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“What Will Happen if Hunger Comes?”

Abuses against the Indigenous Peoples of Ethiopia’s Lower Omo Valley



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Abuses against the Indigenous Peoples of Ethiopia’s
Lower Omo Valley

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Summary

Located in southern Ethiopia the Lower Omo Valley is one of the most remote and culturally diverse places in East Africa and amongst the most unique ecological areas in the world. Believed to have been a crossroads for thousands of years for people traversing the region, it has yielded some of the oldest known human fossil fragments, as well as tools dating back more than two million years. In 1980 the valley became a United Nations Educational Scientific and Cultural Organization (UNESCO) World Heritage site, in recognition of its special cultural and physical significance to the world at large. The Lower Omo Valley is also home to some 200,000 people from eight distinct groups—the Mursi, Bodi, Kwegu (Muguji), Karo, Hamar, Suri, Nyangatom and Daasanach—who rely on the 760-kilometer long Omo River for growing crops and replenishing grazing lands during annual flooding each July-September.

This delicate ecosystem and way of life is being threatened by the construction of a massive hydroelectric dam, known as Gibe III, on the Omo River and associated plans for large scale irrigated agriculture. Part of the Ethiopian government's ambitious plan for economic development, Gibe III has been under construction since 2006. It is scheduled to begin operating in 2013 and will be the tallest dam in Africa. Gibe III is one of a series of dams which would generate much-needed power for Ethiopia's 80 million people and for export to neighboring countries, but at a cost. Gibe III is likely to significantly impact both the environment and the socio-cultural traditions of the local population. It has consequently drawn criticism from environmental and indigenous rights groups.

What has received less attention is the government's plan for major irrigated commercial agriculture downstream of Gibe III. No official plans have been published and no impact assessments carried out. The irrigation plans are not mentioned in any of the impact assessments conducted for the dam, nor are the effects these developments will have on local communities and livelihoods. Government maps obtained by Human Rights Watch indicate that the irrigation and agricultural development will affect large swathes of the Omo Valley. Human Rights Watch's research also indicates that Ethiopia's government is forcing indigenous residents of the Lower Omo from their ancestral lands, using harassment, violence, and arbitrary arrests, to make way for large-scale irrigation schemes linked to Gibe III.

Based on research in Ethiopia between May and June 2011, this report outlines the Ethiopian government's downstream plans for 245,000 hectares (600,000 acres or 950 square miles) of state-run irrigated sugar plantations, 100,000 hectares of private commercial agriculture, major road infrastructure, and oil exploration. The report describes the practical and human rights consequences these plans are likely to have for the 200,000 indigenous residents of the Lower Omo and for another 300,000 people who live around Kenya's Lake Turkana, which receives 90 percent of its water from the Omo River. While government sources indicate that the sugar plantations will create more than 150,000 full-time and part-time jobs, existing residents will be resettled and will need to find alternative livelihoods. There is a real risk that the livelihoods of 500,000 people may be endangered, tens of thousands will be forcibly displaced, and that the region will witness increased inter-ethnic conflict as communities compete for scarce resources.

During 2011 Human Rights Watch found that local government and security forces had carried out arbitrary arrests and detentions, used physical violence, and seized or destroyed the property of indigenous communities. Residents said military units regularly visited villages to intimidate residents and suppress dissent related to the sugar plantation development. According to local people anything less than fully expressed support for sugar development was met with beatings, harassment, or arrest. In addition several agro-pastoral communities in the Lower Omo told Human Rights Watch that state agents informed them that they would have to reduce cattle numbers, settle in one place, and most probably lose access to the Omo River—all of which are critical to their livelihoods and food security. Soldiers regularly stole or killed cattle.

Since then the development of infrastructure and land clearance has begun in Bodi territory, on the east bank of the Omo River, where farms are being cleared, grazing lands have been lost, and livelihoods are being destroyed. According to government maps and local sources this is just the beginning of a major transformation of the Lower Omo area.

These changes are being carried out in contravention of domestic and international human rights standards, without meaningful consultation, consent, or compensation for loss of land, livelihoods, food security, and access to vital subsistence resources. Further, the major changes that will result from the cumulative effect of the huge irrigated commercial agriculture plans, in addition to the Gibe III dam, will likely invalidate prior conclusions

about downstream impacts, particularly on Lake Turkana, since previous environmental impact assessments made no mention of irrigated agriculture on this scale.

International human rights instruments, the UN Declaration on the Rights of Indigenous Peoples, regional mechanisms such as the African Commission on Human and Peoples' Rights (ACHPR), and a growing body of case law all underscore the validity of indigenous customary rights and protections from involuntary displacement from traditionally occupied lands. Under these standards indigenous occupants of the land have title to it and can only be displaced with their free, prior, and informed consent. They must also be fairly compensated for its loss and provided with alternative livelihood opportunities. But with scant formal education, indigenous Lower Omo peoples have barely had a chance to express their views on these development plans and lack land tenure security or registration.

Instead the ruling party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), has explicitly stated that it does not value the way of life of indigenous communities in the Lower Omo and has declared its intention to make pastoralism moribund in southern Ethiopia. In a speech in Jinka, the capital of South Omo Zone, in January 2011 the prime minister, Meles Zenawi stated, "Even though this area [the Lower Omo] is known as backward in terms of civilization, it will become an example of rapid development."

Ethiopia's foreign partners appear to have limited knowledge about the development activities and associated abuses currently underway in the Lower Omo. Virtually no nongovernmental organizations (NGOs) work in the area, and members of indigenous communities have been warned not to speak to outsiders, especially foreigners.

Human Rights Watch calls on the Ethiopian government to suspend the clearing of land and construction of roads associated with irrigated commercial agriculture and the sugar plantations until these developments can be carried out in a manner that is consistent with national laws and international human rights standards. Any displacement or relocation should comply with international and Ethiopian law. Expropriation (with appropriate compensation) is a last resort and should only occur as outlined in the appropriate legislation. The Ethiopian government should conduct an environmental and social impact that considers the cumulative impacts on the Lower Omo and Lake Turkana of the irrigated agriculture development, Gibe III, and other developments in Lower Omo.

Kenya should press Ethiopia for a full assessment since the developments could have a significant impact on Kenya's Lake Turkana and the livelihoods of Kenyan citizens that live there.

The Ethiopian federal government should order regional military and police forces to respect the rights of indigenous communities and should discipline or prosecute government or military officials, regardless of position, implicated in human rights violations in the Lower Omo. The government should also begin a meaningful dialogue in partnership with international NGOs and the donor community on alternative livelihood strategies for indigenous communities, prior to further industrial development in the Lower Omo.

The rights to property and to development, requiring free, prior, and informed consent, and to consultation and compensation should be the basic principles upon which the Ethiopian government engages with the indigenous Omo valley communities with respect to planned development. Failing that, the ACHPR should uphold the standards it has already set out in its ruling on the rights of the indigenous Endorois in Kenya.

Human Rights Watch also urges Ethiopia's donors, including the World Bank, to press for appropriate social and environmental impact assessments. Current and future investors should comply with best practices of corporate social responsibility and refrain from any investment activities in areas where land title is contested, and involuntary resettlement is occurring, until all violations are investigated and remedied.

Recommendations

To the Government of Ethiopia

- Immediately halt plans for resettlement in the Lower Omo Valley pending the publication of environmental and social impact assessments of the irrigated agriculture plans and until resettlement can be implemented in accordance with international and Ethiopian law and international best practice.
- Accept the recommendations of the UNESCO World Heritage Committee, in particular “to submit assessments for all proposed dams and associated irrigation plans on the Omo River” and “to invite a joint World Heritage Centre/IUCN [International Union for Conservation of Nature] reactive monitoring mission to review the impacts of the GIBE III dam on the Outstanding Universal Value of Lake Turkana, and to provide detailed information on plans for other hydroelectric developments and associated large-scale irrigation in the Omo region.”
- Discipline or prosecute government or military officials, regardless of position, implicated in human rights violations in the Lower Omo.
- Promptly enforce the rights under international law and the Ethiopian constitution of the Lower Omo’s indigenous population by:
 - Recognizing the Lower Omo communities as distinct indigenous communities with inalienable rights to their lands and recognizing their property rights over land traditionally occupied and used;
 - Implementing a land tenure registration system that increases land tenure security, particularly for pastoralists, and including communal and/or grazing areas;
 - Protecting local people from expropriation; and,
 - Implementing genuine consultation and compensation procedures.
- Engage in meaningful dialogue with indigenous groups on alternative livelihood opportunities, in partnership with international nongovernmental organizations and the donor community, prior to further industrial development in the Lower Omo. These strategies should strive to find a balance between respecting the traditional way of life of indigenous communities and the duty to respect their free, prior, and informed

consent, while allowing the government of Ethiopia to meet its own development goals for the area.

- Undertake a comprehensive, transparent, and internationally verifiable environmental and social impact assessment of all Lower Omo agricultural development plans in line with international best practices and Ethiopian law (Environmental Impact Assessment Proclamation #299/2002). This assessment should include:
 - An analysis of the cumulative impacts of the announced developments (Gibe III, IV, and V, irrigation schemes, road infrastructure, among others) on the livelihoods and economic, social, and cultural rights of the indigenous peoples of the Lower Omo and Lake Turkana basin.
 - A conflict vulnerability assessment considering the likelihood and nature of conflict from increased competition for scarce resources resulting from this project.
 - Meaningful consultation with the region’s indigenous groups, reflecting their unique situation and needs, and respecting their right to give free, prior, and informed consent before their land is taken or used, as required by international and Ethiopian law.
- Rescind or amend the Charities and Societies Proclamation, the Mass Media and Freedom of Information Proclamation, and the Anti-Terrorism Proclamation to bring them in line with Ethiopia’s constitution and international standards and to allow independent human rights investigators and media unimpeded access to the Lower Omo region.

To the Government of Kenya

- Press the Ethiopian government to conduct a fresh, transparent and verifiable environmental, social, and conflict risk assessment of the cumulative impact on Lake Turkana and Kenyan citizens of the Gibe dams and the irrigated agricultural development in Lower Omo.
- Engage in dialogue with the government of Ethiopia and relevant indigenous groups in the Lake Turkana areas over the protection of their indigenous rights, including the right to livelihoods, and conflict prevention strategies in the Turkana and Lower Omo regions.

- Engage in meaningful dialogue with Lake Turkana’s indigenous groups in Kenya, in partnership with international NGOs and the donor community, on alternative livelihood opportunities.

To the Development Assistance Group (DAG)

- Press the Ethiopian government to conduct the necessary social and environmental assessments of the agricultural plans and cumulative downstream impacts and to respect the rights of the indigenous population to recognition; land tenure security; consultation; free, prior, and informed consent; and compensation. Press the Ethiopian government to halt all further resettlements until they can be carried out in a fair and transparent manner and are consistent with Ethiopian national law and Ethiopia’s international human rights obligations.
- Commission a comprehensive, independent investigation to determine whether donor funding has directly or indirectly supported illegal expropriations in the Lower Omo.
- Ensure that no form of support, whether financial (direct or indirect budget support), diplomatic, or technical, is being used to assist in the industrial development plans in the Lower Omo on land expropriated from indigenous peoples in violation of international human rights law.
- Provide support to implement land tenure security provisions for the area’s agro-pastoral indigenous groups in a timely manner, including the mapping and demarcation of land ownership.
- Press the government of Ethiopia to engage in dialogue with the area’s indigenous groups about alternative livelihood provisions prior to the implementation of development plans.
- Publicly call on Ethiopia to amend or repeal the Charities and Societies Proclamation, the Mass Media and Freedom of Information Proclamation, and the Anti-Terrorism Proclamation.
- Do not support new programs in Ethiopia that may present a risk of expropriations until the government shows that all resettlements are carried out in a fair and transparent manner and are consistent with Ethiopian national law and Ethiopia’s international human rights obligations.

To Current and Potential Commercial Agricultural Investors in the Lower Omo Valley

- Refrain from agricultural development activities in the Lower Omo region on contested land where the free, prior, and informed consent of the indigenous communities has not been obtained until the human rights violations identified in this report have been halted and remedied.

To the United Nations Special Rapporteur on the Rights of Indigenous Peoples

- Request an invitation from the government of Ethiopia to visit and assess the human rights situation of Ethiopia's indigenous peoples.

To the African Commission on Human and Peoples' Rights Working Group on Indigenous Populations/Communities

- Request an invitation from the government of Ethiopia to visit and assess the human rights situation of Ethiopia's indigenous peoples.

Methodology

This report is based on 35 interviews conducted by Human Rights Watch researchers during four weeks in Ethiopia between May and June 2011. Interviews were conducted within three weeks of the violations described in this report.

Interviewees included community leaders, farmers and pastoralists, students, anthropologists, missionaries, and NGO workers. The interviewees were from the Mursi, Bodi, Hamar, Suri, Karo, and Nyangatom indigenous groups in Lower Omo. Several government workers who spoke on the condition of anonymity were also interviewed. In addition, Human Rights Watch interviewed academics, NGO activists, and other individuals and organizations with knowledge of the Lower Omo area.

Human Rights Watch conducted 10 other interviews in Ethiopia in September 2011 with key donors and Ethiopian government officials who were willing to speak to Human Rights Watch. Officials from the Ministry of Agriculture and Rural Development declined to comment, the minister of federal affairs did not respond to requests for an interview and the minister of government communications, Bereket Simon, replied a week after our researcher had left the country.

All participants were informed of the purpose of the interview, its voluntary nature, and the ways in which the data would be collected and used, and verbally consented to be interviewed. Participants did not receive any material compensation.

Further communication with local activists, victims, and visitors to the region in Ethiopia took place following the June 2011 field visit. Human Rights Watch also obtained video footage of 20 interviews with residents of the Lower Omo during November and December 2011 which were used to corroborate our findings.

Human Rights Watch used several different contacts to identify interviewees and efforts were made to gain a representative sample across gender, age, ethnicity, and geographical lines. Interviews were carried out in safe and secluded locations, often in home villages, and were conducted in English, Amharic, or one of numerous indigenous languages, using local translators where necessary.

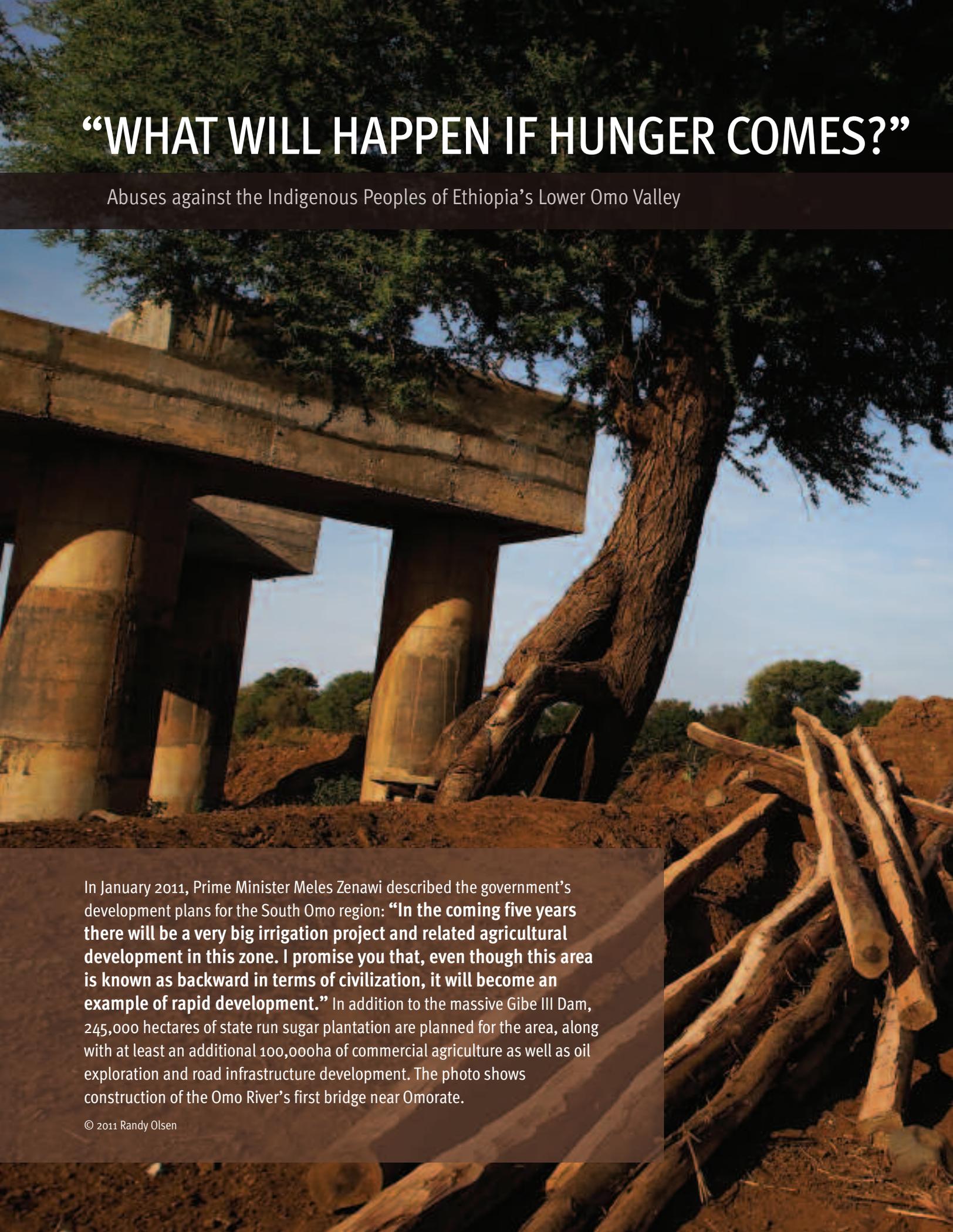
The Charities and Societies Proclamation, the Anti-Terrorism Proclamation, restrictions on media freedoms, the lack of tolerance for dissenting opinion, and the general pattern of intimidation and fear that permeates life in Ethiopia makes human rights research and monitoring very challenging for both foreign researchers and Ethiopian individuals and organizations. Even high-profile Ethiopian citizens who have met with international investigators in the past few years have suffered arbitrary arrest, detention, and politically motivated prosecutions.

Given the climate of fear and the potentially serious repercussions for interviewees, it is difficult to locate, identify, and interview individuals in a manner that respects the safety, security, and confidentiality of the interviewee. The vast majority of interviewees expressed concern over possible reprisals from government, and those concerns are real. Therefore, due to these serious risks, and in accordance with standard human rights practice, Human Rights Watch has omitted names, dates, and other identifying characteristics of individuals and communities interviewed for this research in order to minimize the likelihood of government retribution against them or their communities.

Photo Feature

“WHAT WILL HAPPEN IF HUNGER COMES?”

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In January 2011, Prime Minister Meles Zenawi described the government’s development plans for the South Omo region: **“In the coming five years there will be a very big irrigation project and related agricultural development in this zone. I promise you that, even though this area is known as backward in terms of civilization, it will become an example of rapid development.”** In addition to the massive Gibe III Dam, 245,000 hectares of state run sugar plantation are planned for the area, along with at least an additional 100,000ha of commercial agriculture as well as oil exploration and road infrastructure development. The photo shows construction of the Omo River’s first bridge near Omorate.

© 2011 Randy Olsen



Many indigenous groups along the Omo River practice flood retreat agriculture, growing sorghum and other crops along the floodplain when twice a year the floodwaters provide nutrient-rich sediment in an otherwise dry and arid landscape. The Gibe III dam will control this natural flooding, and some indigenous groups, including the 10,000 Mursi and the 6,000 Bodi, are being told they will no longer access the fertile land along the Omo River.

© 2011 Randy Olsen







Karo boys prepare harvested sorghum along the Omo River Valley. Sorghum and other crops grown along the river by the various agro-pastoralist communities are critical to ensuring food security. Without the ability to grow these crops along the river, it is not clear how they will sustain their livelihoods.

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“Now the dams have been built, there is no water in the river, the land has been taken away, and the cattle paying to the government. Now all of those things are going on. Now what will happen to the poor people in time of the famine? Those people who want to wipe out the pastoralists, they eat three times a day. What will happen if hunger comes?”

—A Mursi man



Cattle are vital to the identity and livelihoods of many of the South Omo indigenous communities. A Nyangatom man draws blood from their cows, the milk and blood of which are a staple of their diet.

© 2011 Randy Olsen

“Jobs on the sugar plantations? I never accept that benefit, not for us. You give me 1 billion birr and I would still rather have my cattle. That is who we are.”

— A Bodi pastoralist





A Daasanach man tending his fields along the Omo River.

© 2007 Brent Stirton/Reportage for Getty Images

“They are cutting down our bush and forest, and bulldozing our gardens then they want us to sell off all our cows. No one is going to sell their cattle. They should go away. They should leave our forest alone and leave it to us to cultivate with our hands.”

—A South Omo agro-pastoralist





“Our great, great, great grandmothers and grandfathers lived in this land. Our fathers lived here and me, I live here... The men take a fish hook and go to the river and catch a fish and bring it to me to eat. They also go and hunt to bring food for the children. Whose land is this? It belongs to me.”

—A South Omo resident

© 2007 Brent Stirton/Reportage for Getty Images



Mursi men cross from an island in the Omo River in February 2011 to their ripening sorghum fields. The photo was taken at Bena, a Bodi cultivation site on the east side of the river. The Mursi are crossing the river to Kuduma, the northernmost cultivation site of the Mursi.

“There will be a problem during the dry season. Now there is water, but when there isn’t if we do not go back to Omo we will need government to bring water. If they do not, us and our cattle will die. We will go to Omo anyway—if not, we will die, they can kill us there if they want.”

—A South Omo pastoralist

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I. Background

Map 1: The Lower Omo Valley



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The Lower Omo Valley

The Lower Omo Valley in Ethiopia's Southern Nations, Nationalities and Peoples' Region (SNNPR) is one of the most biologically and culturally diverse regions on Earth, and one of the country's most remote and undeveloped areas. Bordering Kenya and South Sudan, the Lower Omo and the national parks of neighboring Lake Turkana, into which the Omo flows, have been UNESCO World Heritage sites since 1980 and 1997, respectively.

The eight indigenous groups who live in the Lower Omo number about 200,000 people.¹ Roads and other infrastructure are limited, and there are few clinics or schools. Services provided by the state or NGOs are virtually non-existent. Unlike Ethiopia's other areas with large indigenous communities, few non-indigenous people live in the Lower Omo Valley outside the main towns, and the indigenous communities have little experience of industrial-scale development.²

Most indigenous communities are pastoralists or agro-pastoralists,³ and low-intensity conflicts regularly occur between different ethnic groups over scarce grazing lands and water.⁴ Each group is small in number, and many do not have regular contact with neighboring groups or government officials. Until now, government efforts to develop the area have focused on national park development (the Omo and Mago National Parks were established in the late 1960s and mid-1970s respectively) and tourism.⁵

¹ The eight groups include the Mursi, Suri, Kwegu, Daasanach, Nyangatom, Karo, Hamar, and Bodi. Many more ethnic groups are in the surrounding areas but these are the key groups that are likely to be impacted by the irrigation developments. For an overview of the indigenous groups and expected impacts of Gibe III on their livelihoods, see International Rivers, "Facing Gibe 3: Indigenous Communities of Ethiopia's Lower Omo Valley," January 26, 2009, <http://www.internationalrivers.org/files/attached-files/loweromovalleyfinal.pdf> (accessed June 29, 2011). See also African Development Bank, "Gibe III Hydroelectric Power Project Environmental and Social Impact Assessment," 2009, http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Gibe%20III_EIA_%20Executive%20Summary%20EJBK%2006-08-08.pdf (accessed December 13, 2011).

² In other lowland regions such as Benishangul-Gumuz and Gambella, there is a lengthy history of resettlement of populations from the highlands to the lowlands. This highland-lowland resettlement has not happened to the same extent in the Lower Omo.

³ Definitions of pastoralism vary widely, but generally all involve the focus on livestock production and is usually characterized by some form of mobility. Agro-pastoralism combines elements of pastoralism with sedentary agriculture. Many of the Lower Omo's indigenous populations practice agro-pastoralism as they grow food along the banks of the Omo River and other fertile locations, in addition to cattle rearing. See IUCN, "Definitions for WISP," 2006, <http://data.iucn.org/wisp/pastoralism-definitions.html> for more discussion of definitions of pastoralism.

⁴ FARM Africa, "Integrated Pastoralist Project, South Omo," 2012, <http://www.farmafrica.org.uk/ethiopia/integrated-pastoralist-project> (accessed August 18, 2011).

⁵ Terri Hathaway, "Ethiopia's Endangered Lower Omo Valley," January 26, 2009, <http://www.internationalrivers.org/en/node/2794> (accessed July 13, 2011).

Livelihoods of the Lower Omo and Lake Turkana

The rights to food, livelihood, development, and property for indigenous people who live on it, including pastoralists, are internationally protected human rights that are also protected in Ethiopia's constitution.⁶

An independent study completed in May 2010 by SOGREAH Consultants Inc. for the European Investment Bank stated that 48 percent of the Lower Omo population is directly dependent (for either flood recession agriculture or the replenishment of grazing lands) on the Omo River for their livelihoods.⁷ These include the Bodi, Mursi, Kwegu, Karo, Nyangatom, and Daasanach who practice flood-retreat agriculture following the annual flood that occurs from July to September, leaving rich, moist soil ideal for agriculture. The Daasanach also rely on the annual flooding to replenish important dry-season grazing lands.⁸

The report did not include those who indirectly rely on the Omo River through trading or commercial relationships with those who farm on the river's banks.

According to one Mursi man:

The Omo River is our life; we are enormously dependent on it for our livelihoods. We cannot think of life without the river as it is our source of livelihoods. So, you can guess what someone feels when he is told his life is absolutely endangered.⁹

Most people in the Lower Omo engage, to some degree, in pastoralism. It is no secret that the government of Ethiopia would prefer pastoralists to give up their pastoral way of life and a lengthy history exists in Ethiopia of trying to press pastoralists to shift to a sedentary

⁶ Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, sections 40, 41, and 43.

⁷ SOGREAH Consultants Inc., "Independent Review and Studies regarding the Environmental and Social Impact Assessments for the Gibe III Hydroelectric Project," May 2010, on file with Human Rights Watch.

⁸ For a more comprehensive discussion of the livelihoods of Lower Omo's indigenous groups see USAID, "SNNPR. Ethiopia Livelihood Profiles," January 2006, <http://www.dppc.gov.et/Livelihoods/Downloadable/Regional%20Overview.pdf>. Also called recession agriculture, flood retreat agriculture takes place along the Omo River in those areas that are annually flooded. Once the floodwaters recede, farming commences on the moist and nutrient-rich sediment left behind.

⁹ This quote is taken from pages 5-6 of the government of Ethiopia's report on an April 2011 pastoralist tour of the Gibe III site, <http://www.gibe3.com.et>.

lifestyle.¹⁰ Ethiopia's 2002 development policy for pastoralists calls for the "voluntary sedentarization" of mobile pastoralists in order to transform them into sedentary agriculturalists and wage-labourers.¹¹ In a British Broadcasting Corporation interview, Abera Deressa, then minister of state in the Ministry of Agriculture and Rural Development, summed up the government perspective regarding pastoralism:

[A]t the end of the day we are not really appreciating pastoralists remaining as they are. We have to improve their livelihood by creating job opportunities. Pastoralism, as it is, is not sustainable. We want to change the environment.¹²

Typically government interventions in pastoral areas in Ethiopia are intended to "promote limited mobility of livestock, sedentarisation and mixed agro-pastoral production instead of transhumant, migratory pastoralist lifestyles."¹³ Pastoralism in arid and semi-arid areas requires access to large areas of land, ensuring that no one area gets overgrazed and that cattle have year-round access to water. This way of life is not compatible with Ethiopia's development plans for the Lower Omo, which will clear grazing lands and riverine forest for more intensive land use.

Reconciling existing pastoralist lifestyles with economic development and pressure on dry-season grazing land is unquestionably a major challenge for governments throughout East and North Africa, particularly in the Sahel region spanning northern Africa from Senegal to Sudan. But while development interventions in pastoral areas are inherently challenging, Ethiopia continues to view potential solutions solely in the context of sedentarizing pastoral populations, rather than by examining other options that recognize the economic

¹⁰ African Commission on Human and Peoples' Rights, "Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities," 28th ordinary session, 2005, <http://pro169.org/res/materials/en/identification/ACHPR%20Report%20on%20indigenous%20populations-communities.pdf> (accessed September 4, 2011).

¹¹ Ministry of Federal Affairs, Government of Ethiopia, "Statement on Pastoral Development Policy," 2002.

¹² BBC interview with Abera Deressa, Minister of State, Ministry of Agriculture and Rural Development, December 16, 2010, <http://www.bbc.co.uk/news/business-11991926>.

¹³ A. Mulugeta and T. Hagmann, "Governing Violence in the Pastoralist Space: Karrayu and state notions of cattle raiding in the Ethiopian Awash Valley," *Afrika Focus* 21(2): 71-87, 2008, http://www.nccr-north-south.unibe.ch/publications/Infosystem/Online%20Dokumente/Upload/2008_Mulugeta_Hagmann_Governing%20violence.pdf (accessed August 3, 2011).

potential of pastoralism and that secure communal and customary land rights which underpin pastoral systems of production.¹⁴

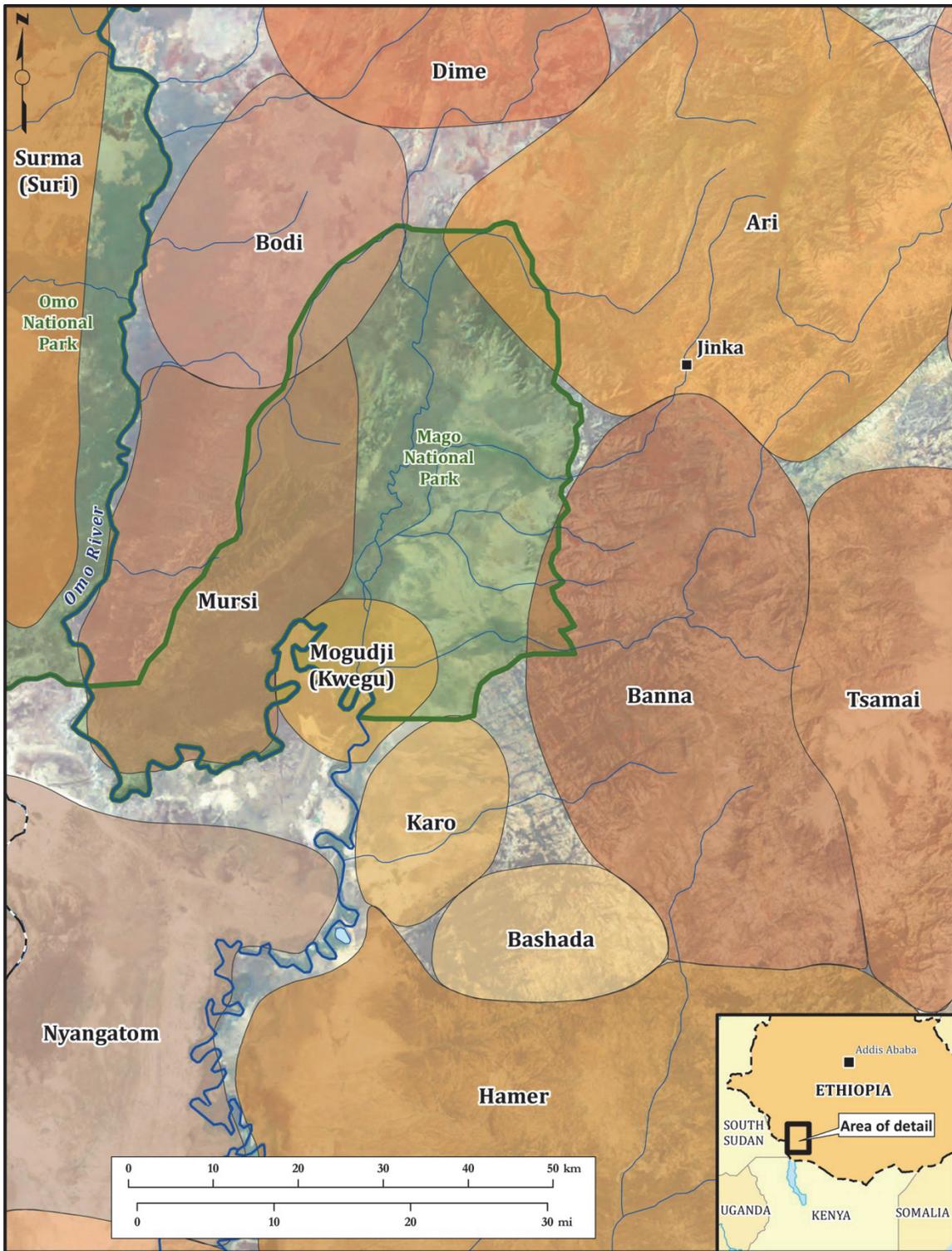
Attempts to bring about a transition from a pastoral to a sedentary lifestyle have been fraught with all kinds of pitfalls elsewhere in Ethiopia (for example in the Awash Valley of eastern Ethiopia¹⁵) due to lack of consent, lack of adequate planning, and aggressive approaches to “top-down” development.¹⁶

¹⁴ Peter D. Little et al., “Policy Options for Pastoral Development in Ethiopia and Reaction from the Regions: Report Number 4, Pastoral Economic Growth and Development,” October 2010.

¹⁵ See Human Rights Watch, “*Waiting Here for Death: Forced Displacement and Villagization in Ethiopia’s Gambella Region*,” January 2012, <http://www.hrw.org/reports/2012/01/16/waiting-here-death>, and Ayalew Gebre, “When Pastoral Commons are Privatised: Resource Deprivation and Changes in Land Tenure Systems among the Karrayu in the Upper Awash Valley Region of Ethiopia,” Proceedings of the 16th International Conference of Ethiopian Studies, 2009.

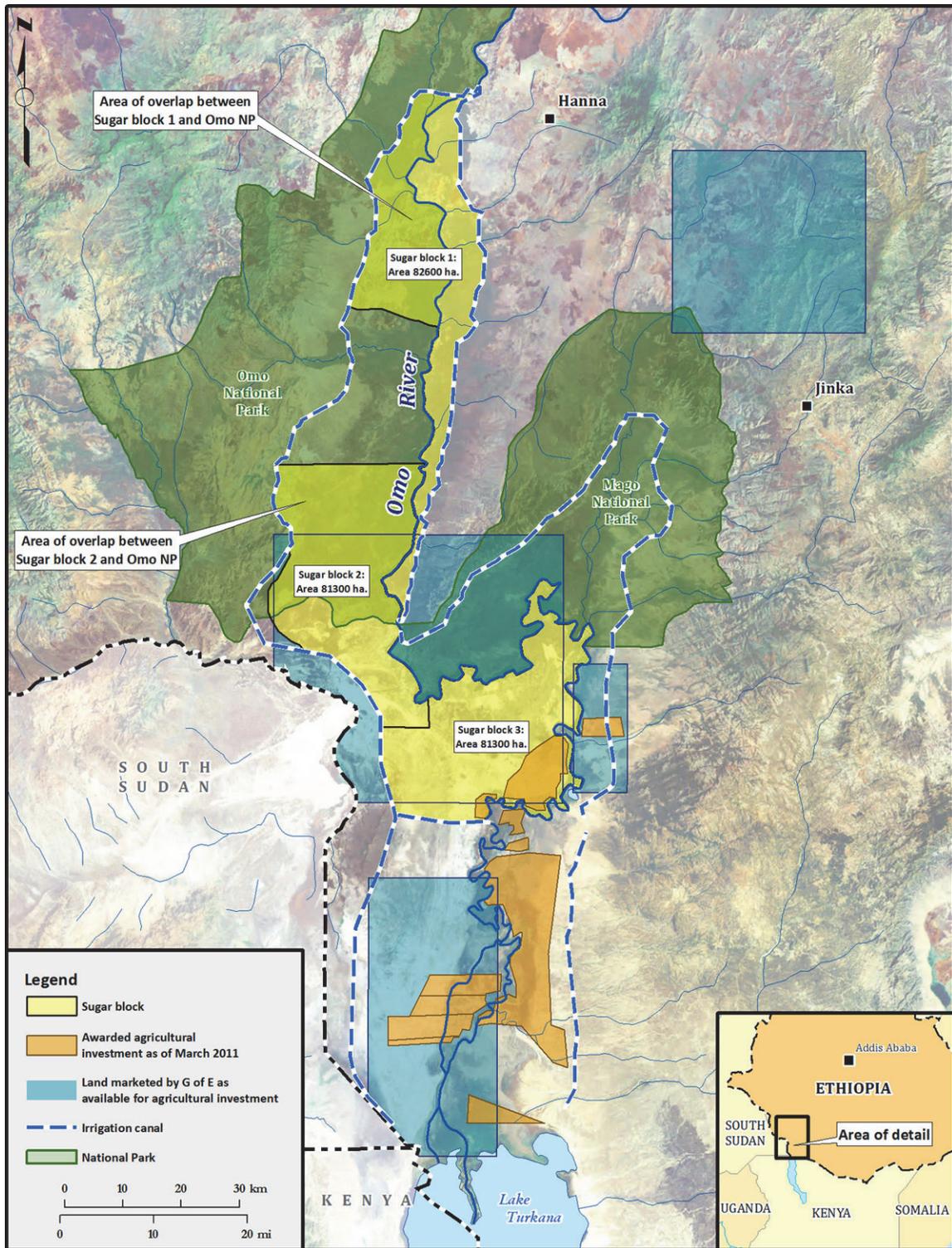
¹⁶ By “top-down” development is meant a development paradigm that is controlled, directed, or organized from the top and does not involve the beneficiaries in program design or in any other meaningful way.

Map 2: Approximate Ethnic Boundaries in Lower Omo Valley



This map was developed with data provided courtesy of Mursi Online (www.mursi.org). The ethnic boundaries are approximate and for illustrative purposes only. © 2011 Mammoth Mapping/Human Rights Watch.

Map 3: Sugar Plantation Development Plans in Lower Omo Valley



This map was developed with data from government of Ethiopia maps supplied to Human Rights Watch. It illustrates plans for more than 200 kilometers of irrigation canals running along the Lower Omo River cutting through the hearts of both the Omo and Mago National Parks and running almost all the way to Lake Turkana. The maps also show land that has been awarded to private investors for commercial agriculture or is being marketed for lease to private investors. It also shows the location of three very large parcels of land earmarked for sugar plantations (Blocks 1, 2, and 3) that are situated on both sides of the Omo River. This land is traditionally used and occupied by the Mursi, Bodi and Kwegu people. © 2011 Mammoth Mapping/Human Rights Watch.

II. Irrigated Agriculture Development Plans in the Lower Omo Valley

The Ethiopian government has ambitious plans to transform the Lower Omo Valley and the livelihoods of the people that live there. Hydroelectric development, irrigated commercial agriculture (specifically sugar plantations), major road infrastructure, and oil exploration are some of the known plans for the region. As Prime Minister Meles Zenawi stated in January 2011:

In the coming five years there will be a very big irrigation project and related agricultural development in this zone. I promise you that, even though this area is known as backward in terms of civilization, it will become an example of rapid development.¹⁷

However, to date, neither plans nor environmental and social impact assessments have been published in relation to the project, nor have the indigenous populations been meaningfully engaged about the changes that are being forced upon them. Meanwhile the irrigation project is well underway and people are being moved.

Government maps (see above) obtained by Human Rights Watch indicate that the Ethiopian government has earmarked at least 450,000 hectares of land in the Lower Omo valley for commercial agriculture since 2008,¹⁸ including 245,000 hectares for state-run, irrigated, sugar plantations.¹⁹ The plans include more than 200 kilometers of irrigation canals running parallel to the Omo River (on both the east and west banks), more than 750 kilometers of internal roads, and the construction of six sugar processing factories.²⁰

¹⁷ Prime Minister Meles Zenawi, 13th Annual Pastoralist Day celebrations in Jinka, South Omo, January 25, 2011, www.mursi.org/pdf/Meles%20Jinka%20speech.pdf (accessed July 23, 2011).

¹⁸ This information is based on government maps provided to Human Rights Watch in March/June 2011 and from land investment contracts provided to Human Rights Watch, many of which are available on the Ministry of Agriculture and Rural Development website, <http://www.eap.gov.et/index.php?q=node/835>.

¹⁹ This information is based on government maps provided to Human Rights Watch in June 2011. The director general of the state-run Kuruz Sugar Corporation is Abbay Tsehaye, the former minister of federal affairs from 2001 to 2005. This federal ministry is responsible for policing and security across the country. He continues to serve as a national security and intelligence advisor to the prime minister. He was also a founding member of the Tigray People's Liberation Front (TPLF).

²⁰ Cherie Enawgaw, Derbe Deksis, and Girma Timer, "Existing Challenges: Plantation Development versus Wildlife Conservation in the Omo-Tana-Mago Complex," Ethiopian Wildlife Conservation Authority, September 2010.

Other plans for the region include the development of east-west and north-south road infrastructure envisioned to link the region with regional transportation networks, including the Mombasa-Nairobi-Addis Ababa transportation corridor.²¹ In addition, oil exploration is occurring in the southern part of the Lower Omo near the Kenyan border (in the Nyangatom/Daasanach areas), an area that will be under significant cultural and resource stress.²² Ethiopia also has plans for developing Gibe IV and Gibe V dams further down the Omo Valley.²³

According to government sources these developments are expected to create more than 150,000 full-time and part-time jobs.²⁴ However, most of the Lower Omo valley is currently occupied by indigenous agro-pastoralists (see map 2). According to the maps, it is clear that existing residents will need to be resettled and therefore find alternative ways of making a living.

Resettlement has a troubled history in Ethiopia. Elsewhere in Ethiopia, since late 2010, the Ethiopian government has been undertaking “villagization” programs in four different regions that involve the relocation of 1.5 million pastoralists, agro-pastoralists, and shifting cultivators into permanent, sedentary villages.²⁵ A recent Human Rights Watch report “*Waiting Here For Death: Displacement and ‘Villagization’ in Ethiopia’s Gambella Region*” found that relocations in that region were not voluntary, promised infrastructure

²¹ Abenet Assefa, “Omo River Bridge Caves in Mid-Construction,” *Addis Fortune*, May 8, 2011.

²² The 29, 465 kilometer oil and gas concession is owned by a consortium made up of Africa Oil Corporation (30 percent), Tullow Oil (50 percent) and White Nile (20 percent). This concession requires the holder to undertake at least 500 kilometers of seismic exploration and to drill one exploratory well. Africa Oil Corporation, “Ethiopia,” <http://www.africaoilcorp.com/s/Ethiopia.asp?ReportID=352253>. More recent information from Africa Oil Corporation indicates that 1018 kilometers of seismic exploration is expected to be completed in the first quarter of 2012 and an exploratory well is planned for the second half of 2012. Africa Oil Corporation also has four concession blocks in the Ogaden basin, the site of a long-running insurgency by the Ogaden National Liberation Front. Human Rights Watch has documented war crimes and crimes against humanity in the context of that conflict. See Human Rights Watch, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region*, June 2008, <http://www.hrw.org/reports/2008/06/11/collective-punishment>.

²³ Jen Balboa, “China, Ethiopia strike \$ 1.9-B hydroelectric deal,” *Shanghai Daily*, July 17, 2009.

²⁴ This project is part of government’s five-year “Growth and Transformation Plan” to increase sugar production from 300,000 tons to 2,300,000 tons by 2014/2015. Currently sugar consumption is approximately 500,000 tons with the shortfall being imported into Ethiopia. From Cherie Enawgaw, Derbe Deksis, and Girma Timer, “Existing Challenges,” Ethiopian Wildlife Conservation Authority, September 2010.

²⁵ William Davison, “Ethiopia plans ambitious resettlement of people buffeted by East African drought,” *Christian Science Monitor*, August 1, 2011, <http://www.csmonitor.com/World/Africa/2011/0801/Ethiopia-plans-ambitious-resettlement-of-people-buffed-by-East-Africa-drought> (accessed August 1, 2011).

and services had not been provided, and the military was committing various other abuses against civilians.²⁶

The relocations associated with sugar plantation development in the Lower Omo have never been considered part of the federal villagization program, but recent Ethiopian media reports have started describing relocations in the Omo Valley as part of the villagization program.²⁷ For instance, reports from Ethiopia's state run media suggest that 10,995 pastoralist households were "villagized" in 2010 and 2011 in the Salamago *woreda* [district]²⁸ of South Omo Zone, with another 20,000 households scheduled for "villagization" in 2011 and 2012.²⁹

A subsequent February 2012 media report, also from the state run media, reported that the government planned to relocate 103,000 pastoralists ("all volunteers") during this budget year in the Southern Nations, Nationalities and Peoples' Region, particularly in the South Omo Zone. It further stated that this program "is part of the Government's larger resettlement program, a carefully drawn up strategy to ensure pastoralist areas of the country benefit from development. In all cases, the beneficiaries are being provided with the necessary socio-economic infrastructure."³⁰ Donors to Ethiopia have expressed serious concerns about the lack of services related to the villagization program.³¹ These concerns should extend to relocations in the Lower Omo.

What is certain under the plan is that communities currently living in areas that will be affected by the irrigation canals and sugar development will lose partial or complete access to the Omo River, critically endangering livelihoods and the agro-pastoral way of

²⁶ Human Rights Watch, "*Waiting Here for Death*".

²⁷ "State to villagize over 20,000 pastoralist households," *Waltainfo*, December 26, 2011, http://www.waltainfo.com/index.php?option=com_content&view=article&id=1111:state-to-vilagize-over-20000-pastoralist-households&catid=52:national-news&Itemid=291 (accessed December 28, 2011). Previous government announcements about the villagization or "commune" program have only ever mentioned four regions: Gambella, Afar, Benishangul-Gumuz, and Somali regions. See "*Waiting Here for Death*", for a full discussion.

²⁸ A *woreda* is a district or local government administrative unit.

²⁹ "State to villagize over 20,000 pastoralist households," *Waltainfo*.

³⁰ "SNNPR plans to benefit a hundred thousand pastoralists", *Waltainfo*, February 27, 2012, http://www.waltainfo.com/index.php?option=com_content&view=article&id=2076:snnpr-plans-to-benefit-a-hundred-thousand-pastoralists&catid=52:national-news&Itemid=291 (accessed February 28, 2012).

³¹ Human Rights Watch interviews with diplomats from the United Kingdom, the Netherlands, Sweden, Norway, Canada, the United States, and the World Bank, January-February 2012.

life. At a May 2011 public meeting about the sugar plantations in the town of Hanna, an attendee recalled:

Officials made it clear that the government will take most of the land and resettle the population in large villages—five for the whole Bodi population—along the canal. They were encouraged to work on the sugar plantations. It was said they would earn 70 birr (US\$4) a day.³²

Residents told Human Rights Watch that the Bodi were being resettled in at least three different resettlement sites. Eyewitnesses reported that these relocations were underway as of February 2012.³³

Environmental and Social Impact Assessments

The Ethiopian Electric Power Corporation (EEPCO) commissioned an “Environmental and Social Impact Assessment” (ESIA) in 2005, an “Additional Study of Downstream Impacts,” and a two volume resettlement action plan for the Gibe III dam and reservoir.³⁴ These were only published in January 2009, three years after dam construction had begun. They did not consider the downstream effects of large-scale commercial irrigation schemes, nor of the planned Gibe IV and V dams. The resettlement action plans were limited to the resettlement of 2,278 citizens to be displaced by an electricity transmission line, a road realignment, and the reservoir that would be created behind the Gibe III dam.³⁵ The resettlement action plan does not include any of the resettlements that are currently underway in the sugar plantation areas downstream of Gibe III.

There have been a number of critiques of the EEPCO impact assessments. In one critique the African Resources Group, a coalition of concerned experts,³⁶ outlined what they saw as

³² Human Rights Watch interview with a Lower Omo resident (name withheld), Lower Omo, June 2, 2011.

³³ Human Rights Watch interview with visitors to Lower Omo (names and details withheld).

³⁴ Ethiopian Electric Power Corporation, “Environmental and Social Impact Assessment,” January 2009, and “Resettlement Action Plan: Dam and Reservoir Area,” January 2009, www.gibe3.com.et (accessed April 2, 2012).

³⁵ According to the Resettlement Action Plan this includes 744 persons from the dam/reservoir, 490 from the transmission line, and 1,044 persons from the road realignment.

³⁶ The Africa Resources Working Group is “a cluster of eight scholars and consultants from the United States, Europe and eastern Africa, with extensive experience in large hydrodam and river basin development research and policy issues in the Horn and East Africa, including in Ethiopia. Because of the political sensitivities involved in conducting professional work within the region, members of the ARWG have chosen to withhold their identities.” Africa Resources Working Group, “Commentary on the Environmental, Socioeconomic and Human Rights Impacts of the Proposed Gibe III Dam in the Lower

the key effects from Gibe III. These include reduced inflow to Lake Turkana,³⁷ the destruction of livelihoods in Ethiopia and Kenya, increased competition for grazing and water leading to a likely increase in conflict, pervasive downstream destruction of ecological systems, and the loss of virtually all riverine associated economic activities, including human settlement along the South Omo River and throughout the Omo delta resulting in economic collapse for tens of thousands of agro-pastoralists.³⁸

In another, an independent report commissioned by the African Development Bank and later leaked, criticized the project for a lack of meaningful consultation:

Adversely impacted individuals and localities do not appear to have been granted adequate legal standing and enabling resources that would allow them to participate at key junctures of the dam's permitting, licensing and funding processes. Nor does the existing permitting and licensing process appear to have been conducted independently from the process of pro-actively arranging for the Gibe III project to be implemented.³⁹

The EEPSCO impact assessment concludes that, "Provided all the recommended measures are implemented, there are no ethnic minorities or tribal people whose traditional lifestyles could become compromised through the development of the Gibe III hydroelectric project. Therefore, no indigenous development plan will be required."⁴⁰

This statement appears to be based on the proper regulation of the flow of the river so that downstream fishing and pastoralist communities will be unaffected. However this does not seem to factor in the impact of the irrigation canals and the sugar plantations. Even the government's own recent statement in response to UNESCO's concerns about the project

Omo River Basin," January 2009, http://www.arwg-gibe.org/uploads/ARWG_COMMENTARY.GIBE_III_DAM.downstreamEIA.pdf (accessed August 1, 2011).

³⁷ Kenya's Lake Turkana is the world's largest desert lake and draws 80 percent of its water from the Omo River. Water levels would drop by as much as 10-12 meters according to the African Resources Working Group, endangering the livelihoods of the 300,000 Kenyan Turkana residents who rely on the lake and its resources. Africa Resources Working Group, "Commentary on the Environmental, Socioeconomic and Human Rights," http://www.arwg-gibe.org/uploads/ARWG_COMMENTARY.GIBE_III_DAM.downstreamEIA.pdf.

³⁸ Ibid.

³⁹ Anthony Mitchell, "Gilgel Gibe III dam Ethiopia: technical, engineering and economic feasibility study report", April 15, 2009, submitted to the African Development Bank, http://www.slideshare.net/anthony_mitchell/gilgel-gibe-iii-hydroelectric-dam-ethiopia-technical-engineering-and-economic-feasibility-study-report (accessed April 2, 2012).

⁴⁰ Ethiopian Electric Power Corporation, "Gibe III ESIA Additional Study on Downstream Impact," p.165.

notes that, as a result of the dam, “there will certainly be some cultural effects and lifestyle changes, including the provision of roads, health clinics, schools and other developments.”⁴¹ These changes should proceed on the basis of consultation, compensation, free and informed prior consent, and the guidelines provided to the Ethiopian government by the Development Assistance Group.⁴² For the EEPKO assessment to discount indigenous peoples in these circumstances by saying that no indigenous peoples’ plan will be required would appear to be a serious omission.

The EEPKO impact assessment’s only mention of commercial agriculture is the “possibility of irrigation” and therefore “potential future commercial interest.”⁴³ The downstream study does not consider the impacts of large-scale state-run and commercial agricultural development such as the sugar plantations, saying that future plans are guesswork:

The anticipated development of commercial plantations will almost certainly be situated on the plains of Daasanach Wereda near the Omo River delta, where large areas of flat land are available. It is not possible at this stage to do more than guess at the number or scale of such investments, but for the sake of argument we can assume that at least 5,000 ha will be developed, with cotton plantations being the most likely.⁴⁴

And yet just over one year later, the government had begun clearing land for 245,000 hectares of sugar outlined in the unpublished government maps obtained by Human Rights Watch (see above). The Omo River delta of Daasanach *woreda* where the river empties into Lake Turkana is far from the areas where the sugar plantations are currently being developed. Moreover, despite the ESIA claim that “at least 5000ha will be developed” in the Daasanach *woreda*, government documents show that 76, 409 hectares of land have been made available for agricultural investment in that *woreda*.⁴⁵ The government maps show that over 18,000 hectares of that “available” land had been awarded to agricultural investors as of early 2011.

⁴¹ “UNESCO’s World Heritage Committee and Gigele Gibe III”, *A Week in the Horn*, Ethiopian Ministry of Foreign Affairs, September 2, 2011.

⁴² See Human Rights Watch, “*Waiting Here for Death*”, annex II.

⁴³ Ethiopian Electric Power Corporation, “Gibe III ESIA Additional Study on Downstream Impact,” p.191.

⁴⁴ *Ibid.*, p.192.

⁴⁵ Ethiopia Federal Ministry of Agriculture and Rural Development, “The Best Opportunity in SNNP South Omo,” October 2010.

Importantly, according to a recent government statement, the Ethiopian Electric Power Corporation ESIA “did point out that extensive irrigation development might have an effect,” but the Ministry of Foreign Affairs statement said that “irrigation is not a major factor.”⁴⁶ It is a huge factor and will have a transformative effect on livelihoods and landscape.

To reiterate, there are numerous critiques of the scope, thoroughness, quality, and independence of the environmental and social impact assessments of Gibe III. These assessments mention the possibility of irrigated agriculture but do not assess the environmental and social impacts of these developments. To the best of our knowledge, no environmental or social impact assessments have been carried out for the sugar plantation developments, despite the requirement under Ethiopian law to do so.

Financing

Ethiopia withdrew its request for funding for the Gibe III dam from the African Development Bank in June 2010, and also from the World Bank and European Investment Bank.⁴⁷ The reasons were not stated.⁴⁸ The European Investment Bank later made a public statement that “alternative financing had been found.”⁴⁹ In May 2010 Ethiopia and Chinese hydropower giant Dongfang Electric Corporation signed a US\$459 million agreement for development of Gibe III, which included a US\$420 million loan from the Industrial and Commercial Bank of China⁵⁰ to finance construction costs.⁵¹

Recent media reports state that the Indian Exim Bank has provided credit worth a total of US\$640 million to the government of Ethiopia for its national sugar industry. One of the conditions of this loan is that the line of credit will be used to finance at least 75 percent of

⁴⁶ Ethiopia Federal Ministry of Agriculture and Rural Development, “The Best Opportunity in SNNP South Omo.”

⁴⁷ African Development Bank, “Federal Democratic Republic of Ethiopia Country Strategy Paper 2011-2015,” April 2011, <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Ethiopia-2011-2015%20CSP%20ENG1.pdf> (accessed, April 2, 2012).

⁴⁸ Ibid. The World Bank has made no public statement about the reasons for the Ethiopian’s withdrawal.

⁴⁹ The European Investment Bank commissioned several studies into the impacts of Gibe III. They advised that the decision to stop consideration of financing was because of the government of Ethiopia “found alternative finance and not the results of these preliminary studies.” European Investment Bank, “European Investment Bank’s clarification of involvement in Gibe 3 project and commitment to East African energy sector,” July 19, 2010.

⁵⁰ As of March 2009 the Industrial and Commercial Bank of China was the world’s largest bank.

⁵¹ International Rivers, “China’s Biggest Bank to Support Africa’s Most Destructive Dam,” May 13 2010, <http://www.internationalrivers.org/2010513/china%E2%80%99s-biggest-bank-support-africa%E2%80%99s-most-destructive-dam> (accessed July 6, 2011).

contract values for goods and services that are imported from India.⁵² Other published media reports discuss India's commitment to increasing technical assistance and transfer of technical know-how between India and the Ethiopia Sugar Corporation—the state run organization operating sugar plantations in Ethiopia of which the Kuruz Sugar Industry is a subsidiary.⁵³

Lack of Meaningful and Appropriate Consultation

While there has been consultation with communities impacted by Gibe III as outlined in the various environmental and social impact assessment reports,⁵⁴ there has been little meaningful consultation with communities who may be affected by the irrigated sugar plantations. Instead the government has used fear and intimidation when enthusiasm for the sugar plantations has not been forthcoming from local communities.

For example, there were meetings held in the Bodi areas of Lower Omo in March 2011. Those in attendance were told of the government's sugar plans and there were attempts to gain some form of consent from affected communities. These meetings took place in the town of Hanna. Federal, regional, and *woreda* government officials took part, and the police and military presence was high.⁵⁵ Initially these meetings were open to whomever wanted to attend, but more recent meetings have involved participants selected by the government,⁵⁶ and honoraria were paid to them.⁵⁷ Mursi and Kwegu were also present at some of these meetings.⁵⁸

The threat of force and arbitrary arrests to intimidate and coerce indigenous communities during consultation meetings has continued more recently.⁵⁹ For example, a resident of the region described the process in the Bodi areas in October 2011:

⁵² "Exim Bank To Assist Sugar Industry Rehabilitation In Ethiopia," Export-Import Bank of India press release, June 10, 2012

⁵³ "India offers expertise to modernise sugar industry in Ethiopia", *MSN News India*, April 12, 2011, and "India Offers Sugar Technology to Ethiopia," Government of India, Press Information Bureau press release 71583, April 11, 2011.

⁵⁴ For example, see Ethiopian Electric Power Corporation, "Environmental and Social Impact Assessment," January 2009, and "Resettlement Action Plan: Dam and Reservoir Area."

⁵⁵ Human Rights Watch interview #14 with Lower Omo resident (name and details withheld), June 2011.

⁵⁶ Human Rights Watch email communication (details withheld), March 2012.

⁵⁷ Human Rights Watch email communication (details withheld), December 2011.

⁵⁸ *Ibid.*

⁵⁹ Human Rights Watch email correspondence with a Lower Omo resident (name withheld), October 31, 2011, November 18, 2011, and February 8, 2012.

Government officials gathered the Bodi from many different villages in their areas and also members of the other neighboring group called the Chirim. They had a big meeting about the sugarcane project and villagization. After the meeting, the government took the Bodi and Chirim to show them the resettlement area where they were told they will live permanently. After seeing the place, the Bodi and Chirim refused to live there and all went back to their homes....

On October 26, 2011, again the government called the Bodi in the Hanna area for a meeting. They had a very long meeting and again the Bodi men rejected the project, the government became exhausted of trying to make the Bodi agree. The government called the security forces and the forces came and surrounded the Bodi at a meeting. Even surrounded, the young men still would not be scared into agreeing to the project, so the security forces caught four young men and put them in prison.⁶⁰

Other consultation meetings that took place involved the visit of government officials to the Mursi communities of Hailewuha and Moizo in mid-2011 where the Mursi were told not to go to the banks of the Omo River in the future and “signed” government forms with their thumbprints. Given low literacy levels, the Mursi did not know what the government forms said or what they were “consenting” to.⁶¹

Outside of urban areas Human Rights Watch did not find any evidence of meaningful consultation that was undertaken with communities about the sugar plantation developments, nor about alternative livelihood strategies. There is a general information vacuum about the government’s development plans in the region and there has been minimal consultation with members of affected communities who lack experience of industrial-scale development and fear questioning the government. The requirements for consultation are spelled out in the United Nations Declaration on the Rights of Indigenous

⁶⁰ Human Rights Watch email correspondence with a Lower Omo resident (name withheld), October 31, 2011.

⁶¹ Human Rights Watch email correspondence with a Lower Omo resident (name withheld), November 2011.

Peoples (article 10), the Ethiopian constitution, the Environmental Impact Assessment Proclamation #299/2002, and others.⁶²

Affected Communities in the Omo Valley

Given the lack of information available from the government of Ethiopia, it is not clear whether alternative livelihoods are planned for the Lower Omo's indigenous communities affected by the irrigated agriculture plans. The loss of livelihoods is not voluntary, and indigenous groups currently have no say about this loss or about how to transition to an alternative sustainable livelihood.

In a letter to Human Rights Watch the Ethiopian government stated that development in the Lower Omo would lead to "job creation" and potential for "outgrowers."⁶³ There is no acknowledgement of the fact that agro-pastoral communities may not want to work on large commercial farms or as outgrowers, nor that they have received insufficient information about their options.

The government maps seen by Human Rights Watch and overlaid in the maps above show that the planned state-run plantations overlap with the traditional lands of the Suri, Bodi, Mursi, Kwegu, Nyangatom, and Karo, while irrigation canals will cut through virtually all of their territory. Despite this, in a letter to Human Rights Watch, the government of Ethiopia claims that "the project site and the selected locations in South Omo are not anywhere close [to] human dwelling."⁶⁴ The government continues to claim that "this is completely uninhabited land. There is no evacuation or dislocation of people," ignoring the 200,000 people for whom the Lower Omo valley is home.⁶⁵ As a Bodi woman said:

The government says there is no one here. Where did they go? We have been clearing this land for a very long time. When I was a small girl and I hadn't married yet I was here. My father cultivated here and my grandmother cultivated here. Now I am still cultivating here. We grow here

⁶² Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, art. 43. The Environmental Impact Assessment Proclamation #299/2002, <http://www.ethiopian-law.com/federal-laws/substantive-law-legislations/human-rights-and-governance/environmental-law/226-environmental-impact-assessment-proclamaition-no-2992002.html?start=1>.

⁶³ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011. An outgrower scheme is a contractual partnership between smallholders and a commercial company for production of a commodity.

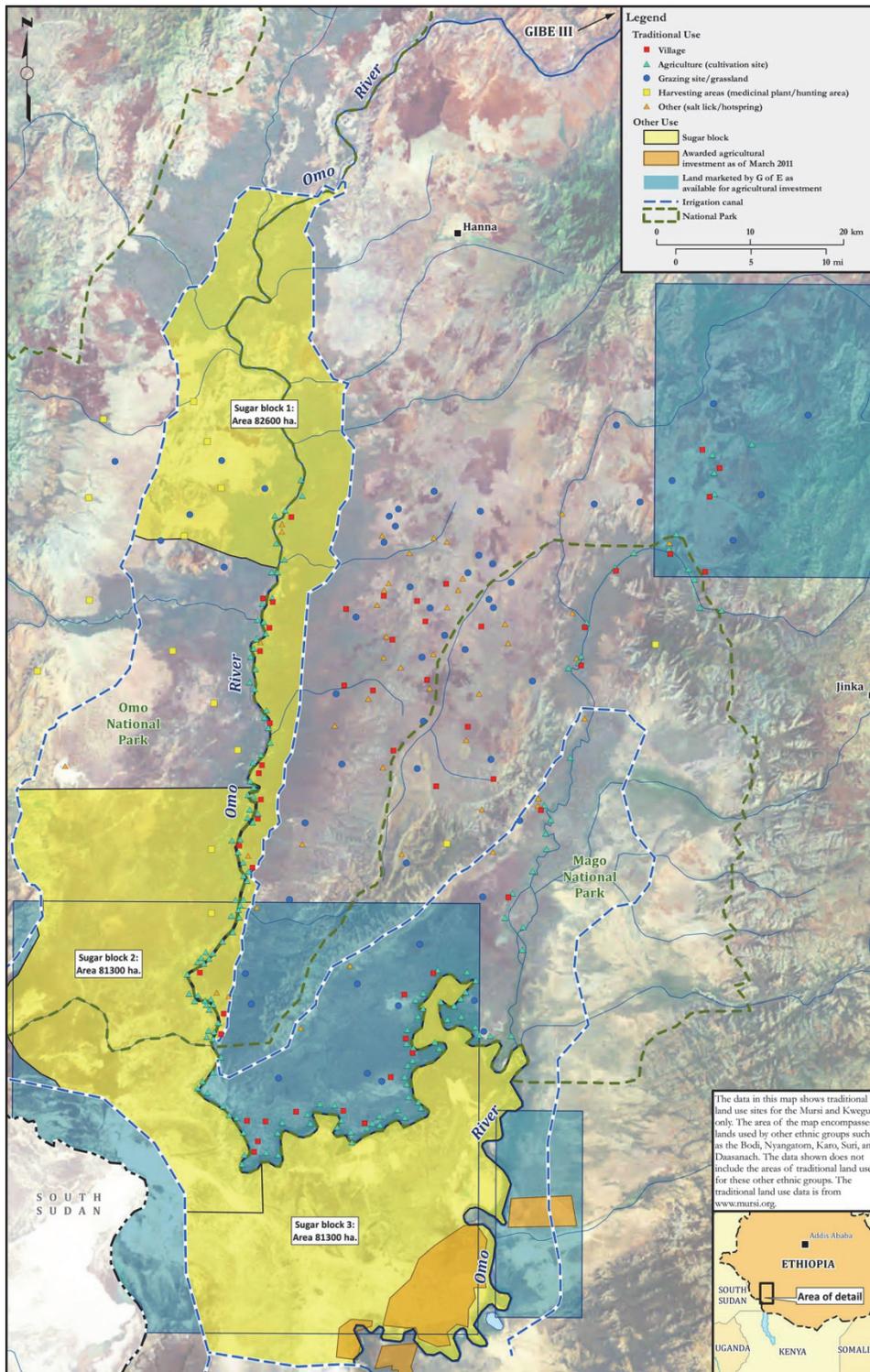
⁶⁴ *Ibid.*

⁶⁵ Anupama Chandrasekaran, "Investments in Ethiopia farming face criticism from activists", *Livemint*, September 5, 2011.

like the sorghum. My ancestors died here and I was replanted here like we replant the sorghum seeds. I am here and I am eating from this land. Why is the government saying no one is here and sending the highland Ethiopians here?⁶⁶

⁶⁶ Video testimony #3 on file with Human Rights Watch (details withheld).

Map 4: Overlap Between Mursi and Kwegu Land Use Sites and Sugar Plantation Development Plans



The above map was developed with sugar plantation development information from government of Ethiopia maps supplied to Human Rights Watch. The traditional land use sites of the Mursi and Kwegu were obtained from Mursi Online (www.mursi.org). It is important to emphasize that this data does not include the traditional land use sites for the Bodi, Nyangatom, Daasanach, Karo, and Suri indigenous groups that use the areas of the proposed developments. This map illustrates that 30 of the 52 (58 percent) Mursi and Kwegu “villages” are in the areas that are either delineated for sugar plantation development or are in the lands being actively marketed by the government of Ethiopia for agricultural development. 114 of the 157 (73 percent) Mursi and Kwegu sites that are identified as “agriculture” (cultivation sites) are in the areas that are either delineated for sugar plantation development or are in the lands being actively marketed by the government of Ethiopia for agricultural development. © 2011 Mammoth Mapping/Human Rights Watch.

The Impact on Lake Turkana

One of the concerns about the Gibe III hydroelectric development is the downstream impacts on Kenya's Lake Turkana. Approximately 300,000 agro-pastoralists (including the Turkana, Samburu, Daasanach, Rendille, Elmolo, and Gabra) make Lake Turkana area their home and are directly or indirectly reliant on the Lake to sustain their livelihoods. Many of these agro-pastoralists supplement their livelihoods through fishing or sedentary agriculture along the lake and its tributaries.⁶⁷ Lake Turkana is the world's largest desert lake, and more than 80 percent of Lake Turkana's water has as its source the nutrient-rich flow of the Omo River.⁶⁸

The African Development Bank's April 2010 study of Gibe III concluded that the construction and operation of the dam is likely to result in a significant drop in the Lake's water levels, cessation of the current seasonal flooding pattern, losses of nutrient and mineral-rich sediments due to the upstream reservoir, rising salinity and the disruption of the lake's chemical balance, among other impacts that have yet to be quantified.⁶⁹ And this is before the additional impacts of the irrigated agriculture plans have even been considered.

Sugar is a water intensive crop and requires numerous chemical applications for its successful growth. The lack of studies on the impact that 245,000 hectares of irrigated sugar plantations will have on water quantity and quality in Kenya's Lake Turkana is of the utmost concern. There have been no studies that consider the cumulative effects of the downstream impacts of irrigated agriculture, Gibe III, and the other announced developments on Lake Turkana.

There is concern that irrigated agriculture, in combination with the impact of Gibe III, will do serious and irreversible harm to the Lake Turkana ecosystem and to the livelihoods of those that rely on this ecosystem, reducing the flow into Lake Turkana, increasing competition for the scarce resources that are left, and exacerbating the potential for conflict. Ethiopia has not carried out the necessary studies and impact assessments to

⁶⁷ International Livestock Research Institute, "Livelihood diversification opportunities for pastoralists in Turkana, Kenya", 2008.

⁶⁸ R. Ricketts and T. Johnson, "Climate change in the Turkana basin as deduced from a 4000 year long δO^{18} record," *Earth and Planetary Science Letters*, vol. 142 (1996), pp. 7-17.

⁶⁹ African Development Bank Group "Hydrological impacts of Ethiopia's Omo basin on Kenya's Lake Turkana Water Level and Fisheries of Gibe III on Lake Turkana," http://www.friendsoflaketurkana.org/images/docs/report_nov_2010_s_avery_turkana_small_file.pdf (accessed June 2011).

determine what the downstream impact will be on Lake Turkana from irrigated agriculture. Even the February 2012 United Nations Environment Program (UNEP) report on the downstream impacts on Lake Turkana do not consider the additional impact from agricultural development, despite the availability of information on the scope of the planned irrigated agricultural developments.⁷⁰

In June 2011 UNESCO's World Heritage Committee recommended that Ethiopia halt construction of Gibe III given the impacts on the Lake Turkana World Heritage site. According to article 6 of the Convention Concerning the Protection of the World Cultural and Natural Heritage, Ethiopia is required "not to take any deliberate measures, which might damage directly or indirectly the cultural and natural heritage located on the territory of another state party".⁷¹ The committee also expressed concern about the "potential cumulative impacts of the proposed GIBE IV and GIBE V dams and large-scale irrigation plans on the property's Outstanding Universal Value, and requests the State Party of Ethiopia to submit assessments for all proposed dams and associated irrigation plans on the Omo River." They also have asked the government of Ethiopia to "provide detailed information on plans for other hydroelectric developments and associated large-scale irrigation in the Omo region."⁷²

In response the government claimed that it had carried out independent environmental and social impact assessments which broadly supported the Gibe III project and addressed UNESCO's concerns; it said that "the lower valley of the Omo which is a UNESCO World Heritage site is located well downstream and will not be affected by the dam."⁷³ As discussed above, there are numerous critiques of the Gibe III impact assessments, and no impact assessments have been carried out for the sugar plantation developments that would consider the effects on Lake Turkana.

⁷⁰ United Nations Environment Program, "Ethiopia's Gibe III Dam: Its Potential Impact on Lake Turkana Water Levels," Division of Early Warning and Assessment (DEWA), United Nations Environment Program, February 2012.

⁷¹ UN Educational, Scientific and Cultural Organization, *Convention Concerning the Protection of the World Cultural and Natural Heritage*, November 16, 1972, <http://www.unhcr.org/refworld/docid/4042287a4.html>, (accessed July 25, 2011), art. 6. Ratified by Ethiopia July 6, 1977.

⁷² UNESCO World Heritage Committee, "Decisions adopted by the World Heritage Committee at its 35th session," July 7, 2011, <http://unesdoc.unesco.org/images/0018/001899/1899993e.pdf> (accessed July 25, 2011).

⁷³ "UNESCO's World Heritage Committee and Gibe III", *A Week in the Horn*, Ethiopian Ministry of Foreign Affairs, September 2, 2011.

Kenya has noted the lack of appropriate impact assessment in their formal response to UNESCO stating that “it is still of the opinion that up to now, no adequate scientific proof have been forwarded by the State Party of Ethiopia regarding probable mitigation measures to counter the likely threats to the World Heritage site from the Gibe III project.”⁷⁴

⁷⁴ Government of Kenya, “State Party Report in Response to the World Heritage Committee Decision WHC 35 COM 7B.3,” February 1, 2012.

III. Human Rights Violations in the Context of Industrial Development of the Lower Omo Valley

The opposition of local communities to the development of commercial agriculture in the Lower Omo is leading to tensions and human rights violations as the government attempts to implement its ambitious development agenda.

As noted above, the difficulty of conducting research on any human rights issue in Ethiopia today cannot be overstated. During the course of research in Ethiopia in May and June 2011, Human Rights Watch met with witnesses and victims of violations from six different ethnic groups along the length of the Lower Omo Valley. Human Rights Watch updated these findings with additional information gathered on the ground in Ethiopia through May 2012 and with other information gathered outside Ethiopia.

The human rights violations presented below describe a disturbing snapshot of coercive and unlawful methods being used by Ethiopian government forces to implement its development plans. While this research provides an initial outline of the major human rights concerns linked to the development of the Lower Omo Valley to date, the picture is far from complete. Human Rights Watch strongly supports further credible investigations into the scope and scale of the abuses raised in this report and calls on the Ethiopian government to support unfettered access to the region by independent investigators.

In 2011 Mursi and Bodi communities in the northern portion of the Lower Omo Valley where sugar plantation development is beginning told Human Rights Watch that, beginning in April 2011, members of the federal military and police visited their villages and arrested, beat, and intimidated villagers. They said the visits and subsequent abuses had been happening for several weeks prior to the interviews with Human Rights Watch in 2011. The stories were similar in Bodi and Mursi communities visited by Human Rights Watch.

A Mursi man described what happened in his village:

They come every day as long as it is not raining [when the road is not bad]; four or five cars usually; 20 to 60 soldiers. They say “We need this place for

sugar [pointing to the surrounding area], so you should not be there. You stay in this place only. What do you think about sugar?” We say “We don’t know,” or “We don’t want it,” but that is not the right answer. They hit us or they take us to jail.⁷⁵

Another Mursi man described what happened in a different village:

They came in nine cars of soldiers; they would go to different parts of villages, follow people and hit them in the bush. “Tell me about this sugarcane,” they would say. If we do not say something good, they tell us we must stay here [in the village]. They beat us and hit us. They have truncheons, guns, and stun devices. They come every day.... Before when they had a problem, simple policemen would come. There was no hitting. But the soldiers are different—they are very terrible. I have seen all of this with my own eyes.⁷⁶

Since Human Rights Watch’s June 2011 visit local residents and visitors to Lower Omo have reported worsening patterns of abuse and intimidation.⁷⁷ Residents said that statements by government people at public meetings and by the military during their regular visits indicated that the authorities intended to move people from the vicinity of the sugar plantations.⁷⁸

Clearing for sugar plantations and infrastructure development is taking place in northern areas and moving south. Most violations reported have occurred in the Bodi, Mursi, and Kwegu areas. Land continues to be cleared of all vegetation and road and camp infrastructure continues to be built. According to Human Rights Watch interviews, government and military officials have told communities that they will not be allowed to access the Omo River, that they will have to reduce their cattle numbers, keeping only two or three per household, and that they will have to resettle in permanent villages.⁷⁹

⁷⁵ Human Rights Watch interview #8 with a Lower Omo resident (name withheld), June 3 2011.

⁷⁶ Human Rights Watch interview #15 with a Lower Omo resident (name withheld), June 4, 2011.

⁷⁷ Human Rights Watch interviews and email communication with a Lower Omo resident (name withheld), July and August 2011.

⁷⁸ Human Rights Watch interviews with a Lower Omo resident (name withheld), May-June 2011.

⁷⁹ Human Rights Watch interviews, Lower Omo (name and details withheld), May-June 2011.

One Bodi woman summed up the frustration and the lack of clarity about the resettlement plans:

I am a person that lives from the Omo and from cattle. Will the cattle be allowed in the resettlement site or where will they stay? Where is the resettlement site? If you have heard of this resettlement site tell us—where do they say it is? They keep saying move, move, move. We Bodi are not moving. They can cut our throats here, where we are staying. We are staying here and the cattle will eat the grass that our grandfathers' cattle ate.⁸⁰

Arbitrary Arrests and Detentions

Federal military forces visiting villages have arbitrarily arrested and detained members of the Bodi and Mursi communities according to 10 witnesses in different villages. The interviewees said that the military personnel conducting the arrests gave different reasons for the arrests, but regularly mentioned opposition to the sugar plans as a contributory factor.⁸¹

Subsequently, many of the detained were convicted in very quick processes: some sentences were handed down within 24 hours of arrest.⁸² Several villagers claimed that some prisoners were beaten severely while in custody and that their families were denied access to those arrested.⁸³ Relatives of the accused also told Human Rights Watch that defendants had no legal representation and, given the lack of a common language, many could not communicate with anyone during the court process, let alone answer the accusations.⁸⁴ However, Human Rights Watch was not able to visit any local jails to verify such claims because, even if the authorities had granted access, the difficulty of the terrain and heavy rains made it impossible. The Ethiopian authorities should nonetheless investigate such allegations.

Two sources in the Southern Nations, Nationalities and Peoples' Region and federal governments told Human Rights Watch that similar processes of arbitrary arrest and

⁸⁰ Video testimony #4 on file with Human Rights Watch (details withheld).

⁸¹ Human Rights Watch interviews with a Lower Omo resident (name withheld), May-June 2011.

⁸² Human Rights Watch email correspondence with a Lower Omo resident (name withheld), June 2011.

⁸³ Human Rights Watch interviews and email correspondence with a Lower Omo resident (name withheld), May-June 2011.

⁸⁴ Human Rights Watch interview #14 with a Lower Omo resident (name withheld), June 2, 2011.

detention were happening in the Suri areas on the west bank of the Omo.⁸⁵ A Mursi interlocutor who had been to the area corroborated their account.⁸⁶ Since Human Rights Watch's visit to the region credible sources have described continuing arbitrary arrests throughout the Bodi, Suri, and Mursi areas.⁸⁷

In October 2011 a Mursi man told a visitor to the area:

Some were put in prison in Jinka; some were put in prison in Basketo; some in Wolaita. Some were jailed for doing nothing. Many were put in prison.... In the past the government didn't put us in prison like this. If a person shot someone the Mursi would solve it with their traditional custom.... Now because of the sugarcane plantations people who don't like the plantations are being imprisoned.⁸⁸

Beatings and Mistreatment

Villagers in the Bodi and Mursi areas told Human Rights Watch that beatings are a regular part of the military's visits to the villages, seemingly in order to intimidate.

A Mursi villager said:

They show up and they say "You don't want sugar?" and then they hit us with the butts of their rifles. "This is government land, not your land" [they say].⁸⁹

Another Mursi villager told Human Rights Watch that the military used high voltage stun guns, or tasers, to assault villagers:

The shocking happens all the time. In one case, they [soldiers] asked one man "What do you think about sugar?" "I don't know.... I don't know," he said. "You don't know?" [they said]. And they zapped him."⁹⁰

⁸⁵ Human Rights Watch interviews #15 and #16 with Lower Omo residents (names withheld), May 2011.

⁸⁶ Email communication from a Lower Omo resident (name withheld) to Human Rights Watch, July 16, 2011.

⁸⁷ Email communication from a Lower Omo resident (name withheld) to Human Rights Watch, July and August, 2011.

⁸⁸ Video testimony #16, December 2011, on file with Human Rights Watch (details withheld).

⁸⁹ Human Rights Watch interview #4 with a Lower Omo resident (name withheld), June 3 2011.

⁹⁰ Human Rights Watch interview #15 with a Lower Omo resident (name withheld), June 4 2011.

Fear of military visits appeared to have reached such a level that when Human Rights Watch approached one village in the Lower Omo in a vehicle, panicked villagers ran into the bush. They later told the researcher they had assumed it was the military conducting a regular visit. Since Human Rights Watch's visit to the Lower Omo in 2011 there have been continuing credible eyewitness reports about the army beating and assaulting Bodi and Mursi.⁹¹

Governing through Fear and Intimidation

The government is like a bulldozer, and anyone opposing its development projects will be crushed like a person standing in front of a bulldozer in action.

—Lower Omo resident quoting the chief of police from Awassa, the regional capital, during a public meeting in Hanna, June 2011.⁹²

The government, police, and military officials are using fear, threats, and arbitrary arrests and detentions to suppress dissent about the government's Lower Omo development plans; such tactics are commonly used by the government to deal with criticism.⁹³

Many of the human rights violations appear to be carried out publicly to show that those who offer anything less than full support for the sugar plantation plans will be dealt with toughly. Villagers are very afraid of the use of force. One Bodi man said:

People disagree with the government on the sugar, but are afraid of the possible use of force to resettle people and so do not say much. [We have a] big fear of government here. If you express concern, you go to jail.⁹⁴

Dissent about the development plans is also not tolerated within government. A federal government employee said:

⁹¹ Human Rights Watch interviews and email correspondence with Lower Omo residents (names withheld), December 2011, January 2012.

⁹² As told to Human Rights Watch by community member present at the meeting, June 2 2011.

⁹³ See Human Rights Watch, *"One Hundred Ways of Putting Pressure": Violations of Freedom of Expression and Association in Ethiopia*, March 2010, <http://www.hrw.org/reports/2010/03/24/one-hundred-ways-putting-pressure>.

⁹⁴ Human Rights Watch interview #12 (name withheld), Lower Omo, June 2 2011.

I expressed concerns that according to the constitution local people need to be consulted. I have since been taken out of any relevant meetings and decision making process for the Lower Omo. All of the decisions on this are made by a small group of people, so nobody really knows what the plans are until it is time for implementation.⁹⁵

Communities expressed deep concern to Human Rights Watch over the current violations and the impact of commercial agriculture on their long term future and livelihoods. They had heard rumors about resettlement, reduction in cattle numbers, and loss of access to the Omo River, but the very limited consultation has resulted in a lot of miscommunication, with residents unaware of any forum in which they can seek clarification or express dissenting views.⁹⁶

Human Rights Watch found no evidence that an environmental impact assessment (EIA) for the sugar plantations had been completed and approved by the Ethiopian Environmental Protection Agency, despite the legal requirement to do so,⁹⁷ let alone made available for public scrutiny and consultation. The Ethiopian government implied in its letter to Human Rights Watch that the existing EIAs produced for the dam covered the sugar plantations.⁹⁸ As shown above, they do not.

More recent reports from local activists in the region indicate that there have been a number of incidents—five fatal—in which Bodi were run over by sugar plantation vehicles.⁹⁹ Although there is no evidence that these incidents were anything more than accidents, they have increased tensions between the Bodi and highland workers and/or the army and have since been followed by a number of minor incidents between Bodi and the army.¹⁰⁰

⁹⁵ Human Rights Watch interview #16 with a federal government employee (name withheld), May 22, 2011.

⁹⁶ Human Rights Watch interviews (names withheld), Lower Omo, May/June 2011.

⁹⁷ The agreements between commercial agricultural investors and the government of Ethiopia require the investor to submit an EIA within three months of execution of the agreement (section 4(1)(d)). Six of these agreements for the Lower Omo area can be found on the government of Ethiopia's "Agricultural Portal," <http://www.eap.gov.et/index.php?q=node/835>. The three month deadline has passed for all these agreements. None of the local residents Human Rights Watch interviewed had ever seen or heard of such a document, or witnessed any kind of assessment.

⁹⁸ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

⁹⁹ Email communication with Human Rights Watch from a visitor to Lower Omo (name withheld), January 2011. Additional testimonies from the region indicate that meetings between sugar plantation management and the Bodi resulted in compensation to a victim's husbands of 50,000 birr (approximately US\$2,900). Notes on file with Human Rights Watch.

¹⁰⁰ Indigenous groups in Lower Omo often use the term "highlander" to describe those who originate from the highlands of Ethiopia. It is most commonly applied to those from the Amhara, Tigray, and Oromo ethnic groups.

One Kwegu man who farms along the Omo River had his beehives cleared by plantation workers in December 2011. He described the lack of consultation and the climate of fear that prevented him and others questioning the government:

I saw them and was afraid. Maybe if I went and talked to them maybe they would beat me and I'd die. I am only a Kwegu.... How am I going to talk to them? I was afraid.... If they became mad maybe they would stuff me into a big beehive. Hide me there. I can't do anything about this. What are we to do?¹⁰¹

Violations of Economic, Social, and Cultural Rights

Forced Displacement, Sedentary Living, and Lower Omo

When Human Rights Watch visited the area in June 2011 forced displacement of the Lower Omo indigenous population was just getting underway in the Mursi and Bodi areas. While government statements at public meetings indicate that relocations will be widespread, it is not clear where all the resettlement sites will be. What is clear is that the resettlement process is not voluntary. One Mursi man said, "It is forced, nothing voluntary about it. We do not want this."¹⁰² At that time road construction and clearing of land was just getting underway.

While most of the stated justifications for the upcoming relocations were that this was necessary for the sugar plantations, the government was also using the national parks as a reason for displacement. In Mago National Park Human Rights Watch visited abandoned Mursi villages whose residents had relocated from the Mago Valley onto the dry and arid plateau above the valley just weeks earlier.¹⁰³ Officials told villagers that the park is for animals or tourists and not for the indigenous people. One man from a Mursi village still located along the Mago River explained how the park was being used as a justification for the relocation:

¹⁰¹ Video testimony #24 on file with Human Rights Watch (details withheld).

¹⁰² Human Rights Watch interview #8 with a Lower Omo resident (name withheld), June 1 2011.

¹⁰³ Mago National Park is predominantly in Mursi and Kwegu areas and is located on the east side of the Lower Omo Valley. See map 2.

They tell us, “This is the park, you have to go to the village on the plateau.” We don’t know why. This is Mursi land, it has always been Mursi land. My father was from here, my grandfather, all my ancestors. The police come and tell us, they hit us, they even shot at one of us as we ran into the bush. The bullet grazed his arm.¹⁰⁴

Various parts of both Mago and Omo National Park are slated to be cleared for sugar plantation development [see map 3 for an illustration of the overlap between the planned sugar plantations and the National Parks].¹⁰⁵ There is a recent history of government forced displacement policies in Omo and Mago National Parks.¹⁰⁶

In other areas outside Mago National Park, Mursi villagers from two different villages told Human Rights Watch that government officials had informed them several months previously they would be moved, but they were not told the location or timing. Two other Mursi communities first heard about resettlement when the military appeared in their villages and told them they were to be permanently settled in the Hailewuha area (more sedentary communities were told earlier).¹⁰⁷

According to what Lower Omo residents are being told, a key component of the resettlement plans appears to be the requirement to be sedentary and to drastically reduce cattle numbers.¹⁰⁸ This would dramatically undermine current livelihood practices and cultural values with potentially threatening consequences for food security and nutrition,

¹⁰⁴ Human Rights Watch interview #3 with a Lower Omo resident (name withheld), June 1 2011.

¹⁰⁵ The Ethiopian Wildlife Conservation Authority (EWCA) states that park boundaries were demarcated in 2010 (2003 Ethiopian calendar) to reflect proposed sugar plantation development. EWCA states that Mago National Park has been reduced by about 30,000 hectares, while Omo National Park has been reduced by 42,885 hectares. Cherie Enawgaw, Derbe Deksios, and Girma Timer, “Existing Challenges,” Ethiopian Wildlife Conservation Authority, September 2010.

¹⁰⁶ Ethiopia’s displacement policies in the Lower Omo Valley garnered international attention in 2005, with the signing of African Park Network’s agreement with the government of Ethiopia to manage Omo National Park. The crux of the issue was the lack of a clause in the management agreement that guaranteed indigenous rights and ensured that displacement and loss of access would not occur from Omo National Park (displacement had occurred from nearby Nechisar National Park after the network had signed an agreement with the Ethiopian government to take it over). Under considerable international pressure from NGOs, the African Park Network eventually backed out of its management agreement for both the Omo and Nechisar National Parks, citing “financial reasons.” Since the network’s withdrawal, Ethiopia, Omo, and Mago National Parks have had minimal management and have not yet been gazette, giving them a nebulous status under Ethiopian law.

¹⁰⁷ Human Rights Watch interviews #3, #4, and #8 with Lower Omo residents (names withheld), June 2, 3, and 4, 2011.

¹⁰⁸ Human Rights Watch interviews #3, #4, #8, and #16 with Lower Omo residents (names withheld), May and June 2011.

particularly amongst children. These messages have been continuously delivered to Lower Omo residents over the past year by government and military personnel.¹⁰⁹

According to reports from the area, 1,700 hectares (4,200 acres) has been cleared for the 1,700 Bodi households that are to be resettled. The preparation of these sites involved the complete clearing and removal of all vegetation and the demarcation of house sites and fields for each Bodi household. None of the promised infrastructure such as houses, clinics, and schools is yet in place. The new site is irrigated and is located on the east side of the irrigation canal, east of the Omo River. Wood for house building had reportedly been collected with the unpaid assistance of members of the Konso community who had been resettled to the Bodi area some years earlier.¹¹⁰

A number of villagers voiced concern about the impact of scarce water resources on their livestock and livelihoods. A villager who was forced to move from the Mago River Valley to the upland plateau explained:

There is no water here for our village. The government says they will bring water for us and for our cattle. They tell us to stay here, not to go anywhere else. They harass us in the bush and tell us we cannot go to Omo floodplain anymore.¹¹¹

Another Mursi villager stated:

There will be a problem during the dry season. Now there is water, but when there isn't if we do not go back to Omo we will need the government to bring water. If they do not, [we] and our cattle will die. We will go to the Omo anyway. If not, we will die. They can kill us there if they want.¹¹²

Two Mursi communities and two Bodi communities that Human Rights Watch visited said that the military had told them they would work on the sugar plantations, with some indication that resettled communities will act as outgrowers. One Bodi pastoralist said:

¹⁰⁹ Human Rights Watch interviews #3, #4, #8, and #16 with Lower Omo residents (names withheld), May and June 2011.

¹¹⁰ Human Rights Watch email correspondence with a visitor and local residents (names withheld), February 2012.

¹¹¹ Human Rights Watch interview #4 (name withheld), Lower Omo, June 3 2011.

¹¹² Human Rights Watch interview #8 (name withheld), Lower Omo, June 2 2011.

There are two messages from government: we will be workers on the sugar plantations and we will start preparing small farms with oxen, not with hoes.¹¹³

A SNNPR government official told Human Rights Watch that “People are being resettled to provide labor for farms,” confirming a fear voiced by many in the Lower Omo.¹¹⁴ The official added:

This is a new issue for our people. I have the strong feeling it will be bad. If highlanders are resettled here to provide farm labour, there will be drinking, we will slowly sell our cattle, then begging is next. We will lose our self-sufficiency. Our culture will go when the highlanders come. This is the end of pastoralism in southern Ethiopia.¹¹⁵

Reports from residents and visitors in the Lower Omo Valley since Human Rights Watch’s visit indicate that clearing of land by sugar plantation workers has increased dramatically in the Mursi, Bodi, and Kwegu areas, and that areas used by local people for flood-retreat and rain-fed agriculture have been cleared.¹¹⁶ A visitor to the Lower Omo said that soldiers are often seen sitting alongside sugar plantation workers who are operating the heavy machinery.¹¹⁷

It seems that land is being cleared regardless of how local people are presently using it. The “bush belt” along the Omo River, for example, is reportedly being cleared, along with its cultivation areas, beehives, and traditional plant gathering sites.¹¹⁸

¹¹³ Human Rights Watch interview #11 with a Lower Omo resident (name withheld), June 2 2011.

¹¹⁴ Human Rights Watch interview #17 with a Lower Omo resident, May 2011 (details withheld).

¹¹⁵ Human Rights Watch interview #16 with a Lower Omo resident (name withheld), June 2 2011.

¹¹⁶ Human Rights Watch email correspondence with visitors to Lower Omo (names withheld), January-March 2012.

¹¹⁷ Human Rights Watch email correspondence with a visitor to Lower Omo (name withheld), January 2012.

¹¹⁸ Human Rights Watch email correspondence with visitors to Lower Omo (names withheld), January 2012, and video testimony #17 on file with Human Rights Watch (details withheld).

Land clearing along the Lower Omo Valley



The image above is from 2011. The image below is from the same location in January 2012. © 2011 Survival International.



IV. Food Security and Livelihoods

The Agro-Pastoralist Bodi and Mursi

The livelihoods and food security of both the Bodi and Mursi depend on cattle rearing and agriculture on the banks of the Omo River and other fertile areas. The take-over of flood-retreat and rain-fed cultivation sites along the Omo and its tributaries for commercial plantations and the forced reduction in cattle numbers will undermine local food security and decimate livelihoods.

This process was just getting underway during Human Rights Watch's visit to the area and continues to the present. Residents told Human Rights Watch that, as of February 2012, large areas inhabited by the Bodi have been cleared, canal construction is underway, water is being diverted via an earthen dam from the Omo into one of these canals, and one of the resettlement sites is being prepared.¹¹⁹ Downstream of the earthen dam water flow was greatly reduced (see pictures below). Residents reported that upstream of the dam there was a sudden rise in river level causing at least 25 Bodi sorghum fields (that were nearly ready for harvesting) to flood. Most crops were destroyed.¹²⁰

¹¹⁹ Human Rights Watch email correspondence with a Lower Omo resident (name withheld), February 2012.

¹²⁰ Human Rights Watch email correspondence with a visitor to Lower Omo (name withheld), February 29, 2012.



The flow of the Lower Omo River in February 2012 downstream of the earthen dyke that was constructed to divert the Omo's waters into the first irrigation canal. © 2012 Survival International.



The same location on the river one year earlier in February 2011 (photograph taken from a different angle). Bodi women are crossing from their sorghum fields on the west to the east side of the Omo River. © 2011 Human Rights Watch.

A Mursi woman told a visitor to the Lower Omo:

The other day I went to the Omo River. I went along the government's new roads.... I went to my storage container to get the grain and it was gone. My storage container had been plowed by a bulldozer. Our place on the Omo—we rely on it to raise our children. Where are we going to live? Can't the government stay and eat in its own village? Why does it come and stay in our Mursi bush? Have we ever lived with each other before?

I don't like what they are doing. When I went I just cried. Our storage containers were gone.... We couldn't bring any grain back with us; our storage containers' place was gone. Maybe we will die. That is how it is.¹²¹

Another Bodi man said:

The bulldozer even cleared the gardens where our crops were growing. They cleared a very straight road to a place called Shigitan, where they cleared out the cultivation sites we had already planted.¹²²

More recent visitors to the region confirm that the rate of road construction, camp construction, and clearing continues to increase.¹²³

Cattle are central to the identity, livelihoods, and food security of the Bodi and Mursi. Government forces appear to be trying to undermine both the economic independence and cultural values of these communities by telling them they must give up their cattle.

A Mursi described the role of cattle in ensuring food security to Human Rights Watch:

What am I going to eat? They said to take all my cattle and to sell them and to only tie one up at my house. What can I do with only one? I am a Mursi. If hunger comes I bleed a cow's neck and drink blood. If we sell them all for

¹²¹ Video testimony #10 on file with Human Rights Watch (details withheld).

¹²² Video testimony #2 on file with Human Rights Watch (details withheld).

¹²³ Human Rights Watch video testimonies and email correspondence from Lower Omo residents (details withheld), August 2011-March 2012.

money how will we eat? When we get married we marry with cattle. What will we marry with? What will we eat? When hunger comes what will we feed our children with? If we just keep chickens will we eat soup or milk them? ... “This land is my land,” say the highland Ethiopians. “Run to the forest like a baboon.”¹²⁴

A Bodi man also emphasized the importance of cattle, noting, “All our food products come from cattle, which we can sell for more food, so a drop in numbers will mean we will be poorer.”¹²⁵

Many villagers reported military stealing cattle and saying that they would not be needed in the new settlement sites. A Mursi man reported that the military had taken eight cows from his village.¹²⁶ Another man described the government taking cattle from around the Mursi area, including “10 from Makki, 10 from Magento, 10 from Mugjo, 10 from Gongulobibi, 7 from Ariholi, 10 from Biyogolekare.”¹²⁷

Recently, according to numerous testimonies from local residents, government officials and members of the military have been telling Bodi and Mursi villagers to dramatically reduce their cattle numbers and to purchase two or three “Borana cattle” (considered to be good for meat production) per household.¹²⁸

Another Bodi man summarized local concerns in December 2011:

They are cutting down our bush and forest, and bulldozing our gardens. Then they want us to sell off all our cattle. No one is going to sell their cattle. They should go away. They should leave our forest alone and leave it to us to cultivate with our hands.¹²⁹

¹²⁴ Video testimony #11 on file with Human Rights Watch (details withheld).

¹²⁵ Video testimony #10 on file with Human Rights Watch (details withheld).

¹²⁶ Human Rights Watch interview #15 with a Lower Omo resident (name withheld), June 4 2011.

¹²⁷ Human Rights Watch email correspondence with a Lower Omo resident (name withheld), September 4, 2011.

¹²⁸ Video testimony #1 on file with Human Rights Watch (details withheld).

¹²⁹ Video testimony #2 on file with Human Rights Watch (details withheld).

The Kwegu (Muguji)

The Kwegu are sedentary and live along the Omo River. They grow sorghum on both sides of the river, in which they fish. As of January 2012 Kwegu land had been cleared on both sides of the river. One Kwegu summed up his community's concern regarding this loss of crops: "The Kwegu are now hungry. They have no cattle or milk. The bulldozer cleared all their crops away."¹³⁰ Another Kwegu man described the fear of losing access to the fish stocks of the Omo River in December 2011: "It is my water. I eat fish. It is our food."¹³¹

The February 2012 construction of an earthen dike across the Omo River resulted in a reduction of the Omo River's flow to a trickle and there were reports from residents of an instant downstream reduction in Kwegu fish catches.¹³² This reduction in fish habitat and fishing success could have detrimental impacts to Kwegu livelihoods.¹³³

One Mursi man described a situation where farmland used by Kwegu and Bodi communities was cleared in December 2011:

They [the government] cleared out their [Kwegu and Bodi] gardens. They cleared far and dug up their sorghum. The sorghum was near ripening; a truck plowed it and cast it away. The Kwegu gardens were plowed and some Kwegu are now without anything. If their sorghum is plowed what are they going to eat? What will they give to their kids?¹³⁴

The Future

The government's efforts to try and resettle people without their consent and to force them to adapt their livelihoods may also increase the risk of conflict, both among the communities and with the government. As one man warned in June 2011, "There will likely be a problem in the future with pastoralists if they try to reduce our cattle numbers."¹³⁵

¹³⁰ Video Testimony #6 on file with Human Rights Watch (details withheld).

¹³¹ Video Testimony #22 on file with Human Rights Watch (details withheld).

¹³² Human Rights Watch email correspondence with a Lower Omo resident (name withheld), March 1, 2012.

¹³³ Human Rights Watch email correspondence with a visitor to Lower Omo (name withheld), February 29, 2012.

¹³⁴ Video Testimony #20 on file with Human Rights Watch (details withheld).

¹³⁵ Human Rights Watch interview #9 (name withheld), Lower Omo, June 3, 2011.

The concern that the government is trying to force a change of livelihood was underscored by remarks made by members of the military. A villager said he was told by a government soldier, “Maybe you should be worrying about your cattle, maybe your cattle will have nothing to eat, no grasses, you will soon be worrying about your cattle, you will have to sell them.”¹³⁶

Members of the communities also fear, based on what they said they have been told by government officials, that they will be reliant on government for their food needs in the relocation sites. Several Mursi told Human Rights Watch that government food aid deliveries were being used as an incentive to stay settled in one area. One Mursi pastoralist said:

There could be a big starvation in the next years. We do not know what will happen. We have already resorted to eating one of our cows because we are starving. Government is providing bags of sorghum in [village name withheld] as an incentive to stay in one place.¹³⁷

A Mursi man summarized food security concerns for the future:

There will be big problems in the areas if all the cattle are given to the government—what will these people eat, now that drought is badly affecting the Horn of Africa? Now the dam has been built, there is no water in the river, the land has been taken away, the cattle must be given to the government—what will happen to the poor people in times of famine? Those people who want to wipe out the pastoralists eat three times a day. What will happen to us if hunger comes?¹³⁸

¹³⁶ Human Rights Watch interview #15 (name withheld), Lower Omo, June 2, 2011.

¹³⁷ Human Rights Watch interview #4 (name withheld), Lower Omo, June 2 2011.

¹³⁸ Human Rights Watch email correspondence with a Lower Omo resident (name withheld), August 2011.

V. Response from Government of Ethiopia and Donors

As noted above, the minister of federal affairs did not respond to requests for a meeting and Bereket Simon, the minister for government communications, agreed to an interview one week after the Human Rights Watch researcher had left the country. Officials within the Ministry of Agriculture and Rural Development declined to comment, referring researchers to a public relations official with no information on development plans or rights violations in Lower Omo.

One regional government official from the Southern Nations, Nationalities and Peoples' Region, who spoke to Human Rights Watch on condition of anonymity, said that the resettlement of the Lower Omo indigenous population was necessary to make the land available for the sugar plantations. He feared that frustrations over the resettlement may lead to conflict.¹³⁹

Human Rights Watch provided the Ethiopian government with a summary of the findings of this report in November 2011. It responded by dismissing all findings, insisting that the “project site” is “not anywhere close [to] human dwellings to disturb inhabitants’ lifestyle.”¹⁴⁰

The Ethiopian government noted in its response to Human Rights Watch, included as an annex to this report, that they would provide 0.75 hectares of irrigated land for 2,050 households, training on “improved agronomy practices, technology inputs, and livestock management (including range land)”. It also noted the possibility of outgrower options on the sugar plantations, along with the provision of “social and economical facilities and infrastructures.”¹⁴¹

The Ethiopian government also stated that that these findings “emanate from the willful ignorance of the Human Rights Watch Research group in Ethiopia about the discipline of Ethiopian security forces.”¹⁴² Human Rights Watch’s concerns over the human rights record

¹³⁹ Human Rights Watch interview with an SNNPR government official (details withheld).

¹⁴⁰ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

¹⁴¹ Ibid.

¹⁴² Ibid.

of members of the Ethiopian security forces are not based solely on conduct in the Omo Valley. Human Rights Watch's investigations in other areas of Ethiopia, as well as in Somalia, have indicated clear patterns of violations of international human rights and humanitarian law that in some cases amount to war crimes and crimes against humanity.¹⁴³ Other organizations and institutions, including the UN, have also raised concerns about Ethiopian military attacks on civilians, burning of villages, arbitrary detentions, torture, and executions.¹⁴⁴ Ethiopia has refused to acknowledge or investigate these concerns.¹⁴⁵

In meetings with Human Rights Watch the donors in the Development Assistance Group (DAG) appeared to have little knowledge of development plans in the Lower Omo, or knowledge of any of the violations described in this report.¹⁴⁶ There are very few programs with direct donor support in the South Omo Zone, and donors do not appear to be receiving information from any of their partners about these violations. It is encouraging that in January 2012 donors led by United States Agency for International Development (USAID) and United Kingdom's Department for International Development (DFID) undertook an assessment in the Lower Omo, but to date those findings have not been published.¹⁴⁷

It is likely that the Protection of Basic Services (PBS) program, Ethiopia's largest multilateral aid program funded by the World Bank, European Union, United Kingdom, and other donors, is indirectly involved in funding resettlement and development activities in the Lower Omo, since PBS and its follow up, PBS II, funds basic service provision in every district of Ethiopia.¹⁴⁸ As such it is almost certainly providing some level of support for

¹⁴³ See Human Rights Watch, *Collective Punishment, Shell-Shocked: Civilians Under Siege in Mogadishu*, August 2007, <http://www.hrw.org/reports/2007/08/12/shell-shocked>; *Targeting the Anuak: Human Rights Violations and Crimes against Humanity in Ethiopia's Gambella Region*, March 2005, <http://www.hrw.org/reports/2005/03/23/targeting-anuak>.

¹⁴⁴ The United Nations Committee Against Torture noted in November 2010 that: "The Committee is deeply concerned about numerous, ongoing and consistent allegations concerning the routine use of torture by the police, prison officers and other members of the security forces, as well as the military, in particular against political dissidents and opposition party members, students, alleged terrorist suspects and alleged supporters of insurgent groups...." UN Committee Against Torture (CAT), *List of issues prepared prior to the submission of the 2nd periodic report of Chad (CAT/C/TCD/2) : Committee against Torture, 45th session, 1-19 November 2010*, 15 February 2011, CAT/C/TCD/Q/2, <http://www.unhcr.org/refworld/docid/4f2133312.html>.

¹⁴⁵ See Human Rights Watch, *Collective Punishment, Shell-Shocked, Targeting the Anuak*.

¹⁴⁶ The DAG is a consortium of 26 bilateral and multilateral agencies active in Ethiopia, www.dagethiopia.org. Human Rights Watch met with officials from ten of these agencies in September 2011.

¹⁴⁷ According to an eyewitness, the assessment team spent just one day in the Mursi/Bodi area.

¹⁴⁸ PBS is one of the world's largest multilateral aid programs and provides budget support to all *woredas* in Ethiopia in the health, education, roads, agriculture, and water sectors. See World Bank, *Protection of Basic Services, Project Information Document*, February 17, 2006,

woreda level implementation activities in Lower Omo *woredas* (including Selamago *woreda*) in the PBS program's core fields of health, education, water, roads, and agricultural development.¹⁴⁹ PBS III is expected to go to the World Bank Board for their consideration in September 2012. Human Rights Watch has consistently raised concerns with donor governments about the lack of accountability and transparency in the PBS programs but none of these concerns have been addressed in the PBS III Project Information Document.¹⁵⁰

These *woredas* (the district governments) receive PBS funds through a block grant system, via the federal treasury and the regional governments in Ethiopia.¹⁵¹ According to the Ethiopian government's letter to Human Rights Watch, and its numerous public statements, basic service provision in these sectors is an integral part of the plans for the dam and associated agricultural development; indeed it is a key argument in favor of the project.¹⁵² Local witnesses told Human Rights Watch that *woreda* officials were present at all meetings and consultations on the sugar plantation and resettlements.¹⁵³ PBS funds make up about a third of government expenditure on basic services in *woredas*, according to PBS

http://www.dagethiopia.org/index.php?option=com_content&view=section&layout=blog&id=14&Itemid=16 (accessed April 4, 2012), and Protection of Basic Services II, Project Information Document, March 8, 2009, http://www.google.ca/url?sa=t&rct=j&q=%22pbs%20ii%22%20project%20information%20document&source=web&cd=1&ved=0CE8QFjAA&url=http%3A%2F%2Fwww-wds.worldbank.org%2Fexternal%2Fdefault%2FWDSContentServer%2FWDSP%2FIB%2F2009%2F03%2F11%2F000104615_20090312140745%2FOriginal%2FPIDoAppraisal0Stage1Mach0802009.doc&ei=JM_MT-mmKOTi2AWq_tCoCw&usg=AFQjCNF7ejt3RdwcsCCYct2ZRh7zPVu_ow&cad=rja (accessed June 4, 2012).

¹⁴⁹ The PBS project document states: "For the purposes of the PBS, basic services have been defined broadly to include *services delivered at the sub-national level that directly contribute to poverty reduction or have a social impact* (primary and secondary education, health, water supply & sanitation, rural roads, agricultural extension, labor, social welfare)," World Bank, Protection of Basic Services, Project Information Document, February 17, 2006, p. 3.

¹⁵⁰ For a critique of the PBS program, see Human Rights Watch, *Development without Freedom: How Aid Underwrites Repression in Ethiopia*, October 2010, <http://www.hrw.org/reports/2010/10/19/development-without-freedom-o>. PBS III Project Information Document, http://www.google.ca/url?sa=t&rct=j&q=%22pbs%20iii%22%20project%20information%20document&source=web&cd=1&ved=0CE8QFjAA&url=http%3A%2F%2Fwww-wds.worldbank.org%2Fexternal%2Fdefault%2FWDSContentServer%2FWDSP%2FAFR%2F2012%2F04%2F03%2F6ED2AA6FD2B4EC38852579D5001CD070%2F1_0%2FRendered%2FPDF%2FPIDoPrintoP12889100403201201333430083402.pdf&ei=s9PM-T-fAG8W42wWHh6ieCw&usg=AFQjCNEDHVPCGVvFzatHK6yplUR7Ck7XEg&cad=rja.

¹⁵¹ World Bank, Protection of Basic Services, Project Information Document, p. 5.

¹⁵² Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011. The Ministry of Foreign Affairs also noted the expected benefit of "local development including health clinics, schools and infrastructure, regulation of the river's flow, avoidance of the disastrous floods and famine of the mid 1980s, development of eco-tourism and environmental education, job opportunities, guaranteed flood controlled agriculture," "UNESCO's World Heritage Committee and Gigel Gibe III", *A Week in the Horn*, Ethiopian Ministry of Foreign Affairs, September 2, 2011.

¹⁵³ Human Rights Watch email correspondence (details withheld), November 18, 2011.

project documents.¹⁵⁴ Unless the affected districts in South Omo zone are not receiving PBS funds, it is difficult to see how donor money is not contributing to the resettlement of people in relation to the sugar project.

The DAG and all donors to PBS should be concerned about possible forced resettlement in the Lower Omo. The World Bank has specific guidelines on involuntary resettlement that set out criteria that the development partner—in this case Ethiopia—must follow where projects using bank funds involve resettlement.¹⁵⁵ Given the way that resettlement proceeds in Ethiopia, coordinated at the *woreda* level and, at least officially, involving the provision of basic services in the five sectors funded by the Bank, it should be obvious that the Bank and all donors to PBS have a role to play in making sure they are not facilitating the illegal expropriation and forced resettlement of indigenous peoples.

Donors should thoroughly investigate the forced displacements, press the government to abide by international human rights law, implement international best practices in undertaking any resettlements, and ensure that no support is given to any activities in the Lower Omo related to forced displacement. Before providing any support to any programs in the Lower Omo, donors should ensure there is meaningful consultation, that appropriate environmental and social impact assessments have been carried out and made available for public discussion, and that a dialogue occurs with the Lower Omo's indigenous populations about alternate livelihood strategies. Donors should call on the Ethiopian government to halt all resettlement plans until they can be carried out in a fair and transparent manner and are consistent with Ethiopian national law and Ethiopia's international human rights obligations.

¹⁵⁴ World Bank, "Additional Financing for the Second Phase of the Protection of Basic Services Project," Project Information Document, October 6, 2010, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/12/16/000020953_20101216105936/Rendered/PDF/585030PIDoETHoprotectionoofobasicorev.pdf.

¹⁵⁵ See World Bank, "OP 4.12 – Operational Policy on Involuntary Resettlement," December 2001 (revised February 2011), <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064610~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html> (accessed February 28, 2012).

VI. Pastoralism, Land Tenure, and Indigenous Rights in Lower Omo

As development of the Omo valley gathers pace, the Ethiopian government should make sure that the rights of the valley's indigenous inhabitants are protected, and that any displacement or relocation is carried out in line with international and Ethiopian law.

The Ethiopian constitution, international agreements, and a growing body of case law all underscore the validity of customary indigenous rights and the need to protect indigenous people from involuntary displacement from their traditional lands. Any attempt to develop these lands requires the free, prior, and informed consent of those currently occupying it and appropriate compensation. Expropriation (again, with appropriate compensation) is a last resort and should only occur as outlined in the appropriate legislation.

The Right to Land and Property

The Lower Omo indigenous communities are each distinct peoples, with a distinct language, identity, and territory. As map 2 above indicates, anthropologists have long established that these areas are traditionally occupied and used by different communities.¹⁵⁶

The Ethiopian constitution states that all land ultimately belongs to the state.¹⁵⁷ However, because the land is traditionally owned, under international law the traditional owners have the right to it as property. Changes to its use or seizure are illegal without the consultation and compensation of the lands' traditional owners who must give their free,

¹⁵⁶ There is no agreed legal definition of "indigenous people." However the United Nations' Permanent Forum on Indigenous Issues has approved the following description, stating that the UN "system" has developed a modern understanding of the term based on the following: self-identification as indigenous peoples at the individual level and accepted by the community as their member; historical continuity with pre-colonial and/or pre-settler societies; strong link to territories and surrounding natural resources; distinct social, economic, or political systems; distinct language, culture, and beliefs; form non-dominant groups of society; and resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities. According to the United Nations the most fruitful approach is to identify, rather than define, indigenous peoples. This is based on the fundamental criterion of self-identification as underlined in a number of human rights documents. UN Permanent Forum on Indigenous Issues, "Factsheet: Who are Indigenous Peoples," http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf (accessed March 25, 2012).

¹⁵⁷ Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, section 40(3).

prior, and informed consent before any development activities or displacement occurs. They should also receive clear choices about alternative land and survival strategies.

International indigenous rights case law has advanced the protection of indigenous rights and livelihoods. For example, the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights consider that indigenous peoples' traditional possession of their lands means they should be treated as having property rights over them, with the February 2010 decision regarding Kenya's Endorois people providing a potentially significant turning point toward advancing indigenous rights over their traditional lands in Africa.¹⁵⁸

The Endorois case concerned an indigenous pastoralist community in Kenya evicted from its lands due to a game reserve (national park). It helped define who is considered to be indigenous in Africa, recognized the need for consultation with communities, recognized customary forms of land tenure, and asserted that the needs of development, and specifically the creation of national parks, are not sufficient reasons for mass eviction.¹⁵⁹

The commission found that the eviction of an indigenous pastoralist people from their ancestral homeland, including their ancestral graves, and the impact on their pastoralist way of life, was a violation of the right to culture and religion. It was also a violation of the right to health given the impact on their access to plants they used for medicine, on their cattle, and also on the Endorois' right to natural resources under the African Charter.

The judgment is also the first international legal ruling on the right to development. Finding Kenya to have violated it, the ACHPR said the right had two components—to development and to the improvement of standards of living. These were violated given the eviction's negative impact on the Endorois, the failure to give them any benefit from the economic development on their land, and the failure to adequately consult regarding decisions made concerning their land and their eviction.

¹⁵⁸ Inter-American Commission on Human Rights, "Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources," 2009, <http://www.cidh.org/countryrep/Indigenous-Lands09/Chap.VI.htm> (accessed August 30, 2011), and "Kenya: Landmark Ruling on Indigenous Land Rights," Human Rights Watch news release, February 4, 2010, <http://www.hrw.org/en/news/2010/02/04/kenya-landmark-ruling-indigenous-land-rights>.

¹⁵⁹ Lucy Claridge, "Landmark ruling provide major victory to Kenya's indigenous Endorois," Minority Rights International, August 26, 2010, <http://www.minorityrights.org/download.php?id=1009> (accessed December 10, 2011).

The Ethiopian constitution also provides a solid basis for the recognition of pastoral rights, which apply to the peoples of the Omo valley. Section 40(5) states, “Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. The implementation shall be specified by law.”¹⁶⁰ The government has not proposed amending the constitution to suit its development objectives. So far it has not upheld the constitutional rights of its pastoralist communities.

Ethiopia’s land tenure system is minimal throughout most of the country, with just four of the nine regions (Amhara, Tigray, Oromia, and SNNPR) having a recognized system of formal land tenure.¹⁶¹ In SNNPR, as in other regions, the land tenure focus is on sedentary agriculture. No land registration process has been undertaken in the Lower Omo area that would enhance land tenure security for the Lower Omo’s indigenous groups.

While land tenure issues for pastoralist areas and communal areas are challenging and inherently complex, recognition of land rights are critical to ensuring some form of land tenure security and for implementing other constitutional clauses involving expropriation and compensation issues. Faced with criticisms about groups and individuals being expropriated or displaced, Ethiopia’s government continues to assert that “if they have title, they are compensated,” while conveniently omitting the critical point that no pastoralists have title to their lands under Ethiopian law.¹⁶²

A January 2009 USAID report on Gibe III sums up the government’s perspective on the Lower Omo’s indigenous population:

These indigenous ethnic groups have been neglected by the government of Ethiopia and discriminated against by the highlanders; others think they are “backward” because of the way they live and dress. Even regional administrative knowledge of these ethnic groups is very low.¹⁶³

¹⁶⁰ Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, section 40(5).

¹⁶¹ Klaus Deininger, “Implementing low-cost Rural Land Certification: The Case of Ethiopia.” Agriculture and Rural Development Notes Land Policy and Administration, issue 34, February 2008, <http://siteresources.worldbank.org/EXTARD/Resources/Note34.pdf> (accessed September 3, 2011).

¹⁶² Personal communication, Esayas Kebede, Agricultural Investment Support Directorate, November 2010.

¹⁶³ Leslie Johnson, USAID, “Ethiopia–Gibe III Hydropower Project Trip Report – January 12–30, 2009”, January 2009.

Furthermore, the International Covenant on Civil and Political Rights (ICCPR), which Ethiopia ratified June 11, 1993, states, “in no case may a people be deprived of its own means of subsistence.”¹⁶⁴ In addition, the UN committee that monitors compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which Ethiopia ratified June 23, 1976,¹⁶⁵ confirmed that “governments which fail to recognize and respect indigenous customary land tenure are guilty of racial discrimination.” It has thus called on all states “to recognize and protect the rights of indigenous peoples to own, develop, control and use communal lands, territories and resources and where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return these lands and territories.”¹⁶⁶

The International Covenant on Economic, Social and Cultural Rights (ICESCR) contains provisions related to forced eviction and the right to housing.¹⁶⁷ In particular, article 2(1) obliges states to use “all appropriate means” to promote the right to adequate housing. General Comment 7 of the ICESCR outlines other protections from displacement and forced evictions and stipulates that states parties “shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force.”¹⁶⁸

The UN Declaration on the Rights of Indigenous Peoples was passed in 2007, with only four (western) states opposing it, all of which have subsequently changed their position to one of support.¹⁶⁹ Although not a treaty, the United Nations states that this declaration is “an important standard for the treatment of indigenous peoples that will undoubtedly be a

¹⁶⁴ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Ethiopia on June 11, 1993, art. 1(2).

¹⁶⁵ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106, annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969.

¹⁶⁶ UN Office of the High Commissioner for Human Rights, General Recommendation No. 23: Indigenous Peoples (Fifty-first session, 1997).

¹⁶⁷ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Ethiopia on June 11, 1993.

¹⁶⁸ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: <http://www.unhcr.org/refworld/docid/47a70799d.html>.

¹⁶⁹ The states that opposed were the United States, Canada, Australia, and New Zealand.

significant tool towards eliminating human rights violations against the planet's 370 million indigenous people and assisting them in combating discrimination and marginalization.”¹⁷⁰ It suggests that states should prohibit “any action which has the aim or effect of dispossessing [indigenous peoples] of their lands, territories or resources.”¹⁷¹

Free, Prior, and Informed Consent

The UN Declaration on the Rights of Indigenous Peoples also clearly articulates the steps that a government needs to take before it can evict indigenous people from their land. These mirror provisions within the Ethiopian constitution on the right to development (article 43).¹⁷²

The declaration directly condemns any forcible removal of indigenous peoples from their lands or territories. Instead, it imposes the requirements of free, prior, and informed consent, agreement on just and fair compensation, and, where possible, the option of return (for relocations).¹⁷³ It also provides for indigenous peoples to participate in the decision-making processes and recognition of traditional forms of land tenure, and the requirement for states to seek “free and informed prior consent” prior to development activities.¹⁷⁴ Another key treaty is the African Charter on Human and Peoples’ Rights (ratified by Ethiopia on June 15, 1998), particularly articles 14, 20, 21, 22, and 24).¹⁷⁵

Free, prior, and informed consent (FPIC) is the collective right of a people to participate in decisions affecting their lands, territories and resources or rights in general and their consent must be sought prior to any changes in use. In addition they must be fully informed of the choices available to them and provided with alternative land, livelihoods, or compensation to which they must also agree in advance.

¹⁷⁰ United Nations Permanent Forum on Indigenous Issues, “Frequently Asked Questions: Declaration on the Rights of Indigenous Peoples,” <http://www.un.org/esa/socdev/unpfii/documents/FAQsindigenousdeclaration.pdf> (accessed August 13, 2011). Ethiopia did not take a position on this declaration and was absent from the vote on this passing of the declaration at the UN General Assembly.

¹⁷¹ This article replicates article 18 of ILO Convention No. 169.

¹⁷² Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, section 43.

¹⁷³ United Nations Declaration on the Rights of Indigenous Peoples, adopted October 2, 2007, A/RES/61/295.

¹⁷⁴ *Ibid.*, arts. 19, 26, 30.

¹⁷⁵ African Union, “List of countries which have signed, ratified/Accessed to the African Charter on Human and People’s Rights,” <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf> (accessed August 15, 2011).

The right to development in the Ethiopian constitution states, “Nationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community.”¹⁷⁶ As discussed in this report, this participation and consultation has been minimal in Lower Omo.

The constitution also has requirements for consultation (article 43) and compensation (article 44) for property owners whose property is expropriated, but unfortunately none of these clauses have been implemented in pastoral areas presumably because the government does not recognize title in the first place. The protections have, to date, only been implemented in very limited fashion, in some non-pastoral areas.¹⁷⁷ As the USAID report on Gibe III states:

[T]he perceived lack of culturally appropriate project consultations contradicts Ethiopia’s constitution, which provides for people to have the right to full consultation and expression of their views in the planning and implementation of environmental policies and projects that affect them directly.¹⁷⁸

As those with property rights over their traditional lands, according to international law, the indigenous communities of Lower Omo should be consulted and compensated in good faith.

Ethiopia has a solid legal basis for the development of environmental and social impact assessments. Environmental Impact Assessment Proclamation #299/2002 was passed in 2002 requiring EIAs to be completed prior to projects being carried out. This proclamation outlines requirements for consultation, process, and mechanisms to ensure compliance and enforcement. Section 15 outlines public participation requirements, including that any “environmental impact study report [be] accessible to the public.” EIAs are an internationally accepted method of assessing and mitigating environmental and social

¹⁷⁶ Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, art. 43.

¹⁷⁷ Oakland Institute, “Understanding Land Investment Deals in Africa: Country Report: Ethiopia”, 2011, <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia> (accessed August 1, 2011).

¹⁷⁸ Leslie Johnson, USAID, “Ethiopia – Gibe III Hydropower Project Trip Report - January 12 – 30, 2009,” January 2009.

impacts of development projects prior to project activities. Many international financial institutions require completion of an EIA prior to credit being secured.¹⁷⁹

The rights to property, to development, to free, prior, and informed consent, as well as to consultation and compensation should be the basic principles upon which the Ethiopian government should engage with the indigenous communities of the Omo valley with respect to planned development. Failing that, the African Commission on Human and Peoples' Rights should uphold the standards it has already set out in Kenya.

The African Charter on Human and Peoples' Rights requires Ethiopia, as a state party, to respect and protect everyone's right to property, which, as stated above, the ACHPR has made clear applies to land traditionally occupied by indigenous communities, and also the rights to culture, religion, health, and the rights of peoples to natural resources and to development.

All these rights are likely to be violated if the peoples of Lower Omo are evicted from their homeland without adequate consultation, consent, and compensation, given the principles set out by the commission in the Endorois case.

Human Rights Monitoring and Consultation in Lower Omo

Consultation processes in Lower Omo, as required by Ethiopian and international law, appear to be virtually non-existent, and many government employees told Human Rights Watch that even within government circles, very few individuals know what the development plans are for Lower Omo.¹⁸⁰

¹⁷⁹ World Bank, "Operational Policy 4.01: Environmental Assessment," <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064724~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html> (accessed April 4, 2012); "Bank Procedure 4.01: Environmental Assessment," <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064614~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html> (accessed April 4, 2012); African Development Bank, "African Development Bank Group's Policy on the Environment," <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000027-EN-BANK-GROUP-POLICY-ON-THE-ENVIRONMENT.PDF> (accessed April 4, 2012); "Integrated Environmental and Social Impact Assessment Guidelines," <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/Integrated%20Environmental%20and%20Social%20Impact%20Assesment%20Guidelines.pdf> (accessed April 4, 2012); Asian Development Bank, "Safeguard Policy Statement," 1. Environmental Safeguards, <http://www.adb.org/sites/default/files/pub/2009/Safeguard-Policy-Statement-June2009.pdf> (accessed April 4, 2012), p. 16.

¹⁸⁰ Human Rights Watch interviews with SNNPR regional government employees, May 2011 (details withheld).

Repressive legislation, restrictions on civil society and media, and general underdevelopment in Lower Omo make it very difficult for communities, nongovernmental organizations, media, and donors to accurately assess what is happening throughout Lower Omo.¹⁸¹The region's inaccessibility means that ongoing violations may be committed with impunity and without independent observers such as NGOs, media, or foreign diplomats being aware they are happening.

The Charities and Societies Proclamation, a repressive law regulating nongovernmental activity, was passed in 2009 despite significant concerns over its impact on civil society. Simultaneously, 41 NGOs operating in the Southern Nations, Nationalities and Peoples' Region had their licenses revoked under this legislation for "carrying out campaigning activities on farmers not to use agricultural inputs and fertilizers which contravenes the agricultural policies", and "illegal campaigning against the eradication of harmful traditional practices by using the cover of culture."¹⁸² Currently there are very few NGOs operating in the Lower Omo.

Human Rights Watch has obtained information from several sources about foreign journalists being prevented from accessing sugar plantation areas and about the increasing difficulties of access for foreign tourists or other visitors in the vicinity of the planned plantations.¹⁸³ One visitor described what happened when he tried to access the road that leads to both the Lower Omo and the sugar plantation development:

Government asked me, "Why are you going there? Who has given you permission to go there? These are government plans, and no one is allowed to go and see this place." A few weeks ago the government told me that no foreigners are allowed to go there.¹⁸⁴

One Mursi man said:

¹⁸¹ Including the Charities and Societies Proclamation, the Mass Media and Freedom of Information Proclamation, and the Anti-Terrorism Proclamation.

¹⁸² Letter from the SNNPR government to affected NGOs, copy on file with Human Rights Watch.

¹⁸³ Human Rights Watch email correspondence with a Lower Omo visitor and resident (names withheld), November 2 and September 4, 2011.

¹⁸⁴ Human Rights Watch email correspondence with a Lower Omo resident (name withheld), September 4, 2011.

The soldiers are not allowing it.... People say that the tourist shouldn't go. If they go they will take photos of the sugar plantation sites. Then they will go to their own lands and show everyone. That's what [government] say.¹⁸⁵

Another local resident said in October 2011:

Now everything is under government control in the South Omo area, especially in the Mursi and Bodi areas. The road to Hanna, in Bodi territory, now has put up a checkpoint to stop journalists.... It is the same things in the Mursi area too; even the tourists are not allowed to go further into the rest of Mursi land and to the Omo River.¹⁸⁶

One Mursi man described what he was told by government officials at a meeting in Hanna:

If someone comes to your places wanting to know information, don't tell them anything. If it is a foreigner don't listen to what they have to say. The government is very powerful—we the government are big like an elephant. The foreigners are very weak, a dik-dik [small antelope]. If they tell you things don't listen, walk away, stay on the side of the government.¹⁸⁷

There are concerns that the rising tensions related to the development plans may provoke violence. The government is also conducting a gun registration process as a precursor to disarmament of the indigenous communities.

In the Lower Omo valley the possession of guns is related to the need to defend cattle and to secure limited grazing land and water for cattle, which are of critical importance to livelihoods. Many residents see disarmament as linked to the government's expropriation of their land, and to make the region more "investment friendly."

While the authorities may disarm communities, numerous individuals expressed concern at the disarmament process given its potential to further exacerbate conflict in the region,

¹⁸⁵ Testimony on file with Human Rights Watch.

¹⁸⁶ Human Rights Watch written communication with a Lower Omo resident (name withheld), October 31, 2011.

¹⁸⁷ Testimony on file with Human Rights Watch.

if it is not carried out in an appropriate manner. At present the government has only discussed gun registration with the Bodi, Mursi, and Suri populations. Removing weapons from certain ethnic groups and not from others makes those communities more vulnerable to attack from other ethnic groups.

There is an oft-voiced concern in the Lower Omo Valley that the way disarmament is carried out, rather than reducing conflict, could lead to increased conflict.¹⁸⁸ Ethiopia should ensure that any disarmament is even-handed in respect to the scope and timing of the disarmament of each community, and be carried out in a way that respects international human rights standards.

A Mursi man, who claimed to represent the views of most of his community, said:

They are taking our land by fear and by force, we don't know why. But we will not go. We will fight here and we will be killed here if need be. But we will not go.¹⁸⁹

¹⁸⁸ Human Rights Watch interviews with a Lower Omo resident (name withheld), June 2011.

¹⁸⁹ Human Rights Watch interview with a Lower Omo resident (name withheld), June 3, 2011.

Acknowledgements

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Appendix I: Human Rights Watch Letter to the Government of Ethiopia on South Omo

November 16, 2011
Dr. Shiferaw Teklemariam
Minister of Federal Affairs
Ministry of Federal Affairs
PO Box 5718
Addis Ababa, Ethiopia

Via email: shiferawtmm@yahoo.com

RE: Human Rights Violations in South Omo Valley

Dear Dr. Shiferaw,

Human Rights Watch is an international organization conducting research and advocacy on human rights in over 80 countries worldwide.

We would like to share with you the key findings of research we have carried out in the South Omo Valley of Ethiopia in May and June 2011.

The Ethiopian government is undertaking major industrial development projects in the South Omo Valley that are likely to have important implications for the human rights of the area's inhabitants, particularly its indigenous populations. These include the Gibe III dam project; a 245,000 hectare state-run irrigated sugar plantation; 100,000 hectares of private commercial agriculture; major road infrastructure; and oil exploration.

Human Rights Watch is particularly concerned about human rights abuses as a result of the planned establishment of state-run sugar plantations in South Omo. We found that state military units were regularly sent to indigenous villages to intimidate and suppress any dissent ahead of the sugar plantation's development. Soldiers reacted to anything less than full support for sugar development with beatings, intimidation, and arrests. They stole or killed cattle. Reports of sexual assaults by military personnel were common. These military incursions spread fear throughout the indigenous community.

The government and armed forces told agro-pastoral communities that they must reduce their cattle numbers, settle in one place, and likely lose

access to the Omo River – all of which are critical for livelihoods and existing food security in South Omo. Communities are concerned about these abuses, but fears of the future are even greater. There are widespread and we believe justified concerns about the resultant loss of livelihoods, food security, and cultural heritage. Forced displacement from lands of traditional occupation or use or involuntary loss of livelihoods without consultation and compensation and alternative livelihood provision would violate internationally protected rights of indigenous populations.

The development projects also appear to be being undertaken without regard to the requirements of Ethiopian law. No environmental or social impact assessment, or analysis of the impacts have been carried out for the sugar plantations.

Consultations that have been carried out with the indigenous groups of South Omo appear to be limited to notifying the populations of upcoming developments. Much of what the communities know about these projects comes via word of mouth or from the military's visits to the communities.

In an area with chronic food insecurity, a history of small-scale conflict over land and water, and, at present, a preponderance of small arms, the impacts of a rapid and involuntary shift to an unknown livelihood are potentially severe. Given Ethiopia's record elsewhere in repressing dissent against unpopular natural resource development in Ogaden, these rights violations against the indigenous populations in South Omo heighten concerns for further serious abuses in the future. There are even possible cross-border implications due to the anticipated effect of the Gibe III dam on the Lake Turkana ecosystem and the livelihoods of indigenous populations in Kenya.

We urge the Government of Ethiopia to live up to its international human rights obligations in South Omo, including by ensuring that access to the region is maintained for independent domestic and international nongovernmental organizations and the media.

Human Rights Watch would welcome your response to the above findings and on the following questions:

1. In line with Environmental Impact Assessment Proclamation #299/2002, has an independent environmental or social impact assessment been carried out in any of the projects noted above? If so, are copies of the assessments available?
2. Why has Ethiopia not implemented a land tenure security system in Southern Nations, Nationalities, and People's Region (SNNPR) for pastoralist peoples, which would provide some tenure security for the region's inhabitants, as outlined in the constitution? Compensation procedures in the constitution do not differentiate between pastoralists and sedentary agriculture; why has compensation not been given to pastoralists?

3. Ongoing access to the South Omo River is critical for secure livelihoods. Has or will access to the South Omo Valley be restricted for the region's indigenous groups?
4. Has Ethiopia discussed with the Government of Kenya the social and environmental impact of the damming of the Turkana River? What steps are being taken by the two governments to ensure that the project does not violate internationally protected indigenous rights, including the anticipated impact on loss of livelihoods?
5. When do you expect the new sugar plantations in South Omo will become operational? Who is responsible for building these and from where will the labor for these plantations come?
6. How will Ethiopia ensure that future involuntary displacement does not occur during these projects? What kind of reparations will Ethiopia provide to residents who have been forcibly displaced from their traditional grazing lands, riverside farms, or other traditional lands?
7. What steps will the Government of Ethiopia take to ensure independent monitoring of these projects by civil society groups and donor agencies?

We would appreciate your response to these questions by December 15, 2011 so that it can be reflected in our published report. We would also be pleased to discuss these questions in person with you at your earliest convenience.

Sincerely,



Rona Peligal
Deputy Director, Africa Division
Human Rights Watch

Cc:

Bereket Simon, Minister for Government Communications
Wondirad Mandefro, Minister for Agriculture
Shimeles Kemal, Chief Prosecutor
Ambassador Girma Birru, Special Envoy to the United States

Appendix II: Response from the Government of Ethiopia to Human Rights Watch Regarding South Omo

To: Rona Peligal, Deputy Director, Africa Division

Human Rights Watch

Re: Combined Response to Human Rights Watch Enquiry, “Villagization in Gambella and development initiatives in South Omo Research findings”

Dear Ms. Peligal,

The Federal Democratic Republic of Ethiopia has long put in place development policies and strategies that have and give due consideration to local reality and context while at the same time drawing relevant lessons from successful experiences elsewhere. The basic objective of these policies and strategies is to fight against poverty and ignorance that has bedeviled the country for decades. Since 1991 a series of medium term poverty alleviation plans were implemented that have over the years achieved remarkable growth and brought development dividend for citizens. The Current five year Growth and Transformation Plan (2010-2015) is an extension of this process that builds on the experiences of average growth of 11% of the last consecutive eight years. The villagization programs in Gambella as well as the development interventions in South Omo are efforts to tackle poverty and ignorance and to usher in a new era of Ethiopian renaissance. It is also the government’s constitutional commitment to deliver special intervention packages that help safeguard economic and political equality among minorities in Ethiopia.

Hoping that setting the record straight might help the Human Rights Watch research group to re-examine their research methodology and to think twice about their groundless allegations, the following remarks are given by way of explanation on the numerous issues raised and allegations made in your letters.

The villagization (commune program) program in Gambella regional state has single objective: improved livelihood within the framework of national Growth and Development Plan. The targets are to provide efficient and effective economic and social services (safe drinking water, optimum Health care, Education, improved agronomy practices, market access etc.), create an access to infrastructure (road, power, telecommunication etc.) and ensure the citizens’ full engagement in good governance and democratic exercise.

The villagization programs as well as other development interventions were implemented in accordance with FDRE constitution and relevant democratic principles. It was fully conducted on voluntary basis and with the full consent and participation of the beneficiaries. The sites for commune program were selected with full study into the availability of surface & ground water and adequate arable and grazing land. Utmost care was taken to make sure the critical social and economic services i.e. water, health services, education and improved agronomy practices are put in place before the beneficiaries were relocated to the new areas. The commune program was largely conducted in the very vicinities of the beneficiary communities. Most locations are even merely a

walking distance from the original location; with no challenges of customization to a different environmental setup and climatic adaptations. It is in their own village or district and most of the time in areas where already a good number of dwellers had settled before. They have also all the right to return to their original locations whenever and if they want. Therefore, so-called research findings regarding forced displacement, the allegation that the new locations being unproductive and the possibility of new security threats lack evidence and credibility.

The Gambella Regional state covers an area of 34,063 square kilometers and population density is calculated at 9.01 persons per square kilometer. Based on the recent census the population of the region is estimated at 306,916. About 20,243 households have already become beneficiaries of the year one program out of the total three years plan for commune program. The actual plan of action for the fiscal year was 15,000 households, though the performance surpassed by more than 5,000. This was a clear and bold sign of not only volunteerism but also an active demand by the beneficiaries themselves.

In the 43 villagization (commune program) sites of Gambella, 22 Health facilities, 19 Schools, 72 water schemes, 128 kilometer rural road , 18 animal health clinics, 30 grain mill facilities, 407 water pumps and 27 farmers training centers were newly constructed and are functional. These facilities were built within one year in order to cater in time for the beneficiaries at their new commune sites. No allegation or fabricated report could detract from the reality on the ground and mislead citizens who are actually enjoying the benefits; a fact that could be verified by anyone who cares to know. About 50,000 citizens now enjoy these facilities with better agronomic practices and improved productivity. The other villages do have these facilities already.

The villagers for the first time in their history started to produce excess product—maize, sorghum, rice, potatoes, beans, vegetables, fruits, etc.—beyond and above their family consumption. The agronomy practices are supported by agricultural extension programs and by the provision of improved inputs. They have already begun to bring their products to close-by markets thereby earning additional income and have even started to send children to schools. The new institutions have certainly created access for the most needy and neglected people including children and mothers. This is in line with our constitutional responsibility for our citizens, five years Growth and Transformation Plan, and the Government's commitment to achieving Millennium Development Goals.

The commune program in Gambella is a new program which the regional state is conducting as part of its Growth and Development Plan for the next five years. Thanks to the age-long alienation by successive regimes, Gambella regional state had long remained one of the worst off regions of Ethiopia in terms of access to development facilities. The efficacy of development endeavors already underway in the region and the capacity to deliver effective and efficient results must therefore be seen in the context of this reality. The obstacles created all along by anti-development, anti-peace and rent-seeking elements who tried their level best to derail the progress in the region have also often played havoc with the speed and effectiveness of development projects. Such elements are not only averse to any prospect of growth and development in the region but also have done

everything to set the clock back on the region's progress through a concerted campaign with the support of their foreign handlers. For such elements growth and development militate against their hideous political objectives and thus would not stop at nothing to sabotage the success of any and all development projects in the region. In fact, these elements have several times attempted to achieve their sinister objectives by producing a series of fictitious reports with a view to misleading beneficiaries until their duplicitous campaign was finally revealed by the people to be utterly false. Yet another challenge in this regard was the delay in few villages under the commune program to complete in time the necessary facilities mainly because of financial constraints and lack of efficiency on the part of contractors. If anything, the experience from the execution of phase one of the commune program has helped develop better planning, implementing and monitoring capacity for the forthcoming development programs.

The objective of the commune program is not and it will not be what the tendentious report of the so-called Human Rights Watch research makes out to be. The allegations that military and police force was used to implement the commune program; that the Anuak were displaced from Gambella's most urban areas; that military and police were forcefully obstructing settlers from freely returning to their own villages; and claims that police and the military are routinely deployed in this commune program etc. are downright fabrications. Contrary to what your report alleges, there has not been and never will be a need for the deployment of the police, much less the military in these projects. The totally uncalled for—totally inaccurate, no less—assertion that the “Anuak population” is involuntarily displaced from several urban areas clearly betrays HRW's game plan: using false allegations to ignite a conflict among the regions' inhabitants thereby creating a contrived fact on the ground. This rather outrageous claim in fact clearly shows the ill-disguised motive of the Human Rights Watch research group to unfairly paint a dark image of Ethiopia.

The allegation that no facilities of school, health, safe water, and infrastructure were available in the commune program demonstrates how the HRW's claim of having visited two third of villagization sites was a total lie and an exercise in imagination. It is simply a mere fabrication with no factual basis at all. Unbiased, genuine and fact finding mission could be conducted to look into the reality in the respective 43 villagization sites. The so-called research finding willfully ignores the fact that more than 50,000 people are utilizing these services from the newly built and functional institutions. The fact finding mission from Ethiopia Donor Assistance Group visited Gambella and observed these facilities while they were up and running. Human Rights Watch could get valid information from this group if it wants. If past its pattern is any guide, however, Human Rights Watch never has the stomach for the truth other than for their Nairobi-based projection of virtual reality.

The reference to “newly arrived refugees in Kenya and South Sudan” fleeing the commune program and interviewed by Human Rights Watch researchers could again be a further evidence of baseless allegation and total fabrication. The report mentioned that Gambella is left only with women, children and the elderly with the rest having already fled to the refugee camps in South Sudan and Keya. If indeed this was even remotely true, there must certainly have been an official report from

UNHCR or the Governments of Kenya and South Sudan about such major event and it would have reflected on the population pyramid of Gambella. There is no such report, simply because there are no such refugees.

Quite simply, “Human Rights Watch research group and informants in Ethiopia” are phantom characters in HRW ‘researchers’ fertile imagination. This case is a crystal clear indication that Human Rights Watch mission in Ethiopia is more political and ideological than part of any genuine concern for human rights as such. It is clear that Human Rights Watch is not an institution concerned with human rights when in fact it is callously standing against Ethiopia’s endeavors to address the deep rooted poverty and ignorance in the country.

Despite Human Rights Watch’s fatuous claim to have visited two thirds of the commune program sites, the findings nonetheless reflect more grave problems in the research methodology, and on the motives of ‘researchers’ and ‘informants’ and/or their credibility thus casting huge doubt on the true intentions of Human Rights Watch.

The report also stated that the basic reason for commune program is to clear the way for the leasing of land for commercial agriculture. As we stated earlier, the basic objective of the commune program is to ensure improved livelihood for our own citizens. It is common knowledge that scattered population lacks the effective means—in the face of given resource constraint—for collective voice and universal access to improved social and economic services as well as good governance. It is also a fact that one need not displace anyone in Gambella to secure a commercial land as there is an adequate land that is not owned by anyone else. The average size of shifting land owned by one household in Gambella is 0.42 hectares. Through villagization program, a household is given an average of four hectares of land. First level land certification was conducted and at year two all villagers will get the second level certificate. The commune program is also in line with the land use development corridor study conducted in the region. We also believe a robust land use study reconciling different objectives is an imperative and this is currently being considered by the Gambella regional state.

With a total area of 34,063 square kilometers and density of 9 persons per square kilometer and cultivable land mass of 3,400,063 hectares of land, close to 1.226 million hectares of land has already been identified to be appropriate for commercial purposes in Gambella. Even out of the identified amount of land it is only about 225,012 (18%) hectares of land that has been transferred to local and international investment firms in a very transparent and environment friendly manner. In addition to technology transfer, such investment brings comprehensive area development that in turn creates a great employment opportunity for the residents of the regional state. The above facts and figures speak for themselves and it is not entirely clear why the government would be suspected of displacing people to prepare land for commercial purposes.

The same also holds true for allegations about South Omo development projects. They reflect more the personal biases of Human Rights Watch’ informants’ in Ethiopia rather than the reality on the ground. Here again the methodology used and the informants deployed must have been

politically and ideologically driven and far removed from reality. The so called “study findings” have no merit and are not worth the paper they are written on.

Allegations about the engagement of military and police emanate from the willful ignorance of Human Rights Watch Research group in Ethiopia about the discipline of Ethiopian security forces. In fact, no military is deployed in these areas nor is there a need to. The government of Ethiopia will not displace a single person involuntarily whether in Gambella or elsewhere in the country. The FDRE constitution and the EPRDF Government’s commitment to the cause of the peoples of Ethiopia means that no citizen will be forced out of his/her location without their individual will for resettlement or any other purpose. If such complaint is filed by any one, the justice system and governance structures in the country have put in place mechanisms for redress.

The South Omo valley projects outlined in the report is part of the Plan towards accelerated and sustainable development to end poverty in Ethiopia. The government of Ethiopia is open so far and will be open in the future to ensure access to donor agencies and media with proper knowledge and permission from appropriate government authority for fact finding or similar missions meant in good faith. This was of course what the Ethiopia based Donor Assistance Group did and there is no reason why this will not continue if and when a legitimate request is made. There already is a joint working group mechanism in place for this purpose that needs to be further strengthened.

It is rather mind-boggling to see HRW claim that the fight against poverty is indeed a violation of human rights. On the contrary, though, any sabotage against development interventions to end citizens’ poverty can be clearly labeled as Human Rights Violation.

With regard to your seemingly innocuous query, we would like to indicate that all the concerns mentioned about environmental and social impacts of these projects were well studied including the consultations with the neighboring countries and beneficiary communities in South Omo.

The project site and the selected locations in South Omo are not anywhere close human dwellings to disturb inhabitants’ lifestyle. It is an area which is hardly inhabited at all except at a widely scattered pattern. The population density in Selamago woreda, South omo project site; is below 5 persons per square kilometer. The project has designated about 1700 hectares of land and will be provided with access to irrigation schemes. Social and economical facilities and infrastructures will be provided that will certainly impact the livelihood and quality of life in positive terms. Rural Road access of 18 kilometers is under construction to connect the project area with the district capital, Hana.

An irrigated land of 0.75 hectares of land each is prepared for 2050 households. There will not be any land scarcity for any family with a capacity to produce more. Training on improved agronomy practices, technology inputs and livestock management including range land will be provided.

The projects also create a job opportunity for a wider mass in the SNNPR region and the whole nation including an out grower options for those who would like to join the same in Selamago district. Such initiatives and actions in South Omo, Selamago district will go a long way in ensuring

that the citizens enjoy their national development dividend rather than face Human Rights violations. These development interventions will in fact lift the South Omo minority populations out of their dismal living conditions.

The concern about the indigenous culture and group identity could only be a mere diversion. The FDRE constitution respects all individual and group rights as opposed to the beliefs of Human Rights Watch, which clearly is averse to group rights. Therefore, Human Rights Watch has no moral ground to criticize Ethiopia for issues related to group rights when in fact this is one of the pillars of our constitution in addition to individual rights which are equally sacred.

Finally, we would like to assure Human Rights Watch that the Federal Democratic Republic of Ethiopia lives up to its commitment to the cause of the peoples of Ethiopia and to the FDRE constitution. We do also respect and implement to our level best international human rights conventions which also form integral part of Ethiopia's laws. However, as we pointed out at several occasions, Human Rights Watch's research methodology, choice of informants, and content of report follows the same baseless fabrications replete with biased 'testimonies' of people who have an axe to grind with the government. Africa's regional director for your organization springs to mind. While the decision remains entirely yours, your reports must be based on facts, figures, and two sided consultations and unbiased for them to serve any positive purpose. The FDRE government on its part would also be open to discuss any issues if in fact there is a good faith move on your part.

Best regards,

Shiferaw

“What Will Happen if Hunger Comes?”

Abuses against the Indigenous Peoples of Ethiopia’s Lower Omo Valley

Located in southern Ethiopia, the Lower Omo Valley is a unique ecological area. It is home to many indigenous communities who rely on the Omo River to sustain their crops and grazing lands. In 1980 the valley became a UNESCO World Heritage site—in recognition of its special cultural and physical significance.

The Ethiopian government is forcibly displacing agro-pastoral indigenous communities in the Lower Omo Valley to make way for 245,000 hectares of state-run sugar plantations, linked to the development of the Gibe III dam, which will provide much needed hydropower to Ethiopia. The cost of this development to indigenous groups is massive: their farms are being cleared, prime grazing land is being lost, and livelihoods are being decimated. Government security forces are forcing them to move through violence and intimidation. The Ethiopian government has failed to meaningfully consult, compensate, or discuss with these communities alternative means of livelihoods.

Based on research in Ethiopia, including 35 interviews conducted within three weeks of the violations described in this report, *“What Will Happen if Hunger Comes?”: Abuses against the Indigenous Peoples of Ethiopia’s Lower Omo Valley* outlines the Ethiopian government’s development plans for Gibe III, and the practical and human rights impact on the Lower Omo’s 200,000 indigenous inhabitants.

Human Rights Watch calls on the Ethiopian government to suspend the construction of Gibe III and the associated sugar plantations until these projects can be carried out in a manner that is consistent with national laws and international human rights standards. Human Rights Watch also urges Ethiopia’s donors, including the World Bank, to press for appropriate social and environmental impact assessments and calls on prospective investors to refrain from any investment activities in areas where land title is contested until all violations are investigated and remedied.



Daasanach (“What will happen when hunger comes?”)

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