

## AN ABSTRACT OF THE THESIS OF

Tsion Mesfin Woge for the degree of Master of Science in Water Resource Policy and Management presented on May 18, 2017.

Title: Indigenous Approaches to Water Conflict Management: the Anuak and their Approaches to Water Conflict Management

Abstract approved:

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Aaron T. Wolf

This research paper investigates the water conflict management approaches of the Anuak indigenous people in Gambella, Ethiopia. The paper poses the question do indigenous approaches to water conflict management provide some effective mechanisms that help to resolve conflict? If so, how? In order to provide answers to the research question, the paper will go in depth and investigate; First, how the Anuak indigenous people manage their water resources? Second, how do they resolve conflict arising from the management of shared water resources? Third, how do they assess the effectiveness of those water conflict management process? And, finally, using their effective indigenous methods of conflict management mechanisms, how can they address conflict arising from the expansion of large-scale agricultural investment in the Gambella Regional State?

Key words: Water Resources, Indigenous peoples, conflict management, Gambella, Anuak, Saudi Star, National Government

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Indigenous Approaches to Water Conflict Management: the Anuak and their Approaches to  
Water Conflict Management

by  
Tsion Mesfin Woge

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APPROVED:

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Major Professor, representing Water Resource Policy and Management

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Director of the Water Resources Graduate Program

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Dean of the Graduate School

I understand that my thesis will become part of the permanent collection of Oregon State University libraries. My signature below authorizes release of my thesis to any reader upon request.

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Tsion Mesfin Woge, Author

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# TABLE OF CONTENTS

	<u>Page</u>
1. Chapter One: Introduction.....	1
1.1 Research Problem.....	1
1.2 Research Scope and Delimitation.....	3
1.3 Research Question.....	4
1.4 Research Objectives.....	4
1.5 Research Hypothesis.....	4
1.6 Research Structure.....	4
2. Chapter Two: Methodology .....	6
2.1 Description of Study Area.....	6
2.2 Research Methods.....	8
2.2.1 Interviews.....	11
2.2.2 Observation.....	15
2.2.3 Legal and Policy Documents.....	15
2.2.4 Government and Non-Government Documents.....	15
2.2.5 Media Reports.....	16
2.3 Challenges of Data Collection.....	16
2.4 Data Analysis.....	17
3. Chapter Three: Foreign Direct Investment, Land & Water Right in Ethiopia.....	18
3.1 Policy Change: Resemblance to Investment.....	18
3.2 Foreign Direct Investment and Land Rights .....	20
3.3 The Process of Land Acquisition.....	22
3.4 Foreign Direct Investment and Water Related Rules.....	24
3.5 Large Scale Agricultural Investment in Gambella Regional State.....	24
3.6 Saudi Star.....	26
4. Chapter Four: Traditional Conflict Management Mechanisms.....	30
4.1 The Anuak People: Knowing the History.....	30
4.1.1 Conflict between the Anuak and Nuer .....	31
4.1.2 The Conflict between the Anuak and the Highlanders.....	32
4.2 The Anuak and their Water Resource Management System.....	33

## TABLE OF CONTENTS (Continued)

	<u>Page</u>
4.2.1 Management of Water as a common Property.....	34
4.2.2 Management of Water by Individuals.....	35
4.2.3 Chain of Command.....	35
4.3 The Anuak Traditional Conflict Management Mechanisms.....	36
4.3.1 Discussion.....	37
4.3.2 Mediation.....	38
4.4 Enforcement Mechanisms.....	40
4.5 The Anuak People’s Response to Investment and Investors.....	40
5. Chapter Five: Problems Identified .....	44
5.1 The recent protest in Ethiopia.....	44
5.2 Security and Investment.....	45
5.3 Policy reform on the process of land Acquisition.....	48
5.4 lack of Coordination between Federal and Regional Government.....	51
6. Chapter Six: Discussion .....	54
6.1 The process of managing conflict.....	54
6.1.1 Who is the Mediator.....	55
6.1.2 The role of the Mediator.....	56
6.1.3 Building the process.....	56
6.1.4 Whole Gathering.....	59
7. Chapter Seven: Conclusion.....	63
Bibliography... ..	65

## LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1. Map of Gambella Regional State.....	8
2. Saudi Star Project.....	28
3. The Anuak Village in Gambella .....	31
4. Coordination between the Kuwarro's and the King of Anuak .....	36
5. The Anuak traditional ceremony .....	39
6. Protestors destroyed Dutch Investment Company .....	47
7. Dangote's factory attacked and burnt by protestors in Ethiopia .....	47
8. Turkish owned company attacked and burnt by protestors in Ethiopia.....	48



## LIST OF TABLES

<u>Table</u>	<u>Page</u>
1. Interview Groups.....	14
2. Process of land acquisition in Ethiopia.....	23
3. Distribution of districts by number of registered and operating investors.....	25
4. Yield status of low land and up land crop production 2014-2016.....	27
5. Federal & Regional government entities involved in the different policy domains.....	53
6. Position, interest and value of the Anuak, Saudi Star and the Government.....	60

LIST OF BOXES

<u>Box</u>	<u>Page</u>
1. The 1995 Ethiopian Constitution.....	22
2. The United Nation Declaration on the rights of indigenous people.....	50

## LIST OF ACRONYMS

BTBRAD	Boundary and Trans-boundary River Affairs Directorate
EAILAA	Ethiopian Agricultural Investment Land Administrative Agency
EIA	Ethiopian Investment Agency
EIC	Ethiopian Investment Commission
EPRDF	Ethiopian People Revolutionary Democratic Front
EWCA	Ethiopian Wildlife Conservation Authority
GDP	Gross Domestic Product
GIA	Gambella Investment Agencies
GLUAEPA	Gambella Land Utilization Administration and Environmental
GRC	Gambella Regional Council
GRS	Gambella Regional State
GSINRB	Gambella State Irrigation and Natural Resource Bureau
IDSDC	Irrigation Development Studies Design and Construction
IMF	International Monetary Fund
LSAI	Large Scale Agricultural Investment
MEPF	Ministry of Environmental Protection and Forestry
MOA	Ministry of Agriculture
MOARD	Ministry of Agriculture and Rural Land Development
MOFED	Ministry of Finance and Economic Planning
MOWE	Ministry of Water Irrigation and Energy
SAP	Structural Adjustment Policies
SNNPR	Southern Nations Nationalities and People
WUPAD	Water Utilization Permit and Administrative Directorate

## LIST OF ETHIOPIAN TERMS

Anuak	Ethnic group in Gambella Regional State
Nuer	Ethnic group in Gambella Regional Sate
Majanger	Ethnic group in Gambella Regional State
Komo	Ethnic group in Gambella Regional Sate
Opo	Ethnic group in Gambella Regional State
Highlander's	Ethnic group in Gambella Regional State
Akobo	River in Gambella Regional State
Alwero	River in Gambella Regional State
Agwei	River in Gambella Regional State
Baro	River in Gambella Regional State
Gila	River in Gambella Regional State
Oboth	River in Gambella Regional State
Pibor	River in Gambella Regional State
Sobat	River in Gambella Regional State
Abobo	Village in Gambella Regional State
Gelesha	Village in Gambella Regional State
Perbango	Village in Gambella Regional State
Terkodi	Village in Gambella Regional State
Pokide	Village in Gambella Regional State
Kuwarro	The name for village headmen
Niye	The title given to king
Woreda/District	The lowest political administration unit

LIST OF ETHIOPIAN TERMS (Continued)

Karuturi	Foreign Investment Company in Gambella Regional State
Saudi Star	Foreign Investment Company in Gambella Regional State
Ruchi	Foreign Investment Company in Gambella Regional State
Bho	Foreign Investment Company in Gambella Regional State
Centi	Foreign Investment Company in Gambella Regional State
Humoa	Foreign Investment Company in Gambella Regional State
Verdant	Foreign Investment Company in Gambella Regional State

## 1. Chapter one: Introduction

### 1.1 Research Problem

The competition over scarce resources such as land and water often leads to political, economic and social conflicts (Flintan and Tamrat, 2002). Conflict in the words of Deloges and Gauthier (1997:4) is defined as “any relationship between opposing forces whether marked by violence or not”. Furthermore, human societies, individuals and groups engage in conflict over the allocation of resources (Wardak, 2003). For instance, inequalities over the use of water have been the cause for regional and international water conflicts (Gleick, 1993). Today in many areas around the world, access to natural resources is a question of survival, thus cannot be taken for granted.

Conflict over land and water is not a new phenomenon for farmers and pastoralists who live in Ethiopia. Access to land and water has been the main source of socio-political violence in the country (Sewonet, 2002). The recent expansion of large-scale agricultural investments in different regions of Ethiopia will further exacerbate the existing land and water resource conflicts, unless it is managed properly. While the Ethiopian government<sup>1</sup> strongly believes that foreign direct investment brings new technology, creates employment opportunities, and ensures domestic food supply (FG1, 2017) and (FG2, 2017), critics argue that large-scale agricultural investments affect customary communal ownership rights of indigenous peoples to land and water resources. The Gambella Regional State is one such example (Bues and Theesfeld, (2012);

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<sup>1</sup> (FG1, 2017) and (FG2, 2017) refers to the Federal Government interview participant number 1 and 2 see the methodology section

Grain (2012); Davis et al, (2014); Shete and Rutten, (2015); Kajenthira et al, (2015); Adeto and Abate, (n.d).

Recently the Gambella region has become one of the targeted regions for agricultural investments. Accordingly, there are a large number of domestic and foreign investors who lease land from the government to invest in the region. This new development creates tension between investors and indigenous people, mainly the Anuak indigenous people in the region (ACE1, 2016)<sup>2</sup>.

As conflict over resources is increasing, indigenous institutions have become much more important in resolving conflicts between individuals and groups. Indigenous people have inherent systems of resource management as well as mechanisms to resolve conflicts when it emerges. For example, the Berbers of the High Atlas Mountains and the Bedouin of the Negev Desert use their own approach in negotiating water conflict. It is also important to mention the role of Jirga traditional institutions in Afghanistan, the traditional Yoruba political system in western Nigeria and the Gadaa system by Oromo people in Ethiopia (Wolf, 2000; Wardak, 2003; Ojigbo, 1973; Edossa, et al., 2007). Since every conflict has its own characteristics, the mechanisms to resolve a conflict vary. However, human societies most often deal with such conflicts using their own – indigenous- system of conflict management. These indigenous conflict management systems are unique and inherent to one’s community (Wardak, 2003). For example, in Africa, “traditional” and/or “indigenous” conflict resolution mechanisms reflect the African communities social, economic, and political way of life (Edossa et al, 2007).

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<sup>2</sup> (ACE 1, 2016) refers to the Anuak community Elders interview participant number 1 see the methodology section

This research paper investigates the water conflict management approaches of the Anuak indigenous people in Gambella, Ethiopia. Most of the previous studies about Gambella focus on the impact of large-scale land allocation to foreign and domestic investors on the socio-ecological system of the Gambella regional states (Molnar, 2014). Tadesse (2007) analyzes the “context, origins and determinates” of the existing ethnic conflict in Gambella, and how the conflict affects the peace and security of Ethiopia and Sudan. Mehta et al. (2012), Matthews (2012), Bossio et al, (2012) and Franco et al, (2013) discuss Water Grabbing, which deals with the conflict over land and water created by the power difference between actors and unclear administrative boundaries. Ojigbo (1973), Wolf (2000), Wardak (2003), and Edossa, et al., (2007) widely cover the role of the indigenous institution in managing conflict arising from shared resources in other areas. This research paper aims to fill the research gap in the study area by looking at ways to manage current and future water conflict between the Anuak and Saudi Star Agricultural Investment Company in Gambella Region.

## **1.2 Research Scope and Delimitation**

This thesis aims to study the water conflict management approaches of the Anuak indigenous people. By understanding the Anuak people’s resource management system and their conflict management mechanisms, this study aims to generate lessons that will reduce current and future water conflicts in the study area and beyond. Accordingly, this study will not widely cover or give any solutions for the existing ethnic conflict in the study area. This is because the protracted social conflict in Gambella Regional State is deep, and would require a study of its own. Furthermore, this study also does not aim to analyze benefits and impacts of foreign direct investment on the economy of Ethiopia.



### **1.3 Research Question**

The study is guided by the following research question:

*Do indigenous approaches to water conflict management provide some effective mechanisms that help to resolve conflict? If so, how?*

### **1.4 Research Objectives**

The objective of the research is;

- To identify conflict resolution mechanisms by the Anuak indigenous people
- To search for potential ways to manage conflict of interest in Gambella in a way that brings a win - win solution for resource users.

### **1.5 Research Hypothesis**

By using the Anuak water conflict management mechanisms, it is possible to find new approaches to deal with current and future water conflicts between the Anuak indigenous people and the Saudi Star Agricultural Investment Company.

### **1.6 Research Structure**

This research paper is organized into six chapters. The first chapter is the introductory chapter, where I introduce the research problem supported by research question and hypothesis of the study while at the same time delimitating the scope of the study. The second chapter covers background information about the study area and the methodology where the data collection methods used to collect data for this research are discussed. Chapter three discusses land, water and investment policies in Ethiopia specifically since 1991. Chapter four investigates the Anuak people and their water resources management system. It also discusses the Anuak

conflict resolution mechanisms and presents the Anuak people's response towards investment and investors. Chapter five identifies current political and security developments associated with large-scale agricultural developments. The last two Chapters (six and seven) provide answers to the main research question and conclude the thesis and suggest future research questions that I am not able to address in this research.

## 2. Chapter Two: Methodology

### 2.1 Description of Study Area

In 1991, with the downfall of the military regime, Ethiopia established an ethnic federal system which, according to the framers of the system, gives autonomy and recognition for all ethnic groups in the country (Kurian, 2015). The Ethiopian People Revolutionary Democratic Front (EPRDF), who came into power after long period of military struggle, formulated a new constitution (the 1995 Constitution of Ethiopia) that led to the creation of nine regional states. According to Article 47 of the Ethiopian Constitution these regional state includes: 1) The state of Tigray, 2) The state of Afar, 3) The state of Amhara, 4) The state of Oromia, 5) The state of Somalia, 6) The state of Benishangul-Gumuz, 7) The state of the Southern Nations, Nationalities and Peoples, 8) The state of the Gambella people, and 9) The state of the Harari people. The Constitution also recognizes the rights of ethnic self-determination up to secession (CFDER, 1995).

The Gambella Regional State (GPNRS) is located in the Southwestern lowland parts of Ethiopia (Sewonet, 2002; UNICEF, 2006; Molnar, 2014). The region constitutes a total area of about 25,294 square kilometers (Tadesse, 2007). It shares border with Southern Nations Nationalities and People's (SNNPR) in the south, the Oromia and the Benshangul Gumuz in the north and upper Nile states Sudan and South Sudan in the southwest (Sewonet, 2002; UNICEF, 2006). The region is known for its semi-arid climate characterized by long rainy seasons – May to August (Baumgartner et al, 2015).

According to the 2007 Population and Housing Census report the region had a total population number of 306,916, of which 74 percent are located in rural areas. A percentage of 34.9 people are living poor life affected by poverty and other socio economic related hazards (Molnar, 2014; Baumgartner et al, 2015). There are six different ethnic groups in Gambella

region, among which five are regarded as indigenous people of the Gambella region. These are: the Anuak, Nuer, Majangar, Komo and Opo. In terms of representation the Anuak represent 27 percent, the Nure 40 percent, the Majanger 6 percent, and the Opo and Komo together represent 3 percent of the total population (Population and Housing Census 1994). Even though the Nuer ethnic group represents 40% of the total population, the majority of the land in Gambella belongs to the Anuak ethnic group (Tadesse, 2007). There are also other groups of people in Gambella who migrated from central parts of Ethiopia and are known as Highlanders by the indigenous people. The number of Highlanders is increasing through time as their involvement in trades and other government offices increases.

The Gambella Region is endowed with vast natural resources such as land, water, livestock, forest, fish, oil reserves and other minerals. However, despite its rich natural resources, Gambella remains less developed and economically very poor. Regardless of this, the natural resource in the region is attracting various groups of people including the Nuer of South Sudan and foreign investors (Tadesse, 2007).

The Gambella Regional State is further divided into three major administrative zones. While zone one includes the Itang and Gambella Woreda, zone two encompasses the Jor, Gog, and Abobo Woreda. Zone three has the Akobo and Jikawo Woreda under it (See Figure 1 below). This research was conducted in Abobo Woreda where the majority of the people belongs to the Anuak ethnic group and the place where the Saudi Star Agricultural Investment Company (Saudi Star) is located.

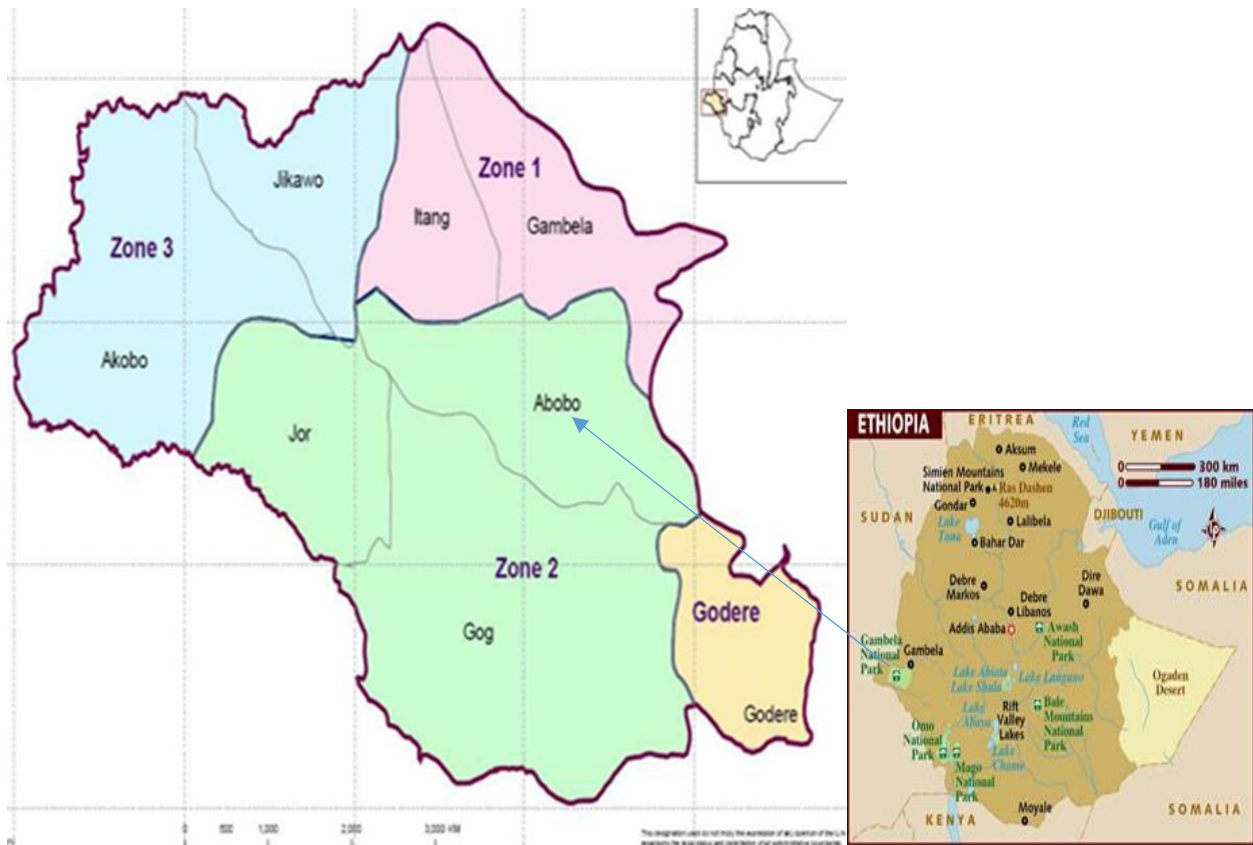


Figure (1). Map of Gambella Regional State<sup>3</sup>

## 2.2 Research Methods

This research is conducted using qualitative methods with a focus on a single case study. A case study is “an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (Yin, 2013:13). The case study is usually applied in studying contemporary events through the techniques of direct observation and systematic interviewing. This research presents the traditional conflict management approaches by the Anuak indigenous people in Gambella as an alternative to address conflict resulted from the expansion of large scale

<sup>3</sup> Source <https://images.search.yahoo.com/yhs/search?p=images+for+gambella>.

agricultural investment in Gambella. The Saudi Star Agricultural Development Company is used as a case study. The research builds on previous studies as presented in section A and B below. Furthermore, both primary and secondary data is used to answer the research question. Primary data includes interviews and direct observation during the field visit in Abobo Woreda. Secondary data including journal articles, newspapers, research papers, legal and policy documents, governmental and non-governmental documents and media reports is used in doing the analysis.

#### **A. The 2008 Food Crisis, Foreign Direct Investment, and Water Resources**

Foreign Direct Investment in 1990's become the major source of finance for developing countries. More than 40 percent of the total capital that flows to developing countries in 1997 is generated through FDI. In 2007/08 the increase in crop prices creates fears among those countries that import food and hence force them to think more about foreign investment in different parts of the world, mainly in developing countries such as Africa (Shete and Rutten, 2015; Kajenthira et al, 2015; Davis et al, 2014). As a result, a large number of countries and private companies sign a land agreement in the name of Foreign Direct Investment with overseas governments. Policy makers in most developing countries increasingly reduced the restrictions put on foreign investment and encourage investors by providing enticements – income tax holidays, import duty exemptions, and subsidies - to the enterprises. Most of these incentives by host countries to foreign investors are given expecting that the investment will result in better technological transfer, create job opportunities for local communities, and increases the national economy hence foster development (Aitken and Harrison, 1999).

However, the action of this countries and private companies has been criticized as large scale arable land acquisition in the global south increases and create conflict (Bues and

Theesfeld, 2012; Shete and Rutten, 2015; Davis et al, 2014; Kajenthira et al, 2015). Scholars such as Bossio et al., (2012) and Franco et al, (2013) present the land acquisition by foreign investors as a “de facto water acquisition”. This is also known as the “Global water grabbing”. Franco et al. (2013:1653-54) defined water grabbing as “a process in which powerful actors are able to take control of, or reallocate to their own benefit, water resources used by local communities or which feed aquatic ecosystems on which their livelihoods are based”. According to Franco et al (2013) and Bossio et al., (2012) water grabbing is not only the act of controlling water resources but also potential to decide on how, when, by whom, for how long and for what purpose water is going to be used.

## **B. Indigenous Approaches to Water Conflict Negotiation: Some Examples**

Since every conflict has its own characteristics, the mechanism to resolve a conflict varies accordingly. However, human societies most often deal with such conflicts using once own – indigenous- system of conflict management. These indigenous conflict management systems are unique and inherent to once community (Wardak, 2003). For example in Africa “traditional” and/or “indigenous” conflict resolution mechanisms reflect the African community socio, political and economic way of life (Edossa et al, 2007).

Studied by Wolf (2000) the Berbers and the Negev apply their own traditional conflict resolution mechanisms whenever there is conflict over the allocation of water resources. Some of the methods used by the two communities according to Wolf (2000) are: allocating water based on time not volume, prioritize demand for water use, protecting downstream water users and minority rights, the applicability of dispute resolution mechanism with defined authority and forgiveness ceremonies – “sulha”. Similarly, the Afghan people have traditional conflict resolution mechanism known as “Jirga”. According to Wardak (2003), Jirga is not only used to

resolve conflict at the local, tribal and/or national level but it is also a process that increases solidarity and maintains social order.

One of the most studied indigenous institutions is the Gadaa system. The Gadaa system is “a uniquely democratic political and social institution of the Oromo people in Ethiopia” (Edossa, et al., 2007:1). The system guides the community in managing resources and resolve conflict arising from the management of shared resources. The rules passed by the Gadaa leaders are respected by all members of the community. The Abbaa Gadaa – the president – is responsible for carrying out rituals practices. Furthermore, in times when a member of the communities fail to reach consensus on certain issues, the Abba Gadaa will intervene and deals with the issue (Edossa, et al., 2007). For example in place such as Borena – a place found in Southern Ethiopia – where the Gadaa system is highly practiced water is managed in times of drought in such way that: during the wet season only open water sources are used while wells have remained close to supply water for dry seasons. In the dry season, however, farmers and herders travel a long distance to get water and wells re-open. Furthermore, when dry seasons are extended for long Borana people manage the situation by reducing the amount of water consumed by their cattle’s. Accordingly, their cattle only drinks once a day (Dhabsuu), once for two days (Limmaalimma), and once for three days (Sadeen) (Edossa,et al, 2007).

### **2.2.1 Interviews**

The interviews for this research paper involve three groups of people. These are: the Anuak community members, the Saudi Star Agricultural Investment Company (administrative staffs, water technicians and farm employees) and government employees (both elected officials and civil servants) at different ministries. The actual field research took place in Ethiopia both in Addis Ababa and Gambella Regional state from 12 December 2016 until 6 February 2017.



The first two weeks of the field work I spent in Gambella regional state in Abobo woreda and Gambella town. During my stay in Abobo Woreda, I interviewed members of the Anuak community who is familiar with the Anuak history including their resource management system and conflict resolution mechanisms (See Table 1 below). The people interviewed in this category were chosen based on the recommendation from other people in the area – snowball or chain-referral sampling. During the interviews, the respondents from the Anuak community were asked mainly first how the Anuak indigenous people manage their resources, not only water resources but also land and forests. Secondly, they were asked how the community manages conflict arising from the management of shared resources. Furthermore, they also answered the question of how the community assesses the effectiveness of its conflict management processes, if any. The final question was about whether when using their effective indigenous conflict resolution mechanisms, the Anuak people thought that they could resolve conflict if they were any related to the current agricultural development in Gambella.

During my stay in Abobo Woreda, I also visited the Saudi Star farm and made six interviews with company managers, water technicians and employees (See Table 1 below). The interviews mainly focused on the management of land and water resources and how Saudi Star manages these resources. More specifically, questions related to the management of the Alwero River and the Abobo Dam were included. Furthermore, I also asked if Saudi Star had conflict management mechanisms and whether these were related to the government or to the indigenous people according to the lease agreement they had signed. Moreover, for some clarification, I also made some interviews with the directors of the Saudi Star at the head office in Addis Ababa.

Government ministries both in Addis Ababa and Gambella Regional State were also included in this study (See Table 1 below). In Addis Ababa I made interviews with the Ethiopian

Agricultural Investment Land Administrative Agency, Ethiopian Investment Commission and the Ministry of Water, Irrigation and Electricity. From the Ministry of Water, Irrigation and Electricity, I specifically made interviews with four departments including Boundary and Transboundary River Affairs Directorate; Sector Support Coordination Directorate; Water Utilization Permit and Administrative Directorate; and Irrigation Development Studies, Design and Construction. At regional level interviews were made with Gambella P.N.R State Investment Agency and with Gambella State Irrigation and Natural Resources Bureau. The interviews made with the governmental bureaus were very important to clarify on land and water use, the requirement for investment licenses and to review policies regarding land, water and other natural resources.

Most of the interviews made for the purpose of this research were open-ended interviews, where respondents were allowed to give their opinions for the question asked by the researcher without any restriction. However, there are also some incidents where I asked respondents questions that needed straightforward answers. In some cases, the response I got from one category of respondent allows me to build on my interview questions for the next interview session with other respondents.

**Table 1****Interview Groups**

<b>Group one</b>	<b>Anuak Community Elders (ACE)<sup>4</sup></b>
Number of people Interviewed	<b>6</b>
<b>Group Two</b>	<b>Saudi Star (SS)<sup>5</sup></b>
	Manager
	Water Engineers
	Employees
Number of people Interviewed	<b>6</b>
<b>Group Three</b>	<b>Government Offices<sup>6</sup></b>
	<b>Federal Government Offices</b>
	Ethiopian Agricultural Investment Land Administrative Agency
	Ethiopia Investment Commission
	The Ministry of Water, Irrigation and Electricity <ul style="list-style-type: none"> <li>• Boundary and Trans-Boundary River Affairs</li> <li>• Sector Support Coordination Directorate</li> <li>• Water Utilization Permit and Administrative Directorate</li> <li>• Irrigation Development Studies, Design and Construction</li> </ul>
	<b>Regional Government Offices</b>
	Gambella P.N.R State Investment Agency
	Gambella State Irrigation and Natural Resources Bureau
Number of People Interviewed	<b>8</b>

<sup>4</sup> The response from the Anuak community Elders (ACE) is cited in the text as (ACE1, 2016), (ACE2, 2016), (ACE3)...

<sup>5</sup> The response from Saudi Star (SS) Company is cited in the text as (SS1, 2016), (SS2, 2016), (SS3).....

<sup>6</sup> The response from the federal government is cited in the text as (FG1, 2017) (FG2, 2017)... and the response from the Regional Government is cited as (RG1, 2016), (RG2, 2016)....

### **2.2.2 Observation**

Other than interviews in this research, I also used observation as methods of data collection. According to Marshall and Rossman (1989:79) observation is “the systematic description of events, behaviors, and artifacts in the social setting chosen for study”. It was a good experience as a researcher to learn from other people just by listening to them mostly during lunch break through informal discussions. I was also able to go down to the downstream part of the Alwero River and see local people fishing and taking water from the river for domestic consumption purposes.

### **2.2.3 Legal and Policy Documents**

For the purpose of this research legal and policy documents were also included. Legal documents such as Constitution and lease agreements related to land, water and investment were reviewed:

- To have a clear understanding of land, water and investment rights in Ethiopia
- To see whether there exist the issue of legal pluralism - the existence of two or more legal systems in managing natural resources including water and if this legal system creates contradictory situations among resource users.
- To figure out whether there are policy implementation gaps.
- To know what kind of dispute resolution mechanisms are included in the documents.

### **2.2.4 Government and Non-Government Documents**

Governmental and non - governmental documents were used in this research. Governmental documents include; reports and projects done by various government agencies and

non-governmental documents including the report from NGOs, publication by various research institute and journals - Institute for Security Studies, Oakland Institute, Water Alternatives, Grain, Third World Quarterly, Environmental Science & Policy, Journal of Peasant Studies, The World Economy, Cambridge University Press, INTECH Open Access Publisher, Law & Economics Research Paper, Peace and Conflict Studies, Environmental and Planning SAGE - and Masters and PhD dissertation papers were used (See the bibliography section).

I used both government and non -government documents to analysis my data and to compare and contrast the study done in the past with my study.

### **2.2.5 Media Reports**

The other source of data for this research is the media. Both national and international media outlets were used in this research. From the national media: Addis Zemen and Addis Fortune newspapers were included. Addis Zemen is an Ethiopian Amharic newspaper, published by the federal government. Addis Fortune is a privately owned independent newspaper in Ethiopia. From the international media outlets, BBC and CNN are included. As the time when I was conducting this research in Ethiopia, there was wide national media coverage regarding corruption made in the name of investment in Gambella regional state. Due to this, there was extensive critique against the way the land is given to investors and as the same time, many government officials were arrested.

### **2.3 Challenges of Data Collection**

Two months before I started collecting the data needed for this research, there was a national protest in Ethiopia. The protest was started by the Oromo people, Ethiopia's biggest ethnic group, and later on expanded to other regions, mainly to the Amhara region. One of the triggering factors for the protest was the issue of land rights. When the situation becomes very

intense the government declared a state of emergency to control the violence. Because of this, the data collection processes were not easy.

In addition to the current protest, the Gambella Region is known for its protracted ethnic conflict among different ethnic groups that made the field work more unsecure. Furthermore, the other barrier during the fieldwork was the hot weather condition.

As a result of these limitations, my interview sample in Gambella is smaller than I would have liked.

## **2.4 Data Analysis**

The data collected for the purpose of this research paper is interpreted and analyzed using qualitative descriptive study analysis techniques. After I gathered the data I divided them in accordance with the chapters I have for this research paper. For example, I created a separate data folder for each data type I collected – a data folder for large scale agricultural investment in Ethiopia, another for the Anuak people and their traditional conflict management system, and another folder for the response of the Anuak indigenous people to investment and investors. To convert the information I have into major findings, I made connection between my findings and the actual political and economic situations.

### **3. Chapter Three: The Expansion of Large-Scale Agricultural Investment in Ethiopia**

#### **3.1 Policy Change: Resemblance to Investment**

In 1991 with the downfall of the military regime, Ethiopia adopted a free market economy advocated by the international Monetary Fund (IMF) and the World Bank (WB) (Shete, 2011; Diao and Pratt, 2007). The Ethiopian People Revolutionary Democratic Front (EPRDF) who came into power after the down fall of the military junta, adopted new Structural Adjustment Policies (SAP) that have guided the country's economy for more than two decades. The new government, while adopting these policies, had in mind the objectives of improving socioeconomic imbalances and reducing poverty (Astatike and Assefa, 2006). In order to achieve these objectives, the government came up with new investment law. This new investment law invites both domestic and foreign investors to invest more in the country (Shete, 2011). Accordingly, favorable investment conditions were set up by the government to attract mainly foreign investors to involve them in large agricultural investment projects.

Ethiopia is rich in natural resources, however according to one of my respondents from the Ethiopian Ministry of Agriculture (MoA), nothing has been done in previous regimes to change the country from its long time history of poverty and hunger (FG1, 2017). Hence the EPRDF guided by its plan of development, highly emphasized the expansion of large scale agricultural investment in the country (FG1, 2017); (FG3, 2017); (FG4, 2017) and (RG1, 2016). Agriculture is the main sources of the economy given the fact that the country is endowed with numerous rivers and favorable agro-climatic conditions (FG2, 2017) and (RG2, 2016). Agriculture creates job opportunities for more than 85% of the population in the country,

contributes 40% of the total GDP and generates 67% of the total export earnings. (FG2, 2017). However, the level of agricultural production in Ethiopia is very low at around 1.2 tons per hectare (FG2, 2017) and (FG5, 2017). One of the reasons for having such low level of production is because the majority of farmers in Ethiopia depend on rain fed agriculture. The study by the Nespak-CSMS (2010), states that “rainfall is the single most important determinant of Ethiopia’s economic success or failure from year to year but has mostly resulted in adverse effects on the economy. Furthermore, heavy dependent on rain fed agriculture has led to a 25% increase in poverty rate.” Various studies including the Nespak-CSMS also indicated that the high rates of dependence on rain fed agriculture resulted in food insecurity and made the country dependent on food aid programs (Nespak-CSMS, 2010). Thus increasing agricultural productivity through irrigation is a major goal for the government in its development strategies. One way to do this is to invite foreign investors from Saudi Arabia, India, China, Libya, Korea, Qatar, Israel, EU and USA and then to involve them in large scale agricultural investment projects in regions like Gambella, Benshangul Gumuz and South Omo of South Nation Nationality and People (Shete, 2005; Kurian, 2015).

From the government view, the reasons behind foreign direct investment is not only to ensure food security as stated above, but also to create job opportunities for local people, to introduce new technology, to increase infrastructural developments such as roads, schools and health centers and in the long run to reduce the high level of poverty that the country has (FG3, 2017).



### 3.2 Foreign Direct Investment and Land Rights

With the expansion of large scale agricultural investment in Ethiopia, the management of land and water resources became very important. Land is a valuable resource which is equally “political” and “ideological” that might create conflict (Meckelburg, 2014). Land has different meaning for different users. For government, land means the territory of one nations that have political and economic importance. For local people such as the Anuak, their land is their identity. Besides its economic and political value, land for them has social and spiritual values on which their livelihoods depends. For investors, land has more of an economic value (Meckelburg, 2014).

The 1995 constitution of Ethiopia recognises the public ownership of rural land and natural resources. Article 40 of the Constitution clearly stated the rights of peasants<sup>7</sup> and pastoralists<sup>8</sup> to free land (See Box 1). However peasants and pastoralists can only exercise use right, they cannot sell or exchange their land. Peasants and pastoralists also have the right not to be displaced unless their land is needed for public purposes (CFDRE, 1995). If the land of peasants and pastoralists is needed for public purpose, it is the responsibility of the government to give prior notification and provide compensation (Mekonnen, 2012).

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<sup>7</sup> A “peasant” is “a member of a rural community who has been given [a] rural land holding right and the livelihood of his family and himself is based on the income from the land.” Rural Land Administration and Land Use Proc. No. 456/2005, FEDERAL NEGARIT GAZETA, art. 2(7) [hereinafter Land Use Proc.] See more on Mekonnen, S. (2012). Rights of citizens and foreign investors to agricultural land under the land policy and laws of Ethiopia. *Haramaya L. Rev.*, 1, 31.

<sup>8</sup> A “pastoralist” is “a member of a rural community that raises cattle by holding rangeland and moving from one place to the other, and the livelihood of himself and his family is based on mainly on [sic] the produce from cattle.” *Id.* art. 2(8). See more on Mekonnen, S. (2012). Rights of citizens and foreign investors to agricultural land under the land policy and laws of Ethiopia. *Haramaya L. Rev.*, 1, 31.

Investors (both domestic and foreigner) can have land use right based on payments. According to Article 40 (6) of the 1995 Constitution, “without prejudice to the right of nations, nationalities, and peoples to own land, government may grant use of land to private investors on the basis of payments established by law” (CFDRE, 1995).

However, critics argue that expansion of large-scale agricultural investment displaced many local farmers from their land. Furthermore, due to the lack of land certification in most of the regions, the majority of farmers who are displaced from their land received no compensation (OI, 2011). As a result, displaced farmers are forced to search for farmland in other areas which again increases competition and conflict. According to the report from the Oakland Institute, the Ethiopian government ignores the existing small-scale agricultural practices by local farmers and activities such as pastoralism and communal land administrative system. Instead, according to the report, the government labelled this land as “unused land”. Thus it could be transferred to investors for development purposes (OI, 2011). In addition, the absence of clear conflict resolution mechanisms in the Constitution further complicates questions related to land rights (Meckelburg, 2014).

### Box 1: The 1995 Ethiopian Constitution

#### Article 40 paragraph 3-6

**3.** 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 peoples of Ethiopia. Land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of transfer.

**4.** Any Ethiopian who wants to earn a living by farming has a right, which shall not be alienated, to obtain, without payment, the use of land. The implementation of this provision shall be specified by law.

**5.** Ethiopian pastoralists have a right to free land for grazing and cultivation as well as a right not to be displaced from their own land.

**6.** Without prejudice to the right of nations, nationalities, and peoples to own land, government may grant use of land to private investors on the basis of payment arrangements established by law.

Source: (CFDRE, 1995)

### 3.3 The Process of Land Acquisition

As discussed in section 3.2 the Constitution recognizes the land use right of both private and foreign investors in Ethiopia. To exercise their land use right foreign investors have to get first an investment license (FG3, 2017) and (FG4, 2017). Holding their license, foreign investors then can search for land suitable for their investment projects. Once they have found land suitable for their project they submit their document to the Ministry of Agriculture (Former Ministry of Agriculture and Rural Land Development). Then the Ministry finalizes the paper document by its own – without negotiation with local people and transfers the land use right to investors (See Table 2 below) (Shete, 2011).

**Table 2**  
**Process of land acquisition in Ethiopia**

<b>Steps</b>	<b>Before 2009</b>	<b>After 2009</b>
<b>1</b>	Obtaining an investment license	Obtaining an investment license
<b>2</b>	Identify appropriate land in the target area	Identify appropriate land in the target area
<b>3</b>	Submit project document to regional investment office for verification of capital and project feasibility	Submit project document to the Ministry of Agriculture & Rural Development (MoARD) along with business plan
<b>4</b>	Negotiation with community elders and the investor submit the agreement of the community members to the regional investment office	No negotiation, but MoARD checks if the land proposed by the investor lies in the land bank <sup>9</sup>
<b>5</b>	Signing of lease agreement with the regional investment office	The MoARD will then prepare a lease contract and arrange for proof of ownership and a map of the plot. Then lease agreement signed.
<b>6</b>	Land is transferred to the investor	The MoARD write a letter to the regional investment office to demarcate and hand-over the land to the investor

Source (Shete, 2011)

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<sup>9</sup> A government institution that acquire, manage, maintain, and repurpose vacant land and houses. (FG1, 2017).

### **3.4 Foreign Direct Investment and Water Related Rules**

The 2005 water resource management proclamations recognise the public ownership of all water resources in the country (Ethiopian Investment Agency WRMP 2005). Accordingly, water use priority is given for domestic use (Bossio et al, 2012). Any development related to water resources requires permit from the state administration and the permit can only be issued when the question for water use does not affect the legitimate interest of any person related to that resource (FG2, 2017) and (FG4, 2017).

According to the Ethiopian investment proclamation, foreign investors can lease land from 25 to 50 years (Bossio et al, 2012). Proximity to water sources and the availability of irrigation are the two most important considerations of foreign investors in the leasing process (Bues, 2011; Bossio et al, 2012; Allouche, 2011). Foreign investors can develop both surface and subsurface water resources. They can also use alternative irrigation systems and water from dams (Bossio et al, 2012). As Bossio et al. (2012:231) quote from Ethiopian Foreign Direct Investment lease agreement clause related with water, "[t]he lessee has the right to build infrastructure such as dams, water boreholes irrigation system at the discretion of the lessee upon consultation and submission of permit request with concerned authorities, subject to the type and size of the investment property whenever it deems so appropriate".

### **3.5 Large Scale Agricultural Investment in Gambella Regional State**

Gambella Regional State recently becomes one of the targeted regions for large scale agricultural investment. Its fertile soils and substantial water resources makes it the chosen heaven for agricultural production (Monlar, 2014). The data from the Gambella Investment Agency indicated that starting from the 1990s until 2016, 2165 investors were registered in Gambella Region (RG1, 2016). In 2016 only, 483 investors leased land from the government.

The data also revealed that out of the 2165 investors 1855 of them are involved in agriculture while the rest 310 engaged in industry and service (RG1, 2016). The Karuturi, Saudi Star, Ruchi, Bho, Centi, Humoa, and Verdant are the seven most known foreign investors in Gambella involved in agricultural sectors (RG1, 2016) and (RG3, 2016).

Even though the region attracts a large number of investors, the number of investors that are operating is very small due to several reasons (discussed below). Table (3) shows the distribution of districts (Woreda) by number of registered and operating investors in 2015. In Abobo Woreda 117 domestic and foreigner investors were registered and only 19 of them are operating currently (RG1, 2016).

**Table 3**  
**Distribution of Districts by Number of Registered and Operating Investors**

<b>District</b>	<b>Registered</b>	<b>Operating</b>
Gambella	200	83
Itang	132	57
Abobo	117	19
Dimma	108	15
Gog	57	9
Godere	10	7
Lare	8	5
Mengishe	4	4

Source (Opiew, 2015)

### 3.6 Saudi Star

The Saudi Star is a private agricultural development company owned by Ethiopian Saudi billionaire Shaik Mohammed Alhamoudi (SS1, 2016). By receiving 10,000 hectares of land from the government in Abobo Woerda the company is currently producing rice for export and also for local consumption purposes, using supplementary irrigation during the wet seasons and full irrigation during dry seasons. Currently Saudi Star has 500 permanent employees, 1200 seasonal workers and 200 people on a contract basis (SS1, 2016).

Currently out of the 10,000 hectares the company only cultivates 350 hectares of land. One of the reasons for having as such low level of production is due to shortages of water in most of the production years (SS2, 2016) and (SS3, 2016). However there are also other factors that made the company not to go forward. These are: security reasons, hot weather conditions, challenges from the community, the problem related to infrastructure such as (electricity outage and absence of road). Table (4) shows the yield status of lowland and upland crop production of the company from 2014 to 2016 (SS4, 2016) and (SS5, 2016).

**Table 4**  
**Saudi Star Agricultural Development Plc.**  
**Yield Status of Low Land and Up Land Crop Production 2014-2016**

S/N	CROP TYPE	VARIETY	CROP YEAR			Remark
			2014 Yield/Ha	2015 Yield/Ha	2016 Yield/Ha	
A	Low-Land Crop Production/ Irrigation					
1	Rice	MR-1	40.00	-	25.00	
2	Rice	MR-7	33.00	25.00	30.00	
B	Upland Crop Production/ Rain fed					
1	Rice	Nerica-4	30.00	11.00	16.00	Up land Rice yield per Ha is under expectation due to water stress
2	Rice	Paras	-	13.00	-	
3	Rice	Superica	20.00	-	-	

Source: (Saudi Star, 2016)

In order to increase the quality and the amount of rice production, the Saudi Star developed a project called “Saudi Star Alwero Rice Project” that aims to divert water from the Abobo Dam (Reservoir) to their farm land (SS3, 2016); (SS4, 2016) and (SS5, 2016). The area to be irrigated (the project area as referred in Figure 2) is 20 km away from the Abobo village, downstream of the Abobo dam and its reservoir (see the location of the project from the figure (2) below). The Abobo Dam has a catchment area of about 2,900 km<sup>2</sup>. The height of the dam is 13 m with a length of 3, 750 km<sup>2</sup>. The capacity of the reservoir is 74.6 MCM covering an area of



22.1 km<sup>2</sup> (SS3, 2016). The main canal that transfers water from the reservoir to the rice farm is under construction. Once the construction is done the canal will have a length of 32 km (SS4, 2016). According to Saudi Star Alwero Rice Project Water Engineers, “the construction of the canal system is expected to ensure and provide more reliable and high quality water supply for irrigation in Gambella region to boost agricultural activity” (SS3, 2016) and (SS6, 2016).

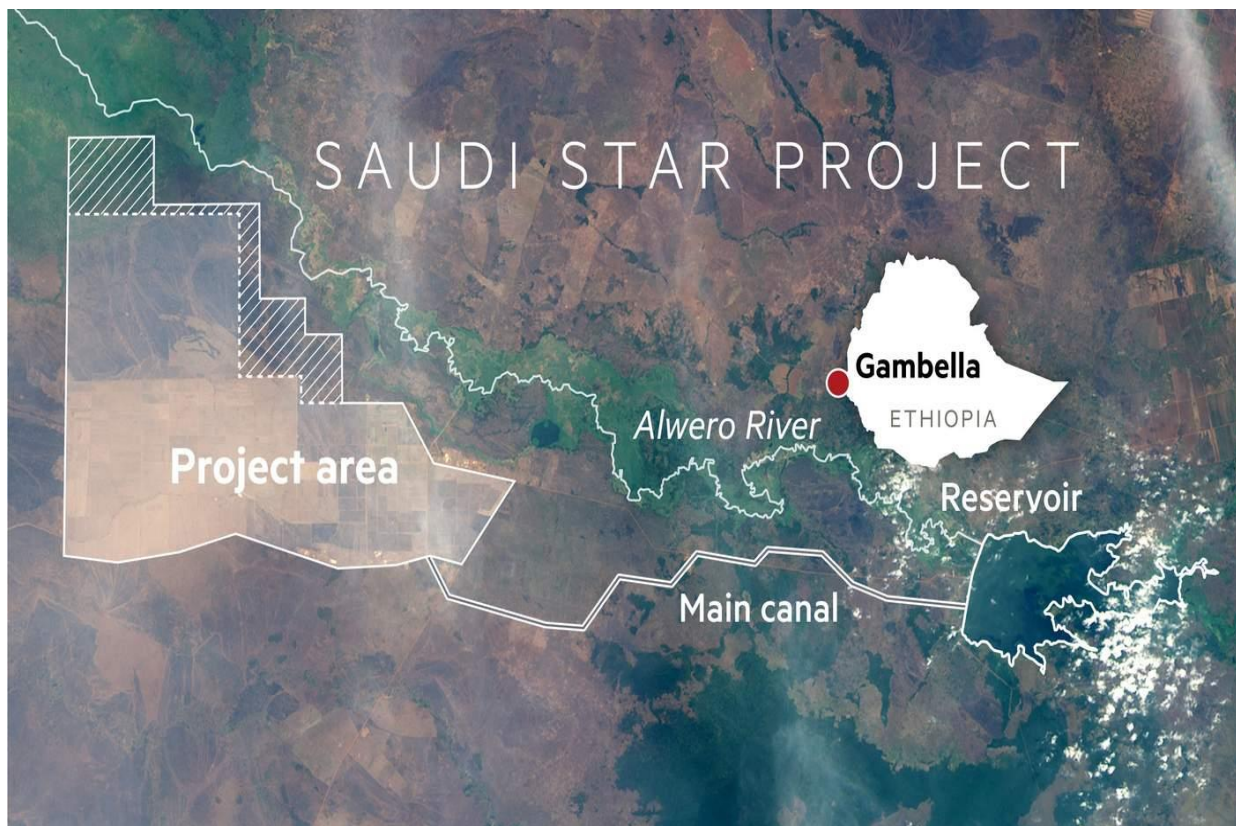


Figure (2) Saudi Star Project source: (OI, 2011)

As I observed during the field visit in Abobo Woreda, the Saudi Star is among the few investors who are operating in real terms by attempting to overcome all the challenges mentioned above. However, the project by Saudi Star currently raises so many questions not only concerning the impact of the project on the amount of water that flows to the downstream villages but also about the project put in question the Anuak indigenous people rights and access

to land and water resources. Once the canal is constructed, and the company starts cultivating the total 10,000 hectares of land, the amount of water that flows to villages found to the downstream of the Abobo dam like the Perbango, Abobo, Terkodi and Pokide will decrease. Furthermore, the Saudi Star also has a plan to expand their investment to 200, 000 hectares and to do so they are planning to construct another dam on Alwero River for irrigation purposes (SS1, 2016) and (SS2, 2016). Even though the government at the federal and regional level insists that river banks are assigned to the community, and investment permits will only be granted in areas where rivers are not connected with settlement patterns, what happens on the ground is entirely different (Monlar, 2014). The absence of strong monitoring mechanisms from the government over the activities of the company further complicated the situations (Molnar, 2014).

Given the fact that land and water resources have been a primary cause for intra- and inter conflicts in Gambella, the Saudi Star project could result in conflict between the company and the Anuak indigenous people (See section 4.1.1 and 4.1.2 of Chapter 4) (Sewonet, 2002). The Anuak grow maize using shifting cultivation techniques along the river banks and use the water from Alwero River for fishing and religious purposes.

Thus there should be an open discussion between the company, the indigenous people and the government on how to deal with the issue before it causes a huge problem in human life and property. One mechanism to do so, as will be discussed in the next chapter, is to use traditional conflict resolution mechanisms by the Anuak people themselves.

## 4. Chapter Four: The Anuak and their Traditional Conflict Management Mechanisms

Despite the existence of modern water resource management system and conflict resolution mechanisms, there are also indigenous approaches to water conflict management in different places of the world. This chapter presents the Anuak indigenous people in Gambella Region and their approaches to water conflict management.

### 4.1 The Anuak People: Knowing the History

The Anuak, also known as the Anyuua people, come from Lake Rudolf and Lake Victoria in Kenya and Uganda. According to history, the Anuak people trace their origin from the so-called “Cradle Land of the Nilotes” (Sewonet, 2012). The majority of the Anuak people are small-scale agriculturalists who cultivate millet, maize, and other crops. They depend equally on fishing and hunting. Representing 27% of the total population in Gambella Regional State, the Anuak own the majority of the land in Gambella (ACE3, 2016). Most Anuaks lives along river banks, namely the Pibor, Sobat, Gila, Akobo, Agwei, Oboth, Baro, and Alwero Rivers (Sewonet, 2012; Wall, 1976). Though the majority of the Anuak people live in Abobo woreda, there are also a number of Anuak people who lives in Dimma and Gog woredas (ACE2, 2016). They live in villages consisting of not more than 500 people. While most Anuak practice Christianity, they also believe in traditional spiritual practices<sup>10</sup>. “They have the almighty spirit known as Gwok”. They usually use trees when making spiritual practices<sup>11</sup>.

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<sup>10</sup> [ps://www.culturalsurvival.org/publications/cultural-survival-quarterly/anuak-threatened-culture](https://www.culturalsurvival.org/publications/cultural-survival-quarterly/anuak-threatened-culture)

<sup>11</sup> [ps://www.culturalsurvival.org/publications/cultural-survival-quarterly/anuak-threatened-culture](https://www.culturalsurvival.org/publications/cultural-survival-quarterly/anuak-threatened-culture)



Figure (3) the Anuak village in Gambella. Source<sup>12</sup>

#### 4.1.1 Conflict between the Anuak and Nuer

The conflict between Anuak and the Nuer started in the second half of the 19<sup>th</sup> century. Tension over access to natural resources defined the conflict between these two groups (ACE3, 2016). The Nure migrated from Southern Sudan to the Eastern part of Gambella searching for land and water for cultivation and pasture (ACE3, 2016). While the Anuak are mainly cultivators, the majority of the Nure are pastoralists who depend upon cattle raising and livestock production (ACE3, 2016). The land controlled by the Anuak is more fertile since they are settled along the river banks having a small numbers of population (ACE3, 2016). The Nure, knowing this fact, manage to access the land of the Anuak in two ways (Feyissa, 2009):

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<sup>12</sup> <https://www.google.com/search?q=picture+for+Anuak+village>

### 1. Marriage

The first method used by the Nure to access the land of the Anuak is to form marriage relation with the fellow Anuak people. Especially in those areas where there is a big Anuak population settlement, the Nure successfully manages to create blood relation and get access to land and water (Feyissa, 2009).

### 2. Effective Occupation

The second method used by the Nuer to access the Anuak resources is through effective occupation. In areas where the Anuak population number is very small, the Nure make expansion and even dominate the Anuak in terms of culture and change the demographic situation. However, through time the cultural domination of the Nuer is not accepted by the Anuak. According to Feyissa (2009: 642). "In the long term, this has meant the expansion of the Nuer cultural space as well. This is very much resented by the Anuak who have constructed a different identity system that emphasizes territoriality and purity of blood".

#### **4.1.2 The Conflict between the Anuak and the Highlanders**

The Anuak are in conflict not only with the Nuer, but also with the Highlanders in Gambella (ACE4, 2016). The Highlanders in terms of ethnic classification are different from both the Anuak and the Nuer. While both the Anuak and the Nuer considered themselves as indigenous people, the highlanders or the Abasha are those people who migrated from the central parts of Ethiopia to Gambella due to drought and flood in various times (ACE4, 2016). There are three major reasons why the highlanders choose Gambella as their destination. One of the reasons is the availability of natural resources, including gold and other minerals in Gambella. The local people use the money from these resources to buy goods from the Highlanders (Toang,

2006). Controlling most of the business centres, the Highlanders quickly became rich through trade. The second reason is; the majority of the Highlanders have better access to modern education comparing to that of the indigenous Anuak people. Because of this, many of the civil service positions are controlled by the Highlanders (Toang, 2006). This again creates conflict between the indigenous people and the highlanders. Third, because of the unrest in South Sudan, a large number of people move from South Sudan to Gambella region. This creates new opportunities for Highlanders who wants to be involved in business in several refugee camps. However, the Highlander's involvement in major business sectors and political positions are not in the interest of the indigenous people, mainly the Anuak who see Gambella as their motherland (Toang, 2006).

As Toang (2006) summarized the relationships between the Anuak and the Nure on one hand, and the Anuak and the Highlanders on the other, "On the opposite end of that political spectrum, the Anuak found themselves being squeezed in from different directions by two forces. Nures force them from their lands on one hand and are being forced from economic and political power by highlanders on the other. This creates resentments from Anuak who believes that these two forces will end the Anuak tribe's existence, as we know it".

#### **4.2 The Anuak & their Water Resource Management System**

Water is an important resources for every human being. It is impossible to live without water. Water has economic, political, social and religious values. The Anuak people in Gambella not only attached themselves to their land but also to the water connected to it. There are a number of rivers in Gambella including the Baro with its tributaries (Birbir, Geba, Sor), the Alwero, the Gilo with its tributaries (Gecheb, Bitun, Beg), and the Akobo with its tributary (Kashu) (ACE1, 2016). While the first three major rivers are domestic rivers by nature, the

Akobo River is a Transboundary River, which crosses the Gambella territory and enters into South Sudan (ACE1, 2016). As discussed in section (4.1), the Anuak people live in different woredas. However, the Anuak who live in one woreda are different from the Anuak live in other woredas by the name of the rivers in Gambella. Hence, the Anuak people are named after major rivers in Gambella. Namely as: the Baro Anuak, the Alwero/Abobo Anuak, the Gilo Anuak and the Akobo Anuak. The Anuak use the water from these rivers for agriculture, fishing, cattle, environmental and religious purposes (ACE2, 2016).

Given the fact that land and water has been a major cause for intra and inter conflicts in the Gambella region, it is always the main concern for the Anuak people to protect and manage their resources in a manner that protect the interest of all resource users in the basin (ACE1, 2016). The Anuak have the following water management strategies.

#### **4.2.1 Management of water as a common property**

The local people exercise communal ownership rights over rivers. Any household in Anuak villages has the right to use water from the river for fishing, cultivation, for their cattle and recreational purposes. According to the Anuak traditional water management system, the Anuak who lives in the upstream parts of a river should let the downstream Anuak access to water. The water flows from the upstream part of the river to downstream parts of the river without any problem. Hence the downstream users can have water throughout the year. Furthermore, in order to protect the habitats in the river and maintain environmental flows, the Anuak men only allowed to take two or three fish at a time. Taking more than what is need is considered as a “sin.” (ACE4, 2016)

### **4.2.2 Management of Water by individuals**

Individuals also exercise ownership rights within their villages. Ponds and water wells are controlled and managed by individual owners. During the wet season, open water sources are used for cultivation, fishing, swimming and other activities. Ponds and wells are used mainly for drinking purpose. Furthermore, some people who live far from the river banks use water from wells to prepare food and for drinking purposes. Most of the wells and ponds are protected by reptiles including snakes, crocodiles, and lizards. The owner makes spiritual ceremonies for the animals inside the wells. For this reason, the owner of the well has to give permission first if anyone in the village wants to access the water from the wells (ACE4, 2016).

### **4.2.3 Chain of Command**

The Anuak people have a well-structured traditional political administrative system. This makes them different from other ethnic groups in the region. This political administrative system allows the Anuak people to effectively manage their resources and resolve conflict arising from the management of shared resources including water. Each Anuak villages has headman known as the Kuwaaro. One respondent explained, that the Kuwaaro is the most respected man in Anuak villages. He is the one who decides how much land and water should be allocated and gives permission to the people in the villages to use land and water resources (ACE4, 2016). He is also involved in conflict management processes (discussed below).

All the Kuwaaros of each village are accountable to the King of Anuak known as Niye. According to the respondents, the Anuak, also give respect to the king because they believe that the king is appointed by God to protect the Anuak community from any danger. Whenever there is conflict above the capacity of the Kuwarro, then the king intervenes and makes decision. Once



a decision is made by the king it is final and considered as “the decision of God” and hence have to be executed.

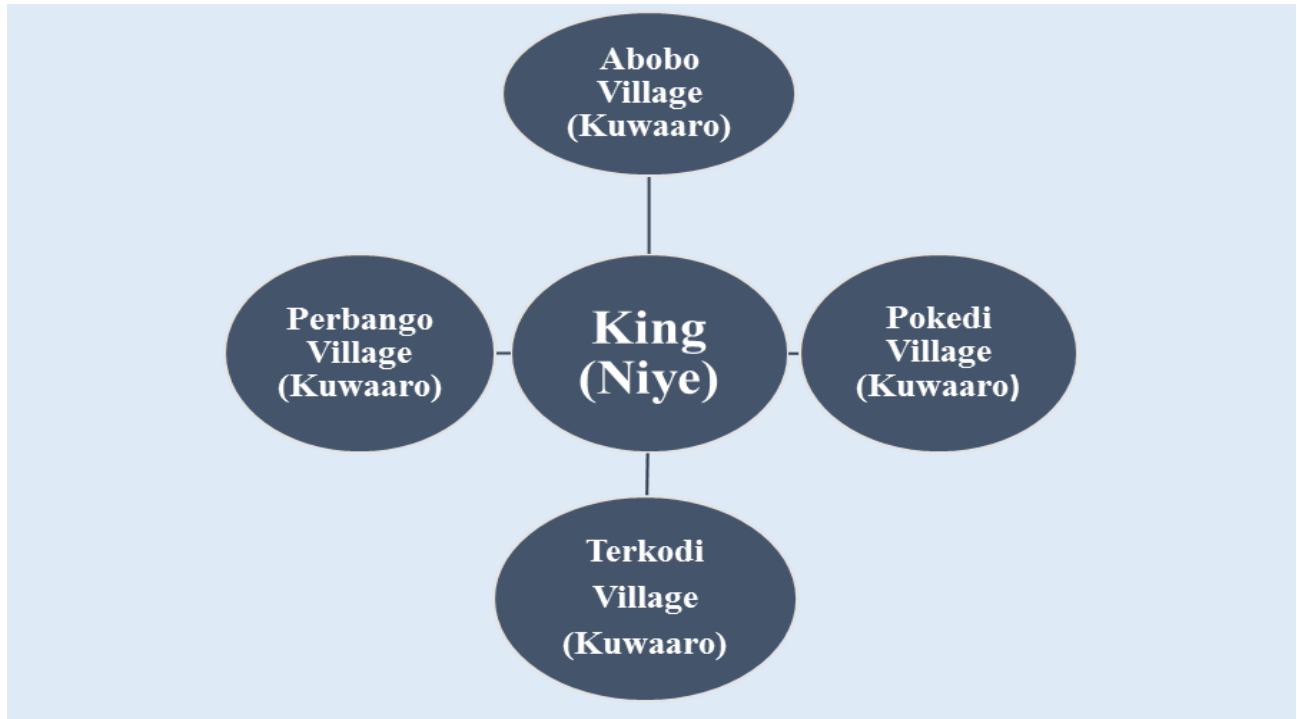


Figure (4) Diagram that shows the connection between the Kuwarro’s in different villages and the king of the Anuak.

#### 4.3 Traditional Conflict Management Mechanisms

Conflict is inevitable; acknowledging the existence of conflict at different levels in managing natural resources is considered as major steps for sustainable resource management. According to Osei-Hwedie and Rankopo (2012), “traditional conflict resolution processes are part of a well-structured, time-proven social system geared towards reconciliation, maintenance and improvement of social relationships.” What makes traditional conflict management mechanisms different from the formal institutions such as courts is the fact they focus more on future relationships (Osei-Hwedie and Rankopo, 2016). In explaining the difference between indigenous conflict management mechanisms and Alternative Dispute Resolution (ADR) Berhe

stated that “while Western forms of ADR (alternative dispute resolution) were generated as a response to the difficulties and deficiencies associated with court proceedings, Indigenous Dispute Resolution processes were not an “alternative” to anything” (Berhe, 2012). Berhe (2012) also added, “Indigenous Dispute Resolution processes were all that the communities had in common. Although they seem very ADR-like, they were truly indigenous and unique to these peoples”

Even though indigenous conflict resolution mechanisms are limited to those people who are familiar and part of that native culture, they can provide some conflict management techniques to other groups and states which are outside of that culture.

The Anuak have traditional conflict resolution mechanisms, which are inherent to their culture and respected by all community members. There are two conflict resolution mechanisms practiced by the Anuak people. These are Discussion (Negotiation) and Mediation.

#### **4.3.1 Discussion**

The Anuak use open discussion (negotiation) as a mechanism to resolve a conflict. In the Anuak culture, whenever there is a conflict between two neighbours over the use of land, water, and other natural resources, discussion is used as a primary method to resolve the conflict. The parties in the conflict come together, talk to each other, identify their interest and needs and find a way to settle their differences (ACE1, 2016) and (ACE2, 2016). One of my respondents said that “We the Anuak people believe in discussion, every conflict can be managed through discussion. We used to fight with each other for a long time, our conflict was not only with other Anuak villages, but we fought with the Nure and other ethnic groups. However, we believe in a discussion, we want to discuss with each other and settle our differences” (ACE6, 2016). For the Anuak, a discussion allows the parties in the conflict to solve their problem without the

intervention of another third party. Furthermore, it allows the parties to reach an agreement that protects the interest and needs of all involved in the conflict. Moreover, since the agreement reached is based on the willingness of all, it will be easier to maintain relationships for a longer period of time (ACE3, 2016).

Another respondent explained to me saying: "We are blessed with our natural resources – land, water, and forests. However, sometimes you do not know people may end up with conflict. For example, I might get into conflict with my neighbour over cultivated land or may be on the use of water, however, I will rather choose to go for open discussion with my neighbour because in the Anuak culture we have a strong social relationship with each other. If I don't have food today I go to my neighbour and eat there the same for him. We value most our relationships" (ACE5, 2016).

### **4.3.2 Mediation**

When parties are unable to solve their disputes with each other and need the intervention of another third party in resolving their conflict the process is known as mediation. The Anuak indigenous people use mediation as conflict resolution mechanism when parties in conflict are unable to resolve their problem by their own. The Kuwaaro, the Village headmen plays an important role in the mediation processes (ACE4, 2016).

The Kuwaaro together with other elder people and religious leaders schedule a meeting and order the conflicting parties to come to the meeting and explain the problem. Receiving the order from the Kuwaaro, the retainers arrange meeting places (most often the meeting place is under a tree or sometimes a house) and do the necessary preparation for the reconciliation ceremony. During the meeting, the Kuwaaro sit in the middle position while the conflicting parties stand to the left and right sides of the Kuwaaro. The Kuwaaro orders each individual or

parties to explain the problem one by one. After listing the statement made by each individual's, the Kuwaaro makes a decision in the first rounds of the meeting otherwise orders a second round meeting with the conflicting parties. Once a decision is made by the Kuwaaro the individuals must accept the decision and do accordingly. The one who is found guilty pays compensation which can be in terms of livestock or other materials. The amount to be paid is decided by the traditional leaders. According to the respondents, the victimized individual also forgives the other individual who is found guilty. The King also plays a significant role in conflict resolution. However, the King is only involved when the issue at hand is above the control of the village headmen (ACE4, 2016); (ACE5, 2016) and (ACE6, 2016).



Figure (5) the Anuak traditional ceremony (source)<sup>13</sup>

<sup>13</sup> <https://www.google.com/search?q=picture+for+the+Anuak+traditional+leaders+resolving+conflict>

#### 4.4 Enforcement Mechanisms

According to the respondents what makes the Anuak conflict resolution mechanisms most effective is the consequence resulting from failure to comply with the decisions made by the traditional leaders. Once a decision is made, it has to be respected by all parties. However, if one of the individuals goes against the decision and renews the conflict, then he or she has to face the consequence. In this regard, there are three different levels of punishment imposed by the traditional leaders (ACE4, 2016).

**Level I.** If the person is found guilty, he will be ordered to pay compensation in terms of livestock or other materials. Therefore, if the individual made heavy mistakes he/she pays an ox, otherwise, he/she pays goats. Level one is also known as a forgiveness ceremony (ACE4, 2016).

**Level II.** If the person repeats the mistakes that he did in the past for the second time, he/ she will be excluded from any social activities (ACE4, 2016).

**Level III.** If the person repeats the mistake for the third time, he/she will be killed by his/her own family members. This is because the family members do not want to have further problems with their neighbours. However, most of the time people respect decisions. Thus, the probability of imposing third level punishments is very rare (ACE4, 2016).

#### 4.5 The Anuak People's response to investment and investors

For indigenous people like the Anuak, who have a strong attachment to their land and water resources, it will not be easier for them to accept any development that changes the existing land and water resource management system. As discussed in section (3.1) for the Anuak land and water not only have economic values but also have social and religious values.

Hence it is important for them to maintain and protect every value generated from these resources. Based on this analysis it will be difficult to say there is a smooth relation between investors and local people.

There is a huge difference between investors and local people. While local people have identity often explained by their culture, resource and social life, investors have money, technology, and knowledge. From the interviews I had with six community elders from Abobo woreda, it is possible to identify four major reasons that explain why local people are often against large-scale agricultural investment in Gambella region. First, an environmental reason: Local people argue that large-scale agricultural investment projects affect the natural environment. For example, many of the investors in different woreda cut a lot of trees that have social and spiritual value to the Anuak people and as a result, wild animals migrated from the Gambella National Park to the neighbouring countries. Furthermore, investors divert major water source for their agricultural farm without consulting the community. Second, lack of respect and recognition: Most investors in there interaction with the community fails to show the necessary respect to the community leaders and local people. Third, increasing existing land and water resource conflicts: the local people are afraid of losing any piece of land and the water connected to it because they believe that their neighbours, including the Nure, Moursi and other will respect them if they have more resource. However, if investors are coming every time they might be forced to relocate and lose their land. Finally, cultural threats: most of the local people are against the expansion of large-scale agricultural investment because they fear the new culture brought by investors will affect their traditional culture (ACE1, 2016); (ACE2, 2016); (ACE3, 2016); (ACE4, 2016); (ACE5, 2016) and (ACE6, 2016).

Specific to the Saudi Star rice investment in Abobo Woreda, the result from the interviews shows that, Saudi Star is different compared to other investors in Gambella in general and Abobo woreda in particular. What makes Saudi Star different is, first, the company has good relations with the indigenous people in Abobo woreda by supporting the local people in developing their agricultural practices. In addition to this, according to the respondents, the company, unlike other investors, creates job opportunities for the local people and also build roads and provided 30 tractors for the local farmers through the regional agricultural bureaus. It is also reported that the company every year pays around 400, 000 Ethiopian birr (17340.472 US\$) to the regional government as annual income tax. Second, the company has done environmental impact assessments before it started cultivating the Alewero rice farm. The Environmental Impact Assessment study among other includes the project location, size, magnitude and stakeholder and public consultation (ACE1, 2016); (ACE2, 2016) and (ACE3, 2016).

However, better relationships with the community does not really mean that there is no conflict between the Anuak indigenous people and Saudi Star. For example, in April 2012, there was a violent conflict over land between the Anuak and employees from Saudi Star. As a result of the violence, six people from Saudi Star were killed including Pakistani workers (Adeto and Abate, n.d). Furthermore, on 31 March 2012, 24 people lost their lives due to the violence. Out of the 24 people killed, 5 of them were employees of Saudi Star (Adeto and Abate, n.d). The study by (Adeto and Abate, n.d) reveled that, “in June 2012, there was violent conflict in the Majang zone of GPNRS in a specific Village known as Gelesha where l arge-scale investment in palm oil was taking place by the Saudi Star. The Majanger people protested against the Saudi Star development, claiming the land for honey production, forest reservation, and

natural/traditional medicine. Their demand was accommodated, the investment was terminated and the Saudi Star was leased an alternative site”.



## 5. Chapter Five: Problems Identified

Building on the previous two chapters, this chapter discusses current security problems in Ethiopia associated with the expansion of large-scale agricultural investment in Ethiopia. The chapter specifically focuses on the recent protest and how this new development increases the importance of indigenous conflict management mechanisms as alternative approaches to manage conflict.

### 5.1 The recent protest in Ethiopia

In November 2015 the Oromo people demonstrated against the EPRDF government in Ethiopia. The Oromo is one of the largest ethnic groups in Ethiopia, which has a population size of more than 10 million people. Despite its large population size and vast resources, the Oromo have been discriminated against and prosecuted by the government in power<sup>14</sup>. Hence, the demonstration was about having equal political representation and economic opportunities<sup>15</sup>. One of the reasons for the violence was the question of land and water rights. The protest, later expanded to other regions like Amhara. When the demonstrations increased in number, the government declared a six-month state of emergency to control the violence. However, the state of emergency is still active due to the lack of complete stability in the country.

More than 700 people lost their lives as a result of the demonstration (Davison and Nyambura-Mwaura, 2016). Opposition parties and international human right groups such as Amnesty International oppose the actions taken by the government to restore peace and security

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<sup>14</sup> <http://www.aljazeera.com/indepth/opinion/2016/11/oromo-protests-changed-ethiopia-161119140733350.html>

<sup>15</sup> <http://www.bbc.com/news/world-africa-36940906>

in the country. Opposition parties argue that the economic development gained through the expansion of large-scale agricultural investment despite its importance for economic growth as the government repeatedly says, violates people's right to land and water. Also while the government opens its door for economic growth, it denies political freedom (Davison and Nyambura-Mwaura, 2106).

## **5.2 Security and investment**

The demonstration which started in Oromiya region, resulted in mass destruction for some of the foreign investment companies. In the words of Maasho "protestors in Ethiopia damaged almost a dozen mostly foreign-owned factories and flower farms and destroyed scores of vehicles, adding economic casualties to a rising death toll in a wave of unrest over land grabs and rights." The protestors' destroyed the asset of around 11 investment companies (Maasho, 2016).

Since the 2008 food crises, Ethiopia has been a favourable investment destination for investors from Saudi Arabia, India, China, USA and the European Union. However, since the demonstrations, the number of investors are declining. Foreign Direct Investment projects mostly in Oromia and Amhara region are affected by the protest and investors were forced to close their companies until the government restored order. For example, the Dangote cement factory owned by Nigerian billionaire, Aliko Dangote, and the Dutch- owned Africa Juice BV Company that produces fruits were attacked by the protestors (Davison and Nyambura-Mwaura, 2016). The Turkish companies with a license for textile manufacturing also were attacked by demonstrators. In October, Bishangari Lodge (an eco-site, a natural wilderness, a wildlife sanctuary, a secluded beach resort and a luxury lodge on the Eastern shores of Lake Langano,

Ethiopia”)<sup>16</sup> owned by Ethiopian investors was burned by protestors. When Bishangari was first attacked, it was the local community elders who stopped the protestors from destroying the lodge. However, when the security forces took severe actions against the demonstrators, hundreds of protestors returned and wrecked the lodge (Davison and Nyambura-Mwaura, 2016).

Furthermore, the owner of Derba cement factory Shaik Mohammed Alhamoudi also lost the trucks used for the construction purpose in his company because of protestors. The other company is the Israel Chemical Ltd who is working on potash project, which according to the company once it starts operating fully, will be one of the country’s largest mining company. However, the company was forced to leave the country due to the delays in infrastructural provisions related to the protest and tax dispute with the government (Davison and Nyambura-Mwaura, 2016).

The situation is very complicated, said one of the respondents from the investment commission; the investors are worried about whether the government will be able to solve the problems within a short period. As Davison and Nyambura-Mwaura, (2016) quoted Jared Jeffrey, a political analyst at NKC Africa Economics, “the longer it takes for the necessary reforms to be made, the more fragile the state will become and the higher the risk to investors.”

For example, in Gambella, the majority of investors who took land from the government are not functioning well because of the existing security problems in the region. Currently, there is no direct conflict between Saudi Star and the Anuak people. However, the project, described above, that Saudi Star intends to conduct might have an effect in the future on the quantity of the water available to the Anuaks. This in turn might result in conflict. The government fears that the demonstrations will expand to other regions like Gambella and Beneshangul Gumeze where the

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<sup>16</sup> <https://www.mangoafricansafaris.com/addis-ababa/bishangari-lodge>

majority of investors lease land. At this time the government is looking at the different direction to find solutions for the problem.



Figure (6) Protestors destroyed Dutch Investment Company<sup>17</sup>



Figure (7) Dangote's factory attacked and burnt by protestors in Ethiopia<sup>18</sup>

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<sup>17</sup><https://www.google.com/search?q=picture+for+Protesters+destroy+Dutch+Investment+Company&tm>

<sup>18</sup> Source: <http://www.nairaland.com/3399277/dangotes-factory-attacked-burned-protesters>



Figure (8) Turkish owned company attacked and burnt by protestors in Ethiopia<sup>19</sup>

### 5.3 Policy reform on the process of land acquisition

The UN Declaration on the rights of indigenous people (UNDRIP) which was adopted by the General Assembly on September 2007 supports the indigenous peoples' rights to determine and prioritize what they want to do on their land. Specifically Article 32 states that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources." (See Box 2 below). Also, Article 32 reminds states "to provide effective mechanisms for just and fair redress for any such activities, and to take appropriate measures to mitigate adverse environmental, economic, social, cultural or spiritual impacts" (UNDRIP, 2008)

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<sup>19</sup> <http://www.presstv.ir/Detail/2016/10/05/487807/Ethiopia-Addis-Ababa-Turkey-Sebeta-Fatih-Mehmet-Yangin>

Furthermore, the 1995 Constitution and the 2005 water resource management proclamation recognize the government and people's ownership of all natural resources in the country. Despite all this, universal and national recognition of the right of indigenous people, land in Ethiopia is allocated to investors without proper negotiation with the local people (Shete, 2011). As discussed in section 3 the way land is allocated to investors has changed since 2009 with the establishment of Ministry of Agriculture. The ministry is now responsible for allocating all land available for agricultural purposes in the country. The land and water administrative officers at the federal and regional level argues that the government is mainly allocating unused land to foreign investors. According to the officers, the government is following all the requirement in transferring land to investors including consulting and negotiation with local people. However, critics on the other side argue that the government is denying indigenous people right to land and water by transferring land that has economic, social and spiritual values to the people.

**Box 2: UN Declaration on the right of indigenous people****Article 10**

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

**Article 29**

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

**Article 32**

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Source: (UNDRIP, 2008)

For traditional conflict resolution mechanisms to function well, the government has to reform policies on the process of land acquisition in Ethiopia. If the government ignores local people and simply transfers land to foreign investors, it is regarded as disrespect for the local people and increases the feeling of marginalization. This later on creates the problem that the government is now facing. One of the reasons why local people are most often against the

expansion of large-scale agricultural investment in Gambella region is because the investors fail to show the necessary respect to the traditional leaders, the people, and their resources. If one asks why investors are not showing respect to the local people the answer will be because the government first fails to show respect to its people. However, traditional conflict resolution mechanisms by the Anuak people can only be used to solve conflict arising from the management of shared water resources if in the first place investors and government show the necessary respect to those people and their way of life.

#### **5.4 Lack of Coordination between Federal and Regional Government**

The lack of coordination between the Federal and Regional governments further complicates the management of resources. There are integration problems between different land, water, and investment Bureaus at the federal and regional level (see Table 5 below). Which again resulted in weak monitoring system on investment projects. The regional governments have full authority to administer resources in their respected regions. However, the regional governments often do not have the human and financial capacity to administrator development related to the resources. For example, the Saudi Star initially took 17,000 hectares from the regional government. However, the land proposed by Saudi Star includes the National Park. Then the federal government intervened and reduced the hectares to 10,000. Most of the time dispute between investors and local people is because once the investors took land from the regional bureaus, there is no monitoring system established to control the activities of the investors. The interviews with the Water Utilization Permit Administrative Directorate at the federal level reveals that the Saudi Stare got their water permit for 10,000 hectares of land from the Directorate. However, until now there is no sound monitoring system over the company



whether they are using the amount given to them by the Directorate or are they using more (FG1, 2017).

**Table 5****Federal & Regional government entities involved in the different policy domains**

<b>Policy Domain</b>	<b>Federal Government</b>	<b>Regional Government</b>
Trade and Investment	<ul style="list-style-type: none"> <li>• Ethiopian Investment Agency (EIA)</li> <li>• Agricultural Investment Land Administration Agency (AILAA)</li> <li>• Ministry of Finance and Economic Planning (MOFED)</li> </ul>	<ul style="list-style-type: none"> <li>• Gambella Investment Agencies (GIA)</li> </ul>
Land use planning	<ul style="list-style-type: none"> <li>• Federal Ministry of Agriculture (MOA)</li> <li>• Agricultural Investment Land Administration Agency (AILAA)</li> <li>• Ethiopian Wildlife Conservation Authority (EWCA)</li> </ul>	<ul style="list-style-type: none"> <li>• Gambella Land Utilization, Administration and Environmental Protection Authority</li> <li>• Gambella Regional Council</li> </ul>
Land tenure	<ul style="list-style-type: none"> <li>• Federal Ministry of Agriculture</li> <li>• Agricultural Investment Land Administration Agency (AILAA)</li> </ul>	<ul style="list-style-type: none"> <li>• Gambella Land Utilization, Administration and Environmental Protection Authority</li> </ul>
Environment	<ul style="list-style-type: none"> <li>• Ministry of Environmental Protection and Forestry</li> <li>• Agricultural Investment Land Administration Agency (AILAA)</li> <li>• Federal Ministry of Water, Irrigation, and Energy (MoWE)</li> </ul>	<ul style="list-style-type: none"> <li>• Gambella Land Utilization, Administration and Environmental Protection Authority</li> </ul>

Source: Table adopted from (Schoneveld, 2014)

## 6. Chapter Six: Discussion

In the previous three chapters, I discussed the expansion of large-scale agricultural investment in Ethiopia and how it affects land and water rights of local people. Furthermore, I presented the case of Saudi Star, its current projects, plans and the likely impact of the project on the livelihood of the local people. In chapter four, I focused on the Anuak people and their traditional conflict management mechanisms such as open discussion, mediation, and the forgiveness ceremonies. In addition to this, I illustrated the concerns of the Anuak indigenous people to the expansion of large-scale agricultural investment in Gambella Region in general and Saudi Star investment project in particular. Chapter five also described current security problems associated with a foreign direct investment.

The purpose of writing this chapter is to provide the answer to the central research question of this thesis: *do indigenous approaches to water conflict management provide some effective mechanisms that help to resolve conflict? If so, how?*

### 6.1 The Process of Managing Conflict

Let us imagine a situation where we have the representative from the three parties – the Anuak indigenous people, the Saudi Star and the government – in the room and see how these individuals using traditional conflict management mechanisms (see chapter four) solve conflict arising from the management of shared resources. What would the process look like?

The traditional conflict management mechanisms which will be applied to this process is a meditation techniques used by the Anuak people. The objective is to make the parties discuss and sort out the problem and reach an agreement that benefits all. However, due to the lack of

trust among the three parties, it is important to have a mediator who can initiate the Anuak, the Saudi Star and the government for discussion and facilitate the whole process as a mediator.

### **6.1.1 Who is the Mediator (s)?**

As discussed above the purpose of having a mediator is to bring all three parties together to the discussion table. The government has to play a significant role in finding a mediator. The reason for doing this is because the government is in a better position to ask organizations such as the United Nations, the African Union and any other independent or think tank groups for the mediation purpose. However, this does not mean that the government will have upper hand in the mediation process or force the mediator to do per the interest of the government in power. Rather the mediator will have independent role who are there to address the problem between the Anuak, the Saudi Star and the government using traditional conflict management mechanisms as one alternative. For example, let us say the Peace and Security Council of the African Union is asked to mediate the three parties. The council can establish ad hoc mediation committee. The committee can ask the representatives of the Anuak, the Saudi Star, and the government to nominate individuals from their group who can also serve as a mediator together with the mediation committee established by the council. The advantage of doing this is, it is better to have those people who know the culture and understand the problem first than the independent mediators. Furthermore, it will be easier for the independent mediators to build trust among the parties through the mediators nominated by the conflicting parties. As the same time, it is also important to have another independent mediator such as the one established by the Council to facilitate the whole process.

### **6.1.2 The Role of the Mediator (s)**

It is better to divide the role of the mediator (s) into two parts. One is the role of the mediator (s) in building the process to bring all parties to the discussion table, and the other will be the role of the mediator (s) when all parties are presented on the table. The lead mediator (he/she) (hereafter the mediator) will be the one who approaches all parties individually, before the whole gathering and during the mediation session with all parties together.

The mediator will have the same role as Kuwarro of the Anuak. However, the mediator, unlike the Kuwarro, does not make decisions. Rather the mediator will leave the final decisions to the parties. The Kuwarro makes decisions because the conflicting parties who use the Kuwarro as a mediator trust him and they believe that his decisions will not be biased to any of the individuals in the conflict. Furthermore, the Kuwarro is one of the most respected men in the Anuak villages who is regarded as the icon of the Anuak culture. However, if the mediator told the representatives from the three parties that the mediator will make the final decisions, it will take a long time for the mediator to bring the parties to the discussion table or they may say no even to the request of the mediator for discussion.

### **6.1.3 Building the process**

The mediator first, has to understand and acknowledge the existence of cultural difference among these three parties. Then he/she despite the differences has to think of how to bring the parties to the discussion table. In building the process, the mediator can approach each party individually. In approaching the parties, the mediator has to explain the reason why he or she is there, where they came from, what his/her objectives are and so on. Getting trust from the parties is not an easy task. Thus, great patience is needed from the mediator. Whether it is the

Anuak, the Saudi Star or the government may not be open to any of the question asked by the mediator at the beginning. However, through time things may change and bring opportunities for the mediator in bringing the parties to the discussion table. For example, the level of trust that the mediator build with each parties through time creates important implication for the mediation process. Through this processes, the mediator will know the positions, the needs, interest, fears, desire and hopes of each party.

For example, the mediator can ask a question including not limited to:

### **1. What most describes the government**

- Wants to improve socioeconomic imbalances
- Working hard to reduce poverty
- Wants to assure food security through the expansion of large-scale agricultural investment
- Currently facing lots of criticisms from opposition parties and also international human right organizations such as the Amnesty International for the violation of human right as a result of the expansion of large-scale agricultural investment mainly by foreign investors.
- Fear that the current protest which begins in the Oromia and Amhara region will also expand to Gambella. Thus, want to control the situation before anything happens
- Lack of coordination between the federal and the regional administrative units. Thus, there are policy implementation gaps

- Expected to be the most influential in the discussion and mediation processes

## **2. What most describes Saudi Star**

- Wants to increase the level of rice production both in quality and quantity
- Needs more water to raise the standard of rice production
- Has technology, knowledge, and money. Thus, influence policies, made by the government in different ways
- They are concerned about the security issues in Gambella
- They want to have a better relationship with the Anuak people
- Will have a crucial role in the discussion and mediation process

## **3. What most describes the Anuak indigenous people**

- People with traditions
- Have traditional land and water resource management system
- Communal lifestyle
- Have been in conflict with other ethnic groups in the region, because of access to land and water
- They have a fear that due to the expansion of large-scale agricultural investment, they will be displaced from their land and denied access to water resources
- They believe that large agricultural investment affects their culture and the environment
- Demand the regular flow of water for drinking, cultivation, fishing and religious purposes

- Feels marginalized by the government and investors

Knowing all this helps the mediator to proceed to the next steps in developing creative ideas.

#### **6.1.4 The Whole Gathering**

Once the mediator gets the willingness of all the parties for open discussion, then the next step is to arrange a date and place for meeting and to notify the representatives of all parties. The meeting place can be under trees where all parties sit together on the floor having traditional food and drinks. Remember that, the objective of the mediation session is neither to blame nor to pass punishment orders, rather it is open discussion sessions aims at building relationships.

##### **On the meeting date:**

1. The mediator will check whether all parties sent their representatives and start the mediation processes by introducing him/herself to the parties, the objectives of the meeting, and read out the guidelines for the meeting. Furthermore, the mediator assures the representatives that final decisions will be made by them, not by the mediator.
2. The mediator asks the representatives to introduce themselves to the session. With all respect, the mediator then allows the parties to present the dispute one by one to the session. The mediator has to make sure that everyone in the meeting has an equal chance of speaking. When the parties present the dispute, the mediator has to give attention to the parties speaking and should take notes. Taking notes allows the mediator to remember points discussed in the session that can help the parties to develop alternative options for implementation.



3. After all the parties have presented the dispute according to their levels of understanding, then the mediator summarizes points made by all parties and presents it to all of them. This process will make the parties to feel that points made by them in the mediation session are listened properly by the mediator.
4. In building the mediation processes, the mediator at least came across what the stand (position), interest, and values of each party are. However, the mediator has to make sure that each party also knows the position, interest, and values of each other. According to the data collected for this thesis the position, interest, and values of the Anuak people, the Saudi Star and the government summarized in Table (6)

**Table 6**  
**Position, interest and value of the Anuak, Saudi Star and the government**

	<b>Anuak</b>	<b>Saudi Star</b>	<b>Government</b>
Position	Against the expansion of large-scale agricultural investment	Expanding their agricultural investment in Gambella	Support the expansion of large-scale agricultural investment in Ethiopia in general and Gambella Regional State in particular
Interest	Maintaining culture and identity	Produce more quality rice and makes profit	Economic growth
Value	Food security	Food security	Food security

Source: (TSION Woge, 2017)

Even though the parties have different interest and position, they share common value that is achieving food security. However, one can also ask the question of whose food security?

For example, the government is thinking of securing the food security of the nation, while the Saudi Star might think of satisfying the food demand of their origin country though they said that they are producing rice for export and local consumption purposes. The Anuak, on the other hand, might think of the food security of their community.

5. Building trust among parties is one of the most important things if someone wants to see a fruitful mediation process. In the case of Saudi Star, Anuak, and the government, the mediator can think of creative ideas that can bring all parties together and increase the level of trust to each other and build their relationships. For example, the mediator can ask the Anuak representative to prepare traditional food (porridge made from maize and fish) and eat together with the other parties. Also, the representative from Saudi Star can cook rice for dinner. Also, the mediator can arrange events like traveling together in Alwero and Baro Rivers (here the representative from the government side can support the mediator).

6. The next step is to help parties develop alternative options to their differences. The purpose of the whole process is to reach an agreement that benefits all parties and build their relationships. However, the mediator has to help the parties in searching for options that benefit the Anuak, the Saudi Star, and the government.

7. Once a decision is made by the parties, the next step is to discuss how those decisions are going to be implemented and what will be the consequence if one of the parties fails to act according to the agreement made in the mediation process.

Furthermore, it is also important for the parties to have a separate document that includes points agreed by the parties during the mediation process. However, the new document should be

in line with the 1995 constitution of Ethiopia, and when every there is a change in the administration whether it is from the government, the Saudi Star or the Anuak, the new administration should accept the agreement made by the representatives in the mediation process.

In general, the purpose of designing this conflict management process is to show how indigenous conflict management mechanisms can be used as alternative means to resolve a conflict.

## 7. Chapter Seven: Conclusion

Conflict is inevitable; the recent expansion of large-scale agricultural investments in different regions of Ethiopia will further exacerbate the existing land and water resource conflict unless it is managed properly. The thesis identified major problems resulted from the expansion of large-scale agricultural investments in Ethiopia. For example, the impact of large-scale agricultural investment in the management of land and water resources.

However, despite the increasing levels of conflict, indigenous institutions becomes much more important in managing conflict arising from the management of shared resources including water. This paper investigated the water conflict management approaches of the Anuak indigenous people in Gambella Regional State. Accordingly, the paper came across traditional conflict management mechanisms including discussion and mediation used by the Anuak people. These traditional conflict management mechanisms of the Anuak people are respected by all community members. In Anuak culture whenever there is a conflict between two neighbours over the use of land, water, and other natural resources, a discussion is used as a primary method to resolve a conflict. The Anuak use mediation when parties are unable to solve their disputes with each other and need the intervention of another third party in resolving their conflict. The Kuwaaro, the Village headmen, plays an important role in the mediation processes. What makes the Anuak conflict resolution mechanisms most effective is the consequence resulting from failure to comply with the decisions made by the traditional leaders.

The aim of this research was to see whether it might be possible to use the Anuak indigenous conflict management approaches to resolve conflict arising from the management of shared resources. And if that is the case, what the process will look like. Chapter six show the

process and the ways how to use those traditional conflict management mechanisms and solve conflict associated with large-scale agricultural investments.

The paper identified the problem first, shows the alternative mechanisms to resolve the problems and then provides the process on how to use the mechanisms. Thus, it can serve as a guide to the government or to any other organization who are interested in applying traditional conflict management mechanisms in resolving disputes.

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- [PressTV-Turkish-owned factory damaged in Addis Ababa](http://www.presstv.ir/Detail/2016/10/05/487807/Ethiopia-Addis-Ababa-Turkey-Sebeta-Fatih-Mehmet-Yangin)  
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- <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.

