



Ministry of Agriculture

Ethiopia—Strengthening Land Administration Program (ELAP)

Pastoral and Agro-pastoral Land Tenure and Administration Study

A Consultancy Report

2012

September 2012.

Ethiopia - Strengthening Land Administration Program (ELAP).

This document is a consultancy report of the *Pastoral and Agro-pastoral Land Tenure and Administration Study* under the defunct USAID-supported project Ethiopia—Strengthening Land Tenure and Administration Program (ELTAP). The consultancy study subcontracted to Addis Anteneh and Associates was undertaken in 2008.

The report subsequently submitted to ELTAP Program Coordination Unit by Addis Anteneh and Associates in September 2008 was reproduced as is by the follow on USAID-supported project Ethiopian—Strengthening Land Administration Program (ELAP) for use by the Ministry of Agriculture (MoA) as a working document.

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ELAP

The Ethiopia - Strengthening Land Administration Program (ELAP) is a five-year (2008-2013) project designed to enhance Ethiopian rural land tenure security through:

- Improving the legal framework;
- Promoting domestic and foreign investment in land through legal reforms and improvements in land certification;
- Advancing public awareness on land use rights and obligations as provided in federal and regional state land administration and land use laws; and
- Strengthening the capacity of the federal and regional land administration agencies to carryout land reform and provide land administration services.

ELAP is implemented by the six regional states of Amhara, Oromia, Southern Nation, Nationalities and People's, Tigray, Afar and Somali land administration and use offices in collaboration with the Ministry of Agriculture (MoA), with financial assistance of USAID/Ethiopia Mission. Tetra Tech ARD, a US-based international development firm, is contracted by the Mission to assist the Government of Ethiopia to establish and operate the ELAP Program Coordination Unit (ELAP/PCU).

TABLE OF CONTENTS

ACKNOWLEDGMENTS.....	III
ABBREVIATIONS AND ACRONYMS	IV
EXECUTIVE SUMMARY	V
1. INTRODUCTION.....	1
1.1 BACKGROUND	1
1.2 OBJECTIVES AND SCOPE.....	1
1.3 STRUCTURE OF THE REPORT	2
2. METHODOLOGY.....	2
2.1 OVERALL APPROACH AND SOURCES OF DATA	2
2.2 SPECIFIC METHODS	4
2.3. CONCEPTUAL FRAMEWORK: SUB-SYSTEMS AND STAKEHOLDERS	5
<i>2.3.1 Methodological underpinnings</i>	<i>5</i>
<i>2.3.2 Stakeholders Identification and Relevance</i>	<i>7</i>
3. DESCRIPTION OF THE STUDY AREAS	8
3.1 OROMIA REGIONAL STATE	8
3.2 SNNP REGIONAL STATE	10
3.3 GAMBELLA REGIONAL STATE	11
3.4 AFAR REGIONAL STATE	12
3.5 SOMALI REGIONAL STATE	13
4.1 GOVERNMENTS’ INTERVENTIONS AND TRANSFORMATION IN PAP AREAS.....	15
4.2 CURRENT POLICIES, STRATEGIES AND LAWS.....	17
4.3 INTERNATIONAL EXPERIENCES: AFRICA IN FOCUS	22
5. LAND TENURE AND INSTITUTIONS.....	26
5.1. LAND TENURE REGIMES AND RESOURCE RIGHTS	26
5.2. INSTITUTIONS FOR RESOURCE ADMINISTRATION AND MANAGEMENT.....	31
5.3. CONCLUDING REMARKS.....	33
6. CONFLICTS, CONFLICT MANAGEMENT AND INSTITUTIONS	34
6.1 CAUSES OF CONFLICT AND THEIR MANAGEMENT MECHANISMS.....	34
6.2 TYPES OF CONFLICTS	34
<i>6.2.1. Government policies or lack of (adequate) policies.....</i>	<i>37</i>
<i>6.2.2 Competition over the use of scarce resources.....</i>	<i>39</i>
<i>6.2.3 Competition over control of ethnic territories/boundaries and identity based conflicts.....</i>	<i>40</i>
<i>6.2.4. Conflict management and the roles of actors</i>	<i>42</i>
6.3 CONCLUDING REMARKS.....	43
7. ALTERNATIVE LIVELIHOODS AND TRENDS IN TRANSFORMATION.....	45
7.1 DIVERSIFICATION AND ALTERNATIVE LIVELIHOODS.....	45
7.2 INTENSIFICATION.....	47
7.3 TRENDS IN TRANSFORMATION.....	50
7.4 CONCLUDING REMARKS.....	53
8. PUBLIC AND PRIVATE SECTOR DEVELOPMENT INTERVENTIONS.....	55
8.1 JUSTIFICATION	55
8.2 ASSESSMENTS AND FINDINGS.....	55
<i>8.2.1 Government interventions.....</i>	<i>55</i>
<i>8.2.2 Private sector development interventions</i>	<i>61</i>
<i>8.2.3 Interventions by Non-Government Organizations (NGOs).....</i>	<i>63</i>
<i>8.2.4 Special interest groups.....</i>	<i>64</i>
<i>8.2.5 Institutions</i>	<i>65</i>

8.3 CONCLUDING REMARKS.....	66
9. LAND RIGHTS RELATED GENDER AND MINORITY GROUP ISSUES	68
9.1 CONSTRAINTS AND LIMITATIONS	68
9.2. PALTAS FINDINGS AND ASSESSMENTS	69
9.2.1 <i>Women’s Resource Rights.....</i>	<i>69</i>
9.2.2 <i>Minorities’ Resource Rights</i>	<i>72</i>
9.3 CONCLUDING REMARKS.....	75
10. CONCLUSION AND RECOMMENDATIONS.....	76
10.1 CONCLUSIONS	76
10.2 RECOMMENDATIONS	78
10.2.1 <i>Rationale and justification.....</i>	<i>78</i>
11. BIBLIOGRAPHY	86

ACKNOWLEDGMENTS

The Pastoral and Agro-Pastoral Land Tenure and Administration Study (PALTAS) were a complex undertaking to be completed in the short time span available to the consultants. The examination and assessment phase of the study was a real challenge both in terms of the location of the study areas and the sensitivity of the issues to be raised and discussed with the various target groups. Despite these it was completed smoothly because of the strong back up and supports of the officials and experts of the five Regional States of, Oromia, SNNPR, Gambella, Afar and Somali and particularly the participation of the concerned Regional Bureau¹ and the designated contact persons and facilitators². The Ethiopia–Land Tenure and Administration Program (ELTAP) and Associates for Rural Development (ARD) Inc (Ethiopia Branch) played a remarkable role in coordinating and availing the necessary support on time³. The study was funded by USAID upon the request of the Federal Government through the Ministry of Agriculture and Rural Development (MoARD). Both deserve special thanks for recognizing the need for the study and being willing to finance it. Last but not least the dedicated and committed work of the enumerators in all study Woredas is highly appreciated. Our special thanks and appreciation go to the respondents in the survey and case studies, as well as the participants of the focus group discussions (FGDs) whose number and location are provided in Annex 1. AAA’s national consultants and the international consultant extend their sincere gratitude to all of the above.

¹ Bureau of Agriculture and Rural Development (BoARD) in Oromia and Gambella; Bureau of Pastoral Affairs and BoARD in SNNPR, Bureau of Pastoral and Agriculture and Rural Development in Afar, and Pastoral and Rural Development Coordination Bureau in Somali Regional States.

² Special thanks go to the facilitators: Yadessa Dinssa of Oromia, Abei Bogale and Wondimu Mamo of SNNPR, Dr Fasil Aklilu of Gambella, Elias Ebrahim of Afar, and Abdi Belei of Somali Regional States.

³ Dr Solomon Bekure, Abebe Mulat and Shimeles Kebede of ELTAP have been closely following up and supporting the consultants Team work.

ABBREVIATIONS AND ACRONYMS

AAA	Addis Anteneh and Associates
APDA	Afar pastoral Development Association
BoARD	Bureau of Agriculture and Rural Development
BoWUD	Bureau of Works and Urban Development
BoWA	Bureau of Women Affairs
CSA	Central Statistical Authority
ELTAP	Ethiopia – Strengthening Land Tenure and Administration Program
EPRDF	Ethiopian People Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focus Group Discussion
LTS	Land Tenure System
MOARD	Ministry of Agriculture and Rural Development
M&E	Monitoring and Evaluation
NGO	Non-Government Organization
PAP	Pastoralist and Agro-Pastoralist (or Pastoral and Agro-Pastoral) areas
PASDEP	Plan for Accelerated and Sustainable Development to End Poverty
PALTAS	Pastoral and Agro-Pastoral Land Tenure and Administration Study
RDPS	Rural Development Policy and Strategies
SNNPR	Southern Nations, Nationalities and People’s Regional State
ToR	Terms of Reference

PASTORAL AND AGRO-PASTORAL LAND TENURE AND ADMINISTRATION STUDY

EXECUTIVE SUMMARY

1 Background

The Pastoral and Agro-Pastoral Land Tenure and Administration Study (PALTAS) was launched because of the compelling need to identify and recommend policy that clarify and strengthen the land rights of pastoralists and agro-pastoralists and put in place appropriate administrative mechanisms to enforce their rights. It was designed to assess the land tenure problems in the pastoral and agro-pastoral areas of Oromia, SNNP, Gambella, Afar, and Somali regional states. The scope of PALTAS covers seven interrelated components: access and use rights to resources; pastoral and agro-pastoral institutions (traditional and formal) to deal with conflict management and judicial functions; transformation that has taken place in pastoral and agro-pastoral areas; emergence and expansion of intensive production practices; the gender dynamics and the access of minority occupational groups to resources; development interventions; and alternative livelihoods. With such a wide scope, PALTAS was a complex undertaking (study) to be completed in the short time span. Time⁴ was a real challenge both in terms of the dispersed location of the study areas, the breadth and the sensitivity of the issues to be raised and discussed with the various target groups, as well as the purposive samples that were selected. In addition to time constraints, prevalence of drought⁵ in some of the sites made it difficult to apply all techniques uniformly in the selected study areas.

2. Objective

The objectives of the study are:

- i) to examine and assess the current customary and formal land tenure systems of pastoral and agro-pastoral areas and the administrative arrangements for their regulation and enforcement;
- ii) to make recommendations to the Federal and regional governments on possible improvements in policies and legislation that provides enhanced land tenure security for pastoralists and agro-pastoralists and strengthens the institutions that administer their land.

3. Methodology

The data and information for this study were obtained from different sources and using various approaches, i.e. individual pastoralists and agro-pastoralists using a survey technique⁶; community leaders and groups through focus group discussions (FGDs); appropriate government administrators and policy decision makers at local, Woreda, regional and Federal levels, parliamentarians and local council members (legislators) and experts of appropriate technical agencies, as well as NGOs and development project managers using prepared checklists, and through a review of selected relevant documents.

The examination and assessment of the current customary and formal land tenure systems of PAP areas and the administrative arrangements for their regulation and enforcement employed both inductive and deductive methodological approaches. The deductive approach is based on the premise that land is the single most important resource in any agrarian economy and its proper use and administration should promote national socio-economic development. In other words, the *state versus local interest* issue is no doubt an issue of serious concern in PAP areas. The conceptual framework and analysis of land use and administration policy and legislation issues in PAP areas should address the identification, demarcation, registration, and physically and legally fixing land use zones, in which process tribal and clan grazing areas are set aside from the land to be developed for non-pastoral

⁴ About a week was spent in the field at each of the five regions surveyed.

⁵ Although the extent and duration of drought differed among the pastoral sites, Dire, Gulina, Hamer and Shebelle were all under the impact of drought at the time of the PALTAS field trips. Particularly at Dire due to the severity of the drought the consultant's team was advised, by the local administrators, not to carry out the household survey.

⁶ Overall, 278 households in the five study regions were interviewed using a structured questionnaire.

purposes. It was also important, methodologically, to identify and assess the role of the various stakeholders a) in the formulation and implementation of *policies and legislation that provide enhanced land tenure security for pastoralists and agro-pastoralists and strengthen the institutions that administer their land*; and b) in the demand for or denial of rights, to cause or mitigate conflicts, in the intensification and transformation of PAP socio-economic activities, as initiators or executors of development interventions. PALTAS, at one point or another, considered part or all of the identified stakeholders including people in PAP areas at large, and specifically ethnic/clan leaders; settlers; officials and experts in government, NGOs and donor institutions; investors; and special interest groups key actors influencing policy and legislation formulation and review.

4. Findings and Assessments

4.1 Land Tenure: Rights and Institutions

Pastoral areas are predominantly areas where resources are held and used communally. However, this study showed that resource tenures differ from one type of resource to another and even depending on different uses of the same resource and the timing of the resource use. Generally, pasture and water are communally held and utilized while farm land is held individually. There are also pasture lands and water sources that are held individually. Forests, parks and dams are generally considered under government tenure. Forest resources are assumed to be government holdings while bush areas are generally considered as part of community lands.

Trends towards individualization of land and water are bringing tension among resource users and resource uses. Survey results indicate that about two-third and four-fifth of the respondents replied that they have interest in increasing their private pasture and farmland respectively. This is an indication of tenure changes. Tenure systems are changing: generally from communal to individual. Clan/sub-clan/tribal, etc. relations are important in determining access rights. Access to water is related to access to pasture. Overall, customary tenure systems are being weakened resulting in difficulties in resource use and administration (e.g. pasture). A more problematic right is found to be the right of control over resources. This appears in terms of claims of land by outsiders like investors and by other clan, sub-clan or ethnic groups.

It was found out that resource management and administration in PAP areas is predominantly under the customary system. Generally, group, clan or sub-clan based institutions administer land and other natural resources. Government agencies like Woredas and Kebeles are involved in cases of individual holdings like farm plots, parks and other government-controlled resources, investment issues and in cases involving conflict. There are no other formally established and capable government land use and administration institutions in the study areas.

Undue intervention by local administrations is considered as one of the reasons for the failure of traditional resource management and administration systems. For instance, it was mentioned that construction of water points by outside agents (government or NGO) without due consultation with the customary institutions has negatively affected proper pasture management. Expanded water availability from such water points at locations decided unilaterally by the outside agents has encouraged pastoralists to ignore adherence to the dry and wet season grazing system and resulted in pasture deterioration in many areas as a result of over-utilization. Seasonality of resource access and use is also a very important part of resource management strategy under the tenure systems in pastoralist areas. At times, this also leads to conflicts imposing obstacles to the unhindered access to such resources.

There are no policies and guidelines that could be applied by any existing institution towards the administration of land resources. The power of customary institutions has traditionally been based on a high degree of authority to exact obedience and on the legitimacy to command resources. For instance, clan and sub-clan leaders used to have sanctioning powers including physical punishment over those who break the established rules. This has become less acceptable now and people will go and appeal to the formal government administration and get their rights protected. They strongly demand instruments like land use plans in order to curb such unregulated expansion of farms at the cost of pasture. On the other hand, while those who attempt cultivation consider it as right, customary practices seem not to accommodate such farming practices both in terms of land management and administration.

As a result, many of those who are putting up farms are turning to the Kebele administrations to establish their rights to access and use land for farming.

There are complaints that in some PAP areas customary institutions are not functioning properly. For instance, complaints are heard about their inability to guarantee access to and use of land resources by the legitimate rights holders and could not assure the sustainable management of resources. It is difficult to obtain land belonging to the clans and administered by clans even for public investment purposes.

In general, examination of the current policies and laws shows that pastoral areas are treated marginally and the blanket policy and legal frameworks on land use and administration do not fit the pastoral areas. The study gave prime importance to the review of the Afar draft land use and administration policy since it can set a precedent to the provision of land use and administration policies in other PAP dominated regions. The extensive review of the draft policy reveals its inadequacy in various aspects, but the core issues are its advocacy of sedentarization of pastoralists and the establishment of formal institutions to administer land use and administration. In the draft policy document the communal system is viewed as dysfunctional or even destructive and the customary institutions are viewed as obstacles to development endeavors that should only be maintained as long as they do not contradict the formal institutions in resource related authority and power. In this context, the serious question to be answered is whether the regional government can afford implementing such policy ideas. This calls for further detailed investigation and serious review of the provisions of the draft policy document. Such exercise requires time to assess the experiences of other countries, particularly in Africa where the track record in this respect has demonstrated little or no success, and to hold extensive consultations with various stakeholders including pastoralists and agro-pastoralists at individual, community and clan/sub-clan/ethnic group leaders.

The Ethiopian pastoral land tenure system exhibits the characteristics of other African countries. Literature shows that most land tenure systems in Africa are communal. However, the rights to common property are not clearly defined and have weak legal status. State-community relations as related to natural resources was noted as, while the state continues to hold legally defined *de jure* ownership rights over land, rural communities and individuals exert *de facto* rights which are partly defined in terms of custom and partly defined adaptations of practices and rules to changing circumstances and shifting relations of power. There is increasing recognition of the problems created by this dualism in tenure and the need for tenure reform. In general, African experience tells us that no single tenure option can solve all problems but policy on land tenure and property rights can best reconcile social and economic needs by encouraging a diverse range of options, adapting and expanding existing systems when possible, and introducing new ones selectively, and that is what many countries are doing.

4.2 Conflicts, Conflict Management and Institutions

Social conflicts in accessing and using land resources are endemic among pastoral and agro-pastoral communities of Ethiopia. The most commonly mentioned cause of conflict in many pastoral areas is the quest for grazing resources and water points, particularly in times of drought. Competition for these resources is aggravated as a result of rapid human and livestock population increment and climate change. In pastoral/agro-pastoral areas of Ethiopia, the animal and human population is growing at increasing rate, while the pasture resource on which they depend is limited or diminishing both in terms of grazing area and range productivity. The increasing density of population due to settlements/resettlements is impeding free mobility. This had led to competition of pastoralists for the same available resources with the settler population and sometimes among themselves. The restriction of mobility has aggravated intra-and/or inter- groups competitions over the available meager natural resources. Besides, the ecological succession in many study areas indicates that the potential of the grassland is threatened by bush encroachment. There is an increasing problem of bush encroachment in the rangelands of the Borana, SNNPRS, Afar and Gambella. Most often, enclosures took place spontaneously without permissions from traditional authorities or local administration.

In general, documents reviewed indicated that policies pursued by successive Ethiopian governments have tended not only to neglect the needs of pastoralists but also often to run directly counter to pastoralist interests with a bias instead towards agriculture, ranchers, investors and other resource users. This has exacerbated problems and insecurities of pastoral communities, particularly in relation of access to scarce water and pasture. In the past

government policies or lack of adequate policies and government induced development projects such as the expansion of national parks, rangeland development, ranches, big irrigated agricultural schemes and private investment initiatives exacerbate shortage of pasture and water points, and consequently competition and hostilities among the pastoral/agro-pastoral groups grew acute and increasingly take violent forms.

Conflict and civil strife are common experiences among the pastoral/agro-pastoral areas of Ethiopia. But, for pastoral/agro-pastoral societies of Ethiopia, land and natural resources are not merely sources of livelihood, but represent repositories of ancestral spirits, sites of sacred rituals (ceremonies) and historical landmarks that tie the individual (a group) also sub clans and clans to particular locations and landscapes. These too are causes of conflicts in PAP areas. The causes of conflicts and armed confrontations between the Somali and Oromo groups, between the Oromo groups themselves (i.e., between and among the Borana, Guji and Gabra), between the Afar and Isa groups, and between the Afar and the Kereyu and the Kereyu and Amhara groups are not only the results of competitions over the use of pasture and water resources but also over control of ethnic group boundaries (territories) and identity. The conflicts and wars between some of these groups over water and pasture have been occurring for decades but this gradually evolved into the question of boundary and claim of territory and identity. This type of conflict has increased both the incidence and scale of violent confrontation.

The Ethiopian pastoral/agro-pastoral communities have their own customary (traditional) mechanisms of conflict management. These mechanisms are part and parcel of their traditional institutions such as the *gada*, councils of elders, clan and religious leaders. These institutions are key actors in the process of conflict and the dynamics of their management. Findings from this study indicate that traditional/customary institutions and mechanisms of conflict management are the ones that are most preferred and often used. The majority (70%) of pastoralists/agro-pastoralists in Borana, SNNPRS, Gambella, Afar and Somali wanted (suggested) that conflicts should be managed by their own customary institutions (leaders). Yet the Ethiopian government had given little attention to these institutions until recently. The government, civil society groups and Non-Government Organizations (NGOs - both national and international) have now recognized the importance of these customary institutions in conflict management. Committees, organizations and conferences that include the representative of these institutions have been established/held in different parts of the country for peace making.

PALTAS also revealed that though the traditional mechanisms of conflict resolution are preferred to formal mechanisms in conflict management, they have limitations of executing decisions made by them. In addition to this, while they are good in dealing with conflict managements, they are not good enough in preventing conflicts. Traditional conflict management institutions are more successful in handling resource scarcity based conflicts rather than ethnic boundary/territory and identity-based conflicts. For these and other reasons in most of the study areas, the traditional and formal institutions of conflict management are working together in harmony. The formal institutions are also giving priority to the traditional institutions to handle conflicts in their areas. When conflicts are beyond the capacity of the traditional institutions, the formal structures intervene to handle the problem in collaboration with traditional institutions and the NGOs. NGOs do not directly involve in conflict managements, rather they facilitate forums where the contending groups meet, discuss and manage their problems. The NGOs and the government are currently involved in organizing peace committees and *amakari shimagles* (councils of elders) to monitor and handle conflicts at various levels (i.e., at Kebele, Woreda, zone, Region and Federal levels).

4.3 Trends in Transformation and Alternative Livelihoods

PALTAS results confirmed that the major sources of household income of pastoralists and agro-pastoralists in Ethiopia, , are: sale of livestock, crop sale, handicrafts, petty trade and employment, in that order of importance. Preparing and selling local foods and drinks is the major form of petty trade while making household items (like *mesob*, *sefed* and *kunna*) are common handicrafts generating income in many PAP areas. Overall, there are shifts to alternative livelihood sources and diversification of income generating activities in the area of livestock and crop production and marketing, petty trade, acquiring and renting out urban property (house and vehocles), taking up wage employment, as well as engaging in firewood collection, charcoal burning, and production of baskets, mats and beads.

Transformation in the PAP areas of Ethiopia is taking place due to exogenous and endogenous factors. The following are among the exogenous factors:

- private and government investment initiatives,
- conflict,
- natural calamities (floods, recurrent drought,
- climate change)

The endogenous factors include:

- population growth,
- increasing private pastureland enclosures,
- increasing farming activities for crop production,
- overgrazing)

The observable trend emerging as a result of the above is towards the reduction of pasture land and expansion in the farming area (e.g. Yabello, and Bena-Tsemay Woredas), increasing sedentarization (e.g. Jijiga Woreda), decrease in communal ownership of grazing lands and transit corridors, and increase in the private holding of pasture land and cultivable lands (e.g. Dire Woreda in Borana zone, and Harshin Woreda in Jijiga zone). In terms of significance, the increase in private grazing enclosures is more pronounced in the pastoral areas while the increase in cultivable lands is more evident in the agro-pastoralist areas. For various reasons, the wide-ranging trend is the decrease in the size of pasture land in all pastoral and agro-pastoral areas.

More than ever before, Ethiopian pastoralists have now to travel long distances with their animals in search of pasture and water because of the various changes occurring from the effect of the exogenous and endogenous factors listed earlier. They do also move with their animals to escape from disastrous human and livestock diseases occurring in their area, raids by rival ethnic groups to rustle their livestock, when there is drought and when floods occur. This does not mean that they have problem with the settled form of social and economic life. In a situation where they are able to get access to secure livestock feed, water, animal and human health services, markets, education for their children; they repeatedly expressed, their willingness to settle (e.g. Hamer and Gulina pastoralists) – obviously the ideal situation!!

The conditions for pastoralists and agro-pastoralists to shift from extensive to intensive livestock production seem to prevail now, and the impetus for intensification to take place in pastoral and agro-pastoral areas is there. Intensification in agriculture is increasing agricultural production using more scientific and improved technologies such as the use of chemical fertilizers, improved seeds and other inputs that boost crop and livestock yields. The findings from the field surveys show that about 92% of the interviewed pastoralists and agro-pastoralists showed keen interest in obtaining improved livestock breeds (not necessarily exotic) so they can increase primarily their milk production both from increased yields and volume from breeds that reproduce faster and get more income from the sale of livestock and livestock products. Similarly, about 90% of the interviewees expressed their willingness to learn about improved livestock production. Indeed, it would be unrealistic to assume this proportion of willing people to take up this route of diversification, not least because improved breeds require not only pastoralists willingness to adopt but also the capacity and ability of government services to provide good veterinary care, introduce and develop improved feeds and feeding practices in PAP areas which are drought stricken and are facing shrinking per capita resources. It could thus be said that there is limited scope in this area in the short-term, but the starting point for the long-term is that pastoralists are more ready to espouse these possible changes in their future livelihood.

4.4 Public and Private Sector Development Interventions

Government development interventions in PAP areas can be classified into two broad categories. Those interventions planned and implemented through the regular government budget appropriations and those which are made project based involving specific feasibility studies and appraisals and funded by the capital budget by grants, loans, or treasury finance. The survey result indicates that, under the first category, out of 23 different types of development interventions in PAP areas, the construction of schools took precedence followed by health post expansion. In general, this study shows that the present ongoing regular government program interventions such as in water supply, schools, and health centers are appreciated and welcomed by the PAP communities. They have become pull factors and points of agglomeration for voluntary settlement.

In regard to land taking for development projects such as interstate highways, irrigation infrastructure, big water supply projects, or airports, etc. respondents have raised complaints about compensation (payment, amount, timeliness, etc.) and the participation of the local communities in the decision making process. Out of the 278 interviewed, the response of 130 responded to the question about the nature of the process by which land in PAP areas is taken. Out of these respondents, 62% said land is taken with community consultation but without compensation. The study indicates that expropriation and compensation are among the top priority issues to be addressed in dealing with land use and administration policy and legislation in the PAP areas.

The study did not discover any case of current government interventions to establish new parks and ranches that have become sources of conflict in PAP areas. In the past, there have been conflicts between the local communities and the management of parks, sanctuaries and hunting grounds. The conflicts mostly arose due to lack of awareness creation and also the absence of benefits sharing with local communities. In general, the present government has declared that no more coercive methods will be applied to intervene with 'public purpose' development projects in pastoral and agro-pastoral areas of the country. This is a significant change in government policy and strategy and does contrast with the past when complaints about forced land expropriation in the Awash Valley and elsewhere were reported in the various documents reviewed for this study. This study also reveals that government leadership in the urbanization process that is taking place in PAP areas is deficient. Policies and strategies which provide the necessary administrative and development guidelines that could enhance Woreda and urban administrations' capacity and ability to jointly administer such PAP areas have yet to be put in place. Besides government presence to maintain peace and security that can promote more stable socio-economic activity in PAP areas is also inadequate -- government should intervene not only to bring in development activities but also to maintain peace and security for PAP to lead a stable life. For example, the raiding practices of external groups such as the *Murules* and *Luos* are continuing as a constant and serious threat to the Neurs to be able to lead a settled way of life.

Private sector activities in the PAP areas of the country are expanding due to both the internal dynamics of pastoralist economic activities that are increasingly shifting to alternative livelihood sources, as well as the interventions by investors from outside the pastoral sector. But in almost all the study regions, it was found out that the capacity of local government institutions, for that matter even of the Zone and Regional institutions, to handle private investors' requests for land and to subsequently facilitate and administer them on the basis of given legal provisions is inadequate.

As is well known, each region has a constitutional right to organize its affairs as it deems necessary to coordinate and implement its development programs and activities including pastoral areas development and regulation. On this basis, as would be expected, the institutions created for pastoral areas development can and do vary from region to region in terms of their organizational structure and designation. Their common denominator, however, seems that almost all have weak financial and human resource capacity and are therefore severely constrained to implement policy and enforce regulations. Furthermore, within a region there is often a weak linkage among the organizations concerned with pastoral matters – between Pastoral Affairs Bureaux/Commissions and BoARD, and farther afield between these and other concerned institutions such as the Investment Agency, BoWUD, BoWA, and similar others.

There are conflicts of interest between investors and on benefit sharing, use of pasture, and water, as well as forest and wildlife resources. In Borana where a ranch had been established by a private investor, the affected community's resistance and unwillingness to cooperate led to the eventual giving up of the private ranch and ceding it to the community. Such conflicts between PAP communities and private investors mostly arise when the latter obtain investment land through the formal administration with little or no discussions with the PAP communities concerned or their leaders. In short the study indicates that even for private investment purpose PAP area land taking should not be made without the participation of local communities in the decision making process.

Either local or international NGOs or both operate in all the study regions. Those NGOs that are involved in facilitating conflict resolution and management in the PAP areas are performing well and fill in the financial requirements to help constitute conflict resolution and management forums. They also support activities that enhance the awareness of pastoralists and agro-pastoralists about their constitutional and other derived rights,

including the right not to be evicted from their residential, pasture and farm land without due compensation. On the other side, some NGOs were accused for not having coordinated their development interventions between them and the communities, with the government and among themselves to avoid duplication and avoidable adverse consequences. For example, some pastoral communities do not agree with the water development interventions carried out by some NGOs. The formal administration similarly complains about the duplicated and uncoordinated development interventions NGOs are undertaking in these areas.

Like other communities pastoralists are giving way for the growing number of special interest groups who intervene in matters related to land use and administration in PAP areas. These include the political, educated or business elites, or members of the traditional leadership groups, including members of the quasi-formal council of elders, as well as the ascending young generation. These groups have had positive and negative influences in causing or managing conflicts in PAP areas. There are emerging pastoral businessmen who, in addition to their traditional livestock herding activities, are also engaged in urban area based business operations such as purchasing medium sized trucks (popularly known as ISUZU), and deploying them in goods and passenger transport operations, engaging in urban area house construction and renting, marketing of fattened/finished livestock, etc. The trend is that the relatively rich and business minded members of the communities are trying to further marginalize the poor and restrict them from access to and use of local resources. In the past, farming was the choice of the poor whose livestock herding occupation had failed or generate only a small income from their livestock keeping. This is being reversed as now farming is expanding in PAP areas through the farming activities of the rich business minded pastoralists with special knowledge about its benefits and advantages. The young generation is also putting pressure on the old generation and the traditional system to change to alternative livelihood. While it must be realized that such channels of alternative livelihood opportunities cannot be said to open to a large portion of the pastoral population, it does demonstrate the emergent dynamics in the livelihood options of traditional PAP communities in Ethiopia.

4.5 Gender and Minority Groups

In many pastoral and agro-pastoral areas, gender is an important determinant of ability to claim rights to land and resources. While the position of women in the PALTAS survey sites varied considerably, in most cases, women tended to have insecure rights to land. Where they had access to land at all, it was usually not as full members of a community entitled by that membership to a share, but rather as the daughters, sisters, wives and mothers of full male members. However, as evidenced in the PALTAS survey, perceptions of women's land rights were very low, nearly 72% of respondents stating not being aware of any resource conflict involving women. In most of the agro-pastoral sites surveyed, fathers and husbands were reluctant to bequeath land to daughters and/or wives because of fears of loss of ancestral land rights to another clan when they married/remarried and left home.

Secondary derived rights to land granted to women in pastoral and agro-pastoral communities are highly influenced by customary institutions surrounding family and marriage (inheritance, bride price, polygamy, widow inheritance/levirate, widowhood, divorce, childlessness, age at first marriage, etc.). In most of the surveyed sites, women's rights to land only applied while their relationships to the full male members were maintained. When their relationships broke down, as a result of, for example, the husband's death, they normally did not inherit the husband's right to land unless they entered into levirate marriage (widow inherited by the deceased husband's brother). In case of divorce, often on grounds of infertility, women were normally deprived of the land they used as a wife and sent back to their often unwelcoming original birth family. Given their limited rights to family land and the inability of their sons to inherit land in their family of origin, tenure was often more secure for widows if they entered levirate marriage. This may also explain why divorce was not more widespread in the sites surveyed. Polygamous co-wives' traditional land rights have been eroded over time due to unwillingness to partition land between co-wives or of husbands failing to adequately provide for them either because they lacked the means or did not feel obliged to do so.

Claims to being "indigenous peoples" or "minorities" are generally related to a cluster of characteristics, including political and economic marginalization; discrimination and dispossession often based on the dominance of agricultural people in the state system and imposition of government 'development' policies; particularities of physical traits, economy and territoriality that link certain groups to dryland (e.g. nomadic pastoralists), forest (e.g. hunters-gatherers) or riverine (e.g. fishing groups and small groups practicing cultivation along riverbanks)

environments. In the context of this study, the notion of ‘minority group’ was very problematic mainly due to conceptual difficulties and the heterogeneity of minority groups considered.

The highly politicized and sensitive nature of issues related to minorities’ is reflected in the PALTAS survey which shows that an overwhelming majority of respondents in Yabello (100%), Jijiga (96%) and Afar (95%) either claimed not being aware of any resource conflicts involving minority groups or simply refrained from answering any questions related to minorities. Despite this, highly heterogeneous groups of minorities were identified in the PALTAS areas that faced discrimination, but the forms and extent of discrimination, and their impact on minorities’ land rights could not be determined accurately. Some pastoral minorities with lower social and economic status were identified within the larger pastoral community (e.g. lower caste clans/sub-clans, smaller/poorer herders, pastoralist drop outs). In some cases, it was not clear if a group’s distinct ethnic identity, strong cultural and exchange ties with the dominant group or territorial claims would permit it to be qualified as a minority (e.g. Gabbra camel pastoralists in Borana). The creation of national boundaries between Ethiopia and neighboring countries has also divided some pastoral groups (e.g. Borana, Gabbra, Nuer, Somali and ethnic groups in SNNPR), resulting in some of them acquiring minority status in Ethiopia. The demarcation of regional borders within Ethiopia in recent years (e.g. between Somali and Oromia Regions) has also legitimized the resource claims of some pastoral minority groups while undermining the claims of other dominant groups. Overall, land appears to generally be vital to the livelihoods of many minorities in pastoral areas. Access to land and water appear to be a major concern for especially hunting-gathering and fishing groups in pastoral areas who may be finding themselves pushed off their traditional land to make way for tourism or environmental protection (e.g. national parks, forest and wildlife conservation) or business developments.

5. Conclusion and Recommendations

5.1 Conclusion

PALTAS revealed that PAP areas resource tenure differs from one type of resource to another and even depending on different uses of the same resources. Generally pasture and water are under communal tenure while farmland is privately held. The trend is that individualization of land and water is expanding within the pastoral communities themselves. In general, there are institutional gaps. Customary institutions are being weakened and government administration does not seem capable and prepared to take up land management and administration responsibilities.

There are no policies and guidelines that could be applied by any existing institution towards the management and administration of land resources in PAP areas. The findings of the study make it evident that pastoral and agro-pastoral land use and administration systems are neglected. Examination of the current policies and laws shows that pastoral areas are treated marginally and the blanket policy and legal frameworks on land use and administration cannot serve the pastoral and agro-pastoral areas in this respect. Government policies that do not adequately address PAP land tenure and that undermine traditional governance systems are contributing factors to conflicts. The extensive review of the Afar draft policy reveals its inadequacy in various aspects, but the core issues are its advocacy of sedentarization of pastoralists and the establishment of formal institutions to administer land use and administration. In the draft policy document the communal system is viewed as dysfunctional or even destructive and the customary institutions are viewed as obstacles to development endeavors that should only be maintained as long as they do not contradict the formal institutions in resource related authority and power. In this context, the serious question to be answered is whether the regional government can afford implementing such policy ideas. This calls for further detailed investigation and serious review of the provisions of the draft policy document.

Factors like population pressure, bush encroachment and expansion of crop agriculture, as well as drought have become main threats to pastoralism. In a situation where they get access to secure livestock feed, water, livestock and human health service, market place and education for their children; pastoralists repeatedly expressed, during the FGDs, their willingness to settle. The propensity to settle is accompanied with the search for and adoption of alternative livelihoods. Pastoralists have been diversifying their income from other livelihood sources -- e.g. truck renting, residential house construction for renting, hotel construction, etc. They are increasingly engaged in

charcoal making and selling, selling of firewood, petty trade, and wage labour. Some rich pastoralists are enclosing private grazing lands while at the same time they are also sharing the communal grazing lands with others.

Despite the policies and strategies of the EPRDF government that seem to establish the need for the consent of local community members before development project interventions and land taking are effected, there are cases where pastoral and agro-pastoral community members complained about non-payment of compensation, no substitute land, or inadequate compensation for land taken for development project purposes, including urban expansion. Most of the time, for regular development interventions such as for the construction of schools and health posts or farmer training centers (FTCs), there is no compensation. For big development projects such as interstate highways, irrigation infrastructure or big water supply projects, airports, etc. there are complaints of inadequate compensation. In short, compensation is one of the major issues which should be addressed by government through appropriate new policy and legislation or the proper review of existing policy and legislation.

Urbanization is one major occurrence that is bringing challenges to traditional and formal institutions to administer land in rural PAP areas. Pastoralists have increased propensity to settle in small emerging and expanding towns. Because of this and the various public and private investors' development interventions, pastoralists and agro-pastoralists are taking their own measures including individualization of pasture land for residential and business purposes. Urban administration is taking land for expansion of urban based activities. This is happening without the preparedness of both traditional and formal institutions to provide land use and administration services which cope up with such changes. The land use and administration issue related to the urbanization process needs an urgent reaction in terms of land use and administration policy and legislation provision and implementation.

Women in PAP areas have no secure rights to land. Minority groups face discrimination, though the forms and extent of the discrimination, whether this involved exclusion from the use of resources, and how the discrimination affected the rights of minorities could not be determined.

Institutional formation (organization, relation, and human capital) for land administration varies from region to region and within region from one locality to the other. Regions have a constitutional right to set up institutions that coordinate or implement development activities in their territories. At present, the capacity to coordinate and implement activities related to pastoral areas land use and administration issues are deficient both at Federal and regional levels. In this regard, almost all regions are deficient and are operating with meager financial and human resources. Besides, within a region there is often a weak linkage among the organizations concerned with pastoral matters. Pastoral Affairs Bureau/Commissions with BoARD, and in turn the linkages of these with the Investment Agency, BoWUD, BoWA, etc remains weak. This needs to be addressed in all the study regions.

On the basis of the assessments and findings reported in earlier chapters and the conclusions made above, the following policy recommendations are put forward for policy makers and legislators at different levels of government. It is important to recall that the paucity of time was one major constraint of PALTAS. Hence the magnitude and depth of the elements of the following policy recommendation have to be seen with such contemplation.

5.2 Recommendations

PR-1: Policy and legislation

There is a need to review the existing and formulate new land use administration as well as expropriation and compensation policies and legislation

Although both the RDPS (MoFED, 2003) and PASDEP 2005/06-2009/10 (MoFED, 2006) documents present the recent policy and strategies in PAP areas, they are not adequate enough to guide the socio-economic activities and to cope with the rapid transformation and changes to alternative livelihoods occurring in these areas to day. In both documents, there is no land use and administration policy statement specifically addressing the land use and administration issues of pastoral areas.

In general, all study regions have to issue specific PAP areas land use and administration policy, laws, regulations and directives to govern land use and administration in PAP areas. By the time PALTAS was undertaken, except

Afar, the other study Regions did not have a draft policy for PAP areas land use and administration. Even in Afar, the draft policy has inherent problems of inadequacy and vagueness. It focuses on sedentarization of pastoralists and the installation of formal institutions as the primary organs to deal with land use and administration. The communal system is viewed as dysfunctional or even destructive. In the Afar draft policy, although the role of pastoral customary institutions in conflict management is relatively clearly stated, the document is silent on their role in land use and administration and on their place in the proposed institutional structure that is envisaged to deal with land use and administration policy. Furthermore, during the field work in Afar it was indicated that, although the policy document drafting process is almost getting finalized, it will take some time to gazette and formulate the required laws and related legal instruments to implement the policy. The process of formulating such policies and legislation should be expedited in this region as well as in others. When the laws are put in place, details should be issued immediately through appropriate policy and legislative instruments. However, given the diverse and complex nature of land tenure and institutions in pastoral areas of Ethiopia, it would be more appropriate to follow a consultative policy development approach than the usual bureaucratic and top-down one.⁷

Below are the two broad policy recommendations and the specific points PAP land use and administration instruments have to address.

The two broad policy recommendations in terms of rights and institutions are:

- a) Clearly establish the rights of pastoral and agro-pastoral communities, community members (individuals) and other rights holders (government, investors, settlers, etc) regarding tenure, use, and transfer of land, pasture, water, forests, and wildlife.
- b) Clearly define the institutions (customary and formal) in charge of the administration of land, pasture, water, forests, and wildlife.

It is recommended that the rights and institutions policy and legal provisions address the following main points as a minimum:

- Defining the units of and setting criteria for rights holders in resource use and administration for communally held resources (clan/sub-clan, tribe, etc. the “community” has to be defined).
- Setting the mechanisms how the territorial boundaries of the right holders for communally held resources be demarcated.
- Setting mechanisms how to delineate the boundaries of resources held under government custody. For example forests, parks, sanctuaries, other reserves etc. have to be clearly demarcated. It is also important to legally establish (gazette) such holdings.
- Setting the direction as to how resource conflict should be managed.
- Indicating the ways and procedures how resource tenure forms could be changed. For example, how individual holdings of resources are be established from communal holdings (say, private farmland and pasture to be established from the communally held resources).
- Ways and procedures of granting land rights to those outside the community (government agencies, investors, etc.).
- Define modes of formalizing rights to every right holder. From the study, it seems that registration and certification is possible for private held resources (e.g. farmlands). Thus the policies and laws have to explicitly state how to formalize communally held resources.
- Clearly define the role and powers of customary and formal institutions in terms of resource use and administration. As the study shows, at present, customary institutions are very important and it is desirable to recognize these institutions and look for ways of using them effectively.

⁷ Despite the fact that the present study indicates the overall situation on the ground and desirable directions of changes to be made, we found that its scope and nature does not allow specifying policy and institutional details. Therefore, it is recommended to think about a more consultative and more comprehensive process and a rigorous review African experience in order to be able to draw appropriate policies and laws.

- Indicate the mechanism how land use plans should be developed and enforced taking into consideration not only technical but also economic, political and socio-cultural factors.
- Issue specific Federal and regional laws and regulations for land expropriation and compensation in PAP areas on the basis of Proclamation 455/2005.
- Both Federal and regional policy should explicitly and formally declare that PAP communities and individuals (and their customary institutions as appropriate) shall participate in resource use and administration issues, including those specifically addressing the need for a clear and jointly agreed and sanctioned policy on population resettlements on other groups' land or territory.

PR-2: Conflict management and institutions

For conflict management *the role of the customary and formal institutions in conflict management should be clearly identified and their separate and joint functional responsibilities delineated according to the strength of each to handle the different types of conflicts identified in the study.* On this basis, the following are recommended:

- Give formal recognition in the pastoral policy and legal documents to the role of the customary and formal institutions in conflict management (prevention and resolution).
- Make the customary institutions to be part of the proposed formal pastoral structure recommended to be established at regional level to deal with land use and administration matters
- Define the different roles of the customary and formal institutions, as well as well as their shared responsibilities.
- Jointly (i.e. regional government and customary institutions) develop guidelines and procedures for the steps to follow in conflict prevention and resolution.
- Make existing and future policy and legislation to reflect the above recommendations.

PR-3: Land use plan

Land use study and land use plan should be given top priority to minimize various land based conflicts in PAP areas. Absence of land use plans has been mentioned in many instances as an important impediment to land use and administration management. Land use plan enhances community participation and benefit sharing in pastoral resources use and conservation of projects. Furthermore, the demarcation of pastoral land from farmland (with the consensus of all parties) is indispensable. The key instrument for this purpose is land use plan. The demarcation will help to solve conflicts between pastoralists and agro-pastoralists (or farmers) and to develop both systems in their own ways as well as forest resource conservation and development along with wildlife habitat areas.

PR-4: Institutions in land use and administration -- Customary and Formal

Device a policy and strategy for the joint operation of customary and formal institutions to handle cases of land use and administration in PAP areas.

The study has made it clear that generally neither the formal administration nor the customary institutions seem to be adequate to shoulder land administration task separately. Capacity, accountability, legitimacy, cost, representation of interests and other factors need to be considered in establishing land administration institutions. It is important to think of an innovative institutional arrangement that balances such factors. Local level consultations and further study is required to set a joint administration institutional set-up that could appear more appropriate for land administration.

As this study reveals, customary institutions that control and manage natural resources differ, in many respects, in different areas of the pastoral communities of the country. There are even variations within the same area or ethnic group. Their relation with the formal structure also differs to a large extent. For instance, sometimes Kebele jurisdictions converge with that of a specific clan/sub-clan territory in which case a Kebele administration with adequate representation of the customary authorities may serve the purpose. In other cases, clan territory differs from that of Kebele jurisdiction. Therefore, in terms of thinking jurisdictions that serve for locating land registration process, it is important to think of flexible design that can accommodate local level realities rather than having a national standard type.

Overall, if customary institutions and Kebeles are supposed to work together, the roles and responsibilities of each should be clearly defined. At present, there are no clear mandates assigned to customary and formal institutions on land use and administration matters. The proper establishment of formal institutions to deal with land use and administration in the PAP areas has to start at Federal level. At present, there is practically no significant land use and administration coordination activity at the Federal level. A coordination body at the Federal level with clearly delineated tasks for pastoral and non-pastoral areas should be set up as an independent unit within the MoARD and with the requisite capacity and ability to give technical support to the regions. At regional level, land related matters have to be handled by a well organized separate body or an organ within the relevant Bureau with responsibility to oversee land use and administration issues with due attention being given to the interests of both the state and the local communities. The structure has to extend up to Woreda level. This body should also have the requisite capacity, in terms of human resources, equipment and other required facilities to cater to land issues in PAP and non-PAP areas. Also at this level, emphasis should be given to establishing a separate taskforce/team that deals specifically with PAP land use and administration issues.

PR-5: Awareness creation, Training and Consultation

Promote greater advocacy, awareness creation and civic education and consultation exercises for the various groups involving in PAP land issues. Women, as well as youth, clan and religious leaders, policy makers and the community at large should be targeted for such task. Awareness creation and training has to be embarked up on to change deeply rooted and discriminatory attitudes toward women and minorities, and to encourage these groups to claim resource based, particularly land use, rights granted to them by law. In any regular as well as development projects based interventions the process should give space for appropriate and adequate consultation and participation of the local communities when land is taken for development interventions. There is a need for continuous awareness creation and change of perception campaign on development projects identification, feasibility study, appraisal and implementation.

P6: Extension and transformation

Government and NGOs should support pastoralists and agro-pastoralists by extension programs to provide various inputs and services. The support should include improved and appropriate biological, chemical, and mechanical technologies; credit facilities, marketing facilities, and training on legal matters such as contract arrangement and agreement enforcement.

The Federal and regional governments should support and promote private initiatives in PAP areas. The emerging and expanding private activities such as trade, farming, fattening, etc by pastoralists themselves are opportunities not to be lost to speed up the transformation of PAP areas to national and global modern economic activities. The expanding and newly emerging private investment ventures in farming, ranching, tourism, hunting etc areas should be facilitated with clear directives and guidelines. Special emphasis should be given to private initiatives that will lead PAP economies to modern corporate type operations based on livestock products and by agro-processing ventures.

Emerging cooperative ranching should be also encouraged and supported appropriate extension services. Government has to provide M&E services to minimize mismanagement and corrupt practices in such cooperatives.

PR-7: State capacity development

The institutional capacity (organization, relation, and human capital) of the regions and their ability to implement existing and new laws and development interventions should be developed at faster rate in order to cop up with the rapid changes that are taking place in PAP areas.

By the time PALTAS was conducted the institutional capacity of the regions and their ability to implement existing and new laws and development interventions is very limited. Unless capacity development efforts are hastened both the Federal and regional governments will be caught by challenges and administrative difficulties resulting from the ongoing rapid transformation in PAP areas. Human and financial resources play a key role in developing capacity. The Federal government shall use not only its coffers but also the communities' contribution

and donors support by means of a well studied and coordinated effort with the regions themselves. So long as PAP areas need to share in the use of national and regional resources, for regular and development project based interventions, the government should consider the formulation and implementation of a land tax policy and legislation in these areas.

PR-8: Coordination among Stakeholders

There is a need to coordinate the activities of stakeholders on land administration and land use matters.

In some regions, e.g. SNNPR, a separate Department in BoFED is established to coordinate the activities of NGOs and other donor agencies, while in others there is only an ad hoc consultation. At some local administrations they are expected to fill in for the gaps created in the regular government development programs. To avoid such raging approaches, clear mandates and coordination mechanisms among government institutions, NGOs and others would serve the purpose. The coordination can be lead by the joint administration body (see PR-4 above) which is responsible for land use and administration at different levels of government. Such planning and coordination of interventions would lead to minimal wastage of resources by avoiding redundant and ephemeral activities. Consultation with local government units and communities are important. The activities of special interest groups should be also M&E. Particularly the elites (educated, political, business etc) should not be ignored and left alone to indulge on LU&A matters in PAP areas. They can be constructive in regular and project based development interventions. Both national and regional governments should formulate a forum that brings together the elites with different views and policy makers and legislators at regular intervals to deliberate on matters related to LU&A in PAP areas. The forum should also be used to create awareness to those who may not have the details of government policies and strategies.

PR-9: Women and Minority Groups

Protect the land rights of marginalized groups of women, minorities and youth in pastoral and agro-pastoral areas

Forging a joint or shared land and conflict management system in PAP areas based on a partnership between government and traditional institutions is challenging, not least because it requires a clear recognition of pastoral land as a critical resource for currently marginalized groups of women, youth and minorities. If such a collaborative land management system is to work, government needs to recognize the legitimacy of customary institutions which often are the only ones operating in PAP areas. At the same time, government needs to encourage and lobby for the elimination of discriminatory elements preserved by customary institutions.

Given commitment to change, details can be worked out of how an effective partnership can be formed between government and traditional institutions to address gender, youth and minority issues. Such details could include linkages between customary and existing/newly established government structures to address gender, youth and minority issues; institutional mechanisms of monitoring and appeals to safeguard rights, accountability and representation in traditional institutions; etc. In view of the multiplicity, diversity and complexity of issues involved, the process of modernizing customary institutions will, of necessity, take time and require substantial and sustained support and commitment. As a first step, the focus should be on most extreme discriminatory practices and most disadvantaged groups before tackling sensitive rights issues applying to broader marginalized groups.

PR-10: Monitoring and evaluation

It is too often that recommendations are made to policy makers that remain unattended even where the commitment to implement these recommendations has been undertaken and declared by those with the requisite authority to do so. In the light of this, assuming that the Federal and regional authorities commit to the recommendations made as result of this study, it is proposed that a monitoring and evaluation mechanism be instituted at both levels (i.e. regional and Federal) for the purpose of following up the progress and outcome of these recommendations. Further, since it is expected that the multi-dimensional policies that will emerge from the recommendations are expected to be openly discussed and responsibilities for their implementation attributed to different government organizations and the positions established or to be created for the purpose, it is also recommended that the accountability of the institutions and persons be part of the monitoring and evaluation process.

PASTORAL AND AGRO-PASTORAL LAND TENURE AND ADMINISTRATION STUDY

1. Introduction

1.1 Background

The Pastoral and Agro-Pastoral Land Tenure and Administration Study (PALTAS) is being carried out by Addis Anteneh and Associates (AAA) on the basis of a contract for consultancy services entered into between ARD Inc. (Ethiopia Branch) and AAA on January 23, 2008. ARD, a US based international development firm, is providing technical assistance to the Ethiopian Government through the Ethiopia-Land Tenure and Administration Program (ELTAP), which is funded by USAID and the Government of Ethiopia. AAA formed a team of national consultants⁸, with the required expertise as per the ToR to undertake PALTAS. The national consultants were supported by an international consultant⁹ recruited by ARD.

The problems that necessitated this study include:

1. Despite the significant differences that are known to exist between pastoralists and agro-pastoralists, on the one hand, and sedentary farmers in Ethiopia regarding land tenure and land use and administration, existing Federal and Regional proclamations treat them as if the two are the same;
2. The customary laws, practices and institutions of pastoral and agro-pastoral (PAP) communities are being undermined due to various factors including population growth, private and government investment initiatives, which increased pressure on land, conflict over resources and climate change.
3. These situations are threatening and endangering the livelihoods of a majority of pastoralists and agro-pastoralists.

There is thus compelling need to institute policy and legislation that clarify and strengthen the land rights of pastoralists and agro-pastoralists and put in place appropriate administrative mechanisms to enforce their rights. Further measures to reduce the pressure on pastoral resources (farm land, pasture land, water, forest and wildlife) is finding alternative livelihoods to pastoralism for part of the population or introducing methods of intensifying production while sustaining the use of land resources.

1.2 Objectives and Scope

The overall objective of the study and AAA's related responsibilities, further detailed in the Terms of Reference (ToR) attached as Annex 2, include the following:

- i) to examine and assess the current customary and formal land tenure systems of pastoral and agro-pastoral areas and the administrative arrangements for their regulation and enforcement;
- ii) to make recommendations to the Federal Government and Regional State Administrations on possible improvements in policies and legislation that provides enhanced land tenure security for pastoralists and agro-pastoralists and strengthens the institutions that administer their land.

As indicated in the ToR, the scope of PALTAS covers seven interrelated components: access and use rights to resources; pastoral and agro-pastoral institutions (traditional and formal) to deal with conflict

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⁹ Mr Stephen Sandford, International Consultant

management and judicial functions; transformation that has taken place in pastoral and agro-pastoral areas; emergence and expansion of intensive production practices; the gender dynamics and the access of minority occupational groups to resources; development interventions; and alternative livelihoods. Specific issues and questions addressed in the various components of the study are attached in Annex 3 . While these components of the study guide the work of the national team, the institutionalization of policy and legislation and the recommendations on appropriate administrative mechanisms to enforce the rights of PAP were also subjected for further scrutiny in view of international experiences. It is important to note that with such a scope, PALTAS was a complex one to be completed in the short time span. Time¹⁰ was a real challenge both in terms of the location of the study areas and the sensitivity of the issues to be raised and discussed with the various target groups. In addition to time constraints, prevalence of drought¹¹ made it difficult to apply all techniques uniformly in the selected study areas.

1.3 Structure of the Report

The study is organized into nine parts (chapters). The chapter following this introduction presents the methodology of the study. Chapter three gives the description of the study regions and sites selected for the focus group discussions and household surveys. Chapter four highlights the relevant and selected documents reviewed. Chapters' five to nine cover the findings, assessments and policy implications of the various components from two broad perspectives. Chapter ten presents the conclusions and recommendations of PALTAS. References with full citations are presented at the end of the main report.

2. Methodology

2.1 Overall Approach and Sources of Data

The data and information for this study were obtained using the following sources:

- Individual pastoralists and agro-pastoralists,
- Community leaders and groups,
- Appropriate government administrators and policy decision makers at local, Woreda, regional and Federal levels,
- Parliamentarians and local council members (legislators),
- Experts of appropriate technical agencies, NGOs and development project managers.

The data and information were collected by means of a survey using structured questionnaires, checklists/unstructured questionnaires for focus group discussions (FGDs) with key informants and public and private organizations, as well as through the review of documents. Additionally, a limited number of case studies were carried out. Regional facilitators, development agents and Kebele Administrators were co-opted to organize the grassroots level FGDs and facilitate the discussions with key informants and public and private organizations. It is important to note that among the instruments for collecting data and information top priority was given to FGDs followed by the discussions with key informants and government and non-government officials and experts, case studies, documentation review, and to the household survey, in that order. The questionnaires and checklists employed for

¹⁰ About a week was spent in the field at each of the five regions surveyed.

¹¹ Although the extent and duration of drought differed between pastoral sites, Dire, Gulina, Hamer and Shebelle were all under the impact of drought at the time of the PALTAS field trip. Particularly at Dire due to the severity of the drought the consultants' team was advised, by local administrators, not to undertake the household survey.

collecting the survey data and information from the various discussions with targeted individual pastoralists and agro-pastoralists and officials/experts are included in Annex 4.

The consultant's team and the regional representatives established initial mutual understanding of the ToR including the objectives of the study, and reached agreement on the approach for the selection of the study areas, enumerators, as well as the regional senior experts to join the team and act as the facilitators while the field survey and discussions are conducted (see Inception Report, February 2008). This understanding resulted in the effective collaboration and facilitation support received from the officials of the study regions the regional senior experts identified as facilitators remained as the principal contact persons from the beginning till the end of the study.¹² Besides, on the basis of the agreement reached prior to the field work, the regions followed a semi-purposive criteria to identify the study areas ensuring adequate representation of sample elements from the two sub-systems, i.e., pastoral and agro-pastoral.¹³ The study Woredas selected and the specific sites where the FGDs and household surveys were conducted are listed in Annex 5, and brief descriptions of the same are given in the next Chapter. Annex 6 also lists the various Government and NGOs visited during the PALTAS period.

During the January meeting, the regions informed the consultant's team that they have their working definitions and criteria for differentiating pastoralists from agro-pastoralists. The team accepted to abide by the regions' decisions regarding these for the purpose of designating individuals and households as either pastoralist or agro-pastoralist during the household survey sampling process and proposed interviews. There are also spatial configurations which the local governments use to identify administrative areas occupied by pastoralists and agro-pastoralists, and on the basis of this it was further agreed that the regions identify the study areas/sites where the individual surveys will be conducted. With this understanding the four pastoral sites surveyed were Dire wereda (Borana Zone, Oromia Region), Hamer wereda (South Omo Zone, SNNPR), Gulina wereda (Zone 4, Afar Region), and Shebele Kebele (Jijiga wereda, Somali Region). The five agro-pastoral sites surveyed were Yabello wereda (Borana Zone, Oromia Region), Bena-Tsemay wereda (South Omo Zone, SNNPR), Jikawo wereda (Nuer Zone, Gambella Region), Assayta wereda (Zone 1, Afar Region) and El-Amhar kebele (Jijiga wereda, Somali Region).

It is important to note that the selection of the Woredas has had elements of ambiguity to distinctly represent the two sub-systems: pastoral and agro-pastoral. There were Woredas which were identified as pastoral, but having Kebeles that contained 'pure' pastoralists, agro-pastoralists and even pockets of settled cultivators. In the same way there were administratively designated agro-pastoral Woredas but having pastoral, agro-pastoral and cultivating Kebeles. For example, in Oromia, Borana Zone, which was pre-selected by the client, has 13 Woredas out of which Yabello Woreda was selected by the region and the zone to represent the agro-pastoral study area. But, seven of the twenty three PAs of Yabello Woreda are classified as agro-pastoralist. Two of these seven PAs (Derito and Eloya) are more pastoralist and have limited cultivated areas; two other PAs (Didayabello and Tedim) are agro-pastoralist Kebeles where women and children had been left behind by men who had gone for dry season grazing at the time of the team's visit; and the three remaining PAs (Obda, Begna and Yubdo) where we administered questionnaires were within proximity of Yabello and were inhabited by agro-pastoralists and settled cultivators including Burji, Konso, Amaro, Amara and some Boran groups. These latter had few

¹² See the acknowledgment section of this report for the names of the experts/facilitators.

¹³ This was necessary in consideration of the need to select sites that are easily accessible and will allow the mobility of the core team and the enumerators with minimal constraints in light of the limited time allocated for the study.

livestock and seemed to be practicing mixed farming rather than agro-pastoralism *per se*. This illustrates the complexity the consultant's team was facing in terms of getting a uniquely delineated pastoral or agro-pastoral Woreda, or for that matter, Kebele.

The survey result also revealed the afore-mentioned difficulties of study area designation on the basis of individual respondent perceptions. The proportion of pastoralists and agro-pastoralists who responded as agro-pastoralist and pastoralist respectively is presented in Table 2.1. All Woredas have both pastoral and agro-pastoral respondents. For example, In Gulina, which was designated as pastoral Woreda, 22% of the respondents claims that they are agro-pastoralists. In Benna-Tsemay, which was designated as agro-pastoral Woreda, 16% responded that they consider themselves as pastoralist. By the statistical thump rule of considering those Woredas that have the majority of one sub-group to be designated as pastoral or agro-pastoral, one may concur with the administrative designation. Of course in Jijiga the distinction was made by a Kebele level and both Kebeles turn out to be predominantly agro-pastoral although Shebele was identified as a pastoral Kebele. In general as pointed out above, given the shortage of time and also on the basis of the agreement reached with the regional representatives prior to the field work there was no other option but to continue the work on the basis of the regional officials' selection of the study areas while making careful examination of the Kebeles when the team reached in the selected specific study site.

Table 2.1: Respondents' Views of Pastoral and Agro-pastoral People by Woreda and Study Sites

Administrative Designation	No. of Respondents	Respondents Claim	
		Pastoral (%)	Agro-pastoral (%)
<u>Pastoral Woredas</u>			
<i>Hamer, SNPPR</i>	39	92	8
<i>Gulina, Afar</i>	36	78	22
<i>Jijiga-Shebele, Somali</i>	32	19	81
<i>Dire*, Oromia</i>	-	-	-
<u>Agro-Pastoral Woredas</u>			
<i>Benna-Tsemay, SNNPR</i>	38	16	84
<i>Aysaita, Afar</i>	39	5	95
<i>Yabello, Oromia</i>	20	10	90
<i>Jikawo, Gambella</i>	38	11	42**
<i>Jijiga-El-Hamar, Somali</i>	36	3	97
Total	278	31	63

* Because of the drought the survey was not conducted at Dire. But the other study instruments were used to collect the necessary data and information at this study site.

** 48% did not respond.

2.2 Specific Methods

A semi-purposive interval sampling method was employed to conduct the survey. Respondents were selected after establishing the interval and a random starter from the records of the Kebeles. Again this was also one area in which the consultants' team faced a challenge. It was more difficult than was anticipated in the inception report of the consultant to get a uniform official list of target population which could further be stratified by sex, age, marital status and, if possible, wealth status. In the PAP areas, because of their mobility, it was not easy to identify survey sample elements from available registry of pastoralists and agro-pastoralists at local administration offices. An on spot semi-purposive

identification method had to be used instead. Day long trainings were given to enumerators, including training on how to get sample elements in a situation where a registry was absent.

Overall, 278 households in the five study regions were interviewed using a structured questionnaire (see Annex 8 for the number of site specific respondents). As indicated in the IR it was planned to get 350 filled questionnaires i.e., 350 individuals interviewed in all the study regions. This was envisaged on the assumption that there will be two representative sites for pastoral and agro-pastoral sub-systems in each region, and about 35 respondents to be interviewed from each site. However, it was found out in Gambella that there is no Woreda that could be identified as pastoral. The entire region is predominantly agro-pastoral and the few remaining areas are occupied by cultivators and other non-PAP activities. In Borana, the selected pastoral Woreda was Dire. By the time the consultant's team arrived, the Woreda has already been seriously hit hard by drought and the team was, in the circumstances advised by the Woreda officials not to attempt to conduct the household survey and the team consequently decided not to carry out the survey. While these practical situations on the ground reduced the number of filled questions to 275, more were interviewed in the other sites covered and after validation and dropping of unqualified filled questionnaires the statistical analysis was made on the basis of 278 questionnaires.

As indicated earlier, in addition to the data and information to be generated from FGDs, key informants, as well as secondary sources the survey data will be analyzed using descriptive and relational statistical methods. Case studies have also been conducted through systematic identification of case subjects during FGDs and discussions with key informants, as well as local government and NGO staff. The descriptive statistics employ percent or proportionate statistics, mean, and standard deviations. The survey results and discussion are presented in the various component reports (Chapter 4 to 8).

2.3. Conceptual Framework: Sub-systems and Stakeholders

Throughout the fieldwork period the team members were preparing region specific preliminary assessment, findings and policy implication reports and present the same during continuous brainstorming sessions. During this exercise there were issues raised which required a general methodological underpinnings around the use of deductive or inductive approaches, definitions, and stakeholders' identification and relevance. These further indicated the need for having an underlying conceptual and analytical framework before embarking on data and information analysis and result reporting.

2.3.1 Methodological underpinnings

The examination and assessment of the current customary and formal land tenure systems of PAP areas and the administrative arrangements for their regulation and enforcement may take an inductive or deductive methodological approach, inductive being going from the specific to the general and deductive from the general to the specific. In the latter case, one may start from the premise that land is the single most important resource in any agrarian economy and its proper use and administration should promote national socio-economic development. Put differently, land use and administration policies and strategies that serve a limited purpose make limited contributions to the overall development of the community in focus and the country at large.

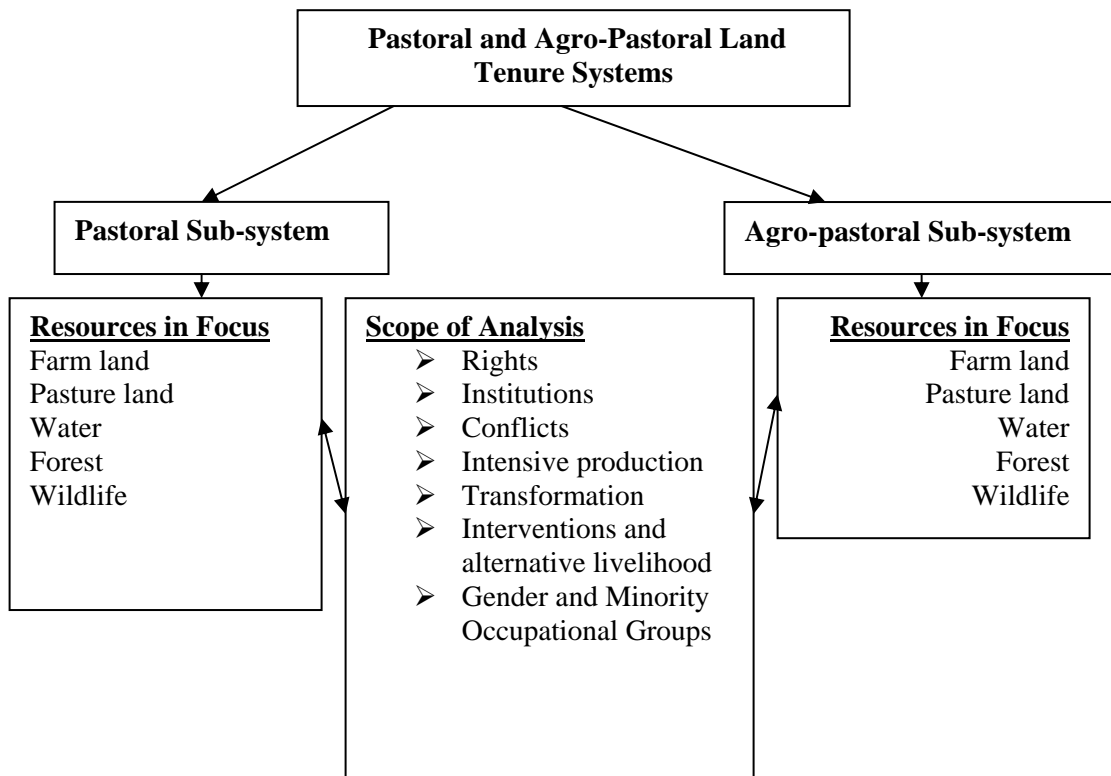
In view of the objectives of PALTAS this may mean that at a national level the challenge to the government and people of Ethiopia is to maximize the socio-economic development objectives of the country by an efficient and effective use of human (H), land (L), water (W), minerals (M), forest (F), wildlife (D) resources to the benefit of its citizens. As Sora (2007) said pastoralists and agro-pastoralists are parts of the citizens of this nation who require effective governance and sustainable development strategies. Similarly, Dessaleegn et.al. (2006) pointed out that the **state versus local interest** is no doubt

an issue of a serious concern in PAP areas. According to them, in addition to other policy and strategy issues, that the study of PAP LTS should address the identification, demarcation, registration, and physically and legally fixing land use zones, in which process tribal and clan grazing areas are set aside from the land to be developed for non-pastoral purposes. Of course, implicit in the ToR of PALTAS is that the Federal and regional government has already dealt on policy and specific legal matters related to land tenure systems (LTS) in non-PAP areas. Whether these are adequate or not can be a researchable issue but it is beyond the scope of this study. What remains to be addressed in the local context is the differentiation between pastoral and agro-pastoral sub-systems and designing and implementing land based development initiatives from the local administration units upwards.

Put differently, the above highlights the methodological emphasis if one needs to investigate PAP LTS from national development policies and strategies perspective. The other side is to concentrate on local situations and conditions and try to maximize the benefit the PAP community gets from their surrounding resources. Of course the local level assessment triggers an important issue of designating resource bases (including land holding) by pastoralists and agro-pastoralists as two parts of one system. During the field work the distinction between pastoral and agro-pastoral areas has been, to say the least, far from clear across the Woredas and the sites designated as such by the regional and/or zone administrations. In regions such as Gambella, and even Somali, today it is difficult to talk about pure pastoralism and pastoralists. In Somali, a large size of the pastoralist population whose livelihood was founded only on livestock has changed over time to practicing alternative livelihoods including mixed farming (livestock and crop) and in the latter case, becoming predominantly agro-pastoral. In Gambella, as was indicated earlier, pastoralism seems to have virtually disappeared. In the rest of the study regions, there are administrative as well as technically identifiable pastoral areas with equally identifiable agro-pastoral areas in their midst. Furthermore, the land tenure system in PAP areas has increasingly become complex as a result of the internal dynamism and the external pressures that are making pastoralists show an increasing propensity to settle. The emergence and expansion of small towns as part of the urbanization process has further added to this complexity. In rare cases the emergence and predominantly farming niche areas are emerging within the broader PAP setting. Cognizant of this, and giving little emphasis to the purely cultivating administrative areas within PAP, at least this study revealed that there are indeed two sub-systems in the study regions: pastoral and agro-pastoral. Implying, the LTS of pastoral and agro-pastoral areas can be examined and assessed using the two sub-system analytical framework presented by Figure 1. This framework shows that in areas of clear distinction the assessments on LTS in PAP areas should be made by understanding both the similarities and differences of the two sub-systems.

Ownership, access, use, transfer, inheritance, lease, lending, and other rights as well as issues of registration and certification of land whether for individual or communal holdings should remain as common denominators in the specific scope coverage and also in the sub-system assessment and analysis of the various components of PALTAS.

Figure 1: Sub-system Analytical Framework for PALTAS



2.3.2 Stakeholders Identification and Relevance

For the purposes of carrying out specific analysis for the sub-system components, it has also been found important to identify and assess the role of the various stakeholders. This concerns the stakeholders' role: a) in the formulation and implementation of *policies and legislation that provide enhanced land tenure security for pastoralists and agro-pastoralists and strengthen the institutions that administer their land*; and b) as has emerged in the findings and assessments of the various components of the study, in the related demand for or denial of rights, to cause or mitigate conflicts, in the intensification and transformation of PAP socio-economic activities, as initiators or executors of development interventions, etc. The above processes would have to involve, at some point or other, part or all of the actors listed in Table 2.2.

As shown in Table 2.2 below, in pastoral and agro-pastoral areas those who claim to have a stake in land use and administration matters include the *people* but with specific interest emerging from the old and the young, from women and minorities. The latter can be divided by occupational groups or by ethnic representation and involvement in decision making. It is not tautological that the interest of the people is the same as that of the institutions they are contained in (clan, sub-clan, and ethnic/group) and the leaders in such institutions. Care is needed to understand the various explanations given in this document about *settlers*. Settlers can be divided at least into two broad categories. Those originating from the same clan/ethnic group and get settled by their own initiatives or by externally arranged interventions in their clan/ethnic/group land and others who are coming from different clan/ethnic/group including from other regions. This indicates the possible variation of interest of settlers in PAP areas. The interest of settlers who came from the highland areas is different, for instance they may opt for crop farming or trade, and have claims of rights related to land use and administration as well as demanding security support if government is involved in promoting the settlement scheme. The other actors listed in the table also claim to have a stake and as deemed appropriate for their voices to be heard in PAP areas land tenure

policy and strategy formulation process. In general, in various parts of the report these stakeholders are considered as a cause for or affected by development policy and strategy formation and implementation in PAP areas.

Table 2.2: Actors in PAP Areas Socio-Economic and Administrative Affairs

Type	1 st category	2 nd category
People in PAP	Old	Ethnic/group Occupation
	Young	
	Women	
	Minority	
Ethnic/Group/Tribe/Clan	Leaders/ <i>Elders</i> /	Federal, regional, zone. Woreda, Rural and urban Kebeles
Settlers	Local people (i.e., from same clan/ ethnic/group Outsiders (i.e. from other clan/ethnic/group)	
Leaders	Ethnic/Group/Tribe/Clan	
Institutions	Traditional	
Investors	Government	Federal, regional, zone. Woreda, Rural and urban Kebeles
	NGOs	
	Donors	Funding agencies, bilateral and multilateral non-profit making organizations
	Cooperatives	
Elites	Educated/professional	Working for government
		Working for NGOs
		In private sector
	Political	
	Commercial	Individual Corporate

3. Description of the Study Areas

PALTAS was designed to assess the land tenure problems in the pastoral and agro-pastoral areas of Oromia, SNNP, Gambella, Afar, and Somali regional states and on the basis of its findings to make appropriate recommendations to these regional states and the Federal government. Highlights of the regions and the specific study areas selected to undertake the focused group discussions and household survey are presented below¹⁴.

3.1 Oromia Regional State

The Oromia Regional State consists of 11 zones and 79 Woredas. According to the 2001 CSA Statistical Abstract the total population of the Region was about 24 million, with 87.7% and 12.3% of the population living in rural and urban areas respectively. There are different ethnic groups in the Region

¹⁴ The methodological issues related to the selection of study areas will be further discussed in the following chapter.

that have their own language, culture, territory, history and different levels of socio-economic development.

In Oromia Region, PALTAS was conducted in the selected Kebeles of Dire and Yabello Woredas of Borana zone. Pasture and water are among the most important natural resources in Borana. Dire Woreda was selected as representative of the pastoral sub-system whereas Yabello Woreda was selected as representative of the agro-pastoral sub-system. There are 13 Kebeles in Dire Woreda and out of which 5 are pastoralists. Yabello has 23 Kebeles and only 7 are agro-pastoralists (**Afda, Gegna, Yubdo, Didyabello, Dadhim, Deroto & Eloweya**) Kebeles. While there are few differences/variations in Borana Zone, it is believed that these Woredas and the specific Kebeles selected within each Woreda, by and large, represent the whole Borana pastoral and agro-pastoral system. By the time the consultant's team visited the study areas, drought had struck the Zone and livestock herds from drought stricken areas were migrating and pushing into the less drought affected Woredas.

The Borana zone of Oromia National Regional State is characterized by physical aridity (or semi-aridity) with high surface evaporation. The land is covered with sparse vegetation composed mainly of grasses, bushes and shrubs, small trees and bare land with little surface water. Despite seasonal shortages and drought, there is a vast grazing land in Borana. Eighty to ninety percent of land in Borana zone is communally held.

The Borana are one branch of the Oromo people whose language belongs to the Cushitic sub-family of the Afro-Asiatic languages, common to most of north-eastern Africa. They inhabit parts of southern Ethiopia and northern Kenya. More than 88% of the population lives in rural areas. The socio-political organization of the Borana is dominated by moiety-clan-lineage-family structure and the Gada system, with two qullus "supreme hereditary religious leaders" at the apex. Ethnically, the population of Borana zone is predominantly Oromo composed of the Borana, Guji and Gabra ethnic groups. Towns and their surrounding areas host members of multi-ethnic groups such as the Konso, Burji, Amhara, Shewa Oromo and others.

Borana social structure provides a framework for resource use and management at two broad levels of the traditional administrative structure. These two levels are characterized as "administration from above" and "administration from within." In this respect, Borana are administered from above by the Gada and from within by clan arrangements. The Gada is the supreme administrative body in charge of the entire Borana Oromo society. Gada is an age-grade system that divides the stage of life of individuals from childhood to old age, into a series of formal steps. Transition ceremonies mark the passage from one stage to the next. Within each stage, activities and social roles are formally defined, both in terms of what is permitted and what is forbidden. The ideal length of time in one rank is eight years. In the past, the Gada system assumed military, economic, legal and arbitration responsibilities. But with the increased administrative penetration of the central government, the Gada has now lost its political significance although it still wields considerable cultural, social and economic power.

Specifically in Borana the Gada system, with two qullus "supreme hereditary religious leaders" at the apex involve a lot in matters related to conflicts and associated institutional issues. Gada sees to it that Borana land with its resources (water, pasture, forests, wildlife and earth salt) is managed and utilized in accordance with the societal laws, ada, the indispensable traditions that avail and maintain "peace" for all Borana as individuals and as a community, nagaya Borana. Violation of ada in this sense constitutes a threat to community peace and well being.

The livelihood of Borana households was traditionally based on the pursuit of sets of productive activities, among which pastoralism was predominant. Cattle were and continue to be (though now to a

lesser degree), the primary focus of the Borana pastoralism. While variations in wealth among individual Boranas have always prevailed, all households nevertheless depended equally on pastoral production, cattle in particular, for their livelihood. In recent years the lack of all-season rivers and other reliable sources of water in Borana is seen by the local people as a major resource limitation.

Agriculture is expanding and encroaching into pasture land, particularly in the dry season grazing areas. Particularly, in agro-pastoral Kebeles, mixed farming, of both livestock and crop production, is the type of major economic activity being presently exercised. Maize, sorghum, wheat, teff, barley, chickpea and lentils are cultivated. Hand tools and oxen drawn plough are used for cultivation. The use of modern inputs like fertilizers, improved seeds and pesticides is negligible. As a result, yield per hectare for most crops is very low. In addition to livestock husbandry and cultivation of land, some Borana are engaged in trade and other urban based business activities.

3.2 SNNP Regional State

The Southern Nations, Nationalities and People's Regional State (SNNPR) is a highly multi-ethnic region that consists of 13 zones and 8 special Woredas. According to the 2001 CSA Statistical Abstract the total population of the Region was about 13.3 million, with 92% and 8% of the population living in rural and urban areas, respectively. Pastoralists and agro-pastoralists live in three zones: South Omo, Bench Maji and Kaffa. There are 56 different ethnic groups in the Region, out of which 25 are pastoralists and agro-pastoralists. These ethnic groups have their own language, culture, territory, history and different levels of socio-economic development. Each ethnic group has its customary system of resource tenure and administration.

The PALTAS field work was conducted in the South Omo administrative zone, which is inhabited by no less than 17 ethnic/linguistic groups. These are: The Ari, Arbore, Bacha, Benna, Berayle, Bodi, Bume (Gnagatom), Dassenetch, Dime, Hamar, Kara, Konso, Male, Muguji, Mursi, Murule and Tsemay. This chapter deals with Benna-Tsemay and Hamar. The two Woredas selected to represent pastoralists and agro-pastoralists were Hamar and Benna-Tsemay, respectively.

The Hamar are an Omotic language speaking group that live in the southern most end of the country. They depend on livestock husbandry and farming for their livelihood. They raise cattle, goats and sheep and cultivate maize and sorghum as their staple food. Their territory is dominated by arid and semi-arid climatic conditions and covered with low grass, thorny bushes and trees. Twenty one PAs (representing 60% of the total number of Kebeles) in Hamar Woreda are agro-pastoral, 11 PAs (32%) are pastoral and 3 PAs (8%) essentially practice mixed farming¹⁵. Of 28 PAs in Benna-Tsemay, three (Goldea, Yerga/Kako, Chali) were classified as agro-pastoral and inhabited mainly by the Benna ethnic group practicing mixed agriculture. Though Woredas could have different ethnic groups, Kebeles contain people more or less belonging to one ethnic group.

In Hamar Woreda there have been no rains over the past three years. The normal rainy season is from mid-February up to the end of April and from September to October. According to the Woreda officials there are three extremely dry Kebeles (Minogalte, Assile and Wongi Baino) which mostly do not get a drop of rain per year. The crops commonly grown in Hamar are sorghum and maize. Cattle and sheep fattening is not practiced in Hamar. FGD participants at Turmi indicated that land is communal but productive land is scarce in Hamar. There are three Balabats (similar to tribe leaders in other areas). There are also Donzas, elders who are lower in status than Balabats who hold the apex power of the land tenure system of the Hamar. As it was observed during the field visit there are no significant permanent rivers

¹⁵ According to the Gibe 3 dam and hydropower plant environmental assessment

in Hamar Woreda and often as water source they rely on Keski, wet season river with the flood coming from the high land during rainy season, and serve as a source of chirosh (water collected under the sand during the dry season). According to the information from FGD most water wells, for example around Turmi areas with a hand pump are not functioning due to lack of maintenance service.

The Hamar socio-political organization is based mainly on a clan system. There are 13 clans, which strictly observe clan exogamy in marriages. There are 3 bitaa (balabats) in Hamar who are the leaders of the whole group. The balabat structure extends hierarchically to the grass-roots level. At Kebele level there are the donza (elders) to decide on important issues. The balabat never intervene in minor issues but rather leave them to the elders. The authority of the elders is accorded by age. The more the person is older, the more power is given to him. Seniority is the basis of authority and when combined with manhood it is power. Land is given (e.g. to investors) with the knowledge and consultation of the donza. Pastureland cannot be used for any other purpose without their knowledge and permission. They are powerful and involved in the day-to-day activities of their communities.

In Bena-Tsemay there are 28 Kebeles. Fifteen Kebeles are inhabited by Bena people and the Kebeles are classified as wet areas, while 13 Kebeles are inhabited by Tsemay people and are classified as dry areas. Out of 15 Bena Kebeles four are agro-pastoral Kebeles. The Benna-Tsemay territory is located at the southern end of the Great Rift Valley extension. It is a semi-arid area with a mean annual temperature of 25°C. The altitude ranges between 530 and 2,000 meters above sea level. The rainfall pattern is bimodal, erratic and the area is estimated to receive about 600 mm of rain per annum. Most of the Benna-Tsemay territory is lowland, which is covered with low grass, thorny bushes and trees. The language of the ethnic group belongs to the east Cushitic language speaking category. The Benna-Tsemay population was, and still is, dependent on agriculture: production of different varieties of sorghum and maize as staple food crops, animal husbandry, honey production and the collection of wild food, incense and other gathered items that are sold at local markets.

3.3 Gambella Regional State

Gambella National Regional State is located in the south-western part of Ethiopia. Agro-ecologically, the region is pre-dominantly lowland (kola) with a few mid-altitude (Woyna-dega) areas. According to the 2001 CSA Statistical Abstract the total population of the region was about 0.2 million, with 82% and 18% living in rural and urban areas, respectively. The region is endowed with several big rivers like Baro, Alwero, Gilo and Akobo. The region's has annual rainfall ranges between 900 and 2,100 mm and temperatures ranges from 17.3-33°C. Recession riverside agriculture is common where maize and sorghum are widely cultivated. As the region is generally not self-sufficient in grain production, agro-pastoralism and fishing are important sources of food and alternative income. Wild food consumption is part of the daily dietary intake given the still partly untouched bush land and natural forest resources.

The population of Gambella has diverse ethnic groups with a mix of rural livelihood systems: Nuers are identified as agro-pastoralists while Agnwak, Mezengir and other settlers are cultivators. The other major ethnic groups inhabiting include the Anyuua, Nuer, Maganger, Komo and Opo and people from the highlands (Amhara, Oromo, Tigray and people from SNNPR). The fieldwork of PALTAS was conducted in Jikawo Woreda in the Nuer Zone, The FGD and discussion with key informants from Zone and Woreda level were done at Nynyang, the capital of the zone as well as Jikawo. Jikawo has 21 Kebeles and its residents are the Nuer pastoralists. Nynyang is 7-14 km away from Baro River and there is serious drinking water problem for the people.

The Nuer live along the Ethio-Sudanese border in Akobo, Jikawo and parts of Itang Woredas. They are the majority group representing 40% of the region's population. The Nuer language is a Nilo-Saharan

language of the Western Nilotic group. The Nuer socio-political organization could be categorized as a confederation of independent and autonomous sections (clans), which consist of further sub/clans (lineages), descended through the male line from a single ancestor. Those clans/lineages are significant in the control and distribution of resources, and tend to coalesce with the territorial sections. There is no overall political authority in the Nuer traditional political structure.

The Nuer are agro-pastoralists balancing subsistence agriculture with cattle herding. They keep large herds of cattle, sheep and goats, as well as fish and hunt. However, a Nuer man's dearest possession is his cattle. Life depends predominantly on cattle and a Nuer will risk his life to defend them or to raid his neighbor's cattle. Social status and prestige is measured by the number and quality of the cattle a man owns. They do also practice farming, the main crops they produce being sorghum and maize.

The Nuers' living pattern changes according to the seasons of the year. In the rainy season (from June-November), the rivers overflow their banks and flood wide expanses of the plains. During this time the Nuer live in their permanent villages on the upland areas grazing their livestock and planting some maize and sorghum. In the dry season, starting from November, they move towards the Baro and Gillo river banks to graze their livestock and to grow maize, sorghum, groundnuts, beans and other crops on recede land. From December to May they establish some distance away as the herds move around to take advantage of pastures along the rivers. Between May and June the herds are moved back to the permanent village on the upland areas.

3.4 Afar Regional State

The Afar Regional State is located in the North Eastern part of the country. Desert and semi-desert agro-ecological zones generally characterize the Afar Region. Most of the land area of Afar Regional State can be classified as desert (nearly 65%); 7% is considered cultivable, 1.6% already cultivated, and 25.7% is natural pastureland. According to the 2001 CSA Statistical Abstract the total population of Afar Region was about 1.3 million, with 92% and 8% of the population living in rural and urban areas, respectively. It is one of the hottest areas in Ethiopia, with temperature ranging between 25°C and 46°C. Altitude ranges from 125 meters below sea level around the Dallol depression to 1,000 meters above sea level in the south and south eastern parts of the Region. Annual rainfall is between 220 mm and 520 mm and its pattern is usually bi-modal, the main rainy season (karima) running from July to August, and the short rainy season (sagum) from March to April. The Region's dry seasons are (gilaal), a cool period that runs from September to March and (hagi), the hot dry spell that extends from May to June. The major sources of water are perennial rivers – Awash, Awra, Weam and Borkena, and seasonal rivers such as Uwa, Burka and Weranso. There are also many small streams, which come down from the eastern escarpment of the central plateau. The region in general is drought prone and the occurrence of recurrent drought results in heavy losses of livestock, the important economic source and livelihood sector of the Afar community.

The Afar are Cushitic speaking pastoral and agro-pastoral people who inhabit the Middle Awash Valley, the Lower Awash and part of the Upper Awash Valley. They are traditionally classified into two distinct descent groups: the Asaimara (red) and Adaimara (white). The former are considered a nobility group, while the latter are said to form the class of the commoners. These groups are further divided into a number of “tribes” and clans. Each tribal territory contains segments from a large number of named clans. The Afar socio-political organization is therefore based on the principle of kinship and territorial organization. The two organizing principles cut across each other. There is no congruence between tribal territory and kinship groups, in most cases. A local community lives in a cluster of 8 – 10 huts in one place. Such communities can also be grouped into larger settlements. Settlement patterns usually follow water points mostly along perennial and seasonal rivers.

There are about one hundred clans in Afar, which are divided into language groups, extended families and households. Each clan has its own leader, whose authority is hereditary following the male line. Clan leaders, with elected judicial and executive committee members from each lineage, are responsible for the administration of their clan's affairs. The main duties of this body include acting as middlemen between the clan and the government at the local level, acting as judges and settling disputes. All important decisions are made by a general assembly of the elders of the territory.

The Afar derive their livelihood from pastoralism, agro-pastoralism, small-scale trade, handicraft work and from wage employment. The PALTAS fieldwork was conducted in Zone one Ayisaita Woreda representing the agro-pastoral community and in Zone four Gulina Woreda representing the pastoral community. In Assiyita Woreda there are 13 Kebeles (two urban and eleven rural Kebeles). There are no communal enclosures, but there are Kebeles (Handeg, Galifage, Rumito, Thaile, Gelalo and Korodora) with wide area of grazing lands.

In the Woredas which are predominantly pastoral, the population relies on a system where extensive livestock production is the principal means of subsistence. The pastoralists practice transhumance between the dry-season pastures within the flood plains of the Awash River and the wet season pastures on the higher grounds outside the farther away from the river side. The practice involves both short-range mobility and long distance migration. Mobility involves the division of the stock into the dry herd (that should be moved some distance from the home base) and the lactating herd (that would remain at the home base areas around the perennial rivers). Livestock owned by the Afar include: camel, cattle, goats, sheep and donkeys. While grazing land is communally owned, animals can be individually held by men, women and children (see Gender chapter). They are sources of food and cash, and are also important in establishing social relations, which provide security, flexibility and mutual support aid essential for pastoral life. The number of livestock owned also determines the individual's status and prestige.

In the Afar region, agro-pastoralism is practiced only in a few areas where irrigation water source is available and it is mostly done along the course of the Awash River. The major cereals produced in the region are: maize, sorghum and teff. Pulses such as chickpeas and oil seeds are also grown in limited areas. In some pocket areas of Afar where livestock-crop mixed farming is practiced, oxen are used as draught animals while dung is used as crop manure. Mostly in these cases, it is rather the traditional settled farming population from the highlands or investors from outside the region than the Afar themselves that engage in crop cultivation.

3.5 Somali Regional State

The Somali National Regional State (SNRS) is located in the eastern part of the country. According to the 2001 CSA Statistical Abstract the total population of the region was about 3.9 million, with 84.2% and 15.8% of the population living in rural and urban areas, respectively. It is found in the arid and semi-arid agro-ecological climatic zone. The climate is hot for most of the year, temperature ranges between 20°C and 45°C. The region is criss-crossed by rivers such as the Wabi Shebelle, Genale, Web and Dawa. Rangeland belongs to all Somali. In principle, individual and clan rights are maintained over arable land, but rangeland is supposed to be communally used, but in recent years the rangelands have started to be reserved for individual, clan or lineage groups.

The Somali are Cushitic speaking pastoral and agro-pastoral people occupying an area bordering the Republic of Somalia and Djibouti to the East. The socio-political organization of the Somali is based on the principles of kinship (clanship) and contracts. At the top of the Somali kinship structure there is a clan

family, followed by clans. The clan has territorial limits and is usually headed by a clan head (sultan), whose main function is to preside over the ad hoc council of elders. The third level is the primary lineage. It is an exogamous political unit that regulates exogamy and handles stock theft and is the most stable political unit in a shifting system of agnatic attachment. The fourth level is the dia (blood money) paying group, the basic juridical and political unit of the Somali society. Below the dia-paying group there is an extended family followed by household structures. Thus kinship with its various levels of segmentation (fission and fusion) is the main basis for social and political organization of the Somali society. Descent is agnatic, traced through the male line, and the society is patriarchal.

Elders play a pivotal role in Somali society, acting as local steering committees, with administrative and judicial functions. In a traditional council setting, elders play significant roles in controlling the relationship of their own group with other sections of the clan and with other clans, as well in regulating their own internal affairs.

For the most part, the Somali people are nomadic and semi-nomadic pastoralists, depending directly on animals or animal by-products for their livelihood. Somali pastoralists keep camels, cattle, sheep and goats. The focus of Somali nomadic material life is the camel. During drought and famine, camels outlive less hardy livestock, providing milk, meat and transport to avoid starvation. Besides livestock production, there is a small section of the Somali population that is engaged in cultivation, trade, handicraft work, wage employment and other miscellaneous activities. Areas around permanent villages are allocated for cultivation by farmers using ox-drawn ploughs. Family labor or traditional self-help groups do the bulk of the work. Each farmer ploughs between 0.5 and 1 hectare on average, and the major crops planted are maize and sorghum. Chat farming has also played a role in some areas as the main cash crop. Bush fences to protect plots from animals trespassing generally enclose the farmlands. At the same time these enclosures signify private ownership of the land.

Jijiga Woreda, which was the area selected for the PALTAS fieldwork, has both pastoral and agro-pastoral Kebeles. The Shebele and Ela-Hamar sites were selected to represent pastoral and agro-pastoral communities, respectively. Jijiga Woreda has 56 Kebeles (12 Kebeles pure pastoralist, 36 Kebeles agro-pastoralist and 8 Kebeles farming) with a total land size of 110727 ha (57,773 ha farmland, 29,956 ha pastureland, 8,749 ha forest, 1,506 valleys and gorges and 4,422 ha other). The rainy season is March to May and July to mid-September, The mean annual rainfall is 525 mm ranging from 400-700 mm; altitude ranges from 1500-1650 meters above sea level. The temperature varies between 18 and 35°C . The livestock population of Jijiga Woreda constitutes cattle (139882), sheep (375,970), goats(156,627), camels (8,403) and equines(12116). Crops commonly grown are include maize, sorghum, wheat, barley; chat is the major cash crop.). Forage species under trial in the Woreda include: pigeon pea, cowpea and alfalfa. Improved crop varieties and fertilizer were introduced before a decade, but crop yields in the area remain low due to moisture stress.

4. Documentation Review

Selected documents from national and international sources were reviewed and the relevant issues are presented below. The reviewed documents are organized in thematic areas reflecting past situations and conditions, specifically Ethiopian Governments interventions in PAP areas; policy and legislation on Ethiopia's land tenure systems and specifically their content in terms of addressing the interests of pastoralists and agro-pastoralists¹⁶; as well as the international experiences, focusing on African cases. The literature on gender and minorities is presented in chapter nine to help explain the context in which the assessments and findings of this aspect are made.

4.1 Governments' Interventions and Transformation in PAP areas

Complaints of past forced land expropriation in the Awash Valley and elsewhere were reported in the various papers edited by Sue Edwards and Tafesse Mesfin (1996)¹⁷. In this document Ali Mireh Helem pointed out that in the Afar Region, the past political institutions¹⁸ were not geared towards regulating access to resources, but towards social and territorial control and resolution of conflict. Projects throughout the middle and lower Awash Valley starting from the imperial era, the setting up of programs such as the North East Rangelands Development project disrupted the traditional land use patterns of the pastoralist Afar. In the same document Tamene Yigezu writing on the Borana noted that there was little coordination between government development institutions and international donor agencies working in similar geographical area. This had resulted in the duplication of development efforts. Richard Hogg also summarized the past governments policy by saying that for the most part the policy orientation was a project approach to development with little local participation in either defining the objectives of the project or its methods of implementation, with heavy emphasis on technical solutions, on infrastructural development and virtually no attempt to adopt a cost-recovery approach.

Past policies and interventions as well as trends of transformation in PAP areas of Ethiopia were also dealt with studies and reports of Ayalew (2002) and Dessalegn et al., (2006). Ayalew in an article published in the proceedings of the 6th annual conference of the AESE¹⁹ (2002) stated that formulations of policies pertaining to pastoral groups in Ethiopia had been based on flawed assumptions and generalizations about the primitive nature of pastoralism and pastoral land use and tenure arrangements. After a review of the development of large scale farms and the various rangeland development projects as well as the settlement schemes since the Emperor Menelik era, he concluded that successive Ethiopian governments have pursued the policies of bringing pastoral grazing lands under state domain and issued legislation to that effect with the justification that all land not held in the name of any person, natural or juridical, belong to the state. In his view such a trend has come to a change in the case of the present government since, according to him, "... The Economic Policy and Constitution of the present government have made provisions to deal with this economic marginalization of previously neglected population groups, prominent among whom are herding communities."

Dessalegn *et al.* (2006), technically revealed the challenge past national governments face in terms of handling the land use and administration of PAP areas. In chapter two of their desk study they pointed out that among the key issues in PAP areas policy formulation is the **state versus local interest**. According to them, due to various changes that have taken place in the pastoral areas of Ethiopia in the past fifty

¹⁶ In the Ethiopian context ELTAP recently commissioned desk studies by Dessalegn et.al. and Sora (see details in the bibliography section) which extensively reviewed related documents, mainly works done in Ethiopia.

¹⁷ This change is believed to have taken place after the 1993 conference on Pastoralism in Ethiopia

¹⁸ Implying the Haileselassie and Degreue regimes

¹⁹ AESE: Agricultural Economics Society of Ethiopia, for details see the bibliography section.

years and the crisis that has ensued, which is a manifestation of failures to **strike a balance between state and local interests**, furnishes a lesson on the need to revise previous practices and adopt a better approach. This may have to include, in addition to other measures, the identification, demarcation, registration, and physically and legally fixing land use zones, in which process tribal and clan grazing areas are set aside from the land to be developed for non-pastoral purposes.

Recent study under the auspices of MoARD (2004) exposed that because of natural and manmade problems pastoralists can no longer live from livestock alone. In order to mitigate this problem and to diversify income, Ethiopian pastoralists and agro-pastoralists are trying their best to embark on alternative livelihoods, diversification and intensification activities. The same observation was also made by other studies (UNOCHA – PCI 2007, Sora, 2007, Ayalew 2001, and 2007, Solomon 2006).

According to UNOCHA – PCI (2007) pastoralists are diversifying in to range of business activities such as fattening, meat and milk processing and high quality skin and hide production that add value to pastoral production, improving the livelihood of both the livestock owners and those engaged in diversified enterprises. Sora (2007) in his concluding notes to a desk study stated the pastoral and agro-pastoral systems have been torn apart due to several man-made and ecological reasons. These includes the natural and man-made degradation of pastoral resources, government policies and interventions, trends towards privatization of the range resources, agro-pastoralism, elite groups action, large-scale farming, irrigation and ranching systems. Because of crisis that have engulfed so far, Ethiopian pastoralists are very much in favor of and keen enough to adopt new ways of life provided that their traditional customary laws and practices do not break. Specifically, he argued that “...Despite the myths people conjecture about pastoralism, the doors are now open to move forward with these people along the road that leads all of us to good governance and sustainable development.” Similarly, Dessalegn et al., (2006) argued that customary rights and institutions are badly eroded in pastoral and agro-pastoral areas, that it is unrealistic to think that one can return to the golden days of the past when pastoral property regimes worked effectively, and that pastoral production itself is in severe crisis and if this point of view is accepted, then what is required is not only a “land reform” but also a reform of the livelihood system in pastoral society.

The pressure on pastoral communities to change to alternative livelihoods was also discussed by Ayalew (2007), Solomon (2006), as well as Suglue and Robert (1998). Ayalew (2007), on the basis of Karrayu area experience, stated that a growing number of once fulltime pastoral Karrayu households continued to become involved in crop production besides other forms of livelihoods activities. He noted that increase in the enclosure of land for farming and pastures privately, which is in contrast with the customary communal land use and ownership. Solomon (2006), in his review document, pastoralism and development in Ethiopia, revealed that there is a trend of wealth – class polarization, traditional wealth redistribution mechanisms while sense of cooperation and mutual assistance among pastoralists (e.g. Borana) is deteriorating. In the Somali Region, the report by Sugule and Robert (1998) had indicated that transformation in pastoralism is taking place and the process is observed through increases in water points and settlements, new land use patterns and changes in natural resource management mechanisms. The nature of these changes, according to Sugule and Robert, varies across the region. They pointed out that there has been an increase in the area of land cultivated and a consequent decrease in the area of land open to grazing for pastoralists and a recent phenomenon has been the enclosure of grazing land.

The trend in human population growth and the recurrent drought which created pastoral dropouts or reduced their living condition to a lower level was also reported two decades ago by Helland (1980). Helland described the situation in Afar region that, as the herds build up, pressure on pastureland increases and productivity per animal decreases. To maintain the herd product at the same level, an owner must then increase the number of animals in the herd, but this of course increase the pressure on pasture

and decrease productivity per animal. When the herd product drops to a level no longer sufficient to meet the subsistence needs of the household, the household must either consume its productive herd capital by slaughtering or selling animals or starve. Other alternatives are the subsidization of the household economy by others or supplementation of the herd product with income from other sources. It is important to note that in recent years the estimated PAP population in Ethiopia living in seven regions of the country is 12-15 million (MoFED, 2006).

In general, recent literature indicates that PAP areas are changing due to internal and external factors. Pastoral and agro-pastoral communities are confronted to improve their standard of living by intensification and diversification measures. In this regard Dessalegn et al.(2006) suggested that the need for intensive livestock production is inevitable and the turn to intensive livestock rearing supported by year-round access to water would be a radical change because mobility is now no longer necessary, and herd size can be reduced in favor of herd quality. Fewer but better herds will more than compensate for giving up larger but poorer herds. The added advantage of smaller herds is that there will be less pressure on environmental resources. It was also reported that intensification is now being tried with varying degrees of success in West Africa though the experience suggests that without strong government support and large-scale investment in water development, soil improvement, animal health and other social services, the chances of success are very slim (International Symposium on Property Rights, Risk, and Livestock Development, 1998). On the other hand the move to intensive livestock production can reduce the challenge to embark on crop production in pastoral areas. According to the Atlas of the Ethiopian Rural Economy (2006)²⁰, most of the arid and semi-arid lowlands of Ethiopia (where pastoral systems dominate) are unsuitable for crop production because of the high risks of rainfall scarcity and variability, and of very high temperatures. The Atlas also indicates that but for some small pocket areas, lowland pastoral areas have the lowest average cropped land holdings in the country and that the large majority of farmers in these areas have strikingly smaller (less than 1 ha) and more fragmented (2 to 5 separate parcels) land holdings compared to farmers in the central highlands.

4.2 Current Policies, Strategies and Laws

In Ethiopia, at present, there are no land use and administration policies **specific to pastoral** areas. Existing Federal and regional policies are designed primarily to address LU&A issues of sedentary farming areas and are not practically applicable to pastoral systems. In the existing policies, though customary institutions role in conflict management is highly appreciated and recognized, they are not recognized adequately in matters related to land administration. Besides government land administration documents focus more on resource management than rights of users.

The general policy direction of the different governments in FDRE (Federal, Regional, Zone, Woreda, and Kebele) are guided by the policies and strategies which are stated in the Rural Development Policy and Strategies (RDPS) document (MoFED, 2003) whose main elements are outlined in the recent document entitled Plan for Accelerated and Sustained Development to End Poverty (PASDEP 2005/06-2009/10, MoFED, 2006). These include (a) improving pastoral livelihoods and asset bases via livestock marketing, veterinary, and livestock feed; water development and environment and management; improve natural resources management mechanisms, (b) Setting and improving economic and social infrastructures such as roads, education, health (c) Strengthening traditional institutions and design mechanisms for the traditional institutions and the modern state political and administrative institutions to

²⁰ Atlas of the Ethiopian Rural Economy (2006) produced by the Central Statistical Agency (CSA) of the Federal Democratic Republic of Ethiopia (FDRE), the Ethiopian Development Research Institute (EDRI), and the International Food Policy Research Institute (IFPRI).

support each other to effectively function in pastoral areas. These are expected to improve pasture and the utilization of grazing land, halt resource degradation, and increase livestock productivity.

The Federal Constitution affirms state ownership of land and all natural resources and at the same time states that “Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. The implementation shall be specified by law.” But until now, such subsidiary laws are not given and institutions not established.

The Federal rural land administration and land use proclamation (No. 456/2005), provides that among the purposes of a land use and administration law is to establish a conducive system that encourages private investors in pastoralist areas where there is tribe based communal land holding system. Here, communal holding is defined as rural land which is given by the government to local residents for common grazing, forestry and other social purposes(Article 1/12). In Article 5/3, it states that Government being the owner of the land, communal rural land holdings can be changed to individual holdings as may be necessary. In Article 7/3 it is stated that holder of rural land who is evicted for purposes of public use shall be given compensation proportional to the development he has made on the land and the property acquired or shall be given substitute land. All these are not clear in terms of pastoral and agro-pastoral areas. Certification is a requirement for all types of holders but it is not clear who the holder of a pastoral land is and how it is going to be registered.

In the same law the article on acquisition and use rights states that farmers and pastoralists, any citizen of the country who is 18 years of age or above and wants to engage in agriculture for a living, children whose parents have died and women, private investors, government and nongovernmental organizations have the right to get land. On matters of land registration (article 6/1) it is stated that the sizes of rural land under the holdings of private persons, communities, government and non-government organizations shall be measured, ... registered. That means the law provides that communal lands have to be registered but it is not clear how this works in pastoral and agro-pastoral areas. It further states (6/3), that any holder of rural land shall be given holding certificate, and as stated (in 7/3), holder of rural land who is evicted for purposes of public use shall be given compensation proportional to the development he has made on the land and the property acquired or shall be given substitute land. Again, what all these mean for pastoralists is not clearly spelt out.

Another area is adjudication upon claims of resource rights. Land adjudication is an important issue and in addition to land laws, proper responsible agent has to handle it. In the current laws and policies, use of elderly people is mentioned only as an additional element of dispute resolution on land matters. But government institutions are given the mandate to resolve disputes. But, many land disputes could not be easily resolved as the formal court system has either the necessary legal framework to deal with or has no capacity to handle them.

The Federal compensation law “Expropriation of Landholdings for Public Purposes and Payment of Compensation, Proclamation No 455/2005” is about land taken for urban expansion and for farm holdings and properties over land and **not on pasture lands**. It states that compensation means payment to be made in cash or in kind or in both to a person for his property situated on his expropriated landholding. What does it mean for pastoralists? It also states that landholder means an individual, government or private organization or any other organ which has legal personality and has lawful possession over the land to be expropriated and owns property situated thereon. More recently, lawful possessors are being defined as those who hold certificates and this is likely to introduce new difficulties to the pastoralists’ land use rights.

There are some regional laws that are designed in a similar way like the above Federal laws. The Gambella regional government had a rural land use and administration proclamation in 2005. Despite the region's particular socio-economic conditions with significant agro-pastoral economy the law is a similar copy of the Federal land administration law focusing on sedentary farming situations. The important part relevant to pastoral issues is which (Art. 13.3) states that customary laws could be applied on land use and administration of communal lands as far as they do not contradict with the government legislation.

The SNNPR, where there are sizable amount of pastoral and agro-pastoral communities, has no land administration law that specifically addresses pastoral areas. Its rural land administration and utilization proclamations (e.g. No. 110/2007) focus on sustainable use of resources, resolving problems that arise in connection with encouraging individual farmers, pastoralists and agricultural investors and on establishing a conducive system of rural land administration. The preamble of this law states that "... it has become necessary to establish a conducive system of rural land administration that promotes the conservation and management of natural resources, and encourages private investors in pastoralist areas where there is tribe based communal land holding system". In Section 2.8, it provides that pastoralists and agro-pastoralists who are given land holding certificates can rent out land for farmers or investors. However, the law stipulates conditions for farmers not pastoralists and agro-pastoralists. Again Section 2, stipulates that all lands including under communal holdings should be registered. Art 11 states that land holding certificate for communal land shall be prepared in the name of the beneficiary community and be kept at Kebele administration office. This may require explanations as to what beneficiary community includes. Regarding land allocations it provides that "privately unoccupied land as well as lands under the possession of community or government which are potential for agriculture shall be re-allocated to landless youths and peasants who have less farm land". Communal lands are in this category and it implies that they will be allocated to individuals for farming. The Investment Regulation (2004) of the region (Art 16) identifies rural lands not to be given to private investors to include: peasant holdings, government reserves and forests, historical and ritual sites and places that are to be used for public use. Here again a bias is reflected in not mentioning communal resources of pastoralist communities.

The Oromia Rural Land Administration Proclamation No 130/2007 (issued as an amendment of previous Oromia rural land use and administration proclamations) again shows the focus on resource management. In its preamble it indicates proper management and utilization of land and land resources and correcting the distortions and misinterpretation shown on irrigable land administration and management as important rationales for providing the law. The law states that the rural community has the right to access rural land for grazing, religious or ritual places, water points and other social services. Article 10, on renting of private holding states that "... any peasant, pastoralist or semi-pastoralist has the right to rent out up to half of his holding". But what is the holding of a pastoralist or semi-pastoralist? Regarding rural land certification the law states that any one (governmental or nongovernmental organization or community, etc) who has the right to use rural land shall be given a holding certificate by their name, whereas for communal lands held in the Kebele, the holding certificate shall be given by the name of the community using the land jointly. Regarding Conflict and dispute resolution it states that first application shall be submitted to Kebele administration, arbitration elders be selected by the parties but reports to Kebele, then to Woreda court. Such a secondary role of customary conflict management institutions is also the case in the SNNPR.

The Afar Regional Government's "Rural Land Use and Administration Draft Policy", is the first instance in the country that has attempted to develop a pastoral land policy. The draft policy shows that of the total land area of the region only 7% is cultivable²¹, and what has been developed is only 1.6%. From the

²¹ 7% of total land area in Afar is large and has been calculated and estimated to accommodate a large portion of the population at 0.5 ha per HH.

total area of the region about 25.7% could be used for pasture. On the other hand, about 71% of the total land area has no vegetation cover although in some rainy seasons about half of this could be used as a short term grazing area²². This just shows the nature of the land resources in the region relevant to livelihood directions. Much of the draft policy reflects official views towards customary institutions. It is of high significance to examine this policy relatively in detail compared with the afore-mentioned regions since it is the first attempt to draft a specific pastoral area land use and administration policy, which will eventually be developed through laws and regulations. The following is the summary of the draft policy.

The Afar pastoral land policy states that land is not used sustainably. Rural land ownership and administration are largely under clan leaders and despite this members of the clan have no equal rights of decision-making and use. There is no governmental institution that administers the rural land of the region in a uniform manner. Among others, mismanagement of land (forest destruction, salinity, overgrazing) has led to land degradation and expansion of weeds and bush encroachment, conflict with neighboring ethnic groups, conflicts between parks and access to grazing, scarcity of farmland and pasture has resulted.

The rationales for the policy are stated as follows:

1. The situation in which customary land administration is more dominant (while it had to go hand in hand with the legal government land administration) has become hindrance to the expansion of investment, tourism and rural development.
2. Conflicts arise on land use between pasture and farming as well as between grazing by wildlife and by livestock.
3. The weakening of the customary pasture management system resulting in inappropriate grazing practices that have led to deterioration of pasture and expansion of animal diseases.

The goal of the policy is stated as to contribute to the improvement of the lives of the people in the region by way of sustainably using, protecting, and administering rural land.

The objectives include:

- Ensure the rights of pastoralists, farm investors, and other land users.
- Prevent land-related conflicts.
- Make land used sustainably managed.
- Study the customary land use and administration system and promote those important attributes of the system.
- Cause the establishment of government land administration organization.

The draft policy document states that despite the constitutional provisions on state and peoples' ownership of land, in many areas of the region land is distributed among clans and is administered under clan leaders rendering state and peoples ownership of land change word. It then provides that rural land ownership rights belong only to the state and the people. It also states that despite constitutional and legal provisions on land use rights by different stakeholders, the fact that in the region, rural land is owned and administered by the clan leaders, has denied equal opportunity of the people to use land. Moreover, private investors negotiate with and get land from the clan leaders (not from the government) and this has been found not encouraging investment and ensuring the legal rights of investors. Moreover such a situation could not enable pastoralists, semi-pastoralists and private investors invest on land and develop it. The policy then aims at ensuring access to land to those pastoralists and semi-pastoralists in the region as well as private investors and other land users.

²² For further details refer to the Afar Regional Government, Rural Land Use and Administration Draft Policy, issued in March 19, 2000 E.C. (Text is in Amharic).

The draft policy also states that in the region the right to transfer land use rights was not clearly stipulated by law and provides that those with legal rights to use land have the right to transfer and inherit their use rights to other legal users. Also there is a need to ensure the rights of those legal land users and the government itself on land renting. The draft policy indicates that there was lack of tenure security by pastoralists and semi-pastoralists as a result of government alienation of lands without consultation with the land users, insecurity of land rights by private investors as a result of dealing with clan leaders, have discouraged land conservation practices and resulted in land degradation.

In terms of resource management the policy has mentioned that overgrazing has resulted from having so the number of cattle exceeding the carrying capacity of the grazing land, implying the need for the number of cattle to be held by a family to be restricted. It points out that at the same time there was underutilization of farm land as a result of this being under the control of clan leaders, and its exposure to bush encroachment. This has created an anomalous situation where there is scarcity of land for grazing because of the high number of animals per unit of grazing area, while land that could potentially be put to farming but was not easily available to prospective farmers because it was being controlled by a few clan leaders.

The draft policy provides for land redistribution on the basis that presently land in the region was not fairly allocated. Vast areas of farmlands were held by few individuals with women had least participation in holding land, there are underutilized farm lands that were under state farm before, conflicts over grazing land as a result of the weakening of the customary land administration system make it necessary to redistribute land.

Land registration is also said important in order to avoid misuse of land and minimize land conflicts between sub-clans within Afar, between Afar clans and other ethnic groups from other regions, between pastoralists and government land (parks) has made pasture and farmlands unused. The policy also calls for the need for land use plan

Sedentarization of pastoralists was another policy focus. It is stated that repeated drought has made pastoral way of life undependable. The need for settling pastoralists is indicated in the Federal rural development policy and strategy as well as in the pastoral development strategies. So, the draft policy states that there is a need to prepare land that could be used by irrigation and providing other facilities and services so that pastoralists could gradually lead a settled life.

Regarding land administration the draft policy states that in the Region, land administration decisions are mainly made by clan leaders and sometimes by Kebele and Woreda administrators. These bodies do not have technical knowledge of proper land use. This has led to unutilization of vast land, wastage of land as a result of lack of protection and management, salinity of irrigation areas, and discouragement of investors. It provides for the need to establish a government land administration institution.

Conflict and disputes were also mentioned. The draft policy indicated that there was no uniform system and no responsible government agency to handle conflicts and disputes. This has led to non-utilization of vast pasture and farm lands for years. Hence, the need to establish institutions starting from customary mediation by elders and government institutions. Regarding customary laws the draft policy provided that those customary laws will be studied as to their importance and as far as they are not against the draft policy, will be made legal.

From the above summary one may wonder what this draft policy tells us about the official thinking regarding land tenure in pastoral areas and the subsequent drafting and gazetting of this and other regions

pastoral land use and administration policies and laws. From the review summary above it is evident that pastoral and agro-pastoral land use and administration systems are neglected. Examination of the current policies and laws shows that pastoral areas are treated marginally while the blanket policies and legal frameworks so far issued on land use and administration do not fit them. Discussions with government officials show that they are more inclined to see pastoral livelihood as helpless and subject the natural and man-made calamities. This is also aired by community members who suffered under such vagaries of nature as drought and other pressures. But the issue is that as per the official views, customary systems are made more responsible for such resource degradation and precarious conditions of pastoralists. Particularly in the case of resource degradation, which is also the major concern of the reviewed policy documents, it seems that the official view echoes that of Hardin's "tragedy of the commons". The communal system is viewed as dysfunctional or even destructive. As a result there is lack of recognition of customary institutions. Such institutions are also viewed as obstacles to development endeavors and rivals in resource-related authority and power. According to official thinking, customary authorities, institutions do not do justice to resource management, to right holders, and to pastoral development in general. Such complain about customary systems and the officials perceived understanding of pastoral areas and communities gravitate towards sedentarization of pastoralists, tenure formalization through, particularly, registration and certification, and individualization of rights. Be it as the official policy thinking goes or not the serious questions, but in a simple setting, are those can the government afford implementing such policy ideas? Do we have resources and capacity? Pending the assessment and findings of PALTAS, international experiences and specifically African experience could provide an insight into how these and related questions have been addressed outside Ethiopia. The next section presents an attempt at such a review.

4.3 International Experiences: Africa in Focus

The Ethiopian pastoral land tenure system exhibits the characteristics of other African countries. Literature shows that most land tenure systems in Africa are communal (Cousins, 2000; Sidahmed, 1993). However, the rights to common property are not clearly defined and have weak legal status. State-community relations as related to natural resources was noted as, while the state continues to hold legally defined *de jure* ownership rights over land, rural communities and individuals exert *de facto* rights which are partly defined in terms of custom and partly defined adaptations of practices and rules to changing circumstances and shifting relations of power. There is increasing recognition of the problems created by this dualism in tenure and the need for tenure reform.

Ahmed (1999) noted that competition over natural resources has become a major issue for the pastoral populations of the African Sahel and the Horn. Land tenure policies have favored sedentary crop production and often attempt to transform migratory pastoralists into settled farmers. And that despite their significance for pastoral livestock economies, most formal tenure systems neglect common property regimes, thereby contributing to their increased vulnerability (Ahmed cited in Cousins, 2000). Still it is indicated (Cousins, 2000) that widening conflicts over common pool resources is another feature of the land tenure systems. The boundary conditions of common pool resources in Africa are often characterized by a degree of fluidity, ambiguity and negotiability. These result in propensity to generate tension and conflict. Given the socio-economic changes and incapacities of administrations, it appears that competition and resource-related conflicts are on the rise and in some regions endemic and widespread.

In terms of resource management and administration as well, African experience is important for drawing lessons. One of the key dimensions of tenure reform in Africa is recognition of the centrality of common property rights, and the difficulties that multiple and overlapping rights to land create for programs

aiming to formalize, codify or register land rights and thus overcome the legacy of dualism. Augustinus and Watson (2005) noted that conventional land administration systems in Sub-Saharan Africa do not fit customary structures of group and family rights, do not function adequately or solve land conflicts, and are not useful to most people. They have indicated that reforming land tenure and administration in Africa is a difficult task, and despite some attempts, insufficient innovative tools exist to deliver affordable security of tenure and property rights at scale for most of Africa's populations. They argue that new tools need to be developed, but these are not simple, easy to produce, or easily adapted to the diverse needs of various countries. They also argue that no single tenure option can solve all problems but policy on land tenure and property rights can best reconcile social and economic needs by encouraging a diverse range of options, adapting and expanding existing systems when possible, and introducing new ones selectively, and that is what many countries are doing.

Box 1: From Chiefs to Land Boards: The Tribal Grazing Lands Policy of Botswana

Prior to 1970, the chiefs used to regulate the granting of the rights to use any land. The land grants were given verbally in the *kgotla* (meeting place of a village or traditional groups where community affairs are conducted) and were undocumented. Since 1970 the Tribal Land Boards were established under the Tribal land act of 1968. Since then, all the powers of chiefs were transferred to the Boards. The Boards regulate the granting of land and all grants of customary rights are certified by certificates issued by the Land Board. The 11 members of the Boards include a representative of the local chief, representatives of the tribe, members appointed by the Ministry for Local Government, representatives of the District Council, representatives of the ministries of agriculture and commerce. Their functions include the allocation of land, imposing restrictions on the use of land and water, authorizing change of land use and land transfers, and resolution of land disputes.

The tribal land belongs to the people but land could be held by the Land Boards, by groups or by individuals as customary grants, or under leasehold. The land may also be allocated to the state for public purposes. Although landholders do not 'own' land, they have exclusive rights to their holdings which can be fenced to exclude others. The holders of customary rights for residential and ploughing purposes enjoy a variety of rights guaranteed by a customary land grant certificate which are exclusive and heritable. Grazing land and land not yet allocated are used communally. The land boards grant land both under customary and common law. Common law leases for non-customary land use (i.e. residential, commercial and industrial) are limited in time and subject to eventual reversion to the community. They can be registered and are mortgageable and transferable even without the consent of the Land Board.

The Botswana Land Boards had a reputation as a model of decentralized decision-making over land but their power has become increasingly compromised since the mid-1980s and there is now concern that they have undermined community management system.

Source: Summarized from Kwame Frimpong (), N.Y.Sabina (2007), and Adrian Cullis and Cathy Waston (2005).

Literature on African commons indicates one of the problems is that there is a serious misunderstanding of the commons. Hardin's Tragedy of the Commons thesis is still influential amongst African policy-makers and others. The fact that common pool resources make vital contributions to rural livelihoods and thus to national economies is generally poorly understood, contributing to their low profile with policy makers and officials. Then, a common policy response has been to attempt to enforce a radical alteration in livelihood systems and land tenure e.g. through sedentarization of pastoralists or through promoting commercial ranching models of livestock production. However, the dynamism, variety and complexity of rights to common pool resources provide a major challenge for tenure reforms (Cousins 2000).

Box 2. Pastoralism and Sedentarization in Nigeria (2000)

Pastoralism has been the main system of livestock production in Nigeria. While there were recognized grazing areas and stock routes, pastoralists had no rights to the land they use for grazing. With increasing pressure from other land users (crop farmers and expanding urban settlements), and increasing levels of conflict, the pastoral

system was under growing threat. This has led to a review of policies aimed at protecting and developing grazing reserves and the allocation of land rights. In 1965 grazing reserve law was promulgated. By 1988 it was decided to allocate a minimum of ten percent of the national territory for grazing reserves. However, the policy was not fully implemented and after ten years almost all grazing reserves were encroached by crop farmers and others. One of the reasons was that the institutions set up to manage the reserves were dominated by government personnel with very poor representation of herders' interests. Encroachment by crop farmers onto grazing areas and cultivation of stock roots has become sources of conflict.

Since then, various projects have attempted to improve the security and productivity of pastoral production systems. Many of such projects attempted to provide incentives to pastoralists for permanent settlement by ways of investing in infrastructure such as water supplies and veterinary services in designated areas. Experience with these projects shows that many pastoralists have continued to prefer transhumance to sedentarization, leading to financing of a comprehensive stock route development program. The reasons for the failure to persuade pastoralists to settle in grazing reserves were: a) Exclusive zones which separate pastoralists from crop farmers ignore pastoralists' need for access to markets, and it has aggravated hostility towards pastoralists, who were perceived to be receiving preferential treatment. b) Most grazing reserves were established in poor arid zones that could not support livestock adequately leading to migration in search of pasture. c) Other grazing areas were in areas ecologically or economically unsuitable for grazing. d) Settled pastoralists did not invest much in the land because they see the land as owned by the government. e) Infrastructure was not maintained due to lack of funds.

Source: Summarized from Ben Cousins. 2000. pp. 172-173.

The African experience tells us that most land tenure systems in the continent are communal. But there is a bias towards sedentary systems and neglect of pastoral ones. Government de jure and community de facto rights create dualist system of tenure creating different systems on the same resources. Despite many attempts, tenure reforms are found difficult. It was also learned that no single tenure arrangement (blanket changes) will solve problems but adapting and expanding the existing system and introducing new ones selectively is advisable. Nigeria's failed attempt to manage pasture through statutory orders and to settle pastoralists without due preparation and understanding of the system and Botswana's important attempt to create new pastoral land administration institutional arrangements are important lessons.

Similar to the specific Ethiopia's pastoral areas policy and legislation questions of conjecture, one may also wonder about the African experience and how to ensue with pastoral areas land policies. From the above brief review, in the African context, it is plausible to say that two important land policy development approaches have been adopted a) top-down, desk-top and bureaucratic process approach that assumes that policy and legal development could be undertaken in the usual course of administration and, b) a more participatory and consultative approach that may involve both extensive public discussions and negotiations as well as expert panels, inquiry commissions, etc. In line with the prominence of decentralization and governance ideas, the latter approach has become to be seen as preferable and many African countries have attempted to follow this approach. Starting land policy development process at the local level is said to bring about social legitimacy, commitment and cost reduction at the same time leads to community-based solutions and institutional development. A policy development approach, which is devoid of such a consultative process, is noted to be unworkable, over-expensive, and even unwanted by supposed clients (Okoth-Ogendo, 2000, Palmer, 2000). For example, in its effort to develop land policy, Tanzania has established a commission of inquiry into land matters that held very extensive public consultations for two years. The commission spent 300 days visiting almost all districts, 145 villages and 132 urban centres and held 277 public meetings, attended by some 83,000 people (Shivji, 1999). Despite differences in the content and level of local participation, Kenya, Uganda, Malawi, Mozambique, Swaziland, are among African countries that have followed such a consultative approach in their recent land policy development processes.

A variety of institutional innovations have been attempted in Africa in reforming land administration systems in communal areas. The type of land boards mentioned above in the case of Botswana has also been attempted in Namibia and Uganda. In West African countries land commissions were also established. In Niger, for instance, land commissions were composed of secretaries of rural code, and heads of many government agencies such as environment, wildlife, agriculture, as well as representatives of municipal units and rural administrative units, customary authorities, farmers, herders, women and youth, and other relevant bodies. In general, in view of land registration and administration institutions, in the new African land policies and laws, registration of communal lands has generally taken two approaches a) making villages or lineage groups the right holders, and b) ascribing particular responsibilities to a customary authority, chief, village council, council of elders, village land committees, etc. The Tanzanian villages may serve as an example to the Ethiopian rural Kebeles but it is important to see the feasibility of such set ups as Kebeles sometimes include different lineage groups or clans. The other is where a group of individuals establishes a legal entity such as cooperative or communal property associations (this may be the case in situations where customary land systems were abolished or new settlements are created).

5. Land Tenure and Institutions

5.1. Land Tenure Regimes and Resource Rights

The land tenure systems found in pastoral areas are not similar to those found in sedentary farming areas where land is individually held and land use and administration arrangements are codified in formal legislation. The hold of statutory law is weak, if not non-existent, in most pastoral systems where communally held land and natural resources are critical for the maintenance of livestock herds which form the basis of subsistence. In this system, land is accessed on the basis of clan, sub-clan and lineage group membership and social status within a framework of traditional customary rules and institutions.

Collective rights to grazing land are also maintained under agro-pastoralism and are reflected in herd composition and management strategies. Agro-pastoralism involves a greater degree of reliance on crop cultivation and land used for cropping under this system is regulated through a mix of customary and statutory tenure arrangements, usually involving customary, as well as formal government institutions. Those who care for transhumant herds under agro-pastoralism may be from the same ethnic group as agro-pastoralists and may have their farms taken care of by their agro-pastoral kin groups. Alternatively, agro-pastoralists may leave their mature herds to the care of distinct pastoral ethnic groups not involved in crop cultivation at all, but sharing strong social and economic ties with them. In both cases, agro-pastoralists who stay behind in permanent settlements usually graze/water their herds/flocks on nearby common land/water sources which often prove insufficient and practice crop cultivation where and when possible.

PALTAS shows that pastoral areas are predominantly areas where resources are held and used communally. However, resource tenures differ from one type of resource to another and even depending on different uses of the same resource and the timing of the resource use. Generally, pasture and water are communally held and utilized while farm land is held individually. But, there are pasture lands and water sources that are held individually. In areas where shifting cultivation is practiced, Hamer and Jikawo, crop fields are communally used after harvest or become part of the commons once abandoned by the individual holders for lack of fertility or other reasons. Forests, parks and dams are generally considered under government tenure. Moreover, tenure systems are changing: generally from communal to individual; customary tenure systems are being weakened resulting in difficulties in resource use and administration (e.g. pasture).

In terms of resource rights as well, the study showed that there are different rights over different resources by different groups and at times the rights vary depending on particular situations. For communally held resources, right to use is generally clan/sub-clan based, but under normal circumstances access is also allowed to non-clan members. However in times of scarcity and conflict access could be restricted and/or priorities are set. For individually held resources, individuals have exclusive rights and rights are transferable to family members. There are trends towards individualization of land and water bringing tension among resource users and resource uses. Expansion of farming and water points is evident. Rights of access by government, investors, and others outside the communities are acquired through different means at different places (e.g. investment in Afar and Somali) and are issues both in terms of protecting the rights of the pastoralists and the other land users. The following table shows the perception of respondents of survey questionnaire of the study.

Table 5.1. Individuals' Perceived Rights Over Resources (%)

Rights	Resources (N=278)			
	Farmland	Pasture	Water	Forest
Ownership	22.8	22.7	20	18.2
Use	24.5	35.4	51.3	46.8
Transfer				
Inheritance	18.5	13.4	5.9	4
Lease	10.4	7.4	22	13
Sale	8.3	7.7	5.5	4.7

The table shows that many of the respondents do not feel that they hold such important rights. But among the rights asked use rights have strongest points while among resources farmland seems to provide more rights to individuals. It shows that respondents feel that they have more rights of ownership, inheritance and use over farmlands. This could be the case as farm plots are more under individual holding, control and rights are transferable to family members.

Table 5.2. Ways of Getting Rights (%)

Ways	Resources (N=278)			
	Farmland	Pasture	Water	Forest
Group membership	34.2	43.8	39.7	44.2
Inheritance	29.3	23.2	15	15.7
Marriage	11.9	11	8.4	9
Government	5.3	5.1	7.5	6.7
Personal action	5.3	6.2	8.4	3.7

Respondents of the survey questionnaire were also asked how they got such rights over resources. As Table 5.2 shows, membership to a given group/clan etc is the most important source of rights showing a more communal nature of tenure arrangements. This is also across resources again indicating that such membership to a given social group is more important than family membership or personal actions. The second most important means of rights acquisition over farmland is inheritable. It clearly shows that, unlike the sedentary farming areas where government is an important source of acquiring land rights through its land allocation practices, in pastoralist areas government is found at the lowest level of the ranking as a source of resource rights²³.

Clan/sub-clan/tribal, etc. relations are important in determining access rights. Clans and sub-clans have territories with identifiable boundaries as claimed by the customary leaders and community members. These territorial boundaries are important for claims on rights to resources by the clan or sub-clan members particularly in a situation of conflict and scarcity. Otherwise, under normal circumstances, boundaries seem not clearly delineated. Needy pastoralists could have access to resources that are located in the territory of other clans, or ethnic groups. Pasture and water could be accessed even outside the national territorial boundaries but generally in areas of the same clan. This is the general rule but reciprocity is also there in having access to such resources at other times. In many cases, permission is sought from the host clans. In areas like Afar and Somali, where communities belonging to the same clan or sub-clan will be found scattered across a vast territory, people prefer to migrate in search of resources to those areas where the communities of the same clan or sub-clan are living. This shows permeability and vagueness of boundaries.

²³ In the light of this, the practicality of the Afar State government taking away the responsibility of land administration in this regard would need to be examined further

Under abnormal circumstances (e.g. severe resource shortage as a result of drought, or conflicts between clans and sub-clans), access to resources will be limited to clan or sub-clan members only or at least priority will be given to these groups. In such a situation, security risks may even prevent access to resources in one's own territory. Buffer zones are created in intense conflict areas and at times resources are not utilized by either of the contending groups. Conflicts become graver when claims are made of territories (as defined earlier) in comparison to situations where temporary use of resources for grazing and watering for a given period are involved.

In respect of farmlands, holdings are more lineage or family-based, individual, transferable and controlled. Exclusion is practiced. Generally, cultivation takes place around fertile and irrigable or flood recession areas near the banks of big rivers like the Omo, Baro, and Awash. These are scarce and valuable resources in the pastoral areas of the study. People cultivate such lands either on a permanent or semi-permanent/opportunistic basis but under the present circumstances such a chance is not available to pastoralists who live far away from such river banks. Although in theory members of traditionally farming communities or groups should have access to such lands, the land tenure situation has evolved to such an extent that shortage of farmland has created landless groups and individuals in specific areas or communities. For instance, in Jikawo Woreda, Gambella region, officials estimated that about 25 % of the households do not have access to farmlands around Baro River. The same trends are reported in the irrigation areas of Awash and Wabe Shebelle river basins in Afar and Somali regions, respectively. Such prime lands of high agricultural potential are real sources of concern. Tensions among resource users (for farm and pasture), equity among the communities (as exclusion based on clan/sub-clan membership is common), as well as the increasing demands on such resources by different interest groups like private investors and government are leading to tensions and conflicts.

In the survey questionnaires, questions were included about trends of individualization of resources. Table 5.3 shows that about two-third and four-fifth of the respondents replied that they have interest in increasing their private pasture and farmland. This is an indication of tenure change but as to why such interests developed may require further study.

Table 5.3. Interest in Increasing Individual Holdings of Pasture and Farmland (%), N=278

<i>Resource</i>	<i>Yes</i>	<i>No</i>
Pasture land	68.7	27.7
Farmland	75.5	20.5

Respondents were also asked about their observations in the general trends of such individualization of resources. Table 5.4 shows that about half and about two-third of the respondents indicated that there is such increasing trends of individual pasture and farmland, respectively.

Table 5.4. Opinions about Increasing Trends of Individual Pasture and Farmland Holdings (%), N=278

<i>Resource</i>	<i>Yes</i>	<i>No</i>
Pasture	52.2	45.3
Farmland	65.8	31.3

Tenure arrangements and access to water are also important areas of concern. Water is a scarce and very important resource for pastoral areas. Like land, water is under different tenure regimes. River and other big natural water sources are under loose (access to river water is controlled based on landholdings on the

banks of the river than the water itself) in the communal holdings while individual and group water points are under individual tenure. Except in abnormal situations (e.g. time of conflicts), river water is open to users irrespective of where they come from. But other sources of water, such as wells, *birkas*, *ellas*, artificial ponds, etc. are less accessible to individuals outside the group that claim the water. Some of these water sources could be initially created by sub-clans (such as *ellas* in Borana), while still other sources, like shallow wells and *birkas* in the case of Somali region could be privately constructed. In such cases, and depending on the degree of scarcity, only members of the sub-clan or the individual owners will have access to such waters. In cases like Somali, sale of water from individual *birkas* is practiced. But, when there is no severe scarcity, non-members to the owning groups may be allowed to water their animals.

Access to water is related to access to pasture. During dry season or drought, livestock concentration around water sources (like Omo river in the south and Awash in Afar) means pressure on the pasture around. Unclear. Rephrase. Therefore, such permanence invites conflict among water users. In addition, problems of access to water could be created as a result of interventions by other bodies for development activities. The Nuer people in Jikawo complained that the Alwero dam in Abobo Woreda has created water scarcity and affected fishing activities. In the community discussions, people complained that they were not consulted regarding the construction of the dam and it is against their interest. In Assayita Woreda, Afar region, participants of community discussions complained about the Tendaho Sugar Project activities on the Awash river as creating water scarcity for irrigating their farms, for potential decrease of alluvial soils that could come to their areas (as such soils will be contained where the dam is built), and difficulties in the cattle routes created by the irrigation canals.

Seasonality of resource access and use is also a very important aspect of the tenure systems in pastoralist areas. Pastures and farmlands are sometimes not accessible or not usable because of too much water resulting in flooding or water-logging (like the rivers overflowing their banks or flooding that covers the flat uplands in Jikawo Woreda, Gambella) and during dry season and drought in particular, pastureland could not be used because of lack of water. This brings about seasonal competition for resources and over-utilization of the same. At times, this leads to conflicts resulting in difficulties to access such resources.

Forest resources are assumed to be government holdings while bush areas are generally considered as part of community lands. The information from the field study on such resources is that the system is heading to kind of open access regime as government institutions are not managing them properly while the customary system is already dispossessed of the management and control rights. Parks and other government reserve areas are also under pressure. The increasing resource scarcity and drought, the top-down nature of their establishment, as well as unclear and loose boundaries and management and control situation have resulted in tensions and conflicts. Many of such vast tracts of land are not gazetted, community rights and benefits are not clearly established, and communities see them as resources that should be used in times of severe scarcity. Community members feel that exclusion of access to such resources during severe scarcity of pasture and water means that forests and wild animals are preferred to the lives of the livestock (and hence the pastoralists themselves).

The case of other right-holders outside the communities' vis-à-vis the members of the community themselves is also an issue here. Constitutionally and legally any citizen of the country who is 18 years of age or above and wants to engage in agriculture for a living, private investors, government and non-governmental organizations have the right to get land. Settlers and other minority groups are also in this category. The rights of such groups do not seem clear in the study areas since there are no clear and known procedures to deal with such rights. Regarding investors, it was found out that, while in other areas land is acquired through government institutions, in Afar and Somali areas it seems that clan leaders

are the ones who deal with agricultural investors' requests for land. The case of compensation rights for land alienation is not uniformly applied. In some areas like Afar and Somali, it was found out that clan leaders negotiate on behalf of their constituencies while in other areas customary institutions may not be involved in such matters. In some cases, on individually held land like farms, individuals negotiate with investors, but communally held resources seem to attract the greater focus of such requests by outsiders. In Afar and Somali regions, government officials complain about such control of resources by clan leaders and others, indicating that such a system entails difficulties in both resource management and allocation of land for development purposes. As reported in chapters 6 and 8 of this report, the government officials have experienced resistance to public and private investment due to such resource controls being in the hands of the clan leaders (e.g. the airport and high school around Jijiga), both beneficial to the community, as well as the state. Besides, the control by clan leaders in some areas has created contradictions to the principle of equal rights of members of the community to have access to and use of PAP land.

Table 5.5. Problems in Having Land Rights Realized, N=278

<i>Problems</i>	<i>%</i>
No problem	68.3
Conflicts	11.9
Corruption/nepotism	2.5
Exclusion	2.5

Table 5.5 above shows that the majority of respondents do not feel that they have problems in their land rights. However, Table 5.6 below shows that at least one-fourth of the respondents have some concerns regarding their land rights. But, among the existing problems, conflict is mentioned as most prevalent.

Table 5.6 . Most Important Land Issues, N=278

<i>Issues</i>	<i>%</i>
Population pressure on land leading to scarcity	25.2
Government may take away my land	24.1
Inter-group conflict over land	12.9
Haphazard cultivation preventing proper use of resources	7.2
Problem of inability to exclude outsiders who use the group's land	4.7

Table 5.6 indicates that there are some sources of tenure insecurity. Population pressure and government alienation are mentioned by one-fourth of respondents while conflict is mentioned by about 13 percent of them.

However, other sources of information like group discussions indicate that a more problematic right is found to be the right of control over resources. This appears in terms of claims of land by outsiders like investors and by other clan, sub-clan or ethnic groups. Sometimes there is a boundary issue and becomes an issue of political identity and is important source of conflicts. This has become a serious problem in a situation of vague, permeable and overlapping social boundaries on the one hand, and on the other, of an environment of ethnic politics and ethnic Federalism pushing for politico-geographic boundaries. Such political conflicts over geographical boundaries have been disruptive of established resource access and use systems in general²⁴.

²⁴ For more detailed explanation of the issue see chapter 6

There is then a mix of resource tenure and different access rights to different resources by different groups and at times varying depending on particular situations. The trend is that individualization of land and water is expanding within the pastoral communities themselves. In some areas, this happens at a faster rate. Resource demand also comes from different sources. Government, private investors, settlers, and other need land and water resources. When such things happen at a faster rate and at a significant scale, it adds up to the complexity of tenure regimes and rights.

5.2. Institutions for Resource Administration and Management²⁵

In the study areas, it was found that resource management and administration is predominantly under the customary system. Generally, group, clan or sub-clan based institutions administer land and other natural resources. Government agencies like Woredas and Kebeles are involved in cases of individual holdings like farm plots, parks and other government-controlled resources, investment issues and in cases of conflicts. However, there are no adequately established and capable government land administration institutions in the study areas. And no clear mandates and even recognitions given to customary institutions and no clear mandates to government organizations. There are no specific policies and guidelines that could be applied by any existing institution towards the administration of land resources. There are institutional gaps in land management and administration. Customary institutions are being weakened and government administration does not seem prepared to take up such responsibilities.

Clan or sub-clan based institutions (like Raba Gada in Borana, Donzas and Balabats in Hamer and Benna-Tsemay areas) administer land and other natural resources. They have structures that penetrate to the village level which are also responsible for resource management and conflict resolution. This is true across regions particularly for communal resources. In Somali region it was mentioned that formal courts are no more attending to land disputes and the number of unresolved cases is increasing from time to time. This has mainly resulted from the lack of an adequate legal framework and the related institutions to handle such cases.

Kebeles are involved in land administration in the case of individual holdings like farm plots. This is evident in areas where farming is rapidly expanding and particularly in pastoral areas that are relatively close to established government administration like peri-urban areas of Yabello and Mega towns in Borana . However, in traditional cultivation areas, like river banks where flood recession agriculture is practiced, traditional institutions are still administering the resources. In cases of parks, dams, reserve and other government-controlled areas, large investment interventions, and conflicts, the formal administration is largely involved. However, there are many institutions involved in such resource administration matters and it seems that there is no clarity of mandates and capacity. For instance, administration, park agencies, investment agencies, agriculture units, and others are involved.

In general, there are institutional gaps in land management and administration. Customary institutions are being weakened and government administration does not seem capable and prepared to take up such responsibilities. Resource scarcity and degradation because of increasing population pressure, drought and other reasons, internal dynamism, lack of land use and administration policies and laws, and undue government interventions, among others, seem to have weakened customary institutions. In times of

²⁵ The details of how the customary land administration institutions function in PAP differ from locality to locality and are in the literature reviews undertaken by many people. More recent important sources in the literature containing such details in different regions have already been reviewed and presented to ELTAP by: (1) Dessalegn Rahmato, Ayalew Gebre and Abebe Mulat. 2006. Land Rights among Pastoralists in Ethiopia: A Review. Prepared for Ethiopia Land Tenure and Administration Program. Land Tenure, Pastoralism and Agro-pastoralism in Ethiopia; (2) Sora Adi 2007. Management of Livestock and Range Resources and Emerging Trends in Pastoralist and Agro-pastoralist Areas of Ethiopia..

scarcity of grazing land, for instance, it is difficult to practice customary ways of resource management. In such periods of crisis, survival is more important and order will take second priority. Livelihood systems are changing. It seems that despite the fact that cultivable areas are a small proportion compared to pasture in many cases, farming is expanding, taking up grazing areas, both as a coping mechanism to a dwindling livestock economy and as a means of diversification.

The power of customary institutions is based on a high degree of authority to exact obedience and on the legitimacy to command resources. For instance, clan and sub-clan leaders used to have sanction powers including physical punishment on those who break the established rules. This has become less acceptable now and people will go and appeal to the formal government administration and get their rights protected. In Hamer, an elderly man mentioned that customary institutions could not apply their usual power of punishment without being challenged and people now also use the court system as the alternative to the clan leaders. He noted that such a situation has made it difficult to maintain customary resource management and administration systems. In many areas it was mentioned that the traditional leadership itself could not live up to expectations (for instance, corruption, favoritism, and self aggrandizement are reported). Resource scarcity or sometimes the availability of alternative supply sources has also had a deleterious effect on the power of customary institutions. For instance, the ability to ban one from accessing local pasture or watering points was an important source of power for traditional leaders. When local pasture becomes no more dependable or when additional water points are made available as a result of interventions by NGOs or government and are kept outside the direct control of the traditional leader, then power is weakened.

There are no policies and guidelines that could be applied by any existing institution towards the administration of land resources. For instance, pastoralists complain about those expanding farms amidst seasonal grazing lands or on scarce wet and fertile lands important for dry season grazing. They strongly demand instruments like land use plans in order to curb such unregulated expansion of farms at the cost of pasture. On the other hand, while those who attempt cultivation consider it as a right, customary practices seem not to accommodate such farming practices both in terms of land management and administration. As a result, many of those who are putting up farms are turning to the Kebele administrations to establish their rights to access and use land for farming. But here, there is also the problem of lack of clear policy and mandates as to who should administer the allocation and use of such resources.

Undue intervention by local administrations is considered as one of the reasons for the failure of traditional resource management and administration systems. For instance, it was mentioned that construction of water points by outside agents (government or NGO) without due consultation with the customary institutions has negatively affected the established pasture management system. Expanded water availability has encouraged pastoralists to ignore adherence to the dry and wet season grazing system and resulted in pasture deterioration in many areas. Another example is that while villages in Borana (ollas) could only be established by permission from local leaders that were in charge of resource management and administration, the authority of Kebeles to assume this authority and allocating housing sites and giving house building permits has not only subverted customary authority but also adversely affected properly instituted resource management practices such as bush burning and animal movements to dry/wet season grazing. Another example of a weakening traditional system is the exclusion of traditional resource management systems that used to protect forests; now forests are state-owned and protected by government employed forest guards, effectively being rendered outside the authority of the traditional set up. Where government protection was not that strong, the forests were destroyed, in some cases with the connivance of the very “guards” who get bribed and let individuals cut trees and sell wood and charcoal.

In addition to the above situations in which customary institutions are weakened, there are also complaints in some areas that such customary institutions are not functioning properly. For instance it is complained that they could not guarantee access and use of land resources by those rights holders and could not provide for the sustainable management of resources. In Afar, the regional government states in its draft land use and administration policy (2008) that the clan-based resource administration system in the region has rendered state and peoples ownership of land change word; has denied equal opportunity of the people to use land; has resulted in the concentration in a few hands and the consequent underutilization of farmland; has become a hindrance to the expansion of investment, tourism and rural development; and discourages investment on land by those investors and pastoralists as it does not guarantee their rights (see the Afar Region draft rural land use and administration policy, 2008). Discussions with the Somali regional government officials also revealed a similar situation whereby land belonging to the clans and administered by clans is difficult to be acquired even for public investment purposes.

5.3. Concluding Remarks

Resource tenure, rights and administration in PAP areas is complex. Suggesting careful handling, piloting, prioritizing, phasing, and gradual interventions. There are tensions between customary and statutory tenure systems (communal and individual) and between customary and modern institutions. PALTAS revealed in the present Ethiopia PAP areas resource rights are not secure as there are no clear policies, legislations, and institutions to clarify rights and administer resources (community, individual, investor, government). Current policy and legislations could not address PAP resource issues. Lack of policy, legislation, resource use plans, and institutions has led to tenure insecurity, problems of access to resources, conflicts, over/under utilization of resources, as well as resource degradation. Besides, institutional gaps coupled with other difficult situations like resource scarcity and degradation have led to conflicts and resource use and administration problems.

The study also revealed that policy makers and government officials thinking is directed towards formalization of tenure and sedentarization of pastoralists. On the other hand, customary systems could not be able to fully cope up with the dynamism taking place in pastoral and agro-pastoral areas. At present, customary institutions do not have the capacity to deal with such dynamism, they are unfamiliar with some of the changes like new forms of production and resource use by modern enterprises, their sources of power is declining with a declining authority and a rise in corruption and malpractices. It was observed that in some instances the customary institutions are exclusive in many ways like gender or ethnic/clan based, etc.

The livelihoods of pastoralists and agro-pastoralists are under stress. As the livelihoods of people in pastoral areas depends, at least in the foreseeable future, on natural resources of land, water, pasture, etc. dealing with tenure systems, rights and institutions is an imperative task. But, a careful move that takes into consideration correct understanding of the situation, capacities, resources, people's convictions and involvement and lessons from other countries will be important. As experience shows, changing tenure systems is not easy and piloting, prioritizing and phasing could be among the strategies for such interventions. African experience tells us that no single tenure option can solve all problems but policy on land tenure and property rights can best reconcile social and economic needs by encouraging a diverse range of options, adapting and expanding existing systems when possible, and introducing new ones selectively, and that is what many countries are doing.

6. Conflicts, Conflict Management and Institutions

6.1 Causes of Conflict and their Management Mechanisms

The study found out that social conflicts in accessing and using land resources are indeed widespread among pastoral and agro-pastoral communities of Ethiopia. The most commonly mentioned cause of conflict in many pastoral areas is the quest for grazing resources and water points, particularly in times of drought. Competition for these resources is aggravated as a result of rapid human and livestock population growth and climate change. Government policies or lack of (adequate) policies and government initiated development projects such as the expansion of national parks, large-scale rangeland development, ranches, big irrigated agricultural schemes and private investment also exacerbate shortage of pasture and water points, and consequently competition and hostilities among the pastoral/agro-pastoral groups grew acute and increasingly take violent forms. Moreover, pastoral mobility, which was the hallmark of success in pastoral adaptation, has been threatened and often upset recently by the diminishing resource base. The restriction of mobility has aggravated intra-and/or inter- group competition over the available meager natural resources. Conflict and civil strife are therefore common experiences among the pastoral/agro-pastoral areas of Ethiopia. There are various types of conflicts in which these communities are involved in. Some of the conflicts are local level and minor land disputes, while others are high level conflicts that entail violent confrontations.

Violent conflicts involving pastoralists have become widespread and increasingly severe throughout much of the Horn of Africa. Pastoralist communities in the region are nomadic/semi-nomadic, live primarily in arid or semi-arid areas, and depend for their livelihood on livestock – cattle, sheep, goats and camels. They rely on access to water and pasture land. Such resources are becoming scarce and under increasing pressure. They must be shared with farmers, ranchers, wildlife, as well as with the needs of the urban community. The issue of land and other natural resources is thus one where political and economic, cultural and legal struggles intertwine, where local powers and less localized power structures interact, and where political and cultural symbols of powers and authority are brought into play.

However, the Ethiopian pastoral/agro-pastoral communities have their own customary (traditional) mechanisms of conflict management. These mechanisms are part and parcel of their traditional institutions such as the gada (a complex generation-set system), councils of elders, clan and religious leaders, etc. These institutions are key actors in the process of conflict and the dynamics of their management. Yet the Ethiopian government has given little attention to these institutions until very recent times. More recently, however, the government, civil society groups and Non-Government Organizations (NGOs - both national and international) have recognized the importance of these customary institutions in conflict management and committees, organizations and conferences that included the representative of these institutions have been established/held in different parts of the country for peace making. It is believed that customary institutions can popularize peace deals, put pressure on belligerents, and mobilize popular support for the peace process. They can also play important roles in securing peace deals and in insuring that these agreements are respected. There are also formal (government) institutions that deal with conflicts in pastoral and agro-pastoral areas. This part of the report deals with conflicts, mechanisms (institutions) of conflict management and policy implications at a national level with some examples from international experiences.

6.2 Types of Conflicts

Basically, there are four major types of conflicts among the pastoral/agro-pastoral communities of Ethiopia in relation to land use rights and administration. These are:

1. Intra-ethnic conflicts (conflicts within the group itself)
2. Inter-ethnic conflicts (conflicts with neighboring groups)
3. Conflicts between the pastoralists/agro-pastoralists and government projects and institutions, and
4. Conflicts with private investors/investments

1. Causes of intra-ethnic and inter-ethnic conflicts

Intra-ethnic and inter-ethnic conflicts are relatively widespread than the other types. The conflicts arise from a variety of causes. The following table, which is based on data collected in the field summarizes the causes for the occurrence of these two types of conflicts across the study regions.

Table 6.1: Occurrence of Intra-Ethnic and Inter-Ethnic Conflicts in the Five Study Regions

	Study Regions					
I. Intra-Ethnic Conflicts						
Cause of Conflict	Borana	SNNPR	Gamb	Afar	Som	
1. Expansion of cultivation	x	x	x	x	x	5
2. Expansion of private enclosures	x	x		x		3
3. Individualization of water points	x			x	x	3
4. Clan/sub-clan territorial disputes			x	x	x	3
5. Farmland plots and boundaries		x		x		2
6. Use of grazing land		x		x		2
7. Holders/non-holders of river bank farmland			x		x	2
8. Unregulated land lease to investors				x	x	2
II. Inter-Ethnic Conflicts						
1. Use of grazing land/water	x	x	x	x	x	5
2. Ethnic territorial claims	x	x	x	x	x	5
3. Land for cultivation	x	x	x	x		4
4. Gov't sponsored resettlement		x				1
5. Population pressure	x	x	x	x	x	5
6. Cattle rustling	x	x	x			3
7. Easy access to firearms			x	x	x	3

As can be noted from the table, the most frequently occurring cause for intra-ethnic conflicts across the study areas is the expansion of cultivation into pastoral areas, followed by territorial disputes among clans and sub-clans. Intra-ethnic conflicts involve less violent confrontations. Except for the expansion of cultivation into grazing land, inter-ethnic conflicts arise from almost the same causes as for intra-ethnic conflicts but are more widespread across the study areas, and are often more violent than the latter. Detailed discussions on both types of conflicts are presented in the regional reports annexed to the report.

2. Causes of conflicts between pastoralists/agro-pastoralists and Government projects/institutions

Conflicts in this respect arise from activities related to the promotion of government initiated natural resource conservation/tourism and to the establishment of large-scale development projects. In the regions covered by the study, the major ones in the former group include the forest conservation sites in Benna, SNNPR (Mt. Chali), in Gambella and Borana, the Mago and Omo National Parks in SNNPR and the Gambella National Park. The conflict relating to the Mt. Chali forest reserve took place between some

agro-pastoralists and the forest administration. Farm plots adjacent to the forest reserve that belonged to the agro-pastoralists were taken over for the forest reserve by the Woreda administration without prior consultation with the community or the farmers themselves and were resisted by the latter who were jailed by the Woreda. The conflict was resolved with the intervention of the Zone and Regional administrations and according to information provided, there has been no incident of conflict since then. The Mago and Omo National Parks were established during the Haile Selassie regime. Regarding Mago in particular, pastoralists often trespass into the park area in search of pasture, particularly during periods of shortage and to hunt wild animals which has been the source of the conflict with the park administration. One reason for these trespasses in this specific case and similar others is that many of the parks have not been gazetted and their boundaries clearly demarcated.

In respect of government initiated development projects, the major ones identified include the cattle ranches in Borana, the Alwero-Abobo, the Gode, the Namalefan-Tendaho (sugar) irrigation projects in Gambella, Somali and Afar regions, respectively. According to information provided, conflicts relating to the Gode project have arisen in connection with access to irrigated farm land by other clans outside those with use rights to the immediate area. In regard to the Namalefan-Tendaho projects, disputes are said to have arisen in connection with benefits sharing from future development among the clans.

It was not possible to compile the total number of hectares affected in this way for the two categories of government projects mentioned above, but to show the order of magnitude of land taking by government, we present in Table 6.2 information on the areas covered by national parks and wildlife sanctuaries in three regional states from data published by the Ethiopian Wildlife Conservation Office (EWCO)²⁶.

Table 6.2: Wildlife Parks and Sanctuaries in the Rangeland Areas of Ethiopia

Region/Parks & Sanctuaries	Area (hectares)
A. AFAR	
1. Awash National Park	7,560
2. Yangudirassa National Park	47,310
3. Alaidege Wildlife Reserve	18,320
4. West Awash Wildlife Reserve	17,810
5. Gewane Wildlife Reserve	24,390
6. Mille Serdo wildlife Reserve	87,660
7. Gewane Controlled Hunting Area	59,320
8. West Awash Controlled Hunting Area	91,360
Sub total	353,730
B. SNNPR	
9. Omo National Park	40,680
10. Mago National Park	21,620
Sub total	62,300
C. GAMBELLA	
11. Gambella National Park	50,610
Sub total	50,610
TOTAL	466,640

Source: EWCO, 1993

Discussions with key informants and focus group participants have indicated that failure of governments to hold consultations or, adequate consultations, with, as well as to pay compensation or adequate compensation to the affected communities had been the real underlying reasons for the conflicts in such cases, and NOT simply the act of government to initiate/establish the projects on pastoral/agro-pastoral land *per se*. These underlying causes closely relate with government policy toward pastoral/agro-pastoral

²⁶ The areas reserved for national parks and wildlife sanctuaries are normally quite large and in aggregate likely to be relatively much larger than land occupied by the type of large-scale development projects cited (e.g. irrigation schemes).

areas (see discussion below and in even greater detail in section 7). The current government policy declares that all development project initiatives/plans in pastoral areas be always preceded by consultations with the local communities to minimize conflicts and disputes (PASDEP and RDSP; see also section 4).

3. Causes of conflicts with private investors/investment organizations

These often involve leaseholds given to private developers through investment licensed by the regional investment agencies. According to prevailing practice, large-scale commercial leases for investment projects in Afar and Somali regions have normally to be initially negotiated with the clan leaders on behalf of the clans they represent that in practice claim “ownership” of the land in the areas over which they traditionally exercise rights of use. The formal investment licenses are ultimately provided by the investment agencies. According to information obtained during the field visits, in such cases conflicts arise in the first instance from disputes about benefits allocation/sharing between and among the clan leaders and the ordinary clan members. Conflicts also arise between individual clan members and the investors when the former directly demand to be paid further compensation additional to that negotiated and agreed with the clan leaders. The perception that the most important cause of the conflicts simply relates to grazing or farm land being taken for private use (i.e. not public purpose), which normally works against the land use rights of the pastoral/agro-pastoral communities affected is not supported by the evidence on the ground, at least for the e Somali and Afar regions. This, however, largely seems to be the case for the conflicts with the private investor(s) in Borana (El Fora ranch). The private investors in Birayle cotton farm in Benna-Tsemay and Turmi Evangadi Lodge in Hamar, both in SNNPR, initially faced problems, partly due to misunderstanding of the objectives of the investment projects, but later resolved²⁷ their disputes by deciding to hold consultations and negotiations with the local communities. Consultations between Birayle farm and the local communities is said to have contributed, among other things, to developing and operating an out-grower scheme with the surrounding agro-pastoralists and farmers. It is of course unrealistic to generalize these positive outcome for all private investment activities, but the lesson to be drawn for both governments and private investors is that prior and regular consultations with the local communities do matter.

In summary, in the pastoral/agro-pastoral areas of Ethiopia conflicts over land use and administration occur at all levels - from between individuals and families to national ones. The causes and the nature of conflicts are diverse and often complex, and these have tended to become mutually reinforcing. However, for analytical reasons the causes and nature of pastoral/agro-pastoral conflicts in the study areas can be classified into three broad categories.

1. Government policies or lack of (adequate) policies (action or inaction of government)
2. Competition over the use of scarce resources
3. Competition over control of ethnic territorial/boundary claims and related identity conflicts

6.2.1. Government policies or lack of (adequate) policies

a) Inadequate land use and administration policies:

Laws (policies) enabling secure tenure and ownership of land are important in many ways to any society. However, as clearly shown in the previous sections, particularly the discussion on official policies under Section 4 above, there has been no significant progress made in coming up with appropriate pastoral

²⁷ The community took the investment project as another NGO which will provide services such as free health care, but the problem emerged when it was later realized that it was a business undertaking which would not provide such services. On the basis of the consultations, the two parties could agree to the installation of a generator to provide 24-hour electric power supply to Turmi town; nine local people are now employees of the Lodge.

oriented land tenure and land use policies that could promote and support the land use rights of pastoralists and agro-pastoralists and encourage the maintenance and efficient use of the natural resources that are currently under threat of possibly irreversible damage. It appears worthwhile to briefly reiterate what was discussed earlier to put the conflict issues in proper perspective.

The Federal laws and regulations have essentially been prepared for the sedentary farming areas and remain unclear on several key land use and administration issues affecting pastoral/agro-pastoral areas (land use rights, land registration and certification, expropriation and compensation). Under the laws, the customary institutions used by pastoral communities to allocate and administer land or to resolve land related conflicts are completely subordinated to the formal system which is mandated to resolve such conflicts.

Many of the regional policies and laws generally do no better – almost all tend to focus on the objective of sustainable natural resource use/management and the related promotion of [private] investment and not on the land use rights of their pastoral and agro-pastoral communities. Some of the laws are almost an exact copy of the Federal laws (e.g. Gambella where customary laws can only be applied as long as they do not contradict with government legislation); others, although with a large pastoral and agro-pastoral population, have no laws dealing specifically with pastoral/agro-pastoral areas, consider pastoral areas with agricultural potential as privately unoccupied land that can be allocated to farming and private investors (SNNPR); still others with unclear policies and laws as to what pastoral/agro-pastoral land holding is for the purpose of renting it out (the prevailing laws provide pastoral lands to be registered and given certificates in the name of the concerned communities), where customary institutions have to follow the formal government process before land related conflicts can be resolved (Oromiya, Afar, SNNPR). Only Afar region has drafted a policy specifically addressing pastoral/agro-pastoral areas but makes eventual sedentarization of pastoralists central to its future land use and administration; the formal institutions have primacy in land use administration and conflict resolution and those aspects of customary institutions that reinforce the formal system will be adopted.

The above policies and laws contributed in some measure to the marginalization of pastoral and agro-pastoral communities and their traditional land management institutions because they are far from being inclusive. Such marginalization increases the consequent risks of conflict (including violent conflict) in a situation where government policies and laws do not provide adequate and clear guidance on the land use rights of the primary stakeholders.

b) Increasingly violent conflicts:

Land related conflicts, particularly those that involve inter-ethnic disputes are becoming increasingly violent. Small arms, including automatic and semi-automatic weapons have become widely available and are increasingly used in pastoral/agro-pastoral areas of Ethiopia. The weapons come from a variety of sources, including conflict areas in Sudan, Somalia, and elsewhere in the Horn, as well as from unsecured official weapons stockpiles. Such arms availability has made traditional conflicts/wars more deadly, which in turn has made conflict management at government level more difficult and straining the government's capacity to provide security in pastoral/agro-pastoral areas. In addition to this, national and local police and security services have lacked the capacity to provide security to pastoral/agro-pastoral communities. This has contributed to the tendency towards self-defense and retaliation.

c) Weakening of traditional governance systems

Traditional leaders and governance systems in pastoral/agro-pastoral communities, while still important, have generally weakened, reducing the capacity of communities themselves to manage and prevent conflicts. National, regional and local authorities have contributed to this problem, through policies that

either neglect or undermine the effectiveness of the traditional governance systems (see “a” above) including allowing individual clan/community members to sidestep the customary institutions to acquire private farmland holdings. The increasing trend in individualization of land, pasture and water holdings (mandated to the formal administrations in several pastoral areas) is of itself adding to the further weakening of the authority of the customary institutions. The leadership of customary institutions has also contributed to this weakening through their abuse of the authority conferred upon them by the communities for personal advancement and gain at the expense of the communities’ collective welfare and protection, thus encouraging individuals to seek alternative mechanisms to obtain individualized land use rights. These points to the need for more constructive engagement of both parties (i.e. traditional governance systems and the formal structures) to avoid the apparent confusion, conflict and reduced use of legal and other frameworks for land use and resource management. The formal structures have recently started to engage more actively with traditional governance systems, but there is need for concerted effort from both sides to strike the right balance between their respective roles to strengthen their cooperation in matters of land tenure, land use and administration and conflict management and resolution in land related disputes.

6.2.2 Competition over the use of scarce resources

Findings from this study clearly indicate that one of the major causes of conflicts in many pastoral/agro-pastoral areas of Ethiopia is competition over the use of scarce resources such as water, pasture, farmland...etc. Resource scarcity in pastoral/agro-pastoral areas of Ethiopia is attributed to natural as well as man-made factors. The driving forces frequently involve adverse climatic conditions in combination with social, political, economic and cultural factors.

a) Drought and shortage of rainfall

Drought (including shortage of and erratic rainfall) is a natural phenomenon that exerts the single greatest impact on social and economic conditions of pastoral/agro-pastoral societies of Ethiopia. It is very pervasive phenomenon affecting basic needs such as food, water, livelihood, and creating knock-on effects throughout the local and national economies. Drought has become almost endemic in the pastoral/agro-pastoral areas of Ethiopia and return periods are now getting shorter. Drought is the main cause for the loss of assets (death of livestock), low crop production and a major cause of migration of people and livestock from their own areas to other areas in search of pasture and water, which usually causes conflicts. The problem of drought and shortage of rainfall and its connection to conflict is reported in all pastoral/agro-pastoral study areas.

b) Bush encroachment

The ecological succession in many study areas indicates that the potential of the grassland is threatened by bush encroachment. There is an increasing problem of bush encroachment in the rangelands of Borana, SNNPR, Afar and Gambella. Overall, woody vegetation has reduced grass covers. These woody plants are commonly thorny so that a few grasses growing under them are less accessible to livestock, particularly grazers such as cattle and sheep. As a result, the grazing capacity of the rangeland has been significantly reduced. According to informants, bush encroachment is the result of drought, overgrazing and the prohibition of bush burning. However, some bushes and trees provide leaves and pods for tree branches to browse in the dry seasons, which are good feed for camels and goats in particular.

c) Overpopulation and overstocking

In pastoral/agro-pastoral areas of Ethiopia, the animal and human populations are growing at increasing rate, while the pasture resource on which they depend is limited or diminishing both in terms of grazing area and range productivity. The increase in human population necessitates the increase in livestock

population in order to maintain survival. The general tendency of the pastoralists is to maximize their herd size on the communal grazing territory, in order to avert the risk associated with small herds. The belief is that owning a large herd provides a buffer stock when droughts or other calamities strike, not to mention the fact that it bestows high status on the owner. But, the increase in population and overstocking are increasing the imbalances in the pastoral/agro-pastoral systems and has already resulted in overgrazing and range degradation.

d) Settlements/resettlements

The once vast and relatively rich rangelands of the pastoralists have been progressively shrinking due to the movements of people into pastoral/agro-pastoral areas. Some of these movements are ecologically induced and spontaneous whereas others are government planned and implemented resettlement programs. For instance, the Konso and the Guji-Oromo have gradually moved into and settled on some important grazing areas of the Borana-Oromo. A significant number of the Konso population has also been settled recently on the Bodi land by the Regional Government.

The increasing density of population due to settlements/resettlements is impeding the free customary mobility of livestock and pastoral groups. This had led to competition of pastoralists for the same available resources with the settler population and sometimes among themselves. The continuous expansion of settlers into the better pasture lands and their takeover of some permanent water resources has pushed pastoralists more and more into arid zones, depriving them of their dry season fallback areas and thereby greatly increasing their vulnerability to climatic uncertainties and leading to over utilization and degradation of their range resources.

e) Expansion of cultivation and enclosures on pasture lands

Competition for farmland has been intensified since the pastoralists adopted cultivation in most cases as a way of coping with food shortages and problems resulting from adverse changes in the availability of grazing due to a variety of reasons (drought, overgrazing, increasing populations, bush encroachment...etc). In other cases, it has also been reported that people (including urban based elites) fenced large areas of formerly grazing lands to cultivate small plots of land often located in fertile areas, which was equally needed by pastoralists. Most often, enclosures took place spontaneously without permissions from traditional authorities or local administration. The introduction of crop farming both by pastoralists/agro-pastoralists themselves and others coming in from outside the system and the consequent decrease of available grazing have given rise to conflicts, intra-ethnic as well as between the pastoralists and non-pastoral groups.

In general, both natural and man-made factors, mentioned above, have the effect of reducing the size of available natural resources for pastoral way of life. As a result of development interventions many changes have taken place. These changes include the appropriation of pastoral communal resources by the state, the expansion of protected areas with increased regulations limiting livestock grazing areas, ranches ...etc. The changes are transforming traditional pastoral systems and resource use patterns and practices in a very profound way. Thus, while the loss of grazing areas to state development programs has been underway, it is evident that competitions over scarce resources and disputes/conflicts over land rights developed into violent conflicts in many pastoral/agro-pastoral areas of Ethiopia.

6.2.3 Competition over control of ethnic territories/boundaries and identity based conflicts

For pastoral/agro-pastoral societies of Ethiopia, land and natural resources are not merely sources of livelihood, but represent repositories of ancestral spirits, sites of sacred rituals (ceremonies) and historical landmarks that tie the individual (a group) to particular locations and landscapes. These are causes of conflict too. Thus the causes of conflicts and armed confrontations between the Somali and Oromo

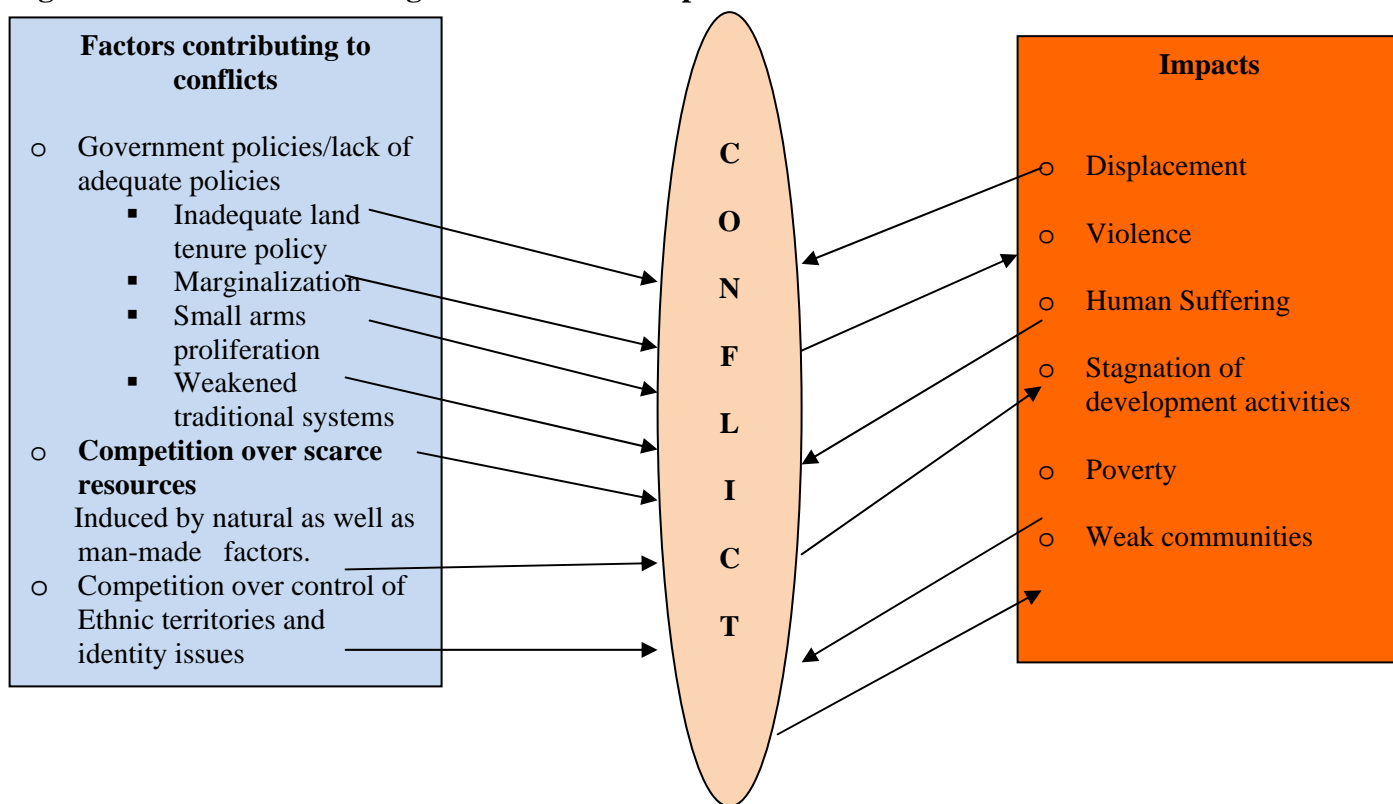
groups, between the Oromo groups themselves (i.e., between and among the Borana, Guji and Gabra), between the Afar and Isa groups, and between the Afar and Amhara groups are not only the results of competitions over the use of pasture and water resources but also over control of ethnic group boundaries (territories) and identity. The conflicts and wars between some of these groups over water and pasture have been there for decades but this gradually evolved into the question of boundary and claim of territory and identity. This type of conflict has increased both the incidence and scale of violent confrontation.

The current conflicts over the control of ethnic boundaries and identities are compounded by the new political development which divided the country's regional boundaries along ethnic lines, as first stipulated by the Ethiopia Transitional Charter (TGE, 1991:18) and later adopted by the Constitution of the Federal Democratic Republic of Ethiopia (FDRE, 1995). The new policy guarantees unconditional rights to nations, nationalities and peoples of Ethiopia and established ethnic based Regional States. The situation reinforced ethno-nationalism sentiments and introduced a new political frontier of opportunities and challenges. On the one hand, the new political direction appears as a solution to the prevailing ethnic conflicts in the country. On the other hand it appears as impediment to the sustainability of peace. It created tendencies of competition and tensions of interests, values and identities at both intra-and inter-ethnic levels over various political, economic and socio-cultural issues.

Some major **consequences** of conflicts include (also note Figure 1, on Factors-Impact linkage):

- Displacement and the concentration of human and livestock population on a limited area of land, as the land under conflict usually abandoned by conflicting groups because of insecurity. This results in the loss of valuable resources.
- Loss of human life and destruction of property.
- Disruption of the social and infrastructural services (e.g., schools, roads and markets).
- Loss of time, energy and resources for peace making. A huge amount of budget is sometimes allocated to manage conflicts.
- Obstacle in promoting and implementing sustainable development initiatives. In the absence of peace there will not be development
- Hindrance to harmonious and cooperative relationships between contending groups and become obstacle for mutual understanding and development.

Figure 2. Factors contributing to conflicts and impacts of conflicts



6.2.4. Conflict management and the roles of actors

The groups in the study areas, like many groups in the developing world, have their own traditional/customary governance institutions and mechanisms for conflict management and reducing tensions. Findings from this study indicate that traditional/customary institutions and mechanisms of conflict management are the ones that are most preferred and often used. The household survey has confirmed this (Table 6.2).

Table 6.2: Preference for Resource Related Conflict Management Mechanisms

	Somali	Gambella	SNNPR	Afar	Borana	Total
Traditional institution	79.4%	23.7%	59.7%	86.7%	90.0%	69.1%
Gov't administration	10.3%	63.2%	39.0%	13.3%	10.0%	26.3%
No reponse	10.3%	13.2%	1.3%	-	-	4.7%

Source: Field Survey, April-May 2008

Apart from the traditional institutions of conflict management, formal government/administration structures are also involved in conflict management between pastoral/agro-pastoral groups.

Several reasons account for this preference. First, these institutions are administered by elders or /clan leaders who are closer to the concerned conflicting communities/parties and know the culture, values and interests of the people more than those others who do not have close interactions with the people. Second, the conflict parties are more likely to be more open to the elders and clan leaders than to the people from the formal administrations. Third, traditional institutions are closer (in terms of physical location) to the communities and less expensive than the formal institutions.

On the other hand, although the traditional mechanisms of conflict resolution are preferred to the formal ones, they have limitations in enforcing decisions made by them (they in most cases use social sanctioning measures for this purpose). In addition to this, while they are good in dealing with conflict management, they are not good enough in preventing conflicts. Moreover, traditional conflict management institutions are more successful in handling conflicts that arise from competition for scarce resources than the ethnic territorial boundary and identity related conflicts.

In most of the study areas, the traditional and formal institutions of conflict management are working together in harmony. The formal institutions also give precedence to the traditional institutions to handle conflicts in their areas. When conflicts are beyond the capacity of the traditional institutions, the formal structures intervene to handle the problem in collaboration with the traditional institutions and NGOs. NGOs do not directly involve in conflict management, rather they facilitate forums where the contending groups meet, discuss and resolve their problems. The NGOs and the government are currently involved in organizing peace committees and *amakari shimagles* (councils of elders) to monitor and handle conflicts at various levels (i.e., at Kebele, Woreda, zone, regional and Federal levels). The councils of elders are elected/appointed and paid salaries by the government. But there is now a fear that these institutions are very much incorporated into the formal structure (government stooges) and may not be trusted by the people they are supposed to represent.

6.3 Concluding Remarks

Social conflicts in accessing and using land resources are endemic among pastoral and agro-pastoral communities of Ethiopia. On the basis of the study, four types of conflicts could be identified: intra-ethnic; inter-ethnic; conflicts involving government projects/institutions and pastoralists/agro-pastoralists; and conflicts involving private investment projects/organizations and pastoralists/agro-pastoralists.

The most commonly mentioned cause of conflict in many pastoral areas has been related to access grazing resources and water resources, particularly in times of drought. Competition for these resources has been aggravated by rapid human and livestock population growth and climate change. In the pastoral/agro-pastoral areas of Ethiopia, the animal and human populations are growing, while the pasture resources on which they depend are limited and diminishing both in terms of grazing area and range productivity. The increasing density of population due to internally induced settlements within the pastoral and agro-pastoral systems as well as government sponsored resettlements has been impeding free mobility. This has led to heightened competition for the even further reduced resources with the settled/resettled population, aggravating the causes of intra-and/or inter-group conflicts over the available meager natural resources. Besides, the ecological succession in many study areas indicates that the potential of the grassland is threatened by bush encroachment. There is an increasing problem of bush encroachment in the rangelands of Borana, SNNPR, Afar and Gambella. Most often, enclosures took place spontaneously without permissions from traditional authorities or local administration.

Documents reviewed indicated that policies pursued by successive Ethiopian governments have tended not only to neglect the needs of pastoralists but also often to run directly counter to pastoralist interests with a bias towards settled agriculture, ranchers, investors and other resource users. This has contributed to the conflict problems and to the insecurity of pastoral communities, particularly in relation to access to scarce water and pasture. In the past, government policies or lack of (adequate) policies and government initiated development projects such as the expansion of national parks, rangeland development, ranches, big irrigated agricultural schemes and private investment initiatives had exacerbated the shortage of pasture and water points, and consequently competition entailing hostilities among the pastoral/agro-pastoral groups had grown acute and increasingly taken violent forms.

Although resource access based conflicts and civil strife are the more pronounced ones in the pastoral/agro-pastoral areas of Ethiopia, conflicts arise due to pastoral land and natural resources being not merely sources of livelihood, but also repositories of ancestral spirits, sites of sacred rituals and ceremonies and historical landmarks that tie the individual or group to particular locations and landscapes. The other major cause of conflicts arises from the desire by different ethnic groups to control territorial boundaries and preserve their identity – witness the armed confrontations between the Somali and Oromo groups, between and among the Borana, Guji and Gabra within the Oromo groups themselves, between the Afar and Isa groups, and between the Afar and Amhara groups. The conflicts and wars between some of these groups over water and pasture have been there for decades but this gradually evolved into the question of boundary and claim of territory and identity. This type of conflict has increased both the incidence and scale of violent confrontation.

The Ethiopian pastoral/agro-pastoral communities have their own customary (traditional) mechanisms of conflict management. These mechanisms are part and parcel of their traditional institutions such as the *gada*, councils of elders, clan and religious leaders, and etc. These institutions are key actors in the process of conflict and the dynamics of their management. Findings from this study indicate that traditional/customary institutions and mechanisms of conflict management are the ones that are most preferred and often used. The majority (70%) of pastoralists/agro-pastoralists in Borana, SNNPR, Gambella, Afar and Somali wanted that conflicts to be managed by their own customary institutions and leaders. Traditionally, the traditional and formal institutions of conflict management have problems of working together. On the one hand many pastoral/agro-pastoral societies lack a complete understanding of formal state institutions such as courts and legal codes, mainly preferring endogenously defined concepts and procedures to manage individual and communal conflicts. On the other hand, the state endeavors to dominate other institutions that provide conflict management services in an attempt to subordinate competing norms that challenge its legitimacy. Thus the state used to suppress and undermine traditional institutions and their roles. However, since the early 1990s traditional institutions are being recognized in the names of decentralization, democracy and development within the wider context of political liberalization. Currently, traditional institutions are increasingly being recognized as official partners of the government and the NGOs and their roles are being legally bolstered. On this basis, committees, organizations and conferences that included the representatives of these institutions have been established in different parts of the country for managing and resolving conflicts including peace making.

The study also revealed that, although the traditional mechanisms of conflict resolution are preferred to formal ones, the traditional mechanisms have been shown to have limitations of enforcing decisions made by them (they in most cases use social sanctions for this purpose). In addition to this, while they are good in dealing with conflict managements, they are not good enough in preventing conflicts. Traditional conflict management institutions are more successful in handling resource scarcity based conflicts than the ethnic boundary/territory and identity-based conflicts. To solve some of these problems in the study areas, the traditional and formal institutions of conflict management are now working together in harmony. The formal institutions are giving priority to the traditional institutions to handle conflicts in their areas and assisting them in enforcing their decisions. When conflicts are beyond the capacity of the traditional institutions, the formal structures intervene to handle the problem in collaboration with traditional institutions and the NGOs. NGOs do not directly involve in conflict management, rather they facilitate forums where the contending groups meet, discuss and manage their problems. The NGOs and the government are currently involved in organizing peace committees and *amakari shimagles* (councils of elders) to monitor and handle conflicts at various levels (i.e., at Kebele, Woreda, zone, Region and Federal levels). These institutional setups seem to be adequate to manage conflicts in pastoral/agro-pastoral areas of Ethiopia and it seems that there is no need for a separate setup for conflict management in these areas currently.

7. Alternative Livelihoods and Trends in Transformation

This chapter deals with alternative livelihoods and trends of transformation in pastoral and agro-pastoral areas in line with the land rights of pastoralists and agro-pastoralists and the administrative mechanisms to enforce their rights. As stated in the ToR this component of PALTAS is included to assess whether the traditional pastoral land use and resource tenure arrangements are under gradual but steady transformation in response to exogenous and endogenous imperatives. It was also designed to assess whether there are any possibilities for pastoralists and agro-pastoralists to gradually shift away from extensive to intensive livestock production. The core supposition is that a spontaneous shift away from traditional practices is causing tension and conflict among pastoralists and agro-pastoralists while alternative livelihoods reduce the pressure on pastoral resources. For the purpose of this study, and in the discussions below, alternative livelihood means a livelihood different from, and able to serve as a substitute, complement or supplement to the existing livelihood, and it can be achieved through diversification or intensification, while transformation is a complete change, usually into something with an improved appearance or usefulness.

7.1 Diversification and Alternative Livelihoods

Agricultural experts, as well as the FGDs in Hamer, Jikawo and Yabello, revealed that pastoralists and agro-pastoralists are demanding irrigation development. Partly this is because of emerging and expanding good water based agricultural production activities in some areas. For example the flood diversion work at Yubdo Kebele, Yabello, helped agro-pastoralists to grow sugarcane, mango, avocado, papaya, onion, tomato, pepper, cabbage, etc... FGD participants expressed that the regional government initiated water supply project in Borana can reduce the problem of pastoralists and agro-pastoralists and already the effect is being felt in Dire Woreda where the Megado water scheme considerably reduce the drinking water problem for human and livestock consumption and small scale irrigation agriculture is emerging.

A recent study carried out under the auspices of MoARD (2004) revealed that pastoralists can no longer live from livestock alone. The same was also said by key informants and FGD participants. In order to mitigate this problem and to diversify income, pastoralists and agro-pastoralists are trying their best. Agro-pastoralists already moved one step ahead by cultivating crop to supplement their income from livestock production.

Results of the field survey confirmed that the major sources of household income of pastoralists and agro-pastoralists in Ethiopia according to their importance are: sale of livestock, crop sale, handicrafts, petty trade and employment. The survey result further demonstrated that preparing and selling local food and drinks is the major form of petty trade while making household materials (like *mesob*, *sefed* and *kunna*) are common handicrafts generating income in pastoralists and agro-pastoralists areas. In general, according to FGD participants and development agents, diversification of production and livelihood is increasing, in almost all study regions. The driving force for diversification is mainly population growth and unreliable rainfall. Moreover, the options of diversification are similar in all study sites except Jikawa where very little use of improved agricultural inputs, livestock fattening and trade is practiced. Of course there are petty trade and liquor selling practices by organized women groups which in the near future may come at extended scale when the new road construction is completed and the Nyngnag town grows as the head quarter of both the Zone and Woreda administration. In the area of diversification the Nuer FGD participants mentioned that they can engage in fish production if they get access to water bodies in their area by the construction of dams and irrigation schemes. In the rest charcoal burning, firewood, handicrafts, beekeeping, petty trade, poultry production, fattening, milk processing, livestock marketing, Sugar cane & sesame production, local employment, migration, trade, etc. or introduction of camel (in

Borana and South Omo Zones), opportunistic farming, fishing (Jikawa) buying vehicles (in Borana and Somali) house construction for rent by PAP (Dire, Hamer, Gulina and Asyita), labor work and being employed in government offices are becoming common practices of diversification and alternative income sources.

Agro-pastoral and pastoral dropouts are also earning income from charcoal, firewood; incense and gum, wage employment, beekeeping and trade in some of the study Woredas. The human population growth and the recurrent drought either created pastoral dropouts or reduced their living condition to a lower level. As highlighted in chapter 4, this trend was reported two decades ago by Helland (1980) who described the situation in Afar region. As Helland pointed out, the herd build up increases the pressure on pasture and decreases productivity per animal. When the herd product drops to a level no longer sufficient to meet the subsistence needs of the household, the household must either consume its productive herd capital by slaughtering or selling animals or starve. Hence, the alternatives are the subsidization of the household economy by others or supplementation of the herd product with income from other sources. PALTAS found out that pastoralists in the different study areas have taken measures which are in line with Helland's observations. Worried by the existing pastureland condition particularly doubting the sustainability of the system, and recognizing that their livelihood is endangered, pastoralists are considering the need for consultation amongst pastoral communities to decide on the maximum number of livestock to be kept per household (for example Dire Woreda in Oromia). The same is also happening in Afar (Gulina Woreda). FGD participants at Gulina revealed that the community is deliberating on issues of lowering livestock numbers, educating their children engaging in trade and in the irrigated production of cotton and maize, if the floods from Gulina River could get diverted to the fields.

Skill training in livestock by product related handicrafts production and marketing would further support the diversification of livelihood sources. There also seems to be a need to establish markets more easily accessible to pastoralists and agro pastoralists by increasing their distribution so they become nearer to the areas around which they operate.

During the field visits, the consultant's team was able to observe the major effort being made by the Government to expand the road infrastructure development in almost all the PAP areas, including even roads connecting pastoral and agro-pastoral areas with neighboring countries. This road development effort should be further extended to all areas since it is a core factor in meeting the demand for livestock products from these areas.

The forest and wild life, as well as other areas of livelihood diversification, are under threat. In almost all the areas visited the forest resource is reported to be on a decline and the same is true for the wildlife since they are closely related. The reasons for the decline of these resources (forest and wildlife) according to key informants and FGD participants are that people are cutting trees for many reasons. Primarily, pastoralists and agro-pastoralists are getting poorer due to recurrent drought and population growth and they cut trees to get income by selling charcoal, fire wood and timber. It was also mentioned that there are people who live in small towns in pastoral and agro-pastoral areas doing the business of cutting trees and selling it in the form of charcoal, firewood and timber illegally following the weakening of the traditional forest management and use practice in most pastoral and agro-pastoral areas of the country. Residents of Kalwan, capital of Gulina indicated that the growth of the town has been an important factor in the cutting of trees for timber, firewood and charcoal while recurrent drought also contributed to the problem. Generally, in both Assaiyita and Gulina Woredas the water, forest and wildlife resources are decreasing due to recurrent drought and population growth. The reduction in the wildlife population is mainly related to the destruction of the forest resource, but tradition of hunting for

adventure by the pastoralists and agro-pastoralists (e.g. Hamer and Bena) has also contributed to the loss of considerable numbers of the wildlife species in these areas.

The potential of forest and wildlife resources as complementary sources of income to pastoralists and agro-pastoralists is considerable. For example, the gum arabic that is obtained from *Acacia senegal* and *Acacia seyal* is abundant in most parts of the pastoral and agro-pastoral areas of Ethiopia. Gum arabic is used for many industrial products like confectionaries, flavors, health and dietary foodstuffs, pharmaceuticals, cosmetics and other chemical based products like inks and paints. The challenge is to have cost effective harvesting and use of the gum. Pastoralists are well suited to this task due to the local knowledge of the tree conditions over a wide area and these activities can be done in conjunction with livestock keeping. The other opportunity as a source of income diversification is honey production. Honey has a global market and it is one of the untapped resources in the pastoral and agro-pastoral areas of Ethiopia. Where there is some sort of honey production, wax which is not usually collected and marketed gets wasted. Here also, pastoralists and agro-pastoralists are best positioned to exploit this resource as a source of additional income. Although Ethiopia has been recognized as a potentially important source of medicinal plants, these resources have not yet been developed and exploited in Ethiopia. This again can provide important supplementary income to pastoralists and agro-pastoralists.

Tourism has also become a major source of alternative livelihood in most PAP areas of Ethiopia. Wildlife tourism (commonly handled by parks), cultural tourism (like the Hamer Evangadi dancing) and aesthetic landscape value (not yet exploited) are emerging as areas of additional/alternative income sources in the pastoral and agro-pastoral areas of Ethiopia. Wildlife in Ethiopia mainly utilize and rely on pastoral lands as an integral part of their existence. The value that can be assigned to pastoralists and agro-pastoralists in the context of wildlife tourism is high. These areas of potential sources of alternative or supplementary livelihood need the attention of the government and other relevant stakeholders in support of their development, protection and use for and by the pastoralists and agro-pastoralists of Ethiopia. Overall, the benefits the pastoral communities are getting from the few tourist based activities in PAP areas are still meager compared to the potential, and local administrations should therefore support these activities through awareness creation and benefit sharing schemes.

7.2 Intensification

Intensification is usually designed to increase productivity through the expenditure of more capital and labor rather than by increase in area and scope. The shift from extensive to intensive livestock production has emerged in those study areas which are predominantly agro-pastoral. At the moment, intensification of agricultural production seems more remote in pastoral areas.

In agro-pastoral areas, for example at Yabello, peri-urban livestock fattening activities are expanding, though there is still a lot to be done in the area of improved breeding, feeding practices, pasture management, water point development, veterinary services, development of markets, as well as financial, health and education services. Intensification of livestock production is also taking place in Assaiyita Woreda (e.g. fattening, crop residue feeding, developing improved forages, growing short season variety maize). Around Dimeka, capital of Hamer Woreda, intensification of livestock production (fattening) is also taking place. In Bena-Tsemay Woreda, the shift from extensive to intensive production seems to be also taking place. In this Woreda, the discussions with focus group and key informants indicated that fattening of small ruminants (sheep) is being taken up, while selection from local types for the purposes of breeding improved animals is a common practice. Crop residues are also used for livestock feeding and liquid milk marketing is common among the Bena people. In 2007, the Woreda Office of Agriculture and Rural Development in Bena-Tsemay distributed 100 modern beehives while an additional 600 will be distributed in the current budget year. The shift from extensive to intensive livestock production is

similarly visible in Jijiga Woreda's El-Amer (fattening, crop residue feeding) -- the Kebele designated as agro-pastoral -- while such activities are not common in the pastoral Shebele area.

In Afar region, there is an ongoing effort by a local NGO (the Afar Pastoral Development Association or APDA) to introduce mobile health and education services, which we believe could contribute to the enhancement of livelihoods through improved community and individual initiatives to undertake alternative or supplementary income generating activities. No other notable effort of a similar kind was mentioned or observed in the pastoral areas of Ethiopia regarding mobile financial, education or health services.

FGD participants and key informants indicated that it is possible to shift from extensive to intensive livestock production if grassroots level development interventions are designed with the full participation of the local pastoral and agro-pastoral communities. For example, selection from indigenous breeds can enhance the productivity of livestock in PAP areas. However, although the possibility has been demonstrated, the selection and breeding of the locally types, such as the black head Ogadeni sheep and Boran cattle, such a selection process for breeds adapted to arid and a semi-arid areas is not a strategy that could be expected to yield results in the short run. It is time consuming and resource intensive otherwise and cannot respond to the short-term needs for intensification and the adoption of alternative livelihood activities by pastoralists and agro-pastoralists.

Agro-pastoral areas are also increasingly demanding for improved seeds and other crop farm inputs. FGD participants at Bena-Tsemay Woreda expressed their need for short season varieties of crop seed., In this respect, the Hamer Woreda Pastoralist Development Office is currently conducting improved forage (Rhodes grass, Buffel grass, Alfafa, pigeon pea) adaptation trials on its demonstration fields. On the crop production side, efforts to engage Hamer pastoralists in sesame production with selected 40 model farmers are currently being carried out, while at the same time the production of groundnuts, tomato, pepper, and soybean are being initiated. Enclosures have also been established in every Kebele, with support provided from the Woreda safety net program, to rehabilitate over-utilized grazing areas from which pasture is planned to be used by the local community for a cut and carry feeding system. Because of the rising demand of agro-pastoralists, the Yabello Agricultural Research Center is trying to come up with short season varieties of maize, haricot beans, triticale, and adapted horticultural crops like tomato, onion and pepper. The animal production research section of the center is also working on the improvement of meat goats, apiculture, the conservation of Boran cattle genetic material for future restocking, and the rehabilitation of the range lands as well. FGD participants at Jikaw have indicated that agricultural intensification is not developed in the area because of weak extension support given to the community despite the many opportunities that seem to be available for diversification but remain untapped.

Results of the survey support the aforementioned findings from FGDs and key informants. About 92% of the interviewed pastoralists and agro-pastoralists showed interest in having improved livestock to increase their dairy production. They believe that improved breeds reproduce faster and are more productive and will result in generating more income from the sale of live animals and livestock products. Similarly, about 90% of the interviewees expressed their willingness to learn about improved livestock production (Table 7.1).

Table 7.1: Interest of pastoralists and agro-pastoralists to engage in intensification

Interest	Yes		No		No response		Remarks
	N	%	N	%	N	%	
To have improved livestock breeds	255	91.7	11	4	12	4.3	
To learn about improved livestock production	250	89.9	14	5	14	5	
To use improved seeds and fertilizers	224	80.6	40	14.4	14	5	Provided they get access to water/irrigation
To learn about improved crop production	233	83.8	31	11.2	14	5	

Asked about their interest to use improved seeds and fertilizers, 81% of the interviewees responded yes. The respondents are certainly aware of the conditions where not to use fertilizer -- about the same percentage (not shown in the table above) explained that experience has shown them that using fertilizers under moisture stress conditions is not useful. They said that they will use fertilizers with improved seeds provided they get access to reliable irrigation water sources for their farms. Moreover, 84% expressed their interest to learn about improved crop production. In general, in all the areas visited during this field study, the concern of pastoralists and agro-pastoralists who wish to engage in intensification is access to reliable water source, pointing to the need for water development to facilitate intensification in PAP areas. This findings stand in contrast to previous unconfirmed views and opinions that pastoralists are not interested in intensification.

Regarding improved feeding practice and pasture management pastoralists and agro-pastoralists complain about the poor extension service regarding livestock feed resource development and the recurrent drought that depletes those already available. On the other hand, the veterinary services played an important role in controlling devastating diseases like Rinderpest and pastoralists and agro-pastoralists attribute the increase in the number of their livestock to the vaccination campaigns the government has undertaken in the PAP areas. Notwithstanding this, they still demand for more efficient animal health services, particularly curative services, which are important for successful intensification of livestock production, but are often constrained by shortages of veterinary drugs.

Key informants and FGD participants emphasized that, among the necessary conditions for the adoption of intensification as one avenue for promoting alternative livelihoods in PAP areas, water for livestock and irrigation is a particularly critical input in the moisture stressed PAP areas. In respect of livestock-based production activities, this is more so for intensive livestock production involving improved animal breeds. Pastoralists and agro-pastoralists in the different regions of Ethiopia use diverse water sources for their livestock like rivers, springs, hand-dug wells and built up sources (e.g. Ella in Borana and Afar, Birkads in Somali). In the different places where FGDs were conducted, pastoralists and agro-pastoralists mentioned that, although the number of water points developed by the government and NGOs has substantially has increased over the last four to five decades; however, their distribution (along with their poor maintenance) has rendered their use relatively inefficient as reliable sources, indicating the need to revisit the water development, management and utilization policy and strategy in all the pastoral and agro-pastoral areas of Ethiopia.

Apart from the permanent rivers that flow year-round across the PAP areas of Ethiopia (e.g. Awash, Wabe Shebele, Dawa, Omo, etc...) Quite a number of seasonal rivers also carry substantial amounts of water running from the Ethiopian highlands to the arid and semi arid lowlands of Ethiopia where most of the pastoralists and agro-pastoralists live (e.g. Keski River in Turmi area of Hamer Woreda, Gulina River in Gulina Woreda, among others). This seasonal rivers usually flow out unutilized through the PAP areas of this country. The untapped ground water resource is also a potential source for both small and large-scale livestock and crop farming development in pastoral and agro-pastoral areas of Ethiopia.

Dessalegn *et al* (2006) also suggested that the possible shift to intensive livestock rearing supported by year-round access to water would be a radical change because mobility is now no longer necessary, and herd size can be reduced in favour of herd quality. Fewer but better herds will more than compensate for giving up larger but poorer herds. The added advantage of smaller herds is that there will be less pressure on environmental resources. On the other hand, in line with the above argument it was reported that intensification is now being tried with varying degrees of success in West Africa though the experience suggests that without strong government support and large-scale investment in water development, soil improvement, animal health and other social services, the chances of success are very slim indeed (International Symposium, 1998).

7.3 Trends in Transformation

Trends in transformation in PAP areas of Ethiopia were also recognized by previous studies. As indicated in Chapter 4 of this report Ayalew (2001, 2007) has observed that a growing number of once fulltime pastoral *Karrayu* households continued to become involved in crop production besides other forms of livelihood activities. Solomon (2006) has revealed that there is a trend of wealth – class polarization, traditional wealth redistribution mechanisms while the sense of cooperation and mutual assistance among Borana pastoralists is declining. Sugule and Robert (1998) had indicated that transformation of pastoralism is taking place in the Somali Region and the process is observable through the increase number of water points and settlements, new land use patterns and changes in natural resource management mechanisms. The latter have pointed out that there has been an increase in the area of land cultivated and a consequent decrease in the area of land open to grazing for pastoralists with a recent phenomenon having been the individualized enclosure of grazing lands. Similarly, after doing an extensive review, Dessalegn *et al* (2006) have argued that it is unrealistic to think that one can return to the “golden days” of the past when pastoral property regimes worked effectively, and that what is required is not only a “land reform” but also a reform of the livelihood system in pastoral society.

In line with these, findings from the field observations of the Consultant’s team, discussions with key informants and FGD participants indicate that transformation is taking place in PAP areas of the study regions resulting in the reduction of pasture land and increase in farm land and sedenterized agricultural and non-agricultural income generating activities. The trend is more clearly pronounced in the agro-pastoral areas, except in Gambella Nuer Zone, than in pastoral areas. Transformation is taking place in Jikaw Nuer area at a relatively slower rate compared to the other agro-pastoral areas visited during the field survey period. The reasons for this different pace of transformation in these two areas seem to be the relatively lower human and livestock population pressure due to the size of available land for farming and pasture. In all the study regions, many agro-pastoralists are likely to be “settled” while pastoralists continue to practice a transhumant mode of production (although most having a home base and young boys or herders moving with the livestock in search of pasture and water). Indeed, more than ever before, Ethiopian pastoralists have now to travel longer distances with their animals in search of pasture and water because of the various changes occurring from the effect of the exogenous and endogenous factors. In addition to their traditional and age-old movements following seasonal variations, they have increasingly become more mobile with their animals also to escape from disastrous human and livestock diseases occurring in their area; at times of conflict and inter-ethnic animal rustling raids, as well as during drought and the occurrence of heavy flood. as indicated by key informants and FGD participants, had it not been for such reasons, pastoralists do not have an inherent problem with leading a settled form of social and economic life. The Hamar and Gulina pastoralists repeatedly indicated their willingness to settle provided they get access to secure livestock feed, water, livestock and human health service, market, peace and education for their children, but this is obviously an ideal list of conditions that the

government and the communities can meet in the short-term with the limited resources at their disposal²⁸. In Jijiga Woreda, the shift from pastoral to agro-pastoral ways of life apparently started decades ago. FGD participants at Shebelle (a designated pastoral area) said that today most pastoralists are being pressured to get ‘more settled’ and to start considering crop production as a supplementary activity to livestock keeping, mainly by the heavy loss of their livestock during the preceding four years of drought. FGD participants at Shebelle also explained that they are thinking of educating their children and engaging in trade, since they fear that pastoralism may not continue to be a viable form of livelihood – “[they] have seen that life is possible without livestock.” They further explained that if they engage in crop production using flush floods, it is possible to get crop residue for their livestock and some crop yields for their food, and that it is no more possible for them to continue as pure pastoralists.

Table 7.2 below presents the results of the field survey that indicate the trend in PAP transformation. The findings across the study sites clearly show that the trend toward taking up a non-pastoral mode of production is on the rise:

- 66% of respondents said that individualized farmland holding is increasing;
- 52% said individual pastureland holding is also increasing in their area;
- 75% responded that they wish to increase the size of their own individual farmland holding;
- 71% said that sedentarization is increasing in their area;
- 89% of the interviewee expressed their interest to settle.
- 58% of the respondents believe that sedentarization creates greater opportunity to take up alternative livelihood activities.

It was stressed by key informants and FGD participants that in PAP areas land available for livestock grazing is shrinking due to bush encroachment, expansion of crop farming, re-settlement schemes (e.g. Gabra and Burji in Borana zone) and population growth. Individualized grazing enclosures are increasing in pastoral areas, while cultivated plots are increasing in agro-pastoralist areas. The overall trend is decrease in the size of pastureland in all pastoral and agro-pastoral areas. The shortage of pasture, which has been the resource most adversely affected by drought, has become a very serious in Hamer Woreda. The elders who participated in the FGDs at Hamer said that they are tired of the recurrent drought and their animals have been away from the homestead for the best part of the past decade and they have not benefited from their livestock for a long time. They want the government to give them land along the Omo River and they want to settle and diversify their income for better living.

This process of transformation is creating a challenge to government development interventions both in terms of type and scale. The situation in both pastoral and agro-pastoral areas shows that there is a need for developing irrigation and rainwater harvesting schemes, as well as install flood diversion works and exploit ground water resources in order to support the transformation already taking place and to increase the options for alternative livelihood activities to be taken up by pastoralists and agro- pastoralists.

²⁸ It would thus seem necessary for both government and the communities to attach priorities to these conditions

Table 7.2: Some indicators of trends of transformation in PAP areas of Ethiopia

Indicator	Yes		No		No response		Remark
	n	%	n	%	n	%	
Individual farmland holding is increasing in the area	183	65.8	87	31.3	8	2.9	
Individual pastureland holding is increasing in the area	145	52.2	126	45.3	7	2.5	
Do you like to increase your individual farmland?	210	75.5	57	20.5	11	4	
Is sedentarization increasing in the area?	197	70.9	73	26.3	8	2.9	
Do you like to sedenterize?	248	89.2	25	9	5	1.8	
Does sedentarization create greater opportunity for alternative livelihood practices?	162	58.3	73	26.3	43	15.5	

Generally, information from FGD participants, key informants (see also Box 3), field observations and survey results indicates that transformation in the PAP areas of Ethiopia is taking place due to exogenous²⁹ as well as endogenous factors³⁰ and the resulting trend that has been emerging is towards the reduction of pastureland and the increase in farmland (e.g. Yabello Woreda in Borana, Bena-Tsemay Woreda in SNNPR), increasing sedentarization (e.g. Shebelle and El-Amer areas in Jijiga Woreda, Somali Region, decrease in communal ownership of grazing lands and transit corridors, and increase in the individualized holding of pastureland and cultivated plots (e.g. Dire Woreda in Borana, and Harshin Woreda in Jijiga zone). Studies that have been undertaken in the recent past regarding the effect of such exogenous and endogenous factors have witnessed this transformation process occurring in the open access pastoral systems in different parts of the world such several of those cited above.

Under conditions of open access common property, population growth is directly translated into increasing environmental pressure - in the form of both increasing stocking densities on existing rangeland, and the extension of pastoral activity into ever more marginal rangelands (Mosely and Smith, 1989). Nevertheless, it is clear that insecurity of tenure -- whatever the cause -- has been associated with the profligate use of natural resources (Charles, 1992). According to Charles, in conditions of open access common or communal rangeland, it is well understood that individuals will base their stocking decisions on a private cost-benefit analysis that excludes costs carried by other users of the same resources. The result of the tragedy of the commons³¹ is that mean levels of grazing pressure will be higher than the socially optimal level. In the sub-Saharan Africa case it has been argued that this has in practice led to overgrazing not only in an economic sense, but also in an ecological sense and has consequently led to the degradation of the rangeland. Helland (1980) also reported that under conditions of communally owned pastures and individually owned livestock, the most rational strategy for individual herd owners is to maximize livestock holdings. Communal wealth (pasture) is in this way transferred to private capital (animals).

²⁹ private and government investment initiatives, conflicts, floods, recurrent droughts, climate change

³⁰ population growth, increasing individualized pastureland enclosures, increasing farm activities for crop production, overgrazing

³¹ The 'tragedy of the unregulated commons' which means undesired result of exploitation of others: a phenomenon in which individuals attempt to exploit the resources of a group, but only harm themselves because everyone adopts the same strategy and resources are uniformly depleted

Box 3: Pastoralist turned administrator

Forty-four year old Ato Elias Lasbuk Lotera was a pastoralist from his childhood till he joined school in 1978. He was keeping livestock fulltime with pastoralists in Nyangatom area and after joining school and until taking the Ethiopian School Leaving Certificate Examination (ESLCE) in 1990 he was still keeping livestock with pastoralists during his spare time. Today he says that “I used to be a pastoralist. Now I am the Administration and Finance Head of South Omo zone”. Since 1991 he has served in different capacities: administrator of South Omo zone from 1995-1997, Head of Regional (SNNPR) Prison Administration from 1998-2000.

From his childhood up to now he has stayed close to his community. This also makes him an eye witness for the change in the situation of pastoral life. When he was young, the forest cover was dense, wildlife was grazing with livestock. When people wanted to hunt wildlife they were using spear and very few people had guns, but now almost everyone has a gun and you do not see all that wildlife any more. The forest is cut and used for firewood, timber and charcoal burning. The human and livestock population has increased dramatically and pasture lands are overgrazed, and now during the dry season people are grazing their animals along the Omo River. Since he was a pastoralist, he knows the pastoralist life, and the basic reason for the movement of pastoralists with their livestock in search of pasture and water. Currently, the situation is very bad; there is recurrent drought and large human population. He said that he often meets with his community members and observes their openly expressed willingness to settle and engage in intensive livestock production and other diverse sedentary income generating activities if they get the right development support. Specifically, most pastoralists in Ato Elias’s community repeatedly said we can settle and lead a better life if we get access to reliable and sustainable irrigation service.

7.4 Concluding Remarks

This study has given added support to previous studies that pastoral areas are transforming because of exogenous and endogenous factors and the trend is towards the reduction of pastureland and increase in farming, increasing sedentarization, declining communal ownership of grazing lands and transit corridors, and increased private holding of pastureland and cultivable lands. Globalization, climatic, and political changes have had their own share in this transformation process. The reduction of pastureland due to overgrazing and degradation, encroachment of bush and crop production are creating pressure on pastoralists and agro-pastoralists to meet the feeding requirements of their increasing livestock herds, while the increasing human population and underdevelopment of other livelihood options have forced pastoralists to embark on and expand crop farming activities on pasturelands. All these situations are also pushing them to start to diversify or intensify or search for other activities offering alternative livelihood opportunities as part of the transformation process.

In today’s pastoral and agro-pastoral Ethiopia, alternative livelihood activities in livestock trade, petty trade, acquiring and renting out urban property, wage employment, firewood collection, charcoal burning, handicrafts and catering of cultural tourism have started to become a common scene in many PAP areas. However, as these activities are all at their very early stage of development and expansion, there is a lot to be done in terms of supporting these activities to expand through skill training and other forms of capacity building. The search for alternative livelihoods by pastoralists and agro-pastoralists need to be supported by government and NGOs to help the former to identify technically and economically viable activities (both livestock and non-livestock based) that are also environmentally sustainable.

Though the degree of intensification varies from region to region, the observations of the Consultant’s team during the field work of the study have confirmed that a shift from extensive to intensive livestock production among the pastoralists and agro-pastoralists of Ethiopia is indeed taking place. Different unpublished reports and the MoARD’s Pastoral Areas Development Study (MoARD, 2004) has revealed

that the current livestock resource in the pastoral and agro-pastoral areas is not in a position to support the pastoral and agro-pastoral population using the traditional extensive husbandry practices. There is therefore a need for government and its development partners to facilitate pastoralists and agro-pastoralists to take up alternative livelihood activities (either by intensification or diversification) through expanding social and economic infrastructure and services (irrigation, health, education, transport, electricity and telephone); by facilitating destocking of livestock to adjust with the available natural resource (pasture and water); by developing incentive packages/mechanisms to encourage those who get involved in intensification and livelihood diversification; and by introducing appropriate technology, inputs, credit, market and extension service in PAP areas.

8. Public and Private Sector Development Interventions

8.1 Justification

In the last fifty to sixty years government and non-government entities, including private investors, have been engaged in land based development activities in the PAP areas of Ethiopia. Irrigation agriculture, public parks, ranches, roads and water supply infrastructure are among the interventions which have resulted in the acquisition and possession of land in PAP areas. As indicated in the ToR, the justification for including this aspect in PALTAS emanates from the supposition that in PAP areas land taking for development purposes has led to conflicts of interest between the state, other stakeholders and the local pastoral and agro-pastoral communities using the land. Since conflict issues have already been discussed in the framework of other contexts in the different chapters preceding or following this one, the scope of this aspect of the study is limited to the following areas:

- Investigating the development initiatives the government³² and non-government entities, including the private sector corporate or owner-operator investors embarked on and the consequences of the initiatives in terms of creating opportunities and challenges for, and pressures on pastoralists and agro-pastoralists and their established way of life;
- Examining the implications of these for the customary land use and tenure arrangements, traditional institutions, and the sustainability of the local environment;
- Seeking plausible ways of harmonizing the interests of the state and the local communities.
- Investigating the type of grazing resources taken by the developers and the kind of compensation paid;
- Analyzing the adverse or beneficial effects of land taking and the related actions on the quality of life and survival of pastoralists and agro-pastoralists.

The findings and assessments from this aspect of the study are ultimately expected to lead to the identification of the policy implications for the federal government and the regional state governments to improve policies and legislation that promote and support enhanced land tenure security for pastoralists and agro-pastoralists and strengthen the institutions that administer their land.

The above scope obviously shows that there are several actors or stakeholders involved in the development interventions taking place in PAP areas. For simplicity's sake, the discussion below categorize these actors and stakeholders into four: **Government**, **NGOs**, the **private actors** (including pastoral households and investors from within the pastoral communities (internal) and private actors from outside (external), and what are designated as the **special interest groups**³³. Institutional issues related to development interventions and the conflicts that arise due to such interventions are also presented separately in the assessments and findings section below.

8.2 Assessments and Findings

8.2.1 Government interventions

In a study of this kind, as highlighted in the methodology section, one has to establish the assessment approach in the light of the government's mandate to chart and lead the development course of the country. It is also important to be cognizant of the fact that the national, regional and local level socio-economic development interventions are based on the policies and strategies the government of the day

³² In the past fifty to sixty years Ethiopia has experienced changes of government both in structure and ideology, from feudal to socialist. The current [decentralized] structure includes several tiers of government -- mainly federal, regional states, and Woreda and Kebele administrations.

³³ groups with vested interest who try to advance their objectives by getting involved in land use and administration matters

puts in place³⁴. In all the study regions, the government (Federal, Regional, Zone, Woreda, and Kebele) development interventions in PAP areas can be classified into two broad categories: a) those interventions planned and implemented through the regular government budget appropriations; and b) those that are undertaken after project feasibility studies and appraisals are carried out and funded through the capital budget by means of grants, loans, or the treasury.

a) Regular program interventions

The household surveys indicated that 78% of the respondents are aware of development interventions that have taken place in their areas. Out of 23 different types of development interventions, the top five frequently mentioned by the respondents are reported in Table 8.1. As shown in the table, in the PAP areas school construction dominates followed by health post expansion. In general, this study reveals that the government interventions under this category, such as water supply, school facilities and health centers are appreciated and enjoy wide acceptance by PAP communities. They have created important points of concentration where populations voluntarily settle and where subsequently the pastoralists and agro-pastoralists establish individual farm holdings, urban residential plots, and also demand the supply of utility services such as electricity. The Borana-Guji Water Supply project in a pastoral area of Borana zone, is a case in point. The project, a major development intervention by the regional government (Birr 1.2 billion), which is still under construction, has already attracted populations to settle around the project site and to start requesting for electricity, roads, telecommunications, and other social services.

The agricultural development intervention listed in Table 8.1 (# 5) includes government development activities to expand veterinary service facilities in the pastoral areas. The expansion of veterinary services poses a dilemma – on the one hand, such expansion does help to reduce livestock mortality and morbidity and to enlarge the overall livestock population and augment the animals held per household which constitute the major part of pastoral wealth; on the other side, the increase in livestock population using the available resources, which in many instances are declining, will put greater pressure on the pasture and water resources and actually contribute to their depletion or degradation.

Table 8.1: The top five development interventions frequently mentioned by HH survey respondents

Type of Intervention	Percent of Respondents by Study Area							All
	Yabello	Hamer	Bena-Tsemay	Jikawo	Gulina	Aysaita	Jijiga	
1. School construction	37	11	32	6	23	59	36	29
2. Health post	-	11	27	6	23	-	35	22
3. Water supply development	11	-	-	56	20	-	17	13
4. Roads Construction	-	19	30	6	2	-	-	7
5. Agricultural development*	44	16	7	-	1	-	-	6
No. of Respondents	20	39	38	38	36	39	68	278

* Includes nursery, veterinary services, etc.

A relatively new government development intervention that has been recently initiated and seems to have beneficial effects in creating livelihood opportunities is the water harvesting scheme using concrete cisterns (*wuha maqor* in Amharic). For example in Hamer Woreda of South Omo Zone, the Woreda

³⁴ See Chapter 4 for details

Agriculture and Rural Development Office head informed the team that there a pastoralist made thousands of Birr from irrigated vegetable production using this scheme and could also purchase an “ISUZU” (a transport truck) with the income he generated.³⁵ In this same Woreda, the Agriculture and Rural Development Office is also introducing a new form of producers’ cooperatives which are engaged in crop production in pastoral areas. If such practices expand, indeed it will present a new and significant challenge to the traditional system since enclosures of pastureland for individual farming will be on the rise and it is off the tradition. The team was also informed that the the SNNPR Pastoral Affairs Bureau is pursuing a strategy of “scaling up” and “creating awareness” of improved technology which is partly the reason for such changes taking place in these areas.

b) Project based interventions

Though haphazard and not as significant as in the case of land taking for development projects such as interstate highways, irrigation infrastructure or big water supply projects, airports, etc. there are complaints about the payment of compensation and the participation of the local communities in the decision making process regarding this issue. The survey results indicate that out of the 278 respondents from across the study sites, only 130 responded to the question addressing the process by which land in PAP areas is taken for projects and compensated for. Out of these, 62% said land is taken by consultation with the community but without compensation, while those saying that the community consultation was conducted and compensation paid were just about 12 %. Inadequate compensation has also been an issue in Gambella and Afar (see Box 4), while there have been situations where the affected people have shown reluctance to take compensation in exchange for their land and unwillingness to hand over land earmarked for development projects, even after payment of compensation has happened (e.g. airport and high school construction projects in Somali region). In the Somali region’s case, it was possible to get the land from the clan, which is the customary owner of the land, only after a series of protracted negotiations on the amount of compensation to be paid. A case in point in this region: after negotiations were conducted through the clan leaders and elders and initial agreement was reached between the community and the government, and compensation worth about Birr 4 million was paid out for the airport project, at the time of the team’s field visit, there were still requests coming for more compensation payments.

The study did not discover any case of current government interventions to establish new parks and ranches that have become sources of conflict in PAP areas. In the past, there have been conflicts between the local communities and the management of parks, wildlife sanctuaries and hunting grounds. The conflicts mostly arose due to lack of awareness creation and the absence of benefits sharing with the concerned local communities. For example, in the past, PAP land in SNNPR has been taken for park development, ranching and the like whether the community in the area agreed or not. This has changed and it is now declared government policy (since 1997 E.C.) that no decision on land taking is made before consulting with the community, whether the development project is government or private investors’ initiative For example, , the Mago Park in South Omo was recently requested by private investors for palm date production, but it did not materialize since the people around the park did not accept the proposed project.

In general, the present government has declared that coercive methods will be no more applied to establish any ‘public purpose’ development projects in the PAP areas of the country. This is a significant change in government policy and strategy compared to the past when complaints of forced land expropriation in the Awash Valley and elsewhere have been reported in the various papers cited by Sue Edwards and Tafesse Mesfin (1996)³⁶. Furthermore, past policy orientation followed a *project* approach

³⁵ The individual in question has been honored with an award from the Regional and Federal governments for his achievement.

³⁶ See Chapter 4 for details.

to development with little local participation in either defining the objectives of the project or its methods of implementation, with heavy emphasis on technical solutions, greater bias toward infrastructural development and virtually no attempt to adopt a cost-recovery approach.

Despite the policies and strategies of the EPRDF government, which is based on project intervention approaches engendering a proper understanding of the pastoralists' situation and in addition to the complaints on matters related to compensation, there still are other issues about which PAP community members have continued to complain. One complaint was about not being allowed to participate in the decision making process in matters of establishing big development projects or about the allocation of the benefits accruing from such projects. For example, in the case of the west Gode irrigation infrastructure development, although the communities were declared to be the primary beneficiaries, there are still complaints about not being informed about the determination of the size of irrigable land allocation per household. Besides, the exclusion of other sub-clans from getting their share from the developed irrigation farm is increasingly becoming a source of conflict (Box 5). In Gambella there are complaints by the Nuer about the adverse effects of the Alwero-Abobo dam on the availability of water downstream and the reduction in the area that could be farmed on the banks of the river. In Afar, as highlighted in

Box 4: The NamMlefen Kesem Tendhao Project in Afar

The NamMlefen Kesem Tendhao sugar Project is being planned and implemented with the involvement of at least eight stakeholders/actors taking part in its execution. It is the responsibility of the Federal Ministry of Water Resources to lead the project up to its completion under the supervision of a Board chaired by the Prime Minister of the country. Clan leaders are members of the Project Coordination Office located at Semera, Afar Region.

The project has three major components: construction of a dam, an irrigation infrastructure and the establishment of an agro-processing complex. The Ethiopian Sugar Corporation is the ultimate recipient and owner of the project. The Kesem sugar cane and sugar manufacturing factory is closely working with the Methara Sugar Factory. The project started in 1997 E.C. but did not do much till 1999.

The project is expected to cover an area of about 60,000 ha 50% of which is going to come from land traditionally used by pastoralists and agro-pastoralists. The pastoralists and agro-pastoralists have been consulted and it is also the project's firm stance not to take any land without the consent of the community. The expropriated communities are to be paid compensation, provided with improved pastureland, and to be made to participate in out-growers' schemes envisaged to be set up. This is believed not only to accommodate the communities as beneficiaries of the project, but also to make them genuine development partners. About 20,000 ha of improved pasture will be developed for the use of pastoral producers. The project has already created several jobs for the surrounding PAP community; the youth are being trained to produce and supply concrete blocks under contract with the project implementers. The Project Coordination Office head at Semera said there have been no significant problems of conflict except the few incidences of intra-and inter-clan disputes on how to share compensation payments and the size of land taken from individual agro-pastoralists. In these situations individuals who happened to be dissatisfied raise issues of inadequate compensation and try to instigate conflicts that could often be settled by negotiations through clan leaders. In the near future, it may also be needed to request clan leaders to redistribute the land around the dam. This may continue so long as land remains under the ownership of clans with the clan leaders' decisions to allocate land use for various purposes. The disputes and conflicts are expected to subside when the present draft land use and administration policy of the Afar region is officially gazetted and effectively implemented/enforced.

Box 4, in the case of NamMlefen-Kesem Tendaho Project, although compensation had been paid and clan leaders were involved in the various discussions and decisions made, some community members are still unhappy about the deal and feel they have not been properly consulted. In addition to revealing some of the areas of conflict with the government, the case of the Tendaho project also signals the emergence of a possible rift between clan leaders and members of a given clan on matters of handling land issues within the clan and between the clan and other external actors such as the government.

Because of such complaints that local communities were left out from the discussions and decision making related to big development project interventions, and similar others in the regular development

Box 5: The West Gode Irrigation Development Project (WGIDP)

The WGIDP is a project which started during the Atse Haileselassie regime and still is in the process of construction with up and downs due to changes of governments. It is located in an area occupied by the Abdele-Tolomoge clan who are originally pure pastoralists but currently changed to agro-pastoralists practicing typical mixed farming. They started with traditional flood recession agriculture and at present they have reached to a level of mechanized farming. These changes, according to the key informant who was born in the area and is a member of the clan and once the manger of the project, is not necessarily due to the project since the project was on-off and on again for the last four decades.

The Atse Haileselassie regime motive was to give the developed irrigated land for the then landlords but this did not happen because of the overthrow of the government by the Derge regime before the project starts. Derge reformulate the project to use the area as one of its state farms. It evicted the local community without compensation. Because of this there were continuous conflicts which even led the dissatisfied community to kill project engineers. The EPRDF regime overthrew the Derge, and reformulated the project primarily to make the local communities beneficiaries of the output. It developed initially about 1000ha of irrigable land out of the total targeted 27000ha. The developed 1000ha was distributed, starting 1995E.C. to the surrounding pastoral community, Abdele-Tolmoge clan, on the basis of 1ha/hh. Another 3000ha is developed and is ready for distribution but now 2ha/hh basis. The main canal to supply irrigation water for 7000ha is currently ready. The decision to allocate 1 or 2 ha per household is not done with the participation of community representatives and this has been an area of dissatisfaction even among the benefitting clan members.

Though the conflict with the government vanished with the EPRDF major intervention approach which is primary to make communities the prime beneficiaries, complaints and disputes are arising within the clan and between clans. It is the Rer-Kasim sub-clan which is becoming main beneficiary, and there are instances of excluding other sub-clans and clans. This is becoming a source of conflict and non-benefiting clans and others within the region are raising questions of equity and fair distribution of development funds and physical resources within the region. In general, the WGIDP case illustrate there is still more to be done in terms of how to design/redesign big development projects and make the local and regional communities, as well as the society at national level be partners in both the cost and benefit sharing of such projects.

interventions -- e.g., the case of Mount Chali pastureland enclosure in South Omo, an enclosure which resulted in violent conflict initially in 1997 E.C. (Box 6) -- the Federal and Regional governments issued a directive not to intervene in rural areas without the consent of the local community. While such an approach should be strongly supported, there is also the need to balance the rather rapid and spontaneous changes in the pursuit of alternative livelihoods being adopted by PAP communities and the necessity for governments to regulate these so they take place in an orderly manner. There is as well the need to balance the leadership role of government(s) in introducing development programs that also accrue benefits to the wider regional 'community' and serve the broader [multi-ethnic, mutually reinforcing] national interest, including the proper and sustainable use of the regions' the country's natural resources.

Box 6: The Chali Natural Forest Enclosure in SNPPR

The Chali mountain chain natural forest improvement enclosure was initially enclosed without the consent of the community in the area. This resulted in a conflict in 1997 E.C (an election year) between the Bena-Tsemay woreda administration and the community. When the Zone and Regional governments received the report of the conflict immediate action was taken to investigate the incidence and accordingly it was found out that the then woreda administrator and some cabinet members of the woreda took unnecessarily forceful measures in trying to resolve the problem. The entire woreda cabinet members were dismissed and sanctioned and fined. After this a committee was established with representatives from the community from the three kebeles of Chali, Kako, and Yirga. An agreement was then reached to continue with the enclosure covering a defined area (15 km length and 4 km width) and carefully demarcated boundaries not to affect hill bottom farm areas and residential places. Currently the enclosure continues to exist and is actually being protected by the community itself.

and

This study has also revealed that government leadership has been deficient in the urbanization process that is taking place in the PAP areas. As discussed above, governments' own regular development activities in the PAP areas have had agglomeration effects. They have become pull factors for services including those delivered by the private sector and enhanced the pastoralists' propensity to settle of their own choice. In the midst of this transformation, the governments (Federal, Regional, Zone, Woreda, and Kebele) capacity to properly administer land on the rural-urban borders has been found to be weak. It has become evident that new policies and strategies are needed to provide the necessary administrative and development guidelines to enhance Woreda and urban administrators' capacity and ability to jointly administer such PAP areas. In this connection, the government's capacity to have its presence felt as well as adjudicate disputes and conflicts related to rural land taking by "land grabbing" urban based residents, investors or by urban administrators under the guise of 'public purpose' projects.

8.2.2 Private sector development interventions

Private sector activities in the PAP areas of the country are expanding both due to the internal dynamics of pastoralist economic activities which are increasingly shifting to alternative livelihood sources, as well as the interventions by investors from outside the system.

The FGDs in the various regions have revealed that there is an emerging and expanding private farm holding by former pastoralists. Some pastoralists have performed well in establishing private livestock trading businesses and in being able to supply livestock to distant markets such as Addis Ababa. The emergence of award winning pastoralists in Dimeka, South Omo, or Borana and Afar pastoralists with impressive entrepreneurial skills are examples of the trend of the expanding pastoralist initiated private activities. Individualized pastureland enclosures are also on the rise mostly in Somali and a few in Borana, although in some areas such practices are being strongly challenged by the traditional system, for example by the *Gada* in Oromia.

In several existing and emerging small urban centers, pastoralists have taken up trading activities, while some have built houses for renting and still others have entered the transport business using motorized vehicles. Fattening with improved feeding practices and marketing of livestock is becoming an established individual enterprise in several pastoral areas adjacent to small urban centers. In some PAP areas individual pastoralists are forming cooperative ranching taking advantage of the easier availability of livestock marketing and credit facilities. Cooperative ranches, like those started in Borana, if guided well, could emerge as PAP 'corporate' enterprises (Box 7). All these, however, necessitate reform in the land use and administration policies and institutions of PAP areas. Driven by the internal dynamics of individualization of property, grazing land is being transformed into private holdings for private use by pastoralists themselves. While traditional institutions are being challenged to regulate some of the land grabbing practices of communal pastoral resources for private use, local administration and some NGOs are caught in the midst of promoting individual development initiatives and settling disputes between clan members who venture into private undertakings and those who do not. Overall, the changes favor private property and administrative policy and strategy is needed to cope up with these changes.

The more conspicuous transformation into private activities in the pastoral areas is transformation from 'pure' pastoralism to agro-pastoralism. In the Somali and Afar regions, several decades have passed many pastoralists started changing to agro-pastoral life styles principally through crop farming on individualized plots. In these regions, the difference is that the number of pastoralists searching for farm and enclosing pastureland for farming is increasing fast and putting pressure on both the

Box 7: Cooperative Ranching

Cooperative ranching is now emerging as a mode of livestock production in pastoral Borana. The Dembela-Wacho ranch is located near Dubluk town and occupies about 11,000 ha. It is organized under the Kayo-Dublik Livestock Marketing Cooperative to provide services to member and non-member pastoralists according to the established by-law. Though not sufficient for all its water requirements, the ranch has also its own water point. A similar ranch has also been established at Serti, on the way to Teltelle. This ranch covers about 17,000 ha. Overall these ranches are used to be the supply sources of reliable and improved pasture and to encourage pastoralists to practice fattening for better market gains. Though these ranches are good beginnings of improved ways of livestock production, the cooperatives need some follow up and support since they have management problems and alleged corrupt practices.

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customary and the formal institutions that are administering access to and use of land in the PAP areas. Individual farm enclosures are also on the rise in Hamer, and Bena-Tsemay areas of South Omo. Information obtained during the field visits has indicated that the demonstration effect from neighboring agro-pastoralists has also been a factor in the move of pastoralists to agro-pastoralism. For example, the team was informed that within South Omo zone, the Arti influenced the Bena pastoralists who have shifted to agro-pastoralism. The Selamago settlers influenced the Bodi pastoralists to sedentize. Investors/large scale farms influenced the Tsemay pastoralists in Woyto to settle and practice crop production. All these are indicators of the future trend in the pastoralists' changing way life and their voluntary sedentarization in several PAP areas. This trend is expected to accelerate with the ongoing expansion and economic infrastructure in these areas. The road projects from Arba-minch to Jinka and to Turmi will no doubt make pastoralists around Keyafer and Turmi, and all those adjacent to the asphalt road, to exercise a more settled life style. Such development projects also lead to the emergence and expansion of small towns in PAP areas³⁷.

It is not only the pastoralists adopting privately owned and run activities that are altering the face of pastoralism in the country, but also the development investment interventions of other private agents establishing private commercial activities in the PAP areas. External private investors engaged in food and cash crop production, employing a level of operation that is relatively mechanized, are increasing at a faster rate in regions such as Afar and Somali. In Borana, private farm and non-farm activities, particularly around Yabello are extensive and there is no sign of a potential reversal. In South Omo, private investors in tourist based activities, such as hotels and hunting safaris, are on the rise. The Gambella region is the least that is currently affected by private external investment interventions. Some of the private investors that operate in the region are sole owner-operators who have acquired land through negotiations with the local communities. In some of the other few cases, investors in the PAP areas of the region have acquired access to land through the particular efforts of the regional and local government administrations that have succeeded to attract them.

Despite the economic benefits to the individuals and governments at different levels, in some of the study regions, there have been conflicts of interest between investors and PAP communities on benefits sharing, use of pasture and water, as well as forest and wildlife.

³⁷ The current situation in Gambella, where such influences have been minimal, reflects more of a historical process that took place over time rather than the influence of development interventions such as those cited here.

One area of dissatisfaction regarding benefits sharing is related to investments in tourist businesses and hunting grounds. For example, had it not been for the willingness of the owner to negotiate with the surrounding Hamar pastoralists, the Green Land Turmi Evangadi Lodge would have been forced to be abandoned by now (Box 8). PAP communities in regions like Afar and Somali have established benefits sharing schemes for investors who engage in farming. In these regions, conflicts on benefits sharing often arise between clan leaders and investors instead of between investors and pastoral communities since it is the clan leaders who negotiate and sign contractual agreements with the investors. These clan leaders sometimes go outside the provisions of the agreement and demand untimely payments or benefits. Partly as a consequence of such actions through which clan leaders obtain extra benefits, conflicts also arise between clan leaders and their constituents regarding benefits sharing. The ensuing dissatisfaction of community members with what the clan leaders had not shared with the rest of the clan members,

Box 8: The Green Land Turmi-Evangadi Lodge

The Green Land Turmi-Evangadi Lodge was established in 1994 E.C. by an Italian owner who was also a tour guide. When he first got the lodge area of 34, 200m² (about three hectares) he simply followed the formal administrative channel. He discussed the matter with lawyers and went to both the regional and Woreda administrative organs. Initially, the community thought the establishment was an NGO, similar to the others which they have known and have provided some service to the community. After he started the lodge business, and when the local community found out that it was not an NGO, then they start complaining and asking questions about his business, what he was going to do for the local community, etc. They requested the owner to build a school. At this juncture the owner requested for a forum to negotiate with the local community in the presence of administrative officials. He agreed to buy an additional electric generator for Turmi town, which he did at a cost of Birr 17,500. He also explained about the local job opportunities to be created and the other benefits that will accrue to the communities as the business will grow and expand. By the time the consultant's team visited the site there were 16 employees of the lodge of whom five are Hamer. The community having now been convinced of the benefits of the lodge is supporting the lodge's activities. Further, now supportive of the business and appreciative of its potential contribution to the community, an agro-pastoralist who was farming a plot of land adjacent to the lodge voluntarily vacated about 1,900m² land for its expansion. The Owner has learnt a lot from this and is now discussing with other communities within the Zone to expand the business in other areas.

community members are known to have taken destructive actions on investors' properties including damage to growing crops and even crop residues.

In a few areas where private ranching has been started, like in Borana, resistance and eventual antagonism of the affected communities to the project has ended up in the investor giving up the project and the area occupied reverting to the communal use of those communities with land rights – a case in point is the MIDROC ranch in Borana³⁸. A major cause for the occurrence of such types of conflicts is usually the approach the private investors take in the acquisition of the land required for their investment -- most of those who faced challenges have been those who decide to deal only with the formal administration with little or no discussion/consultation with the PAP communities concerned or their leaders. Another case in point was a prospective investor in Bena-Tsemay who, because of this approach, was not able to farm the land which he had obtained from the local administration. In short, our findings strongly indicate that even for private investment purposes land taking in many PAP areas investors should make it a point to have the local communities participate in the decision making process.

8.2.3 Interventions by Non-Government Organizations (NGOs)

In the PAP areas of all the study regions, both local and/or international NGOs are active. Their performance and acceptance in the various parts depends on the type of interventions they are making. Those NGOs that are involved in facilitating conflict resolution and management are performing well

³⁸ In the area it is referred as Al-Amoudi ranch after the name of the owner of the company Sheik Mohamed Al-Amoudi.

and have been warmly accepted both by the local community and the formal administration. It has been reported that in some regions the government budget for PAP areas is mostly consumed by conflict resolution and management activities. In this regard, the NGOs fill the gap created by the government's resource shortages and enable the government to increase the share of the activities undertaken under the regular development budget relative to the budget allocations for conflict management.

NGOs have undertaken activities to facilitate the enhanced awareness of pastoralists and agro-pastoralists constitutional and other derived rights, including the right not to be evicted from their residential, pastureland and farm land without compensation. One of the NGOs operating in the PAP areas organized a workshop at Yabello in 2004 on "Land Use Rights for Sustainable Pastoral Development" as part of its advocacy program. PAP area based NGOs also contribute to the land laws drafting efforts to reflect the interest of PAP communities. There are also NGOs which work together with the formal government system, specifically at Woreda and Kebele levels, as well as with the traditional system leaders in order to solve the emerging but disputed private farm and pasture enclosures (*kallos* in Borana) in PAP areas.

On the other side, some NGOs have been accused for not having coordinated their development interventions with other NGOs even in a given Woreda. Sometimes three or more embark in water drilling projects in a given Woreda and sometimes in adjacent Kebeles resisting the advice of Woreda officials and experts not to do so. Individual NGO interventions in water supply programs, which sometimes drill boreholes and hand these over to formal administration have ended up clashing with the traditional water management systems that have otherwise been performing well to regulate water and range resources utilization. Some pastoralists believe that the multiplicity of water points that are located near to each other contribute to pastureland degradation with the increased concentration of the human and animal populations around them. Moreover, some pastoral communities do not agree with the policy of NGOs which eventually hand over the facilities to the formal administration. For example, in Borana where water resources are administered under the *Gada* system, such NGO interventions are not openly welcomed. The formal administration also complains about the redundant and uncoordinated development interventions NGOs have made in these areas.

Some NGOs advocate that the pastoralists' way of life should be preserved and that what should be done is mostly to facilitate the provision of sufficient pasture, water, veterinary services. The emerging pastoral elites, such as the educated youth, and some pastoral communities who recognize the increasing endogenous and exogenous pressures being put on the pastoral way of life to change to alternative/diversified livelihoods do not accept this view. This view has also become a source of discord between government agencies and NGOs since such a stance is seen as counter to the government's development intervention strategy which promotes voluntary sedentarization and transformation in PAP areas.

8.2.4 Special interest groups

Like other communities elsewhere, PAP communities are giving way to the growing number of special interest groups who are claiming to have a say in matters related to land use and administration in PAP areas. These interest groups include the elites (political, business, educated), members of the upper and mid-level echelons of the government administrative structure, and members of the traditional leading group, particularly the *Amakari Shemagelewoch* (council of elders), as well as the young generation. These groups play their part in causing or solving conflicts, as well as positive or negative influences on the ways these conflicts are managed in PAP areas. In few cases, the elites who have a vested interest in promoting a particular policy or action are themselves identified as the instigators of the conflicts. Such interests include the acquisition or preservation of political power, financial gains, or thwarting business competition by using the land issue as an instrument for achieving their goals. In many other cases when

conflicts arise some of these elites are called upon by both government or other stakeholders to go to the rural PAP areas to discuss with local community members and solve the problems. Such a strategy is used in almost all the regions.

Examples of such special interest groups exist in several of the study areas. In the Borana, these include emerging pastoral businessmen who in addition to keeping their traditional livestock herds are engaged in different business activities: commercial transport, shop keeping, urban real estate, fattening and marketing, etc. In Afar, the team was informed by administration officials that there are now educated sons of pastoralists who hold positions in or work for government at Asayita and Semara towns who have started cotton farming on up to 15 ha of individualized farm land and are also engaged in intensive vegetable production (onions) on about 3 ha – e.g. Kerbuda Kebele in Asayita. In Somali, special interest groups are said to be behind the increasing move of pastoralists to farming and other alternative livelihood activities by means of ‘awareness creation’ through direct demonstration to their community members, while at the same time actively fending off government policy that can run counter to their interests by creating disputes or conflicts using land as the main instrument.

Another interesting group consists of those who are recruited to be members of the regional elders’ council (or *Amakari Shemagelewoch*) and receive regular government salary and additional allowances during work that takes them outside their regular place of residence. This is another institutionalized system which is creating a different vested interest group which uses conflicts as a source of income³⁹. In other words, the government’s own creation of a mechanism of conflict resolution and management or institutional arrangements, such as the elders’ council, has ended up in partly and indirectly becoming a cause of conflict or a means of perpetuating disputes and conflicts.

8.2.5 Institutions

Institutional formation (organization, relation, and human capital) varies from region to region and within one region from one locality to the other. Regions have constitutional rights to establish institutions that coordinate or implement land use and administration activities in their territories. Diverse institutional set ups also exist regarding pastoral areas development activities in the different study regions. In Oromia a Pastoral Commission was established and operated independently answering to the Regional Council until recently. At present, although still designated a commission, it is going to be put under the Bureau of Agriculture and Rural Development (BoARD). However, although the BoARD has been responsible for land use and administration matters, it has done very little in the PAP areas of Oromia compared to the work done in the non-PAP areas including registration and certification of rural land. The Oromia Pastoral Commission has been established to deal with matters concerning development activities but has no direct responsibility for land use and administration in pastoral areas. It is the Natural Resources and Land Use and Administration Department of the BoARD which is mandated to handle these tasks throughout the region, in pastoral and non-pastoral areas alike, on the basis of Proclamation 130/2007 of the Oromia National Regional State.

In SNNPR there is a Pastoral Affairs Bureau (PAB) at regional level. At Zone level, pastoral affairs come under the Zone’s Department of Agriculture and Rural Development. As in Oromia, it is the BoARD which is responsible for land use and administration in SNNPR, the PAB has no mandate to deal with pastoral area land use and administration matters which are part of the responsibilities of the BoARD, and more specifically its Natural Resources, Land Use and Administration Sector (*Zerf*) which handles land related matters on the basis of Proclamation 110/2007 of the SNNP Regional State.

³⁹ Discussions during the field visits have indicated that there have been instances where this group failed to address the conflicts because of non-payment of subsistence allowance.

In Gambella, the Pastoral Development Coordination Department (PDCD) was recently established within the Bureau of Agriculture and Rural Development (BoARD). The PDCD of Gambella has only two experts of whom one is also the head, and no other staff at department level. The PDCD has no representation at the Zone and Woreda levels. In Afar, the Bureau of Pastoral, Agriculture and Rural Development is responsible for land use and administration, as well as other development interventions in the PAP areas. In Somali region, up to now pastoral affairs are being handled by various bureaux and agencies that are coordinated by the Pastoral and Rural Development Coordination Bureau.

As mentioned above, each region has a constitutional right to organize its affairs as it deems necessary. However, whatever the organizational structure, the important point is the capacity to coordinate and implement activities related to pastoral areas development and regulation and more specifically land use and administration issues. In this regard, almost all regions have been found to be deficient and operating with meager financial and human resources. Besides, within a region there is often a weak linkage among the organizations concerned with pastoral matters – e.g. Pastoral Affairs Bureaux/Commissions with BoARDs, as are the other linkages of these with each region's Investment Agency, BoWUD, BoWA, and similar others.

8.3 Concluding Remarks

This aspect of the study has revealed the presence of conflicts of interest between various actors (government, private investors, NGOs, special interest groups, etc.) and the PAP community, as well as conflicts within the PAP communities themselves. The differences between government and PAP communities often arise because of gaps in the existing policies and strategies or from the lack of their proper implementation. In this regard, both the RDPS and PASDEP documents were found inadequate in being able to guide the socio-economic activities that are already taking place in the PAP areas today. Existing policies, strategies and legislation need to be reviewed specifically to address issues of compensation, urbanization, and coordination of interventions by various stakeholders, as well as setting up efficient and effective institutions to administer land and land use in PAP areas.

Land in PAP areas is taken by government for development activities under the regular program, such as the construction of schools and health facilities, and land required for such activities is by and large either given free or without compensation being paid. This practice is based on the belief that such development interventions are demanded by the community and the community provides land voluntarily by approval of its members. For big development projects, compensation is paid but with protracted complaints of inadequacy of payment or absence of urban plot allocation when the affected pastoralists and agro-pastoralists claim for it. In some cases, for example the NamMiefen-Kesem Tendaho Project, there are still seemingly endless compensation requests and disputes on new or additional compensation. All these call for a well studied policy and legislation.

Urbanization is one major phenomenon that is bringing challenges to traditional and formal institutions to administer land in rural PAP areas. Because of the urbanization process and the various development interventions in PAP areas, pastoralists and agro-pastoralists are taking their own initiative to individualize and convert farm and pasture lands into urban holdings. Urban administrations take land, mostly without compensation, for expansion of urban based residential and industrial activities. This is happening while the traditional and formal institutions capacity to provide land use and administration services to cope with such changes remains inadequate. There is need for a coordinated joint effort of the formal rural and urban administration bodies in this regard and for both to establish proper linkages with the traditional institutions.

The study also indicates that the activities of private investors and NGOs in PAP areas need to be coordinated, monitored and evaluated by local governments. Although NGOs in PAP areas have been making useful contributions in the conflict management sphere, including filling the financial resource gaps which the government could not fill due to resource limitations, they need to be properly regulated to be equally useful development partners and guided to avoid redundant and unsustainable interventions that could lead to wastage of resources. Similarly, while special interest groups have had positive as well as negative influence in causing or managing conflicts in PAP areas, their role in PAP land use and administration has to be guided by government. The Federal and regional governments need to craft strategies to handle and productively use such groups (particularly the elite groups) in local development interventions and conflict management.

Whatever a region's organizational choice, it is critical for them to have the capacity to coordinate and implement matters related to pastoral areas development and particularly those regarding to land use and administration issues. In this regard, almost all regions have not been able to adequately form the institutions they deem necessary since they are operating with meager financial and human resources. In this connection, it is necessary to point out that there is at present practically no significant technical (i.e. non-political) coordination of pastoral land use and administration issues at the Federal level. This points to the need for an appropriate coordination body at the Federal level with a clear mandate to deal with pastoral and agro-pastoral area issues regarding land use and administration matters.⁴⁰

⁴⁰ MoARD is the institution with the technical expertise to deal with these matters, while the Ministry of Federal Affairs deals with political aspects including inter-regional conflict resolution. Also see recommendations later

9. Land Rights Related Gender and Minority Group Issues

9.1 Constraints and Limitations

The findings, assessments and policy implications on land rights related gender and minority group issues reported in this chapter are based on focus group discussions (FGDs), key informant and individual interviews held in selected sites, and literature reviewed over a very short time⁴¹. In addition to time constraints, safety concerns and prevalence of drought⁴², associated with migration of households, made it impossible to address gender and minority group issues in the pastoral sites selected in depth. Another problem was the sensitivity of raising issues of women's and minorities' land rights in predominantly traditional societies where biases, inequalities and discriminatory practices with regard to women's and minorities' resource access were widely accepted and internalized. In general, few women and minority group members attended the PALTAS focus group discussions and the few who did were often not typically representative. Perhaps due to culture, most women were reticent about expressing their views in forums dominated by men, including elders and community leaders. This same reticence was observed among male informants, especially in relation to minorities' land rights, perhaps due to the highly politicized nature of the issue and possibly also of impressions of advocacy of some minority groups' land claims which have been contested. Be this as it may, it is important to note that under pressure from different forces, age-old cultural and economic ties traditionally maintained between subordinate minority and dominant groups in pastoral/agro-pastoral are steadily disintegrating.

Complicating this picture further was the strong link between the vulnerability of marginalized groups and changes in the natural environment and associated resource use patterns and property rights. In some cases, over-exploitation of forest resources to satisfy growing urban demand pointed an accusing finger at poor women (especially refugees) and minority groups. Forced migration and displacement of some minority groups to areas considered unsuitable for habitation, as a result of appropriation of these groups' traditional land in riverine areas by more dominant groups was also observed.

In Afar and Somali regions, rapid population growth and urbanization in an otherwise inhospitable and drought-prone environment, appears to have led to large concentrations of people in pockets of relatively better endowed areas where individual land rights have emerged, collective land rights continuing to prevail in less productive pastoral areas. Associated with differential access to resources, and in some cases outright exclusion of some groups, state-driven changes in property rights in limited resource endowed areas and against the background of shrinking pastoral resources appear to have heightened competition for resources and to have adversely affected disparate groups of women and minorities.

The above necessarily introduce biases and inaccuracies in the findings and assessments reported in this chapter, with regard to gender and minority group related land right issues. While the findings and assessments cannot claim to have fully or accurately captured the reality of land tenure related gender and minority issues, especially in pastoral areas, they do serve to highlight some critical issues with regard to the land rights of women and minority groups in these areas.

⁴¹ Less than a week was spent in each of the five regions surveyed. Also note that national and international experience on women's and minorities' land rights in pastoral areas shows a surprising lack of analytic work. There is a growing volume of advocacy for improvement of these groups' land rights, but little work seems to have been done in actually studying what their present and past positions have been.

⁴² Although the extent and duration of drought differed between pastoral sites, Dire, Gulina, Hamer and Shebelle were all under the impact of drought at the time of the PALTAS field trip.

9.2. PALTAS Findings and Assessments

Customary tenure systems in pastoral and agro-pastoral areas thus cater for multiple and overlapping rights over different resources (i.e. pasture, crop land, water, trees, livestock and wildlife), by different users (e.g. men who are the primary right holders; women who are the secondary right holders; minority groups accessing resources through ties they form with dominant groups or are not subject to customary rules⁴³) and by different uses (e.g. livestock keeping, cropping, fishing, hunting, etc.). It is within this complex framework that women's and minority groups' rights of access to land are regulated, mainly through customarily defined tenure systems. An important point to stress is that however subordinate or inferior their status may be, women and minority groups are part and parcel of pastoral and agro-pastoral communities. In many respects, they in fact have more in common with these communities than with women and minority groups living elsewhere i.e. in settled mixed farming areas. And their positions with regard to land rights are influenced by customary institutions governing social and economic relationships, as well as traditional norms, values and beliefs (e.g. only men should inherit land; minority occupational groups should not engage in farming or herding). The following PALTAS findings and assessments are presented in this context.

9.2.1 Women's Resource Rights

In many pastoral and agro-pastoral areas, gender is an important determinant of ability to claim rights to land and resources. Some differences are apparent between women in pastoral and agro-pastoral sites, the main form of the difference being that women in pastoral sites suffer a double hazard, neither having secure rights to land nor to the ownership of enough livestock to make a subsistence livelihood out of the land, even if they had a secure claim to it. In Afar, for example, women claimed that their livestock inheritance excluded large stock (i.e. camels and cattle) and was dependent on their brothers' goodwill, some women getting no livestock at all. In view of difficulties of differentiating between pastoral and agro-pastoral areas and the focus of the PALTAS on land, it will be assumed, in the remainder of this sub-section, that what applies to women's rights to land in agro-pastoral areas (where the primary use of land is for cropping) also applies to women's rights in pastoral areas (where the primary use of land is for livestock).

While the position of women in the PALTAS survey sites varied considerably, in most cases, women tended to have insecure rights to land. Where they had access to land at all, it was usually not as full members of a community entitled by that membership to a share, but rather as the daughters, sisters, wives and mothers of full male members. However, as evidenced in the PALTAS survey, perceptions of women's land rights were very low, nearly 72% of respondents stating not being aware of any resource conflict involving women. This was especially true in Yabello, Hamer and Assayta where almost all respondents, men and women alike, reported not being aware of any resource conflicts involving women. Surprisingly, in all three of these sites, there was also a feeling that the traditional system did not grant women equal land rights or inheritance with men, especially among MHH (96% in Hamer, 85% in Yabello and Gulina, and 80% in Jijiga), giving credence to the widely held view that women accept their inferior status and traditional views that they are incapable of decision making and lack the physical or mental strength to manage and control resources. This was less the case in Bena-Tsemay where there was a greater feeling of inequality among FHH, 86% of these unambiguously stating that women were unequally treated under the traditional system.

⁴³Groups not subject to these customary rules include occupational minorities often with distinct ethnic identities (e.g. blacksmiths, potters, fishing communities, hunters and gatherers) living in pastoral/agro-pastoral areas. While these groups may have customary arrangements of their own, they are deeply affected by pastoral and statutory institutions. For example, hunters-gathers and fishing communities living in pastoral areas face increasing threats of extinction due to encroachments on riverine and forest areas by pastoral, agro-pastoral and farming groups, as well as by government and private investors, and global factors (e.g. climatic change, deforestation, desertification) which affect resources they depend on for their livelihoods.

In most of the agro-pastoral sites surveyed, fathers and husbands were reluctant to bequeath land to daughters and/or wives because of fears of loss of ancestral land rights to another clan⁴⁴ when they married/remarried and left home. In the rare cases where women inherited land, they faced considerable physical and psychological harassment from in-laws and relatives. Land rental and crop sharing arrangements were usually out of the question because of the very small size of plots often cultivated through resort to traditional labor support mechanisms involving male neighbours or relatives. In most cases, yields from these plots were so low that the women had to engage in unsustainable off-farm activities to supplement their income. Cases were reported in Afar of women unable to manage land without support, giving it away to their brothers.

Secondary derived rights to land granted to women in pastoral and agro-pastoral communities are highly influenced by customary institutions surrounding family and marriage (inheritance, bride price, polygamy, widow inheritance/levirate, widowhood, divorce, childlessness, age at first marriage, etc.). The importance of these institutions is stressed by Platteau et.al.⁴⁵ who argue that: "...it is essential to shed any culture-bound presumptions about what situations and relationships are most beneficial to women. While customary marriage systems which may involve payment of bride price, polygamy, or levirate marriage are taboo in Western society, these constitute viable conventions through which women's access to agricultural land is protected in many African countries."

In most of the surveyed sites, women's rights to land only applied while their relationships to the full male members were maintained. When their relationships broke down, as a result of, for example, the husband's death, they normally did not inherit the husband's right to land unless they entered into levirate marriage (widow inherited by the deceased husband's brother). In case of divorce, often on grounds of infertility, women were normally deprived of the land they used as a wife and sent back to their often unwelcoming⁴⁶ original birth family. Given their limited rights to family land and the inability of their sons to inherit land in their family of origin, tenure was often more secure for widows if they entered levirate marriage. This may also explain why divorce was not more widespread in the sites surveyed⁴⁷.

Women's rights to land in static situations not marked by crisis seem to be particularly vulnerable at times of drastic change. Policies purporting to ensure women's land rights often ignore the fact that for many pastoral women, the costs of shifts in control of land from communal to private ownership often outweigh the benefits as they create new uncertainties regarding access to resources. Some key informants in Hamar maintained that the clearing of forest land for cultivation and the introduction of plough oxen had adversely affected women, as they have found it beyond their capacity to clear and till large tracts of land. In the past, Hamar women were more involved than men in activities like cultivation, fishing and hunting, but their land rights have steadily been eroded with pastoral men's increasing involvement in farming, the introduction of ox ploughing, and women's increasing work loads. In the process, traditional labour exchange arrangements which women accessing land relied on have steadily disintegrated and decision making about farm land, production and marketing has shifted to men.

⁴⁴ Similar fears have been expressed in other African countries. For example, Aili Mari Tripp (2004) reports that a focus group organized by the Uganda Land Alliance in Kapchorwa and Palissa elicited the following kinds of comments: "Why should I give land to someone who is in transit?", "Land is for the clan" and "If female children are given land by fathers, they will not respect their husbands and will leave them at the slightest excuse."

⁴⁵ Platteau et.al. (2005)

⁴⁶ In many cases, return to one's family entails the divorcee's or widow's parents refunding the bride price made in exchange for the bride's family's loss of her labor and fertility within her kin group (<http://www.wikipedia.com>). Since the bride price mainly consists of cattle that have already been distributed among the bride's relatives, it is not easy to effect a refund.

⁴⁷ See Platteau et. al. (2005) for similar cases in Senegal and Burkina Faso.

Field observations in this study also suggest that polygamous co-wives' traditional land rights have been eroded over time due to unwillingness to partition land between co-wives or of husbands failing to adequately provide for them either because they lacked the means or didn't feel obliged to do so. In some cases, older wives were thrown out of their homes on grounds of infertility or simply because their husbands wanted to marry younger wives (contrary to Islamic Sharia Law). This may partly explain the growing rejection of polygamy by women in the sites surveyed.

Against the above background, it might be useful to explore the general issue of equity and discrimination with regard to women in the land subject area from a broader perspective. One account (Account A) is as follows⁴⁸. In patrilineal, often also patriarchal, societies of Africa in which land and other inheritance claims devolve through the male line, women's claims to land are generally obtained through their husbands and male kinsfolk. They are, therefore "secondary" rights, at best valid only if the man's "primary rights" are valid, and moreover, a woman's particular claims to access to land, usually raised against her husband in the case of divorce, or against her husband's male relatives when/where her husband has died, are normally heard by tribunals exclusively consisting of men to whom the dominating concern is often the preservation of the stock of patrilineal land intact. Those who hold this view might advocate reform of women's land rights.

Another account (Account B) of the situation with respect to equity and discrimination against women accepts most of the arguments put forward in Account A, but says that concentration only on land as an economic input overlooks the fact that in rural Africa there is greater interest in and concern over general social relationships than in economics on their own. These social relationships have many strands for manipulation and adjustment. There is a general obligation in most societies in Africa for men to ensure that their wives are able to feed themselves and their children. In some circumstances one group may feel the need to improve relations with a neighboring group. Seen strictly from the point of view of what a woman's legal rights over land are, she may seem to be in a very insecure position. But seen in the wider context of the general relationship between a man and his wife, and of one group with another, the husband may in fact be under severe social pressure to treat his wife well and this may in fact give her considerable practical if not legal security. This social obligation and pressure is, however, probably weakening as pastoral societies become less self-centered and come under increasing stress as a result of population pressure, environmental degradation and climate change. Those who hold by this second account might be less interested in radical reform of land tenure rights, probably under statutory law, and more concerned with the general balance of social and other pressures that determine the welfare of women and with all the possible instruments for adjusting those pressures in a desirable direction.

The choice of which of the above two directions should be followed in Ethiopia is best left to policy makers. In the context of the PALTAS survey, 57% of respondents stated they would like changes in the traditional system towards women's greater entitlement and access to resources, and 39% reported not wanting change. Understandably, the proportion of women wanting change was higher (68%) than the proportion of men wanting change (46%), except in Assayta where a large proportion of women (71%) did not want change. Among sites, the strongest call for change came from Bena-Tsemay (90%), followed by Hamer (70%), Gulina (58%), Jijiga (53%) and Yabello (44%). The major change envisaged (35% of responses) is some combined form of protection of women's land rights through traditional and government institutions, particularly in Yabello (75%) and Assayta (44%). The next most important change wanted, particularly in Jikawo was improvement in women's use and control of forest and water resources.

⁴⁸ This account of the present situation in relation to women's land rights draws heavily on papers by Julian Quan, Action Aid, Dzodzi Tsikata (2004), and Thea Hilhorst (2000).

9.2.2 Minorities' Resource Rights

Claims to being “indigenous peoples” or “minorities”⁴⁹ are generally related to a cluster of characteristics, including political and economic marginalization; discrimination and dispossession often based on the dominance of agricultural people in the state system and imposition of government ‘development’ policies; particularities of physical traits, economy and territoriality that link certain groups to dry land (e.g. nomadic pastoralists), forest (e.g. hunters-gatherers) or riverine (e.g. fishing groups and small groups practicing cultivation along riverbanks) environments (IPACC⁵⁰).

The term "minority group" usually occurs alongside a discourse of the human rights of groups who are necessarily subordinate to a dominant group within a larger society. An important aspect of this subordination is segregation as a means of maintaining the economic advantages and superior social status of the dominant group. Segregation does not necessarily imply spatial or physical segregation because the social segregation of the subordinate group may be maintained through a system of exclusion involving stereotypes and negative perceptions on the basis of minorities' cultural, ethnic or racial characteristics. Exclusion is closely associated with the land rights of non-dominant minority groups who often find themselves pushed off their land to make way for government, private and individual concerns intent on exploiting land and natural resources traditionally accessed by minority groups.

In the context of this study, the notion of ‘minority group’ was very problematic mainly due to conceptual difficulties and the heterogeneity of minority groups considered. For instance, according to international conventions⁵¹, many of the groups found in the areas covered by the PALTAS (e.g. Somalis, Afar, Anuak, Hamar and Bena) are classified as non-dominant marginalized minorities within a system dominated by highlanders. But the ToR for the PALTAS requires an ‘investigation of the demands of minority occupational groups’ and in another context of ‘minority and disadvantaged populations’, with respect to their rights of access and ownership to land and other resources in pastoral and agro-pastoral areas. In view of this, the focus of this chapter had to be directed at minority groups within the pastoral and agro-pastoral areas surveyed.

Although time was short and information scarce, highly heterogeneous groups of minorities were identified in the study areas that faced discrimination, but the forms and extent of discrimination, and their impact on minorities' land rights could not be determined accurately. Some pastoral minorities with lower social and economic status were identified within the larger pastoral community (e.g. lower caste clans/sub-clans, smaller/poorer herders, pastoralist drop outs). In some cases, it was not clear if a group's distinct ethnic identity, strong cultural and exchange ties with the dominant group or territorial claims would permit it to be qualified as a minority (e.g. Gabbra camel pastoralists in Borana⁵²). The creation of

⁴⁹ A distinction is often made between ‘minority’ and ‘indigenous’ groups, the latter including groups who, due to historical and environmental circumstances, have found themselves isolated outside the state-system. ‘Indigenous peoples’ are seen as having attachment to a particular land or territory and/or way of life threatened by current state policy and affected by the shrinking of their traditional resource base. It is precisely because of this threat to their survival and to guard against their exclusion that the term ‘indigenous’ is used as distinct from the term ‘minority’ which is often used to describe groups like artisans living in the larger territory of a dominant group, but associated with separate activities and institutions (UN Economic and Social Council, 2000; IPACC).

⁵⁰ Indigenous Peoples of Africa Coordinating Committee (IPACC). “Who are the Indigenous Peoples of Africa?” http://www.ipacc.org.za/eng/resources_featuredreports.asp

⁵¹ See Minority Rights Group International <http://www.minorityrights.org>

⁵² The Gabbra have for centuries maintained special bonds with the Borana and enjoyed the full privilege of accessing Borana resources by adhering to gadaa rules. But relationships between these two groups have been very strained in recent years and involved endless resource claims and counter claims. Hussein (2006) attributes this deterioration in the relationships between the Gabbra and the Borana to growing links between the Gabbra and the Garre due to the influence of shared Islamic creed and the camel economy. The Gabbra have to move frequently because they mainly keep camels that can't stay in any one place for more than a month. Gabbra incursions on neighboring groups' grazing land have occasionally led to conflicts.

national boundaries between Ethiopia and neighboring countries has also divided some pastoral groups (e.g. Borana, Gabbra, Nuer, Somali and ethnic groups in SNNPR), resulting in some of them acquiring minority status in Ethiopia. The demarcation of regional borders within Ethiopia in recent years (e.g. between Somali and Oromia Regions) has also legitimized the resource claims of some pastoral minority groups while undermining the claims of other dominant groups⁵³.

The highly politicized and sensitive nature of issues related to minorities' is reflected in the PALTAS survey which shows that an overwhelming majority of respondents in Yabello (100%), Jijiga (96%) and Afar (95%) either claimed not being aware of any resource conflicts involving minority groups or simply refrained from answering any questions related to minorities. Extreme reluctance to discuss minority group related issues was also observed among focus group discussion participants and key informants in these sites. The problem was exacerbated by the absence of any official body dealing with minority issues and lack of relevant literature on the subject. Although there seems to be a growing volume of advocacy in Africa that the rights of minorities should be protected, very little work seems to have actually been done in either systematically identifying them on the basis of agreed upon criteria or in actually studying what their present and past positions have been in relation to resources and to dominant groups.

The PALTAS survey further shows that of those aware of resource conflicts involving minorities, close to 80% were in two sites, namely Jikawo (39%) and Bena-Tsemay (40%). All respondents who gave answers in Jikawo described minorities as ethnic groups and clans residing in the locality. While non-response and don't know rates were high in Bena-Tsemay (32%), characterization of minorities was more varied, 37% of respondents describing minorities as artisans, 26% as minority ethnic groups/clans residing in the locality, 26% as outsiders/members of other ethnic groups come from another area, 21% as artisans and outsiders and 5% as ethnic groups/clans living in nearby. In much of SNNPR, largely urban based and/or itinerant artisans working iron and leather who traditionally strictly adhered to their trade are beginning to venture into livestock keeping and farming in limited peri-urban areas. In both Somali and SNNPR, the fact that minority occupational groups did not engage in farming or herding was attributed (by the dominant pastoral groups) to adherence to their distinct traditions and customs of hand skills and mobility, rather than to restrictions placed on their resource access. But the granting of land in Jijiga to clan members who had been displaced from other regions but could trace their descent to the clan and the ostracization of minority occupational groups in SNNPR suggest otherwise.

Of survey respondents who answered questions about problems facing minorities, 41% (100% in Assayta, 45% in Bena-Tsemay, and 22% in Jikawo) felt minorities lacked freedom to use pasture and water resources; 33% (52% in Jikawo and 36% in Bena-Tsemay) that they had unequal access to farm land; 16% (18% in Bena-Tsemay and 4% in Jikawo) that they had no right to use any resource; and 11% (22% in Jikawo) that they had no right to forest and wildlife resources. In short, grazing land and water seem to be major constraints for minorities in Assayta, Bena-Tsemay and Jikawo; farm land for minorities in Jikawo and Bena-Tsemay; and forest and wildlife resources for minorities in Jikawo. Particularly striking is the case of Jikawo where there appear to be minority ethnic groups and clans denied rights to almost all resources. It is probable that these minorities include Nuer, as well as non-Nuer ethnic groups engaged in herding, farming, hunting-gathering and fishing, whose rights to land (grazing and farm), water (for livestock and fishing), forest resources and hunted game have been contested.

⁵³ A case in point is the Garre who according to Boku and Irwin (2003), "... currently claim to be a Somali clan although their mother tongue is Oromiffa and historically they have claimed to be Oromo. Some Garri have settled, including destitute peri-urban groups around Nagelle (again settled by UNHCR as returnees), and in disputed border areas such as Udat. Others remain transhumant and use the Borana lowlands."

Although non-response rates were high, of respondents who gave answers to the question of whether the traditional system protected the resource rights of minorities, 83% were found in the three sites of Bena-Tsemay (32%), Jikawo (31%), and Assayta (21%). The large majority of respondents in Bena-Tsemay (86%) felt that the traditional system did not protect the resource rights of minorities. Some 82% and 41% of respondents in Jikawo and Assayta wanted change in the traditional system towards greater resource entitlements by minorities, the equivalent percentage for Bena-Tsemay being 75%. This suggests that even in conservative sites like Assayta where 59% of respondents did not want any change in the traditional system, there are individuals who would like to see improvements in the position of minorities. In Jikawo, the main form of change contemplated was one towards greater entitlement of minorities to farm land (52%) and to all available resources (47%). In Bena-Tsemay, proposed changes in the traditional system related to minorities' greater access to farmland (33%), equal social status for all ethnic groups residing in the locality (24%), access to all available resources (19%), equal access to water (14%), and equal access to farm land and water (10%). In Assayta, 71% of respondents felt that the traditional system should grant minorities' freedom to use and control all available resources and 29% felt the traditional system should allow minorities to use farmland.

All this suggests that natural resources are vital to the livelihoods of minorities in pastoral and agro-pastoral areas. Access to grazing and farm land, forests, wildlife and water is a major concern for minority groups who are increasingly finding themselves pushed off their traditional land to make way for urban and agricultural expansion, tourism, environmental protection (e.g. national parks, forest and wildlife conservation, controlled hunting areas) and private business development. As experience elsewhere in Africa shows, with rapid population growth, urbanization and increasing land scarcity, associated with encroachment by private and government concerns on forest and river areas traditionally used by indigenous peoples, many minority groups are on the verge of extinction. The non-recognition of the land rights of these groups by government either through ignorance of their existence or by a deliberate decision that their consideration would be incompatible with development or would make the situation more complex is a matter of concern.

Ethiopia is a signatory of many international treaties which pledge to safeguard the rights of minority groups. Further, Article 25 of the Ethiopian Constitution (FDRE 1994) broadly recognizes the rights of Minority Nationalities and Peoples, and guarantees equal and effective protection to all persons without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status. However, detailed and specific provisions, legal standards and procedures for the protection and promotion of minority groups' rights have not yet been developed. Two major assessments of the Ethiopian government's recent record, one by the UN Committee monitoring the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), and the other by a UN Independent Expert on Minority Issues (Gay McDougal), suggest that government commitment to protecting the rights of minorities has not been strong. One area mentioned in the ICERD report relates to the establishment of national parks without the participation or informed consent of pastoralists. The latter point followed criticism of the transfer of the Omo National Park in South-West Ethiopia, from government to private control without prior consultation with pastoralists in the area, and that the government had obtained 'consent' of the communities to the boundary demarcation of the park, by asking them to sign documents with a thumb-print. In her February 2007 report on Ethiopia, Gay McDougall found that "some smaller minority communities were considered to be on the verge of disappearing completely, due to factors including resettlement, displacement, conflict, assimilation, cultural dilution, environmental factors and loss of land." She noted that, "An unknown number of minority communities are believed to have already disappeared completely." She further highlights the case of the Karayu pastoralists who have been displaced from their traditional land and water source in Oromia because of the establishment of a national park, and industries, in the area.

9.3 Concluding Remarks

There is need for addressing broader political, environmental and socio-economic issues that deeply affect the lives of women and minorities in pastoral and agro-pastoral areas. Unless there are improvements on these fronts, women's or minority groups' land rights cannot be effectively protected in isolation. Particularly, policy makers need to avoid the tendency of extending statutory law applying to women's land rights in sedentary mixed farming areas to women's land rights in pastoral and pastoral areas based on a wrong assumption of uniformity in women's positions with regard to land rights across groups, production systems and regions, and over time. Pastoral women do not have the same interests, loyalties and alliances in relation to land as women in mixed farming systems, and differences in women's role in agricultural/livestock production systems and in their socio-economic status frequently outweigh gender identity.

There is an urgent need to verify and adjust official estimates of cultivable and cultivated land, grazing and grazed land, water, and forest and wildlife resources traditionally accessed by minority groups. The often false impression of plentiful and idle land in pastoral and agro-pastoral areas is misleading to policy makers who might promote inappropriate interventions (e.g. settlement of populations from densely populated, drought-prone or degraded areas; expansion of smallholder and commercial farming; controlled hunting, protected and tourist areas). Interventions of this kind in marginal environments with scarce resources pose the greatest threat to the continued existence of minority groups.

In general solid research and analytical work is required on pastoral and agro-pastoral women's and minority groups' land rights, taking account of customary institutions of family and marriage (e.g. land inheritance, polygamy, widowhood, etc.) and cultural and economic ties traditionally maintained between subordinate minority groups and dominant groups. Aspects of customary and statutory law that protect women's and minorities' land rights need to be clearly identified and discussed for eventual legitimization. Provision of free legal aid to women and minority groups is also required in cases of disputes over land and other resources.

In the context of this study, and on the basis of the notion of 'minority group' accepted in this study, minority groups faced discrimination. Of course the forms and extent of the discrimination, whether this involved exclusion from the use of resources, and how the discrimination affected the rights of minorities' could not be determined. Some minority groups were too small or indistinct that they either identified with members of the dominant pastoral/agro-pastoral group (probably having lost their land) or lived as separate groups ignored by the dominant group because of their different livelihoods and/or residence in clearly demarcated areas (hunters and gatherers in forest areas, fishermen, urban and peri-urban based artisans). Overall, land appears to generally be vital to the livelihoods of many minorities in pastoral areas. Access to land and water appear to be a major concern for especially hunting-gathering and fishing groups in pastoral areas who may be finding themselves pushed off their traditional land to make way for tourism or environmental protection (e.g. national parks, forest and wildlife conservation) or business developments.

10. Conclusion and Recommendations

10.1 Conclusions

PALTAS was undertaken to assess the current customary and formal land tenure systems and the administrative arrangements for their regulation and enforcement and to make recommendations to the Federal and regional governments on possible improvements in policies and legislation that provide enhanced land tenure security for pastoralists and agro-pastoralists and strengthen the institutions that administer their land. The study focused on land as well as other related resources identified in the ToR. These include pasture, water, wildlife and forest. It examined the use and administration of farm and pasture land, as well as the other resources from various aspects including: rights, conflicts, institutions, development interventions, transformation, alternative livelihood, gender and minority. In view of the objective, resources and the various aspects considered, the study concludes the following.

Resource tenure differs from one type of resource to another, and even depending on different uses of the same resources. Generally, pasture and water are under communal tenure while farmland is privately held. The trend is that individualization of land and water is expanding within the pastoral communities themselves. In some areas, this happens at a faster rate. Resource management and administration is predominantly under the customary system in pastoralist areas while Kebeles are involved in land administration in the case of individual holdings like farm plots and this is mostly in agro-pastoral areas. In general, there are institutional gaps. Customary institutions are being weakened and the government administrations at the different levels do not seem capable and prepared to take up land management and administration responsibilities. There are no policies and guidelines that could be applied by any existing institution towards the management and administration of land resources in PAP areas.

The findings of the study make it evident that pastoral and agro-pastoral land use and administration systems are neglected. Examination of the current policies and laws shows that pastoral areas are treated marginally and the blanket policy and legal frameworks on land use and administration cannot in the main serve the pastoral and agro-pastoral areas in this respect. The study gave prime importance to the review of the Afar draft land use and administration policy since it can set a precedent to the formulation of land use and administration policies in the other regions with a significant PAP sector. The extensive review of the draft policy reveals its inadequacy in various aspects, but the core issues are its advocacy of sedentarization of pastoralists and the establishment of formal institutions to administer land use and administration. In the draft policy document the communal system is viewed as dysfunctional or even destructive and the customary institutions are viewed as obstacles to development endeavors that should only be maintained as long as they do not contradict the formal institutions in resource related authority and power. In this context, the serious question to be answered is whether the regional government can afford implementing such policy ideas. This calls for further detailed investigation and serious review of the provisions of the draft policy document. Such exercise requires time to assess the experiences of other countries, particularly in Africa where the track record in this respect has demonstrated little or no success, and to hold extensive consultations with various stakeholders including pastoralists and agro-pastoralists at individual, community and clan/sub-clan/ethnic group leadership levels.

The study also assessed the causes and management of conflict in PAP areas. Conflict is a common phenomenon among the pastoral and agro-pastoral communities of Ethiopia. The causes and the nature of conflicts are diverse and often complex. Government policies that do not adequately address PAP land tenure and that undermine traditional governance systems are contributing factors to conflicts. Competition for resources is aggravated as a result of rapid human and livestock population growth and climate change.

Factors like population pressure, bush encroachment and expansion of crop agriculture, as well as drought have become main threats to pastoralism. There are shifts from extensive to intensive livestock production in pastoral areas. During the FGDs, pastoralists repeatedly expressed their willingness to settle in a situation where they get access to secure livestock feed, water, livestock and human health service, market place and education for their children. These are ideal conditions and difficult to meet in the short to the medium-term. Still, the propensity for pastoralists to lead a more settled life is apparently there and rising, and is accompanied by the search for and adoption of alternative livelihoods. Pastoralists have been diversifying their income from other livelihood sources -- e.g. truck renting, residential house construction and renting out, hotel construction, etc. They are increasingly engaged in charcoal burning and sale, sale of firewood, petty trade, and wage labour. Some rich pastoralists are establishing individualized enclosures from communal grazing land while at the same time they are also sharing the communal grazing lands with others.

Despite the policies and strategies of the EPRDF government that seem to establish the need for the consent of local community members before development project interventions and land taking are effected, there are cases where pastoral and agro-pastoral community members complained about the non-payment of compensation, no substitute land being given, and inadequate compensation for land taken for development project purposes, including for urban expansion. Most of the time, for regular development interventions such as for the construction of schools and health facilities or farmer training centers (FTCs), there is no compensation paid. For big development projects such as inter-state highways, irrigation infrastructure or big water supply projects, airports, etc. there are complaints of inadequate compensation. In short, compensation is one of the major issues which should be addressed by government through appropriate new policy and legislation or the proper review of existing policy and legislation.

Urbanization is one major occurrence that is introducing challenges to traditional and formal institutions to administer land in rural PAP areas. Pastoralists have increased their propensity to settle in small emerging and expanding towns and because of this and the various public and private investors' development interventions, pastoralists and agro-pastoralists are also taking their own initiatives to individualize communal pasture land for residential and business purposes. Urban administrations are also taking land for expansion of urban based activities. This is happening without both traditional and formal institutions being ready to provide land use and administration services which can cope with such changes. The land use and administration issue related to the urbanization process needs an urgent response in terms of the provision and implementation of policy and legislation.

Women in PAP areas have no secure rights to land. Minority groups face discrimination, though the forms and extent of the discrimination, for example, whether this involved exclusion from the use of resources, and how the discrimination affected the rights of minorities could not be determined.

On the basis of the assessments and findings reported in earlier chapters and the conclusions made above, the following policy recommendations are put forward for policy makers and legislators at different levels of government. It is important to recall that the paucity of time was one major constraint for PALTAS. Hence the magnitude and depth of the elements of the following policy recommendations have to be seen in that light.

10.2 Recommendations

10.2.1 Rationale and justification

while this study does establish the overall situation on the ground and the desirable directions of change to be followed, we found that the scope of the coverage and the nature of the issues involved in undertaking it have not realistically allowed to provide detailed specifications of the policies to be formulated and the institutions to be established. It is, therefore, recommended that the regional (and Federal) governments adopt a more intensified consultative and comprehensive process, as well as a rigorous review of African experience in order to be able to draw appropriately detailed policies and laws⁵⁴.

PR-1: Policy and legislation

There is a need to formulate new ones and review existing land use and administration as well as expropriation and compensation policies and legislation.

Although both the RDPS (MoFED, 2003) and PASDEP 2005/06-2009/10 (MoFED, 2006) documents present the recent policy and strategies in PAP areas, they are not sufficiently detailed to serve as a guide the future development of land use and administration policy in the pastoral and agro-pastoral areas of the country in light of the rapid transformation and changes to alternative livelihoods occurring in these areas to day. In fact, in both documents, there is no policy statement specifically addressing the land use and administration issues of pastoral areas.

The Federal Constitution has established that the right to ownership of land is exclusively vested in the state and in the people of Ethiopia. Proclamation 456/2005 on rural land administration and use and Proclamation 455/2005 on expropriation and compensation give to the government the right to expropriate land in any part of the country for public purpose, but also impose the obligation to pay due compensation in cash or by giving substitute land to the affected individuals. These proclamations allow regional councils to issue their own land use and administration laws and directives to implement the Federal expropriation laws and regulations. But in the pastoral areas of all the study regions, land is still administered by the customary clan based system. In most cases pastoralists perceive they own the land with the right to do anything including selling it if the need arises.

Article 17.1 of Proclamation 456/2005 states that “each regional council shall enact rural land administration and land use law, which consists of detailed provisions necessary to implement this Proclamation”. Following this, some of the study regions have issued their regional land administration and use laws. Oromia issued Proclamation 130/2007 and SNNPR Proclamation 110/2007 for this purpose. The other study regions have not yet issued any laws similar to these two regions which they need to do soon. Even in these Federal and regional laws, although the definition sections of the proclamations include pastoral and agro-pastoral (in some the latter is designated as semi-pastoral), the sections and articles where acquisition and use of rural land are referred rarely give clear provisions relating to the subject in pastoral and ago-pastoral areas since these are vaguely presented with no details that explain the basis for their implementation at grassroots level both in PAP and non-PAP areas.

In general, all study regions have to issue land use and administration policies specific to the PAP areas, and laws, regulations and directives to govern land use and administration in these areas. By the time PALTAS was undertaken, except Afar, the other study Regions did not have a draft policy on land use

⁵⁴ It must be realistically recognized that such a process would demand a longer time input than was possible to allocate for the present study.

and administration specifically for pastoral and agro-pastoral areas. Even in Afar, the draft policy has inherent problems of inadequacy and vagueness. It focuses on sedentarization of pastoralists and the installation of formal institutions as the primary organs to deal with land use and administration issues. The communal system is viewed as dysfunctional or even destructive. In the Afar draft policy, although the acknowledged role of pastoral customary institutions in conflict management is relatively clearly stated, the document is silent on their role in land use and administration and on their place in the proposed institutional structure that is envisaged to deal with land use and administration policy. Furthermore, during the field work in Afar, it was indicated that, although the policy document drafting process is almost getting finalized, it will take some time to formulate and gazette the required laws and related legal instruments to implement the policy. The process of formulating such policies and legislation should be expedited in this region as well as in the others. When the laws are put in place, details should be issued immediately through appropriate policy and legislative instruments. While the process of formalizing policy and legislation into proclamations, regulations and directives is the accepted function of government, given the diverse and complex nature of land tenure and institutions in the pastoral areas of Ethiopia, it would be much more productive to follow a consultative rather than the usual bureaucratic top-down approach to policy development.

Below are the two broad policy recommendations and the specific points pastoral and agro-pastoral land use and administration instruments have to address.

The two broad policy recommendations in terms of rights and institutions are:

- a) Clearly establish the rights of pastoral and agro-pastoral communities, community members (individuals) and other rights holders (government, investors, settlers, etc) regarding tenure, use, and transfer of land, pasture, water, forests, and wildlife.**
- b) Clearly define the institutions (customary and formal) in charge of the administration of land, pasture, water, forests, and wildlife.**

It is recommended that the rights and institutions policy and legal provisions address the following main points as a minimum:

- Defining the units of and setting criteria for rights holders in resource use and administration for communally held resources (clan/sub-clan, tribe, etc. the “community” has to be defined).
- Setting the mechanisms of how the territorial boundaries of the rights holders for communally held resources are to be demarcated.
- Setting the mechanisms of how to delineate the boundaries of resources held under government custody. For example, forests, parks, sanctuaries, other reserves etc. have to be clearly demarcated. It is also important to legally establish (gazette) such holdings.
- Setting the direction as to how resource conflicts should be managed (see also PR-2 below).
- Indicating the ways and procedures how resource tenure forms could be changed. For example, how individual holdings of resources are to be established from communal holdings (say, private farmland and pasture to be established from the communally held resources).
- Ways and procedures of granting land rights to those outside the community (government agencies, investors, etc.).
- Define modes of formalizing the rights of every rights holder. From the study, it seems that registration and certification is possible for private held resources (e.g. farm land). Thus the policies and laws have to explicitly state how to formalize communally held resources.

- Clearly define the role and powers of customary and formal institutions in terms of resource use and administration. As the study shows, at present, customary institutions are very important and it is desirable to recognize these institutions and look for ways of using them effectively.
- Indicate the mechanism of how land use plans should be developed and enforced taking into consideration not only technical but also economic, political and socio-cultural factors.
- Issue specific Federal and regional laws and regulations for land expropriation and compensation in pastoral and agro-pastoral areas on the basis of Proclamation 455/2005.
- Policy makers (Federal and regional) should explicitly and formally declare that PAP communities and individuals (and their customary institutions as appropriate) shall participate in resource use and administration issues, including those specifically addressing the need for a clear and agreeable policy on population resettlements on other groups' land or territory.

PR-2: Conflict management and institutions

For conflict management *the role of the customary and formal institutions in conflict management should be clearly identified and their separate and joint functional responsibilities delineated according to the strength of each to handle the different types of conflicts identified in the study*. On this basis, the following are recommended:

- Give formal recognition in the pastoral policy and legal documents to the role of the customary and formal institutions in conflict management (prevention and resolution).
- Make the customary institutions to be part of the proposed formal pastoral structure recommended to be established at regional level to deal with land use and administration matters
- Define the different roles of the customary and formal institutions, as well as well as their shared responsibilities.
- Jointly (i.e. regional government and customary institutions) develop guidelines and procedures for the steps to be followed in conflict prevention and resolution.
- Make existing and future policy and legislation to reflect the above recommendations.

PR-3: Land use plan

Land use study and land use plan should be given top priority to minimize various land based conflicts in PAP areas. Absence of land use plans has been mentioned in many instances as an important impediment to land use and administration management. For instance, pastoralists complain that farming is expanding on important pasture areas and at the cost of the grazing land for livestock. Farming amidst pastureland also inhibits movement of cattle and gives rise to conflicts whenever cattle destroy crops. Water points constructed in pasture areas are affecting the traditional pasture management system and leading to degradation of resources. Land use plans will also help to define forest conservation areas and parks with the consensus of the local communities and their leaders. The National Parks in the pastoral/agro-pastoral areas (i.e. Mago, Omo and Gambella parks) have no clear boundaries and the way they were established is causing conflicts between local communities and the parks' administrations. It is also important for water resources development (including irrigation), settlement and other development activities. Land use plans will also enhance community participation and benefits sharing in the forest conservation of projects. Furthermore, the demarcation of pastureland from farm land (with the consensus of all parties) is indispensable. The key instrument for this purpose is a land use plan. The demarcation will help to solve conflicts between pastoralists and agro-pastoralists (or farmers) and to develop both systems in their own ways, as well as forest resource conservation and development along with wildlife habitat areas.

PR-4: Institutions -- Customary and Formal

Devise a policy and strategy for the joint operation of customary and formal institutions to handle cases of land use and administration in PAP areas

The study has made it clear that generally neither the formal administrations nor the customary institutions seem to be adequate to shoulder land use and administration tasks independently of each other given the social, economic and political changes that have started to recently occur in the PAP areas. Capacity, accountability, legitimacy, cost, representation of interests (local, regional and national) and other factors need to be considered in establishing land administration institutions. It is important to give very careful consideration to the design of an innovative institutional arrangement that could balance such factors. More in-depth examination of these and regional and local level consultations in particular (inevitably requiring a longer timeframe) are necessary to create an appropriately designed institutional set-up for a joint land use and administration system.

As this study has revealed in the findings and assessments discussed earlier, the practices that customary institutions follow in the control and management of local natural resources differ in many respects in the different PAP areas of the country, including variations even within the same locality or ethnic group. Their relation with the formal structure, in terms of their territorial jurisdiction, also varies to a large extent. For instance, Kebele jurisdictions sometimes converge with that of a specific clan/sub-clan territory in which case a Kebele administration with adequate representation of the customary authorities may serve the purpose of a unified land administration institution. In other cases, a clan territory completely differs from a Kebele's jurisdiction. Thus, where such a thing as determining the location for the purpose of administering land registration is concerned, it would be necessary to be flexible and to consider location options that could optimally accommodate the different jurisdictional set ups based on real local situations rather than act on the basis of a predetermined and uniform blueprint prepared for all situations across the PAP areas of the country.

Overall, if customary institutions and Kebeles are supposed to work together, the roles and responsibilities of each should be clearly defined. At present, there are no clear mandates assigned to customary and formal institutions on land administration issues. Although current government policies and strategies give recognition to customary institutions, it is mostly for conflict management and not for land use and administration. Even for the former, the policy is not enforced by law. Besides, there are no formal government institutions that have been established with clear mandates and are capable to carry out land use and administration in PAP areas. The proper establishment of formal institutions to deal with land use and administration in the PAP areas has to start at the Federal level. At present, there is practically no significant land use and administration coordination activity at the Federal level. A coordination body at the Federal level with clearly delineated tasks for pastoral and non-pastoral areas should be set up as a unit within the MoARD, but independent of other units dealing with land use and administration matters, but without infringing on the constitutional rights of each region. This body should position itself to provide technical assistance and support to the regional institutions responsible for land use and administration to have at least the requisite human resources capacity to plan and implement their mandated tasks. The unit should have the requisite capacity and ability to give technical support to the regions.⁵⁵ At regional level, land related matters have to be handled by a well organized separate body or an organ within the relevant Bureau with responsibility to oversee land use and administration issues with due attention being given to the interests of both the state and the local

⁵⁵ As it happens that four of the five study regions (i.e except SNNPR) are those designated by the Federal Government as emerging states requiring technical assistance to support their social and economic development. To Financial and material support to these regions to develop their capacity to deal with such an important aspect of policy as land use and administration would certainly be consistent with the Federal Government's policy and strategy.

communities. It will be necessary to make sure that the structure is extended down to the Woreda level. This body should also have the requisite capacity, in terms of human, financial and material resources (equipment and other required facilities to cater to land matters in PAP and non-PAP areas. Also at this level, emphasis should be given to establishing a separate task force/team that deals specifically with PAP land use and administration issues.

PR-5: Awareness creation, training and consultation

Promote greater advocacy, awareness creation and civic education and consultation exercises for the various groups involved in PAP land issues

Women, as well as youth, clan and religious leaders, policy makers and the community at large should be targeted for such a task. It is believed that repeated and consistent awareness creation and training would contribute a lot to changing deeply rooted and discriminatory attitudes toward women and minorities, and to encourage these groups to claim resource based (land use) rights granted to them by law. In any development interventions the process should give space for appropriate and adequate consultations with and participation of the local communities when land is taken for project based development interventions. Land alienation for development purposes (be it public or private investment) should be done in consultation with the communities and their leaders; and issues regarding compensation, benefits sharing and participation should also be addressed in a transparent process. There is a particular need for consistent awareness creation and campaigns to change perceptions, partly caused by misinformation, about the process of development project identification, feasibility study, appraisal and implementation – e.g. such perceptions that a particular development project is identified, studied and put in place to deliberately hurt a specific pastoral group by a rival group. Training to the experts in Woreda and zone administrations on development projects identification, preparation, appraisal and implementation will help clarify some of the misperceptions associated with this.

PR-6: Extension and transformation

The Federal and regional governments should support and promote private initiatives in PAP areas. The emerging and expanding private activities such as trade, farming, livestock fattening, etc by pastoralists themselves are opportunities not to be lost to positively support the transformation of PAP areas into the fast changing national and global economic environment. Pastoralists have their own dynamics to change but like others such changes need an enabling environment. Government and NGOs should support them through extension programs to provide various inputs and services including improved and appropriate biological, chemical, and mechanical technologies; credit facilities, marketing facilities, and training on legal matters such as contract administration and enforcement.

Cooperative ranching, which is now emerging, should also be encouraged and supported by appropriate extension services. Government has to provide monitoring and evaluation services to minimize mismanagement and corrupt practices in such cooperatives. Besides the expanding and newly emerging private investment ventures in farming, ranching, tourism, hunting, etc, other areas for investment opportunities by the local population should be identified and facilitated with clear directives and guidelines. Special emphasis should be given to private initiatives that will lead PAP economies to modern corporate type operations based on livestock products and agro-processing ventures.

The following should also be given attention in the on-going transformation and alternative livelihood undertakings in PAP areas:

- Developing a guideline for incentive packages/mechanisms to encourage those who get involved in intensification and diversification operations

- Guidelines on how to introduce appropriate technology to promote development in the lowlands, including mechanisms for knowledge transfer and extension services
- Since land is required for most livelihood diversification activities, it is necessary to prepare a workable directive which easily gives access to land use either individually or as a group to undertake any environmentally sustainable livelihood diversification activities that benefit pastoralists as well as agro-pastoralists.
- Upgrading the knowledge and skills of pastoralists and agro-pastoralists through extensive capacity building programs, to enable them get access to, pick up or adopt and implement different livelihood diversification options to generate better income
- Reducing competition over limited land resources by providing employment opportunities outside pastoralism/agro-pastoralism, particularly to the youth.

PR-7: State capacity development

At this stage, the regions' institutional capacity (organization, relation, and human capital) and their technical ability to implement existing and new laws and development interventions is very limited. Unless capacity development efforts are increased in the short-to medium-term, both the Federal and regional governments will be confronted by management challenges and administrative difficulties resulting from the rapid transformation taking place in the pastoral and agro-pastoral areas. These challenges and difficulties may become increasingly intractable if they are left too far behind the transformations occurring in these areas. Human and financial resources play a key role in developing capacity. The Federal government shall draw not only on its own coffers but also community contributions and donors' support by means of a well studied effort in coordination with the regions themselves. So long as PAP areas need to share in the use of national and regional resources allocated for regular and development project based interventions in the PAP areas, the government should consider the formulation and implementation of a land tax policy and legislation for these areas. This will help enhance the financial capacity of the regions.

PR-8: Coordination among stakeholders

There is a need to coordinate the activities of stakeholders involved in land administration and land use matters. A case in point may be NGOs and donors which undertake activities that affect land use and administration in PAP areas. In some regions, e.g. SNNPR, a separate department in BoFED has been established to coordinate the activities of NGOs and donor agencies, while in others there is only *ad hoc* consultation. At some local administrations, NGOs are expected to provide resources to fill in the gaps created in the regular government development programs. To avoid such diversity in the stakeholder coordination approach, clear mandates and coordination mechanisms among government institutions, NGOs and others would serve the purpose. The coordination can be led by the proposed body which is responsible for land use and administration at different levels of government (see PR-4 above). Such planning and coordination of interventions would lead to minimal wastage of resources by avoiding redundant and ephemeral activities. Consultation with local government units and communities are also important. The activities of special interest groups should as well be monitored and evaluated. The elites in particular (educated, political, business, etc) should not be ignored and left alone to indulge at will in land use and administration matters in PAP areas. They can be constructive in regular and project based development interventions and, if properly harnessed, made to contribute to the regional or at least the local capacity in project development, implementation and conflict management. For this purpose, both national and regional governments should initiate the establishment of a forum that could bring together at regular intervals the elites with different views and the policy makers and legislators to deliberate on matters related to land use and administration in PAP areas. The forum should also be used to create the

awareness of those who may not have the necessary exposure to government policies and strategies in PAP areas.

PR-9: Women and minority groups

Protect the land rights of women, minority groups, youth and other marginalized groups in pastoral and agro-pastoral areas

Forging a joint or shared land and conflict management system in the pastoral and agro-pastoral areas based on a partnership between government and traditional institutions could be challenging, not least because it requires a clear recognition of pastoral land as a critical resource for currently marginalized groups of women, youth and minorities. If such a collaborative land management system is to work, government needs to recognize the legitimacy of customary institutions which in many cases may be the only ones operating in particular PAP areas. At the same time, government needs to encourage and press the case for the elimination of discriminatory elements held and maintained by customary institutions.

In recent times, growing numbers of disenfranchised women (particularly wives in polygamous marriages, widows, divorcees, childless married women), youth (particularly younger sons from polygamous marriages, poor and unmarried youth) and minorities (pastoral and non-pastoral occupational groups) in PAP areas have been exposed to increasing levels of poverty and destitution. Most customary institutions have failed to recognize the need for accommodating the particular interests of these groups. Instead, they have voiced concerns about marginalized groups no longer respecting traditional values; rebelling against traditional laws and practices; or appealing their actions to formal government structures.

Such trends are likely to undermine the effectiveness of any proposed collaborative land management system. To function effectively and in partnership with government under current conditions, traditional institutions need to clearly commit to change that will grant greater equality to women and youth in terms of access to land, and consequently greater representation and power sharing in governance and management structures from which they have traditionally been excluded. If the new management partnership is to be effective, issues of re-building and strengthening inter-ethnic ties and relationships, involving minority groups, also need to be addressed.

Given the initial commitment to change, details can be worked out of how an effective partnership can be forged between government and traditional institutions to address gender, youth and minority issues. Such details could include linkages between customary and existing/newly established government structures to address gender, youth and minority issues; institutional mechanisms of monitoring and appeals to safeguard rights, accountability and representation in traditional institutions; etc. In view of the multiplicity, diversity and complexity of the issues involved, the process of modernizing customary institutions will, of necessity, take time and require substantial and sustained support and commitment. As a first step, the focus should be on the most extreme discriminatory practices and most disadvantaged groups before tackling sensitive rights issues and extending them to broader marginalized groups.

Although the hold of statutory law is weak in most pastoral areas, there may be scope for protecting the land rights of some marginalized groups through statutory law, particularly in some agro-pastoral and urban/peri-urban areas. In such cases, free legal aid to, for example, displaced/evicted minorities, refugees, female heads of households; ensuring that these groups are well represented in judicial cases involving land at local, Woreda and regional levels; alternative livelihoods and benefits sharing arrangements seem to be the most important to consider. Revisions and adjustments in current statutory law applying to the land rights of marginalized groups are also needed. Although current legislation in Ethiopia very broadly protects the land rights of pastoral and agro-pastoral women and minorities, it is

plagued with inconsistencies and ambiguities. What is more, current legislation treats these groups as homogenous and has no specific provisions for “pastoralists and semi-pastoralists” who, regardless of sex, age or minority status, are lumped together with “peasant farmers”, or for women who are not only lumped together with men (“the provisions of this proclamation referring to masculine gender also apply to feminine gender”), but are also assumed to have the same interests, loyalties and alliances in relation to land as women in other production systems, other regions, other cultures and over time. This latter point needs to be emphasized since there is all too often a tendency to extend statutory law that applies to women’s land rights in sedentary mixed farming areas to women’s land rights in PAP areas. It should also be noted that the land rights of minority groups and youth in PAP areas are not specifically addressed in any current land related legislation. There is need for safeguarding the rights of the displaced/evicted minorities and for providing these groups with alternative livelihoods, and for promoting benefits sharing arrangements in development initiatives.

PR-10: Monitoring and evaluation

It is too often that recommendations are made to policy makers that remain unattended even where the commitment to implement these recommendations has been undertaken and declared by those with the requisite authority to do so. In the light of this, assuming that the Federal and regional authorities commit to the recommendations made as result of this study, it is proposed that a monitoring and evaluation mechanism be instituted at both levels (i.e. regional and Federal) for the purpose of following up the progress and outcome of these recommendations. Further, since it is expected that the multi-dimensional policies that will emerge from the recommendations are expected to be openly discussed and responsibilities for their implementation attributed to different government organizations and the positions established or to be created for the purpose, it is also recommended that the accountability of the institutions and persons be part of the monitoring and evaluation process.

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