

From Deeso to Gesso: Customary pastoral institutions for the management of natural resources, Afar Region/Ethiopia



Ethiopia: Afar Soil Rehabilitation Project (ASRP)

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Abbreviations

APARI	Afar Pastoral and Agro-Pastoral Research Institute
APDA	Afar Pastoralist Development Association
ASRP	Afar Soil Rehabilitation Project
CBO	Community-based Organization
ETB	Ethiopian Birr
FGD	Focus Group Discussion
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH</i> /German Society for International Cooperation
ICRISAT	International Crops Research Institute for the Semi-Arid Tropics
LAND	Land Administration to Nurture Development
NRM	Natural Resource Management
SDR-ASAL	Strengthening Drought Resilience in Arid and Semi-Arid Lowlands
USAID	United States Agency for International Development

Glossary of local terms

<i>Afar Qaada</i>	Afar culture, refers to specific norms and values
<i>Baaro Abba</i>	father of the land (lit.), refers to the leader of a chiefdom
<i>Daala</i>	Subclan (Southern Dialect Awsa)
<i>Daala-Abba</i>	Clan leader
<i>Deeso</i>	denial of access to communal property
<i>Xinto</i>	the way how something is governed; administration
<i>Dua</i>	movement to rainy season pastures
<i>Dua Abba</i>	leader of pasture movements
<i>Fiima</i>	local institution to enforce decisions within the clan (police)
<i>Fiima Abba</i>	leader of the Fiima
<i>Gaba</i>	hand/arm; authority
<i>Gesso</i>	fences/enclosures
<i>Kalo</i>	a good place, term used for water-rich areas (e.g. Aussa, Teru, Baadu)
<i>Kedo</i>	paternal clan
<i>Kedo-Abba</i>	clan leader
<i>Madqa</i>	customary law, rules of Afar
<i>Mablo</i>	court-like assembly of clan leaders and elders
<i>Makaban</i>	superior leader of clan federation
<i>Qari</i>	<i>Afar house</i>

Conversion of measures and currencies

Weight measures: 1 Quintal = 100 kg

Currencies: 100 Ethiopian Birr (ETB) = 3,09 Euro (rate: July 2019)

1 Introduction

1.1 Context and objectives of the study

The 'Afar Soil Rehabilitation Project' (ASRP) is part of the Global Program on Soil Conservation and Rehabilitation for Food Security, with Ethiopia being one country component among five countries world-wide. ASRP closely collaborates with the GIZ Program 'Strengthening Drought Resilience in Arid and Semi-Arid Lowlands' (SDR-ASAL) which aims to support the Ethiopian Government in Capacity Development and the livelihoods of pastoral and agro-pastoral communities in Afar and Somali Region. The objectives of both projects aim at an improved food and feed security (cultivation of food crops, improved pastures) and income diversification through the introduction of piloted innovative land management techniques. So far, project interventions have been implemented in eight woredas of Zone 1 and 4 of Afar Region, covering all woredas of Zone 4 (Awra, Ewa, Gulina, Teru, Yalo) and three woredas of Zone 1 (Chifra, Kori, Mile).

In the context of ASRP, GIZ introduced new water retention infrastructure, especially water spreading weirs, in degraded dry valleys which have been so far used as communal grazing areas. The rehabilitated patches of land are increasingly transformed into farmland with potential monetary benefits for pastoralists who have, until recently, not practiced agriculture. The study sets out from the hypothesis that the ongoing land use change towards more intense form of production, exclusive access rights and land tenure systems may contribute to conflicts. There is a risk that only few, more powerful clans claiming land rights in the surrounding of the weirs reap the benefits involved in the new farming activities while other user groups feel excluded. This may cause conflicts between different clans but also between different segments within the clan which requires strong institutions for dispute settlement.

The specific objective of this assignment is to assess customary institutions for the management of natural resources (including land, water, forests) with a focus on institutions for dispute settlement. A better understanding of customary land governance systems and current institutional changes and challenges is needed to identify conflict risks in relation to the introduction of agricultural forms of land use in the project intervention areas. This will be the base to develop responses on how to prevent or resolve potential land use conflicts, using locally known and accepted institutions for conflict resolution, and to contribute to the long-term sustainability of the impacts of the SDR program (overall objective of assignment).

1.2 Methodology

The results of this report are based on a six-week study conducted by the consultant in July/August 2019. The study was split in three partly overlapping phases: 1) preparation, 2) data collection in the field, 3) transcription and data analysis (see Annex I).

Preparation (Berlin, Addis Ababa, Semera)

This phase focused on the logistical preparation of the study including the procurement of a rental car (Toyota Landcruiser) and the employment of a research assistance/translator. Furthermore, secondary literature on customary institutions for natural resource management (NRM) was reviewed, guiding questions were developed and study sites were selected. Major research topics and guiding questions covered the following points:

Customary institutions of land governance

- Temporally, spatially and socially differentiated analysis of access rights to pastures, water sources and forests
- Actors, forms of decision-making on land/access rights and documentation of agreements (in the case of land conversion)
- Customary institutions for resolution of conflicts over natural resources

Institutional challenges due to land use conversion

- Change of customary NRM institutions during the last decades
- Land conflicts due to enclosures, boundaries, loss of land: actors, causes, forms of settlement
- Impact of formal laws and interventions on customary practices to regulate resource access and resolve conflicts

Local perception of governmental land laws

- local awareness on formal laws on land use, and differences between rights on communal pastoral and private agricultural land (e.g. laws framing land certification)
- contradictions and complementarities between the customary and formal systems
- Perceptions on appropriate compensations for loss of access to land and related resources

The selected sites (Fig. 1) differ in terms of the status of completion of the weirs as it was assumed that this will influence the extent and form of land use change. On one end of the spectrum Chifra/Shekabora represents the first pilot intervention site where local clans already started to sell some of the produce from the rehabilitated land, while Teru represents the most recent intervention

included in the study. Here, a community-based organization (CBO) had just been established with support from GIZ and clans were in the initial stage to establish structures for fodder production.

Figure 1 Intervention sites visited

Woreda	Site	Status of weirs	Land use after intervention
Awra	Lekora	completed	Fodder, CBO taken over by APARI
Chifra	Shekaboro	completed	Individual enclosures: agriculture
Ewa	Duba	partly completed	Communal enclosures: fodder, CBO
Gulina	Tibeadora	completed	Communal enclosures: fodder, bee hives, CBO
Teru	Debaho	new	no use so far, Fodder planned, CBO
Yallo	Wokri Ede	completed	Agriculture, fodder, 2 CBO (1 ICRISAT)

ICRISAT: seed research in Ewa and Yallo

Data collection (Afar)

Interviews were finally conducted in six GIZ intervention sites where water spreading weirs have been introduced. All interviews were conducted in close collaboration with the research assistant who was of major importance for the identification of relevant interview partners, facilitation of interviews and the translation of major points. The first field phase included interviews in Yallo, Gulina and Aura, the second phase focused on Teru, Ewa and Chifra. Main methods applied during the field phase were focus-group discussions (FGD) and expert interviews with customary authorities like clan leaders and elders who are the main actors in customary forms of dispute settlement (see Annex II for overview of interviews). Visual data (GIZ drone pictures of intervention sites after rehabilitation) was used to stimulate the discussion on land use changes.

Data analysis

All interviews (in total 15) were recorded digitally and later on translated and transcribed. Based on an iterative research approach, typical for qualitative research, the data analysis started after the first round of interviews in order to refine the guiding questions and dig deeper into the field during the second round of interviews. Additionally, some older interviews already conducted during previous studies in the area were included into the data body, as some statements related very well to the topic of this study. The final data analysis of the transcribed interviews applied thematic coding and compared the intervention sites in respect to:

- Differences and commonalities in access regimes and mechanisms for dispute settlement
- Major current challenges for customary institutions
- Causal factors for existing disputes over land
- Relevance of the introduction of water spreading weirs in the context of existing disputes

Limits of the study

Time has been one limiting factor of the research. Due to the qualitative approach much time had to be spent with the translation (as exact as possible), transcription and analysis of the interviews in the course of the study. This allowed to identify further questions and to include new interviewees as informants with new perspectives, e.g. the first interview in Chifra with the Arabta clan leader gave implicit indications of a hidden conflict as he reacted very reluctant to questions concerning land distribution. Therefore, it was decided to make another interview with the leader of the minority clan, Barhito, which brought up a very different perspective on ongoing disputes over land that were not mentioned in the other interview.

A further difficulty resulted from the fact that the consultant had to look for a new research assistant after the first field phase. The first assistant and translator, an Afar sociologist from Eritrea working for the Afar Pastoralist Development Association (APDA), had to quit his assignment due to an exceptional emergency situation in the refugee camp in Assayta following a dust storm for which he was assigned as relief coordinator. Another assistant, a lawyer by profession and previous judge in the Supreme Court of Afar Region who had worked for some time in the USAID Land Administration to Nurture Development (LAND) project, could be recruited after a few days with help of the national GIZ staff.

2 Institutional framework of resource governance

The Afar people who inhabit the southern parts of Eritrea, the northern half of Djibouti and North-Eastern Ethiopia share a common language (Afar), origin (Red Sea), religion (Islam) and customary institutions. Social identity rests foremost on the belonging to a certain clan, understood as a patrilineal group claiming a defined territory. Nevertheless, the same clan can be found in various areas of Afar, forming part of several clan confederations (Chedeville, 1966). The socio-political structure of the Afar is characterized by several segmentary clan confederations and sultanates, each governed through a distinct customary administration (*xinto*) headed by one clan leader at the top of the complex clan structure (*baaro abba*, Afar: *father of the land*). Within the GIZ intervention area, several clan confederations/chieftaincies exist (e.g. Teru or Doda in Chifra), where customary governance depends on collective decisions of several clans. Many of the clan confederations between firstcomer clans and newcomers who had to leave their previous area developed in the previous centuries in order to increase the defence capacity against the recurrent invasions of groups

from Tigray, the Wadjerat. Newcomers were generally given a territory and were integrated into the host clan over time.

Access to natural resources (water, pastures, forests, minerals, wild-gathered products) is regulated through customary institutions, understood as bundles of norms, practices, and rules which determine cooperation/coordination and/or competition. These institutions are embedded in social relations, and a belief and cultural value system (*Afar qaada*) which stresses reciprocity, collective action and solidarity. The focus on sharing of natural resources is of major importance to cope with the harsh and highly unreliable climatic conditions. Natural resources are communally owned and shared by clans who claim ownership over distinct territories. In spite of these territorially and kinship bound ownership claims, resources are also shared with other Afar clans as seasonal livestock mobility beyond the boundaries of the own clan territory and access to resources of host clans (secondary use rights) is a constitutive part of life for the majority of Afar clans.

The values of the *qaada* have informed the formation of the Afar jurisdiction (*madqa*) which regulates law offenses through decisions on punishments and the payment of compensation to the victim. It therefore contains punitive and restorative elements. The first Afar law (Bur’ili Madqa) was drafted about 350 years ago in Eddi, a coastal town of today’s Eritrea (pers. Comm. Sultan of Bidu, 2019). It is the Madaa which is practiced in Northern Afar starting from Teru and the only one which has been written down in Arabic (Alemu 2013). Other *madqas* developed later in different *xintos* as context-specific adaptations of the law. They differ only slightly from each other in the amount and form of compensations (animals and/or money) to be paid. Fig 2 gives an overview of some of the *madquas* applied in the intervention sites.

Figure 2 *Madqas* in interventions sites

Clans in project area	Madqa
Mogorus clans: Yallo, Gulina, Aura	Sidooca magorisihi madqa
Clan confederation: Teru	Bur’ili Madqa
Arabta-Gaydero (Ewa)	Afkek-Madqa/ Asabakari madqa
Asabakari (Chifra)	Asabakari madqa

The *Madqa* deals with all kinds of physical violence and abuse and also handles environmental offenses like the cutting of trees, lack of maintenance or pollution of water points or restricted access to land.

“As the government punishes wrongdoers, we also have punishments according to the madqa. Water is a very expensive commodity here, so every individual has the responsibility to guard the ponds. We don’t allow people to wash using soap... If somebody breaks the rule, we will punish him.” (Elder, Musle, Kori Woreda, 2013)

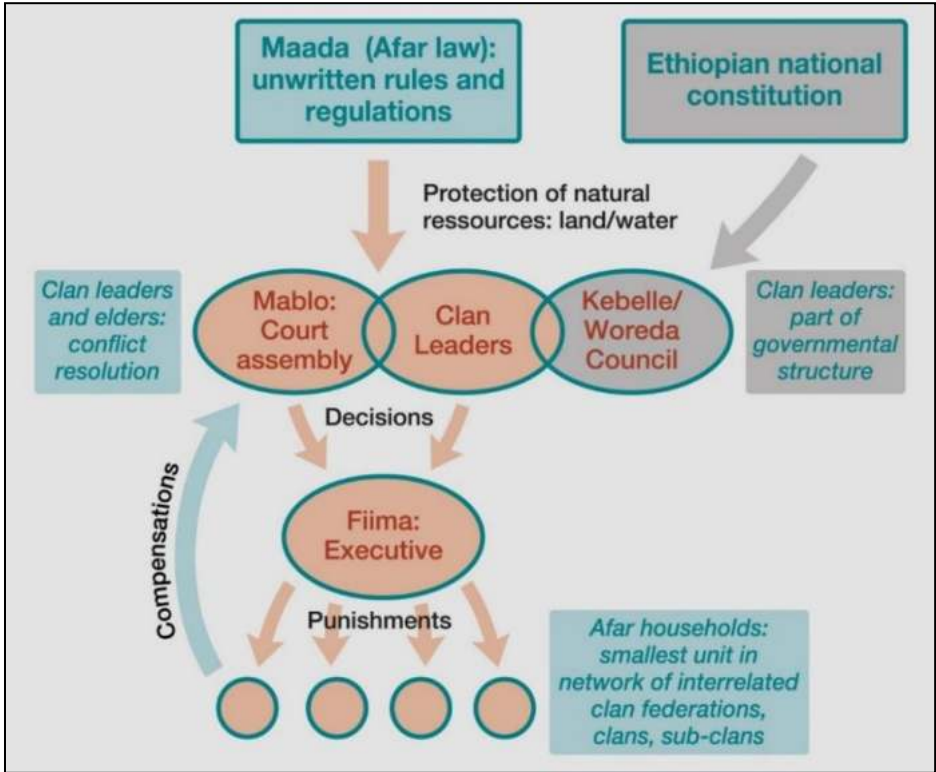
The *madqa* is dynamic. Regulations and rules are adapted by elders to the changing socio-economic and ecological context and new rules are created in order to accommodate cases of no precedent, like the practice of fencing which is a new phenomenon in the context of the ongoing land use change and increasing poverty.

The legislature, the application of the *madqa*, is in the hands of male clan authorities consisting of clan leaders and elders. Conflicts are negotiated in *mablo*, a court-like assembly of different clan leaders and elders to ensure impartial judgements. The proceedings of the *mablo*, which frequently take several days or even weeks, are clearly regulated and are based on the principles of negotiation, mediation and adjudication (Tafere 2013). Each party to the dispute has an advocate, who speaks up for them, but who comes from a different clan. All statements made by the advocates are repeated by a third party, which helps to make the statements highly transparent. It is a social convention to allow the others to have their say and anyone who interrupts is punished. The final judgement of *mablo* meetings is agreed upon by the clan leader(s) of the clan group(s) dominant in the chieftaincy. If there is a conflict between two clans, the clan leaders call each other, punish the individuals and settle the issues. If something has been stolen, it will be returned. If the clan leaders disagree, a third clan leader will come to reconcile them, assess the contested issue and convince them to come to an agreement. If the neutral clan, mostly a neighbouring clan, doesn’t manage to resolve the issue, the case is transferred to the next higher level of the clan confederation. The final settlement is reached through the culture of forgiveness (*Afu*), compensation payments (traditionally goats or cows, but increasingly money) as well as sharing of meals to indicate the restoration of peace. Compensations were traditionally paid in the form of goats or cows, but increasingly cash is used as compensation. Generally it is the clan or sub-clan of the offender who shares the responsibility for paying the compensation.

Decisions taken in *mablo* meetings are executed by the *fiima* (Figure 3), an association of young men responsible for the execution of punishments (e.g. slaughtering of cows), defence and mutual help headed by the *fiima-abba*. For obvious offenses which don’t require a Mablo hearing and when the offender doesn’t deny the crime, the *fiima-abba* directly facilitates the enforcement of the punishment. The *fiima* is pivotal for the maintenance of social order, for the enforcement of customary law and for the unity of the clan. It is the *fiima* that regulates collective activities such as movements to distant pastures and that strengthens a sense of collective responsibility among clan

members which is upheld above all by rules for sharing and exchange. Caring for the welfare of other clan members, mutual respect and the submission of the individual to the interests of the clan are central values on which the clan society rests.

Figure 3 Customary institutions for the management of natural resources



Current pastoral resource governance in Afar Region, including the settling of disputes, takes place under conditions of legal pluralism. Nowadays pastoralists are faced with partially contradictory rules, overlapping rights and competing authorities due to the co-existence of the *madqa* and the Ethiopian National Constitution. At the same time clan leaders and elders are increasingly also part of the governmental administrative apparatus (e.g. Kebele chairmen, secretaries, advisors). The relationship between formal and customary institutions and laws is not clearly defined so that the roles of governmental and customary stakeholders vary from place to place and from case to case. This results in a plurality of legal arrangements in which ‘modern’ bureaucratic elements overlap with local institutions and practices and the moral economy.

In spite of the availability of governmental courts legally framed by the Ethiopian National Constitution and the weakened traditional leadership most decisions on natural resources and respective conflicts are still settled through customary institutions which have adapted to the new situation. An example of these forms of ‘institutional bricolage’ are cooperations of Woreda officials

(who are also members of the clans of the area) and elders who sometimes work together to enforce the Madqa.

“Some people go to the government to settle an issue, but then the elders are consulted again by the government, saying ‘your decision is my decision’.” (elder Aura, 2019)

The Woreda, through its budget to cover for process costs, sometimes assists the Mablo in paying the expenses for the clan leaders and elders who often negotiate for several days or weeks before a settlement is reached. Neither state nor non-state institutions or actors have sole power and authority on natural resources, instead the reality of local practices points towards hybrid context-specific governance arrangements. Taking a critical institutional perspective, governance here is understood as effected through plural, hybrid, and overlapping arrangements in which claims to resources, property and authority are constantly being renegotiated. Institutions for environmental governance are hybrids which blend the old and new, formal and informal through processes of bricolage (improvisation and adaptation) in everyday settings. „Governance arrangements are pieced together consciously and nonconsciously as an adaptive response to change where components for these arrangements may be borrowed, adapted, and blended from a range of different sources“ (Cleaver and Whaley 2018, p. 49)¹.

3 Customary access rights and restrictions

3.1 Sharing of land

The dominant perception of land among interviewees is that land doesn't belong to anybody, except to Allah. It was mentioned that nobody (but Allah) created the land, therefore it should be shared freely. In spite of this overarching meaning of land as a 'gift of Allah' each clan holds customary ownership and use rights over a certain territory. Clan-based ownership over land is clearly defined in water-rich areas where there are wells or other permanent water sources (*kalo*). This refers to land around well areas like Ragden (Ewa), Mogorus (Yallo/Gulina) or Barantu (Teru) or rivers like Awash, Mille, Ewa, Aura. Land rights and clan boundaries are less strict on communal pastures which are only used for short times during the rainy season and which lack permanent water sources.

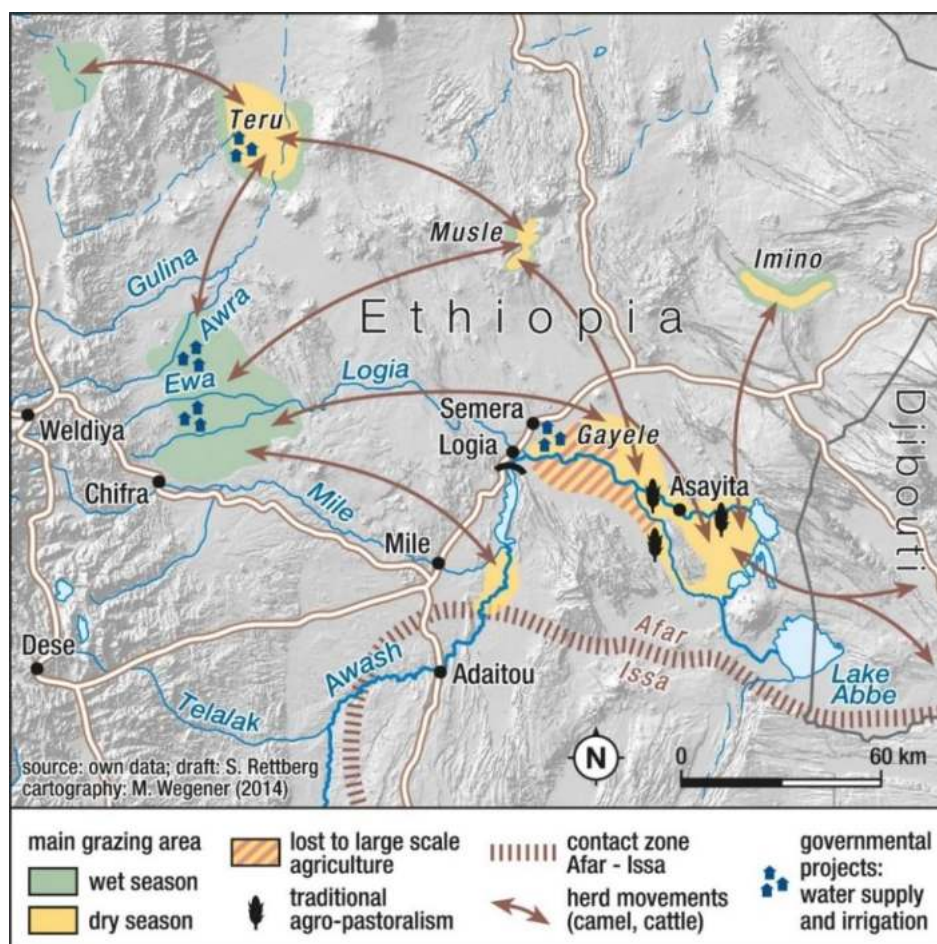
Seasonal mobility between dry and rainy season pastures is one of the main institutional features which enables the regeneration of pastures and prevents overgrazing. Clans living in Zone 4 and 1

¹ The perspective of critical institutionalism is an attempt to steer mainstream commons scholarship in a new, more socially informed direction. It wants to enrich adaptive governance thinking through a focus on the political, social and cultural dimensions of institutional adaptation.

share pastures during their east-west movements (Fig.4) so that institutional arrangements to get temporary access rights are decisive.

Clans moving with their livestock get temporary access rights to the territories of other clans through prior mutual consent. The reciprocal sharing of natural resources is a major livelihood strategy and an important form of social capital under conditions of extreme climatic variability. It is the 'Culture of sharing' within the clan and between clans which guarantees the collective survival of the Afar people. In Afar culture it is regarded as shameful not to share natural resources with visiting guests who have moved out of their own area due to lack of resources, drought, conflict risk or diseases and who are in search for pasture. The duration how long people stay on distant pastures, far away from their own main settlement area, varies from year to year depending on the availability of water and fodder. There are also variations concerning the number of people moving.

Figure 4 Major seasonal livestock movements



There exists a clear institutional procedure which is well known among the Afar how to request access rights and recognize the ownership of the host clan. Before parts of the clan start to move to

other areas clan authorities like the *Fiima* and *Dua Abba* check the target areas and discuss with the resident clans there. Permission to use resources has to be requested from the clan leader (*Kedo/Daala Abba*) of the target area. The leader of the resident clan will show the guests where they can settle, graze their animals and where they can dig wells (if possible). Incoming groups are under the protection of the host clan and it is the responsibility of the hosts to safeguard the well-being of their guests. These rules for sharing and protection also applies to neighbouring groups from Amhara or Tigray to whom close ties exist.

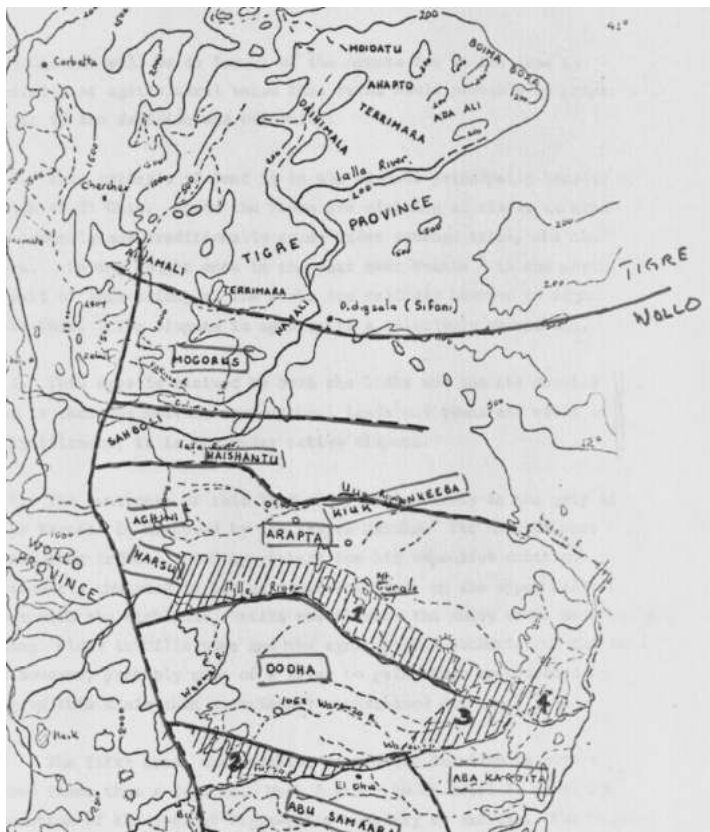
„We don't discriminate. We treat Afar and Amhara equally. But for Amhara we give special protection because we are used to go to there during drought. Amhara allowed us so many times and protected us. They never brought us to court or made us pay when we crossed their fields. The last three years many Amhara came here during drought. Sometimes they send only their cattle to Afar friends as they know each other. Then we keep them and when drought has passed, we go there and return their cattle. Each family has their own friends. (FGD Gulina, 2019)

Guests are ruled by the *madqa* of their hosts and they can be expelled from the area if they don't obey the rules of the host clan. An Afar proverb refers to this: *“Baaxo cabi, aww baaxo qaada gaci (Leave the land or obey the culture of the land).”* In the course of history, clans were sometimes expelled from their area and needed to find refuge in the territory of other clans. As long as land has no monetary value and was in abundance, expelled clans were given territorial use over certain areas and were integrated into the host clan over time. Therefore, in most studied GIZ intervention sites minority clans live under the rule of dominant clans. The question of boundaries between firstcomer and latecomer clans or between majority and minority clans only started to play a role within the last decades (see chapter 5).

Fig. 5 was drafted in the context of an anthropological study in the early 1970s depicts the major clan territories in Zone 4 and Chifra. In order to get an up-to-date picture of current clan boundaries and territorial claims a participatory resource mapping exercise should be implemented in the future.² In spite of the fact the Ethiopian state is legally owning the land and a multitude of regulations exist on paper (Weldegebriel 2019), the de facto land governance follows above all customary rules and regulations which are adapted to the specific context in collaboration with local governmental representatives of Kebele and Woreda.

² Mapping of resources and clan boundaries was not part of the study even though it was initially planned. But the sensitivity of the land question would have needed more time in order to get reliable information from the clans.

Figure 5 Clan territories from Chifra to Teru (Cossins, 1972)

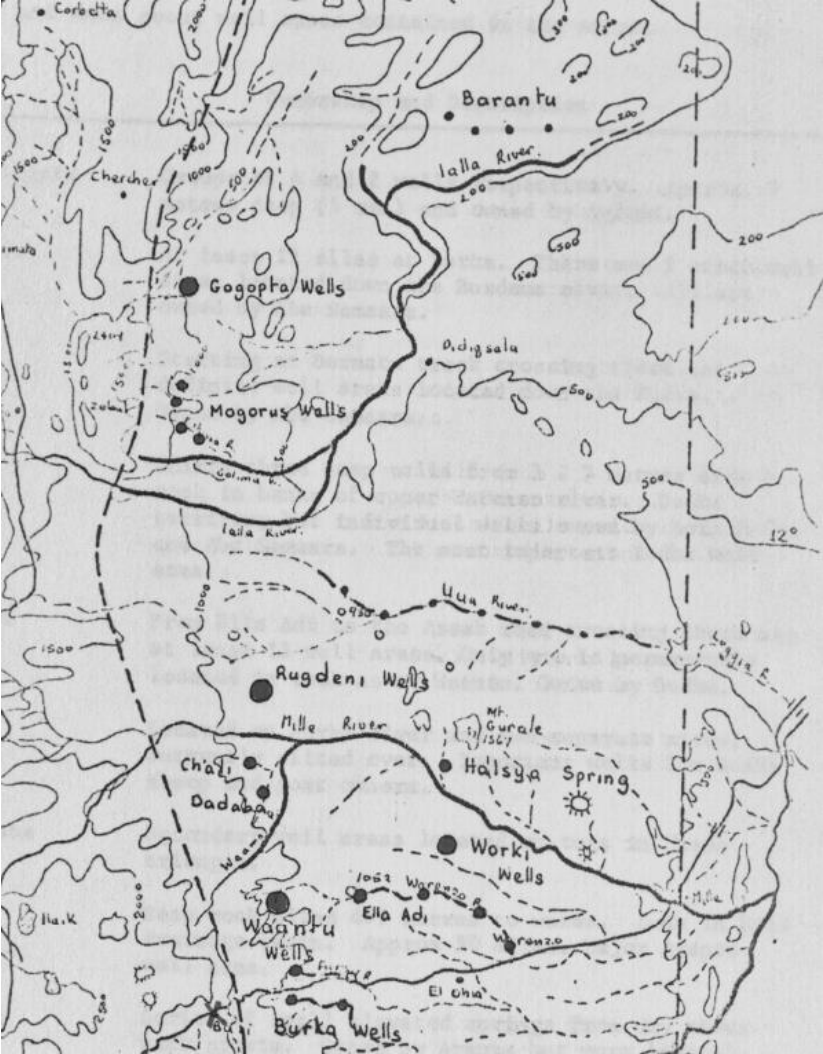


3.2 Regulating access to water and forests

Water availability in the interventions sites depends on shallow wells in dry river beds, deep wells like Raden or Mogorus wells and rivers coming from the highlands (Fig. 6). Ownership and access rights vary between the intervention sites studied. Generally, surface water sources like rivers or natural ponds are communally used. Wells are usually the property of the individual/s or extended family who dug the well. Individuals or families may gain priority use rights by investing their labour into the development or maintenance of water points or other specific resources (e.g. beehives or farms). Sometimes wells are communally used by clans, e.g. each well in Teru is used and owned by a certain clan but it is the firstcomer clan to the area (Terrimara) who claims the traditional ownership of the wells. Eventually the responsibility for monitoring the proper maintenance and sanctioning any offenses on wells shifted to the clans who settled later in Teru. Customary water governance has become obsolete as all wells in Teru dried out. In Erol, a water-scare area used by several clans from Gulina and Yallo, there are seven old deep wells, each of the wells is maintained by seven people. These wells again are used communally. In case of mismanagement of the wells the offenders will be punished and have to pay compensation to the leaders of the clan/sub-clan who dug the well.

Irrespective of who owns the water source in a certain area, in Afar culture water is shared with other households or guests if these don't have water access due to justifiable reasons. Ownership needs to be recognized by asking the owner of the well for permission. This is the major factor to prevent conflicts about water. Guests are provided certain water points for watering of livestock and for human consumption. If digging is possible, they are asked to dig their own well. In the meantime, they are free to use the wells of their hosts.

Figure 6 Major well areas (Cossins, 1972)



“As a woman has a husband, a forest has a husband.” (Elder, FGD, Teru, 2019)

In Afar culture cutting of trees is prohibited and punished through the madqa. Trees provide valuable resources as fodder for animals, as drought food for humans, to stabilize the soil against erosion and to improve the micro-climate. But within the last decades the cutting of trees and branches for the purpose of feeding small livestock has significantly increased due to increasing poverty, lack of

pasture and lack of rule enforcement. Areas like Teru and Gulina with large forested areas have been mostly affected by this. Against this background many clans held meetings to come up with adapted rules and measures to halt deforestation. Cutting of branches for fodder was previously allowed in Gulina, now they prohibited it again, indicating the context-specific flexibility of customary rule-making that can also be found in other areas.

In Teru governance of natural resources was traditionally in the hand of five dominant clans, Terrimara (firstcomer clan), Dahimela, Modaytou, Damahoyta and Adqali, whose leaders (*Teri makaaban*) made all major decisions together. The Terrimara, the firstcomer clan of Teru, had a special role as guardian of the forests and wells. They were responsible for the protection of the forests and well areas and punished people who violated the rules of Madaa, e.g. who cut trees without permission. Adults in Teru had to pay 500 ETB in the past or two goats while young guys were beaten up (Gulina: 500 ETB plus one goat for cutting of trees). Customary forest governance in Teru collapsed with the intervention of the government who disempowered customary institutions. Deforestation expanded after the government took over the responsibility to monitor forest resources, employing forest guards with small salaries.

“Just like the cattle keepers who were counting their cattle when they got home, we counted the trees in the past. But the government doesn’t give that much attention. There is no tree and no control mechanism left. In the past, the Terrimara delegated members from the other clans to guard the forest because it was impossible for one clan to monitor all areas. But they lost the control over the forest. Now they are even under control of the government.” (Modaytou elder, Teru, 2019)

Cutting of trees has become silently accepted even though it is still prohibited. But neither the forest guards nor the clans monitor or intervene, and punishments are not enforced anymore. The Madqa still exists, but the enforcement of laws has become weak. This situation has forced elders and clan leaders to search for new institutional arrangements and they have recently assigned some clan members in order to cooperate with the governmental guards.

3.3 Access restrictions through *Deeso*

The previous chapters stressed the inclusive, mutual sharing of natural resources among Afar clans, as it is considered as shameful to reject others who are in need. Nevertheless, in the past many clans also claimed exclusive use rights over certain resource-rich areas which was one of the main reasons for inter-clan conflicts. The institution to restrict access to land is named *deeso*, which literally means ‘the denial of access to property’ (Parker 1985). It refers to the clan-based practice of preventing other user groups from accessing certain areas with key resources (pastures, water or forests). In

Gulina, for example, *deeso* was practiced in the past on land close to the river, near wells and in areas with agricultural potential and relative high rainfall. Responsible for the protection of the open, unfenced areas were teams of armed herders who monitored the major livestock pathways.

There are two types of *Deeso*:

1. *Qari deeso*: Incoming clans are prevented from using pastures or water resources near the main settlement area in order to reserve resources for the lactating animals who stay around the settlement. This often doesn't apply to neighbouring clans to whom close ties exist.

„Local clans don't make deeso on each other, we know each other in Awra. We were living at Awra river and we made Deeso on water in order for our livestock to get enough water and our elders to be recognized. If some youth made deeso without order of the clan leader or on neighboring clans, we slaughtered a milking cow to discipline them.“ (clan leader, Aura, 2019)

2. *Gaba deeso*: Sometimes, during rainy season, access to seasonal pastures far away from the main settlement is completely prohibited (also for own clan members) for several months so that pastures rehabilitate and can be kept as drought/dry season reserve.

„We had seasonal grazing areas which were excluded from grazing during the rainy season, even for our own cattle... When the grazing area in the rainy season pastures finished, the burra abba informed the kedo abba and they discussed to open the areas that were in deeso. The elders came together and decided to open the deeso areas that had been closed.“ (Clan leader, Aura, 2019)

Reasons why clan leaders decide to do *deeso* are diverse. Under certain conditions it is justified to reject or expel clans, for example, when livestock of incoming clans has an infectious disease, when the newcomers don't ask for permission to use resources or when there is evidence that incoming clans still have enough pasture. If *deeso* is done by clan leaders only in order to show their wealth and power forcing other clan leaders to beg them to stop *deeso*, or to save their own pastures on the back of other clans, it is prohibited and considered as shameful.

“Deeso comes from greediness. They all have their defined territory. But some clans want to save their pastures for rehabilitation and go to use other clans' pastures in order to spare their own. That is the root of deeso. Because some clans want to cheat.“ (Elder Teru, 2019)

The clan-based access restrictions have diminished significantly with the last 20 years. Most interviewees stated that they completely abandoned *deeso*. There are two factors which have led to the abandonment of *deeso*. First of all, the government ordered the pastoralists to stop doing *deeso* for the sake of conflict prevention. Under the notion of 'democracy', they proclaimed that land and respective resources should be freely shared without any access restrictions.

„In the past people killed each other over deeso even at clan level and conflict took place frequently. At some point, the government told us to stop killing each other saying Afar killing each other is a shameful practice and should be halted immediately. They also advised us to shift from Deeso to farming and to share whatever amount of grass we have. Furthermore, the government told us to give land to whoever wants to engage in farming or other developmental activities and to stop discriminating between people who live here and those who come to live here from other areas. They said, if a man from Ewa asks for a land for farming, give him. If a man comes from Gulina and asks for a land, just give him. Land should be given even to those from highland areas. As long as people live peacefully with us, the government advised us to give a portion of our land to them. Since then, we have stopped practicing Deeso and started to live peacefully with other clans and highlanders by sharing our grass.“ (Elder, Fantena Badule, Ewa, 2015)

Secondly, in a context of increasing resource scarcity and degradation livestock movements (distances, duration, frequency) in search of pasture have increased all over zone 1 and 4 (Rettberg 2015). Being permitted by others to get access to their pastures has become essential for survival so that people fear the risk of ‘deeso revenge’.

„Currently there is no real deeso in our area because everybody is facing a problem nowadays. Previously, our cattle never went to Amhara. But now, our animals use highlanders’ pasture during drought. We agreed as elders not to make deeso because people will make deeso when we move to their area. Deeso is good to rehabilitate the land when there is good rain in most places. If we make Deeso now we will face a problem.“ (Clan leader, Aura, 2019)

Clans in the study areas which are specifically known for practicing *Deeso* are the Haysanto from Aura, the Dooda in Chifra Woreda and the Adqali in Teru, but in the past it was a common practice among most wealthy clans with abundant pastures who didn’t depend that much on access to pastures of other clans. According to the interviewees, recently only few clans in Teru and Aura still restrict access occasionally. In Teru, for example, some years ago the Adqali (the same clan who is benefitting from the current GIZ intervention in Dabaho Kebelle) made *deeso* in an area with rich pasture called Koma. When people were rejected the Woreda administration intervened and called the other major four Teru clan leaders for Mablo. Finally, the Adqali were punished.

4 New challenges for customary institutions

4.1 Governmental encroachment and crisis of leadership

Within the last twenty years the presence of the government has significantly deepened in its pastoral frontier, now interfering in all levels of administration down to the Kebele. Customary institutions for the management of natural resources have come under pressure with the increasing influence of governmental institutions. Especially the legitimacy of clan leaders has been eroded. Those clan elders who are supposed to settle conflicts are nowadays often appointed by the government and receive a small governmental salary. This dependence makes them lose their neutrality and clan members have lost trust in the decisions of their leaders who are increasingly using their representative power at the interface with the governmental system for their own benefit, e.g. when it comes to land deals with investors (Rettberg 2010). Customary leaders increasingly depend on the resources of the government, and spend most of their time in towns, somehow detached from their clans, in order to stay close to governmental stakeholders and resources. Even though they are still the central figures in dispute settlement through mablo, their decisions on the management of natural resources are less respected or followed compared to the past. Especially when it comes to land, clan leaders are often not considered as legitimate representatives for their clan, as many use their position at the interface with the government, investors and development cooperation to channel resources for their individual benefit. In spite of an increasing loss of legitimacy of customary authorities, the majority of the rural pastoralists still prefer to be led by them instead of the government.

“When there is a problem, we discuss the issue and in that meeting everybody can join. But that doesn’t help to prevent overgrazing. In the past, it was the clan leaders and known elders who had the responsibility to manage the resources. Clan leaders are still active in conflict resolution but not in natural resource management. As long as there are Afar there will be clan leaders because we prefer to be led by them instead of the government. If two guys quarrel over the use of land that time the clan leaders intervene to solve the conflict.” (Elder Kori, 2015)

This quotation from Kori highlights that the devolution of resource management responsibilities to local government bodies has weakened the role of clan authorities in the management of natural resources. Governmental institutions took over responsibilities, replaced local arrangements, but failed to enforce a sustainable resource management and sanctioning. Customary leaders and institutions for the regulation of resource access are undermined by governmental interventions in the name of ‘democracy’.

“The Afar government convinced and ordered us that no clan has its own land. Grazing and water should not be a source of conflict. It is highly propagated by the government. They call it democracy. That we are all equal. The clan territory has diminished as people are now divided in Kebelles. Now in Barantu kebele, people from another Kebele came, dug water and settled. Nobody asked them. The Woreda imposes these things. Things got complicated due to the intervention of the government. We are lost between the governmental institutions and our customary ways. We are in between and one weakens the other.” (Elder Teru, 2019)

The state propagation of equality in the field of resource management has led to a situation where previous customary rules and procedures for regulating resources, like request for permission for resource access and use agreements (chap. 3) have become obsolete. Nowadays, people and livestock move and stay wherever they want without threat to be sanctioned for the misuse of resources. This shift from a communal to an open access regime, without any effective regulations and control mechanism, has contributed to a severe land degradation of the major rangelands.

Further challenges for pastoral resource governance result from interventions like villagization and land certification programmes. The Federal Rural Land Administration and Use Proclamation (Proclamation 89/1997) enables regional governments to make laws to manage and administer their lands. The new land use policy and proclamation (2008) of the Afar Regional State provides for transaction of land use titles to individuals for land use of 0.5 and 5 ha. The current process of land certification is linked to the villagization programme which aims at the transformation of mobile pastoralists into settled agro-pastoralists through voluntary settlement.

Pastoralists perceive the ongoing process of land titling with great distrust. They fear that there is a hidden governmental agenda involved, in which the land policy serves as a strategy for legalized land-grabbing. In giving small areas of land to households on a legal base, large tracts of land will be left for the government to take over. Furthermore, giving land titles to households implies a privatization of the communally owned land which contradicts local values and rules and might lead to conflicts in the future. Most pastoralists neither know the legal basis of ongoing land conversions nor their own rights regarding veto rights or compensation. But they are determined to withstand any form of governmental regulation that affects their pastures.

“What I want to say, the government should only regulate agricultural land. We don’t accept any law which regulates pastureland. We and our livestock are two sides of one coin, we can’t be separated. Also, livestock and pastures are inseparable. Our survival is based on pastureland but to support our livelihood we like to try other things in addition.” (FGD, Teru/Dabaho)

Knowledge over governmental laws and proclamations concerning land use and rights is limited to few individuals among the pastoral population who have access to external stakeholders. These are mostly those clan leaders and elders who employ governmental offices (Kebele, Woreda) and/or

who have close relatives in the government. Within institutional arrangements much depends nowadays on these hybrid actors like Kebele officials whose interventions are crucial to inform the rest of their clan over ongoing developments of the government or international donors, and to discuss how to adapt governmental activities to the context of the community through certain rules. So far, people feel that governmental rules are not imposed on them, but that they have the capacity to decide and adapt regulations, especially when it comes to land.

4.2 Commodification of resources and value change

The Afar society is increasingly shaped by social inequity due to impoverishment and destitution among the majority of pastoralists and increasing political power and economic resources in the hands of few Afar which create a new elite of frontier entrepreneurs. Clan authorities, as intermediaries to formal institutions and actors are often the exclusive beneficiaries of commercial land deals with external investors or governmental budgets which has weakened their legitimacy within the clan (Rettberg 2010).

In the current situation of a profound 'negative' structural transformation (new settlement patterns, new land tenure regimes, dependence on income generation etc.) land increasingly changes its social meaning from being a gift of Allah towards a commodity with monetary value (Rettberg et al. 2017). Lease and sharecropping contracts with agricultural investors are on the rise along the Awash River. In the intervention sites people are open to investors, although they stress that they will never sell their land.

Nowadays, we find a plurality of value systems which overlap and contradict each other.

„When you say ‘using natural resources’ to us, it means ‘we are using natural resources for the sake of our livestock.’ It was only for pride to have natural resources. Now it is changing. Everything now becomes commercial. Sands and woods are the major important resources that give good benefit. This kind of commercial resource use is new to our culture and initially, we find it difficult how to handle and adapt to the situation.“ (FGD with members of CBO, Gulina, 2019)

The on-going commodification of natural resources contradicts the Afar's 'culture of sharing' and the pastoral communities search ways to adapt. In Yallo and Gulina, for example, people get interested to make profit from forest resources. It is especially the younger generation who is most willing to engage in profit-oriented activities through the establishment of youth associations, e.g. for the sale of wood for house construction (Gulina/Koronti). The Kebele secretary from Gulina/Koronti (also CBO member) reports:

“Previously, the Amhara from Alamata who had some Afar friends requested permission for cutting dried trees (firewood) from the clan leader. Nowadays, the practice has changed. Afar youth were given trade licenses for different resources, including wood, and for the last six year the Amhara stopped asking the clan leaders for permission. They also stopped entering the forest to cut trees. They now go to town and make a contract with the Afar youth enterprise. ” (Kebelle secretary Gulina/Kalewan, 2019)

Nowadays the Afar youth cut the branches and sell them in town to buyers, but only for house construction (one branch: 30 ETB). The youth got their trade license from the Kebelle who receives a share of the sale income, just like the Woreda and Region. Here again, we find a hybrid governance arrangement, a form of institutional bricolage, of renegotiated access rights to forest resources where decision power shifted from clan leaders to Kebelle officials and youth associations who are at the same time clan members. While customary arrangements on natural resources are not formally documented, the new arrangements are contractually formalized and formally allowed by the Kebelle who also receives the money from the buyers.

In this situation of increasing social and institutional disorder and competing value systems, the young are coming to doubt the rather conservative values and behaviours of the older generation.

“The youth nowadays thinks about how to get money, to get loans, how to benefit from the government...They formed a number of youth associations for different purposes. They are more in the modern, governmental structure, while the Fiima is weakened.” (FGD Teru, 2019)

Local institutions such as the *fiima*, composed of mostly young men for the sake of defence, mutual help and execution of sanctions (see chap. 2), are breaking down. This is one of the major factors why the existing customary rules are less and less enforced. The elders complain that the young shirk their responsibilities, prefer the comfortable urban life to the strenuous grazing migrations and show less and less respect for them and the traditional rules. Some elders perceive modern education and the attractions of modernity as major drivers for the weakening of local institutions. They complain that the educated Afar youth who are leading and administering them now feels somehow superior while they would start to disregard pastoralism and as a backward way of life. Some of the youth nowadays responsible in the government offices of Afar Region don't actually know life in rural areas, customary institutions and the richness of pastoral knowledge as they grew up in urban settings.

4.3 Fencing as new phenomena

Fencing (*gesso*) of communal pasture land for the purpose of area protection for fodder production or farming has significantly increased in the last decade, triggered by a context of widespread impoverishment, changing values and governmental policies that promote farming, sedentarization

and villagization. Impoverished pastoralists, who have often settled in newly established villagization schemes, consider farming as one of the few economic options available to them. Following the establishment of water spreading weirs in the context of GIZ interventions the establishment of fenced enclosures further accelerated, in spite of the fact that fencing is traditionally considered as shameful.

“Formerly it was a big shame to build fences in pasture areas and it was prohibited. Through the government policy the Afar started to settle. Due to that they are very eager to build fences and it is increasing in number. The people understood the value of land which is increasing. So, they make enclosures for individual benefit. It is the result of the governmental interventions. It is a new phenomenon. Before fencing was only done to protect the resident area.” (Asabakeri clan leader, Chifra 2019)

Figure 7 Individual fencing in Ewa/Fantena Badule



Similar to past access restrictions through *Deeso*, fencing is considered as shameful since it contradicts the Afar *qaada* which stresses the free sharing and accessibility of grass and water resources. Therefore, the *madqa* prohibits clearly fencing in pasture areas or for the sake of pasture/fodder. Especially individual fencing is deemed as unacceptable and the major reason for current inter-communal tensions. Fencing of areas close to towns (not prime pasture areas), fencing for the sake of agriculture (instead of fodder) and communal fencing (instead of individual) seems to be relatively less problematic, but might also lead to conflict. The conflict risk seems to be highest when the fences

- are built in pasture areas and for pasture and when they

- block or limit livestock pathways in the direction of pastures
- are done by individuals.

„Individuals controlling some land is not the culture of Afar. For settlement it is ok. But the cattle should get wide open land. There is a traditional way to preserve pastures and no need for fencing. There is no evidence that any communities saved their lives due to enclosures.“ (FGD Gulina, 2019)

In various interviews the practice of fencing was considered as a form of *Deeso*, as the fences also serve to restrict access of other users, just like armed herders protected the open *Deeso* areas.

“Let me tell you what happened recently because of Deeso here in our area. In a nearby area, there was a land which was fenced by the owner and which had some grass inside. One day, a young man let his cattle enter to this Deeso land and fed them there. The owner saw him and fought with the young man. As a result, the conflict grew to clan level and we experienced intense fighting between the Arabta (Gayderou) and the Harsu. Both sides fought with guns, firing on each other. Fortunately, no one died although a guy was severely injured because his lap bone was hit hard and broke. Finally, the police intervened and now 42 people are in jail.“ (FGD Fantena Badule, 2015)

It can be concluded that fencing is currently the major causal factor for disputes in the intervention areas of GIZ as it excluded other users. Communities in all study sites are currently trying to find ways to regulate disputes and establish accepted rules in this context, and it is still under discussion to what extent and under what conditions fences can be considered as legal. For the time being, most clans have taken similar measures to prevent further social tensions and violence among the community and between clans: the dismantling of individual enclosures.

5 Land use conflicts in a context of unequal power relations

With the transformation towards agriculture and the commodification of land the question of exclusive land rights and boundaries has become a sensitive issue which has reactivated dormant social divisions, power struggles and identities. A look at today's territorial claims in the studied intervention sites of GIZ indicates that complexity of the segmentary clan and lineage structure with multiple territorialities based on kinship. These only partially overlap with the governmental Kebele structure.

Figure 8 Customary land rights in interventions sites

<i>Sites visited</i>	<i>Clan-based land rights</i>	<i>Minorities</i>
Teru-Dabaho	Adqali	Haisanto
Ewa-Duba	Arabta - Geyderou	Kyuk-Hankeba
Chifra-Shekaboro	Arabta - Arganto	Barhito, Nassar
Chifra-Geriro	Barhito	Arabta
Awra - Lekora	Haisanto	Walwalo
Gulina - Tabiabora	Terrimara clans (12, belong to Mogorus)	?
Yallo – Wakre Edde	Mogorus clans (multiple)	?

In the following, several case studies from intervention sites in Chifra, Ewa and Gulina will be exposed which indicate major conflict lines in the context of the ongoing land use transformations.

5.1 Ewa: Contested land claims between firstcomers and latecomers

The settlement history and the question of firstcomer and latecomer clans to that area has become an increasingly contested issue between clans. The claim to be the firstcomer implies the right to give access to others concerning resource use and also recognition on political level when it comes to the distribution of political positions in the Woreda. In Ewa such kind of tensions have been prevalent in the last years between two of the major clans in the area, the Kyuk-Hankeba and Arabta-Gayderou. The Kyuk-Hankeba claim to be the firstcomers and owners of Ewa, saying that they gave asylum to the Arabta-Gayderou who had been kicked out of their original area long time ago. As stressed by an elder of the Kyuk-Hankeba, the traditional administration (*xinto*) of Ewa was shared by five clans with a leading role of the Kyuk-Hankeba. The Arabta-Gayderou, as latecomer, were given a settlement area which included the Ragden wells and Duba, the area where the water spreading weir was constructed recently. But in the past Arabta lived beyond Artao and didn't have any territory in Ewa. Against this background, Kyuk-Hankeba still consider Duba as their land, even though Arabta live there dominantly. The competition between Arabata and Kyuk-Hankeba is reflected on political level. The administration of Duba Kebele has been contested between Chifra and Ewa Woreda, as Chifra is dominated by Arabta while Ewa was administered by Kyuk-Hankeba until recently. Also, under customary rule the Arabta, who have turned very influential within the governmental structure, increasingly decide on their own and don't accept the rule of Kyuk-Hankeba anymore.

Ragden and Duba, a previously very abundant pasture area which attracted also clans from Aussa, are used by the Arabta-Gayderou during the dry season. Occasionally also Kyuk-Hankeba stay there. During the rainy season they move to pastures like Sunnunta and Saheli which are used communally by different clans. Even though there is no open violent conflict Arabta and Kyuk-Hankeba at the

moment, interviews conducted indicated tensions over access to these communally shared rainy season pastures.

“When we share Sunnunta and other places the people who claim to be firstcomers want to have priority rights to use pasture and water. ‘After we use, you can use. Drink, after we drink.’ There is some problem even though I can’t say it is deeso. But it seems to be Deeso. Recently we (Arabta) had a meeting with other clan leaders and decided that these people should not make Deeso again, but after we decided it just continued.” (clan leader Arabta-Gayderou, Ragden/Ewa, 2019)

The inter-clan competitions over resource access and power between firstcomer and latecomer clans overlap with intra-clan tensions over individual fencing of communal land. In Duba, there was some individual fencing during *Karma* before the water spreading weir was established. After the construction of the water spreading weir individual fencing for the production of fodder increased on the rehabilitated land.

“Even though the first people who made enclosures didn’t consult the community, we silently allowed them. But we were dissatisfied from the beginning. We didn’t intervene because our institutions are weak and because people try to survive. And the government is promoting individual enclosures for agriculture. But now they saw the problem.” (FGD Duba/Ewa, 2019)

Fencing led to repeated conflicts as animals entered the enclosures. A mablo of Arabta elders, burra abbas and CBO members was held over six days and goats were slaughtered as punishment of those who made the fences. Finally, it was decided to prohibit individual enclosures (except for those around houses) and dismantle the existing ones. The chairman of the CBO was the first to dismantle his enclosure in order to act as a role model for the others.

“Milk is diminishing continuously for most of us. I think this pushes people to start fencing. Even the people who produce something, they mainly use this as feed and not for sale... But, it is better to dismantle the enclosures. We are the same clan, sub-clan, family. Even if it is an opportunity to become rich, we should not do it, because it threatens our unity and solidarity. It affects the lives of all of us.” (FGD, Duba/Ewa, 2019)

Secondly, in the mablo it was decided to allow group enclosures, under the condition that the whole community gives permission, not only the clan leader. Now, they established three groups with 25 people each and made three communal enclosure with fodder and some agriculture. In order to prevent future conflict, the community established rules concerning the location of the enclosures and membership of the groups.

1. Location of enclosures: The enclosures were made near the village so that the direction/routes of livestock and most used places for livestock would not be affected.

2. Inclusive Membership: As there are nine lineages within Arabta-Gayderou each group has to include all lineages so that no lineage dominates. This will decrease the risk of conflict because the damage caused by entering animals will be shared among all lineages.

The Kyuk-Hankeba, who temporarily move to Duba for pasture, observe the outcomes of the ongoing activities in Duba.

“Even if some benefit comes in Duba, they can’t exclude us. Traditionally we have the rule and even though our presence there is only occasional, they can’t exclude us... Even though they claim our land, we are also claiming them... Even in the great drought during DERG they didn’t take their rations from the Arabta in Chifra, but from us. We were together in the past. So, we can do it again.” (elder of Kyuk-Hankeba, Ewa, 2019)

It needs to be seen if the currently dormant claims of the Kyuk-Hankeba, as traditional owners of the land, will lead to tensions in the future and which institutional arrangement is suitable to accommodate the interests of both clans in a fair institutional structure based on the past unity of both clans.

5.2 Chifra: Contested land distribution between majority and minority clans

Tensions also exist between majority and minority clans who have a common *xinto* (customary administration), are closely related but still retain their own clan identity. The ongoing tensions over the distribution of the rehabilitated land in Chifra-Shekabora are a case in point. This was the first pilot site where GIZ introduced water spreading weirs in 2015. As such it represents a case where land use changes following land rehabilitation are currently most progressed. The site is located in close proximity to Chifra town, as such the area is not considered by residents as pasture area, but as a residential area.

Past land governance depended mainly on decisions of the main Arabta clan leader (*baaro abba*) in consultation with sub-clan leaders, as the Arabta are composed of about 20 clans claiming land all along the Mille River from Chiffra to Mille. The majority clan in the area of Shekaboro is the Arabta-Arganto. The second major clan in Chifra Woreda is the Dooda who neighbour the Arabta to the south, but who are not present in Shekabora. Instead, among the residents of Shekabora, there are also minority clans like Barhito and Nasser. They are closely related to the Arabta-Arganto and ruled and administered by them, even though they have their own clan leaders and social identity.

What differentiates Chifra from other intervention sites is the past experience of the Arabta Adanto with farming and the sale of agricultural produce. Already in the early 1970s a few powerful Afar individuals, mostly clan leaders, had started to claim agricultural lands spurred on by the profit incentive of individual land ownership (Cossins, 1972). One investor was the Arabta clan leader

Grazmatch Wutika Unde who managed a small irrigation scheme with highland laborers along the Mille River. It is against the background of negative previous experiences with agricultural cooperatives that the inhabitants of the area opted for an individualization of agricultural plots after rehabilitation of the land. Currently around 30 ha of land are individually enclosed by 66 individuals (including women, minority clan members and Amhara).

“There are four types of people. The one is the Afar individual who enclosed and tills the land by himself. The other, an Afar who is organized by the government and established as CBO or union. The government provides seeds and tools. The third group are people who share with highlanders, who rent or share their land. Fourth, there are Amhara who taught and helped us with agriculture in the past. They cultivate their own lands even though they are Amhara. We encourage local Afar highly to cultivate. We also encourage Amhara. Not only the previous people also other Amhara are now cultivating land. There are not so many Amhara here, we take lessons from them.”
(Arabta elder, Chifra, 2019)

These Amhara who till land in Shekaboro have been living in the area for decades and are appreciated for their previous and current role in teaching the Afar about farming. Previously the Arabta clan leader Arba Unde brought Amhara from highland areas to Chifra who started farming on 20 ha from which Arba Unde received a share. Nowadays some Afar individuals like Mohamed Unde, the brother of the current Arabta clan leader (and uncle of the Regional President Awel Arba), farm disproportionately large areas. He farms 9ha claiming that he inherited the land from his father, clan leader at his time, while others only have ½ ha. It was also observed that several enclosures are left unused for the time being. They were simply fenced to claim parts of the valuable, newly rehabilitated land.

A common understanding seems to be the rather unregulated nature of land taking. The only thing one had or has to do before he or she starts taking land is informing the *burra abba* (village leader) so that the intended piece of land is not already occupied. But a distinction is made for non-Arabta: they have to ask for permission. During interviews with clan representatives of the Arabta as well as the Barhito clans it became obvious that different narratives exist concerning the form and fairness of how land was distributed between the residents following the construction of the water spreading weir. The Arabta elder was reluctant to respond to the question concerning the process how land was distributed and by whom, and talked about completely different issues or kept silent. Being asked several times he said that the land was open and they simply fenced the land individually without any consultation. He denied that the rather anarchic appropriation of land would have caused any conflicts.

“After the weir was built, they were running to enclose the new land which was open before. There was not much discussion. Most people started new...So, there is competition to be close to the water. That is why the enclosures are increasing, but there is no conflict.” (Arabta elder, Chifra, 2019)

The clan leader of the Barhito instead criticized the unfair way how land was distributed which has led to a situation in which few powerful individuals of the Arabta are farming large areas of land, while many, especially of his minority clan, remain with very little. This has resulted in repeated, also violent, fighting between individuals from both clans. He said, that the Barhito now want to bring the case for *Mablo* (customary conflict settlement) to their main clan leader (the *Baaro Abba*) of all Arabta and also of the minority clans within Arabta, Gudele Unde, who is considered by both clans as neutral and highest traditional authority. The clan leader of Barhito sees only two options for Gudele Unde in order to return to the peaceful co-existence that has characterized the relationship of both closely related clans for most of the time: to divide the land fairly among all residents or to take the land from everybody³.

A further contested issue concerns the possibility to acquire land certificates. While the Arapata elder told us that all villagers were given certificates by the local government (with major Woreda offices being held by Arabta) and that they would pay 20 ETB tax per ha each year, the Barhito clan leader stressed that the Woreda refused when he asked for a certificate. He added that land certificates would fuel conflict among clans so that the local government hasn't allowed to give it to anybody. He had never seen anybody leaving PADO (where he is a guard) with a land certificate. These obvious irregularities and intransparencies regarding the issuing of land certificates may cause further social tensions and feelings of injustice in the future.

5.3 Gulina: Low-level tensions

Current resource disputes around the site in Tabiadora, Gulina Woreda are caused mainly by the fact that individual enclosures are not accepted by the majority of the clan. The area is inhabited by 12 sub-clans even though people from the outside perceive all of them as Terrimara.

In Gulina, individual fencing for the purpose of pasture production had significantly increased within the last few years. This trend was not related to the intervention of the GIZ but was related to

³ In contrast to the inter-clan tensions in Shekabora, intra-clan tensions over the distribution of land characterize the situation in Geriro Kebelle/Chifra where GIZ built Water spreading weirs recently. This area is purely inhabited by the Barhito except for the Kebelle Chairman who is Arabta. Here, one individual had enclosed a large area of land just below the mountains which was now dismantled.

increasing poverty and scarcity of good pasture. Due to repeated inter-communal conflicts elders recently decided to dismantle all individual enclosures. In contrast to this, the communal enclosure which was established in the context of the GIZ intervention is not considered as unlawful act, comparable to *deeso*, even though serious doubts remain among the community.

„There is a fear among clan leaders and the kebele due to the fencing in pasture areas which is prohibited in Afar law. It may be considered as deeso and penalized by Afar rules. It is considered as a source of conflict. But it is a pilot and the government clarified for us that it will be recognized and GIZ also promoted fencing for fodder production. We want to be sure that the government will not dismantle it... The woreda government told us it is lawful, and that they will give us a license in the future.“ (Adan Axisa, Gulina 2019)

The selection of members for the CBO was the task of a Kebele electoral committee (6 people) chosen by the community. Among all applications they selected 60 people based on the following criteria: no governmental salary, poor people, representation of all 12 clans, inclusion of all segments of community: some women, some youth, clan leaders. In a joint decision by Woreda, Kebele and clan leaders, half of the CBO members had been kicked out later due to lack of engagement.

The remaining CBO members complain about recurrent conflicts due to livestock entering the communal enclosure. The owners of these animals don't accept the fence, claiming: "Your enclosure came to my land, and I don't accept that." For the sake of protection, the CBO now started to cut larger trees which cattle can't pass, but at night people take those trees away and try to use the grass inside the enclosure. Therefore, CBO members are exhausted due to the resources needed (time, labour and trees) only to maintain the fence. Another attempt to prevent animals from entering and destroying the fodder production has been the decision by elders and the Kebele to threaten herders who let animals enter through extremely high compensation payments (camel: 2500 ETB, cow: 1500 ETB, goat: 500 ETB). Animals are arrested until the owner pays the compensation. Nevertheless, animals keep entering and most people refuse to pay the compensation. They are arrested and released after some time. Compensation payments have resulted in a distributional conflict among CBO members, elders and the Kebele who all feel eligible to get the compensation.

6 Conclusions and the way forward

Disputes as inevitable social process during land conversion

The ongoing land use and land tenure shift in the project area towards more exclusive and intensive forms of agricultural use has to be seen in the context of a ‚negative‘ structural transformation of Afar pastoralism (Rettberg et al. 2017). In the context of an increasing impoverishment, destitution and search for additional livelihood opportunities, many

pastoralists are eager to try the production of fodder or food crops when given sufficient support. Nevertheless, profit-oriented activities, benefit which is not communal and the commodification of resources threaten cultural values and institutions significantly. At the same time, internal wealth differences and individualism are increasing, especially among the new political Afar elite and the educated youth. Conflicts between the new agro-pastoralists who were included into agricultural development schemes and pastoralists are inevitable under these conditions.

„Conflict is inevitable because crop production is based on individual benefit. There are no benefits in common, for the clan benefit. The conversion of a society from one way of life to another is by itself a problem. There is no language related to individual land in Afar. If somebody has land, it is common with others.“ (clan leader Aura, 2019)

But the ignorance of customary clan-based land rights by governmental policies for villagization and sedentarization and the corresponding public discourse of equal land rights for all Afar has been an additional aggravating factor for the recent outbreak of violent conflicts in rural areas.

“Agricultural expansion may cause an increase in conflicts, but Doda and Arabta (major clans in Chifra) have a defined boundary. Also, between Arabta clans there are boundaries, but these boundaries are not clear. The thing is, “all Afar land is equally shared by all Afar”, such kinds of governmental slogans complicate the issue further. In the name of villagization some communities are brought to the territory of others because their area is not good enough. This creates problems. We kill each other.” (Asabakeri clan leader, Chifra 2019)

Conflicts, if wisely handled, are a constitutive process during times of deep-rooted changes and may also lead to the evolution of stronger institutional arrangements. Pastoralists are highly capable to adapt to new situations and to negotiate future pathways of development among each other. There is a risk though that donor-driven or governmental interventions for agricultural development will deepen existing land conflicts, which are so far still settled by customary authorities and institutions.

Institutional challenges for dispute settlement

For GIZ it will be crucial to support the already ongoing process of institutional bricolage and hybrid governance in which customary authorities, Kebele and Woreda interact. What weakens resource governance in the interventions areas is the leadership crisis and lack of political legitimacy of customary as well as state representatives.

“Things got complicated due to the intervention of the government. We are lost between the governmental institutions and our customary ways. We are in between and one weakens the other. Now individualism is growing, but at the moment we still settle conflicts.” (clan elder Teru, 2019)

The new young and educated leaders on Woreda level are often more familiar with governmental discourses of modernization and agricultural transformation than with the needs, aspirations and existing customary administrations (xintos) of their relatives living in the rural. In spite of the current value change, especially among the younger generation, the culture of sharing and of mutual support, instead of competition and exclusion, remains strong and prevents the pastoral society from falling apart.

The sustainable settlement of disputes over land access or rights hinges also on institutional arrangement which are considered as fair and inclusive. This will be one major future challenge in a context of increasing social fragmentation, and widening wealth and power disparities within the clan but also among clans (firstcomers versus latecomers, majority clans versus minority clans, etc.).

Way forward to limit risk of conflict due to land conversion

The study revealed that the most ongoing disputes in the intervention sites are triggered by spatial exclusion due to fences. The rehabilitation of land after the construction of the water spreading weirs accelerated the fencing efforts of community members which had already been there before. Access restrictions to land for some part of the community are shameful and prohibited, especially in times of widespread poverty and scarcity of pasture resources. Against this background, herders often don't accept the enclosures and let their animals enter the fences which threatens the social unity of the clan as well as the sustainable impact of the project.

“What I am concluding, fencing in the pastoral area should be prohibited because it leads openly to conflict. The fence is a sign of exclusion by individuals. If land should be rehabilitated there should be people who monitor the land. Now some enclosures also block the way where you could go with the livestock previously. Even for groups, gesso (fencing) for pasture should not be allowed. Deeso is better. Some people go and reject access to pastures to rehabilitate the land.” (Asabakeri clan leader, Chifra, 2019)

Discussions should be led with representatives of different clans (including people like Fiima Abba, Madqa Abba) and governmental officials on alternatives to fencing. Guiding questions could be:

- Should communal project enclosures be dismantled and replaced by a protection system based on assigned community guards/monitors?
- What could be the role of the Fiima (customary executive) in this regard?
- Is it feasible to establish such a system in terms of human and financial capital needed? How?
- Other alternatives favoured?

A careful selection of additional sites for land rehabilitation need to consider technical and hydrological factors as well as customary regulations on land use (e.g. prohibition to convert land use of non-degraded pastureland). If water spreading weirs should be upscaled by other development organizations, there is a risk of land fragmentation due to the expansion of agricultural areas along dry river valleys. If these fenced areas block the routes for livestock movements, conflict will ignite. Therefore, it is recommended to reserve wide corridors for livestock movements. Pastoralists should have the leading role in identifying the routes and pasture areas which should remain freely accessible through participatory resource/land use mapping.

- How has the site where water spreading weirs are planned been used in the past? If it has been a major pasture area: conflict risk!
- Where are major routes which livestock and humans use for moving to pasture areas, wells, etc.?

For any development intervention by GIZ and its partners it is important to have an in-depth knowledge of existing clan-based territorial claims and power relations between the different clans which are often reflected on political level of the Kebele and Woreda. The governmental system is deeply imbued by clan politics, and clan-based loyalties of political officials influence the hybrid institutional arrangements to regulate natural resources and resolve disputes. This socio-political understanding is important to a) identify potential, dormant conflict lines which might deepen in case of land transformation and monetary benefits potentially coming in, b) to understand and assess potential access claims of local communities and c) to avoid hijacking of project benefits by powerful clans and/or individuals.

Questions to be addressed by the SDR-ASAL program in working with pastoral communities should therefore incorporate questions like:

- Which clans, sub-clans live in this Kebele and share resource among each other?
- What are majority and minority clans?
- Which clan(s) claims land where the water spreading weirs are built?

- How are clans, sub-clans represented as members of the CBO? How inclusive?
- How are benefits through sale of the produce shared among the clan, sub-clans?
- To what extent do people who are not involved in the CBO feel excluded? Indirect benefits?

These questions can often not be addressed directly as they might touch on existing power imbalances and struggles. In any case, it will be important to talk to different people from different clans, as perceptions might differ. For fact-finding- missions or monitoring it is recommended not to rely only on few people who perform as representatives of the community (e.g. the Kebele chairman, superior clan leader) but to approach also clan leader of minority clans or sub-clans, or people who are not included in the CBO.

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ANNEX I: Time schedule

Date	Place	Activity
11.07. – 15.07.	Addis Ababa	Clarification of ToRs, Logistical preparation
16.07.		Travel to Semera
17.07. – 22.07.	Semera	Preparation of Guiding Questions, recruitment of research assistant, first interview Kick-Off meeting
22.07. – 29.07.	Gulina, Yallo, Aura	1. Phase of Field Study
30.07. – 01.08.	Semera	Refinement of questions Search and final recruitment of new research assistant after the first one quit unexpectedly
02.08. – 08.08.	Teru, Ewa, Chiffra	2. Phase of Field Study
09.08. – 17.08.	Semera/Awash	Transcription/analysis of Interviews
18.08. – 19.08.	Semera	Clarification of open questions Debriefing with local GIZ staff
20.08.		Flight back to Addis Ababa
20.08.	Addis Ababa	Debriefing GIZ Addis

ANNEX II: List of Interviews conducted

Date	Function	Name
20.07.	Sultan of Bidu, Logyia	Abdu Haysama
23.07.	Daar Abba, Gulina	
24.07.	FGD, Tabiabora, Gulina	Aden Agxisa (Kebelle Secretary), Ibrahim Hamadu, Fatuma, Hussen
25.07.	Elders, Yallo	Ali Bilaytou, ?
25.07.	FGD, Wokriedde, Yallo	
27.07.	Elders, Aura	
27.07.	FGD, Lekora, Aura	
28.07.	Elder, Gulina	Aden Agxisa
02.08.	FGD, Dabaho, Teru (incl. Clan Leader Adqali)	
03.08.	Clan Leader, Modaytou, Teru	Mohammed Adowe
05.08.	Clan Leader Arabta-Gayderou, Ewa	
05.08.	Brother of Clan leader Kyuk-Hankeba, Ewa	
06.08.	Clan Leader Arabta-Arganto, Chifra	Mohammed Unde
06.08.	Clan Leader, Meeabbi Asabakeri, Chifra	Arab Hurla
07.08.	Elders Duba, Ewa	
08.08.	Clan Leader Barhito, Chifra	Ali Arba Kaloyta