

Addis Ababa  
University  
(Since 1950)



Addis Ababa University

College of Law and Governance Study

Center for Federal Study

“The Right to Self Rule and Large Scale of Agricultural Investment in Gambella  
Peoples National Regional State”

By: Wichduel Keat Kueth

Submitted To: **Addis Ababa University, Center for Federal Study**

Supervisor: Mr Abay Yimer

June, 2017

Addis Ababa, Ethiopia

Addis Ababa University  
College of Law and Governance Study  
Center for Federal study

“The Right to Self Rule and Large Scale of Agricultural Investment in Gambella  
National Regional State”

**By Wichduel Keat Kueth**

**A thesis submitted to Addis Ababa University college of Law and Governance,  
Center for Federal Study in the partial fulfillment of the requirement for the  
awards of the Master degree of Art in Federalism and Governance study**

**Supervisor: Abay Yimer**

**June, 2017**

**Addis Ababa-Ethiopia**

Addis Ababa University  
College of Law and Governance Study  
Center for Federal study

“The Right to Self Rule and Large Scale of Agricultural Investment in Gambella  
Peoples National Regional State”

**By Wichduel Keat Kueth**

**A thesis submitted to Addis Ababa University college of Law and Governance,  
Center for Federal Study in the partial fulfillment of the requirement for the  
awards of the Master degree of Art in Federalism and Governance study**

<b>Approved by examining board:</b>	<b>Signature</b>	<b>Date</b>
<b>Supervisor: Mr Abay Yimer</b>	_____	_____
<b>Examiners: Dr Seyoum Mesfin</b>	_____	_____
<b>Dr Mohammad Dejen</b>	_____	_____

June, 2017

**Addis Ababa, Ethiopia**

## **Dedication**

The dedication for this research paper goes to my lovely brother **Kim Keat Kueth (Simon)** who remain in my heart but his untimely death separate us!! You are in our prayer every day brother.

## **Declaration**

I undersigned, declare that this research is my original work and has not been presented for a degree in any other college or university and that all sources of material used for this research have been duly acknowledged.

---

Wichduel Keat Kueth

June, 2017

This research is submitted for examination with my approval as a supervisor of the candidate

---

Abay Yimer

June, 2017

## **Acknowledgments**

First of all, my sincere thanks go to my supervisor, Mr Abay Yimer for his guidance and vital comments in all stages of the research project. I am also grateful to Addis Ababa University, Center for Federal Study for the scholarship extended to me in the course of my study and writing this thesis.

Secondly, I would like to take opportunity to thank the Center for Federal Studies for such a wonderful learning environment. I also sincerely appreciate the whole staff at the center for their diligent work ethic and immense assistance.

Thirdly, I would like to thank my guide and interpreters who helped me during my field work Mr. Penya and Ato Duop. This research paper would not have been possible without their assistance.

Fourth, this research would not have been successful without the cooperation of my informants in the community, who provided me all the information I sought and I am truly grateful for that. My special thanks also goes to all key informants in local people in Biliemkun, Tandar, Thenyi, Perbongo, Gelishi and Kabo, management employees of investment companies, the Lare, Abobo and Godere Administrative weredas Local Government Officials and GPNRSs Investment Agency, Gambella Peoples Regional Council and Bureau of Agriculture and Natural Resource. I am also thankful for the large scale of agricultural investment companies who allowed me to inspect their investment land.

Finally, I would like to thank my parents, My Mom Ms Buk Rom, Brother Mr Bol Keat, my young little brother Gambel Keat and my twin's sisters Nyamac Keat and Nyanciok Keat for their unwavering praying, love and support during my study and all my life.

Above all, many Thanks go to Almighty God in the Heaven.

## **List of Abbreviations and Acronym**

<b>ADLI</b>	<b>Agricultural Development led Industrialization</b>
<b>AISD</b>	<b>Agricultural Investment Support Directorate</b>
<b>BoARD</b>	<b>Bureau of Agriculture and Rural Development</b>
<b>BoANR</b>	<b>Bureau of Agriculture and Natural Resources</b>
<b>CSA</b>	<b>Central Statistical Agency</b>
<b>EIA</b>	<b>Environmental Impact Assessment</b>
<b>EPA</b>	<b>Environmental Protection Agency</b>
<b>EPRDF</b>	<b>Ethiopian People’s Revolutionary Democratic Front</b>
<b>EWCA</b>	<b>Ethiopian Wild Life and Conservation Authority</b>
<b>FAO</b>	<b>Forest and Agriculture Organization</b>
<b>FDRE</b>	<b>Federal Democratic Republic of Ethiopia</b>
<b>FDI</b>	<b>Foreign Direct Investment</b>
<b>GDP</b>	<b>Growth Domestic Products</b>
<b>GDP1</b>	<b>Growth and Transformation Plan 1</b>
<b>GOE</b>	<b>Government of Ethiopia</b>
<b>GRS</b>	<b>Gambella Regional State</b>
<b>GNRS</b>	<b>Gambella National Regional State</b>
<b>GPNRS</b>	<b>Gambella Peoples National Regional State</b>
<b>Ha</b>	<b>Hectare</b>

<b>IFAD</b>	<b>International Fund for Agriculture Development</b>
<b>LSAI</b>	<b>Large Scale of Agriculture Investment</b>
<b>LSLA</b>	<b>Large Scale Land Acquisition</b>
<b>LSALA</b>	<b>Large Scale Agriculture Land Acquisitions</b>
<b>LSLT/I</b>	<b>Large scale land Transfer/Investment</b>
<b>Masl</b>	<b>Meters above Sea Level</b>
<b>MNC</b>	<b>Multi National Company</b>
<b>MoANR</b>	<b>Ministry of Agriculture and Natural Resources</b>
<b>MoARD</b>	<b>Ministry of Agriculture and Rural Development</b>
<b>MoFED</b>	<b>Ministry of Finance and Economic Development</b>
<b>NGO</b>	<b>Non-Governmental Organization</b>
<b>PASDEP</b>	<b>Plan for Accelerated and Sustained Development to End Poverty</b>
<b>SDPRP</b>	<b>Sustainable Development and Poverty Reduction Program</b>
<b>SNNPR</b>	<b>Southern Nations, Nationalities and Peoples</b>
<b>UN</b>	<b>United Nation</b>
<b>USD</b>	<b>United States Dollars</b>

## Table of Contents

Acknowledgments.....	i
List of Abbreviations and Acronym .....	ii
Table of Contents .....	iv
List of Tables .....	viii
Figures.....	viii
Abstract.....	ix
Chapter One .....	1
1 Introduction.....	1
1.1 Background of the study .....	3
1.2. Statement of the problem .....	5
1.3. Research Questions .....	7
1.4. Objective of the study .....	8
1.4.1. General objectives.....	8
1.4.2. Specific objective.....	8
1.5. Significance of the study.....	9
1.6.Scope of the Study .....	9
1.7. Structure of the study .....	10
Chapter Two.....	13
Review of Literature.....	13
2.1. The Right to Self Rule and Large Scale of Agricultural investment.....	13

2.1.1. The constitutional Provision on the right to Self-Rule and Large Scale of Agriculture Investment	14
2.2. Perspectives of the Large Scale of Agricultural Investment	15
2.3 Large Scale of Agriculture Investment and Land Acquisitions	17
2.4 Limitations of the Large scale Agriculture Land deals	18
Chapter Three	21
3.1 Ethiopia’s Agriculture Sector: An overview	21
3.2 Rural Land Administration in Ethiopia: Land Tenure	22
3.3. Large Scale Agricultural Land Transfer in Ethiopia	25
3.3.1. Investment Legislations and Institutional Arrangements	26
3.3.2. Large Scale of Agriculture Investment in Ethiopia	30
3.3.2.1 Large scale of Agriculture Investment in Gambella National Regional State	34
3.3.3. Duties of Large Scale Agriculture Investors	35
Chapter Four	38
Research Method	38
4.1 Study Area Description	38
4.1.1 The Geographical Location of Abobo, Lare and Godere Administrative Weredas	40
4.2. Methods and Instruments used for Data Collection	43
4.3. Methods of Data Analysis	44
4.4. Limitations of the Study	44
4.5. Ethical Considerations	45

Chapter Five.....	46
Data Analyses and Interpretation.....	46
5.1. The institutional and legal protection mechanisms used in place to secure the right to Self-Rule during transfer of agricultural land to investors in Gambella National Regional State .....	46
5.1.1The institutional and legal protection of land Governance and Land-Related Resources .....	46
5.2. The Extent of participation of local communities during land acquisition transfer to Large Scale agriculture Investment .....	50
5.2.1 Large Scale of Agriculture Investment Transfer in Gambella National Regional State .....	50
5.2.2. The Process of Large Scale Agriculture and its Relation to Local Community farming.....	50
5.2.3. Transparency of the Large Scale Land Acquisitions Deals .....	52
5.2.4. The issue of compensation for the loosed land .....	53
5.3. The extents of the benefits/changes brought by large scale of agricultural land investment to the local communities .....	54
5.3.1. Social change/benefits brought of Large Scale agriculture Land Transfer in Gambella National Regional State .....	56
5.3.2 Economic Benefits/change of Large Scale Agriculture Land Transfer in Gambella National Regional State .....	62
5.4. The mechanisms used in response of shortage of land taken from the farmers used for large scale of agricultural land investment to recover the livelihood of local communities.....	69
Chapter Six.....	73
Findings and Recommendations .....	73
6.1 Findings.....	73
6.2. The research Recommendations .....	76
6.2.1. Suggestions for Various Stakeholders.....	76

6.2.1.1. For the Government.....76

6.2.1.2. For LargeScaleofAgricultureInvestors.....77

6.2.1.3.ForCivilSocietyOrganizationandActivists.....77

References.....**Error! Bookmark not defined.**

Legislations

Appendix 1

Appendix 2

## **List of Tables**

Table 1. Distribution of Large scale agriculture Investment in GNRS.....	35
Table 2. Background of the Thesis (Research participant).....	43

## **Figures**

Figure1, the administrative map of Gambella Peoples National Regional State .....	39
---	----

## Abstract

This study attempts to examine/asses the right to self-rule and large scale of agriculture investment in Gambella National Regional State western Ethiopia, based on the assessment on the self-rule, socio-economic and environmental effects of large scale agriculture land investment/transfer on local people's livelihoods. The analysis of this research followed descriptive qualitative research approach. The primary data was collected through key informant interviews, focus group discussions and direct observation by the author. To complement the primary data, secondary data which the researcher found from government legal documents and various published and unpublished sources were used. After analyzing the data collected, the study found that the transfer of large scale agriculture investment on land to domestic and foreign investors have brought no significant social benefits to the local communities, political economic as measured by the level and type of technological transfer, creation of employment opportunities and level of food crop production. However, some Large Scale Agricultural Investment to investors has helped improve infrastructure. The study also found that the investment has negative effects on the self-rule, local small scale farming or economies in terms of loss of crop land, grazing land, grass land, firewood and water resources; these have negatively affected local agrarian economies and animal rearing livelihoods. Moreover, the investments have negative environmental effects on the biodiversity resource as observed by the scale of clearing of the indigenous vegetation cover, damage on wildlife, depletion of water resources, exposed the land to soil erosion and soil degradation. Besides these issues, this study identified the coping strategies pursued by local communities in response to the effects of the transfer of the large scale agriculture of their land and natural resources ownership to the investors. These strategies include changing land use, sharecropping, tenant farming, changing occupation and mobility or migration patterns. Lastly, the research suggests/recommend some ideas for policy makers which emerged from the field study. They include suggestions for the government, investors, stakeholders and civic societies.

**Key Terms:** self-rule, Large Scale of Agriculture Investment (LSAI), Local Community, agribusiness Investment, Socio-economic effects, constitution, Coping Strategy

# Chapter One

## Introduction

After defeating the Derge<sup>1</sup> regime in 1991, Ethiopia established a federal system that is organized on the basis of the right to ethnic communities to the right to self-rule. The recognition of the nations, nationalities and peoples the right to self-rule has become imperative to establish peace and democracy in the country and has demanded the restructure of the Ethiopian map on the basis of the new political structure that guarantees the maintenances and promotion of distinctive ethno-cultural identities while building a common federal polity that allow each to pursue their common make up. As ethnic federalism institutionalize the right to self-rule and shared rule ,it empowered the regional state to administer rural land and other natural resources left to regional states of Ethiopian ethnic territorial communities by guarantying their representation and participation in governances process, by which it is viable constituted means to democracy.

Meanwhile, under the issue of land or other natural resources administration, the federal constitution of Ethiopia, both the federal and regional state “shall jointly levy and collect taxes on incomes derived from large scale mining and all petroleum and, gas operations and royalties on such operations”(,Article, 98:3).<sup>2</sup>This is means to concurrent power to both the federal and regional states. According to 1995 constitution, in case of emergence of other revenue sources or undesignted powers of taxation, it is stipulated that, “the House of Federation and the House of Peoples Representatives shall, in a joint session, determine by a two thirds majority vote on the exercises on powers of taxation which has not been specifically provided in the constitution” (Article, 99). It seems contradicted with Article 51:2 by which it states, “All powers not given expressly to the Federal alone or concurrently to the Federal and Regional States are reserved to the States”.

---

<sup>1</sup> The term Derg is Geez word means committee or council of army that rule Ethiopia from 1974-1991

<sup>2</sup> See more on the 1995 Federal Democratic Republic of Ethiopia constitution

Furthermore, it could be argued that, the FDRE constitution legal frame work to some extent recognizes economic self-reliance to nations, nationalities and peoples of Ethiopia. In addition to this, the local communities/indigenous peoples demand the right to self-rule in order to preserve their own political and socio-cultural rights. Particularly as Thornberry (2002),<sup>3</sup> asserted states where majorities do not only control the politics and economy but also impose their culture over the rest, demand of socio-economic and culture goes in hand with the right of minorities to self-determination to that of politics.

Therefore, GPNRS<sup>4</sup>, one of the members of the federation founded in 1995, this determined the necessary features of the right to self-rule. The region composed of three nationality administrative zones and 12 administrative weredas namely the Nuer Nationality Zone, the Anywaa Nationality Zone and the Majang Nationality Zone (GPNRS, office of chief administrator, 2016/7). They inhabit in what is Gambella National Regional State, 12 wereda, one special wereda and one city administration or (hereafter district): Jikouw, Lare, Wanthoa, Makuey and Akobo wereda in the Nuer Nationality Zone, Gambella zuria wereda, Abobo, Gog, Jor and Dimma wereda in Anywaa Nationality Zone and also Godere and Mengeshi wereda in Majang Nationality Zone. The area of the region is 29,783 square kilometers with estimated population of over 409,096 inhabitants (CSA 2013/14 abstract). Within the region, Gambella National Park covers approximately 5061 square kilometers (19.6%) of the Region's territory. The topography of the region is divided in to two broad classes, which are the lower piedmonts between 500 to 1900 masl and the flood plains of below 500m contours. The (Ker) Baro, Gilo, Akobo and Alwero are the main rivers crossing the Gambella National Regional State.

The City administration of Gambella served as the seat of five different nations, nationalities and peoples of the Region including other Ethiopian ethnic group. To mention few of them, the Oromo, Kambata, Tigrayan, Welaita, Amhara by which the local indigenes people used to call

---

<sup>3</sup> Thornberry, P., (2002), *Indigenous peoples and Human Rights*, Manchester: Manchester University Press.

<sup>4</sup> GPNRS refers to Gambella People National Regional State

them high landers (Buony)<sup>5</sup> etc that constituted half of the population to the region dominated the economic sector. These peoples largely live in Gambella city, Abobo, Itang, Dimma, Godere and Gog wereda. The city administration of Gambella and Itang special wereda, responsible for Gambella National Regional state administrative Council. Traditionally the people of Gambella were described as egalitarian society with political system based on meritocracy and gerontocracy (Evans-Pritchard 1940a cited in Messay, 2015). The Nuers peoples practice transhumance pastoralist steadily changing toward agro-pastoralist (Stuart: 1971 cited in Dereje 2006). According to the 2007 Population and Housing Census ethnic groups in Gambella Regional State, comprises the Nuer 46.7%, Anywaa 26%, Majang 0.6 and others 1% formed the total indigenous population (CSA: 2007).

## **1.1 Background of the study**

When the FDRE constitution of 1995 comes in to force, the country created federal state that devised the coming together state (FDRE constitution, 1995). The political system recognized the right to self-administration, federalism and legal pluralism as a solution of the past unjust relationship between different ethnic groups (Getachew A, 2011).<sup>6</sup> The right to self-rule and the just distribution of natural resource prevail in the new constitution of 1995 that reveal among the regional state have generated power sharing. Its justification is the new federal pie which opened a new political space and development discourse (Assefa Fiseah, 2016, Dereje 2006, Merara 2003).

Meanwhile, unlike the past successive regimes, the Gambella National Regional State emerged as the introduction of federalism meant inclusion to the Ethiopian state as one of the member of the federation of Ethiopia that formed the Federal Democratic Republic of Ethiopia (FDRE constitution, 1995). The region benefited from the right to self-rule that empowers indigenous people to be ruled by own keen people that seems speeded up the local development efforts in unprecedented ways. For instance, in the field of man power development, the coming of new

---

<sup>5</sup> The word buony or high lander stands for highlander that the people who come from Ethiopian highland areas to Gambella National Regional State or in Amharic term (degegna) from the local Nuer peoples.

<sup>6</sup> Getachew, A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. East African journal of peace and human rights, Volume 17.1, p. 15. 38

FDRE constitution, the federal government comes with serious of programmes to upgrade the peripheral regions by opening special boarding schools and colleges. Among the colleges, the Ethiopian civil service college that was founded in 1995, now university had play great roles in capacity buildings of human power for the undeveloped Ethiopian regional states regions.

Despite the opportunities brought by new federal system, the FDRE constitution declare, all urban and rural land as the property of people and the state (article 40 (3)), by any sale or exchange and mortgage is prohibited by the objective to keep social equity and tenure security to the poor rural citizens to their communal land. In addition, the federal government enacted rural land administration and use proclamation no, 87/1997 and revised by new proclamation 456/2005, delegate regional state the power to enact laws of rural land administration and land use consistent to proclamation of 456/2005 article 17 with the assertion to create free access of rural land for farmers and pastoralist. Among the regional states that succeeded in enacting regional proclamations to administer rural land are the Amhara, Tigray, Benishangul-Gumuz, Afar, Oromiya. The Amhara, Tigray, Oromiya and SNNPR proclaimed their rural land administration and usage such as proclamation no, 133/2007, 239/2006, 130/2007 and proclamation no, 110/2007 respectively by were supplemented by regulations and directives to administer rural land issuing each level of regional administrative institutions started from region up to kebele levels that involves the participation of local communities in land registrations. the peripheral regions of Benishangul-Gumuz, Gambella, Afar, Somali that failed to enact law based on the new proclamation of the federal government but in 2010 and up to 2013 were unable to implement and use their constitutional power, were directed by federal government by the assertion that lacks man power delegated their mandate to federal government.

Furthermore, another argument concerning the right to self-rule and large scale of agricultural investment by which the local administrators claimed, they were not given mandate constitutionally to leased the rural agricultural land despite the regional administration had the mandate constitutionally. For instance, the Amhara, Tigray, Oromiya and SNNPR succeeded in enacting their regional proclamation that's supported by regulations by it is clearly stipulated the mandates of weredas and kebelles respectively. The Amhara, Tigray, Oromiya and SNNPR proclaimed their rural land administration and usage such as proclamation no, 133/2007, 239/2006, 130/2007 and proclamations no, 110/2007 respectively were supplemented by

regulations and directives to administer rural land issuing each level of regional administrative institutions. Basically, in general, for example in Africa , the land leased to agribusiness accounts for some 48% of the total cultivated agricultural area of the continent in 2008 which is approximately the size of Kenya ( Messay Girma, 2015:pp,3 cited in Cotula, etal.,p:vii). In Ethiopia in particular, a study conducted by Desalegn Rahmato (2011, cited in Messay Girma, 2015: p: 2), shows that, the total land of the country leased to both local and foreign investor reached to (3,619,509 ha) by which the Gambella Regional State alone since 2009 shares (1,226,293ha) or (12,262sqkm), set aside for large scale agricultural investment as part of designed special economic zone, that constitute almost half of the regional states areas of 29,783sqkms (Addis fortune, 2016)<sup>7</sup>. In addition, the estimated amount of land that transferred to local and foreign investors reached 3.5 million hectares and the total amount that transferred at the end of GTP1 of 2015 will reach 7 million hectares (Rahmato, 2011).

This and other affected the right to self-rule and to administer rural agricultural land investment in the region. So, in order to investigate the issue discussed, this study will assess, explore, and examine the situation how the right to self-rule and large scale of agricultural land investment in Gambella Regional State implemented according to region constitution or national constitution or others law proclaimed at national level.

Therefore, this study will assess, explore, and examine the situation how the right to self-rule and large scale of agricultural land investment in Gambella Regional State and the institutional role to implement the national regions constitution or national constitution or others law proclaimed at national level.

## **1.2. Statement of the problem**

The issue of “Self Rule and Large Scale of Agriculture Investment” in the time we are now especially in the country like Ethiopia that follow federal system of governance becomes controversial and debated and also; partly because of the existence of conflicting views on its effects on local people in the countries that are allocating large scale of agriculture land.

---

<sup>7</sup>Addis Fortune, published on February 25, 2016{vol.16 no,826}

Consequently, the topic is subject to ongoing debates not only among researchers, but also among politicians and policy makers. In Ethiopia in particular, since the 1995 FDRE constitution came into force, the country created a federal state that devised the coming together of states (FDRE constitution, 1995). The political system recognized the right to self-administration, empowered regional states to administer rural land and other natural resources that found in regional states territories (FDRE constitution, 1995).

As a result of new federal arrangement, the Gambella Regional State had enjoyed the “right to self-rule” at local level and the mandate to administer rural land and other natural resources that are found at regional administrative territory based on the 2002 revised “regions constitution”. The region benefited from the right to self-rule that empowers indigenous people to be ruled by own keen people seems speeded up the local development effort in unprecedented way.

In spite of such undertaking, the Gambella Regional State came to be largely occupied by “large scale of agricultural investment”, and due to this large scale agricultural land investment, the “local communities/indigenous” felt insecure due to high influx of immigrants that created tension between the local people and investors throughout the region (Azeb W. Degfe, 2017: 9 and 10)<sup>8</sup>.

In fact, The FDRE government claims that the country has plenty of agricultural land that is suitable for agricultural investment especially at periphery regions. The assertion of large plenty of agricultural land had supplemented by serious of rural land administration proclamation of 1997 and the revised proclamation of 2005. Despite lack of coordination of implementing the constitutional right between states and federal government, institutions that have mandate to administer rural land remained unable to consider the livelihood of the local communities that created socio-economic effects and political problems.

In fact, these land have used by local communities for generations for livestock, farming, fishing, grazing, hunting, honey bee or for settlement purposes by which their life depend on it. The

---

<sup>8</sup>Azeb w. Degfe(2017), entitled The intricacies of large scale agricultural investment in Gambella Region, Ethiopia. The conference them: Responsible Land Governance: Toward evidence based approach. A paper presented on Annual World Bank conference on Land and Poverty held on March 20-24, Washington DC.

assertion that the land leased previously unused or unoccupied also flow as land in many could be temporally left for various reasons such as shifting cultivators or trans-human pastoralist. As a result, it is feared that the FDRE government agricultural land investment policy could marginalize and exclude the local communities by depriving them from their land and natural resources for their livelihood activities.

Meanwhile, large scale of agricultural land investment that are going on are done on bases of pledge held by both investors and the FDRE government policy of agricultural land investment without considering the right to self-rule entitled in FDRE constitution of 1995.

On the other hand, the FDRE government claims ownership of all lands where as the farmer and pastoralists have only the rights to use land. For this it seems missed the right to self-rule and administers the local land, local communities have no say over the transfer of their land and hence the government can leased the land without considering the right of ownership of communal land over any patch of land as it wishes to any other uses.

So, in order to assess the gap discussed, this study will , explore, and examine the situation how the right to self-rule and large scale of agricultural land investment in Gambella National Regional State implemented according to region constitution or national constitution or others law proclaimed at national level.

### **1.3. Research Questions**

Generally, the study will attempt to answer some basic and specific questions

#### **General question:**

- How is the right to self-rule implemented vis-a-vis large scale of agricultural land investment in Gambella National Regional State?

#### **Specific questions:**

- What institutional and legal protection mechanisms are in place to secure the right to self-rule during transfer of large scale agricultural land to investors in GNRS?
- What is the extent of participation of local communities during land acquisition transfer

to large scale agricultural investment?

- What are the benefits/changes brought by large scale of agricultural land investment to the local communities?
- What are the mechanisms used in response of shortage of land taken from the farmers used for large scale of agricultural land investment to recover the livelihood of local communities?

## **1.4. Objective of the study**

### **1.4.1. General objectives**

The general objective of this research is to examine/assess the enforcement of the right to self-rule and large scale of agricultural investment in Gambella Regional State. The research will also have the following specific objectives.

### **1.4.2. Specific objective**

Specifically the research is intended to;

- To understand and analyze the right to self-rule and large scale of agricultural investment in GNRS.
- To assess the socio-economic and political effect of large scale of agricultural investment in Gambella Regional State.
- Explore the role of stakeholders in respect of the right to self-rule in the politic of development and the perception of indigenious to large scale of agricultural investment in GNRS.
- To Study or explore the local people's patterns of coping strategies adopted in response to the shortage of land and natural resources caused by their transfer to investors in the GNRS.

## **1.5. Significance of the study**

The researcher intended to conduct this study because the research will provide basic information about the level of political participation of local communities, normative and institutional protection of the right to self-rule vis-à-vis large scale of agricultural land investment in (GPNRS).

Therefore the study:

- Will provide significant insight reliable information's that discussed in the statement of the problem and the right to self-rule and agricultural investment in GPNRS and lead other researcher as an input for further study.
- Will reveal the existing situation gap of the right to self-rule and ongoing of the large scale of agricultural investment in the region.
- The finding of the study will be used by concerned bodies and stakeholders as an input to make different policy reform.
- The result of the study will also add to the limited literature on the mode of the right to self-rule and large scale of agricultural investment in GPNRS.
- The study will also be significant in that it will contribute to the literature on the success and weaknesses of ethnic federalism from political perspective.

## **1.6. Scope of the Study**

The study will attempt to investigate/asses The Right to Self Rule and Large Scale of Agricultural investment in GNRS. The study will focus on the right to self-rule and large scale of agricultural investment. However, the actual investigation of the outcome of investment policy lies from 2008-up to-date. The year 2010 has been focused for it is the period when the FDRE government launched the policy of resettlement or villagisation to the four emerging regions particularly in Gambella Regional State, and the year 2013 and 2015 shows the high influx of both local and foreign investors in unprecedented way in Ethiopia and Gambella Regional State in particular.

Therefore, the thesis paper will be conducted in the three of three zones of different districts

(Lare, Abobo and Godere administrative weredas), the researcher is native and grew up in Gambella town/city and also have witnessed the effects and political maneuvering on the right to self-rule and large scale of agricultural investment in GPNRS. This will help the researcher in getting necessary information. The researcher owns input from personal experience will also enrich the thesis paper.

### **1.7. Structure of the study**

The thesis research is comprises of Six (6) chapters. The first chapter is about introducing what the study is about, the problem to be examined, the research questions and objectives, significance and scope of the study and the methodological aspects of the study. The second Chapter briefly reviews literature to the major theme of the study and provide a highlight of pertinent related empirical studies on the issue under study. The thirds chapter gives a summarized or the general review of Ethiopians agriculture, land governance and Large Scale of Agriculture Land Transfer in Ethiopia. The forth chapter briefly gives the basic information concerned about the area to be study. The fifth chapter presents the finding of the study where the thesis discuss the right to self-rule and Large scale of Agricultural Investment (LSoAI) in the study area and its effects on the local community and the sub level organs. Finally chapter six gives Findings and recommendations.

## **Chapter Two**

### **2. Review of Literature**

This chapter deals with theoretical approach to the right to self-rule and large scale of agricultural investment in GPNRS and the effects brought by large scale of agricultural investment.

#### **2.1. The Right to Self Rule and Large Scale of Agricultural investment**

The conventional analysis of the political and socio-economic debate in the right to self-rule and large scale of agricultural investment recognizes its many causes and operations at different levels-global, national, regional, and local. The causes of these tensions are often very complex and have often formed since world economic crisis in 2008.

Historically speaking, the new development of the large scale of land acquisition and transnational corporation are not new to challenge the local communities /indigenous. At the beginning of 20thc, agricultural farming become increasing industrialized, small scale farmers were driven out from their farm or forced in to corporate farming system where they become a class of worker with in plantation (Stone, 2001). However, several factors distinguished from the current large scale land farming acquisition policy to the previous that have been taken elsewhere in the world.

Because, this practice had largely been confined within the private sector domain in the past by which private investors buying land from the private owned but at present majority of the new land deals are government to government affiliated body. As outlined by GRAIN (2008), the major leaseholders were foreign governments affiliated enterprises and the sellers are the host governments dispensing land they ostensibly own. Unlike the former large scale of agricultural land transaction/commercialization, which produced cash crop only like tea, sugar, coffee and banana etc, the current phenomenon changed as graces focuses on the production of staple food and biofuel crops such as maize, rice, wheat, etc ( O.M Ojulu, p:36, 2013 cited in Ghosh, interview with News click, 13 Sept, 2011). Another noticeable difference is the enormous size that is recently sold or leased within a very short period of time (ILC, 2012).

In Ethiopia, the “LSLAs framed as attempts to increase GDP of the country, directly by producing agricultural product, and indirectly by producing foreign currency generation capacity and producing input to the manufacturing sector”( Fana G,2016:p:26). Proponents argue that LSLAs has the potential of bringing the much need FDI to the developing countries like African countries (World Bank, 2008, UN, 2010, FAO, 2010). For instance, it can benefit the host countries both by increasing their foreign exchange and enhancing their development through economic spill over, trade benefit and new market (ibid). Furthermore, proponents argue that rural communities would benefit from LSLAs by creating jobs, infrastructure, and health Centre’s, schools, and provided by negotiation by their right to land is respected by agribusiness investment (Zoysa, 2013).

Initially, land lease agreements are often in favor of investors rather than the local communities, because firms hold greater bargaining power in negotiating the agreements especially when the host government and local elites support the investment (Von Braun and Meinzen-Dick, 2009:p:2). It is often that small farm land scale holders will be displaced from their lands and the promised job and local development may not be full filled (Ibid: 2).

Meanwhile, since the current FDRE constitution of 1995 legalized the right to nations, nationalities and peoples of Ethiopia the right to self-rule and empowered of the ethnicities to establish the necessary institutions opted for self-rule at any time (FDRE constitution, 1995). As a result, Gambella Regional State is founding member of the Ethiopian federation of 1995 constitution but the right to self-rule and ongoing large scale of agricultural Investment become serious issues since local people/indigenous felled insecure & question who have the right to own communal land?

As Kymlica (2001) asserted, the right to self-determination observed in multinational state is through dispersion of a state sovereignty among different centers so that each level of government exercises sovereignty over certain areas of policy making. To start, the FDRE constitution unequivocally states that, “nations and nationalities of Ethiopia are sovereign” (1995 constitution, Art 8). Unlike unitary states or quasi federal states in which sovereignty is vested in peoples or constituent units, the article 8 of 1995 constitution asserted the new Ethiopian states that formed on the coming together on the free will of the nations, nationalities and peoples of

Ethiopia. Even though, if any government ceases to serve their interest or abuses their right, nations, nationalities and peoples of Ethiopia are entitled to reassert their sovereigns power by changing or removed that government( Yonathan, 2008).

Meanwhile, regarding the new arrangement of centralizing decision making power about land administration has attracted serious criticism for at least two major reasons (see also Gobena, 2010; Dessalegn, 2011; Tamrat; 2010). First, concerning the constitutionality of transferring land administration from the regional states to the federal government was disputed. Critiques argue that there is no constitutional provision that allows an upward delegation of constitutional power from the regions to the Federal Government (Tamrat, 2010, p. 9). It is rather atop down delegation of the constitutional authority given to it, to regional states under the constitution (ibid, p. 9). Thus, the above centralization of regional states mandates to administer their land stands on a shaky constitutional basis (ibid: 9). Second, there is no clear division of powers between the Regional states and MoANRD in practice and until now only the periphery Regions like Gambella, Benishangul-Gumuz, Afar and Ethiopian Somali regional states are represented by MoANRD for land investment related issues while established Regions like Amhara, Tigray, Oromia and SNNPR still carry out some large scale land transfers in their regions (Lavers, 2011, p. 5).

In addition, the introduction of economic reforms in the major national policy in 1992/3, the country regulated to attract foreign investors to invest and transform the age old of rural farming system by which the government of Ethiopia stipulated serious of proclamations. Among the proclamations, the 2002 investment proclamation no, (280/2002) and, the amended investment proclamation of 2003, no, (375). The first identify the need to attract both local and foreign investors in order to enhance the country investment activities (FDRE, 2002). This proclamation was revised in 2003 that include the Ethiopian investment commission (FDRE, 2003).The result of these notable provisions of proclamations were to create incentives to attract foreign direct investment and local.

As a result of the above arguments among different scholars, independent international research organizations and legal documents on the federal Ethiopian government, the researchers will focuses on different theories and debates on the right to self-rule, large scale of agricultural

investments, and the questions of the institutional arrangements of administering rural land and natural resources in the Federal Democratic Republic of Ethiopia and the region in particular.

### **2.1.1. The constitutional Provision on the right to Self-Rule and Large Scale of Agriculture Investment**

According to Federal constitution of Ethiopia, it clearly states various types of power between federal and regional states. Concurrent power is stated in federal constitution of Ethiopia that provided in Article 5(5) and Article 52 (2) (d) (Assefa Fiseah, 2016:14)<sup>9</sup>. Based on Article 5(5) constitutions mandated the federal government to enact laws concerned the use conservation of rural or urban land and other natural resources, historical sites (ibid). The power to administer rural land and other natural resources is stipulated in Article 52(2) (d) mandated to regional states that should be based on federal rural land law and constitution. For instance, it seems the norms related to utilization and conservation of rural land and other natural resources is vested to federal government while the implementation is left to regional states (Assefa Fiseah, 2016).

Further, the Ethiopian federal system accommodates and empowers ‘the nations, nationalities, and peoples primarily through the provision of territorial and political autonomy to geographically concentrated ethnic groups FDRE constitution (Article 46(2)). As constitution dictates, regional states to be organized on “the basis of settlement pattern, identity and consent of the people concerned”. It seems the constitution gives emphasize to the right to self-rule for nationalities to safeguard the age old questions of identity for Ethiopian people that is recognized. The concept of land its link to the right to self-rule provided constitutional safeguard to the nations, nationalities as joint owners of land and its territory. Due to this, the increasing power of federal government without respecting the right to self-rule for nations, nationalities over the administration of rural land in terms of consultations and other benefits sharing is become a source of conflict standing between local communities and governments (Assefa Fiseah, 2016:14).

Furthermore, in order to discharge its power on land administration, the federal government of Ethiopia has issued several proclamations to use its power on land by invoking on article 51(5)

---

<sup>9</sup> See on the Article, Assefa Fiseah,(2016) entitled Federalism and evolving conception of unity and Diversity in Ethiopia

of the federal constitution. This include proclamation no, (721/2014), regulation 283/2013 mandated the federal ministry or agency to administers land allocated for large scale of agriculture investment in the regional states and the power to establish agricultural investment zones or land bank (Assefa Fiseah, 2016:14). Based on the federal government proclamations, the regional states have the power to allocate urban and rural land for development activities. Based on the federal government proclamations, the new law enacted where the legislative of federal and regional states were empowered to administer the matter related to rural land and other natural resources.

Meanwhile, the power to “enact laws for the utilization and conservation of land and other natural resources, historical sites and objects” provided under the constitution to the Federal government (FDRE Constitution art. 51(5)). As result, the Federal government of Ethiopia enacted a “Land administration and Use Proclamation” (Proc. 87/1997) in 1997 and then replaced it with the new legislation, proclamation No. 456/2005. The Proclamation 456/2005 delegates regional states with the power to “enact rural land administration and rural land use law” which to be consistent with (Proc. 456/2005) in order to issue the rural land administration law on regional level (Art.17). Besides, there are other legislations in Ethiopia related to land matters among which the Urban Land Lease proclamation (Proc. 721/2011) and the Expropriation Proclamation (Proc. 455/2005) are the main ones. Further, the regional states of Tigray, Amhara, Afar, Oromia, Benishangul-Gumz and SNNPRS have adopted their own Rural Land Administration and Use proclamations and urban lands holding lease regulations based on the context of each regional states in line to that of the federal rural land proclamations and other directives that be based on the context of each regional states.

## **2.2. Perspectives of the Large Scale of Agricultural investment**

Since the 2008 finance and economic crisis, and the end of 2009, more than half of African and Ethiopia in particular, had selected millions of hectares’ of farm land to foreign capital under highly concessionary term (Cotulla et al,2009). This subsection discuss and reflect on the various concepts used to the selection of large scale of agricultural investment, and natural resources from local communities, investors and how it enforced based on national and regional rural land administration and use proclamations’ and other national proclamations’ or laws.

Based on the perspectives of large scale allocation for agricultural investment, the policy makers believes (GOE), the allocation of large scale of agricultural investment to investors will creates new opportunities for the local peoples farmers to improvement of living standards, the adoption of new technology transfer for the country, job opportunities, and the like. Furthermore, it could also stabilize local and national food prices and increase in food production which could be available to national consumers and to that of overseas consumers (Ibid).

Despite the critics, the allocation of agricultural land to investors not only denies local communities their entitlements to land, but also violates their rights to use it. Giving land to agricultural investment also disrupt the local land tenure system by altering formal land right that are under state control (German, Schoneveld & Mweangi, 2011, p.3). As a result, local elites who play a key role in allocating land right fail to act in local community's interest.

Since the need for agricultural investment arises, decision about where to acquire investment land for large scale of agricultural depend on a set several factors. The decisions about where to acquire land for large scale of agricultural investment depends on several factors. This includes resources endowments, particularly agro-ecological characteristics of the target countries (Dezoye, 2013, cited in Messay Girma, 2015:p.15). The underlying assumption based on economic and market value through additional inputs such as water, seeds, infrastructure, the like (Ibid, p.17-18). Meanwhile, land availability refers to the availability of land that is not being used, but suitable for rain fed cultivation and that has a population of less than 25 people per km (Ibid, p.17).

In Ethiopia access to and use of land as well as land tenure security vary from exclusive or traditional to registered or legally protected land. Land tenure in Ethiopia has significantly evolved during the last three successive regimes. During pre-1974 era described as mainly feudal system, where tenant – landlord relationship dominated land governance by which the state and Ethiopian orthodox Tewahdo churches takes the lion share. When Derg came to power in 1975, it abolished the feudal system, transferred land into public ownership/tiller and redistributed it to the tillers that are known in Ethiopian student movement. At its downfall in 1991 in the hand of Ethiopian People's Revolutionary Democratic Front (EPRDF), market oriented economy has been introduced but land still remained under public ownership and state. According to the

current constitution of Ethiopia, land is owned by the state and the people have only the right to use it (FDRE, 1995).

Meanwhile the FDRE 2005 *Rural Land Administration and Use Proclamation* stipulated that farmers, semi-pastoralist and pastoralist who have land holding rights can lease land to other farmers or investors from their holding of a size equivalent to the intended development in a way that does not displace them, (FDRE, 2005, Article 8(1)). It also states that any land holder shall have the right to transfer his/her rural land use rights to members of his/her family or relative through inheritance (Article 8(5)).

The second instrument from legislations is institutional arrangement. The 1995 Constitution empowers the ethnically delineated regions to undertake land administration (FDRE, 1995, Article 52(2d)). The Constitution stipulated that basic land policy and laws are prepared by the Federal government and respective regions are given the mandate to issue their own land policies within the framework of Federal Laws. For instance, the responsibility of administering land especially the all necessary procedures, for example its contracts, distribution, transfer, leasing, use and development lies within the jurisdiction of Regional States. The Regional States formally conclude land deals through their Regional Investment Commissions, after the environmental feasibility of the project is studied by the regional state environmental protection agency or Federal Environmental Protection Agency (EPA) under federal level. It has the legal authority or mandate to review and approve Environmental Impact Assessment report of any project and this is expected to be prepared by the investment project (FDRE, 2002a). Yet, there are conflicting mandates among the institutions involved in large scale agriculture land transfer to investors. This mandate given to investment authorities, land administration authorities, environmental agencies and agricultural bureaus often clash with each other. For example, while the environmental laws require strict environmental impact assessment before the land transfer, investment land laws do not impose such requirements.

### **2.3 Large Scale of Agriculture Investment and land Acquisitions**

When the agricultural land investment need arises, the following step is to select the appropriate location where agriculture land investment can be easily acquired. The decision about how and where to acquire agricultural investment land depends on different factors. The factors include

resource endowments, especially agro-ecological characteristics of the target countries (De Zoye, 2013, p. 7). In this regard, 'land availability' are major determinants and they are used to provide different type of target countries (Arezki et al. 2011, p. 16). The underlying assumption in terms of the yield gap is that agricultural farmland is under used compared to the potential yields and that such land can be improved to increase its market value through additional inputs such as water, fertilizers, seeds, infrastructure, and know how (Ibid, p. 16-17). Meanwhile, land availability refers to the availability of land that is being unused, but suitable for rain fed cultivation and that has a population density of less than 25 persons per km (Ibid, p. 17). Thus, countries with high yield gap and abundant land availability are the most suited for large scale agriculture investment destinations according to a typology developed by Deininger et al. (2011, p. 17). This typology accounts for the largest share of land acquired according to Land Matrix database<sup>10</sup>, representing 58% of all investment deals. The major countries that are affected in this category are located in Africa, particularly, Sub-Saharan Africa (ibid 2011, p. 12).

In addition to yield gap and land availability, the types of land covers also determine the choice of suitable land for large scale agriculture. According to the Land Matrix Project, crop land and forests are the most commonly targeted land covers followed by savannah grass land and marginal land respectively (Ibid, p. 17). The Land Matrix Project shows that out of 82 cases for which there is information about previously land use, most land (about 56) were reported to have been used by small holders for cultivation, followed by communal use particularly for grazing animals from pastoralist (Ibid, p. 39). Meanwhile, only few of the reported cases of Large Scale Land for agricultural investment Transfer were under forest cover or under conservation prior to the investment (Ibid). Crop lands make up 43% of all 246 land deals (and 22% of the land transferee), which include different cropping varieties of farm yields.

## **2.4 Limitations of the Large Scale of Agriculture Land deals**

The number of limitation attached to the large scale of agricultural investment land deals include lack of respects of the right to self-rule that stipulated in the Federal constitution of Ethiopia,

---

<sup>10</sup> Land Matrix database is an online public database of large scale land deals (<http://landportal.info/landmatrix>). it involving the transfer of rights to use, control and own land through sale, lease or concession; that cover 200 hectares (ha) or larger; and that have been concluded in the year 2000

lack of transference and consultations from different local tiers of governance specially during the planning and decision making process and contract agreements, absent of communities participation, risk of conflict resolution mechanism (Cotula et al., 2009, p: 70-75).

Firstly, lack of respect of the right to self-rule that is stipulated under FDRE constitution may lead to unequal participation and or may brought lack of good governance, unnecessary decisions on conflict resolution on the matters of large scale of agricultural land investment and misunderstanding between the respecting government structure and the local communities.

Secondly lack of adequate information concerned about extend of the agricultural land deals hinders participation of local communities, civil society organizations and other stake holders, which in turn provides opportunity for corruption and other misconducts (Ibid, p. 72). The Land Matrix database reveals that only few projects have been launched with adequate consultation of local communities, and even if there are few cases of community involvement, the process was limited (Deininger et al., p. ix cited in Messay, 2015, p:13). There is a limited source from the Land Matrix on community involvement in land deals for which information was recorded only for 86 cases. It was observed that only six cases had prior and informed consent with community before the start of the projects, whereas 29 cases had some form of community participation but such processes were limited (Ibid, p. 40).

Thirdly, even though local communities are consulted in the processes of Large Scale agricultural Land Transfers, displacement for local communities is quite often the case in developing countries (Dessalgn, 2011, p. 22). Such evictions as a result of agricultural land transfers may be substantial since land acquired by investors is equal to land used by several small farm land holders (Ibid: 23). The Land Matrix shows that most land acquired was at least used for some purposes by local farmers prior to the land transfer and some of the projects recorded in the data base led to substantial evictions (Deininger et al., p. ix). Lack of compensations for local people is another criticism. As I mentioned above, agriculture land transferred for large scale investment is often used by local population for different purposes that could lead for unnecessary displacements for the local communities. Local communities are often given vague promises of benefits by the investors. For instance employment opportunity, together with inadequate or sometimes inexistent compensation for their loss land and

livelihoods (Aabø and Kring, 2012, p. 14). This is compounded by the difficulty to provide legal proof of ownership or title for the land used especially by local communities who have customary land rights, which are not recognized by laws (Cotula et al., 2009, p. 41). Besides, people who have only uses rights are not entitled to sell land as in the case of Ethiopia federal constitution, where state owns all land and farmers have only the right to use. Thus, there is no guarantee for such people to receive compensation for lost livelihood base as a result of land deals. However, this does not mean compensations do not occur at all. Investors may give various compensation schemes based on the legislation of the host country with regard to foreign investment and on the power of former user as well as the investor (Anseeuw et al., 2012, p. 42). There are different forms of compensation scheme and they range from in-kind compensations, such as building social services like clinic or productive infrastructure, to cash-payments for affected individual farmers. Nevertheless, compensation and lease payments are often received by local authorities on behalf of communities and are usually subject to nepotism and rent seeking behaviors (Ibid, p. 44).

Generally, large scale of agricultural land deals are also characterized by lack of respect of the right to self-rule and monitoring, enforcement and conflict resolution mechanisms between the local community and investors that remain as sources of controversy in land deals (Cotula, 2007, p. 83). Neither the state organs nor independent agencies scrutinize the activities of large scale agricultural investors, particularly, in those countries that have weak institutional capacity. This in turn leaves the ground for tensions between the investors and local communities, sometimes resulting in conflicts.

## Chapter Three

### **Ethiopia's Agriculture, Institutional Arrangements and Large Scale of Agricultural Land Transfer**

This chapter examines some of the characteristics of Ethiopia's large scale of agricultural investment, the institutional and organizational structures of rural land governance/administration and the regional state of land power transfer in the country. The chapters will also high light additional contexts, conditions and trends by looking at the different policy settings in the country and Gambella National Regional State in particular.

#### **3.1 Ethiopia's Agriculture Sector: An overview**

In Ethiopia, large scale of agricultural land investment that feeds the majority of the population controlled by the king and its followers due to different wars of expansions and regimes policy change. It is the main source of food and income to the people working in the sector and others (CSA 2014, p. 1). The economy is dominated by poor rural farmers with small scale farming contribute the bulk of food supply, foreign exchange as well as labor and raw materials for other sectors. Based on the report of (CSA, 2014, p, 2), mixed farming highly practiced in high land and mid high land, and rearing of livestock mainly practiced in low land regions.

For instance, the agricultural sector is predominantly characterized by subsistence farming and production is usually far less than the demand. The poor Small holder farmers struggle to produce enough food to feed their households let alone to abundantly supply the market with their produce. Apparently, most of these small holder farmers are very poor and constitute the single largest poor group of people in the country (IFAD, 2013, p. 14). In addition, Small holders are also very vulnerable to external shocks such as volatile global food markets and other natural disasters (Ibid). the Agriculture which the back bone of the country economy is also hampered by structural problems that include, fragile soil and lack of coordination between regional state and federal government during land laws implementation, small and declining size of land holdings, fragmentation of farm plots, the age old poor farm system, population pressure, poor road networks and weak markets, and poor human development (ibid).

The agricultural activities of the country are dependent on the amount of rainfall, which affects the volume of production. The average annual rainfall in Ethiopia varies between 200-2500 mm, where highland areas get more rain than lowlands (MoARD, 2009, p. 4). Globally rainfall is generally considered moderate and hence agricultural production remains low (Ibid, p. 4). In a year during rain seasons, particularly in most of the highlands: the less intensive “Belg” season - from February to May; and the main rainy season of “kiremt” from June to September. Rainfall not only determines the level of production, but it also defines rural poverty in any given period of time. It is claimed that persistent lack of rainfall is a major factor in explaining rural poverty (ibid, p. 4). It should be noted that lack of rainfall caused frequent and severe drought throughout the country over the last decades, and the trend indicates sign of worsening (Ibid).

The effects of large scale of agricultural investment are most felt on such vulnerable groups as lowland pastoralist and high-density areas of highlands regions (ibid). Every year, a large number of households face a prolonged season of hunger, particularly during the pre-harvest period (Ibid). In fact, the country has historically known by severe famines often in drought affected rural areas and significant number of the population are still dependent on food aid every year for their survival. It is claimed that persistent absent of rainfall is a major factor in explaining rural poverty (ibid, p. 4). It should be noted that lack of rainfall caused frequent and severe drought throughout the country over the last decades, and the trend indicates sign of worsening (Ibid)<sup>11</sup>.

### **3.2 Rural Land Administration in Ethiopia: Land Tenure**

Agriculture is the base for livelihood and hence its governance for administration is an important issue. Based from the assertion from Ethiopian Ministry of Agriculture and Rural Development (MoARD, 2009, p. 4), the total land of the country account’s about 111.5 million hectares, by which 74.3 million hectare is suitable for annual crop production. However, despite the presence of large scale of agricultural land investment, only about 18 million hectares being cultivated with rain fed crops (ibid, p. 4). However, land holding for such an agriculture dependent economy is very low, especially in large number of family sizes, where around 55.7% of farming

---

<sup>11</sup> Supra note

households cultivate less than 0.5ha and around 80% cultivate less than 1 ha (ibid, p. 5). Besides, out of the total land area, 45% (50.2 million ha) is highland, the remaining is lowland, both of which may not be very suitable for agricultural activities.

The institutions governing land tenure system were different in land administration as land tenure securities vary from traditional to registered or legally protected land. Land tenure system in Ethiopia has significantly evolved during different regimes. The pre 1974 era was based mainly feudal system, where tenant – landlord relationship dominated land governance. When the Marxist regime of Derg came to power in 1975, it abolished the feudal system, transferred land into public ownership through peasant association and redistributed it to the users. Following the fall of the Derg in 1991, the Ethiopian People’s Revolutionary Democratic Front (EPRDF), and market oriented economy has been introduced but land still remained state ownership and nations and nationalities. According to the Federal Democratic Republic constitution of Ethiopia, land is owned by the state and the people have only the right to use (FDRE, 1994).

Article 40 of constitution states that:

*“The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia. Land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of exchange.”*

Furthermore, following the coming of the new constitution in 1995, different proclamations and policy directives have been introduced in different times with regards to land administration. One of these proclamations is the Federal Government Rural Land Administration and Use Proclamation of 2005. The proclamation states that peasant farmers as well as pastoralists shall be given land to use free of charge to undertake agricultural activities (FDRE, 2005, Article 5 (1.a)). The proclamation further stipulated that any member of a peasant farmer, pastoralist or semi-pastoralist family, who have the right to use rural land, has the right to get land by donation, inheritance or lease from the competent authority (Ibid, Article 5(2)). Rural land can also be acquired either by placement of Government land, communal land, other unoccupied land and land with no inheritor, redistribution or settlement programs (ibid, Article 5(3)).

Farming households can also rent land from other holders in the form of fixed rent or share cropping.

Most of land being used by farming households is allocated by the rural Kebeles administrations. Accordingly, rural Kebeles administration can allocate land within their jurisdiction to farming households whereas regional states allocate land through resettlement programs. The duration of land use rights is not limited and smallholders can use it indefinitely. With respect to communal land holdings, the Government may allocate land to communities for common grazing, forestry and other social purposes (Tamrat, 2010, p. 6) cited in Messay Girma (2015). However, the laws do not specify the extent of communal land holding rights. Besides, both the Federal land law and Regional states laws provide the Government absolute power to convert communal lands to private holding specially for investment purpose if its necessary (FDRE, 2005, Article 5(3)). Thus, communal land holders do not have the same rights that individual land holders have and only the Government decides on the transfer of communal land use rights for other purposes. In fact, Ethiopia unlike some African countries for example Mauritania and Rwanda does not provide legal protection for customary land rights (German, Schoneveld & Mwangi, 2011, p.13).

Meanwhile the FDRE 2005 Rural Land Administration and Use Proclamation stipulates that peasant farmers, semi-pastoralist and pastoralist who have land holding rights can lease land to other farmers or investors from their holding of a size equivalent to the intended development in a way that does not displace them, for a period of time determined by regional state rural land and use administration laws on the basis of local preference (FDRE, 2005, Article 8(1)). It also states that any land holder shall have the right to transfer his/her rural land use rights to members of his/her family through inheritance (Ibid, Article 8(5)).

In general, in Ethiopia land tenure is generally characterized by State ownership of all land in the country. Hence, individuals have only the right to use land by leasing from the State or other individuals. However, some land is also customarily held by communities for which there is no legal recognition. Contrary to customary tenure, statutory land tenure in Ethiopia provides legal recognition to individual landholders.

### **3.3. Large Scale of Agricultural Land Transfer in Ethiopia**

During two decades back, agricultural development led to industrialization policies of Ethiopia mainly focused on small holder farmers because they were seen as the only player of the country's development. Strategies such as the Agriculture Development-Led Industrialization (ADLI) were very prominent for smallholder farmer's initiatives. However, despite smallholder-focused development strategy proved to have limited economic and social success in Ethiopia (De Zoyas, 2013, p. 5). Therefore, smallholders are no longer the engines of economic transformation and it became necessary to introduce commercial agriculture to encourage foreign direct investment and local one. Nevertheless, smallholders are still protected due to their political sensitivity while great emphasis is given to mechanize large scale of agricultural investment in the country at large and low land regions in particular, creating a dual agricultural system of smallholder and large scale of agriculture land investment (Ibid, p. 5-6).

The need for the current shift from a smallholder agriculture based economy development to large scale mechanized agriculture (export oriented) was clearly advocated on the 2006 Federal Governments economic Plan for Accelerated and Sustained Development to End Poverty (PASDEP) (MoFED, 2006). It was clearly stipulated in the document that in order to eradicate poverty and improve livelihood of the people, there should be accelerated and sustained economic growth (Ibid, 46). As it is clearly stipulated from document, to achieve the intended accelerated economic growth, two big steps were specified to be under taken: namely commercialization of large scale of agriculture land to foreign investors to supplement the country economy and accelerating private sector development.

In addition the document states the focus areas or sectors with respect to agricultural development, these include the shift to high valued export oriented cash crops, focus on selected high-potential lands, facilitating the commercialization of agriculture and provide support for the development of large-scale commercial agriculture wherever it is feasible, and integrate small holder farmers with markets both locally and globally (Ibid, p. 47). ADLI was a development strategy adopted by federal government of Ethiopia in 1993 to boost the country economy to industrialization through the mechanized agriculture sector development. This strategy was a guiding principle for three successive 5-year development plans such as the Sustainable

Development and Poverty Reduction Program (SDPRP) started from 2002/03-2004/05, the Plan for Accelerated and Sustained Development to End Poverty (PASDEP) 2005/06-2009/10, and the Growth and Transformation Plan (GTP1) - 2010/11-2014/15 (Getnet, 2012, p. 13).

Perhaps, despite the documents claim to encourage foreign direct investment of the private sector in agricultural development, their participation has not been realized during the previous two national development plans. The Growth and Transformation Plan (GTP1) was announced in 2010 (MoARD, 2010, p. vii). In this plan, the Government showed great determination to involve the private sector in its agricultural development program. This plan also emphasized that the private investors showed focus on projects involving the lowland Regions<sup>12</sup>, where there is “abundant untouched land”. Meanwhile, the Federal government of Ethiopia will identify suitable land for investment and through a land bank, from which local and foreign investors can rent or lease land. Accordingly, the Federal government of Ethiopia planned to transfer nearly 3.58 million ha for commercial farming to investors who primarily intend to engage in the production of export crops (Messay Girma 2015, p. 39).

### **3.3.1. Investment Legislations and Institutional Arrangements**

Since the coming to power, EPDRF introduces economic liberalization and made reforms in the major sectors of the national economy in 1992/93, the regulatory regime governing the FDI in land has evolved to a great extent. The most significant rallying initiatives for attracting foreign investment and encouraging large scale agricultural investment were, however, the formulation of the 2002 federal Investment Proclamation (No. 280/2002) and the amended Investment Proclamation of 2003 (No. 373/2003). The first proclamation identified the need to attract or encourage foreign investors, to that of local investors, in order to enhance the country’s investment activities (FDRE, 2002a). This proclamation was amended and issued in 2003. The proclamation shows some changes. It included some powers and duties to remain under Ethiopian Investment Commission (FDRE, 2003b). One of the notable policy provisions in the

---

<sup>12</sup> Periphery Low land regions are the Gambella National Regional State, The Benishangul-Gumuz National Regional State, The Afar National Regional State and Ethiopian Somali National Regional State

federal proclamations were attributive incentives by the Ethiopian Government pledged to foreign investors.

Generally, the investment legislations were proclaimed very generous to encourage foreign direct investment with local one. For example, government of Ethiopia outlined some conditions; first any foreign investor must allocate a minimum capital of USD 100,000 for a single project he/she is willing to set up in Ethiopia. A foreign investor who shall launch business jointly with local investors is required to allocate a minimum capital of USD 60,000 (FDRE, 2002a, Article 11). However, the capital limits could be less if want to engage in other businesses, like engineering, architectural, accounting and audit services, project studies or business and management consultancy services or publishing. In such cases, the foreign investor must allocate USD 50,000 if the project is set up alone and USD 25,000 if it is to be undertaken jointly with domestic investor. Second, a foreign investor who reinvests his/her dividends, or who exports 75% of his/her output shall be exempted from allocating the above minimum capital requirements.

Consequent policy discussions or directives which have been issued by the Council of Ministers have also clearly outlined lucrative financial incentives to FDI in land or local agribusiness investors. For instance, Articles 4 and 5 of Regulation No. 84/2003 stipulates that the agricultural sector is eligible for tax exemption and the same articles list a set of investment activities which could win tax exemption (FDRE, 2003a). Article 2 of Regulation No. 146/2008 also includes some conditions for exemption of income tax (FDRE, 2008). Agricultural investment projects engaged in expanding or upgrading the existing activities are exempted from income taxes for up to two years given that the project exports at least 50% of the output and increases the value of production by at least 25% (Ibid, Article 2). Furthermore, foreign investment in land and large scale agriculture is exempted from income tax for a period of two to eight years depending on the proportion of their output to be exported to foreign markets, location of the investment, and the decision of the Board of Investment (ibid). Besides, eligible investors are also allowed to import, free of customs duty, all capital goods, construction materials and spare parts that they use for establishing or upgrading of their enterprises (ibid).

Generally, the legislations imply that the Ethiopian Government is determined to encourage large scale agricultural investments to produce export goods without considering the right to self-rule to include the local communities. This shift in focus from small scale subsistent agriculture to large scale agriculture aims to boost export and foreign earnings for the country through the large scale production of agricultural products which are destined to foreign markets. This is, however, carried out at the expense of domestic food security.

The second instrument which is as important as the legislations institutional arrangement. The 1994 Constitution empowers the ethnically delineated regions state to undertake land management (FDRE, 1994, Article 52(2d)). The Constitution states that basic land policy and laws are prepared by the Federal government and respective regional state is given the mandate to issue their own land policies within the framework of Federal Laws. Accordingly, the responsibility of administering land, for example its contracts, distribution, transfer, leasing, use and development lie within the jurisdiction of Regional States. The Regional States formally conclude land deals through their Regional Investment Commissions/Agency, after the environmental feasibility of the project is studied by the Federal Environmental Protection Agency (EPA). It has the legal authority or mandate to review and approve Environmental Impact Assessment (EIA) report of any large scale of agriculture investment project; this is expected to be prepared by the investment project (FDRE, 2002a). Yet, there are conflicting mandates among the institutions involved in large scale land transfer to investors. This mandate given to investment authorities, land administration authorities, environmental agencies and agricultural bureaus from the federal to regional states often clash with each other. For instance, while the environmental laws that require the existence the self-rule require strict environmental impact assessment before the land transfer, investment laws do not impose such requirements.

The increasing level of FDI interest in agribusiness and Governments willingness to satisfy the demand for land by investors led the Federal Government to centralize the responsibility of land allocation from the Regions to the Federal Ministry of Agriculture and Rural Development (MoARD). In 2008, the Government of Ethiopia gave mandate to the MoARD or the then Ministry of Agriculture and Natural Resource to become the lead agency in dealing with the process of transfer of arable land user right from domestic users to large scale foreign and local investors. Some of the responsibilities of the ministry included preparing information and other

inputs for potential local and foreign investors, assessing land suitability, signing contracts with and transferring land to eligible investors, undertaking follow-up and oversight, and other relevant matters. To speed up these processes a new agency called Agricultural Investment Support Directorate (AISD) was established within the MoANR (ibid).

The much justification for launching the AISD was that it would speed up the process of transfer of arable land user right from domestic occupiers to the large scale local and foreign investors, especially in low land regions where the processes are considered slow, bureaucratic and corrupt. Thus, AISD is tasked with allocating land to all foreign investors and large scale domestic investors, who seek land for the area of more than 5,000 ha (Lavers, 2011, p. 5). Regional States are barred from deals involving such land, a large hectare of which was incorporated in to the Federal Land Bank to be accessed by investors through AISD/MoARD (Getnet, 2012, p. 15). Although AISD/MoARD undertakes all aspects of land deals in excess of 5000 ha, the income generated from the transactions, i.e. rent, income tax, and other payments are supposed to be given back to the Region concerned (Ibid).

The new arrangement of centralizing decision making power regarding land has attracted serious criticism for at least two major reasons (see also Gobena, 2010; Dessalegn, 2011; Tamrat; 2010). First, the constitutionality of transferring land administration from the regions to the federal government was disputed since the constitutions gives regional state the mandate administer rural and urban land found in their respective regions territory. Critiques argue that there is no provision in the constitution that allows an upward delegation of authority from the regional states to the Federal Government (Tamrat, 2010, p. 9) or it is top down division of power between the federal and national regional state (Asefa Fiseah, 2015). It is rather the Federal Government that may delegate the mandates given to it, to regional states under the constitution (ibid, p. 9). Thus, the above centralization of regional state mandates to administer their land stands on a shaky constitutional basis (ibid: 9). Second, there is no clear division of powers and functions between the Regional states and MoANR in practice and until now only emerging Regions are represented by MoANR for land investment related issues while well-established Regional states still carry out some large scale land transfers in their regions (Lavers, 2011, p. 5).

### **3.3.2. Large Scale of Agriculture Investment in Ethiopia**

The Federal Democratic Government of Ethiopia has been trying to attract agricultural land investment, by easing regulatory framework and providing various incentives. For instance, between October 1995 and July 2011, the Ethiopian Investment Agency has issued investment licenses for 1,055 FDI projects in land with a total of about 4,219,780 ha of land to be cultivated (Getnet, 2012, p. 16). These projects were also expected to create 320,474 permanent jobs and 844,052 temporary jobs (ibid, p. 16). However, only 126 of the registered or licensed projects became operational over the period, accounting for only 11.9% of the total approved projects (Ibid, p. 16). The 126 projects being carried out created 19,543 permanent and 209,829 temporary employment opportunities, which represent 6.4% and 25% of the projected permanent and temporary jobs respectively (Ibid, p. 16). There are a number of reasons for the licensed investors, failures to implement the planned projects, some of which are poor infrastructure facilities such as irrigation these are Amhara, Oromia, Tigray and Southern Nations, Nationalities and People's Regions (FDRE, 2008). Generally, delays in investment projects in developing countries may arise due to lenient legal practices and low land prices (Deininger et al., 2011, p. 11)

There were and still a number of foreign investors in agricultural land, mainly from Asia, the Middle East, Europe and the USA, who have acquired land in various parts of the country. Based on the size of farmland acquired, Indian investors are the largest, with over 35 companies acquiring extensive tracts of land particularly in the emerging regions particularly Gambella Regional State alone constituted around eight (8) large scale agricultural investors, and highly productive pastoral and agro pastoral areas of Benishangul-Gumuz, GPNRS and Oromia national regional states (Getnet, 2012, p. 17). Many of these companies hold lands measuring 25,000 ha to 50,000 ha while a few have received land measuring over 100,000 ha (ibid, p. 18). There are reports that out of total land earmarked for investment under the Growth Transformation Plan (GTP1) which run from 2010 to 2015 year, about half (1.8 million ha) were transferred to Indian MNCs and TNCs who showed sufficient interest (Ibid, p. 20).

Following Indian investors, the second prominent agriculture investments came from the Middle East, mainly Saudi Arabian investors boost by Saudi star company (Dessalegn, 2011, p. 12). The Ethiopian-born Saudi billionaire Sheikh Al-Amoudi and the Saudi Star company are the two biggest investors from Saudi Arabia invested large scale of agriculture in Gambella particularly in Abobo administrative wereda. Other major foreign actors of commercial investments are companies from US, Israel, and Europe. However, local investors out number foreign investors in number of projects but size of the land allocated to them are really small (ibid, p. 12).

The Federal Democratic Republic of Ethiopian Government has so far leased out large tracts of arable land and natural resource to local and foreign investors (see MoFED, 2010). Expanding the scope of investment in commercial farming is part of the Governments overall plan to promote agricultural products destined for export and to supply local industries with raw materials (Desalegn, 2013, p. 45-46). To attract more foreign direct investors, the federal government had guaranteed any potential investor coming to invest the country in agriculture a favorable investment climate that include, but not limited to, offering financial incentives (ibid, p. 46). The study indicated that the government firmly believed that large scale agricultural land investment, particularly foreign investment, would bring in the much needed technology and capital. Other expectations include foreign exchange earnings, employment creation and achievement of national food security (Lavers, 2011, p. 5). In sum, the following benefits of large scale agricultural investments were fore seen by federal government of Ethiopia. It include the following, Produce export crops and hence increase the country's foreign income, to Create employment opportunities in the localities, like the construction of infrastructure and social assets such as health posts, schools, access to clean water, the opportunity for technology transfer; and promote energy security (MoARD as cited in Dessalegn, 2011, p. 13)

The Federal Democratic Republic of Ethiopia claims that, Ethiopia possesses vast areas of untouched, unused and empty lands, which are suitable for cultivation of different kinds of food and cash crops (MoARD, 2006). It further indicated that there is a sufficient water resource for irrigation schemes for those willing to engage in investment sector. Besides, the Government authorities believe that the transfer of this natural resources which are unused in low land regions by the pastoralists and farmers to investors, will not threaten the local people and their livelihood. However, the lands transferred for large scale agriculture investment are not always

idle or unused as claimed by the government officials. For instance, the population of Gambella National Regional State particularly pastoralist constitutes 40% that may inhibit their seasonal movement from place to place to their livestock (GNRS, Investment Agency: 2016/17).

In fact, the term “unused” land as defined from the Governments perspective may refer to “land” objectively, unused for any human purpose and land used by local people for purposes considered by the officials for being unproductive or subsistent. For instances hunting and gathering, pastoralism and shifting cultivation, such “unused land” or “empty land” is leased out to investors with the expectations that the new investors will turn it from unproductive land into productive land or will replace it with inefficient practices with settled large scale of agriculture investment. Other categories of the land transferred to investors include state farms, communally-held land (communal tenure) and individual holdings and the investors could also be entitled to ownership and user right of such land if they are expected to make them more productive, compared to the previous small scale users.

Evidences from MoARD (2010, p. 2) indicate that between the late 1990s and end of 2008, the amount of land transferred by the Government of Ethiopia to domestic and foreign investors amounted to approximately 3.5 million hectares. In 2008 only evidenced by,(Dessalegn, 2011, p. 12),the Ethiopian government authorities distributed more than one-third of the total land leased out during the ten years. The increasing attraction of investors in the agricultural sector has been evident in the growing number of both local and foreign investors acquiring land over recent years.

However, land is just one of the resources which were transferred from “unproductive” local owners to large scale “productive” agriculture investors; investment projects also require access to and use of large quantities of water resources (Getnet, 2012, p. 19). The agricultural land transferred to investors also includes high potential arable land, pasture land, woodland, forest land, savannah grassland, wildlife habitats, and wetlands. There are documented cases where the lands transferred to large scale agriculture investments in Gambella and eastern Oromia regions fell inside area initially designated for national park, protected areas and wildlife sanctuaries (Ibid). Besides, large tracts of land have also been leased in highly populated areas, where it can be cultivated by smallholders (Lavers, 2011, p. 15). Consequently, there is no clear separation

between smallholder and large scale agriculture investor sectors contrary to the claims made by the Government (Ibid). There are three main types of land uses in the highly populated areas: these were state farms, communal grazing land and individual holdings (Ibid). Approximately, 3.6 million hectares of land has been transferred to the federal land bank from these regions. Currently, the majority of large scale agricultural investments are carried out in the Benishangul-Gumuz, Gambella, Oromia and SNNPR regions and the Federal Government claims that these regions have abundant supply of land and water (Dessalegn, 2011, p. 11).

In Ethiopia, the transfer of user right of land from local users to the large scale agriculture investors are carried out by the Federal Government authorities in a less complicated manner. The procedure is as follows: First, the interested investor fills in a formal application form and presents his/her or their business plan along with written request for land to Federal investment commission and Federal Ministry of Agriculture and Natural Resources without considering the issue of the right to self-rule and the mandate given to each regions to administer rural and urban land located on each regional state. However, there are no serious requirements which oblige investors in their application forms or the business plans that sanctioned them in case of failure to fulfill their duties. Besides, there exist no mechanisms to cross check the accuracy of the information provided by the investors about their remittance, technical capacity and asset.

Consequently, the investors tend to exaggerate their capital holdings or the technical capacity they are going to invest and the potential benefit of their projects to the local people in order to secure the land from the Federal Government (Federal Investment commission and MoARD). According to Getnet (2012, p. 18), investors are not required to provide detailed information about the proposed project and on average; it takes only 10-15 days for investors to obtain an investment license. However, the allocation and delivery of investment land takes longer, although it varies from region to region. After the land to be given is determined, the investor is required to prepare Environmental Impact Assessment (EIA) report, which will be reviewed by the MoARD (ibid, p. 20). The EIA should incorporate a range of issues outlined in the Environmental Impact Assessment Proclamation (No. 299/2002). The proclamation (FDRE, 2002b) states that: investors shall undertake an environmental impact assessment, identify the likely adverse impacts of his/her project, incorporated the means of their prevention or containment, and submit to the Authority or the relevant regional environmental agency and the

environmental impact study report together with the documents determined as necessary by the Authority or the relevant regional environmental agency.

According to the proclamation, no local or foreign agribusiness investor should commence a project that requires environmental impact assessment without the authorization of the Federal EPA or the respective Regional Environmental Agencies. Despite this, their official law was not strictly implemented and even no strict environmental requirement was put forward by investment authorities to the respective investors. If the EIA is approved, which is said to be the case, then the Ministry of Agriculture and Natural Resources instructs the concerned Regional Authorities to cooperate and facilitate the land transfer.

### **3.3.2.1 Large scale of Agriculture Investment in Gambella National Regional State**

According to the argument made by (MoFED,2010), the onset the rapid economic registered over the last two decades in Ethiopia was mainly attributed to agricultural growth that in turn initiated the process of structural transformation of the production to the sector. The Ethiopian government envisaged continuing accelerated growth to agricultural sector has been increasing promoted. As indicated in the above, with regards to large scale agricultural commercial acquisitions, Gambella National Regional State is typical case to mention. The evolving trend in the regions for the increasing number for the large scale agriculture investment in the Regions is highly traced back in 2003.

Based on the data compiled from bureau of Agriculture & Natural Resource, the number of local and foreign investors leased the rural in the region reached around 777,986.67 ha. The process of transferring agriculture land was undergone by both regional state and federal government. Within the region to transfer agriculture land is vested on Investment Agency through board chaired by Regions chief administrator. The board consists around (8) members. These include Regional administrative council (run by chief administrator as chair person), Investment Agency (secretary), bureau of urban development (member), Bureau of Finance and Economic development, Bureau of Tourism and Culture (member), Bureau of Water and Mines, Energy, Bureau of Trade and Industry, and Bureau of Agriculture and Natural Resources. Table below shows the amount of agriculture land leased to investors by which based on each wereda levels.

Table 1. Distribution of Large scale agriculture Investment in GNRS

Nationality administrative Zone	Wereda	Number of large scale of agriculture investment projects	Number of hectares transfers to investors	Remark
Anyua	Abobo	126	90,,350	
	Gambella zuria	253	165,150	
	Gog	106	127,170	
	Dimma	112	114,900	
Nuer	Lare	11	6,000	
	Itang special wereda	179	264,970	
Majang	Godere	14	9,446.67	
Total			777,986.67	

Sources: Bureau of Agriculture and Natural Resource (BoANR, 2017). Department of Land Administration and use, March, 2017. Collated by the Researcher.

### 3.3.3. Duties of Large Scale Agriculture Investors

In large scale of agriculture investment, there are no clearly stated rules or directives that oblige investors in land to share their benefits or profit from the land they use with the local users of the land. Large scale agricultural land transfer contracts have neither provision for meeting the country's food security needs nor stipulate obligations for the investors to provide social and economic services to the local communities where they operate their agribusiness. Investors are not obliged to supply the local or national markets, but rather they are strongly encouraged to engage to export their products, hence they export most or all of their products to own markets. The developments of basic infrastructures, such as roads and irrigations schemes for the projects are even constructed by the government (Getnet 2012, p. 21).

Consequently, Contracts signed directly between Federal Government Authorities and agribusiness agriculture investors, and contracts signed between Regional State Authorities differ in some ways. For instance, according to a study made by Desalegn Keba (2013, p. 49), almost all contracts signed between Oromia National Regional Authorities and agribusiness agriculture investors oblige investors to plant native tree species in at least 2% of the project land they use, but in contracts signed between investors and Federal Government Authorities, the Federal Authority did not strictly impose such obligations, instead the investors were required to conserve tree plantations that have not been cleared to make way for cultivation of crops.

Although, all large scale agriculture investments are required to include in their Environment Impact Assessment (EIA), the local communities livelihood and the right to self-rule so that the project would not cause damage to the natural environment such as bad land management practices, the consultations of the local communities and the right to self-rule. There was significant clearing of woody and herbaceous vegetation and pollution of soil, air and water. Subsequently, multiple studies have shown lack of accountability have resulted in the loss of vegetation cover and bio diversity, pollution to soil, water and air and serious soil erosion and land degradation there by depriving local community of their valuable natural resources (Desalegn, 2013; Gobena, 2012; Richards, 2013).

The Regional offices and staff have the responsibility to monitor and enforce project obligations. However, they have very limited institutional and technical capacity to undertake these tasks effectively. The projects are scattered across the country, which makes it difficult for the staff, which are already overburdened with other duties, to conduct periodic visits for on-site inspection and monitoring.

There is also lack of inter-agency cooperation in the process of decision making. For instance, MoANR carried out almost all the decision making while more concerned agencies like the Ethiopian Wildlife Conservation Authority (EWCA), Ministry of Culture & Tourism, Ministry of Energy and Water and others were often not consulted and the same to Regional bureaus. For example, management of the Ethiopians national parks, game reserves and sanctuaries are the core responsibilities of EWCA, but its jurisdictions and mandates were often violated by the practices of MoANR. According to Dessalgn (2011, p. 17), the EWCA authorities were not

informed about the decision by MoANR to transfer thousands of hectares of land inside the Gambella National Park as well as the Babile Elephant Sanctuary in Eastern Oromia region to agriculture investors until the issue was brought to the attention of EWCA authorities by activists, media and concerned groups.

Generally speaking, lack of respect of the right to self-rule, lack of accountability and transparency, cooperation and consultation among Federal Ministries, between Federal and National Regional State constituent units, branches of Federal/Regional ministry or Bureaus respectively and the local inhabitation. This problem has led to large scale agriculture investors being less accountable and transparent.

## **Chapter Four**

### **Research Method**

This chapter attempted to study the research method that shape the entire research design and method of data collection to be employed or the manner of presentation and preparation of the data that collected through different tools employed by the researcher. The researcher employed qualitative research method in order to fine or measure the intended research questions. Hence, the researcher has attempted to employ qualitative particularly purposive and snowball research methods.

#### **4.1 STUDY AREA DESCRIPTION**

This field work for data collection as taken started from January, 15, 2017 up to March 15, 2017 in Gambella Peoples National Regional State (GPNRS). The GPNRS is one of the sub constituent units of the Federal Democratic Republic of Ethiopia.<sup>13</sup> It is located at the south-western corner of Ethiopia, 750 km from Addis Ababa the capital city of FDRE, its territorial expanse is 3,203,380,<sup>14</sup> in the periphery low lands of the Baro-Akobo River Basin, and lake Tatta, Bishanwaaka between latitudes of 6o28'38" to 8o34'00" North Latitude and 33o00" 00" to 35o11" 11" East Longitude. (See the map in Figure 1, below, and also see the Bureau of Agricultural and Natural Resource (Gambella Chief Administrator office, 2016/7), (Gambella) (BOARD), 2012).

Gambella is bordered by the Republics of South Sudan in the southwest, northwest and north; the Southern Nations Nationalities and Peoples' Regional State (SNNPR) in the south, southeast and east; the Oromia National Regional State in the north, northeast and east; and the Benishangul-Gumuz National Regional State in the north. It has diverse climatic features. Its average temperature and rainfall decreases from east to west (mountainous to plains areas) depending on the topography, and agro-ecology of the area. Accordingly, the average temperature is 17.5 oC to 41.5 oC or sometimes might reach 45oC and the mean annual rainfall is 900-2200 mm.

---

<sup>13</sup> See: The federal democratic Republic of Ethiopia 1995 constitution article (47) sub 8

<sup>14</sup> According to GPNRS chief Administrator Office (2016/7) the cultivable land is only 1,209,164 ha, with about 700,000 ha being irrigable.

According to the 2013/14 abstract conducted by the Central Statistical Agency of Ethiopia (CSA), the GPNRS has a total population of 409,000 (2013/4, CSA), and the census conducted in 2007 in the country is 307,096, consisting of 159,787 men (52%) and 147,309 women (48%); urban inhabitants number 77,925 or 25.37% of the population, while the remaining 229,171, or 74.63 % live in rural areas (CSA, 2007). In terms of population composition the 2013/14 population census abstract in Gambella National Regional shows some progresses compared to 2007 population census result in the region. The population is mixed in terms of ethnic, religious and ecological settlement. There are three major and two minor indigenous groups such as the Nuer, Anywaa, Majang, Opo and Komo constitute the Gambella National Regional State local indigenes.



Figure1<sup>15</sup>, the administrative map of Gambella Peoples National Regional State

<sup>15</sup>See <https://www.google.com/url?sa=i&rc=tj&q=&esrc=s&source=images&cd=&cad=rja&uact=8&ved=0ahUKEwjg>

The Gambella National Regional State is administratively divided into three nationality administrative Zones containing Twelve (12) administrative Weredas,<sup>16</sup> and one special administrative wereda. The three nationality Zones include the Nuer nationality Zone (Jikawo, Lare, Wanthwa, Makuey and Akobo Wereda), Anguaa nationality Zone (Gambella zuria, Gog, Dimma, Jor and Abobo Wereda), and Mejang nationality zone (Godere and Menegeshi). The Itang special Wereda and The city Government of Gambella is not part of any nationality Zone administration in the GPNRS; the city administration of Gambela responsible to the Regional Administrative Council and Itang special wereda considered a Special Wereda, an administrative subdivision which is similar to nationality administrative zone responsible to the Gambella Regional Administrative Council.

#### **4.1.1 The Geographical Location of Abobo, Lare and Godere Administrative Weredas**

Abobo, Lare and Godere were the three administrative weredas are the study areas. Abobo is one of the 5 weredas administrative units in Anguaa nationality zone of GPNRS. It located in the Northern end of GPNRS situated in the lower plain of Alweero dam and has a distance of some 40 km from Gambella city (the Regions capital) and 790 km from Addis Ababa, the capital city of the Federal Democratic Republic of Ethiopia. Abobo is bordered on the south and southeast by the Mengeshi wereda, on the southwest by the Gog wereda, on the northwest by Itang special wereda, and on the north by the Gambella zuria wereda.

The major town in Abobo is Abobo Town served as the seat of wereda and Anyuaa Nationality Zone Administration. The study site was mainly Perbongo and Thegni Kebele<sup>17</sup>, which is about 25 km north of Abobo Town (the district capital) and but observations and key informant interviews were also held in Gambella Town, Abobo Town. The study site is purposefully selected because of high concentration of large scale agricultural investments.

The Lare Administrative Wereda is another side selected for the study found in Nuer Nationality Administrative Zone. It located in the Northern end of Itang special wereda situated in the border

---

<sup>16</sup>Wereda is sub administrative unit in Ethiopia equivalent to district

<sup>17</sup>Perbongo and Thegnikebelle were the two sides or kebeles (her after sub district) selected for the study in Anywaa nationality administrative zone, Abobo administrative wereda

area to South Sudan and has distance of 86 km from Gambella City (the Regions capital) and 850 km from Addis Ababa, the capital city of the Federal Democratic Republic of Ethiopia. Its two kebeles (Biliemkun &Tandar)<sup>18</sup> were the two sides selected for the study. The economic and political capital, Kuergeng served as the main center for data collection and the two kebeles were selected for the study due to ongoing large scale of agriculture investment in those kebeles.

Godere Administrative Wereda is another side selected for study found in Majang Nationality Administrative Zone. The (Gelshi and Kabo)<sup>19</sup> were kebeles that host large scale of agriculture land investments in Godere wereda. It located in the Northern end of Mengeshi wereda distance of some 125 km from Gambella City (the Regions capital) and 700 km from Addis Ababa, the capital city of the Federal Democratic Republic of Ethiopia. Godere administrative wereda found in Majang Nationality Administrative Zone with the total population of 47,814 and 592,75 territorial land mass per kilo meters, is bordered on the south and southeast by the SNNPR, South and on the west by the Dimma wereda, on the northwest by SNNPR, and on the north by the SNNPR.

The majority of Godere Administrative wereda peoples livelihood's depends on the forest by which they practice shifting cultivation, bee keeping and hunting ( Stauder 1971:12 cited in Seyoum Mesfine, 2015:156). For instance the people grow different crops such as maize and sorghum through shifting cultivation. Other indications for the importance of the forest were where its dwell, collect honey bee, hunt animals and obtain traditional medicine and worships, and above all the loose of the forest means destroying the local indigenes livelihood of Majang (key informant March 5, 2017)<sup>20</sup>.

According to the Ethiopian Statistical Abstract (2013/14) estimates the population of GPNRS to reach 406,024 by the end of 2015. With territorial expanse of 3,203, Gambella Regional State has an estimated area of 2,580,201 hectares and population density of 9.57 people per km<sup>2</sup>

---

<sup>18</sup>Biliemkun &Tandar were the two kebeles selected for the study in Lare administrative wereda, Nuer nationality Administrative Zone.

<sup>19</sup>Gelishi&Kabo were the sides selected for the study in Godere administrative wereda in Majang nationality administrative zone.

<sup>20</sup> March 5, 2017 key informant interview made with local indigenes of majang who his/her livelihoods defend on coffee plantation and honey bee.

(CSA,2007). The region is characterized by two major topographic features, namely, the lower piedmonts (500-1900 masl) and the flood plains situated below 500 masl. According to the Atlas of the Ethiopian Rural Economy published by the CSA (2007), around 10% of the Wereda was covered with forest. The majority of the Weredas were situated in the flood plain zones of Baro River Basin. The half populations of the town and rural area or most of the villages are located to the left and right banks of the river which provides ecological importance and sources of livelihood to the local inhabitants.

According to a report by CSA (2014), the major livelihoods of local people in GPNRS specially the Wereda situated in river side of the Baro (ker) were flood recession farming to grow cereals crops (sorghum and maize), root crops, fruit crops and a variety of vegetables, livestock herding (Agro-pastoralism) and fishing. However, other practices including hunting and gathering and bee-keeping were practiced by a small number of the community members. The major livestock reared are cattle (both ox and cow), sheep and goat (CSA, 2014). Based on the study by Alemseged Negash and Ermias (2014: 76), intermittent drought in the some part of the study area and the more were suffering. Besides, diseases especially water-borne diseases are common, also Animal fodder is scarce.

Gambella Peoples National Regional State had become a major low land area attraction for large scale agriculture investment. Since 2009, the Federal Government of Ethiopia had transferred large area of arable or agricultural land of the State of Gambella of the total (777,986.67 ha) to hundreds of local and foreign direct investors (see table IV). However, prior to 2009, attempts were made by the GoE to expand large scale of agricultural farms in the study area through leasing agricultural land to various local investors and as a result quite a number of local investors had been engaged in agricultural activity. It was since 2009 and 2011 before March, 2016 that large scale agriculture investment or Large Scale Land Transfers in GNRS become a wide spread practice by the GoE. The land transferred to investors was concentrated in Anywaa Nationality Administrative Zone consequently from her five administrative wereda and Majang Nationality Administrative Zone, a fertile low land in the southwestern part of Gambella National Regional State.

## 4.2. Methods and Instruments used for Data Collection

In order to meet the main objective, the research is based on qualitative descriptive research design. According to Kothari (2004, p. 28), Qualitative research data collection methods are time consuming; this makes qualitative research more expensive. Therefore, data is usually collected from a smaller sample than would be the case for quantitative approaches. The benefits of a qualitative approach are that the information is richer and has a deeper insight into the phenomenon under study.

The data collection procedure took place for a month and half (From January 15 to March 15, 2017), in Abobo, Lare, and Godere Weredas, GPNRS. Primary Data was collected through Observation, key informant interview and focused group discussion mainly in six Kebeles such as Perbongo, Thenyi, Biliemkun, Tandar, Gelishi and Kabo respectively. However, key informant interviews were also held in Gambella city, Abobo, Lare and Meti Town. 16 (sixteen) key informants who were selected because of their background knowledge and information about the topic and the area; they consisted of farmers, herders, fishermen, local government officials and management staff of large scale agriculture investment projects. The Focus Group Discussions were organized and carried out with selected farmers, herders, fishermen, community elders and local government officials, from different age group and sex. Accordingly, a total of three (3) Focus Groups, each of which comprising 4 people were randomly drawn from the local peoples (for more see on table below).

In addition, critical and comprehensive reading had been made on books, constitutions (proclamations), journals, newspapers, and other documents relevant to the topic under study.

**Table 2. Background of the Thesis (Research participant)**

Number of Respondents	Ethnicity	Male	Female	Total
8	Nuer	8	-	8
8	Anywaa	6	2	8
8	Majang	8	-	8
4	Others	4	-	4
Total				28

### **4.3. Methods of Data Analysis**

Therefore, the actual data analysis began by transcribing the data collected into English. Following the phase, data collected was stored and arranged depending on the source of the information. Themes and categories have been formulated to conceptualize, reduce and abstract the data which helped the researcher analyze them accordingly. Attempts have been made to analyze each question separately. Finally, by using the qualitative data analysis methods, the researcher reached to conclude the study. Additionally, the collected secondary data from literature have been analyzed to supplement primary data.

### **4.4. Limitations of the Study**

Due to time limits and the vastness of the research issue, it was difficult to address all the issues that are raised about the large scale of agricultural land investment and natural resource. Hence, the researcher did not cover all existing debates and discussions about land law and large scale of agricultural investment and instead the researcher limited his focus on GPNRS experience and some mentioned objectives, since the researcher is convinced that it relates to most of the third world or African community experience. As a result, in order to make the study more manageable in terms of importance and time, three administrative weredas were selected purposely as a study site. This study site is intended to represent other areas in the state of Gambella with similar land transfers in GPNRS and Ethiopia as well. Therefore, the findings of the study from the study site will give the real political and socio-economic effect of LSAI/LT in the Regional State of Gambella.

During data collection at field study the researcher encountered some difficulties during data collection. One of the challenges encountered was in Gambella National Regional State bureaus and Wereda offices where there was no compiled data on the extent and distribution of land transfer. Also comprehensive statistical data of contracts, which were kept in Gambella Regional State Investment Agency and the newly department of land administration transferred to regional bureau of agriculture and natural resources and weredas agricultural and rural development offices, were very difficult to obtain. Furthermore, during face to face interviews in the study sites, suspiciousness of affected respondents hindered data quality and reliability. Some of them attempted to cover up some information for fear of the Government or investor retribution. I was

also not allowed to visit and observe some locations including newly organized villages for the displaced especially in Abobo wereda due to tribal conflict recently occurred at the beginning of 2016. In addition, some Government Officers resisted providing information about the issue during data collection because, they assumed it might be fired or led them to be dismissed from their position because the issue related to the current political condition of the country and region in particular. In addition the political turn over from the regional administrative council and the ongoing gimgema (performance evaluation) added another fuel on data collection due to the changing of the positions to local government administrators made by the regional administrative council.

#### **4.5. Ethical Considerations**

The study issue of this research from its start was approved by Center for Federal study, College of Law and Governance Study, Addis Ababa University. The objective of the study was explained to the concerned informants. They were affirmed by the researcher that any information concerning them will never be passed to any individual or institution without their consent. To ensure anonymity they were not asked to give their names during face to face interviews and focus group discussions. This will ensure that the respondents remain anonymous. The researcher at the end will intend to submit the copy of the research result to the three nationality Administrative weredas office and the GPNRSs Investment Bureau.

## **Chapter Five**

### **Data Analyses and Interpretation**

In this sub section the researcher will briefly analyses the large scale of agriculture land investment in Gambella National Regional State. The course of large scale agriculture investment land transfer from local to large agriculture investors and the role played by local communities and local nationality administrative Zones and weredas officials played during the processes.

#### **5.1. The institutional and legal protection mechanisms used in place to secure the right to Self-Rule during transfer of agricultural land to investors in Gambella National Regional State**

##### **5.1.1 The institutional and legal protection of land Governance and Land-Related Resources**

Based on the research objectives further discovered in this study: the majority of investors were leased vast rural lands which were least administered by local leaders, there was very little input from local/indigenous peoples in large-scale agricultural investment in Gambella Peoples National Regional State; and there were inconsistent and incoherent power relationships between the federal and regional governments concerning the right to self-rule in land and other natural resource governance/administration. The above points will be elaborated upon in the following sub sections.

##### **5.1.1.1 The investors, large scale agricultural land investment and the role of local leaders**

According to in-depth interviews and focus group discussions held with the local indigenous community and wereda chief administrators of Abobo, Lare, and Godere, it was revealed that most agricultural investors who were leased land live in Addis Ababa or somewhere in the country. When they received their licenses from the then regional Investment Agency or Federal Investment Commission, they clear the land and left the land to waste, i.e. undeveloped, and secured loans for different purposes from banks by showing the lease agreement documents. Moreover, the researchers observed vast cleared lands in the forest (of which much was burnt),

and felled trees, not put to any tangible use in Lare, Abobo, and Godere. For instance, reportedly 68 investors leased land over five years ago started from 2008 but only 23 of them had started any development in the Abobo wereda at the time when the researcher collecting data and writing the report of this thesis (February 6,2017).

In addition, based on the data offered by officer from the Gambella Peoples National Regional State Investment Agency, the wereda as well as the zone administrators were not involved in the decision-making processes of land and land-related resource governance in their respective communities, particularly as regards following up on the performance of the investors. That these local level officials have no power to investor monitoring and evaluation mechanisms was confirmed in in-depth interviews with wereda as well as nationality zonal administrators.

The main self-governance/administration issue pertaining to local administrative leaders is the matter of high political turn-over, i.e. there is frequent change in political-cu administrative positions of wereda high officials. In interviews and focus group discussions it was divulged that whenever there is a serious of gimgema or performance evaluation (be it six, three months or one year after the sitting wereda leader came to power) another new leader is expected to be assigned for the position and conditions will change as the individuals change. There appears to be no fixed term of office at the wereda level; administrators assigned by the Gambella Peoples National Regional State are not sure or don't have confident of their capacity to stay in power; hence, they lack confidence to use their political leadership that vested on them by revised regional state constitution of 2002 and capability for fear of being replaced at any time.

#### **5.1.1.2 Indigenous peoples' involvement in large scale of agricultural investment**

This study revealed that at the time of its writing, only one agricultural cooperative had been set up by the indigenous peoples of Gambella Peoples National Regional State, allowing them to get involved in investment activity. Three interrelated reasons were given by participants to explain why the indigenes/local communities had not been involved in large scale of agricultural investment in Gambella Peoples National Regional State so far: first, the local farmers and young indigenous population lacks entrepreneurial skills; second, they have no access to bank loans; and third, they have been structurally marginalized from investing in agriculture. Hence, no indigenous person is involved in large scale of agricultural investment to date save for nascent

agricultural cooperatives. Most agriculture investment in land was in the hands of people from outside the Gambella Peoples National Regional State. The respondents believe that such a lack of participation on the part of the indigenous population is likely to lead to resentment sooner or later; in turn or for now, creating latent potential for violent conflict.

The Regional State investment Commission officer also claimed that the land which they allocated to investors had minimal use to the local communities from whom the land was taken and hence the transfer of the land to investors had no significant negative or effects on the local people's lives and livelihoods. The officer goes on to say that in the long run the Large Scale agriculture Land Investment will benefit the local people by providing job opportunity, new infrastructure, new farming technology and know-how for agriculture and other benefits. Contrarily to this claim, focus group discussion participants disagreed. They complained that they have been neglected or denied access to the land and natural resources they need to cultivate crops, graze livestock, grass to build houses, firewood, fishing ground and different other uses.

It should be noted that any community with low economic status and limited livelihood base, such as the communities of the study area, could be harmed by any loss of land and natural resources because the land is attached to their way of living and could have significant negative consequences on the lives and livelihoods of the local community members. Nevertheless, the extent of the socio-economic effects caused due to the transfer of user right of land to investors varies from household to household and from wereda from wereda. One can argue that the effects of loss of land on the community members seem to vary a lot. Some suffered more than others, some had even benefited especially some of the youth in Abobo wereda who were employed as tractor drivers in Saudi Star Agricultural Development.

### **5.1.1.3 Federal and Gambella Regional State relations in land and other natural resource governance/administration**

Based on federal government officials documents from the House of Federation and the Ministry of Federal Affairs stated that some regions, including Gambella Peoples National Regional State, lacks capacity to implement policies, construct infrastructure such as roads, provide the population with piped clean water, or to build dams, airports, electrical or transport systems; as a

result, these regional states have agreed to delegate their power to the federal government their power to make agreements with investors and to seek to infrastructure development.

Currently, the regional states only have authority to lease land at least below 5,000ha to domestic investors. However, Gambella Peoples National Regional State do have the right to reject federal government decisions if they think that potential agreements between the federal government and investors are inappropriate or irrelevant based on the powers entitled in 1995 constitution and other national law documents. Further, they can revoke whole agreements if they so wish. In the same vein, if the regions do not have sufficient land, they are not under any obligation to enter their land into the national land bank. In the views of the 1995 constitution and official's documents, the principle of the Ethiopian constitution is that there should be no weak federal or regional states government; balance should be maintained. Regional states can govern/administer themselves without any limits on regional issues; they are not instruments of federal government implementation. Despite this, regional state governments have different levels governing system of capacity to run their affairs and to implement policies for the good of their communities as stipulated in Ethiopian constitution of 1995.

In contrast, it surfaced in the study that the role of the Gambella Peoples National Regional State as well as the sub constituent unit accept the instructions issued by the federal government and to execute them or by which the regional executive organs sacrificing its authority to the federal government. For example, wereda and zone leaders as well as the Gambella Peoples National Regional State Bureau of Investment reported that they were not involved in the process of dealing with investors. If investors fail to pay taxes, the duty and responsibility of Gambella Peoples National Regional State Bureau of Investment is to report the matter to the federal government; it has no role in taxation enforcement. In a nutshell, the study reveals that the role of the Gambella Peoples National Regional State is to implement whatever decisions or policies have been issued by the federal government. It follows from the above analysis that there is inconsistency in the right to self-rule/administration in governance of land and land-related resources in terms of what has been expected at the federal level, and implemented at the regional level.

## **5.2. The Extend of participation of local communities during land acquisition transfer to Large Scale Agriculture Investment**

In this proceeding sub section, the researcher will briefly discusses the courses of Large Scale of Agricultures Investment by local and foreign investors in Gambella National Regional State that would be based on the selected study areas and the analyses will assess its relation to local communities farming's.

### **5.2.1 Large Scale of Agriculture Investment Transfer in Gambella National Regional State**

As discussed in the proceeding chapters, Gambella National Regional State possesses 2,580,201 hectares' of arable land: from the total land the federal and regional government leased and transferred 777,986.67 hectares' for large scale agriculture purpose only. Based on the data gathered from the Bureau of Agriculture and Natural Resources Development and regional Investment Agency shows that the first land deals started from 1985-1999 by which number of the land transferred to investors is only 34 and the land transferred for agriculture investment is only 24 in the early first phase. The year 2007/08 or the land permit concluded started from the 2008 become rapidly increasing in the region with local private agribusiness investors mainly Bro line Agribusiness, Bazel Agro-business plc, BHO Agro-business (an Indian company) Horizon Ethiopia owned by Alumidin, Saudi Star plc, Ruchi Group each of the investors obtains large scale agriculture land size from 2000ha up to10, 000ha. The year 2009 and up to March 2016 large scale agriculture investment reached its climax in the region. The size of the agriculture land transferred varied from 5000ha up to 130,000ha. The foreign direct investors leased the land from the region like an Indian company of BHO Agro process which leased 27,000ha, karatury Agro plc. Leased 10,000ha and Saudi Star which share the largest land leased 10,000ha and later 129,000ha. Until 2016 March, large scale agriculture investment have been continued has the practice.

### **5.2.2. The Process of Large Scale Agriculture Investment and its Relation to local Community farming**

From the interviews conducted by the researcher, significant number of local respondents emphasized that there has been no consultation by the Government during the land and natural

resource transfer and also they were not provided with any information and explanation about the deals between the Government and the agribusiness investors. The only information they were provided is to be relocated or resettled to other areas. Hence, the local community members stated to the researcher that they were not included in the process. Some sources like Desalegn Ramahto indicate that most agricultural investment projects in Ethiopia are undertaken without consulting the local communities and without their knowledge or consent (Dessalegn 2011, p. 37).

During focus group discussions participants stated that no one had prior information about the land transfer until the agribusiness investors came with the Wereda officials to take possession of the land assigned for them by the Federal Government, and later the Wereda officials announced that the user right or grassing land for livestock right of their land had been transferred by the state for large scale agriculture investors for development and that local communities could no longer claim ownership or user right, over the land assigned to the investors, and were told to avoid that patch of land and move away. The respondents said they were shocked hearing this and bitterly complained about their eviction from the lands which they had inhabited and used for several generations. Since, the officials transferred the user right of the land and natural resource to the large scale agriculture investors, local community members were prohibited from grazing their livestock, collect firewood and grass or farming on the land.

It should be noted that, what makes Large Scale Agriculture Land Transfer a puzzling issue in Gambella Peoples National Regional State is that all the large scale agriculture land deals were done between the Federal Government Ministries and the foreign and local large scale investors or it is a top down approach. Hence, the Regional Government has no say over decisions concerning rural land that entitled to be administered by regional state. During an interview with one of the Wereda official, he was told me the following:

*“In the Wereda I am a chief administrator and even the Regional state, our power’s to facilitate the process of large scale agriculture land transfer. We had no say on the issue concerning land investment. Since, we are considered weak to administer Regions rural land most decisions are*

*made by the Federal Government. Hence, if people are upset about being not consulted even we the people who serve them were not consulted (Respondent: interviewed on 20.02.2017)”.*<sup>21</sup>

On the contrary, an official from the Gambella Peoples National Regional State investment agency stated that the local communities were consulted during the process of land transfer and the local community members were informed prior to the land transfer and that the consultations were documented in the Bureau of Agriculture and Natural Resources Development (BoANR). However, the officials in the Gambella Peoples National Regional State land and environmental protection agency that formerly administered the department of rural land were not willing to update me concerning the contents of the Environmental Impact Assessment and their claim remains less credible.

### **5.2.3. Transparency of the Large Scale Agriculture Land acquisitions Deals**

Based on my own study and others about the issue of land deals cite that the processes of Large Scale Agriculture Land Transfers were challenged by lack of transparency starting from the process of signing the agreements (see also Messay, 2015, Desalegn Ramhato, 2011). The whole process of Large Scale Agriculture Land Transfers was not disclosed to the local people before bargaining and they had no means or mechanism to understand the various matters associated with the land transfer. Issues such as how the land was going to be used, what the investor’s duties or commitments would be, how the local peoples interests would be protected, how they would benefit from the company or be affected by the Large Scale Agriculture Land Transfers were not sufficiently addressed. During an interview with one local herder (semi pastoralist) from Lare administrative wereda, he emphasizes the following:

*“...from our community members no one is invited or saw the contents of the agreement [between the Government and the investor] especially concerning the obligations of the investor, protection of our interests and rights. And I heard that from one of my elder son and others even officials in the Weredas offices were not aware of the details of the land deal. Hence, there was*

---

<sup>21</sup> Interview made with Lare administrative wereda chief administrator on 20, February, 2017 and after three week as a result of government evaluation (tilkmesades) programme removed from his position

*lack of awareness on the part of the community as well as local officials regarding the contents of the deal (Respondent: interviewed on 06.03.2017).<sup>22</sup>*

#### **5.2.4. The issue of compensation for the loosed land**

As described in the proceeding sections above, the majority of the lands transferred to large scale agricultural investments were customarily held communal lands. This in turn makes it difficult to challenge the new land owners over the claim of ownership of the land since all land in the country belongs to the state and the communal tenure ownership right of the people is not formally accepted except in the right to use it. Besides, the absence of legal protection for communal lands makes it difficult for the local people to sue the investor for the lost benefits and opportunities. Moreover, both Federal and Regional rural land use laws seem to exclude the issue of compensation regarding communal holdings for owner uses in contrast to individual holdings. However, there are provisions for individually held lands to receive compensation for the lost assets. However, some legislation as the Land Administration and Use Proclamation (2005) oblige investors to provide compensation to the local community in the event of eviction. It states that:

*“Holder of rural land who is evicted for [the] purpose of public use shall be given compensation proportional to the development he has made on the land and the property acquired, or shall be given substitute land thereon. Where the rural landholder is evicted by Federal Government, the rate of compensation would be determined based on the Federal land administration law. Where the rural land holder is evicted by Regional Governments, the rate of compensation would be determined based on the rural land administration laws of Regions (FDRE, 2005, Art. 7 (3)).”<sup>23</sup>*

In the study under consideration, compensations were made to some victims of Large Scale Agriculture Land Transfers who had individual holdings in the region. The most common types of compensation given to these individuals for losses they incurred due to Large Scale Agriculture Land Acquisition were allocation of substitute land elsewhere which not suitable for

---

<sup>22</sup> Interview made with local herder or pastoralist on March 6, 2017

<sup>23</sup> see on proclamation no, 456/2005 article 7 sub 3

grazing or to plough. But, the size and productivity of the substituted land was found to be small in relative to the loss as found out from the discussions held. Participants of the discussions claimed that some individuals received compensation in the form of substitute land for the lost opportunity because of the Large Scale Agriculture Land Transfers but the compensations were insignificant compared to the loss they incurred. Also, compensation payments to some members of the community were ratified only after a group of affected community members (most of them semi-pastoralists) repeatedly complained to the Weredas administration offices. However, the amount of the compensation was not sufficient to adequately cover the lost land and the community members claimed that they deserved more than what they obtained.

Finally, participants of the focus group discussions argued that, compensation for loss of rivers and wetlands used for fishing were not paid to the affected community members.

### **5.3. The extends of the benefits/changes brought by large scale of agricultural land investment to the local communities**

A livelihood is said to be socially sustainable when it can cope with and recover from stresses and shocks and provides means of living for future generations (Chambers and Conway (1991) as cited in Desalegn 2013, p. 85). Meanwhile, a livelihood is environmentally sustainable when it maintains and enhances local need (both tangible and intangible assets such as natural resources, claims and assets) on which livelihood depends on and when it can generate net benefits or change on other livelihoods (Ibid, p. 85).

According to one of the Gambella Peoples National Regional State official that the researcher discussed the issue stated that, it is in the best interest of the local people of the local indigenous community and the country to give out any land for agricultural development investment purpose. The authority further believes that foreign commercial investors come to this regional state with sufficient capital and technological resources and expertise, which are of paramount importance for the local development and increase of local agriculture production. Therefore, the current trend of large scale of agriculture transfer of arable land user right to investors is the only way to boost the age old farming system of the local communities' agricultural productivity in the regional state and the country in general. A key informant interview with an officer in Abobo Wereda agricultural office reveals that:

*“To begin, the land in our district is very fertile and suitable for Variety of crops because it’s boosted by alweero dam; agriculture in our district has been predominantly subsistence. Partly, this has to do with the farming techniques employed by farmers. Smallholder’s farmers rely on archaic and backward means of cultivation, which often proved inefficiency to feed the people. Crop production has been minimal relative to the size and quality of arable land. Due to this, the Ethiopian Government decided to transfer most of the fertile land to foreign agro-business investors with the expectations of boosting local agricultural productivity. We believe that investors, particularly foreign ones have better resources to develop the land than small farm holders who have generally little resource at their disposal (Respondent: interviewed on<sup>24</sup> 17.02.2017)”.*

The Gambella Regional State Investment Agency officer also claimed that the land which they allocated to investors had unproductive use to the local communities from whom the land was taken and hence the transfer of the land to agro-business investors had no significant negative or constrains on the local community’s lives and livelihoods. He goes on to add that in the long run the Large Scale Agriculture Land Transfers will benefit the local communities by providing job opportunity, new infrastructure, new technology and the like for agriculture and other benefits/changes. Contrarily to this claim, respondents from focus group discussion disagreed. They complained that they have been denied access to the land and natural resources they need to cultivate crops, graze livestock, grass to build houses, firewood, fishing ground and other uses.

To remark, it should be noted that any community with limited livelihood base, such as the communities of the study area, could be harmed by any loss of land and natural resource could have significant negative consequences on the lives and livelihoods of the community members. Although, the extent of the benefit/changes of socio-economic effects caused due to the transfer of user right of land to investors varies from household to household or from wereda to wereda. One can argue that the challenges of loss of land on the community members seem to vary a lot and some suffered more than others, some had even benefited in terms of the employment offered to some youth in Abobo wereda by Saudi Star Agricultural Development.

---

<sup>24</sup> Interview made on 17 February, 2017 with Obang Othow an officer from Abobo wereda Agriculture and Natural Resources Development offices

### **5.3.1. Social change/benefits brought of Large Scale agriculture Land Transfer in Gambella National Regional State**

One of the arguments in favor of Large Scale of Agriculture Land Transfers is that the government and agribusiness investors promise of providing the local community members with new technology and skills for agriculture, creation of jobs and construction of rural infrastructure, which provide services such as clean water, schools, and health centers and so on. In this sub-section, the researcher will discuss whether these assumed and promised benefits were delivered to the local people in the study area following the transfer of land to agriculture investors or remained vague promises.

As pointed out earlier, land deal contracts signed between large scale agriculture investors and the Government often did not separately oblige the investors to undertake social investments. However, investors normally include the expected social benefits of the proposed projects in their applications for land. Therefore, their fulfillment of their promises can be used as an indicator on whether the assumed benefits of Large Scale of Agriculture Land Transfers had materialized.

#### **5.3.1.1 The Transfer of New Technology**

The Smallholder farming or shifting cultivation farming is mostly based on labor-intensive; while large scale of agriculture farming is done by capital-intensive means. Hence, the technologies being used by the agribusinesses in the study area are not transferrable to the local communities because they are expensive and/or require technical know-how to operate them. For example, the two Indian MNC's that currently operate in the study area (BHO Agro Products and Karaturi Agro products) own stocks of heavy machinery which in most cases are operated by skilled workers that are brought from somewhere in urban areas or personnel who came all the way from India and other foreign countries. Meanwhile, the local people are not capable to either buy such equipment or operate them given the fact that most of the local people which are herders and tiller of the land are either too poor or are not adaptive to new sophisticated machinery.

In an interview made with one local farmer, he told the following to researcher with respect to what he knew about the new technology and know-how transfer of agricultural land from the agribusiness to the local people. When asked whether any local farmers has acquired the necessary skills of modern farming or rented any kind of machinery similar to that being used by the project, he replied:

*“When the project commenced, we have seen different kinds of heavy machineries which we never saw before. As you see we depend on subsistence farming which based on human labor and therefore as we hear from wereda officials, the Saudi Star distributed the tractors in our wereda and some weredas in the region, it is too expensive for us to buy or rent out tractors and harvesters. I do not think that any farmer can afford to buy or rent such equipment’s in our<sup>25</sup> village given the expensive cost (Respondent: interviewed on 15.02.2017)”.*

Furthermore, as researcher have observed almost majority and with the exception of few the agricultural projects in the study areas are in their early stages and therefore the researcher cannot verify that they failed to transfer the machineries and technological skills to the local communities. The role of the projects in technological transfer could be positive if they are studied in the long run after they become fully operational because by taking good practice of Saudi Star succeeded by distributing the tractors to the region.

### **5.3.1.2 The production of food crop and Supply to the Local Community**

According to the unpublished data from central statistical agency Regional branch office during the researcher field study, out of 61,000 ha transferred to investors only 5,683 ha of this land had been cultivated during the past Four years (from 2010 to 2014). Another data from Bureau of Agriculture and Natural Resources (2017) conclude that the regional state leased total of 777,986.67ha transferred to agribusiness investors. From this data one can deduce that the agriculture investors operating in the Gambella National Regional State are still engaged in a trial stage. However, high-yield crop and subsequent crops cultivated on the farm have shown promising results. Most of the companies currently operating in the study area have produced

---

<sup>25</sup> Interview made on 15 February, 2017 with Omod Obang Okoth a Perbongo kebele villager or farmer in Abobo wereda, Gambella National Regional State

satisfactory yield on crops tried out which include cereal, pulses, and edible oil. But, disappointing results were observed on cash crops like sugarcane and Cotton. During the first focus group discussion, respondents claimed the companies which tried out sugarcane and Cotton had a very bad harvest in the past four to five years (from 2010 to 2016), therefore most have limited themselves to growing pulses and cereal crops. One company, Albert menjot palm oil Company have planted edible oil crops in a sizable land at Gelishi kebele in Godere administrative wereda and it's yet to see its harvest.

An interview held with one official from the agriculture investment projects revealed that, the crops produced by the investors in the study area were transferred to storage facilities in Gambella city. At the time of the field work, there was no plan by the companies to sell their produces in the local markets. During an interview with one of the agriculture investment project representative: stated the following

*“You know the majority of agribusinesses operating in the wereda have no plan to sell to local markets, especially when food price is expensive as it is in the foreign market. The smaller (local investors) companies, those that operate less than 500 hectares probably will sell it to local markets but still the district's share of the market will be very low. The two foreign companies (BHO and Saudi star agro plc) have a plan to divert the left overs of the produce to locals market that I think will benefit or change the local people livelihood in many ways. They could use it both for their consumption and as animal feed (Respondent: interviewed on 16.02.2017).”*

Furthermore food and cash crop yield may increase once the projects become fully operational; this is not expected to boost the supply of food crop in Gambella National Regional State considering the future plan of the agribusiness investors. It is stated that the main goals of the agribusiness investors was to export crops, which are destined for host country markets (Dessalegn Rahmato, 2011, p. 3). The Ethiopian Government as well, strongly encourages investors who export their products by providing them with incentives. Thus, large scale of agricultural investment is driven by priority for exports and foreign revenue earnings and tends to ignore the need for boosting or securing local food needs. Hence, the Ethiopian Government support for export oriented agriculture investors and agricultural investment projects are criticized for not being subjective to obligations which oblige them to contribute to the national

food security needs of the country. In most cases contracts signed between agriculture investors and the Ethiopian Government did not contain provisions obliging agricultural investment projects to produce and supply food to the local markets, even in the context of food shortage in the study area. Thus the main objective of the project under consideration is to produce high valued export crops to host country markets. During a key informant interview session with an official of one of the agriculture investment project operating in the study area, he stated the following:

*“...the company main objective is to export various types of crops to the regional markets and beyond. We have already prepares cereals to export them to other part of Africa like to South Sudan, Kenya and subsequently to the other Africa country. We have also a plan to export crops to the Middle East (Respondent: interviewed on 14.03. 2017).”*

The respondents of the focus group discussion further mentioned that several agribusiness companies operating in Gambella National Regional State had been sailing their produce to Non-Government Organizations (NGOs) that operate in the Gambella Peoples National Regional State and South Sudan (UNHCR, save the Children, Red Cross and others), especially after the recent crisis in South Sudan in which an estimated 301,301 South Sudanese refugees had crossed the border to several refugee camps in Ethiopia particularly in Gambella Peoples National Regional State. The attempts made by the researcher to confirm this information by contacting the NGOs and management officials of agribusiness were not successful.

If operations of large scale agriculture investors go according to the companies plan, the benefits in the form of food availability for the local community will be insignificant. Thus, this study had revealed the large scale of agriculture investments contribution to food crop supply to local community insignificant.

### **5.3.1.3 The creation of job opportunity to local peoples**

Creation of different types of direct and indirect employments for local indigenous people is another approach for evaluating the positive social effects of the current transfer of large scale agricultural land to agribusiness investors. However, studies as well as the researcher own study show that the contribution of large scale agriculture investment to local agricultural employment

in Ethiopia is found to be extremely insignificant (see also Desalegn 2013, p. 91). Thus, looking into the roles of large scale agriculture investment in creating employment for local people, the researcher may not expect the creation of significant employment opportunities. Nonetheless, some of the large scale agricultural investment projects which started operation in Gambella Regional State have created employment opportunities to local people in the form of short term and seasonal employments.

By taking the context of the study area, contrary to earlier pledges made by the investor to provide significant employment opportunity for the local peoples, the researcher found that, only few households benefited from the job opportunities created by the large scale agriculture investments. The pledged benefits of direct and indirect employment creation for the local people in the study area seems far from being realized since there is a tendency among the investors to bring workers from the host country and high land areas in the country. The local people were employed as casual laborers during land clearing seasons or for other heavy duty works that require no skill. The positions that require skill were performed by non-local skilled workers who were brought from urban high land areas of the country and foreign nationals from India and other countries. From the interviews held with agribusiness administrator officials, the justification given for not employing significant number of local people is the lack of skilled human power in the study areas in Gambella Peoples National Regional State. They also claimed that the projects were on their early stage and therefore, the creation of employment opportunity may still need several years.

Furthermore, the other issue of concern for the respondents of the focus group discussions was even those who were hired by the agriculture investments did not have job security and complained about the low wages paid to local employees. During the researcher field work for example, in the case of the BHO large scale agricultural investment projects, those who have been hired were previously paid birr 30 per day and this was later increased to Birr 50 per day. This rate is found to be very low compared to what other workers get paid in other similar agriculture investment jobs in Ethiopia.

The Large Scale Agricultural investments in Gambella Regional State had worth working conditions for those who are employed, some of whom even had to quit their jobs alleging the harsh working environment. In addition, the investors care very little to the safety of their workers. An interview with one member of the community who once worked for one of the Indian agribusiness companies as manual laborer revealed that:

*“I used to work her since this company is operated. My concern her to clear bushes and grasses from the land manually. I used to work started from morning up to the evening a day and six days a week. The job was so intense that we were hardly given enough breaks. Because of the high humidity and lack of proper shade many of us found the working condition very tough and many workers have resigned from the job ever since. I quit the job complaining harsh treatment by the company and since then I am unemployed (Respondent: interviewed on 23.02.2017).”<sup>26</sup>*

Besides, from the fieldwork, the researcher observed that the large scale of agricultural investments have so far failed to create significant number of indirect job opportunities to the local community members, contrary to earlier pledges made by the agribusiness investors and the Federal Government of Ethiopia. For instance, in the two large Indian agribusinesses, the employees eat from cafeteria inside the companies premise with no opportunities for the local people to set up their own restaurants and so on. Since, the rest of the companies did not employ a significant number of employees; the benefit from indirect job opportunity for locals was low.

#### **5.3.1.4 The Infrastructural Development**

Unlike the above stated unfulfilled promises of the large scale agriculture investors, as regards to the development of infrastructure expansion one can say based on observation, the Large Scale of Agriculture Land Transfers in some of the study areas has led to infrastructure expansion and/or construction of roads, fresh water service and irrigation dams.

An official from agriculture and natural resource office of Abobo administrative Wereda told to the researcher that, at list 50 Km of peseta road, crisscrossing the large scale farms and

---

<sup>26</sup> Interview made on 23 February,2017 with Simon Puooh he is one of local herder in Biliemkun kebele in Lare wereda, Gambella National Regional State.

management premises was constructed by the investors and the Government. This peseta road also connected Abobo town to Gog administrative wereda by diverting the old road as a result of newly constructed dam by Saudi Star to divert the alweero dam water for irrigation purpose. However, the roads were constructed to connect the large scale farms with the main road and were not primarily meant for helping the local communities.

Furthermore, the Government with the assistance of the agribusiness investors had built a primary school and a health center in Abobo Town. However, respondents of the focus group discussion indicate that skilled teachers for the primary school and health care personal for the health center had not been provided by the Government.

#### **5.3.1.5 Other Social benefits/changes of Large Scale agriculture Land Transfer**

As indicated in Chapter one, the multi ethnic in Gambella National Regional State comprised of individuals that follow different religions and local traditions. However, participants of the focus group discussions indicated that, the Large Scale of Agricultural Land Transferred in the study areas had caused a lot of damage to the religious and cultural ways of life of the people. They further stated that the protestant Christians that make up the majority of the population of the study area had lost several meeting and worshiping grounds.

Several of their burial grounds had been destroyed in addition to several cultural grounds where members of the community of the Gambella Regional State practiced their traditions for generations.

#### **5.3.2 Economic Benefits/change of Large Scale Agriculture Land Transfer in Gambella National Regional State**

The economic benefits/changes of the large scale agriculture land deals on the local communities' means of living are discussed in the following sub-section. Attempts will be made to examine the effects by exploring the previous land uses, the opportunities lost as a result of the Large Scale of Agricultural Land Transfer and the promises made by investors and as well as the Government. Due to the Large Scale of Land Acquisition, economic losses incurred by local indigenous people consisted of loss of access to communal grass lands, flood plains, wood lands, fishing grounds and water resources such as rivers and wetlands.

According to the focus group discussions held, following the Large Scale of Agriculture Land Transfers in Gambella Regional State, significant number of community members had lost access to grazing lands and cultivable land and, which they customary held. Prior to the transfer, the members of the local community had been making a living from the land and natural resources through herding domestic animals, cultivating crops, fishing and other uses. Therefore, the lands use to contribute for generating significant income and food production to the local people.

#### **5.3.2.1 Access to use Grass Land**

Large scale of Agriculture Investment lands in many regions of the country are often given out with indigenous vegetation cover which was a vital resource among local communities (see also Dessalegn, 2011, Genent, 2010). The same become true about the Large Scale of Agriculture Land Transfers in Gambella National Regional State where a vast communal grass land was transferred to investors. The grasses and bushes that were used to feed animals and make roof and wall thatching for local houses have been slashed and burned down to give way for large scale mechanized farming. Generally, in the study areas as well as in most parts of Ethiopia, livestock feed resources are mainly natural grazing, which can be made on permanent grazing areas, fallow land and crop land after harvest (Mengistu 2006, p. 23). The majority of the community members in the study area were livestock herders, and shifting cultivator who depended on the land which the Federal Government of Ethiopia transferred for large scale agricultural investments.

According to respondents of the focus group discussions, significant number of sheep, goat and cattle population in Lare administrative wereda depended on the communal fertile plains for grazing, prior to the Large Scale of Agriculture Land Transfers. In Biliemkun and Tandar Kebeles and in most parts of the study area in Lare administrative Wereda, the grazing lands were customarily held by local communities and they offered good pasture for domestic animals. Although forage availability and quality were not adequately available year round since, what was abundant in the wet season is lost in the dry season, still the land was important grazing field for the local livestock. However, after the grazing land was transferred for large scale agriculture investment, there had been shortage of pasture in the study areas. This led to different problems

such as massive sale of domestic animals by some households, which in turn resulted in significant price decline. In some cases, shortage of pasture due to the Large Scale of Agricultural Land Transfers also led to the death of livestock. Those members of the community who wanted to keep their livestock converted some of their crop lands into grazing field, which in turn reduced food crop production. They also sorted to graze their animals on crop residues; however that did not provide sufficient and lasting grazing option.

As a result, the Large Scale of agriculture Land Transfers had direct negative effects on the lives and livelihood of local community members who owned livestock in the study area. Some studies including the researcher observation indicate that in the case of loss of communal grazing land, there may not be displacement but it will affect the livelihood of the poor farmers (see also Desalegn, 2013, p. 98). This is because of the link between availability of adequate pasture for livestock and their productivity, which in turn strengthens or weakens local people's lives and livelihood.

Following the loss of access to their traditional grazing land due to the Large Scale Land Acquisition, the local people were promised to be given a replacement land to graze their cattle. However, this promise has not been fulfilled and no alternative grazing land was allocated to the local people until the field work was concluded. The local people have demanded from the companies' owners' access and use of the large scale agriculture crop residues and feed their livestock but this request has not been accepted. According to the focus group discussions, those who allowed the scheme on their investment land were some of the local investors. This scheme really helped out the members of the community who were granted access.

Furthermore, the additional economic benefit of the communal grassing land in the study area, now transferred from local communal traditional use to large scale of agriculture investments was that it served as a source of grass for walls and roof thatching, key materials for local people's traditional hats or shelters. Hence, as the researcher observed from field work, most shelters or hats in study area were made traditionally using tall grass and sticks. The tall grasses for making the roof usually grow naturally in grass lands, such as, in parts of the Baro-Akobo River plain. Participants of focus group discussions claim that after the land was transferred to investors, local people had limited source of grass for making new houses or rehabilitating the

existing ones. This paves the way for scrambling to other grass lands that were not transferred, which will in turn lead to reduced supply and/or increased price for grasses.

### **5.3.2.2 Accessibility to Crop Land**

The second type of land given for large scale of agriculture investment purpose is crop land, on which some farmers had been growing different crops using shifting cultivation, slash and burns other methods. Even though crop was grown only on small part of the land, the loss can be considered significant given the small amount of small farmers land usually cultivate to grow much of the crops for consumption or sale. Some local farmers cultivated maize and barley on the banks of the major river which passes through the study area. However, in most years the produce was not enough to guarantee food security for the local small scale farmers. Participants of focus group discussions stated that production of crops in the land was vital and that it presented important source of food crop for household consumption. However, local farmers now buy these crops from the market or cultivate them on other farms due to loss of their farmland to the large scale of agriculture investors. In response to the lost opportunities from the land, some farmers began shared-cropping with other farmers around or far away from their villages. This in turn costs the farmers more in terms of time, money and production as they have to pay the landlords significant amount of money. An interview made with one local farmer or semi pastoralist states the following:

*“...you know we used to cultivate some crops for household consumption and sale before our land was transferred to foreigners. However, since the land has been taken up for investment, we have difficulty of producing adequate crops for household consumption. This in turn, forced us to purchase additional food from the market or really on food aid to compensate the lost opportunity. In addition to our own purchase, we now also depend on help from relatives, friends or neighbors to satisfy our food demand in the household (Respondent: interviewed on 23.02.2017).”<sup>27</sup>*

---

<sup>27</sup> Interview made on 23 February, 2017 with James Lul Puoch from Tandar village or kebele in Lare wereda, Gambella National Regional State.

From observations made during field work, the loss of key resources such as land, water and other Natural resources by local farmers, herders and fisher men had resulted in reduced food production and livelihood deprivation of significant number of people. However, there is no strong evidence at present that the Large Scale Land Acquisition has directly contributed to local food insecurity, since some of the local community members in study area, who lost access to the farm land, were already food insecure before the lands were taken due to the old age system of plugging.

### **5.3.2.3 Access to Forestry and Woodland Resource**

The other economic benefit forgone due to the Large Scale Agriculture Investment in Gambella National Regional State was loss of woodlands, important natural resource for the local people for different purpose like firewood, charcoal making, structure for hat or shelter, bee-keeping, hunting ground for meat of wild animals and gathering ground for different root crops and vegetation. The wood land was known for its variety of wild root crops and wild animals used by the local people for nutrition and traditional medicine. From focus group discussions conducted with the local people, the participants stated that much of the wood lands in study area were cleared in preparation for large scale of agriculture investment. The clearance of vegetation cover has affected the members of the community by limiting wild plant root crops, traditional medicine and wild animals which were hunted for their meat and clothes.

Furthermore, in Gambella National Regional State as well as in rural areas of Ethiopia, firewood is the cheapest, most suitable and accessible energy source for households. The transfer of user right of land (woodland) to investors means that some households lost their cheapest sources of firewood and would have to rely on more expensive sources and/or means of energy such as gas and solar panels that cannot be offered.

Finally, the transfer of user right of land to large scale of agriculture investors in Gelishi and Kabo kebeles in Godere administrative wereda also affected the wild bee-keepers from members of the local community.

#### **5.3.2.4. Access to Water Resources**

Concerning the lost to access to water due to Large Scale of Agriculture Investment, Participants of the focus group discussions insisted that, Large Scale Land Acquisition in the study area resulted in increased competition between Agriculture Company and local communities over access to scarce resources such as water. In study areas as well as Gambella Peoples National Regional State, investment projects are given not only the investment lands, but also control of water resources, thereby, depriving the local communities of their essential supplies. The large scale of agriculture investments in the study areas monopolized water resources in the land, thereby, forcing local communities to turn to sources far away from their residences. In the context of the study area, as found from the focus group discussion participants, households located closer to the large scale of agriculture investment lands had access to a river and a small reservoir.

The wetland ponds are no longer available or accessible to them since they have been converted into cultivable land by the agriculture investors. Hence, community members which did not have access to the river or pond relied on a well water built by the help of the government and agribusiness. There also existed pump water constructed by Non-Government Organizations, but this too has been lost due to the land transfer. These utilities were important sources of water from which the local communities used to get their water requirements both for household consumption as well as for their livestock to drink. Some households heavily relied on the land for their water supply that the loss affected their lives and livelihoods. The participants also claimed that after the Large Scale of Agriculture Investment, some households tried to access the water resources but the companies blocked the routes to these resources. Consequently, several members of the local community now have to travel long distances to fetch clean water.

The focus group discussions and key informant interviews held showed that the change in the seasonal flooding of the Baro River was not welcomed by the members of the community. They stated that the flooding was part of their livelihood which benefited them by bringing much needed water for cultivation and fish resource. However, the Government official argues the changes made by the investors had benefited the local people by reducing the flow of flood water, which caused significant damage to the lives and livelihood of the local community.

Furthermore, the other uses of the land given for large scale of agriculture investors included but not limited for settlement purposes. Respondents of the focus group discussions mentioned that because of the transfer user right of land to agriculture investor's significant number of local community members had been evicted from their resident and were resettled elsewhere by the government. This resulted in serious conflicts with the local Government officials who insisted demolition of the huts and shelters. In this context its useful to remind readers that the Rural Land Administration and Use Proclamation (2005) empowered district officials the right to expropriate smallholders land if they believe that the land could better be used for development project proclamations no, 455, 2005, Article 3 (1). This leaves the local Government officials in the study areas and other districts with enormous power vis-à-vis the local people who are rendered powerless. However, for smallholders with registered land, there is a legal framework whereby they can receive a legally sanctioned compensation (see also FDRE, 2005, Article 8 (1)). In this regard, the Rural Land Administration and Use Proclamation states that:

*Peasant farmers, semi pastoralist and pastoralist who are given holding certificates can lease to other farmers' or investors' land from their holding of a size sufficient for the intended development in a manner that shall not displace them, for a period of time to be determined by rural land administration laws of regions based on particular local conditions (FDRE, 2005, Art. 8 (1)).*

But most of the local community members in Gambella National Regional State are unregistered and mobile, since significant number of the population are shifting cultivators and herders. Nevertheless, even if such compensation payments to affected households were made, the payment given to the households may be insignificant. As found out from field work and other researches in the study areas and other districts, the Government takes different measures to limit eviction-resulted problems such as migration, by requiring investors to hire local people in their companies (see also Desalegn, 2013, p. 98). This is particularly the case in the expanding large scale of agriculture investments in the Gambella national regional state.

#### **5.4. The mechanisms used in response of shortage of land taken from the farmers used for large scale of agricultural land investment to recover the livelihood of local communities**

We have seen that the transfer of user right of land and natural resource from local people to agribusiness investors in the study area had tremendous effect on local people's lives and livelihoods. As observed during the field work, local people had adopted certain coping strategies to overcome the effects of Large Scale of Agricultural Land Investment. This section assess or explores the various livelihood strategies pursued by affected members of the community. It is important to note that members of the local community may pursue a particular livelihood strategy due to factors other than land transfer. However, such factors are beyond the scope of this study since this study is only confined to the effects that have been outlined in response to the Large Scale Agricultural Land Acquisition. Therefore, more studies are required to identify other determinants of a particular livelihood strategy.

As the researcher observed in the study area, households adopted some coping strategies to overcome the lost opportunities as a result of the Large Scale of Agriculture Land Transfers. Some households diversified their livelihood strategies, while others strengthened existing ones. For instance, some local farmers who depended on the land for their livelihood prior to the Large Scale of Agriculture Land Investment had changed their land uses or even their livelihood entirely. Although farmers customarily employed such strategies even prior to the Large Scale of Agriculture Land Transfers, the frequency had increased during the last five to six years as found out during the focus group discussions. However, econometric study is needed to establish detailed analysis of the associations between the Large Scale of Agricultural Land Transfers and the coping strategies.

From the coping strategy, some members of the community had been forced to change their land use practices. Land used for grazing and housing (settlement) purpose was converted to cultivation land and vice-versa specially in Abobo and Godere administrative weredas local communities farmers. Prior to the Large Scale of Agriculture Land Transfers, households used to graze their domestic animals on the now investment lands so that they could cultivate other lands they communally own. But now since the grazing field has been transferred to agribusiness

investment, they cultivated only part of their land in order to reserve the rest for grazing. This in turn reduced community's food crop production and affected their livelihood. An interview with a local farmer who switched a communal grazing land to crop land revealed that:

*“I almost used to graze my livestock in some parts of the land now possessed by BHO Company, while I farm with flood recession to grow cereals crops (sorghum and maize) on the seasonal wetland near the main river. Following the land grab, however, I am not farming the crop land because I must graze my livestock on parts of it. I also sold out some of the animals due to shortage of pasture, but with low price. Since a lot of farmers also sold their animals due to shortage of grazing area, the price declined significantly in the market (Respondent: interviewed on 15.02.2017).”<sup>28</sup>*

Thus, there have been land use changes over the past couple of years, following the Large Scale of Agriculture Land Investment. Share cropping is also another coping strategy undertaken to overcome the loss of crop land in the study area. In share cropping, the land owner allows the tenant to cultivate his land in return for a share of crop produced on the land. Traditionally, share cropping provided access to land for the landless in many developing countries. (See also Cotula et al., 2010, p. 55). Share cropping in this part of the world is seen as an important alternative to fixed-rate rentals (such as tenant farming) because it allows the tenant farmer to share production risks with the landlord and hence it gives incentives for the tenant to undertake such arrangement.

In response to lost agricultural land due to the Large Scale of Agriculture Land Investment in Gambella National Regional State, some farmers had been forced to share-crop with those who had relatively abundant land or who weren't affected by the Large Scale of Agriculture Land Investment. During an interview with one female local farmer from Abobo Administrative wereda, she told me the following:

---

<sup>28</sup> Interview made on 15 February, 2017 with one of the local herder by the name Muong Thuok in wathgach village sub village or kebele of Tandar in Lare wereda, Gambella National Regional State.

*“I almost used to cultivate crops as well as graze domestic animals; I mean my cattle’s on the land now given for agriculture investment. Following the transfer, both cultivable and grazing lands became scarce and therefore I started to sharecrop some one’s land. This land is, however, located far from village where I live; it takes one and half an hours to get there. The other problem is that I am widowed and have no grown people in the household to help me cultivate the land. Therefore, I am having a hard time taking care of the farm (Respondent: interviewed on 10.03.2017).”<sup>29</sup>*

Share cropping arrangements generate variable returns for both the landlord and the tenant depending on the volume of production. Participants of the focus group discussions indicated that often, the landlord is entitled a share of up to 50 to 50 of the production.

Another coping mechanism is Tenant Farming, Participants of the focus group discussions also cited another form of coping strategy taken by the local people in Gambella National Regional State named tenant farming system. In tenant farming system, a tenant resides on and farms a land held by another person for a given period of time and gets his payments either in the form of a share of the product, cattle, money or a combination of the all. Thus, the difference between share cropping and tenant farming system lies on the form of payments; in tenant farming the usual arrangement is a fixed rental fee while in share cropping the land holder and the share cropper divide the crop (or its proceeds) based on the agreement percentage. Hence, both tenancy and share cropping allow redistribution of income-generating activities to landless, usually small-scale farmers. Unlike share cropping, tenant farmers assumed the whole risk because the land holder gets a fixed amount of crop or rent for his land irrespective of the outcome of production.

Change of Occupation was the other strategy used by some members of the local community to cope up with the loss of useful land. Participants of the focus group discussions indicated that local people who had been using the land which was transferred to investors for various activities had switched to other economic activities to sustain their livelihood with some community

---

<sup>29</sup> Interview made on 10 March, 2017 with local farmer in Thenyi village or kebele by the name Ariet Ochudho in Abobo wereda in Gambella National Regional State.

members resorting to petty trading, crafts man ship and other economic activities. As participants of the focus group discussions claimed, some local people abandoned their farming livelihood, herding, fishing and others, altogether following the Large Scale of Agriculture Land Investment. Such significant number of local people, who relied solely on the land and natural resources, where their land transferred for large scale of agriculture investment for their livelihood and were forced to change their livelihood to other means of living.

The last coping mechanism is migration, due to the loss of agricultural and grazing lands; some local people also migrated particularly to urban areas seeking employment opportunities. As found from participants of focus group discussions, although migration occurred prior to the Large Scale of Agriculture Land Acquisition, it became however more common following the land transfer in the study area. Such migration is usually destined to major urban areas especially in Gambella city where people can get better employment opportunities and make a living from it.

Migration was common especially among the youth, who exclusively depended on the agriculture land and natural resources which was transferred to agribusiness investment. Those members of the community migrated to other areas in search of jobs to make a living for themselves as well as support their families back home. Many of them worked as hired laborers in distant towns and Gambella city while others set up their own businesses and send back remittances to their families back where they have been.

Finally, there are also other strategies being pursued by some local community members to deal with the effects of the Large Scale of Agriculture Investment. These include seeking either direct or indirect employment in the company itself, although only few local people have secured temporary or permanent job. As discussed early in this chapter, the contribution of the agribusiness investment projects for local people's employment was insignificant or very low. The other significant coping strategy employed by the locals, specially the youths were to register illegally as a South Sudanese refuge in the refugee camp located in the Gambella National Regional State. By doing this they benefit from the aid given by the UN and other aid groups.

## Chapter Six

### Finding and Recommendations

#### 6.1 Findings

This study examined the Right to Self Rule and socio-economic effects caused by large scale of agricultural investment from local and foreign agriculture investors on local community's lives and livelihoods in Gambella People National Regional State. To answer the basic research questions raised in the proposal and with two month fieldwork has been conducted in Biliemkun and Tandar kebeles in Lare Administrative Wereda, Thenyi and Perbongo kebeles in Abobo Administrative wereda and Gelishi and Kabo kebeles in Godere Administrative wereda represents the GPNRS. As mentioned in Chapter Four, the study is based on qualitative descriptive research design and this chapter concludes the major research findings and based on these findings, the researcher gives suggestions to different stakeholders and non-state actors.

The first finding of the research is that the transfer of large scale of agriculture land from indigenous people to large scale agribusinesses in Biliemkun and Tandar kebeles in Lare Administrative Wereda, Thenyi and perbongo kebeles in Abobo Administrative wereda and Gelishi and Kabo kebeles in Godere Administrative wereda in GPNRS led to the loss of customarily held communal lands by the indigenous community. The lands and natural resources transferred as a result of agricultural land investment had several uses by the local people including for flood recession farming to grow cereals crops, livestock herding, Fishing and other uses. From the field work, the researcher concluded that local people of GPNRS were not included in the process when the land deals were made. Furthermore, the processes of bargaining were not transparent and appropriate compensations were not made to the affected members of the community.

In addition, most investors were leased vast lands which were least administered by the local leaders (three nationality administrative zones and weredas administrative affected by large scale of agricultural investment). Furthermore, there was no investor control mechanism exercised by the Regional State Investment Agency and other concerned bureau. Moreover, there was very little involvement of local communities in large-scale of agricultural investment in the GPNRS.

It was also observed that there was an inconsistent and incoherent power relationship between the federal and regional state governments concerning land and land-related resource administration.

The study further concludes that as the GNRS (Anywaa nationality zone and Majang local peoples) depend upon scattered livelihoods, relying mostly on hunting, fishing, gathering, sedentary way of farming, and forest for bee keeping it was thus vital to gain their prior, free and informed consent before moving them to new village/areas or transfers the land for investment purpose. Furthermore, there are flood-prone, malaria-infested and development-deficient areas in the GNRS such that the GPNRS and the federal governments need to consult with the local communities to move them to different and better sites that can lead to improved quality of livelihoods.

From the Social effects of Large Scale of Agriculture Transfers, one of the pledges made by the GoE and the agro-commercial investors was transfer of agriculture technology and know-how. However, the kind of technology employed by the large scale agricultural projects was largely failed to be transferrable because it was either too costly or it was beyond the technical know-how of the local community. Secondly, there is no significant increase in food crop production and supply in the study area as a result of the LSLI. Even if food crop production has significantly increased, the benefits to the local people was insignificant as the agribusiness investor's preferred to sale the produce to nearby NGOs, working for South Sudan refugees or foreign markets. Thirdly, there were no significant job opportunities to the local communities as a result of the investment projects. The companies employed only a couple of workers who came from urban highland areas and overseas. Furthermore, the paid salary and treatment of local employees was disappointing to the community members. Fourthly, the LSLI in GNRS had caused loss of several religious (spiritual) ground, burial ground (cemetery) and cultural ground which had been used by the local people for generations.

Finally, there was one positive social cause due to the LSLI in GNRS which was significant infrastructural expansion. One infrastructure built by the companies was roads linking the project areas to the main road; however, this too was intended to connect the project sites to the main road and hence was not intended to benefit local communities. The other new infrastructure built

by the investors was several reserve dams to store up water for the companies use in the dry season and water ways (canals) to control flood waters during rainy seasons. However, they lacked proper man power to start full operation.

Economic effects of Large Scale Agriculture Land Transfer on the lives and livelihoods of local people resulted in loss of vital livelihood resources to the local communities. These include loss of grazing land, crop land, grass land, firewood, water resources and residence areas. The first economic effects of the LSLI were the loss of grazing land. Although, the grazing portion of the land given for the agriculture investment purpose was considered idle or untouched by the Government, it had in fact significant benefits for the local communities in terms of providing good pasture for their domestic animals. In response to the loss of grazing land, some farmers sold out their livestock while other lost them due to death arising from lack of adequate pasture. As a result, livestock productivity declined and therefore local livelihoods have been gravely affected. Secondly, the investment projects resulted in loss of crop land to the local communities, on which they had been growing crops both for household consumption and sale by implementing shifting cultivation. Consequently, some households were forced to buy crops from the market to compensate for the loss. Following the LSLI/T, land rent and lease prices also increased, further aggravating the economic effects.

The third economic disadvantage observed was the loss of grass land, from which local households obtained grasses used in roof thatching for their houses. Hence, grass lands became scarce and many households were forced to buy grasses from others land holdings for relatively higher price. The fourth economic disadvantage of the LSLT/I was loss of firewood and charcoal, which are the main sources of household energy in the local community. Since firewood is the cheapest and most accessible source of energy for the local households, its loss affected their energy supply and/or forced them to resort to relatively expensive sources of energy. The fifth economic disadvantage was loss of water resources, on which many households depended for consumption. Most of the agriculture lands transferred to the agribusinesses was the main sources of water for the local community before the transfers were made. They were rich in variety of water sources like wetlands, rivers and ground water. These water resources supplied drinking water to both humans and domestic animals and their loss deprived local communities of adequate clean water.

Environmental disadvantages of Large Scale agriculture Land Transfer, there was extensive clearance of the areas covered by vegetation from the land. In order to prepare the land for large scale of agriculture investment, grasses and forests or trees were cleared and burned down. Consequently, this resulted in wide deforestation and elimination of vegetation cover from the land transferred to agro-commercials, exposing the soil for erosion and land degradation. Secondly, the water resources had also been depleted while preparing the land for agriculture; some of the flood plains (seasonal deltas) that existed on the land were no longer available and the wetlands had dried out following the construction of canals and dams. In addition, the slash and burning process resulted in severe damage to the soil and its nutrients.

Finally, the research has identified the different livelihood strategies pursued by local communities in GNRS, in order to cope and sustain their livelihoods with the negative effects of the loss of their land taken as a result of large scale agriculture investment and natural resources. The most common coping strategies included land use pattern change, share cropping, engaging in tenant farming, changing occupation and migration to other areas or towns and other strategies such as seeking employment within the company.

Furthermore the research concludes that the transfer of user right of land to agriculture investors has by and large led to negative political, socio-economic and environmental disadvantages on local community's lives and livelihoods. However, the large scale of agriculture investment project is at its early stages and we may not conclude that it has no positive political and socio economic contributions at all. Such effects usually take long time to evolve and hence, more studies need to be conducted in the long run to assertively determine the effects of the right to self-rule and large scale of agriculture investment in the political perspective.

## **6.2. The research Recommendations**

We have seen that the large scale of agriculture land investment/transfer in GNRS had brought no significant social benefits to the local communities, except new infrastructure development. Besides, the investment project had negative political and economic effects on local livelihoods. Furthermore, it exerted pressure on the environment. However, such negative effects can be minimized and/or agriculture investment projects can be made beneficial to the local community members if proper measures can be taken. In this section, the researcher will put forward some

suggestions to the Government, investors and the civil society and activists in general. It will help them to protect the interests of the local community. The suggestions can also be used by other policy makers and can contribute to public discussions on the subject matter.

### **6.2.1. Suggestions for Various Stakeholders**

#### **6.2.1.1. for the Government**

The matters related to the Government of Ethiopia have the obligation to protect the interests of the local community while also promoting its development agendas. Development projects must not be carried out with complete disregard to the local community and the constitution that entitled the right to self-rule to nations, nationalities and peoples of Ethiopia to administer rural land and other natural resources. Although the land transferred for investment purpose is dubbed as idle/untouched by the Government, this study found out that it had indeed valuable contributions to local lives and livelihoods.

One of the controversial issues concerning to the land tenure system in Ethiopia is that customarily held communal lands have no legal protection. In this regard, the Government should uphold the rights of local communities to use their communal lands by extending legal protection for such lands. Since large tract of communal lands provide essential pasture for domestic animals, livestock, the Government should secure access and use rights to farmers and herders.

The policy implications of this study are that more people-centered (rather than market-centered), accountable, transparent, responsible, effective and coherent land and land-related resource administration systems must be put into place at both the regional and federal levels, and that agricultural outputs (e.g. cotton production) should be linked with industrial production. For example the establishment of textile factories and others in the GPNRS in order to transform the lives of the indigenous population while, at the same time, realizing the national GTP2 ambitions.

Furthermore, it seems there was no investor control mechanism exercised by the Regional State Investment Agency and other concerned bureau due to absence of legal mechanism and weaknesses of regional executive body to exercise their right to self-rule that entitled in FDRE

constitution and the region to administer regional rural land and other natural resources that founded in the region territory. Moreover, there was very little involvement of local communities in large-scale of agricultural investment in the GPNRS. It was also observed that there was an inconsistent and incoherent power relationship between the federal and regional state governments concerning land and land-related resource administration. So that in order to prevent those setbacks the federal government have to respect the right to self-rule entitled in the national and regional state constitution or enacted laws to respect the right to self-rule in administrating rural land and other natural resources, and regional state investment agency should be empowered to administer all matters concerned land issues in the regions.

Prior to any proposed agriculture land investment/transfer for large scale of agriculture investment, the Government should consult local communities. Both the Government and investors should be accountable to local communities and local administrative weredas or nationality administrative zones and hence, should involve them in all stages of the land transfer process. This is done to ensure that local people either benefit from investment projects or the negative consequences are minimized. Lack of adequate consultation leads to lack of public confidence on the project. Prior consultation with the local communities will give them the opportunity to assess how they will benefit and/or be affected by the project and to be prepared for such outcomes. Thus, large scale of agricultural projects should be permitted only after full consultation with local communities and local administrative leaders.

Large scale of agricultural land investment should also be carried out in a transparent way so as to incite adequate public awareness on the project. The whole processes of land transfer should be disclosed to the public, and most importantly to the local communities. Expected benefits and costs of the proposed project as well as the details of contracts must be known to the local communities. In this way, local communities may develop a sense of ownership and responsibility than being hostile to investment projects.

If the proposed project is deemed to have negative effects on local communities but should it go ahead anyway, then the local people must be compensated properly without bureaucratic setup. For instance, those who had been grazing animals, growing crops, fetching water, fishing, collecting grasses or firewood on the land should be given alternative land specially in case of

pastoralist their livestock's should give free grassing land. Large scale of agricultural projects not only dispossesses local communities the important assets for their livelihoods, we have also seen that they can result in eviction of local people. The GoE should ensure that any proposed project will not result in eviction, and if eviction is inevitable, then it must make sure that the victims get financial and other compensation packages based on independent assessment prior to the eviction.

The Government must also make sure that land contracts contain clear, enforceable benefit sharing mechanism with the local people and should be administered by regional investment agency or local administrative units. This can be done by placing obligatory requirements on the project proposals regarding expected employment opportunities to the local people, infrastructural development in the project area, and contribution to local food security and so on, and imposing strict follow ups once the project commences operation. In the event when the investor fails to deliver the pledges, it should be held accountable and proper legal action must be taken as soon as possible.

Strong regulatory requirements should be included in both social and environmental effects assessments (EIA), by incorporating strict requirements that stakeholders should be properly informed of the contents of the reports before any agreement so that they receive independent and objective advice on legal, economic and social issues. In this regard, the both the federal and regional Government should strengthen its institutional capacity to monitor and regulate the activities of investors so that they will be held accountable in cases of harm to the local people. Institutional capacity building should be made in all regions including the lowest administrative units where big agricultural investment activities are being carried out.

Finally, both the federal and regional Government must also conduct periodic inspection of the project (for in year twice) site to evaluate the bureaucratic setup and environmental effects of the project. Although the Environmental Protection Authority (EPA) is tasked with ensuring investment projects do no harm to the surrounding environment, I learned that no visits have been made in the study area by the time the field work was completed with exception of ongoing land certification in some weredas. Thus, a panel of experts should be organized and carry out

periodic visits to the investment project. Besides, both the federal and regional Government must oblige the investor to take measures to avert the environmental damages.

#### **6.2.1.2. for Large Scale of Agriculture Investors**

In case for Large Scale of Agriculture Investors, investors have a legal responsibility to respect the rights of local communities and should avoid actions that may infringe on these rights. In case such rights are violated, investors must extend remedy by establishing grievance handling mechanisms to those who have lost their communal land as the result of the investment project.

As found out in this study, the local communities have relied on the land now given for investment for their livelihood. However, most of these households have not been compensated for the loss of opportunities from the land. Thus, the victims should be given adequate compensation, either monetary or non-monetary. For instance, one possible way by which the investor could help local communities is to allow them to graze their livestock on its crop residues. By doing so, local communities may secure alternative means of grazing for their livestock.

Although the investment projects are still some of them at their early stage, we discussed that they have virtually no contribution to the local food security. However, once it becomes fully operational, the projects should contribute to the local food security by selling a certain percentage of its production in the local market, preferably with lower prices. Besides, the investor company may also contribute to local food security through food aid for the needy at times of emergencies. The investor may also set up funds to help local people for social purposes such as education, medical or other special needs by assessing local people's needs. It can also support the local people by providing seeds, fertilizers, pesticides and technical advice or by linking the local farmers in the value chains of the investment company.

To overcome the environmental effects of the large scale of agriculture investment projects, certain measures should be taken. These may include minimizing the slash and burning activities and/or increasing the fallow period of the land both of these measures could minimize the negative effects on the soil erosion. The investment projects should also undertake measures to protect the soil and water resources through sustainable land farming.

The investors should also establish transparent mechanisms to independent inspectors or auditors who wish to examine the extent of effects of the investment project. In this regard, the company under consideration should cooperate with researchers who wish to study the effects of the project.

#### **6.2.1.3. for Civil Society Organization and Activists**

In case for Civil Society Organizations and Activists, Civil society organizations and activists can help by making the voices of local people be heard so that the desired attention is given to the local communities. Civil societies and activists may also raise the awareness levels of both the Government authorities and the rest of citizens through campaigns and teaching the local farmers concerning their right and educate them. They can also help put pressures on the agriculture company both local and its country of origin to oblige it to adopt standard practices in its business conduct.

## References

- Andreas Eshete,( 2003). New Frontiers on Ethiopian Politic, Paper presented at the 1<sup>st</sup> National Conference in Federalism, Conflict and Peace Building, 5-7 May, Addis Ababa, United Nations Conference Centre.
- Assefa Fiseah, (2016). Federalism and Evolving Conception of Unity and Diversity in Ethiopia. Addis Ababa Ethiopia.
- Azeb w. Degfe (2017), entitled The intricacies of large scale agricultural investment in Gambella Region, Ethiopia. The conference them: Responsible Land Governance: Toward evidence based approach. A paper presented on Annual World Bank conference on Land and Poverty held on March 20-24, Washington DC.
- Asnake Kefale and Assefa Fiseah (2015). Federalism and Local Government in Ethiopia, center for federal study Addis Ababa University, center for federal study press.
- Central Statistical Agency. (2015).The 2007 Population and Housing Census of Ethiopia: Ethiopian Statistical Abstract 0F 2013/14. Addis Ababa: Central Statistics Agency.
- Central Statistical Agency.(2007). The 2007 Population and Housing Census of Ethiopia: Results for Gambella Region. Addis Ababa: Central Statistics Agency.
- Central Statistical Agency. (2014). Agricultural Sample Survey: 2013/2014(2006 E.C). Area and Production of Major Crops.(Volume I), Central Statistical Agency of Ethiopia.
- Cotula, L.(2007). Legal empowerment for local resource control: Securing local resource rights within foreign investment projects in Africa, IIED. London/Rome.
- Cotula, L.,S. Vermeulen, R. Leonard and J. Keeley (2009). Land Grab or Development
- Cotula L, (2007). Local empowerment for Local resources control: Securing Local Resources Right with in foreign Investments in Africa, iied London/Rome Cotula, L.,S. Vermeulen, R. Leonard and J. Keeley (2009). Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa. FAO, IIED and IFAD, London/Rome.

- Creswell, W. J. (2009). *Research Design: Quantitative, Qualitative, and Mixed Methods Approaches* (2nd Ed). London: Sage Publications.
- Daniel, S. & Anuradha, M. (2009). *The Great Land Grab. Rush for World's Farmland Threaten Food Security for the poor.* (Oakland institute). Retrieved from [http://www.oaklandinstitute.org/pdfs/LandGrab\\_final\\_web.pdf](http://www.oaklandinstitute.org/pdfs/LandGrab_final_web.pdf)
- De Schutter, O. (2009). *Large-scale Land Acquisitions and Leases: A set of core principles and measures to address the human rights challenge*, United Nations.
- Deininger, K., Byerlee, D., Lindsay, J., Norton, A., Selod, H. & Stickler, M. (2011). *Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?* Agriculture and Rural Development, Washington, D.C., The World Bank.
- Desalegn D. (2013). *The Socio-Economic and Environmental Impacts of Large Scale (Agricultural) Land Acquisition on Local Livelihoods: A Case Study in Bako Tibe Woreda of Oromia Region, Ethiopia.* Master Thesis of Centre for Development and the Environment University of Oslo, Blindern, Norway.
- Dessalegn R., (2003). *Resettlement in Ethiopia: The Tragedy of Population Relocation in the 1980s.* Forum for Social Studies Discussion Paper No. 11, Forum for Social Studies, Addis Ababa.
- Dereje Feyissa, (2006). 'The Experience of the Gambella Regional State'. In: Turton, D (ed.) *Ethnic Federalism. The Ethiopian Experience in Comparative Perspective.* Addis Ababa: Addis Ababa: James Currey: Ohio University press.
- Dereje Feyissa. (2009). A National Perspective on the Conflict in Gambella In: *Proceedings of the 16th International Conference of Ethiopian Studies*, ed. by SveinEge, Harald Aspen, Birhanu Teferra and Shiferaw Bekele, Trondheim 2009:641
- Evans Pritchard .1940a. *The Nuer: A Description of Mode of Livelihood and Political Institution of Nilotic people.* Oxford: oxford University press.

Fana Gebresenbet Erda. (2016), The political economy of Land Investment Disposition, Resistance and Territory-making in Gambella, Western Ethiopia: PhD Dissertation. Addis Ababa University & Leipzig

Getachew, A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. East African journal of peace and human rights, Volume 17.1, p. 15. 38

Getnet A.,(2012). Rural Land Policy, Rural Transformation and Recent Trends in Large-scale Rural Land Acquisitions in Ethiopia, European Report on Development.

GRAIN, (2008), SEIZED! The 2008 land grab for food and financial security, Rome: GRAIN.

Helmut Anhheier and Yudhishtir Raj Isar. 2007. Conflict and Tensions. California: London: New Delhi.

IFAD.(2011).Rural Poverty Report 2011. Overview. Retrieved from <http://www.ifad.org/rpr2011/report/e/overview.pdf> [accessed 28 Dec, 2017]

Koang Tutlam. (2010). “Assessing the Viability of Traditional Conflict Resolution Mechanisms in Changing World: the Case of Jikany Nuer along the Ethio-Sudan Border”. MA Thesis.Addis Ababa University.

Merara Gudina. (2003). Ethiopia: Competing Ethnic Nationalism and the Quest for Democracy, 1960-2000. maastrich: shaker publishing.

Messay Girma, (2015). Impacts of Large Land Transfer on Local Livelihood. A Case study from Itang woreda of Gambella Regional State, South Western Ethiopia. Master Thesis, Addis Ababa University.

Ministry of Agriculture & Rural Development and BHO bio product plc, 2010.Available online [www.mog.gov.et/agricultural-investment-directorate](http://www.mog.gov.et/agricultural-investment-directorate).

\_\_\_\_\_ (2006) A Plan for Accelerated and Sustained Development to End Poverty

(PASDEP).Vol I (MoFED). Addis Ababa, Ethiopia.

O.M. Ojulu, (2013). Large-Scale Land Acquisition and Minorities/Indigenous peoples Right under ethnic Federalism in Ethiopia. A PhD Dissertation Bradford University

On the common (OTC), (2011).*The Neo-Colonial Land Grab in Africa*, available online at, [http://onthecommons.org/neo-colonial-l -Africa](http://onthecommons.org/neo-colonial-l-Africa).

Thornberry, P., (2002), *Indigenous peoples and Human Rights*, Manchester: Manchester University Press.

United Nation, (2010).Sustainable development innovation Foreign Land purchase for Agriculture. What impacts of Sustainable Development?

Von Braun J and R Meinzen-Dick, (2009). Land Grabbing by Foreign Investors in Developing countries risk and opportunities IFPRI policy.

World Bank, (2010).Rising global Interest in farm land. Can it yield sustainable development? Accessed online

World Bank.(2008).Agriculture Development World Bank Development Report. The International Bank for Reconstruction and Development / The World Bank. Quebecor World. 1818 H Street NW Washington DC 20433.

Yonathan Tesfaye Fiseha, *Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in Ethiopia and South Africa*, A Thesis submitted in fulfillment of the Requirement for the Doctor of Philosophy (Law), university of Western Cape, Vellbille: University of Western Cape.

World Bank.(2008).Agriculture Development World Bank Development Report. The International Bank for Reconstruction and Development / The World Bank. Quebecor World. 1818 H Street NW Washington DC 20433.

## **Legislations**

The Federal Democratic Republic of Ethiopia constitution, Proclamation No.1/1995.NegaritGazeta. Year 1 No.1.

Expropriation of Land Holdings for Public Purpose and Payment of Compensation Proclamation.(2005). Proclamation No.455/2005.NegaritGazeta. Year 11, No.43

Federal Democratic Republic of Ethiopia Rural Land Administration and Land Use Proclamation, Proclamation No. 456/2005.NegaritGazeta. Year 11, No. 44.

Government Ownership of Urban Land and Extra Houses, Proclamation No. 47/1975.NegaritGazeta Year 34, No. 41.

Land Tax Proclamation, Proclamation No. 70/1944. Negarit Gazeta. Year 4, No.2.

Public Ownership of Rural Lands, Proclamation No. 31/1975 Negarit Gazeta.Year 34, No. 26.

Re-enactment of Urban Lands Lease Holding Proclamation, Proclamation No.272/2002.NegaritGazeta. Year 8, No. 19.

The Revised Constitution of the Amhara National Regional State, Proclamation No. 59/2001.ZikreHig. Year 7, No. 2.

Urban Lands Lease Holding Proclamation, Proclamation No. 80/1993.Negarit Gazeta. Year 53, No. 40.

Lease holding of Urban Lands Proclamation No. 721/2011

Agricultural-Investment-Support-Directorate. 2011. Agricultural Investment Areas. Edited by MoA. Addis Ababa.

The Benishangul Gumz National Regional State Rural Land Administration and Use Proclamation, . Proclamation no. 80/2010

The Gambella National Regional State Rural Land Administration and use proclamations, proclamation no./2010

The Oromia National Regional state Rural Land Use and Administration, Proclamation no. 130/2007.

The Revised Amhara National Regional State Rural Land Administration and Use Proclamation, Proclamation No. 133/2006. In Zikre Hig: Year 11, No.18.

The Revised Tigray National Regional State Rural Land Administration and Use Proclamation, Proclamation No. 136/2007. In Tigray Negarit Gazeta: Year 16 No.1.

The Southern Nations, Nationalities and Peoples Regional State Rural Land Administration and Utilization Proclamation, Proclamation 110/2007. In Debub Negarit Gazeta: Year No.

The Afar National Regional State Rural land Administration and use proclamation, proclamation no.49/2001 E.C

The Ethiopian Somali National Regional State Rural land Administration and use proclamation, proclamation no.128/2013

The Harari National Regional State Rural land Administration and use proclamation, proclamation no.12/2003

## Appendix 1

Informant/respondents	Title/respondent background	Place of the interview	Date of interview	Remark
Respondent 1	Officer at the Regional Investment Agency	Gambella Town	02.02.2017	
Respondent 2	Local farmer	Perbongo	06.02.2017	
Respondent 3	Local herder	Biliemkun	10.02.2017	
Respondent 4	Local farmer	Gelishi	06.03.2017	
Respondent 5	Local farmer	Thenyi	06.02.2017	
Respondent 6	Local farmer	Tandar	10.02.2017	
Respondent 7	Local farmer	Tabo	07.03.2017	
Respondent 8	Local herder	Perbongo	06.02.2017	
Respondent 9	Local herder	Biliemkun	10.02.2017	
Respondent 10	Local farmer	Gelishi	06.03.2017	
Respondent 11	Local farmer	Thenyi	06.02.2017	
Respondent 12	Local farmer	Tabo	07.03.2017	
Respondent 13	Local herder	Tandar	10.02.2017	
Respondent 14	Officer from the Weredaagriculture & Natural Resource 3x	Abobo town Kuergeng & Meti town	08.02.2017 09.02.2017 08.03.2017	
Respondent 15	Officers from regional Bureau of Agriculture & Natural Resource, Regional Council and Regional Chief Administrator office 3x	Gambella town	20.02.2017 21.02.2017 22.02.2017	
Respondent 16	Officials from one company	Gambella town	25.02.2017	

## **Appendix 2**

### **Interview guiding question for data collection**

**Addis Ababa University**

**College of Law and Governance**

**Center for Federal Study**

#### **Instruction**

I am Wichduel Keat, a Federal study student at Addis Ababa University, College of Law and Governance, Center for Federal Study. I am conducting graduating Thesis research entitled ‘The Right to Self Rule & Large Scale of Agricultural investment in Gambella National Regional State: In doing so, I found it is very important to get your input for desirable analysis and conclusion on the issues. Therefore, I am going to appreciate your consent and cooperation to take part in this interview to provide necessary information for my paper. Lastly I can assure you that the information that you provide will be used only for academic purpose and any request concerning this issues is acceptable.

#### **Part one: -Interview Guiding Questions for Local communities**

1. Name
2. Gender
3. How old are you?
4. How much acre of land do you have?
5. Does large scale of agriculture investment have any relations with your farming anyway?
6. If yes, how so?
7. If no, skip the question how so, and jump to question no, 9?- because I don't use leading question
8. If yes, do you think it has any relations with the weredas farming?
9. How many years do you live?

10. In what ways can you say LSoAIs (large scale of Agricultural Investment) affected your woreda communities?
11. Do you know how rules, policies and regulations of your Kebele, woreda and region are formulated?
12. If yes! How?
13. If No! Why?
14. Do you ever participate on the formulation of policy directives?
15. If Yes! How?
16. If No! Why?
17. Do you think that LSoAI(Large scale of Agricultural investment) implemented in your wereda in the way benefits local people?
18. If No! What are the areas that challenge the local community to benefit from LSoAIs ?
19. Do you have any challenges to use your land anyway?
20. If yes, what are the challenges that you faced or hinder your right to land to harvest or pastor due to large scale of agricultural investment?
21. What measures and efforts do you see from the local and regional government to support your right to communal land?
22. In what ways did Large Scale Land Transfer in your Wereda contribute in improving the livelihood of the community?
23. With respect to some of the negative impacts you mentioned about LSoAI, what is your communities coping mechanisms?
24. Do you envisage any solutions?

## **Type Two: - Key-Informant Interview Guiding Questions**

### **Part Two: - Interview Guiding Questions for Wereda Administrator**

1. Could you explain the demographic composition of your wereda administration please?

2. How are policies, rules, regulations and local development programs formulated and Implemented in your Wereda?

3. Do the local people participate in the formulation process?

If yes! How?

If no! Why?

4. How could the right to self-rule for local community /‘indigenous’ people of your woreda looks like?

5. How do you consider the right to self-rule for local development programs for ‘indigenous’ people in your wereda administrative council?

6. Can you tell me more about the Trend of LSoAI(Large Scale of Agricultural Investment) in your Wereda?

7. What were the roles of the local population in the proses of LSoAI in your Wereda?

8. Since the agriculture investors started operating in your Wereda, what are the benefits to the Wereda?

9. How do you see the pledges made by the Government and investors about supposed benefits of LSoAI in respect to the different challenges the local population faced due to LSoAI?

10. What is the role of the local government in solving the problems that are occurring due to LSoAI? Is the Regional Government considering any action on investors that are not meeting their promise?

11. What needs to be done by all stakeholders to solve the problems facing the local people of your Wereda?

### **Part Three: - Interview Guiding Questions for Wereda Council**

1. Could you explain the demographic composition of your wereda council please?
2. How are policies, rules, regulations and local development programs formulated in your Woreda Council?
3. Do the local people participate in the formulation process of the transfer of agricultural land to the investors?

If yes! How?

If no! Why?

4. How is the participation of local community/ 'indigenous' people of your wereda looks like?
5. How do you consider the right to communal land for local community/ 'indigenous' people in your wereda council?
6. How much 'indigenous'/local people participate in the acquisition of land for large scale of agricultural investment in your wereda?
7. How do you see the participation of 'indigenous'/local people to contest in the process of land acquisition for large scale of agricultural investment in your wereda?
8. What are the challenges that faced or hinder right to land to harvest or pastor for local community due large scale of agricultural investment in your wereda?
10. What do you propose for these challenges?

#### **Part Four: - Interview Guiding Question for Nationality Administration**

1. Could you explain the administrative structure and demographic composition of your nationality administration?
2. What is the process of formulation of laws, policies and regulations in your nationality administration?
3. Do you have mechanisms that aim to ensure participation of local people?
4. What are these mechanisms? How are these being implemented?
5. Do you receive requests and applications for participation in land transfer for agricultural investment or related issues?
6. Which group does often raise such request and what are the types of request?
7. Who is mandated to see these cases?
8. What are the systems and procedures that you make these groups of people's participant in decision making and formulation process?
9. Could you explain the challenge that you face during the implementation of these systems and procedures in your nationality administration?
10. What do you propose for these challenges?

## **Part Five: - Interview Guide for the Regional State Council**

1. Could you explain the structure and demographic composition of your state council?
2. What is the process of formulation of laws, policies, strategies and guidelines in your region?
3. What are systems and practices that you have for enabling participation of people in your region?
4. For example, article 44 (1)and (2) of the regional constitution states that “ the resident of the regional state have the right to improve their condition of life and enjoy sustainable development and under the same article sub 2 the local people have the right to participate in the regional development and to be consulted with respect to policy and projects affecting them and their member, and the FDRE constitution article 43 (1) & (2) says that “every Ethiopian as a whole or nations, nationality have the right to improve living standards and sustainable development, and sub article (2) sates nationals have the right to participate in national development and to be consulted with respect to policy and projects affecting their community. Do you think an enabling environment and framework are in place for these political and economic objectives of the federal and regional constitutions?
5. How could you see the constitutional and political distinction of the right to self-rule and local development programs for large scale of agricultural investment in your regional state?
6. How could the right to self-rule and large scale of agricultural investment implemented or looks like in your region?
7. for example, Article 52(b & d) FDRE constitution stipulates the right to self-rule and to administer rural land at all based on any ground. However, the right to self-rule for ‘indigenous’ and the right to contest in the process of land acquisition for agricultural investment is limited to the principle of special federal land laws, regulations and directives. Don’t you think this limitation violates their right stated under article 52(b & d) of the FDRE constitution or State constitution?
8. What kind of attempts and efforts are there for creating an enabling environment for indigenous people to protect their right to benefit from communal land transferred for agricultural investment?
9. Do you have any recommendations on regard of the issues?

## **Part Six: - Interview Guide for the Regional State Administrative Council**

1. Could you explain the structure and demographic composition of your regional state administrative council?
2. What is the process of formulation of laws, policies, strategies and guidelines in your region?
3. What are systems and practices that you have for enabling participation of people in your region?
4. How could you see the constitutional and political distinction of the right to self-rule and local development programs for large scale of agricultural investment in your region?
5. for example, Article 52(b & d) FDRE constitution stipulates the right to self-rule and to administer rural land and natural resources at regional rural and urban land based on any ground. How could the right to self-rule and large scale of agricultural investment implemented in your region looks like?
6. The right to contest in the process of land acquisition for agricultural investment is limited to the principle of federal land laws, directives and regulations. What do you think about this stated under article 52(b & d) of the FDRE constitution or State constitution?
7. How could you manage these two distinguished issue in the executions and implementation of policy directives?
8. Is there any challenges that the regional administration face in creating an enabling environment for the right to self-rule for local development programs for large scale of agricultural investment?
9. What kind of masers and actions are taken for these challenges?

## **Part Seven: - Interview guiding question for Professionals**

1. What do you think about self-rule and developments of large scale of agricultural investment mean in Gambella national regional state?
2. What is the need for the grouping of people as 'indigenous' and 'non-indigenous' in the region?
3. Do you think 'non-indigenous' people are guaranteed the right to participate on political matters of the region? If yes! How?

If no! Why?

4. What are the possible challenges for local community" indigenous' people to enjoy their right to self-rule and to own communal land they face in the region?
5. What do you recommend about these challenges?

## **Interview Guide 3 (for Investment Project Officers)**

1. Can you mention some of the social benefits your investments brought to Lare/Abobo & Godere Wereda?
2. Can you mention some of the economic benefits your investment brought to Lare/Abobo & Godere Wereda?
3. What is being done to meet the promises your company made when you received land for investments?
4. IN what ways did your company help improve the livelihood of the local community?
5. What is being done to meet the challenges of environmental impact caused by your investment in Lare/Abobo & Godere Wereda?

### **Type Three: - Observation Checklists**

Settlement area and demographic composition of identified kebeles of the wereda The infrastructure and provisions of basic goods and services of identified kebeles of the wereda The assistive educated man power of the identified kebeles of the wereda (in agricultural, health, education, etc.) The structural arrangement and nature of identified Kebeles of the wereda administration. The economic activity and psychological make-up of the residents of the identified kebele administration