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## **The authoritarian liberation of the western lands. State practices and the legitimization of the cadastre in contemporary Ethiopia**

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### **Résumé**

For the last fifteen years, the Ethiopian government has been implementing the registration of peasants' land rights in rural areas. It is supported in its task by development projects funded by foreign agencies that, through their daily activities, their conception of the cadastre and the ideological tools they spread, take part in the legitimisation of state practices. Nevertheless, land registration serves a vast "land liberation" implemented by the Ethiopian government. This liberation of land boils down to the eviction and forced displacement of ethnically selected populations, in order to transfer their land to private investors. By doing so, the state combines the pursuit of economic interest with the reinforcement of a strong political control over the peasantry. This article seeks to advance an understanding of the many legitimisation processes surrounding these practices.

### **Introduction**

As the Ivorian crisis has shown, taking land issues into account in the study of politics can shed a new light on conflicts too often understood as mere "tribal" wars (Chauveau, 2000 & 2005). Paying attention to political competition governing access to land – be it violent or not – can sensibly foster our understanding of societies experiencing a sustained increase in rural population density over long periods (Boone 2014).

Here, contemporary Ethiopia appears as a textbook case, land issues reflecting many structural political questions. Over long periods, access to land has been one of the main factors determining social stratification in the Ethiopian society (Markakis, 1974 ; Freeman & Pankhurst, 2003). Today, large-scale land transfers to private investors, and foreign-funded development programmes aiming at securing the peasants' landholding rights are mediums of Ethiopia's integration to neoliberal globalisation. Thus, land issues reveal some embodiments of the Ethiopian state's extraversion (Bayart 2000). Besides, the ethno-

federal institutional setting, which has been implemented since the early 1990s, has territorialised political representation in a distinctive manner. Under ethnic federalism, the individual political affiliation is first and foremost determined by one's belonging to a "nation, nationality and people" (Vaughan 2003; Ficquet 2009). Ethiopia is divided into region-states thought to reflect each ethnic group's territory<sup>1</sup>. Officially, these peoples are sovereign within their regional states, and are the ones governing access to land, although the Constitution reassures the state as the sole landowner.

Today, although state objectives to enhance investments in agriculture increase land pressure in regions that were hitherto relatively spared by this phenomenon, reified ethnic belongings are mobilised to serve state interests. Practically, the state "frees" parcels from their current inhabitants, so as to transfer these lands to private investors practicing large-scale mechanised agriculture. In two western regional states (Benishangul-Gumuz and Gambella) this liberation of land is being done at the expense of populations labelled as foreigners – mainly Amharas and Oromos. Although they are Ethiopian and many of them were even born in the region they are expelled of, these peasants are victims of a peculiar understanding of social coexistence that finds its roots in the history of the « question of nationalities » in Ethiopia and in current economic interests. In these regions, land issues are reworded in ethnic issues, through a specific interpretation of legal texts.

The construction of the cadastre is a highly politicised operation through which the state produces a legible space (Scott 1998), and enforces its control on land and population. Through the cadastre, the state modifies its relationship with local peasantry, by operating spatial redefinition. This spatial reconfiguration neglects former land uses and imposes a state vision based on the control of the peasantry and economic rationalisation fostered by agricultural investment; the former being the traditional core objective of Ethiopian rural policies, and the latter a new trend due to Ethiopia's integration in global capitalism. Although it is implemented in a rather authoritarian manner and used by the state to legitimise a centrally-driven redrawing of rural population patterns, cadastre-building remains shaped by conflicts and political tensions. Cadastre-building analysis can help us renewing our understanding of state authoritarianism, drawing against an essentialist and rather static view of the "authoritarianism" as a label used to classify regimes.

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<sup>1</sup> From the highest to the lowest level, the Ethiopian institutional organisation can be schematised as follows : qebelé < wereda < zone < Regional State or Region < Federal State.

Two concepts must now be defined with greater scrutiny. First, as mentioned earlier, my understanding of “authoritarianism” differs from classificatory concepts such as democracy and totalitarianism (Dabène, Geisser & Massardier, 2008). Drawing against an often unquestioned approach, my point is not about considering the Ethiopian state as mere a-historical and uniform « authoritarian state », but to shift my attention to concrete practices and legitimisation processes (Dobry 2005; Rowell 2006). Legitimacy is the second idea that needs further conceptual precision, since its general meaning implies a definition of justice. This article does not intend to judge if the current Ethiopian regime is just nor not. Here is a question a reasonable sociological analysis cannot answer. Rather, the article aims at giving an understanding of the legitimisation processes embedded in the actors’ practices, be they or not the result of an acknowledged strategy.

Built on three field trips to Ethiopia’s western lowland regions of Benishangul Gumuz and Gambella accounting for a total of seven months between 2013 and 2014, this article aims at showing how, besides its elective affinity with authoritarian practices (Scott 1998), the cadastre is used by the state as a means to legitimise its compulsory resettlement programmes towards its own population, civil servants, and donor countries. Baldly formulated, three legitimisation processes can be identified:

- The activities of foreign-funded development programmes that propagate and promote a depoliticised conception of the cadastre;
- The government’s proficiency in the global ideological « tenure security » language;
- A peculiar understanding and use of legal texts that, together with special administrative practices, outline the historically constructed vision of ethnicity in Ethiopia

This article is organised in three parts. In the first part, I briefly describe how population displacement was carried out in the affected regions. Outlining the role played by development programmes and the “tenure security” discourse, the second section explores the first two of the abovementioned legitimisation processes. The third section builds on this analysis to show how legal texts are practically mobilised by state agents and what this owes to the long-term historical framing of ethnicity in Ethiopia.

## **An authoritarian land policy: villagisation, deportations and expropriations**

Before depicting the shape and scale of the expulsions strictly speaking, I shall briefly present the economic policies entailing land grabbing in contemporary Ethiopia.

### **Land transfers as Ethiopia's new access to global economy**

Since the mid-2000s, a new trend is noticeable in Ethiopian agricultural and economic policy.

Whereas the focus of the regime was hitherto the peasantry, which needed to be supported in order to reach agricultural self-sufficiency, the centre of the government's attention in agricultural policy has now switched to agricultural investment. This, of course, does not mean that efforts to control the peasantry have vanished (Dessalegn, 2011; Planel, 2014a & 2014b; Lefort, 2010 & 2011). Now "developmental investors" (*lematawi balehabat*, as the regime likes to call them) are meant to provide growth for an agricultural sector accounting for more than 40% of the annual GDP. Built on a strong faith in large-scale mechanised agriculture, this new policy is one of the reasons behind the many large-scale land transfers that took place in Ethiopia during the last ten to fifteen years. Driven by the central government, land transfers become one of Ethiopia's modes of inclusion to the global economy.

Although this phenomenon is widely commented and glossed over at the global scale, much less reliable information and scholarly work is to be found when it comes to Ethiopia (Dessalegn, 2011, Planel, 2014a, Lavers, 2012, Maru, 2011). In Benishangul Gumuz, the Ministry of Agriculture identified 1,400,000 hectares of land as free and ready to be allocated to private investors<sup>2</sup>. In 2009, 3,600,000 hectares had already been transferred all over the country, out of which 700,000 were found in Benishangul Gumuz and 800,000 in Gambella (Dessalegn 2011). However, the transferred parcels are far from being all cultivated. The growing number of offices claiming the authority to administer rural land, added to the lack of coordination and communication between each branch, has led to several conflicts. Some parcels have been allocated to several investors at the same time; a process which, in turn, entailed considerable delays in the start of farming activities. Some transfers have also raised suspicion over alleged bribes.

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<sup>2</sup>Personal communication from a Federal Investment Agency agent, March 2014.

## Expelling & liberating

More often than not, land labelled as « free » is actually occupied. Ministry of Agriculture agents do not usually take the pain to go down to the field and make sure land is not used. Thus, most of the time, parcels are inhabited, and even cultivated. Land transfer objectives set by the Ministry pressure civil servants to work fast, evacuating all the problems linked with the presence of peasants to lower administrative levels. In Benishangul-Gumuz, more than 130,000 hectares have been transferred by federal authorities, while 120,000 hectares only were allocated by regional ones.<sup>3</sup> 470,000 hectares are planned to be bequeathed by federal authorities to (mainly foreign) investors. The situation is even more obscure in Gambella, where the Land Administration Authority, the Investment Agency, the Regional Executive Cabinet and the Federal Ministry of Agriculture all claim the power to distribute parcels. Once land is transferred, regional authorities are supposed to organise the displacement of current dwellers and land users to allow the start of farming activities by the investors. Generally reluctant to implement these tasks, but compelled by the harsh political control in force in state apparatus, local civil servants often end up organising the evictions, with much feet-dragging, delays and conflicts<sup>4</sup>.

This brutal liberation of land has to be understood within the wider historical trajectory of population displacement in Ethiopia. Resettlement and villagisation have indeed been a common practice since the end of the imperial regime (Pankhurst & Piguet, 2009). From the 1960s onwards, Amhara peasants were relocated from Wollo to the Mettekel zone of present-day Benishangul Gumuz (Teferi 2014). These peasants came in contact with Oromo cultivators inhabiting the Wembera highlands for centuries<sup>5</sup>. Thus, if the settling of Amhara peasants in lowland Benishangul Gumuz can certainly be categorised as a recent phenomenon, a similar conclusion shall not be drawn concerning highland areas, where

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<sup>3</sup>Data collected during an administrative forum about agricultural investment in Benishangul Gumuz, Assosa, March 2014. See also Labzaé, 2014.

<sup>4</sup>For example, Benishangul Gumuz's Land Administration Bureau repeatedly refuses to deliver letters needed by investors to start farming their parcels, when peasants are already living there. All information linked to land policy implementation and population displacement was gathered during field trips to Belo Jiganfoy, Bulen, Wembera, Akobo, Gog, Lare and Gambella Zuria *weredas* from January to April 2013 and then from January to April 2014.

<sup>5</sup>As everywhere in Ethiopia, historical research on « Oromos' origins » cannot precisely date their arrival in the area. It is said that they are present in Wembera highlands from the 16<sup>th</sup> century onwards (Teferi 2014).

Oromos, Agaws and Amharas were settled since ancient times<sup>6</sup>. By resettling more than 500,000 people in 1984-1985 (Pankhurst 1992), the Derg established the resettlement scheme as a common tool for public action in Ethiopia. Resettlement programmes were coupled with the institution of socialist villages where social life was fully organised by the state (Dessalegn, 2003 ; Getachew, 1989 ; Scott, 1998 p.247-252). In 2002 and 2003, again, the government resettled hundreds of households from the area surrounding Harar to the western lowlands of Oromiya bordering Benishangul Gumuz. The displacements led to land-related conflicts with the neighbouring Gumuz populations that lasted until 2010. If present-day resettlement and villagisation programmes can be carried out separately, both practices are still occurring in the Ethiopian countryside.

In 2013, objectives set for Benishangul Gumuz were to gather into villages some 15,000 households, with the official aim of offering them better access to basic infrastructures such as drinking water points, electricity, roads, etc. Most of these villages still lack the promised services, and the peasants were most of the time forced to build themselves their new shelter. When they indeed received new plots, they usually complain about the poor quality of the soil and the substantial reduction of their holdings that the displacement entailed. Moreover, the new parcels have, more often than not, been seized from other peasants who did not receive any compensation for the reducing of their holding. At the end of the process, peasants who used to claim rights over dozens of hectares only keep 3 hectares after villagisation – far from the 10 hectares they are entitled to according to the regional land proclamation. Such redistributions are an impediment to shifting agriculture, widely practiced in these localities.

Land taken from the peasants displaced by villagisation is stocked in the Federal Land Bank before being attributed to private investors. The Bank is also alimented by land confiscated to peasants expelled from the region. Since 2010, Benishangul-Gumuz authorities have regularly expelled dwellers they considered as non-native from the region, and who, according to the authorities' understanding of the laws, had to be sent back to what was labelled as their home region. Amharas and Oromos regularly suffered from these evictions. In 2013, a plan containing the displacement of around 100,000 people to Amhara and Oromiya regions started to be implemented. It was following the eviction of

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<sup>6</sup> Not to mention that trying to differentiate these peoples is a rather arduous undertaking, given the many cultural and linguistic reciprocal assimilations that took place between the communities.

14,000 individuals from Belo Jiganfoy wereda that took place a year earlier. In Bullen and Yasso weredas, buses were hired by the authorities to bring the peasants out of Benishangul-Gumuz's boundaries. Local police's threats to burn the peasants' houses were sometimes put in force, and the ones who couldn't fit into the buses were forcefully enjoined to leave by foot<sup>7</sup>. Civil servants in charge of the expulsions were local qebelé administrators, who could identify the ethnic identity assigned to each resident, thus determining who had to leave. Gathering between 250 and 400 households in the affected localities, the qebelés are small administrative jurisdictions where one's ethnic background is usually known, if not by the whole population, at least by the administrators. Underlining the fact that local authorities were in charge of organizing the evictions also implies that these expulsions were out by Gumuz administrators<sup>8</sup>. In some places, this led to increased tensions between Gumuz and Amhara/Oromo communities. However, this communitarian conflict did not materialise everywhere: with a mixture of refusal, feet-dragging and escape, some qebelé chairmen managed to delay their neighbours' eviction, sometimes leading to more brutal crackdown by the wereda police. Civil servants from the regional Land administration Bureau (BoEPLAU) were also sent to the countryside to supervise the deportations. Several of them, who refused this to carry out this task, have later been harshly punished by their hierarchy (blames, transfers to lower offices in remote areas, etc.). However, from the beginning of May 2013, expulsions were suspended, and evicted peasants could come back to their villages. Many reasons have influenced the decision, taken in Addis Ababa, to stop the programme. The main ones might be civil servants' reluctance to execute the orders, complains from the Amhara Region where politicians were particularly uneasy by the arrival of new peasants in a land-pressure-stricken region, leaks in international media, and above all, the mediation led by donor countries' embassies coupled with the freezing of some development programmes activities<sup>9</sup>.

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<sup>7</sup> Fieldwork notes, March 2013. See also : « Amharas deported from Benishangul Gumuz by the TPLF » (in amharic), ESAT (a exiled Ethiopian opposition media) published on *YouTube* on March 7<sup>th</sup>, 2013, by Addis Z. <<https://www.youtube.com/watch?v=4QKeOlklqAY>>. For details about the expulsions, see Labzaé 2014.

<sup>8</sup> To become a qebelé chairman, one has to be a member of the local branch of the Party, the Benishangul Gumuz Peoples Democratic Party. Since membership is not open to Amharas and Oromos, they cannot get any responsibility inside the administrative and partisan system. On the contrary, Gumuz people, who can adhere to the Party, are widely encouraged to become members. This, in turn, explains why local positions are held by Gumuzs.

<sup>9</sup> Fieldwork, May 2013. See also: « A call to make Amhara expelled from Benishangul-Gumuz come back », *The Reporter*, article published on line on April 10<sup>th</sup>, 2013. Not accessible anymore.

As mentioned above, the identification of the peasants to be evicted was done using ethnicity as the main criterion. Unlike villagisation programmes that concern all of Benishangul-Gumuz peasants, large-scale resettlement were targeting mainly Amharas and Oromos. They were told that the « implementation of the Land Proclamation » and the start of land holdings registration required their eviction, for they were illegal occupants of the region's land<sup>10</sup>. Thus, in local authorities' speech, land registration and evictions were thus clearly linked: land registration and the setting-up of the cadastre were both causing and justifying the evictions.

### **Legitimacy and legibility: bringing Ethiopian land to international standards**

For the last fifteen years, the Ethiopian government is working, with the help of foreign donors, at the securing of its control of rural land through the establishment of a cadastre. Although its main consequence is first and foremost to tighten the state's control on the peasantry (Dessalegn 2009; Planel 2014a & 2014b; Chinigò 2014), this initiative remains justified and legitimised by the use of a worldwide-circulating ideological vocabulary, and by the participation of foreign-funded development programmes.

### **A Cadastre for Ethiopia**

Up until the 2000s, Ethiopian rural land has been administrated without causing much documentary production. Cadastre plans and land registers were inexistent, and peasants had a land tax invoice as the only legal proof of their landrights – when this invoice was indeed provided. The great diversity of landholding systems, coupled with both sustained local political conflicts up until the 20th century and progressive extension of the central Ethiopian state to its peripheries (Markakis 2011 ; Donham & James 2002), can account for this lack of a centralised cadastre. Historically, land taxation and measurement system have seldom been identical from one region to another (Gebre-Wold Indiga 1962). Although some land holding systems in force in the northern highlands have been described by scholarly work as dominant land tenure system (Bahru 2001 :87-92 ; Markakis 1974 :73-80), the western peripheries still show a great variety in tenure systems, making taxation all the more complicated.

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<sup>10</sup> The « implementation of the land proclamation is the reason given to me by a civil servant in charge of the expulsions ». Fieldnotes, Assosa, February 2013. See also: « Amharas deported from Benishangul... », cited.

Despite some land measurement trials dating back from the late 19<sup>th</sup>, and land tax reforms in the 1930s (Bahru 2008), a proper cadastre was never created. The 1975 land reform acted the nationalisation of all Ethiopian land, together with the redistribution of land use rights to the peasants through the establishment of new peasant associations (Lefort 1981 : 128-137). Remarkably, land reform did not channel the introduction of cadastral plans, and usufruct rights granted to the peasants did not imply the issuance of land holding certificates either. Likewise, no cadastre was drawn up when new redistributions occurred after the fall of the socialist regime in 1991 (Ege 2002).

However, the lack of a cadastre doesn't mean that the state does not intervene in land management. Taxation didn't need a cadastre, and land tax registers kept at the qebelé offices remained the sole land-related documents available at the local level until the current reform. The amount to be paid as land tax was set by local administrators who roughly estimated the parcel's surface and, in some localities, its fertility (Planel 2012 : 271). In the western lowlands, some peasants were able, to a certain extent, to escape the payment. To do so, they had to influence the administrator's assessment of the surface of the parcel, trying to make him lower his estimation: tax payment was a matter of negotiation. In northern Benishangul-Gumuz, rich peasants holding dozens of hectares were accustomed to this technique, like this peasant who paid 370 birr instead of the 1890 birr his 54-hectares holding would normally have cost him. Thus, cadastral surveys were both an occasion to put an end to these practices and to liberate land for investment.

The legal text framing the building of the cadastre is the proclamation n°456, adopted in 2005 and translated in regional laws since that date (*Federal Negarit Gazette* 2005). Its implementation implies the creation of regional Land Administration Bureaux that are linked to both regional governments and the federal Ministry of Agriculture in Addis Ababa. These bureaux' agents are in charge of cadastral surveys and of the registration of tenure-related data. They also distribute land holding certificates to the peasants. The consolidation of land administration goes together with an intense activity from foreign-funded land registration programmes. All in all, from 2000 to 2019, 300 million dollars should be allocated by these programmes to build the Ethiopian rural cadastre. The World Bank, the United States of America, the United Kingdom, Finland, and, to a lesser extent, Germany, Norway and Canada are the main donors.

### **Land titling: hegemonic justifications of (anti-politics) policy**

International influence in the framing and implementation of Ethiopia's land policy is not confined to these programmes' activities or to international funding. Ethiopian land laws are marked by internationally-circulating narratives and concepts about what land policies should look like. Among them, we find the preference for a « clear definition of fixed and transmissible land rights, coupled with suitable procedures, the construction of a cadastre and the issuance of land titles », mainly drawn on the World Bank's recommendations made during the 1970s (Colin, Le Meur & Léonard 2010: 12). This approach based on neo-institutional economics precepts stressing the need for the recognition of property rights and thought to allow an optimal allocation of resources through their transfer to the most productive agents is widely spread in academia and development consulting circles<sup>11</sup>.

Legal texts as well as administrators and politicians' discourses show a strong faith in land registration as a solution to many problems encountered in the countryside: tenure insecurity, gender inequalities, environmental degradations, etc. My point is not that the government is automatically importing an abroad-created discourse. On the contrary, I argue that here as elsewhere, higher officials and civil servants relay hegemonic neoliberal principles (Harrison 2001). If privatisation is sometimes brought forward by some administrators or development workers, a clearly discernible Ethiopian nuance is to be found in the tenure-security discourse advocating registration. If it shares the idea of the insecurity of traditional land holding systems – which is far from being always proved in practice – the government regularly underlines that state's property of all land is a means to protect smallholders in a market-oriented economy (Lavers 2013). This position echoes stiff debates taking place inside the ruling party and some of the *élites*, emphasising how their marxist-leninist legacy is both pivotal and adaptable (Lefort 2014). Thus, if the official discourse keeps on stressing the necessity of the public property of all land, many officials are strong advocates of the establishment of a land market. On the ground, it seems that market supporters are proven right: land registration fosters, by definition, a land rental market. As a former civil servant insists: « *in Ethiopia it is not land market. It is rather land transaction. That's it, land transaction.* » (interview, Bulen, February 2014). In spite of a true

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<sup>11</sup> For an academic phrasing of these theories, see Catherine Boone's (2014) concluding remarks, most notably p. 311. For a critical approach, see Lavigne Delville 2005, 2010.

privatisation, this rental market scheme is endorsed and backed by development programmes' managers.

This new trend in the Ethiopian land policy is all the more salient that land has always been – and remains – one of the main determining factors of social and political differentiation in the country. Contesting the hegemony of landlords, the 1975 land reform and nationalisation of all land was a radical upheaval of rural society's stratification (Lefort 1981). Since then, the privatisation of land remains a question dividing the Ethiopian political debate, and several opposition groups have put the question on their agenda. In fact, advocating the privatisation of land is often understood as a claim for the coming back of feudal landlords.

Nevertheless, development programmes' managers usually bypass or ignore these structuring political questions. For the most part, they are surveyors at the first place, experts in the measurement of parcels who conceive their work as a purely technical question. According to them, their job is all about measuring land with the adequate GPS tool reaching the expected accuracy, while trying « *not to be involved in politics* », as an employee from a programme put it (interview, Bahr Dar, February 2013). However, this bypassing of politics isn't always the result of a wished and elaborated strategy: technicisation also results of the tools used during the construction of the cadastre. It is a self-fuelling process, as these words pronounced by a Swedish expert in Geographic Information System correcting a map during a training for Ethiopian civil servants tend to show: « *No gap or overlap should be accepted with a cadastre! [...] We did not see as much overlaps in the first trial. Just because by that time [the software we now use] did not exist* » (fieldnotes, Meqellé, February 2014). This event clearly demonstrates how the tool that was used influenced the practices and expectations of this instructor. Since the software able to detect the teensy-weensy overlaps between the parcels did not exist at the time of the first trial, civil servants as well as foreign experts were less picky.

Depoliticisation processes are now a well-studied side effect of development projects that carry a bureaucratic and disconnected vision of the societies where they intervene (Ferguson 1994). But the anti-politics machine is also about politics-avoiding strategies put in force by these projects. As a matter of fact, the British Chief Advisor of a project declares he avoids working in weredas where land investment causes large modifications of tenure

distribution. In other words, this means confining the project's actions to highland areas where parcel boundaries are clearly identifiable, such as the areas surrounding Addis Ababa in Oromiya or Gojjam in Amhara region (interview, Addis Ababa, April 2014). Another expatriate insists: "Gambella has never ever been mentioned, talked about, or been on the agenda" (interview, Assosa, March 2013). By avoiding these "troubled places", development projects give an international legitimacy to the government – cadastre surveying being implemented with their help - without making sure that governmental action actually fits the "tenure security" discourse they unanimously embrace at the global level. As a whole, the cadastre is not only the relay of a state-vision of land issues oriented towards legibility, tax collection and control (Scott 1998). Development programmes taking part in its implementation also fuel the silencing of politics and conflicts governing access to land, notwithstanding their insistence to claim that the cadastre is a tool to ensure smallholders' tenure security.

### **Expelled by the rule of law: normative plays and ethnicity as legitimising operations**

After this presentation of the evictions, one can still wonder why it took place in 2013, nearly twenty years after Ethiopia adopted the ethno-federal institutions that made it possible. The answer crosses through preceding developments. The state's wish to vacate land for agricultural investment entails the displacements of population. One of the tools at state's disposal to vacate large surfaces is to forge an interpretation of laws and institutional structures that allows a perceptible remodelling of rural settlement. Such an interpretation finds its roots in the history of the "question of nationalities" in Ethiopia and in the politicisation of ethnic belonging in the country – two processes we should now look upon.

### **The roots of the « question of nationalities » in Ethiopia**

At the downfall of the Derg in 1991, Ethiopia emerged from a seventeen-years-long armed conflict that partly took an ethnic shape. The Tigray People's Liberation Front (TPLF) which took Addis Ababa by that time had allied in its struggle against the military regime with other movements claiming to represent a national or ethnic group, such as the Eritrean People's Liberation Front (EPLF).

The emergence of armed groups claiming an ethnic basis is the by-product of power struggles emerging in the student movement of the 1960s (Bach, 2011a ; Aregawi, 2009). The Marxist understanding of feudalism underlying class antagonisms and economic conditions was prevailing among student groups. However, it was coupled with the politicisation of ethnic and regional identities that enabled a better denunciation of the historical domination by highland Christian peoples (Ficquet, 2009). The many racist ideas then circulating in the Ethiopian common wisdom were instrumental in this politicisation process; and the new "ethiopianity" brought forward might be seen as a reverse of the stigma attributed to peripheral peoples. The origin commonly given to the name "Benishangul" illustrates this widespread disdain. Generally, it is wrongly translated as the "land of slaves", thus referring to the stigma of slavery peripheral peoples had to endure, whereas the name of the region actually finds its origin in the language of one of the peoples inhabiting the region, the Berta (Triulzi 1981, 2003). I do not intend to explain past or present politics on the sole basis of culturalist clichés found in many discourses, my point is rather to underline the background on which the politicisation of reified ethnic identities took place. If common wisdom participates to this politicisation, it is in no way the only reason behind it.

If they failed to eradicate this imaginary, student leaders nevertheless harmed a hitherto seldom questioned definition of national identity based on Orthodox Christianity, northern highlands and the Amhara people (Markakis 2011). Marxist literature, circulating by that time, was used by the TPLF and other student movements to make theirs Stalin's position on the "question of nationalities". Stalin's position on the "question of nationalities" entailed the recognition of minor collective rights to primary ethnic groups, while integrating them without more consideration into the Soviet empire (Clapham, 2002:21; Aalen 2011: 31; Vaughan 2003:140-141). After 1991, the Transitional Government led by the TPLF opted for a federal system where ethnic belonging was the basis of political representation and institutional framework. Each ethnic group dotted with a political party said to represent it, was attributed a given territory determined on the basis of Ethiopian languages' areas of locution. Since then, Ethiopia is divided into nine regional states, each one representing one or several "nations, nationalities and peoples", the Stalinist terminology being still used.

Today, ethnic identity is still perceived by TPLF élites as the basis for political representation. This essentialist and static conception of ethnicity and identity does not only fuel usually described tensions (Bayart, 2006:65-86; Chrétien & Prunier, 2003; Brubaker, 2001), it also led to a considerable reframing of the Ethiopian political debate, within which antagonisms between social groups are not anymore formulated through classical political labels such as class, but along “national” lines. It is true that the regime is still able to produce political discourses mobilising other ideologies, for example when referring to rent-seeking behaviours (*kiray sebsabineṭ*) told to hinder development. But the institutional power given to ethnic representation nevertheless tended to ethnicise politics in Ethiopia (Abbink, 2011). The nature of opposition parties is a testimony of this fact: when they do not openly represent an ethnic group, they are subjects to widely spread inklings of being mere “Amhara nationalists”. This is what parties such as Unity for Democracy and Justice (*Andenet ledémokrasina lefitih*) are regularly blamed for. The inscription of land privatisation in *Andenet’s* political programme is reduced by the Ethiopian Peoples’ Revolutionary Democratic Front (the ruling party) to a feudalist claim, and further, to an Amhara nationalist demand. Land issues are, in this context, formulated in ethnic terms. More broadly, within the framework of ethnic federalism, any social group wishing to mobilise on a public problem and to politicise its action in a legal way has to make proof of its representativeness in an ethno-national phrasing (Vaughan, 2003). When current political objectives put the “liberation” of land for investors at the top of the agenda, this political land question becomes, logically, an ethnic question. The use of ethnicity to liberate land is allowed, in detail, by the interpretation and use of a series of legal texts that now need to be scrutinised in deeper details.

### **Land and ethnicity in Ethiopia: the spirit of the laws**

The games played on legal norms we will now scrutinise are as many legitimising vectors for the Ethiopian regime. It is through this process that the evictions become legal and just, according to the both procedural and reparative conception of justice endorsed by the regime. Adopting ethnic federalism was for the transitional government and the TPLF a means to put an end to centuries of “Amhara domination”, notwithstanding reciprocal assimilations by Amhara, Oromo and Tigrean élites. According to this interpretation,

population displacements become a strict application of a legal rule, and even further, the expansion of the rule of law. However, one has to keep away from trying to judge if the evictions are « legitimate » or not: "any pretention guaranteed by a convention or a legal rule" does not mean legitimacy (Weber, 1995: 286). As stated earlier, describing how a regime is legitimised does not imply taking a stance on hypothetical results of these legitimisation strategies. On this point, let's just keep in mind that quiescence towards any regime "may well be the peace of repression" (Scott, 1985:40).

Following the 2005 Federal land proclamation, Gambella and Benishangul Gumuz adopted their own land laws in 2010. Drawing on the federal proclamation, both texts remind that all Ethiopian land is the property of the Ethiopian state and peoples, and that it cannot be sold – what is also a constitutional disposition (art.40-3 & BoEPLAU 2010). Benishangul-Gumuz's text also regulates land redistribution: it can be carried out only if 80% of a *qebelé's* inhabitants decide so by petitioning the authorities (BoEAPLAU, 2010: 46). Other expropriations, that legally consist in the cancellation of usufruct rights, are also controlled by the law. They can take place only for public interest reasons decided by "power vested authorities", and imply the payment of a compensation paid to the peasants by "the authority about to implement development activities [on the expropriated parcel]" (*ibid.*: 38). Usufruct holders might also be deprived from their rights when they engage in activities other than agriculture, when they leave their land fallowed for more than three consecutive years, or when they leave the *qebelé* for the same period of time (*ibid.*: 49-50). These legal rules related to expropriation are formulated in an elusive way that allows the adaptation of law to concrete situations and political objectives. Here as in every state, public force keeps the right to modify land repartition.

More importantly, a series of unclear and elusive definitions of very important concepts leads to a deep ambiguity on the nature of potential land rights holders. Article 5.2 of Benishangul-Gumuz land proclamation states that "any peasant residing in the region shall have the right to hold land irrespective of gender or any other discrimination" (*sic, ibid.* 40). The term "resident" is not defined with better accuracy, but article 5.3 states that "any peasant who occupy prior to this proclamation and will occupy land illegally shall have no holding right" (*sic, ibid.*). Likewise, article 2.4 attributes, through a very tautological phrasing, land rights to "any peasant or anybody who has right on proclamation, by this

proclamation it is ascertained to be land holder, to produce properly on the land, transferring the property, not to be deprived from the land, to use the land for agricultural and natural resource development and the likes" (*sic, ibid.* 32-34). The definition of the "peasant" is not helpful either to identify land rights holders: "anyone who permanently earns the livelihood by agricultural means". And the definition of the "land user" is not clearer: "anyone who utilizes the land have the right to benefit from the production" (*sic, ibid.*). In the end, the law lets to practice the task of determining the meaning of "peasants", "resident", or "land user"<sup>12</sup>.

Once we know that the « nations, nationalities and peoples » defined as Benishangul Gumuz autochthones are the Berta, Gumuz, Komo, Mao, and Shinasha, it is clear that Amharas and Oromos living in Benishangul, who count for an official 34% of the region's population, can be considered as allochthones, even if they were born there or installed *manu militari* by the Derg. However, a strict acceptation of article 5.2 would allow these residents an access to land in the regional state. But in order to find land to be allocated to investors, article 5.3 prevails concerning the status of these peasants: since they are not included in Benishangul Gumuz's "nations, nationalities and peoples", they are considered as illegal occupants. The new repartition of land is hence justified, with regards to higher principles governing life within the Ethiopian federation. Nevertheless, another interpretation could be possible, since the definition of the « nations, nationalities and peoples » included in the Ethiopian Constitution does not allow keeping away a territorial definition of ethnic belonging. This distinct interpretation could lead to the introduction of a kind of *ius soli* principle according to which any Amhara or Oromo born in Benishangul-Gumuz would be a national from this regional state. This would not only mark a clear break away from the conception of ethnicity endorsed by the regime since the introduction of ethnic federalism, but also be a hindrance to the completion of governmental targets and individual interests concerning land transfers.

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<sup>12</sup> Whereas the Amharic version of the proclamation, which is clearer, has been used for the French version of this article, I quote the English version of the text here, although grammatical mistakes sometimes complicate the message".

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## Conclusion

Land issues and politics are embedded in each other, all the more in a state where authoritarian modifications of settlement have regularly taken place. The administration of space by the state through the cadastre unveils power struggles and conceptions of justice governing actors' involvement in these struggles. Today, while it entails the mobilisation of ethnic federalism and ethnicity for economic purposes, land grabbing as it is practiced in Ethiopia reactivates old political questions. By provoking the mobilisation of institutional structures and laws for the liberation of land, land grabbing and the search for land participate to the definition of ethnicity's meaning in Ethiopia, hence to the settling of institutional functioning.

To put it more simply, the liberation of land clarifies the nature of ethnic federalism. The interpretation of legal texts being the ground for the legitimisation of such practices, rule of law's extension goes with the renewal of violent practices, showing at the same time how fruitful it can be to think about the hybridity of political regimes, beyond the sole « authoritarianism ». Such political stakes generally remain out of foreign donors' attention. Ideologically persuaded of the need of having a cadastre, donors tend to distance themselves from what seems for them to be human rights abuses. They advocate a stop of these practices only when abuses enter directly their domain of action. In the case of Benishangul Gumuz, this advocacy was instrumental in the suspension of the deportations, but villagisation is still running, and land registration programme's staff has to adapt. By doing so, they make theirs the government's procedural conception of justice, according to which an authoritarian modification of rural settlement becomes an upgrading of Ethiopia's countryside to constitutional and participative norms. In the end, their action furnishes justifications to governmental action, on both ideological and practical points of view.

While similar population displacement takes place in Afar and Somali regions where land registration programmes are not yet implemented, the geographic spread of land registration deserves to keep our attention. Within the coming years, will these processes unveil new uses of the institutions and new practices of power in contemporary Ethiopia? Might donors' advocacy for privatisation relayed among higher officials impact local control configurations in a liberating way? Will land titles delivery fulfil the donors'

prophecy by empowering the peasants so that they could confront the state that is expropriating them by appealing to an alternative conception of justice? The weight of politics-avoiding strategies played by the programmes, together with the strong control mechanisms in force at the local scale and the government's conception of the cadastre and of ethnic federalism fuel many doubts on these precise points.

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**To quote this article: Mehdi Labzaé** « The authoritarian liberation of the western lands. State practices and the legitimation of the cadastre in contemporary Ethiopia » *justice spatiale | spatial justice*, n° 8 juillet 2015, <http://www.jssj.org>

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