

Draft

**CUSTOMS IN CONFLICT: *Land Tenure Issues among
Pastoralists in Ethiopia***

*Dessaiegn Rahmato
Forum for Social Studies*

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ABSTRACT

This paper presents a broad review of land tenure issues among pastoral communities in the country. It is argued that the key element of pastoralism is that it combines mobility with efficient use of scarce resources. Since the arid and semi-arid areas of the country where pastoral populations live receive insufficient rain during the year, mobility is important to make use of resources in different ecosystems during different seasons.

Ethiopian pastoralism and its customary institutions have come under severe pressure due to a host of inter-related factors, including frequent drought, rangelands deterioration, population growth, expropriation of grazing land by government and investors, the expansion of crop cultivation, and internal social differentiation in which some people within the pastoral communities are spontaneously turning to farming and enclosing the land. But a significant factor of the crisis within pastoral communities is the cycle of conflict and violence. These conflicts are described under several categories showing their deleterious effect on customary institutions.

In the conclusion, the paper raises some issues for debate with regard to whether or not there is a need for formal legislation to define rights of access to pastoral land and whether or not the existing system of mobile herd management needs to be critically re-examined. It suggests that the future of pastoralism may lie in intensive livestock production which may make mobility unnecessary and may help reduce the cycle of violent conflict.

Introduction

This paper is based in part on a short fieldwork which I carried out in 2002 among farmers and herders on the escarpment separating the Afar lowlands and the Wollo highlands, and in part on currently available documentation¹. The pastoral populations in

¹ To avoid cluttering the pages I have kept references in the text to an acceptable minimum, but the works I have consulted are given in the Bibliography at the end of the paper. Acronyms are also given at the end

this country are diverse in terms of livelihood pursuits, resource potential, environmental conditions, and historical relations with the state. Hence to talk about customary land systems among pastoralists, as I will be doing in the pages that follow, risks simplifying a complex picture, nevertheless, I have focused on the commonalities shared by most groups for the purposes of the study, leaving out the specificities in each particular case for a more in-depth study to be undertaken by others.

The arid and semi arid areas of Ethiopia, where the main pastoral populations live are located on the eastern, south-eastern and southern borders of the country. They cover an extensive territory, perhaps as much as 40 to 45 percent of the country, while the pastoral population constitutes approximately 10 to 12 percent of the total. While the areas are generally considered unsuitable for highland farmers, successive governments have not been well disposed to what they regard as the imbalance between the size of the pastoral populations and the land resources under their control. The main resource that has attracted the attention of governments, foreign and local investors alike, lies in the network of rivers that flow across the length of some of these areas, and what all interested parties assume to be their minimal use by the pastoral populations. While the Awash River, which flows through Kereyou and Afar territory, remains within the country's borders, the rivers flowing through the Ogaden territory cross into the neighboring country of Somalia.

Governments have also been concerned because of the geopolitical significance of the lands occupied by pastoralists: the long and porous border, stretching particularly along the eastern and southeastern part, is inhabited by pastoralist populations which have not been fully placed under central control and which the state has frequently suspected of divided loyalties. This has shaped in no small part the choice of development interventions in these areas as well as the country's relations with its neighbors across the border.

In Ethiopia as elsewhere in Africa, pastoralism is a livelihood system based on *extensive* livestock rearing adapted to a difficult environment in which rainfall is poor and spatially and temporally variable, and resources are geographically scattered. The system functions best if it is able to ensure periodic *mobility* that enables it to exploit different ecosystems at different times of the year. Mobility is basic to pastoral livelihoods, both in terms of access to variable resources, and in terms of the regeneration of resources already used up and exhausted. While the form of mobility is dictated by the composition of the herd in the possession of the family at a given time, the distance to be traveled, etc, mobility in one form or another is essential for most pastoralists and determines the form of resource tenure in place. Thus pastoral livelihood systems combine the flexible use of natural resources with the control of space which helps create the conditions for rights of tenure. Put another way, *pastoral land tenure is a system of sustainable land use and land management.*

The system is regulated by customary institutions which have proved effective for generations in the past. These institutions, which differ in a number of respects from one pastoral society to another but which are similar in all of them in their main

characteristics, consist of rules, codes of behavior and sanctions on the one hand, and authority and dispute settlement structures on the other. The basis of the institutions is the social division of communities into cohesive groupings, or clans, and the strong bond individuals establish with them. The clan system, in other words, is the cementing factor that gives customary institutions their legitimacy and influence.

Populations in pastoral areas are not all homogenous, nor do they pursue similar livelihoods, and in consequence, rights to land will be different depending on economic pursuits. Although extensive herding is the dominant form of economic activity, there are groups that depend almost entirely on sedentary farming, on the one hand, and a mixture of farming and livestock rearing, or agro-pastoralism on the other. Farming groups work land along river banks, near other water points, on good pasture land, and in peri-urban areas. Since cultivation in arid and semi-arid areas is constrained by inadequate rainfall, farmers here have access to water either through irrigation, flood recession, or a combination of both. Many farmers' rights to such riverine lands are not very different from those to be found in highland farming areas (Devereux 2006). In some areas, enterprising individuals have invested in spring development and water from this source is used for farming and domestic consumption. These diverse forms of livelihood have been accompanied by or given rise to social differentiation within the populations which in turn has undermined traditional systems of control over land and management of natural resources.

The Erosion of Customary Institutions

Over the last four to five decades, pastoralism in this country has faced a crisis of livelihood brought on by a diverse set of exogenous and endogenous pressures. These pressures have placed severe strains on long established customary practices regulating access to and management of land resources and livestock rearing systems, and in consequence these institutions are now losing some of their effectiveness and legitimacy. Among the pressures that have brought about this crisis, the following are significant:

- The expropriation of considerable land and water resources under government initiative and their transfer to foreign, national and local investors
- the alienation of natural resources by government itself for national parks, game reserves, forestry and resettlement schemes, and rangeland and livestock development programs (Tadesse 2006, Pankhurst and Piguet 2004)
- population growth among pastoralists and the surrounding farming communities and the intense competition for scarce resources this has given rise to
- the degradation of natural resources in pastoral areas brought on by severe and recurrent drought and environmental stress
- recurrent and occasionally bloody conflicts between pastoralist and other actors increasingly encroaching on the resources customarily claimed by one pastoral group or another (more on this below).
- social differentiation within pastoral communities and the turn on the part of the newer groups towards livelihood pursuits not dependent on mobility.

The net effect of all these pressures has been to place severe restrictions on pastoral mobility and bring about the destabilization and decline of pastoral livelihood systems. The endogenous conflicts in particular deserve more attention here since they have a strong bearing on the viability of customary institutions. It is paradoxical that while customary institutions are meant to play an important role in conflict management, they are being undermined by the on-going violence and confrontations.

Pastoral communities have been torn by recurrent and frequently bloody conflicts which have taken a heavy toll in human lives and livestock, created an atmosphere of insecurity and fear, and closed opportunities for adaptation and economic improvement, and undermined customary institutions (see Mohammed Salih et al 2001; Markakis 1993). As these lines are being written, press reports from the Ogaden area speak of a violent clash between two rival Somali clans over claims to land and water sources in which over seventy-five people are said to have been killed and several hundred injured. At the heart of all conflicts is the competition for and access to vital resources, and as these resources have diminished over the years due to the pressures noted above, the cycle of violence and aggression has become more bloody and more frequent².

Since these conflicts have a bearing on our subject here, I shall discuss them in three broad categories, viz, conflicts between the state and pastoralists, between farmers and pastoralists, and among pastoralists themselves. The illustrative examples come from the Awash Valley since there have been more frequent and diverse conflicts here and since the stakes are high and have involved the state itself. Conflicts here involve the Afar, settled farmers along the escarpment, the Argobba, Kereyou, the Arssi Oromo and Issa Somali. However, there have been conflicts among Somali clans and sub-clans, between the Somali and Oromo in the Harrarghe lowlands (Devereux 2006); and in southern Ethiopia, among Borana, Gabra, and Somali, and between Guji pastoralists and Gedeo farmers. Indeed, as was shown in the debate at the first national conference on conflict, the country's conflict landscape is dominated by inter- and intra-pastoralist conflict (Ministry of Federal Affairs and GTZ 2003).

State – Pastoralist Conflicts. The alienation and enclosure of extensive land and water resources in the Awash River basin is the underlying factor that is responsible for the conflict in the basin today. The Awash basin remains the most intensely developed basin in the country. Part of the reason for this is that the Awash is the only river in the country that does not cross into neighboring countries, and hence development has not been constrained by international hydro-politics as in the case of the Abbai (Nile) River. Development here consists of large irrigation and agro-industrial schemes that rely almost exclusively on the waters of the River. According to a recent estimate over 150,000 hectares of land has been brought under such development (Flintan and Imeru 2002). This has meant alienating and enclosing valuable flood land by commercial interests and the government, and excluding pastoralists from access to their traditional dry- as well as wet-season grazing. From the 1960s on, the state has encouraged the development of the basin and thereby the alienation and individualization of land in it by

² See also Ayalew Gebre 2001, Ayele Gebre-Mariam 2005, Devereux 2006, Getachew Kassa 2001, Hogg 1997, Seyoum and Yacob 2000, Seyoum et al 1999.

outside as well as Afar investors; these lands are regarded as common property and customarily employed for grazing purposes by the Afar.

There is also another side to the crisis facing Afar society. This is that through the encouragement of the central as well as the *Killil* governments, wealthy Afar or individuals with the right connections are enclosing fertile land for purposes of crop cultivation. Such land may belong to a clan or may be allocated by the authorities. The crops preferred are usually high value cash crops, but such farmers also combine livestock raising since the crop residue from their farms provides fodder which is valuable in the dry season when pasture is scarce. Some of those who have enclosed land have rented it out to commercial cultivators. Enclosure has meant excluding others from using the land for livestock grazing (Getachew Kassa 2001).

As a result of these changes in land-use in the Awash basin, Afar pastoralists have lost rights of access to their customary grazing lands, which in turn has severely disrupted their traditional livestock management strategies. Most Afar communities blame the government for the intrusions of investors into their territory, and the loss of their land and water resources. The outcome has placed pastoralism in deep crisis. Many Afar clans have been forced to move their livestock further into the highlands where they have come into conflict with crop cultivators.

Farmer – Herder Conflicts. Driven by shrinking land and natural resources, growing poverty, drought and population pressure, highland farmers are moving into the lower environments traditionally used or claimed by pastoralist communities. Those at the foot of the escarpment, in particular the semi-transhumant Oromo, are moving their cattle deeper and deeper into pastoralist territory. On the other hand, the pastoralist way of life is also coming under severe pressure. This has been brought by the loss of traditional grazing land in the Awash Valley, drought and environmental degradation. The Afar in particular are pushing deeper and deeper into territory used or claimed by the Oromo and other farming communities. The environmental resources sought by all groups and without which none of them will be able to survive, are land, pasture and water. Crop cultivators that often clash with Afar pastoralists along the broad Rift Valley escarpment include the Tigray, Amhara, Oromo and in northeastern Shewa, the Argobba.

There are occasionally clashes between Amhara and Oromo peasants in northeastern Shewa, but in the main the conflict over natural resources in the Rift Valley escarpment, a conflict that has a history stretching over several centuries, is between farmer and herder. One may argue that this is a struggle between two productive systems and two modes of livelihood, the one based on crop cultivation and the other on livestock husbandry. Crop cultivation and pastoralism are not inherently antagonistic to each other; they have become so only because of the shrinking resource base and the intense competition this has aroused. The conflict has been exacerbated by a number of factors, including the large inflow of arms into the area following the civil war. The Afar in particular are now well armed, many carrying AK 47s and other modern rifles.

We may distinguish two types of conflict that occur perennially here, small-scale and large-scale. Both kinds are seasonal in nature, and frequently occur during times of the year when pasture is scarce and men and their animals move out of their home base in search of fodder and water. Small-scale conflicts involve individuals or small groups who attack a settlement or other individuals or small groups in which there is the use of arms, arson and stealing of livestock. Often fatalities are low, numbering perhaps not more than two or three. All through the 1990s, there were small-scale armed clashes in northeastern Shewa between Afar and Oromo, Afar and Argobba, Afar and Amhara, and on a few cases Amhara and Oromo (see Seyoum and Yacob 2000). However, from time to time large-scale armed clashes occur here in which the death count may reach a dozen or more, many homes are burnt down and large numbers of animals stolen. Not infrequently, small-scale conflicts lead to large-scale ones. In one large-scale conflict in the area that occurred in September 2001, armed Afar attacked an Oromo community and burnt down some 250 huts.

Inter- and Intra-Pastoralist Conflicts. The conflicts in herder societies that are of interest to us here are of two kinds: intra-community and inter-community conflicts. Within each herder community there are conflicts over access to resources, especially grazing land and water. Not all households in each community have equal access to these resources. Intra-community conflicts thus occur between rich and poor, and between herders and those who are giving up herding as their main form of livelihood and taking up crop cultivation instead. Such individuals often alienate land that has significant economic value to the poor or other members of the community who are denied access to it. In the Awash Valley, as we saw earlier, Afar individuals or groups are turning to cash crop cultivation; they are enclosing valuable land and either farming it themselves or leasing it to others (Getachew 2001). A similar process of change is taking place in the Ogaden, where enterprising Somali are enclosing land that is close to water points and using it to plant cash crops (Hogg 1997).

In customary systems of tenure, land is common property and is managed by the recognized leadership of the community; individual ownership is either rare or unknown. Customary management of common-property resources has been effective and has stood the test of time. The turn toward crop cultivation, which is accompanied by land alienation and a move toward individual ownership, is therefore profoundly subversive. It subverts customary rights of access to land and environmental resources on the one hand, and severely disrupts herding strategies on the other. It poses a threat to the survival of the pastoralist mode of production as well to the deeply held values of society. This explains why some of the intra-community conflicts in the Awash basin, particularly among Afar communities, have been particularly violent, involving armed clashes in which many lives have been lost. Getachew cites several examples of such conflict among the Afar in the latter part of the 1990s. It is quite likely that such kinds of conflict will occur more frequently in the Awash basin as pastoralism comes under increasing pressure and more and more individuals and groups begin to shift away from animal husbandry as a dominant form of livelihood and adopt crop cultivation instead.

Inter-community conflicts, on the other hand, involve conflict between different pastoralist societies living adjacent to each other. There have recently been frequent clashes between the Afar and the Issa Somali (more on this further down), between the Afar and the Kereyu, and the Issa and the Borana, to mention only the most significant. As we saw earlier, these conflicts, which have a long history, have been exacerbated by external intrusions, such as the alienation of land and water resources by local and foreign investors, by development programs, drought and environmental deterioration, and growing poverty. State development programs such as dams, national parks, rangeland rehabilitation initiatives, afforestation schemes, etc., which have often taken away land and other resources claimed by pastoralists, and which have been undertaken without consulting the communities concerned, have aggravated herder grievances and intensified competition between one herder group and another.

Moreover, the long civil war in Ethiopia and the neighboring countries has made matters worse by imposing hardships on many of the pastoralist groups, and at the same time allowing a large inflow of arms into their communities. With regard to access to arms, those closer to the main ports in the region -on the Red Sea and the Somali coast- have benefited the most, and, as a result, the Afar and the Issa are now more heavily armed than the Kereyu and the Borana. Access to better arms has encouraged aggressive initiatives on the part of the former two and defensive action on the part of the latter.

Of all the numerous conflicts among herder societies in the past two decades, the one which has attracted a great deal of attention and caused considerable concern in government and donor circles is the conflict between the Afar and the Issa. This conflict has worried the government because it is taking place on the main transport link between Addis Ababa and Djibouti, now Ethiopia's main outlet to the sea, and because it may have regional implications as the Issa are one of the two dominant groups in neighboring Djibouti, and there are Afars living inside the Eritrean border. The conflict has flared up on numerous occasions and has involved violent confrontation leading to the loss of lives and property. The most recent clash occurred in April 2002, which led to the closure of the highway and casualties among truck drivers using it (Seyoum et al 1999; and Flintan and Imeru 2002).

The Afar and Issa conflict may be taken as a good example of an ecological conflict driven by the most important resource in the area, water. The conflict may perhaps turn out to be the Ethiopian version of "water wars". The history of the conflict is complex and goes back at least to the early years of the imperial regime (Seyoum et al 1999), but we shall be mainly concerned about the nature of the conflict in the recent past. What is at stake are the fertile plains of the Awash basin and the waters of the river itself. The Alledeghie and Keroma plains have always been wet season grazing areas for the Afar but the Issa managed to move into it forcibly in the early 1950s despite the strenuous efforts of the Afar to block them. These plains are on the east side of the Addis-Djibouti road and railway line. More significantly, Issa also covet the dry season grazing areas on the banks of the river in the Middle and Lower Awash basin. These areas also include trading settlements such as Amibara, Gewane, and Mille, all of which are within territory traditionally inhabited by the Afar. Violent clashes between the two sides have taken

place on numerous occasions in the last three and half decades, and some of the clashes have resulted in the loss of several hundred lives and the looting of thousands of livestock. The Afar have frequently been on the losing side, mainly because the Issa are better armed and are much better prepared for aggressive action.

In summary, endogenous conflict, in which virtually all pastoral societies are enmeshed, continues to destroy human lives and property, and to erode the institutions, indeed the very fabric, of these societies. Obviously, the problems vary in intensity and extent from one pastoral society to another, nevertheless, virtually all the pastoralists in the country are confronted with them in one form or another. Not only are the conflicts pernicious, but the societies are forced into them by circumstances beyond their control and neither the populations concerned nor outside parties such as local and central governments are able to foresee any end in sight. These conflicts, along with the other pressures noted above, have aggravated pastoral poverty and further marginalized herder societies.

Many of the consequences of conflict have a direct bearing on resource tenure, of which the following two are significant for our purposes: a) a resource may be taken out of production because it is contested and no one has control over it; until the dispute is settled, which may take a long time, the resource will lie unused; b) a resource may change hands and be managed differently if it is taken over forcibly by one group from another; a resource may be claimed by one group though another group has been using it for generations, and the dispute is frequently settled by armed conflict.

The following text-box gives two examples from the Ogaden area that illustrate these points.

Text-Box 1

Conflict in the Ogaden Area

A. Deboweyn District

In Deboweyn District, a low-level or latent conflict has been going on for four years between two Ogadeni sub-clans, concerning an area of land that is sometimes farmed and sometimes left fallow. In 2001 this area received enough rain for crop cultivation, and both sub-clans claimed the right to farm it. An international NGO offered to provide farm tools to local people, which unintentionally escalated the tension, as each side feared that the other would seize this opportunity to settle and farm the land permanently. In order to avert a conflict –both sides being heavily equipped with small arms- the local government intervened and asked both sub-clans to refrain from farming the land. Despite being a valuable resource for local livelihoods, this land remained unutilized ever since.

B. Gohweyne Village

Two clans went to war over control of the Ogadeni village of Gohweyne. The Ismail, a sub-sub-clan of the Ogadeni Makahil clan, had lived in Gohweyne for 100 years, while the Bi'idyahan, a subsection of the Majartein clan, claimed Gohweyne as their ancestral land, and tried to construct berkad in the area. Both parties obtained arms from relatives in Somalia and waged war on each other. The Makahil had 128 men killed and 173 injured, while the Bi'idyahan lost 152 lives and had 190 injured. The Bi'idyahan won the war and displaced the Makahil, who fled to Warder District.

Source: Devereux 2006: 107-108

Land Tenure Policies since the 1960s

The land tenure and land reform policies that have been tried and implemented at various periods since the 1960s have primarily been concerned about agricultural land and the rights of access of settled peasant farmers. Rights to land of pastoral populations have either been ignored altogether or given at best secondary importance. There have been few attempts by public authorities to try to understand the complex dynamic of pastoral livelihood systems and the management of natural resources. Decision makers in all three governments in this period have been motivated by a strong conviction that sedentarization is the best option for nomadic pastoralism and policy interventions have consistently favored settlement and crop farming of one sort or another. Such interventions have frequently been planned without adequate consultation with the populations concerned, and often without proper preparation. In what follows I shall briefly review the major land policies in the period as they relate to pastoralist areas. This is meant to provide the broad context underpinning policy interventions and the justification for such interventions.

The Imperial Regime and State Domain Land

The significant aspect of the imperial land system was the decisive power of the state both as landlord in its own right and in the authority vested on it by the Constitution to claim land that was deemed to be “ownerless” by the laws of the country. While the tenure regime here cannot be described as one based on state ownership, as it was to become following the Revolution (and as it still is), the imperial state was a powerful landlord and had a strong influence in shaping the land system at the time. Article 130 of the 1955 Constitution holds that “all property not held in the name of any person, natural and juridical, including all land in escheat, and all abandoned properties, as well as all forests and grazing lands” are state domain. Article 31 states that the “Emperor also makes grants from abandoned properties, and properties in escheat, for the purpose of recompensing faithful service to the Crown”. On the basis of this, much of the land utilized by pastoralists in the country fell under state domain which, according to Wetterhal’s cautious estimation of 1972, gave the state control over nearly 65 percent of the land area of the country.

Wetterhal thought that the government held nearly 17 million hectares of land (not including land it claimed in pastoralist areas), of which 11 million was considered arable, which was equal to 57 percent of the arable land of the country. Of the total arable land under state domain, some 20 percent was committed, consisting in the main of land occupied by tenants and squatters, land allocated to large-scale mechanized concessions, and land given out in the form of imperial land grants. Wetterhal cites government figures showing that a total of two million hectares of government land was granted to beneficiaries in the post-war period- a figure he says is an under-estimate but which nevertheless was quite considerable and would have constituted over one-third of the total cropped land of the country by the end of the 1960s.

The Imperial state appropriated large tracts of pastoral land for a variety of purposes including mechanized farms, rangeland and livestock development programs, and settlement schemes. The main pastoralist area which attracted strong government interest, as well as foreign and national investors alike was the Awash River valley, home to the Afar, the Kereyou and increasingly coveted by the Issa Somali. Although by no means on the same scale as in the Awash Valley, irrigation schemes were tried on the Shebbeli Rivers in the Ogaden area. The Awash Valley's irrigated potential was vast, estimated in the 1960s to be over 175, 000 hectares, of which about a third was developed and under utilization by the end of the 1960s (Dessalegn 1986). The main government agency charged with the coordination and monitoring of development activity on the one hand and attracting foreign investment into the area on the other was the Awash Valley Authority. The government itself was a big investor, and operated directly or through commissioned agents irrigated plantations, experimental agricultural programs, and settlement projects. Large areas of the Valley were given over to the cultivation of sugar cane, cotton and maize, the first two for industrial usage and the third for local consumption. Other investors included foreign and national interests as well as members of the Afar power elite.

Land in the Valley was expropriated either without compensation or with only token compensation which usually went into the personal pockets of clan leaders. Since most of the land in the Valley was considered state domain land, expropriation and eviction of users was undertaken without much cost. The Qoqa Dam upstream served to control the flow of water for all the irrigation schemes in the middle and lower areas of the Valley. Pastoralists were excluded from the plantations in the Valley and had no access to both flood and irrigation waters available in their locality. Important seasonal grazing areas as well as transit corridors were closed off to herds and herders, forcing many to change their herding strategies and to travel longer distances in search of pasture and water.

The Imperial regime recognized the landed interests of the Afar power elite. The Sultan of Awssa and his heirs held extensive land in the Lower Valley some of which they turned into mechanized farms and some of which they rented out to tenants, outgrowers and sub-concessionaires, almost all of whom came from outsider the pastoral population. There were also a few other Afar who held land in their own right and operated small-scale irrigated farms. Partly as a result of increasing resistance by the pastoral population to their displacement and exclusion from the development programs in the Valley, the government devised a program of settlement for the population. The settlement schemes were to have access to irrigated water as well as farm machinery and household support and were to become self supporting within a short period of time. Sedentarization however was a failure from the very beginning but the schemes continued to limp along well into the 1980s even though they were a drain on the public treasury (Getachew 2004).

By the time of the fall of the Imperial regime, several tenure forms co-existed side by side in the Awash Valley (and in some other pastoral areas), though in rather strained circumstances. These were the customary tenure of pastoralists, state domain holdings,

lease tenure of large plantations and investors, short term tenancies, and the private tenure of power elites.

The Derg and Land Reform

The land reform that was initiated by the Derg following its seizure of power in 1974 is one of the most radical measures undertaken anywhere in the developing world at the time. The reform abolished all customary and formal rights to land and vested in the state the power to redefine property rights and access to land. The core of the legislation (Proclamation No. 31 of 1975) is the provision that gives the state, as the trustee of the people, the right of ownership of all rural land and other resources, and that prohibits private ownership of land. Rights holders had only use rights of the land they had access to which they could not sell, mortgage, lease or contract out. Moreover, only under certain circumstances could the holder pass it on to siblings as the legislation provided that young peasants who came of age had the right to a plot of land in their *kebele*. Rights to land thus came to be rights of usufruct. Tenancy and other forms of subordination based on land ownership were done away with. The reform put great emphasis on the self-labouring peasant household and prohibited tenancy or the hiring of labour. The reform *abolished landlordism*, and this, in my view, is its enduring legacy and its greatest achievement. All property belonging to landlords, gentry and landed nobility alike, was expropriated without compensation. The smallholding peasant thus came to constitute the sole social force of the rural class structure.

Land distribution took place among households organized in Peasant Associations (PAs) in each *kebele*. Political power at the local level was restructured, with the PA assuming authority at the *kebele* level, and "progressive" minded officials newly appointed by the Derg replacing the gentry at the level of the *woreda* and above. Membership in the PAs was open to peasants only, and landlords were barred from participation, thus closing off any chances such persons may have had of getting control of the organizations and using them for their own ends. A Judicial Tribunal was also established at the *kebele*, *woreda* and *awraja* level (later at the national level) whose task was to resolve disputes, especially disputes arising from land matters, within peasant communities; this undercut the authority of the judiciary, enabling peasants to deal with their own problems in their own way.

For pastoralists, the nationalization of land under the Derg did not create new opportunities nor improve access to land and natural resources. The dispossession of the Sultan's land in the Aussa area may have freed some land for grazing but much of his mechanized enterprises were placed under state ownership and outside the control of the surrounding population.

The Proclamation that initiated the land reform makes only a token reference to land in pastoral areas. Article 26 states that "nomadic people shall have possessory rights over the lands they customarily use for grazing" or agricultural purposes. In a way, this is a loss for pastoral people since their absolute rights to the land was turned into possessory rights with the ultimate right vested in the state. The Derg, in other words, took away

their land but gave them permission to use it. The Proclamation also allows pastoral people to form associations similar to Peasant Associations to carry out the land reform in their areas, and to “induce the nomads to cooperate in the use of grazing and water rights”. The associations, which came to be known as Pastoralist Associations, were also to undertake many of the duties of Peasant Associations, except land distribution, and to set up Judicial Tribunals to hear and settle land disputes.

The Proclamation in effect attempted to take away the authority of pastoralists’ customary institutions but was in the end unsuccessful. Some attempt was made to set up Pastoralist Associations both among livestock herders and former herders now settled in irrigation farms but the organizations proved to be unsuitable to pastoral life and were soon given up. Thus, while on paper land reform was supposed to have been implemented in the pastoralist areas, in reality, customary rights to land and community institutions remained largely unchanged all through the Derg regime.

The Derg inherited the mechanized and agro-industrial enterprises set up in the pastoral areas during the Imperial regime but brought them under state ownership. Indeed, the Derg attempted to expand mechanization in the Awash Valley at the expense of the pastoral communities there. The pastoral settlement schemes were also taken over and continued with added public support and increased expectations. The Derg in fact was keen to sedentarize pastoralists. The land Proclamation gives the government responsibility not only to improve range lands and provide better access to water but also “to settle nomadic people for farming purposes”.

Current Land Policy

Following the overthrow of the military government and the seizure of power by the insurgent forces, united in a coalition of ethnic-based parties called the Ethiopian People’s Revolutionary Democratic Front (EPRDF), the country was divided into what are called *Killils* drawn along ethnic lines. The Constitution that was subsequently adopted established a federal political system with the *Killils* as the component elements. The administrative structure of the country now consists of the *Killil*, below which is the Zone (comparable to a province), the *woreda* (district) and the *kebele* (sub-district). As part of the devolution of power within the federal framework, the *Killils* were given wide administrative and legislative powers, including the power to issue legislation to administer land and natural resources. All the main *Killils* except Afar and Somali, both with predominantly pastoralist populations, have issued legislations on land administration and land use.

The Federal government’s land policy is quite similar to that of the Derg described above and hence the discussion of the details of the current legislations will have to be brief³. There are however a number of differences and several new initiatives which we shall note below. Federal and *Killil* legislations pertaining to land include the Constitution issued in 1995, the federal law of 1997 which has been repealed and replaced by a similar

³ For an extended discussion see Dessalegn 2004

law issued in 2005, and a law on land expropriations and payment of compensation (FDRE 2005b,a).

Government land policy is enshrined in the Constitution, which promises each adult in the rural areas, who wishes to live by farming, “land sufficient” for his/her livelihood; access to land for rural persons is thus a right. Land is here defined as the property of the people but is administered on their behalf by the state. This principle is reproduced in all *Killil* Constitutions. In effect land is state property, and peasants thus have only use rights over plots they have in their possession which cannot be sold, exchanged or mortgaged. Since 2003, the government has embarked on new measures to try to promote greater tenure security and partly to address the serious food crises that the country continues to face despite increased food aid and new agricultural development programs. These measures include land certification and registration on the one hand, and resettlement on the other. Government officials and their supporters expect land certification and registration to achieve the following objectives: provide secure rights of tenure and protect the rights of vulnerable groups such as women; reduce land disputes and litigation; facilitate land use planning and management of community and state lands; and increase investment by smallholders on their plots.

As far as pastoralist land is concerned, the new government has not made much improvement on earlier policies and does not seem to have learnt from the experiences of the past. References to pastoralist land in a few legal instruments contain only broad and rather indeterminate provisions which are difficult to translate into concrete measures. Article 40.5 of the Federal Constitution declares 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 two halves of this article appear to be somewhat contradictory. The Federal land law of 2005 affirms that land belongs to the state but that cultivators and pastoralists are given rights to use land freely for their livelihood. The law then goes on to declare that the government can decide to transfer “communal land” (ie. land held by pastoralists) to private holdings if it deems it necessary. This comes perilously close to the notion of state domain land employed by the Imperial government to dispossess pastoral communities in the past. There are other provisions in the law that provide rights of inheritance, of lease and proper usage.

Land in both farming and pastoralist communities is to be measured, demarcated and registered and certificates of holding issued to claimants. Exactly how registration and certification is to be undertaken in pastoral communities where land is held in common is not clear. Whether individual or group registration and certification is to be employed is not stated in the law. The law also notes that if necessary rural lands (referring to all land held by cultivators as well as pastoralists) is subject to redistribution when there are strong reasons for it. What redistribution means in the context of “communal” tenure is difficult to envisage unless the individualization of holdings is assumed. The 2005 Federal law was drafted primarily with the small-holder farmer in mind, and the underlying concern was the regulation and administration of lands wholly given to crop cultivation. Indeed, the original draft of the law makes no reference to “pastoralists” at all, and it was only later, after its first reading in Parliament, that the terms “pastoralist”

and “semi-pastoralist” were inserted in the text. The land laws of Oromia and SNNPR are similar in this respect: they have also added the same terms in legislations intended for crop farmers. As a consequence the texts contain many contradictory and impractical elements when read from the standpoint of pastoralists and their customary institutions.

The Afar *Killil*'s constitution echoes the Federal Constitution in declaring that pastoralists and cultivators in the *killil* have the right to land given freely to them. But it goes on to state that in the higher interests of *killil* development, the government can transfer land held by herders to investors by paying adequate compensation. A recent draft document on land policy issued by the *killil* is critical of clan authority in the area which it accuses of denying clan members equal use rights to clan land (Afar Regional State 2004). The new land legislations of Tigray and Amhara, which were issued following the new Federal law, make no references to pastoralists or pastoral land⁴.

In 1998, the government established the Awash Basin Water Resource Agency (ABWRD). Its responsibility is to allocate, regulate and administer the utilization of the water resources of the basin. It is too early to say how the Agency will pursue its mandate and implement its objectives. One of the major problems that will confront it will be competition and conflict over the utilization of the water in the basin. One is reminded of the old Awash Valley Authority, which in the 1960s was the lead agency responsible for the development of the Valley. From the very beginning, the AVA was confronted with a difficult dilemma: how to reconcile the interests of commercial investors and the state both of which wished to have untrammelled access to the waters of the River on the one hand, and the demands of the pastoralist communities, especially the Afar who laid claim to the resources in the Valley on the other. The investors wished to use the waters of the River to establish large-scale irrigated plantations and agro-industrial enterprises. The state was keen to set up national parks, rangeland development schemes and to enter into joint ventures with the investors. To the pastoralists, the land keenly sought by both parties was central to their grazing strategy and livestock production system. To give up these lands was to inflict damage on themselves.

In the end, the AVA bowed to the stronger pressure of the investors and the state and thereby succeeded in making the Afar strongly opposed to Valley-based initiatives promoted by outsiders. It is quite certain that ABWRD will face much the same problem as the AVA, though perhaps the details may change and the actors will be different. If the aim is to avoid the exacerbation of water-based conflicts in the basin, the new Agency will have to be much more adroit and innovative than its predecessor.

Customary Land Tenure among Pastoralists

It is interesting to note that despite the fairly extensive body of works on pastoralism in Ethiopia, the literature on pastoralist land tenure *per se* is surprisingly limited. An extensive study of vulnerability among Ogaden pastoralists published recently, for example, devotes just about a page to land ownership with only a passing reference to rights of tenure among herders and agro-pastoralists (Devereux 2006). Moreover, while

⁴ See ANRS 2006, ONRS 2007, TNRG 2005 and SNNPR 2007

the broad framework of the customary rights to land resources has been described in the available literature, what has been happening to these rights and to what extent the system has or has not adapted to changing circumstances has not received sufficient attention⁵. The fact that the customary system -in the Awash Valley and the Ogaden at least- has not been able to cope with the intense pressure put on it is evidenced by the bloody inter-clan and inter-communal conflicts that continue to flare up from time to time.

Customary land rights are based on a combination of group and individual ownership. The term communal ownership is often used in this country to describe pastoral tenure; other terms that are also pertinent are common property regimes, but I believe the rights we are talking about are essentially group rights. Helland (2006) argues that tenure regimes in pastoral areas have been assumed to be “*res nullius*” - or no-man's land”, while the evidence available shows that they “should be regarded as *res communes*”- or communal lands in the proper sense, with various ownership rights vested in specific collectives of people”. The group on which rights of ownership is vested frequently is the clan, but if such a clan has a large population and access to extensive resources, it may be divided into sub-clans and the rights may be vested in the sub-clan. Each group lays claim to a territorial area the boundaries of which are identified by natural land forms such as hills, valleys, lakes/ponds, streams, etc. These territorial areas and boundaries have each a specific name in all pastoral societies. The areas may be the home base of the group in question or both the home base and subsidiary area used for “satellite herds” during a part of the year. Pastoral production relies on periodic movement from one area to another depending on the seasons, and the condition of the resources. Thus many clans have access to pasture and browse in different locations during the dry and wet seasons.

But what makes the system complicated is that mobility requires a transit corridor for livestock and humans to move from one resource point to another, and if this corridor lies on land claimed by another group, agreement for innocent passage has to be worked out between the groups in question. The territorial boundaries of each clan or sub-clan are often fluid since they depend, in the final instance, not on permanent demarcations nor on public records, but on the claims of the parties concerned. Hence they are frequently contested and cause conflict between differing claimants. Boundaries may also be contested due to population pressure, recurrent environment stress, public investments in valuable infrastructure such as water, roads, etc., or due to lucrative trading opportunities. Until the conflict is finally settled, which may take many years, the contested land becomes inaccessible to the parties in conflict as well as others, and mobility through it is closed off. Devereux (2006) notes that in such cases even traders will have to find a circuitous route to avoid the disputed territory, thus adding to the cost of goods brought to the market. The dispute invariably has a damaging impact on pastoral production and serves to further aggravate the conflict rather than defuse it.

Each individual member of a clan or sub-clan has access to the land in question as a birthright. These rights are rights of use and not rights of sale, purchase or other forms of

⁵ See Abdul B Kamara 1998,;Getachew 2001; Helland 2006, 1999; Hogg 1997; Seyoum 1995; Tilahun et al 1994.

exchange. Occasionally, a clan will allow its territory to be used temporarily by families from another clan but only by agreement and on the expectation that the favor will be reciprocated at some time in the future. The clan authority regulates the use of the territory both by clan members and outsiders, and protects its “integrity” from encroachments by others, or enclosure by clan families which may exclude other members from access to the land. Rights of access in this system is rights over resource use, and the vital resources that are shared by all are browse and pasture on the one hand and water on the other. But the availability of both resources depends on the rains and their distribution. The “integrity” of the territory means the territory as rangeland suitable for livestock production. The enclosure of part of the territory by either members or outsiders for farming or other purposes is disapproved because such measures may deprive others of vital resources or block access to transit corridors. On occasions, however, individual members may be granted permission to enclose land in the territory if it is found not to interfere adversely on livestock production. But clan members have continued to enclose land frequently without permission from clan authorities and such enclosures –for farming and sometimes for water trading- have caused severe conflicts and destabilization.

There are some variations in the form group rights takes in Borana society, though in substantive terms group rights in here are similar to those described above. The territorial division in Borana includes *madda*, a broad customary administrative grouping constructed around a water source. Access to the water and its use is regulated by the “father of the well”. Each *madda* is sub-divided into *Ardas* which in turn are further divided into *Ollas* which are the smallest units and often consist of ten or so households. Grazing is also divided into different categories: pasture areas known as *forra* are for dry herds and are open to all members of the *madda* and other Borana people; *warra* pasture is for lactating cows, sick and weak animals and are open only to members of the *Arda*, though members of other *Ardas* can use it with special permission. Small calf enclosures may be constructed by *Ollas* or by individual households and access to them are open only to those responsible for their construction (see Abdul Kamara 1998 for details).

As noted above, side by side with “pure” pastoralism are livelihoods dependent on farming or agro-pastoralism. There are farmers who operate land outside clan territories, such as along riverine locations in the Somali and Afar Killils; farming also takes places on irrigated lands developed by public authorities. Both these are tolerated by herders because they do not pose any threat to herd management. On the other hand, pastoral areas also contain a sizeable and growing population of farmers and agro-pastoralists whose lands are part of clan territories. Here while the clans assume absolute ownership of the land, the rights to individual plots are vested in the farmers or agro-pastoralists concerned. What we have here is a dual system of rights co-existing in an uneasy relationship which sometimes leads to conflict between one and the other. The conflict may be severe or mild depending on the perception by one party of the threat posed by the other as well as by the intervention of outside interests.

Farming individuals in such cases have full ownership rights of the plots they farm and they may even sell the property to other clan members though not to outsiders. There is a

degree of security of tenure here that many peasant farmers in the highlands do not enjoy. Individuals may invest on the land, use it to raise crops and fodder, or to construct *birkards* or water cisterns to sell water to the surrounding community. In the Ogaden area, animal fodder and water fetch a high price in the dry season. They may also rent in or rent out land without any time limit; in the latter case, the parties may or may not be clan members. Individual rights are also heritable, though who is eligible to inherit differs from one pastoral society to another.

Under customary law, women among Ogaden clans are not entitled to inherit land (Tilahun et al); under the Afar, a woman is counted as one-third of a man and thus is allowed to inherit a third of the land, with two-thirds going to the male children (Dejene and Abdurahman). Inheritance may involve land sub-division but because there are opportunities for land purchase, plot sizes do not appear to be decreasing inexorably as is the case among highland peasant farmers. Individual plots however do not frequently have clearly marked boundaries nor are they demarcated or recorded by public authorities. Some of these lands belong to the local power elite which claim them on the strength of their influence or long established patrimony. Plot boundaries are sometimes contested and occasionally may lead to conflict.

In the mid-1990s, the EPRDF government returned a number irrigated state farms to the Afar *Killil* authorities, which in turn handed some of the land back to the clans that had a claim on them. These lands are now directly controlled by the clan authorities and they lease out parcels under a variety of arrangements, including sharecropping, to interested parties. On the other hand, there are some households which have salvaged some land from abandoned state farms and are farming them as their own individual property. Clan irrigated land, on the other hand, is parceled up for rent, and according to a case study by Dejene and Abdurahman, the average size was found to be 3 hectares, which is quite large by Ethiopian standards. The study also found that yield was higher on owner operated land than on clan leased land. The authorities initially attempted to provide certificates of ownership to the land at the time of their handover but the exercise was short-lived because the clans were not particularly keen on the idea. The plan was to issue group title to reinforce the customary rules of group ownership common in the Afar area.

Conclusions

As we have seen above, pastoral livelihoods are today highly vulnerable because of the loss of valuable natural resources, increasing restrictions on herd mobility, inappropriate land policy and unsound sedentarization programs pursued by successive governments. The continued erosion of resources vital to livestock production due to drought and environmental stress, and inter-and intra-community conflict have further exacerbated vulnerability and poverty. Moreover, population growth both among pastoralist and adjacent highland farming communities has made competition for scarce resources more acute and deadly. The marginalization of pastoralism has been further aggravated by limited development initiatives by the state, in particular by low investments in basic infrastructure, in health, education, water and other services, as well as by the limited attention given to improvements in livestock quality. The net effect has been increasing

poverty, recurrent food insecurity, and the deterioration of livestock herds both in number and quality.

These pressures, both endogenous and exogenous, are having a destabilizing impact on pastoral lives, livelihoods and institutions. The customary institutions that define property rights and regulate the management of natural resources were framed in the past and evolved in circumstances that are today either non-existent or have deteriorated considerably. Customary institutions worked well under the following circumstances:

- when the dominant form of livelihood was “pure” pastoralism and farming interests were insignificant and confined to peri-urban trading centers or along riverine areas
- in conditions of low population pressure among the pastoralists themselves as well as among the surrounding highland farming communities and hence the competition for resources was not as acute as it is today
- when environmental conditions were relatively stable, there were less frequent drought cycles, and the quality of the rangelands was better
- when there was either no central government imposition or such imposition was weak and unenforceable
- when internal social differentiation was not a factor.

At present pastoralist societies face a different set of conditions and pressures. To begin with, the evidence shows that an increasing number of individuals here are turning towards or showing a keen interest in forms of livelihood that are not dependent on pastoral mobility or are only partially so; these include farming, a mixture of farming and livestock rearing, and/or trading. We do not have hard information about the extent of internal differentiation, but there is reason to believe that it is growing and substantial. The expansion of crop cultivation in all the main pastoral societies has been noted in a number of works though we lack precise quantitative data at present⁶ According to Abdul Kamara, there is what he calls a process of privatization of the rangelands in the Borana area and it is spreading rapidly. He states that the area under crop cultivation here has increased from 1.4 percent in 1986 to 16.3 percent a decade later in the mid-1990s. Individual Borana are turning to farming by enclosing small plots taken frequently from the *warra* land but occasionally from *forra* land (see above). In sum, the indications clearly are that there are emergent forces in all areas that are attempting to make a break with the nomadic form of livelihood and of production. The move towards farming and other non-nomadic pursuits is thus coming from *within* the pastoral populations and not as a result of imposition from government or other outside forces.

Secondly, the deterioration of the rangelands, brought on by a host of factors, some of which have already been noted, is making mobile pastoralism more and more unviable. Herders now have to travel longer distances, stay shorter durations in a given place, and face a variety of dangers and challenges to keep their animals alive. The quality of the animals that are sustained in such conditions is getting poorer and their market value is falling as a consequence. This deterioration has been further aggravated by the extension

⁶ See Getachew for the Afar, Devereux for the Ogaden area.

of highland crop farming to the lowlands causing a shortage of grazing, the high demand for charcoal from the growing urban centers and the destruction of valuable tree species and browse in the lowlands, and the interference of the natural flow of rivers in the pastoral areas due to the construction of dams and irrigation systems upstream. Thirdly, the growth of population has rendered the competition for scarce resources much more fierce and the conflicts that are provoked as a result more bloody than ever before. There are large territories in Afar land and the Ogaden, for example, which have been turned into no go areas due to on-going conflicts; and the life of many ordinary herders has become a life of fear and insecurity (see Devereux, Ch. 10).

As noted above, there is no reason to believe that the central government will cease to cast an envious eye over the resources, particularly water-based resources that are located in pastoralist areas. These resources are often considered by public authorities to be underutilized or even wasted by pastoral communities. Government intervention in one form or another will continue and the appropriation of resources vital to the communities concerned will proceed though in different forms and with different justifications. Pastoralists will be reduced to passive spectators at best, or become helpless paupers at worst.

The conclusion that emerges from this review is that customary institutions are progressively being undermined, and, indeed, pastoralism itself is becoming increasingly unviable -at least in the Ogaden and the Awash basin. Hence it would be foolhardy in these conditions to attempt to institutionalize a land and resource tenure regime complete with registration and certification. The question now is: what is the way forward, and what kind of interventions will be needed to avert pastoralist communities from collapsing and descending into chaos and inter-communal violence? Whatever choices are made, the central concern should be to *promote sound and sustainable land use and resource management, and to reduce poverty and vulnerability*. The argument that such objectives can only be achieved through the traditional pastoralist mode of production is now becoming increasingly unconvincing.

The Way Forward

The key issue that needs to be addressed is the issue of security of rights to land and natural resources, but under the conditions of pastoral society today this is a difficult issue to deal with. The basic approach taken by the government to address tenure security in peasant farming communities is the provision of user documentation to all holders of land. This is a complex process involving plot demarcation, registration and the issuance of user certificates. Registration has to be undertaken in such a way as to make it possible for regular updating.

The question now is: can such a complex undertaking be carried out in the areas under common property regimes, and in conditions of intense conflict over land and natural resources? What kind of user certification is envisaged and who will be the custodian of the certificates. This question is relevant because in many pastoral communities, customary authority is losing its legitimacy. Clan leaders are known to lease out clan land

to farmers and investors for their own benefit and without the consent of the members involved. In some areas, clan leaders have come under suspicion because they are seen as being too close to the local, killil or Federal government. On the other hand, one frequently hears elders and community leaders insisting that pastoral societies would like nothing better than recognition by public authorities of their customary institutions and practices. If we accept that customary property rights and their management by traditional institutions are sound and effective, then the proper measure is not to prepare an elaborate property law but to provide legal recognition of customary rights. What will be more important in this circumstance is legislation for dispute settlement and effective mechanisms for the implementation of such legislation and for law enforcement in general. Where two or more parties are in dispute over a given land or resource, the only option open to them should be recourse to the law rather than taking the law into their own hands as is the custom at present.

My argument in this paper, however, is that customary rights and institutions are badly eroded, that it is unrealistic to think that one can return to the golden days of the past when pastoral property regimes worked effectively. The evidence is clear that the pastoral mode of production is in severe crisis and decline from which it cannot be safely extricated. If this point of view or something similar is accepted, then what is required is not only a “land reform” but also a reform of the livelihood system in pastoral society.

One intervention that will accomplish such an objective and yet build on the extensive knowledge of pastoralists is what I call *intensive* -as opposed to extensive- livestock rearing, which could be combined with intensive farming. I think it would be unrealistic to wish away settled farming by active social interests in the populations under study. There is a difference between farming brought on a policy of involuntary sedentarization on the one hand, and, on the other, farming consciously adopted by enterprising individuals from the community concerned who are keen to break out of the confines of mobile stock raising. The turn to farming is viewed with considerable hostility by traditional herders because of the serious threat this poses, particularly in terms of resource access and management. Farming is frequently associated with land enclosures and the exclusion of herders from access to grazing land as well as transit corridors. Farming often hurts the poor who depend on common resources much more than any body else. Nevertheless, an increasing number of pastoralists are spontaneously shifting to farming either as a sole means of livelihood or as agro-pastoralists, jointly with livestock raising.

Pastoralists practice what may be called extensive livestock rearing, which depends not just on large herds, but on periodic mobility and the use of extended areas for access to natural resources. This system has evolved due to the limited availability of pasture and water, so that it becomes imperative to take ones’ animals to areas where such resources are available at a given time. This system, as we noted earlier, is coming under increasing pressure. The shift to intensive livestock rearing supported by year-round access to water will 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. The need for access to animal fodder can be met either by own production or by purchasing it from the market or both. Already, in the Ogaden area settled farmers produce fodder for the market. On the other hand, the intensive approach will build on the extensive knowledge of livestock rearing that pastoralists possess and their strong attachment to their animals. Thus there will be both change and continuity. Intensive stock raising is nothing but ranching that is practiced in many countries, both developed and less developed, although the conditions in arid and semi-arid areas will dictate adaptation and change.

Intensive livestock production will contribute significantly to the reduction of communal conflict by removing the main cause, namely mobility and the fearsome competition for scarce resources. With improved herd quality that will follow intensive production, better market opportunities and prices will be available. Government has to play an important role here by providing veterinary services, which will now be easier to deliver, and securing export market opportunities for livestock products. 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 quite limited (International Symposium 1998).

There are those who argue that since intensification will mean sedentarization in one form or another (which it does), the system will lead to deterioration of rangelands, reduced vegetation diversity, and the invasion of unpalatable plants in pastures with lower grazing pressure. The decrease of mobility will also raise health hazards as settlement areas become heavily polluted. But, the sedentarization that will accompany intensification is different from settlement as pursued by governments in this country since the 1960s. It will mean smaller but better quality herds, frequent off-take through active commercialization, and the provision of basic social services such as health and education for communities.

Rights to land under the extensive system are based on group ownership, and, given the nature of the production system, this form of tenure makes good sense. However, a shift to intensive production will have to be accompanied by a similar shift in tenure. This is easier said than done since customary institutions, though eroded considerably, will not be readily given up and a significant portion of pastoral society will want to continue with traditional practices regardless of the consequences.

I believe the intensive system functions best under *individual tenure or a combination of individual and group tenure*. Range lands outside individual holdings can still remain under a common property regime and can be co-managed with responsibility shared by individuals and groups in local communities, government, and civil society organizations. Large areas of the more arid ecosystems may fall under a common property regime since they will be largely unsuitable for intensive production unless they are improved as a result of large-scale investment in water development. Moreover, individualization does not necessarily exclude cooperation: marketing cooperatives could be established to promote livestock marketing and improved prices for stock raisers.

Obviously, the system cannot be viable without secure and easy access to water and fodder, but while the latter can be easily supplied by local farmers, as is done at present in the Ogaden, though on a small scale, the former will necessitate massive investment in water development. Here, the water resources already available, particularly in the Awash valley and the Ogaden should be used to serve the needs of the populations of the respective areas and not merely the interests of investors and foreign businesses as has been largely the case up to now.

The evidence strongly indicates that a return to the good old days when customary herding practices paid handsome dividends does not appear to be possible. The alternative of letting pastoralism survive as best it can under the fierce conditions of today will be irresponsible and counter-productive. As pastoral institutions continue to decline, the frequency and intensity of conflict will increase, posing a threat in the long run to the political integrity of the country. The option open to government is therefore to examine sound alternatives and to prepare the ground for a smooth transition. As Helland (2006) has argued, it is now impossible or even undesirable to “restore the former resource tenure systems in the pastoral areas. . . [A]ny attempt to restore the capacity of pastoralists to utilize the dry lands in a sustainable way seems to demand a restructuring of the resource tenure systems as they appear today “.

Acronyms

ANRS: Amhara National Regional State

AVA: Awash Valley Authority

EPRDF: Ethiopian Peoples’ Revolutionary Democratic Front

FDRE: Federal Democratic Republic of Ethiopia

ONRS: Oromia National Regional State

SNNPR: Southern Nations, Nationalities and Peoples’ Region

TNRS: Tigray National Regional State

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