



THE OROMO STUDIES ASSOCIATION PRESENTS:

A NEW FRONTIER

Ushering in Lasting Change in
Oromia, Ethiopia and the Horn of Africa

July 26-28, 2019

Rift Valley University, Finfinnee/Addis Ababa

**CONFERENCE PROCEEDINGS: A COLLECTION OF KEYNOTE ADDRESSES, GUEST LECTURES, AND
CONFERENCE PAPERS WITH POLICY RECOMMENDATIONS**

THREE PLENARIES COVERING THE TOPICS:

- 1) REIMAGINING THE STATE
- 2) LOOKING BACK TO LOOK FORWARD –
REVITALIZING INDIGENOUS INSTITUTIONS
- 3) NEW APPROACHES TO JUST AND
SUSTAINABLE DEVELOPMENT



Oromo
Studies
Association

The Oromo Studies Association
33rd Annual Conference Proceedings

**A New Frontier: Ushering in Lasting Change in
Oromia, Ethiopia and the Horn of Africa**

July 26-28, 2019

Rift Valley University – Conference Hall

Finfinnee, Oromia

Editorial Committee:

Kulani Jalata

Robera Tasissa

Biftu Yousuf

Galan Wako

Merertu Kitila

Siyade Gemechisa

Lello Guluma



Dear Readers,

The Oromo Studies Association (OSA) hosted the 33rd annual academic conference in Finfinnee, Oromia on July 26-28, 2019 – the first time in the organization’s history to host a conference in the heart of Oromia. Hosting the OSA annual conference in Oromia provided a historic and unique opportunity to bring together local and diaspora scholars, students, activists and the larger community at a special transitional time in which Ethiopia is facing immense challenges with reforming and democratizing.

Themed *A New Frontier: Ushering in Lasting Change in Oromia, Ethiopia and the Horn of Africa*, the conference served as an institutional platform for renowned and budding scholars to present evidence-based policy considerations and recommendations for entering a new frontier in the country that reimagines governance, the economy, the environment, institutional infrastructure, and the study and use of indigenous knowledge. The conference presentations were divided into three plenaries: 1) Reimagining the State, 2) Looking Back to Look Forward - Revitalizing Indigenous Institutions, and 3) New Approaches to Just and Sustainable Development. The conference served as a forum among scholars and experts for constructive debate about how to reimagine just and sustainable systems that advance peace, democracy, self-determination, development and justice through public policy and law.

Following the conference, keynote speakers, guest speakers, and most of the conference presenters from each of the three plenaries voluntarily submitted papers with policy recommendations to be included in the *33rd OSA Conference Proceedings*. The Editorial Committee is proud to share this collection of policy papers with OSA members, supporters and interested institutions and organizations. Our main objective is to not simply memorialize the presentations from the conference, but to provide interested institutions, organizations, scholars and students with access to diverse and enriching perspectives and policies regarding how to reform and reimagine a diverse, multinational federal state that is democratic, just, sustainable, peaceful and incorporative of indigenous knowledge. Please note that the views and opinions of the authors do not necessarily state or reflect that of OSA.

We acknowledge the peaceful protest movement of the youth generation, the *qeerroo* and *qarree*, who, together with their counterparts throughout the country, held onto a vision of democracy, justice and equality and made the ultimate sacrifice that has brought us into this new era in Oromia and Ethiopia. We commit OSA to addressing this opportunity created by the youth and to carrying forward this project of producing and sharing our collective knowledge to reimagine and ultimately contribute to transforming Oromia, Ethiopia and the Horn of Africa.

Sincerely,
Kulani Jalata

Table of Contents

Keynote Speakers

1. Dr. Mohammed Hassen, Georgia State University – *The Road Traversed by the Oromo Studies Association Since 1986*.....1
2. Dr. Bonnie Holcomb—*Reimagining Power: The Challenge of Centering the Dominated Majority of Ethiopia*.....6

Guest Speakers

3. Dr. John Markakis, University of Crete - *Solving Ethiopia's Governance Challenges*.....18
4. Mr. Kalundi Serumaga, The Marcus Garvey Pan-Afrikan Institute - *Let the Daylight Finally Come*.....27
5. Dr. Sandra Shell, Rhodes University – *Two Oromo Children of Hope: The Braided Biographies of Tolassa Wayessa and Bisho Jarsa*.....41
6. Dr. Ayele Gelan, Kuwait Institute for Scientific Research – *Putting a Spotlight on Ethiopia's Economic Idiosyncrasies*.....53

Plenary 1: Reimagining the State – Discourses on Multinational Federalism, Integrating Democratic Indigenous Institutions, and Urbanization and Identity

7. Dr. Bekele Gutema, Addis Ababa University – *Multination Federalism and the Notion of Identity*.....76
8. Obbo Getachew Gudina Dinagde, Council of Constitutional Inquiry – *An Indigenous Unwritten Constitution: Examining the Gadaa Governance System in Light of Modern Democratic Constitutional Principles*.....92
9. Dr. Getahun Benti, Southern Illinois University-Carbondale – *Targeting of Oromo Towns and the Prospects of Development in Oromiya*.....108
10. Dr. Mekuria Bulcha, The Nordic Africa Institute – *Discourses for and Against the De-Oromization of Finfinnee*.....119
11. Dr. Tekleab Gala and Dr. Lucas Boakye, Chicago State University – *Monitoring the 32 years of Addis Ababa Urbanization from Space*.....139

Plenary 2: Looking Back to Look Forward - Revitalizing Indigenous Institutions

12. Dr. Abiyot Eliyas Anbacha, Norwegian University of Life Sciences – *Borana Women's Indigenous Social Network, Marro: Building Household Food Security*.....159
13. Dr. Aliimaa Jibriil Huseen and Garramaa Yaadataa Bultoo, *Qaaccessa Mammaaksota Olaantummaa Dhiiraa Ibsan: Godian Horroo Guduruu Wallaggaa, Aanaa Guduruu Irrati Kan Xiyyeeffate*.....165
14. Dr. Abebu Oljira Gameda and Dr. Dereje Fufa Bidu, Jimma University – *Using Oromo Folk Institutions for Women Empowerment*.....174
15. Dr. Alemu Disassa Mulleta, Adama Science and Technology University – *Persuasive Discourse Strategies in Jaarsumma, an Indigenous Method of Conflict Resolution among Arsi Oromo*.....192
16. Obbo Lemessa Wakgari, Mettu University - *Exploring Problems and Prospects in Revitalizing Gadaa: The Case of Odaa Doggii*.....207



17. Rev. Dr. Benti Ujulu Tesso, Evangelical Church of Hannover and Friedrich Schiller University – *The Significance of Revitalization of Gadaa and Oromo Indigenous Religion in Achieving Lasting Change in Ethiopia in General and in Oromia in Particular*.....**222**
18. Obbo Asnake Erko, Global Council of Waqqeffanna – *The Revitalization of Waqqeffanna and its Importance in Transforming Values of Humanness and Peace*.....**239**
19. Obbo Muluken Kassahun Amid, Mettu University School of Law – *Incorporation of the Oromo’s Gadaa System into Ethiopia’s and the Oromia Regional State’s Constitutions*.....**250**

Plenary 3: New Approaches to Just and Sustainable Development

20. Dr. Asebe Regassa, Dilla University – *The Political Economy of Gold Mining in Ethiopia: Exclusion, Discrimination and Local Resistance Against MIDROC Laga-Dambi Gold-Mine, Southern Ethiopia*.....**266**
21. Dr. Marco Bassi, University of Palermo – *Relativistic International Development and its Potential for Implementing Self-Determination in Ethiopia: Policy Recommendations*.....**281**
22. Dr. Moa Megersa, Jimma University – *Indigenous water treatment knowledge by Konso communities*.....**294**
23. Dr. Oli Bachie (University of California) and Dr. Worku Burayu (The University of Arizona Cooperative Extension)– *Utilizing Local and Global Knowledge for Sustainable Agricultural Production: Lessons from Oromiya and the American Low Desert*.....**304**
24. Dr. Sabine Tröeger, Universität Bonn – *Pastoralist Societies in Lower Omo- Dynamics in Societal Transformation*.....**319**
25. Obbo Hirko Wakgari, Addis Ababa University - *Youth Unemployment in Ethiopia: Demographic and Policy Perspectives*.....**331**
26. Dr. Dereje Tadesse Birbirso, Haramaya University - *Qeerroo Movement, Gadaa Didactics and Critical Pedagogy: Application and Implications for Collective Critical Action for Change*.....**348**

Relativistic international development and its potential for implementing self-determination in Ethiopia: Policy recommendations.

Marco Bassi

Associate Professor of Anthropology, University of Palermo, marco.bassi@unipa.it

These policy recommendations are based on the presentation I made on the occasion of the 33rd Annual Conference of the Oromo Studies Association (Finfinne/Addis Ababa, 2019). The theoretical and historical aspects have separately been presented in an open source article (Bassi 2019). In this introduction I am recalling the argumentations that are directly relevant to policy recommendations.¹

My 2019 article builds on a previous essay especially dedicated to abuse of minority rights in Ethiopia (Bassi 2014). The main thesis was that the developmental ideology adopted by the ruling party was incompatible both with multi-party democracy and respect for minority rights, two elements that are instead strongly protected under the Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution). The ruling party's highly centralistic and undemocratic practice led to serious abuses of the rights of pastoralists, ethnic minorities, and small-holding farmers (Table 1). Special attention was dedicated to the livelihoods crisis that the construction of the Gibe 3 dam was likely to produce among the peoples living downstream the dam. The Social and Environmental Impact Assessment did not meet the standards required by their differential languages and identity, and their social, political and economic marginality. Given their disadvantage in the national arena, the environmental effects of eliminating the river's regular flooding in a very dry area as well as direct large scale 'grabbing' of their territory for industrial irrigated agriculture cannot be compensated by gains in terms of standard development and salaried jobs.

My 2014 article also challenged academic critics raised against the FDRE Constitution's emphasis on self-determination of the 'nation, nationalities and peoples' of the country. In the process of designing new administrative boundaries along the prevalent native languages of the inhabitants, the idea of univocal identification of the administrative spaces with a single ethnicity prevailed. Some scholars consider this feature to be at the origin of the ethnic clashes along administrative borders that have produced large scale displacement of population, a problem that is still affecting Ethiopian politics. I have instead suggested that the introduction of multi-national federalism finds deep justification in the specific political history of the country (Bassi 2019), while its negative side-effects are not inherent to the adopted constitutional model, but are rather the consequence of 'failed implementation of complementary key components of the FDRE Constitution, especially respect for fundamental political and minority rights' (Bassi 2014: 47, 68).

My 2019 article takes the move from realization that over a decade of Gross Domestic Product (GDP) growth above 10% did not prevent the emergence of inequalities and widespread discontent. This situation fuelled the *Qeerroo*'s protest, its harsh repression by the government

¹ For further discussion please refer the full article: <https://journals.openedition.org/aam/2319>.

and the 2018 escalation of the protest at federal scale. At the crossroads between democratising or disintegrating (Lata 1999), the ruling coalition took the virtuous path that in 2019 led to Nobel Peace Award to the Prime Minister Abiy Ahmed Ali. It is therefore the right time to reconsider the ideological stands and the political practices that have so far prevented full implementation of the FDRE multinational and democratic Constitution.

Box 1. Official United Nations reports on serious minority rights violations in Ethiopia, delivered between 2006 and 2010

CRC. "Consideration of Reports Submitted by States Parties under Article 44 of the Convention. Concluding Observations: Ethiopia", United Nations Committee on the Rights of the Child. Forty-third session, CRC/C/ETH/CO/3, 1 November 2006.

McDougall, G. "Implementation of the General Assembly Resolution 60/251 of March 2006 entitled 'Human Rights Council'. Report of the independent expert on minority issues. Addendum. Mission to Ethiopia (28 November-12 December 2006)", United Nations Human Rights Council, Fourth Session, A/HRC/4/9/Add.3, 28 February 2007.

CERD. "Consideration of the Reports Submitted by States Parties under Article 9 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination. Ethiopia", United Nations Committee on the Elimination of Racial Discrimination, Seventieth Session, 19 February to 9 March 2007, CERD/C/ETH/CO/15, 20 June 2007.

CERD. "Consideration of the Reports Submitted by States Parties under Article 9 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination. Ethiopia", United Nations Committee on the Elimination of Racial Discrimination, Seventy-fifth session, 3-28 August 2009, CERD/C/ETH/CO/7-16, 7 September 2009.

CaT. "Consideration of Reports Submitted by States Parties under Article 19 of the Convention. Concluding Observations of the Committee against Torture. Advanced Unedited Version. Ethiopia", United Nations Committee against Torture, Forty-fifth session, CAT/C/ETH/CO/1, 1-19 November 2010.

(Source: Bassi 2019)

In the article I draw the parallel between early practices of international development, only aiming at achieving GDP growth, and the Ethiopian developmental policy. Both have produced similar negative side-effects, rhetorically implying wellbeing for all, but in practice marginalizing and dispossessing certain disadvantaged categories. Parallelism also involves the political field, due to the effect of strengthening the ruling party's capacity to build political support mobilising the national resources, and of reducing democratic accountability by establishing *de jure* or, as in the case of contemporary Ethiopia, *de facto* single party systems.

Strong international criticism against the early practices led to the emergence of alternative paradigms of development (Table 2) and to the adoption of new human rights instruments.

Table 1. Schematic representation of the main paradigms of development (Bassi 2019)

DEVELOPMENT PARADIGM	MAIN DISCIPLINARY DOMAIN	MAIN INDICATORS
Economic growth	Macroeconomics Later: • microeconomics + political sciences	• GDP <i>Later:</i> • World Governance Index
Social equity	• Sociology • Amartya Sen's theories	• Human Development Index
Environmental sustainability	• Environmental sciences	• Biodiversity, pollution and climate indicators
Beneficiaries' active role	• Development studies • Applied, engaged and militant Anthropology • Engaged and militant sociology	• Emic and holistic indicators on conditions of life of specific communities or social groups

The critical review of this international process reveals that the corrective measures have progressively been informed by a growing 'relativistic attitude', defined as

giving consideration to the relevance of specific articulations of culture, formal or informal norms and local conditions, in ways that impact the implementation of development (Bassi 2019).

The relativistic attitude is especially associated to third generation human rights (Table 2), consisting in a number of instruments of international law that recognise collective cultural and territorial rights, including customary institutions and norms. Such treaties and conventions establish procedures in development that give indigenous peoples and communities more control over the development choices that can affect their livelihoods. The expansion of human rights found expression in a broad range of best practices and voluntary guidelines in the field of responsible business, but also in binding internal directives and procedures adopted by international financial organisations, UN agencies, and in legislation by national government, especially in relation to prescriptions concerning the implementation of Social and Environmental Impact Assessments.

Table 2. Some selected human rights instruments backing the relativistic attitude in development (Bassi 2019)

CUTURAL UNIVERSALISM Context and culture differences are seen as irrelevant to the development process	DESCRIPTIVE (WEAK) RELATIVISM Context and culture differences are considered key factors of development planning, with cross-cultural approach	NORMATIVE RELATIVISM Context and culture differences determine the development agenda
FIRST GENERATION HUMAN RIGHTS <ul style="list-style-type: none"> • Universal Declaration of Human Rights (1948) • International covenants on civil and political rights (1966) 		
ECONOMIC GROWTH PARADIGM: Good governance component	<i>Respect for first generation human rights is considered a precondition for enforcement of second and third generation human rights</i>	
SECOND GENERATION HUMAN RIGHTS <ul style="list-style-type: none"> • International Covenants Economic, Social and Cultural Rights (1966) • Convention on the Elimination of All Forms of Discrimination against Women (1979) 		
SOCIAL EQUALITY PARADIGM: Basic needs	SOCIAL EQUALITY PARADIGM: <ul style="list-style-type: none"> • Human development (recognition of categorical inequalities) • Gender issues 	<i>Third generation human rights were developed to assure, under specific constraints, implementation of second generation human rights</i>
THIRD GENERATION HUMAN RIGHTS <ul style="list-style-type: none"> • International covenants and declarations on tribal and indigenous peoples (ILO 169, 1989; UNDRIP, 2007) • Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) • United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018) • Procedural rights in development • Policy Framework for Pastoralism in Africa (2010) 		
<i>The economic growth paradigm has incorporated procedural rights either in the form of binding social and environmental assessments or as voluntary guidelines and responsible business</i>	BENFECIARIES' ACTIVE ROLE PARADIGM: <ul style="list-style-type: none"> • Participatory rural development 	BENFECIARIES' ACTIVE ROLE PARADIGM: <ul style="list-style-type: none"> • Ethno-development and other approaches based on self-determination in development • Self-reliance • Endogenous development • Communitarianism • Pastoral development (IFAD approach)
MILLENNIUM DEVELOPMENT DECLARATION (MILLENNIUM GOALS) (2000) <i>Economic growth + basic needs + women's equality</i>		
MILLENNIUM DEVELOPMENT DECLARATION (SUSTAINABLE DEVELOPMENT GOALS) (2015) <i>The relativistic approach is possible in relation to some of the goals</i>		

The relativistic turn in human rights and in international development is grounded on the notion of self-determination, exercised by groups at sub-national level, a feature that is shared with the

FDRE Constitution. However, in international law this process took place in conjunction with a shift in the legal implication of the concept, with a passage from the political emphasis on secession as part of the decolonisation process to providing differential institutional space and decisional capacity in development and policy, within existing States (Anaya, Lenoir and Rogers 2009: 58-79; Quane 2011; Waller 2018). Clearly, the international experience can provide useful inspiration for the policy turn that is today required in Ethiopia. The relativistic dimension of the FDRE Constitution, with strong provision for self-determination, is what was actually disregarded under the highly centralistic, technocratic and top-down developmental policy. Self-determination was only implemented through the process of defining 'ethnic-based' administrative spaces. Due to unbalanced relations of power within the ruling coalition, marginal groups were not in position to influence policy.

The current political change in the country provides the outstanding opportunity to overtake the developmental ideology and to fully exploit the FDRE Constitution's potential for promoting the relativistic approach to development, with attention for the different traditions, values and cultures of the country. Regarding the specific problems with farmers, pastoralists and ethnic minorities, third generation human rights and best practices in international development already provide indications for solutions.

Strengthening civil society and human rights

Scholars have highlighted the mismatch between the formal principles that are internationally claimed and the political practice adopted by the ruling party. The FDRE Constitution introduced electoral liberal democracy in the country. It is very detailed in terms of protecting human rights. Experts of the UN have highlighted that the FDRE Constitution goes as far as to including the possibility to open cases at national level based on violation of international treaties to which Ethiopia is a party but that have not yet been adopted in national legislation (Ziegler 2005:11; McDougall 2007: 7,18, 27). There is therefore an urgent need to take measures that may allow the implementation of the constitutional principles.

The establishment of effective multi-party democracy is of course the general precondition for all other components: third generation human rights cannot in fact be properly implemented without respect of the fundamental political rights, including freedom of association, of expression, of press, and independent judiciary. There is, however also a urgent need to dedicate specific attention to minority rights, and this in turn requires the establishment of a strong and independent civil society. In international development awareness has grown about the need to accompany economic growth with specific attention for good governance, with civil society providing a key pillar. This is the area where Ethiopia is clearly diverging from the liberal-democratic model. With the adoption of the *Charities and Societies Proclamation No. 621/2009* the government has strongly limited civil society's independent action. Civil society organisations (CSOs) are the key instrument of expression for local communities and disadvantaged categories. They were crucial to the emergence of the development paradigm based on the beneficiary's active role, and, given their capacity to relate to specific local contexts, are key to the implementation of relativistic development measure and approaches.

The revision of Proclamation No. 621/2009 is therefore a high priority. It needs to take place in conjunction with a radical change of the role assigned to CSOs in development and human rights, including:

- Establishing mechanisms to involve CSOs in systematic monitoring of human and minority rights
- Strengthening CSOs and enabling them to engage in local processes for the protection of community's collective and procedural rights.

Pastoralism

Pastoralism is highly relevant to Ethiopia, both in terms of extension of the pastoral areas and because pastoral areas are highly affected by conflict and refugee flows. Despite explicit protections for pastoralists under the FDRE Constitution, the pastoral policy so far adopted by the Ethiopian government aims at eliminating mobile pastoralism (Bassi 2019). The Ethiopian pastoral policy runs opposite to the most advanced international policy recommendations. In the international arena pastoralists have not achieved the adoption of any relevant international declaration or convention, but a broad consensus is emerging in terms of what is required to support pastoralists, with a relevant component or relativistic measures (Bassi 2017). With specific reference to policy, in 2011 the African Union has adopted the *Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities* (AU 2010) (box 2).

Box 2. The African Union Policy Framework for Pastoralism

The *African Union Policy Framework for Pastoralism* builds on elements that are also considered in the *African Union Framework and Guidelines on Land Policy in Africa*, including transboundary and regional cooperation, acknowledgement of the legitimacy of indigenous land rights systems and institutions, the importance of informal land rights and the need to build an interface between customary and state institutions. The *Policy Framework for Pastoralism in Africa* is highly detailed on mobility, considered the prerequisite of pastoralism and the most appropriate livelihoods strategy. It acknowledges the problems created by various processes of rangeland expropriation and outlines a number of rights belonging to pastoralists, including (AU 2010: 7, 11, 14):

- improving the governance of pastoral rangelands and thereby securing access to rangelands for pastoralists;
- recognizing communal landholdings;
- legitimizing traditional pastoral institutions and providing an interface between customary institutions and state-led systems, with special reference to conflict resolution, management of land, tenure, mobility, and interaction between pastoralists and other interest groups;
- ensuring consent and compensation in relation to development projects and investment in pastoral Areas.

(Source: IFAD 2018a: 11-12)

In addition, IFAD has developed practical guidelines that are fully aligned with the *African Union Policy Framework for Pastoralism* and that promotes self-determination in pastoralists' development (IFAD 2018b).

It is therefore crucial to deeply revise the country's pastoral policy in line with the international indications, and to implement new projects keeping relativistic best practices into account.

Small-holding farmers

The Ethiopian small-holding farmers have seriously been affected by land dispossession, without adequate compensation. At the individual level this took place either by effect of foreign, domestic and governmental investment in industrial agriculture and as consequence of the expansion of town and industrial development, especially in the area around Addis Ababa and in the surrounding portions of Oromia and in the Southern Nations, Nationalities, and Peoples' Region. Land grabbing also operated at collective scale, especially against agro-pastoral groups, at a degree that it is seriously threatening the survival of whole identity groups, a problem that was addressed in the UN reports listed in Box 1. In evident contradiction with the protections contained in art. 40 (5) of the FDRE Constitution, the process of systematic large scale expropriation of collective land was made legal by the Preamble and art. 5 (3) of the *FDRE Rural Land Administration and Use Proclamation* (2005). There is accordingly an urgent need to revise this proclamation, and to establish redressive mechanisms in line with both FDRE Constitution and international best practices.

The global reaction against the impact of the post-2008 global rush for land led in 2018 to the adoption of the *UN Declaration on the Rights of Peasants*. This is not a binding international legal instrument, but it provides key guidelines that good-willing governments can take up and accordingly legislate. Many of the articles contain relativistic measures that are highly relevant to the Ethiopian small-holding farmers (Table 3).

Many of the relativistic principles established under this Declaration were already practised by some international organisations. The International Fund for African Development (IFAD) requires all actors funded by them to apply the FPIC in all projects likely to affect land access and/or use rights of communities (IFAD 2015). IFAD has also adopted a strong land tenure policy by which customary, informal and collective tenure of farmers must seriously be taken into account (IFAD 2008).

In operative terms, the rights of small holding farmers can be promoted by establishing country level platforms on land issue, with strong participation by CSOs expressing the view of local farmers. This type of work can eventually be supported by the International Land Coalition, a global civil society association with specific experience in this field.² IFAD is the most appropriate UN agencies to finance the required concrete activities in support of the farmers, as part of its normal international mandate in support of the rural poor.

² <https://www.landcoalition.org/>

Table 3. Selected articles of the UN Declaration on the Rights of Peasants

ARTICLES IN THE UN DECLARATION	DESCRIPTIVE CONTENT	RELEVANCE TO ETHIOPIA
Art. 2, comma 3 Art. 5 on social and environmental impact assessment	Strong provisions for consultation of farmers before adopting and implementing legislation and policy that may affect them	It gives protection against land grabs and the consequence of the construction of the Gibe 3 dam
Art 17, comma 1, 3, 4, and 5 Art. 24, comma 2	It establishes strong land rights, at both individual and collective level, including customary land tenure not currently protected by law. It explicitly condemns eviction of farmers, including as a punitive measure or as a consequence of legislation	It gives protection against land grabs, both to individuals and in relation to large scale land dispossession of small agro-pastoral groups, especially in the South West of the country Relativistic approach
Art. 17, comma 5	‘Peasants and other people working in rural areas who have been arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to their land of which they were arbitrarily or unlawfully deprived [...]’	It promotes restitution of land
Art. 21, comma 1, 2 and 4	It established the right of access to water and to safe and clean water, and it provides for restoration from chemical and poisoning of water bodies	Highly relevant to water pollution in relation to mining (for instance in Guji area) and industrial agriculture (for instance in the lower Omo valley or in relation to floral industry in the highlands). It qualifies the curtailing of the Omo River regular flooding as an abuse.
Art. 23, comma 2 Art. 26, comma 1, 2 and 3	They protect traditional knowledge and medicinal plants. They affirms right to enjoy the farming community’s own culture and freely pursue its cultural development	Relativistic approach
Art. 15, comma 4 and 5	Food sovereignty is recognised	Relativistic approach, by establishing self-determination by communities of farmers in agricultural development

Under the Sustainable Development Goals’ pressure to integrate development objectives with biodiversity conservation, due consideration should be given to the existence in Ethiopia of several subsistence-oriented agricultural, pastoral and agro/pastoral systems with high biodiversity value. They are based on local and indigenous knowledge and customary governance, including collective land tenure, in ways that are unique to Ethiopia. They often assure the conservation of both wild and agro endemic biodiversity. Specific attention should be given to them with the possibility to engage farmers in improving their livelihoods, without affecting the biodiversity and cultural value of their agricultural or pastoral landscapes. In line

with the *UN Declaration on the Rights of Peasants*, this should be done by fully respecting the food sovereignty³ of the involved local communities. Agroecology and ICCAs/Territories of life⁴ provide tested and comprehensive approaches to achieve this goal. Several UN agencies and bilateral development cooperation can support such process, including UNDP, UNEP and FAO.

Customary governance

The *Indigenous and Tribal Peoples Convention* (ILO 169) and the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP) are two key instruments of international law that legitimate customary institutions and customary law and establish their relevance in relation to development. In operational terms, they are given relevance in conjunction with procedural prescriptions, including the Free Prior and Informed Consent (FPIC). Internationally, many local groups are developing ‘community protocols’, to enable external actors to properly apply the required procedures.

In Ethiopia indigenous rights are not recognised. However, independently of the issue of indigeneity, Ethiopia has an extraordinary heritage of customary institutions. The FDRE Constitution already gives consideration to customary law. It also delegates to the decentralized institutions and governmental units the power to establish and implement policy. Nothing constrains such decentralised organs to better implement the constitutional provisions for self-determination by establishing their own governance and consultative mechanisms, in line with the core values of the various nations, nationalities and peoples of the country. In this sense the Oromo have already pioneered important experiences by involving *gadaa* leaders in governance related to development and to inter-ethnic conflict (Bassi 2010; Bassi 2012). This was also the case in the field of biodiversity conservation. During a EU funded project run by SOS Sahel-Ethiopia the juniper national forests in Borana have been protected with the direct involvement of *gadaa* elders (Tache and Irwin, 2003). In 2007, *gadaa* leaders of the Borana delivered with other elders and community representatives the *Yaaballo Statement on the Borana Conserved Landscape*, stating the intention to conserve biodiversity by demanding control over the development process (Bassi, Tache and Sora 2008, Bassi and Tache 2011). *Gadaa* expresses the deepest values of the Oromo (Megerssa and Kassam 2019), and where it is still operative it is the key institution regulating allocation of land rights and use of water. It operates through a diffused link to all relevant rural residential and socio-economic units. Actual decisions are collectively taken with full participation of all the concerned extended families, through an articulated range of thematic assemblies (Bassi 2005; Megerssa and Kassam 2019: 212-235). It is therefore possible to rely on *gadaa* as an advisory institution, with the ‘custodianship’ role of safeguarding the core Oromo values and key natural resources. More generally, in Ethiopia customary institutions can be involved in governance when dealing with policy, development and conservation initiatives that may affect the wellbeing of the Ethiopia rural communities. With their indigenous assembly institutions (Ayana 2019) or, where relevant, alternative institutional

³ Food sovereignty is a human rights developed by civil society in response to the global land grab. With art. 15 of the *UN Declaration on the Rights of Peasants* it has entered international law. It refers to self-determination in the field of agricultural development. Comma 4 of the same article provides the definition: ‘This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures’.

⁴ <https://www.iccaconsortium.org/>

links, they can give visibility to marginal, disadvantaged, and otherwise ‘invisible’ rural communities.

Special case: Lower Omo Valley

The construction of the Gibe 3 dam is seriously threatening the survival of the peoples of the lower Omo Valley, due the following two side-effects:

- Downstream elimination of the Omo regular flooding. The correlated watering and fertilization — in a very dry areas — were the added environmental factor that was allowing the subsistence of dense population through pastoralism, flood retrieve agriculture, fishing, hunting and bee keeping.
- The regularisation of water flow in the river bed also allowed the introduction of irrigation and the expansion of industrial agriculture. The government adopted a policy of large scale acquisition of the most productive territories of the peoples of the lower Omo valley, implying ‘grabbing’ of common land at massive scale, displacement and *de facto* forced resettlement.

The Gibe 3 dam is already constructed. Its environmental damage is irreversible, but much can still be done in terms of social impact. The problem is that, given the economic, social and political disadvantage of these marginal peoples, solutions cannot easily be identified. The case demand special attention. It requires the mobilisation of international support, experts, think tanks and bilateral development cooperation agencies, starting from the definition of a method of intervention that needs to be based on the self-determination of the Lower Omo Peoples, as defined in terms in indigenous rights. As suggested by David Turton:

[...] a targeted and well funded programme of compensation, livelihood reconstruction and benefit sharing should be put in place. Amongst other things, this should focus on ways of integrating irrigated agriculture with subsistence herding. Above all, and given the knowledge, experience and expertise of the affected people, they should be the ones to take the lead in arriving at the most effective solutions and in planning specific strategies, with the government and NGOs playing a supportive and facilitating role. (2018: 61)

The redressive solutions may imply a deep revision of the current plans, both in terms of the dam’s cost-benefits and of re-allocation of land rights between the investors, the government and the indigenous communities.

Special case: internal border issue

Ethnic clashes related to internal administrative borders deserve priority attention by adopting a combination of measures. Each conflict responds to its own local dynamics. It is therefore difficult to identify a common solution. There are, however, certain general elements that can help the construction of peaceful local relations.

Kjetil Tronvoll has highlighted a feature of the Ethiopian political culture that provided a faulty justification for disregard of minority rights as defined under international law. It consists in the idea that self-determination replicated at all administrative levels could protect the interests of the minorities by forwarding their demands through the formal governmental structure (Tronvoll 2000: 19). However, under conditions of absolute power exercised at regional and local

administrative level, communities that find themselves in situation of minority within each administrative space are likely to face harsh abuses. This situation pushed individuals and ‘ethnic entrepreneurs’ into a life or death struggle for obtaining one’s own ‘ethnically’ connoted political space, or for being included in it. Clearly, the establishment of effective mechanism of enforcement of minority rights, with independent civil society and monitoring mechanisms, would in itself be of great help.

As mentioned, each case of ethnic conflict needs to be addressed with *ad hoc* mechanisms of negotiation, but in the process due consideration should be given to customary territorial rights, and to abuses that took place in the process of demarcating the new administrative borders. The well documented case of the Borana section of the Oromo along the Somali-Oromo border in fact shows that the government did not take a neutral position, but sided with one or the other ethnic community on the ground of its own strategic military and electoral objectives. In result of this process, the Borana have been squeezed into a portion of their pre-1991 territory, and lost access to key economic and symbolic resources, including ritual grounds and the sacred *tulaa* wells of Eel Goof and Eel Laee (Bassi 1997; Adugna 2004; Tache and Oba 2009; Bassi 2010).

References

Adugna, Fecadu. 2004. “Inter-Ethnic Relations between the Oromo and Somali: The Case of Borana, Digodia and Maarehan”, Master’s thesis, Department of Social Anthropology, Addis Ababa University.

Anaya, S. James, James j. Lenoir, and James E. Rogers. 2009. *International human rights and indigenous peoples*. Austin: Wolters Kluwer Law & Business.

AU. 2010. "Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities", Department of Rural Economy and Agriculture (ed.). Addis Ababa: African Union.

https://au.int/sites/default/files/documents/30240-doc-policy_framework_for_pastoralism.pdf

Ayana, Daniel. 2019. “A Geo-Cultural Unit of Local Assemblies: Anchoring Democracy on Indigenous Cultural Institutions in Ethiopia”, Presentation at the 33rd OSA Annual Conference, Finfinne/Addis Ababa.

Bassi, Marco and Boku Tache. 2011. “The Community Conserved Landscape of the Borana Oromo, Ethiopia: Opportunities and Problems”, *Management of Environmental Quality*, 22 (2): 174-186.

Bassi, Marco, Boku Tache and Jatani Sora. 2008. “The Borana Conserved Landscape. An Action-Research Workshop, Yaaballo, Ethiopia, 21-23 July 2007”, Workshop Report, GPDI and GEMConBio project (CENESTA), Addis Ababa.

<https://doi.org/10.5281/zenodo.1164982>

Bassi, Marco. 2005 (1996). *Decisions in the Shade: Political and Juridical Processes among the Oromo-Borana*. Trenton, NJ: Red Sea Press.

Bassi, Marco. 2010. "The Politics of Space in Borana Oromo, Ethiopia: Demographics, Elections, Identity and Customary Institutions", *Journal of Eastern African Studies*, 4 (2): 221-46.

Bassi, Marco. 2012. "Customary Institutions in Contemporary Politics, Borana Zone, Oromia, Ethiopia", in K. Tronvoll and T. Hagmann (eds.), *Contested Power in Ethiopia: Traditional Authorities and Multi-party Elections*, pp 221-250. Leiden and Boston: Brill.

Bassi, Marco. 2014. "Federalism and Ethnic Minorities in Ethiopia: Ideology, Territoriality, Human Rights, Policy", *DADA Rivista di Antropologia post-globale*, 2014(1): 45-74.
<http://www.dadarivista.com/Singoli-articoli/2014-Giugno/02.pdf>

Bassi, Marco. 2017. "Pastoralists are peoples: Key issues in advocacy and the emergence of pastoralists's rights", *Nomadic Peoples*, 21(1): 4-33.

Bassi, Marco. 2019. "The relativistic attitude in development: reflections on the implementation of the Ethiopian multinational Constitution", *Archivio Antropologico Mediterraneo*, XXII, n. 21 (2).
<https://journals.openedition.org/aam/2319>.

IFAD. 2018a. *How to do. Engaging with pastoralists – a holistic development approach*. Rome: International Fund for Agricultural Development.
https://www.ifad.org/documents/38714170/41028748/Pastoralism_HTDN.pdf/a47903bb-939c-4d54-9664-1eceb96316a

IFAD. 2018b. *Toolkit: Engaging with pastoralists – a holistic development approach*. Rome: International Fund for Agricultural Development.
<https://www.ifad.org/en/web/knowledge/publication/asset/40318876>

IFAD. 2008. "IFAD Policy on Improving Access to Land and Tenure Security". EB 2008/94/R.2/Rev.1, International Fund for Agricultural Development (IFAD), Rome.
<https://www.ifad.org/documents/10180/404ee0e8-a385-4ce7-a6a8-e26142cb87ea>

IFAD. 2014. *Land Tenure Toolkit*. Rome: International Fund for Agricultural Development.
<https://www.ifad.org/en/web/knowledge/publication/asset/39183199>

IFAD. 2015. *How to do. Seeking free, prior and informed consent in IFAD investment projects*. Rome: International Fund for Agricultural Development.
<https://www.ifad.org/documents/10180/beec86e1-270d-45a1-8786-4b749c9db733>

Lata, Leenco. 1999. *The Ethiopian state at the crossroads: decolonization and democratization or disintegration?* Lawrenceville, NJ: Red Sea Press.

McDougall, Gay 2007. "Implementation of the General Assembly Resolution 60/251 of March 2006 entitled 'Human Rights Council'. Report of the independent expert on minority issues. Addendum. Mission to Ethiopia (28 November-12 December 2006)." United Nations Human Rights Council, Fourth Session, A/HRC/4/9/Add.3, 28 February 2007.

Megerssa, Gemetchu, and Aneesa Kassam. 2019. *Sacred Knowledge Traditions of the Oromo of the Horn of Africa*. Ethiopia: Fifth World Publications.

Quane, Helen. 2011. "The UN Declaration on the Rights of Indigenous Peoples: New Directions for Self-Determination and Participatory Rights?", in Steve Allen and Alexandra Xanthaki (eds.), *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, pp. 259-87. Oxford; Portland, Or.: Hart Pub.

Tache, Boku and Ben Irwi. 2003. *Traditional institutions, multiple stakeholders and modern perspectives in common property: accompanying change within Borana pastoral system*", Securing the commons, Working paper No. 4, IIED, SOS Sahel, Oxford. <https://pubs.iied.org/pdfs/9238IIED.pdf>

Tronvoll, Kjetil. 2000. *Ethiopia: A New Start?* UK: Minority Rights Group International. <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-148-Ethiopia-A-New-Start.pdf>

Turton, David. 2018. "Hydropower and irrigation development in the Omo Valley: development for whom?", *Antropologia Pubblica*, 4 (1): 51-64. <https://riviste-clueb.online/index.php/anpub/article/view/127>

Waller, Marc. 2018. "Self-determination of Indigenous Peoples: Articles 3, 4, 5, 18, 23 and 46(1)", in Jessie Hohmann and Marc Weller (eds.), *The UN Declaration on the Rights of Indigenous Peoples: a commentary*, pp. 115-49. Oxford: Oxford UP.

Ziegler, Jean. 2005. "Economic, Social and Cultural Rights. The Right to Food. Report of the Special Rapporteur on the right to food. Addendum. Mission to Ethiopia." United Nations, Economic and Social Council, Commission on Human Rights, Sixty-first session.