

# **Adapting to private acquisition of communal land in Ethiopia**

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## **1. Summary**

The paper is a result of part of an on-going research on the study of private land investment and social conflicts in lowlands of Ethiopia with a focus on private land investors as key players in conflict transformation. The research in particular explores current forms of strategic interactions and their dynamics between pastoralist groups and private land investors mainly domestic investors and how such interactions are transforming traditional conflicts. The research began documenting processes of conflict transformation in the lowlands of Ethiopia which will serve as building block for comparative studies of similar contexts (with other lowlands of sub Saharan Africa) as well help develop a broader framework that integrate new social actors and multiple forms of strategic interactions in conflict situations. Pastoralist groups in Afar Regional states are considered here as the main reference frames. The aim of this particular paper is to bring forward research results to a wider scientific audience.

## **Introduction**

A social anthropologist knows well that 'land development by foreigners' through investment is not by all means a new phenomenon in Africa. 'The continent has repeatedly been defined as "empty" in terms of culture and history and subjected to various attempts at enclosure long before the current panic over global food and fuel security took root' (Fouad Makki and Charles Geisler,2011). In the low lands of the Ethiopia for example, expropriation of large plots of grazing land through imperial expansion or immigrants from other areas has been an issue for more than half a century now . Lowland areas in Ethiopia were the first to be given to concessions for international agricultural companies

for the production of cotton and sugar (Bondestam 1974; Kloos 1982). Violent Conflicts between foreigners and local users were ubiquitous. A series of researches show land expropriation and its link with conflict but the analyses of conflict in such contexts concentrated mainly on an expansionist state that sought to expand to the periphery (Hagmann 2006, Dawit 2007, Mulugeta, 2008). Land investments however growingly became an interest to a developmental state as well to develop land and increase efficiency which increased private investments. Nevertheless the impact is still to be proven and its link to conflict is far from being contextually analyzed.

The discourse on the new wave of land investments focus mainly on the role of the state and foreign investors paying little attention to the agency of the local people particularly in the field of conflict transformation. However, lowlands remain typical examples for studying land investment and its link with conflict not only due to their historical importance but also the shift in the dynamics of conflict transformation as a result of private land investment .

This paper tries to answer two important questions: first if the new wave of land acquisition requires different conceptualization from the ones we already knew in social anthropology and political science. I.e. if it is still an extension of state building ( Gebre mariam 1994, Shehim 1985)and cultural assimilation. Secondly if the mutation of the typology of actors playing in the new wave of land acquisition processes and the dynamics of social interactions created by this process actually are similar. That is, although the state still takes a dominant position in setting the context and rules, the agency of the local people in shaping the *modus of opernadi* of land acquisition and operation is significant. In other words, the state through its polices legitimizes the process the land acquisitions , but it is the private investors and the local people who develop those novel strategies of interactions (compared to earlier periods) that make land investment work and new forms of conflict transformation forged at local level. These novel strategies are at the core of conflict transformation and led to a shift of analysis from a state-focused to one that is encompassing various actors and strategies of conflict and conflict transformation.

This paper see local people agency in land acquisition as key and the private land investment as new arena for transforming conflict in pastoralist areas as it is coinciding

with internal changes. This paper looks at various strategic interactions among different actors and if they actually transform conflict.

### **A short review of relevant state of the art**

The huge part of recent literature on governance and politics worldwide engage itself with increasing acknowledgement of the non-state actors and their increasing role in governance (Anne, Koechlin and Forster 2009; Bruce and Biersteker 2002; Daphne and Wallace 2001). Although consensus is not fully reached, non-state actors are represented as actors that are not represented by the state, but operating at the international level and having a potential relevance to international relations (Arts 2001; Higgot, 2000). However, the non-state and state actors' dichotomy is so artificial that it largely overlooked the fact that the non-state actions is often strategically linked with the state within many societies. Joel Migdal (1988) whose state in society approach remained progressive in the study of society-state relation and Bayart (1993) who recognized a rare distinction between state and society argued to this effect. This is more so in the field of land development. Land development is a very good example where the international private actors essentially play within the realm of the state recognition and support. In most analysis, however, the concept of societies is vague and remains an outsized constitution whose precise characteristic is unclear; it glosses over the role of individuals and groups that consciously use their agency to recreate and shape existing values and practices while, trying to achieve goals related to their survival. Such a particularistic group at micro level are however crucial to focus because they are easy to observe while creating a social action that could shape local governance in order to ensure their access to social, economic and political resources without looking up to the state for acting. In other words, local people are neither victims to whom the state and the private sectors decide for nor a dominant actor in whose favor land is developed. What could be argued and is any form of interaction between the three actors is strategic changing their horizon of positions and thus constant shift of power. Their demand and expectation from the state, by no means is greater than the one they expect from any other organization such as the private actor. In Migdal words

(1988) that 'state has been just among the many organizations existing out there with resources.'

To the dismay of an ethnographer, the lowlands in the Horn of Africa are less studied as part of ethnographic inquiry for private land investment although the region's vast areas is occupied by the lowlands (Horene 2011). The lowland regions of the Horn are affected by land investment policies that turn them to both small scale and large scale farming sites causing shifts in access and ownership and redefining social relations. Moreover, the notion of communal ownership of land already was showing changes due to internal changes such as private enclosure, rainfall availability and demographic shifts (Beyene 2011). A number of studies show that in many of lowland regions of Africa, encroachment by outside groups, as well as private enclosures for farming and private grazing are aggravated creating contradictory land use practices among users. In such contexts, violent conflicts emerge as strategies for self-protection and often disguised by the ideology of maintaining group honor and reputation (Galaty & Bonti 1991; Schlee 1994). Conflict are also reproduced through socialization within local institutions and narratives, and members of a group employ violent conflicts as self-fulfilling actions of these narratives (Mulugeta 2008). due to such ordinariness, violent conflicts are often considered as part of the pastoralist life style ready to emerge. It is also very important to note that land acquisitions in pastoralist areas are not always sought by the foreign investor but also by national governments and other domestic but private groups that are keen on turning grazing land to agriculture (Rahmeto 2011). Indisputably, the state in many lowland regions of the Horn remained very autonomous with a leading role in formulation land policies that plan for transition of production systems, and political decentralization. Since the 1950s, the state in Ethiopia has played a significant role in creating a commercial economy in pastoralist areas by leasing out land and providing private companies with a legal framework and protection for their functioning. The state encouraged and gave support for local people willing to engage in cultivation through endorsement of private claims and subsidies for agricultural inputs, thereby creating incompatible interests that sometimes resulted in violence among pastoralists and farmers. This, of course, depended largely on the manner in which these property rights were implemented, and the way in which the local people understood and integrated these rights into their own fashion of working (Kamara 2004).

Consequently, more and more conflicts become individualized, transforming inter-group conflicts to intra-group conflicts giving the state the upper hand for shaping the dynamics of conflict (Rhameto 2011; Bebbington 2007, 2009; Hagmann 2008). The traditional state-centered analysis is not however without weakness since it over shadowed the recent land investment by private actors and their role in shaping the dynamics of conflict and its transformation. This paper argues that unless we develop an approach that looking at each respective actor's agency as a meaningful contribution to negotiation and creation of their own space for consultation in the process of land transaction, we rarely understand conflicts and their dynamics in their present standings. Therefore beyond providing an ethnographic contribution, it is of fundamental importance for this paper to reveal such a methodological handicap around land acquisition/ investment studies. In order to have deeper understanding of the dynamics of conflict within the framework of land acquisition in pastoral areas in recent years, the research adopts the conflict transformation framework for investigating the shifts that occur in the content of conflicts, the nature of actors and their strategies. It is important to note that, in this specific context, we see shift in terms of actors and strategies observed in recent years following land investment policies. It is such a shift that compels a different approach to our understanding of conflict transformation.

The main objectives of the paper:

1. To situate lowlands within the framework of 'unused land' and discuss them in the overall discussion of 'land development'
2. To review strategic interactions of private actors and local people (human agency) over land development
3. To see conflict transformation within the context of land development

### **Background: lowlands of Ethiopia (Afar regional State)**

The 2008 food crisis is often to blame for provoking an evolved land investment in many parts of Africa. However, this would not happen if the government of Ethiopia has not rigorously engaged in 'commercialization' of land for increasing land efficiency and reducing poverty same time (MOFED 2006). Following the Private Land

Nationalization Act in 1975, land in Ethiopia remained the property of the state and the state has been always in a position to avail part of lowlands for land investment. The region selected for this particular paper has been targeted for more than 50 years for state domestic and foreign investment. There is also an increasing interest from companies in the West (Israel) for bio fuel production. Therefore land investment in this area is now a new phenomena but an extension of the familiar.

Historically, part of the most fertile areas of Afar regional State were developed by foreign investors during the Haile Sellasie regime in the 1950s and 1960s. During the time of their concession, the communally owned areas were considered as harsh, backward, and abandoned (not efficiently used). Pastoralism as a system was little understood and communal ownership of land although recognized not respected. It requires an understanding of the context in which investment deals were made at the time. Pastoralists had little say in concession of land which they thought 'belonged' to them. Even before the private companies took concession, the state expansion and state formation began first by allocating land to individual patrons who did only extract tax in the area and whose knowledge of the local people was scant. For the most part, they had little interest in directly using the land except for the purpose of collecting taxes, which proved to be impractical as pastoralists resisted to pay taxes. Foreign private investments in such areas were thus welcome as they brought with them technologies and resources. Rift Valley Authority was responsible for facilitating the activities of the foreign companies.. The state then gave the land as concession to Handles Veneering Amsterdam (HVA), in the 60's which had already taken other concessions in other part of the lowlands for sugar plantation. Lack of local people's consultation often led to violence as means of protecting one's land and the companies had difficulty of functioning properly. Even the land reform that nationalized all land in Ethiopia in 1975 did not brought back communal land to the pastoralists, instead after the private companies left, the state took over and continued to expand sugar and cotton farms in the area. Looking at the size of the area covered by private investment, the Afar region is not one of the most targeted areas for private land investment, but one of the first set for private concession and with critical repercussion for pastoralists food security.

The Amibara district is found within the Afar regional State along the Awash basin. The district has been known for covering the largest cotton farms in the country by both state and private investment. The Middle Awash Agricultural enterprise took the largest size of the land in the District with 14,600 hectares of land and now leased for privatization and public enterprise Supervising Agency. (PPESA) . the other leading private enterprise is the Amibara Agriculture Development PLC with 6,448 hectares. A number of small scale privately owned farms have been established since 1991 through rents and the size of the land taken through such rents is not yet known.

## Methodology

The researcher applies mainly empirical and qualitative approaches to guide the study. The a researcher proved qualitative approaches best tools to address questions related to conflict in similar context except a few cases where statistical data are needed. A review of recent scientific literature has been made with particular focus on conflict and its link with land use changes including researches that are conducted at home and abroad. The selection of research sites is made based on the extent of land used by private investment. Data is collected also from Afar regional state bureaus and district level administration. Social actors mapping is used to identify the major actors involved in land acquisition and operation at district level. This method also helps identify key actors, their interactions, and power dynamics at different levels.

Focus group discussion is held with different actors (private investors, the state, the pastoralists and the immigrants) on forms of interactions over land use right transfer.

## Findings of the research

1. Although it has been known that pastoralism is changing , it still needs to be stressed from time to time that this change is not only driven by outside forces

but also with the dynamics of internal changes. The pastoralists are increasingly diversifying their livelihood due to both an internal ( population increase, recurrent drought, invasion of alien species, *Prosopis juliflora*) and external factors ( need for cash, education , appeal of the investor). Farming became important as a source of income since livestock alone cannot suffice as major source of income. As a daily labourer on private farms, a pastoralist is able to raise his source of income and gain knowledge on how to farm.

2. The Afar pastoralists respond to change not by direct confrontation with the investor or the local government but by changing the ways they relate to the investors and their clan leaders. A process that began with the cooptation of the clan leaders in the working of the local administration and thus continued with the investors. Historically, all the pastoralists claim the land they live on as a collective property .i.e An individual pastoralist because he is member of the clan is entitled for access to grazing land and no individual ownership over land is acknowledged. Nor state ownership of land although legally valid, is accepted by the pastoralists. Thus, whenever the state took responsibility to 'developing the land', it was considered as an act of violence. This value has slowly changed with the establishment of a joint and responsible committee comprising clan leaders and local administration for land use and administration. Furthermore, the joint responsibility of the committee also facilitated the transition of the pastoralists to farmers and peaceful cooperation. If the individual pastoralist prefers to farm, the committee will take request and provide a plot of land. On the other hand, the committee is also responsible to deal with the investors who like to lease land from the clan. Since majority of pastoralists were less interested in farming due to the cost of operation, they rather prefer to agree to rent off clan- owned land for investors in return for cash. The clan leaders are thus responsible for the rent modalities on behalf of their members so that the investor does not need to enter a separate agreement with the individual pastoralist. The clan leaders also serve as connectors between the individual pastoralist and the



investor: they take the responsibility of conflict resolution between the investor and individual pastoralist. (Many investors do avoid individual pastoralists that are grazing on investor's farm). In return, they get settlement such as employment with in the farm as position of 'facilitators' ( some studies show the Afar compose up to 15% of the temporary employee of the farms in Amibara district with more men than women( Abraham 2004).

3. Historically, the pastoralists (the individual through his clan )resisted to concession and investment by foreign and outside groups for they gain no benefits. This often resulted in direct confrontation with the investor in the form of violence ( killing of people and damage to properties) . However, the recurrent drought and reduction of grazing areas is increasingly compelling the Afar pastoralists to engage in farming as an alternative source of livelihood. The transition has been a challenge as most pastoralists lack the basic skill for farming and the input necessarily for farming. The cooperation with the investor eased this difficulty as they can transfer farming skill to the pastoralists and share agricultural input such as motor pumps and receive improved seeds.
4. The role of local administration has increasingly become responsive to the involvement of local authorities such as the clan leaders. As long as land distribution to the investor is concerned, the local administration is closely working with clan leaders.
5. For the first time compensation mechanisms is put in place for those individual pastoralists who are willing to give away their right to use land for private investors. The Afar pastoralists never saw compensation for loss of plot of land in earlier periods ( 1950's and 1960's). Researches that were conducted between 2003-2008 showed that the land that was confiscated from them and given away for concession in 1950's provided little benefit for the local pastoralists. However, the recent private investment (last ten years) involves compensation for individual pastoralists. Compensation mean mainly rent in forms of cash for individual members of the clan for the loss of their land but also involves

sharing of the produce. This varies from place to place. In this study, we identified individuals who receive between 100-350 Birr annually ( 5-20 dollar ). The compensation mechanism of course are no without challenges owing to the complexity of land use and ownership in the area and the little experience in implementing it. Disputes still arise between individual pastoralists and the clan leaders. There are cases where the clan leaders transferred land to the investor because the investor pays compensation in cash when the same plot of land should be given to pastoralists who are willing to farm but do not pay compensation. Nevertheless, such disputes would not intensify to violence. The presence of judicial institutions through the peace committee makes intervention during disputes fast before they aggravate to violence.

6. Due to environmental changes (drought , evasion of alien species, deforestation ) that compel the pastoralists to look for alternatives source of livelihood and some pull factors , A significant number of pastoralists request plots for farming from their respective clans. Most of them engage in cultivation of cotton but some in production of onion and sesame. However farming in lowlands require a higher financial and technological competence (to clear the land covered with Prosopis, water pump to generate water from rivers). Not all pastoralists are able to farm the size of plot they can access upon their clan membership. It is observed that most rather rent off larger size of the plot to the investor because they are not capable of farming it themselves. lack of access to water is their main challenge as they depend largely on the perennials ( Awash river). The only way to access to a water resource using water pump. The investor is a good partner in terms of accessing the water pumps. The investor also serves as locus of skill transfer and input allocation for the pastoralist transition to farming. ( most pastoralists learn how to farm during their employment as daily laborer on the investor farm.

## **7. Conclusion**

The issue around land investment is not a new phenomenon in the lowlands. The lowlands in the Rift valley are the first to be given for concession as early as 1950's. However private investments in the 1950's often brought displacement of the local pastoralists from prime grazing areas and resistance was expressed in forms of violence. This has affected the efficiency of most private companies and state farms. However, during the last two decades, the size of land provided for private investment that produces cotton, sesame and onion has increased. The private investors have a better and direct engagement with clan leaders than before as clan leaders are now bestowed with more decision making power over rent and compensation. This by no means excludes the role of the local administration but it only means that decisions can be made jointly and participation of the local people through clan leaders.

Decision at the higher level (formal administration) is still obligatory regarding 'land' reserved for foreign investment.

The changes in conflict transformation can be seen from several angles, however the most important one is still is the agency of the pastoralist whose choice of interaction is a function of his own rationality to the internal context. The local pastoralist is faced with a biggest challenge of accessing pasture and water not only due to limited access to water and reduced land (because of external investment) but also internal forces such as recurrent drought and invasion of grazing land with alien species. Alternative livelihoods are becoming more important than ever. Land investment provides at least in short term employment opportunities on farm (particularly for men), skill transfer (on how to transit to farming) and animal feeds (residues from the farm). The long term effects on poverty reduction are still open for investigation. However, it can be concluded that the most available option for the pastoralist is to cooperate with the investors and in such a context, violence is the least rational act to pursue.

## **Preliminary works and publications**

A great deal of applicant's research experience in the lowlands and in the area of conflict studies are used in the planning of this research. This applicant in her Ph.D showed the role of institutions in redefining resource based conflicts. Her research later paved way to a comparative study between Horn of Africa (Ethiopia) and West Africa (Cote d'Ivoire and Togo) on environmental conflicts research. The proposed post doctoral project will benefit largely from her experience in the field of study.

The following are some of the applicant work relevant to the proposed research: Alemmaya Mulugeta.2008. Transformation of pastoralist conflict in pastoral areas of Ethiopia: case study among the Kereyu of the upper and the Middle Rift valley. PhD Thesis, ethnologische Seminar: University of Basel.

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