

Values of Protected Landscapes and Seascapes

A series published by
the Protected Landscapes Task Force of IUCN's World Commission on Protected Areas



1

Protected Landscapes and Agrobiodiversity Values

Edited by
Thora Amend, Jessica Brown, Ashish Kothari, Adrian Phillips and Sue Stolton



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The Borana conserved landscape, Ethiopia

Marco Bassi and Boku Tache

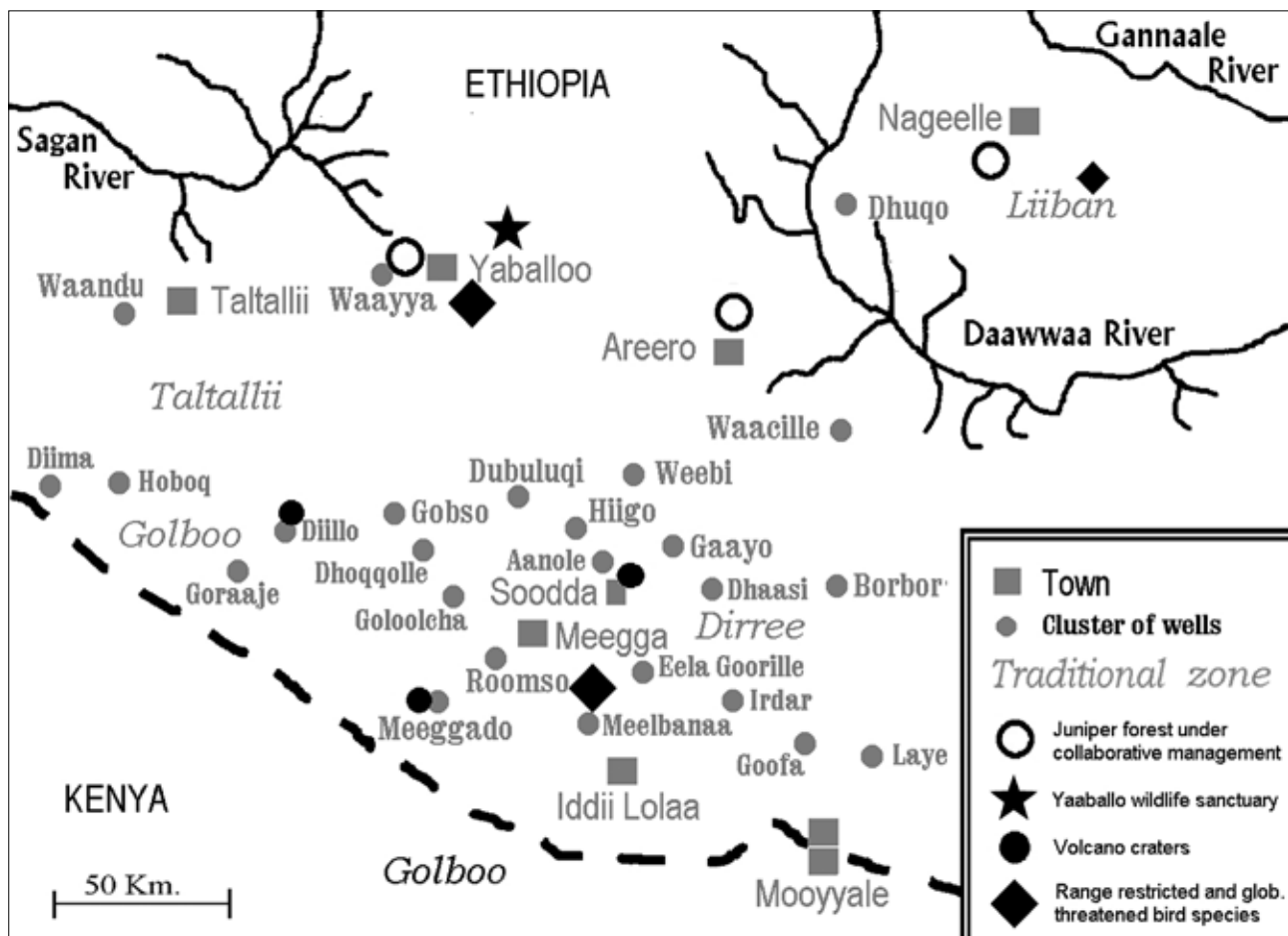
Summary

The Borana Conserved Landscape is a large and officially unrecognised community conserved area in Southern Ethiopia, managed according to indigenous governance. It includes diverse ecological zones and a variety of key natural and human-modified resources, and hosts a range of both domesticated and wild biodiversity of high international relevance. Within the broader landscape (IUCN Protected Areas Category V) certain zones are customarily managed under more restrictive rules of access and use, corresponding to the IUCN categories Ia (Strict Nature Reserve), Ib (Wilderness Area), and III (Natural Monument). In addition there is a government protected sanctuary and three government protected forests, the latter recently converted into co-managed protected forests by incorporating some elements of indigenous governance. A process is still needed to achieve a fuller recognition of the entire landscape, by empowering the indigenous community.

Community conserved areas and indigenous conservation

In the Horn of Africa many pastoral and agro-pastoral groups have fully fledged and still operative systems of indigenous governance. These are often well-known because of classic anthropological studies, although their relation to the environment, and specifically to conservation, is only recently receiving more attention, particularly since Community Conserved Areas are now recognised as a protected area governance type. Community Conserved Areas (CCAs) have been defined as “natural and modified ecosystems, including significant biodiversity, ecological services and cultural values, voluntarily conserved by indigenous peoples and local and mobile communities through customary laws or other effective means” (Borrini-Feyerabend et al 2004).

Communities that, for centuries, have been living in a certain territory with specific identities must have





View of a traditional well site in the vicinity of a volcanic lake, intensively used by livestock and humans, but kept in a 'natural' state, free from settlement and agricultural practices.

developed devices for their immediate survival and to ensure their long-term sustainability. Over time the natural landscape is shaped by eco-compatible human actions, while culture develops in strict association with the modified environment and the need to preserve the key resources.

Under these ideal conditions the implications for biodiversity are twofold. On the one hand, the need to preserve key resources induces a condition of 'indigenous conservation', defined as the direct or indirect action of environmental conservation based on culture and a collective identity (Bassi, in press). Conservation is achieved through norms and mechanisms of inclusion and exclusion, often operating at various collective levels. The savannah, arid lands, and forests that have been selected by State authorities as sites for special biodiversity protection from the colonial time onwards are not 'natural' habitats, but human modified environments providing the habitat for specific wild species. On the other hand, human beings select specific domesticated breeds capable of thriving in their 'naturally' modified environment. In relation to pastoralism, the concept of agrobiodiversity should be centred on the interplay between wild and domesticated species, since pastoralism is based on a direct interplay between domesticated stock and wild plants, and is obviously heavily conditioned by the composition of wild grasses, bush species and trees. Also, as mobility and access to a variety of natural resources are a built-in feature of pastoralism, it is also necessary to consider the overall landscape where these activities take place.

In the Horn of Africa, CCAs are often totally informal and unrecognised. The imposition of statutory law and new tenure systems, the transfer of decision-making capacity to formal State officers, the economic marginalisation

of many local groups, protracted warfare, and processes of mass migration are progressively eroding the ideological base and legacy of indigenous conservation. Despite its decline, in many areas indigenous governance still provides an extraordinary conservation asset, as in the case of the Borana Conserved Landscape.

The Borana Conserved Landscape

The Borana are part of the Oromo, the largest nation of the Horn of Africa. The Oromo were politically characterized by their *gadaa* system of generational classes and the hereditary *qaalluu* (high priests). Being scattered over a large and diverse territory, the Oromo have established various *gadaa* centres in Ethiopia, each providing the governance structure for a certain portion of the territory. The Borana are a pastoral sub-group of about 400,000 people, with a distinctive territory in the semi-arid lands of Southern Ethiopia and Northern Kenya. In Ethiopia, their customary territory corresponds to the southern portion of the former Sidamo Region as demarcated during the imperial and Derg time, from the confluence of the Ganale and Dawa rivers in the East to Lake Chew Bahir in the West. Some portions of this land were jointly used with other pastoral and agro-pastoral groups. The area between the two rivers is Libaan, while the highlands to the west of the Dawa are known as Dirree. In Kenya the Borana are nowadays concentrated along the border in Moyyale Marsabit and Isiolo districts. The Borana have a single encompassing *gadaa* system and five recognised *qaalluu*. They have managed to maintain their governance system, although the political influence of *gadaa* is now confined to Ethiopia, especially Libaan and Dirre, with competences informally recognised by the local administrators, and limited to pastoral issues and Borana internal affairs.

The whole of the large territory of the Borana, and particularly the Ethiopian homelands still under *gadaa* governance, can be considered a community conserved landscape, due to the variety of specific rules and practices that have historically assured its sustainable and eco-compatible use. It includes diverse ecological zones and a variety of key natural and human-modified resources. This is fully compatible with IUCN Protected Areas Management Category V, Protected Landscape/Seascape (Phillips 2002). As described below, within the broader landscape certain zones are customarily managed under more restrictive rules of access and use. Taking into consideration the emerging trends in interpreting the IUCN categories (Borrini-Feyerabend et al 2004; Dudley et al 2004), the ceremonial grounds are compatible with IUCN categories

Ia (Strict Nature Reserve), the juniper forests with category Ib (Wilderness Area), and the volcanic craters and the traditional wells with category III (Natural Monument). The same landscape also includes some government managed protected areas, while some have recently been converted into co-managed protected areas.

The different natural resources are all conceived by the community as strongly complementary, and are the shared heritage of the whole community. This is communicated through a sacramental process, as in the following extract from a prayer:

Dirreen nagaa	Peace for Dirre
Dirrii liiban nagaa	Peace for Liiban
Tulaan sallan nagaa	Peace for the nine Tulaa wells
Baddaan sadeen nagaa	Peace for the three Forests
Malbee golboon nagaa	Peace for Malbee and Gol boo
Booqqee sadeen nagaa	Peace for the three Booqqee
Baddaa gammoojjiin nagaa	Peace for the forest and the drylands

The management of rangeland

Liiban and Dirree are the two main macro-regions of the Borana in Ethiopia, including both critical wet and dry season pastures. *Malbee-Golboo* are the dry lowlands in northern Kenya, along the Ethiopian border, a critical wet season pasture. The sound management of the rangeland is promoted through norms of inclusion/exclusion designed for pastoral activity and known as *seera marraa bisaanii* – ‘the law of grass and water’. The Borana ‘law of grass’ shares the basic principles of most East African pastoral groups. Although no family can be directly denied access to the rangeland, the law differentiates between dry season pastures (with permanent water points) and wet season pastures (with good grass but only accessible during rains). It imposes the maximum use of wet-season pasture whenever possible, thus minimising pressure on the most intensely utilised rangelands served by permanent water points. In practice, this is achieved by dividing lactating (and thus less mobile) cattle from dry stock and other stock species. There are also provisions for restricting access to certain areas (*kaloo*), which are kept as a reserve for certain stock categories during the dry season. These norms and practises have a direct impact on the ecology of the rangeland, particularly on the composition of grass species. Additional practices contribute to controlling the composition of bushes and trees, such as controlled fires, selective cutting of bushes for firewood, and the periodical movement of villages to avoid depletion of trees.

The conservation ethos is not always expressed in explicit terms. Indigenous conservation is often indirectly achieved in accordance with culturally-specific values, beliefs and ritual practices. For instance, the Borana share with the other Oromos cultural beliefs associated with

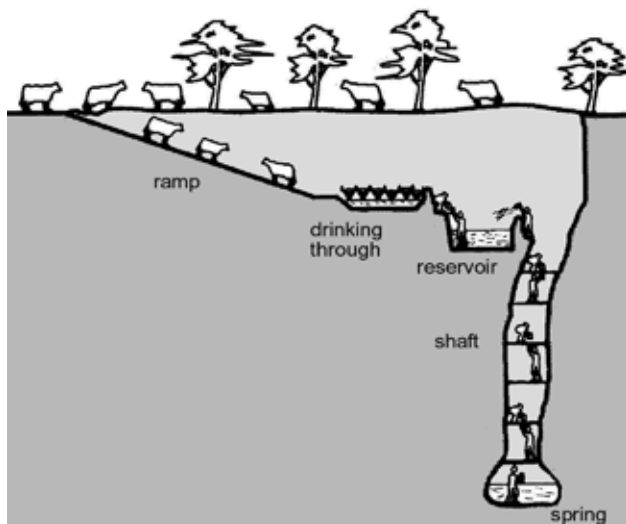


Borana cattle in a foora camp, 2006.

particular trees. The most important is the Sycomoro (*Ficus sycomorus*) (vernacular: *odaa*), symbolically associated with the *qaalluu*, the high priests of the society. Other trees are protected because their branches are used in rituals, or to make ritual/cultural sticks and objects, or for the production of edible fruits for humans and livestock (e.g. *Acacia tortilis*; vernacular: *dhaddacha*), or for their positive ecological interaction with the growth of forage. Further, certain tree species are planted close to the burial place as part of funerary rituals. These trees are carefully cared for later on. The overall result is a species-selective tree management at the country level. In the savannah areas, poverty is forcing some families to engage in charcoal production. However, the burning of protected trees still raises strong social concern. The Borana also strongly complain about the destructive tree-cutting practices of non-Borana groups that have been resettled by the government on their land.

The management of water

The second set of customary laws indirectly regulating the ecology of the rangeland, is the ‘law of water’. This law is highly articulated and peculiar to the Borana and their environment. It is characterised by the presence of traditional wells (*eela*), distributed in localities where the aquifer can be reached¹. Access to key dry-season rangeland is achieved by gaining access to these permanent water points. Nine of these well complexes - the *tulaa sallan* (the nine *tulaa* wells-complexes) - have a special ritual and symbolic relevance, for the particular qualities of the water and the surrounding environment. The *tulaa* wells can be as deep as 40 metres in the localities of Meelbanaa, Irdar (Egdar), Goofa (El Gof), Laye (El Lae), Dhaasi (Dhas), Weebi, Waacille, Hiigo, and Gaayo. The norms regulating access to the wells are based on the investment required for digging, clan affiliation, assignment of individual and collective ownership rights, and rights of access (i.e. priority



Cross-section of a tulaa well

is given to clans and families that have actually invested in the well. There is also a limited quota for outsiders, including members of other ethnic groups and wildlife) (Bassi 2005; Oba 1998). There are special provisions to ban any permanent or temporary human settlement in the vicinity of the wells. In the normal cycle of well excavation and collapse, wells serving over-exploited rangelands are abandoned and new ones are developed elsewhere.

The distribution of the well clusters has encouraged the Borana to select, over the centuries, their particular breed

of zebu cattle, internationally known as the 'Boran breed' after the attention received in several studies promoted by ILCA/ILRI (International Livestock Centre for Africa, later developed into the International Livestock Research Institutions). Borana cattle are able to walk long distances in hot and sunny climates, normally drink every third day, and are very efficient converters of pasture forage into body fat which is used during periods of drought. They have the capacity to put on weight easily after the dry season and provide an optimal balance of meat and milk production for market and household consumption. Because of their outstanding performance in hot and dry climates, the Boran breed has, from the 1920s onwards, been introduced in commercial schemes and cross-bred in Kenya, Tanzania, Uganda, the Democratic Republic of Congo, Zambia, Australia, the United States, Brazil and Mexico (ILRI website). Recently a proposal has been formulated to preserve the 'pureness' of the breed in Boranaland (Zander and Mburu 2005).

The three-day watering interval allows the Boran breed access to rangelands located up to one and a half days walking distance from the wells. This explains the exploitation of pastures not accessible by other breeds during the dry season, and a lower concentration of stock in the proximity of the wells, where over-exploitation tends to occur due to the convergence of herds from various directions.



Gurracha Duuba shows a well where previously water was found at the surface.

This capacity, and the herding practice of separating stock types, has positive implications for the long-term grass composition of the different zones. The three-day rotation also allows well access to a larger number of pastoral units and the allocation of each day to different clans, thus fostering inter-clan cooperation and reducing the potential of inter-clan competition and conflict. In economic terms, the Borana cattle have been the main beef export from Ethiopia to the Gulf States, and a major source of foreign currency during the socialist period of Ethiopia.

The juniper forests

The *baddaa sadeen* are the three largest juniper (*Juniperus procera*) forests in the Borana Conserved Landscape; Baddaa means ‘forest with tall trees’ and ‘a dark green forest’. As in several other forests in the Horn of Africa, the *baddaa sadeen* are too humid for permanent pastoral settlement. However, some open patches contain excellent pasture and provide permanent springs. Traditionally they were therefore used as dry-season pastures. The forests have an important function as a last refuge for grazing in case of drought, and are a reserve for medical and ritual plants. They were not subjected to special management provisions, apart from the very strict prohibition against starting fires in the forest.

The forests have a high symbolic value; they are conceived as something belonging to the ‘outside’ - the realm of nature, being close to God (*the alolla*) (Kassam and Megerssa 1994). They are also a metaphor for human society, hence highly valued in social terms. Gurracha Duuba, a Borana elder living outside the Manquubsa forest near Nagelle town, clearly articulated these values during an interview conducted in September 2002. The Manquubsa forest was nearly destroyed by a fire in 1999 and the remaining area was seriously affected by illegal and selective cutting of juniper trees for house construction in the town:

“The juniper trees are like the Borana elders (*jaarsa*): they stand taller than the others and have a long white beard (whitish lichen – *arrii* – is often hanging on the juniper’s leafy branches). Just as there cannot be Borana society without elders, the *baddaa* (forest) will follow into chaos when all the junipers are cut or destroyed. I was told long ago [referring to an oral prophetic text] that one day we would have seen a big light from very far and the *baddaa* would disappear...[referring to the great 1999 fire].”

The juniper trees *are* thus the elders and the forest *is* the Borana society, since there is a dynamic link between the two. This link is reflected in prophecy. The prophetic text the elder was referring to is well known by the community and provides a list of events representing the reverse of orderly social life. These events announce a cosmological

crisis, an apocalypse (Bassi and Boku 2005). The ‘light’ (i.e. the fire) destroying the forest is thus equated with the disappearance of orderly human society and is conceived as a step towards, when translated in western scientific language, an ecological disaster at a global level. The symbolic inter-dependence between the forest and human activity is further qualified in the rest of the interview:

“The forest attracts the clouds. It makes them stop and rain. It also produces rain: in the forest there is always humidity and mist. It produces rain. We can see it by the fact that it has springs and produces all-year-round high quality pasture. Due to the forest destruction now, the nearby plains (Diida Liiban) and other places do not receive enough rain anymore, and many of the permanent springs in the forest have dried up. But rain is still good in my place, Xuxxuffe, due to the remaining patch of forest nearby”.

Gurracha Duuba illustrated his points during a walk in the forest. He showed us several surface water points that have dried up during the last few years. He also showed us how deep they have to dig now to find the water in the same point, requiring a line of 10 standing men to draw water to the surface. The analogy with theories of global warming is clear, although the cause-effect relation between forest and climatic change here is at a local scale.

The volcano craters

The *Booqee sadeen* are the three volcano craters found in Borana territory, providing different salts and high quality water for both human and cattle consumption. They are kept open and can be used by wildlife, but access by the community is regulated through a balance of customary and statutory laws, the latter imposing a tax on salt extracted by the local community. When the government announced, in national newspapers, a public bid for industrial mining in the craters, the entire community mobilised and managed to conserve the customary use of the *Booqee*.



Crater lake producing minerals for livestock (and wildlife) consumption.

Borana governance

The different resources discussed above, together ensure the maintenance of a viable pastoral system. They are common resources, in the sense that all pastoral units have the potential to use the territory and gain direct or indirect rights of access in response to unpredictable climatic patterns. However, both management and access are strictly regulated through practice, customary norms, belief systems, and laws of inclusion/exclusion, which protect the resources from outsiders and regulate the internal allocation between groups, sub-groups, individuals and families.

This regulation is achieved through indigenous governance built on the highly complex *gadaa* system of generation classes (Legesse 1973). Every eight years a new generation class, represented by elected leaders from the major clan divisions, takes the leadership of the *yaa'a*, the mobile ritual villages of the Borana. Ceremonies are performed in different sacred sites scattered over the landscape, mostly in the shade of a Sycomoro tree. The tree and the surrounding area, known as *ardaa jilaa*, are fully protected and maintained in a natural state (Taddesse 1995). The representatives of the *gadaa* generation class are also responsible for the organisation of the *Gumi Gayoo*, the general assembly of the Borana held once in every eight years. The event lasts over a month and involves

thousands of people in democratic debates. The general assembly also serves as supreme court of the Borana and their legislative body. Formal customary laws (*seera*) are orally announced on these occasions. Law enforcement is assured by the Borana practice of discussing judicial cases and reaching binding decisions by consensus in a large variety of formal assemblies, held either locally by variously defined residential communities or at central level by each clan. Assemblies are led by different types of titled leaders. The *abbaa gadaa*, the *qaalluu* and the *hayyuu* are the most authoritative, having served for not less than 16 years in one of the Borana *yaa'a*. All titled leaders and influential men are called *jaarsa*-elders, a term implying political prestige (Bassi 2005).

This system illustrates the mechanisms of indigenous governance, based on the political philosophy of each group, and manifesting itself through a number of correlated visible elements, including:

- norms (customary law and practice) and procedures regulating the decisional processes, including law making, conflict management and dispute settlement
- the settings where binding decisions are made, normally in various councils and meetings
- customary institutions, defining political and ritual roles, and political and juridical personnel
- ritual practices.



The Gumi Gayoo general assembly.

Symbolic constructs of social and economic groupings, norms, juridical and judicial procedures, culturally-specific sanctions, political and juridical personnel, and local or indigenous knowledge are all inter-connected elements taking shape in relation to the specific territorial asset.



A Sycomoro marking a ritual ground. The Borana only manage to protect the tree, while the surrounding area is now cultivated by newcomers.

Agrobiodiversity and the state-induced decline of the conserved landscape

The environmentally sound management of natural resources assured the development and conservation of a unique agrobiodiversity heritage in Borana territory.

To date, ecological studies have focused on the direct inter-relation of stock with wild species, and hence, primarily on vegetation dynamics and their response to grazing (Oba et al 2000; Coppock 1994), from the point of view of both indigenous and scientific knowledge (Oba and Kotile 2001). In addition to the Borana cattle breed, specific to this territory and later disseminated world-wide, there are several important breeds of goat, sheep, donkey, horse and camel. Very little is known on the relation between the pastoral-modified environment and other wild biodiversity; although it is documented that the Borana conserved landscape provides the habitat for a variety of important, globally-threatened, range-restricted and biome-specific wild species (EWNHS 1996).

The Acacia-Coommiphora open woodlands and bushlands of the area support 43 species of mammals, including the endemic Swayne's Hartebeest (*Alcelaphus buselaphus swayeni*) and 283 species of birds, including the endemic Abyssinian Bush Crow (*Zavattariornis stresemanni*), the White-tailed Swallow (*Hirundo megaensis*)

and the Sidamo Lark (*Heteromiraфра sidamoensis*). It is possible that the Abyssinian Bush Crow, found only in the land of the Borana, is actually dependent on a pastoral-modified ecology. This species, whose classification has been difficult, is in fact only found in a restricted range, in the middle of the *tulaa* wells area, which is locally known for having been intensively used by cattle-pastoralists for several centuries. The globally-threatened and little-known Sidamo Lark is found in a very small area southeast of Nagelle Borana (Robertson 1995).

Dry evergreen forests and patches of forests with *Juniper procera* are also important because they occur in low rainfall habitat (below 1,000 mm) and they host the restricted-range Prince Ruspoli's Turaco (*Tauraco ruspolii*) (Borghesio 1997). Plants of wild coffee and chat (an evergreen shrub widely grown for its mild narcotic effect) are also found in the forests scattered through Boranaland.

From the 1970s onwards the Borana environment was confronted with major land use changes. The socialist government limited mobility within the ethnic territory and promoted agriculture. The situation degenerated further after the change of government in 1991, with the political marginalization of the Borana. UN-backed returnees programmes and other development initiatives supported by international funds meant that entire portions of Borana territory, including two *tulaa* localities, were entrusted to neighbouring groups. More land resources were lost by the Borana in the process of economic liberalisation and globalisation. Large ranches were acquired by international investors. Extensive portions of land around the towns, located in critical dry-season pastures, were assigned to town dwellers and to non-Borana immigrants, for small-holding cultivation. Since common property and indigenous land rights are not recognised in Ethiopia, the Borana's territory has been treated as if their common property land were 'no-man's land', to be assigned to whoever claimed it.

The Borana have been squeezed into the driest pockets where their grazing land was bound to deteriorate, and deprived of their drought grazing reserves (Oba 1998). The only possible survival strategy for the Borana has been to engage in farming in the remaining least suitable places, both to obtain some food during years of good rain, and to secure some land rights to the community in the long run.

The Borana institutions and norms appear increasingly unable to cope with the development and resettlement policies. Decisions on land allocation and land use are simply imposed upon them by the State administration. In addition, massive immigration of people who do not share the values attached to Borana governance, have made the traditional governance ineffective at the landscape-level, with a tremendous overall de-legitimizing effect. The impact on biodiversity conservation is also tremendous,

despite the establishment of some formal protected areas within the Borana territory by the Socialist government. The open woodlands, especially in the wetter zone providing the habitat of the Abyssinian Bush Crow, are becoming smaller and fragmented. Unregulated overgrazing is turning them into dense bushes. Agricultural encroachment and overgrazing are taking place even within the Yaballo sanctuary, established to protect this outstanding biodiversity complex. A recent road-side count of the Abyssinian Bush Crow by Borghesio and Giannetti indicates a population decline of 80% since 1989 (Borghesio and Giannetti 2005).

The juniper forests (*baddaa*) of the Borana conserved landscape are devastated. The smaller patches scattered over the landscape are almost completely destroyed. The three largest forests (*baddaa sadeen*) were classified as National Forest and accordingly protected and managed by the government. All were seriously affected by the fires in 1999, and all are seriously endangered by commercial timber extraction and agricultural encroachment by non-Borana newcomers. Of the three, the Manquubsaa Forest (Nagelle) has almost entirely disappeared. The Arero forest remains dense only in some blocks, having entirely disappeared in the remaining parts, while the Yaaballo Forest is highly exploited with some remaining dense patches (Borghesio et al 2004).

During field-surveys conducted by the authors in 2002 with SOS Sahel-Ethiopia, it appeared that nearly all the ceremonial grounds, previously held in a natural state by the Borana, were affected by the development of new settlements and extensive farming, mostly practiced by non-Borana newcomers, or were incorporated into private ranches managed by external investors. The customary leaders have been forced to negotiate access to their holy grounds at the time of ceremonies.

Although international cooperation strongly supports the development of new boreholes, the Borana still manage to independently maintain those traditional wells that they can still access. However, the system of norms and the enforcing mechanisms that prevented settlement close to wells, are losing their efficacy. While most pastoralists still keep their mobile villages far from the *tulaa* wells, some wealthier Borana have started to construct permanent houses and shops in the vicinity of the wells, which could possibly develop into the rapid formation of a new town, being close to a water source.

Unfortunately, while this changing pattern of land use is destroying the sustainable pastoral management and dependent biodiversity, it is not producing any relevant economic gain. Boranaland is not suitable for agriculture due to low and irregular rainfall. Both the pastoralists and the immigrating farmers only manage to survive on food donations from abroad.

Valorizing and revitalizing Borana governance

In the previous paragraphs we have shown a fundamental convergence of interests and a comparable conservation ethos between the Borana community and global conservationists, despite indigenous conservation being primarily motivated by sustainable livelihoods and ritual. We have also described how customary governance is under heavy external pressure, and is currently incapable of dealing with the new challenges. We are therefore challenged by the question of how to bridge global biodiversity conservation goals with the values and practices of the local and indigenous communities, while respecting the basic principles of equity, and building on local cultural notions and models. In other words, what are the possibilities and constraints in applying a CCA approach to this region?

Applying CCAs in the Horn of Africa mainly means recognising, valorising and formalising indigenous (or customary) governance and customary tenure systems based on common property. The provisions for collective rights guaranteed under International Labour Organisation (ILO) Convention No. 169 and the Draft United Nations Declaration on the Rights of Indigenous Peoples – with their explicit reference to customary laws, customary leadership, customary legal and decisional procedures, customary land tenure, and self-determination – obviously provide paramount guidance. Unfortunately collective rights are hardly recognised in the legislation of Ethiopia or any other of the countries of the Horn of Africa. Collective rights may implicitly be considered or recognised as a secondary claim in some sectoral law or policy document, usually under the heading of ‘community’ or ‘local community’. However, the concept of ‘community’ or ‘local community’, lacking any reference to the environment-specific cultural elements, is too generic for indigenous conservation to regain efficacy. Some recent guidelines and recommendations developed in the context of the IUCN and the CBD may provide more specific guidance to promote appropriate policies and legislation at national level, but more work in this area is clearly needed.

Even in the absence of specific country-level legislations, some interesting attempts to realize the value of indigenous conservation have been made on the ground, mainly in relation to collaborative forest management. In a CCA approach, reference to customary leadership is crucial. The Borana Collaborative Forest Management Project was established in 1999 by SOS Sahel, with funds from the EU, to stop the process of serious degradation of the three largest juniper forest of Borana Zone. The project staff implemented action based on an in-depth analysis of tenure, resource use and customary governance. The project has been working to rebuild respect and recogni-

tion for the *gadaa* system as a legitimate governance structure, and has acknowledged the *gadaa* leaders as primary stakeholders and key partners to the Forest Department (Boku and Irwin 2003). The main customary leaders have systematically been involved in the preparatory debates. However, the formal recognition so far achieved does not involve Borana governance as a whole, as only customary leaders and elders have been included in new, locally established management committees. This limits the relevance of the action to forests, which are only one component of the Borana conserved landscape. Even with this limited scope, there are problems of implementation. According to Borbor Bule, a well-known local elder, the sustainable management of the forest will be possible only when the management responsibility and authority are entrusted to elders who are the custodians of the resources. The elders should have the power to impose sanctions in case of damaging behaviours, based on explicit agreements where the traditional structure has a leading role, and the administrative structure a supporting one (Boku and Irwin 2003).

Customary tenure, collective rights and primary stakeholders

Indigenous conservation is primarily based on customary tenure and, especially for pastoralists, on communal use of resources. Once the customary tenure system is replaced, indigenous governance and customary law no longer make any sense and indigenous conservation is gone forever. Legitimizing customary tenure in the first place means recognising the collective rights of the indigenous communities. But even if the legal environment is not conducive to this, there are a number of alternative solutions in the context of environmental protection and collaborative management. In the Borana Conserved Landscape the rapid environmental deterioration is associated with competing claims between the indigenous communities and other encroaching groups or opportunistic newcomers, all claiming access to the same natural resources. Both the indigenous communities and newcomers belong to the 'local community' category. They are simultaneously using the local natural resources. Both have claims and rights, though based on different legitimising principles. Dealing with conservation implies making choices about legitimate claims, and giving priority to those who have established long-standing associations with the natural resources. Hence, a culturally-grounded approach to environmental conservation requires a clear differentiation between primary and secondary rights. We propose, therefore, that

primary rights are ascribed to the communities and groups that, through an historical association with a territory, have developed cultural and functional devices for the conservation and sustainable use of natural resources in that territory.

It has rightly been observed that a superficial application of stakeholder analysis leads to a misleading sense of equality between stakeholders (Hughes 1996). Grazia Borrini-Feyerabend suggests criteria to differentiate between stakeholders in collaborative management, including existing rights to land or natural resources, continuity of relationship with the resource, unique knowledge, and historical and cultural relations with the resource at stake (Borrini-Feyerabend 1996). An ODA report suggests differentiating between 'primary stakeholders' who have rights, and 'secondary stakeholders', who simply have interests (ODA 1996). Putting theory into practice is not, however, so easy, and the identification of the rights-holders in the Borana landscape was considerably complex. In the Borana Collaborative Forest Management Project, it was therefore decided to differentiate between primary and secondary stakeholders on the basis of direct or indirect use of the forest, whilst acknowledging the relevance of historical and social factors in determining rights over the resources (Boku and Irwin 2003). In order to overcome the difficulties of differentiating between stakeholders, it is advisable to clearly define 'primary stakeholders' with reference to cultural and historical criteria. Accordingly, we propose to recognise primary stakeholders as those members or sections of the local community that can legitimately claim primary rights on the resource at stake.

Need for institutional development

The process of recognition of customary governance implies a process of harmonisation with national and international demands. This requires specific actions at national level, in terms of recognising the relevance of collective and cultural rights and customary tenure systems, through policy, legislation and guidelines. It also requires specific actions at a local level, in terms of re-contextualisation and innovation. The effective revitalisation of indigenous governance requires more than a simple codification of customary laws (i.e. directly incorporating them into the legal framework) or undertaking negotiations with the existing customary leaders. It requires attention to be given to all the interrelated elements of indigenous governance. In the case of Borana Conserved Landscape it is possible to rely on the variety of customary bodies and institutions to stimulate the revision of norms. However, customary

leaders and local actors, who may be marginal to modern processes and training, are often incapable of dealing with new threats and situations. It is therefore necessary to enhance the capacity of the customary leadership to deal with new challenges. This can be achieved by *ad-hoc* capacity development initiatives and also by institutional change at the local level, where there is an interface between indigenous and State institutions, and modern and indigenous knowledge.

1 The deep wells are known as the 'singing wells' because of the way they are operated, giving the impression of songs coming directly from the earth.

Glossary of local terms

abbaa gadaa

'father of the gadaa' the leader of the Borana nominated every 8 year

Alolla

The 'outside' the realm of 'nature'

ardaa jilaa

cerimonial ground

baddaa

forest with tall trees or a dark green forest

baddaa sadeen

the three largest juniper forests in the Borana Conserved Landscape

booqee sadeen

the three volcano craters found in Borana territory

eela

traditional wells

Gumi Gayoo

the general assembly of the Borana held once in every eight years

hayyuu

customary officers of the Borana with juridical functions

jaarsa-elders

titled leaders and influential men

kaloo

areas which are kept as a reserve for certain stock categories during the dry season

qaalluu

high priests

seera

formal customary laws

seera marraa bisaanii

the law of grass and water

tulaa sallaan

well complexes

yaa'a

the mobile ritual villages of the Borana

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