

PROCLAMATION No. 31 OF 1975
A PROCLAMATION TO PROVIDE FOR THE PUBLIC
OWNERSHIP OF RURAL LANDS

“ETHIOPIA TIKDEM”

WHEREAS, in countries like Ethiopia where the economy is agricultural a person's right, honour, status and standard of living is determined by his relation to the land;

WHEREAS, several thousand *gashas* of land have been grabbed from the masses by an insignificant number of feudal lords and their families as a result of which the Ethiopian masses have been forced to live under conditions of serfdom;

WHEREAS, it is essential to fundamentally alter the existing agrarian relations so that the Ethiopian peasant masses which have paid so much in sweat as in blood to maintain an extravagant feudal class may be liberated from age-old feudal oppression, injustice, poverty, and disease, and in order to lay the basis upon which all Ethiopians may henceforth live in equality, freedom, and fraternity;

WHEREAS, the development of Ethiopia of the future can be assured not by permitting the exploitation of the many by the few as is now the case, but only by instituting basic change in agrarian relations which would lay the basis upon which, through work by cooperation, the development of one becomes the development of all;

WHEREAS, in order to increase agricultural production and to make the tiller the owner of the fruits of his labour, it is necessary to release the productive forces of the rural economy by liquidating the feudal system under which the nobility, aristocracy and a small number of other persons with adequate means of livelihood have prospered by the toil and sweat of the masses;

WHEREAS, it is necessary to provide work for all rural people;

WHEREAS, it is necessary to distribute land, increase rural income, and thereby lay the basis for the expansion of industry and the growth of the economy by providing for the participation of the peasantry in the national market;

WHEREAS, it is essential to abolish the feudal system in order to release for industry the human labour suppressed within such system;

WHEREAS, it is necessary to narrow the gap in rural wealth and income;

NOW, THEREFORE, in accordance with Article 6 of the Definition of Powers of the Provisional Military Administration Council and its Chairman Proclamation No. 2/1974, it is hereby proclaimed as follows:

CHAPTER 1

INTRODUCTION

1. *Short Title*

This Proclamation may be cited as the "Public Ownership of Rural Lands Proclamation No. 31/1975"

2. *Definitions*

In this Proclamation, unless the context otherwise requires,

- 1) "rural land" shall mean all land outside the boundaries of a municipality or a town.
- 2) "large-scale farm" shall mean mechanized farm or modern animal husbandry.
- 3) "tenant" shall mean any person who personally cultivates land rented from a landowner or from any person who has a right to lease such land.
- 4) "State farm" shall mean any farm owned and administered by the State.
- 5) "co-operative farm" shall mean any farm the possession and administration of which belong to farmers using the land.
- 6) "organization" shall mean the body referred to in Article 398 of the Civil Code or any association which falls under Article 404 or 407 of the same Code.
- 7) "permanent works" shall mean irrigation works, water wells, buildings and other works made out of stone, concrete, bricks, metal, or any combinations thereof.
- 8) "business organization" shall mean any organization provided for in Book II of the Commercial Code.
- 9) "tree-crops" shall include such trees and plants as coffee and eucalyptus, *chatt*, *enset* and hops, as well as fruit trees.
- 10) "Minister" shall mean, unless otherwise indicated, the Minister of Land Reform and Administration.

CHAPTER 2

Public Ownership of Rural Lands

3. *Public Ownership of Rural Lands*

- 1) As of the effective date of this Proclamation, all rural lands shall be the collective property of the Ethiopian people.

- 2) No person or business organization or any other organization shall hold rural land in private ownership.
 - 3) No compensation shall be paid in respect of rural lands and any forests and tree-crops thereon; provided that fair compensation shall be paid for movable properties and permanent works on the land.
4. *Distribution of Land to the Tiller in Provinces with privately Owned Rural Lands*

- 1) Without differentiation of the sexes, any person who is willing to personally cultivate land shall be allotted rural land sufficient for his maintenance and that of his family.
- 2) Any person who has been a landowner and is willing to personally cultivate land shall likewise be allotted land.
- 3) The size of land to be allotted to any farming family shall at no time exceed 10 hectares ($\frac{1}{4}$ of a gasha).
- 4) The size of land to be allotted to farming families shall as far as possible be equal; provided that it may vary depending on the local conditions and the productive potential of the land.
- 5) No person may use hired labour to cultivate his holding; provided that the foregoing prohibition shall not apply to a woman with no other adequate means of livelihood, or where the holder dies, is sick or old, to the wife or the husband or to his or her children who have not attained majority.
- 6) The Minister shall determine by regulations the size of land sufficient for the maintenance of a farming family.

5. *Prohibition of Transfer of Land*

No person may by sale, exchange, succession, mortgage, antichresis, lease or otherwise transfer his holding to another; provided that upon the death of the holder the wife or husband or minor children of the deceased or where these are not present, any child of the deceased who has attained majority, shall have the right to use the land.

6. *Tenant's Holding*

- 1) Until all lands are distributed pursuant to Chapter 3 of this Proclamation, any tenant or hired laborer shall have possessory right over the land he tills; provided that a resident landowner who has leased out all his lands shall have the right to equally share the land with his tenants. The Government shall protect the rights of such landowner in any way it thinks fit.
- 2) The provisions of the preceding sub-article shall not apply to a person who has rented land from a woman with no other adequate means of livelihood or from a person who by reason of illness, old age or youth, cannot personally cultivate his holding.

- 3) As of the effective date of this proclamation the relationship between landowner and tenant is abolished. Accordingly, the tenant shall be free from payment to the landowner of rent, debts or any other obligation. Likewise, a landowner who has given his land in anti-chresis to a tenant shall be free from the payment of his debt.
- 4) The tenant shall have the right to retain agricultural implements and a pair of farm oxen belonging to the landowner for which a reasonable compensation shall be paid to the landowner within a period not exceeding three years; provided that a landowner with no other agricultural implements and farm oxen or no adequate means of livelihood may take back his implements and oxen from the tenant.

7. *Large-Scale Farms*

- 1) As of the effective date of this proclamation, any large-scale farm shall be organized as a State or a co-operative farm or shall be allotted to tillers; provided that until the establishment of State or co-operative farms the Government shall administer such farms in any manner it deems fit and provided further that until the Government decides upon the manner in which such farms are to be administered, the ex-owners of these farms shall have the responsibility to continue administering them.
- 2) The Government shall pay fair compensation for movable property and permanent works on such farms; provided that compensation shall not be paid for the value of the land.

CHAPTER 3

Establishment of Associations for the Implementation of the Proclamation

8. *Establishment of Peasant Associations*

To carry out the provisions of this proclamation a peasant association shall be formed, in a manner suitable for development purposes, taking a *chika* area as a basis, within a minimum area of 800 hectares (20 gashas).

9. *Members of the Association*

- 1) A tenant, a landless person, a hired agricultural worker or a landowner with less than 10 hectares of land may become a member of the Association.
- 2) After completion of the distribution of land pursuant to Article 10 (1) hereof, any person who had been a landowner may become a member of the Association.

10. *Functions of Peasant Associations*

The functions of peasant associations shall be the following:

- 1) to distribute, with the solicited assistance of the Government when necessary, land forming the area mentioned in Article 8 as much as possible equally, and in the following order:
 - a) to farmer tenants and former landowners residing within the area,
 - b) to evicted tenants;
 - c) to persons who reside within the area but do not have work or sufficient means of livelihood,

- d) to farmers coming from outside of the area,
 - e) to pensioned persons who are willing to undertake personal cultivation,
 - f) to organizations needing land for their upkeep.
- 2) to follow land-use directives to be issued by the Government;
 - 3) to administer and conserve any public property within the area especially the soil, water and forest;
 - 4) to establish judicial tribunals to hear land disputes arising within the area;
 - 5) to establish marketing and credit co-operatives and other associations like the *debo* which would help farmers to co-operate in manual and other works;
 - 6) to build with the co-operation of the Government schools, clinics and similar institutions necessary for the area;
 - 7) to cultivate the holdings of persons who, by reason of old age, youth or illness, or in the case of a woman, by reason of her husband's death, cannot cultivate their holdings;
 - 8) to undertake villagization programmes;
 - 9) to exclude from distribution mining and forest lands and places of historical and antiquarian significance.

11. *Peasant Associations Established at Higher Levels*

- 1) There shall be established a Woreda peasant association composed of delegates from each association established at an area level.
- 2) The Woreda peasant association shall:
 - a) co-ordinate the functions of the peasant association provided for under Article 10, sub-articles 1, 2, 3, 5, 6, 7, 8 and 9,
 - b) have the power to change the boundaries of areas so that peasants within a Woreda shall have, as far as possible, equal holdings,
 - c) upon request allot land from an area which has unoccupied land to any person who has no land or other means of livelihood,
 - d) establish a Woreda judicial tribunal which shall hear and decide appeals from the decision of the judicial tribunal at the area level, and which shall have first instance jurisdiction to hear land disputes arising between areas; appellate decisions given by the Woreda judicial tribunal shall be final.
- 3) There shall be established an Awraja peasant association composed of delegates from each Woreda peasant association.
- 4) The Awraja peasant association shall:
 - a) co-ordinate the functions of the Woreda peasant associations;
 - b) establish an Awraja judicial tribunal which shall hear land disputes decided at first instance by the Woreda judicial tribunal. Decisions given by the Awraja judicial tribunal shall be final.

CHAPTER 4

Powers and Functions of the Minister of Land Reform and Administration

12. *Establishment of Peasant Associations*

- 1) The Minister shall, with the co-operation of the Ministry of Interior, help in the formation of peasant associations at every level in accordance with the provisions of this Proclamation.
- 2) The Minister shall assign at least one Land Reform Officer to every Woreda. The functions of the Officer shall be to give advice to peasant associations and help them in any other manner.
- 3) The Land Reform Officer shall help in the formation of peasant associations by calling assemblies of peasants and explaining the purposes and intentions of this Proclamation.

13. *Publicizing of the Proclamation*

- 1) The Minister shall notify and explain to the public the provisions and aims of this Proclamation through the mass media.
- 2) In particular the Minister shall notify the public of the termination of tenancy relationships after the effective date of this Proclamation and of the necessity of forming peasant associations as soon as possible.

14. *Power to Hear Land Disputes*

- 1) The Land Reform Officer shall act as chairman of the judicial tribunal of the peasant association established at Woreda and Awraja levels; provided that no Land Reform Officer who has presided over a case heard at Woreda level may do the same at Awraja level.
- 2) The Land Reform Officer shall establish the office of the judicial tribunal and shall in particular be in charge of keeping records of the office.

15. *Establishment of Registers*

- 1) The Minister shall establish such registers as may be necessary containing the names of peasants at every area, Woreda and Awraja level.
- 2) The Minister shall assign surveyors to help in the demarcation of areas and in any other related activities.

16. *Organizing Large-scale Farms into State or Co-operative Farms*

- 1) The Minister shall determine which large-scale farms may be State or co-operative farms or which may be distributed to tillers.
- 2) The Minister shall determine the compensation to be paid in respect of permanent works and movable properties on the large-scale farms.

17. *Power of Expropriation*

- 1) The Government may use land belonging to peasant associations for public purposes such as schools, hospitals, roads, offices, military bases and agricultural projects.
- 2) The Government shall make good such damage as it may cause to the peasant association by the decision to expropriate the holding.

18. *Settlement*

The Government shall have responsibility to settle peasants or to establish cottage industries to accommodate those who, as a result of the distribution of land in accordance with the provisions of this proclamation, remain with little or no land.

CHAPTER 5

Communal and Nomadic Lands

19. *Communal Lands*

As of the effective date of this Proclamation, peasants in *Rist* or *Deissa* areas shall have possessory rights over the lands they presently till.

20. *New Claimants*

As of the effective date of this Proclamation, no person may put claims to land in *Rist* or *Deissa* areas.

21. *Payment to Organizations and Individuals*

As of the effective date of this Proclamation, all obligations of the peasantry in *Rist* or *Deissa* areas to pay dues to any organization, *chika shum*, *gultegna*, *feresseгна*, and the like are hereby annulled.

22. *Tenants in Rist or Deissa Areas*

- 1) Landless tenants in *Rist* or *Deissa* areas shall have possessory rights over the land they till; provided that the foregoing shall not apply to tenants who have rented the land from a woman with no other adequate means of livelihood or from persons who, due to illness, old age or youth, cannot personally cultivate their holdings.
- 2) Tenants who have land of their own shall not have possessory rights over the land they cultivate as tenants.
- 3) A resident landowner who has leased out all his land to tenants shall have the right to equally share the land with his tenants.

23. *Peasant Associations in Areas of Communal Ownership*

In *Rist* or *Deissa* areas peasant associations shall, pursuant to Chapter 3 of this Proclamation, be established in a manner suitable for development purposes taking a *debr* or *got* as a basis. The main function of the peasant association shall be to induce and organize peasants into co-operative farms. It shall also carry out the functions enumerated in Article 10 (2) to (9) hereof.

24. *Nomadic Lands*

As of the effective date of this Proclamation, nomadic people shall have possessory rights over the lands they customarily use for grazing or other purposes related to agriculture. Nothing in the foregoing shall affect international agreements relating to nomadic lands.

25. *Payments made by Nomadic People*

As of the effective date of this Proclamation, all obligations of the nomadic people to pay dues to *balabats* or any other persons are hereby annulled.

26. *Establishment of Associations*

Nomadic people shall form associations to effectively carry out this Proclamation in a manner suitable for development purposes. The main function of the association shall be to induce the nomads to cooperate in the use of grazing and water rights. It shall also carry out the functions enumerated in Article 10 (2) to (9) hereof.

27. *Responsibility of the Government*

The Government shall have the responsibility to improve grazing areas, to dig wells and to settle the nomadic people for farming purposes.

CHAPTER 6

General Provisions

28. *Prohibition of Court Action*

- 1) All cases involving rural lands pending in the ordinary courts on the effective date of this Proclamation are hereby annulled.
- 2) No new case involving rural lands may be entertained by any ordinary court until judicial tribunals of peasant associations are established pursuant to the provisions of this Proclamation.
- 3) No cases involving rural lands may be brought before any ordinary court even after the establishment of judicial tribunals of peasant associations pursuant to the provisions of this Proclamation.
- 4) No suit may be brought challenging the legality of any action taken pursuant to the provisions of this Proclamation.

29. *Power to Issue Regulations*

The Minister may issue regulations to give effect to the purposes and provisions of this Proclamation.

30. *Offences*

- 1) Any person who obstructs the execution of this Proclamation or who violates the provisions of this Proclamation shall be guilty of an offence and shall be punishable under Article 35 of the Special Penal Code Proclamation.
- 2) Any person who, with the intention of violating the provisions of this Proclamation, burns or cuts crops forests or trees or who destroys or damages houses, agricultural implements, irrigation projects, dams or who slays or kills livestock used for agricultural purposes shall be guilty of an offence and shall be punished under the Special Penal Code Proclamation.
- 3) Any public servant who misuses the authority vested in him under the provisions of this Proclamation shall be guilty of an offence and shall be punishable under the Special Penal Code Proclamation.

31. *Rights of Entry*

Any person authorised to perform any function under this Proclamation may, in exercising his duties, enter at any time any land which is or may come under the provisions of this Proclamation.

32. *Conflict with other Laws*

No law, regulation, practice or procedure, written or customary, shall, in so far as it is inconsistent with the provisions of this Proclamation have force or effect in respect of situations provided for by this Proclamation.

33. *Effective Date*

This Proclamation shall come into force as of March 4, 1975.

Done at Addis Ababa, this 29th day of April, 1975.

*THE PROVISIONAL MILITARY
ADMINISTRATION COUNCIL*