

ET08

Interpretations of user rights

Key Points:

- 1** User rights over hillside enclosures allow local control but maintain state ownership
- 2** The idea is to motivate farmers to conserve natural resources
- 3** Although innovative, user rights have not always been implemented in a participatory manner
- 4** Local state representatives have dominated the process of allocating user rights

This Briefing is one of a series produced jointly by the Forum for Social Studies (Ethiopia), Centro de Experimentação Florestal (Mozambique) and the University of Sussex (UK). Each is designed to summarise research findings and encourage feedback. The Briefing is part of the 'Marena' research project, funded by the UK's Department for International Development.

In October 1998, the Bureau of Agriculture (BoA) of the Amhara Region passed a regulation to implement *ye-wel meret kififil*, or 'Communal Area Allocation'. The official objective of the allocation is to rehabilitate degraded natural resources. The most important component of the regulation has been the provision of user rights as a legal incentive to rural peoples' long-term investments in improved natural resource management (NRM).

This *Briefing* discusses how the regulation has been interpreted by different actors at the 'local' level, and highlights implications for NRM.

How the policy came about

Since the downfall of the Derg in 1991 several policies, strategies and programmes around agriculture and environmental rehabilitation have been enacted and implemented at the Federal and Regional levels. The most important shift has been the recognition of relationships between land tenure and NRM. The formulation and implementation of the regulation to allocate *ye-wel meret* in the Amhara Region can be seen as a reflection of this emerging 'policy change'.

A draft regulation was produced by experts in the regional BoA in September 1998. This was discussed at a Regional workshop in Bahir Dar by agricultural experts from region, zonal and *wereda* levels. Then, the draft policy was approved by the ANRS. The most important outcome was the definition of 'user rights' over enclosed areas of hillside.

The idea of user rights originated in an experiment by SOS-Sahel, a British NGO that had initiated a community-based user-rights hillside enclosure and environmental rehabilitation programme in Meket in 1996. SOS-Sahel was entrusted with the responsibility of preparing a Draft Operational Manual for implementing user rights at the regional level. The agency saw this as an opportunity to get its approach institutionalised.

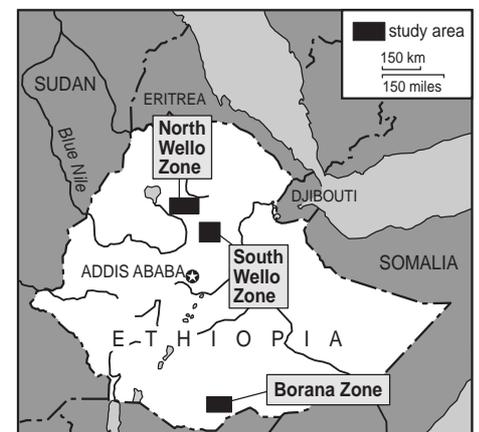
Ye-wel meret

Ye-wel meret refers to marginal or hillside land areas within a *Kebele* Administration (KA)¹ that is neither owned by individuals as private land, nor is used for cultivation. This covers areas where community members discuss, and decide to use the land for forestry, perennials and/or fodder production. However, it does not include communal lands that are being used by peasants for grazing.

Why 'user rights'?

There are several reasons why the ANRS decided to endorse the idea of 'user rights' developed by SOS-Sahel:

- Politicians and officials in both the Administration and the BoA were (and still are) alarmed by the increasing rate of environmental degradation in the region, particularly in the drought and famine prone areas.
- It was recognised that there is a lack of motivation for farmers to make investments in conservation activities given the current land policy of state ownership.
- SOS-Sahel's initiative offered an alternative strategy to encourage peasants to invest in natural resources, while retaining state ownership.
- As a way of getting land to the landless. A higher official in North Wello Department of Agriculture explained:



"The administrative objective is two-fold, to 'kill two birds with one stone'. Its aim is conservation, but it also aims to address the problem of land shortage and the peasants' demand for land."

Implementation

The allocation of user rights over hillside enclosures has been undertaken at the KA level. Yet, despite much rhetoric about community participation, the regulation appears to the community more like a government quota system, than as something based on community participation and decision. Community members feel they were treated as passive recipients of an agenda from above. Key actors include:

Village committee members

A major role has been played by local officials, especially members of the *Mengistawi Buden* (MB) committees. The MB members are powerful actors at village level, and, though not formally a part of the structure of government, they are essentially responsible for the execution of the government's administrative and policy decisions. In many cases, they appear to have organised the whole process of implementation, including the screening and prioritisation of beneficiary households, identification of sites, as well as practical on-the-spot allocation of land.

Government extension agents

Technical support to the process has also been provided by government extension agents (Development Agents, or DAs). They assisted MB members in the identification of sites to be allocated. Some saw this as an activity that should be completed as fast as possible; hence, much of their focus was

on the immediate execution of the allocation process, neglecting the question of long-term impacts.

Who has benefited?

In both North and South Wello landless households were prioritised. There was a particular focus on the young. In contrast, households categorised as 'rich' and 'middle' peasants were excluded from the allocation. In some instances, though, the allocation process seems to have been used for other ends by the government. For instance, in one KA in Tehuledere District families of recruited army members (*ye-zemach beteseboch*) were said to have been prioritised. In other cases, the stress has been on allocating land to whoever is seen as capable of managing it.

Limitations

Women, particularly female-headed households generally appear to be losers in *ye-wel meret* allocation (see *Briefing ET13*). One KA Chairman in Tehuledere noted:

"In principle, the KA has not attempted to make women or female headed households beneficiaries of ye-wel meret allocation. Many of them did apply. But, we persuaded them that it would be difficult for them to work on forestry development activities since they do not have the aqem (or physical energy)".

Overall benefits of *ye-wel meret* may also have been limited by restrictions on how individuals can use the land. *Ye-wel meret* is to be used only for multi-year crops such as trees. In many cases, this does not match

the expectations of those whose needs it was designed to address. As one landless farmer in Tehuledere put it:

"Do you say that you have given us land? We do not eat bahr zaf [eucalyptus]. What we need is farmland!"

Concluding comments

Ye-wel meret is an example of the Regional Administration's attempt to respond to land tenure insecurity as a route to effective NRM. Yet implementation of the regulation is complicated by other administrative and political agendas. This measure has also been limited in addressing the wish of beneficiary farmers for more agricultural land.

¹The KA is the lowest formal level of government and covers more than 1,000 households

MARENA Briefings (Ethiopia)

T01	Conflict, 'Post-Conflict', and Natural Resource Management
ET02	An overview of Natural Resource Management under the Derg
ET03	Migration, Resettlement and Return
ET04	Returnees and Natural Resource Management
ET05	Struggles over 'the land of the deceased'
ET06	Government, community and donor relationships in NRM
ET07	Participation: a dilemma for extension agents
ET08	Interpretation of user rights
ET09	Conservation and participation in 'community forests'
ET10	Characteristics of 'traditional' forest management
ET11	Conflict, transition and deforestation
ET12	Identifying the 'community' in a contested woodlot
ET13	Gender and Natural Resource Management
ET14	Inter-group conflict over land tenure
ET15	Participatory paradigms
ET16	Trends in irrigation management
ET17	Conflicts over communal grazing areas
ET18	Forest management in Desse'a

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