

Land Policy, Urban-Rural Interaction and Land Administration Differentiation in Ethiopia

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Key words: land policy, land administration, rural-urban interaction, social mobility, differentiation

SUMMARY

This paper attempts to shed some light on selected issues within the rural-urban discourse. It aims at exploring the impact of land policy on people's mobility (rural-urban migration) and land administration (LA). Apparently, the rural-urban interaction agenda is broad and covers lots of concerns, some tangible and some not so tangible. Generally, this interaction denotes the exchange of goods and services, people, information, money (in the form remittance, credit finance, etc). There are reasons to believe that the land policy in Ethiopia is in the way of social mobility. Therefore, a spatial policy that is assisted by favorable land tenure regime and that would relieve the rural areas of the ever-mounting population pressure and promote more speedy urban development is required. And this would by no means contradict the current sustainable development and poverty reduction program (SDPRP). As regards LA, the paper probes into the rural-urban differentiation in land administration (LA) that stems again from land policy. As the land policy in Ethiopia entails different land delivery mechanisms, it is in order that these are accommodated through different LA arrangements. And this should be worked out through an overall framework whereby differentiated and localized approach to service delivery would take precedence to the so-called uniform nation-wide/region-wide systems. The facts and the empirical evidence that form the foundation of these inquiries largely come from Ethiopia though some additional information from other countries is used for comparison.

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1. INTRODUCTION

In Ethiopia, population is on the rise, land degradation has become phenomenal and the rural areas are being rocked by frequent drought and famine. In view of these, one would expect the so-called excessive ‘premature urbanization’ which is often characterized by the influx of the rural poor to the cities, to happen. However, this typical process of rural urban dynamics is, reportedly, not occurring in the country to the fullest. The land policy is reported to have impinged on this development. While rural-urban migration (not vice versa) and the often concomitant social mobility are understandable and natural, the fact that land policy is hampering and slowing down this dynamic process is not quintessential. Therefore, there is a need to see if this is a fact or not and if it is a fact, to explore the extent to which this process of rural urban linkage is affected by the land policy in Ethiopia.

Another issue that is of concern within the framework of urban-rural discourse has to do with the role of land policy in LA practices. Once again this appears to be important because of the seemingly naive quest to find out the LA model that best fits a country. The implication of this is obvious. It is a search for a ‘universal model’ to develop a uniform, countrywide/region wide¹ LA system in places that are new to the business.

This is considered and even at times deemed feasible because of several reasons. Firstly, there is this conceptual thing that fails to fully recognize distinctions and put every thing in one basket. “The problems which land register and cadastre are intended to solve are principally seen to be the same. This implies that there should be the same laws, rules and methods concerning cadastre/land register for both types of land use” (Larsson, 1991). Secondly, in countries that are struggling to establish new land administration systems afresh, there seems to be this desire to do it in one-go and get done with it. Thirdly, it is because of the experience of some developed countries where homogenous nationwide systems exist. Surely, after centuries of ups and downs, the rural urban dichotomy in terms of LA systems may have practically disappeared in these countries. But, this does not mean the beginners, for instance, can leapfrog all steps and have the so-called country wide and uniform systems all at once. There seem to be many things in the way for this to happen. These need to be identified and put in perspective perhaps with the help of a concept that is in tandem with the emerging governance paradigms.

1.1 Methodology

The methodology used to achieve the objectives includes the following: analysis of proxy indicators like the degree of urbanization, rural population growth, land fragmentation,

¹ Sub-national space is also an important domain in large and decentralizing countries.

landlessness, etc; review of theoretical works to understand the conceptual link between land policy and rural-urban dynamics; review of the experience of other countries to check if Ethiopia's experience is consistent with conditions in the developing world. Apart from these, the paper heavily relies and draws on the work of other researchers and accordingly has gratefully used some empirical evidence they have produced. Finally, policy statements and major development programs of the government on land related matters are reviewed in order to analyze and understand their implications on land administration systems that are emerging in the country.

1.2 Definition

Land administration is “the regulatory framework, institutional arrangements, systems and processes that encompass the determination, allocation, administration and information concerning land. It includes the determination and conditions of approved uses of land, the adjudication of rights and their registration via titling, the recording of land transaction, and the estimation of value and taxes based on land and property. There are three components of land administration: land rights registration and management; land use allocation and management; and land valuation and taxation (Lyons et al, 2001).”

1.3 Land Issues in Ethiopia

Ethiopia is considered to have one of the best agricultural lands in Africa. About 85% of the population in the country lives off the land. In addition to own labor, land is surely the only asset that could effectively be put at the disposal of the majority of the population. The corollary of this is self-evident. Land is not put to a very good use, though it holds tremendous promise to reduce poverty, bring about structural transformation to the hitherto unrewarding smallholder based agrarian economy and foster sustainable development of the country.

The abuse of the country's land is attributed to many factors, which have both policy and technical dimensions. Whilst the technical dimension of the problem has to do with systems, data, technology, etc, the policy dimension of the problem is about the relevance and appropriateness of the prevailing land policy² regime.

Land is under public or state ownership in Ethiopia. This policy and its attendant LA practices have perpetuated a long running debate that started in the 1960s. The debate is so impassioned that it at times becomes rabid and holds the policy responsible for every thing that goes wrong in the country. If one were to characterize the issues surrounding the debate with regard to land policy in Ethiopia in few words, one would perhaps aptly say that it is basically a polarized debate between ‘*the equity versus tenure security cum efficiency*’ paradigms with some groups of course preferring to go for the best of both worlds or refusing to subscribe to any ‘either or’ constructs of this type. While advocates of public ownership envisage to forestall excessive landlessness (including ensuring rights over the so-called

² The basic principles set out in the 1995 constitution are regarded as land policy. Nonetheless, the country doesn't have a separate and full-fledged policy document that exclusively deals with the matter.

ancestral land) and thereby trying to provide a kind of ‘universal’ access to land, the opponents are anxious to tackle the abysmal declines in agricultural productivity and land quality, which they think are the outcomes of the flawed tenure regime that has manifested itself in the form of tenure insecurity, land degradation, land scarcity, land fragmentation, etc.

2. LAND POLICY AND URBAN RURAL LINKAGE

2.1 Land Policy and Mobility

Embedded in the afore-mentioned positions are different thoughts and views that go far beyond the land issue itself. Mention could, in this regard, be made to the views put forward to characterize the impact of the policy on urban-rural linkage. These can basically be grouped into two and for the sake of clarity and of easy distinction, they are labeled here as the ‘*confinement*’ versus ‘*paternalistic*’ views / propositions.

As the current land policy in Ethiopia demands permanent residence in a farming community to be eligible for a use right over a piece of land, the ‘confinement’ view accuses the policy of having shackled farmers and forced them to permanently stay in rural areas. A typical argument that could characterize this claim looks like the following. “The land system has discouraged peasant mobility and trapped the population in the rural areas.... Improvements in livelihoods are impossible unless a considerable portion of this population is released from the land and moves out of the rural areas. ... The greater mobility of peasants out of agriculture will stimulate the greater mobility of land. Land will be able to move “freely” from those who cannot use it efficiently to those who can. ...The destination of a mobile peasantry will be the urban areas.” (Rahmato, 1999).

In effect, it is said that the policy has condemned farmers to a life of subsistence production, compelling them to eke out a living from the so-called ‘starvation plots’, which are reportedly the direct consequences of the land policy that has also invariably been threatening farmers existing holdings and worsening their sense of insecurity.

On the other hand, the government thinks differently and claims that if the current policy were changed in favor of private ownership, farmers would be forced to resort to what is called distress sales and inundate the urban centers only to face the attendant social ills that are characteristic of such moves. In other words, it insists that the current policy regime is in place precisely because of the need to protect farmers from a possible loss of their prized and perhaps irretrievable asset which would occur if and when policies like full land ownership rights (including the right to transfer it through sales) were conferred. This is what can be called the ‘paternalistic’ proposition.

Looking at these propositions, one would wonder if the land policy is a conscious link between urban rural interactions and is serving as a tool to regulate urban explosion, which is certainly a big problem in the developing world. This has made inquiring into the alleged role of the land policy interesting not only to determine the impact of the policy on people’s movement, but also to get a clearer view of the intent and act of the government and to understand the linkage between land policy and rural urban transformation.

2.2 The Evidence

2.2.1 Migration

To start with the obvious, literature reveals that tenure security is one of the necessary conditions for free entry and exit of farm labor. Countries like Thailand have reportedly managed to transfer a sizable rural population to urban centers due to increased tenure security (titling) and urban economic boom (Pagiola, 1999). In Peru, the formalization of land rights has increased the supply of labor to the market by more than 50%. (Deininger, 2003). Therefore, the link between land policy and people's movement is straightforward and firm.

As for the measurement, off-farm migration data could have best served the purpose of determining the prevalence of mobility in the smallholder sector (Butzer, R., et al, 2003) and thereby help precisely ascertain the impact of the land policy on labor mobility. Unfortunately, this is unavailable and therefore the use of indirect measurement (proxy indicators) is unavoidable. These would still, with different degrees of closeness and precision, give useful insight. Accordingly, there is a couple of empirical evidence that emerged from research that point to the lack of migration.

One of the findings that came out of the 8500 households panel survey (Deininger, Nega et al, 2003) is related to the question of land sales and migration. Reportedly, 93% survey respondents said they would not sell their land if they were given full ownership rights including the right to transfer through sales. In relation to the justification with which they explained the answer, 70% of them said that they have no other means of survival while another 17% claimed their land is not simply for sale³. Thus, if one assumes that this is also what has been happening since the institution of public ownership of land in 1975, there is reason to believe that there has not been any significant mobility from the rural areas. The only condition that holding could have witnessed changes of hands may have been when land redistribution took place or when a land user with no descendants has died. Obviously, these statements apply only to holders of some kind of use right in the stated time frame.

Another survey (Deininger, Mulat et al, 2003) that studied the situation of land markets in the country has also tried to indirectly infer migration trends. The finding the study came out with confirms the absence of mobility that has just been alluded to. "Current (i.e., 1999) participation in rental markets is even higher. Taking fixed rental and share cropping together, 24% of households report to currently use somebody else's land through markets (7% through rental and 17% through share cropping). The fact that this percentage is equal to the share of households (20%) who report to have supplied land to the market (6% for rental; 14% for sharecropping) suggests that migration remains extremely limited and that absentee landlords are virtually non-existent." Though there is an obvious link with it, it is not known if these findings have anything to do with circular migration.

³ This may have to do with traditions, which regard land as heritage that can only be transferred within a family.

2.2.2 Rural Population Growth and Urbanization

Jean Marie Cour (2003) has made some wonderful analyses on the subject that give tremendous insight into the state of population-resource alignment and economic transformation. As can be seen in Table 1 and confirmed in the most recent high profile government policy statement, namely the Sustainable Development and Poverty Reduction Program-SDPRP (FDRE, 2002), Ethiopia is least urbanized. Nonetheless, populations in both rural and urban settings are growing fast. This sounds contradictory, but it is not. The thing is, given the low level of urbanization the country started with in the 1960s, one would expect to see faster urban growth than that has been attained thus far. As it stands, the rate of urbanization is insufficient and as a result one may conclude the inter-sectoral mobility of labor has not been what it should have been. This is indicated by the smaller actual percentage change vis-à-vis the possible larger rate that could have happened in Ethiopia as compared to that of, for example, West Africa, where urbanites have grown to form nearly half of the population.

Table 1: Population and urbanization: Comparison among Ethiopia, West Africa (19 countries) and China

	Population (in millions) and ratios				Growth rates (%)		
	1960	1975	1987	1997	60-75	75-87	87-97
Ethiopia							
Total population	21.3	32.1	44.6	58.4	2.8	2.8	2.7
Urban population	0.8	2.3	4.5	7.0	7.5	5.8	4.7
Rural population	20.5	29.8	40.2	51.4	2.5	2.5	2.5
Level of urbanization (%)	4	7	10	12			
Ratio Urban/rural	0.04	0.08	0.11	0.14	4.8	3.2	2.1
West Africa							
Total population	87	130	179	230	2.7	2.7	2.5
Urban population	13	35	68	104	7.1	5.6	4.3
Rural population	75	95	111	126	1.6	1.3	1.3
Level of urbanization (%)	14	27	38	45			
Ratio Urban/rural	0.17	0.37	0.61	0.83	5.4	4.3	3.0
China							
Total population	667	916	1084	1227	2.1	1.4	1.2
Urban population	107	159	274	376	2.7	4.6	3.2
Rural population	560	757	810	851	2.0	0.6	0.5
Level of urbanization (%)	16	17	25	31			
Ratio Urban/rural	0.19	0.21	0.35	0.44	0.7	4.0	2.5

In the words of Cour (2003) “One percent of rural out-migration generates an additional six percent to the urban growth rate when the level of urbanization is around 14 %, and only one percent when the level of urbanization is 50 %. So, one might expect a higher urban growth rate in Ethiopia than in West Africa, which is much more urbanised.” Therefore, despite rapid urban growth, there has not been much change in the distribution of population. In effect, one could say this has led to rural overcrowding, land fragmentation, landlessness, etc. Put another way, unlike the growing rural populations of most developing countries that are routinely and substantially absorbed in urban areas, the surplus farm labor in Ethiopia and those ‘use right holders’ who may, over the years, have wanted to improve their lot by moving into the cities have, in large measure, been unable to do so.

2.2.3 Land Fragmentation

Though the available datasets give differing accounts concerning the magnitude of the problem, the one issue on which most experts seem to agree is the diminution of holdings (Desalegn, 1999; Adal, 1999; Admassie, 2000; Asfaw et al, 1997). In fact, it has now become common to regard holdings of farmers as ‘starvation plots and characterize the subsistence farming practice as micro agriculture “whose major characteristic features are insufficient basic capital assets, hand-to-mouth production etc” (Adal, 1999). As regards the magnitude of the problem, a proxy indicator-land labor ratio, which reportedly is generated by FAO and seems to be more comprehensive in terms of coverage, indicates a dire situation where land holding size might have gone down by as much as 100%.

Table 2: Land to Person Ratio (10 year Average) in Ethiopia

Year	1960-69	1970-79	1980-89	1990-99
Ratio	0.508	0.450	0.363	0.252

Source (Jayne, 2001)

The evidence provided by the land labor ration is in line with some findings in certain localities. Aredo (1999) in Tewa, Borena, South Wello, found average holding size that had declined from 1 ha to 0.47ha between 1975 and 1993. In Gidan, North Wello, after the 1989/90 land redistribution, holding fell from 1.25 ha 0.5 ha, i.e., by more than 100% (Lulie, 1999). According to CSA (Zekaria, 2002), national average land holding declined from 1.09 ha in 1994/95 to 0.98 ha in 1999/00. In 1999/00, the same source revealed that 41% of the farming households had plots whose size was 0.5 ha or below while 64.4 % of farm households cultivated 1 ha and below. As has just been shown, these are far below the size of holdings that existed a decade or two before.

2.2.4 Landlessness

Since there have not been comprehensive national surveys, data derived from small sample surveys are once more used to portray the state of landlessness. The findings of these surveys are divergent and inconclusive on the size of the landless population while all of them concur on the seriousness of the problem and its increase at an alarming rate.

A study conducted in North Shoa Zone of Oromia Region (Asfaw et al, 1997) found out that 37% of rural households in 10 peasant associations earn their living from informal tenancy. This is to say about 37 % of the households are landless. Other authors (Nega, 2002) estimated it to be 11%. As regards the overall trend, the survey Gebremedhin and Pender (2003) conducted in Tigray also reveals a similar pattern. This study claims “landlessness is increasing.... Between 1991 and 1998, the number of landless households per Tabia⁴ grew by more than 140%.”

In view of the rural population increase at an alarming rate, absence of fresh land distribution in most parts of the country since 1990 and lack of off farm employment, the size of the

⁴ Lowest administrative unit in North Ethiopia comprising four to five villages.

landless population noted is not surprising. Further, the informal tenancy data has shown that a good portion of the landless population is stuck in unsustainable rural livelihoods perhaps in the hope of grabbing a piece of land if and when redistribution takes place.

2.2.5 Off-Farm Income

Another area of where insight as to the extent of farm labor mobility could be obtained is off-farm income particularly if time series data that show trends were available. However, paucity of data is again a problem here and thus this kind of information is not used in this paper. But just to note some available evidence on this subject, it looks like non-farm income is not picking up in the country because of factors related to tenure insecurity. Deininger, Mulat et al (2003) found out that “the most significant determinant that leads households to believe that land will be taken away from them is whether or not the head has a part-time, though by no means primary, job in the off farm sector. According to our estimates, off-farm employment increases the subjective probability of future land loss by between 10% and 15%. To the extent that households base future actions on such beliefs, the fear of losing land is likely to lead to a considerable reduction in their willingness to take on off-farm employment which could have far-reaching implications for the emergence of non-farm economy. A factor which, all observers agree, will be critical importance for future rural development in Ethiopia.” Ultimately, this, in conjunction with, the peculiar attachment of Ethiopian farmers to their land, may have negatively been affecting the mobility of peasants out of farming and subsistence living.

3. LAND POLICY AND URBAN RURAL DIFFERENTIATION IN LAND ADMINISTRATION

3.1 Differentiation

Differentiation here refers to a concept wherein spatial and socio-cultural distinctions are recognized and employed to deliver cost effective and socially legitimate LA services. The idea behind the concept is simply the need to take in pervasive practices and thoughts like the following. “ The legal framework for land ownership should not only be comprehensive, but should also be flexible, allowing for different options depending on population density, level of economic development and infrastructure access” (Deininger, 2003). This would, obviously, result in some differentiations in LA arrangements.

Having its origins in the primate status of the capitals and/ or cost related factors, rural-urban differentiation in LA in the developing world is already taking place. This is likely to be further invigorated by the current decentralization fad. The rural-urban dichotomy in land administration is not totally bridged even in the developed world. If nothing else, this is reflected in the types of services that are routinely provided. A case in point in this regard would be the LandLine data⁵ in the UK. (Mansberger et al, 2000). Generally, the land administration arrangements in urban and rural areas and perhaps at some other levels of

⁵ Digital dataset of Great Britain produced mainly of land registration purposes by the Ordnance Survey at the scale of 1:1250 (urban areas) and 1: 2 500 (rural areas).

disaggregation are likely to differ because of the following factors. Please note that this is not an exhaustive list.

- Different land management objectives (control of illegal occupation vs. prevention of soil erosion; forest/range resources protection vs. pollution control, etc)
- Different land use and different planning goals (agriculture vs. nonagricultural use each having parcels of different geometry, complexity like 3 dimensionality; sedentary vs. pastoral farming, etc)
- Different spatial structure and complexity (compact, small, 3D plots vs. large, 2D, mixed shape parcels)
- Different land use intensity (intensive and dynamic vs. extensive and comparatively 'static' uses)
- Different land values (expensive vs. less expensive)
- Different types and degrees of land transaction (loosely public vis-à-vis strictly public as is the case, for example, in Ethiopia; frequent vs. occasional transaction)

Typically, these are the kinds of differentiation framework and rationales that one can think of when considering land administration arrangements between urban and rural areas and other levels in the administrative hierarchy. Now, the question is how does this kind of framework relate to the conditions in Ethiopia and how much of this is and would be the making of the land policy?

3.2 Differentiation Rationales in Ethiopia

As LA is still an emerging public service in Ethiopia, it may as well be assisted by the introduction of new concepts like differentiation, which make some departure from the conventional all-embracing single model mindset that have overspread in the nation's institutional development and service delivery thinking. In multi-ethnic countries like Ethiopia where community groups are likely to have different needs, customs and experiences, the relevance of concepts that would accommodate these diversities and thereby secure social legitimacy cannot be overstated. Similarly, such concepts can help protect people's groups from being hostages of past experiences of other groups whose ordeal may have been, as is to some extent the case in Ethiopia, used as an overriding issue to dictate countrywide policy.

Differentiation can help to zoom in on issues and areas with special needs. It can be used to expand the reach of LA as "limited outreach is one of the problems of LAs worldwide" and particularly in developing countries (Deininger, 2003). Also, it can append the ongoing aggressive decentralization of the country and complement it in breaking down or assembling complex administrative or spatial entities into manageable and realistic intervention units. Since decentralization follows the administrative hierarchy, the boundaries of local governance may not always coincide with the needs and realities of providing LA services. Hence, having another optimization and targeting framework like differentiation might be a useful addition.

Additionally, Ethiopian land tenure experts who are anxious to see the current policy regime reformed often suggest that the alternative to the prevailing system should come from

exercises in which the land users assume a decisive role. If LA administration, through differentiation, is used to provide a framework within which local administrations and communities could experiment with suitable LA modalities, then it might possibly result in institutional learning that could impact policy at macro level. In this manner, it may ultimately help reform the existing tenure regimes through popular participation and operational experience. Therefore, starting with rural-urban differentiation or some higher level of distinction of this type, one could go further down and dissect geographic or administrative space and find out levels that are most convenient to provide services.

3.3 Some Aspects of Differentiation in Ethiopia

Differentiation in the context of rural urban distinction is not new in Ethiopia. As the current limited and rudimentary practice shows, it has already started to materialize. As a result, rural and urban LAs are set to take different courses. However, the existing differentiation has been basically the outcome of historical factors and not of different provisions related to land policy or regulation.

Based on these thoughts, some dimensions of differentiation can now be explored. In doing so, the emphasis is on looking at differentiation from land policy perspective with a view to figuring out a way whereby a departure from uniform, country-wide/sub-national-wide system could be made and have communities empowered.

The most notable differentiation in contemporary Ethiopia from land policy perspective is primarily between leasehold and usufruct tenure regimes. Basically, these correspond to urban and rural areas respectively. Leasehold tenure could be likened with freehold while usufruct tenure, under the umbrella of public ownership, falls far short of it. Therefore, according to current and upcoming policy directions, leasehold tenure holds a better promise to ensure tenure security, collateralization and market based transferability of rights while usufruct tenure is likely to be severely handicapped on these counts due to a number of factors discussed elsewhere in this paper. Of course, there are possibilities for more open land rental arrangements, but fear of loss of the rented plot may debilitate the realization of its full potential. These are the major distinguishing features of the two tenure regimes that directly stem from the land policy. However, the boundary between these tenure regimes doesn't always coincide with the usual rural-urban demarcations. Thus, a tenure regime that may be regarded as typically urban could be found in rural areas and vice versa. In effect, it is not possible to put all tenure regimes and the attendant land delivery mechanisms of both urban and rural domains in one basket and make conclusions. What is desirable and possible is to breakdown the rural urban differentiation and look into intra-urban and intra-rural differences.

3.3.1 Urban Areas

Urban centers in the country range between the federal capital where millions live and those tiny settlements which can be confused for rural villages. As such, they have different needs and capabilities. Therefore, the urban centers need to be clustered and 'generalized' according to some common attributes if any meaningful intra-urban differentiation that also takes into account the possibility of giving capacity building support in the form of broad LA

framework and other technical expertise are to be made. The ‘phasing modality’ which is, of necessity, in use in the ongoing municipal decentralization endeavor could be of help in distinctly identifying a town or a group of towns with similar LA concerns and target the same in a bid to assist them find feasible urban management models including systems of LA. Systematic, durable and all-encompassing grouping or clustering is, however, better achieved by establishing urban hierarchy (UH) as a precondition for differentiation. The UH would systematically and comprehensively characterize, rank, categorize and designate urban centers and provide an overall framework for area specific development interventions. Approaching the task in this manner, one could clearly see distinct LA systems coming up in the federal capital, the special city administrations, large state capitals and other cities of similar stature, emerging urban areas, rural towns etc. In short, differentiation based on UH can be considered to help figure out LA arrangements for urban areas. Implicit in this thought is the assumption that land delivery mechanisms of a specific location are directly related to the position of the place in the UH. Land delivery mechanisms, being the functions of land policy, demonstrate that the latter is still the underlying rationale that dictates LA. In the end, urban areas where advanced systems are required and places which could be served with intermediate or less sophisticated systems will be easily and markedly identified to be followed by a specification of LA framework and a package of technical support. As to the motives that entail LA in urban Ethiopia, the same global phenomena are at issue. Thus, urban areas, particularly the large ones are likely to face increased transaction in land and related properties. Collateralization of land is just around the corner. Squatting is on the rise and may soon become a serious problem. Land use control and enforcement is becoming more demanding and complex. Government is pushing municipal governments to finance own development and service related obligations. Therefore, enforcement of contracts and judicious administration of land resources in large centers require proper documentations of properties, which includes geo-referenced datasets, clear and workable legal framework, simple and quick procedures, etc.

3.3.2 Rural Areas

Generally the rural areas exhibit multiple concerns. Essentially, however, all rural areas fall under the usufruct tenure. There are and will be some exceptions to this. As can be seen below, one exception has to do with an appendant tenure (leasehold based commercial agriculture) while the other is linked with specific land delivery arrangement (land rental) that may arise from the elaboration of the use rights. In any case, the intra-rural differentiation outlined below would consider three broad categories which are good enough to accommodate both the general as well as exceptional land access mechanisms just noted.

In pastoral areas, people who are often on the move communally access land. There are ‘individual rights’ in pastoral areas that emanate from being a member of a community and that entitle a share in community resources. In these areas, land disputes resolution and land management related tasks like maintaining pasture resources, managing watering holes, etc are the purposes that a LA system could hope to serve. For this, a framework whose major thrust is community based LA with some kind of low precision, small scale mapping wherein transhumance is taken into account could help save lives that are now lost due to violent land disputes. There are no and will not be land related transactions perhaps except when special

ventures (like mining related concerns) are to be initiated and these could be accommodated with case specific services. Roughly, one could in this manner think of pastoral sub-systems of the rural LA set-up.

In sedentary agriculture areas (in the highlands), land management related tasks appear to be in the forefront. The need for resolving land disputes could also be important. The land transactions that could happen in these areas would basically be related to land rental. This could be short term and traditional like sharecropping and involving some tiny transactions whose warranty and contractual issues could be worked out by the contracting parties themselves. They could also be major transactions involving large chunks and/or many rights holders, long-lived contracts spanning as many as 10-20 years, etc. In such a situation, decisive public sector intervention would be in order and these could, for instance, take the form of sporadic compulsory registration wherein comparatively more sophisticated service could be provided upon request and based on willingness to pay. Where the need for supporting land rental/land markets is minimal (e.g., places that are away from major roads and markets), the provision of low cost parcel based LA service should help improve tenure security, regulate land use, facilitate land consolidation (if regulations allow), taxation, etc. As the registration method (see the annex) being introduced, and which may also have already set a precedent shows, the low cost approaches now adopted may not however serve some of these and other functions like land dispute resolutions for lack of adequate information (e.g., graphics). This method involves in the characterization of land quality based on soil depth (deep, mild and shallow) and specifies the location of a plot in reference to the neighboring plots-actually the name of the person who has a use right on the adjoining plot-which are assumed to be sited only in east, west, south and north directions (Beyene, 2003). So, low cost systems don't necessarily refer to these arrangements.

In commercial agriculture areas, land taxation, land transactions and collateralization are the likely purposes that need to be supported through advanced service that may include proper documentation (including the use of accurate property maps). In the interest of another public good-environmental protection, there is also a peculiar need for regulating the activities of commercial farming and making sure that these are not negatively impacting the environment. These would again demand proper documentation and formal representation of property.

4. CONCLUSION AND OUTLOOK

Ethiopia has one of the fastest growing urban populations. But, the prevailing pace of urbanization appears to be too inadequate to let people move out of agriculture and thereby allow the smallholder dominated agrarian economy to transform itself. True, there may be other factors like limited 'absorbing capacity of the non-agricultural sector' contributing to this. Obviously, this has to do with the overall performance of the economy because "rural-urban migration is fastest where economic growth is highest as migrants tend to move where there are likely to find employment opportunities" (Tacoli, 1998). Although issues like this have surely a role to play, the evidence presented thus far shows that in rural Ethiopia property rights remain to be the most decisive factor affecting people's mobility. Looking at the other side of the coin, one would find that the urban centers that are supposed to make

room for the surplus labor from agriculture are presently ill prepared to put up with the influx of people that the boost in rural-urban mobility may unleash if that is ever to take place. This cannot, however, be ruled out because the rural areas are sooner or later likely to collapse under the combined weight of landlessness, degradation, fragmentation, drought, famine, etc. In view of these, widespread rural urban movement needs to be part of the strategy whereby people should be encouraged to find alternative means of livelihood. This essentially poses a great dilemma in policy choice and/or harmonization. But, given the country's performance thus far, a political resolve to go for a kind of two-pronged approach plus where the land policy also plays a facilitation and harmonization role and doesn't stand in the way of labor mobility and economic transformation has to be made. That would mean something like economic growth and spatial policy that promote rural 'depopulation'. This looks like what is missing now. As far as the land policy options are concerned, the two views that triggered this paper are not irreconcilable or without a compromise. "With population growth, specialization and the incorporation of rural areas into market economies, the importance of being able to transact property rights increases. So does the potential for distress sales and loss of land based livelihoods. Market transactions can, however, include leasing and rental arrangements which need not lead to permanent alienation of land rights." (Adams, 2000).

Further investigations of other parameters have revealed the same picture. Thus, proxy indicators related to land holding, land rental, landlessness, etc point to lack mobility and tempt to acquiesce the confinement proposition which blames the land policy for having shackled folks in the rural areas. Leaving adherence to this or that view aside, the thrust of the evidence here also needs to be noted and acted up on. Strategies and measures that encourage and perhaps empower farmers to earn a living outside agriculture should be vigorously pursued. It is exigent that urban centers are supported to become places of opportunities for rural migrants and the rural areas are revitalized to offer rewarding livelihoods including substantial non-farm income. After all, as Hernando De Soto (2000) observed "migration is hardly an irrational act. It has little to do with 'herd instinct'. It is the product of calculated, rational assessment by rural people of their current situation measured against the opportunities open to them elsewhere".

Whether the land policy has been an intentional policy instrument to control urban growth or not is not difficult to decipher. First of all, the country has, at a time when the policy making machine has been productive, no urban policy. Secondly, because of its inordinate bent towards rural development, the government was in the dark about urban matters up until a party congress some time in 1997. Thirdly, the government has by and large been expressing access related and political reasons for sticking to the existing land policy regime. In view of these, the urban related impact could only be said coincidental and unintended.

Constraints related to data and/or lack of definitive empirical studies on the subject of rural labor mobility are considerable. Therefore, more research is needed to fill this gap and present more evidence to demonstrate the extent to which the land policy has impacted the mobility of people out of agriculture and the countryside.

With regard to LA differentiation, the discussion must have briefly shown how the land policy has entailed distinct differentiation between rural and urban domains and even within

each one of them. It must have also given insight how dualism in tenure can (justifiably or not) lead to the development of different systems. In any case, the types of differentiation noted here are crude or too broad and are meant only to evoke discussions. Further distinctions and categorizations using other parameters could be made and these should help to go down all the way to the community. In countries like Ethiopia where the ‘physical demands of LA’ (many millions of parcels, extremely deficient communication infrastructure, difficult terrain and sometimes hostile environment, etc), the complex ethnic situation, the poverty condition, etc pose immense challenge, resources and many other setbacks make offering LA services from a center or a few centers costly or defective. These may result in LAs that run the risk of being of “limited outreach” and irrelevant. Conversely, the attempt to take LA to all places in the administrative hierarchy will surely stretch out resources and stand in the way of satisfactory service delivery. In view of these, one of the best compromises that can be made would be to do some exercise in differentiation wherein identification and recognition of distinctions in target areas are made to be followed by prioritization and the development of affordable and problem solving service models that are based on the land policy and the attendant regulations of the nation, the peculiar demands of potential service recipients, etc.

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BIOGRAPHICAL NOTES

Solomon Abebe has about 15 years of professional experience in development planning in Ethiopia. He has served as department head and later as the Head of Bureau of Planning and Economic Development for the Amhara National Regional State in Ethiopia. While serving

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APPENDIX

Land registration format from Tigray, northern Ethiopia.

Name of owner (including grand fathers name) _____.

Zone _____. Woreda _____. Tabia _____. Village _____.

Number of household members during land distribution _____.

Last land distribution year _____. Number of plots obtained _____.

Serial No.	Name of place where land is located	Type of land (deep, medium, shallow)	Area of land (timad)	Boundaries of the plot	Remark
1				East _____. North _____. West _____. South _____.	
2				East _____. North _____. West _____. South _____.	
3				East _____. North _____. West _____. South _____.	
4				East _____. North _____. West _____. South _____.	
5				East _____. North _____. West _____. South _____.	

Land registrar

Members of team who participated at the last land redistribution scheme

Approved by the committee

	Signature		Signature	
Name _____.	1. _____.	_____.	1. _____.	_____.
Signature _____.	2. _____.	_____.	2. _____.	_____.
Date _____.	3. _____.	_____.	3. _____.	_____.
			4. _____.	_____.
			5. _____.	_____.

Adapted from Ataklit Beyene (2003).