

ET05

Struggles over 'the land of the deceased'

Key Points:

- 1** Access to land can be viewed as a key indicator of returnee reintegration
- 2** Timing of return was important for land rights as earlier returnees obtained better land access than latecomers.
- 3** Changing policy on allocating the land of the deceased resulted in conflict between returnees and young landless peasants
- 4** Returnees may be disadvantaged when access to land is through informal arrangements

This Briefing is one of a series produced jointly by the Forum for Social Studies (Ethiopia), Centro de Experimentação Florestal (Mozambique) and the University of Sussex (UK). Each is designed to summarise research findings and encourage feedback. The Briefing is part of the 'Marena' research project, funded by the UK's Department for International Development.

Many areas in northern Ethiopia have seen fundamental institutional changes both during conflict and 'post-conflict' periods. One of these changes has been the return of refugees to their areas of origin. A key factor for their survival, and an important indicator of their integration at the 'local' level, is access to land. It is also a principal element influencing returnees' relationships with the rest of the population.

This *Briefing* focuses on the allocation of a particular land category that was used by the government to accommodate the returnees' demand for farmland. The aim is to illustrate some of the policy dilemmas involved in 'post-conflict' reintegration, rural land tenure and natural resources management.

Returnees, stayers and struggles over 'the land of the deceased'

Returnees' access to land is an issue of key importance, both to returnees themselves, and to those who stayed behind. In Meket, in north Wello, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) had effected a land distribution before the formal end of war and the change of government in 1991. This principally benefited those who had stayed during the war, but 'early' returnees who came back before the formal cessation of hostilities were also able to gain access to agricultural land at this time.

In contrast, the major influx of returnees to Meket occurred in the years between 1991-93. Most of these returnees were refugees from Sudan and resettlement sites in South West Ethiopia. Securing access to agricultural land was difficult for latecomers, since they arrived after land redistributions had already been completed.

Some land was identified for allocation to these later returnees by taking back land that had been 'illegally' occupied by members of the Kebele Administration (KA) and Land Distribution Committee leaders during the 1991 land redistribution. In some

cases, portions of farmland that had been allocated to churches were also reclaimed by the administration and were allotted to returnees.

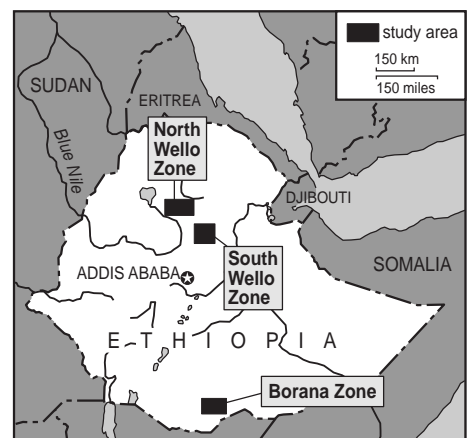
However, the main source of land to returnees was *yemote kedda meret*, which literally refers to 'land of a deceased person with no offspring'.¹ The problems faced in allocating this land category to returnees are examined below.

Yemote kedda as 'contingent tenure'

A major feature of *yemote kedda* is that it is not a durable land tenure institution. Indeed, it is perhaps better described as a 'contingent tenure' that has been institutionalised only when the government has needed to deal with circumstances arising out of particular events. Thus the allocation of *yemote kedda* during the period 1991-93 mainly stemmed from the imperative to accommodate the huge, but unplanned, influx of returnees in their areas of origin.

Although many returnees were able to get land in this way, the area allocated to them was usually very small, not more than 0.5ha. Many also complained that they had lost their 'original' land and were given instead poor quality or marginal land. Others did not get land at all, and were told to wait for another general redistribution.

After *yemote kedda* was used to address the land problem of returnees, it was



deactivated, at least 'officially', until 1997. Consequently, children who established their own independent households before the death of their parents were now allowed to claim usufruct rights. If there was no one to retain the land of the deceased, such land would be controlled by the KA and remain as *iddari* (wasteland or fallow).

In 1997, the allocation of *yemote kedda meret* was reinstated in Meket. The decision to use this category of land reflected the Regional Administration's decision to implement a general 'Household Land Holding Redistribution' in areas where there had not been any land redistribution before. The re-institutionalisation of *yemote kedda* at this time was designed to dampen any expectation of a similar general redistribution to the landless section of the rural population in Meket.

During this second allocation process, both returnees and other landless categories from the population that had stayed during the war - particularly young households (*filewet*) - were included. *Filewet* included young farmers or heads of households who were not 24 years old (men) or 18 (women) and had, therefore, been 'missed out' during the EPRDF's 1991 redistribution.

Changing rules, conflicts on landholding and land rights

As a form of conditional tenure, the rules and procedures of *yemote kedda* land allocation were inconsistent and ambiguous, leading the different stakeholders to compete over access and rights over this land type. One kind of conflict was between the KA Council and households who had found their

'rights' being withdrawn. In order to execute the allocation of *yemote kedda* land, the KA Council began reclaiming land from households who had 'officially' been allowed to keep the land of their deceased families. Such households protested against this action, asking how their deceased parents' land could be taken away when the law had already made them eligible claimants. Some households appealed to the *Wereda* Administrative Council and were able to regain control of their parents' land.

Another problem in the allocation process was in deciding who should be prioritised in the allocation. Both returnees and *filewet* demanded land, but the *yemote kedda* land was rarely enough to accommodate both groups. Institutional structures and power relations by and large determined the success of each group.

Hence, most of the returnees who returned late continued to have no formal access to land. Many remained dependent on their relatives. Another means of access to land was through the institution of *megazo*, which refers to a transfer of land from one household to another on temporary basis. Yet very few returnees were able to get land through *megazo*, since to qualify, a recipient needed to own oxen, and make a money payment in advance to the landowner.

Concluding comments

In Meket, returnees' access to agricultural land was an outcome of institutional changes that occurred in both the conflict and 'post-conflict' periods. As a result, returnees who arrived during, or before, the completion of the 1990 EPRDF redistribution succeeded in maintaining 'equal' use and ownership rights with the local population. Others

arriving after the redistribution had very small or no 'formal' access to farmland.

Far from resolving the land problem of returnees, the allocation of *yemote kedda* land led to further disputes over land tenure and property rights relationships with the population who stayed during the war. Underlying these disputes was the government's dubious use of this specific land category as a means of redressing the policy loose ends, particularly those related with land tenure, compounding conflict and 'post-conflict' changes.

¹ *Yemote kedda* is commonly used to refer to a land of a deceased person/s or household head/s where there are no immediate young descendants to make claims over their user rights. It does not refer to the land of people dying *without* dependants. *Yemote kedda* needs, however, a cautious treatment. The rules are often highly fluid.

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