authorities. Urban planning is to be centered in the MPWH. The Ministry is charged with preparing comprehensive urban development plans and issuing land use and building directives consistent with the plans. Article 36(5) directs the Ministry to build inexpensive houses and provide essential services to urban dwellers.

The proclamation allows the MPWH to collect house rents in excess of \$E 100 and to expend these funds on this newly-assigned tasks. However, key articles (Articles 9, 11, and 34) fail to specify how revenues obtained from urban land rents and taxes on privately-owned urban houses will be allocated among govern-

ment agencies, and to establish the rate structures for such obligatory payments. Predictably, competition has ensued within the government for control over these new sources of revenue services. Although local government units receive no specific mention in the entire text of the proclamation, municipal officials cling to the hope that municipalities will secure all or part of the income generated by local land rents and taxes on local private housing to replace private land and house rent tax revenues lost as a result of the nationalization of urban land and rented dwellings (see Norris, 1974:56-57). The importance of this issue is revealed in the estimate made by the Acting Head of the Revenue Department that nationalization denies the Addis Ababa Municipality \$E 5 million per year in private land and rent tax revenues.<sup>99</sup>

#### D. Initial Effects of the Proclamation

Most urban dwellers welcomed Proclamation No. 47. Mass demonstrations of public support for the measures nationalizing urban land and extra urban houses were organized in Addis Ababa and Asmara immediately subsequent to the announcement of the proclamation by the PMAC (Ethiopian Herald, July 29, 1975). Propertied urban elites offered no overt resistance of any consequence. According to local press reports, some individuals tried to gain small advantages in the days immediately following the effective date, July 26, by widening their compounds to 500 square meters, cutting down trees found on nationalized urban land, or refusing to pay rents due to landlords or the government under Article 16(5) (Addis Zemen, Hamle 22, 26, 1967 E.C. (1975); Ethiopian Herald, July 31, 1975, August 27, 1975).

In the early 1970s, amny officials and informal elites in large towns advocated that traditional associations perform important urban development functions.<sup>100</sup> On the eve of the declaration of Proclamation 47, in fact, the Central Coordinating Committee of 735 Addis Ababa edir associations,<sup>101</sup> representing more than 200,000 members, presented its draft constitution to the mayor for approval by the PMAC. In prepared remarks, (Ret.) Lt. Girma Wolde Giorgis, President of the Central Committee, referred to edir associations as "centers where the public self-administers itself; progressive forces of society that have participated in many development activities" (Addis Ababa Municipality News, Hamle 30, 1967 E.C. (1975)). The proclamation reveals, in the provisions dealing with urban cooperatives, that the PMAC rejected the coordinating committee's overtures. No role is provided for traditional urban voluntary associations on coordinating committees established under the monarchical regime. The proclamation concentrates in the newly created urban cooperatives all authority delegated to the local level for executing urban reform and urban development measures. Furthermore, many traditional association officers are precluded from voting for cooperative officials and from assuming leadership positions in the new organization for one year by virtue of their status as former urban landlords.<sup>102</sup> In implementing the proclamation, the Ministry of Public Works and Housing



took steps to reduce the potential behind-the-scene influence of traditional association leaders by defining kebele boundaries in a fashion that divided the membership of such associations. While wealth, power, and status criteria prevailed in the selection of traditional urban association leaders, the PMAC actively sought to recruit new urban bridge elites on the basis of ability to articulate and integrate locality needs and regime goals. The success of this strategy ultimately depends upon the government's ability to mobilize and sustain local political support for the radical objectives embodied in the proclamation sufficient to overcome the antagonism of traditional and propertied urban elites.

The radical provisions of the urban proclamation provoked considerable confusion in the days immediately following its announcement. This required the MPWH to consider and issue directives covering complex circumstances not foreseen at the time Proclamation No. 47 appeared. A major jurisdictional problem arose from the creation of kebele that overlap or are more narrowly defined than the established boundaries of local government units or the customary boundaries of urban settlements and traditional sefer (districts). This problem delayed the formation of urban cooperatives. Further complications and delay arose in late August when the PMAC ordered the arrest of 1200-1400 zemecha students assigned to assist in the formation of urban cooperatives in Addis Ababa (see David Ottaway, "Protesting Students Detained in Ethiopia," Washington Post, August 23, 1975, p. A7).<sup>103</sup> This action forced the MPWH to conscript 900 new recruits from civil service and military positions and train them to carry on the tasks begun by students.

Still, rapid progress in the organization of urban cooperatives occurred in Addis Ababa. The city was divided into 300 kebele of 150,000 to 200,000 square meters. Residents of each neighborhood elected a provisional committee responsible for forming the cooperative and initiating its activities. The MPWH distributed model rules to each committee. Most neighborhoods elected subcommittee members by September 1975.<sup>104</sup>

At present urban cooperatives in Addis Ababa are functioning as the base of a new pyramidal arrangement where representatives from adjacent neighborhood cooperatives are elected to 40 mikitil wereda councils. These representatives then elect delegates to 10 wereda councils; and wereda councillors send delegates to four zone councils. Finally, a council for the entire city is to be chosen by members of the zone councils.<sup>105</sup>

Outside of Addis Ababa, the MPWH formed provisional housing committees consisting of the awraja and wereda administrators, a representative of the Ministry of Finance, and the municipal officer (or the head of the town police force). The Ministry charged this committee with collecting and depositing house rents, renting vacant houses, and administering nationalized housing units (Ethiopian Herald, August 17, 1975).

From a long-term perspective, the administrative burdens imposed by Proclamation No. 47 may pose the most serious challenge to effective implementation of its radical provisions. In 1975, the MPWH abruptly assumed major new responsibilities for urban land and house administration, urban planning and development, school construction, providing urban services, and forming and supervising urban cooperatives--in more than 200 towns and municipalities. The PMAC increased the Ministry's staff tenfold to enable it to meet the new demands placed on it. Centralization of urban planning alone brought 370 engineers and technical experts employed by the Municipalities Department of the Ministry of Interior and the Municipality of Addis Ababa formally under the supervision of the Minister of Public Works and Housing (Ethiopian Herald, August 1, 1975).<sup>106</sup>

The long-term capacity of the MPWH to carry out the new functions it is assigned under Proclamation 47 must be seriously questioned. Officials in the Ministry appear confused and overwhelmed by the number and complexity of the political and administrative determinations they are required to make in the wake of the proclamation. And many of the central tasks assigned to the MPWH under Proclamation 47 demand a level of inter-governmental cooperation not yet attained in urban Ethiopia. Removal of the Minister of Public Works and Housing by the PMAC in February of 1976 (New York Times, February 24, 1976) suggests that the Ministry failed to respond effectively to the multitude of challenges confronting it following the July 1975 publication of Proclamation No. 47.

In a similar fashion, Proclamation 47 thrusts immense administrative burdens onto newly-formed urban cooperatives. At the kebele level, cooperative officials must carry out the difficult technical and financial administration operations associated with housing administration, rent collection, food distribution, and urban development projects. Cooperative society representatives at higher levels will be involved in making vital decisions concerning the allocation of central government subsidies among urban cooperatives and the distribution of urban land among landless petitioners. In addition, judicial tribunals at all levels will hear and rule on conflicts over urban land and property. Cooperatives must undertake these activities in the face of potential opposition from traditional elites and with little prospect of support from other mass-based political institutions or viable local administrative bodies.

#### IV. Conclusion

Under Haile Selassie's reign, state law exerted a constraining influence on urban and rural change and development (Brietzke, 1975a, 1975b). In particular, local authority to deal with pressing social problems was absent, uncertain, divided, and subject to lengthy challenge in inefficient courts of law.

Proclamations 31 and 47 go a long way toward overcoming legal barriers to rural and urban progress. The proclamations legalize radical measures based on relatively coherent ideological principles of Ethiopian socialism. The PMAC acted boldly and swiftly in introducing measures that directly confront major firmly-entrenched obstacles to societal transformation in urban as well as rural areas of the country.<sup>107</sup> The initial impact of these actions has been to arouse widespread political ferment and some opposition.

Despite economic troubles, the widely reported infighting among potential political parties, labor disputes, and the continued activity of Eritrean, Tigre, Oromo and Afar Liberation Fronts, rural and urban reforms have been undertaken in large part of the country. There is a great deal that needs to be done to even out the distribution of land, but the basic question now appears to be who will control the new grass roots administrative structures and whether they will be able to fulfill their mandated functions.

Specifically, the crucial issue at this juncture in Ethiopian history concerns the construction of viable political and administrative institutions that will effectuate the radical policies set forth by Proclamations 31 and 47. In the long term, the political center cannot bring about rural and urban transformation in Ethiopia if it must depend exclusively upon its own resources. The administrative overload experienced by the MLS and the MPWH in the period immediately subsequent to the 1974 coup d'etat is one important indication of the practical limits of a strategy that emphasizes the role of central government bureaucracy in social change and economic growth. The resources and energy of local institutions, groups, and poor and illiterate rural and urban inhabitants must be mobilized and applied in cooperative projects. From this perspective, further implementation of the fundamental legal objectives set forth in the rural and urban land reform proclamations analyzed in this article depends on the PMAC's success in building strong peasant associations, cooperatives societies, urban cooperatives, and a mass-based political party structure, and on the rulers' ability to appoint dynamic, skilled local and field office officials who are supportive of the newly-created local institutions.

#### V. Postscript

Proclamation No. 104 of 1976, the "Urban Dwellers' Associations Consolidation and Municipalities Proclamation," appeared in the Negarit Gazeta in late January, 1977. The new proclamation extends the duties and authority of associations of urban dwellers even beyond the broad scope and objectives of Proclamation No. 47. Chapters 3, 4, and 5 of Proclamation No. 104 elaborate on the division of power and responsibility among kebele (neighborhood), higher, and central urban dwellers' associations. Chapter 6 provides procedures for judicial tri-

bunals established at each level. And Chapter 7 further defines the powers of the Minister of Urban Development and Housing (formerly Ministry of Public Works and Housing) with respect to urban dwellers' associations and municipal government.

Proclamation No. 104 assigns additional functions to kebele associations (Articles 6, 9), incorporates specific legal restrictions (Article 40(3)) on the right to elect and be elected that will remain in effect until October 1977, specifies powers and duties for policy and public safety committees (Articles 8, 10, 15), and grants judicial tribunals jurisdiction over civil and criminal disputes in certain specified circumstances (Article 11). However, the most significant aspects of Proclamation 104 relate to the distribution of powers, duties, and revenues among kebele, higher, and central associations of urban dwellers and the articulation of a new system of urban government.

### Urban Dwellers' Associations

Higher urban dwellers' associations are given responsibility (Article 17) for operating and coordinating social service programs, for establishing and supervising storage places for lost property and stray animals, for designating and supervising livestock market centers, for studying and forming cooperative societies and "people's shops," and for assisting landless individuals, families, or organizations with application for urban land upon which dwelling or business units will be erected. Higher associations also are granted broad authority "to coordinate" public safety, rent collection, and house maintenance activities at the kebele level. And each higher association is charged with studying and implementing ways of improving community service delivery "by coordinating the financial and manpower resources of the kebele associations within its boundary."

Article 23 gives central urban dwellers' associations duties and powers formerly conferred on municipal governments. Section 11 states that central associations are "to perform the duties expected of municipalities" and are to assume "all powers and duties" granted to municipalities by prior laws and regulations. Section 1 makes them responsible for collecting taxes and for collecting and allocating charges and rents due to municipalities. A large number of specific functions are assigned to central associations by other sections of Article 23. Finally, central associations are granted broad authority to coordinate development projects operated by higher associations.

Central urban dwellers' associations will be established only in the most populous urban centers. In urban areas where they are not established, higher associations are authorized (Article 19(2)) to perform the duties of central associations. And kebele associations will execute the duties of higher and central associations in small towns, subject to directives issued by the Minister of Urban Development and Housing regarding the conditions whereby kebele associations may take over the

administration of municipalities (Article 40(1c)). The Minister of Urban Development and Housing also is granted authority under Article 40(1) to set policies and issue regulations consistent with Proclamation No. 104 concerning the establishment of higher and central associations.

Proclamation 104 deals with the issue of resource allocation among urban associations at different levels through provisions that require revenue contributions from lower to higher associations and grants-in-aid from higher to lower associations. Article 9(18) mandates that each kebele association contribute to the higher association at least 15 per cent of the locally-derived revenues from rents and other sources it retains after paying living allowances to persons entitled to them. The higher association sets the exact amount of a kebele association's contribution, taking into consideration the amount of rent income it collects. Higher associations are required by Article 17(11) to transfer one-third of the funds acquired in this manner to the central urban dwellers' association. On its part, the central association is authorized (Article 23(14)) to grant "the necessary financial support" to development projects operated by higher and kebele associations out of municipality revenues. Higher associations are enjoined (Article 17(a)) to subsidize the activities of kebele associations. In addition, central associations (in consultation with the Ministry of Urban Development and Housing) are charged with seeing that higher associations have "equal holdings" and higher and central associations are jointly required to provide that kebele associations within the boundary of each higher association possess "as far as possible equal holdings and adequate income" (Articles 23(12) and 17(1)).

### Urban Government

Proclamation No. 104 grants chartered urban centers a significant measure of local control over municipal administration.\* The proclamation designates the central urban dwellers' association as the principal locus of local control over urban government. New powers are to be exercised at the central association level by the congress elected from higher associations, which will sit in a maximum of four regular meetings per annum, by a full-time, salaried standing committee elected by the congress, and by a full-time salaried mayor or head of the urban center. The mayor serves as chairman of the congress. The standing committee of the central associations implements the powers possessed by the congress when the larger body is not in session.

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\*Article 40(1g) provides that, in place of the Ministry of Interior, the Minister of Urban Development and Housing will act as head of non-chartered municipalities until the issuance of a proclamation granting self administration to municipalities in non-chartered urban centers.

Article 22 grants the congress of a central urban dwellers' association authority to recommend land rent charges and other local taxes and fees and to submit a list of three nominees from among its members for appointment as mayor or head of the urban center. The PMAC makes the final determination regarding urban land rents, taxes, and fees, appoints the mayor from among the three nominees put forth by the congress, and dismisses the mayor. The congress possesses explicit authority to dismiss all other "higher officials" in the municipal administration and to define their job descriptions. The congress also is vested with implicit authority (Article 22(3b)) to approve or reject the mayor's nominees for appointment to higher municipal offices. The congress is required to prescribe conditions of employment, dismissal, and promotion of municipal employees in laws and regulations issued in consultation with the PMAC. To implement these and other legislative responsibilities, the congress is granted authority to issue and amend laws pertaining to administration of the urban center, maintenance of municipal property, and local security and public health. In addition, the congress must approve the budget of the municipality and supervise its implementation, appoint auditors, and approve or reject their reports.

Article 22(3) is labelled the "administrative section." The article grants the mayor little formal authority over municipal affairs. It provides that the mayor runs the administration of the urban center as its head, but remains responsible to the congress and the standing committee. Thus, the mayor must secure congress approval of persons nominated for appointment as higher municipal officials. The mayor is authorized to hire and dismiss all other employees on his own, however.

## FOOTNOTES

<sup>1</sup>The non-monetary sector accounts for perhaps 75 percent of total agricultural output (IBRD, 1973:1, 3).

<sup>2</sup>The stagnant economy of Ethiopia and its rich agrarian potential are discussed in: Huffnagel (1961), IBRD (1967, Assefa Bequele and Eshetu Chole (1969, ECA (1971) and IBRD (1973).

<sup>3</sup>Among the most important are: rudimentary marketing systems; inadequate infrastructure linking markets; high transport costs for agrarian and industrial outputs; Ethiopia's dependent international economic position; national institutions and elites uncommitted to rural change; unresponsive local government system and weak rural penetration by field agents of development ministries; an inadequate agricultural extension program; and rapid population growth.

<sup>4</sup>See footnote 51, infra.

<sup>5</sup>These reforms are necessary but not sufficient conditions for Ethiopian development. For a discussion of technical, financial, and manpower strategies essential to sustained progress in Ethiopian agriculture, see Cohen, Goldsmith and Mellor (1976a, 1976b).

<sup>6</sup>For background on Ethiopian history, society and economy see: Greenfield (1965), Hess (1970), Levine (1965, 1974), Perham (1969), Clapham (1969), Schwab (1972), Markakis (1974) and Gilkes (1975). Introductions to the literature on Ethiopia's particular brand of feudalism and its relationship to development are found in Gamst (1970) and Cohen (1974).

<sup>7</sup>Public Ownership of Rural Lands Proclamation, Proclamation No. 31 of 1975, Negarit Gazeta, 34th yr., no. 26, 29 April 1975, pp. 93-101. The only published analyses of this law to date are Bruce (1975) and Brietzke (1975a:19-24).

<sup>8</sup>Proclamation 31 does not specify whether control over rural land is to be exercised directly by the Ethiopian people or by the government. But Article 17(1) grants the government power to use "peasant association land" for public purposes. In contrast, Article 3(1) and the title of Proclamation 47 explicitly states that all urban land becomes the property of the government. Article 32 repeals all laws inconsistent with the Proclamation, which probably means all laws based on the assumption that land can be owned or held independent of the state.

<sup>9</sup>This, in effect, nationalized coffee estates, a widely held asset of wealthy elites, as well as eucalyptus, enset, hops, and fruit trees. It also extended nationalization over forest and mineral lands not already held by the government under the state domain provisions of the 1955 Revised Constitution, Article 130(d). All of the articles on compensation 2 (7), 3(3), and 7(2), are vague and, as Brietzke (1975a:23) notes, "fair compensation" has no legal meaning in Ethiopia. On December 13, 1975, Proclamation No. 70, the Compensation Commission Establishment Proclamation," was issued to create an organization for "the purpose of negotiating and reaching agreement with former owners on the amount of compensation and amount of payment thereof" for rural lands, urban lands, and other property transferred to the government under the socialist program. Article 2 gives the commission a juridical personality and Article 4 requires members to be qualified in law, economics, engineering, agriculture or business administration. Powers and duties are set by Article 7. These focus on evidence, authority to negotiate, and the setting of priorities. The Ministry of Finance is responsible for payment of negotiated settlements (Art. 8) and punishments of up to 7 years and \$E 10,000 are established (Art. 11) to prevent false information, bribery and obstruction. No standards of compensation are included.

<sup>10</sup>An example is given by Bruce (1975:10-11) "... Article 21 ... annuls 'all feudal dues' paid by the peasantry to a variety of traditional authorities and local administrators--including, presumably, religious institutions such as the great monasteries. At their most obnoxious, as where a monastery holds a region as gult, these dues can run as high as a fifth of the crops harvested."

<sup>11</sup>It also should be noted that other landowning groups are not specifically mentioned in the law. Thus, it can be assumed that church land is nationalized. The vagueness of the proclamation may constitute an interim measure that allows the PMAC to develop effective administrative regulations governing this complex political and legal issue.

<sup>12</sup>A consolidation of the literature on these tenures and their relationship to production, as well as reform issues, is set forth in Cohen and Weintraub (1975:30-34, 40-43, 47-59). Aside from our definition of such tenures later in the text, Hoben (1975b:57) notes: "... under the 'communal' tenure systems, the land on which a man depends for his livelihood is not a family 'farm' but a collection of fields that he has managed to bring under his control through diverse strategies. In all probability it will be divided up among his male and female children and perhaps more remote kinsmen at this death. The fields themselves are not thought of as objects that can be bought or sold or have a permanent location but as shares of a much larger tract of land. Reversionary rights in this larger tract, often covering a square mile or more, are ultimately vested in a community defined by descent from its



first holder, or in parts of Tigray (Province), a community of all those currently resident on the land."

<sup>13</sup>In all provinces there are a number of informal grass-roots "officials" who link the lower levels of the ministries of Interior or Finance to the residents of their particular areas. Chika shum, gulteгна and balabat are only a few of the titles of such "officials." The titles, functions and duties of such officials are highly localized and vary significantly throughout the country. Their primary functions are to carry messages to the local people, help maintain order and, in some areas, aid in the tax collection process. For two detailed case studies see Cohen and Keohn (1974:20-26).

<sup>14</sup>For a study of elites and the local polity, see Hoben (1973:32, 67, 73-79, 205-230).

<sup>15</sup>The government claimed nomadic land as part of eminent domain. See Bruce (1970), and Cohen (1973:373-74).

<sup>16</sup>Landholders will not automatically receive 10 hectares. The law envisions equal allocations where possible, but grants the Ministry of land Reform the power to set regulations on size. Guidelines are to be set on the basis of local conditions, fertility and the amount of land needed to maintain a farming family. Most peasants probably cultivate two hectares and use three hectares for grazing. Five hectares is generally thought to be the optimum holding for a household using traditional methods in dry-farming regions.

<sup>17</sup>Bruce (1975:5) notes several problem areas: "A resi-dent landowner who has leased out all his land is given the right to 'equally share the land with his tenants' [Art. 6(1)]. This is not terribly clear: share with each and everyone of his possibly widely scattered tenants or with which of them? A landlord may 'take back' his implements and oxen from a tenant if he has no others [Art. 6(4)]. Again, clarification would be helpful: from which of his tenants? And possessory rights are not conferred on a tenant where he has rented his land from 'a woman with no other means of livelihood or from a person who, by reason of his minority or old age or illness, cannot cultivate his holding' [Art 6(2)]. The results is again unclear: does the tenant continue to farm the land as a tenant, paying rent, even though tenancy relationships have been annulled; if not, who will farm the land in this period, and what is the point of the apparently compassionate exemption?"

<sup>18</sup>It may also be that the PMAC kept the document intentionally vague because of internal policy disputes. Observers note that a number of drafts were attempted in the months preceding the issuance of the Proclamation, each of which was progressively more radical. Since the history of law application in rural Ethiopia has been marked by a gap between the written rule and its actual pattern of implementation, local

officials and inhabitants probably do not feel uncomfortable about the vagueness in the law's terms. And the PMAC may favor this situation so that shifts in internal policies are not shackled by complex or inflexible legislation.

<sup>19</sup>In the drafting stage, nationalization of commercial farms was resisted and its inclusion was one of the factors leading to the resignation of the Minister of Agriculture, Dagnatchew Yirgou, who "feared Ethiopian agriculture would be dislocated; he argued that the overnight nationalization of the 118 industrial farms and agricultural estates (which between them accounted for 44 percent of farm revenue) might mean adding the burden of a short fall of 300,000 to 400,000 tons of cereal to the foodstuff shortages of a country already threatened by a new famine... When he was ignored on this and other reform points..., Yirgou resigned in protest against such 'adventurism' and fled to Sudan." Jean-Claude Guilleband, "Ethiopia-Threat to the Revolution," The Guardian, June 21, 1975, p. 13.

<sup>20</sup>The theoretical desirability of decentralized reform is argued in Montgomery (1972).

<sup>21</sup>Bruce (1975:6) notes that in early 1975 the MLS had a field staff capacity of two to three hundred men with 8 to 12 years education. They had been recruited to demarcate and register state domain lands. At least one MLS officer was in each province and some 20 staff members were assigned to respective awrajas. The entire staff was characterized as office workers rather than field staff.

<sup>22</sup>The provincial Department of the Ministry of Interior oversees a complex set of local government levels. In 1968, this system was divided into 14 provinces, or teklay ghizats, 103 sub-provinces, or awrajas, 505 districts, or woredas, and 949 sub-districts or mikitil woredas. Below the provincial level, the number of units expands or contracts over time. Mikitil woredas were abolished in 1973 and the PMAC has renamed provinces kifle hager of "regions." Provinces and their subdivisions are governed by administrative officials, now called "administrators" rather than "governors," as was the case before the revolution. On the local government system, see Koehn and Cohen (1975).

<sup>23</sup>Different association patterns emerged, promoting differential application of the proclamation throughout the country. (See M. Ottaway, 1975; Hoben, 1975a). The different patterns of association depend in part on the severity of oppression under the pre-revolutionary system, the lingering influence of provincial elites, and the personal factions and disputes that characterize the area's history.

<sup>24</sup>A directive of the PMAC, issued in May, required that "farmer" include former servants, whether paid in cash or kind.

<sup>25</sup>As noted in later sections, these initial arrangements were altered and organization rules partially established by Proclamation No. 71.

<sup>26</sup>Some confusion exists on this point. Observers note that students established people's courts in some areas. It is not clear if people's courts merged into peasant association courts. Students are said to have acted as judges on family matters, such as divorce, or political issues, such as corruption and maladministration (M. Ottaway, 1975). The only court legally established by the PMAC is that of the association, and its jurisdiction is confined to the implementation of the land reform proclamation.

<sup>27</sup>The Settlement Authority Establishment Proclamation, Proclamation No. 78 of 1976, Negarit Gezeta, 35th yr., no. 20, 4 February 1976, pp. 144-48, was issued to complement the rural land reform proclamation. It sets up an autonomous public authority charged with: (1) the settlement of persons who have little or no land; (2) the utilization of lands that remain idle for various reasons; (3) the alleviation of the unemployment problems of the country; and (4) the conservation of forest, soil, and water resources in consultation with the appropriate government agencies. The authority is to identify areas suitable for settlement, develop policies for such settlement, settle people, coordinate programs helping such people get established, and carry out programs aimed at insuring the success of all settlement projects. It is governed by a Board consisting of the Minister of Lands and Settlement (Chairman), the Minister of Agriculture and Forestry (Vice Chairman), the Ministers of Interior, Labor and Social Affairs, and the Commissioners of Planning and Relief and Rehabilitation. Article 13 sets criteria for settlers: (1) persons the authority thinks are capable of participating in the program; (2) persons with small or no holdings; (3) unemployed persons who reside in urban areas; (4) nomads who wish to settle; and (5) other persons who give additional reasons for settlement. Priority of settlement is to be given to persons residing in the general vicinity of the settlement site. The size of holdings are not set but Article 15 says they should be large enough to allow maintenance within the spirit of Proclamation 31. Shaw (1976: 1239) notes "Ministries of Agriculture and Land Settlement have been amalgamated." Obviously, administrative restructuring is taking place. We have no current information on this point.

<sup>28</sup>Article 3 of the new proclamation, described below, abolished all agrarian taxes except the cattle tax. In particular, it abolished Land Tax Proclamation, No. 70 of 1944, Education Tax Proclamation, No. 94 of 1947, Health Tax Decree, No. 37 of 1959, and Income Tax (Amendment) Proclamation, No. 255 of 1967.

<sup>29</sup>Rural Land Use Fee and Agricultural Activities Income Tax Proclamation, No. 77 of 1976, Negarit Gazeta, 35th yr., no. 19, 4 January, 1976, pp. 131-143.

<sup>30</sup>"Farmer" is defined by Article 2(3) as any "individual farmer or one who farms land in common with others, any private organization or association or any government agricultural organization other than agricultural research station, having a legal personality and carrying on agricultural activities." It is assumed that a church is an organization under this definition. "Government agricultural organization" is not further defined, but probably means state farms and agricultural development projects.

<sup>31</sup>An example of some of the confusion in this law is seen in this article which states "every commune, or producers cooperative, peasant association or any person authorized...shall annually submit the list..." The definition of "tax collector" in Article 2(8) includes only "peasant association or person authorized." A general reading of the law strongly supports the view that the tax collector submits the list.

<sup>32</sup>Article 46(1) mentions "state farms," but these are not defined, and Article 25(1) refers to "body corporates" without clarification. On government agricultural organizations, see footnote 30, supra.

<sup>33</sup>Agricultural activity includes, under Article 2(9), "cultivation or development of rural land by any means and with the aid of any implement, regardless of whether or not the farmer processes it further by industrial means, the harvesting of crops as well as the breeding of livestock on such land..." Excluded are forest exploitation and lumbering, processing of agricultural output by a person or firm which did not produce the output, commercial activities pursued by traders or business organizations under the commercial code, and those nomadic herdsmen still paying taxes under the Cattle Tax Proclamation of 1954, which was not abolished by Article 3 of Proclamation No. 77.

<sup>34</sup>The Articles on income tax are not as clear as those on land use fees in regard to the distinction between farmers and government agricultural organizations, or as to tax collectors being the channel for farmers in their jurisdictional areas.

<sup>35</sup>Articles 18 and 42. The payment period for land fees and income taxes runs from the 1st of Tahas to the 30th of Mazia (Articles 10(1) and 13). Payments after these dates are subject to penalties described below. These dates correspond to December 11 and May 8 in the Gregorian calendar. In addition, Article 16 requires the tax collector to submit detailed information on the income of collectives and its division among members, as well as statistics on the dimensions of production in such units.

<sup>36</sup>Article 15 establishes the basic assessment principle as the price of the crop under regulations established by the Inland Revenue Agency.

<sup>37</sup>Only taxpayers earning more than \$E 6,000 are required to keep books and supporting documents. Regulations on these will be issued by the tax office. The tax office assesses the income of all taxpayers earning more than \$E 1,200 (Arts. 21 and 22).

<sup>38</sup>Such taxpayers have the right to know how their tax was determined and to file timely objections with the committee (Art. 27). There may be more than one such committee in every woreda (Art. 29(1)). 75% of the assessed tax must be deposited before appeal (Art. 28(1)) and the committee consists of the woreda "administrator" (the new, term for "governor") as chairman, the chairman of the woreda peasant association, the woreda representative of the Ministry of Agriculture, and two other members appointed by the administrator (Art. 29(2)). Decision is by majority vote (Art. 29(6)) and appeal is to the awraja court of the Ministry of Justice, whose decision is final (Art. 33-35). Under Article 31, once the taxpayer has given his reasons for objections, the burden of proof shifts to the tax office.

<sup>39</sup>Penalties for late payment of fees or taxes runs 25% of the overdue amount per month, prorated between months, up to a maximum penalty of 50% of the amount (Art. 39(1)). The same penalty provisions apply to those failing to declare annual gross income (Art. 39(3)). Failure to keep required books and records results in a fine of 20% of tax (Art. 39(27)). Article 41 provides for execution proceedings for continued non-payment of fees and taxes. Article 37 allows the Inland Revenue Agency to waive penalties under circumstances where the taxpayer acted in good faith.

<sup>40</sup>In fiscal year 1969/70, the Ethiopian government only collected 3 percent of its total revenues from sources directly related to rural land. Cohen and Weintraub (1975:82, 96) remark that "it seems incredible that an agrarian nation like Ethiopia would generate more government revenue from its alcohol taxes than from its land tax, but this is the case."

<sup>41</sup>Initial reports note that the new agricultural income and land tax system was postponed for 3 months in mid-1976 for "further organization." This may indicate an unwillingness of peasant associations to collect or transfer taxes to the government (Shaw, 1976:1242).

<sup>42</sup>Peasant Associations Organization and Consolidated Proclamation, Proclamation No. 71 of 1975, Negarit Gazeta, 35th yr., no. 15, 14 December 1975, pp. 107-118. It covers peasant associations as established by Proclamation No. 31, see footnote 7. It applies, under Article 2, to all rural land outside the boundaries of a municipality or town. No legal definition of these urban units is given.

<sup>43</sup>Members of the committee are to include the woreda administrator as chairman, the woreda azmatch (principal official of local zemecha) as vice chairman, the woreda zemecha coordinator, two zemecha students, the executive committee of the woreda peasant association, and representatives from the Ministry of Lands and Settlement, the Ministry of Agriculture, and the woreda police chief. If the azmatch or zemecha related members are unable to attend, they can be represented by the Ministries of Education or Public Health. Whether these committees promote decentralization or closer central control remains to be seen.

<sup>44</sup>The patterns of centralized administration (technically described in local government literature as "deconcentrated") in effect prior to the revolution are described in Koehn and Cohen (1975). Article 43 charges committees at all three levels with seeing that "...government organizations that are established for the development and growth of the country serve the people in a coordinated manner...and...enable peasants to participate in the political, social and economic movement through peasant associations with a view to helping the broad masses administer their own affairs."

<sup>45</sup>The members of the awraja committee are the functional equivalents of those at the woreda level.

<sup>46</sup>This committee is composed of the regional administrator as chairman, the provincial azmatch as vice chairman, the provincial program coordinator of the zemecha, the provincial chief of police, and representatives from the Planning Commission and Ministries of Agriculture, Lands and Settlement, Finance, Education and Public Health. Committee members from other ministries will be included of matters under discussion that affect them.

<sup>47</sup>The members of this committee are the Ministers of Interior (Regional Administration) as chairman, Lands and Settlement as vice chairman, Agriculture, and the Planning Commission. The national coordinator of the zemecha also attends. Additional government officials attend if matters under discussion affect them.

<sup>48</sup>Based on newspaper reports and mid-1975 field research reports of Hoben (1975a, 1975b), M. Ottaway (1975), Harbeson (1975b), and Gilkes (1976). Examples of the more perceptive journalist reports are: David B. Ottaway "Land Reform is Smooth in Ethiopia," The Washington Post, March 11, 1975, p. A1; "Ethiopia's Rush From Feudalism," The Washington Post, June 8, 1975, p. C1; Thomas A. Johnson, "Poor Administration is Snarling Huge Ethiopian Land Reform," The New York Times, April 3, 1975, p. 2; Martin Walker, "The Day the Bribe Went Sour," The Guardian, April 27, 1974, p. 6; Jean Claud Guilleband, "Ethiopia--Threat to the Revolution," The Guardian, June 21, 1975, p. 13; Henry Kamm, "Ethiopian Students and Farmers Share Reorganization of Nationalized Land," The New York Times,

October 13, 1975, p. 3.

<sup>49</sup>These regions are internally differentiated by the degree of market penetration, type of crops produced, patterns of land tenure, tenancy and ownership concentration, and such other factors as ecology, ethnicity and history. Given these differences and the lack of detailed field research on the reform process, it is dangerous to generalize. For a helpful inquiry into the historical, ethnic and land pattern variables that differentiated these areas and affected reception of the land reforms, see Hoben (1975b).

<sup>50</sup>To date, no major redistribution of land or oxen appears to have occurred in the north. There are no reports noting the establishment of collectives, though students and land reform officers pushed collectivization there as they did elsewhere in the country. Fewer peasant associations appear to have been established. Here, land reform appears to be viewed as an attempt by Shoans or Muslim Oromos, (generally Amharas from this central province who tended to dominate government positions under Haile Selassie) and an outside government to interfere with local affairs. Indeed, countermobilization against the reform is a common response: Colin Legum, "Ethiopia's Legacy is Poverty and Instability," The New York Times, August 31, 1975, p. E3; David B. Ottaway, "Ethiopia Fights for Survival," The Washington Post, June 8, 1975, p. C1; Thomas A. Johnson, "Ethiopian National Survival Seems at Stake in Eritrea," The New York Times, February 13, 1975, p. 10. Hoben (1975b) reports little progress in Begemder, Wollo, Gojjam and Northern Shoa Provinces. On the other hand, a high official argued in mid-1976 that peasant associations have been set up "virtually everywhere" in the north and that they really function (see Gilkes, 1976:662). More than 50 percent of Ethiopia's peasantry and most of the country's tenants lived in the south so it appears the benefits to the landless have been extensive.

<sup>51</sup>On December 20, 1974 the PMAC issued a "Declaration of Socialism" message calling attention to the oppression and exploitation of the Ethiopian people by parasitic landlords, wealthy local businessmen, and corrupt civil servants. It announced that all resources essential to economic development would ultimately be brought under government control or ownership. Specific sections covered banks, financial intermediaries, insurance companies, mining, industry, utilities, construction, communication, education and so on. Land measures were not directly mentioned, but the implications of the Declaration for the future spread through much of the countryside. The full English text of the Declaration is printed in The Ethiopian Herald, February 12, 1975. It is summarized in Legum (1975:84-87). Also see "Ethiopian Rulers Pledge to Build Socialist State," The New York Times, December 21, 1974, p. 1; David B. Ottaway, "Ethiopia: Perilous Transition Seen" The Washington Post, January 12, 1975, p. A. 16; Charles Mohr, "Junta is Putting 'Ethiopia First,' But it Says Little and Does Less," The New York Times, January 29, 1975, p. 3.

<sup>52</sup>In Brietzke's (1976:224) terms, "...structural obstacles to Ethiopian rural development could be neither ignored nor their elimination postponed."

<sup>53</sup>As university and 11th and 12th grade students gathered for the fall 1974 school year, the government decided to assign them instead to a national work campaign known as the zemecha, an Amharic word for "progress through cooperation, knowledge and work." Students did not begin to go to rural areas until early 1975, with perhaps 30,000 being engaged in the campaign in March when Proclamation 31 was announced. See David B. Ottaway, Ethiopia Tells Students to Aid Peasants," The Washington Post, Program," The New York Times, January 11, 1976, p. 3.

<sup>54</sup>New governors have been appointed for most provinces. All subprovince or awraja governors and 300 district or woreda governors have been replaced by new men with higher educational levels and more progressive views than their predecessors.

<sup>55</sup>It should be noted that many zemecha students were in place prior to the formal issue of the reform decree.

<sup>56</sup>Using students in this way allowed the PMAC to accelerate agrarian reforms, ending the pattern common under Haile Selassie, whereby laws were either not enforced, diluted and made meaningless, or not communicated to those affected.

<sup>57</sup>See David B. Ottaway, "Ethiopia's Rush From Feudalism," The Washington Post, June 8, 1975, p. C1; Marina Ottaway (1975: 48-49).

<sup>58</sup>Emergence of the policy of greater control over students and central direction of the process is analyzed in M. Ottaway (1975:8).

<sup>59</sup>The official membership figures are: Arussi 213,000, Shoa 1, 013,000, Wollega 273,000, Keffa 372,000, Wollo 371,000, Genu Goffa 83,000, Bale 90,000, Gojjam 62,000, Tigre 311,000, Hararghe 340,000, Begemder 145,000, Sidamo 1,113,000, Illubabor 159,000 (M. Ottaway, 1975:10, 13). An official report of the MLRA claims, as of September 1975, 15,989 peasant associations involving 4,550,918 peasants in all provinces except Eritrea (MLRA, 1975:15). It is probable that many associations and members exist only on paper. In areas where zemecha students have been infrequent visitors, it is probably the case that names were taken from tax roles, or names of those attending the initial meetings were collected. The government's goal is the creation of 50,000 peasant associations (Ethiopia, Zemecha Headquarters 1975:17). In a recent interview a high government official argued that there were now (mid-1976) over 21,000 associations, that "They are all operating and all holding regular meetings." (Gilkes, 1976:662, 665). Membership was said to be 5,115,192 families.



<sup>60</sup>In addition, as Marina Ottaway (1975:46) notes, a crucial question "...is whether the peasants will be able, or even want, to exclude traditional leaders from influential positions in the future when the students are no longer around."

<sup>61</sup>Brietzke (1975a:26) contends that "...peasants in or out of their associations are accorded too few economic incentives to fuel a 'big push' that could result in a high rate of rural change. The Proclamation does not, for example, ensure a secure right of occupancy and the ability to somehow recoup investments if occupancy terminates. Guarantees against the risks of adopting agricultural innovations are also lacking."

<sup>62</sup>This prediction is based on communication with various observers in the field, including Johan Holmberg of the Swedish International Development Agency. Hoben (1975b:68) holds that "...for the present, at least, the dream of most Ethiopian cultivators seems to be to become a kulak."

<sup>63</sup>The pressure to collectivize is characteristic of zemecha activities in all parts of the country. In most areas, students achieved little success. Some attempts are described by M. Ottaway (1975:9). Where collectivization has been implemented, it has been largely confined to areas of the south characterized by large-scale mechanized farms, particularly where progressive agricultural development schemes had been operating, such as in Chilalo, Wollamo, and Ada awrajas. The typical pattern on such farms appears to be one in which entry into collective production is conditioned on general agreement that the arrangement is temporary. The willingness to form collectives was stimulated by a wide range of inducements, an important factor for the landless peasants who were often moved into such areas. Government development schemes such as the Chilalo Agricultural Development Unit (CADU), the Walamo Agricultural Development Unit (WADU) and the Ministry of Agriculture's Extension and Project Implementation Department (EPID) plowed the land planted it with improved seeds, and aided settlers with housing and food supplies, leaving only weeding and harvesting to the peasants. Inducements did not always work. In one area where they were offered (Chilalo awraja), only 10 percent of the associations are said to have taken up the offer, and these were areas where landless laborers without implements or oxen had been settled on former commercial farms. It seems doubtful that the government can support the provision of incentives on such large scale. This conclusion is supported by the field work of Hoben (1975:68), who adds that such collectives are significant because they are on favored lands with easy access to all-weather roads. This improves their probability for success.

<sup>64</sup>For example, see Thomas A. Johnson, "Poor Administration is Snarling Hugh Ethiopian Land Reform," The New York Times, April 3, 1975, p. 2.

<sup>65</sup>Information used in preparing this section was collected, in part, under a University of Montana research grant.

66A growing number of African governments are undertaking urban land nationalization schemes that are more limited in scope than the PMAC's action (United Nations, 1973:30, 32).

67The government also estimated the value of the royal family's landholdings in the city of Dire Dawa at \$E 3 million Ye Zarithu Ethiopia, Yekakit 22, 1967 E.C. (1975).

68This mixed tenure system is common in areas experiencing rapid urbanization (Evers, 1976:75-76).

69Addis Ababa Municipality, (1972:192); Central Statistical Office (1974:50).

70Ethiopian Herald, July 25, 1975, May 22, 1975; Addis Zemen, Sene 26, 1967 E.C. (1975). Prior to Proclamation 47, the PMAC nationalized apartments and other large urban buildings, belonging to a few wealthy figures, estimated to generate almost \$E 5 million in annual rents (Ethiopian Herald, June 4, 1975, p. 3).

71A later editorial maintained that "when over 80 percent of the residents of the city [Addis Ababa] own only the smoke vanishing into thin air, excessive landlordism must be the root source of the evil." Ethiopian Herald, July 17, 1975, p. 2.

72Government Ownership of Urban Lands and Extra Houses Proclamation, Proclamation Nol 47 of 1975, Negarit Gazeta, 34th yr., no. 41, 26 July 1975, pp. 200-214.

73The United Nations Department of Economic and Social Affairs notes that "owing to the extreme shortage of surveyors and survey technicians and the heavy expense entailed in organizing a nationwide urban land survey, it has been suggested that 'possessory titles' with inexact details as to plot boundaries should be used as a proxy for cadastrally surveyed titles. Possessory titles are presumed to be valid until challenged, and "the onus of proof falls on the contestant." (United Nations, 1973:29).

74Under Article 5(2), organizations are allowed to possess larger plots of urban land for the purpose of building a place of business, dwellings, or employee residences. The exact size of the land grant is determined by the Ministry of Public Works and Housing.

75In addition, Article 7 places ownership of urban trees not located on a holder's 500 square meter plot in government hands. This provision is important in towns where many eucalyptus trees are planted because the trees generate considerable income for their owners in a country where fuel sources are expensive and in short supply.

76Article 15 provides that a minor living with a parent, guardian or tutor, whose parent owns a urban house, may not own

another urban house. Persons also retain ownership of trees on land over which they secure possessory rights.

<sup>77</sup>Article 44 exempts urban buildings used for the conduct of religious services from nationalization, suggesting that the extensive urban property held by the Ethiopian Orthodox Church is not seriously affected by the proclamation. Article 43 states that the status of urban lands and houses owned by diplomatic and consular representatives and international organizations shall be determined in the future.

<sup>78</sup>Persons electing to inhabit a house they did not dwell in on July 26, 1975 are authorized by Article 16 to evict other occupants of the house after giving them 6 months notice.

<sup>79</sup>Regulations relating to houses held under antichresis are covered in Article 17. This provision abolishes the practice in the future and provides rules for dealing with established debts.

<sup>80</sup>Sections 2 and 3 of Article 14 mitigate the harshness of this rule with respect to third parties who later secured such houses from their original owners.

<sup>81</sup>Article 21 contains a number of provisions that consider the plight of poor individuals or families previously dependent upon rents from extra houses. In essence, funds from public sources are to compensate for their lost income until alternative income is located. The ceilings set by the various provisions range from \$E 200-250 per month.

<sup>82</sup>The restrictions placed on urban house ownership by the PMAC are consistent with other policies aimed at preventing the concentration of wealth and discouraging private investment in immovable urban property.

<sup>83</sup>Certainly, many house rents went up in the years following this survey. However, increases were offset by the sweeping rent reductions imposed by Article 20(4) of Proclamation 47.

<sup>84</sup>Article 24(5) requires urban cooperatives to deposit all rents collected with a Peoples' Housing and Savings Bank in the name of the MPWH.

<sup>85</sup>Increased levels of urban building also depend heavily upon the ability of the government to manage recently-nationalized construction firms and the discovery of new sources of cheap wood products for use as building materials. On the latter point, see "Better Housing," Ethiopian Herald, June 17, 1975, p. 2.

<sup>86</sup>Article 38 gives urban cooperative societies "legal personality" under Ethiopian law.

87The judicial tribunal is the only special body that receives extended treatment in the proclamation (see infra). Article 24(6) invests the public welfare committee with responsibility for preserving all public and government property within the locality and protecting the welfare and lives of people in the area.

88There is no provision in the proclamation governing the selection of persons to serve on special bodies established within urban cooperatives or on higher-level bodies.

89Article 27 does not clearly specify how disputes involving persons residing within the boundaries of two or more cooperatives are to be resolved. Article 28 states that the MPWH will issue rules of procedure to be followed by the judicial tribunals. Tribunal decisions are effective within 15 days when they are not appealed. Article 29 empowers tribunals at all levels to fine (up to \$E 200) or imprison (up to 30 days) persons who insult, threaten, ridicule, or disturb the tribunal.

90Article 30 allows an exception to the single level review procedure. The Minister of Public Works and Housing may review petitions from any level charging that a tribunal decision is ultra vires. When the Minister rehears the case on this ground, his decision is final.

91While fulfilling this function, they are required to establish offices for the tribunal and to assist in organizing a record system.

92A person who damages urban housing or property, or interferes with execution of any provision of Proclamation 47, is subject to criminal punishment under Article 41.

93Under Article 39, disputes involving urban houses pending on the effective date of the proclamation are to be resolved in ordinary courts.

94With the exception of cases involving houses held in antichresis that arise under the special provisions of Article 17 (3) of the proclamation.

95See Article 3(5), Article 15(3), Article 16(6), Article 20(2), (3), (5), Article 36(7), (8).

96This function is to be carried out in cooperation with the Minister of Finance, the Planning Commission, the National Bank, and other concerned public authorities.

97Article 32 requires that the MPWH cooperate with the Ministry of Interior and other concerned public authorities on the latter task.

98The internal regulations of cooperatives must be approved by the Minister (Article 24(8)). The Minister issues rules

of procedure for all cooperative tribunals (Article 28(1)).

<sup>99</sup>Interview held by one of the authors in Addis Ababa, August 19, 1975.

<sup>100</sup>The PMAC encouraged leaders of traditional associations to move in this direction as late as May 1975. See Ethiopian Herald, May 29, 1975. An edir is a neighborhood self-help association which has been established in the urban areas of Ethiopia primarily to provide mutual assistance and services to its members in funeral and burial matters. Koehn and Koehn (1975:399).

<sup>101</sup>On the role of urban edir see Koehn and Koehn (1975).

<sup>102</sup>Almost 40 percent of the Addis Ababa edir presidents surveyed by one of the authors in 1972 admitted that they owned urban land, dwellings or shops, which they leased to tenants.

<sup>103</sup>The government had assigned four students to work in each kebele (along with one administrative expert and one military man). Prior to the mass arrests, students had refused to report for work until the government met a number of political demands unrelated to urban land and property reforms.

<sup>104</sup>Generally, under the model rules, 13 local people were elected to serve on a cooperative's executive, public welfare, inspection, or judicial bodies. The PMAC instructed government and private agencies in Addis Ababa to release from work obligations all employees elected to carry out cooperative duties. (Ethiopian Herald, August 1, 17, 21, 27, 1975). In September of 1975, many Addis Ababa cooperatives assumed responsibility for buying grain for their members during the shortage that afflicted the capital city (M. Ottaway, 1975).

<sup>105</sup>Personal communication from Marian Ottaway, November 1976.

<sup>106</sup>However, most transferred urban planning specialists and engineers remained in their former offices due to lack of available space within the confines of the MPWH.

<sup>107</sup>The legal philosophy underlying these laws is discussed in Brietzke (1975a:29-32). He notes "...law is being used in socialist Ethiopia to strengthen state authority in the pursuit of economic rights imposed from above...An advocate of Ethiopia's policies would argue that Draconian legal measures are justified because of an overriding need to stabilize power in a country where political institutions are fragile and lack national legitimacy, that feudal elements must be liquidated, and that quasi-military discipline must be imposed where social discipline is largely absent." The argument that the violation of human rights and the rule of law is justified is made by Schwab (1975:155-160), who specifically defends the November 1974 executions brought about by the Derg.

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## RESUME

Après le coup militaire éthiopien de 1974 le Conseil Provisoire de l'Administration Militaire proclama une série de mesures destinées à briser les obstacles à la transformation des anciennes structures économiques et politiques rurales et urbaines. Cet article analyse plusieurs lois particulièrement importantes, dont notamment la Proclamation No. 31 abolissant la propriété privée, déclarant propriété collective toutes terres en dehors des zones municipales et créant des associations paysannes et la Proclamation No. 47 concernant la propriété et le logement urbains. L'application de cette législation, qui a irrévocablement changé les structures foncières et politiques du pays, dépend maintenant des nouvelles institutions centrales et locales qui viennent d'être créées.