# A Delicate Balance

## Land Use, Minority Rights and Social Stability in the Horn of Africa



Edited by Mulugeta Gebrehiwot Berhe

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Mulugeta Gebrehiwot Berhe
The Editor

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# Introduction

*Mulugeta Gebrehiwot Berhe*

The crises—food price, fuel and financial—of the last years of the first decade of the 21st century seem to have had a lasting consequence in the global South, primarily as these phenomena are among the most important contributing causes of the global rush for land. A combination of the food price, fuel and financial crises (triple-F crises as Hall (2011) calls it) has made agricultural investments attractive and lucrative. Brown (2012) gives more emphasis to changes in supply and demand in agricultural products in explaining the process leading to the recent surge in agricultural investments, which he argues has led to the institutionalization of a "new geopolitics of food scarcity."

A typical land deal is made between a foreign investor from such countries as the Gulf States, arable land and fresh water-strapped countries, and a government of a developing country with huge marginally used land. Governments of developing countries seem attracted by the appeal of job creation, increase in government revenue as well as export earnings, technology transfers and modernization. International financial institutions (such as the World Bank (2010)) believe that capital can be tamed, and these investments can be made in a manner which ensures social benefits at the local and national levels. Detractors of this trend however stress that these expected socio-economic gains rarely materialize, and often, losses outweigh benefits (for example, Li, 2011; De Schutter, 2011). With this latter perception, the investments are labelled "land grabs" and conceptualized as detrimental to the food security and livelihoods of local communities. There is use of "neo-colonialist" language by groups resisting these investments, which specially resonates with the African social memory of resisting colonialism in its various forms. Thus, what we see in the literature focusing on these land deals is polarization between the neo-colonialist and development theses (Lay & Nolte, 2011 as cited in Meckelburg, this volume), neither of which captures the reality on the ground in its entirety.

The surge in large-scale agricultural investments in developing countries has been accompanied by an attempt to understand their causes and consequences. The first publications on these agricultural foreign direct investments (FDI) were a compilation of the extent of the investments and an assessment of the actors involved. Media articles and reports from activist groups soon followed. By now numerous serious academic works have been published and various empirical (PhD) researches are being conducted (Zoomers, 2013), with a focus on theorizing as to the causes of the surge in investments, explaining how the investments are being implemented and whether or not the investments will lead to socio-economic gains at local and national levels in the recipient country.

In this volume, we depart from this general academic practice in two respects. Firstly, we specifically focus on the pastoral areas of the Horn of Africa and base our analyses on empirical data collected at the local level. In doing so, the authors of the various chapters examine whether investments amount to an additional threat to the lives and livelihoods of pastoralists (the others being climate change, land degradation, conflict, invasive species and others) or if investments are implemented in a manner which augments local livelihoods and will thus contribute to pastoral transformation. None of the authors seek try to debate neither the in/appropriateness of the states' land policies nor the viability of pastoralism as a way of life. They rather focus on investigating the realities with the assumption that detailed examination provides a perspective that might supplement policy-level debates. The focus on the pastoral rangelands of the Horn of Africa is adopted as the region has the highest concentration of pastoralists and the rangelands are often, owing to the sparse population density and expansive use of natural resources, considered as marginally used by their respective governments, thus making the land eligible for transfer to investors. Not surprisingly, most large-scale agricultural investments in this region of Africa are found in pastoral areas.

Secondly, the focus turns from economic and development issues to questions of how these agricultural investments impact the socio-political and cultural rights of pastoralist communities and also influence conflict dynamics in pastoral areas. In most countries of the Horn of Africa, pastoral communities are politically marginalized, which situation might

be worsened in the context of the advent of large-scale agricultural investments and the settling of large numbers of labourers from other parts of these countries. In addition, the investments and the labour migration might alter resource access and distribution dynamics; thereby impacting on (resource) conflict dynamics in the lowlands.

Hence the perspective adopted in this volume is not the examination of the desirability of such agricultural FDI, but rather, is the investigation of the socio-political and conflict implications of such investments in the context of the pastoral socio-political organization and economy. For this, we take the investments as a given and assume the general trend to remain more or less unchanged in the near future. As the grounds for investment will not wane in the short term, one can anticipate that the investments and their consequences will endure for the *longue durée.* Even if further new land deals are not pursued, it is worthwhile to examine the impacts of the existing deals on local life. Thus, socio-political and conflict dimensions of the investments deserve at least a commensurate level of attention as the economic soundness of the investments.

## Organization of the Book

Excluding the introductory and concluding chapters, this book has 11 chapters presented in three sections. The first section dwells primarily on conceptual issues, which comprehensively unravels large-scale agricultural investments and their impacts at the theoretical level. Papers included in the following sections examine, based on extensive fieldwork case studies from Ethiopia (Section II) and case studies from the rest of the Horn of Africa (Section III), the various socio-political and conflict implications of large scale agricultural investments in pastoral settings of the Horn of Africa. Most of the articles are based on case studies from Ethiopia. Although this happened unintentionally we included them with the assumption that their findings could be applied, with qualifications, to other Horn of Africa countries.

### *Section I: Conceptualizing the Social Relations of Land Deals*

In Chapter 1, Christina Gabbert takes on the challenge of applying a concept she developed with Thubauville (2010)—the cultural neighbourhood—to

the global level. This concept was developed from long-term comparative anthropological fieldwork to describe interethnic group interactions in the diverse communities of southern Ethiopia. The idea is that, peaceful or not, neighbourly relations are built on a deep understanding of the "other" as well as mutual understanding and respect. Ethnic groups in southern Ethiopia can be characterized as more or less permanent neighbours, but one can also have ephemeral (tourists, NGOs, TV teams) or virtual (for example, investors of large-scale agricultural investments who often do not set foot on the large swathes of territory they control) neighbours. As she argues, the basic requirements for a functioning cultural neighbourhood dictate that "conflict induced by new encounters in a changing global market is foremost inevitable" (Gabbert, this volume) thus it should not be surprising if conflicts erupt as a result of large-scale agricultural investments. Not having enough knowledge of the "other" could lead to mistakes which might lead to violence; she however adds that mistakes could also be learning opportunities contributing to a deeper understanding of the "other." As the principles of the concept illuminate, it is only through spending enough time and exerting requisite efforts in a respectful manner that one can generate knowledge about the "other" and in due course avoid violent conflict or develop the pillars for conflict resolution or peacebuilding. These required lessons, as she argues, "can and have to be learned in practice, while living together. Neighbourhood is not only a spatial fact but a never ending social process" (Gabbert, this volume). She further stresses, as newcomers to a cultural neighbourhood, investors have the option to "develop mutual knowledge and respect or to ignore it." Gabbert recommends that investors take the former option to reduce conflict risk.

In the second chapter, Ivo Strecker examines the conflict implications of large-scale agricultural investments, taking examples from extensive anthropological research he conducted in the Woito Valley, Ethiopia. He stipulates that these investments do not necessarily put local pastoral communities in 'inescapable' conflict, rather, he argues, the positive consequences—new opportunities, affluence and prosperity—could outweigh the potential detriments. He posits that local people see their past as one of "hospitality" and have a history of giving land to new comers; thus it is very likely that local communities, if properly

consulted, would agree to land transfers to domestic/foreign investors. Furthermore, he argues that these land development projects could serve as strategies to compensate local people for losses suffered due to their violent incorporation into the Ethiopian Empire. Through the example of a traditional crisis economy (collaborative building of irrigation channels by different communities), he shows that territorial claims could remain dormant for a long time and also that the indigenous knowledge of the local people should be recognized and utilized for a synergetic utilization of ecological resources. He contends that if investments adhere to the principles of the International Investors' Code of Conduct (IICC), development projects could lead to benefits for all concerned groups. For this, he advocates the use of models, and proffers the case of how permitting the use of by-products of commercial farms could potentially augment the livelihood of local people. The largest investments in the South Omo Valley (where Woito Valley is located) are sugar cane and cotton plantations, the by-products of both of which could be used for livestock-rearing by local people. If such an innovative and synergetic strategy is used, there is no reason why the interests of local people and investors cannot be simultaneously met. The following quote illustrates the crux of the thesis he advances:

> The people living in and along the South Ethiopian Rift Valleys do not want to become plantation labourers. They do not want to become estranged from their traditional habitats and subsistence economies. Rather, they want to remain what they are: free and imaginative entrepreneurs. Here, in the acknowledgement of local competence and expertise, lies the key to equitable development (Strecker, this volume).

### *Section II: Socio-political and Conflict Implications of Land Deals: Cases from Ethiopia*

Fekadu Beyene's chapter examines development pathways of pastoral communities in relation to irrigated-farming and its effect in triggering conflict over resources. He starts with a conceptualization of property rights regimes in pastoral areas and the visible ambiguity in policies and government actions to favour, or discourage, existing land use forms.

Based on empirical data collected among the Karrayyu pastoralists of the Fantalle area, his findings reveal that land splitting is expected to create diseconomies of scale where herders may prefer a scale-dependent extensive semi-arid land use system (therefore reducing the chances of successfully transforming pastoral livelihoods to irrigated farming). While the introduction of the state-sponsored irrigation scheme made most herders worry about the prospect of securing livelihoods from livestock production, inadequate farming knowledge among pastoralists created employment opportunities for daily labourers operating on irrigated plots. Moreover, rangeland enclosure caused socio-political instability through violent conflicts as grazing commons shrank, which in turn undermined the risk-spreading exercise embedded in pastoral traditions. Given the type of crops grown, such transformation should be assisted by introducing contract-farming to hedge herders against the risk of price fluctuation. He concludes that a pathway towards income diversification and reducing pressure on grazing land requires creation of technological options favouring crops and livestock to overcome competition over water and enhance benefits from the transformation process while ensuring socio-political stability. Violent conflict will be more likely and/or intense in areas where grazing land is more politicized (for example, boundaries between administrative areas separating one pastoral community from another), but he regards this more as an "institutional problem having little to do with investment," per se.

The fourth chapter by Mulugeta Gebrehiwot Berhe and Firehiwot Sintayehu situates land development projects within the Ethiopian government's broader development strategy as well as the government's specific strategy of ensuring accelerated and equitable development in the relatively underdeveloped regional states. Their study particularly focuses on the implications for the rights of indigenous minority groups and conflict dynamics. Empirically, they base their investigation on the case of the Tendaho-Kessem Sugar Development Project in the Afar National Regional State (ANRS). This sugar development project will put thousands of hectares of land into sugar cane cultivation, in addition to inviting a possible population influx from other parts of Ethiopia. Their findings show that the sugar development project, rather than focusing solely on economic efficiency, is designed to ensure that the rights and

benefits of the indigenous communities are placed at the centre of the development. The sugar development project also envisages providing viable livelihood diversification strategies through farming at a time when pastoralism is being threatened by multiple factors. Nevertheless, the project has faced certain challenges in terms of the sequencing of the development, ensuring access to grazing land until such time as a complete transformation occurs, inefficient provision of social services at villagization sites, the existing gap in compensation payments, lack of financial support to achieve sustained transformation of livelihoods as well as the anticipated pressure on the national identity of the Afar due to expected demographic changes.

The following chapter also examines the socio-political consequences of sugar development, albeit in the South Omo Valley of Ethiopia. Authored by Tewolde Woldemariam and Fana Gebresenbet, it focuses on the case of the Kuraz Sugar Development Project being implemented in Salamago *Wereda* of South Omo Zone. Regarding the villagization programme, Tewolde and Fana argue that the implementers pursued a 'pulling strategy', by attaching joining villages to social services, rather than coercively 'pushing' pastoralists into the villages. Expected jobs created by the project amount to close to fourfold of the current population of the *wereda* (about 30,000), having potential consequences on the culture and political representation rights of local national groups. The scale of the sugar development project, villagization and demographic changes taken together significantly alter conflict dynamics in the *wereda* by changing causes and conflicting parties. Tewolde and Fana highlight that although genuine care seems to have been taken to ensure that local people benefit in socio-economic terms from the mega sugar development project, little attention seems to have been paid to addressing the socio-political and conflict dimensions of the consequences of the project.

Chapters 6 and 7 predominantly focus on conflict implications of large-scale agricultural investments; both taking up cases of investments in Gambella National Regional State, Ethiopia. In chapter 6, Alexander Meckelburg takes a historical perspective and argues that land issues have been central to the political issues hindering the integration of the peoples of Gambella fully into the Ethiopian polity as well as the numerous violent

conflicts which have flared up in the area. He situates the current large-scale investments in Gambella in the broader context of modernization and nation-building. He argues for a holistic understanding of land: criticizing the perception of land solely as a factor of production (or in economic terms), and highlighting that the political value of land lies in the social and cultural meaning people attach to it. His argument is that intangible values of land should be duly weighed if land-related policies are not to lead to social tension and conflict. Failing to do so, he argues, in the case of the policies of imperial Ethiopia (primarily the rubber concessions given to Hasib Ydlibi), marginalized the local population and in the case of the Derg (resettlement from the highlands and state farms), led to alienation by changing the demography of the area. He also takes note of the "out-sourcing" of administrative authority over the Gambella lowlands during both imperial and socialist Ethiopia. Cognizant of these prior wrongs, he questions if the proper lessons have been drawn from history. He examines current land deals and the villagization occurring in Gambella, and stresses that local knowledge was ignored in the process (which might be detrimental as Scott (1998) shows) because of the desire to build a strong state in the periphery.

Yonas Adaye Adeto and Ezra Abate's chapter complements the historical and comparative approach (of the land-related policies of the imperial, socialist and current regimes in Ethiopia) adopted by the previous chapter by empirically basing their work on two of the largest large-scale agricultural investments in Gambella: Karuturi and Saudi Star. They highlight that all five indigenous peoples of the region have special social, cultural, and spiritual attachments to land. Karuturi seems not to recognize this special attachment, leading to perceptions on the part of the indigenous peoples of not being "respected" by the investors. According to the authors' assessment, economic gains from such investments are recognized as positive, but there are feelings that these investments encroach on local ownership of land, and thus on the "social integrity" of communities. Contrary to Karuturi, Saudi Star is positively viewed by local communities as it seems to better execute its corporate social responsibility. Yonas and Ezra also investigate the villagization scheme

and stress that there is no evidence of forced relocations into the new villages. Rather they cite an example of an entire community which was not included in the scheme as regional leaders failed to convince the population. Yonas and Ezra conclude that there is an indirect linkage between the investments, villagization and conflict. Bandits are using the social meaning of land and grievances over land transfers to "ghost investors" as a mobilization tool, and as a justification for intermittent killings. They recommend that a "people-centred" development approach, increasing the community's participation in land deal processes and prior consultation should help reduce the grievances.

### *Section III: Socio-political and Conflict Implications of Land Deals: Cases from Kenya and Uganda*

In chapter 8, Mwangu Alex Ronald argues that the Ugandan government's perception of pastoralism as an inefficient and outdated economic activity is justifying the transfer of pastoral rangelands to investors, which he calls "land-grabbing." This process, he argues, ignores the culture and identity of local people and is being implemented through evictions of pastoralists from their land, which sometimes leads to violence, deaths and destruction of property. Limited efforts have been made to support pastoralists to develop; neither are these "land grabs" conducted in a manner which complements the pastoral way of life. This failure, Ronald advances, has led to the abuse of the rights of pastoralists and has made pastoralists second class citizens in their own country. The "land grabs" have led to the further marginalization of pastoralists, dismantling the socio-economic basis of pastoralism.

Willis Okumu's paper, at chapter 9, discusses a different form of "land grabs"—"green grabs" as Fairhead, Leach & Scoones (2012) call it. The case study Okumu considered is that of the Ltungai Conservancy, a community-based conservancy in North Kenya which was established by excluding the Pokot pastoralists from a common grazing area by the Samburu elite. As a result, the Pokot were evicted from the conservancy, changing resource allocation, access and distribution arrangements between the Pokot and the Samburu. This, Okumu contends, using

Contest Success Functions, has led to violent conflict given a weak property rights regime, and given that bias and equity issues were not addressed. Furthermore, the paper also describes the consequences of the violent conflict in terms of deaths and the displacement of human beings as well as disruption to livelihoods and the destruction of property.

In chapter 10, Mercy Mungai and Paul Omondi start their work by highlighting the various pressures being applied to pastoralism. They stipulate that marginalization and differentiation dimensions of "cyclical poverty" worsen conflict potential in pastoral lowlands. Before examining the three cases they consider in their paper, the authors develop an analytical framework which highlights the opportunities and risks from large-scale agricultural investments in three contexts: socio-economic development, ecology and livelihoods in order to evaluate the vulnerability and security outcomes of the investments. They stress that if investments lead to dispossession, or perception of dispossession, likelihood of conflict will be higher. Land governance issues also have a great bearing on conflict risk. Conflict risk likewise depends on prior social interaction at the local level and the conflict history of the area.

The final chapter by Ulrich Pickmier takes the inquiry a notch higher and argues that even investment plans have a destabilizing effect. He takes a generational approach, and examines how two proposed investment schemes (the sugar cane plantations of the Tana Integrated Sugar Project and the *jatropha* plantation plans of Bedford Biofuels) influence the 'amicable' friendship/relations between the youth of the Pokomo (farming community) and the Orma (pastoralist community) in the lower Tana Delta. The viewpoint towards these proposed investments depends on the specific resources targeted (the land as well as surface water sources) and the process of land acquisition (whether communities participated or not). Generally, the Pokomo seem to benefit more from the investment, leading to a straining of the 'brotherly' relations they established with the youth of the Orma community. This could lead to a dampening of the potential to reduce conflict risk in the future (when the youth of both communities, who currently share friendly relations, are old enough to represent their communities), thus destabilizing the area, even if the investments are only on paper. His conclusion is cautious, and warns us not to take his

analysis as a "matter of fact," but only as an invitation to conduct further research on how plans lead to destabilization.

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# SECTION I

## Conceptualizing the Social Relations of Land Deals

# The Global Neighbourhood Concept: A Chance for Cooperative Development Or *Festina Lente*

*Echi Christina Gabbert*[1]

## The Concept of Cultural Neighbourhood

> People of different religions and cultures live side by side in almost every part of the world, and most of us have overlapping identities which unite us with very different groups. We can love what we are, without hating what – and who – we are not. We can thrive in our own tradition, even as we learn from others, and come to respect their teachings (Annan, 2001, para. 30).

The concept of cultural neighbourhood was developed from long term comparative anthropological fieldwork and was published in the volume *To Live with Others. Essays on Cultural Neighborhood in Southern Ethiopia* (Gabbert & Thubauville, 2010). Here we introduced the concept of cultural neighbourhood mainly to describe interethnic relations between the groups of southern Ethiopia where cultural and ethnic diversity are part and parcel of interethnic communication.[2]

When defining the role of the neighbour we agree with Roth (2001), who places neighbourly relationships ambivalently between peace and violence. A neighbour can be helper and friend but also envier, harmful and adversary. In any case, whether he might be friend or foe, the neighbour in a cultural context can be seen as the familiar other who is near and

[1] I thank the Max Planck Institute for Social Anthropology in Halle/Saale, Germany, Advokatenweg 36, 06114 Halle/Saale, Germany, for funding and supporting my research.
[2] Most articles in the volume evolved from long-term research financed by the Special Research Project 295 at Mainz University lead by Prof. Ivo Strecker, the Max Planck Institute for Social Anthropology in Halle directed by Prof. Günther Schlee and the Center for African Area Studies at Kyoto University. All institutions and therefore most contributors shared a common research base at the South Omo Research Center (SORC) in Jinka.

remote at the same time (Simmel, 1955; Wood, 2000). Therefore cultural neighbourhood is a community that traverses ethnic boundaries. Cultural neighbourhood denotes a "community of place" (Tönnies, 2001, p. 25) that is as much a spatial fact as a mode of interaction. Essential features of cultural neighbourhood are patterns of social and spatial organisation like common habitats, intimate acquaintance and mutually intelligible customs and modes of communication as well as knowledge about the "Other" (Zitelmann, 2012). Cultural neighbours are aware of and interested in each other, they face each other, get used to each other and develop intimate contact with each other's differences and similarities. For all this, cultural neighbourhood needs time, effort and creativity. The will to reach understanding for the neighbouring "Other" may be most obvious in the general respect neighbours, whether they are friends or not, display for each other.

Whether acting peacefully or hostile, a person's or a group's behaviour in a given setting is mostly predictable for the cultural neighbour because their neighbourhood dwells precisely on the mutual knowledge of each other (Schlee, 2008). Cultural neighbours therefore can well be friends and allies, who cooperate in peaceful ways as well as be enemies, who are respected for their strength and virility. Marriage between members of enemy groups is not uncommon because they are respected as equivalent marriage partners. Bondfriendship as institutionalized friendship can be seen as an icon of cultural neighbourhood because it not only traverses ethnic boundaries but also hostile relations between ethnic groups (Girke, 2010). Bondfriendship (Girke, 2010) as well as trade (Sagawa, 2010), co-residence and adoption (Gabbert, 2010), intermarriage (Thubauville, 2010), clan membership and ritual powers historically cross-cut the ethnic boundaries and can facilitate emerging forms of alliances. Cross-cutting ties such as kinship, common ancestry or bondfriendship are especially helpful in phases of reconciliation after conflict (Schlee, 2008, p. 51). Cross-cutting ties are further remarkable features of a fruitful interdependence which in former times superseded structures like markets or emergency aid.[3] If harvests failed in the mountains, grain

[3] Time will show if cross-cutting ties between local communities, workers and government officials have similarly positive effects.

was available from the plains and vice versa. Such interdependency and complementarity also supported cultural diversity and made variety structurally and economically significant.

**From Cultural to Global Neighbourhood**

> The debate on large-scale land acquisitions or leases […] should not distract us from acknowledging that, to a large extent, the rush towards farmland in developing countries is the result of our own failures. We have failed in the past to adequately invest into agriculture and rural development in developing countries, particularly sub-Saharan Africa (De Schutter, 2009, p. 15).

In the quote above, the United Nations Special Rapporteur on the Right to Food expresses the global entanglements of the "rush towards farmland" and more than that, he acknowledges failures of global food management and development cooperation and the special care and attention that has to be paid to and by foreign direct investment (FDI) in agriculture in "the developing world." In this sense, he appeals to relations which we call global neighbourhood. After having established the concept of cultural neighbourhood in the regional perspective of southern Ethiopia, the application of the concept in a national and global context is more than a scholarly extension of our approach on contact phenomena, it is both a challenge and an appeal to processes which are presently taking place not only in southern Ethiopia, but all over the world, e.g., when looking at the emergence of new global markets and economic policies.

In contrast to a familiar cultural neighbourhood, the impact and behaviour of unfamiliar, national or global neighbours, who have increasingly become realities in a spatial sense, like the state, missionaries, NGOs and international entrepreneurs etc., are less based on mutual respect and understanding, and are more characterized through asymmetry, especially concerning power relations. Recently, in southern Ethiopia, these partly ephemeral neighbours, such as NGO's and TV teams (LaTosky, 2010), coming and going with ever changing staff as well as sleepy police posts and health stations have been joined by neighbours in a much more

concrete sense and at a much more rapid pace. Administrative units and police increase their presence, foreign investors bring international staff or contract labourers with them and schools and hospitals operate with teachers and nurses from other regions of Ethiopia. In the global neighbourhood approach, these various actors are called "neighbours" due to their spatial, economic and/or social contact. Methodologically, new neighbours first have to be examined as concerns their respective expectations, aspirations and positions to then be able to assess the potential future of their interaction within their new environment.[4]

The relation of local populations to more virtual neighbours, i.e., national and international investors, poses a particular challenge to the application of the global neighbourhood concept as the politics, economies and fates of people who have never met are merged through the global economy rather than through human encounters. Investors often have never visited the territories in which their companies invest or work, yet, their presence can have an increasingly significant impact on people's lives. Questions arise: Can these virtual neighbours develop understanding, knowledge and respect for each other? What efforts are made to face each other in spite of spatial distance? How do firm policies enable or encourage managers and migrant workers on farms to build a relationship with local communities? And, how can investment in agriculture become feasible taking into account land tenure systems that will be affected by changing land use?

The concept of global neighbourhood helps to approach resulting challenges and conflicts in a realistic manner for it is often extreme positions that characterize the present discourse about investments, especially about large scale land acquisitions. Governments, politicians and communities, NGO's and human rights organizations, activists, investors and investment brokers as well as scholars from different disciplines represent divergent voices about what farmland investment implies. These voices most often seem irreconcilable and I regard it as the task of the academic to reflectively search for solutions in conflicts

[4] In this paper, my focus lies on local populations and investors. In a more comprehensive approach, all categories of neighbours will be given detailed attention.

of interest, particularly to prevent serious conflict scenarios that always linger in the background when divergent interests become hardened fronts.

## Applying Principles of Cultural Neighbourhood to Global Contact Scenarios

The underlying principles for a functioning cultural neighbourhood, such as effort, time, interest, communication and mutual knowledge, help us to understand that conflict induced by new encounters in a changing global market is first and foremost inevitable. Realists would contend that it cannot be otherwise because without a history of communication, contact and exchange, there must be a lack of mutual understanding between new neighbours, which is partly caused by the limited time the two parties have had to get to know each other. This leads to an unpredictability of the "Other" on both sides, followed by misunderstandings and misbehaviours with inherent potential for conflict.[5] Anthropologists have long-term experiences in these situations. Their integration into their respective host communities always includes challenging times of misunderstandings and embarrassment on both sides. Anthropology deals with difficult situations in the field by observing and "refin[ing] strategies of everyday life" into "orientation knowledge" as a methodological basis for scientific insight (Elwert, 1994, p. 7). Non-violent conflict situations, e.g., as described in Elwert's "drop a clanger-approach," proved to be useful in turning seemingly unpleasant situations in the field into the acquisition of knowledge. Mistakes can become knowledge and ideally lead to deeper understanding through reflection and the will to make it better the next time (Elwert, 1994). National and global newcomers on any territory, e.g., investors and migrant workers for new enterprises, carry their own missions and interests to regionally defined cultural neighbourhoods, while initially more than often lacking knowledge about their counterpart's cultures, economies and ways of communication. The

[5] I observed a case where foreign workers lived in their camp with much fear of the local population; the local population lived in fear of the company's heavily armed security forces. During several months of living side by side, there was practically no social encounter between these neighbours. Both were relying on negative experiences in the past in other regions and settings.

quality of the developing relationship between neighbours, far or distant, will therefore always depend on the time, effort and creativity invested to learn from obstacles and to reach mutual understanding and respect.[6]

*Time*

> Among Chuang-tzu's many skills, he was an expert draftsman. The king asked him to draw a crab. Chuang-tzu replied that he needed five years, a country house, and twelve servants. Five years later the drawing was still not begun. 'I need another five years,' said Chuang-tzu. The king granted them. At the end of these ten years, Chuang-tzu took up his brush and, in an instant, with a single stroke, he drew a crab, the most perfect crab ever seen (Calvino, 1996, p. 54).

This story about the Chinese philosopher Chuang-tzu (also called Zhuangzi, Zhuang Zhou) contains several virtues: artistic and economic skills, trust, wisdom, patience and mastery. All of these virtues are combined with a feeling for the right time and the right timing. Interestingly, Calvino ends his chapter on "Quickness" in his *Six Memos for the Next Millennium* with this tale and thus touches on a key issue for development. Development is dynamic, and dynamism is first and foremost essential for movement, for creativity and for life. Development can bring positive change and enhance livelihoods. Yet, when dynamics are rushed without contemplation, they can turn into a dangerous tool, comparable to a car which exceeds the speed limit.

To carry this metaphor to the regional setting of South Omo, in late 2012/ early 2013, there were several fatal accidents in the Bodi area caused by trucks speeding down the newly constructed all-weather roads. In one accident, a pregnant woman was killed, in another, a young boy, and in still other accidents, people were seriously injured. The tragic deaths

[6] Additional facets of neighbourhood relations also significant for large scale agriculture scenarios, e.g., forms of communication and identification, boundary making, conflict patterns and conflict resolution mechanisms, will be part of a wider analysis which cannot be covered at this point.

and injuries caused much grief and aggression in the community as they would anywhere in the world. A tourist guide told me that he also experienced the increasing danger on these routes because of reckless driving and the excessive speed of some of the new companies' trucks when rushing to their field sites in the Bodi and Mursi areas. My counter-experience to these reports happened in Arbore during a couple of days in November 2012. Every day I met vehicles of the Chinese firm, BGP, which was undertaking seismographic measurements for an oil company. I was particularly struck by the fact that all vehicles always drove at a very slow speed. When I asked a BGP worker about the reason for this practice, he advised that the speed limit for all of their vehicles is 40km/h and that this is rigidly observed by all drivers, without exception. Later, I found a statement from the BGP President:

> People and the environment are the world's most important resources. Caring for life and protecting the environment are two of our core tasks. We strive for 'zero injury, zero pollution and zero accident' and strictly comply with the international standard in HSE [health, safety and environmental] management (BGP, 2013, para. 1).[7]

Without providing a comprehensive evaluation on either operation or enterprise mentioned above, this simple example shows how time, the right timing and conscientious attention to speed are essential components in times of change to prevent injury - and in a wider scope - conflict. Without an investment of time, knowledge about the other cannot be generated, and similarly, without time, the parties will not reflect. Only a good balance of speed and slowness can lead to a positive outcome. As Erasmus of Rotterdam contended in his Adagia II, 1, 1, *Festina lente,* which can be translated as "hurry slowly:"

> If on the other hand make haste slowly is not forgotten, which means the right timing and the right degree, governed

[7] There was no accident during BGP's operation in the region, which has been ongoing for 10 months.

> alike by vigilance and patience, so that nothing regrettable is done through haste, and nothing left undone through sloth that may contribute to the wellbeing of the commonwealth, could any government be more prosperous, more stable and more firmly-rooted than this? (2001, p. 134)

Time is necessary to generate knowledge about the other. Without time to meet and time to communicate, the stories of new neighbours cannot possibly be coherent. In an era where space and time are compressed by fast communication, fast transportation and fast markets (Harvey, 1989), where neighbours do not necessarily have to meet in-person, the investment of time as a highly valued asset on the global market, before and during an investment project, is essential to measure the quality of efforts that aim at greater food security, locally and globally.[8] The correct timing is not to be confused with intentions to halt necessary investment in agriculture and food security; on the contrary, calculations that promise short-term rewards in agricultural investment cannot possibly be sustainable. Too many mistakes made at initial phases of a project might hinder its success in the long run, as I will show below The thoroughness and integrity of environmental and social impact assessments (ESIA) and planning and action based on ESIA, on the other hand, determine the quality of a cooperative approach to development and investment that can be carried out with recognition and support by all stakeholders.

*Effort*

> Effort is (usually) rewarded. It requires time and energy to resolve complex issues involving many parties, but the potential benefit can be significant (Principles for Responsible Investment Cooperation [PRI]. 2012, p. 13).

These farmland investor's words comprise part of an argument in a campaign in which international investors (who are signatories to the UN-backed "Principles of Responsible Investment" provide case studies

[8] "Assessment according to economic returns creates pressure for investment professionals to maximise profit to the detriment of other considerations…" (International Institute for Environment and Development [IIED], 2012, p. 3).

for Responsible Farmland Investment (PRI, 2012). These investors have signed onto the following principles:

1. Promoting environmental sustainability,
2. Respecting labour and human rights,
3. Respecting existing land and resource rights,
4. Upholding high business and ethical standards, and
5. Reporting on activities and progress towards implanting the principles and promoting the principles.

These guidelines, meant to support and attract responsible investment in farmland, are not representative and not binding,[9] but do reflect emerging trends that will become part and parcel of the planning and implementation of agricultural projects in the future. There are numerous better known guidelines and principles and Codes of Conduct aiming at good governance in land investments, though none are internationally binding. In reference to the preceding paragraphs on time, omitting the step of safeguarding principles by rushing agricultural investment can become counter-productive as has happened with land deals that are increasingly negatively labelled and criticized as "land-grab" (e.g. White, Borras, Hall, Scoones & Wolford, 2012; Borras & Franco, 2012). In the long run and with a growing global interest in land, accompanied by an emerging resistance to land deals or other investments that are negatively characterized as "land grabs" on international platforms, omission of good practices might lead not only to regional but to global conflict.[10] Land deals that cannot substantiate their underlying ethics will become increasingly risky for investors. As guidelines become more binding in the future, and court cases against land grab increase, future compensation payments and loss of reputation lie in wait for those who failed to

[9] For example, *Principles for Responsible Agricultural Investment that Respect the Rights, Livelihoods and Resources* (FAO, IFAD, UNCTAD and World Bank, 2010); *Framework and Guidelines on Land Policy in Africa* (African Union, African Development Bank, Economic Commission for Africa, 2010). See also Strecker's contribution in this volume on an "International Investors Code of Conduct" (IICC).

[10] International protest is not only observable from the side of human rights organizations, think tanks and Christian churches, but also among investors themselves.

attend to these crucial steps in their investments.[11] In this sense, efforts to reach good neighbourly relations between investors, states and local communities must become part of the calculations for possible rewards in the decision-making process before investments are made.

Considerations on good governance, responsible investment and Codes of Conduct for land acquisitions have different foci but most refer to the same principles to protect land rights, human rights, the environment and social and ethnic integrity. In spite of these points of convergence, they have been criticized as being used to "harness" and authenticate unethical land deals and to provide hasty fixes instead of addressing the larger problems of land acquisition (Borras & Franco, 2010; The Global Campaign for Agrarian Reform Land Research Action Network, 2010).[12] ESIA should not to be taken as a wild card for any investment in land. Instead they should be part of a comprehensive approach to cooperative (or equitable) development. This implies that investments which cannot meet certain standards cannot be made. The option to retreat must remain viable, whether it is grounded in social, ethical, economic or pragmatic reasons, should efforts or calculations show that e.g., production standards cannot be met, and/or local communities do not benefit, are not involved in the process or cannot agree after serious consultation.

Procedures to secure respect for the observance of these guidelines will depend on efforts to establish a truly mutual communication between local populations, governments and investors. Increasingly, agencies apply these ideas in their analysis and consultancies for investors, though it has yet to be determined how these principles are implemented,

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[11] As happened e.g., in Ecuador, where the Sarayaku people of the Amazon filed a case against their government at the Inter-American Court of Human Rights. In 2012, "[t]he Court found the State responsible for violating rights of the community of Sarayaku, their ancestral lands and cultural identity, for not granting effective legal protection, and for having placed their life and personal integrity in danger in the presence of seismic explosives within their territory. Among the actions the Court stipulates for the Ecuadorian government are removal of the explosives, payment for damages, and consultation that meets international standards for any development projects that impact Sarayaku territory" (Pachamana, 2012, para.2f).

[12] For an overview of good governance initiatives and relevant critiques, see Ismar (2013).

especially if costly consultation phases have to be seriously integrated into decision-making processes.[13] One popular objection to cooperation, i.e., "investors are not charity agencies" is unfounded: indeed, cooperative efforts before and during a project should not be confounded with "charity" (see Morton, 2013, p. 110). It cannot be sufficient engagement by a major investor to merely donate an ambulance to a community (which indeed would be charity, not involvement); moreover, charity disregards the fact that local knowledge is a valuable resource that should be recognized.[14] If local expertise which has enabled people, such as pastoralists and agropastoralists, to survive in harsh environments for decades, if not for centuries, is regarded as hindering a project rather than informing it, the project should be reconsidered. At the same time, parallel integration of peripheral areas in education, health care and veterinary care is a valuable part of the overall development plan[15] Establishing ongoing communication about expectations, needs and benefits between government, investors and local communities will become part of a sound and functioning neighbourhood.

To achieve a functional neighbourhood, seemingly clear terms have to be translated and re-defined in the local context - which is part of the "time and energy input" within investment schemes, i.e., the effort and time that is necessary to reach communication and understanding. Local representatives as well as anthropologists or missionaries who speak local languages and have a deep knowledge of cultural concepts are especially suited to playing a mediating role in preparatory and initial phases of a project, but also when projects are already implemented. Evaluations that integrate cultural peculiarities are especially valuable for in-depth feasibility studies.[16]

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[13] "If the costs of sustainable and fair production are not economically viable, then perhaps the project should not be carried out" (Pangea, 2011). Pangea (Partners for Euro African Green Energy) promotes African bioenergy investment.

[14] "There is nothing as cold as charity, rights are better" (James Carrier, pers. communication May 14, 2013).

[15] Increased government investment in schools, clinics and telecommunication in southern Ethiopia are received with much appreciation.

[16] An interesting example is the feasibility study by Anthroscape in the Congo Basin, where the application of free, prior and informed consent (FPIC) is analysed in detail (Lewis, Freeman & Boreill, 2008).

*Respect*

Respect, as we have shown for cultural neighbourhood, can exist even among neighbours who fight with each other. But conflict embedded in mutual knowledge about the other is always accompanied by knowledge about peace-making. Stories of conflict have taken their place in the oral history of southern Ethiopia and provide a common ground for communication. Narratives of the battle of "so and so" and the raid of "so and so" have become orientation points in the shared history that is told and retold time and again, long after the conflicts have been laid to rest. The evaluations of old conflicts then become mutual elements in peace negotiations. In these stories, positive and negative stereotypes about neighbours are woven into historical frameworks to help position one's group in relation to others. I have shown for the Arbore how, based on their emic experience and knowledge of wartimes, i.e., elaborations of an existing repertoire of mediation and peace-making tools, they became an extraordinary example of a group that crafted a new peaceful identity out of a warlike past (Gabbert, 2012). As I will outline below, in the case of the Birale Cotton Plantation, similar dynamics could be applied to reflect on the history and future of the neighbourly relations of plantations and local populations.

The complex interplay of symmetrical and asymmetrical neighbourhood relations from early times until the present is part and parcel of group interaction in Ethiopia. Whereas a familiar neighbour, just as a familiar landscape, provides safety and reassurance, unfamiliar neighbours, depending on their appearance, can induce insecurity. The reassurance provided by a regional cultural neighbourhood therefore can also be cultivated, especially in times of uncertainty. The insecurity and fear induced by asymmetrical and therefore unpredictable relations provides sufficient motivation to strengthen the cohesiveness of the "we" group (Elwert, 1989; Simmel, 1955; Zitelmann, 1994), to activate the synthetic strength of a common identification (Schlee, 2003), to claim brotherhood, and to vitalize modalities of identification to save face against a confusing conglomeration of others. Markakis appeal to overcome internal frontiers and contents, "[b]ringing the pastoralist realm into the state without destroying it," poses an extraordinary challenge to the process of nation-building in Ethiopia if it shall not result in mere extinction of pastoral

livelihood and knowledge (2011, p. 17). This form of mutually beneficial integration would take into account the positive contributions that agropastoralists have to make (African Union, 2010, pp. 24ff).

Mutual respect enables integration and understanding, especially if people do not fully agree about each and every question. Respect can be a result but it can also be a beginning, whereas a lack thereof fosters division. Cooperative development starting with respect is open to integration and benefits from local knowledge and expertise. A respectful approach is the first step towards a peaceful neighbourhood. Acknowledgement of local expertise opens doors for cooperative education, development and successful participation, whereas notions e.g., to depict agropastoralists as "backward," are counter-productive to this approach. As an Arbore elder said about schooling: "What we want is good schools that integrate the knowledge and respect that even the smallest Arbore children have, so they can proudly, and in good health, combine it [schooling] with things we cannot teach them" (personal communication, 2007).

Much can be gained by applying respectful terms in any human encounter. This convention is also meaningful for the initial stages of investment projects. The question of FPIC before land investments are made is not only a formal procedure but an effort that signals the will for respectful cooperation in the future. Projects that can rely on this consent are relieved of many of the risks that projects without this foundation carry. If land is used, leased or taken without consent, resentment or even aggression can put the project at risk. Lewis et al. (2008) show how sensitive the subject is. In case studies in the Congo Basin they explain that people distinguish qualities of consent between "acceptance of one's own will," "acceptance because of weariness of the debate," "acceptance because of obligation" and "acceptance with a later lack of promised return." Consent by local populations remains a crucial factor for the positive integration and long-term acceptance and success of agricultural projects whereas the lack thereof is one of the main obstacles for peaceful operation, especially of large-scale land projects that naturally carry conflict potential. If neighbouring people dislike or resent a project, it will not work to its fullest capacity. Indeed, safety measures have to be high and become costly, local support will be scattered and ambiguous and neighbourly

relations will be tense or even hostile. Lewis et al. (2008, p. 23) also show that the term "consent" e.g., in European understanding is "[a] definitive agreement"…made at a specific moment in time," whereas "consent" in the Congo Basin context depicts "[a]n ongoing relationship of exchange between parties which undergoes revision and renegotiation." This is not surprising and comes close to the dynamics that mark every new neighbourly relation, in which terms of cooperation and understanding have to be developed from scratch. Ultimately mutual respect fosters the trust that is needed to develop any good relationship.

*Examples*

In the following, I provide examples for some arguments outlined above. For many cases, it is too early to draw conclusions and my field observations have been incidental because my research has not focused on land investments. Yet, principles of cultural neighbourhood help understand the cases I observed. As a start, it is important to emphasize that the ethnic groups of southern Ethiopia have never been closed, "pure" traditional societies, as they have often been depicted in the national discourses, travellers' accounts and tourist brochures. Anthropological work about the area has shown how cultural rules are constantly being re-evaluated and changed, and it can be asserted that southern Ethiopia has always been a place characterized by a constant flux of things, people and ideas (Gabbert, 2010, pp.15ff; Sobania, 1980).

Pastoralist and agropastoralist economies of southern Ethiopia are efficient networks of interdependence, with different ethnic groups using different niches.[17] Regarding staple foods like sorghum and maize, Arbore, for example, was regarded as the breadbasket of the area. The Arbore's elaborated and flexible agricultural system, which combined flood-retreat and rain-fed cultivation with irrigation, and planting more than a hundred varieties of sorghum, maize and, to a lesser degree, beans, pumpkin and other vegetables, also supported neighbouring groups that depended solely

[17] The African Union (2010, p. 25) in its *Policy Framework for Pastoralism in Africa* expresses the need to "[a]bandon biased perceptions that pastoralism is an archaic live-stock production system and pastoralist suffering is self-inflicted, because pastoralists choose to pursue obsolete traditional life style".

on rain-fed agriculture.[18] With this very flexible system, the Arbore could react even to disturbances of the cultivation cycles. When I first arrived to Arbore in 1993, the harvests were impressive. But also in the year 2000, in spite of a severe drought, the Arbore's agricultural system was flexible enough to provide the Arbore with enough staple grain.

The first severe famine during which I was present was in 2003. Just before maturation, the Arbore harvests had been destroyed repeatedly by unusual flooding. The destruction of the grain not only endangered people's food supply but also the seed reserves upon which the Arbore had relied for decades.[19] Although used and adapted to irregular periods of rain, flooding and drought (the increase of which I regard as the harbinger of the effects of climate change), the higher frequency of unpredictability in the cultivation cycle was furthermore intensified by the water management of irrigation systems that drew water for agricultural plots along the Woyt'o river before it reached Arbore. The Birale Cotton Plantation's dam was one significant point in the watercourse where water was channelled into the irrigation system of the plantation. The plantation had been established in 1991 and has since then gone through a series of management changes. Cotton and fruit production are water intensive and in times of water scarcity, the water blocked by the dam and used to irrigate the plantation deprived the Arbore of their blue water reserve that is so very necessary for their irrigation farming. Furthermore, opening the dam in times of heavy rainfalls in the North leads to more unpredictable flooding that can destroy fields repeatedly. In 2007, a time of drought, I visited the Birale Cotton Plantation together with some Arbore friends to talk about the situation with the plantation's manager. We were received very warmly and when we visited the dam, the reason for the lack of

[18] For a thorough description of the Arbore's sorghum production and use, see Miyawaki (1996).

[19] In 2003 and 2004, I organized, together with my colleague, Felix Girke, a relief-aid project in that time of famine (Gabbert & Girke, 2003, 2005). This project showed that cooperation of local initiative, anthropologists and government representatives can work, satisfying all of the parties (Gabbert & Girke, 2005). Our role as anthropologists was mainly mediatory, to communicate the grass-root initiative of the Arbore to local administrators.

water in Arbore became apparent. Practically all the water available was used for the plantation, and the river lay dry south of the dam towards Arbore.

As neighbours should, we talked about the problem. The manager of the plantation was very friendly, open and understanding. He immediately opened one of the water gates and offered to be approachable should the water management of the plantation have negative effects for the Arbore in the future. He additionally offered to provide assistance, if possible, to the Arbore in agricultural matters. When I asked in Arbore in 2012 why his offers were not pursued and why the complaints about unpredictable water management persisted, the Arbore explained that the manager who had made the offer had been away for a long time and they were uncertain whether approaching an unknown manager would be feasible.

This example shows how sensitive and challenging emergent neighbourly relations among unfamiliar neighbours can be. The plantation management did not consider or consult people downstream about their water needs. This should have been part of the investment implementation phase. Thus, water management that focused only on the plantation contributed to a series of destroyed harvests in Arbore. Only after harm had been done, negotiations were facilitated with me as mediator. The outcome was positive and cooperative. Yet, people who felt insecure without a mediator simply did not dare to enter the guarded compound of the farm to ask for an appointment with an unknown farm manager.

The example, although not entirely positive, also shows that neighbourly relations between the farm and the local population downstream could have been cultivated in positive neighbourly terms with relatively little effort. It shows that lessons can and have to be learned in practice, while living together. Neighbourhood is not only a spatial fact but a never-ending social process. While not everything can be planned and calculated, openness instead of seclusion can provide the basic grounds for communication and understanding.

One could now ask why the Arbore did not approach the plantation manager without me. The Birale Cotton Plantation carries another story,

which I was told in retrospect. The plantation had been stigmatized by a violent and unfortunate start when it was set up in the 1990s. Resentment started as soon as the plantation was established. Different sections of the Tsamakko, the local inhabitants of the area, could not agree about the land use consent that had been given by some elders without full approval of the whole community. Animosity increased when local people were constantly moved from their lands while the plantation was extended and conflicts about land use were not resolved. When a plantation vehicle hit a calf enclosure and killed some calves, infuriated Tsamakko youngsters attacked and killed several plantation employees. Eight suspects from the Tsamakko community were arrested to be brought to trial in Jinka. On the day after the arrest, a herder found the corpses of the eight suspects buried by the roadside. People said that only three of them were involved in the attack on the plantation workers. Even after reconciliation efforts, different versions about the conflict and loss of lives linger in the minds of people and although the plantation has changed management and ownership in the meantime, it still carries the history of its violent beginning.[20]

## Conclusion

> It would be wrong to consider these two wings of thought – the universalism and the particularism – as separate from each other (Harvey, 1989, p. 275)

In the past decades, newcomers have become more frequent in southern Ethiopia. Among them are NGO and state representatives, administrators, missionaries, tourists, TV teams, photographers, businessmen, migrant workers and anthropologists (LaTosky, 2010; Lydall, 2010). Naturally, all of these people have their own objectives or missions, imported from outside the cultural neighbourhood of southern Ethiopia. Therefore, initially, all of them lack the thorough knowledge of their counterparts' cultures. Yet these visitors also have opportunities to gain or lose face, to

[20] I cannot go into detail about the socio-economic impact of the farm on the Tsamakko at this point. Assessments on neighbourly relations between local communities and farms/ investors over time would be important topics for future research.

develop mutual knowledge and respect or to ignore it (Strecker, 2006).

In addition to this, in Ethiopia, global economic trends have become investment realities during the past decade. Foreign and domestic investors have started to cultivate recently leased land all over Ethiopia, several hydropower plants are under construction, and international oil firms are measuring oil reserves. New unfamiliar neighbours invest on unfamiliar territories and unfamiliar work forces meet with local people. On the other side of these developments, more often than not, local communities lack in-depth information on the investment schemes planned for or implemented on the territory that has been home to their families and ethnic groups for centuries.

In any case, communities who live in areas of investment and who had been practising subsistence economies are and will be significantly affected by large-scale commercial investments, resettlement schemes and the direct impact of changes within their territories. The complex net of political and economic stakeholders who often direct their concerns without ever having seen or met their "host communities" seems to make it impossible to sustain a global cultural neighbourhood that relies on mutual knowledge about the "Other". When investors integrate their "host communities" in their corporate responsibility programmes, this carries the potential of a growing understanding between contact partners. Yet, one cannot underestimate asymmetrical power relations and the lack of cultural and economic understanding between investors and their local neighbours.

Codes of Conduct are necessary and should not be misused to legitimize unsustainable land deals. They should be a means to comprehensively reflect on the social, economic and environment feasibility of investments, especially with regards to local populations and long-term food stability. The inherent conflict potential in these areas is foreseeable. Only with increased and truly mutual efforts, can land investments become cooperative and successful projects that embrace the good neighbourly relations of local communities with their new direct neighbours, i.e., farm employees and distant, global neighbours, i.e., investors who might never face the people and/or the places in which they invest.

The possibility of necessary investments in food security becoming depersonalized or faceless is as obvious as fatal, because as the examples have shown, ultimately it is the human encounters that matter. Future investment policies should therefore realize the opportunity to become a positive example to counter mistakes made at other times and in other contexts by genuinely incorporating local expertise, wishes and knowledge in changing land uses. Therefore, one must remember that the qualities of cultural neighbourhoods, e.g., effort, time, communication and respect, as have been described on the micro level, can contribute important benefits when aspiring to face multiple and divergent interests and perspectives and attain responsible and peaceful cooperation in an increasingly globally entangled world. It is a long way from words to deeds. To harmonize different views on the pressing issue of food security and development will take time. In this paper I tried to show that global neighbours should not rush but also should not wait to work on solutions, mutually and respectfully.

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# Implications of the International Investors Code of Conduct: The case of the South Ethiopian Rift Valleys.

*Ivo Strecker*

The present paper has three parts. The first introduces the "International Investors Code of Conduct" (IICC) as outlined by experts in economic development and the International Food Policy Research Institute. The second provides information about the kind of local experience, attitudes, and competences that are relevant for the application of the IICC. Here I draw on my own basic and applied research in southern Ethiopia, and, in order to paint an authentic picture, I quote extensively from my diaries and reports to the Ethiopian Government. The third part highlights the use of models for equitable development. How can international and local interests be reconciled? How can foreign entrepreneurs be induced to comply with the IICC by positively engaging in the creation of local small-scale projects that supplement their major investments?[1]

## The International Investors Code of Conduct

Large-scale land transfers will probably continue in the near future, and the socio-political and conflict implications of these investments may be daunting, but I disagree with the thesis that conflict will necessarily grow in the coming decades. Large-scale investment means opening up to new opportunities, affluence and prosperity. Why should anyone suffer, why should minority rights be threatened, why should anyone lose out, and why should conflict be inescapable? Conflict will only occur when plans and their execution are done badly, and, most importantly, when the maxim of equitable development is violated. Or, expressed differently, there will be no conflict when all parties concerned adhere to the IICC and jointly work out what kind of large-scale and small-scale projects are most appropriate in any given situation.

[1] I first tackled this question at a workshop organized by Prof. Guenther Schlee and Dr. Echi Christina Gabbert at the Max Planck Institute for Social Anthropology, Halle/Saale, Germany, in March 2013, and I am grateful to all the scholars of the "Lands of the Future" project who helped me find some answers.

The IICC is not yet securely established but still in the making, intertwined as it is with other global attempts at more equitable development. Together they are co-emerging and two sides of a single process.

This is, of course, a complicated matter and way beyond my personal experience and competence. But, fortunately, I can draw on research done in institutions such as the *Zentrum fuer Entwicklungsforschung* (ZEF, Bonn) and the *International Food Policy Research Institute* (IFPRI, Washington, D.C.), and in particular on a paper by Joachim von Braun and Ruth Meinzen-Dick devoted to the "Risks and Opportunities" of large-scale agricultural investment in developing countries. They have identified the problems as follows:

> One of the lingering effects of the food price crisis of 2007–08 on the world food system is the proliferating acquisition of farmland in developing countries by other countries seeking to ensure their food supplies. Increased pressures on natural resources, water scarcity, export restrictions imposed by major producers when food prices were high, and growing distrust in the functioning of regional and global markets have pushed countries short in land and water to find alternative means of producing food. These land acquisitions have the potential to inject much needed investment into agriculture and rural areas in poor developing countries, but they also raise concerns about the impacts on poor local people, who risk losing access to and control over land on which they depend. It is crucial to ensure that these land deals, and the environment within which they take place, are designed in ways that will reduce the threats and facilitate the opportunities for all parties involved (von Braun & Meinzen-Dick, 2009, p. 1).

The answers they offered under the title, *Making a Virtue of Necessity: Toward Win-Win Policies,* are of such fundamental importance that I quote them here in full:

> A dual approach can help address the threats and tap the opportunities related to foreign direct investment in

agricultural land. First, the threats need to be controlled through a code of conduct for host governments and foreign investors. Second, the opportunities need to be facilitated by appropriate policies in the countries that are the target of these foreign direct investments. Key elements of a code of conduct for foreign land acquisition include the following:

- Transparency in negotiations. Existing local landholders must be informed and involved in negotiations over land deals. Free, prior, and informed consent is the standard to be upheld. Particular efforts are required to protect the rights of indigenous and other marginalized ethnic groups. The media and civil society can play a key role in making information available to the public.

- Respect for existing land rights, including customary and common property rights. Those who lose land should be compensated and rehabilitated to an equivalent livelihood. The standards of the World Commission on Dams provide an example of such policies.

- Sharing of benefits. The local community should benefit, not lose, from foreign investments in agriculture. Leases are preferable to lump-sum compensation because they provide an ongoing revenue stream when land is taken away for other uses. Contract farming or out-grower schemes are even better because they leave smallholders in control of their land but still deliver output to the outside investor. Explicit measures are needed for enforcement if agreed-upon investment or compensation is not forthcoming.

- Environmental sustainability. Careful environmental impact assessment and monitoring are required to ensure sound and sustainable agricultural production practices that guard against depletion of soils, loss of critical biodiversity, increased greenhouse gas emissions, or

> significant diversion of water from other human or environmental uses.
>
> • Adherence to national trade policies. When national food security is at risk (for instance, in case of an acute drought), domestic supplies should have priority. Foreign investors should not have a right to export during an acute national food crisis (2009, pp. 2-3).

By way of conclusion von Braun and Meinzen-Dick write:

> Foreign investment can provide key resources for agriculture, including development of needed infrastructure and expansion of livelihood options for local people. If large-scale land acquisitions cause land expropriation or unsustainable use, however, foreign investments in agricultural land can become politically unacceptable. It is therefore in the long-run interest of investors, host governments, and the local people to ensure that these arrangements are properly negotiated, practices are sustainable, and benefits are shared. Because of the transnational nature of such arrangements, no single institutional mechanism will ensure this outcome. Rather, a combination of international law, government policies, and the involvement of civil society, the media, and local communities is needed to minimize the threats and realize the benefits (2009, p. 3).

Any attempt at furthering equitable development and adhering to the maxims of the IICC outlined above must take into account the historical factors that impinge on a particular region. In many countries historical background information may well be available, but in others, like in the Horn of Africa, the historical background needs to be investigated. The present paper is a case in point, aiming, as it does, to uncover some of the experiences, attitudes and expectations of the people living in and around the South Ethiopian Rift Valleys where large-scale agricultural development projects are currently under way.

**Local experiences, attitudes and competences relevant for international investors. Traditions of sharing and the trauma of loss in southern Ethiopia**

Perhaps most relevant in the context of this paper is the fact that the various, linguistically and culturally different, groups in and around the South Ethiopian Rift Valleys remember their past as one of hospitality.

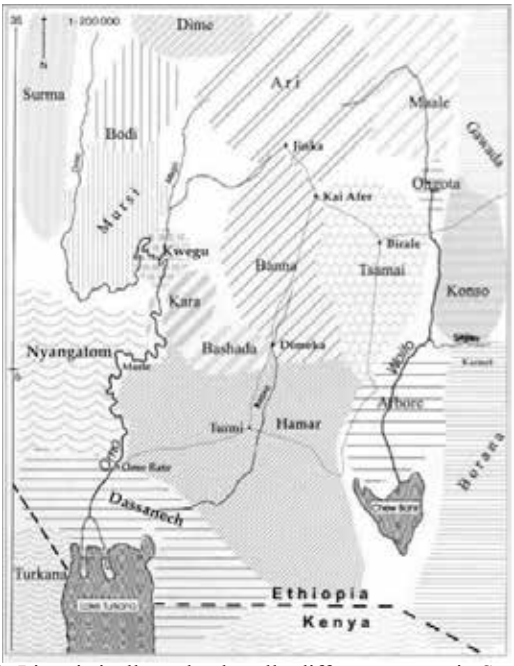


Figure 1: Linguistically and culturally different groups in South Omo

Most if not all of them have traditions of composite grouping, traditions of migration and the coming together of people of different origins. Thus, people would come asking for land, which was then granted to them as in the following account:

> Long ago, in the time of the ancestors, the Hamar had two *bitta*. One was Banki Maro, one was Elto. The first ancestor of Banki Maro came from Ari and settled in Hamar the mountains. He, the *bitta*, made fire, and seeing this fire people came, many from Ari, others from Male, others from

> Tsamai, others from Konso, others from Kara, others from Bume and others from Ale which lies beyond Konso. Many came from Ale.
>
> The *bitta* was the first to make fire in Hamar and he said:
>
> "I am the *bitta*, the owner of the land am I, the first to take hold of the land. Now may you become my subjects, may you be my dependents, may you be the ones I command."
>
> "Good, for us you are our *bitta*." "From where do you come?" "I am KARLA (names in capital letters indicate clans) I come from Kara." "Eh! What do you want?" "I want land."
>
> GULET: "From where do you come?" "I come with KARLA from Kara." "What do you want?" "I want land."
>
> One section of GULET is Bume: "From where do you come?" "I come from Bume."'"What do you want?"
>
> "I want land." One clan is DILA:
>
> "From where do you come?" "I come from Kara." "What do you want?" "I want land."
>
> (Lydall & Strecker, 1979b, pp. 2-3)

As the quotation shows, an age-old ethos of accommodation exists in South Omo. When foreigners came and respectfully asked for land, it was given to them as far as circumstances allowed. Would it not be conceivable to build on this tradition when it comes to planning large-scale as well as small-scale development projects in the region, and would it not be to everyone's credit if the generosity of the host society were to be acknowledged? In such an event, the local people, like the Hamar in the above case, would then tell their descendants of a dialogue between their spokespersons and the newcomers of the 21st Century, which would go like this:

> "From where do you come?"
> "I come from China (or India, Turkey, Germany etc.)."
> "What do you want?"
> "I want land."
> "Eh, *eh*" (which means, "Yes, you may have it").

The memories of early, constructive beginnings, however, are followed by tales of destruction, which began at the end of the 19th century. Triggered by the "Scramble for Africa" and provoked by Italian and British colonial ambitions, the Ethiopian Emperor, Menelik II, sent his armies south to incorporate as much territory as possible in to his empire. Needless to say, these campaigns were not gentle, diplomatic missions, but were modelled on old slave raiding practices, and served the purpose of soldierly aggrandizement and plunder. Up to today, the Hamar have never forgotten what happened, and recount their dreadful experience as follows:

> Shortly after this the *Kushumba* (Abyssinians) crossed the river Woito ... the fight with the Tsamai followed, and with the Hamar ...it lasted five days, but how could it be otherwise? The *Kushumba* overpowered the Hamar one by one, for they had rifles and the others only had spears...One morning, they got up very early, and by afternoon they had defeated the Bashada. On another morning, they defeated the rest of the Hamar and the Kara...In those fights, most of the men of the *Gaidu* and *Cherbala* generation died ... Only a few children survived. They lived on the fruits, which they collected in the bush. And still, while doing so, many of them were captured by the *Kushumba*. They would kill the old, but would take boys and young men into slavery. Only after a long time they stopped this. Very few of us survived. To them Menelik said: 'Now this country is mine. You shall look after your herds now, look after your cattle and goats and make your fields.' All this we heard from our fathers, and that is why it's said: 'The foreigners are smallpox, they are dysentery, and they are fire' (Strecker, 2013, pp. 25-26).

Obviously, this deep rooted historical trauma – experienced not only by the Hamar, but also by many other groups who live at the periphery of present day Ethiopia – should be taken into account in any equitable development planning today. Present day large-scale investments could then be understood as a welcome opportunity to redress the wrongs of the past. Rather than yet again disrespecting the indigenous groups, treading them down or brushing them aside, development would now at last compensate them for the losses they have suffered historically.

*Traditional crisis economy and claim to land in the Woito Valley*

Most importantly, present day projects should take traditional claims to territory into account, even though it may look to an outsider as if the land is unoccupied. In order to show how such claims may lay dormant, only to be activated in times of crisis, I recount here how I explored the ancient irrigation channels in the Woito Valley. This research was not freely chosen but developed in response to a drought that was then threatening Ethiopia, as well as the whole Sahel region. Everything began one early morning high up in the Hamar Mountains, when I listened to the following grim talk that took place around the coffee pot:

> 24.4.1973 Usually, about the time that the Ethiopian police celebrate Easter, the first sorghum ripens and the small children 'steal' from it and survive. But look at the fields today. They are empty, a desert! Where can we go to exchange our goats for grain? There is no more grain in Banna, nor in Tsamai, nor in Ari. The doors to Galeba and to Arbore are closed and there is hunger there anyway. We are now slaughtering our goats and those who have none take them by force. Soon we will run out of animals and then we shall kill each other over them: 'why don't you let me have one of your cows?' and we shall take up spears and kill each other. Soon there will be nothing but turmoil. There are no fruits in the bush ripe enough to eat. There is nothing but salad. Times have never been as hard as this before (Lydall & Strecker, 1979a, pp. 102-103).

Balambaras Aike Berinas, also called Baldambe, who was then my host, mentor and closest friend in Hamar, had told me before that in periods of extreme drought the Hamar and their neighbours in the Woito valley would jointly activate dormant irrigation channels. According to Baldambe, this crisis economy, practiced by the Hamar, Arbore, Karmit, Konso, Banna and Tsamai before the Ethiopian conquest, could be brought to life again and help ward off starvation. Here follows my account of how we went to investigate the truth of the matter. There is no room for all the details, but some are so telling and have such great significance that I like to present them at some length. First, we met Grazmatch Surra who later became famous for his untiring quest for peace and cooperation in southern Ethiopia (see the film *Bury the Spear*, Strecker and Pankhurst 2002):

> 2.5.1973 I set up my recording equipment in the shade of the tree and we sit down around it in order to begin our first meeting about the Woito project. Baldambe talks first and Surra answers him. Surra seems to have been thinking about such a project himself for a long time and he says that the work at the river is a small job; the big problem will be to get the people to work together peacefully. He promises to call the elders of Arbore and their chief so that we can have a big meeting in three days' time. If the meeting should lead to an agreement, the Arbore would then show us the places where the water could be diverted.... At the end of the meeting, we tell Surra that we will travel on up the valley until we reach Birale, exploring the valley on the way and talking to the inhabitants (Lydall & Strecker, 1979a, pp. 105-106).

That same day we drove on – cross-country, for there were no roads then in the valley – until we reached the southern Tsamai who are direct neighbours of the Arbore. The following day we talked to our Tsamai hosts:

> 3.5.1973 We drink our morning tea, then I set up my recording gear and we settle down for [a] talk. Baldambe opens the meeting and Laku and Dara answer him. They say they are happy that we have come and that they will show us the place where the waters can be diverted. But

> they cannot say yet whether they would be willing to work together with outsiders at their river, because their 'chief' is temporarily away on a journey to the administration post of Kai Affir. Only the 'chief" can make an important decision of this kind. We reply that we don't need a quick decision, that we have come only to talk with them and find out what would benefit all parties at a later date. After the meeting they appoint a man to show us the way to the homestead of an old man called Bitto who 1eads us in turn to the point on the river where the Tsamai have traditionally diverted the water for irrigation. At this place, which is called Silbo, old Bitto shows us a trench which is about one metre deep and two metres wide and which has obviously been used as an irrigation channel (Lydall & Strecker, 1979a, p. 107).

One day later, we reached the northernmost part of Tsamai where I made the following entry in my diary:

> 4.5.1973 After a short breakfast, we begin to talk. Baldarnbe informs them of our intentions and of our interest in finding out more about the Woito River and its various courses. Of the Tsamai, it is mostly Haranas and a man called Oita Butte who talk. We are surprised to learn that the Woito does not flow naturally into the Birale [B]asin and Birale [L]ake, but that the people of Duma (the name of this settlement and territorial segment) have been diverting the Woito into the Birale [B]asin since time immemorial. Moreover, in years of heavy rains, when the Birale [B]asin becomes completely full, the overflow runs south along the Hamar Range all the way to Arbore. Our hosts tell us that their forefathers armed only with digging sticks, *adzes* with steel blades and axes, used to dig the channel during the dry season. A horn would be blown to call the people to work. Some of these attempts at diverting the river continue to this day. So the Woito irrigation project already has a long history. Oita Butte and Haranas say that in the past the Birale [B]asin often fed many different people, all of whom had fields there: the Male, the

> Konso, the Ale, the Hamar and the Tsamai. Traditionally, the Birale [B]asin was an area where cattle peoples met for trading purposes. The meeting ends with a request from the Tsamai for Baldambe to call for rain and with the milk container he has been given in his hand Baldambe complies (Lydall & Strecker, 1979a, pp. 108-109).

Although my exploration and diary entries continue, I break off here because I think it has become abundantly clear by now that the people living in and around the Woito Valley have a legitimate claim to these irrigation channels, which traditionally furnished the arteries of their crisis economies. Any serious and responsible agricultural project – whether of large, medium or small size – will be well advised to honour these claims, use the local knowledge associated with them, and generally build on them to achieve equitable development.

*An "experiment at grass-root development" in the Woito Valley*

A further historical factor that shapes people's attitudes, competence and expectations is their previous experience of working together, either exclusively among themselves or together with outsiders. Such experience of collaboration is of great importance when it comes to planning and realizing equitable development projects. I like to substantiate this point by a report on a "food and tools for work" project,which I directed in the Woito Valley in 1975. The project was a direct result of my exploration of traditional forms of irrigation and crisis economy in the Woito Valley, which I undertook in 1973 as described above. Unfortunately I did not keep a diary during this extremely busy time, but I still have project proposals and reports, which I like to quote here at length. Once again, the purpose is not only to give a lively and authentic picture, but even more importantly, to provide a widely accessible document which proves that the people living in the area have an age-old aspiration to make use of the Woito Valley, especially at times of ecological crisis.

On the December 19th 1974 I sent a letter to General Mabratu Fesseha, Chief Administrator of Gemu-Gofa Province, saying that I had enclosed an introductory note to the implementation of the rehabilitation project in

the Woito Valley, which we had been planning. Here follow two selected (and stylistically slightly improved) passages from this note.

> Aim of the project: For the past seven years Ethiopia has been affected by an ecological crisis caused by lack of rain. This took a heavy toll in the Wollo province, but also other provinces suffered, especially those in the South like Harar, Sidamo and Gemu-Gofa. It is the aim of the experimental rehabilitation project in the Woito Valley to help, on a small scale, counteract the existing crisis and secure enough local food so that in the near future no more costly relief operations in southern Gemu-Gofa will be necessary. At the height of the drought in 1973, the project was proposed by the local tribes, who asked the Ethiopian Government to help them re-activate their old irrigation channels in the Woito Valley. As the project is based on local traditional knowledge and initiative it will be an experiment in 'grass-root-development' in the area, and it will show how far, with a minimum of short-term external help, the people will be able to help themselves.
>
> Local application for Government help to implement the plan: On May 12th 1973 at Turmi the Hamar political leaders and about forty elders signed an application to the Ethiopian Government asking for technical assistance to draw water from the Woito River into the old 'Muli' channel and into the 'Tule' basin. Also, Grazmach Surra, the spokesman of the Arbore, repeatedly urged the Government to assist the Arbore in their irrigation work.... There was no immediate official response to the Hamar application and Dr. Strecker's proposal for a relief programme in the Woito Valley, but when H.E.Br. General Mabratu became the new Chief Administrator in 1974, he right away took an interest in the matter. On October 12th 1974 there was an initial meeting at which General Mabratu expressed his wish to start work as soon as possible, and Dr. Strecker agreed to supervise the project. On December 2nd a second meeting followed,

> at which Father Gannon of the Catholic Mission was also present, and it was agreed that the Ethiopian Government, through the help of the Ethiopian Red Cross Society, would provide 216 quintals of grain for food and payment of workers, a truck for two months to transport the food to where it would be needed, and a community worker to assist in the running of the work camps and the distribution of grain. Also, the Catholic Mission would donate six thousand Ethiopian Birr to cover salaries, the purchase of tools and fuel expenses.

Skipping the many more technical details of the plan of implementation I now present excerpts from my report on the work conducted during the dry season of 1975.

> Introduction: The Woito project is the result of two interests: that of the local groups, and that of the Government. My role was as go-between. Both sides view the project as an experiment, the Government asking itself whether the people would be competent enough to build the irrigation structures they claimed they were able to build, and the people asking themselves whether the Government really would keep its promise to provide food for work. Today, after almost three months of co-operation I think both sides are calling the first phase a success. The people have received the food they asked for, and in turn they have built two dams and dug irrigation channels, the quality of which indisputably verifies their competence and willingness to work.
>
> The irrigation structures: Two dams were constructed, one at Tsamai to divert the waters of the Woito (Dulai), and one at Arbore to divert the waters of the Sagan (Arle, Limu), with the aim to 'lift' the water, as the people say, and 'pull' it into the open so that it reaches and floods areas which are fertile and can be easily cultivated.
>
> Organisation of work: The complexity of the social setting in which the work was conducted is demonstrated by the fact that

at times seven languages were spoken on one of the building sites: Arbore, Hamar, Tsamai, Oromo, Konso, Galeba and Ari. Hamar and Oromo were used most widely and served as 'lingua franca' for the members of the different groups. I myself spoke Hamar. When on January 12th we started work at Malka Bera our party consisted of 57 Arbore men; the next day we were 98, then 150, and on the fourth day the number reached 200 and we had to give notice that no more people were wanted for help. The bulk of the men were Arbore, Hamar and Borana (Karmit), but it is significant that several Tsamai, Konso, Galeba and even Ari were easily absorbed and allowed to participate. The men who achieved the task of creating an atmosphere of trust among the diverse groups were Balambaras Aike Berinas, a spokesman of the Hamar, and Grazmach Surra Gino, the most important spokesman of the Arbore. It was they who originally asked me to propose the Woito Project to the Ethiopian Government, and now during the first stage of implementation, they were the main co-ordinators. They selected the men who led the different work parties, and allocated the work to be done. They also selected those who distributed the food for work, and constantly acted as arbitrators when disputes arose. Almost every day there would be an occasion for public speech making and admonition of those who had done wrong, and each such public meeting would be followed by a chant and blessing in which social harmony and peace were invoked, the rains were called, and it was prayed that the dams would be strong enough to resist the floods that were to come. While the Arbore would stay overnight in their nearby village, the Hamar and Borana would camp with me by the river, close to the work site. During the time of most intensive work we used to begin as early as six o'clock in the morning. This was to escape the heat of the day, which proved to be the main obstacle for our work and health (including mine). Many Hamar suffered from bleeding noses and attributed this to the heat. At Malka Bera there was a general division of labour between the Arbore on the one hand and the Hamar

and Borana on the other. The Arbore, under the direction of Grazmach Surra and his most competent builder, Duba Ongo, erected the dam across the dry river bed, and the Hamar and Borana, under the direction of Balambaras Aike, cleared the bush and dug the one kilometre long channel. It is interesting to note that at Malka Bera (just as at Silbo) not a single woman joined the workers. I have often heard people say that men in Hamar, Arbore etc. are lazy, and that only women really work. The results of the project certainly prove this view to be wrong. By the middle of February the main work at Arbore was finished and we moved our camp to Tsamai where we began work at Silbo. As we were short of food and tools we soon travelled on to Arba Minch from where Surra and Aike immediately returned to Silbo with hundred quintals of grain, while I went on to Addis Ababa to buy further tools. When I returned to Silbo on March 8th, I found that a large part of the dam and the channel was already completed. The work had progressed without any outside supervision! Or, rather, it had progressed under the leadership of Aike and Surra, two indigenous men who were not members of the local Tsamai community and did not even speak Tsamai.

Tools: Besides my general role as mediator between the different groups, and between them and the outside world (and as 'mother', as the people defined my role at the building sites), my main contribution was the importation of tools. Traditionally only small axes, knives and iron blades fixed to digging sticks were used ... Any outside help aiming at increased food production in the area, therefore, had to begin by providing new tools, and the Woito Project provided a good opportunity to begin the process. Father Gannon of the Catholic Mission at Arba Minch had already secured an initial fund of one thousand Ethiopian Birr, and Aike and I had bought a first lot of tools to begin work at Malka Bera.

Next follow details of how the men evaluated the different tools, and how further tools were donated by the German magazine "Stern" and Christian Relief in Addis Ababa.

> Expected results: Members of about five hundred families have, so far, participated in the project, but this does not mean that no further families will make use of the flood waters when they eventually come. There were, in fact, many more people who wanted to join the work, yet for organisational reasons, and because we had only a small amount of food for work at our disposal, we could only allow a limited number of men to participate. Certain territorial segments of Hamar (Mirsha, Angude, Kufire and Margala), which traditionally have a claim to certain areas in the Woito Valley, were explicitly asked by Balambaras Aike not to join us, and even from Kadja, Aike's own territorial segment, only a nominal number of ten men were invited to come and represent the interest of their community. My estimate is that about two thousand families will eventually join the project. Equipped with the tools that have been imported they will be able to cultivate no less than one thousand hectares, and if no other hazards destroy the crops the resulting harvest should be large enough to support the area with food.
>
> On the 28th of December 1975, I reported on what happened after the floods arrived in the summer. I begin with the successful part of the story:
>
> The Arbore channel worked so well that even fish and crocodiles have reached the Tule Basin more than ten kilometres away from the river, at the foot of the Hamar Mountains. The Arbore have made their fields in an area flooded by the waters of the channel, and the Hamar have planted small plots of land in the Tule plain. Also, the water that has reached the mountains is now being used by the Hamar to water their herds. At Arbore the results have been encouraging, and the Hamar and Arbore are eager to continue the work they have begun.

However I also had to report that our "experiment" had partly failed:

> The project proved that the people know the ecology of the river and have some technical skills, which they can apply for a variety of purposes, but it also showed that their technical experience is not deep enough for large-scale construction. This lack of experience – in spite of old attempts to divert the river – was shown by the fact that both dams were washed away. The people say that this happened for two reasons: 1. The dams and the diversions were built too closely together, so that the current of the river eroded the dams. Had the dams been built further downstream away from the entrance of the channels, the water standing in front of them would have acted as a natural area for deposits of sand, mud, leaves and wood and would have protected the dams. 2. The earth in the dams should have been mixed with grass, which would have reduced the seepage that contributed to the collapse of the dams.

As the first setback did not discourage the people, a proposal for work to continue during the dry season of 1976 was prepared. It included, among other things, the following: (1) Ato Abubeker Abdalla, District Administrator of Hamar, would be responsible for the administrative side of the project; (2) An engineer of the German Voluntary Service would join the project; (3) A lorry with grain would immediately be sent to Arbore where the existing channel would be widened and lengthened; and (4) On request by General Mabratu a bulldozer from Survey Team 7 of the Highway Authority was to help dig a channel at Roko. Skipping other sections of the new proposal I present here only the plan for work at Roko:

> Roko is a traditional work site of the Duma section of Tsamai, but as it was not yet accessible by car last dry season, the "Experimental Project" worked only at Silbo. Now, as a bulldozer has made a track through the dense bush and has (hopefully) already dug a connection between the Woito River and the old Roko riverbed, it is most important that work should continue here. The engineer should survey the

> old Roko riverbed through the dense bush until it reaches the point where the old riverbed enters the open plains. Then the engineer will decide which of the arms of the old watercourse is most suited to serve as the final channel, and after he has made this decision he will put the people to work.

**The relevance of local models for international investors: The general use of models**

Although they are guided by theory, models are mainly used to see "how things work." They have a systemic aspect in that they demonstrate how the different parts of a whole are interlinked, and for this reason, they are indispensable when it comes to planning in the natural and the social sciences. Architecture is a well-known example: In the simplest case a person employs an architect to design a house according to specific needs and purposes. This involves first drawing, and later building a model, which allows discussion of all the adaptations and changes that may still be necessary. Only after the model has satisfied all parties should construction proceed. Needless to say, what serves well for adequate house construction also applies to competent regional development, and to companies who need to comply with the IICC.

*Synergetic models for equitable development: the use of by-products*

As I said at the beginning of this paper, large-scale investment means opening up to new opportunities and prosperity. Why should anyone suffer, why should anyone lose out, and why should conflict be inescapable? Surely, there will be no conflict when all parties concerned adhere to the IICC and jointly work out what kind of large-scale and small-scale projects are most appropriate in any given location and at any moment of time. However, in order to convince foreign investors that they can play a positive role in the creation of equitable development they need to be offered succinct and feasible models for action. In particular, they need to be shown how large-scale and small-scale projects can be designed to supplement each other so that they have a synergetic effect.

Synergetic models need to build on local experience and competence such as those found in the Woito Valley and described above. Also, if consulted

properly, people will come up with their own models of development that satisfy their local interests and expectations. I come back to this below, but first I turn to a more general issue that was discussed at the Max Planck "Land of the Future" workshop: the use of by-products of large-scale ventures for the development of small-scale projects, particularly in the pastoral sector.

In the South Ethiopian Rift Valleys, current large-scale agricultural investments pertain mainly to sugar and cotton plantations associated with the building and operation of refineries and ginneries that will eventually employ more than one hundred thousand workers. This new population will need to be fed, and it is here where great opportunities arise for the expansion and eventual transformation of local pastoral modes of production. When they are industrially processed, sugar cane and cotton plants both yield by-products that are ideally suited to feed and fatten livestock. Foreign investors who want to act in accordance with the IICC are therefore well advised to make the by-products of their large-scale projects available for the development of small-scale pastoral projects.

As Galaty (2013) has observed, "mobile livestock husbandry has long defined the most effective strategy for extracting value out of otherwise marginal lands, and in so doing feeding growing millions" (p. 152). This statement also applies to the agro-pastoralists living in and along the South Ethiopian Rift Valleys (Nyangatom, Hamar, Dassanech, Arbore, Tsamai, Maale, Mursi, Bodi, Kara, Bashada and others). They are the local experts who know best how to use their marginal and very variable habitats for pastoral production. As markets used to be distant, the economic gain of fattening and selling select animals was rather small in the past, but now, as large-scale agro-industrial projects are to bring consumers right to their doorsteps, local pastoral production will soon be able to respond and benefit from the new development. That is, local people's well-proved ways of breeding and raising livestock in marginal environments will be supplemented with new forms of feeding and fattening with by-products provided by the sugar and cotton plantations.

Very importantly, such a strategy would see to it that traditional livestock routes and access to water are respected and protected. Attributing the

responsibility for this to the national government, Günther Schlee has pointed out:

> A rational, revenue-maximizing government would refrain from removing key resources from the pastoral sector, if that led to losses that are higher than the gains achieved through alternative forms of land use. If the aim of government policy is maximization of the overall economic output of all sectors, taken together, then such a policy would preserve livestock routes and access to river banks and other watering points wherever the losses to the livestock sector incurred by not doing so would exceed the benefits of competing kinds of use. It would also preserve the open range wherever the disruption to the pastoral sector, and the ecological damage done by attempts to practice crop production, exceed the benefits of agriculture (2013:10).

The positive disposition towards pastoralism, which I have expressed here, and which is expected of foreigners investing in large-scale agriculture, is supported by a recent compendium entitled, "Pastoralism and Development in Africa. Dynamic Changes at the Margins" (Catley, Lind & Scoones, 2013). The back of its cover says, "Pastoralists are resourceful, entrepreneurial and innovative peoples. Yet they have been ignored and marginalised by the states that control their territory and the development agencies who are supposed to help them." As my research has shown, the people living in and along the South Ethiopian Rift Valleys do not want to become plantation labourers. They do not want to become estranged from their traditional habitats and subsistence economies. Rather, they want to remain what they are: free and imaginative entrepreneurs. Here, in the acknowledgement of local competence and expertise, lies the key to equitable development.

There is an impressive literature on the chemical and biotechnological development of cane sugar, as well as cotton by-products, which points out that almost all by-products can be industrially exploited. Here, foreign investors will have to make concessions to local needs and aspirations. As they have been given the right to establish large-scale plantations on land that is ultimately not their own, they should at least reciprocate by making

their by-products available for local pastoral projects. This, I think, is an important implication of the IICC.

*Synergetic models for equitable development: the case of Hamar and Kara*

While synergetic models involving the use of by-products are of a general order, very specific models also need to be developed that are finely tuned to unique situations. Such models are generated through sustained discussion with the local people. As I have indicated above, if consulted properly, local people will come up with their own models of development that satisfy their interests and expectations. In what follows, I present the case of the Hamar and Kara, who claim that both they themselves and the investors would greatly benefit if the current construction of a large-scale cotton plantation in the Lower Omo Valley were to take their interests into account.

To begin, I quote from "Baldambe Explains," an indigenous description of pastoral life in the area, where the emotional and vivacious nature of herding is expressed with the following words:

> Now it is time for the herds to leave for the distant grazing area. The elders hold a meeting where they bring their whips and whip the young men: 'What are you doing here, lazy fellows, go and herd the cattle. Look the Korre (enemy group) are coming, the Galeba (enemy group) are coming. Go and look after the herds.' So they whip them and then they call *barjo* (good fortune) and hand a whip to the spokesman of the new age group: 'Take it, herd the cattle with it and when any man talks badly or works badly hit him with this whip' (Lydall & Strecker, 1979b, p. 124).

In other words, the herding of livestock is a traditional, very demanding and well-organised activity in the area. Old and young are devoted to it and will do everything to look after the welfare of their herds. Very importantly, the herds have to be moved seasonally from the highlands to the lowlands of the Ethiopian Rift Valley where they find grass and water during the driest periods of the year.

A Turkish investor who is presently preparing a cotton plantation of thousands of hectares along the Lower Omo River – north of Lake Diba and between Hamar and Kara territory – has now taken possession of former grazing areas as well as the bush-belt along the river. As far as I know, the Hamar and Kara are not in principle against this new development. But what they criticize is that they have not been properly consulted or asked to meaningfully contribute to this enormous project.

To give only one, but very important, example of why they are upset: The investor arrived with bulldozers, lorries and other heavy equipment to clear and burn the bush:



Figure 2: Bulldozer clearing bush along the Lower Omo

Also, the bulldozers began to dig deep trenches along the borders of the future plantation. Only when the trenches reached their main village – Dus, which is close to the river – did the Kara complain and demanded that the digging should stop.



Figure 3: Trench along plantation (left) and trench close-up (right)

My Hamar and Kara friends were stunned by this high-handed and inconsiderate procedure. Why should there be such trenches? Wouldn't they be dangerous? How would animals or humans, especially children, be able to climb out again? Was it true, as some began to say, that the investor would place mines in the mounds, so that no one would dare to enter the plantation across its boundaries? Why alienate the Kara and Hamar by using such negative and exclusive forms of demarcation? True, the plantation would need some kind of fencing to prevent animals from straying in. But one would not need such deep, awesome trenches. Why not employ several dozen men from Kara and Hamar to build the traditional *aigi* (thorn fence) and *agala* (wooden fence) using the wood made available through clearing? Such fenced areas, called *darr*, are an age old practice of the Hamar, as well as other groups in southern Ethiopia (Konso, Wollaita etc.). Hundreds of miles of *darr* fencing criss-cross the Hamar highlands, and in recent years have been renewed and extended with the help of Farm Africa. Therefore, the demarcation of the

new plantation could well have been constructed using the know-how and help of the local people.

Some may object, saying that such *darr* fencing would need constant attention and renewal. Yes, this is true. But, if well planned, the fences could gradually be transformed into a dense, impenetrable hedge. Also, the wood needed throughout the first years would become available through further clearings for which the Hamar would like to enlist the support of the investor. These clearings are not for fields but for reconstituting and upgrading large stretches of land along the foot of the Hamar Mountains that used to be perfect for grazing. However, over the past fifty years, bush has encroached on these former pastures to such an extent that the Hamar are now searching for ways of retrieving these once ideal pastures. They suggest – but as yet have no one who would listen to them – that the cotton plantation might be the right partner for this venture. They also add that the plantation should cooperate with them when it comes to provision of water. Why not use part of the irrigation channels, which the plantation will eventually build, to provide water for the herds that graze along the foot of the Hamar and Bashada Mountains? And finally, why not do the planning and execution of large-scale and small-scale projects in conjunction, using not only virtual computer models for the purpose but real, tangible models showing mountains, rivers, fields, the project areas and the regions beyond, so that everybody, including those not familiar with writing, would understand and engage in the planning?

## Conclusion

Although this paper has a gloomy ending, its tenor is generally very positive. The rush for the acquisition of agricultural land, which we witness globally today, and which is also currently taking place in the South Ethiopian Rift Valleys, does not necessarily involve 'inescapable' conflict repercussions. On the contrary, large-scale agricultural investments offer great opportunities for local, national and international parallel development. However, this will hold true only if the implications of the IICC are clearly understood, and the code is strictly followed when it comes to the implementation of larger-scale agricultural projects.

Two implications of the IICC are especially important: (1) Investors need to be well informed in order to acknowledge local rights to land and muster local knowledge and competence to further equitable development. This paper exemplifies the existence of such local rights and expertise in the Woito Valley by a number of diary entries and government reports; and (2) Investors need to be offered succinct and feasible models for small-scale projects that are designed to complement their large-scale ventures. This point has been substantiated by an outline of the use of by-products that result from both sugar cane and cotton plantations, as well as an account of what the Hamar and Kara expect of the cotton plantation that is currently under construction in the valley of the Lower Omo.

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# SECTION II

## Socio-political and Conflict Implications of Land Deals: Cases from Ethiopia

# The Challenges to Pastoral Transformation to Sedentary Farming: The Case of Karrayyu Pastoralists

*Fekadu Beyene*

## Introduction

Challenges to pastoral livelihoods involve competitions over scarce resources, violent conflicts and massive charcoal production from communal woodlots. These are also described as some of the sources of change to pastoral livelihoods, all of which adversely affect land use and rangeland management (Devereux, 2006). Violent conflicts over scarce resources can also undermine the possibility of using these resources efficiently. Conflict limits livestock mobility and creates tensions. Demographic shifts can reinforce the same. Hence, conflict causes environmental damages (such as rangeland degradation) due to poor distribution of animals over a larger area and more herd concentration in a limited space. This will eventually affect land use and pastoral livelihood security (Ayalneh & Korf, 2007). Thus, enhancing land use efficiency, essential in enhancing pastoral transformation to realize food security, requires an appropriate land use policy (Grover & Anteneh, 2006). Recent work identifies a changing pattern of investment and land use where growing fruit trees on privately enclosed land (as an income source and land management strategy) was perceived as an innovative approach introduced by the state (Fekadu & Zelalem, 2009; Hagmann, 2006; CHF International, 2006, p.17). Scaling up of this practice and designing institutions that assist its sustainability is expected to improve pastoral livelihood security. A related work shows that enclosure has dramatically improved the rangeland natural resource base and has had a positive effect in meeting the diverse resource needs (Tefera, Demel, Hultén & Yemshaw, 2005). However, where area closure involves a large amount of investment in protection activities, it poses inherent challenges due to a high level of uncertainty on equitable sharing of results from participation in those activities (Shylendra, 2002).

All of these emerging land use practices could have a significant effect on rangeland management and sustainable use of natural resources in dry

land areas. Much of the relevant empirical work indicates that change in land use in pastoral and agropastoral areas has a strong link with the nature of land tenure in place and the influence of other policy-related factors (Lane, 1998). But there is ambiguity on the factors that necessitate adoption of a particular land use where the influence of the state and its land use policies are still believed to be minimal or are lacking (Samuel, 2006). This increases the need to examine those factors that can contribute to land use change, the influence they will have on overall pastoral transformation and their effect on the sustainable use of natural resources in pastoral areas. Pastoral investment associated with land use change can directly or indirectly contribute to distributional conflict, partly due to the non-uniform nature of the resource quality (Ayalneh & Korf, 2007). There is indeed a knowledge gap in explaining factors that determine a certain type of land use. But it can be anticipated that pastoral transformation can be a cumulative effect of a number of factors rather than a simple technological change that assists intensification. Examining the way land resources are used and managed does not only generate evidence on current land use practices and associated problems but also helps to examine the prospect of overcoming the challenges associated with pastoral transformation to sedentary farming in the long-term. This paper examines challenges associated with the development pathways of pastoral communities in relation to expansion of irrigated-farming and its effect in triggering distributional and violent conflict over pastoral resources. It also gives equal emphasis to the socio-political and economic pressure that may result from such investment on the grazing commons while such resources are being shared with the wider neighbourhood community. Through achieving these objectives, the paper informs of possible options to make voluntary pastoral settlement more effective.

## Concepts of property rights and land use

Common property denotes a regime where a well-defined group of users interact with environmental resources according to communally accepted sets of rules (Stevenson, 1991). Bromley (1991, p.25) calls it “private property for the group of co-owners” to indicate that co-owners exclude others, i.e. it is not open-access. However, co-owners hold a nonexclusive entitlement. As a result, they impose negative externalities on one another.

Rules regarding rights and duties to one another can be explicit or implicit. Furthermore, a group of right holders may or may not coincide with the group of users (Stevenson, 1991). This is because some right holders may lack the "ability to benefit" from endowed resources owing to asset or technological limitations (Ribot & Peluso, 2003).

Hence, a common property regime is defined as "a form of resource management in which a well-delineated group of competing users participates in extraction or use of jointly held, fugitive resource according to explicitly or implicitly understood rules about who may take how much of the resource" (Stevenson, 1991,p.46). Co-owners of common property have all forms of rights except the rights to sell their management and exclusion rights (Ostrom, 2003; Ostrom & Schlager, 1996). The existing literature implies the need to assess common property governance along two important dimensions. The first is whether its institutions achieve *efficiency* by creating a means for the maintenance of "multiple tenure" – representing the condition in which common property resources (from communal land) suit different uses (Sjaastad & Bromley, 2000; Stevenson, 1991). An important aspect to be carefully considered is the costliness of differentiating rights, as claims co-exist in order to meet different production objectives of group members. This becomes much more sophisticated when multiple tenures show competition in which one's action offsets the interest of the other. For instance, a tree in the communal rangeland could be used as a source of income for incense collectors while others use the leaves as fodder, generating continuous benefits in both cases. But adding a third category of user claiming a right to cut the tree for construction may increase the cost of maintaining multiple tenures. Thus, determining the boundary of rights for individual members is difficult because access to one resource will lead to an outcome that affects the other resource (Sjaastad & Bromley, 2000). One of the governance challenges to common property is how to achieve effective management of multiple tenures through defining rights and duties.

The second dimension by which governance of common property needs to be assessed is the extent to which it allows attaining *equitable* distribution of benefits. Equity could be achieved when co-owners with

limited capacity can "rent out" their right to others who are 'potential users' but are not members (Stevenson, 1991). In some cases, members of a group may have further rights to sell their use rights to others subject to the approval of the members (McKean, 1992, p. 252). This happens where communal groups are "full owners" (Ostrom, 2003). Whichever condition applies to a specific case, common property provides greater security to individual rights only when it enables co-owners to rent out their rights to convert endowments into entitlements (Ayalneh & Korf, 2007). Over all, the two dimensions support the assertion that in an ecologically variable and unpredictable resource supply system, tenure security is better achieved when resources are held in common, rather than being held in private, and users coordinate and adopt flexible access to respond to changes in demand (Ostrom, 1990, 2000; Nugent & Sanchez, 1998). Livelihood security in the semi-arid regions is arguably achieved through retaining communal holding that would allow the spreading of risk, prevent sporadic conflicts and which would serve as a mutually beneficial insurance mechanism.

The empirical literature on land use in the semi-arid regions indicates that private and communal land uses co-exist as land productivity in such ecosystems is uncertain and determined by fluctuations in rainfall. Although mobile land use through extensive livestock production dominated the system, a gradual increase in human population has triggered competition for potential land for private use. This has led to the emergence of dual land use systems (McCarthy, Janvry & Sadoulet, 1998), a circumstance that generates an underlying question, i.e. whether in the absence of technological change: (1) land productivity could increase, and/or (2) change in land use towards crop-farming (while grazing commons shrink) could be a sustainable change (Kamara, Michael & Swallow, 2005). It has been argued that land use change can contribute to improvement in household food security if such a change is associated with the adoption of new land management techniques. However, if change in land use is associated with an attempt to secure formal titles to the land through undergoing land registration per se, it is a flawed move as formalization erodes and displaces existing pastoral social networks that could provide security to grazing resources by permitting seasonal access. There is no empirically established link between tenure security

and an increase in investment in improving land productivity in poor countries (Bromley, 2008).

Some scholars argue about the failure of the commons' institutions in coordinating collective action to govern uses and users internally while efforts are made to exclude outsiders (or non-members). In extreme cases, overuse by insiders exhibiting an open-access situation could lead to resource degradation in the event of population pressure (Grepperud, 1996). Related literature considers inefficiency of common property regimes affecting resource management as attributed to a much greater focus on exercising simultaneous use rights of all members that could cause competition and overuse or more focus on exclusion rights causing under-use of the resource (Fuentes-Castro, 2008).

The above theoretical arguments and empirical observations have increased the ambiguity of whether policies and interventions need to favour or discourage prevailing land use and related investments in the semi-arid regions. A recent study examining determinants and impacts of land management indicates the need to be context-specific in identifying factors that influence specific investments in land management whether it involves external input use or labour-intensive technologies in managing the land (Mahamud & Pender, 2006). Thus, we need to properly understand the physical possibilities and the limitations of the environment in order to plan for sustainable land management and use (Mitchell, Espie & Hankin, 2004). This becomes even more complicated where customary land use systems and formal land administration laws experience mismatches and cause distortions and uncertainty among herders (Lengoiboni, Bregt & Molen, 2009)that can make cooperative behaviours in investing in land management essentially unpredictable (Kamara, Swallow & Kirk, 2004). The central proposition is that where land use change is augmented with technological change that improves land productivity, distributional conflicts over resources will produce disincentives unless supported with institutional change favouring fair distribution of benefits.

## Methods

Data source were both primary (pastoral/agropastoral groups, households, experts) and secondary (land policy, land use proclamations and related official documents). Data were collected using focus group discussions (FGD) at the village level. Key informants who could provide information on patterns of land use change and the driving forces from a historical perspective were purposely selected for the FGD. There were 16 FGDs held in the three districts. Interviews were conducted on general issues linked to land management in semi-arid pastoral and agropastoral areas, any relevant regional policy related to land use and management and their perception of the link between land use change, food security and distributional conflict over resources. In selecting *Kebele*, representativeness in terms of landscape, exposure to various forms of land management interventions and accessibility were considered. A systematic random sampling technique was used to select respondents in the district. In the next phase, a household survey was carried out covering 61 randomly selected respondents.

When collecting data, households without private land holding, livestock or both, though engaged in petty trade to achieve food security, were included as this practice reduces natural resource degradation given the increase in population. Such a livelihood option reduces direct dependence on natural resources. A standardized questionnaire was used for the survey. The data set consisted of: asset ownership (landholding and operation, perceptions on security of rights, livestock ownership); access to public services (health, agricultural extension, communication, local markets, education and transport); social capital (memberships in various community organizations and participation in a formal leadership, kin-based network density); human capital and access to financial capital; investment in land management (whether or not a household invested and the experienced practices) and related land attributes (nature of use, perceptions on soil fertility and slope of privately operated land, experience in land related conflict). Results reported in the next section are mainly based on qualitative data from interviews and discussions.

## Results

*Investment in land management in the Fantalle District*

There is diversity in the management of land associated with investment in farming. In some places participants of the FGD indicated the absence of any management intervention in soil and water. While some expressed that "we never intervened in nature's work," others indicated that there was enclosure and rotational grazing in grazing land management. Among extreme mobile groups, animal feed sources are confined to free grazing management in the rangelands without practicing cut and carry methods, haymaking and growing of grasses. In Dhebitte *Kebele*, for example, where irrigated-farming is practiced, there has been a tradition of planting and growing seedlings on the steep slopes so that the land holds soil. This land is stony, but it is locally believed that "God has prepared the landscape so that it holds water and floods which could be used in dry season." There was a collective decision to stop herding animals on the mountain. This was a measure introduced to prevent soil erosion emerging from Mount Fantalle. As a result, villagers in the *Kebele* observed the rehabilitation of grasses and plants on the mountain and a reduced incidence of soil erosion.

In other sites in the district, there has been exposure to practical training experiences where experts made pastoralists aware of the influence of environmental changes when they introduced the idea of productive safety-nets programs. They also trained pastoralists in soil and water management practices on privately held farms including terracing and other conservation practices such as constructing ponds and harvesting water for livestock. This knowledge is being applied to the new irrigation scheme. To improve governance, the user community appoints a *Melaka* (leader) whose role is to supervise and monitor water use within the framework of traditional institutions. This is instrumental in handling distributional conflicts over water. Insights from the FGD indicate that one of the important causes of land degradation is attributed to human and livestock population increase in recent decades. This increase forced households to violate traditional norms and to start range enclosure. Another important threat to the management of the grazing land is the incidence of violent conflict with the Afar ethnic group as they expand

their land use into others' grazing lands[1]. A typical case is the Arole rangelands falling at the boundary, at which the use of irrigation water by the Karrayyu pastoralists has reduced the availability of water for livestock watering by the Afar herders, creating fears of possible sources of conflict and instability in the event that more and more water is diverted to irrigated farms.

In this district, the benefit generated from communal land use is expected to be much more than private land use since investment in the former requires less labour. A contrary view also exists where the population problem is not considered seriously and the available land is believed to be sufficient for the whole community. Communal use of land is perceived to be closely associated with culture and ways of life in the pastoral community whereas private land use requires more family labour undermining such cohesion. Above all, inadequate experience in undertaking certain land management practices reduces confidence in the crop-farming business. Land splitting for private land users is presumed to create diseconomies of scale illustrating the herders' preference for the scale-dependent extensive semi-arid land use system. Insights from the discussion show that one can cultivate the land for subsistence needs if s/he needs to produce grains while land is used for communal grazing. Introduction of the state-sponsored irrigation scheme along which land has been re-distributed to households made most worry about the prospect of securing livelihoods. Livestock production, communal land use and the use of animal products such as milk, meat and butter that have existed for generations is under threat and which, for the pastoralists, suggests a renewed form of land alienation. Further probing reveals the absence of interest in land certification for private land use rights. An important proverb from the discussions: "Three things always spoil: when butter is left in the heat, when salt gets wet and when pastoral society is interfered with by the government, then all three things end up spoiling. We have a culture where decisions are made in a collective."

The household survey shows that pastoralists in Fantalle District possess 0.38 hectares (ha) of land on average out of which 0.32 ha has been

[1] This is especially the problem in Xuxuxxi *Kebele*.

allocated for crop production and the total number of plots managed is 1.48.Of the entire sample, only 3 households (1.7%) did not have land for private use. Up to 70.6% of the respondents use less than or equal to 0.9ha of land privately. Only 29.4% possess more than a hectare of land for private use while the per capita land holding is only 0.07 ha, which was judged to be inadequate. In terms of average livestock ownership, a household possesses 12.93 Total Livestock Unit (TLU) where per capita livestock ownership is 2.35 TLU. This indicates that land use change is a gradual process and there is no fast splitting of the grazing commons.

In Fantalle District, there is still large communal grazing land. Irrigated-farming has become common since the diversion of the Awash River by the Oromia Regional Government. The intention was to enable herders to diversify their income sources and achieve food security through investing in land and water management and learning new skills in farming. Herders grow high value cash crops, mainly shallot, using irrigation and the average landholding of this group is 0.42 ha per household (which falls within the recommended size in the regional land administration and use proclamation indicating that the maximum holding size should not exceed 0.5 ha).[2] In general, three forms of land use are possible: land solely for grazing where herders are involved in livestock production, combining crop and livestock production and crop-farming for those who have completely lost their herd. The latter forms of land use became a source of land use conflict with those solely involved in livestock production. This undermines efficiency gains from investment in land management having a spill-over effect in achieving food security.

Another development in the district is the existence of both modern (cemented canals) and traditional systems of irrigation which encourage investment in farming. There are 13 *Kebele*s operating three modern and eight traditional irrigation systems. Although pastoralists can harvest three times in a year, unstable market prices and the absence of contract farming have reduced the benefits from irrigated-farming. Three forms of irrigation exist in the area: water obtained using *gravity*, through *diversion*

[2] Oromia Rural Land Use Administration Proclamation, No. 130/2007,p.11.

of the canals or through *motorized* pumping. Of this, 1629.50 ha are under traditional systems of irrigation, while the remaining is categorized as modern since the canals are cemented (see Table 1).

Table 1: Irrigation systems in Fantalle District

| Kebele | Area (ha) | | No. beneficiary households | Average irrigated land (ha) |
|---|---|---|---|---|
| | Planned | Developed | | |
| Sarewabe | 280 | 185 | 300 | 0.62 |
| Gadofafate | 218 | 175 | 257 | 0.68 |
| Turobedentota | 142 | 142 | 265 | 0.54 |
| Alge | 126.5 | 126.5 | 105 | 1.20 |
| Garadima | 157 | 146 | 280 | 0.52 |
| Gola | 180.5 | 180.5 | 342 | 0.53 |
| Galcha | 136.25 | 136.25 | 430 | 0.32 |
| Gidara | 588.5 | 557.5 | 1100 | 0.51 |
| Turo | 684.5 | 263.5 | 1200 | 0.22 |
| Dire saden | 717 | 609 | 1300 | 0.47 |
| Tututi | 286.5 | 120.5 | 500 | 0.24 |
| Ilaala | 534.5 | 402.5 | 1000 | 0.40 |
| Dheebitti | 343.25 | 181.5 | 600 | 0.30 |
| **Total irrigated** | **4394.5** | **3225.75** | **7679** | **0.42** |

Source: Agricultural water management baseline survey of 2010 (Fantalle District office archive).

There are also trainings offered that could motivate investment in farming and natural resource management. These trainings were given within the last decade as state policies take care to improve pastoral livelihoods within the framework of sustainable development and poverty reduction in order to achieve the Millennium Development Goals. The improved link between pastoral communities and research centres is typical in terms of investing in community-level capacity building on land resource management, production of high value cash crops and income

diversification strategies. The role of such research centres and others in favouring land use change cannot be undermined given the content of the training they deliver (Table 2).

Table 2: Types of training offered in Fantalle District

| Levels | Participants | Topic | Year | Trainer |
|---|---|---|---|---|
| District | 228 | Sesame production, moisture stress; rangeland management and rehabilitation | 1999 | Melka Werer Research Centres |
| Kebele | 70 | Livestock production; rangeland management; sesame production | 2000 | An expert |
| District and Kebele | 52 | Vegetable and fruit production; seed multiplication; animal forage development | 2002 | Melka Werer and Melkassa Research Centres; Adami Tulu Research Centre |
| District | 75 | Poultry production | 2003 | Christian Children Fund (CCF) |

Source: Fantalle District office archive, 2010.

Finally, the local level land use and classification practices demonstrate the national policy in promoting livelihood diversification and an integrated crop-livestock-based production system even in a pastoral setting. This is implemented through voluntary settlement. Irrespective of its effect on food security and investment in land management, the impact of this process cannot be undermined in terms of its influence in land use change. In this case, the state farm, the national park and land lost due to flooding account for 17.35% of the district's land which cannot be used by pastoral families. Land under permanent and annual crop cultivation still accounts for 26% of arable land, indicating that the district's land use plan signals further possible expansion of investment in the private use of

land for farming. However, comparing Table 1 and Figure 1,[3] there is no indication that adequate water is available for irrigation on a wider scale since the area planned for irrigation is only 0.11% of the total arable land.

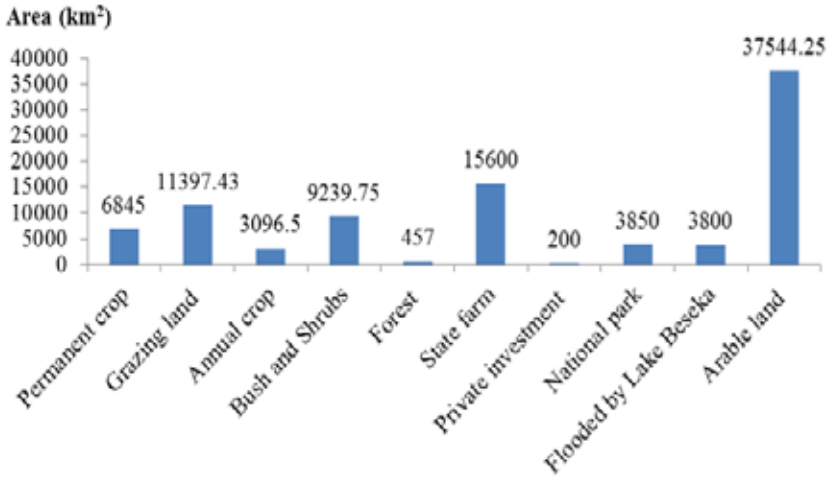



Figure 1: Land use and classification of the Fantalle District
Source: Office archives (2010)

*Customary land use and investment in land management*

In Fantalle District, herders still exercise customary land use rights for communal grazing whereas this has become difficult at boundaries with other regional states. As land use change towards farming has restricted herd mobility, management of communal grazing land has become challenging. Under exclusive communal land use systems, pastoralists used to have rights to cut wood for home construction. After private land use was introduced, the right to cut wood from an individual's plot of land requires getting permission from the right holder. This indicates that land use change involving change in property rights contributes to the protection of woodlots as internally open-access situations disappear.

[3] Planned irrigation covers only 4394.5 ha (or 43.945 km$^2$) while the arable land is 37544.25km$^2$.

This overcomes the persistence of perverse incentives where short-term gains override long-term environmental sustainability as common property exhibits an open-access characteristic (Grepperud, 1996).

But this situation is interpreted suspiciously by pastoral herders where land use change undermines the perpetuation of rights to multiple resources enjoyed under the customarily governed common property regime. This pessimism is associated with land lost due to the establishment of a large state farm in 1977 (where herders suffered broken promises)[4] and the alienation of large tracts of grazing lands for a national park[5]. In addition, there has been a weakening of customary rights in connection with land conversion. This is revealed through the decline in bridging social capital(i.e. relations between pastoral communities) (in defending

Table 3: Contributions in communal land management (%)

| Contributions | | Sample respondents (%) |
|---|---|---|
| labour in enclosing | Yes | 50.8 |
| | No | 49.2 |
| gully stabilization | Yes | 52.5 |
| | No | 47.5 |
| protected area management | Yes | 90.2 |
| | No | 9.8 |
| exposing charcoal makers | Yes | 65.6 |
| | No | 34.4 |
| preventing intruders | Yes | 75.4 |
| | No | 24.6 |
| practice seasonal grazing | Yes | 62.3 |
| | No | 37.7 |

[4] When the Matahara Sugar Factory was established, the then government promised to give 100kg of sugar to each household peryear as compensation for the large tract of grazing land (15,600 $km^2$ )lost to the state farm (used as a sugar cane plantation).

[5] See also Eyasu (2008) for greater details on land alienation in pastoral areas of Ethiopia, including in the Fantalle District

communal rangeland) as greater attention is paid to investment in privately held farms. However, there is an increase in bonding social capital[6] (i.e. group solidarity within a pastoral community) since collective labour pooling is needed for some farm activities including gully stabilization and establishing communal enclosures serving as livestock feed banks.

Government intervention in the district, using safety-net projects, has introduced certain land resource conservation practices and has contributed to the dissemination of useful knowledge in land management. The impact of this is difficult to assess as the program has started only recently. In some of the district's villages, training was organized for targeted households in order to improve their knowledge of haymaking and forage conservation which was expected to reduce pressure on the communal rangelands. They were organized into groups to facilitate co-learning. Beyond this, pastoral herders are engaged in different types of communal land management partly introduced through the state environmental management programs (Table 3): most herders practice "protected area management" and "preventing intruders" (non-clan members who might overuse their grazing areas), and "exposing charcoal makers" (through reporting to legal bodies and adhering to the seasonal grazing arrangements) have also been adopted by a great proportion of herders.

However, despite this intervention and local innovative practices in land management, conflict with neighbouring ethnic groups is a challenge. Such conflict was previously settled through elders' negotiations, and often led to agreements. Elders' intervention is no longer successful. Government intervention is perceived to be the solution for interethnic conflicts consistent with the literature on conflict resolution (Unruh, 2006). Population pressure resulting in reduced per capita land for grazing, land allocation for large-scale investment by "outsiders" and the program of settling farmers as the unemployed are important challenges

[6] Bonding social capital refers to trusting and co-operative relations between members of a network who are similar in a socio-demographic sense whereas bridging social capital comprises relations of respect and mutuality between people who are dissimilar in certain socioeconomic features (Blakely and Ivory, 2006, p. 35; Ostrom, 1999).

to grazing land management. To reaffirm the importance of land, a key informant expressed the deep-rooted grudge held against land-grabbing non-residents as: "A man who is not protective of his wife and land does not deserve a status of man."

*Benefits from land use change*

To practice farming, pastoralists in Fantalle District construct stone bund as a new skill learned from farmers, which was introduced through the productive safety-nets program. Previously, customary grazing practice rehabilitated the lands. However, as a result of recent population pressure, there has been an increase in competition to enclose land for farming. When there is adequate rain in the months of June and July, pits are prepared to conserve moisture and plant seedlings. Others believe that farming can contribute to food security only if there is sufficient water for irrigated-farming. This indicates that the existence of dual land use enabled herders to better integrate farming practices with environmental sustainability. The resource attributes that vary across the districts influence the choice of activities in farming and ecosystem management. Enclosing of communal land to allow rehabilitation and investments in privately used land reveal how pastoral herders, influenced by a number of internal and external factors, practice efficient land use.

*Perception on gains from crop and livestock*

Livestock production was used to contribute to household food security although frequent droughts decrease or hinder reliability on pure pastoralism. The recent introduction of irrigated-farming through state-sponsored projects has prompted involvement of pastoral households in irrigated-farming. Pastoralists employ labour from the nearest town of Matahara. A different view of land use change, associated with crop-farming, comes out of the Dhebitti *Kebele* where the importance of crop-farming in achieving food security remains contested. Pastoral households are suspicious of the contribution of crop-farming in the event of poor/no rains. Diversification of livestock species is more reliable than moving into crop production as the presence of strong social capital (networks) facilitates exchanges of livestock grazing resources depending on feed availability, which in turn enables households to cope with shocks.

Discussion with key informants indicates the presence of strong uncertainty whether they "should go for livestock or settled farming" because previous state investments in the area and the subsequent shrinkage of land has caused conflicts with neighbouring ethnic groups. Before the grazing land was taken away for state farm and national park, mobility was not restricted. Nevertheless, a decline in livestock productivity remains the challenge as grazing land has been lost due to these factors. In effect, pastoralism, which gives social protection[7] to individuals, is sacrificed as crop-farming, which does not support the destitute, replaces it. The expansion of irrigated-farming created tensions rather than improving tenure security. There are two reasons for this. One reason is that pastoral households lack knowledge and experience in farming practices, which resulted in low levels of confidence in generating reliable benefits from irrigated-farming. Secondly, their lack of competence and poor skills undermine efficiency and are expected to result in undesirable outcomes such as the government taking away the land to give it to efficient land users.

Herders explain that livestock contribute to food security as it this practice is not as labour-intensive as farming. Households whose members are weak or sick use collective herding to keep their herd with others. This collective work cannot be done with farming as farming requires intensive (individual) labour. Farming also destroys the social structure of the pastoral society which was characterized by being together. In short, embedded social values and practices could disappear with land use change favouring farming. The suitability of the soil itself for irrigated-farming is in question as livestock become sick when they lick the salty soil in the area.[8] This indicates that both social and ecological systems favour communal land use. Table 4 provides the extent to which herders rely on different livestock feeding activities considering feed sources.

[7] Pastoralism serves as a safety-net in providing social protection as livestock products are shared among poor families.

[8] This requires further investigation into the chemical properties of the soil.

Table 4: Livestock grazing management activities practiced

| Grazing practices | | Frequency | Percent total |
|---|---|---|---|
| Feed crop residue | No | 4 | 9.8 |
| | Yes | 57 | 90.2 |
| Grazing on privately enclosed land | No | 19 | 34.6 |
| | Yes | 42 | 65.4 |
| Grazing on others' enclosed land | No | 47 | 76.9 |
| | Yes | 14 | 23.1 |
| Grazing on communal land | No | 15 | 39.5 |
| | Yes | 46 | 60.5 |
| Growing improved forage species | No | 53 | 66.5 |
| | Yes | 8 | 33.5 |

Expert interviews indicate that it is difficult to sufficiently explain the causal relationship between land use change favouring crop-farming and food security. A one-time success due to good rainfall can motivate pastoral herders to continue to grow crops. Others who observe their neighbours are encouraged to do the same. This process, together with population growth and climate change, has increasingly opened a path for greater expansion of agriculture in pastoral areas. Nevertheless, the contribution of land use change to household food security needs to be evaluated based on sustainability grounds. If successes in crop-farming are not sustainable, the contribution of land use change to food security is questionable. Where irrigated-farming is practiced, food security can be achieved if the capacity of herders in managing irrigation systems is improved, though this seems to be overlooked in the current extension service. In Fantalle District, family labour is not used for irrigated-farming because herd splitting on the basis of species is given priority

during grazing.[9] In addition, there are some limitations associated with land use change including:

- the fear of losing livestock-based livelihoods (secured ways of living from cattle, goats and camels as families' most precious assets);
- tensions associated with possible redistribution of irrigated-farming plots to other households within a village;
- the shift from external (with neighbouring ethnic groups) to internal land and water-related disputes; and
- poor farming-related motivation and the possible abandonment of large grazing areas.

*The link between land use change (investment in farming) and disputes/ violence*

The source of conflict in Fantalle District is slightly different from agro-pastoral herders due to the practice of free grazing. The survey shows that 55.7% of the respondents indicate extended herd mobility triggering conflicts with neighbouring groups. Land-related conflict between distinct ethnic groups occurs when there is a large livestock population and communal grazing arrangements are widely practiced. Divergence of opinion exists among focus group participants. The influence of land use change in triggering conflict is not yet perceived, as it is a recent phenomenon and/or is limited in scope. But others indicate that a reduction in the size of the commons (due to widespread small plots of land for farming) has resulted in an escalation of conflicts. This happens in villages where irrigated-farming has induced change in property rights and land use patterns.

Moreover, new forms of relationships with external investors have been created as a result of irrigated-farming, including multiple contractual relations related to investment. There is also a need to introduce water-use rules and enforcement strategies that should be designed to overcome disputes among contested users. An important threat to investment in irrigated-farming could be the regional land administration and use

[9] For instance, Karayyu pastoralists move their herds as far away as the Ziway area during severe droughts.

proclamation (No. 30/2007, p.10) that indicates the possibility for irrigated lands to be redistributed depending on internal demand. This redistribution might be required to create access for new families from within the user-groups themselves.

The survey indicates that 31.1% of the respondents experienced land-related disputes due to the introduction of irrigated-farming. Private use of land and land allocation processes are also important sources of conflict. The community criticizes this process for two reasons: it increases disputes, and the provision of certificates for private land use is perceived to be a government strategy to formalize land use rights. It is feared that this practice will lead to the loss of customary rights in favour of state ownership. Discussions with elders reveal perceived property rights insecurity that in the long run, the state may alienate undistributed or unallocated land by taking it away from the community. A more comfortable situation for the community is the customary tenure that provides the rights to use the land communally. Assessment of the need for land certification reveals that 42.6% of the respondents in Fantalle District indicated that land certificates are not necessary. Those who fear loss of customary land might have tended to demean the importance of certification. Of the sample households, 55.7% experienced violent conflict over communal grazing land.

An important trend is that while farming causes disputes among households within the same community, communal land use practices trigger violent conflicts between different ethnic groups in different regions. Control rights receive greater attention than access rights as grazing land becomes scarce and certain groups begin to practice farming. As irrigated-farming enables harvesting twice or thrice per year, the frequency of conflict is higher than when farming is rain-fed. Hence, in a system where land use change is caused by investment in irrigation, the frequency of disputes rise and are attributable to the incentives attached to increased land productivity. On the other hand, land use change under irrigated-farming has reduced conflict over grazing land. And over the years, disputes have relatively increased within the same village. Internal disputes in connection with access to water resources (distributional conflict) are settled by elders since they occur within a specific ethnic group, contrary

to interethnic conflict over grazing land. This indicates the potential of customary institutions in managing disputes related to land use change. It suggests the need to recognize the evolved role of customary systems rather than replacing it with the formal system.

Interviews with regional experts show that the private land use certification procedure was not conducted in the pastoral areas because of fears of causing conflict. Requests for private land use were left to be addressed by customary institutions where such institutions were believed to be effective in resolving land-related conflicts specifically for land allocated to crop-farming within a specific village. Land use certification is felt to be unnecessary. An important challenge is that outsiders (non-residents of the pastoral villages) who speculate that land value could increase in the future seem to occupy pastoral areas for private use.

**Lessons drawn**

The challenges of pastoral transformation to sedentary farming (in order to ensure food security) are multifaceted and should be seen along two pathways: those relying on rain-fed farming and others assisted by irrigation facilities. Among those pursuing rain-fed farming, field-based evidence indicated that investment in farming did not improve herders' livelihoods. A lesson from the second pathway is the need to design an intervention that supports livestock production in a way pastoral herders can adapt to the environmental changes affecting livestock production rather than shifting their production systems.

This is because such an attempt to shift production systems was found to be unreliable in ensuring food security while destabilizing customary resource use arrangements. This phenomenon is consistent with a theoretical proposition by Bromley (2008) in which change in land tenure policy involved the transformation of land rights (dating from the mid-1970s). This change favoured a state property regime and private use rights by farmers, which has in turn progressively increased common property insecurity among the Karrayyu pastoralists.

The existing training and extension interventions give special emphasis on crop-farming and this has also produced a bias against pastoralism. Moreover, moisture stress causes crops to suffer, resulting in a general increase in uncertainty in yield level. The survey result reveals that 16% of herders abandoned crop land due to limited benefits from opportunistic farming, which has increased ecological fragility and environmental degradation. This in turn increases resource scarcity resulting in violent conflict over the remaining resources. Hence, an attempt to transform pastoral systems to sedentary farming under rain-fed conditions can be rather destructive and can increase the challenge to the survival of pastoralism itself. The policy implication is that the state needs to invest in common property tenure security, and extension interventions need to pay greater attention to livestock rather than to crops. Furthermore, there is a need to invest in infrastructure that supports livestock production (veterinary services, water supplies, livestock feed conservation, livestock marketing) and to revise the institutional arrangements with respect to land certification and the administration to safeguard communal pastoral land.

With regards to the second pathway, where crop-farming is supported by irrigation, unstable market prices and limited knowledge of irrigated-farming reduce the benefits from such production activities. Market failure negatively affects efficient land use since the incentive to innovate declines if the market price fails to accurately reflect the investment cost, at least in areas where irrigated-farming of high value crops is practiced. Land use policies that can contribute to the sustainable management of the rangelands as well as realizing food security through the adoption of crop-based technologies in irrigable areas require a rather integrated approach where state interventions should combine salinity management, herders' skill development in farming and the establishment of marketing strategies to hedge against the risk of dramatic price fluctuations. A simple investment in water diversion for irrigation will indirectly aggravate resource-based conflicts. This problem tends to occur when herders gain less from irrigated-farming and compete (over the grazing commons) with other herders relying on livestock alone. Voluntary settlement and transformation to sedentary farming in irrigable areas require further efforts in capacity building for herders in order for them to effectively

manage their farms.

While assessing the socio-political pressure resulting from pastoral transformation, it became evident that as the change in land use involving the expansion of private holdings increases, the right to cut wood from an individual's plot of land requires getting permission from the right holder. This indicates that land use change causing change in property rights contributes to the protection of woodlots – a process that led to the relinquishing of the internally open-access situation associated with the common property regime. Ultimately, an important lesson is that in places where access to grazing resources is highly politicized (at regional boundaries) due to competition to secure control rights to land, violent conflict occurs as an essentially institutional problem having little to do with investment land management. Socio-political relations among neighbouring pastoral groups differing in ethnicity and regional administrations can be distorted in connection with pastoral transformation. Finally, a useful point demanding further investigation in the case of Karrayyu and Afar pastoral relations is that the use of water resources being diverted for irrigation has caused a reduction in water availability for down-stream users which rely on the same resource for livestock watering. The co-existence of such groups requiring water for different purposes can be peaceful only if water use rights are negotiated and settled smoothly. Such issues might require intervention from the governing authorities.

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# Land Use, Pastoralism and Transformation Challenges in the Afar Regional State of Ethiopia

*Mulugeta Gebrehiwot and Firehiwot Sintayehu*

## Introduction

The Government of Ethiopia (GoE) has launched multi-dimensional war on poverty with the objective of becoming a middle-income country by 2030. The state intends to achieve this target through a set of five-year plans of which the first five-year growth and transformation plan (GTP) has been launched and is now undergoing a mid-term review. Among other things, the GTP has planned for large-scale agricultural investment along the riverbanks of major water courses, including developments using the Awash, Wabishebele, Genale, Dawa, Akobo, Weyib, Omo and Abay Rivers.

The plan for large-scale agricultural investment is not limited to state and local private sector capacities, but also includes calling for foreign direct investment in this sector. The call for foreign investment has attracted some investors and the GoE has started providing land for investment with a variety of incentives. The GoE asserts that land prepared for such large-scale investment is focused on uncultivated fertile lands. It believes that the crucial way to fight poverty, among other approaches, is to make use of available natural resources including using land for commercial agriculture. However, this exercise is not positively viewed in all corners and some call it part of the "global land grab," which benefits investors at the expense of the local people.[1]

The objective of this study is not to investigate the economic viability of these investments, as the authors believe there is a lot of debate and writing already looking into that area. Its objective is rather to contribute to the discussions on the socio-political dimension of these

[1] For example, see Lavers (2012); Dessalegn (2011).

investments in general and its relationship to minority rights and conflict in particular. Moreover, the paper does not intend to study all of the new land developments in the country but to particularly focus on the Afar National Regional State (ANRS). To achieve this objective, the paper attempts to review the aims and approaches of the GoE's strategy paper named 'accelerated and equitable development for the emerging regions,' the plan for large-scale investment in the ANRS and its progress so far, the on-going villagization programme in the vicinity of the land under development, and to investigate the impacts of these policies and strategies on the rights of the indigenous people as well as their impact on conflict.

Books, articles, journals, reports and newspapers which are believed to be relevant to the objective of the research have been reviewed. Furthermore, the research includes primary data obtained through semi-structured interviews with key informants as well as personal observations of the researchers on-the-ground. In this regard, personnel from the Ministry of Agriculture (the Agricultural Investment Directorate), the Sugar Corporation, the Ministry of Federal Affairs (the Equitable and Accelerated Development Directorate) and the National Election Board have been contacted at the federal level, while the Tendaho Sugar Development Project (TSDP) and the Kessem Sugar Development Project (KSDP)[2], the ANRS' technical vocational educational training (TVET) (previously the Tendaho-Kessem Coordination Secretariat)[3], the Afar National Democratic Party (ANDP), members of Zone 1 and Zone 3 administrations, and community members who were directly impacted during the implementation of development projects have been interviewed. Researchers' personal observations took place by traveling to the newly established villages of Sabure and Ayrolef located in Zone 3 and Zone 1 respectively.

[2] The TSDP and KSDP are two separate sugar development projects which are both located in the Afar National Regional state and their management is merged as they are located in the same regional state.

[3] The ANRS TVET took the same physical pace as the Tendaho-Kessem Coordination Secretariat though it only retained the training component of the project.

The paper is organized into five sections. The first section is a historical background on the ANRS, the second section summarizes the GoE's strategy for accelerated and equitable development, the third section looks into the scope and objectives of the TSDP and KSDP, the fourth section summarizes the reactions of the primary stakeholders on new development, and the fifth section summarizes findings, and comments on the way forward.

**Background of the Study Area**

The ANRS is located in the north-eastern part of Ethiopia at latitudes of between 39º34' and 42º28' east, and at longitudes of between 8o49'and 14º30' north. It shares international boundaries with Eritrea in the north-east and Djibouti in the east, and shares regional boundaries with the regional states of Tigray in the north-west, Amhara in the south-west, Oromia in the south and Somali in the south-east. The administrative structure of the ANRS consists of five administrative zones, 32 *Woredas,* 28 towns, and 401 rural and urban *Kebele*s. The ANRS is characterized by high temperatures reaching up to 40°C, highly uneven average precipitation between 5 and 600 mm annually, and recurrent droughts and floods (Environmental Protection Authority (EPA), 2010; Rettberg, 2010).

According to the 2007 population and housing survey, the total population of the ANRS is 1,390,273. While 90% of the residents are of Afar nationality, the remaining 10% represent Ethiopians from other nations and nationalities who settled either as agricultural labourers or small business owners in the small towns in the main transport corridor to Djibouti. The non-Afar residents of the ANRS, according to national statistics, include the Amhara (72,523), the Argoba (21,612), the Tigre (15,940), the Wolayita (8,256), the Oromo (8,471), and others with numbers ranging from 1 (Derashe, Shekicho, etc.) to 2,491 (Hadiya) (Central Statistics Agency (CSA, 2007).

Currently, the main commercial agricultural developments in the ANRS are large-scale sugar cane plantations run by a GoE enterprise, the TSDP and KSDP, which affects Zones 1 and 3. Thus, the foci of the research

are the *woredas* affected by the new sugar development projects, namely, three *woredas* from Zone 1: Dubti, Asayita and Afambo, and two *woredas* from Zone 3: Awash Fentale and Dulecha. Table 1 summarizes the population composition of the affected *woredas*.

Table 1: Population composition of affected *woredas*.

| No. | *Woreda* | Total population | Male | Female |
|---|---|---|---|---|
| 1 | Dubti | 65,342 | 34,893 | 30,449 |
| 2 | Asayita | 50,803 | 27,284 | 23,519 |
| 3 | Afambo | 24,153 | 13,312 | 10,841 |
| 4 | Awash Fentale | 29,789 | 15,475 | 14,305 |
| 5 | Dulecha | 20,687 | 11,202 | 9,485 |

Source: CSA (2007)

The history of large-scale agricultural investment in the ANRS starts from the imperial regime in the 1960s. The Afars, before the creation of the modern Ethiopian state, had a traditional governance system called the 'Afar Sultanate' led by a sultan with an established power transfer system that followed blood lines. Integrating the Afar region into the imperial project of creating a centralized state was difficult, especially when this integration is compared with the history of the rest of the country. The appointed administrators who were sent to the area were not efficient until the Emperor found a way of integrating the sultanate by appointing the Sultan as *Bitweded*[4] giving him some autonomy, and thus, was able to integrate the Afar Sultanate into Ethiopia. It was as a result of this arrangement that the imperial regime consulted the Sultan of Afar when it provided a large concession of land for a cotton plantation to an English company, Mitchell Cotts. As part of the concession, the Sultan and his family were allowed to access capital for a similar investment.[5]

[4] *Bitweded* was a title given to administrators who were loved and respected by emperor.
[5] The exercise of autonomy by the Awsa Sultan and his family is broadly discussed in a book, "Sultan Alimira Hanfre's Memories," (Ahmed, 2011), based on an interview with Sultan Alimira Hanfre, his son, Hanfre Alimira, as well as others' testimony.

The beginning of large-scale commercial farming in the Afar region was part of a wider direction taken by the imperial regime's third five-year development plan adopted in the early 1960s, and which focused on increasing exports and reducing imports. Various development initiatives along the Awash Valley as well as large-scale farming along the banks of the Tekezze River were part of this plan and their development considered inviting foreign investors to invest in plantations, and livestock development as well as food processing (Kloos, 1982a). It was with this perspective that the imperial regime created the Awash Valley Authority (AVA) in 1962. All in all about 52,300 hectares of land were irrigated in the Awash Valley by 1973, out of which 2,500 small plots of land (less than 10 hectares each) were controlled by the Sultan of Awsa. Sultan Alimirah Hanfre started his own commercial agriculture initiative in the 1960s threatened by the insecurity of losing all of the land to outsiders. However, his initiative was only beneficial to a few friends, and the tribal leaders, who earned income from leasing the land (Kloos, 1982b).[6]

This situation completely changed during the military regime as it prohibited private land ownership[7] and nationalized all commercial farms in the nation. As a result, the commercial farm run by Mitchell Cotts and the farms run by the family of the Sultan were nationalized. Furthermore, the Sultan, understanding that the government did not intend to recognize the Awsa Sultanate, fled to Djibouti and eventually to Saudi Arabia from where he declared that he had launched the Afar Liberation Front (ALF) to fight for self-rule in Afar (Ahmed, 2011).

At this time, the former commercial farms were converted into state farms. As the state farms expanded, the smallholdings of the Afar communities

[6] This has been confirmed by key informants for this research while Sultan Alimirah Hanfre argued otherwise that his commercial agriculture scheme was equally available to all interested and served as a safety net through the provision of credit to the Afars while the Malaks were responsible for providing technical support to the Afars who were involved in the agricultural investments (Ahmed, 2011).

[7] On 4 March 1975, the "Provisional Military Administrative Council" – also known as the Derg (the council) – after it had overthrown the imperial regime of Haile Selassie, announced an agrarian reform program known as Proclamation No. 31/1975, the "Proclamation to Provide for the Public Ownership of Rural Lands" (Crewett, Ayalneh & Korf, 2008).

were co-opted by the farms. Moreover, the pastoralists were affected when the state farms slowly started to expand along the Awash Valley, an area used as a last refuge by pastoralists when drought affected the large rangeland they used for grazing. At the demise of the Derg Regime and the advent of the Transitional Government of Ethiopia, the centralized land management system ended and post-1991 rule focused on the decentralization of power, which implied that self-rule is exercised by the regional states of Ethiopia (Tegegn, 2007).

During the period of decentralization, the Afar pastoralists claimed the land nationalized by the military regime, resulting in the return of large sections of the nationalized land to the communities. The reallocation was done in accordance with their traditional inter-clan institutions, and meant the beginning of informal land markets, where most communities opted for sharecropping arrangements with private investors (Abdurahman, 2002). Initially, the ANRS administration was in charge of legalizing such arrangements between private investors and communities. However, after the region's land proclamation was issued in June, 2008 and brought into line with the constitutional provision that clearly articulated that land is publicly owned, this arrangement was questioned and investors were asked to provide at least 20% of the land they developed for settling pastoralists and to pay lease prices to continue using their landholdings. Some opted to abandon their holdings while many saw it as a guaranteed arrangement for continued investments. In an interview with the Zone 3 administrator,[8] He explained that this measure was taken not only because of the new decree, but also because the regional government saw that the sharecropping arrangement did not benefit community members equally, but instead was used by clan leaders to profit at the expense of their communities.

A vast majority of the Afar people engage in pastoralism,[9] a lifestyle that is being challenged as a result of several factors. The main challenges come from the rapid increase in population and the continued loss

[8] Key Informant Interview (KII) with Zone 3 administration, 19 March 2013, and Head of Tendaho-Kessem Development Projects. 22 March 2013.

[9] The history of farming in general and that of large-scale commercial farming in the ANRS is limited to the Awash Valley.

of precipitation due to expanding desertification, compounded by the massive loss of communally-held grazing areas and mobility under conditions of a growing population leading to impoverishment (Devereux, 2006; Rettberg, 2010). These challenges are intensified by the continuously expanding tree, *Prosopis juliflora* - a drought-resistant and salt-tolerant plant introduced by the GoE in the 1980s to improve the climate of the area and to provide shade – which negatively impacts on grazing and farmlands. The ongoing low-level conflict with the Issa community is also challenging their survival. For example, for clans like the Baadu, their rainy-season pasture is occupied by the Issa and their dry land pasture is overtaken by the *Prosophis juliflora*, which is too thorny for livestock consumption and which prevents other plants from growing around it given its deep-rootedness (Rettberg, 2010).

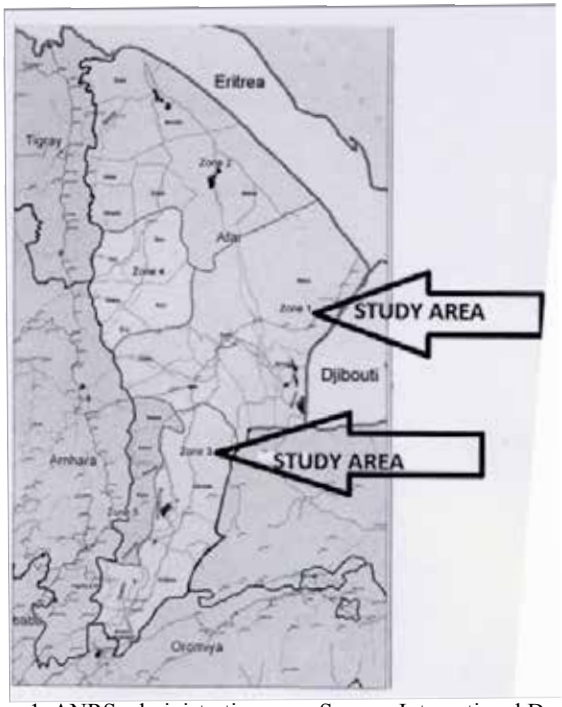



Figure 1: ANRS administrative map. Source: International Development Partnerships, 2012.[10]

[10] Retrieved February 15, 2013 from http://www.idp-uk.org/Resources/Maps/Maps.htm

## GoE's Strategy for Accelerated and Equitable Development

The GoE has designed the GTP to lift the country into middle-income status by 2030. It has also developed an accelerated and equitable development strategy as part of the national strategy, with a clear objective of assuring accelerated and equitable development to the emerging states.[11] The strategy envisages the formation of a Federal Special Support Board established by Ministers' Council Regulation Number 23/2003 and tasked with serving as the principal executive agency for federal support to the emerging regional states (with the Ministry of Federal Affairs as its secretariat). The content and design of the strategy is in line with Article 89 of the constitution of the Federal Democratic Republic of Ethiopia (FDRE), which obliges the federal government to support the less developed parts of Ethiopia which are mainly inhabited by pastoralists and agro-pastoralists.

The rationale for the strategy is the role the development of these areas plays in the overall development of the country and the need to put the indigenous communities at the centre of development. The communities in these "emerging states" are pastoralist and agro-pastoralist, who have been continuously marginalized, and who require special attention if they are to keep up with the development of the rest of the nation. The GTP considers, as one of its activities, the development of large-scale commercial farming which is not limited to local demand for production and import substitution, but which also earns foreign currency through the export of processed and semi-processed agricultural products. Sixty-one percent of the country's arable land is found in the "emerging states." Though these parts of the country are characterized by enduring rainfall shortages, major perennial rivers such as the Awash, Wabishebele, Genale, Dawa, Akobo, Weyib, Omo and Abay Rivers drain and pass through fertile land, making these areas suitable for large-scale commercial agriculture. On the other hand, these "emerging states" are inhabited by pastoralist and agro-pastoralist communities affected by all types of challenges

[11] The Afar, Gambella, Somali and Benishangul-Gumuz states are the four emerging states. The term, "emerging states," is meant to exemplify those regional states with the most traditional communities and the financial/economic status of "the most undeveloped" in the country.

including challenges of governance and low infrastructure development as well as low-quality social services. As a result, the GoE saw the need to develop the accelerated and equitable development strategy so that the planned development could take place in a way which accommodates the special interests of these communities.

The approaches of the strategy include minimizing risk in the most arid zones and maximizing the opportunities of those areas with potential for development. The first element of the strategy works in areas where sufficient water sources are absent while the latter is to be employed where ground and surface water sources are found in abundance. The risk minimization strategy includes the development of water points along pastoralist routes, the provision of 'mobile' socio-economic services, and the development of market outlets for pastoralists at times when they need to de-stock etc. The overall focus of the risk minimization strategy is to ensure that risk is averted until such a time as a lasting solution becomes available.

The potential maximization strategy considers all types of support for the sedenterization of communities through voluntary settlement and villagization programmes by providing social services at selected settlement sites and agricultural extension services after developed farmlands are provided to the settling pastoralists. The strategy also considers providing better animal breeds for higher productivity and developing marketing outlets when and if the pastoralists consider de-stocking as a move towards intensive agriculture. The strategy envisages that after five years of implementation, 67% of the Afar and Somali regions will be settled, and 75% of Benishangul-Gumuz and Gambella pastoralists and agro-pastoralists will take part in villagization.

The villagization programme concentrates on the scattered settlement pattern of communities that are settled in a dispersed way, making it difficult for state authorities to provide them with access to social services. These communities are mainly in Gambella, and Benishangul-Gumuz states, and in part of the Omo Valley. This programme envisages villagizing residents scattered in a five-kilometre radius to a centre selected for its proximity to social services and infrastructure. This is not

meant to take settlers away from their original locations; they can still attend to ritual practices in their original places as the maximum distance they will travel is only one hour.

The settlement programme pays particular attention to pastoralists who have been moving along the banks of the major rivers that cross these areas. The plan includes providing access to social infrastructure and considers the provision of fully developed and irrigated hectares to each settling family as well as the provision of selected seeds and farm tools, and agricultural extension services to help them transform into farmers.

The strategy further focuses on natural resource development and protection. It is believed that most of Ethiopia's available wildlife reserves are found in these places. Unfortunately, these areas have fallen prey to illegal poachers and the forest coverage is continuously decreasing. The strategic plan considers protecting and developing these areas and encouraging the tourism industry to expand its ventures in order that the local communities may benefit from tourism. These actions are also expected to enhance forest-based resources, leading to improved welfare of the communities that depend on those resources.

Another key strategic area of intervention considered in this strategy is the promotion of good governance. There is a wide capacity gap in the public sector management of these regions. Lack of trained workforce compounded by the high turnover of officials and experts as a result of ongoing competition and contention over power and benefits has impeded the development of the public sector. Closing this gap is expected to be facilitated through the provision of seconded experts from the federal government tasked with capacity building, and the pairing of the "emerging states" with the relatively better organized and developed regions to mentor the "emerging states," and also assist them in project design and implementation. The strategy also anticipates providing support to these regions in conflict prevention, management and resolution (CPMR). It considers the development of an early warning system where the regions themselves participate in data generation on selected indicators. The objective is to enable the prevention of violent conflicts through early warning and responses. Conflict management support is also intended to

be provided through training and capacity building support to the region's officials and experts. To this extent, the Ministry of Federal Affairs (MoFA) has prepared a CPMR training manual.

The KSDP and TSDP as well as the related settlement and land development programmes in the ANRS emanate from this nationwide strategy and particularly from the accelerated and equitable development strategy for the emerging regions. The KSDP and TSDP were launched in 2008, initially under the responsibility of the Ministry of Water and Energy (as the key tasks at the time were the building of dams and irrigation channels, and the levelling of the farm land). After these tasks were completed, the responsibility was transferred to the Sugar Corporation. The aim of this study is to particularly investigate how these large-scale land developments are related to the rights of indigenous people and to examine any possible impacts on the conflict.

**The Tendaho and Kessem Sugar Development Projects**

The KSDP and the TSDP are large projects located in the ANRS. The projects include the development of two large sugar plantations using the water reservoir from the two dams built on the Bulga River and the Awash River, and the development of sugar factories with capacities appropriate to the resources. The plantations are intended to develop an aggregate of 20,000 hectares in Kessem and about 50,000 hectares in the Dubti-Tendaho area.[12] The sugar command areas of the project, where sugar cane is planted and the factories are built, are located in the Dubti, Asayita and Afambo *woredas* of Zone 1 and in the Awash Fentale and the Dulecha *woredas* of Zone 3.[13]

At completion (five years after the start of the project), the Tendaho Sugar Cane Plantation and its factories are expected to produce 619,000 tons of sugar and 55.4 million litres of ethanol per annum. Upon completion,

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[12] See: www.etsugar.gov.et/index.pp/en/projects/item/27-tendaho-sugar-development-project

[13] Key informant interview (KII) with Zone 3 administration, 19 March 2013, and the head of Tendaho and Kessem Sugar Development Projects, 22 March 2013.

the Kessem Sugar Cane Plantation and its factories are also expected to produce 153,000 tons of sugar and 12500000 litters of ethanol per annum.

The TSDP is located in the Dubti *woreda*, 7 kilometres away from the ANRS capital of Semera. Its area extends to Asayita. The projected development area for TSDP includes the Tendaho State Farm (an area that was initially developed by Mitchell Cotts and later nationalized by the military administration). So far, the project has started to plant sugar cane on about 9,000 hectares of land.[14] The project anticipates including the Afar community around Tendaho as out-growers of sugar cane. It is for this reason that the factory is located at Tendaho. The factory is being built by 11 Indian construction companies and was scheduled to be completed between April and June 2013. Nevertheless, the factory is still under construction and has not been completed as promised.[15]

The KSDP is located near Metehara, 200 kilometres from Addis Ababa and 425 kilometres from Tendaho. So far, around 2,000 hectares of sugar cane have been planted of the planned 20,000 hectares. The proposed development area is a rangeland that was used for grazing by pastoralists with no previous history of farming. The project has been using water from a previously completed cofferdam and has the capacity of developing 3,000 hectares. The recently completed main dam will begin to fill at the advent of the rainy season. At this time, the project is attached to the Metehara Sugar Factory, where sugar cane harvested in the area is transported to Metehara for processing.

During the planning stage, the KSDP and TSDP considered how they could ensure that the lives of surrounding pastoralists improved alongside the new developments. The mitigation approach they opted to use was tailored in line with the GoE strategy for accelerated and equitable development and implementation. Accordingly, it was designed in the projects to further support the ongoing settlement programme of the

[14] There is varied information as to the size of the land on which the sugar cane has yet been planted. The number cited herein is from the Key informant interview with the Tendaho-Kessem Sugar Development Project, 22 March 2013.

[15] http://www.etsugar.gov.et/en/news/item/80-tendaho-sugar-factory-accomplished-84-percent.html

ANRS administration and the projects supported the establishment of 18 villagization centres - 4 in Mile, 4 in Kessem and 10 in Dubti, totalling 18,000 households. The support included the development of irrigated farmland for each of the settlers and the provision of a house[16] for each family with proximity to the developed farmlands. So far, practical steps have been undertaken in the projects to support the settlement of the pastoralists. In that context, 1,000 hectares of land have been developed and distributed to 1,000 families affected by the KSDP, and have also developed and distributed 2,000 hectares of land to 2,000 families in the TSDP area. Furthermore, the programme is in the process of developing 8,000 hectares of land in the TSDP area to be distributed to settling pastoralists and agro-pastoralists. The land development includes not only the levelling of the land but also the preparation of irrigation channels with access to water from the dams. The newly established villages are meant to have schools, health centres, grinding mill facilities, bakeries, mosques and shops.[17]

The KSDP and TSDP provided compensation to agro-pastoralists who had plots of land in the middle of the new land development. The compensation is distributed on an annual basis to continue up to the point where fully-developed and ready-for-farming replacement land is provided and the agro-pastoralists produce their first harvest. The compensation is based on the amount of profit they received on their last harvest. With this general guideline, the compensation was determined to be 12,000 Birr/ha/year for crops which take long to grow while the compensation for those who were producing subsistence crops like maize was determined to be 5,000 Birr/ha/year.

The projects also considered prioritizing the local communities for employment. At full capacity, the projects plan to employ more than 100,000 people in their plantations and factories. From this, the projects

[16] The projects initially started to build concrete houses in village-like patterns at the Kesem site but later opted to only construct common social service centres, and water and prayer centres and left the housing to be built by the pastoralists themselves as the formerly built houses were expensive and less familiar to the pastoralists to live in.

[17] KII with the head of the Tendaho and Kesem Sugar Development Projects and the Deputy Director for the Sugar Corporation, 22 March 2013.

intend to make 70% of employees from the local inhabitants. This is subject to training the indigenous people to meet job requirements. The projects have provided funding for short-term training projects designed by the ANRS administration to prepare the indigenous people for employment on the farms. These efforts have shown some results so far; out of the 6,378 employees[18] (current workforce of both projects) 64% of the workers come from Afar-born[19] communities, and reside in the area.

The projects also plan using the settled communities as sugar out-growers and the currently planned plantation size for the sugar factories takes this into consideration. Through such a scheme, half of the planned 50,000-hectare development of the TSDP is anticipated to be covered by out-growers. Whether the indigenous will opt to be sugar cane out-growers and/or whether the sugar plants will provide an attractive market for them is yet to be seen.

**Reactions of the Primary Stakeholders**

This section specifically aims at examining the views and actions of the ANRS and the Afar communities affected by Tendaho-Kessem project.

*The views and actions of the ANRS*

The regional government was consulted when the Federal Government initially designed the project on the need for and the scope of the intended projects. Initially, the regional administration demonstrated its full support for the projects and jointly agreed with the Federal Government on the need for investment and on ways of addressing the needs of the surrounding communities. From our interviews with regional officials, the overriding consensus was that pastoralism has reached a dead end when it comes to sustaining the economic livelihood of the communities. All agree that continued environmental degradation has reduced the size and vegetation intensity of the rangelands, and the stock size and productivity

[18] KII with the head of the Tendaho and Kessem Sugar Development Projects and the deputy director for the Sugar Corporation, 22 March 2013.

[19] Afar-born is a term used to include not only the indigenous Afar but also those highlanders born and raised in the region and who associate themselves with the Afar communities.

of animals. This trend is challenging the traditional way of life. The regional officials realize that a move towards intensive farming and sedenterization is the only way to ensure the survival of the communities. As a result, the regional administration decided to pursue the issue of settlement long before the materialization of these planned projects.[20]

Once the KSDP and TSDP started and the project management (under the Ministry of Energy and Water Resources) began preparations to provide compensation for the affected agro-pastoralists, the regional administration, in consultation with the federal government, decided that a coordinating office would manage the various relationships. The regional government then created the Tendaho-Kessem Coordination Secretariat, led by an official designated by the regional administration. The task of this office was to facilitate the preparation and placement of indigenous people in employment in the projects, coordinate the allocation and distribution of compensation money to the affected agro-pastoralists, and serve as an appeal office for any complaints coming from the communities. Furthermore, the regional administration pushed for the representation of Afar officials in the management of the Sugar Corporation. They did this after experiencing some resistance from the projects' managers on-the-ground when it came to the training and placing indigenous communities in the projects. They managed to agree with the federal government that one of the projects' key officials (a former bureau head at the ANRS and an executive member of the ANDP) would serve as a deputy director of the Sugar Corporation and Head of the Tendaho-Kessem Sugar Development Projects.

Without proper training of the local people for employment in the new development projects, the only option left for them would have been to work as agricultural labourers. The regional administration has been actively working to prepare community members for employment. It organized several short-term trainings in collaboration with technical training institutions in the region and with the Semera University. They

[20] The ANRS' villagization scheme has been in place in the Plan for Accelerated and Sustained Development to End Poverty (PASDEP) and the Growth and Transformation Plan (GTP) which were adopted as part of the ANDP's political, economic and social program.

trained 200 Afar youth in basic driving skills, and trained 120 tractor operators, 195 supervisors as well as 120 clerks. Furthermore, the regional administration is expending efforts to make sure that Afar-born students join sugar engineering and sugar plant science departments at the Semera University which has currently enrolled about 200 students. This is intended to prepare them for senior positions at the farms and the factories under development. The regional administration has also created a department for TVET, led by a senior parliamentarian who managed the Tendaho-Kessem Coordination Secretariat.[21]

The initial disbursement of compensation money for the affected pastoralists was not managed properly. In some instances, lump sums were given to community leaders who then distributed and used the money in their communities in whatever way they felt was appropriate, whereas beneficiaries complained that the leaders used the money for their own needs instead of distributing it fairly. So far, the federal government has transferred over 243 million Birr in compensation payments, yet there are still beneficiaries who complain that they have not been paid and who further note that the money disappeared between the projects' coordinators and the community leaders. Many of the officials interviewed believe that even those who managed to get the payments used the money for their daily consumption rather than investing it to augment productivity and that there was no proper guidance from the regional government as to how to spend the money in useful ways other than consumption. It was after recognizing these problems that the regional administration disbanded the project coordination secretariat and decided that all future compensation disbursements would be done through the region's Bureau of Finance and Economic Cooperation.

Another important factor to which the region had given serious attention is the impact of the increasing demographic changes on the region's identity. Already over 50% of the region's civil servants originate from neighbouring regions, made possible because Amharic is still the official

[21] KII with the Head of the Tendaho and Kessem Sugar Development Projects and the Deputy Director for the Sugar Corporation, 22 March 2013 and KII with the head of the newly-established TVET bureau, 22 March 2013.

language of the region. Moreover, the current projects will bring in a large number of workers from the highlands, despite the fact that priority for employment will be given to the Afar-born residents of the region. As a result, the ANRS has planned to introduce Afarigna as the official language of the region. To this extent it has organized a Language Bureau that coordinates language education for non-Afar civil servants and has also been running trainings-of-trainers. It has now introduced a mandatory one-hour per day Afarigna language education session for its non-Afarigna-speaking civil servants. This appears to be a strategy designed by the regional administration to preserve the Afar identity notwithstanding potential future demographic changes.

The projects' plan to include agro-pastoralists was initially agreed upon by the regional administration. As a result of this agreement, the Tendaho area considered the planned development of 50,000 hectares for sugar plantations. The regional administration observed that the transition from pastoralism to agro-pastoralism was not a smooth transformation but rather a more lengthy process than initially envisaged. As a result, the regional government now doubts the possibility of developing and using the Tendaho area for massive out-grower schemes and settlements.

Some key issues the interviews with regional officials revealed are the lack of access to capital for the agro-pastoralists of the ANRS and the absence of a dedicated institution to permanently serve as a focal point to ensure that the communities access everything new development can offer them. A hectare of land is developed and provided to the settling agro-pastoralists and all are informed that they can expand up to five hectares if and when they create the capacity to do so. In our field visit to the Kessem settlement area, we observed that some of the agro-pastoralists are producing vegetables for supply to the major urban areas including Addis Ababa, motivating them to expand their farms. However, they face the impediment of lack of access to capital. Efforts were made to establish a micro-finance institution in the region but failed to materialize as it was not viewed as an approach needed to promote the investment and growth capacities of the indigenous agro-pastoralists.

The fact that ongoing investments require a major transformation from the pastoralist way of life and the fact that this transformation is a process and is not a one-off act underscore the need for a focal institution to coordinate and guide the region in this regard. The Tendaho-Kesem Coordination Secretariat was disbanded for its failure in the management of compensation money. The Secretariat's office is currently replaced by the ANRS TVET centre which is responsible to handle the training component of the projects. It appears that there is now no one single focal institution to which the concerned regional bureaux can refer in coordinating their efforts. Such a focal institution is also required so that the communities have a one-stop office for their complaints and claims related to the new investments as well as for the challenges they face in their new settlement areas.

*Reactions and actions of the affected communities*

The region has a parallel advisory institution to its administrative structures at all levels of administration from the *Kebele* to the regional administration. Three advisors are elected at the *Kebele* level (usually traditional community leaders) who have an advisory role to the *Kebele* administration. The three *kebele* advisors represent one of their members to be a member of the *Woreda* advisory committee. Each *Woreda* advisory council selects three representatives to sit on a Zonal advisory council and each zonal advisory council selects three of its members for the regional advisory council. These individuals receive honorarium from the regional government and their task is to provide feedback on government plans, government performance reports and to air their communities' concerns for consideration in government plans and actions. When the regional administration goes into the development and implementation of KSDP and TSDP, these different levels of advisory councils are consulted and they participate in endorsing decisions that benefit the communities to be affected by the investments. The affected communities are also directly consulted on the proposed plans but in this instance, it appears that the consultation was narrow, and focused only on clarifying plans and explaining the potential benefits to the communities rather than putting the communities as decision makers who determine the fate of the projects. Initially, it appears that the communities anticipated benefits from these

projects. However, the early level of buy-in during implementation did not endure the way it started.

The first concern rose when the TSDP started using a former cotton plantation for their sugar plantation when the promised farmlands for the pastoralists were not yet developed. The waste of the cotton plantation after harvest used to serve as grazing land for the pastoralists' cattle until preparations for the next harvest began. Replacing this land with a sugar plantation at a time when the pastoralists' farms were not fully developed left them with no alternative livelihood. It was only later that the project fully engaged in developing and distributing land to agro-pastoralists and as a result they have genuine worries about the lack of grazing land which should be expressly considered in the future development of projects.

The second concern rose when the distribution of compensation money to the affected communities was mismanaged. There are still persons who have yet to receive their compensation money. The regional administration admits that there have been some management problems in the disbursement of compensation money but it appears that no action has been taken to remedy them. This unresolved issue factors into the disappointment felt by the affected communities.

The affected communities seem to appreciate their settlement as it provides them with services they have never before accessed. Many have also managed to diversify their livelihood means away from entirely depending on livestock. Significant numbers of these communities have started farming and supporting their livelihood through income from farming. Work opportunities in the sugar plantations and sugar-related activities have also given them additional opportunities to support themselves. Most agree that dependence on livestock is becoming challenging and agree with the need for the diversification of their livelihood means. At the same time most are worried about the availability of grazing land for their cattle and are concerned that the current plantations may deny them access to grazing lands.[22]

[22] KII with pastoralists and agro-pastoralists- 22 March 2013.

In summary, the pastoralists generally feel uncertain about the future and there appears to be the need for a concerted effort to address their concerns so that these communities can become part of the general development programme and so that their integration into the new reality can be accelerated.

**Key Findings Related to the Rights of the Communities and Dimensions to Conflict**

1. **Investment plans and rights consideration for the indigenous:** The foundation of the current development projects came from the GTP. The Accelerated and Equitable Development for the Emerging Regions, developed in line with the GTP with a particular focus on ensuring the accelerated and equitable development of communities.

   The KSDP and TSDP have informed their plans with particular provisions related to the rights and benefits of the "emerging states" communities in both federal-level strategic plans. As a result, the development plans have come with detailed proposals to ensure that the rights and benefits of the indigenous communities are at the centre of development.

   Some of the key areas of the Accelerated and Equitable Development for the Emerging Regions and the GTP in relation to the rights and benefits of the indigenous are:

   - Consultation with indigenous people is at the centre of planning and implementation;
   - Voluntary participation of the communities in the settlement programmes is considered;
   - Social infrastructure, water points and religious belief centres for residents at settlement centres are built;
   - Compensation money to agro-pastoralists affected by the investments is considered. So far, the federal government has disbursed 243 million Birr in compensation money to affected communities in the two zones of the ANRS;[23]

[23] According to the Head of the previous Tendaho-Kessem Coordination Secretariat, the amount of compensation paid out in 2006/07 was 64,000,000 Birr. In 2009/10, payments

- Priority of employment is given to the settlers. Currently, 64% of the 6,378 jobs created by the projects are held by the Afar.

However, there are implementation gaps that need to be addressed so that the livelihoods of the communities are improved as planned. Some of the implementation gaps are:

i. **The sequencing of development:** The implementation of the Accelerated and Equitable Development for the Emerging Regions plan clearly indicates that the interests and welfare of the communities are at the centre of the development. The provision of developed farmlands was delayed and is not yet fully completed although the sugar cane plantations on the KSDP and TSDP have been harvested already on 9,000 hectares of land.
ii. **The issue of grazing land until a complete transformation is achieved:** In this regard, the sugar cane plantation in Dubti provided compensation to agro-pastoralists affected by the new plantation but failed to address the need for grazing land for the pastoralists. This created a conflict with the pastoralists whose cattle are caught in-between the *Prosopis juliflora* forest and the plantation.
iii. **Inefficient running of services at the settlement sites:** Currently, 18 villages have brought together 18,000 households living in and around the current sugar development areas. The newly-established villages are meant to have schools, health centres, water points, grinding mill facilities, bakeries, mosques, and shops. We have observed that some of the facilities, like the water points, are not working and are forcing the settled communities to abandon the settlement centres.[24] We have actually seen a partly evacuated village due to the non-functionality of a water service.
iv. **Existing gap in compensation payments:** It appears that the regional administration is convinced that there was

were stopped while a committee was being established. In 2011/12, 154,000,000 Birr was paid out, and in 2013, 28,000,000 Birr was paid out.

[24] KII with Zone 3 administration, 19 March 2013 and Head of Tendaho and Kessem Sugar Development Projects, 22 March 2013.

mismanagement in the distribution of compensation money, which was one of its reasons for rechanneling the fund disbursement through the Bureau of Finance and Economic Cooperation. But, there are still outstanding claims from the affected communities, and this legitimate grievance needs to be addressed.

2. **Lack of access to capital by the indigenous communities:** New development in the area will create new dynamics and opportunities attracting several new related small and medium-scale investments. There are only a few commercial banks providing little or no loan facilities to local investors, because of collateral requirements and previous loan defaults by small and medium-scale local investors. Furthermore, there are no micro-finance institutions operating in the region. Such institutions are meant to operate with minimum requirements providing access to small-scale local investors. The lack of micro-financing poses the danger that locals will be excluded from the opportunities new development might bring – a situation which may become a cause for conflict.

**Anticipated demographic changes and impacts on the Afar nationality/identity:** Population data from the CSA shows that out of the region's total population of 1,390,273, 138,651 are settled non-Afarigna-speaking residents, which makes it 10% of the total population. Currently, approximately 45% of the region's civil servants are non-Afarigna-speaking employees from the neighbouring regions. The on-going sugar investments will, at full capacity, employ over 100,000 persons out of which a significant number will be "settler workers," despite the priority of employment given to the locals. This number will significantly increase once the current mineral exploration[25] projects become operational. All of this taken together is expected to bring serious demographic changes to the region.

[25] For example the ongoing exploration projects like the Potassium and Gold exploration projects launched by international mining companies

The regional administration is aware of these anticipated demographic changes. It also appears it fears that the Afar national identity will be diluted and subjugated as a result of these changes. For this reason, the regional administration has decided to make Afarigna the working language of its government.[26] Preparations to do this have been in place since the region formed an Afarigna Language Bureau to provide language training for non-Afarigna-speaking civil servants. Training-of-trainers was also conducted and now a mandatory one-hour per day Afarigna language training session for non-Afarigna-speaking civil servants has been launched. Those who plan to leave the region when and if it adopts the Afarigna language as its working language are not forced to attend. The inclusive nature of the 'Afar-born' identification together with the launching of Afarigna language education for non-Afarigna-speaking civil servants appears to be the regional administration's mitigation strategy and a counterbalance to its fear of being dominated.

**Way Forward**

From the perspective of strengthening the protection of indigenous rights and preventing conflicts that may come when rights are not protected, we suggest the following issues be addressed:

1. Consider reconfiguring the investment in the Dubti-Tendaho area in a way that mitigates the limitations and intermittent unavailability of grazing lands for pastoralists. Although pastoralists need time to transform to intensive and productive animal husbandry, until such a stage is reached, well-prepared investment plans which accommodate this issue are needed.

2. Ensure that grievances around the distribution of compensation money are addressed in a transparent and satisfactory manner.

3. Establish a standing institutional body representing the KSDP and TSDP at the regional level so that the interests of the indigenous people as well as the regional government can be well-articulated.

[26] Currently, Amharic is the working language of the ANRS.

4. Support the regional government in its TVET efforts so that training locals for employment is successful. This could possibly be further enhanced by prioritizing it as one of the key support areas in the existing twinned collaborations with the relatively developed states.

5. Support the regional administration to create a micro-finance institution that operates on the specificities of the region.

6. Support the regional administration in its inclusive efforts in Afarigna language training so that its decision to make Afarigna a working language of the government succeeds without many problems.

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# Socio-political and Conflict Implications of Sugar Development in Salamago *Wereda*, Ethiopia

*Tewolde Woldemariam and Fana Gebresenbet*

## Introduction

Promotion of large scale agricultural investments constitute a central place in the agricultural development plans of the ambitious five year Growth and Transformation Plan (GTP: 2010/2011-2014/2015) of Ethiopia (Ministry of Finance and Economic Development (MoFED), 2010). In addition to the promotion of high value crops in the highlands, the GTP seems to seriously consider large scale agriculture and land transfers as a development strategy. As is the case in implementing a developmental state approach (Ohno, 2009), the GTP seems to have increased the available policy options for economic development. The document adopts a geographically differentiated strategy for agricultural development, mainly hinges upon scaling-up of proven technologies in the densely populated highlands and transferring land to investors[1] in the sparsely populated lowlands. With regards to industrial plans, the Sugar,[2] Chemicals, and Metal and Engineering Corporations are mainly geared towards import substitution, and are charged with the responsibility of leading the industrialization drive of the country. The textile and leather industries are left for private investors, with the government intending to provide support. The promotion of micro and small scale industries will be a key strategic direction, as these industries are labour intensive and reduce poverty in urban areas (MoFED, 2010).

In the expansion of sugarcane plantations and industries, under the auspices of the state-run Sugar Corporation,[3] the large scale agricultural

[1] The government plans to transfer about 3.3 million ha of land to investors (foreign as well as domestic) in the five year period (MoFED, 2010, p. 49) in addition to plantations owned by state corporations (Ex: Sugar and Chemicals Corporation will establish sugar-cane and rubber tree plantations, respectively).

[2] The objective of the Sugar Corporation goes beyond import substitution, and intends to put Ethiopia among the top 10 sugar exporters in the world.

[3] The corporation is established by Council of Ministers Regulation No. 192/2010 as a public enterprise. For the purpose of the corporation, read Article 5.

and industrial aims of the GTP correspond. The Sugar Corporation, as an agro-processing industry, converts hundreds of thousands of hectares (ha) of "unused" land in the lowlands into plantations and later produces sugar, ethanol, other by-products and electricity. As is the case in most GTP projects, what the Sugar Corporation intends to do is a monumental task. The GTP envisages the establishment of sugarcane plantations on about 200,000 ha of land in lowland parts of the country to feed 10 factories with total cost of about 100 billion Ethiopian Birr (about 5.5billion USD). The industries are expected to fill the shortfall in national sugar supply (about 200,000 ton/year), and produce surplus for export. By the end of the GTP period, annual production is expected to reach 2.25 million tons, and about 661.7 million USD is expected to be generated yearly from the export of 1,246,000 tons of sugar. Furthermore, the sugar factories will also generate 304,000 $m^3$ of ethanol/year, 607 MW electricity and about 200,000[4] job opportunities (MoFED, 2010, p. 59).

Table 1: Summary of the sugar development projects being undertaken by the Sugar Corporation

| No. | Sugar Project | Plantation (ha) | Factories (No.) | Region | Production capacity | |
|---|---|---|---|---|---|---|
| | | | | | Sugar (ton/ year) | Ethanol (m3/ year) |
| 1 | Kessem | 20,000 | 1 | Afar | 153,000 | 12,500 |
| 2 | Kuraz | 175,000 | 5[5] | SNNP | 1,946,000 | 183,134 |
| 3 | Tendaho | 50,000 | 1 | Afar | 619,000 | 55,400 |
| 4 | Tana Beles | 75,000 | 3 | Ben-ishan-gul-Gu-muz | 852,000* | 80,250* |
| 5 | Welkaiyt | 45,000 | 1 | Tigray | 284,000 | 26,750 |
| | **TOTAL** | **365,000** | **11** | | **3,854,000** | **358,034** |

Compiled from the Ethiopian Sugar Corporation (http://www.etsugar.gov.et/index.php/en/)
* These figure is calculated from crushing capacity provided on the Sugar Corporation website.

[4] The website of the corporation lowered this estimate to 162,000.
[5] Two of the factories to be erected under the KSDP will have double the crushing capacity of other factories.

As can be seen in Table 1, the plantations and factories will be located in four regional states (Afar, Benishangul-Gumuz, Southern Nations Nationalities and Peoples (SNNP) and Tigray). The number of factories and the acreage of the plantations is much higher than stated in the GTP, and the completion date of all the planned activities reaches beyond the GTP period: the total plantation area is more than 80% higher than planned for in the GTP period, and the estimated sugar and ethanol production is about 70% and 18% higher, respectively.

Of the sugar development projects currently being implemented by the Sugar Corporation, about half of the acreage of sugarcane plantations and sugar and ethanol production will be from the Kuraz Sugar Development Project (KSDP),[6] as can be deduced from Table 1. This will bring a huge change for the South Omo Valley, which has long been among the least developed parts of the country. On the supposition that the impact of this vast investment will reach beyond significantly altering the economic structure of the South Omo Zone, this paper will investigate the socio-political and conflict implications of large scale agricultural investments and large scale sugar processing industrialization in sparsely populated pastoral lowlands, using a case study of KSDP in Salamago *Wereda*[7] of the South Omo Zone (the Zone).

The subsequent part of the paper is structured in four parts. First, we present a description of the study area and methods adopted for the study. Secondly, we examine the implementation of the villagization programme. Thirdly, we highlight the expected demographic change due to the influx of labour and its implications on the cultural, socio-political and conflict dynamics of the area. Finally, we conclude the paper.

## The Study Area and Methods

The KSDP was selected as the study area owing to the fact that about half

[6] This is also reflected in the title of a news article published by Walta News Agency: "South Omo Zone Holds Nation's Sweet Promise":http://www.waltainfo.com/index.php?id=5578:south-omo-zone-holds-nations-sweet-promise&option=com_content&-catid=82:articles-and-features-&Itemid=402

[7] *Wereda* is the second lowest administrative body in the hierarchy in Ethiopia (in ascending order: *Kebele*-*Wereda*-Zone-Region-Federal).

of the sugar investments are under this project. The KSDP will directly affect only Salamago and Nyangatom *Wereda*[8] of the nine *Wereda* in the Zone. As the project started operations and has progressed much farther in Salamago (as compared to Nyangatom), we have taken this *Wereda* as a case study for this research. The study area (Salamago *Wereda* of the Zone) is located in the southern borderlands of Ethiopia, in the lower parts of the Omo-Gibe Basin and about 100 km north of Lake Turkana.

Home to 16 ethnic groups,[9] the Zone has the highest diversity of all zones of the SNNPRS. Moreover, the Zone is the largest in terms of land area of all the zones/special *Wereda* of the SNNPRS.[10] In terms of population density, however, the Zone has the lowest population density (of the SNNPRS), owing to the expansive use of natural resources dictated by the pastoral lifestyle followed by most of the indigenous[11] ethnic groups.

Salamago *Wereda* is hitherto characterized by weak physical and socio-economic infrastructure and poor integration within the national economy. The different indigenous ethnic groups in the Zone have a history of engaging in conflicts, usually over land resources such as pasture and water points. Pastoral conflicts in the Zone also show a cross-border

[8] The plantations and factories of the KSDP will be located on both sides of the Omo River. On the Eastern side, 50,000 ha are allocated for sugarcane plantation in Salamago *Wereda*, while the Western side accommodates 125,000 ha of cultivation. On the Western side, the activities of KSDP directly fall in Nyangatom *Wereda* (of the Zone), and other *Wereda* from Bench-Maji and Kaffa Zones (Interview, KSDP Project Management Office, Feb. 22, 2012).

[9] These ethnic groups are, with their population according to the latest census (Central Statistical Agency (CSA), 2008b, from the most to the least populous: Ari (290,453), Malie (98,114), Dassanech (48,067), Hamer (46,532), Banna (27,022), Nyangatom (25,252), Tsemay (20,046), Mursi (7,500), Bodi (6,994), Arborie (6,840), Brayle (5,002), Bacha (2,632), Koyego (1,974), Murle (1,469), Karo (1,464) and Dime (891).

[10] Population densities in the highlands of the SNNPRS are the highest in the country, while the population density in the Zone is only 21 persons/km2 (Council of Nationalities [CoN], 2011).

[11] There is no definition of indigenous people to which all actors agree on, but at the international level, the self-perception of being such a people and inhabiting the state's territory before colonization/invasion constitute most definitions. We do not adopt this definition in this paper, rather we use indigenous people or indigenous ethnic group only to refer to people groups who have inhabited the South Omo zone originally.

character. As is the case in (agro-)pastoralist communities, livestock are seen as a sign of wealth by most communities of the Zone, with more emphasis given to herd size rather than to quality.

Poor infrastructure has limited the involvement of private investors in the agricultural as well as other investment sectors. Thus, the Sugar Corporation is the single largest investor in the Zone, and according to data from the Ethiopian Investment Agency, the total land area granted to investors (in all investment sectors) in the past two decades (March 15, 1992 - December 10, 2012) amounts to 350,187 ha, of which the sugarcane plantations cover about half. Additional land is also available at the Federal Land Bank for potential investors.

Ethnic groups indigenous to the *Wereda* are Bodi, Mursi, Bacha and Dime, with a total population of only 18,017 (see footnote 9). The about 5,000 Konso who settled in the *Wereda* are considered as indigenous to the Zone by local authorities, for all practical purposes.[12] Owing to the erratic rainfall, the Bodi mainly live on livestock herding. They produce maize and sorghum using flood retreat agriculture (Culture Bureau of the South Omo Zone (CBDOZ, undated)). The Mursi use the resources of their oblong territory in an efficient manner, employing both cultivation and livestock herding. In *normal* years they will have two harvests, from flood retreat and rain-fed agriculture, and they rely heavily on their livestock in the east of their territory during the dry season (for further details on the livelihood and culture of the Mursi see Turton, 1985; 1988; 2004). The Dime live by growing a variety of terraced crops, such as maize, sorghum, *enset*, cotton, and coffee, on the slopes of the mountains they inhabit (CBDOZ, undated). Even though the CBDOZ (undated) asserts that the Bacha economy is based on cultivating (mainly) maize, sorghum and *tef*, supplemented by apiary and cattle rearing, various interviewees at Zone and *Wereda* levels stipulate that their livelihood mainly relies on fishing.

Both primary and secondary data sources were used for the study between December 2012 and February 2013 (fieldwork to South Omo

[12] Interview, South Omo Zone Council.

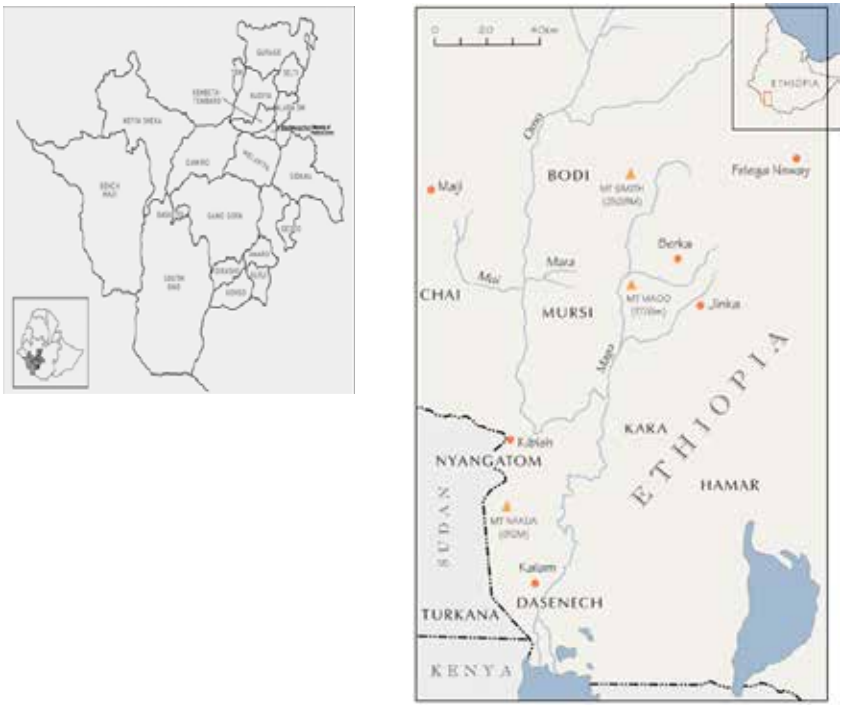



Figure 1: The study area
The fieldwork was conducted in Salamago *Wereda*, on Bodi-land
Source: Mursi Online (http://www.mursi.org/images/map-02.gif/image_view_fullscreen)

was conducted at end of January to beginning of February, 2013). Key informants were interviewed from pertinent offices in Addis Ababa, Hawassa (the capital of SNNPRS), the Zone, and the Salamago *Wereda* (the *Wereda* administrator). The manager of the KSDP was also interviewed. Furthermore, we visited one of the villages established under the villagization scheme and conducted a focus group discussion with local Bodi people with the help of an interpreter. Finally, the collected data was analysed with inputs from available literature.

## Villagization

Villagization is practiced in all five pastoral *Wereda* of the Zone and two additional zones (Bench-Maji and Kaffa) of the SNNPRS with

pastoral ethnic groups. Thus, the villagization programme in Salamago *Wereda* (for details on the villagization plan, see Table 2) at the planning stage is not particularly associated with the KSDP, but the needs of the KSDP seem to have accelerated the pace of implementation.[13] Furthermore, villagization[14] is considered one of the most important schemes in ensuring socio-economic development in the pastoral areas by government authorities. In Salamago *Wereda*, villagization, according to government officials, is particularly pursued to increase the benefits indigenous communities obtain from the KSDP.[15]

Villagization is practiced in only five of the nine *Kebele* of the Salamago *Wereda*,[16] of which three (Omo Hanna Villages 1, 2 and 3) have already been established for the Bodi, while villagization in the Mursi area[17] is at the land preparation stage. The villagization activity seems to have been standardized,[18] as the preparatory study report shows (SNNPRS, 2012), including standard model maps for villages, and the type and number of social services to be provided in each village. Eleven infrastructure and social service providing centres will be built in each village: school (Grades 1-4, (5-8 being built in Village II (mid-way to Villages I and III)),

[13] Moreover, only the Old Salamago villages (see Table 2) are established and are expected to serve as models for further implementation of the programme in other areas by Zone officials. Officials also stress that plans to villagize pastoral communities had been in place before the announcement of the KSDP by Meles Zenawi on 25 January 2011.

[14] Though officially called "Voluntary Villagization of Pastoral Households," over time, villagization seems to be positioned to pave the way for sedenterization through the encouragement of reduction of herd size, use of improved breeds and the introduction of ranching (this view is expressed at the regional and zone levels, as well as in a document from the vanguard party of the SNNPRS, the Southern Ethiopian People's Democratic Movement (SEPDM, 2010).

[15] These benefits could be secured through assuring food security, getting access to employment and social services in villages (especially women), better market prices, and also opportunities to work as out-growers for the KSDP (SEPDM, 2010).

[16] Interview, Zone Administration.

[17] The plan was to put all Mursi in one village; however, based on demand from the Mursi community, a second village will be prepared near Maki River (Interview, Zone Administration).

[18] Additionally, Zone officials contend that a migration corridor remains, thus implying that pastoralism is still allowed to continue. Therefore, even if the household head decides to join the villages, his sons could continue herding cattle in the traditional grazing areas of the Bodi.

health post, veterinary post, mill, drinking water station, police station, *Kebele* office, teachers' house, agricultural extension agents' house, health extension workers' house, and farmers' training station. Each household[19] will receive a hectare of land with access to irrigation water[20] and one-half hectare of land for building a house.[21] A store has also been built and a monthly food ration (in the form of food aid) is provided to all households which join the villages until they produce their first harvest. According to local officials, there is a low utilization of the social service institutions, with the exception of the mill[22] and water.

Figures from the Zone Administration (Table 2) show that, of the planned 1,430 households, only 717 households took the 0.5ha for building a house (of these, only 242 had started building a house and 171 had begun living in the village). Of the 2,000ha of land prepared for distribution to pastoralists, only 360ha has been received by the pastoralists, which is about half of the recorded receipt of land for the housing units. The low level of receipt of farming land is further highlighted if one considers the giving of a hectare of land to every additional wife (see footnote 18).[23] The low level of receipt could be attributed to the fact that the Bodi might be little inclined to accept the idea of starting farming. Implementers of the villagization programme attribute the low success to the pastoralists'

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[19] It is common for a man to have numerous wives, depending on his herd size (wealth). Government officials accepted the demand from these individuals that an additional hectare of agricultural land be given to each of the second, third… wives.

[20] Two thousand hectares of land, with water from the primary canal coming from the Omo River, has been cleared and ploughed for the Bodi. In the future, the villagized pastoralists will be required to learn oxen-ploughing techniques.

[21] The total cost of all social infrastructures is covered by the Sugar Corporation, but the pastoralists are expected to build their own houses (Interview, South Omo). We were told that corrugated iron sheets are provided for free by the Sugar Corporation, but we did not see any houses with such roofing.

[22] Pastoral women who did not join the villages use the mills as well (Interview, South Omo).

[23] It is highly likely that although these wives get a hectare of land under their names (considering them as household heads), they will live very close by, and thus, not necessarily get separate land for building houses. A husband can easily accommodate his wives on one-half hectare of land. Traditionally, all wives have cordial relationships, helping each other in the household chores and child-rearing. Thus, not all wives demand separate housing units.

Table 2: Villagization plan in Salamago *Wereda*

| Scheme | Nationality | Village | Household per village | Population |
|---|---|---|---|---|
| Salamago old | Bodi | Omo Hanna Village 1 | 500 | 2,500 |
| | | Omo Hanna Village 2 | 500 | 2,500 |
| | | Omo Hanna Village 3 | 430 | 2,150 |
| Salamago new | Bodi & Bacha | Gura Village 1 | 320 | 1,600 |
| | | Gura Village 2 | 320 | 1,600 |
| | Mursi | Hailo village 1 | 413 | 2,065 |
| | | Hailo village 2 | 413 | 2,065 |
| | | Hailo village 3 | 414 | 2,070 |

Source: SNNPRS (2012) Government, Pastoral Affairs Bureau, S. Omo Zone, Salamago *Wereda* and Kaffa Zone, Decha *Wereda*. Villagization Plan of 2005 (E.C), Submitted to Kuraz Sugar Development Project Nehassie 2004, Hawassa

suspicious view of the plan, and contend that the remaining households will join the villages once those who have already joined (the villages) start tasting the fruits of their new way of life.

Implementers of the scheme stress that the villagization undertaking is painstaking, arduous and requires perseverance and commitment, mainly as the Bodi have a predominantly pastoral economy and did not have prior exposure to agriculture.[24] Thus, the Bodi's resistance is particularly associated with "lack of awareness" and the difficulty of lifestyle transformation, in the words of the Head of the South Omo Zone Pastoral and Agricultural Department, from "a traditional pastoral society to an industrial one." This resistance has necessitated numerous discussions[25] (with the intention of *convincing* the pastoral communities) with representatives of each ethnic group to explain the benefits of living

[24] The Bodi of course used to practice flood retreat agriculture, but did not have exposure to small scale agriculture using pumps, or irrigated agriculture investment as the Dassanech, for example, did.

[25] In these discussions, each *Kebele* was represented by 20 individuals, including traditional leaders, ritual leaders, and representatives of youth and women. These individuals were also involved in the selection of the sites for the villages, the arrangement of the housing units (based on clan relations and good relations between individual households),

in villages. Better success, according to Zone officials, is recorded in the Dassanech *Wereda*, as the Dassanech had prior experience of small scale irrigated agriculture and have "better awareness."

From our visit to the villages, it appears that the government is building the different social infrastructures with the conviction that the villages will be populated sooner or later.[26] If one takes the example of Omo Hanna Village 3, although no one joined the village, most social infrastructures are in place. The most successful, Omo Hanna Village 2, has less than one-third of the planned household units living in it.

The low success rate seems to indicate that the pastoral community is not deeply committed to joining the villages. On the other hand, it also shows that the approach followed was not *coercive*. Had it been *coercive*, we expect that the villages would have been more populated, albeit grudgingly–reducing the long-term success of the aims of the villagization programme. In any case, we did not find any evidence of forced villagization. Although not recorded formally, relapse (leaving villages after joining) is also not uncommon. This indicates that there is the option of living in both spaces.

Rather than *pushing* pastoralists into the villages, the implementers seem to have chosen a *pulling* strategy. The various social infrastructures, the food rations and the provision of agricultural land and skills act as the *pulling* strings. Employment (unskilled employment particularly) at the KSDP also serves as a *pull* factor. All of the security guards of the KSDP, for example, are from the local Bodi community, and earn about 1,600 ETB (about USD 90) per month. This possibility of *earning well*, at least by local standards where the economy is not yet commercialized, will definitely be a strong *pull* factor to join the villages.

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and the agricultural land. In an attempt to convince the Bodi of the genuine intentions and the good results of villagization and farming, these representatives were also involved in an experience-sharing visit to other pastoral areas which had picked up farming (mainly Dassanech).

[26] An "if you build it, they will come" attitude.

**Expected demographic change and its implication on culture, political representation and conflict dynamics**

One of the most important contributions of an expanding sugar industry to the national economy is the creation of employment opportunities. The GTP document provides an estimate that one person will be employed for every hectare covered by sugarcane.[27] Including jobs outside the realm of the specific KSDP—for example school teachers, health professionals, traders etc—the Zone alone is expected to absorb as many as 600,000-700,000 employees. Estimates vary, but the conservative number we found was 400,000. Assuming that these people will be equally distributed on a per hectare basis and taking the conservative estimate, about 114,000 job opportunities will be created on the eastern part of the KSDP, in Salamago *Wereda*.

The conservative estimate (400,000) is greater than the economically active population of the Zone (306,162), as can be seen in Table 3. Unemployment figures are very low in the Zone, the highest being recorded in the urban areas of Hamer and South Ari Wereda. Data from CSA (2008a) shows that only 2,892 individuals are unemployed[28] in the Zone; of which only 135 are from Salamago *Wereda*.[29] The absence of the culture of employed work[30] and agricultural skills further reduces the possibility that local pastoralists would seek employment at the farms *en masse.*

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[27] Although the GTP estimates that the new plantations on 200,000 ha of land will create 200,000 employment opportunities (MoFED, 2010, p. 59), estimates from the Sugar Corporation and Zone officials include jobs not directly linked to the KSDP and are much higher. The Chief Administrator of the Zone gave us the conservative estimate, while the highest estimate (600-700,000) was from the Sugar Corporation in Addis Ababa. These estimates do not include those coming following the employees, such as spouses, children and extended family.

[28] This figure might not show the extent of under-employment and the cultural understanding of "being unemployed" in the pastoral lowlands.

[29] The Chief Administrator has informed us that of the 3,000 employment opportunities created thus far, 1,700 were filled by people indigenous to the Zone. Thus, most of the vacancies to be created will be filled by individuals coming from outside the Zone.

[30] Employment is equated to reducing oneself to subservience. Culturally, the pastoral egalitarian culture does not encompass hierarchical social relations, which has contributed to the hatred of hired labour as a concept.

Thus, it is expected that a great majority of the job opportunities to be created by the KSDP will be utilized by people coming from outside the Zone.[31] Due to geographical proximity, and also based on historical labour migration patterns in relation to sugar industrialization (Kloos, 1982), it is likely that most of the KSDP's labour force will come from the densely populated highlands[32] of SNNPRS. This movement will turn indigenous ethnic groups of the Zone into numerical minorities in their ancestral home-land.

Table 3: Unemployment in the *Wereda* of South Omo Zone

| No. | *Wereda* | Economically active (number) | Employed (number) | Unemployment | |
|---|---|---|---|---|---|
| | | | | Number | % |
| 1 | Salamago | 15,097 | 14,961 | 135 | 0.9 |
| 2 | South Ari | 100,269 | 98,249 | 2,019 | 2.0 |
| 3 | Semen Ari | 37,905 | 37,762 | 143 | 0.4 |
| 4 | Hamer | 36,257 | 35,957 | 301 | 0.8 |
| 5 | Bena Tsemay | 31,636 | 31,562 | 75 | 0.2 |
| 6 | Dasenech | 30,555 | 30,481 | 76 | 0.2 |
| 7 | Male | 42,693 | 42,554 | 139 | 0.3 |
| 8 | Nyangatom | 11,719 | 11,713 | 6 | 0.1 |
| **South Omo Zone** | | **306,132** | **303,239** | **2,892** | **0.9** |

Source: CSA (2008a).

The right of Ethiopians to move, settle and engage in economic activity in all regions of the country is constitutionally recognized. The recognition of this right is indeed necessary and essential for the building of a vibrant

[31] Administrators at the Zone level state that the Sugar Corporation has already absorbed all indigenous people with some schooling.

[32] The highlands of the regional state have the highest population densities in the country (the highest being 627 persons/km$^2$ in Gedeo Zone; Wolaita, Sidama, Kambata-Tembaro and Hadiya Zones also have high population densities). The Zone, in contrast, has the lowest density for the region at 21 persons/km$^2$ (CoN, 2011). Kloos (1982) shows that these highlands contributed a significant proportion of the labour force of the Awash Valley sugarcane plantations in the 1970s.

nation, and a prosperous and integrated national economy. The respect of this right should not, however, come at the expense of the rights of those indigenous to the area. With the right mechanisms and institutions in place, the rights of both groups, we think, could be protected without compromising the rights of the so-far marginalized and socio-politically weak peoples of the zone.

Below, we will try to investigate the possible consequences of this demographic change on the rights of indigenous ethnic groups (Article 39 (2 and 3) of the FDRE Constitution (FDRE, 1995) guarantees the rights of nations, nationalities and peoples) and its conflict implications for the indigenous ethnic groups[33] of the Salamago *Wereda*. We will try to show possible rights infringements as a result of the labour migration and what mitigating measures, if any, are being considered by the government.

*Threats to promotion of local culture*

The culture[34] of the indigenous population of Salamago *Wereda* is intimately and inextricably intertwined with cattle herding,[35] not as a commercial enterprise but as the foundation of prestige and rituals. The local pastoral culture revolves around cattle, and cultural practices will be meaningful only if one considers this.[36]

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[33] The political representation and self-determination rights of the incoming individuals might also be negatively affected, but we will not be focusing on that in this paper. Complementing the territorial approach to dealing with the ethnic question by granting a non-territorial autonomy to ethnic groups (at least at the regional level) will contribute towards reducing the negative implications on political rights of the migrants. This non-territorial approach is already in use in Benishangul-Gumuz Regional State and Harari Regional State. For details read Van der Beken (2010).

[34] Culture here is used in the broadest sense as adopted and defined by Ethiopia's National Cultural Policy (FDRE, 1997) as "a concept which incorporates all intellectual, ethical, physical, technical and other activities that characterize humankind as a rational being. It also involves the ability of man to learn and train himself in moral, technical and other spheres of knowledge." The document further adds that culture "incorporate[s] their (nations, nationalities and peoples) varied social, economic, political, administrative, moral, religious and psychological conditions."

[35] This is true of the Bodi and Mursi, who are most affected by the KSDP.

[36] This is usually referred to as cattle complex (Herskovits, 1926).

Culture is not static. It evolves with change in the socio-economic and political context, in an organic or abrupt manner. (Ethiopian) History is full of attempts, successful or not, to assimilate the culture of a given people by hegemonic forces; a practice not in line with Ethiopia's current constitutional and political landscape. The possible demographic change and villagization associated with the KSDP however carries the risk of significantly affecting local culture.

Firstly, villagization is a first step towards transforming the pastoral way of life to settled farming. Villages are linked to the provision of agricultural land with access to irrigation water. An expert is assigned for every 50ha of land, which shows an earnest intention to convert the pastoral into an agricultural community. Furthermore, through the building of water points, the government intends to reduce the need for seasonal migration, and eventually encourage destocking and the use of improved breeds (SEPDM, 2010). Accordingly, the pastoral lifestyle will give way to a mix of ranching and farming, with the likelihood that age old cultural practices unique to the communities will be lost or rendered meaningless. Such change in a short period of time might not be easily accepted by the communities. This threat was apparently recognized in the early 2000s, as the following quote from the rural development policy of Ethiopia depicts:

> We should stress on the need to progressively settle all pastoral people. However, considering the cost it incurs, *the cultural change it brings about* and the extent of political work it requires to convince the people, it should be known that it is a long term work requiring decades. It should be done, whether it takes long or not….. (FDRE, 2001, p. 146, *emphasis ours*)

As Roth and Fratkin (2005) argue, processes of sedenterising pastoralists are "usually accompanied by larger socio-cultural changes." For example, the culture of sharing will decline with an increase in the sense of private property and the commodification of agricultural products (Roth & Fratkin, 2005; Vrålstad, 2010). Produce will no longer be for communal use, but will be destined for the market (for the case of Filtu *Wereda*, see Vrålstad, 2010). Additionally, age and gender roles will change (Roth

& Fratkin, 2005). Furthermore, with increasing penetration of the state apparatus, traditional ways of social governance (for example, elders' authority, age-grade systems….) will degrade. As Roth and Fratkin (2005) stress, the "moral economy" of distributive pastoral egalitarianism will break down and give way to individualism, benefitting the successful and exposing the poor to the vagaries of the market.

The necessity of these changes for socio-economic development at local levels and the importance of some of these cultures are debatable. It is not our intention here to delve into giving value judgements on the desirability or undesirability of such changes. One might also contend that such changes are inevitable. We are primarily interested in the pace of the changes; the faster the pace, the greater the likelihood that the cultural changes will contribute to feelings of alienation and marginalization.

Secondly, the arrival of a huge labour force from the highlands, in the words of Chief Administrator of the Zone, brings with it the risk of "cultural invasion." Zone officials contend that villagization reduces this risk, as the pastoralists will have the numerical advantage to preserve and promote their culture. The reverse, however, is also true: as the villages are now accessible to the "outside" culture, the local culture could easily be impacted. Thirdly, the establishment of urban centres in the vicinity will also increase the threat of domination of the "high urban culture" over the pastoral.

Ritual places and leaders play a significant role in the life of local people. KSDP and government officials stress that every effort has been made not to negatively impact such places. In the event that the KSDP plantations affect such places, the authorities encouraged the ritual leaders to *transfer* the ritual places to other sites near the villages. As the Speaker of the Zone Council explained, as the powers of the ritual places are *socially constructed*, they are not associated with any particular location. Thus, after the right procedure, the ritual leader can *deconstruct, transfer* the old and *reconstruct* a new ritual place.

The Culture, Tourism, and Government Communication Affairs Bureau of the Zone has the authority to study and also to promote the culture,

language, history and heritage of the ethnic groups in the Zone, and work towards reducing the risk of "cultural invasion" and assimilation.[37] However, as an expert from the Bureau informed us, the Bureau does not engage in work associated with the KSDP and villagization. Nevertheless, there is need for a significant effort in this direction. The attitude of branding everyone who raises potential negative consequences on the local culture from the development project as one who wants to permanently perpetuate the pastoral life style for touristic purposes could be discerned at all levels in the regional government. This attitude may lead to the belittling of the unintended negative consequences of development projects.[38] Instead, what has to be done is to recognize the dangers and to put in place the required social safeguards with the help and decisive participation of the affected communities.

*Threats to political representation of indigenous ethnic groups of the zone*

The right to self-administration and equitable representation of all ethnic groups is guaranteed by the Constitution of the FDRE (1995)[39] and the Constitution of the Southern Region (2001).[40] The drafters of the constitutions of both the FDRE and the Southern Region have favoured a territorial approach to ensure the rights of ethnic minorities are respected (Van der Beken, 2007; 2012). To this effect, all ethnic groups have the right to establish their own regional state.[41] The expected demographic change in Salamago *Wereda*, as a result of the KSDP runs the risk of threatening the self-administration and representation rights of indigenous ethnic groups at the zonal, regional and federal levels unless due recognition is

[37] Interview, Culture Bureau of South Omo Zone.

[38] Unintended consequences of development on culture should not be ignored. Just to give a simple example, as explained by an expert from the Culture, Tourism and Government Communication Bureau of the Zone, after finishing their studies at the boarding school in Arba Minch, most men do not opt to marry a woman from their own indigenous ethnic group. This, of course, is a personal choice, but has huge cultural implications. Local people claim that education turns their sons into Amhara. This should serve as a sufficient indicator that "development" does not always result in social good.

[39] Article 39 (3) of the Constitution of the FDRE.

[40] Article 39 (1-3) of the Constitution of the SNNPRS.

[41] Article 47 (2) of Constitution of the FDRE and Article 39(5) of the Constitution of the SNNPRS.

given to the probable change, and necessary mechanisms are put in place to manage it.

At the zonal level, the threat comes in the form of reduced representation at the Zone Council,[42] which has the greatest political power,[43] including legislative power,[44] to "protect the rights of Nationalities to speak, write and develop their language, and preserve their history,"[45] and to investigate and, if found necessary, discharge the Zone executive officials of duties.[46] Before the 2013 local elections, the Zone Council included members from all indigenous ethnic groups of the zone[47] and a few from non-indigenous ethnic groups.[48] For example, of the 25 members of the five Zone Council Standing Committees, three are from non-indigenous ethic groups.[49]

Local officials are convinced that the level of a candidate's schooling is given priority in the selection of individuals to run as SEPDM candidates, implying that the indigenous (less educated) ethnic groups are being disfavoured. The Speaker of the Zone Council explained that the most

[42] For a detailed list of the powers of the Zone Council, see Article 85 of the Constitution of the SNNPRS.

[43] Some officials stress that indigenous ethnic groups could exercise their right to self-determination at *Wereda* and *Kebele* levels; however these administrative levels do not have the required power.

[44] See: Article 80(2) of the Constitution of the SNNPRS. Sidama Zone has used this power already (Van der Beken, 2012), but the Zone Council has yet to use this power.

[45] See: Article 81(3) of the Constitution of the SNNPRS. Five zones (Sidama, Wolaita, Hadiya, Kembatta-Tembaro, and Gedeo) have used this power and have changed the working language of their zone from Amharic (the regional working language) to language of the zone's dominant ethnic group. The working language in the Zone is Amharic.

[46] See: Article 81(3/h) of the Constitution of the SNNPRS.

[47] Including representatives of the Konso.

[48] Four zones (Gurage, South Omo, Sheka, and Bench-Maji) and one Special *Wereda* (Derashe (now in Segen Peoples' Zone)) had individual(s) from non-endogenous ethnic groups in their councils before the 2008 local elections (Van der Beken, 2012).

[49] Each *Wereda* Council sends five of its members to serve in the Zone Council for a period of five years, thus the Zone Council has 45 seats. The ethnic composition of the 25 members of the standing committees is as follows: five from Ari, three from Malie, two from each of Banna, Dassanech, Amhara, Murille and Hamer, and one from each of Bodi, Arborie, Tsemay, Kambatta, Dime, Kara and Nyangatom. Thus, three of the 25 are from non-indigenous ethnic groups, Amhara and Kambatta.

important factor in getting elected to the Zone Council, for nominees from the ruling coalition, is the commitment of the individual to government objectives, and the individual's understanding of and firm commitment to the party line,[50] not his/her national origin.[51] She further explained that given the dire shortage of an educated workforce from any of the indigenous ethnic groups, it would be luxurious and counterproductive to give emphasis to ethnic origin and self-administration.[52] The track record of the Zone shows that *merit* rather than ethnicity is the basic requirement for holding a leadership position.[53]

Furthermore, the representation of the Konso in the Zone Council as an indigenous ethnic group, particularly given that they resettled in Salamago *Wereda* only in recent years, shows that it is highly likely that the KSDP's future migrant workforce will get representation in the Zone Council. It cannot be said that non-indigenous persons cannot be members of an area council but the above- mentioned possibility of demographic change might mean that the number of individual council members from indigenous ethnic groups might drop, even to the point of losing their majority position over time.

The threat to self-administration and representation of indigenous ethnic groups at the local level also comes from the establishment of urban centres. Towns created as part of the KSDP will meet the requirements[54] to be governed by the region's Revised Cities Proclamation 103/2006. The proclamation gives cities special autonomy with the city councils to determine major decisions and policies, with the mayors leading the executives (Van der Beken, 2012).[55] The city councils are entrusted to

[50] In her exact words, the candidate's "revolutionary comradeship."

[51] She stressed that every Ethiopian is equal, and is, as such, treated equally, within the framework of the electoral laws, irrespective of ethnicity.

[52] The dearth of skilled workers is so constraining that members of the Zone's executive are also members of the Zone Council Standing Committees, which, in principle, is not acceptable.

[53] With the exception of the Chief and the Deputy Administrator of the Zone, and the Speaker and the Deputy Speaker of the Zone Council, all other seats and positions are open to anyone (Interview, South Omo Zone Council).

[54] Requirements can be found in Article 8(2) of Southern Proclamation 103/2006.

[55] Other organs of city governance include: the Mayor's Committee, the Manager of Municipal Services, judicial organs and municipal administrative courts (Article 15(1) of Proclamation Number 103/2006).

perform all functions, powers and responsibilities bestowed to their cities in Articles 12 and 13, and thus, are the supreme authorities. As Van der Beken (2012) captures, there is an attempt to protect the rights of minorities through a guaranteed 30% seats in city councils[56] and a stipulation that mayors shall be elected from among these members, "if (a) fairly competent" member is found amongst these individuals.[57] This guaranteed representation however is not permanent; Article 16 (3.3) provides two scenarios in which it could be repudiated: 1) if the concerned ethnic group is no longer a minority in the city, *or* 2) if "the Executive Council of the Region and the Zonal/Special *Wereda* Council decide, in consultation with the nation/nationality concerned," to repudiate it.

Comparing the expected huge influx of labour with the total indigenous population of the *Wereda*, one can easily deduce that the urban centres established will be overwhelmingly inhabited by the incoming labour. On top of this, the incoming population predominantly holds the perception that it has the "higher culture" which contributes to implicitly or explicitly, knowingly or inadvertently, discriminating against local people. Thus, the likelihood that the urban centres become an almost exclusive preserve for the non-indigenous is not insignificant. Therefore, the first condition through which Article 16 could be invalidated will not be applicable at any time in the future. Rather, the second condition will be the only option through which this Article could be annulled. This condition gives the regional and zonal executives the power to decide on whether or not to repudiate the guaranteed representation of minority ethnic groups in the city councils. However, these bodies to a large extent failed to make the necessary consultations regarding the KSDP. Thus, what was meant to guarantee the representation of indigenous ethnic groups is left at the mercy of the executive, which—judging from the overarching primacy

[56] Article 16 (3.1) states that if indigenous nations/nationalities are not in the majority, the executive council of the region could reserve up to 30% of the seats for them; Article 16 (3.2) also offers the opportunity for adjacent *Kebele* to elect representatives to a city council.

[57] The election of a mayor from the minority ethnic groups is also contingent on whether or not the executive of the regional state finds it appropriate to reserve 30% of the seats for these ethnic groups (see: Article 21(1.2) of Proclamation 103/2006.)

given to sugar development—might pose risks to the representation of local minority ethnic groups.

Let us now come to threats to political representation at regional and federal levels. The Constitution of the FDRE stipulates that every Ethiopian[58] has the right to be elected, and that all ethnic groups have the right to equitable representation[59] at regional and federal levels. In the case of the KSDP, these two rights are competing, not complimentary. The right of the migrants to be elected might come at the expense of the right of indigenous ethnic groups to equitable representation in a given constituency district. The sheer number of labour migrants might disfavour those running from the indigenous ethnic groups, considering that all other factors are the same. This, however, does not hold for representation at the House of Federation (HoF) as each ethnic group is allocated a seat, with an additional seat being added for every million persons in that ethnic group.

The constitutional interpretation of the right to be elected given by the HoF to date may serve as a legal precedent and further endanger the likelihood of representation of the local minority ethnic groups of the Zone at regional and federal levels. The HoF interpreted Article 38 (1/b) and stipulated that knowing the working language of the constituency, not the language of indigenous ethnic groups, is the only language requirement in deciding the eligibility of an individual for running for election (for details on the constitutional interpretation of Article 38 (1/b), see Asnake, 2008). As the working language of both SNNPRS and the Zone is Amharic, the threat to the right to equitable representation of the indigenous ethnic groups at regional and federal levels is high. (Especially if one considers that the labour migrants might have better education and speak better Amharic than most indigenous people.)

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[58] Article 38 (1/b) states that "Every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the right to vote and to be elected at periodic elections to any office at any level of government."

[59] See: Article 39(3) of Constitution of the FDRE.

The last recourse to protecting the political representation of minority ethnic groups by allowing representation in the Federal House of People's Representatives is found in Article 54(3) of the Constitution of the FDRE, which stipulates that at least 20 minority ethnic groups will have a guaranteed seat at the House. However, of the 22 seats currently reserved for minority ethnic groups, none are for the ethnic groups in the Salamago *Wereda*, notwithstanding the fact that three of the four indigenous ethnic groups of the *Wereda* have a guaranteed seat at the Regional Council.[60]

*Dealing with threats to rights of indigenous ethnic groups*

The previous pages have established that there is a real risk to the cultural and political representation rights of indigenous ethnic groups. This leads one to enquire if there are mechanisms available at federal, regional and local levels to mitigate these negative consequences.

It, however, appears that the regional and zonal authorities have not yet prepared a mechanism to guard indigenous ethnic groups of the area against these threats. Some seem to be of the opinion that cultural rights and equitable political representation will not be affected at all; while others contend that it is not yet time to worry about these issues. The rational of the latter group is that the necessary measures will be taken when the project is fully operational. This fire-brigade approach might detract the capacity of the authorities to ensure the protection of the rights of indigenous ethnic groups.

With regard to the question of equitable representation, some interviewees stress that the regional vanguard party will ensure that only individuals from indigenous ethnic groups will get the running-ticket for office or seats at the federal, state and local levels. This presupposes that the regional party will win elections consecutively for the coming few decades. In a

[60] The 22 are: Irob and Kunama (from Tigray), Argoba (from Amhara), Shinasha and Mao-Komo (from Benishangul Gumuz), Godere (from Gambella), Harari (from Harari), and Basketo, Me'ent, Male, Nurji, Dassanech, Hamer, Sheko, Dizi, Zeyse, Gidole, Duwada, Surma, Oyda, Na'a and Tsemay (from SNNP). The nine minority ethnic groups allocated guaranteed seats in the SNNP Regional Council are: Arborie, Nyangatom, Mursi, Bodi, Dime, Busa, Dibicho, Chara, and Zelmamo (Interview, Public Relations Office of the National Electoral Board of Ethiopia).

multi-party system, one cannot be certain of such outcomes, especially in urban centres where opposition to the ruling coalition has manifested at different times.[61] Even if it does, there cannot be an absolute guarantee that the regional party would always standby the numerically small minority ethnic groups of South Omo. Power constellations and political and economic interests change, and with these changes, political and economic priorities change. Thus, a political party is not the appropriate entity to ensure the protection of the rights of minority indigenous ethnic groups over a longer time period. Rather than putting one's faith in a political party and the good will of the rulers of that party, legal-institutional protection should be sought. The prime importance given to the sugar industry by central economic planners and potential subsequent pressures towards meeting high economic performance targets also necessitate institutional guarantees in time.

**Changes in conflict dynamics**

As in most pastoral lowlands, violence was common in the Lower Omo Valley, with a mainly resource dimension (i.e. competition for pasture and water). Culture also contributed to violence, mainly the high bride price which pushed young men to rustle cattle from adjacent ethnic groups.[62] Vengeance killing kept blood being shed until an agreeable compromise is reached by the elders of the feuding ethnic groups. Greed to accumulate wealth is also a factor.[63] The KSDP however will change the socio-economic situation of local communities, and also bring significant changes to local conflict dynamics.[64]

[61] Such an assumption was made when the Benishangul-Gumuz Regional State reached a negotiated quota system to share seats in the Regional Council and House of People's Representatives amongst indigenous ethnic groups and settlers from the highlands. The quota system was, however, upset when individuals from the non-indigenous ethnic groups won elections running with a ticket for the Coalition for Unity and Democracy (CUD) in 2005 (Asnake, 2008).

[62] Competition for water and pasture, and cattle rustling are the top causes of conflict in the past (Interview, Security Bureau).

[63] An extreme form of greed is manifested in the commercialization of cattle rustling.

[64] Some interviewees mentioned that one of the factors contributing to the resistance to living in villages is the fear of increased conflict amongst the Bodi themselves, as they do not have the experience of intense social interaction in the past. This fear was also expressed about three decades ago when the Derg government villagized the Guji Oromo in the mid-1980s (Tadesse, 2002).

If the planned reduction in herd size materializes, resource conflicts will decline, or at least those related to rangeland resources.[65] However, judging from past experiences, new forms of conflict might erupt. For example, the settler Konso community in Salamago *Wereda* had engaged in violent conflict[66] with the host Bodi in the past. The main cause appeared to be the expansionist tendencies[67] of the Konso. To end the conflict, the government organized a peace conference and mediated and brought the two conflicting parties to a peaceful resolution.

Officials at local levels brushed aside the likelihood of a repeat of such conflicts with the migrant labour force, stating that as the newcomers will not be engaged in farming there will not be sufficient causes for conflict. Officials also add that local people understand that the newcomers will work there under a government supported development programme, and thus will not be attacked. This is akin to saying: as local people do not want to wrong the government, they will not attack newcomers. This puts the government among the conflicting parties,[68] and, as such, changes the conflict dynamics.

What might be taken as minute misunderstandings or accidents could also result in all-out violence. This was what happened with car accidents in late 2012/early 2013. The Bodi perceived repeated car accidents as intentional attempts to kill their kinsfolk, and, infused with the culture of vengeance killings, intended to kill the "kin" of the killers, i.e. the drivers. As they consider all non-indigenous people as *Amhara*, they simply targeted *everyone else*. This should indicate that accidents, and for that matter misunderstandings[69] of various sorts, could trigger conflict, and make everyone a target. Intentional wrongdoings could also

65 Local officials also expect that conflict will stop with development.

66 With deaths on both sides.

67 Many more than the 5,000 people originally agreed upon arguably migrated and settled in the *Wereda* which increased the acreage the Konso put under cultivation, thus reducing grazing area. The conflict was triggered by a fight at a local bar on a market day.

68 For example, grievances emanating from restricted access to resources (fish in the Omo for the Bacha, and pasture and water for the Bodi and Mursi) could also lead to community-government conflict.

69 Given the vast cultural differences between the newcomers and the indigenous communities, it is to be expected that misunderstandings would be rife.

lead to violence. For example, in the Birale Agricultural Development Plantations,[70] the stealing of cattle or shoats by the (mainly seasonal) labour force might also contribute to conflict causation.[71]

Officials from the South Omo Security Bureau[72] seem to be following a preventive approach, but with the consideration of the usual suspect causes only. This view constrains the capacity of local actors to take preventive actions. Lack of preparedness of the regional authorities is exemplified by the fact that the Council of Nationalities (CoN), which was established with the intention of developing "institutional mechanisms for the prevention and regulation of ethnic conflicts" in SNNPRS (Van der Beken, 2012), has not yet considered the possibility that conflict could be one of the unintended consequences of development.[73] The only remaining alternative will be dealing with conflicts as they occur; again, a fire-brigade approach by the government.

## Conclusion

There is a genuine desire to improve the livelihood of the indigenous ethnic groups of the Zone on the part of the concerned authorities. Though there is a desire to avoid *coercive* measures in relation to villagization and the establishment of sugarcane plantations, a continuous effort to make local communities accept whatever comes from above could be discerned. Resistance and sluggishness in the rate of joining villages is not considered to emanate from opinions of local indigenous ethnic groups, but rather, is attributed to the negative influences of "external elements." As repeatedly pointed out, there may be a risk to the culture and maintenance of identity and also of the representation rights of minority peoples unless mechanisms that could counter these risks are put

[70] Interview, South Omo Zone Security Bureau.

[71] Local officials also add that actors based outside Ethiopia, "such as Survival International" and the feeling that "all the good work is going to the non-indigenous" might be additional proximate causes of conflict.

[72] With daily updates being transmitted from local informants to the zone and from the zone to the region, and adopting a strategy of taking steps before violence breaks out.

[73] The CoN did not investigate the likelihood that the Gibe III and sugar development could lead to violent conflict in the lowlands of the South Omo Zone (Deputy Speaker of the CoN).

in place. Otherwise, new conflict dynamics may emerge. The response of the Bodi to repeated car accidents might indicate a simmering symptom of alienation, disgruntlement and frustration, which, if not checked, could increase in scope.

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# Large Scale Land Investment in Gambella, western Ethiopia – The Politics and Policies of Land

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## Introduction[1]

The rather negative and somehow blurry term 'land-grabbing' refers to direct investment in agriculture (Large Scale Land Investment, hereafter LSLI), led by an increasing international demand. Though target countries are generally found in the global south, large investments are currently being carried out by countries such as India or Saudi Arabia, in addition to traditional European actors (the Netherlands, Germany, etc.) and increasingly domestic actors from the target countries themselves also engage in the 'land-rush' (Abbink, 2011; Anseeuw et al., 2012; Cotula, Vermeulen, Leonard & Keeley, 2009). The term's negative connotation arises from concerns that investors and governments could ignore indigenous rights to land and impede peasants' agricultural production on large tracts leased to foreign or domestic investors. The on-going debate on 'land-grabbing' is polarized between two extremes: The development thesis contends that investment will foster rural development and lead to technology transfer while its 'culturalist' anti-thesis emphasises the fact that investment alienates small-holder agriculturalists and indigenous communities from their traditional rights to land, thus endangering domestic production and food security. Neither of the two theories seems to fully capture complex dynamics following rapid developments (Lay & Nolte, 2011). The international community as well as donor agencies promote codes of conduct for investors and governments to protect indigenous rights, but basically see direct investment in agriculture

[1] This paper was first presented in outline in a poster session during the "International Workshop on Large-Scale Land Acquisitions" at GIGA (German Institute of Global and Area Studies), Hamburg, Germany, on 11 May 2012 and a draft version appeared under "Land Grabbing in Ethiopia: A Historical Perspective from Gambella, South-Western Ethiopia," in: Informationsblätter [Information leaflets] / Deutsch Äthiopischer Verein [German Ethiopian Association] June 2012; 10-13. This paper has benefited from the many important comments made during and after its presentation at the IPSS workshop in Addis Ababa for which I am very grateful.

as a chance for rural development rather than as a threat to it (cp. the 2012 Strategy-paper of the German Federal Ministry for Economic Cooperation and Development;[2] also the United Nations recently agreed upon a convention concerning land investment).[3]

In the Ethiopian setting, and especially in the context of Gambella, it is interesting to analyse LSLI in the context of modernization and nation-building. Ethiopia has not been colonized; nonetheless the making of modern Ethiopia (a process of military expansion begun in the late 19th century under King Menelik II) causes controversy for the national question to date. The national question is usually analysed between the two extremes of 'national unification' or 'internal colonisation' (for a concise analysis of the arguments in relation to post-1991 politics see Merera, 2006). "Colonial rule," writes Scott (1998, p.225), "has always been meant to be profitable for the colonizer. This implied, in rural societies, stimulating cultivation for the market." The argument that I am going to develop in this article is based on two assumptions: 1) Gambella was incorporated into Ethiopia under the pretext of colonialism; and, 2) it has been seen, by consecutive governments, less as an integral part of the Ethiopian nation and more as a buffer territory open for political and economic bargaining. The legacy of this history, and the discrepancy between national and economic integration, continue to haunt the recent developments in Gambella.

Ethiopia recently gained prominence as an example for international LSLI, and Gambella, a historically marginalized, remote region in Ethiopia's west, has received increasing media, scholarly and activist attention.[4] In Gambella, as in other parts of the country, the attention

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[2]http://www.bmz.de/de/publikationen/reihen/strategiepapiere/Strategiepapier316_2_2012.pdf (last access 13.04.2013)

[3] http://www.bbc.co.uk/news/world-18039528 (last access 14.03.2013)

[4] Among the most recent and prominent examples is "Waiting here for Death: Forced Displacement and 'Villagization' in Ethiopia's Gambella Region" by Human Rights Watch; more recently the *Oakland Institute* issued: "Unheard Voices. The human rights impact of land investment on indigenous communities in Gambella" (http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Report_Unheard_Voices.pdf; last access 17.04.2013)

focuses on allegations that people are being evicted from their land in order to make space for agricultural investment based on external capital.[5] It is yet hardly possible to predict the outcomes and changes LSLI will bring for Ethiopia in general and Gambella in particular. While the debate continues, surprisingly little use is made of historical facts on previous practices of land improvement or concession selling. The question, "does history matter?" is rarely posed. This paper explores the historical roots of the 'colonial-thesis' in the context of Gambella. The paper reviews the early 20th century concession boom in Ethiopia's western-most region (cp. *The Gambella Land Concession Syndicate*), and the resettlement program of the 1980s as well as current land policies. I will look at power relations between the tiller and the government and contend that 'land-grabbing' is not an essentially new phenomenon in Ethiopia, especially when analysed from the perspective of the tiller. The paper also aims at presenting an overview of different perceptions (national and from the diaspora) on the debate on LSLI.

Gambella, ca. 700 km away from the centre, Addis Ababa, has been - and still is - one of the peripheral regions in Ethiopia. It is a lowlying region bordering South Sudan to the west, Oromia to the north and Southern Nations Nationalities and Peoples Regional State (SNNPRS) to the south-east. Gambella has shown mixed results in its process of national integration and democratization during the last two decades since the coming to power of the Ethiopian People's Revolutionary Democratic Front (EPRDF) (Markakis, 2011; Dereje, 2012). The region's history is conflict-ridden and some of the conflicts were and are related to land. LSLI, according to the reading of this paper, is yet another factor in a long chain of issues related to land resulting in conflict. Still it is striking, even with the long history of land-related conflicts, strategies of conflict prevention and mediation seem not to have been developed, despite the engagement of state and non-state actors on the ground.

Land is a resource of conflict, a political as well as ideological commodity; as such it is easily exploitable. For governments land may be the national

[5] One prominent example is the Survival International campaign for peoples of the South Omo area: http://www.survivalinternational.org/tribes/omovalley (last access: 17.04.2013)

territory, and a political as well as an economic resource. Governments may use it to mobilize the public. Territoriality converts the respective value of land into political and social action. 'Land-grabbing' thus transforms images of landless peasants and endangered indigenous communities into calls for action and politicizes activists and commentators. At the same time, land is used as a resource for political opposition and is reflected in local resistance (in the case of Gambella, see e.g., the emerging *Gambella Nilotes United Movement/Army*).[6] As we will see, land becomes an example of national oppression, used in diaspora-led calls for political change and opposition (a recent example is the *Solidarity Movement for a New Ethiopia*, see below). Land is also a living space, nature, and the basis of spiritual or social identification, a place to grow, plough, and to go hunting, or to find food, during hungry times. Land, as the key concept in this paper, will be put at the heart of a more general narrative of struggles over land to show how LSLI are positioned in a long line of conflicts over state-making and state formation.

This paper is based on consecutive visits in the region (in 2005, 2006, 2009-11) and on research on the trajectories of migration and resettlement (cp. Meckelburg, 2008). The data on land conflicts has been largely gathered during this period, and is updated, for the purpose of this paper, by secondary materials on the LSLI debate. In the following section, the paper will introduce some theoretical issues on land, then proceed to a short history of land in the context of Gambella, and will finally look at current issues. In the last part I will discuss the main question of the paper: is LSLI, as part of agricultural policies, a push towards, or away from national integration?

## Land on the conflict map

Land, seen as living space, is an important resource for social and cultural identification. Lefebvre (1991, p. 53) argued:

> [A]ny 'social existence' aspiring or claiming to be real, but failing to produce its own space, would be a strange entity, a very peculiar kind of abstraction unable to escape from

[6] http://ethiomedia.com/2012_report/4542.html (last access 20.04.2013)

> the ideological or even the 'cultural' realm. It would fall to the level of folklore and sooner or later disappear altogether, thereby immediately losing its identity, its denomination and its feeble degree of reality.

To understand land conflicts, this paper argues, it is important to understand the intangible value of land (Strathern, 2009). We don't have to go back to the Ethiopian revolution and the slogan of the early student movement, 'land to the tiller,' to understand the mobilizing power land issues have in the Ethiopian context. The nexus of territoriality and ethnicity is well acknowledged, and territory is one of the salient causes of national identification (Coakley, 1993). Ethnicity is not the basic cause of inter-ethnic conflicts, but the run on resources - whether they natural or political in nature – shapes what the outsider then acknowledges as ethnic conflict. Territorial claims of groups may be politicised in such conflicts. "Territoriality," as discussed in peace and conflict approaches in classical political sciences and international relations theory, "[…] promotes peace through certainty by clearly defining and delineating the workings of power" (Delany, 2005, p.1). Several authors have suggested that territory is still among the salient causes of war and conflict in the era of globalisation (Goemans, 2006; Hensel, 2000; Kahler, 2006). This holds true for inter-state conflicts as well as for intra-state conflicts. The salience of space as a cause of conflict is rooted in the tangible contents of territory, such as natural resources or strategic conditions; its psychological values as a marker of social and political identity, though, are intangible (Hensel, 2000). Different groups interpret territory differently, ranging from political and economic categories to terms of belief or descent. In cases where territories and political borders are not congruent, cross border affiliations and collective action often exist despite regional conflicts. One approach to understanding this phenomenon is to focus on the question of "territorial attachment" (Kahler, 2006; Goemans, 2006), which may serve as a starting point in connecting the considerations on territoriality with regional and spatial conflicts. Looking at territory through the lens of political theory helps to understand land attachment in a micro perspective. In this micro perspective, land is an important marker of social identification where people define and defend "locality," as Appadurai (1996, p.179) has shown:

> Even in the most intimate, spatially confined, geographically isolated situation, locality must be maintained carefully against various kinds of odds. These odds have at various times and places been conceptualized differently. In many societies, boundaries are zones of danger requiring special ritual maintenance; in other sorts of societies, social relations are inherently fissive, creating a persistent tendency for some neighborhoods to dissolve. In yet other situations, ecology and technology dictate that houses and inhabited spaces are forever shifting, thus contributing an endemic sense of anxiety and instability to social life.

Thus, understanding, considering, and eventually respecting the need for tenure security and access as well as ownership of land should be a priority for governments seeking national integration and minority rights' protection. Despite the fact that here I only scratch the surface of a preliminary idea, more holistic research on the 'values of land' in relation to LSLI should focus on the intangible. Such analysis would help to determine how land is locally referred to in a citizen-state perspective, with its historical trajectories reaching far into the state-building process. Thus, such research should consider the key questions of land access, and issues of migration and resettlement, and touch on territorial issues and the demarcation of federal borders, on local knowledge about resource sharing as well as on the dichotomy of 'outsiders' and 'indigenous,' to seek to show how inter-groups' conflicts over land were and are being reconciled.

Any discussion on the right and access to land in Ethiopia has to consider relevant provisions in the FDRE constitution. The main article in this regard is Art. 40, paragraphs 3-6:

> 3. The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia. Land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of transfer.
> 4. Any Ethiopian who wants to earn a living by farming has a right, which shall not be alienated, to obtain, without

> payment, the use of land. The implementation of this provision shall be specified by law.
> 5. Ethiopian pastoralists have a right to free land for grazing and cultivation as well as a right not to be displaced from their own land.
> 6. Without prejudice to the right of nations, nationalities, and peoples to own land, government may grant use of land to private investors on the basis of payment arrangements established by law.

Thus land is essentially owned by the government/state and peasants have rights to use, but not to exchange, sell, or mortgage the use rights (Dessalegn, 2008, p.301). Additionally, peasants' land insecurity is fostered by the absence of clear land dispute resolution mechanisms and the authority given to various government bodies (Dessalegn, 2008, p.301). In the case of LSLI, *killil* (regional states) authority in land issues has been delegated in recent years. The Ministry of Agriculture and Rural Development deals with the land identified as transferable to investors through the so-called land bank (cp. also Dessalegn, 2011, p.10).

**Gambella: a Short Introduction**

Gambella Regional State is the western-most federal state in the current Ethiopian polity. Its capital is Gambella-town. The lowland region is crossed by four major rivers (Upeeno /Baro, Giilo, Akobo and Alwero), running from the highland escarpment to the west to meet the international border and form the Sobat, a tributary to the Nile. The population of Gambella consists of Anywaa, Nuer, Majang, Komo and Opuo (classified as indigenous in the political framework of ethnic federalism, and who share the political power in the regional state) and a large number of Amhara, Tigrayans, Oromo and Kambaata from the northern and southern highlands of Ethiopia (classified as an immigrant minority and locally referred to as 'gaale' ('red' in Anywaa) or 'degenyoch' ('highlander' in Amharic); they largely hold the economic power in the region).

The history of Gambella is framed by national and international conflicts, flight, and migration. Loosely integrated into the emerging Ethiopian empire by the end of the 19th century, Gambella was a frontier zone,

pushed back and forth between the (British) Sudan and Ethiopia and prone to the ivory and slave trade. The Anywaa were directly affected and split by the "arbitrary border" demarcated in 1902 between the British and Ethiopia (Collins, 1983, p.367). The proximity to the Sudan has continued to be one of the socio-political factors for movement, and during the 1980s proxy-wars were fought in Gambella; during this time the Sudan People's Liberation Movement/Army (SPLM/A) administered large parts of Gambella on behalf of the Ethiopian socialist government. Refugees and settlers continued to alter the demography of the area during that time and the influx of the resettled from the famine-stricken Ethiopian highlands had further far-reaching effects (Dereje, 2010, 2012; Kurimoto, 2005); patterns of migration, north-south as well as cross-border, also helped define the ethnic boundaries between the peoples. The federal project, democratization and decentralization, had a slow start in the western-most region, and the first years after 1991 were marked by internal conflict between the majority groups of the Anywaa and Nuer. In 2003 after the Anywaa-Nuer conflicts had been pacified, another level of conflict, simmering since the 1990s, broke out between "highlanders" and Anywaa.[7]

Land has played a decisive role in the various conflicts that have shaken Gambella in the past 100 years. From the expansion of the Nuer into Gambella and the occupation of the Gambella territories by refugees to the influx of settlers and the invitation of LSLI, indigenous claims for ownership have been frustrated more often than not by consecutive governments who have altogether viewed Gambella as largely "virgin" and/or "un-inhabited" and treated it as a backwater of their nation-building project. To make "land" the starting point of a conflict analysis is the approach of the following sub-chapters.

[7] The "Anywaa-highlander" conflict can be traced to the resettlement project. After the end of the Derg, Anywaa militias were re-claiming "land" and evicting former settlers from resettlement sites (Kurimoto, 2005). Ambushes on civilian vehicles in the region by unknown militants led to the 2003 violence in Gambella, which in return led to retaliation by the military against the Anywaa. Altogether the violence and counter-violence in Gambella led to a media outcry, led by Human Rights Watch ('Targeting the Anuak'), and the claim that in Gambella a "genocide" against the Anywaa took place. As we shall see, the current land conflicts are fought in very similar vein on the internet.

## ‘Seeing like a state’: The Politics and Policies of Land

Gambella has a relatively recent history as a part of Ethiopia, which history can chronologically be divided into three phases: the imperial, socialist and federal-democratic periods. Throughout the years, Gambella has remained rather an Ethiopian outpost in the Sudan, weakly integrated into the Ethiopian state and a test for the nation-building project (Markakis, 2011). In the following section a short overview of the last 100 years of the region’s policies and politics of land will be given. In the paradigm of “controlling space” (Clapham, 2002) – according to the reading of history presented here – consecutive governments have treated Gambella as a backwater for national polices whose population were perceived more as subjects than as citizens.

*The Imperial Phase: Integration turned Marginalization (ca. 1902-1974)*

As the highland-Ethiopian empire expanded towards the end of the 19th century, Gambella was among the regions where British and Ethiopian claims for territory met. In 1902, when the border between the Sudan and Ethiopia was demarcated, Gambella took its recent shape on international maps and fell on the Ethiopian side of the border. Notwithstanding the fact that Gambella had always been a commercial hub for trade between the Sudan and Ethiopia (cp. Bahru 1976, p.227), it was the British who expressed their economic interest in the region and leased from Menilek II, the king of Ethiopia, a plot of land to establish a trading post at Itang. This can be seen, in the colonial endeavour, as a move to counter French ambitions, which were likewise brought to light by the railway concession (Bahru 1976, p.227). By 1904 the post was moved upstream of the Baro River, laying the foundation of Gambella-town. A good deal of trade commodities was shipped through the port (cp. Bahru, 1987) while, on the other hand, the Ethiopian administration continued to be rather weak. On the navigability of the Baro River, Bahru recounts (1976, p.310), “according to a 1912 commercial report, the 880 mile journey from Khartoum to Gambella was expected to take 11 days, while the return journey downstream took about a week [supra note].”

Despite the fact that Ethiopia was spared active colonialism, concessions marked some of the “semi-colonial relationships” (Bahru, 1988, p.63)

with the surrounding colonial powers. Among the most important concessions were the railway concession and the banking concession. Gambella hosted one of the earliest large scale land concessions in Ethiopian history: In Gambella one of the "concession-hunters" (Bahru, 1976, 1988) was Hasib Ydlibi, a Syrian who came to Ethiopia in ca. 1905 with the *Kordofan Trading Company*. He secured a concession for a rubber monopoly. In 1907 he held a greater concession, known as the Baro Concession, and King Menilek II encouraged him to establish what became known as the 'Baro Syndicate.' It produced coffee, cotton, and rubber and was even given quasi-administrative control over the inhabitants of the region (Bahru, 1988; Ydlibi, 2006)

The concession project was abandoned but trade along the Baro may have continued well into the 1960s. The inhabitants of the region kept their status as "semi-citizens" (Johnson, 1986), hardly integrated into the Ethiopian state. The Ethiopian administration remained weak, with the governor residing in the Ethiopian highlands at Gore. The time of Haile Selassie was marked by constant conflict between the Anywaa and the Ethiopian administration for taxation and control.

As per Dereje (2006, p.210), this early period can be concluded as follows:

> For the ordinary people, the arrival of the modern state meant not only economic marginalization, but also the experience of slavery, which left a lasting impression on their mode of incorporation into the wider Ethiopian society. […]The people of Gambella region, therefore, first experienced 'integration' into the Ethiopian state as the loss of political autonomy, economic marginalization and the assumption of stigmatized identity.

Politically, Gambella was seen as a national territory, secured against British colonial aspirations, and, at the same time, a useful tool in negotiations for power and resources in the form of concessions.[8] The

[8] cp. also the bargaining between Ethiopia and the colonial powers concerning the Ilemi Triangle in return for Gambella.

population of Gambella was largely seen as 'in need of civilization' which the highland culture in the long run would bring (Markakis, 2011, p.157).

*The Socialist Project: Integration turned alienation (ca. 1974 – 1991)*

For the Anywaa community the socialist period (1974-1991) was to a large extent marked by the alienation of land. The feeling of becoming a minority in one's own land was fostered by the arrival (to refugee camps in the region) of large numbers of Nuer from the Sudan during the Sudanese civil war. These camps were used by the SPLA and, with full recognition by the Ethiopian government, the SPLA, by and large, administered the region. Furthermore, Cuba and Russia supported large scale agricultural projects and irrigation schemes. A regional villagization-program also alienated large parts of the Anywaa society. Villagization and the imposition of a resettlement project had yet more far-reaching effects on the population. Indeed, the arrival of large numbers of settlers from the famine-stricken highlands led to the Anywaa's increasing feelings of alienation. Many Anywaa still today recall forced labour during the construction of resettlement sites.

Notwithstanding the plight of those who were resettled from the highlands, it is usually the Anywaa who have been and who continue to be portrayed as the main victims of any form of (failed) state policy in Gambella. State encroachment has had a strong impact on the social memory of the Anywaa population (Kurimoto, 2001) which is recalled to date, and likewise, the local as well as the international rhetoric of "genocide" is rooted in these days. Apart from the agricultural modernization, the social modernization project based on socialist and anti-feudal ideologies affected the Anywaa deeper than the other groups in the region. The uprooting of their kingship and headmen systems and other cultural features (of the social modernization project) estranged many Anywaa and integrated others, thus creating a division within their society. The sentiments of one part of the Anywaa population led to the establishment of the Gambella People's Liberation Front (GPLF). Local people were armed by the GPLF and violent conflicts erupted towards the end of the Derg regime, also sweeping the resettlement sites, where

many people were killed and many former settlers fled to the region from whence they originated (Kurimoto, 2002). One of the aims of the GPLF was the liberation of the Anywaa land from the highlanders and the Nuer. Assaults on resettlement and refugee sites increasingly led to the biased identification of any Anywaa with the GPLF.

Of utmost importance for the understanding of land conflicts in Gambella at that time, is the fact that land reform had made all of Ethiopia's land national property. In so far as land was used in the political project of socialist 'hypermodernity' - socialist-oriented modelling of the social landscape - land in Gambella became a resource used to achieve social control. This land reform stood in stark contrast to the Anywaa community's understanding of land.

*Land Investment in Gambella today: Marginalization or Integration?*

> The Ministry of Agriculture and Rural Development [MoARD] encourages committed and motivated investors to engage in the agricultural sector. For this purpose MoARD has established a new Agricultural Investment Support Directorate which is responsible for organizing[,] coordinating and providing comprehensive technical and administrative support to investors.[9]

After the end of the military Derg regime, Gambella became a *killil* in its own right within the federal system, and the Anywaa, the core of a liberation movement, ever since shared power with the other indigenous communities, the Nuer, Majangir, Komo and Opuo. The social contract between the groups living in Gambella has been weak and violent confrontations have occurred between the Anywaa and the Nuer, the Anywaa and the highlanders, and also among different Nuer groups. These conflicts centred on power- sharing arrangements, land, and questions of economic and political ownership. It doesn't come as a surprise that in a rather fragile environment, conflicts over land and resources can be easily triggered by LSLI and its associated socio-economic changes (cp. also Mosley, 2012).

[9] http://www.moa.gov.et/node/149 (last access 20.04.2013)

Gambella seems favourable for agricultural investment: Water from the highlands is abundant and it is especially along the water ways that the agro-industries are growing. The region is remote and in need of development and income creation. From a total regional land mass of 26,000 km$^2$, approximately 2000 km$^2$ are now being leased and the trend continues. This means that currently 7.7% of the regional land mass is appropriated by commercial farming (see Table 1). The contracts show that lessers and lessees are the Ethiopian government and private companies; the contracts are not signed between countries. An agreement[10] between the Ethiopian Ministry of Agriculture and the Indian BHO Bio Products PLC for about 27,000 hectares of land in the Itang Special District, Wanke *kebele*, shows, according to Article 2 of the contract, a price of 111 Birr (ca. 4.80 Euro; the contract was enacted on May 11, 2010) per year per hectare, which means, at the scope of the current contract, a yearly payment of 2,997,000 *Birr* (ca. 119, 880 Euro).

Apart from the international agro-investors there are probably up to 300 Ethiopian investors active in Gambella.[11] The Indian, "Karuturi," and the semi-Ethiopian, "Saudi Star," run by the famous Ethio-Saudi sheik al-Amoudi, are the biggest players (Saudi Star currently only holds 10, 000 hectares, but there is information that Saudi Star plans to acquire up to 300,000 hectares; cp. Dessalegn, 2011, p.26).

Apart from the fact that large tracts of land are currently leased and still others are being prepared for future investments, the government is also carrying out a villagization programme. This programme, according to the government, aims at resettling up to 45,000 households and re-grouping them on approximately 180,000 hectares in order for them to "access socio-economic infrastructure." The target population are "those people who are settled scattered and along the riverside which are prone to flood hazards and those who practice cut & burn shifting cultivation and ultimately to enable them food secured and to bring socio-economic and cultural transformation" (Gambella People's National Regional State;

[10] http://farmlandgrab.org/uploads/attachment/10Bho-Agreement.pdf (last access 20.04.2013)

[11] Gilles van Kote, "Scramble for Ethiopia's Land", *Le Monde*, 05.01.2012

Table 1: Companies currently operating in Gambella[12]

| Company | Origin | Leased land (ha) | Products anticipated |
|---|---|---|---|
| Karuturi Agro Products PLC | India | 100,000 | Palm oil, cereals, pulses |
| BHO Bio Products PLC | India | 27,000 | Palm oil, cereals, pulses |
| Ruchi Soya Industries | India | 25,000 | Soya |
| Huanan Dafengyuan Agriculture | China | 25,000 | Sugar cane |
| Saudi Star Agricultural Development | Saudi Arabia | 10,000 | Wheat, maize rice |
| Sannati Agro Farm enterprises | India | 10,000 | Rice, pulses, cereals |
| Vedanta Harvest PLC | India | 3,012 | Tea, bio-fuel crops, spices |

Villagization Action Plan (2003 EFY)). In the view of many NGOs and parts of the local population, the current programme is related to LSLI and the land is being "cleared" for investors. Nonetheless local concerns about the "clearance programme" (cp. interviews in Dessalegn, 2011, p.29) are being ignored by the government in favour of its modernization project.

There are two interlinked developments emerging in relation to the current situation on land issues. One development is a mostly diaspora-led coalition of different opposition groups, linking international NGOs, such as Human Rights Watch, Survival International and the Solidarity Movement for a New Ethiopia (SMNE).[13] Notwithstanding the fact that the SMNE commented on an ambush on an investment site, by pointing

[12] Source: "Indians dominate the burgeoning commercial farm industry," in: Capital, 14, No. 685 January 29, 2012, p. 22.

[13] See: http://www.solidaritymovement.org/index.php The spokesperson of the SMNE is Mr. Obang Metho who has ever since 2003 been actively involved in human rights issues in Gambella, and managed to keep the incidents of 2003 and its aftermath in both the media and the public consciousness.

to the inevitability of the reaction,[14] the SMNE aims at a peaceful, policy-oriented approach to the land issue. The other development is the emergence and re-vitalization of armed opposition in the region, which put forward a more drastic tone like that of the Gambella Nilotes Unity Movement/Army.[15] The political program of the group reads:

> The concurrent land grabbing and forced Villagization programs carried out by the legal regime of [the] Ethiopian EPRDF/TPLF government in the region of Gambella lack free, prior and informed consent of [from] the indigenous minority groups in the area. It is a new way of colonization, exploitation, and extinction measures to [sic] the indigenous populations. The programs hold [a] gesture of contempt against the Nilotes[']dignity, identity, liberty, prosperity, and the existence of the indigenous people in their ancestral land. It marks the climax of the Ethiopian brutality and cruelty against the entire indigenous populations to systematically extinct or out-numbers them [sic] from their localities. The EPRDF/TPLF regime is currently carrying [out] the dream the Ethiopian regimes have hoped for, to occupy the indigenous ancestral land. […] Stop the current land grabbing

[14] "It is not surprising that violence has broken out in Gambella as this extremely fertile southwestern region of Ethiopia has become the epicenter in the world of what is now called "land-grabs." News came out only last week of Al Amoudi's plans to divert major amounts of water from the nearby Alwero River to his farms to irrigate his rice fields. Many depend on this water for their survival. Neither the Meles regime, Al Amoudi nor any other investor should expect there to be no reaction to these "takeovers" of land and water sources from the people whose ancestors have claimed this indigenous land for centuries. When they take away land and water, they take away the means to sustain life for the people. Some Anuak have said they now are waiting to die; others will fight. This should not come as a shock to anyone." (http://www.solidaritymovement.org/downloads/120430-Pakistani-and-Ethiopians-Killed-in-Gambella.pdf)

[15] http://www.gambellanum.org/ (last access 20.04.2013); the movement was created in August 2011 as a self-proclaimed reaction to the LSLI. The extent and public acceptance of the movement is hard to measure. Nonetheless, as this paper is an exercise in perception analysis, it is here to show that the fight for land is also fought in the virtual space of the internet; here the conflict over land is turned into one over the general political future of Ethiopia by various opposition groups. For a different appraisal of the movement see also the chapter by Yonas and Ezra in this book.

> in the Gambella, systematic colonization and occupation of the Ethiopian regimes in the indigenous land; and oppose/ stop the EPRDF/TPLF manipulation of economic, political and military powers against the vulnerable indigenous populations of the Gambella.[16]

As much as this rhetoric is not new, it shows that land issues have to be placed at the heart of conflict prevention and mediation procedures in order to achieve a consensus between the different societal groups. The approach of the government so far is to increase the military presence against what it calls "anti-peace elements" while the LSLI continues.

**Discussion**

In his concluding thoughts about, "how certain schemes to improve the human condition have failed," Scott (1998, p.346) pointed out: "What is perhaps most striking about high-modernist schemes, despite their genuine egalitarian and often socialist impulses is how little confidence they repose in the skills, intelligence, and experience of ordinary people." In light of the history of the failure of commercial farming in Gambella and Ethiopia in general (Dessalegn 2008, pp.80-109), considering the implications of land investment on the fragile social contract between the people and the state, in view of the devastating effects of resettlement and villagization, it even more surprising that, despite all these experiences from the past, the current government seems to largely neglect the development of new strategies and holds onto former strategies.

In the following I want to emphasis two points, deriving from the reading of this paper, which can help elucidate the on-going conflicts in the Gambella region and which should be open for discussion. Both will give mixed answers to the question of whether national integration is fulfilled or unfulfilled.

*The conflict in the continuation of the peripheral narrative*

Most of the problems touched upon in this article can be traced back

[16] http://www.gambellanum.org/political-programme/ (last access 20.04.2013).

to the way Gambella was incorporated into the Ethiopian territory. This process had and has an imprint on the local population. The rhetoric of 'exploitation' and 'alienation' has its roots in the experience of the national integration of Gambella itself. Today, resistance against LSLI and villagization - local and globally - is framed by the fear of loss of autonomy, and the infringement on minority rights. On the side of the government the desire for a strong state in the periphery remains a policy guide: a new villagization project is being run, despite the fact that the last villagization project was abandoned by the previous government after poor planning and mismanagement and due to local resistance. In 1981 the socialist government of Ethiopia had already announced a similar project:

> [To increase]…the agricultural production by introducing improved husbandry methods and techniques. [To reduce]… the population['s] dependence on subsistence agriculture by broadening their economic base. [To integrate]… the different isolated tribal groups into a mutually coexisting society.[17]

The experiences with the socialist project's "fear and anger" (Kurimoto, 2002), has strongly inspired the return of the rhetoric of powerlessness among the different groups. At the same time it is exactly this fear of exploitation that has inspired the rhetoric of "liberation" and "suppression" in which the 'land-grabbing' debate is now placed.

*The twist with ownership and decentralization*

Land has been one of the most important features in Ethiopian history. Securing and administrating it has been the aim of all consecutive Ethiopian governments since the empire expanded under King Menelik

[17] The Provisional Military Government of Socialist Ethiopia: *Relief and Rehabilitation Commission: The Gambella Settlement Project: A WFP Assisted Settlement Site*, Addis Ababa, July 1981; I am not engaging here in the discussion of forced or voluntary resettlement (for a more thorough analysis of the problem see chapter by Yonas and Ezra in this volume). Nonetheless it is important to note that the issue of LSLI has brought back the rural population's old fears concerning the results of the villagization project, despite a similar plan to increase the well-being of the local population.

II. The federal structure has emphasized decentralization as a means of integrating Ethiopia's different ethnic groups into the national territory. This decentralization, the devolution of political and economic powers to the regional states, has naturally raised high hopes in the rural populations concerning the ownership of land. But the land remains in the hands of the government. To make sure that centralization and the distribution of land through the land bank does not mean a break with the federal experiment, open, fair and sound redistribution processes of land, including public consultation have to be observed. As this paper showed, Gambella has largely been outsourced to external administration (British, and Sudanese in particular). Thus, Gambella has never been fully integrated into the Ethiopian state. Although, today, political decentralization is showing positive results in terms of national integration, matters which are of concern for the social memory of the population need to be of utmost priority for policy planners as otherwise the current trends to encourage LSLI are prone to be viewed by its critics as yet another way to exert central political and economic power over the periphery.

## Conclusion

Gambella's current conflicts over land can only be addressed if 'land' is seen in a holistic way. Land is not only an economic resource. Indigenous land use patterns must be related to patterns of territoriality and the social memory about previous governmental interventions as well as local expectations for peace, stability and development. The land question in Gambella is also a question of identity and cannot be solved in purely economic terms.

A deep, historically grounded fear of the indigenous population is that land allocation leads to land alienation, which can only be eased by consultation, land certification and compensation. Unless this is achieved, land investments will be perceived as yet another attempt by the government to get the locals' land. LSLI, ill-communicated and forcefully set up, are likely to endanger the social peace and the positive integration of Gambella as a whole.

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# Conflict Dimensions of Large-scale Agricultural Investment in Ethiopia: Gambella Case Study

*Yonas Adaye Adeto and Ezra Abate*

## Introduction

Inducing equitable development in Ethiopia today is a function of the capacity of governments at federal as well as regional level to prevent land and land-related resource conflicts, which is contingent upon sound governance thereof. This is especially the case in Gambella,[1] where the indigenous peoples are settled in a scattered manner and the availability of unused agricultural land for investment is taken for granted. On the one hand, with a strong commitment to implement the Growth and Transformation Plan (GTP),[2] i.e. to bring about accelerated growth and equitable development in short and medium terms to GPNRS and to the nation, the Government of the Federal Democratic Republic of Ethiopia (FDRE), together with the GPNRS, have leased about 500,000 hectares (ha) of land to 354 domestic and ten international investors[3] (GPNRS). Leasing land in GPNRS started in 1993 and went to up to 2013 which is inclusive of the time of GTP as the GPNRS Investment Bureau document shows. Nine out of ten international investors have been leased land in the vicinity of the traditional territory of the Anywaa indigenous peoples. On the other hand, customary communal ownership rights of the Anywaa indigenous peoples to land and land-related natural resources are emerging as survival and fundamental human rights issues. Against this backdrop, this study attempts to explore the conflict dimensions of large-scale agricultural investment in the GPNRS. More specifically, the study focuses on: investor-indigenous peoples' relations; the villagisation, investment and conflict nexus; responses of the indigenous peoples to investment; the incoherence of land and land-related resource

[1] Gambella Peoples' National Regional State (GPNRS) is used to refer to the whole region; we use only Gambella to refer to the city or the district.

[2] Growth and Transformation Plan (GTP) is the third poverty reduction strategy paper covering the five years between 2010/11-2014/15.

[3] Interview with the Head Investment Bureau of GPNRS, April, 2013.

governance. The paper concludes with policy implications based on the study's identified gaps.

**Definition of Key Terms**

Conflict dimensions of large scale agricultural investments in this study refer to one aspect of the investment process which attracts or involves conflict in the local context. Sporadic occurrence of actual conflicts escalated parallel to large-scale agricultural investment in the GPNRS. This does not, however, imply that there had been no violent conflicts in the region prior to large-scale agricultural investment activities; it only means that investment and violence have co-occurred in the GPNRS for some time now. Neither does it imply that investment is harmful to the GPNRS it rather appeals for local ownership of land and sound land and land-related resource governance by the GPNRS and the federal government.

Conflict is conceptualised in the context of this study as the dispute of two or more parties over incompatible goals expressed through competition to utilise natural or political resources (Mazrui, 2008, p. 23; Ramsbotham, Woodhouse & Miall, 2011, pp. 7-10). Conflict does not necessarily involve violence[4] at all times.

Indigenous peoples in this context refer to five ethnic groups who live in GPNRS: the Anywaa, the Nuer, the Majang, the Opo and the Komo. One of the most essential characteristics of these peoples is their special relationship to land. This relationship is not exclusively economic but is also social, cultural, and spiritual, making the survival of indigenous peoples intrinsically linked to the survival of their territories, most importantly land and land-related resources (Young, 2010).

[4] If a conflict involves violence, the violence serves as a medium since the two are interconnected. Violence iseither physical, cultural or structural (see Galtung, 1990), and, in this context, has five essential elements: a) an identifiable actor or group of actors; b) an identifiable action, or behaviour; c) a clear physical or psychological harm which results from the action; d) an identifiable victim who suffers the harm; and, e) a more or less clearly identifiable objective to achieve as a result of the violence (see Brown, Cote, Lynn-Jones & Miller, 1997, p. 5; Brunk, 2012, p. 17).

## The Study Context

GPNRS is one of the nine regional states of the FDRE with an area of 25,803 km$^2$. It is located at the south-western corner of Ethiopia, 776 km from Addis Ababa, the capital of the FDRE, in the low lands of the Baro-Akobo River Basin between latitudes of 6$^o$22' and 8$^o$30' north, and longitudes of 33$^o$10' and 35$^o$50' east (see the map in Figure 1, below, and also see the Bureau of Agricultural and Rural Development (Gambella) (BOARD), 2012).

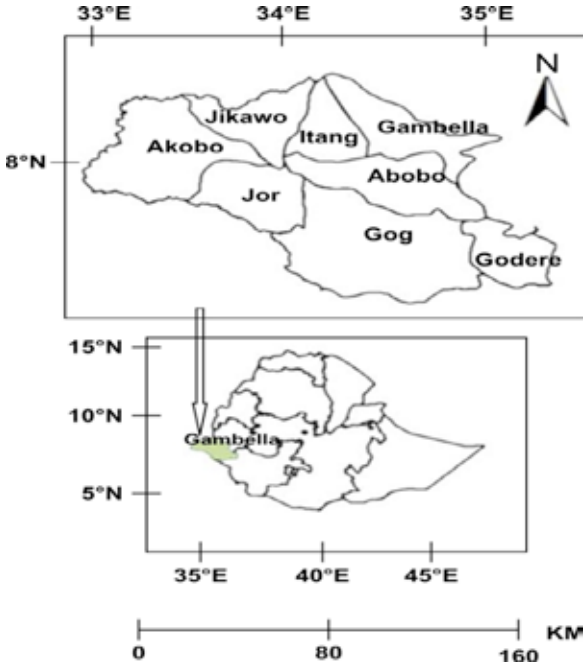



Figure 1: Administrative map of Gambella as of 2014.
Source: https://www.google.com.et/search?q=gambella+map&tbm

Gambella is bordered by the Republics of Sudan and South Sudan in the southwest, northwest and north; the Southern Nations Nationalities and Peoples' Regional State (SNNPR) in the south, southeast and east; the Oromia National Regional State in the north, northeast and east; and the Benishangul-Gumuz National Regional State in the north. It has diverse

climatic features. Its average temperature and rainfall decreases from east to west (mountainous to plains areas) depending on the topography, and agro-ecology of the area. Accordingly, the average temperature is 17.5 $^{o}$C to 37.5 $^{o}$C and the mean annual rainfall is 900-2200 mm.

According to the 2007 census conducted by the Central Statistical Agency of Ethiopia (CSA), the GPNRS has a total population of 307,096, consisting of 159,787 men (52%) and 147,309 women (48%); urban inhabitants number 77,925 or 25.37% of the population, while the remaining 229,171, or 74.63 % live in rural areas (CSA, 2007). The population is mixed in terms of ethnic, religious and ecological settlement. There are three major and two minor indigenous groups. According to the 1994 census (CSA, 1994), the Nuer numbered 64,473 (40%) the Anywaa, 44,581 (27%), the highlanders, 39,194 (27%), the Majang, 9,350 (6%), and the Opo and Komo combined, 4,802 (3%). These numbers have changed when compared with the 2007 census (see Table 1 below).

Table 1: Population by ethnic group in 1994 and 2007

| Ethnic Group | Population in 1994 | Per cent (%) | Population in 2007 | Per cent (%) |
|---|---|---|---|---|
| Anywaa | 44, 581 | 27 | 64, 984 | 21.14 |
| Nuer | 64, 473 | 40 | 143, 286 | 46.66 |
| Majang | 9, 350 | 6 | 12, 280 | 3.99 |
| Opo and Komo | 4, 802 | 3 | 1, 214 | 0.39 |
| Highlanders[5] | 39, 194 | 24 | 83, 510 | 27.19 |

Source: The 1994 and 2007 Population and Housing Census of Ethiopia, CSA (1994; 2007

**Data Collection Methods**

The study has raised one research question: What are the major conflict dimensions of large-scale agricultural investments in GPNRS? A summary of research participants has been tabulated as follows:

[5] The term 'highlander' is widely used to denote people who come from other parts of Ethiopia to Gambella. Alternatively, 'fair complexion' or 'red people' designates people who are not indigenous in the GPNRS.

Table 2: Background of research participants

| Number of participants | Ethnic Background | Male | Female | Total |
|---|---|---|---|---|
| 10 | Anywaa | 8 | 2 | 10 |
| 10 | Nuer | 10 | - | 10 |
| 1 | Majang | 1 | - | 1 |
| 3 | Federal level (other) | 3 | - | 3 |
| **Total** | | | | **24** |

So as to answer the above research question, in-depth interviews and focus group discussions were held with 24 persons people in three rounds of field data collection: first, in July and August 2012 for two weeks with the Anywaa, Nuer and Majang participants including high school and college teachers who were summer students at Addis Ababa University, NGO workers, civil servants, and farmers as well as the Vice-President of the GPNRS at that time; second, in October 2012 for ten days in different parts of GPNRS at the community/*kebele* level at Gambella City and Itang with the former President of the regional state (Mr. Omot Obang), elders, the Itang *wereda* administrator, people in village centres, university students and college teachers; and finally, from 29 March to 5 April 2013 for 8 days in different bureaux, investment sites, and villagisation centres of GPNRS at Abobo, Elia, Terkudi, Tegni, and Pugnudo, with administrators of zone, *wereda* and community elders and at federal level, with senior officials from the House of Federation, the Ministry of Federal Affairs, and the Ministry of Agriculture and Rural Development. Interviews and focus group discussions were held with three investment companies' project managers, *wereda* and zone administrators, the head of the investment office, and the coordinator of villagisation centre of the GPNRS. In addition, various relevant documents from regional and federal states and websites have been used. Finally, field observation was employed to supplement the data gathered by the above means.

## Findings and Discussions

Four themes have emerged from the analysis and synthesis of the data collected using the tools stated in the previous section: investor-indigenes' relationships; villagisation, investment and conflict nexus; response of the indigenous community to large scale-agricultural investment; and

incoherent governance of land and land-related natural resources.

*Investor-Indigenous Peoples' Relationships*

Large-scale agricultural investment has been taking place in GPNRS for the last twenty years (1993 – 2013).[6] Of 364 domestic and international investors in seven *weredas* in the GPNRS (see Table 3 below), three international companies, Saudi Star Agricultural Development (SSAD), Karuturi Agri. Ltd. and Ruchi PLC, were considered for this case study on the basis of the scale of land in which they invest. Only one agricultural cooperative company is said to be from the indigenous population of GPNRS and is discussed in sub-section 5.4.2. All large-scale agricultural investment areas (except Lare and Godere *weredas*) are concentrated in the Anywaa indigenous peoples' zone; their settlement patterns consist of relatively independent and extremely scattered villages (the distribution of the five ethnic groups in the regional state is depicted in Figure 1).

Table 3: Land leased by investor category and *wereda* in Gambella (1993 – 2013)

| No. | *Wereda* | Domestic investors | Land (ha) | Foreign investors | Land (ha) | Total land (ha) |
|---|---|---|---|---|---|---|
| 1 | Gambella Zuria | 127 | 55,295.60 | - | - | 55,296.60 |
| 2 | Itang | 60 | 44,750.00 | 2 (*K.T, & BHO) | 127,000 | 171,750.00 |
| 3 | Larie | 10 | 5,900.00 | - | - | 5,900.00 |
| 4 | Abobo | 82 | 54,890.00 | 2 (*G. V., & *SSAD) | 15,000 | 69,890.00 |
| 5 | Gog | 40 | 35,100.00 | 2 (TORREN & RUCHI) | 31,000 | 66,100.00 |
| 6 | Godere | 8 | 10,260.48 | 1 (*V.H.) | 3,012 | 13,272.48 |
| 7 | Dima | 27 | 28,900.00 | 3 (Hunan, *D.S, & Sever) | 60,000 | 88,900.00 |
| | **Total** | **354** | **235,096.08** | **10** | **236,012** | **471,108.08** |

Source: Regional Investment Bureau, GPNRS April, 2013
*K.T = Karuturi Agri. Ltd.; *G.V. = Green Valley; * V.H. = Verdata Harvest; *D.S. = Dafegyuam Sannati

[6] Interview, according to the GPNRS Bureau of Investment (April 2013).

There is tension between local ownership and agricultural investment in the GPNRS. On the one hand, job security, creation of skilled labour, enhancement of work culture, and technology transfer are seen as the expected positive outcomes of agricultural investment. Karuturi Agri. Ltd. claims to have 328 workers, but at the time the company was interviewed for this study (March 2013), only 200 staff reportedly remained, given high staff turnover. The company stated that most management and administrative activities are handled by Ethiopian employees and that several indigenous staff work as drivers and operators of tractors, loaders, graders, and dozers, having received training by the company.

According to an in-depth interview with the company's project manager, the federal government of Ethiopia chose the land for the company, without the company's direct involvement in site selection. It currently owns 100,000 ha, as can be seen in its contractual agreement with the Ministry of Agricultural and Rural Development.[7] Article 1, sub-article 1.1, article 3, sub-article 3.6, and sub-article 4.4 of the contractual agreement state that an additional 200,000 ha of land may be leased to the company upon successful cultivation of the 100,000 ha over two years.

Karuturi Agri. Ltd. agreed with the federal government that local people should not be displaced from their homes in the Elia *Kebele*, where the company is located, particularly as they may be needed for work with the company. The company claims to have machinery worth over US$50 million and aims to develop the potential 200,000 ha of land to produce corps including maize, rice, sorghum, and sunflower etc. In the company's terms, "since 2010, and because of technological applications, the productivity of the land has improved - from producing 15 quintals per hectare in the traditional way of farming to having the capacity to produce 45 quintals of maize per ha." The company further stressed that they have maintained amicable relationships with the local people and have assisted the community in a number of ways by providing job security, setting up a generator for electric lights and power for evening adult education classes, transporting some books to the community from a nearby district in Itang, enhancing technical skills such as maintaining

[7] See also www.moa.gov.et/web/pages/land-leased.

and driving tractors, transporting patients to referral hospitals in company vehicles, ploughing farmlands for the *kebele* and many other productive activities.

However, in interviews with 10 Elia *kebele* community elders, two themes emerged that describe the company-indigenes relations in the context of large-scale agricultural investment in GPNRS: (1) a lack of respect was shown to the indigenous peoples; and (2) the company adversely affected the ecological balance of the indigenes' natural environment. The *wereda* and zone administrators confirmed that the company has problems with the locals as well as with the *wereda* administration in terms of its failure to pay taxes and its failure to respect the values of the community. It was inferred from discussions with these three parties that there are apparent problems with the company which are further discussed below.

*Social integrity of the host community and Karuturi Agric. Ltd.:* The Elia community seems to have obtained negligible benefits from Karuturi Agri. Ltd.[8] In fact, according to the community; the "benefits" included only a few daily labourers securing temporary jobs, the occasional school books delivery, and a very old unreliable generator for the evening school programme. According to the participants, only occasionally does the company accommodate the community by taking some patients to referral hospitals with its vehicles. The community doubts whether the company has any genuine interest in the community or in the environment at all. It transpired that the company threatens the community by telling them that it was leased the land by the federal government, that the land does not belong to the community, and thus, the community has no authority over or ownership rights to the land. The community further expressed the worry that the *wereda* administration and/or other legal institutions are more concerned about the safety and security of the company/the investors rather than the safety and security of the local community.

It was further revealed that it was not the case that many locals were employed as drivers, loaders, and operators as the Karuturi Agri. Ltd project manager had claimed. Further, only one person was given an

[8] Focus Group Discussion, 31 March 2013, Elia.

opportunity to work in company management. Most locals, according to the community, are employed as daily manual labourers, and suffer problems related to the payment of their wages, including not being paid on time and being paid less than others who came from outside the GPNRS. Moreover, the company alleges that the community steals company crops. For instance, the company's project manager said that 40% of the maize harvested in the 2011/12 production year was looted by the community. In both in-depth interviews and focus group discussions with the elders it surfaced that there was prior agreement between the company and the community that the community could collect the leftover crops on the fields. However, as also revealed in focus groups and in-depth interviews, instead of leaving the leftover crops for the community, the company burned all of the leftover crops and, ironically, chased the community members from the fields, firing live ammunition to disperse them. It can be inferred from the data collected that the company appears to have debased indigenous peoples' dignity and threatened to evict them from the land which they naturally consider to be their own. The participants believe that it is hard to live peacefully with such a company. One of the participants used an Anywaa proverb to describe the relationship between the company and the community: "A person buys a chicken from the market but never trusts it, thinking that the chicken could escape. The chicken never trusts the person, thinking that its owner may kill it any time. Each remains suspicious of the other."

*Ecological consequences of investment on the community:* The participants explained that one of the negative effects of the company is chemical waste. This issue was raised in focus group discussions with eight in-service (summer programme) teachers (four Anywaa and four Nuer) in August 2012. As per the interview results, some plants (such as grass) dried, a number of cattle died, water was contaminated, fish died, and some trees were severely affected and stunted by the chemical waste. The company also diverted the course of the Openo (Baro) River waters for irrigation and flooded a number of community agricultural sites in the Fighno, Fuldon, and Elia *kebele* at their villagisation centres. The company closed traditional drainage lines used by the community in Abobo and other *wereda* and villages were affected as a result. *Wereda* administrators did not respond to the community's complaint about the

company's abuse of the environment, exacerbating the growing tension between the Karuturi Agri. Ltd. and the Elia community of Abobo *wereda*. This negative effect, i.e. the tension between the community and the Elia community, confirms the literature (see Dessalegn, 2011). The interviews with the community elders also confirms what the summer students, i.e. in-service teachers of the Anywaa and Nuer ethnic group reiterated; that the current tension between the community and the company was the consequence of the failure to conduct environmental impact assessments before leasing the land to the company.

It was further reported in the focus group discussions that all infrastructure including roads, schools and health posts were built by the regional and federal governments before the company came to its present location (at Elia *kebele*). Paradoxically, the community faces an acute shortage of medical services and medicine because the Karuturi Agri. Ltd. employees use the clinic and its facilities, which were meant for the Elia community. In addition, the company destroyed ancestral sites in the community by burning the forest down to the ground in order to cultivate palm-trees; actions which the company has thus far not acknowledged. One of the elders in the focus group exclaimed:

> We, as Ethiopian citizens, demand to be protected from this type of investor; priority must be given to us, the local community of Elia. We think that the company doesn't have the right to push us out of our area. We demand that our government primarily stand up for its citizens' rights. We, as a community, do not trust Karuturi Agri. Ltd. and it seems they have simply destroyed our forest, *the essence of our life* (emphasis is ours, on the basis of their tones and tears).

Another Indian large-scale agricultural investment company, Ruchi Agri. PLC, has been leased 25,000 ha of land to produce mainly soya bean. It was disclosed in in-depth interviews with *wereda* officials that the Ruchi Agri. PLC does not provide any job opportunities except for a few daily labourer positions; no local community member has been involved in the management or administration or technical work of the company. Pugnudo zone and *wereda* administrators provided that some

of the managers have been imported, mainly from India and some from Addis Ababa.

Despite the above negative image of large-scale agricultural investment, some companies like SSAD are perceived positively by most community members interviewed. What was self-evident was very constructive nature and diligence of some of the works done by the company: it carried out environmental impact assessments before commencing any investment activities; it orientated the community on the different purposes for water use in developing agricultural productivity; and it donated about 200 beehives to the regional BOARD. In addition, it sometimes helps the community to practise a settled way of life by ploughing land for the farmers in the village areas. It provides a dozer/grader to *wereda*/*kebele* authorities when they are needed for clearing sites for agriculture. Furthermore, the locals are obtaining training on the operation of various vehicles.[9] Reportedly SSAD pays 400,000 Birr every year in taxes to the *wereda* without defaulting. In addition, it plans to employ 4,000 employees from its next production year (2013/14). At the time of the interview (April 2013), it was building a canal of 30.5 $km^2$ costing US$89 million to expand its production from its present size, 350 ha, to 10,000 ha.

However, it surfaced during in-depth interviews with the SSAD's project manager that there is serious concern about the potential for demographic imbalance as a result of the prospective job opportunities. If the number of incoming workers exceeds the number of locals, there may be cause for concern.[10]

[9] The researchers observed the on-the-job training of locals operating a big truck on their way to visit the company's vast rice field.

[10] It is to be recalled that in April 2012 there was violent conflict which left six people dead, including one Pakistani working for the SSAD. It was also revealed that in another violent incident, on 31March 2012, five of the 24 people killed were SSAD employees. Similarly, in June 2012, there was violent conflict in the Majang zone of GPNRS in a specific *kebele* known as Gelesha where large-scale investment in palm oil was taking place by the SSAD, according to the former speaker of the GPNRS council (interview, January 2013). The Majang people protested against the SSAD development, claiming the land for honey production, forest reservation, and natural/traditional medicine. Their demand was accommodated, the investment was terminated and the SSAD was leased an alternative site.

In general, the lack of environmental impact assessment before land is leased to investors has been one of the most burning issues which surfaced in our study. Failure to assess and implement findings of the environmental impacts assessment of a project is likely to lead to resource-based violent conflict.

*Villagisation, Investment and Conflicts*

Villagisation refers to a process by which the government promotes a settled life in the GPNRS in the same *kebele* by bringing households at a radius of about 5 km from the community's original place of habitation to a central village (GPNRS Investment Bureau, 2013). The aim of villagisation is to transform a scattered way of life into a settled, more modernised way of life, where the quality of life of the community will improve. It is meant to guarantee food security, and effective and efficient service delivery, including good governance, schools, health posts, and other social services.

*Villagisation, violent conflict and investment links:* From the perspectives of the officials represented at various levels, it resonated that they believe there is little or no connection between villagisation, investment and violent conflict in the GPNRS. The major explanation the officials from GPNRS have provided to explain the violence revolves around the timing of large-scale agricultural investment and villagisation processes in the GPNRS. They underscore that villagisation started in 2010 whereas investment has been taking place since 1993. In the officials view, there is no link between investment and villagisation. On the other hand, civil society and international human rights groups (Dessalegn, 2011; Human Rights Watch, 2012) argue that since the start of the investment on large scale agricultural investment, i.e. 1993, there have been dislocations. This is because for the sake of large scale agricultural investment, the indigenous people were dislocated. The 2010 phenomenon was an additional dislocation under the guise of 'villagisation.' Therefore, they conclude, there is a strong link between villagization, which is another term for dislocation, and investment on large scale agricultural land.

Regarding the investment-villagisation nexus, officials at both the federal and regional levels underlined and reiterated that there was no displacement or dislocation of the indigenous peoples from their ancestral land for the purpose of investment in any part of GPNRS. They emphasised that the major source of the problems is the failure on the part of the regional leaders to convince the population regarding their leading a settled way of life. They maintain that villagisation is the best mechanism to improve the lives of the people who are leading a scattered way of life. In the process of villagisation, according to the officials, individual political leaders may have abused the human rights of the indigenous people. However, the officials stressed that no one was beaten, tortured, or killed for refusing to go into a villagisation centre, and thus, came to the conclusion that there is no link between villagisation, violent conflict and investment in the GPNRS.

Moreover, in two focus group discussions with selected community members, it was divulged that the whole village/*kebele* of Terkudi refused to go to a villagisation centre on the basis of the regional government's failure to convince, and/or listen to the community as well as the government's failure to facilitate the preparation of the new villages before attempting to mobilize them. The researchers had an opportunity to visit Terkudi, inhabited by 200 people. According to the focus group discussion, the *kebele* dwellers met 11times with officials of the GPNRS to discuss the issue and during the 12th meeting the former GPNRS president (Mr. Omot Obang) came to the community but failed to convince them. The crux of the community's argument was that they had learned from their experiences under the military government in Perbengo, where they were resettled in one place during the Derg and suffered from large-scale famine and lost their loved ones. They sought guarantees from the GPNRS and the federal government that such experiences would be not repeated. They stated that the current government too was underprepared to move them to one village (see the sketch in Figure 2 below).

From a different angle, in focus group discussions with six community elders in Itang in October 2012, it was revealed that when the Anywaa people wanted to return to the riverbanks from the village centres, they were rebuffed by the cadres (political party officials responsible

to undertake the villagisation process). Moreover, in Tegni, where the villagisation process was said to be relatively better, four elders informed the researchers that they were not allowed to go back to their original place: "We cannot go because we are not allowed to return." It may be inferred from the interviews in Gambella City, Itang, Turkedi and Tegni that there are contradictory narratives regarding the link between recent violent conflicts, large-scale agricultural investment and villagisation.



Figure 2: Sketch of a villagization center in GPNRS
Source: Office of villagisation Affairs, GPNRS, April, 2013

Despite differences and contradictions in responses to the villagisation-investment link, some things must be made obvious. The Anywaa's livelihood, whose land was allegedly taken, is mostly based on mixed farming, hunting and gathering. At the same time, the federal and regional governments intend to modernise agricultural practices and transform the living standards of the people. In fact, there are flood-prone areas in Itang where people cannot lead normal lives, including practising mixed farming, as the researchers observed in early October 2012. It is the responsibility of both the GPNRS and federal governments to settle these flood-affected people on the basis of free and prior consent.

*The Anywaa Peoples' Response to Investment*

Conflict dimensions of investment have been perceived, and responded to differently by different ethnic groups in GPNRS. Because the largest tract of land in the GPNRS is in the Anywaa zone, and a sizable portion of that

land is being leased to investors (see Table 3 above), rights groups and civil society organizations are voicing incessant, clear and loud opinions on the Anywaa's rights to their ancestral land (Human Rights Watch, 2012). The Anywaa themselves are expressing their concern about large-scale investment in the GPNRS as summarised in the following sections.

*Resentment about the lack of meaningful political representation, and equitable development for the Anywaa ethnic group*: In in-depth interviews and focus group discussions, informants from the Anywaa ethnic group asserted that their land is being given away to investors because they are not effectively represented politically in the regional council. They cite the regional council's representation of the Anywaa in the 2010 election as depicted below:

Table 4 Gambella National Regional Council's ethnic representation after the 2010 elections

| Ethnic origin | Anywaa | | Nuer | | Majang | | Opo | | Komo | | Highlanders | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | F | 18 | F | 21 | F | 9 | F | 1 | F | 2 | F | 5 |
| | M | 29 | M | 40 | M | 17 | M | 4 | M | 4 | M | 6 |
| Total | | 47 | | 61 | | 26 | | 5 | | 6 | | 11 |
| **Grand-Total** | | | | | | | | | | | | **156** |

Source: Office of the Gambella Regional Council (2013).

In their view, neither the Anywaa representatives of the regional council (in Table 4 above) nor the 'nominal' presidential position occupied by the former Anywaa president addressed the fundamental historical and present-day questions of land rights. For instance, the former president, who was replaced by an ethnic Nuer on 16 April 2013, served the political interest of the ruling party, rather than his own constituency, the constituency for which he was supposed to stand. He was, they assert, silent while Anywaa land was grabbed by the Nuer and so-called investors. The Anywaa have always been excluded and marginalised politically by both the federal and regional governments as they have no active and meaningful voice in either regional or federal politics. They cite as evidence the fact that there was no single ethnic Anywaa represented at the federal level as a minister at the time of the writing this report (April, 2013). In addition, there was no single university or agro-industrial factory that could improve

the quality of life of the Anywaa and the GPNRS while investors were scrambling to divide GPNRS into pieces.

*Violent responses to large-scale agricultural investment by the indigenes:* In focus group discussions it surfaced that the Anywaa usually made use of the area's abundant water for fishing and the forest for wild animals, roots, leaves, and the bark of plants for different types of traditional medicines. Focus group discussions further revealed that some Anywaa ethnic group members feel aggrieved by the villagisation process. This, they believe, has caused Anywaa bandits or *shiftas* to reorganise themselves and to cause instability and sporadic violence in the GPNRS. The participants emphasised that the sporadic killings which have intensified since the beginning of large-scale agricultural investment are related to the Anywaa peoples' grievances about their ancestral lands being given to investors, their revered forests being cleared, and their being divested of their communal land rights. According to the informants in in-depth interviews, the different Anywaa bandits have three items on their agenda: an independent Anywaa territory, unification with South Sudan, and/or gaining greater autonomy in Ethiopia in order that their rights to their ancestral land are respected.

Some regional officials interviewed, however, disagree with the above statements. They argue that the Anywaa rebels have no political or social aims at all. They believe that these Anywaa are engaged in the killing of innocent people in order to express their grievances at having lost their jobs in the GPNRS after the regional civil service reform which has made some former employees redundant. Moreover, the diaspora is making propaganda use of it. Hence, regional officials contend that recent killings are not related to land 'grabbing' or to large-scale agricultural investment in the GPNRS. However, one high-ranking official in the GPNRS went deeper and explained with some insight that the Anywaa rebels label agricultural investment as 'land grabbing' in order to incite violence for their own hidden agenda. The former Regional Vice-President and the current President of the GPNRS, H.E. Ato Gatluak Tut,[11] stated the

[11] In the in-depth discussions he detailed his assessment of GPNRS and gave me the interviews identical to the one he gave to the Ethiopian reporter in April 2012; I have extracted only the major points.

following in an in-depth interview with the Ethiopian Reporter newspaper after the 31 March 2012 violence where approximately 20 innocent civilians were killed:

> ጋምቤላ ናይሎቲክ ዩናይትድ ሙቭመንት (Gambella Nilotic United Movement/GNUM) ሕጋዊ ድርጅት አይደለም፡፡ በአገራችንም ሆነ በክልላችን ዕውቅና ያገኘ አካል አይደለም፡፡ የእነሱ ዓላማ 'ጥቁር ሕዝቦች' የራሳቸውን መንግሥት ሊመሠርቱ ይገባል የሚል አዝማሚያ ነው፡፡ ጋምቤላ ከፊዴራል መንግሥት መገንጠል አለበት የሚል አጉል ተስፋ ነው ያላቸው፡፡ እኛ የምንወክለውን ሕዝብ የሚወክል ሐሳብ አይደለም፡፡ እነሱ የራሳቸውን ሕገ መንግሥት አውጥተዋል፡፡ ይህ ሕገ መንግሥታቸው ጋምቤላን ከኢሕአዴግ ነፃ ማድረግ የሚል ነው፡፡ ይህ በመሠረቱ ውሸት ነው፡፡ ምክንያቱም እኛ የራሳችን አገር አለን፡፡ አገራችን ኢትዮጵያ ናት፡፡ የምንኖረው ኢትዮጵያ ውስጥ ነው፡፡ የእኛ ሃይማኖት የኢትዮጵያ ሃይማኖት ነው፡፡ ሕዝቡም የሚኖረው ኢትዮጵያ ውስጥ ነው፡፡ ስለዚህ ከሌላ አገር ጋር የምንገናኝበት አንድም ነገር የለም፡፡ እርግጡን ማስቀመጥ ስለሚያስፈልግ የኑዌር ሱዳን አለ፡፡ የኑዌር ኢትዮጵያ አለ፡፡ የአኙዋ ሱዳን አለ፡፡ የአኙዋ ኢትዮጵያ አለ፡፡ ልክ እንደ አፋርና እንደ ሶማሌ ማለት ነው፡፡

The above interview is roughly rendered in English as follows:

> Gambella Nilotic United Movement/Army (GNUM/A) is not a legal organisation. It has no legal recognition as a political party in Gambella region or in Ethiopia. Their aim is to establish a state of black peoples separate from Ethiopia. Their hollow hope is to make Gambella secede from the Federal Democratic Republic of Ethiopia. Their ideal does not represent the people we represent. The group have their own constitution whose essence is to free Gambella from EPRDF. This is basically wrong. We say this because we have our own country. Our country is Ethiopia. We live in Ethiopia. Our religion is the religion of Ethiopia. The people live in Ethiopia. Therefore, we don't see anything that necessitates us to merge with any other country [detaching from Ethiopia]. To be honest, there are Sudanese Nuer, Ethiopian Nuer, Sudanese Anywaa as well as Ethiopian Anywaa. It is similar phenomenon to the Ethiopian Afar as well as Ethiopian Somali.

It follows that there appears to be a link between the recent violence and large-scale investment in the GPNRS. This insight is a wake-up call to entrench good and coherent governance to prevent land and land-related resource conflicts before they come to a climax.

*Incoherent Governance of Land and Land-Related Resources*

As was further discovered in this study: (1) most investors were leased vast lands which were least administered by local leaders; (2) there was very little input from indigenous peoples in large-scale agricultural investment in the GPNRS; and (3) there were inconsistent and incoherent power relationships between the federal and regional governments concerning land and land-related resource governance. These points have been elaborated upon in the following sections.

*Ghost investors, vast agricultural land and the role of local leaders:* In in-depth interviews and focus group discussions with the community and *wereda* administrators of Abobo, Itang, and Gog, it was revealed that most investors who were leased land live in Addis Ababa or elsewhere in Ethiopia. They left the land to waste, i.e. undeveloped, and secured loans for different purposes from banks by showing the lease agreement documents. Moreover, the researchers observed vast cleared lands in the forest (of which much was burnt), and felled trees, not put to any tangible use in Itang, Abobo, and Pugnudo. For instance, reportedly 68 investors leased land over five years ago (from 2008) but only 23 of them had started any development in the Abobo *wereda* by the time of the writing of this report (April 2013).

In addition, as was reiterated by an officer from the GPNRS Investment Bureau, the *wereda* as well as the zone administrators were not involved in the decision-making processes of land and land-related resource governance in their respective communities, particularly as regards following up on the performance of the investors. That these local-level officials have no investor monitoring and evaluation mechanisms was confirmed in in-depth interviews with *wereda* as well as zone administrators.

Another main governance issue pertaining to local leaders is the matter of high political turn-over, i.e. there is frequent change in political-cum-administrative positions of *wereda* leaders. In interviews and focus group discussions it was divulged that whenever there is a gimgema or performance evaluation (be it six months or one year after the sitting *wereda* leader came to power) another new leader is expected to be assigned for the position and conditions will change as the individuals change. There appears to be no fixed term of office at the *wereda* level; administrators assigned by the GPNRS are not sure of their capacity to stay in power; hence, they lack confidence to use their leadership capability for fear of being replaced at any time.

*Indigenous peoples' involvement in large-scale agricultural investment:* This study revealed that at the time of its writing, only one agricultural cooperative had been set up by the indigenous peoples of GPNRS, allowing them to get involved in investment activity. Three interrelated reasons were given by participants to explain why the indigenes had not been involved in large-scale agricultural investment in the GPNRS so far: first, the indigenous population lacks entrepreneurial skills; second, they have no access to bank loans; and third, they have been structurally marginalised from investing in agriculture. Hence, no indigenous person is involved in large-scale agricultural investment to date save for nascent agricultural cooperatives. Most investment in land was in the hands of people from outside the GPNRS. The respondents believe that such a lack of participation on the part of the indigenous population is likely to lead to resentment sooner or later; in turn, creating latent potential for violent conflict.

*Inconsistency of federal-regional relations in land and land-related resource governance*: When senior federal government officials from the House of Federation and the Ministry of Federal Affairs were interviewed (January/February 2013, Addis Ababa), they stated that some regions, including GPNRS, have no capacity to implement policies, construct infrastructure such as roads, provide the population with piped water, or to build dams, airports, electrical or transport systems; as a result, these regions have agreed to delegate to the federal government their power to make agreements with investors and to see to infrastructure development.

Currently, the regions only have authority to lease land 5,000ha and below to domestic investors. However, GPNRS do have the right to reject federal government decisions if they think that potential agreements between the federal government and investors are inappropriate or irrelevant. Further, they can revoke whole agreements if they so wish. In the same vein, if the regions do not have sufficient land, they are not under any obligation to enter their land into the national land bank. In the views of senior federal officials, the principle of the Ethiopian constitution is that there should be no weak federal or regional government; balance should be maintained. Regional states can govern themselves without any limits on regional issues; they are not instruments of federal government implementation. Despite this, regional governments have different levels of capacity to run their affairs and to implement policies for the good of their communities.

In contrast, it surfaced in the study that the role of the GPNRS as well as the *wereda* is to accept the instructions issued by the federal government and to execute them. For example, *wereda* and zone leaders as well as the GPNRS Bureau of Investment reported that they were not involved in the process of dealing with investors.[12] If investors fail to pay taxes, the duty and responsibility of GPNRS Bureau of Investment is to report the matter to the federal government; it has no role in taxation enforcement. In a nutshell, the study reveals that the role of the GPNRS is to implement whatever decisions or policies have been issued by the federal government. It follows from the above analysis that there is inconsistency in the governance of land and land-related resources in terms of what has been expected at the federal level, and implemented at the regional level.

## Conclusion and Policy Implications

Conflict dimensions of large-scale agricultural investment have been formulated under four themes: investor-indigenous peoples' relationships; indigenous peoples' response to investment; the villagisation, investment and conflict nexus; and the incoherence of land and land-related resource governance at regional and federal levels. The research concludes that there are links between recent violent conflicts, grievances of the Anywaa

[12] In-depth interviews, April, 2013, Gambella.

ethnic group, large-scale agricultural investment and villagisation. This insight is a wake-up call to entrench good governance to prevent land and land-related resource conflicts before they come to a climax.

The study further concludes that as the Anywaa depend upon scattered livelihoods, relying mostly on hunting, fishing, gathering, and sedentary farming, it was thus vital to gain their prior, free and informed consent before moving them to new village centres. There were also encouraging coping mechanisms observed where the local community, e.g. the Majang people of GPNRS, discussed the potential negative impact of large-scale agricultural investment on their forestland and managed to stop the SSAD investment from taking place in their zone. As a result, the SSAD had to move somewhere else in the GPNRS to invest in agriculture. Furthermore, there are flood-prone, malaria-infested and development-deficient areas in the Anywaa zone such that the GPNRS and the federal governments need to consult with the Anywaa to move them to different and better sites that can lead to improved quality of livelihoods. In addition, most investors were leased vast lands which were least administered by the local leaders; furthermore, there was no investor control mechanism exercised by the GPNRS Bureau of Investment. Moreover, there was very little involvement of individual indigenous persons in large-scale agricultural investment in the GPNRS. It was also observed that there was an inconsistent and incoherent power relationship between the federal and regional governments concerning land and land-related resource governance. The policy implications of this study are that more people-centred (rather than market-centred), accountable, transparent, responsible, effective and coherent land and land-related resource management systems must be put into place at both the regional and federal levels, and that agricultural outputs (e.g. cotton production) should be linked with industrial production (e.g. the establishment of textile factories) in the GPNRS in order to transform the lives of the indigenous population while, at the same time, realising the national GTP ambitions.

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# SECTION III

## Socio-political and Conflict Implications of Land Deals: Cases from Kenya and Uganda

# Land-grabbing in Uganda: Are pastoralists second class citizens?

*Mwangu Alex Ronald*

## Introduction

The phenomenon of land-grabbing is sweeping through African countries. There is unprecedented change in land ownership from the indigenous occupants to local and foreign investors in different countries in Africa namely, Ethiopia, Kenya, Sudan, Uganda, the Democratic Republic of Congo and beyond. The changes have affected the indigenous communities who have historically inhabited the land upon which their livelihoods depend. Most land deals in Africa are executed with the knowledge of the governments but without the knowledge and consent of the affected indigenous communities. The purpose of the great majority of corporate land-grabs is to establish agricultural production (or other forms of extraction such as mining) on a large scale, and to guarantee access to its products (White, Borras, Hall, Scoones & Wolford, 2012, p. 621). The term land-grabbing was first used by Karl Marx in 1876 when referring to English enclosures. He observed that land-grabbing on a great scale is the first step in establishing agriculture on a great scale (Marx, 1909, p. 349).

Daniel and Mittal (2009, p. 1) define *land-grabbing* as "the purchase or lease of vast tracts of land by wealthier, food-insecure nations and private investors from mostly poor, developing countries in order to produce crops for export". This definition is based on the growing interest in large-scale land acquisitions by food-insecure investor countries that always appear as government-backed investments, especially in developing countries. Borras and Franco (2012) term land-grabbing a catch-all phrase that refers to the explosion of transnational commercial land transactions mainly revolving around the production and export of food and biofuels. Of recent, a mixture of consensus and force are used to acquire this land from the poorest of the poor, weak and vulnerable people in Africa, for large-scale agriculture investments. Government-backed deals can also be driven by investment opportunities rather than food security concerns.

For the purpose of this study I define land-grabbing in the Ugandan context as the acquisition of land by a public, or private enterprise, or an individual in a manner that is marked by fraud or unfair exploitation of existing power differences, or corruption, and/or the breakdown of law and order in society.

Land-grabbing overtures have intensified in response to the unparalleled global financial downturn and the food price increases of 2007 and 2008. The African continent has experienced the most extensive land-grabs, followed by Asia, Latin America and Eastern Europe (Deininger & Byerlee, 2011; GRAIN, 2010). African lands are targeted because of their relative abundance and inexpensiveness (Hårsmar, 2011; Cotula, Vermeulen, Leonard & Keeley, 2009). The Food and Agriculture Organization of the United Nations (FAO) (2009) estimates that about 200 million hectares of land in Africa is cultivated whereas about 600-800 million hectares of cultivatable land in Africa are available. A World Bank report (Deininger & Byerlee, 2011) observes that global investors acquired 111 million hectares of agricultural land between 2007 and 2011, of which 75% was in Africa. China, Jordan, Egypt, Saudi Arabia, the United Arab Emirates, Japan, India, South Korea, Libya, Malaysia, and Qatar, among others, have been singled out as the major land-grabbers.

Land-grabbing involves companies from Europe, Asia, and Africa as well as local investors securing land under the protection of African governments. Local communities, civil society organizations, human rights activists, and supporters of agrarian justice focus on the bitterness of the dispossessed communities, and animosity between pastoralists and land grabbers. In the Lower Omo Valley in Ethiopia and in the Tana River Delta in Kenya, large-scale land acquisitions by large-scale foreign investors for agricultural investments suppress the interests of other local, sitting land owners that in essence violate the rights of the indigenous land owners (Oakland Institute, 2013; Odeny, Leonhard, Borras & Rocha , 2010). Noting the hostility towards land-grabbing, international development institutions and governments have introduced the more appealing term, “large-scale agricultural investments.”

Borras and Franco (2012) observe that those using the term land-grabbing are from radical social movements, including their sympathizers, who sought a politically-laden term to examine the actual and potential roles of current land deals that are causing the dispossession of indigenous people and peasants and ruining the environment in the global south and, to therefore urge that such land deals be resisted. Likewise, the term "large-scale agricultural investments" is being used by governments and international development institutions to suggest that beneath the ongoing large-scale agricultural investments and their associated ills actually lies a splendid opportunity to extend the agro-industry and therefore, liberate local populations from poverty and advance the much-desired economic development that continues to elude Africa (Borras & Franco, 2012).

Land-grabbing has risen to the forefront of social and political discourse in Africa, and Uganda is among the top countries recording land deals in Africa (Cecilie & Annete, 2010). Uganda has tightly constructed land laws that would in theory make it impossible for land-grabbing to thrive in the country. The laws have however been rendered ineffective in a growing shift towards pervasive land-grabs encroaching on local rights, marginalizing rural farmers and pastoralists who depend on land, water and other natural resources, and further concentrating wealth and assets in the hands of politically connected and economic elites. Several studies conducted have addressed the broadest parameters of land-grabbing in Uganda.

A study by Mabikke (2011) on escalating land-grabbing in post-conflict regions in Northern Uganda observed that previous communal lands have been grabbed by the powerful, such as the army, politicians and elites, leaving extremely vulnerable groups of women, children, youths and elderly with hardly any land and are now wanderers in their own homeland. Mabikke (2011) observes that land may become central to disputes and controversy in post-conflict Northern Uganda if the issue is not tackled with systematic guidelines and normative frameworks. A study by Hetz and Myers (2007) concluded that by 2007, significant areas of "un-used/unoccupied" land in northern Uganda had been given out on new or renewed leases prior to the resettlement of internally displaced

persons (IDPs) in northern Uganda who had previously occupied that very land before they had been displaced by the war.

Other studies, including those of the National Association of Professional Environmentalists (NAPE) (2012), Daniel and Mittal (2009), and Makochekanwa (2012), have focused on the social and environmental impacts of the land-grabbing phenomenon in Uganda, while the legal and development implications on pastoral communities remains understudied. This study investigates ongoing land-grabbing in Uganda and how it has impacted upon pastoral communities. Specifically, it attempts to answer the question: How are the rights of pastoral communities secured or undermined in large-scale land acquisitions in Uganda?

**Theoretical perspective**

This study is grounded in a "sustainable development model". Sustainable development has been defined as the paths of human progress that meet the needs of the present generation without compromising the ability of future generations to meet their own needs (World Commission on Environment and Development, 1987). Sustainable development is composed of three elements namely; environment (conservation), society (equity/justice) and economy (growth) with culture as an essential additional and underlying dimension. The sustainability paradigm rejects the contention that causalities in the environmental and social realms are inevitable and acceptable consequences of economic development. Instead, sustainability is a paradigm for thinking about a future in which environmental, societal and economic considerations are balanced in pursuit of development and an improved quality of life (Mckeown, Hopkins, Rizzi, & Chrystalbridg, 2006). The sustainable development model emphasizes the optimal well-being of people at all time—in the present as well as in the future. Instead, international development institutions and governments, the key proponents of land-grabbing as a grand opportunity for sustainable development, focus on the economy while fixedly ignoring other dimensions of sustainable development. A sustainable development model should not be misinterpreted to mean the suffering of the present generation for the enjoyment of the future generation as proponents of large-scale agricultural land investments

seem to imply. This model is used to analyse the impact of large-scale agricultural investments on the rights issues of pastoral communities.

## Overview of land-grabbing and pastoralism in Africa

### *Land-grabbing*

Land-grabbing is characterized by large foreign investments in agricultural production that consequently involve large-scale land acquisitions. The food crisis of 2007/2008 that resulted in the collapse of the international cereals markets and an unexpected increase in food prices propelled widespread land-grabbing in Africa and Asia. The changing climate has had a negative effect on the production patterns of food worldwide. There were failed harvests in many parts of the world due to droughts, floods and other volatile weather features (Hårsmar, 2011). Secondly there were initially low stocks of food crops due to an extended period of low food prices and general under-investment in agriculture.

Besides, some food-producing and exporting countries like Argentina, Vietnam and Russia put restrictions on food exports, collapsing the cereal markets and consequently forcing countries to devise new ways of safeguarding food for their people (Barham, 2012). Population explosion in some Asian countries has led to an increase their demand for food. For example, populous China and India have utilized nearly all their arable land for agricultural production, the Gulf States are least endowed with arable land and water, and the increasing demand for food for growing economies and changing food habits, mainly in China, India and Indonesia, have turned their focus to Africa to guarantee food production for their people (Hårsmar, 2011; Barham, 2012).

In contrast, there is abundant land in Africa and land prices in Africa are comparatively low (Cotula, 2009, p. 59; Schoneveld, 2011, p. 9). For example Brown (2012, p.104) observes that in Ethiopia, a hectare of land can be leased for less than $1 a year, whereas in land-scarce Asia it can cost $100 or more. McLure (2009) insists that Karuturi Global was exempted by the Ethiopian government from paying rent for the first six years. However after the six years it will pay $1.18 per hectare per year yet land of similar quality in Malaysia and Indonesia would cost $350 per

year per hectare. However, the price level in Africa would nevertheless be very low in comparison to other countries, and it would be economically logical to acquire African land rather than to invest in land in any other part of the world. Also, political decisions to increase the growing of energy crops (for enhanced energy security by ensuring a reduction in the emission of greenhouse gases to counter climate change) have been a driving factor in land-grabbing in Africa. The best conditions for growing energy crops such as sugarcane and *Jatropha* are found in tropical areas that are prevalent in Africa.

Other factors fuelling land-grabbing in Africa are the lack of capital and/or technology in African countries to which investors from Asia and Europe readily have access. Governments in "finance–rich, resource-poor countries" are looking to "finance-poor, resource-rich" countries to secure their own food and energy needs for the future. As a result, there are increasing cross-border large-scale land deals, mainly spearheaded by trans-national companies, and sometimes, foreign governments, but almost all work in close partnership with national governments (Borras & Franco, 2012, p. 37). Likewise, many national governments in developing countries are actively sourcing possible land investors (Kachika, 2012; Borras & Franco, 2012).

According to Deininger et al., (2011), land-grabbing is an opportunity for development because the acquired land is idle, marginal land that in essence has to be put to optimal use through large-scale investments. In a 2011 report, the World Bank estimated that 45 million hectares of land had been grabbed (Deininger et al., 2011). A joint study by International Institute for Environment and Development (IIED), Food and Agricultural Organization of the United Nations (FAO) and International Fund for Agricultural Development (IFAD) noted that 2,492,684 hectares of land in Africa had already been allocated in land deals (of more than 1,000 hectares) between 2004 and 2009, though necessarily not utilized (Cotula et al., 2009). Constituents of the "idle and marginal land" include forest lands, land previously devoted to food production for substance or domestic consumption, and pastoral lands; and these are targeted for conversion to produce food and biofuels for export. The debate goes that small-scale agriculture and pastoralism are backward practices that

cannot impel the much-needed development the African continent craves. Furthermore, subsistence farmers and pastoralists, who occupy vast tracts of lands, are incredibly poor and can neither produce enough food to feed the world nor create employment. In fact, a World Bank report (Deininger et al., 2011) insists that land-grabbing will create jobs and benefit small-scale farmers and pastoralists, consequently reducing rural poverty. The same report, however, casts doubt on the veracity of the avowed employment creation and consigns it to mere rhetoric because verification of the alleged employment benefits from already established large-scale agricultural investment revealed that the figures were exaggerated. The backers of large-scale land investments "view cash as the currency for modernity, identifying wealth with money, rather than intact habitant and common lands and the security of land holding" (McMichael, 2011, p. 10).

*Pastoralism*

Pastoralists are people who derive more than 50% of their incomes from livestock and livestock products (Kamble, 2013). There are nearly 200 million pastoralists in the world (Rota & Sperandini, 2010) and their livelihoods depend on their intimate knowledge of surrounding ecosystems and the wellbeing of their animals.

From time immemorial pastoralists have been marginalized and condemned to rangelands which are unfavourable for human settlement and agriculture. Pastoralists occupy large swathes of lands that lack constant water supply, are either arid or semi-arid, and/or are forest or game reserves. The pastoral zones have limited potential for crop production due to low or highly variable rainfall conditions or extreme temperatures but the pastoralists have successfully adapted to the unpredictable conditions and have made the zones productive.

A study carried out in neighbouring Tanzania in 2005 discovered over 600 *nyamachoma* (Swahili for roasted meat) businesses, employing 5,600 people with over 25,000 dependents. These businesses, including auxiliary services like meat shops, generated an annual turnover of US$ 22 million in the region (De Schutter, 2009). Though these lands were previously seen to be unsuitable for any human activity, they have turned out to be the premier target for land-grabbers because they are large and

can accommodate any large-scale agricultural investments. Also the land-grabbers claim to have the "right" knowledge, technology and resources to utilize and/or conserve the lands and the wildlife better than the pastoral inhabitants. Consequently, the past few decades have witnessed increased losses in access to land by pastoralists, more than for almost for any other resource users, compromising their livelihood options (Nori, Taylor & Sensi, 2008).

In 2009, in Tanzania, the Maasai rangelands in the Loliondo region were grabbed. The Maasai settled and legally owned the Loliondo Game Control Area but the government awarded hunting rights there to Ortello Business Solutions, a company from the United Arab Emirates, which restricted the activities of the citizens before evicting them from their land in an unprecedentedly cruel fashion. During the eviction, eight villages were razed to the ground, over 200 homesteads were burnt, over 3,000 people were left homeless, more than 50,000 heads of cattle were left without water, women had miscarriages, and some women were raped (Kachika, 2012, p. 48; Tanzania Natural Resource Forum [TNRF], 2011).

The place of pastoralists in the national development of various countries continues to be under-considered even when their contribution to the national economy is distinguishable. As noted above, pastoralism is contributing good amounts of revenue in Tanzania's Arusha region but there is documented hostility against the pastoralists by state authorities. In 2005, the contribution of livestock to the gross domestic product (GDP) was 5.9% (Ministry of Livestock Development, 2006). However, the President of the United Republic of Tanzania (URT), during his inaugural speech to parliament on December, 30, 2005, is on record as having advocated for the total abandonment of pastoralism. On 22 February 2006, President of the URT is further on record for having stated: "it is better for a few pastoralists to be hungry, but [to] protect the lives of the next generation" (Kachika, 2012, p. 47).

Uganda's pastoralist and small-holder livestock producers contribute 8.5% of the nation's total GDP (de Jode, 2010, p. 5). By 2001, Uganda had 5.6 million cattle of which 10% were under ranching schemes while the remaining 90% were held by pastoralists and small-holders (Uganda

Land Alliance [ULA], 2007). Pastoralists are found in all regions of Uganda because the semi-arid "cattle corridor" sweeps across Uganda in an arc form from the Rwandan and Tanzanian borders in the south-central to the north-eastern border with Kenya and the Republic of Southern Sudan. The cattle corridor in Uganda covers 102,000 km2, which is 42% of the country, and 51% of its land mass (ULA, 2007). Pastoralists account for 5% of Uganda's population (Pastoral and Environmental Network in the Horn of Africa [PENHA], 2010). The poverty reduction strategies in Uganda have targeted pastoralism as a livelihood system deserving of support. The Constitution of the Uganda recognizes customary land tenure and provides for community land associations to be registered as landholders (de Jode, 2010, p. 55). A fully-fledged Ministry of Karamoja Affairs for the biggest pastoralist community has been established and is up-and-running.

Table 1: Land deals and land resources in selected African countries

| Recipient country | Number of deals | Land deals as percentage of | | |
|---|---|---|---|---|
| | | Land area | Agricultural area | Agriculture + forest |
| Ethiopia | 26 | 2.9 | 8.2 | 6.1 |
| Madagascar | 24 | 4.7 | 6.7 | 5.1 |
| Sudan | 20 | 1.3 | 2.3 | 1.6 |
| Tanzania | 15 | 1.9 | 5 | 2.5 |
| Mali | 13 | 2 | 6.1 | 4.6 |
| Mozambique | 10 | 13.1 | 21.1 | 15.2 |
| **Uganda** | **7** | **9.5** | **14.6** | **11.5** |
| DR Congo | 6 | 4.9 | 48.8 | 7.1 |
| Nigeria | 6 | 0.9 | 1 | 0.9 |
| Zambia | 6 | 3 | 8.8 | 3.3 |
| Ghana | 5 | 0.4 | 0.6 | 0.4 |
| Malawi | 5 | 3.3 | 6.2 | 3.7 |
| Senegal | 5 | 2.6 | 5.9 | 3 |

Source: Extracted from Cecilie & Annete (2010)

Economic development advocates in Uganda support land-grabbing as a way to reduce poverty and its associated ill, unemployment. Cecilie & Annete (2010) lists Uganda among the top targeted countries of land acquisitions in Africa. The report concludes that in Uganda large-scale land acquisitions account for more than 14% of the current agricultural area (Cecilie & Annete, 2010, p. 18).

Table 2: Land deals in Uganda according to different screening sources

| Screening Source | Investor Country | Allocated Land Size (ha) | Purpose | Type of crops |
|---|---|---|---|---|
| ILC Blog | AgriSA | 170,000 | | |
| | Egyptian Agricultural Ministry | 200 | Test farm | Wheat |
| | Egyptian Agricultural Ministry | 809.71 | Food production | Maize, wheat |
| GTZ | Heibei Company China | 40,500 | | Poultry, cattle, maize, rice, wheat |
| GRAIN | Private investors China | 4,046 | | Rice, cereals |
| | Private investors and the Government of Egypt | 840,127 | Food production | Wheat and maize for export |

Source: extracted from Cecilie & Annete (2010)

Data from screening the International Land Coalition (ILC) Blog, German Technical Cooperation (GTZ) and GRAIN indicate that the Government of Egypt and companies from China and Egypt benefited from land-grabbing endeavours in Uganda. In addition, in 1992, the Government of Uganda signed a protocol with the Government of Libya, giving away

large chunks of land namely; Bukaleba Beef Ranch at 4,000 hectares, Aswa Ranch at 46,000 hectares and Maruzi Ranch at 16,376 hectares (Mabikke, 2011).

## Findings and Discussion

*The legal framework of land tenure in Uganda*

Land is the most critical resource in the development of people and the national economy of Uganda. The importance of land is reflected in The Constitution of Uganda (Government of Uganda [GoU], 1995), at Article 237 which addresses matters of land ownership (see also subsequent articles, 238-245). The Land Act (GoU, 1998), amended in 2007, was put in place to operationalize Articles 237-245 of the Constitution. Section 29(2) of The Land Act enhances the security of occupancy of lawful occupants[1] and *bona fide* occupants[2] (tenants) on registered land in accordance with Article 237 of the Constitution. Under the Land Act (as amended, 2007) tenants can only be evicted on the grounds of non-payment of rent and only pursuant to a court order. The rent must be paid within a one-year period after the rent price has been fixed (and only after this 12-month period elapses is eviction possible). A person who illegally evicts a tenant commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years. The offender may also be ordered to pay compensation or damages or to effect restitution to the tenant. Under the Land Act (as amended, 2007), it is a criminal act for the tenant to assign the tenancy without giving the owner of the land the first option. Such assignment is invalid. Similarly, a sale by the owner, without giving the first option to the tenant is invalid.

Section 40 of The Land Act allows non-citizens to acquire land only through leases not exceeding 99 years. The Land Act also provides for the

[1] "Lawful occupant" means a person who has entered the land with the consent of the registered owner, and includes a purchaser; or a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title.

[2] "Bona fide occupant" means a person who, before the coming into force of the Constitution, had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or had been settled on land by the Government or an agent of the Government, which may include a local authority.

establishment of a loan fund to support tenants to obtain registration titles and the government can access the loan fund to pay out compensation to settlers on land that the government may decide to take for its gazetted activities. Even then, The Land Act clearly observes that tenants will be compensated based on the market value of land and will only vacate their land after being fully compensated. Pastoralists principally occupy customary lands and their occupancy is guaranteed through The Land Act; they cannot be evicted from land under any circumstances save for when they choose to leave the land, and only after being adequately compensated or compensated and resettled.

*Land-grabbing and pastoralism in Uganda*

Land-grabbing is a serious problem in Uganda. Large tracts of land are being parcelled out to foreign investors under the pretext that they have insurmountable volumes of capital to establish businesses that will generate employment, widen the tax base needed to uplift the national economy and make the land more productive than is the present case. Land-grabbing in Uganda has been spearheaded by the state's desire to create jobs and solve relatively high levels of poverty. In Uganda, unemployment has increased from 1.9% in financial year 2005/06 to 4.2% in financial year 2009/2010 (Uganda Bureau of Statistics [UBOS] 2012, p. 18). During the stated period, unemployment in rural areas that are habitat to pastoral communities more than doubled from 1.1% to 2.5% in contrast to urban that witnessed unemployment increasing from 6.9% to 8.7%. The Ministry of Gender, Labour and Social Development (MGSLD) (cited in Uganda Youth Network [UYONET] 2010, p.2) affirm that youth unemployment is high because 380,000 youth, after completing their higher education, are released onto the job market each year, to compete for about 90,000 new jobs available. Poverty is also high with 24.5% of the population living in absolute poverty (below the poverty line), and 42.9% of the population classified as non-poor but insecure, implying that many of those who have escaped absolute poverty remain highly vulnerable and are on the verge of slipping back into absolute poverty (GoU, 2012). Pastoralists are over-represented in the categories of those whose livelihoods need reorienting in order to overcome poverty and its associated ills, including malnutrition and illiteracy.

Since independence, the GoU has methodically struggled to bring about economic development, and its strategies have chiefly targeted the agricultural sector, its major base of employment, providing 66% percent of Uganda's labour opportunities (UBOS, 2012, p. 17). There has been a systematic struggle to industrialize the country through agro processing as a development tool through value-added agricultural products in order to generate higher profits, improve the balance of trade as well as to create employment.[3] The essence of this approach is to equally share the nation's wealth amongst the populace rather than to face conflict over inequities, and thus avoid the spectre of class warfare. While the political reasons for promoting economic growth and eradicating poverty still exist, the economic rationale has increasingly come under fire because the country has not had much success in reducing poverty.

The agricultural systems of Uganda are a mixture of crop production and animal-rearing. Crop production comprises the biggest component of the subsector though it is largely carried out on a small scale. Against this background, government strategies have emphasized crop production over animal-rearing.[4] Correspondingly, there exists a handful of large-scale farmers, ethnic Indians with Ugandan citizenship, mainly involved in sugarcane and tea growing. Some of them have been at the forefront of seeking land for expansion which the government has been willing to provide free-of-charge even when such land leasing, especially in forest reserves, will expose the whole country to the serious negative effects of ecological alterations which will eventually negate development efforts.

Participants in a focus group discussion I conducted on 17 March 2013 in Mubende District had difficulty tracing records of government efforts to modernize animal-rearing and pastoralism in Uganda. Their difficulty in tracing records could have been due to their lack of information about government programmes. However, pastoralism is a key activity of Uganda's population, entrenched within the cultural and socio-economic realms and is therefore one of the drivers of economic development. The pastoral region of Karamoja, located in eastern Uganda, is the least

3 Focus Group Discussion [FGD], 11 March 2013, Rakai.
4 Key informant interview (KII), 16 March 2013, Ssembabule.

developed in the country (PENHA, 2013) to the extent that politicians and policy-makers publically assert that they "cannot wait for Karamoja to develop," an indication that the area is backward and forgotten.

The President of Uganda appointed his wife as the Minister for Karamoja Affairs in an effort to show his good will and the government's determination to develop the region. But before long, she was preaching against pastoralism as an untenable practice for this generation.[5] According to a key informant, there is fear that the government wants to get rid of pastoralism in order to clear the land for foreign investors, mechanized farms, wildlife conservation and mineral exploitation. The Karamoja Region depends on food aid because its inhabitants regularly experience hunger but the government opted to phase out food distribution, forcing the Karamojong families to depend more on home-grown food. The European Union (EU) gave Uganda £3.9 million to fund a three-year development programme in Karamoja, with nearly all the money intended to make the nomads settle:

> We know the dangers of pastoralism outweigh its benefits. The people suffer because they are depending on old methods of work and their knowledge is never informed by input from anywhere else. Their children fail on education because they are always on the move. We cannot romanticise about nomadism as a way of life… it is a danger we have to fight like we fight all other social ills… (Janet Museveni, Minister for Karamoja Affairs, as cited in Vidal, 2011).

The Minister for Karamoja Affairs declared that the nomadic way of life is "outmoded," citing Israel as an example of a people who live in an arid land without being pastoralists. However, the priorities of Israel and Uganda for their arid lands are as divergent as their approaches and methodologies for developing arid areas. At a policy dialogue on pastoralism and agricultural production systems in 2010, Janet Museveni (the Minister for Karamoja Affairs) noted that the dangers of nomadism outweigh its benefits, and observed that the harsh trap imposed on the

[5] KII, 14 March 2013, Ssembabule.

people by the nomadic way of life contributes to the migration of women and children to the streets of Kampala and other urban centres in search of more viable options (Vidal, 2011, Vision Reporter, 2010). Meanwhile the President of Uganda disclosed plans to "exploit the potential of Karamoja," and before long, conflict over land-grabbing by foreign corporations that wanted to engage in agro bio-fuels production emerged, intimating that their actions were spearheaded by the Head of State.[6]

In the Ankole-Masaka cattle corridor, widespread displacement of pastoralists has been witnessed. In Rakai District, 800 pastoralists were displaced from Sango Bay land by government operatives and security agencies to give way for its allocation to a private investor, Nusiveda Sugar Limited, an Asian firm, to establish a sugar factory, creating tension in the area (Daily Monitor, 2013). The Sango Bay land, which was occupied by pastoralists, was also earmarked for palm oil production and factories "because it has been idle since it was leased by the colonial masters" (Ssenyonga, 2007). The pastoralists occupied the land legally after having secured leases from the District Land Board, the authorized state agency, but were evicted without compensation. During evictions, huts were set ablaze and people and animals displaced even though they had valid land leases.[7] The pastoralists were stranded with their animals, without grazing lands, and their source of livelihood was ruined. As they sought shelter, their herds destroyed crops in the new zones they occupied, causing serious conflicts and tensions to emerge. Despite the fact that the government had evicted these pastoralists from their land/livelihoods, it presented no mitigating strategies for the people.

In Ssembabule District, more than 600 pastoralists petitioned the government, challenging the forced land evictions in the area. The pastoralists queried the procedure used by the government to issue land titles and leases to rich people who were displacing them from their land instead of giving them the first opportunity (as the original occupants of the land) as the law provides. The land was fenced off without prior

[6] Focus group discussion (FGD) and KII held on 11, 12, 13, 14, 18 March, 2013, Rakai, Ssembabule, Mubende.
[7] FGD, 13 March 2013, Rakai

notice to the pastoralists who lived and worked there.[8] The livelihood of over 10,000 pastoralists in Ssembabule was affected when the land they occupied for over 30 years was leased for 51 years to a private investor to plant trees in the Buyaga Dam Forest Reserve.[9] However, the pastoralists have not been evicted without a fight. Evictions have been violently executed and resisted.[10] To retain their land, pastoralists beat up land surveyors, whom they accused of trespassing on their land, resulting in various cases of malicious damage and physical assault being reported to the police and courts (Uganda Radio Network [URN], 2007).

In Amuru, about 10,000-17,000 people from Apar were evicted into Pabbo Sub-County to allow for over 40,000 hectares of land to be given to the Madhivani Group to grow sugarcane. The ownership of the land is contested, with the government claiming that the land belongs to the Madi East Forest Reserve and is, therefore, under the authority of the Uganda Wildlife Authority. But pastoral residents insist it is their land. Lives have been lost in protests, scores arrested, and property destroyed. Local women participated in the most severe form of protest, and stripped naked before the Madhivani officials to no avail. Moreover, area courts have ruled in favour of the Madhivani Group. However, more than half of the people who had been evicted from Apar to Pabbo have defied the authorities and have returned to their land (Matsiko, 2012) exacerbating tensions between the government and the local communities.

In Kiboga and Mubende Districts, over 20,000 pastoralists were evicted to give way for the UK's New Forest Company's pine tree project worth millions of dollars (Kron, 2011). In Mubende, another eviction of over 2,000 people occurred in 2001 to give way for a large commercial coffee estate by the German firm, Neumann Kaffee Gruppe. Evictees were not given alternatives homes and they ended up heaving up on the edges of the two commercial estates.[11] The evictees petitioned Parliament to ensure that the process of acquiring land for investment is transparent

[8] FGD, 13 March 2013 Ssembabule.
[9] KII, 14 March 2013, Ssembabule.
[10] KII, 13 March 2013, Ssembabule.
[11] FGD, KII, 17 March 2013, Mubende.

and accountable to the rights holders, taking into consideration existing power imbalances between the different parties (Matsiko, 2012). Since the eviction, only 2% of the evictees have been compensated, and then not adequately (Graham, Aubry, Künnemann & Suarez, 2010). A German-based civil society organisation, FIAN International, supported the evicted tenants in Mubende in starting a suit (Civil Suit No. 179 of 2002) in Uganda's High Court, which, after 11 years, was concluded in favour of the tenants and which awarded them in compensation, €11 million.

Parts of the population have not critically evaluated the value pastoralism adds to the economy. Thus one respondent stated:

> Modern day economics means pastoralism will not create jobs, pay taxes, or jump-start the economy; basically, pastoralists are a strain on the government. It is far better to have 20-40 cattle that can give enough milk products, by-products and manageable land requirements than running around in circles - someone should sensitize these headsmen. Pastoralism is unsustainable in this day and age (KII, March, 13, 2013, Ssembabule).

This analysis is narrow in nature because pastoralism is an economic and social system well-adapted to dry land conditions and comprised of a complete set of practices and knowledge that has permitted the maintenance of a sustainable equilibrium of ecology, livestock and people (Rota & Sperandini, 2009) which would not be possible under another agricultural system.

The government and policy-makers acknowledge pastoralism as a culture that needs support to reinvent itself. However, the government has not understood that pastoralism is a way of life for the pastoralist and cattle-rearing is the only thing they can do. For example, government interventions for pastoralists in Karamoja were geared toward large-scale crop production, an activity alien to Karamojongs who, with over 2.3 million cattle, know only cattle-rearing as a lifestyle. The procured cassava cuttings for the Karamojong dried up in stores while other pastoralists uprooted crops before they were ready and still others abandoned

gardens because it is not their way of life. This therefore suggests that the government is unaware of the key attributes of the cultures of its citizens.

Pastoralists have not been fully supported by the government to improve their key economic activity of cattle rearing for example getting better cattle breeds that can survive in the harsh condition they inhabit. Service provision is poor in the pastoral lands with pastoralists travelling long distances to water sources. In Karamoja, the road network and security as well as health and education standards are poor, land tenure is communal and is therefore subject to repossession by the government, illiteracy is high, and technology transfer is low and limited. Consequently, the government has termed the pastoral areas, "hard to reach," an acknowledgement that these areas remain at a lower level of development as compared to other parts of the country and need extra resources and attention to improve. Karamoja is perhaps Uganda's most marginalized region and successive post-independence regimes have toyed with various experiments to bring development to the region. There has however been little impact, often blamed on underfunding. However even the little resources availed are depleted by corrupt officials. Most of the work in Karamoja has been left to donors whose interests are divided and without a specified objective.[12]

Since the early 1990s, the Ugandan government has pursued a liberalization policy according to the tenets of the 'Washington Consensus' in close cooperation with the International Monetary Fund and the World Bank. In 1991, the Investment Code was adopted and the Uganda Investment Authority (UIA) was established to attract direct foreign investors. Foreign investors apply for land which the UIA identifies and the government, for instance, buys, via the UIA from private owners, and then leases to investors. In cases where there is communal land ownership especially in pastoral communities, the government has worked with a few elders to lease the land to the investors. For example, the New Forest Company acquired 18,341 hectares in Kiboga and Mubende Districts for agro forestry, and Nusiveda Sugar Limited acquired 10,500 hectares in Sango Bay to grow sugar cane (Grainger & Geary 2011, p.3; URN, 2013). In

[12] KII, 2 April 2013 Kampala.

Karamoja, 6,130 hectares was acquired by Feronia Uganda Limited and another 2,001 hectares acquired by Pro-Solutions Limited. In all instances, the land was sold without the consent of the rights holders (Nalugo, 2012) The rampant spread of land-grabbing in Uganda is attributed to the unfair implementation of The Land Act and pastoralists' ignorance of their land rights. Investors have been given a special status, high and above Ugandans' status, and their interests have been shown to supersede the law of the territory. Policy-makers prioritize investment over indigenous peoples' interests and land deals are not executed transparently.

*Pastoralism and the development of Uganda's economy*

Pastoral communities have been slow to adapt to current trends in economic development. Their traditional livelihood methods, on which they pride themselves, of wandering with their cattle, have denied them opportunities to benefit from developed government programmes. For example, in the face of free universal education, the Karamojong children could not access education as they moved from place to place. It took the intervention of the government to develop a special mobile education programme, Alternative Basic Education for Karamoja (ABEK), which was offered by teachers and facilitators who followed the pastoralists to their various grazing grounds. The mobile education programme was resource-intensive, straining government and civil society finances. The failure of the pastoralists to embrace other non-customised educational initiatives has hindered their ability to change their attitudes towards their traditional past and to embrace the new knowledge and technology needed to ensure sustainable development.

Violence and conflict of the Karamojong has rendered service delivery and consultation difficult because the Karamojong have resisted every government in Uganda.[13] The hostility of the Karamojong has meant that they have attracted little support from the government, mainly because of the insurrection against the national armies since independence. Instead, the government has spent resources on pacifying the area known for rustling and widespread possession of semi-automatic weapons. de Jode (2010, p. 76) observes that the Ugandan government had, by 2005, spent

[13] KII, 2 April 2013, Kampala.

an estimated 50% of its budget on military interventions to reduce conflict in pastoral areas, amounting to $100 million per year, representing the single greatest expenditure item in the budget. The violence is rooted in reduced access to rangelands.[14] The Karamojong have lost 40% of their grazing land since colonial times, forcing them to change their patterns of movement and to graze their animals in areas where they do not have historically-developed access rights, resulting in tension with other groups as traditional dispute mediation mechanisms previously exercised by clan leaders have broken down with warriors distanced from their original home communities (de Jode, 2010).

Although pastoralist land rights are basic and significant, they have not taken into consideration the common good of the rest of the people in Uganda nor the world. With Uganda facing unparalleled unemployment, strategies laid down in the National Development Plan 2010/2011-2014/2015 (GoU, 2010) and the Uganda Vision 2040 (GoU, nd) ought to reduce unemployment through job creation and industrialization as well as reduce threats like food insecurity. GoU urges that pastoralism has not contributed to job creation and food security beyond individual family households because they produce only for their households which in some cases, is not enough to sustain their families, resulting in reliance on food aid.[15] The way of life the pastoralists embrace confines them to poverty and slight attention from the government. Considering that pastoralists occupy 42% of Uganda's territory and contribute only 8.5% of the total GDP, these figures illuminate and solidify the government's argument that pastoralism is both unproductive and unsustainable.

However, pastoralism in Uganda contributes to the direct subsistence value of goods produced through pastoral production; there is substantial economic value of these goods on the formal and informal markets through the sale and export of meat, livestock, and hides and skins, including leather. Pastoralism provides inputs into a wide range of formal industries such as the meat and restaurant trade, and is very significant in the informal meat in¬dustry. Pastoralism provides employment to pastoralists

[14] KII, 02 April 2013, Kampala.
[15] KII, 2 April 2013, Kampala.

and contributes to farming, tourism and conservation. Portraying pastoral lands as marginal, degraded dry lands to promote the large-scale appropriation, fragmentation and conversion of the rangelands is a misguided representation because the alternative large-scale agricultural investments fronted by the government and/or private investors often cause environmental degradation. Large-scale agricultural irrigation and mechanisation schemes, ranching or export-oriented agribusiness have a track record of short-lived returns and heavy ecological footprints. Policies dispossessing pastoralists of their land perpetuate a vicious cycle of increasing poverty, resource conflict and environmental degradation that reinforce the very preconceptions and misunderstandings surrounding pastoralism. The fact that large-scale agricultural investments focus on economic development without considering the wellbeing of the affected society (people), and refuse to consider the cultural and/or ecological costs of displacements as well as the lack of environmental conservation, foretells that such development will be short-lived.

*Implication of land-grabbing on pastoralism in Uganda*

Land-grabbing of pastoral rangelands has had serious impacts on the livelihoods of pastoralists, marginalizing them more than ever before. Pastoralists have been evicted from their lands without being compensated even though the law clearly states that compensation is required in such circumstances. The law provides that in cases of eviction, adequate compensation or compensation and resettlement has to be provided. Because pastoralists are not compensated, they cannot buy other parcels of land and they eventually become settlers instead. For example, consider the pastoral communities in Mubende whose land was grabbed by Neumann Kaffee Gruppe (NKG) who are stranded with their animals on small grazing areas that are insufficient as pastures for their herds. In fact many of their animals have died and these pastoralists have become poorer, and landless and homeless. In addition, their food production has been altered through the destruction of their crops during the eviction; the evictees are facing food insecurity. In the past, pastoral communities experienced food scarcity and poverty relative to other regions of Uganda but they could afford at least a meal per day, but with the displacements from their land their vulnerability to poverty and food insecurity has

increased. In an attempt to compensate the evicted pastoralists in Mubende, approximately 2% were provided with new land but the new land allocations were far smaller than their previous land holdings and in some instances, plots were allocated twice, causing conflict within the pastoral communities themselves as well as with the original occupants of the land where the pastoralists are resettling.[16] Without compensation, most of the pastoralists had to rely on the goodwill of and solidarity with other villagers to resettle.

The rights of pastoralists have been abused because the government has not invoked the relevant constitutional provisions and laws to protect their rights over their traditional lands. This is despite the provisions of Ugandan law, which recognizes both *bona fide* and lawful occupants. Under The Land Act (GoU, 1998) dispossessions can only be carried out in exchange for compensation. Under The Land Act (GoU, 1998) even illegal occupants may not be displaced against their will after a period of 12 years, if, within this time, the proprietor has not told them to leave the land (*bona fide* occupants). Pastoralists have occupied their lands for generations but they remain unrecognized in direct violation of the laws. What is more, The Land Act (GoU, 1998) provides for every Ugandan to own land, which right is violated through land-grabbing. The ruthlessness exercised during evictions has additionally violated the rights of the pastoral inhabitants.

Delivering the judgment in the case of the evicted tenants of Mubende against NKG, High Court Judge Choudry was explicit:

> The German investors had a duty to ensure that our indigenous people were not exploited. They should have respected the human rights and values of people and as honourable businessman and investors they should have not moved into the land unless they had satisfied themselves that the tenants were properly compensated, relocated and adequate notice was given to them. But instead they were

[16] KII, FGD, 17, 18 March, Mubende.

> quiet spectators and watched the drama as cruel and violent and degrading eviction took place through partly their own workers. They lost all sense of humanity (Choudry, 2013).

The evictees from Mubende now lack adequate access to clean water and local infrastructure. Before the evictions, these pastoralists had established seasonal sources of water for human as well as animal consumption. However, with displacement, they are struggling to find safe and reliable water sources. As a result there have been increased rates of diarrhoea and similar diseases (Businge, 2001). The health-care system has also been ruined. Before the evictions, families could access relatively well-stocked private pharmacies, but now, the nearest health facilities are over 16 kilometres away. Accordingly, the hygiene situation has worsened and death rates have increased significantly (Businge, 2001). In addition, the eviction led to the closure of the high-quality primary school in the area, which implies a disruption in educational services for the affected families. The new school, constructed later, does not have the same high quality of infrastructure. In addition to this immediate impact, school drop-outs have increased due to several factors, including the inability of the affected families to pay fees and provide other scholastic materials (Action Aid, 2008). Without decent healthcare provision, the health of the pastoral communities is in no better form and with a ravaged educational system the children of the pastoralists are condemned to uncertain futures, characterized by illiteracy and poverty. It is certain that the future of the pastoral communities is now even more endangered than before, limiting opportunities for their participation in socio-economic and political activities and therefore increasing their exclusion from national decision-making.

Previously, pastoralists lived with relative dignity on income which they derived from their herds. However, this traditional lifestyle has been decimated through the evictions and presently many of them live a beggar's life with no hope and no means of re-establishing themselves in another sector. As a result, crime in the displaced communities has increased and so has been conflict and tension. Some of the evictees have found casual employment on NKG farms but are paid poorly, in most

cases receiving only between US$1- 2 per day. Their standard of living has declined significantly.

**Conclusion**

Pastoralism is a key element of economic development as it protects the ecology, makes semi-arid land economically productive, conserves culture, provides a source of livelihood for animal-rearers and contributes to national economies. The GoU's failure to appreciate the role of pastoralism in economic development is a lost opportunity to lift pastoral communities out of their economically depressed status and thus perpetuates the continued marginalization of pastoralists under false government perceptions. African culture and traditions are the glue that holds people together and allows communities to function and develop. The interminably underprivileged status of pastoralists limits their participation in decision-making and makes them yet more vulnerable. Evicted pastoral communities have become landless and their way of survival has been destroyed. Their displacement from their land denies them the opportunity to contribute to economic development and condemns them to perpetual poverty.

The failure on the part of the government to implement The Land Act is increasingly putting Ugandan pastoralists at risk. Land is the key resource for the development of the African people and the African continent. Depriving an African of land deprives him/her of development. But it is evident that pastoralists have lost and will lose more land in Uganda. The formal judicial institutions should guard and secure the rights of pastoralists. Resources should be directed equally to developing pastoralism and crop production. There should be transparency in negotiating land deals. The rights of indigenous citizens should take precedence over and above investment. Uganda needs development, but, more precisely, it needs sustainable development, created and maintained by an inter-play of people, the economy and the environment with culture as an underlying factor. The culture and traditional practices of pastoralists may not be a perfect fit for our modern era but leaving them behind only heightens the problems. Therefore, policy-makers should appreciate that culture and tradition are not static but rather, are dynamic and adapt with

change. Ugandan pastoralists remain endangered at the resolve of their own national, regional and local governments, and because land is the key resource for development for Ugandans, and specifically for pastoralists, they are reduced to second class citizenship in their own country.

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# Conflict over Ltungai Conservancy: A Case of Fatal Competition over Grazing Land and Water among the Samburu and Pokot in north-western Kenya

*Willis Okumu*

## Background Information

Community Based Conservancies (CBCs) have sprung up in the arid and semi-arid lands of north-western Kenya inhabited by the Pokot, Samburu and Turkana communities over the last one and one-half decades as the government sought to engage pastoralist communities in natural resource management. Many of these CBCs are managed by the Northern Rangelands Trust (NRT), a conservation group established by the owners of Lewa Conservancy with membership of several pastoralist groups and also strongly linked to government officials, and corporate bodies as well as local elites from the Samburu community. The establishment of Ltungai Conservancy on a 22,257 hectares inter-community grazing reserve in 2004 sparked five years of violent conflict between the Pokot and Samburu communities. In interviews with Pokot elders[1] at Amaya they claimed that the Samburu political elite's support for the establishment of the CBCs was a ploy to divest them of their land from Longewan Hills up to Amaya River. Interviews and discussions with community members and key respondents[2] revealed that civic leaders from the Samburu community issued Pokot herders living across the Amaya River with eviction letters in late 2004 thereby kicking off the establishment of the CBCs and prompting violent conflict. Conflict over Ltungai Conservancy stemmed from key issues of resource allocation, access and distribution between the Pokot and Samburu communities. Interviews with Pokot respondents at Murgie revealed that the five-year conflict was fought on the basis of their right to ownership, access and utilisation of pasture and water-points in Ltungai Conservancy whereas the Samburu[3] approached the conflict

[1] Interview with Mading Kipterer, a retired Senior Assistant Chief of Churo Location from 1975-2002, conducted at Amaya on September 08, 2011.

[2] Interview with Evans Onyiego, the Secretary to the Catholic Peace and Justice Commission of Maralal on August 17, 2011.

[3] Interview with Ropoki Lemeleny, a Samburu community member of the Amaya area on the Samburu West District side, conducted on March 06, 2012.

from an exclusivist perspective; viewing the Pokot households who had previously lived along the Longewan Hills in Samburu West Districts more as tenants than as rightful owners of the land, and therefore with limited rights of access to the pasture lands of Ltungai Conservancy.

The Pokot-Samburu conflict over the establishment of Ltungai Conservancy in Samburu County can therefore be seen broadly as a threat to the pastoral production system faced by pastoralist and agro-pastoralist communities within Eastern Africa and the Horn of Africa regions. The establishment of Ltungai Conservancy in an inter-community grazing reserve not only precipitated inter-ethnic violence which claimed hundreds of lives, but also orchestrated a state of anarchy that contributed to livestock deaths and the displacement of many pastoralist households, further inhibiting inter-community interactions through trade. This was seen in the closure of cattle markets in Amaya, Longewan and Lonyek along the Pokot-Samburu border. It is notable that while members of the Samburu community could access the upper side of the grazing lands of Ltungai, the Pokot were denied access to pasture when the NRT posted armed Samburu game wardens within the boundaries of the conservancy, which, in turn, led to a concentration of Pokot livestock in limited grazing lands thereby contributing to the easy spread of cattle diseases and ecological degradation. The data presented here also includes information gained through scholarly work done by scientists on different facets of pastoralists' livelihoods, some of which are specific to land management while others have looked into factors contributing to increased violence among pastoral groups in north-western Kenya.

**Study Area and Methods**

Ltungai Conservancy is located along the borders of East Pokot and Samburu West Districts in north-western Kenya, sits on 22,257 hectares of land, borders Turkana County to the north-west and Laikipia County to the south along the Rift Valley, and consists of dense grasslands. It is home to many wildlife species such as giraffes, zebras, cheetahs and antelopes. The Pokot and Samburu communities have traditionally shared this pastureland during periods of scarcity.

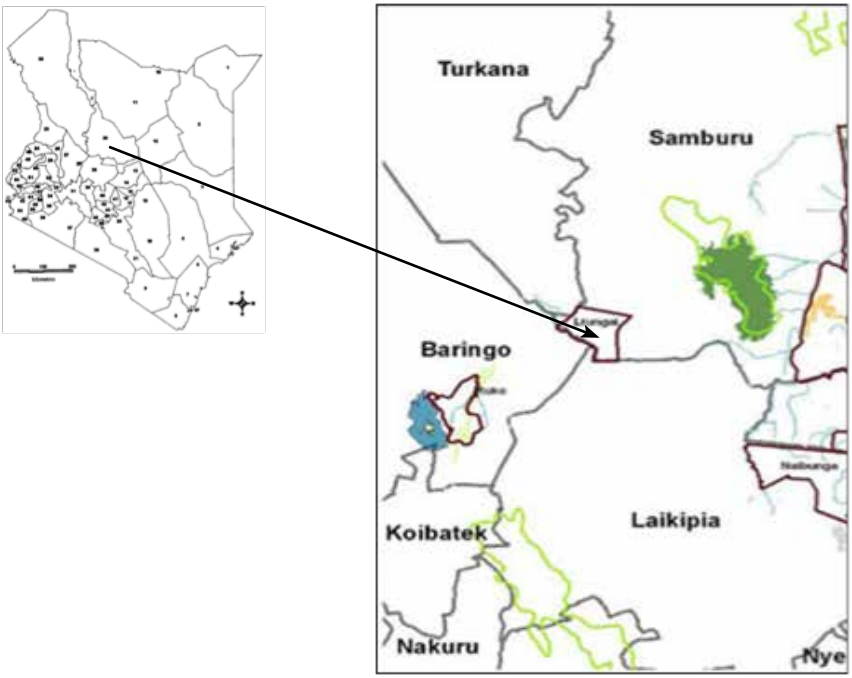



Figure 1: Study area indicating the location of Ltungai Conservancy
Source: NRT (2013, p.12)

The data presented here was collected for 8 months between July 2011 and May 2013 in Samburu West and East Pokot Districts, and was obtained through key informant interviews and focused group discussions in Longewan, Amaya, Churo, Kasilangwa, Lonyek, Losuk and Loroki. Participant observation was also used to gain more insight into the livelihood challenges of pastoralists. The key informants interviewed during this study were identified through snowball sampling, where evictees from Samburu West District were specifically targeted. The study sampled 63 households from East Pokot District in Baringo County and 21 households from Samburu West District.

In conducting this study, key informant interviews and focused group discussions were adopted to obtain the most significant data. This study was further guided by the following key issues: ownership, utility and

access to grazing land and water, historical or ancestral memory and claims over geographical features such as rivers and hills, aspects and history of inter-communal sharing of natural resources and ways of dispute resolution, the legal framework of inter-community property rights among pastoralists in north-western Kenya, legal enforcement and the role of local politics of exclusion, ethnicity and history of pastoralist violence as a function of resource access and distribution within East Pokot and Samburu West Districts in north-western Kenya.

**Ownership, Access and Utilisation Rights of Ltungai Pasture Lands and Waters as a Trigger to Pokot-Samburu Violence from 2004-2009**

The establishment of Ltungai Conservancy deprived Pokot herders of their right to graze livestock in the inter-community reserve pasture during droughts. Greiner (2013, p. 12) aptly captures this:

> In 2006, however, war also erupted between the Pokot and the Samburu. The bone of contention in this case was the planned implementation of a wildlife conservancy in an area that had formerly been used by both groups without dispute, but which now attracted exclusive claims. The conflict eventually spread to Laikipia, where Pokot and Samburu herders had been moving into vacated areas since the mid-1990s to make use of available pasture. Provoked by tensions around the proposed wildlife conservancy, they fought each other over land claims. These fights reached a sad climax in the massacre of Kanampiu village in September 2009, when a Pokot attack led to 35 casualties. According to a Pokot elder, this massacre was meant as an example. The Samburu were explicitly warned not to move their settlements into a zone claimed by Pokot. Kanampiu[,] the settlement in question[,] was eradicated in the attack.

Claims of exclusive ownership rights by the Samburu in the establishment of Ltungai, in collaboration with the administrators of the NRT, stoked the embers of the pastoralists' violence by denying the Pokot their historical right of ownership of the grazing lands. The establishment of Ltungai therefore threatened the livelihood base of the Pokot and the Samburu

by earmarking 22,257 ha of pastoral reserve for wildlife conservation at the expense of livestock production. The reduction of pasture land by a hefty 22,257 ha of land is a significant loss as it contributes to ecological degradation, overgrazing and the easy spread of livestock diseases.

Questions over the ownership of Ltungai Conservancy were at the core of the Pokot-Samburu conflict. To many Pokot herders, who had lived for decades at Longewan Hills overlooking the Samburu '*manyattas*,'[4] the conservancy was a ploy used by the NRT and the Samburu elite to displace them, and ultimately deprive them of ownership, utilization and access to pasture resources within Ltungai as Greiner (2013, p. 19) was informed during his fieldwork there:

> The Samburu say that their boundary with us is the River Amaya. And we, as Pokot, we know our boundary is in a place called Longewan, on the top of the hill. The Samburu, they have a problem with the boundary. But before, we had no trouble with the boundaries because everybody was grazing the way he felt like because there was no issue of boundaries.

Butler and Gates (2012, p. 24) pointed out that violent conflict between any two groups is bound to be more profound when it comes to ownership rights over natural resources: "If climate change, in the form of water availability, is going to affect any group's proclivity to violence, then it will be a group most directly dependent on water and land, such as a herding group." In the case of Pokot and Samburu pastoralists, conflict over Ltungai was conflict for the survival of pastoralist production since it was rich with ample pasture and water. Control of pasture and water resources is therefore at the core of pastoral violence. The Pokot-Samburu conflict over access, utilization and ownership of resources of Ltungai exemplified violent competition over scarce and diminishing pastoral resources.

[4] Manyattas are homesteads built by many pastoralists' communities across north-western Kenya to accommodate their nomadic lifestyle.

In an interview with Rev. Musa Maklab,[5] a Pokot who was born in Longewan but later evicted and relocated to the Samburu-Pokot border area at Pleisian near the Amaya Market, he stated that the conflict over Ltungai erupted when the Pokot realized that they were excluded from the Ltungai Conservancy's group title deed. The exclusion of the Pokot from the joint ownership of Ltungai may be interpreted as an attempt to "grab" land from a marginalized pastoralist community; this is further confirmed by the NRT's own website which had, until 2012, listed the Samburu as the sole owners of the Ltungai Conservancy. The conflict over the ownership rights of Ltungai Conservancy by pastoralist groups was therefore exacerbated by insensitive Samburu elite keen on amassing wealth by generating revenue through tourism at the expense of the pastoralist production of the Pokot herders who faced displacement and deprivation.

Considering the aridity of north-western Kenya and the great dependence of pastoralist communities on pastures and water resources, the annexing of 22,257 ha of land was seen as a threat to the very survival of the Pokot herders. This is further reaffirmed by the Conservation Development Centre (CDC), the International Institute for Sustainable Development (IISD) and Saferworld (2009, p. 23) in their study, *Climate Change and Conflict; Lessons from Community Conservancies in Northern Kenya,* where they noted:

> In arid areas where pasture and water resources are unevenly distributed and accessed by multiple groups from disparate areas, the formal establishment of a conservancy can be seen as a land grab which prevents access for non-conservancy members. Furthermore, each conservancy tends to be formed by members of one ethnic group, building on the existing group ranch structure, so this risks entrenching ethnic divisions. In short, the creation of a conservancy can

[5] Rev. Musa Maklab, Interview with the author on August 12, 2011 at the Amaya Market. This conservancy continues to be the bone of contention between the Pokot and Samburu, along the Pokot-Samburu border. He intimated that the Pokot are not included in the group title deed of the conservancy and therefore they feel cheated by the Samburu over their land.

> exacerbate one of the root causes of conflict by increasing exclusive use of land and escalating conflict through the polarisation of ethnic groups.

According to Kipturu, Kapoi and Nabuya (2010, p. 26), Pokot elders further laid historical claims to much of what is today's Ltungai Conservancy in a memorandum submitted to the Interim Independent Boundaries Review Commission (IIBRC),[6] basing their claims on the historical memory of elders, colonial maps, boundary beacons and names of places within Ltungai Conservancy which are linguistically rooted in the Pokot language. Indeed, they stated as follows: "Samburu division was administered at Barsaloi. They were far beyond the Eastern Rift Valley escarpment and occupied primarily at the plateaus of Samburu. It was only recently that the Pokot were flushed out of the land and lost access to Alkosom water spring" (Kipturu et al., 2010, p. 26). It is evident from this memorandum that the Pokot elders saw their eviction from Samburu West District to create space for the establishment of Ltungai Conservancy not only as an affront to their rights to ownership over the land but also as a threat to livestock production on which they exclusively depend.

It is against this background that Ltungai Conservancy was established. From the foregoing it can be stated that the establishment of this conservancy in pastoral rangelands and specifically in an inter-community grazing reserve has triggered inter-community conflict and the destruction of pastoral production.

**Analysing the Pokot-Samburu Conflict over Grazing Lands and Waters of Ltungai using Contest Success Functions (CSF)**

The Samburu-Pokot conflict over ownership, access and utilization rights of pasture lands and waters of Ltungai Conservancy can be analysed through the CSF as applied by Butler and Gates (2012) in studying climate, conflict and property rights as key issues in African range wars.

[6] IIBRC was constitutionally set up through an Act of Parliament in May 2009 and charged with the responsibility of reviewing and demarcating Kenya's electoral boundaries in accordance with the geographical size and the population of the citizens of Kenya.

The CSF model puts into perspective the allocation or misallocation of resources in the absence of a property rights regime in a weak or fragile state characterised by endemic ethnic violence as exemplified by pastoralist groups in the Karamoja Cluster and more specifically in north-western Kenya among the Turkana, the Pokot and the Samburu. The CSF model assumes that the level of inter-ethnic violence between two herding groups in a pastoral rangeland is highly dependent upon the "levels of property rights protection (PRP) and the government bias on property rights enforcement (Bias)" (Butler & Gates, 2012, p. 26). As Butler and Gates explain:

> Our CSF model incorporates the notion that increasing property rights protection reduces the effectiveness of fighting, which implies increasing the equilibrium allocation of productive effort. Our model also accounts for the potential bias towards one interpretation of property rights over another interpretation. Property rights bias can occur between pastoralist groups when territory is divided between groups granting exclusive rights to one particular group, excluding others from grazing rights. Bias and property rights protection interact to produce a non-monotonic result affecting the level of conflict in a society. More particularly, if a society has a moderate level of PRP, but some degree of bias away from equity, an increase in PRP can result in either a decrease or an increase in the amount of fighting between the two groups. Thus, simply increasing PRP without addressing equity and bias issues can actually increase the risk of armed conflict between pastoralists (2012, p. 26).

From the foregoing explanation we can deduce that the conflict between the Pokot and Samburu communities over the establishment of Ltungai Conservancy originated from very weak property rights infrastructure and the bias in the enforcement of these rights by the state. The Samburu elite exploited the weak property regime structure and close links to government officials to issue eviction letters to Pokot herders living along Longewan Hills in Samburu West District as they were seen to be a minority, less protected by the law, and defenceless in the face of the numerical might of the Samburu warriors. The collusion of government officials with the

Samburu elite and NRT officials imply a weak institutional framework for property rights enforcement and an opportunity for horizontal inequality against the Pokot based on ethnicity resulting in economic exclusion from the pastures of Ltungai. The loss of pasture lands and water-points by the Pokot can therefore be seen as a product of a weak state environment coupled with biased property rights enforcement and a clear motive of economic marginalisation of the Pokot by the Samburu elite and NRT officials.

Given that pastoralists production is dependent upon land, pasture and water, we further argue that the eviction of Pokot herders from an inter-community grazing reserve and its subsequent use by the Samburu for livestock production and revenue generation through the establishment of the wildlife conservancy denotes horizontal marginalisation of the Pokot. In other words, livestock production is contingent upon good grazing lands that contribute to healthier animals and higher chances of animal reproduction, better livestock prices and the possibility of reinvesting the money from animal sales back into pastoralism. In a situation where a pastoralist is evicted from good grazing land, his or her livestock are then inevitably concentrated in limited and inadequate pasture areas where the livestock degrade the environment through overgrazing and easily contract livestock diseases which not only reduces the quality of the animal in the eyes of livestock traders but also minimises the ability of the animal to reproduce for the benefit of the pastoralist. The Samburu-Pokot conflict can therefore be seen through the survival lenses of Pokot herders; the allocation of an inter-community grazing reserve for wildlife conservation inevitably incited inter-ethnic violence since it was seen by the Pokot as a land grab and an attack to their survival.

## Consequences of the NRT's Annexing of Ltungai Pastoral Lands on Pokot and Samburu Livelihoods

*a) Deaths*

In interviews[7] conducted in the Longewan, Plesian, Amaya and Lonyek

[7] Interviews with Pokot elders, John Kaptiyos and Lopurusa Losote, and Samburu elders, Daniel Lepais and Enock Leshyiampe, on August 5, 2011, at the Longewan and Amaya Markets along the Samburu West and East Pokot district borders.

areas, it was established by both Samburu and Pokot elders that over 500 Pokot and Samburu lost their lives between 2004 and 2009 until a peace agreement was reached in late 2009. It should be noted however that this is a very conservative estimate since it does not take into account other deaths, that although related to the contest over Ltungai, occurred on highways due to ethnic animosity that prevailed at that time. For instance, elders from the Pokot community confirmed that many young men from both sides were ambushed and killed around Murgie. Further, it should be noted that the Samburu attacked and killed ten Pokot herders and made away with hundreds of head of livestock in 2008 at Loroki which precipitated a revenge attack (see Greiner, 2013) and the massacre of Samburu herdsmen at Kanampiu Village in Laikipia County. The massacres in Loroki and Kanampiu resulted in the killing of over 50 herders and the loss of over 1,000 herds of cattle in December 2009. The fact that the Kanampiu massacre occurred in Laikipia County, another inter-community grazing reserve during periods of drought, further points to grave threats to inter-community cohesion and increased difficulties in the sharing of rangeland resources among many pastoralist groups in Northern Kenya should the trend to establish wildlife conservancies in inter-community grazing land continue unabated. These massacres led to the abandonment of pastoral lands and contributed to the concentration of livestock in perceived 'safe'[8] areas, thus increasing the possibility of the spread of livestock diseases and overgrazing.

*b) Displacements*

According to Pokot elders,[9] Samburu civic leaders issued eviction letters to Pokot households living in Longewan, Lonyek, Amaya and Loroki in 2004; an estimated 2,000 households were evicted to create room for the conservancy. These families eventually settled among their kinsfolk in the Kasilangwa, Amaya and Churo areas of East Pokot District. The

[8] Safe areas here denote exclusive Pokot or Samburu grazing areas which in most cases would only be useful during wet seasons when grass and water were easily available.

[9] Pokot elders' (John Kaptiyos & Lopurusa Losote) interview with the author at Amaya Market along the Pokot-Samburu border on August 15, 2011, wherein the author was informed that the eviction letters were issued by Samburu civic leaders from Amaya Division , Samburu County.

displacement of pastoralists' households and the state of anarchy that followed led to the closure of schools, the malnutrition of children, the death of livestock due to scarcity of pasture, and increased highway banditry in the East Pokot District. Non-Governmental Organisations (NGOs) which had previously provided community health, water and sanitation services withdrew due to the insecurity, thus limiting access to essential services. The impact of inter-ethnic violence and the contest over the establishment of Ltungai Conservancy is further aptly captured by Greiner (2012, p. 10): "The conflict involved high levels of symbolic violence and led to large numbers of casualties. Victims were mutilated, women and children were killed, whole villages were displaced and large areas were turned into no-man's land until a ceasefire was agreed in late 2009." IRIN News (2006, p. 1) further illustrates the dire situation of those displaced by the inter-community warfare among the Samburu and Pokot over Ltungai Conservancy:

> Heavily pregnant and with a bullet lodged in her leg, Mary Lenayasa hitched, ran and trekked for two days to reach a church at a remote centre hosting thousands of displaced families in Samburu District, northern Kenya. Lenayasa managed to escape death during an attack by bandits in which six people, including her husband, were killed a month ago, forcing her to flee. 'I lost everything - my husband, all our livestock and good neighbours,' she said, cradling a newborn boy, whom she delivered a day after arriving at the Sugutamarmar Church compound in Samburu. 'The situation in Samburu is bad,[;] we can't go back to Losuk. Who will help me, my baby and the other five children?' she said, standing outside her flimsy hut made of sticks, pieces of cloth and plastic bags.

*c) Intra-ethnic Violence among the Pokot*

The inter-ethnic violence witnessed by the NRT after the establishment of the conservancy informed their decision in late 2011 to employ six Pokot game rangers and to deploy them along the Samburu West District boundary near Plesian at the border with the East Pokot District. This enraged Pokot elders who saw the recruitment of Pokot youth by the NRT

as an attempt to divide and exploit Pokot herders, further precipitating the mobilization of Pokot '*morans*,'[10] who attacked the game rangers and chased them away into the conservancy. The recruitment of Pokot game rangers brought tension and threats of intra-ethnic violence against the extended families of the Pokot game rangers from many *morans* who saw this as selfishness on the part of their kinsfolk and bribery by NRT officials. To the independent observer, the recruitment of these Pokot game rangers was an attempt at the legitimization of the Pokot as part of Ltungai Conservancy without addressing the underlying issues of ownership and access rights to land and pasture resources.

*d) Cattle Raids and Closure of Cattle Markets*

Even though pastoralists' violence over Ltungai revolved around the ownership of grazing land and water resources, it was mainly demonstrated through cattle raids. The main aim of *morans* who carried out these cattle raids was to forcefully deprive their rivals of cattle and thereby incapacitate them from utilizing the grazing land and waters of Ltungai. Socio-culturally, a pastoralist who loses his or her cattle through drought or cattle raids is deemed to be 'cattle-poor'[11] and is seen socially as a failure, forcing them to move out of the community, and to seek menial jobs in urban centres such as Maralal, Marigat, Nakuru or Eldoret. The insecurity that prevailed from 2004 until 2009 led to the closure of key inter-community cattle markets such as Amaya, Losuk, Longewan and Loroki; this made it impossible for both the Samburu and Pokot communities living at the border of Samburu West and East Pokot Districts to purchase grains and other household items, thus increasing their dependency on relief supplies. The closure of cattle markets further inhibited opportunities for inter-community interaction and contributed to the prolongation of the strife.

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[10] *Moran* is a Maa word meaning warrior (also called Il murani by the Samburu, and *muron* by the Pokot). They are community warriors in many pastoralist communities in north-western Kenya, and are responsible for protecting the community against external aggression.

[11] Being cattle-poor is a state of great shame and social stigma for pastoralist communities. Households who lose their herd/s through cattle raids or droughts are often forced to abandon the grazing zone and migrate to urban centres where they are mostly employed as security guards (men) or end up destitute (women).

Research has shown that closure of cattle markets has negative impacts on the survival of pastoralist communities; this is corroborated by Schilling, Opiyo and Scheffran (2012, pp. 12-13) in their recent study among the Pokot and Turkana in Kenya:

> It was observed that livestock markets in Lokiriama and Loya are not used because of insecurity. The lack of secure markets limits the ability of the pastoralists to sell livestock prior to or during dry periods and hence contributes to food insecurity. During the three years of this study, Turkana reported that options to sell livestock to traders were limited as they were afraid of attacks on their way to Kitale or Nairobi. Influx of grains and manufactured goods into Pokot and Turkana was also reported to be negatively affected by insecurity.

Table 1 below further illustrates the violent nature of the contest over the land, water and pasture resources of Ltungai between the Samburu and Pokot; selected data from 2008 until 2010 indicate that these pastoralist communities not only engaged in violent conflict within their traditional zones but also extended their battles to other inter-community grazing zones such as Laikipia, where many lives were lost, pastoralists displaced and thousands of cattle stolen or maimed.

Notenbaert et al. (2012) and Barrett (2001) have also argued that livestock trading in arid and semi-arid grazing lands in Northern Kenya has been gravely affected by mounting insecurity and poor infrastructure that have negatively impacted on the risks of trading thus depriving pastoralists of a means to generate income through their cattle. Inter-communal war, as witnessed between the Samburu and the Pokot over Ltungai Conservancy, therefore affects livestock marketing and production through closure of markets. This is further illustrated by the Conflict Early Warning and Response Mechanism (CEWARN) of the Intergovernmental Authority on Development (IGAD), 2010, p. 10), when it notes: "Markets like Amaya in Churo division, Lengewyan and Suguta Marmar in Loroki division, Losuk in Maralal and Poro in Samburu west where the two communities traded peacefully years back have closed down because of the conflict over pasture."

*e) Inter-Community Arms Race*

The Samburu-Pokot violence over the establishment of Ltungai Conservancy undoubtedly precipitated an inter-community arms race. North-western Kenya has, since independence, experienced "state retreat," a situation where the state deliberately chooses to invest very minimally in its citizens in terms of economic development and security. Marginalization of the arid and semi-arid pastoralist rangelands was pursued as a state policy through *Sessional Paper No. 10 on African Socialism and Its Application to Planning in Kenya of 1965* which outlined the economic development policy of Kenya and directed that development funds should be committed to more developed areas with good soil and good infrastructure, with the assumption that these benefits would trickle down to pastoral rangelands in Northern Kenya over time (Government of Kenya, 1965).

As a result of decades of marginalization and neglect evident in limited presence of state security and rampant cattle raids, many pastoralist communities in Northern Kenya acquired guns for self-protection and aggression. While many households among the Samburu and Pokot were armed even before the establishment of Ltungai Conservancy, interviews[12] conducted among the Pokot along the Amaya River indicate that there was a deliberate effort by the political elite from both communities to obtain weapons and to avail these cheaply to kinsfolk as a means of enforcing claims to land and for self-protection. However, it should further be noted that while these weapons were acquired due to the conflict over Ltungai, many of these households used their weapons not only against each other but also to target other neighbourhood communities such as the Turkana and the Njemps, especially during cattle raids. The inter-community arms race occasioned by the battle over Ltungai has therefore contributed to loss of lives and livestock through commercialized cattle raids in north-western Kenya. This view is supported by Greiner (2012, p. 9), who, in his field work in East Pokot District, noted: "As the price of automatic guns and ammunition decreased, leading to what amounted to arms races by rural populations, the frequency of violent interactions increased".

[12] Interviews with John Gedii and Kibe Kolem at Kasilangwa in East Pokot District in March 19, 2012.

Table 1: Incidences of Cattle Raids among the Samburu and Pokot during the Conflict over

| Date | County | District | Stock Stolen | Recovered Stock | Deaths/ Injuries |
|---|---|---|---|---|---|
| 01.01.2008 | Laikipia | Laikipia West | 4 cattle, 18 goats | - | - |
| 16.01.2008 | Laikipia | Laikipia West | 27 cattle | - | - |
| 21.01.2008 | Laikipia | Laikipia East | 45 cattle | 45 goats | 1 Pokot dead |
| 22.01.2008 | Laikipia | Laikipia West | 6 cattle | 6 cattle | 1 Samburu dead |
| 25.01.2008 | Laikipia | Laikipia West | 16 sheep | - | 1 Injury |
| 08.02.2008 | Samburu | Samburu Central | 80 cattle | 62 cattle | - |
| 09.02.2008 | Turkana | Turkana Central | 12,600 cattle, 834 camels, 164 donkeys and 50,000 goats and sheep | - | 3 Pokot dead, 4 Turkana dead, 3 Turkana injured |
| 17.03.2008 | Baringo | East Pokot | 107 goats | - | - |
| 02.02.2009 | Samburu | Samburu Central | 507 goats and sheep | 275 goats and sheep | - |
| 04.09.2009 | Samburu | Samburu East | Unknown number of cattle | 20 cattle | - |
| 18.04.2009 | Samburu | Samburu Central | 150 cattle, 5 donkeys | - | 1 Samburu dead |
| 25.06.2009 | Samburu | Samburu Central | 2,000 cattle | 1,000 cattle | 4 Samburu dead, 1 Pokot dead, 2 Samburu injured, 50 cattle dead |
| 15.09.2009 | Laikipia | Laikipia West | Over 400 cattle | | 32 Samburu killed, 8 Pokot killed |

Source: Adapted from Occurrence Book of Various Police Stations in Kenya and private notes from Clemens Greiner in 2012

*f) Closure of Schools and the Repatriation of Civil Servants from the Area*
The conflict occasioned by the establishment of Ltungai Conservancy contributed to the closure of many primary and secondary schools in the area. Of particular importance here is the inter-community school, *Amani*[13] Primary School, in Amaya, which was closed during the entire period of the Samburu-Pokot violence as both pupils and teachers were targeted due to their ethnicity. The closure of this school led many schoolchildren to drop out of school, and contributed to the conflict since many teenage boys were easily recruited to fight against each other in the conflict while many teenage girls were circumcised and married off to warriors involved in the conflict in an effort by their parents to secure livestock to sustain their households. This conflict undoubtedly contributed to lowering the living standards of Pokot and Samburu children and increasing poverty in these pastoral societies as a whole given that it created an ill-equipped younger generation who may never have a real chance to contribute to societal development due to their functional illiteracy. The criminality that continues to persist among the Samburu and Pokot to date can be attributed to the large numbers of young men and women whose education was disrupted due to the conflict over Ltungai Conservancy. The impact of the violent conflict over Ltungai Conservancy on education is aptly captured by IRIN News (2006, p. 1): "the Laikipia Education Office report for September showed that seven schools had closed. It also reported that the fighting had reversed gains made in increasing school enrolment in the region, inhabited by pastoralists."

*g) Closure of Inter-Community Cattle Dips and Inaccessibility of Extension Services*
The Samburu-Pokot conflict led to violent contests over inter-community cattle dips that were previously located in shared markets such as Longewan, Losuk and Lonyek. The closure of cattle dips and the absence of extension services due to insecurity further aggravated the plight of pastoralists' livestock, leading to the easy spread of cattle diseases. The

[13] *Amani* is a Swahili word meaning peace. This school is an inter-community venture supported by the Government of Kenya and other development partners in an effort to enhance peace and development among the Pokot, Samburu and Turkana; the children studying in this school come from all of these communities.

inability of pastoralist households to access veterinary services contributed to poor livestock health. The droughts and famine that followed from 2006 not only decimated the livestock but also led to deaths of many pastoralists in Samburu West and East Pokot Districts. As Schilling et al. (2012, p. 11) reports: "A reduction in livestock population, even by small numbers, is critical especially for the pastoralists who depend on livestock for income and food security".

*h) Dependency on Relief Supplies*

The protracted conflict over Ltungai Conservancy between the Pokot and the Samburu created a state of anarchy, and thus prevented many households from producing their own food. The droughts and famine experienced in much of Northern Kenya in 2006, 2009 and 2010 decimated livestock and left many households facing starvation. The establishment of Ltungai Conservancy therefore directly threatened pastoralists' livelihoods as it converted an inter-community grazing reserve into a wildlife conservancy and contributed to livestock deaths. The insecurity that prevailed in East Pokot and Samburu West Districts made the option of relief supplies hugely attractive to many desperate Pokot and Samburu households and as a result the Government of Kenya secured relief supplies such as maize flour, oil, maize and beans, thus altering the food choices of many pastoralist communities, as observed by Sortland (2009, p. 68):

> People migrated close to Maralal in Kirisa Division and Suguta Marmar in Lorroki Division, primarily for two reasons. Firstly, these centralised areas were considered safe from raids, and secondly the areas provided some meagre non-pastoral economic opportunities, including a bigger chance of joining in on the monthly distribution from the food relief program.

Today many households in Samburu West and East Pokot largely depend on relief food and lack incentives for human innovation and productivity towards the cultivation of traditional vegetables and tubers that would sustain their lives.

*i) Ethnicised Pastoral Grazing Corridors*

The conflict between the Samburu and Pokot from 2005 to 2009 over the establishment of Ltungai Conservancy appreciably contributed to the ethnicisization of pastoralists' grazing corridors. Inter-community grazing lands were managed through inter-community grazing committees comprising representatives from elders, *morans* and women. Grabbing of '*Pokotland*'[14] in Ltungai led to dissolution of inter-community grazing committees and monopolization of inter-community grazing reserves by one community. A key example here is Kanampiu, Laikipia County, which was largely dominated by the Pokot immediately after the massacre that led to the deaths of over 35 Samburu herders. This conflict therefore contributed to exclusion of pastoralists from pasture and water resources thus aggravating the survival options of many households. From his interviews in East Pokot, Greiner (2012, p. 12) further confirms this view:

> Most Pokot feel that they are the rightful owners of the designated conservancy area, and they are afraid that with the implementation of the conservancy the Samburu will cement their claim to the area. This was vividly expressed by a young Pokot man: 'We are fighting over boundaries and land. The Samburu want a conservancy but the area they want to use for it is our land. This is where our grandfathers were living. The Samburu want a conservancy, but they do not want to give out their land, they take our land.'

*j) Limitation to Livestock Mobility*

Research has shown that livestock mobility is essential for "biodiversity conservation and pasture growth" (Notenbaert et al., 2012, p. 1). Further, Notenbaert et al. assert that 'herd mobility is not only essential for effective risk management, it also enables pastoralists to harness the environmental variability and enhance livestock production" (2012, p. 1). The establishment of Ltungai Conservancy can be seen to have limited livestock mobility by the reduction in pasture lands and the subsequent outbreak of pastoralist conflict which limited pasture options for the

[14] Meaning, the ancestral land of the Pokot.

Samburu and Pokot. Lack of access to pasture leads to low production of milk and meat which are essential supplies for pastoralists' households. Greiner (2012, p. 15) further highlights the dilemma faced by many pastoral Pokot after the establishment of Ltungai when he notes:

> Although this notion of East Pokot as an open-access territory is rapidly and profoundly changing, people from areas outside the designated conservancies feel alienated from what they claim is also their land. They fear losing access to pastures which they formerly used and which are critical for the survival of their herds.

*k) Overpopulation and Sedentarisation of Pastoralists in East Pokot*

The displacement of over 2,000 Pokot households from Loroki, Lonyek and Longewan and their subsequent settlement among their kin in East Pokot District contributed to overpopulation. In seeking land to put up homesteads and supplement their diet, many households annexed pasture lands, thus contributing to limited space for livestock mobility and thereby threatening the sustainability of pastoral production within East Pokot.

## Conclusion

Pastoral production is based on mobility and access to pasture land and water resources. Large-scale commercial investments in pastoral rangelands of north-western Kenya are embedded in the modernist thought pursued by the state of Kenya since independence. The case of Ltungai Conservancy, demonstrate that pastoralist livelihoods are endangered when pastoral reserves are annexed for commercial purposes. Given the marginalisation experienced by pastoralist groups in Eastern Africa and the reduction of pastoral rangelands, pastoralist groups such as the Pokot and Samburu are continually threatened with loss of pasture lands to state-permitted commercial ventures which also triggers inter-ethnic violence as pastoralist groups compete over diminishing pasture lands and water resources. Allocating pastoral lands for commercial ventures may be seen as a source of revenue by the state but at what cost to pastoralist livelihoods?

Governments in the Karamoja Cluster need to appreciate the viability of pastoralist production and enact laws and regulations that secure pasture lands for pastoralists' production while at the same time enforcing equitable and fair allocation through legal rights to own, utilize and access pasture and water resources among pastoralist groups.

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# Re-considering Large-Scale Agricultural Investment as a New Paradigm for Mitigating Insecurity in Pastoral Rangelands: The Kenyan Case

*Mercy Mungai and Paul Omondi*

## Introduction

Pastoralism is the dominant livelihood system in the arid and semiarid lowlands (ASAL). Although mobility and access to key resource areas is the central feature in pastoral production, pastoralism does not represent a single form of livelihood. Pastoralists may have many or fewer animals, different combinations of species, difficult levels of engagement with markets (local, cross-border, and/or export) and different livelihood diversification strategies (Future Agricultures Consortium - Comprehensive Africa Agriculture Development Programme (FAC-CAADP), 2012, p. 5). Accordingly, depending on the definition applied and on the data sources used, the estimated size of pastoral population in the Horn of Africa is between 12 million and 22 million people (Sandford, 2011, p. 1).

There is wide acknowledgement that pastoralism is traditionally the most effective livelihood system in the ASALs. Their capacity to sustain their livelihoods depends on continued access to key resources from diverse localities of the rangelands, allowing them to build up resilience and reduce their vulnerability to drought. Pastoralists are however facing serious obstacles that threaten their livelihoods. Access to grazing land and water is a particular concern, which affects their capacity in preserving livestock production. Their survival therefore hinges on mobility as the main strategy in gaining access to these resources. In particular, mobility enables a rotational grazing system of livestock production, which allows for replenishment of the pastures and thus safeguards the environment from destruction. The trend threatening pastoral livelihood options and opportunities include restricted mobility due to the increase of rangeland fragmentation. The overriding concern is that these changes are disrupting their traditional models of accessing, managing and controlling vital livelihood resources.

Contemporary discourses on the factors that mediate the processes of pastoral livelihood underline the related issues of access to land and land tenure security. Land laws and policies that favour grazing land conversion to crop production delimit the movements of pastoralists across geographical zones. Notably, those that impinge upon the traditional pastoral system relate to nationalisation, sedentarisation and privatisation. These three processes highlight the "problematic" role that national governments have assumed from colonial governments with regard to pastoral resource management systems (Hagmann and Ifejika, 2010, p. 597).

As the debate on the continuance of successful pastoral livelihoods continues to grow, a worrying realisation is that pastoral systems face various challenges that are also associated with livelihood and human security problems. Putting this into perspective, whether a new approach in land use, specifically those oriented to large-scale agriculture, can or cannot provide a meaningful way to add value to the local livelihoods and also address insecurity in the pastoral rangelands is a question that remains to be answered.

This paper uses both theoretical and case study accounts to capture the broader linkages between land use and insecurity, with particular reference to large-scale agricultural investments in pastoral rangelands. The remaining sections of this paper is structured as follows: section two begins by discussing the components of vulnerability, risk and conflict, initially looking at this at a conceptual level, and consequently looking more specifically at the context of risk within large-scale agriculture and pastoral land use systems. Following, the paper addresses the nexus of land tenure and insecurity, with a focus on the existing problems inherent in the pastoral systems. Next, the paper dissects opportunities emerging from large-scale agricultural investments, examining the broader prospects for addressing insecurity problems. Subsequently, the paper provides a perspective on land tenure and conflict dynamics in Kenya, first providing an overview of commercial pressures in pastoral rangelands in the country, with specific attention to large-scale agricultural ventures. In this context, the paper examines the intricacies of insecurity in the rangelands in Kenya. In the ensuing sub-section, the paper offers county

case studies of land use and security status, explored through analysis of the Tana River, Narok and Turkana counties. The paper concludes with a number of suggested policy recommendations, and particularly focuses on ways to enhance legal protection and processes in relation to large-scale agricultural land deals and acquisitions.

## Conceptual Considerations

*A broader understanding of the intersection of vulnerability, risk and insecurity*

Unrestrained conflicts in the pastoral rangelands have been a recurring feature in the literature and news coverage for many years, and consequently, explanations abound as to the causative factors. One perspective explains pastoral conflicts by the general theories of cyclical poverty. Poverty is often alluded to have deep-seated effects on the human and economic development of the rangelands, and consistently intensifies in times of severe shocks, especially when compounded by the extreme conditions that influence ecological scarcity.

The use of the concept, "cyclical poverty," situates poverty on a broad scope that combines, the individual, cultural, socioeconomic, and geographic aspects that contribute to poverty. From this perspective, poverty can be viewed as the interaction of individual and community, such that, community level crises are deemed to "lead to individual crises and vice versa, and each cumulate to cause spirals of poverty" (Bradshaw, 2006, p. 22). Relating poverty and pastoral conflicts, the two dimensions of poverty that lie at the core of these conflicts are marginalisation and differentiation. It is a well-established fact that pastoralist populations remain the poorest and most marginalised segments of the population. Pressures on access to key resources, including cultivable land, result in an accelerating differentiation within the pastoral groups; the poorest individuals and households in this case may drop permanently out of pastoralism (Homewood, Coast, Kiruswa, Serenely, Thompson, Trench, 2006, p. 2). In these terms, sedentarisation minimizes the economic differentiation between pastoral groups, towards a uniform combination of agro-pastoralism and wage employment (Krätli and Swift, undated, p. 23). On the other hand, conflicts, and in particular use of automatic

weapons can been seen as a new means of wealth accumulation, which contributes to the on-going process of economic differentiation between pastoralists (Ibid, p, 14). On this basis, conflicts should not, therefore be simply viewed as an inherent feature of marginal areas. It rather should be analysed in the context of the general growth of poverty and differentiation (Ibid, p 23).

In a seeming attempt to delineate ways in which poverty is generating increased insecurity, the Regional Pastoral Livelihoods Advocacy Programme (Bushell, 2009, p. 4) underlines this linkage with respect to the interplay of three processes: vulnerability, risk and disaster impact. The definitions offered by the United Nations International Strategy for Disaster Reduction (UNISDR, 2009, p. 4, 11, 12) with respect to these three concepts are useful. The definition of vulnerability, in this context, denotes the characteristics and circumstances of a community, system or asset that makes it susceptible to the damaging effects of a hazard. Aspects of vulnerability may arise from various physical, social, economic, and environmental factors. Risk, denotes the combination of the probability of an event and its negative consequences. Risk is categorically framed in terms of "potential losses" for some particular cause, place and period. Disaster denotes a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Essentially, disasters are a result of the combination of the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences.

Poverty is identified as an important source of pastoral vulnerability, and builds on the idea that "people without access, or with very limited access to natural resources are vulnerable because they have difficulty in obtaining food, accumulating other assets, and recuperating after natural or market shocks or misfortunes" (Norfolk, 2004, p. 3). Since wealth accumulation occurs in the form of livestock, the diminishing capacity of pastoralists to preserve livestock production reflects the vulnerability

of pastoral production system. In the pastoral context, poverty impinges upon the fundamentally interlinked components of pastoral production: natural resources, livestock, institutions and security (Boku, 2008, p. 15). Consequently, poverty is a central aspect in influencing vulnerability that may result in circumstances or a range of reactions that generate disaster impact. Disaster impact may in this case include loss of life, injury, disease and other negative effects on human physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation(UNISDR, 2009, p. 4). The natural outcome of disaster is that the social and economic bases upon which pastoral livelihoods hinge get destroyed, further pushing the communities into marginalised and fragile conditions. Taken together, these processes turn poverty and insecurity into a self-perpetuating cycle.

*Analytical framework for analysing opportunities and risks of large-scale commercial land acquisitions*

An ongoing debate on pastoral development in the literature draws attention to the roles of the pastoral system versus large-scale farms in supporting livelihoods and fostering economic development in the marginal rangelands. Although there is some acknowledgement that large-scale commercial farming can have positive impacts in the marginal rangelands, there are varied and contradictory claims over their respective impact on the local livelihoods. The FAC-CAADP policy brief succinctly captures the opposing perspectives of these debates, the following observed to that regard: some see economic opportunities for local communities through employment and income generated from leasing or selling land. Others see land alienation as a major threat to local livelihoods, food security and the environment (FAC-CAADP, undated, p. 1).

To shed some light on the implications of large-scale commercial land use on vulnerability and security, an analysis of the opportunities and risks remains relevant for understanding how this land use and security correlate. The analytical framework offered here highlights distinct outcomes associated with three contexts of opportunities and risks;

these include: (i) developmental, (ii) ecological, and (iii) livelihoods. The analysis presented here integrates the corresponding outcomes of large-scale agriculture described by Merlet and Jamart (2009, p. 18) and Deininger and Byerlee (2011, p. 10). Figure 1 below juxtaposes the potential opportunities and risks found in large-scale agriculture in each of the contexts. In this case, the inclination and level of opportunity or risk influences the conditions that are conducive to vulnerability or security outcomes.

Evidence based on country case studies show that large-scale agriculture could confer both opportunities and risks. Deininger and Byerlee (2011, p. 10) highlight these findings in a policy research paper, "The Rise of Large Farms in Land Abundant Countries: Do They Have a Future?" In positive terms, the case studies showed that large-scale agriculture influences a change in the socio-economic indicators, either at the national or catchment level through four main channels: (i) social infrastructure, often supported by community development funds using land compensation; (ii) employment and jobs; (iii) access to markets and technology for local producers; and (iv) local or national tax revenue. The downside pointed to a number of shortcomings and threats. These included the following: (i) weak land governance and an associated failure to recognise, protect, or if voluntary transfer can be agreed upon, properly compensate local communities' land rights; (ii) lack of capacity to process and manage large-scale investments, including inclusive and participatory consultations that result in clear and enforceable agreements; (iii) investor proposals that were non-viable technically, or inconsistent with local visions and national plans for development, in some cases leading investors to encroach on local lands to make ends meet economically; and (iv) resource conflict with negative distributional and gender effects (Ibid).

The primary emphasis of the above country case studies, however, is ostensibly on development and livelihoods. Gaps in information remain in regards to the opportunities and risks relating to the environment. Whether the long-term ecological effects on the environment will be positive or negative should provoke a more open debate about these

undertakings. Revisiting the analysis offered by Merlet and Jamart (2009, p. 19), the effects hold true for both opportunities and risks. First, considering opportunities, the major thrust of their argument is on technological capacity, which can make it possible to attain gross yields; thus, decrease the amount of land needed to meet humanity's need for food and agro-fuel. In terms of risks, the main line of argument relates to the destruction or unsustainable exploitation of resources, and as such may counter the ideals of preservation of natural forest resources or biodiversity. Still another aspect of environmental concern is the trend of pastoral sedentarisation that has resulted in environmental degradation to the disadvantage of the inhabitants. According to Schwartz (2005, p. 70), this transition to a settled life is likely to cause an overloaded system, which lowers herd productivity, increases herd sizes required to meet household needs, and thus further accelerates degradation of the environment and the likelihood of destitution.

Considered thus, the arguments advanced in this regard assume that the opportunities and risk matrices may correspondingly influence positively or negatively the vulnerability and security outcomes. The bottom line is that, economic viability of a large-scale agricultural investment is a necessary condition for positive social outcomes to materialize, including food security (Deininger and Byerlee, 2011, p. 10).

*Risk and pastoral context*

As already suggested, land is the most important resource in the pastoral production systems. For pastoralists, the frame of reference for the system of land tenure and ownership is the community. The issues at the nexus of land tenure and insecurity exist on multiple levels, and cut across social, economic, political and environmental concerns. Considered from a broad perspective, however, the absence of supportive policy and legal frameworks readily emerges at the core of the relationship between land and insecurity. It is evident that, in contrast to large-scale agriculture, a sector stringently regulated by laws that govern the acquisitive and leasing agreements, regulation of pastoralism remains under the tenets of customary user rights, which lack sound policy and legal basis.

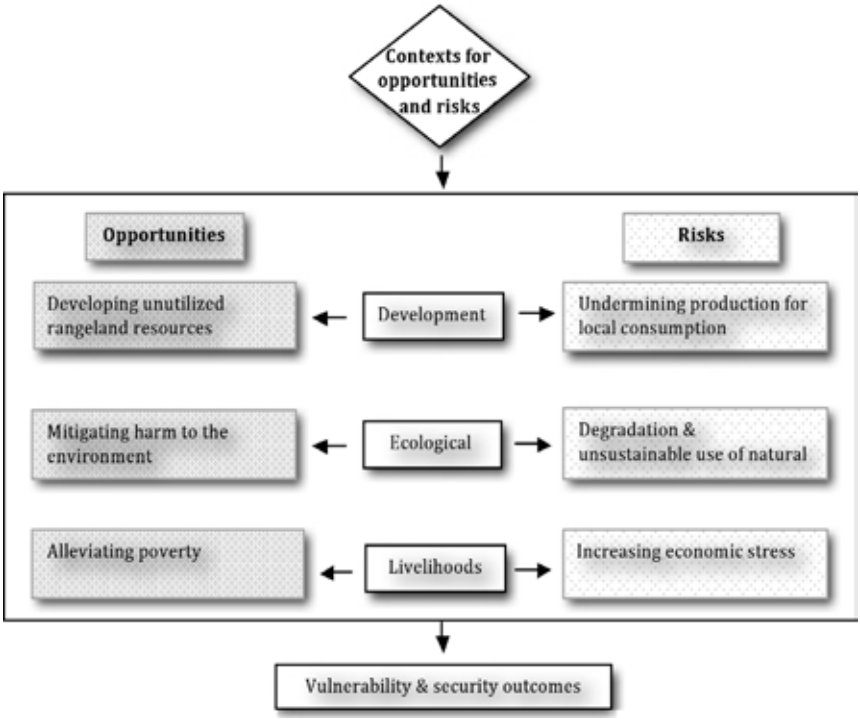



Figure 1: Analytical framework of opportunities and risks of large-scale commercial farming in pastoral rangelands

A series of sources attest that the current policy environment does not provide adequate opportunities or recognition of pastoralism as a sustainable livelihood. There have been none or very limited efforts to secure land and resource tenure for pastoralists. Crop growers and private investors continue to appropriate large swathes of pastoralist land, often with direct or indirect support from government and development agents (Shem, 2010, p. 7). Essentially, by failing to establish frameworks that recognise the importance of the traditional systems for rangeland resource management, control and decision-making have seemingly shifted away from the traditional institutions charged with this responsibility. A case in point is the Boran, a pastoralist community found in both Ethiopia and Kenya. Among the Boran, social life is linked to access to deep wells through complex clusters of use rights (*madaa*) linked to consanguinal ties which are not territorially based (Krätli and Swift, undated, p. 29).

A traditional institution known as the *Gadaa* regulates social life and relations, and is responsible for traditional governance, access to land, management of natural resources such as water and pasture, managing conflict, and relations with other institutions (Jatani, 2009, p. 35).

Pastoralism increasingly experiences the impact of external pressures in terms of regulating and managing consensus around resource access and use. Considering the analysis offered by Fekadu (2009, p. 24), a number of risk factors are apparent here; these include breakdown of traditional resource management systems, degradation of natural resources and vulnerability of different pastoral groups to ecological and economic stress. Placing the above into perspective, the consequences of the breakdown of the resource management mechanisms are highly significant for pastoral populations. The potential for pastoralism to support livestock production is constrained by their loss of control of land and resources, increasing the vulnerability of the people because their traditional institutions cannot enforce their customary rights (Shem, 2010, p. 7). As a result, pastoral communities have trouble in accessing seasonally variable resources.

The above-noted concerns bring the question of the sustainability of the pastoral systems in the near future to the fore. Here, the notion of resilience is useful in understanding this perspective. The UNISDR (2009, p. 24) define resilience as "the ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions." Diminishing resilience is a problem that results from a range of social, institutional, and ecological factors, with pastoralists often vulnerable to one or more of these stresses. Factors determining the influence of any given shock are the magnitude of the hazard itself, combined with vulnerability and the capacity to withstand it. The consequence of all these effects, in addition to the inevitable rangeland degradation, is the slow decline of herd productivity, reduced size of individual livestock holdings and productive land, and an increased drought susceptibility of the whole system (Schwartz, 2005, p. 70). In the most disastrous situations, the shocks have resulted in the communities dropping out of pastoralism, predisposing them to negative response

mechanisms, such as beggary, the sale of forest products and marketing one's labour for cash, practices that were traditionally considered socially degrading (Boku, 2008, p. 18), and all of which increase the possibility of interfering with or undermining security.

*Prospects for risk mitigation?*

The trend in land acquisitions can be characterised as increasing. Indeed, after the limited successes of large-scale agricultural investments during the1970s and 1980s, the policy reforms of the 1990s allowed agricultural growth to accelerate and paved the way for renewed investor interest in the continent (Deininger and Byerlee, 2011, p. 9). As debate continues to grow, a wealth of opinions currently exists with regard to the suitability or unsuitability of these large-scale agricultural ventures.

The fundamental question is whether policy driven changes in land use from pastoral to large-scale commercial agriculture could have positive impacts on security. The inclination of some of the current discourses appear to make a case for a shift from the pastoral system to large-scale commercial ventures, if for anything, on the basis that the prevailing circumstances of the marginal rangelands show that it is increasingly difficult to implement the age-old resource use and sharing mechanisms. The central premise is that given the high climatic variability and recurrent droughts, pastoral livelihood systems are increasingly severely constrained by resource-related conflicts. The contrarian position on this subject primarily underlines the environmental and social risks likely to emanate from these undertakings. Indeed, Merlet and Jamart (2009, p. 18) acknowledge the risk of "new conflicts," driven by the processes by which companies—usually foreign companies—take control of large quantities of land.

Whereas there is some acknowledgement that these deals may well result in increased agricultural output and associated positive effects on livelihood security and development, several arguments also suggest that these undertakings have been unable to be of direct benefit to the communities. Nevertheless, probably of greater concern is the fact that they render the local communities vulnerable to dispossession. The

process of contracting these large-scale land deals is often outside public scrutiny and without full appreciation of the implications for the local communities. A recent study report identified three common issues in the land deal processes in the East Africa region as follows: First, loopholes in customary laws, national land policies, legislation and institutions are exploited to facilitate large-scale land acquisition. Second, rural communities lack knowledge and empowerment to deal with large-scale land acquisition. Third, the government plays a significant role in facilitating large-scale land acquisition, mainly through the principle of State ownership over land (Kironde, 2012, p. 44)

The increasing focus of these large-scale commercial land acquisitions is also deepening the debate on the land governance dimension. In view of the need to secure a maximum degree of effective legal protection in relation to land acquisition, land policy formulation has been on the agenda in high-level policy forums. Under the auspices of the African Union, African Parliamentarians are committed to taking joint responsibility for strengthening mechanisms to monitor implementation of investment policies and laws on lands. A recent declaration during the Parliamentary Workshop on "*Making Agricultural Investment Work for Africa: A Parliamentarian's response to the land rush*" in April 2013, called for strengthening of existing laws at the national and regional level and harmonising them with the Framework and Guidelines on Land Policy and other international good practices (African Union, 2013, p, 3). The framework identifies two key improvements in the land sector will be necessary to ensure that an enabling environment is created for agricultural development.

The Framework and Guidelines on Land Policy recognise the need for improvements in the land sector will be necessary to ensure that an enabling environment for agricultural development exists. The first key improvement is to ensure that the systems of property under which land is held and used is clarified for the variety of agricultural forms and participants in that sector; from the rural farmers to foreign or local commercial investors, some of whom seek to engage in large-scale operations (including extensive irrigation networks). The second improvement is to create an enabling environment for the transfer and

exchange of land rights either formally through documented transactions or informally through intra-family or community arrangements (AUC-ECA-AfDB Consortium, 2010, p. 16).[1]

Understanding that part of the solution lies in ensuring that the specific terms and conditions associated with land deals draws on best practices. The Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD), the United Nations Conference on Trade and Development (UNCTAD) Secretariat and the World Bank Group have proposed a set of core principles and measures embodied in the *Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources* (UNCTAD, 2010, p. 4-7); namely:

(i) Existing rights to land and associated natural resources are recognized and respected;
(ii) Investments do not jeopardize food security but rather strengthen it;
(iii) Processes relating to investment in agriculture are transparent, monitored, and ensure accountability by all stakeholders, within a proper business, legal, and regulatory environment;
(iv) All those materially affected are consulted, and agreements from consultations are recorded and enforced;
(v) Investors ensure that projects respect the rule of law, reflect industry best practice, are viable economically, and result in durable shared value;
(vi) Investments generate desirable social and distributional impacts and do not increase vulnerability; and
(vii) Environmental impacts of a project are quantified and measures taken to encourage sustainable resource use, while minimizing the risk/magnitude of negative impacts and mitigating them.

**Perspective on land tenure and conflict dynamics in Kenya**

*Land tenure and large-scale agricultural uses of rangelands*

Pastoralists in Kenya inhabit in all the arid counties and some of the

[1] African Union- African Development Bank- Economic Commission for Africa Consortium

semi-arid areas. The ASALs cover about 466,000 km$^2$, representing approximately 88% of the country's land mass (Wario, 2004, p.1). Pastoral production is a significant undertaking in Kenya; the importance of the sector is seen in its contribution to the country's economy, currently accounting for 50% of its agricultural GDP (Fitzgibbon, 2012, p. 5), with an estimated seven million people, representing approximately 25% of the total population, deriving livelihood from it (Living, 2005, p. 2). The pastoral groupings in Kenya constitute three main clusters that are quite distinct as regards their cultures, locale, and ecological niches. The three groupings include:

(i) the Maasai cluster, which straddles the border regions of Kenya and Tanzania, and is predominantly occupied by the Maasai pastoralist and agro-pastoralist communities who share a common culture language;
(ii) the Karamoja cluster, which straddles the borders between south-western Ethiopia, north-western Kenya, south-eastern South Sudan and north-eastern Uganda, and consists of seven distinct ethnic groups, namely; the Karamojong, Dodoth, Nyakwai, Toposa, Nyangatom, Teso and Turkana who share a common history, lineage and culture; and
(iii) the Mandera-Somali, which covers Mandera, Moyale, Garissa and Wajir districts and Marsabit counties, and is mostly represented by the Somali and Boran (Security in Mobility, 2010, p. 5-9).[2]

The pastoral zones constitute some of the most deprived regions in Kenya, in large part because of the harsh climatic conditions that limit their potentials for production. The difficulties pastoralists experience in accessing and utilising land can be attributed to a hitherto lacking clearly expressed policy on pastoral land tenure. Under the current land policy regime, pastoral land is delineated as Community Land where ownership vests in the community. Families and individuals within the community are allocated rights to use the land in perpetuity, subject to

[2] Security in Mobility (SIM) is an inter-agency organization comprising the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the International Organization for Migration (IOM), the Institute for Security Studies (ISS), and the United Nations Environment Programme (UNEP).

effective utilization (Ministry of Lands, 2007, p. 12-13). Although the National Land Policy recognises that the process of individualisation of tenure affects customary tenure by undermining traditional resource management institutions and ignoring customary land rights (Ibid),the Kenya Land Act makes a provision for conversion from Community land to either private or public land (National Council for Law Reporting, 2012, p. 16).

Food security policy in Kenya revolves around the main goal of increasing agricultural productivity. Agricultural policy consists of the expansion of agriculture into rangelands. The quest to increase agricultural investments into Kenya's dry lands started to gain momentum in the mid-1980s following recognition that there was little arable land in the higher potential regions that remained available for agricultural expansion (Wario, 2004, p. 1). These commercial ventures are generally inclined towards agricultural production, with a focus on increasing livestock and agricultural yields through intensified utilisation of the rangelands.

Typically, in Kenya, the processes that characterise these transitions in land tenure systems largely involve shifts from communal to private leasehold tenure. Figure 2 demonstrates the features of commercial pressures in pastoral rangelands in Kenya. As observed, in terms of scale, the rangelands occupied by the Maasai and Samburu pastoral communities (i.e.Narok, which is Maasai-occupied, and Samburu and parts of Laikipia, which are Samburu-occupied) have experienced the greatest transitions, with large tracts of the rangelands already taken out of pastoral production for large scale farming enterprises. In the case of Tana River, a rangeland primarily occupied by Orma pastoralists and Pokomo agro-pastoralists, implementing the planned large-scale commercial farming projects would convert a large part of the Tana delta from subsistence oriented pastoral and agro-pastoral use to large-scale commercial agriculture.

*Insecurity situation by ethnic grouping*

A large number of pastoral rangelands in Kenya are zones of conflict, which (violent) occurrences often lead to loss of lives and livelihoods. It is important to note that insecurity is a significant challenge to both the pastoralists and agro-pastoralists, on the basis that these conflicts

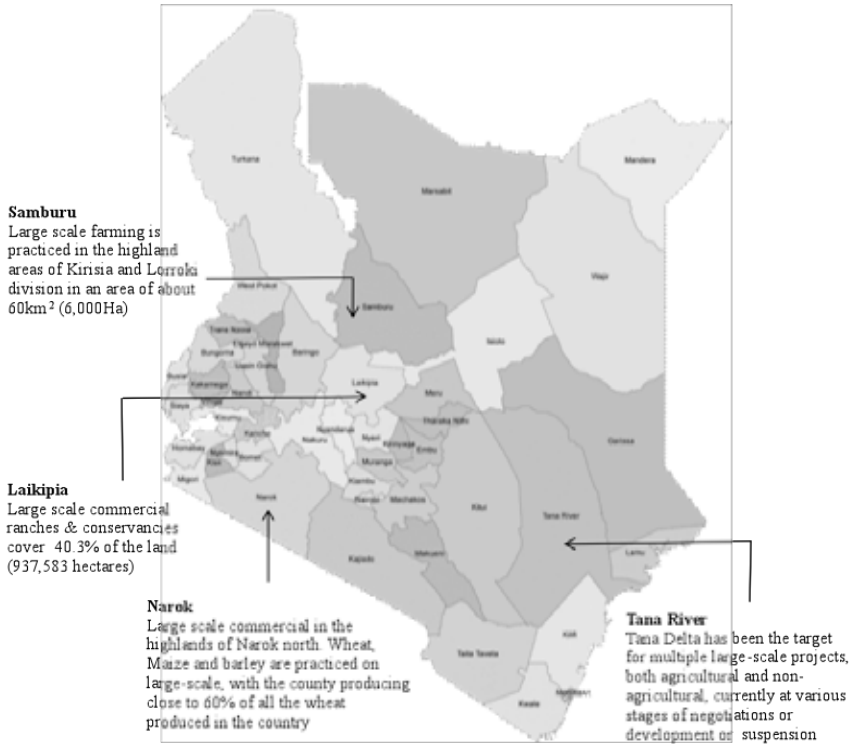



Figure 2: Features of commercial pressures in pastoral rangelands in Kenya
Sources: Kay, 2012; Flintan, 2011; National Environment Management Authority, 2009a; Maina, 2013

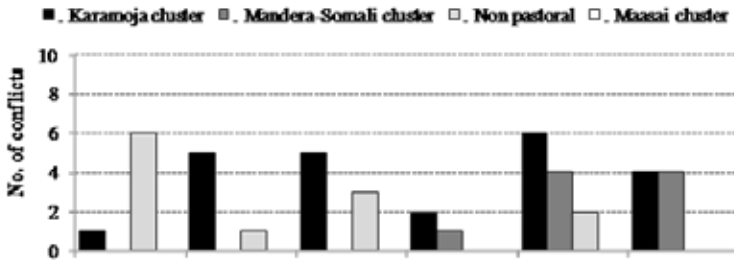
typically surface between two herder groups or between herder and farmer groups, although the latter are far less frequent. In a large part, the underlying drivers of these conflicts are essentially resource issues associated with competition and disputes over access to and management of rangeland resources. In the recent past, the incidences of conflict have intensified due to increased militarisation of pastoral communities. The use of automatic guns instead of spears, bows and old rifles has increased the number of fatalities and the intensity of violence during the attacks (Krätli and Swift, undated, p. 23). There is little doubt that the availability of automatic rifles lowers both the strength and training required in fighting and therefore extends the range of potential fighters to include very young boys and, at least in principle, women and girls (Ibid, p. 6).

Figure 3 illustrates the estimated frequency and number of conflict fatalities based on the high estimates for each individual event.[3] If we look at the conflict fatalities in the period 1989–2011,[4] the Karamoja cluster showed relatively higher levels of inter-community conflicts, in total recording 23 conflict events and an estimated 1,318 fatalities during the period. Within the Mandera-Somali cluster, the total number of conflict events was 9 events, representing 578 fatalities. It cannot also escape notice that conflicts involving non-pastoral clusters were similarly relatively high, at 12, and estimated fatalities of 679. A closer look at the data shows that these conflicts coincided with the elections periods, and were thus largely over deep-seated ethnic and political rivalries. Noticeable here, however, is the absence of any major events involving the Maasai cluster as the antagonist group. This does not mean that the group has been free from involvement in conflict with other groups. Specifically, the degree of ethnic groups involvement in conflicts, in terms of the number of times each was a primary party in a conflict situation during the specified period, it is apparent that the worst affected were the Pokot, with 15 events mainly involved with the Turkana. The other notable actors were the Dassanetch and the Borana, with 5 events each, mainly involved with the Turkana and Gabra respectively.

In the regions occupied by the Karamoja and Mandera-Somali clusters, other than ecological and tenure and user rights issues, there is also a strong link between pastoral conflicts and poverty and limited economic integration. The information reflected in the paper African Union/ InterAfrican Bureau for Animal Resources (AU-IBAR) policy paper underlines a number of factors to that regard, including few economic alternatives to livestock keeping, insufficient infrastructure such as roads or markets to enable interaction with other communities, and limited reach of judicial and law enforcement institutions in pastoral areas (undated, p. 2).

[3] The unit of these data are conflict dyad periods. Years reflect the first time the conflict reached 25 battle-related deaths in one calendar year, thus indicating the date that the conflict fulfilled all criteria required in the definition of an armed conflict for the first time. Periods with a lull of fighting of more than 2 years were considered different conflicts.

[4] Note that the data is based on "side A" actors (antagonist), and hence codes the clusters based on "side A" ethnic group, even if the conflicts also involved a community from different cluster.




| No. of fatalities | 1989-1992 | 1993-1996 | 1997-2000 | 2001-2004 | 2005-2008 | 2009-2011 |
|---|---|---|---|---|---|---|
| Karamoja cluster | 60 | 346 | 425 | 44 | 235 | 208 |
| Mandera-Somali cluster | | | | 96 | 236 | 246 |
| Maasai cluster | | | | | | |
| Non pastoral | 241 | 60 | 219 | | 159 | |

Figure 3: Frequency and number of conflict fatalities across ethnic clusters
Sources: Uppsala Conflict Data Program (2013)

*County case studies of land use and security in rangelands*

In order to demonstrate the links between conflict and rangeland resource management, this paper discusses case studies highlighting how the nature of use of the rangelands could increase or reduce insecurity. Three counties have been purposely selected, namely Tana River, Narok and Turkana, because they represent particular rangeland experiences, in terms of ethnicity, land use and security, but also depict relatively high numbers of livestock per household.

*Case study 1: Local livelihoods and growth of commercial ventures in Tana River*

Tana River is one of the six counties that constitute the former Coast Province, occupying an estimated land area of over 38,466.3 km$^2$ (National Environmental Management Authority (NEMA), 2009b, p. 11). Based on the 2009 Kenya Population and Housing Census, the county had a population of 240,075, which accounted for 6.25persons per km$^2$ (Kenya National Bureau of Statistics (KNBS), 2009a). Rainfall pattern is bimodal and its reliability decreases Northwards and Westwards from coastal strip averaging 800-1000mm per year in the south and 300-400mm per year in the north. Over 96% of the District is ASAL with temperatures ranging between 19 and 39°C. Major soil types are black cotton soils with

clay loam and alluvial deposits, sandy soils occur on narrow ridges where they support dense bush formation (NEMA, 2009b, p. 12).

The region contains three main livelihood zones, namely marginal mixed farming, which accommodates 49% of the population, and pastoral and mixed farming constituting 14% and 37% respectively (Meme, 2010, p.10). Poverty incidence is relatively high, constituting 75.4% of the population (KNBS, 2009b), which is way above national average estimated at 45.9 % (World Bank, 2013). The communities living in the delta comprise the Pokomo - 44%, Orma - 44% and Wardei - 8%, while other ethnic groups, including the Luo, account for the remaining 4%. The Wardei and Orma are pastoralists who migrate according to the wet- and dry-seasons. The Pokomo are mainly subsistence farmers who farm along River Tana (Ministry of Lands, 2012, p. 1). Essentially, the major causes of poverty are persistent drought in the whole county, unreliable rainfall, high illiteracy levels because of poor and low school enrolment, and poor agricultural practices due to the lack of modern farming technology, equipment and skills (Ministry of Planning and National Development, 2005, p. 8).

The main economic activities centre on crop production, for the agriculturalists that grow crops such as maize, beans, peas, bananas, mangoes, cassava, melons and several vegetables, on small plots of less than two acres each, and livestock keeping and herding for the pastoralists. Tana Delta plays an important role in the Tana River economy, supporting the diverse livelihoods of the communities living in the area. The delta is quite extensive and consists of diverse habitats including semi-arid acacia thorns, dry land savannah, coastal forests, grasslands, beaches, sand dunes, ox-bow lakes, mangrove swamps and seasonal as well as permanent freshwater pools (Nunow, 2001, p. 6). The delta created by Tana River forms an expansive wetland that presents great potential for agriculture. It provides grazing areas during the dry season and is a tourist attraction. The river, the major water resource in the area, is also used for irrigation of rice, bananas, maize, mangoes and soya beans.

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delta consists of diverse habitats including semi-arid acacia thorns, dry land savannah, coastal forests, grasslands, beaches, sand dunes, ox-bow lakes, mangrove swamps and seasonal as well as permanent freshwater pools (Ibid). Traditionally, the agrarian communities have used Tana Delta for the growing of subsistence crops, cash crops and fruit trees. It has provided pasture during the dry season and drought and as refuge grazing grounds for many tens of thousands of cattle from Tana River and other coastal areas (Ministry of Land, 2012, p. 6).

In the 1980s, the county had three major state-supported irrigation schemes: Bura, Hola, and Tana Delta, which were important to the local economy and livelihoods, in terms of employment and sources of income (Practical Action, 2004, p. 4). In recent years, the Tana River has been the target of a number of national (both private and state) and international investors for land in the Tana Delta for large-scale farming of irrigated food crops and for bio-fuel crops. Kay (2012, p. 13) observes that Tana Delta is a key site earmarked for multiple large-scale projects. Already there are a number of land deals at various stages of negotiations, development or suspension. The identifiable ones include: (i) Tana and Athi River Development Authority and Mumias Sugar Company, a proposed public-private venture targeting 20,000ha of land to develop irrigated sugarcane plantations for sugar and ethanol production; (ii) Beford Biofuels, a Canadian multinational targeting 90,000ha of delta land for the production of *jatropha*; (iii) Mat International, allocated 120,000ha of land for sugarcane plantation, 30,000ha of which is within the delta; (iv) Tiomin Kenya Ltd, a Chinese-owned mining subsidiary, exploring the possibility of extracting titanium from sand dunes in the delta; (v) G4 Industries, a British company, exploring the possibility of acquiring 50,000ha for oil seed farming; (vi) a bilateral agreement between the Government of Kenya and the Government of Qatar involving 40,000ha of land to grow food crops for export to Qatar; and (vii) the Galole Horticulture Project, with 5,000ha of land transferred to one Kenyan individual. In addition, the Orma and Pokomo elites have also established a number of private ranches (Ibid).

The region has a long history of conflicts and irregular violent outbreaks between the Pokomo and Orma, largely caused by their specific and

competing livelihoods needs. However, the role of ethnic rivalries is also inherent to these tensions (Pickmeier, undated, p. 1). Since the collapse of the Bura, Hola and Tana Delta irrigation projects, the poverty rate has alarmingly soared and became a major source of conflicts (Practical Action, 2004, p. 4). More specifically, the Tana Delta is also the epicentre of the current periodic conflicts between the two communities, primarily because of the utilisation of the waters of the Tana River, and particularly during the dry season (Nunow, 2011, p. 5). The competition overwater resources are most serious near irrigation schemes. The collapse of the irrigation schemes resulted in considerably more smallholder farming activities by the Pokomo along the Tana River. Accordingly, conflicts occur whenever and wherever the Orma pastoralists try to access the river to water their livestock because the Pokomo farmers have occupied virtually all of the riverbanks, leaving no space or access corridors for pastoralists to access the river water (Ibid).

*Case study 2: Decline of pastoralism with expansion of large-scale agriculture in Narok*

Narok county lies in the East African Rift Valley, and occupies an estimated surface area of 15,087 $km^2$. The population of region was determined to be 850,920 in 2009, indicative of a population density of about 47.5 persons per $km^2$ (KNBS, 2009). The county has diversified topography, which ranges from a plateau with altitudes ranging from 1000-2350m at the Southern parts to mountainous landscape ranging to about 3098m in the North. The county experiences bi-modal pattern of rainfall with long rains, (Mid-March–June) and short rains (September-November). Rainfall distribution is uneven with high potential areas receiving the highest amount of rainfall ranging from 1200mm to 1800mm per annum, while the lower and drier areas classified as semi-arid receiving 500mm or less per annum. It experiences a wide variation of temperatures throughout the year; the mean annual temperatures varying from 10 $^oC$ in Mau escarpment to about 20 $^oC$ in the lower drier areas (NEMA, 2009c, p. 12).

Narok county constitutes four livelihood zones. The main livelihood is mixed farming, which accounts for 39% of the population, closely followed by pastoral (34%). Other livelihood zones are agropastoral and

trade/business livelihood zones constitute 17% and 10% respectively (Humanitarian Response, 2013, p. 1). Tourism related activities comprise other important sources of income due to its proximity to the wildlife conservancies of Maasai Mara and Amboseli. Poverty incidence is generally relatively low, constitutes 33.7% of the total population[5] (KNBS, 2009).The Maasai are the indigenous ethnic group in Narok, although the county also hosts several immigrant communities. In large part, due to increasing in-migration by non-Maasai communities over the decades, the Maasai lost their position as the largest ethnic group in the county. As noted, by 1989, the Maasai accounted for less than half the population in the county (Coast, 2002, p. 7).

Land use in the county consists of a mix of pastoralism and agro-pastoralism, community group ranches, privately owned ranches, and farming enterprises of various sizes. The highlands of Narok north have large scale commercial farms with small scale mixed farming in the mid elevations. The lower part has a combination of pastoralism, small scale farming and where soils and climate are suitable there is lease farming for commercial wheat production (Maina, 2013, p. 2). Livestock production is an important component of the Narok economy, with about 68% of the county consisting of rangeland (Nyariki, Mwang'ombe and Thompson, 2009, p. 164). Livestock contribute 85% of cash income in pastoral areas; in agro pastoral areas, they contribute 66 percent, in pastoral leasing 60 percent, whereas in mixed farming they contribute 40 percent of cash income (Humanitarian Response, 2013, p. 5). Over the years, patterns of land use have changed from predominantly nomadic pastoralism to sedentary livestock raising, or to pure cultivation (Nyariki, Mwang'ombe and Thompson, 2009, p. 163). *Herders have as a result lost prime grazing lands, especially in low-lying plains to create room for the cultivation of maize, wheat and other crops (Ibid, p. 614).*

Farming systems comprise both smallholder and large-scale practices. This trend towards expansion of large-scale farming is possibly driven by land suitability and economic factors, such as cereal and input prices,

[5] Poverty headcount ratio at national poverty line estimated at 45.9 % (The World Bank, 2013).

accessibility to the market, and transportation costs (Serneel sand Lambin, 2010, p. 68). On the other hand, the expansion of smallholder agriculture is likely to be driven by different factors, such as changes in demography, caused by in- or out-migration and population growth, and socio-economic factors such as education and social services (Ibid). The main crops grown are onions, cabbages, kales, tomatoes, french beans and runner beans/Maize. Along with maize and barley, wheat comprise the most important crops produced on large-scale, with the county producing close to 60% of all the wheat produced in the country (NEMA, 2009c, p. 18).

The system of land ownership is communal, usually or group ranches with land in mixed farming areas generally owned by individuals. As noted, there is however, an increased trend of individual holdings, consequently opening up more land for agricultural production (Humanitarian Response, 2013, p. 1). The first move towards parcellation came with the establishment of collective ownership made possible by the *Land Adjudication Act* of June 1968 that facilitated the creation of group ranches, in which every member of the group ranch is deemed to share in the ownership of the group land in equal, undivided shares (Mwangi, 2005, p. 8). Primarily, these group ranches aimed to foster the commercialisation of Maasai livestock management systems and to transform land into an economic commodity, subject to free buying and selling (Ibid, p. 7). A wave of government-supported land privatisation changeover shifted the system of land ownership from the group ranches to individuals. The group ranches, originally conceived of as a buffer against land alienation, have ironically proved an easy entry point for wealthy people to get their hands on Maasai-land (Umar, 1997, p. 11). The group ranches were quickly subdivided, and sold off to land speculators and neighbours bent on cultivation, especially the populous Kikuyu; essentially dismantling the common ownership regime and severely impeding the ability of Maasai pastoralists to practice mobile grazing (Ibid). As a result, pastoral production is coming under severe pressure, in particular due to the subdivision of common holdings.

Notwithstanding, the wider Narok enjoys relative peace, but it witnessed violent skirmishes in 1992, which were believed to be of ethnically,

or politically instigated. In 2004, the county again experienced ethnic conflicts over water resources (NEMA, 2009c, p. 38). The tensions and conflicts have however remained relatively localized. Most of the conflicts have been between the indigenous Maasai pastoralists and the immigrant Kikuyu and the Kisii communities in the county, with a large number of these conflicts being attributable to land grievances. These land grievances define the ethnic faults that follow the land question, manifesting themselves as a basis for political choices (Constitution and Reform Education Consortium (CRECO), 2012, p. 75). In terms of insecurity, it is the border between Kisii and Narok counties, however, that is of particular concern. The Maasai and the Kisii communities fight over scarce pastures and even scarcer water, with the fights intensifying during election periods. These land grievances between the Maasai and the Kikuyu and the Kisii respectively define the ethnic faults that follow the land question manifesting themselves as a basis for political choices (Ibid).These raids together with land conflicts have on many occasions caused widespread tribal clashes, such as the one that occurred in 1991 (Nyariki, Mwang'ombe and Thompson, 2009, p. 174).

*Case study 3: Pastoralism and growth of poverty and marginalisation in Turkana*

Turkana County lies in the East African Rift Valley, and occupies an estimated surface area of 77,000 square kilometres, which is about 42% of the area in the Rift Valley province (NEMA, 2009d, p. 16). It straddles the borders between south-western Ethiopia, northwestern Kenya, south-eastern South Sudan and north-eastern Uganda. The population in 2009 was estimated at 855,399, suggesting a low population density of, on average, 12.45 persons per $km^2$ (KNBS, 2009a). Turkana comprises a considerable part of Kenya's ASALs, and experiences bimodal rainfall pattern ranging from 120mm-450mm annually, long rain in March-May and short rains in October-December. The temperatures in the region range between 24 $^oC$ and 41 $^oC$ (Disaster Risk Reduction, 2013, p. 21).

The county comprises of four livelihood zones. The largest part of the county's livelihood zones is under pastoralism, accounting for 62% of the population. The other zones are under agro-pastoralism, representing 14%; fishing, representing 8%; and urban/peri-urban representing 16% of

the population (Ibid, p. 23). The region is characterized by a harsh climatic environment, scarce resources, food insecurity, lack of infrastructure and limited access to education, insecurity and proliferation of small arms, as well as susceptibility to natural calamities (Security in Mobility, 2010, p. 9). As a result, poverty incidence is substantially high, constituting 92.9% of the total population[6] (KNBS, 2009b). The main ethnic group in the region is the Turkana, although it also hosts a number of non-Kenyan pastoralist ethnic groups including Dodoth, Matheniko, Pokot and Jie from Uganda, Toposa from South Sudan, and Nyangatom and Merille from Ethiopia (Security in Mobility, 2010, p. 5)

The Turkana people employ diverse food-procuring strategies, which include fishing, farming, and the gathering of wild foods, in addition to multi-species pastoralism. However, pastoralism predominantly characterises their economy (Oba, undated, p. 4). Pastoralist practices are primarily nomadic transhumance, which is characterised by risk-spreading and flexible mechanisms, such as mobility, communal land ownership, large and diverse herd sizes, and herd separation and splitting (Schilling, Opiyo and Scheffran, 2012, p. 2). For the community, livestock also constitute the stock-in-trade of their wealth that they may expend in future if drought does not wipe out the animals. However, degradation of the environment is challenge to sustainable livestock production; this has resulted in poverty for large of the population that depends on the natural resources (Disaster Risk Reduction, 2013, p. 23). A number of factors are threatening the survival of nomadic pastoralism as a traditional subsistence-based livelihood strategy increased human population, livestock diseases, persistent droughts, low rainfall, reduced access to traditional rangelands, and insecurity related to pasture, water and livestock theft with neighbouring tribes. As a result, many people have been increasingly predisposed to dependence on famine relief supplied by non-governmental organizations, churches and the government (Trócaire, 2012, p. 11-12).

The Turkana has been (and remains to be) one of the region most affected by insecurity. This relates to its proximity to Ethiopia, South Sudan,

[6] Poverty headcount ratio at national poverty line estimated at 45.9 % (World Bank, 2013).

Uganda and hostile neighbouring districts in Kenya (Pkalya, Adan and Masinde, 2003, p. 34). The community is often involved in violent conflicts with their neighbours, both within and across the country's borders. The county's geo-political location and porous borders has influenced the circulation and use of illicit firearms. The region is drought prone and water scarcity is a key driver of conflicts among the pastoralist communities along these borders (Security in Mobility, 2010, p. 5). The main water sources are rivers, boreholes and traditional hand-dug shallow wells mostly along dry riverbeds. The major rivers are the Turkwel and Kerio, both originating in the highlands to the south (Trócaire, 2012, p. 10). In spite of these resources, the region experiences severe water shortages and the resultant droughts greatly affect the ability of the Turkana people to maintain and develop their herds or even engage in non-livestock-based productive activities (Levine and Crosskey, 2006, p. 11), threatening food security. With greater pressure on dwindling natural resources, the livelihood and security outcomes have been particularly depressing for the local pastoral communities. Their migratory lifestyle is one of the key variables in the emergence of conflicts. In particular, lack of water, pasture forces these communities to migrate; though when the groups share good relations, there is reciprocity in access to grazing, and water resources during periods of stress (Oba, undated, p. 7). However, these movements occasionally lead to violent conflicts/raids between the Turkana and almost all of their neighbouring communities across all international and local borders (Levine and Crosskey, 2006, p. 3), often over retaliatory livestock raiding and killings.

The historical adversaries of the Turkana people are the Pokot of Kenya and Uganda and the Toposa of South Sudan, although regular raids also occur between the Turkana and Dodoth, Matheniko and Tepeth of Uganda, the Merille of Ethiopia and the Didinga of South Sudan. One analysis in the recent past showed that the conflicts are caused by many intertwined and intricate factors, including the quest for wealth, retaliation, heroism, poverty, dowry, drought, natural resources and illegal firearms (Pkalya, Adan and Masinde, 2003, p. 34). The major motives for armed violence identified include access to resources, grazing areas and water in combination with insufficient employment and hardship (Broeck, 2009,

p. 21). This perspective underlines the insecurity resulting from poverty, rather than the conventional notion of resource competition.

*Lessons*

Considered separately, these three cases make three useful contributions as follows:

- Lessons from the Tana River rangelands suggest that the development of sustainable large-scale agricultural schemes may positively influence households' off-farm income security, which in turn is an essential ingredient in addressing food insecurity on a sustainable basis. This is especially useful for resource-poor communities living in low to medium potential geographical areas where resources are insufficient or historically contested.
- Lessons from the Turkana rangelands suggest that the current socio-economic situation is highly relevant to the prevailing situation of insecurity. Poverty in this regard has played, and continues to play an important role in the history of violence in the region. With weakened capacity to buffer droughts, the local communities' are ultimately exposed to livelihood crises.
- Lessons from the Narok rangelands demonstrate that increased agricultural use of land has not in effect increased the vulnerability of the Maasai pastoralists, despite the virtual dismantling of the traditional land tenure system. It appears that the Maasai have a comparative advantage, compared to other pastoralists, in terms of changing to other livelihood options. This means that pastoral communities, far from being 'anti-change,' are in fact continuously adapting to agrarian systems in the wake of economic climatic transition. If this is the case, the development of large-scale agriculture into marginal rangelands might clearly be an important motivation for the incorporation of pastoralists into mainstream economic systems.

## Conclusion

The present debate in relation to large-scale agricultural investments presents itself in the debate about diversification and expansion of rangelands' economies. As the debate continues to grow, the rationale

for large-scale agricultural ventures in the rangelands appears more compelling, if anything, on the basis that the combined issues of climate change and the transformation of pastoral rangelands through the process of land fragmentation are new realities with which one must grapple. Arguments making a case for large-scale agriculture underline the scale of capital injection and the level of impact. One reason why these investments have not translated into increased food production is the low level of implementation of the projects. Moreover, the delivery of services and infrastructural development is proving costly and difficult to achieve.

Despite numerous studies illustrating a sustainable link between a pastoral system and marginal rangelands, there is wider recognition that many of the attributes of pastoralism that enable pastoralists to endure environmental risks are fading due to increasingly restricted access to important land resources during droughts. An important concern therefore is that the landmass available for pastoralists is expected to continue to further decrease in the future. Concisely, to the extent that socio-economic and ecological challenges that characterise the pastoral production system constitute important underlying causes of livelihood and human insecurity risks, the already vulnerable pastoral and agro-pastoral communities living in the rangelands may be more capable of ameliorating socio-economic and ecological outcomes if they can benefit from diversified livelihoods. Unfortunately, apart from access issues, the effects of grazing have resulted in increased rates of degradation of range conditions and soils.

In deference to environmental uncertainties, rangelands that traditionally rely on pastoral production systems are under pressure to expand to non-livestock activities as otherwise they will remain at the risk of livelihood disruptions. As it stands today, most pastoral communities continue to live with heightened tensions and insecurity emanating from disputes over the sharing of limited resources. In view of the fact that pastoralists are by no means likely to recover the lands that they have lost, a key priority here is to tackle livelihood insecurity to alleviate their poverty and inequality.

There is a growing consensus on a need for a scrutiny of these large-scale land deals with respect to consultation and negotiation processes, in order

to identify ways through which they could bring about greater positive impacts on the livelihoods of the affected communities. With a focus on the processes that underpin the implementation of these land deals and acquisitions, this paper offers the following recommendations:

- The investors should first build trust through dialogue and agreements, and integrate traditional pastoral institutions in decision-making processes to prevent and manage potential tensions and conflict arising from resource use;
- Large-scale agricultural investments should be tied with social safety nets, facilitated through development investments, such as basic services, veterinary health and watering points, to enhance social protection for the local communities;
- Where sedentarisation is becoming more apparent, it is necessary to facilitate smooth exits from the nomadic system in a manner that does not compromise the condition of the environment. For example, this can be facilitated through a system that allows pastoralists to access cultivation fields to graze on farm residues after harvest; and
- It is necessary that these agricultural investments are undertaken in a manner that protects and enhances the sustainability of the environment through practices that favour the conservation and better management of natural resources, and also assists and empowers local communities to prevent loss and abuse of natural resources.

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# Land Acquisitions in Kenya's Tana Delta Region: (Bio-)fueling Local Conflicts? A Youth Perspective

*Ulrich Pickmeier*

## Introduction

Recent years have seen a quickly accelerating interest in land with potential for agricultural activities in developing countries, and the rural regions of Sub Saharan Africa constitute the focal point of investment activities driven by markets for food products, biofuels and speculative investments alike (McMichael, 2010; World Bank, 2011). Kenya's Tana Delta is among the regions eyed by domestic as well as international investors. This is not surprising as it is assumed that the region holds about 50% of the country's land viable mass for irrigated agriculture (Nunow, 2011).

In scientific and social activists' circles, discussions on the potential impacts of land deals on populations, such as on farming and pastoralist communities, have quickly increased with two main lines of argumentation. On the one hand, some authors argue carefully for potential development opportunities, e.g. through wage employment and infrastructure improvements. On the other hand, more critical scholars and particularly NGOs see land deals as a process adding to the impoverishment of the world's rural poor, notably because of weakly protected land and water rights of a customary nature in highly centralized decision-making structures (Borras, Hall, Scoones, White & Wolford, 2011). Much discussion is focused on the total size and number of land deals. With estimations varying by several dozen millions of hectares it is clear that there is much confusion about the actual extent of land deals happening globally (see e.g. von Braun & Meinzen-Dick, 2009 and Anseeuw, Alden Wily, Cotula & Taylor, 2012). In fact, empirical estimations seem to overestimate the actual extent. This is mainly due to widely lacking transparency but also to the fact that many investment plans are stalled at the negotiation stage (World Bank, 2011). However, it shall be argued that it is not the total extent of land deals which matters most, but the

fact that many investments are planned within arid and semi-arid regions, especially in Sub Saharan Africa, and therefore, in areas where water availability constitutes a crucially constraining factor for a working co-existence between local livelihoods and investment activities. In addition, it shall be stressed that investors targeting land and also water might destabilize a local conflict context even if plans never materialize or if plans are only short lived.

The case of the Tana Delta region illustrates this destabilizing potential of land deals. It is located in Kenya's Coastal Province bordering on the arid Northeastern Province and derives its name from the Tana River, Kenya's largest river which forms a triangular delta – the wetlands of the region – before flooding into the Indian Ocean. The area is mainly inhabited by subsistence farmers and semi-nomadic pastoralists. Each of the two main livelihoods is practiced by one main community – Pokomo farmers and Orma pastoralists – and several smaller ones (Martin, 2007). The area is classified as semi-arid with the Tana River constituting the only permanent surface water with a wide catchment area (Smalley & Cobera, 2012). With rainfall patterns becoming more irregular, the river and its delta's wetlands are becoming increasingly important for the local livelihoods (Schade, 2011). The co-existence between farmers and pastoralists has been uneasy for decades with irregular outbreaks of intense violence. While access to water and land rights is central in the local conflict context, it also exhibits an ethnic dimension (Martin, 2007). The last violent outbreak took place in August 2012 and for several months thereafter, until January 2013, leaving several dozen people dead.[1] These clashes occurred after the region had experienced a phase of remarkable stabilisation and growing ties between the local communities for a period of about a decade.

Meanwhile, the area received increased attention from international and domestic investors. There had been discussions concerning five to six potential land deals encompassing several hundred thousands of hectares in the area (Mireri, 2010; Nunow, 2011). However, only two investments

[1] Kenyan Red Cross: https://www.kenyaredcross.org/index.php?option=com_content&view=article&id=438&Itemid=124

came close to becoming operational – a plantation of *Jatropha curcas* of the Canadian company, Bedford Biofuels, and a sugarcane plantation planned in a public-private joint venture between the parastatal agency, Tana, and Athi River Development Authority (TARDA) and Kenya's largest sugar producing company, Mumias. However, Bedford Biofuels pulled out in the second half of 2013 and the plans of TARDA/Mumias are temporarily on hold as they appear to be looking for additional finances. The two investments differed significantly in nature and with regards to their acceptance within the local communities. Both land investments certainly have the potential to impact significantly on the local context, but conflict dynamics are especially influenced by the anticipated sugarcane investment.

It is remarkable that the threat of severe conflicts due to abrupt changes in resource availabilities – most notably land and water – because of land deals is discussed in many studies as a kind of by-product whilst systematic analytical attempts seem thus far largely lacking. While the concept of conflict is sometimes narrowly discussed in terms of its negative outcomes only, it is widely agreed that conflict is a driver of positive change in many surroundings and takes place on every level of human interaction (De Dreu et al., 2007; Gregory, Johnston, Pratt, Watts & Whatmore, 2009). However, it is also clear that conflict in its most devastating form of intense violence needs prevention. Therefore, the Tana Delta constitutes a case of great relevance for analysing conflict potentials inherent to recently occurring land deals. While a single case study approach cannot lead to general conclusions, it may well give rise to important warnings for other cases, especially as farmer-herder and/or pastoralist-pastoralist conflicts are not uncommon in East Africa where a significant share of global land deals is assumed to take place (Anseeuw et al., 2012). Thus, this article will look into the potential impacts land deals may have on the conflict dynamics in the Tana Delta in general but will specifically take into account the local youth as the group of critical importance for future developments. While the question of whether land investment (plans) have had a role in triggering the intense violence in August 2012 and subsequent months cannot clearly be answered as the field research was conducted roughly one year before these clashes

occurred, the article's conclusion highlights how investment plans have helped to destabilize the conflict context.

The following section will briefly introduce the methodological approach. Subsequently, the context of Tana Delta is brought up in more detail, followed by a substantial introduction to land investment activities in the area. Based on these sections, the field data is analysed before the article concludes.

**Approach and methodology**

This chapter is based on three months of field research in the Tana Delta area from June to August 2011, conducted in the framework of the Netherlands Organization for Scientific Research's project, *Conflict and Cooperation over Natural Resources in Developing Countries*. Data was obtained using an approach which left scope for both qualitative and quantitative research: semi-structured qualitative interviews were complemented by a quantitative survey on the household level. Special attention was paid to the local youth for two reasons: 1) It is widely agreed that the conflict context of Tana Delta involves an ethnic dimension and changes in ethnic identities and differentiations normally occur, if they do, within younger generations (Martin, 2007; Verkuyten et al., 2008). In this case, the youth is of special importance when attempting to assess the potentially changing conflict context comprehensively; and 2) 68% of the local population is below the age of 25 (Kenya National Bureau of Statistics, 2009) and therefore the opinions of younger age groups should be appropriately considered find. This is especially crucial as the young generation often carries out fighting if it occurs between the local communities (Martin, 2007).

In total, 20 qualitative interviews have been conducted with community youth between 16 and 24 years on their livelihood, conflict patterns and expectations concerning proposed land investments in the area. The qualitative interviews focussed on Pokomo farmers and Orma pastoralists, the two largest communities and traditionally, the main conflicting parties. These were complemented by some clarification interviews with community leaders referred to as key informants. In addition, 76

questionnaires from the household survey have been analysed for this paper. The head of household and a youth member of the same household filled in an identical section (of the questionnaire) concerning future livelihood expectations, local conflict dynamics and land deals. This way, changing perceptions between the generations can be highlighted. Throughout the research process careful attention has been paid to avoid a bias in gender, social class, location or education. The participants in the quantitative survey broadly reflect the share of each local community regarding the total population of Tana Delta.

Table 1: Survey composition

| Livelihood | People group | Households interviewed |
|---|---|---|
| Pastoralist | Orma | 32 |
| | Wardei | 5 |
| | Galjeel | 3 |
| | Somali | 2 |
| | Pokomo | 23 |
| **Sub-total** | | **42** |
| Farming/fishing households | Mijikenda | 2 |
| | Munyoyaya | 2 |
| | Malakote | 2 |
| | Waata | 3 |
| | Luo | 2 |
| **Sub-total** | | **34** |
| **Total** | | **76** |

## The lower Tana River area

The Tana River rises from the Aberdare Range and Mount Kenya in central Kenya and its wide triangular delta covers 1,300 km$^2$ of wetlands. The river mainly flows through regions belonging to the arid and semi-arid lands which account for 80% of Kenya's total land mass. As the only permanent water source, the river has a wide catchment area of about 95,000 km$^2$ (Nunow, 2011). The lower Tana River area is mainly

inhabited by farming and pastoralist communities heavily dependent on the river due to low rainfalls of 300 to 500 mm per year (the coastal strip receives higher rainfalls) and high evaporation rates. Additionally, prolonged drought periods are experienced in the area every few years. Rainfall follows a bimodal pattern and is considerably higher upstream. In the lower Tana River area this triggers seasonal flooding of the river, and the flood plains have become highly fertile soils as silt and clay from the river bed are accumulated (Schade, 2011). Therefore, the river banks are densely covered with fields of smallholder farmers growing maize, rice, vegetables and fruits. Pastoralists mostly herd cattle and sheep in a semi-nomadic livelihood in the hinterlands some distance from the river. However, the natural delta formed by the Tana River is an important fall-back area for pastoralists during dry seasons and prolonged droughts as the wetlands are used as grazing grounds in these times (Martin, 2007). This is not only the case for pastoralist communities traditionally inhabiting the lower Tana River area but also for pastoralists coming from Kenya's arid northern regions and from Somalia into the delta area. During droughts, the number of cattle increases manifoldly in the wider delta area (Smalley & Corbera, 2012). In total, the former administrative unit of the Tana Delta District which has been re-integrated into the larger Tana River County has a total population of 96,600 with a relatively high population growth rate of 4.1% (Kenya National Bureau of Statistics 1989; 2009). While the area is densely populated along the river, population density is generally low due to the wide hinterlands. The area's household incomes are mainly derived from the above-mentioned agricultural activities, but because of a growing number of small towns, casual labour and petty trade have slowly started to constitute additional income sources (Mireri, 2010; Nunow, 2013). However, subsistence farming and pastoralism clearly prevail as the two chief activities for making a living in the area.

*Local conflict causes*

The distinct livelihood strategies along the river banks and some distance from the river might not imply conflicting claims over resource access and use on first notice but in fact both livelihoods evolved in competition. While pastoralists mainly herd their animals in the hinterlands of the Tana River, they need to access the river regularly to water their cattle.

Access to Tana River is the most frequent trigger for inter-community conflict in the area (Temper, 2009). Corridors for guiding cattle to the river are rare and often too small to guide herds of hundreds of heads of cattle through them without damaging crops. In many cases herds are also guided right through fields (Nunow, 2011). A differing understanding of land tenure rights underlies these incidents. While pastoralists generally regard land as a resource open to all managed on community level (which corresponds to a nomadic livelihood), farmers perceive the land they have under cultivation as individually owned by them (which agrees with a sedentary livelihood). These widely differing perceptions of land tenure rights are in conflict when it comes to accessing the Tana River (Martin, 2007). Such conflict situations on individual levels irregularly spread to village or community levels in the lower Tana River area and are enabled by an ethnic dimension inherent to the local conflict context (Nunow, 2011). In each of the main local communities – Cushitic Orma pastoralists and Bantu Pokomo farmers – a common group narrative of descent suggests the right of the first to settle in the lower Tana River area when it comes to resource use and access rights. These ethnic identities help to heighten conflicts from individual to higher levels on irregular bases while other factors like political affiliation or age might also play a role in these complex conflict dynamics (Martin, 2007). Rutten and Owuor (2009) discuss the complex inter-action between land issues and ethnic tensions in Kenya, in general, while also taking into account matters of political affiliation. The combination and re-enforcing nature of several factors underlying the local conflict dynamics supports the idea that the concept of conflict is in need of a theory approach leaving room for a multi-causality analysis (Frerks, 2007). Additionally, conflict dynamics in the Tana Delta area show phases of intensification with peaks of manifestly violent clashes as well as periods of relative easing of the violence. This suggests that an analysis of conflict is in need of a process view (Frerks, 2007). In the multi-causal conflict context of Tana Delta, land investment (plans) might well inject new dynamics into this process.

*Centralized land governance systems*

When speaking about land ownership and tenure rights in the lower Tana River area it must be added that most of these rights are of a customary

nature. This is also the case for sedentary farmers of whom only 4% have an official title deed for the land they cultivate (Smalley, 2011). Generally, land governance in Kenya has been organised centrally and most of the land in the Tana Delta area has been either government or trust land under the former Constitution of Kenya (Tana Delta District Commission (TDDC), 2008). This has left senior state authorities in charge of land allocations and customary rights weakly protected (O'Brien, 2011). However, in August 2010, the Kenyan population voted for a new constitution which will change government and trust land into public and community land in order to create a more decentralized system of land governance meant to increase transparency and improve local as well as customary, land rights. It needs to be noted that full implementation of this new system of land governance will take years, implying a transition period (O'Brien, 2011). Inappropriate land governance systems for protecting customary land rights and including local populations in decision-making processes as well as difficulties in making appropriate changes/safeguards are not uniquely Kenyan issues but are observed in many countries currently receiving increasing interest from land investors (De Schutter, 2011).

Looking into the multi-causal conflict process of the Tana Delta area again, issues of central land governance have also had an impact. In 2001, individual land rights were promoted by a national land adjudication programme which was favoured by Pokomo farmers but opposed by Orma and Wardei pastoralists (Temper, 2009). The opposing interests triggered violent fighting between these communities leaving more than 100 people dead and about 1,000 injured (Martin, 2007; Schade,2011). Besides an analytical approach taking into account the process dimension of conflict and its multi-causality, the impact of national land policies suggests cross-level influences as a third building block for analysing conflict comprehensively (Frerks, 2007).

*New and growing livelihood pressures*

While the years between 2001 and 2012 showed a relative easing in farmer-herder conflicts, the local communities have experienced growing livelihood pressures in recent decades. The establishment of upstream water reservoirs during the 1980s has significantly decreased the seasonal

flooding of the Tana River downstream (Maingi & Marsh, 2002). This impacts negatively, especially on farming households, as their mode of cultivation relies on these flooding patterns as explained above. Several large scale irrigation projects in the area, moreover, are assumed to contribute to decreased water levels. In addition the area is, like most parts of Kenya, prone to weather extremes and droughts occur every few years (Schade, 2011). With regard to the local conflict context, this is of special importance as most conflict situations between farmers and pastoralists occur during dry seasons as the need to access the river increases for herders in these times while rainy seasons offer seasonal rivers and oxbow lakes as alternative watering points. Likewise, the reliance on the natural delta's wetlands as dry season safe havens increases greatly for pastoralists during prolonged drought periods (Nunow, 2011). Competition over river access and grazing lands further increases as many pastoralists from Kenya's northern regions and Somalia migrate into the delta area to find water and grazing grounds. Some of these groups have even settled permanently in the delta area because of water scarcity elsewhere (Smalley & Corbera, 2012). This has led to the occurrence of incidences of pastoralist-pastoralist conflicts as well.

Land investment activities might cause further stress for the traditional livelihoods in the area. The following section introduces them in some detail.

**Proposed land investments**

In recent years the lower Tana River area has attracted the interest of several investors, mostly originating from the biofuel sector. However, as is the case on the global level, in the Tana Delta, only a fraction of proposed investment activities makes serious progress, while the majority of investors lose interest. Only two investments made progress on the ground; these two have shown potential to influence the local context of the lower Tana River area significantly and have differed considerably in their acceptance among locals. On the one hand, there are plans to establish a sugarcane plantation in the natural delta by the Kenyan Mumias Sugar Company in a public-private joint venture with TARDA – the Tana Integrated Sugar Project (TISP). On the other hand,

the Canadian company, Bedford Biofuels, began to establish a plantation of *Jatropha curcas* on the southern edge of the area but pulled out in the second half of 2013.

*The Tana Integrated Sugar Project*

The TISP is planned as an extension of the Tana Delta Irrigation Project (TDIP), an irrigated rice plantation which is run by TARDA. The TDIP was established in 1988 and was supported by Japanese funding. However, in 1997, a 16,000 hectare (ha) plantation collapsed due to El Niño-related floods. Afterwards, the Japanese financing was withdrawn because of local mismanagement (Lebrun, 2009). However, on the northern edge of the natural delta, the TDIP has been re-established by TARDA on 2,000 ha (Duvail, Médard, Hamerlynck & Nyingi, 2012). TARDA had been entrusted with the land tracts in question during the 1970s but acquired legal title in questionable circumstances in 2007 (Temper, 2009). Now, TARDA is going to provide 33,000 ha for the TISP which Mumias plans to run: 16,000 ha shall be used as an estate scheme, the TDIP will keep its 2,000 ha on the northern edge, 4,000 ha are intended for cultivation by out-growers, and the remainder shall be used for livestock (Schade, 2011). Except for the 2,000 ha allocated to the TDIP, the land is currently under customary use. The expansion by the TISP will reach far into the natural delta and occupy important dry season grazing grounds of pastoralists (Temper, 2009). Additionally, several analyses point to significant reductions in water levels in the delta's river arms and therefore high opportunity costs (Mireri, 2010; Duvail et al., 2012). Furthermore, several villages are located in the area in which the project is planned and thus there are concerns about evictions as well (Nunow, 2011). Currently the plans are on hold as the investors look for additional financing.

*The Jatropha-plans of Bedford Biofuels*

On the other side, Bedford Biofuels has subleased land from six group ranches which were established by Orma and Pokomo elites during the 1960s when the creation of ranches was supported by national policies because it was believed that nomadic pastoralists could be integrated more efficiently into the national economy on cooperative and company ranches. In total Bedford subleased 160,000 ha along the southern edge

of the delta of which 64,000 ha were meant to become a *Jatropha curcas* plantation while the remainder was planned to be left free for locals' livestock keeping (Smalley & Corbera, 2012). Initially, local elites agreed to a 45-year leasehold for the land tracts to protect the land from being grabbed by national political elites. The ranches however have been fairly unproductive and today, only one shows economic activity while the others remain idle and are used as fall-back areas particularly by pastoralist groups not traditionally inhabiting the lower Tana River area (Smalley, 2011). This lack of productivity would have authorized the Kenyan state to repossess the land from the ranch owners which gave them a strong incentive to sublease the land to Bedford. Furthermore, Bedford offered to clear the ranches' debt burdens (Smalley & Corbera, 2012). However, Bedford started a pilot project of only 25 ha while a much more ambitious pilot project of 10,000 ha was initially planned. In contrast to the TISP, Bedford plans did not foresee tapping the river for irrigation. While groundwater in the area is salty and of low quality (Schade, 2011), experiments with water pans to irrigate the plantation obviously failed. In addition to the operational problems, Bedford also faced serious financial problems which led to its withdrawal of its plans.

**Diverging youth opinions**

The field data obtained between June and August 2011 show significantly differing opinions among the local youth and also in older generations when it comes to potential prospects of and detriments of land deals in the area. In particular, Bedford and Mumias have triggered different statements within the local population (which is partly rooted in the investments' different technical characteristics as introduced in the foregoing section). However, potential impacts of land investments in general are also seen differently and opposing opinions run right along the traditional conflict lines in Tana Delta between farming and pastoralist communities. Here, socio-economic expectations are inextricably linked to impacts of an ecological nature. As explained above, investors have planned to make use of significant amounts of land and water whereby the sugarcane plans of Mumias particularly seem to target natural resource stocks of a sensitive nature to the local livelihoods. If such contextual ecological impacts elicit opposing views, it must be said that the opinions depend

on the socio-economic situation prevailing in farming and pastoralist communities and also on the differing intensities of cultural attachment to the respective livelihood, especially among the youth. Furthermore, questions of local integration in decision-making processes play a critical role in forming local views. With regard to the local conflict context, it is critical to note that differing opinions seem to reinforce former opposition lines between farmers and pastoralists – possibly the reason why even investment propositions might have a destabilizing effect.

*Easing conflict dynamics*

When asked about farmer-herder conflicts, a vast majority of interviewees explained that the former division between pastoralists and farmers is dissolving, especially within younger generations. Some interviewees were quite enthusiastic when speaking about the respective other communities as "close friends" and even as "brothers and sisters." They are optimistic that in the near future and at the latest when the younger generations take the lead in their communities, people will stop thinking in categories of either pastoralists or farmers but only of one community in the Tana Delta area. Others were more careful. While agreeing that especially in the younger generations, more friendly relations between the local communities have been established, they pointed to prevailing negative feelings among the older generations. A recurring example was that inter-marriages between pastoralist and farming communities are regarded as extremely unpopular by the older generations/the youths' parents' generations as in both communities, it is viewed as marrying someone "from below." However, even those speaking more carefully about newly established ties agreed that ethnic boundaries would be dissolved when the youth take the lead in their communities.

Three reasons for this stabilisation of inter-community relations have been mentioned repeatedly: 1) After the intense violence in 2001, significant intervention by Kenyan police and army forces was necessary in order to divide the conflicting parties (Martin, 2007). While pastoralists, in particular, normally have a critical view of state forces, there was agreement in this case that the constraints placed upon and the imprisonment of those fuelling the clashes was needed in order to stop

the violence. According to interviewees, this cross-cutting, from state to local, influence had a stabilising effect on the local conflict process; 2) In the following, local developments have been seen as decisive in cooling conflict dynamics and establishing more friendly ties between communities. Key informants explained that a common understanding evolved that violence would only add to local problems and thus institutions were created to help ensure peaceful interactions. Examples are the demarcation of access corridors to the river for herders and the establishment of the Tana Delta Peace Committee which consists of 15 elders representing the local communities, tasked with resolving conflict situations before they spread to the village or community level. A majority of survey participants indicated that conflict situations on the individual level between farmers and herders have not been decreasing while severe inter-community violence did not occur in the area until very recently, namely August 2012. Given this situation, it seems that the local Peace Committee had worked quite efficiently for several years; and 3) Another very important reason for the dissolution of boundaries between local communities has been mixed schooling for the youth interviewees. With a growing number of pastoralist youth in school, the younger generations have intensified friendly contact with one other. Also among those interviewees not receiving formal education, it was agreed that mixed schools have been of great help in bringing young people together and they have followed the example of their friends in school in engaging in friendly contact with the youth from the other communities. In this case, it seems that increased contact has helped to resolve ethnic tensions.

The results above show that there was a remarkable easing in conflict incidence and severity in Tana Delta for several years and the community youth, in particular, seemed to grow closer. However, during the field research of 2011 certain signs of a prevailing fragility could be observed. When it came to former incidents of violence, for example, most interviewees believed the fault lay solely with the respective other community instead of also showing more critical self-reflection. This fragility proved very relevant when inter-community violence spread again in 2012. While the role of investors in triggering this violence cannot be clarified here, the destabilizing effects the (plans for) investments have

had in the area can be highlighted. The underlying motives for either opposing or welcoming land deals in general and the different perceptions of Mumias and Bedford are laid out in the following subsection.

*Attachments and detriments to livelihoods*

During the field research, it was striking that pastoralist youth show a strong identification with their traditional livelihood. The vast majority of interviewees and survey participants indicated that they wish to go on with herding in the future, at least on a part-time basis. This has also been the case for those close to finishing secondary school and many interviewees explained that a household livelihood relying purely on herding as it was done by their forefathers seems most desirable. At the same time, many expected growing environmental pressures would very likely mean that pastoralism in the area would come to an end at least to the extent that it is practiced today. Specifically, expectations of more erratic rainfalls and increased prolonged drought periods underlay this reasoning. It is likely that this belief was reinforced during the time the field research was conducted as it occurred during the final months of the drought disaster of 2010/11 in the Horn of Africa.

Closely linked to this reckoning of less predictable rainfalls have been critical views of increasing inward migration of pastoralist groups not traditionally inhabiting the lower Tana River area—mostly coming from Kenya's dry northern regions and Somalia. Indeed during dry seasons, heads of cattle in the delta area increase manifoldly (Nunow, 2011; Smalley & Corbera, 2012). According to youth interviewees and key informants this inward migration causes growing competition for the dry season grazing grounds in the natural delta. Respondents claimed that the foreigners[2] would not play along with local customary rules – e.g. which grazing corridors are to be used in a particular dry season and which are not – despite efforts by locals to include them. Additionally, foreign pastoralists are seen as the source of a growing number of cattle raids in the area. Therefore, communities traditionally inhabiting Tana Delta

[2] Although foreigners seems a strong word choice, the author opted to use the term as it was most frequently used by interviewees when referring to pastoralist groups migrating to Tana Delta but not originally inhabiting this region.

– herders and farmers alike – regard foreign pastoralists with relatively open hostility. With great discomfort, the locals have seen that the some of the foreign groups have resettled into the delta area permanently as the increasing frequency of prolonged dry periods in recent years has caused more frequent back-and-forth migration and compared to continuing to move back and forth, resettlement has been more attractive. These contradicting interests between foreign pastoralist groups on the one hand and communities traditionally inhabiting the lower Tana River area on the other constitutes a new pastoralist-pastoralist dynamic in the local conflict process. However, despite these (expected) livelihood detriments a majority of young pastoralists stated their will to continue with herding as long as possible.

In contrast, farming youth showed less enthusiasm to continue with subsistence farming in the future. While nearly all of the interviewees agreed that they feel attached to their rural home area and also like the traditional way of making a living as is still practiced in many households, most of them have indicated their wish to seek other possibilities in the future. Those in secondary school said that they would like to study but because of financial constraints, this would not be possible for most of them. They indicated that any kind of office job in the area would be an attractive alternative as well. Additionally, farming youth not receiving high school education were eager to find alternative opportunities of making a living such as wage employment. Like pastoralist youth, they stated less predictable weather patterns as a significantly constraining factor to their traditional livelihood and an important motivation for becoming less dependent on agriculture. It needs to be understood that farming in the area depends largely on the flooding of the Tana River which has decreased significantly in recent decades. Less intense flooding of the river due to upstream dam construction hits local farming communities hard and makes their livelihood more and more difficult. The area's high population growth was also seen by some respondents as a markedly increasing constraint to farming as the river banks which flood are already densely cultivated and to the respondents, it seemed that there is very limited space for a growing number of farming households. While Tana Delta has a significant potential for irrigated agriculture most

farmers lack the economic means to water their fields. It should also be noted that an even more intense use of the river banks would likely impact on the local conflict context. Given the centrality of corridors for herders to access the river in the multi-causal nature of local conflict dynamics, an intensification of tensions could be expected.

*Supporting economic reasoning*

The passages above already indicate that differing degrees of cultural attachment are closely bound to economic reasoning. Save for the river banks areas, pastoralism seems the livelihood best suited to the arid and semi-arid environment of the lower Tana River area as reflected by the relatively high wealth of pastoralists as compared to farmers when looking into the economic assets of both communities. The household survey revealed that herds exceeding 100 heads or even 200 heads of cattle are not uncommon in the area. In contrast, the land tracts under cultivation by farmers seem rather small. Respondents indicated that households have an average of slightly less than 1 ha under production whilst they hold a median of 1.015 ha. While in many cases more land than actually under production is considered as belonging to the household, the economic means are missing for making use of more hectares. Thus, although pastoralists expect growing livelihood detriments, herding currently still seems a suitable mode of economic activity for the area. In contrast, subsistence farming seems less fruitful in an economic sense.

In summary, differing intensities of cultural attachments among the youth to the livelihood of either herding or farming respectively are reinforced by the differing wealth levels of the respective mode of economic activities. The dissimilar reasoning about the attractiveness of one's own livelihood among farmers on the one hand and pastoralists on the other is critical for understanding diverging views towards land investment plans in the area. While farmers are more welcoming, pastoralists strongly oppose land deals. Bedford Biofuels, however, represents a special case which highlights the importance of integrating local communities at the proposal stage.

*Livelihood attachment versus employment creation*

As highlighted above, the conflict process of Tana Delta is characterized by complex and intertwined matters of resource access, ethnic belonging and other issues. Agro-industrial land investments occupying significant amounts of land and water resources are likely to constitute a newly evolving factor with significant influence on future developments. While the national level, thus far, has impacted particularly on issues of land governance in the local level's conflict context, now the international level, through demands driving land deals, also demonstrates an increasing cross-cutting influence. Diverging views on investment plans among local communities might increase the likelihood of conflict intensification.

As already noted pastoralists largely oppose land deals in the area and especially oppose the sugarcane plans of Mumias and TARDA. Pastoralist youth regard agro-industrial land investments with their hunger for land and water, as a kind of final nail-in-the-coffin to their livelihood as herders. Coexistence between pastoralism to the extent it is practiced today in the area and land deals is seen as extremely problematic. The Mumias investment is regarded particularly critically because it would occupy large parts of the pastoralist dry season safe haven which is extremely important for local herding livelihoods. Furthermore, it is feared that the irrigation scheme could dry up side streams and river arms in the delta which are important for watering animals in dry seasons. Besides these factors, pastoralists strictly oppose investment plans implemented in centralized top-down approaches. During the field research, it was obvious that pastoralist youth and key informants do not trust state authorities and there were constant claims of political marginalisation. According to interviewees, herding communities will oppose any investor who speaks only to government institutions and not directly to the locals and their leaders. This also implies that investments are not resisted in an absolute sense but rather that pastoralist communities want to have a say in the decision-making processes. The number of jobs, water use, land tracts to be used for plantations, and social infrastructure, such as schools or hospitals, generated by investors have been the most frequent points mentioned about which locals should like to be asked.

Key informants and youth interviewees alike claimed that Mumias and TARDA advanced their plans for the TISP after talks with government officials only. This has triggered more severe opposition among pastoralists. Many pastoralists went so far as to indicate their willingness to fight against government forces in the event that the sugarcane plantation is established in order to defend their dry season grazing corridors and thus their livelihood. In fact, there has already been a worrying incident in 2011 during the drought disaster in the Horn of Africa. After TARDA refused to release water from the TDIP irrigation scheme, herders broke the canals in order to water their animals and about 20 herders were arrested. This adds a vertical dimension to the local conflict process partly caused by neglecting the appropriate inclusion of locals in decision-making processes. The TISP plans are also firmly opposed by pastoralists because previous negative experiences with the TDIP and TARDA are now projected onto Mumias and the TISP. Very low payments of about 1 USD per day and risky working conditions (due to water snakes and no appropriate medical care for plantation workers) have been accompanied by claims that all of the good jobs (meaning office jobs and supervisory positions) are given to members of farming communities. The World Bank (2011) found unequal distributions of benefits, such as jobs, between local communities to be a factor destabilising the social sustainability of land investments for other cases as well.

In contrast to pastoralists, farming youth have been more receptive to the positive discourses of employment creation and infrastructure improvements surrounding land deals. To them land deals seem to be a source of employment alternatives potentially enabling a life more independent from the ecologic context and with prospects of professional careers more attractive than subsistence farming. Notably, farming youth in secondary school stated that they hope agro-industrial investors will strengthen social development in the area and bring attractive employment opportunities to them – meaning office jobs. Farmers with no schooling also indicated, in interviews and the survey alike, that wage work on plantations would be an attractive option for them. Interestingly, the survey showed that a majority of older generations within the farming community do not perceive wage work on plantations as an option for them. This might be another indicator of a decreasing attachment to the

traditional livelihood among the local farming youth. In general, farming interviewees agreed that consultations with locals about on-going investment plans could be better done but trust in state authorities for making decisions to the benefit of locals has been higher among farmers than among pastoralists. Many interviewees explained that it would be the government's task to ensure investments strengthen social development instead of doing harm. With regard to the TDIP, it was also confirmed that all more senior jobs would be held by members of the local farming community but according to interviewees, this only reflects the differing levels of formal education between local communities and with more pastoralists in school today, these differences would vanish in the future. Thus, land deals in general are viewed differently by pastoralist and farming youth.

*Supportive views on Jatropha*

Bedford Biofuels constituted an exception to the opposition to land deals as its *jatropha* plans received cross-community support. While some critical voices persisted, even pastoralists positively viewed this investment for several reasons. First of all, Bedford planned to target only minor land tracts within the natural delta since the ranches are located on the southern edge of the wider delta area only. Therefore, dry season grazing corridors have not been in question. Secondly, according to key informants, Bedford made the effort to consult with local leaders about their plans, and this was viewed very positively. Informants also explained that in these consultations, Bedford promised that it would not establish an irrigation scheme making use of the water from the Tana River – again, this was viewed very positively. Additionally, most locals consider the ranch owners who subleased their land to Bedford as legitimate land owners and therefore Bedford was not regarded as a land grabber. Furthermore, the unused ranch land serves as a fall-back area for foreign pastoralist groups which are regarded with relatively open hostility by local communities. Many interviewees and key informants expressed their hope that Bedford would be able to drive these foreigners out of the delta area. However, even if Bedford could have forced these groups to leave the ranches, it is debatable if they would also have left the lower Tana River area as they might push into the interior delta instead.

Thus, the Bedford investment did receive cross-community support but still showed potential to add to local conflict dynamics.

When interviewees were asked if different opinions on land deals could fuel local conflict dynamics again a vast majority explained that the newly established friendly ties between young farmers and pastoralists could not be broken by investors. In fact, within both groups there have been suggestions that investments could further unite the local communities in the long term. Pastoralists explained that after the plantations are established, farmers would see that investments bring mostly detriments to locals and therefore, would join their opposition. In contrast, farmers expressed their belief that coexistence between pastoralism and investments would be possible, e.g. by the demarcation of grazing corridors for pastoralists. However, signs of certain fragility could be observed. While pastoralists claimed that farmers would say "yes" to everything too fast, some farmers regarded pastoralists as backward because of their opposition. As has already been explained, certain fragility exists within the older generations, and, in fact, the Mumias' plans nearly caused violent fighting between farmers and pastoralists. During an information meeting about the project in 2008 with the Councillor of Tana Delta District, the two sides came close to fighting according to local key informants. Thus, there is a certain potential inherent in investments projects to fuel local conflicts notwithstanding the sign of stabilisation noted by local youth that friendly relations between them are firmly grounded and are not threatened by different opinions towards investments. The concluding section will now summarize and elaborate in some detail why (plans for) investments destabilized the local conflict context.

## Conclusion

Whether conflicting interests concerning the proposed land investments in general and with regard to the TISP and Bedford in particular have been a cause for the renewed violence between the local communities in the Tana Delta area cannot be clearly answered at the time of writing though this would constitute an interesting research question for future research missions. Given the sensitive nature of questions on land and water availability in the area and the significant impact land deals may

have on resource availabilities, investment (plans) certainly destabilized the local context – especially because opposing interests run right along the traditional conflict lines and also because signs of vertical conflict (e.g. between pastoralists and state authorities) could be observed. However, Bedford Biofuels added noteworthy mix to this analysis since its plans were welcomed also among pastoralists, due, in part, to Bedford's effort to consult with locals regarding their plans. While different conflict dynamics might have been in play concerning the Bedford plans (arising from a potential eviction of foreign pastoralist groups from the leased ranches), this clearly shows the importance of any investor including local populations in decision-making processes. Additionally, Bedford did not plan for irrigation from the river and targeted land tracts mostly outside the natural delta and thus, did not intend to impact on dry season grazing corridors. In contrast, a notable lack of inclusion of locals in planning processes and the alienation of land from the interior delta as well as the apparent unequal distribution of benefits among local groups, most notably jobs, calls the social sustainability of TARDA/Mumias' activities into question. While it is possible that discussions on land deals, in general, and especially as regards the TISP have had a role in triggering the renewed violence between local communities, the complex multi-causality of the conflict process does not allow for rash conclusions. Therefore, though discussions on land deals may have had a role in triggering violence, this cannot be concluded as a matter of fact. This hypothesis could serve as a basis for further research in the Tana Delta area, taking into account the multi-causal conflict context, and avoiding oversimplified conclusions.

Attention should also be paid to the fact that during the field research of 2011, youth members of the local communities denied that any conflict of interest about the investments could destroy newly created friendly ties and/or lead to renewed violence. Farming youth were convinced that collaborative solutions could be found to serve the interests of all locals while pastoralist youth suggested that farmers would become more critical (of the investments) over time. However, as discussed above, a prevalent fragility among the youth but more so among the older generations could not be concealed. In any case, the intensive violence the area has witnessed from August 2012 onwards adds an additional burden on collaborative

solutions between the local communities and on seeking a common stand concerning any investment plans, regardless of whether the land deals have played a role in intensifying the local conflict dynamics or not.

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# Conclusion

# Conclusion

*Mulugeta Gebrehiwot Berhe*

The geographic focus of this book was intended to cover the wider Horn of Africa but seven of the eleven chapters ultimately focused on Ethiopia. This was neither intentional nor accidental. It was not intentional as there was no specific focus on Ethiopia both during the call for papers or the selection of abstracts. But one can think it was not accidental as most land development in the Horn of Africa is taking place in Ethiopia and it is only in Ethiopia where we find a comprehensively developed mitigation strategy to reduce the impacts of the new developments on the lives of the indigenous communities. Coincidentally, the land development has preceded the massive settlement and villagization programmes launched by the Ethiopian government with the objective of transforming the pastoralist way of life, an exercise that induced massive criticism from and negative reporting by the global media. These reasons, taken together, seem to be the driving reasons for this volume's greater focus on Ethiopia as compared to the rest of the Horn of Africa.

Land ownership and use is not uniform in the Horn of Africa. While land is publicly owned in Ethiopia, its ownership appears to be mixed in the rest of the countries of the Horn. The amount of new land investments in pastoralist and agro-pastoralist areas appears to be limited in the Horn with the exception of Ethiopia. Furthermore, a clear mitigation strategy to lessen the impacts of new investments on the pastoral way of life exists in Ethiopia; while, there is little knowledge exhibited concerning mitigation strategies in the other Horn countries, to say the least. The right of Ethiopian pastoralists to use rangelands is constitutionally recognized. On the other hand, there seems to be a lack of clarity on this legal issue in other countries and there are some indications that agro-pastoralist settlements are taken as squatter settlements without land use rights.

Our knowledge on the land policies, plans and status of new land developments and mitigation strategies to curb the potential negative impacts of the new developments on pastoralist and agro-pastoralist life is scanty for most Horn countries with the exception of Ethiopia.

It is from this scanty knowledge base that our next phase of research in these areas should advance, expounding upon: land policies, including the ownership and use of rangelands, in each of the countries; and land investment policies and specific strategies to support or transform the pastoralist way of life, including existing practices along these lines.

The Ethiopian case appears different from the rest of the Horn of Africa countries.

**Ethiopia has a clear-cut land policy:** Land, be it urban, rural or rangeland, in Ethiopia is owned by the state. Ethiopian subsistence farmers have the right to use the land for farming and habitation. Urban land can be leased for private or commercial use and commercial farming is allowed through the leasing of land to be determined as per the market price. The right of pastoralists to use rangelands is constitutionally recognized. The FDRE constitution, at Article 40(5) recognizes the right of pastoralists to use, and not to be displaced from, their rangelands. One can therefore observe the normative existence of a clear land policy and a clear recognition of land use rights, including the right of use of the rangelands by pastoralists.

**Land use actions in the rangelands are driven by a comprehensive national strategy:** Ethiopia's large-scale land development in traditional areas is not an action driven by the global rush for land triggered by the global increase in food prices. It is rather an action driven by a comprehensive national development strategy designed with the objective of lifting the country into middle-income status by 2030. Several sectorial strategies have been developed following the national strategy of which a development strategy for pastoralists and agro-pastoralists is one. The sectorial strategy came about under the title of 'an accelerated and equitable development strategy' with clear objectives of assuring accelerated and equitable development in the emerging states. The strategy calls for coordinated federal support to the emerging regions, guided by a federal support board involving several ministries and heads of the emerging states, with the Ministry of Federal Affairs serving as its secretariat.

One can clearly observe the growing opinion that pastoralism is a dead end as a viable means of livelihood. Many official Ethiopian government documents, in diverse ways, call for the transformation of the pastoral way of life into intensive agriculture. Calls for villagization and settlement; calls for intensive farming through the introduction of irrigated agriculture and the introduction of improved breeds of animals stem from this judgement of pastoralism. The launching of villagization programmes for scattered settlements of agro-pastoralists in Benishangul-Gumuz, Gambella and Southern Omo regions and the settlement programmes for the Afar and Somali pastoralists living in the Afar and Somali regional states certainly arise from this growing trend. The ongoing massive new commercial farm developments are also very much related to this determination to transform the pastoral way of life. It is intended that the new investments will support the transformation of the indigenous communities by providing them with technological and material support, providing market outlets for their produce/products, and giving them priority in the job opportunities created by those investments etc. The vision and mission of the projects are not limited only to the broad national objectives but also encompass the transformation of the indigenous communities' livelihoods.

**Voluntary participation is the hallmark of the strategy**: The strategy clearly calls for the voluntary participation of the indigenous communities in any of the settlement and villagization programmes. There were extensive consultations with the communities involving their regional, zonal and *woreda* administrations and mass meetings within the communities themselves. Actual villagization and settlement programmes began only after serious public consultations were held with the communities. The voluntary nature of the programmes is further demonstrated by the fact that movement in and out of these settlements is unrestricted. Field visits made to Gambella and Southern Omo indicated that the populations of settlement villages vary over time and some settlements have been abandoned as the communities didn't view them as fitting their requirements. It appears that the key strategy followed is a 'pull strategy,' intending to implement the settlement and villagization programmes by making them attractive to the communities. Federal and local governments are doing their best to make the new settlements

sufficiently attractive to their settlers. Some of the government's key ongoing investments include: developing irrigated farm lands for the settlers; and installing social infrastructure including clinics, schools, points for clean drinking water and grinding mills in each of the settlement sites.

Despite the above-expressed positive findings on the ongoing developments, the outputs of the research also indicate serious issues of concern. Without undermining the need for full impact assessment studies on the ongoing development programmes in general and the settlement and villagization programmes in particular, the following have been identified as key issues that require the focused intervention of the federal government.

**1. The need to design special protections for minority rights:** One clear development indicated by the research is demographic change, taking place at an unprecedented pace, in favour of newcomers to those regions. For example, while the Kuraz Sugar Development Project is expected to generate a total of at least 400,000 individuals to the South Omo lowlands, only 2,892 individuals from the total population of 306,132 economically active persons in the South Omo Zone are reported as unemployed by the latest census. Current norms allow settlers to elect and be elected to administrative bodies once they met the threshold of five years of residency, and fluency in the official language of the area (Amharic is the working language in most of these lowlands, save for the Afar and Somali Regional States). These norms will automatically make indigenous minorities actual/numerical minorities even in their own special places. Once this demographic shift takes place, their capacity to promote their special interests in their places of origin will diminish. When societies open up to other cultures the natural tendency is for the stronger culture to dominate the weaker ones. This necessitates the realisation of innovative solutions to protect the interests of the indigenous communities while also not jeopardizing the rights of the incoming settlers to exercise their democratic rights to participate in elections and related practices. It also poses the challenge of creating a way to protect those communities that may experience a cultural proliferation of an unprecedented pace that might be expressed at the level of a 'culture shock.'

**2. The need for appropriate sequencing of activities:** Problems of sequencing in ongoing large-scale public investments have been observed. For example, priority has been given to the development of the commercial farms before the development of plots to be allocated to displaced agro-pastoralists in the Afar region. In some areas in the Awash Valley, compensation has been given to agro-pastoralists and pastoralists displaced from their rangeland but they have not yet received replacement farm lands as those lands are not yet completely developed. This has created a conflict with the pastoralists whose cattle are caught between the *Prosopis juliflora* forest and the plantation. This situation underscores the need for prioritizing the development of irrigated farms for settlers over the expansion of the sugar farm.

There is also a clear need to address the grazing land needs of the pastoralists before expanding the sugar plantation as per its development plans. The long-term plan for the pastoralists to concentrate on the quality of their animals rather than the quantity/numbers of their animals, and the idea of providing molasses for cattle feed is yet to come to fruition. Indeed, the transformation will take time and for those ventures to crystallise, the sugar processing plants need to be in place and in full production. In the short-term, the pastoralists, with a number of their animals, are caught between the sugar plantations on the one hand, and the *Prosopis juliflora* forest on the other, and are denied access to rangelands. What is more, sugar cane leaves cannot be eaten by cattle because of the leaves' sharp edges. Pastoralists left without rangelands (as described above) try to tear the sugar cane leaves into pieces so that their cattle can eat them. This predicament requires an urgent solution. The federal government along with the regional administration should devise innovative ways of addressing both the rangeland needs and the fodder needs of the pastoralists caught betwixt and between.

**3. The need for improved conduct of investors as exhibited in the Karuturi investments in Gambella:** In practice, there appears to be no agreed upon investors' code of conduct. Field data indicates that Karuturi's (foreign private farm's) chemical waste was dumped irresponsibly and has contaminated the Alwaro River, causing immediate deaths of fish and livestock in the surrounding communities. Other data

indicates that the faster speeds on the new roads in South Omo have repeatedly endangered and cost the lives of humans and both domestic and wild animals, demonstrating a lack of sensitivity to the situation of the indigenous communities. Furthermore, it has been observed that one of the points of contention between the agro-pastoralists and Karuturi in the Gambella region is related to the use of after-harvest fodder. Whilst the communities were looking to use the after-harvest fodder for cattle feed, the farm burned the after-harvest in spite of the demands and defiance of the communities.

The main objective of the articles written on the Ethiopian situation was to cover policy level dynamics. The above-summarized findings concern observations made at the macro policy level. It appears that detailed impact assessments of the ongoing settlement and villagization programmes will enormously assist the federal and regional governments in finessing their interventions so that their intended objectives can be met. It is from this standpoint that we suggest the next level of research related to the rights of minorities be directed to impact assessments of the ongoing villagization and settlement programmes.

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