

Enclosing or 'Individualising' the Commons?

The implementation of two user-rights approaches to communal area management in Northern Ethiopia

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List of acronyms

ANRS	Amhara National Regional State
BoA	Bureau of Agriculture (Region)
BoEPD	Bureau of Economic Planning and Development
CBO	Community-Based Organisation
DA	Development Agent
DoA	Department of Agriculture (Zone)
EFAP	Ethiopian Forestry Action Plan
EPRDF	Ethiopian People's Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
GT	<i>Gestion de Terroir</i>
JFM	Joint Forest Management
KA	<i>Kebele</i> Administration
KLUC	<i>Kebele</i> Land Use Committee
MB	<i>Mengestawi Buden</i> (Government Team)
MoA	Ministry of Agriculture (Ethiopia)
NGO	Non-Governmental Organisation
NRM	Natural Resource Management
PA	Peasants' Association
PLUPI	Participatory Land Use Planning and Implementation
RDC	Rural Development Committee (<i>Wereda</i>)
SIDA	Swedish International Development Agency
TGE	Transitional Government of Ethiopia
VDC	Village Development Committee

1 Introduction

This paper discusses current policy and institutional initiatives to promote decentralised governance of natural resources, particularly common property regimes in the Amhara National Regional State (ANRS) of Ethiopia. Based on fieldwork conducted between 1999-2000 in two case-study districts, the paper examines recent experiences of two parallel but different processes in the promotion and implementation of user-rights-based rehabilitation and management of communal areas in the Region. One of these is implemented by SOS-Sahel, a British Non-Governmental Organisation (NGO) in Meket District (*Wereda*) in North Wello, and the other by the Regional Government in Tehuledere District in South Wello. While the former focuses on the 'community' and 'community-based' institutions as a strategy to counteract the processes of environmental degradation, in the latter the intervention is based on a preference for the introduction of 'individual-based' forest management, with perhaps group protection.

The formulation and implementation of user-rights based NRM approaches in ANRS are interesting for the following reasons. First, they were initiated and implemented at a time when there was no legislation or policy on land use and forestry either at the regional or the federal levels. Second, the idea behind user-rights seems to be the redistribution of resource ownership; hence, redistribution of power, which the government hitherto jealously protected for itself as the source of its legitimacy and authority. The issue of land tenure, and tenure security in particular, has for long been a principal source of disagreement between the government and NGOs in the context of NRM and rural development in the region.

While the formulation and implementation of user-rights represents a potential step forward with respect to land and other natural resources, its different applications by SOS-Sahel and the government raises complicated questions. The following issues were found to be central: the nature and forms of use-rights; the rights and responsibilities of user-beneficiaries; the authority and legitimacy of both 'formal' and 'informal' institutions and their role in NRM government.

A characteristic of the policy formulation and implementation processes was the involvement of multiple actors. These included government politicians and administrators, agricultural experts, NGOs, and user-managers at different levels. Each of these categories of actors, depending on their different understandings of the nature of the problem and varied concerns, held sometimes overlapping and sometimes

contrasting perspectives on how user-rights procedures should be administered and how communal lands should be managed.

One objective of the paper is, therefore, to highlight the influence of these different actors in shaping the trajectory of user-based environmental rehabilitation in the region. I attempt to examine this in two ways: First, it is my intention to examine how and why the actors and institutions involved in the formulation and implementation of user-rights act and operate. Second, I try to demonstrate, through case-study illustrations, the different applications of user-rights, both by SOS-Sahel in Meket, and the government in Tehuledere. I do this by way of demonstrating the ecological, social, political and institutional contexts in which communal lands have been developed. This helps to explain the contested nature of environmental policy-making in the region in which different interest groups advocate different strategies in the context of common property resources management.

The other objective is to demonstrate differential effects of these two approaches on households and communities relationships over access and use of common property resources, and their implications for NRM. I try to examine this by way of reflecting on the tensions involved between the government, SOS-Sahel and local resource users in terms of property rights, resource use and management.

The questions raised and discussed in this paper touch on overlapping and complex themes. It does not, therefore, claim to offer definitive answers to these questions. Nor shall it attempt to make premature assertions about whether or not these approaches have failed or succeeded. This is mainly because the two approaches have been implemented very recently, making any firm conclusions about their outcomes impossible. Yet, the lessons drawn from these experiences may contribute to current efforts by the government, NGOs and researchers to find better policy options to address the problem of environmental degradation in a region where institutional arrangements in land tenure and NRM are complex.

The paper is divided into five parts. It starts with a brief overview of the theoretical debate. This is followed by an introduction to the case-study areas. Then follows an account of how and why the policy on communal land allocation came about. In this respect, particular attention is given to the different views of institutions and stakeholders over the administration of user-rights procedures and the management of communal lands. I then proceed to examine in separate sections the experiences in the application and implementation of user-rights by the regional

government and by SOS-Sahel on the basis of findings derived from case-study areas. This forms the basis for the conclusion.

2. Overview of the theoretical debate

There has been considerable concern at the alarming rate of natural resource degradation and agricultural production decline in Africa, including Ethiopia. Various arguments have, therefore, been made in academic and policy circles about the need for appropriate policy and institutional reforms. Much of the debate centres on the following overlapping and cross-cutting themes: issues of land tenure and property rights, of the state and governance, environmental degradation/conservation and sustainability, and agricultural production and livelihoods (Berry, 1993; Lund 1994; Woodhouse, *et al.*, 2000; Leach *et al.*, 1997; Baland and Platteau, 1996; Bruce 1993)¹.

One line of argument is that property rights have a determining impact on resource allocation, use and management. This position is mainly based on Hardin's article on 'The tragedy of the commons' (1968). Misinterpreting complex and dynamic tenure rights for 'open access' and understanding individuals and communities as 'resource degraders', led Hardin to advocate for complete private or state property rights in land and natural resource conservation (Lund, 1994). This line of argument has gained wide currency with influential policy making institutions and policy advisors to African governments as a theoretical backing for land privatisation. International consultants and some donor agencies have argued in favour of private ownership of land. The World Bank and IMF have spearheaded this, arguing that the privatisation of land rights should be a precondition for investments in improving land and sustainable NRM². In the early days of the Transitional Government of Ethiopia (TGE), private ownership of land, including the privatisation of common property regimes, was suggested by Ministry of Agriculture (MoA) experts. The main justification in support of private tenure is stated as:

Private ownership of land, as under freehold tenure system provides the most secure tenure and enables the development of markets for land transactions.

1 Constraints of space allow only a brief summary of theoretical approaches which have become influential in attempt to theorise natural resource use and management. These extremely brief theoretical inferences are, therefore, made to reflect on current perspectives and discuss them in their specific contexts in Ethiopia.
2 Recent policy of donors, however, indicates a move away from this, mainly due to mounting evidence of the pitfalls of 'free market' models, in particular negative consequences for the poor, which led donors and African governments alike to re-examine such approaches (Quan, 2000).

On both counts, moving the present tenurial system toward freehold would improve efficiency in the use of the 'country's] land resources and result in increased agricultural and forestry production (EFAP 1993, quoted in Dessalegn 1994: 8).

Maintaining that security of tenure is a pre-requisite for sound NRM, a second line of argument focuses on the institutional aspect of resource management. Accordingly, it is argued that the major impediment to environmental management and agricultural sustainability is the absence of meaningful legal and institutional mechanisms that affirm, hence recognise, the competence of African resource users as managers of environmental resources. In response, decentralised management of natural resources, particularly the devolution of resource control to 'effective' community-based institutions is put forward as a principal solution for land rights and NRM (Ostrom 1990; Bromley and Cernea 1989; Bruce 1993; Hesselning, 1996).

Bruce, for instance, argued that a 'state-facilitated' evolution of 'indigenous' land tenure and NRM systems approaches would help solve the problem of tenure insecurity and natural resource degradation (1993: 51). This means a more decentralised lawmaking process with more legally based authority for local communities or informal institutions. This argument has been based on the assumption that communities can generate self-governing institutions for regulating local natural resource use and management.

The approach is shared by other academics in Ethiopia. For example, Dessalegn (1994; 1999), a noted figure on the subject, has urged the need to look beyond the economic and developmental impact of land policy. Instead, he argues it is necessary to examine whether or not a given system of rights to land will 'promote the autonomy' of the landholder and the 'empowerment' of local communities. He thus proposes an alternative system of land tenure, which he refers as *associative ownership*. The underlying premise of associative ownership is:

[L]and belongs to the community and the land users in it; it does not belong to the state or some distant authority. Rights of use and transfer therefore reside in the individual user, and of management and regulation in the community. Individual land is to be held in freehold, with all the rights it involves; land not in individual hands is to be managed by the community... The community is made of co-residents with equal rights and obligations; in our case this will be the rural *kebbelle*, with PA [Peasants' Association], democratically constituted, as its effective agency. The *kebbelle* has a defined boundary, a stable population, basic though limited resources, and is, in most localities,

ethnically homogeneous. The community, through the PA, serves as guarantor of rights of individual ownership; in addition it administers land and settles land disputes (Dessalegn, 1994: 14).

However, others are more sceptical on the devolution of natural resource control and management responsibility to community-based institutions. (Lawry, 1989; Baland and Plateau 1996: 199). Whilst the regulation of natural resources, common property resources in particular, through self-regulating community-based institutions is necessary, this alone is not enough for effective NRM. This is because, they argue, local resource users and their indigenous institutions are error-prone, partially informed, culturally blinkered to varying degrees, and more particularly lack the capacity to generate enforceable rules in NRM. They also argue that effective NRM would be possible not by privileging a single institution (e.g. 'community' or 'state'), but mainly by constructing a 'synergy' (Robinson and White 1997) or 'partnership' (Carney and Farrington 1998) between different types of social institutions and organisations. They therefore proposed the promotion of a *co-management* approach both by the community, the state and other relevant institutions such as NGOs in the management of natural resources, particularly forests.

The foregoing theoretical perspectives are derived from and applied to research and debate on environmental change and natural resource governance in Africa with particular intensity. They influence the selection of policy and institutional reforms. In this respect, current initiatives in the promotion of user-based management of 'communal lands both by SOS-Sahel and the government in the Amhara Region provide a means of interrogating these discourses and assessing their relevance for policy and practice in the context of Ethiopia.

3. The case studies: Meket and Tehuledere

The study material for this paper is based on a comparative case study of two *Kebele* Administrations (KAs) in Meket and Tehuledere districts, in North and South Wello Administrative Zones, respectively. Both have been categorised as food insecure because of their low productivity generated from different ecological and manmade calamities.

Their different experiences during the *Derg* and post-*Derg* periods have resulted in both similar and different land and NRM features. After the fall of the *Derg* there was something of a power vacuum of formal government. There was widespread deforestation of forest areas, which were seen by the local population as state forests. For the local population in both districts, tenure insecurity and memories of coercive

government for over two decades have made them suspicious of government controls in land and NRM.

An important difference between Meket and Tehuledere involves access to land. In Meket the Ethiopian People's Revolutionary Democratic Front (EPRDF), which has now formed the post-*Derg* government, entered the district in 1989 and implemented land redistribution in 1990. In Tehuledere, however, EPRDF took control in April 1991, just a month before it assumed political power. Since then there has been no general land redistribution.

4. Processes of policy formulation: actors, concerns and conflicts

In October 1998, the ANRS approved a Regulation to implement *Yewel Meret Kiffel*, or 'Communal Land Allocation' in the region. The official objective is to promote user-based rehabilitation of degraded natural resources in the region (ANRS-BoA 1998).

It is difficult to determine who initiated the idea of user-rights as different institutions, and those working in the region make different claims³. Most government officials and agricultural experts, particularly in North Wello and in the Region, stated that the policy tools for the formulation and implementation of user rights was based on the pilot efforts of SOS-Sahel. SOS-Sahel has been working on food security and environmental rehabilitation programme in Meket since 1994.

The explicit factor in the initiation of user-rights based rehabilitation of hillsides is said to be the increasing recognition of the government and NGOs about the ineffectiveness of previous and existing policies and strategies used to address environmental degradation in the Region. The initiation of user rights is partly attributable to the increasing global discourse, particularly among multilateral donors such as the World Bank and bilateral donors such as the SIDA, which advocate for decentralised and participatory management of natural resources, including land.

3 CONCERN, an NGO, working in community-based rural development programmes in Qallu Wereda, in South Wello Administrative Zone and SNV-Bugna, a Netherlands NGO, working in Lasta Wereda, in North Wello, also made claims that they initiated the idea of user-based management of natural resources in the region. The DoA in South Wello maintained it started user-based area enclosures in Ambassel Wereda but decided to suspend them awaiting the regional government's decision on the issue. The North Wello Administrative Council, on the other hand, argued that it started the approach first in Mersa Wereda. Some others, particularly agricultural experts in DoA, and in Sirinka Agricultural Research Institute in North Wello considered that user-based environmental rehabilitation had already been introduced in Tigray.

A characteristic of post-*Derg* environmental policy making in Ethiopia, both at the Federal and regional levels has been a trend toward lessening protectionist policies of the state and to promoting participatory approaches to avert the increasing rate of natural resources degradation in the country. In a policy paper issued in January 1994, by the Regional Affairs Sector of the Prime Minister's Office of the TGE, it is stated:

Although regional development *per se* has been entertained in Ethiopia by planners for over 30 years, its implementation had been ineffective if not non-existent. The weakness of the policies adopted for local and regional development could be attributed to ... unrealistic sets of objectives ... that resulted in lack of genuine participation at the grass-root level. Unlike in the past, TGE's responsibility today constitute mapping out strategies and policies of national growth and development through continuous and dynamic contacts which have to be established at the grass-root level to tackle real-life problems (pp. 4-5).

In the Amhara Region too, this apparent commitment to participatory approaches to NRM is visible. The Regional BoA appears increasingly receptive to NGOs' ideas in recent years. NGOs have had particular influence in promoting participatory approaches and in advocating governance alternatives, particularly the need for devolution of management powers to communities⁴.

Presumably, therefore, the initiation and implementation of user-rights may be partly viewed as a result of common concerns both by SOS-Sahel (and other NGOs) and the government that the provision of legal and institutional incentives for the local populations could lead to improved NRM. There seem to be, however, two parallel but different processes on how these were to be achieved, particularly in the context of common property regimes. While SOS-Sahel advocates for and works with community-based groups, in contrast, at zonal and regional levels there is a preference for establishing individual ownership, with perhaps some group protection. The different application of user-rights based rehabilitation/conservation of communal lands seems to have both ideological and practical underpinnings.

In this respect, I want to focus discussion on what I consider as essential backbones in explaining the reasons for the different applications of the user-rights approach in the region. These are the processes by which different stakeholders participated in the development of packages of policy tools on the 'hows' of implementing the user-rights regulation in the

4 For a detailed discussion of the discourse and practice of participation and partnership in the relationship between the government and NGOs, see Harrison (2001).

region. These included: SOS-Sahel, government agricultural experts, politicians and administrators, and user-managers at different levels. The results from these discussions from the regional to the *Kebele* level are important since they raise many issues, particularly about the administration of user-rights procedure and the management of the commons.

41 Community, co-management, or individual user-rights? Different views on the governance of hillside enclosures

Once the decision to implement the allocation was made, a workshop was held in Bahr Dar, the Amhara Regional Capital, in January 1997. Agricultural experts from the region and zonal levels participated in the preparation of the draft plan. SOS-Sahel was also entrusted with the responsibility of preparing the Draft Operational Manual of the 'Regional Guideline for Implementing the User Rights Procedure'. Then, a draft guideline, prepared in Amharic, titled 'A Regulation to the Implementation of *Yewel Maret* (Communal land) Allocation to Forestry, Perennials and Fodder Production' (ANRS-BoA 1998) was sent to all 105 *Weredas* to be discussed and commented on by lower level government officials, agricultural experts and the actual user-managers. Each of the actors concerned, depending on their varied perceptions of the nature of the problem and priorities, held different perspectives. They accordingly suggested different actions to promote their interests in the new policy context⁵. This resulted in conflicts of priorities between the parties involved.

One principal source of difference, leading to the different application of user-rights by SOS-Sahel and the government in particular, was the issue of governance, which involves how communal areas should be administered.

SOS-Sahel, like many other NGOs working in the region, encourages community-based over individual-based NRM. Beginning in 1996, and continuing through the present, SOS-Sahel has been working on a decentralised and participatory environmental rehabilitation programme in Meket.

SOS-Sahel's focus on collective governance of hillside closures may be explained in terms of its perception and views of what should be the priorities in addressing problems of NRM, particularly in communal lands in marginal areas. These can be traced in the following overlapping three issues: the nature of property rights, environmental degradation and

5 These conflicting perspectives surrounding the types of user rights and the structure of managing 'communal lands' were by and large influenced by and constituted within contemporary policy debates surrounding land tenure, production and the environment in the country (See: Harrison 2001; Holt and Dessalegn 1999; Keeley and Scoones 2000; Hoben 1997).

rehabilitation, and the governance of communal lands in hillside areas.

With regard to the type of property rights regime, SOS-Sahel considered communal lands in hillsides as open-access regimes, with no clearly defined user-rights and management structure, which, in turn, was seen as a key cause to the destruction of natural resources, particularly forests. SOS-Sahel, therefore, saw the promotion of community-based over individual user rights as a better alternative in terms of both solving land use conflicts arising from undefined user-rights, as well as in slowing down the process of ecological degradation (Tenna, 1998).

SOS-Sahel's focus on community-based user rights enclosure could be also understood in terms of its practical concern with addressing the problem of environmental degradation in fragile ecologies such as Meket. In this respect, SOS-Sahel takes catchment-based protection as a principal strategy for reversing the alarming process of soil degradation and deforestation on hillsides. This, it was argued, could only be achieved if user-rights and hillside enclosure were seen not as isolated activities but as integral parts of watershed-based land use and management practice. This in turn is a practice that would be effectively addressed if the management unit were the community.

Underneath SOS-Sahel's practical-physical concern with community-based user rights enclosure seem to lie structural-institutional considerations. The project sought to reform past NRM approaches in the region. It was argued that one key problem in the sustainability of environmental rehabilitation measures in more degraded areas of the region was the absence of a practical initiative to devolve natural resource governance to the lowest level; to those who are close to the problems of natural resource management. In this respect, SOS-Sahel viewed the government's politico-legal and administrative structure as too large to be effective. Moreover, it was argued that local communities accord greater priority to environmental rehabilitation than the government. This has resulted in conflicts of priorities between environmental policy makers and actual resource user-managers. Most notably there was little or no input from local communities who were seen by the government political and technical experts as passive recipients of packages (Tenna and Danachew, 1997).

To address these weaknesses, SOS-Sahel has, therefore, been working for more decentralised, participatory resource management. One initiative has been the development of a new *technical-structural* approach, known as Participatory Land Use Planning and Implementation (PLUPI) since 1996. Although the origin of PLUPI is debatable, it seems to have been

greatly influenced by the experience of the *Gestion de Terroir* (GT) approach. This has become a very popular model of decentralised management among donors, governments and NGOs since the last decade, especially in Francophone West Africa (see: Woodhouse *et al.*, 2000; Toulmin 1994).

PLUPI focuses on the village (*goñ*) as the core level of resource governance, as well as for undertaking community-based participatory NRM. The village, defined as a fixed geographical area and social entity, was assumed to be in charge of the use and management of natural resources within its boundaries. The approach was in the main designed to replace top-down approaches, and assist rural communities in different agro-ecologies in designing and implementing their own village management plans in the use and management of natural resources within their own territories⁶. The advantages of decentralising NRM governance to the village-level were explained in terms of the following: it would take the regulation and management of natural resources closer to communities. It would also make it possible to use indigenous knowledges of communities in terms of traditional soil and water conservation practices and afforestation measures. Above all, however, it was stressed that this would create confidence in their ability to regulate natural resources among community members.

Management was to be through self-regulating institutions. This leads us to a key aspect of current debates on the state/community/NGOs relationship in the context of NRM governance. This has been the role of informal institutions in NRM. Like many other NGOs and donors, SOS-Sahel maintained a strong view that customary/traditional institutions, were better at the organisation of resource use and management than distant and ineffective formal government institutions. One SOS-Sahel initiative, particularly in terms of the governance of user-right hillside enclosure, has been its attempt to facilitate a gradual transfer of resource control and management from the state and state institutions to locally based institutions. Though a sapling with weak roots, SOS-Sahel has therefore invigorated the *kire*, a 'traditional' burial institution/association in the management of enclosed communal hillsides.

However, this perspective of SOS-Sahel's neglects the fact that the *kire* is actually very recent in terms of its formalisation. According to elderly informants, the *kire* was only introduced in the case-study area, as well as in most parts of Meket *Wereda* following the 1984-1985 famine. This does not, however, mean that this or

⁶ The opportunities and constraints in SOS-Sahel' initiative to formalise village level resource management is discussed in Section 5 below.

other institutions had been absent. There had instead been such institutions as *iddir* or *izen*, common also elsewhere in rural and urban Ethiopia.

SOS-Sahel has intended its approaches and activities to have a multiplier effect. As one advisor to the project put it: 'It is a waste of time and resource unless we get our ideas and approaches institutionalised'. When the idea of user-rights was adopted first by North Wello Administrative Zone, and finally by the regional government, SOS-Sahel pushed vociferously to incorporate its approach to NRM governance. In particular, it insisted that the government's user-rights regulation should be formulated in a way which ascertained the rights of the 'locals' in identifying their own user-based groups, as well as in deciding how they want communal lands to be administered (SOS-Sahel, 1998: 2).

In practice, SOS-Sahel had some success in scaling-up PLUPI and group-based user rights approaches in other districts of North Wello Administrative Zone, other than Meket. It should, however, be emphasised that the 'group' for government officials and experts is often used to refer to those that are formal, and constituted within the government's local structure of governance, such as associations of 'youth', 'fathers', and 'women'.

For government agricultural officials/experts, the main concern was how to bring about environmental rehabilitation, particularly of forestry in the region. During the years between 1995-1998 alone, an estimated 61,178 hectares of denuded hillsides were enclosed by BoA to protect them from human and animal encroachment (ANRS-BoEPD, 2000). The management of such areas was left to the population in each KA. Such initiatives, however, proved to be a failure. As a result, previously enclosed areas often took on the characteristics of open access land since the local people, either on a group or individual basis, used such areas and their resources as they pleased. The main cause to this was said to be the absence of land and forestry use policy. (ANRS-BoEPD, 2000). In this respect, therefore, the initiation of user rights based hillside enclosure was seen as a step forward addressing the problem of environmental rehabilitation programmes in the region.

In contrast to SOS-Sahel, however, the advantage of a user rights approach was interpreted by agricultural experts and policy makers primarily in terms of its advantage in reducing the financial and administrative burden on the government by passing the costs of management to communities. Amongst technocrats in the BoA in particular, user-rights based hillside enclosure has mainly been portrayed as a 'co-management' or a 'joint forest management' (JFM) strategy involving both local communities and

government. In a speech made by the Head of ANRS-BoA during a regional-level workshop, held at the Regional Capital, Bahr Dar, the advantage of JFM was stated in the following way:

Joint Forest Management provides a shift of responsibility and management from administration to people, from the central government to local community. It represents a strategy for NRM that is participatory, effective cheap and sustainable. It empowers involved communities and prepares them to go forward in other undertakings as well (quoted in ANRS-SIDA, 1999: 17-18).

In this respect, therefore, user rights hillside rehabilitation is understood as a pattern of deconcentration of NRM responsibility, rather than a devolution of power and resource control to local communities and their indigenous institutions. Accordingly, individuals constituted as groups in hillside enclosures, including SOS-Sahel initiated *kire*-based user rights groups, were seen by the government as not legally recognised user-right holding entities. This is discussed separately below, particularly in the context of the formal vs. informal debate with particular reference to *kire*-based user-rights enclosures in Meket.

The wider institutionalisation of group/community-based hillside enclosure, nevertheless, evaporated further when the ultimate decision-makers in policy, usually politicians and administrators, opted for another tenure and management option that stressed primarily individual rather than collective responsibility. According to a higher official in North Wello Administrative Council⁷, the government's decision to individualise communal lands was based upon the evaluation of progress in areas where group-based allocation of hillside areas had been made. It was argued that the government initiative to promote group-based rehabilitation of hillside areas, had not been successful. This was mainly because the majority of farmers who had been allocated hillside areas on a group-basis had divided the land amongst themselves. Although whether the government's decision to individualise communal hillsides was made in response to farmers' demands is debatable, the preference of the latter for individual-based user rights was by and large true.

The preference for individual rather than community-based user rights by farmers can partly be attributed to memories of past experience and their perceptions of land tenure, conservation and development in general. The majority of the rural population in the Amhara Region, as elsewhere, have had a negative experience of

⁷ Interview with the ex-Head of the Economic Department and now Vice-Chairman of North Wello Administrative Council, 29 August 1999.

limat, a generic term for 'development', particularly to the government-led reforestation programmes implemented through mass mobilisation. Interventions carried out by the government in the name of *limat* had often had negative effects on the locals. In this respect, the *Derg's* rural policy had profound impacts. Collectivisation, villagisation and resettlement approaches to environmental policies were implemented with devastating effects on the property rights and livelihoods of the rural population. Interventions done in the name of environmental rehabilitation and rural development had left the local population impoverished. This makes both *limat* and *ye-wel* (communal/collective) salient forms of political rhetoric in an on-going and conflictual debate between the government and the rural population. As one farmer put it, 'We all have seen what has happened to forests which had been reforested through *limat*. If you ask or order farmers to work on community forests no one will be willing to volunteer as usual'.⁸

An isolated treatment of the individualisation of communal hillside areas as the government's strategy to overcome natural resource degradation through the provision of user rights may hide the politics underpinning its formulation. The issue appeared to have ideological and practical ramifications. The individualisation of communal hillsides was also used to demonstrate to donors, particularly the World Bank (which favours individual, rather than collective responsibility) that the government is shifting towards private property in land and other natural resources. This was clear in government's plan for extensive mapping of *ye-wel meret*, which was being developed as a project for financing by the World Bank.

Considering the contents of the policy document and actual practices, the main reason behind the regional government's formulation of *ye-wel meret* regulation appears to be the concerns of politicians and administrators about land redistribution, rather than natural resource management *per se*. This is clear if one considers the contexts and circumstances that surround the formulation of the government's *ye-wel meret* regulation.

As part of its political, social and economic reform programme, EPRDF had implemented a land redistribution programme in what it called 'liberated areas' before it assumed political power in 1991. The redistribution in Mekot happened during this period. After the war, however, land redistribution activity in South and North Wello has subsided. Even if some land readjustment measures had been taken after 1991, these were mainly designed to ameliorate the land demand of returnees and de-mobilised soldiers

returned to their areas of origin after the formal end of the war.

In late 1997 the regional government issued a proclamation to implement a general 'Household Land Holding Redistribution' in areas where there had not been any land redistribution before or after the change of government. There was therefore a great expectation amongst the landless households, both in North and South Wello, that this would take place in their areas. However, the redistribution did not happen. The official reason was that there was not enough left to redistribute.

The regional government had, in fact, attempted to address the demand for land in other ways. One principal source was *yemota qedda meret*, which has often been used to denote 'land of a deceased person with no offspring'. This category of land was, however, hardly enough to satisfy the increasing demand of the landless. Caught in this difficult situation, the individualisation of communal hillsides, therefore, provided the government a means of getting land to the landless, particularly in areas that had been liberated from the *Derg* before 1991.

4.2 Dissonance between government motivations and 'local' preferences

One typical feature of the regional government's *ye-wel meret* regulation was the apparent dissonance between government policy and actual practices, and differing preferences of local people. This was clear when the policy was taken from the region to *Wereda*, and more particularly to *Kebele* level.

Despite the government rhetoric about 'community participation' in policy development, the involvement of the 'locals' in the process of policy formulation seems more of 'co-option' than 'participation'. The first draft, issued in September 1999, was prepared and discussed by government administrative officials and agricultural experts mainly at zonal and regional levels; hence, without public consultation. In Tehuledere, the final version of the regulation was publicised only in April 2000; and it became public mainly because the government had decided to implement it. In my particular case-study area-015 KA, in Tehuledere, a general gathering was held at Godigoadit, its Headquarters, in which the KA Council - the lower level political-legal structure of the government - presided over the discussion. One source of debate between *Wereda* and *Kebele* level agricultural workers, administrative officials and different categories of resource was the issue of who should be entitled to communal land allocation.

For agricultural experts the main concern was how it would be possible to achieve environmental rehabilitation. Given the apparent shortage of farmland

⁸ Interviewed at Godegoadit in Tehuledere, 29 September 1999.

in relation to high population in the *Wereda*, the individualisation of communal land would lead to the allocation of communal land to every one; hence it would mean very small and insufficient plots for forestry activity. They therefore suggested that if the individualisation of communal areas was designed to encourage individual farmers to be engaged in forestry, the primary beneficiaries should be 'enterprising' farmers who could use the land properly and sustainably. Their comments did not seem to be included and what actually happened, as we shall see, was what they had feared and attempted to stop.

A key source of debate at the level of resource users was not the individualisation of communal areas but the prioritisation of the landless. A strong opposition came from those who felt their endowments and entitlements to grazing and pasture areas in communal areas were threatened by the new government regulation. Such groups therefore demanded that they should be also entitled to communal area allocation together with the landless. However, their views did not appear to be considered by those implementing government decisions.

Central to the regional government's decision to convert communal lands to individual user-rights holdings seemed to be the contention that it was possible to ameliorate the increasing demand for land from the land hungry by allocating what it referred to as 'under-utilised' communal lands. In the words of one high official in the North Wello DoA:

The administrative objective is two-fold, to 'kill two birds with one stone'. Its aim is conservation, but in the same vein it also aims to partly solve the problem of land shortage and/or the peasants' demand for land.

One of the key sources of debate, and hence a major challenge in promoting individualised user rights on communal lands, was how would it be possible to confront both land redistribution and conservation in areas such as Tehuledere where land shortage is an acute problem.

There is much discussion about rights in the government regulation. The user-beneficiary is, for example, entitled to transfer rights by rent or inheritance. Though rarely implemented in practice, the individual beneficiary is also entitled to a certificate of deed to his/her user rights in land. This has led some to interpret the individualisation of communal hillsides as an experiment in bringing in private property' by the back door (see Pankhurst 2001). Looking to the contents of the regulation, however, the central motive of the government does seem to create entirely new rules in the promotion of radical and concrete changes to private property ownership of land and natural resources.

There are still considerable restrictions on how individuals can use the land. According to the regulation, individual beneficiaries were given 'the right to use', i.e., undefined use rights, and not 'ownership' of land. Even within this, the rights are conditional, transitory and dependent, that the individual beneficiary may keep the land as far as the government wishes him/her to use the land. The right to use communal hillsides is also dependent upon the compliance of the user-beneficiary with the rules governing access and use to such category of land. One of these rules has been that the user-beneficiary is under the obligation to put it to use within a year starting from the day of allotment. If this is neglected, the land can be taken away and allocated for others. This entails, therefore, the loss of user-rights. The other and perhaps more important was that *ye-wel meret* is to be used only for multi-year crops such as trees, vegetables and forestry development. In many cases, this does not match the expectations of those whose needs it was designed to address. As one landless farmer in Tehuledere district put it: 'Do you say that you have given us land? We do not eat *bahr zaf* [eucalyptus]. What we need is farmland'

For the majority of user-beneficiary households the government regulation has, therefore, been interpreted as another strategy to shift the responsibility of development back to the rural population. In the words of another landless farmer, '*Mengist* [i.e., the state] gave us this land because we are landless. If it does not allow us to use it for farming it is but another *limat*'

As the next section makes clear, the way in which user rights approaches have been applied in practice, by both SOS-Sahel and the government, is a key factor in explaining their effects on NRM.

5. User-based area closures and challenges of community-based NRM: SOS-Sahel and the *kires* of Meket

As has been highlighted in the section above, SOS-Sahel has been working on environmental rehabilitation in Meket. The approach can be summarised as comprising two interdependent elements. An *institutional* element - establishing *kire*-based user-rights groups to build hillside closures *within* the rules laid by themselves; and a *technical-structural* element - PLUPI - to undertake community-led catchment protection. Of particular concern here is to consider the results of efforts by SOS-Sahel to promote user-based closures and governance of communal areas through the *kire*. An institutional analysis of the *kire*, particularly its role in NRM may, therefore, be relevant to examine the opportunities and constraints of decentralised NRM.

The *kire* is an informal burial association found in many parts of the North and South Wello Administrative Zones. There is hardly any single local area that has no *kire*. Neither is there a single household that is not a member of the *kire*. To remain outside would mean a total exclusion from the milieu of social life.

SOS-Sahel has used the *kire* since 1995, first as a channel for the distribution of seeds for farmers in Meket (Pratten 1997). Since 1997, the *kire* has also been used as a 'community-based organisation' (CBO) in user-rights area closures. To date, a total of 523 hectares of hillside areas, referred to by the locals as *ye-kire terarra*, has been enclosed, representing fifty *kires* in eight KAs in Meket *Wereda*. There have been some positive indicators of long-term environmental regeneration in *kire*-based user-rights hillside enclosures. Particular positive outcomes often mentioned by local resource users have been the regeneration of indigenous trees and grasses, compared to areas that have not been enclosed. In the lowland areas in particular, *kire*-based enclosure has had success in partially solving the critical shortage of animal fodder, which had, in some cases, been a cause of inter-community conflict.

A number of reasons can be suggested for SOS-Sahel's preference for working with the *kire*. The first reason seemed to be SOS-Sahel's ambition to decentralise NRM to the village (*got*) level, since the KA was considered too large for effective regulation and management of natural resources. In terms of its size, therefore, the *kire* was assumed to be a village level social and geographical entity.

While one may not disagree with the significance of devolving NRM to the lowest level, SOS-Sahel's endeavour to promote village-level natural resource governance seems to rest on a number of false assumptions. First, the approach either misreads or omits attention to the nature of present-day rural governance and administration. There is now a bottom-tier government administrative and political structure at the lowest level, known as *Mengestawi Buden* (MB) or 'government team'. The MB exists down to the level of no more than 30-50 households, thus contradicting SOS-Sahel's assumption. Second, the designation of the *kire* as a village-level institution might have been crafted to integrate it with the PLUPI, which sees the village as a bounded entity for effective local-level management of natural resources. However, SOS-Sahel's attempt to define and identify the *kire* with the village misreads the dynamic social space in which the *kire* is organised and operates in different localities. In contrast to SOS-Sahel's rigid and closed model, the organisational boundary of the *kire* is often varied, crosscutting both geographical and administrative

boundaries. Depending on social and cultural relations of its members, a *kire* could be organised between different villages, or between two different *Kebeles*, or between two *Weredas*. This apparent discrepancy between SOS-Sahel's wish to promote village-level resource management and the levels of *kire* organisation, therefore, indicates one of the difficulties in promoting user-based environmental rehabilitation and/or rural development tasks through such indigenous institutions as the *kire*.

5.1 Legitimacy, authority and autonomy

The invigoration of the *kire* may be explained in terms of SOS-Sahel's opting for semi-autonomous, self-regulating non-state institutions for locally responsive NRM and/or development activities. This is related with contemporary global development discourse, which emphasises the decentralisation of NRM to non-state 'indigenous' institutions. (Woodhouse *et al.*, 2000).

SOS-Sahel considered the *kire* as a key institutional entry point in establishing the trust and sense of ownership amongst local communities; hence, in mobilising them for collective action towards their own development. In this respect, the pitfalls of the environmental rehabilitation and conservation strategies of the *Derg* and the present government were used to justify SOS-Sahel's use of the *kire* as an alternative institutional arrangement in NRM.

SOS-Sahel's experience with the *kire* during the seed distribution programme in 1995 served as encouragement to transform it into a community-based NRM institution. In 1995, seed shortage was identified as the major problem of the food crisis in Meket. SOS-Sahel began a credit-based seed distribution programme to needy households. The *kire* leaders were given standard criteria, which were in the main based on the system of 'collective beneficiary ranking' of households who most needed seeds and who could make most productive use of it. During this, *kire* leaders were said to have played an important role in the successful implementation of the programme. As Pratten (1997) has stated, the seed distribution programme was an important event in the transformation of the *kire* into an NRM institution.

The *kire's* involvement in the process of NRM depends upon on the autonomy, authority and power the *kire* exercises in decision-making in relation to local government structures. In this respect, the picture on the ground seems somewhat blurred. This is mainly due to the lack of clarity about its mandate and legitimacy to participate in NRM vis-à-vis government structures. The relationship between the *kire* and KA is a case in point. When *kire*-based user rights groups were first initiated it was not, for example, made clear which of these institutions would take on which role, and by which means and resources. This seems to have

had practical implications in the way institutions and communities interact over the issue of NRM.

Kire-based user rights groups seem to have been operating in a legal vacuum. The involvement of the *kire* in community-based hillside enclosure is still shrouded with confusion. SOS-Sahel viewed the approval by the government of a 'community management plan' produced by *kire*-based user-rights groups for enclosed sites as recognition of the *kire*. This is clear in the effort SOS-Sahel put into publicising their success in institutionalising a non-state institution in NRM (see for example: Tenna 1998; Pratten 1997).

The view from Meket *Wereda* Administrative Council, on the other, hand, is quite different. Thus, the administration's recognition and agreement to grant user-rights to *kire*-based area closure was vested to the people who were holders of user rights, not to the institution of the *kire*. In the words of an ex-Chairman of the Administrative Council:

During the initiation of the programme SOS-Sahel's insisted on recognising the *kire* as a NRM institution. Our position was clear. We told them [i.e., SOS-Sahel] that it was the KA Council - as a local government structure recognised by the Constitution - that should continue serving its development functions in decision-making related to the administration, use and management of natural resources within its area jurisdiction. If the KA Council wished to include the *kires* as partners in (development) work, it could; we did not however, recognise the *kire* as a separate NRM institution.

For government politicians, administrators and agricultural experts from *Wereda* to regional levels, SOS-Sahel's initiative in *kire* based user-rights groups is seen mainly as a 'joint forest management' (JFM) scheme in which both the government and the locals work together in NRM. The *kire* is seen as one partner, rather than as an autonomous institution, in implementing a form of joint management that should be done within broader attempts to achieve decentralised NRM activities. In contrast to what is often depicted by SOS-Sahel, the *kire* in no case represents a shift in attitude by the government to decentralise management to informal institutions.

In this respect, the other relevant question may be what is the nature of legitimacy of the *kire* as understood by local people themselves in terms of its power and authority, co-operation and conflict that govern decision making?

SOS-Sahel viewed the *kire* as a legitimate and accountable institution at the local level. Such a view once again was influenced by SOS-Sahel experience in

working with the *kires* during the 1995 seed distribution. One positive achievement from this programme was said to be the diminishing rate of defaulters (Pratten 1997). This seemed to have been seen by SOS-Sahel as a demonstration of the power of the *kire* by-laws in enforcing community collective action decisions and in exerting pressure on members which was believed to be inherent feature of its tradition of authority. In this respect, one form of these social rules, *imbidadie*, seemed to have also contributed to SOS-Sahel's privileged view on the *kire*⁹. *Imbidadie* is a form of social sanction or social exclusion in *kire* by-laws imposed on individual members for transgressing or committing serious offences.

The point, however, is that the power and authority of the *kire* and its rules of social sanction to enforce collective action and decision should be addressed through examination of their relevance in specific contexts and situations. It is, for example, important to understand what kinds of collective action *kire* members are committed to or obliged to commit, and why.

It is true that local people see the *kire* as a powerful institution and its by-laws are also highly respected. But, this legitimacy accorded to the *kire* and the power of its by-laws and rules of social sanction is exercised mainly in the sphere of social/cultural organisation in which it was originally designed to serve. The importance attached to the *kire* is due to the nature of its function - the crisis of death. In such a situation the *kire* provides a decent burial for members and the provision of expenses to the deceased families. Failure to attend the burial ceremony, or to make the necessary contribution, are situations when *kire* by-laws would be typically activated. Even here the observable collective action of *kire* members in times of death is related to reciprocal rights members could claim to the provision of support on similar occasions rather than a symbol of community collective action.

An important, but often unnoticed, aspect of the *kire* is also its role as a community safety net in the organisation of production. Besides its function as a burial association, the *kire* also serves as an occasional communal community insurance institution, to which each individual farmer can resort whenever he/she faces a farming problem due to the death of livestock. Again, the presence of collective action of *kire* members in such circumstances is much less a leap to an idealized unity, than a tacit mutual acceptance of practical circumstances. Farming among the rural population in Meket, as well as in many highland areas of northern Ethiopia, is by and large undertaken either on steep hills or deep gorges. The death of plough-oxen in the study area is a common outcome of the

9 Interview with SOS-Sahel-Meket PLUPI Officer

rugged topography on which most of the ploughing takes place. Presumably, therefore, the role of the *kire* as a communal pooling of oxen is mainly related to the environmental aspect of the organization of production, of the unavoidable environmental risk of losing the main 'engines of agriculture' (Holt and Lawrence 1993: 40). Outside this, one cannot look upon the property of members of the *kire* as a pool of assets where the members have the right to claim material help from another.

In the context of natural resource governance, however, the locals do not see the *kire* as institution with legitimacy. An attempt to interpret the *kire's* lack of legitimacy in exercising authority and control over natural resources, such as hillside enclosures, primarily as a result of the state's entrenchment against customary institutions may be misleading. First, the *kire* has been also neither a 'customary' tenurial nor a 'traditional' NRM institution. Second, when SOS-Sahel decided to transform the *kire* from its traditional role to NRM, not much emphasis was placed on strengthening their capacity in tandem with their new role.

On the contrary, the dualistic nature of SOS-Sahel's intervention at the local level itself seemed to contribute to the weak position of the *kire* in NRM. As has been already stated, user rights based area closures have established, of which the *kire* is expected to take the management responsibility. In the same vein, we have PLUPI, which is designed and carried out within the framework of government structures. As a result, village level land use committees known as Village Development Committees (VDCs) have been established in different villages (*gots*) and their accountability is to the *Kebele* Land Use Committee (KLUC), and through this to the *Wereda* Rural Development Committee (RDC). The VDCs are also responsible for all aspects of land management at the village level. Despite claims to integrate the PLUPI and the *kire* approaches, the relationship between these formal and informal local level organisational structures in practice does not seem to be well defined.

In practice, the *kire* seems to rest on an unclear mandate and legitimacy. Most importantly, they have no autonomous status. An important indicator of the contribution of the *kire* as an effective NRM structure may be its power and influence in resource-related conflicts. In this respect, the enforcement of the *kire* by-laws is weak since few conflicts that occurred within *kire*-based hillside enclosures have been resolved endogenously. The by-laws to regulate use and manage enclosed areas, or to resolve conflicts when they appear, are by and large formulated and regulated in line with the formal rules of the government. This is partly because the traditional by-laws of the *kire* have

never been related to property issues. In practice also, the local population consider the KA - the local government structure - as the legitimate agent in the exercise of control and power to which the rules to govern the use and management of enclosed areas would be enforced.

5.2 The differential impact of *kire*-based hillside enclosures

SOS-Sahel's initiative to reinforce self-governing and informal institutions may be seen as a potential step forward with respect to local level resource management. However, *kire*-based user-rights and enclosure have raised complicated issues in the way SOS-Sahel, the government, and local resource users themselves interact.

As has been highlighted above, one problem of the approach has been its idealised vision of the *kire* as a representative and homogenous group of people. In so doing, the approach neglects social, economic and cultural differences within the community. The other is the apparent mismatch between the *kire* and PLUPI which, in turn, has led to a different articulation of the community. As has already been mentioned, the *kire* is not a *got* or village-level institution. The third limitation of SOS-Sahel's *kire*-based enclosure has been a failure to recognise, or to practically resolve, the discrepancies apparent in the boundaries of the *kire*, PLUPI and the physical boundaries of 'communal' hillside areas. Much of SOS-Sahel activity in environmental rehabilitation focuses in the promotion of the PLUPI approach, which in turn focuses exclusively on the 'village' level. Hence, the approach does not take into account the fact that both the *kire* and local resource users operate within a much broader and more complex context than that of a single village. There are many supra-community factors such as secondary or tertiary rights of access in a single *kire*-based enclosure shared by several communities. This is a fact that SOS-Sahel does not seem to recognise. This in many cases has led to the generation of intra-and-inter-community conflicts during and after the implementation of *kire*-based enclosures.

The 'community management plan' is illustrative of this. On *kire*-based enclosures, a 'Community Woodlot Management Plan' has to be developed, and approved by the *Wereda* Administration. Marked poles with bright red and white stripes, locally known as *jallo* or *yä-sälam meleket*, are planted to see if there are any disagreeing groups. As we have seen, the management plan of *kire* user rights is seen by government officials and agricultural experts primarily as a technical issue. For different resource users at the community level, the management plan, particularly its approval by the government had a different signal. It was perceived as a legal property right document. The *kire*-based area

closures have often led to inter-and intra-community conflicts, or have exacerbated latent conflicts particularly in areas where the issue of land is highly contested.

The following case may illustrate this. The conflict, though triggered by the management plan, went beyond it to include social, institutional and land tenure issues. The conflict revealed that the political, social and tenure implications of planting trees were all at stake. The outcome of the conflict was determined by power relationships between the two social groups involved.

The story happened in 020 KA in the communities of Jirelie and Megenagna. While households in Jirelie are exclusively Christian, those in Megenagna are largely Muslim. Despite being some distance apart, one *kire* covers both *gots*.

The conflict happened in 1997, when the SOS-Sahel's extension worker, the government development agent, the VDC Chairman, and two KA representatives decided to enclose Maryam Wuha as a community woodlot. This area was located between the up-stream *got* of Jirelie, and the down-stream *got* of Megenagna. Specific problems emerged in Maryam-Wuha over who signed locally to approve the enclosure. Jirelie villagers accused the VDC Chairman of signing the Community Woodlot Management Plan by falsely claiming to be leader of the *kire*. They subjected him to an *imbedaddie*. Yet, the VDC Chairman claimed he signed in this capacity, not on behalf of the *kire*. Within its boundaries the village is expected to be in charge of the management of land, water, trees and pastures.

Major problems were caused because the scope of the *kire* organisation was misunderstood. SOS-Sahel has specifically targeted the *kires* because of their assumption that the *kire* is a *got* or village-level institution. In fact, it is primarily a Christian institution, based on a parish church (*dabir*). In some cases, a *dabir* can cover more than one *got*. In the case of Megenagna and Jirelie, it is the *Christians* in these two villages that belong to the same *kire*, as the church covers both villages. They mobilised the *kire* to help enclose the uncontested area in Jirelie. However, they viewed the enclosure of Maryam-Wuha as having been done without the authority of the *kire*.

In practice, the Muslims in Megenagna have their own self-help religious association, known as a *tertim*. They share this *tertim* with fellow Muslims in Waqeta, another KA. They were also able to gain the support of the powerful VDC Chairman in their efforts to enclose Maryam-Wuha.

Land tenure conflicts over the enclosed area underlie a good part of the conflict that emerged. These were not, however, considered by extension agents.

Villagers in Jirelie opposed the enclosure viewing it as an illegal encroachment into an area to which they had been entitled. The immediate resistance came from individual farmers in Jirelie who live adjacent to the contested woodlot and who saw the enclosure as a direct threat to their traditional access rights to grazing land.

One factor that led the Christians and Muslims to come into conflict over Maryam Wuha community woodlot was a highly valued agricultural area known as Adbawuha. The contested area, located between Jirelie and Megenagna villages, is seen by many farmers as the best quality land anywhere in the KA. It is a wetter and is considered more stable and productive in times of severe drought.

The contested woodlot is located next to Adbawuha. Beneath the conflict was the fear of up-stream Christians that the enclosed woodlot would in the future serve as a natural boundary between them and the down-stream Muslims. If there were to be another redistribution, it would mean, therefore, the take-over of their land ownership rights over Adbawuha by the Muslims in Megenagna. The Christians therefore felt that it had to be resisted. The tree seedlings planted by Megenagna villagers in 1997 are now either dry or have been up-rooted; and the enclosure has now become almost an open access area.

Local land tenure history, social and cultural differences, in whatever form they may be invoked, appear to have roles in the ways Christian and Muslim households interact over land and other natural resources. This is not, however, to say that land tenure conflicts between the two social groups were caused by, and hence followed religious lines. They are mainly caused by pressures on and competition over local natural resources, particularly land.

The Christians often refer to *rist*, a pre-*Derg* tenure system based on descent from a hereditary ancestor, as an ideological instrument corroborating how the natural resources particularly belonged to them. The Muslims who were prevented from owning land and who specialised in weaving were considered as special categories. They had maintained temporary access rights over land either through land contact arrangement (*megezo*) or through grants from local landlords (*balabats*) for their services, and had to pay one third of their agricultural produce to the landlords.

The *Derg's* 1975 Land Reform and its later redistribution enabled the minority Moslems to gain equal rights in land. Some of them were even able to get access to the most sought-after fertile land in Adbawuha. Consequently, Christian households who had seen their plots in the area taken away and given to the Muslims were and are still resentful of the *Derg*

The following statement by an old Christian woman may explain this:

Before the *Derg* the Muslims had owned no land. They used to get land by arranging *megazo* [sharecropping/land rent] with the Amhara [In this particular context the term Amhara means a Christian]. By then land was not a problem as it is these days. They were also very few. Now they have multiplied and expanded. The *Derg* made them equal. It gave them the land, which had been ours. They are now the *balabats* [landlords].

6. Government Allocation and the 'individualisation' of Communal Lands: A Case from Tehuledere

In the years between 1998-2001, an estimated 9,600 hectares of communal land has been allocated to 55,000 households in the Amhara region. Out of these, only 857 hectares are reported to have been planted. In Tehuledere *Wereda* the regulation was executed in only eight KAs out of twenty. Hence, an estimated 308,974 hectares of such land has been distributed to 4,116 households. Table 1 shows the distribution of *ye-wel meret* in Tehuledere.

A number of practical problems surfaced during the practical implementation of the government regulation. One of these was in the definition and identification of areas, which are classified in the regulation as *ye-wel meret* or 'communal lands'. The issue is important in illuminating the persistent tension anchored in state-peasant interaction in the context of land tenure and NRM in particular and Ethiopian rural development in general. It also highlights some theoretical questions on conventional assumptions about common property regimes and management.

Part of the problem in defining *ye-wel meret* was posed by the regulation itself. The Regional Regulation, under Article 1 defines *ye-wel meret* as: 'A marginal or hillside land/or an area within a ... (KA) that is neither owned by individuals as a private farmland, nor is used by the community as a grazing land. It refers to an area where community members in a KA discuss and decide to use the land for forestry, perennials and fodder production' (ANRS-BoA, 1998: 1). In this respect, the Constitution itself does not seem to provide support for the new regulation. In Article 40(3) of the Constitution it is stated: '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 public. Land is a common property of the Nations, Nationalities and the Peoples of Ethiopia' (FDRE 1995).

Table 1: Redistributed communal land and number of beneficiaries in eight KAs in Tehuledere, South Wello

Name of KA	Communal land redistributed (ha)	Number of beneficiaries	Area planted (ha)	Area already reforested and held as community forest (ha)
Godogoadit	73.8	820	30.6	43.2
Wahelo	294	294	36.7	-
Qete	47.1	377	47.1	30
Welde-Lulo	59.0	324	29.0	-
Gobeya	25.8	51	5.1	20.7
Ardibo	115.6	963	115.6	-
Pasomile	38.8	439	27.0	11.8
Hara	16.10	828	16.10	-
Total	413.8	4116	308.	105.7

Source: Tehuledere *Wereda* Office of Agriculture, 2000

For district and KA level administrative officials, agricultural experts and the locals, the government definition of *ye-wel meret* was not clear. When commenting on the draft regulation, the *Wereda* Administrative Council, for instance, wrote: 'Much of the area, except the ones reforested and held by the KA as *mahbarat den* [community forests], has already been held by households as grazing land. The regulation is not clear whether or not community forests could also be included in *ye-wel meret* allocation'.

This lack of clarity in the government regulation caused confusion. There were varied and conflicting interpretations by lower level officials, agricultural experts and different categories of farmers as each of these attempted to define and identify areas that might or might not be allocated as *ye-wel meret*. A lack of recording of tenure regimes made it difficult to verify where and to which category of tenure and to whom resource regimes formerly belonged. Consequently, the process of identifying areas classified as *ye-wel meret* led to what Dessalegn has recently referred to as a 'landscape of interpretation' (2001:71), but to a struggle over property rights, power and control *between* the state and the community, and *between* different categories of farmers *within* the community.

For agricultural experts, *ye-wel meret* refers to a physical landscape that has a slope of 30 per cent or above. For the majority of the local population, *ye-wel meret* was often used to refer to community forests that had been reforested during the *Derg* through *limat* or development work. For them the areas referred to in the regulation as *ye-wel meret* were these areas which were until now were held by the KA, in other words, by the state. During the process of implementation, the locals, particularly those who felt their rights to grazing

areas were threatened by the new regulation, reacted to protect marginal areas outside community forests saying that they had been using them for animal grazing.

Among district and zonal level agricultural experts such action of local people, interpreted as the 'hiding of land' (*meret medebeg*), was reported to be one of the most important obstacles to the successful implementation of the government regulation. However, this action could better be seen as a 'soft opposition' or a 'strategy of disengagement' to a policy which might further erode their rights of access to and control of very scarce resources in the name of 'environmental rehabilitation'.

Beyond this, local people in Tehuledere seemed to have some success in re-claiming their 'lost rights' to resources, which the state, particularly the *Derg* had taken away from them and yet controlled as community forests. They were able to achieve this through a strategic exploitation of the ambiguities in the government regulation, and lower-level administrative officials' and agricultural workers' rush for quick execution of the government's policy package. What finally occurred was some way from the rules and objectives stated in the government *ye-wel meret* regulation. That is to say, most of the area allocated in Godegoadit (in Tehuledere) was not what the government had classified as a degraded hillside area, because it was physically in the poorest condition. Rather, this land had already been reforested under the *Derg's* environmental rehabilitation programme and then afterwards nominally held by the KA as '*ye-mahbarat den*', or 'community forest'. As shown in Table 1, over half of the area allocated as *ye-wel meret* in this KA was '*ye-mahbarat den*'

The allocation of community forests as *ye-wel meret* was not without problems, leading to the generation of both latent and new resource-related conflicts. Over the years, what has officially been classified as 'community forest' has undergone considerable changes, and there are now what Maxwell and Wiebe have called, 'tenure niches' (1998: 23), where different and overlapping property rights regimes have become a typical characteristic. This was created mainly by the government itself during the years following the post-*Derg* period.

The period following the end of conflict was characterised in many areas by continued disorder and the absence of a recognisable authority to enforce official rules on NRM. The institutional transition further compounded this problem by allocating land to returnees and demobilised soldiers inside community forests. It is now common to find a farmer expressing the view that: 'land is mine, the trees and the grasses are of the KA'. There are tax-paying households with their

residences, plots and even access rights to grazing within community forests. The KA Council has had also a *de jure*, if not *de facto* ownership over the trees and grasses inside such categories of areas. As the scarcity and demand for grazing has intensified, parts of community forests have also been transformed into *mastinfisha* or *chichisa*, i.e., a place of rest for animals, mainly by those households with livestock with no or small grazing land of their own. There is, therefore, another category of resource users and tenure, involving user rights on grazing land. Some land within community forests has been also held by individuals as *ye-gel den* (private forest).

Since 1998 the regional government has put into operation a Forestry Investment Guideline for private investors which included some tax incentives (SIDA-BoA 2000). Hence, in Tehuledere, perhaps in other Districts too, the *Wereda* Agricultural Office has given areas to individuals whom it thought to be 'enterprising farmers' capable of engaging in private forestry development. According to the Forestry Investment Guideline, areas to be granted were those 'which had never been developed or reforested either by the government or the community in mass mobilisation'. In this context, community forests were therefore not to be touched. What had actually happened, particularly in Godegoadit was, however, that previously enclosed and reforested areas, which until then were held as 'community forests' were handed over to individuals for private forestry investment, thus defying the government's guidelines. The local politics underpinning the allocation of community forests to individuals is complex, involving cases of corruption and 'capture'. It has brought about tension between the community and government agents.

What I want to emphasise here is that the allocation of areas to private investors has further complicated the nature and types of property rights regimes in community forests. The government *ye-wel meret* regulation was implemented without considering the overlapping and conflicting rights prevailing in community forests. What has been illustrated from the actual implementation of the *ye-wel meret* regulation is the absence of any institutional mechanism to resolve conflicts that emerged from the variety and complexity of arrangements. The whole process was carried out in a centralised manner over which the KA Council presided as principal executive agent.

The screening and prioritisation of beneficiary households, identification of sites as well as the practical on-the-spot allocation of land in each village was in the hands of the MB. The community elders had no greater role than observer status in the allocation.

The role of government Development Agents (DAs) was only technical, assisting the 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, leading to the neglect of long-term impacts.

In Tehuledere, and perhaps in other Districts both in North and South Wello, landless households especially the young were prioritised. Hence, 'flat lands' suitable for farming were primarily allocated to such categories of farmers. In some cases, the government user rights regulation was also used for other ends by the government. For instance, in one KA in Tehuledere, families of recruited army members (*ye-zematch betesebotch*) were prioritised. In other KAs both in North and South Wello, the stress has been on allocating land to whoever is capable of managing it.

Women, particularly female-headed households, generally appear to be losers in *ye-wel maret* allocation. The KA Chairman¹⁰ in Godegoadit noted: 'In principle, the KA has not attempted to make women heading households alone beneficiaries of *ye-wel maret* 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* [physical energy]'. The other categories of losers from the regulation were households who had previously used community forests for animal grazing.

Fieldwork in Tehuledere also revealed that the government *ye-wel meret* regulation has had very little relationship to what happens on the ground. This is most apparent in a gap between policy prescription on the rights and obligations of user-beneficiaries and actual practice. User-beneficiaries, including those whom the government assigned to oversee the effective implementation of the regulation, have used communal land for farming purposes. The practices of beneficiary households became less and less concerned with the initial content of the rules set out in the government regulation, and increasingly a mere enactment, a formal condition for gaining access to a farmland in communal areas.

7. Conclusion

Through a comparative discussion of case materials in Meket and Tehuledere, this paper has attempted to understand whether or not community or individual based user rights provide the rural population with greater security of tenure and greater control over and management of communal areas. In this respect the paper has argued that although the two approaches are innovative and hence potential steps forward, the

effects of the two approaches in practice have been limited.

In the case of SOS-Sahel the simplified view of the *kire* as representative of a homogenous population fails to understand social and economic differentiation, and deep-seated land tenure and social conflicts among resource users. In this respect, the provision of user-rights to a single *kire* or to a single village appeared to exclude many secondary or tertiary users of these resources.

The 'individualisation' of communal areas allocation by the government, on the other hand, appeared to be complicated by other political and administrative concerns about land redistribution, particularly in areas that had been liberated from the *Derg* before 1991, rather than by natural resource management concerns *per se*. In fact, therefore, practical difficulties remain between conservation and land redistribution. The prioritisation of households without land in communal areas allocation alone is a step to nowhere in addressing the wish of beneficiary farmers for more agricultural land or as incentives for conservation.

The other concern of the paper was to demonstrate the differential effects of these two approaches on households' and communities' relationships over access and use of common property resources, and their implications for NRM. In this regard, it is argued that although the two user-rights approaches do not, *per se* lead to new social and land tenure conflicts, they have tended to exacerbate existing or latent conflicts. SOS-Sahel's view of the *kire* as representative of a homogeneous population, and the government's prioritisation of the landless, have both failed to understand the nature of social and economic differentiation. This has led therefore to the exclusion of many previous users to these resources.

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¹⁰ Interviewed on 2 December 1999 in Godegoadit.

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